

BASS COAST

Ordinary Council Meeting Agenda

Shaping a better Bass Coast

Council Chamber
Bass Coast Civic Centre
Baillieu Street East
Wonthaggi
Wednesday, 18 March 2020
Commencing at 5.00pm

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 **Ordinary Meeting** of the Bass Coast Shire Council will be held at the Council Chamber Bass Coast Civic Centre Baillieu Street East Wonthaggi on 18 March 2020 at **5.00pm**

Date of Notice - 12 March 2020
Ali Wastie
CEO

Agenda

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 also recognises that we are situated on the lands of the traditional owners, 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.

Councillor Statement

All members of this Council pledge to the Bass Coast Shire community to consider every item listed on this evening's 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

Nil Reports.

Economic Development
Expanding, attracting and retaining business and investment

Nil Reports.

Environment
Maintain and protect the natural environment

Nil Reports.

Governance
We are responsive, open, transparent and financially sustainable

H.5 Review of Complaints Handling Policy, page 76

H.6 Media Engagement Policy and Social Media Policy, page 79

H.8 Section 86 Special Committees of Council, Appointment and Delegation amendments, page 89

H.9 Proposed discontinuance and sale - Rear 334-340 and 350-362 White Road Wonthaggi, page 92

H.10 Instrument of Appointment and Authorisation - Planning and Environment Act 1987, page 100

H.11 Financial Hardship and Debt Management Policies, page 103

H.12 Investment Policy, page 104

H.13 Council Fees and Charges 2020/21, page 106

Health and Wellbeing
We are a healthy and active community

H.7 Grantville Recreation Reserve Tennis Court and Multipurpose Court, Grantville Recreation Reserve, page 84

Liveability
Enjoying the place we live

Nil Reports.

Our Character *Celebrating the uniqueness of our townships*

H.1 Development Plan Overlay Schedule 5, page 21

H.2 Wonthaggi North Precinct Structure Plan and Development Contributions Plan, page 36

H.3 Planning Application 180485 - 42 Howie Lane, Coronet Bay, page 49

H.4 Planning Application 190259 - 56 - 58 Thompson Avenue, Cowes, page 64

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A Present and Apologies

B Declarations of Interest

C Confirmation of Minutes

C.1 Ordinary Meeting held on 19 February 2020

Recommendation

That the minutes of the Ordinary Meeting held on 19 February 2020 be confirmed.

D Public Question Time

This is the only opportunity that members of the public will have to put questions to Council. Unless approved by the Mayor, no other opportunities will be given to the public to discuss agenda items with the Council.

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.***

Bass Coast Shire Council Meeting Procedure Local Law 2018

DIVISION 8 - Public Question Time

60. Question Time

60.1 There shall be a public question time at every Ordinary meeting to enable members of the public to submit questions to Council.

60.2 Questions submitted to Council must be in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council.

60.3 Subject to clause 60.8, any question submitted to the Council will be answered at the relevant Council meeting if the question has been submitted no less than 24 hours before the commencement of the Ordinary meeting.

60.4 Any question submitted less than 24 hours before the Ordinary meeting will be answered at that Ordinary meeting if possible and, if no answer can be given, then a written answer will be given to the person asking the question as soon as practicable after the Ordinary meeting.

60.5 No person may submit more than two questions at any Ordinary meeting unless permitted by the Chairperson, in his or her absolute discretion.

60.6 The Chairperson or Officer nominated by the Chairperson may read a question to those present.

60.7 A question may be disallowed by the Chairperson if it:

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

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

60.7.3 deals with a subject matter already answered;

60.7.4 is aimed at embarrassing a Councillor or an Officer; or

60.7.5 relates to a personnel matter; or

60.7.6 relates to a matter that Council may consider in a meeting closed to the public under section 89(2) of the Act.

60.8 All questions and answers must be as brief as possible, and no discussion is allowed other than for the purposes of clarification.

60.9 The Chairperson may nominate a Councillor or Officer to respond to a question.

60.10 A Councillor or Officer nominated by the Chairperson under clause 60.9 may require a question to be put on notice until the next Ordinary meeting, at which time the question must be answered, or elect to submit a written answer to the person asking the question.

60.11 A Councillor or 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 the public under section 89(2) of the Act. The Councillor or Officer must state briefly the reason why the reply should be so given and Council must then resolve that the reply to such question must:

60.11.1 be so given, in which case the question will be deferred until Council resolves to close the Council meeting to the public; or

60.11.2 not be so given, in which case the answer will be given immediately.

E Petitions, Joint Letters, Deputations and Correspondence

E.1 Petition - Fire Reduction Request

File No:	**CM20/66**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

A petition containing 44 signatures has been received. The petition reads:

The following petitioners draw the attention of the Council to the serious concern regarding the lack of hazard reduction carried out in the bush reserve next to our estate on Baxters Drive, in Wonthaggi, Victoria. We have been given numerous letters over the past 6 years indicating that 'forest fuel' reduction burns would take place but none of these have eventuated. There are areas where the debris is at chest height and it is unacceptable that this has not been dealt with appropriately by Bass Coast Shire Council in conjunction with Parks Victoria.

Therefore, the following petitioners hereby request that the council to contact residents in the area with a clear indication of what is being implemented to reduce the risk of us losing our homes or worse, our lives, due to preventable bushfire.

Section 61.3 of the Bass Coast Shire Council Meeting Procedure Local Law 2018 states that:

"A petition or joint letter presented to Council must lay on the table until a future Ordinary meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson, unless Council resolves to deal with it earlier."

Recommendation

1. **That the petition, Fire Reduction Request be received and lie on the table until a future Ordinary meeting of Council.**
2. **That the head petitioner be advised of Council's decision.**

Attachments

AT-1 ***CONFIDENTIAL*** - Petition Fire Reduction Request 2 Pages

E.2 Joint Letter - Domestic Animal Management

File No:	**CM20/100**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

A joint letter containing 24 signatures has been received. The joint letters read:

The issue of domestic animal management should not be reduced to a discussion on the rights of owners who do not want to leash their dogs. It should include a full consideration of the safety and enjoyment of all beach users, in particular children, and of the preservation of the environment.

Dogs can make a significant contribution to the health and well being of their owners. This is a well documented fact. It is also a fact that dogs can inflict injury on other dogs and humans, including children. According to a 2017 Australian Government report, almost 4000 people were hospitalized in Australia in 2013-14 because of injuries by dogs, with the highest rate of injury occurring in children four years and under.

The number of people using our beaches has increased markedly in recent years, as have the number of off-leash dogs on the beach, causing concern about the safety of children. Over a number of years, residents have written to council stating that it will only be a matter of time before a child in injured. Councilors cannot claim that this issue has not been raised with the,

Dogs can kill wildlife. On Phillip Island in the 2018/19 Hooded Plover breeding season, six chicks were chicks were killed by dogs in 18 days between late January and mid-February. Dogs can also diminish the chance of survival of birds through disturbing their nesting and feeding.

A 2019 UN report warns of the grave impacts of species extinction, which is accelerating. Australia has one of the highest losses of species in the world. Climate change, drought and the horrific recent bushfires have pushed more species to the brink of extinction. Phillip Island's most endangered bird species is on our doorstep and we should be doing all we can to ensure its survival.

Dogs need exercise, but do not need to exercise off-leash in the habitat of threatened species. The Bass Coast Shire Council and Phillip Island Nature Parks are the authorities responsible for the management of our beaches and have worked collaboratively, taking the needs of all beach users into consideration in order to identify suitable on and off-leash beaches. Dog owners now have a choice.

We do not own this land. We are the current custodians. We have no 'right' to use the beaches as and when we choose. Our primary focus should be on the safety and needs of the whole community and on the preservation of the environment for future generations. Councillors should make decisions regarding dogs on beaches based on facts and with a view to the future, not on the degree of pressure exerted by any one group or on emotive commentary.

Intimidating behaviour, verbal abuse, bullying and death threats directed at councillors, rangers, shire officers, volunteers and residents in no way make a positive contribution to the decision making process. We, as a community, should make it clear that under no circumstances is this behaviour acceptable.

Section 61.3 of the Bass Coast Shire Council Meeting Procedure Local Law 2018 states that:

"A petition or joint letter presented to Council must lay on the table until a future Ordinary meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson, unless Council resolves to deal with it earlier."

Recommendation

1. **That the joint letters, Domestic Animal Management be received.**
2. **That Council resolves to deal with the joint letters, Domestic Animal Management at this meeting.**
3. **That Council notes the information contained within the joint letter and refers for consideration as part of a review of the Domestic Animal Management Plan.**
4. **That the head contact be advised of Council's decision.**

Attachments

AT-1 ***CONFIDENTIAL*** - Joint Letter Domestic Animal Management 3 Pages

Notices of Motion

F Notices of Motion

F.1 217/20 AGL Gas Import Jetty Proposal, Cr Michael Whelan

I, Cr *Michael Whelan*, hereby give notice that I intend to move a motion at the Ordinary Meeting on 18 March 2020, which reads as follows:

AGL GAS IMPORT JETTY PROPSAL

Motion

That:

1. Council declares it's strong opposition to the development of fossil fuel assets on Western Port and in particular, opposition to the AGL's proposed Gas Import Jetty project for Crib Point
2. That Council write to the Premier advising him that:
   - 2.1 Council has declared a climate emergency and is currently developing a comprehensive Climate Emergency Action Plan pursuing a community target of zero net emissions by 2030
   - 2.2 Council strongly opposes fossil fuel developments in Victoria and on Western Port
   - 2.3 That we congratulate the Government on its continued stand against non-conventional gas and ask that he extend the moratorium to other new fossil fuel assets

Background by Councillor

Nil.

Officers Comments

The proposed NOM is in line with the conventions surrounding a declaration of a climate emergency. Which includes:

- Acknowledgement that fossil fuels are the largest contributor to global emissions.
- Not supporting any new fossil fuel developments.
- Advocating for effective action and significant changes to state, federal and international government policy, legislation and funding. Including advocating for a just transition away from fossil fuels.

It should be noted there is no 'template' for what a climate emergency declaration means and individual councils need to develop their own appetite and principles for responding to the acknowledgement that the earth is warming as a result of human activity, that catastrophic changes to the climate threatens all life on earth.

……..
Cr Michael Whelan, Island Ward
Dated: **18 March 2020**

Attachments

There are no attachments for this report.

Mayor and Councillor Reports

G Mayor and Councillor Reports

Reports Requiring Council Decision

H Reports Requiring Council Decision

H.1 Development Plan Overlay Schedule 5

File No:	**CM20/23**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

Declaration

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

Summary

The purpose of this report is for Council to consider an amendment to an approved development plan under the Development Plan Overlay Schedule 5 (DPO5) for land at Tatiara Drive, Grantville.

Since the approval of the initial development plan, the zoning of the land was changed from Low Density Residential Zone (LDRZ) to General Residential Zone (GRZ) as a result of planning scheme amendments C93, C141 and C142. The proposed amendment facilitates a development plan that is consistent with the General Residential Zone.

The surrounding landowners were informed of the proposal and nine (9) submissions were received. This report provides an assessment of how the proposed amended development plan responds to the submissions and the relevant provisions of the Bass Coast Planning Scheme.

The development plan was presented to Council at its Ordinary Meeting on 11 December 2019, at the meeting Council resolved the following:

'*That Council defers consideration of the amended Development Plan, referenced as "prepared by Axiom Consulting titled Development Plan, Version 5 dated 24 September 2019" to a future Ordinary Meeting of Council.*'

It is recommended that the amended development plan be approved.

Subject Site and Surrounding Area

The subject site is known as Lot 2 on PS 741880G Tatiara Drive, Grantville. The amendment area applies to the parcel of land within Figure 3. The land is 13.2 hectares in size with an irregular shape and has a frontage to Tatiara Drive of approximately 520 metres. The site lies to the east of Bass Highway and is generally bound by Tatiara Drive and Acacia Road.

The land contains various types of vegetation scattered throughout the site that has been highly modified through various activities such as clearing and grazing.

The subject land is located approximately 332 metres from the intersection of the Grantville town centre and the Grantville - Glen Alvie Road and the Bass Highway. The area around the subject land is surrounded by existing residential areas including high density residential to the west, medium to low density to the north and east and farmland to the south. The site appears to have been grazed for many years.



Figure 1. Aerial Map of the land within the Development Plan Overlay 5

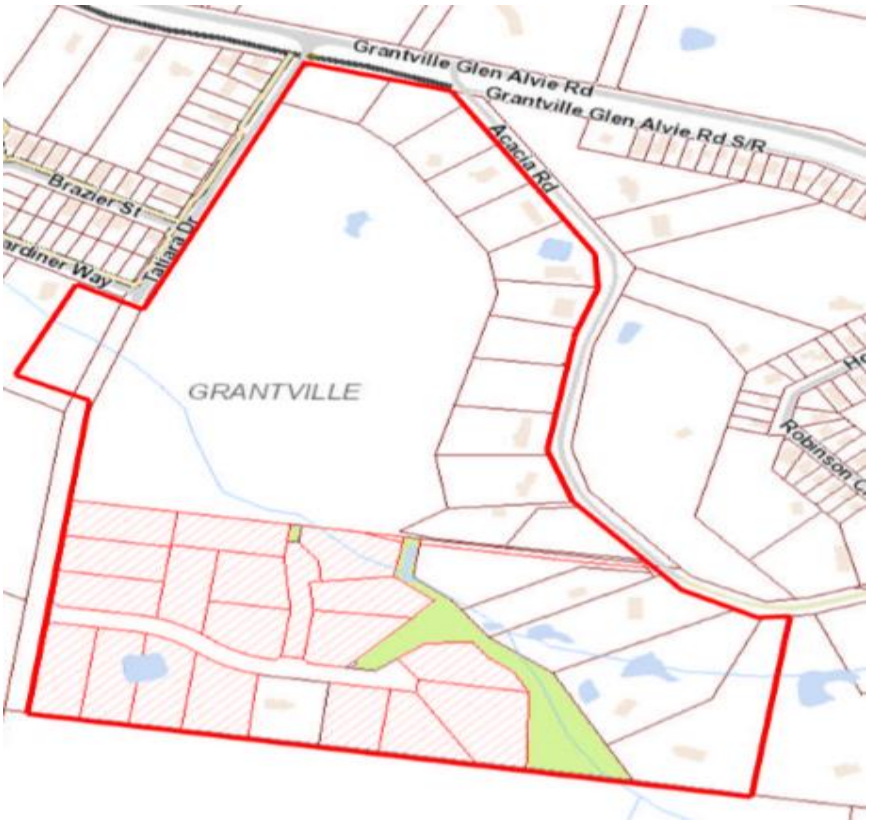


Figure 2. DPO5 Area

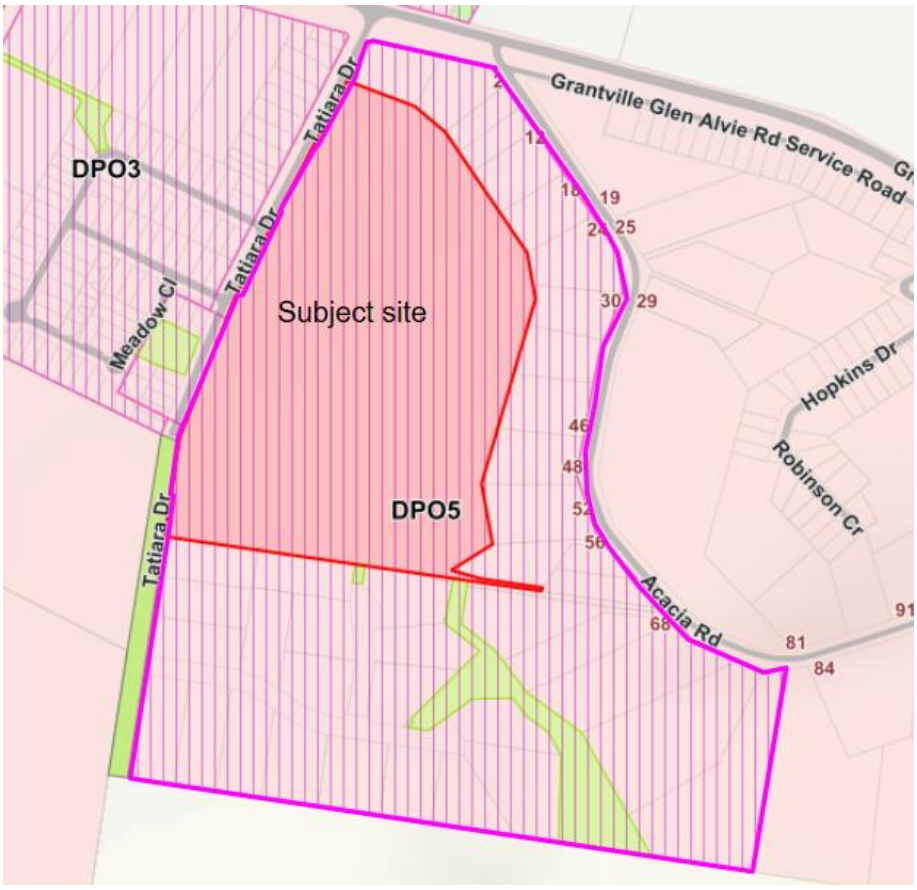


Figure 3. Subject land in red within the DPO5 hatched area

Details of Proposal

The purpose of the proposal is to amend the existing approved development plan (Figure 4), to enable the land to be developed in accordance with the requirements of the General Residential Zone. Subsequent to the amendment, a planning permit application would be required for the further subdivision of the land.

Figures 4 and 5 below show a comparison between the current and proposed development plans. The proposed amendment facilitates a development plan that is consistent with the General Residential Zone, whereas the previous development plan was approved under the Low Density Residential Zone.

The proposed plan does not show a subdivision layout because the development plan is 'indicative' in nature by showing areas for drainage, open space, access and vegetation. A future subdivision application will be required to consider how it can be developed around the existing aspects such as vegetation and drainage and then further consider how it develops around the drainage reserve and meets the requirements of the Bushfire Management Overlay.

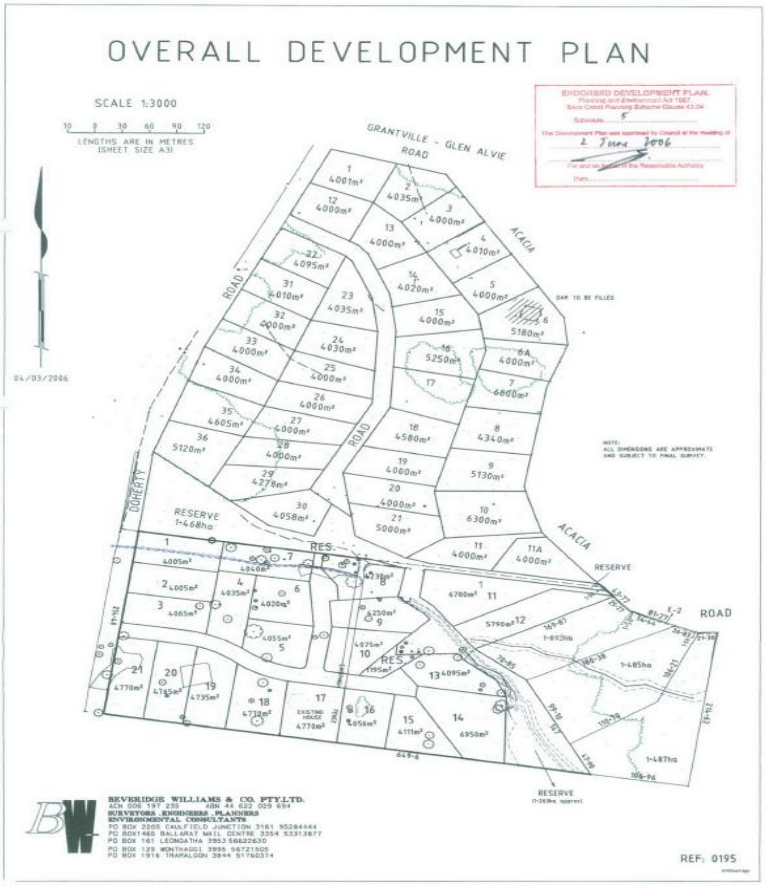


Figure 4: Existing Development Plan

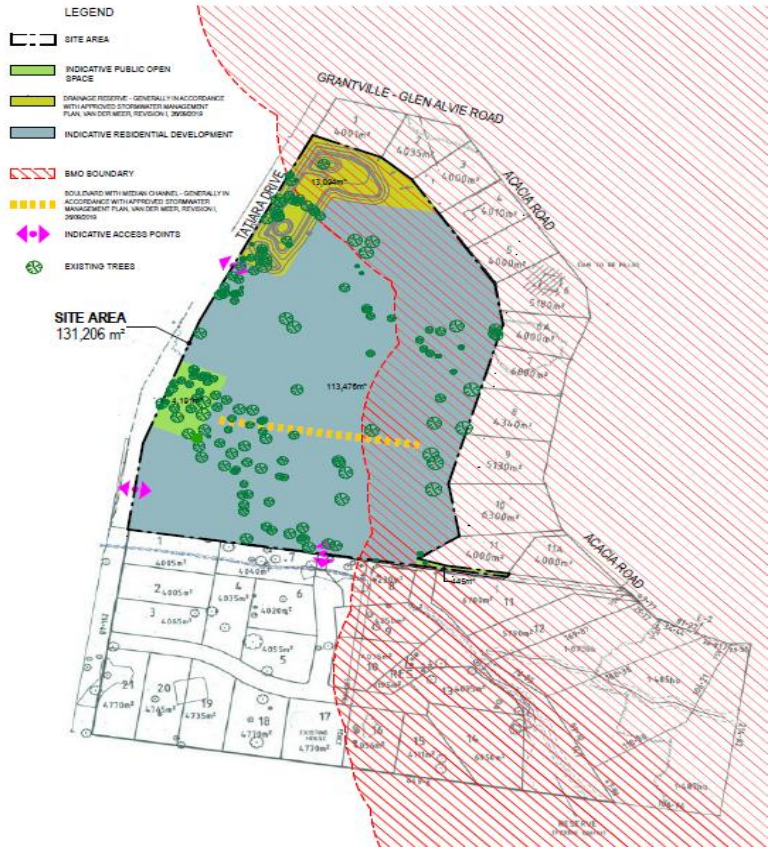


Figure 5: Proposed Development Plan

Strategic Basis

Council Plan Objective:

Environment – *Maintain and protect the natural environment.*

Liveability – *Enjoying the place we live*

Our Character – *Celebrating the uniqueness of our townships.*

Strategies / Policies

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

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

Clause 21.02, Settlement, establishes the settlement hierarchy and sets out strategic directions and development opportunities within the Shire. Council has prepared design frameworks and structure plans for all towns that are set out within Clause 21.08 Moderate Growth Settlements.

Clause 21.04 Environment, specifies the relationship between the coastal environment and land use planning. This clause outlines the key issues to be addressed in relation to biodiversity conservation, catchment management, environmental hazards and climate change.

Clause 21.05 Landscape and Built Form, further builds on the environment clause as it refers to the environmental and landscape values of regional and national significance.

Clause 21.06 Infrastructure, provides strategies and objectives for consideration of physical infrastructure, major transport links, community facilities, open space and recreation.

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

The Local Planning Policies relevant to this amendment are *Clause 22.01 Stormwater Management Policy*. The *Stormwater Management Policy* provides a policy basis, objectives and decision guidelines in relation to Council's stormwater drainage provision. The *Cultural Heritage Policy* applies to individual heritage places and precincts in the Heritage Overlay of the planning scheme.

The current zone and overlay controls that apply to the land under the provisions of the Bass Coast Planning Scheme are:

- *Clause 32.08, General Residential Zone;*
- *Clause 43.04 Development Plan Overlay Schedule 5 (Glen Alvie / Acacia Roads, Grantville); and*
- *Clause 44.06 Bushfire Management Overlay*.

Statutory Requirements/Codes/Standards/Policies

Under the provisions of the *Bass Coast Planning Scheme*, a Development Plan maybe amended in accordance with *Clause 43.04-3 Development Plan Overlay Schedule 4*. Specifically, *Schedule 5 sub Clause 4.0* of the overlay, specifies that "any approved development plan may be amended to the satisfaction of the responsible authority".

Officers notified the adjoining and surrounding landowners and occupiers of the amended development plan. Even though Council is not required to provide notice and review of the amendment development plan, it was considered necessary to inform the adjoining and surrounding landowners and occupiers of the amended development plan due to the land being rezoned to General Residential. As a result of the rezoning, the previously approved development plan was based on the Low Density Residential zone to which the subdivision lot layout reflects this.

On 4 October 2019, the landowners and occupiers were advised in writing of the amended development plan. A copy of the proposed amended development plan for the area was enclosed.

As part of the planning assessment of the Development Plan, the application was referred to the following internal departments and external agencies on the 4 October 2019. Whilst not a statutory requirement, Council advised the following external authorities; Telstra, Ausnet, Westernport Water, Melbourne Water, APA Group, VicRoads and the CFA. No responses were received, however any further planning permit application for subdivision would require formal statutory referral to the authorities.

Internal referral	Response
Development Services	Provided a response on the 23 September 2019. No objection to the proposed amendment and satisfied for the DPO application to proceed.

Submissions

Nine (9) submissions were received and are summarised below:

Issue	Response
Flooding and drainage	The drainage and flooding concerns highlighted within the submissions have been adequately addressed within the Stormwater Management Plan by Van Der Meer Consulting, submitted with the amendment application. The report was discussed with Melbourne Water and Councils Engineering Department who considered the proposal to be appropriate.
Access and movement	There will be a requirement to construct the length of Tatiara Drive within the Development Plan area. An upgrade to the drainage network is included as part of the upgrades to the road reserve. This would form a condition of approval with any future subdivision application at the site. Concerns were raised with the access points and whether they could be indicative. As a result, a revised plan has been substituted to show the proposed access points as indicative.
Lack of infrastructure and public transport	The development plan area is located approximately 340 metres walking distance to the intersection with Bass Hwy and Grantville Town Centre. A local bus route providing regular service operates between Grantville, Corinella, and Coronet Bay. The nearest bus stop is within walking distance of the Development Plan area, just over 300 metres away. Three other public bus route services run through the centre of Grantville such as the Cowes to Dandenong; Cowes to Fountain Gate; and Inverloch to Dandenong services.
Grantville to stay as a rural seaside town	The proposal is consistent with the objectives of *Clause 21.02-1 Growth of Towns* and *Clause 21.08-7 Moderate growth settlements* within the *Bass Coast Planning Scheme*, which defines Grantville as an established district centre with the potential for consolidation and future growth, which sets out the hierarchy of townships. Specifically, Grantville is identified as an emerging district service centre which is to provide for diversity of housing choices and types. New residential development is to be located to the north and south of Glen Alvie Road, east of the Bass Highway intersection and generally south of Glen Alvie Road and west of Acacia Road.

	It is important to note that the land is currently zoned General Residential and the Development Plan Overlay Schedule 5 applies.
Impacts on biodiversity, wildlife and tree removal	The proposal aims for a balance between competing pressures and interests between the impacts of development and the wildlife that exist in the area. This supports the protection of significant ecological areas, native habitat and Australia's biodiversity, by preventing urban sprawl, while supporting the need for affordable housing in an era of rapid and unprecedented population growth. An ecological assessment of the land shows it has been highly modified through previous land use, including vegetation clearing and grazing. As a result, the site has a poor floristic diversity and low habitat hectare score. The native vegetation guidelines, efforts to avoid and minimise impacts on native vegetation should be commensurate with the biodiversity value and focused on areas that have the most significance. The proposed development plan provides reserves that would protect the areas with most significant vegetation and those of highest retention and ecological value. This is outlined in the biodiversity assessment by Mark Shepherd Ecology, August 2019, submitted with the amendment.
Impacts on residents health and wellbeing	As described above, the subject land is appropriately located within walkable distance to the town centre and close to services, public transport and public open space areas. The ultimate proposal will create a highly livable development that contributes to the public realm by suitably integrating features of the area by creating public open space and wetlands with existing and new trees, new tree lined streets, walking and bicycle paths that contribute to the health and wellbeing of communities.
Amendment not consistent with the Bass Coast Distinctive Areas and Landscapes (DAL) project	The *Grantville Strategic Framework Plan* establishes a clear direction for the future urban structure of Grantville, by defining a settlement boundary for residential development and precincts for consolidated commercial areas. The proposal supports the objectives of Distinctive Areas and Landscapes legislation, by providing development opportunity in a designated area within the township settlement boundary, where a commercial centre is already established. This in turn prevents urban sprawl and the proliferation of low-density residential lots, which contribute to ongoing environmental degradation and reliance on unsustainable forms of transport.
Over development of the area	The Strategic Framework Plan for Grantville designates the development plan area as suitable for change and residential growth.

	As described within the report a series of planning scheme amendments have occurred which resulted in the land being rezoned from Low Density Residential to General Residential. The amendments took place to enable consistency with the planning scheme and the *Bass Coast Strategic Framework Plan 2011*. As explained above, the proposed development area is appropriately located within the settlement boundary and is zoned accordingly. It is a foreseeable future outcome that residential development will eventually occur within this area which will result in an increased residential density for the area. It is considered that the future development of the land will provide a greater housing and lot size choices to cater for the community which is consistent with the zone, state and local planning policy.

Discussion

As highlighted throughout the report the land is within the General Residential Zone (GRZ) with an approved development plan which is currently inconsistent with the zone. The proposed amendment ensures consistency with the GRZ as it appropriately responds to the purpose of the GRZ which intends to facilitate residential development by encouraging a range of housing types and growth particularly in locations offering good access to services and transport.

It is considered that the proposal facilitates an appropriate development outcome in accordance with the original Amendment C142 – Development Plan Overlay 5 (DPO5).

The future subdivision proposal could achieve a lot range between 300sqm to 1000sqm with an average lot size of 500 to 550sqm across the area that can be developed. There are a number of site constraints that that could further result in an increase of the average lot size from 500sqm across the subdivision, these include the road network layout, drainage and drainage reserve size, vegetation retention, open space, topography, bushfire controls and cultural heritage requirements.

Planning Policy Framework (PPF)

The proposed amendment to the DPO5 achieves the strategies and objectives of the planning policy framework which was previously considered under Amendment C142 and are still current.

Declaration of Bass Coast as a Distinctive Area and Landscape

On 23 October 2019 the Governor in Council, under Section 46AO(1) the Act and on the recommendation of the Minister for Planning, declared the municipal boundary of Bass Coast, including a 600 metre buffer seaward from the coast, as a 'distinctive area and landscape'. Figure 6 illustrates the declaration area.

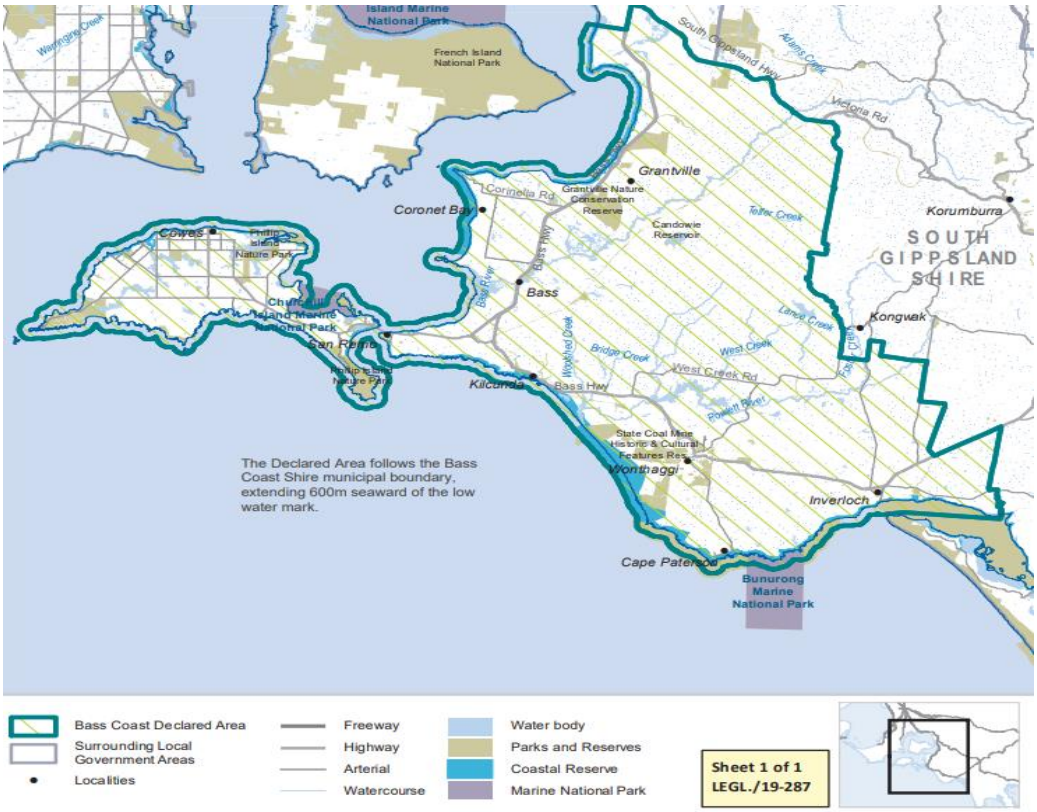


Figure 6, Bass Coast Declaration map, source Department of Environment, Water, Land and Planning

The declaration acknowledges that Bass Coast includes the majority of attributes identified in the Act, which are under significant or irreversible land use change that would affect the environmental, social or economic value of the area. These attributes include:

- Outstanding environmental significance;
- Significant geographical features;
- Heritage and cultural significance; and
- Natural resources or productive land of significance.

As Bass Coast has been declared, the Act requires the preparation on a State of Planning Policy (SPP). The SPP will include a long-term vision of at least 50 years, policy objectives and strategies to achieve the vision, and a strategic framework plan for guiding the future use and development of land in the declared areas.

The SPP for Bass Coast has not yet been prepared.

In respect to the declaration it is noted that:

- The planning controls applying to this application have not changed;
- The Planning Policy Framework has not changed; and
- The Local Planning Policy Framework has not changed.

Although a SPP has not yet been prepared and the Bass Coast Planning Scheme itself has not been changed, it should be noted that Clause 65 of the Scheme and Section 60 of the Act require consideration to be given to any policy statement that has been adopted by a Minister. While the level of weight to be afforded to this consideration has not yet been tested, it is our submission that the proposed development plan is consistent with this policy. This is because the driving force for the DAL is protection of valued attributes, in this area it generally refers to protection of Coastal areas, hinterland and natural resource extraction. The settlement boundary, reflected in Clause 21.08, protects these valued attributes. As the site is located within the identified settlement boundary, away from the valued attributes, development of the land will have limited impact.

Local Planning Policy Framework (LPPF)

Grantville is an established district centre with potential for consolidation and future growth and is described as a series of established and separate subdivisions of varying types and lot sizes serviced by a small commercial centre.

The *Grantville Strategic Framework Plan establishes* a clear direction by defining a settlement boundary for residential development within Grantville. Furthermore, the plan aims to encourage the development of Grantville as an emerging district service centre and to provide a diversity of housing choice and types.

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

- The land is close to the Bass Highway which is considered to be a transport corridor.
- Within walking distance to the town centre and public transport.
- Provides new infrastructure, housing choice and open space for residents in the area.
- Provides a suitable pedestrian network for walking and bicycles through the footpath network.

General Residential Zone (GRZ)

The approved development plan is inconsistent with the GRZ as the original proposal was approved when the land was zoned Low Density Residential. Should the current development plan not be amended to reflect the current planning controls, this would continue as an anomaly within the planning scheme.

This amendment is required in order to facilitate a development plan that will result in land that could be developed in accordance with the purpose and objectives of the GRZ.

Furthermore, the subject land is consistent with the provisions of the planning scheme and the requirements of the strategic framework plan as it is appropriately located within Grantville as being within a short distance to the Grantville Town Centre which contains everyday essential services and needs of the community in addition to be located within walking distance to the Bass Highway where the V/Line public bus service is located.

Development Plan Overlay Schedule 5 (DPO5)

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

Drainage

Van Der Meer consulting prepared a Stormwater Management Report to support the proposal. The proposed site is within the Melbourne Water drainage scheme and includes external catchments that enter the site from the east and south.

Any future development will be required to make provision for an appropriately located wetland and retarding basin which is indicatively shown on the development plan within the north-west corner of the site and will be utilised to convey stormwater runoff.

Overall, the report concludes that the construction of an appropriate drainage system including the wetland/retarding basin that the development with a proposed Water Sensitive Urban Design and stormwater management system can provide a safe and ecologically sustainable solution.

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

Traffic and Movement

There are two access points proposed from Tatiara Drive and another access point proposed to the adjoining property to the south. A revised plan was provided to Council to show these access points as indicative. The lot and road network is generally described as a having a north-south and east-west orientation which results in a well-connected and permeable network.

A Transport Impact Assessment was prepared by One Mile Grid Traffic Engineering, who concluded that the subdivision road network has been designed in accordance with the requirements of Clause 56 of the Bass Coast Planning Scheme, Victorian Planning Authority Guidelines and the Infrastructure Design Manual. It is expected that the traffic generated by the future subdivision within the development plan area will be accommodated by the external road network without significant impacts.

Open Space and Landscape

The subject site has a total area of 13.1 hectares and is required to make provision for public open space. An indicative public open space reserve is located on Tatiara Drive and consists of usable open space.

The indicative reserve that is located adjacent to an existing open space reserve across Tatiara Drive provides for a continuous green link which creates a sense of greater openness and visual appeal to the area. Furthermore, the indicative reserves are well located in a sense that they will provide suitable passive surveillance and accessibility from the adjoining road and footpath network in addition to dwellings fronting the open space reserve which provides that element of community safety.

Biodiversity and Arboricultural Assessment

The subject site area is considered to be highly modified through previous land use. Whilst the site is highly modified, it offers a range of habitat resources as an 'edge habitat', whereby cleared land with a variety of micro habitats including blackberry thickets, drainage lines, hollow trees and some tree canopy within close proximity to large areas of remnant forest and wetland habitats provide habitat for a range of fauna species. However, long term modifications to habitat at the study area has resulted in a dramatic reduction in flora species diversity and is likely to have reduced the overall fauna species diversity.

No significant flora species listed under relevant state or commonwealth policy and legislation were recorded in the study area.

Eighty two (82) scattered trees (indigenous canopy trees) were recorded at the study area.

Fauna habitat included many indigenous Eucalyptus trees which contained hollows, leafy litter and logs, dense under-storey, drainage lines, stags and a farm dam contribute to habitat.

Twelve fauna species were recorded such as introduced birds and mammals, native amphibians, native birds and reptiles. No Southern Toadlets were recorded, however the Common Eastern Froglet and Southern Brown Tree-frog were recorded.

The proposed future subdivision is required to be developed in accordance with an approved development plan and will be required to address various biodiversity and bushfire related policy and legislation as part of a planning permit application to develop the site taking into account the above.

Bushfire

A Bushfire Management Statement was prepared by Ecological Consulting. The statement contains three components such as a bushfire hazard site assessment, landscape assessment and management statement.

In addition to the above, any future planning permit application will be required to meet the relevant bushfire requirements within the planning scheme and will also be referred to the Country Fire Authority for further review.

Conclusion of assessment

The development of this area would provide additional infrastructure and services to the area in addition to housing supply that provides for greater diversity and choice. It will also bring additional public open space reserve areas for residents to enjoy and includes well considered planting of trees within the reserve and streetscape that will improve the amenity of the area.

It is considered that the proposed amended development plan is consistent with the requirements of the planning scheme and demonstrates an appropriate future urban structure accompanied with the appropriate infrastructure required to support future development in accordance with the General Residential Zone.

The proposed amendment appropriately responds to the context of the area and provides for the following:

- A variety of housing choice for future residents.
- Appropriate connectivity to adjoining areas including north south and east west connections for pedestrians, bikes and vehicles.
- Appropriate stormwater management and minimises additional run off from the site through the implementation of water sensitive urban design measures.
- Ensures development within the subject site incorporates and responds to the natural features and constraints of the site.
- Suitable opportunities to integrate with the adjoining land.
- Ensures that all necessary infrastructure will be provided and funded by the developer.

Finances

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

Stakeholders

The key stakeholders for this project are as follows:

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

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

Recommendation and options

There are two options available to Council as follows:

Option One:

Approve the proposed revised development plan which has been revised subject to the consideration of submissions.

Implications for Council – Approval of the development plan will provide clear direction regarding how the land is to be developed and ensure consistency under the provisions of the General Residential Zone and the requirements of the Development Plan Overlay Schedule 5.

Option Two:

Refuse to approve the development plan amendment.

Implications for Council – If Council decides to refuse the approval of the development plan, the strategic objectives for Grantville as highlighted above would not be achieved. The current approved development plan is inconsistent with the GRZ and by not amending the current development plan would not resolve an anomaly within the planning scheme.

In the absence of an approved development plan, the DPO5 area cannot be further developed.

Conclusion

The proposed amended development plan is considered to comply with the requirements of the Development Plan Overlay Schedule 5 and relevant requirements of the Bass Coast Planning Scheme.

Council Officers recommended minor changes to the development plan to change the access points and open space and wetland areas as 'indicative only' as these points may be subject to change within the future subdivision permit application.

On this basis of the detailed assessment of the reports provided with the amendment application that the proposal is suitable for the future proposed residential purpose at a higher density in accordance with the General Residential Zone.

It is recommended that Council resolves to approve the amendment of the development plan under the Development Plan Overlay Schedule 5.

Recommendation

That Council approve the amended Development Plan referenced as 'prepared by Axiom Consulting titled Development Plan, Version 5 dated 24 September 2019 under Schedule 5 of the Development Plan Overlay (Clause 43.04 of the Bass Coast Planning Scheme).

Attachments

AT-1	Development Plan Overlay	1 Page
AT-2	***CONFIDENTIAL*** - Submissions	17 Pages

H.2 Wonthaggi North Precinct Structure Plan and Development Contributions Plan

File No:	**CM20/54**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

Declaration

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

Summary

The purpose of this report is to present an updated Wonthaggi North East Precinct Structure Plan 2020 (the PSP) and Wonthaggi North East Development Contributions Plan 2020 (the DCP) and the Wonthaggi North East Native Vegetation Precinct Plan (March 2020) (the NVPP) for adoption.

This report follows on from the December 2018 report to Council; where the 2018 version of the PSP and DCP was adopted for the purpose of consultation with landowners and the community.

The main changes to the 2020 versions of the PSP and DCP are in the DCP where additional items have been introduced after consultations with the community and landowners. This consultation which took place in April to June 2019 (following the December 2018 Council decision), which revealed two key areas that required additional work:

- Access and Egress into John Street, Kevin Street and Vere Street area along the Bass Highway (towards Inverloch)
- The need for two additional drainage culverts

These additional items along with updated costing information has resulted in increased per hectare costs for both residential and employment areas. Some other changes in zoning of the mixed use area and realignment of the new active open reserve have also occurred.

This report requests Council to adopt the now updated 2020 PSP and DCP and also includes a recommendation that Council request the Minister for Planning, to authorise the preparation and exhibition of a proposed amendment to the Bass Coast Planning Scheme in accordance with Section 8A of the *Planning & Environment Act 1987*.

Background

The proposed Wonthaggi North East Growth Area has been planned for a number of years. The history is detailed in the table below:

Table 1. Wonthaggi North East Project Milestones

Document	When	Result/Purpose
Wonthaggi Dalyston Structure Plan	2008	The Wonthaggi Dalyston Structure Plan recommended that future growth be directed to the Wonthaggi North East Growth Area.
Wonthaggi North East Growth Area Concept Plan (CPG Consultants)	2009	The Concept Plan was produced in response to recommendations from Wonthaggi Dalyston Structure Plan. The Concept Plan was implemented into Development Plan Overlay Schedule 21 (DPO21) of the Bass Coast Planning Scheme. See Map 2 below.
Amendment C113	2010	Rezoned 190 hectares of Farming Zoned land to Residential, to accommodate up to 1700 new dwellings.
Amendment C116	2011	Rezoned 29 hectares of land adjacent to the Bass Highway to Business 4 Zone (now Commercial 2 Zone) and 18 hectares to the south of the Bass Highway to Industrial 1 Zone. The amendment was in accordance with the Concept Plan in DPO 21.
Bass Coast Shire Ordinary Council Meeting	21 June 2017	Council resolved to endorse the Wonthaggi North East Precinct Structure Plan (PSP) and use the PSP to inform the preparation of a Development Contributions Plan for the precinct; and to request a further report be prepared for Council's consideration following completion of the Development Contributions Plan.
Bass Coast Shire Ordinary Council Meeting	Dec 2018	Council resolved to adopt the 2018 PSP and DCP for purpose of undertaking informal consultation with landowners and commencing a planning scheme amendment.

Strategic Basis

Council Plan Objective:

Advocacy - *Representing the community*

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

Environment – *Maintain and protect the natural environment*

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

Health and Wellbeing – *We are a healthy and active community*

Liveability – *Enjoying the place we live*

Our Character – *Celebrating the uniqueness of our townships*

Strategic Outcome:

- Partnering with our community to protect and enhance the unique character of our townships, open spaces and rural landscape
- Ensure the review of the Municipal Strategic Statement improves the controls within our townships to ensure that the character is protected
- Strengthen the role of Wonthaggi as our regional centre
- Manage the sensitivities of development and growth pressures
- Be proud of, and share, our history and cultural life

Strategic Indicators:

Strategic Indicators	**Measures**
Build capacity in community planning	Host quarterly community building events and networking opportunities each year
Overall Community Satisfaction Rating	Achieve the top quartile of Large Rural Councils
Advocate on behalf of the community on key planning issues *	Make representation to state and federal government on key planning matters
Review the Municipal Strategic Statement	Completed by June 2018
Develop a strategic vision/plan for Wonthaggi as regional centre	Implement actions identified in Wonthaggi Dalyston Structure Plan review Strategic vision developed and adopted
Wonthaggi North East Precinct Structure Plan	**Implement into Planning Scheme by June 2021**
Sites and Theme Plan 2014-24	Action Plan completed annually
Incorporate the Phillip Island and San Remo Visitor Economy Strategy 2035 – Growing Tourism in the Planning Scheme as a reference document	Planning Scheme updated by June 2018

Major Initiative

Wonthaggi North East Precinct Structure Plan and Development Contributions Plan was a major initiative of the Council Plan and 2019/20 budget.

Strategies / Policies

The Wonthaggi North East Precinct Structure Plan and Development Contributions Plan, has been informed by the following relevant strategies/policies:

- State and Local Planning Policy Framework as set out in the Bass Coast Planning Scheme
- Precinct Structure Planning Guidelines (Growth Areas Authority, 2008)
- Infrastructure Design Manual (Local Government Infrastructure Design Association)
- Development Plan Overlay Schedule 21 of the Bass Coast Planning Scheme
- Plan Melbourne Refresh 2017-2050, (Department of Environment, Land, Water and Planning 2017)
- Gippsland Regional Growth Plan (Department of Transport, Planning & Local Infrastructure, 2013)
- Wonthaggi Structure Plan (Updated 2018)
- Sport and Active Recreation Needs Assessment (SARNA) (2016)
- Bass Coast Aspirational Pathways Plan (2016)
- Municipal Health and Wellbeing Plan (2017)

Statutory Requirements/Codes/Standards/Policies

The relevant Act is the *Planning & Environment Act 1987* and provisions of the Bass Coast Planning Scheme.

Discussion

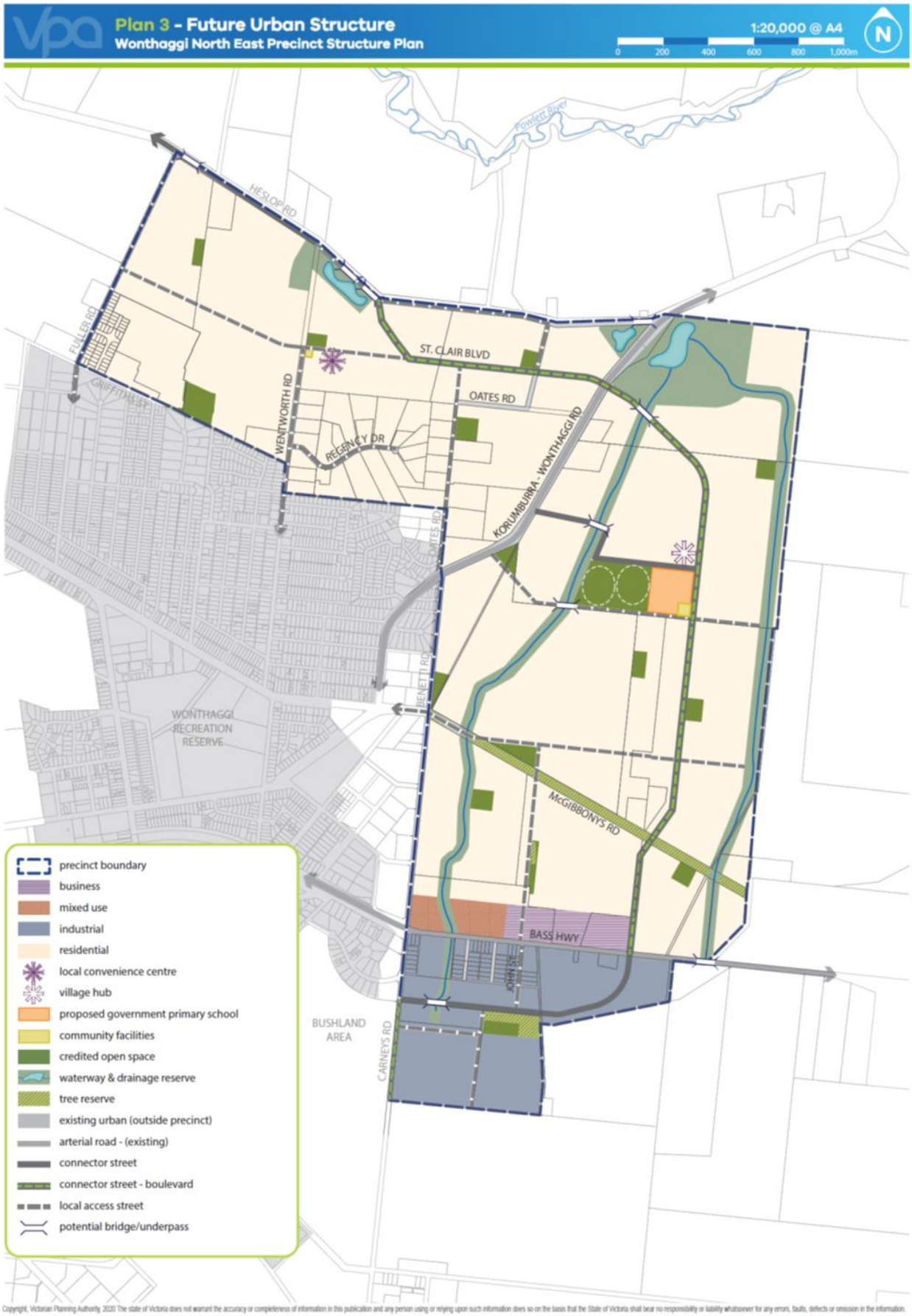
The Precinct

The PSP is a long-term strategic plan for urban development. It describes how the land is expected to be developed and how and where the services are planned to support development.

The precinct is described as follows:

Description	Hectares
Total precinct area	632.88
Net developable land	518.68
Net developable area for residential	457.39
Net developable area for employment	61.29
Total open space (includes sports reserve and parks)	17.41
Waterway, drainage and tree reserves	66.79
Community and education	3.90
Road network	26.02

- Residential development yield average of 11-12 dwellings per net developable hectare, which will generate approximately 5030 dwellings to accommodate 12,000 new local residents.
- Employment Land of 61 hectares and an expanded business and industry precinct to increase the number of local jobs in Wonthaggi (creating an estimated 2,940 jobs).
- A new road network that provides alternative routes through and around the town.
- Provision of land for a government primary school – 3.5 hectares.
- Provision of pedestrian and cycle paths, building on the success of the rail trail.
- A total of 84.20 hectares of open space, including approximately 6 hectares of active recreation space co-located with the school and community facility, waterways and wetlands.
- Provision for new community and village hubs, which will serve as community meeting spaces as well as having a retail offer and or a parade of shops and cafes etc.
- Location and catchments for sewerage and reticulated water supply.



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Map 1 (above): Future Urban Structure, Wonthaggi North East Growth Area

Residential Land

In relation to residential land an average development density of 11-12 lots per hectare has been stipulated. This will enable the precinct to achieve average residential lots sizes of 500-600sqm which are considered to complement the character of the existing town. Higher development densities and townhouses will be encouraged in and around the proposed new local convenience centres in the south-east of the PSP.

Employment Land – (includes Industrial/ Commercial/ Mixed Use Areas)

The employment land around the Bass Highway in the south of the Precinct is a key consideration of the PSP. The final version of the PSP does make some changes in this area, to more accurately reflect the longer term need for Commercial Zoned land as outlined in the Wonthaggi Commercial and Industrial Land Assessment. To facilitate this the commercial area has been moved east on the Bass Highway (north Inverloch Road area).

A Mixed Use Zone is proposed located abutting Carneys Road in the south west of the Precinct and a repositioned Commercial Area has been provided for further to the east. These changes increase both the area for business land but will also provide opportunity for a greater diversity of business uses in this area.

An updated report from Urban Enterprise Consultants (July 2019) indicated a shortage of Commercial Zoned land in the December 2018 PSP. In response, an additional parcel of land to the north of the Bass Highway is now proposed to be zoned for commercial use, which is proposed to be retained for a future bulky goods precinct.

Local Centres

The PSP proposes to include two local centres that are positioned at the core of the new communities and would feature multi-purpose community meeting spaces and small scale convenience retail facilities. These centres are designed to provide for local needs and not compete with the existing commercial activities in the town centre, this is unchanged from the December 2018 PSP.

Formal Open Space

The PSP 2018 included a new formal recreation area of 6 hectares is proposed to complement sporting facilities available at the existing Wonthaggi Recreation Reserve. In the PSP 2020, the size of the area did not change however, the layout and orientation have been updated to avoid encroachment into the waterways.



Map 2 (above): Local Centre Plan, Wonthaggi North East Growth Area

Wetlands and Drainage Areas

The PSP 2018 provides wetland areas, drainage corridors and culverts to enable developers to plan for the infrastructure needs of the precinct. The updated 2020 PSP now includes a fourth wetland area, which is a division of the previously proposed wetland 3 into two. This alignment better reflects the contours of the area and also acknowledges the Wentworth Road Reserve and that development on one of the sites in this area is currently progressing.

These proposed wetland areas will hold water flows from the precinct and wider catchment to release into the Powlett River system once treated. This drainage system will manage and slow down water discharge from the growth area in accordance with legislative requirements.

Roads

Key infrastructure items such as roundabouts and new roads have been considered by the Transport Impact Assessment. Council has also worked closely with Regional Roads Victoria to consider access speeds and locations of new roundabouts to ensure safe and convenient traffic flows around the Growth Area.

A new roundabout intersection at John Street is the only change from the PSP 2018. This roundabout has been developed in discussion with Regional Roads Victoria, as the most suitable access solution for the industrial and commercial area to the south and north of the highway.

Updated Development Contributions Plan

The Development Contributions Plan (DCP) identifies infrastructure items such as roads, wetlands, drainage corridors, community facilities, parks and open spaces for which developers must contribute towards the costs. These payments which developers provide for the public infrastructure in the growth area.

The DCP has been developed through detailed transport and drainage work costings. The costs within the Plan will provide certainty for the developers in terms of required infrastructure, whilst delivering the community buildings and open space needs for the additional 12,000 residents.

The costs within the Development Contributions Plan have been verified internally within Council and with key project partners; including West Gippsland Catchment Management Authority, Regional Roads Victoria and the Victorian Planning Authority.

The PSP and the DCP has been prepared following finalisation of the Future Urban Structure Plan. The land valuations have been updated (June 2019) and all costs for all projects have been updated in late 2019, early 2020;

Overall the DCP 2020 contributions for developers in Wonthaggi North East will be:

- $175,418 per net developable hectare for residential zoned land (including mixed use zoned land)
- $135,885 per net developable hectare for business (including industrial and commercial) zoned land.

The DCP rates have increased by $30,000 per net developable hectare for residential and by $12,000 per net developable hectare for commercial from the 2018 DCP. This uplift is in part due to the 3 additional DCP items (one roundabout and two culverts) but also due to rising construction and service relocation costs. The costs increase are considered to still represent a reasonable per hectare figure and in line with other regional areas.

The DCP rates will need to be continually updated and reviewed to reflect changing market conditions. The rates are also subject to indexation. The rates at present include a conservative approximate service relocation cost for three intersections, Council is awaiting final costings from NBN and Ausnet services. *(It is anticipated the final rates will be slightly less than the above for Residential and Employment areas).*

Areas with Existing Section 173 Agreements

The DCP covers the majority of the Wonthaggi North East Growth Area. Two sites in the North West currently benefit from existing Section 173 agreements that have negotiated a revised contribution aligned to the DCP.

Community Infrastructure Levy

The DCP also includes the framework for Council to charge the Community Infrastructure Levy (CIL); this levy is calculated at $1,115.88 per dwelling for the Wonthaggi North East DCP 2020. A developer can enter into an agreement with Council to pay the CIL upfront. If the developer chooses not to, landowners are required to pay the CIL prior to the issuing of a building permit.

The CIL is a financial contribution to new infrastructure that will be used by the new community, such as pavilions, in growth area developments. The infrastructure that the Community Infrastructure Levy payments are allocated towards is set out in the Development Contributions Plan (DCP) for that growth area, or precinct.

The CIL for Wonthaggi North East Growth Area will be used to fund the sporting pavilions for the new sporting fields towards the centre of the precinct. The CIL will provide approximately $5.614 million of additional contributions.

Background Reports

The updated PSP and DCP (as per this report) have been informed by a series of reports which have investigated and made recommendations for the PSP.

These include:

- Biodiversity Assessment – Including Flora and Fauna Assessment, offset requirements and vegetation tables.
- Drainage Strategy for Wonthaggi North East PSP and Stormwater Management Plan.
- Wonthaggi North East Growth Area Aboriginal Cultural Heritage Survey.
- Wonthaggi North East Bushfire Development Report.
- Wonthaggi North East Traffic Impact Assessment.
- Wonthaggi Commercial and Industrial Land Assessment.
- Wonthaggi North East Land Contamination Study.

- Bushfire Development Report Wonthaggi North East.

Native Vegetation Precinct Plan

The PSP includes an updated Native Vegetation Precinct Plan 2020 (NVPP) that identifies native vegetation in the precinct and whether the vegetation is to be retained or removed. The primary objective of the NVPP is to retain native vegetation where practical and manage high biodiversity value areas within open space, drainage and/or road reserves.

The NVPP identifies that vegetation removal is only to occur in areas of future development, including future roads and other infrastructure. The NVPP ensures that there is 'no net loss' of vegetation across the precinct and identifies offset requirements for any permitted removal. This updated NVPP is in the new format and has been updated following changes to the PSP Future Urban Structure Layout.

There is limited native vegetation within the PSP area. The approach has been to design the PSP to ensure existing native vegetation is retained and enhanced.

Finances

The preparation of the Wonthaggi North East 2020 PSP and DCP was included in Council's 2017-18 and 2018-19 budgets and included funding support of $185,000 from the Victorian Planning Authority (VPA). This funding included $80,000 of in-kind support of specialist to assist in the development of this important project.

The project will result in ongoing costs for Council in terms of checking and monitoring development sites as well as the project planning of community wide assets such as sports pavilions and community buildings which would be Council led. Furthermore the implementation of the project would benefit from advocacy for funding of up front infrastructure which will ensure early delivery of DCP items.

The DCP is a contribution plan and does not result in full cost recovery, some financial costs will likely fall on Council in future years. This is mainly from the purchase of land for active and passive open space, where land prices rise over and above previously collected contributions. It is accepted throughout the State that Councils will end up making some financial contribution to an overall DCP project, but will gain the benefit of new sporting reserves, open spaces and community facilities.

Stakeholders

The relevant stakeholders are:

- Bass Coast Shire Council
- Landowners adjacent and nearby landowners
- Broader Wonthaggi community
- Statutory referral agencies
- Bass Coast community

Through the development of the PSP, consultation has occurred with a large number of key stakeholder groups, including:

- Wonthaggi community – residents and visitors
- Land and business owners in Wonthaggi
- Regional Roads Victoria
- Public Transport Victoria
- West Gippsland Catchment Management Authority
- South Gippsland Water
- Ausnet
- Bunurong Land Council Aboriginal Corporation
- Boon Wurrung Foundation
- Aboriginal Victoria
- Department of Environment, Land, Water and Planning

Community Engagement

Following community consultation in 2017, a follow up session was held in the Wonthaggi Library for a week in early April 2019, where in excess of 70 people attended and discussed the PSP. A poll of the community members whom came in for the discussion, revealed overwhelming support.

As well as the community discussions, letters were sent to all landowners in the growth area offering the opportunity to meet with Council staff to discuss the PSP and DCP, over 30 meetings were held. At these discussion the matters related to the new John Street roundabout and the additional culverts became apparent.

The responses from the landowner and community consultation have been addressed in the updated PSP and DCP.

Other Options

The options available to Council are as follows:

Option 1

The first option, as recommended by this report is that Council resolves to adopt the Wonthaggi North East Precinct Structure Plan, Wonthaggi North East Native Vegetation Precinct Plan and Development Contributions Plan and commence a Planning Scheme Amendment to implement them into the Bass Coast Planning Scheme.

Option 2

Is to not proceed with the Wonthaggi North East PSP and DCP and abandon the project. This option is not advised and would have significant impact on land supply in Bass Coast.

Conclusion

The Wonthaggi North East Precinct Structure Plan 2020 (PSP) and Development Contributions Plan 2020 will provide a framework for facilitating the future growth of Wonthaggi. The DCP will secure adequate infrastructure within the precinct and for our future community and share costs equitably amongst all developers.

The PSP provides the opportunity for up to 5,030 new homes; 12,000 new residents; 61 hectares of employment land; and 8 hectares of mixed use land creating approximately 2,940 jobs. In delivering these opportunities, the PSP will enhance the role of Wonthaggi as a regional centre.

Recommendation

That Council:

1. **Adopts the Wonthaggi North East Precinct Structure Plan 2020 (PSP) and Wonthaggi North East Development Contributions Plan 2020 (DCP).**
2. **Requests the Minister for Planning (Minister) to prepare, adopt and approve a Planning Scheme Amendment to introduce the 2020 PSP and 2020 DCP under Section 20(2) of the Planning and Environment Act 1987 (Act).**
3. **In the event that the Minister for Planning does not prepare a Planning Scheme Amendment to introduce the PSP and DCP under section 20(2) of the Act, that Council seeks authorisation to prepare and exhibit the Amendment pursuant to section 8A of the Act and requests that the Minister exempt the Council from the notice requirements of section 19 of the Act.**
4. **In the event that the Minister does not exempt Council from the notice requirements at section 19 of the Act or Regulations, that Council seeks authorisation to prepare and exhibit the Amendment pursuant to section 8A of the Act and exhibits the amendment in accordance with section 19 and the regulations.**

Attachments

AT-1	Wonthaggi North East Development Contributions Plan 2020	95 Pages
AT-2	Wonthaggi North East Precinct Structure Plan 2020	61 Pages
AT-3	Wonthaggi North East Native Vegetation Precinct Plan	34 Pages

H.3 Planning Application 180485 - 42 Howie Lane, Coronet Bay

File No:	**CM19/767**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character** Celebrating the uniqueness of our townships

Application Details

Use/Development Sought:	**Use and development of land for Group Accommodation in the Farming Zone**
The Land:	**42 Howie Lane, Coronet Bay**
Planning Scheme:	**Bass Coast Planning Scheme**
Zoning:	**Farming Zone**
Overlays:	**No Overlays**

Declaration

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

Executive Summary

This application proposes the use and development of land for Group Accommodation at 42 Howie Lane, Coronet Bay.

The proposal triggers the need for a planning permit under the following clauses of the Bass Coast Planning Scheme:

- Pursuant to *Clause 35.07*-1 a planning permit is required for the use of land for Group Accommodation;
- Pursuant to *Clause 35.07-4* a permit is required for building and works in associated with a section 2 use; and
- Pursuant to *Clause 35.07-4* a permit is required to construct a building that is 100 metres to a dwelling not in the same ownership.

The proposal was amended during the application process to accurately demonstrate the existing site conditions.

The application was advertised and received six (6) submissions.

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

On this basis, it is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit for application 180485.

Application Details

This application proposes the use and development of land for Group Accommodation in the Farming Zone in accordance with SO Design and Drafting job number 2018:14, Version 2, dated 20/06/2019. A copy of the plan is provided as Attachment One (AT-1).

Group Accommodation is defined as Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence. It is typically associated with tourist accommodation type cabins.

The cabin includes an open plan living area with bed and lounge, en-suite, kitchenette, bathroom and deck. The unit is proposed to be located on the north west section of the property, amongst a cleared space within a bush setting.

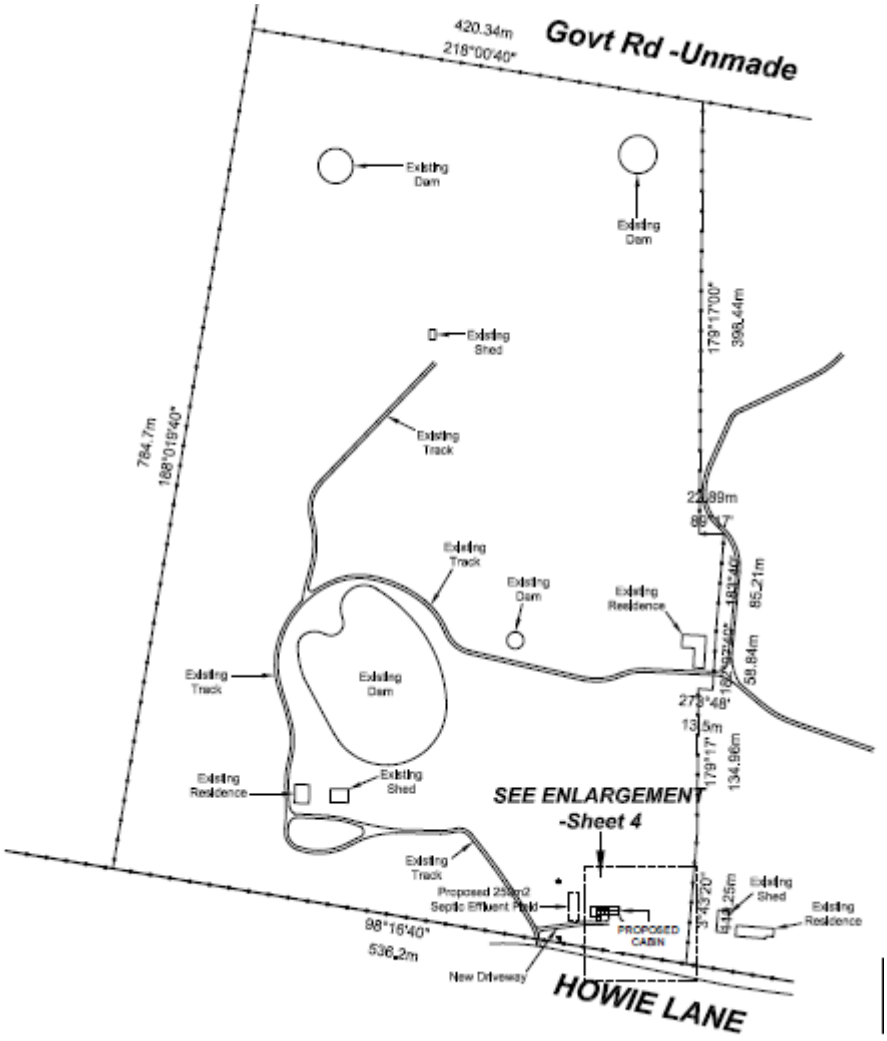


Figure 1. Site Plan

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) submissions.

Background

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

Site Dimensions	38.14ha
Site Frontage	420m
Topography	Relatively flat
Vegetation Cover	Most of the site is cleared and used for grazing with a native vegetation corridor located in the north east corner that extends along the western boundary.
Current Use	Rural land which contains two dwellings, with two telecommunication towers
Easements	No easements in place
Restrictive Covenants	No restrictions in place
Aboriginal Cultural Heritage Sensitivity	Not located within an area of Aboriginal Cultural Heritage Sensitivity
Planning Permit History	Development of land for a dwelling (97151) Development of land for a second dwelling (050317a) Use and development of land for a telecommunication facility (100352) x 2 Two lot subdivision (120117)

The subject site is located on the southern side of Howie Lane. A ridgeline runs through the site along the east side of the property. The majority of the site has been cleared of vegetation and used for agricultural purposes (grazing of livestock).

There is a large dam, which has been constructed and filled with fish stock. There are two dwellings on the subject site.

Vegetation

Access to the site is available from Howie Lane. Electricity and telecommunications services are available to the site. There are a few isolated pockets of significant vegetation.

Surrounds

Coronet Bay is a coastal township on Western Port Bay one kilometre south of Corinella and six kilometres west of the Bass Highway. It has a small commercial centre servicing local needs. It rises from the foreshore flats of Western Port, up a gentle hillside to an inland ridgeline. There are no significant community facilities or services, except a community hall and reserve located in the centre of the town.

Coronet Bay is designated in the Coastal Strategy and the MSS as a settlement with '*low spatial growth capacity*'. The settlement is about ten kilometres by road from the local service centre of Grantville.

The area surrounding the subject land is used for a mixture of rural and residential living. Howie Lane is a gravel road with open drains, grass shoulders and vegetation within the road reserve.



Figure 2. Aerial photo

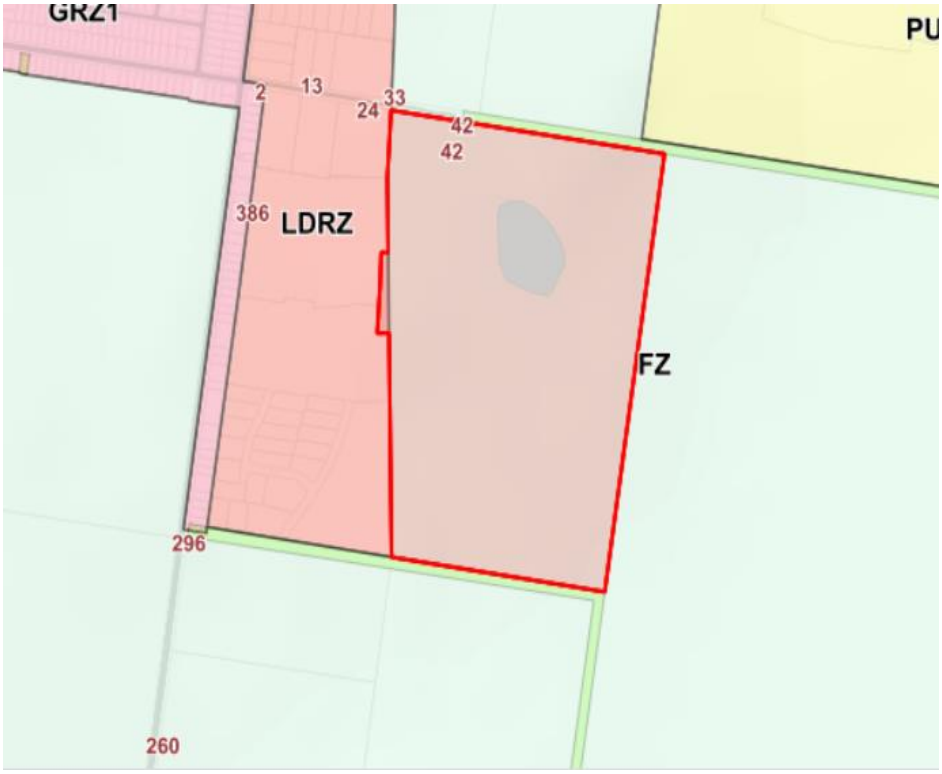


Figure 3. Zoning Map

Notice

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to six (6) land owners and occupiers; and
- Placed a Notice on the land.

Submissions

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

A summary of the remaining submissions is listed in the following table and a copy of each submission is included in Attachment Two (AT-2).

Table 1. Summary of Concerns raised in each objection

Submission 1	Summary of Concerns
	Clearing of vegetation undertaken for the dwelling to be re-located.
	Access concerns at the proposed driveway/ safety concerns
	Having group accommodation 100m from their house – increased traffic, noise, dust, loss of privacy and loss of amenity
	Impact on the peace and serenity of the area – not a suitable location
	Loss of the ability to farm their property ie. use of equipment and chemicals
	Isolated area – concern at the comings and goings of people gives a sense of unease.
	100m setback not associated with agriculture
	Overflows onto our property drainage issues,
	No details of the effluent and waste water system proposed
	Increased risk of bushfire and trespassers
Submission 2	Summary of Concerns
	Impact to the bush in which the 'cabin' is to be situated within
	Impact on wild life and birds
	Danger to children using the road
Submission 3	Summary of Concerns
	Not a great road for traffic considering the state the road is in.
	Small children using the road may be compromised in walking to bus stops or using the road
	Increase in dust

Submission 4	Summary of Concerns
	Person experienced living next door to holiday accommodation has not gone well
	Bad potholes
	Strangers in the laneway
	Garbage trucks do not enter the laneway so the owners needs to drag the bins up the Agars Road. Wind causes the bins to fall over and cause a wind tunnel effect with rubbish thrown along the lane
Submission 5	Summary of Concerns
	Impact of traffic within Coronet Bay
Submission 6	Summary of Concerns
	Conflict with farming land use
	Locations of cabin in native remnant vegetation
	Impact from the two telecommunication towers in close proximity of the accommodation
	Lack of security for immediate neighbours

Referrals

The following table outlines the referral requirements of this application.

Table 2. Referral requirements and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
	Not Applicable
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Asset Management	No objection with conditions.
Environmental Health	No response provided.

Officer's Considerations

Planning Policy Framework Assessment

- *Clause 13.02-1S Bushfire Planning*
- *Clause 14 Agriculture*
- *Clause 17.04-1S Facilitating tourism*
- *Clause 17.04-1R Tourism – Gippsland*
- *Clause 17.05-1 Agriculture*
- *Clause 21.03-2 Rural*
- *Clause 21.03-4 Tourism*
- *Clause 21.03-5 Agriculture*

- *Clause 21.08-1 Landscape*
- *Clause 21.08-2 Design and built form*
- *Clause 21.09-12 Coronet Bay*
- *Clause 22.01 Stormwater Management Policy*
- *Clause 22.06 Non-Agricultural Uses in the Farming Zone*

Other policy documents

- *Rural Land Use Strategy 2014*
- Design and siting guidelines for coastal and hinterland areas 1999

The following provides a discussion of where the proposal has satisfactorily addressed the relevant *Planning Policy Framework (PPF)* and *Local Planning Policy Framework (LPPF)* under the themes of Agriculture, Tourism, Built Environment and Landscape.

Clause 14 Agriculture states that planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production. The objective to *Clause 14.01-1S* is to protect the state's agricultural base by preserving productive farmland. *Clause 14.01-1R* identifies its strategy is to protect productive land and irrigation assets, that help grow the state as an important food bowl for Australia and Asia.

Clause 21.03-5 Agriculture recognises that agricultural activities particularly beef cattle farming are a significant contributor to the local and regional economies and a major source of local employment. The *Bass Coast Rural Land Use Strategy (2014)* sets out a long-term vision for the Shire's rural areas and identifies Phillip Island – as a mix of commercial agriculture and lifestyle farming. Key issues include protecting the opportunity for agriculture and protecting productive agricultural land but also diversifying agricultural industry and developing value adding rural industries in the Shire.

The proposal is not considered to result in any detrimental impacts to existing agricultural land or the ongoing farming on the subject site. The location of the group accommodation unit is located in an area not farmed being located between the existing dwelling and the street frontage.

Clause 15.01-2S Building Design Objective is to achieve building design outcomes that contribute positively to the local context and enhance the public realm. *Clause 21.05-4 Design and Built Form* seeks to encourage high quality buildings and public spaces that are environmentally, economically, and socially sustainable. This is through strategies to design and site development to complement the context in which it sits; ensure the siting of buildings contributes positively to the public realm and respects the character of the area; and to ensure a high quality of design in industrial estates.

The building proposed to be located on the land is an older style relocated dwelling. The materials and design of the dwelling is not considered inappropriate.

The Bass Coast Planning Scheme recognises at a State level the importance tourism plays in the region with *Clauses 17.04 Tourism, 17.04-01S Facilitating Tourism, 17.04-1R Tourism* – Gippsland emphasising this important sector with objectives and strategies that seeks:

To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

To provide a strengthened and diversified economy through the facilitation of growth in a range of employment sectors including tourism.

Group accommodation (tourist style cabins) is considered to be an important asset enabling visitors a base when exploring tourism related activities to both Phillip Island and broader Bass Coast region as day trips and those visitors will increase the visitor spend. The proposed cabin, although of a small scale, will aid in providing agricultural tourism opportunities that complement the existing use of the land.

At a local level, *Clause 21.03-4 Tourism* highlights that tourism is the pillar of the Bass Coast economy with internationally recognised tourism attractions particularly on Phillip Island. Tourism is estimated to generate around $620 million in direct expenditure and over $1 billion in value added expenditure, and supports about 1,400 jobs annually (source: *Bass Coast Rural Land Use Strategy (2014)*).

"Bass Strait, as well as Phillip Island, are major tourist destinations. People visit the Shire because of the unique natural attributes, complemented with built attractions, such as the Phillip Island Motor Racing Track. Tourism is broadening its focus and seeks to capitalise on a wider tourism product based around the agricultural, environmental and landscape values of the rural hinterland."

Clause 21.03-4 Tourism identifies there is potential for further development of tourism in the Shire's rural areas. The proposal is considered to have satisfactorily responded to the objectives and strategies of this clause for the following reasons:
The proposed use supports the further development of tourism in the Shire's rural areas but not at the expense of landscape, amenity, environmental and agricultural values of the Shire. If approved, the use and development will attracts visitors throughout the year.

Clause 21.03-2 Commercial acknowledges that the role and function of commercial areas is changing as population and visitation increases with anticipated issues relating to endeavouring to providing business services that cater to both residents and visitors and managing the implications of being a premier tourist destination. The proposal is considered to be a satisfactory response to the objectives and strategies of this clause as the use of the land for Group Accommodation will increase in tourism interest of the region and provides for rural based tourism within an agricultural setting in the Farming Zone.

Policy 22.06 Non-agricultural Uses in the Farming Zone Policy discourages uses in the Farming Zone that are not directly related to, or that have an adverse impact on agriculture and future agriculture opportunities. The preferred mix of uses in the Farming Zone includes those that support agricultural activities and associated rural industries that maintain and build the economic base of the Shire.

The proposal strikes a balance in that the majority of the subject land will be retained in paddocks for farming. The surrounding agricultural enterprises will also still function and operate side by side with the proposal. The use of group accommodations is not considered an impediment for neighbouring properties ability to farm.

Clause 21.05-4 Design and Built Form seeks to encourage high quality buildings that are environmentally, economically, and socially sustainable. This is through strategies to design and site development to complement the context in which it sites; ensure the siting of buildings contributes positively to the public realm and respects the character of the area; and to ensure a high quality of design in industrial estates.

The proposed group accommodation buildings are considered to be of a location, siting and design that are sympathetic to the landscape character of the area. The building has been sited so as to limit the impact on the landscape character of the area. Furthermore, the extent of established vegetation between the accommodation unit and front property will provide for effective screening.
The applicant has demonstrated through a Bushfire Assessment that no significant vegetation will be required to be removed to site the cabin and to achieve the required defendable space likely to be considered through the building permit process.

Zone Assessment

The purpose of the farming zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The proposal has been considered against the decision guidelines under the Farming Zone and the following noted:

<u>The application has been considered against the decision guidelines of *Clause 35.07-6 - Agricultural* issues and the impacts from non-agricultural uses, and can be supported for the following reasons:</u>

- The group accommodation will not limit the operation or expansion of adjoining land and nearby agricultural uses; and
- The building is located within the properties internal fence line amongst a bush setting and as such it will not take land away from agricultural purposes.

Development Response:

- The subject site is relatively flat so there is no topographical issue with the site.
- There is established vegetation on the subject site will provide for effective screening of the group accommodation cabin.

- The group accommodation cabin is constructed in materials and colours that will blend into the landscape, including feature timber cladding, colourbond cladding, and colourbond roofing.
- No trees are to be removed from the site nor will significant excavation be required.
- The site is heavily vegetated to the road frontage and northern boundary that will effectively screen the proposal.
- The group accommodation cabin will require all waste and effluent to be treated onsite via an approved system. A condition on any permit issued will require this to be completed.
- A Section 173 Agreement would be required to limit the number of consecutive days any group can stay. This is to ensure that the group accommodation cabins will not be used as long term dwelling type use.

Overlays

There are no overlays pertaining to the subject site.

Particular provisions

Clause 52.06 Car Parking

Clause 52.06-2 advises that before a new use commences the number car parking spaces must be provided to the satisfaction of the responsible authority.

The Table 1 at *Clause 52.06-5* does not specify the number of car parking spaces for a Group Accommodation use. Where a use of land is not specified in the Table 1, car parking must be provided to the satisfaction of the Responsible Authority.

The Group Accommodation cabin has been provided with a double carport. This is assessed as providing for a satisfactory outcome when consideration is given the cabin has three (3) bedrooms.

The car parking spaces are considered to be able to provide for the safe and efficient access and egress for the site.

Concerns raised by Submitters

Illegal removal of vegetation to cater for the cabins location:

The removal of vegetation will be investigated by Council's Compliance Officer separately to this application. It is assessed the proposed location for the cabin will not require any vegetation removal. This is discussed further in the report.

Road Safety/ Children using the road / Condition of the road:

Howie Lane is a 435metre public road. The proposal is small scale in nature that will result in limited additional vehicle movements along Howie Lane.

Isolated Area

Group Accommodation cabins in farming zones have been approved throughout the Bass Coast Shire, and often in isolated areas. This enables land owners to diversify in a small scale, a different use of the land without compromising the agricultural integrity of the farm.

Coronet Bay is not considered 'isolated' as easy access is available of Bass Highway and it is in close proximity to Westernport Bay and Phillip Island.

Impact of holiday visitors – noise, traffic, speed on the roads

The property is managed by the owner who resides on the site. There would be an expectation that the accommodation will be managed when patrons reside in the accommodation.

Impact of traffic within Coronet Bay

A cabin rented out to tourists is not considered to create any changes to traffic rates in Coronet Bay.

Drainage /Sewerage

Appropriate permit conditions will be placed on any permit issued to ensure both stormwater discharge from the cabin does not run off the subject site. Any septic system approved by Council are required to meet EPA standards, which ensure the property can contain its own wastewater.

Garbage Truck pick up

The location of the rubbish pick up from Agar Road and the difficulties experienced with rubbish bins turning over is not unusual. A possible additional rubbish bin does not change that outcome.

100m setback from agriculture / 100m for the dwelling / Loss of the ability to farm the property

The distance between the accommodation unit and the neighbouring dwelling is approximately 78m. The permit trigger states the minimum setback for a dwelling not in the same ownership is 100m in length.

In between the accommodation unit and the neighbouring dwelling is well established vegetation and Howie Lane, which acts as a physical barrier between the two.

Increase of bushfire

The site is not located within a BMO, but is located within a bushfire prone area. *Clause 13.02-1S* requires Council to consider the bushfire risk when considering uses such as Group Accommodation. The location of the building is considered appropriate. The accommodation is located adjacent to Howie Lane, close to the driveway access. The BAL rating and fire protection measures are considered under the building permit. The applicant has demonstrated through a BAL assessment that up no additional vegetation removal will be required with the accommodation's placement.

Wildlife and birds

Whilst the site is contains wildlife and bird life, the site is not located within a Bio-link or habitat corridor. Having an accommodation unit located amongst the wildlife is not considered to be detrimental when there is two existing dwellings on the site as well as a working farm.

Loss of native vegetation

A Biodiversity Report has been prepared to demonstrate the impact of the proposal in the immediate vegetation. The native vegetation is comprised mostly of a canopy of Eucalyptus radiata (Narrow-leaved Peppermint) and Eucalyptus obliqua (Messmate), with an understorey of predominantly Pteridium esculentum (Bracken Fern), with an otherwise dominant understorey of Anthoxanthum odoratum (Sweet vernal grass) which is a significant environmental weed in Victoria. Other weed species present within the area of the subject vegetation include Sweet Pittosporum and to a lesser extent Agapanthus praecox (African Lily).

There is no clearing required for either the proposed cabin or the driveway. The location of the cabin has been selected as it includes open areas of weed infestation and more sparse vegetation. To create defendable space as per the building regulation, canopy trees will be trimmed and weed understorey will be cleared, and not significant trees will be required to be removed to accommodate the cabin.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered both planning policy and the zone objectives.

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

It is recommended that Council resolve to issue a Notice of Decision to grant a planning permit for application 180485, subject to conditions.

Recommendation

That in relation to planning permit application 180485 for Development and use of the land for Group Accommodation in the Farming Zone located at 42 Howie Lane, Coronet Bay, Council resolves to issue a Notice of Decision to Grant a Planning Permit subject to the following conditions:

General Conditions:

1. **The use and 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.**

Group Accommodation:

3. **Prior to the issue of an Occupancy Permit for the Group Accommodation buildings, an Agreement under Section 173 of the *Planning and Environment Act* must be entered into which ensures that:**
    a. **The Group Accommodation must not be occupied by the same person/s for more than 42 consecutive days/nights and no more than 150 cumulative days/nights per calendar year, unless with the written consent of the Responsible Authority;**
    b. **The Group Accommodation must not be used as a permanent residence (dwelling);**
    c. **The operator/owner is to keep a log of all visitations/patrons and produce it to the Responsible Authority upon request; and**
    d. **If the use of the land for Group Accommodation ceases for a period of more than two years, the building(s) must be removed from the land within three months.**

The Agreement must be registered on title pursuant to *Section 181 of the Planning and Environment Act* and confirmation of the Dealing number provided to Council before the issue of an Occupancy Permit or commencement of use of the building(s). All costs relating to the preparation and registration of the Agreement must be borne by the applicant.

4. **Prior to the issue of an Occupancy Permit for the Group Accommodation building, the building must meet the following requirements:**
    a. **Access to the Group Accommodation building must be provided by an all-weather road with dimensions adequate to accommodate emergency vehicles.**

b. **The Group Accommodation building must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.**

c. **The Group Accommodation building must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.**

d. **The Group Accommodation building must be connected to a reticulated electricity supply or have an alternative energy source.**

Waste:

5. **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.**
6. **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.**
6. **Stormwater from the proposed dwelling/outbuilding must not be permitted to enter the septic tank system, sand filter and disposal field.**
7. **Naturally occurring stormwater must be diverted away from effluent disposal fields to the satisfaction of the Responsible Authority.**

Engineering Condition:

8. **Before the use hereby permitted commences, all stormwater discharging from the development hereby approved must be discharged to a water tank, soakwell 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**

Amenity:

9. **The use and development must be managed 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.

10. 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 and Use:

11. 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; and

d. The use is discontinued for a period of more than two years.

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.

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

Stormwater Discharge Point:

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

Attachments

AT-1	Plans	4 Pages
AT-2	***CONFIDENTIAL*** - Submissions	28 Pages

H.4 Planning Application 190259 - 56 - 58 Thompson Avenue, Cowes

File No:	**CM20/63**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

Application Details

Use/Development Sought:	**Alteration and extension to a building in Commercial 1 Zone and Design and Development Overlay 11, waiver of car parking requirement**
The Land:	**56-58 Thompson Avenue, Cowes**
Planning Scheme:	**Bass Coast Planning Scheme**
Zoning:	**Commercial 1 Zone**
Overlays:	**Design and Development Overlay, Schedule 11**

Declaration

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

Executive Summary

This application proposes alterations and extension to the existing building comprising a ground floor rear extension and new first floor with balcony, and a waiver in the number of car parking spaces at 56 - 58 Thompson Avenue, Cowes.

The proposal triggers the need for a planning permit under *Clause 34.01-1 Commercial 1 Zone*, 43.02-2 Design and Development Overlay Schedule 11 and 52.06-3 Car parking of the Bass Coast Planning Scheme.

The application was advertised and received one (1) submission.

The application was presented to Council at its Ordinary Meeting of 11 December 2019. At this meeting Council resolved to defer consideration of the application to the March 2020 Ordinary Council Meeting.

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

On this basis, it is recommended that Council resolve to issue a notice of decision to grant a planning permit for application 190259.

Strategic Basis

Council Plan Objective:

Our Character – *Celebrating the uniqueness of our townships*

Application Details

This application proposes alterations and extension to the existing building (real estate office) comprising ground floor rear extension and new first floor with balcony, and a reduction in the number of car parking spaces in accordance with:

- Site Plan
- Perspective images 1 and 2
- Lower Floor Plan
- Upper Floor Plan
- Elevation Plan East and North
- Elevation Plan West and South
- 3D images

(All prepared by db design building and drafting)

- Car parking Assessment *(Prepared by Jeff Bennett July 2019)*

A copy of the plans, 3D images and Car Parking Assessment is provided as attachment two (AT-2).



Figure 1. 3D image concept from the front (Thompson Avenue)



Figure 2. 3D image concept from rear (Olive Justice Place)

Reason a Council Decision is required

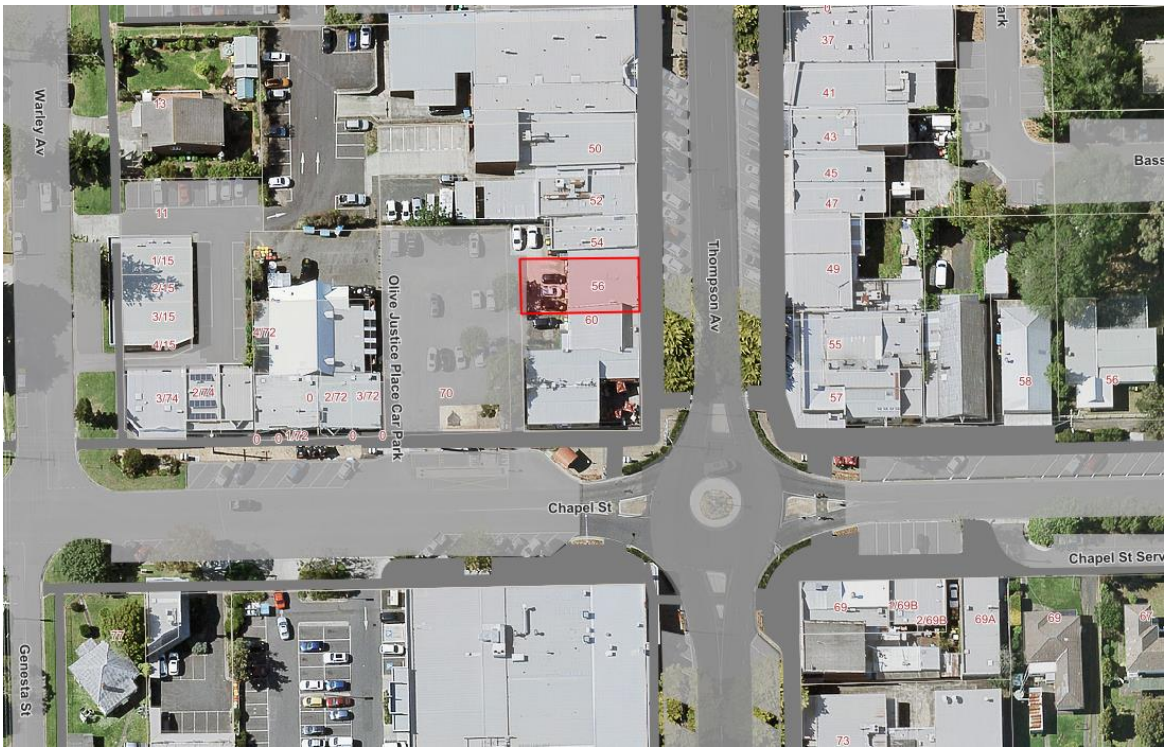
- This application was called in by a Councillor for decision at the December Council meeting at which Council resolved to defer consideration of the application to the March 2020 Ordinary Meeting of Council.

Background

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

• Site Dimensions	• 241sqm
• Site Frontage	• 10.89 metres to Thompson Avenue
• Topography	• Flat
• Vegetation Cover	• N/A
• Current Use	• Real Estate Agency (Office)
• Easements	• N/A
• Restrictive Covenants	• N/A
• Aboriginal Cultural Heritage Sensitivity	• N/A
• Planning Permit History	• No recent history

- The subject site is located on the western side of Thompson Avenue, Cowes just north of Chapel Street and is currently occupied by Ray White Real Estate Agency.
- There is presently four (4) car spaces to the rear, accessed from a car park to the rear known as Olive Justice Place.



Notice

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 27 land owners and occupiers; and
- Placed a Notice on the land.

Submissions

In response to notification the application attracted one submission.

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

Table 1. Summary of Concerns raised in each objection

Submission	Summary of Concerns
1	The additions to the existing buildings will obstruct access to the two car spaces at the rear of an adjoining property and will add pressure for parking for adjoining office staff. These two car spaces were paid for at the time of alterations to our property.

Referrals

The following table outlines the referral requirements of this application:

Table 2. Referral requirements and their comments

Referral Authority	Comments
External (Section 52 of the *Planning and Environment Act 1987*)	
VicRoads	Thompson Avenue is a VicRoads controlled road, they had no objection to the proposal.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Asset Management	No objection
Strategic Planning	No objection

Officer's Considerations

- State and Local Planning Policy Framework Assessment
- The intent of the relevant State and Local Policies is to support business, encourage built form to be of a high design standard and supporting Cowes in the settlement hierarchy as a moderate growth settlement.
- The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework on a number of policy fronts that encourage business (17.02-1S Business) economic development (21.03-1 Economic Development) and commercial activity (21.03-2 Commercial). The proposal is also consistent with design focused policies such as (12.05-2S Landscapes) and (15.01-1S Urban Design) and (15.01-5 Cultural Identity and Neighbourhood Character) and (Clause 21.05 Landscape and Built Form). The proposal is also consistent with settlement policy related to Cowes (21.08-5 Cowes and Silverleaves).
- The application does meet these policy objectives as the height and design of the building is satisfactory and reads in a satisfactory manner from both Thompson Avenue and Olive Justice Place and the wider surrounds and encourages economic development within Cowes.

<u>Zone Assessment</u>

- The purpose of the Commercial 1 Zone is:
- To implement the Municipal Planning Strategy and the Planning Policy Framework;
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses; and
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

- The application is consistent with the objectives of the Commercial 1 Zone. The use for a real estate agency (office) does not require a permit, and whilst the works do require a permit pursuant to Clause 34.01-4 the works are acceptable as they encourage growth for the existing real estate agency within the Commercial 1 Zone and instil commercial confidence to the Cowes Activity Centre from new multi storey development built form outcome.
- The design outcome of the commercial building extension is satisfactory after consideration of the decision guidelines of the zone. The design merit of the proposal will be discussed and assessed in more detail under the Design and Development Overlay Section below.
- The proposal is also consistent with the Municipal Planning Strategy and the Planning Policy Framework on a number of policy fronts as discussed above.

Overlays

- The application triggers the need for a planning permit under Clause 43.02-2 of the Design and Development Overlay for buildings and works.
- The intent of the Design and Development Overlay Schedule 11 relates to the Cowes Activity Centre.
- The Design Objectives to be achieved are as follows:
- To create a coherent coastal village character through consistent built form within each precinct of the Activity Centre and to promote design excellence.
- To facilitate development in commercial and mixed use areas which fosters street activation.
- To ensure development fronting The Esplanade and in residential areas does not detract from the landscape significance of Cowes, as viewed from the water, foreshore, and beach.
- To facilitate a greater diversity and density of housing and accommodation.
- To encourage a transition in built form at the northern and southern edges of the Activity Centre.
- The DDO11 is broken down into precincts. The site is situated in Precinct 3.
- Precinct 3 Waterfront Gateway (Gateway sites on Thompson Avenue and Chapel Street) seeks a preferred height of 14 metres (4 storeys), with a street wall height of 8 metres (two storeys) with preferred 0 metre setbacks from the street and preferred 5 metre setbacks for the upper levels above the preferred street wall.
- A 0 metre setback to the street is maintained, by retention of the existing real estate agency office building. The upper floor above is also built in line achieving a two storey street wall height. The preferred height to the street wall height is 8 metres, whilst the proposal is 6.6 metres. The preferred height for precinct 3 for the building being 14 metres (four storeys) with the proposal only achieving 6.6 metres (two storey).

- The 0 metre setback to the rear, with ground floor and first floor fenestration (windows) and a first floor balcony positively activates the rear of the commercial area achieving a sense of 'eyes on the street' surveillance to Olive Justice park.
- Whilst a 14 metre (four storey) building has not been achieved from this design, some incremental change to achieve a double storey building of 6.6 metres should be encouraged rather than not supported. New development that activates Olive Justice Place, and positive market sentiment from a double storey addition may spur surrounding development sites to achieve a gateway design outcome.
- It was also asked of the applicant at the further information stage that the architectural design detailing and materiality of aluminium windows, James Hardie cladding and block work for side walls is of a low design standard for a gateway site.
- The north and south elevations are typical of development in commercial centres where over time adjoining properties will be developed to two or more storeys and the side walls will be covered. Given the low scale of the proposed addition, the terrain of Thompson Avenue, and the location of the large Cypress tree in the street, the side walls will be mostly obscured from the street view. As requested by further information requests. 3D photomontages were provided by the applicant that show the design will sit comfortably in the commercial streetscape of Thompson Avenue and from the rear to Olive Justice Place in a satisfactory manner.
- The benefits of the development addressing Olive Justice Place and some incremental height increase are beneficial.
- The application is deemed consistent with the objectives of the Design and Development Overlay 11 for the reasons discussed above.

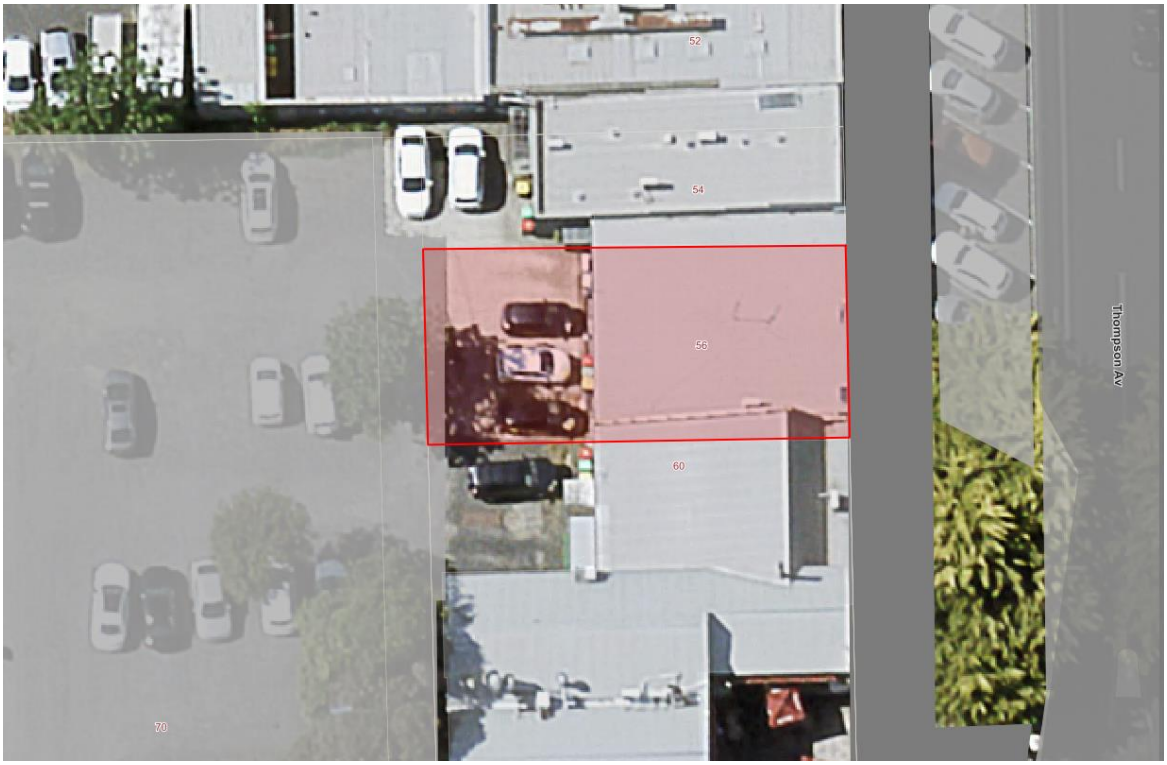
<u>Particular Provision</u>

- The application triggers the need for a planning permit under Clause 52.06-3 to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.
- Table 1 at Clause 52.06-5 sets out a statutory requirement for 3.5 parking spaces per 100sqm of net floor area for an office. The additional floor area is 285.5sqm which results in a statutory requirement of nine (9) spaces. The four (4) existing car spaces are proposed to be removed, resulting in a total statutory shortfall of 13 spaces.
- A car parking assessment submitted with the application makes the case why a reduction is satisfactory. VCAT has adopted the principle of a centre based approach to the provision of parking in activity centres. This approach was specifically supported by a decision of VCAT in relation to the waiver of car parking associated with Gullivers restaurant on the corner of Thompson Avenue and Chapel Street Cowes. Dixon v Bass Coast Shire [2006] VCAT 2396. Member Cimino commented that 'It is inappropriate to reject a proposal that accords with the zoning and land use strategies in a major centre like this on car parking grounds'

- This centre based approach was tested before the Supreme Court in Sansmark Pty Ltd and Ors v Boroondara CC.
- The Car park demand assessment for the subject site recommends that the loss of the existing 4 car spaces and the increased floor area for office use will not impact on the Cowes area with sufficient parking in the precinct as well as public transport.
- The reduction of parking is considered satisfactory and to refuse the proposal on parking grounds would not be appropriate in light of this VCAT and Supreme Court precedent.

Concerns raised by Submitters

- The building additions will restrict neighbouring parking.



- Subject site above



- Neighbouring property to north
- The subject site has a legal right to develop their land, the subject site is not burdened with a carriage way easement. Parking on the neighbouring sites is to be accessed from the Olive Justice Place Car Park and not from the subject site. Parking on neighbouring sites can be achieved without burdening the subject site. The Olive Justice Place car park has not established any car parking signs or line making however, the access arrangement for the northern adjoining property is considered to be sufficient in the context of a commercial property.

Conclusion

- The application has been assessed against the Bass Coast Planning Scheme and is considered satisfactory.
- The application underwent notification and as a result there were one submissions received. Concerns raised by submitters were considered in the assessment of the application.
- It is recommended that Council resolve to issue a notice of decision to grant a planning permit for application 190259, subject to conditions.

Recommendation

That in relation to planning permit application 190259 for alteration and extension to a building in Commercial 1 Zone and Design and Development Overlay 11 and a waiver of car parking located at 56-58 Thompson Avenue, Cowes, Council resolves to issue a Notice of Decision to Grant a Planning Permit subject to the following conditions;

1. **Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be 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 [or some other specified plans] but modified to show:**
    a. **A schedule of external materials, finishes and colours incorporating colour samples to the satisfaction of the responsible authority.**
2. **Plans to be endorsed**

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

3. **Construction Management Plan**

Before the development starts, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All construction activities must comply with the construction management plan to the satisfaction of the Responsible Authority. The plan must include:

a. **The location and procedure for the storage of materials;**
b. **Hours of construction inducing the number of workers expected on**
c. **Dust and litter management;**
d. **Car parking, access and traffic management for staff and working ve**
e. **Measures to ensure the safe movement of vehicles and pedestrians**
f. **Provision for temporary fencing.**

4. **Development completed to the satisfaction of the Responsible Authority**

Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

5. **Concealment of pipes etc.**

All pipes, fixtures, fittings and vents servicing any building on the subject land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

6. Stormwater Management Plan

Before the development starts, a stormwater management plan showing the stormwater works to the nominated point of discharge must be submitted for the approval of the Responsible Authority. The stormwater management plan must be prepared by a suitably qualified person and show details of the proposed stormwater works including all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc). All works must be undertaken in accordance with the approved stormwater management plan.

7. Amenity

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

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.

9. Permit Expiry - Development

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	Revised Plans	5 Pages
AT-2	Car Parking Assessment	14 Pages
AT-3	***CONFIDENTIAL*** - Submissions - Planning Permit 190259	2 Pages

H.5 Review of Complaints Handling Policy

File No:	**CM19/770**
Division:	**Partnerships, Advocacy & Economy**
Council Plan Strategic Objective:	**Governance** We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

The purpose of this report is to recommend that Council consider a revised Bass Coast Shire Council Complaint Handling Policy 2020 to replace the current Complaint Handling Policy 2015.

The changes to the proposed Policy incorporate new guidelines on specialised staff training, as recommended by two recent Victorian Ombudsman reports.

Council's Complaint Handling Policy ensures all statutory requirements are satisfied in customer interactions, and provides a standardised approach and framework for the management of complaints.

The Policy aims to increase the level of customer satisfaction responding to complaints through a just and respectful resolution process.

The report recommends that Council adopt the attached Draft Bass Coast Shire Complaints Handling Policy 2020.

Background

Council is committed to providing friendly, prompt, helpful and professional customer service with every customer interaction. Council actively encourages feedback and is committed to using this information to improve services and systems.

Council's Complaints Handling Policy 2015 does not respond to recommendation included in the Victorian Ombudsman's reports – 'Complaints: Good Practice Guide for Public Sector Agencies September 2016' (Attachment 2) and 'Good Practice Guide to Dealing with Challenging Behavior May 2018' (Attachment 3).

This Draft Complaints Handling Policy 2020, responds to these recommendations and will enable and encourage the development of improved process of reporting and handling customer complaints.

This will also provide an opportunity to improve relationships and interactions with customers.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not a major initiative, nor an initiative in the budget or capital works.

Strategies / Policies

Bass Coast Shire Council Customer Service Strategy 2018-21

Statutory Requirements/Codes/Standards/Policies

Victorian Ombudsman, Complaints: Good Practice Guide for Public Sector Agencies (September 2016)

Victorian Ombudsman, Good Practice Guide to Dealing with Challenging Behavior (May 2018)

Discussion

Council has a Bass Coast Shire Council Complaint Handling Policy 2015, which applies to all Councillors, Council Officers and Contractors carrying out work on behalf of Council.

The Policy aims to increase the level of customer satisfaction responding to complaints through a just and respectful resolution process.

Formal complaints received by Council are reported bi-annually to Council and annually in the Annual Report.

The Complaint Handling Policy 2015 has been reviewed to align with the recommendations of the Victorian Ombudsman reports: Complaints: Good Practice Guide for Public Sector Agencies (September 2016), and Good Practice Guide to Dealing with Challenging Behavior (May 2018).

The Good Practice Guide to Dealing with Challenging Behavior states "*leaders and managers need to appoint officers that are skilled in customer service and complaint handling, empower them to resolve complaints, and offer training and support*" (Victorian Ombudsman Report May 2018, Page 14).

The Complaints: Good Practice Guide for Public Sector Agencies recommends that Council can "*empower and encourage frontline officers to resolve complaints through (Council's) complaint handling policy, and by investing in training and resources for officers*" (Victorian Ombudsman Report September 2016, Page10)

Subsequently, the revised Policy includes new guidelines on managing unreasonable complainant behaviors (page 6 of attached Draft Bass Coast Shire Council Complaint Handling Policy 2020), which recommends that appropriate officers be provided with specialist training in dealing with challenging behaviors.

Finances

There are no financial implications to the adoption of the revised Policy.

Stakeholders

- Bass Coast Shire Councillors
- Bass Coast Shire Council Staff
- Broader Community

Other Options

Council could continue to operate under the current Complaint Handling Policy 2015.

This policy is not consistent with recommendations of the Victorian Ombudsman Reports: Complaints: Good Practice Guide for Public Sector Agencies September 2016 (Attachment 2), and Good Practice Guide to Dealing with Challenging Behaviour May 2018 (Attachment 3). In this way, the current Policy is restrictive of developing an improved Complaints Handling framework and process.

The current policy would not support the development of a revised Customer Service Charter.

Conclusion

The adoption of the Draft Bass Coast Shire Council Complaint Handling Policy 2020 will provide officers and the community with an improved, clear and consistent process for dealing with customer complaints; benefiting our community, Councillors and Council staff.

This report recommends that Council adopt the revised Draft Bass Coast Shire Council Complaint Handling Policy 2020.

Recommendation

That Council adopts the Draft Bass Coast Shire Council Complaint Handling Policy 2020 (Attachment 1).

Attachments

AT-1	Draft Bass Coast Shire Council Complaint Handling Policy 202	10 Pages
AT-2	Victorian Ombudsman Report - Complaints: Good Practice Guide for Public Sector Agencies September 2016	38 Pages
AT-3	Victorian Ombudsman Report - Good Practice Guide to Dealing with Challenging Behaviour May 2018	61 Pages

H.6 Media Engagement Policy and Social Media Policy

File No:	**CM20/94**
Division:	**Partnerships, Advocacy & Economy**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

The purpose of this report is to present Council with a new Draft Bass Coast Shire Council Media Engagement Policy 2020 and Draft Bass Coast Shire Council Social Media Policy 2020.

The Draft Bass Coast Shire Council Social Media Policy 2020 (Attachment 1) guides how Council uses social media to engage with the Bass Coast community.

The Draft Bass Coast Shire Council Media Engagement Policy 2020 (Attachment 2) aims to ensure communication by Council with the media is consistent, well informed, timely, appropriate and newsworthy.

The aims of both Draft Policies are to bring existing practices up to date and in line with similar policies at other councils, while further protecting Council's reputation and meeting future needs, beyond the current term of Council.

This report recommends that Council adopts the Draft Media Engagement Policy 2020 and Draft Social Media Policy 2020.

Background

A Social Media Policy for staff was first adopted in May 2011. At the time, it was determined that the Councillor Code of Conduct addressed many aspects of how Councillors operated in the social media space, therefore the Social Media Policy 2011 primarily applied to staff.

The Social Media Policy 2011 is now out of date and has not kept pace with the rapid growth and diversity of social media. This has created gaps in the current Policy and the need to formalise Council's current processes.

Social media platforms will continue to grow and our customers have an expectation to use it as another communication channel to contact and interact with Council.

Media and social media operations are also guided by the Communications and Engagement Strategy 2018 and Community Engagement Policy 2018, both of which are due for review in 2020/21.

With the adoption of a new Local Government Bill, all councils will be required to develop a Public Transparency Policy, which may also relate to the draft Policies being considered in this report.

The introduction of these draft Policies also seeks to address a corporate governance risk, which was recently identified by an independent Governance Audit and presented to Council's Audit Committee in December 2019.

Council's Audit Committee recommended that Council develop and adopt a Media Engagement Policy and an updated Social Media Policy.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not a major initiative, nor an initiative in the budget or capital works.

This report is coming to Council for a decision as Councillors are a major stakeholder in both of these draft Policies.

Statutory Requirements/Codes/Standards/Policies

- Communications and Engagement Strategy 2018
- Community Engagement Policy 2018
- Councillor Code of Conduct
- Staff Code of Conduct

Discussion

Draft Social Media Policy 2020

The draft Bass Coast Shire Council Social Media Policy 2020 guides how Council uses social media to engage with the Bass Coast community. The draft Policy applies to employees, Councillors, contractors and volunteers who use social media on behalf of Council. It also applies to personal use of social media when referring to Council-related topics and/or people online.

This draft Policy outlines the requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct Council business. It applies to any digital space where people may comment, contribute, create, forward, post, upload and share content.

This may include:

- Social networking sites and apps (eg Facebook, Twitter, LinkedIn)
- Video and photo sharing apps (eg Instagram, YouTube, SnapChat, TikTok)
- Blogs
- Forums, discussion boards and groups
- Review platforms (eg TripAdvisor)
- Instant messaging (eg Facebook Messenger, WhatsApp)

Council recognises that social media provides opportunities for dynamic and interactive engagement, which can complement other communication and further improve information, access and delivery of services.

Social media is considered a form of media. Council uses social media to connect and engage with the community, promote Council services, programs and events and build community awareness of local issues in support of Council's advocacy efforts.

Social media provides a platform to learn what the Bass Coast community cares about, what it wants to get involved with and how it perceives Council.

The draft Policy is intended to assist Councillors and all employees, contractors and volunteers to use social media in a way that minimises exposure of Council and Councillors to legal and reputational risk.

Draft Media Engagement Policy 2020

The draft Media Engagement Policy 2020 aims to ensure communication by Council with the media is consistent, well informed, timely, appropriate and newsworthy. The draft Policy establishes a framework for an effective working relationship with the media, including the identification of Council's authorised spokespersons.

This draft Policy provides guidance to all employees, Councillors, contractors and volunteers in their contact with news media outlets, journalists and social media platforms.

Council is committed to connecting with the community using a wide range of traditional and contemporary mediums. The media is a key influencer of Council's reputation, it is therefore important that Council has an established framework for interaction with the media.

The draft Media Engagement Policy 2020 confirms the existing process that is being applied by Council with all media enquiries coming into the organisation being managed through Council's Communications and Engagement Team.

The Mayor is the official spokesperson on Council matters and decisions. If the Mayor is unavailable, the Deputy Mayor becomes Council's spokesperson. The Mayor has the discretion to delegate to other Councillors.

The Chief Executive Officer (CEO) is the official spokesperson on operational matters. The CEO may delegate other Council staff to speak where appropriate.

The draft Policy does not seek to limit the ability of Councillors to seek the view of local communities by social media and media channels, nor limit any individual human right to freedom of expression.

Councillors engage with the community through various forums including media and the draft Policy proposes that Councillors have the responsibility to ensure that their interaction with media (including on social media) is appropriate and compliant with this draft Policy. This includes:

- Making it clear they are expressing their personal opinion and not purporting to represent the position of Council or a committee of Council
- Not contradicting official Council decisions and/or organisational policies via personal opinion to the media
- If a decision is still under consideration all requests for comment must be referred to Council's Communications and Engagement Team
- Supporting Council's official release of information and not releasing information independently
- Ensuring the content of the media or social media interaction can not reasonably be interpreted as causing a detriment to or undermining of Council
- Not disclosing information classified as confidential to the public or media including confidential information provided during briefings, workshops and/or meetings
- Refraining from using the media to make negative personal reflections on each other, Council staff, or Council

Both draft Policies support Council's aim to be accountable and transparent and recognise the important, independent role that all media plays in facilitating connection and engagement with the community. This assists in promoting Council services, programs and events and building community awareness of local issues in support of Council's advocacy efforts. Media can influence the community's perception, inform residents of Council's position and activities and apply a level of scrutiny to Council's functions.

Both draft Policies should be considered in conjunction with relevant legislation, Codes of Conduct, Council's Community Engagement Policy 2018, Communications and Engagement Strategy 2018 and other Council policies and procedures.

Finances

There is no additional cost to Council as a result of this report. The implementation of the draft Policies will be accommodated through Council's existing budget allocation.

Better management of social media and media questions may introduce further efficiencies through clearer understanding of processes and consistent application.

Stakeholders

- Bass Coast Shire Council employees, contractors and volunteers
- Bass Coast Shire Council Councillors
- Bass Coast Community
- Media outlets

Other Options

1. Council may adopt the draft Policies
2. Council may resolve not to adopt the draft Policies; however, this would not address the potential risks identified by an independent Audit Report into Governance and the recommendations from Council's Audit Committee
3. Council could defer adoption of these Policies, potentially to wait for the adoption of the Local Government Bill 2019. Any requirements of the new Bill could be referenced in the Policies; however delays in the Bill being adopted prolong the current risks from being addressed

Conclusion

Council is committed to connecting with the community using a wide range of traditional and contemporary mediums. The media is a key influencer of Council's reputation. Therefore, it is important that Council has an established framework for interaction with the media.

Council uses social media to connect and engage with the community, promote Council services, programs and events and build community awareness of local issues in support of Council's advocacy efforts.

Both the media and social media provide a platform to learn what the Bass Coast community cares about, what it wants to get involved with and how it perceives Council.

The absence of these two draft Policies has been identified as a corporate governance risk by an independent Governance Audit. Council's Audit Committee recommends that appropriate policies be developed and adopted by Council.

Both draft Policies will bring existing practices up to date and in line with similar policies at other councils, while further protecting Council's reputation and meeting future needs, beyond the current term of Council.

This report recommends that Council adopts the Draft Bass Coast Shire Council Media Engagement Policy 2020 and Draft Bass Coast Shire Council Social Media Policy 2020.

Recommendation

That Council:

1. **Adopt the Draft Bass Coast Shire Council Social Media Policy 2020; and**
2. **Adopt the Draft Bass Coast Shire Council Media Engagement Policy 2020.**

Attachments

AT-1 Draft Bass Coast Shire Council Social Media Policy 2020 3 Pages

AT-2 Draft Bass Coast Shire Council Media Engagement Policy 2020 4 Pages

H.7 Grantville Recreation Reserve Tennis Court and Multipurpose Court, Grantville Recreation Reserve

File No:	**CM20/111**
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 request additional funding of $140,000 to be allocated to the Grantville Recreation Reserve Tennis Court and Multipurpose Court project at Grantville Recreation Reserve to fund unforeseen costs.

Contract variations relate to unanticipated, additional costs that are within the scope of the contract. Under Bass Coast Shire Procurement Delegations Framework 2.3 Contract Variations Delegation – Table 5, the expenditure (GST inclusive), the additional cost will cause the project to be outside the adopted budget allocation, hence requiring a Council decision.

The contract was awarded by the CEO after Council provided delegation at Council's Ordinary Meeting on 11 December 2019. This contract was awarded to iDwala Pty Ltd by the CEO on 03 February 2020.

The overall project is included in the 2019/20 Capital Works Program. The project consists of a renewed tennis and multipurpose court, shelters, connecting pathways, a playspace and other ancillary infrastructure. Funding for the project consisted of $250,000 was received from Sport and Recreation Victoria, $25,000 was received from Bendigo Bank, $30,000 was received from the Committee of Management, $110,000 from Council and Tennis Victoria $41,000.

The current total allocated budget is $456,000.00 (GST exclusive) which includes contingency and project management fees.

Council officers recommend increasing the forecast expenditure for this project to $596,000 (excluding GST) to ensure that the project can be delivered for all stakeholders involved.

Background

This report to Council presents the issues related to the current allocated budget for the construction works associated for the Grantville Multipurpose Court and Recreation Court redevelopment.

Council officers have encountered significant unsuitable ground conditions (subgrade) under the existing tennis courts at Grantville Recreation Reserve. A specialist geotechnical engineer has visited the site and provided guidance for treating the unsuitable subgrade.

It was found onsite that the unsuitable subgrade covered the entire existing courts. Predominately pavements are designed for construction vehicles to ensure a suitable working platform, irrespective of the purpose and use for tennis and multi-purpose courts.

All works onsite have been stopped until the unsuitable subgrade can be resolved. A contract suspension has been enacted, pending the consideration and resolution of Council.

This is considered a latent condition within Council's contract. Latent conditions are physical conditions on, underlying or adjacent to the site that could not be identified by the contractor by reasonable observations or investigations of the site or the site information provided in the tender documentation at the time that the tender for the works was being prepared.

Works started on 17 February 2020 and is expected to be completed by mid-October 2020, weather permitting. Council recognises that it can be a challenge to deliver the necessary works and not affect key recreational user groups, especially when much of our work is determined by weather and construction conditions.

The majority of these works will be completed by May 2020, however it is likely that the acrylic surfacing and linemarking works may not be completed until later due to specific weather conditions required to apply this treatment. Council and our contractor will endeavor to complete all these work before 1 May 2020, if possible.

Strategic Basis

Council Plan Objective:

Health and Wellbeing – *We are a healthy and active community*

Major Initiative / Initiative

This is not a major initiative. This project is currently allocated within the Capital Works program for this financial year 2019/20.

Statutory Requirements/Codes/Standards/Policies

Bass Coast Shire Council's Procurement Policy

Discussion

As part of the detailed design process, an initial geotechnical report and investigations was undertaken in May 2017. A number of pavement options were provided. Council officers determined the appropriate pavement option based on this report.

As part of this initial report, it was recommended *"should the subgrade conditions be considered unfavorable at the time of construction, consideration will need to be given to providing a working platform".*

Construction works started on 17 February 2020. The excavation works for the existing courts determined that the subgrade conditions were unfavorable.

A further on-site assessment and report was undertaken by the geotechnical engineer on 25 February 2020 to assess the level and depth of unsuitable subgrade and provide recommendation of a working platform (subgrade improvement).

The report concluded that the subgrade was found to be observed as "*very soft and wet"* and *"unable to provide adequate working platform for earthwork and pavement construction (particularly heavy plant and equipment) to achieve adequate compaction and support."*

The proposed treatment is as follows:

1. Excavate, remove, dispose up to a minimum depth of 500mm of the poor subgrade layer (entire existing courts area) and replace with compacted Non Descripted Crushed Rock (NDCR).
2. Supply and lay of geofabric layer. Geofabric is a woven fabric which are used to provide separation, filtration, reinforcement, protection or drainage of soils in construction.

Council officers recommend the above treatment to resolve the unsuitable subgrade based on the specialist advice, availability and sourcing of the non-descripted crushed rock material and the use of geofabric layers.

Other options were discussed with the geotechnical engineer about the possibility to stabilised the existing material. The stabilised method reduces the costs for additional excavation and stabilises the insitu material with cement/lime combination.

Due to the poor nature of the underlying soils, this option was not recommended.

Finances

Due to unforeseen circumstances, the amount of subgrade improvement for the works under contract has exceeded our expectations.

Costs associated with the variation, which has been priced by the contractor and the completion of the overall project is the order of $140,000. This price allows for costs associated by the contractor, additional internal project management and specialists advice.

This project is in the 2019/20 Capital Works Program with a budget of $456,000.00 (GST exclusive). The project was partly externally funded via $250,000 grant from Sport and Recreation Victoria, $25,000 received from Bendigo Bank, $30,000 received from the Committee of Management, and Tennis Victoria $41,000.

The total value of the awarded contract is $402,751.40 (GST inclusive), which includes a provisional sum of $38,325.30

	GST Exclusive
Construction including permits and approvals (lump sum components)	$364,426.10
Provisional Sums to be completed by Contractor (summarise items to be included)	$38,325.30
Total Contract Sum	**$402,751.40**
Internal Project Management costs	$5,000.00
Contingency (10%) *	$40,275.14
TOTAL	**$448,026.54**

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

The amended forecast of the project budget will ensure that the project is delivered in accordance with the scope. This is funded from savings obtained from the other Capital work projects in 2019/20.

Any funds remaining at the completion of the project, will be returned to Council..

Stakeholders

The stakeholders for this project include, but not limited to:

- Bass Coast Shire Council
- Sport and Recreation Victoria
- Bendigo Bank
- Tennis Victoria
- Committee of Management
- Residents, rate payers and visitors
- Users of the courts

Other Options

Continue the suspension of this project and consider further funding in next FY20/21 budget to support this project. This would not benefit Council as there are a number of grants and contributions being made SRV ($250k), Bendigo Bank ($25k) and Committee of Management ($30k), Tennis Victoria ($41k) and $110k (Bass Coast). If this was the preferred option, stakeholders expectations would need to be managed very carefully.

Conclusion

It is concluded that the underlying soils of the existing tennis courts within the Grantville Recreation Reserve are very poor and requires substantial subgrade improvement works which has been qualified by specialist geotechnical engineer.

Additional funding of $140,000 is required to fund the additional unforeseen costs associated with the project due to significant unsuitable subgrade for Grantville Recreation Reserve Tennis Court and Multipurpose Court at Grantville Recreation Reserve.

As this contract variation will increase the current project budget, Officers require a decision from Council in accordance with Bass Coast Shire Council's Procurement Policy.

A number of options were considered. Officers recommend to:

1. Excavate, remove, dispose up to a minimum depth of 500mm of the poor subgrade layer (entire existing courts area) and replace with compacted Non Descripted Crushed Rock (NDCR).
2. Supply and lay of geofabric layer.

This cost variation includes but not limited to contractor pricing, additional internal project management and specialists advice.

The amended forecast of the project budget will ensure that the project is delivered in accordance with the scope. This is funded from savings obtained from the other Capital work projects in 2019/20.

Any funds remaining at the completion of the project, will be returned to Council.

Recommendation

That Council allocate additional funds of $140,000 to the project.

Attachments

There are no attachments for this report.

H.8 Section 86 Special Committees of Council, Appointment and Delegation amendments

File No:	**CM20/69**
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

Council has number of Section 86 Committees in place that appoint members of the community to assist with management of facilities such as community halls and reserves across the municipality. The purpose of this report is to acknowledge committee members through their appointments and resignations.

Background

Council has 15 Special Committees of Management established by Council under Section 86 of the *Local Government Act 1989 (the Act)* to directly manage Council facilities such as halls and reserves on behalf of Council. The following provides a summary of those committees that have amendments to their current members.

1. Dalyston Recreation Reserve Committee of Management

The Dalyston Recreation Reserve Committee of Management consists of nine active members. The reserve is a community sporting reserve and home ground for the Dalyston Football Netball Club. Council and the Committee of Management have recently completed the major capital works renewal project with the installation of a new pavilion that houses change rooms, kitchen/canteen and bar, social rooms, office, storage rooms and other reserve upgrades as per the Dalyston Recreation Reserve Master Plan. The new pavilion is a great improvement for the reserve and well utilised by the community.

The committee are actively seeking new community members to join the committee to allow for succession planning and training of office bearer roles.

2. Coronet Bay Hall and Reserve Committee of Management

The Coronet Bay Hall and Reserve Committee of Management currently consists of 8 active members.

The reserve, also referred to as Fred Gration Reserve is a community hub, consisting of a playground, basketball court, BMX track, large reserve, gardens, foreshore and a hall that is utilised by many community groups. The latest addition to the reserve is the Community Gardens of which community members are now reaping the rewards.

The Committee of Management have a number of user groups who supply regular user group reports to committee meetings which allows open communication and updates in each user group space.

The committee welcomes a new nomination bringing the Committee of Management up to the recommended 9.

Strategic Basis

Council Plan Objective:

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

Strategies / Policies

The Committees of Management are appointed under Section 86 of the Local Government Act 1989.

Statutory Requirements/Codes/Standards/Policies

- The Local Government Act 1989 where Council Special Committee is referenced including but not limited to Section 86, 87, 89, 90, 91, 92, 93.
- Any other Acts or Legislation that reference a Council Special Committee.
- Amendments to the Local Government Act 1989 or any other Acts or Legislation that reference a Council Special Committee may trigger a review and re adoption of the Instrument of Delegation.

Discussion

New Committee members

The Special Committees operate under an Instrument of Delegation. The Instrument of Delegation outlines the powers, duties and function of Committees of Management and Committee members.

Committee members are appointed and removed through Council resolution.

The following changes to appointments are recommended to Council for adoption:

Special committee	Appointments and Retiring/Resignations
Dalyston Recreation Reserve	Appointment of Peter Hall
Coronet Bay Hall and Reserve	Appointment of Stephanie Hartridge

Finances

The Special Committees are funded through the Governance and Property services operating budget. No additional budget is required.

Major Initiative / Initiative

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

Stakeholders

Council, the Special Committees, ratepayers, residents, visitors and facility users.

Other Options

Council may seek further information or choose not to appoint additional members to the Committees of Management.

Conclusion

Special Committees are established to perform delegated duties and functions on behalf of Council. New appointments to Committees of Management are a welcomed occurrence.

Recommendation

That Council approves the new appointment listed to Special Committees of Council under Section 86 of the *Local Government Act 1989* and provides delegation in accordance with the Bass Coast Shire Council Instrument of Delegation Special Committees adopted 20 March 2019.

Special committee	New Appointments
Dalyston Recreation Reserve Committee of Management	**Appointment of Peter Hall**
Coronet Bay Hall and Reserves Committee of Management	**Appointment of Stephanie Hartridge**

Attachments

AT-1	Bass Coast Shire Council Instrument of Delegation Special Committees	3 Pages
AT-2	***CONFIDENTIAL*** - Peter Hall Section 86 nomination form Dalyston Recreation Reserve	2 Pages
AT-3	***CONFIDENTIAL*** - Stephanie Hartridge Nomination Form Coronet Bay Reserves Committee of Management	3 Pages

H.9 Proposed discontinuance and sale - Rear 334-340 and 350-362 White Road Wonthaggi

File No:	**CM20/72**
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 seek Council's:

- consideration of a report and recommendations of the Committee formed to consider submissions received concerning a proposed road discontinuance and sale at the rear of 334 to 340 White Road and 350 to 362 White Road Wonthaggi
- make decisions about the proposal, and
- complete the statutory procedures for road discontinuance and sale under the *Local Government Act 1989* (Act).

The report recommends that the road at the rear of 334 to 340 White Road and 350 to 362 White Road Wonthaggi be discontinued and that:

- a part be transferred to the owner of 334 and 340 White Road as well as land to the east, and
- a part at the rear of 350 White Road be sold to the owner of 350 White Road with funds from the sale being transferred to the owner of land to the east.

Background

Section 206 of the *Local Government (Act) 1989* gives Council powers over roads in its Municipal District, including powers set out in Schedule 10 of the Act.

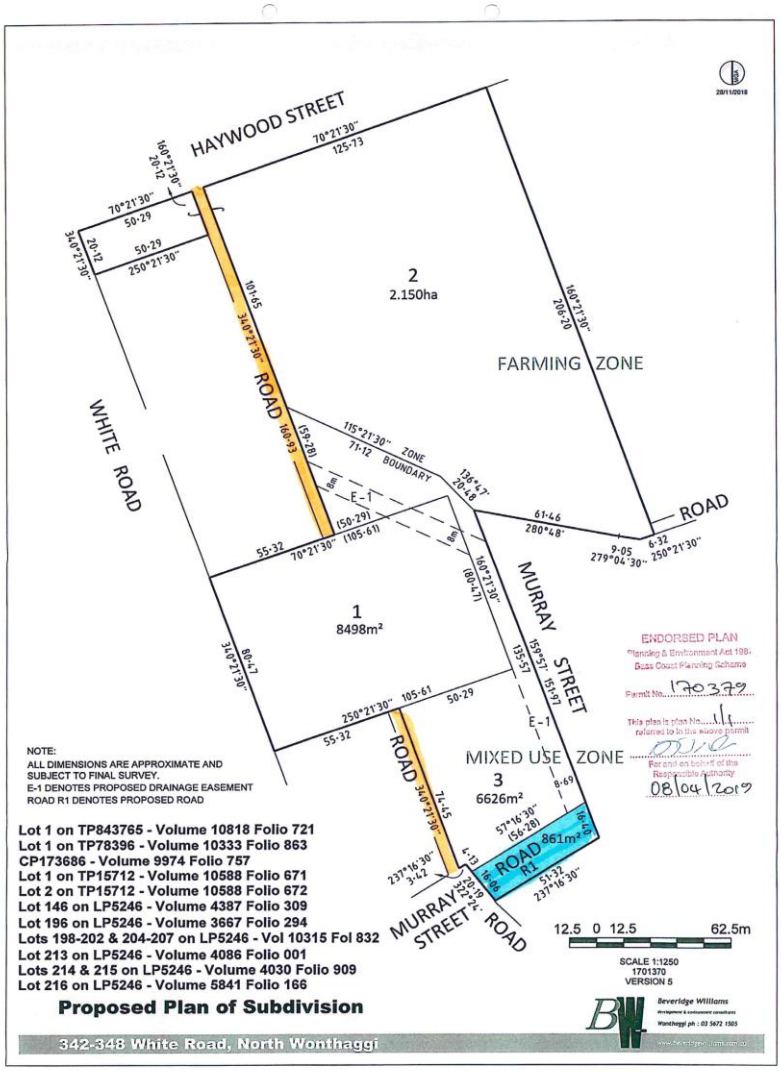
Schedule 10 (3) provides that a Council may discontinue a road, or part of a road, by notice published in the Government Gazette.

Following discontinuance the land from the road, unless it is already owned by Council or is Crown land, will vest in Council free from all encumbrances. Council may then sell the land from road or part of it or retain it.

Section 223 of the Act requires that Council gives public notice of an intention to discontinue a road and to receive submission within 28 days of the publication of the notice Council must then hear and consider submissions before making a final decision – the statutory procedures.

This matter has its origins in planning permit discussions about a three-lot subdivision including the land occupied by the Toyota showroom (Lot 1) in Wonthaggi. At the time, it was proposed that Council could discontinue the road coloured orange and transfer the land in the road to the owner of the land in the subdivision in exchange for the land coloured blue as shown on the plan below (Proposed land swap).

The proposed land swap enables Lot 2 in the plan of subdivision to have access to Murray Street rather than the unformed Haywood Street, extends Murray Street for the benefit of future development to the north and east and compensates the owner of the land in the subdivision through a land swap.



The road that is proposed to be discontinued is:

- not constructed
- not recorded on Council's Register of Public Roads
- not a declared road
- not a declared public highway
- not a public highway at common law

The original subdivision (LP 5246) which created the allotments, roads and laneways in the area was approved in 1911.

Part of the laneway in LP 5246, at the rear of properties having a frontage to White Road, was discontinued and sold in 2004 to become part of the Toyota Showroom site.

At its meeting on 21 August 2019, Council resolved to commence the statutory procedures for road discontinuance and the sale of the land from the roads. Following the Council resolution, a notice was published on 24 September 2019, inviting submissions from interested persons. Three submissions were received. All Councillors received a copy of the submissions.

Council also resolved that a committee comprised of the three ward Councillors would hear and consider the submissions.

Submissions were received from:

- Submitter A – the owner of the land in the subdivision and also the owner of 334 and 340 White Road.
- Submitter B – the owner of 338 White Road
- Submitter C – the owner of 350 White Road

Submitters were invited to attend a hearing on 13 November 2019 at the Council Chamber, Bass Coast Shire Civic Centre, 76 McBride Avenue Wonthaggi at 9.00 am. All submitters were present.

The content and consideration of submissions is contained in the report prepared by the committee appointed to hear and consider submissions. The report is the attachment to this report.

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.

Strategies / Policies

BCSC Road Discontinuance and Sale Policy 2020 (AT-2)

Statutory Requirements/Codes/Standards/Policies

Local Government Act 1989 – Sections 189, 206, 207A, 223 and Clause 3 of Schedule 10.

Discussion

A report (AT-1) has been prepared by the Committee established by Council resolution to hear and consider submissions received about the proposal as required by the Act - Sec 223(1)(c).

The submissions received and heard by the Committee, are summarised below:

Submitter A	The submission supported the proposed road discontinuance and sale and urged Council to effect a land swap as originally proposed. The submitter stated that he has acted in good faith by progressing the plan of subdivision which in part creates the Murray Street extension that is considered to be a desirable community outcome. The main focus of the submission was to argue that the road at the rear of 334 and 340 White Road and at least half of the road at the rear of 338 White Road be transferred to himself. This would be necessary to support plans he has for an integrated development of the properties together with the land shown as Lot 3 on the Plan of Subdivision. Submitter A rejects the idea that a carriageway easement be created in favour of the owner of 338 White Road. Submitter A claimed that there was confusion about what was agreed in relation to the proposed purchase by the owner of 338 White Road. Had he understood what was proposed he would never agree to support a proposal that would have an adverse impact on his development plans.
Submitter B	The submission requests the purchase of the road to the rear of 338 White Road extending out to Murray Street. The submitter plans an unspecified commercial development and believes rear egress will be necessary to avoid potential traffic conflict on the main road (White Road). The submitter stated that access was the primary consideration and not a land grab. In subsequent correspondence the submitter requests a purchase of half the width of the road across the rear of 338 White Road and extending out to Murray Street. If this is not possible the submitter requests that the road not be discontinued in this section. The submitter rejects the possibility of a carriageway easement.
Submitter C	The submission requests a purchase of land in the road to the rear of 350 White Road. At the hearing information was requested about drainage affecting some of this land. The drainage easement shown on the plan of subdivision will be extended to cover the open drain that runs along part of the road proposed to be discontinued.

The following is the Committee's consideration of submissions:

With regard to the request to purchase land at the rear of 350 White Road by submitter C it is considered fair and equitable to allow the request. It is not practical to sell half the width of the road, as this would result in a boundary through the middle of an open drain, which has the potential to impede future development and maintenance of the drain. It is reasonable to allow the purchase of the full width of the laneway to the south having a length of approximately 25 metres. Funds derived from the sale should transfer to the owner of land in the plan of subdivision to be consistent with the original land swap proposal.

The Committee accepts that Submitter A was confused about what was proposed by the owner of 338 White Road that was reported to Council at the August 2019 meeting and would not have agreed if he understood the full extent of that proposal.

The issue to be decided is - what is to happen to the part of the road that is proposed to be discontinued at the rear of 338 and 334 White Road?

Neither party is interested in a transfer of land to the owner of 334 White Road and the land in the subdivision with a carriageway easement created in favour of the owner of 338 White Road.

There are four options:

Option 1 – (preferred) Discontinue the road and transfer to the owner of the land in the subdivision. The original proposal.

It is considered that the road is not required for general public use. Due to land ownership arrangements in this locality, it would only be beneficial to one property (338 White Road).

If the land in the road was allowed to be used for a more beneficial purpose, it allows flexibility in the design and construction of an integrated development such as that proposed by the owner 334 and 340 White Road and Lot 3 in the plan of subdivision.

Council would be acting in good faith with the original proposal by completing an arrangement for the acquisition of the extension of Murray Street which has broad community benefits through the orderly and proper planning for future residential development in this part of Wonthaggi.

Typically, where a road at the rear of properties is proposed for discontinuance, the adjoining owners on either side are offered the opportunity to purchase the land in the road. In these circumstances, the owner of 338 White Road would only be granted the opportunity to purchase land at the rear and not the land that extends to Murray Street.

Option 2 – Sell half the width of the road adjoin the rear of 338 and 334 White Road to the owner of 338 White Road. (Proposed by the owner of 338 White Road)

The rear access to Murray Street is seen to be beneficial to a future commercial development of 338 White Road. The development is yet to be specified and the timing is unclear. The road would have to be constructed to Council standards by the owner of 338 White Road. Council would then be responsible for maintaining the road.

A width of three metres or so is considered to be deficient for the purpose.

The road would continue to separate land in the same ownership (No 334 and Lot 3 in the plan of subdivision).

Option 3 – Not discontinue the road.

While this does not change the current status it does not provide future clarity. The first developer would have to pay for construction of the road but only for that part required. The remainder of the road would lie idle until such time as other land was developed.

Option 4 – Discontinue the road and retain the land

Council does not need to own and maintain a long narrow strip of land for which it has no strategic purpose.

The original proposal is for a land swap which enables:

- Council to extend Murray Street to provide broad community benefits through the orderly planning and residential development of land to the north and east that will require appropriate access to White Road, and
- The owner of 334 and 340 White Road as well as Lot 3 in the plan of subdivision to progress with plans for an integrated commercial development.

The original proposal is disadvantageous to the owner of 338 White Road as there is an expectation that the road will provide rear egress for a future development of 338 White Road.

However the expectation that there might be future rear access through to Murray Street could reasonably be considered to be doubtful due to the following:

- For over a hundred years the road has appeared on an approved plan but has never been used as a road
- These narrow roads typically appear on old plans, generally as night cart lanes, but are not required for contemporary development
- Part of the road through the Toyota showroom site has already been discontinued and sold
- There would be doubt that Council would seek to create and maintain a public road to the benefit of only one land owner.

The committee having considered the submissions made and weighed the merits of the conflicting views, considers that the road should be discontinued and transferred to the owner of the land in the subdivision apart from land at the rear of 350 White Road.

The committee recommends that the road at the rear of 334 to 340 White Road and 350 to 362 White Road Wonthaggi, be discontinued and that:

- a part be transferred to the owner of 334 and 340 White Road as well as land to the east, and
- a part at the rear of 350 White Road be sold to the owner of 350 White Road with funds from the sale being transferred to the owner of land to the east.

The reasons for the recommendation are:

- The road is not available for public use
- There is no evidence that the road has been used for public access purposes
- The section of the road at the rear 334 and 338, if constructed would be to the benefit of only one property
- It is fair and equitable that the owner of 350 White Road be able to purchase part of the land in the road abutting their rear boundary.

Council is able to complete the statutory procedures by making a decision and advising those who made a submission about the proposal giving reasons for the decision.

Finances

The proposal is for a land swap that is largely cost neutral.

Council will have legal and survey costs that will be funded from the operating budget. Having regard to land valuations the proposed land swap is favorable to Council.

Stakeholders

Bass Coast Shire Council

Those who have made a submission about the proposal.

Developers of land in the area

The broader community

Other Options

Council has the following options.

Council can decide not to discontinue the road or part of it. This would leave an unused road on an old plan remain in sub-optimal use and subject to a potential claim for adverse possession. The option is not consistent with a proposed land swap which has benefits for the broader community.

The section at the rear of 350 White Road can be sold to the owner of 350 White Road or the owner of the land in the plan of subdivision as part of the land swap. It is considered to be fair and equitable to enable the owner of 350 White Street to purchase a part of the road with the funds from the sale used to compensate the owner of the land in the subdivision in relation to the land swap proposal.

The committee considered several options for that part of the proposed road discontinuance and sale of land at the rear of 334 and 338. There are two landowners that want different outcomes and each of their desired outcomes has potential disadvantages for the other person in regard to potential future development.

Conclusion

The committee of Council has heard from submitters, considered those submissions and provided a report as required under section 223 of the *Local Government (Act)*

Council may now conclude the statutory process by making a decision on the proposed discontinuance and sale.

It is considered that the Committee's recommendation provides the potential for a more beneficial use of the land in a road that is not required for general public access and broad community benefit through the sale of the land as a swap for land that enables the extension of Murray Street.

Recommendation

That Council:

1. **Resolves that having followed all the required statutory procedures pursuant to sections 207A and 223 of the *Local Government Act 1989 (Act)* pursuant to its powers under clause 3 of schedule 10 of the Act and having considered submissions received in response to the public notice, it discontinues the road.**
2. **Is of the opinion that the road is not reasonably required for public access as:**
   - **2.1 The road is not available for public use;**
   - **2.2 There is no evidence that the road has been used for public access purposes;**
   - **2.3 The section of the road at the rear 334 and 338, if constructed would be to the benefit of only one person, and**
   - **2.4 It is fair and equitable that the owner of 350 White Road be able to purchase part of the land in the road abutting the rear boundary.**
3. **Directs that notice pursuant to the provisions of Clause 3 of Schedule 10 of the Act is published in the Government Gazette.**
4. **Directs that once discontinued, the land in the road is transferred:**
   - **4.1 part to the registered proprietor of 340 White Road Wonthaggi and**
   - **4.2 part to the registered proprietor of 350 White Road, Wonthaggi**
5. **Directs that funds from the sale of the land to the registered proprietor of 350 White Road Wonthaggi be transferred to the registered proprietor of 340 White Road Wonthaggi.**
6. **Directs that the common seal of Council is affixed to any transfer of land and any other documents required to be signed in connection with the road and subsequent transfers.**
7. **Directs that any easements, rights or interests required to be created or saved over the road by any authority be done so and not be affected by road discontinuance and sale.**
8. **Directs that the adjoining owners be required to consolidate their titles within 12 months of the date of transfer of the discontinued road.**

Attachments

AT-1	Report of the Committee formed to consider submissions	7 Pages
AT-2	Road Discontinuance and Sale Policy 2020	2 Pages

H.10 Instrument of Appointment and Authorisation - Planning and Environment Act 1987

File No:	**CM20/108**
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

It is not practical for Council and the Chief Executive Officer alone to exercise the many statutory powers bestowed on Council. 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.

The purpose of this report is to recommend that Council resolve to appoint the named officer/s as an Authorised Officer under the Planning and Environment Act 1987 and approve the execution of the attached Instrument of Appointment and Authorisation/s.

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

Strategic Basis

Council Plan Objective:

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

Finances

Council uses the suite of templates provided by Maddocks for Delegations and Authorisations. The annual subscription is covered with in the Governance operational budget 2019/20.

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 224 Authorised officers of the *Local Government Act 1989* provides:

(1) A Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

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

(1) A planning authority or responsible authority other than the Minister or the Victorian Planning Authority may by instrument delegate any of its powers, discretions or functions under this Act to—

(a) a committee of the authority; or

(b) an officer of the authority; or

(c) the Victorian Planning Authority.

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 Authorisation/s to the named officer/s as an Authorised Officer under the *Planning and Environment Act 1987* and approve the execution of the Instrument of Appointment and Authorisation/s.

Recommendation

That Council in the exercise of the powers conferred by s 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached Instrument of Appointment and Authorisation/s (the instrument), Council to Staff under the *Planning and Environment Act 1987* resolves that:

1. **The member/s of Council staff referred to in the attached instrument/s be appointed and authorised as set out in the instrument.**
2. **The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.**
3. **The instrument be sealed.**

Attachments

AT-1	Daniella Natautama - Instrument of Appointment and Authorisation Planning and Environment Act 1987	1 Page

H.11 Financial Hardship and Debt Management Policies

File No:	**CM20/91**
Division:	**Finance**
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

Officers have reviewed Council's debt management and financial hardship policies. The main change to these policies is a provision for the indefinite deferral of Council rates in cases of extreme financial hardship (noting that the deferred rates will be reflected as a charge on the property and recovered when the property is sold or transferred).

Council's Audit Committee reviewed these policies at their meeting of 4 March 2020 and their feedback has been incorporated into the attached policies that they have endorsed.

Background

Debt Management Policy

This has been updated to reflect a fair, consistent and effective approach to debt collection that includes consideration of the individual financial situation of the debtor. The policy has also been aligned to the related financial hardship policy that provides Council officers with a range of options including rate deferral that provide short term assistance to enable debtors to meet their financial commitments.

Financial Hardship Policy

This has been updated to provide options for rate deferral at discounted interest rates. This will provide a practical avenue for ratepayers experiencing significant financial hardship to meet their financial commitments.

Recommendation

That Council endorse the revised Debt Management Policy and the Financial Hardship Policy.

Attachments

AT-1 Debt Management Policy 2020 3 Pages

AT-2 Financial Hardship Policy 2020 3 Pages

H.12 Investment Policy

File No:	**CM20/92**
Division:	**Finance**
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

Officers have reviewed Council's Investment Policy. The main changes to the Investment Policy are:

- Increases in the maximum maturity date (from 120 days to 2 years) and
- The incorporation of a triple bottom line methodology for investing funds that considers the social and environmental contributions that are made by financial institutions as well as the financial returns and risk factors.

Council's Audit Committee reviewed the Investment Policy on 4 March and their feedback is incorporated into the attached policy that they have endorsed.

Background

Council currently holds an outdated Investment Policy. A review has been conducted and officers have identified and addressed gaps in our current Policy. The policy provides investment limits and institutional guidelines to help reduce risk involved with investment activity. It also allows for prioritisation of investment vehicles which provide community or environmental benefits.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not a major initiative, nor an initiative in the budget or capital works.

This report is coming to Council for a decision.

Statutory Requirements/Codes/Standards/Policies

This is a policy which will provide direction in order to mitigate risk involved with investing Council cash.

Discussion

This has been updated to endorse a more flexible approach in investing funds by increasing limits and time periods for available investment. This will provide Council with greater flexibility and potentially higher returns when investing funds with financial institutions.

In addition, the policy prioritises investing with financial institutions that meet social and environmental criteria but may not provide the highest risk adjusted return.

Finances

There is no additional cost to Council as a result of this report.

Stakeholders

Council's Audit Committee have reviewed the Investment Policy.

Recommendation

That Council endorse the revised Investment Policy.

Attachments

AT-1 Investment Policy 4 Pages

H.13 Council Fees and Charges 2020/21

File No:	**CM20/106**
Division:	**Finance**
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 Council Fees and Charges document and schedule for 2020-21 has been compiled and is presented to Council for formal endorsement.

The average user fees and charges increase of 4.0% is in line with Council's forward financial plan, noting that Council is unable to adjust the fees that it charges for statutory charges until these are amended by the State Government (normally in May when the State Budget is released).

Fees and charges are adjusted annually to ensure an equitable balance between user funded services and ratepayer funded services. Officers have also carried out benchmarking on the fees charged for comparable services with other councils.

Background

On an annual basis Council adopts the fees and charges that are to be applied for the services that are provided by Council.

Council provides greater certainty to the users of Council services by adopting the fees and charges prior to the adoption of the annual budget. This ensures that users of Council services are provided with adequate notice of changes to Council fees and charges.

Strategic Basis

Council Plan Objective:

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

Major Initiative / Initiative

This is not a major initiative, nor an initiative in the budget or capital works.

This report is coming to Council for decision in line with the 20/21 budget processes.

Strategies / Policies

Council's Pricing Policy sets out Council's objectives and principles for determining the price of services and provides a framework for the annual review of prices for Council services.

Statutory Requirements/Codes/Standards/Policies

Council is subject to the provisions of the National Competition Policy. Under the Competition Principles agreement, Council is obliged to apply competitive neutrality principles to all significant business activities undertaken by Council.

Goods and Services Tax may apply to the price of some services. Council will identify which services will attract GST having regard to determinations made by the Federal Treasurer from time to time.

Discussion

Council has a pricing policy which sets out the principles and framework for how prices for Council services are determined, reviewed and administered. This policy aligns with the Council Plan principles concerning transparent evidence-based and inclusive decision making.

Council has limited revenue sources available to pay for growing demand for the provision of services. The main sources of revenue include rates and charges, government grants and user fees and charges. Council is experiencing growing pressure on rates and charges revenue sources and it is appropriate that is should recoup some or all of the cost of providing some services by direct user fees and charges where appropriate.

Strategic Outcome:

- Provide equitable distribution of resources across the Shire
- Be diligent in ensuring services meet community need and are cost effective
- Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

Finances

Council fees and charges make up approximately 8 per cent of Council's income. Council needs to adjust the fees that it charges for a range of services every year to maintain the balance between user pay funding and ratepayer funding of its services.

Stakeholders

The principal stakeholders are the users of the various services provided by Council, where a fee is applicable.

Other Options

Council may as an alternative defer the adoption of the Fees and Charges for 2020-21 and although no requirement exists, include this within the annual budget. This delay will impact on the provision of notice to the users of Council services and provide less certainty for the development of the annual budget.

Conclusion

Council, having considered the service fees and charges to be applicable for the 2020-21 financial year, are in a position to provide certainty over fees and provide notice to the users of council's services on the changes to service fees and charges.

The attached Council Fees and Charges Register 2020/21 has been prepared for the purposes of being adopted by the council.

Recommendation

That Council adopts the proposed Council Fees and Charges Register for 2020/21.

Attachments

AT-1 Council Fees and Charges Register 2020-2021 10 Pages

Statutory Reports

1 Statutory Reports

1.1 Assembly of Councillors

File No:	**CM20/65**
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

Section 80A of the *Local Government Act 1989* (the Act) requires all assembly of Councillors records to be reported on at the next practicable ordinary meeting of Council and to be recorded in the minutes of that meeting. This report intends to fulfil the requirements of the legislation.

Introduction

Section 3 of the Act defines an Assembly of Councillors as

'a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be-

a. the subject of a decision of the Council; or

b. subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee-

but does not include a meeting of the Council, a special committee of the Council*, an audit committee established under section139, a club, association, peak body, political party or other organisation.'*

Section 80A requires a written record to be kept of all such assemblies, stating the names of all Councillors and Council staff attending, the matters considered and any conflict of interest disclosures made by a Councillor. These records must be reported, as soon as practicable, at an ordinary meeting of the Council and recorded in the minutes.

Council Plan Objective:

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

Attached is a summary of the Assembly of Councillors records completed since the last Ordinary meeting of Council.

Recommendation

That the attached Assembly of Councillors Records be received.

Attachments

AT-1	Assembly of Councillors Natural Environment Strategy Advisory Working Group 24 September 2019	2 Pages
AT-2	Assembly of Councilors Form Policy Workshop 13 November 2019	3 Pages
AT-3	Assembly of Councilors Form Policy Workshop 20 November 2019	2 Pages
AT-4	Assembly of Councilors Form Policy Workshop 27 November 2019	3 Pages
AT-5	Assembly of Councillors Form Community Connection Session 4 December 2019	3 Pages
AT-6	Assembly of Councilors Form Policy Workshop 11 December 2019	3 Pages
AT-7	Assembly of Councilors Form Planning Day Councillors and Executive 5 February 2020.pdf	2 Pages
AT-8	Assembly of Councilors Form Policy Workshop 12 February 2020	2 Pages
AT-9	Assembly of Councilors Form 19 February 2020 Policy Workshop	3 Pages

I.2 Planning and Building Statistics - January 2020

File No:	**CM20/39**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

PERMITS REFUSED:

Nil.

PERMITS ISSUED:

Island Ward

190267: A waiver of car parking in association with a restaurant use and to sell and consume liquor for 68 patrons located at 34-38 Thompson Avenue, Cowes.

190283: Development of land for an outbuilding outside a registered building envelop located at 128-130 Dunsmore Road, Cowes.

190409: Alterations and additions to a building in IN3Z and a waiver of car parking located at 3/110 Dunsmore Road, Cowes.

200021: Removal of vegetation in VPO2 for 6-8 Appley Avenue, Cowes.

Western Port Ward

180324: Subdivision of the land into 4 lots located at Lot 30 PS509910X Shetland Heights Road, San Remo.

190194: Development of land for a dwelling in DDO1 and HO28 located at 12 Hamelin Close, Corinella.

190278: Development of land for a dwelling in the DDO1 located at 49 Penniwells Drive, San Remo.

190284: Alterations and additions to the existing dwelling in DDO1 located at 26 Maroubra Drive, Cape Woolamai.

190300: Subdivision of land into two (2) lots located at 550 Lynnes Road, Wattlebank.

190344: Development of land for a dwelling at 4 Piano Street, Corinella.

190359: Subdivision of land into 2 lots located at 22 Hamilton Street, Corinella.

190364: Development of land for a shed in association with an existing dwelling in a FZ and ESO1 located at 242a Bay Road, Jam Jerrup.

190373: Development of land for a dwelling in a BMO located at 4 Seaview Street, Newhaven.

190386: Development of land for a dwelling in BMO at 54 Island View Road The Gurdies.

190401: Development of land for an outbuilding and extension to the existing dwelling in the ESO4 and SLO1 located at 11 Gilbert Street, Kilcunda.

200004: Development of land for four dams in the SLO1 for 615 Grantville-Glen Alvie Road Kernot.

Bunurong Ward

190198: Develop the land with three dwellings and subdivide the land into three lots located at 20 Cameron Street, Wonthaggi.

190226: Subdivision of land into 2 lots located at 57 Gordon Street, North Wonthaggi.

190297: Development of land for two dwellings for 28 Darling Avenue Inverloch

190304: Development of an outbuilding (shed) associated with a plant nursery located at 315 West Area Road, Wonthaggi.

190322: Development of land for dwelling in BMO and DDO8 located at 31 Cuttlers Circuit, Wonthaggi.

190336: Development of land for dwelling in BMO located at 6 Cliffy Place, Inverloch.

190377: Boundary realignment between 2 lots located at 6 Lavington Street and 23 Golf Street, Inverloch.

190380: Development of land for dwelling and outbuilding in ESO1 located at 18 Estuary View, Inverloch.

190391: Development of land for a dwelling in a BMO at 7 Cliffy Place, Inverloch.

200008: Removal of one tree in VPO3 at 11-31 Reilly Street, Inverloch.

200009: Removal of one tree in VPO3 at 11-31 Reilly Street, Inverloch.

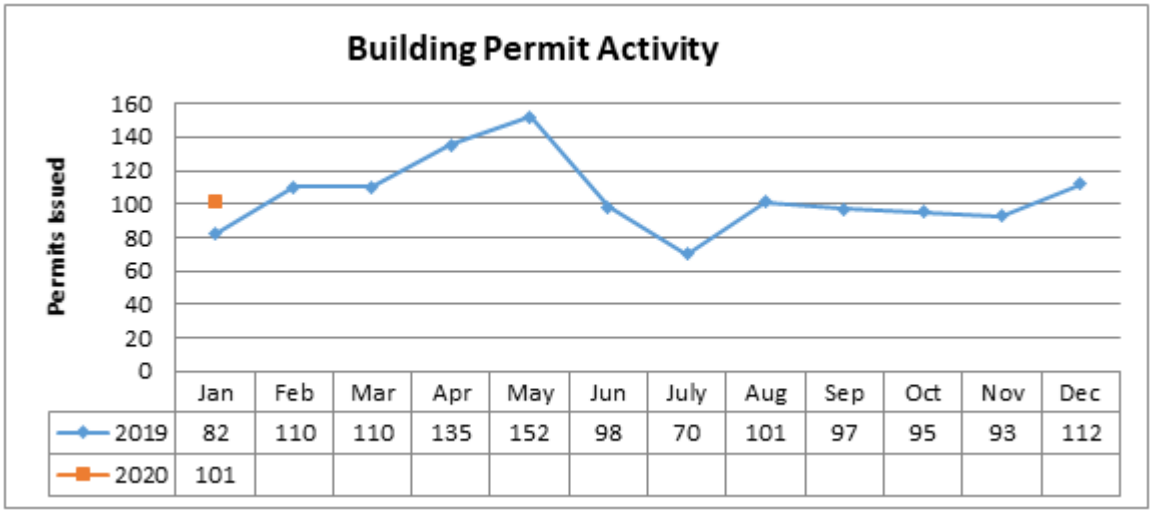
200010: Removal of one tree in VPO3 at 11-31 Reilly Street, Inverloch.

200011: Removal of one tree in VPO3 at 11-31 Reilly Street, Inverloch.

PLANNING AND BUILDING ACTIVITY REPORT FOR JANUARY 2020

Statutory Planning	This month (January)	Last month	Year to date (financial year)
% of applications determined within statutory timeframe	60	77	66
Average Gross Days (Responsible Authority determination)	128	107	148
(new) Average Gross Days to final outcome	136	131	162
Number of live applications	215	200	-
Number of applications received for the month	41	42	294
Number of Responsible Authority outcomes	53	66	315

Municipal Building Services & Enforcement	This month (January)	Last month	Year to date (financial year)
Essential Safety Measure inspections	0	0	2
Swimming Pool & Spa safety barrier inspections	3	10	14
Report and Consent applications	12	17	117
Siting consents issued for temporary structures	1	3	9
Complaints received requiring investigation	5	7	36
New building enforcement cases	4	2	17
Number of open building enforcement cases	44	46	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	This month (January)	Last month	Year to date (financial year)
Number of complaints received	16	4	59
Number of new planning enforcement cases	1	6	19
Number of live enforcement files	134	134	-
Pre commencement meetings	1	1	12
Official warnings issued	0	2	2
Number of planning infringement notices issued	0	0	6
Total infringements received ($)	$1652.20	$1652.20	$7841.6

Recommendation

That Council:

1. **Receives and notes the Planning Permit issued under delegation report for January 2020; and**
2. **Receives and notes the Planning and Building Activity Report for January 2020.**

Attachments

There are no attachments for this report.

I.3 Contracts Awarded Register

File No: **CM20/67**
Division: **Finance**
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 January 2020 to 31 January 2020, the following contracts have been awarded under the Chief Executive Officer's Instrument of Delegation.

Contract No.	Description	Contractor	Contract Sum Including GST
19019	Design and Construction of Lighting Towers at Bass Recreation Reserve	P & V Newell Electrical Contractors Pty Ltd	$218,229.00

Contracts Extended

For the period from 1 January 2020 to 31 January 2020, the following contracts were extended under the Procurement Delegation Framework.

Contract No.	Description	Contractor	Contract Sum Including GST for Extension Period
09026	Management of Bass Coast Shire Council Leisure Centres	Victorian YMCA Community Programming Pty Ltd	$939,188.00

Recommendation

That Council receives the report.

Attachments

AT-1 ***CONFIDENTIAL*** - Contract Extension Report 09026 3 Pages

AT-2 ContractsRegister 19019 1 Page

I.4 Place Names Committee Meeting Minutes

File No:	**CM20/70**
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.

Details

Council's Place Names Committee met on 6 February 2020. A copy of the minutes for the meeting is attached for information.

At the meeting, the Committee considered the following issues (which are outlined in greater detail in the meeting minutes):

1. Loch Street Wonthaggi – update on the progress of re-naming south section to Ciconte Close. Currently lodged with Geographic Names Victoria (GNV) for final decision.
2. Commemorative naming proposal – current status of request to rename Council carpark in Graham Street Wonthaggi 'Knox Carpark' in honour of James Thomas Knox
3. Locality boundary change – current status of request to amend the locality boundary of Kilcunda/Dalyston to include all of the Mouth of Powlett Road within Kilcunda
4. Anderson/San Remo locality boundary amendment – update on the progress of boundary realignment. Currently lodged with GNV for final decision.
5. Assessment of options for road naming and more appropriately addressing the Goods Shed and Harvest Centre Wonthaggi
6. Access to 1650 Loch-Wonthaggi Road, Almurta – discussion regarding appropriate access. Risk assessment undertaken.
7. Commemorative naming proposal – discussion/assessment of request to name the Reserve in South Dudley the 'Lymer Reserve' in honour of Thomas 'Sos' Lymer
8. Indigenous language naming proposals – letter from DELWP presented. Discussion regarding ongoing efforts to include Indigenous language in future naming proposals.
9. How to address the gender place name gap – discussion of article by Kerry Irwin regarding honouring prominent women through naming.
10. Other business and updates

Recommendation

That the minutes of the Place Names Committee meeting held on 6 February 2020 be received.

Attachments

AT-1 MINUTES - Place Names Committee Meeting 6 FEBRUARY 2020 9 Pages

J Urgent Business

Mayoral Announcement Of Next Meeting Of Council

The next **Community Connection Session** will be held on 8 April 2020 in the Heritage Centre, 89 Thompson Avenue, Cowescommencing at 3.00pm.

The next **Ordinary Council Meeting** will be held on 15 April 2020 in the Heritage Centre, 89 Thompson Avenue, Cowes commencing at 5.00pm.

That the meeting be closed to members of the public pursuant to Section 89 (a) of the *Local Government Act 1989*, to consider this item as it deals with:

(a) Personnel Matters

Meeting adjourned

That the meeting be adjourned

Meeting resumed

That the meeting be resumed

Items Closed to the Public

Excerpt of Section 89 of Local Government Act 1989.

(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:

(a) Personnel matters;

(b) The personal hardship of any resident or ratepayer;

(c) Industrial matters;

(d) Contractual matters;

(e) Proposed developments;

(f) Legal advice;

(g) Matters affecting the security of Council property;

(h) Any other matter which the Council or special committee considers would prejudice the Council or any person;

(i) A resolution to close the meeting to members of the public.

(3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.

K Confirmation of Closed Minutes

K.1 Closed Ordinary Meeting held on 19 February 2020.

Recommendation

That the minutes of the Closed Ordinary Meeting held on 19 February 2020 be confirmed.

L Reports Requiring Council Decision Closed to the Public

L.1 Appointment of Independent Chairperson of Chief Executive Officer's Employment Matters Committee

It is recommended that the meeting be closed to members of the public pursuant to Section 89 (a) of the Local Government Act 1989, to consider this item as it deals with personnel matters.

Recommendation

That the meeting be reopened to the public.

Meeting closed

That the meeting be closed