

Bass Coast Shire Council
Council Meeting Minutes

Monday 16 September 2024

Council Chamber

Bass Coast Civic Centre

Baillieu Street East, Wonthaggi

Commencing at 1:00 pm

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1 Present and Apologies

Councillors: Cr Clare Le Serve, Western Port Ward (Mayor)
Cr Rochelle Halstead, Western Port Ward (Deputy Mayor)
Cr Leticia Laing, Bunurong Ward
Cr Brett Tessari, Bunurong Ward
Cr Les Larke, Bunurong Ward
Cr Ron Bauer, Island Ward
Cr David Rooks, Island Ward
Cr Michael Whelan, Island Ward
Cr Geoff Ellis, Western Port Ward

Officers: Mr Greg Box, Chief Executive Officer
Ms Robyn Borley, Executive Manager Governance and Finance
Mr John Wynen, Acting General Manager Innovation and Culture
Ms Donna Taylor, General Manager Future Places
Ms Jodi Kennedy, General Manager Communities and Culture
Ms Chelsea Wilson, Coordinator Governance

Apologies: Nil

2 Declarations of Interest

There were no Declarations of Interest.

3 Confirmation of Minutes

3.1 Council Meeting 21 August 2024

That the minutes of the Council Meeting held on 21 August 2024 be confirmed.

Council Decision
Moved: Cr. Ron Bauer / Seconded: Cr. Geoff Ellis
That the minutes of the Council Meeting held on 21 August 2024 be confirmed.

CARRIED

4 Mayor and Councillor Reports

4.1 Cr Clare Le Serve Mayoral Report

This report covers the period from 21 August 2024 to 16 September 2024

Acknowledgements

Nil

In brief the Mayoral activities have included the following:

Activities

- Media Activation San Remo / Phillip Island, Bass Coast College
- Moto Day, Phillip Island Grand Prix Circuit
- Gippsland Business Awards Gala Dinner
- Totally Renewable Phillip Island - EV Day
- Corinella Bowls Club Extension Photo
- Bass Coast Citizenship Ceremony
- Mayors Community Thank You
- Gilbert & Sullivan, Operah Victoria, 2024 production of, Ruddigore - Opening

Meetings

Attended Council Workshops and Briefings

Chaired Councillor Only Meetings

Weekly meetings with CEO, Council Support and Communications

Additional Meetings:

- Kevin Love, Phillip Island Nature Parks
- MAV State Council Meeting
- Bass Coast Business Awards
- Peri Urban Councils Victoria - State Delegation
- One Gippsland: Closed Mayoral Discussion
- One Gippsland - August Board Meeting
- One Gippsland - August Local Government Meeting
- Roundtable meeting with Senator Jane Hume and Mary Aldred
- Building Resilience Together Virtual Meeting
- Coronet Bay Community Association Meeting

Other

Media Enquiries/Interviews

Phone calls, emails and letters

4.2 Cr Rochelle Halstead - Councillor Report

Congratulations to Corinella Community who for the past month have had some wonderful community events. Corinella and District Community Centre and Bass Valley Community Group Inc. – Op Shop Fashion Parade. A fabulous evening arranged by volunteers was enjoyed by locals who left the side splittingly funny event calling to make it an annual calendar feature. This was the first time the two community houses – Corinella and Bass Valley joined forces and what a wonderful success it was! I have no doubt the two houses will continue to collaborate to bring more great events for all the community to share.

To Kerryn Ladell (Centre Manager), Janice Orchard, Yvonne Rogers, Coral O'Brien and Roderick McIvor. Ruddigore Operah 2024- What a wonderful show delivered as part of the Bass Valley Music Festival and held at the Corinella Public Hall. Attendees were treated to the amazing talent of young singers Eve just 16 years old – a year ten student from Newhaven College and local Helena 21 years old who were the incredibly talented support act to the main event of Ruddigore. Congratulations to all volunteers and once again to the ever-committed Rowanne Grinsted for her tireless efforts in bringing such creative events to our region.

It was a pleasure to have joined the Mayor to meet with the Federal Liberal Candidate for Monash Mary Aldred and Shadow Minister for Finance Hon. Jane Hume at a San Remo business forum held at the Westernport Hotel in San Remo. It is important that Council engage with members from all political persuasions to ensure the views and needs of our community are well communicated and the opportunity for local businesses to discuss matters important to them was very much appreciated.

One of the greatest privileges of a Councilors role is to participate in the Bass Coast Citizenship Awards with the latest being held at the Wonthaggi Workmans Club on 5th September 2024. It was a once again a joy to witness our newest citizens pledging their allegiance to Australia, some of whom have been living in Australia for years. Congratulations to them all.

Finally, this month I thank Destination Phillip Island for all the wonderful work they do across Phillip Island. The Industry Forum held this month was informative and a great opportunity to meet local tourism businesses dedicated to keeping abreast of the economic climate and the plans for future events across the region.

Council Briefing

CFA site visit
Plan Remo – San Remo Township Structure Plan
Bayview Avenue Flood Mitigation Project
Draft Open Space and Pathways Asset Management Plan
Wonthaggi Lifesaving Club site visit

Council Meetings

Mayor / Deputy Mayor
Mayors Community Thank You
Council Meeting Monday 16 September 2024

Community Meetings / Events

Kernot Farmers gathering x 2
Round Table Meeting with Senator Jane Hume and Candidate for Monash Mary Aldred
Bass Coast Citizenship Ceremony
Destination Phillip Island Industry Forum
Coronet Bay Ratepayers and Residents Group
Corinella Op Shop Fashion Parade
Gilbert and Sullivan Operah Ruddigore

Due to the confidential nature of meetings with residents and/or businesses, they will not be reported.
Emails also remain confidential in nature.

4.3 Cr Leticia Laing - Councillor Report

This report highlights my activity and engagement from August to September's Ordinary Council Meeting.

I am regularly contacted by community members for a range of queries. This report does not include the work I undertake with residents, ratepayers and council officers to address these inquiries.

Events

Bass Coast Business Awards

Congratulations to all the winners and nominees for this fantastic event held at the Inverloch RACV Resort.

Wonthaggi Karen Community Ribbon Tying Ceremony

For hundreds of years the Karen community has been celebrating the annual ribbon tying ceremony. It was a joy to celebrate this ceremony with the members of the Karen community.

Wonthaggi Primary School Trivia Night Fundraiser

Congratulations to the Wonthaggi Primary School Fundraising committee, especially Sierra Dunton who works tirelessly to raise funds for the school. Thank you for having me there!

Meetings

Inverloch Tourism Association

A catch up with the President of the ITA, Glen Morris.

Various Council Briefings

5 Public Question Time

5.1 Peter Fogarty, Investing in Developments

Does council have any system or process in place to identify persons/companies/entities who are investing capitol into large scale developments with the nominated developers?

Response:

Council is not required to monitor or report against investors in private development companies.

5.2 Graham Jolly, Hilton Chadwick Reserve

What are all the constraints stopping council from constructing a new sporting oval during the 2025/26 year costing approximately $4million to $5million on council owned land known as the Hilton Chadwick Reserve as identified in the councils Phillip Island Recreation Master Plan 2023.

Response:

Capital works projects within the shire are guided by Council's adopted 10-year Long Term Financial Plan (LTFP) 2021–31.

Currently, the actions identified in the Phillip Island Recreation Reserve Master Plan, adopted in September 2023, are not included in the LTFP.

The LTFP is scheduled for review in 2025.

5.3 Melissa Dagg, Hilton Chadwick Reserve

Why is council speaking of a name for the Carnival land council owns once the land is rezoned to Public Recreational when as an adjoining property connecting already has a name being the Hilton Chadwick Reserve. Both land lots would automatically be the one reserve. The Hilton Chadwick Reserve.

Response:

Council is not currently considering a naming process for the land on the corner of Phillip Island Road and Ventnor Road.

5.4 Bill Wilson, Renaming of the Cowes Cultural and Community Centre

Council obtained three names from the Bunurong Land Council Aboriginal Corporation for the renaming of the Cowes Cultural and Community Centre. One name was Berninneit, the registered name. How much money did it cost council for the three names obtained from the Corporation?

Response:

Council collaborated with the Bunurong Land Council Aboriginal Corporation during the renaming process for the Cowes Cultural and Community Centre.

The total cost to Council for obtaining what were four proposed names was $1,650.

5.5 Ernie Westergard, Berninneit library numbers

Would council please provide the attendance numbers to the library at the Cowes Cultural and Community Centre.

Response:

For the 6 months from January to June 2024 there were 44,868 visits to the library.

In July 2024 there were 7452 visits for the month.

At the current rate of visitation the new library is expected to be double that of the old library within the first year.

5.6 Johnny Cantone, Budget

How do councils justify $1.050 billion from 35,000 ratepayers over 10 years with no visible improvements in Bass Coast? Additionally, how can Bass Coast Council justify over 10 years employee expense $303 million in annual wages? How will they ensure ratepayer funds are used effectively for future progress?

Response:

The 10-year Long Term Financial Plan funds several significant inter-generational projects including the new Berninneit Cultural and Community Centre, the redevelopment of Guide Park and major upgrades to marine infrastructure.

As the asset manager of the Shire's drainage, roads and recreational infrastructure Council is obliged to ensure that the asset network in maintained in an optimal condition.

Council's labour related costs of $37 million over the ten years is among the lowest in the Large Rural Shire group of councils.

The LTFP will be reviewed and updated in 2025 and will consider community feedback and input.

5.7 Mario Boffa, Special Charge Scheme SBSB

Were the Island Ward Councillors or the councillor group given suggested instructions not to attend or conduct community meetings with the Sunderland Bay Surf Beach residents during the period of the overall initial Special Charge Scheme was being proposed that in the end failed to get a majority support.

Response:

No. Further details on community engagement are available on the project page at Engage Bass Coast.

5.8 Ernie Westergard, Art

Why is council seeking to buy additional art when council's range of art, a mural and 2 tapestries are held in locations across the shire and outside the shire but not at Berninneit in Cowes. Why.

Response:

The public art commission to be delivered in Cowes this financial year is the final outcome from the *Public Art Sites and Themes Plan 2014 - 2024*. Created following extensive community consultation the plan's key purpose is to distribute the public art commissioning program across the shire. Over the plan's lifecycle it has delivered public art outcomes for Kilcunda, San Remo, Corinella, Bass Valley & Hinterland (Kernot), Cape Paterson, Newhaven, and Wonthaggi.

5.9 Joe Waralow, Membership Fees

Council held paid memberships with multiple organisations during the year 2023/2024. Would council please provide a listing of organisations council was a paid up member and their membership fees.

Response:

Council was a financial member of 20 organisations during 2023/24 at a total cost of $81,455.

Organisation	Fee
Municipal Association Victoria (MAV)	$40,910
Food and Fibre Gippsland (FFG)	$10,000
Gippsland Regional Sports Academy	$4,955
Council Alliance for a Sustainable Built Environment (CASBE)	$4,000
Local Government Infrastructure Design Association	$3,000
Australian Coastal Council's Association	$2,905
LGPro Local Government Professionals	$2,700
Economic Development Australia Limited	$2,200
Standards Australia	$2,028
The Victorian Association of Performing Arts	$1,634
Local Government Finance Professionals Inc	$1,182

The Assoc. for Payroll Specialists	**$950**
Australian Performing Arts Centres	**$900**
Arts Hub Australia	**$800**
Parks and Leisure Australia	**$750**
Revenue Management Association	**$682**
Aquatics and Recreation Victoria	**$673**
Sports Federation of Victoria (VicSport)	**$400**
Mainstreet Australia	**$450**
National Association for the Visual Arts (NAVA)	**$336**

5.10 John Trigt, Growing Regional Program

As councillors are aware of the Federal $600 million Growing Regional Program, this is funding for pools and sporting ovals to support community liveability. Surf Coast shire announced construction of a pool for completion 2026. Are our council officers working towards a grant submission for a pool or sporting ovals?

Response:

No, the Council contribution required for this program is not in the current budget.

Following the adoption of the Phillip Island Recreation Reserve Masterplan future funding is subject to review of Counci's Long Term Financial Plan.

5.11 John Trigt, Carnival Site

Will council start rezoning the carnival site now so that they are shovel ready if they were successful in obtaining a federal grant to build a pool or sporting facilities.

Response:

Rezoning of the site is not required for progress to occur.

Rezoning is a medium term action in the adopted Master Plan. It is anticipated that this process will occur in approximately 10 years.

5.12 Andrew Marston, Phillip Island Facilities

Phillip Island has waited years for a swimming pool; their football club desperately needs more ovals. Dogs in Bass Coast have fewer safe exercise spaces than just about anywhere in Australia. Council purchased 80 acres of land for recreation. When will you honour your commitment and rezone to facilitate progress?

Response:

Rezoning of the site is not required for progress to occur.

Rezoning is a medium term action in the adopted Master Plan. It is anticipated that this process will occur in approximately 10 years.

5.13 Andrew Marston, Cowes Recreation Reserve

What funding applications has Council made to State and Federal sources to assist the development of recreation facilities at the Cowes Recreation Reserve, and if none, when will applications be made so that the community can use the land you have purchased for them?

Response:

Currently, no funding applications have been submitted to State or Federal grant programs for the development of recreation facilities at the Cowes Recreation Reserve.

Grant applications typically require a financial contribution from the Council, and at this stage, the projects identified in the Phillip Island Recreation Reserve Master Plan are not included in the Council's budget.

Future funding is subject to review of Counci's Long Term Financial Plan.

5.14 Philip Davy, Rental Fees

The mayor in her statement, claims Berninneit has become a hive of activity, bringing people together to celebrate arts, culture, and community connection. Why doesn't council embrace these words with lower rental fees to fully utilize all rooms of the building with local art and culture etc on display?

Response:

The standard hire fees for Berninneit are very competitive. In addition, Council provides a 50 per cent subsidy for community groups, schools, dance groups, not-for profit organisations, cultural organisations and individual professional artists to encourage community use.

5.15 Philip Davy, Community Consultations

In 2023-2024 financial year. Please name the public face to face meetings between senior council staff and residents or ratepayers that were conducted in an endeavor to find an amicable solution to ALL parties for council concept plans, ie Thomson Ave Redevelopment and Surf Beach Special Charge Scheme?

Response:

The Cowes streetscape master plan was adopted in December 2022 and involved extensive community consultation including 3,584 views on Councils engage Bass Coast dedicated webpage, 3 drop-in sessions with over 100 people attending and extensive consultation with traders.

Community consultation for the proposed Surf Beach Special Charge Scheme was conducted in line with the statutory process.

6 Notices of Motion

There were no Notices of Motion.

7 Petitions and Joint Letters

7.1 Petition - Urban Roads and Drainage Upgrade, Jam Jerrup

Council Decision
Moved: Cr. Rochelle Halstead / Seconded: Cr. Geoff Ellis
That Council:

1. Receive the petition, Bay Road and Foreshore Road, Jam Jerrup Road and Drainage Infrastructure Improvement and resolve to deal with this matter at this Council Meeting.

2. Commence work with the head petitioner and other property owners to investigate a preferred treatment option and potential costs to upgrade the road.

3. Note that a potential upgrade project would need to be considered in accordance with the Urban Roads and Drainage Improvement Policy at a future meeting.

4. Advise the head petitioner of Council's decision.

CARRIED

8 Reports Requiring Council Decision

8.1 Planning Application PDPLANPER-2023/001262 31 Fisher Street Ventnor

Council Decision
Moved: Cr. David Rooks / Seconded: Cr. Ron Bauer

That in relation to planning permit application **PDPLANPER-2023/001262** proposing to construct two dwellings on a lot and two lot subdivision in a General Residential Zone (GRZ1) and the removal of vegetation in a Vegetation Protection Overlay (VPO2) (SPEAR S223672T) 31 Fisher Street, Ventnor, Council resolves to issue a Notice of Refusal on the following grounds:

1. The proposal fails to achieve a building design that complements its setting and detrimentally impacts on the settlement character and identity for Ventnor.

2. The proposed development results in a detrimental built form outcome that will not contribute positively to the local context or neighbourhood character.

3. The development is inconsistent with the objectives and decision guidelines of Clause 42.02 Vegetation Protection Overlay Schedule 2 of the Bass Coast Planning Scheme.

4. The proposed development is not consistent with Clause 15 Built Environment and Heritage related to Ventnor 21.08-6 as it is of a design that does not respond to the preferred neighbourhood character.

5. The proposed development is inconsistent with the following objectives of Clause 55 – Two or more dwellings on a lot as it:

   a. Fails to achieve a building design suitable to the neighbourhood character of the area.

   b. Fails to achieve a design with appropriate rhythm and spacing that results in an overdevelopment of the site.

   c. Fails to achieve a design response fitting for meaningful landscaping opportunities.

   d. Fails to provide for a building outcome that limits the impact on the amenity of existing dwellings.

   e. The proposal fails to achieve compliance with Standard B6 (Front setback) and in turn the objective of this standard of the Bass Coast Planning Scheme.

6. The proposal is not considered to satisfy Clause 65.01 Approval of An Application Decision Guidelines of the Bass Coast Planning Scheme.

CARRIED

8.2 Planning Section 72 Amendment Application PDPERAMD-2024/180336-1 46 McHaffies Lane Ventnor

Council Decision
Moved: Cr. David Rooks / Seconded: Cr. Ron Bauer
That in relation to planning permit application PDPERAMD-2024/180336-1 for the use and development of land for group accommodation in the Farming Zone in accordance with the endorsed plans located at 46 McHaffies Lane Ventnor, Council resolves to issue a Notice of Decision to Grant an Amended Permit subject to the following conditions:

Amended Plans required

1. Before the development of Cabin 4 commences, amended plans drawn to scale with dimensions must be submitted to and approved by the responsible authority. The plans must be generally in accordance with the development plans prepared by Onsite Design dated 18/06/2024 dated but modified to show:

   a) Updated site plan on Sheet A2 to accurately show the current development of the site including an amended driveway layout and any changes to land use and development as approved under Planning Permit 200110.
   b) The location of any existing or proposed septic systems/effluent fields onsite with dimensions.
   c) An amended landscape plan in accordance with Condition 4 of this planning permit.

   All to the satisfaction of the responsible authority. When approved, the plans will be endorsed and will then form part of this Permit.

General Conditions

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

Landscaping and vegetation protection

4. Concurrent with the submission of plans required by Condition 1 and before the commencement of buildings and works, an amended Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When the Landscape Plan is approved, it will become an endorsed plan forming part of this permit. The Landscape Plan must be in accordance with the Landscape Plan prepared by Onsite Design dated 18/06/2024 as submitted with the application but modified to show:

a) Amendments to the landscape plan and driveway layout to ensure it is consistent with the development plans required under Condition 1 of this permit.
b) The accurate and extended location of all garden beds and planting around existing cabins as established onsite and to be retained.
c) Any proposed changes to the landscape buffer planting running between the accessway and fence line along the southeast site boundary. The buffer must include upper-storey (trees) and under-storey (shrubs) to screen the group accommodation from the surrounding landscape to the satisfaction of the responsible authority. Aerial imagery suggests that the originally proposed buffer planting has not yet been completed.
d) Additional planting including native canopy trees of advanced stock with a minimum 35-centimetre pot size, and a height of 2 metres at time of planting along the accessway to Cabin 4.
e) An updated landscape legend/planting schedule to clearly show any amendments to planting and additionally proposed planting including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

5. Planting of trees as shown in the endorsed plans must be conducted in accordance with the following requirements:

   a) The hole for the new tree must be 2 - 3 times wider than the pot the tree was grown in and approximately the same depth as the pot. The tree must not be planted any deeper than the soil level in the pot.
   b) The soil from the hole to be replaced around the tree root ball, firmed in and watered in well.
   c) The area, a minimum of 1 metre radius from the trunk of the tree, should be mulched with composted mulch at a minimum depth of 50 - 75 millimetres and watered well during dry periods for a minimum of 12 months to ensure the new tree establishes in its new position.

6. Within 6 months of the occupation of or the issue of an Occupancy Permit for Cabin 4, the site must be landscaped in accordance with the endorsed landscape plan including buffer planting along the southeast site boundary. The landscaping shown on the endorsed plans must be thereafter maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced within two months of any failing.

7. No other trees on site that are protected by the Planning Scheme/Local Law may be destroyed, felled, lopped, or uprooted without the written consent of the responsible authority (other than in accordance with a Notice given pursuant to the Local Government Act 2020).

8. No environmental weeds as identified in the Bass Coast Landcare Weeds of Gippsland Document must be planted on the site or allowed to invade the site and the site managed and maintained to exclude weeds.

Lighting

9. External lighting must be designed, baffled, and located so as to prevent any adverse effect on surrounding land and wildlife, to the satisfaction of the responsible authority.

Group accommodation

10. Prior to the issue of an Occupancy Permit for the Group Accommodation buildings, an Agreement under Section 173 of the Planning and Environment Act must be entered into which ensures that:

    a) The Group Accommodation must not be occupied by the same person/s for more than 42 consecutive days/nights and no more than 150 cumulative days/nights per calendar year, unless with the written consent of the Responsible Authority;
    b) The Group Accommodation must not be used as a permanent residence (dwelling);
    c) The operator/owner is to keep a log of all visitations/patrons and produce it to the responsible authority upon request; and
    d) If the use of the land for Group Accommodation ceases for a period of more than two years, the building(s) must be removed from the land within three months unless the written consent of the responsible authority is provided.

The Agreement must be registered on title pursuant to Section 181 of the Planning and Environment Act and confirmation of the Dealing number provided to Council before the issue of an Occupancy Permit or commencement of use of the building(s). All costs relating to the preparation and registration of the Agreement must be borne by the applicant.

Wastewater Treatment

11. Before the development is occupied, all sewage and sullage wastewater from the proposed development must either be discharged into a new EPA approved on-site wastewater treatment system to the satisfaction of the Responsible Authority, or be discharged into the existing on-site wastewater system altered to the satisfaction of the Responsible Authority.

Amenity

12. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:

    a) transport of materials, goods, or commodities to or from the land;
    b) appearance of any building, works or materials;
    c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust, wastewater, waste products, grit, or oil; and

d) presence of vermin or animals.

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

Permit Expiry – Development and use

14. This permit will expire if one of the following circumstances applies:
    a) The development is not started within two years of the date of this permit;
    b) The use has not started within two years of completion of the development;
    c) The development is not completed within four years of the date of this permit;
    d) The use is discontinued for a period of more than two years.

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

NOTES

Failure to Comply

A. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.

Planning permission

B. Nothing in the grant of this permit should be constructed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals. This may include (but not limited to):
    - Building Permits.
    - Road Occupation Permits.
    - Asset Protection Permits.
    - Legal Point of Stormwater Discharge

For further information please contact Bass Coast Shire Council on 5671 2211

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment
18/09/2024	*Minor amendment to preamble to correct grammatical errors.* *Deletion of landscape condition 3.* *Addition of landscape and vegetation protection conditions 4, 5, 6, 7 and 8.* *Addition of external lighting condition 9.* *Deletion of wastewater treatment Condition 5.* *Addition of wastewater treatment Condition 11.* *Consequential renumbering of conditions.* *Additions of Notes A and B.*	Bass Coast Shire Council

CARRIED

8.3 Open Space and Pathways Asset Management Plan

Council Decision
Moved: Cr. Rochelle Halstead / Seconded: Cr. Brett Tessari

That Council:

1. Adopts the Open Space and Pathways Asset Management Plan 2024-2028.
2. Notes funding to deliver the plan is subject to Council's annual budget process.

CARRIED

8.4 Destination Gippsland Partnership

Council Decision
Moved: Cr. Leticia Laing / Seconded: Cr. Rochelle Halstead

That Council authorise officers extend the partnership with Destination Gippsland until 31 December 2025 with an annual contribution of $42,048.60.

CARRIED

8.5 Wonthaggi Cemetery and San Remo Cemetery Abstract of Accounts

Council Decision
Moved: Cr. David Rooks / Seconded: Cr. Geoff Ellis

That Council:

1. Notes the Abstract of accounts for 2023/24 for Wonthaggi Cemetery Trust.
2. Notes the Abstract of Accounts for 2023/24 San Remo Cemetery Trust.
3. Nominates the required number of Trust Members (Mayor & two Councillors) to sign the Abstract of Accounts Statutory Declaration.

CARRIED

8.6 Review of Instrument of Delegation - Council to Staff and Instrument of Sub-Delegation Environment Protection Act 2017 – Council to Staff

Council Decision
Moved: Cr. Brett Tessari / Seconded: Cr. Ron Bauer
That Council

1. In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Bass Coast Shire Council (Council) resolves that:
    a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
    b. The instrument comes into force immediately upon the resolution being made and is to be signed by the Council's Chief Executive Officer.
    c. On the coming into force of the instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
    d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
2. In the exercise of the power conferred by s 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the **Environment Protection**

Authority under the Act dated 4 June 2021, Bass Coast Shire Council (Council) resolves that:

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

b. The instrument comes into force immediately upon the resolution being made and is to be signed by the Council's Chief Executive Officer.

c. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

CARRIED

8.7 Instruments of Appointment and Authorisation

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. Leticia Laing

That Council in the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, resolves that:

1. The members of Council staff referred to in the attached instrument be appointed and authorised as set out in the instrument:

   • Jacob Maher

2. The instrument comes into force immediately it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.

CARRIED

9 Statutory Reports

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Geoff Ellis

That agenda items 9.1, 9.2 and 9.3 be considered as a block.

CARRIED

9.1 Informal Meeting of Councillors

That Council receive the attached Informal Meeting of Councillors records.

9.2 Planning and Building Statistics - July 2024

That Council:

1. Receives and notes the Planning Permits issued under delegation report for July 2024; and
2. Receives and notes the Planning and Building Activity Report for July 2024.

9.3 Contracts Awarded & Extended under CEO Delegation

That Council notes that the above contracts were awarded or extended under the delegated authorities in accordance with the Procurement Policy during July 2024.

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Geoff Ellis

That the recommendations attached to agenda items 9.1, 9.2 and 9.3 be adopted.

CARRIED

10 Urgent Business

There was no Urgent Business.

11 Mayoral Announcement of Next Meeting of Council

The next Council Meeting will be held on 16 October 2024 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 1.00pm.

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Leticia Laing

That the meeting be closed to members of the public pursuant to Section 66 of the *Local Government Act 2020*, to consider an item/s as they deal with:

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

CARRIED

Meeting adjourned

That the meeting be adjourned at 1:50pm

Meeting resumed

That the meeting be resumed at 1:51pm

Items Closed to the Public

Excerpt of Section 66 of the Local Government Act 2020.

(5) 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.

confidential information means the following information—

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

(b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;

(c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;

(d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;

(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;

(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

(g) private commercial information, 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;

(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);

(i) internal arbitration information, being information specified in section 145;

(j) Councillor Conduct Panel confidential information, being information specified in section 169;

(k) information prescribed by the regulations to be confidential information for the purposes of this definition;

(l) information that was confidential information for the purposes of section 77 of the **Local Government Act 1989;**

12 Confirmation of Closed Minutes

12.1 Closed Council Meeting held on 21 August 2024

13 Reports Requiring Council Decision Closed to the Public

13.1 Bayview Avenue Inverloch Drainage Renewal and Flood Mitigation

It is recommended that the meeting be closed to members of the public pursuant to Section 66 of the *Local Government Act 2020*, to consider this item for the following reason:

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;

14 Meeting Closed

The meeting closed at 2.03pm