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

1. **These minutes are due to be confirmed on 21 October 2020**
2. **Any decision included in these minutes is subject to change resulting from a rescission motion passed by Council.**

TABLE OF CONTENTS

A Present and Apologies 6

B Declarations of Interest 7

C Confirmation of Minutes 8

C.1 Special Meeting held on 19 August 2020 8
C.2 Ordinary Meeting held on 19 August 2020 8

D Public Question Time 9

D.1 Prue Jolly, Audit Committee 9
D.2 Stacey Dagg, Council Finance 9
D.3 Kevin Griffin, Contract variation approach 10
D.4 Michael Guz, Council Finances 10
D.5 Graham Jolly, Capital Works Projects 11
D.6 Melissa Dagg, Capital Works Projects 12
D.7 Peter McMahon, Council Budget 13
D.8 Richard Allan Adolphson, Quarterly Financial Report 13
D.9 Richard Allan Adolphson, Asset Register 13
D.10 Mike Fincher, Drainage – McKenzie St Wonthaggi 14
D.11 Kevin Griffin, Livestreaming 14
D.12 Keith Godridge, Inverloch Surf Parade 14
D.13 Andrew Marston, Cowes Cultural and Community Centre 15
D.14 Phillip Heath – South Gippsland Conservation Society Inc., Inverloch Surf Parade 15
D.15 Len Van Der Neut, Coronet Bay Committee of Management 16
D.16 Monika, Wind Turbines 16
D.17 Lou Pecora, Wind Turbine 17
D.18 Vicki Burke, Wind Turbine 18
D.19 Emanouil and Mary Savvas, Wind Turbine 19
D.20 Kaye Carson, Wind Turbine 20
D.21 Norma Van Rees & Anthony Fradkin, Wind Turbine 21
D.22 Ian Juster, Wind Turbine 23
D.23 Ray Carson, Wind Turbine 24
D.24 John Trigt - Bass Coast Ratepayers & Residents Association, Wind Turbine 25

E Petitions, Joint Letters, Deputations and Correspondence 27

F Notices of Motion 29

F.1 225/20 Establishing a Cultural Heritage, Flora and Fauna reserve on the eastern side of Western Port, Cr Geoff Ellis 29
F.2 226/20 Small Business Resilience Grants - New Program, Cr Les Larke 31
F.3 227/20 Public Transparency Policy, Cr Les Larke 35

G Mayor and Councillors Reports 38

G.1 Mayoral Report - Cr Brett Tessari 38
G.2 Councillor Report - Cr Stephen Fullarton 39
G.3 Councillor Report - Cr Clare Le Serve 39
G.4 Councillor Report - Cr Michael Whelan 39
G.5 Councillor Report - Cr Pamela Rothfield 40
G.6 Councillor Report - Cr Les Larke 40
D.7 Councillor Report - Cr Geoff Ellis 41

H Reports Requiring Council Decision 43

H.1 Planning Application 190399 - 1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi *43*
H.2 Planning Application 190293 - 58 Bruce Road, Silverleaves *76*
I Statutory Reports **101**
I.1 Informal Meeting of Councillors Records (formerly Assembly of Councillor records) *101*
I.2 Planning and Building Statistics - July 2020 ..... *103*
I.3 Place Names Committee Meeting Minutes *107*
I.4 Contracts Awarded Report *109*
J Urgent Business **111**

Meeting commenced

The meeting commenced at 1.01pm

Cr Brett Tessari read the Livestreaming Statement.

Livestreaming Statement

As the Meeting Chair, I give my consent for this Open Council Meeting to be streamed live, recorded and published online, in accordance with Council's Livestreaming Policy and Meeting Procedure Local Law 2018.

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

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

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

Cr Brett Tessari read the Virtual Meeting Statement.

Virtual Meeting Statement

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

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

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

Councillors are deemed as being in attendance if:

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

Cr Brett Tessari read the Mobile Telephone Reminder.

Mobile Telephone Reminder

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

Cr Geoff Ellis read the Statement of Acknowledgement.

Statement of Acknowledgement

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

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

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

Cr Bruce Kent 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 Brett Tessari, Bunurong Ward (Mayor)

Cr Geoff Ellis, Western Port Ward (Deputy Mayor)

Cr Julian Brown, Bunurong Ward

Cr Les Larke, Bunurong Ward

Cr Stephen Fullarton, Island Ward

Cr Pamela Rothfield, Island Ward

Cr Michael Whelan, Island Ward

Cr Bruce Kent, Western Port Ward

Cr Clare Le Serve, Western Port Ward

Officers in Attendance:

Ms Ali Wastie, Chief Executive Officer

Ms Allison Jones, General Manager Business Transformation

Ms Jodi Kennedy, General Manager Resilient Communities

Mr James Stirton, General Manager Place Making

Mr David Filmalter, Chief Financial Officer

Mr Christian Stefani, Executive Manager Partnerships, Advocacy & Economy

Ms Robyn Borley, Manager Governance and Property

Apologies: Nil

B Declarations of Interest

Cr Brett Tessari declared a Conflict of Interest in agenda item H.1 under section 78 of the Local Government Act 1989.

Cr Julian Brown declared a Conflict of Interest in agenda item H.1 under section 78 of the Local Government Act 1989.

C Confirmation of Minutes

C.1 Special Meeting held on 19 August 2020

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Geoff Ellis

That the minutes of the Special Meeting dealing with:

- **Wonthaggi Cemetery Trust business and San Remo Cemetery Trust business**

held on 19 August 2020 be confirmed.

CARRIED

C.2 Ordinary Meeting held on 19 August 2020

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Stephen Fullarton

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

CARRIED

D Public Question Time

D.1 Prue Jolly, Audit Committee

1. Councils external Audit Committee members are Mr Vincent Philpott (Chair), Mr Tim Large, Mr Homi Burjorjee. Would you please provide the names of their companies and contact details?
2. Councils Audit committee has held number of meetings during the 2019-20 Financial Year. Would you please provide copies of the minutes of the last two Audit Committee meetings?

Response:

1. **The independent members of Council's Audit and Risk Committee are appointed as individuals, not as representatives of any company. Their contact details are not publicly available.**
2. **Minutes of the Audit and Risk Committee are confidential and cannot be released. An outline of the items discussed is included in the Council report when the minutes are tabled. The minutes of the 4 December 2019 and 4 March 2020 Audit Committee meetings were tabled at the 17 June 2020 Council meeting.**

D.2 Stacey Dagg, Council Finance

1. Why did council have $44,040,000 invested on 30/6/2020 and continued investments in term deposits and shares totalling $44,040,000 at 31/7/2020 of cash money when Capital works projects available for construction and jobs were not started or completed during 2019-2020 when the total income of council was around $90 million?
2. Project 20001 is for a Capital Works Project at Pioneer Bay. Council included in the total cost a contingency cost of $329,083. What is the scope of works for the contingency (additional works) and who will be paid part or full the contingency cost, have funds been paid?

Response:

1. **Council invests its revenue in accordance with its adopted investment policy in short term cash and term deposits. This included $8.14million in cash. At year end Council was holding $54.18 million in cash and term deposits. These investments support Council's cash reserves which include funding for capital projects that are being carried forward to the 2020/21 financial year. Other financial reserves include funding allocations for strategic works, landfill rehabilitation, grants received in advance, developer contributions for open space and the repayment of the Local Government Funding Vehicle (LGFV).**
2. **Council provides for a contingency which is typically in the order of 5 to 10 per cent when it awards contracts for capital works. The contingency amount needs to be within the Council budget and is only drawn on when there is a valid reason (e.g. latent site conditions, contaminated soil, asbestos removal). Where a budget change is**

required, a Council resolution is required to increase the project budget.

D.3 Kevin Griffin, Contract variation approach

As Council effectively acknowledged that it made no effort to resist or reduce the massive cost increases recently imposed by Cleanaway/Wonthaggi Recyclers will Council advise if its ongoing approach to contract variations will remain to be that of passive acceptance and simply passing the costs directly onto ratepayers and residents?

Response:

Under Council's Procurement Delegations Framework all contract expenditure variations that are outside budget allocations need to be approved by Council. This is a stringent control that ensures Council are made aware of all requests for contract variations that are outside budget including the reasons for these.

D.4 Michael Guz, Council Finances

1. Council reported at the 19/8/2020 council meeting $46,040,000 of investments at 30/6/2020 and $44,040,000 at 31/7/2020 when answering similar questions from two community members. Where can I read all details of the investment portfolio for 30/6/2020 in councils records. Please advise and provide details.
2. On the 31/3/2020 council reported 145 Capital Works Projects which included financial details. Where can I read all details including the financials for all completed Capital Works Projects listed as part of the 2019-20 financial year as of years end 30/6/2020. Please advise and provide details.

Response:

1. **Details of Council's investment holdings will be included in the year-end financial statements to be presented to Council for their consideration in October. A report on Council's investments portfolio will also be included.**

   The 2019/20 financial statements and audit review has been delayed due to the COVID-19 pandemic. Councils have been given an extension to 30 November 2020 for the lodgement of their annual reports with the Minister.
2. **A Statement of Capital Works for the year ended 30 June 2020 will be reported as part of the annual financial statements. This includes a comparison of actual capital expenditure to budget and explanations of material variances. The financial statements will be presented to Council for consideration at the October Council meeting and incorporated in their entirety in the Annual Report.**

D.5 Graham Jolly, Capital Works Projects

1. Contingency cost ranging 5% to 10% are added to a Tender Contract cost. What are the Contingency Costs for Tender No's 19012, 19009, 19024 19016, 19013 and there average used Contingency costs and variances.
2. What are the details of the final overall Contingency costs expensed explaining there scope of works, the reason why the cost was used and who was paid the contingency cost for these Capital Works Project Tender numbers 19012, 19009, 19014, 19016 and 19013.

Response:

The contingency percentage amount is determined by the type of project, its size and complexity. All capital works budgets are approved with an appropriate amount of contingency. This is consistent with Council's procurement policy and ensures projects are not delayed once they have commenced. Any increase in costs above the overall budget amount would require further approvals.

Any claim for payment against the contingency for latent conditions is not paid automatically. The approved contingency budgets for each of the five listed contracts were not paid in full. A breakdown of the contingency costs will be included in the minutes.

Tender No	Tender Description	Total Contingency	Contingency Paid 2019-20	Contingency Paid to	Reason
Tender 19009	Cowes – Rhyll Road Blackspot Project (7%)	$44,851	$27,137	Fowlers Asphalting Pty Ltd	Additional works for school entrance, linemarking, drainage works
Tender 19012	Wonthaggi Netball Courts Redevelopment (10%)	$105,880	$51,679	Turf One Pty Ltd	Increased scope for water fountain and associated infrastructure, additional gates for maintenance purposes, installation of book a court system, drainage realignment improvements etc.
Tender 19013	Inverloch Tennis Club Courts Redevelopment (10%)	$57,540	$32,279	Turf One Pty Ltd	Additional drainage works, root barriers, Unsuitable Subgrade and replacement

Tender 19014	Corinella Tennis Courts Redevelopment – (10%)	$40,203	$19,042	R & C Asphalt Paving Pty Ltd	Additional perimeter fencing, unsuitable subgrade and replacement, contractor delay claims
Tender 19016	Loch Wonthaggi Road Upgrade and Flood Mitigation (10%)	$93,513	$87,375	McNeil Contracting Pty Ltd	Additional traffic management VMS, water filled barriers, unsuitable subgrade and replacement additional guardrail, culvert extensions and pavement works, property fencing – post and wire

D.6 Melissa Dagg, Capital Works Projects

1. Capital works projects for Bass Coast Council for the 2019 to 2020 year. Where can I read a listing for the total number of works listed, completed with financials?
2. When looking at Basscoast Councils website, home page, showing the tender listing for 2019 to 2020. Why does the listing only report 18 tenders from the 145 capital works projects listed as at 31/3/20?

Response:

A Statement of Capital Works for the year ended 30 June 2020 will be reported as part of the annual financial statements. This includes a comparison of actual capital expenditure to budget and explanations of material variances. The financial statements will be presented to Council for in principle approval at the October Council meeting and incorporated in their entirety in the Annual Report.

Council is only required to enter into a public tender arrangement for contracts with a value of more than $150,000 (for the purchase of goods or services) or $200,000 (for carrying out of works).

Most of Council's individual capital works projects have budgets of less than $150,000. Council can also access a number of annual supply agreements that have previously been awarded following a tender process to expedite the delivery of the capital works program. This explains the significantly lower number of public tenders compared to the number of capital projects.

D.7 Peter McMahon, Council Budget

1. Can Council explain how Cr's Rothfield & Brown could be involved in the development process of the budget, but had a conflict of interest when it came to voting time?
2. Why Councils Draft Budget had $3.08mil allocated to aquatic which finished up at $2.825mil once passed?

Response:

1. **Neither of the conflict of interests that Councillors Rothfield and Brown had related to budgetary decisions taken by the Council as a collective when developing the budget. Councillor Rothfield's conflict related to her standing as a committee member on the Phillip Island Golf Club which made a successful submission for funding of $20,000 for a pergola while Councillor Brown declared a conflict due to the inclusion of increased funding for the footpath gaps program in Inverloch compared to the draft budget.**
2. **The $250,000 reduction in funding for the Aquatics design does not represent a scope change. The savings on this budget are informed by advice that Council has on appropriate funding requirements for these two projects. The $250,000 saving has been reallocated to the Wonthaggi Activity Centre Plan.**

D.8 Richard Allan Adolphson, Quarterly Financial Report

Mr Mayor, when will the 4th Quarter Financial report for the period 30 June 2020 be published by Council?

Response:

Council will consider the financial statements and performance statement for the year ending 30 June 2020 at the Council meeting on 21 October 2020. Council will also receive a report on Council's investments portfolio and this will made public as part of the agenda.

D.9 Richard Allan Adolphson, Asset Register

Mr Mayor, council has an asset register comprising all assets in the Bass Coast Shire. What is the book asset register value for the Cowes Culture and Community Centre as of 1st January 2020 and 30 June 2020?

Response:

The carrying value of the Cowes Cultural and Community Centre in Council's asset register is as follows:

Asset Class	30 June 2020 ($)	1 January 2020 ($)
Land	4,834,000	4,681,000
Buildings	2,557,000	2,596,000
Total	7,391,000	7,277,000

Council's asset register had a carrying value of $7,277,000 as at 1 January 2020, and a value of $7,391,000 as at 30 June 2020 for the Cowes Cultural and Community Centre. The majority of value is in the land. A breakdown of the asset class of the value of land and building will be included in the minutes.

D.10 Mike Fincher, Drainage – McKenzie St Wonthaggi

As Council has allocated money in its budget this year to remedy our problem, what approach will be taken to resolve this situation and the amount of money budgeted for this fix?

Response:

Council is progressing with an option to permanently remove the drainage risk in the vicinity of 102 and 104 McKenzie Street. Some of the details of the option is confidential so the budget and exact nature of the works will be shared with you when this information is publically available. It is expected that the work will be carried out later in the financial year.

D.11 Kevin Griffin, Livestreaming

Council previously advised the community that the implementation of live streaming would cost around $2500. Will Council be entirely responsive open and transparent by accurately detailing to the community how it spends the almost $100,000 recently received from the State Government for the purpose of enhancing live streaming facilities?

Response:

The purpose of the grant funding is to enhance Council's ability to virtually deliver services and community engagement activities.

The funding will be used to install video conferencing equipment at the Wonthaggi Civic Centre, Inverloch Hub, Grantville Service Centre, Newhaven Visitor Information Centre and Wonthaggi Depot.

In addition, the Council Chamber will be fitted with Audio Visual technology to enhance our live streaming capabilities.

D.12 Keith Godridge, Inverloch Surf Parade

I wish to ask the following questions regarding Councils progress on the shared path footpath project in Surf Parade Inverloch between Veronica Street and the Surf Lifesaving Clubhouse.

1. When was Councils application for the request consent and approvals submitted and to which government departments?
2. What progress toward the application has been made since my questions to the July Council meeting?

Response:

The planning permit amendment was submitted by officers in April of this year and is now being considered by the Department of Environment, Land, Water and Planning. Officers are currently responding to the Department's request for additional information that was received in August.

D.13 Andrew Marston, Cowes Cultural and Community Centre

Thanks to Council for the prompt release of the latest concept plans which promise a very exciting facility. What cost information has been provided so far, and when is Council expecting to receive accurate project costs including all fitouts as well as construction?

Response:

Thank you for the feedback on the Concept Report for the Cowes Cultural and Community Centre which adds to the positive reaction we have received from the community.

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

D.14 Phillip Heath – South Gippsland Conservation Society Inc., Inverloch Surf Parade

1. SGCSs *'Inverloch Beach Monitoring Report'* (July 2020) recommends short-term protection at Wreck Creek and Flat Rocks through dune renourishment. Recent storms resulted in Wreck Creek being under immediate threat. Will Council support a dune renourishment program to avoid irreversible loss of this environmental feature and threat to Surf Parade?
2. Given the apparent delay in securing approvals for the Surf Parade Shared Path Extension Proposal, will Council divert its 2020/21 funding from this project to short-term protection of at-risk, environmentally-significant sections of the Inverloch Surf Beach coastline referred to in Q1, to 'hold the line' while the LCHA continues?

Response:

1. **The area identified is currently managed by Parks Victoria. The Multi-agency Regional and Strategic Partnership (RaSP) is about to commence a Local Coastal Hazard Assessment and Community Resilience Planning project that will inform the long term management of the Inverloch foreshore. The group will continue to monitor the impacts of coastal erosion and undertake necessary works as required.**

2. **The funds for the Surf Parade Shared Path Extension Proposal are committed and the project is progressing with consents currently being sought. Any decision to not expend these funds on the shared path would require a Council resolution.**

D.15 Len Van Der Neut, Coronet Bay Committee of Management

I seek guiding clarification on authority procedures entrusted to Coronet Bay Committee of Management (CBCoM) and seek instruction for recourse when CBCoM repeatedly veto requests for a storage shed for Coronet Bay Community Garden Association (CBCGA) for which CBCGA sought help from Council, who sadly referred them back to CBCoM.

Response:

The Community Asset Committee are currently working with Council Officers to provide fit for purpose storage in existing structures to assist the gardening group.

D.16 Monika, Wind Turbines

1. Regarding the Wind Turbine being erected at Surf Beach, what local law is applicable to consider the impact of noise in advance of the structure being erected?
2. Given the nature of soil in the area, particularly during wet weather, and the lack of substantial foundations for the Wind Turbine, what assurance can Council provide that the structure will be safe to neighbours?

Response:

Council acknowledges the high levels of concern that the proposed wind turbine in Surf Beach is causing members of the community. A number of questions came in after the cut off time. Responses to all questions have been included in this one response. Each person who has submitted a question will receive an individual response as well.

We are taking the feedback from the community extremely seriously. We acknowledge that a turbine of this size in a residential setting is not a good community outcome.

Council officers have requested further information from the land owner to ascertain whether a planning permit may be required. Council officers will need some time assess the additional information. I have personally contacted the landowner and requested that construction of the turbine does not proceed until this assessment has been made.

To be clear the size of the turbine does not trigger a planning permit as the plans submitted by the applicant indicate the turbine from the bottom to the tip is under 11 metres. A building permit is not required as it is not attached to a building. Despite community opinion and the opinion of some building surveyors in the community this advice has been double checked and triple checked and has been confirmed by the Victorian Building Authority.

The Victorian Building Authority have also confirmed that the turbine is an unclassifiable structure and therefore exempt from regulations. The EPA can only make an assessment on the turbine once it has been constructed as it is impossible to ascertain noise impact beforehand. The site is also outside the RAMSAR boundary wetlands. The Health and Wellbeing Act does not prohibit the installation of the turbine.

At the last Council meeting I advised that I had written to the state government to highlight the lack of guidance within the state standard controls and have requested amendments to planning schemes to enable Council review and oversight of domestic wind turbines. A response has not yet been received from the department. The Mayor personally took the issue up with the Minister for Local Government, the Hon Shaune Leane last week at the Mayoral Advisory Meeting. The Minister requested we immediately send him the details which we did. We are following up with the Minister to see if he has any powers at his disposal to enable him to intervene on behalf of the community.

Council will pursue any and all enforcement options, for example if the turbine is found to breach height requirements once complete or if its use is considered commercial in nature, either through energy output or use for advertising purposes.

D.17 Lou Pecora, Wind Turbine

1. Does council have the power to put an injunction on the erection of the turbine until it completes its investigation?
2. If so, has council done so and if not, why not?

Response:

Council acknowledges the high levels of concern that the proposed wind turbine in Surf Beach is causing members of the community. A number of questions came in after the cut off time. Responses to all questions have been included in this one response. Each person who has submitted a question will receive an individual response as well.

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Council will pursue any and all enforcement options, for example if the turbine is found to breach height requirements once complete or if its use is considered commercial in nature, either through energy output or use for advertising purposes.

D.18 Vicki Burke, Wind Turbine

1. In reference to the wind turbine currently being erected in Surf Beach, I would like to know if council will be responsible for compensation claims for property devaluation due to this monstrosity?
2. Will you be reducing rates due to properties being devalued?

Response:

Council acknowledges the high levels of concern that the proposed wind turbine in Surf Beach is causing members of the community. A number of questions came in after the cut off time. Responses to all questions have been included in this one response. Each person who has submitted a question will receive an individual response as well.

We are taking the feedback from the community extremely seriously. We acknowledge that a turbine of this size in a residential setting is not a good community outcome.

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Council will pursue any and all enforcement options, for example if the turbine is found to breach height requirements once complete or if its use is considered commercial in nature, either through energy output or use for advertising purposes.

D.19 Emanouil and Mary Savvas, Wind Turbine

1. We have received email response from both the CEO, Ali Wastie on the 27th August and Donna Taylor on the 4th September 2020 and in both instances have been advised that they will follow up with updates but we have not heard personally anymore from either of them . What is the status on the BC Council investigation into the current situation?
2. If the structure (over 11metres) is put up, and it looks like the owner is well under way in doing so, our concerns are the safety aspects to not only our property but also any person or wildlife that may be affected. Who will be liable if this happens?

Response:

Council acknowledges the high levels of concern that the proposed wind turbine in Surf Beach is causing members of the community. A number of questions came in after the cut off time. Responses to all questions have been included in this one response. Each person who has submitted a question will receive an individual response as well.

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Council will pursue any and all enforcement options, for example if the turbine is found to breach height requirements once complete or if its use is considered commercial in nature, either through energy output or use for advertising purposes.

D.20 Kaye Carson, Wind Turbine

Was the Municipal Building Surveyor aware of the Wind Turbine installation and did he carry out due diligence in the light of the Municipal Strategic Statement Review 2003-Part 3, Strategic Gaps in the Bass Coast Planning Scheme 3.1 Wind Energy

Response:

Council acknowledges the high levels of concern that the proposed wind turbine in Surf Beach is causing members of the community. A number of questions came in after the cut off time. Responses to all questions have been included in this one response. Each person who has submitted a question will receive an individual response as well.

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Council officers have requested further information from the land owner to ascertain whether a planning permit may be required. Council officers will need some time assess the additional information. I have personally contacted the landowner and requested that construction of the turbine does not proceed until this assessment has been made.

To be clear the size of the turbine does not trigger a planning permit as the plans submitted by the applicant indicate the turbine from the bottom to the tip is under 11 metres. A building permit is not required as it is not attached to a building. Despite community opinion and the opinion of some building surveyors in the community this advice has been double checked and triple checked and has been confirmed by the Victorian Building Authority.

The Victorian Building Authority have also confirmed that the turbine is an unclassifiable structure and therefore exempt from regulations. The EPA can only make an assessment on the turbine once it has been constructed as it is impossible to ascertain noise impact beforehand. The site is also outside the RAMSAR boundary wetlands. The Health and Wellbeing Act does not prohibit the installation of the turbine.

At the last Council meeting I advised that I had written to the state government to highlight the lack of guidance within the state standard controls and have requested amendments to planning schemes to enable Council review and oversight of domestic wind turbines. A response has not yet been received from the department. The Mayor personally took the issue up with the Minister for Local Government, the Hon Shaune Leane last week at the Mayoral Advisory Meeting. The Minister requested we immediately send him the details which we did. We are following up with the Minister to see if he has any powers at his disposal to enable him to intervene on behalf of the community.

Council will pursue any and all enforcement options, for example if the turbine is found to breach height requirements once complete or if its use is considered commercial in nature, either through energy output or use for advertising purposes.

D.21 Norma Van Rees & Anthony Fradkin, Wind Turbine

1. Has Bass Coast Shire Council Investigated whether the wind turbine being erected will result in unreasonable noise from residential premises for the purpose of section 48A of the Environment Protection Act 1970?
2. Has Bass Coast Shire Council investigated wither the wind turbine being erected will cause a nuisance for the purpose of the Public Health and Wellbeing Act 2008?

Response:

Council acknowledges the high levels of concern that the proposed wind turbine in Surf Beach is causing members of the community. A number of questions came in after the cut off time. Responses to all questions have been included in this one response. Each person who has submitted a question will receive an individual response as well.

We are taking the feedback from the community extremely seriously. We acknowledge that a turbine of this size in a residential setting is not a good community outcome.

Council officers have requested further information from the land owner to ascertain whether a planning permit may be required. Council officers will need some time assess the additional information. I have personally contacted the landowner and requested that construction of the turbine does not proceed until this assessment has been made.

To be clear the size of the turbine does not trigger a planning permit as the plans submitted by the applicant indicate the turbine from the bottom to the tip is under 11 metres. A building permit is not required as it is not attached to a building. Despite community opinion and the opinion of some building surveyors in the community this advice has been double checked and triple checked and has been confirmed by the Victorian Building Authority.

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Council will pursue any and all enforcement options, for example if the turbine is found to breach height requirements once complete or if its use is considered commercial in nature, either through energy output or use for advertising purposes.

D.22 Ian Juster, Wind Turbine

Under current planning laws council has so far been unable to stop the proposed wind turbine construction at Surf Beach. After the upcoming council elections, what is councils' commitment to amend local planning laws to prevent further installations of this type in residential areas within the Bass Coast Shire?

Response:

Council acknowledges the high levels of concern that the proposed wind turbine in Surf Beach is causing members of the community. A number of questions came in after the cut off time. Responses to all questions have been included in this one response. Each person who has submitted a question will receive an individual response as well.

We are taking the feedback from the community extremely seriously. We acknowledge that a turbine of this size in a residential setting is not a good community outcome.

Council officers have requested further information from the land owner to ascertain whether a planning permit may be required. Council officers will need some time assess the additional information. I have personally contacted the landowner and requested that construction of the turbine does not proceed until this assessment has been made.

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The Victorian Building Authority have also confirmed that the turbine is an unclassifiable structure and therefore exempt from regulations. The EPA can only make an assessment on the turbine once it has been constructed as it is impossible to ascertain noise impact beforehand. The site is also outside the RAMSAR boundary wetlands. The Health and Wellbeing Act does not prohibit the installation of the turbine.

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Council will pursue any and all enforcement options, for example if the turbine is found to breach height requirements once complete or if its use is considered commercial in nature, either through energy output or use for advertising purposes.

D.23 Ray Carson, Wind Turbine

1. Will the Council request a stop construction of the proposed wind turbine at Surf Beach until all health and safety concerns have been fully investigated by Council
2. Did council receive engineering computations for the concrete foundation of the wind turbine at Surf Beach

Response:

Council acknowledges the high levels of concern that the proposed wind turbine in Surf Beach is causing members of the community. A number of questions came in after the cut off time. Responses to all questions have been included in this one response. Each person who has submitted a question will receive an individual response as well.

We are taking the feedback from the community extremely seriously. We acknowledge that a turbine of this size in a residential setting is not a good community outcome.

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Council will pursue any and all enforcement options, for example if the turbine is found to breach height requirements once complete or if its use is considered commercial in nature, either through energy output or use for advertising purposes.

D.24 John Trigt - Bass Coast Ratepayers & Residents Association, Wind Turbine

1. Council is aware that a large wind turbine is being installed in Surf Beach. What steps will Council take to protect residents from potential health and safety risks, and Council from any future liability, firstly during construction and secondly during operation?
2. Bass Coast Planning Scheme 21.09-4 requires, for Surf Beach, "high quality….development…..responsive to the.....constraints of a site and character of the area" and "Limit building form to be a maximum of two story's in height (7-8m)". Please explain why these requirements are not applied to this wind turbine?

Response:

Council acknowledges the high levels of concern that the proposed wind turbine in Surf Beach is causing members of the community. A number of questions came in after the cut off time. Responses to all questions have been included in this one response. Each person who has submitted a question will receive an individual response as well.

We are taking the feedback from the community extremely seriously. We acknowledge that a turbine of this size in a residential setting is not a good community outcome.

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Council will pursue any and all enforcement options, for example if the turbine is found to breach height requirements once complete or if its use is considered commercial in nature, either through energy output or use for advertising purposes.

E Petitions, Joint Letters, Deputations and Correspondence

There were no Petitions, Joint Letters, Deputations and Correspondence.

Notices of Motion

F Notices of Motion

F.1 225/20 Establishing a Cultural Heritage, Flora and Fauna reserve on the eastern side of Western Port, Cr Geoff Ellis

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

ESTABLISHING A CULTURAL HERITAGE, FLORA AND FAUNA RESERVE ON THE EASTERN SIDE OF WESTERN PORT

Motion

That Council:

1. **That Council Officers prepare a report to inform Bass Coast Shire Council advocacy for a Cultural Heritage, Flora and Fauna reserve on the eastern side of Western Port. Officers to consider relevant Victorian National Park Association reports and investigations.**
2. **If required, Council will then create a strategy for such advocacy.**
3. **Name of this potential reserve to be decided by the Cultural Heritage Stakeholders.**

Background by Councillor

Nil.

Officers Comments

Officers will engage with appropriate representatives from both State and Federal Government including DELWP and Parks Victoria to understand the process to establish the most appropriate reserve that reflects a Cultural Heritage, Flora and Fauna reserve, including environmental and planning requirements, and can provide this information in a future Councillor Briefing or Council Report to inform Councillors.

This information, along with appropriate engagement with potentially impacted stakeholders, is necessary prior to determining the advocacy strategy if Council wishes to proceed.

……..
Cr Geoff Ellis, Western Port Ward
Dated: **16 September 2020**

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Geoff Ellis / Seconded: Cr. Bruce Kent

That the motion be adopted.

Cr Julian Brown proposed an amendment

Moved: Cr. Julian Brown / Seconded: Cr. Stephen Fullarton

That Council:

1. **That Council Officers prepare a report to inform possible Bass Coast Shire Council advocacy for a National Park on the eastern side of Western Port. Officers to consider relevant Victorian National Park Association reports and investigations in that process.**
2. **If required, Council will then create a strategy for such advocacy.**
3. **Name suggestions for the reserve should be open to all**
4. **That Council recognizes that the Bunurong Land Council should be a key stakeholder in the naming process.**

The meeting was adjourned at 1.44pm.

The meeting resumed at 1.52pm.

LOST

The motion before Council

That the motion be adopted.

CARRIED

F.2 226/20 Small Business Resilience Grants - New Program, Cr Les Larke

I, Cr Les Larke hereby give notice that I intend to move a motion at the Ordinary Meeting on 16 September 2020, which reads as follows:

SMALL BUSINESS RESILIENCE GRANTS - NEW PROGRAM

Motion

That Council reduce Operating Expenditure for 2020/2021 by 1%.

That $500,000 of the estimated operating expenditure cost savings be allocated to a Small Business Resilience Grants - New Program, specifically targeting businesses most impacted by the Covid-19 pandemic and with gross revenue for the financial year ended 30 June 2020 amounting to no more than $125,000. Whilst the onus will be on the business operator to demonstrate they have been financially impacted by Covid-19 (including the second wave), preference will be given to businesses from the most significantly affected sectors including, but not limited to:

- **Tourism and events**
- **Hospitality**
- **Creative industries including the arts**
- **Health and wellbeing**

The maximum grant shall be no more than $5,000 subject to the following criteria:

1. **Eligible business applicants who were unsuccessful in Council's Business and Community Resilience Grants Program may apply;**
2. **Eligible business applicants who were successful in Council's Business and Community Resilience Grants Program and who received less than $5,000 may apply for an amount equivalent to the difference between what they received and $5,000;**
3. **Business applicants who were successful in Council's Business and Community Resilience Grants Program and who received $5,000 or more are ineligible;**
4. **The applicant's business is located and operates exclusively within Bass Coast Shire; and**
5. **Fine-tuning of previous business support guidelines and customised specifically for the Small Business Resilience Grants - New Program.**

Councillor Comments

Financial Impact

Delivering strategic change and putting in place the operational capabilities needed to deliver it have always been difficult. Yet, in these uncertain times Council has both

compelling reasons and the practical means to make strategic and realisable cost reductions to further support local businesses and local jobs, noting:

a. Council's projected operating expenditure for 2020/2021 is $63.778 million;

b. Based on a. above, an operating expenditure cost reduction of 1%, would amount to $637,780;

c. $500,000 of the estimated operating expenditure cost savings would be allocated to a Small Business Resilience Grants - New Program; and

d. This would result in a positive increase of $137,780 to Council's Surplus, Total Comprehensive Result and Underlying Operating Surplus for 2020/2021.

Council's direct labour costs excluded from the proposed cost reduction program

The primary objective of the State Government's Working for Victoria initiative is to keep people in employment and stimulate the local economy. Consequently, reducing Council's direct labour costs would be in breach of any such agreement and cause reputational damage to Council and could make Council ineligible for any future rounds or extensions to the current Working for Victoria arrangements.

Example of potential cost reduction

Present councillors have incurred quite legitimate travel and car kilometre costs, on average of $50,000 (in aggregate) per annum. Recently, Council has moved to a virtual model for meetings, community engagement and so forth. I envisage much of the travel for councillors will not be needed going forward through enacting new work arrangements (e.g. remote and flexible arrangements), therefore significant costs could be saved. I am suggesting that a similar cost reduction exercise be done for all Council outlays (excepting direct labour costs) to identify and harvest the required and moderate cost savings of 1% across Council expense lines in order to fund the Small Business Resilience Grants – New Program.

Community Grants not impacted

The proposed Small Business Resilience Grants – New program, is separate from the usual and continuing series of Community Grants with the latest round which closed 11 September 2020, now under consideration.

Officer's Comments

Bass Coast Shire Council reviews its financial projections (forecasts) in line with best practice on an ongoing basis each quarter. As Council has only just adopted its annual budget for the 2020/21 financial year and is currently finalising it 2019/20 financial statements, it would be imprudent at this stage for it to make significant uninformed cuts to its operating expenditure budget. Additional context regarding the budget settings and revenue concessions in the adopted 2020/21 budget are set out below.

In setting the 2020/21 budget, Council made a number of revenue concessions including:

1. Freezing fees and charges increases for the 202/21 financial year.
2. A full year waiver of business signage, footpath trading and liquor licence fees.
3. Three months rent relief to Council lessees.
4. $40,000 for Business and Event Recovery support.

5. Fast tracking a number of strategic initiatives and capital works in order to stimulate the local economy.

Council followed this up with a robust review of the financial settings for the 2020/21 budget with a focus on fiscal discipline and accompanying cost containment. Significant stretch targets were set and exceeded as a result of this review with labour cost savings of $1.1 million exceeding the aggregate labour and materials/contracts saving target of $1 million. Labour cost savings include a freeze on Senior Officer salary increments. Council was as a result of this able to fund $1.2 million in additional COVID-19 response initiatives in the Proposed Budget.

Consistent with other tiers of Government, Council's biggest lever to improve economic prosperity in Bass Coast is to keep employment levels at an optimum. Increased capital expenditure that will deliver lasting community infrastructure and improve health and wellbeing outcomes for generations to come contributes to this. In 2020/21 Council will invest $38 million in capital projects for our community. Council's efforts to increase expenditure have recently been rewarded by the receipt of significant State Government funding to progress key community infrastructure sporting and recreational projects across the municipality. Council has responsibly focused employee roles and/or tasks to respond and recover from the current crisis, including essential activities, while maintaining the necessary level of human capital in our operations to continue delivering core Council services.

Council Officers recommend that:

- A review of the Business and Community Grants Program be undertaken and a report on the effectiveness of the Program be presented to Council. The review would measure the effectiveness against its intended objectives prior to committing to a future funding round. Seeking feedback from recipients and understanding how businesses or organisations implement changes or initiatives to either adapt or minimise the impact of COVID-19 would be central to this review.
- An in depth review of Council's financial performance is carried out as part of the second quarter - Mid Year Budget Review. Should this review identify significant operational cost savings or additional untied revenue, we will brief Council on the organisation's financial capacity to fund or bring forward additional unbudgeted Council priority projects or initiatives.
- Budgetary decisions taken by Council pursuant to this briefing are incorporated into the Quarter Two Financial Report.

……..
Cr Les Larke, Bunurong Ward
Dated: **16 September 2020**

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Les Larke / Seconded: Cr. Julian Brown

That the motion be adopted.

LOST

Cr Les Larke called for a division

For	Against
Cr Brown	Cr Le Serve
Cr Larke	Cr Rothfield
	Cr Tessari
	Cr Fullarton
	Cr Whelan
	Cr Ellis
	Cr Kent

F.3 227/20 Public Transparency Policy, Cr Les Larke

I, Cr Les Larke hereby give notice that I intend to move a motion at the Ordinary Meeting on 16 September 2020, which reads as follows:

PUBLIC TRANSPARENCY POLICY

Motion

That Council review its Public Transparency Policy at the September 2021 Ordinary Meeting following comprehensive communication and engagement with Bass Coast Shire ratepayers and residents by 31 August 2021.

Councillor Comments

The Local Government Act 2020 required Council to adopt a Public Transparency Policy by 1 September 2020, and this Policy was adopted at Council's 19 August 2020 Ordinary Meeting due to the short legislative timeframe for completion.

In that regard, our Community should note Clause 47 of the new Governance Rules also adopted at Council's 19 August 2020 Ordinary Meeting, and highlight the new strict conditions imposed on change of any Council Policy within 12 months of adoption.

Nevertheless, I suggest it is imperative that our Community be given the earliest opportunity to comment on Council's Public Transparency Policy as a matter of good practice.

Officer's Comments

Nil

……..
Cr Les Larke, Bunurong Ward
Dated: **16 September 2020**

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Les Larke / Seconded: Cr. Julian Brown

That the motion be adopted.

CARRIED

Cr Les Larke called for a division

For	Against
Cr Le Serve	Cr Fullarton
Cr Rothfield	Cr Ellis (abstained)
Cr Tessari	Cr Kent (abstained)
Cr Brown	
Cr Larke	
Cr Whelan	

Mayor and Councillors Reports

G Mayor and Councillors Reports

G.1 Mayoral Report - Cr Brett Tessari

Passing of David Brown

I would like to acknowledge the passing of Mr David Brown, who was a very close friend of mine, and a very close friend of a lot. David who passed away last weekend, we as council sent our condolences to his wife Janice, and the kids, Sharyn, Trudy, Darren and Simon and their extended families of which they are numerous. David was an amazing person who was loved by everybody who came across him, he always had a smile on his face and always had a good word about everyone. He was an incredible asset to the the Bass Football Club, and it was just three years ago that he and his wife Janice were acknowledged for 60 years of service. He was also significantly involved at the Wonthaggi Golf Club, a fantastic family man and will be deeply missed by everybody who has known David and the Brown family.

Activities

- Creative Collaborations and Connection to Country online event
- Online Community Engagement Event with New Wave Gippsland
- One Gippsland: Smarter Regions CRC online event
- Citizenship Ceremony: Thursday 10 September

Meetings

Attended Council Workshops and Briefings

Chaired Councillor Only Meetings

Weekly meetings with CEO, Council Support and Communications

Additional Meetings:

- Food & Fibre Gippsland – August Board Meeting – Friday 21st August
- One Gippsland Mayoral Discussion
- Local Government Act Implementation Meeting
- One Gippsland Board Meeting – Friday 21st August
- PUGRC Agenda Discussion
- PUGRC Pre-Ministerial Meeting
- PINP Meeting with Liz Stinson
- COVID-19 Briefing with Jan Child
- Minister Leane & PURGC Meeting
- Citizenship Ceremonies Discussion
- Meeting with TS Constructions
- PUGRC Bi-Monthly Meeting

- One Gippsland – Cowes to Stony Point Car Ferry Business Case
- Meeting with Parks Victoria
- Planning Matters Meeting
- One Gippsland Mayoral Catch Up – Friday 4 September
- Meeting with Minister Jonno Duniam
- Meeting with Stuart from the Gun Club
- Meeting with Watkins Carnival/Amusements Business
- Local Government Mayoral Advisory Panel – Meeting 4
- MAV Rep Forum

Other

Media Enquiries/Interviews

Phone calls, emails and letters

Photo opportunity – Cowes Cultural and Community Centre

G.2 Councillor Report - Cr Stephen Fullarton

David was an incredibly well respected person right through Gippsland in the sporting field, in particularly at Bass Football Club and others. He will be sadly missed.

G.3 Councillor Report - Cr Clare Le Serve

David was certainly a gentleman and really a good bloke. He with Janice, did all those years voluntary at the Killy Bass Football Club and he is certainly a well respected man. He will be certainly missed.

G.4 Councillor Report - Cr Michael Whelan

Excellent proactive work by the garbo. The wheel had fallen off my Green Bin, the driver noticed it and fixed it there and then, at 5.00am in the morning. Thank you.

Meeting along with Cr Ellis with the Bunurong Land Council and the Save the Holden Bushlands to discuss a possible cultural fauna and flora reserve along the coastal strip.

As Chair of the SECCCA Councillor Advisory Group and in company of the Executive Officer we had an excellent meeting with the Plumbers Union to discuss their zero emissions training facility at Narre Warren and joint advocacy on the new Australian Building Code in respect to low emissions housing.

Briefing on the Smiths Beach Master Plan arranged for the Smiths Beachcombers Association

Inspected the council land at Gap Road along with members of TRPI Food and Waste Group and the BCSC General Manager Placemaking

G.5 Councillor Report - Cr Pamela Rothfield

Special Meeting of Council – Wonthaggi and San Remo Cemetery Trusts Meeting

Resource Recovery Gippsland Board Meeting

Chair PIITS CRG – Meeting

Reducing Carbon Emissions Meeting

Cowes Cultural Centre – Multiple meetings including PCG and stakeholders

Councillors only virtual meetings

Emails, phone calls and correspondence with community members

G.6 Councillor Report - Cr Les Larke

- Municipal Emergency Management Planning Committee Meetings
- Bass Coast Health Briefings
- MAV Webinar – Local Government Act 2020
- World Game Facilities Fund Grant Announcement
- Bass Coast Adult Learning Meeting
- Mental Health Foundation Covid-19 Webinar
- Active collaborations through email or chats (by phone or online) across our Community in relation to businesses, residents and ratepayers

Preparation of the following urgent business motion for the 16 September 2020 Ordinary Meeting of Council, which was disallowed by Council:

Notice of Motion – Urgent Business

I, Cr Les Larke, hereby give notice that I intend to move an urgent motion at the Ordinary Meeting on 16 September 2020, which reads as follows:

ECONOMIC MODELLING AND IMPACT OF COVID-19

Motion

THAT Council engage an independent expert to complete economic modelling on the impacts of COVID-19 on the entirety of Bass Coast Shire, and report to Council by 28 February 2021.

In that regard, the modelling to forecast the economic impact of COVID-19 over a five year period, with an understanding of the likely depth and duration of the economic downturn to help guide Council's ongoing efforts in Bass Coast Shire's recovery.

The modelling to also take account of:

- Victorian State Government restrictions as outlined in the so called 'Coronavirus (COVID-19) roadmap';

- The opportunity to leverage other economic studies relevant to Bass Coast Shire prepared at the Federal, State and Local level, including but not exclusive to such organisations as Destination Gippsland, Phillip Island Nature Parks, Destination Phillip Island, Agricultural, Industry and Business Groups; and
- Any other pertinent Federal, State, Gippsland Regional and Council Strategies and Plans

……..
Cr Les Larke, Councillor
Dated: 16 September 2020

D.7 Councillor Report - Cr Geoff Ellis

August:

19: Ordinary Meeting of council and related briefings.

20: Bass Coast South Gippsland Reconciliation Group.

21: Briefing re Local Government Act.

22: Attended launch of upgrades to Wonthaggi Soccer facilities.

24: Briefings with Mayor, CEO and councillors.

25: Briefing re Citizenship Ceremony.

Creative Collaborations and Connection to Country.

27: Meeting - Steering Committee of Coastal Connections.

31: Briefings with Mayor and CEO and councillors.

31: Bass Coast Artists Society AGM - Elected President.

31: Artspace Wonthaggi AGM - Elected president.

September:

1: Community Engagement re Self Advocacy with New Wave Gippsland.

7: Briefings with Mayor and CEO and councillors.

7: Briefing re Coronet Bay Wetlands.

9: Councillor Briefings.

10: South Coast Partnership to Prevent Men's Violence Against Women.

10: Meeting with SHB and Bunurong Land Council.

10: Citizenship Ceremonies.

14: Briefings with Mayor and CEO and councillors.

16: Ordinary Meeting of Council which, as always, went very smoothly thanks the diligence of our Governance Team

Reports Requiring Council Decision

H Reports Requiring Council Decision

H.1 Planning Application 190399 - 1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi

File No:	**CM20/500**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

Application Details

Use/Development Sought:	**Use and development of the land for a restricted retail premises and retail premises, the alteration of access to a Road Zone Category 1 (McKenzie Street/ Bass Highway), display of internally illuminated business identification signage and reduction in the bicycle facilities**
The Land:	**1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi VIC 3995** **CA 4C Sec 117 Parish of Wonthaggi and CA 4E Sec 117 Parish of Wonthaggi**
Planning Scheme:	**Bass Coast Planning Scheme**
Zoning:	**Clause 33.01 Industrial 1 Zone (IN1Z)**
Overlays:	**n/a**

Conflict of Interest

Cr Brett Tessari declared a Conflict of Interest in agenda item H.1 under section 78 of the Local Government Act 1989. He left the meeting at 2.42pm and took no part in the debate or decision

Cr Geoff Ellis assumed the position of Chair at 2.42pm.

Cr Julian Brown declared a Conflict of Interest in agenda item H.1 under section 78 of the Local Government Act 1989. He left the meeting at 2.42pm and took no part in the debate or decision

Declaration

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

Executive Summary

This application proposes to use and develop the land for a restricted retail premises, the alteration of access to a Road Zone Category 1 (McKenzie Street/ Bass Highway), display internally illuminated business identification signage and reduction in the bicycle facilities at 1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi VIC 3995.

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

- Clause 33.01-4 (Industrial 1 Zone) as a permit is required to construct a building or construct or carry out works;
- Clause 52.05-12 as a permit is required for business identification signage which exceed 8sqm in total size;
- Clause 52.29-2 as a permit is required to alter or access to a Road Zone Category 1 (RDZ1); and
- Clause 52.34-2 as a permit is required to reduce any requirement of Clause 52.34-5 and Clause 52.34-6 for bicycle parking.

The application was advertised and received seven (7) submissions.

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

On this basis, it is recommended that Council resolve to issue a notice of decision to grant a planning permit for application 190399.

Reason a Council Decision is required

- Council's delegations require that applications for developments of more than $3 million be received by Council for determination. The cost of development for this application is $10 million. As well, Council's delegations require applications that attract five or more objections to be determined by Council, the application attracted seven (7) objections throughout the notice period.

Application Details

This application proposes to use and develop the land for a restricted retail premises and retail premises, the alteration of access to a Road Zone Category 1 (McKenzie Street/ Bass Highway), display of internally illuminated business identification signage and a reduction in the bicycle facilities in accordance with Overall Site Plan, Floor Plan, Roof Plan and Elevation Plans prepared Bunnings Group Limited dated 1 May 2020.

The application includes the following:

<u>Use of the land</u>

The application proposes the use of the site as a Bunnings Warehouse.

The land use as defined as the Planning Scheme is restricted retail premises in which the office, playground, café and BBQ facilities/ area are ancillary.

<u>Buildings and works</u>

The buildings and works include a large warehouse with an internal café, associated playground, DIY workshop area, and ancillary offices in a mezzanine level.

The overall heights of the building is 8.75m to the top of the parapet and 9.5m to the top of the entry sign.

The total retail area is 9203.73 square metres:

- Fully enclose warehouse = 4 467.21 square metres

- Fully enclosed Timber Trade Sales = 1 883.15 square metres
- Fully enclosed Building Materials and Landscape Yard = 1 027.11 square metres
- Outdoor Nursery = 766.89 square metres
- Ancillary Bagged Goods to Outdoor Nursery = 1 059.37 square metres

Access

The development proposes vehicle access from White Road, Keltie Avenue and McKenzie Street (Bass Highway).

The access ways for the proposed development are detailed as follows:

- McKenzie Street (Bass Highway):
  - Left in and left out south bound for customers to the car parking area; and
  - Left in for goods/ delivery south bound.
- White Road:
  - Left and right in/out for customers to the car parking area.
- Keltie Avenue:
  - Left out for goods/ delivery north bound.

Signage

The proposed signage will be displayed on all 4 elevations with the text saying, '*Bunnings Warehouse, Our policy – lowest prices are just the beginning*' (see Figure 3).

- North elevation: two signs on the northern elevation:
  - Sign 1. Measuring 15.769m long x 4.4m and 4.92m wide; and
  - Sign 2. Measuring 15.8m long x 3.6m and 6.6m wide.
- South elevation: the same two signs are proposed on the southern elevation:
  - Sign 1. 15.769m x 4.4m and 4.92m; and
  - Sign 2. 15.8m x 3.6m and 6.6m.
- East elevation: one sign on the eastern elevation:
  - 15.769m long x 4.3m and 4.392m wide.
- West elevation: the same two signs are proposed on the western elevation:
  - Sign 1. 5.808m long by 1.6m and 1.8m wide; and
  - Sign 2. 5.82m x 1.4m and 2.5 wide.

Bike and Car Parking

The statutory car parking requirement for the proposed land use is 152 spaces.

The proposal includes 223 car parking spaces, 201 to be located to the northern section of the site for customers and 22 spaces located to the southern section of the site for staff.

The car parking area includes 8 all-access spaces and 8 trailer spaces.

The 10 bike parking spaces will be provided on the south –western corner of the site adjacent to McKenzie Street.

A copy of the site plan, floor plan, and elevation plans are shown below from Figure 1- Figure 4.

Documentation to support the application included:

- Development plans is provided as Attachment One.
- Traffic Impact Assessment (TIA) prepared by O'Brien Traffic;
- Landscape Plan prepared by Wallbrink Landscape Architecture;
- Preliminary Arboricultural Assessment Report prepared by Arbor Survey; and
- Drainage Strategy prepared by Lowe Engineering.
- Supporting reports are included in Attachment Two –AT-2.

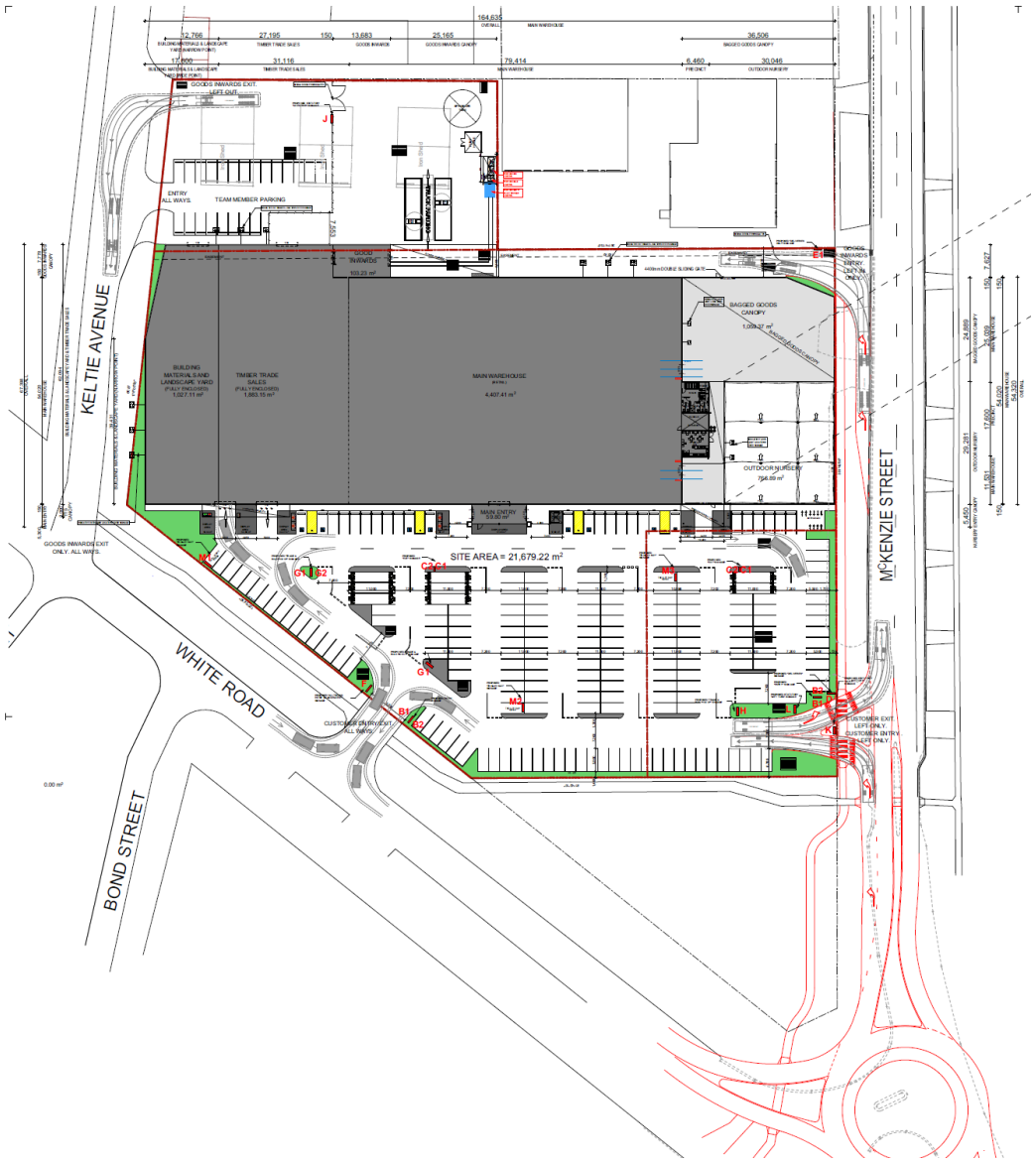


Figure 1. Site plan of the proposed development on the subject site at 1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi.

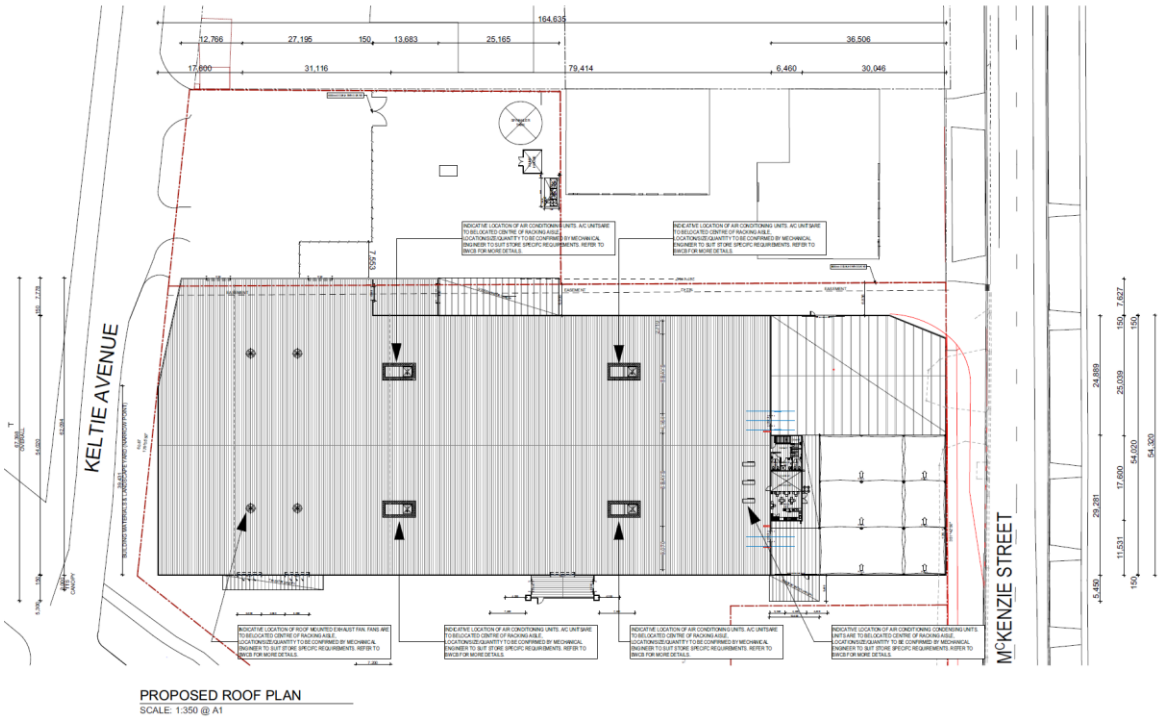


Figure 2. Roof plan of the proposed development on the subject site at 1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi.

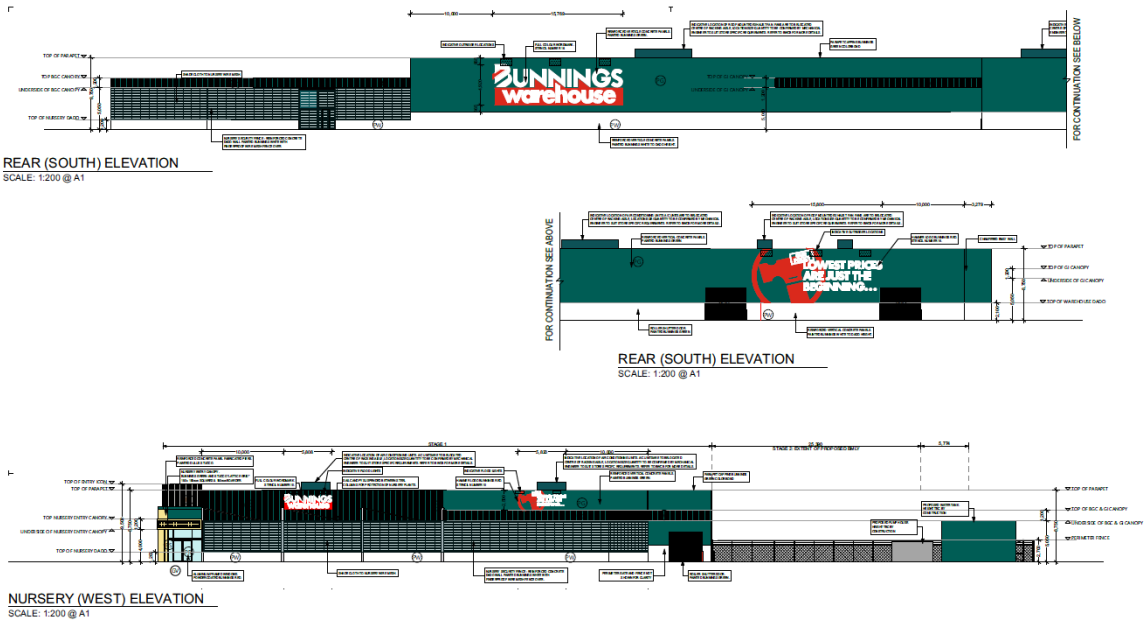


Figure 3. South and West elevation plans of the proposed development on the subject site at 1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi.

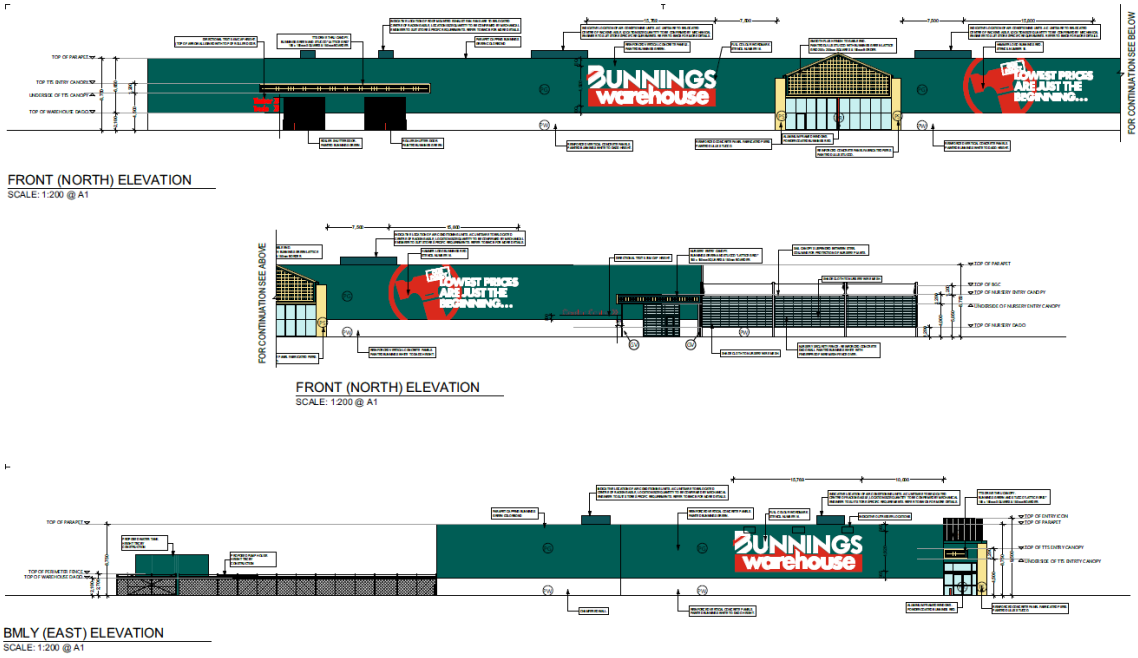


Figure 4. North and East elevation plans for the proposed development on the subject site at 1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi.

Background

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

• Site Dimensions	• Perimeter dimensions of the combined allotments include: • White Road Frontage (north-east)104.91m (to White Road) x 87.31m (north) x 126.12m west (to McKenzie Street) x 162.42 south x 60.87m east
• Site Area	• 2.17 ha (21 700 square metres)
• Site Frontage	• 104.91m to White Road • 126.12m to McKenzie Street
• Topography	• Reasonably flat but the land slopes from the east to west slightly from 30.0 - 28.5m AHD.
• Vegetation Cover	• 87 trees located within the subject site • 10 trees located on the road reserves of Keltie Avenue, White Road and McKenzie Street (Bass Highway)
• Current Use	• Hotel/ Motel and Caravan Park formerly Miners Rest.
• Easements	• n/a on either allotment.

• Restrictive Covenants	• There is one restriction on each Title which relates to the former coal mining era of Wonthaggi. The restriction states that the land may be used for the purposes of search for and obtaining the reserved minerals. As well, the restriction states that there must be a right to resume the land for mining purposes pursuant to section 205 of the *Land Act 1958*. • There is minimal risk in the approval of the planning permit application given the restriction on Title.
• Aboriginal Cultural Heritage Sensitivity	• No, the site is not in an area of Aboriginal Cultural Heritage significance.
• Planning Permit History	• Former planning permits on the site of 140 McKenzie Street: • 180184 – Subdivision of the land into two lots issued on 18 October 2018. This permit is live however the subdivision has not yet been completed. • 170058-1 – Amendment to Planning Permit 170058 which is still outstanding. • 170058 - Use and development of the land for a service station and convenience restaurant, hotel, advertising signage and works within category 1 issued on 17 November 2017. Planning Permit 170058 was extended on 25 October 2019 and is required to commence on 17 November 2021. • 070386 – Construction of a pergola issued on 17 August 2007. • 0299- Extend the trading hours for the existing liquor license refused on 30 June 2003. • 00469 – Erect an advertising sign refused on 9 February 2001.

- The subject site is located in Wonthaggi on the eastern side of the corner of White Road and McKenzie Street. The subject site is irregular in shape and is currently developed as the Capital Entertainment (pub and bistro) and Miners Rest Motel and Caravan Park. The Miners Rest Caravan Park is accessed from White Road whereas the Capital and Motel is accessed directly onto the frontage of McKenzie Street.

- Surrounding the subject site is the following land use and development:
- North: a public reserve on the corner of White Road and McKenzie Street which is zoned as PPRZ and is currently vacant of development. Further north from the subject site is residential development of North Wonthaggi as well as a Kindergarten on the opposite side (northern) of White Road.
- South: A mixture of commercial and industrial businesses and further south on McKenzie Street is the Ambulance Victoria Wonthaggi Branch.
- East: directly east of the subject site is Keltie Avenue which is a gravel non-through road. Further east, is a mixture of commercial and industrial businesses, residential development, DELWP owned land which is vacant of development which a large amount vegetation, the Wonthaggi CFA depot, and North Wonthaggi Primary School.
- West: directly opposite the subject site on the western side of McKenzie Street is established residential development which consists mostly of single storey detached dwellings with individual crossovers to McKenzie Street. Behind the residential development along McKenzie Street and further west is the Wonthaggi Golf Course.



Figure 5. Aerial photograph of the subject site at 1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi (highlighted in red) and immediate surrounds.



Figure 6. Zoning map of the subject site at 1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi (highlighted in red) and surrounds.

Notice

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to 300 land owners and occupiers; and
- Placed two sign Notices on the land, one to face McKenzie Street (west) and one to face White Road (north).

Submissions

In response to notification the application attracted seven (7) submissions.

A summary of the remaining objections is listed in the following table and a copy of each objection is included in Attachment Three.

Table one: Summary of Concerns raised in each objection

Submission	Summary of Concerns
1	• The constraints as a result of the proposed single lane roundabout proposed. • Possible delays for traffic along White Road/ McKenzie Street, from the roundabout and into/ out of the subject site. • Impacts in delays within the construction period of the roundabout.

2	• Issues raised regarding the effects of noise from the site. • The day, time and the location of access for delivery vehicles to the site which would impact their amenity.
3	• Generally supportive of the application and the subsequent upgrade of the White Road intersection. • Had queries regarding the roundabout proposed for the White Road/ McKenzie Street/ Ogarey Street intersection in terms of access and egress from their property, safety, pedestrians, and existing and proposed crossover locations.
4	• Stormwater management concerns given the surfaced areas required for the development.
5	• Access and egress from their property given the upgrade of the intersection and the traffic generated by the development. • Concerned about noise impacts as a result of the development and traffic volumes.
6	• The threat of flooding of their land due to the runoff from the proposed development. • The fact that the development would worsen drainage issues in the area.
7	• Concerned in issues with access and egress from their property given the upgrade of the intersection and the traffic generated by the development. • No objection on the development itself and the improvement of the subject site visually.

Following the notification period, the applicant provided a written response to objectors which was circulated via email. No changes were made to the application in response to objections.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral requirements and their comments

Referral Authority	Comments
External (Section 55 of the *Planning and Environment Act 1987*)	
Regional Roads Victoria (RRV), Department of Transport (formerly VicRoads)	Referred to RRV under Clause 52.29-4 and Clause 66.03 as determining referral authority. No objection to the application subject to conditions.

Internal (Section 52 of the *Planning and Environment Act 1987*)	
Regional Roads Victoria (RRV), Department of Transport (formerly VicRoads)	Application was referred to RRV under Section 52 of the Act as per Clause 52.09-4 for the flood-lit signage proposed on the site. Response received on 30 January 2020 with suggested conditions for the planning permit.
Department of Environment, Land, Water and Planning (DELWP)	Application was referred to DELWP under Section 52 of the Act as the land adjacent to the subject site is owned by the Crown. DELWP had no objection to the granting of the permit.
Development Services	Application was referred to Council's Development Services team on 17 December 2019 for comments on traffic requirements and drainage of the land. Conditional consent received from Development Services on 27 July 2020.
Community and Social Planning	Application was referred to Council's Community and Social Planning team on 30 December 2019. Community and Social required further information on bike parking, pathways and the existing bus stop on the western side of McKenzie Street. Community and Social Planning responded and suggested the following amendments to be made: • Some of the 10 bike parks please be relocated as team member/employee parking. • The footpath on the east side of McKenzie Street be extended south to 120 McKenzie Street.
Environment	Application was referred to Council's Environment team on 4 June 2020 for comments on Council street vegetation which is required to be removed.
Waste Services	Application was referred to Waste Services on 7 January 2020 for comments on the Waste Management Plan (WMP). Waste Services responded on 19 August 2020 with conditional consent to the application by means of requiring an amended Waste Management Plan for the development.
Property	Application was referred to Council's Property team on 9 June 2020 as the land at Wonthaggi Kindergarten and Reserve in North Wonthaggi are owned by Council and could be potentially impacted as a result of the development. Response received on 11 June 2020 in which the proposed development has little effect on the use of Council property in the vicinity.

Officer's Considerations

- Planning Policy Framework and Local Planning Policy Framework Assessment
- The clauses as relevant to the assessment of this application include:
- Clause 11 Settlement
    - Clause 11.01 Victoria
        - Clause 11.01-1S Settlement
        - Clause 11.01-1R Settlement – Gippsland
    - Clause 11.03 Planning for places
        - Clause 11.03-6S Regional and local places
- Clause 13 Environmental Risks and Amenity
    - Clause 13.05 Noise
        - Clause 13.05-1S Noise abatement
    - Clause 13.07 Amenity, Human Health and Safety
        - Clause 13.07-1S Land use compatibility
- Clause 15 Built Environment and Heritage
    - Clause 15.01 Built Environment
        - Clause 15.01-1S Urban design
        - Clause 15.01-2S Building design
    - Clause 15.02 Sustainable Development
        - Clause 15.02-1S Energy and resource efficiency
- Clause 17 Economic Development
    - Clause 17.01 Employment
        - Clause 17.01-1R Diversified economy – Gippsland
    - Clause 17.02 Commercial
        - Clause 17.02-1S Business
        - Clause 17.02-1R Commercial centres – Gippsland
    - Clause 17.03 Industry
        - Clause 17.03-1S Industrial land supply
- Clause 18 Transport
    - Clause 18.01 Integrated Transport
        - Clause 18.01-1S Land use and transport planning
        - Clause 18.01-21 Transport system
        - Clause 18.01-2R Transport system – Gippsland
    - Clause 18.02 Movement Networks
        - Clause 18.02-3S Road system

- Clause 18.02-4S Car parking

- Clause 21.02 Settlement
  - Clause 21.02-1 Growth of towns
- Clause 21.03 Economic Development
  - Clause 21.03-2 Commercial
- Clause 21.05 Landscape and Built Form
  - Clause 21.05-4 Design and Built Form
- Clause 21.06 Infrastructure
  - Clause 21.06-3 Transport
- Clause 21.07 High Growth Regional Centre
  - Clause 21.07-2 Wonthaggi
- Clause 22.01 Stormwater Management Policy

The following provides an assessment of the application against the relevant Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) under the themes of Settlement, amenity, built and environment, economic development transport and car parking.

Settlement

The proposed location of the development of a new Bunnings Warehouse for the township of Wonthaggi responds to Clause 11.01-1S *Settlement* in that sustainable development should be directed into regional centres. Wonthaggi is identified as a regional centre within Gippsland and a High-Growth Settlement under local Clause 21.07 whereby investment and growth are encouraged in appropriate locations (Clause 21.02-1 *Growth of towns*). The subject site is an appropriate location for the proposal where goods can be easily delivered and access is available for a wide customer and employee demographic.

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

Clause 11.01-1R *Settlement – Gippsland* notes that commercial activities such as the proposal should be best positioned to respond to the changing population and property market conditions of Wonthaggi and the Bass Coast Shire area more broadly. In addition, the development on the proposed subject site aims to facilitate improved place-based planning in terms of strategic consideration which has been given to direction of growth of Wonthaggi and planning for future land use and development (Clause 11.03-6S *Regional and local places*).

Amenity

- Management of potential off-site amenity impacts is a key consideration of this application.

- Clause 13.05-1S *Noise abatement* has the objective to ensure that any noise produced as a result of the development on the land does not reduce the amenity of the community. The proposal has been designed so as to minimise the impacts of noise on third parties and upon adjacent and adjoining land. It achieves this by maximising the physical separation of the development from residential development.
- The overarching objective of Clause 13.07-1S *Land use compatibility* is to protect the community's amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. In terms of the proposal being compatible with existing land uses in the general vicinity, the development of a Bunnings Warehouse provides for separation to areas of IN1Z and GRZ1 land within this part of Wonthaggi. The overall design considerations which have been made throughout the process for the development demonstrate that the applicant has thought about context of the area and the sensitivity which should be provided for residential areas.

Development

- Clause 15.01-1S *Urban Design* has the objective to create unique urban environments which allow safe and functional places which contribute to the sense of cultural identity.
- The development proposes a design of that is includes a form, scale, colours and appearance that is considerate of the interface with the public realm and the natural, cultural and strategic context of the area. The use of colours, signage, materials and articulation of the building facades will invite the customer in and contribute to the surrounding urban environment. Moreover, the development has been designed to be consistent with Clause 15.02-1S *Energy and resource efficiency* with thermal mass components, high roof elements for temperature regulation and LED lighting throughout.

Economic Development and Business

- The proposal is centrally located within Wonthaggi on a suitably available site which will be adequately provide for on-site car parking for the customer (Clause 17.02-1S *Business* and Clause 17.02-1R *Commercial centres – Gippsland*).
- The applicant has advised that if constructed, an additional 50 employment opportunities will be created.
- Transport and Car Parking
- The objective of Clause 18.01-1S *Land use and transport planning* is to *create a safe and sustainable transport system by integrating land use and transport.* The location of the subject site is accessed via major arterial road, McKenzie Street (Bass Highway), by public transport networks in the Shire and shared pedestrian paths (walking and cycling) (Clause 21.06-3 *Transport*). The proposed transport links to the development and upgrade of the intersection will improve the local area, but also provide stronger connections to Melbourne and other regions of the State (Clause 18.01-21 *Transport system*, Clause 18.01-2R *Transport system – Gippsland* and Clause 18.02-3S *Road system*).

- The proposed number of car parking spaces exceeds the statutory car parking amount which is considered to be satisfactory outcome as there is no anticipated demand for on-street car parking along the major arterial roads surrounding the site. Therefore, the development has considered the car parking in terms of protecting the role and function of adjacent roads, will allow for the efficient use of the land and enable safe movements for goods freight to the site.

Zone Assessment

Clause 33.01 Industrial 1 Zone (IN1Z)

- The purpose of the Industrial 1 Zone is:

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

o *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

- The application triggers the need for a planning permit under:

o Clause 33.01-1 as a permit is required to use the land for retail premises and restricted retail premises (Section 2 Uses); and

o Clause 33.01-4 as a permit is required to construct a building or construct or carry out works.

The proposed use (restricted retail premises and retail premises) and development of the land is generally consistent with the Municipal Planning Strategy and the Planning Policy Framework. An assessment of the application against the decision guidelines of the zone are is as follows:

Use

The use proposed is considered consistent with the objectives of the Zone. The subject site is connected to all services and conditions on whilst in close proximity to more sensitive uses, the applicant has demonstrated that off site impacts can be managed effectively.

Whilst there will be additional traffic generated along McKenzie Street and White Roads as a result of the proposal. The proposed upgrades to the intersection of White Road, McKenzie Street and Ogarey Street will alleviate current and future congestion and safety concerns for the area and for the development.

Development

The development and building design is considered to be an appropriate response to the context of the site. The built form is considered to be generally consistent for the Industrial 1 Zone context that site is located in and will provide for a suitable buffer and transition to the General Residential Zone areas that are in close proximity to the site.

The applicant has proposed landscaping opportunities throughout the site that will assist in breaking up the expansive hard surface car parking areas and general built form.

The car parking and site access is appropriate for the proposal and will allow for the safe and efficient access and egress of customers and deliveries. In addition, the loading and service areas and outdoor storage will be located to the rear of the development and will be screened from the road and residential zones.

Overlays

There are no overlays on the subject site.

Particular Provisions

Clause 52.05 – Signs

The purpose of Clause 52.05 is:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder. To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

The application triggered a planning permit under Clause 52.05-12 as a permit is required for business identification signage which exceed 8sqm in total size.

Signage under the Industrial 1 Zone is listed as Category 2 for Office and Industrial.

Generally the proposed signage can be supported for the following reasons:

- The proposed signage on the elevation facades of the proposed development is responsive to other Bunnings Warehouse developments throughout Australia but also is responsive to the context of the subject site, the surrounding area.
- The signage proposed for the development will not impact negatively upon any view lines within the area and should not dominate the skyline.
- The design, colours or illumination of the signage is modest and simple and should not distract road users in the area.

Clause 52.06 – Car Parking

The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

The application does not trigger a planning permit pursuant to Clause 52.06 as the number of car parking spaces is met.

The proposal requires a total of 152 car parking spaces as per the Bass Coast Planning Scheme at Clause 52.06-5. The application has provided for a total of 223 car parking spaces which is a surplus of 71 spaces on the site.

Clause 52.17 - Native Vegetation

The purpose of Clause 25.17 is *to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*

1. *Avoid the removal, destruction or lopping of native vegetation.*
2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

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

The application does not trigger a planning permit pursuant to Clause 52.17 as the vegetation on the subject site which is proposed to be removed is considered exempt as planted vegetation for aesthetic purposes.

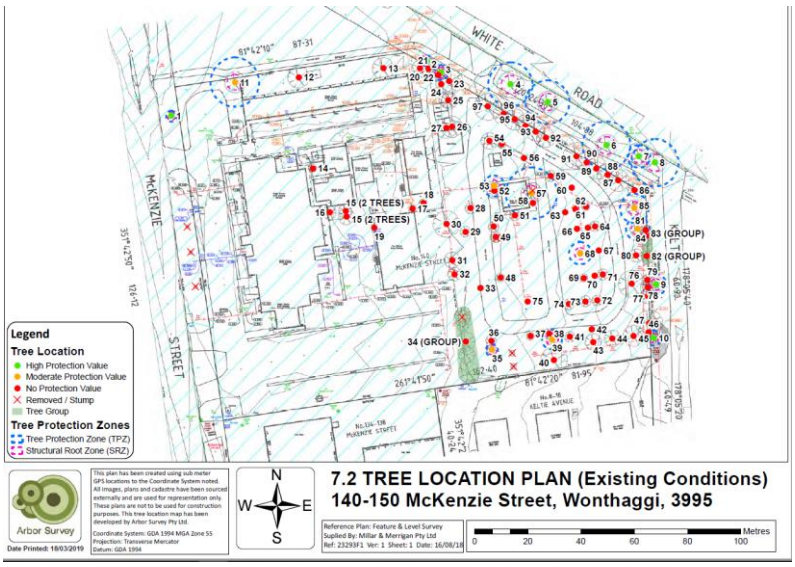


Figure 7. Tree location plan showing the existing conditions on the site.

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

The purpose of Clause 52.29 is:

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

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

The application was referred under Section 55 of the Act to Regional Roads Victoria (RRV) whom sit under the Department of Transport. RRV provided conditional consent for the application

Overall, the application can be supported by the decision guidelines at Clause 52.29-6 which consider the views of the relevant road authority and any impacts of the proposal on the operation of the road and on public safety.

Clause 52.34 - Bicycle Facilities

The purpose of Clause 52.34 is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

The application triggers a planning permit pursuant to Clause 52.34-2 to reduce any requirement of Clause 52.34-5 and Clause 52.34-6 for bicycle parking.

The proposal seeks to provide 10 bike parking spaces where the required amount as per the Bass Coast Planning Scheme is 49 spaces.

The application is consistent with Clause 52.34 as follows:

- The proposed number, location and design of bicycle facilities meets the purpose of Clause 52.34.
- Depending on where the cyclist was coming from would determine how far they would need to travel. Although, there is existing bike path or shared path infrastructure to allow for safe and efficient access to and from the subject site.
- It is reasonably unlikely that most customers to the site will travel by bike given the type of land use and development proposed whereby a vehicle for good to be carried is required.
- Showers and change rooms provided will be required to be provided on the land to be available for cyclists.

Clause 53.18 – Stormwater Management in Urban Development

The purpose of Clause 53.18 is *to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.*

Clause 53.18 applies to the application in which the development must be able to demonstrate the following objectives as per Clause 53.18-5:

- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*

- *To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.*

There has been a concept drainage strategy provided with the application which addresses the requirements of Clause 53.18 and Clause 22.01 Stormwater Management Policy. However, technical drainage and civil plans will be required to be submitted to Council for endorsement via a planning permit condition.

Concerns raised by Submitters

Proposed road rearrangement (roundabout intersection upgrade) and traffic

Some points as raised in the objections received in relation to the proposed (roundabout intersection upgrade) and traffic implications as a result of the proposed development:

- *The constraints as a result of the proposed single lane roundabout proposed.*
- *Possible delays for traffic along White Road/ McKenzie Street, from the roundabout and into/ out of the subject site.*
- *Impacts in delays within the construction period of the roundabout.*
- *Generally supportive of the application and the subsequent upgrade of the White Road intersection.*
- *Had queries regarding the roundabout proposed for the White Road/ McKenzie Street/ Ogarey Street intersection in terms of access and egress from their property, safety, pedestrians, and existing and proposed crossover locations.*
- *Access and egress from their property given the upgrade of the intersection and the traffic generated by the development.*
- *Concerned in issues with access and egress from their property given the upgrade of the intersection and the traffic generated by the development.*

To address and how to best design and manage the upgraded intersection of White Road/ Ogarey Street and McKenzie Street roundabout was identified as the preferred option by Council and Regional Roads Victoria.

Although the roundabout is proposed to be single lane initially, there will be land held with an ability to expand in the future to accommodate traffic demand. This concern was raised by Ambulance Victoria in response to being able to travel along McKenzie Street north and south bound for emergency situations.

The design of the intersection is at concept stage and has been reviewed by Council's Development Services team and by members of RRV. The plan for construction of the intersection upgrade will be assessed via a permit condition for endorsement at a later stage.

Drainage

Some points as raised in the objections received in relation to the drainage of the subject site:

- *Stormwater management concerns given the surfaced areas required for the development.*
- *The threat of flooding of their land due to the runoff from the proposed development.*

- *The fact that the development would worsen drainage issues in the area.*

The application has provided a stormwater management plan which has been assessed by Council's Development Services team. Since submission of the stormwater management plan to support the application, Council has engaged with the applicant's civil engineer to resolve outstanding issues.

The drainage and stormwater management on the land will be required to replicate that of pre-development flows. The proposed development should not impact adjoining land and downstream properties in relation to stormwater run-off.

A planning permit condition will require the submission of drainage (civil) plans to specifically address the drainage and stormwater management for the site.

- Noise
- Some points as raised in the objections received in relation to the drainage of the subject site:

- *Issues raised regarding the effects of noise from the site.*
  - Concerned about noise impacts as a result of the development and traffic volumes.

Given the current context of the subject site, there will be more car and truck movements to and from the site each day. This will in turn create more noise as a result, however, the vehicle noise which exists along McKenzie Street and White Road currently would be in excess in relation to residential streets. McKenzie Street (Bass Highway) is zoned as RDZ1 and is managed by the State Government's Regional Roads Victoria (RRV) department due to the fact that it is considered a major state road (arterial road).

Apart from traffic noise, any additional noise generated from the subject site following the completion of the development will be minimal. The retail space which includes ancillary uses will be located inside the development whereby noise will be contained and managed.

Overall, the amenity of the subject site, immediately abutting land and the local area surrounding the site will be managed via planning permit conditions.

Conclusion

- The application has been assessed against the Bass Coast Planning Scheme and is considered consistent with the relevant policy, the Industrial 1 Zone, Clause 52.05, Clause 52.29 and Clause 52.34.
- The application underwent extensive notification and as a result there were seven (7) submissions received. The various concerns raised by the submitters were considered within the assessment of this application.
- Overall, the proposed use and development of the subject site is consistent with the subject site, the context of Wonthaggi as becoming a regional centre for Gippsland and providing for the property market. The development of a new Bunnings Warehouse store for Wonthaggi will be beneficial for the community in relation to economic development for the construction industry and the creation of employment for local residents.

- Therefore, it is recommended that Council resolve to issue a notice of decision to grant a planning permit for application 190399, subject to conditions.

Recommendation

That in relation to planning permit application 190399 for use and development of the land for a restricted retail premises and retail premises, the alteration of access to a Road Zone Category 1 (McKenzie Street/ Bass Highway), display of internally illuminated business identification signage and reduction in the bicycle facilities located at 1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi VIC 3995, Council resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:

Title Details

1/8-10 Keltie Avenue and 140 McKenzie Street, Wonthaggi VIC 3995

CA 4C Sec 117 Parish of Wonthaggi and CA 4E Sec 117 Parish of Wonthaggi

Amended Plans

1. **Before the issue of a Building Permit, amended plans which are generally in accordance with development plans prepared by *Bunnings Group Limited dated 1 May 2020* to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and electronic copy (PDF) provided. The plans must be generally in accordance with the roundabout concept plans submitted but modified to show:**
    a) **No direct property access from the proposed roundabout;**
    b) **A service road from Griffiths Street;**
    c) **Path linkages from the site to the northern side of White Road and to the relocated bus stop on McKenzie Street;**
    d) **The provision of shower and change room facilities for cyclists; and**
    e) **5 of the total 10 bike parking spaces to be relocated to the rear of the development for staff only.**

General Conditions:

2. **The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
3. **The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.**
4. **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.

5. **External lighting proposed on the site must be designed, baffled and located so as to prevent any adverse effect on adjoining land or roads to the satisfaction of the Responsible Authority.**
6. **Trolleys must be collected and maintained so as not to become a nuisance or block traffic or pedestrian movements (including trolleys taken off-site by customers).**
7. **All loading and unloading of goods and deliveries must occur within the boundaries of the land.**
8. **All pipes, fixtures, fittings and vents servicing the building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.**
9. **All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**

Consolidation and Easements

10. **Before the use and development starts, the applicant must consolidate CA 4C Sec 117 Parish of Wonthaggi and CA 4E Sec 117 Parish of Wonthaggi under the *Subdivision Act 1988* to the satisfaction of the Responsible Authority. The plan of consolidation must show appropriate easements set aside for drainage purposes, to the satisfaction of the Responsible Authority.**

Hours of Operation

11. **Except with the written consent of the Responsible Authority the use may operate only between the following hours:**
    a) **Monday to Wednesday 7am to 6pm inclusive.**
    b) **Thursday to Friday 7am to 9pm inclusive.**
    c) **Saturdays 7am to 7pm inclusive.**
    d) **Sundays and Public Holidays 7am to 6pm inclusive.**

Landscaping Maintenance

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

Transport for Victoria - Regional Roads Victoria (RRV) Conditions

13. **Left in, left out only access to the carpark from McKenzie Street (Bass Highway) will be permitted generally in accordance with the plans provided.**
14. **Delivery access is to be exist only to McKenzie Street (Bass Highway).**
15. **The existing intersection of White Road and McKenzie Street (Bass Highway) must be upgraded to a single lane roundabout generally in accordance with the AusRoads guidelines at no cost and to the**

satisfaction of the Head, Transport for Victoria.

16. **The existing local road must be modified to accommodate the access to residential dwellings on Ogarey Street.**
17. **Prior to the development of the plans, a pre-design meeting between a representative of the Head, Transport for Victoria and the applicant's consultants must be attended.**
18. **Prior to works beginning on site, a detailed functional layout of the intersection of White Road and McKenzie Street in accordance with Eastern regions checklists must be submitted and approved by the Head, Transport for Victoria.**
19. **Prior to earthworks beginning on site, detailed functional layout plans in accordance with Eastern Regions checklists must be submitted and approved by the Head, Transport for Victoria for the carpark entry and truck exit.**
20. **Roadway lighting to V3 standard must be provided for the intersection improvements.**
21. **Prior to roadworks beginning, detailed design plans for the roundabout, carpark access, truck exit and local road modifications in accordance with Regional Roads Victoria (Eastern Victoria's) checklists must be submitted and approved by the Head, Transport for Victoria.**
22. **Before the use of the buildings and the development approved by this permit commences, the following roadworks on McKenzie Street and White Road must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria:**
    a) **Turn Lane**
    b) **Roundabout**
    c) **Splitter Island**
    d) **Roadway Lighting**
23. **The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.**
24. **Prior to commencement of the erection of the advertising sign, a lighting report from a suitably qualified lighting engineer demonstrating how the lighting output prescribed at condition 10 will be achieved must be provided to the Head, Transport for Victoria for approval. When approved, the report will form part of the planning permit and the sign must at all times operate in accordance with the report.**
25. **Prior to commencement of the earthworks for the development hereby approved a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land.**

26. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Head, Transport for Victoria.

Civil Construction Plans

27. Before the issue of a Building Permit, detailed civil construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of both VicRoads and Council. The plans must be drawn to scale with dimensions. An electronic copy (PDF) must be provided. The plans must show:

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

b) How the land including all buildings, open space and paved areas within each lot will be drained for a 10% AEP storm event to the legal point of discharge;

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

d) The provision of stormwater detention within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using an allowable discharge rate for the site 65 l/sec/ha;

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

f) Ponding level for the 1% AEP storm event with minimum 300 mm freeboard to the FFL of all buildings on the site; and

g) 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.

28. Vehicle access, pedestrian access and car parking to the satisfaction of the Responsible Authority including:

a) **All vehicle access (crossovers) to the site to be sealed in asphalt or concrete. 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;**

b) **A concrete footpath on the frontage of the land, including all necessary pram crossings and path linkages to connect to the existing network. This is to include a concrete path linkage to the proposed relocated bus stop. All footpaths to be to IDM standard;**

c) **Car parking areas and access ways on-site to be designed, constructed and sealed with an all-weather seal pavement (asphalt or concrete) to the satisfaction of the Responsible Authority;**

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

e) **Service authority assets onsite and all easements (existing and proposed).**

f) **Engineering plans and specifications of the proposed upgrade road works to Keltie Avenue, including:**

g) **Intersection upgrade to White Road and McKenzie Street intersection;**

h) **Keltie Avenue to have asphalt wearing course pavement suitable for heavy vehicles (semi-trailer design vehicle) with kerb and channel both sides and underground drainage;**

i) **Upgrade of the pavement on White Road to be asphalt wearing course for the extent of the semi-trailer turning movement;**

j) **Realignment of the intersection with White Road, ensuring Keltie Avenue is constructed perpendicular to White Road; and**

k) **Pram crossings and footpath works to IDM standard, as required on White Road.**

l) **Engineering plans and specifications of the proposed intersection upgrade for White Road and McKenzie Street intersection. Intersection upgrade is to be adequate for the 10 year post-developed predicted growth. Plans to include:**

m) **All roads, intersections, traffic calming, traffic circulation, line-marking, signage, lighting, footpaths and pedestrian linkages for the intersection; and**

n) **Drainage of the intersection, including underground drainage for the 10 % AEP post-developed flows and overland flow paths for the 1% AEP.**

Construction Management Plan (CMP)

29. **Before the issue of a Building Permit, a Construction Management Plan must be prepared to the satisfaction of the Responsible Authority for endorsement by the Responsible Authority. The plans must be drawn to scale with dimensions. An A1 plan and an electronic copy (PDF) must be provided. The plan must address, but not be limited to following:**

    a) **Address occupational health and safety, traffic management, environmental controls and cultural protection measures to the satisfaction of the Responsible Authority;**

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

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

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

    e) **Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with the building and works on the land to the satisfaction of the Responsible Authority;**

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

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

    h) **Best practice erosion and sediment control techniques must be used;**

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

    j) **Location of the construction workers compound. The compound must be located a reasonable distance from any neighbouring residence to minimise amenity impacts. The compound must be used for the storage of building materials,**

parking for construction workers and as the location for the site offices and amenities;

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

l) Locations of cut and fill stockpiles;

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

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

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

a) Best Practice Environmental Management Guidelines for Urban Stormwater;

b) Environmental Guidelines for Urban Stormwater (EPA Publication);

c) Construction Techniques for Sediment Pollution Control (EPA Publication)

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

Construction

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

32. All roads, paths, drainage, lighting, signage and other infrastructure in accordance with the endorsed civil design plans;

33. Redundant infrastructure must be removed and the area reinstated to the satisfaction of the Responsible Authority including appropriate kerbing and channelling, footpath and landscaping;

34. All areas must be cleared of all rubbish, weeds, debris and spoil and must be landscaped to the satisfaction of the Responsible Authority. Such landscaping must be in accordance with a plan approved by the Responsible Authority;

35. 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;

36. **Areas for drainage, vehicle access and car parking within the land must be constructed in accordance with the endorsed civil design plans; and**
37. **The relocated bus stop must be constructed to the satisfaction of Council and Transport for Victoria (Regional Roads Victoria).**

As-Constructed Plans

38. **Before the issue of an Occupancy Permit for the building, the following must be provided for all public works to the responsible authority:**
    a) **Copies of the "as constructed" engineering roads, drainage, lighting, water reticulation and landscaping drawings as follows:**
    b) **Collated electronic PDF format.**
    c) **"As constructed" digital data measurements of the drainage works in a GIS ready format. The format required is:**
    d) **ESRI Shapefile format complying with Council's template (subset of A-Spec Digital Data Specification).**
    e) **Horizontal Datum: GDA94 on MGA94 Zone 55.**
    f) **Vertical Datum: AHD.**

Maintenance of Onsite Drainage System

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

Car Parking

40. **Employer and employee vehicles must be parked in the car spaces at the rear of the land at all times; car spaces at the front of the land must be set aside for customer/client parking. Vehicles under the control of the operator or the operator's staff must not be parked on any part of McKenzie Street (Bass Highway), Keltie Avenue or White Road.**

Internal access

41. **Before the occupation of the development, all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to the natural topography of the land to the satisfaction of the Responsible Authority.**

Signage

42. **The signage on the site must not contain any flashing light/s.**
43. **The signage must be constructed and maintained to the satisfaction of the Responsible Authority.**
44. **All signage must be located within the boundaries of the land.**

Waste Management Plan (WMP)

45. Before the commencement of works on the site, an amended WMP must be submitted to and approved by the Responsible Authority. The WMP must be generally in accordance with the concept WMP prepared by Bunnings Group Limited dated 27 December 2019. The WMP must demonstrate the collection, storage and disposal of garbage and recyclables for all uses on the site. The WMP must show:

a) Identify each and every waste stream generated by the business, its employees and customers

b) Demonstrate how the principles of the waste management hierarchy have been applied to manage each waste stream (with avoidance being the most preferred option and disposal the least)

c) Detail the proposed next steps for each waste stream – ie. landfill, internal reuse, details of recycling processor

d) Outline the method of collection of each waste stream from the site, including the need to provide for private services or utilisation of council services

e) Provide details of waste collection vehicle sizes and types to be utilised and demonstrate that sufficient clearance and vehicle paths for safe maneuvering and collection is provided including entering and exiting the site

f) Provide for customer bins aligning with Bass Coast's three bin system (landfill, food and garden organics, recyclables)

g) Provide for customers to return the packaging from purchased items for reuse or recycling

h) Provide for appropriate areas of bin storage on site and areas for bin storage on collection day

i) Demonstrate measures to minimise the impact of waste collection upon local amenity and on the operation, management and maintenance of car parking areas

j) Outline plans for management of litter generated by the business, its employees and customers impacting the site and its surrounds.

This plan must be submitted to Council for endorsement to the satisfaction of the Responsible Authority.

Amenity

46. 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.

47. 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.

48. The amenity of the area must not be detrimentally affected by the use or development, through the emission of noise to the satisfaction of the Responsible Authority.

49. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the Responsible Authority.

50. All external plant and equipment must be acoustically treated or placed in sound-proof housing to reduce noise to an appropriate level to the satisfaction of the Responsible Authority.

Permit expiry – Signs

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

52. This permit will expire if one of the following circumstances apply:

a) If the signage hereby permitted is not completed within two years of the date of this permit;

b) If the land ceases to be used for the purpose which the sign advertises

Permit expiry – Development and Use

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

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

b) The use has not started within two years of completion of the development;

c) The development is not completed within four years of the date of this permit;

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

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

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

PERMIT NOTES:

Asset* Protection *Permit

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

Road* Occupation *Permit

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

Stormwater *Discharge Point*

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

***Memorandum of* Authorisation**

Pursuant to Regulations under Part 2 – Installation of Traffic Control Devices – of the Road Safety (Traffic Management) Regulations 2009, the permit operator will need to apply to Council's Operations Team for authorisation to erect, display, place, remove or alter Traffic Control Devices.

Attachments

AT-1	Plans	5 Pages
AT-2	Supporting Plans and Reports	87 Pages
AT-3	***CONFIDENTIAL*** - Submissions	9 Pages
AT-4	Policy	51 Pages

Council Decision

Moved: Cr. Les Larke / Seconded: Cr. Stephen Fullarton

That the recommendation be adopted.

CARRIED

The meeting was adjourned at 2.51pm.

The meeting resumed at 2.52pm.

Cr Brett Tessari returned to the meeting at 2.53pm

Cr Geoff Ellis removed himself from the position of Chair,

Cr Brett Tessari assumed the position of Chair.

Cr Julian Brown returned to the meeting at 2.53pm

H.2 Planning Application 190293 - 58 Bruce Road, Silverleaves

File No:	**CM20/378**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

Application Details

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

Declaration

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

Executive Summary

This application proposes to develop the land for a double storey dwelling and to remove vegetation at 58 Bruce Road, Silverleaves Victoria 3922.

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

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

The application was advertised and received seven (7) submissions.

The application was presented to Council at its Ordinary Meeting of 19 August 2020. At the meeting Council resolved to defer consideration of the application to the September 2020 Ordinary Council Meeting.

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

It concludes that the proposal is considered to be consistent with the relevant policies, objectives and strategies of the Bass Coast Planning Scheme.

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

Reason a Council Decision is required

Council's delegations require applications that attract five or more objections to be determined by Council. This application attracted seven (7) objections.

Application Details

This application proposes to develop the land for a dwelling and remove vegetation in accordance with amended plans received on 27 August 2020 and those prepared by LRW Design dated Aug 2020 (pp. 1-11) (see Attachment One. – AT1).

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

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

Further reports which were submitted for the application include:

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

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

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

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

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

The amended plans were circulated via email to the objectors of the application, and to date, no objections have been withdrawn.

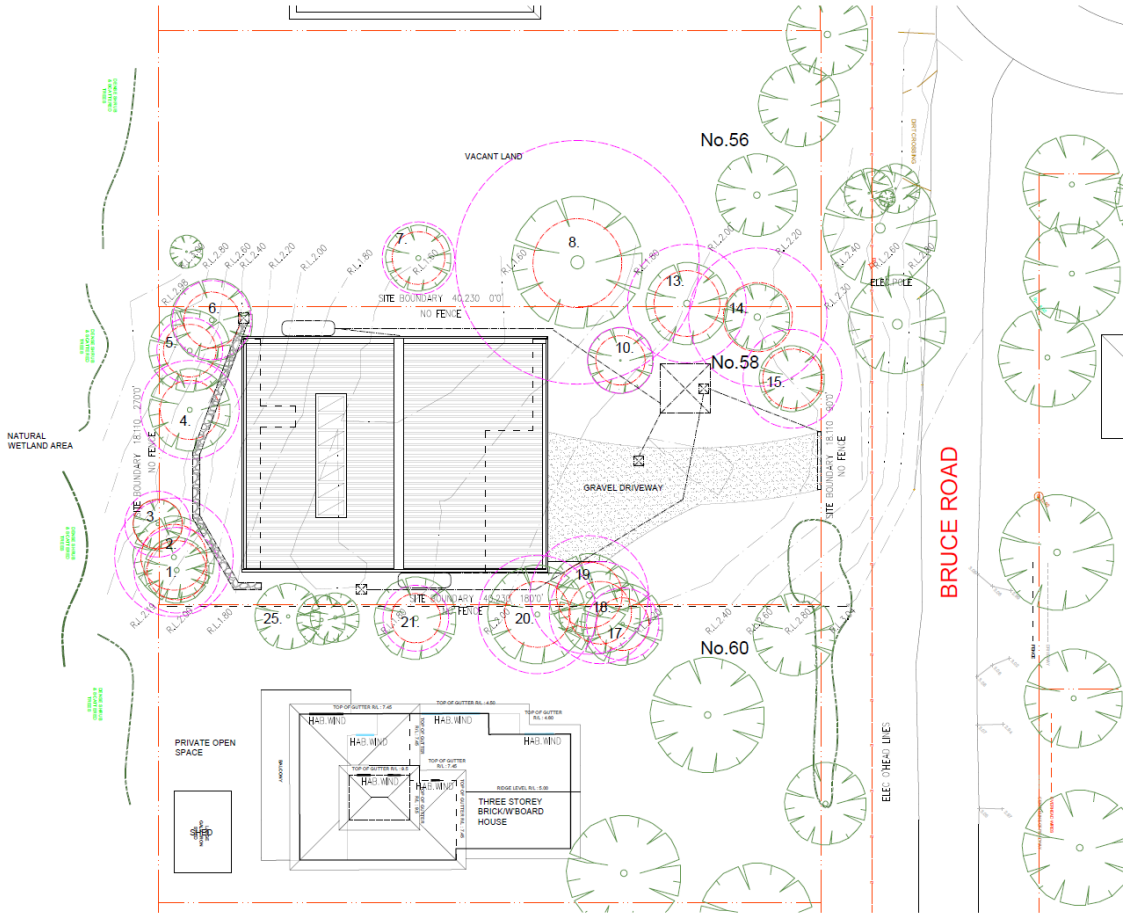


Figure 1. *Site plan of the proposed development and vegetation removal on the land at 58 Bruce Road, Silverleaves*

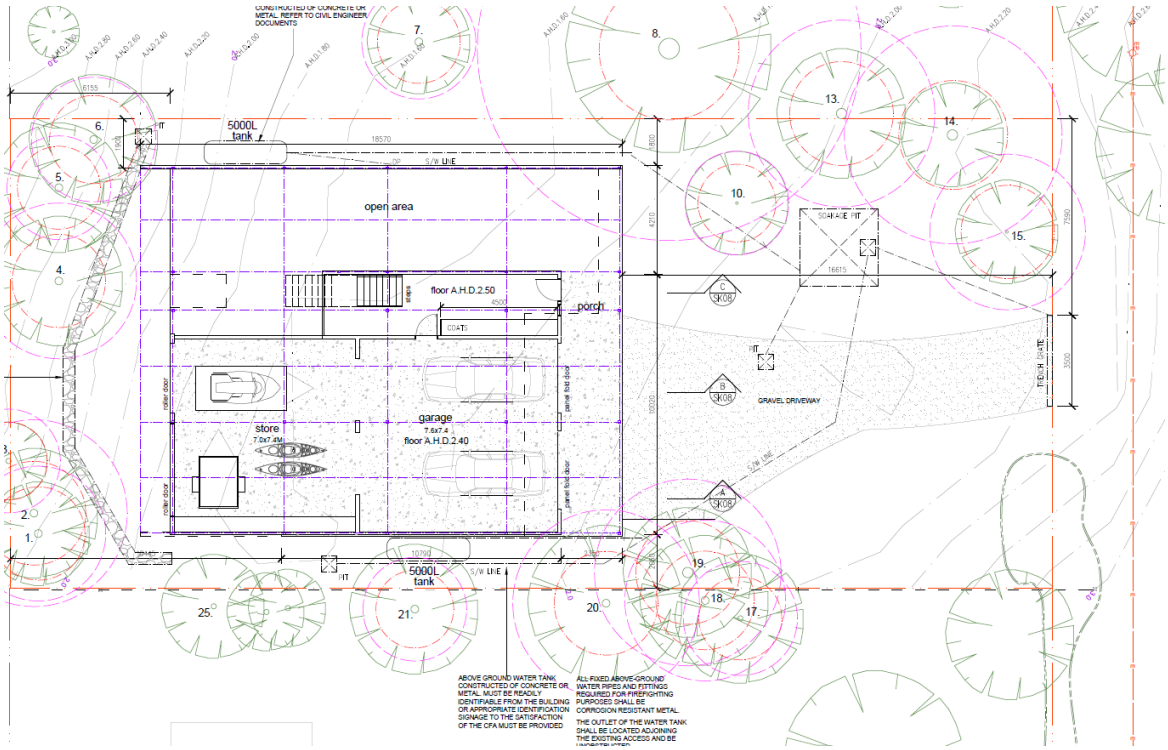


Figure 2. *Ground floor plan of the proposed development on the land at 58 Bruce Road, Silverleaves*

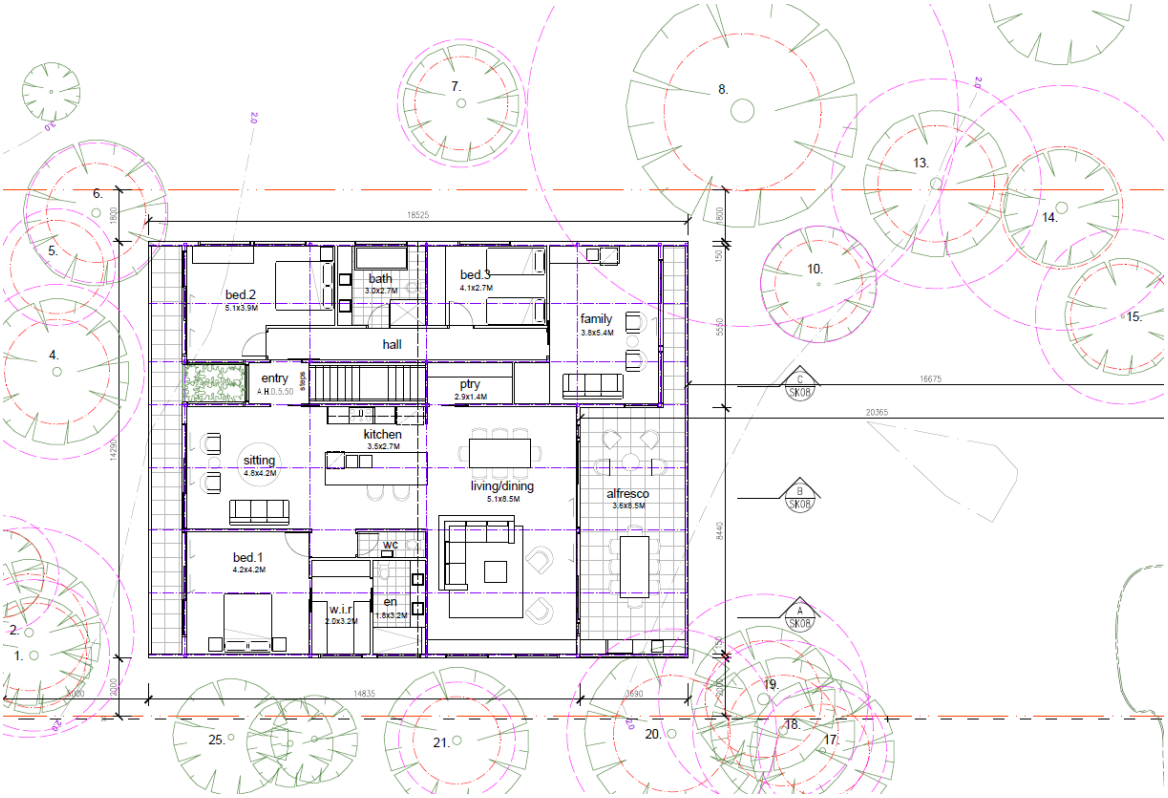


Figure 3. *First floor plan of the proposed development on the land at 58 Bruce Road, Silverleaves*

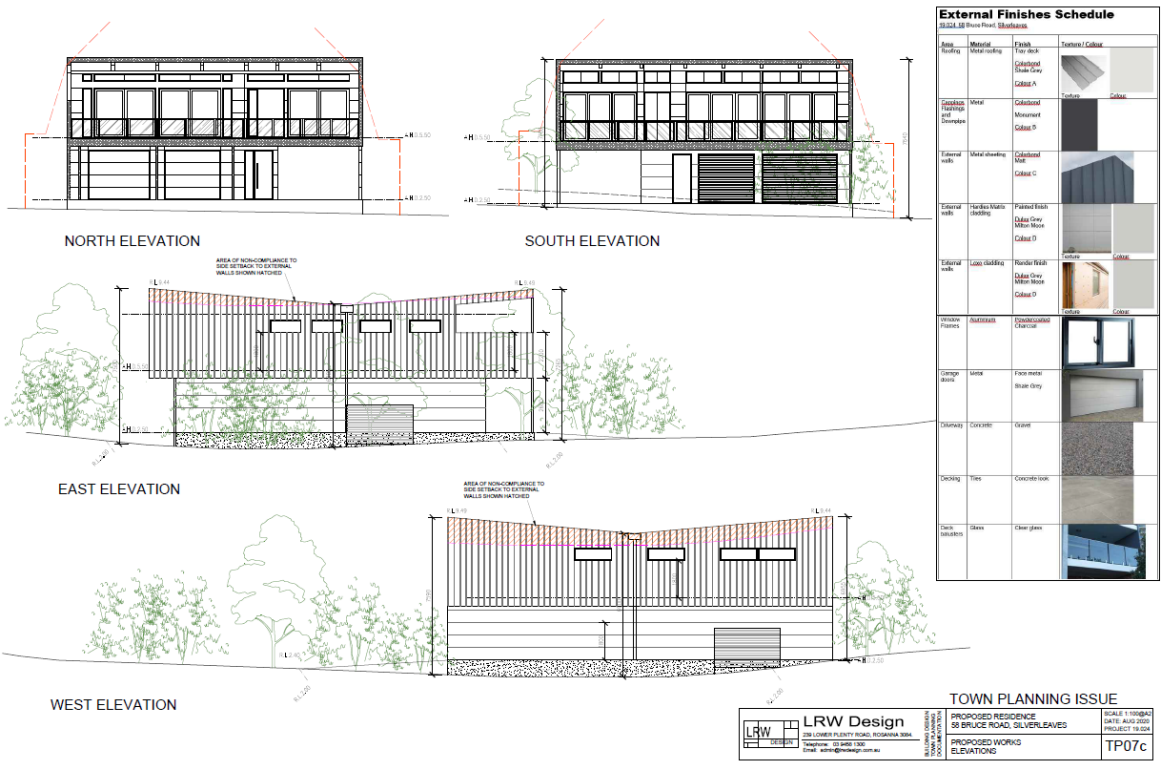


Figure 4. *Elevations of the proposed development and material and colour schedule for the external finishes*

Background

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

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

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

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

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

Surrounding the subject site is:

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

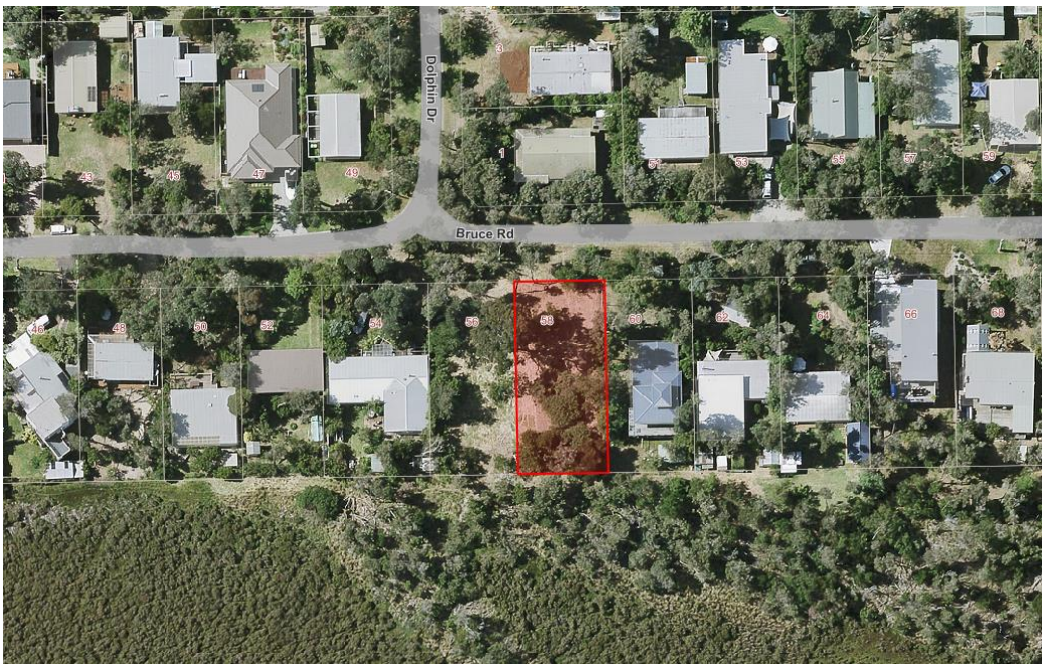


Figure 5. Aerial photograph of the subject site at 58 Bruce Road, Silverleaves and surrounds.

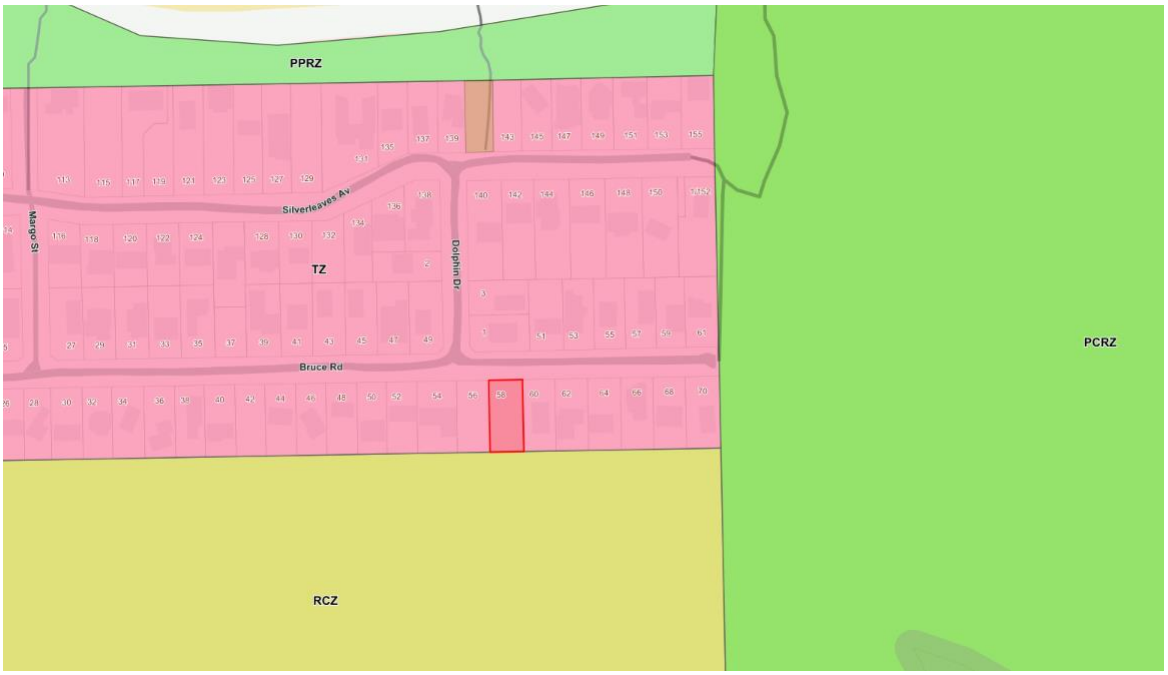


Figure 6. Zoning map showing the subject site at 58 Bruce Road, Silverleaves and surrounding area.

Notice

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by mail to 53 land owners and occupiers.

The application was presented to Council at its Ordinary Meeting of 19 August 2020. At the meeting Council resolved to defer consideration of the application to the August 2020 Ordinary Council Meeting.

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

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

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

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

Submissions

In response to notification the application attracted seven (7) submissions.

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

Table one: Summary of Concerns raised in each objection

Submission	Summary of Concerns
1	• The proposed workshop which appears as a dwelling at the frontage of the site and impacts on existing vegetation in this area, specifically Tea Trees. • Impacts on the neighbourhood character which is low-scale and site amongst the surrounding environment. • Questioned the 'uses' to be carried out within the proposed dwelling. • Re-consideration of the location of septic treatments to protect existing vegetation on site. • Impacts of vegetation removal on the biodiversity of the area, particularly native bird species and echidnas. • Questioned the arborist report provided as part of the application in which the vegetation is ranked on condition. • The concrete paving proposed on site and impacts on drainage and amenity of the area.
2	• The development of the proposed workshop within close proximity to the front boundary (front setback not consistent with the street). • Visual bulk and height of the proposed dwelling not consistent with the character of the area. • Land coverage of the site. • Upper floor setback of the proposed dwelling.

3	• Removal of native vegetation species from the site and the impacts on the biodiversity of the area. • The impacts of vegetation removal on the character of Silverleaves. • The proposed workshop along the frontage of the site which appears to be a separate dwelling. • Impacts that the proposed dwelling will have on the low-scale character of Silverleaves. • A concrete driveway which can impact upon the drainage of the land and exacerbates climate change and inundation issues from the Rhyll Inlet.
4	• The proposed workshop on the front boundary and impacts on the character and streetscape of Bruce Road. • The excessive amount of concrete paving proposed on site and impacts on drainage and overall aesthetic of the area.
5	• The proposed workshop which appears to be a second dwelling on the site and potential to be occupied separately. • Impacts of the location and construction of the workshop on existing vegetation on the site and the street amenity. • The vegetation removal on site which impacts the biodiversity and habitat values. • The hard-surfacing of the proposal and its impacts on the nature and neighbourhood character of Silverleaves.
6	• The location and size of the proposed workshop at the site frontage and setback consistency with the street. • Impacts on the streetscape given the hard driveway and vegetation removal proposed.
7	• Questioned the use of the land for commercial activity given the extent of workshop spaces proposed. • Questioned the suitability of 'higher density' living and population growth in Silverleaves from a planning point of view. • The proposed workshop which is not consistent with the street setbacks or landscape of Bruce Road. • Any noise created from the proposed workshop/ dwelling. • The impacts on the biodiversity of the area and site coverage. • The extent of vegetation removal on site which does not maintain the streetscape or tree canopy. • Finished floor levels (FFLs) and level of the site given drainage and inundation issues in the area. • No stormwater drainage arrangements described. • Questioned the arborist report provided with the application in terms of assessment of vegetation on adjoining land and extent of vegetation to be removed.

	• Questioned the bushfire management assessment provided for the application. • The overall height of the proposed dwelling and the removal of vegetation screening from street and adjoining land. • Does not consider the proposal to be consistent in terms of development of the area, neighbourhood character, landscape or amenity. • Questioned the timing of Notice given in relation to the submission of the application and the lack of correspondence from the applicant prior to Notice. • Questioned aspects of Clause 54 – ResCode for the proposed dwelling on site.

Referrals

The following table outlines the referral requirements of this application.

Table two: Referral requirements and their comments

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

Officer's Considerations

State and Local Planning Policy Framework Assessment

- Clause 11 Settlement
  - Clause 11.01-1S Settlement
  - Clause 11.01-1R Settlement – Gippsland
  - Clause 11.03-4S Coastal Settlement
  - Clause 11.03-6S Regional and local places
- Clause 13 Environment Risks and Amenity
  - Clause 13.01-1S Natural Hazards and climate change
  - Clause 13.01-2S Coastal Inundation and erosion
  - Clause 13.02-1S Bushfire Planning
  - Clause 15 Built Environment and Heritage
  - Clause 15.01-2S Building Design
  - Clause 16 Housing
    - Clause 16.01 Residential development
    - Clause 16.01-2S Location of residential development
    - Clause 16.01-3S Housing diversity
- Clause 21.02 Settlement
  - 21.02-2 Housing
- Clause 21.04 Environment
  - Clause 21.04-3 Biodiversity Conservation and Habitat Protection
  - Clause 21.04-5 Environmental Hazards
  - Clause 21.04-6 Climate Change
- Clause 21.05 Landscape and Built Form
  - Clause 21.05-4 Design and Built Form
  - Clause 21.05-6 Landscape Architecture
- Clause 21.08 Moderate Growth Settlements
  - Clause 21.08-5 Cowes and Silverleaves
- Clause 22.01 Stormwater Management Policy

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

The objective of Clause 11.01-1S Settlement is to allow for sustainable growth and development of Victoria through a range of settlements. In addition, Clause 11.03-4S

Coastal settlement aims to consider development within coastal settlements in Victoria and how the location adjacent to the coast could be impacted.

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

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

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

Further from the points discussed under Settlement, the proposed development provides for a mix in the housing stock and diversity within Bass Coast. This, and the fact that the resident population is seen to be increasing over time due to the close proximity to Melbourne and property prices compared to other parts of Victoria.

The application has also considered the drainage of the land as per the local Clause 22.01 Stormwater Management Policy. Council's Development Services team have provided conditional consent to ensure that drainage for the development is captured and is suitable for the building and the context of the land.

Clause 21.05-6 Landscape Architecture discusses the need for landscape architecture within the Shire which enhances the urban environments and contributes to the local character.

If approved, a condition of permit will require the land owner to revegetate the site and provide a landscaping plan to be submitted and assessed by Council. The site is able to be landscaped in a way which would enhance and protect the existing vegetation, blend in with the surrounding character and screen the built form of the proposed development. It will be a requirement that the landscaping on the site utilise native species of plants only.

Zone Assessment

Clause 32.05 – Township Zone (TZ)

The purpose of the Township Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*

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

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

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

Overlays

Clause 44.06 - Bushfire Management Overlay (BMO)

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

The intent of the BMO is:

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

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

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

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

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

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

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

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

The relevant design objectives of this overlay are:

- *To protect views from the coast to adjacent residential areas;*

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

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

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

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

- The proposed access way (drive way and cross over from Bruce Road) will be constructed of gravel finishes and will aim to ensure that the land can drain effectively. In terms of the overall drainage of the land, the application will be controlled via permit conditions.

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

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

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

The VPO2 applies to Phillip Island, and the vegetation protection objective 'to protect and enhance existing indigenous and larger native species within the urban area of Phillip Island'. The intent of the VPO2 is:

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

The application is consistent with the objectives of the VPO2 as the application strikes an appropriate balance between the as of right use of the land for a dwelling and the retention of onsite vegetation.

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

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

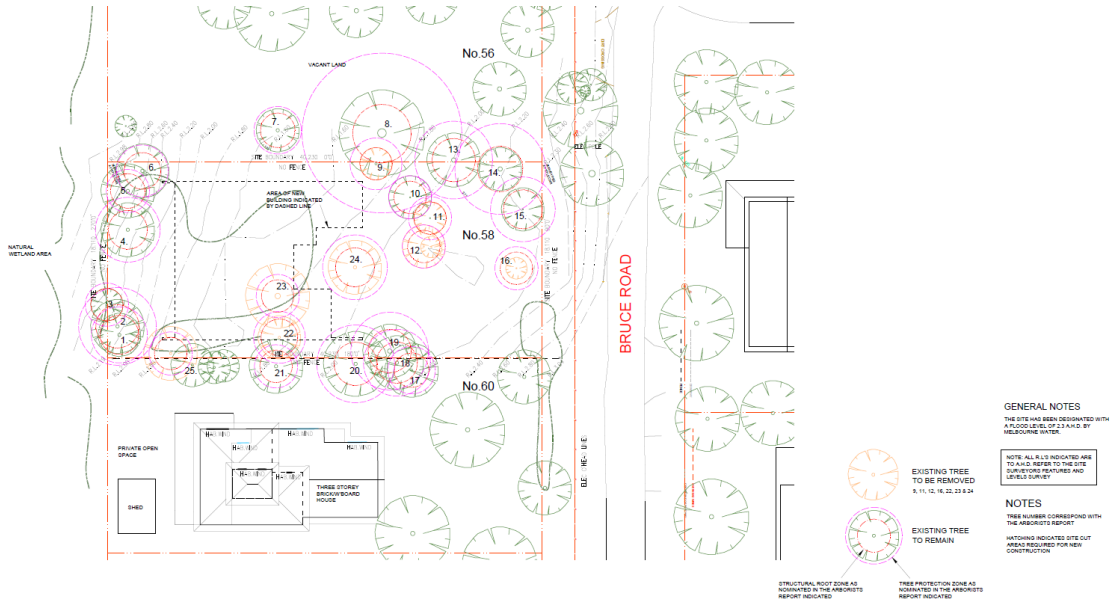


Figure 7. *Proposed extent of vegetation removal under the VPO2 from the subject site at 58 Bruce Road, Silverleaves*

Clause 44.04 - Land Subject to Inundation Overlay (LSIO)

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

The intent of the LSIO is:

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

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

The applicant provided plans to Council on 27 August 2020 which address the Melbourne Water conditions raised as part of their referral response. As part of this

set of amended plans (the decision plans) the ground floor arrangement of the proposed dwelling was changed to ensure consistency with the LSIO and predicted future inundation or flood risk.

Particular Provisions

Clause 53.02 – Bushfire Planning

The purpose of Clause 53.02 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthen community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

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

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

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

Concerns raised by Submitters

Proposed workshop at site frontage

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

Vegetation removal and biodiversity

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

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

Proposed dwelling development and neighbourhood character

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

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

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

Stormwater and effluent treatment

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

Conclusion

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

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

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

Recommendation

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

Melbourne Water Conditions

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

e) **Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels of the dwelling and garage (as constructed) must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.**

General Conditions

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

Bushfire Management Plan endorsed

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

Mandatory Bushfire Management Overlay Condition

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

Vegetation Removal Conditions

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

Landscaping Plan

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

    a) **Details of surface finishes of pathways and driveways;**

    b) **A planting schedule which includes the scientific name and common names, pot sizes, sizes at maturity, and quantities of each plant of all proposed vegetation to be planted on the site;**

    c) **Landscaping and planting within all open areas of the site;**

    d) **Only the use of plant species indigenous to the locality;**

8. **All species selected must be to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.**

9. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Landscaping Maintenance

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

Wastewater Conditions *(Environmental Protection Act 1970)*

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

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

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

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

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

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

Drainage

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

Construction

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

19. **All civil construction works, must be constructed in accordance with the civil design plans for the property as endorsed by the Responsible Authority pursuant to this planning permit;**
20. **All drainage works (excluding any above ground detention tanks deferred via a Section 173 agreement) in accordance with the endorsed civil plans; and**
21. **All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards.**

Amenity

22. **The development must be managed during construction so that the amenity of the area is not detrimentally affected through the:**
    a) **Transport of materials, goods or commodities to or from the land;**
    b) **Appearance of any building, works or materials;**
    c) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, waste water, waste products, grit or oil; and**
    d) **Presence of vermin or animals.**
23. **No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the Responsible Authority.**

Permit Expiry - Development

24. **This permit will expire if one of the following circumstances applies:**
    a) **The development is not started within two years of the date of this permit;**
    b) **The development is not completed within four years of the date of this permit.**
25. **The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.**
26. **Where the development or stage started lawfully before the permit expired, the Responsible Authority may extend the period in which the development or stage must be completed if a request is made in writing before the permit expires or within twelve months afterwards.**

Permit Expiry – Vegetation Removal

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

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

PERMIT NOTES:

Asset Protection Permit

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

Road Occupation Permit

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

Stormwater Discharge Point

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

Attachments

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

Council Decision

Moved: Cr. Stephen Fullarton / Seconded: Cr. Michael Whelan

That in relation to planning permit application 190293 for the development of the land for a dwelling and to remove vegetation at 58 Bruce Road, Silverleaves VIC 3922, Council resolves to issue a Notice of Refusal on the following grounds:

1. **The application is inconsistent with the relevant policies, strategies and objectives of the Planning Policy Framework and Local Planning Policy Framework of the Bass Coast Planning Scheme relating to design and built form, environment, landscape and built form, neighbourhood character and environmental risks and amenity.**
2. **The proposal is inconsistent with the objectives and decision guidelines of clause 42.02 Vegetation Protection Overlay Schedule 2 of the Bass Coast Planning Scheme.**
3. **The proposal is inconsistent with the design objectives and decision guidelines of clause 43.02 Design and Development Overlay Schedule 1 of the Bass Coast Planning Scheme.**
4. **The proposal is inconsistent with clause 65.01 Approval of An Application or Plan Decision Guidelines, of the Bass Coast Planning Scheme; with reference to elements of the proposal such as the accompanying Water Technology report which details an increase in potential flood levels requiring a flood protection levy to be built after 2040.**

LOST

Moved: Cr. Pamela Rothfield / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

Cr Geoff Ellis left the meeting 3:12pm

LOST

Cr Stephen Fullarton called for a division

For	Against
Cr Larke	Cr Le Serve
	Cr Rothfield
	Cr Tessari
	Cr Brown
	Cr Fullarton
	Cr Whelan
	Cr Kent

Moved: Cr. Stephen Fullarton / Seconded: Cr. Pamela Rothfield

That Council defer the Planning Application 190293 – 58 Bruce Road, Silverleaves report to a future Ordinary Meeting of Council.

CARRIED

Cr Geoff Ellis returned to the meeting 3:16pm

Statutory Reports

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Pamela Rothfield

That agenda items 1.1, 1.2, 1.3 and 1.4 be considered as a block.

CARRIED

I Statutory Reports

I.1 Informal Meeting of Councillors Records (formerly Assembly of Councillor records)

File No:	**CM20/87**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

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

Introduction

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

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

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

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

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

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

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

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

Council Plan Objective:

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

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

Recommendation

That the attached Informal Meeting of Councillors Records be received.

Attachments

AT-1	Assembly of Councillors Record Community Leadership Recovery Group COVID-19 31 March 2020	1 Page
AT-2	Assembly of Councillors Form Community Leadership Recovery Group COVID-19 2 April 2020	1 Page
AT-3	Assembly of Councillors Form Community Leadership Recovery Group COVID-19 7 April 2020	1 Page
AT-4	Assembly of Councillors Form Community Leadership Recovery Group COVID-19 23 April 2020	1 Page
AT-5	Assembly of Councillors Form Community Leadership Recovery Group COVID-19 30 April 2020	1 Page
AT-6	Assembly of Councillors Form Community Leadership Recovery Group COVID-19 7 May 2020	1 Page
AT-7	Assembly of Councillors Form Community Leadership Recovery Group COVID-19 11 June 2020	1 Page
AT-8	Assembly of Councillors Record 29 July Budget Workshop	1 Page
AT-9	Assembly of Councillors Record Policy Workshop 19 August 2020	1 Page
AT-10	Assembly of Councillors Access and Inclusion Advisory Committee 27 Aug 2020	2 Pages

I.2 Planning and Building Statistics - July 2020

File No:	**CM20/493**
Division:	**Place Making**
Council Plan Strategic Objective:	**Our Character**
	Celebrating the uniqueness of our townships

PERMITS REFUSED:

190235 Bunurong Ward – Subdivision of land into two lots located at Bass Highway, Inverloch.

PERMITS ISSUED:

Island Ward

200067: Alterations and additions to existing dwelling in the DDO1 located at 22 Chillingworth Road, Cowes.

200162: Use of the land for an indoor recreation facility (pilates studio) located at 2/72 Chapel Street, Cowes.

200191: Development of land for external toilet building in FZ located at 414 Berrys Beach Road, Ventnor.

200207: Development of land for a dwelling in BMO1 located at 10 Toscana Rise, Cowes.

Western Port Ward

190276: To construct buildings and works, alter access to a Road Zone Category 1 and use the land for six shops and motel style accommodation located at 3537 Bass Highway, Kilcunda.

190368: Development of land for dwelling in DDO1 located at 22 Stradbroke Crescent, Surf Beach.

200038: Subdivision of land in to 6 lots located at 17-19 Balcombe Street, Corinella.

200062: Subdivision of land into two lots located at 55 Pinedale Avenue, Cape Woolamai.

200093: Subdivision of the land into 2 lots located at 29 Smythe Street, Corinella.

200146: Removal of vegetation in VOP1 located at 65 Bayview Avenue, Tenby Point.

200150: Building and works for outbuilding in FZ located at 46 Lynnes Road, St Clair.

200168: Development of land for a dwelling and outbuilding (shed) in BMO1 located at 1 Wheatley Court, Grantville.

200183: Development of land for an outbuilding in association with an existing dwelling in HO28 located at 84 Joseph Road, Corinella.

200212: Subdivision of land into two lots in RLZ located at 66 Desmond Road, Wattle Bank.

Bunurong Ward

190340: Development of land for dwelling in a DDO9 and the removal of vegetation in a VPO3 located at 9 View Street, Inverloch.

190341: To subdivide the land into two lots, carry out works, create an easement and a restriction located at 14 Hull Street, South Dudley.

190381: Subdivision of land into two lots in the GRZ1 located at 18 Dowling Street, Wonthaggi.

200061: Development of land for a dwelling in LSIO located at 7 Lohr Avenue, Inverloch.

200063: Development of land for a dwelling in DDO9 located at 3 Prince Street, Inverloch.

200116: Development of land for dwelling in BMO2 located at 2 Heath Street, Cape Paterson.

200193: Building and works for (Motor repair) workshop in IN3Z located at 27 Bear Street, Inverloch.

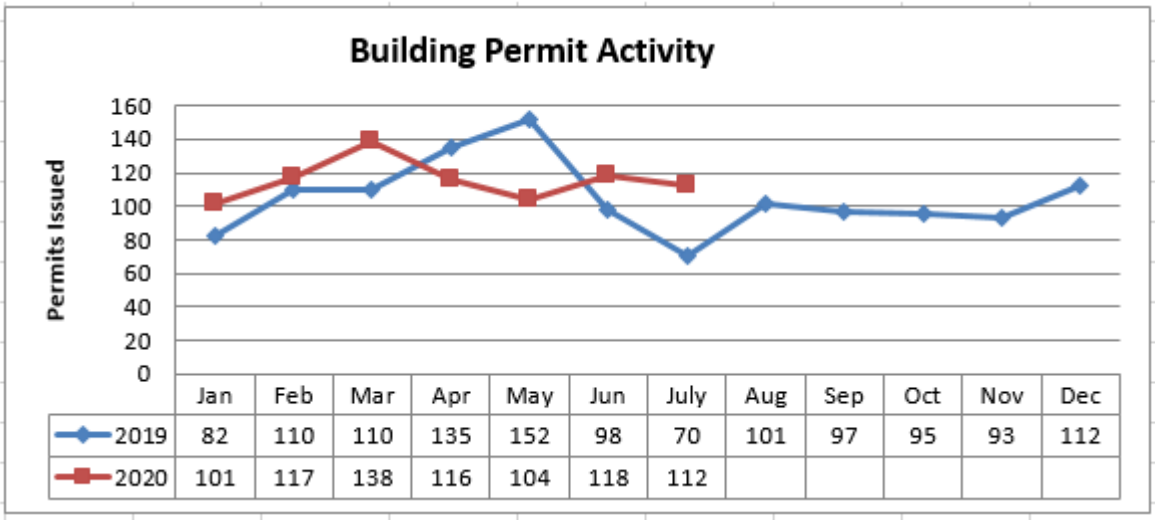
200196: Development of land for outbuilding associated with a dwelling located at 30 Settlers Lane, Inverloch.

200216: Development of land for outbuilding in FZ located at 260 Pound Creek Road, Pound Creek.

PLANNING AND BUILDING ACTIVITY REPORT FOR JULY 2020

Statutory Planning	**This month (July)**	**Last month**	**Year to date (financial year)**
% of applications determined within statutory timeframe	56	65	56
Average Gross Days (Responsible Authority determination)	136	126	136
(new) Average Gross Days to final outcome	143	145	143
Number of live applications	227	195	-
Number of applications received for the month	58	40	58
Number of Responsible Authority outcomes	37	33	37
Municipal Building Services & Enforcement	**This month (July)**	**Last month**	**Year to date (financial year)**
Essential Safety Measure inspections	0	0	0
Swimming Pool & Spa safety barrier inspections	0	0	0

Report and Consent applications	23	28	23
Siting consents issued for temporary structures	0	0	0
Complaints received requiring investigation	1	6	1
New building enforcement cases	1	0	1
Number of open building enforcement cases	41	46	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	**This month (July)**	**Last month**	**Year to date (financial year)**
Complaints received requiring investigation	5	11	5
New planning enforcement cases	2	4	2
Open enforcement cases	115	128	-
Pre commencement meetings	0	0	0
Official warnings issued	0	0	0
Number of planning infringement notices issued	0	0	0
Total infringements received ($)	$0	$0	$0

Recommendation

That Council:

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

Attachments

There are no attachments for this report.

I.3 Place Names Committee Meeting Minutes

File No:	**CM20/511**
Division:	**Business Transformation**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Details

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

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

1. Renaming of Loch Street (southern end) Wonthaggi to Ciconte Close – Ciconte Close has been gazetted and the street sign installed.
2. Anderson/San Remo locality boundary amendment – update on the progress of boundary realignment. Currently lodged with GNV for final decision.
3. Goods Shed and Harvest Centre Wonthaggi access road – update on progress for appropriate street naming and addressing.
4. Policy Statement for the Naming of Parks, Reserves and Open Space – discussion regarding review of current policy.
5. Women in Gippsland 'Put Her Name On It' Campaign and BCSC Gender Audit – update on current status of Gender Audit and steps being taken to address the place names gender gap.
6. Changes to LGA and Special Committee Requirements – the powers and functions of the Place Names Committee will change as of 1 September 2020. Initial discussion on how place naming will continue in future.
7. Other business and updates
   - *Bunurong Road accepted as alias and now on VicMaps*
   - *Bulls Lane Inverloch compliant and to be named via Subdivision*
   - *VES actionable items to be attended to once TechOne goes live*
   - *Browns Reserve Inverloch compliant and to be named via subdivision*

Recommendation

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

Attachments

AT-1 Place Names Committee Meeting 6 August 2020 Minutes 9 Pages

I.4 Contracts Awarded Report

File No:	**CM20/551**
Division:	**Finance**
Council Plan Strategic Objective:	**Governance**
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

Contracts Awarded

For the period from 1 July 2020 to 31 July 2020, no contracts were awarded under the Chief Executive Officer's Instrument of Delegation.

Contract No.	Description	Contractor	Contract Sum

Contracts Extended

For the period from 1 July 2020 to 31 July 2020, no contracts were extended under the Procurement Delegation Framework.

Contract No.	Description	Contractor	Contract Sum

Recommendation

That Council receive this report

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Geoff Ellis / Seconded: Cr. Clare Le Serve

That the recommendations attached to agenda items 1.1, 1.2, 1.3 and 1.4 be adopted.

CARRIED

J Urgent Business

Council Decision

Moved: Cr. Les Larke / Seconded: Cr. Julian Brown

That an Urgent Business item by Cr Larke in relation to Economic Modelling And Impact Of Covid-19 be admitted to the agenda.

LOST

Mayoral Announcement Of Next Meeting Of Council

Council is monitoring and implementing the COVID-19 pandemic response and restrictions set out by the State and Federal Governments.

Council will be pausing Community Connection Sessions for the coming months.

The next Ordinary Council Meeting will be held virtually 21 October 2020 commencing at 1.00pm. It will be open to the public via livestream.

Meeting closed

The meeting closed at 3.33pm