Ordinary Council Meeting Agenda

Shaping a better Bass Coast

Heritage Centre
89 Thompson Avenue
Cowes
Wednesday, 17 July 2019
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 Heritage Centre 89 Thompson Avenue Cowes on 17 July 2019 at **5.00pm**

Date of Notice - 12 July 2019
Ali Wastie
Chief Executive Officer

Agenda

**Mobile Telephone Reminder**

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

**Statement of Acknowledgement**

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

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

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

**Councillor Statement**

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

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

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

**Advocacy**  
Representing the community  
Nil Reports

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

**Environment**  
Maintain and protect the natural environment  
H.3 Local Government Power Purchase Agreement, page 94  
H.4 Response to 10 May 2019 Flood Event at Bay Beach Cape Paterson and the Wonthaggi Life Saving Club, page 101

**Governance**  
We are responsive, open, transparent and financially sustainable  
H.5 Response to Petition - Requesting a Fenced Dog Park, page 109  
H.6 Response to Petition - Introduce Live Streaming of Council Meetings, page 115  
H.7 Response to Petition - Content of Public Questions in Council Minutes, page 124  
H.8 Place Names Committee Appointment and Delegation, Instrument of Delegation and Terms of Reference, page 128

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

**Liveability**  
Enjoying the place we live  
Nil Reports
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</table>
A Present and Apologies
B  Declarations of Interest
C Confirmation of Minutes

C.1 Special Meeting held on 12 June 2019 and Ordinary Meeting held on 19 June 2019

Recommendation

That the minutes of the Special Meeting held on 12 June 2019 and the Ordinary Meeting held on 19 June 2019 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.

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 E.1 Petition - Decrease Speed Limit / Implement Safety Measures Berrys Rd Harmers Haven

File No: CM19/486
Division: Corporate & Community
Council Plan Strategic Objective: Governance
We are responsive, open, transparent and financially sustainable

A petition containing 14 signatures has been received. The petition reads:

Petition - To decrease the speed limit and/or implement other safety measures on Berrys Road, Harmers Haven, to protect wildlife and pedestrians:

We, the Bass Coast Shire residents of Harmers Haven and surrounds, petition the Bass Coast Shire Council as above.

In the past twelve months 4 wombats and 1 kangaroo have been killed on Berrys Road, in the area within 2 kilometres of Viminaria Road, Harmers Haven. Berry’s Road has a 100 kph speed limit. There are at least 2 known cases of cars being run off the road near or at the bends, due to cars coming in the other direction being on the wrong side of the road. We would however like to acknowledge BCSC’s good maintenance of mowing and edge trimming of Berrys Road.

Berrys Road is a fairly narrow road, with no hard shoulder or footpath. There are no marking on the outer edge of the road. There are limited sight distances around bends, of which there are four bends, 2 reasonably tight ones. There are two concealed driveways, one of which regularly has large farm machinery entering the road. The road is also frequently used as a cattle corridor which can and does leave the road very slippery.

We acknowledge roads cause wildlife mortality but would hope the council has policies in place to reduce this wherever possible. This area has a large wildlife population, noticeably kangaroos, wombats and echidnas, due to its proximity to the heathlands and coastal foreshore. There is a mob of about 20 kangaroos which regularly cross Berrys Road, near the CFA watertanks.

There has been a substantial increase in traffic on this road in the last few years, mainly due to the number of new houses built in the area. This has also increased the number of pedestrians and cyclists on the road, particularly in the summer months.

We request the council look at the following issues:

- Reducing the speed limit from 100 KPH to 80 KPH
- Pinch points/signage - prior conversation with BCSC has indicated that signage is of little use, as wildlife can’t read the signs and motorists ignore them, however
  - Slowing of traffic can be used to reduce fatalities- traffic could be slowed using pinch-points or other physical measures, and explained with signage
• Extra mowing of the roadside verge- when the grass is long it encourages grazing by wildlife and reduces visibility for motorists of the animals in that area. Long grass is also a hazard for pedestrians, and a discouragement to move off the road when a car approaches

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

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

Recommendation

1. That the petition, Decrease Speed Limit / Implement Safety Measures Berrys Rd Harmers Haven be received and lie on the table until the next Ordinary meeting of Council to be held on 21 August 2019.

2. That the head petitioner be advised of Council’s decision.

Attachments

| AT-     | CONFIDENTIAL - Petition - Decrease Speed Limit / Implement Safety Measures Berrys Rd Harmers Haven | 2 Pages |
Notices of Motion
F  Notices of Motion

F.1  209/19 Illegal Clearing of Native Vegetation on Council Foreshores

I, Cr Stephen Fullarton, hereby give notice that I intend to move a motion at the Ordinary Meeting on 17 July 2019, which reads as follows:

PROSECUTION FOR WILLFUL AND ILLEGAL CLEARING OF NATIVE VEGETATION

Motion

That a report be presented to the Ordinary Meeting of Council in September 2019 to address the ongoing, willful and illegal removal of native vegetation on Council managed land and foreshore areas. The report will detail:

a) Current response and actions

b) Council’s ability to prosecute offenders,

c) Mitigation options to discourage the effect of the vegetation removal for views.

Background by Councillor

Nil

Officers Comments

To respond to the illegal removal of native vegetation Officers enact the Reserve Vegetation Damage - A Procedure for Action 2008. This provides accountabilities, timeframes and measures to reduce the incidence of vegetation damage in Council managed coastal and bushland reserves. This can be further explained in a report at the Ordinary Meeting of Council in September 2019, along with options for additional responses available to Council.

.................................................................
Cr Stephen Fullarton, Island Ward
Dated: 17 July 2019

Attachments

There are no attachments for this report.
Mayor and Councillor Reports
G  Mayor and Councillor Reports
Reports Requiring Council Decision
H Reports Requiring Council Decision

H.1 Planning Application 180004 131-133 Marine Pde San Remo

File No: CM19/470
Division: Advocacy, Economy & Liveability
Council Plan Strategic Objective: Our Character
Celebrating the uniqueness of our townships

Application Details
Use/Development Sought: Development of a four storey building containing 22 apartments, 4 shop tenancies and a reduction in car parking within a Commercial 1 Zone and Development Overlay Schedule 4

The Land: 131-133 Marine Pde, San Remo VIC 3925
Planning Scheme: Bass Coast Planning Scheme
Zoning: Commercial 1 Zone
Overlays: Design and Development Overlay Schedule 4

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

Executive Summary
This application proposes to consolidate two titles (Lot 1 LP7042 and Lot 2 LP7042) to undertake the development of a four storey building containing 22 apartments, four shop tenancies and associated car parking areas.

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

- Clause 34.01-4 (Commercial 1 Zone) to construct a building or construct or carry out works.
- Clause 43.02-2 (Design and Development Overlay 4) a permit is required to construct a building or construct or carry out works.
- Clause 52.06-3 (Car Parking) a reduction in the car parking requirements.

The application was initially advertised on 13 September 2018.

Following the advertising period, amended plans were received by Council. The amended plans were formally substituted on 13 March 2019 under Section 57(A) of the Planning and Environment Act 1987 and provided for an amended design. The amended design changes are summarised as follows:

- The removal of the previously proposed basement car parking and all car parking now provided at ground level.
• A reduction of the number of shop tenancies from seven to four, removal of the previously proposed office tenancies, and reduction in car parking spaces from 41 to 36 car spaces.
• The use of on-ground mechanical car stackers.
• Removal of a loading bay.
• Southern elevation at ground level including a permeable screen along carpark frontage.
• Residential entry moved from laneway to Marine Parade frontage.
• Levels 1-3 and roof have remained unchanged.
• Façade design, materials and design details remain unchanged.

The amended design response was re-advertised on 3 April 2019.

In summary, a total a total of twelve objections have been received to the proposal. This report addresses the planning merits of the proposal and the issues raised by submitters.

It concludes that the proposal is considered to be consistent with the relevant polices, objectives and strategies of the Bass Coast Planning Scheme and in particular the Planning Policy Framework, Local Planning Policy Framework, Clause 34.01 Commercial 1 Zone including Clause 58 (Apartment Developments) and the decision guidelines of Clause 43.02 Design and Development Overlay Schedule 4.

On this basis, it is recommended that Council resolves to issue a notice of decision to grant a planning permit for application 180004.

Reason a Council Decision is required

Council’s delegations require that planning applications that receive five or more objections be determined by Council. The application received a total of twelve objections.

Council’s delegations also require that applications for developments of more than $3 million be received by Council for determination. The cost of development for the proposal is approximately $6.5 million.

Application Details

This application proposes to develop the land for a four storey development comprising the following:

• A total of 22 apartments
• Four shop tenancies (309 m2)
  o at ground level – four shop tenancies fronting Marine Pde, a car park comprising 36 car spaces with a mix of stand-alone and car stackers and seven bicycle parking spaces.
  o at level 1 – ten apartments comprising seven x two bedroom units and three x three bedroom units
o at level 2 – eight apartments comprising seven x two bedroom units and one x one bedroom apartment

o at level 3 – four apartments comprising four x four bedroom units

• The development has a proposed maximum height of 15.60m

The decision plans for the application are those prepared by Richard A Woodward (Architect), dated 7/2/19 (Project No: 17005 and Revision 4) pages TPTP001 to TP308 (20 pages) comprising:

a. TP001 – Cover Sheet
b. TP002 – Site Information
c. TP003 – Planning Controls
d. TP004 – Planning Controls
e. TP101 – Proposed Ground Floor Plan
f. TP102 – Proposed First Floor Plan
g. TP103 – Proposed Second Floor Plan
h. TP104 – Proposed Third Floor Plan
i. TP105 – Proposed Roof Floor Plan
j. TP201 – Proposed North, South Elevation
k. TP202 – Proposed East, West Elevation
l. TP203 – Proposed Sections
m. TP301 – Sun Shading Analysis (1)
n. TP302 – Sun Shading Analysis (2)
o. TP303 – Artist’s Impression (1)
p. TP304 – Artist’s Impression (2)
q. TP305 – Artist’s Impression (3)
r. TP306 – Artist’s Impression (4)
s. TP307 – Development Summary
t. TP308 – Site Survey

A copy of the plans is provided as attachment one.
Image 1. Marine Pde concept northern elevation (Decision Plans)

Image 2. Rear concept southern elevation (Decision Plans)
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>The subject land comprises two titles with a combined site area of approximately 1,486 m². The combined titles have a frontage to Marine Pde of 42.08m, a western boundary of 30.49m, a southern boundary of 39.62m and an eastern boundary of 44.67m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Frontage</td>
<td>The subject land is located on the southern side of Marine Parade. There are existing crossovers from this road. A laneway (Back Lane Bergin Grove) extends from Bergin Grove and adjoins the subject site to the south of the site.</td>
</tr>
<tr>
<td>Topography</td>
<td>The land is generally flat with only a slight fall from south to north.</td>
</tr>
<tr>
<td>Vegetation Cover</td>
<td>The land is void of any vegetation.</td>
</tr>
<tr>
<td>Current Use</td>
<td>The site has recently been cleared.</td>
</tr>
<tr>
<td>Easements</td>
<td>There is a 1.83m easement located to the eastern boundary.</td>
</tr>
<tr>
<td>Restrictive Covenants</td>
<td>No restrictions exist on either title.</td>
</tr>
<tr>
<td>Aboriginal Cultural Heritage Sensitivity</td>
<td>The site is within an area of Aboriginal Cultural Heritage Sensitivity. A Cultural Heritage Management Plan (CHMP) has been submitted as part of the application. The CHMP number 16237, prepared by Benchmark Heritage Management and dated 19 May 2019 has been approved by the Bunurong Land Council Aboriginal Corporation on 13 May 2019.</td>
</tr>
<tr>
<td>Planning Permit History</td>
<td>No recent relevant planning history.</td>
</tr>
</tbody>
</table>

The subject land is located on the southern side of Marine Parade in San Remo, approximately 30 metres west from the intersection with Bergin Grove and Phillip Island Road.

The subject site is adjoined with the following properties:

- 1-3/129 Marine Pde, San Remo (eastern adjoining land): This land contains a double storey building that contains a mix of retail and residential uses. A car park exists to the rear of this land.
- 135 Marine Pde, San Remo (western adjoining land): This land contains a part single and part double storey building that is used as the IGA Supermarket.
This land contains car parking that is located to the south of the subject site. Vehicle access to the IGA car park is via Bergin Grove.

- The land immediately adjoining the south of the subject site is set aside as a laneway being Back Lane Bergin Grove that extends from Bergin Grove. This laneway is currently constructed for pedestrian access. The land is designated on title as a road with a width of 3 metres. This laneway is registered on Council’s Road Register as an Urban Access 2 road of 64m in length extending from Bergin Grove.

Nearby properties comprise a mix of commercial development and uses and residential including unit and town house developments. The subject site is located within the San Remo Commercial centre.

The following images identify the site in its context:

Image 3. Site context and zone 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 on 13 September 2018 (last notice) in the following manner:

- sent copies of the Notice to 42 adjoining and nearby land owners and occupiers;
- placed two signs (notices) on the land; and
- by publishing a Notice in The South Gippsland Sentinel Times, The Great Southern Star and Phillip Island & San Remo Advertiser.

Following this notification period, the Applicant under Section 57A of the Planning and Environment Act 1987 amended the proposal.

The amended plans were formally substituted on 13 March 2019 under Section 57(A) of the Planning and Environment Act 1987 and provided for an amended design. The amended design changes are summarised as follows:

- the removal of the previously proposed basement car parking and all car parking provided at ground level.
- a reduction of the number of shop tenancies from seven to four, removal of the previously proposed office tenancies, and reduction in car parking spaces from 41 to 36 car spaces.
- the use of on-ground mechanical car stackers.
- removal of a loading bay.
- southern elevation at ground level including a permeable screen along carpark frontage.
- residential entry moved from laneway to Marine Parade frontage.
- levels 1-3 and roof have remained unchanged.
- façade design, materials and design details remain unchanged.

The amended design response was re-advertised on 3 April 2019.

In summary, a total of twelve submission have been received.

Submissions

In response to notification the application attracted twelve submissions.

A summary of the submissions are listed in the following table and a copy of each objection is included in Attachment two.

**Table one**: Summary of Concerns raised in each submissions

<table>
<thead>
<tr>
<th>Submission</th>
<th>Summary of Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission 1 19/09/2018</td>
<td>Overdevelopment. Proposed height not consistent with DDO4 and should not exceed 3 storeys and 10.5m in height. Reduction in parking is an issue particularly during peak season.</td>
</tr>
<tr>
<td>Submission 2 24/09/2018 and 17/04/2019</td>
<td>The eastern side of the development being proposed adjacent to the eastern common boundary (129 Marine Pde) with concerns over the originally proposed basement car park causing undermining and stability issues. Amended design will make maintenance of eastern adjoining property wall difficult and impact on eastern adjoining property’s car parking areas.</td>
</tr>
<tr>
<td>Submission 3 27/09/2018</td>
<td>Inadequate parking bays and subsequent traffic issues. Timing of submitted car parking survey was not undertaken in peak season.</td>
</tr>
<tr>
<td>Submission 4 26/09/2018 and 17/04/2019</td>
<td>Development not consistent with DDO4 and out of character with existing built form. Proposed density not consistent with San Remo. Car parking reduction compromises public safety. Proposed access to development will impact on IGA car park and footpath. Removal of footpath will compromise public safety. Car parking reduction is not justified. 1.8m pedestrian access proposed to the western boundary will comprise public safety as poorly lit area. Waste collection not aligned with Council’s policy. Loading zone not feasible given the area is a public footpath.</td>
</tr>
</tbody>
</table>
| Submission 6  
| 28/09/2018  
| and  
| 16/04/2019  
| Car parking reduction not justified. Demand on Bergin Grove and Marine Pde intersection. Use of Right of Way (ROW) at rear of development a concern. Amended design has not alleviated previous concerns. Additional concerns relating to the use of mechanical stacker car parking system and use of gated secure entry to the car park will prevent usage of the car park by visitors and customers. |
| Submission 7  
| 27/09/2018  
| and  
| 16/04/2019  
| Parking supply not sufficient. Concerns that the IGA supermarket will be used as overflow parking due to shortage of car parking on subject site. Vehicle access from the laneway ROW is of a concern due to the single lane nature of this. Lack of detail on waste management, delivery arrangement, and construction management. |
| Submission 8  
| 27/09/2018  
| and  
| 16/04/2019  
| Parking supply not sufficient. Concerns that the IGA supermarket will be used as overflow parking due to shortage of car parking on subject site. Vehicle access from the laneway ROW is of a concern due to the single lane nature of this. Lack of detail on waste management, delivery arrangement, and construction management. |
| Submission 9  
| 27/09/2018  
| and  
| 16/04/2019  
| Parking supply not sufficient. Concerns that the IGA supermarket will be used as overflow parking due to shortage of car parking on subject site. Vehicle access from the laneway ROW is of a concern due to the single lane nature of this. Lack of detail on waste management, delivery arrangement, and construction management. |
| Submission 10  
| 16/04/2019  
| Overdevelopment and built form not appropriate. The Waste Management Plan is not workable with amount of waste generated and the time to undertake pick up. Proposed mechanical car stacker parking is not suitable as the size is not appropriate for average car. Vehicle turning within development is problematic. Residents of development will be forced to use IGA car park and on street parking. Use of laneway will take away a previously proposed footpath and there will be safety concerns. Traffic survey was undertaken in off-season. |
| Submission 11  
| 10/04/2019  
| Character of San Remo is becoming cluttered and ugly. Increase in parking and traffic issues. Proposed height is out of character. Removal of laneway to rear of site is a problem. There are already empty shops and apartments in San Remo and no need for more. |
| Submission 12  
| 10/04/2019  
| Reduction in car parking is an issue. Lack of car parking in shopping centre. No provision for tenants and visitors of the shops. Overflow parking will impact IGA car park. |
Referrals

The following table outlines the referral requirements of this application.

**Table two: Referral requirements and their comments**

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>No statutory referrals were required.</td>
</tr>
<tr>
<td>Environment Protection Agency Victoria</td>
<td>7 June 2019 – No concerns were raised with the progress of the Environmental Audit being undertaken on the land to date. The EPA recommended conditions related to the ongoing completion of the Environmental Audit.</td>
</tr>
<tr>
<td>Asset Management</td>
<td>26 June 2019 – The updated stormwater management plan has been reviewed by Asset Management. No concerns or objections have been raised. Conditions on permit have been recommended related to drainage and the upgrade of Back Lane Bergin Grove.</td>
</tr>
<tr>
<td>Waste Management – Sustainable Environment</td>
<td>2 April 2019 – Comments were provided relating to the separation and collection of organic waste, the landfill and recycling collection.</td>
</tr>
<tr>
<td>Property</td>
<td>10 April 2019 - Advised that any encroachment within of awnings within the Council reserve land to the north of the site will need the appropriate approvals should a planning permit issue.</td>
</tr>
</tbody>
</table>

**Environment Protection Agency (EPA)**

The EPA have been engaged early in the application process in order to determine the best approach to dealing with the land contamination issues related to the subject site. The subject site has previously been used as a service station with no environmental clean-up or remediation having been undertaken to date.

During the planning application process the applicant had engaged Connolly Environmental to undertake the environmental assessment as the first steps in making the subject site suitable for redevelopment and re-use. This work has been conducted under the Statutory Environmental Audit process under the *Environment Protection Act 1970* and overseen by the EPA. An EPA appointed auditor has been engaged, being Charlie Barber of Australian Environmental Auditors Pty Ltd.

The EPA has reviewed the Remediation Action Plan (Rev 1) prepared by Connolly Environmental and dated 18 February 2019. In summary, the EPA provided the following advice:

- The audit process, including the level and quality of investigation and the level of remediation works required to accommodate the proposed use, is overseen by, and subject to the approval of the EPA appointed auditor.
- Should Council wish to issue a planning permit for the proposal, prior to the completion of the audit process, the EPA recommends the inclusion of conditions provided in the *Planning Practice Note 30: Potentially contaminated land*. 
The issue of land contamination and the completion of the environmental audit are discussed further in this report as it relates to the Bass Coast Planning Scheme.

Waste Management
Council’s Sustainable Management Team have reviewed the updated Waste Management Plan and highlighted the following:

- the proposal has not indicated the provision of a three bin system for the separation and collection of organic waste as is the practice in Bass Coast Shire.
- the capacity for the landfill and recycling is sufficient for the residential component of the development. The commercial bins appear to be minimal but this will depend on the uses undertaken within the commercial elements of the proposal.

The above matters raised are considered to be able to be achieved through a condition on the planning permit if issued. This will require an updated Waste Management Plan to demonstrate that the proposal can address Council’s three-bin system.

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 Victoria
- Clause 11.01-1S Settlement
- Clause 11.01-1R Gippsland
- Clause 11.03-4S Coast settlement
- Clause 12 Environmental and Landscape Values
- Clause 12.02 Coastal Areas
  - 12.02-1 Protection of coastal areas
  - 12.02-3S Bays
- Clause 12.05 Significant Environments and Landscapes
  - 12.05-1S Environmentally sensitive areas
  - 12.05-2S Landscapes
- Clause 13 Environmental Risks and Amenity
- Clause 13.04 Soil Degradation
  - 13.04-1S Contaminated and potentially contaminated land
- Clause 13.05 Noise
  - 13.05-1S Noise abatement
- 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 15.03 Heritage
  - 15.03-2S Aboriginal cultural heritage
- Clause 17 Economic Development
  - 17.01-1S Diversified economy

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 21.03 Economic Development
  - 21.03-1 Economic Development Overview
  - 21.03-2 Commercial
- Clause 21.04 Environment
  - 21.04-5 Environmental Hazards
- Clause 21.05 Landscape and Built Form
  - 21.05-4 Design and Built Form
  - 21.05-6 Landscape Architecture
  - 21.05-7 Cultural heritage
- Clause 21.08 Moderate Growth Settlements
  - 21.08-3 San Remo
- 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, Economic Development, Built Environment and Landscape, Environmental Risks and Amenity (Contaminated Land) and Aboriginal Cultural Heritage.
Settlement

Clauses 11.01 (Victoria) and 11.01-1S (Settlement) seek to promote the sustainable growth and development of Victoria and in particular to Bass Coast is Clause 11.01-1R Settlement – Gippsland seeks to support urban growth in regional centres (Wonthaggi) and in sub-regional networks of towns such as San Remo. This clause also recognises the need to create vibrant and prosperous town centres that are clearly defined and provide commercial and service activities that respond to changing population and market conditions.

Clause 11.03-4S (Coastal settlement) seeks to develop strategies to support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services and to encourage urban renewal and redevelopment opportunities in existing settlements to reduce the demand for urban sprawl.

Of particular relevance to the consideration of the proposal and the suitability of the subject site for the proposed development for a commercial and residential development is Clause 21.02-1 (Growth of towns) of the LPPF, which recognises San Remo as providing essential services to surrounding smaller settlements and as a popular visitor destination.

Clause 21.02-2 (Housing) recognises the need to provide for a diverse range of housing types and tenures to cater for the municipality’s varied community. Urban consolidation is encouraged in areas that have the physical infrastructure, community facilities and commercial facilities to support an increase in population. The subject site is located within the main commercial centre where community facilities and services are available.

Clause 21.08-3 (San Remo) and the San Remo, Newhaven and Cape Woolamai Structure Plan establishes a clear direction for the future physical form of San Remo in that it defines a town boundary for residential development and precincts for consolidated commercial areas. The proposed development is considered to be consistent with the Settlement and Land use implementation strategies of Clause 21.08-3 for the following reasons:

- The development will comprise ‘shop top’ dwellings with ground floor retail in the Commercial area: Marine Parade, West of Bergin Grove.
- The ground floor retail tenancies for the proposal will enable the establishment of new retail and commercial business.
- The redevelopment of an existing commercial site is encouraged by the policy and in particular concentrating the San Remo commercial area to the southern edge of Marine Parade.

The subject site is also considered to have broad strategic merit for development consideration for the following reasons:

- The site is located within an existing settlement boundary of San Remo, being within the commercial centre for San Remo, and this limits the impact of the proposed development on the significant environmental, landscape and agricultural qualities of land outside of the settlement boundary. This also ensures that the anticipated growth in coastal areas is properly accommodated and coastal values are protected.
• The proposed mixed-use development comprising commercial elements at ground floor and residential elements at upper levels is considered to be entirely consistent for the Commercial Zoning applying to the land and the proximity to existing commercial, retail and community and tourism services.

• There is strategic policy support for promoting and capitalising on opportunities for urban renewal and infill redevelopment to prevent the linear sprawl along the coast edge and environmentally significant areas of the shire.

• The site is suitably zoned Commercial 1 Zone (C1Z) for the consideration for the use and development of the land for a mixed use development and the design response has satisfied the design benchmarks of the LPPF, Zone, Clause 58 (Apartment Developments) and the Design and Development Overlay Schedule 4. This is discussed further in the report.

Economic Development

The Bass Coast Planning Scheme recognises at Clause 17.01-1S (Diversified economy) the importance of encouraging the use and development of land in order to strengthen and diversify the economy. The proposal includes the provision for commercial tenancies at ground level and front Marine Parade. The inclusion of the commercial elements within the proposal is considered to be consistent with the Bass Coast Planning Scheme that seeks to facilitate growth in a range of sectors including retail and improving access to jobs closer to where people live.

Clause 21.03-2 (Commercial) acknowledges that the role and function of commercial areas is changing as population and visitation increases, with anticipated issues relating to endeavouring to providing business services that cater to both residents and visitors and managing the implications of being a premier tourist destination. The proposal is considered to be a satisfactory response to the objectives and strategies of this clause as the development of the subject land for a mixed use development, comprising commercial and residential living opportunities, will align with anticipated growth the region is experiencing.

Built Environment and Landscape

Clause 15.01-2S (Building design) objective has been considered to have been satisfactorily addressed with a design response that achieves building design outcomes that will 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 minimises the detrimental impacts on amenity and on the natural and built environment.

Clause 15.01-5S (Neighbourhood character) of the PPF identifies a strategy that 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 subject site is within a Commercial 1 Zone and is located within an identified commercial centre for San Remo. The subject site and the Commercial 1 Zone are considered to be able to provide for a more intensified form of development such as the one proposed. In considering the subject site in this context, the proposal provides for a four storey built form that is generally consistent with the preferred character of the Commercial 1 Zone and Design and Development Overlay 4. Each storey of the development is proposed to provide recession and tapering. The four storey element is considered to have been recessed and provided with sufficient setbacks to all title boundaries in order to limit the impact on the built form character of the area.

Clause 21.05-4 (Design and Built Form) recognises that where built form change will be more substantial, high quality and site responsive design should add to the diversity of the built environment and enhance the sense of place. The subject site is considered to be of a locality that anticipates a more substantial type of development. The proposed development is further considered against Clause 21.05-4 (Design and Built Form) and the following requirements:

• The proposed design response is considered to achieve a high standard of architecture and urban design through an interesting and well-articulated building form.
• The building has been suitably sited within the subject site and is considered to provide for a building form that is generally consistent with the preferred character of the area.
• The development has incorporated the following design elements:
  o The roof elements including the lift overrun and services have been located and designed so as not to be visually intrusive.
  o The northern and southern facades of the proposed buildings, being the interfaces to Marine Parade to the front and the IGA car park to the rear, provide for an urban design outcome that will provide for a positive contribution to these public areas.
  o The development has limited long expanses of walls through the use of a variety of materials and finishes and well-designed windows that assist in breaking up the extent of built form that could have been presented to the sensitive interfaces.
  o The proposed building has provided for sufficient visual interest and articulation through the recession of upper levels and the provision of differing materials.
  o The proposed colours, materials and finishes are of natural and earth tones that are reflective of the coastal setting and architecture that is expected of the area.
Clause 21.08-3 (San Remo) recognises that the San Remo township predominately consists of detached residential dwellings; however, two and three storey commercial buildings extend along Marine Parade. The proposed development is considered to satisfy the relevant landscape and built form considerations under this policy for the following reasons:

- The development is considered to be a suitable site response and high quality design.
- The proposed design response has provided for an articulated built form outcome whilst avoiding unacceptable levels of building bulk and mass.
- The proposal is the redevelopment of a commercial town centre site that will improve the design, integration with the foreshore and provide a variety of retail type uses at ground level.
- The policy encourages higher density development up to 3 storeys in the San Remo town centre. The proposal is for a 4 storey development. This is considered to be appropriate in this instance as the design response has provided for recessed levels above ground floor, which allows the fourth storey element to be provided with substantial setbacks to the title boundaries. This design response limits the impact of building bulk and mass and will assist with streetscape integration. At ground level, the building form has provided for appropriate street activation and integration with the provision of commercial elements that front Marine Parade, and pedestrian connectivity from Marine Parade through to the IGA car park to the south via a pedestrian link along the western boundary of the subject site.
- This policy advises that within the Commercial area – Marine Parade, West of Bergin Grove the following design elements should be achieved:
  - Providing verandahs and awnings with articulated facades to ensure cohesive streetscapes.
  - Encouraging active street frontages on Marine Parade with an emphasis on retail, cafes, galleries, and restaurants at street level.
  - Applying a zero street setback for all new buildings.
  - Using a combination of painted timber, stone, painted render and galvanised or stainless steel on new buildings. Minimising highly reflective surfaces.
  - Providing pitched roofs.

The proposed development is considered to have achieved all of the above design outcomes with the exception of the provision of pitched roofs. Although the development does not have pitched roof elements, it is considered to be satisfactory in this instance as the proposed architecturally designed response that is complementary to the surrounds.
Environmental Risks and Amenity (Contaminated Land)

The subject site has historically been used as a service station and garage. As a result, the land is considered to be ‘potentially contaminated land’ as it would have had the storage of chemicals, gas, wastes or liquid fuel undertaken on it. If a permit was to issue for the proposal, Council must satisfy itself that the environmental conditions of the land are or will be suitable for a proposed sensitive use. In this instance, the proposal is to include a residential use and this is considered to be a ‘sensitive use’.

The relevant clauses of the Bass Coast Planning Scheme that deal with potentially contaminated land are clause 13.04-1S (Contaminated and potentially contaminated land) of the PPF and clause 21.04-5 (Environmental Hazards) of the LPPF. Each of these clauses seeks to achieve the same objective and that is to ensure potentially contaminated sites are suitable for intended future use or development.

The strategies for clause 13.04-1S are to:

- Require applicants to provide adequate information on the potential for contamination to have adverse effects on future land use if the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.
- Facilitate the remediation of contaminated land, particularly on sites in developed areas with potential for residential development.

At the time of lodgement of the planning application 180004, there was no environmental assessment provided to determine the level of contamination that existed on the site. Advice was sought from the EPA in relation to this and it was recommended that the environmental audit process be commenced prior to the determination of the application, as Council was not satisfied that the level of contamination would not have prevented the use of the site. This approach was considered to be consistent with the General Practice Note Potentially Contaminated Land (June 2005).

During the planning application process the applicant had engaged Connolly Environmental to undertake the environmental assessment as the first steps in making the subject site suitable for redevelopment and re-use. To date, this work has been conducted under the Statutory Environmental Audit process under the Environment Protection Act 1970 and overseen by the EPA. An EPA appointed auditor has been engaged, being Charlie Barber of Australian Environmental Auditors Pty Ltd.

A Remediation Action Plan (Rev 1) prepared by Connolly Environmental and dated 18 February 2019 has now been submitted to Council for review and summarises works up until October 2018. The following update has been summarised from the report:

- Our site history review showed that the site was likely operating as a motor garage and service station in 1950, and was certainly in use for this purpose from the 1960s. It was no longer selling fuel in 2013, as the bowsers had been removed by then.
- Infrastructure identified at the site during the soil and groundwater assessment comprised:
  - One 4.5 kL super underground storage tank (UST).
• One 5 kL unleaded UST.
• One 5 kL diesel UST.
• One 20 kL unleaded UST.
• Three other fuel USTs (unknown size).
• One (possibly two) waste oil USTs (unknown size).
• Three decommissioned bowsers.
• Two vent pipes.

We identified the following potential contaminants of concern at the site:

• Petroleum hydrocarbons (TRH/BTEXN) associated with the historical use and storage of fuel and lubricants.
• HVOLs (1,2-dibromomethane and 1,2-dichloroethane), potentially the result of the historical use of these compounds as components in fuel additives.
• Metals, including the potential for elevated lead concentrations resulting from historical contamination by waste oil or leaded petrol.
• Asbestos potentially associated with the demolition of buildings at the site.

Soil remediation is required to ensure the site meets relevant criteria for the proposed high density residential and commercial development (HIL B and HSL A/B), to allow completion of the audit.

Remediation work considered to be required (subject to Auditor approval) comprises:

• Removal and disposal of all USTs and associated infrastructure.
• Excavation and disposal of hydrocarbon impacted soil in the vicinity of the tank farm and elsewhere as identified as work proceeds.
• Addition of an appropriate oxygen releasing compound or similar to groundwater exposed in excavations to assist in mitigating the dissolved phase hydrocarbon plume.
• Importation of chemically tested and approved backfill to bring the site back to grade.
• Installation of four additional groundwater monitoring wells, three offsite and one onsite, to further delineate the down gradient, up gradient and lateral extent of the dissolved phase hydrocarbon plume. The proposed locations of these wells are shown on Figure 3, Attachment 1.
• Sampling and analysis of the seven existing and four new groundwater wells. One week after installation of the four new wells.
• Post remediation groundwater sampling and analysis to the extent required for the audit.
o Post-remediation soil vapour testing in the area of the site beneath the building footprint. The timing of this work will be decided in consultation with the auditor.

o Predictive groundwater plume modelling to provide information of likely future plume dynamics.

The EPA has since reviewed the Remediation Action Plan (Rev 1) prepared by Connolly Environmental and dated 18 February 2019. In summary, the EPA provided the following advice:

- The audit process, including the level and quality of investigation and the level of remediation works required to accommodate the proposed use, is overseen and subject to the approval of the EPA appointed auditor.

- Should Council wish to issue a planning permit for the proposal, prior to the completion of the audit process, the EPA recommends the inclusion of conditions provided in the Planning Practice Note 30: Potentially contaminated land.

Although the environmental Audit, including remediation works, is incomplete, the level of information that has now been submitted in response to the contaminated land is considered to be adequate to understand the level of contamination and the process to facilitate the remediation of the land should a planning permit be issued.

The recommend conditions as advised by the EPA and the Planning Practice Note 30: Potentially contaminated land. A condition will also be included on any planning permit if issued requiring the applicant/developer to enter into a Section 173 Agreement for the ongoing maintenance and/or monitoring of land as required by conditions on a Statement of Environmental Audit.

Aboriginal Cultural Heritage

The site is within an area of Aboriginal Cultural Heritage Sensitivity.

The objective of Clause 15.03-2S (Aboriginal cultural heritage) is to ensure the protection and conservation of places of Aboriginal cultural heritage significance. This clause also recognises the need to ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006. Clause 21.05-7 (Cultural heritage) of Council’s local policy also recognises the need to manage development in culturally significant areas to lessen or avoid impact on sites.

In accordance with the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, a Cultural Heritage Management Plan (CHMP) has been prepared and submitted as part of the application.

The CHMP number 16237, prepared by Benchmark Heritage Management and dated 19 May 2019 has been approved by the Bunurong Land Council Aboriginal Corporation as the Registered Aboriginal Party (the RAP) on 13 May 2019. The RAP have evaluated and approved the CHMP under section 63(1)(a)(i) of the Aboriginal Heritage Act 2006.
Should a permit be issued for the proposal, a condition on any permit issued will require that the land be developed in accordance with the approved CHMP.

**Zone Assessment**

Clause 32.01 Commercial 1 Zone

The proposed development triggers the requirement for a planning permit in the Commercial 1 Zone (C1Z) to construct a building or construct or carry out works.

The purpose of the C1Z is:

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

The proposed development of the land for a mixed use development is considered to be entirely consistent with the purpose of the C1Z. The site is considered to be in a location that is well suited to a residential and commercial use as it is in close proximity to more intensified residential development and commercial precincts.

The proposal has been considered against the decision guidelines under the C1Z in relation to buildings and works and the following noted:

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport has been assessed as being satisfactory. This is further discussed under Clause 52.06 Car Parking of the Bass Coast Planning Scheme.
- A satisfactory number of car parks has been provided for the development. This is further discussed under Clause 52.06 Car Parking of the Bass Coast Planning Scheme.
- The proposed development is considered to provide for design response that will be a positive presentation to the streetscape allowing for the activation of the street frontage with the provision of pedestrian links to the rear of the site.
- There will be landscaping opportunities to the front of the site. A condition on any permit issued will require the submission of a landscape plan.
- The storage of rubbish and materials for recycling has been considered through the submitted Waste Management Plan. A condition on any permit issued will require additional details related to Council's three bin policy.
- The subject site does not adjoin residentially zoned land and as a result there is considered to be limited overlooking and overshadowing to sensitive interfaces.
- The subject site is considered to have availability to the connection to services.
- The design of building is considered to be of an orientation so as to provide for solar access.
For an apartment development, the objectives, standards and decision guidelines of Clause 58 is to be considered.

**Clause 58 – Apartment Developments**

Before deciding on an application the responsible authority must consider, as appropriate for the construction of an apartment development that is in the Commercial 1 Zone, the objectives, standards and decision guidelines of Clause 58.

The proposed development is assessed as having satisfactorily addressed all the relevant objectives, standards and decision guidelines of Clause 58 of the Bass Coast Planning Scheme. The proposed development is considered provide for reasonable standards of amenity for existing and new residents and that the apartment development is responsive to the site and the surrounding area.

Of particular relevance to the assessment of this application the following is noted in relation to:

**Urban Context:**

The subject site is considered to be within an area that has strategic policy support for a commercial and residential development under the Planning Policy Framework and the Local Planning Policy Framework. This has been discussed previously in the report.

A satisfactory urban context report and a design response have been submitted with the application.

**Site Layout:**

The proposal is considered to be able to achieve the required energy efficiency requirements. A condition on any permit issued will require the submission of a Sustainability Management Plan to address Environmentally Sustainable Design principles.

Communal open space at the roof level has northern orientation to allow solar access.

The development is considered to be able to provide sufficient landscaping opportunities. A landscaping plan will be requested via condition if a planning permit were to issue.

The vehicle access and egress arrangements including car parking location are considered to be convenient. This is further addressed under clause 52.06.

**Amenity Impacts:**

The proposed development has provided a suitable design response:

- To ensure the setback of the building is consistent with the preferred character of the area.
- To allow adequate daylight into new dwellings.
- To limit views into habitable room windows and private open space of new and existing dwellings.
- To provide a reasonable outlook from new dwellings.
- To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.

The proposal is considered to have limited the on-site and off-site potential impacts from noise through the considered design, location and siting of buildings, car parking areas, reception and services including the lift and laundry chutes.

On-Site Amenity Impacts and Facilities:

The proposal is considered to be able to achieve a design that meets the needs of people with limited mobility. A condition on any permit that would be issued will require the internal floor layout plans to demonstrate compliance with standard D17 of clause 58.05-1.

Entries to the building and dwellings provide for the safe, functional and efficient movement of residents.

Each dwelling is provided with private open space that exceeds the requirements.

Each dwelling is considered to be able to comply with the storage requirements. This will need to be demonstrated on the plans and can be accommodated via condition if a planning permit was to issue.

Detailed Design:

The development is considered to be able to clearly delineate public, communal and private areas.

Mail boxes are provided in a convenient location at ground level in the common accessway.

The bin chutes for the development that are located on each residential level have not been aligned to be above the ground floor waste enclosure. Also, the plans have not indicated a three bin system. A condition on any permit that is to be issued will require these details to be shown on the plans.

Internal Amenity:

Each dwelling achieves the minimum bedroom dimensions and in some circumstances exceeds the standard required.

Each dwelling achieves the minimum width and area for living areas as required by the standard.

The room depth for each dwelling is considered to be able to allow adequate daylight in to the single aspect habitable rooms.

A condition on any permit issued will require the plans to demonstrate compliance with the natural ventilation standard unless an alternative design meets the relevant objectives having regards to the amenity of the dwelling and the site context.

Overlays

Clause 43.02 Design and Development Overlay (DDO4)

The proposal triggers a planning permit under the DDO4 to construct a building and carry out works.

The relevant design objectives are:
• To ensure that development is compatible with traditional town scale and development patterns within San Remo and Cowes.

• To encourage high quality development design.

• To ensure that development design enhances the coastal context, the fine grain appearance and the variety of styles that now characterises Cowes and San Remo.

• To protect views of the urban areas from the waters of Western Port.

• To encourage developments to be outwardly focussed so as to support safe and active streets and public places.

The proposal has been considered against the decision guidelines and is considered to be a satisfactory response.

The DDO4 advises that for San Remo and in particular Marine Parade – west of Bergin Grove and between Bergin Grove and Back Beach Road that building height should not exceed three storeys (or 10.5 metres to top of wall) in total from natural ground level, with the third storey stepped back from the street. The proposal is a four storey development with a total height of 15.60 metres. Although the overall height is in excess of the suggested height under the DDO4, it is considered to be a satisfactory response due to the stepping back of both the third and fourth levels, and the provision of a well-designed building that will lessen the impact of the development. There is evidence of three to four storey built form within Marine Parade.

The *Phillip Island and San Remo Design Framework 2003* has been considered and the proposal is considered to be consistent with the general goals provided for consideration including:

• The proposed development will further reinforce the role of San Remo as a commercial and residential centre.

• The proposal is considered to be of a design and building form to be fitting to the preferred character of the area.

• The proposed development is confined within existing settlement boundaries and within an established commercial centre.

• The proposed built form is of a high quality and is site responsive.

Particular Provisions Assessment

Clause 52.06 Car Parking

A permit is required to reduce the number of car parking spaces required under Clause 52.06-5 of the Bass Coast Planning Scheme.

The development is proposing the following:

• 14 x two-bedroom dwellings

• 8 x three-bedroom dwellings

• 4 x shop tenancies (309sqm)
The statutory parking requirements from Table 1 to clause 52.06-5 are as follows

<table>
<thead>
<tr>
<th>Use</th>
<th>Description</th>
<th>Statutory Parking Rate</th>
<th>Statutory Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>14 x two-bedroom dwellings</td>
<td>one space per dwelling</td>
<td>14 spaces</td>
</tr>
<tr>
<td></td>
<td>8 x three-bedroom dwellings</td>
<td>two spaces per dwelling</td>
<td>16 spaces</td>
</tr>
<tr>
<td></td>
<td>22 dwellings - visitors</td>
<td>once space for every 5 dwellings</td>
<td>4 spaces</td>
</tr>
<tr>
<td>Shops</td>
<td>4 x retail tenancies (309sqm)</td>
<td>4 spaces per 100sqm</td>
<td>12 spaces</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>46 spaces</strong></td>
</tr>
</tbody>
</table>

The assessment for the proposal requires the provision of 46 car spaces. The applicant is seeking a waiver of ten spaces.

The development has proposed 36 car spaces on-site and does not meet the statutory requirement. The applicant is seeking this requirement and allow for the component of this requirement (short-term users) to be absorbed into the existing off-site traffic and car parking network.

A Transport Impact Assessment prepared by MGA Pty Ltd and dated 20 February 2019 (Reference: MGA18024) has provided an assessment and justification for the car parking reduction including a car parking demand assessment as required by the planning scheme.

The reduction in the car parking requirement is considered to be able to be supported for the following reasons:

- All long-term parking demands generated by residents and staff are provided on-site.
- Residential visitors can be provided on-site during the day and evening (up to 2 spaces), including the use of the staff spaces in the evening if required (further 2 spaces).
- Local policy supports the sharing of on-street parking between multiple land uses.
- Suitable vacancies in the immediate vicinity of the site to accommodate the short-term peak parking demands likely to be generated by the development. A reliance of 2 on-street spaces is anticipated during peak parking times for retail customers (middy) or residential visitors (evenings).

The car parking layout plan is considered to have satisfied the Design Standards set out in clause 52.06 of the Bass Coast planning Scheme including AS/NZ 2890.1:2004 (Australian and New Zealand Standard for Off-Street Car Parking).

Swept path diagrams have been submitted with the proposal and demonstrate that vehicles will be able to safely and efficiently access and egress the car parking areas, including from Back Lane Bergin Grove.
The proposal has indicated 20 car spaces that are to be mechanical stackers. The Planning Scheme considers mechanical parking at Design Standard 4. The proposal is considered to meet the relevant design standards. A condition on any permit if issued will require the specifications for the intended mechanical stackers to be shown on the plans.

The Transport Impact Assessment submitted with the application provides the following summary assessment of the proposed access via Back Lane Bergin Grove:

- Regular users of the car park and Right of Way (ROW) being Back Lane Bergin Grove that will be familiar with site conditions.
- Short distance of travel to/from the site access along the ROW to Bergin Grove (15m).
- Low speeds with peak site traffic (8-9am, 5-6pm) occurring outside of the peak midday pedestrians.
- A convex mirror is proposed to enable good sight lines of the sight access from the ROW and Bergin Grove.
- Bergin Grove will allow for the passing of traffic via driver courtesy if required. Entering vehicles can wait on Bergin Grove for exiting vehicles otherwise vehicles within the ROW can yield within the ROW at the site access location for vehicles to enter the car park for the development.
- The ROW is expected to operate with limited vehicle conflict and delays following the development.
- Pedestrian access from Bergin Grove or the IGA Supermarket car park seeking to enter the IGA Store can alternatively utilise the off-street parking aisle which typically functions as a shared area.
- Bollards to restrict vehicle access to the west of the site access off the ROW to maintain pedestrian safety, however allow to mitigate conflict if required by accommodating an off-set of one vehicle to then allow for a vehicle to enter the site.
- The traffic generated by the proposal is expected to be in the order of 17 vehicles which is less than the Australian Standard threshold for two-way width. Based on the current traffic levels within the ROW (no vehicles), the probability of vehicles within the conflict area of the ROW is in the order of 1 in 1,000 or 0.1%.

In addition to the support of the use of Back Lane Bergin Grove is that the subject site has legal access to this road reserve.

Loading and unloading of delivery vehicles for the shop tenancies and for waste collection are considered to be able to be accommodated within the parking area. Discussions with the applicant have indicated that a loading area can be provided to the south of the ground floor bin areas. This would provide a 3m wide loading area and still provide for a minimum 3m wide access way. A condition on any permit if issued will require this area to be shown on the plans.
Clause 52.34 Bicycle Parking

The proposal generates a requirement to provide 6 bicycle spaces. The development has provided 7 bicycle spaces that exceeds the statutory requirement.

Clause 53.18 Stormwater Management In Urban Development

A concept Stormwater Management Plan has been submitted and reviewed. It is considered the subject land and proposed development can be satisfactorily drained and that downstream impacts can be satisfactorily managed. Any permit that would be issued will require the submission and endorsement of a detailed Stormwater Management Strategy and an agreement for the ongoing maintenance of on site drainage infrastructure.

Clause 58 Apartment Developments

The proposed development is assessed as having met all relevant objectives, standards and decision guidelines of Clause 58. This has been addressed under the Commercial 1 Zone.

Concerns raised by Submitters

Neighbourhood character and building design:

- Overdevelopment and built form not appropriate and is out of character with San Remo.
- Development not consistent with DDO4 and out of character with existing built form.
- Character of San Remo is becoming cluttered and ugly. Increase in parking and traffic issues.

It has been addressed in this report that the proposed development on the subject site is assessed to have merit when consideration is given to the broader state and local policies related to development within established commercial centres.

All other issues relating to neighbourhood character and the DDO4 have been addressed previously in this report.

Car parking:

- Reduction in parking is an issue particularly during peak season.
- Traffic survey was undertaken in off season.
- Parking demand not sufficient and reduction in car parking is an issue.
- Concerns that the IGA supermarket will be used as overflow parking due to shortage of car parking on subject site.
- No provision for tenants and visitors of the shops.
- Additional concerns relating to the use of mechanical stacker car parking system and use of gated secure entry to the car park will prevent usage of the car park by visitors and customers.
• Proposed mechanical car stacker parking is not suitable as the size is not appropriate for average car.

The proposal has been assessed against Clause 52.06 Car Parking of the Bass Coast Planning Scheme; the proposed car reduction is considered to be to be supported in this instance.

The Bass Coast Planning Scheme does not specify when to undertake traffic surveys.

The Car Parking Demand Assessment and Traffic Assessment submitted with the application has demonstrated that the reduction in car parking will be able to be satisfactorily absorbed into the existing traffic and car parking network.

Mechanical car stacker systems are an accepted consideration under the Planning Scheme. It is considered the any gated secure entry to the car park will be for residents and employees of the shop tenancies.

Vehicle access and traffic:
• Removal of footpath will compromise public safety.
• Use of Right of Way (ROW) at rear of development a concern.
• Vehicle access from the laneway ROW is of a concern due to the single lane nature of this.
• Vehicle turning within development is problematic.

The use of the ROW known as Back Lane Bergin Grove has previously been addressed in this report.

Swept path diagrams submitted with application demonstrate the vehicles can safely turn within the development.

Loading zone:
• Loading zone not feasible given the area is a public footpath.

The proposal has since been amended and now the loading area is proposed to be within the car park. If a permit is to be issued, then amended plans will require this to be shown on the plans.

Waste collection:
• Waste collection not aligned with Council’s policy.
• Lack of detail on waste management and delivery arrangement
• The Waste Management Plan is not workable with amount of waste generated and the time to undertake pick up.

This has been previously addressed in this report. A condition on any permit that is to be issued will require the preparation and submission of a Waste Management Plan to the satisfaction of the Responsible Authority.
Other:

- The eastern side of the development being proposed adjacent to the eastern common boundary (129 Marine Pde) with concerns over the originally proposed basement car park causing undermining and stability issues.
- Amended design will make maintenance of eastern adjoining property wall difficult and impact on eastern adjoining property’s car parking areas.
- Construction management concerns.
- There are already empty shops and apartments in San Remo and no need for more.
- 1.8m pedestrian access proposed to the western boundary will comprise public safety as poorly lit area.

The proposal has since been amended and now there is no basement car park proposed.

The proposed development is within the title boundaries of the subject site. A condition on any permit issued will require any exposed walls to be cleaned to the satisfaction of the responsible authority.

A construction management plan will be required via condition if a planning permit is issued.

There is policy support for the provision of shops and retail within commercial centres.

A condition on any permit that would issue will require that the 1.8m pedestrian link be provided with appropriate lighting to the satisfaction of the Responsible Authority.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to be consistent with the relevant Planning Policy Framework, Local Planning Policy Framework and the decision guidelines of the Commercial 1 Zone including Clause 58 (Apartment Developments) and the Design and Development Overlay 4.

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

It is recommended that Council resolves to issue a notice of decision to grant a planning permit for application 180004, subject to conditions.
Recommendation

That in relation to planning permit application 180004 for the development of a four storey building containing 22 apartments, 4 shop tenancies and a reduction in car parking within a Commercial 1 Zone and Development Overlay Schedule 4 located at 131-133 Marine Parade, San Remo, Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by Richard A Woodward (Architect), dated 7/2/19 (Project No: 17005 and Revision 4) pages TPTP001 to TP308 (20 pages) but modified to show:

   a) A schedule of external materials, finishes and colours incorporating colour samples.

   b) The location of external plant and equipment including but not limited to service units for heating, cooling and hot water, solar panels, service shafts, ventilation systems, waste chute, television antennae and communication devices, service metres, and clotheslines, which are to be located and designed so as not to be visually prominent from the public realm or neighbouring properties. Where visible the plant must be appropriately screened.

   c) The existing crossovers from Marine Parade indicated to be reinstated to the satisfaction of the responsible authority.

   d) The proposal to demonstrate compliance with standard D17 of clause 58.05-1.

   e) Each dwelling to demonstrate compliance with standard D20 of clause 58.05-4 relating to storage facilities.

   f) The bin chutes that are located on each residential level to be relocated so as to align with the ground floor waste and recycling enclosures.

   g) The bin chutes and recycling enclosures to demonstrate a ‘three bin system’, to the satisfaction of the responsible authority.

   h) The development plans to demonstrate compliance with standard D27 of clause 58.07-4 unless an alternative design meets the relevant objectives having regards to the amenity of the dwelling and the site context.
i) The minimum dimension for Back Lane Bergin Grove.

j) The construction standard for Back Lane Bergin Grove to the satisfaction of the responsible authority.

k) The location and type of lighting that is to be located to the pedestrian link that is located to the west of the development.

l) A loading and unloading bay indicated within the car park for the development, to the satisfaction of the responsible authority.

m) Details of the type of mechanical car stacker system that is to be used and that the system is to comply with Design standard 4 of clause 52.06 car parking of the Bass Coast Planning Scheme.

n) Any changes recommended by the Sustainable Management Plan as required by condition 11 of this planning permit.

o) Any changes recommended by the Waste Management Plan as required by condition 12 of this planning permit.

p) The finished floor level (FFL) of the bottom floor to be in accordance with the detailed drainage design to ensure sufficient freeboard to a 1% AEP storm event flooding, to the satisfaction of the responsible authority.

General Conditions:

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

3. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cable under the control of the public authority without the prior written consent of the relevant authority and the responsible authority.

Consolidation of titles

4. Before the development starts the land titles subject to the permit being Lot 1 LP7042 and Lot 2 LP7042 must be consolidated under the Subdivision Act 1988 to the satisfaction of the responsible authority.

Environmental Audit

5. Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the Subdivision Act 1988) the applicant must provide:

   a) A Certificate of Environmental Audit in accordance with
Section 53Y of the Environment Protection Act 1970; or
b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.

6. All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

7. Where there are conditions on a Statement of Environmental Audit that require ongoing maintenance, monitoring requirements and/or other obligations, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 Planning and Environment Act 1987, to implement the conditions of the audit.

The Agreement must be registered on title prior to the commencement of the development or prior to any other date, event or construction phase approved by the Responsible Authority upon the request of the owner. The owner is responsible for all costs associated with the preparation and registration of the Agreement, including those incurred by the Responsible Authority.

Landscape plans required for endorsement

8. Before the development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan, except that the plan must show:

a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;

b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;

c) details of surface finishes of pathways and driveways;

d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

e) landscaping and planting within all open areas of the site;

All species selected must be to the satisfaction of the responsible authority.
When approved, the plan will be endorsed and will then form part of the permit.

9. Before the use starts/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.

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

Sustainability Management Plan

11. Concurrent with the endorsement of any plans pursuant to Condition 1, a Sustainability Management Plan (SMP) which is to the satisfaction of the Responsible Authority must be prepared by a suitably qualified expert and submitted to the Responsible Authority for approval. The report must address ESD principles proposed for the site including, but not limited to, energy efficiency, storm water collection and re-use on the site for landscape irrigation and residential toilet flushing (with mains back-up) and waste and building materials. The SMP report must include a Nationwide House Energy Rating Scheme (NatHERS) assessment of the maximum cooling load of each apartment and demonstrate that each apartment satisfies the requirements of Table D1 of Standard D6 in Clause 58 and must demonstrate that the building achieves an average of 6.5 stars across the development. It must also recommend measures to manage the heat load of the lobby and circulation areas around the lift well. In the event of any apartment not satisfying the requirements of Table D1, the development must be amended to achieve compliance to the satisfaction of the Responsible Authority. Any recommended changes to the building must be incorporated into the plans required by Condition 1. Once approved, such a plan must be implemented prior to the commencement of the use to the satisfaction of the Responsible Authority.

Waste Management Plan

12. Prior to the commencement of the development, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The plan must address, but not necessarily be limited to the following:

a) the storage and collection of waste from the development and ancillary operations including provision for bulk waste collection bins or approved alternative recycling bins, and the
storage of other refuse and solid wastes in bins or receptacles within suitably screened and accessible areas to the satisfaction of the Responsible Authority;

b) designation of methods of waste collection including the need to provide for private services or utilisation of council services;

c) appropriate areas of bin storage on site and areas for waste bin storage on collection days;

d) details for best practice waste management of the development once operating; and

e) the regular removal of waste and litter from all areas of common property and the public walkway.

Hours for waste collection

13. Collection of waste must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:

a) Monday to Friday: 7:00am to 8:00pm

b) Saturday & Public Holidays: 9:00am to 5:00pm

c) Sunday: No collection allowed
to the satisfaction of the Responsible Authority.

Car park and Back Lane Bergin Grove construction

14. Before the issue of an Occupancy Permit, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

a) properly formed and constructed to such levels that they can be used in accordance with the plans;

b) surfaced with an all-weather-seal coat;

c) drained;

d) line marked to indicate each car space and all access lanes;

e) clearly marked to show the direction of traffic along access lanes and driveways;

f) measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
g) provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres.

to the satisfaction of the responsible authority.

15. The areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

16. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

17. Before the issue of an Occupancy Permit, the works on Back Lane Bergin Grove as shown on the endorsed plans must be constructed to the satisfaction of the responsible authority.

18. The mechanical car parking stackers approved as part of this permit must be maintained and in operation to the satisfaction of the responsible authority.

Engineering Conditions

Site Civil Design Plans

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

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

(i) How the land including all buildings, open space and paved areas will be drained for a 10% AEP storm event to the legal point of discharge.

(ii) An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage 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 be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates.

(iv) 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.

(v) Overland flow path maintained from Back Lane Bergin Grove through to Marine Parade.

(vi) The finished floor level (FFL) of the ground floor must ensure sufficient freeboard to a 1% AEP storm event flooding.

(vii) Provision of stormwater storage for reuse purposes.

(viii) 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.

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

(i) Vehicle access to the proposed carparking areas. Clearance from obstructions including existing street trees, service authority assets, footpaths, kerb and channel, poles, rain gardens, pits, cables, pipes, bus shelters / stops, street furniture, signs, etc. must be shown on the plans.

(ii) Concrete footpath link from Back Lane Bergin Grove through to the existing footpath on Marine Parade.

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

(iv) 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.

(v) Mechanical car stackers to comply with the Bass Coast Planning Scheme.

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

c) Back Lane Bergin Grove improvements to the satisfaction of the Responsible Authority including:

(i) Pavement design suitable for its proposed use for vehicle access / egress including for waste collection.

(ii) Asphalt pavement in areas to be traversed by vehicles to aid delineation between pedestrian and vehicle areas, unless otherwise agreed by the responsible authority.

(iii) Level of asphalt pavement in areas to be traversed by vehicles to match levels of car park to the south of the subject site, unless otherwise agreed by the responsible authority.

(iv) A stormwater drainage solution to convey flows to the underground drainage in Bergin Grove, unless otherwise agreed by the responsible authority.

(v) Pram ramp connecting to existing path in Back Lane Bergin Grove.

(vi) Bollards to prevent vehicle access to footpath in Back Lane Bergin Grove.

(vii) Fencing on northern side of Back Lane Bergin Grove, unless otherwise agreed by the responsible authority.

(viii) Signage and line marking.

(ix) Modification to existing infrastructure and removal of redundant infrastructure.

Public Works Fees

20. Before the commencement of works, the developer must pay:

a) 0.75% of the total estimated cost of the civil works in Back Lane Bergin Grove for the checking of engineering plans associated with the development approved by this permit; and

b) 2.5% of the total estimated cost of the civil works in Back Lane Bergin Grove for the supervision of works associated with the development approved by this permit.

c) A refundable bond of 5% of the total estimated cost of the civil works in Back Lane Bergin Grove for the purposes of ensuring any defects are rectified during the 12 month defects liability period.
Construction Management Plan

21. Prior to the commencement of works, a Construction Management Plan must be prepared, submitted to, and approved by the Responsible Authority. Once approved (endorsed), the plans will form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The plan must provide for, but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

   l) Best practice erosion and sediment control techniques must be used to protect any native flora and fauna.
m) Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of subdivision.

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

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

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

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

r) Locations of cut and fill stockpiles;

Construction

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

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

b) The upgrade of Back Lane Bergin Grove pavement in accordance with the endorsed civil plans.

c) All drainage works in accordance with the endorsed civil plans.

d) 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.

e) Areas for vehicle access and car parking within the land must be constructed in accordance with the endorsed civil design plans.
f) All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards.

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

Mud on Roads

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

Aboriginal Cultural Heritage

24. The development of the land must be undertaken in accordance with the recommendations and conditions of the Cultural Heritage Management Plan number 16237, prepared by Benchmark Heritage Management and dated 19 May 2019, approved by the Bunurong Land Council Aboriginal Corporation as the Registered Aboriginal Party (the RAP) on 13 May 2019.

Amenity

25. All air conditioning plant and equipment and services shall be located so as to be incorporated within the building and should not project beyond the roofline or from an external wall and appropriately located and baffled to minimise noise levels to the satisfaction of the Responsible Authority.

26. The amenity of the area must not be detrimentally affected by the use or development, through the emission of noise to the satisfaction of the responsible authority.

27. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

28. The use and development must be managed to the satisfaction of the responsible authority, 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 buildings, works or materials;
c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

d) Presence of vermin.

29. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

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

31. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

Boundary walls

32. The external faces of walls on or facing boundaries must be cleaned and finished to an acceptable standard to the satisfaction of the Responsible Authority.

Permit expiry – Development

33. 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;

In accordance Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Permit Notes:

a) Where a Statement of Environmental Audit issued for the land contains conditions that the Responsible Authority considers to be unreasonable in the circumstances, the Responsible Authority may seek cancellation or amendment of the planning permit in accordance with Section 87 of the Planning and Environment Act 1987.

b) 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.

c) 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.

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

Attachments

| AT- | Plans - 180004 131-133 Marine Pde San Remo | 20 Pages |
| AT- | CONFIDENTIAL - Submissions first round 131-133 Marine Parade San Remo - 180004 | 31 Pages |
| AT- | CONFIDENTIAL - Submissions second round 131-133 Marine Pde San Remo - 180004 | 32 Pages |
**H.2 Planning permit application 180231 - Subdivide the land and remove native vegetation from 660 Lynnes Road, Wattle Bank**

- **File No:** CM19/295
- **Division:** Advocacy, Economy & Liveability
- **Council Plan Strategic Objective:** Our Character
  - Celebrating the uniqueness of our townships

**Application Details**

**Use/Development Sought:** Stage subdivision and native vegetation removal

**The Land:** 660 Lynnes Road, Wattle Bank

**Planning Scheme:** Bass Coast Planning Scheme

**Zoning:** Rural Living Zone

**Overlays:** Bushfire Management Overlay (covers part of the site)

**Declaration**

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

**Executive Summary**

This application proposes the staged subdivision of land and native vegetation removal at 660 Lynnes Road, Wattle Bank.

The proposal triggers the need for a planning permit under Clause 35.03-5 (Rural Living Zone), Clause 44.06-2 (Bushfire Management Overlay) and Clause 52.17-1 (Native Vegetation) of the Bass Coast Planning Scheme. The application was advertised and received 18 objections.

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

On this basis, it is recommended that Council resolves to issue a notice of decision to grant a planning permit for application 180231.

**Application Details**

**Subdivision**

This application proposes to subdivide the land in accordance with the plan referenced as:

- **Prepared by** Beveridge Williams, **Titled** Indicative Subdivision and Staging Plan Revision 17 **Dated** 12 March 2019.
A copy of the plan is provided as AT-1.

The proposed subdivision will create 58 lots over five stages, with each lot measuring approximately 2.0 hectares in area. The exception is proposed Lot 32 which measures approximately 14.52 hectares, the larger dimension is required to ensure the protection of a patch of high quality native vegetation.

Vehicle access to the new allotments will be via the proposed internal road network, the exception is proposed Lot 4, 5, 6 and 7 which will have direct access to Lynne’s Road.

It is proposed to incorporate a 2.0m wide section of the site’s frontage into the road reserve. The purpose of this is to allow for a footpath along the site’s frontage which will connect to the existing footpath and bus stop. Pedestrian footpaths are not proposed within the proposed subdivision.

Stormwater quantity and quality treatment is proposed to be managed in the following way:

- Conveyance of catchment flows through the site in accordance with the Catchment Management Authority Safe Floodway Criteria;
- Construction of drainage system including 1 in 100-year ARI capacity for road reserves, and swales for the 1 in 5-year ARI storm event; and
- Stormwater quality treatment system including 15kilolitre rainwater tanks to each proposed lot, and vegetated swales in the road reserves and back of lots.

Native vegetation

The proposed subdivision has been designed to avoid and minimize the removal of vegetation. Specifically, the application proposes:

- Conservation of large patch of vegetation on proposed lot 32 through a Trust for Nature Covenant or Conservation Forest and Lands Act 1987, Section 69 Agreement
- Conservation of large patch of vegetation on Lot 2, 3, 4, 5, 6, 7, 8, 54, 55, 56, 57, 58 via a section 173 agreement
- Use of Bio-links to connect the large patches of vegetation within the subject site, and external to it
- Use of building envelopes to avoid scattered trees, with 206 scattered trees being retained

Despite the above measures, 1.487 hectares of native vegetation is proposed to be removed, this comprises:

- 0.638 hectares of patch vegetation including 4 large trees
- 10 scattered large trees
- 10 scattered small trees

However, it is proposed to offset the native vegetation removal with a general offset of 0.441 general habitat units.
**Bushfire**

Bushfire risk is a relevant consideration for this application and the development has been designed to achieve a BAL of 12.5. It is proposed to secure this by entering into a section 173 agreement, that will covenant the following with future land owners:

- Require the defendable space to be maintained in accordance with the proposed Bushfire Management Plan (BMP)
- Provide access for firefighting purposes in accordance with the BMP; and
- Provision of 10,000 litres of effective water supply for firefighting purposes, with storage tanks being designed and located in accordance with the BMP.

![Figure 1: Indicative plan of subdivision](source: Prepared by Beveridge Williams, Titled Indicative Subdivision and Staging Plan Revision 17 Dated 12 March 2019)

**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 18 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>The development includes two parcels of land known as Lot 1, PS629431Q and Lot 1, TP 213050K. Both lots are irregular shaped and have land areas measuring 8.0 hectares and 128 hectares, respectively.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Frontage</td>
<td>The site’s frontage to Lynnes Road measures approximately 1.1 kilometres</td>
</tr>
<tr>
<td>Topography</td>
<td>The site is undulating. The highest point of the site is located towards the rear boundary of the allotment and measures 50 metres to Australian Height Datum. The lowest point located towards the site’s frontage measures approximately 38 metres to Australian Height Datum.</td>
</tr>
<tr>
<td>Vegetation Cover</td>
<td>Vegetation on the site includes:</td>
</tr>
<tr>
<td></td>
<td>• Pasture used to graze stock</td>
</tr>
<tr>
<td></td>
<td>• 17 patches of native vegetation; and</td>
</tr>
<tr>
<td></td>
<td>• 206 scattered trees</td>
</tr>
<tr>
<td>Current Use</td>
<td>Agriculture, including grazing stock.</td>
</tr>
<tr>
<td>Easements</td>
<td>Part of the eastern boundary of Lot 1, TP 213050 is encumbered by a notification of easement.</td>
</tr>
<tr>
<td>Restrictive Covenants</td>
<td>Lot 1, PS629431Q is subject to s.173 agreement AH386299E dated 26 July 2010.</td>
</tr>
<tr>
<td></td>
<td>Approval of this subdivision will not breach any requirements of the agreement.</td>
</tr>
<tr>
<td>Aboriginal Cultural Heritage Sensitivity</td>
<td>The site is not located within an area of Aboriginal Cultural Heritage Sensitivity. A cultural heritage management plan was not required to be submitted with the application.</td>
</tr>
<tr>
<td>Planning Permit History</td>
<td>The planning history for the sites include:</td>
</tr>
<tr>
<td></td>
<td>• Permit application 150216 proposed a 19 lot subdivision and removal of vegetation. This application lapsed on 7 June 2016</td>
</tr>
<tr>
<td></td>
<td>• Permit 070514, issued on 23 May 2008 approved a four lot subdivision and easement variation.</td>
</tr>
</tbody>
</table>
Surrounds

The subject site is located approximately 7.0 kilometres north of Inverloch and approximately 9.0 Kilometres east of the commercial centre of Wonthaggi.

Land to the north and west is zoned for rural living use, while land to the south and east is zoned for farming purposes. Many allotments in the surrounding rural living zone have been subdivided into 2 hectare parcels, similar to that proposed for the subject site. Lynnes Road is a sealed road with grass shoulders and open drains with vegetation scattered within the road reserve.

The aerial view contained in Figure 3 below, shows the site within the context of the adjoining properties and the broader area.

![Figure 2 – Aerial Image, Subject site](image)
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 25 land owners and occupiers;
- Placed four copies of the Notice along the site’s frontage land; and
- Placed a copy of the notice in one edition of the ‘South Gippsland Sentinel Times’ and ‘The Great Southern Star’

Submissions

In response to notification the application attracted 18 objections and one (1) comment.

A summary of the objections is listed in the following table and a copy of each objection is included in Attachment ATT-2.
**Table one: Summary of Concerns raised in each objection**

<table>
<thead>
<tr>
<th>Submission</th>
<th>Summary of Concerns</th>
</tr>
</thead>
</table>
| 1          | • Location of road access  
• Drainage issues - increased runoff affecting opposite side of Lynnes Road |
| 2          | • Proposes too many allotments  
• Inconsistent with rural character  
• Physical infrastructure – will overload NBN  
• No consultation with CFA  
• Increased noise  
• Impact on wildlife  
• Road congestion |
| 3          | • Proposes to many allotments  
• Inconsistent with rural character  
• Physical infrastructure – will overload NBN  
• No consultation with CFA  
• Noise  
• Impact on wildlife  
• Road congestion |
| 4          | • Application material is ambiguous, particularly in regards to supporting fauna  
• Concerned about allotments having direct access to Lynnes Road  
• Overload capacity of the drainage system  
• Absence of community space  
• Increased traffic  
• Increased fire risk to people and property |
| 5          | • Adverse traffic impacts  
• Adverse stormwater impacts  
• Adverse impact on wildlife  
• Devalues property  
• Light and noise pollution |
| 6          | • Growth inconsistent with rural character  
• Adverse traffic impacts (concerned about vehicle collisions and impacts on wildlife)  
• Adverse stormwater impacts  
• Adverse impact on wildlife  
• Devalues property  
• Waste, light and noise pollution |
<table>
<thead>
<tr>
<th>Page</th>
<th>Comments</th>
</tr>
</thead>
</table>
| 7    | - Growth inconsistent with rural character  
       - Adverse traffic impacts (concerned about collisions and impacts on wildlife)  
       - Adverse stormwater impacts  
       - Adverse impact on wildlife  
       - Devalues property  
       - Waste, light and noise pollution |
| 8    | - Proposed site access points could cause traffic conflicts  
       - Adverse traffic impact  
       - Extend footpath to Daniels Road, McCraws Road and Pennell Court. |
| 9    | - Devalues property  
       - Overload capacity of existing infrastructure  
       - Increased noise |
| 10   | - Advertised material is ambiguous  
       - Inconsistency with planning policy  
       - Unclear how Lot 59, will be managed  
       - Unclear how biolinks and retained vegetation will be managed  
       - Adverse stormwater impacts  
       - Adverse traffic impacts, including vehicle and pedestrian access  
       - Devalues property  
       - Waste, light and noise pollution stormwater  
       - Right to farm, impact on existing agricultural land  
       - Inconsistent with rural character  
       - Adverse impact on amenity |
| 11   | - Insufficient notification  
       - Insufficient community facilities and bus stops  
       - Adverse stormwater impacts  
       - Inadequate wildlife corridors  
       - Subdivision layout could be improved |
| 12   | - Insufficient consultation  
       - Subdivision layout could be improved  
       - Proposed site access points could cause traffic conflicts  
       - Flora and Fauna report does not identify all native fauna within the locality  
       - Biolinks appear inadequate  
       - Lack of communal Space  
       - Extend footpath to Daniels Road, McCraws Road and Pennell Court |
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
</table>
|   | • Inadequate drainage  
|   | • Capacity of connection to electricity network |
| 13 | • Loss of productive farming land  
|   | • Adverse impact on wildlife  
|   | • Devalue property |
| 14 | • Oppose native vegetation removal  
|   | • Adverse impact on wildlife  
|   | • Inadequate drainage  
|   | • Adverse traffic impacts  
|   | • Adverse noise  
|   | • Impacts Bus Stop location |
| 15 | • Devalue property  
|   | • Adverse traffic impacts  
|   | • Adverse noise impacts  
|   | • Adverse stormwater impacts |
| 16 | • Adverse traffic impacts |
| 17 | • Overload capacity of existing infrastructure  
|   | • Erodes rural character  
|   | • Devalue property  
|   | • Planning application lack detail, it is unclear where services will be located  
|   | • Smaller building envelopes would provide more certainty  
|   | • Increase bushfire threat to surrounding properties  
|   | • Biolinks are not shown on the plan  
|   | • Insufficient community infrastructure  
|   | • Footpath should connect to Pennell Court  
|   | • Flora and Fauna report omits all species known to the locality  
|   | • Unclear is the biolinks are adequate to facilitate all fauna  
|   | • Unclear how proposed Lot 59 will be managed  
|   | • Adverse stormwater impacts  
|   | • Adverse traffic impacts |
| 18 | • Adverse traffic impacts  
|   | • Adverse impact on wildlife |
| 19 | **Comment**  
|   | • No objection to the application, but proposes an increase to the footpath  
|   | • Suggests lower speed limits |
Referrals

The following table outlines the referral requirements of this application.

**Table two: Referral requirements and their comments**

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>External</strong></td>
<td></td>
</tr>
<tr>
<td>AusNet Electricity Services P/L</td>
<td>The Referral Authority is a determining Referral Authority. The application was referred in accordance with s.57c of the Act and Clause 66.01 of the Bass Coast Planning Scheme. The referral authority had no objection to the application, subject to conditions.</td>
</tr>
<tr>
<td>Country Fire Authority (CFA)</td>
<td>The Referral Authority is a recommending Referral Authority. The application was referred in accordance with s.57c of the Act and Clause 66.01 of the Bass Coast Planning Scheme. The referral authority had no objection to the application, subject to conditions.</td>
</tr>
<tr>
<td>Comdain Infrastructure / Multinet Gas</td>
<td>The Referral Authority is a determining Referral Authority. The application was referred in accordance with s.57c of the Act and Clause 66.01 of the Bass Coast Planning Scheme. The referral authority had no objection to the application, they also consented to certification and statement of compliance.</td>
</tr>
<tr>
<td>Department of Land, Water, Environment and Planning (DELWP)</td>
<td>The Referral Authority is a recommending Referral Authority. The application was referred in accordance with s.57c of the Act and Clause 66.01 of the Bass Coast Planning Scheme. The referral authority had no objection to the application, subject to conditions.</td>
</tr>
<tr>
<td>South Gippsland Region Water Corporation</td>
<td>The Referral Authority is a determining Referral Authority. The application was referred in accordance with s.57c of the Act and Clause 66.01 of the Bass Coast Planning Scheme. The referral authority had no objection to the application and also consented to certification and statement of compliance.</td>
</tr>
<tr>
<td>West Gippsland Catchment Management Authority (WGCMA)</td>
<td>The application was referred in accordance with s.52 of the Act. The referral authority had no objection to the application, and did not require the inclusion of any conditions.</td>
</tr>
<tr>
<td>Regional Roads Victoria</td>
<td>The application was referred in accordance with s.52 of the Act. The referral authority provided conditional consent to the application.</td>
</tr>
<tr>
<td><strong>Internal (Section 52 of the Planning and Environment Act 1987)</strong></td>
<td></td>
</tr>
<tr>
<td>Revenue Services</td>
<td>No objection.</td>
</tr>
<tr>
<td>Asset Management</td>
<td>No objection, subject to conditions</td>
</tr>
<tr>
<td>Environment</td>
<td>No objection.</td>
</tr>
</tbody>
</table>
Environmental Health

No objection, the Land Capability Assessment will be dealt with on a site by site basis.

**Officer’s Considerations**

**Planning Policy Framework and Local Planning Policy Framework Assessment**

The clauses from the Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) as relevant to the assessment of this application include:

- Clause 11.01-1S (Settlement)
- Clause 11.01-1R (Settlement - Gippsland)
- Clause 11.02-1S (Settlement - Managing Growth – Supply of urban land)
- Clause 12.01-1S (Environmental and landscape Values – Biodiversity – Protection of biodiversity)
- Clause 12.01-2S (Environmental and landscape Values – Biodiversity – Native vegetation management)
- Clause 13.02-15 (Environmental Risks and Amenity – Bushfire – Bushfire planning)
- Clause 14.01-1S (Agriculture – Protection of agricultural land)
- Clause 15.01-3S (Built Environment – Subdivision design)
- Clause 15.01-6S (Built Environment – Design for rural areas)
- Clause 16.01-5S (Housing – Rural residential development)
- Clause 21.02-3 (Settlement – Rural living and low density residential development)
- Clause 21.02-4 (Settlement – Small rural lots)
- Clause 21.03-5 (Economic Development – Agriculture)
- Clause 21.04-3 (Environment – Biodiversity conservation and habitat protection)
- Clause 21.04-5 (Environment – Environmental hazards - Fire)
- Clause 21.05-5 (Landscape and built form – New urban subdivision)
- Clause 21.01 (Stormwater Management Policy)

Policies within the PPF and LPPF identify that planned rural living on lots between 2.0 to 8.0 hectares is considered a legitimate activity providing for a particular type of lifestyle (Clause 16.01-5S; Clause 21.02-3 and Clause 21.02-4). Policy encourages rural living to be appropriately located, in identified areas. The PPF and LPPF do not earmark any particular location. Rather, the inclusion of the land within the Rural Living Zone, which has the purpose ‘to provide for residential use in a rural environment’ indicates this subject site is a suitable location for rural living. When considering this in isolation there is high level of support for the proposed subdivision.

However, in making a decision on this application, the PPF and LPPF also require consideration of how the proposed subdivision layout responds to the following:

- Conservation of biodiversity
- Respects existing rural character values
Provides for fire safety of residents in the design and siting of the development
Minimises impact on productive agricultural land

In response to this, the propose subdivision has considered these factors and can be approved for the following reasons:

- Designed to avoid and minimise native vegetation, where vegetation removal could not be avoided, it is proposed to offset the loss.
- Designed to ensure conservation of native vegetation patches. This is proposed to be secured via covenants registered to title.
- Designed to ensure the development implements bushfire protection measures without compromising the site’s biodiversity values.
- The bushfire threat to the location is considered to be acceptable level, with proposed lots able to achieve a BAL-12.5 rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).
- Development proposes to implement appropriate bushfire protection measures, (refer to the BMP) to address the identified bushfire risk. This is proposed to be secured via covenants registered to title.
- Provides for legitimate rural living which should reduce pressure and need to create small rural allotments within the other rural suite of zones.
- The proposed lots, are large enough to support a limited range of agricultural land uses.
- Utilises building envelopes to ensure separation between the proposed lots and surrounding farming land.
- Proposed subdivision layout retains landscape features, and proposes lots that are consistent with the existing subdivision pattern within Wattle Bank.

**Zone Assessment**

The land is included within the Rural Living Zone (RLZ). The purposes of the rural living zone include:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

In accordance with Clause 35.03-3 of the RLZ, a planning permit is required to subdivide the land. Each lot is required to be at least 2.0 hectares.

The application has been considered against the relevant purposes of the zone and decision guidelines of Clause 35.03-5 and can be supported for the following reasons:
• Caters to the purpose of the zone that includes, rural residential use

• Each of the proposed lots meets the minimum size of 2.0 hectares

• The dimension of each lot is adequate to allow for:
  o Agricultural type land uses, should the future land owners require
  o Provision of a potable water source, stormwater quality treatment, and waste water treatment

• Ensures the conservation of the environmental features of the site, which is otherwise not guaranteed with the existing land use

**Overlays**

The application is affected by the Bushfire Management Overlay. The purpose of the Bushfire Management Overlay includes:

• To implement the Municipal Planning Strategy and the Planning Policy Framework.

• To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

• To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

• To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Pursuant to Clause 44.06-2 a planning permit is required by this overlay to subdivide land.

In accordance with Clause 44.06-3 the application was accompanied by the following plans:


These reports present a comprehensive assessment of the bushfire hazard and suggest mitigation measures to improve the protection of life and property for the proposed subdivision. Importantly, the report demonstrates that the defendable space objectives can meet a maximum BAL of 12.5 for all lots with all defendable space managed within the subdivision. Furthermore, each lot can accommodate the access and water supply that will support firefighting.

As required by Clause 44.06-6 the application was referred to the Country Fire Authority who are the relevant fire authority. They have provided conditional consent to the application, which indicates the proposed subdivision and Bushfire Management Plan have reduced the bushfire risk to an acceptable level.

**Particular provisions**

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

1. Avoid the removal, destruction or lopping of native vegetation.

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

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

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

In accordance with Clause 52.17-1 a permit is required to remove, destroy or lop native vegetation including dead vegetation. None of the specified exemptions are applicable.

In accordance with the application requirements of Clause 52.17-2 the following report was submitted with the application:


This report provides information on the extent and condition of native vegetation on the subject site. The report found the vegetation within the site consisted of several large forested patches with a Mesemate Stringybark dominated canopy, including some Yertchuk, Swamp Gum as well as Narrow-leaf Peppermint. The understory was dominated by Swamp Paperbark, Austral Bracken, Snowy Daisy-bush and Prickly Tea-tree. There was a high ground cover of Sweet Vernalgrass. Other areas of the property contained open sections of woodland dominated by Swamp Gum with a pasture grass understory.

The report continues and outlines the proposed subdivision has been designed to avoid and minimize the removal of high quality vegetation. Specifically, the application proposes:

- Conservation of large patch of vegetation on proposed lot 32 through a Trust for Nature Covenant or Conservation Forest and Lands Act 1987, Section 69 Agreement
- Conservation of large patch of vegetation on Lot 2, 3, 4, 5, 6, 7, 8, 54, 55, 56, 57, 58 via a section 173 agreement
- Use of Bio-links to connect the large patches of vegetation within the subject site, and external to it.,
- Use of building envelopes to avoid scattered trees, with 206 scattered trees being retained.

However, to facilitate the subdivision, 1.487 hectares of native vegetation is proposed to be removed, this comprises:

- 0.638 hectares of patch vegetation including 4 large trees
- 10 scattered large trees
• 10 scattered small trees

To offset the native vegetation removal, the applicant proposes to secure a general offset of 0.441 general habitat units.

As required by Clause 66.03 the application was referred to the Department of Environment, Land, Water and Planning. They have provided conditional consent to the application, which indicates the proposed subdivision has complied with the requirements of Clause 52.17. In addition to this, they supported the conservation efforts of the proposal, specifically the conservation of large patches of native vegetation and inclusion of biolinks.

**Concerns raised by Submitters**

The majority of the objectors’ concerns have been addressed in the body of the report; following is a discussion of those concerns that have not yet been considered:

• Traffic and access

In response to these concerns, the impact of traffic generated by the proposed development is a relevant planning consideration as it informs the access and road requirements. A traffic impact assessment was prepared as part of the application material. It was referred to VicRoads and internally to Council’s Asset Management team, both of whom had no objection to the proposal subject to an upgrade of the intersection at Inverloch-Kongwak Road and Lynnes Road; and road widening at the locations of the access points into the subdivision from Lynnes Road. It is recommended that if Council resolves to approve this application, conditions are included requiring the intersection upgrade.

• Stormwater and drainage

Stormwater is a relevant consideration of the application with Clause 22.01, stormwater management policy, requiring stormwater to be to pre-development levels and must meet best practice in terms of stormwater quality.

In response to this the application submitted the following document:

**Prepared by Beveridge Williams, Titled 660 Lynnes Road, Wattle Bank Stormwater Management Strategy Revision E Dated 19 March 2019.**

The report is intended to provide sufficient evidence that drainage from the proposed development can meet Stormwater Best Practice Environmental Management Guidelines (BPEMG) and be to the satisfaction of Council. The stormwater strategy aims to achieve this by:

- conveyance of catchment flows through the site in accordance with the Catchment Management Authority Safe Floodway Criteria;
- construction of drainage system including 1 in 100-year ARI capacity for road reserves, and swales for the 1 in 5-year ARI storm event; and
- stormwater quality treatment system including 15kL rainwater tanks to each proposed lot, and vegetated swales in the road reserves and back of lots.

Council is the relevant drainage authority, and the stormwater strategy submitted with the application was referred internally to Council’s Asset Management team.
They had no objection to the proposal, subject to conditions. This indicates the proposed stormwater treatments are best practice and meet the requirements of the planning scheme.

- Devalue properties

The Bass Coast Planning scheme does not include any provision that require assessment of the impact the development may have on property values.

- Noise

In response to this, the Bass Coast Planning Scheme requires that making a decision on an application weight be given to the impact on general amenity, this can be extended to include consideration of noise impacting on surrounding land uses. In response to this, each of the allotments measures more than 2.0 hectares, that can be developed with one dwelling. Due to the large size of these allotments it is unlikely that residential noise will impact on surrounding development.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to meet the objectives of the PPF, LPPF, RLZ, BMO and Clause 52.17.

The application underwent notification and as a result there were 19 submissions received. Concerns raised by objectors were considered in the assessment of the application.

It is recommended that Council resolves to issue a notice of decision to grant a planning permit for application 180231, subject to conditions.

Recommendation

That in relation to planning permit application 180231 for staged subdivision of land and native vegetation removal at 660 (Lot 1, PS629431Q and Lot 1, TP 213050K) Lynnes Road, Wattle Bank Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

General Conditions

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

2. The subdivision must proceed in sequential numerical order of staging as shown on the endorsed plan, unless otherwise approved in writing by the responsible authority.

Drainage and Roads

Functional Layout Plan (FLP)

3. Before the plan of subdivision for Stage 1 is certified under the Subdivision Act 1988, the FLP for the entire subdivision must be submitted to and approved by the responsible authority. When approved the functional layout plan will be endorsed and will then form part of the permit. The functional layout plan must be drawn at a scale of 1:500 or at another scale which the responsible authority agrees with dimensions. An A1 plan and an electronic copy (PDF)
must be provided. The functional layout plan must be generally in accordance with the application plans but incorporate the following:

   a) A subdivision layout drawn to scale, including proposed street names, lot areas, lot numbers and widths of street reservations.

   b) Topography and existing features, including contours for the subject land and any affected adjacent land.

   c) The location of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.

   d) Details of tree protection zones for all trees to be retained on site.

   e) Any trees proposed for removal from the site clearly designated.

   f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements.

   g) A table of offsets for all utility services and street trees.

   h) Location of footpaths, bus stops and traffic controls/calming.

   i) The proposed minor drainage network and any land required for maintenance access.

   j) The major drainage system, including any watercourse, lake, wetland, silt pond, and/or piped elements showing preliminary sizing.

   k) Overland flow paths for a 1% AEP storm event to indicate how excess runoff will safely be conveyed to its destination. This is to include external catchments.

   l) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance;

   m) Preliminary location of reserves for electrical kiosks.

   n) Works external to the subdivision, including both interim and ultimate access requirements.

   o) Intersections with Lynnes Road showing ultimate treatments.

   p) Road layout to provide efficient and safe traffic flow throughout the development site.

Civil construction plans

4. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988, detailed civil construction plans must be prepared to the satisfaction of the Responsible Authority for endorsement by the Responsible Authority. All construction plans submitted for approval must be consistent with this permit and must
conform with the requirements of all relevant servicing and road authorities, and in particular water, sewerage, drainage, telephone, gas and power authorities, VicRoads and Council. The plans must be drawn to scale with dimensions. An A1 plan and an electronic copy (PDF) must be provided. The plans must show:

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

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

(ii) The provision of a drainage retardation system within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater retardation system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates for the 1% AEP storm event.

(iii) The retardation system must be designed to ensure the capacity of the downstream drainage system in Lynnes Road is not exceeded.

(iv) The retardation system must be maintained during the maintenance period to the satisfaction of the Responsible Authority.

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

(vi) Open swale drains are to be constructed for all concentrated overland flows resulting from the proposed development.

(vii) Concentrated flows from the development site must be adequately dispersed or shown not be to the detriment of properties downstream.

(viii) The road sag at the centre of the development must be drained to Lynnes Road via a drainage easement or other design solution to the satisfaction of the responsible authority.
(ix) The westernmost court bowl of the development site must be drained to Lynnes Road or to an otherwise agreed legal point of discharge to the satisfaction of the responsible authority.

(x) The footpath on the Lynnes Road frontage must be drained to the satisfaction of the responsible authority, including the installation of all necessary culverts.

(xi) Compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater including any quality treatments proposed in accordance with these Guidelines and Clause 22.01 of the Bass Coast Planning Scheme.

(xii) Minimum 15 kL rainwater tanks attached to each lot for stormwater quality purposes.

b) Vehicle and pedestrian access in accordance with IDM standards and to the satisfaction of the Responsible Authority, including:

(i) Engineering plans and specifications of the proposed works including all roads, intersections, traffic calming, traffic circulation, signage, open space reserves, footpaths and pedestrian linkages.

(ii) Internal roads to have a sealed carriageway width in accordance with the road hierarchy in the IDM (sealed road formation width of 6.2 metres with 1.5 metre shoulder widths).

(iii) All court bowls and intersections to have asphalt wearing course pavement with kerb and channel.

(iv) Intersection treatments for traffic channelization including entry threshold treatments with Statcon signage and splitter islands (at Lynnes Road).

(v) Western intersection with Lynnes Road to be widened with a BAR/BAL treatment in Lynnes Road in accordance with Austroads Guidelines or other approved turning lane treatment to the satisfaction of the Responsible Authority.

(vi) Eastern intersection with Lynnes Road to be widened with a BAL treatment in Lynnes Road in accordance with AustRoads Guidelines and a 1.5m wide sealed shoulder on the north side of Lynnes Road to support right turning movements at the intersection.

(vii) Turning for emergency service vehicles and garbage trucks must be provided at Court heads (minimum carriageway radius of 10.5 metres).
(viii) A 1.5 metre wide granitic footpath within the subject land for the full property frontage on Lynnes Road and to the bus stop at the McCraws Road intersection.

(ix) A 2.0m width of land required for the footpath on the subject land shown to become a widening of Lynnes Road.

c) Standard street lighting to be provided at intersections and court bowls in accordance with IDM requirements.

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

5. Before a statement of compliance is issued under the Subdivision Act 1988, all civil works must be constructed and carried out in accordance with the endorsed Civil Construction Plan and IDM requirements, unless otherwise approved in written by the Responsible Authority.

6. Before a statement of compliance is issued for stage 1 under the Subdivision Act 1988, the section of gravel footpath located along the frontage of stage 1, connecting to the Bus stop must be constructed in accordance with the endorsed Civil Construction Plans, unless otherwise approved in written by the Responsible Authority.

7. Before a statement of compliance is issued for stage 2 under the Subdivision Act 1988, the following must occur:
   a) Construction of the proposed western intersection in accordance with the endorsed Civil Construction Plans, unless otherwise approved in written by the Responsible Authority.

8. Before a statement of compliance is issued for stage 3 under the Subdivision Act 1988, the following must occur:
   a) Construction of the eastern intersection works in accordance with the endorsed Civil Construction Plans, unless otherwise approved in written by the Responsible authority.
   b) Finalise the construction of gravel footpath along the length of the site’s frontage in accordance with the endorsed Civil Construction Plans, unless otherwise approved in written by the Responsible Authority.
Plan for certification

9. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988, all existing and proposed easements and reserves for existing and required utility services and roads on the land must be set aside in the plan of subdivision in favour of the relevant authority for which the easement or reserve is to be created.

10. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988, the Lynne’s Road, road reserve must be increased by 2.0 meters to accommodate the proposed gravel footpath.

Construction Management plan

11. Before certification of the Plan of Subdivision for each stage, a Construction Management Plan (CMP) must be prepared to the satisfaction of the Responsible Authority for endorsement by the Responsible Authority. The plans must be drawn to scale with dimensions. An A1 plan and an electronic copy (PDF) must be provided. The plan must address, but not be limited to following:

   a) Address occupational health and safety, traffic management, environmental controls and cultural protection measures to the satisfaction of the responsible authority.
   
   b) Include the proposed route for construction vehicle access to the site including a program for the upgrade and maintenance works required along this route while works are in progress.
   
   c) Include measures to reduce the impact of noise, dust and other emissions created during the construction process.
   
   d) Demonstrate all environmental and cultural protection measures identified on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings.
   
   e) Measures to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system.
   
   f) Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with the building and works on the land to the satisfaction of the responsible authority.
   
   g) Address any recommendations of any approved Cultural Heritage Management Plan applying to the land.
   
   h) Identify the location and method of any Tree Protection Zones.
   
   i) All machinery bought on the site must be weed and pathogen free.
j) A truck wheel-wash must be installed and used or a similar arrangement employed so vehicles leaving the site do not deposit mud or other materials on roadways.

k) All machinery wash down, lay down and personnel rest areas must be clearly fenced and located in disturbed areas;

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

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

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

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

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

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

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

s) Locations of cut and fill stockpiles;

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

u) A liaison officer for contact by residents and the Responsible Authority in the event of relevant queries or problems experienced;
v) timing of bulk earth works. The CMP must detail conditions that will cause bulk earth works to be suspended (for example after significant and prolonged rain event);

w) reporting requirements to demonstrate compliance with the latest revision of the following documents:

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

   (ii) Best Practice Environmental Management Guidelines for Urban Stormwater;

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

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

12. All civil works must be constructed and carried out in accordance with the endorsed Civil Construction Plan and endorsed Construction Management Plan, unless otherwise approved in written by the Responsible authority.

Private detention systems

13. Before a statement of compliance is issued for each stage under the Subdivision Act 1988, the owner of the land must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement shall be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. All costs associated with the preparation and registration of the agreement shall be at the applicant's expense. Evidence of the registration of the agreement must be provided to the Responsible Authority prior to the issue of a Statement of Compliance authorised by this permit. The Section 173 agreement must provide for the following:

   a) Installation of a minimum 15 kL rainwater tank for all lots in the subdivision for stormwater quality treatment purposes before connecting to Council's stormwater drainage system;

   b) The owner of the lot will maintain the rainwater tank and will allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times;

   c) The capacity of the rainwater tank cannot be reduced and must be maintained to the satisfaction of the Responsible Authority; and

   d) The owner will pay for all the costs associated with the operation, maintenance and Council inspection of the rainwater tank.
As constructed plans with list

14. Before a statement of compliance is issued for each stage under the Subdivision Act 1988 the following must be provided to the responsible authority:
   a) Copies of the “as constructed” engineering roads, paths, drainage, lighting and landscaping drawings as follows:
      (i) One A1 film tracing per drawing.
      (ii) Collated electronic PDF format.

15. “As constructed” digital data measurements of the drainage works in a GIS ready format. The format required is:
   a) ESRI Shapefile format complying with Council’s template (A-Spec Digital Data Specification).
   b) Horizontal Datum: GDA94 on MGA94 Zone 55.
   c) Vertical Datum: AHD.
   d) Location of any permanent survey marks.

Civil works fees

16. Before a statement of compliance is issued for each stage under the Subdivision Act 1988, the following fees and bonds must be paid:
   a) 0.75% of the total estimated cost of the civil and landscaping works of the project for the checking of engineering plans associated with the development by this permit; and
   b) 2.5% of the total estimated cost of the civil and landscaping works of the project for the supervision of works associated with the development approved by this permit.
   c) A refundable bond of 5% of the total estimated cost of the civil works of the project for the purposes of ensuring any works defects are rectified during the 12 month defects liability period.
   d) A refundable bond of 35% of the total cost of the soft landscaping works and 5% for hard landscaping works for the purposes of ensuring soft engineering (e.g. plantings) are maintained including weeding and replacement of missing plants during the 12 month defect liability period.

Landscaping

17. Three months after the date the plan of subdivision is certified for each stage under the Subdivision Act 1988, a landscape plan must be prepared by a landscape architect or suitably qualified person/company and must be submitted to and approved by the Responsible Authority. The plans must be prepared to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions. An A1 plan and an electronic copy (PDF) must be provided. The plans must show:
a) Street trees must be provided on both sides of roads/streets at 25 metre intervals;

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

c) Quantities of all species to be planted on site including their size when mature;

d) A planting and maintenance plan;

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

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

g) Access to each lot in the subdivision.

18. Before a statement of compliance is issued for each stage under the Subdivision Act 1988, the landscaping as shown on the endorsed landscaping plan must be completed to the satisfaction of the responsible authority.

19. The permit holder must maintain all landscaping, including any replacement of dead or diseased plants, as per the endorsed landscape plan for a period of one year to the satisfaction of the Responsible Authority.

Public Works must be completed

20. Before the issue of a Statement of Compliance all public works must be completed in accordance with IDM standard drawings and the endorsed plans to the satisfaction of the Responsible Authority including:

a) All roads, paths, drainage, open space and other public infrastructure in accordance with the endorsed civil design plans;

b) redundant infrastructure must be removed and the area reinstated to the satisfaction of the Responsible Authority including appropriate kerbing and channelling, footpath and landscaping;

c) standard street lighting must be provided in accordance with the IDM and the endorsed civil design plans;

d) all landscaping works in accordance with the endorsed landscape plan;
e) any reserves must be cleared of all rubbish, weeds, debris and spoil and must be landscaped to the satisfaction of the Responsible Authority. Such landscaping must be in accordance with a plan approved by the Responsible Authority;

f) A Permanent Mark sketch plan, including RLs, as approved under the Survey Co-ordination Act 1958 and/or Surveying Act 2004 shall be completed and registered with Land Victoria. Such registration shall be deemed not to have taken place until notarised advice has been forwarded to Bass Coast Shire Council.

Regional Roads Victoria

21. Prior to the development beginning, a concept plan of the intersection of Lynnes Road and the Inverloch Kongwak Road must be submitted and approved by VicRoads. The plan must show the upgraded intersection of a CHR(S) as indicated in the revised traffic report.

22. Prior to the statement of compliance for stage 4 of the development, a detailed functional layout in accordance with VicRoads Eastern Region Detailed Functional Layout checklist must be submitted and approved by VicRoads.

23. Prior to the certification for stage 5 of the development, detailed design plans in accordance with VicRoads Eastern Region Detailed design plans checklist must be submitted and approved by VicRoads.

24. Prior to the statement of compliance for stage 5 of the development, all works associated with the upgrade of the intersection of Lynnes Road and the Inverloch Kongwak Road must be completed to the satisfaction of VicRoads.

25. Roadway Lighting at the intersection of Lynnes Road and Inverloch Kongwak Road must be completed to the satisfaction of VicRoads.

26. The subdivision must proceed in the order of stages unless approved in writing by the responsible authority and VicRoads.

Bushfire Management, Country Fire Authority

Bushfire Management Plan endorsed

27. The Bushfire Management Plan (BMP) submitted as Version 6 and dated 27.03.2019 for the Bushfire Management Statement by Euca Planning P/L, must be endorsed to form part of the permit.

28. The BMP must be included as an annexure to the Section 173 agreement prepared to give effect to Clause 44.06-5 of the Bass Coast Planning Scheme and the conditions of this permit. 3. Once endorsed the plan must not be altered unless otherwise agreed in writing by the relevant fire authority and the responsible authority.
29. The BMP with bushfire management conditions is to apply to ALL lots in the development, including any lot mapped outside of the Bushfire Management Overlay and within a Bushfire Prone Area (BPA), to facilitate:

a) Effective landscape fire safety on a perpetual and cooperative basis;

b) The application of emergency services access and water supply for firefighting in accordance with planning scheme zone provisions; and

c) An assessment that can be considered for the Bushfire Prone Area (BPA) process subject to submission and acceptance as a Bushfire Attack Level assessment for a building permit.

**Matters to be set out in Section 173 Agreement**

30. In addition to the requirements of Clause 44.06-5 of the Bass Coast Planning Scheme the Section 173 Agreement prepared in accordance with that clause must also specify the following:

a) Explicitly exclude Lot 7 with the existing dwelling and Lot 32 in part and to only exclude where necessary that part designated as the forest reserve from the following exemption under Clause 44.06-2 of the Planning Scheme:

(i) ‘A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5.’

b) State that the Section 173 agreement has also been prepared for the purpose to give effect to the conditions of this permit that require bushfire protection measures to be implemented on Lot 7, and the access way from the public road to the forest reserve of Lot 32. These bushfire protection measures are required to be implemented and maintained subject to this agreement to the satisfaction of the responsible authority on an ongoing basis during the declared fire danger period.

**Bushland Reserve Lot Access**

31. Before the statement of compliance is issued under the Subdivisions Act 1988, and before any ongoing agreement for the management of the Forest Reserve in the south central area of the land, designated as part of Lot 32, is endorsed subject to this permit and to the satisfaction of the responsible authority:

a) Emergency vehicle access clearance must be provided for in a suitable manner to enable travel in a forward direction by an off-road capable fire brigade firefighting vehicle from a public road and around the outer boundary of the forest reserve:
(i) The full perimeter access need not be a constructed accessway but must be maintained as general emergency access during the fire danger period.

(ii) Emergency access is also to be incorporated in any land management access to the perimeter of the Forest Reserve lot as required and advised in writing.

**Mandatory conditions from Clause 44.06-5 of the Bass Coast Planning Scheme**

32. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

a) State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Bass Coast Planning Scheme.

b) Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.

c) State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

**Management of vegetation on proposed private land**

33. The owner must protect via a Trust for Nature Covenant or Conservation Forest and Lands Act 1987 Section 69 Agreement the 12.892 ha of remnant vegetation (Lowland Forest EVC 16) in proposed Lot 32 assessed by Brett Lane and Associates in June 2018 (refer to Brett Lane and Associates March 2019, 660 Lynnes Road, Wattle Bank Flora and Fauna Report).

34. Before a statement of compliance is issued for stage 1 under the Subdivision Act 1988 evidence of the protection required by condition 33 must be supplied to the responsible authority for approval.

35. Before the plan of subdivision for Stage 1 is certified under the Subdivision Act 1988, a landscape management plan must be prepared by suitably qualified person/company and must be submitted to and approved by the Responsible Authority. The plans must be prepared to the satisfaction of the Responsible Authority. When approved, it will be endorsed and form part of the permit. The land management plan must address the following minimum requirements:
a) Be related to the protection and conservation of lowland forest EVC 16 habitat areas E (1.6 hectares) and J (5.32 hectares) that will be located in proposed Lot 2, 3, 4, 5, 6, 7, 8, 53, 54, 55, 56, 57, 58 (refer to Brett Lane and Associates Brett Lane and Associates March 2019, 660 Lynnes Road, Wattle Bank Flora and Fauna Report and Indicative Subdivision and Staging plan for 660 Lynnes Road Wattle Bank, version 17 dated 12 March 2019, prepared by Beveridge Williams).

b) Clearly define how the biolinks will be created (planting schedules etc) and the ongoing management of the biolinks within proposed lots 32, 38, 40, 41, 42.

c) Retain all trees, including dead trees that are standing.

d) Exclude stock and other threats that could arise as a result of the future residential use of the land.

e) Ensure that weed cover does not increase beyond the current level.

f) Monitor for new and emerging weeds and eliminate to less than one per cent.

g) Retain all logs, fallen timber and organic litter.

h) Control rabbits and other pest animal species.

i) when there is a scattered trees, at least five recruits need to regenerate, or be planted in the area around each protected scattered tree. The recruits must be native canopy tree species as specified in the relevant bioregional EVC benchmark. If the recruits die during the life of the be replaced until at least five recruits are established.

j) specific vegetation and biolink management obligations for land owners of proposed lots proposed Lot 2, 3, 4, 5, 6, 7, 8, 32, 38, 40, 41, 42, 53, 54, 55, 56, 57 and 58.

k) 10 years of management commitments for the area. This must include the ongoing management actions to maintain the vegetation at the improved condition, following the initial 10 year period.

l) Requirement for a suitably qualified person to report annually on the management actions, the report will be prepared at no cost to the responsible authority and must specify the person responsible for preparing the annual report.

36. Before a statement of compliance is issued for stage 1 under the Subdivision Act 1988, the owner of the land must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement shall be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. All costs associated with the preparation and registration of the agreement shall be at the permit
holders expense. Evidence of the registration of the agreement must be provided to the Responsible Authority prior to the issue of a Statement of Compliance authorised by this permit. The Section 173 agreement must provide for the following:

a) Requiring that the land management plan endorsed to form part of permit 180231 must be implement.

b) Prior to the issue of an Occupancy Permit for a dwelling on each allotment, the construction of a sealed driveway crossover for each lot must be provided in accordance with IDM standard drawings (i.e. SD 260).

Department of Environment, Land, Water and Planning

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

38. Before any native vegetation removal begins, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority and the Department of Environment, Land, Water and Planning (DELWP). When approved, the plans will be endorsed and will form part of this permit. The plans must include:

a) a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.

b) an amended site plan, drawn to scale with dimensions and georeferences (such as VicGrid94 co-ordinates), that clearly shows:

(i) the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land

(ii) the location and area of all native vegetation, including scattered trees and large trees within patches, that are permitted to be removed under this permit

(iii) the location and area of all native vegetation present within the subject land and any construction impact area to be retained, including scattered trees
(iv) all spoil stockpile and management areas located away from the retained vegetation
(v) measures taken to maintain water quality and existing hydrological regimes adjacent to roadworks

39. The native vegetation permitted to be removed, destroyed or lopped under this permit is 1.487 hectares of native vegetation as specified in the DELWP native vegetation removal report (report ID: BLA_2019_004), which is comprised of:
   a) 0.638 hectares of patch native vegetation, including 4 large trees
   b) 10 scattered large trees
   c) 10 scattered small trees

40. To offset the removal of 1.487 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017):
   a) A general offset of 0.441 general habitat units:
      (i) located within the West Gippsland Catchment Management boundary or Bass Coast municipal area;
      (ii) with a minimum strategic biodiversity value of at least 0.405; and
   b) the offset secured must also protect 14 large trees.

41. Before any native vegetation is removed evidence that the required offset has been secured must be provided to the satisfaction of responsible authority. This evidence must be one or both of the following:
   a) an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
   b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

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

43. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable
request of a statutory authority.

Ausnet Electricity Services Pty Ltd

44. 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.

45. The applicant must:

a) Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.

b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.

c) Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.

d) Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of “AusNet Electricity Services Pty Ltd” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

e) Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.

f) Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.

g) Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.

h) Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

i) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
j) Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Amenity

46. The subdivision must be managed (during construction) so that the amenity of the area is not detrimentally affected through the:

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

b) Appearance of any building, works or materials;

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

d) Presence of vermin or animals.

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

Permit Expiry

48. The permit will expire if one of the following circumstances applies:

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

b) The plan of subdivision for each subsequent stage is not certified within four (4) years of the certification of the previous stage; or

c) The registration of the plan of subdivision for each stage is not completed within five (5) years of certification of that stage.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

PERMIT NOTES:

Asset Protection Permit

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

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

Attachments

AT-1  Proposed plan of subdivision  1 Page
AT-2  CONFIDENTIAL - Submissions  64 Pages
H.3 Local Government Power Purchase Agreement

File No: CM19/473
Division: Infrastructure & Environment
Council Plan Strategic Objective: Environment
Maintain and protect the natural environment

Declaration

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

Summary

The purpose of this report is to present to Council for consideration the Local Government Power Purchase Agreement (LG PPA) and seek agreement and a percentage electricity load to enter into the tender stage.

A Power Purchasing Agreement (PPA) is a broad term which relates to a contract for the purchase of electricity from a generator or retailer over an extended period (e.g. 7-10 years).

The LG PPA make up the largest PPA buyers’ group in Australia and over 25% of Victorian local government’s electricity load is anticipated to be purchased through this arrangement.

This report recommends that Council:

1. Enter into a tender process to purchase renewable energy via a Power Purchase Agreement (PPA) with other Victorian councils in partnership, with the MAV as the procurement agent.
2. Commit 30% of its electricity load to the Power Purchase Agreement project; and
3. Delegates authority to the CEO to enter into a contract with a preferred supplier(s) after the tender selection process is completed.

Background

In November 2017, Victoria’s Greenhouse Alliances formed an Energy Procurement Working Group of 39 participating Councils, to develop a renewable energy PPA that has been made available to all Victorian Councils. Refer to figure 1 below of a map detailing participating LGA’s.

This working group (led by Darebin City Council) has:

a) Developed a PPA project brief and risk register;
b) Engaged with the energy sector to better understand market conditions and preferences in relation to the PPA model; and
c) Engaged energy market experts (Energetics) to develop a business case on behalf of 39 Victorian councils (including Bass Coast) to test the viability of the PPA model.
Ordinary Meeting - 17 July 2019

Bass Coast Shire Council

Figure 1: Participating Councils in the LG PA working group.

What is a PPA and how do they differ from a standard electricity contract?

<table>
<thead>
<tr>
<th>Standard Electricity Contract</th>
<th>vs</th>
<th>Retail PPA Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracts mainly created with retailer needs in mind</td>
<td>-</td>
<td>Contracts reflective of customer needs</td>
</tr>
<tr>
<td>2-3 years in length</td>
<td>-</td>
<td>10 years sometimes 7 or even 5 years</td>
</tr>
<tr>
<td>Fixed price for peak/ off peak rates, reset during every tender</td>
<td>-</td>
<td>Some (partially fixed) or all (fully fixed) of rates fixed for contract term</td>
</tr>
<tr>
<td>Pricing largely influenced by energy markets</td>
<td>-</td>
<td>Pricing largely determined by ops costs to supply energy</td>
</tr>
<tr>
<td>Renewable energy optional extra</td>
<td>-</td>
<td>Integrated 100% renewable energy</td>
</tr>
</tbody>
</table>

Figure 2: Standard electricity comparison vs retail PPA contract.

Council currently purchases electricity via the Municipal Association of Victoria (MAV) bulk procurement contract. This supplies Council’s electricity from the Victorian electricity grid, predominately made up of coal fired generated electricity supplies. The MAV contract is separated into to account types, which are awarded separately. Large sites, small sites and non-metered accounts are managed by separate contracts due to retailer appetite for usage volume, number of accounts and to ensure the best price is received from retailers.

Council is committed to these contracts until the end of June 2020 for small market accounts and December 2021 for large sites and unmetered sites (public lighting).

Strategic Basis

Council Plan Objective:

Environment – Maintain and protect the natural environment
Strategic Outcome:

- Provide efficient and equitable waste management services and infrastructure
- Reduce the carbon footprint of the municipality
- Manage the balance between our natural environment, public access and use of our foreshores and waterways
- Enhance our environment and landscape with vegetation and native wildlife protection initiatives
- Partner with other land managers along coastal areas for consistent management
- Advocate for state and federal government support and assistance on coastal erosion*

Strategic Indicator

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measure</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate and community emissions reduction</td>
<td>Corporate greenhouse gas levels</td>
<td>By 2025 achieve a 50% reduction in corporate greenhouse gas levels compared to 2009/10</td>
</tr>
<tr>
<td></td>
<td>Community emissions profile</td>
<td>Develop a community emissions profile for Bass Coast Shire and set a target to reduce community emissions</td>
</tr>
<tr>
<td>Restoration of coastal and inland vegetation corridors</td>
<td>Native vegetation cover</td>
<td>Increase native vegetation cover by minimum of 1.5% each year</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2018 – 397,5000 plants were planted in identified biolinks</td>
</tr>
<tr>
<td>Waste Management Strategy 2015-25</td>
<td>Diversion of kerbside waste from landfill</td>
<td>Increase diversion of all kerbside waste from landfill to 70% by 2021</td>
</tr>
<tr>
<td>Natural Environment Strategy 2016-26</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
</tbody>
</table>

Strategies / Policies

The Natural Environment Strategy 2016-2026. Action 1.1.5 states:

‘Set and action a corporate Emissions Reduction Target for the organisation and encourage community involvement.’

Council has previously resolved that it ‘Commits to supporting renewable energy and actively reducing greenhouse gases’ (18 Oct 2017, Unconventional and conventional gas exploration and mining of coal). Local government has a responsibility to mitigate climate change risk at a federal and state legislative and regulatory level. Part of this responsibility is to decrease emissions where possible.
Legislative and regulatory instruments include:

- *Climate Change Act 2010*
- *Planning and Environment Act 1897*
- *Water Act 1989*
- *Catchment and Land Protection Act 1994*
- *Public Health and Wellbeing Act 2008*
- *Victorian Climate Change Adaptation Plan 2013*
- Bass Coast Municipal Health and Wellbeing Plan
- Bass Coast Planning Scheme

**Discussion**

In October 2018, as part of the tender scoping process council nominated 30% (587.2 MWh) of small market account category types was nominated as a conservative approach to manage the risk and potential benefits for inclusion in the business case. It is proposed that Council continue to commit 30% of the overall purchased electricity to the tender process, to ensure Council has flexibility to participate in other potential PPA opportunities via South Eastern Climate Change Alliance and Totally Renewable Phillip Island.

Councils must confirm their participation in the tender stage through an Agreement by 9 August 2019. This is a limited opportunity and is unlikely to be available again in this format.

The agreement must outline the percentage of Council's electricity consumption to be purchased via a PPA. The LG PPA requires a minimum of 20% of electricity usage committed to the tender stage by participating Councils.

The business case demonstrates that there are benefits to participating Councils by committing 100% of its electricity load to the PPA, including long term price certainty, potential buffering of energy market price rises due to the transition towards solar, particularly for street lighting and internal efficiencies and resources savings from consolidation and management of electricity contracts, under one agreement. Figure 3 below demonstrates Bass Coast Shire Council would realise benefits over the long term with only a committed load of 30%.
The scenarios of low, mid and high are based on the same price forecasts for each of the models.

Model definitions:

- ‘Business as usual’ – represents Council continuing our current retail arrangements, with long-term forecasts for changes in wholesale electricity prices.
- ‘Fixed firm LG PPA’ – a fixed price for a period of seven to ten years. The business case recommends a reset after seven years.
- ‘Partially fixed firm’ – a portion of the price is fixed over ten years; a portion is reset every two to three years

Participation in the LG PPA demonstrates leadership to the community and an innovative approach to investment in renewables, contributing to increasing renewable investment in the State’s electricity supply.

**Finances**

In line with previous stages of this project, each Council will be required to contribute financially, to help cover various project costs, such as advisory services, media and promotions and procurement/tendering activities. A tiered contribution model has been established to maximise potential involvement from all Victorian Councils in the market engagement process (based on Know Your Council classifications):

<table>
<thead>
<tr>
<th>Classification</th>
<th>Continuing</th>
<th>New</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metropolitan and Interface Councils</td>
<td>$25,000 +GST</td>
<td>$35,000 +GST</td>
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<tr>
<td>Regional City Councils</td>
<td>$12,000 +GST</td>
<td>$17,000 +GST</td>
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<tr>
<td>Large Shire Councils</td>
<td>$4,000 +GST</td>
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</tr>
<tr>
<td>Small Shire Councils</td>
<td>$3,000 +GST</td>
<td>$4,000 +GST</td>
</tr>
</tbody>
</table>

Bass Coast Shire Council’s contribution, as a continuing council will be required to pay $4,000 +GST to the lead organisation, Darebin City Council, once the Buyers’ Group composition has been determined for the future stages.
Energy market prices are influenced by many factors and so cannot be forecast with absolute certainty, however results from the models provided by Energetics showed that Bass Coast Council could save on electricity costs over the 10-year agreement lifetime. Savings are anticipated to be realised through having a fixed or partially fixed price for the committed volume contributed, reducing expected price shocks in the energy market, as well as anticipated increasing cost of achieving emissions reductions through purchase of renewable energy.

Figure 3 above outlines the predicted cost of the proposed committed load of 30%, over the 10 year contract term. It should be noted that the graph represents electricity consumption charges only, accounting for approximately 55% of the average bill. The network charges (35%) are set by Ausnet Service and are not contestable. The environmental charges (10%) for the Federal Government’s Renewable Energy Target (RET) and Victorian Energy Efficiency Certificates (VEECs) are also not contestable.

Budget for this project is included in the total electricity budget for Council operations.

Stakeholders

The following represent stakeholder relating to this project;

- 39 participating councils on the LG PPA Working Group
- MAV, nominated procurement agent
- Darebin City Council (Lead Organisation)

Other stakeholders include:

- Bass Coast residents
- Department of Environment, Land, Water and Planning (DELWP)
- Sustainability Victoria
- Totally Renewable Phillip Island

Other Options

Council may choose to adopt the officer’s recommendation. The recommended option and alternative options are outlined below for consideration;

1. **Recommended Option:** Nominated load of 30% of electricity load committed to the tender stage of the LG PPA, at the completion of the current contract (June 2020 and December 2021). Should Council proceed with 30% of load, Council will need to manage a separate procurement process for the remaining 70% of electricity load, duplicating administrative burden. The remaining 70% of load would be subject to shorter term market volatility.

2. **Business as Usual:** Continue on Business as Usual contract(s) via a tender through a procurement agency (e.g. Procurement Australia or MAV) or council when contract terms near completion (June 2020 and December 2021). This option has high exposure to future wholesale electricity prices, and does not assist council in meeting its emissions reduction commitments.
3. **Business as Usual plus GreenPower**: Continue on three year contracts via a tender through a procurement agency or Council, and purchase GreenPower to achieve emissions reductions. GreenPower is modelled as being more expensive than renewable energy via a PPA due to the shorter-term nature of contracts and allowing for a broker margin, therefore this option is not financially competitive.

4. **100% electricity committed to LG PPA**: Commit 100% of electricity to the LG PPA would quickly meet Council’s emissions reduction target and realise additional benefits of only having to manage one contract for a longer period of time (>7 years). A 100% commitment would mean Council would not be able to participate in potential local or regional PPA programs currently under investigation, for example Totally Renewable Phillip Island. However, Council could still support these programs through alternative measures, such as in-kind officer support or land or facilities leasing.

**Conclusion**

This project is an opportunity to reduce emissions generated by corporate activities, future energy costs, in accordance with Council’s *Natural Environment Strategy (2016-2026)*.

Participation in the LG PPA demonstrates leadership to the community and an innovative approach to investment in renewables, contributing to increasing renewable investment in the State’s electricity supply.

It is recommended that Council commit 30% of the overall purchased electricity to the tender process, to ensure Council has flexibility to participate in other potential PPA opportunities via South Eastern Climate Change Alliance and Totally Renewable Phillip Island.

**Recommendation**

**That Council:**

1. Enters into a tender process to purchase renewable energy via a Power Purchase Agreement (PPA) with other Victorian councils in partnership, with the MAV as the procurement agent.

2. Commit 30% of its electricity load to the Power Purchase Agreement project; and

3. Delegates authority to the CEO to enter into a contract with a preferred supplier(s) after the tender selection process is completed.

**Attachments**

There are no attachments for this report.
H.4 Response to 10 May 2019 Flood Event at Bay Beach Cape Paterson and the Wonthaggi Life Saving Club

File No: CM19/476
Division: Infrastructure & Environment
Council Plan Strategic Objective: Environment
Maintain and protect the natural environment

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

Summary
The purpose of this report is to respond to the Council resolution 19 June 2019:

That Council provide a report at the Ordinary Council Meeting scheduled for 17 July 2019 setting out details of monetary and non-monetary support provided to the WSLC in relation to the flooding event of 10 May 2019, including flooding mitigation strategies and maintenance implemented or proposed, to reduce or eliminate further risk to the WSLC precinct, buildings, drainage and other infrastructure.

Council, together with emergency service organisations responded to a significant rainfall event on the 10 May 2019 at Cape Paterson. This report outlines the activity and support Council has provided and continues to provide to the Wonthaggi Life Saving Club as a result of the flooding event.

Council is working in a collaborative partnership with Wonthaggi Surf Life Saving Club, State Government and Life Saving Victoria to ascertain the way forward for the club to deliver services in the upcoming season, and beyond.

The Cape Paterson Bay Beach Activity Area Master Plan (2014) provides strategic direction for investment in the precinct. Resulting from this event Council has an opportunity to collaborate with State government agencies and the Wonthaggi SLC to deliver priority key directions within the Plan, and improve services for the community.

This reports recommends

That Council note the immediate and ongoing assistance, valued at over $26,920 provided by Bass Coast Shire Council to the Wonthaggi Life Saving Club to allow safe access, rehabilitate public infrastructure around the Clubhouse and observation building, assess drainage infrastructure and facilitate engagement with stakeholder agency groups.
Background

On 10 May 2019 unofficial records indicate that Cape Paterson received approximately 100mm of rainfall within 1 hour. This was a significant event well above 1:5 and which standard infrastructure is designed to cope with (estimates equate the event to 1 in 2000-year Average Recurrence Interval storm event). The drainage network around Cape Paterson Bay Beach would have been installed to convey a 1 in 5 ARI storm event and will therefore perform as intended in large storm events.

Wonthaggi SES Unit initially responded to support private properties impacted by the event. Due to the significant number of calls for support and localised size and nature of the flooding event support was called and provided by SES Unit’s from across Bass Coast Bass Coast (Phillip Island, San Remo and Inverloch), Leongatha, Moe and Yarram. Local Country Fire Authority Brigades also provided support to the SES with vehicles and human resources.

The Bay Beach Crown land and foreshore area provided an overland pathway for the water sheeting off the roadway and surrounding hard stand areas. Wonthaggi Life Saving Club and other community assets (car park, toilet block, playground, BBQ and seating areas) were significantly impacted due to the overland flows of flood water.

Council is the Crown land Manager for Bay Beach, Cape Paterson and the land that the Wonthaggi Lifesaving Club occupies. The Wonthaggi Lifesaving Club is responsible for the Club observation building and clubrooms, Council is responsible for the remaining community assets.

During the 10 May 2019 event the drainage network quickly became fully charged with storm water and this was evidenced by the pit lid lifting at the Bay Beach reserve near the car park. Additional overland flows from the large upstream catchment area were generated very quickly and resulted in the flash flooding that was experienced at Bay Beach. Significant hail was experienced in the area and may have also contributed to blockages in the drainage system which would have further constricted the conveyance of storm water.

Strategic Basis

Council Plan Objective:

Environment – Maintain and protect the natural environment

Strategic Outcome:

• Provide efficient and equitable waste management services and infrastructure
• Reduce the carbon footprint of the municipality
• Manage the balance between our natural environment, public access and use of our foreshores and waterways
• Enhance our environment and landscape with vegetation and native wildlife protection initiatives
• Partner with other land managers along coastal areas for consistent management
• Advocate for state and federal government support and assistance on coastal erosion*
Strategic Indicator

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measure</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate and community emissions reduction</td>
<td>Corporate greenhouse gas levels</td>
<td>By 2025 achieve a 50% reduction in corporate greenhouse gas levels compared to 2009/10</td>
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<tr>
<td></td>
<td>Community emissions profile</td>
<td>Develop a community emissions profile for Bass Coast Shire and set a target to reduce community emissions</td>
</tr>
<tr>
<td>Restoration of coastal and inland vegetation corridors</td>
<td>Native vegetation cover</td>
<td>Increase native vegetation cover by minimum of 1.5% each year 2018 – 397,5000 plants were planted in identified biolinks</td>
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<tr>
<td>Waste Management Strategy 2015-25</td>
<td>Diversion of kerbside waste from landfill</td>
<td>Increase diversion of all kerbside waste from landfill to 70% by 2021</td>
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<tr>
<td>Natural Environment Strategy 2016-26</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
</tbody>
</table>

Statutory Requirements/ Codes/ Standards/ Policies

The following legislation and regulations are relevant to this report:

- Planning and Environment Act 1897
- Local Government Act 1989
- Catchment and Land Protection Act 1994
- Crown Land (Reserves) Act 1978
- Coastal Management Act 1995
- Environment Protection Act 2006
- Bass Coast Planning Scheme

Strategic Direction

The Cape Paterson Bay Beach Activity Area Master Plan (2014) provides strategic direction for investment in the precinct. There are 33 key directions in the Plan. Key Direction’s addressing the Wonthaggi LSC, the car park and drainage infrastructure include:

Key Direction 1 - Support the establishment of a new, multi-purpose facility to accommodate the Wonthaggi Life Saving Club (WLSC) clubroom, main hall, public toilets and general storage. Opportunities also include incorporating a cafe, history display and visitor centre into the existing building. Ensure that the building has minimal environmental impacts and is accessible to disabled persons.
Key Direction 2- Upgrade the existing crushed rock car park with defined parking bays based on the indicated concept layout. Investigate the use of asphalt or paver surface. Include stormwater management infrastructure and vegetation using indigenous plant species in order to soften the visual appearance and provide shade. Provide a turn around loop for emergency vehicles and garbage trucks. Relocate the existing power pole and fire hose to provide more space for vehicles to manoeuvre. Provide reserved car parking spaces for the WLSC on-duty members. Provide short term drop off/pick up parking.

Discussion

*Works completed in response to the event*

On the day of the event Council work crews responded though mobilisation with other emergency services (SES and CFA) to assist the community with damage caused by the flooding.

Reactive works undertaken by Council as a result of the flooding event have included:

- Multiple inspections of the site by Council’s Municipal Building Surveyor with the Wonthaggi LSC to ensure public safety
- Clearing roadways and pits from hail build-up to allow surface water to enter and traffic access
- Paths and carpark area repairs
- Car park re-sheeting
- Structural engineers checking council assets (toilet, BBQ, playground)
- Removal of the concrete slab and reinstatement of sand on the foreshore to make safe
- Drainage and overland flow assessments
- Joint press releases
- Convening and administration of meetings

Further track and path erosion has been identified with subsequent rainfall events where the water has found new natural causeways after the 10 May 2019 flooding event. These will be rectified as part of Council’s maintenance schedule and include informal steps and stair areas. These costs are unknown at this stage.

*Drainage evaluation*

Engineers analysis of the 10 May 2019 storm event and the maintenance and performance of the drainage network has been completed. Following the storm event council officers assessed the drainage network and can confirm that the drainage infrastructure around Bay Beach is in a functional condition and has been maintained to perform within capacity. This was confirmed during an inspection whilst a significant rain and hail event occurred on the morning of 29 May 2019.
Victorian practice is to design to 1 in 5 year ARI in residential areas. Engineering practice throughout Australia does not cater for storm events over 1 in 100 year ARI event. It is generally accepted that storm events of this magnitude are infrequent enough not to warrant the significant additional expense required to install the corresponding scale of infrastructure.

Upgrade of the drainage network to larger pipes at Bay Beach would be a significant expense due to the very large pipe and pit sizing required and it would not guarantee that flooding would not occur again in the unlikely event of another storm consistent with what was experienced on 10 May 2019. As a comparison, a drainage renewal project has recently been completed at the San Remo foreshore. The project was prioritised and completed as part of the 2018/19 renewal program and the cost was $310,000. Potential additional costs related to a Cape Paterson outfall upgrade are unknown and may include DELWP permits and other environmental requirements.

Inspections of the drainage outfall pipe on the foreshore was undertaken. The drainage outfall pipe is functioning well however some isolated defects will be addressed by maintenance. An inspection of the pathway that leads to the beach on the west side of the reserve was also undertaken. It was evident that the path remained at the nominal base level of the fence posts and therefore a buildup of sand on the path is not considered to have contributed to the flooding event.

With regard to upstream overland flows including from the carpark area it was noted that under usual storm events water disperses allowing the drainage system to cope. If required overland flows could be further addressed with drainage upgrade in line with carpark and reserve masterplan design.

Collaborative Works and Future Planning

Within two weeks of the event Council convened a meeting with key stakeholder organisations (Emergency Services Infrastructure Authority (ESIA), Wonthaggi Surf Lifesaving Club, Life Saving Victoria (LSV), Cape Paterson Residents and Ratepayers Association) and Ward Councillors to ensure strong communication and discuss the event. Further meetings have been held with representatives from DELWP, ESIA, LSV, Wonthaggi LSC and Council.

A Steering Group has been formed with a representative from DELWP, Bass Coast Shire, ESIA, LSV and the Wonthaggi LSC to progress the demolition (if required) and establishment of temporary volunteer lifesaving services across the next three summer periods.

A two project approach has been identified as the way forward by the Steering Group:

1. A short term project to deliver temporary services across the future summer period until a new facility is in place. This is based on the assumption that the pending engineering reports will recommend that the existing clubrooms and observation building will be demolished. The Wonthaggi LSC patrolling activities commences on 30 Nov 2019 and will require temporary facilities for at least three years.

This short term project includes addressing items such as the immediate need for the Wonthaggi LSC to deliver services across the next three years,
commissioning of structural, coastal and geotechnical assessment reports for
the club house and observation buildings, demolition (if required), timing and
the footprint and layout required to deliver temporary services, planning
approvals and permits and Crown land licences/leases.

This short term project is being funded by the State government ($175,000)
and will be delivered by the Steering Group, chaired by ESIA. All agencies have
provided a representative with the appropriate knowledge and expertise
required.

2. A long term project to scope and deliver a permanent infrastructure facility for
the Wonthaggi Life Saving Club, associated community services and assets. This
project will commence after the short term project requirements have been
delivered. The structural, coastal and geotechnical assessment reports and club
insurance reports currently underway will inform this project, scope and
discussions.

The Cape Paterson Bay Beach Activity Area Master Plan (2014) provides strategic
direction for investment in the precinct, and supports the establishment of a new,
multi-purpose facility to accommodate the Wonthaggi Life Saving Club (WLSC)
clubroom, main hall, public toilets and general storage. Opportunities also include
incorporating a cafe, history display and visitor centre into the existing building.
Ensure that the building has minimal environmental impacts and is accessible to
disabled persons (Key Direction 1). Other Key Directions within the Plan support
investment and improvements in car parking, walking tracks, and storm water
infrastructure.

Finances

Council has contacted the Natural Disaster Financial Assistance Team, Corporate
Finance, Department of Treasury and Finance who has confirmed that the impacts to
the Wonthaggi Surf Lifesaving Club would not be considered an essential public asset
and would not qualify for funding.

The State government (ESIA) is providing $175,000 to assist the Club to demolish and
set up temporary facilities for the upcoming seasons.

Monetary costs incurred by Council as a direct result of the event are currently
calculated at $25,220. Non-monetary costs of council officer time equate to a
minimum $1,700. This totals $26,920 to date. These figures are expected to increase
as the impact of the event are realised and improvements/repairs issues are found
(e.g. landslips, track erosion) and rectified.

Through Councils draft 2019/20 budget process a public submission was made about
the Cape Paterson Bay Beach Activity Area. The response to that submission was as
follows:
Officers are currently making an assessment of the flood event that occurred on 10th May 2019. This includes an assessment of the condition of the drainage infrastructure in the area and the overland flow paths when high rainfall events occur. Following that assessment maintenance and renewal funding will be allocated according to its priority. Council may also choose to fund additional works in the area through its continuous forecast process in 2019/20 if funds become available (subject to Council decision).

Stakeholders

The following stakeholders have been identified:

- Wonthaggi Life Saving Club
- Bass Coast Shire Council
- Department of Environment, Land Water and Planning (DELWP)
- Life Saving Victoria (LSV)
- Emergency Services Infrastructure Authority (ESIA)
- Cape Paterson community
- Cape Paterson Residents and Ratepayers Association
- State Emergency Services

Other Options

Council may choose to adopt the officer’s recommendation noting the monetary and non-monetary contributions of Council post the 10 May 2019 flooding event. Since this time Council has continued to work collaboratively with stakeholders to assist the Wonthaggi Lifesaving Club and the Cape Paterson community.

Council may choose to not adopt the officer’s recommendation and seek further information. At this time the Steering Group is working to progress the short term priority to establishment of temporary volunteer lifesaving services across the next three summer periods. Further direction and costs will not be known until the structural, coastal and geotechnical assessment reports are complete.

Conclusion

On the 10 May 2019 the area of Cape Paterson experienced a significant weather event resulting in hail and over 100mm of rainfall in under an hour. This caused a major overland flooding event and water damage to over 40 houses in the Cape Paterson area.

Engineers analysis of the 10 May 2019 storm event and the maintenance and performance of the drainage network has been completed. Following the storm event council officers assessed the drainage network and can confirm that the drainage infrastructure around Bay Beach is in a functional condition and has been maintained to perform within capacity.

A Steering Group has been formed with a representative from DELWP, Bass Coast Shire, ESIA, LSV and the Wonthaggi LSC to progress the demolition (if required) and establishment of temporary volunteer lifesaving services across the next three summer periods.
Monetary costs incurred by Council as a direct result of the event are currently calculated at $25,220. Non-monetary costs of council officer time equate to a minimum $1,700. This totals $26,920 to date. These figures are expected to increase as the impact of the event are realised and improvements/repairs issues are found (e.g. landslips, track erosion) and rectified.

The State government (ESIA) is providing $175,000 to assist the Club to demolish and set up temporary facilities for the upcoming seasons.

The Cape Paterson Bay Beach Activity Area Master Plan (2014) provides strategic direction for investment in the precinct. Resulting from this event Council has an opportunity to collaborate with State government agencies and the Wonthaggi SLC to deliver priority key directions within the Plan, and improve services for the community.

**Recommendation**

That Council note the immediate and ongoing assistance, valued at over $26,920 provided by Bass Coast Shire Council to the Wonthaggi Life Saving Club to allow safe access, rehabilitate public infrastructure around the Clubhouse and observation building, assess drainage infrastructure and facilitate engagement with stakeholder agency groups.

**Attachments**

There are no attachments for this report.
H.5  Response to Petition - Requesting a Fenced Dog Park

File No: CM19/479
Division: Advocacy, Economy & Liveability
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 respond to the petition received by Council at the 19 June 2019 Ordinary Meeting and Council resolution;

1. That the petition for a Fenced Dog Park be received and lie on the table until the next Ordinary meeting of Council to be held on 17 July 2019.

2. That the head petitioner be advised of Council’s decision.

The report considers the request within the petition and recommends that Council:

1. Completes current consultation process in relation to Blue Gum Reserve, Cowes as part of the Blue Gum Reserve master plan which includes the introduction of a fenced dog off-leash area.

2. Recognises this petition as a submission to the Blue Gum Reserve master plan consultation process.


4. Advises the Head Petitioner of Council’s decision.

Background

A petition containing 1,201 signatures has been received by Council. The petition reads:

We the undersigned respectfully request that the Bass Coast Shire Council consider our request to provide the amenity of fenced in, off-leash dog park/parks where well behaved Phillip Island canine residents can exercise in a clean, safe environment without endangering or annoying people, children, property or wildlife.

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

“A petition or joint letter presented to Council must lay on the table until a future Ordinary meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson, unless Council resolves to deal with it earlier.”
In accordance with Section 61.3 of the Bass Coast Shire Council Meeting Procedure Local Law 2018 Council resolved:

1. That the petition for a Fenced Dog Park be received and lie on the table until the next Ordinary meeting of Council to be held on 17 July 2019.

2. That the head petitioner be advised of Council's decision.

This report addresses the petition and responds to the resolution of Council.

Council's Domestic Animal Management Plan 2017-2021

Council's Domestic Animal Management Plan 2017-2021 was adopted by Council in 2017 and sets the action plan for the next four years. The Plan looks at how we live with cats and dogs and gives Council a direction for management of these domestic animals until 2021.

Council's DAMP has actions for 2018/19 to consult with land managers and the community to identify potential off-leash beach areas in San Remo and on Phillip Island. This work is currently underway.

The Plan also has an action relating to identifying potential off-leash areas on Council owned or managed land, consulting with users and implementing a fenced off-leash area on Blue Gum Reserve in Cowes.

Off-leash areas on beaches have been successfully implemented in Ventnor, Inverloch, Cape Paterson, Kilcunda, Cornet Bay, Corinella, Tenby Point and Grantville. Further consultation has been completed in relation to off-leash beach areas in San Remo and on Phillip Island beaches.

Council officers have developed prerequisite requirements for inland off-leash areas on Council land and worked with relevant Council departments to identify potential off-leash areas.

Inland off-leash areas currently exist in Cowes, Inverloch, Glen Forbes and a fenced off-leash area is provided in Wonthaggi. Dogs in off-leash areas must still be under control and there are rules in place for using beach and inland off-leash areas.

Active Bass Coast 2018-28

The Active Bass Coast Plan was adopted by Council in 2018. Active Bass Coast is a 10-year Plan that sets the vision for the provision and use of open space and recreation activities across the Shire.

Active Bass Coast identifies reserves that require new or updated master plans. Master plans assist Council to determine priorities at recreation reserves by providing strategic direction for delivery of a range of projects for both the natural and built environment. Projects within master plans are prioritised for short, medium and long term implementation.

This process will provide a strategic approach to the identification of inland off-leash areas by looking at open spaces more holistically. Active Bass Coast has identified a number of key engagement activities during 2018/19 including the consultation around a fenced off-leash area at Blue Gum Reserve in Cowes.

The Active Bass Coast Plan is considered the best way to complete further investigation in to the suitability of inland off-leash areas in Bass Coast.
Feedback has been provided to Council officers in relation to increasing inland opportunities for off-leash dog walking on Phillip Island as part of the San Remo and Phillip Island off-leash beach consultation.

Comments provided at pop up engagements and through written feedback have requested that fenced off-leash inland areas be considered to protect wildlife on beaches on the island.

**Strategic Basis**

**Council Plan Objective:**

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

**Strategic Outcome:**

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

**Strategic Indicator:**

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measure</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Satisfaction with Council Decisions</td>
<td>Community Satisfaction Survey</td>
<td>Increase in Council Decisions score year on year</td>
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<tr>
<td>Transparency of Council decisions</td>
<td>Community Satisfaction Survey</td>
<td>Less closed report than the average in Large Rural Councils group year on year</td>
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<tr>
<td>Community Satisfaction with Consultation and Engagement</td>
<td>Community Satisfaction Survey</td>
<td>Increase in Consultation and Engagement score year on year</td>
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<tr>
<td>Community satisfaction with customer contact</td>
<td>Community Satisfaction Survey</td>
<td>Increase in Customer Contact score year on year</td>
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<td>Local Government Performance Reporting Framework (LGPRF) – Financial Performance</td>
<td>Measures as identified in LGPRF</td>
<td>Improve or maintain Council's performance</td>
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<td>Victorian Auditor General Office (VAGO) Financial Sustainability indicators</td>
<td>The Strategic Resource Plan and the Long Term Financial Plan to meet VAGO low risk indicators</td>
<td>Achievement of low risk indicators</td>
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### Other financial and non-financial performance indicators

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<th>Quarterly and year to date financial reporting</th>
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<tbody>
<tr>
<td>Quarterly and year to date non-financial performance reporting</td>
<td>Non-financial reporting published</td>
</tr>
<tr>
<td>Information technology improvements</td>
<td>Efficiencies achieved</td>
</tr>
</tbody>
</table>

| Revenue opportunities | Action plan achievement | 100% of agreed actions achieved |

### Major Initiative / Initiative

The Blue Gum Reserve Masterplan is not a major initiative or initiative in Council's 2018/19 Budget; however, it is identified within the Council's Active Bass Coast 2018-2028 Plan.

### Strategies / Policies

- Council's Domestic Animal Management Plan 2017-2021
- The Active Bass Coast Plan 2018-2028

### Statutory Requirements/Codes/Standards/Policies

The Domestic Animal Act 1994 requires Council to prepare a Domestic Animal Management Plan. This was adopted by Council in 2017.

Council can determine where dogs are permitted and whether they are required to be on a leash through a resolution making an Order under the Domestic Animals Act 1994.

### Discussion

Blue Gum Reserve in Cowes is a Council owned reserve, providing a large informal open space and areas of use for the community. It is currently the only inland off-leash area on Phillip Island. At the time of writing this report, consultation for a fenced off-leash area at Blue Gum Reserve in Cowes had commenced as part of the Blue Gum Recreation Reserve Master Plan.

The current Master Plan provides for a fenced off-leash area for dog training. The proposed off-leash area includes a bench and will be an addition to the current unfenced off-leash area. The Plan recommends a natural garden bed barrier to define the current off-leash area from recreation facilities and the car park. The draft Master Plan is on public exhibition until Sunday, 4 August 2019.

Future Master Plans for Hilton Chadwick Reserve in Cowes and Ventnor Common and Old Pine Plantation will include significant consultation, including the potential for dogs off-leash areas.

The Active Bass Coast Plan 2018-2028 will also consider dogs as part of the Ventnor Common and Old Pine Plantation Master Plan, which is identified to take place in the medium to long-term.
It is proposed that consultation in relation to inland off-leash-areas is linked to the Active Bass Coast Plan and additional consultation is completed over the course of the DAMP as directed by Council.

A further update on Shoalhaven Estate Cowes’, Wimbledon Heights’ and Rhyll’s suitability as inland off-leash areas can be provided as part of Council’s annual review of the Bass Coast Domestic Animal Management Plan 2017-2021 occurring in October 2019.

This annual review may provide a recommendation in relation to further consideration of inland off-leash areas on Phillip Island.

Council is still working towards identifying further off-leash beach areas in San Remo and Phillip Island that may provide further off-leash options.

**Finances**

At this time there are no financial implication in relation to this report. Investigation and consultation in relation to off-leash areas is included in current budgets. Further identified off-leash areas that require fencing will need to be considered in future Council budgets.

**Stakeholders**

Consultation in relation to the development of the Domestic Animal Management Plan included a public consultation processes and online survey, Officers also consulted with a number of local domestic animal stakeholders.

The community (including pet owners and non-pet owners) and relevant stakeholders will continue to be engaged throughout the implementation of DAMP actions. Relevant projects including the implementation of future inland off-leash areas will have their own consultation and engagement plans developed.

Blue Gum Recreation Reserve Master Plan consultation has included discussion with Phillip Island Conservation Society, Friends of Blue Gum Reserve, Blue Gum Reserve dogs off-leash community members, Clubs and groups using the Reserve and the Cowes community, including local residents.

**Other Options**

1. Council may wish to proceed with the proposed areas suggested in the petition as fenced inland off-leash areas. Council has completed community consultation in relation to previous off-leash area implementation and may wish to continue this method to ensure that the community has had sufficient opportunity to comment on the suitability of the areas.

2. Council may decide to not support the petitions recommendation to identify and implement fenced inland off-leash areas on Phillip Island. This petition echoes some of the feedback provided in the San Remo and Phillip Island off-leash beach consultation conducted in early 2019. With increasing numbers of registered dogs on Phillip Island it is appropriate to plan for areas where dogs can be exercised off-leash.
Conclusion

Consultation regarding a fenced off-leash area at Blue Gum Reserve in Cowes has started as part of the Blue Gum Recreation Reserve Master Plan. The proposed off-leash area includes a bench and will be an addition to the current unfenced off-leash area. This consultation process will continue and this petition should be recognised as a submission to the consultation process.

It is proposed that consultation in relation to inland off-leash-areas is linked wherever possible to the Active Bass Coast Plan 2018-2028.

Additional identification of potential inland off-leash areas and associated community consultation should be completed over the course of the Bass Coast Domestic Animal Management Plan 2017-2021 as directed by Council.

A further update on inland off-leash areas should be provided as part of Council’s annual review of the Bass Coast Domestic Animal Management Plan 2017-2021 in October 2019.

Council is still working towards identifying further off-leash beach areas in San Remo and Phillip Island that may provide further off-leash options. It is important to ensure that identification, consultation and implementation of off-leash areas, including fenced inland areas, is undertaken in a planned and considered way to ensure the allocation of sufficient resources and budget to implement identified recommendations.

Recommendation

That Council:

1. Completes the current consultation process in relation to Blue Gum Reserve, Cowes as part of the Blue Gum Reserve Master Plan, which includes the introduction of a fenced dog off-leash area;

2. Recognises this petition as a submission to the Blue Gum Reserve Master Plan consultation process;

3. Provides a further update on fenced inland off-leash areas on Phillip Island as part of Council’s annual review of the Bass Coast Domestic Animal Management Plan 2017-2021 in October 2019; and

4. Advises the Head Petitioner of Council’s decision.

Attachments

There are no attachments for this report.
H.6 Response to Petition - Introduce Live Streaming of Council Meetings

File No:          CM19/480  
Division:        Advocacy, Economy & Liveability  
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 respond to the petition received by Council at the 19 June 2019 Ordinary Meeting to introduce Live-Streaming of Council meetings within three months of tabling the petition or sooner if practicable.

At its Ordinary Meeting on 18 July 2018, Council resolved to rescind the resolution passed at the Ordinary Council Meeting on 20 June 2018 relating to H.9 - Live Streaming Council Meetings

This report recommends that Council considers live streaming for a six-month trial period commencing from October 2019 from all Council Meeting venues.

Council should purchase the necessary equipment for live streaming, adopt a Live Streaming Council Meeting Policy prior to commencing the trial and receive a Council report on the trial's effectiveness following the conclusion of the live streaming trial.

Background

A petition containing 25 signatures has been received. The petition reads:

In the interests of public transparency and community engagement we the undersigned request that Bass Coast Shire Council introduce Live-Streaming of Council meetings within 3 months of tabling of this petition at Council or sooner if practicable.

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

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

In accordance with Section 61.3 of the Bass Coast Shire Council Meeting Procedure Local Law 2018 Council resolved:

1. That the petition Introduce Live Streaming of Council Meetings be received and lie on the table until the next Ordinary meeting of Council to be held on 17 July 2019.

2. That the head petitioner be advised of Council’s decision.

This report addresses the petition and responds to the resolution of Council.

Council has previously considered introducing live streaming of Council Meetings at its Ordinary Council Meeting on 20 June 2018.
Council resolved to:

1. **Invests in the purchase of suitable equipment and software up to the value of $2,500 to conduct live streaming of Council Meetings.**

2. **Develops a draft Live Streaming Council Meeting Policy and Statement to be considered by Council at their Ordinary Meeting in August 2018**

3. **Commences live streaming of Council Meetings as a six-month trial across its Meeting venues from September 2018, subject to a Live Streaming Policy and Statement being adopted**

4. **Receives a report on the effectiveness of live streaming following the six-month trial period**

At its Ordinary Meeting on 18 July 2018, Council resolved to rescind the resolution passed at the Ordinary Council Meeting on 20 June 2018 relating to H.9 - Live Streaming Council Meetings.

**Strategic Basis**

**Council Plan Objective:**

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

**Strategic Outcome:**

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

**Strategic Indicator:**

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Measures as identified in LGPRF

Improve or maintain Council’s performance

Victorian Auditor General Office (VAGO) Financial Sustainability indicators

The Strategic Resource Plan and the Long Term Financial Plan to meet VAGO low risk indicators

Achievement of low risk indicators

Other financial and non-financial performance indicators

Quarterly and year to date financial reporting

Financial reporting published

Quarterly and year to date non-financial performance reporting

Non-financial reporting published

Information technology improvements

Efficiencies achieved

Revenue opportunities

Action plan achievement

100% of agreed actions achieved

**Major Initiative / Initiative**

Live streaming Council Meetings is not a major initiative or initiative. This report is coming to Council in response to a petition.

**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 ‘live streaming’; 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*

**Discussion**

Live streaming may be considered by Bass Coast Shire Council 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. Some councils that currently provide this service also offer on-demand video and audio of council meetings.

Following the live streaming of a council meeting, many councils also provide access to the broadcasts from their council website or YouTube videos which contain archived Council Meetings – some with further links to Meeting schedules, agendas and minutes.

Live streaming has been described as a way to encourage community engagement and be more open and transparent regarding public decision making; however, it is not a mandatory requirement for local government in Victoria to provide live streaming.

It is not a recommendation of the proposed Victorian Local Government Bill 2018, even though the Bill has a stronger focus on community engagement.

There is currently no uniform or consistent approach amongst the councils that provide this service, as broadcast and publishing quality (vision and audio), accessible formats (transcripts or subtitles) still vary greatly.

Some councils record meetings using relatively affordable equipment, while others have invested significantly in video and sound equipment and resources such as technicians. Although subjective, the quality of the broadcast can reflect the investment and effort applied by councils.

Recommendations from the Victorian Ombudsman

Officers reviewed the Victorian Ombudsman’s December 2016 ‘Investigation into the transparency of local government decision making.’ This Report lists the following recommendation made to Local Government Victoria:

- **Recommendation 2:** ‘Ensures that the following areas are covered, as a minimum, in guidance for all councils - audio recording wherever practicable of both open and closed council meetings, and posting of audio recordings of open meetings on council websites.’

Officers have interpreted this recommendation to suggest that even if Council may not wish to proceed with live streaming or video recording, audio recording should be provided as a minimum.

Also as part of the Victorian Ombudsman’s Report under the heading: **What does a transparent council look like?** It suggests for open meetings that council ‘Live streams its council meetings and provides access to the recordings of meetings on its website after the meeting.’

Rotating Council Meeting locations

There are a number of potential challenges Bass Coast Shire Council faces if it was to broadcast from the four Council Meeting locations. This primarily includes unique venue set-up requirements for filming, internet connectivity and venue acoustics from the four venues in Wonthaggi, Cowes, Grantville and Inverloch. It is proposed that suitability could be investigated through a trial. This would determine suitability of some venues and may propose the option to live stream from one central venue only in the future.
Review of other councils currently live streaming Council Meetings

Over recent years, officers have researched a number of Victorian councils live streaming council meetings at the time to better understand the technical and logistic requirements and issues that this service may provide. Discussions were held with appropriate officers managing the service for their respective councils with some providing statistics on their service.

These councils were:

- South Gippsland Shire Council
- Moonee Valley City Council
- Port Phillip City Council
- Latrobe City Council
- Baw Baw Shire Council
- East Gippsland Shire Council

Approximately half of these councils only live streamed from the one venue rather than rotating the council meetings across the municipality, which makes their setups and broadcasting requirements simpler to manage and keeps operational costs low.

In summary, some of the feedback obtained from the councils showed a variation in audience numbers during and after a live stream.

As outlined in the June 2018 Report to Council, the rural councils cited on average between 12 to 20 people viewing the broadcast live, with numbers increasing towards 100 in the following 24 hours to seven days.

The metropolitan or urban councils had much greater uptake with over 300 viewing live, followed by a decrease in numbers in the next 24 hours. It should be noted that this is proportional to their populations, which are around three times that of the rural councils.

The duration of council meetings varies according to the size of the council agenda and topics being considered. Meeting times can range between 90 minutes to over 3 hours.

At the time of the previous Report, average viewing times of a recorded or live streamed meeting range from three minutes to 13 minutes. This may suggest people viewing the broadcast, whether live or after the meeting, may be viewing a particular topic, decision or report rather than viewing the video or stream for the entire duration of a meeting.

The quality of the live streaming and recorded video and sound varied due to the quality of the equipment being used, level of staff expertise, acoustics and available internet connectivity of the venue.

It was noted that most staff involved in providing the support for live streaming are not trained in video recording, sound recording or editing.

When questioned on the make-up of the live viewing audience, some anecdotal feedback suggested that other than the general public logging on to view the stream, members of council staff and local media representatives are also viewing the content to confirm decisions being made and provide content for media reporting.
The live stream and recorded video is not transcribed or captioned. Although all councils seek to meet required accessibility standards (Web Content Accessibility Guidelines 2.0 Level ‘A’), the ability to transcribe live is difficult and expensive.

Adding captions post-production would be resource and time-consuming. This can be very expensive if outsourced to a third party to provide, but would need to be a budget consideration.

Until another solution is found, councils currently direct people to their council meeting minutes published on their council website following a meeting. If Council wishes to proceed with live streaming, officers recommend a similar approach and would direct people to read the published Meeting minutes.

Potential next steps

If Council proceeds with live streaming, then a draft Live Streaming Council Meeting Policy would be prepared for Council’s consideration. This Policy would outline Council’s guidelines for the live audio and video streaming of Ordinary and Special Council Meetings on Council’s website and would provide information and guidance for employees, Councillors and the community.

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.

Should Council wish to proceed, appropriate signage at Meeting venues would be displayed. The Council Meeting agenda and Council website would be updated to reflect live streaming through an additional statement which confirms the live streaming process along with Councillor, staff and the public’s obligations. The Meeting Chair or a Councillor would read out the live streaming 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.

Reliable internet connectivity and potential technical issues

Should Council proceed with live streaming there may be situations where, due to technical difficulties beyond Council’s control, a live stream or recording may not be available. Every reasonable effort would be made to ensure the availability of live streaming 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.

A Policy would guide Council in the appropriate use and management of live streaming. It is proposed that this would provide the Chair and/or the Chief Executive
Officer the authority to direct the termination or interruption of live streaming if they believe it is advisable to do so. 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.

**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 would be required for filming purposes if Council wishes to proceed.

Although this is not currently budgeted for, if Council wishes to proceed it is estimated that an expenditure of up to $2,500 will be required. This could be accommodated within the Advocacy Engagement and Community Safety Department 2019/20 budget.

Should Council resolve to proceed with a trial of live streaming, it is proposed that existing Council staff would 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 five to six hours per month in staffing dedicated to the tasks is required; which would be approximately $3,000 per year. It is proposed for the trial that this would 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. Confirm the previous Council resolution which was to not proceed with a trial of live streaming Council Meetings at this point in time.

2. Commence live streaming of Council Meetings in October 2019 from all Council Meeting venues for six months. This may provide a better understanding of what is required and contribute to a report which will come back to Council on outcomes, resource implications and technical requirements. This will require Council’s adoption of a Live Streaming Council Meeting Policy. This option will not provide an immediate or dedicated commitment to live streaming.
3. Commence live streaming in September 2019 without a trial as per request of petition. This will commit Council to commencing live streaming as soon as possible; however, it will not allow time for initial investigations, testing and risk mitigation, which may result in exposure to risk and inconsistent delivery of the service.

4. Defer consideration of live streaming. This will not require any immediate or short term commitment of resources.

Conclusion

Live streaming of Council Meetings is a service that is already being provided by other councils and is seen by the Victorian Ombudsman as a positive step towards greater transparency and encouraging community engagement in civic processes.

Live streaming may be considered as a way to increase the public’s accessibility to Council Meetings, particularly for people who find it difficult to physically attend.

There is currently no uniform or consistent approach amongst the councils that provide this service. In comparison to similar sized councils, Bass Coast Shire Council has multiple venues to potentially broadcast from which may create logistical and broadcast quality challenges.

Community awareness and expectations for live streaming will increase in the coming years. The logistics around troubleshooting and fine-tuning processes and equipment need to be investigated.

Officers recommend that Council invests in the purchase of suitable equipment and software up to the value of $2,500 to conduct live streaming and commence live streaming of Council Meetings through a six-month trial across its Meeting venues.

If supported, a draft Live Streaming Council Meeting Policy and Statement will be developed to support the service and brought back to Council for consideration prior to commencement, and live streaming of Council Meetings would commence from October 2019. Following the proposed trial, a report would come back to Council evaluating its success.
Recommendation

That Council:

1. Invests in the purchase of suitable equipment and software up to the value of $2,500 to conduct live streaming of Council Meetings;

2. Develops a draft Live Streaming Council Meeting Policy and Statement to be endorsed by Council at an Ordinary Meeting prior to commencing any trial;

3. Commences live streaming of Council Meetings as a six-month trial across its Meeting venues from October 2019, subject to a Live Streaming Policy and Statement being adopted;

4. Receives a report on the effectiveness of live streaming following the six-month trial period; and

5. Writes to the head petitioner advising them of its decision.

Attachments

There are no attachments for this report.
H.7  Response to Petition - Content of Public Questions in Council Minutes

File No: CM19/481
Division: Corporate & Community
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 respond to the petition received by Council at the 19 June 2019 Ordinary Meeting and the Council resolution:

1. That the petition Content of Public Questions Recorded in Council Minutes be received and lie on the table until the next Ordinary meeting of Council to be held on 17 July 2019.
2. That the head petitioner be advised of Council’s decision.

The report considers the request within the petition and recommends that Council:

1. Records the community question and answer in the minutes.
2. That the head petitioner be advised of Council’s decision.

Background
A petition containing 24 signatures has been received. The petition reads:

In the interests of public transparency and community engagement we the undersigned request that Bass Coast Shire Council immediately cease the practice of repressing the preamble and relevant content from public questions recorded in Council minutes.

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

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

This report addresses the petition and responds to the resolution of Council.

Strategic Basis

Council Plan Objective:

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

Strategic Outcome:

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

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**Major Initiative / Initiative**

This is not a major initiative or initiative of Council.

**Strategies / Policies**

Council has a Local Law Meeting Procedure 2018 which outlines how a Council meeting should be conducted.
Discussion

Council Meeting Question Time is an opportunity for the community to ask questions of Council and is provided at the beginning of each Ordinary Council Meeting.

As per Council’s guidelines on our Website, members of the community wishing to ask a question must register by providing their contact details and questions at least 24 hours prior to the Council Meeting. This process enables Council to prepare a thorough and informed response. An individual person may submit no more than two questions at any one Question Time session and questions must be limited to 100 words or less. Questions must not be defamatory or objectionable in language, nature or intent.

The Mayor reserves the right to read only the actual question component of submitted questions and where questions have previously been addressed, to simply record the questions and answers in the minutes.

The Mayor may use their discretion as to whether questions will be read out and answers provided if there is no one in attendance. In this instance, the questions and answers will be recorded in the minutes.

Bass Coast Shire Council’s Meeting Procedure Local Law 2018 (Local Law) provides for a public question time at every Ordinary meeting to enable members of the public to submit questions to Council but there is no requirement within the Local Law to include preamble in the minutes. Council Officers are not in a position to verify the accuracy of the content within any preamble which may open the individual or Council to publishing incorrect information which could have wider implications.

Finances

There is no budget implication for this decision. All costs associated with the Council Meeting process are covered within the operating budget of Governance and Information Services.

Stakeholders

Identified stakeholders include:

- Bass Coast Residents and Ratepayers
- Councillors
- Council Officers
- Community Members
Other Options

The following options are available:

1. Public Question Time provides an opportunity for a member of the community to ask a question, Council provides other engagement opportunities such as Community Connection Sections which enable a more broader discussion.

2. Council could choose to record the preamble of community questions however the facts or assertions within the content would not be verified by an officer and may place an individual at risk. If Council was to publish any preamble it would be wise to publish a statement that indicates that the preamble has not been verified as true and correct by an officer and is the opinion of the individual.

Conclusion

Council has a Local Law Meeting Procedure that provides an opportunity for community questions which does not have a requirement for any preamble to be recorded.

Recommendation

That Council:

1. Records the community question and answer in the minutes.
2. That the head petitioner be advised of Council’s decision.

Attachments

There are no attachments for this report.
H.8  Place Names Committee Appointment and Delegation, Instrument of Delegation and Terms of Reference

File No:   CM19/478
Division:  Corporate & Community
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

Terms of Reference for Council’s Place Names Committee are presented for consideration and adoption. In accordance with the Local Government Act 1989, to effectively delegate powers to a special committee and make guidelines for the exercising of power under delegation, a Council resolution is required.

The Council report recommends that Council adopt the revised Appointment and Delegation, Instrument of Delegation and Terms of Reference as attached.

Background

Since creation of the Bass Coast Shire Council, a Place Names Committee has assisted Council to fulfil its obligations under clause 5 in Schedule 10 of the Local Government Act 1989 relating to road names and property addressing. The committee also operates in accordance with the Geographic Place Names Act 1998 and the Naming rules for places in Victoria, statutory requirements for naming roads, features and localities 2016.

The Place Names Committee is a special committee of Council, established under Section 86 of the Local Government Act 1989. Council resolution is required in order to delegate powers to the Place Names Committee.

Strategic Basis

Council Plan Objective:

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

Strategic Outcome:

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

This is not a major initiative or initiative.

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

The *Geographic Place Names Act 1998* establishes a process for the naming, renaming or changing the boundaries of features, localities and roads in Victoria. This process is outlined in detail in the *Naming rules for places in Victoria, statutory requirements for naming roads, features and localities 2016* issued by the Department of Environment, Land, Water and Planning.

Clause 5 in Schedule 10 of the *Local Government Act 1989* empowers Councils to name roads, number premises next to roads, and to require premises to be numbered.
Australian Standard AS/NZS 4819 Geographic Information – Rural and Urban Addressing outlines how properties must be addressed.

Section 86 of the Local Government Act 1989 provides for the establishment of special committees of Councillors and Council staff.

Discussion

The revised Appointment and Delegation, Instrument of Delegation and Terms of Reference (Attachment 1) has been developed to guide the Place Names Committee in its decision-making and governance. It is referred to Council for formal consideration and adoption.

Finances

No further financial implications.

Stakeholders

- Bass Coast Shire Council.
- Place Names Committee.
- Bass Coast Shire Community.

Other Options

Council could continue to remain operating under the Appointment and Delegation, Instrument of Delegation, Guidelines and Terms of Reference by Council resolution 16 April 2014.

Conclusion

The adoption of the recommendation will provide the Place Names Committee with the appropriate Appointment and Delegation, Instrument of Delegation and Terms of Reference.

Recommendation

That Council adopt the revised Appointment and Delegation, Instrument of Delegation and Terms of Reference as attached.

Attachments

AT-1 Place Names Committee Appointment and Delegation, Instrument of Delegation and Terms of Reference 8 Pages
Statutory Reports
I Statutory Reports

I.1 Assembly of Councillors

File No: CM19/134  
Division: Corporate & Community 
Council Plan Strategic Objective: Governance  
We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

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

Introduction

Section 3 of the Act defines an Assembly of Councillors as:

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

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

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

but does not include a meeting of the Council, a special committee of the Council, an audit committee established under 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

Strategic Outcome:

• Provide equitable distribution of resources across the Shire

• Be diligent in ensuring services meet community need and are cost effective

• Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

**Strategic Indicator:**

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measure</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Satisfaction with Council Decisions</td>
<td>Community Satisfaction Survey</td>
<td>Increase in Council Decisions score year on year</td>
</tr>
<tr>
<td>Transparency of Council decisions</td>
<td>Community Satisfaction Survey</td>
<td>Less closed report than the average in Large Rural Councils group year on year</td>
</tr>
<tr>
<td>Community Satisfaction with Consultation and Engagement</td>
<td>Community Satisfaction Survey</td>
<td>Increase in Consultation and Engagement score year on year</td>
</tr>
<tr>
<td>Community satisfaction with customer contact</td>
<td>Community Satisfaction Survey</td>
<td>Increase in Customer Contact score year on year</td>
</tr>
<tr>
<td>Local Government Performance Reporting Framework (LGPRF) – Financial Performance</td>
<td>Measures as identified in LGPRF</td>
<td>Improve or maintain Council’s performance</td>
</tr>
<tr>
<td>Victorian Auditor General Office (VAGO) Financial Sustainability indicators</td>
<td>The Strategic Resource Plan and the Long Term Financial Plan to meet VAGO low risk indicators</td>
<td>Achievement of low risk indicators</td>
</tr>
<tr>
<td>Other financial and non-financial performance indicators</td>
<td>Quarterly and year to date financial reporting</td>
<td>Financial reporting published</td>
</tr>
<tr>
<td></td>
<td>Quarterly and year to date non-financial performance reporting</td>
<td>Non-financial reporting published</td>
</tr>
<tr>
<td></td>
<td>Information technology improvements</td>
<td>Efficiencies achieved</td>
</tr>
<tr>
<td>Revenue opportunities</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
</tbody>
</table>

**Recommendation**

That the attached Assembly of Councillors Records be received.
Attachments

**AT-1**  Assembly of Councillor Records for Council Meeting 17 July 2019  13 Pages
I.2 Planning and Building Statistics - May 2019

File No: CM19/447
Division: Advocacy, Economy & Liveability
Council Plan Strategic Objective: Our Character
Celebrating the uniqueness of our townships

PERMITS REFUSED:
Nil.

PERMITS ISSUED:

Island Ward

180350: Development of the land for two dwellings and subdivision into two lots at 48 Sunset Drive, Sunset Strip.

180413: Development of the land for two dwellings (construction of a dwelling and retention of an existing dwelling) and a two lot subdivision under the GRZ1 located at 63A McIlwraith Road, Rhyll.

180449: Removal of a drainage and sewage easement from the land located at 35 Stradbroke Avenue, Cowes.

180484: Development of the land for three dwellings in the GRZ1 and the removal of vegetation in the VPO2 located at 19 Chapel Street, Cowes.

190048: Development of the land for a dwelling in the BMO located at 621 Settlement Road, Cowes.

190099: Removal of drainage and sewerage easement on the subject land located at 3 Elsford Close, Cowes.

190108: Removal of native vegetation in the road reserve located at 1801 Phillip Island Road, Cowes.

Western Port Ward

180155: Use and development of the land for a dwelling in the Farming Zone and Bushfire Management Overlay located at 6 Blackney Road, The Gurdies.

180285: Development of the land for two dwellings and to create and alter access to a road in a Road Zone, Category 1, located at 51 Phillip Island Road, San Remo.

190019: Two lot subdivision located at 10 Acacia Road, Grantville.

190047: Development of the land for a dwelling in the SLO1 located at 8 Cayley Court, San Remo.

190064: Development of amenities block under the BMO located at 24 Old Bridge Road, Newhaven.

190085: Use and development of the land for a dwelling in the RAZ located at 485 Corinella Road, Coronet Bay.
190095: Development of the land for agricultural sheds in the SLO1 located at 745 Grantville-Glen Alvie Road, Kernot.

190101: Development of the land for pool facilities in the SUZ6 located at 7 Potters Hill Road, San Remo.

190127: Development of the land for an outbuilding (farm machinery shed) in the RLZ located at 682 Inverloch-Kongwak Road, Wattle Bank.

190130: Development of the land for an outbuilding (shed) in the SLO1 located at 28 Mabilia Road, Kilcunda.

190133: Development of the land for a dwelling in the BMO1 located at 14 Bunya Drive, Cape Woolamai.

190153: Two lot subdivision and one common property located at 1/14 Alvina Crescent, Surf Beach.

Bunurong Ward

180212: Development of land for a dwelling under the DDO9, variation to a restrictive covenant to build outside of a building envelope and to create access to a road in a Road Zone, Category 1 located 165 10 Venus Street, Inverloch.

180391: Use the land for industry, including variation to the minimum threshold distance at Clause 53.10; and car parking reduction located at 1 and 2A Cyclone Street, Wonthaggi.

180463: Use and development of the land for a dwelling in the FZ located at 1 Berrys Road, Wonthaggi.

190037: Development of the land for a dwelling in the BMO located at 70 Surf Beach Road, Cape Paterson.

190038: Removal of an easement on the plan of subdivision located at 1 Reef Street, Cape Paterson.

190093: Alterations and additions to an existing dwelling in the DDO1 located at 92 Surf Parade, Inverloch.

190135: Buildings and works for the construction of a cover pergola located at 3 Overlook Drive, Inverloch.

190136: Use of the land for restricted recreation facility (Yoga Studio) located at 17 Korumburra Road, Wonthaggi.

190156: Alterations and additions to a shed located at 82 Shandley Street, Wonthaggi.
# Planning and Building Activity Report for May 2019

<table>
<thead>
<tr>
<th>Statutory Planning - test</th>
<th>This month (May)</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of applications determined within statutory timeframe</td>
<td>75</td>
<td>67</td>
<td>76</td>
</tr>
<tr>
<td>Average Gross Days (Responsible Authority determination)</td>
<td>103</td>
<td>245</td>
<td>113</td>
</tr>
<tr>
<td>(new) Average Gross Days to final outcome</td>
<td>112</td>
<td>244</td>
<td>122</td>
</tr>
<tr>
<td>Number of live applications</td>
<td>197</td>
<td>193</td>
<td>-</td>
</tr>
<tr>
<td>Number of applications received for the month</td>
<td>50</td>
<td>34</td>
<td>496</td>
</tr>
<tr>
<td>Number of Responsible Authority outcomes</td>
<td>46</td>
<td>48</td>
<td>512</td>
</tr>
<tr>
<td><strong>Municipal Building Services &amp; Enforcement</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essential Safety Measure inspections</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Commercial building owners must maintain and ensure all safety systems within their building are operational. This may include: Fire services, Exits, Emergency lighting, alarms etc.)</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Swimming Pool &amp; Spa safety barrier inspections</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(All swimming pool and spa owners are required to maintain a safety fence or barrier. Council is required to implement an audit program to ensure compliance is being achieved.)</td>
<td>2</td>
<td>2</td>
<td>24</td>
</tr>
<tr>
<td>Report and Consent applications determined</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Building proposals cannot always comply or fit into a required building envelope. Where this situation arises, Council may provide consent with respect to the non-compliance issue.)</td>
<td>27</td>
<td>20</td>
<td>224</td>
</tr>
<tr>
<td>Siting consents issued for temporary structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Consent of the Municipal Building Surveyor must be obtained in order to erect marquees, grandstand or stages in association with any place of public entertainment or event.)</td>
<td>1</td>
<td>5</td>
<td>18</td>
</tr>
<tr>
<td>Complaints received requiring investigation</td>
<td>5</td>
<td>7</td>
<td>80</td>
</tr>
<tr>
<td>New building enforcement cases</td>
<td>2</td>
<td>1</td>
<td>15</td>
</tr>
<tr>
<td>Number of open building enforcement cases</td>
<td>55</td>
<td>57</td>
<td>n/a</td>
</tr>
</tbody>
</table>
Building permits issued by Council | 0 | 0 | 7

<table>
<thead>
<tr>
<th>Planning Enforcement</th>
<th>This month (May)</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of new planning enforcement cases</td>
<td>1</td>
<td>7</td>
<td>27</td>
</tr>
<tr>
<td>Number of closed enforcement cases</td>
<td>7</td>
<td>13</td>
<td>49</td>
</tr>
<tr>
<td>Number of live enforcement files</td>
<td>143</td>
<td>149</td>
<td>n/a</td>
</tr>
<tr>
<td>Pre commencement meetings</td>
<td>1</td>
<td>1</td>
<td>21</td>
</tr>
<tr>
<td>Official warnings issued</td>
<td>0</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Number of planning infringement notices issued</td>
<td>0</td>
<td>5</td>
<td>14</td>
</tr>
<tr>
<td>Total infringements received ($</td>
<td>$1811.90</td>
<td>$1611.90</td>
<td>$4229.75</td>
</tr>
<tr>
<td>Number of CRS’s closed</td>
<td>5</td>
<td>22</td>
<td>-</td>
</tr>
<tr>
<td>Number of open complaints</td>
<td>44</td>
<td>39</td>
<td>-</td>
</tr>
<tr>
<td>Number of closed complaints</td>
<td>4</td>
<td>8</td>
<td>-</td>
</tr>
</tbody>
</table>

Recommendation

That Council:

1. Receives and notes the Planning Permits issued under delegation report for May 2019; and

2. Receives and notes the Planning and Building Activity Report for May 2019.
Attachments

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

File No: CM19/469
Division: Corporate & Community
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 May 2019 to 31 May 2019, no contracts were awarded by the Chief Executive Officer.

Contracts Extended
For the period from 1 May 2019 to 31 May 2019, no contracts were extended under the Procurement Delegation Framework.

Recommendation
That Council receives the report.

Attachments
There are no attachments for this report
I.4 Place Names Committee Meeting Minutes

File No: CM19/474  
Division: Corporate & Community  
Council Plan Strategic Objective: Governance  
We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

Council’s Place Names Committee met on 5 June 2019. A copy of the minutes for the meeting is attached for information.

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

1. Welcome/Introduction to Cr Brown
2. Update to Terms of Reference
3. Carneys Road update
4. Anderson San Remo locality boundary
5. Goods Shed and Harvest Centre access road Wonthaggi
6. Loch Street Wonthaggi
7. Commemorative naming submission – Knox
8. Locality boundary change – ‘Mouth of Powlett’ properties to Kilcunda
9. Other business and updates

Recommendation

That the minutes of the Place Names Committee meeting held on 5 June 2019 be received.

Attachments

AT-1 MINUTES - Place Names Committee Meeting 5 June 2019  6 Pages
J  Urgent Business
**Mayoral Announcement Of Next Meeting Of Council**

The next Community Connection Session will be held on 14 August 2019 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 3.00pm.

The next Ordinary Council Meeting will be held on 21 August 2019 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 5.00pm.