

Bass Coast Shire Council
Council Meeting Minutes

Wednesday 16 November 2022

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

a) These minutes are due to be confirmed on 14 December 2022
b) Any decision included in these minutes is subject to change resulting from a recession motion passed by Council

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Meeting commenced

The meeting commenced at 1:00pm

Ali Wastie, Chief Executive Officer read Opening the Meeting – Temporary Chair.

Opening the Meeting – Temporary Chair

The *Local Government Act 2020* section 25 states the election of the Mayor must be chaired by the Chief Executive Officer.

Part B, Section 4 of the Governance Rules states that the Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

Once the Mayor has been elected, they will assume the position of Chair.

Ali Wastie, Chief Executive Officer read the Livestreaming Statement.

Livestreaming Statement

As the Meeting Chair, I give my consent for this Open Council Meeting to be streamed live, recorded and published online, in accordance with Council's Livestreaming Policy and Governance Rules. To members of the public joining us in the gallery today, by attending this public Meeting of the Council you are consenting to your image, voice and comments being recorded and published. Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the livestream and recording.

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

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

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

Ali Wastie, Chief Executive Officer read the Mobile Telephone Reminder.

Mobile Telephone Reminder

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

Ali Wastie, Chief Executive Officer read the Statement of Acknowledgement.

Statement of Acknowledgement

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

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

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

Cr Leticia Laing read the Councillor Statement.

Councillor Statement

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

A Present and Apologies

Councillors: Cr Michael Whelan Island Ward (Mayor)

Cr Rochelle Halstead, Western Port Ward(Deputy Mayor)

Cr Leticia Laing, Bunurong Ward

Cr Les Larke, Bunurong Ward

Cr Ron Bauer, Island Ward

Cr David Rooks, Island Ward

Cr Bruce Kent, Western Port Ward

Cr Clare Le Serve, Western Port Ward

A.1 Grant Cr Tessari a leave of absense

Recommendation

That Cr Tesssari be granted a leave of absence from 3 November 2022 to 28 November 2022

Council Decision

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

That the recommendation be adopted

CARRIED

Officers in Attendance:

Ms Ali Wastie, Chief Executive Officer

Mr Wayne Mack, General Manager Business Transformation

Mr Greg Box, General Manager Partnerships, Economy and Culture

Mr James Stirton, General Manager Place Making

Ms Jodi Kennedy, General Manager Resilient Communities

Ms Robyn Borley, Manager Governance and Property

Apologies: Cr Brett Tessari Bunurong Ward

B Declarations of Interest

Les Larke declared a conflict of Interest in agenda item D.2 under section 127 of the *Local Government Act 2020*.

Cr Michael Wheelan declared a conflict of Interest in agenda item D.11 under section 127 of the *Local Government Act 2020*.

Cr Les Larke declared a conflict of Interest in agenda item D.11 under section 127 of the *Local Government Act 2020*.

Cr Ron Bauer declared a conflict of Interest in agenda item D.11 under section 127 of the *Local Government Act 2020*.

Cr David Rooks declared a conflict of Interest in agenda item D.11 under section 127 of the *Local Government Act 2020*.

C Confirmation of Minutes

C.1 Council Meeting held on 19 October 2022

Council Decision

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

That the minutes of the Council Meeting held on 19 October 2022 be confirmed.

CARRIED

C.2 Council Meeting held on 26 October 2022

Council Decision

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

That the minutes of the Council Meeting held on 26 October 2022 be confirmed.

CARRIED

Reports Requiring Council Decision

D Reports Requiring Council Decision

D.1 Determination of the Period of Office for Mayor and Deputy Mayor

File No:	**CM22/356**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

The purpose of this report is to determine whether the Mayor and Deputy Mayor are elected for a one year or two year term of office. This determination is required prior to the election of the Mayor.

Background

Section 25 of the *Local Government Act 2020* requires Councillors to elect a Mayor of the Council. Before a Mayor is elected, section 26(3) states that Council must determine by resolution whether the Mayor is to be elected for a one year or a two year term.

Section 27 refers to any reference to the Mayor in sections 25 and 26 of the Act other than section 25(3)(a) is also a reference to the Deputy Mayor. Therefore, if the Mayor is elected for a one year term, it is taken that the Deputy Mayor is also elected for that period.

This report recommends that the Council elect a Mayor for a one year term from 16 November 2022.

The next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the one year term as is reasonably practicable.

Strategic Basis

Council Plan Strategic Objective:

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

Governing Documents

Governance Rules

Local Government Act 2020

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

- Councillors
- Community members
- Council Officers

Conclusion

It is recommended that Council determine the term of office for the Mayor as being for one year.

Recommendation

That Council determine the term of office for the Mayor and Deputy Mayor as being for one year.

Attachments

There are no attachments for this report

Council Decision

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

That the recommendation be adopted

CARRIED

D.2 Election of Mayor

File No:	**CM22/357**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Conflict of Interest

Cr Les Larke declared a conflict of Interest in agenda item D.2 under section 127 of the *Local Government Act 2020*. They left the meeting at 1.07pm and took no part in the debate or decision.

Declaration

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

Summary

The purpose of this report is to call for nominations for the election of the Mayor, undertake the election process (if more than one nominee) and appoint a Councillor to the position of Mayor.

Background

Section 25 of the *Local Government Act 2020* (the Act) requires Councillors to elect a Mayor of the Council. Section 26 determines the timing for the election. Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.

The election of the Mayor must be chaired by the Chief Executive Officer and subject to section 25, be conducted in accordance with the Governance Rules.

Once the Mayor has been elected, he or she will assume the position of Chair.

Section 18 of the Act sets out the role of the Mayor:

(1) The role of the Mayor is to -

(a) chair Council meetings; and

(b) be the principal spokesperson for the Council; and

(c) lead engagement with the municipal community on the development of the Council Plan; and

(d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and

(e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and

(f) assist Councillors to understand their role; and

(g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and

(h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and

(i) perform civic and ceremonial duties on behalf of the Council.

(2) The Mayor is not eligible to be elected to the office of Deputy Mayor.

Section 19 of the Act sets out the specific powers of the Mayor:

(1) The Mayor has the following specific powers -

(a) to appoint a Councillor to be the chair of a delegated committee;

(b) to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;

(c) to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

(2) An appointment under subsection (1)(a) prevails over any appointment of a chair of a delegated committee by the Council.

Strategic Basis

Council Plan Strategic Objective:

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

Governing Documents

Governance Rules

Local Government Act 2020

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

The Mayoral Allowance is currently set at $96,470 per annum with a 10.5% superannuation guarantee.

The Mayor is provided with resources and support as outlined in the Council Support and Resources Policy 2021. These costs are contained within Council's operating budget.

Stakeholders

- Councillors
- Community members
- Council Officers

Conclusion

It is recommended that Council calls for nominations for the election of the Mayor.

Recommendation

That Council:

1. **Calls for nominations for the election of the Mayor and, if required, undertakes the election process.**
2. **Confirms Cr Michael Wheelan to the position of Mayor effective immediately until the next election of the Mayor which must be held on a day to be determined by the Council that is as close to the end of the one year term as is reasonably practicable.**

Attachments

There are no attachments for this report

Council Decision

There was one nomination for the apointment of the Mayor

Cr Clare Le Serve nominated Cr Michael Whelan

Cr David Rooks seconded the nomination of Cr Michael Whelan

The Chair declared Cr Michael Whelan duly elected as the Mayor

Cr Les Larke returned to the meeting at 1.09pm.

Ms Ali Wastie vacated Chair and Cr Michael Whelan assumed the position of Chair at 1.08pm

D.3 Election of Deputy Mayor

File No:	**CM22/358**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

The purpose of this report is to call for Deputy Mayor nominations, undertake the election process (where required) and appoint a Councillor as Deputy Mayor.

Background

Section 20A of the *Local Government Act 2020* (the Act) allows for Council to establish an office of Deputy Mayor.

Section 25, other than subsection (3)(a), applies to the election of a Deputy Mayor by the Councillors as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

Section 21 of the Act sets out the role of the Deputy Mayor:

The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if -

(a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or

(b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or

(c) the office of Mayor is vacant.

Strategic Basis

Council Plan Strategic Objective:

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

Governing Documents

Governance Rules

Local Government Act 2020

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

The Deputy Mayor Allowance is currently set at $48,235 per annum with a 10.5% superannuation guarantee.

The Deputy Mayor is provided with resources and support as outlined in the Council Support and Resources Policy 2021. These costs are contained within Councils operating budget.

Stakeholders

- Councillors
- Community members
- Council Officers

Conclusion

It is recommended that Council calls for nominations for the election of the Deputy Mayor.

Recommendation

That Council:

1. **Calls for nominations for the election of the Deputy Mayor and, if required, undertakes the election process.**
2. **Confirms Cr Rochelle Halstead to the position of Deputy Mayor effective immediately until the next election of the Deputy Mayor which must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.**

Attachments

There are no attachments for this report

Council Decision

There was one nomination for the apointment of the Deputy Mayor

Cr Clare Le Serve nominated Cr Rochelle Halstead

Cr Ron Bauer seconded the nomination of Cr Rochelle Halstead

The Chair declared Cr Rochelle Halstead duly elected as the Deputy Mayor

The meeting was adjourned at 1.13pm

The meeting resumed at 1.25pm

D.4 Appointments to Council Committees and External Committees

File No:	**CM22/359**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

Council appoints representatives to a number of Council committees and external committees in order to meet its legislative obligations and to enhance its involvement in community activities and to advocate on behalf of the community.

This report recommends that Council appoints the Mayor or Councillor representatives to Council committees and external committees.

Background

A number of Council committees and external committees exist where the Mayor or Councillors are invited to participate across a broad interest area. Some of these committees have legislative requirements, but most committees operate in an advisory capacity.

It is important for the Mayor and/or Councillors to be represented on committees and networks for a number of reasons including:

- Some committees are legislated to provide input into strategic plans
- Committees provide opportunities for Councillors and the organisation to stay connected to advocacy groups and understand emerging issues
- Provide advice to Council on a variety of issues
- Help Council achieve its Council Plan objectives

To assist with continuity and understanding of subject material, where possible, it is recommended that Councillors are re-appointed for a further term on the same committees.

Strategic Basis

Council Plan Strategic Objective:

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

Discussion

The Council committees and external committees being tabled for Councillor appointments as part of this report are listed below. These appointments are for a minimum one year term. Please note that we will no longer be appointing a Councillor to the following committees as they have been discontinued, dissolved or no longer require a Councillor representative.

- The Gippsland Local Government Waste Forum
- Gippsland Waste and Resource Recovery Group board
- South East Australian Transport Study

The appointment to the West Gippsland Library Board will be to 30 June 2023 as this entity is being wound up.

Council committees:

Access & Inclusion Advisory Committee	**One Councillor (Chair)**
Arts & Culture Advisory Committee	**Two Councillors (one Councillor is the Chair)**
Audit and Risk Committee	**Mayor & One Councillor**
Australian First Peoples Advisory Committee	**Mayor**
Bass Coast Community Road Safety Committee	**One Councillor (Chair)**
Bass Coast Events Advisory Committee	**Two Councillors (one Councillor is the Chair)**
Bass Coast Natural Environment Advisory Working Group	**One Councillor (Chair)**
Chief Executive Officer Employment Matters Committee	**Mayor and One Councillor (as a minimum)**
Community Tourism Reference Group	**One Councillor (Chair)**
Phillip Island Integrated Transport Study (PIITS)	**One Councillor**
Rural Engagement Group (REG)	**One Councillor (Chair)**

External committees:

Australian Coastal Councils Association Inc. (ACCA)	**Mayor & Councillor substitute**
Bass Coast South Gippsland Reconciliation Group	**One Councillor and Councillor substitute**
Municipal Emergency Management Planning Committee	**One Councillor**
Municipal Association of Victoria (MAV)	**Mayor and Deputy Mayor substitute**
One Gippsland	**Mayor**

Peri Urban Group of Rural Councils (PUGRC)	**Councillor**
Phillip Island Nature Park Community and Environment Advisory Committee	**One Councillor and Councillor substitute**
South Coast Inclusion Network (SCIN)	**One Councillor**
South East Australian Transport Study	**One Councillor**
South East Councils Climate Change Alliance	**One Councillor and Councillor substitute**
Western Port Biosphere Reserve	**One Councillor**
West Gippsland Regional Library Board	**One Councillor**

Finances

Councillors participation in these committees is covered by their general reimbursement as outlined in the Council Support and Resources to Councillors Policy. These costs are contained within Council's operating budget.

Stakeholders

- Councillors
- Community members
- Council Officers

Conclusion

A list of Council committees and external committees is presented for the Mayor and or Councillors to be appointed to. If a Councillor is not appointed to any of these committees, a Council Officer may be appointed in their place by agreement.

Recommendation

That Council:

1. **Appoints Councillor representatives to the following Council committees:**

Access & Inclusion Advisory Committee	**One Councillor (Chair)**
Arts & Culture Advisory Committee	**Two Councillors (one Councillor is the Chair)**
Audit and Risk Committee	**Mayor & One Councillor**
Australian First Peoples Advisory Committee	**Mayor**
Bass Coast Community Road Safety Committee	**One Councillor (Chair)**
Bass Coast Events Advisory Committee	**Two Councillors (one Councillor is the Chair)**

Bass Coast Natural Environment Advisory Working Group	**One Councillor (Chair)**
Chief Executive Officer Employment Matters Committee	**Mayor and One Councillor (as a minimum)**
Community Tourism Reference Group	**One Councillor (Chair)**
Phillip Island Integrated Transport Study (PIITS)	**One Councillor**
Rural Engagement Group (REG)	**One Councillor (Chair)**

2. **Appoints Councillor representatives to the following external committees:**

Australian Coastal Councils Association Inc. (ACCA)	**Mayor & Councillor substitute**
Bass Coast South Gippsland Reconciliation Group	**One Councillor and Councillor substitute**
Municipal Emergency Management Planning Committee	**One Councillor**
Municipal Association of Victoria (MAV)	**Mayor and Deputy Mayor substitute**
One Gippsland	**Mayor**
Peri Urban Group of Rural Councils (PUGRC)	**Councillor**
Phillip Island Nature Park Community and Environment Advisory Committee	**One Councillor and Councillor substitute**
South Coast Inclusion Network (SCIN)	**One Councillor**
South East Australian Transport Study	**One Councillor**
South East Councils Climate Change Alliance	**One Councillor and Councillor substitute**
Western Port Biosphere Reserve	**One Councillor**
West Gippsland Regional Library Board	**One Councillor**

Attachments

AT-1 External Committees List 7 Pages

AT-2 Council Committees List 6 Pages

Council Decision

Moved: Cr. Leticia Laing / Seconded: Cr. Clare Le Serve

That Council:

1. **Appoints Councillor representatives to the following Council committees:**

Access & Inclusion Advisory Committee	**Cr Laing**
Arts & Culture Advisory Committee	**Cr Halstead**
Australian First Peoples Advisory Committee	**Mayor**
Audit and Risk Committee	**Mayor, Deputy Mayor**
Bass Coast Community Road Safety Committee	**Cr Kent**
Bass Coast Events Advisory Committee	**Cr Rooks**
Bass Coast Natural Environment Advisory Working Group	**Cr Rooks**
Chief Executive Officer Employment Matters Committee	**Mayor, Cr Le Serve, Cr Bauer**
Community Tourism Reference Group	**Cr Rooks**
Phillip Island Integrated Transport Study (PIITS)	**Cr Rooks**
Rural Engagement Group (REG)	**Cr Le Serve**

2. **Appoints Councillor representatives to the following external committees:**

Australian Coastal Councils Association Inc. (ACCA)	**Mayor**
Bass Coast South Gippsland Reconciliation Group	**Cr Laing**
Municipal Emergency Management Planning Committee	**Cr Kent**
Municipal Association of Victoria (MAV)	**Mayor, Deputy Mayor**
One Gippsland	**Mayor**
Peri Urban Councils Victoria (PUCV)	**Mayor**
Phillip Island Nature Park Community and Environment Advisory Committee	**Cr Rooks**
South Coast Inclusion Network (SCIN)	**Cr Laing**
South East Councils Climate Change Alliance	**Cr Whelan, Cr Laing**
Western Port Biosphere Reserve	**Cr Halstead**
West Gippsland Regional Library Board *(until 30 June 2023)*	**Cr Laing**

CARRIED

D.5 Council Meeting Schedule 2023

File No:	**CM22/360**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

The purpose of this report is to recommend the Council meeting schedule for 2023.

Background

Part C, Section 9 of Council's Governance Rules requires that "*Council must from time to time fix the date, time and place of all Council Meetings*". The rules enable Council to set an annual schedule of meetings providing notice to all key stakeholders and planning of Council Business and decision making.

Strategic Basis

Council Plan Strategic Objective:

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

Governing Documents

Governance Rules 2020

Local Government Act 2020

Discussion

Livestreaming will remain a standard practice for all Council meetings to provide the community with options in viewing the meeting at their convenience or attending in person. Any required changes to meeting locations would be shared with the community on Council's website and through social media.

Finances

There are no financial implications associated with the officer recommendation. Should Council consider alternate venues for Council Meetings there would be a cost impact associated with the requirement to livestream, additional technology that would vary depending on the chosen venue, hire fees and staff resourcing.

Sustainability Implications

There are no Sustainability Implications associated with this report.

Stakeholders

- Councillors
- Community members
- Council Officers

Conclusion

It is recommended that Council adopt the proposed 2023 meeting schedule.

Recommendation

That Council adopt the meeting schedule for 2023 as follows:

Date	Venue	Time
15 February 2023	Wonthaggi, Civic Centre Chamber	1.00pm
15 March 2023	Wonthaggi, Civic Centre Chamber	1.00pm
19 April 2023	Wonthaggi, Civic Centre Chamber	1.00pm
17 May 2023	Wonthaggi, Civic Centre Chamber	1.00pm
21 June 2023	Wonthaggi, Civic Centre Chamber	1.00pm
19 July 2023	Wonthaggi, Civic Centre Chamber	1.00pm
16 August 2023	Wonthaggi, Civic Centre Chamber	1.00pm
20 September 2023	Wonthaggi, Civic Centre Chamber	1.00pm
18 October 2023	Wonthaggi, Civic Centre Chamber	1.00pm
15 November 2023	Wonthaggi, Civic Centre Chamber	1.00pm
13 December 2023	Wonthaggi, Civic Centre Chamber	1.00pm

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. David Rooks / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

CARRIED

D.6 2021/2022 Quarterly Performance Report - July - September 2022

File No:	**CM22/620**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

The Quarterly Performance Report provided in Attachment 1 presents a summary of Council's performance for the period of 1 July to 30 September 2022.

This report is the first to include reporting on the new Annual Plan Actions for 2022/23. There are 24 actions to be completed this financial year, as well as three actions remaining for the 2021/22 Annual Action Plan.

This also provides an overview of Council's year to date and forecast 2022/23 financial position. Currently, Council's forecast net result is a $17 million surplus.

Background

Section 96 of the *Local Government Act 2020* (the Act) requires councils to prepare a quarterly budget report that includes a comparison of the actual and budgeted results to date and explanation of any material variations.

Council uses this opportunity to provide a summary of performance against the Annual Action Plan and celebrate achievements to provide transparency in its performance and maintain good governance practices.

Council's quarterly reports are published on the website and are available to the public at any time.

Strategic Basis

Council Plan Strategic Objective:

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

Governing Documents

Local Government Act 2020

Discussion

The purpose of this report is to provide advice on Council's performance for the quarter of July – September 2022 including its performance against the Annual Action Plan 2022/23, financial performance and capital works project delivery.

Annual Action Plan Performance

The Annual Action Plan 2022/23 contains 24 activities and initiatives to be delivered by 30 June 2023. All actions are progressing well with some already near completion.

During this quarter the Guide Park Redevelopment in Wonthaggi has begun with the sand pit wall completed and the fencing, cubby house, garden beds and active ageing fitness underway.

The Guy Road shared pathway is also underway which will see a six-kilometre long, 2.5 metre wide shared cycling and walking link between the Corinella Community Centre and the Bass Valley Primary School and Children's Centre, via Tenby Point. The pathway will link into existing pathways connecting to the Bass Highway in one direction and Coronet Bay in the other.

The community consultation on the Bass Coast Tracks and Trails strategy was also completed this quarter.

Financial Performance

Council's year to date (YTD) operating results reflect a $52.7 million surplus. This surplus reflects the full year impact of rate revenue Council will collect during 2022/23 being recognised in the September quarter when rate notices are generated.

Council's forecast 2022/23 net result as at 30 September 2022 is a $17.2 million surplus. This is $14.9 million higher than the budget of $2.2 million. This is predominantly due to $13.6 million in unexpected capital grant revenue for six capital projects including the Cowes Cultural Centre not included in the 2022/23 Budget. Once the impact of these capital grants is removed, Council's forecast adjusted underlying net result is forecast to be a $2.4 million deficit.

During the period July to September 2022, unexpected increases in some expenses had an adverse impact on Council's year to date projected full year results. These increases included:

- Higher than anticipated kerbside waste collection expenses due to increases in population and resulting bin lifts; and
- Higher than anticipated landfill levy expenses, due to increases in waste volume.

Council's 2022/23 capital works program is forecast to be $59 million which is inclusive of multi-year projects that had budget allocated in previous years.

Council will review the anticipated delivery of its 2022/23 capital works expenditure and phasing of its capital budget later in Quarter 2 and provide advice of any necessary changes

Full details are provided in the attached quarterly report.

Sustainability Implications

- Economic
- Social
- Environmental
- Climate change

Stakeholders

- Bass Coast Shire community
- Councillors
- Council officers

Conclusion

The Quarterly Performance Report (Attachment 1) provides the performance information for the first quarter of the year, July - September 2022.

The delivery of progress updates against all annual activities of the Council Plan 2021-25 and a financial report contribute to the ongoing enhancement of good governance across Council.

The July – September 2022 Quarterly Performance Report will be available on Council's website.

Recommendation

That Council receive the July – September 2022 Quarterly Performance Report.

Attachments

AT-1 Q1 - 2022-23 Quarterly Report to the Community - September 2022 33 Pages

Council Decision

Moved: Cr. Leticia Laing / Seconded: Cr. David Rooks

That the recommendation be adopted.

CARRIED

D.7 Planning Application 210518 - 3561 Bass Highway, Kilcunda - Development of land for four dwellings, alteration to road access in a Transport Zone 2 (TRZ2) and subdivision into four lots

File No: **CM22/497**
Division: **Place Making**
Council Plan Strategic Objective: **Sustainable Development**

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

Declaration

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

Purpose of Report

For Council to consider a planning application for buildings and works to construct four dwellings, alteration of access to a road in a Transport Zone 2 (TRZ2), and subdivision of land into four lots

Executive Summary

Application number:	210518
Applicant:	Kilcunda Homes Pty Ltd C/- Beveridge Williams & Co Pty Ltd
Land/Address:	3561 Bass Highway, Kilcunda VIC 3995
Ward:	Western Port Ward
Proposal:	Buildings and works to construct four dwellings, alteration of access to a road in a Transport Zone 2 (TRZ2), and subdivision of land into four lots
Zone:	Township Zone (TZ)
Overlay:	Design and Development Overlay, Schedule 1
Aboriginal cultural heritage sensitivity	The site is partially located within an area of identified cultural heritage sensitivity. As the proposed activity is considered 'high impact', a CHMP has been approved.
Title:	Lot 1 on Plan of Subdivision 110020 in Volume 09003 Folio 922 No covenants affect the land. The land is also encumbered by a drainage and sewer easement, E-1, running along the rear boundary.
Number of submissions:	A total of 12 objections were received.
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 12 objections.

Officer recommendation:	Notice of Decision to Grant a Planning Permit

Summary of Officer Recommendation

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

The proposal is recommended for support for the following reasons:

- The proposed subdivision and development are consistent with the objectives of Local and State Planning Policy.
- The proposed subdivision development is consistent with the purpose of the underlying Zone on the subject site.
- The proposed subdivision is consistent with the design intent of Schedule 1 to the Design and Development Overlay.

Main Considerations

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

- The amendment of the application from what was originally a five-dwelling development to what is now being considered as a four-dwelling development.
- Neighbourhood character and building scale.
- Landscape response.
- Amenity impacts to adjoining properties.
- Car parking and traffic.
- Stormwater management.

The Proposal

The application at the time of lodgement had proposed five dwellings. Council Officers raised concerns with the applicant with this proposal. These concerns have been considered and the application had been amended before public notice to demonstrate a proposal of four dwellings.

This application now proposes to develop the land with four dwellings and undertake a four lot subdivision in accordance with development plans prepared by DB Design. The decision plans are provided as Attachment one and are detailed below:

- Site Context Plan, Site Response - Lower Floor Plan, Site Response – Upper Floor Plan, D1 & D2 Floor Plans, D3 & D4 Floor Plans, D1 & D2 Elevations, D3 & D4 Elevations, Streetscape and Overall Elevations, Shadow Diagrams (2 pages), Site Works and Private Open Space Plan, all prepared by DB Design, dated 20 April 2022.
- Proposed Plan of Subdivision, prepared by Beveridge Williams dated 06 May 2022.
- Landscape Plans (2 pages), prepared by Zenith Concepts Pty Ltd, dated May 2022.

- Cultural Heritage Management Plan, prepared by Triskel Heritage, dated 09 August 2021.

Key features of the proposal include:

- Development of four x four bedroom dwellings, each containing two floors and presenting a maximum height of less than 7 metres;
- Subdivision of the land into four lots, presenting a single crossover to Bass Highway Service Road and providing access via a Common Property Driveway;
- Provision of a total of eight car spaces in four double garages;
- No vegetation removal from the subject site, noting that trees have previously been removed that did not require a planning permit;
- Provision of substantial landscaping within each proposed lot and Common Property.

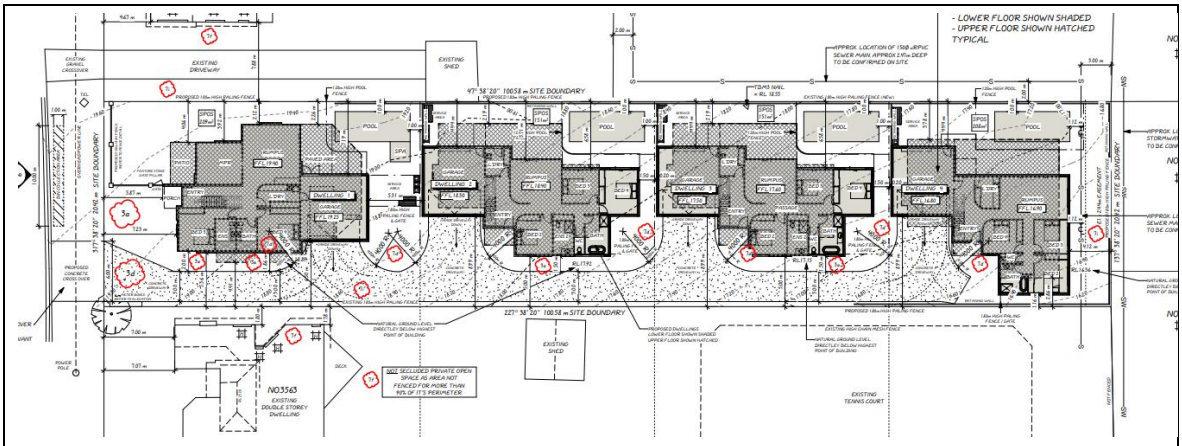


Figure 1 - Proposed Site Plan



Figure 2 – Proposed Elevations

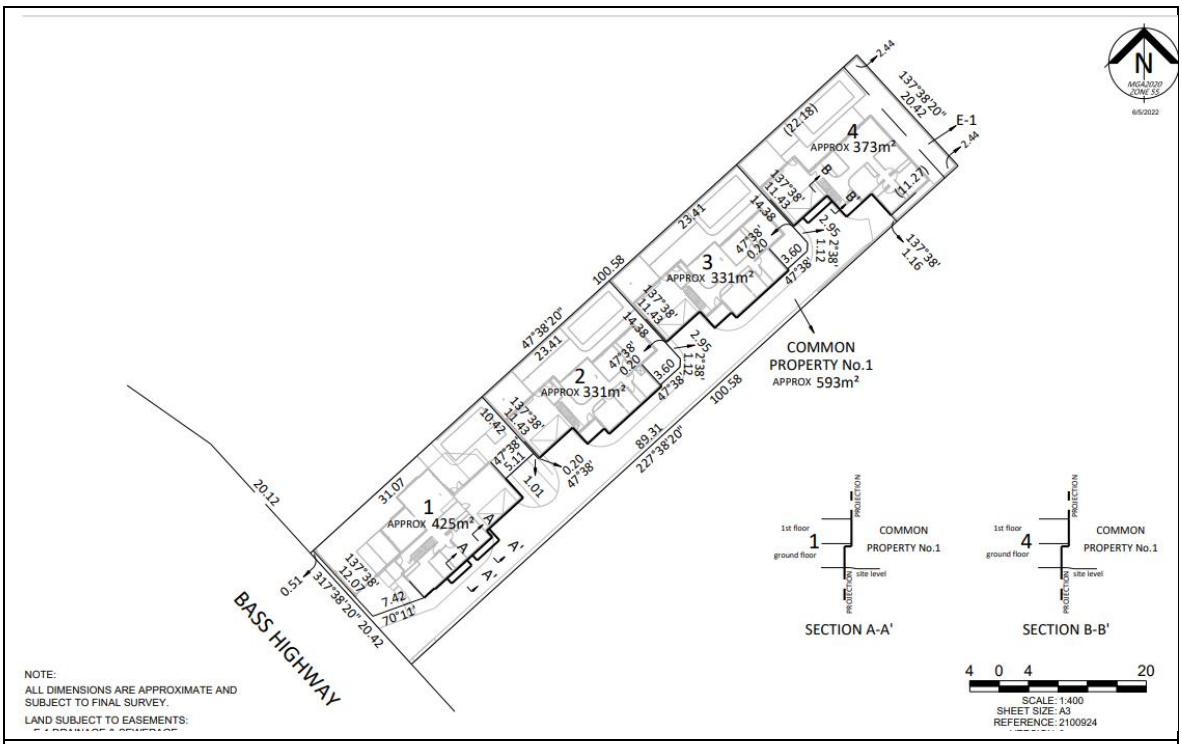
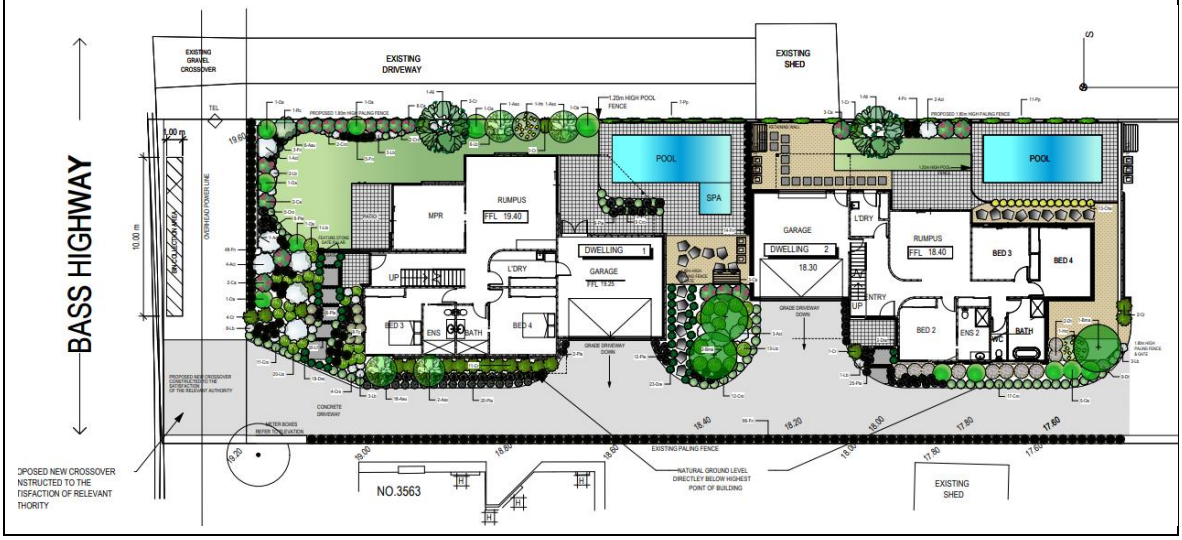
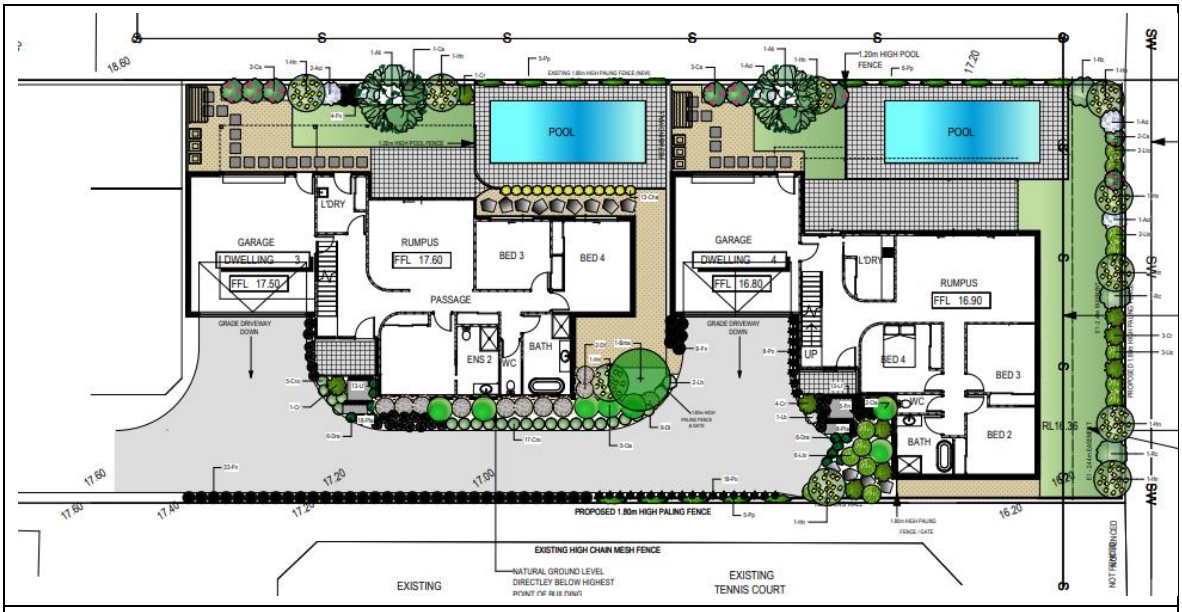


Figure 3 – Proposed Plan of Subdivision





Figures 4 & 5 – Proposed Landscaping

Subject Site and Surrounds

The site is located on the northern side of Bass Highway, between Carew Street to the west and Ridgeway Road to the east. The site is a rectangular shaped lot with a 20.42 metre frontage to Bass Highway Service Road, a maximum depth of 100.58 metres and a site area of 2,054 square metres.



Figure 6 – Aerial photography of subject site (Source: Council's GIS System, dated 2021)

The site is accessed via a service road adjoining Bass Highway. The land is currently vacant and is clear of significant vegetation.



Figure 7 – View of subject site from Bass Highway Service Road (Page 1 of Subject Site and Surrounds document prepared by Beveridge Williams, n.d.

While there is no designated commercial zone within the township, Kilcunda is serviced by a general store offering select convenience goods, a café, and a restaurant. These shops are centrally located at the turn off to the Bass Highway Service Road, approximately 320 metres north-west of the subject site.

The main characteristics of the surrounding area are:

North	Adjoining the land to the north is 16 Bowsprit Way, Kilcunda. This lot is approximately 870 square metres in area and is currently vacant. It is clear of significant vegetation and has a vehicle crossover located towards the north-east corner of the site.
South	Adjoining the land to the south is the Transport Zone 2 area that demarcates the principal road network. This area features a cul-de-sac service road that provides access to the residential properties in the south-west corner of the township, and a two-lane section of Bass Highway.

	Opposite the subject site, on the southern side of Bass Highway, is the entrance to the Kilcunda Caravan Park which provides cabin, caravan, and camping accommodation.
East	Adjoining the land to east is 3563 Bass Highway. The lot is approximately 1990 square metres and is developed with a single dwelling, associated outbuildings, and a tennis court. Vehicle access to the site is provided via a crossover along the western boundary, with a mix of native and exotic vegetation scattered across the site.
West	Adjoining the land to the west is 3559 Bass Highway. This lot is approximately 970 square metres in area and is developed with a single dwelling and associated outbuildings (sheds). As shown in the development plans submitted with the application, one of the sheds encroaches into the subject site and will need to be removed to facilitate the proposed development.



Figure 8 – Site and surrounds



Figure 9 - Zoning Map

Consultation

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 13 land owners and occupiers; and
- Placed a Notice on the land.

In response to notification the application attracted 12 submissions.

A copy of each submission is included in Attachment two.

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

It should be noted that the applicant had taken on initial Council Officer advice that a five dwelling development would present concerns and not result in a favorable outcome. The applicant had amended the application before public notice to a four dwelling development.

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
APA Group	No objection to the application.
AusNet Electricity Services	No objection to the application subject to conditions.

Department of Transport	No Response received
Westernport Water	No objection to the application subject to conditions.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Revenue Services	N/A – For Information Only.
Asset Management	No objection to the application subject to conditions.

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

VPP00 Purpose and Vision

Clause 02 – Municipal Planning Strategy

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

VPP11 Settlement

Clause 11.01 - Victoria

- Clause 11-01-1S Settlement
- Clause 11-01-1R Settlement – Gippsland
- Clause 11-01-1L-01 Settlement
- Clause 11-01-1L-13 Kilcunda

Clause 11.02 - Managing Growth

- Clause 11.02-1S Supply of urban land

Clause 11.03 - Planning for Places

- Clause 11.03-4S Coastal settlement
- Clause 11.03-5S Distinctive areas and landscapes
- Clause 11.03-6S Regional and local places

VPP 12 Environmental and Landscape Values

Clause 12.02 Coastal areas

- Clause 12.02-1S Protection of coastal areas
- Clause 12.02-1L Protection coastal areas

Clause 12.05 Significant Environments and Landscapes

- Clause 12.05-2S Landscapes
- Clause 12.05-22L-01 Landscapes

- Clause 12.05-2L-02 Landscape character areas

VPP 13 Environmental Risks and Amenity

Clause 13.01 Climate Change Impacts

- Clause 13.01-1S Natural hazards and climate change

Clause 13.02 Bushfire

- Clause 13.02-1S Bushfire planning
- Clause 13.02-1L Bushfire planning

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-1S Urban design
- Clause 15.01-1L-01 Urban Design in Bass Coast
- Clause 15.01-1L-02 Landscape design
- Clause 15.01-2S Building design
- Clause 15.01-2L Building design
- Clause 15.01-3S Subdivision design
- Clause 15.01-3L Subdivision design
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L Neighbourhood character

Clause 15.02 Sustainable Development

- Clause 15.02-1S Energy and resource efficiency

VPP 16 Housing

Clause 16.01 Residential Development

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

VPP18 Transport

Clause 18.02 Movement networks

- Clause 18.02-3S Road system
- Clause 18.02-4S Car parking
- Clause 18.02-4L Car parking

VPP 19 Infrastructure

Clause 19.03 Development Infrastructure

- Clause 19.03-1S Development and infrastructure contributions plans
- Clause 19.03-3S Integrated water management

- Clause 19.03-3L Integrated water management

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

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

The proposed development is considered to have merit when consideration is given to the broader state and local policies related to residential infill development, given that the proposed subdivision and development is located within an existing residential area to the east of Kilcunda, and is situated on one of the few remaining vacant lots within the area.

The proposal presents a satisfactory built form outcome consistent with the emerging character of Kilcunda through the provision of modern double storey dwellings on sufficient lot sizes to accommodate the development.

Whilst it is noted that the surrounding area predominantly contains dual occupancy developments on larger allotments, the subject site is of sufficient size to accommodate four dwellings and is not inconsistent with the preferred characteristics of infill development.

Zone Assessment

Clause 32.05 – Township Zone

The purpose of the Township Zone is:

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

The application is considered to be consistent with the objectives and decision guidelines of the Township Zone, and can be supported for the following reasons:

- The application has been considered against the relevant settlement and housing policies in a previous section of this report, and it is considered that the development and subdivision provide a satisfactory response to those polices.
- The development of four dwellings on a lot in the Township Zone exceeding 2000 square metres is considered to be consistent with the intent of the zone and the aforementioned policies through providing infill development of an appropriate density within defined settlement boundaries.

- The spacing of building and the site layout allows for appropriate amounts of Secluded Private Open Space for each of the dwellings.
- The application supports the purpose of the zone through the encouragement of a diversity of housing typologies respectful of the neighbourhood character of the area and providing growth within areas proximate to services and transport.
- The proposal has been assessed against the standards and objectives of Clause 55 as they relate to the development of the land for two or more dwellings, and it is considered to adequately address the objectives and majority of the standards. A summary of this assessment is included in latter sections of this report.
- The proposal has furthermore been assessed against the standards and objectives of Clause 56 as they relate to residential subdivision, and it is considered to adequately address all of the standards and objectives. A summary of this assessment is included in latter sections of this report.
- The proposal is able to achieve full compliance with the standards of Clause 55 through the provision of amended plans as a requirement of conditions on any permit to issue.

Overlay Assessment

Clause 43.02 – Design and Development Overlay (Schedule 1)

The purpose/objectives of the overlay are to:

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

6.0 of Clause 43.02, Schedule 1 also contains the following (as relevant) decision guidelines which have formed part of this assessment:

- The location of building envelopes and siting of services in any proposed subdivision.

The application is considered to be consistent with the objectives of Schedule 1 to the Design and Development Overlay, and can be supported for the following reasons:

- The proposal only requires a planning permit for the subdivision of the land, as the development has been designed to present a maximum building height of under seven metres.
- The proposed subdivision, through the inclusion of a development proposal, has adequately demonstrated that the subdivision can be appropriately serviced with reticulated utilities, and that each lot can sufficiently accommodate the construction of a single dwelling.

- The subdivision is considered to result in a development which is not overtly inconsistent with the existing character of infill development within Kilcunda and is not considered to result in adverse impacts to the surrounding streetscape due to the slope of the development away from Bass Highway.

Particular Provisions

Clause 52.06 – Car parking

Clause 52.06-1 applies to:

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

As outlined in Clause 52.06-5, the use of land for 'dwelling' requires each dwelling of three or more bedrooms to provide two car parking spaces, and one additional space must be provided for every 5 dwellings.

The proposal will provide each dwelling with a double garage capable of accommodating two vehicles, which equates to a total of eight car spaces and meets the required number of car parking spaces. Therefore, the application is considered consistent with the objective of this provision and does not require planning approval to waive or reduce the amount of car parking.

Clause 52.29 – Land Adjacent to the Principal Road Network

In accordance with Clause 52.29-2, a permit is required to create or alter access to a road in a Transport Zone 2.

Consequently, and in accordance with the provisions of Clause 52.29-2, a planning permit is required to alter access to a road in a Transport Zone 2.

The Department of Transport, in accordance with Section 55 of the *Planning and Environment Act 1987*, have been sent the application for comments and conditions. To date, no response has been received within the statutory timeframe and Council is in a position to determine the application.

A standard condition will be placed on any permit that is issued requiring the appropriate approvals to be obtained from DoT.

Clause 53.01 – Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the Bass Coast Planning Scheme. The schedule to the above-mentioned clause requires a 5% contribution for land to be subdivided into three or more lots within residential, industrial, mixed use and commercial zones.

Clause 53.01-1 sets out a number of exemptions of when a contribution is not required to be made to the responsible authority. However, the proposal does not meet any of these exemptions and, as such, the monetary contribution of 5% of the site value will be required.

Clause 55 – Development of two or more dwellings on a lot

Clause 55.01 Neighbourhood and Site Description and Response

The application has been accompanied by a Neighbourhood and Site Description and Response submission which is considered to adequately address the existing and emerging character of Kilcunda and presents a sufficient insight into the design process for the proposed dwellings. The proposal presents four double storey dwellings congruent with the emerging character of coastal areas within the Shire and has included development examples of similar densities and architectural styles within Kilcunda.

Clause 55.02 Neighbourhood Character

The general neighbourhood character of the surrounding area is considered to be an eclectic mix of single and double storey dwelling typologies including varying levels of landscaping, as well as an emerging character of infill development on larger allotments suitable for development.

The establishment of four dwellings on a lot of over 2000 square metres is generally considered to be an appropriate density for the Township Zone and is not considered to result in any excessive strain to the existing infrastructure services available within Kilcunda and is unlikely to unreasonably overload the capacity of this infrastructure. The proposal had been amended to remove a dwelling prior to public notice. This had alleviated a number of the density and character concerns Council Officers originally held with the proposal.

Clause 55.03 Site Layout and Building Massing

Assessment of the proposal concludes general compliance with the majority of the Standards and Objectives of Clause 55.03, wherein the proposal presents a satisfactory site coverage, permeability, maximum building height, provision of open space and landscaping opportunities within the prescribed Standards.

The proposal furthermore presents a satisfactory front setback for the southernmost dwelling fronting Bass Highway, consistent with the setbacks of adjoining development to the east and west of the site.

Clause 55.04 Amenity Impacts

The proposal has been assessed as presenting adequate side and rear setbacks as required by Standard B17 and does not propose to construct any walls on existing boundaries of the allotment. These setbacks allow for an adequate design response to Standard B19 as it relates to the provision of daylight to existing windows.

Due to the north-south orientation of the allotment and sufficient setbacks to side boundaries, the development will not result in adverse overshadowing to the Secluded Private Open Space (SPOS) on adjoining dwellings and allotments.
The proposal furthermore contains sufficient overlooking mitigation measures which ensure that any overlooking from habitable windows within 9 metres of any dwelling is sufficiently addressed and removed.
A condition will be included on the permit which requires amended plans to demonstrate that the first-floor balcony complies with Standard B22 on each dwelling.

Clause 55.05 On-Site Amenity and Facilities

The proposal has been assessed as providing an adequate response to the provisions relevant to on-site amenity, by providing separate entrances clearly identifiable from the common property access on the eastern boundary of the site, as well as ensuring that sufficient daylight access is available to new habitable windows and providing ample amounts of SPOS and POS to each dwelling commensurate with other examples of infill development.

The SPOS of each dwelling will be able to obtain sufficient solar access due to the orientation and slope of the allotment, with convenient access from the living areas to ground floor and first floor balconies.

The proposal is considered to have satisfied all other objectives, standards, and decision guidelines of Clause 55.

Clause 56 – Residential Subdivision

Clause 56.01 Subdivision Site and Context Description and Design Response

It is considered that the proposed subdivision would continue to remain respectful of the neighbourhood character of Kilcunda. Whilst these allotments will be somewhat smaller than those in the immediately surrounding area, it is considered that the proposed lot sizes are still generous within the context of the Township Zone when considered as infill development.

The proposal remains consistent with the intended subdivision pattern of the area and the proposed changes would be consistent with the emerging layout of existing subdivision patterns in the immediate vicinity of the subject site. It is considered that the proposed subdivision will be able to integrate with the existing semi-rural environment.

Clause 56.03 Liveable and Sustainable Communities

The proposed subdivision is considered to present a more efficient use of the subject site through providing infill development within the settlement boundaries of Kilcunda, within walking distance of the small shopping area, foreshore reserve and walking trails.

Access to the dwellings is provided via the common property driveway constructed along the eastern boundary of the site and accessed from the southern interface with the Bass Highway Service Road via an upgraded crossover. The application was furthermore accompanied by a Subdivision Density and Neighbourhood Facilities Plan which shows the existing and emerging neighbourhood character of the surrounding area.

Due to the nature of the proposed layout, only the proposed Lot 1 will present a direct frontage to Bass Highway, whilst the remainder of the allotments and dwellings will present a frontage to the internal common property access proposed. Given the slope of the land, it is considered that the development of the remaining lots in accordance with the submitted development plans will have a minimal impact on the streetscape.

Clause 56.05 Urban Landscape

The application has been accompanied by a landscaping plan for each development as well as the common property area of the development, which provides for a substantial number of plantings and canopy coverage where practicable.

A condition will be included on the permit to ensure that landscaping is carried out in accordance with the endorsed plans and maintained in perpetuity.

Clause 56.06 Access and Mobility Management

The subject site is considered to be in an ideal location to provide access to walking and cycling trails within the nearby vicinity, as well as foreshore reserves and community facilities. The site is well located to benefit from alternatives to single vehicle travel, including access to public transport connections through to Wonthaggi.

The Lots will be accessed from a new common property driveway, that is to be constructed along the southern boundary. The subject land is accessed from a service lane of Bass Highway, providing safe, convenient access to public transport options, via V-Line buses and local bus transport services, as well as walking and cycling opportunities to nearby commercial services.

Concerns Raised by Submitters

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

Submitter Theme	Council Officer Response
Traffic, Congestion and Parking	The proposal provides for four dwellings, and each dwelling is provided with a double garage in accordance with the mandatory parking requirements of Clause 52.06. Council has considered the suitability of the location and size of the four lots, and it is considered that the existing road network would be able to accommodate for the intensification of the site. Furthermore, the proposal has been considered by the Department of Transport as it relates to the alteration of access to Bass Highway, and they have offered no objection to the development on traffic management grounds.
Stormwater runoff/flooding	The proposal was reviewed by Council's Development Services team who have reviewed the potential impacts of the development and have not objected to the granting of a permit subject to conditions which will address this matter. Relevant conditions include the provision of a stormwater detention system which ensures that post development stormwater flows do not exceed pre-development flows. One objection raised the prospect of pumping stormwater uphill to the drainage system on Bass

	Highway, and it is considered that this is an unreasonable and impractical burden to place on the developer given the opportunity to connect into the existing system to the north of the site.
Proposed subdivision layout (battle-axe lot and reduction of lot sizes) is inconsistent with the character of the neighbourhood.	Whilst a valid planning consideration, it is considered that the proposed four lot subdivision is in keeping with the character of the area. It is deemed that the new lots will integrate well with the surrounding area. The proposed subdivision will create four lots that have enough area to contain a dwelling and associated vehicle access and parking area in accordance with the development plans. The lots will be generally regularly shaped and not subject to adverse development constraints.
Overlooking	The proposal has been assessed against Clause 55 of the Bass Coast Planning Scheme as outlined in the body of the report. The development is found to demonstrate compliance with the requirements of the Standard as they relate to overlooking, however it is noted that there is potential for overlooking from the first floor balconies to each of the dwellings, and a condition on the permit should one issue will adequately address any outstanding overlooking by requiring compliance with the standard through the installation of overlooking mitigation methods, such as fixed obscure glazing, screening walls on balconies, or trellis fencing.
Previous Vegetation Removal	Whilst it is acknowledged that there has been previous vegetation removal on the subject site over the last four years, it is noted that the land is not affected by any vegetation protection controls and is too small to be considered for Native Vegetation Removal. Although the site has been cleared in order to gain a development advantage, no planning permit would be required to remove vegetation from the land, and the proposal provides for substantial landscaping on the subject site at the completion of development.
Overshadowing	The proposal has been assessed against Clause 55 of the Bass Coast Planning Scheme as outlined in the body of the report. The development is found to demonstrate adequate compliance with the requirements of the Standard as they relate to overshadowing, and the shadow diagrams provided with the application clearly show that the proposal will have a minimal

	overshadowing impact on adjoining properties, with the exception of some minor overshadowing to the south-east in the afternoon sun.
Overdevelopment and Precedence Setting	State policy envisages increased housing density within defined settlement boundaries in Kilcunda. The increase in population at this site is considered appropriate having regard to the overall size of the subject site, and the resultant dwelling density of approximately 1:513 square metres.
Strain on infrastructure	The permit holder will be required to address infrastructure servicing demands as required by the various service agencies as part of the subdivision approval process. It is furthermore noted that the permit holder will be required to install adequate drainage infrastructure on the subject site in accordance with conditional consent provided by Council's Development Services team.
Use as a holiday rental	Multiple objections raised the prospect that the proposed dwellings may be used for holiday letting purposes, and although this is a possibility for the development it is not a valid planning consideration for the development and subdivision of the land. Irrespective of whether the proposed dwellings will be used for permanent or transient residency, the land use remains the same within the definitions of the Victorian Planning Provisions, and therefore the proposal must be assessed on its merits in accordance with the requirements of Clause 55 and Clause 56 of the Bass Coast Planning Scheme, and the relevant State and Local Planning Policy.
Contravention of adjoining S173 Agreement	The Crystalbrook Estate approved over ten years ago was subject to the preparation and registration of a Section 173 Agreement which required each lot to contain a 10,000L water tank for rainwater collection and re-use, which was later amended to be a 5,000L requirement. This agreement is irrelevant to the proposal as it does not apply to the subject land.
Site Coverage and Landscaping	The proposal has been assessed against Clause 55 of the Bass Coast Planning Scheme as outlined in the body of the report. The development has been found to demonstrate adequate compliance with Standard B8 through providing a maximum site coverage of 41.99%, well below the 60% maximum site coverage threshold of the standard.

	The development furthermore has been accompanied by a substantial landscape plan which includes revegetation of the entire site including the frontage of the lot with primarily indigenous species and constituting a satisfactory landscape response for all vacant areas of the development, including the common property driveway area.
Lack of Public Infrastructure	The development of land for four dwellings in a residential area is not considered to be of any adverse impact to the existing public infrastructure, and the presence (or lack of) of public infrastructure such as footpaths is not a valid planning ground in assessing a small subdivision in an existing residential area.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be generally in accordance with the Planning Policy Framework, Local Planning Policy Framework, and decision guidelines of the Township Zone and Schedule 1 to the Design and Development Overlay.

The application underwent notification and as a result there were 12 submissions received. Concerns raised by submitters were considered in the assessment of the application.

It is recommended that Council resolve to issue a notice of decision to grant a planning permit for planning application 210518, subject to conditions.

Recommendation

That in relation to planning permit application 210518 for Buildings and works to construct four dwellings, alteration of access to a road in a Transport Zone 2 (TRZ2), and subdivision of land into four lots located at 3561 Bass Highway, Kilcunda VIC 3995, Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

Amended plans required

1. **Before the development starts or a plan is certified under the *Subdivision Act 1987*, 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 show:**
   a) **Overlooking mitigation measures for the balconies of dwellings 2, 3 and 4 in accordance with Standard B22;**
   b) **A section 173 Agreement in accordance with Condition 5.**

Landscaping Conditions

2. **Within 3 months of the completion of the development or within the next applicable planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority. The landscaping must thereafter be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.**
3. **At least 3 high quality photographs (from various angles and distances) to be provided within 1 month from when the use starts/development is complete demonstrating the trees as being planted in accordance with the endorsed plans. This may be accompanied by additional evidence including receipts of the purchased trees, formal letter on letterhead by an arborist confirming the landscaping has been undertaken in accordance with the endorsed plans.**

Public Open Space Contribution

4. **Prior to achieving Statement of Compliance under the Subdivision Act 1988, the applicant or owner must pay to the Responsible authority a public open space contribution of five per cent of the site value of the land in accordance with the requirements of Clause 53.01 of the Bass Coast Planning Scheme.**
   A valuation of the land must be undertaken not more than six months prior to the issue of Statement of Compliance for the subdivision. At an appropriate date, the developer/landowner must contact Council to have the valuation undertaken by Council's valuers. All costs associated with the undertaking of the valuation will be at the expense of the developer/landowner.

Section 173 Agreement

5. **Before the development starts or a Statement of Compliance is issued under the Subdivision Act 1988, the owner of the land must enter into an agreement with the responsible authority made pursuant to under section 173 of the *Planning and Environment Act 1987*. The agreement must be in a form to the satisfaction of the responsible authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the responsible authority's reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:**
   a) **The land must only be developed in accordance with the endorsed plans under Planning Permit 210518, unless with the prior written consent of the Responsible Authority;**

b) **The landscaping must be maintained including within the common property area of the subdivision and in accordance with the endorsed landscape plan approved by Planning Permit 210518, unless with the prior written consent of the Responsible Authority;**

c) **Before an Occupancy Permit is issued for a dwelling on each lot, a stormwater detention tank must be installed in accordance with the endorsed drainage plans;**

d) **The owner will maintain and not modify the on-site stormwater detention system without prior Council written approval, and will allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times;**

e) **The capacity of the on-site stormwater detention system cannot be reduced and must be maintained to the satisfaction of the Responsible Authority; and**

f) **The owner will pay for all the costs associated with the operation, maintenance, and Council inspection of the on-site storm water detention system.**

General Conditions

6. **The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority**

7. **The subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**

8. **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.**

Engineering Civil Design Plans

9. **Before certification of the Plan of Subdivision or the commencement of the development, detailed civil construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing authorities. The plans must be drawn to scale with dimensions and an electronic copy (PDF) must be provided. The plans must show:**

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

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

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

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

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

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

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

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

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

Mud on Roads

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.

Engineering Construction Plans

11. **Before the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988 and before the before the commencement of the development, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:**
    a) **All civil construction works, must be constructed in accordance with the civil design plans for the property as endorsed by the Responsible Authority pursuant to this planning permit**
    b) **All drainage works (excluding any above ground detention tanks deferred via a Section 173 agreement) in accordance with the endorsed civil plans.**
    c) **Photographic evidence of the legal point of connection to Council's drainage system must be provided if Council inspection cannot be arranged prior to backfilling.**
    d) **Areas for common property, vehicle access and car parking within the land must be constructed in accordance with the endorsed civil design plans.**
    e) **All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards,**
    f) **All redundant infrastructure (including vehicle crossings) abutting the site shall be removed and the kerb, channel, naturestrip and footpath shall be reinstated.**
    g) **Removal of any sheds or redundant buildings located on created land parcels not accommodating a dwelling.**
12. **The members of the Body Corporate or Owners Corporation are responsible for the upkeep and maintenance of common or shared stormwater drainage and driveway infrastructure and assets on the subject land.**
13. **The plan of subdivision submitted for certification under the Subdivision Act 1988, must show appropriate easements set aside for drainage purposes, to the satisfaction of the Responsible Authority.**

Mandatory Subdivision Conditions

14. **The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
15. **All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**

16. **The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**
17. **The owner of the land must enter into an agreement with:**
    a) **a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
    b) **a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.**
18. **Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
    a) **a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
    b) **a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

Westernport Region Water Authority Conditions

19. **Payment of a New Customer Contribution Fees and distribution contribution for water supply for the development, such amount being determined by the Corporation at the time of payment;**
20. **Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developers expense, in accordance with standards of construction adopted by and to the satisfaction of Westernport Region Water Corporation;**
21. **Payment of any outstanding contributions towards existing water schemes, such amount being determined by the Corporation at the time of payment;**
22. **Provision of separate water services to each allotment within the development;**

23. **Any existing water service which crosses any of the proposed allotment boundaries within the proposed development must be disconnected and relocated at the developer's expense, to be wholly within one allotment only and to the satisfaction of Westernport Region Water Corporation;**
24. **Payment of a New Customer Contribution Fees and trunk sewer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**
25. **Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Westernport Region Water Corporation;**
26. **Payment of any outstanding contributions towards existing sewerage schemes, such amount being determined by the Corporation at the time of payment;**
27. **Disconnection of any existing house connection drain crossing over proposed allotment boundaries, and each allotment to be independently and directly connected to a sewer main of Westernport Region Water Corporation;**
28. **Provision of easements in favour of Westernport Region Water Corporation over all existing and proposed sewer mains located within private property;**
29. **A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists "implied easements" over all of the allotments and the common property within the development;**
30. **Alternatively, the developer is to provide a two-metre-wide easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of Westernport Water Region Water Corporation;**
31. **Pursuant to Section 36 of the Subdivision Act 1988, Westernport Region Water Corporation considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely any land not owned by the Developer through which a sewerage extension to service the development is to be located. The easements shall be created at the developer's expense and shall be in favour of Westernport Region Water Corporation;**
32. **Preparation of a digitised plan of subdivision and ancillary requirements in accordance with the Corporations drafting standards and practices;**
33. **The operator under this permit must enter into an Agreement with Westernport Region Water Corporation relating to the design and construction of any sewerage or water works required to service the proposed development;**

34. **The form of such Agreement shall be to the satisfaction of Westernport Region Water Corporation. A copy of the format of the Agreement will be provided on request;**

35. **The plan of subdivision lodged for certification is to be referred to Westernport Water Region Water Corporation pursuant to Section 8(1) of the Subdivision Act 1988.**

Ausnet Electrical Services Conditions

36. **The applicant must:**

a) **Enter into an agreement with AusNet Electricity Services Pty Ltd to the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.**

b) **Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.**

Department of Transport Conditions

37. **Prior to the commencement of any buildings or works for the development and subdivision, appropriate civil plans and approvals must be supplied and obtained by the responsible authority.**

General Amenity Conditions

38. **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.**

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

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

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

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

d) **presence of vermin or animals**

Permit Expiry – Development

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

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

b) **The development is not completed within 4 years from the date of this permit.**

The responsible authority may extend the time referred to if a request is made in writing before this Permit expires or within six months after the expiry date if the use/development has not commenced.

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

Permit Expiry – Subdivision

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

a) The plan of subdivision is not certified under the *Subdivision Act 1988* within two years of the date of this permit; or

b) Registration of the plan of subdivision is not completed within five years of the certification of the plan of subdivision under the *Subdivision Act 1988*.

A permit may be extended in accordance with Section 69 of the *Planning and Environment Act 1987*.

PERMIT NOTES

A. Building Permit Required

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

B. Planning Permission

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

C. Failure to Comply

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

D. Permit to Building Surveyor

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

E. Starting of a Subdivision

The starting of a subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan under Section 6 of the *Subdivision Act 1988*. Completion is regarded as registration of the subdivision.

F. Asset Protection Permit

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

G. Road Occupation Permit

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

H. 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.

I. AusNet Electricity Services Pty Ltd

It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued). Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing. Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.
For all enquiries please email: subdivisions@ausnetservices.com.au

Attachments

AT-1	Attachment 1 - Combined Development Plans	14 Pages
AT-2	***CONFIDENTIAL*** - Attachment 2 - Combined Objections	19 Pages

Council Decision

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

That the recommendation be adopted.

CARRIED

D.8 Planning Application 220173 - 26 Genista Street San Remo Two lot subdivision and removal of an easement

File No: **CM22/604**
Division: **Place Making**
Council Plan Strategic Objective: **Sustainable Development**

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

Declaration

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

Purpose of Report

For Council to consider a planning application for a two lot subdivision and removal of an easement at 26 Genista Street, San Remo.

Executive Summary

Application number:	220173
Applicant:	Teresina Brusamarello C/- Beveridge Williams & Co Pty Ltd
Land/Address:	26 Genista Street San Remo VIC 3925
Ward:	Western Port Ward
Proposal:	Two lot subdivision and removal of an easement
Zone:	General Residential Zone – Schedule 1 (GRZ1)
Overlay:	Design and Development Overlay – Schedule 1 (DDO1)
Aboriginal cultural heritage sensitivity	The site is located within an area of identified cultural heritage sensitivity. However, the proposal is considered a no-high impact activity and is therefore exempt from a Cultural Heritage Management Plan (CHMP).
Title:	Lot 1 on Title Plan 166933E in Volume 09264 Folio 553. Covenant A532747 affects the land. The land is also encumbered by a 1.83m (wide) drainage/sewerage easement (E-1) running along the north and west boundaries.
Number of submissions:	A total of 10 submissions were received.
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 10 objections.

Officer recommendation:	Notice of Decision to Grant a Planning Permit

Summary of Officer Recommendation

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

The proposal is recommended for support for the following reasons:

- The subdivision is appropriate having regard to the relevant Planning Policy Framework.
- The subdivision meets the purpose and decision guidelines of the GRZ1 and DDO1.
- The subdivision is consistent with Council's plan for settlement growth in San Remo and will facilitate the orderly development of the subject area.
- The proposal to remove the easement meet the decision guidelines of Clause 52.02

Main Considerations

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

- Subdivision pattern having regard to neighbourhood character, and Minimum Garden Area requirement under Clause 32.08 (GRZ1).
- Existing use and possible future development of the land and nearby land.
- Amenity impacts to adjoining properties.
- Car parking and traffic.

The Proposal

The proposal is for a two (2) lot subdivision within the GRZ1 of a 587.65 square metre allotment, which would result in two allotments in accordance with proposed plan of Subdivision prepared by Beveridge Williams. The decision plans are provided as Attachment One and are detailed below:

- Proposed Plan of Subdivision Lot 1 on TP166933E – Volume 9264 Folio, Version 1, Ref 2200279 2 prepared by Beveridge Williams, dated 05/04/2022.
- Drainage Strategy Plan, Lot 1 on TP166933E, Surveyors Ref. 2200279, Version 1 prepared by Beveridge Williams, dated 20/04/2022.
- Site Context Plan Lot 1 on TP166933E, Surveyors Ref. 2200279, Version 1 prepared by Beveridge Williams, dated 05/04/2022.
- Concept residence plans - Job 150622, Revision C, provided by applicant, dated 27/06/22:
    - TP-01, Design Response Plan (Ground Floor and Upper Floor layouts and Perspective View).
    - TP-02, Elevations, Site analysis (including garden area plan) and shadow diagrams.

The proposal also seeks to remove the existing drainage and sewerage easement (E-1) on the title.

Key features of the proposal include:

- Lot 1 with an area of 287 square metres that contains the existing dwelling and Lot 2 (vacant battle-axe) with an area of 300 square metres.
- Separate vehicle access is proposed for each lot, including one existing crossover to be upgraded that was approved for the existing dwelling on the land, and one new access.
- The 1.83 metre (wide) drainage/sewerage easement (E-1) running along the north and west boundaries is proposed to be removed.

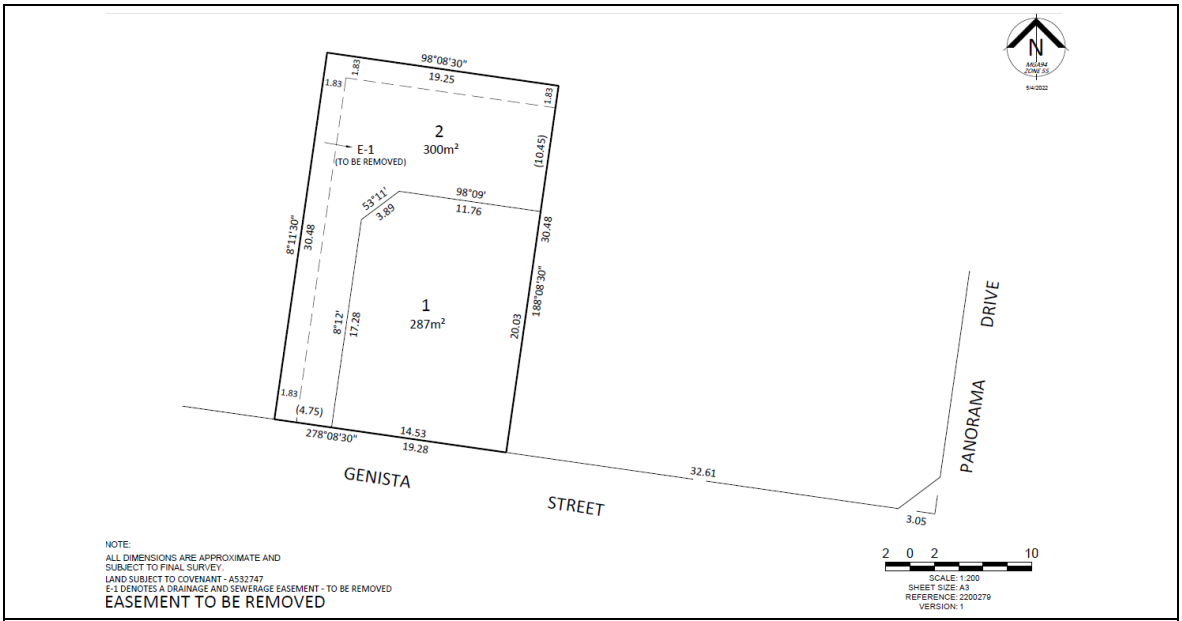


Figure 1 - Proposed Plan of subdivision

Subject Site and Surrounds

The site is located on the south side of Genista Street, between Panorama Drive to the east and Phillip Island Road to the north. The site is a rectangular shaped lot with a 19.28 metre frontage to Genista Street, a maximum depth of 30.48 metres and a site area of approximately 587.65 square metres.



Figure 2 - Aerial photography of subject site (Source: Intramaps, dated 16/10/2022)

The site is developed with a single storey dwelling with an attached carport. The site does not contain any significant vegetation, with some scattered trees to the rear and western side boundary of the site. Currently, there is an unsealed vehicle access from Genista Street.



Figure 3 - Site Context Plan (Source: prepared by Beveridge Williams, dated 5/04/2022)

The main characteristics of the surrounding area are:

North	To the immediate north, the land at 3/35 Phillip Island Road, San Remo. This lot is approximately 253 square metres in area and contains a double storey dwelling with scattered vegetation along the rear and side boundaries. Vehicle access exists via a common property driveway to Phillip Island Road. This dwelling is one of a three dwelling unit development.
South	To the South, opposite the subject land, at 27 Genista Street, San Remo. This lot is approximately 670 square metres in area and contains a double storey dwelling with scattered vegetation along the rear boundary. Vehicle access exists to Genista Street.
East	To the immediate east, at 73 and 73A Panorama Drive, San Remo (north-eastern part) and 24 Genista Street, San Remo (south-eastern part). These lots are between 307 and 280 square metres in area and contains double storey dwellings with areas of open space at the rear and side boundaries. Vehicle accesses exists to Panorama Drive and Genista Street, respectively.
West	To the immediate west, the land at 37-39 Phillip Island Road, San Remo, is the Golden Chain Quays Motel, which compromises three buildings of one storey with internal sealed driveway and access point to Phillip Island Road on a 2,634 square metre lot.



Figure 4 – Site and surrounds

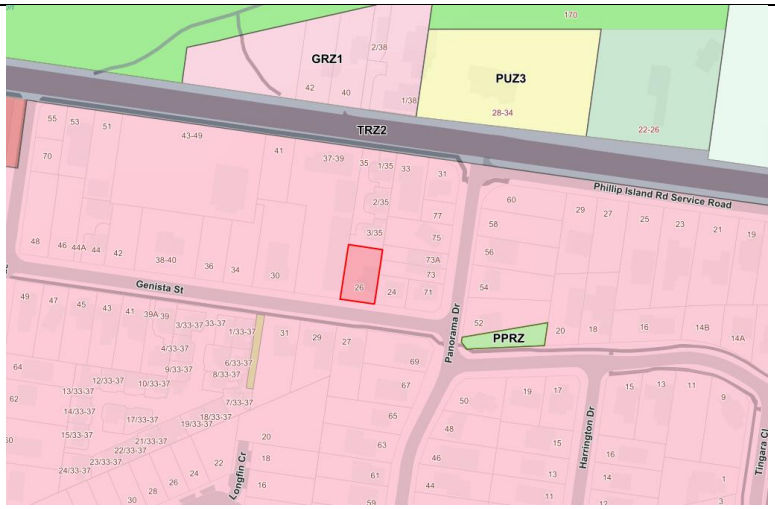


Figure 5 - Zoning Map

Consultation

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 16 landowners and occupiers; and
- Placed a Notice on the land.

In response to notification the application attracted 10 objections.

A copy of each objection is included in Attachment Two.

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

The applicant provided a combined response to the objections. The response was subsequently forwarded to the objectors to attempt to resolve the matters of concern raised in the objections. No objections were withdrawn during the consultation process.

The applicant had provided amended plans and documentation that proposed a second dwelling to the new allotment. Shortly following the receipt of these formally amended documents, the applicant requested to withdraw the second dwelling component from consideration and to only have the vacant lot considered.

Although a concept dwelling has been submitted as part of the planning application material, the proposal is only for a two lot subdivision and the removal of an easement.

Referrals

The following table outlines the referral requirements of this application.

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
	External referrals/notice were not required by the Planning Scheme.
Internal (Section 52 of the *Planning and Environment Act 1987*)	
Development Services	No objection to the application subject to standard conditions.

Planning Scheme Provisions

Planning Policy Framework Assessment

The relevant Planning Policy Framework clauses are as follows:

VPP00 Purpose and Vision

Clause 02 – Municipal Planning Strategy

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

VPP11 Settlement

Clause 11.01 - Victoria

- Clause 11-01-1S Settlement
- Clause 11-01-1R Settlement – Gippsland
- Clause 11-01-1L-01 Settlement
- Clause 11-01-1L-05 – San Remo

Clause 11.02 - Managing Growth

- Clause 11.02-1S Supply of urban land
- Clause 11.02-2S Structure planning
- Clause 11.02-3S Sequencing of development

VPP 15 Built Environment and Heritage

Clause 15.01 Built Environment

- Clause 15.01-3S Subdivision design
- Clause 15.01-3L Subdivision design
- Clause 15.01-4S Healthy neighbourhoods
- Clause 15.01-5S Neighbourhood character
- Clause 15.01-5L Neighbourhood character

VPP 16 Housing

Clause 16.01 Residential Development

- Clause 16.01-1S Housing supply
- Clause 16.01-1L Housing supply
- Clause 16.01-2S Housing affordability
- Clause 19.02-6S Open space
- Clause 19.02-6L Open space

Clause 19.03 Development Infrastructure

- Clause 19.03-2S Infrastructure design and provision
- Clause 19.03-2L Infrastructure design and provision
- Clause 19.03-3S Integrated water management
- Clause 19.03-3L Integrated water management

The proposal generally accords with the relevant objectives and strategies of the Planning Policy Framework.

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

The proposed subdivision of the land into two lots (battle-axe) is considered to be consistent with the purpose of the zone and the overlay and is considered to be a satisfactory response to the decision guidelines by creating an additional lot within an established residential area that respects neighbourhood character. The development facilitates opportunity for further housing that will contribute to the variety of dwelling stock in San Remo. The site offers an infill opportunity at a low-density scale and in so doing, facilitates future residential development in an attractive location close to services and transport.

The proposed two lot subdivision is considered to have merit when consideration is given to the broader state and local policies related to land supply, residential lot design, residential development, site management, integrated water management, utilities, and urban landscape.

Zone Assessment

Clause 32.08 – General Residential Zone – Schedule 1 (GRZ1)

The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The application is consistent with the objectives and decision guidelines of the zone and raises no issues of concern. The proposal will create a vacant battle-axe lot generally consistent with the surrounding medium density allotments in the vicinity which is considered consistent with the existing neighborhood character. The lot containing the existing dwelling will have a size similar to surrounding lots. The new lot (Lot 2) will have adequate ability to develop a new dwelling, even despite the size of the driveway and the effective area to be developed that will contain any dwelling and associated outdoor space, service areas and car parking as shown on concept plans submitted to support the proposed two lot subdivision.

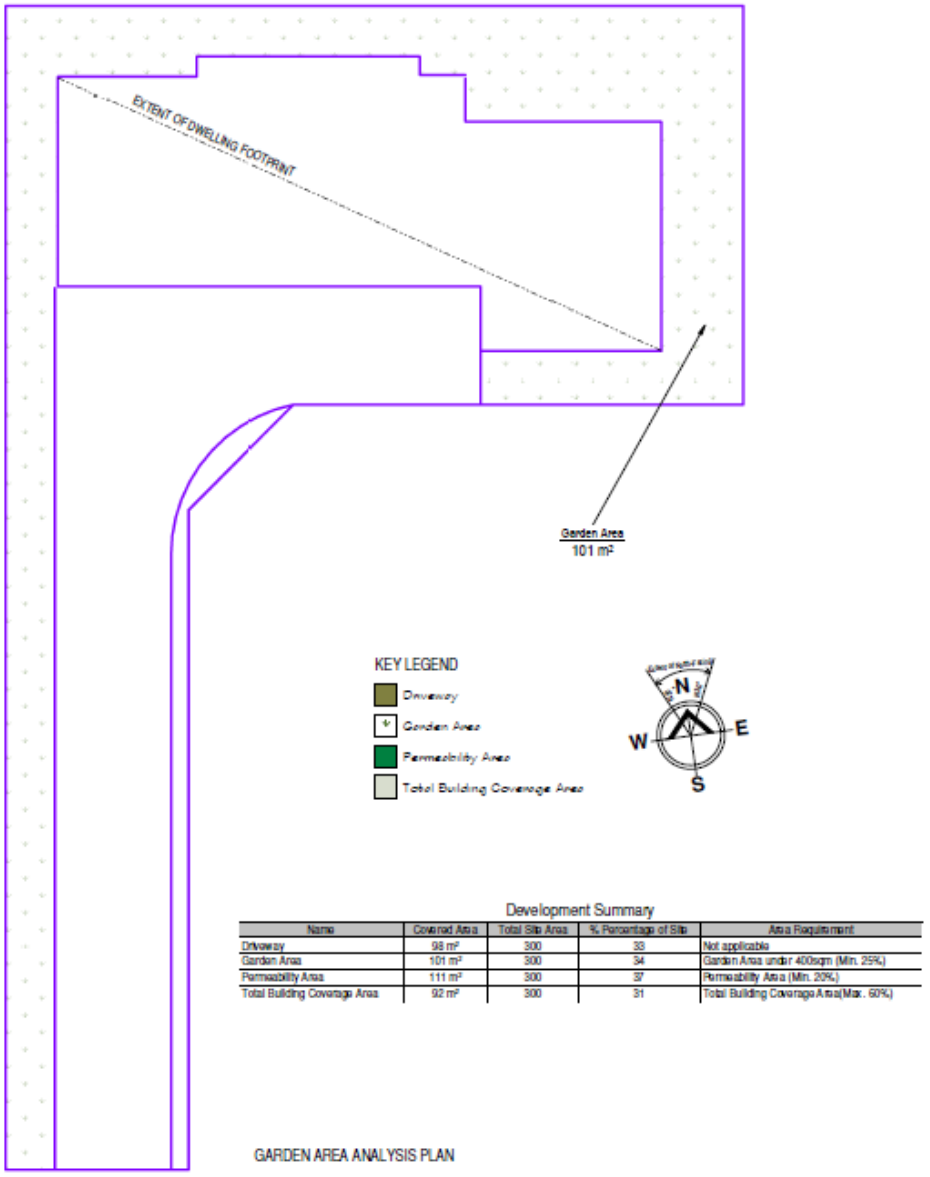
Both lots will present to Genista Street with adequate provision of services. Given the urbanised setting, the proposal will not affect the operation of the road or public safety.

Garden area

Clause 32.08-3 (GRZ1) – *Subdivision* requires that an application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains 25% of garden area.

The proposal will create a vacant allotment (Lot 2) of less than 400 square metres suitable for development. The 300 square metre Lot 2 has the capability to set aside 33.66% or 101 square metres of the site for garden area, as demonstrated in the submitted *'Garden Area Analysis Plan'* at TP-02 - Job 150622, Revision C, provided by applicant, dated 27/06/22.

The proposal complies with garden area requirements.



Name	Covered Area	Total Site Area	% Percentage of Site	Area Requirement
Driveway	98 m²	300	33	Not applicable
Garden Area	101 m²	300	34	Garden Area under 400sqm (Min. 25%)
Permeability Area	111 m²	300	37	Permeability Area (Min. 20%)
Total Building Coverage Area	92 m²	300	31	Total Building Coverage Area(Max. 60%)

Figure 6 – Garden Area Analysis Plan (Source: prepared by Beveridge Williams, dated 5/04/2022)

Overlay Assessment

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

The purpose/objectives of the overlay are:

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

The relevant design objectives of Schedule 1 are:

- *To protect views from the coast to adjacent residential areas.*
- *To protect views to the coast from adjacent residential areas.*
- *To minimise the impact of development along the coastline.*

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

The application triggers a Planning Permit under the DDO for subdivision. However, Schedule 1 of the overlay does not specify any specific requirements for subdivision. It is considered that the application is consistent with the objectives of the DDO and Schedule as the proposed two-lot subdivision is deemed responsive to neighborhood character in design and the protection of any visual impacts to the streetscape of the surrounding coastal area.

The proposed allotment provides for adequate area in which a future dwelling will be developed, and any future application for a dwelling on the land that has a height over 7 metres above ground level will need to be considered in accordance with the overlay controls in place at the time.

Particular Provisions

Clause 52.02 – Easements, Restrictions and Reserves

The purpose of this provision is:

> *To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

Clause 52.02 requires an application before a person proceeds under Section 23 of the *Subdivision Act* to create, vary, or remove an easement.

Before deciding on an application, in addition to the decision guideline in Clause 65, the responsible authority must consider the interests of affected people.

The proposed removal of the existing drainage and sewerage easement (E-1) on the land enables the creation and further development of the proposed Lot 2 and complies with the decision guideline of Clause 52.02 and does demonstrate that the interests of affected people have been appropriately considered in the application. The removal of the easement will not be detrimental to the current or future development of the land. The proposal was referred to Council's Development Services (relevant easement authority), who have not raised any objections to the removal of the easement. Additionally, no objections were received from members of the public regarding the proposed removal of the easement.

Clause 53.01 – Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the Bass Coast Planning Scheme. The schedule to the above-mentioned clause requires a 5% contribution for land to be subdivided into three or more lots within residential, industrial, mixed use and commercial zones.

Clause 53.01 sets out a number of exemptions of when a contribution is not required to be made to the responsible authority.

A two-lot subdivision is proposed, and it is considered in this instance, that no public open space contribution is required as it is unlikely that the proposed two lots will be further subdivided given their size and the layout of the subdivision.

Clause 56 – Residential Subdivision

The purpose of the Residential Subdivision listed at Clause 56 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*

- *To create liveable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
  - *Metropolitan Melbourne growth areas.*
  - *Infill sites within established residential areas.*
  - *Regional cities and towns.*
- *To ensure residential subdivision design appropriately provides for:*
  - *Policy implementation.*
  - *Liveable and sustainable communities.*
  - *Residential lot design.*
  - *Urban landscape.*
  - *Access and mobility management.*
  - *Integrated water management.*
  - *Site management.*
  - *Utilities*

These provisions apply to an application to subdivide land in the GRZ1 and must meet all of the relevant objectives to a two-lot subdivision specified in the zone.

An application to subdivide land, other than an application to subdivide into lots each containing an existing dwelling or car parking space, must meet the requirements and objectives of Clause 56. The proposal generally complies with the relevant requirements and objectives It is considered that the proposal is consistent with the objectives at Clause 56 as:

- It has been designed to appropriately respond to the surrounding neighborhood character.
- Create a new lot with an area and dimensions that enable appropriate siting and construction of any future dwelling and their associated features.
- Provides a subdivision layout that will contribute to enhance the social cohesion, safety, and property security.
- Provides for safe vehicle access between the lots and Genista Street.
- Provides for integrated water management with adequate services such as drinking water, liquid waste disposal and stormwater management, and other essential services such as electricity and telecommunications.

Concerns Raised by Submitters

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

Submitter Theme	Council Officer Response
Overlooking and overshadowing. Amenity Impacts	As outlined above, this application does not propose a dwelling on the vacant lot (Lot 2), and therefore, this concern cannot be considered as part of the planning process. Any future dwelling will require to address the Building Regulations, and these matters will be subject to detailed assessment by a private building surveyor prior to the issue of any building permit for the dwelling.
Loss of Privacy	Assessment of this application is limited to the proposed subdivision and removal of the existing easement, and therefore ResCode is not required to be assessed as part of the Planning Permit process. It will be the responsibility of the registered building surveyor to assess siting (overlooking, setbacks, overshadowing, etc.) as part of the building permit stage.
Traffic and congestion; Street parking issues	The application at this stage is not assessing any of the future development that would occur. However, it is considered that future infill development will be conservative as it is low density in scale. The traffic increase will be minimal. The existing infrastructure at Genista Street has the capacity to support any future residential development derived from the proposed two lot subdivision. The application has been reviewed and assessed by Council's engineers who have not raised any traffic issues.
Proposed driveway. Adequate provision of parking	The proposed driveway of Lot 2 is safe and functional for any vehicle including emergency and other service vehicles. The application was referred internally to Council's Development Services, who have not raised issues with the proposed access, subject to conditions.
Proposed subdivision layout (battle-axe lot and reduction of lot sizes). Small subdivision; block size for dwelling. Existing lot not large enough for subdivision.	Whilst a valid planning consideration, it is considered that the proposed two lot subdivision is in keeping with the character of the area. It is deemed that the new lot will integrate well with the surrounding neighbourhood. The proposed battle-axe lot is consistent with the pattern of subdivisions in the vicinity. Similar subdivisions can be found along Genista Street and Phillip Island Road. The surrounding area has allotments that are

Submitter Theme	Council Officer Response
	a similar lot size. The proposed subdivision will create two lots that have enough area to contain a dwelling and associated vehicle access and parking area. The lots will be generally regularly shaped and not subject to constraints.
Noise Levels	The proposed subdivision and any future dwelling will not contain noise sources that may affect existing dwellings and/or residents' amenities.
Impacts on Streetscape (Visual impact of new development)	The proposed two-lot subdivision and any future development is not considered to compromise the character, scale, or the streetscape of the surrounding area. Applications for any future dwellings will need to be considered on a case-by-case basis, in accordance with the planning controls in place at the time.
Vegetation Removal	The subject land is not affected by any of the schedules of the Vegetation Protection Overlay nor does the proposal trigger a Planning Permit under Clause 52.17 (Native Vegetation) of the Bass Coast Planning Scheme. Therefore, this concern regarding the loss of vegetation does not require assessment and cannot be considered as part of the planning permit process.
Precedent for further subdivisions	It is considered that the proposal will not set a present for further subdivisions in the surrounding area. It has been assessed that there is evidence of similar sized developments and subdivisions adjoining and in proximity to the site. Every planning application is assessed on its own merits.
Density development. Overdevelopment	It is considered that any future infill development will be conservative as it is low density in scale. As discussed above, the proposal is for a two-lot subdivision and no additional dwelling is proposed as part of the application.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered that the proposed subdivision is consistent with the objectives of state planning policies, local planning policies, the General Residential Zone and Design and Development Overlay – Schedule 1.

The proposal also satisfies the relevant objectives and standards of Clause 56 (Residential Subdivision) which is an indication of the suitability for the land to be developed.

The proposal also satisfies the relevant decision guidelines of Clause 52.02 (Easements, Restrictions and Reserves).

It is considered that the proposed two-lot subdivision provides a satisfactory design response consistent with the relevant planning policy and controls and the neighbourhood character of this area of San Remo.

The application underwent notification and as a result there were 10 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 Permit for planning application 220173, subject to conditions.

Recommendation

That in relation to Planning Permit application 220173 for Two lot subdivision and removal of an easement located at 26 Genista Street SAN REMO VIC 3925, Council resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:

Layout not to be altered (Subdivision)

1. **The subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**

No buildings and works over easements

2. **No buildings or works shall be constructed on any existing easement (including implies sewer, drainage, telephone, gas, power, and water easement) or proposed easement without the further approval in writing of the responsible authority and/or relevant service provided.**

Site Civil Design Plans

3. **Before certification of the Plan of Subdivision, detailed civil construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing authorities. The plans must be drawn to scale with dimensions and an electronic copy (PDF) must be provided. he plans must show:**
    a. **Drainage of the subject land, including levels or contours of the land (including relevant external catchments) and all hydraulic computations. The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) as amended and must provide for the following:**

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

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

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

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

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

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

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

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

Existing Building Drainage

4. **Before the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, all stormwater discharging from the existing buildings must be conveyed to the legal point of discharge to the satisfaction of the Responsible Authority.**

Construction (Minor Subdivision)

5. **Before the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:**

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

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

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

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

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

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

g. **Removal of any sheds or redundant buildings located on created land parcels not accommodating a dwelling.**

Mud On Roads

6. **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.**

Owners Corporations

7. **The members of the Body Corporate or Owners Corporation are responsible for the upkeep and maintenance of common or shared stormwater drainage and driveway infrastructure and assets on the subject land.**

S173 Agreement for Drainage

8. **Before the issue of a Statement of Compliance, the owner of the land must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The cost of the preparation, lodgement and registration and any subsequent removal of the Agreement shall be borne totally by the owner of the land. The Agreement must be registered on the certificate of title for the land. Evidence of the registration of the agreement must be provided to the Responsible Authority prior to the issue of a Statement of Compliance authorised by this permit. The Section 173 agreement must provide for the following:**

a. **Before an Occupancy Permit is issued for a dwelling on lot 2, a stormwater detention tank must be installed in accordance with the endorsed drainage plans;**

b. The owner will maintain and not modify the on-site storm water detention system without prior Council written approval, and will allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times;

c. The capacity of the on-site stormwater detention system cannot be reduced and must be maintained to the satisfaction of the Responsible Authority; and

d. The owner will pay for all the costs associated with the operation, maintenance, and Council inspection of the on-site storm water detention system.

Amenity

9. 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.

Mandatory Subdivision conditions

10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas, and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

11. All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

12. The plan of subdivision submitted for certification under the Subdivision Act must be referred to the relevant authority in accordance with Section of that Act.

Telecommunication Services

13. The owner of the land must enter into an agreement with:

a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Telecommunication Services

14. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Permit Expiry - Subdivision

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

a. The plan of subdivision is not certified under the *Subdivision Act 1988* within two (2) years of the date of this permit; or

b. Registration of the plan of subdivision is not completed within five (5) years of the certification of the plan of subdivision under the *Subdivision Act 1988*.

A permit may be extended in accordance with Section 69 of the *Planning and Environment Act 1987*.

PERMIT NOTES

Asset Protection Permit

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

Road Occupation Permit

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

Stormwater Discharge Point

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

Attachments

AT-1	Proposed Plan of Subdivision	1 Page
AT-2	Site Context & Design Response Plan	1 Page
AT-3	Concept Design Plan (Dwelling)	2 Pages
AT-4	Drainage Strategy Plan	1 Page
AT-5	***CONFIDENTIAL*** - Copy of Submissions	24 Pages

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Rochelle Halstead

That in relation to planning permit application 220173 for a two-lot subdivision and removal of an easement in a General Residential Zone (GRZ1) at the land located at 26 Genista Street, San Remo, Council resolves to issue a Notice of Refusal on the following grounds:

1. **The proposed subdivision does not respond appropriately to its surrounding urban context, resulting in a higher residential density having an impact on the established and valued character and is therefore inconsistent with the following clauses of the Bass Coast Planning Scheme:**
    a. **Clause 15.01-1L-02 Landscape design**
    b. **Clause 15.01-3S Subdivision design**
    c. **Clause 15.01-3L Subdivision design**
    d. **Clause 15.01-5S Neighbourhood character**
    e. **Clause 15.01-15L Neighbourhood character (San Remo)**
2. **The proposed subdivision is considered contrary to Clause 56 (Residential Subdivision) of the Bass Coast Planning Scheme and in particular has failed to address the following themes of the clause:**
    a. **Built environment**
    b. **Neighbourhood character**
    c. **Lot area and building envelopes**
    d. **Integrated urban landscape**

3. **The proposed subdivision is contrary to the decision guidelines of Clause 65.02 (General Provisions with respect to the subdivision of land) of the Bass Coast Planning Scheme.**

CARRIED

D.9 Bass Coast Tracks and Trails Strategy 2022-2032

File No:	**CM22/537**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Places**
	Strengthening the connection between people and the public places they share

Declaration

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

Summary

The purpose of this report is to present the *Bass Coast Tracks and Trails Strategy 2022–2032* and *Delivery Plan 2022–2024* for adoption following a period of consultation with the community and key stakeholders.

The Tracks and Trails Strategy was developed in 2022 and consolidates all of Council's existing plans, documents and strategies into a single Tracks and Trails Strategy. The Strategy provides strategic guidance in the planning and delivery of an interconnected tracks and trails network across the Bass Coast Shire.

This report recommends that Council adopt the *Bass Coast Tracks and Trails Strategy 2022–2032* and the associated *Delivery Plan 2022–2024* to guide future planning, delivery and maintenance of the tracks and trails network across the Shire.

Background

Bass Coast Shire Council is responsible for the management of a diverse range of tracks and trails, located in both coastal and urban environments. The existing trails network (on land managed by Council) currently consists of 167km of recognised trails, comprising 272 discrete trails that provide opportunities for walking and cycling.

In 2016, Council adopted the *Bass Coast Shire Aspirational Network Pathways Plan* which identified 52 potential extensions or additions to the existing trail network. These trails were then ranked, and the top four paths were approved to proceed towards advocacy and delivery.

The Aspirational Pathways Plan trail list captured a 'moment in time' of missing walking trails, however omitted other strategic objectives such as guiding principles and an overall vision. Limitations of the assessment tool were also identified which restricted the addition and reprioritisation of new paths. In addition, the Aspirational Pathways Plan did not identify such items as levels of service, quality standards or trail categories that inform Council's asset maintenance, delivery and planning programs and budgets.

Recent investment into current regionally significant signature projects such as the Yallock-Bulluk Marine Coastal Park, the Bass Coast Rail Trail and South Gippsland Rail Trail, Bass Coast Dinosaurs Trail and Phillip Island Nature Parks Trail Masterplan has identified a missing link between Council's tracks and trails and these other projects and provided an opportune time for Council to assess its network in line with these region-wide trail connections.

A strong tracks and trails network also aligns closely with Council's declaration of a climate emergency and the Climate Change Action Plan. The Strategy highlights the importance for Council to support the reduction of car dependency by improving recreational trail opportunities, providing sustainable transport choices, offering active transport options, and helping to rebuild tourism in the wake of the pandemic and contribute to wider economic benefits to the shire.

The *Bass Coast Tracks and Trails Strategy 2022–2032* collates this work previously undertaken by Council and its regional partners, establishes a framework underpinned by strategic pillars and an overall vision, identifies a sustainable delivery plan through a renewed assessment tool and provides a clear pathway forward to deliver a shire-wide interconnected tracks and trails network over the coming ten years.

Strategic Basis

Council Plan Strategic Objective:

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

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

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

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

Governing Documents

Aspirational Pathways Plan 2016

Active Bass Coast 2018–2028

Bicycle Infrastructure Action Plan 2012–2022

Bass Coast Bicycle Strategy Vol 1 2000

Council Plan 2021–2025

Health Communities Plan 2021–2025

Bass Coast Community Vision

Access, Equity and Inclusion Plan

Discussion

<u>The Strategy</u>

The *Bass Coast Tracks and Trails Strategy 2022–2032* consolidates a range of existing documents into a single strategy that is underpinned by strategic principles and a vision that guides the identification, design, delivery, and ongoing maintenance of Council's tracks and trails network.

Six key strategic principles were identified during early stakeholder and community consultation that have guided the development of the Strategy and Delivery Plan:

1. Connectivity
2. Health and wellbeing

3. Accessibility
4. Tourism
5. Connection to nature
6. Environmental protection.

Underpinned by these strategic principles, a tracks and trails vision was developed that seeks to enhance Bass Coast as a region that:

> *"Offers a connected and accessible trail network that supports active and healthy communities, showcases and protects the natural environment and encourages increased visitation to the region."*

Trail categories, levels of service and quality standards have also been developed to provide a framework that determines all trail types, their standards, and asset provisions attributable to each trail across the network. The primary purpose of this categorisation is to define the standard, expectation, and range of services at each trail location.

The Strategy has now mapped and categorised all previously identified trail opportunities and combined this with newly identified trail locations and network gaps. An additional 40 trail opportunities have been identified.

The Trail Assessment Tool

A new trail assessment tool was developed to assess each identified trail opportunity against a preset weighted criterion. The criterion in the assessment tool correlates directly to the six key strategic principles. Each trail has been assessed, which provides a score and ranking which determines the trail order of the implementation plan. The implementation plan ranks assessed trails into a high, medium, and low priority order list.

Importantly, the Trail Assessment Tool can also be used with any potential new trail that may be proposed and allow assessment against all other future trail locations. The implementation plan also provides high-level construction costings based on current day rates.

Consultation and engagement period

A public consultation period of four weeks was conducted between June 2022 and July 2022 to seek community feedback on the Draft Tracks and Trails Strategy. During the consultation period, Council received 157 survey responses, over 40 written submissions through the Engage Bass Coast website, email correspondence and phone discussions.

Strong support of the Draft Strategy was received. 81% of survey respondents believed that the strategic principles are correct, with majority of the remaining 19% indicating that environment required greater weighting consideration. Additionally, 86% of survey respondents believed the trail categories for trail types to be correct. 79% of survey respondents believe the criteria used to assess trails to be correct, with 21% indicating that environment required greater weighting.

Following this strong feedback from the community, amendments were made to the Draft Strategy which now form part of the final Strategy for Council to consider. These changes included:

- Increased weighted criterion scoring for environmental impact in the final assessment tool
- Further clarification focusing on the trail development stages process that articulates trail identification, design, and delivery process. The trail development stages process has been included in the final Tracks and Trails Strategy
- Minor trail realignments and omitted trails in line with Council's existing documents have been included in the Strategy.

During the project, two petitions were received regarding the proposed Cowes to Ventnor Foreshore Trail, one in support and one opposed. It is noted that all proposed trail locations require further feasibility studies, preliminary design work and community consultation prior to any final trail alignment being proposed. The process for finalising trail alignments is noted in the final Strategy.

Funding and delivery

Council's Long Term Financial Plan identifies a nominal $1,000,000 amount each financial year for the design and delivery of recommendations made in the Tracks and Trails Strategy. To apportion this funding in the immediate term, a three-year plan has been developed to provide clarity on trails scheduled for advocacy, design, and delivery between 2022 and 2024 (attachment AT-2).

The delivery plan will be reviewed annually, and a new plan developed at each four-year period to identify forecast projects in the Tracks and Trails Strategy. Additionally, Council will continue to advocate for trails that require significant investment or are delivered in conjunction with partners.

Sustainability Implications

An interconnected tracks and trails strategy meets objectives of Council's Climate Change Action Plan by providing alternate sustainable travel choices, promoting active transport options, and offering alternate travel methods other than passenger vehicle.

Finances

Council has allocated $1,000,000 per annum within its adopted Long Term Financial Plan, noting that this budget is for planning, design, and delivery. The recommendations within the Strategy extend further than this period and ongoing assessment and review of the implementation plan will be ongoing.

Stakeholders

Community members and ratepayers

Parks Victoria

Destination Gippsland

Destination Phillip Island

Phillip Island Nature Parks

Phillip Island Integrated Transport Study Community Reference Group

South Gippsland Conservation Society

Conclusion

The *Bass Coast Tracks and Trails Strategy 2022–2032* consolidates existing plans, documents and strategies into a single Strategy and provides strategic guidance on the planning, design, and delivery of an interconnected, shire-wide tracks and trails network.

The Strategy is underpinned by six key principles that determine the vision, assessment tool criteria, levels of service, quality standards and trail development stages.

All tracks and trails (newly identified and from previous strategies) have been evaluated by the assessment tool which has delivered an implementation plan in order of high, medium, and low priority projects. The assessment tool allows for identification of future trails to be evaluated and included into the implementation plan.

Adoption of the Strategy and Delivery Plan will guide advocacy, planning, design and delivery of tracks and trails in line with allocated funding in Council's Long Term Financial Plan.

Recommendation

That Council adopt the Tracks and Trails Strategy 2022–2032 and Delivery Plan 2022–2024.

Attachments

AT-1	FINAL Bass Coast Tracks and Trails Strategy Digital Version	72 Pages
AT-2	Tracks and Trails Delivery Plan 2022-2024	1 Page

Council Decision

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

That the recommendation be adopted.

CARRIED

D.10 Draft Communications and Engagement Strategy

File No:	**CM22/613**
Division:	**Partnerships, Economy and Culture**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

The purpose of this report is to seek authorisation to release the draft Communications and Engagement Strategy for further community consultation.

The purpose of the strategy is to set a strong foundation for why, how, when and what Council will prioritise as its key communications and engagement activities. It identifies four key focus areas and a set of actions that will underpin Council's communications and engagement activities over the next three years.

The draft strategy has been informed by existing policies, plans and strategies as well as preliminary feedback from community consultation undertaken earlier this year.

Further community consultation on the draft strategy is an essential next step, as it will allow the community to provide feedback and critical analysis of the draft and ensure that the final strategy presented to Council is the best representation of the community's needs and expectations.

The report recommends the draft strategy be released for further community consultation.

Background

In February 2021, Council adopted a Community Engagement Policy which incorporated the Deliberative Engagement principles as set out in the Local Government Act 2020.

At the time of adoption of the policy, Council also resolved to undertake a review the Communications and Engagement Strategy 2018.

The review of the strategy commenced in February 2022, by seeking preliminary feedback through various community engagement activities, and consideration to the relevant feedback from the 38 submissions provided during the consultation period for the development of the Community Engagement Policy 2021.

The draft strategy is under-pinned by the Community Engagement Policy 2021 and aligns with the policy objectives and principles. It aligns with and supports the Bass Coast Community Vision 2041 and Council Plan 2021-25.

Strategic Basis

Council Plan Strategic Objective:

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

Governing Documents

Community Vision 2041

Council Plan 2021-25

Community Engagement Policy 2021

Discussion

Communications and community engagement are Council-wide activities and can include; information sharing; one-off or regular interactions with individuals or groups; and large-scale decision-making processes.

Communication

Effective communication is best achieved through multiple channels and platforms, acknowledging that our community, business owners, workers and visitors consume content in a range of ways that suit them best.

Primary channels that Council focuses on to reach our community and stakeholders include direct mail and email, our corporate and Engage Bass Coast websites, various social media channels such as Facebook, Twitter, Instagram, LinkedIn and YouTube, and via local newspapers and other media outlets. Signage and printed material are also used to get messages to the right people at the right time.

Engagement

Engagement processes provide opportunities for our community to have their views considered in local decision-making.

These engagements may be required under the Local Government Act, or Council designs these to best meet the needs of the relevant community, project or issue.

Engagement can have a broad definition. For this strategy we are referring to a process that is designed to understand community sentiment and capture community views to shape a Council decision or activity.

Review of the strategy

To initiate the review of Council's Communications and Engagement Strategy 2018, officers undertook a comprehensive consultation process to understand community expectations on our approach and the different systems for collecting and sharing information and informing decisions. From February to May 2022 officers actively engaged with the community to understand how they currently hear from us, how they want to hear from us in future, how successful we are at engaging with them, and how we can improve.

Consultation

Officers implemented various methods to gather this feedback from the community, including online through the Engage Bass Coast, face-to-face sessions, seven pop-up listening posts, a survey which received 109 responses and an invitation to provide written submissions, which was accepted by seven individuals and businesses. The relevant feedback from the 38 submissions provided during the consultation period for the development of the Community Engagement Policy 2021 was also considered.

Feedback

The preliminary feedback received was consistent and identified the need to enhance the way Council provides information and updates on projects, upcoming events and Council services.

The feedback indicated that popular channels by which Council engages and informs include social media, newspaper and through the customer service centres and websites.

Draft strategy

The purpose of the strategy is to set a strong foundation for why, how, when and what Council will prioritise as its key communications and engagement activities. It seeks to build and maintain transparent and open communications about Council's activities, initiatives and projects and provides opportunity for everyone to be involved in engagement and provide input into Council decisions.

The strategy affirms Council's commitment to engaging with the community in a timely and open way using multiple channels and platforms to connect with people of all ages, interests and backgrounds who love to live, work and visit Bass Coast.

The strategy aims to:

- Unite our townships by appreciating their differences while tackling issues that have regional interest.
- Ensure our policies, processes and projects are communicated clearly and simply.
- Provide opportunities for input into projects, policy and strategies to help inform Council decisions and ensure we are always improving and living our values.

Based on community feedback and Council's commitment to enhancing its communication and engagement, four key focus areas have been developed which identify a set of actions that will underpin communications and engagement activities over the next three years.

The four focus areas are;

1. **Access and inclusion** - being clear, ensuring readability, ease of access and inclusivity
2. **Strengthening relationships through engagement** - creating opportunities for collaboration and conversation to build trust and create partnerships
3. **Being effective and efficient -** communicating in a way that's both effective and efficient

4. **Innovation and technology** - being adaptable and looking for innovative and more meaningful ways to communicate and engage

Each of these focus areas identifies what Council will do, how Council will do it and what the community, businesses and visitors can expect as a result.

Proposed community consultation

Further community consultation is an essential next step, as it will allow the community to provide feedback and critical analysis of the draft and ensure the final strategy presented to Council is the best representation of the community's needs and expectations.

The community consultation is intended to reach out to the broader community (as well as targeted groups and community members and those who have already submitted feedback to date). The consultation plan includes a mix of physical and virtual consultation activities.

If approved, the community consultation period will commence Friday November 18 2022 and close Friday 6 January 2023, allowing for adequate time and opportunity for community, businesses and visitors to provide feedback. Consultation will include the following activities:

***Table**: Community Consultation Plan*

Activity	Timeframe	Purpose
Public online exhibition of the plan and invitation for written submissions through the Engage Bass Coast platform	18 Nov 2022 – 6 Jan 2023	Provide a platform for community members to access, review and provide feedback on the draft plan
Mail out to all groups and individuals who provided preliminary feedback	21 Nov 2022	Promote the release of the draft strategy for feedback
Mail out to targeted groups and associations and existing networks with an interest in the strategy	21 Nov 2022	Promote the release of the draft strategy for feedback
Email notification to all online subscribers to Engage Bass Coast platform inviting feedback	21 Nov 2022	Promote the release of the draft strategy for feedback
Scheduled pop-ups and drop-ins at local events and locations	Various times during the Consultation Period	Provide an opportunity for community members to have conversations with Council officers regarding the draft to assist in providing high-quality formal submissions

Hardcopy strategies available at Newhaven, Grantville, Wonthaggi and Inverloch offices	18 Nov 2022 – 6 Jan 2023	Provide a physical copy of the plan for those community members with limited on no internet access
Media Release and Social Media Posts	Various times during the Consultation Period	Promote the release of the draft strategy using Council's existing tools

Next Steps

Following community consultation, feedback will be considered, and a final strategy prepared. It is intended that the final strategy be presented to Council for consideration and implementation early 2023.

Sustainability Implications

Engaging with the community on this strategy contributes to the social sustainability of the region by providing a voice to the wider community and ensuring that Council decisions reflect the expectations and aspirations of the community it represents, strengthening Council's partnerships with community members and building trust through open and transparent communications about Council activities, initiatives and projects.

Finances

There are no financial implications associated with this report.

Stakeholders

The key stakeholders of this strategy include the community, businesses, and visitors.

Conclusion

Further community consultation on the draft strategy represents the final engagement activity for the project, it is an important step to test that the strategy is well resolved and meets community expectations.

Therefore, it is recommended that Council resolve to approve the release of the draft strategy for further community consultation.

Recommendation

That Council approves the release of the draft Communications and Engagement Strategy for the purpose of community consultation

Attachments

AT-1 DRAFT Communications Engagement Strategy 24 Pages

Council Decision

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

That the recommendation be adopted.

CARRIED

D.11 Short Stay Rental Accommodation – Proposed registration fee; and amendments to Fees and Charges 2022/2023

File No:	**CM22/459**
Division:	**Resilient Communities**
Council Plan Strategic Objective:	**Healthy Community**
	An inclusive community that embraces its lifestyle and supports health and wellbeing

Conflict of Interest

Cr Michael Whelan, Cr Ron Bauer, Cr Les Larke and Cr David Rooks have declared a conflict of Interest in agenda item D.11 under section 127 of the *Local Government Act 2020*.

Statement from Wayne Mack, General Manager Business Transformation

Four Councillors have declared a conflict of interest in relation to item D.11 Short Stay Accommodation. With Cr Tessari on a leave of absence, that leaves Council without a quorum to determine this matter, and there is uncertainty about the ability to determine this matter at a future meeting.

Section 67 of the *Local Government Act 2020* requires Council to consider whether the matter can be dealt with in an alternative manner such as splitting the recommendation or making a prior determination on the component parts. A prior determination is not an option and splitting the recommendation will not prevent the loss of a quorum. The setting of fees and charges is not something that can be delegated.

Section 67(4) of the Act says that if Council cannot determine the matter in an alternative manner, then Council must decide to establish a delegated committee to make the decision. The delegated committee must consist of all available Councillors without a conflict and any other persons that the Council considers suitable.

I propose that the delegated Committee consist of:

- Cr Halstead (chair)
- Cr Kent
- Cr Laing
- Cr Le Serve
- General Manager Resilient Communities
- General Manager Business Transformation

A delegated committee is subject to the same Governance Rules as a Council Meeting and it is recommended for consideration of this report only.

Declaration

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

Summary

Council sets the fees and charges for the coming year as part of its annual budget process. Occasionally fees and charges need to be amended throughout the year to accommodate unforeseen needs, including changes to legislation or administrative errors.

The purpose of this report is to introduce a new fee structure for Short Stay Rental Accommodation effective1 July 2023; and introduce two amendments to the current fees and charges schedule.

These include:

1. Setting a registration fee for Short Stay Rental Accommodation (SSRA) to allow Council to regulate SSRA properties under Bass Coast Councils Local Law No 1 Neighbourhood Amenity 2022.
2. Inclusion of horse riding permits in the current 22/23 fees and charges schedule
3. Inclusion of a new fee for 3A Accommodation Getaway Providers in 22/23 fees and charges schedule

Bass Coast Council Local Law No 1 Neighbourhood Amenity 2022 defines SSRA as accommodation provided by the owner of a property, for fee or reward, to another person, for no more than 30 consecutive days on that property but does not include any property that is required to be registered under any other Act or regulation.

Council recommends that a $300 flat fee (with CPI) is adopted and renewed annually for the registration of SSRA in the municipality.

Council Officers identified that horse riding permit fees were not included in the fees and charges schedule that was adopted by Council this financial year due to an administrative error.

Council Officers have also identified a new fee which is required due to recent changes to the Food Act. Officers recommend introducing a new 3A Accommodation Getaway Fee of $200 for the 22/23 financial year.

Background

Short Stay Rental Accommodation (SSRA)

SSRA was previously regulated under the *Public Health and Wellbeing Act 2008* (PHWA). Short stay registration should not be confused with bed and breakfast properties that are registered as prescribed accommodation under the PHWA. These properties differ as they generally serve food, and the owner/manager of the property will live onsite. Visitors to the property do not have exclusive use of the dwelling or land, and share certain parts of the property with others.

Where a property allows for the accommodation of five or more guests where they do not have exclusive rights to the land, the PHWA applies.

Under the newly adopted Local Law, Council is required to register and enforce amenity issues in relation to SSRA.

As such, Council is required to develop a process for registering SSRA, and an associated fee structure.

SSRA fees will increase annually, in line with CPI. Setting a fee for SSRA will also allow Council to continue to support tourism events and programs across the Shire.

3A Fees and Charges

The recent changes to the Food Act created an additional class of food premises, Class 3A.

Class 3A now also includes Accommodation Getaway Providers that serve food to guests (bacon and eggs etc.)

Council Officers propose an additional fee category be created for Food Act Class 3A Accommodation Getaway Providers of $200.

Strategic Basis

Council Plan Strategic Objective:

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

Governing Documents

Bass Coast Shire Councils Local Law No 1 Neighbourhood Amenity 2022.

Discussion

When considering a fees structure for SSRA's, the following factors are to be considered:

- Cost and time taken to establish and implement the registration process
- Time and resources related to reviewing applications and Waste Management Plans
- Developing and resourcing Waste Management Packs
- Additional resourcing to investigate complaints
- Enforcement of non- compliance
- Benchmarking against other council fees

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

There are no financial implications associated with this report.

Stakeholders

- Destination Phillip Island
- Destination Gippsland
- Short Stay Homeowners
- Bass Coast Shire Council

- Bass Coast Shire Council residents and ratepayers
- Property Managers

Conclusion

1. Council should adopt Option, a $300 flat fee for SSRA its municipality, to be increased annually in line with CPI.
2. Council should include horse permit fees and charges to the fees and charges schedule as referred to in the attachments.
3. Inclusion of a new fee for 3A Accommodation Getaway Providers in 22/23 fees and charges schedule

Recommendation

That Council:

1. **Adopt a flat fee of $300 renewed annually for SSRA and to be increased annually in line with CPI**
2. **Include Horse Riding Permit Fees in the fee schedule 2022/2023**
3. **Adopt a new fee of $200 for 3A Accommodation Getaway Providers in the 22/23 fees and charges schedules**

Attachments

AT-1	Short Stay Rental Accommodation Fees and Charges 2022/2023 Amendments	1 Page
AT-2	Community Safety Horse Access Permit Fees 2022/2023	1 Page

Council Decision

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

That:

1. **Council establish a delegated committee for the purpose of considering the report listed in the 16 November 2022 Council agenda titled Short Stay Accommodation – Proposed registration fee, and amendments to Fees and Charges 2022/2023.**
2. **The following Councillors and Council officers be appointed to the delegated Committee:**
   a. **Cr Halstead (Chair)**
   b. **Cr Kent**
   c. **Cr Laing**

d. Cr Le Serve

e. General Manager Resilient Communities

f. General Manager Business Transformation

3. The delegated committee meeting be held on Thursday 24 November in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 2.00pm.

CARRIED

D.12 Audit and Risk Committee recruitment of independent member

File No:	**CM22/589**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

The purpose of this report is to seek Council endorsement to commence the process for the recruitment of an independent member to the Audit and Risk Committee.

Background

At the 18 August 2021 Council meeting, Mr Vincent Philpott was reappointed to the Audit and Risk Committee as the independent Chair for a final two-year term concluding on 31 May 2023.

The Audit and Risk Committee Charter sets out the required membership of the Audit and Risk Committee which includes three independent members and two Councillor members.

Ahead of the conclusion of Mr Philpott's term, it is recommended that Council commence the process to recruit a new independent member to the Audit and Risk Committee to ensure a smooth and timely transition.

Strategic Basis

Council Plan Strategic Objective:

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

Governing Documents

Audit and Risk Committee Charter

Local Government Act 2020

Discussion

The Audit and Risk Committee performs a vital role in advising Council on a range of matters central to the governance of the Council. The integrity and independence of the Committee is enhanced by the appointment of external members who can bring knowledge, expertise and objectivity to the committee.

To support the retention of knowledge and maintain a sense of continuity, Council staggers the appointment of independent members. Mr Philpott's current tenure with the Audit and Risk Committee expires on 31 May 2023. As this is his final term provided under the Audit and Risk Committee Charter, Council needs to commence the process to recruit a new independent member.

It is recommended that a panel be established consisting of the Mayor and other Audit and Risk Committee Councillor member, the Chief Executive Officer (or delegate) and Mr Vincent Philpott (as the outgoing Chair) to assess and interview shortlisted candidates.

An Expression of Interest process is proposed seeking applicants to be assessed against the following criteria:

- Experience in the operations of a large organisation
- Sound understanding of financial management
- Understanding of best-practice reporting and governance processes
- Understanding of Fraud and Risk Management oversight
- Ability to analyse information
- Knowledge of Local Government
- Relevant Qualifications and Experience

The role of the Panel would be to recommend the appointment of the Independent Member to Council in a report to the April 2023 Council meeting.

To promote the vacancy of the position of Independent Member of the Audit Committee, adverts will be placed on LinkedIn and Seek, as well as being publicised via Council's website and other social media outlets.

All new independent members will receive induction material and training to familiarise them with Council's administrative environment, operational profile, risk management practices and Council Plan.

The following timelines are proposed:

Advertising for expressions of Interest	6 February 2023
Expressions of Interest open	6 February 2023
Expressions of Interest close	3 March 2023
Applicant shortlisting completed	10 March 2023
Candidate interviews	Week of 20 March 2023
Report to Council	19 April 2023
Independent Member Induction	1 May 2023

Council has also appointed Mr Philpott as the Chair of the Audit and Risk Committee. It is recommended that a new Chair be appointed when Council receives a report on appointment of a new independent member at the April 2023 Council meeting.

Sustainability Implications

There are no sustainability implications associated with this report.

Finances

Section 53 (6) allows Council to pay a fee to a member of an Audit and Risk Committee who is not a Councillor.

Council currently pays a fee to each independent member of the Audit and Risk Committee. This activity will be managed within the Governance and Property operational budget.

Stakeholders

The following stakeholders are impacted by this report:

- Recruitment panel
- Audit and Risk Committee
- Councillors
- Council Officers
- Council's internal and external auditors
- Bass Coast Shire community

Conclusion

Membership of the Audit and Risk Committee is made up of three independent members and two Councillor members. Mr Vincent Philpott's third and final term of appointment to the Committee expires on 31 May 2023.

It is recommended that Council endorse the Chief Executive Officer to commence the recruitment process to seek a new independent member for appointment to the Committee.

The timely recruitment of a new independent member will allow for a well-planned induction and transition.

Recommendation

That Council:

1. **Formally acknowledge and thank Mr Philpott for his contribution both as an independent member and more recently as Chair of Council's Audit and Risk Committee.**
2. **Endorse the Chief Executive Officer to commence the recruitment process for a new independent member of the Audit and Risk Committee.**
3. **Establish a panel consisting of Mayor, appointed Audit and Risk Councillor Member, CEO (or delegate) and Mr Vincent Philpott (as outgoing chair) to assess and interview candidates.**

4. **Receive a report at the April 2023 Council meeting with a recommendation for the appointment of an independent member to the Audit and Risk Committee.**

Attachments

There are no attachments for this report.

The meeting was adjourned due to technical difficulties at 2.16pm

The meeting resumed at 2.19pm

Council Decision

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

That the recommendation be adopted.

CARRIED

D.13 Wonthaggi Cemetery and San Remo Cemetery Abstract of Account 2021/22

File No:	**CM22/628**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

The purpose of this report is to present the abstract of accounts for the Wonthaggi Cemetery Trust and San Remo Cemetery Trust 2021/22 financial year.

Background

The Wonthaggi Cemetery Trust and San Remo Cemetery Trust abstract of accounts is an annual, statutory reporting requirement regarding the financial position and performance of the Class B Cemetery Trust, to the Department of Health and Human Services.

Council, acting as the Cemetery Trust for the Wonthaggi Cemetery and San Remo Cemetery, is responsible for the governance of the cemetery including the key roles of setting strategic direction, approving the annual budget, setting cemetery fees, monitoring performance, ensuring compliance, developing policy, high level stakeholder management, and ensuring that a risk management framework is in place. The day-to-day management of the cemetery is delegated to Council officers.

Strategic Basis

Council Plan Strategic Objective:

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

Governing Documents

Cemeteries and Crematoria Act 2003

Cemeteries and Crematoria Regulations 2015

Discussion

Implementation of both the Wonthaggi Cemetery Master Plan and the San Remo Cemetery Master Plan focused on project planning for the provision of future burial sites and drainage works, a review of Council's perpetual maintenance obligations and opportunities to improve the financial sustainability of both cemeteries.

Wonthaggi Cemetery

Wonthaggi Cemetery returned a profit of $49,290 in 2021/22. Council subsidised the delivery of general maintenance, administration support, and capital works, which prevented further impact to the net result. In 2021/22 bodily interments remained steady with a slight decrease in cremated remains interments. On average figures remain lower than pre pandemic levels.

A transfer of $14,787.05 to perpetual maintenance was recorded and derived from the 30% profit.

Overall, the financial performance of the Wonthaggi Cemetery remained steady. Significant future capital works investment has been supported by Council to deliver supply of burial sites, design and upgrade restrooms, and rectify drainage issues. Delivery of burial sites, drainage works, and Master Plan implementation are addressed through the 2022/23 Capital Works Program as well as the Long Term Financial Plan.

San Remo Cemetery

San Remo Cemetery returned a profit of $6,452 in 2021/22. Council subsidised the delivery of general maintenance, administration support, and capital works, which prevented further impact to the net result. Throughout the year, an increase in demand for interments of bodily and cremated remains at San Remo was observed.

A transfer of $1,935.72 to perpetual maintenance was recorded and derived from 30% profit.

Overall, the financial performance of the San Remo Cemetery is slightly improved. Significant future capital works investment has been supported by Council to deliver supply of burial sites, and design and install restrooms. Delivery of burial sites and Master Plan implementation are addressed through the 2022/23 Capital Works Program as well as the Long Term Financial Plan.

Statutory Declaration

The Abstract of Accounts must be accompanied by a statutory declaration signed by the trust chairperson and one other trust member. Where a Cemetery Trust in managed by a municipal Council, the statutory declaration is to be signed by two Councillors. It is recommended that the Mayor and Deputy Mayor sign the statutory declaration on behalf of the Trust.

Sustainability Implications

Economic – Low interment numbers and high maintenance costs impact the long-term financial sustainability of Wonthaggi and San Remo Cemeteries.

Social – The current assessment of the Wonthaggi Cemetery projects the last plot sale to be 60 years from now, in 2081, with the final interment in 2091. The projection for San Remo Cemetery suggests the last plot sale to be almost 300 years from now, in 2314, with the final interment in 2324.

Finances

Council continues to significantly fund the cemetery operations from its general revenue.

The current practice of transferring 30% of the profit each year into the Perpetual Maintenance Fund is insufficient to cover the estimated perpetual maintenance costs.

Stakeholders

- Cemetery Trustees
- Community members
- Council officers
- DHHS
- Funeral Directors

Conclusion

Overall, the 2021/22 performance of the Wonthaggi and San Remo Cemetery Trust showed signs of recovery after the pandemic. Wonthaggi Cemetery generated a profit of $49,290.18 and a perpetual trust contribution of $14,787.05 and San Remo Cemetery generated a profit of $6,452.39 and a perpetual trust contribution of $1,935.72.

It is recommended that the 2021/22 abstract of accounts for the Wonthaggi and San Remo Cemetery Trust be submitted to the Department of Health and Human Services to meet statutory obligations.

Recommendation

That Council:

1. **Notes the Abstract of Accounts 2021/22 for the Wonthaggi Cemetery Trust.**
2. **Notes the Abstract of Accounts 2021/22 for the San Remo Cemetery Trust.**
3. **Nominates the Mayor and Deputy Mayor to sign the Abstract of Accounts Statutory Declaration.**

Attachments

AT-1 Wonthaggi Cemetery Trust Abstract of Accounts 30 June 2022 6 Pages

AT-2 San Remo Cemetery Trust Abstract of Accounts 30 June 2022 6 Pages

Council Decision

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

That the recommendation be adopted.

CARRIED

D.14 Award of Tender No. 22017 - Reconstruction of Shetland Heights Road, San Remo

File No:	**CM22/607**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

This report to Council presents the outcome of the tender evaluation for Tender No. 22017 – Reconstruction of Shetland Heights Road, San Remo

The Evaluation Panel consisting of four (4) Council officers was formed for the purpose of this tender evaluation.

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

The Evaluation Panel concludes that the tender submitted by SR Excavations Pty Ltd will satisfy the requirements of the works and will provide Council with best value for money.

This report recommends that Council accept the tender submission and award Contract No. 22017 to SR Excavations Pty Ltd.

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

Background and Context

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

Following Commonwealth Local Roads and Community Infrastructure (LRCI) program funding allocation, Council invited tenders from suitably qualified contractors for the reconstruction of Shetland Heights Road, San Remo.

The reconstruction works is an upgrade to the unsealed section of Shetland Heights Road, from Penniwells Drive to Potters Hill Road, San Remo.

Proposed works include earthworks, road pavement construction, road sealing, kerb and gutters, concrete footpath and drainage works.

The construction works are expected to commence in February 2023.

Council released the tender to the open market at 9:00am on 17 August 2022.

Strategic Basis

Council Plan Strategic Objective:

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

Statutory Requirements/Codes/Standards/Policies

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

- The Victorian Local Government Procurement Best Practice Guidelines
- Code of Tendering Australian Standard 4120-1994;
- Bass Coast Shire Council's Procurement Policy 2021; and
- Bass Coast Shire Council Policy - Tender & Contract Confidentiality

Tender Process

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

Tenders closed at 2:00pm AEDT on Wednesday 14 September 2022 and Council received (6) six conforming tender submissions.

Evaluation Process

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

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Integrated Management System	Pass/Fail
Insurance and Registration	Pass/Fail
Weighted	
Price	30%
Benefit to the Local Economy and Social Procurement Outcomes	10%
Construction Methodology and Approach	15%
Capacity – Staff Resources, Sub-contractors, Suppliers, and Plant and Equipment	20%
Previous Related Experience and Referees	20%
Environmental Management	5%

An Evaluation Panel consisted of four (4) Council Officers. The panel was chaired by an Officer from the Procurement Team who oversaw the process and did not score the tenders.

Each tenderer passed the mandatory selection criteria.

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

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

Further information was also requested to seek clarification and to assist the Panel in its understanding and assessment of their tender. The Panel did not believe that it was necessary to obtain external reference checks as SR Excavations Pty Ltd are a current annual supply contractor to Council and have performed these works for a number of years to a high standard.

The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores

No.	Name	* Price Score %	# Non-Price Score %	Total Score %
1	SR Excavations Pty Ltd	26.5%	64.6%	91.1%
2	Tender B	24.5%	52.8%	77.3%
3	Tender C	29.6%	47.3%	76.9%
4	Tender D	26.5%	43.5%	70.0%
5	Tender E	25.1%	44.6%	69.7%
6	Tender F	30.0%	32.6%	62.6%

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

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

Although SR Excavations Pty Ltd was not the lowest cost tender, the best overall value was determined using the evaluation selection criteria. The assessment highlighted strengths in the construction methodology and program to minimise risk and reduce impact to the surrounding properties. SR Excavations Pty Ltd have extensive relevant experience and a solid history of successful project deliveries. In addition to the above they were the only respondent who did not submit a cost for delays and are 100% locally owned and operated.

In accordance with the selection criteria the Evaluation Panel concluded SR Excavations Pty Ltd presents the best value to Council.

Contract Management

The Senior Capital Project Engineer will act as Contract Superintendent for the contract and the Capital Project Officer (CIVIL) will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 16 March 2022.

Contract Commencement: February 2023

Anticipated Contract Completion: June 2023

Finances

This project is in the 2022/23 capital works program.

Funding of $1,847,000 was received from the Local Roads and Community Infrastructure Program and a Council Contribution of $220,000. The total adopted budget for this project is $2,060,000.

The lump sum tender price is $1,887,642.30 (GST exclusive), which includes a provisional sum of $262,384.30.

	GST Exclusive
Construction including permits and approvals (lump sum components)	$1,625,258.00
Provisional Sums to be completed by Contractor	$262,384.30
Total Contract Sum	**$1,887,642.30**
Internal Project Management costs	$105,232.00
TOTAL	**$1,992,874.30**

There remains $67,125.70 available in the adopted budget of $2,060,000 and this will be used for contingency if required.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Residents & Ratepayers
- Visitors & Tourists

Other Options

1. Not award a contract at this time and re-tender for the works associated with the reconstruction of Shetland Heights Road, San Remo. It is unclear though that Council would receive any benefit in doing this and it would delay the start of the project for at least twelve weeks.
2. Award the contract to an alternative tenderer. However, as SR Excavations Pty Ltd scored the highest in the evaluation process such a decision may not be consistent with the advertised evaluation criteria.

Conclusion

The Tender Evaluation Panel Report is attached.

For the following key reasons, this report concludes that the tender submitted by SR Excavations Pty Ltd will provide Council with best value for money for the following reasons

- Achieves the highest score based on the method of evaluation
- Demonstrates a strong understanding of the challenges associated with these works in accordance with the specification.
- Demonstrates the capacity and capability to complete the works within the required timeframes.
- Includes numerous elements that achieve Quadruple Bottom Line (QBL) outcomes for Council.

Recommendation

That Council:

1. **Accept the tender from SR Excavations Pty Ltd and award Contract No 22017 – Reconstruction of Shetland Heights Road, San Remo for the contract sum of $1,887,642.30 plus GST of $188,764.23 which includes lump sum and provisional amounts.**
2. **Authorise the Chief Executive Officer to execute Contract 22017 – Reconstruction of Shetland Heights Road, San Remo between Council and SR Excavations Pty Ltd.**

Attachments

AT-1	***CONFIDENTIAL*** - 22017 Tender Evaluation Report with Attachments	10 Pages

Council Decision

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

That the recommendation be adopted.

CARRIED

D.15 Award of Tender No. 22018 - Construction of Skate Park and Renewal of Playspace, Kilcunda Foreshore

File No:	**CM22/622**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community** Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

This report to Council presents the outcome of the tender evaluation for Tender No. 22018 – Construction of Skate Park and Renewal of Playspace, Kilcunda Foreshore.

The Evaluation Panel, consisting of four (4) scoring Council Officers and one (1) Council Officer as a non-scoring panel member was formed for the purpose of tender evaluation.

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

The Evaluation Panel concludes that the tender submitted by Grind Projects Pty Ltd will satisfy the requirements of the works and will provide Council with best value for money.

As the tender submission price is higher than the allocated budget for this project, the panel's recommendation is for Council to approve additional funds of $148,500.00 (GST exclusive) allowing the project to continue and award Contract No. 22018 to Grind Projects Pty Ltd.

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

Background and Context

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

The proposed works consists of the construction of a local level Skate Park and a Playspace at the Kilcunda foreshore. It shall incorporate all works outlined in the construction plans, specification and associated contract documents.

The construction works are expected to commence in March 2023.

Council released the tender to the open market at 9:00am on 24 August 2022.

Strategic Basis

Council Plan Strategic Objective:

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

Statutory Requirements/Codes/Standards/Policies

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

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

Tender Process

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

Tenders closed at 2pm on 28 September 2022 and Council received three (3) conforming tender submissions. The closing date for this tender was extended for an additional week due to an extension request received from a registered respondent who was unable to obtain quotes from their suppliers within the original timeframe.

Evaluation Process

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

Table 1 – Evaluation Selection Criteria	
Criterion	**Weighting**
Mandatory	
Risk, Insurance and Registration	Pass / Fail
Work Health and Safety	Pass / Fail
Weighted	
Price	30%
Benefit to Bass Coast Shire Local Economy & Social Procurement Outcomes	10%
Construction Period, Program of Works & Methodology	20%
Capacity (Staff Resources, Sub-contractors, Suppliers and Plant & Equipment)	20%
Previous Related Experience & Referees	20%

The Evaluation Panel consisted of four (4) scoring Council Officers and one (1) Council Officer as a non-scoring panel member. The panel was chaired by an Officer from the Procurement Team who oversaw the process and did not score the tenders.

Each tenderer passed the mandatory selection criteria.

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

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

Extensive reference checks were carried out with the nominated referees.

References checks confirmed Grind Projects Pty Ltd:

- Produce an excellent product which is far superior in quality and design function than most.
- Can be in high demand so availability can be an issue in terms of funding deadlines and stakeholder management. Once they do start, they tend to get work done very quickly with minimal disruption.
- Even with the above considerations, Grind Projects would be the ideal choice of contractor for skate parks in terms of value for money, quality, and cooperation.

The final weighted scores are set out in Table 2.

Table 2 – Final Weighting Scores

No.	Name	* Price Score %	# Non-Price Score %	Total Score %
1	Grind Project Pty Ltd	30.00%	55.80%	85.80%
2	Tender B	24.59%	54.18%	78.77%
3	Tender C	23.88%	32.17%	56.05%

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

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

Grind Projects Pty Ltd presented the lowest cost conforming tender, and in accordance with the selection criteria present the best value to Council.

This is based on the works required and current complexities of the construction industry, where Council has received feedback from local contractors that there has been significant price increases and shortages in some construction materials.

Given the quantum of the budget shortfall, the panel engaged in a value management exercise with the tenderers as part of a Best and Final Offer (BAFO), however this exercise didn't bring tender submission below budget.

Re-tendering this work would be unlikely to attract additional tenderers, risks further price rises and further delays in the project completion.

Grind Projects Pty Ltd have the capacity and capability to perform the work within the required timeframes and have proven extensive experience in these types of projects.

Contract Management

Project Manager – Infrastructure Delivery will act as Contract Superintendent for the contract and Capital Projects Surveillance Officer – Buildings and Open Space will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 16 March 2022.

Contract Commencement: March 2023

Anticipated Contract Completion: May 2023

Finances

This project is in the 2022/23 capital program.

The table below provides a breakdown of the approved funding sources as per the adopted budget. However, to allow this project to continue there is a budget shortfall of $148,345.50.

The recommendation is to access uncommitted funds through the Skate Park Reserve up to a maximum of $148,500.00 as part of awarding this contract.

The lump sum tender price is $624,697.50 (GST exclusive). The breakdown of the costs and funding sources is presented in the table below.

	GST Exclusive
Construction including permits and approvals (lump sum components)	$624,697.50
Total Contract Sum	**$624,697.50**
Other works to be carried out outside the scope of the contract: Vegetation Offsets	 $2,130.00
Internal Project Management costs *	$31,235.00
Contingency (10%) **	$62,470.00
TOTAL	**$720,532.50**
Approved Funding sources: Council Contribution (2022/23 adopted budget) SRV Grant (2022/23 adopted budget) Skate Park Reserve (2022/23 adopted budget) Resort & Recreation Reserve (Council resolution 21 November 2018)	 $180,000.00 $250,000.00 $100,000.00 $42,187.00
Additional Funding sources proposed: Skate Park Reserve	 $148,345.50
TOTAL	**$720,532.50**

* The Internal Project Management Costs has been calculated at 5% of the contract sum.

** 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.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Residents and Ratepayers
- Visitors and Tourists

Other Options

1. Not award a contract at this time and re-tender for the Construction of Skate Park and Renewal of Playspace, Kilcunda Foreshore. As outlined in the evaluation process, there is a risk that costs may increase, and it is unclear that Council may receive any additional submissions by doing this. It will delay the start of the project for at least twelve weeks.

Conclusion

The Tender Evaluation Panel Report is attached.

The Evaluation Panel concludes that the tender submitted by Grind Projects Pty Ltd will provide Council with best value for money for the following reasons

- Demonstrated and relevant experience to undertake the works in accordance with the specification.
- The capacity and capability to complete work, with vast experience in local government projects.
- The works exceeded the required timeframes for project completion.
- Were the most cost-effective tender submission received.

Recommendation

That Council:

1. **That Council approve unbudgeted expenditure of $148,500.00 (excluding GST), which is offset by a transfer from Council's Skate Park Reserve, for the construction of the Skate Park and Renewal of Playspace, at the Kilcunda Foreshore.**
2. **Accept the Tender from Grind Projects Pty Ltd and award Contract No. 22018 - Construction of Skate Park and Renewal of Playspace, Kilcunda Foreshore for the contract sum of $624,697.50 plus GST of $62,469.75 which includes lump sum.**
3. **Authorise the Chief Executive Officer to execute Contract No. 22018 - Construction of Skate Park and Renewal of Playspace, Kilcunda Foreshore between Council and Grind Projects Pty Ltd.**

Attachments

AT-1 ***CONFIDENTIAL*** - C22018 Tender Evaluation Report & Appendices 9 Pages

Council Decision

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

That the recommendation be adopted.

CARRIED

Notices of Motion

E Notices of Motion

E.1 250/22 School Crossing Supervisors 2022, Cr Rochelle Halstead

I, Cr *Rochelle Halstead*, hereby give notice that I intend to move a motion at the Council Meeting on 16 November 2022, which reads as follows:

SCHOOL CROSSING SUPERVISORS 2022

Motion

That Council

1. **support the MAV and 23 other local governments in their desire for a broad strategic review of the school crossing system as was promised by the Victorian government in 2016.**
2. **write to the Minister for Roads and Road Safety calling on the Victorian government to honor their commitment to this important system.**

Background by Councillor

Bass Coast is one of 24 Councils across Victoria that have asked the Victorian State Government to address the challenges of provision of the school crossing supervisor program. Whilst Councils have agreed that it is an essential service for Victorian school children, we also know it is under intense pressure and want to ensure equitable funding for the service.

We want the State government to uphold its 2016 commitment to the community and undertake a broad strategic review into the movement and safety of students. We have asked that this should also include safety improvements, use of technology at crossings and the effectiveness of the built environment and funding.

For many Councils it is increasingly difficult to attract people to work as school crossing supervisors, causing many school crossings to be unsupervised each school day. This has safety implications for school children and the wider community. School crossing supervisors are highly valued, often well-known, and respected members of our communities who also provide road safety support for students walking or riding to school and help with traffic congestion issues around the school gate.

The MAV with the support of local governments across Victoria believe the school crossing supervisor program is a state government responsibility and that the state government should appropriately fund the service, rather than cost shifting to ratepayers.

Officers Comments

Detailed below are the costs for the provision of school crossings in Bass Coast with the State Government contributing a little over 30% of the funding towards the school crossing program:

2022/23

- 12 crossings that cover 10 schools
- $196,836 Forecast expenditure
- $68,000 State Gov funding
- Expense to Council (income – expenditure) = $128,836

2023/24

- $232,125 forecast expenditure
- $72,000 State Gov funding
- Expense to Council (income – expenditure) = $160,125

The existing location of school crossings in Bass Coast Shire are as follows:

1. Wonthaggi Primary School, Billson St
2. Newhaven College, Phillip Island Rd, Sunset Strip
3. Newhaven Primary School, Phillip Island Rd
4. Wonthaggi North Primary School, White Rd
5. Inverloch Primary School, Bayview Av
6. Bass Coast College, Potters Hill Rd, San Remo
7. Hicksborough Store, White Rd, Wonthaggi
8. Thompson Av, Cowes
9. St Joseph's Primary School, Korumburra Rd, Wonthaggi
10. Our Lady Star of the Sea, Cowes-Rhyll Rd
11. Skate Park, Korumburra Rd, Wonthaggi
12. Cowes Primary School, Settlement Rd

In addition. council officers often have to step in and back fill the role of School Crossing Supervisors, taking staff away from their core activities to meet the shortfall.

……..
Cr Rochelle Halstead Western Port Ward
Dated: **16 November 2022**

Attachments

There are no attachments for this report.

Council Decision

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

That the motion be adopted.

CARRIED

F Public Question Time

F.1 Phillip Jodges, Cowes Cultural and Community Centre

Can council please inform me on the following.

- who the occupants of the new council building will be other than council staff?
- What are the time frames and lease agreements for the tenants?

Response:

The objective of Cowes Cultural and Community centre is to have maximum activation and dynamic utilisation. It will be actively managed by Council staff. Community, cultural or heritage groups may be regular or casual users of the facility.

All users of the facility will enter into a partnership or hire agreement whether they are regular or casual users. Myli is the only organisation who will have a lease arrangement to provide the library service.

Hire and partnership agreements will begin to be established in early 2023.

F.2 Ross Bencraft, Sunderland Bay Surf Beach Special Scheme

1. Could council please provide the average cost to ratepayers in the Pioneer Bay road improvement scheme as well as the minimum individual ratepayer contribution and the maximum ratepayer individual ratepayer payment.
2. What is the estimated average cost to individual ratepayers for the completed Surf Beach Sunderland Bay road and drainage improvement scheme.

Response:

1. **The Pioneer Bay Special Charge Scheme project totalled $4.6M and 230 residents contributed to 92% of the cost. This equates to an average amount of $18,400 per property. Costs ranged from $13,898 to $52,098 depending on the property size.**
2. **Costs have not yet been determined and will depend on the preferred design options selected by the community which is the basis of the current community consultation.**

F.3 Natasha Crestani, Sunderland Bay Special Charge

1. Visitors benefit most from these main local roads. Council advise repeatedly visitors are biggest economy. Shire reap economic benefits – so will they also contribute more funds here, reflecting in less final figure all local resident ratepayers pay?
2. can Shire please advise (when they know) - what profit amount they will make in the mark-up - from what they are quoted for the works - as a matter of integrity and transparency to ratepayers?

Response:

1. **Special Charge Scheme costs are proportioned based on community benefit. Where there is greater community benefit, Council contributes more towards the project. The cost proportioning stage is undertaken in the next stage of the project.**
2. **Council does not make a profit through a Special Charge Scheme process. Section 165 of the Local Government Act specifies that if Council receives additional money than what is required from a Special Charge, it must refund those contributions received to the land owners.**

F.4 Graham Jolly, Operational Grants Funds

On the 30/6/2022 the unspent Operational Grants funds was $2,543,000. The Capital Grants funds was $12,765,000. The total unspent of Grants was $15,308,000. How much of the total $15,308,000 has Council spent in the first quarter up to 30/9/2022 ?

Response:

Council has expended $2,635,000 of its unexpended operational and capital grants during the quarter ending 30 September 2022.

F.5 Phillip and Anne Westwood, Bass Coast Shire Planning Scheme

Can Council explain why the Regional Sand Extraction Strategy Lang Lang to Grantville is not part of the Shire Planning Scheme as instructed when the Strategy was gazetted?

Response:

Whilst not formally incorporated into the Bass Coast Planning Scheme as an incorporated document, the Regional Sand Strategy is referenced within the Scheme and included as a Background Document. Background documents provide useful context in interpreting the planning scheme, but cannot be relied upon in assessing permit applications and planning scheme amendments.

Council has recently advocated for a review of this strategy and the associated Extractive Industry Interest Areas and associated planning controls by the Victorian Government.

F.6 Michael Guz and Claire Diffey, Electric Vehicle Charging Stations.

Council installed electric vehicles charging stations in Cowes at the transit location. For each of the charging stations how many hours of charging usage has occurred from the initial installation date until 1/11/2022.

Response:

The Electric Vehicle charging stations at the Cowes Transit Centre are not separately metered or equipped with the necessary software to report on hours of charging use.

F.7 Michael Guz and Claire Diffey, Capital Works Program - Guy Road Shared Pathway

Guy Road shared pathway project 100730 is a multi-year project listed in 2021. It is 60% complete with a carryover of $1,468,296?. Please provide an explanation to the level of completion and forward planning to completion for this project.

Response:

Construction works continue to progress on site and the expected completion in the first quarter of 2023.

F.8 Kym Lightfoot, Mayor Moving a Motion

At the council meeting 26/10/2022, the mayor moved a motion as chair of the meeting. What are the meeting rules that warrants this action of the Mayor to move a motion ?

Response:

The Local Government Act requires the Mayor to present the Annual Report at a Council meeting.

There is no rule that prevents the Mayor from moving a motion at a Council meeting.

F.9 Melissa Dagg, Mayor Moving a Motion

Section 8 (1) of the LGA 2020 reads as law. "The role of a council is to provide good governance in its municipal district for the benefit and well-being of the municipal community". Is it good governance for the mayor to move a motion at a council meeting?

Response:

The Local Government Act requires the Mayor to present the Annual Report at a Council meeting.

There is no rule that prevents the Mayor from moving a motion at a Council meeting.

F.10 Kym Lightfoot, Installation of Wind and Solar Energy

Federal and State Governments are promoting the installation of wind and solar energy. Will council write to both governments advocating to include a permit clause for the removal of wind turbines and solar panels at end of life at no cost to taxpayers?

Response:

An environmental management plan covering construction, rehabilitation and monitoring is an application requirement for both wind and solar energy facilities under the Bass Coast Planning Scheme.

Once approved, these plans form part of the planning permit and the responsibility for removal of any infrastructure rests with the land owner.

F.11 Mal Pinkerton, Old CFA Building

It has been reported part of the PICAL operation will move into the old CFA building in the near future. Please provide an explanation to the works to fit out the interior of the building prior to PICAL occupancy ?

Response:

The CFA building (once vacated) is proposed to be refurbished for use by the following community groups:

- **Artists Society of Phillip Island (ASPI)**
- **Phillip Island Arts and Crafts Gallery**
- **Phillip Island Contemporary Exhibition Space (PICES)**
- **Boomerang Bags**

$185,000 was allocated in the 2022/23 capital works for this project which includes accessible toilet facilities, accessible ramp, heating and cooling and other cosmetic upgrades.

F.12 Graham Jolly, Quarterly Report Capital Works

Councils 4th Quarterly Financial Report Capital Works spreadsheet gives information for the Cowes Cultural and Community Centre Project . What is the metrics that determines this project is 80% complete as of 30/6/2022.

Response:

The Annual Action Plan reports against progress expected for that particular financial year.

F.13 Mal Pinkerton, Cowes Cultural and Community Centre

The Cowes Cultural and Community Centre project 100121 is a multi year project. Reported 80% complete at 30/6/2022 with a carryover of $11,436,981. Please provide an explanation for the 80% complete with a carryover of $11,436,981 ?

Response:

The Annual Action Plan reports against progress expected for that particular financial year.

G Petitions, Joint Letters, Deputations and Correspondence

There were no Petitions, Joint Letters, Deputations and Correspondence

Mayor and Councillors Reports

H Mayor and Councillors Reports

H.1 Mayoral Report - Cr Michael Whelan

Thank you to councillors for allowing me to represent you as Mayor this year. It is indeed an honour. It has been a solid year that has included advocacy to parties in the Federal election and we are almost at the end of a State election.

Council has had another strong year in delivering new infrastructure across the Shire. Significant recreation infrastructure has been delivered and Council will officially open Guide Park in the coming weeks. Other notable infrastructure that Council has delivered this year include Rhyll Boat Ramp, the Pioneer Bay Road and Drainage Upgrade and Inverloch Kindergarten to name a few. Council has also stepped in to support the development of the Phillip Island Community Hospital by providing PICAL with a purpose built building in Warley Avenue.

I have been pleased to see that our very own Bass Coast Country Universities Centre goes from strength to strength. We are seeing record numbers of residents enrol at the university and the feedback is overwhelmingly positive from all who use the facility.

The Cowes Cultural and Community Centre is now rising up in a physical presence that will be replaced in time as a strong cultural presence. Council is working to ensure that we take a holistic approach to the arts and to ensure we have a strong supportive coordination across the Shire with strong synergies between the scheduling of acts at Wonthaggi Union Community Arts Centre, Cowes and the smaller venues.

The arts are strong in Bass Coast with live entertainment remerging in several of our venues renowned for their support of live music. I recently opened the ASPI Cup weekend arts show and in the same weekend attended the opening of the wonderful John Adam exhibition. We are lucky to have senior artists who nurture our emerging artists and continue to run outlets such as Artspace celebrating its 10 year anniversary.

Advocacy, always a key focus, has been undertaken directly on behalf of Bass Coast but also through One Gippsland and South East Councils Climate Change Alliance (SECCCA). Several key projects in Bass Coast are included in the One Gippsland advocacy agenda. These include roadworks at Kilcunda and San Remo. The San Remo project is fundamental to traffic management through San Remo and for the Phillip Island Road it is a high priority shovel ready project but to date remains unfunded and without commitment in the State Election Campaign.

SECCCA's advocacy is more high level, pitched at improvement in emissions targets and vital climate change adjustments including sustainable design for houses. As Mayor, a member of One Gippsland and as Chair of SECCCA I have led well over 50 advocacy meetings with Ministers, backbenchers, candidates and senior departmental representatives over the year and I am pleased that our message has been well received.

Climate change continued to resonate through the community this year with the storms and floods causing havoc in many places. Council declared a Climate Emergency in 2019 and continues to deliver the actions set out in our excellent Climate Action Plan. As well we contribute strongly to climate issues regionally through SECCCA.

On an environmental front, Bass Coast has led the way on the development of the Biolinks strategy and continues to promote that the "environment is the economy." That said it is vital to support and maintain our environmental asset through investment. I am proud that Council planted over 268,000 trees last year and continues to work very well with our partners such as Landcare. Despite this we continue to lose urban trees through State Government rules such as the 10/30 bushfire rule and the fencing rule that give as of right clearing rights to landholders. As well, we continue to face the loss of significant urban trees, and this has to stop.

The Planning Minister approved the application by Dandy Premix to extend the sand mine thereby also approving the destruction of the Westernport Woodlands. This was after the Minister called in the application at the request of Dandy Premix.

Council worked hard through the Panel hearings and by direct advocacy to try and save the Woodlands. Since the decision, Council has written to the new Federal Minister to seek to invoke the EPBC Act and to relevant State Ministers. It has been discussed in the State election but with no proposals from the major parties that would save the Woodlands. Destroying established woodlands are contrary to our climate interests as well as the aim of avoiding further species extinctions spelt out recently by the Federal Environment Minister .

It saddens me though that Bass Coast continues to be on the leader board of poor performance on matters such as family violence. Council continues to lead on issues of equality with landmark inclusions of equal access to parental leave and equal prizemoney for men and women in sporting events in Bass Coast. This year Council was recognised on the national stage as employer of choice by the Australian Human Resource Institute because of our landmark gender equity work including paid parental leave arrangements.

Council believes Aboriginal history and cultures should sit at the centre of our identity, and that Bass Coast should be a truly inclusive place for Aboriginal peoples. As part of our reconciliation commitment, we have been working to close the gaps of disadvantage experienced by Aboriginal peoples since European settlement. I also commit to a process of truth-telling to enable learning, healing and change.

Finally, as our economy is still in recovery mode after Covid and as we enter a phase of economic uncertainty, we will continue to bolster our relationships with industry and the private sector to enhance future investment possibilities and transition to net zero emissions.

H.2 Councillor Report - Cr David Rooks

Meetings

- Event Advisory committee - chaired
- Council meeting
- Cowes Cultural Centre :Project Control Group
- NES meeting - chaired
- PIBN meeting with Jess

Briefings

- Weekly Wednesday Council Briefings
- Island Ward monthly planning briefings

Functions

- Attended opening of Island Pro Qs1000 at Summerlands Beach
- Attended Mayor's community thank you.
- DPI Industry Lunch with Simon Kuestenmacher

Other

- Attended PIBN AGM

Ongoing

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

H.3 Councillor Report - Cr Bruce Kent

Activities for the month.

- 21/10 Bass Coast Business Awards
- 26/10 Council via video
- 29/10 Coronet Bay Ratepayers meeting
- 29/10 Newhaven Primary School Fete
- 29/10 Public meeting of Bass Coast Residents and Ratepayers Association
- 02/11 Council via video
- 06/11 San Remo Kindergarten 50th celebration
- 09/11 Council via video
- 16/11 Public Council meeting in person.

H.4 Councillor Report - Cr Ron Bauer

Activities for September – October 2022

- 13-9-22 ward briefings
- 14-9-22 site inspection of the new PICAL building
- 28-9-22 Island Voice meeting
- 3-10-22 Cowes Community Centre Control group meeting
- 10-10-22 monthly ward briefing
- 14-10-22 Bass Coast Dog Association meeting
- 18-10-22 PIMHAG meeting

Statutory Reports

Council Decision

Moved: Cr. Leticia Laing / Seconded: Cr. Ron Bauer

That agenda items I.1 I.2 and I.3 be considered as a block.

CARRIED

1 Statutory Reports

1.1 Informal Meeting of Councillors Records

File No:	**CM22/305**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community**
	Demonstrating leadership through good governance, transparency and accountability

Summary

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

Introduction

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

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

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

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

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

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

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

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

Council Plan Strategic Objective:

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

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

Recommendation

That Council receive the attached Informal Meeting of Councillors records.

Attachments

AT-1	Council Meeting Agenda Discussion 21 September 2022	1 Page
AT-2	Councillor Briefings 28 September 2022	1 Page
AT-3	Councillor Briefings 5 October 2022	2 Pages
AT-4	Councillor Briefings 11 October 2022	2 Pages
AT-5	Council Meeting Agenda Discussion 19 October 2022	1 Page
AT-6	Councilllor Briefings - PM Session 19 October 2022	1 Page

I.2 Planning & Building Statistics - September 2022

File No:	**CM22/597**
Division:	**Place Making**
Council Plan Strategic Objective:	**Sustainable Development**
	Prepare for growth while ensuring the intrinsic values and character of Bass Coast are retained.

Summary

PERMITS REFUSED:

210449: Development of land for a dwelling in the BMO and LSIO located at 12 Whiting Street, Pioneer Bay.

PERMITS ISSUED:

Island Ward

220060: Subdivision of the land into twenty-eight (28) lots in the IN3Z located at 16 Shorland Way, Cowes.

220234: Development of land for a swimming pool associated with an existing camping and caravan park located at 137-143 Thompson Avenue, Cowes.

220296: Removal of one tree in a Vegetation Protection Overlay (VPO2) located at 2/4A Hereward Close, Cowes.

220304: Removal of a tree in a Vegetation Protection Overlay (VPO2) located at 8 Franklyn Street, Rhyll.

220357: Two lot subdivision located at 1 Jenner Avenue, Cowes.

Western Port Ward

200409: Alter access to a Road Zone Category 1 and remove native vegetation under Clause 52.17 located at Bass Highway, Kilcunda.

210295: Erection and display of an internally illuminated, promotional sign located at 1 Vista Place, Cape Woolamai.

210398: The removal and relocation of fill located at 1285 Phillip Island Road, Newhaven.

210523: Use and development of a dwelling and outbuilding in the RCZ, EMO and SLO1, and use of the land for Agriculture (Grazing Animal and Olive Production) located at Candowie, Milne Road (Lot 2 PS538459), Ryanston.

220092: Use and development of the land for Industry and an associated Administration Building, a Display Home Centre, and buildings and works for the display of a Business Identification Sign in the FZ and BM), and alteration of access to a Road in a TRZ2 located at 1114 Bass Highway, The Gurdies.

220146: Use and development of a dwelling in Farming Zone (FZ) located at 1826 Bass Highway, Grantville.

220150: Development of land for a dwelling in the Design and Development Overlay (DDO) located at 25 Liberty Crescent, Corinella.

220189: Construction of an outbuilding in a Farming Zone (FZ1), Erosion Management Overlay (EMO1) and Significant Landscape Overlay (SLO1) located at 55 Collins Road, Loch.

220198: Development of land for a dwelling in the Bushfire Management Overlay (BMO) and Restructure Overlay (RO) located at 30 Anne Street, Adams Estate.

220308: Buildings and works for the construction of a dwelling in the Heritage Overlay (HO28) located at 5 Lady Nelson Court, Corinella.

220326: Construct an extension to an existing dwelling in a Farming Zone (FZ) located at 30 Koetsveldt Road, Ryanston.

Bunurong Ward

210304: Development of land for three dwellings and subdivision into three lots located at 52 Broome Crescent, Wonthaggi.

220070: Four lot subdivision and modify access to a road in a Transport Road Zone 2 (TRZ2) located at 34 Powlett Street, Inverloch.

220123: Two lot subdivision and conversion of dependent persons unit into a second dwelling located at 108 White Road, North Wonthaggi.

220169: Buildings and works to construct a dwelling in the DDO9 and associated removal of native vegetation in the VPO3 located at 2 Prince Street, Inverloch.

220187: Construction of three dwellings in a General Residential Zone (GRZ1) located at 215 Graham Street, Wonthaggi.

220223: Two lot subdivision located at 52 Broome Crescent, Wonthaggi.

220246: Two lot subdivision in a General Residential Zone (GRZ1) located at 17 Henry Street West, North Wonthaggi.

220255: Two lot subdivision located at 11 Beard Street, Wonthaggi.

220288: Two lot subdivision and creation of a building envelope restriction on lot 2 located at 38 Storey Street, North Wonthaggi.

220294: Development of land for a dwelling in the Bushfire Management Overlay (BMO1) located at 32 Nardoo Street, Cape Paterson.

220307: Extension and alterations to a dwelling in the Land Subject to Inundation Overlay (LSIO) located at 15 Lohr Avenue, Inverloch.

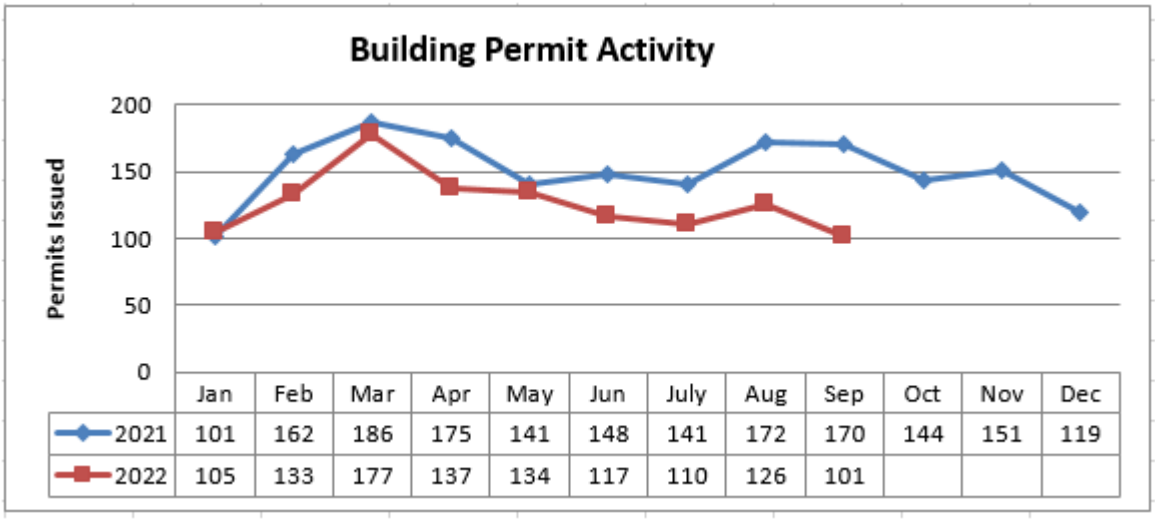
220341: Buildings and works associated with a Section 2 use in a General Residential Zone (GRZ1) located at 239-269 White Road, Wonthaggi.

PLANNING AND BUILDING ACTIVITY REPORT FOR SEPTEMBER 2022

Statutory Planning	This month (September)	Last month	Year to date (financial year)

% of applications determined within statutory timeframe	79.5	80.8	81.1
Average Gross Days (Responsible Authority determination)	150	147	138
(new) Average Gross Days to final outcome	175	140	146
Average Statutory Days (Responsible Authority)	35	40.4	42.4
Number of live applications	204	190	-
Number of applications received for the month	48	51	145
Number of Responsible Authority outcomes	46	59	146

Municipal Building Services & Enforcement	**This month (September)**	**Last month**	**Year to date (financial year)**
Essential Safety Measure inspections	0	0	0
Report and Consent applications	25	40	93
POPE and Siting consents issued for temporary structures	2	0	2
Complaints received requiring investigation	7	24	35
New building enforcement cases	2	3	8
Number of open building enforcement cases	37	37	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	**This month (September)**	**Last month**	**Year to date (financial year)**
New complaints/case files opened	7	6	20
Complaints/case files closed	14	9	40
Current open complaints/case files	32	38	-

STATUTORY PLANNING DEFINITION:

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

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

Recommendation

That Council:

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

Attachments

There are no attachments for this report.

I.3 Contracts Awarded

File No:	**CM22/630**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Leading for our Community**
	Demonstrating leadership through good governance, transparency and accountability

Declaration

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

Summary

Contracts Awarded

For the period from 1 September 2022 to 30 September 2022, the following contracts have been awarded under the Chief Executive Officer's Instrument of Delegation.

Contract No.	Description	Contractor	Contract Sum (incl gst)
22012	Construction of Tennis Pavilion at Wonthaggi Recreation Reserve	TS Constructions Pty Ltd	$870,980.00

Amended Contracts Awarded

During the period from 1 July 2022 to 31 July 2022, the following contract was also awarded under the Chief Executive Officer's Instrument of Delegation. This is in addition to those reported at the September 2022 Council Meeting.

Contract No.	Description	Contractor	Contract Sum (incl gst)
22014	Victorian Telecommunications Services Contract (VTS)	Telstra	$869,000.00 (estimated approx. value)

Contracts Extended

For the period from 1 September 2022 to 30 September 2022, the following contracts were extended under the Procurement Delegation Framework.

Contract No.	Description	Contractor	Contract Sum
19011	Grave Digging Wonthaggi & San Remo Cemeteries	MDL Constructions Pty Ltd	Est. $242,764.50 (3 Years)

Recommendation

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

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Ron Bauer / Seconded: Cr. Leticia Laing

That the recommendations attached to agenda items I.1 I.2 and I.3 be adopted.

CARRIED

J Urgent Business

There was no Urgent Business

Mayoral Announcement Of Next Meeting Of Council

The next **Council Meeting** will be held on 14 December 2022 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 1.00pm.

Meeting closed

The meeting closed at 2.53pm