Ordinary Council Meeting Agenda

Shaping a better Bass Coast

Town Hall
Bass Coast Shire Council
Baillieu Street East
Wonthaggi
Wednesday, 15 April 2020
Commencing at 5.00pm
Vision

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

Mission

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

Values

Customer Focus
We will continue to develop effective relationships with customers

Continuous Improvement
We are committed to improving our processes and service delivery

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

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

Respect
We treat people with dignity and respect

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

Notice is hereby given that the next Ordinary Meeting of the Bass Coast Shire Council will be held at the Town Hall Bass Coast Civic Centre Baillieu Street East Wonthaggi on 15 April 2020 at 5.00pm

Date of Notice - 9 April 2020
Ali Wastie
CEO

Agenda

Mobile Telephone Reminder

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

Statement of Acknowledgement

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

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

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

Councillor Statement

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

- Based on the individual merits of each item;
- Without bias or prejudice by maintaining an open mind; and
- Disregarding Councillors’ personal interests so as to avoid any conflict with our public duty.

Any Councillor having a conflict of interest in an item will make a proper, prior disclosure to the meeting and will not participate in the debate or vote on the issue.
Council Plan Themes

**Advocacy**  
Representing the community

H.2 Draft Bass Coast Shire Council Meeting Livestreaming Policy 2020, page 28

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

Nil Reports.

**Environment**  
Maintain and protect the natural environment

Nil Reports.

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

H.4 Creation of Easement - Drainage Reserve, Clifton Crescent, Cowes, page 55

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

Nil Reports.

**Liveability**  
Enjoying the place we live

H.1 Bass Coast Business and Community Response and Recovery, page 19

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

H.3 Planning Permit Application 190214 - 16 Kingston Road, North Wonthaggi, page 35
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A  Present and Apologies
B Declarations of Interest
C Confirmation of Minutes

C.1 Ordinary Meeting held on 18 March 2020

Recommendation
That the minutes of the Ordinary Meeting held on 18 March 2020 be confirmed.
D Public Question Time

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

Please note:
Questions relating to an item in the agenda will be provided with the following response
- Councillors will consider and debate all aspects and implications of this issue as part of Council's agenda.

Bass Coast Shire Council Meeting Procedure Local Law 2018
DIVISION 8 - Public Question Time

60. Question Time

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

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

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

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

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

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

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

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

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

60.7.3 deals with a subject matter already answered;
60.7.4 is aimed at embarrassing a Councillor or an Officer; or

60.7.5 relates to a personnel matter; or

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

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

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

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

60.11 A Councillor or Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to the public under section 89(2) of the Act. The Councillor or Officer must state briefly the reason why the reply should be so given and Council must then resolve that the reply to such question must:

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

60.11.2 not be so given, in which case the answer will be given immediately.
E Petitions, Joint Letters, Deputations and Correspondence
Notices of Motion
F Notices of Motion

F.1 15/20 F.2 Rescind resolution passed at the Ordinary Council Meeting on 18 March 2020 relating to H.6 Media Engagement Policy and Social Media Policy, Cr Les Larke

I, Cr Les Larke, hereby give notice that I intend to move a motion of rescission at the Ordinary Meeting on 15 April 2020, which reads as follows:

RESCIND THE RESOLUTION PASSED AT THE ORDINARY COUNCIL MEETING ON 18 MARCH 2020 RELATING TO H.6 MEDIA ENGAGEMENT POLICY AND SOCIAL MEDIA POLICY

Motion

That Council rescind the resolution passed at the Ordinary Council Meeting on 18 March 2020 relating to H.6 Media Engagement Policy and Social Media Policy

Vis:

That Council:

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

That Council and Council Staff (including Chief Executive Officer):

- Did not give proper consideration to all the rights contained in the Charter of Human Rights and Responsibilities Act 2006 (Victoria) and/or other legislation and conventions, and in that regard whether there is any unreasonable limitation to human rights (including freedom of expression) that cannot be demonstrably justified by Council;
- In relation to the aforesaid, did not give proper consideration to Minter Ellison legal opinion provided to Council’s Chief Executive Officer and Executive Leadership Team, and Councillors; and
- Did not consult with all stakeholders (including but not exclusive to, staff, volunteers, councillors and contractors) in accordance with its Community Engagement Policy.

Background by Councillor

My understanding is that Council Staff (including Chief Executive Officer) must not implement the resolution passed at the Ordinary Council Meeting on 18 March 2020 relating to H.6 Media Engagement Policy and Social Media Policy given such resolution has not been acted on and the notice of motion to rescind has been properly lodged.
A Councillor's primary role is to represent the Shire overall and their Ward and the people who live in it. Councillors provide a bridge between the Community and Council. As well as being an advocate for local residents and ratepayers and signposting those to the right people at Council, Councillors need to keep them informed about the issues that affect them. This is entirely different to Council’s Administration role.

In order to understand and represent local views and priorities, Councillors need to build strong relationships and encourage local people to make their views known and engage with you and the Council. Good communication and engagement is central to being an effective Councillor.

As a local Councillor, residents and ratepayers expect you to:

- respond to their queries and investigate their concerns
- communicate Council decisions that affect them
- know your patch and be aware of any problems
- know and work with representatives of local organisations, interest groups and businesses
- represent their views at council meetings
- lead local campaigns on their behalf.

This also means being able to communicate personal opinion in any form of social media or media without interference.

Any policy proposed otherwise is one that we expect from authoritarian countries or dictatorships. It would set back the very standards that people look up to Councillors for personal openness and accountability in addition to the collective.

It would be extraordinary if any Council dips to the standards of authoritarian control, when, in fact, we have strong rule of law, conventions and guidelines that are capable of dealing with any misdemeanour of any individual Councillor.

Such a Policy, insofar as Councillors, would be an extraordinary act of harm, really, in terms of the democratic rights and freedoms of Councillors to express personal opinion directly with our Community without interference.

Any future Media Policy, which is the responsibility of Council [not Council Administration] that is an ‘overreach’ and attempts to erode Councillor human rights, then I would say to Council, please protect and do not self-sabotage our [Councillor] democracy and reject any such future policy recommendation which, most importantly, is also not in the best interests of our Community.

Consequently, it should be made clear in every section of any proposed Policy, that Councillor rights to freedom of personal opinion and expression without interference is protected.

Cr Les Larke, Bunurong Ward
Dated: 15 April 2020
Recommendation

That the motion be adopted.

Attachments

AT-1  Cr Larke Media Policy Advice  3 Pages
Mayor and Councillor Reports
G Mayor and Councillor Reports
Reports Requiring Council Decision
H Reports Requiring Council Decision

H.1 Bass Coast Business and Community Response and Recovery

File No: CM20/186
Division: Executive Office
Council Plan Strategic Objective: Liveability

Enjoying the place we live

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

Summary
The purpose of this report is to seek Council consideration of a suite of measures and activities that Council will implement in response to the impact of the COVID-19 pandemic on the community.

The response package includes a raft of measures to support small business operators including the waiving of a number of permit fees for 2019/20 and lease payment relief for businesses operating from Council premises.

The report also proposes the establishment of a $700,000 Business and Community Resilience Grants Program (the Grants Program). The Grants Program will be overseen by the Bass Coast Community Leadership Recovery Group comprising of Bass Coast community leaders. The administrative function of the Grants Program will be overseen by Council.

The report also seeks Council approval to discontinue or defer projects from the 2019/20 budget and to re-allocate the savings to fund the Grants Program.

Background
Federal and State governments have announced comprehensive business and individual support packages in an effort to sustain as many businesses as possible and support individuals and families. Council is not seeking to replicate these measures, rather to identify gaps in the existing support programs and implement mechanisms to support the most vulnerable in our community and those individuals and organisations that provide critical social and health support for the broader community.

Summary of Federal and State Government support

The Australian Commonwealth Government

- $130 billion JobKeeper Payment. $1,500 a fortnight directly to employers to assist them in retaining staff.
- $17.6 billion economic support package to encourage investment and keep people in jobs:
  - Fifty per cent of PAYG withheld with a minimum $2,000 payment and up to a cap of $25,000 over six months
  - Wage assistance to help small businesses keep apprentices and trainees,
O One-off $750 to social security and income support recipients, financial support to help regions most affected by COVID-19

• $2.4 billion health package to protect all Australians
• $669 million to expand Medicare-subsidised telehealth services for all Australians so everyone has access to quality healthcare while at home
• Support to Australians experiencing domestic, family and sexual violence due to the fallout of COVID-19
• $74 million to support the mental health and wellbeing of Australians
• Funding home delivery of most prescription medicines for those unable to get to their local pharmacy.

The Victorian State Government

• Emergency Relief Packages. Victorians self-isolating due to COVID-19 with no access to food and essential supplies will receive emergency relief packages
• Mandatory quarantine and care for travellers returning from overseas
• Jobs Victoria – Workers in Transition. Information, tools and resources to help both business and workers through retrenchment processes and into new opportunities
• $1.7 billion economic Survival Package to support Businesses and Jobs
  o Payroll tax refunds for the 2019/20 financial year to small and medium-sized businesses with payroll of less than $3 million – giving $550 million back to businesses who need it
  o Defer payroll tax for the first three months of the 2020/21 financial year until 1 January 2021, freeing up a further $83 million in cash flow
  o Rent relief for commercial tenants in government buildings and 2020 land tax payments will be deferred for eligible small businesses
  o Fast tracked payments of outstanding supplier invoices, releasing $750 million into the economy immediately
  o Liquor licensing fees waived for 2020
  o $500 million Business Support Fund. Grants of up to $10,000 towards operational costs and to help keep people in work. To be eligible, businesses must already employ staff, have payroll of less than $650,000 and a turnover of more than $75,000
  o $500 million Working for Victoria Fund. Job matching program to help Victorians who have lost their jobs find new employment opportunities, created through the pandemic.

Support Council is currently providing

Council has responded quickly to the pandemic as part of its emergency management role and has provided the community with up-to-date information through its communications channels.
Council's Environmental Health Team is working with local businesses to ensure Government restrictions are being implemented. This includes onsite visits to monitor implementation and responding to requests from businesses unclear about their responsibilities. In addition, Council officers are liaising with businesses looking to introduce amended services, for example, premises providing take away or delivery options. It is also continuing to plan for future immunisation and vaccination efforts, within the current social distancing measures.

Council's Property & Governance Team has worked with Bass Coast Health to secure office accommodation and counselling space, for at least six months, in a Council-owned building in Wonthaggi.

Council's Business Support Team is providing a range of services, including:

- Establishment of a Business Support Team or ‘Concierge’ to provide one-on-one support and advice to Bass Coast businesses negatively impacted by COVID-19
- Distributing relevant government business updates and promoting buy local programs and initiatives
- Encouraging businesses to take up free Victorian Tourism Industry Council and Victorian Chamber of Commerce memberships
- Partnering with Invest Gippsland, Destination Gippsland, and Destination Phillip Island to refocus efforts on developing tourism products whilst there is a halt in marketing Bass Coast to visitors
- Providing training and advice to businesses to upgrade their social media capability
- Providing access to the Small Business Mentoring Service
- Continuing to support new businesses through the Better Business Approvals process, and
- Promoting the My Phillip Island Program – sharing online training/information webinars such as Managing Cash Flow and Online trading.

Council’s Communications and Engagement Team and Customer Service Team are sharing key messages with the community to keep them informed during the ever-changing landscape, and feeding community feedback and hot topics back to Government, Council and Management. Direct advocacy efforts to all levels of Government has increased during this time.

Council’s Finance Team

- Fast tracking supplier payments

Council’s Emergency Management Team is providing the following support:

- Activating the Municipal Emergency Management Plan and associated sub plans to provide advice to Council teams on areas of consideration in relation to the response to a Pandemic
- The provision of relief and recovery services to the community and a conduit between State and Regional level response planning
• Representation on the Regional Emergency Management Team which has been considering the impacts and consequences of the Pandemic on the broader Gippsland community

• Collating issues and concerns from member agencies including Ambulance Victoria, Victoria Police, CFA, SES and providing these to the State Control Centre for consideration and planning, and

• Representative member on the Gippsland Regional Relief Coordination Team.

**Council’s Social and Community Planning Team** is playing a key role in providing response to the community in a number of ways:

• Assisting community groups to understand their obligations in terms of managing community spaces (halls, etc.) and how to operate under restrictions in place to manage groups of people in light of COVID-19

• Liaising with local organisations delivering essential services to the community and compiling referral material to assist with community support and communication

• Liaising with service providers and community groups to identify emerging issues to respond to immediately and in the longer term

• The recently appointed Aboriginal and Torres Strait Islander Community Strategic Advisor is providing advice and supports to Council Bass Coast’s Aboriginal and Torres Strait Islander communities, Bass Coast Shire Council and Bass Coast Health, and

• Daily communication with Bass Coast Health including the establishment of weekly online briefings with Council.

Place-based Community Planners will be based in the community to provide on-the-ground support to the community, whilst also being able to report back to Council on community impacts and priorities related to COVID-19.

**Council's Major Projects Team** is prioritising the finalisation of concept designs and feasibility studies for a number projects such as Bass Coast Aquatics, Phillip Island Aquatics, former Wonthaggi Secondary College site master planning. This is in order to ensure projects are shovel ready and Council can best position itself to attract significant funding from other levels of government.

Key projects arising from Council’s declaration of a Climate Change Emergency and early work on the development of Council’s Climate Change Action Plan will look to prioritise projects that deliver long-term economic, social and financial benefits to our communities.

**Strategic Basis**

**Council Plan Objective:**

Advocacy - **Representing the community**

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

Environment – **Maintain and protect the natural environment**

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

Health and Wellbeing – **We are a healthy and active community**
Liveability – *Enjoying the place we live*

**Major Initiative / Initiative**

Although, the proposed Response and Recovery Package and Grants Program are not Major Initiatives or Initiatives, responding to the impacts of the COVID-19 pandemic is recognised as a significant priority for Council.

**Strategies / Policies**

- Bass Coast Municipal Emergency Management Plan
- The Municipal Emergency Management Plan has a pre-existing Municipal Influenza Pandemic Plan and Relief and Recovery Sub Plan which have set the framework for the development of the Response and Recovery Plan
- Bass Coast Economic Development Strategy 2018-21
- Phillip Island and San Remo Visitor Economy Strategy 2035 – Growing Tourism
- Bass Coast Communications and Engagement Strategy 2018 – Revised Version
- Bass Coast Shire Council Advocacy Strategy 2018-21

**Statutory Requirements/Codes/Standards/Policies**

- Local Government Act 2020
- Public Health and Wellbeing Act 2008

**Discussion**

The rapid escalation of COVID-19 and measures to contain its spread have led to widespread disruption and hardship to businesses and the community overall. Whilst there are numerous Federal and State government support measures in place, due to its close connection with the local community, Council is well placed to introduce additional measures targeted specifically to support local businesses and community.

Community members financially impacted by COVID-19 can continue to access rate relief through Council’s Financial Hardship Policy.

**Supporting Businesses**

To complement the support already provided to small business as listed above, officers propose a range of measures Council can implement to further support local businesses. Some of these measures include:

- Reimbursement of six months of the 2019/20 Street Trading Permit fees
- Financial relief for caravan park and business operators in Council owned facilities
- Waiving business signage and liquor licensing permit fees for the remainder of 2019/20, and
- A new Financial Hardship Policy that was endorsed at Council’s March 2020 Ordinary Council Meeting.

More detail on these and other measures is outlined in the finances section of this report.
Business and Community Resilience Grants Program ($700,000)

The Business and Community Resilience Grants Program (the Grants Program) is proposed to be open to Bass Coast community organisations and local businesses to support recovery from the impacts of COVID-19. This is in addition to the existing Community Grants Program currently being assessed.

It will comprise of two streams:

- **Community Wellbeing and Resilience** – initiatives to support the immediate social and physical wellbeing of vulnerable community members and build more connected, resilient and resourceful communities. This may also consider sustainability focused projects that adds value to the community’s recovery, for example community led renewable energy projects and community transport.

- **Business Grants** - initiatives to provide financial assistance so businesses can quickly adapt to offering products online, providing services virtually and offering take-away and delivery of goods. This may also include initiatives to ensure creative culture and arts sector initiatives are reactivated and supported.

It is proposed the Grants Program be overseen by panel members comprising of Bass Coast Councillors and members of the recently established Bass Coast Community Leadership Response Group.

Councillor nominated members of the Bass Coast Community Leadership Recovery Group are currently being considered to represent Bass Coast geographically across the three wards and through the diversity of their interests, including:

- Community
- Business and Visitor Economy
- Sports
- Indigenous
- Arts and Culture
- Environment
- Agriculture
- Youth
- Education

Criteria for the awarding of grants will be determined by the Bass Coast Community Leadership Recovery Group in partnership with Council officers. Recommendations will be made to Council for final approval. Community organisations and individuals will be able to apply for grants ranging from $1,000 to $30,000.

**Finances**

To support the new initiatives outlined in this report, officers have also identified a number of projects and initiatives proposed to be cancelled or deferred for consideration in future financial years (Table 1). This is in addition to the likely net operational savings projected for 2019/20 which are in the vicinity of $100,000.
Table 1 Proposed Projects to be discontinued for 2019/20

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost Saving in 2019/20 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rating Strategy review</td>
<td>10,000</td>
</tr>
<tr>
<td>Car Ferry</td>
<td>120,000</td>
</tr>
<tr>
<td>Bass Coast Entry Signage</td>
<td>200,000</td>
</tr>
<tr>
<td>Road Management Plan actions</td>
<td>45,000</td>
</tr>
<tr>
<td>Street Lighting audit</td>
<td>80,000</td>
</tr>
<tr>
<td>Cancellation of various events</td>
<td>20,000</td>
</tr>
<tr>
<td>Newhaven Skate Park</td>
<td>200,000</td>
</tr>
<tr>
<td>Southern Gippsland Food Cluster *</td>
<td>10,000</td>
</tr>
<tr>
<td>Fleet purchases</td>
<td>40,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$725,000</strong></td>
</tr>
</tbody>
</table>

(* An initiative with South Gippsland Shire Council to support the craft food and beverage sector through a series of workshops. There is proposed funding to continue this in the 2020/21 Budget.)

It is anticipated that Council will see a revenue reduction as a result of the proposed fee waiver for 2019/2020 as outlined in Table 2.

Table 2: COVID-19 Bass Coast Community and Business Response and Recovery Package Financials

<table>
<thead>
<tr>
<th>Activity</th>
<th>Cost Impact ($)</th>
<th>Revenue Impact ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reimbursement of six months of 2019/20 street trading permit fees</td>
<td></td>
<td>(39,000)</td>
</tr>
<tr>
<td>Rent and lease relief for caravan park and business operators in Council owned facilities</td>
<td></td>
<td>(219,000)</td>
</tr>
<tr>
<td>Waiving business signage and liquor licensing permit fees</td>
<td></td>
<td>(7,000)</td>
</tr>
<tr>
<td>Provision of Building 4 to Bass Coast Health on a peppercorn six month lease</td>
<td>In-kind</td>
<td></td>
</tr>
<tr>
<td>Newly proposed Business and Community Resilience Grants Program</td>
<td>700,000</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>700,000</strong></td>
<td><strong>265,000</strong></td>
</tr>
</tbody>
</table>
Other Options

Council may consider not to endorse the COVID-19 Bass Coast Business and Community Response and Recovery Package.

Council may consider to defer this report until more is understood about the extent of State and Federal government support, and Council’s own financial position.

Conclusion

Council is committed to supporting businesses and the local community and Council officers have reviewed current budget priorities to establish a proposed range of measures to assist individuals, families, business operators and the community overall.

By continuing to provide existing support and proposed additional funding grants and fee waivers at this time, Council will contribute to the support and recovery of the community during, and following, the impacts of COVID-19.

Funding has been allocated based on projected savings in the 2019/20 financial year only and through a suite of fees and charges considerations. Consideration for following financial years will be made as required.

Officers recommend that Council discontinues or defers identified projects from the 2019/20 budget and re-allocate the savings to the Business and Community Resilience Grants Program.

Recommendation

That Council:

1. Endorses the suite of measures and activities Council will implement in response to the impact of the COVID-19 pandemic on the community:
   a. Implement the following support measures for local businesses for the remainder of 2019/20 financial year:
      • Reimbursement of six months of the 2019/20 Street Trading Permit fees
      • Lease payment relief for caravan park and business operators in Council-owned facilities
      • Waiving business signage and liquor licensing permit fees
      • Provision of Council’s Wonthaggi office ‘Building 4’ to Bass Coast Health on a peppercorn six month lease from 16 April 2020.

2. Discontinues or defers the following projects from the 2019/20 budget:
   a. Rating Strategy review
   b. Car Ferry
   c. Bass Coast Entry Signage
d. Road Management Plan actions  

e. Street Lighting audit  

f. Cancellation of Council held events  

g. Newhaven Skate Park  

h. Southern Gippsland Food Cluster  

i. Fleet purchases  

3. Re-allocates the savings from the discontinued or deferred projects to the proposed Business and Community Resilience Grant Program that will be overseen by the Bass Coast Community Leadership Recovery Group with administrative support provided by Council officers; and  

4. Delegate the authority to approve grant recommendations from the Bass Coast Community Leadership Recovery Group to the CEO, only in the event that Council cannot form a quorum for Council Meetings to determine the Grant recipients.  

Attachments  

There are no attachments for this report.
H.2 Draft Bass Coast Shire Council Meeting Livestreaming Policy 2020

File No: CM20/183
Division: Partnerships, Advocacy & Economy
Council Plan Strategic Objective: Advocacy
Representing the community

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

Summary
The purpose of this report is to present Council with the Draft Bass Coast Shire Council Meeting Livestreaming Policy 2020.

The Draft Policy provides information and guidance for Councillors, Council employees and the community around the process of livestreaming.

By commencing livestreaming, Council will provide members of the community access to observe Council Meetings without physically attending them. This will provide an alternative for community members who cannot attend due to current State and Federal Government advice on social distancing to help slow the spread of the COVID-19 virus.

This report recommends the adoption of the Draft Policy and a six month trial period of Livestreaming Council Meetings to Council’s website, beginning from 20 May 2020. The six month trial will also include trialling the use of voice-to-text closed captions (transcript).

Background
Livestreaming Council Meetings has previously been considered by Council.

At its Ordinary Council Meeting on 18 September 2019, Council resolved the following:

That Council:

1. Note the draft Bass Coast Shire Council Meeting Livestreaming Policy 2019 and that it does not adequately address access and inclusion or security issues. Nor is the full costs of implementing the policy adequately scoped; and

2. Refers the issue of livestreaming of Council meetings for Council consideration of the full cost of implementing a comprehensive live streaming policy in the 2020/21 budget process.

Officers have considered the access and inclusion and security issues that were posed by Councillors. This raised potential concerns around appropriate voice-to-text video transcripts, which must be provided with each video published on Council’s website and that access to the published video to be managed on a secure video sharing website, for example YouTube or Vimeo.
Strategic Basis

**Council Plan Objective:**

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

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

**Major Initiative / Initiative**

Livestreaming Council Meetings is not a major initiative or initiative.

This Policy has been prepared in response to the Council decision from the Ordinary Meeting on 18 September 2019 and the current impacts to delivering Council Meetings as a result of State and Federal Government direction on social distancing to slow the spread of the COVID-19 virus.

**Strategies / Policies**

- Meeting Procedure Local Law 2018
- Councillor Code of Conduct
- Employee Code of Conduct

Council’s Communication and Engagement Strategy 2018 - Revised Version, does not specifically refer to ‘livestreaming’; however, this Strategy does guide Council’s communication and engagement objectives, which encourage diverse methods of engagement to be delivered to our community.

**Statutory Requirements/Codes/Standards/Policies**

- Local Government Act 1989
- Privacy and Data Protection Act 2014
- Freedom of Information Act 1982
- Public Health and Wellbeing Act 2008

**Discussion**

**COVID-19**

Due to government direction on social distancing to slow the spread of the COVID-19 virus, Council Meetings are now also affected by these requirements. Many Councils across Australia are using livestreaming services to broadcast Council Meetings to the community and have closed physical public access to observe the Meeting from within the Chamber.

Bass Coast is currently unable to provide such a service until it has adopted a livestreaming policy.

Council’s Ordinary Meeting on 18 March 2020 went ahead; however, the public were discouraged to attend due to the social distancing requirements and only limited seating was available. An audio recording of the Meeting was published on Council’s website as an alternative.

Restrictions introduced on 29 March 2020 limit no more than two people from gathering in a public place, which may also include Council Meetings.
**Transparency**

Council aims to be accountable and transparent and recognises the important role that access to information has in facilitating these aims for people of all abilities.

By observing Council’s decision-making process, members of the public are better informed of Council’s position and activities. Rotating Council meetings to different locations across the Shire has helped lower the barrier of distance for members of the public who wish to attend meetings.

With just over half of Bass Coast ratepayers living outside the Shire and many local residents unable to travel due to restricted mobility, the distance to travel to a Meeting is still a significant barrier.

**Livestreaming**

Livestreaming represents an opportunity to overcome some barriers of accessibility, enabling people to watch a Council Meeting from their computer, tablet or smartphone.

For the purpose of this report and Draft Policy, livestreaming is the process of making a live video feed available online and subsequently publishing this video to be available ‘on demand’ at a later date.

Livestreaming is considered by many Victorian Councils as a way to increase the public’s accessibility to Council Meetings, particularly for people who find it difficult to physically attend. It allows the public to watch Council decision making live, rather than hearing or reading about decisions after they have been made.

Following the livestreaming of a Council Meeting, many councils also provide access to the broadcasts from their council website or video platform (such as YouTube) which can also contain archived Council Meetings – some with further links to Meeting schedules, agendas and minutes.

Council acknowledges the digital inequity present across the Shire, that not all households or individuals have equal access to the internet and technology. As such, livestreaming will not replace, but complement the ability for the public to continue to attend Meetings in person and access minutes at Council’s Customer Service Centres.

**Accessibility**

In 2010 the Federal Government published a Web Accessibility National Transition Strategy, which set a target for Government and agency websites to comply with Web Content Accessibility Guidelines over a four-year period.

The scope of this Strategy applied to all States and Territory Governments and, indirectly, Local Governments. Of the three increasing levels of compliance, ‘A’, ‘AA’ and ‘AAA’, websites were to meet ‘AA’ compliance at the end of 2014.

Captioning pre-recorded video content meets level ‘A’ compliance, while live captioning video meets ‘AA’ compliance.

Although all councils seek to meet required accessibility standards, adding captions is time-consuming and resource intensive.

Services such as YouTube can produce captions automatically at no cost by using voice-to-text technology.
The accuracy of this feature can vary; however, for the purpose of the prosed trial period and to expedite delivery of the service under the current conditions, Council could consider this free solution and provide a disclaimer regarding potential inaccuracies in text.

Council may also wish to consider providing greater accuracy in voice-to-text transcripts. Indicative quotes to provide captions for a two-hour meeting are around $1,200-$1,300 for a one-week turnaround. To add captions in real-time (as the meeting is broadcast) to the same two-hour meeting would raise this cost to around $1,900-$2,000 per meeting.

Based on the duration of Ordinary and Special Meetings over the last 12 months, the cost for live captioning and adding captions to the recording is estimated to be around $20,000 annually.

Many councils who livestream meetings do not provide this service.

Until another solution is found or budget allocations made, participating councils currently direct community members to their council meeting minutes published on their council website following a meeting.

Some people with significant hearing impairments, who rely on voice-to-text transcription, may already have such software installed on their mobile devices and computers for the everyday needs. Council may consider further consultation with their Access and Inclusion Advisory Committee prior to committing additional resources towards the service. At time of writing this report, Committee Meetings had not been held and were suspended due to the Coronavirus.

Next steps

If Council adopts this Draft Policy, a six month trial of livestreaming would begin at the following Meeting on 20 May 2020.

Closed Council Meetings and confidential items of business in a Council Meeting will not be streamed live and will not be recorded or made available later as a recording.

It is proposed that livestreaming of Council Meetings will commence at the beginning of a Council Meeting, concluding with the last open agenda item. The six month trial will include the trial of voice-to-text closed captions included when published along with the minutes.

Appropriate signage at Meeting venues would be displayed. The Council Meeting agenda and Council website would be updated to reflect Livestreaming through an additional statement which confirms the Livestreaming process along with Councillor, staff and the public’s obligations. The Meeting Chair would read out the Livestreaming statement at the commencement of each Meeting.

It is proposed that once operating, the camera/s that would be set up at the Meeting venue/s would film the Councillors and Council staff only, with members of the public who attend a Council Meeting not being filmed, unless they ask a question or address the Council. Constraints of the room layout may make this difficult; however, Council officers will always try to ensure members of the public are not intentionally filmed.
Reliable internet connectivity and potential technical issues

Should Council adopt the draft Policy and proceed with Livestreaming there may be situations where, due to technical difficulties beyond Council’s control, a livestream or recording may not be available. Every reasonable effort would be made to ensure the availability of livestreaming and recordings of Meetings, and of Council’s website.

For example, some technical issues may include connectivity to the internet, network or device failure or malfunction, unavailability of social media platforms or power outages.

Risks

Council Meetings are public forums that include people making statements, asking and answering questions. It is a possibility that at times some statements may breach the law and/or may be regarded as offensive or defamatory.

Statements such as these made in a Council Meeting by Councillors, Council Officers or members of the public are not protected and may be the subject of legal proceedings and potential liability.

This Policy guides Council in the appropriate use and management of Livestreaming. It also provides the Chair and/or the Chief Executive Officer the authority to direct the termination or interruption of Livestreaming if they believe it is advisable to do so.

It is intended that this would only be given in exceptional circumstances, where statements are likely to be made that are considered inappropriate to be published or where audio/video quality was not up to standard.

Material that could be considered to be inappropriate may include defamatory, discriminatory and/or offensive statements. Statements that breach the privacy of an individual or unauthorised disclosure of personal or privileged information are also inappropriate.

Online bullying and harassment

Commentary on other Council-managed social media platforms will be subject of existing moderation practices as outlined in the Council’s Social Media Guidelines. People commenting on third-party social media channels will be required to follow their appropriate Terms of Use, Policies and Guidelines. By default, comments are disabled on Council’s YouTube channel.

Accessing the livestream

Initially the trial will involve publishing the livestream to Council’s YouTube channel linked from Council’s website. After the Meeting, the video will be embedded as a link and/or on a page on Council’s website.

While it is possible to publish to many different video platforms, one of the outputs of this trial the measurement of viewing. Making the livestreams and on-demand recordings available on the most popular video platform simplifies the collection of these statistics without limiting access. It may be considered after the trial to publish to multiple platforms.
On some video platforms (such as Vimeo), it’s possible to limit access to registered viewers only. This feature comes at an additional expense (around $95 per month). It would require community members to complete an extra step through registration, in order to access the livestream. This would require significant administration cost and time associated with managing this service.

In terms of securing the video, while it can be marked as Copyright material, officers cannot prevent anyone from recording the livestream from their screen and reposting it elsewhere.

**Finances**

Over recent times, officers have enabled improved audio for Meetings with a sound mixer, microphones and speakers now being used to improve the acoustics at the Council Meeting venues. An appropriate digital camera, supporting software and a dedicated mobile data device is also required for filming purposes.

Council will acquire digital camera equipment and software, for the purpose of livestreaming meetings. This will be accommodated within the Communications and Engagement Team’s 2019/20 Budget.

For the duration of the six month trial, existing Council staff will manage the logistics of setting up the location/s, attend Council Meetings to manage the operation and ensure any post-meeting publishing and editing requirements.

Depending on travel requirements, number of meetings (including additional Special Meetings in a month) and venue set up and pack up requirements, it is estimated that an additional eight hours per month in staffing dedicated to the tasks is required; which would be approximately $5,000 per year. For the trial, this will be accommodated through existing resources.

**Stakeholders**

- Bass Coast Shire community, non-residents and visitors
- Bass Coast Shire Councillors and Staff
- Municipal Association of Victoria
- Other Local Government Authorities

**Other Options**

1. Adopt the Livestreaming Policy as recommended. Use free voice-to-text closed captions (transcript) for the purpose of the trial. This will meet web accessibility requirements, but may contain some inaccuracies.

2. Adopt the Livestreaming Policy as recommended and make additional annual budgetary allowance to include closed captions on the recorded video after or during the Meeting. This will meet web accessibility requirements, but will require approximately $20,000 per annum in additional budget allocated towards captioning.
3. Defer adoption of the Policy, subject to further consideration. By doing this, Council acknowledges that there will be a delay for the start date of the livestreaming trial and Council Meetings. Due to the current coronavirus restrictions, this means the public would not be able to view Council Meetings.

Conclusion

Due to social distancing, Council Meetings are being not able to be attended by more than two members of the public. Many Councils across Australia are using livestreaming services to broadcast Council Meetings and are therefore not impacted by the COVID-19 restrictions.

Bass Coast is currently unable to provide such a service until it has adopted a livestreaming policy. This Draft Policy provides information and guidance for Councillors, Council employees and the community around the process of livestreaming.

By commencing livestreaming, Council will provide members of the community access to observe Council Meetings without physically attending.

This provides an alternative for community members who cannot attend due to accessibility issues and State and Federal Government advice on social distancing to slow the spread of the COVID-19 virus.

Officers recommend the adoption of the Draft Policy using free voice-to-text closed captions (transcript) for the purpose of the six month trial. This will meet web accessibility requirements and be an affordable option. The trial period should commence from 20 May 2020 from the Wonthaggi Civic Centre Council Chamber.

Following the proposed trial, a report would come back to Council evaluating its success, including statistics on the number of views and how many viewers, duration, logistics, connectivity and any feedback received during the trial.

Recommendation

That Council:

1. Adopt the Bass Coast Shire Council Meeting Livestreaming Policy 2020;

2. Commences livestreaming of Council Meetings using free voice-to-text closed captions (transcript) as a six-month trial from the Wonthaggi Civic Centre Council Chamber from 20 May 2020; and

3. Receives a report on the effectiveness of livestreaming following the six-month trial period.

Attachments

AT-1 Draft Bass Coast Shire Council Meeting Livestreaming Policy 2020   6 Pages
H.3 Planning Permit Application 190214 - 16 Kingston Road, North Wonthaggi

File No: CM20/26  
Division: Place Making  
Council Plan Strategic Objective: Our Character  
Celebrating the uniqueness of our townships

Application Details

Use/Development Sought: Development of land for five (5) dwellings and the subdivision of land into five (5) lots.

The Land: 16 Kingston Road, North Wonthaggi

Planning Scheme: Bass Coast Planning Scheme

Zoning: General Residential Zone

Overlays: No Overlays

Declaration

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

Executive Summary

This application proposes to develop land into five dwellings and to subdivide land into five (5) lots at 16 Kingston Road, Wonthaggi North.

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

- Clause 32.08-3 (General Residential Zone) for subdivision; and
- Clause 32.08-6 (General Residential Zone) for the construction of two or more dwellings on a lot.

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

This report addresses the planning merits of the proposal and the issues raised by submitters. It concludes that the proposal generally 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 190214.

Application Details

This application seeks to construct a five (5) dwellings on the land and subdivide the land into five (5) lots generally in accordance with amended plans dated 25 February 2020, prepared by Noz Tech Drafting on 2 November 2019. The amended plans were formally substituted 28 February 2020 under Section 57(A) of the Planning and Environment Act 1987 and provided for an amended design to address submitter concerns.
The amended design changes are summarised as follows:

a) The front setbacks for dwellings two (2), three (3), four (4) and five (5) amended to achieve a minimum front setback of 3 metres.

b) Sufficient separation from Dwelling One (1) and Dwelling Two (2) to comply with Clause 55.05-3 of the Bass Coast Planning Scheme - Light Court Provisions.

c) Plans to ensure compliance of Clause 32.08-4 Garden Area provisions.

The application materials comprise:

- A site plan showing the proposed development and adjoining properties
- Floor plans
- Elevation drawings of the proposed dwelling
- Shadow diagrams of the proposed dwelling
- Overlooking diagrams of the proposed dwelling

A copy of the decision plans is provided as Attachment One (AT-1)

Lot sizes range from 184 to 245 square metres.

A planning permit, which proposes to develop the land with two or more dwellings, is required to submit a neighbourhood site and context description and a design response which meets the objectives of Clauses 55 and 56.

This application proposes to subdivide land in accordance with plans Dated 4 November 2019 Amendment 2 (one page) prepared by Noz Tech Drafting and is in line with the development application.

A layout plan for the development is provided below:

![Figure 1, Layout plan](image)
Reason a Council Decision is required

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

Background

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

<table>
<thead>
<tr>
<th>Site Dimensions</th>
<th>20.5m x 48.501m totals 994m2 in area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Frontage</td>
<td>20.5m wide property Kingston Street,</td>
</tr>
<tr>
<td>Topography</td>
<td>The site is relatively flat</td>
</tr>
<tr>
<td>Vegetation Cover</td>
<td>The site is generally clear of vegetation</td>
</tr>
<tr>
<td>Current Use</td>
<td>Vacant land</td>
</tr>
<tr>
<td>Easements</td>
<td>No easements</td>
</tr>
<tr>
<td>Restrictive Covenants</td>
<td>No restrictions are registered on title</td>
</tr>
<tr>
<td>Aboriginal Cultural Heritage Sensitivity</td>
<td>The site is not located within an area of aboriginal cultural heritage sensitivity</td>
</tr>
<tr>
<td>Planning Permit History</td>
<td>There are no previous planning permits pertaining to the subject site.</td>
</tr>
</tbody>
</table>

The subject site is located on the north-east corner of Kingston Road and Deakin Street with Back Lane Kingston Road running along the east side or rear of the property.

The immediate surrounding area of Wonthaggi North is developed through a pattern of smaller residential lots with a mix of one and two storey dwellings. Lot sizes in the surrounding area are typically between 500 - 1000m2.

The subject site is adjoined with the following properties:

- North - Subdivision and development of two dwellings
- West - Development of detached dwellings along Kingston Road
- South - Double storey detached dwelling on corner allotment
- East - Back Lane Kingston Road with the adjoin property rear being a detached, single storey dwelling orientated towards Kirrack Street.
Figure 1. Aerial Photo

Figure 2. Zoning Map
Notice

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

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to eight (8) land owners and occupiers; and
- Placed a Notice on the land.

Submissions

In response to notification, the application attracted eight (8) submissions. There were no objections received from property owners or occupiers adjoining the subject site.

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

Table 1. Summary of Concerns raised in each objection

<table>
<thead>
<tr>
<th>Submission</th>
<th>Summary of Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Over development of the site not consistent with neighbourhood</td>
</tr>
<tr>
<td></td>
<td>Has potential to attract the wrong type of people</td>
</tr>
<tr>
<td></td>
<td>Lots of school children use the roads to walk along and the</td>
</tr>
<tr>
<td></td>
<td>development could make it unsafe for them</td>
</tr>
<tr>
<td></td>
<td>Lower property values</td>
</tr>
<tr>
<td></td>
<td>Does not comply with relevant building regulations</td>
</tr>
<tr>
<td></td>
<td>Will set a precedent for developers to construct in this area.</td>
</tr>
<tr>
<td>2</td>
<td>Overdevelopment of the site – looks like a motel</td>
</tr>
<tr>
<td></td>
<td>Concerns at security of our property at rear land of the property</td>
</tr>
<tr>
<td></td>
<td>May attracts unsuitable tenants</td>
</tr>
<tr>
<td></td>
<td>Over crowding traffic conditions in Deakin and Kingston Road</td>
</tr>
<tr>
<td></td>
<td>Hazardous along Deakin St as the width of the road changes</td>
</tr>
<tr>
<td></td>
<td>Unsightly with garbage bins on Deakin Street.</td>
</tr>
<tr>
<td>3</td>
<td>Overdevelopment of the site</td>
</tr>
<tr>
<td></td>
<td>Increase in traffic from Deakin Street</td>
</tr>
<tr>
<td></td>
<td>Effect on visual amenity on the residential area</td>
</tr>
<tr>
<td></td>
<td>Layout and density design and appearance unattractive</td>
</tr>
<tr>
<td></td>
<td>Road access and drainage will need to be upgraded</td>
</tr>
<tr>
<td></td>
<td>Not in keeping with existing neighbourhood character negative impact on residents of Kingston Road</td>
</tr>
<tr>
<td></td>
<td>Impact by noise and disturbance resulting from the increase in traffic</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Page</th>
<th>Concerns</th>
</tr>
</thead>
</table>
| 4    | - Front setbacks from Kingston Road and Deakin Street  
     | - Garden area compliance questioned  
     | - Dwelling separation questioned  
     | - Location of the bins along Deakin Street and location of storage of the bins  
     | - Drain concerns  
     | - Increase in traffic |
| 5    | - Attracts undesirable people buying/renting the dwellings  
     | - Safety fears of the occupants of the dwellings using the property lane |
| 6    | - Loss of property values  
     | - Number of dwellings more inline with inner city  
     | - Bad look of the street  
     | - Wrong type of people will be attracted the neighbourhood |
| 7    | - Front setbacks from Kingston Road and Deakin Street  
     | - Over development  
     | - Appears bulky not in local character  
     | - Access and drainage concerns with Deakin Street very narrow  
     | - Rubbish bin location on the site  
     | - Potential parking and vehicle movement issues |
| 8    | - Out of context with the existing neighbourhood  
     | - Over development  
     | - Inconsistencies with Bass Coast Planning Scheme |

The amended design received following notification of the application were intended to address the key concerns by the objectors and also those concerns initially identified by Council. A summary of the changes to the design have been provided on Pages 1 and 2 of this report.

Following the notification period the plans were amended. A summary of the changes to the design is provided on Pages 1 and 2 of this report. The changes were intended to address the key concerns by the objectors and those initially identified by Council.

The amended plans have been circulated to all objectors. Three written comments were received that emphasised the previously raised concerns.

No previously lodged objections have been withdrawn.

These concerns will be discussed later in the report.
Referrals

The following table outlines the referral requirements of this application.

Table 2. Referral requirements and their comments

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>External (Section 55 of the Planning and Environment Act 1987)</td>
<td>No objection received with standard conditions applied</td>
</tr>
<tr>
<td>South Gippsland Water</td>
<td>No objection received with standard conditions applied</td>
</tr>
<tr>
<td>Ausnet Services</td>
<td>No objection received with standard conditions applied</td>
</tr>
<tr>
<td>Multinet Gas</td>
<td>No objection received with standard conditions applied</td>
</tr>
<tr>
<td>Internal (Section 52 of the Planning and Environment Act 1987)</td>
<td>No objection received with appropriate permit conditions to be placed on any permit issued.</td>
</tr>
</tbody>
</table>

Officer’s Considerations

Planning Policy Framework and Local Planning Policy Framework

The relevant policies of the Planning Policy Framework include:

- Clause 11 Settlement
- Clause 11.01-1R Gippsland
- Clause 11.01 Victoria
  - 11.01-1S Settlement
- Clause 15 Built Environment and Heritage
- Clause 15.01 Built Environment
  - 15.01-1S Urban design
  - 15.01-2S Building design
  - 15.01-5S Neighbourhood character
- Clause 16 Housing
- Clause 16.01-3S Housing diversity
- Clause 16.01-2S Location of residential development
- Clause 16.01 Residential Development

The relevant policies of the Local Planning Policy Framework include:

- Clause 21.02 Settlement
  - 21.02-1 Growth of towns
  - 21.02-2 Housing
- Clause 21.07 High Growth Settlements.
- Clause 21.07-2 High Growth Regional ‘Wonthaggi’
• **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 and Landscape.

**Settlement**

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

The proposed additional dwellings in Wonthaggi township is considered to meet the broader state and local policies related to residential development.

**Clause 11.01-1R Gippsland** of the Planning Scheme includes a strategy to support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies within larger towns and plan for increased seasonal demand on services and infrastructure in towns with high holiday home ownership.

**Clause 21.02-1 Growth of Towns** provides further objectives and strategies that are to be considered for residential development. The objectives include:

- **To ensure that residential development and related urban uses are restricted to existing or identified settlements; and**
- **To encourage sustainable development and minimise impacts on the environment.**
- **To achieve these objectives the following strategies are to be considered:**
  - Discourage urban growth beyond existing settlement boundaries of towns not identified in the Settlement Hierarchy included in this Clause; and
  - Minimise the impact on significant environmental features within identified settlement boundaries, and address these impacts through the rezoning or development planning processes.

The subject site and submitted design response are considered to be consistent with the intent of these objectives and strategies related to residential development.

**Housing**

The PPF and LPPF each recognise the importance of providing a diversity of housing outcomes that will not compromise existing environmental and neighbourhood character attributes.

**Clause 16.01-2S Location** of residential development and the general residential zone encourages higher densities with good access to services and transport.

It is considered that the proposal is consistent with the Bass Coast Planning Scheme that directs growth within existing settlement boundaries (21.02-1 Growth of towns, 21.07-2 High Growth Regional Centre ‘Wonthaggi’) to reduce pressure on the settlement boundaries and maintain open breaks between townships.
The design response is considered to be generally consistent with the neighbourhood character of residential development. Five (5) dwellings on a standard residential lot is a higher density than the surrounding area, however, each dwelling consists two (2) bedrooms reduces the statutory demand for parking. The two (2) road frontages assists the layout and access arrangement, which reduces the impact on adjoining properties. The road and drainage along Deakin Street will be required to be upgraded if a permit was granted.

The existing subdivision of the neighbourhood area is not considered to be compromised by the proposed subdivision arrangement. There are similar developments on corner allotments off Deakin Street that have been developed with a similar orientation.

**Built Environment and Landscape**

*Clause 15.01-2S Building Design* seeks to achieve building design outcomes that contribute positively to the local context. The proposal is considered to have satisfactorily responded to *Clause 15.01-1S Urban Design* of the PPF that requires developments to respond to its context in terms of character; cultural identity; natural features; surrounding landscape and climate and to ensure that development provides landscaping that supports the amenity; and attractiveness and safety of the public realm.

*Clause 15.01-5S Neighbourhood Character* of the PPF seeks to ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

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

The proposal considered to provide for a satisfactory response against *Clause 21.07-2 Wonthaggi* in relation to built form impacts on the landscape and environment for the following reasons:

- The development has been limited to a site within the existing settlement boundary for Wonthaggi.
- The development proposed generally meets the provisions of *Clause 55* and has responded well to the constraints and opportunities of the site.
- The development also ensures future residential development provides a sustainable mix of infill development to meet the future housing needs of the population.

The proposed development is considered to have achieved a site design response that responds to *Clauses 21.04 Environment* and *Clause 21.05 Landscape and Built Form* that will ensure that the development will limit the impact on the natural, visual and environmental landscape character of the township.
The application has been considered against Clause 22.01 Stormwater Management Policy and reviewed by Council’s Engineers in relation to this policy. The plans submitted demonstrate the upgrading of the drainage from Kingston Road Back Lane to Kingston Road along Deakin Street. The applicant has satisfied Council’s Asset Engineer requirements for an acceptable drainage solution and as such the engineers have provided conditional consent.

The application proposes infill development, which is consistent with the neighbourhood character and supportive of settlement boundaries, lot and dwelling diversity.

**Zone**

**General Residential Zone (GRZ)**

The proposed development triggers the requirement for a planning permit in the General Residential Zone (GRZ1) for the construction of two dwellings on a lot and the subdivision of the land. The relevant purpose of the zone is:

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

The application is generally consistent with the purpose of the General Residential Zone. The application proposes infill development, which is generally consistent with the neighbourhood character and supportive of settlement boundaries, lot and dwelling diversity.

Pursuant to Clause 32.08-4 Residential Development in the General Residential Zone must provide for garden areas. A requirement of 35% must be achieved for the site. The proposal has been amended to ensure this requirement has been meet.

**Overlays**

No overlays apply

**Particular Provisions**

*Clause 55 Two Or More Dwellings On A Lot And Residential Buildings*

Before deciding on an application, the responsible authority must consider, as appropriate for the construction of five dwellings on a lot, the objectives, standards and decision guidelines of Clause 55.

The proposal is assessed as being able to meet the requirements of Clause 55. The final assessment has highlighted the following:

- Although the proposal does not achieve the standard of Clause 55.03-1 related to the front street setback, the objective of this clause is considered to be satisfied. The proposal has been provided with a front street setback for Unit 1, ranging from 4.1m to 5.3m from the Kingston Road interface.
This is considered satisfactory in this instance as the site adjoins an allotment to the north, which is a battle - axe allotment with a single dwelling located to rear of the block. The staggered setback provided with the proposed design, together with the battle - axe driveway of the adjoining property, creates a buffer or separation between the subject site and the front of the dwelling. The objective is considered to be met and the proposal activates a front setback generally consistent with the character of the area.

- The proposed development initially proposed a secondary street setback of 2 m from Deakin Street instead of the 3m that is required under the Clause 55.03-1 Street Setback. Amended plans have been received to achieve the side setback distance under the Bass Coast Planning Scheme.

- The amended plans have demonstrated an increase of the Garden Area from 34.6m2 to 35.77m2 that now meets the Garden Area requirement.

- The amended plans demonstrates that the standard of Clause 55.05-3 Daylight to new window is met. Eaves have been removed along the east side of Dwelling 1 to ensure the minimum 1 metre.

- The proposal is considered to meet the objective of Clause 55.05-4 with the private open space located in the front and side of dwelling 1 rather than the rear. The standard states private open space should consist of the space to the side or rear of the dwelling. Whilst open space to the front is not preferred, the open space is located to the property frontage of Kingston Road. All other dwellings will have secluded private open space to the rear of the dwellings.

Clause 56 Residential Subdivision

Before deciding on an application to subdivide land, the relevant objectives, standards and decision guidelines of Clause 56 must be considered. An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56.

The proposal is considered to meet all the objectives of Clause 56 relating to stormwater, access, building envelopes and utilities.

The proposal has been considered against the decision guidelines of the General Residential Zone at Cl 32.08-13 and is considered to be consistent with these.

Clause 52.06 Car Parking

The proposed development complies with the car parking requirements set out at Table 1 of Clause 52.06-5. Table 1 requires that each two bedroom dwelling be provided with one car space. Where two or more car parking spaces are provided for a dwelling, at least one space must be under cover.

The proposal meets the relevant clause by providing two car spaces for each proposed dwelling, including one space being under cover for the dwellings.

Clause 53.01 Public Open Spaces Contribution

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule.
Exemption from public open space requirement includes the subdivision of land into two lots and where council considers it unlikely that each lot will be further subdivided. The subdivision of land into five lots is not exempt and as such, public open space contribution will be required to paid and will be conditioned on any permit issued.

Response to Submitter's concerns:

A review of the objections received has been undertaken and the following response provided in relation to these concerns:

Clause 55 Compliance

Clause 55 variations have been discussed in the report with most addressed via the recent amended plans. As discussed previously, the Kingston Road front setback is staggered and together with the battle - axe driveway of the adjoining property, is considered satisfactory.

Overdevelopment

The proposal in not considered to be an overdevelopment. This is due to the layout of the proposal and the two street frontages enabling the development to meet clause 55 requirements.

Resident assumptions regarding future residents of the development

The concerns raised relating to the type of people that would live in the dwellings or renting is not considered to be a planning concern that can be addressed under the Bass Coast Planning Scheme.

Lower property values

The assumption that the multi dwellings on the site will devalue property values is not considered a planning consideration. This assumption has not been validated by VCAT as a ground of objection to a development.

Set precedent

Each planning application is considered on its own merits. There are other developments that are of a similar style or orientation that have been established in the local area.

Traffic issues along both streets

The road network is able to meet the additional traffic generated by this development. Deakin Street will be required to be widened and developed to ensure cars are able to maneuver in and out of the subject site. This will be addressed via permit condition if issued.

Unsightly garbage bins along street

Bins left out for garbage and recycling on the street is for a short time only. Bin enclosures have been provided for each dwelling and screening is proposed to obscure the view from the street.

Garden area compliance

Garden area has been discussed earlier in the report. The amended plans demonstrate compliance with Clause 32.08-4 Garden Area requirement.
Number of dwellings looks inner city / Visual amenity

The subject site is located in a General Residential Zone, within a recognised High Growth Regional Centre, adjacent to the Wonthaggi North – East Growth Area that is under development. There is demand for housing stock, which is diverse and flexible. These dwellings are generally smaller in size and will potentially suit a particular demographic.

The visual amenity of the neighbourhood is not considered to be compromised. The dwellings are approximately 4 meters in height, have flat roofs and there are opportunities for landscaping to soften the built form of the development.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and the proposal is considered to appropriately respond to the Planning Policy Framework, Local Planning Policy Framework and the zone that applies to the land.

The application underwent notification and as a result there were eight 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 190214, subject to conditions.

Recommendation

That in relation to planning permit application 190214 for the development of land for five (5) dwellings and the subdivision of land into five (5) lots at 16 Kingston Road, North Wonthaggi, Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

DEVELOPMENT CONDITIONS

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

2. 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.

3. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

4. 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.

5. 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.

INFRASTRUCTURE ASSET MANAGEMENT CONDITIONS

6. Before works commence for the development or the certification of the Plan of Subdivision, detailed civil construction plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. All construction plans submitted for approval must be consistent with this permit and must conform with the requirements of all relevant servicing and road authorities, and in particular water, sewerage, drainage, telephone, gas and power authorities, VicRoads and Council. The plans must be drawn to scale with dimensions. An A3 plan and an electronic copy (PDF) must be provided. The plans must show:

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

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

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

iii. The provision of stormwater detention within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater detention system must have sufficient capacity for the 1% AEP storm event. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using an allowable discharge rate for the site 37 l/sec/ha.

iv. A dual-pump system designed for all storm events up to and including the 1% AEP. The pumping system must be designed in accordance with Australian Standards to the satisfaction of the Responsible Authority.
v. **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.

vi. **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.**

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

8. **Vehicle and pedestrian access and car parking to the satisfaction of the Responsible Authority including:**
   
i. **A vehicle access to each lot in the subdivision, to be designed in accordance with IDM standards (SD 260).** Clearance from obstructions including existing street trees, service authority assets, footpaths, poles, pits, cables, pipes, bus shelters / stops, street furniture, signs, etc. must be shown on the plans.

   ii. **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.**

   iii. **Building envelopes (existing or proposed), service authority assets on site, all easements (existing, proposed and implied) and other building, drainage and access restrictions / obstructions as applicable.**

**SUBDIVISION CONDITIONS**

9. **The subdivision shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

10. **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.**

**Mandatory Subdivision Conditions**

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

12. **All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
13. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act. The owner of the land must enter into an agreement with:

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

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

16. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
   i. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
   ii. a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

17. The plan of subdivision submitted for certification under the Subdivision Act 1988, must show appropriate easements set aside for drainage purposes, to the satisfaction of the Responsible Authority.

18. Before a statement of compliance is issued under the Subdivision Act 1988, a sum equivalent to 5 per cent of the site value of all the subject land in the subdivision must be paid to the Responsible Authority.

19. Before the issue of a Certificate of Practical Completion or the Statement of Compliance issued the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:
   a) All civil construction works, must be constructed in accordance with the endorsed civil plans and IDM standards.
   b) All drainage works (excluding any above ground detention tanks deferred via a Section 173 agreement) in accordance with the endorsed civil plans.
c) Photographic evidence of the legal point of connection to Council's drainage system must be provided if Council inspection cannot be arranged prior to backfilling for all five units.

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

e) 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.

20. 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.

Section 173 Agreement - Subdivision linked to development and stormwater maintenance

21. Unless otherwise approved in writing by the responsible authority, before a statement of compliance is issued under the Subdivision Act 1988:

The development approved by this Planning Permit 190214 must be substantially completed (i.e. lockup stage as a minimum) in accordance with the endorsed plans and conditions forming part of that planning permit (or any amendment to that permit) to the satisfaction of the responsible authority, unless the owner of the land enters into an agreement under Section 173 of the Planning and Environment Act 1987 with the responsible authority.

The agreement must be in a form to the satisfaction of the responsible authority, and the owner/applicant must be responsible for the expense of the preparation and registration of the agreement, including the responsible authority’s reasonable costs and expense (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:

22. All development on the subject land must be in accordance with the endorsed plans and conditions forming part of Planning Permit 190214 (or any amendment to that permit) or any subsequent planning permit issued by the responsible authority, unless otherwise agreed in writing by the responsible authority.

23. Installation of a pumping system and stormwater detention system before connecting to Council's stormwater drainage system;
24. The owner will maintain and not modify the on-site storm water detention system without prior Council written approval, and will allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times;

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

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

**Ausnet Electricity Conditions**

27. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.

The applicant must –

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

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

**South Gippsland Water Conditions**

30. The owner / applicant shall enter into a formal agreement with the South Gippsland Water Corporation for the provision of a reticulated water and sewer supply to service each and every allotment to the design and satisfaction of the Corporation.

31. The owner / applicant shall provide a sewer and water property connection point for each and every allotment lot to the satisfaction of the South Gippsland Water Corporation.

32. The plan of subdivision submitted for certification must be referred to the Corporation in accordance with Section 8 of the Subdivision Act.

33. Prior to the issue of Statement of Compliance, the owner shall pay to the South Gippsland Water Corporation “New Customer Contributions” for Sewer and Water for each new lot created, in accordance with the Corporation’s approved tariffs.

34. The location of the Corporation’s existing sewer infrastructure is to be proven on site prior to works commencing.
35. Any damage caused to the Corporation’s sewer infrastructure during the construction of the proposed plant or ancillary works, shall be rectified and all costs borne by the owner.

Multinet Gas Conditions

36. A Statement of Compliance be obtained from Multinet Gas prior the plan of subdivision being released from the Titles Office.

Permit Expiry – Subdivision

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

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

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

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

Permit Expiry - Development

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

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

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

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

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

Notes

A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
**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.

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**Attachments**

- **AT-1** Amended Plans 19 Pages
- **AT-2** CONFIDENTIAL - Submissions 22 Pages
**H.4 Creation of Easement - Drainage Reserve, Clifton Crescent, Cowes**

**File No:** CM20/93  
**Division:** Business Transformation  
**Council Plan Strategic Objective:** Governance  
We are responsive, open, transparent and financially sustainable

---

**Declaration**

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

**Summary**

The purpose of this report is to recommend that the statutory procedures under the *Local Government Act 1989* (Act) be commenced for the creation of an easement on Council land.

In order to complete a subdivision the owner of 161-169 Justice Road, Cowes requests the creation of a sewerage easement through a Council owned drainage reserve.

Before granting an easement, Council must comply with the statutory procedure set out in sections 189 and 223 of the Act.

The report recommends that a sewerage easement be granted along the southern boundary of the Council owned drainage reserve as it has low impact on the current and future use of the drainage reserve, the owner of 161-169 has no viable alternative and Council will be appropriately compensated.

**Background**

The owner of 161-169 Justice Road, Cowes is attempting to complete a two lot subdivision that would create a vacant battle-axe allotment at the rear. A planning permit (no. 180411) was granted on 19 August 2019. Prior to certification of the plan, the owner needs to arrange for services with the relevant authorities. Westernport Water requires the vacant allotment to be connected to the sewerage system.

The owner proposes to connect to the sewerage system in Clifton Crescent through a Council owned Drainage Reserve. The sewer will be a Westernport Water asset. Westernport Water requires an easement to ensure that it has rights to locate the asset in the land and have access to maintain it.

The grant of an easement is a disposition of property rights. There is a value associated with the property rights. Therefore, section 189 of the Act, dealing with the sale of land, applies to the grant of an easement. Before making a decision to sell the property rights, Council must publish a notice inviting submissions and then hear and consider any submissions before making a final decision.

**Strategic Basis**

**Council Plan Objective:**

Governance – We are responsive, open, transparent and financially sustainable
Major Initiative / Initiative

This is not a major initiative. This report is being presented to Council to obtain the authority required by officers to administer the statutory procedures set out in sections 189 and 223 of the Act. Section 223 cannot be delegated.

Statutory Requirements/Codes/Standards/Policies

Local Government Act 1989 – Sections 189 and 223
Transfer of Land Act 1958 – Section 45(1)

Discussion

Council is the registered proprietor of the land in Certificate of Title Volume 11986 Folio 018. The land is a drainage reserve (Reserve No 2 shown below) that has powerline easements along the western and southern boundaries and a sewerage easement along the eastern boundary.
The proposal is to create a 2.0 metre wide sewerage easement in favour of Westernport Region Water Corporation. The easement would be adjacent to an existing 1.5 metre wide powerline easement that runs along the southern boundary.

Officers would normally take action to avoid encumbering Council land. In this case:

- There is no feasible alternative for the owner of 161-169 Justice Road;
- Council will want to own the land and use it as a drainage reserve over the long term;
- As a drainage reserve the Council land has no development potential;
- Council’s land is already encumbered by a powerline easement along the southern boundary;
- Council will be compensated for the loss of the property rights.

**Finances**

The owner of 161-169 Justice Road, Cowes will have to pay for the property rights as determined by Council’s valuer as well as any costs incurred by Council including advertising, valuation and legal fees to make the title available.
Stakeholders

Bass Coast Shire Council  
Owner of 161-169 Justice Road, Cowes  
Westernport Water  
Community

Other Options

Council may decide to disallow the request to grant an easement. This is not the preferred option as the request is reasonable given that there is little impact on the current and future use of the drainage reserve.

Conclusion

The proposal to encumber Council land with a sewerage easement causes low impact to Council. Council will be compensated and the proponent will have a low cost solution for access to sewerage.

The creation of an easement will cause a loss of property rights. A disposition of property rights is subject to the statutory procedures set out in sections 189 and 223 of the Act.

Recommendation

That Council:

1. Resolves that the statutory procedures be commenced to grant a 2.0 metre wide sewerage easement in favour Westernport Region Water Corporation along the southern portion of the Council drainage reserve at 1 Millennium Way, Cowes.

2. Directs that public notice of the proposed sale of land be given under Sections 189 and 223 of the Local Government Act 1989.

3. Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government Act 1989.

4. Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 by a panel comprising three Island Ward Councillors at a date to be determined.

Attachments

There are no attachments for this report.
Statutory Reports
I Statutory Reports

I.1 Assembly of Councillors

<table>
<thead>
<tr>
<th>File No:</th>
<th>CM20/82</th>
</tr>
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<tbody>
<tr>
<td>Division:</td>
<td>Business Transformation</td>
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<tr>
<td>Council Plan Strategic Objective:</td>
<td>Governance</td>
</tr>
<tr>
<td></td>
<td>We are responsive, open, transparent and financially sustainable</td>
</tr>
</tbody>
</table>

Declaration

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

Summary

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

Introduction

Section 3 of the Act defines an Assembly of Councillors as

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

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

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

but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.’

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

Council Plan Objective:

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

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

That the attached Assembly of Councillors Records be received.

**Attachments**

<table>
<thead>
<tr>
<th>AT-</th>
<th>Description</th>
<th>Pages</th>
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<tbody>
<tr>
<td>1</td>
<td>Assembly of Councilors Form 4 March Policy Workshop</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Assembly of Councilors Form Core IT Systems Update 26 February</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Assembly of Councilors Form Policy Workshop 26 February</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>Assembly of Councilors Form 11 March Policy Workshop</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Assembly of Councillors Form Community Connection Session 11 March 2020</td>
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### 1.2 Planning and Building Statistics - February 2020

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<th>CM20/107</th>
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<tbody>
<tr>
<td>Division:</td>
<td>Place Making</td>
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<tr>
<td>Council Plan Strategic Objective:</td>
<td>Our Character</td>
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<tr>
<td></td>
<td>Celebrating the uniqueness of our townships</td>
</tr>
</tbody>
</table>

#### PERMITS REFUSED:
Nil.

#### PERMITS ISSUED:

**Island Ward**

- **190036**: Development of the land for 3 dwellings in the GRZ1 located at 122 Church Street, Cowes.
- **190040**: Development of the land for three dwellings in the GRZ1 located at 124 Church Street, Cowes.
- **190120**: Development of the land for four dwellings in the GRZ1, DDO1, DDO3 and vegetation removal in the VPO2 located at 11 Findlay Street, Cowes.
- **190315**: Subdivision of land into two lots located at 23 Chapel Street, Cowes.

**Western Port Ward**

- **190306**: Alterations and additions to an existing dwelling located at 25 Watson Road, Ryanston.
- **190311**: Subdivision of the land into two lots and the creation of an easement at 3 Warren Parade, Kilcunda.
- **190343**: Buildings and works for the construction of earthen bund and gravel track extension in PCRZ and Native Vegetation removal located at land for Westernport Water Pump Station and Loch-Kernot Road, Loch.
- **190414**: Development of land for a dwelling in BMO1 located at 151 Woolamai Beach Road, Cape Woolamai.
- **190416**: Development of land for a dwelling in HO30 located at 31 Gaudi Boulevard, Corinella.
- **200046**: Extension and additions to an existing dwelling in FZ located at 43 Walker Street, Dalyston.

**Bunurong Ward**

- **180459**: Subdivision of the land into three lots and construction of a second dwelling in the GRZ1, alteration of an existing access to a Road Zone Category 1 and Removal of Native Vegetation at 15 Powlett Street Inverloch.
- **190209**: Development of land for dwelling above 7m in DDO1 located at 7 Kathryn Close, Inverloch.
- **190251**: Development of land for second dwelling in GRZ1 located at 22 Wallace Street, North Wonthaggi.
190271: Re-subdivision of land into three lots at 7 and 9 and 11-13 Williams Street, Inverloch.

190383: Extension to an existing dwelling in DDO9 located at 37 Lavington Street, Inverloch.

**PLANNING AND BUILDING ACTIVITY REPORT FOR FEBRUARY 2020**

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<thead>
<tr>
<th>Statutory Planning</th>
<th>This month (February)</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
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<td>% of applications determined within statutory timeframe</td>
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<td>Average Gross Days (Responsible Authority determination)</td>
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<td>128</td>
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<tr>
<td>(new) Average Gross Days to final outcome</td>
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<td>Number of live applications</td>
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<td>215</td>
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<td>Number of applications received for the month</td>
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<td>Number of Responsible Authority outcomes</td>
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<th>Municipal Building Services &amp; Enforcement</th>
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<th>Last month</th>
<th>Year to date (financial year)</th>
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<tr>
<td>Essential Safety Measure inspections</td>
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<td>Swimming Pool &amp; Spa safety barrier inspections</td>
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<td>Report and Consent applications</td>
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<td>Siting consents issued for temporary structures</td>
<td>2</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>Complaints received requiring investigation</td>
<td>2</td>
<td>5</td>
<td>38</td>
</tr>
<tr>
<td>New building enforcement cases</td>
<td>1</td>
<td>4</td>
<td>18</td>
</tr>
<tr>
<td>Number of open building enforcement cases</td>
<td>45</td>
<td>44</td>
<td>n/a</td>
</tr>
<tr>
<td>Building permits issued by Council</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Ordinary Meeting - 15 April 2020

Bass Coast Shire Council

Planning Enforcement

<table>
<thead>
<tr>
<th>Planning Enforcement</th>
<th>This month (February)</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaints received requiring investigation</td>
<td>7</td>
<td>16</td>
<td>66</td>
</tr>
<tr>
<td>New planning enforcement cases</td>
<td>4</td>
<td>1</td>
<td>23</td>
</tr>
<tr>
<td>Open enforcement cases</td>
<td>135</td>
<td>134</td>
<td>-</td>
</tr>
<tr>
<td>Pre commencement meetings</td>
<td>1</td>
<td>1</td>
<td>13</td>
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<tr>
<td>Official warnings issued</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Number of planning infringement notices issued</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Total infringements received ($)</td>
<td>$0</td>
<td>$1652.20</td>
<td>$7841.6</td>
</tr>
</tbody>
</table>

Recommendation

That Council:

1. Receives and notes the Planning Permit issued under delegation report for February 2020; and

2. Receives and notes the Planning and Building Activity Report for February 2020.

Attachments

There are no attachments for this report.
I.3  Contracts Awarded Register

File No:  CM20/152
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 February 2020 to 29 February 2020, no contracts have been awarded under the Chief Executive Officer’s Instrument of Delegation.

Contracts Extended
For the period from 1 February 2020 to 29 February 2020, no contracts were extended under the Procurement Delegation Framework.

Recommendation
That Council receive this report.

Attachments
There are no attachments for this report
J Urgent Business
Mayoral Announcement Of Next Meeting Of Council

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

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

The next Ordinary Council Meeting will be held on 20 May 2020 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 5.00pm.

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

   (a) Personnel Matters

Meeting adjourned

That the meeting be adjourned

Meeting resumed

That the meeting be resumed
Items
Closed to
the Public

Excerpt of Section 89 of Local Government Act 1989.

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

(a) Personnel matters;
(b) The personal hardship of any resident or ratepayer;
(c) Industrial matters;
(d) Contractual matters;
(e) Proposed developments;
(f) Legal advice;
(g) Matters affecting the security of Council property;
(h) Any other matter which the Council or special committee considers would prejudice the Council or any person;
(i) A resolution to close the meeting to members of the public.

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

K.1 Closed Ordinary Meeting held on 18 March 2020.

Recommendation
That the minutes of the Closed Ordinary Meeting held on 18 March 2020 be confirmed.
L Reports Requiring Council Decision Closed to the Public

L.1 Gippsland Business Initiative

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

Recommendation

That the meeting be reopened to the public.

Meeting closed

That the meeting to be closed