

SOUTH GIPPSLAND SHIRE COUNCIL

Council Meeting Agenda

19 July 2023

**Council Meeting No.484
Council Chambers, Leongatha
Commencing at 2:00pm**



agenda



*South Gippsland
Shire Council*

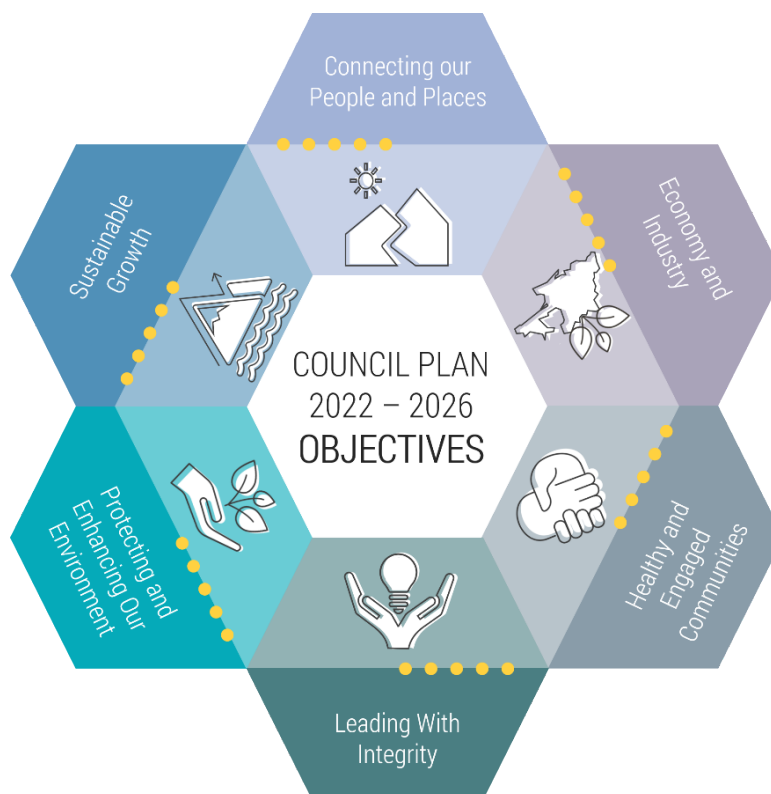
Come for the beauty, Stay for the lifestyle

OUR COUNCIL VISION

We care deeply about our people, the land and future of South Gippsland.

Our vision is to support the whole Shire in creating economic, environmental and social prosperity for this and future generations.

The Council Agenda relates to the Strategic Objectives of the *Council Plan 2022-2026* indicated in this diagram:



Privacy

Council is required to keep minutes of each Council meeting. The minutes contain details of proceedings which may include personal information about community members disclosed as part of presentations, submissions and questions. The minutes of Council meetings are a public record and can be inspected by members of the public.

The Council Meeting is streamed live, recorded and published in accordance with Council's *Live Streaming in Council Meetings Policy*.

Access to the live stream is available on Council's website – [Link](#).

A copy of the *Policy* is located on Council's website - [Link](#).

SOUTH GIPPSLAND SHIRE COUNCIL

Notice is hereby given that Council Meeting No.484 of the
South Gippsland Shire Council will be held on Wednesday 19 July 2023
in the Council Chambers, Leongatha commencing at 2:00pm

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Renae Littlejohn
Acting Chief Executive Officer

1. PRELIMINARY MATTERS

1.1. LIVE-STREAMING COUNCIL MEETING DISCLAIMER

This Council Meeting is being streamed live, recorded and published in accordance with Council's Live Streaming in Council Meetings Policy.

Access to the live stream through Council's Internet is an option to view the 'open' component of a Council Meeting. Link to the Live Stream on Council's website: [Live Streaming | Live Streaming | South Gippsland Shire Council](#)

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

1.2. WELCOME TO THE COUNCIL MEETING

Public Questions

In accordance with *Governance Rules (C82)*, clause 56.4(d) the placement of public questions has now closed. Questions must be received prior to the commencement of the Council Meeting and placed in the receptacle at Governance Officers table. Questions received after the commencement of the Meeting will be considered at the next Council Meeting.

1.3. OPENING PRAYER

As we gather here from diverse backgrounds and beliefs, may we hold privilege with good care and trust. As we deliberate and discuss, may we be wise in our discernment, fair in our decisions and visionary in our planning. May we be guided by our common goal of a strong and united South Gippsland.

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

1.5. APOLOGIES

Councillor Clare Williams with leave of Council granted at Council Meeting 17 May 2023.

Councillor Mohya Davies with leave of Council granted at Council Meeting 28 June 2023.

1.6. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the South Gippsland Shire Council Meeting No. 483, held on Wednesday 28 June 2023 in the Council Chambers, Leongatha be confirmed.

1.7. DECLARATION OF CONFLICTS OF INTEREST FOR COUNCILLORS

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82)* (the Rules), clause 3.0 Disclosure of a Conflict of Interest at a Council Meeting sets out the prescribed manner required to disclose a conflict of interest at South Gippsland Shire Council.

The Rules require a Councillor and/ or staff member who has a conflict of interest in a matter being considered at a Council Meeting to announce before the matter is considered and disclose this in a written notice to the Chief Executive Officer. The details included in the disclosure, explain the nature conflict of interest, whether it is classified as general or material (s.127 and s.128), the name of the relevant person(s) and their relationship to them.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

Council's *Governance Rules (C82)* can be accessed from [Council's Policies](#) webpage.

Councillor Nathan Hersey has declared a general conflict of interest and a reasonable apprehension of bias or actual bias in Agenda Item 11.2 Award Contract CON/349 - Korumburra Football Netball Changerooms Project, as he has a close association with someone who has submitted at tender.

1.8. DECLARATION OF CONFLICTS OF INTEREST FOR STAFF

The *Local Government Act 2020* (the Act), Division 2 sets out the requirements relating to Conflict of Interest. Disclosure of a conflict of interest in respect of a matter to be considered at a Council Meeting is required under section 130(1)(a) and specifically applies to a relevant person being a Councillor, member of a delegated committee who is not a Councillor and a member of Council staff.

Council's *Governance Rules (C82) (the Rules)*, Chapter 5, clause 7, 8 and 9 sets the prescribed manner required for staff to disclose a conflict of interest when:

- Preparing Reports for Meetings
- Exercise of Delegated Power
- Exercise of a Statutory Function

Council staff must immediately upon becoming aware of a conflict of interest provide a written notice to the Chief Executive Officer disclosing the conflict of interest, explain the nature of the conflict and how it will be managed. Upon becoming aware and declaring a conflict of interest, a staff member may not exercise a power or perform a function in the matter. All prepared reports will record that staff member(s) have considered a conflict of interest and include if any, the details of a disclosure.

Failure to comply with disclosures of conflict of interest (s.130) may be subject to penalty points and/ or other disciplinary measures depending on the nature of the conflict.

The *Local Government Act 2020* can be accessed from the Victorian Legislation and Parliamentary documents website at www.legislation.vic.gov.au.

Council's *Governance Rules (C82)* can be accessed from Council's Policies webpage.

2. OBJECTIVE - CONNECTING OUR PEOPLE AND PLACES

2.1. PROJECT NOMINATIONS - LOCAL ROADS AND COMMUNITY INFRASTRUCTURE (LRCI) PROGRAM (PHASE 4)

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Delivery

Council Plan

Objective - Connecting our People and Places

The projects proposed to be delivered under the Local Roads and Community Infrastructure (LRCI) Program – Phase 4 will improve strategically significant roads to the benefit of the local community.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council endorsement of the projects to be nominated for delivery under the Australian Government’s Local Roads and Community Infrastructure (LRCI) Program – Phase 4, and changes to the endorsed projects for Phases 2 and 3.

Under Phase 4 of the LRCI Program, South Gippsland Shire Council will receive a funding allocation of \$3,759,982 (combined Part A and B). This funding will be available from July 2023, with projects required to be delivered by June 2025.

It is recommended that the following projects be considered for nomination to Phase 4 of the Program:

- Ross Street, Meeniyah – Gravel to Seal Project
- North Poowong Road, Nyora – Gravel to Seal Project

RECOMMENDATION

That Council:

1. **Notes that \$3,759,982 (\$2,384,531 Part A and \$1,375,451 Part B) has been allocated from the Australian Government’s Local Roads and Community Infrastructure Program – Phase 4;**
2. **Endorses the Work Schedule for the Australian Government’s Local Roads and Community Infrastructure Program – Phase 4 to nominate the following projects:**
 - a. **Ross Street, Meeniyah – Gravel to Seal Project; and**

- b. North Poowong Road, Nyora – Gravel to Seal Project.**
- 3. Endorse changes to the Work Schedule for the Australian Government’s Local Roads and Community Infrastructure Program – Phase 2, including the addition of the Drainage Rehabilitation Program Project;**
- 4. Endorse changes to the Work Schedule for the Australian Government’s Local Roads and Community Infrastructure Program – Phase 3, including the removal of the Upper Commercial Street Korumburra Carpark Project and the addition of the Meeniyah Community Hub Project; and**
- 5. Authorises the Chief Executive Officer to amend the Work Schedules submitted for the Australian Government’s Local Roads and Community Infrastructure Program, when required, to maximise utilisation of the funding allocations and maintain eligibility of Council’s nominated projects within the guidelines of the Program.**

REPORT

The Local Roads and Community Infrastructure (LRCI) Program aims to assist councils to deliver priority local road and community infrastructure projects, creating jobs, and long-lasting benefits for communities.

LRCI Program Phase 4

Recently the Australian Government announced Phase 4 of the LRCI Program, allocating \$3,759,982 (part A and B) to Council. This funding will be available from July 2023, with projects required to be delivered by June 2025.

Eligibility criteria for Phase 4 of the program include:

- Projects must be capital projects for new or improved local road or community infrastructure;
- Projects must not have already commenced construction;
- Projects must not otherwise be planned to be delivered by Council;
- Projects must be able to be delivered within the approved time;
- A “Work Schedule” of projects must be approved by the Department prior to the commencement of works.

Officers are not aware of any further phases of the LRCI Program.

Recommended projects for nomination

1. Ross Street, Meeniyah – Gravel to Seal Project

Ross Street is very high on the priority list for gravel to seal road sections due to its high traffic volumes, peri-urban location, and maintenance

burden. The project has been designed in consultation with affected road users and is shovel ready.

Approximately 750m of gravel to seal.

Estimate \$1.2 Million.

2. North Poowong Road, Nyora – Gravel to Seal Project

The unsealed section of North Poowong Road is very high on the priority list for gravel to seal road sections due to its high traffic volumes, proportion of freight traffic, and maintenance burden.

Preliminary designs have been developed, but these require reconciliation with other project considerations, including cost, land acquisition requirements, native vegetation removal, and impact to the vulnerable Giant Gippsland Earthworms and its habitat.

Approximately 2,500m of gravel to seal.

Estimate \$2.56 Million.

A range of other potential projects were considered for nomination in the Program, but have not been recommended due to a variety of factors including:

- Lack of project development and readiness for construction.
- Low cost-benefit ratio compared to other projects.
- Project potential for other external funding applications.

Adjustments to previous LRCI Program Phases

Council has previously received funding under Program Phases 1 to 3.

- Phase 1 is now completed.
- Phase 2 and 3 nominated projects are either completed or currently underway.

In April 2023, the Commonwealth Government Department administering the Program extended the construction period for all Phase 1, 2, and 3 approved projects, acknowledging the delays associated with supply chain issues, labour shortages, and weather events across Australia. This timing variation has allowed Council to review its work schedules, identify which approved projects are achievable within program timeframes, and refine project budgets.

This enabled the following changes:

- Proposed amendments to the Work Schedule for Phase 2 to redistribute unspent/unallocated funds, including the addition of the Drainage Rehabilitation Program Project bundle.
- Proposed amendments to the Work Schedule for Phase 3 to redistribute unspent/unallocated funds, including:
 - the removal of the Upper Commercial Street Korumburra carpark project, which is now fully funded as part of the Rail Precinct Redevelopment Project.
 - the addition of the Meeniyen Community Hub Project.

CONSULTATION / COMMUNITY ENGAGEMENT

The projects recommended for nomination are considered to have strong community support and have been sought by the community for many years.

The projects will require community consultation during the construction phase to manage customer expectations and the impact of disruptions.

RESOURCES / FINANCIAL VIABILITY

The proposed allocation of funding for LRCI Phase 4 is identified in Table 1:

Table 1 – Proposed Allocation of Funding for LRCI Phase 4

Project	Estimated Cost Excl. GST
Ross Street, Meeniyen – Gravel to Seal Project	\$1.20M
North Poowong Road, Nyora – Gravel to Seal Project	\$2.56M
Total cost for nominated projects	\$3.76M
Funding available under LRCI Phase 4	\$3.76M

RISKS

The nominated projects meet the criteria for the LRCI program and are expected to be approved. If the projects are not approved, Council will need to consider and nominate alternative projects.

If the nominated projects are unable to be completed within the LRCI Phase 4 funding allocation, Council will be required to fund any additional costs. The project estimates have been developed with a contingency allocation to minimise the risk of cost overrun.

If the nominated projects are significantly delayed and unable to be completed in the Program time period, the projects may need to be reconsidered or renegotiated with the funding body through a revised Works Schedule.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Annual Budget

Asset Management Policy (C04)

Asset Management Strategy

Asset Management Plan - Road Infrastructure (internal)

Community Infrastructure Project Management Policy (C09)

Council Plan 2020-2024

Long-Term Financial Strategies

Road Management Plan

3. OBJECTIVE - LEADING WITH INTEGRITY

3.1. INSTRUMENT OF APPOINTMENT AND AUTHORISATION

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

Council's governance is strengthened by maintaining currency in the delegations and authorisations to Officers, so they can undertake the functions they are required to perform on behalf of Council.

EXECUTIVE SUMMARY

The purpose of this report is to request Council to approve an Instrument of Appointment and Authorisation for the Council staff member Dean Graham under the *Environment Protection Act 2017*.

RECOMMENDATION

That Council resolves that, in the exercise of the powers conferred by s 242(2) of the *Environment Protection Act 2017*, s.224 of the *Local Government Act 1989* and s.313 of the *Local Government Act 2020*:

- 1. The members of Council staff referred to in the Instruments of Appointment and Authorisation be appointed and authorised as set out in the instruments and detailed in the report; and**
- 2. The Instruments of Appointment and Authorisation come into force immediately when signed by Council's Chief Executive Officer and remain in force until Council determines to vary it or it is revoked by Council's Chief Executive Officer in the event the officer resigns from Council or is appointed to a position where this appointment and authorisation is not required or suitable.**

REPORT

The allocation of authorisations and appointments to Council employees contributes to the effective functioning of Council. It is important to ensure that formal Instruments are updated to reflect changes in personnel as well as changes in the legislation.

One Instrument is presented for adoption for Dean Graham enabling this Council staff member to fulfil their required duties within Council.

The Instrument is contained in **Attachment [3.1.1]**.

CONSULTATION / COMMUNITY ENGAGEMENT

Nil

RESOURCES / FINANCIAL VIABILITY

Nil

RISKS

Failure to adopt, update or revoke an Instrument of Appointment and Authorisation could result in a decision of the employee being invalidated or Council being held liable for the actions of former employees.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. S11B Instrument of Appointment Dean Graham 19 July 2023 [3.1.1 - 1 page]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 7. Risk & Compliance

Legislative Provisions

Environment Protection Act 2017

Local Government Act 1989

Local Government Act 2020



Instrument of Appointment and Authorisation (*Environment Protection Act 2017*)

In this instrument "**officer**" means -

Dean Graham

By this instrument of appointment and authorisation, South Gippsland Shire Council -

under s 242(2) of the *Environment Protection Act 2017* ('**Act**') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officer to be **an** authorised officer for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.

It is declared that this instrument -

- comes into force immediately upon its execution;
- remains in force until varied by resolution of Council or revoked by Council's Chief Executive Officer in the event the officer resigns from Council or is appointed to a position where this appointment and authorisation is not required or suitable.

This instrument is authorised by a resolution of the South Gippsland Shire Council on 19 July 2023.

**Kerryn Ellis
Chief Executive Officer
Council**

Date:##insert

3.2. DOCUMENTS SEALED, CONTRACTS VARIED, AWARDED OR EXTENDED BY CEO - 13 MAY 2023 TO 12 JUNE 2023

Directorate:	Performance and Innovation
Department:	Financial Strategy, Risk and Procurement

Council Plan

Objective - Leading with Integrity

Council's transparency of financial decisions made and overall financial sustainability is strengthened by regularly reporting on documents sealed, contracts awarded, varied or extended under the CEO's delegation.

EXECUTIVE SUMMARY

This report documents the following actions undertaken by the Chief Executive Officer (CEO) which occurred during the period from 13 May 2023 to 12 June 2023. Council's *Procurement Policy (C32)* requires the CEO to report to Council any of the following actions undertaken to the next appropriate Meeting:

- Documents sealed;
- Contracts awarded after a public tender process within the CEO's delegation; and
- Contracts varied or extended by the CEO which exceeded the CEO's delegation.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Documents Sealed

Under the *Local Government Act 2020* (the Act), s.14 states that each Council is a body corporate with perpetual succession; and must have a common seal. Sealing a document makes it an official document of Council as a corporate body. Documents that require sealing include agreements, leases or any other contractual or legally binding document that binds Council to another party.

Use of the Local Law No. 2 2020, Part 9, clause 107(h)(iv) – Common Seal of Council, states that if the Chief Executive Officer (CEO) uses the Common Seal in a manner prescribed by sub-clause (c), this means on the authority of a Council resolution, then Council must be advised of such use on a regular basis.

In accordance with the Local Law No. 2 2020, Part 9, clause 107(h)(iv), the following are presented to Council as documents sealed during the period from 13 May 2023 to 12 June 2023.

1. Nil

Section 173 Agreements are prepared in accordance with s.173 of the *Planning and Environment Act 1987*, allowing Council to enter into agreements relating to the use or development of land, conditions to which the land may be used or developed or any matter that relates to planning or planning schemes in Victoria. Section 174 of the *Planning and Environment Act 1987* requires that such an agreement be under seal and must bind the owner to the covenants specified in the agreement.

In accordance with the Local Law, Instrument of Delegation and *Planning and Environment Act 1987*, the following are presented to Council as documents sealed during the period from 13 May 2023 to 12 June 2023.

1. Section 173 Agreement between South Gippsland Shire Council and the owner of 540 Port Franklin Road, Port Franklin for a two (2) lot subdivision. Seal applied 30 May 2023.
2. Section 173 Agreement between South Gippsland Shire Council and the owner of 136 and 140 Millars Road, Pound Creek for a subdivision of land into two (2) lots. Seal applied 31 May 2023.
3. Section 173 Agreement between South Gippsland Shire Council and the owner of 525 Andersons Road, Korumburra South to develop land with a dwelling. Seal applied 2 June 2023.

Contracts Awarded, Varied or Extended

In accordance with Council's Procurement Policy where contracts are awarded under delegation, varied or extended, they are required to be reported to the next practicable Council Meeting.

1. Contracts awarded by Council after a public tender process, signed by the CEO between 13 May 2023 to 12 June 2023.
 - a. CON/356 for the Venus Bay Tourism Precinct was awarded to Hugh Patrick Pty Ltd, trading as BJs Earthmoving, signed by the CEO 25 May 2023.
3. Contracts awarded after a public tender process within the CEO's delegation between 13 May 2023 to 12 June 2023.
 - a. CON/216 for the Provision of Linemarking Services was awarded to Tarmac Linemarking Pty Ltd, signed by the CEO 29 May 2023.
4. Contract variations approved by the CEO between 13 May 2023 to 12 June 2023.

- a. Nil
5. Contract extensions approved by the CEO between 13 May 2023 to 12 June 2023.
- a. CON/252 for the Provision of Swimming Pool Maintenance Services was awarded to Mechanical Plumbing Services Pty Ltd. The contract was for an initial three-year term commencing on 1 July 2020 with an option of two one-year extensions. An extension of one year (first year extension option) has been approved, signed by the CEO 2 June 2023.
 - b. CON/215 for Building Maintenance Services and Essential Safety Services Inspections and Maintenance was awarded to Walker Electrical Contracting Pty Ltd. The contract was for an initial three-year term commencing 1 July 2019 with an option of two one-year extensions. An extension of one year (second year extension option) has been approved, signed by the CEO 2 June 2023.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Governance Rules (C82)

Local Law No. 2 2020, Processes of Municipal Government (Meeting Procedures and Common Seal)

Procurement Policy (C32)

Legislative Provisions

Local Government Act 1989

Local Government Act 2020

Planning and Environment Act 1987

3.3. SUMMARY OF STRATEGIC BRIEFINGS - 13 MAY 2023 TO 12 JUNE 2023

Directorate:	Performance and Innovation
Department:	Governance

Council Plan

Objective - Leading with Integrity

Council's transparency and governance is strengthened by regularly reporting on summaries of briefings held, that assist Council to make informed decisions in Council Meetings on behalf of the community.

EXECUTIVE SUMMARY

Council, in its requirement to give effect to the overarching governance principles and supporting principles of the *Local Government Act 2020*, section 9(2)(i), s.9(3)(b) and s.58, aims to assist the transparency of Council decisions, actions and information through the provision of public summaries of information. The types of information summarised are usually strategic briefing and public presentations to items that will subsequently come before Council for a future decision. The information is summarised so that it is accessible, understandable, relevant and timely.

The information provided in this report is recorded from sessions held between 13 May and 12 June 2023.

RECOMMENDATION

That Council receives and notes this report.

REPORT

Meeting Title	Details
Wednesday 17 May 2023	
Council Meeting Agenda Topic Discussion – 17 May 2023	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Adrian Darakai, Nathan Hersey and Jenni Keerie.</p> <p>Conflict of Interest: Cr Davies left the meeting at 9.18am and returned at 9.37am. Councillor Mohya Davies has a declared material conflict of interest in briefing item Planning Application 2022/269 570 Use and Development for a dwelling and Winery 570 Soldiers Road, Fish Creek as a family member is a planning consultant on the matter.</p>

Meeting Title	Details
	<p>Cr Williams left the meeting at 9.52am and returned at 10.04am. Councillor Clare Williams has declared a material conflict of interest in Agenda Item 10.1 Award Contract CON/356 - Venus Bay Tourism Precinct - Jupiter Boulevard and Centre Road, as she is part owner of a company that has submitted a tender.</p> <p>The following matters were not discussed.</p> <p>Councillor Clare Williams has declared a general conflict of interest in Agenda Item 10.2 2022/23 Community Grants - Round 2, as she is a member of a Committee that applied for a community grant application.</p> <p>Councillor John Schelling has declared a reasonable apprehension of bias or actual bias in Agenda Item 10.2 2022/23 Community Grants - Round 2, as he signed a letter in support of a community grant application.</p> <p>Councillor Nathan Hersey has declared a reasonable apprehension of bias or actual bias in Agenda Item 10.2 2022/23 Community Grants - Round 2, as he signed a letter in support of a community grant application.</p> <p>Councillor Michael Felton has declared a reasonable apprehension of bias or actual bias in Agenda Item 10.2 2022/23 Community Grants - Round 2, as he signed a letter in support of a community grant application.</p> <p>Councillor Jenni Keerie has declared a material conflict of interest in Agenda Item 10.2 2022/23 Community Grants - Round 2, as she is a Manager of an organisation that has submitted an application.</p> <p>Councillor Jenni Keerie has declared a reasonable apprehension of bias or actual bias in Agenda Item 10.2 2022/23 Community Grants - Round 2, as she is a Manager of an organisation that provided a letter in support of a community grant application.</p> <p>Councillor Jenni Keerie has declared a reasonable apprehension of bias or actual bias in Agenda Item 10.2 2022/23 Community Grants - Round 2, as she signed a letter of support to a community grant application.</p>
<p>2023/24 Budget/ Council Plan</p>	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Adrian Darakai, Nathan Hersey and Jenni Keerie.</p>

Meeting Title	Details
	Conflict of Interest: Nil disclosed.
Wednesday 24 May 2023	
Sandy Point Caravan Park Site Investigation	Councillors Attending: Mohya Davies, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey and Jenni Keerie. Conflict of Interest: Nil disclosed.
Submission Hearing: Planning Application 2021/49 - Subdivision at 89 Beach Parade, Sandy Point	Councillors Attending: Mohya Davies, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey and Jenni Keerie. Conflict of Interest: Nil disclosed.
Sandy Point Foreshore Committee	Councillors Attending: Mohya Davies, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey and Jenni Keerie. Conflict of Interest: Nil disclosed.
Wednesday 7 June 2023	
Planning Briefing	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Michael Felton and Jenni Keerie. Conflict of Interest: Nil disclosed.
Submission Hearing: Planning Application 2022/165 – 79 Atherton Drive, Venus Bay	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey and Michael Felton. Conflict of Interest: Nil disclosed.
2023/24 Budget/ Council Plan	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey and Michael Felton. Conflict of Interest: Nil disclosed.
Pedestrian and Bike Paths in Venus Bay and Sandy Point	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Jenni Keerie and Michael Felton. Conflict of Interest: Nil disclosed.
Waratah Bay Caravan Park and Foreshore and Foreshore	Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Jenni Keerie and Michael Felton. Conflict of Interest: Nil disclosed.

Meeting Title	Details
Coastal Strategy	<p>Councillors Attending: Mohya Davies, Scott Rae, Sarah Gilligan, John Schelling, Clare Williams, Nathan Hersey, Jenni Keerie and Michael Felton.</p> <p>Conflict of Interest: Nil disclosed.</p>

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Nil

REFERENCE DOCUMENTS

Council’s Good Governance Framework

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council’s website at the following [LINK](#).

Governance Rules (C82)

Public Transparency Policy (C75)

Legislative Provisions

Local Government (South Gippsland Shire Council) Act 2019

Local Government Act 1989

Local Government Act 2020

4. OBJECTIVE - SUSTAINABLE GROWTH

4.1. COASTAL STRATEGY - DRAFT FOR PUBLIC CONSULTATION

Directorate:	Economy and Community
Department:	Planning and Building Services

Council Plan

Objective - Sustainable Growth

The Coastal Strategy will support decision making around sustainable use and development in response to emerging environmental risks.

EXECUTIVE SUMMARY

The purpose of this report is to seek Council consideration to release the draft Coastal Strategy for community engagement from 19 July until 6 August 2023.

Preparing a Coastal Strategy is a major initiative of the 2022/23 Council Plan under the objective Sustainable Growth, which states:

Prepare a Coastal Strategy to inform any future Planning Scheme provisions that will seek to guide sustainable land use and development in South Gippsland Shire's coastal townships and communities.

A Draft South Gippsland Coastal Strategy (see **Attachment [4.1.1]**) has been prepared, having regard to feedback received from extensive community consultation undertaken on the Coastal Strategy Discussion Paper between December 2022 and February 2023. It is recommended that Council undertake final community consultation through public notification of the Draft Coastal Strategy.

RECOMMENDATION

That Council:

- Adopts the Draft South Gippsland Coastal Strategy (refer Attachment [7.1.1]); and**
- Undertakes community engagement from 19 July until 6 August 2023.**

REPORT

Our coast is a beautiful natural asset - highly valued by our local community and the many visitors it attracts. It comprises significant landscape and environmental areas including Wilsons Promontory, Corner Inlet, Andersons Inlet and Shallow Inlet Marine and Coastal Park. It also underpins many economic

activities in the region including tourism, fishing, agriculture, freight, wind energy and resource extraction activities. The management of coastal areas is complex, involving numerous government agencies and various regulatory frameworks governing land use and development.

Our coastline is constantly under threat due to a broad range of issues including natural coastal hazards, man-made environmental pressure and health and safety concerns. Planning for our coastal area is important given the long-term risk implications for Council, government agencies, private landowners / managers, business and other parties. Planning to effectively respond to these issues now can mitigate future costs and community disruption / dislocation. The South Gippsland Coastal Strategy is a proactive step to better prepare South Gippsland's coast for future challenges.

The Draft Coastal Strategy follows the form and content of the Discussion Paper, with minor changes being made to the wording of some of the identified Action Items, mostly in relation to the need for further community consultation or technical investigation. No wholly new elements have been introduced into the Draft Coastal Strategy that were not in the Discussion Paper.

CONSULTATION / COMMUNITY ENGAGEMENT

Preparation of the Draft Coastal Strategy has been informed by community responses and submissions to the Discussion Paper (**Attachment [4.1.2]**). A total of 770 comments and submissions were received. The Draft Coastal Strategy will be available for public comment from 19 July 2023 through to Sunday, 6 August 2023.

In addition to generic notification via newspaper, social media, YourSay website and Council website platforms, a targeted email notification will be sent to all submitters and users who registered to follow the project via YourSay. Submitters and registered followers will be notified about the Draft Strategy and Consultation reports.

RESOURCES / FINANCIAL VIABILITY

This project will be managed through existing budget of the Planning and Building Services Department.

RISKS

A role of Council's strategic planning function is to identify and mitigate against risk. Risks associated with coastal processes are dynamic, and coastal councils require a contemporary policy basis upon which to make decisions around coastal management and development. The Draft Coastal Strategy seeks to respond to the currently known risks within the legislative and regulatory parameters of councils to manage coastal risks.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Draft Coastal Strategy - June 2023 [4.1.1 - 35 pages]
2. Coastal Strategy - Consultation Engagement Report - i.e. Community - FINAL - 30 April 2023 [4.1.2 - 37 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

Annual Budget

Council Plan 2022-2026

Long Term Financial Plan

South Gippsland's Planning Scheme

Legislative Provisions

Planning and Environment (Planning Schemes) Act 1996

SOUTH GIPPSLAND SHIRE COUNCIL

Draft Coastal Strategy



June 2023



Thank you

Council would like to acknowledge and thank everyone who participated in the engagement to inform development of the draft Coastal Strategy. We received significant feedback from the South Gippsland community, indicating a high level of interest in protecting our coastline and our coastal communities. Thank you.

Acknowledgment of Country

We acknowledge the Bunurong and Gunaikurnai people as the Traditional Custodians of South Gippsland and pay respect to their Elders, past, present, and future, for they hold the memories, traditions, culture, and hopes of Aboriginal and Torres Strait Islander people of Australia.

eucalyptus, (genus Eucalyptus)

Purpose of this document

This Coastal Strategy is a key strategic document and a Council Plan objective. It sets out how Council will work to identify and mitigate coastal hazards in order to protect coastal communities and our precious coastal environment.



Coastline Toora

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Message from the Mayor

"We know that there are challenges ahead for our coastal communities - such as rising sea levels, population pressures and erosion - and we need to work with our residents and stakeholders now, to plan for our collective future."

Cr Nathan Hersey

Mayor

South Gippsland Shire Council



South Gippsland's coast stretches for approximately 300 kilometres, from Venus Bay in the west to Port Welshpool in the east and includes many small coastal townships and hamlets and the treasured Wilsons Promontory. Our coast sustains our local fishing industry, drives tourism attraction and it is much-loved by residents and visitors.

We know that there are challenges ahead for our coastal communities - such as rising sea levels, erosion and population pressures. Council will work with our residents and stakeholders now, to plan for our collective future.

Through a coordinated community engagement process, we asked our community to provide input so Council could gain important insights and a greater appreciation for how people connect with our coast, and how they would like to see it protected. I am grateful that our community responded.

In total we heard from 770 people, which is a strong engagement outcome. Feedback was collected from our community via an online survey, pop-ups at six locations, in-depth stakeholder discussions with key agencies, an online forum and a half-day dialogue with community representatives. We also received 25 written submissions which provided a range of perspectives.

"We would like to thank everyone for their involvement in the Coastal Strategy consultation. Your feedback helps to guide our Strategy actions and our coastline protection."

Message from the CEO

The South Gippsland coastline is strong, yet fragile. It helps to drive valuable tourism dollars to our region, but it is also at risk from a range of coastal challenges and of being loved to death by its many admirers.

Kerryn Ellis

Chief Executive Officer
South Gippsland Shire Council



The South Gippsland coastline is strong, yet fragile. It helps to drive valuable tourism dollars to our region, but it is also at risk from a range of coastal challenges and of being 'loved to death' by its many admirers.

The South Gippsland Coastal Strategy provides a program of actions to help Council and our community prepare for future challenges and hazards, whilst acknowledging that we must also be ready to adapt and adjust the strategy, if required. Updated inundation data and coastal hazard assessments would help to refine our regional predictions and any movement to state planning policy would need to be incorporated into the strategy to ensure it has the best chance of success.

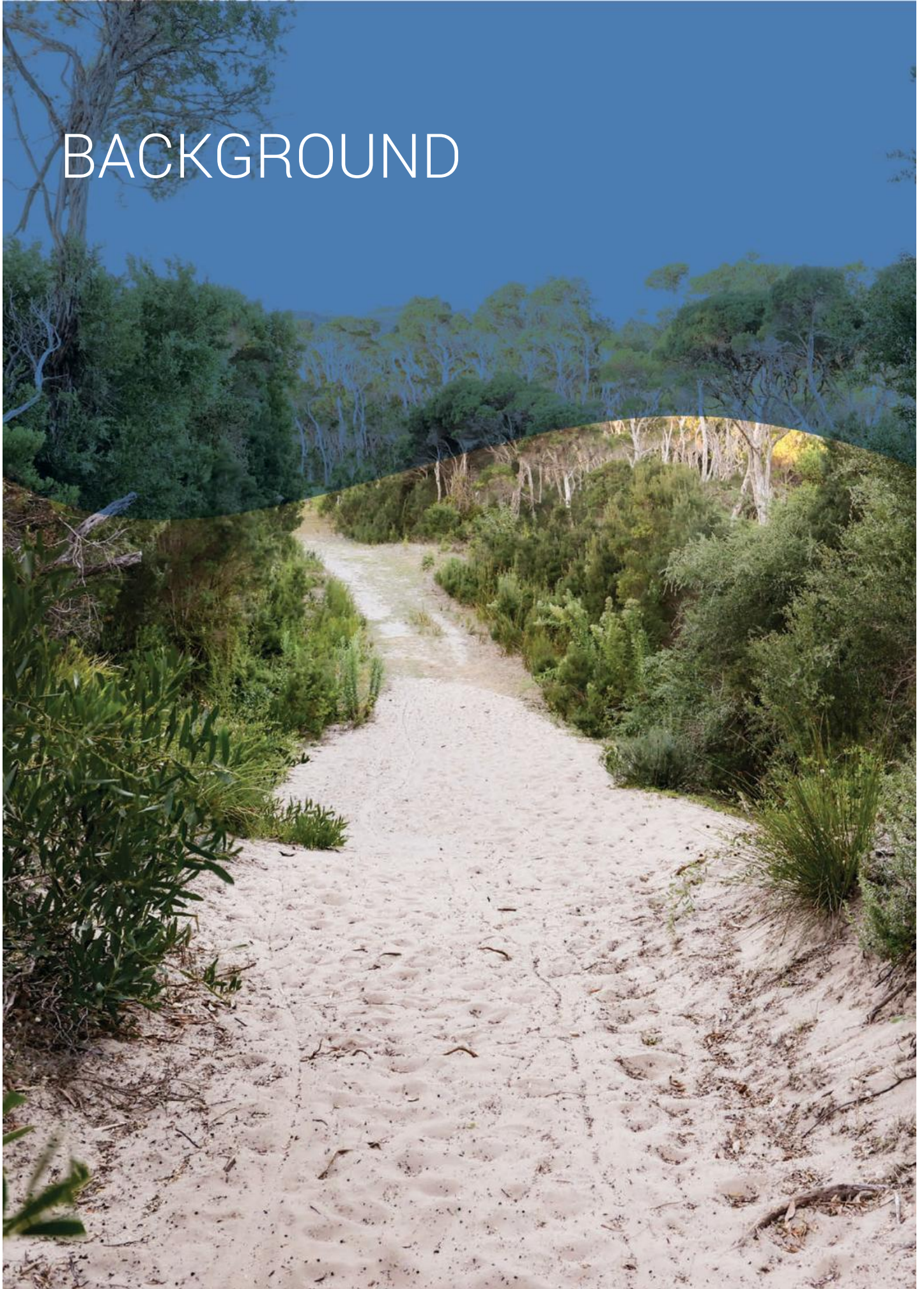
This strategy is not set in concrete. It is the first stone in what is likely to be a long and windy path. We predict and accept, that there will be challenges and frustrations along the way.

Our best chance of success is to work collaboratively with other councils, with the State Government, with local community groups and with residents. Our coastline is loved by so many, and it is going to take a shared, collaborative effort to ensure it remains protected.

I'd like to acknowledge the foresight of our Councillor group in leading and driving the development of this strategy to ensure South Gippsland remains a terrific – and safe – place to live, work and visit into the future, and I'd like to thank Council staff for their work to bring this strategy to fruition. Most of all I'd like to thank and acknowledge the myriad stakeholders that took the time to provide input to this

“Our best chance of success is to work collaboratively with other councils, with the State Government, with local community groups and with residents.”

BACKGROUND



Background

1

Objective Statement

The South Gippsland Coastal Strategy aims to provide strategic direction for the planning of South Gippsland's coastal areas. It considers the impacts and opportunities for growth and development on the natural and built environment. The project is a Council Plan objective whose outcomes will help inform Council's existing operations and future growth management.

Note: Council's Coastal Strategy will be reviewed and updated as policy changes occur and new information becomes available.

The role of federal, state and local government

State and Federal Government policy related to coastal planning and development is constantly evolving, and the regulatory framework governing land use and development along the coast is complex.

The outcomes of our Coastal Strategy must align with the State Government's requirements for it to be successfully implemented by Council.

Further reading:

[Marine and Coastal Act 2018](#)

[Marine and Coastal Policy 2020](#)

[Marine and Coastal Strategy 2022](#)



Adaptation actions

When reading this strategy, it is beneficial to consider the *Marine and Coastal Policy* Adaptation Actions regarding the management of coastal risks. The Adaptation Actions are central principles for coastal planning and are embedded in State Planning Policy - alongside planning for 0.8 metre sea level rise by year 2100 - as key principles for coastal planning.

1 Non-intervention

Allow natural process to occur unhindered.

2. Avoid

Place new development in areas less likely to be affected by coastal processes.

3. Nature-based methods

E.g. restore / protect natural systems like dunes, mangroves and salt marshes to mitigate against coastal erosion.

4. Accommodate

Design buildings and infrastructure to be resilient to coastal processes so they are less likely to fail when exposed to coastal processes.

5. Retreat

Relocate use and development to a location unaffected by coastal risk.

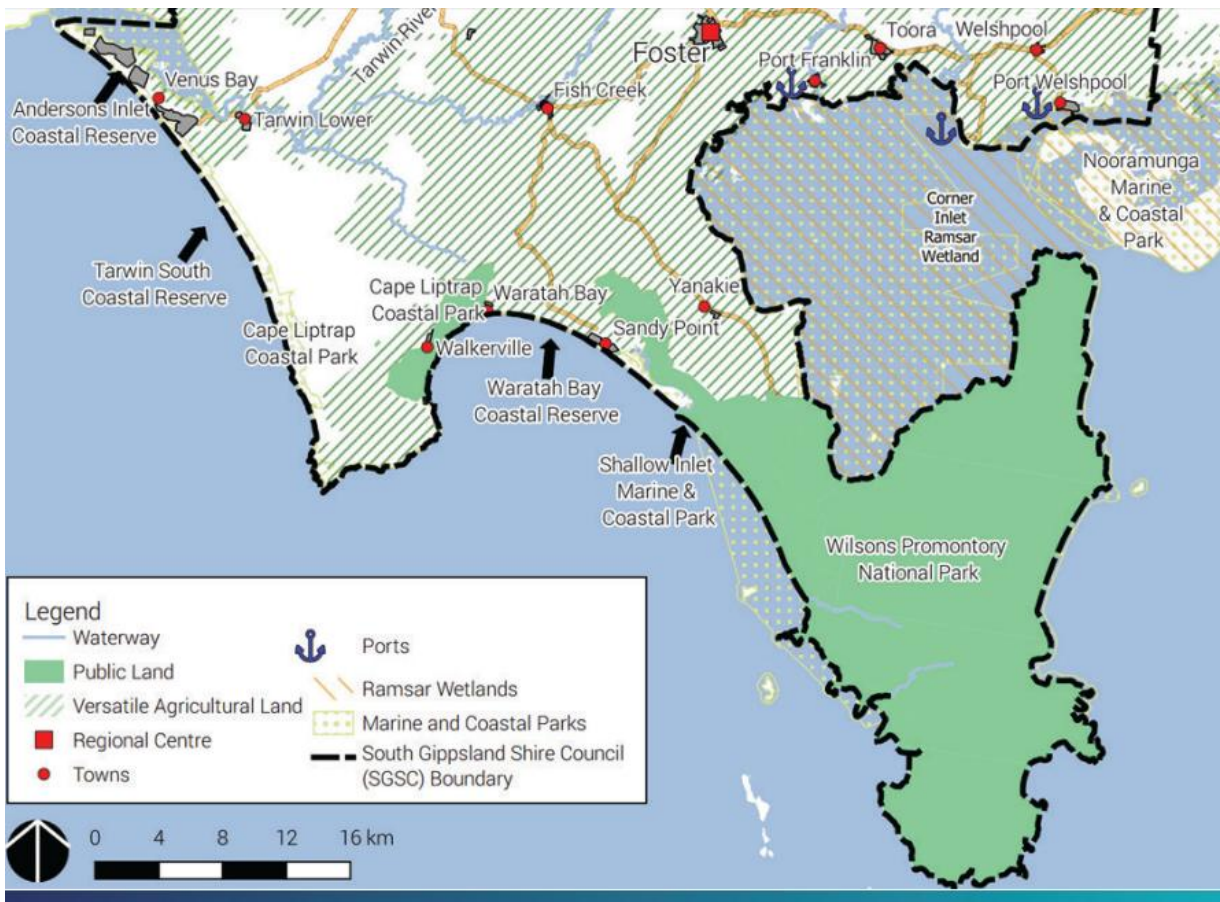
6. Protect

Existing physical infrastructure is enhanced or new infrastructure built to provide a hard engineering protection against erosion or inundation

Responsibility of coastal waters

Responsibility for coastal waters predominantly sits with the State Government. The use and development of land from the high tide mark and inland is predominantly regulated by the *Planning and Environment Act 1987* and the South Gippsland Planning Scheme. Coastal waters up to three nautical miles from the high tide mark are typically the responsibility of the State Government. The Federal Government is the responsible authority for the balance of Australia’s internationally recognised territorial waters.

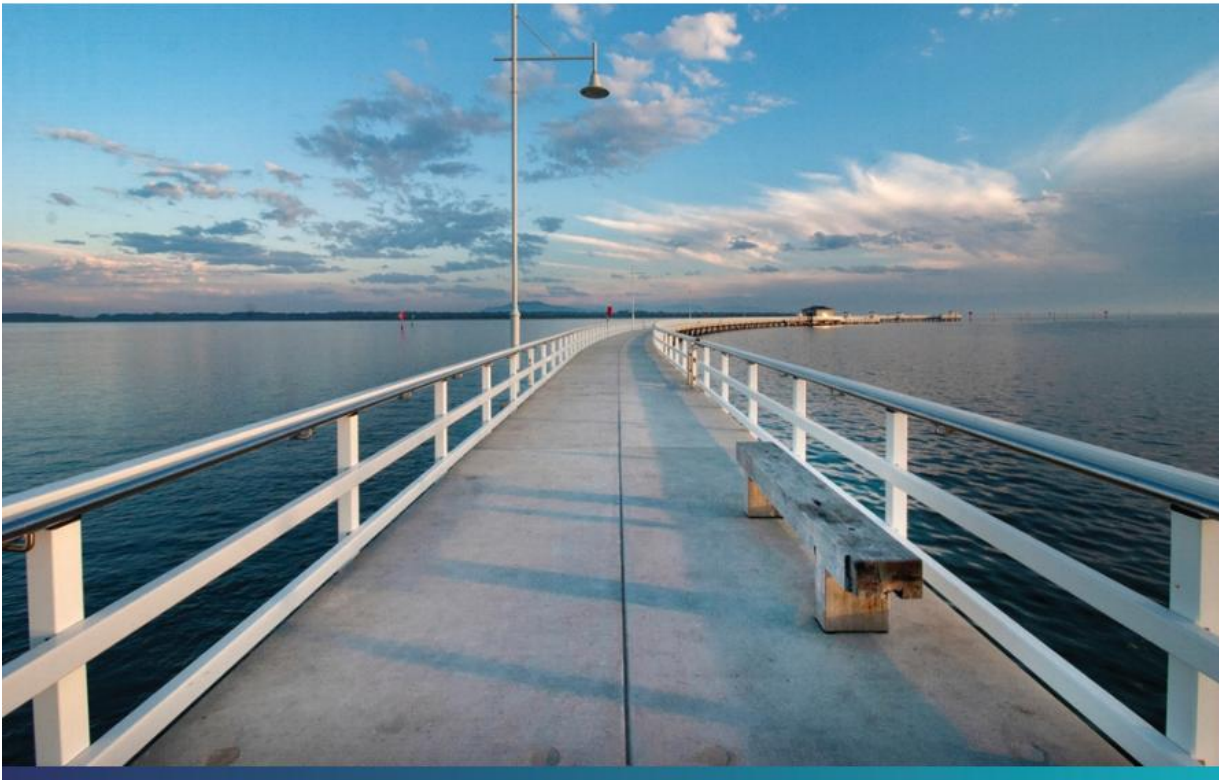
South Gippsland Shire Council has no direct responsibility or control over coastal waters. Offshore wind energy facilities are located in Federal Government waters (Australian Territorial Sea).



Council priorities

Council is committed to responsible planning and management of the South Gippsland coastline, and this is particularly evident in the following Council Plan 2022 - 2026 major initiatives and priorities:

- *Build resilience in our community and organisation to mitigate risk and damage caused by extreme weather events*
- *Support our communities to respond to existing and emerging risks to their liveability and environmental health*
- *Advocate, plan and encourage the protection of our natural landscapes and coastlines*
- *Manage urban growth within defined town boundaries to deliver fit-for-purpose infrastructure in partnership with other agencies that share this responsibility.*
- *Protect the character of our communities including our built, natural and cultural heritage.*
- *Develop a Reconciliation Action Plan in partnership with the Bunurong and Gunaikurnai people.*
- *Develop a strong relationship and partnership with the Bunurong and Gunaikurnai people to support out common environmental, cultural social and economic objectives.*
- *Investigate opportunities to better manage the impacts of unregistered Short Stay Accommodation.*



Engagement

2

This is what we heard

The South Gippsland Coastal Strategy engagement was extensive and achieved a high response rate.

The feedback was obtained through a variety of methods including online and in-person and included six pop-up events held in Port Welshpool, Toora, Sandy Point, Venus Bay, Tarwin Lower and the Stony Creek Racecourse.

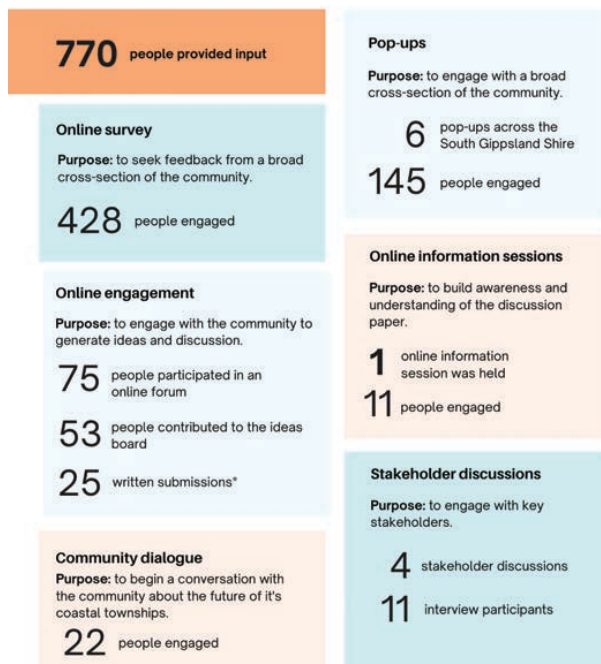
Of the respondents who provided demographic data, 64 per cent stated their main place of residence was in South Gippsland. Thirty six per cent stated their main place of residence was a non-South Gippsland Shire location.

Most respondents (just under 60 per cent) were resident home owners, although holiday home owners were also strongly represented (just under 40 per cent).

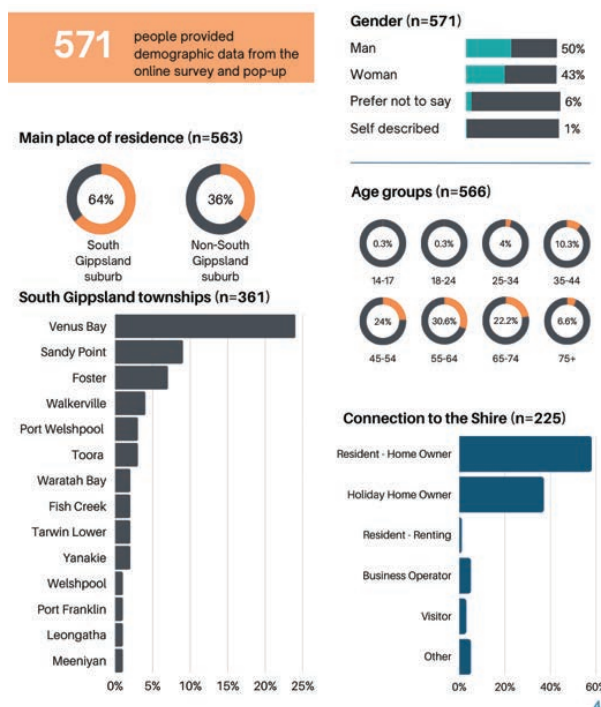
Venus Bay was particularly well represented during the engagement, attracting 24 per cent of responses. This is likely due to widespread interest in the project in Venus Bay and active promotion of the engagement opportunities. The full Coastal Strategy engagement report, can be viewed at: www.southgippsland.vic.gov.au/coastalstrategy

An important goal of the engagement was to build awareness in the community about the coastal hazards and their potential impacts and to start a conversation about what this means for the future of the coastal townships.

The decision to undertake a broad and inclusive engagement process demonstrates Council's commitment to building trust with the community by involving them in the decision-making process and ensuring the Coastal Strategy reflects their needs and concerns.



Note: Some submissions were submitted via email to Council.



POPULATION PRESSURE AND DEVELOPMENT

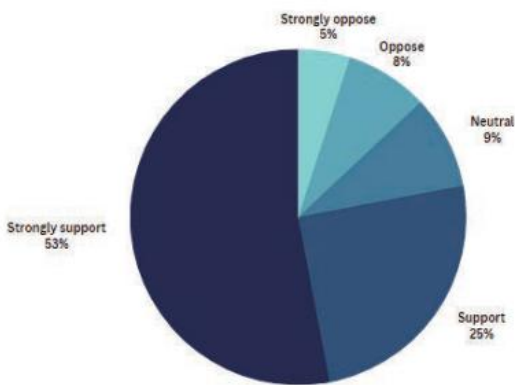


What we heard

3

Survey Question: Removal of Growth Areas

Explore the removal of our growth areas from the planning scheme for Venus Bay, Sandy Point and Waratah Bay, which means the townships would not expand beyond their current boundaries.



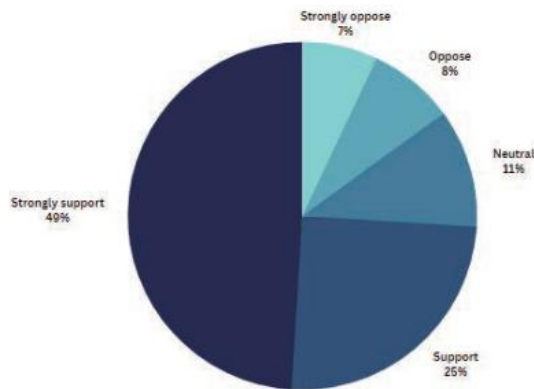
This is what we heard:

The majority of people we heard from supported the removal of growth areas in Venus Bay, Sandy Point, and Waratah Bay. This was primarily due to concerns about:

- The environment (climate change, wildlife conservation and impacts on other environmental issues)
- Infrastructure (roads, parking, water supply, sewerage, powerlines) and
- Maintaining town character (loss of community feel and impact on tourism)

Survey Question: Planning Scheme provisions (one dwelling per lot) and no further subdivision

Council is proposing to explore a Planning Scheme provision that restricts new development to one dwelling per lot and restricts subdivision.



This is what we heard:

The main reasons for supporting the proposed planning scheme provisions (one dwelling per lot and subdivision restriction) were to protect the natural environment and wildlife, preserve the coastal and rural character, and minimise overpopulation and overcrowding.

Residents and holiday homeowners, who made up the bulk of the respondents, also highlighted concerns about overdevelopment and its effects on the community and the need to encourage appropriate and sustainable housing.

Removal of growth areas

77% of survey and pop-up respondents supported this proposed action



Planning scheme provisions

74% of survey and pop-up respondents supported this proposed action



Population pressure and development

4

"Maintaining the current character & density is important to me to protect our environment and wildlife. I enjoy the lifestyle here living in nature."

Respondent: Coastal Strategy Engagement 2023

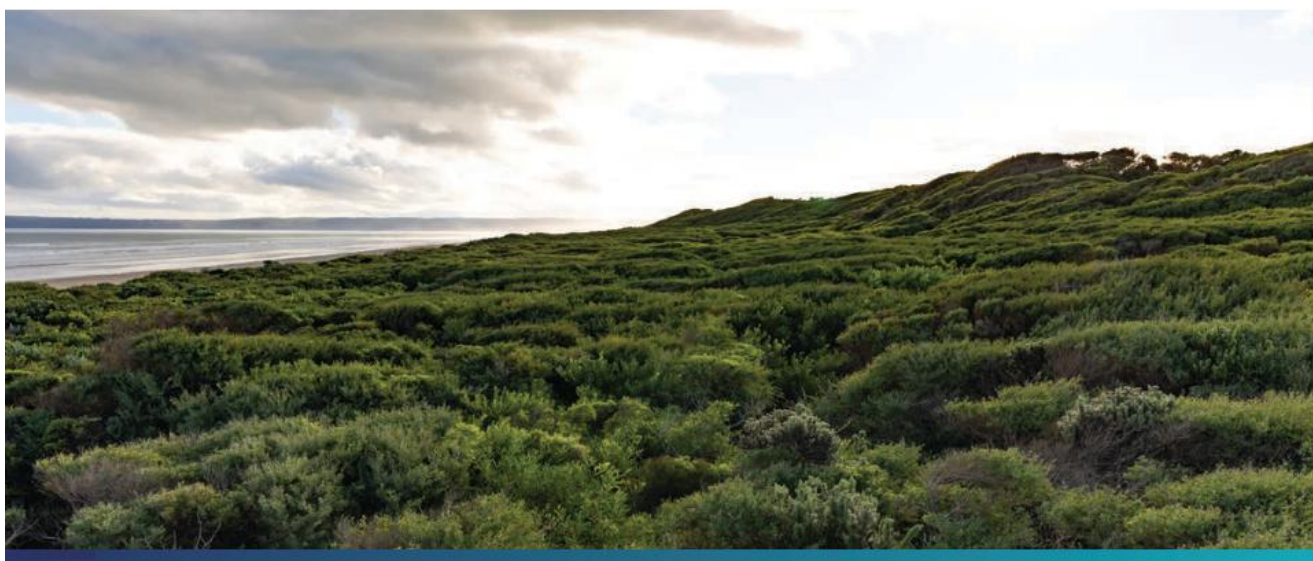
"Services and resources in small coastal settlements can be as fragile as the environment, so human development needs to be realistic, practical and appropriate. The amenity of this area lies in the small scale of towns and community connections, which would be impacted by subdivision."

Respondent: Coastal Strategy Engagement 2023

Population pressure and development

South Gippsland's coastal area accounts for approximately 13 per cent of the total municipal population. Second home ownership along our coast is unsurprisingly high. Population issues relating to coastal settlements include:

- Greater exposure of residents to coastal hazard risks including flood and fire.
- The continuing transition of holiday homes to primary and part-time places of residence, which could significantly increase permanent settlement populations. Opportunities to work from home will likely see this trend continue.
- Increasing pressure for growth with the likely continuing development of vacant lots and redevelopment of existing housing stock from small scale holiday homes to more substantial structures. This will likely impact township character.
- Increasing service level expectations of residents leading to demand impacts on service providers for both development infrastructure (sewer and water) and social services.
- Issues related to emergency response (e.g. flooding cutting access to townships).
- Housing and rental affordability and the impacts of short stay accommodation on housing supply.



Removal of greenfield growth areas in coastal townships: Retention of existing town boundaries

Urban Design Frameworks prepared in 2005 identified greenfield areas for residential expansion in Venus Bay, Waratah Bay and Sandy Point. To date, only one expansion area has been rezoned in Waratah Bay with the other areas remaining in the Farming Zone.

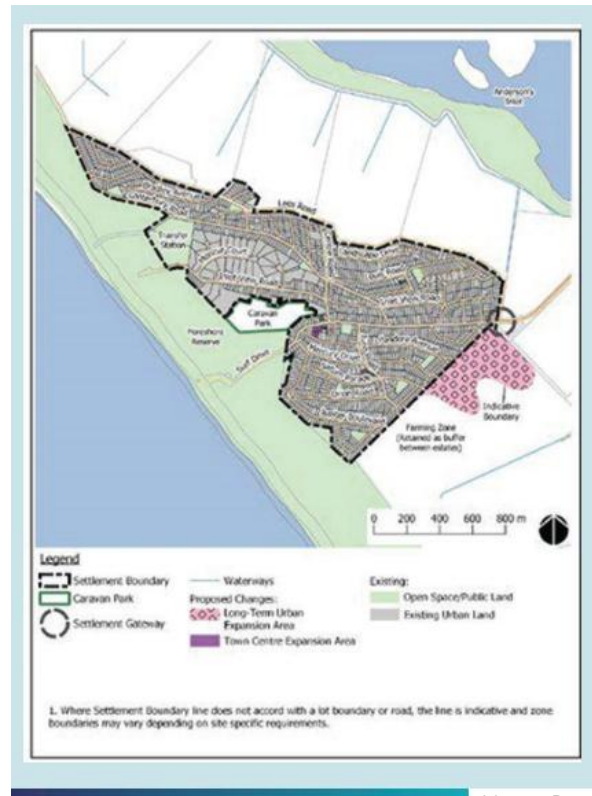
No other coastal townships have been identified as greenfield residential expansion areas.

At Sandy Point, the residential growth area is now within the Land Subject to Inundation Overlay. In Venus Bay and Waratah Bay, the proposed growth areas have a single road access point that is also within the Land Subject to Inundation Overlay.

It is likely that these areas would be isolated during a flood event. These residential growth areas are now considered legacy decisions and would be highly unlikely to be supported by either Council, the WGCMA or State Government should a rezoning request be made. Their inclusion in the planning scheme leads people to incorrectly assume the areas have development potential, but this is unlikely to be the case.

Removal of the growth areas is consistent with Council's Housing and Settlement Strategy 2013 which recommended the existing development boundary be made the permanent boundary in accordance with the State policy at that time.

Removing township expansion areas is an effective way to reduce the potential exposure of more people to coastal hazard risk in the future. This Strategy supports the continuing development of existing residential lots for single dwellings within the established township boundaries with an understanding that allowing development to continue to occur will result in more cumulative exposure to risk to people and property over time.



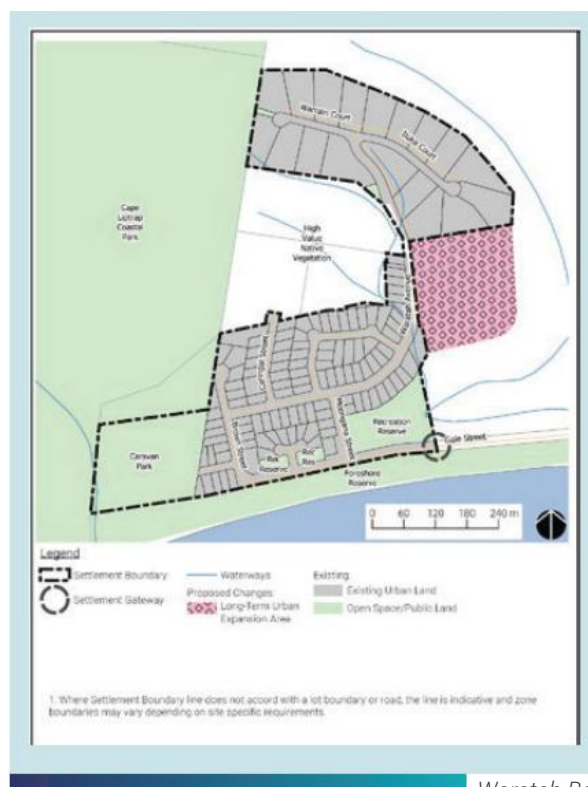
Venus Bay



Sandy Point

Prohibiting the development of existing lots, or government buy-backs of 'at-risk' lots is not supported by government policy at this point in time, and cannot be considered in the absence of clearly elaborated State or Federal Government policy support.

Council should continue to monitor and respond to State and Federal Government policy changes, and best available science, to ensure we manage our coastal planning risks and liabilities on a proactive basis.



Waratah Bay

Second dwellings and residential subdivision restrictions

Unlike most coastal townships closer to metropolitan Melbourne, many of our coastal townships still have a large number of vacant lots yet to be developed and a high proportion of lots with older housing stock which is likely to be redeveloped.

There are approximately 1,200 vacant lots in our coastal townships and Venus Bay is notable for having approximately 700 vacant lots. Some of these lots are in tenement ownership (adjoining lots in a single ownership), most containing a single house.

Each lot in a tenement is potentially separately saleable so the development potential of townships like Sandy Point, Venus Bay and Promontory Views is higher than it appears from casual inspection. An intensification of residential development could fundamentally change the development pattern, visual character and vegetation coverage in our coastal townships.

Although a serious development intensification threat is yet to emerge, it is foreseeable. When combined

with the risk of exposing more people to coastal hazard risks (inundation, isolation, erosion and bushfire), now is an appropriate time to introduce clearly set out planning policy to either strongly discourage or prohibit the subdivision of residential lots, and the development of more than one dwelling on a lot. This precautionary approach to managing exposure to climate change risk is consistent with the 'Avoid' principle set out in State planning policy at Clause 13.01-21S 'Coastal inundation and erosion'. Our existing understanding of the inundation and fire risk to many of our coastal townships supports taking these precautionary actions for our most 'at risk' townships in the near future.

For the purpose of clarity, were this to occur at this time it would still allow the development of a single dwelling on a single vacant residential lot, the redevelopment of a lot with a new dwelling, or the sale of lots out of tenement ownership so that each individual lot in a tenement holding can be developed.

ENVIRONMENT AND LANDSCAPE

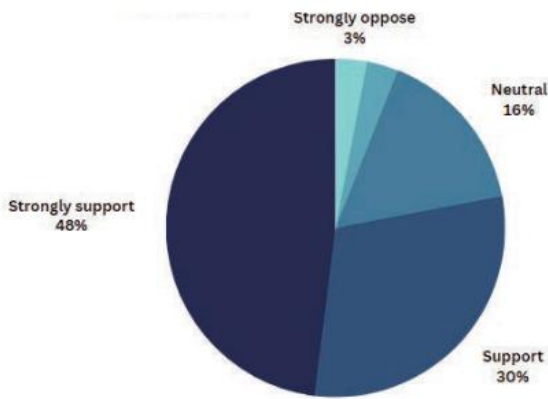


What we heard

5

Proposed Action: Common Ground Initiative

Investigate the 'Common Ground' community initiative on the land adjoining Andersons Inlet at Venus Bay that proposes nature-based adaptation concepts that if implemented, will assist in managing storm surge, flooding and coastal erosion. Council's role in the initiative is to advocate to the State and Federal government for funding and support. Please indicate your level of support.



This is what we heard:

Many respondents expressed their support for the Common Ground initiative as a means of protecting and restoring the natural environment. They emphasised the need to preserve and maintain the coastal habitats, wetlands, and native flora and fauna. It was also viewed as important for climate change and flood mitigation and management. Some respondents saw the potential for economic benefits and opportunities for eco-tourism associated with the restoration and management of the natural environment.

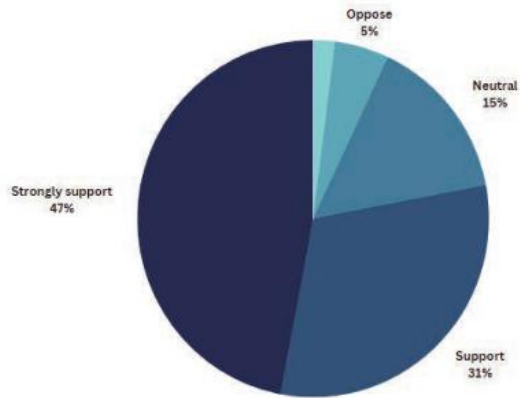
Common Ground initiative

78% of survey and pop-up respondents supported this proposed action



Proposed Action: Nature-based solutions

Like the 'Common Ground' community-led initiative, Council is looking to investigate projects that draw on nature-based solutions to help mitigate coastal hazards, such as salt marshes instead of sea walls and levies. Please indicate your level of support.



This is what we heard:

Nature-based solutions for coastal hazard mitigation are preferred by the community over traditional engineered solutions due to their environmental benefits and cost-effectiveness.

The responses also emphasise the importance of involving local communities and stakeholders in the planning process and call for further research into the effectiveness of these solutions.

People would like a comprehensive, holistic approach that considers multiple factors such as environmental health, hazard management, and economic initiatives to ensure the best outcomes.

Nature-based solutions

78% of survey and pop-up respondents supported this proposed action



Environment and landscape

6

"Nature-based approaches are working with the land and natural processes rather than contrary to them."

Coastal Strategy Engagement 2023

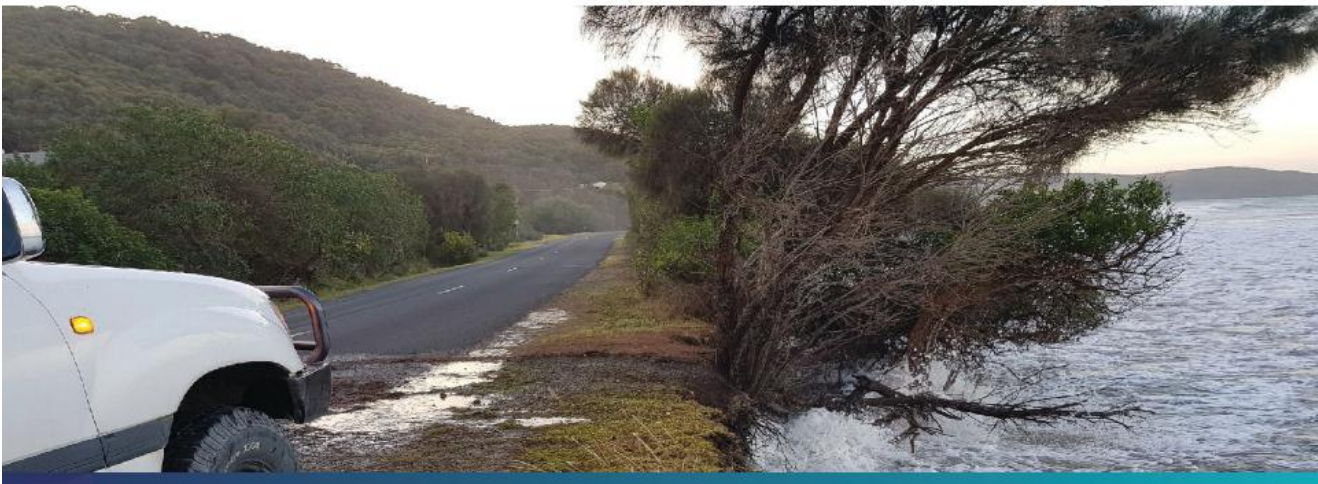
Environment and landscape

Between now and 2100, the impact of climate change experienced by inundation and storm surge is likely to lead to the following outcomes:

- *Access to coastal settlements being compromised by inundated roads.*
- *Inundation of coastal properties due to sea-level rise.*
- *Inundation of agricultural land along the coastline.*
- *Loss of vegetation (including coastal mangroves) and habitat for indigenous fauna.*
- *Increasing and cumulative impacts on development and community infrastructure including walking tracks, fishing platforms, jetties and boat ramps, rock revetment seawalls and levees.*
- *Impacts on cultural heritage assets such as Aboriginal shell middens and Walkerville lime kilns.*

The following potential actions are identified as opportunities to mitigate risks related to this theme:

- *Update risk hazard mapping and planning provisions when new information becomes available;*
- *Nature-based adaptation opportunities;*
- *Coastal landscape protection;*
- *Coastal risk hazard assessments;*
- *Vegetation protection in coastal townships; and*
- *Advocate for coastal-specific hazard risk planning controls.*



Wave erosion undermining road – Walkerville

Coastal Landscape Protection

In recognition of growing threats to landscape values, the State Government introduced changes in 2018 to the *Planning and Environment Act 1987* to enact its Distinctive Areas and Landscapes program.

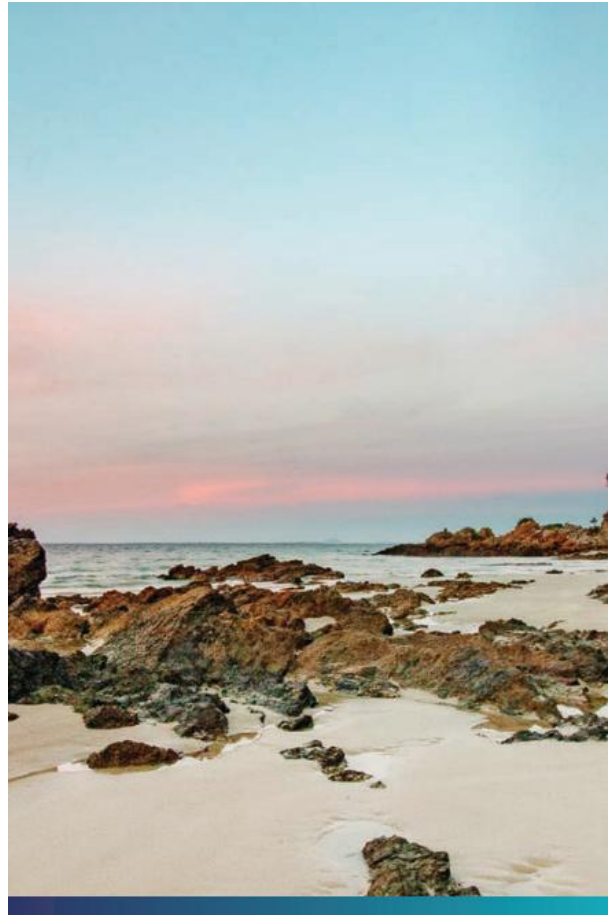
Declaring an area as a Distinctive Area and Landscape (DAL) requires:

- *The preparation of a Statement of Planning Policy (SPP) led by the State Government in partnership with local government and Traditional Owners.*
- *The development of a long-term vision and strategies to protect distinctive areas in consultation with local communities.*
- *Introducing the opportunity for protected settlement boundaries for townships – like Melbourne’s urban growth boundary.*

These protections are at various stages of development along the Bass Coast, Surf Coast and Bellarine coastlines. The projects are prepared in collaboration with the local council and communities.

Views of the Corner Inlet amphitheatre, long distance views to Wilsons Promontory and the rugged coastal landscape around Cape Liptrap are some of the most spectacular views in Victoria.

Council will monitor the implementation of the Distinctive Areas and Landscapes program across the State. It will consider other Council’s experience and determine whether to advocate to State Government to introduce similar controls in South Gippsland.



Coastal risk hazard assessment

Coastal risk hazard assessments can inform Council and the community of which Marine and Coastal Policy Adaptations Actions are appropriate in the short-, medium- and long-term.

They provide a more detailed understanding of the inundation and erosion risks in our coastal communities, which can help with future planning.

Undertaking coastal risk hazard assessments can be complex and expensive which means there needs to be a strategic determination on when and where assessments should occur.

Council has identified three sites that would benefit from a detailed coastal risk hazard assessment:

- Port Welshpool
- Walkerville North
- Waratah Bay

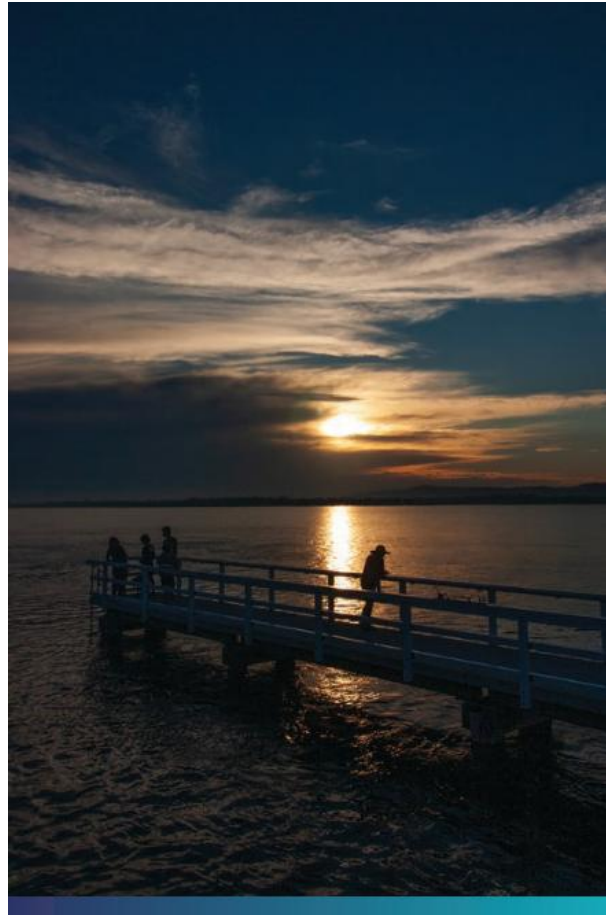
Port Welshpool is included in the Land Subject to Inundation Overlay because of its low elevation and flat terrain.

It should be noted, that even though further investigative work in these communities would be advantageous, this does not mean that other precautionary actions shouldn't be commenced now, based on Council's understanding of the risks.

Responding to climate change is going to be an ongoing process where obtaining and implementing new information will be a constant challenge.

Council is working with the State Government in the preparation of the Cape to Cape Resilience Plan (Cape Paterson to Cape Liptrap) which investigates the impacts of climate change and rising sea levels on our coastline and options to manage the impacts.

The Resilience Plan will be a foundation on which government and the community can adapt to the dynamic changes and growing risks occurring.



Native vegetation protection in coastal townships

Native vegetation in coastal settlements forms a large part of the coastal character of these communities. It also provides important fauna habitat and holds delicate dune systems together.

A challenge with vegetation protection in coastal communities, and particularly in communities where the residential lots are small, is that state planning policy provisions allow for extensive removal of vegetation around accommodation buildings for the purpose of bushfire protection. State planning policy for bushfire prioritises the protection of human life over all other policy considerations.

Outside of township boundaries, on Crown land and in the Farming Zone, the controls to protect vegetation are stronger.

The development footprint of new dwellings in coastal townships is trending larger. This reduces the ability to retain vegetation on the development site and when combined with the need to plan for bushfire safety, vegetation coverage in our coastal townships is noticeably declining.

The loss of vegetation on private land increases the significance of retaining vegetation in the road reserve, which can create more challenges if footpaths are developed. Although Council has limited powers when the vegetation removal is legally undertaken, there is an opportunity to work with landowners to provide education and information resources.

Advocate for coastal-specific planning controls

South Gippsland Shire Council is currently using the Land Subject to Inundation Overlay to identify coastal inundation risk and is likely to use the Erosion Management Overlay in the future. However, these provisions are a generic planning tool and do not place front-and-centre the issue of climate change risk in the minds of people living in or moving to a potentially at-risk community.

Advocacy alone can be a challenging approach to achieve change unless the advocacy can fit within the framework of an existing State or Federal program. While noting these challenges, this Coastal Strategy suggests that State Planning Policy could be improved by the provision of a planning scheme zone or overlay control specifically designed to more clearly address coastal hazards, the long-term impacts and risks of climate change.

Planning policy is constantly evolving and the rate of change will likely increase as our understanding of environmental risks improve. Local Government has a role in leading and informing this change and to be receptive to proposed changes if appropriate.



Wave erosion undermining road – Walkerville

DEVELOPMENT OF INFRASTRUCTURE AND MANAGEMENT

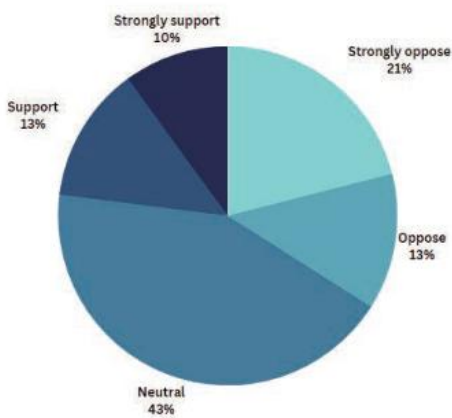


What we heard

7

Proposed Action: Transfer of Crown Land

Investigate the transfer of land management responsibility to the State Government for Council managed coastal crown land (such as Yanakie foreshore, Fisher Reserve at Foster and Waratah Bay). Please indicate your level of support.



This is what we heard:

Only about a quarter of the people we heard from agreed with the proposed transfer of Crown Land, emphasising the importance of environmental protection, conservation, and better resource management.

About a third oppose the proposal, expressing concerns about state government management and stressing the significance of local knowledge and input. Slightly less than half remained neutral, citing a lack of information, management concerns, or ambivalence about the potential impacts of the proposed action.

Transfer of crown land

24% of survey and pop-up respondents were supportive of this proposed action, while 34% were not supportive



"This will improve consistency of management and bring these areas directly under the state's environmental legislation and policy."

Coastal Strategy Engagement 2023

"Council seems not to have sufficient resources and/or funding/motivation for management required."

Coastal Strategy Engagement 2023

"Local government is more perceptive and receptive of community feedback in relation to land management of foreshore areas."

Coastal Strategy Engagement 2023

What features or characteristics do you value about the township you live in or visit?

People highly value the natural environment and wildlife surrounding our coastal townships. The sense of community and the welcoming, supportive people were also frequently mentioned, indicating strong social networks in the townships. Peace and quiet are important, reflecting a desire for a slower, more relaxed pace of life.

Overall, respondents appreciated the rural or small-town character of the townships and their natural coastal features, such as beaches and scenic beauty, without excessive development or high-rise buildings.

The following features or characteristics were most highly valued by residents and visitors, in order from most frequently to least frequently mentioned:

- Natural environment and wildlife
- Community and people
- Peace and quiet
- Rural and small-town character
- Beaches and natural coastal features



"The natural environment. Living in the bush with space between residences. The abundance of bird life and wildlife. Supportive community."

Coastal Strategy Engagement 2023

"Sense of community and effective community capacity not experienced by me in Melbourne."

Coastal Strategy Engagement 2023

"Proximity to the ocean and inlet for recreational purposes and birdwatching and photography. The enjoyment of being surrounded by native, coastal bush."

Coastal Strategy Engagement 2023

Development infrastructure and management

8

"Seawalls and levees in some areas may be necessary to mitigate rising sea levels and protection against storm surge."

Coastal Strategy Engagement 2023

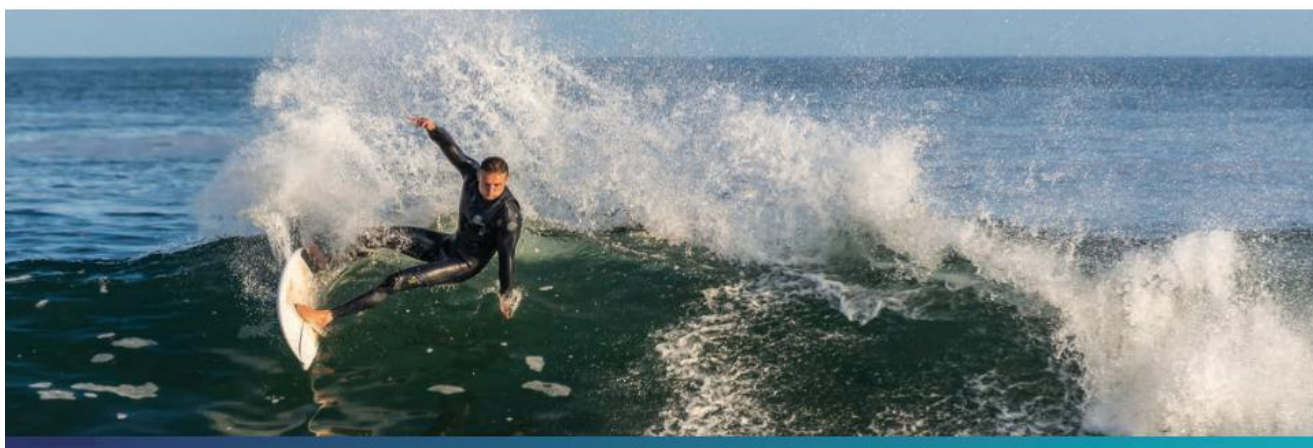
Development infrastructure and management

Existing coastal infrastructure is increasingly under pressure, especially during the summer periods, where there is increased usage and demand for public toilets, parking spaces, walking tracks, and boating facilities. Infrastructure such as roads and sea levees are also impacted by coastal hazards and weather events. Establishing, maintaining and renewing public assets in coastal areas comes at a cost for the relevant authorities including VicRoads, South Gippsland Water and Council, especially in areas that face known risks (e.g. flooding, erosion, bushfire). The ongoing demand for asset renewal and investment needs to be carefully considered.

As populations in coastal settlements grow, pressure for more services also increases. This pressure is compounded by rising community expectations of what is acceptable as a minimum level of infrastructure. How we manage growth and what level of servicing we provide in our coastal townships will be a key focus for Council.

As infrastructure provided by Council and other agencies ages, decisions need to be made about whether to repair, redesign, or renew the infrastructure. New and renewed infrastructure in vulnerable areas may not be appropriate if it is likely to be affected by climate change, for example, placing a building in a primary coastal dune. The South Gippsland Blueprint for Community and Economic Infrastructure is best positioned to take into consideration these pressures and risks and guide Council and the community in making informed decisions regarding infrastructure.

Council has an opportunity to proactively prepare a position that guides asset investment, renewal and removal in coastal areas, particularly in areas affected by coastal hazard risks. This would reduce impact on resources associated with asset protection and construction where it is likely to be damaged or destroyed in the future. It could also apply to service provisions.

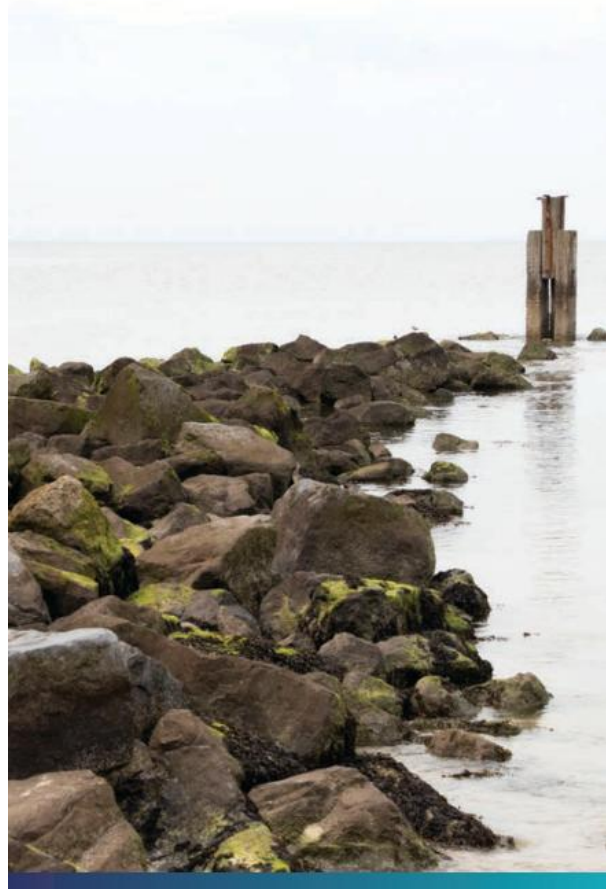


Sea walls and levees

Approximately 90 kilometers of sea walls and coastal levees were established in South Gippsland, mostly to protect agricultural land. Almost all coastal Levees (rammed earth formations that make up the majority of the 90 kilometer extent) are located on private land. Sea walls (block work or concrete constructions) are relatively rare and are more commonly public infrastructure and associated with urban areas and ports.

Key risks to the management of levees

- *Some beneficiaries of levee protection have been managing and maintaining the structures through agreements with landholders, however some levee sections have no such agreement and are unmaintained. Preliminary investigations by Council have found that erosion and failure of coastal levees has the potential to impact hundreds of residential properties, farming land and major access roads.*
- *Levees and seawalls were not designed to manage the impacts of climate change and while they may provide some short-term benefit, they are not a long-term solution.*
- *The presence of coastal levees can create false security and the unrealistic expectation that levees can address the impacts of rising sea levels and increased storm activity. It is a common belief that public authorities will assume responsibility for their management and maintenance as a response to managing climate risk, however this is unlikely to occur.*



Bores and wastewater treatment systems

Many properties in coastal areas depend on bores for their non-potable water supply. Bores are regulated by Southern Rural Water and approved without consideration of development impacts. Wastewater systems must not be located close to bores for health reasons. If a wastewater system cannot be accommodated on a vacant residential property because of the close proximity of an existing bore, then it cannot be developed with a house. Existing mapping of bores that are available is often inaccurate and hard to verify and, as a result,

Committees of Management

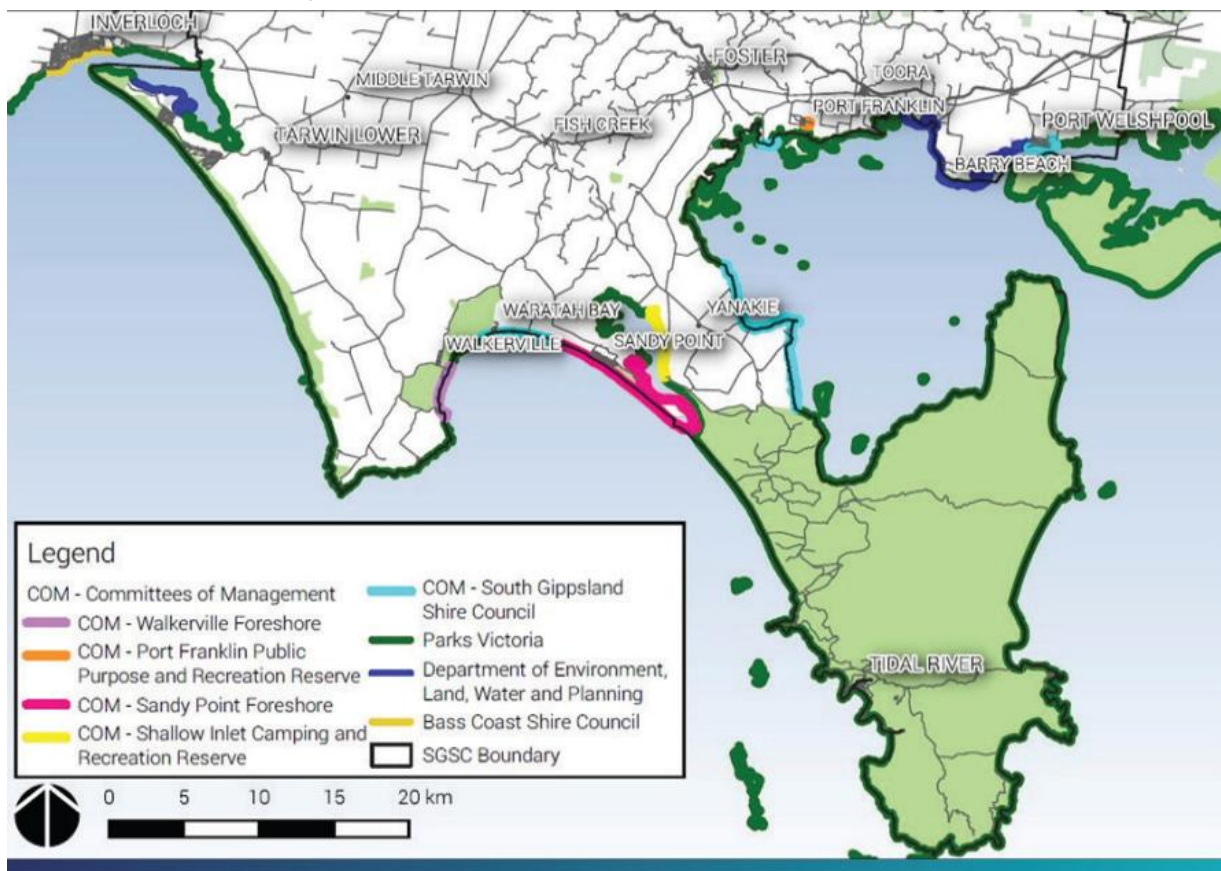
South Gippsland Shire Council is the Committee of Management for three sections of coastal Crown Land:

- Yanakie foreshore (18 kilometres);
- Fisher Reserve;
- Foster Beach Fisher Reserve (1 kilometre); and
- Waratah Bay (4.5 kilometres).

Council faces a range of issues in managing this land including a lack of resources for monitoring, enforcement and asset maintenance. The Victorian Environmental Assessment Council's Marine Investigation (2014) recognises the significant natural ecosystems of Corner Inlet and proposes that the boundaries of the Corner Inlet Marine and Coastal Park be formally defined.

The State Government has previously indicated to Council that they would be willing to take over responsibility for the Yanakie foreshore, subject to reaching an agreement with Parks Victoria to become the land manager. It is likely that a similar arrangement could be struck regarding the other Council-managed sites.

However, feedback on this matter during the engagement period was mixed, and no definitive result was able to be drawn. In fact the majority of respondents when asked if land management should be transferred to the State Government were neutral, which shows a high level of uncertainty. There was also significant concern expressed by owners of boat sheds on the Yanakie foreshore, which indicates - at the very least - that more consultation with impacted residents and stakeholders would need to be occur before any action was undertaken.



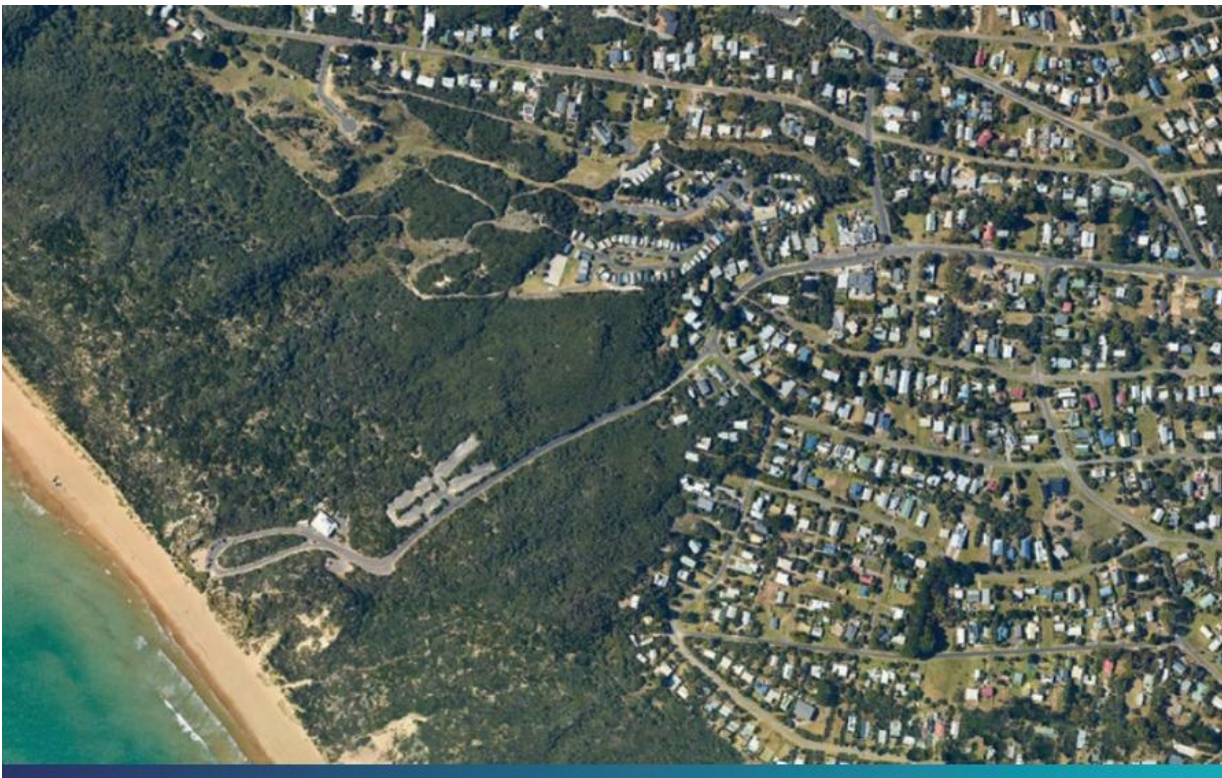
Township character protection

Each coastal township has its own unique character. Port Welshpool and Port Franklin are long established townships and have a built form which is significantly different to more recent subdivisions like Promontory Views and Sandy Point, which were established in the 1950s and 60s during Victoria's first coastal holiday township boom.

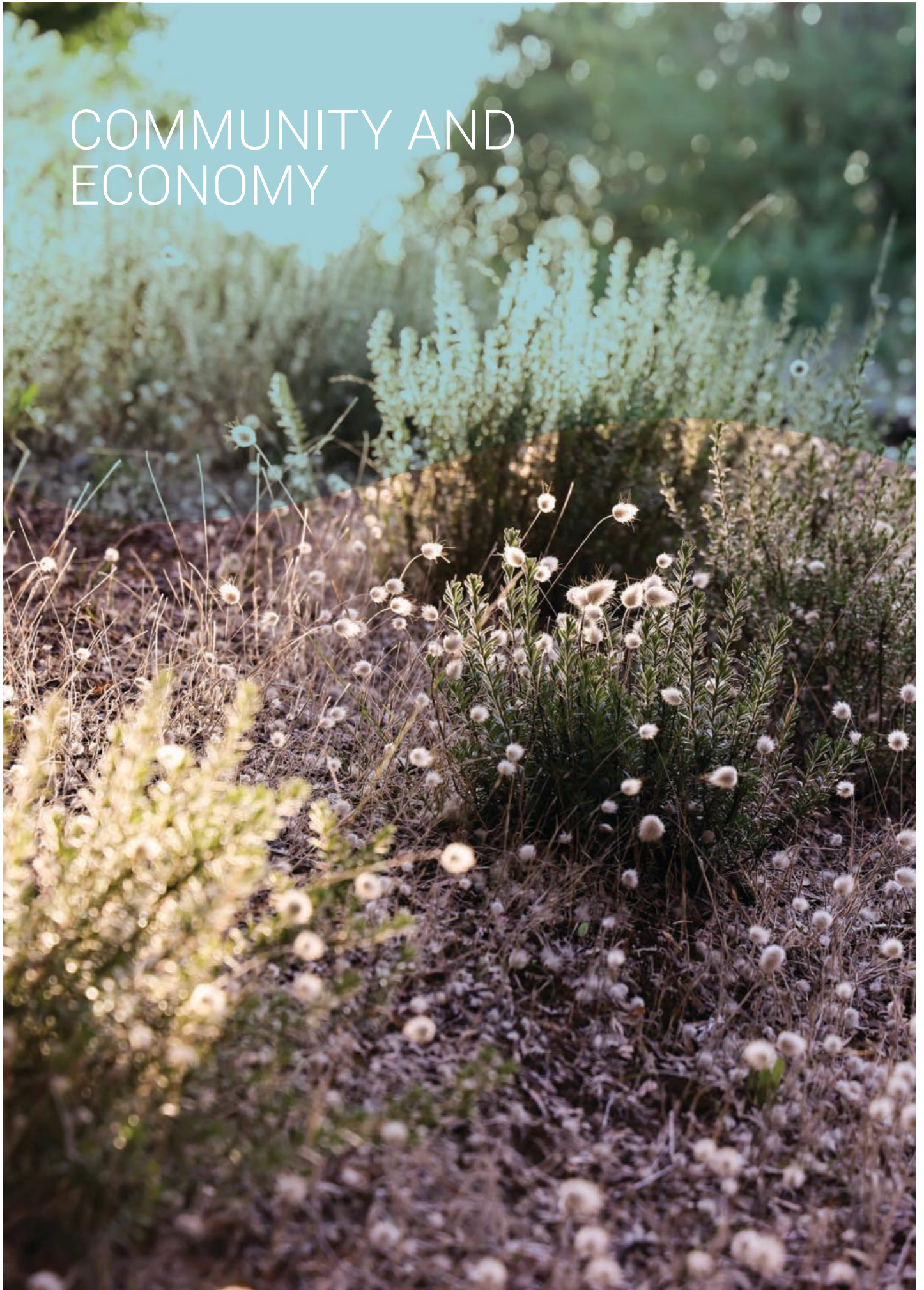
Townships will typically change over time as new design preferences emerge. Township character is a process of evolution and there is no single answer to what character a township should have now or in the future. The planning scheme can guide the development of township character through the introduction of built form and design controls.

If a desire emerges to explore measures to protect key elements of our coastal townships that are central to character protection, Council has the option to review its current zoning and planning scheme overlay controls. One option may be application of the Neighbourhood Residential Zone which requires the preparation of a character statement to guide building design.

As shown in the engagement overview, Coastal Strategy survey respondents had clear ideas about what attracted them to the South Gippsland coastline and what attributes they would like to see protected. Based on the feedback received, a township character assessment would be well-received by local residents, however this would be a large - and potentially costly - piece of work that, would sit outside of the Coastal Strategy.



COMMUNITY AND ECONOMY



What we heard

9

Community Dialogue

A Community Dialogue was undertaken to take an in-depth look at the possible impacts of limiting growth in coastal townships in response to coastal challenges.

Twenty-two people from various South Gippsland community groups were asked to identify priority areas that would need to be addressed if planning controls were put in place.

Participants explored the impacts of limiting growth through the lens of the environment, infrastructure, population/community, and economy. The big issues and questions identified by the community were:



Community and social equity

- There was a concern that limiting growth would lead to more 'exclusive' communities as property prices increase and families and workers are priced out of the housing market.
- Concerns were raised that by restricting further development, coastal townships would increasingly be reserved for wealthy people and families purchasing holiday homes.
- Finding affordable and accessible accommodation was identified as a major concern for business and industry.
- Loss of volunteer base is also a priority concern- it is already an issue but is expected to become even more difficult.

Infrastructure

- The community recognised that infrastructure spending is typically tied to population, so if the population is not growing, the coastal communities are unlikely to attract further funding.
- There is an expectation that as Melbourne/ Victoria's population continues to grow - the coastal townships are at risk of being 'loved to death' by tourists and day-trippers.
- As infrastructure ages and new infrastructure is not built in response to coastal hazards what will this mean for tourism?

Economy

- The participants were concerned that without growth, businesses will struggle. This was especially a concern with businesses in townships with huge tourism surges that also saw numbers dwindle in the off-season.
- Concerns that limiting growth and subdivision would make it more difficult to find affordable housing and accommodation, making it increasingly difficult for businesses to find staff.
- There were concerns that the struggle to find and accommodate workers in coastal townships would become worse, as participants noticed this is an issue already affecting the community. In particular, participants were concerned about the hospitality industry that relies on younger people, and farmers and fishers seeking labourers.
- The participants were concerned with the increasing trend of Airbnbs and holiday lets, which could also push families and workers out of coastal areas.
- The group also expects expanded shoulder seasons as more people visit during off-peak periods.

Community and economy

10

"There needs to somehow be a balance between allowing town/population growth and protecting the unique places we live (and why we live there)."

Coastal Strategy Engagement 2023

Community and Economy

South Gippsland Shire Council has an extensive range of adopted policies related to community and economic development. The Coastal Strategy aligns with Council's existing suite of adopted policies and focus on strategic gaps where benefit may be found in undertaking further work related to supporting the growth of sustainable and prosperous coastal communities.

In recognition of the extensive scope of policy work already undertaken by Council, the Coastal Strategy focus on the following key points:

- Protection of cultural heritage.
- Grow social and economic capital.

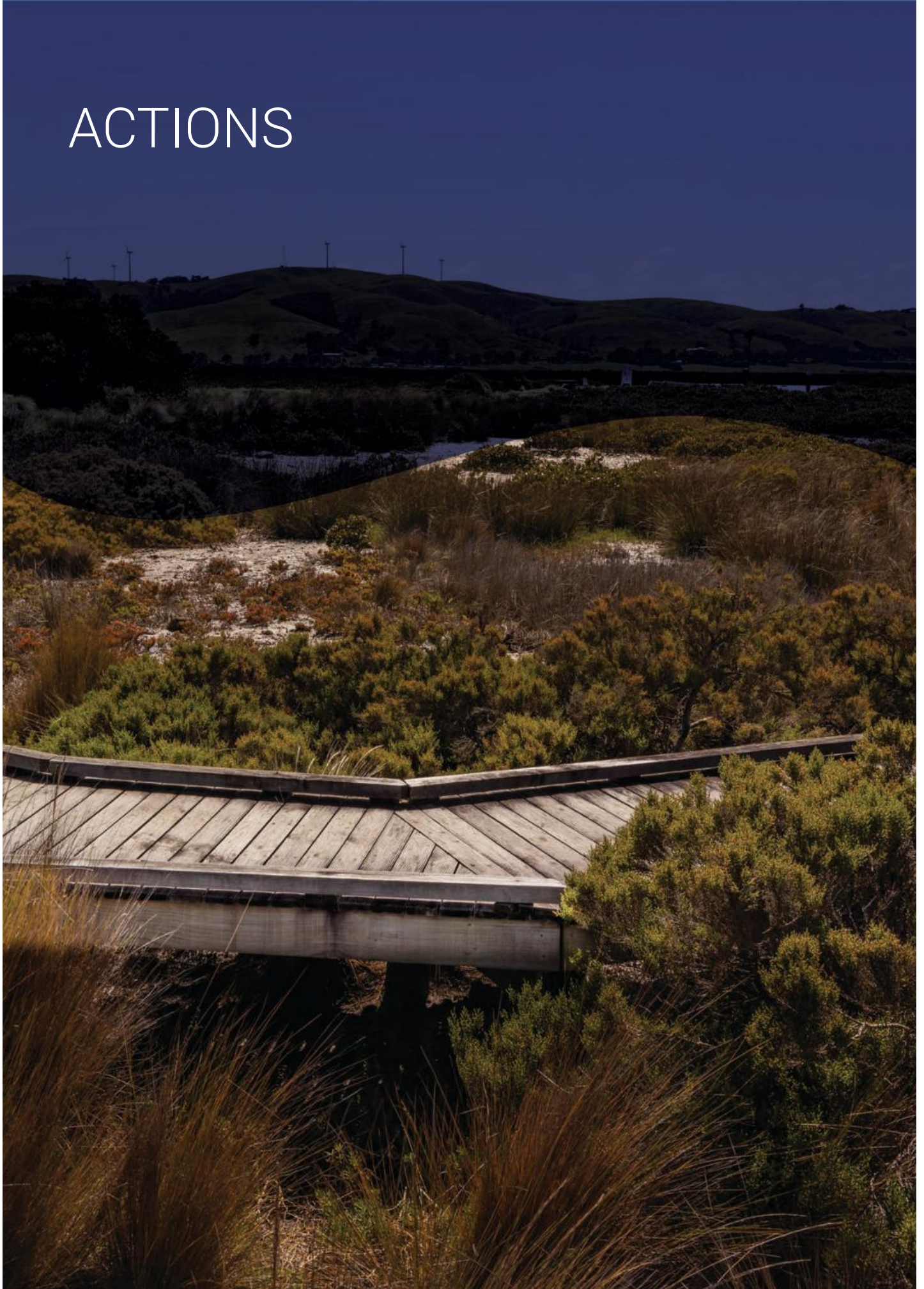
The transition to renewable energy and the establishment of an offshore wind energy industry will bring economic benefits and challenges to coastal communities. The Barry Beach ports are likely to play an important role in the development of the industry. The ports, and the surrounding industrial zoned land, are a strategic economic asset likely to have State significance in the nation's transition to renewable energy.

Traditional Owner Heritage

Our coastal townships and land management practices were developed before consideration was given to the cultural and physical heritage of Indigenous people. Pre-colonial Indigenous people valued the coastline for many of the same reasons as post contact settler communities (e.g. beach and waterway access, transport, shelter and resources), creating overlapping habitation areas that has resulted in significant destruction of First Nations heritage. Protection of heritage is an increasingly important issue for all levels of government and is especially the case where urban development opportunities overlap with areas of high heritage significance like at Venus Bay.



ACTIONS



1. POPULATION PRESSURE AND DEVELOPMENT

ACTIONS		Short Term	Medium Term	Longer Term
1.1	Review and update the Housing and Settlement Strategy as appropriate to reflect updated conditions, policy or available science affecting coastal settlements		X	
1.2	Where state coastal planning policy is being considered for change, advocate for change that more directly communicates coastal hazard and climate change risk through new planning scheme zone or overlay controls that more directly identify, address and promote the risk.	X		
1.3	Remove all coastal township greenfield residential growth areas from the planning scheme framework plan maps, and retain the township boundaries consistent with the current application of each township's urban land zoning.		X	
1.4	Explore the strategic justification for Council to restrict or discourage the development of more than one dwelling per lot and the subdivision of land which increases dwelling development potential	X		
1.5	Support existing State Planning Policy in a commitment to retain coastal townships to within their existing urban zoned boundaries.	X		

2. ENVIRONMENT AND LANDSCAPE

ACTIONS		Short Term	Medium Term	Longer Term
2.1	Advocate for the implementation of new or updated hazard risk mapping and policy changes to identify, to our best ability, current and anticipated coastal hazard risks affecting the values of our coastal areas.	X		
2.2	Investigate the 'Common Ground' community initiative on the land adjoining Andersons Inlet at Venus Bay that proposes nature-based adaptation concepts that if implemented, will assist in managing storm surge, flooding and coastal erosion.		X	
2.3	Proactively work with, and advocate to, the State and Federal Government for the preparation and implementation of nature-based solutions to manage the impacts of environmental coastal hazard risks.		X	
2.4	Prioritise the implementation of new or updated hazard risk mapping and policy changes to identify current and anticipated coastal hazard risks affecting the values of our coastal areas. This includes timely planning scheme implementation of the recommendations of the Cape to Cape Resilience Project.	X		
2.5	Update Council's local planning policy on coastal climate risk to more clearly set out the long term risks posed to our townships.	X		

3. DEVELOPMENT AND INFRASTRUCTURE LAND MANAGEMENT

ACTIONS	Short Term	Medium Term	Longer Term
3.1 Engage with communities in Venus Bay and Sandy Point to determine their preferences and priorities for paths and trails infrastructure. The engagement will build on information that was obtained through the coastal strategy consultation and address specific projects and routes.	X		
3.2 Investigate development of a township character study for South Gippsland.			X
3.3 Ensure community town plans are updated to align with the Coastal Strategy and the Blueprint for Community and Economic Infrastructure. Updates should occur when the documents are due for renewal.		X	
3.4 Work with Southern Rural Water, the Environmental Protection Authority Victoria and the Department of Energy, Environment & Climate Action to resolve the issue of ground water bores.			X
3.5 Partner with the State and Federal Government to investigate options and issues with seawalls and coastal levees.		X	
3.6 Engage with Yanakie Boat Sheds owners, and other related stakeholders, regarding future land management options.		X	

4. COMMUNITY AND ECONOMY

ACTIONS	Short Term	Medium Term	Longer Term
4.1 Work with community and emergency organisations to identify areas of concern in relation to volunteer recruitment and identify opportunities for volunteer collaboration and connection.	X		
4.2 Engage with coastal communities to determine if there are specific actions or initiatives that can be included in the <i>Visitor Economy Strategy 2021-2031</i> , the <i>Economic Development Strategy 2021-2031</i> and the <i>Arts, Culture and Creative Industries Strategy 2022 - 2026</i> .		X	
4.3 Thorough Council's Emergency Management team, work with other emergency services, community groups and resident associations to promote community safety in coastal areas.	X		
4.4 Develop a Short Stay Accommodation strategy in consultation with local communities, particularly those located in coastal areas that may be impacted by future planning controls.		X	
4.5 Continue to work with Indigenous communities and State Government in the protection of cultural heritage in our coastal areas and consider heritage values and protection in the preparation of coastal hazard assessments.	X		
4.6 Investigate if there is interest in reconvening the Community Dialogue group on a semi-regular basis.		X	

SOUTH GIPPSLAND SHIRE COUNCIL

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Engagement report

South Gippsland Shire Council: Coastal Strategy

30 April 2023



About this report

This report provides an overview and outcomes of the community engagement process undertaken on behalf of South Gippsland Shire Council from December 2022 to February 2023 to inform the development of the new Coastal Strategy. It provides an overview of the engagement process, who we heard from, and the key findings from the questions asked through the engagement process.

It report will be used to share the findings with the community and stakeholders and as a basis for further discussion and input into the Coast Strategy.

Project background

South Gippsland's coastline is facing unprecedented challenges from coastal hazards such as rising sea levels, erosion, and bushfires that have caused significant damage to the region's natural environment and coastal infrastructure. South Gippsland Shire Council is developing a Coastal Strategy to address these challenges and support the community's economic and social needs. As a first step, Council developed a Discussion Paper, which formed the basis for the engagement process. The engagement program aimed to understand the community's views on proposed actions such as removing growth areas, new planning scheme provisions and nature-based solutions.

An important goal of the engagement was to build awareness in the community about the coastal hazards and their potential impacts and to start a conversation about what this means for the future of the coastal townships.

The decision to undertake a broad and inclusive engagement process demonstrates Council's commitment to building trust with the community by involving them in the decision-making process and ensuring the Coastal Strategy reflects their needs and concerns.

Limitations

As with all engagement, there are limitations to the process that should be considered when reading this report:

- At the start of the engagement process, Council and our team identified proposed actions in the Discussion Paper that were most meaningful to test with the community, based on their potential impact and ability to be influenced by community feedback. Therefore, while the community was given the opportunity to provide feedback on the Discussion Paper as a whole, the questions asked were specific to these identified actions.
- Almost a quarter of responses came from residents or homeowners from Venus Bay. This likely skewed the results to issues specific to this town.
- It is also likely that some respondents will have provided feedback in multiple ways by responding to the online survey, contributing to the other online engagement activities and potentially providing a



- written submission.
- We were not able to engage First Nations representatives during the engagement period. As such, they have been invited to participate in the next phase of the project.



Snapshot of activities and participation

770 people provided input

Online survey

Purpose: to seek feedback from a broad cross-section of the community.

428 people engaged

Online engagement

Purpose: to engage with the community to generate ideas and discussion.

75 people participated in an online forum

53 people contributed to the ideas board

25 written submissions*

Community dialogue

Purpose: to begin a conversation with the community about the future of its coastal townships.

22 people engaged

Pop-ups

Purpose: to engage with a broad cross-section of the community.

6 pop-ups across the South Gippsland Shire

145 people engaged

Online information sessions

Purpose: to build awareness and understanding of the discussion paper.

1 online information session was held

11 people engaged

Stakeholder discussions

Purpose: to engage with key stakeholders.

4 stakeholder discussions

11 interview participants

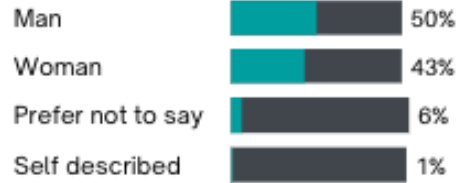
Note: Some submissions were received via email by Council.



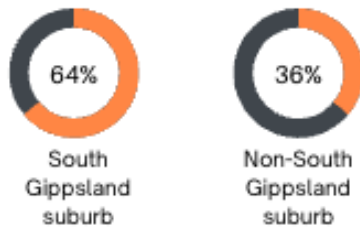
Who we heard from

571 people provided demographic data from the online survey and pop-up

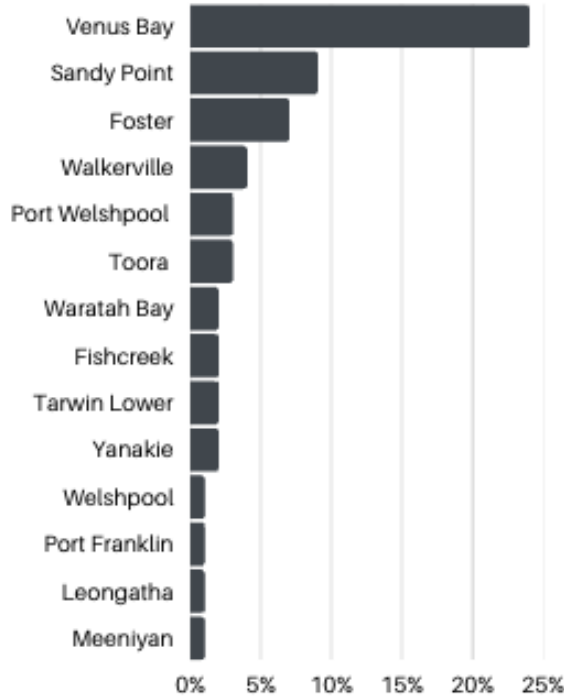
Gender (n=571)



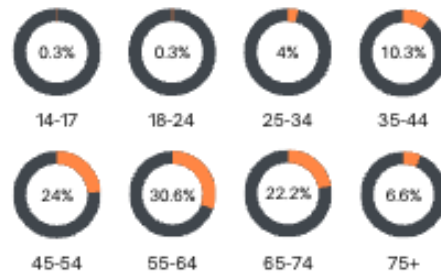
Main place of residence (n=563)



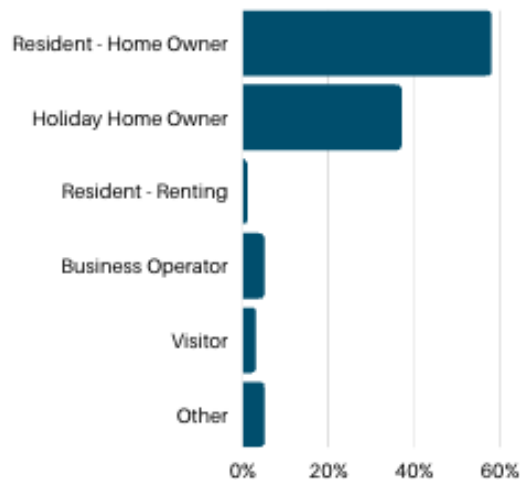
South Gippsland townships (n=361)



Age groups (n=566)



Connection to the Shire (n=566)





Key findings

Level of support for proposed actions

Removal of growth areas

77% of survey and pop-up respondents supported this proposed action



The majority of people we heard from support the removal of growth areas in Venus Bay, Sandy Point, and Waratah Bay. This is primarily due to concerns over the fragile environment and ecosystems, lack of infrastructure, and desire to maintain the small town and coastal feel of these communities.

Concerns about the impact of climate change, protecting wildlife habitat and farmland, and the potential for new development to spoil the natural beauty of the towns were also key reasons for supporting this action.

Planning scheme provisions

74% of survey and pop-up respondents supported this proposed action



The main reasons for supporting the proposed planning scheme provisions (one dwelling per lot and subdivision restriction) were to protect the natural environment and wildlife, preserve the coastal and rural character, and minimise overpopulation and overcrowding.

Residents and holiday homeowners, who made up the bulk of the respondents, also highlighted concerns about overdevelopment and its effects on the community and the need to encourage appropriate and sustainable housing. Overall, there is a strong desire to protect the natural environment and maintain the unique character of these coastal communities while balancing the need for growth and development.

Common Ground initiative

78% of survey and pop-up respondents supported this proposed action



There is strong support for the Common Ground initiative; particularly it's potential to protect and restore the natural environment, mitigate the impacts of climate change, and provide economic benefits and ecotourism opportunities.

The feedback strongly favours protecting and restoring the natural environment, adopting nature-based solutions, and taking action on climate change. Overall, the support reflects the desire to protect the environment and maintain the beauty and ecology of the region.



Nature-based solutions

78% of survey and pop-up respondents supported this proposed action



78%

The community prefers nature-based solutions for coastal hazard mitigation over traditional engineered solutions due to their environmental benefits and cost-effectiveness.

The responses also emphasise the importance of involving local communities and stakeholders in the planning process and call for further research into the effectiveness of these solutions.

People would like a comprehensive, holistic approach that considers multiple factors such as environmental health, hazard management, and economic initiatives to ensure the best outcomes.

Transfer of crown land

24% of survey and pop-up respondents were supportive of this proposed action, while 34% were not supportive



24%

Less than a quarter of the people we heard from agreed with the proposed transfer of Crown Land, emphasising the importance of environmental protection, conservation, and better resource management.

Approximately a third oppose the proposal, expressing concerns about state government management and stressing the significance of local knowledge and input.

Slightly less than half remained neutral, citing a lack of information, management concerns, or ambivalence about the potential impacts of the proposed action.

What features or characteristics do you most value about the township you live in or visit?

People highly value the natural environment and wildlife surrounding the coastal townships. The sense of community and the welcoming, supportive people were also frequently mentioned, indicating strong social networks in the townships. Peace and quiet are important, reflecting a desire for a slower, more relaxed pace of life. Overall, respondents appreciated the rural or small-town character of the townships and their natural coastal features, such as beaches and scenic beauty, without excessive development or high-rise buildings.

The following features or characteristics were most highly valued by residents and visitors, in order from most frequently to least frequently mentioned:

- Natural environment and wildlife
- Community and people
- Peace and quiet
- Rural and small-town character
- Beaches and natural coastal features



Do you have any other feedback about the proposed actions in the Discussion Paper, including feedback on the other actions or if you think anything is missing?

Key issues raised in relation to the Discussion Paper:

- Concerns about the impact of climate change and the need for a climate change adaptation plan.
- The need to improve infrastructure and services, such as drainage and medical facilities.
- Calls for Council to support renewable energy initiatives, such as community energy projects and wind turbines.
- The importance of preserving First Nations heritage and consulting with First Nations people.
- Opposition to offshore wind turbines in areas where they may impact views of the coastline.
- The need to encourage younger families to the area and support local businesses.

What people have identified as missing from the Discussion Paper:

- The need for defined outcomes and goals rather than aspirational language.
- The need for stronger action on education regarding the value of natural vegetation.
- The need to limit population and economic growth to ensure sustainability.
- The need to work better with Parks Victoria to protect coastal parks and sustainably open up some areas for eco-tourism.



Analysis of responses by the key themes in the Discussion Paper

To provide another lens on the feedback, we analysed all responses to the questions above by the key themes outlined in the Discussion Paper.

Population pressure and development

- Overdevelopment and overpopulation are major concerns - people do not want the area to become 'like the Peninsula'
- Residents love their towns the way they are - close to nature, safe, great for families
- People love the 'coastal lifestyle', surrounded by farms and nature
- In supporting the growth restrictions, people acknowledge that there is still room for development to take place in the townships
- The protection of neighbouring farmland is seen as a good reason to limit development.

"People choose to live in these townships because they are small, quiet and undeveloped. I live in Venus Bay and do not want it to become another Inverloch."

"Services and resources in small coastal settlements can be as fragile as the environment, so human development needs to be realistic, practical and appropriate. The amenity of this area lies in the small scale of towns and community connections, which would be impacted by subdivision."

"There are many reasons why second dwellings may be appropriate under controlled conditions and /or defined timeframes. Blanket restrictions and controls rather than advice to property owners only serves to stifle innovative solutions to current and future challenges."

Environment and Landscape

- Reducing environmental impact and protecting biodiversity and coastal environments is a major priority for the community
- There are concerns about the loss of vegetation and wildlife due to increased development
- Most people are supportive of the Common Ground initiative and nature-based solutions
- Managing coastal hazards and climate impacts are a key concern for most - particularly the increased risks of flood, fire, storm surge, erosion, and sea-level rise.

"This is something I have advocated for, for 40 years. Returning the area to the natural salt marsh would create a carbon sink to help mitigate the effects of climate change and coastal erosion."

"I am supportive of any nature-based solution that can mitigate coastal hazards but see these opportunities as complementary to seawalls and levees, not a replacement."

"The coastal areas near these townships are fragile and will be degraded by more expansive and intense settlement. We have already destroyed far too much of the natural bush, and coastal areas have been cleared and damaged, with the loss of unique animals and plants. We need to stop any further damage now."



Development infrastructure and management

- The transfer of land is not supported, although a significant percentage of the cohort remains neutral
- The main issues are a lack of trust in State Government and Parks Victoria (“What if the government changes?”) and a preference for local management
- Those that are supportive believed that the State would have more funding
- Many in the neutral camp said they did not have enough information to make an informed choice and that the people directly affected need to be consulted
- Concern around the state of amenities and infrastructure is also a major concern (roads, parking, public toilets) - old and needed to be upgraded to account for population growth.

“It will hopefully provide consistency in approach and funding required for proper conservation. There needs to be significant local input though and opportunities for regular community consultation and feedback.”

“People in state government are too far removed from the area and the unique issues faced by people in our area to make informed decisions.”

“Seawalls and levees are not a permanent solution to these problems and cannot adapt to the changing environment. Nature-based solutions will be more adaptive in the long term, especially with climate change.”

Community and economy

- While there is strong support for the planning restrictions, many recognise that growth is important and/or inevitable
- This is largely related to boosting the economy and the provision of services - particularly for an ageing population
- People really value the ‘close-knit’ communities and do not want to see this change
- There is an interest in the community about how growth can be accommodated if it is done in a controlled and sustainable way
- There is a concern for the recruitment of volunteers for community and emergency services in the future.

“Townships need to expand to support population growth development and attract jobs to the area.”

“There needs to somehow be a balance between allowing town/population growth and protecting the unique places we live (and why we live there).”

“Venus Bay needs to expand...we need local employment for the existing and future young people in the area.”



Differences between the key coastal townships

Throughout the engagement, it became clear that each coastal township has its own challenges, concerns, and vision for the future. We analysed the responses from residents of three of the major coastal townships to understand how these visions and concerns differed.

Port Welshpool

- There is a concern about the state of local businesses, such as pubs or stores, indicating a desire for growth to support the town and community while valuing the natural environment.
- Some respondents express support for higher-density housing and/or greater development, but with consideration for environmental impact or adequate infrastructure. These responses highlight the high cost of housing. They noted that families may wish to subdivide to provide housing options for elderly or young members of their family (i.e. granny flats). Others mention the lack of development as a positive.
- Some respondents reported a desire for affordable housing or rental properties in the area.

“You can't restrict lots to one dwelling and restrict growth areas. Not helping townships grow/succeed.”

“People with families may wish to subdivide their blocks because of the cost of housing.”

Venus Bay

- There were specific mentions of desired improvements to infrastructure in Venus Bay, such as better maintenance of dirt roads or the need for infrastructure such as an emergency community refuge (place of last resort), playgrounds and sewage.
- A few comments about the need to balance preserving the natural environment and allowing for some development and infrastructure.
- There is general opposition to higher-density housing in Venus Bay; however, some respondents express a desire for affordable rental properties in the area, adding that limiting development could exacerbate the renting and housing struggles many workers and families are facing.
- Respondents noted that some development should be allowed to occur, but with restrictions and caveats to manage environmental impacts.

“There is a large need for affordable rental properties in this area. A maximum of two small dwellings on a site would assist greatly with this issue.”

“Everything in moderation. Don't want a sleepy town. No high-density housing but we do need progress”

Sandy Point

- There were differing points of view relating to paths and trails in Sandy Point. While there was a desire for streetlights and footpaths in certain areas, some members of the community enjoyed the lack of paths, noting it added to the character of the town.



- Some respondents express support for development or subdivision under certain conditions (such as larger lot sizes or environmental considerations)
- Unlike Venus Bay, there was a sense that the lack of water and sewage infrastructure in Sandy Point lent to the coastal hamlet character of the town, with some noting it was nice to be 'off-grid' in a way.

"It is really important that no restrictions are placed on building on existing lots, i.e., not retrospective. People have purchased land in good faith and should not be restricted in the development of their properties."

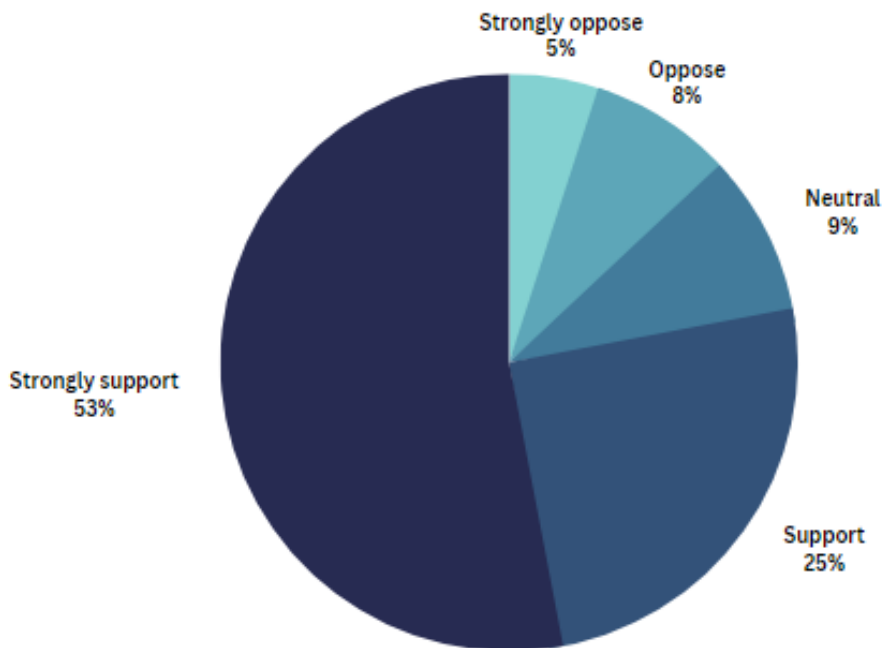
"Infrastructure is lacking, and I like it that way. I like the wilderness"



What we heard

Proposed action: Removal of growth areas

Explore the removal of our growth areas from the planning scheme for Venus Bay, Sandy Point and Waratah Bay, which means the townships would not expand beyond their current boundaries. Please indicate your level of support.



Why did you choose this answer?

In explaining why they supported the proposed action, the main themes in the responses were:

Environmental preservation and protection: Concerns about climate change, wildlife conservation, impacts on natural habitats, and other environmental issues.

"The coastal areas near these townships are fragile and will be degraded by more expansive and intense settlement. We have already destroyed far too much of the natural bush, and coastal areas have been cleared and damaged, with the loss of unique animals and plants. We need to stop any further damage now."

"We should preserve our coastline, wildlife corridors, and farmland. These areas need more protection for the fragile environment that they are in."



"Expansion would ruin the town. There is ample evidence that increased population in these areas exacerbate damage to the indigenous ecology, especially fragile dune systems."

Infrastructure and capacity limitations: Concerns about roads, parking, water supply, sewerage, and powerlines.

"Existing infrastructure is already stretched, including roads and powerlines. Flooding often occurs and by 2050 sea level rise will mean that many of the low lying areas of these coastal towns may well be uninhabitable."

"Infrastructure does not support an increase in population. One road in and out, plus parking is an issue over peak periods."

"Ageing and neglected comms and energy infrastructure needs to be addressed before considering growth."

Maintaining small town character and lifestyle: Feedback received concerned overdevelopment, loss of community feel, impact on tourism, and other related issues.

"I don't want to see the town overdeveloped. Our limited services and space will not cope."

"I think that we are at risk of losing our cozy small-town feel that is one of our drawcards for tourism and I do not feel as though coastal towns have the capacity to host an increased number of residents or the infrastructure necessary to support that growth."

"These townships have a charm as they are. Too much development changes this."

Resource limitations and sustainability: Feedback concerned limited resources, ageing infrastructure, and the need for balance and sustainability in coastal townships.

"Due to water supply limitations at all three locations and lack of sewerage at Venus Bay and Sandy Point, any expansion of the areas would need improved infrastructure that Council clearly cannot afford."

"Balance at a sustainable scale should be the aim, not endless growth. We should aim to preserve productive farmland and surrounding lands as they are to avoid endless geographic expansion of coastal towns."

"These communities do not have the infrastructure to support a bigger population. They are situated in sensitive environments in which a larger population could cause a detrimental impact."



Sensitivity to environmental impacts and climate change: Concerns about bushfire risk, sea level rise, weather events, and the potential impact on wildlife and natural ecosystems.

"Climate change and increase in adverse weather events (fires and flooding) present a higher risk in these areas and render them low priorities for growth."

"All three of those townships sit within environmentally/climate change sensitive environments, which, if the predictions are correct, are only going to come under more pressure over the next decades."

"Venus Bay is surrounded by fragile ecosystems, being the Cape Liptrap park and the inlet. More growth puts that at risk."

In explaining why they **did not support** the proposed action, the main themes in the responses were:

Sustainable growth and economic development: Respondents emphasised the importance of sustainable growth, promoting economic development, and supporting local businesses. They highlighted the need for responsible growth that benefits coastal communities while preserving the environment and wildlife.

"Communities need to grow and generate economic activity. Need mitigation strategies."

"One of the actions in the discussion paper is to support local economies; I don't see how that can work when you limit growth like this. To support the economy, you need growth."

Affordability, inclusivity, and diversity: There was a focus on maintaining affordability, promoting inclusivity, and supporting diverse populations in the coastal communities, with residents concerned that limiting development could have flow-on effects that price families and workers out of the housing market. Respondents noted the importance of providing opportunities for others and keeping coastal areas accessible for the general population.

"Escalates values creating homes for the rich and discounting beach areas for the general population."

"We need to be inclusive, not exclusive, people should have opportunities to live where we do in a responsible and measured approach."

Improved infrastructure and services: We heard that there was a need for improved infrastructure and services, such as roads, water, sewerage facilities, and economic activity to support cafes and stores, while considering the balance between growth and environmental protection.

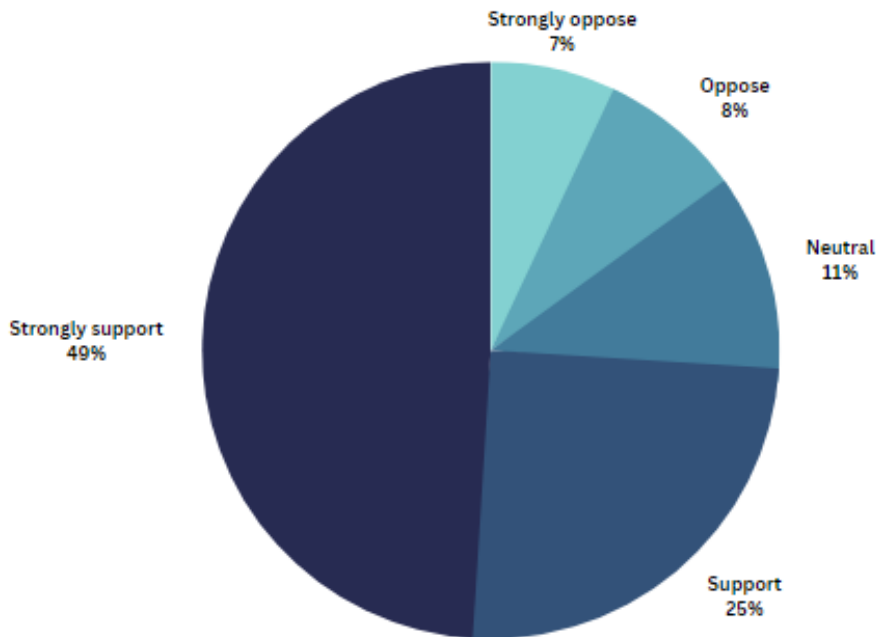
"Growth with the right infrastructure. Provide new road infrastructure, not in bushfire or flood zones."

"There are many engineering solutions which can be used to protect our existing coastal communities."



Proposed action: Planning scheme provisions (one dwelling per lot)

Council is proposing to explore a Planning Scheme provision that restricts new development to one dwelling per lot and restricts subdivision. Please indicate your level of support.



Why did you choose this answer?

In explaining why they supported the proposed action, the main themes in the responses were:

Protection of environment and wildlife: Respondents highlighted concerns over the impact of overdevelopment on the environment, erosion, wildlife and the local ecosystem.

"Overcrowding will continue to reduce the wildlife and have a negative impact on the environment due to septic systems and reduced biodiversity."

"Too much overdevelopment will create erosion, impact wildlife and destroy the ecosystem."

"Maintaining the current character & density is important to me to protect our environment & wildlife. I enjoy the lifestyle here living in nature."



Retaining coastal towns' character: Respondents expressed a desire to maintain the character and charm of their coastal towns, including the simple look and feel of the towns, as well as preserving the view from the beaches along the coastline.

"Would like to keep coastal living feel to towns."

"To keep the look of our small coastal towns simple."

"Lack of development of high rise and multi-dwelling units are part of the attraction of the area keeping the view from the beaches along the coastline almost pristine which is very rare and to be valued."

Infrastructure and services: Respondents highlighted concerns over the lack of infrastructure and services, such as water and sewage. They believe that overdevelopment could put further pressure on ageing infrastructure and services.

"Infrastructure not consistent with such development."

"Lack of infrastructure (water/sewer), added fire risk."

"Most small towns are struggling to accommodate tourists through summer; plenty of accommodation choices but the roads, water, power, internet and parking are not suitable currently and not many options for increasing capacity for some of those."

Limits on growth and development: Respondents expressed support for restricting development to one dwelling per lot and limiting subdivision, citing reasons such as preserving native vegetation, reducing overcrowding, protecting the environment, and maintaining the character of their towns.

"I'm very supportive of restricting subdivision and also restricting one dwelling to each lot."

"It is important to retain native vegetation in built-up areas to support biodiversity."

"One dwelling per lot maximum will preserve the charm and character of our existing coastal towns and villages."

Opposition to higher-density living: Respondents expressed opposition to high-density living, with concerns over increased traffic, loss of open space and greenery, and a desire for space and privacy.

"I believe residents buy property or move to this area to live in a place where there is a reasonable amount of space around them NOT to live on top of each other."

"It shouldn't be needed if there is proper planning and subdivision."



"Most of our blocks are small so subdivision would entirely change the character."

In explaining why they **did not support** the proposed action, the main themes in the responses were:

Need for housing diversity and affordability: Respondents emphasised the importance of providing diverse housing options, including smaller dwellings and subdivisions, to cater to the needs of the ageing population, workers, and young families. They also mentioned the need for affordable rental properties and the impact of the proposal on housing prices.

"There is already a shortage of real estate for accommodation "

Economic growth and community development: Respondents expressed concerns that restricting growth areas could hinder the economic growth and development of local communities. They argued that subdivisions and increased density levels could attract more people to the area, encourage local businesses, and help improve the region.

"Subdivisions bring more people to the area and encourages growth of local communities."

"We need growth to improve the region."

Avoiding blanket rules: Respondents expressed a desire for more flexibility in property development decisions, emphasising property rights and the importance of avoiding one-size-fits-all approaches. They argued that each development should be considered on its merits, and that blanket rules are often counterproductive.

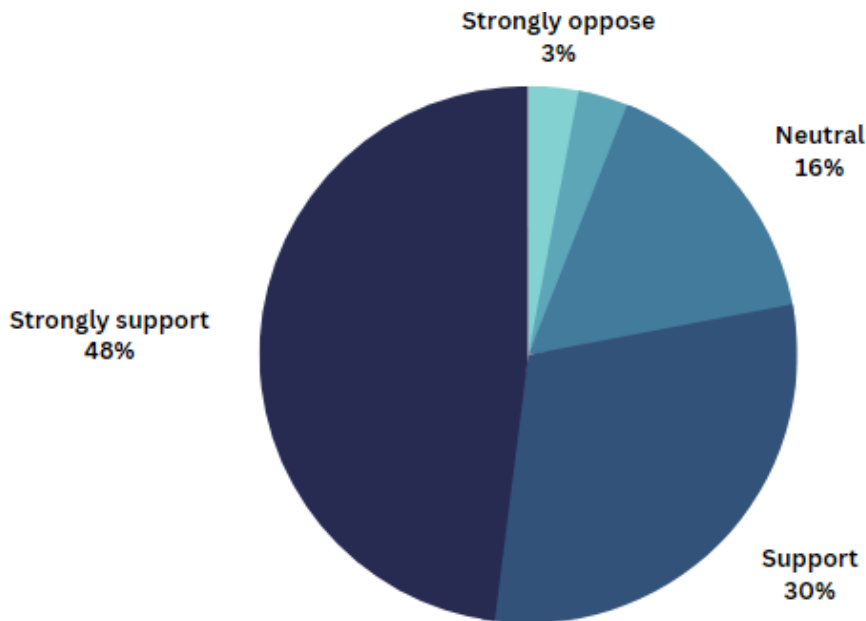
"Let people subdivide if the property can handle it."

"A one size fits all approach should be avoided. Each new development should be considered on its merits."



Proposed action: Common Ground initiative (nature-based solutions)

Investigate the Common Ground community initiative on the land adjoining Andersons Inlet at Venus Bay which proposes nature-based adaptation concepts that, if implemented, will assist in managing storm surge, flooding and coastal erosion. Council's role in the initiative is to advocate to the State and Federal government for funding and support. Please indicate your level of support.



Why did you choose this answer?

In explaining why they supported the proposed action, the main themes in the responses were:

Environmental protection and restoration: Many respondents expressed their support for the Common Ground initiative as a means of protecting and restoring the natural environment. They emphasised the need to preserve and maintain the coastal habitats, wetlands, and native flora and fauna.

"Protecting the environment is always a priority"

"Preserve natural environment but don't lock us out"

"Restoration of the natural environment to resist storm surges is always a better proposition than man-made intervention"



Climate change mitigation: Respondents highlighted the importance of adopting natural-based solutions for climate change adaptation and mitigation. They believe that the restoration of wetlands would be an effective way to sequester carbon and reduce the impact of climate change. Many also expressed their support for the idea of developing ecotourism opportunities in the restored areas.

"Mitigations against a changing climate need to be recognised and implemented to support the existing communities"

"Nature-based climate change mitigation needs to be adopted as soon as possible"

"This is so important"

Flood mitigation and management: Respondents supported the need for management strategies to address flooding and coastal erosion risks, including the use of natural solutions such as wetlands and saltmarshes.

"This would be a huge benefit to local wildlife and as a recreational area for locals and a huge attraction for ecotourism which would, in turn, bring money into the local towns"

"Venus Bay is at risk of flooding from rain storms and sea level rises. Nature-based adaptation is the only approach which will be effective in the long term"

"Helpful in managing flooding"

Tourism and economic development: Respondents saw the potential for economic benefits and opportunities for eco-tourism associated with the restoration and management of the natural environment.

"Modest eco-tourism could be established as the wetlands regenerate"

"Wetlands are proven to be hugely beneficial in carbon sequestration to mitigate the effects of climate change and would provide jobs for local people"

"Ecotourism opportunity and benefit"

In explaining why they **did not support** the proposed action, the main themes in the responses were:

Climate change scepticism: These responses expressed disbelief in climate change and its impact on the coast. Some respondents suggested that the project is a waste of money, and others argued that erosion is natural and should be left alone.

"Stop pushing green nonsense"

"What climate change?"



Doubt in outcomes: Some respondents expressed concerns about the impact of the proposed project on farmland and open spaces on the community.

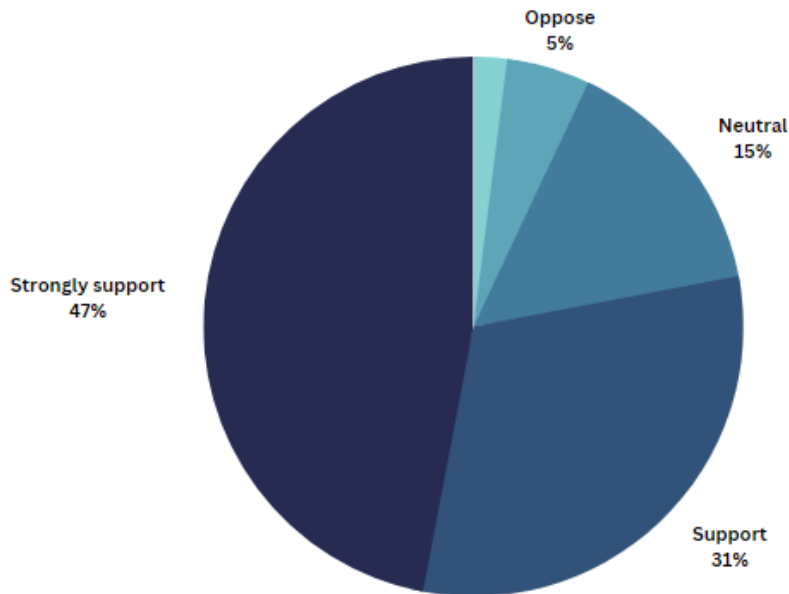
"We worry that to try and return to the wetland would mean the space is an overgrown wasteland."

"Would want to see more details."



Proposed action: Nature-based solutions

Like the Common Ground community-led initiative, Council is looking to investigate projects that draw on nature-based solutions to help mitigate coastal hazards, such as salt marshes instead of seawalls and levees. Please indicate your level of support.



In explaining why they supported the proposed action, the main themes in the responses were:

Environmental sustainability: This theme focuses on the environmental benefits of nature-based solutions, with respondents emphasising their preference for these solutions over traditional engineered solutions. They argued that nature-based solutions are more environmentally friendly and work with the environment rather than against it.

"Nature-based solutions are almost always preferable to man-made structures and plans."

"Natural environmental solutions are always better than man-made interventions."

"Nature-based approaches are working with the land and natural processes rather than contrary to them."



Cost-effectiveness: This theme highlights the cost-effectiveness of nature-based solutions, with many respondents pointing out that they can be cheaper than traditional engineered solutions in the long term. They argue that natural solutions are more sustainable and require less maintenance.

"Less invasive and less expensive."

"Cheap, long term and sustainable. Good idea."

"Nature-based solutions should be longer term and more sustainable."

Community engagement: This theme emphasises the importance of involving local communities and stakeholders in the planning and implementation of nature-based solutions. Respondents argue that local communities have valuable knowledge about the natural environment and should have input in decision-making processes.

"Community feedback essential."

"Should have local community input."

"Supportive of that approach where this would work. Far better to work with nature than fight against it with artificial barriers."

Need for research: Respondents highlighted the need for further research into nature-based solutions, with some calling for more investigation into their effectiveness. They argue that evidence-based decision-making is critical to ensure sustainable outcomes.

"Happy for the research to be done."

"Very supportive of this. Council should sponsor research into such nature-based erosion control measures."

"Worth exploring, so long as the relevant research is done."

Need for a holistic approach: There was an emphasis on the importance of considering multiple factors, such as environmental health, hazard management, and economic initiatives, in the planning and implementation of nature-based solutions. Respondents argue for a comprehensive approach to ensure the best outcomes.

"A holistic approach is necessary to ensure that all aspects of the environment are considered."

"It's important to look at the bigger picture, including the economic."

"Consideration of all aspects is crucial."



In explaining why they **did not support** the proposed action, the main themes in the responses were:

Preference for engineered solutions: Some respondents were sceptical of the effectiveness of nature-based solutions and expressed a preference for engineered alternatives like seawalls.

"No, we need proper flood mitigation, NOT nature based!"

"I don't think this is a practical or effective solution. It might sound fine in theory, but in practice, I doubt any salt marsh will help as a seawall does."

Scepticism towards the governance and impacts: Respondents express concerns about the decision-making process, questioning the involvement of local communities and the trustworthiness of government agencies. These responses indicate a level of confusion between the 'Common Ground' community initiative and Council's proposed action to investigate nature-based solutions.

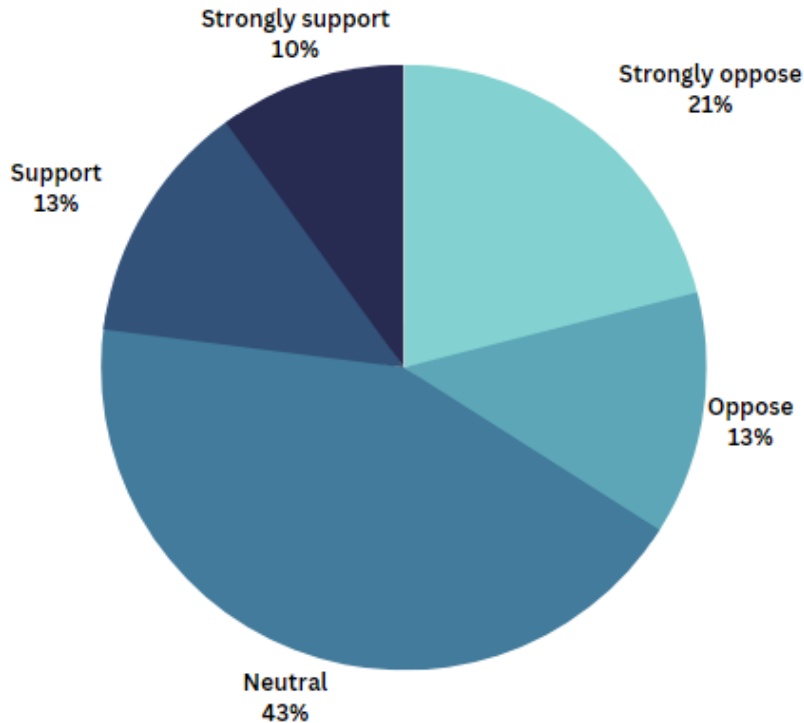
"Should be done by a professional body, not by local amateur groups."

"One-sided approach - no consideration is currently being given to the impact of this on existing private and community infrastructure. Layout what this 'nature-based' solution would result in and what the impacts of this would be. There has been no public discussion, only a one-sided proposal"



Proposed action: Transfer of Crown Land

Investigate the transfer of land management responsibility to the State government for Council managed coastal crown land (such as Yanakie foreshore, Fisher Reserve at Foster and Waratah Bay). Please indicate your level of support.



Please tell us why you chose this answer.

In explaining why they **supported** the proposed action, the main themes in the responses were:

Environmental Protection and Conservation: Respondents highlighted the importance of proper management and resources for the protection and conservation of coastal areas, with some respondents advocating for the state government to take over these responsibilities.

"It would help in protecting and caring for these coastal areas, which really belong to all citizens, as Council has insufficient funds and human resources to do the necessary work to the necessary standard."

"This will improve consistency of management and bring these areas directly under the state's environmental legislation and policy."



"Important to manage the environment as a whole rather than cut it into segments managed by a variety of often conflicting interests."

"All coastal crown land management should be with the state, not Councils."

Insufficient resources: Some expressed frustration with the South Gippsland Shire Council's management of coastal crown land and support transferring management responsibility to the state government due to a lack of resources and expertise.

"Council cannot manage what they have, so less management will be better"

"Council lack the capacity to regulate matters and always defer to state Government anyway for crown land matters in these vicinities."

"Council seems not to have sufficient resources and/or funding/motivation for management required."

Input and collaboration: This theme highlights the importance of collaboration between the South Gippsland Shire Council and the state government in managing coastal crown land, with respondents advocating for local input and community consultation.

"There needs to be significant local input though and opportunities for regular community consultation and feedback."

"We are supportive of Council initiating a conversation with the state Government about taking on the relevant land management responsibilities."

In explaining why they **did not support** the proposed action, the main themes in the responses were:

Lack of trust in state government: Respondents expressed a lack of trust in the state government's ability to effectively manage the land, citing concerns such as the government's focus on economic development over environmental protection, lack of knowledge of the area, and past track record of mismanagement. Respondents generally expressed satisfaction with the current management of crown land by Council, but suggested that more funding and resources should be provided to enable them to better manage the land.

"I don't trust the state Government has the coastal communities' best interests at the forefront of their minds."

"I don't trust the state Government. It should stay in the hands of the Local Council."

"Council seems to be doing a reasonable job in the managing of these areas."



Importance of local knowledge and input: Respondents emphasised the importance of local knowledge and input in the management of crown land and expressed concern that transferring management to the state government would result in the loss of this crucial aspect of effective management. They also suggested that Council is better equipped to manage the land due to their knowledge of the area and ability to respond to local needs.

"Local knows best."

"Local government more perceptive and receptive of community feedback in relation to land management of foreshore areas."

"Transferring land to a state government who don't necessarily understand the local perspective...nor are invested in the long-term vision of the people who choose to live there is a bad idea."

Potential issues and challenges: Respondents identified specific issues and challenges related to the transfer of crown land they felt should be addressed. These included concerns about access being limited and the importance of maintaining the natural environment for wildlife and flora.

"If this goes ahead my access to Corner Inlet and the boat sheds would be taken away."

"The state Government does not know how precious our landscape is and may just look at ways to promote economic growth which will adversely impact our natural assets."

"The best outcome would be for the state to give grants to Council."

In explaining why they are neutral on the proposed action, the main themes in the responses were:

Lack of knowledge and understanding: A large number of respondents indicated they did not have enough information or understanding of the issue to form an opinion. They expressed a need for more details about the proposal, including the reasons for the transfer and the implications for land management.

"Don't know enough about the pros or cons of this proposal."

"Not sure of the implications or advantages of this."

"I am unsure of the consequences."



Management concerns: Some expressed concerns about the ability of either Council or the state government to effectively manage the crown land. Some suggested that neither entity had the necessary resources, while others questioned the accountability of the state government.

"Neither entity has sufficient resources to effectively manage this land."

"Not sure that the state is better positioned to manage a local environment than a local council is."

"Concern that at a state level the local community will come second to state policy making."

Ambivalence or no opinion: A sizeable portion of respondents indicated that they did not have a strong opinion on the matter or were ambivalent about the proposal.

"Don't have an opinion."

"Can't see how it would change anything."

"Don't really want to get involved with the politics of who manages it."



Town Character: what features or characteristics do you most value about the township you live in or visit?

In explaining what they valued about the township they lived in, the main themes in the responses were:

Natural environment and wildlife: Respondents value the natural environment and wildlife in the area, including the beaches, bushland, flora, fauna, and the diversity of birds and animals. They appreciate the need to preserve and protect these natural assets for future generations.

"The natural coastal environment of Venus Bay and surrounding areas - flora and fauna including the huge range of birds. It is the primary reason we are in Venus Bay."

"The extraordinary beauty and peace. Being surrounded by nature—bush, birds, wombats, lyrebirds, koalas and so on. Knowing that the animals have their place to live and be."

"The natural environment. Living in the bush with space between residences. The abundance of bird life & wildlife. Supportive community."

Community and people: The community spirit, friendliness, and supportiveness of the people in the area are highly valued by respondents. They enjoy the close-knit nature of the community and the sense of belonging that comes with it.

"Sense of community and effective community capacity not experienced by me in Melbourne."

"Small, friendly, caring community. Diversity of backgrounds and skills. People committed to a sustainable future."

"I really like the non-commercial aspect of Sandy Point compared, for example, with places like Phillip Island or the Mornington Peninsula."

Peace and quiet: Many respondents value the area's peace and quiet, with minimal traffic and noise pollution. They appreciate being able to escape the hustle and bustle of city life and enjoy the tranquillity of the natural surroundings.

"The isolation, lack of people and the small, close-knit community of mostly farmers and retirees."

"Quiet, native animal presence (birds, reptiles, marsupials etc.), no big structures."

"Natural environment (foreshore reserve, Cape Liptrap Coastal Reserve), beaches. Limits of development because they have led to the preservation of the natural vegetation and a quiet, unpretentious lifestyle."



Rural or small-town character: The rural or small-town character of the area is highly valued by respondents, with its lack of high-rise buildings, commercial development, and traffic lights. They appreciate the slower pace of life and the sense of being away from the urban sprawl.

"Its 'coast meets country' character. Its rural, small-scale and quiet nature. The sense of being close to natural flora, bird life, fauna, indigenous habitats and wildlife."

"It is embedded in nature. Human impact is obvious but has not completely displaced forests and the animals which live in them."

Beaches and natural coastal features: The natural coastal environment, including the beaches, rocks, and ocean views, are highly valued by respondents. They enjoy the unspoiled beauty of the coastline and the opportunities for water-based activities such as swimming, surfing, and fishing.

"Freedom for all people to enjoy such a wonderful beach. Perhaps be a bit more inclusive of all users."

"Proximity to the ocean and inlet for recreational purposes and birdwatching and photography. The enjoyment of being surrounded by native, coastal bush."

"The natural assets: Beaches and inlets, coastal vegetation, wildlife, clean air, mostly peaceful. Small but great local businesses, friendly supportive community, limited population growth."

Do you have any other feedback about the proposed actions in the Discussion Paper, including feedback on the other actions or if you think anything is missing

Respondents provided overall feedback on the Discussion Paper, including what they thought may be missing and ideas for improvement. The main themes in the responses were:

Environment and sustainability: Responses were related to protecting and preserving the natural environment, including issues related to climate change, renewable energy, wildlife, and preserving open spaces. We also heard about the need to protect and preserve local wildlife and biodiversity, including discussions about the impact of feral animals and plants on the environment.

"The discussion paper needs stronger action on education regarding the value of natural vegetation and against environmental vandalism."

"The discussion paper needs to better address the problem of feral deer destroying bushland in the Cape Liptrap Coastal Park."



"The discussion paper needs to work better with Parks Victoria to protect coastal parks and sustainably open up some areas for ecotourism."

Development and growth: Responses were related to the need for responsible development and growth, including discussions about population growth, housing affordability, and balancing the needs of locals and tourists.

"Population and economic growth need to be limited to ensure sustainability, which is missing from the discussion paper."

"I think we need to limit coastal development because we will have to mitigate sea level rise at some time in the future, and are ratepayers going to have to pay to protect development from coastal erosion in the future?"

Infrastructure and services: Responses were related to infrastructure and services, including discussions about the need for better roads, improved sewage and water systems, emergency infrastructure and the importance of community facilities.

"I believe Venus Bay requires a safe place to go when natural disasters occur so the community can support each other."

"Serious consideration should be given to limiting population & economic growth to keep it at a sustainable level to support quality of life and wellbeing into the future. Our infrastructure cannot cope with ever-increasing numbers. Bigger is not always better. Smarter and nature-based is better."

Community engagement: Responses related to community engagement and consultation, including discussions about the importance of listening to locals and involving them in decision-making about the future of their communities. Many community members commended Council on their efforts to engage with the community on the Discussion Paper, and are eager to see more of this in the future.

"The region has faced great fear and panic from proposed wind turbine locations this year. It is imperative that local government and community work together on a unified plan to continue to preserve the area."

"As in this initiative, it's great to get input from the community regarding future directions."

Heritage and culture: Responses related to the importance of preserving local heritage and culture, including discussions about First Nations heritage and the impact of development on historic sites.

"Ongoing work to protect indigenous and heritage values...as well as amenity of coastal areas and ensure such values are considered in coastal hazard assessments."

"Protection of First Nations Heritage and consultation with First Nations people should be a priority in all proposed development and nature-based management of the land."



Defined goals and outcomes: Some respondents are eager to see more clearly defined outcomes and goals rather than aspirational language.

"The discussion paper does not have clear outcomes or goals, rather it is filled with aspirational language."

"Some of the general actions could be more specific eg. What cultural heritage would we protect, what are specific infrastructure needs would we tackle and how- what roads, what walking tracks, bins etc."



Community dialogue

The Community Dialogue brought together 22 members from various South Gippsland community groups to discuss the impacts of limiting growth in coastal townships in response to increasing coastal hazards. The purpose was to identify priority areas that would need to be addressed if planning controls were put in place and explore how limiting growth would affect the coastal townships.

When engaging with the community through surveys, pop-ups and discussion, we sought to understand their feedback and concerns on a personal level. The community dialogue asked participants to look at the bigger picture and consider the impacts on their community as a whole.

The key questions or remit the group was asked to consider: If growth is restricted due to increasing coastal hazards, how can Council and the community work together to support the resilience and well-being of our coastal communities?

Participants explored the impacts of limiting growth through the lens of the environment, infrastructure, population/community, and economy. The big issues and questions identified by the community were:

Community and social equity

- There was a concern that limiting growth would lead to more 'exclusive' communities as property prices increase and families and workers are priced out of the housing market.
- Concerns were raised that by restricting further development, coastal townships would increasingly be reserved for wealthy people and families purchasing holiday homes.
- Finding affordable and accessible accommodation was identified as a major concern for business and industry. Participants noted that it was likely to increase labour shortages as farm hands, hospitality and healthcare workers struggle to find accommodation.
- Loss of volunteer base is also a priority concern- it is already an issue but is expected to become even more difficult.

Infrastructure

- The community recognised that infrastructure spending is typically tied to population, so if the population is not growing, the coastal communities are unlikely to attract further funding.
 - A key question is: what would this mean for existing plans for upgrades?
- There is an expectation that as Melbourne/Victoria's population continues to grow - the coastal townships are at risk of being 'loved to death' by tourists and day-trippers.
 - As infrastructure ages and new infrastructure is not built in response to coastal hazards - what will this mean for tourism?
- With a view that existing infrastructure is already ageing or feeling the strain, the impact on existing communities is a priority.



Economy

- The participants were concerned that without growth, businesses will struggle. This was especially a concern with businesses in townships with huge tourism surges that also saw numbers dwindle in the off-season.
- Concerns that limiting growth and subdivision would make it more difficult to find affordable housing and accommodation, making it increasingly difficult for businesses to find staff.
- There were concerns that the struggle to find and accommodate workers in coastal townships would become worse, as participants noticed this is an issue already affecting the community. In particular, participants were concerned about the hospitality industry that relies on younger people, and farmers and fishers seeking labourers.
- The participants were concerned with the increasing trend of Airbnbs and holiday lets, which could also push families and workers out of coastal areas.
- The group also expects expanded shoulder seasons as more people visit during off-peak periods.



Written submissions

We received 25 written submissions from community groups, local residents, state government and land management groups. The key themes from these submissions are provided below. Some submissions, particularly from state government and land management groups, included specific details, requests and suggestions. These submissions have been included in the appendix.

Coastal hazards: There is significant concern about the impact of coastal hazards, including erosion, sea-level rise, and storm surges, on the natural and built environment. Many submissions expressed support for the proposal to remove growth areas from three coastal townships due to these hazards. There was also support for a climate change risk assessment. State government and land management bodies were also strongly in support of undertaking a climate change risk assessment and noted that similar studies were being undertaken and effort should be made to align these projects and work together.

Development and growth: There is strong support for sustainable development that balances economic growth with environmental protection. Several submissions suggest that the Coastal Strategy should prioritise sustainable land use and development practices, such as the use of renewable energy and green infrastructure.

Those who support removing growth areas argue that it is a necessary step to protect the environment and reduce the risk of damage and loss of property from natural disasters. They believe that development should be limited in areas that are at risk of flooding, erosion, and other coastal hazards and that preserving the natural environment is important for the long-term sustainability of the region.

On the other hand, those who oppose removing growth areas argue that it could limit economic growth and development in the area, including the potential for tourism and increased property values. They suggest that instead of removing growth areas, measures should be taken to mitigate the risks of coastal hazards, such as improving infrastructure and implementing building codes and zoning regulations.

Community character: Many submissions emphasise the importance of preserving the unique character and identity of South Gippsland's coastal communities. There is concern that unchecked development and tourism could erode the distinctiveness of these places and harm the quality of life for residents. Many responses were in favour of proposed actions to restrict growth in order to preserve town character.

First Nations: Submissions highlight the importance of incorporating First Nations perspectives and knowledge into the Coastal Strategy. There is a recognition of the deep connections that First Nations peoples have with the land and water and a desire to ensure that their voices are heard in the planning process.

Infrastructure and services: Several submissions highlight the need for improved infrastructure and services in coastal areas, such as better public transport, waste management, and emergency services. There is a recognition that increased demand for these services is a key challenge facing the region.

Yanakie boat sheds: Some residents are concerned about the potential loss of the Yanakie boat sheds, which they view as an important part of the community's heritage and character. There was a concern that the community directly affected was not informed, indicating there may be some confusion about the proposed



action. Respondents noted that more consultation is required with those directly affected.

Online engagement

Online engagement activities, including an interactive forum and an ideas board, gave the community a chance to discuss the issues and hear different points of view.

Ideas board

On the Ideas Board, the community was asked, 'If there was one thing our community could do to improve the resilience of our coastal areas, what would it be?'. Forty-five ideas were posted by community members, with 53 people providing ideas or commentary on the ideas board. The ideas provided have been grouped into themes (from the discussion paper).

Development infrastructure and management

- Install emergency exits and an emergency relief centre in Venus Bay
- Improve pedestrian safety in Venus Bay by installing traffic calming infrastructure and separating pedestrian and vehicle traffic
- Provide public transportation, including free or subsidised community bus services
- Increase the availability of childcare facilities
- Equip Venus Bay community centre with medical and allied health services
- Increase the number of public toilets
- Build a boardwalk for Beach No. 1 in Venus Bay to allow for easy access to the beach for those with limited mobility
- Provide ramp access and sturdier steps to the main beaches
- Reopen the 5-mile track to Morgan Beach to allow access for all communities and emergency vehicles

Environmental and landscape

- Reclaim wetlands at Anderson Inlet to create a buffer against tidal inundation, flood mitigation and increase biodiversity on the Venus Bay peninsula
- Encourage the retention and enhancement of locally indigenous species in bushland areas, parks and gardens
- Actively control weeds and support landowners to do this
- Encourage conservation measures such as revegetation contributions in labour with rate reductions
- Create an ocean pool to improve safety and attract tourists
- Provide plant vouchers to residents to plant more native trees on their properties

Population pressure and development

- Change building permits to minimise bare soil and include a requirement of a specific number of trees and shrubs to be planted post-development
- Install screening fence at the back of commercial precinct for aesthetics and protection
- Establish shooting exemption zones
- Stop building permanent structures close to the shoreline



Community and economy

- Invite greater community participation in providing ideas and feedback through regular focus locations in each community
- Ask for more feedback from the community

Online forums

The online discussion centred around six themes in response to the prompt: “What do you think are the key elements a coastal strategy should address?”. People could also comment on posts from other users.

In total, 75 people contributed to six discussions. In addition to the initial discussion, five additional forum questions were posed; these were related to bores and septic tanks, protecting coastal views, the Venus Bay beach car park, town expansion and boundaries, and seawall management.

An analysis of the discussion identified the following key themes:

- **Protecting and enhancing biodiversity and the environment:** There were concerns around ‘legal’ vegetation clearing and loss of indigenous habitats due to housing development. Users also commented that more needed to be done about invasive species, particularly deer and weeds causing affecting biodiversity. Participants were also concerned with the impacts of climate change and development on sand dunes, noting they were receding and must be protected. There was positive discussion about the Common Ground project and nature-based adaptation methods.
- **Infrastructure and community amenities:** Participants commented on the current level of infrastructure, noting that additional public toilets and rubbish bins would be positive for the community, especially when accommodating tourism. Participants also commented on street lights, suggesting that they were not needed and would be detrimental to the character and biodiversity of the town. Bores and septic systems were also discussed, with some calling for regulation of bore use. Other comments were concerned with the impact of septic systems on the surrounding environment.
- **Housing affordability and accessibility:** There was discussion around the need for affordable housing options for families and workers, with users commenting that housing stress is a real issue now, and indicating they were concerned for the future of housing in coastal areas.
- **Development and growth:** Users indicated support for planning restrictions, including heights and subdivision, noting that protecting vegetation loss and town character should be a priority.
- **Access to beaches:** There was a discussion over access to beaches, primarily the need for increased car parking, with users noting its importance for emergency access and tourism. Some comments related to the need to protect dunes and habitat along the beach by installing boardwalks, signage and rubbish bins. There were also some concerns with access to beaches via private roads.
- **Concerns over proposed wind farms:** There was a concern with the proximity to the coastline of proposed wind farms, primarily due to the belief that it would be detrimental to the health of marine environments and the visual amenity of the area.

4.2. RELINQUISHMENT OF COMMITTEE OF MANAGEMENT - WARATAH BAY CARAVAN PARK AND FORESHORE

Directorate:	Sustainable Infrastructure
Department:	Infrastructure Planning

Council Plan

Objective - Sustainable Growth

The relinquishment of Council as the appointed Committee of Management over the Waratah Bay Caravan Park and Foreshore will remove Council's responsibility and liability for the crown land.

EXECUTIVE SUMMARY

Over many years, Council has been collaborating with the Department of Energy, Environment and Climate Action (DEECA) regarding options for the Waratah Bay Caravan Park and the foreshore area.

DEECA have confirmed that it is now interested in progressing an option of one coastal foreshore committee of management. This fulfils their aim to address the recommendations of an expert panel appointed by the State Government to review the current system of managing Victoria's coastline starting with the Coastal Management Act 1995 i.e. a local committee of management over the Waratah Bay Caravan Park and foreshore.

DEECA has engaged with the Sandy Point Foreshore Committee of Management who have requested to be appointed committee of management over the Waratah Bay Caravan Park and foreshore which requires Council to relinquish its role as committee of management.

RECOMMENDATION

That Council:

- 1. Relinquishes being the appointed Committee of Management over the Waratah Bay Caravan Park and Foreshore being part Crown Allotment 20C Parish of Waratah North.**
- 2. Formally requests that the Victorian Government commits to the development of a comprehensive transition plan focused on ensuring the continued sustainable management of the Waratah Bay Caravan Park and Foreshore in the long term.**

REPORT

The main section of the Waratah Bay Caravan Park is situated in Freycinet Street, Waratah Bay and the foreshore component contains the former “Gap” camping area. Refer to **Figure 1 and 2**.

Figure 1: Area to be transferred shown outlined in blue



Figure 2: Official Appointment Plan



DEECA has engaged directly with the Sandy Point Foreshore Committee who have requested to be appointed committee of management over the Waratah Bay Caravan Park and foreshore. Council officers have assisted DEECA in their negotiations with this committee. DEECA have confirmed their consent for this change of management to occur and this requires Council to relinquish its role as Committee of Management.

This proposal will ensure local participation in the management of the foreshore with the requisite funding to support coastal management and maintenance. Community benefit would be enhanced by appointing them. It is understood that the local committee intends to lease the operation of the caravan park to a professional entity, and then use resources from the rental income to improve the caravan park and the foreshore. They would also be eligible to obtain funding directly from DEECA.

In the Council Plan, Council has agreed to advocate, plan and encourage the protection of our natural landscape and coastline. A local committee of management is well placed to support Council in achieving this.

OPTIONS OF MANAGEMENT

DEECA have only two options for Management of the crown land Waratah Bay Foreshore and Caravan Park:

1. Appoint a Local Committee of Management as they have elected to do or
2. Retain Council as the Committee of Management.

The Local Committee of Management will have the income from the lease of the Caravan Park to resource the management of the foreshore together with assistance from DEECA when required. The Sandy Point Foreshore Committee have also mentioned that they may engage a professional agent to manage the lease.

For Council, this is a rare opportunity to relinquish the burden of managing a State Government asset.

TRANSITION

DEECA have verbally expressed that they will commence a tender process to lease the Waratah Bay Caravan Park for 21 years. As this is expected to take some time and not wanting to disrupt the peak summer holiday period they will put the current lessee into an over-holding period until April 2024 and Council will remain the Committee of Management until the new lease commences at that time.

CONSULTATION / COMMUNITY ENGAGEMENT

Significant consultation has occurred between DEECA, the Sandy Point Foreshore Committee of Management, the current lessee, and Council officers. The Sandy Point Foreshore Committee have provided the following statement:

"After receiving independent consultant's advice and after detailed discussions with DEECA the Foreshore Committee has agreed to extend our current crown land management area to include the Waratah Bay foreshore and Caravan Park.

Our Committee is comfortable about this decision and has the capability to undertake this task.

It is expected the Caravan Park will be leased.

Our Committee is and will be continued to be supported by DEECA as their appointed Representative."

Officers met with a representative of the Waratah Bay Community Association and address their initial concerns over changes to the management arrangements. The representative advised that they are comfortable for the appointment of the Local Committee of Management if they could be given contact details of the new committee. This will occur once the Committee is appointed.

RESOURCES / FINANCIAL VIABILITY

Council will no longer be directly responsible for these sites.

RISKS

There are no significant risks to Council by relinquishing its committee of management to DEECA over the Waratah Bay Caravan Park and foreshore.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. Council Minutes 26 July 2017 - Waratah Bay Caravan Park Proposed Lease
[4.2.1 - 12 pages]

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 3. Decision Making

Legislative Provisions

Marine and Coastal Act 2018

Marine and Coastal Act Consultation (August 2016)

4. OBJECTIVE 3 - IMPROVE SOUTH GIPPSLAND'S BUILT ASSETS AND VALUE OUR NATURAL ENVIRONMENT

4.1. WARATAH BAY CARAVAN PARK - PROPOSED LEASE

Sustainable Communities and Infrastructure Services Directorate

EXECUTIVE SUMMARY

The Waratah Bay Caravan Park (the Park) is located on Crown Land and Council is the land manager, appointed as Committee of Management by the Department of Environment, Land, Water, and Planning (DELWP).

The Park is currently leased to Harry Corporation Pty Ltd and the lease expires on 12 December 2017. The expiry provisions of the lease are poorly timed being the commencement of South Gippsland's peak visitor period. Council officers have been in discussions with DELWP and investigated various options to address current and future lease arrangements.

Following discussions with DELWP, it is recommended that Council enter into an overholding arrangement with Harry Corporation Pty Ltd until 30 June 2018 to address the current lease and commence negotiations of a new five year lease.

A petition was tabled at the June 2017 Council meeting urging Council to ensure that the Park remain under private management. It is further recommended that the lead petitioner be informed of Council's decision.

RECOMMENDATION

That Council:

1. Enter into an overholding arrangement of the current lease with Harry Corporation Pty Ltd for the Waratah Bay Caravan Park from 13 December 2017 to 30 June 2018.
2. Commence preparation of a new lease pursuant to ss.190 and 223 of the Local Government Act 1989, Crown Land (Reserves) Act 1978, and Retail Leases Act 2003 to Harry Corporation Pty Ltd for the Waratah Bay Caravan Park, being Part Crown Allotment 20C Parish of Waratah North, with an area of approximately 3.795Ha (the Land):
 - a. for the period (term) 1 July 2018 to 30 June 2023;
 - b. at a market rental to be not less than that determined by a Valuer;

- c. with special conditions relating to Harry Corporation Pty Ltd (the Tenant) transitioning the Park into compliance with the Best Practice Management Guidelines for Committees of Management: Managing Crown Land Caravan and Camping Parks (the Proposal).
 3. Give public notice in accordance with s.223 of the Local Government Act 1989 of the Proposal (item 2 above) in Council's Noticeboard section of the local newspapers in the week commencing 31 July 2017 and invite written submissions from the community by 5.00pm Tuesday 29 August 2017.
 4. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable the Council to carry out its functions under s.223 of the Local Government Act 1989 in respect of the Proposal (item 2 above).
 5. If submissions are received to the public notice (item 2 above):
 - a. Authorise the Chief Executive Officer to set the time, date, and place to hear, consider, and determine submissions.
 - b. Hear submitters who had elected to speak to their submission at a Special Committee of Council in closed session comprising of:
 - i. the Mayor who will chair the meeting;
 - ii. not less than two other Councillors; and
 - iii. the Director of Sustainable Communities and Infrastructure for administrative purposes.
 - c. Consider and determine submissions at Council's Ordinary Meeting to be held 25 October 2017 in open session.
 6. If no submissions are received to the public notice, continue with the Proposal.
 7. Write to the Department of Environment, Land, Water, and Planning (DELWP) confirming Council's decision in item 2 above and request DELWP to:
 - a. Commence the procedure for Parliamentary Scrutiny and Ministerial Approval in Principle (AIP) for the new Lease;
 - b. Exempt Council from conducting an expression of interest process for the new lease on the grounds that the existing tenant is best placed to work with Council on existing site holder compliance requirements.
 8. In response to Confidential Attachment [15.1.1] Petition - Possible Changes to the Management of Waratah Bay Caravan Park.
-

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- a. Forwards the Council Minutes for item 4.1 Waratah Bay Caravan Park – Proposed Lease listed in the open Ordinary Council Meeting Agenda 26 July 2017 to the lead petitioner.

MOVED: Cr Skinner

SECONDED: Cr Argento

THAT COUNCIL:

1. **ENTER INTO AN OVERHOLDING ARRANGEMENT OF THE CURRENT LEASE WITH HARRY CORPORATION PTY LTD FOR THE WARATAH BAY CARAVAN PARK FROM 13 DECEMBER 2017 TO 30 JUNE 2018.**
2. **COMMENCE PREPARATION OF A NEW LEASE PURSUANT TO SS.190 AND 223 OF THE LOCAL GOVERNMENT ACT 1989, CROWN LAND (RESERVES) ACT 1978, AND RETAIL LEASES ACT 2003 TO HARRY CORPORATION PTY LTD FOR THE WARATAH BAY CARAVAN PARK, BEING PART CROWN ALLOTMENT 20C PARISH OF WARATAH NORTH, WITH AN AREA OF APPROXIMATELY 3.795HA (THE LAND):**
 - a. **FOR THE PERIOD (TERM) 1 JULY 2018 TO 30 JUNE 2023;**
 - b. **AT A MARKET RENTAL TO BE NOT LESS THAN THAT DETERMINED BY A VALUER;**
 - c. **WITH SPECIAL CONDITIONS RELATING TO HARRY CORPORATION PTY LTD (THE TENANT) TRANSITIONING THE PARK INTO COMPLIANCE WITH THE BEST PRACTICE MANAGEMENT GUIDELINES FOR COMMITTEES OF MANAGEMENT: MANAGING CROWN LAND CARAVAN AND CAMPING PARKS (THE PROPOSAL).**
3. **GIVE PUBLIC NOTICE IN ACCORDANCE WITH S.223 OF THE LOCAL GOVERNMENT ACT 1989 OF THE PROPOSAL (ITEM 2 ABOVE) IN COUNCIL'S NOTICEBOARD SECTION OF THE LOCAL NEWSPAPERS IN THE WEEK COMMENCING 31 JULY 2017 AND INVITE WRITTEN SUBMISSIONS FROM THE COMMUNITY BY 5.00PM TUESDAY 29 AUGUST 2017.**
4. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE THE ADMINISTRATIVE PROCEDURES NECESSARY TO ENABLE THE COUNCIL TO CARRY OUT ITS FUNCTIONS UNDER S.223 OF THE LOCAL GOVERNMENT ACT 1989 IN RESPECT OF THE PROPOSAL (ITEM 2 ABOVE).**
5. **IF SUBMISSIONS ARE RECEIVED TO THE PUBLIC NOTICE (ITEM 2 ABOVE):**
 - a. **AUTHORISE THE CHIEF EXECUTIVE OFFICER TO SET THE TIME, DATE, AND PLACE TO HEAR, CONSIDER, AND DETERMINE SUBMISSIONS.**

REPORT**Particulars of the current Lease**

Tenant:	Harry Corporation Pty Ltd
Term:	18 years
Expiry Date:	12 December 2017
Area:	Approximately 3.795 ha.
Rental:	Income from the Lease is currently \$72,000 per annum (inclusive of GST).
Maintenance:	The tenant is responsible for repairs, maintenance, and its own supplies. Council is responsible for capital improvement works.

Procedural and Legal Considerations with a New Management Agreement

The procedural and legal considerations that need to be addressed when developing a new management agreement for the Park include the following:

1	Ministerial Approval
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As the Park is on Crown Land, Council is required to consult with DELWP regarding any future tenure arrangements for the Park.

The Park has a reservation status of “*Permanently Reserved for Protection of the Coastline*”. This is a reservation status under Part 2, Section 4(1)(ze) of the Crown Land (Reserves) Act 1978.

DELWP have confirmed:

“If council is wishing to formalise the current tenant’s occupation for say no more than four years, there are reasonable grounds to issue a lease without recourse to an expression of interest. The lease is only for four years and is to cover the period Council needs to complete planning for future long term arrangements. This type of situation is identified in the Leasing Policy as one of the grounds for granting a lease outside of a public competition process however at minimum Council will need to advertise a Notice of Intention to Lease. If Council decides to go down this path, it is required to put a case to the Department. If the term is beyond four years, an EOI process may be required.”

As you may be already aware the land is reserved for Protection of the

Coastline therefore the granting of any tenure over the land requires the direct approval of the Minister and Parliamentary Scrutiny process."

The outcome of discussions with DELWP confirmed the following:

1. There are options available to Council for a short-term lease and these options may be exempt from following an expression of interest process if they are in line with clause 5.3 – Principle 2 of the *Crown Land Leasing Policy 2010* which aims to ensure consistency and transparency in leasing. (This means that Council will be required to notify the public of its intentions to lease to the tenant).
2. As the Park is "*Permanently Reserved for the Protection of the Coastline*" any future management agreement for the Park, regardless of the term, will require "Parliament Scrutiny and Ministerial Approval in Principle (AIP)"¹.

2 Parliamentary Scrutiny (Order by the Governor in Council)

The Park is located on DELWP land which has been reserved for the protection of the coastline, and not for camping purposes. Therefore, as the current lease will expire, a proposed new lease requires the decision of Parliament to determine that the site can be used as a caravan park. This means that s.17A(3)(a) of the Crown Land (Reserves) Act 1978 applies "*17A Continuation of uses of reserved land for purposes other than those for which it is reserved—licences and agreements*".

This step is part of DELWP's process but as this is a lengthy process, DELWP will require Council's decision on the tenure of the Park sooner rather than later to complete the process before the expiry of the current lease.

3 Retail Leases Act 2003 (Vic)

The operation of the Park is a retail use. This means that the Retail Leases Act 2003 (Vic) also applies in addition to the Crown Land (Reserves) Act 1978. The Retail Leases Act 2003 binds the Crown and its land managers.

In accordance with s.21(1) of the Retail Leases Act 2003, a retail lease must be for a minimum term of five years unless a lesser term is agreed to by the Tenant and approved by the Commissioner for Small Business in accordance with s.21(5) of the Retail Leases Act 2003. So whereas Council is able to negotiate a

¹ **Parliamentary scrutiny** is the close examination and investigation of government policies, actions, regulations, legislation, and spending that is presented to Parliament.

short-term management agreement for say, six months, it is limited to the Tenant agreeing and seeking approval from the Commissioner for Small Business.

4 Lease or Contract?

Council could entertain a contract arrangement and in so doing, avoid the Retail Leases Act 2003, but this means Council would not receive the benefit of rental income, and would instead be paying the Tenant to manage the Park whilst Council receives the benefits of the income derived (profits).

Given the pending Lease expiry and the need to set a management arrangement in place, it is considered more practical to continue with a retail lease model and reach agreement with the existing tenant on a 5 year term with special conditions requiring the Tenant to work with existing annual site holders on compliance with the following:

1. Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010; and
2. Best Practice Management Guidelines for Committees of Management: Managing Crown Land Caravan and Camping Parks.

5 Interest of DELWP – new Coastal Committee of Management

DELWP have confirmed that it is interested in progressing the option of one coastal foreshore Committee of Management in an aim to address the recommendations of an expert panel appointed by the State Government to review the current system of managing Victoria's coastline starting with the Coastal Management Act 1995. A new marine and coastal system for Victoria: Marine and Coastal Act Consultation (August 2016) presents the outcome of the review and with regards to management of the coastline recommends (p.25) that DELWP:

"...provide economic efficiencies of scale to allocate limited resources effectively."

This recommendation is in recognition of the misalignment of resourcing, management responsibilities and ability to raise revenue by coastal committees of management.

6 Other Considerations

1. Time - Council needs time to carefully plan for the future of its Crown Land Caravan Parks.

2. Community concern - The broader community of South Gippsland is still concerned about Council directly managing Crown Land Caravan Parks. Delaying any decision with the Park will allow Council to work more closely with the community to plan for the future of the Crown Land Caravan Parks and coastal foreshore.

PETITION: POSSIBLE CHANGES TO THE MANAGEMENT OF WARATAH BAY CARAVAN PARK

At the June 2017 Council meeting a petition was tabled with 1,088 signatures in relation to the future management of the Waratah Bay Caravan Park. A copy of the petition prayer is available in **Figure 1** below.

Figure 1: Petition Prayer

Petition to South Gippsland Shire Council & the Victorian Parliament	
Petition summary and background	The decision of the South Gippsland Shire Council to take over 2 previously successfully commercial leases; Yanakie and Long Jetty caravan parks; have proven to be costly and against the best interests of the ratepayers, forgoing what was a steady income for council in favour of an increasing financial burden. The Council intends to do the same to the Waratah Bay Caravan Park at the end of 2017 when its lease expires. In stark contrast the Waratah Bay Caravan Park is a shining example of how a commercially run park can be successful with a sensible mix of long term sites, cabins and casual camping to suit all budgets and currently no drain on the public purse. Council takeover will end the current successful business model and impose greater financial burden to the ratepayer.
Action petitioned for	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to;</p> <ol style="list-style-type: none"> 1. Ensure the Waratah Bay Caravan Park be managed by private enterprise where it can be financially viable, support local tourism and negate the financial burden on taxpayers. 2. To consult with stakeholders of South Gippsland Caravan Parks to devise fair and more achievable guidelines, that achieves maximum usage in our Crown Land Caravan Parks, which ultimately benefits local business dependent on tourism. 3. Demand transparency from Council regarding future plans for the Waratah Bay Caravan Park, and therefore be held accountable for their actions.

As this petition is concerned with the particulars and outcome of this Council report, it is appropriate to address this petition in conjunction with this report.

A full copy of the petition is available in **Confidential Attachment [15.1.1] – Petition - Possible Changes to the Management of Waratah Bay Caravan Park.**

CONSULTATION

Council officers have met with the existing tenant to discuss current and future lease considerations. Harry Corporation Pty Ltd expressed an interest to enter into a five year agreement and agreed that the current lease expiry date of December was impractical.

Council officers have been in discussions with DELWP and investigated various options to address current and future lease arrangements. DELWP have offered an overholding arrangement of the current lease to give Council time to negotiate the finer details of a further lease.

Further consultation will include discussions with the existing Tenant, DELWP, and the community via the public notice of the new lease.

NEXT STEPS – THE NEW LEASE

1. Negotiate terms of a new Lease

As mentioned under 'Other considerations' above, the terms of the new lease will include special conditions requiring the Tenant to work with existing annual site holders on compliance of their accommodation (caravans and annexes).

When valuing the land for market rental purposes, the valuer will be instructed to take the special conditions into account in order to recognise any potential losses or gains in site sales to the Tenant.

The Tenant will not be required to attend to any capital works or investment.

Once the terms have been agreed to, the draft Lease will be sent to DELWP for its approval process to commence (i.e. Parliamentary Scrutiny and Approval in Principle).

2. Public notification – s.190 of the Local Government Act 1989

When leasing its land, Council must comply with the provisions of s.190 of the Local Government Act 1989 which says:

190 Restriction on power to lease land

- (1) A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.
- (2) Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.
- (3) If the lease is to be—
 - (a) for 1 year or more and—
 - (i) the rent for any period of the lease is \$50 000 or more a year; or
 - (ii) the current market rental value of the land is \$50 000 or more a year; or
 - (b) for 10 years or more; or
 - (c) a building or improving lease—
 the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.
- (4) A person has a right to make a submission under section 223 on the proposed lease.

Given the provision of s.190(3), if the market valuation of the land returns a rental of more than \$50,000 per year, Council will need to publish a public notice and comply with s.190(4).

Also, as a minimum, DELWP requires Council to publish a "Notice of Intention to Lease". The Local Government Act 1989 s.223 notice will suffice.

THE PROCESS FOR LEASE

Following Council's decision, officers will follow a process that will broadly include the actions as shown in **Table 2** below:

Table 2: Process for Lease

NO.	ACTIONS	2017 EST. TIMEFRAME
1	<p>Council resolves to commence the process for a new Lease for the period (term) 1 July 2018 to 30 June 2023 to the existing Tenant.</p> <p>Write to the existing Tenant and commence negotiations on the terms of the new Lease which will include the requirement for them to work with existing site holders on compliance with the <i>Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010</i>, and the <i>Best Practice Management Guidelines for Committees of Management: Managing Crown Land Caravan and Camping Parks</i>.</p>	26 July 2017
2	<p>Public notification pursuant to ss.190(4) and 223 of the Local Government Act 1989 of Council's proposal to enter into a new Lease for the period 1 July 2018 to 30 June 2023 to the existing Tenant.</p>	31 July 2017
3	<p>Write to DELWP confirming Council's resolution and request DELWP to commence its process for Parliamentary Scrutiny at a sitting of Parliament and obtain Ministerial Approval in Principle for a new lease for the period 1 July 2018 to 30 June 2023 to the existing Tenant and for Council to be exempt from undertaking an EOI process (include a copy of the public notice).</p> <p>Instruct lawyers to commence preparation of a draft new lease to include special conditions regarding the Tenant working with existing site holders on</p>	1–29 August 2017

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NO.	ACTIONS	2017 EST. TIMEFRAME
	<p>compliance with transition plan to bring the Park in line with the <i>Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010</i> and the <i>Best Practice Management Guidelines for Committees of Management: Managing Crown Land Caravan and Camping Parks</i>.</p> <p>Obtain a market valuation for rental purposes that will take into account the Tenant's obligations to address the special conditions on compliance.</p>	
4	Potential hearing of any submissions.	27 September 2017
5	Potential report to Council to consider submissions and determine resolution.	October 2017
6	DELWP to issue Ministerial Approval in Principle.	October/November 2017
7	Final Lease prepared for execution signed (subject to the outcome of 4 and 5 above).	December 2017/June 2018

RESOURCES

There will be legal costs incurred by Council's Property team in preparation of the new lease. These costs will be allocated from the existing budget for the lease of Council's Crown Land Caravan Parks.

Market rental income will continue to be received for the term of the lease.

RISKS

Council is well aware of the legal and reputational risk it faces with making decisions regarding the preferred future management model for the Park and its other Crown Land Caravan Parks.

CONFIDENTIAL ATTACHMENT

Confidential Attachment [15.1.1] – Petition - Possible Changes to the Management of Waratah Bay Caravan Park has been provided in accordance with s.77(2)(c) of the Local Government Act 1989, the Chief Executive Officer designates this Agenda Item as confidential information on the grounds that it relates to s.89(2)(h) - any other matter which the Council or Special Committee considers would prejudice the Council or any persons. This item is deemed confidential to protect the privacy of the petition signatories.

REFERENCE DOCUMENTS**Council Policy**

Documents are available on Council's website: www.southgippsland.vic.gov.au

A New Marine and Coastal System for Victoria: Marine and Coastal Act Consultation Paper (August 2016)

Best Practice Management Guidelines for Committees of Management: Managing Crown Land Caravan and Camping Parks

Crown Land Leasing Policy 2010

Legislative Provisions

Coastal Management Act 1995

Crown Land (Reserves) Act 1978

Local Government Act 1989

Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010

Retail Leases Act 2013

4.3. PLANNING APPLICATION 2021/49 -89 BEACH PARADE SANDY POINT - 14 LOT SUBDIVISION AND CERTIFICATION

Directorate:	Economy and Community
Department:	Planning and Building Services

Council Plan

Objective - Sustainable Growth

This application does not meet the objectives of the Council plan for the provision of development within the township of Sandy Point in accordance with Overlay provisions applicable to the land.

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider and determine this planning application, which seeks approval for a 14-lot subdivision and removal of native vegetation at 89 Beach Parade, Sandy Point.

The proposal has attracted 43 objectors making 51 submissions from the community following the public consultation phase of the assessment process. The submissions comprise a range of planning concerns relating to impact on environment, neighbourhood character, impact on vegetation, future built form, traffic management, and pressure on public open space.

A significant number of submissions raised concern around the potential loss of the caravan park, citing mainly social and economic reasons. Whilst this is a legitimate concern for a local community, the Victorian Planning System does not provide the ability to control a private business from ceasing operation.

The key areas of consideration in assessing the proposal against the South Gippsland Planning Scheme relate to natural hazards including bushfire and inundation, climate change adaptation and mitigation, vegetation and strategic settlement planning and neighbourhood character.

Whilst in many circumstances a planning permit application can be supported for subdivision in an urban zone, in this instance the proposal fails to adequately meet the specific planning scheme requirements relating to the above matters. In addition, the proposal seeks to defer critical matters relating to existing wastewater systems within the subject land, stormwater management, traffic management, practicalities of implementing bushfire mitigation and impact on roadside vegetation.

Major short comings in the proposal relate to:

- Impact on roadside vegetation relating defensible space and vehicle access.
- Inability to contain defensible space within the subject land to reduce bushfire risk to an acceptable level.
- Inundation in flood events preventing safe vehicle access.
- Uncertainty of future built form outcome or building siting on proposed lots.
- Impractical use of proposed lot 14 by way of placement of easements to treat wastewater (generated from development that lies outside the planning permit application land).

In assessing the proposal against the relevant provisions of the South Gippsland Planning Scheme and section 60 of the *Planning and Environment Act 1997*, including the Township Zone, Bushfire Management Overlay, Design and Development Overlay, Environmental Significance Overlay and impacts of climate change, it is recommended that the proposal be refused.

RECOMMENDATION

That Council issue a Notice of Refusal for a 14 Lot Subdivision and Native Vegetation Removal at 89 Beach Parade, Sandy Point, on the following grounds:

- 1. The proposal is inconsistent with Clause 11 Settlement, 12 Environmental and Landscape Values, 13 Environmental Risk and Amenity, and Clause 15 Built Environment and Heritage of the South Gippsland Planning Scheme.**
- 2. The proposal fails to adequately address the objectives and decision guidelines of the Township Zone, Environmental Significance Overlay – Schedule 7 and the Design and Development Overlay – Schedule 3 of the South Gippsland Planning Scheme.**
- 3. The proposal fails to consider and properly address the impacts of future climatic conditions in relation to access concerns specifically raised by the West Gippsland Catchment Management Authority.**
- 4. The proposal fails to adequately respond to the constraints and opportunities of the subject land and immediate surroundings resulting in an unacceptable neighbourhood character outcome.**
- 5. The proposal fails to resolve matters relating to impact on roadside vegetation in provision of defensible space and vehicle access and as a result will likely not achieve an orderly planning outcome.**
- 6. The proposal fails to adequately address issues relating to effluent management and stormwater management.**

REPORT

The Proposal

The application seeks approval to subdivide the land into 14 allotments and the removal of native vegetation at 89 Beach Parade Sandy Point (Sandy Point Caravan Park). The proposed layout of the subdivision is found at **Attachment [4.3.1]** – Plans for Assessment 2021/49 – 89 Beach Parade Sandy Point.

The key details include:

- All lots adjoin formed municipal roads.
- There are no proposed roads internal to the subdivision.
- Lots have a uniform rectangular configuration on north/south axis.
- Lots 1-13 inclusive range between 583 – 668m² with road frontages of between 12.77-15.91m.
- Lot 14 is irregular in shape and is annotated on the proposed plan of subdivision to be 688m². The full extent of this lot is approximately 1160m² with a road frontage of approximately 20m. This lot is majority burdened by an easement for wastewater disposal
- Bushfire construction level of BAL19 for all lots, with associated defendable space of 19m and a 10,000l static water supply for each lot.
- Native and non-native vegetation exists across the subject land which is proposed to be removed.
- Some vegetation in the council road reserve/nature strip is proposed to be removed.
- Scattered vegetation within the site and road side vegetation for the creation of crossovers will need to be removed to facilitate access.

Planning Controls

The proposal triggers the need for a planning permit for subdivision at the following clauses:

- Township Zone Clause 32.05-5
- Bushfire Management Overlay Clause 44.06-2
- Design and Development Overlay Schedule 3 Clause 43.02-3
- Environmental Significance Overlay Schedule 7 Clause 42.01-2

The proposal triggers the need for a planning permit for vegetation removal under the following clauses:

- Native Vegetation Clause 52.17
- Environmental Significance Overlay Schedule 7 Clause 42.01-2

Assessment

A detailed assessment of the application against the relevant sections of the South Gippsland Planning Scheme and Section 60 of the *Planning and Environment Act 1987* is provided in the delegated report that can be viewed at **Attachment [4.3.2]**.

The following considerations are relevant to the assessment of this application:

- Future climatic conditions
- Vehicle and pedestrian connections
- Neighbourhood character
- Impact on vegetation
- Effluent management
- Stormwater management
- Public open space

CONSULTATION / COMMUNITY ENGAGEMENT

The application was advertised to adjoining and adjacent owners and occupiers, plus a site notice displayed on the subject site.

Fifty-one submissions were received (there were some submitters who made multiple submissions). Emerging themes included concerns regarding the loss of the existing caravan park, removal of vegetation, impact on the character and appearance of the township, and traffic and parking concerns. Confidential submissions can be viewed at (**Confidential Attachment [12.1.1]** – Submissions – 2021/49 - 89 Beach Parade Sandy Point). The permit application has not been modified in light of the submissions.

RESOURCES / FINANCIAL VIABILITY

Should Council issue a Notice of Decision to grant a Planning Permit for the proposal, any objector may elect to appeal to the Victorian Civil and Administrative Tribunal (VCAT) to review Council's decision. Should Council determine to refuse to grant a permit for the proposal, the permit applicant may elect to appeal to the VCAT to review Council's decision. There is a cost to Council to attend VCAT Hearings.

RISKS

Should Council fail to decide this application, there is a risk that the applicant may appeal to VCAT against Council's failure to determine the application within statutory timeframes. Such an appeal could affect Council's reputation and opens Council to a potential cost claim for its failure to determine.

STAFF DISCLOSURE

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

ATTACHMENTS

Attachments are available on Council's website at the following [LINK](#).

1. 2021/49 - 89 Beach Parade Sandy Point - Current plans for assessment [4.3.1 - 15 pages]
2. 2021/49 - 89 Beach Parade Sandy Point - Delegation Report [4.3.2 - 18 pages]

CONFIDENTIAL ATTACHMENTS

The consideration of confidential information in a closed session of Council is in accordance with s.66(2)(a) and s.66(5)(a) and (b) of the *Local Government Act 2020*.

Confidential Attachment [12.1.1] – Submissions – 2021/49 - 89 Beach Parade Sandy Point – is designated confidential information pursuant to the *Local Government Act 2020*, s.3(1)(f) - personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

The grounds for designation have been made to protect the privacy of an individual's personal information.

REFERENCE DOCUMENTS

Council's Good Governance Framework

Pillar 1. Direction & Leadership

Pillar 3. Decision Making

Council Policy / Strategy / Plans

Documents are available on Council's website at the following [LINK](#).

South Gippsland's Planning Scheme

Legislative Provisions

Planning and Environment (Planning Schemes) Act 1996

Planning and Environment Act 1987



Application for Planning Permit and Certification

Supplied by Michael James Reddie
Submitted Date 03/07/2018

Application Details

Application Type Planning Permit and Certification under the Subdivision Act
 Version 1
Applicant Reference Number (Not Supplied)
Responsible Authority Name South Gippsland Shire Council
Responsible Authority Reference Number(s) (Not Supplied)
SPEAR Reference Number S125412V

The Land

Primary Parcel 89 BEACH PARADE, SANDY POINT VIC 3959
 Lot A/Plan PS537365
 Volume 11094/Folio 969
 SPI A\PS537365
 CPN 200193
Zone: 32.05 Township
Overlay: 43.02 Design and Development
 44.06 Wildfire Management
 42.01 Environmental Significance
 44.06 Bushfire Management

The Proposal

Subdivision Act (1988) Dealing Type Section 22 (Subdivision)
Plan Number PS811047B
Number of lots 14
Proposal Description Subdivision of land into 14 lots
Estimated cost of the development for which a permit is required \$ 0

Existing Conditions

Existing Conditions Description Caravan Park
Title Information - Does the proposal breach an encumbrance on Title? The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

Applicant Contact

Applicant Contact Michael James Reddie
 M.J.Reddie Surveys Pty Ltd
 1 Horner Street, Beaconsfield, VIC, 3807
 Business Phone: 03 97074117
 Email: mjr@reddiesurveys.com.au

Applicant**Applicant**

(Applicant details as per Applicant Contact)

Owner**Owner**

PROM COUNTRY DEVELOPMENTS PTY
LTD
2/20 Duerdin Street, Notting Hill, VIC,

Declaration

I, Michael James Reddie, declare that the owner (if not myself) has been notified about this application.

I, Michael James Reddie, declare that all the information supplied is true.

I, Michael James Reddie, have certified that steps have been taken to bring this land under the Transfer of Land Act 1958.

I, Michael James Reddie, apply to have the attached plan of subdivision / consolidation certified under the Subdivision Act 1988 and to have advice of street numbers allocated.

**Authorised by
Organisation**

Michael James Reddie
M.J.Reddie Surveys Pty Ltd



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 11094 FOLIO 969

Security no : 124072694148A
Produced 03/07/2018 12:20 pm

LAND DESCRIPTION

Lot A on Plan of Subdivision 537365N.
PARENT TITLE Volume 09967 Folio 724
Created by instrument PS537365N 06/10/2008

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
PROM COUNTRY DEVELOPMENTS PTY LTD of 2/20 DUERDIN ROAD NOTTING HILL VIC 3168
PS537365N 06/10/2008

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AN052171U 26/08/2016
SOUTHAGE PTY LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS537365N FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

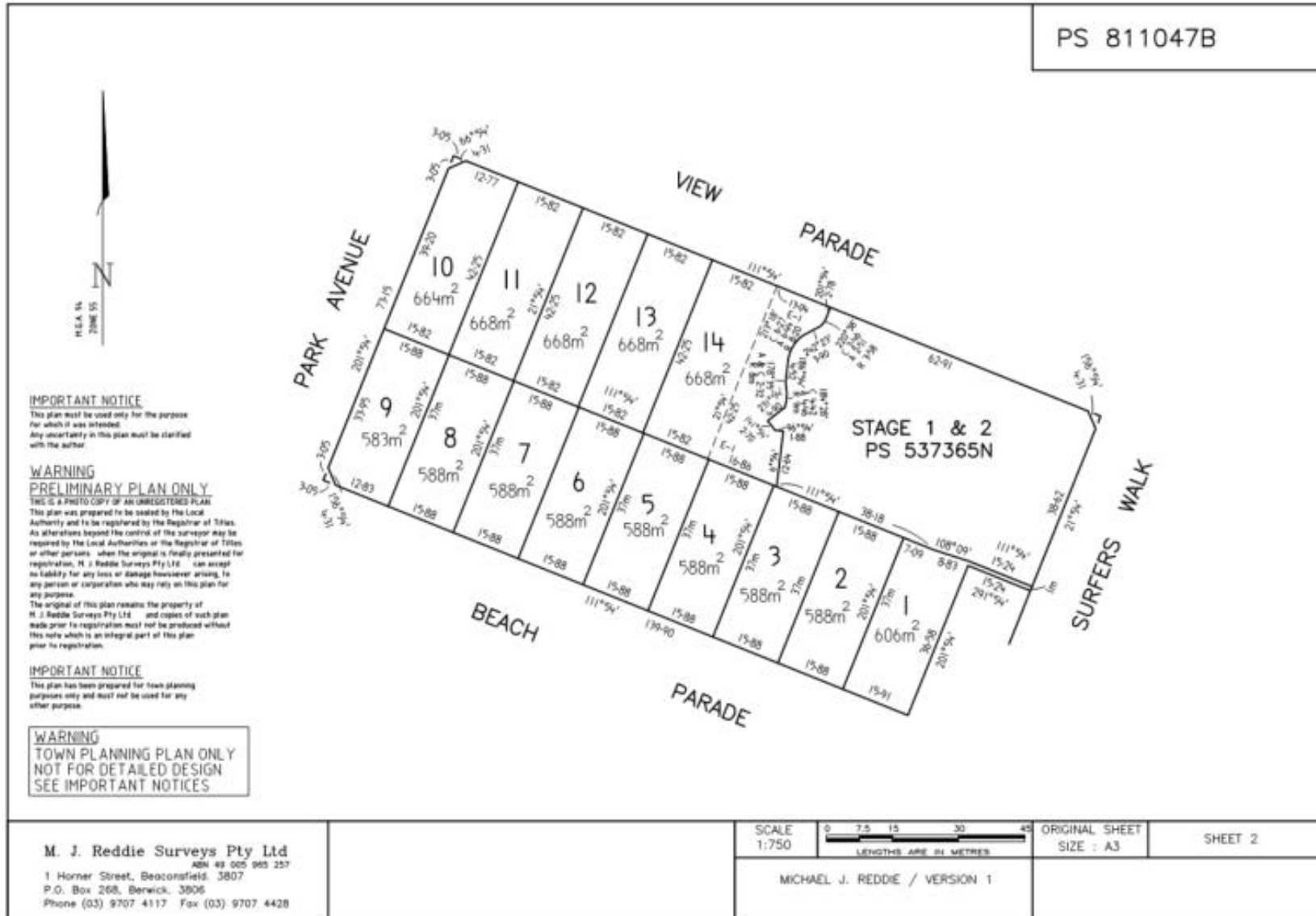
-----END OF REGISTER SEARCH STATEMENT-----

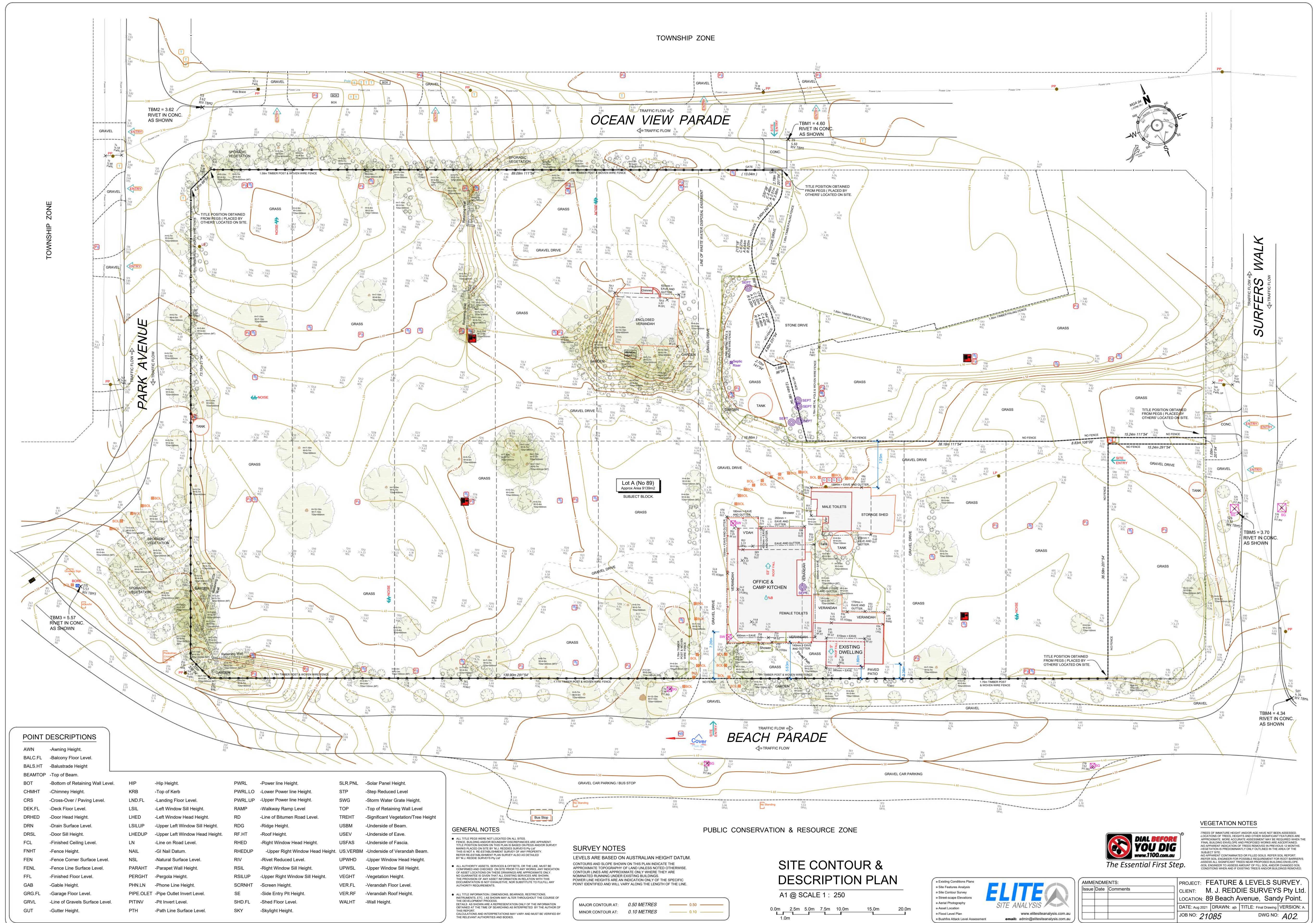
Additional information: (not part of the Register Search Statement)

Street Address: 89 BEACH PARADE SANDY POINT VIC 3959

DOCUMENT END

ATTACHMENT B – PROPOSED PLAN OF SUBDIVISION





POINT DESCRIPTIONS

AWN	-Awning Height.	HIP	-Hip Height.	PWRL	-Power line Height.	SLR.PNL	-Solar Panel Height.
BALC.FL	-Balcony Floor Level.	KRB	-Top of Kerb	PWRL.LO	-Lower Power line Height.	STP	-Step Reduced Level
BALS.HT	-Balustrade Height	LND.FL	-Landing Floor Level.	PWRL.UP	-Upper Power line Height.	SWG	-Storm Water Grate Height.
BEAM.TOP	-Top of Beam.	LSIL	-Left Window Sill Height.	RAMP	-Walkway Ramp Level.	TOP	-Top of Retaining Wall Level
BOT	-Bottom of Retaining Wall Level.	LHED	-Left Window Head Height.	RD	-Line of Bitumen Road Level.	TREHT	-Significant Vegetation/Tree Height
CHMHT	-Chimney Height.	DRN	-Drain Surface Level.	LDG	-Ridge Height.	USBM	-Underside of Beam.
CRS	-Cross-Over / Paving Level.	DRSL	-Door Sill Height.	LHEDUP	-Upper Left Window Head Height.	USEV	-Underside of Eave.
DEK.FL	-Deck Floor Level.	FCL	-Finished Ceiling Level.	LN	-Line on Road Level.	RHED	-Right Window Head Height.
DRHED	-Door Head Height.	FNHT	-Fence Height.	NAIL	-G.I Nail Datum.	RHEDUP	-Upper Right Window Head Height.
DRN	-Drain Surface Level.	FEN	-Fence Corner Surface Level.	NSL	-Natural Surface Level.	RIV	-Rivet Reduced Level.
DRSL	-Door Sill Height.	FENL	-Fence Line Surface Level.	PARAHT	-Parapet Wall Height.	RSIL	-Right Window Sill Height.
FCL	-Finished Ceiling Level.	FFL	-Finished Floor Level.	PERGHT	-Pergola Height.	RSILUP	-Upper Right Window Sill Height.
FNHT	-Fence Height.	GAB	-Gable Height.	PHN.LN	-Phone Line Height.	SCRNHT	-Screen Height.
FEN	-Fence Corner Surface Level.	GARG.FL	-Garage Floor Level.	PIPE.OLET	-Pipe Outlet Invert Level.	SE	-Side Entry Pit Height.
FENL	-Fence Line Surface Level.	GRVL	-Line of Gravel Surface Level.	PITINV	-Pit Invert Level.	SHD.FL	-Shed Floor Level.
GAB	-Gable Height.	GUT	-Gutter Height.	PTH	-Path Line Surface Level.	SKY	-Skylight Height.
GARG.FL	-Garage Floor Level.						
GRVL	-Line of Gravel Surface Level.						
GUT	-Gutter Height.						

GENERAL NOTES

• ALL TITLE PEGS WERE NOT LOCATED ON ALL SITES.
 • FENCE, BOUNDARY AND/OR BOUNDARY DISCREPANCIES ARE APPARENT.
 • MARKS PLACED ON SITE BY A REGISTERED SURVEYOR SHALL BE USED.
 • THIS IS NOT A REGISTERED SURVEY OF ANY PREVIOUSLY REGISTERED SURVEY.
 • ALL TITLE INFORMATION (BOUNDARY, SERVICES, RESTRICTIONS, EASEMENTS, ETC.) IS SHOWN AS FAR AS KNOWN.
 • THIS IS NOT A REGISTERED SURVEY OF ANY PREVIOUSLY REGISTERED SURVEY.
 • ALL TITLE INFORMATION (BOUNDARY, SERVICES, RESTRICTIONS, EASEMENTS, ETC.) IS SHOWN AS FAR AS KNOWN.
 • THIS IS NOT A REGISTERED SURVEY OF ANY PREVIOUSLY REGISTERED SURVEY.

SURVEY NOTES

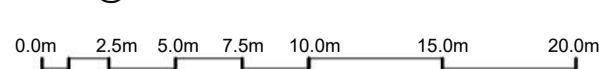
LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM.
 CONTOURS AND SLOPE SHOWN ON THIS PLAN INDICATE THE APPROXIMATE TOPOGRAPHY OF LAND UNLESS NOTED OTHERWISE.
 CONTOUR LINES ARE APPROXIMATE ONLY WHERE THEY ARE INDICATED PLANNING UNDER EXISTING BUILDINGS.
 POWER LINE HEIGHTS ARE AN INDICATION ONLY OF THE SPECIFIC POINT IDENTIFIED AND WILL VARY ALONG THE LENGTH OF THE LINE.



PUBLIC CONSERVATION & RESOURCE ZONE

SITE CONTOUR & DESCRIPTION PLAN

A1 @ SCALE 1 : 250



Existing Conditions Plans
 Site Features Analysis
 Site Contour Survey
 Street Scope Elevations
 Aerial Photography
 Asset Location
 Flood Level Plan
 Building Attack Level Assessment

ELITE
 SITE ANALYSIS
 www.eliteanalysis.com.au
 email: admin@eliteanalysis.com.au

AMMENDMENTS:

Issue	Date	Comments

VEGETATION NOTES

• TREES OF IMMATURE HEIGHT AND/OR AGE HAVE NOT BEEN ASSESSED.
 • LOCATIONS OF TREES, HEIGHTS AND OTHER RELEVANT DATA ARE APPROXIMATE. MORE ACCURATE ASSESSMENT MAY BE REQUIRED WHEN THE FINAL BUILDING DESIGN AND LANDSCAPE DESIGN ARE DETERMINED.
 • NO APPARENT INDICATION OF TREE REMOVAL IN PREVIOUS 1:1000 VEGETATION IS PRELIMINARY ONLY OBTAINED IN THE AREA OF THE SUBJECT SITE.
 • NO APPARENT CONTAMINATED OR FILL SOILS REPORTED.
 • ALL APPROPRIATE REQUIREMENTS FOR TREE REMOVAL AND REPLANTING SHALL BE ADVISED BY THE LOCAL GOVERNMENT.
 • ALL APPROPRIATE REQUIREMENTS FOR TREE REMOVAL AND REPLANTING SHALL BE ADVISED BY THE LOCAL GOVERNMENT.

PROJECT: FEATURE & LEVELS SURVEY.
 CLIENT: M. J. REDDIE SURVEYS Pty Ltd.
 LOCATION: 89 Beach Avenue, Sandy Point.
 DATE: Aug 2021 DRAWN: ap TITLE: Final Drawing VERSION: A
 JOB NO: 21085 DWG NO: A02



Map 1 - Existing Conditions and Native Vegetation

21050 - 89 Beach Parade Sandy Point

Property

Title Boundary

Tree Census

Indigenous Tree or Shrub

Canopy Spread

Patch of Native Vegetation

Date: 13 September 2021
 Created by: Chris Armstrong
 Map Program: QGIS 3.14
 Subdivision layout provided by M. J. Reddie Surveys

Scale (A3) 1:600



RANGES Environmental

0459 020 061 www.rangesconsulting.com





Map 2B - Native Vegetation Impact Assessment

21050 - 89 Beach Parade
Sandy Point

Development Layout

-  Building envelope
 -  Native vegetation to be removed under Cl. 52.17
 -  Habitat Zone
- Tree Census**
-  Indigenous Shrub-Remove
 -  Indigenous Shrub-Retain
 -  Fenceline Buffer (4m)

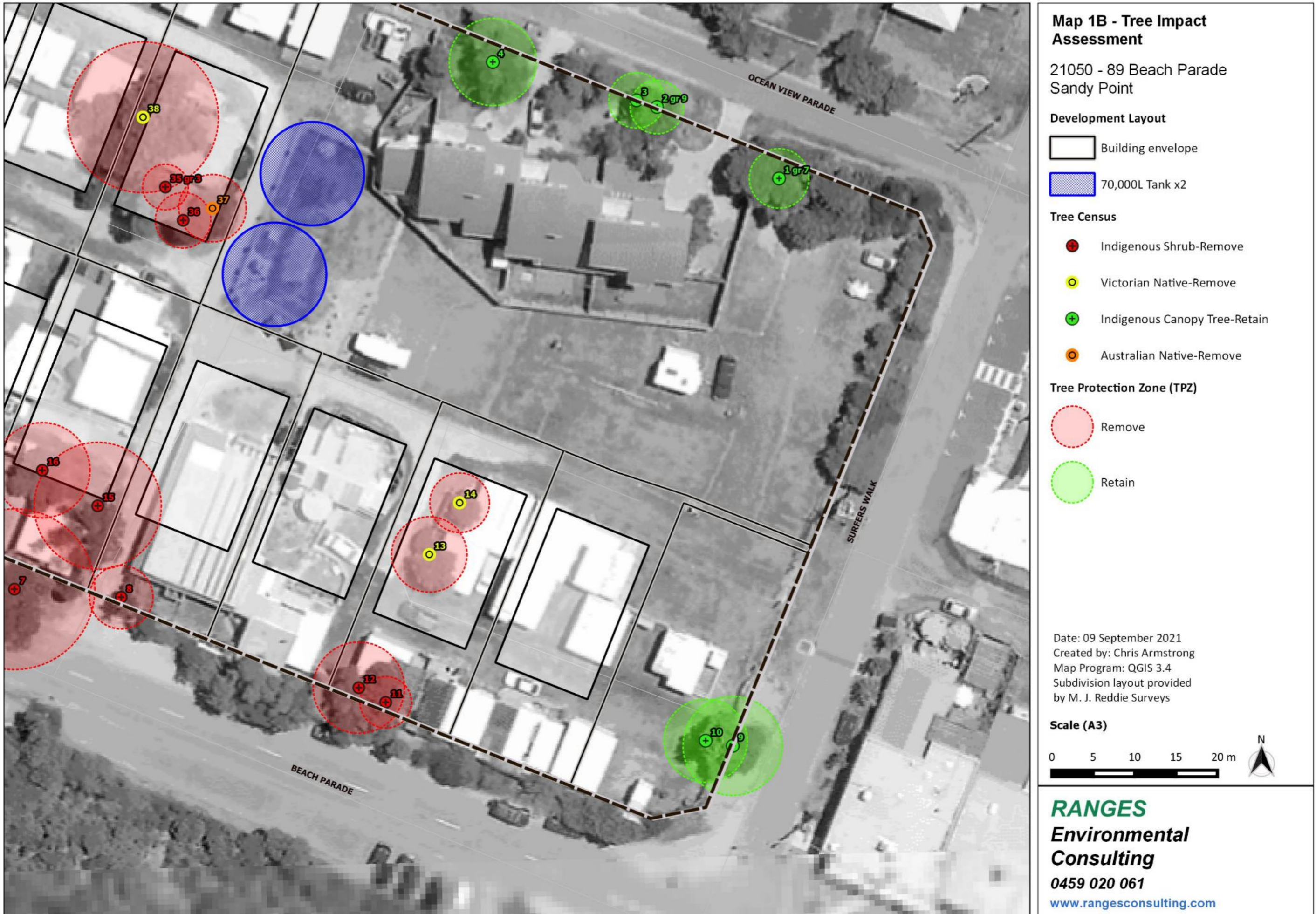
Date: 13 September 2021
Created by: Chris Armstrong
Map Program: QGIS 3.4
Subdivision layout provided by M. J. Reddie Surveys

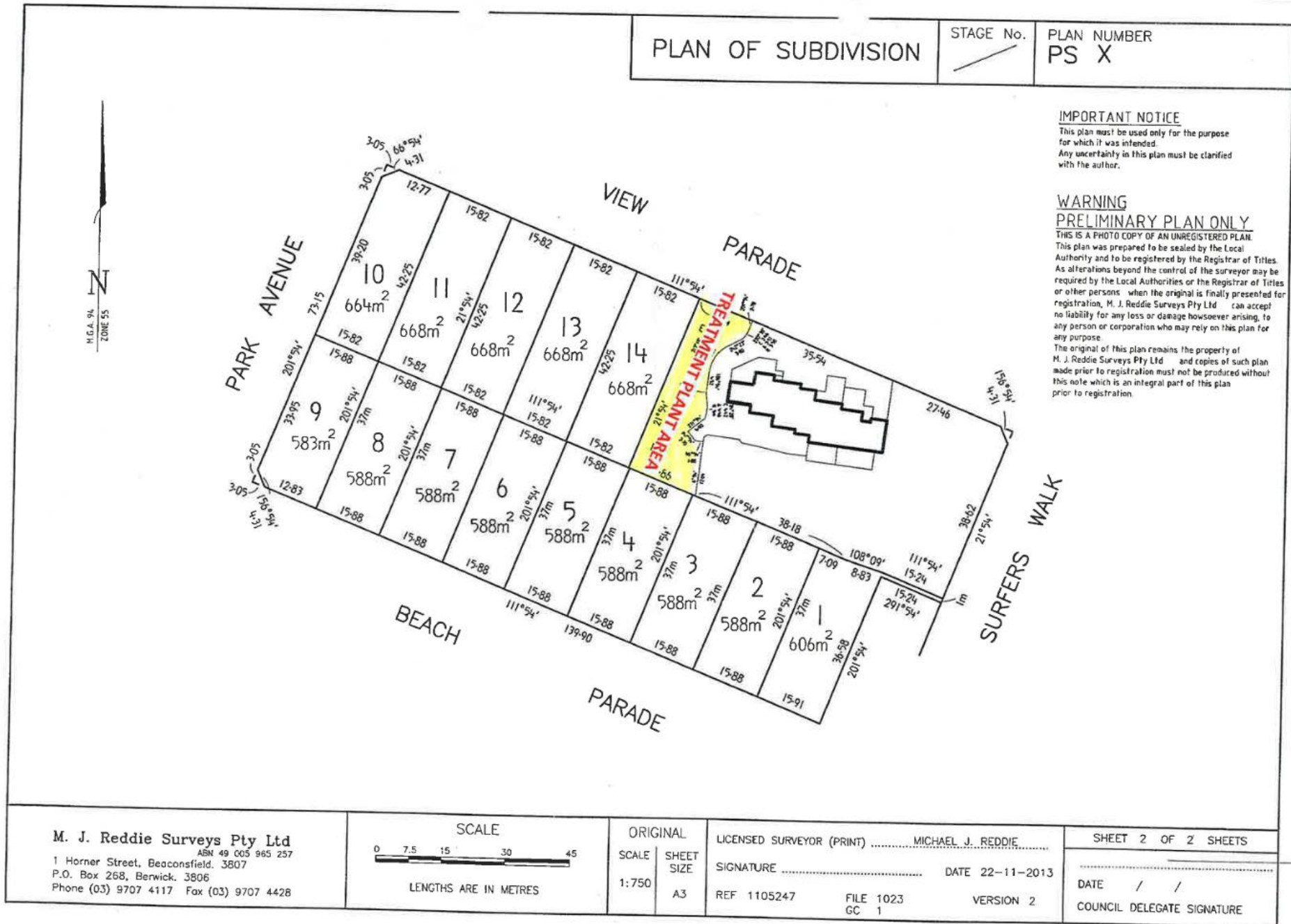
Scale (A3)



RANGES
Environmental Consulting
0459 020 061
www.rangesconsulting.com









RANGES Environmental Consulting

ABN: 38 253 773 962

19 October 2022

Chris Cope

Prom Country Developments Pty Ltd

cope-pyke@cope-pyke.com.au

C/- Glenn Kell /Planning Central

glenn@planningcentral.com.au**Summary of Water Supply Requirements– 89 Beach Parade Sandy Point**

In relation to the subdivision application at 89 Beach Parade Sandy Point, I have reviewed the CFA response dated 19 January and I have since discussed the matter over the phone with the representative CFA member, Adrian Wakenshaw.

The information communicated in the CFA letter and clarified over the phone includes:

1. That the subdivision development should apply the standard conditions to each lot as specified in clause 53.02-4.4 and table 4. This effectively means that:
 - A water supply of 10,000 litres needs to be included for each lot
 - Fire authority fittings and access within 4 metres of driveways need to be provided for each tank
2. Each proposed lot should independently meet the provision of a water supply for CFA firefighting purposes – in lieu of a communal service.

The reasons given for this decision by the CFA member include:

1. That CFA have considered community access to emergency water supply in the local area and deemed that these resources were insufficient to provide water to dwellings in the subdivision
2. That communal water supply within public open space within the subdivision would not provide the assurance that such a supply could be maintained, in the absence of a legal entity on the title (such as a Body Corporate etc.)
3. That the provision of water tanks on each lot will place the onus on individual lot owners rather than rely upon communal responsibility, which is uncertain in its application.

Although there may be other legal mechanisms to secure an alternative water supply on the site following formal certification of the subdivision, from the stand point of the planning approval, it seems that a Bushfire Management Plan demonstrating indicative water tanks on each lot provide the clearest way forward.

I have provided a sample Bushfire Management Plan attached to this letter. This plan would meet the requirements of the Bushfire Planning Regulations for which CFA would provide formal consent.

Please advise if you wish to proceed on this basis and if so, I will finalize all relevant documentation for CFA approval.

Greg James

Environmental Consultant

Email: info@rangesconsulting.com

Ph: 0459 020 061 | www.rangesconsulting.com






RANGES Environmental Consulting

Please refer to the sample Bushfire Management Plan attached to this letter.

Bushfire Management Plan

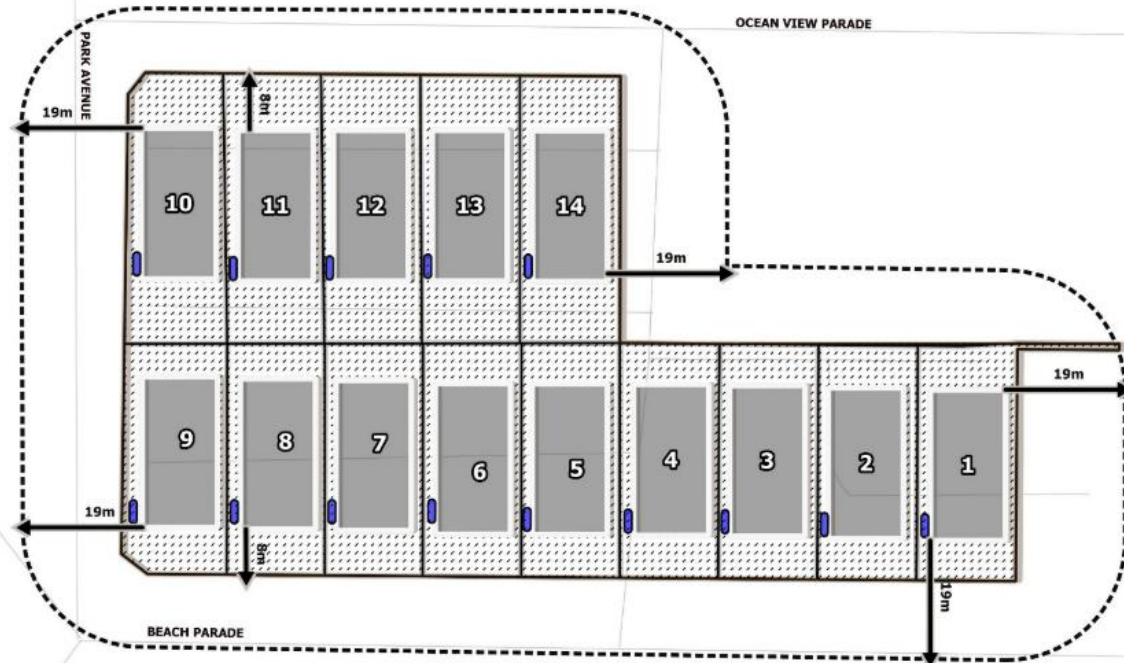
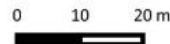
89 Beach Parade Sandy Point

Development Layout

-  Building envelope
-  Title Boundary and Lot boundaries
-  10,000 Litre Tank (indicative location only)
-  Defendable Space to be maintained
-  Defendable space boundary (Including road surface)

Date: 20 October 2022
 Created by: Chris Armstrong
 Map Program: QGIS 3.14

RANGES Environmental
 0459 020 061 www.rangesconsulting.com



Scale (A3):
 1:750

Defendable Space

Defendable Space is to a distance of 19 metres from all dwellings or to the property boundary (whichever is less) where vegetation and other flammable materials must be managed in accordance with the following:

1. Grass must be short cropped and maintained during the declared fire danger period.
2. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
3. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
4. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
5. Shrubs must not be located under the canopy of trees.
6. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
7. Trees must not overhang or touch any elements of the building.
8. The canopy of trees must be separated by at least 5 metres.
9. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Construction Standard

All new dwellings are to be designed and constructed to a minimum AS-3959 Bushfire Attack Level of BAL-19.

Standard Water Supply Requirements

A 10,000 litre water supply tank is to be provided for each dwelling. The water supply is to:

1. Be stored in an above ground water tank constructed of concrete or metal
2. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal
3. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
4. Be located within 60 metres of the outer edge of the approved building.
5. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
6. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
7. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Access Requirements

The following design and construction requirements apply to the access of the 140,000-litre static water supply:

1. All-weather construction.
2. A load limit of at least 15 tonnes.
3. Provide a minimum trafficable width of 3.5 metres.
4. Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
5. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.

As all building envelopes are less than 15m from the road, no access requirements apply to the lots.

South Gippsland Shire Council**Planning Delegation Report**

Planning Permit Application 2021/49 - 89 Beach Parade Sandy Point VIC 3959

Application Details	
Application No	2021/49
Proposal	14 lot Subdivision, Native Vegetation Removal and certification
Applicant	M J Reddie Surveys Pty Ltd
Application lodged	11 February 2021
Plan Details	D4606521 – Plan of Subdivision prepared by Luke Reddie Version 1
Officer:	Robyn Begg
Property Details	
Property Address	89 Beach Parade Sandy Point VIC 3959
Land Description	LA PS537365N
Land Area	9140m ²
Restrictions on title	Nil
Existing Use	Caravan Park
Planning Provisions	
Zone	Township Zone
Overlays	Environmental Significance Overlay - Schedule 7 Design and Development Overlay - Schedule 3 Bushfire Management Overlay
Particular Provisions	Clause 52.17 – Native Vegetation Clause 53.02 – Bushfire Planning Clause 56 – Residential Subdivision
General Provisions	Clause 65 - Decision Guidelines
CHMP	Not required D10781821 as the subject land has undergone significant ground disturbance and therefore the proposed subdivision is not defined as a high impact activity.
Permit Triggers	
Zone	Township Zone – Subdivision of land
Overlay	Environmental Significance Overlay - Schedule 7 – Subdivision of land Design and Development Overlay - Schedule 3 – Subdivision of land Bushfire Management Overlay – Subdivision of land
Provisions	Clause 52.17 – Removal of Native Vegetation
Notifications	
Advertising	Yes
Number Objections	43 objectors making 51 submissions
Recommendation	
	Notice of Refusal

South Gippsland Shire Council**Planning Delegation Report**

Planning Permit Application 2021/49 - 89 Beach Parade Sandy Point VIC 3959

THE PROPOSAL

The application seeks approval to subdivide land into 14 allotments and the removal of native vegetation at 89 Beach Parade Sandy Point (Sandy Point Caravan Park). The key details are noted in the dot-points below:

- All lots adjoin formed municipal roads.
- There are no proposed roads internal to the subdivision.
- Lots have a uniform rectangular configuration on north/south axis.
- Lots 1-13 inclusive range between 583 – 668m² with road frontages of between 12.77-15.91m.
- Lot 14 is irregular in shape and is annotated on the proposed plan of subdivision to be 688m². The full extent of this lot is approximately 1160m² with a road frontage of approximately 20m. This lot is majority burdened by an easement for wastewater disposal
- Bushfire construction level of BAL19 for all lots, with associated defendable space of 19m and a 10,000L static water supply for each lot.
- Native and non-native vegetation exists across the subject land which is proposed to be removed.
- Some vegetation in the council road reserve/nature strip is proposed to be removed.
- Scattered vegetation within the site and road side vegetation for the creation of crossovers will need to be removed to facilitate access.

Planning permit documents include the following reports:

- Bushfire Management Statement and Plan
- Land Capability Assessment (wastewater)
- Native Vegetation Impact Assessment
- Native Vegetation Removal Report
- Tree Assessment Report

South Gippsland Shire Council

Planning Delegation Report

Planning Permit Application 2021/49 - 89 Beach Parade Sandy Point VIC 3959

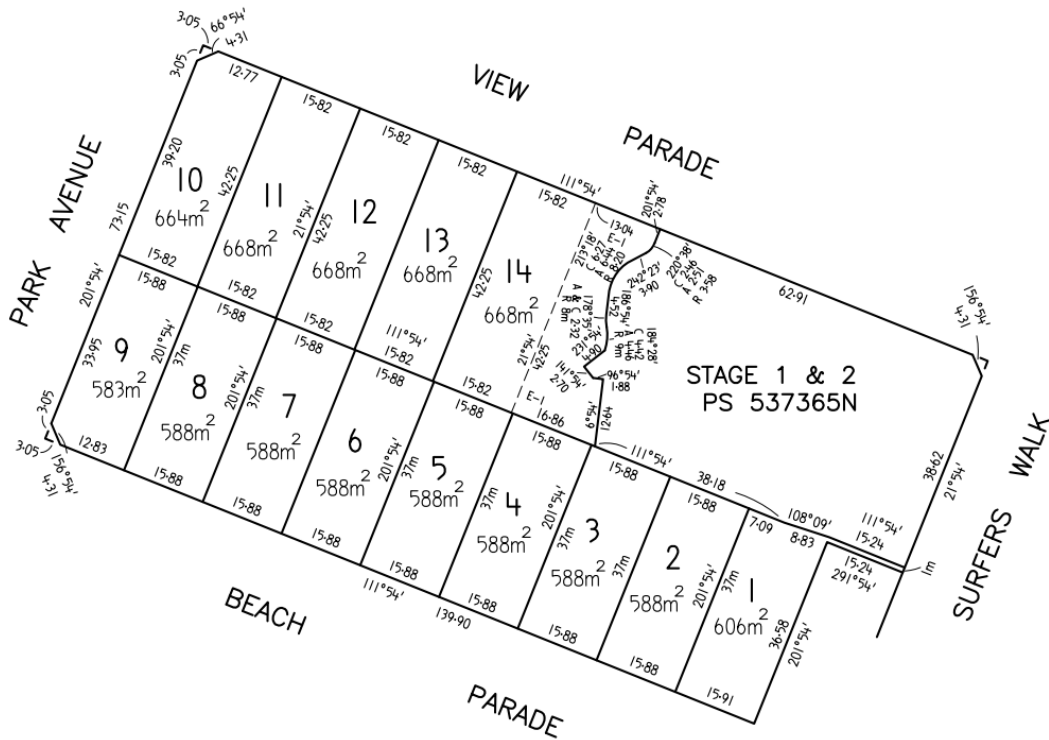


Figure 1: Proposed plan of subdivision

SUBJECT SITE AND SURROUNDING AREA

The subject land is located in a predominantly residential precinct in the centre of Sandy Point, adjacent to the Crown foreshore, a general store and a reserve containing tennis courts.

The subject site is bounded by Beach Parade, Park Avenue and Ocean View Parade. The site has an area of 9140m² which currently accommodates the Sandy Point Caravan Park. The caravan park is fenced with cyclone fencing. Access to the site is via a vehicle crossover from Beach Parade. The wastewater system for the caravan park is located in the south east section.

Three dwellings and five vacant lots on land adjoining to the north east are serviced by a wastewater system located on proposed lot 14, which is demarked by an easement for ‘wastewater purposes’.

Scattered trees and patches of shrubs exist across the subject land, and within the road reserve around the perimeter of the subject land.

RESTRICTIVE COVENANTS, CAVEATS AND SECTION 173 AGREEMENTS

There are no restrictions on the title.

South Gippsland Shire Council**Planning Delegation Report**

Planning Permit Application 2021/49 - 89 Beach Parade Sandy Point VIC 3959

PLANNING SCHEME CONTROLS & PERMIT TRIGGERS

Zone/Overlays/Particular Provisions		
Provision	Trigger	Rationale
Township Zone	32.05-5	Subdivision of land
Bushfire Management Overlay	44.06-2	Subdivision of land
Design and Development Overlay – Schedule 3	43.02-3	Subdivision of land
Environmental Significance Overlay Schedule 7	42.01-2	Subdivision of land
	42.01-2	Vegetation removal
Native Vegetation	52.17	Removal of Native Vegetation

SPECIAL WATER SUPPLY CATCHMENT AREA

The land is not located within a Special Water Catchment Area.

ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)

The applicant has submitted a Preliminary Aboriginal Heritage Test which was approved by the Director Heritage Services 9 November 2021.

FURTHER INFORMATION

Further information sought and provided following initial lodgement of the proposal included:

- Cultural Heritage Management Plan
- Address the requirements of Clause 52.17 Native Vegetation
- Address the requirements of Clause 44.06-3 Bushfire Management Overlay and Clause 53.02 Bushfire Planning
- Provision of a Land Capability Assessment
- A condition report for existing wastewater systems
- Stormwater management plan
- Address Clause 53.01 Public open space contribution and subdivision

NOTIFICATION OF THE PROPOSAL

The application was placed on notice in accordance with Section 52 of the *Planning and Environment Act 1987* by:

- Notice on site
- Letters to adjoining owners and occupiers

At the time of writing Council has received 43 objections following the advertising period.

Objections related to the following:

South Gippsland Shire Council**Planning Delegation Report**

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- impact on environment
- neighbourhood character
- impact on vegetation
- future built form
- traffic management
- pressure on public open space

A significant number of submissions raised concern of the potential loss of the caravan park, citing mainly social and economic reasons. Whilst this is a legitimate concern for a local community, the Victorian Planning System does not provide the ability to control a private business from ceasing operation.

REFERRALS UNDER SECTION 55 OR 57C AND INTERNAL REFERRALS

Authority	Rationale	Date received and response
West Gippsland Catchment Management Authority	Section 52 Notice	WCMA object in relation to flooding and climate change. It states that the egress route for the site is subject to flooding of up to 1.2m, which represents an extreme flood hazard.
Country Fire Authority	Bushfire Management Overlay and clause 66.03	Conditional consent
DELWP (now DEECA)	Removal of native vegetation (Clause 66.02-2)	By letter dated 6 January 2021, DELWP advised that it did not object to the proposed subdivision and recommended several conditions be included on the planning permit. DELWP requested further information by email dated 14 December 2021 regarding proposed vegetation removal to assess the proposal
AusNet Services	Service authority (clause 66.01)	Conditional consent
EPA Victoria	Development requiring the amendment of a licence under Part 4.3 of the Environment Protection Act 2017	The wastewater system located on proposed lot 14 (that serves development adjoining the subject land) must be maintained by the owner of that lot. EPA are responsible the wastewater system license and ensuring the conditions of the license are adhered to.

Internal referrals

Department	Response
Environmental Health	Conditional consent Wastewater associated with any and all lots created by this subdivision must be treated and retained on-site in accordance with the <i>Environment Protection Act 2017</i> and must comply with the

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	Onsite Wastewater Code of Practice 2008 (EPA) and Council's Domestic Wastewater Management Plan 2022-2026. Existing wastewater systems and bores must be decommissioned.
Engineering	Conditional consent, subject to: Engineering plans showing - <ul style="list-style-type: none"> • vehicle crossovers (avoiding vegetation loss) • Treated timber bollards to be provided on Beach Parade along the entire length of the south boundary • Water tanks (3000ltr) • Soakage pits to assist in disposal of storm water

ASSESSMENT**MUNICIPAL PLANNING STRATEGY****Cause 02.02 Vision**

The Vision includes the following statements of relevance to Sandy Point:

The South Gippsland Shire Council's vision in the Council Plan 2020-2024 relating to land use and development is:

- To establish the Shire as a thriving and diverse local economy that builds on our region's natural advantages.
- To provide the community with services and infrastructure that enhance liveability and environmental sustainability for current and future generations.

Within the Settlement Hierarchy at clause 02.02, the following guidance exists for Coastal Villages including Sandy Point:

In addition to supplying a limited range of services and facilities to residents, coastal villages service holiday populations as well as significant retiree and partially absentee residents. The character of the coastal villages combined with their environmentally significant surrounds and landscapes, affords them a charming attractiveness.

Council seeks to:

- Contain growth within settlement boundaries to protect the environmental, landscape and agricultural values between and surrounding the settlements.
- Balance growth and development with the associated impacts on vegetation, soil stability and water quality and the risks of climate change.
- Provide an attractive and safe residential environment and strengthen the economic future of each coastal village.

PLANNING POLICY FRAMEWORK (PPF)

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The following Planning Policies and Local Planning Policies are relevant to this proposal:

Planning polices	<ul style="list-style-type: none"> ▪ Clause 11 (Settlement) ▪ Clause 12 (Environment and Landscape Values) ▪ Clause 13 (Environmental Risks and Amenity) ▪ Clause 15 (Built Environment and Heritage) ▪ Clause 16 (Residential Development)
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Clause 11 Settlement

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Relevantly, planning is to recognise the need for, and as far as practicable contribute towards:

- Health, wellbeing and safety.
- Diversity of choice.
- A high standard of environmental sustainability, urban design and amenity.
- Climate change adaptation and mitigation.
- Protecting, conserving and improving biodiversity, waterways and other natural resources.
- Accessibility.

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

The Settlement strategy at clause 11.01-1L-01 seeks to encourage consolidated residential development adjacent to central activity districts of settlements to achieve a more efficient use of urban infrastructure, community facilities and transport services.

Policy for coastal villages including Sandy Point are set out at clause 11.01-1L-09. Relevant strategies include:

- Maintain the low scale, holiday character of each coastal village including by maintaining the current housing density.
- Maintain the rural buffer between Sandy Point and Waratah Bay.
- Maintain the rural buffer between Tarwin Lower and Venus Bay.
- Ensure that any expansion into the long-term development areas identified on the relevant framework plans does not occur until:
- A significant proportion of vacant lots within the Township Zone and Low Density Residential Zone has been developed.
- Reticulated water and sewerage is made available.
- Further investigation is undertaken to confirm the extent of potential problems associated with acid sulphate soils and/or flooding.

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- Further investigation is undertaken to confirm the location of sites of heritage significance.
- Further investigation is undertaken to confirm the location of sites of environmental significance.
- Development has been designed to minimise the visual impact from key viewing locations, particularly town approaches and high points in the coastal landscape.

Strategy for Sandy Point include:

- Promote development that respects and enhances the coastal character of the village.
- Promote long term development areas in locations that maintain pedestrian accessibility to the nearby foreshore and commercial centre.

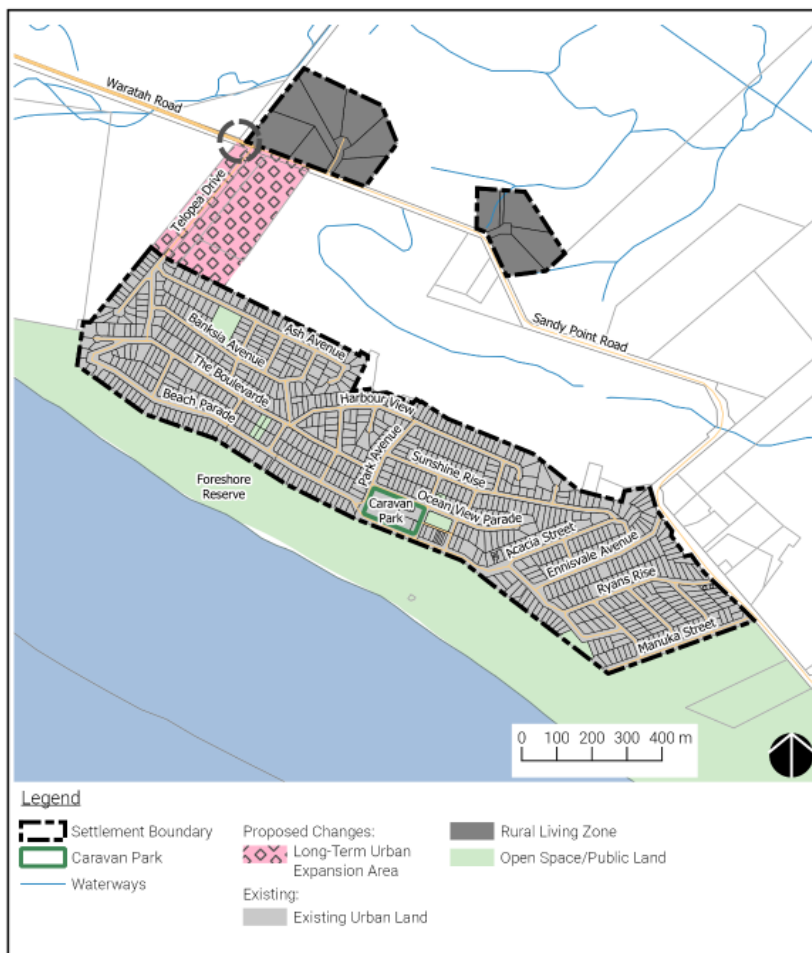


Figure 2: Sandy Point Framework Plan (clause 11.01-1L-09)

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Policy for Coastal Settlement at clause 11.03-4S includes strategies to:

- Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.
- Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.
- Limit development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.
- Ensure a sustainable water supply, stormwater management and sewerage treatment for all development.
- Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

Clause 12.02-1S Marine and coastal environment

Policy for the protection of the marine and coastal environment includes strategy to:

- Manage privately-owned foreshore consistently with the adjoining public land.
- Enhance the ecological values of the ecosystems in the marine and coastal environment.
- Protect and enhance the overall extent and condition of native habitats and species diversity distributions across public and private land in the marine and coastal environment.
- Encourage revegetation of cleared land abutting coastal reserves.
- Minimise direct, cumulative and synergistic effects on ecosystems and habitats.
- Maintain the natural drainage patterns, water quality and biodiversity in and adjacent to coastal estuaries, wetlands and waterways.
- Maintain and enhance water and soil quality by minimising disturbance of sediments.
- Avoid disturbance of coastal acid sulfate soils.
- Protect and enhance natural features, landscapes, seascapes and public visual corridors.
- Protect the heritage values, the aesthetic quality of locations, cultural links with maritime activities, sea country and sense of place.

Policy for Coastal and hinterland landscapes at clause 12.05-2L-01 includes strategy to:

- Ensure that development is subordinate to the natural, visual and environmental landscape character and significance.
- Protect views of Mt Hoddle, the Welshpool Hills and the Corner Inlet Amphitheatre and other hinterland areas by avoiding development in these areas that is visually intrusive, particularly when viewed from the South Gippsland Highway, as well as from other key touring routes, lookouts and residences.
- Discourage development on prominent ridgelines, particularly those close to the coast. Where development cannot be avoided in steep locations or prominent hill faces:
- Site development in the lowest third of the visible slope wherever possible.
- Set buildings and structures among existing vegetation or establish gardens with locally indigenous species.
- Design buildings to follow the contours or step down the site to minimise earthworks.

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- Articulate buildings into separate elements and avoid visually dominant elevations.
- Encourage the planting of indigenous vegetation for rehabilitation works and landscaping around development.
- Retain existing shelterbelts and non-indigenous feature planting where they are features of the area and the species are non-invasive.

Other strategies seek to:

Scale the height and form of new development at the coastal edge of settlements to be sensitive to surrounding development, the surrounding landform and the visual setting of the settlement, particularly when viewed from the foreshore.

The site is within Landscape Character Area 1.5 as mapped within clause 12.05 (Waratah Bay/corner Inlet). Relevant guidance for this area includes:

- Manage development at the Corner Inlet coastal edge to retain intact natural coastal character by:
 - Restricting heights of dwellings.
 - Using colours that blend with the natural environment.
 - Clustering development at already developed centres (e.g. Port Welshpool).
- Minimise clutter of built elements throughout hinterland areas to protect the rural character.

Clause 13 Environmental risks and amenity

Policy for floodplain management seeks to assist the protection of:

- Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river, wetland or coastal health.

Clause 15 (Built Environment and Heritage) seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity. Relevant strategies include:

- Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.
- Ensure the interface between the private and public realm protects and enhances personal safety.
- Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.
- Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

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Relevant strategies for subdivision design include:

- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.
- Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.
- Protecting and enhancing habitat for native flora and fauna and providing opportunities for people to experience nature in urban areas.
- Creating an urban structure that responds to climate related hazards.

Clause 16.01 (Residential Development) seeks to facilitate well-located, integrated and diverse housing that meets community needs.

Clause 17.04-1L (Tourism) includes strategy to:

Encourage small-scale tourism within the Township Zones in the Villages and Hamlets that complement the natural environment, agricultural and landscape values of the region and takes advantage of proximity to tourist routes and access to the Great Southern Rail Trail.

Policy assessment

Whilst community concerns regarding the closure of the caravan park are understandable, the planning process does not have the ability to compel a landowner to continue to operate the caravan park. Planning involves the management of change.

At the same time the site is centrally located and any future development will play an important role in defining the character of the town and its sense of place. It is important to protect the 'charm' of the coastal village. The presence of vegetation within the road reserves is an important element of this coastal setting. Visual integration with the coastal setting is also sought to be achieved.

The proposal fails to meet policy objectives and strategies relating to:

- a) Impact on coastal/ neighbourhood character
- b) Defendable space and impacts on vegetation within the public realm
- c) Effluent planning for wastewater management system
- d) Stormwater planning
- e) Vehicle access
- f) Future climatic conditions

The reliance on external defendable space is regarded as excessive. The proposal fails to translate how the density of the proposal reduces off-site impacts that threaten the character of the location, and does not demonstrate clearly that effluent can be managed on site, having regard to rising groundwater levels and sea level rise. Provision of a land contribution towards public open space is an important aspect of any subdivision, given its central location within the town.

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Notice of the proposal was given to the West Gippsland Catchment Management Authority under section 52 of the Act as the relevant floodplain manager. The WGCMA objected to the proposal on the basis that:

While the property is not likely to be subject to inundation during a 1% AEP flood event, the egress route to a location where emergency services can be accessed is likely to be subject to flood depth of up to 1.2 metres, which represents an extreme flood hazard. Victorian Planning Policy and the Authority's Guidelines for Development in Floodprone Areas do not support the intensification of development where additional residents or landowners would be subject to an unacceptable flood hazard.

The WGCMA objected, citing policy at clause 13.01-1S (natural hazards and climate change) and clause 13.01-2S (Coastal inundation). It also referred to policy at clause 21.04-2, 21.04-4 and WGCMA policy for development viability in coastal areas and its flood guidelines.

The position of the floodplain manager is relevant. The findings of the assessment of the risks associated with providing safe access to the development are valid, and represent the best available data to assist in decision making. For over a decade it can be observed that all tiers of policy have been evolving to place an increased weight on inundation and climate change factors in decision making. The reasons the WGCMA have put forward are supported, and there is no information contained in the proposal to overcome the access issues.

ZONE

Within the Township Zone, the purposes include:

- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.

A permit is required to subdivide land at clause 32.05-5. An application must satisfy the relevant objectives and standards of Clause 56. For a 14-lot subdivision, the objectives and standards of the following clause 56 clauses must be met:

- Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4.

Assessment

The Township Zone anticipates residential subdivision however, this does not translate to 'any subdivision' should be supported. Respecting neighbourhood character features as a purpose of the Township Zone and is reinforced in relevant objectives and standards of Clause 56 *Residential Subdivision*. Additionally, it is a requirement to ensure stormwater and wastewater is adequately managed.

The proposal is assessed to be inconsistent with the Township Zone:

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- In consideration of neighbourhood character and thus future built form outcomes and how this could affect neighbourhood character, it is relevant to consider the following:
 - lots sizes,
 - building envelope requirement by the Bushfire Management Overlay, and 10,000 litre water tank for firefighting purposes, 3,000 litre water tank to assist in meeting sensitive water use objectives,
 - the as-yet unknown size or location of wastewater disposal areas;
 - no detail vehicle access points and impact on onsite and road side vegetation.

These matters present significant constraints for the proposed lots to be developed in a way that would meet the technical requirements and present an acceptable built form/neighbourhood character outcome. With this in mind it is not considered appropriate or reasonable to defer these matters to a point in the future when lots would be passed onto new individual owners.

- Wastewater envelopes have not been identified for each lot to demonstrate the ability to accommodate wastewater generated from future dwelling development resulting from the subdivision. The Land Capability Assessment provides 'A suitable area for disposal through shallow sub-surface irrigation exists to the rear of the proposed Sub-division lots'. However, wastewater envelope size and location has not been established, and as a result it is not clear how this may affect the future development of the lots.

OVERLAYS

Environmental Significance Overlay, Schedule 7

Schedule 7 to the Environmental Significance Overlay (Coastal Settlements) has the following Statement of Environmental Significance:

South Gippsland contains some of Victoria's most significant coastline areas. The settlements of Venus Bay, Sandy Point, Tarwin Lower and Waratah Bay are situated along this coastline and contribute to the areas appeal by providing accommodation opportunities in environmentally significant areas. They are characterized by their predominance of native vegetation, easily erodible soils and their proximity to foreshore reserves, coastal parks and other public land and their rugged appeal.

The following environmental objectives are to be achieved:

- To protect and enhance the natural beauty of the coastal townships.
- To protect and enhance the environmental quality of the townships.
- To minimise the risk of erosion, and destruction of the environment through poorly managed development.
- To ensure that development adjacent to coastal areas is compatible with the environment and does not result in adverse impacts on coastal processes.

At clause 42.01-2 a permit is required for subdivision.

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A range of decision guidelines relevantly require consideration of:

- Whether the proposal will assist in achieving the vision, objectives and strategies for Venus Bay, Waratah Bay, Sandy Point and Tarwin Lower
- The impact of the proposal on the extent of natural vegetation retained on the site.
- The impact of the proposal on the conservation of any areas of environmental importance or significance.
- Whether the development of the land will be detrimental to the natural environment.

Assessment

The Environmental Significance Overlay Schedule 7 specifically relates to coastal settlement, and identifies values that contribute the 'appeal' of coastal settlements such as Sandy Point, and seeks protection and enhancement of these values. These values broadly being natural beauty of townships, and environmental quality. In meeting these objectives, it is sought for development to protect and enhance, avoid poorly managed development and seek to achieve development that is compatible with the environmental values. The proposed subdivision raises a range of matters in relation to impact on vegetation both on-site and off-site. Reports provided with the application material identify that all vegetation across the site is to be removed, and multiple areas of vegetation in the road reserve will be removed. It is unclear (in each instance vegetation removal is proposed) as to the reasons removal is required, for example defensible space requirement, effluent disposal areas, building areas or vehicle access.

It is noted that a vegetation removal plan shows 'some' vegetation in the road reserve to be removed, but this removal alone would not meet the requirements of defensible space that 'overlaps' the road reserve/nature strip. It is observed that substantial areas of roadside vegetation would be impacted in providing and maintaining defensible space.

It is for the reasons identified that the proposal would have an unreasonable impact on vegetation and coastal character (noting that roadside vegetation in particular forms a strong element of the unique character of this coastal settlement) and therefore fails to meet the purpose, objectives and decision guidelines of this overlay.

Design and Development Overlay, Schedule 7

Schedule 7 specifically relates to Sandy Point. It seeks to protect and manage coastal village character of Sandy Point and protect vegetated character. To do so it provides a range of methods in meeting these objectives such as achieving quality built-form, achieve appropriate setbacks from sensitive environmental boundaries, minimise building coverage and integration of best practice water sensitive urban design into the landscape treatments of new development, and minimising the impact of vegetation removal. In addition, it is a requirement to improve management of stormwater and run-off.

Assessment

In consideration of whether the proposal is consistent with the design objectives and decision guidelines of this overlay, the proposal seems to solely rely on the argument that the lot configuration of the subdivision is similar to the surrounding lots. Whilst the configuration, orientation and size are comparable to the

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existing pattern in the area, assessment of the appropriateness of subdivision requires consideration of other issues in arriving at an acceptable outcome.

It should be noted that surrounding subdivision patterns were predominantly established at a time when planning controls in relation to streetscape character, vegetation protection, bushfire mitigation and contemplation of the future development were either absent from decision making, or undefined.

The combination of the impact of site constraints, impact on vegetation on site and in the public realm, uncertainty about future built form, vehicle and pedestrian movement provision and open space result in a proposal that is inconsistent with the objectives of the Design and Development Overlay for Sandy Point.

Bushfire Management Overlay

The purposes of the Bushfire Management Overlay seek to implement policy, prioritise human life and ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The relevant reports have been provided with the application documentation:

- A bushfire hazard site assessment
- A bushfire hazard landscape assessment
- A bushfire management statement (including an assessment against Clause 53.02 Bushfire Protection)

Assessment

The proposal presents a lot yield that results in the 'transfer' of the impacts of meeting contemporary planning controls such as provision of defensible space and subsequent loss of vegetation. The bushfire provisions allow defensible space to extend outside site boundaries 'where that area of encroachment can be reasonably expected to be maintained'. An example is a road, oval or carpark, that through 'general up keep' would meet the specific defensible space maintenance criteria. The proposal shows vegetation removal in the road reserve/nature strip. However, in meeting the defensible space criteria, that includes restriction on 'clumps of vegetation to 5 m²' it is clear that the vegetation in the road reserve would need to be largely removed, and have continual pressure for roadside vegetation not removed to be maintained by future lot owners (or indeed Council). This is an unacceptable outcome given the impact on coastal character.

An overriding requirement of the Planning Scheme is to ensure protection of human life is prioritised over all other planning considerations. This does not mean encroaching bushfire mitigation measures onto public land is acceptable or appropriate. Given that the proposed solution in reducing bushfire risk to an acceptable level cannot be practically achieved, the proposal fails to meet the core premise of protecting human life.

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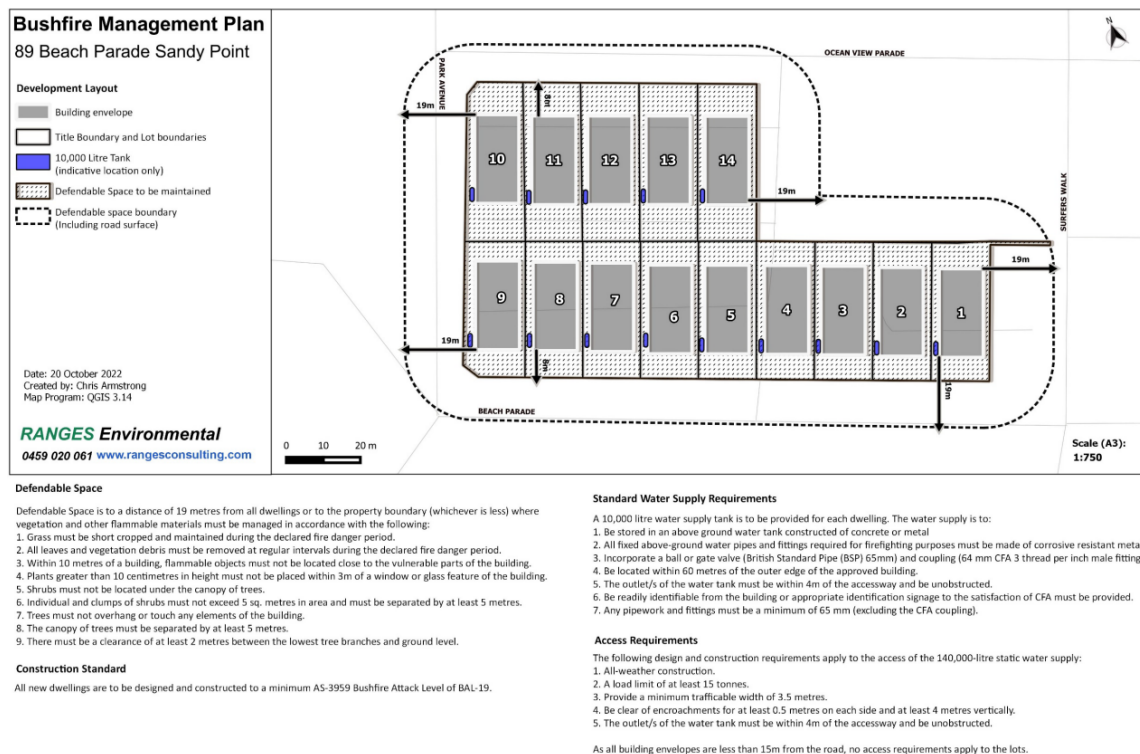


Figure 3: Proposed bushfire management plan

PARTICULAR PROVISIONS

Clause 53.01 – Public Open Space

The Schedule to Clause 53.01 specifies a minimum of 5% as the required contribution for public open space for residential, commercial or industrial land. The proposal seeks to provide a financial contribution in preference to setting aside land within the proposal.

Clause 53.02 - Bushfire Planning

The Bushfire Assessment provides an assessment against both the Bushfire Management Overlay and clause 52.03. Compliance with these requirements is predicated on the provision of defendable space within the external road network. Discussion of this problematic issue is provided in the Bushfire Management Overlay assessment above.

Having regard to the decision guidelines at clause 53.02--4.5, it is considered that:

- The current design is at odds with aspects of policy relating to neighbourhood character as reflected within the Municipal Planning Strategy and Planning Policy Framework;
- The proposal does not confine defendable space within the plan of subdivision;

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- There are unresolved questions as to the practical implementation of the Bushfire Management Plan and water supply requirements;
- Alternative design, or alternative approved measure to provide an opportunity to balance bushfire risk management with landscape character through a revised design response has not been provided.

Clause 52.17 - Native Vegetation

The Native Vegetation Assessment lodged in support of the proposal asserts reliance on particular exemptions within clause 52.17. For example, clearing to enable the upgrade of a fence. This exemption is not clearly available, as the fence appears to be a new fence, rather than the operation or maintenance of an existing fence. Furthermore, clause 52.17 applies to the minimum extent. As such, where it is possible to operate or maintain a fence without removing vegetation, then the exemption is not applicable.

Exemptions relate to 0.65 hectares of clearing. The assessment asserts that 0.045 hectares requires a permit, but the total amount to be removed is 0.116 ha. The reliance on exemptions has the result that the assessment is within the basic assessment pathway. However, it is not clear that this is correct, given the likelihood that more than 0.5 ha of native vegetation is to be removed.

Furthermore, the assessment does not include vegetation to be removed within the road reserves for defensible space.

The assessment suggests that there is limited scope to avoid and minimise removal of native vegetation. That may be so for the subdivision proposed, but alternatives may be able to avoid or minimize removal of vegetation.

GENERAL PROVISIONS**Clause 65.02 - Approval of an application to subdivide land.**

In the context of subdivision, clause 65.02 calls for consideration of the following:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.

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As land within the Township Zone that is centrally located, subdivision can typically be anticipated. Whether or not the land is suitable for subdivision however, depends on how effectively the land can be serviced at the density proposed, and whether the design response allows for a respectful interface with the surrounding area, in terms of native vegetation retention and future built form and design.

In terms of whether there is a need for creation of further lots, Sandy Point is not identified as a focus for growth. It is a coastal village with a focus on the tourism economy. Striking a balance between tourism accommodation and permanent accommodation is a relevant consideration in this context.

A different form of subdivision could place less reliance on public land as defensible space, thereby maintaining the established vegetated character that is typically associated with the coastal environment.

In the absence of detailed plans showing how waste and stormwater are to be managed, it is not possible to conclude that the proposal strikes the right balance at the density proposed. In addition, the location of wastewater infrastructure that serves a different development on land outside the subject land is not practical, nor does it result in orderly planning.

Declaration of Conflict of Interest:

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Conclusion and Recommendation:

Council has considered the matters under Section 60 of the *Planning and Environment Act 1987*. It considers that the proposed subdivision is not appropriate having regard to the relevant matters, and cannot be managed through appropriate conditions.

It is recommended that Council issue a Notice of Refusal for the proposed 14 lot subdivision of the land at 89 Beach Parade, Sandy Point.

5. NOTICES OF MOTION AND/OR RESCISSION

Nil

6. COUNCILLOR REPORTS

6.1. REQUESTS FOR LEAVE OF ABSENCE

RECOMENDATION

That Council grant leave of absence to Councillor Sarah Gilligan for Council Meeting 16 August 2023.

6.2. COUNCILLOR UPDATES

7. URGENT OR OTHER BUSINESS

There are two basic parts to this section of the Agenda:

1. Urgent Business

Normally no motion should be debated by Councillors unless the matter is already included as an item on the Agenda. However, in some circumstances it is possible to raise urgent motions.

Council's Governance Rules 2020 (clause 22 - Urgent Business) adopted on 19 October 2022, allows for where a situation has not been provided for under the Governance Rules, the Council may determine the matter by resolution.

Established practice has provided for urgent motions to be raised at Council provided the matter cannot be dealt with at the next Council Meeting or by Officers under delegation.

It is necessary for the Councillor wishing to raise a matter of urgent business to raise a motion similar to the following:

'That consideration of (the issue) be dealt with as a matter of urgent business and Councillor....be allowed a 'short period' to indicate the reason(s) why the matter should be considered as a matter of urgent business.' If the Chairperson accepts the motion as meeting the urgent business criteria, normal meeting procedures in Council's Governance Rules 2020 (clause 22) will apply.

If the motion to accept the item as a matter of urgent business is passed by Council, the motion relating to the specific issue can then be put and debated in the normal way.

2. Other Business

This provides an opportunity for Councillors to raise items of general interest to the Council and the community. It may relate to an up and coming event or the outcomes of a recent meeting with a Minister etc.

8. PUBLIC QUESTIONS

8.1. PETITIONS AND JOINT LETTERS

Petitions and Joint Letters are written requests that have been signed by a number of community members. According to the *Governance Rules (C82)*, *clause 57*, members of the community may submit a valid petition or joint letter to a Councillor or to Council addressed to the Chief Executive Officer.

At the Meeting a petition or joint letter is presented, Council will consider a motion to receive it, the matter itself will not be considered unless determined as urgent business.

The Councillor presenting the petition or joint letter is responsible for ensuring that they are familiar with the contents and purpose of the petition or joint letter and that it does not contain language disrespectful to Council.

The requirements of the lead petitioner are detailed in the *Governance Rules (C82)*, *clause 57*.

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

8.2. ANSWERS TO PREVIOUS QUESTIONS ON NOTICE

Answers to previous questions taken on notice at a former Council Meeting, are included in the Minutes of this Meeting.

Background material submitted with a question will not be recorded in the Council Meeting Minutes.

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

Nil

8.3. SUBMITTED PUBLIC QUESTIONS

All community member questions for Council Meetings are to be written and submitted to the Governance Team by 9.00am on the Monday morning preceding the Council Meeting to allow time for a response to be prepared, where possible, for the Council Meeting. All reasonable attempts will be made to answer pre-submitted questions at the Meeting. When further time is required to prepare an answer, questions may be taken on notice and responses will be provided at the next Council Meeting.

On the day of the Meeting, questions on the prescribed form must be received prior to the commencement of the Council Meeting by 2.00pm and placed in the receptacle at the Governance Officers table. These questions will be taken on notice, included in the Minutes and responses provided at the next Council Meeting.

Public Question Time in Council Meetings is to be used for matters that are relevant to the business or functions of Council and are clear and legible. Questions may not be allowed where the question(s) is deemed to be:

- Related to a matter beyond or outside the powers of Council;
- Trivial or frivolous;
- Defamatory, indecent, abusive or objectionable;
- Derogatory or designed to embarrass a Councillor, a member of Council staff or a member of the community;
- Related to subject matter previously received and responded to;
- Related to a matter already considered and resolved upon by Council;
- Breach Council's confidentiality obligations; and/or
- Illegible, vague or not make sense.

A person may submit a maximum of three (3) questions for any one Council Meeting, this includes a combined total of three (3) questions for related parties or groups. The total word count of all questions submitted is to be 100 words or fewer.

Background material submitted with a question will not be read out or recorded in the Council Meeting Minutes.

The CEO retains the discretion, in consultation with the Mayor, to not refer questions to Council meetings if there is a more effective or appropriate way to respond to the matters raised. Answers to questions from a member of the community who is present in the gallery will be read out at the Council Meeting by the CEO or Mayor.

Source: [Governance Rules \(C82\)](#) – adopted 19 October 2022.

9. CLOSED SESSION

The *Local Government Act 2020* (the Act), section 66 provides that if a council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection –

- a) the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of ***confidential information*** in section 3(1); and
- b) an explanation of why the specified ground or grounds applied.

The Act defines ***confidential information*** in s.3(1)(a)-(l), and includes information that may prejudice or impact; commercial negotiations, the security of Council, land use planning, law enforcement, legal privilege, personal information, private commercial information, confidential meeting information, internal arbitration, Councillor conduct panel information and information specified under s.77 of the previous *Local Government Act 1989*.

Once confidential information has been considered and decided in a closed session of a Council Meeting, a further resolution to resume open Council is required.

RECOMMENDATION

That Council pursuant to section 66(5)(a) and (b) of the *Local Government Act 2020* close the Council Meeting to the public to consider the following confidential information:

1. **Per s.3(1)(a) Agenda item 11.1 – Council business information, designated as Council business information;**
 - a. **being information that would prejudice the Council's position in commercial negotiations if prematurely released; and**
 - b. **The grounds for designation have been made as this report details commercial in confidence information.**
2. **Per s.3(1)(g) Agenda items 11.2 – Award Contract CON/349 - Korumburra Football Netball Changerooms Project, designated as private commercial information,**
 - a. **being information provided by a business, commercial or financial undertaking that –**
 - i. **Relates to trade secrets; or**
 - ii. **If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**

- b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors' tender information submitted for consideration.**
- 3. Per s.3(1)(g) Agenda items 11.3 – Award Contract CON/357 – Construction of Meeniyan Community Hub, designated as private commercial information,**
 - a. being information provided by a business, commercial or financial undertaking that –**
 - i. Relates to trade secrets; or**
 - ii. If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; and**
 - b. The grounds for designation have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractors' tender information submitted for consideration.**

10. MEETING CLOSED

NEXT MEETING

The next Council Meeting open to the public will be held on Wednesday, 16 August 2023 commencing at 2pm in the Council Chambers, Leongatha.