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Surf Coast Shire Special Council Meeting for Hearing Submissions (Via Zoom video conference)

Tuesday, 14 March 2023 at 6pm

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CR LIZ PATTISON: Great, we're now online. Good evening, everybody. I'd like to welcome everyone watching to this Special Council Meeting. My name is Councillor Liz Pattison and I am the Mayor of the Surf Coast Shire.

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung people and the Gulidjan and Gadubanud peoples of the Maar nation. The main Council offices is in Torquay on Wadawurrung country. The Wadawurrung people have nurtured and protected these lands and waterways for thousands of generations and I'm so grateful that we can be here today living and working in such a beautiful part of the world. Surf Coast Shire Council is committed to walking with the traditional owners of these lands on a journey of genuine reconciliation.

Tonight we will be hearing from those who wish to speak to their written submissions regarding the following two items: Planning Permit Application 22/0427 - construction of a telecommunications facility at 460 Grossmans Road, Bellbrae; and the second item will be the Development Plan Application 22/0546, the Surf Coast Aquatic and Health Centre at number 1 Merrijig Drive, Torquay.

To facilitate public access, this meeting is being live streamed and the recording will be available on Council's website. If a submitter does not wish their video to be recorded, it is their responsibility to turn off their video function and use audio only. Live captioning will accompany the live stream.

Councillors are bound by the behaviour and obligations under our Code of Conduct. Please direct any questions or comments you have through me as the Chair and I will endeavour to ensure everyone has an opportunity to speak, whilst also making sure we stick to time.

The following procedures will apply during this meeting. Each submitter who has registered to speak will be admitted into the meeting and given 5 minutes to present their submission. When the timer on the screen reaches 5 minutes, you must stop your presentation. The timer will turn orange once you have 1 minute left as a bit of a warning and then red when there is 10 seconds remaining. It would be really helpful if you could keep an eye on the timer and stick to those times.

Councillors will be invited to ask questions directly related to your submission if needed. In the interests of time, we like to try to keep the questions brief so we can move through all of the submitters in a fair way.

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I ask that all participants remain on mute when they are not speaking, just to allow the meeting to run smoothly. If a speaker has a technical problem which is not resolved quickly, then they will be removed from the meeting and contacted by a member of Council staff. If the issues are resolved, then the speaker will then be invited to deliver their presentation at the end of the meeting.

This Special Council Meeting is not a workshop and it shouldn't be necessary for officers to be asked to make comment on the submissions. However, if there are any questions of officers, they should be directed through me as the Chair.

Councillors will not be making any decisions in relation to the matters heard tonight. Decision making will occur at a future Council meeting once all relevant information has been received and reviewed.

I'd now like to recite our Council pledge: as Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

We now move on to apologies. Are there any apologies for this meeting tonight?

CR ROSE HODGE: Yes, Mayor, Councillor Adrian Schonfelder, who is travelling overseas.

CR LIZ PATTISON: Thank you. Can I have a mover of the motion to accept this apology? Councillor Stapleton. And a seconder? Councillor Bodsworth. All in favour? And the motion is carried unanimously.

If a Councillor or officer has a conflict of interest, they must declare it now and do so again just prior to the item being discussed. The Councillor will be removed from the meeting by the host and will be placed in a virtual waiting room whilst the matter is being considered. Once the matter is resolved, the Councillor will be returned to the meeting. Are there any declarations of conflicts of interest? No.

Now we move on to the hearing of submissions for the telecommunications facility and there were 32 submissions received for this item. Two submitters and the applicant have registered to speak tonight. Our first speaker is Frank and Magdalena Wheatland. Could they please be admitted into the meeting? Do we have Frank and Magdalena?

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JAKE BROWN: Yes, through you, Mayor, they're being let into the room now.

CR LIZ PATTISON: Great, thank you.

JAKE BROWN: And they may be having camera issues, so it might just be audio only.

CR LIZ PATTISON: Okay, sure. Hello, Magdalena. We can see you and we can hear you. I'll pass it over to you to do your presentation. Thanks for joining us tonight.

MAGDALENA WHEATLAND: Thank you for your time today. Our objections to the permit 22/0427 are based on the following items. The site selection and positioning of the tower. The information provided in the submission based on the land location shown as 460 Grossmans Road leads to misunderstanding and misinterpretation. The proposed tower is located closer to the physical location of Dillwynia Lane and retirement village as well as aged care home, both of which are deemed as community-sensitive locations.

In our view, the location of the proposed tower in proximity of the water storage was not adequately explored to justify the decision making process. There was no option to explore the position of the tower at the Anglesea Road end of the same property of 460 Grossmans Road. Section 62 of the submission, appendix D, the diagram shows an incorrect location for the tower and the submission has ignored the large number of dwellings within the 400 metre radius being deemed as high emission zone.

The second item is zoning of the location. It's misleading as the area has not been rezoned to include the proximity of Kithbrooke Park Retirement Village of 178 dwellings with 250 residents. Land data clearly identifies this area as LDRZ since 2013. Given the high density of the retirement village, this zoning should be further examined and addressed before any future applications are submitted.

The EME assessment requires further exploration. The data provided in the application lists almost identical number of the antennas to be installed as currently on the Telstra tower. However, the EME calculation is not showing any real increase in emission. We are not professing to be emission specialists, but in days when arithmetics was still taught at school, 2 plus 2 was 4, not 2, as it seems to be presented on this application.

The visual impact - the report misses the basic fact of the land formation. Contrary to the report content, proposed tower location and aspect it seems

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for retirement village will have a visual impact. Clearly no-one has bothered to actually look at it. There has been no consultation with neighbouring properties and the notion of consulting after the planning permit, it's a little too late.

Just to make sure that we all understand, we're clarifying that we are not positioned on the flatland, we are not located in the City of Greater Geelong, and we are not located in urban and semirural area of Swan Hill, as the applicant suggests.

The overall quality of the submission and its timing - the submission has been lodged just before Christmas, when people's attention may have been focused on families and their holidays. Presenting a poorly prepared application for their feedback and assessment may be good avoidance tactics. The quality of submission is so poor that it can only be explained by lack of respect to both the Surf Coast Shire and local residents. While we understand that there is a need for improvement in mobile network, progress at cost to community does not have a place in our Surf Coast Shire who are a signatory to the Age-friendly Victorian declaration since 20 August 2016.

Based on the large number of inaccuracies, we expect this submission to be rejected until errors are corrected and consultation with residents takes place. Thank you for your time.

CR LIZ PATTISON: Thank you, Magdalena. Are there any Councillors who would like to ask a question regarding the submission? No. Thank you - oh, Councillor Stapleton?

CR LIBBY STAPLETON: Thanks, Mayor Pattison. Magdalena, thanks for your submission. Putting aside I guess the inaccuracies that you've identified, do you sort of have, I guess, a proposition in terms of what would be a good location for the tower?

MAGDALENA WHEATLAND: As suggested earlier in this talk today, the fact is that 460 Grossmans Road is an unusual block of land which curves around Grossmans Ridge as well as curves around the Kithbrooke Park, so if other locations were explored on the same block of land, they may be more suitable.

CR LIBBY STAPLETON: Thanks, Magdalena.

CR LIZ PATTISON: Thank you, Magdalena, for presenting to us. We appreciate you taking the time to submit and come and talk to us tonight. Thank you.

MAGDALENA WHEATLAND: Thank you.

CR LIZ PATTISON: Governance, could Ben Norton please be admitted into the meeting?

JAKE BROWN: Through you, Mayor, Mr Norton is no longer speaking, so we can move on to the representatives of the applicant.

CR LIZ PATTISON: Okay, thank you.

JAKE BROWN: So I'll be admitting Kasia and Andrew.

CR LIZ PATTISON: Great. Thank you very much. Hello, Andrew, I can see you have joined the meeting. If you want to take yourself off mute and put on your camera, that would be great if you feel comfortable with that.

ANDREW McLANE: Good evening. Thank you very much for having us tonight.

CR LIZ PATTISON: Thank you. I'll pass it over to you to do your submission. Thanks.

ANDREW McLANE: Great. Look, Kasia will be representing us. I'm certainly happy to answer any questions that are asked, but Kasia will be taking the lead. She's got a presentation for us tonight. If you do wish to ask questions at any stage, please feel free to do so.

CR LIZ PATTISON: Thank you, Andrew. Hi, Kasia.

KASIA KUCYPERA: Hello. I sent my presentation earlier before the meeting. Could someone present it while I be going through the - I try to share my screen then.

CR LIZ PATTISON: Jake, do we have the presentation? Oh, Kasia, it looks like you've got it sorted.

KASIA KUCYPERA: Yes.

CR LIZ PATTISON: Great. If you wanted to start, that would be great. Thank you.

KASIA KUCYPERA: So (inaudible).

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CR LIZ PATTISON: Unfortunately, your internet is breaking up a bit, Kasia, but we'll keep pursuing and we'll see if we can get it to work.

KASIA KUCYPERA: Okay. So the main key planning considerations related to the proposed facility are relating to carrier's coverage objectives as well as co-location opportunities and consideration of design and siting and compliance with the safety standards. Can you hear me?

CR LIZ PATTISON: Yes, it's all fine, we can hear you, thanks.

KASIA KUCYPERA: Okay, good. So (inaudible) and network capacity in Bellbrae and Western Torquay. Existing base stations in Torquay are located way too far away and are operating at the capacity and therefore cannot reliably service the area. For that reason, we need this facility. And several coverage issues with the Bellbrae were reported now related to the poor indoor coverage at Ocean Mist Aged Care Facility and Kithbrooke Park Country Club, also poor service (inaudible) Coombes, Hendy Main and Anglesea Roads.

So we wanted to present much showing the existing Optus coverage and also proposed new coverage when the facility is installed and on the left-hand side you can see the green areas which shows reliable network coverage. It means that outside the green area you may still get some service, but it will be less reliable, so customers may experience call dropouts, very slow data speed and may not be able to make a call indoors reliably. So there are major gaps that we tried to cover with the proposed facility.

ANDREW McLANE: I'm sorry, Kasia, just to interrupt. The map isn't actually showing on the screen at the moment.

KASIA KUCYPERA: Oh, sorry.

ANDREW McLANE: That's okay. No worries. So this provides a little bit more background on what we're telling.

KASIA KUCYPERA: Sorry, yes. So the green area is showing the coverage and outside of the green areas there's no reliable services. So once we install the proposed facility, we should be able to provide reliable coverage to Bellbrae suburb and Western Torquay and as you can see, the existing facilities as well as the proposed facility are evenly distributed, so for that reason, that will allow us to avoid overlapping coverage in the areas where you have a good coverage, but also to ensure efficient network.

And as a priority - next slide. As a priority, first preference for carriers is always to co-locate wherever possible. So on the same land there's an existing Telstra facility which comprises of 25 metre monopole. That possibility to co-locate on this existing facility was investigated. However, given that Telstra (inaudible) location on that pole and also has the reservation on the pole for the future improvements, Optus would be getting a height of 22 metres, that's the highest location Optus could have had on that monopole, and for that reason, that co-location opportunity wouldn't address coverage issues in the area efficiently, meaning that in the future most likely we would need an additional facility to provide successful coverage to the area. Also, for that reason, that candidate wasn't considered as a viable opportunity. However, the proposed facility is located on the same land, so it can technically be still considered as a co-location on the existing telecommunication site.

So the proposed facility is located approximately 50 metres away from the Telstra site. The reason being for that is that to avoid interference with the Telstra facility. So Optus, for that reason, is proposing a 30 metre high monopole in proximity to the Telstra site and that facility was designed to actually look the same as Telstra facility. So it utilises slimline solution monopole rather than having lattice tower and it also uses non-reflective materials, and so on, to negate any potential visual impact associated with the proposed facility. Sorry, that's the proposed Telstra - Optus facility.

And while siting telecommunications facilities, carriers have to make sure that facility is designed to comply with the ARPANSA standard and that facility was sited and designed in consideration with that standard.

In terms of the environmental EME report, which was actually raised by Magdalena before, the EME report was prepared for the proposed facility. The EME levels shown in the report shows existing EME levels at 4.2%. That includes only Telstra, whereas once the Optus co-locate on the telecommunication site on their new facility, it will be - the EME levels will be at 4.41%.

The reason being for that is that the Optus facility is placed significantly above the ground, so for that reason the EME levels at the ground levels are lower. It doesn't mean for that reason that if we have another carrier coming along and having their equipment there that EME levels are doubling, it's not the case. So the factors that actually contribute to EME levels are also antenna orientation, so it may happen that carriers have their equipment, but the antennas are directed in different locations and for that reason, the EME levels

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at the ground level will not be doubled and that's the case in here where we have that overall EME levels from two carriers will be at 4.41%.

And then when siting the proposed facility, the carrier took into consideration the locality. We believe that the area which already comprises of utility services is appropriate location for telecommunication facility, not to mention that it's already a telecommunication site on the land. So when considering the visual impacts associated with the proposed facility, it was considered that the facility will be built in the context of older tall standalone structure in the area, such as the Telstra site or power poles, and we have taken the photos from vantage points showing the location of the proposed facility in the context of the area. So as you can see in the photos, the surrounding area comprises of a lot of tall structures. So that is consistent along the area.

And we also have taken photos from the Kithbrooke Park Country Club, where most residents also will have a view of the proposed facility, as you can see here that the site will be viewed against the existing standalone structures and will not be out of context or character in the locality. So I think that would be it.

So, in summary, the facility is needed to address coverage issues. It's needed to be close to residential dwellings or residential areas to provide successful coverage to users that are located in this area and, for that reason, we believe that this facility was designed and sited to minimise vision impacts in accordance with the local and state planning policies of the Surf Coast Planning Scheme. That's all, thank you.

CR LIZ PATTISON: That's great. Thank you, Kasia. If you could unshare your screen and then we can see everybody's faces. Thank you. Do any Councillors have questions for Kasia or Andrew in the context of their submission? Councillor Bodsworth?

CR MIKE BODSWORTH: Thanks, Mayor. Thanks, Kasia and Andrew for coming along and talking to us. Can I just clarify, are we talking about 5G coverage here as distinct from 4G and is there a difference in the kind of tower heights that are required for 5G?

KASIA KUCYPERA: Well, the heights are the same as for 4G. So we have a ARPANSA standard which regulates the EME levels and it covers all technologies, 4G, 3G, 5G, and the standard is the same for all technologies and the site was designed to comply with the ARPANSA standard.

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CR MIKE BODSWORTH: Okay, thanks. So what efforts have happened to date towards co-location with Telstra and have you had discussions about potentially putting in a new monopole that can be shared between the two companies?

KASIA KUCYPERA: Yes. So that option was actually investigated whether the existing pole can be replaced. So, as I said, to achieve successful coverage in the area to start with, Optus would need 30 metres in height. Otherwise they would need additional facility in the area in the near future to address the coverage issues.

And to actually achieve that on Telstra site, we would have to replace the pole with something taller. Telstra is the owner of the existing facility, so they would have to take a prime position, so that would lead us to even higher structure, higher than 30 metres, most likely at least 35, so Telstra can take the prime position and Optus get their height that is required. But that solution was not cost effective and also wasn't possible in terms of basically carrier's possibility. Optus, as well as Indara as the applicant for that facility, has no right to replace the Telstra pole.

CR MIKE BODSWORTH: Okay, thank you.

CR LIZ PATTISON: Do we have any other follow-up questions? Councillor Allen?

CR GARY ALLEN: Thanks, Mayor. Look, the visual amenity that's affected by the residents looking at the proposed height on your diagrams seems to be it's quite in your face at that additional height. Is there any consideration to changing the colour of the towers, say a black or a green, dark green, because then it gives the impression it's at a lower height, less visual impact?

KASIA KUCYPERA: Of course. So the facility can be painted any colour, so whatever will be considered appropriate to address any concerns related to visual impact, carriers are always happy to comply with the requirements for painting the facility and that also can be conditioned in the approval for the facility and carrier will comply with painting that.

So, in general, we believe that if the facility is left unpainted, non-reflective light grey in colour, it blends best with the sky. So for that reason we left that unpainted, but if the Council or community considers that painting the pole in maybe green colour to match the greenery is a better solution for the proposal, the carrier is happy to comply with the requirement.

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CR MIKE BODSWORTH: Can I just follow up with a quick one on that, whether the actual hardware on top of the pole comes in different colours as well or is it only white?

KASIA KUCYPERA: Well, so antennas in general, they usually come in standard light grey colour. As I said, they are always placed in the manner that they are seen against the sky and the monopole as this proposal was proposed to be light grey in colour as well. But if Council wants to have that painted and have some preferred colours to be used on the facility on antenna and ancillary equipment on the monopole as well for the monopole, we are happy to paint it to comply with the condition.

ANDREW McLANE: Kasia, just to add to that, so generally the colours we would revert to most commonly are pale eucalypt green, which is a Colorbond colour. It's a light green that blends into vegetation. We can finish the pole in that colour and also the antennas, so there is that blending.

We have deployed black facilities and other colours like that, but more in urban areas where there's, I guess, other structures around that will offset that visual impact. Probably here we'd recommend using a pale eucalypt colour if we were to colour it and we can paint the equipment that colour as well.

CR LIZ PATTISON: Councillor Stapleton?

CR LIBBY STAPLETON: Thank you. I understand that there's a preference to put the pole where there's already other existing facilities, but obviously some of the concern that's been raised by residents is the location, so has there been consideration given to other locations on that piece of land or does it need to be in the spot that you've cited?

KASIA KUCYPERA: So I would imagine that you're referring whether we can place the facility farther to the north away from the retirement village. So Telstra is actually located in the northern part of that land. So for that reason, if we place our facility in proximity to the Telstra site, we may experience interference because of the proximity. So that site was designed to avoid that interference, whilst keeping the facility away from residents or residential dwellings.

CR LIBBY STAPLETON: Thank you.

CR LIZ PATTISON: Councillor Bodsworth?

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CR MIKE BODSWORTH: Just out of interest, is interference an issue when the hardware is located on the same pole? Do you know what I mean? I would have thought the interference would be an issue there, but maybe not.

ANDREW McLANE: It's the physical structure being in the way.

CR MIKE BODSWORTH: Okay.

ANDREW McLANE: Unfortunately, what happens when you've got two poles side by side, the signals are shooting at each other. The mobile signal is affected by environmental obstructions quite dramatically, whether it be surrounding buildings, surrounding structures, vegetation. Essentially, if you've got the antennas on the same pole, you won't have those issues, but if you've got a pole next to another one, you're going to have that obstruction.

CR MIKE BODSWORTH: Mmm-hmm. Yep, thanks.

CR LIZ PATTISON: Well, thank you, Andrew and Kasia, for answering our questions and exploring colour options and the like. I'm sure we will consult further on those issues. So thank you for your submission today and to Magdalena for submitting - for presenting to us as well.

So there are no further submissions for this agenda item tonight, so we now have a recommendation before us and I'll read that out: "That Council: 1. Receives and notes the submissions relating to the Planning Permit Application 22/0427 for the construction of a telecommunications facility at 460 Grossmans Road Bellbrae. 2. Considers the submissions in a report regarding Planning Permit Application 22/0427 at its 28 March 2023 meeting." Do I have a mover of a motion? Councillor Bodsworth, is that as per the motion I read out? Thank you. And do I have a seconder? Councillor Stapleton. And all those in favour, please raise your hand. And the motion is carried. Actually, do we - Councillor Barker, you have raised your hand. Thank you. We have Councillor Barker, but he's actually unable to have his video on at the moment. So thank you, Councillor Barker, for voting and that is in favour.

We now move on to submissions for the Development Plan Application 22/0546 - Surf Coast Aquatic and Health Centre. There are two submissions received for this item. Only one applicant has registered to speak tonight. So could Ben Porteous, from URBIS, please be admitted into the meeting. Hi, Ben.

BEN PORTEOUS: Afternoon.

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CR LIZ PATTISON: Welcome. As the representative of the applicant, you have 10 minutes to make your submission. And I understand that you have a PowerPoint presentation to share, so please share your screen and present the submission when you're ready.

BEN PORTEOUS: Correct. Is that now presenting?

CR LIZ PATTISON: Yes, that's great. Thanks, Ben.

BEN PORTEOUS: Excellent. Thank you, Chairperson and Councillors, for this opportunity to present the Surf Coast Aquatic and Health Centre Development Plan this afternoon. I'd also thank the planners that have assisted with this project to date in getting the application this far.

As this is a Council facility, you're obviously well aware of what is actually proposed on the site so I won't necessarily speak to the details of the proposal, but more to the planning suitability of this site for the proposal in terms of the surrounding context the site itself, what this development plan is and how it provides flexibility for future planning approvals, and also how it responds to the particular requirements of the Development Plan Overlay.

In terms of the site context, as you can see, it's surrounded by an existing established sports and recreational precinct located in North Torquay. Beyond the sports and recreational precinct is a residential development to the north, to the west - sorry, to the east and to the south. It's well located next to the Surf Coast Highway, so is also well accessible for people on the border and also has great access to public transport in terms of bus stops on Surf Coast Highway and on Merrijig Drive.

In terms of the site itself, it's relatively flat and vacant of buildings, so nothing has to be removed. There is car parking existing on the site. However, this will be removed and additional car parking will be provided as part of this facility.

There's minimal vegetation on the site to be removed and of this vegetation, most of it is unlikely to be native vegetation that would require a planning permit. That's most likely due to it being either planted or regrowth. Any vegetation that needs to be removed will unlikely require any native vegetation offset. In terms of heritage, it's not located in an area of Aboriginal cultural heritage sensitivity and there's unlikely to be any historical cultural significance for the site.

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Before I go on to what is actually proposed, I thought I'd just explain the purpose of a development plan in general. So it's more to provide a master plan for the future use and development of the site. It's not actually providing the exact details of what is going to be built and what's going to be placed there. It's just providing the vision for what a future planning permit application will need to respond to.

This development plan responds to the requirements in Development Plan Overlay schedule 8, which is the North Torquay residential precinct. That relates to a much larger piece of land which has multiple development plans that have already been approved and they cover the majority of the requirements of what the Development Plan Overlay schedule requires and it relates to a mix of density residential development, educational facilities, shopping areas and open space. This will be, I guess, a next facility for that precinct.

In terms of what is actually proposed, as you can see on the presentation, that's the master plan and it's virtually just nominating the site is to be used for an aquatic and health centre. There's no location of buildings or car parking on the site, but there will be car parking provided.

Access to the site will be primarily from Surf Coast Highway in the form of a new road. It will be left in, left out. There's potential for connection to the existing bicycle stadium to the north and there may also be connection to Wadawurrung Way in the future design.

In terms of the Development Plan Overlay requirements that would influence what the layout of this development plan shows, there's not too many there that relate specifically to this site. The ones that I've shown here are really the only ones that have influenced the design. There is the provision of a road from Surf Coast Highway, so we can't actually have our lot directly abutting the Surf Coast Highway, we can't have a direct access. We need to create a new road for this facility to connect to. There's also a requirement to provide a 15 metre wide landscaping strip which abuts the Surf Coast Highway, so that provides a bit of a separation between the facility and the Surf Coast Highway. That will also provide a pedestrian path that will go north-south that's existing that we established.

There's other requirements that relate to stormwater management, so that will relate to having rain gardens and swales and also to having efficient lighting methods. So that forms part of the development plan and the future planning permit application will need to respond to these requirements.

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So, in summary, our proposal is looking to provide a new community facility, I guess the planning structure for a new community facility, in an established sports and recreational precinct. After this development plan is approved, there will be a planning permit application lodged that will respond to these requirements. That will include the details of the facility in terms of the size of the buildings, size of the poles, number of car parking spaces to be provided, and the layouts.

Thank you, Councillors, for allowing me to present and I'm happy to answer any questions you may have.

CR LIZ PATTISON: Thanks, Ben. If you just wanted to stop sharing your screen so we can see everybody, that would be good. Thank you. Did Councillors have any questions for Ben tonight? That's in the context of the submission. No? Great. Well, thank you, Ben, for presenting to us.

As there are no further submissions tonight, we now have a recommendation before us, "That Council receives and notes the submissions relating to the Development Plan approval application 22/0546 for the Surf Coast Aquatic and Health Centre; it considers the submissions in a report regarding the Development Plan approval at a future Council meeting."

Councillors, do I have a mover of motion? Councillor Stapleton. Is that as per the motion I read out? Yes. And a seconder? Councillor Allen. All those in favour. And the motion is carried unanimously.

There are no more further items of business, so I now declare the meeting closed at 6.44pm. Thank you, everybody, for joining us and thank you, submitters, for giving your time to present tonight. Thank you very much and goodbye.