

Bass Coast Shire Council
Council Meeting Minutes

Wednesday 20 March 2024

Council Chamber

Bass Coast Civic Centre

Baillieu Street East, Wonthaggi

Commencing at 1:00 pm

The meeting commenced at 1:03pm.

Cr. Clare Le Serve read the Virtual Meeting Statement, Mobile Telephone Reminder and Statement of Acknowledgement.

Cr. Ron Bauer read the Councillor Statement.

Table of Contents

1 Present and Apologies 5

2 Declarations of Interest 6

3 Confirmation of Minutes 7

3.1 Council Meeting 21 February 2024 7

4 Mayor and Councillor Reports 8

4.1 Cr Clare Le Serve Mayoral Report 8

4.2 Cr David Rooks Councillor Report 9

4.3 Cr Geoff Ellis Councillor Report 10

4.4 Cr Michael Whelan Councillor Report 11

4.5 Cr Leticia Laing Councillor Report 12

5 Public Question Time 13

5.1 Melinda Mariotti, Topic: Windmills 13

5.2 Deb Leonard, Topic: Grantville Memorial Park 13

5.3 Deb Leonard, Topic: Council Strategies 13

5.4 Kevin Griffin, Topic: Correspondence addressed to the Mayor and Councillors 13

5.5 Kevin Griffin, Topic: Mayoral chains 14

5.6 Louise Lyell, Topic: Community Batteries 14

5.7 Louise Lyell, Topic: Yellow Bins 14

5.8 Melissa Dagg, Topic: Flag poles and flag's located outside of Berninneit 15

5.9 Melissa Dagg, Topic: Treasury Investment Policy 15

5.10 Lyn Bennett, Topic: Short-Time Rental (STR) registration 15

5.11 Mario Boffa, Topic: Berninneit construction variations 15

5.12 Mario Boffa, Topic: Tapestry display Berninneit 16

5.13 Ross Bencraft, Topic: Council's Urban Road and Drainage Policy 16

5.14 Graeme Davy, Topic: Bass Coast Shire Special Charge Scheme 16

5.15 Graeme Davy, Topic: Surf Beach Special Charge Scheme 16

5.16 Johnny Cantone, Topic: Pump track strategy 17

5.17 Johnny Cantone, Topic: Aquatic Center in Cowes 17

5.18 Fred Morris, Topic: Rhyll shared pathway 17

5.19 Dean Hurlston, Topic: Waste enforcement 18

5.20 Gina Rosamilia, Topic: Black Spot Coastal Risk Assessment Report 18

5.21 Gina Rosamilia, Topic: Beach danger warning signs 18

5.22 John Kuzma, Topic: Climate Emergency 19

5.23 Fred Morris, Topic: Wooden seating at Berninneit 19

5.24 Terry Parkin, Topic: Solar panel rebates 19

5.25 Terry Parkin, Topic: Bell from old Cowes Cultural and Community Centre 19

5.26 Graham Jolly, Topic: Greening of the Bass Coast Shire 19

5.28 Susie Wickes, Topic: Surf Beach and Sunderland Bay signs 20

6 Notices of Motion 21

6.1 256/24 Pine trees San Remo, Cr Rochelle Halstead 21

7 Petitions and Joint Letters 22

7.1 Masterplan & Additional Open Space at Cape Woolamai 22

7.2 Petitions in relation to Surf Beach Sunderland Bay 22

8 Reports Requiring Council Decision 23

8.1 Planning Application PDPLANPER-2023/000671 - Phillip Island Rd, Sunderland Bay 23

8.2 Planning Application PDPLANPER-2023/000481 137-143 Thompson Avenue, Cowes 23

8.3 Planning Application PDPLANPER-2023/000529 - 42 Bruce Road, Silverleaves ..32

8.4 Amendment to Development Plan 3 - 1517-1529 Bass Highway Grantville 32

8.5 One-Way Traffic Flow - The Esplanade Cowes 33

8.6 Regional Community Sport Infrastructure Fund 33

8.7 Bass Coast Community Awards....34

8.8 Instruments of Appointment and Authorisation....34

9 Statutory Reports....35

9.1 Informal Meeting of Councillors Records....35

9.2 Planning and Building Statistics - January 2024....35

9.3 Contracts Awarded and Extended via CEO Delegation....35

10 Urgent Business....35

11 Mayoral Announcement of Next Meeting of Council....36

12 Confirmation of Closed Minutes....38

12.1 Closed Council Meeting held on 21 February 2024....38

13 Reports Requiring Council Decision Closed to the Public....38

13.1 Rates Interest Waiver - Financial Hardship....38

14 Meeting Closed....38

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
Mr David Filmalter, Acting General Manager Business Transformation
Mr Colette McMahon General Manager Partnerships, Economy and Culture
Ms Donna Taylor, General Manager Place Making
Ms Jodi Kennedy, General Manager Resilient Communities
Ms Sharyn Tilley, Acting Manager Governance and Property

Apologies: Nil

2 Declarations of Interest

Cr. Rochelle Halstead declared a conflict of Interest in agenda item 8.4 under section 127 of the Local Government Act 2020.

3 Confirmation of Minutes

3.1 Council Meeting 21 February 2024

Council Decision

Moved: Cr. Leticia Laing / Seconded: Cr. Geoff Ellis

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

CARRIED

4 Mayor and Councillor Reports

4.1 Cr Clare Le Serve Mayoral Report

Status Report – Mayor's Report

Bass Coast Shire Council

To: Council on Wednesday, 20 March 2024

Subject:

Mayoral Monthly Report

This report covers the period from 21 February 2024 to 21 March 2024

Acknowledgements

- Nil

In brief the Mayoral activities have included the following:

Activities

- Berninneit Art Gallery Opening
- Corinella and District Community Centre - Mural Celebration
- Biolinks Tour
- The Block – Photo Shoot
- International Women's Day, San Remo
- EV demonstration event at Corinella
- Housing and Neighbourhood Character Consultation Drop-in Session - Corinella Community Market
- Woolamai Beach SLSC Thank You BBQ
- Phillip Island Neighbourhood Batteries Announcement
- SOD Turn for the Anderson Street Reserve Master Plan San Remo
- Wonthaggi Railway Station Project Site Visit
- Graydens Reserve - Community deliberative engagement process
- Coastal Forum – Safety Beach
- Harmony Week Celebration, Wonthaggi

Meetings

Attended Council Workshops and Briefings

Chaired Councillor Only Meetings

Weekly meetings with CEO, Council Support and Communications

Additional Meetings:

- Grantville Business & Community Association Executive Meeting

- Kevin Love, Phillip Island Nature Parks Board Meeting Briefing
- One Gippsland Closed Mayoral Discussion
- One Gippsland, February Board Meeting
- One Gippsland – February Local Government Meeting
- One Gippsland Delegation Meeting with Mr Broadbent
- Monthly Community Planning Meeting
- Kernot Hall & Reserve Community Asset Committee Meeting
- Jordan Crugnale MP
- Audit & Risk Committee Members only Meeting
- Audit & Risk Committee Meeting
- Pre Council Meeting Check In
- Island Candidate Information Session
- Surf Beach/ Sunderland Bay Special Charge Scheme Meeting
- Corinella and District Community Centre AGM
- March Waterline Living Library Meeting
- Western Port Candidate Information Session
- Peri Urban Councils Victoria State Delegation Meetings

Other

Media Enquiries/Interviews

- ABC Gippsland Monthly Council Media Chat
- ABC Gippsland / Corinella and District Community Centre
- Sentinel Times - International Women's Day
- Triple M Interview - Beach Sign Safety Campaign & Messaging
- ABC Interview - Beach Sign Safety Campaign & Messaging
- ABC Interview Batteries MR

Phone calls, emails and letters

4.2 Cr David Rooks Councillor Report

Monthly Report: mid Feb to mid Mar 2024

Meetings

Council meeting

Briefings

Weekly Wednesday Council Briefings

IW planning briefing

Functions

Attended Battery Announcement at Berninneit

Ongoing

Prepared for monthly Councillor meeting.

Dealt with constituents' issue and queries – email, phone.

4.3 Cr Geoff Ellis Councillor Report

February

Wed 21

- Councillor Only and Feb Ordinary Meeting related briefings
- Feb Ordinary Meeting

Thursday22

- CBCG meeting
- Newhaven RG meeting
- Refugee Welcome event -Wonthaggi
- Corinella FoFR meeting

Friday23

- GQRG meeting

Saturday 24

- Council Art Show at Berninneitt

Sunday 25

- South Coast FM
- Corinella Foreshore
- Grantville Market

Monday 26

- Corinella Foreshore with President of SGCS

Wednesday 28

- Council Briefings

Thursday 29

- Western Port Biosphere Meeting

March

Friday 1

- CDCC Mural Launch

Saturday 2

- Thank you BBQ Corinella

Sunday 3

- South Coast FM

Friday 8

- Volunteer shift at Mitchell House, Wonthaggi
- Wonthaggi consultation re Housing Strategy and Town Character strategy,

Saturday 9

- Corinella Market
- Totally Tenby EV Show
- Corinella consultation re Housing Strategy and Town Character strategy,

Sunday 10

- South Coast FM
- Cape Paterson consultation re Housing Strategy and Town Character strategy,

Tuesday 12

- BCAL
- Virtual meeting WPW planning

Wednesday 13

- Council Meeting Wonthaggi
- Reconciliation Lunch at Inverloch
- Councillor Information Session Cowes.

Thursday 14

- Presented to VEC Boundary Review Public Hearing
- Copy of presentation available via Geoff.ellis@basscoast.vic.gov.au
- Newhaven RRA

Saturday 16

- Coronet Bay AGM (Returning Officer)

Sunday 17

- South Coast FM with Aunty Sonia Weston
- Waterline Living Library Corinella with Nicky Chung

Monday 18

- Harmony Day Wonthaggi
- Coronet Bay Councillor Information session

4.4 Cr Michael Whelan Councillor Report

Tour of Landcare sites across Bass Coast. Showing modern farming practices involving shelter belts grown from direct seeding. We also inspected a 100 acre farm in the Bass Hills that has been revegetated using volunteer labour including school planting projects

Helped organise a Coastal Workshop attended by 13 coastal councils and sponsored by the Mornington Peninsula Shire Council. I also chaired this workshop held last Friday

4.5 Cr Leticia Laing Councillor Report

This report highlights my activity and engagement from February to the March 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 council officers to address these inquiries.

Events/Conferences

2024 Motul Fim Superbike World Championship (Round 1)
Council is a very proud sponsor of this long-standing motorsport event on the shire's calendar. It is always a pleasure to attend and see so many locals and visitors enjoying themselves over the weekend.

Penrite ProMX Motorcross Championship (Round 1)
It was a pleasure to officially open this event which is another showcase of motorsport within the Shire that is in the Bunurong Ward. Many may not know that Wonthaggi has a championship standard motorcross track. Congratulations Motorcycling Australia and volunteers, particularly from the local volunteers of the Dandenong Motorcross Club.

Harmony Week Celebrations, Wonthaggi
An excellent celebration of our growing community diversity. Special thanks to traditional owner Steve Ulula Parker who welcomed us to Country. Congratulations to Wonthaggi Neighbourhood Centre (at Mitchell House) and Bass Coast Adult Learning Centre who worked so hard to make this event a huge success.

Meetings

Various Council briefings and meetings including a tour of our major bio-links created through our partnership with Bass Coast Landcare Network.

5 Public Question Time

5.1 Melinda Mariotti, Topic: Windmills

1. Can you please tell me if the wind farms are a threat to our whales, seals, creatures, and birdlife in the area?
2. Are the windmills solely reliant on wind to operate and if not, how much alternative energy is used to operate them?

Response:

1. **Offshore wind turbines are sited in State and or Commonwealth waters and their design and construction is subject to Environmental Impact Assessments to assess and manage any risk to the marine environment and wildlife.**
2. **Wind turbines are turned by the energy of the wind and convert that energy into electricity. They are not able to use electricity in order to turn, as a household fan would. In the absence of sufficient wind, they do not operate.**

5.2 Deb Leonard, Topic: Grantville Memorial Park

At the last Council meeting, Council said that the Grantville Memorial Park which is due for high priority upgrade listed in Council's Long Term Financial Plan, however I can't see it mentioned anywhere in the plan. Has this park been overlooked for upgrade?

Response:

Council conducts routine independent PlaySpace audits to identify the renewal priorities. Grantville Memorial Park will be considered as part of this process.

5.3 Deb Leonard, Topic: Council Strategies

Apart from the Playspace Strategy 2017 and Bass Coast Skate Strategy 2018-2028, what other strategies does Council have on foot where the recommended timelines set out in the strategy have not been adhered to?

Response:

Once adopted, actions within Council strategies are subject to funding through the annual budget process. Progress on individual actions is reported through Council's quarterly and annual reporting processes.

5.4 Kevin Griffin, Topic: Correspondence addressed to the Mayor and Councillors

Last month Cr Halsted advised that email correspondence addressed to the Mayor and Councillors was withheld from Councillors and queried how many other emails have been withheld from Councillors.

Will council advise the community how many emails addressed to the Mayor and Councillors have been withheld from Councillors since 2020?

Response:

All emails sent to the Mayor and Councillors email addresses are received directly by those Councillors. Emails that are sent to the general email address for Council are allocated to the responsible staff members to address and shared with Councillors if they have been included in the correspondence. No emails are withheld.

5.5 Kevin Griffin, Topic: Mayoral chains

Council has officially admitted that the Mayoral chains of office and robes are missing and are likely to have been stolen.

Will council now advise the community on what date Council officially reported the likely theft of these items to Victoria Police?

Response:

Council reported the missing mayoral chains to Police on 10 October 2018.

5.6 Louise Lyell, Topic: Community Batteries

Will the new community batteries provide reliable power in times of blackout to ALL of the island or a select few?

Response:

The project to install and manage neighbourhood batteries across Phillip Island is being led by Mondo, a subsidiary of AusNet Services. The batteries' primary role is to make the network more reliable by reducing the likelihood of power outages caused by periods of high electricity demand.

Council understands the batteries will not necessarily operate during power outages caused by damage to the network.

5.7 Louise Lyell, Topic: Yellow Bins

Where are the contents of the yellow recycle bin taken for sorting and future distribution and recycling?

Response:

The contents of yellow lid recycle bins are taken to Visy's Recycling Material Recovery Facility in Springvale. The sorted recyclables are either used by Visy in its packaging business or sold to third parties for further processing.

5.8 Melissa Dagg, Topic: Flag poles and flag's located outside of Berninneit

Would council please provide the supply and installation costs for the 4 new flag poles and flag's located outside of Berninneit in Cowes.

Response:

Re-installation of the refurbished flag poles cost $2,139.25+GST

5.9 Melissa Dagg, Topic: Treasury Investment Policy

Councils recently revised Treasury Investment Policy stopped council from having money invested in coal or gas. Will council advise the State Government not to provide any grant money derived from non-renewable sources such as coal and gas.

Response:

The policy being referred to is Council's Investment Policy which was adopted at the December 2023 Council Meeting. Council may receive financial support in the form of government grants for the delivery of capital projects and for specific service delivery from the Commonwealth or the Victorian Government.

Funding for these grants is made available within the Government agency budgets that would include taxation or royalties from the fossil fuels sector. Council does not have the authority to direct other tiers of Government to reduce or cease taxation of the fossil fuels sector.

5.10 Lyn Bennett, Topic: Short-Time Rental (STR) registration

How does the Short-Time Rental (STR) registration and its fee align with 1. the tourism strategy that enhances the local economy and 2. STRs providing accommodation for workers requiring short-term accommodation in order for them to service the Bass Coast?

Response:

The Short Stay Rental Accommodation (SSRA) registration fee, mandated by the local law reinforces the tourism strategy by ensuring short stay rental accommodation is regulated to minimise the impact on amenity of neighbours.

5.11 Mario Boffa, Topic: Berninneit construction variations

Berninneit is a new design that includes Passivhaus certification of which all residents are interested in to understand design details. Please provide in detail all construction "variations" agreed to by the contractor or designer once construction commenced?

Response:

Berninneit was built under a lump sum design and construction contract at a total cost of $32m. This cost included all design and construction works associated with Berninneit including Passivhaus certification.

5.12 Mario Boffa, Topic: Tapestry display Berninneit

Would council please provide a reason why including the location of the hand made very large display tapestry made by the Phillip Island community is not on display at Berninneit for visitors to enjoy.

Response:

A final decision on the future location for this tapestry has not been made. Discussions are underway with the relevant community stakeholders including the Artists Society of Phillip Island.

5.13 Ross Bencraft, Topic: Council's Urban Road and Drainage Policy

Council has advised that "if there was a ... smaller area that...at least 70% of property owners actively supported an upgrade project, it can be considered in accordance with the Council's Urban Road and Drainage Policy."

Can council please provide an explicit definition of exactly what a "smaller area" comprises?

Response:

Under this policy a smaller area can be defined as a single street or several adjoining streets.

5.14 Graeme Davy, Topic: Bass Coast Shire Special Charge Scheme

In a Bass Coast Shire Special Charge Scheme, do the ratepayers pay for the full construction costs of the section of road fronting non-rateable crown land?

Response:

Costs are shared between Council and ratepayers within the Special Charge Scheme area. Non-rateable Crown land cannot have a special charge applied to it in accordance with the Local Government Act 1989.

5.15 Graeme Davy, Topic: Surf Beach Special Charge Scheme

In the abandoned Surf Beach Special Charge Scheme, council scrupulously ensured that the opponents petition to the scheme were only allowed one vote per rateable property. Will council use these same criteria for the current petitions before council for Sunderland Bay and Surf Beach?

Response:

Yes, the same approach will be taken with current petitions before Council for Sunderland Bay and Surf Beach.

5.16 Johnny Cantone, Topic: Pump track strategy

What results have the pump track strategy committee recommended to the council? Will the recommendations be made available to the public?

Response:

The draft strategy is currently being finalised and will be released through Engage Bass Coast for community consultation in before the end of the 2023/24 financial year.

5.17 Johnny Cantone, Topic: Aquatic Center in Cowes

Given that the proposed Aquatic Center in Cowes is situated on designated farming land, can you clarify the concept of 'shovel ready'? It appears perplexing when juxtaposed with the ongoing agricultural use of the area. After three decades of fervent advocacy from the local community, there is a pressing need for transparency

Response:

Shovel ready is the generally accepted term for the point in a project where all necessary designs have been completed and relevant permits and permissions are secured.

5.18 Fred Morris, Topic: Rhyll shared pathway

Why is council continuing to speak with the Rhyll community about the project matter of the location of a shared pathway from the township around the houses past the weather station to link up with the current path?

Response:

Formal engagement on the alignment of the path has been completed. Council routinely receives and responds to requests from member of the community regarding the alignment of the path. Further information can be found on the project page on Engage Bass Coast.

5.19 Dean Hurlston, Topic: Waste enforcement

1. What amount of waste enforcement costs in the current financial year 2023/24 has the Council included in its waste levies charged to residents? (if any)
2. What amount of revenue has council included in the current financial year 2023/24 from waste enforcement actions?

Response:

1. **Council has not included any costs relating to waste management enforcement costs in the waste management service charge.**
2. **Council has included a recovery fee of $47.00 per impounded shopping trolleys in the 2023/24 budget. This fee which is charged to supermarket operators will be reviewed as part of the 2024/25 Budget.**

5.20 Gina Rosamilia, Topic: Black Spot Coastal Risk Assessment Report

Would council please provide a comprehensive explanation as to why the Black Spot Coastal Risk Assessment Report Project Stage 2 comprising some 160 pages was stopped by a council officer from being released to the public when the report was first released in 2019.

Response:

This was not stopped by council officers and was not a Council report.

The Black Spot Coastal Risk Assessment Report was commissioned by Life Saving Victoria and engaged a range of foreshore land managers across the region. It was agreed by all parties to release the executive summary of the report in 2019 and Council shared this on its website.

5.21 Gina Rosamilia, Topic: Beach danger warning signs

Would council please explain who is responsible to supply and install new beach danger warning signs to all beach entry locations managed by council along the Bass Coast as identified in the Black Spot Coastal Risk Assessment Report project stage 2?

Response:

The designated land manager for each beach entry is responsible for the supply and installation of signage in accordance with LifeSaving Victoria recommendations.

Council, Parks Victoria and Phillip Island Nature Parks are land managers in Bass Coast.

5.22 John Kuzma, Topic: Climate Emergency

Council declared a "Climate Emergency" in 2019. Since 2019 until 20/3/2024 how many solar panels has council had installed on council buildings?

Response:

An estimated 235 kW (kilowatts) of rooftop solar has been added to Council buildings since the Climate Change Action Plan was adopted in May 2021, helping to reduce emissions and power bills.

5.23 Fred Morris, Topic: Wooden seating at Berninneit

Would council please inform why hand made wooden seating once available at the old Cowes Cultural and Community Centre are not located and used outside of Berninneit in Cowes?

Response:

The benches are significantly weather damaged. Their condition will be assessed, and a determination made on the feasibility of restoration and reinstatement.

5.24 Terry Parkin, Topic: Solar panel rebates

Since 2019 much money has council expensed including grants and rebates received from the State Government towards solar panel up to current date?

Response:

The total cost of installing the additional 235 kW of rooftop solar referred to in Q23 is approximately $275,000. Council's contribution to these projects is approximately $210,000, with remaining funds provided from sources including state government grants and community groups.

5.25 Terry Parkin, Topic: Bell from old Cowes Cultural and Community Centre

Would council inform happenings to the bell previously sited at the old Cowes Cultural and Community Centre.

Response:

Following their theft and subsequent recovery, the artist who created the bells has been re-engaged to restore and reinstate them.

5.26 Graham Jolly, Topic: Greening of the Bass Coast Shire

The State government has already received $250 million income and is projecting more than $1 billion from coal royalties. How is council going to fund the greening of the Bass Coast Shire and new infrastructure when at a council meeting it was implied coal money was "dirty money"?

Response:

Apart from the State Government Rate Cap, Council's budget is set independently and is not dependent on the State's revenue from royalties or other sources. Council will continue to fund affordable projects that are consistent with its strong focus on the natural environment.

5.27 Graham Jolly, Topic: Budgeted Capital Works Program

What authority has the CEO and officers under the Local Government Act 2020 to alter the councillor approved budgeted Capital Works Program after the 1 July 2023 by changing funding allocations via a forecast to multiple projects?

Response:

A revised budget is only required under Section 95 of the Local Government Act 2020 when Council is:

- **Making a variation to the declared rates and charges**
- **Undertaking borrowings that have not been approved in the budget**
- **Making changes to the budget that Council considers should be the subject of community engagement.**

Changes to forecast expenditure estimates for the Capital Works Program do not require approval via a Revised Budget and the current contemporary approach to updating forecast estimates with Council endorsement is appropriate and transparent.

5.28 Susie Wickes, Topic: Surf Beach and Sunderland Bay signs

As the Special Charge Scheme for Surf Beach and Sunderland Bay was formally abandoned at the December Council meeting could Council please advise when all the temporary 'speed mean dust' signs will be removed?

Response:

The temporary dust and pedestrian safety signs will be removed in late April. They will be stored for future use.

6 Notices of Motion

6.1 256/24 Pine trees San Remo, Cr Rochelle Halstead

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Ron Bauer

That Council receive a report that:

1. Provides a full list of incidents over the past 5 years,
2. Include as attachments any arborist reports provided to council that suggest the trees are healthy and safe.
3. Identifies the process for having the trees removed. (Suggestions the trees are an Avenue of Honour).
4. Address any financial impact removing these trees may have including replacement options and cost.
5. Consider the use of stumps for carving as part of the San Remo Structure Plan.

LOST

Cr. Ron Bauer called for a division

For: Cr. Geoff Ellis, Cr. Les Larke, Cr. Rochelle Halstead and Cr. Ron Bauer
Against: Cr. Brett Tessari, Cr. Clare Le Serve, Cr. David Rooks, Cr. Leticia Laing and Cr. Michael Whelan

7 Petitions and Joint Letters

7.1 Masterplan & Additional Open Space at Cape Woolamai

Council Decision

Moved: Cr. David Rooks / Seconded: Cr. Rochelle Halstead

That Council:

1. Receive the petition, Masterplan & Additional Open Space at Cape Woolamai to lie on the table with a report to be presented no later than the June 2024 Council Meeting.
2. Advise the head petitioner of Council's decision.

CARRIED

7.2 Petitions in relation to Surf Beach Sunderland Bay

Council Decision

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

That Council:

1. Receive the five petitions to lie on the table with a report to be presented no later than the June 2024 Council Meeting.
    e. The Esplanade Sunderland Bay, road and drainage upgrade
    f. Tolley Ave, Surf Beach, road and drainage upgrade
    g. Sealing of Dunvegan Crescent, Surf Beach
2. Advise the head petitioners of Council's decision.

CARRIED

8 Reports Requiring Council Decision

8.1 Planning Application PDPLANPER-2023/000671 - Phillip Island Rd, Sunderland Bay

Council Decision

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

That in relation to planning permit application PDPLANPER-2023/000671 for use and development of land for a telecommunications facility in a Farming Zone (FZ) and a Significant Landscape Overlay (SLO2) and access from a road in a TRZ2, located at Phillip Island Road Sunderland Bay and more particularly described as Lot 1 on Title Plan 967217 in Volume 10366 Folio 515, Council resolves to issue a Notice of Refusal on the following grounds:

- The proposal is inconsistent with the objectives of local and state planning policies that seek to balance the need to protect landscape values with the facilitation of telecommunication facilities.
- The proposal is inconsistent with the design and siting decision guidelines of the Farming Zone.
- The proposal is inconsistent with the landscape character objectives and decision guidelines of the Significant Landscape Overlay – Schedule 2.
- The proposal is inconsistent with the purpose and decision guidelines of Clause 52.19 (Telecommunications Facility) as it does not facilitate proper and orderly planning or minimise visual amenity impacts on identified landscape values.

CARRIED

8.2 Planning Application PDPLANPER-2023/000481 137-143 Thompson Avenue, Cowes

Council Decision

Moved: Cr. David Rooks / Seconded: Cr. Leticia Laing

That in relation to planning permit application PDPLANPER-2023/000481 for buildings and works and the removal of one tree associated with the redevelopment of a camping and caravan park in a Commercial 1 Zone (C1Z), General Residential Zone (GRZ1), Vegetation Protection Overlay (VPO2), and Design and Development Overlay (DDO11) at 137-143 Thompson Avenue Cowes, Council resolves to issue a Notice of Decision to Grant a Permit subject to the following conditions:

Amended plans required

1. Before the development 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 Neil Fletcher Design dated 25 May 2023 Revision D and to the satisfaction of the responsible authority but modified to show:

a. Removal of all reference to the proposed promotional banner signage from the plans.

b. Proposed construction of a new solid paling fence with minimum height of 1.9 metres along the entire length of the southern site boundary.

c. An annotation that 'the gate along the southern boundary is to be used in the event of an emergency only and no pedestrian or vehicle access will be facilitated to the property from Watchorn Road.'

d. Lots 1 and 47 to be removed from the proposed site plan and allocated as common landscaping areas along the site frontage.

e. Lots 2, 3 and 4 to be removed from the proposed site plan and allocated as area for the existing caretaker's dwelling and office.

f. All 'lot' numbers to be relabeled as 'site' numbers and renumbered 1- 42 on site and elevation plans in accordance with the omission of lots required under Condition 1d) and 1e) of this planning permit.

g. The setback of the proposed amenities block from the western site frontage.

h. The approximate location of the three proposed portable ensuites.

i. The first floor south-facing balcony of the proposed cabin on Lot 37 must be appropriately redesigned or screened to prevent overlooking into the residential property at 2 Watchorn Road to the satisfaction of the responsible authority.

j. The location of any proposed playground equipment to the satisfaction of the responsible authority.

k. An amended landscape plan in accordance with Condition 4.

l. A Tree Protection Management Plan (TPMP) in accordance with Condition 8.

m. A Waste Management Plan (WMP) in accordance with Condition 15.

n. A Site Layout and Use Plan in accordance with Condition 21.

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 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 provider.

Landscaping

4. Concurrent with the submission of plans required by Condition 1 and before the development commences, an electronic copy of an accurately dimensioned Landscape Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The Landscape Plan must be generally in accordance with the Landscape Plan prepared by Coastal Native Gardens dated October 2023 but modified to show:

a. Any updates to the site layout plan as required by Condition 1.

b. Additional planting throughout and along the entire length of the site frontage of Lot 47 which is required to be removed as a camping and caravan park site plan in accordance with Condition 1. Proposed landscaping within former Lot 47 must include a combination of garden beds, upper-storey (trees) and under-story (shrubs and groundcovers) planting from the species list under Permit Note-A or the Indigenous Plants of Bass Coast Shire Brochure to provide sufficient screening to the satisfaction of the Responsible Authority.

c. Replacement of at least half of the proposed canopy trees with a higher diversity of species including Eucalypts selected from the species list under Permit Note-A or to the satisfaction of the responsible authority.

d. All trees are to be of advanced stock (minimum 45-52L/50cm pot size and 2 metres tall at time of planting).

e. All proposed trees to be clearly set back a minimum of 3 metres from buildings on the site and within open ground clear of all hard surfacing, buildings, structures and other tree canopies.

5. The planting of trees as shown in the endorsed landscape plan 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 12 months of the issued date of this Planning Permit, the site whether occupied or not, must be landscaped in accordance with the endorsed landscape plan unless with the written consent of the responsible authority.

7. 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.

Tree Protection Management Plan

8. Concurrent with the submission of plans required by Condition 1 and before the development commences, a TPMP, prepared by a suitably qualified arborist, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The TPMP must be provided for Trees Number 9 -17 and 26 as identified in the Arboricultural Construction Impact Assessment prepared by Trevor Moulynox of Urban Forestry Victoria dated 1 November 2023 as submitted with the application. The Tree Protection Management Plan must be separated into the following sections and must include the following information:

a. Background: This section must detail the site, the permit requirements and reference any previous arboricultural reports undertaken on the site (and relevant details such as Author, Company Name etc.).

b. Trees to be protected. This section should detail in a table format the trees to

be protected. The table must include:

i. Tree numbers

ii. Botanical species names

iii. Diameter at Breast Height (DBH)

iv. Tree Protection Zone (TPZ)

v. Structural Root Zone (SRZ)

vi. Details on the Tree Protection Fence locations and any ground protection requirements.

vii. Proposed construction methods to minimise damage to identified trees e.g., use of pier and beam construction or screw pilings as opposed to strip footings.

viii. Specifications for tree protection measures should be applied as prescribed in AS 4970-2009.

ix. Specification of remedial tree works pre and post development compliant with AS 4373-2007 and AS 4970-2009, if necessary, and in line with recommendations. Specification and scheduling of necessary tree care/maintenance required before, during and post construction (such as watering and fertilising trees).

c. General Activities to be isolated from the Tree Protection Zone (TPZ): This should list all the actions that must be isolated from the TPZ unless approved by Council or within the specific detail of the Tree Protection Management Plan.

d. Details of Exploratory Root Investigation (where undertaken): Any previous exploratory works should be detailed within this section.

e. Proposed inspection schedule: To assess tree health for the various stages of development such as site establishment, construction work, hard and soft landscaping practical completion.

f. Tree Protection Plan: This is a site plan that clearly defines:

i. All trees clearly numbered and correspond with the tree data.

ii. Locations of site sheds, building storage area, waste area, site toilets, site access.

iii. Location of TPZ fencing, TPZ areas to be mulched and trees requiring trunk and branch protection.

iv. Location of installations of services and methodology to be used.

9. The following vegetation protection measures must be complied with:

a. All tree protection specifications for the site must be in accordance with the endorsed Tree Protection Management Plan. Tree protection measures must comply with the requirements set out on Page 21, under Section5.2 Tree Protection Plan in AS4970-2009 Protection of Trees on Development Sites.

b. Where there are approved works within the TPZ, it may only be reduced to the required amount by an authorised person only during approved construction within the TPZ and must be restored in accordance with the TPMP requirements at all other times.

c. Prior to the commencement of any site works, including demolition and excavation, the responsible authority must be provided with evidence that a project arborist has been engaged as part of the ongoing consultant team to oversee all buildings and works, and to ensure the development does not have a detrimental impact on the ongoing health and stability of the trees to be retained. The project arborist must have a qualification in arboriculture and hold a minimum Diploma in Horticulture (Arboriculture) to be the project arborist.

10. A qualified Arborist must be present at the time of excavation to ensure suitable protection of the trees to be retained. Any work/pruning required on the trees to be retained must be undertaken by a qualified Arborist and pruning works must conform to AS4373-2007 Pruning of Amenity Trees. All areas of cut adjacent to the trees to be retained must be mulched to the satisfaction of the Arborist present.

11. Works engineers, design engineers, surveyors, works crews, contractors and plant operators must be properly briefed on all relevant conditions contained within this permit before any works start.

12. At the completion of works, the Arborist must submit a written statement, indicating the impact of the proposed works on the trees, pruning works to trees undertaken and methods used to protect the trees to be retained as identified in Condition Protection of vegetation.

13. 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). All existing trees to be retained and trees required by this permit to be planted shall be maintained to the satisfaction of the responsible authority.

14. Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Waste Management

15. Concurrent with the submission of plans required by Condition 1 and before the development commences, a WMP for the proposed development, prepared by a suitably qualified person, to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The WMP must provide for the proposed development of a camping and caravan park with respect to the associated collection and disposal of waste and recyclables providing for the following:

    a. Waste separation and collection services to be provided by a private contractor at a standard in accordance with councils' kerbside collection service.

    b. Where when and how the portable ensuites will be emptied to not cause unreasonable amenity impacts.

    c. The methods of collection and disposal of waste associated with the proposed development, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within locations suitably screened and accessible to the satisfaction

of the Responsible Authority.

d. The frequency and days/hours for the collection of waste as not to cause any unreasonable disturbance to nearby residential properties.

e. Any details for best practice waste management once operating.

16. All waste must be separated and collected by a private contractor in accordance with Councils' kerbside collection service and the Waste Management Plan as approved by the responsible authority.

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

18. Collection of waste must be constructed so as not to cause any unreasonable disturbance to nearby residential properties.

19. Adequate provision must be made for the storage and collection of garbage, bottles and solid waste in bins or receptacles to the satisfaction of the responsible authority.

20. Storage bins shall be screened from view of the street and adequately covered to the satisfaction of the responsible authority to minimise dispersal of material by wind or water and vermin and pest insect access. Appropriate controls shall be implemented to restrict the movement of windblown litter and prevent the site appearing unsightly. No litter shall be discharged beyond the boundaries of the site. All storage areas shall be surfaced and capable of being washed down with wastewater being directed to sewer via an appropriate litter trap. No odour shall be emitted from any waste storage areas so as to cause offence to adjoining property occupiers to the satisfaction of the responsible authority.

Camping and Caravan Park Layout

21. Concurrent with the submission of plans required by Condition 1 and before the development commences, an electronic copy of an accurately dimensioned Site Layout and Use Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plan must be generally in accordance with the Lot Use Plan dated 16 November 2023 as submitted with the application but modified to show:

a. Renaming of the plan as Site Layout and Use Plan.

b. Any updates to the site layout as required by Condition 1 including the removal, renaming, and renumbering of lots.

22. All accommodation provided on the land including but not limited to cabins, caravans, campervans, annexes, and tents must be located within numbered camping and caravan park sites as shown on and generally in accordance with the Site Layout and Use Plan, and not within common or landscaping areas.

Removal of Signage

23. Within 1 month of the issue date of this planning permit, the promotional signage banner along the western front fence line to Thompson Avenue must be removed.

24. Within 1 month of the issue date of this permit, at least 3 high quality photographs (from various angles and distances) are to be provided showing that the promotional signage banner has been removed to the satisfaction of the responsible authority.

Access

25. No pedestrian or vehicle access to the property is permitted from Watchorn Road and all access to the property will be via the existing crossover to Thompson Avenue.

Engineering Conditions

26. Before occupation of the development hereby permitted, the following works must be completed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:

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

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

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

    d. As-constructed levels must be provided to AHD for any new Council assets constructed with the development.

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

27. The onsite stormwater drainage system including stormwater detention, installed in accordance with the endorsed plans, must not be removed or modified without the further approval in writing of the Responsible Authority.

Amenity

28. The exterior colour and cladding of the building must be of a non-reflective nature, natural and muted toning, and not result in any adverse visual impact on the surrounding environment to the satisfaction of the responsible authority.

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

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

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

    b. appearance of any building, works or materials;

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

    d. presence of vermin or animals.

31. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock, or other debris

being carried onto public roads or footpaths from the subject land to the satisfaction of the Responsible authority.

32. 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

33. This Permit will expire if:

    a. The development does not start within two (2) years from the date of this Permit; or

    b. The development is not completed within four (4) years of the date of this Permit.

The responsible authority may extend the time referred to if a request is made in writing before this Permit expires or within six months after the expiry date if the development has not commenced.

If the development has lawfully commenced, the responsible authority may extend the time referred to if a request is made in writing within twelve months of the expiry date.

NOTES

A. Planting Tree Species List

Large canopy trees (>15 metres in height at maturity)

Botanical Name	Common Name	Origin
Angophora floribunda	Rough Barked Apple	AN
Banksia Integrifolia	Coast Banksia	I
Corymbia citriodora	Lemon Scented Gum	AN
Eucalyptus leucoxylon	South Australian Blue Gum	AN
Corymbia maculata	Spotted Gum	AN
Eucalyptus obliqua	Messmate	I
Eucalyptus ovata	Swamp Gum	I
Eucalyptus pauciflora	Snow Gum	VN
Eucalyptus polyanthemos	Red Box	VN
Eucalyptus pryoriana	Coast Manna Gum	I
Lophostemon confertus	Brush Box	AN

VN – Victorian Native; AN – Australian Native; I – Indigenous to Bass Coast

Medium sized canopy trees (5-10 metres in height at maturity)

Botanical Name	Common Name	Origin
Acacia melanoxylon	Blackwood	I
Agonis flexuosa	Willow Myrtle	AN
Allocasuarina littoralis	Black Sheoak	VN
Allocasuarina verticillata	Drooping Sheoak	I
Banksia marginata	Silver Banksia	AN
Elaeocarpus reticulatus	Blueberry Ash	AN
Eucalyptus kitsoniana	Gippsland Mallee	VN
Hymenosporum flavum	Native Frangipani	AN
Leptospermum laevigatum	Coastal Ti-tree	I
Leptospermum lanigerum	Woolly Ti-tree	I
Melaleuca lanceolata	Moonah	I

VN – Victorian Native; AN – Australian Native; I – Indigenous to Bass Coast

B. Camping and Caravan Park

The premises must comply with the relevant provisions of the Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020; and be registered with Council's Health Department as a caravan park.

C. Asset Protection Permit

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

D. Building permit

This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all required building permits are obtained.

E. Planning permission

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.

F. Local Law Permit – Vegetation Removal

The vegetation approved for removal under this planning permit may require a Local Laws permit from Council. Prior to the commencement of removal of any vegetation, the permit holder must contact Council to ensure a Local Laws permit is obtained (if required).

G. Failure to Comply

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.

CARRIED

8.3 Planning Application PDPLANPER-2023/000529 - 42 Bruce Road, Silverleaves

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. David Rooks

That in relation to planning permit application PDPLANPER-2023/000529 for the construction of a dwelling and removal of vegetation in a Design and Development Overlay (DDO1), Land Subject to Inundation Overlay (LSIO1) and Bushfire Management Overlay (BMO) at 42 Bruce Road, Silverleaves, Council resolves to issue a Notice of Refusal on the following grounds:

1. The extent of proposed vegetation removal is considered to be excessive.

2. The proposal fails to respond to the purpose and decision guidelines of clause 44.04 Land Subject to Inundation Overlay of the Bass Coast Planning Scheme, as it is considered it would exacerbate the potential flood risk to life, health and safety associated with the development.

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

CARRIED

8.4 Amendment to Development Plan 3 - 1517-1529 Bass Highway Grantville

Cr. Rochelle Halstead declared a conflict of interest in agenda item 8.4 Amendment Development Plan 3 - 1517-1529 Bass Highway Grantville under section 127 of the Local Government Act 2020. They left the meeting at 2.04pm and did not return.

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. Geoff Ellis

That Council:

- Supersede the currently endorsed Development Plan applying to the land at 1517 – 1529 Bass Highway Grantville preparade by Idle Architecture Studio, dated 31 October 2022, Drawing Number TP1.12, Revision A.
- Request an amended Development Plan generally in accordance with the plan prepared by Rise Architecture, dated 04 March 2024, reference TP01, Revision D as submitted but amended to include the following annotations:
  - The indicative building footprints and locations are subject to change dependent on flood modelling that must be submitted as a part of the Stormwater Management Strategy that accompanies any future planning permit application.
  - Any future planning permit applications must be in accordance with the applicable Stormwater Management Strategy by DPM dated 26 July 2023 (or as amended from time to time) to the satisfaction of the relevant drainage and floodplain management authority.

Once an amended Development Plan that satisfies the requested amendments is submitted it will be endorsed.

CARRIED

8.5 One-Way Traffic Flow - The Esplanade Cowes

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Ron Bauer

That Council in accordance with schedule 11, clause 9 of the *Local Government Act 1998,* approves the one-way traffic flow changes to The Esplanade, Cowes in general accordance with Figure 5.1 of the Cowes Streetscape Master Plan.

CARRIED

8.6 Regional Community Sport Infrastructure Fund

Council Decision

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

That Council submit the following applications to Sport and Recreation Victoria in seeking funding through the Regional Community Sports Infrastructure Fund:

- Wonthaggi Netball Pavilion
- Corinella Angling Pavilion
- Cowes Recreation Reserve Cricket Nets

CARRIED

8.7 Bass Coast Community Awards

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. David Rooks

That Council endorses:

1. the 'Contribution to Arts and Culture Award' as the Rotating Award category for the 2024 Program.
2. Cr Brett Tessari as the delegated Councillor to the 2024 Community Awards judging panel.

CARRIED

8.8 Instruments of Appointment and Authorisation

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. Ron Bauer

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:
   - Rowan Wagenaar
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. Brett Tessari / Seconded: Cr. Ron Bauer

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

CARRIED

9.1 Informal Meeting of Councillors Records

That Council receive the attached Informal Meeting of Councillors records.

9.2 Planning and Building Statistics - January 2024

That Council:

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

9.3 Contracts Awarded and Extended via CEO Delegation

That Council notes that no contracts were awarded or extended under the Chief Executive Officer's financial delegation in accordance with the Procurement Policy 2023 during January 2024.

Council Decision

Moved: Cr. Ron Bauer / Seconded: Cr. Brett Tessari

That agenda items 9.1, 9.2 and 9.3 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 17 April 2024 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 1.00pm.

Council Decision

Moved: Cr. Michael Whelan / 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:

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

CARRIED

Meeting adjourned

That the meeting be adjourned at 2:22pm

Meeting resumed

That the meeting be resumed at 2:25pm

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 February 2024

13 Reports Requiring Council Decision Closed to the Public

13.1 Rates Interest Waiver - Financial Hardship

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:

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

14 Meeting Closed

That the meeting be closed.