1. These minutes are due to be confirmed on 18 September 2019
2. Any decision included in these minutes is subject to change resulting from a rescission motion passed by Council.
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Meeting commenced

The meeting commenced at 5.06pm

Acknowledgement: Cr Geoff Ellis read the acknowledgement.
Statement: Cr Les Larke read the Councillor Statement.

A Present and Apologies

Councillors: Cr Brett Tessari, Bunurong Ward (Mayor)
Cr Bruce Kent, Western Port Ward (Deputy Mayor)
Cr Julian Brown, Bunurong Ward
Cr Les Larke, Bunurong Ward
Cr Stephen Fullarton, Island Ward
Cr Pamela Rothfield, Island Ward
Cr Michael Whelan, Island Ward
Cr Geoff Ellis, Western Port Ward
Cr Clare Le Serve, Western Port Ward

Officers in Attendance:

Ms Ali Wastie, Chief Executive Officer
Ms Jodi Kennedy, General Manager Corporate and Community
Mr Jamie Sutherland, Acting General Manager Infrastructure and Environment
Ms Allison Jones, General Manager Advocacy, Economy and Liveability
Mr David Filmalter, Executive Manager Finance
Ms Lee-Anne Harmer, Governance Officer

Apologies: Nil
B  Declarations of Interest

Cr Stephen Fullarton declared a Conflict of Interest in agenda item L.1 under section 77B of the Local Government Act 1989.
C Confirmation of Minutes

C.1 Ordinary Meeting held on 17 July 2019

Council Decision

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

That the minutes of the Ordinary Meeting held on 17 July 2019 be confirmed.

CARRIED
D  Public Question Time

D.1 John Trigt - Council Decision 31 July Agenda item H.7 Response to Petition - Content of Public Questions in Council Minutes

The Philip Island Advertiser July 31/07 stated that Councillors voted in support of a Bass Coast Ratepayers & Residents Association (BCRRA) petition.

The BCRRA petition is as follows:

“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”

Council recommendation: That it records the community questions and answer in the minutes.

This motion was carried.

It is the BCRRA’s understanding that preambles and dot points are to be allowed in questions to the council during question time.

Please clarify.

Response:

Council resolved to record the community question and answer in the minutes.

Content assessed as additional information or background material will be provided to the Councillors in its entirety but will not be included in the minutes.

D.2 Daniel Rosen - Climate Change

1. How confident are you that the Bass Coast Shire Council are doing enough in terms of climate change and its impacts to ensure that the quality of life for our children will be at least as good as it has been for us?

2. Climate change and our insufficient responses threaten Bass Coast Shire Councils vision of being 'known as a region that supports a sustainable and healthy community, and values and protects is natural assets'. How can council stay true to its vision and better ensure the health of our community and the ecosystems in which we live?

Response:

Council addresses climate change in a number of ways including collaboration with other councils, federal and state government agencies and current and past community organisations.

Council continues to advocate strongly for strategic plans to understand and undertake actions and costs involved with all options to plan, mitigate, adapt, and respond to climate change.
Council has adopted 2016-2026 the Natural Environment Strategy which recognises and provides actions for climate change. We have a commitment to a 50% reduction in greenhouse gas levels per Bass Coast resident compared to 2009/10 by 2025. We lead the way with our FOGO waste system and the organics bin system has reduced to 75% the amount of material going to landfill. Council continues to support Landcare and other community groups and agencies by planting 778 thousand trees over the past two years as part of our 2018 Biolinks Plan. Other initiatives such as Council's commitment to 30% renewable energy supply and installation of 140 kilowatt solar panels in the last 12 months continues to occur.

D.3 Naomi Coleman - Climate Change

1. Staff objections seem to stem around the cost of declaring a climate emergency which has not been budgeted for this year. How has the cost of inaction been factored in to the emergency declaration decision by Councillors tonight when just one example of the looming crisis on our foreshores may see Jam Jerrup houses inundated in just 7 years?

2. Has Council considered how to harness the positive good will of the local climate action groups in supporting community engagement around action on climate change in Bass Coast, and has consideration been given to the message that a negative or delayed response tonight might send to the thousand plus constituents who signed the petition for a declaration of climate emergency?

Response:

Councillors will consider and debate all aspects and implications of this issue tonight as part of Council's agenda.

D.4 Kevin Griffin, President - Bass Coast Ratepayers and Residents Association - Climate Change

1. Given that the officers response to petition E1 to be presented at this week's ordinary meeting (requesting Bass Coast Shire to declare a Climate Emergency) recommends to provide adequate time to research the implications of making such a declaration and to produce a report with sufficient detail for Council to make a fully informed decision, is Cr Michael Whelan willing to delay his notice of motion F.2 (Climate Emergency Governance) until the officers report is presented and considered by all Councillors at the November 2019 ordinary meeting of Council?

2. Given the Officers comments in regard to Cr Michael Whelan’s notice of motion F.2 (Climate Emergency Governance), that should Council declare a climate emergency then the development of a Climate Change Action Plan 2020-30 will require funding of approximately $200,000 to scope and include the outcomes detailed in the Notice of Motion, plus the need to resource accordingly to
increase capacity and capability within the organisation, will Council advise the community as to the expected ongoing annual costs in detail including FTE numbers, consultancy fees, and all other costs anticipated to comply with the requirements of the notice of motion?

Response:
Councillors will consider and debate all aspects and implications of this issue tonight as part of Council’s agenda.

D.5 Albo Davidson - agenda item F.1 210/19 Clancy Park, Cr Julian Brown
1. Will Council consult with the local community/residents in relation to the sign, whether there is a sign at all, and its content?
2. Was there consultation on the naming of the reserve?

Response:
Councillors will consider and debate all aspects and implications of this issue tonight as part of Council’s agenda.

D.6 Harold Young - agenda item H.1 Planning Application 180122 for 23 Dunvegan Crescent, Surf Beach
1. Is the Council aware that on page 41 of agenda for Ordinary Meeting – 21 August 2019 that the report incorrectly states only one tree will be removed in proposed development at 23 Dunvegan Crescent?
2. Does the Council believe that the amenity and character of Surf Beach is maintained by adding a second large two-story dwelling to an existing block that already has a large two-story building?

Response:
Councillors will consider and debate all aspects and implications of this application tonight as part of Council’s agenda.
Vegetation on site has been assessed and is exempt from planning consideration in accordance with the bushfire exemptions contained within the Bass Coast Planning Scheme.

D.7 Philip Heath - agenda item H.2 Surf Parade Shared Path - Outcomes of Community Consultation on Options 1 and 2
1. Council engaged Water Technology ‘to review and update……. (their 2016 report) to reflect the current rates of erosion’ (Council letter to me dated 27 June 2019). Yet, p.2 of updated report states that ‘Investigation of mass changes to the coastline….has not been assessed’ and ‘there are significant unknowns… which could impact the vulnerability and risk of the coastline.’
Further, the coastal hazard risk assessment acknowledges the dynamic nature of the shoreline in concluding there is ‘a high level of uncertainty associated with long term coastal recession’ (p.49) at the Surf Beach. In light of this, will Council seek to obtain more informed advice prior to deciding to proceed?

2. The updated Water Technology Report (July 2019)  
   Given that the updated report concludes that the risks may be higher than the medium risk assessed, will Council make the responsible decision to defer its decision until the real risk, taking into account the dynamic nature of the shoreline, is assessed?

Response:
Councilors will consider and debate all aspects and implications of this issue tonight as part of Council’s agenda.

D.8 Alison Oates - agenda item H.2 Surf Parade Shared Path - Outcomes of Community Consultation on Options 1 and 2

Are Officers and Councillors willing to accept the statement in the Water Technology revised report of 10 July 2019 that ‘any vegetation that is likely to be removed is located at the rear of the coastal dune. Loss of this vegetation will not have any impact on dune stability’

Response:
Councilors will consider and debate all aspects and implications of this issue tonight as part of Council’s agenda.

D.9 Dave Sutton, Vice President - South Gippsland Conservation Society Inc - agenda item H.2 Surf Parade Shared Path - Outcomes of Community Consultation on Options 1 and 2

1. Page 27 of the Water Technology reviewed report acknowledges that coastal recession since 2013 represents ‘considerable and rapid change over a short period of time’, but states at Section 4.4 – The review doesn’t consider these changes in the updated Coastal Hazard Risk Assessment – Why haven’t these changes been considered?

2. No information of risks associated with path extension due to coastal recession (or other implications) was provided to respondents at the time of the path option survey. Water Technology has assessed the risk as medium. Given this information, we would expect when undertaking a survey that it be provided at a minimum, to the wider community, to make an informed decision. Why it was not provided?

Response:
Councilors will consider and debate all aspects and implications of this issue tonight as part of Council’s agenda.
D.10 Sue Res, Committee Member - Bass Coast Ratepayers and Residents Association - Climate Change

1. Given that the officers response to petition E1 to be presented at this weeks ordinary meeting (requesting Bass Coast Shire to declare a Climate Emergency) recommends to provide adequate time to research the implications of making such a declaration and to produce a report with sufficient detail for Council to make a fully informed decision, is Cr Michael Whelan willing to delay his notice of motion F.2 (Climate Emergency Governance) until the officers report is presented and considered by all Councillors at the November 2019 ordinary meeting of Council?

2. Given the Officers comments in regard to Cr Michael Whelan’s notice of motion F.2 (Climate Emergency Governance), that should Council declare a climate emergency then the development of a Climate Change Action Plan 2020-30 will require funding of approximately $200,000 to scope and include the outcomes detailed in the Notice of Motion, plus the need to resource accordingly to increase capacity and capability within the organisation, will Council advise the community as to the expected ongoing annual costs in detail including FTE numbers, consultancy fees, and all other costs anticipated to comply with the requirements of the notice of motion?

Response:

Councillors will consider and debate all aspects and implications of this issue tonight as part of Council’s agenda.
E Petitions, Joint Letters, Deputations and Correspondence

E.1 Petition - Bass Coast Shire to declare a Climate Emergency

File No: CM19/558
Division: Corporate & Community
Council Plan Strategic Objective: Governance
We are responsive, open, transparent and financially sustainable

A petition containing 1084 signatures has been received. The petition reads:

We the undersigned:

1. acknowledge that dangerous climate change is happening now, and accelerating,
2. demand action at a pace far beyond business and politics as usual, and
3. hereby petition Bass Coast Shire Council to:
   a. take a leadership role within the Bass Coast community for urgent action on climate change,
   b. require all reports to Council to include a section on climate implications for Council’s own operations and for the broader Bass Coast community, and
   c. declare a climate emergency along with more than 550 local governments who have already done so around the world (www.cedamiaom/global)

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.”

Officer Comments

In order for Council to make a fully informed decision in relation to the declaration of a climate emergency, Officers recommend that a report be presented at the November 2019 Ordinary meeting of Council which describes the implications of making such a declaration. A report presented at the November meeting will provide officers with adequate time to research these implications and prepare a report with sufficient detail.
Recommendation

That Council:

1. Receives the petition for Bass Coast Shire Council to declare a Climate Emergency.

2. Receives a report at the Ordinary meeting of Council to be held on 20 November 2019, which details the possible implications of Council declaring a Climate Emergency.

3. Advises the head petitioner of Council's decision.

Attachments

AT- CONFIDENTIAL - Petition - Bass Coast Shire to declare a Climate Emergency - cover letter 1 Page
AT- CONFIDENTIAL - Petition - Bass Coast Shire to declare Climate Emergency - signatures 110 Pages

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Pamela Rothfield

1. That the petition, Bass Coast Shire to declare a Climate Emergency be received and lie on the table until the next Ordinary meeting of Council to be held on 18 September 2019.

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

CARRIED
Notices of Motion
F  Notices of Motion

F.1  210/19 Clancy Park, Cr Julian Brown

I, Cr Julian Brown, hereby give notice that I intend to move a motion at the Ordinary Meeting on 21 August 2019, which reads as follows:

CLANCY PARK

Motion

That Council:

1. Allocates enough funds to the 2019/2020 budget to pay for a sign to be put up in Clancy Park, Hagelthorn Street, Wonthaggi to indicate the formal name of that reserve.

2. That Council puts up this signage no later than 31 October 2019.

3. That Council endeavours to advise the Clancy family as to when the signage is to be put up.

Background by Councillor

Clancy Park is a reserve located in Hagelthorn Street, Wonthaggi. Many years ago, the naming of this Reserve went out for public comment and a decision was made to call the Reserve “Clancy Park” in honour of the Clancy family who had made a significant contribution to the community through Local Government, sport, community service, business and tourism.

This proceeded to Council with a recommendation that the Reserve be named as such which was duly passed. The community had been consulted and the final recommendation thoroughly considered. Gazettal occurred in 2010.

Since then Jack Clancy, a well-respected former Mayor and Councillor of the Borough of Wonthaggi has sadly passed on.

The naming of this particular Reserve honours not only Jack but the whole family. His wife Gwen was a tireless worker for the tennis club and community. Jack was a long-serving Councillor, Mayor three times, an outstanding competitive cyclist and businessman.

Son John was also a former Councillor, an outstanding tennis player and he was an Australian and International badminton champion.

Son Brian was also a former Councillor, an exceptional cyclist, businessman and active in tourism promotion.

Finally, Jack’s daughter Loraine was heavily involved in sport and community.

The period of time between gazettal and the placing of signage is approaching a decade. It would be a well-deserved honour for a family who have etched their legacy into the town’s history.
Officers Comments
Nil

Cr Julian Brown, Bunurong Ward
Dated: 21 August 2019

Attachments
There are no attachments for this report

Council Decision

Moved: Cr. Julian Brown / Seconded: Cr. Geoff Ellis
That the motion be adopted.

CARRIED
F.2     211/19 Climate Emergency Governance, Cr Michael Whelan

I, Cr Michael Whelan, hereby give notice that I intend to move a motion at the Ordinary Meeting on 21 August 2019, which reads as follows:

CLIMATE EMERGENCY GOVERNANCE

Motion

That Council:

1. Declares that climate change poses serious risks to Bass Coast and Australia and should be treated as an emergency

2. Notes that Bass Coast Shire is vulnerable to sea level rise and greater climate variability leading to more intense disaster events including storms, heat waves and bushfire and flooding

3. Notes that the effects of climate change extend beyond environmental impacts into, e.g., business, finance and health outcomes, and will impact species and population in a range of ways requiring a change to business as usual and an integrated response to managing the impacts of a changing climate

4. Directs the CEO to urgently commence the development of a Bass Coast Climate Change Action Plan 2020-30 with a view to ensuring Bass Coast can more effectively contribute to climate change mitigation and be more resilient and well adapted to the effects of a changing climate (climate change adaptation). It should inter alia:

   a. Include a target of zero net emissions by 2030 for both (a) emissions attributable to Council’s own operations and (b) emissions attributable to the broader Bass Coast community;

   b. Quantify what council can do to reach the target and project how and when Council will reach it

      i. Quantify what the community can do toward reaching the target, including ongoing support for and building on the Totally Renewable Communities model currently being applied through Totally Renewable Phillip Island (TRPI). TRPI is developing the pathway to and mapping the process toward achieving 100% renewable energy

   c. Include engagement and communication strategies to ensure Council and the community are properly engaged with and advised of climate change risk and what action can be taken

   d. Include an ongoing advocacy strategy seeking strong government action to address the threat of climate change and for appropriate adaptation measures
5. Directs the CEO to urgently review Council's governance arrangements and request the Audit Committee update their Charter to ensure that climate change governance is integral to review of Council's activities
   a. Build the capacity of staff around Climate Change Governance and Council’s role in addressing it

6. Notes that Bass Coast has made progress in reducing emissions through:
   - The introduction of the Food Organics and Garden Organics waste collection that has increased diversion from landfill by 35% since its introduction
   - Totally Renewable Phillip Island that is undertaking groundwork to support community energy projects, waste strategies, low emission vehicles and carbon insetting
   - Has committed to purchase 30% of its electricity through a renewable energy Power Purchase Agreement (PPA) with other Victorian councils and is investigating possible further PPAs and local Community energy projects
   - The Council Plan commits to increasing vegetation cover by 1.5% a year and that Council has been a leader in developing the bio links program

7. Notes the BCSC support for the recently adopted resolution at the Australian Local Government Association National General Meeting calling on the federal government to declare a climate emergency and that BCSC moved a resolution calling on the Australian Government to support initiatives by councils to develop and implement coastal climate change adaptation plans, to improve the sustainability and resilience of coastal settlements vulnerable to increasing climate change risks

Background by Councillor

“We are running out of time but there is still hope,” Sir David Attenborough

“All federal and state politicians must rise above fear-based politics to unite the community behind a vision of a low carbon economy that provides opportunities for all of us, including workers who currently rely on fossil fuel industries for employment. We know the transition to renewables and a low carbon economy can be achieved, because countries all across the world are doing it successfully. It just takes leadership” Councillor Clover Moore Lord Mayor of Sydney
**Warming:** According to the IPCC Special Report on Global Warming of 1.5°C:

- 1.5 degrees of warming could be reached in as little as 11 years—and almost certainly within 20 years without major cuts in carbon dioxide (CO2) emissions.

- The world is already seeing the consequences of 1°C of global warming through more extreme weather, rising sea levels and diminishing Arctic sea ice. The past decade has seen an astonishing run of record-breaking storms, forest fires, droughts, coral bleaching, heat waves, and floods around the world that is with just 1.0 degrees Celsius of global warming. This will get substantially worse with 1.5 degrees of warming, and far worse at 2 degrees Celsius.

- Further limiting global warming to 1.5°C would require rapid, far reaching and unprecedented changes in all aspects of society.

Impact of a changing climate will be felt across the full range of natural environment and human activities. An example of impact in just one area is set out below.

**$179m Expected annual cost to Victoria of Heatwave events by 2030**

**Likelihood of economic impacts on Victoria’s economy from heatwave events**

<table>
<thead>
<tr>
<th>Type of heatwave event</th>
<th>Event impact $millions</th>
<th>Current likelihood</th>
<th>Likelihood in 2030</th>
<th>2050 (RCP 4.5%)</th>
<th>2050 (RCP 8.5%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe Heatwave</td>
<td>131</td>
<td>Once every 2 years</td>
<td>Every year</td>
<td>Once every 0.9 years</td>
<td>Once every 0.8 years</td>
</tr>
<tr>
<td>Extreme Heatwave</td>
<td>291</td>
<td>Once every 25 years</td>
<td>Once every 12.8 years</td>
<td>Once every 11.7 years</td>
<td>Once every 8.7 years</td>
</tr>
<tr>
<td>Very extreme heatwave</td>
<td>1,000</td>
<td>Once every 110 years</td>
<td>Once every 41.8 years</td>
<td>Once every 41.8 years</td>
<td>Once every 25.4 years</td>
</tr>
</tbody>
</table>

- 5 A potential scenario, should significant global efforts be made to stabilise emissions.
- 6 The likely scenario should emissions continue to rise at the rate of recent decades.


“According to European Union’s Copernicus Climate Change Programme, 2015 through 2018 have been the four warmest years on record. April, May and July this year all ranked among the warmest on record for those months, and this June was the hottest ever.” 9News.com.au

**Climate emergency:** There is a worldwide movement whereby by the 31<sup>st</sup> July this year 901 jurisdictions covering 206 million citizens around the world have declared a climate emergency. In Australia 30 councils, including Melbourne and Sydney and councils with similar coastal issues Noosa and Byron, have declared a climate emergency.
The purpose of climate emergency declaration campaigning is to accelerate sustained and meaningful action by all levels of government, and for people globally to engage with the challenge of avoiding catastrophic climate change and restoring a safe climate.

The use of the term “emergency” is a way of signalling the need to go far beyond business as usual. The strategy is to start with local governments because it is easier to find innovative local governments to be early movers than it is to get state and national governments to take on the climate emergency response approach. Local councils and communities have an indispensable role in helping to build a national and global response. Source: Guide: ‘Understanding climate emergency and local government’

**Council Governance:** Council was briefed by Special Counsel Sarah Barker of Minter Ellison in February. Ms Barker made it very clear that there is a strong legal expectation that Council will undertake strong climate change governance. The following is from her presentation:

**What does this mean for Local Government Elected Members, CEO and Directors?**

- The legal imperative for robust consideration is clear
- Consider implications across Council’s functions – decisions/approvals, design, strategic & risk management, tenders & procurement, public services & works, infrastructure and economic development, projects and contracts, land & facilities management etc
- The issue for policy makers: how robust are scenarios and assumptions used in strategy, policy and planning? How will the decisions we make now position our economy and society for this disruption?

She quoted APRA Commissioner Summerhayes 17 February 2017

- The days of viewing climate change within a purely ethical, environmental or long-term frame have passed
- Company Directors who fail to properly consider and disclose foreseeable climate related risks to their businesses could be held personally liable for breaching their statutory duty of due care and diligence under the Corporations Act
- It is only a matter of time before we see this sort of litigation against a Director
- Directors of banks, insurance companies, asset owners, asset managers – if you are not stress testing against less than 2c then you are not exercising due care and diligence

Ms Barker also contributed to an opinion by Noel Hutley SC published on 26 March 2019 wherein it is stated in the following extracts:

“Climate-related risks (including physical, transition and litigation risks) represent foreseeable risks of harm to Australian businesses. This requires prudent directors to take positive steps: to inform themselves, disclose the risks as part of financial reporting frameworks, and take such steps as they may see fit to take, with due regard to matters such as the gravity of the harm, the probability of the risk, and the burden and practicality of available steps in mitigation. We indicated that, in our view, company directors who fail to consider climate change risks now could be found liable for breaching their duty of care and diligence in the future. Indeed, we considered
then (as now) that a negligence allegation against a director who had ignored climate risks was likely to be only a matter of time.

“There have been developments in the state of scientific knowledge. In our opinion, these matters elevate the standard of care that will be expected of a reasonable director. Company directors who consider climate actively, disclose them properly and respond appropriately will reduce exposure to liability. But as time passes, the benchmark is rising.”

Council was briefed by council officers on 3 July 2019 to advise that there was a petition circulating in the community calling for a declaration of a climate emergency and to provide their view on the proposed declaration.

The briefing paper states:

The briefing went on to state that a list of resources and budget would be required to address the emergency declaration. The list is not replicated here as it has no certainty until such time as the Climate Change Plan is reviewed.

Council has the Climate Change Plan 2014. For its time it was good work but it is out of date for example citing the Climate Change Act 2014 rather than the more recent 2017 Act. It calls for annual reporting of greenhouse emissions in the Annual Report and the production of a Low Carbon Plan.

The Council Audit Committee comprises independent, well qualified and experienced financial practitioners. It has a clear charter to deal with risk but consideration of climate change governance is not specifically mentioned and may appear to some to be incidental to its activities.

Council has sponsored the Totally Renewable Towns approach by budget support for Totally Renewable Phillip Island. This represents a way to influence community initiatives across emissions reduction and better climate change resilience. In December 2018 Council resolved:

**That Council:**

1. Clarify Council’s intention that the Council Plan Strategic Indicator: “Emission Reduction • By 2025 achieve a 50% reduction in greenhouse gas levels per Bass Coast resident compared to 2009/10” is intended to be a community wide target
2. Support the development of a ‘Totally Renewable Towns’ model in two areas of Bass Coast Shire, as a new approach to supporting place-based community-energy projects and notes that it will make a significant contribution to achieving the Council’s Emission reduction target set out in the Council Plan.

3. Notes that the Totally Renewable Phillip Island (TRPI) project is underway and:
   - aims to achieve zero net emissions by 2030
   - That the working groups that form the Totally Renewable Phillip Island collective are:
     - Carbon Accounting
     - Carbon Farming
     - Clean Energy
     - Communication and education
     - Food and Waste
     - Towards zero emissions transport
   - that the model developed for Phillip Island will also be offered in a Waterline town where there is strong community commitment and then be available for roll out across Bass Coast Shire.

4. Council commits to cooperate with the Energy Cooperative on the ‘Totally Renewable Towns’ project and refers the request to provide seed funding of $50,000 per year for three years to the 2019-2020 budget.

5. Notes the Victorian Government’s strong commitments for household solar and battery installation and will work with the Energy Cooperative to ensure that:
   a. maximum benefit for Bass Coast residents across the Shire and that Bass Coast residents can maximise access to this opportunity for clean energy and energy savings.
   b. Bass Coast business are strongly supported in their adoption of renewable energy and other carbon neutral options.

Global Climate Governance: The matter is being taken very seriously at senior global forums. The Financial Stability Board (FSB) is an international body that monitors and makes recommendations about the global financial system. Its membership includes the Australian Reserve Bank, The US Federal Reserve and the Bank of England. It commissioned a Taskforce on Climate Related Financial Disclosures (TCFD). The TCFD states inter alia:

As you know, warming of the planet caused by greenhouse gas emissions poses serious risks to the global economy and will have an impact across many economic sectors. It is difficult for investors to know which companies are most at risk from climate change, which are best prepared, and which are taking action.

The Task Force’s report establishes recommendations for disclosing clear, comparable and consistent information about the risks and opportunities presented by climate change. Their widespread adoption will ensure that the effects of climate change become routinely considered in business and investment decisions. Adoption of these recommendations will also help companies better demonstrate responsibility and foresight in their consideration of
climate issues. That will lead to smarter, more efficient allocation of capital, and help smooth the transition to a more sustainable, low-carbon economy.

The opinion by Noel Hutley SC mentioned above reinforces this: In December 2018, the Australian Accounting Standards Board (“AASB”) and the Auditing and Assurance Standards Board (“AUASB”) issued a joint guidance statement on the relevance of climate-related risks for financial statement accounting estimates. This guidance is voluntary, but is likely to be adopted by accountants and auditors as a benchmark for materiality assessments relating to climate risk. The guidance confirms that entities engaged in both financial (e.g. banks, insurance groups, asset owners and managers) and non-financial (e.g. energy, transportation, material/buildings, agriculture, food and forest products) sectors should consider how climate risk affects their impairment assessments and other decisions made in relation to the recognition or measurement of items in the financial statements.

Professor Ross Garnaut report to the Australian Prime Minister on 31 May 2011:

There is a path to Australia being a low-emissions economy by the middle of the 21st century, consistently with continuing strong growth in material living standards (chapters 11 and 23). By the end of the 21st century, and beyond, more so with each passing decade material living standards would be higher with than without mitigation of climate change.

The Stern Review on the Economics of Climate Change is a 700-page report released for the Government of the United Kingdom on 30 October 2006 by economist Nicholas Stern:

Using the results from formal economic models, the Review estimates that if we don’t act, the overall costs and risks of climate change will be equivalent to losing at least 5% of global GDP each year, now and forever. If a wider range of risks and impacts is taken into account, the estimates of damage could rise to 20% of GDP or more.

In contrast, the costs of action – reducing greenhouse gas emissions to avoid the worst impacts of climate change – can be limited to around 1% of global GDP each year.

**Victorian State Government:** The government has passed the Climate Change Act 2017 and adopted the Climate Change Adaptation Plan. Victoria is currently finalising consultation on an emissions reduction target.

In late 2017, DELWP undertook a review of regional climate change adaptation projects and sought stakeholder and community views on adaptation needs. A survey with over 350 responses, including face-to-face conversations in Paynesville, Warragul, Traralgon, Cape Paterson and Sale showed there is a high level of concern about climate change impacts in the region and concern that the things people value the most about Gippsland are also most at risk.

The Department of Environment, Land, Water and Planning (DELWP) report *Climate Change Adaptation Governance Assessment Analysis of Victoria Local Government 2017 Leading Local Governments* looked at the performance of Councils against 10 climate preparedness categories. Bass Coast Council received advanced in just two categories; Asset Management and Adaptation Planning and a high rating for Land Use Planning.
Officers Comments

Should Council declare a climate emergency this will need to be resourced accordingly to increase capacity and capability within the organisation.

The development of a Climate Change Action Plan 2020-30 would require funding of approximately $200,000 to scope and include the outcomes detailed in the Notice of Motion.

..........................................................
Cr Michael Whelan, Island Ward
Dated: 21 August 2019

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Pamela Rothfield
That the motion be adopted.

CARRIED

Cr Geoff Ellis called for a division

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
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<tbody>
<tr>
<td>Cr Le Serve</td>
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<tr>
<td>Cr Rothfield</td>
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<td>Cr Tessari</td>
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<td>Cr Fullarton</td>
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<td>Cr Whelan</td>
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<td>Cr Ellis</td>
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<td>Cr Kent</td>
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</table>

Cr Julian Brown abstained.
Cr Les Larke abstained.
Mayor and Councillors Reports
G    Mayor and Councillors Reports

G.1    Mayoral Report - Cr Brett Tessari

Activities

MC at Developing Bass Coast Breakfast Forum – Justin Madden
Attended Phillip Island Senior Citizens Club AGM
Attended Staff Community and Stakeholder Penguin Parade Visitors Centre Sneak Preview
Attended Opening of Visitor Centre at the Phillip Island Penguin Parade
Attended / Guest Speaker – Phillip Island Festival of Stories
Attended Orange Round Soccer Event - Newhaven
Attended Lions Club of Phillip Island 51st Annual Executive Changeover
Attended City of Melbourne Council visit
Attended Salvation Army Melbourne Project 614 Twilight Café visit
MC Business Breakfast – The Power of Influence – Chris Helder
Speaker – Homelessness Awareness Event
Attended PUGRC Mayors and CEOs Forum
Attended Bass Coast Higher Education Steering Committee Meeting
Attended Bell Park Scout Camp Annual Reports and Awards Presentation
Attended Community Consultation for San Remo Cemetery Masterplan

Meetings

Attended Council Workshops and Briefings
Attended Community Connection Sessions
Chaired Councillor Only Meetings
Weekly meetings with CEO, Council Support and Communications

Additional Meetings:

- Cape Paterson CFA – Tad Hendry
- Max Richter – Regional Study Hubs
- Michael Feehan, Emily Jolly, Rebecca Wilson, Wendy Major – Youth Hub Fundraiser
- Steve Curtis – Wonthaggi Club
- Julie Eisenbise – Bass Coast advocacy priorities
- Paul Buckley – Gippsland Kerbside Collaborative Procurement
- Dom Brusamarello and Patrick Barry – Inverloch Sounds Shell
- Jordan Crugnale MP
  Michael Green – Drift Media – Mayoral Fundraiser

G.2  **Councillor Report - Cr Michael Whelan**

G.3  **Councillor Report - Cr Julian Brown**
- Distinctive Area Landscapes – Community Engagement Sessions
- City of Melbourne Visit
- Apex Park SalvoCare - Homelessness

G.4  **Councillor Report - Cr Pamela Rothfield**
- Opening of Penguin Visitor Centre
- Phillip Island Festival of Stories
- City of Melbourne Visit

G.5  **Councillor Report - Cr Bruce Kent**
- City of Melbourne Visit
- Gippstar Sports Awards – Sage Goldsbury of Newhaven, Surfing Award

G.6  **Councillor Report - Cr Stephen Fullarton**
City of Melbourne

G.7  **Councillor Report - Cr Les Larke**
- Cape Paterson Surf Life Saving Club development site visit
- The new Penguin Parade black tie event opening
- Meeting with Arts Society Phillip Island
- Phillip Island & District Genealogical Society meeting
- Wonthaggi Activity Centre Plan - community engagement session and meeting with Wonthaggi Club
- Apex park re SalvoCare homelessness event
• Food & Fibre Gippsland - Excellence in Agribusiness Awards/Gala
• Presentation
• San Remo Cemetery Trust masterplan workshop
• Arts & Culture Committee meeting

**Food & Fibre Gippsland – Excellence in Agribusiness Awards/Gala Presentation**

The Food & Fibre Gippsland Excellence in Agribusiness Awards are a Gippsland Region based awards program to recognise, celebrate and reward collaboration and innovation. The competition adopts a two-tiered approach with the Premier Award, Gippsland Agribusiness of the year, followed by a range of nine awards across the entire food & fibre supply chain.

The broad awards program crosses all food & fibre sectors to recognise farm businesses (pre- & post farmgate) that have demonstrated innovation/excellence and business practices that maximise productivity and profitability - shaping the future of gippsland agribusiness.

Bassine Cheeses from Bass/Bass Coast was a finalist.

**G.8 Councillor Report - Cr Geoff Ellis**

Another busy month which included, but was not limited to, attendance at the showing of 2040, a resident and ratepayer AGM in Tenby Point, where we talked about sick wombats and fragile birdlife, an RRA meeting in Corinella, a visit to the receding Jam Jerrup foreshore, car park catch ups with farmers and Land Care leaders, a Library Corporation board meeting in Warragul, a few near hits with stray cattle and wildlife in Harmers Haven, a very sobering Homelessness Week event in a cold and windy Apex Park AND I had the rare privilege of opening an art show in Wonthaggi Library.

This featured paintings and wearable art created by members of Headway Gippsland, some of whom are known to councillors through their advocacy for hazard reduction on our paths and pathways. There are still a few pieces for sale and I reckon everyone should meander into our fully accessible library and find some calm inspiration. The group's vision is "a society inclusive of all" and I reckon that's a vision we all share.

**G.9 Councillor Report - Cr Clare Le Serve**

• 23rd July - Penguin Parade Black Tie Event – An excellent event to be invited to, showcasing the best architectural design build and the completion of the new build project.
• 27th July – Phillip Island Literary Event – Congratulations to the event organisers, a great growing event with an announcement of a new prize award for the non-fiction by Phyllis Papps.
• 30th July – The trip to Melbourne City Council and the Salvation Army Mission
Night Café and the homelessness issues facing Melbourne.

- 3rd August – Corinella Resident & Ratepayer meeting
- 7th August – Mayor & Cr’s Homelessness Awareness Event with Salvo Care
- 8th August – Woodleigh Vale Red Cross AGM
- 9th August – Grantville Business & Community Association meeting
- 15th-16th August – SEATS Meeting – a Transport Advocacy Group that extends from Wollongong NSW to Baw Baw Local Government areas.
- 19th August Community Consultation session for the San Remo Cemetery Masterplan.
Reports Requiring Council Decision
H Reports Requiring Council Decision

H.1 Planning Application 180122 - 23 Dunvegan Crescent, Surf Beach - Development of the land for two dwellings an a two lot subdivision

File No: CM19/408
Division: Advocacy, Economy & Liveability
Council Plan Strategic Objective: Our Character
Celebrating the uniqueness of our townships

Application Details: 180122
Use/Development Sought: Develop the land with two dwellings (one existing) and subdivide the land into two lots
The Land: 23 Dunvegan Crescent Surf Beach
Planning Scheme: Bass Coast Planning Scheme
Zoning: General Residential Zone Schedule 1
Overlays: Design and Development Overlay Schedule 1, Vegetation Protection Overlay Schedule 2

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

Executive Summary
This application proposes the development of the land for two dwellings, and a two lot subdivision at 23 Dunvegan Crescent Surf Beach.

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

- Clause 32.08-3 (General Residential Zone) for subdivision.
- Clause 32.08-6 (General Residential Zone) for the construction of two or more dwellings on a lot.
- Clause 43.02 (Design and Development Overlay Schedule 1) and

The application was advertised and received six objections.

Amended plans were submitted to address both the objectors’ and Council’s concerns. These plans were readvertised, and three (3) of the six (6) objectors provided additional comments. No objections were withdrawn.

This report addresses the planning merits of the proposal and the issues raised by the objectors. It concludes that the proposal is generally consistent with the provisions of the Bass Coast Planning Scheme.

On this basis, it is recommended that Council resolves to issue a Notice of Decision to issue a Planning Permit for planning application 180122.
Application Details

This application seeks to construct a second dwelling on the land and subdivide the land into two lots generally in accordance with amended plans referenced RUDUN5 prepared by Langford Jones Homes on 25 February 2019. The application materials comprise:

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

A copy of the decision plans is provided as attachment one (AT-1)
Reason a Council Decision is required

Council’s delegations require applications that attract five or more objections to be determined by Council. This application attracted six objections.

Background

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

| Site Dimensions                      | Northern boundary approx. 36.5m  
|                                    | Eastern boundary approx. 48.7m   
|                                    | Southern boundary approx. 15m    
|                                    | Western boundary approx. 53 metres. |
| Site Frontage                       | The site has a short frontage to Dunvegan Crescent of approximately 15m. |
| Topography                          | The property slopes gently to the east. |
| Vegetation Cover                    | The land is vegetated on property boundaries and in small gardens. The backyard is enclosed with fencing and grassy. |
| Current Use                         | A double storey dwelling is sited towards the frontage of the land. The balance of the property is maintained garden. |
| Easements                           | 1.83m rear drainage easement at the rear of the property. |
| Restrictive Covenants               | There are no restrictive covenants which affect the subject site. |
| Aboriginal Cultural Heritage Sensitivity | This property is within an area of Aboriginal Sensitivity. The proposed development is exempt from obtaining a Cultural Heritage Management Plan pursuant to the Aboriginal Heritage Regulations. |
| Planning Permit History             | Planning application 130166 was refused on 11 October 2013 for the subdivision of land into two lots. |

The subject site is located in the small coastal township of Surf Beach. This settlement is described in the Bass Coast Planning Scheme as a hamlet with low, seasonal population levels, no major services and high levels of holiday home ownership. The township is not considered to have any spatial growth capacity and any growth is directed within township boundaries. The landscape character consists of volcanic landforms shaped by the high seas and winds of Bass Strait. The rugged and varied landscape is considered to be valued by the community for its undeveloped, rocky headlands, high sand dunes and the open vistas along the coastline viewable from multiple access points. The subdivision form has been largely retained in a varied grid and fan design which visually disconnects the foreshore from Phillip Island Road and provides a range of lot sizes, orientations and distinct streetscapes. Buildings vary greatly and tend to be larger and bulkier closer to the foreshore.
The subject site is adjoined with the following properties:

- 21 Dunvegan Crescent abuts the northern boundary and is developed with a substantial dwelling positioned towards the south boundary and setback slightly more than the existing dwelling on 23 Dunvegan. The dwelling on this property was recently extended with a contemporary two storey-built form featuring south facing slab of corrugated metal which reclines away from the boundary. There are few south facing windows and the building appears to have a northerly focus. A row of native trees shares the boundary between 21 and 23 Dunvegan Crescent on the south.

- 154, 156 and 158 The Esplanade abut the southern boundary of the subject site. Each of these properties feature expansive backyards that are generally screened from views from the street and are sheltered. The dwelling on 154 is a compact two-storey structure with hard vertical fascia, flat roof and cement rendered facade. The dwelling at 156 is two storey with hipped roof to stepped gable and wrap around verandah with coastal vegetation softening the two storey form. The dwelling at 158 is single storey with a brick facade, hip and gable roofing and is not landscaped.

22, 24 and 26 Stradbroke Crescent abut the eastern boundary of the subject site. All these properties feature expansive backyards and boundary landscaping. Dwellings are positioned east on their allotments and are two storey.

Figure 1 – Aerial photo of subject site.
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 22 adjoining and nearby land owners and occupiers; and
- Placed a Notice on the land.

Six submissions in the form of objections were received.

Following the notification period, the Applicant under Section 57A of the Planning and Environment Act 1987 decided to amend the proposal to address both the objectors’ and Council’s concerns. The following provides a summary of the amendment changes to the proposal:

- Relocate the second dwelling 3m northwards to avoid future vegetation loss and further setback the dwelling from the southern side boundary fence.
- Screening on balcony to avoid overlooking.
- Detailed drainage computations were provided to address Council’s concerns.

The application was advertised a second time following assessment of the amended plans. Notice was given in the following manner:

- Sent copies of the Notice by registered mail to 22 adjoining and nearby land owners and occupiers; and
- Placed a Notice on the land

No additional objections were received at this time, however three additional submissions supporting previously provided objections were received.
Submissions

In response to notification the application attracted six submissions in the form of objections.

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

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

<table>
<thead>
<tr>
<th>Submission</th>
<th>Summary of Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The design of the subdivision is inconsistent with the historical pattern of the estate. There is no information on how drainage is to be managed. The balconies and windows of the proposed dwelling look directly into the backyard of our property. That a future occupant may object to their developments.</td>
</tr>
<tr>
<td>2</td>
<td>The proposal does not provide sufficient garden and landscape areas. The development impacts on the coastal amenity. The development will create noise from driveway. The proposal will overlook and overshadow their property. The proposal will have an unreasonable impact on the local drainage network.</td>
</tr>
<tr>
<td>3</td>
<td>The proposal is inconsistent with the neighbourhood character. The proposal will unreasonably impact on local infrastructure. The proposal unreasonably impacts on the amenity.</td>
</tr>
<tr>
<td>4</td>
<td>The proposal is inconsistent with the neighbourhood character. The proposal will unreasonably impact on local infrastructure. The proposal unreasonably impacts on the amenity.</td>
</tr>
<tr>
<td>5</td>
<td>The proposal is inconsistent with the neighbourhood character. The proposal does not provide sufficient garden and landscape areas. The development impacts on the coastal amenity. The development will create noise from driveway. The proposal will overlook and overshadow their property. The proposal will have an unreasonable impact on the local drainage network.</td>
</tr>
<tr>
<td>6</td>
<td>The proposal is inconsistent with the neighbourhood character. The proposal does not provide sufficient garden and landscape areas. The development impacts on the coastal amenity. The development will create noise from driveway. The proposal will overlook and overshadow their property. The proposal will have an unreasonable impact on the local drainage network.</td>
</tr>
</tbody>
</table>
As previously stated, three of the six objectors lodged additional comments when the amended plans were readvertised. These comments are as follows:

**Table two: Summary of additional concerns raised by objectors**

<table>
<thead>
<tr>
<th>Submission</th>
<th>Summary of Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The design of the subdivision is inconsistent with the historical pattern of the estate. Reduced privacy. Restriction of views. That a future occupant may object to their developments.</td>
</tr>
<tr>
<td>3</td>
<td>The proposal is inconsistent with the neighbourhood character. The proposal will unreasonably impact on local infrastructure. The proposal unreasonably impacts on the amenity. Discrepancies with the submitted report</td>
</tr>
<tr>
<td>4</td>
<td>The proposal is inconsistent with the neighbourhood character. Inappropriate development for Surf Beach. The proposal will unreasonably impact on local infrastructure. The proposal unreasonably impacts on the amenity.</td>
</tr>
</tbody>
</table>

**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>External (Section 55 of the Planning and Environment Act 1987)</td>
<td>This application does not require referral to any external authorities pursuant to Section 55.</td>
</tr>
<tr>
<td>Internal (Section 52 of the Planning and Environment Act 1987)</td>
<td>Revenue Services: No objection to the application</td>
</tr>
<tr>
<td></td>
<td>Asset Management: Initial concerns raised by Council’s Engineers in regards to drainage and the impact on drainage have been satisfied. Whilst more work needs to be undertaken, Council engineers have provided appropriate conditions that will satisfy their requirements should a permit issue.</td>
</tr>
</tbody>
</table>

**Officer’s Considerations**

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

The relevant policies of the Planning Policy Framework include:

- Clause 11 Settlement
- Clause 11.01-1R Gippsland
- Clause 11.01 Victoria
  - 11.01-1S Settlement
Clause 12.02 Coastal Areas
  - 12.02-1 Protection of coastal areas

Clause 12.05 Significant Environments and Landscapes

Clause 15 Built Environment and Heritage

Clause 15.01 Built Environment
  - 15.01-1S Urban design
  - 15.01-2S Building design
  - 15.01-5S Neighbourhood character

Clause 16 Housing

Clause 16.01-3S Housing diversity

Clause 16.01-2S Location of residential development

Clause 16.01 Residential Development

The relevant policies of the Local Planning Policy Framework include:

Clause 21.02 Settlement
  - 21.02-1 Growth of towns
  - 21.02-2 Housing

Clause 21.04 Environment

Clause 21.05 Landscape and Built Form

Clause 21.09 Low Growth Settlements.

Clause 21.09-4 Low Growth Settlements ‘Surf Beach’

Clause 22.01 Stormwater Management Policy

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

**Settlement**

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

The proposed additional dwelling within the Surf Beach township is considered to have merit when consideration is given to the broader state and local policies related to residential development.

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

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

To ensure that residential development and related urban uses are restricted to existing or identified settlements; and

To encourage sustainable development and minimise impacts on the environment.

To achieve these objectives the following strategies are to be considered:

Discourage urban growth beyond existing settlement boundaries of towns not identified in the Settlement Hierarchy included in this Clause; and

Minimise the impact on significant environmental features within identified settlement boundaries, and address these impacts through the rezoning or development planning processes.

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

Housing

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

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

It is considered that the proposal is consistent with the Bass Coast Planning Scheme that directs growth within existing settlement boundaries (21.02-1 Growth of towns, 21.09-4 Low Growth Settlements ‘Surf Beach’ and 11.03-4S Coastal Settlement) to reduce pressure on the settlement boundaries and maintain open breaks between townships.

The design response is considered to be generally consistent with the preferred neighbourhood character of residential development. The amended plans provided have relocated the proposed dwelling so as not to impact existing vegetation buffer along the southern side boundary.

The existing subdivision structure of the estate is not considered to be compromised by the proposed battle axe subdivision as the large wedge shape of the original lot is retained and the sweep of the varied grid is not visually diminished. Development in the rear of the existing allotment will not alter the visual structure of the estate as the curvature of the road network obscures any effect of linked backyards.

Built Environment and Landscape

Clause 15.01-2S (Building design) seeks to achieve building design outcomes that contribute positively to the local context. The proposal is considered to have satisfactorily responded to Clause 15.01-1S (Urban design) of the PPF that requires developments to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate and to ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.
Clause 15.01-5S (Neighbourhood character) of the PPF seeks to ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

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

The proposal considered to provide for a satisfactory response against clause 21.09-4 (Surf Beach) in relation to build form impacts on the landscape and environment for the following reasons:

- The development has been limited to a site within the existing settlement boundary for Surf Beach.
- The development will not result in the removal of any significant vegetation from the site or impact on nearby vegetation, and the amended design provides for landscaping opportunities within the side and rear setbacks.
- The development has responded well to the constraints of the site being presented by the steep topography. Sufficient setbacks have been provided.

The proposed development is considered to have achieved a site design response that responds to Clauses 21.04 (Environment) and Clause 21.05 Landscape and Built Form that will ensure that the development will limit the impact on the natural, visual and environmental landscape character of the township.

**Zone Assessment**

**General Residential Zone**

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

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

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

Pursuant to Clause 32.08-4 residential development in the General Residential Zone must provide for garden areas. This application exceeds the 35% garden area requirement with 42.63% of the site proposed to be garden area.
Clause 55 – Two Or More Dwellings On A Lot And Residential Buildings

Before deciding on an application, the responsible authority must consider, as appropriate for the construction of two dwellings on a lot, the objectives, standards and decision guidelines of Clause 55. The proposal addresses most of the standards and decision guidelines of Clause 55. The minor variations to the Clause can be supported for the following reasons:

- The proposal does require some vegetation to be removed from the site, however the vegetation is exempt under Clause 52.12 Bushfire Protection Exemption. Should a permit issue, a landscape plan will be required.

- The proposal requires an additional crossover to be constructed. As the street frontage is 10m wide, the proposed site access totals 60% of the total frontage and will require vegetation along proposed accessway to be removed. The development of the second crossover is considered appropriate, as it will enable a front garden to be established rather than having a driveway traverse across the front of the property.

- The proposed dwelling has been relocated 3m north to reduce the impact of overlooking into neighbouring properties. The applicant has used screens on balconies and frosted glass on windows to reduce impacts. Council will require additional screening if a permit is issued to reduce the opportunity of overlooking.

- The proposed driveway width is 2.8 metres. This is considered reasonable as the site is constrained with the location of the existing dwelling 3 metres from the property boundary.

Clause 56 – Residential Subdivision

Before deciding on an application to subdivide land, the relevant objectives, standards and decision guidelines of Clause 56 must be considered. The proposal is considered to meet the relevant objectives of Clause 56.

Clause 52.06 Car Parking

The proposed development complies with the car parking requirements set out at Table 1 of Clause 52.06-5. Table 1 requires that each three bedroom dwelling be provided with two car spaces. Where two or more car parking spaced are provided for a dwelling, at least one space must be under cover. The proposal has provided a double garage that will contain two car spaces for the proposed dwelling. The existing dwelling will have an undercover car space and an open open car space. No common property is proposed.

Overlays

Design and Development Overlay Schedule 1

The application triggers the need for a planning permit under schedule 1 of the Design and Development Overlay.

The intent of the overlay is:

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

The application is considered to be generally consistent with the objectives of Schedule 1 'residential areas near the coast' for the following reasons:

The majority of the dwelling is 6.65m in height with the northern side of the dwelling rising 7.1 metres. The encroachment is 165mm is minimal. The height encroachment is located in the middle of the dwelling and does not unreasonably impact views to the coast from adjoining properties.

It is considered that the design of the building is generally consistent with the siting guidelines for structures on the Victorian coast. The existing built form of Surf Beach is a hard urban coastal edge of predominantly two storey dwellings.

Vegetation Protection Overlay Schedule 2

The subject site is located within a Vegetation Protection Overlay Schedule 2 'Phillip Island' which has the purpose:

“to protect and enhance existing indigenous and larger native species within the urban area of Phillip Island.”

The application requires a single tea tree to be removed. This tree is exempt from planning consideration under the provisions of Clause 52.12 (Bushfire Protection Exemptions).

Concerns raised by Submitters

The proposal is inconsistent with neighbourhood character;

It is considered that the subdivision respects the existing and generally intact structure of the estate working within the wedge shape of the allotment. The design of dwelling is considered to be respectful of existing buildings incorporating weatherboard cladding, subdued colours and a 7.1 metre height. The buildings are spaced appropriately from each other and adjoining buildings, leaving sufficient space for landscaping.

• The approval of the proposal will set a precedent for higher densities in Surf Beach. Each planning application is assessed on its merits and pursuant to the relevant planning policies at the time of the application.

• The location of the driveway will create unreasonable noise impacts on adjoining properties. The design of the closest dwelling to the proposed access way complies with the standard for separation to shared access ways. It is considered that the proposed driveway access would not have an unreasonable impact on the amenity of 21 Dunvegan Crescent or any other nearby property submitted.

• The dwelling will overlook into the backyards of existing properties;

This application has been considered against the overlooking provisions within the planning scheme. Screening of balcony one will ensure compliance with the requirement of the planning scheme. This is a recommended condition, should a permit issue.
• The proposal will overshadow existing properties;

The proposal is considered to comply with the standards of Clause 55 as they relate to overshadowing. The proposed development is not considered to overshadow adjoining secluded private open space, north facing open space or habitable windows to an extent which would cause an appreciable amenity impact.

• The proposal does not provide sufficient garden areas for revegetation;

The site is in excess of the minimum garden area requirement of Clause 32.08-4 Garden Area where a lot 1277m2 in area must provide at least 35% of the site for garden area. The site achieves 42.63% garden area.

• The proposal will have an unreasonable impact on local drainage and flooding.

The applicant has worked with Council’s engineers to demonstrate that stormwater collection and drainage can meet the requirements of the Bass Coast Planning Scheme. Councils engineers do not object to the proposal with permit conditions to be placed on any permit issued which will enable stormwater drainage to be meet achieve appropriate standards.

• The proposal does not mention the removal of coast banksias.

Should a permit issue, one tree would require removal in order to facilitate the development. A condition of any planning permit issued would be a landscape plan and subsequent planting.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is considered to address relevant planning issues sufficiently to warrant the issue of a permit.

It is recommended that Council resolves to issue a Notice of Decision to Grant a Planning Permit subject to the following conditions:

Recommendation

That in relation to planning permit application 180122 for the development of land with two dwellings (one additional), and subdivide the land into two lots located at 23 Dunvegan Crescent Surf Beach Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

Development Conditions

1. Before the development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.
The plans must be generally in accordance with the plans submitted
with the application being those prepared by Langford Jones Homes
(dated 25 Feb 2019, pages 1-7 of 7), but modified to show:

a. Driveway to be widened to 3m except between the existing
dwelling and side fence.

b. Provision of lattice fencing proposed between 23 and 21 Dunvegan
Crescent.

c. Show the location of bin storage areas and external sheds for both
residences

d. Appropriate screening to Balcony 1 similar to Balcony 2 to
achieve compliance with standard B22 (Overlooking).

Landscape Plan

2. Before the development starts/plans are endorsed for the hereby
approved development, 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 must show:

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. 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;

f. At least 80% of species are to be indigenous to the locality;

g. Fencing details

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.

3. Once established, 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.

General Conditions

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

**Council Engineering Conditions (Development)**

6. **Before the commencement of any works hereby permitted (unless otherwise agreed in writing by the responsible authority), 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 and Council. The plans must be drawn to scale with dimensions. An A3 plan and an electronic copy (PDF) must be provided. The plans must show:

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

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

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

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

iv. **A dual-pump system designed for all storm event up to and including the 1% AEP.** The pumping system must be designed in accordance with Australian Standards to the satisfaction of the Responsible Authority.
v. Provision of over-land surcharge routes for all storm events up to the 1% AEP. This must include associated infrastructure for the safe and effective passage of stormwater flows arising from areas upstream of the subject land discharging into Bass Coast Shire Council’s drainage system.

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

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

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

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

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

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

7. Before the issue of an Occupancy Permit for the development (unless otherwise agreed in writing by the responsible authority), the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:

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

b. All drainage works in accordance with the endorsed civil plans.

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

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

e. All proposed vehicle crossings must be constructed in accordance with the endorsed plans and IDM standards (i.e. SD 240)
f. All redundant infrastructure abutting the site shall be removed and the kerb, channel, nature strip and footpath shall be reinstated.

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

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

a. Installation of a pumping system and stormwater detention system before connecting to Council's stormwater drainage system;

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

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

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

Amenity

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

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

b. Appearance of any building, works or materials;

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

d. Presence of vermin or animals.

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

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

   a. The development is not started within two years of the date of this permit;
   
   b. The development is not completed within four years of the date of this permit.

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

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

Subdivision Conditions

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

Mandatory Subdivision conditions

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

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

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

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

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

   b. a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
15. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.

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

17. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

18. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Council Engineering Conditions Site Drainage Plan (Subdivision)

Site Civil Design Plans

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

The plans must show:

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

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

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

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

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

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

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

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

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

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

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

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

Easements

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

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

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

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

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

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

   e. All proposed vehicle crossings and footpaths must be constructed in accordance with the endorsed plans and IDM standards (i.e. SD 260).

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

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

Mud On Roads

22. 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.

Maintenance Of Detention Systems

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

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

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

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

Permit Expiry – Subdivision

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

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

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

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

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

Notes

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

Asset Protection Permit

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

Road Occupation Permit

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

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

Attachments

AT-1 Permit 180122 Amended Plans 23 Dunvegan Crescent Surf Beach 7 Pages
AT-2 CONFIDENTIAL - Submissions - 23 Dunvegan Crescent Surf Beach 49 Pages

Council Decision

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

That in relation to planning permit application 180122 for the development of the land for two (2) dwellings and a two (2) lot subdivision at the land located at 23 Dunvegan Crescent, Surf Beach, Council resolves to issue a Notice of Refusal on the following grounds:

1. The proposal has failed to satisfactorily address the Planning Policy Framework related to the provision of safe and efficient vehicle access for the development including the satisfactory access for emergency services vehicles.

2. The proposal has failed to satisfactorily address the Local Planning Policy Framework related to the provision of safe and efficient vehicle access for the development including the satisfactory access for emergency services vehicles.

3. The proposal has failed to satisfy clause 52.06 Car parking of the Bass Coast Planning Scheme for the following reasons:
   a. The development is inconsistent with the purpose of clause 52.06 car parking that seeks to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.
   b. The development is inconsistent with Clause 52.06-9 Design standards for car parking (Design standard 1 – Accessways).
   c. The proposal has not satisfied clause 52.06-10 decision guidelines.
4. The proposal has failed to achieve a satisfactory outcome in response to clause 55 Two or more Dwellings on a lot and Residential Buildings of the Bass Coast Planning Scheme relating to the provision of safe and efficient access for service, emergency and delivery vehicles due to the minimum width of the driveway.

5. The proposal has failed to satisfy the clause 65.01 Decision Guidelines – Approval of an Application or Plan relating to:
   - The matters set out in section 60 of the Act.
   - The orderly planning of the area.
   - The effect on the amenity of the area.

The degree of fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard due to the minimum width of the driveway that will limit the ability of emergency vehicles to access the land.

CARRIED

Cr Clare Le Serve left the meeting at 6.34pm.
Cr Clare Le Serve returned to the meeting at 6.37pm.
Declaration

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

Summary

The purpose of this report is to present Council with the results of community consultation recently undertaken with respect to two conceptual designs for the shared pathway along Surf Parade, Inverloch (Veronica Street to Goroke Street) and a recommendation to undertake detailed design and obtain required permit approvals, to enable construction of design Option 2.

Background

The draft 2018/19 budget included $926,000 to construct the segment of shared path along Surf Parade Inverloch, between Veronica Street and Goroke Street (the Path). A concept design for the Path was first established as part of the overarching Surf Parade Inverloch Shared Path Masterplan (AT-1). Required planning approval to enable construction of the Path was obtained in 2015 (AT-3).

In response to public notice of the draft 2018/19 budget, Council received a submission calling for the deferral of the Path construction in favour of review and amendment of the concept design to increase proposed parking provisions.

In consideration of this submission, Council deferred construction of the Path and reduced the 2018/19 budget allocation to $160,000 to facilitate a review of the concept design, as well as conduct further community consultation. Subsequent to this process, funding for Path construction would then be considered during development of either the 2019/20 and/or 2020/21 budget.

The primary focus of the design review was to be the identification and analysis of alternative design options, which accommodated so far as reasonably practicable, retention of an equivalent number of car parking spaces along the southern half of Surf Parade as currently exist.

Between August 2018 and February 2019, officers conducted a number of workshops with Council, to inform development of design alternatives. Workshop discussions focused upon the history of the project, identification of required engineering standards, previous technical investigations (traffic, vegetation and geomorphological impact studies), alternative design implications, required approvals and delivery timelines. A summary of these workshops is provided within Attachment 2 (AT-2).

These workshops culminated on the 6 February, with the presentation of four design variants/alternatives for consideration by Council. Following careful consideration of
the benefits and impacts associated with each design variant, Council instructed officers to seek community feedback on two options, being:

**Option 1 – No change (current approved design)**

This concept design was first presented to Council in May 2016, via the Surf Parade Inverloch Shared Path Masterplan. The path alignment effectively occupies the area comprising the existing gravel shoulder of Surf Parade. Of the alternatives presented, this option has the least impact on adjacent roadside and foreshore vegetation.

The concept provides for a total of 20 car parking bays interspersed at key beach access track locations along the Path alignment, resulting in a net loss of 118 bays as compared to existing conditions (loss of informal parking along southern half of Surf Parade).

**Option 2 – Combined shared path and parallel parking**

Design Option 2 provides for the retention and formalisation of parallel car parking adjacent to the majority of the Path alignment. Parking continues to occupy the existing road shoulders, with the Path alignment moved to the south in order to accommodate the expanded project footprint.

Due to limited space available within the road reserve, realignment of the Path to accommodate parking retention requires encroachment into the adjacent foreshore reserve as well as some additional earthwork and vegetation removal.

This option indicatively provides for 138 parking bays, which represents an equivalent number of parking spaces, as that currently available via existing informal parking arrangements.

Further details regarding the selected design options is provided within Attachment 4 (AT-4).

In accordance with Councils instructions, officers subsequently commenced community consultation to determine the level of support for either of the two selected design options. The community consultation period ran from 28 March until 26 April 2019.

During the consultation period, officers took the opportunity to update some of the historical technical reports associated with the project, as well as commissioning of an additional traffic assessment to further inform the recommendation to Council.

Further to the above design and consultation considerations, in June 2019 Council approved $1.5 million for construction of the Path as part of its 2019/20 budget. This budget was determined to provide sufficient allowance for the construction of either of the two design options being considered.

**Strategic Basis**

The Bass Coast Shire Aspirational Network Pathways Plan was adopted by Council in May 2016. The plan shows the aspirational network of paths that provide strategic connections to and within settlements across the Shire. A key priority within this plan is the link between Wonthaggi and Inverloch, which includes the section of pathway along Surf Parade. This pathway link is classified as a Strategic Cycling Corridor, and is considered a key strategic cycling priority for both Council and the State Government.
Council Plan Objective:

Liveability – \textit{Enjoying the place we live}

- Facilitate opportunities for multi-purpose facilities to improve access to recreation and sporting activities
- Plan for and support a healthy, connected and active community
- Protect our natural environment balanced with access for all to enjoy
- Ensure any road or drainage infrastructure projects consider safe and accessible crossings for pedestrians
- Plan and provide well maintained public amenities and facilities

Strategic Indicators:

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Recreation Plan (Active Bass Coast)</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
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<tr>
<td>Community infrastructure that improves quality of life</td>
<td>Capital Works program achievement</td>
<td>90% of Capital Works program achieved annually</td>
</tr>
<tr>
<td>Pathways Network Plan 2016</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
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</table>

Major Initiative / Initiative

The Path is a critical component of Councils strategic Principal Bicycle Network (PBN) and has featured in both the 2018/19 (investigation, concept design and consultation) and 2019/20 (design, permit approvals and construction) capital works programs.

Strategies / Policies

Construction of the Path aligns with, and delivers on, the strategic intent as documented in the Aspirational Network Pathways Plan. Council adopted this Plan in May 2016. The Path will facilitate the pedestrian/cycling link between Wonthaggi and Inverloch townships.

Statutory Requirements/Codes/Standards/Policies

The construction footprint of both design options 1 and 2, span across Council’s road reserve and the adjacent Crown Land (Public Park and Recreation Zone). Both options require vegetation removal, albeit to differing extent.

Both design options require a planning permit, and Coastal Management Act consent from Department Environment, Land, Water and Planning. All required approvals have been previously obtained for Option 1. Approvals will need to be sought for Option 2 if required.

Relevant legislation that needs to be addressed in the course of obtaining regulatory approvals or developing a detailed Path design includes:

- Environment Protection and Biodiversity Conservation Act (1999)
• Catchment and Land Protection Act (1994)
• Environmental Effects Act (1978)
• State Wildlife Act (1978)
• Water Act (1989)
• Aboriginal Heritage Regulations (2007)

Further reference to standards and legislation will be required in the course of preparing the detailed design for the preferred Path alignment. Such references include:

• Road Management Act
• Local Government Act
• Australian Standards
• Infrastructure Design Manual (IDM)

Discussion

Community consultation on the two selected design options was undertaken using a range of mediums in order to provide residents, property owners and interested stakeholders the opportunity to identify their preferred design option, or alternatively express additional views. Such mediums included:

• letter to all Inverloch property owners (4,901 letter issued);
• five targeted community group information sessions (attended by Councillors and Officers);
• pop up tents (3 sessions);
• Facebook live Q&A session;
• media releases;
• information on webpage and social media; and
• online survey (1,525 responses).

At the conclusion of the consultation period, Council had received a total of 1,636 submissions. The table below details the breakdown of the submission type and the option favoured.
Table 1 – Results of community consultation

<table>
<thead>
<tr>
<th>Submission Type</th>
<th>Option 1 Supported No.</th>
<th>%</th>
<th>Option 2 Supported No.</th>
<th>%</th>
<th>Neither Option Supported No.</th>
<th>%</th>
<th>Totals</th>
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<td>23%</td>
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<td>3</td>
<td>60%</td>
<td>1</td>
<td>20%</td>
<td>5</td>
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<td><strong>Totals</strong></td>
<td><strong>365</strong></td>
<td><strong>22%</strong></td>
<td><strong>1191</strong></td>
<td><strong>73%</strong></td>
<td><strong>80</strong></td>
<td><strong>5%</strong></td>
<td><strong>1636</strong></td>
</tr>
</tbody>
</table>

The majority of the feedback received was via the online survey. Attachment 5 (AT-5) provides details on the questions posed to the community within this survey.

As observed in Table 1 and Figure 1, Option 2 was favoured within 73% of the submissions received (1,191). Option 2 was generally the dominant preference within all submission forms; however preference that neither option be pursued was equally represented within the written response category (45% versus 44%).

Figure 1 – survey and submission results

Surf Parade Shared Path Community Consultation - Survey and Submission Total Results

More detailed analysis of the results of the engagement program are provided in Attachments 2 (AT-2) and 6 (AT-6).

During the engagement period, Council received sixty-two written submissions, a register of which is provided within confidential Attachment 10 (AT-10). All written submissions have been taken into consideration and summarised as part of officer’s assessment of the key consultation feedback themes.

Detailed written submissions from the following community and business groups have been provided separately as confidential attachments 11 (AT-11), 12 (AT-12) and 13 (AT-13) respectively:

- Inverloch Tourism Association
- South Gippsland Conservation Society
Phillip Island Conservation Society

A number of recurring suggestions, views or themes were raised during the course of the consultation period and within submissions received. A summary of these is provided below.

**One-way Traffic Suggestion**

As noted in the key themes section of Attachment 2 (AT-2), the potential consideration of one-way traffic flow along Surf Parade as an alternate option to avoid encroachment into the foreshore reserve was raised within a number of responses. This proposition was investigated in 2013 and subsequently considered as part of the 2017 Council report, which dealt with approval for stage 1 of the shared pathway between Ayr Creek and Veronica Street. At this time it was determined that the one-way traffic flow alternative was not considered appropriate.

In consideration of the responses received, an updated one-way traffic flow analysis report was commissioned. A suitably qualified and experienced consultant was engaged to examine the feasibility of one-way traffic along Surf Parade and the implications of undertaking such an action. A summary of this analysis is provided within Attachment 2 (AT-2) with a copy of the detailed report also provided in Attachment 7 (AT-7).

Whilst the report prepared by GTA Consultants identifies that a one-way traffic solution is achievable, it reaffirms and elaborates on the previously identified consequences of implementing this.

Depending on the extent of the one-way length of road to be implemented, between 85 – 120 property owners or residents will be impacted through incurring additional travel time (between three and four minutes) when accessing either the Inverloch Township or Cape Paterson Inverloch Road.

Adoption of a one-way configuration will also impact upon travel times associated with non-resident traffic either accessing facilities within, or transiting through, the area.

Further consequences of implementing one-way traffic flow identified within the GTA report include:

- Increased traffic on tertiary residential streets (Goroke Street, Veronica Street, Florida Avenue)
- Infrastructure investment for intersection reconfiguration
- Higher traffic volumes and queuing at certain intersections
- Increased risk to pedestrians and cyclists on tertiary residential streets
- Increased risk of passengers exiting parked vehicles encroaching in carriageway
- Queuing due to parking manoeuvres
- Impacts upon service vehicle efficiency and access (waste collection, emergency services)
- Increased preference to park on side streets as opposed to completing loop
Offsetting these impacts is the potential to avoid further vegetation loss beyond that proposed under design Option 1, whilst also maintaining parallel parking equivalent to that which exists currently.

It is considered that the GTA report reaffirms the previous position that one-way traffic flow is not considered to be a practical or desirable alternative.

Should Council favour one-way traffic flow along Surf Parade or a portion of it, further consultation will be required with those affected property owners or residents, and additional budget may be required to provide the requisite infrastructure to facilitate one-way traffic flow.

**Non-Asset Solution**

Within the submissions received, the prospect of adopting a non-infrastructure related solution was raised. This suggestion sought to avoid the requirement to construct the pathway via establishment of a shuttle service during peak holiday periods.

Whilst the introduction of such a service may provide an alternate transport mode for some members of the community, a detailed investigation and business case would need to be developed before an informed position could be reached as to the financial viability, practicality and likely uptake of such a service.

Further, this solution does not consider the broader strategic contribution of the Path in the context of the PBN objectives, to provide safe and efficient cycling facilities linking key settlements within the municipality. Whilst the construction of the Path will provide a localised service to Inverloch, it also forms part of a much broader strategic pathway infrastructure network.

**Geomorphic and Ecological Investigation Update 2019**

The issue of foreshore dune erosion via either vegetation loss or coastal inundation was a key theme raised by objectors to the Path or design option 2. In March 2016, Council received a report from Water Technology to consider the geomorphic behaviour and ecological profile of the area surrounding the approved shared pathway masterplan alignment (Option 1).

This document considered the impact of both the Path construction on foreshore structures as well as risks to the Path associated with rising sea levels and foreshore sand recession. It also provided estimated time frames for, and the extent of, interaction of sea level rise with the proposed Path alignment.

In anticipation of concerns raised during the community consultation period and acknowledgement of observed changes in shoreline conditions along the Inverloch coast, officers commissioned a review of the previous Water Technology report. A copy of the updated report is provided in Attachment 8 (AT-8).

The updated 2019 report reassessed risk to both the Path and the adjacent foreshore due system in consideration of recently observed coastal behaviour. The resultant opinions were:

- Long-term coastal recession is likely to impact the shared path alignment when the projected increase to mean sea level reaches around +0.8m AHD (year 2100) and therefore the risks to the path are considered medium.
- Short-term coastal erosion hazards likely to impact the shared path alignment when the projected increase to mean sea level reaches around +0.8m AHD (year 2100) and therefore the risks to the path from this hazard are considered medium.

- Coastal inundation hazard impacts are unlikely to impact the shared path alignment when the projected increase to mean sea level reaches around +0.8m AHD (year 2100) and therefore the risks to the path from this hazard are considered low.

- The alignment has been located on the landward side of the foreshore vegetation abutting existing cleared and developed land. This is the most appropriate location for the alignment for the path for the following reasons:
  
  o The vegetation abutting the urban development is subject to edge affects including the incursion of exotic species. Vegetation within the middle of the reserve is likely to be ‘cleaner’ and contain higher quality vegetation;
  
  o The removal of a strip of land on the urban edge provides an opportunity to remove the exotic species and enhance the quality of this edge vegetation;
  
  o As the alignment is adjacent to Surf Parade any vegetation that is to be removed is located at the rear of the coastal dune and loss of vegetation will not have any impact on dune stability.

When considering the above opinion, officers have also noted that the identified risk and projected impact upon the Path is primarily associated with an isolated section (approximately 30% of the total pathway alignment) in immediate proximity to the Inverloch Surf Life Saving Club facilities.

**Ecological Investigation Updates 2019**

As implementation of Option 2 would require additional vegetation removal, officers commissioned an update to the previous Indigenous Design (2014) biodiversity and vegetation assessment report, to consider the impact of this design alternative. The updated report is provided in Attachment 9 (AT-9).

Should Option 2 be selected for implementation, this report will form a key document in the process of seeking the required planning approval. Key findings of the assessment and report are as follows:

- Vegetation Quality Assessments (VQA) were carried out which identified native vegetation patches all consistent with the one Ecological Vegetation Class (EVC); EVC 160: Coastal Dune Scrub.

- Two habitat zones were identified and mapped and a VQA habitat hectare assessment carried out. Habitat Zone 1 received a habitat score of 40 points out of 100 (0.40) and Habitat Zone 2 received a habitat score of 35 points out of 100 (0.35).

- No threatened ecological communities listed under either the Environment Protection Biodiversity Conservation Act (1999) or Flora Fauna Guarantee Act (1988) were identified within the study area and no flora or fauna species that are listed under the EPBC Act or listed on the DELWP advisory list were identified during the site visit.
- A likelihood assessment found that *Pterostylis alveata* (Coastal Greenhood), listed as vulnerable on the DELWP advisory list, had a low likelihood of occurrence in the study area while all other rare or threatened flora species identified in the database searches were considered unlikely to occur within the study area.

- A likelihood assessment found that *Antechinus minimus maritimus* (Swamp Antechinus), which is listed as Vulnerable under the EPBC Act and near threatened on the DELWP advisory list, had a low-moderate likelihood of occurrence within the study area while all other rare or threatened flora species identified in the database searches were considered unlikely to occur within the study area. It is recommended that further advice be sought from an expert fauna specialist regarding the potential presence of the Swamp Antechinus and suitability of habitat for this species within the study area.

- Option 2 requires the removal of an additional 0.1723 ha (23%) of native vegetation as compared to that currently approved within the permit for Option 1 (0.753 ha). As such, there would be a requirement for Council to secure additional vegetation offsets if Option 2 was to be pursued.

  There is also a requirement for Council to secure and locate these offsets within the same catchment and municipality as Surf Parade. Officers have confirmed that Council possesses the necessary offsets at Screw Creek.

A table of recommended or required actions is also provided in the updated Indigenous Design report, to facilitate granting of all required permits for the Option 2 design.

**Opportunity for Alternate Revenue Streams**

Further to the construction of the Path, officers have also identified the possible consideration of introducing paid parking for non-residents as an opportunity for Council to explore an alternate revenue stream. This opportunity could be explored regardless of the preferred design option however lends itself more towards design Option 2.

With the development of technology and the widespread use of mobile applications, Council could be in a position to provide parking for non-residents as a user pays service. This approach is commonly used by metropolitan bayside municipalities who use this income to offset maintenance costs incurred to provide these natural and recreational assets to the community.

If Council has an appetite to explore the introduction of a user pays parking model in association with this project, the timing for investigation, consultation and introduction is now. Whilst recent technology has reduced the cost of (paid) parking infrastructure, there will still need to be consideration of associated infrastructure provisions in the detailed design should this position be supported by Council.

**Finances**

Within its 2018/19 budget, Council approved $160,000 for the development of a detailed design for the Path. Total 2018/19 expenditure for this project was $47,925. Consequently, $112,075 has been carried forward to the 2019/20 Financial Year to continue development of a detailed design pending Councils decision as to a preferred option.
Within its 2019/20 Budget Council has provided $1.5 million to construct the Path. This budget has been determined to allow construction of either option based upon preliminary concept estimates. Once a detailed design has been finalised a review of detailed construction costs will be required.

Internal Consultation

Representatives from Council’s Executive, Senior Management, Asset Management, Infrastructure Delivery and Sustainable Environment teams were all consulted and provided the opportunity to provide feedback in the compilation of this report.

Council received briefings on the 1 and 29 August 2018, 6 February, 6 March and 24 July 2019 with respect to the Surf Parade shared path design options, and the outcomes of the community consultation.

Other Options

In February 2019, Councillors considered four options for the alignment and parking facilities for the Path. Council instructed officers to present Options 1 and 2 to the community and seek their advice as to the preferred design option. Whilst only two options were identified for further consultation, there is a further option available to Council, being do nothing (i.e. abandon project).

This option was supported by 5% of submissions received through the consultation process. If Council were to consider abandoning the project, consideration would need to be given as to the preferred treatment of the remaining design and construction budget.

Conclusion

With the community engagement phase of this project now concluded, officers have prepared this summary report for Council’s consideration, as well as provision of updated technical reports and a recommendation regarding a preferred design option.

Of the two options presented to the community, officers believe that construction of Option 2 represents the best overall outcome for the community. This position has been reached in consideration of:

- Findings and recommendations within technical reports
- Feedback received via community consultation process
- Project alignment with council strategic plans and objectives
- Social and community benefit of pathway construction
- Project risks

The provision of an inclusive and safe cycling and pedestrian access as well as highly valued and utilised vehicular access to a significant coastal asset, enjoyed by many, is considered best achieved via the Option 2 design.

It is acknowledged that Option 2 requires the removal of some additional native vegetation; however, technical advice indicates that such removal will have no material impact upon the dune system and that vegetation earmarked for removal varies in condition and quality.

Advice also indicates that formalisation of parking may actually assist in enhancing remaining vegetation through prevention of unauthorised access, removal of exotic
species (during construction) and diversion of concentrated stormwater runoff from the rear of the dune.

The desire to retain parking along Surf Parade was clearly identified by the local community as the primary issue of concern in the context of this project. In light of the overwhelming community support received for Option 2, Officers believe that Council has a clear indication of local community opinion and an identified way forward to progress design and construction of the Path.

It should be noted however, that subject to Council’s acceptance of the recommendation to pursue design Option 2, officers would need to commence the planning permit application and Coastal Management Act consent process. Initial feedback from the Department of Environment, Land Water and Planning has indicated that a full planning permit application process be required, including public notice and exhibition.

As such, any further planning application may be subject to appeal and submitted to the Victorian Civil Administration Tribunal (VCAT) for a ruling. Depending on the outcome of the application process, this could take between 3 – 12 months to finalise.

Failure to secure the required permit or land manager consent may necessitate a further report to Council to reconsider its position or revert back to design Option 1, which currently has planning and land manager approval.

Recommendation

That Council:

1. Receive and note the report detailing the outcome of community consultation for the two proposed Surf Parade shared path design options.

2. Endorse Option 2, being the provision of the shared path in conjunction with parallel parking as the preferred shared pathway and parking configuration design option.

3. Subject to successfully obtaining all relevant permits and approvals, commence development of a detailed design and subsequent construction of the shared path between Veronica and Goroke Street, Inverloch.

4. Further to the calculated vegetation offset requirements, investigate the possibility of undertaking additional revegetation plantings in the immediate vicinity of the shared path alignment and adjacent dune system.

5. Provide written advice to all submitters on the outcome of Council’s decision, thanking them for their contribution.

6. Commence a feasibility study and development of a commensurate business case for the introduction of paid parking (non-resident) along Surf Parade, Inverloch.
## Council Decision

_Moved: Cr. Julian Brown / Seconded: Cr. Les Larke_

That the recommendation be adopted.

CARRIED

Cr Geoff Ellis called for a division

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<th>Against</th>
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<td>Cr Tessari</td>
<td>Cr Le Serve</td>
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<td>Cr Fullarton</td>
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<td>Cr Kent</td>
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H.3 Response to Petition - Decrease Speed Limit / Implement Safety Measures Berrys Road Harmers Haven

File No: CM19/538
Division: Infrastructure & Environment
Council Plan Strategic Objective: Governance
We are responsive, open, transparent and financially sustainable

Previous Items: PE1/19 - Petition - Decrease Speed Limit / Implement Safety Measures Berrys Rd Harmers Haven - Council - 17 Jul 2019 5.00pm

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 17 July 2019 Ordinary Meeting and Council resolution:

1. That the petition to 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.

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

1. Completes an internal road safety and traffic assessment of Berrys Road Harmers Haven including assessment of wildlife road safety by the end of October 2019.

2. Present any findings that support a speed limit reduction to Regional Roads Victoria for approval through speed limit review process.

3. Implements any road safety improvement recommendations using available operational budgets or if required seek additional funding through Council’s budget processes to include in future programs.

4. Provide on-going updates to the Head Petitioner and advise them of Council’s decision.
Background

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

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.”

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

1. That the petition to Decrease Speed Limit / Implement Safety Measures Berrys Road 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.

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

Strategic Indicator:

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measure</th>
<th>Target</th>
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<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>
</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>
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Bass Coast Shire Council

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**Other financial and non-financial performance indicators**

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<tr>
<th></th>
<th>Quarterly and year to date financial reporting</th>
<th>Financial reporting published</th>
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<tr>
<td></td>
<td>Quarterly and year to date non-financial performance reporting</td>
<td>Non-financial reporting published</td>
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<tr>
<td></td>
<td>Information technology improvements</td>
<td>Efficiencies achieved</td>
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**Revenue opportunities**

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

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**Major Initiative / Initiative**

Reducing the speed limit and wildlife road safety at Harmers Haven is not a major initiative or initiative in Council’s 2019/20 Budget.

**Strategies / Policies**

Council’s Road Management Plan 2017

Council’s Road Asset Management Plan 2019 - 2023

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

Local Government Act 1989

Road Management Act 2004

Road Safety (Traffic Management) Regulations 2009

The *Road Management Act 2004* requires Council to prepare a Road Management Plan. This was adopted by Council in 2017.

**Discussion**

Speed limit signs are designated as Major Traffic Control Devices (Major TCDs) under the Road Safety (Traffic Management) Regulations 2009 and their approval is not delegated to Councils. Regional Roads Victoria’s consent is required by Memorandum of Authorisation to erect, establish, display, maintain or remove the signs required in the creation or alteration of any speed zone or area. Regional Roads Victoria have recently advised that a new policy is to be developed to increase community engagement around speed limit review process. It is anticipated that the policy will require more robust engagement with community members and key stakeholders before a speed limit review is considered by Regional Roads Victoria.

In regards to the request of speed reduction down to 80km/h, according to VicRoads Traffic Engineering Manual – Speed Zoning Guidelines, a ‘desk top’ review indicates that the low density nature of development along Berry’s Road would not usually warrant a speed reduction. A site inspection has however noted that there is an existing 60km/h zone at the south end of Berrys Road. There is some minor development and a crest in the road, some curves and a steep gully on the outside of a curve. These site factors and road geometry may justify the review of the speed limit so if further assessment supports it an application will be made to Regional Roads Victoria.
Roads Victoria who are the determining authority for speed limits. The further assessment by Council officers will also be conducted to determine if any other road safety treatments are appropriate.

Traffic calming infrastructure such as concrete outstands, pinch points and other significant physical devices are generally not considered appropriate in a rural environment. These infrastructure treatments are typically designed to narrow the traffic lane and drivers will slow to negotiate them. Drivers do not expect them in rural environments and may ignore the warning signage, which can lead to more severe crashes. There are however alternative, more forgiving physical treatments that could be considered.

Speed zone signage, physical devices and advisory and wildlife signage are being assessed in Berrys Road and in the Harmers Haven area. Further traffic assessment and analysis of the driving environment by Council officers will determine whether existing signage is appropriate and whether additional signage or physical devices are recommended. This would include consideration of the road safety effect of long grass in the roadside verges to determine whether current mowing service levels are appropriate.

### Finances

The traffic and signage assessment and any resulting signage works can be funded through existing operating budgets. Any major road infrastructure safety improvements would need to be funded through future capital budgets. If it is determined that increased mowing frequency is necessary then that would require additional operating budget.

### Stakeholders

- Harmers Haven residents
- Visitors to the area
- Service companies
- Emergency services agencies
- Bass Coast Shire Council
- Regional Roads Victoria

### Other Options

Not proceeding with further traffic and road safety assessment and to conclude the investigation based on a ‘desk top’ review and advise the petitioner accordingly. This option is not recommended as officers believe that there may be a case to make some road safety improvements in the area.

### Conclusion

A petition containing 14 signatures was received at the July 2019 Ordinary Council Meeting. The petition raised concerns about speed limits, wildlife road safety, mowing of verges and road safety in the Harmers Haven area. Residents have requested that the speed limit is reduced from 100km/h to 80km/h in Berrys Road. They have also requested that road infrastructure is modified to increase safety and that grass on roadside verges is mowed frequently to improve safety.
A ‘desk top’ review and initial analysis has been conducted by Council engineers. An initial review suggests that the nature of development density along Berrys Road would likely not warrant a speed limit reduction according to VicRoads Traffic Engineering Manual – Speed Zoning Guidelines. Officers recommend however that a further road safety and traffic assessment is undertaken to examine whether changes would be supported under the revised Regional Roads Victoria policy, and if any physical devices could be considered.

As Regional Roads Victoria are the determining authority a successful application for speed limit review typically takes six to nine months. Officers will be updating the head petitioner on this process as more information becomes available from the traffic assessment and from Regional Roads Victoria.

In addition, an advisory signage review would be undertaken as part of the road safety assessment. Any recommendations as a result of the review would inform the requirement for additional signage. The road safety assessment would also consider the effect of long grass in the roadside verges to determine whether current mowing service levels are appropriate for the area.

Recommendation

That Council:

1. Completes an internal road safety and traffic assessment of Berrys Road Harmers Haven including assessment of wildlife road safety by the end of October 2019.
2. Presents any findings that support a speed limit reduction to Regional Roads Victoria for approval through speed limit review process.
3. Implements any road safety improvement recommendations using available operational budgets or if required seek additional funding through Council’s budget processes to include in future programs.
4. Provide on-going updates to the Head Petitioner and advise them of Council’s decision.

Attachments

There are no attachments for this report.

Cr Michael Whelan left the meeting at 6.55pm.
Cr Michael Whelan returned to the meeting at 6.56pm.
Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Geoff Ellis
That the recommendation be adopted.

CARRIED
H.4 Phillip Island and San Remo Visitor Economy Strategy 2035, Growing Tourism - Annual Snapshot 2018 - 19

File No: CM19/493
Division: Advocacy, Economy & Liveability
Council Plan Strategic Objective: Economic Development
Expanding, attracting and retaining business and investment

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

Summary
The purpose of this report is to provide an update on year three actions for the Phillip Island and San Remo Visitor Economy Strategy 2035 - Growing Tourism (the Strategy).

The Strategy, adopted in August 2016, sets the long-term vision for Phillip Island and San Remo’s visitor economy with sustainable growth as its central focus.

This 20-year Strategy has been prepared to help ensure the long-term viability and sustainability of this important sector and recognises the importance of both the community and the natural environment in achieving this outcome. It has been actively used, and referred to, by Council and various government agencies and peak industry bodies to attract investment and advocate for improved tourism outcomes in Bass Coast.

This report recommends that Council receive the attached Year Three Annual Snapshot (AT-1).

Background
Development of the Strategy during 2015/16 followed an extensive schedule of research, community engagement, development and delivery, with over 350 community members, industry and stakeholder groups consulted and more than 60 regional, state and national strategies reviewed during its preparation.

The Strategy’s vision is that Phillip Island and San Remo is recognised nationally and globally as a world leading sustainable tourism destination, where tourism is embraced by the community.

The future aspiration of tourism in Phillip Island and San Remo relies on:

- Retaining and enhancing the environment
- Increasing visitor awareness
- Further developing the quality, depth and range of experiences to encourage overnight stays
- Increasing off-peak visitor expenditure
Five objectives were developed to achieve the vision:

1. Be established as a highly desirable destination
2. Generate year-round visitation
3. Build connectivity
4. Manage growth
5. Global recognition for conservation

The objectives are underpinned by 60 actions and 10 ‘game changer’ actions.

A game changer is an action that has a significant impact on achieving the strategic directions.

Providing a long-term strategic framework to guide tourism development improves visitor opportunities and facilities and strengthens the local economy through sustainable tourism and investment.

**Strategic Basis**

**Council Plan Objective:**

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

**Strategic Outcome:**

- Improve visitor infrastructure and enhance the lifestyle of the local community
- Foster continued job creation and workforce retention
- Improve the economic value of the region
- Diversify the region’s tourism market mix to promote year-round visitation
- Enhance our visitor economy through preservation of our natural environment
- Advocate for key state and federal infrastructure and telecommunications that enables business development opportunities and improves internet and phone connectivity services for our community
- Wonthaggi will be seen as the regional centre for Bass Coast
- Focus on jobs of the future for today’s youth
- Foster and encourage agriculture and promote the Shire’s rural sector
- Develop and grow local businesses including agri-tourism and agriculture
- Support rural business through networking and industry development

**Strategic Indicators**

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<th>Strategic Indicators</th>
<th>Measure</th>
<th>Target</th>
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<tr>
<td>Visitation in off-peak season</td>
<td>Events held in off peak season in Bass Coast</td>
<td>Increase in number of off peak events year on year</td>
</tr>
<tr>
<td>Focus on eco-tourism</td>
<td>Events attracted to Bass Coast</td>
<td>Increase in the number of eco tourism events attracted year on year</td>
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Investment in infrastructure improvements

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<tr>
<th>Public Sector (Municipal, State and Federal)</th>
<th>Increase in investment year on year</th>
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<tbody>
<tr>
<td>Private Sector investment</td>
<td>Increase in investment year on year</td>
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Economic Development Strategy 2016-21

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

Phillip Island and San Remo Visitor Economy Strategy 2035 - Growing Tourism

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

**Major Initiative / Initiative**

Continuing to deliver the short term (2 – 5 years) actions of the Strategy was a Major Initiative for Council in 2018/19.

**Strategies / Policies**

- Bass Coast Shire Council Economic Development Strategy 2016-21
- Bass Coast Shire Council Plan 2017-2021 (Revised June 2019)
- Bass Coast Shire Council Natural Environment Strategy 2016-26
- Bass Coast Shire Council Events Policy 2017
- Bass Coast Planning Scheme

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

There is no statutory requirement for Council to report progress on the Strategy

**Discussion**

The Strategy sets the long-term vision for Phillip Island and San Remo’s visitor economy with sustainable growth as its central focus.

This 20-year Strategy has been prepared to help ensure the long-term viability and sustainability of this important sector and recognises the importance of both the community and the natural environment in achieving this outcome.

This Strategy provides all levels of government, the community and tourism industry the direction to balance the environment, the community’s needs, and a visitor economy in Phillip Island and San Remo towards 2035.

Reporting annually on the implementation of the Strategy is important to keep Council and the broader industry and community informed about progress with the implementation of the Strategy.

**Key achievements for 2018/19 include:**

- Reviewed existing provisions of the Bass Coast Planning Scheme including provision contained in C151– Action 6.
- Achieved Bronze benchmarked status as part of the objective of achieving Global Sustainable Tourism Council Certification (GSTC) destination certification. Have commenced process for achieving the next level of certification. Game Changer 1, Action 7.
• In collaboration with industry partners such as Destination Phillip Island (DPI) develop and deliver the Tourism Ambassadors Training Program to encourage businesses to be engaged in the Phillip Island story. Expected to be launched in August - Action 12.

• Council funds of $33,745 was directed towards off peak marketing funded through the prescribed accommodation holiday home arrangements. The Phillip Island marketing campaign “a life unedited” was launched on 24 June and will run until September. Destination Gippsland is also running an off peak marketing campaign featuring a number of content pieces and metro train advertising - Game Changer 2, Action 13.

• Entered into an agreement with Sports Marketing Australia to deliver events into Bass Coast. The initial part of this process was to do a facilities and capacity audit of Bass Coast to establish its capacity to hold what type of events within the Shire - Game Changer 6, Action 29.


• The Community Tourism Reference Group continued to meet and contribute towards the achievement of selected actions out of the Strategy - Action 3. The group has set its key objectives for 2019/20. They are:
  o Continue to strive for GSTC accreditation
  o To help Phillip Island become known as the Accessible Tourism capital of Australia
  o Transport – Including trails, public transport and signage
  o Ensuring all parties adherence to the Sustainable Tourism Accord

• The State Government provided $200,000 for Council to work in collaboration with Mornington Peninsula Shire Council and the State Government to prepare the Cowes to Stony Point Car Ferry Infrastructure Business Case – Game Changer 7, Action 30. Council considered the Business Case in April 2018. Since that time, Council has been advocating to the State Government to provide additional funding to complete the Business Case by assessing the suitability of the Cowes jetty as a car ferry terminal site.

• Training to upskill event organisers was provided as a result of funding received through the Stronger Regional Communities program - an initiative identified as part of Council's Growing Off peak Events 2018 report. 20 event related groups attended a one day workshop with three off peak event committees selected to undertake further intensive mentoring. The three events, the Wonthaggi Street Festival, San Remo Fishing Festival and Island Whale Festival have all been identified as events that have the potential to grow into multi day regional events. A further session with all event organisers will be held later in the year to share the learnings - Game Changer 6, Action 29.
Established the Major Events Planning Group comprising representatives from Phillip Island Nature Parks, Destination Phillip Island, Destination Gippsland, Phillip Island Operations and Council. The group was formed to investigate and facilitate new major events in Bass Coast. The newly created Phillip Island Running Festival is an example of the type of events that will be investigated – Game Changer 6, Action 29.

Two new off season events were added this year - Phillip Island Running Festival September 2019 and Australian National SUP Championships November 2019 – Game Changer 6, Action 29.

The Strategy is widely supported by key government and industry bodies, community organisations, businesses and the community. The Strategy has a high stature with many key stakeholders such as Destination Phillip Island, Regional Development Victoria and Phillip Island Nature Parks all referencing the Strategy for investment decisions, planning proposals and advocacy plans.

**Looking forward, key actions for delivery in 2019/20 include:**

- Continue working towards gaining GSTC certification – Game Changer 1, Action 7
- Finalise and deliver the Tourism Ambassadors Training Program to encourage businesses to be engaged in the Phillip Island story and roll out the “My Bass Coast” program- Action 12
- Continue to increase investment in off peak season marketing. This will be funded through the prescribed accommodation arrangements – Game Changer, 2 Action 13
- Develop an Expression of Interest highlighting the benefits and opportunities for commercial investment – Game Changer 3, Action 14
- Continue to implement the recommendations of the ‘Growing Off Peak Events 2018’ Report – Game Changer 6, Action 29
- Council has commenced work on a Reconciliation Action Plan (the Plan) including formation of the Bass Coast Reconciliation Network. Once prepared, the Plan will guide Council’s work with the Bunurong and Boon Wurrung traditional owners – Action 15
- Create a sense of place by developing branding and entry statements for each village the Island and the broader region – Action 16
- Support development of the Cowes Jetty by Parks Victoria and the Cowes and Rhyll boat ramps by Better Boating Victoria - Changer 7, Action 30

**Finances**

The Strategy’s Year Three Actions were delivered within the tourism development operational budget.

**Stakeholders**

The key stakeholders for delivery of the Strategy include:

- Bass Coast community
- Local businesses
Options for Council

1. Council may receive this Annual Snapshot.
2. Council may choose to not receive this Annual Snapshot
3. Council may choose to defer receipt of the Annual Snapshot pending further information.

Conclusion

Council’s Visitor Economy and Events team in collaboration with industry partners including Destination Phillip Island and Phillip Island Nature Parks, has made strong progress this year delivering priority actions identified in the Strategy. The Annual Snapshot Report provides an overview of the actions and achievements completed during year three of implementation of the Strategy.

Recommendation


Attachments

AT-1 VES 2035 Year Three Snapshot 2019 12 Pages

Council Decision

Moved: Cr. Julian Brown / Seconded: Cr. Stephen Fullarton
That the recommendation be adopted.

CARRIED


**H.5 Bass Coast Marine and Coastal Park**

**File No:** CM19/539  
**Division:** Advocacy, Economy & Liveability  
**Council Plan Strategic Objective:** Environment  
Maintain and protect the natural environment

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**Declaration**

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

**Summary**

The creation of a new Bass Coast Marine and Coastal Park and a walking trail connecting Inverloch to San Remo is an initiative of the Victorian Government. The Department of Environment, Land, Water and Planning (DELWP) is overseeing the first step which is the creation of the Marine and Coastal Park by amalgamating a number of existing foreshore and coastal reserves and marine parks.

The establishment of the walking trail and any camping facilities, which will be overseen by Parks Victoria, will occur after the establishment of the Marine and Coastal Park.

Council received a letter from DELWP on 23 July 2019, requesting Council endorse the inclusion of the relevant Parks and Reserves to form the new Park (AT-1).

The purpose of this report is for Council to consider endorsing the inclusion of the Marine Parks, Coastal and Foreshore Reserves identified by DELWP to form the new Bass Coast Marine and Coastal Reserve.

This report recommends that Council provides in principle support for the inclusion of the Parks and Reserves to create the new Park.

**Background**

As part of the Victorian State Government’s “Victoria’s Great Outdoors” program, $19.6M has been allocated to a new project for Bass Coast. By amalgamating existing Parks and Reserves along 40km of coast from San Remo to Inverloch, a sizeable Marine and Coastal park will be created under the National Park Act.

Whilst DELWP and Parks Victoria will work together to oversee creation of the Park and any subsequent infrastructure in the Park, such as a coastal trail, stage one of the project, the proclamation of the Park, is being managed by DELWP.

The foreshore areas that have been identified for inclusion in the Marine and Coastal Park are currently under a variety of management arrangements including, privately owned, San Remo Foreshore Committee of Management, Parks Victoria and Bass Coast Shire Council Committee of Management. The creation of the Park will see all of the identified parcels included in one management structure under the responsibility of Parks Victoria.
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>

Major Initiative / Initiative

This project is not a major initiate or initiative in the Council budget, however it is strongly aligned with Council’s strategic objectives as outlined in a range of Strategies and including the Council Plan and the natural Environment Strategy.
Statutory Requirements/Codes/Standards/Policies

There is not a statutory requirement for Council to support this request from DELWP.

Discussion

The Project will amalgamate the following Parks and Reserves:

- Bunurong Marine Park and Bunurong Coastal Reserve
- Punchbowl Coastal Reserve and Kilcunda-Harmers Haven Coastal Reserve
- Wonthaggi Heathland Nature Conservation Reserve and Rifle Range Wetland Reserve
- Sections of the Kilcunda, Cape Paterson and San Remo Foreshore Reserves

This spectacular part of Victoria’s coastline hosts a wide range of flora and fauna, including several threatened species. The area includes numerous indigenous cultural heritage sites such as shell deposits, artefact scatters and a grinding stone site, and is also the location of Australia’s first dinosaur fossil discovery.

After the creation of the Park, the George Bass Coastal Walk will be upgraded and extended to showcase the natural and cultural values of the area to visitors and locals alike. Through improved access to beaches and other points of interest, interpretive and wayfinding signage, and potentially a new campground and facilities the trail will be an iconic walk.

DELWP will oversee coordination and creation of the park, including seeking community feedback during the planning phase. They are partnering with the Traditional Owners throughout the life of the project.

Parks Victoria will engage with stakeholders and the wider community in developing an Access and Infrastructure Plan. The plan will focus on a capital works program to improve beach access, make provision for a new campground and facilities, and develop the coastal trail.

The level of protection of the Bunurong Marine National Park will not change as it is not included in the Bass Coast Marine and Coastal Park. There will be no changes to current recreational and commercial fishing opportunities within the Bass Coast Marine and Coastal Park footprint, with no new marine protected areas currently proposed for the Bass Coast.

One of the objectives that DELWP is endeavouring to achieve is to simplify land management arrangements. It is also important that a whole of government approach is taken to ensure that other key government initiatives are considered. Examples of such initiatives include proposed road infrastructure changes along the Bass Highway corridor and Distinctive Area and Landscapes planning.

Funds are included in the allocation for acquisition of land should it be required.
Finances

The Victorian State Government committed $19.6M for land acquisition and construction of the coastal walk and associated infrastructure.

Council has not committed any funds to this project.

Stakeholders

- Department of Environment Land Water and Planning
- Parks Victoria
- Victorian state Government
- Council
- Bass Coast Community
- Visitors to Bass Coast

Other Options

Council may choose to support the request from DELWP to endorse the formation of the Bass Coast Marine and Coastal Park. This will support DELWP's efforts to proclaim the Park through legislation in a timely manner.

Council may choose to delay endorsement of DELWP's request in order to seek additional information or undertake consultation. This may delay DELWP's efforts to proclaim the Park or may necessitate DELWP proceeding without support from Council.

Council may choose not to endorse DELWP's request. DELWP may proceed without support from Council.

Conclusion

The formation of the new Bass Coast Marine and Coastal Park and associated trail infrastructure provides a great opportunity for Bass Coast. Council has indicated its wish to work collaboratively with key agencies including the Victorian State Government, DELWP, Parks Victoria and a range of community stakeholders to facilitate the formation of the Park and associated infrastructure. Council's endorsement of DELWP's request to support the creation of the new Park will demonstrate this commitment.
Recommendation

That Council:

1. Provides in principle support for the inclusion of the Bunurong Marine Park and Bunurong Coastal Reserve, Punchbowl Coastal Reserve, Kilcunda Harmers Haven Coastal Reserve, Wonthaggi Heathlands Nature Conservation Reserve and parts of Kilcunda Foreshore Reserve and Cape Paterson Foreshore Reserve in the Bass Coast Marine and Coastal Park; and

2. Writes to Minister D’Ambrosio to seek a commitment to ensure land management simplification and a whole of government approach are priorities for this project.

Attachments

AT-1  DELWP Letter & Maps - Bass Coast Marine & Coastal Park  7 Pages

Council Decision

Moved: Cr. Julian Brown / Seconded: Cr. Geoff Ellis

That Council:

1. Notes the Victorian Government request of Council to endorse the consolidation of the Bunurong Marine Park and Bunurong Coastal Reserve, Punchbowl Coastal Reserve, Kilcunda Harmers Haven Coastal Reserve, Wonthaggi Heathlands Nature Conservation Reserve and parts of Kilcunda Foreshore Reserve into the Bass Coast Marine and Coastal Park.

2. Defers consideration of this request until the community engagement for the project has been completed and requests an overview from the Minister for the Environment of the engagement and the level of support or otherwise the project has attracted.

CARRIED
**H.6 Presentation Arts and Culture Strategy 2019-2029 Final**

**File No:** CM19/303  
**Division:** Corporate & Community  
**Council Plan Strategic Objective:** Health and Wellbeing  
We are a healthy and active community

**Previous Items:** SR4/19 - Draft Arts and Culture Strategy 2019-2029 Public Exhibition - Council - 15 May 2019 5.00pm

**Declaration**

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

**Summary**

The purpose of this report is to seek Council adoption of the Arts and Culture Strategy 2019-2029.

**Background**

The current Bass Coast Shire Council Arts and Culture Plan 2015-2019 finishes this year. The new 10 year Strategy is a key strategic document which guides the support and development of arts and culture in all forms within our municipality and with our regional partners. Attached is the Arts and Culture Strategy 2019 - 2029 Executive Summary Final (AT-1) and the Arts and Culture Strategy 2019 - 2029 Background Document Final (AT-2).

Council’s Arts and Culture Advisory Committee (ACAC) acted as the steering group for the development of the Strategy. Council officers in conjunction with the ACAC supported the development of the Terms of Reference for the project, consultation plan and creation of the Strategy. Julie Marlow from Deep Rock Consulting Inc. the Cultural Development Network also provided expertise in its development.

The strategic framework of the Cultural Development Network and Council Plan strategic outcomes, underpin the Strategy. The Strategy has been developed ensuring measurable outcomes are embedded within it. Annual reports will be provided on the progress of implementation and the Strategy will be reviewed when a new Council Plan is developed, ensuring the Strategy remains aligned with the objectives of Council and other strategic work that Council undertakes, including future advocacy plans.

Consultation with the broader community occurred across January and February 2019. Engagement included both residents of Bass Coast and visitors to our municipality. The process commenced with the ACAC working on the framework for the Strategy in January. This was followed by community focus groups, advertised through open invitation in Inverloch and Cowes on 11 January. Pop-up sessions were held at the Wonthaggi Agricultural Show on 12 January, the Rhyll Twilight Market on 18 January and the Pioneer Bay Australia Day celebrations on 26 January.
On January 22 an online survey was released and was available for two weeks, for those people who were unable to attend a focus group or pop-up session. Individual surveys were undertaken with people who made contact regarding the project. Active arts and culture practitioners and consumers were also conducted.

An update on the Strategy and consultation report was provided to the ACAC in February. In reviewing consultation data demographics, it was identified that there had not been a satisfactory level of youth input into the draft, during the consultation period. It was agreed that further youth directed consultation should take place, prior to finalising a draft Strategy for public exhibition and feedback.

An additional consultation survey targeted at youth, yielded a further 300 responses from our community.

The Draft Strategy was presented at the May Council Meeting, endorsed and placed on public exhibition for a four-week period, between Monday, 20 May and Sunday, 16 June 2019.

Strategic Basis

**Council Plan Objective:**

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

**Strategic Outcome:**

- Improve visitor infrastructure and enhance the lifestyle of the local community
- Foster continued job creation and workforce retention
- Improve the economic value of the region
- Diversify the region’s tourism market mix to promote year-round visitation
- Enhance our visitor economy through preservation of our natural environment
- Advocate for key state and federal infrastructure and telecommunications that enables business development opportunities and improves internet and phone connectivity services for our community*
- **Wonthaggi will be seen as the regional centre for Bass Coast**
- Focus on jobs of the future for today’s youth
- Foster and encourage agriculture and promote the Shire’s rural sector
- Develop and grow local businesses including agritourism and agriculture
- Support rural business through networking and industry development
Strategic Indicators

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measure</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visitation in off-peak season</td>
<td>Events held in off peak season in Bass Coast</td>
<td>Increase in number of off peak events year on year</td>
</tr>
<tr>
<td>Focus on eco-tourism</td>
<td>Events attracted to Bass Coast</td>
<td>Increase in the number of eco-tourism events attracted year on year</td>
</tr>
<tr>
<td>Investment in infrastructure improvements</td>
<td>Public Sector (Municipal, State and Federal)</td>
<td>Increase in investment year on year</td>
</tr>
<tr>
<td></td>
<td>Private Sector investment</td>
<td>Increase in investment year on year</td>
</tr>
<tr>
<td>Economic Development Strategy 2016-21</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
<tr>
<td>Phillip Island and San Remo Visitor Economy Strategy 2035 - Growing Tourism</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
</tbody>
</table>

Council Plan Objective:

Liveability – *Enjoying the place we live*

Strategic Outcome:

- Promote Bass Coast as an all year events destination whilst supporting the continuation and development of new events
- Facilitate opportunities for multi-purpose facilities to improve access to recreation and sporting activities
- Plan for and support a healthy, connected and active community
- Support youth recreation and learning activities in our community
- Support dynamic and diverse arts and cultural activities
- Protect our natural environment balanced with access for all to enjoy
- Ensure any road or drainage infrastructure projects consider safe and accessible crossings for pedestrians
- Plan and provide well maintained public amenities and facilities

Strategic Indicators:

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community grants program</td>
<td>Community Grants funding program</td>
<td>Maintain funding contribution to community grants</td>
</tr>
<tr>
<td>Municipal Recreation Plan (Active Bass Coast)</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
<tr>
<td>Municipal Public Health and Wellbeing Plan</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
<tr>
<td>Community infrastructure that improves quality of life</td>
<td>Capital Works program achievement</td>
<td>90% of Capital Works program achieved annually</td>
</tr>
<tr>
<td>Asset Management Policy and Strategy Improvements</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
<tr>
<td>Annual maintenance programs</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
<tr>
<td>Pathways Network Plan 2016</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
<tr>
<td>Domestic Animal Management Plan 2017-20</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
<tr>
<td>Arts and Culture Plan 2019 - 22</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
<tr>
<td>Youth Action Plan 2016-20</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
</tr>
</tbody>
</table>

**Major Initiative / Initiative**

This is an initiative of Council as the exiting Arts and Culture Plan 2015-2019 expires this year.

**Strategies / Policies**

The following plans informed the project:

- Council Plan, Shaping a Better Bass Coast 2017-2021
- Sites and Themes Plan 2014-2024
- Youth Action Plan 2016-2020
- Reconciliation Action Plan (currently in development)
- Phillip Island and San Remo Visitor Economy Strategy 2035
- Economic Development Strategy 2016-2021
- Arts and Culture Plan 2015-19
- Bass Coast Cultural Precinct Plan 2011

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

There are no statutory requirements for Arts and Culture Strategy.
Discussion

The Strategy covers a 10 year period, supporting opportunities for longer term strategic arts and culture projects, to review current practices and invest in medium to long term planning for arts and culture physical infrastructure and activities within the municipality and with our partners.

The Strategy presents a number of key themes including, but not limited to:

- Recognising the importance of our heritage
- Increasing the promotion and connection of the arts and culture sector in Bass Coast
- Leveraging from within our creative communities to enhance Bass Coast as a cultural destination
- Developing a plan to develop greater opportunities for cultural tourism across the Shire, including the exhibition of existing collections
- Reviewing existing programs and practices
- Advocating for the development of Cowes Cultural Centre
- Planning for the Bass Coast Arts and Culture Precinct in Wonthaggi
- Continuing to invest and activate for the Wonthaggi Union Community Arts Centre
- Supporting existing and welcoming new events and festival opportunities
- Creating greater opportunities for education and capacity building for community organisations and youth

Overall, the Strategy was developed after input through:

- 770 direct engagements
- 638 completed online surveys
- 77 written responses at pop-up consultations in Wonthaggi, Rhyll and Pioneer Bay
- 39 attendees to half day consultation workshops in Inverloch and Cowes
- 8 responses throughout the public exhibition period

Council received eight further pieces of feedback through the public exhibition period.

This feedback has been considered within the Strategy, with a response provided to each community member who provided their thoughts. A table containing a precis of responses is below;
<table>
<thead>
<tr>
<th>Source</th>
<th>Feedback</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Credit ALL artists whose works are included in the strategy, not just the full images. For copyright reasons as well as the good will of the arts community as you are using their works.</td>
<td>Feedback acknowledged</td>
</tr>
<tr>
<td>2</td>
<td>I believe the Council is a very supportive one for the arts for all ages in the shire. I agree that an active artistic community is a much happier community for all ages as well! Please keep up the good work and funding opportunities for the community and artists</td>
<td>Feedback acknowledged</td>
</tr>
<tr>
<td>3</td>
<td>I've had a read over the Arts and Culture Strategy and it all sounds really exciting</td>
<td>Feedback acknowledged</td>
</tr>
<tr>
<td>4</td>
<td>Goal 4 support for healthy communities in regional areas, essential role of libraries in access to culture and information and ideas. Pitch in support of Creative Hub to bring together library, gallery, information centre and learning spaces. Offered Geelong Library and Casey Cultural Centre as evidence</td>
<td>Feedback acknowledged</td>
</tr>
<tr>
<td>5</td>
<td>It is an excellent document that offers encouragement to imaginative art initiatives within the Shire.</td>
<td>Feedback acknowledged</td>
</tr>
<tr>
<td>6</td>
<td>Dinosaur Trail be formally included in the Potential Intentions and Activities listed under Goal 6. Email included examples of all the dinosaurs relevant to each location along the proposed trail.</td>
<td>Noted and fits within Goal 6 within the Strategy</td>
</tr>
<tr>
<td>7</td>
<td>Feels Robert Smith Collection is omitted from Strategy despite its significance. RECOMMENDS establishing a strategy for the Robert Smith Collection. Wants clearer articulation for resources to assist local community arts groups beyond community grants. Find the Arts and Culture team under resourced for the size of the sector within the shire. Would like further emphasis on regional gallery focused on local character, provided quote from Ararat Gallery &quot;Instead of replicating things seen elsewhere, regional galleries are defining and distinguishing themselves by their own unique characteristics&quot;.</td>
<td>Robert Smith Collection is identified within Goal 4 of the Strategy Expansion of Goal 1 to include consideration of external resource opportunities has been included Notes the comments related to a regional gallery.</td>
</tr>
<tr>
<td>8</td>
<td>Support for Dinosaur trail to enhance visibility of our pre-history character.</td>
<td>Noted and fits within Goal 6 of the Strategy.</td>
</tr>
</tbody>
</table>

In the development of this Strategy, key themes emerged. These themes were aligned to the Council Plan and a clear set of aspirational and achievable actions developed.
Activities within the strategy will be measured, in relation to impact and outcomes in the investment in arts and culture.

The Strategy has a strengthened focus on cultural heritage and provides scope for inclusion of a greater focus on indigenous art and culture, in conjunction with the development of Council's Reconciliation Action Plan.

Arts and culture infrastructure and potential precinct development, including the Wonthaggi Secondary College site are also included within the plan, along with the continued activation of the Wonthaggi Union Community Arts Centre and the Robert Smith Art Collection.

**Finances**

Council provides an annual budget allocation across arts and culture for the management of facilities, arts activities and public art.

**Stakeholders**

Key stakeholders in the development and implementation of this strategy are:

- Councillors
- Bass Coast community
- Bass Coast Arts and Culture Advisory Committee
- Visitors to Bass Coast
- Arts and culture groups/practicing artists
- Cultural Development Network

**Other Options**

Council may choose not to adopt the Arts and Culture Strategy 2019-2029 including the Executive Summary and request further development.

**Conclusion**

The Arts and Culture Strategy 2019-2029, including the Executive Summary has been developed using industry led practice and a thorough community consultation process.

The new 10 year Strategy is a key strategic document which will guide the support and development of arts and culture in all forms within our municipality and with our regional partners.

**Recommendation**

Attachments

AT-1   Arts and Culture Strategy 2019 to 2029 Executive Summary Final   12 Pages
AT-2   Arts and Culture Strategy 2019 to 2029 Background Document Final   104 Pages

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Les Larke

That the recommendation be adopted.

CARRIED
H.7  Review of Council’s Instrument of Delegation Council to Staff

Declaration

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

Summary

It is not practical for Council and the Chief Executive Officer alone to exercise the many statutory powers bestowed on Council. Delegation facilitates the achievement of good governance for the community by empowering appropriate members of staff to make decisions on behalf of Council and the Chief Executive Officer. In seeking to achieve its purposes under the Local Government Act 1989 (the Act), one of Council’s objectives is to delegate decision making to appropriate levels within the organisation. The Act allows both Council and the Chief Executive Officer to delegate to members of staff, by Instrument of Delegation, certain powers, duties and functions under any Act administered by Council.

The purpose of this report is to recommend that Council adopts the Instrument of Delegation from Council to staff and revokes all previously adopted Instruments of Delegation from Council to staff.

Instruments of Delegation are appointed to positions, not people. A power, duty or function applied to any position through an Instrument of Delegation cannot be undelegated, but does cover anybody who is ‘acting’ in a position.

Background

Council subscribes to a suite of Instruments prepared by Maddocks Lawyers, which are then adapted and completed to meet the requirements of Bass Coast. Twice each year Maddocks provide updates to their Instruments, capturing any changes made to the wide range of legislation Council operates within. In order to keep Council’s Instruments of Delegation current, any updates received from Maddocks are applied and presented to Council for adoption. Updates will also be made should any position titles change for positions which have delegations attached.

Updates from Maddocks have identified changes to the following Acts/Regulations.

- Local Government Act 1989 (Vic) (LGA) - section 185L of the LGA has been added to the S6 template to provide clarification about the ability of a council’s Chief Executive Officer to declare and levy a cladding rectification charge.

Position titles have also been updated accordingly.
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>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Satisfaction with Council Decisions</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Transparency of Council decisions</td>
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</tr>
<tr>
<td>Local Government Performance Reporting Framework (LGPRF) – Financial Performance</td>
<td>Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF</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 or better VAGO low risk indicators</td>
</tr>
<tr>
<td>Other financial and non-financial performance indicators</td>
<td>Adjusted underlying operation result aims to achieve an operating surplus</td>
</tr>
<tr>
<td>Communications and Engagement Strategy 2015-18 actions implemented</td>
<td>Complete Strategy implementation by June 2018</td>
</tr>
<tr>
<td>Implementation of monthly and year to date financial reporting, with plain English version for our Community</td>
<td></td>
</tr>
<tr>
<td>Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community</td>
<td></td>
</tr>
<tr>
<td>Increased efficiencies as a result of information technology improvements</td>
<td></td>
</tr>
</tbody>
</table>
Develop and Implement a Revenue Strategy

| Strategy developed and actions implemented |

**Finances**

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

**Stakeholders**

Council – ensuring they can focus on high level strategic and Council planning.

Staff – ensuring the ability to undertake their roles.

Community – knowledge that appropriate delegations are in place to allow for the effective and efficient running of Council.

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

Section 98 of the *Local Government Act 1989* provides:

1. A Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than –
   - (a) this power of delegation; and
   - (b) the power to declare a rate or charge; and
   - (c) the power to borrow money; and
   - (d) the power to approve any expenditure not contained in a budget approved by the Council; and
   - (e) any power, duty or function of the Council under section 223; and
   - (f) any prescribed power.

The powers, duties and functions included in this Instrument of Delegation relate to the following legislation:

- *Cemeteries and Crematoria Act 2003*
- *Domestic Animals Act 1994*
- *Environment Protection Act 1970*
- *Food Act 1984*
- *Heritage Act 2017*
- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Rail Safety (Local Operations) Act 2006*
- *Residential Tenancies Act 1997*
- *Road Management Act 2004*
- *Cemeteries and Crematoria Regulations 2015*
Any decision made by an officer under delegation is treated the same as having been made by Council.

Other Options

Council could choose not to delegate any powers, duties or functions to staff. However, if this were to occur Council would be responsible for making all decisions and acting on all powers, duties and functions as outlined in each relevant section of each piece of legislation. This would not allow for timely decision making, nor effective governance. This would also place a large financial burden on Council for two reasons:

- if all officers have to present all decisions to Council for formal resolution, including standard administrative matters, there would be a significant cost.
- if Council is challenged in court for not having appropriate delegations in place for officers there would be a substantial financial and reputational impact.

If Council chose not to adopt the changes to delegations, the current delegations remain in place. This review recognizes changes to legislation that impacts on Council’s delegation to staff.

Officer’s Conclusion and Recommendation

It is recommended that Council adopt the Instrument of Delegation from Council to staff for the powers, duties and functions under the relevant legislation as outlined in the attachment.

Recommendation

In the exercise of the powers conferred by s 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation, Council Resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation Council to Staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.

2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.

3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Attachments

AT-1 Instrument of Delegation Council to Staff 182 Pages

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Bruce Kent
That the recommendation be adopted.

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

Summary
It is not practical for Council and the Chief Executive Officer alone to exercise the many statutory powers bestowed on Council. Authorisation facilitates the achievement of good governance for the community by empowering appropriate members of staff to make decisions on behalf of Council and the Chief Executive Officer.

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

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

Strategic Basis
Council Plan Objective:
Governance – We are responsive, open, transparent and financially sustainable

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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<td></td>
<td>Information technology improvements</td>
<td>Efficiencies achieved</td>
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<tr>
<td>Revenue opportunities</td>
<td>Action plan achievement</td>
<td>100% of agreed actions achieved</td>
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### Finances

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

Council – ensuring they can focus on high level strategic and Council planning.

Staff – ensuring the ability to undertake their roles.

Community – knowledge that appropriate delegations and authorisations are in place to allow for the effective and efficient running of Council.

Statutory Requirements/Codes/Standards/Policies

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

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

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

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

(a) a committee of the authority; or

(b) an officer of the authority; or

(c) the Victorian Planning Authority.

Other Options

Council could choose not to authorise officers, however if this were to occur Council would be responsible for making all decisions and acting on all powers, duties and functions as outlined in each relevant section of each piece of legislation. This would not allow for timely decision making, nor effective governance.

Conclusion

It is recommended that Council adopt the attached Instrument of Appointment and Authorisation/s to the named officer/s as an Authorised Officer under the Planning and Environment Act 1987 and approve the execution of the Instrument of Appointment and Authorisation/s.

Recommendation

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

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

3. The instrument be sealed.

Attachments

AT-1 Wayne Mack - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-2 Ashley Pollerd - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-3 Stephen Fowkes - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-4 Austin Cram - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-5 Patrick Doyle - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-6 Jacob Edmondson - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-7 Isla English - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-8 Margaret Fox - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-9 Allison Jones - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-10 Jodi Kennedy - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-11 Patrick Kennedy - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-12 Kate MacDougall - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-13 Caitlyn Meaden - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-14 Angela Montebello - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-16 Chris Peckett - Instrument of Appointment and Authorisation Planning and Environment Act 1987
AT-17 Tanvi Rawat - Instrument of Appointment and Authorisation Planning and Environment Act 1987
<table>
<thead>
<tr>
<th>AT-18</th>
<th>David Simon - Instrument of Appointment and Authorisation Planning and Environment Act 1987</th>
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<tbody>
<tr>
<td>AT-19</td>
<td>Rewa Smith - Instrument of Appointment and Authorisation Planning and Environment Act 1987</td>
</tr>
<tr>
<td>AT-20</td>
<td>Donna Taylor - Instrument of Appointment and Authorisation Planning and Environment Act 1987</td>
</tr>
<tr>
<td>AT-21</td>
<td>Ellen Whatley - Instrument of Appointment and Authorisation Planning and Environment Act 1987</td>
</tr>
<tr>
<td>AT-22</td>
<td>Deirdre Griepsma - Instrument of Appointment and Authorisation Planning and Environment Act 1987</td>
</tr>
<tr>
<td>AT-23</td>
<td>Derek Hibbert - Instrument of Appointment and Authorisation Planning and Environment Act 1987</td>
</tr>
<tr>
<td>AT-25</td>
<td>David Martin - Instrument of Appointment and Authorisation Planning and Environment Act 1987</td>
</tr>
<tr>
<td>AT-26</td>
<td>Diana Whittington - Instrument of Appointment and Authorisation Planning and Environment Act 1987</td>
</tr>
</tbody>
</table>

**Council Decision**

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

That the recommendation be adopted.

CARRIED
H.9  Section 86 Special Committees of Council, Appointment and Delegation

amendments

File No:  CM19/547
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 has a number of Section 86 Committees in place that appoint members of the community to assist with management of facilities such as community halls and reserves across the municipality.

The purpose of this report is to:

- Recommend the appointment of a new committee member to Kernot Hall and Reserves Committee of Management.
- Recommend the appointment of a new committee member to Coronet Bay Hall and Reserve Committee of Management.
- Recommend the appointment of a new committee member to Dalyston Hall Committee of Management.

Background

Coronet Bay Reserves Committee of Management

The Coronet Bay Reserves Committee of Management consists of five active members. The hall and reserve is widely used by the community and has a full size BMX track, playground, frisbee golf, mobile skate ramp and is introducing a new community garden. The new garden group have been working with the Committee of Management and Council Officers to develop a portion of the unutilised reserve area into a community garden.

Kernot Hall and Reserve Committee of Management

The Kernot Hall and Reserve Committee of Management consists of 13 active members. The hall and reserve is widely used by the community and recently had a new public art installation “Collide” on the Kernot Rail Reserve.

Dalyston Hall Committee of Management

The Dalyston Hall Committee of Management consists of five members. The hall is home to the Dalyston Dance group and utilised by community groups and individuals. The current Committee of Management and are wanting to step down from this duty and have new members take over the Committee of Management.
Committee Members
Council welcomes new appointments of local community members to assist the committees to continue achieving positive outcomes for the local communities.

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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Other financial and non-financial performance indicators

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

Revenue opportunities

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

**Strategies / Policies**

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

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

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

**Discussion**

**New Committee members and retiring members**

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

Committee members are appointed and removed through Council resolution. Committee members can resign and new members appointed as required.

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

<table>
<thead>
<tr>
<th>Special committee</th>
<th>Appointments / Resignations / Retirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coronet Bay Reserves</td>
<td>Appointment of Don McLeish</td>
</tr>
<tr>
<td>Kernot Hall and Reserve</td>
<td>Appointment of Greg Pippard</td>
</tr>
<tr>
<td>Kernenot Hall and Reserve</td>
<td>Resignation of Rob Parsons</td>
</tr>
<tr>
<td>Kernot Hall and Reserve</td>
<td>Resignation of Gay Garry</td>
</tr>
<tr>
<td>Dalyston Hall</td>
<td>Appointment of Belinda Egan</td>
</tr>
</tbody>
</table>

**Finances**

The Section 86 Committees are funded through the Governance and Information services operating budget. No additional budget is required.
Major Initiative / Initiative

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

Stakeholders

Council, the Special Committees, rate payers, residents, visitors and facility users.

Other Options

Council could choose not to accept new appointments to Special Committees, for Coronet Bay Hall and Reserve and Kernot Hall and Reserve maintaining current numbers for the following committees:

- Coronet Bay Hall and Reserve – Committee members five
- Kernot Hall and Reserve – Committee members 11

There are no other options for Dalyston Hall Committee of Management as they are advertising for new committee members to replace current members.

Conclusion

Section 86 Committees are established to perform delegated duties and functions on behalf of Council. New appointments to Committees are a welcomed occurrence whilst members who resign are acknowledged and recognised for their contribution.

Recommendation

That Council:

1. Approve the new appointments listed to Special Committees of Council under Section 86 of the Local Government Act 1989 and provide delegation in accordance with the Bass Coast Shire Council Instrument of Delegation Special Committees adopted 20 March 2019.

<table>
<thead>
<tr>
<th>Special committee</th>
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</table>
2. Accept the resignations listed to Special Committees of Council under Section 86 of the Local Government Act 1989, acknowledge and recognise their contribution and revoke their delegation.

<table>
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<tr>
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Attachments

AT-1 Bass Coast Shire Council Instrument of Delegation Special Committees 3 Pages

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Geoff Ellis
That the recommendation be adopted.

CARRIED
H.10 Proposed sale of Council land - Adams Estate Grantville

File No: CM19/528
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
This report recommends that the statutory process under Sections 189 and 223 of the Local Government Act 1989 be completed and that Council resolve to sell the following five Council owned allotments within Adams Estate, Grantville:

48\LP51419 Anne Street (re-structure lot 20)
49\LP51419 Anne Street (re-structure lot 20)
50\LP51419 Anne Street (re-structure lot 20)
9\LP51418 Stanley Road (re-structure lot 20)
15\LP51418 Stanley Road (re-structure lot 22)

The statutory process commenced following a decision by Council at the Ordinary Meeting of Council 15 May 2019, when Council resolved to publish a notice inviting submission about the proposed sale.
No submission was received in response to the public notice. Subsequently Council is able to decide whether or not to sell the allotments.

A sale would create revenue and reduce costs required for maintenance of land that is considered surplus to Council requirements.

Background

A Planning Scheme restructure overlay was applied to Adams Estate in 1979 when it was determined the original subdivision was inappropriate for development. Each of these allotments form part of a larger restructure allotment that has been identified in the restructure overlay. As a consequence, the five allotments owned by Council cannot be developed in their current state.

Of the five Council owned allotments, four are within restructure allotment 20 and one within restructure allotment 22. Both restructure allotments 20 and 22 consist of six of the original allotments.

Council resolved to commence statutory procedures to sell each of these allotments separately to allow for a purchaser to potentially acquire all six allotments within a restructure allotment. This would then conform to the restructure plan and the land size would be sufficient to develop.

Council’s Property Strategy informs as follows:

Council will only own land where:

- that land will contribute directly to the current service delivery outcomes of Council; or
- that land is required to be owned by Council in the future as part of a plan or strategy adopted by the Council; or
- ownership of the land will provide for new planned infrastructure; or
- ownership of the land contributes economic, environmental or community benefits to the municipality that justify its purchase or retention.

It is considered that the retention of this land does not contribute to any of the strategy objectives.

Selling the land will provide revenue to Council and reduce maintenance costs. The land is maintained (slashed) 1-2 times per year at a cost of $110 per allotment.

Sale of the allotments enables a potentially purchaser to accumulate all allotments within a restructure allotment that has rural residential development potential.

For Council to sell the land it must be accordance with section 189 and 223 of the Local Government Act 1989. Section 189 and 223 ensure that public notice of intention to sell is given at least four weeks prior to selling or exchanging land and that a qualified valuer provides a valuation of the land not more than six months prior to the sale or exchange. It also allows for any person to make a submission and outlines how any submissions will be received, considered before a decision is made.

The Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land, identifies circumstances where private treaty is the most appropriate way to sell land. This is determined by the nature/type of land, which includes allotments in inappropriate subdivisions, as in this case.
**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
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Major Initiative / Initiative

- The sale of the five allotments is not a major initiative or an initiative in the budget.

Strategies / Policies

- Local Government Act 1989
- Planning and Environment Act 1987
- Transfer of Land Act 1958
- Sale of Land Act 1962
- Valuation of Land Act 1960
- Bass Coast Shire Council Property Strategy

Discussion

At the Ordinary Meeting 15 May 2019, Council resolved as follows:

That Council:

1. Pursuant to section 189 of the Local Government Act 1989, commences statutory procedures to sell the land described as 48\LP51419, 49\LP51419, 50\LP51419, 9\LP51418 and 15\LP51418.

2. Call for submissions pursuant to section 223 of the Local Government Act 1989.

3. Appoints a panel of three Westernport Ward Councillors to hear and consider any submission received at a date to be determined. The panel's recommendation is to be put to a future Ordinary Meeting of Council.

An advertisement was placed in the Sentinel Times 28 May 2019 detailing the proposed sale of land, Adams Estate. This advertisement gave public notice of Council's intention to sell the properties Pursuant to section 189 of the Local Government Act 1989 and invited interested persons to make a written submission to Council and request to be heard pursuant to section 223 of the Local Government Act 1989. Submissions and requests to be heard were to be received up to 5.00pm Friday 5 July 2019.

This information was made available on Council's website.

Further to this, the Property Team wrote to all owners and occupiers of land within Adams Estate advising of Council’s proposal to sell this land and provided a copy of the same advertisement sent to the Sentinel Times.

A Committee of Council meeting was arranged for Wednesday 17 July 2019 with the three Western Port Ward Councillors to hear and consider any submissions.
As a result of advertising the proposed sale, enquiries were received about the sale and potential selling price. However, no submission was made.

As no submission was received, the Committee of Council meeting was not required.

**Finances**

Council will receive revenue from the sale of the properties. Most recent sales of allotments of similar size (those which form part of a larger restructure allotment) within Adams Estate is shown in the table below:

<table>
<thead>
<tr>
<th>Date</th>
<th>Price</th>
<th>Address</th>
<th>Title Details</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 2018</td>
<td>$10,000</td>
<td>Anne Street</td>
<td>Lot 43 LP51419</td>
<td>Sold S181 for recovery of rates</td>
</tr>
<tr>
<td>December 2018</td>
<td>$5,000</td>
<td>Anne Street</td>
<td>Lot 57 LP51419</td>
<td>Indications that this was a private sale</td>
</tr>
<tr>
<td>December 2018</td>
<td>$5,000</td>
<td>Anne Street</td>
<td>Lot 56 LP51419</td>
<td>Indications that this was a private sale</td>
</tr>
<tr>
<td>February 2019</td>
<td>$27,500</td>
<td>Anne Street</td>
<td>Lot 86 LP51419</td>
<td>Most likely sold via an Agent</td>
</tr>
<tr>
<td>February 2019</td>
<td>$20,000</td>
<td>Anne Street</td>
<td>Lot 88 LP51419</td>
<td>Most likely sold via an Agent</td>
</tr>
<tr>
<td>February 2019</td>
<td>$30,000</td>
<td>Anne Street</td>
<td>Lot 89 LP51419</td>
<td>Most likely sold via an Agent</td>
</tr>
</tbody>
</table>

Lot 11 Stanley Road, Adams Estate (607m2) is currently on the market with a local Real Estate agent for $42,000. This land forms part of re-structure lot 20 in which Council own four of the six allotments.

An independent valuation of Lots 9, 48, 49 and 50 was undertaken by Council in 2015. The valuation was $33,000 per lot. The sale at this time did not proceed.

A new independent valuation would need to be undertaken should Council proceed with the sale of any of the allotments.

**Stakeholders**

- Adams Estate owners and residents
- Bass Coast Shire and wider community
- Council
Other Options

Council could choose to continue to own these allotments.

Council could also attempt to purchase remaining blocks in both restructure lots 20 and 22 in order to consolidate and sell as one full restructure allotment. There is no guarantee however, that other owners would wish to sell or that a price could be agreed on through independent valuation. This could also result in more blocks being accumulated and maintained by Council without the guarantee of accumulating the whole re-structure allotment.

Different owners may purchase separate allotments rendering it still unlikely for the one owner to obtain all allotments within a restructure allotment. This is the same issue for all other allotment owners.

If the allotments are put up for sale they may be on the market for some time. Council would continue to maintain them until a sale is finalised.

Conclusion

The allotments are considered to be surplus to Council requirements as they have no strategic value. Sale of the land would provide revenue and eliminate a maintenance burden. Sale may facilitate a future beneficial use of the land.

Advertising and community engagement was undertaken as per Section 189 and 223 of the Local Government Act. An advertisement was placed in The Sentinel Times 28 May 2019 and on Bass Coast Shire Council’s website. As a further measure, letters containing the same information were sent to all owners and residents within Adams Estate.

No submission has been received.

Council has now fulfilled its requirements pursuant to Section 223 of the Local Government Act.

Recommendation

That Council:

1. Notes that in accordance with Sections 189 and 223 of the Local Government Act 1989 and the Council resolution of 15 May, 2019 a notice of intention to sell the following properties was published on 28 May 2019:

<table>
<thead>
<tr>
<th>Address</th>
<th>Re-structure Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>48\LP51419 Anne Street, Adams Estate</td>
<td>20</td>
</tr>
<tr>
<td>49\LP51419 Anne Street, Adams Estate</td>
<td>20</td>
</tr>
<tr>
<td>50\LP51419 Anne Street, Adams Estate</td>
<td>20</td>
</tr>
<tr>
<td>9\LP51418 Stanley Road, Adams Estate</td>
<td>20</td>
</tr>
<tr>
<td>15\LP51418 Stanley Road, Adams Estate</td>
<td>22</td>
</tr>
</tbody>
</table>
2. Note that no submission was received in response to the notice of intention to sell.

3. Being of the opinion that the properties have no strategic value and are surplus to Council requirements resolves to sell the properties.

4. Authorises the Chief Executive Officer or delegate to undertake the necessary tasks required to facilitate the sale of the land including execution of all sale documentation, contract, and Transfer of Land, for a price that is not less than an independent valuation for the land obtained not more than six months prior to the sale.

Attachments

There are no attachments for this report

Council Decision

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

That the recommendation be adopted.

CARRIED
H.11 Proposed Road Discontinuance and Sale - Laneway at the Rear of 334-340 and 350-362 White Road, Wonthaggi

File No: CM19/424
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
This report recommends the commencement of the statutory procedures for road discontinuance and sale under the Local Government Act 1989. The statutory procedures require that a public notice is given and any submission received is considered before a final decision is made.

The proposed discontinuance and sale concerns two sections of a laneway created in a subdivision in 1920. The laneway has never been constructed or used for the purpose of a road. The sections of laneway are located on each side of the Wonthaggi Toyota showroom at the rear of properties fronting White Road.

Recently, a planning permit was granted for a three lot subdivision involving the Toyota site and other land adjoining the subject laneway to the east. In planning permit discussions, the applicant agreed to a proposal for a land swap. In a land swap, Council could trade the land in the subject laneway for the land required for an extension to Murray Street.

The proposed land swap is considered to be a good outcome for Council as it is able to acquire land required for a road at a nominal cost.

Background
A copy of the plan endorsed for planning permit 170379 is on the following page. It shows a three lot subdivision that was created with the main intention of creating a separate title for the land occupied by Wonthaggi Toyota.

The plan also identifies land as a proposed road (R1 colored blue) which would enable the extension of Murray Street. The proposed road was set out as a road in LP 5246 in 1920 but has since been acquired through adverse possession and is no longer a road. Council planners consider that the extension of Murray Street is important for the following reasons;

- It provides legal access for Lot 2 on the recently approved subdivision, thereby eliminating the need for the use of Haywood Street and potential conflict at the intersection of Haywood Street and White Road (Bass Highway); Haywood Street is not formed, White Road (Bass Hwy) is an arterial road.
- The extension of Murray Street enables a continuation of an existing connection to White Road for potential development sites to the south and east.
The planning permit requires the applicant to enter into a Section 173 agreement confirming that Lot 2 is not to be subdivided again and the access for Lot 2 is to be through the Murray Street extension.

The creation of the Murray Street extension as R1 in the Plan of Subdivision will result in the land having a separate title for which Council would become the registered proprietor.

A land swap has been proposed to compensate the applicant for the loss of the land. The proposed land swap involves the proposed discontinuance and sale of the unconstructed and unused laneway shown coloured orange on the plan above.
An independent valuation of land involved in the proposed land swap has been undertaken. The valuation confirms that the land in the Murray Street extension has a higher value than the land to be discontinued and sold.

The road subject to discontinuance is unconstructed and unlikely to be required for public access into the future.

**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>
</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>
</tbody>
</table>
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**

This report does not involve a major initiative or initiative in the budget or a current capital works project.

**Strategies / Policies**

The extension to Murray Street is important for the orderly and proper planning and development of the area.

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


**Discussion**

Council has powers to discontinue a road. Once discontinued, the land in the road (unless Crown land) vests in Council. “Vest” means having all the rights as if an owner in possession of the land. This enables Council to keep or to dispose of all or part of the land and participate in the proposed land swap.

The land shown as R1 on the endorsed plan for planning permit 170379 measures 861 square metres and is within a Mixed Use Zone. It is valued at $160 per square metre.

The road to be discontinued and sold to the adjoining owner is in two parts. The northern section is partially in a Mixed Use Zone (315 square metres) and partially in a Farm Zone. The Southern section (482 square metres) is within a Farm Zone. The land in the road proposed to be discontinued is valued as follows;

- Farm Zone $7.20 per square metre
- Mixed Use Zone $80 per square metre

The valuers discounted the land in the road to be discontinued due to it being;

- Narrow with restricted capability for development and usage, and
- Having a limited alternative market being useful only to an adjoining owner.

Officers conducted a preliminary consultation by writing to all owners of land adjoining the proposed discontinuance. Through this process it was found that the owner of 338 White Road had a desire to purchase the laneway to the rear of his property and to the rear of 334 White Road.
To be consistent with the original proposal a part of the discontinued road can be sold to the owner of 338 White Road with the proceeds of the sale going to the owner of the land in the subdivision. A plan describing the arrangement is shown below.

The proposed road discontinuance and sale together with the proposed land swap arrangement helps achieve planning objectives with a low cost to Council.

**Finances**

Through the proposal Council can acquire a parcel of land at low cost. Expenses associated with the proposal include advertising, valuation, legal, surveying and statutory fees estimated to be about $5,000. This will be paid from a budgeted operational account.

**Stakeholders**
Bass Coast Community
The owner of land in the subdivision
Adjoining land owners
Developers of land in the area
Regional Roads Victoria

All stakeholders will be given the opportunity to make a submission and have it considered by Council before a decision on whether to approve the road discontinuance and sale is made.

Other Options
Council could decide not to proceed with the proposal. This could result in the owner of the subdivision revising his plans and preventing the extension of Murray Street. In this scenario, Council would have to consider whether the requirement for the road extension merits a compulsory acquisition.

Conclusion
Council has approved a three lot subdivision which shows private land being dedicated as a road extension.

The road extension is a good planning outcome as it provides access for lot 2 to White Road at a point that is acceptable to Regional Roads Victoria and it also provides appropriate access for other developable land in the area.

A road discontinuance and sale proposal has been developed with the owner of the subdivided land. In the proposal, land can be transferred to the owner of the land in the subdivision as compensation for the land dedicated to the road extension.

The road subject to discontinuance is unconstructed and unlikely to be required for public access into the future.

Recommendation
That Council:

Acting under Clause 3 of Schedule 10 of the Local Government Act 1989:

1. Resolves that the statutory procedures be commenced to discontinue the road at the rear of 334-340 White Road and 350-362 White Road, Wonthaggi.

2. Directs that public notice of the proposed discontinuance be given under Sections 207A and 223 of the Local Government Act 1989.

3. Resolves that the public notice required to be given under Sections 207A and 223 of the Local Government Act 1989 should state that if the road is discontinued it will be sold by private treaty to adjoining land owners.

4. Authorises the Chief Executive Officer or delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government act 1989.
5. Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 by a panel comprising three Bunurong Ward councilors at a date to be determined.

Attachments
There are no attachments for this report

Council Decision

Moved: Cr. Julian Brown / Seconded: Cr. Clare Le Serve
That the recommendation be adopted.

CARRIED
H.12 Contract Award for Tender No 19011 Grave Digging for Wonthaggi and San Remo Cemeteries

File No: CM19/554
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
This report to Council presents the outcome of the tender evaluation for Tender No 19011 – Grave Digging for Wonthaggi and San Remo Cemeteries.

The tender was assessed by an independent tender evaluation panel.

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

The Panel concludes that the tender submitted by MDL Constructions Pty Ltd will satisfy the requirements of the service and will provide Council with value for money.

This report recommends Council to accept the tender submission and award Contract No 19011 – Grave Digging for Wonthaggi and San Remo Cemeteries.

The report contains an attachment which is declared to be confidential in accordance with Bass Coast Shire Council’s Tender & Contract Confidentiality Procedure.

Background and Context
Bass Coast Shire Council, on behalf of the Wonthaggi Cemetery Trust and the San Remo Cemetery Trust, invited tenders from individuals and organisations with the proven capability and capacity to provide grave digging and associated works for the Wonthaggi and San Remo Cemeteries.

The Wonthaggi Cemetery Trust and the San Remo Cemetery Trust are a separate entity from the Bass Coast Shire Council. The grave digging contract is currently managed by the Cemetery Trust Administration working within the Council’s Governance and Information Services Department. Communication occurs between the Cemetery Trust Administration, Funeral Services companies, the grave digger and memorial providers, ensuring that records are synchronised. Council is the Trust with the Councillors being the Trust members. The Trust and the Trust Administration are funded by the Council and all other cemetery business relies on incoming funds from burials and reservations to meet its financial obligations.
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>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Satisfaction with Council Decisions</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Transparency of Council decisions</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Community Satisfaction with Consultation and Engagement</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Community satisfaction with customer contact</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Local Government Performance Reporting Framework (LGPRF) – Financial Performance</td>
<td>Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF</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 or better VAGO low risk indicators</td>
</tr>
<tr>
<td>Other financial and non-financial performance indicators</td>
<td>Adjusted underlying operation result aims to achieve an operating surplus Implementation of monthly and year to date financial reporting, with plain English version for our Community Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community Increased efficiencies as a result of information technology improvements</td>
</tr>
<tr>
<td>Communications and Engagement Strategy 2015-18 actions implemented</td>
<td>Complete Strategy implementation by June 2018</td>
</tr>
<tr>
<td>Develop and Implement a Revenue Strategy</td>
<td>Strategy developed and actions implemented</td>
</tr>
</tbody>
</table>
Statutory Requirements/Codes/Standards/Policies

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

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

Tender Process

This tender was publically advertised in accordance with the Local Government Act 1989.

Tenders closed at 2pm on Tuesday 16 July 2019 and Council received one conforming tender submission.

Evaluation Process

The conforming tender was assessed on the following evaluation criteria and weightings:

<table>
<thead>
<tr>
<th>Table 1 – Evaluation Selection Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criterion</td>
</tr>
<tr>
<td>Mandatory</td>
</tr>
<tr>
<td>Integrated Management System</td>
</tr>
<tr>
<td>Insurance and Registration</td>
</tr>
<tr>
<td>Weighted</td>
</tr>
<tr>
<td>Price</td>
</tr>
<tr>
<td>Previous Related Experience &amp; Referees</td>
</tr>
<tr>
<td>Capacity – Staff Resources, Sub-contractors, Suppliers and Plant &amp; Equipment</td>
</tr>
<tr>
<td>Site Management (Public Protection &amp; Site Safety, Dealing with the Public and Communication)</td>
</tr>
<tr>
<td>Management of Burials and Record Keeping</td>
</tr>
<tr>
<td>Benefit to Bass Coast Shire Economy</td>
</tr>
</tbody>
</table>

An Evaluation Panel was formed consisting of three (3) Council Officers and was chaired by an Officer from the Procurement Team who oversaw the process and did not score the tenders.

The tenderer passed the mandatory selection criteria.

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

The Panel assessed the technical worth of the tender against the specification requirements and the selection criteria, identified items to be clarified and sought additional information.

The Evaluation Panel did not feel it was necessary to undertake any reference checks for MDL Constructions Pty Ltd as they are the current contractor for the service. As part of their tender submission, the tenderer submitted letters of reference from other local Cemetery Trusts, Funeral Directors and cemetery volunteers that support their knowledge, experience and capacity to undertake the works in accordance with the requirements of the specification.

The final weighted score are set out in Table 2.

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>* Price Score %</th>
<th># Non-Price Score %</th>
<th>Total Score %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>MDL Constructions Pty Ltd</td>
<td>30%</td>
<td>60%</td>
<td>90%</td>
</tr>
</tbody>
</table>

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

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

In accordance with the selection criteria, MDL Constructions Pty Ltd, present value for money.

The evaluation panel considered that, whilst only one tender was received, the price still represents value for money for the service as the schedule of rates was submitted in a competitive market and included both reduced rates and no charge for a number of items that will result in significant cost savings for the contract. Refer Appendix B of the Tender Evaluation Panel Report for a detailed comparison of the submitted schedule of rates in comparison to the current contract rates.

Based on the response to our online survey conducted with the other tender registrants who downloaded the documents but did not submit a tender, re-tendering this work would be unlikely to attract additional tenderers and could risk a price rise and further delay to the service.

MDL Construction Services Pty Ltd have demonstrated they have extensive experience and knowledge in grave digging and associated works and have the capacity to undertake the service in accordance with the requirements of the specification. They have performed well under past contracts and will present value for money.

**Contract Management**

The Coordinator Governance and Business Systems will act as Contract Supervisor for the contract and the Cemeteries and Council Committees Officer will act as the Contract Supervisor’s Representative. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 16 May 2018.
Contract Commencement: 4 September 2019  
Anticipated Contract Completion: 3 September 2022  
Extension options: up to three (3) years

Finances

This is an ongoing service and will be funded through the Wonthaggi Cemetery Trust and the San Remo Cemetery Trust Accounts. The budget available for the contract is $87,000 (GST Exclusive) per annum.

The proposed estimated value of the first 12 months of the contract is $60,080 (GST Exclusive), with an initial contract term of three (3) years. Rates will be reviewed annually and any increase will be generally limited to CPI.

The award of the contract will result in potential savings of an estimated $8,220 (GST Exclusive) over the first year of the contract. This figure is based on the reduced rates for Item Nos 42 and 43 of the Schedule of Rates and a zero rate appointed to Item Nos 13, 32, 33, 35, 36 and 37 of the Schedule of Rates as demonstrated in Appendix B of the Tender Evaluation Panel Report.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Local community and residents
- Funeral Directors
- San Remo and Wonthaggi Cemetery Friends Group
- San Remo Cemetery Trust
- Wonthaggi Cemetery Trust

Other Options

Not award a contract at this time and re-tender for Grave Digging and associated works for Wonthaggi Cemetery and San Remo Cemetery. It is unclear that Council would receive any benefit in doing this based on the response for feedback from other tender registrants who did not submit and it would delay the start of the contract for at least twelve weeks.

Conclusion

The Tender Evaluation Panel Report is attached.

The panel report concludes that the tender submitted by MDL Constructions Pty Ltd will provide Council with value for money for the following reasons:

- They achieved a high score
- They have extensive experience and knowledge in grave digging and the works associated with this contract
- They have a demonstrated capacity to undertake the works in accordance with the requirements of the contract
Recommendation

That Council:

1. Accept the tender from MDL Constructions Pty Ltd and award Contract No 19011 Grave Digging for Wonthaggi and San Remo Cemeteries for the schedule of rates submitted in accordance with Tender No 19011, for a contract term of three (3) years with an extension option of a further three (3) years at the discretion of Council;

2. Affixes the Common Seal of the Bass Coast Shire Council to Contract 19011 between Council and MDL Constructions Pty Ltd.

Attachments

AT-1  CONFIDENTIAL - Tender Evaluation Panel Report - Signed  6 Pages

Council Decision

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

That the recommendation be adopted.

CARRIED
Statutory Reports
Council Decision

Moved: Cr. Stephen Fullarton / Seconded: Cr. Geoff Ellis
That agenda items I.1, I.2, I.3 and I.4 be considered as a block.

CARRIED
I Statutory Reports

I.1 Assembly of Councillors

File No: CM19/135
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
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### Strategic Indicator:

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</tr>
<tr>
<td>Communications and Engagement Strategy 2015-18 actions implemented</td>
<td>Complete Strategy implementation by June 2018</td>
</tr>
<tr>
<td>Develop and Implement a Revenue Strategy</td>
<td>Strategy developed and actions implemented</td>
</tr>
</tbody>
</table>

Attached are the Assembly of Councillors records since the last Ordinary meeting of Council.
Recommendation

That the attached Assembly of Councillors Records be received.

Attachments

AT-1  Assembly of Councillor Records for Council Meeting 21 August 2019  9 Pages
PERMITS REFUSED:
Nil.

PERMITS ISSUED:

**Island Ward**

180427: Development of the land for a dwelling in the DDO1 and LSIO located at 13 Shearwater Drive, Silverleaves.

190075: Development of the land for a dwelling in the GRZ1 located at 44 Terry Crescent, Wimbledon Heights.

190076: Development of the land for a dwelling in the GRZ1 located at 4 Wattle Close, Cowes.

190090: Buildings and works associated with a residential aged facility in the GRZ1 located at 1 Watchorn Road, Cowes.

**Western Port Ward**

180314: Subdivision of the land into 2 lots locate at 208 The Esplanade, Surf Beach.

180407: Development of a dwelling and shed in the SLO located at 3231 (Lot 2 PS522720) Bass Highway, Anderson.

180479: Subdivide the land into three (3) lots in the GRZ1 located at 5 Monk Lane, Grantville.

190052: Development of the land for two dwellings in the GRZ1 located at 12 Woolamai Beach Road, Cape Woolamai.

190097: Alterations and additions to existing commercial buildings in the INIZ located at 6/24-26 Boys Home Road, Newhaven.

190100: Development of the land for a dwelling in the DDO1 located at 21 Burchell Close, Corinella.

190110: Alterations and additions to an existing dwelling in the ESO1 located at 12 Rennison Road, Newhaven.

190131: Development of the land for a dwelling in the HO30 located at 16 Gaudi Boulevard, Corinella.

190182: Development of land for an outbuilding located at 131-141 Shetland Heights Road, San Remo.

**Bunurong Ward**
180316: Development of the land for three dwellings located at 1 High Street, Inverloch.

180475: Development of the land for a second dwelling in the GRZ1 located at 236 White Road, North Wonthaggi.

190014: Development of the land for a dwelling in the DDO1 and DDO9 located at 192 Surf Parade, Inverloch.

190072: Alterations and additions to a dwelling in the DDO1 located at 22 Pymble Avenue, Inverloch.

190084: Use and development of the land for a display home in the GRZ1, reduction in the car parking requirements and associated signage located at 82 Cuttriss Street, Inverloch.

190089: Alterations and additions to a dwelling in the GRZ1 located at 2/9 Blue Water Circle, Cape Paterson.

190155: Buildings and works for the construction of a dwelling and garage located at 26 Coastal Way, Inverloch.

PLANNING AND BUILDING ACTIVITY REPORT FOR JUNE 2019

<table>
<thead>
<tr>
<th>Statutory Planning</th>
<th>This month (June)</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>83</td>
<td>75</td>
<td>76</td>
</tr>
<tr>
<td>Average Gross Days (Responsible Authority determination)</td>
<td>155</td>
<td>103</td>
<td>115</td>
</tr>
<tr>
<td>(new) Average Gross Days to final outcome</td>
<td>189</td>
<td>99</td>
<td>124</td>
</tr>
<tr>
<td>Number of live applications</td>
<td>196</td>
<td>190</td>
<td>-</td>
</tr>
<tr>
<td>Number of applications received for the month</td>
<td>36</td>
<td>50</td>
<td>533</td>
</tr>
<tr>
<td>Number of Responsible Authority outcomes</td>
<td>38</td>
<td>41</td>
<td>542</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Municipal Building Services &amp; Enforcement</th>
<th>This month (June)</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essential Safety Measure inspections (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>9</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>Swimming Pool &amp; Spa safety barrier inspections (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>0</td>
<td>2</td>
<td>24</td>
</tr>
</tbody>
</table>
Minutes of Ordinary Meeting - 21 August 2019

### Report and Consent applications determined
(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.)

<table>
<thead>
<tr>
<th></th>
<th>This month</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>27</td>
<td>237</td>
<td></td>
</tr>
</tbody>
</table>

### Siting consents issued for temporary structures
(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.)

<table>
<thead>
<tr>
<th></th>
<th>This month</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>19</td>
<td></td>
</tr>
</tbody>
</table>

### Complaints received requiring investigation

<table>
<thead>
<tr>
<th></th>
<th>This month</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>5</td>
<td>84</td>
<td></td>
</tr>
</tbody>
</table>

### New building enforcement cases

<table>
<thead>
<tr>
<th></th>
<th>This month</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>16</td>
<td></td>
</tr>
</tbody>
</table>

### Number of open building enforcement cases

<table>
<thead>
<tr>
<th></th>
<th>This month</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
<td>55</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>

### Building permits issued by Council

<table>
<thead>
<tr>
<th></th>
<th>This month</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0</td>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>

### Building Permit Activity

![Building Permit Activity Graph]

### Planning Enforcement

<table>
<thead>
<tr>
<th></th>
<th>This month (June)</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>2</td>
<td>1</td>
<td>30</td>
</tr>
<tr>
<td>Number of closed enforcement cases</td>
<td>7</td>
<td>7</td>
<td>56</td>
</tr>
<tr>
<td>Number of live enforcement files</td>
<td>138</td>
<td>143</td>
<td>114</td>
</tr>
<tr>
<td>Pre commencement meetings</td>
<td>1</td>
<td>1</td>
<td>23</td>
</tr>
<tr>
<td>Official warnings issued</td>
<td>2</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Number of planning infringement notices issued</td>
<td>1</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>Total infringements received ($</td>
<td>$2617.85</td>
<td>$200.00</td>
<td>$5235.70</td>
</tr>
<tr>
<td>Number of CRS's closed</td>
<td>15</td>
<td>5</td>
<td>-</td>
</tr>
</tbody>
</table>
Number of open complaints | 48 | 44 | -  
Number of closed complaints | 4 | 4 | -

Recommendation

That Council:

1. Receives and notes the Planning Permits issued under delegation report for June 2019; and
2. Receives and notes the Planning and Building Activity Report for June 2019.

Attachments

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

File No: CM19/535
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 June 2019 to 30 June 2019, the following contract was awarded under the Chief Executive Officer’s Instrument of Delegation.

<table>
<thead>
<tr>
<th>Contract No.</th>
<th>Description</th>
<th>Contractor</th>
<th>Contract Sum Including GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>19005</td>
<td>Design and Construct Wonthaggi Rail Trail Illumination Project</td>
<td>Leadsun Australia</td>
<td>$166,087.90</td>
</tr>
</tbody>
</table>

Contracts Extended
For the period from 1 June 2019 to 30 June 2019, no contracts were extended under the Procurement Delegation Framework.

Recommendation
That Council receives the report.

Attachments
AT-1 Contract Register Report 19005 1 Page
I.4  Councillor Expenses for the Current Council Term - 4 November 2016 to 30 June 2019

File No: CM19/552
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 Local Government Act 1989 provides for the Mayor and Councillors to be paid an allowance and be provided with appropriate tools and support to enable them to properly fulfill their roles as Councillors.

Background
The Mayor and Councillors Expense Register includes:

- Mayor and Councillor allowances
- Conferences and professional development expenses
- Information technology and telecommunication expenses
- Travel expenses
- Car mileage travel claims submitted by Councillors
- Vehicle expenses

Strategic Basis
The Provision of Resources to Councillors Policy prescribes the range of resources that must be provided to the Mayor and Councillors to enable them to effectively carry out their role.

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>

Statutory Requirements/Code/Standards/Policies

The statutory requirements and standards relevant to the provision of resources to Councillors include:

- Sections 74 and 75 of the Local Government Act 1989.
- The Provisions of Resources to Councillors Policy.

Finances

Attachment 1 sets out details of details of Councillor Expenditure for the current term and Attachment 2 sets out details of Councillor Expenditure for the 2018/19 financial year.
The 2018/19 Budget allocated funds to cover the Provision of Resources to Councillors and reimbursement of Councillors’ expenses. Actual expenditure of $96,139 for the 2018/19 financial year on Councillor expenses and resources is within the budget allocation.

**Stakeholders**

Stakeholders include the ratepayers of the municipality and Council.

**Recommendation**

*That Council:*


**Attachments**

- **AT-1** Councillor Expenses Report 4 Nov 2016 to 30 Jun 2019 1 Page
- **AT-2** Councillor Expenses Report 2018-2019 Financial Year 1 Page
Council Decision

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

That the recommendations attached to agenda items I.1, I.2, I.3 and I.4 be adopted.

CARRIED
J Urgent Business

There was no Urgent Business.
Mayoral Announcement Of Next Meeting Of Council

The next Community Connection Session will be held on 11 September 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 18 September in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 5.00pm.

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Stephen Fullarton
That the meeting be closed to members of the public pursuant to Section 89 (e) of the Local Government Act 1989, to consider these item as they deal with personnel and contractual matters.

(e) Proposed developments;

CARRIED

Meeting adjourned

The meeting was adjourned at 7.43pm

Meeting resumed

The meeting resumed at 7.46pm

Cr Stephen Fullarton declared a Conflict of Interest in agenda item L.1 under section 77B of the Local Government Act 1989. He left the meeting at 7.46pm and took no further part in the remainder of the meeting.
Items
Closed to the Public

Excerpt of Section 89 of Local Government Act 1989.

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

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

K.1 Minutes of Closed Ordinary Meeting held on 19 June 2019

L Reports Requiring Council Decision Closed to the Public

L.1 Planning application 180113 - Use and development of land for leisure and recreation (Horse riding), restaurant and liquor licence at 225 Gap Road, Ventnor

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

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Geoff Ellis
That the meeting be reopened to the public.

CARRIED

Meeting closed

The meeting closed at 7.51pm.