



**Bass Coast Shire Council
Minutes for Council Meeting
Wednesday, 25 November 2020
Virtual Meeting
1.00pm**

- 1. These minutes are due to be confirmed on 16 December 2020**
- 2. Any decision included in these minutes is subject to change resulting from a rescission motion passed by Council.**

TABLE OF CONTENTS

A	Present and Apologies	5
B	Declarations of Interest	6
C	Confirmation of Minutes.....	7
	<i>C.1 Ordinary Meeting held on 21 October 2020</i>	<i>7</i>
D	Public Question Time	8
	<i>D.1 Len Van Der Neut, Signage at Community Gardens.....</i>	<i>8</i>
	<i>D.2 Brendan Webb, Newhaven Skate Park</i>	<i>8</i>
	<i>D.3 Ray Carson, Wind Turbine.....</i>	<i>9</i>
	<i>D.4 Kaye Carson, Wind Turbine.....</i>	<i>10</i>
	<i>D.5 Kay and Mohan Nair, Wind Turbine.....</i>	<i>11</i>
	<i>D.6 Kevin Griffin, Inverloch Surf Parade.....</i>	<i>12</i>
	<i>D.7 Kevin Griffin, Wonthaggi Guide Park.....</i>	<i>12</i>
E	Petitions, Joint Letters, Deputations and Correspondence	13
F	Notices of Motion.....	15
G	Mayor and Councillors Reports	17
	<i>G.1 Councillor Report - Cr Leticia Laing</i>	<i>17</i>
	<i>G.2 Councillor Report - Cr Les Larke.....</i>	<i>17</i>
	<i>G.3 Councillor Report - Cr Brett Tessari.....</i>	<i>18</i>
	<i>G.4 Councillor Report - Cr Rochelle Halstead</i>	<i>18</i>
	<i>G.5 Councillor Report - Cr Bruce Kent</i>	<i>19</i>
	<i>G.6 Councillor Report - Cr Clare Le Serve.....</i>	<i>19</i>
	<i>G.7 Councillor Report - Cr Ron Bauer.....</i>	<i>20</i>
	<i>G.8 Councillor Report - Cr David Rooks.....</i>	<i>20</i>
	<i>G.9 Councillor Report - Cr Michael Whelan</i>	<i>20</i>
H	Reports Requiring Council Decision.....	22
	<i>H.1 Determination of the Period of Office for Mayor and Deputy Mayor.....</i>	<i>22</i>
	<i>H.2 Election of Mayor</i>	<i>24</i>
	<i>H.3 Election of Deputy Mayor.....</i>	<i>27</i>
	<i>H.4 Determination of Allowances for Mayor and Councillors</i>	<i>29</i>
	<i>H.5 Recording of Oath or Affirmation of Office by Councillors</i>	<i>32</i>
	<i>H.6 Appointments to Council Committees and External Committees</i>	<i>35</i>
I	Statutory Reports.....	40
	<i>I.1 Contracts Awarded Report</i>	<i>40</i>
	<i>I.2 Planning and Building Statistics - September 2020</i>	<i>41</i>
J	Urgent Business.....	46
	<i>J.1 Native Grass Trees Grantville</i>	<i>46</i>

Meeting commenced

The meeting commenced at 1.04pm

Ali Wastie read the Temporary Chair Statement.

Temporary Chair

The *Local Government Act 2020* (the Act) section 25 states the election of the Mayor must be chaired by the Chief Executive Officer.

Part B, Section 4 of the Governance Rules states that the Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.

The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.

Once the Mayor has been elected, they will assume the position of Chair.

Ali Wastie read the Livestreaming Statement.

Livestreaming Statement

As the Meeting Chair, I give my consent for this Open Council Meeting to be streamed live, recorded and published online, in accordance with Council's Livestreaming Policy and Governance Rules.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of livestreaming.

Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Attendees are advised that they may be subject to legal action if their actions result in inappropriate and/or unacceptable behaviour and/or comments. Thank you.

Ali Wastie read the Virtual Meeting Statement.

Virtual Meeting Statement

The COVID-19 Omnibus Bill 2020 provision allows Council meeting attendance by electronic means.

The requirement of the meeting being open to the public is satisfied by the meeting being streamed live to Councils internet.

In the event of technical issues with the livestream the meeting will be adjourned.

Councillors are deemed as being in attendance if:

- They can hear proceedings
- They can see other members in attendance and can be seen by other members
- They can be heard (to speak)

Ali Wastie read the Mobile Telephone Reminder.

Mobile Telephone Reminder

Please turn off all mobile telephones or in the case of an emergency, please advise the Chair and switch to silent mode.

Cr David Rooks read the Statement of Acknowledgement.

Statement of Acknowledgement

Bass Coast Shire Council acknowledges Aboriginal and Torres Strait Islander people as the first Australians and recognises that they have a unique relationship with the land and water.

Council further recognises that we are situated on the lands of the traditional owners, the Bunurong, Boon wurrung members of the Kulin Nation who have lived here for thousands of years.

We offer our respect to their elders past and present and through them, all Aboriginal and Torres Strait Islander people where ever they are.

Cr Clare Le Serve read the Councillor Statement.

Councillor Statement

All members of this Council pledge to the Bass Coast Shire community to consider every item listed on this agenda:

- Based on the individual merits of each item;
- Without bias or prejudice by maintaining an open mind; and
- Disregarding Councillors' personal interests so as to avoid any conflict with our public duty.

Any Councillor having a conflict of interest in an item will make a proper, prior disclosure to the meeting and will not participate in the debate or vote on the issue.

A Present and Apologies

Councillors:

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

Officers in Attendance:

- Ms Ali Wastie, Chief Executive Officer
- Mr Wayne Mack, Executive Manager, Business Transformation
- Mr David Filmalter, General Manager Finance and Governance
- Mr Christian Stefani, Executive Manager Partnerships, Advocacy & Economy
- Mr James Stirton, General Manager Place Making
- Ms Jodi Kennedy, General Manager Resilient Communities
- Ms Robyn Borley, Manager Governance and Property

Apologies: Nil

B Declarations of Interest

There were no Declarations of Interest.

C Confirmation of Minutes

C.1 Ordinary Meeting held on 21 October 2020

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Michael Whelan

That the minutes of the Ordinary Meeting held on 21 October 2020 be confirmed.

CARRIED

D Public Question Time

D.1 *Len Van Der Neut, Signage at Community Gardens*

As a community garden member my question is to why we can't have signs from sponsors at our garden. When every other group using council land can receive funds from sponsorship who then advertise their business for example local football clubs.

Response:

Any signage must be considered within Council delegations and regulations. As this request relates to a space delegated to the Coronet Bay Community Asset Committee, any request must come from the Committee. Once a request has been lodged by the Committee, Council officers will work with them and the Community Garden. Council looks forward to receiving the request from the Committee.

D.2 *Brendan Webb, Newhaven Skate Park*

1. If there is still government money for this project, will this project be re-budgeted?
2. Is the voted on location still Greydens reserve Newhaven?

Response:

1. **The Regional Skate and Playspace Project was deferred by Council in the 2019/2020 financial year and \$200k of this project was allocated to Council's direct COVID-19 response and recovery. The overall project budget was \$1.5m, which included \$650k through a successful State Government Grant with Sport and Recreation Victoria. The original funding agreement outlined Council to have completed the project by May 2021. Due to the issues faced in 2020, Council has requested an extension to this State funding and is still awaiting the outcome of this request. Once the outcome of this request is known, Council will provide an update to the community.**
2. **Council confirmed Grayden's Reserve as the preferred location at the December 2019 Council Meeting and following initial community consultation in early 2020, are aware of challenges associated with delivering the project at that site. Upon a decision on the extension to the funding with the State Government, Council will re-engage with the community led project steering committee to determine how the project can be best progressed. A final decision on the project, including its location will then be presented to Council for a decision.**

D.3 Ray Carson, Wind Turbine

1. Now that Council has had adequate feedback from the State Government & seen what other Councils have done, e.g Port Phillip Council, are you now prepared to initiate a plan to stop construction of the proposed Wind Turbine at Surf Beach?
2. What is Council prepared to do in preventing future construction of Wind Turbines in Phillip Island, and will council change loopholes in construction of these turbines?

Response:

Council acknowledges that a wind turbine is not a good outcome in a residential setting. Council has sought legal advice available to us through current planning and building legislation, and our own Local Law, to cease the construction of the turbine. This has included having this information peer reviewed and cross-checked.

A comprehensive FAQ regarding Council's advocacy and work to try and intervene in this matter to prohibit the installation of the wind turbine is available on our website.

Council is currently undertaking a review of our Local Law. Our new Local Law is planned to include how Council manages domestic wind turbines. This work is due to be completed in the 2021/2022 financial year and will be formally endorsed by Council.

Some Council's including the City of Port Phillip have included rules within their planning schemes to prohibit domestic wind turbines. A formal amendment of the planning scheme is required in this case. Council has written to the Department of Environment, Land, Water and Planning who have replied that a change to the planning scheme in this instance is not supported. Any amendment to the planning scheme would involve a process that would take up to two years and will require a budget allocation from Council.

If this wind turbine were to be constructed and is found to contravene any planning, building or public health or nuisance requirements, then Council would undertake appropriate enforcement on this matter.

D.4 Kaye Carson, Wind Turbine

What is Council doing to stop construction of a wind turbine in Surf Beach from going ahead, and in the future having a change to ruling stating that they are not permitted in a residential back yard?

Response:

Council acknowledges that a wind turbine is not a good outcome in a residential setting. Council has sought legal advice available to us through current planning and building legislation, and our own Local Law, to cease the construction of the turbine. This has included having this information peer reviewed and cross-checked.

A comprehensive FAQ regarding Council's advocacy and work to try and intervene in this matter to prohibit the installation of the wind turbine is available on our website.

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If this wind turbine were to be constructed and is found to contravene any planning, building or public health or nuisance requirements, then Council would undertake appropriate enforcement on this matter.

D.5 Kay and Mohan Nair, Wind Turbine

1. Would Council please inform residents of the details of the legal advice they have been given, in relation to stopping construction of the turbine
2. Will Council take responsibility for the decrease in values that, according to Real Estate agents, could occur, and compensate home owners who lose money as a result of the turbine?

Response:

Council acknowledges that a wind turbine is not a good outcome in a residential setting. Council has sought legal advice available to us through current planning and building legislation, and our own Local Law, to cease the construction of the turbine. This has included having this information peer reviewed and cross-checked.

A comprehensive FAQ regarding Council's advocacy and work to try and intervene in this matter to prohibit the installation of the wind turbine is available on our website.

Council is currently undertaking a review of our Local Law. Our new Local Law is planned to include how Council manages domestic wind turbines. This work is due to be completed in the 2021/2022 financial year and will be formally endorsed by Council.

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If this wind turbine were to be constructed and is found to contravene any planning, building or public health or nuisance requirements, then Council would undertake appropriate enforcement on this matter.

D.6 Kevin Griffin, Inverloch Surf Parade

In September Council advised that Officers were responding to DELWP's request for additional information. Will Council provide to the community the details as to what additional information was requested, the date on which Council Officers provided their response, and on what date DELWP is expected to approve the application?

Response:

The planning permit amendment was submitted by officers in April and is now being considered by the Department of Environment, Land, Water and Planning. In August the Department made a request for additional information in relation to current rates of erosion and demonstration that Council has considered all avoid and minimise options. Officers are currently finalising our response. DELWP will then consider this information, however we cannot advise when DELWP is liked to make a decision regarding our application.

D.7 Kevin Griffin, Wonthaggi Guide Park

Will Council now provide to the community full and complete details including project plans, designs, timelines, and costings for the \$1.15M Wonthaggi Guide Park capital works project that was announced as part of the 2021 adopted budget?

Response:

Council officers completed an extensive consultation program to develop the Wonthaggi Guide Park Redevelopment Project. The final pre-tender details are currently being completed, with a tender process expected to be commenced in early 2021 and project commencement expected in mid-2021.

Through the tender stage, project planning, including final designs, timelines and costings will be available. This project has been part funded through a successful grant to Sport and Recreation Victoria (\$700k) with details provided on Council's website.

E Petitions, Joint Letters, Deputations and Correspondence

There were no Petitions, Joint Letters, Deputations and Correspondence

Notices of Motion

F Notices of Motion

There were no Notice of Motions

Mayor and Councillors Reports

G Mayor and Councillors Reports

G.1 Councillor Report - Cr Leticia Laing

Thus far I have attended a Remembrance Day Ceremony at the Wonthaggi cenotaph, about three council briefings, met residents, spoken on the phone with them and responded to many emails. Council staff have been exceptional in their work towards ensuring I am prepared.

Today I attended the online launch for 16 Days of Activism Against Gender-based Violence which also marks the International Day for the Elimination of Violence Against Women.

With regard to running for council, if it weren't for the support of a great deal of inspiring people, there is no way I would be up here talking to you as a councillor. So thank you to every single person who supported me and who I talked to, who shared their life experience with me even for a brief moment, it really means a great deal to me and I am incredibly thankful.

I am grateful to my husband Ken and my beautiful babies who have always been patient with me and keep me on my toes and both sets of parents who continue to nurture me as well as my children.

I continue to be focused on listening, learning with the ultimate goal to address the needs of a dramatically growing community in the face of the impacts of climate change and lower infrastructure investment in our regional centre which has been earmarked for significant growth in the next few years.

As a representative for the Bunurong ward I am determined to make sure our ward is not overlooked for funding, investment and protection of our natural spaces.

I also recognise I am also a councillor for the whole Bass Coast Shire so I am determined to work productively with my colleagues to ensure the rest of the Shire gets the attention it deserves. We have a lot of work to do but after meeting with my fellow councillors, I am buoyed by the talent and experience you all bring to the table to represent our community. I am very excited for the next four years in council.

G.2 Councillor Report - Cr Les Larke

My name is Les Larke and it's a huge privilege and an honour and a great responsibility to take on a second term as a councillor for bass coast shire, and I will do it with everything I have to the best of my ability.

I'd like to thank former councillor Julian Brown for his service over the past four years, and for the very civilised and decent way he portrayed himself – a sense of discipline, a sense of professionalism and compassion, and I thank him for that and we must never forget his contribution.

I would also like to thank my son and grandson, my childrens' partners, and the strong women in my life for their unwavering love and care – my mother, sister, wife, and mother in law, my two daughters and three beautiful granddaughters.

We still have much to do post Covid, and as a priority, we need to work urgently to help address domestic, family and gender based violence, and mental health issues that are impacting our community, from young people to our seniors.

That said, I have a sense of optimism about this council and the future of our community and believe our best days lie ahead.

Thank you.

Les

- Oath of Office
- Remembrance Day Inverloch
- Start Up Gippsland Pitch Showcase
- Training Sessions – Legal Obligations, Statutory Planning, Online Meetings and Workshops, Gender Based Violence
- NAIDOC Week – Bass Coast South Gippsland Reconciliation Group Annual Aboriginal Art Exhibition

G.3 Councillor Report - Cr Brett Tessari

A verbal update was provided at the Council Meeting.

G.4 Councillor Report - Cr Rochelle Halstead

May I start my first report by recognising that we are situated on the traditional lands of the Bunurong / Boonwurrung, members of the Kulin Nation who have lived here for thousands of years. I offer my respect to their elders past and present and through them, all Aboriginal and Torres Strait Islander people.

Running for Local Government is difficult at the best of times but to have run a campaign under the restrictions of Covid 19 and to have been successful was extra special and I thank the community of Western Port Ward for putting their faith and trust in me to represent them in this place. Thank you to my husband Tony Halstead and our children Stacey, Lauren, Mitchel, Jasmine and Brighton for their support.

May I also acknowledge the work of Cr. Geoff Ellis and thank him for his service to the Bass Coast community over the past four years, I wish him well in his new role and look forward to working with him over the months ahead.

I was humbled to have represented Bass Coast Shire in my first duty as a Councillor at the San Remo Remembrance Day with the laying of a wreath.

The first month has been a time of getting to know my fellow Councillors and the Administrative Team of Bass Coast under the difficult restraints placed on us all by Covid 19. This has included the traditions of the Declaration of the Polls and the taking of the Oath at very low-key ceremonies that seemed strange with the wearing of masks and the limited numbers able to attend.

It has been a pleasure to meet with community members, last week I met with a well-known local historian Ian Hitchings who was kind enough to show me his voluntary work in restoring local items of significance at his home in Fuller Road Wonthaggi North. Ian is a lifetime resident of the Bass Coast Community and shared with me his childhood memories, pointing out local locations of significance in the Western Port Ward. Thank you, Ian I look forward to the day you can open up your farm to the community who will be amazed at what you have achieved.

I would like to offer thanks to the Bass Coast Shire Administration under the direction of our CEO Ali Wastie who has shown tremendous support and guidance as we all settle in for the years ahead.

I appreciate the time Council Officers have put into the many briefings for Councillors, especially the newly elected Councillors who have appreciated being bought up to speed with the introduction of programs such as the outdoor dining for Covid 19 amongst many housekeeping sessions.

Already my calendar is filling fast with community group meetings and I am full of enthusiasm to meet and work with group members to achieve outcomes they seek for the enjoyment of the whole of the Bass Coast Community.

I am very much looking forward to working with residents, community groups, fellow councillors, the CEO, the executive team and administration for Bass Coast to ensure good governance, transparency and the best outcomes possible for the community of Bass Coast, who deserve nothing less from their Council.

Thank you.

G.5 Councillor Report - Cr Bruce Kent

A verbal update was provided at the Council Meeting.

G.6 Councillor Report - Cr Clare Le Serve

On behalf of the Council, I laid the wreath at the Remembrance Day Service at Grantville with Cr Kent.

I would like to take this opportunity to thank the Western Port community for their on-going support. I welcome our new and re-elected Councillors and I look forward to working with you.

I would like to acknowledge the hard work and commitment from the out-going Councillors that weren't returned from the previous Council, Geoff Ellis & Julian Brown also retired Councillors Pam Rothfield & Stephen Fullerton. A job well done.

There is much to do!

We as a newly elected Council need to 'Get on with it'.

The Community has raised lots of issues and we need to work closely with them.

We declared a Climate Emergency and we need action now.

We need to continue to develop strong partnerships and advocacy.

We need to support and the return of business back to Bass Coast.

I would like to thank my family and friends for their on-going support.

G.7 Councillor Report - Cr Ron Bauer

A verbal update was provided at the Council Meeting.

G.8 Councillor Report - Cr David Rooks

A verbal update was provided at the Council Meeting.

G.9 Councillor Report - Cr Michael Whelan

A verbal update was provided at the Council Meeting.

Reports Requiring Council Decision

H Reports Requiring Council Decision

H.1 Determination of the Period of Office for Mayor and Deputy Mayor

File No: CM20/619
Division: Finance and Governance
Council Plan Strategic Objective: Governance

We are responsive, open, transparent
and financially sustainable

Declaration

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

Summary

Section 25 of the *Local Government Act 2020* requires Councillors to elect a Mayor of the Council. Before a Mayor is elected, section 26(3) states that Council must determine by resolution whether the Mayor is to be elected for a one year or a two year term.

Section 27 refers to any reference to the Mayor in sections 25 and 26 of the Act other than section 25(3)(a) is also a reference to the Deputy Mayor. Therefore, if the Mayor is elected for a one year term, it is taken that the Deputy Mayor is also elected for that period.

This report recommends that the Council elect a Mayor for a one year term from 25 November 2020.

The next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the one year term as is reasonably practicable.

Background

The current Council were declared to Office 6 November and undertook their Oath or Affirmation of Office on 9 November 2020. This Oath or Affirmation allowed each elected Candidate to take up their position of Councillor.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

This is not an Initiative or Major Initiative of Council.

Strategies / Policies

Governance Rules

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020

Finances

There are no financial implications associated with this report.

Stakeholders

- Councillors
- Community members
- Council Officers

Other Options

The Council could determine to appoint the Mayor for a two year term.

Conclusion

It is recommended that Council determine the term of office for the Mayor as being for one year.

Recommendation

That Council determine the term of office for the Mayor and Deputy Mayor as being for one year.

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Ron Bauer / Seconded: Cr. Clare Le Serve

That the recommendation be adopted.

CARRIED

H.2 Election of Mayor

File No: CM20/615
Division: Finance and Governance
Council Plan Strategic Objective: Governance

We are responsive, open, transparent
and financially sustainable

Declaration

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

Summary

Section 25 of the *Local Government Act 2020* (the Act) requires Councillors to elect a Mayor of the Council. Section 26 determines the timing for the election. Subject to section 167, any Councillor is eligible for election or re-election to the office of Mayor.

The election of the Mayor must be chaired by the Chief Executive Officer and subject to section 25, be conducted in accordance with the Governance Rules.

Once the Mayor has been elected, he or she will assume the position of Chair.

Background

Section 18 of the Act - Role of the Mayor

- (1) The role of the Mayor is to -
 - (a) chair Council meetings; and
 - (b) be the principal spokesperson for the Council; and
 - (c) lead engagement with the municipal community on the development of the Council Plan; and
 - (d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
 - (e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
 - (f) assist Councillors to understand their role; and
 - (g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
 - (h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
 - (i) perform civic and ceremonial duties on behalf of the Council.
- (2) The Mayor is not eligible to be elected to the office of Deputy Mayor.

Section 19 of the Act - Specific powers of the Mayor

- (1) The Mayor has the following specific powers -
- (a) to appoint a Councillor to be the chair of a delegated committee;
 - (b) to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;
 - (c) to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.
- (2) An appointment under subsection (1)(a) prevails over any appointment of a chair of a delegated committee by the Council.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

This is not an Initiative or Major Initiative of Council.

Strategies / Policies

Governance Rules

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020

Finances

The Mayoral Allowance is currently set at \$81,204 per annum with a 9.5% superannuation guarantee.

The Mayor is provided with resources and support as outlined in the Council Support and Resources to Councillors Policy. These costs are contained within Council's operating budget.

Stakeholders

- Councillors
- Community members
- Council Officers

Other Options

There are no other options as it is a requirement under the Act to elect a Mayor.

Conclusion

It is recommended that Council calls for nominations for the election of the Mayor.

Recommendation

That Council:

- 1. Calls for nominations for the election of the Mayor and, if required, undertakes the election process.**
- 2. Confirms Cr _____ to the position of Mayor effective immediately until the next election of the Mayor which must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.**

Attachments

There are no attachments for this report

Council Decision

There were two nominations for the appointment of Mayor

Nomination 1

Cr Rochelle Halstead nominated Cr Bruce Kent

Cr Clare Le Serve seconded the nomination of Cr Bruce Kent

Nomination 2

Cr Leticia Laing nominated Cr Brett Tessari

Cr Ron Bauer seconded the nomination of Cr Brett Tessari

Cr Brett Tessari has the absolute majority of votes, therefore is declared elected as Mayor.

The Chief Executive Officer Ali Wastie removed herself from the position of Chair.
The Mayor Cr Brett Tessari assumed position of Chair at 1.42pm.

H.3 Election of Deputy Mayor

File No: CM20/616
Division: Finance and Governance
Council Plan Strategic Objective: Governance

We are responsive, open, transparent
and financially sustainable

Declaration

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

Summary

Section 20A of the *Local Government Act 2020* (the Act) allows for Council to establish an office of Deputy Mayor.

Section 25, other than subsection (3)(a), applies to the election of a Deputy Mayor by the Councillors as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

Background

Section 21 of the Act - Role of the Deputy Mayor

The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if -

- (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

This is not an Initiative or Major Initiative of Council.

Strategies / Policies

Governance Rules

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020

Finances

The Deputy Mayor Allowance is currently set at \$26,245 per annum with a 9.5% superannuation guarantee.

The Deputy Mayor is provided with resources and support as outlined in the Council Support and Resources to Councillors Policy. These costs are contained within Councils operating budget.

Stakeholders

- Councillors
- Community members
- Council Officers

Other Options

The Council could decide not to create a position of Deputy Mayor.

Conclusion

It is recommended that Council calls for nominations for the election of the Deputy Mayor.

Recommendation

That Council:

- 1. Calls for nominations for the election of the Deputy Mayor and, if required, undertakes the election process.**
- 2. Confirms Cr _____ to the position of Deputy Mayor effective immediately until the next election of the Deputy Mayor which must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.**

Attachments

There are no attachments for this report

Council Decision

There was one nomination for the appointment of Deputy Mayor.

Cr David Rooks nominated Cr Michael Whelan

Cr Leticia Laing seconded the nomination of Cr Michael Whelan

The Chair declared Cr Michael Whelan duly elected as the Deputy Mayor.

H.4 Determination of Allowances for Mayor and Councillors

File No:	CM20/622
Department:	Finance and Governance
Council Plan Strategic Objective:	Governance

We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

Section 39 of the *Local Government Act 2020* specifies that the Mayor and Councillors are entitled to receive an allowance that does not exceed the limits specified in an Order in Council (Order).

The purpose of this report is to set the Mayor and Councillor Allowances and commence the public consultation process pursuant to Section 74 (1) of the *Local Government Act 1989*.

Background

Under the *Local Government Act 2020* (the Act) the Mayor and Councillors are entitled to receive an allowance from Council. A Mayor, Deputy Mayor or Councillor may choose to receive the entire allowance to which they are entitled, to receive a specified part of the allowance to which they are entitled or to receive no allowance.

The State government specifies the Mayoral and Councillor Allowance categories. Bass Coast Shire Council is listed as a category 2 Council within the schedule gazetted on 23 December 2019.

The Minister has conducted a review under section 73B of the *Local Government Act 1989* and determined that, this year, no adjustment to allowances will be made in respect of all Councils. The allowance categories effective from 1 December 2019 will continue to be used. The following allowance ranges apply for category 2 Council's:

- Councillors: \$10,914–\$26,245 per annum
- Mayors: up to \$81,204 per annum

The transition from the *Local Government Act 1989* to the *Local Government Act 2020* creates an unusual situation for the setting of allowances. Despite the repeal of Sections 73B and 74 to 74B of the *Local Government Act 1989*, Council is required to continue to apply these sections until the first determination made by the Victorian Independent Remuneration Tribunal under section 23A of the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019* comes into effect.

Therefore, in accordance with Section 74(1) of the *Local Government Act 1989*, Council is required to review and determine the level of Mayoral and Councillor allowances within six months of the Council elections or by next 30 June.

Section 74(4) states that a person has a right to make a submission under section 223 in respect of a review of allowances.

Until the public consultation is concluded, it is appropriate to set allowances at the maximum level.

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

This is not an Initiative or Major Initiative of Council.

Strategies / Policies

Council Support and Resources Policy

Statutory Requirements/Codes/Standards/Policies

Local Government Act 1989

Local Government Act 2020

Finances

Allowances for Mayor and Councillors are contained within Councils operating budget.

Stakeholders

- Councillors
- Community members
- Council Officers

Other Options

The Mayor and Councillors are entitled to receive an allowance within the limits set by the State Government.

Councillors may choose to set an alternative amount but it must fall within the specified category range.

A Mayor, Deputy Mayor or Councillor may choose to receive the entire allowance to which they are entitled, to receive a specified part of the allowance to which they are entitled or to receive no allowance.

Conclusion

The Mayor and Councillors are legislatively entitled to an allowance. It is appropriate to pay a Mayoral allowance of \$81,204 per annum with a 9.5% superannuation guarantee and Councillor allowance of \$26,245 per annum with a 9.5% superannuation guarantee. The community will have an opportunity to provide feedback on the allowances through the community consultation process.

Recommendation

That Council:

1. **Set the Councillor allowances at \$26,245 plus equivalent of 9.5% superannuation guarantee and any future increases as gazetted by the Minister for Local Government effective from 9 November 2020.**
2. **Set the Mayoral allowance at \$81,204 plus equivalent of 9.5% superannuation guarantee and any future increases as gazetted by the Minister for Local Government effective from 9 November 2020.**
3. **Commence the Mayor and Councillor allowance review process.**
4. **Receive a report on the outcome of the review at the February 2021 Council meeting.**

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Clare Le Serve

That the recommendation be adopted.

CARRIED

H.5 Recording of Oath or Affirmation of Office by Councillors

File No: CM20/623
Department: Finance and Governance
Council Plan Strategic Objective: Governance

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Declaration

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

Summary

The purpose of this report is to record the taking of the Oath or Affirmation of Office by Councillors elect on Monday 9 November 2020.

Attached are the dated and signed Oath or Affirmation of Office by each Councillor and Chief Executive Officer for recording.

Background

Section 30 of the *Local Government Act 2020* states a person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the Oath or Affirmation of office in the manner prescribed by the regulations.

Monday 9 November 2020 Ali Wastie, Chief Executive Officer administered proceedings for the taking of the Oath or Affirmation of Office in accordance with the *Local Government (Governance and Integrity) Regulations 2020*.

The Councillors elect took the Oath or Affirmation which included a declaration to abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

Bunurong Ward

- Leticia Laing
- Les Larke
- Brett Tessari

Island Ward

- Ron Bauer
- David Rooks
- Michael Whelan

Western Port Ward

- Rochelle Halstead
- Bruce Kent
- Clare Le Serve

Strategic Basis

Council Plan Objective:

Governance – *We are responsive, open, transparent and financially sustainable*

Major Initiative / Initiative

This is not an Initiative or Major Initiative of Council.

Strategies / Policies

Councillor Code of Conduct

Statutory Requirements/Codes/Standards/Policies

Local Government Act 2020

Local Government (Governance and Integrity) Regulations 2020

Finances

There are no financial implications associated with this report.

Stakeholders

- Councillors
- Community members
- Council Officers

Other Options

There are no other options as it is a requirement under the *Local Government Act 2020* to record in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

Conclusion

It is recommended that Council notes the attached Oath or Affirmation of Office taken by each individual Councillor.

Recommendation

That Council notes the attached Oath or Affirmation of Office taken by each individual Councillor.

Attachments

AT-1 Oath or Affirmation of Office Declarations 9 Pages

Council Decision

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

That the recommendation be adopted.

CARRIED

H.6 Appointments to Council Committees and External Committees

File No:	CM20/617
Division:	Finance and Governance
Council Plan Strategic Objective:	Governance
	We are responsive, open, transparent and financially sustainable

Declaration

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

Summary

This report recommends that Council appoints Mayor or Councillor Representatives to two Council Committees and one External Committee.

A report with further Council Committees and External Committees recommending appointments will be presented at a future meeting of Council.

Council appoints representatives to a number of Council Committees and External Committees in order to meet its legislative obligations and to enhance its involvement in community activities and to advocate on behalf of the community.

Background

A number of Council committees and external committees exist where the Mayor or Councillors are invited to participate across a broad interest area. Some of these committees have legislative requirements, but most committees operate in an advisory capacity.

It is important for the Mayor and/or Councillors to be represented on committees and networks for a number of reasons including:

- Some committees are legislated to provide input into strategic plans
- Committees provide opportunities for Councillors and the organisation to stay connected to advocacy groups and understand emerging issues
- Provide advice to Council on a variety of issues
- Help Council achieve its Council Plan objectives

Strategic Basis**Council Plan Objective:**

Governance – *We are responsive, open, transparent and financially sustainable*

Discussion

There are two Council Committees and one External Committee being tabled for Councillor appointments as part of this report.

Council Committees:

Audit and Risk Committee	Mayor and One Councillor
The Chief Executive Officer Employment Matters Committee	Mayor and One Councillor (as a minimum)

External Committee:

West Gippsland Regional Library Corporation Board	One Councillor and Councillor substitute
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Finances

Councillors participation in these committees is covered by their general reimbursement as outlined in the Council Support and Resources to Councillors Policy. These costs are contained within Council's operating budget.

Stakeholders

- Councillors
- Community members
- Council Officers

Other Options

Audit and Risk Committee - there are no other options as it is a requirement under the *Local Government Act 2020* to appoint members who are Councillors.

The Chief Executive Officer Employment Matters Committee – Council could choose not to appoint representatives to this committee. This could limit the level of Council input into the Performance Agreement 2020/21 for Chief Executive Officer which provides for Mid-Term Performance Monitoring and Annual Performance Monitoring.

West Gippsland Regional Library Corporation Board – there are no other options as the Regional Library Agreement requires one Councillor be appointed by each Council of the corporation established under the *Local Government Act 1989*.

Conclusion

Two Council Committees and one External Committee is presented for the Mayor and/or Councillors to be appointed to. If a Councillor is not appointed to any of these committees, a Council Officer may be appointed in their place by agreement.

Recommendation**That Council:****1. Appoints Councillor representatives to the following Council Committees:**

Audit and Risk Committee	Mayor and One Councillor
The Chief Executive Officer Employment Matters Committee	Mayor and One Councillor (as a minimum)

2. Appoints Councillor representatives to the following External Committee:

West Gippsland Regional Library Corporation Board	One Councillor and Councillor substitute
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Attachments**AT-1** Council Committees List 2 Pages**AT-2** External Committee List 1 Page**Council Decision****Moved: Cr. David Rooks / Seconded: Cr. Leticia Laing****That Council:****1. Appoints Councillor representatives to the following Council Committees:**

Audit and Risk Committee	Mayor and Cr Michael Whelan
The Chief Executive Officer Employment Matters Committee	Mayor and Cr Le Serve

2. Appoints Councillor representatives to the following External Committee:

West Gippsland Regional Library Corporation Board	Cr Leticia Laing and substitute to be determined
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CARRIED

Statutory Reports

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Bruce Kent

That agenda items 1.1 and 1.2 be considered as a block.

CARRIED

I Statutory Reports

I.1 Contracts Awarded Report

File No: CM20/602
Division: Finance and Governance
Council Plan Strategic Objective: Governance

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Declaration

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

Summary

Contracts Awarded

For the period from 1 September 2020 to 30 September 2020, no contracts were awarded under the Chief Executive Officer's Instrument of Delegation.

Contracts Extended

For the period from 1 September 2020 to 30 September 2020, one contract was extended under the Procurement Delegation Framework.

Contract No.	Description	Contractor	Period of Extension	Estimate for Extension Period Inc GST
18024	Annual Supply of Asphaltting Works	AI Asphaltting Pty Ltd	3 years	\$1.4 million

Recommendation

That Council receive this report.

Attachments

There are no attachments for this report.

1.2 Planning and Building Statistics - September 2020

File No: CM20/587
Division: Place Making
Council Plan Strategic Objective: Our Character

Celebrating the uniqueness of our townships

PERMITS REFUSED:

Nil.

PERMITS ISSUED:**Island Ward**

- 190406: Development of land for a second dwelling in the GRZI located at 28-30 Wimbledon Road, Wimbledon heights.
- 200114: Subdivision of land into three lots located at 18 Grandview Grove, Cowes.
- 200169: Development of land for a dwelling in excess of 7 metres in DDO1 located at 20 Fisher Street, Ventnor.
- 200225: Subdivision of land into 2 lots in a MUZ & DDO11 located at 158 Thompson Avenue, Cowes.
- 200293: Removal of 1 tree in VPO2 located at 23 Ti Tree Drive, Cowes.

Western Port Ward

- 190219: Subdivision of land into 29 lots and removal of vegetation located at Lot 1 LP208362 Bonwick Avenue, San Remo.
- 200006: Subdivision of land into two lots located at 525 Lynnes Road, Wattle Bank.
- 200016: Development of land for a second dwelling in GRZI located at 11 First Avenue, Cape Woolamai.
- 200039: Use and development of the land for a dwelling in the FZ and SLO1 located at 163 Woodleigh-St Helier Road, Woodleigh.
- 200056: Subdivision of land into 3 lots and 1 common property in TZ located at 3 Blackburn Road, Kilcunda.
- 200115: Removal of vegetation in VPO2 located at 20 Dover Street, Sunderland Bay.
- 200122: Development of land for farm shed located at 65 Potters Hill Road, San Remo.
- 200138: Use of land to sell packaged liquor located at 4213 Bass Highway, Dalyston.
- 200154: Extension to existing dwelling in SLO1 located at 25 Cochrane Road, Loch.

- 200267: Building and works for verandah in PPRZ located at 100 Hade Avenue, Bass.
- 200314: Building and works for verandah in HO28 located at 36 Wetherall Drive, Corinella.

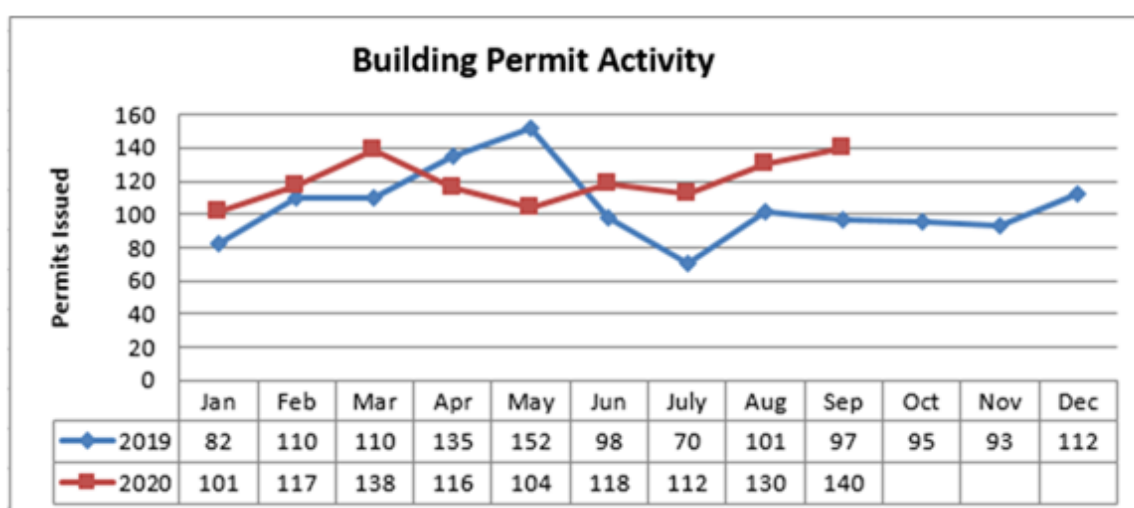
Bunurong Ward

- 200124: Development of the land for Rooming house in an ESO4, and alterations of an access to a Road Zone Category I located at 310 White Road, North Wonthaggi.
- 200184: Removal of Native Vegetation in accordance with Clause 52.17 located at "Boat Ramp" Hut View, Cape Paterson.
- 200188: Creation of an access way to Road Category I (RZI) located at 43 Graham Street, Wonthaggi.
- 200192: Development of land for dwelling BMO2 located at 64 Surf Beach Road, Cape Paterson.
- 200201: Extension (verandah) to existing building and signage in IN3Z located at 68 Dixon Street, Inverloch.
- 200214: Use and development of land for an outbuilding (store) in a CDZI and BMO located at Common Property I PS 719593 – Lot 1-4, 5A, 5B, 6-125, A, B, S4 Wilsons Road, Cape Paterson.
- 200226: Development of land for a dwelling, and dwelling extension (pergola and roof) on land in the DDO9 located at 37 Halford Street, Inverloch.
- 200235: Development of the land for a dwelling in the BMOI located at 53 Coral Street, Cape Paterson.
- 200269: Development of land for a dwelling in the BMOI located at 19 Cuttlers Circuit, Wonthaggi.
- 200277: Extension to existing dwelling in ESo4 located at 36 Carl Street, South Dudley.

PLANNING AND BUILDING ACTIVITY REPORT FOR SEPTEMBER 2020

Statutory Planning	This month (September)	Last month	Year to date (financial year)
% of applications determined within statutory timeframe	60	58	58
Average Gross Days (Responsible Authority determination)	126	153	139
(new) Average Gross Days to final outcome	128	164	145
Number of live applications	245	218	-
Number of applications received for the month	47	47	152
Number of Responsible Authority outcomes	36	38	109

Municipal Building Services & Enforcement	This month (September)	Last month	Year to date (financial year)
Essential Safety Measure inspections	0	0	0
Swimming Pool & Spa safety barrier inspections	0	0	2
Report and Consent applications	16	22	61
Siting consents issued for temporary structures	0	0	0
Complaints received requiring investigation	5	2	9
New building enforcement cases	0	0	1
Number of open building enforcement cases	37	44	n/a
Building permits issued by Council	0	0	0



Planning Enforcement	This month (September)	Last month	Year to date (financial year)
Complaints received requiring investigation	9	25	39
New planning enforcement cases	2	2	6
Open enforcement cases	101	102	-
Pre commencement meetings	0	0	0
Official warnings issued	0	0	0
Number of planning infringement notices issued	0	0	0
Total infringements received (\$)	\$1652.20	\$0	\$1652.20

Recommendation

That Council:

- 1. Receives and notes the Planning Permits issued under delegation report for September 2020; and**
- 2. Receives and notes the Planning and Building Activity Report for September 2020.**

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Bruce Kent

That the recommendations attached to agenda items I.1 and I.2 be adopted.

CARRIED

J Urgent Business

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Clare Le Serve

That an Urgent Business item by Cr Rochelle Halstead in relation to Native Grass Trees Grantville be introduced.

CARRIED

J.1 Native Grass Trees Grantville

Motion

- 1. I move that Council act as a matter of urgency to ensure the grass trees removed at the Grantville Sand Quarry site are handled and cared for in an appropriate manner to ensure they are kept healthy and able to be replanted at the earliest possible time.**
- 2. That Council seek to have on record the details of the rehabilitation bond and work plan held and monitored by the Earth Resources Regulator for the Grantville Sand Quarry and assess whether the work order appropriately protects our regions distinctive native vegetation and endangered flora. That council seek to include as part of the review any presence of endangered populations of wildlife.**
- 3. The Earth Resources Regulator confirm the rehabilitation bond being held for the Grantville Sand Quarry is sufficient to ensure full rehabilitation of the site**
- 4. Request that rehabilitation work to any used and closed sections of the site begin immediately**
- 5. Council establish through the relevant Victorian State Government Authority what assessments for any Aboriginal or Cultural Heritage Values of the Grantville Sand Quarry site have been undertaken to date and to liaise with the Bunurong Land Council to discuss the significance of the site and what further action is required**
- 6. Council seeks to confirm with the Victorian State Government that ERR has demonstrated that it can effectively discharge its regulatory functions by appropriately balancing:**
 - its commitment to the Minister for Resources' *Statement of Expectations 2018–20* and the Commissioner for Better Regulation's *Getting the Groundwork Right* to reduce the regulatory burden on operators by facilitating and streamlining approval and**
 - regulatory processes giving effect to the objective of the Act to ensure that risks posed to the environment are identified and eliminated or minimised as set out in the Auditor General's Inquiry into the determination and administration of rehabilitation of bonds for the mining in the state**

Council Decision

Moved: Cr. Rochelle Halstead / Seconded: Cr. Clare Le Serve

That the motion be adopted.

CARRIED

Mayoral Announcement Of Next Meeting Of Council

Council is monitoring and implementing the COVID-19 pandemic response and restrictions set out by the State and Federal Governments.

Council will be pausing Community Connection Sessions.

The next **Council Meeting** will be held virtually 16 December 2020 commencing at 1.00pm. It will be open to the public via livestream.

Meeting closed

The meeting closed at 2.19pm