



**Bass Coast Shire Council
Minutes for Ordinary Meeting
Wednesday, 17 October 2018
Grantville Recreation Reserve
Grantville Hall
1470 Bass Highway
Grantville
5.00pm**

- 1. These minutes are due to be confirmed on 21 November 2018**
- 2. Any decision included in these minutes is subject to change resulting from a rescission motion passed by Council.**

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Meeting commenced

The meeting commenced at 5.00pm

Acknowledgement: Cr Geoff Ellis read the acknowledgement.

Statement: Cr Michael Whelan read the Councillor Statement.

A Present and Apologies

Councillors: Cr Pamela Rothfield, Island Ward (Mayor)
Cr Brett Tessari, Bunurong Ward (Deputy Mayor)
Cr Julian Brown, Bunurong Ward
Cr Les Larke, Bunurong Ward
Cr Stephen Fullarton, Island Ward
Cr Michael Whelan, Island Ward
Cr Geoff Ellis, Western Port Ward
Cr Bruce Kent, Western Port Ward
Cr Clare Le Serve, Western Port Ward

Officers in Attendance:

Mr Paul Buckley, Chief Executive Officer
Ms Allison Jones, General Manager Advocacy, Economy and Liveability
Ms Annette Waters, Acting Manager Governance and Information Services
Mr John Wynen, Manager Customers and Culture
Mrs Lee-Anne Harmer, Governance Officer

Apologies: Nil

B Declarations of Interest

There were no Declarations of Interest.

C Confirmation of Minutes

C.1 Ordinary Meeting held on 19 September 2018

Council Decision

Moved: Cr. Stephen Fullarton / Seconded: Cr. Bruce Kent

That the minutes of the Ordinary Meeting held on 19 September 2018 be confirmed.

CARRIED

D Public Question Time

D.1 Margaret Boyer, Grantville – Grantville Supermarket

1. Can Council confirm or deny that plans for a supermarket in Grantville have been submitted to Council?
2. Will council support the community with its efforts to have a much needed supermarket in the fast growing area?

Response

No application for a supermarket in Grantville has been received by Council.

Council supports in principle the development of a supermarket in Grantville and will work with the community to attract appropriate investment.

D.2 Meryl Tobin, Grantville - Indigenous Flora and Fauna

How much indigenous bush now remains in the Shire from the pre 1700s, and, if there is a decline, how is Council going to ensure there is an increase, not a continuing decline?

Response:

In 2017, the native vegetation cover was mapped with a total of 14% for the entire area of Bass Coast Shire.

In April 2018 Council adopted its Biolinks Biodiversity Plan which is a strategic approach to linking our existing native vegetation with wildlife corridors. Council aims to increase our native vegetation by 1.5% each year.

In 2017/18 over 397,500 plants put in the ground across the Shire as part of the revegetation program by all groups (Council, PINP, Landcare).

The Biolinks Biodiversity Plan can be found on Councils website and in the minutes of the Council Meeting.

D.3 Meryl Tobin, Grantville - Rural Land Use and Conservation Zones

In 2016 a Planning Panel Hearing concerning Amendment C140 about Bass Coast Rural Land Use recommended Council *should consider applying the Rural Conservation Zone to The Gurdies area.*

Has Council considered this recommendation, and, if so, does it intend to apply a rural Conservation Zone at The Gurdies? If it has not, when does it intend to consider the recommendation?

Response:

Council recently reviewed is Planning Scheme.

The action from CI 40 to

- ***Investigate the merits of applying the Rural Conservation Zone in The Gurdies to the land that was proposed by Amendment CI 40 for rezoning to the Rural Activity Zone.***

was designated as a medium priority. This work will be considered as part of future strategic planning work programs.

D.4 Hartley Tobin, Grantville - Wildlife Corridors

1. **Has Dandy Premix Quarries revegetated the wildlife corridor and done so to a standard to satisfy the intention of the condition?**
2. **Does Council think we need to protect and enhance ALL wildlife corridors in the Bass Coast Shire and, if so, how will it ensure they are not sacrificed to unsustainable development as has often been the case in the past?**

Response:

1. **We will need to take this question on notice. We have referred the query to Councils compliance and enforcement officer for advice.**
2. **Council aims to protect as much native vegetation within the Shire as possible. The Biolinks Biodiversity Plan was developed with landowners and community members to protect native vegetation on public and private land.**

The biolinks maps will be inserted into the environment section of the Municipal Strategic Statement at Clause 21.04-3 Biodiversity Conservation and Habitat Protection.

Council must work within the Environment and Planning Act, and the State and local planning schemes.

D.5 Kevin Brown, Coronet Bay - Small Coastal Township Alliance

Will Council support the Small Coastal Township Alliance in its bid for more prescriptive height and design controls for the small coastal towns of Bass Coast.

If so will it allocate money and staff resources needed to give effect to such a position?

Given the amount of time that has already passed and the commitments given by all members of Council in support of the project both prior to and subsequent to the last Council elections, can Council commit funding and direction to the Strategic Planning team for this project?

Response:

Council's commitment to township character is outlined in our Council Plan which outlines our commitment to partnering with our community to protect and enhance the unique character of our townships.

We already have the Design and Development Overlay Schedule One which considers character of coastal areas including height of buildings and consideration of views to and from the coast. Any building over 7 metres from natural ground level triggers a planning application for assessment

Officers have been working closely with the Small Coastal Township Alliance over recent years to look at ways to address the concerns of the Alliance. I can advise Council has recently commenced discussions with DELWP in relation to the application of the Distinctive Areas Landscape Act to Bass Coast Shire Council.

Council can only consider the strategic planning team budget allocation and direction as a part of the 2019/2020 budget.

D.6 David Buckingham, Coronet Bay - Dangerous Dog

What is the Council prepared to do to protect the community and pets when a dog attack results in a Dangerous Dog declaration, but implementation is further delayed (by VCAT appeal etc) and the particular dog is free to be treated as any other dog until the enforcement takes effect?

Do we have to change legislation to protect our community?

Response:

Councils have the ability to declare a dog 'dangerous' when it has caused a serious injury (or death) to another animal or person. In recent years the legislation has been updated to include more serious penalties, including potential jail time for a person whose dog attacks and causes serious injury.

If a serious dog attack goes to court Council may seize and hold the dog until after the case is determined. If it is determined that the dog should be declared dangerous then the processes would run concurrently. Officers follow a legislated process which includes issuing formal notices and animal owners have the right to appeal officers' decisions to VCAT.

There are serious consequences for owners whose dogs attack, penalties, costs and consequences increase for second or subsequent offences especially if they occur whilst they are appealing an officer's decision to VCAT.

The Domestic Animals Act 1994, and associated Domestic Animals Regulations 2015 which set out the requirement for declaring dogs dangerous and dealing with dog attacks is a piece of State Government legislation, officers regularly provide feedback to the Department (DEDJTR) about the legislation. To change the dangerous dog declaration process to remove an animal owner's right to make a VCAT appeal then the State Government legislation would need to change.

D.7 David Buckingham, Coronet Bay - Small Township Funding - Coronet Bay

Is the Council prepared to provide small townships like Coronet Bay with capital works funding, given the difficulty of obtaining alternate grant monies from State and other sources?

Small townships face severe competition from population density for community vote funds or where professional applications are required.

What process is required to be followed to achieve Council funding?

Response:

A number of opportunities or mechanisms exist for the funding of infrastructure projects located throughout the municipality. Funding may be secured through such mechanisms as Community Grants, allocation within the annual Infrastructure Program, application of a Special Charge or external grants.

With respect to the renewal, upgrade or provision of new infrastructure, project requests should in the first instance be raised with the relevant service manager within Council e.g. road related asset improvements are managed by the Asset Management Team.

Project proposals may then be assessed against relevant strategic plans to determine their eligibility and relative priority for potential funding. This can include assessment against Asset Management, Community, Council or Service plans.

If eligible for consideration, details of each project are then documented within a formal project proposal template, which is used to develop a prioritised register of all potential capital works. Allocation of funding is then made via adoption and progressive management of Council's annual budget across a variety of asset classes/types, which enables delivery of the highest priority projects.

A detailed description of this process may be found within the Capital Investment Policy, available on Council's website.

In addition to the traditional Infrastructure Program allocations, projects may also be put forward for consideration through other funding mechanisms such as Community Grants.

E Petitions, Joint Letters, Deputations and Correspondence

There were no Petitions, Joint Letters, Deputations and Correspondence.

Notices of Motion

F Notices of Motion**F.1 203/18 AGL Crib Point Floating Storage and Regasification Unit Project in Western Port. Cr Clare Le Serve**

I, Cr Clare Le Serve, hereby give notice that I intend to move a motion at the Ordinary Meeting on 17 October 2018, which reads as follows:

AGL CRIB POINT FLOATING STORAGE AND REGASIFICATION UNIT PROJECT IN WESTERN PORT**Motion****That Council**

- 1. Shares community concerns regarding the proposed Crib Point Gas Import Facility and adjoining pipeline and the effect this will have on the marine and coastal environment.**
- 2. States that there should be no industrial development on Western Port that directly impacts or could potentially impact the conservation value of Western Port.**
- 3. Congratulates the Minister for Planning Richard Wynne for requiring a full Environmental Effects Statement on both aspects of the project.**
- 4. Supports the State Government to run an independent and transparent process that includes requiring an Environmental Effects Statement, under the Environmental Effects Act 1978, for the Liquefied Natural Gas (LNG) import facility at Crib Point and adjoining pipeline.**
- 5. The scope of the Environmental Effects Statement must include;**
 - a) the floating storage and regasification unit in Western Port and the proposed 60 kilometre pipeline through Ramsar Wetland, agricultural land, and ancillary infrastructure impacts, and**
 - b) an independent investigation into the potential environmental, community and cultural impacts of the project including impacts on native vegetation, wildlife, marine life and Aboriginal cultural heritage**
 - c) the reports and submissions to the Environmental Effects Statement process must be available to the public**
- 6. Calls on the State and Federal Governments to act in a constant manner with the principles in its own strategies and plans recognising and protecting Western Port as a Ramsar Convention Wetlands of International importance and a United Nations Educational, Scientific and Cultural Organisation Biosphere Reserve, being:**

- a) **Directory of Important Wetlands in Australia (1993)**
- b) **ANZECC Wetlands Network (1994)**
- c) **Western Port Ramsar Site Management Plan (2017)**

Background by Councillor

Bass Coast Shire's prosperity comes from its environment which in turn drives its economy through tourism and agriculture. Where the environmental values may be compromised through industrial development within Western Port, this will in turn have an impact on the Shire's economy.

Council is unwavering in its view that a balanced approach must be found to provide positive community outcomes and environment conservation of the natural environment. Council is seeking an outcome where the project provides a net gain benefit to the environmental, social and economic prosperity.

Officers Comments

On 13 September 2018, AGL referred details to Ministers Wynne and Price of a floating storage and regasification unit (FSRU) at Crib Point, and partner company APA referred details of a connecting pipeline to Pakenham. The Ministers are responsible for deciding whether a full assessment is necessary under the state *Environmental Effects Act 1978* and federal *Environment Protection and Biodiversity Conservation Act 1999*.

The state and federal governments both recognize the environmental significance and importance of protecting the ecological character of Western Port in the *Directory of Important Wetlands in Australia (1993)*, the *ANZECC Wetlands Network (1994)* and the *DELWP Western Port Ramsar Site Management Plan (2017)*.

Phillip Island Eco-tourism

Phillip Island is also the world's largest breeding colony of *Australian Fur Seals* and is home to 8% of the world's total population of *Short-tailed Shearwaters* (*Phillip Island and San Remo Visitor Economy Strategy 2035, (2016)*).

Phillip Island Nature Parks delivers \$498.2M in annual economic contribution to the State of Victoria with an estimated 2,120 jobs reliant on the Nature Park. A total of \$182.3M in annual economic contributions was within Bass Coast Shire, with an estimated 1,032 jobs in the Shire reliant on the Nature Park (*Phillip Island Nature Parks Annual Report 2015-16*).

The *Little Penguins* are the highest paid attracting tourism destination in Victoria, generating a total visitation of 1,371,430 people in 2015/16 (57% of whom are international visitors). Often proposals are silent on the environmental risk to this local and state tourism asset. The environmental risk translates to a strong economic risk at a local and State level, with significant social risk if the tourism dependent local economy fails.

Ramsar Wetland

In 1982, a large portion of Western Port was designated as a wetland of international importance under the Convention on Wetlands of International Importance especially as Waterfowl habitat (Ramsar Convention). The site encompasses the whole of Western Port to the north and east of Phillip Island, occupies 59,297 hectares and

consists of large shallow intertidal areas dissected by deeper channels, and narrow strips of adjacent coastal land in some areas.

The convention is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. At the centre of the Ramsar philosophy is the “wise use” concept. The wise use of wetlands is defined as “the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development” (www.ramsar.org).

There is a network of over 2,000 Ramsar wetlands across the globe that is dedicated to sustaining biodiversity and wise use. One of the important functions, and a primary purpose for the establishment of the Convention, is to protect sites in different countries that are important for migratory birds.

The Ramsar Convention has defined “ecological character” and “change in ecological character” as (Ramsar Convention 2005):

“Ecological character is the combination of the ecosystem components, processes and benefits/services [CPS] that characterise the wetlands at a given point in time” and “...change in ecological character is the human induced adverse alteration of any ecosystem component, process and or ecosystem benefit/service.”

Western Port Biosphere

The Mornington Peninsula and Western Port Biosphere Reserve was declared by United Nations Educational, Scientific and Cultural Organisation (UNESCO) in 2002, following nomination by the community, and state and local governments.

Biosphere reserves aim to keep special places, like Western Port, special by fostering conservation and sustainable development. They encourage the community to develop better ways to meet social and economic needs, while conserving natural processes and biodiversity. They support this through research, monitoring, education and information exchange.

Council is a member of the Mornington Peninsula and Western Port Biosphere.

.....
Cr Clare Le Serve, Western Port Ward
Dated: **17 October 2018**

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Geoff Ellis

That the motion be adopted.

CARRIED

J Urgent Business

Council Decision

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

To change the order of business and attend to Urgent Business.

CARRIED

Council Decision

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

That an Urgent Business item by Cr Michael Whelan in relation to Change for Sam – Family Violence Strategy be introduced.

CARRIED

J.1 Change for Sam - Family Violence Strategy - Cr Michael Whelan

Motion

That Council support the advocacy strategy titled Change for Sam, A Bass Coast Strategy to Prevent and Respond to Family Violence

Background by Councillor

The Strategy has been developed in response to the tragic death of Samantha Fraser (Sam), allegedly at the hands of her husband who was also the father of her children.

The collaboration by Phillip Island community members in partnership with service providers has produced the strategy in partnership and identified the following key goals:

1. To prevent Family Violence, particularly against women and children in the Bass Coast area.
2. To coordinate current services and resources to better respond to incidents of Family Violence.

The considered view is that Samantha experienced a service and support system that was stretched, and had gaps which need to be addressed. The other considered view is that by working in partnership with our community members, change can and will be realised.

The *Change for Sam* strategy will comprise four key tiers which align with the Victorian Government's *Free from Violence* strategy. These tiers include Prevention; Service Response; System Coordination and Alignment; and Practical Support.

In order to achieve these objectives the communities within Bass Coast will respectfully request the following recurrent support from state government.

Resource Description	Service Delivery	Amount per annum
Family Violence Prevention Worker	Gippsland Women's Health	\$90,000
Family Violence Counsellor	Bass Coast Health	\$90,000
Sexual Assault Counsellor	Bass Coast Health	\$90,000
Family Violence Outreach Worker	Salvocare	\$90,000
Brokerage funds for crisis accommodation	Salvocare	\$150,000
Rent for co-located facility	Gippsland Women's Health	\$50,000
Coordinator –Change for Sam	Gippsland Women's Health	\$40,000
Recurrent funds requested:		\$600,000

These resources would build on the resources already committed by Government to this wicked issue, these resources will enable the local and visible implementation of the Victorian Family Violence Strategy.

Officers Comments

Council officers have participated in the development of the strategy.

The proposal for the development of the strategy is made with the full support of the community. The Bass Coast/Phillip Island community wants to prevent tragic event such as this occurring again. The group that developed the strategy believes that this increase in locally based support and intervention services will make a difference in the local community.

Council Decision

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

That the motion be adopted.

CARRIED

Cr. Brett Tessari proposed a subsequent motion

Council Decision

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

That Council supports an increase in Policing Resources in Bass Coast to assist in the reduction of Family Violence in Bass Coast and to support the victims.

CARRIED

Mayor and Councillors Reports

G Mayor and Councillors Reports

G.1 Mayoral Report - Cr Pamela Rothfield

The Mayor acknowledged:

The recent passing of Anna Coldebella. Anna died 21st September, aged 93. She was the mother of six, nonna of 12 and bisnonna of 18. She was widely recognised as the matriarch of the Coldebella family, a name well-known right throughout our Shire.

As an Italian immigrant, State Coal Mine worker, and resident of Reed Crescent Wonthaggi for 60 years, she leaves an honourable legacy – her life story touches us all because it helped shape the ‘Wonni Proud’ identity.

Recognised and congratulated longtime Phillip Island residents Phyllis Papps and Francesca Curtis for receiving the prestigious 2019 Australian LGBTI Lifetime Achievement Award.

Phyllis and Francesca were trail blazers. They were members of Australia’s first known homosexual rights community – The Australasian Lesbian Movement (ALM) back in the early 70s. Through ALM they’d supported women to ‘come out’ in what was then an ultra-conservative period.

They would host club meetings in their home, take in women who’d left their husbands or been rejected by family, and host functions to encourage women to start dating. Throughout their lives, they advocated for the lesbian community, worked with the Gay and Lesbian Archives, and helped women from the ground up.

We are so proud of their inspiring work and this esteemed recognition.

Activities:

- Attended and officially opened DPI Conference
- Attended S86 Committees Forum Presentation
- Attended official opening of the Cowes Police Station
- Attended PINP Board and BCSC Councillors Dinner
- Attended Phillip Island Conservation Societies 50th Celebration
- Attended Lions Club Phillip Island 50yr Celebration
- Attended race start of Tour of Gippsland
- Attended ‘Head in the Hole’ Facebook Photo Session
- Attended Minister Eren Funding Announcement – Inverloch Netball Courts and San Remo Skate Park
- Attended Funding Announcement for Penguin Parade at Grand Prix Track
- Attended Distinctive Areas Landscapes Workshop
- Attended interview and photo on Tertiary Advocacy project with Sentinel Times
- Attended and spoke at Unveiling of Humpback Whale & Baby sculpture with Minister Pulford

- Attended Newhaven Primary School Grade 5/6 Students visit
- Attended Ministerial visit by Minister D'Ambrosio for Old Energy to New Energy Project

Meetings:

- Attended Council Workshops and Briefings
- Attended Community Connection Sessions
- Chaired Council Meeting
- Chaired Councillor Only Meetings
- Weekly meetings with CEO, Council Support and Communications
- Meeting – Minister Erens - Council Advocacy
- Meeting – Nick Wakeling MP – Saldow Minister Environment – Council Advocacy
- Meeting – 150th Street Parade Planning Meeting
- Meeting – PINP Charie Liz Stinson
- Meeting – Phillip Island Road Corridor Planning Discussion – Jamie Sutherland
- Meeting – Community and Environment Advisory Committee Meeting
- Meeting – Don Burke re. Senior Citizens Festival
- Meeting – Jessica Paulson L2P Mentoring Session
- Meeting – Susan Rennie at VLGA
- Meeting – CEO Employment Matters Committee Meeting
- Meeting – Phillip Island 150th Celebration Committee Meeting
- Meeting – Discussion on Family Violence Discussion
- Meeting – Minister O'Donnell – Council Advocacy

Other:

- Media Enquiries;
- Phone calls, emails and letters
- Event briefings
- Meeting with constituents
- Radio Interviews

G.2 Councillor Report - Cr Clare Le Serve

- Attended Minister Eren Funding Announcement – San Remo Skate Park
- Attended Phillip Island Conservation Societies 50th Celebration

- Attended Bass Coast Foundation Women for Change

G.3 Councillor Report - Cr Geoff Ellis

- Attended Grantville Market "Conversations with a Councillor."
- Section 86 Committees - BCSC Training Day
- Attended community meetings in Corinella and Tenby Point
- Coffee with constituent x4
- Fine Film Festival - at The Union
- Chaired WGRLC Board Meeting - Drouin
- Attended South Coast Inclusion Network (LGBTI reference group) meeting
- Attended Unemployed Workers Union meeting in Wonthaggi
- Attended Community Conversations 'towards reconciliation' in Baw Baw

G.4 Councillor Report - Cr Brett Tessari

- Attended the Grand Prix Tour of Gippsland – drove the Circuit
- Opened the Wonthaggi Fine Film Festival
- Attended the Municipal Group of Valuers Country Conference

G.5 Councillors Report - Cr Stephen Fullarton

- Attended Minister Eren Funding Announcement – San Remo Skate Park
- Attended the Grand Prix Tour of Gippsland

G.6 Councillors Report - Cr Michael Whelan

- Totally Renewable Phillip Island going well
- Attended Cowes Children Hub Solar – Pick my Project
- Attended South Gippsland Energy Initiative Co-op
- Attended Wonthaggi Fine Film Festival
- Attended Cowes Bush Dance
- Attended Phillip Island Conservation Societies 50th Celebration
- Attended the Wonthaggi Mall – 'Wonni Proud' as part of the Bass Coast Pickers

G.7 Councillors Report - Cr Bruce Kent

- Attended Minister Eren Funding Announcement – San Remo Skate Park
- Attended the Wonthaggi Car Show

G.8 Councillor Report - Cr Julian Brown

- Attended Minister Eren Funding Announcement – Inverloch Netball Courts
- Attended Wonthaggi revegetation project – Pick my Project

G.9 Councillor Report - Cr Les Larke

- S86 Committees forum
- Arts & Culture Advisory Committee meeting
- MAV Future of Local Government Placemaking forum
- ‘Woni Proud’ pop up mall event
- Probus Club of Inverloch friendship day
- Distinctive Areas Landscapes workshop
- Opening of YES Youth Hub breakfast club
- Unveiling of Humpback Whale and Baby sculpture & Jetty Triangle/Piazza opening
Coves

Reports Requiring Council Decision

H Reports Requiring Council Decision

H.1 Annual Report 2017/18

File No: CMI8/673
Department: Corporate & Community
Council Plan Strategic Objective: Governance

We are responsive, open, transparent
and financially sustainable

Declaration

The Council officer has no direct or indirect interests in this matter.

Summary

The purpose of this report is to present the 2017/18 Annual Report to Council for consideration and discussion. The *Local Government Act 1989* requires Council to consider the Annual Report further to its submission to the Minister by 30 September of each year.

Background

Council's 2017/18 Annual Report has been prepared and submitted to the Minister for Local Government on 27 September 2018.

A copy of the 2017/18 Annual Report will be available on our website at Council Offices following this Meeting in a number of accessible formats.

Council's finances are audited by the Victorian Auditor General's office (VAGO) annually. VAGO endorsed the documents on 21 September 2018 and confirmed we have met our obligations.

Strategic Basis

The 2017/18 Annual Report is one of the many accountability and performance measurement documents which Council produces. It documents Council's performance against its own Council Plan.

Council Plan Objective:

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

Strategic Outcome:

- Provide equitable distribution of resources across the Shire
- Be diligent in ensuring services meet community need and are cost effective
- Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

Strategic Indicator:

Strategic Indicators	Measures
Community Satisfaction with Council Decisions	Achieve the top quartile of Large Rural Councils
Transparency of Council decisions	Achieve the top quartile of Large Rural Councils
Community Satisfaction with Consultation and Engagement	Achieve the top quartile of Large Rural Councils
Community satisfaction with customer contact	Achieve the top quartile of Large Rural Councils
Local Government Performance Reporting Framework (LGPRF) – Financial Performance	Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF
Victorian Auditor General Office (VAGO) Financial Sustainability indicators	The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators
Other financial and non-financial performance indicators	Adjusted underlying operation result aims to achieve an operating surplus Implementation of monthly and year to date financial reporting, with plain English version for our Community Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community Increased efficiencies as a result of information technology improvements
Communications and Engagement Strategy 2015-18 actions implemented	Complete Strategy implementation by June 2018
Develop and Implement a Revenue Strategy	Strategy developed and actions implemented

Statutory Requirements/Codes/Standards/Policies

The *Local Government Act 1989* requires Council to consider the Annual Report and to submit a copy to the Minister by 30 September of each year. A copy of the 2017/18 Annual Report was sent to the Minister by the required date.

The Act also requires Council to consider the Annual Report at a Meeting within one month of providing the Annual Report to the Minister.

Discussion

The Annual Report demonstrates Council's achievements against the objectives and activities set out in the Council Plan 2017-21. This is the first year of reporting against this Council Plan.

The Report contains audited Financial Statements, an audited Performance Statement and all information required under the *Local Government Act 1989* and other relevant legislation.

The following paragraphs highlight some of the achievements of /the past year.

By far one of the largest projects was the refurbishment of the Wonthaggi Union Community Arts Centre. The \$2.2 million project, funded through our 2017/18 renewal budget, involved replacing all 424 of the 35 year-old seats in the auditorium with positive feedback from the public showing this as an important community asset being well used and enjoyed.

The 2017/18 budget initiatives included major projects such as the development of the Cowes Transit Hub and extension of the Surf Parade shared path to Veronica Street, Inverloch. It also included numerous recreation upgrades such as construction of the Phillip Island Football Netball Club rooms, new floodlights for two soccer pitches at Newhaven reserve and redevelopment of change rooms at Dalyston Recreation Reserve.

Council's capital works Program totalled 148 projects with a revised budget of \$22.49 million. All of these projects align with Council's strategic objectives: Liveability, Health and Wellbeing and Environment.

Following on from last year's consultation in the development of the Council Plan, Council has continued to extend its focus on engaging with the community. Council has been working closely with the community on many issues ranging from new off leash beach areas for dogs in Kilcunda and Cape Paterson, to developing the Active Bass Coast Plan, and collecting the community's feedback in the development of the Cowes to Stony Point Car Ferry Business Case.

Working closely with the community, has allowed for the identification and advocacy for our top priorities for Bass Coast. This focus and collaboration with the community has led to significantly successful outcomes totalling over \$155 million of investment from State Government towards the Wonthaggi Hospital, Wonthaggi Secondary College, Wonthaggi Highball facility and a major road upgrade on Phillip Island.

Introduction of an organics waste service and new three-bin waste management system has shown Council leading the way in this area. The organics waste collection has resulted in a 77% diversion of waste from landfill over 12 months providing significant environment and economic benefits. We also have incredibly low contamination rates (below 1 per cent for organic waste and below 6 per cent for recycling), a testament to the way the community has embraced the new system.

Council delivered a pleasing financial result in 2017/18 which was underpinned by the following key performance indicators:

- Operating result - \$10.0 million surplus compared to a budgeted surplus of \$3.9 million and at 11.9% above the VAGO low risk level of 5%.

- Underlying Result - \$1.5 million surplus and at 2.04% above the VAGO low risk level of 0%.
- Funding statement surplus - \$2 million.
- Liquidity (current ratio) of 2.52 (above the VAGO low risk level of 1.0)
- Internal financing measure of 163 % (above the VAGO low risk level of 100%)
- Indebtedness measure of 22 % (lower than the VAGO low risk maximum of 40%)

While Council's asset renewals expenditure and total expenditure on capital replacement placed it within the medium to high risk levels based on the VAGO risk levels, these indicators were impacted by a number of major multi-year and large deferred projects that were planned for delivery over multiple financial years.

Council's reserves have increased from \$36 million to \$42 million during 2017/18. These reserves are backed up by Council's adjusted net working capital of \$41.8 million. Adjusted net working capital excludes the current portion of borrowings (\$5.8 million) and the current portions of long service leave (\$3.7 million) and landfill provision (\$100K) on the basis that provision has been made to fund these within the Council reserves.

As a result of comments made at Council's meeting of Wednesday 19 September 2018, which were also subsequently reported in the media, claiming that the Victorian Auditor-General was carrying out an investigation into Bass Coast Shire Council's audited financial reports (particularly in regard to treatment of reserves) and its on-going financial sustainability, written clarification was sought from the Auditor General. The response from the Auditor General was that "There is currently no investigation at VAGO into Bass Coast Council in regard to Councils audited financial statements or its ongoing financial sustainability".

Finances

Funds are made available through Council's Budget process for the preparation of the Annual Report. The costs of producing the Report have been minimised with publication now in electronic format and designed internally.

All of the projects that were delivered during 2017/18 period were incorporated and funded through the annual budget of the same period.

Stakeholders

The 2017/18 Annual Report is a significant reporting document for all stakeholders including:

- The Community
- Council
- Government Departments
- Creditors
- Contractors

Other Options

The *Local Government Act 1989* requires Council to consider the Annual Report further to its submission to the Minister by 30 September of each year.

Conclusion

The Bass Coast Shire Council 2017/18 Annual Report represents Council's commitment to be fair, honest, open and accountable to the Bass Coast Community and to meet its regulatory and legislative obligations.

This Report summarises Council's achievements against the objectives and activities set out in the Council Plan 2017-21. This is the first year of reporting against this Council Plan.

The Report contains audited Financial Statements, an audited Performance Statement and all information required under the *Local Government Act 1989* and other relevant legislation.

Local Government is the arm of government that is closest to local communities. This 2017/18 Annual Report endeavours to illustrate to our community members, ratepayers, businesses and agencies how their Council is working for them. The purpose of the report is to focus on the highlights of the past year rather than the day-to-day operations of Council.

Recommendation

That Council considers and notes the Bass Coast Shire Council Annual Report for 2017/18.

Attachments

AT-I Bass Coast Shire Council Annual Report 2017-18 131 Pages

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. Michael Whelan

That the recommendation be adopted.

Cr. Les Larke proposed an amendment

Moved: Cr. Les Larke / Seconded: Cr. Bruce Kent

That Council considers and notes the Bass Coast Shire Council Annual Report for 2017/18; and

With due consideration, Council duly notes that the preamble wording in relation to 'Other reserves' amounting to \$40.087 million as at 30 June 2018 now reads as follows:

“Other reserves are in essence a reflection of surpluses from prior years that Council has set aside to allocate to some future activity. The existence of the reserves does not necessarily mean the Council has the cash funds available to allocate to the reserves purpose...”

CARRIED

The motion before Council

That Council considers and notes the Bass Coast Shire Council Annual Report for 2017/18; and

With due consideration, Council duly notes that the preamble wording in relation to 'Other reserves' amounting to \$40.087 million as at 30 June 2018 now reads as follows:

“Other reserves are in essence a reflection of surpluses from prior years that Council has set aside to allocate to some future activity. The existence of the reserves does not necessarily mean the Council has the cash funds available to allocate to the reserves purpose...”

CARRIED

H.2 Planning Application 160308 - 1285 Phillip Island Road, Newhaven

File No:	CMI8/747
Division:	Advocacy, Economy & Liveability
Council Plan Strategic Objective:	Our Character
	Celebrating the uniqueness of our townships

Application Details

Use/Development Sought:	Use and development of the land for a camping and caravan park, creation of access to a Category I Road Zone and removal of vegetation
The Land:	1285 Phillip Island Road, Newhaven
Planning Scheme:	Bass Coast Planning Scheme
Zoning:	Farming Zone
Overlays:	Environmental Significance Overlay, Schedule 1 Significant Landscape Overlay, Schedule 2

Declaration

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

Executive Summary

This application proposes to develop the land for a camping and caravan park, create a new access to a Category I Road (VicRoads) and remove vegetation at 1285 Phillip Island Road, Newhaven.

The proposed use and development triggers the need for a permit under the following clauses of the Bass Coast planning scheme:

- Clause 35.07-1 (Farming Zone) requires a permit for the use of the land as a 'camping and caravan park' and for buildings and works associated with this use.
- Clause 42.01-2 (Environmental Significance Overlay, Schedule 1) requires a permit for buildings and works and the removal of vegetation.
- Clause 42.03-1 (Significant Landscape Overlay, Schedule 2) requires a permit for buildings and works and the removal of vegetation unless specifically exempted by the relevant schedule. The development is not exempt from the provisions of this clause.

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* and received 39 submissions, 38 of which are objections.

An application for review is currently before the Victorian Civil and Administrative Tribunal (the Tribunal) (P2609/2017) for appeal against Council's Notice of Refusal to Grant a Permit.

The application was presented to Council at its Ordinary Meeting of 20 September 2017. At the meeting, Council resolved to issue a Notice of Decision to Refuse to Grant a Permit for Planning Application I60308. Council was advised on 1 December 2017 that an Application for Review against Council's decision has been lodged at the Tribunal.

On 5 September 2018, an amended application was received by Council. The amended application has been assessed. This report addresses the planning merits of the amended proposal, the issues raised by objectors and the advice of referrals and concludes that the proposal does not accord with relevant provisions of the Bass Coast Planning Scheme.

On this basis, it is recommended that Council informs the Tribunal that if it had the power to decide the amended application, it would resolve to issue a Notice of Refusal for Planning Application I60308.

Strategic Basis

Council Plan Objective:

Our Character – *Celebrating the uniqueness of our townships*

Strategic Outcome:

- Partnering with our community to protect and enhance the unique character of our townships, open spaces and rural landscape
- Ensure the review of the Municipal Strategic Statement improves the controls within our townships to ensure that the character is protected
- Strengthen the role of Wonthaggi as our regional centre
- Manage the sensitivities of development and growth pressures
- Be proud of, and share, our history and cultural life

Strategic Indicators:

Strategic Indicators	Measures
Build capacity in community planning	Host quarterly community building events and networking opportunities each year
Overall Community Satisfaction Rating	Achieve the top quartile of Large Rural Councils
Advocate on behalf of the community on key planning issues *	Make representation to state and federal government on key planning matters
Review the Municipal Strategic Statement	Completed by June 2018
Develop a strategic vision/plan for Wonthaggi as regional centre	Implement actions identified in Wonthaggi Dalyston Structure Plan review Strategic vision developed and adopted
Wonthaggi North East Precinct Structure Plan	Implement into Planning Scheme by June 2018
Sites and Theme Plan 2014-24	Action Plan completed annually

Incorporate the Phillip Island and San Remo Visitor Economy Strategy 2035 – Growing Tourism in the Planning Scheme as a reference document

Planning Scheme updated by June 2018

Application Details

Amended plans have been circulated by the applicant through the VCAT proceedings. These plans are provided as attachment I (AT-I)



Legend



EARTH MOUNDING
For noise attenuation, visual screening, sightlines & topographical interest. Levels taken from NSL



CAMP SITES
Total of 206 sites including:
 - 26 drive-thru caravan sites at 17 x 9m
 - 37 large campsites at 12 x 10m
 - 43 tent sites at 7 x 6m



SIGNAGE
Wayfinding and informative signage located throughout the park to assist with directions and inform of the surrounding environment



SCREEN PLANTING
Refer EVC / Bioregion Benchmark for Vegetation Quality Assessment Report
Department of Sustainability Environment
Visual screening species to include:
 - *Acacia longifolia* ssp. *oxyphora* Coast Wattle
 - *Leptospermum lanigerum* Woolly Tea-Tree
 - *Melaleuca encifolia* Swamps Paperbark
 - *Eucalyptus viminalis* ssp. *oryoniana* Rough-barked Manna Gum
 - *Banksia integrifolia* Coast Banksia

Figure 1. Amended Site Plan

An amended application was received by Council on 5 September 2018. In summary, the amended application includes:

- A total of 206 camping sites including:
 - 26 drive-thru caravan sites (17m x 9m)
 - 37 large camp sites (12m x 10m)
 - 143 tent sites (7m x 6m)
- Earth mounding for noise attenuation, visual screening, sightlines and to create topographical interest.
- Informative signs located throughout the park to assist with directions and provide information of the surrounding environment.
- Internal and external lighting details including spillage and operating times.

Summary of changes:

The main changes with the original and the amended application include:

- Manager's residence and the Reception area being separated to operate from two separate buildings.
- Inclusion of a Recreation room for patrons.
- Internal alterations to the car parking areas, street network and the layout of camping sites.
- Concept design of slip lane for traffic entering the site from Phillip Island Road.
- Reduction of the camping sites by two.

The applicant has advised that the reasons for the proposed amendment include:

- To respond to issues and concerns raised by Council and objectors.
- To address consideration of adjoining interfaces and how the development sits within the broader context of the area.
- The increased setbacks to the caravan park to provide additional protection to the dune system, short tailed shearwater habitat and provide a clear buffer, free from any structures, which recognises the importance of this area.
- To ensure drainage is effectively managed and to address drainage concerns.
- Increased height of finished floor level for the dwelling in response to drainage advice.

The application also provides further details regarding landscaping outcomes in response to the interface with the adjoining sites and the dunes/shearwater habitat.

Reason a Council Decision is required

Council's delegations require applications that attract five or more objections to be determined by Council. This application has attracted a total of 38 objections. As the application has been appealed at the Tribunal by the applicant, a determination on Council's position is required for the amended application.

Officer's Considerations

Victorian Civil and Administrative Tribunal Proceeding

A report was presented to Council at its Ordinary Meeting of 20 September 2017.

At this meeting, Council resolved the following. Council minutes from the meeting are provided as Attachment two (AT-2):

That in relation to Planning Permit Application 160308 for the use and development of the land for a Camping and Caravan Park, creation of an access to a Category 1 Zoned Road, and removal of vegetation, Council resolves to issue a Notice of Refusal subject on the following grounds:

1. *The application by virtue of location and development form is inconsistent with the relevant clauses under the State Planning Policy Framework including:*
 - *Clause 11.05-5 Coastal Settlement*
 - *Clause 12.02-4 Coastal Tourism*
2. *The proposal will impact on the landscape and character of the surrounding area and is considered inconsistent with the following clauses of the Local Planning Policy Framework:*
 - *Clause 21.05 - Landscape and Built Form – Phillip Island South Coast*
 - *Clause 21.04-3 - Biodiversity Conservation and Habitat Protection*
3. *The application is inconsistent with the Decision Guidelines of Clause 35.07 – Farming Zone provisions.*
4. *The application is inconsistent with the Decision Guidelines of Clause 42.01 relating to Environmental Significance Overlay Schedule 1 provisions as it is considered the form of development proposed is not compatible with the environmentally sensitive coastal area.*
5. *The application is inconsistent with the Decision Guidelines of Clause 42.03 relating to Significant Landscape Overlay Schedule 2 provisions as it is considered that the development will fail to preserve the wild, undeveloped and exposed character of the coastal edge.*

Referral of the Amended Application:

The amended application was referred to Council's Asset Management and Environment teams.

Council's Asset Management Team raised the following concerns:

Drainage:

- Retardation of stormwater flows will be required to restrict flows to current capacity levels of the Phillips Island road culvert. Details of this have not been submitted with the amended application.

- The proposed wetlands will be required to provide stormwater quality treatment to best practice. Details of this have not been submitted with the amended application.
- Additional details are required regarding the proposal to create earth mounds along both side boundaries of the subject land that include swales to capture external flows. The information to be provided should include:
 - Specifying how maintenance of these swales is proposed, taking into account the mound and fence line.
 - Confirming that the grade in the swales will not create low areas that will pond and encroach into neighbouring properties.
 - Confirm that all proposed swales would be directed into sediment basins and include details on the plan.
- The two proposed wetlands would need to be connected via a pipe under the entrance road as there is only one stormwater discharge point at the existing Phillip Island Road culvert.
- The drainage of the proposed internal roads will need to be specified with details to show that the existing undulating flat terrain and existing outfall road culvert depth can be overcome without creating flooding issues to occupants or to the surrounding land.
- Vegetation within the Scenic Estate may be adversely affected by increased amounts of stormwater entering from the proposed development. This has not been addressed by the amended proposal.

Traffic:

- The details of drainage, carriageway widths, intersection treatment and sweep paths for design vehicles are not included.
- All proposed footpaths are to be directed to existing tracks accessing the Forest Cave carpark and beach and this is to be shown on the plan.

Comments and concerns raised by Council's Environment department included the following:

Scenic Estate Conservation Reserve contains EPBC listed (Nationally Critically Endangered) grasslands described as:

- *Natural Damp Grassland of the Victorian Coastal Plains - The conservation objective of protecting these grasslands at Scenic Estate is to mitigate the risk of extinction of the Natural Damp Grassland of the Victorian Coastal Plains, and help recover its biodiversity and function, through the protections provided under the EPBC Act 1999 and through the implementation of the priority conservation actions.*

One of the key threats to these grasslands is changes to hydrology. Any changes to natural hydrology that may adversely impact on the ecological community, including increased run-off, salinity, sedimentation or pollution, affect the natural availability and quality of water at sites.

Earthworks in or near to grassland sites can disrupt the natural hydrology of the South East Coastal Plain Grassland. Any long term disruption to natural water flows may have impacts to the grassland composition.

Additional concerns raised by Council

The amended plans provided by the applicant fail to address Council's concerns regarding the application as detailed in the 20 September 2017 Council resolution. In particular, concerns regarding consistency with State and Local Planning Policy, the Farming Zone provisions, the Environmental Significance Overlay – Schedule 1 and Significant Landscape Overlay – Schedule 2 have not been addressed. No additional justification as to how the amended proposal meets the relevant provisions of the Bass Coast Planning Scheme was provided with the application. On this basis, it is assessed that the application cannot be supported in its current form. It is recommended that Council re-affirm its previous advice to the Tribunal.

Conclusion

The amended application has been assessed against the Bass Coast Planning Scheme and it is considered that the application cannot be supported.

It is recommended Council reaffirm its previous advice to the Tribunal that if it had the power to decide the application it would resolve to issue a Notice of Refusal for Planning Application I60308.

Recommendation

That in relation to amended Planning Permit Application I60308 for the use and development of the land for a Camping and Caravan Park, creation of an access to a Category I Zoned Road and removal of vegetation, Council resolves to inform the Tribunal that if it had the opportunity to make a decision it would have issued a Notice of Refusal on the following grounds:

- 1. The application by virtue of location and development form is inconsistent with the relevant clauses under the State Planning Policy Framework including:**
 - **Clause 11.03-4S Coastal Settlement**
 - **Clause 17.04-2S Coastal Tourism**
- 2. The proposal will impact on the landscape and character of the surrounding area and is considered inconsistent with the following clauses of the Local Planning Policy Framework:**
 - **Clause 21.04-3 - Biodiversity Conservation and Habitat Protection**
 - **Clause 21.05 - Landscape and Built Form – Phillip Island Southern Coast**
- 3. The application is inconsistent with the Decision Guidelines of Clause 35.07 – Farming Zone provisions.**
- 4. The application is inconsistent with the Decision Guidelines of Clause 42.01 relating to Environmental Significance Overlay Schedule 1 provisions as it is considered the form of development proposed is not compatible with the environmentally sensitive coastal area.**

5. The application is inconsistent with the Decision Guidelines of Clause 42.03 relating to Significant Landscape Overlay Schedule 2 provisions as it is considered that the development will fail to preserve the wild, undeveloped and exposed character of the coastal edge.

Attachments

- AT-1** Copy of Minutes from previous Council meeting 16 Pages
AT-2 Amended Application Plans I60308 I285 Phillip Island Road Cowes 12 Pages

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Bruce Kent
That the recommendation be adopted.

CARRIED

H.3 Request to Prepare a Planning Scheme Amendment - Infrastructure Design Manual implementation

File No:	CMI8/620
Division:	Advocacy, Economy & Liveability
Council Plan Strategic Objective:	Our Character
	Celebrating the uniqueness of our townships

Declaration

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

Summary

The purpose of this report is to recommend that Council commences a Planning Scheme Amendment to introduce the '*Infrastructure Design Manual*' (IDM) into the Bass Coast Planning Scheme.

Specifically, the Amendment would make changes to the following clauses:

- Amend Clause 21.06 *Infrastructure* to include references to the Infrastructure Design Manual (AT-1); and
- Update Clause 21.10 *Reference Documents* to include the Infrastructure Design Manual as a reference document (AT-2).

The IDM provides direction regarding standardised design and development for municipal infrastructure. Council adopted the IDM in May 2014 and it is used on a day-to-day basis to set requirements for infrastructure for new developments.

A group of regional councils and the Local Government Infrastructure Design Association are currently working together to introduce the IDM into their planning schemes through a series of 'Group of Councils' Planning Scheme Amendments.

The intent is for the Amendments to be undertaken by the Minister for Planning, without further notification, under Section 20 (4) of the *Planning and Environment Act 1987*. There has been a wide consultation on the IDM as part of a Ministerial Advisory Committee process in 2015, during which the Ministerial Advisory Committee recommended that the Minister should implement it into all schemes without the need for further consultation.

To date, this has not occurred and the group are now working together to try to efficiently implement the IDM into regional planning schemes across Victoria.

Background

Infrastructure Design Manual

The IDM was initiated in 2004 by Campaspe Shire Council, Greater Shepparton City Council and the City of Greater Bendigo. The first copy of the IDM was made public for use in October 2007 and by 2010 it was adopted by 14 Councils state-wide.

The IDM is owned and maintained by the Local Government Infrastructure Design Association. Currently, the IDM is used by 44 Councils across Victoria, however not explicitly included in all of their planning schemes. The IDM document is often referred to and relied upon by regional Councils, including Bass Coast, as well as the Victorian Civil and Administrative Tribunal, when specifying infrastructure requirements.

A number of Victorian Civil and Administrative Tribunal cases have established that the IDM must be in planning schemes to ensure that the document has statutory weight when considering planning decisions, setting planning permit conditions, and establishing requirements for infrastructure.

Greater Shepparton City Council was the first Council to implement the IDM into their planning scheme in 2015 through Amendment C112. The implementation of the IDM into all regional Planning Schemes was considered by a Ministerial Advisory Committee in 2015.

Ministerial Advisory Committee

The Minister for Planning appointed the IDM Advisory Committee in June 2015 under Section 151 of the *Planning and Environment Act 1987* to explore the potential issues of the IDM as a planning tool for all planning schemes in regional Victoria, including Bass Coast.

The Ministerial Advisory Committee concluded that they strongly supported the IDM and approved of its state-wide use, as well as implementation into Victorian planning schemes. A copy of the IDM Advisory Committee report is included at Attachment 3 (AT-3).

The IDM Advisory Committee recommended that:

- *'The IDM be introduced into the MSS of regional planning schemes'; and,*
- *'The Minister for Planning utilise powers under Section 20(4) of the Planning and Environment Act 1987 to prepare prescribed amendments'.*

Local Government Infrastructure Design Association assistance

Since this time, the Local Government Infrastructure Design Association has been working with regional Councils to assist with implementing the IDM into their planning schemes.

They are now in the process of commencing a series of GC Amendments which will introduce the IDM into regional planning schemes, which presents an opportunity for Bass Coast to participate.

The role of Reference Documents in the Planning Scheme

Planning Practice note No. 13 discusses the importance of including certain studies, strategies, guidelines and policies in planning schemes as Reference Documents as it ensures that planning schemes are transparent for rational decision making.

Specifically, Reference Documents provide the planning scheme with background information on a particular topic however; they are not directly relevant to specific decisions. Reference Documents can be included in the local planning policies such as the Municipal Strategic Statement, whereby consideration and reference should be given to the document where necessary.

Including the document as a Reference Document will ensure that it will be used or relied upon in the decision-making process at Victorian Civil and Administrative Tribunal and is given the appropriate weight.

In some planning schemes, documents may have been included as reference documents rather than incorporated documents because of concern about the need to amend the planning scheme if the document needs to be changed.

Strategic Basis

Council Plan Objective:

Our Character – *Celebrating the uniqueness of our townships*

Strategic Outcome:

- Partnering with our community to protect and enhance the unique character of our townships, open spaces and rural landscape
- Ensure the review of the Municipal Strategic Statement improves the controls within our townships to ensure that the character is protected
- Strengthen the role of Wonthaggi as our regional centre
- Manage the sensitivities of development and growth pressures
- Be proud of, and share, our history and cultural life

Strategic Indicators:

Strategic Indicators	Measures
Build capacity in community planning	Host quarterly community building events and networking opportunities each year
Overall Community Satisfaction Rating	Achieve the top quartile of Large Rural Councils
Advocate on behalf of the community on key planning issues	Make representation to state and federal government on key planning matters
Review the Municipal Strategic Statement	Completed by June 2018
Develop a strategic vision/plan for Wonthaggi as regional centre	Implement actions identified in Wonthaggi Dalyston Structure Plan review Strategic vision developed and adopted

Wonthaggi North East Precinct Structure Plan	Implement into Planning Scheme by June 2018
Sites and Theme Plan 2014-24	Action Plan completed annually
Incorporate the Phillip Island and San Remo Visitor Economy Strategy 2035 – Growing Tourism in the Planning Scheme as a reference document	Planning Scheme updated by June 2018

Strategies / Policies

A range of policy objectives and strategies support the implementation of the IDM into the Bass Coast Planning Scheme. A summary of the relevant State policy is included at Attachment 4 (AT-4).

Statutory Requirements/Codes/Standards/Policies

Planning and Environment Act 1987

An amendment to a Planning Scheme is subject to the provisions of the *Planning and Environment Act 1987* which stipulates the process Council must follow when preparing an amendment. Under Section 8A of the *Planning and Environment Act 1987*, Council is required to seek authorisation from the Minister for Planning to commence a Planning Scheme Amendment process.

Ministerial Direction on the Form and Content of Planning Schemes

The Amendment will be consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the *Planning and Environment Act 1987*. The Form and Content of Planning Schemes follow standards under Part 3 of the *Planning and Environment (Planning Schemes) Act 1996*. The Ministerial Direction states that a planning scheme must be prepared and presented in accordance with the style guide and written in plain English.

Ministerial Direction 11 – Strategic Assessment of Amendments

The purpose of Ministerial Direction 11 is to ensure strategic evaluation of a planning scheme amendment and the outcomes it produces. The application of Ministerial Direction 11 is required under 9A of the *Planning and Environment Regulations 2005*. The Amendment has been verified against the requirements checklist within the Strategic Assessment Guidelines Planning Practice Note 46.

The Amendment is consistent with Ministerial Direction 11 Strategic Assessment of Amendments at Section 12(2)(a) of the *Planning and Environment Act 1987*.

Ministerial Direction 15 – The Planning Scheme Amendment Process

Ministerial Direction 15 encourages consistent, efficient and timely processing of amendments by setting times for completing key steps in the amendment process. The Minister for Planning may grant an exemption to one or more of the requirements within Ministerial Direction 15 in relation to a particular amendment.

The Amendment will be undertaken in accordance with the set times specified within Ministerial Direction 15 the Planning Scheme Amendment Process at Section 12(2)(a) of the *Planning and Environment Act 1987*.

Discussion

IDM introduction into the Bass Coast Planning Scheme

The IDM has been proven as an effective tool to provide standardised criteria for infrastructure and development design. Essentially, the IDM provides a guide for acceptable standards in the provision of infrastructure as part of new development ensuring that it meets community expectations and Council needs.

The IDM was originally prepared to give consistency in infrastructure design in regional areas. The premise of the IDM was to give councils alternative design solutions to the guidelines under Clause 56 *Residential Subdivision*. In addition, the IDM will be able to cover a wider range of development types, rather than just residential in the case of Clause 56.

The IDM is used on a 'day-to-day' basis by councils across Victoria, including Bass Coast Shire, in the assessment of subdivision and development applications, and the application of planning permit conditions.

Introducing the IDM as a Reference Document in the Bass Coast Planning Scheme will ensure that there is statutory weight given to planning matters in relation to development standards throughout the municipality, ensuring that permit conditions cannot be contested at Victorian Civil and Administrative Tribunal.

The inclusion of the IDM under Clause 21 of the Bass Coast Planning Scheme and to be updated as a Reference Document will ensure that the objectives and principles for the provision and restructure of regional infrastructure can be undertaken in a manner that enhances the performance of the municipality and facilitates growth.

GC Planning Scheme Amendment

A GC Amendment or Group of Councils Amendment refers to a planning scheme amendment to more than one planning scheme. Throughout the recommendations made by the Ministerial Advisory Committee, it was stated that it would be more efficient to approve a GC Amendment involving a number of councils rather than councils applying for Planning Scheme Amendments individually.

Should Council resolve to participate in the GC Amendment, there will be significant resource and cost savings for Council in not having to undertake a Council led Planning Scheme Amendment.

Notification of Amendment

Should Council resolve to commence with a GC Planning Scheme Amendment process, the Minister for Planning, under Section 20 (4) of the *Planning and Environment Act 1987*, can elect to not undertake notification, as was recommended by the Ministerial Advisory Committee.

The Ministerial Advisory Committee consulted and engaged the stakeholders listed below:

- *All non-metropolitan Regional and Rural Victorian Councils*
- *Regional Department of Environment, Land, Water and Planning Managers*
- *Regional service and referral authorities*
- *Over 530 regional consultants, developers, practitioners, industry groups*

Throughout this seven week process, stakeholders were encouraged to make submissions. 16 submissions were received along with the 31 for the Greater Shepparton City Council Amendment C112. The submissions addressed the following issues:

- *Provided general support for the IDM*
- *Comments on the relationship between the IDM and Clause 56 Residential Subdivision*
- *The need to review Clause 56 Residential Subdivision*
- *Requests to alter the content covered in the IDM*
- *The Housing Institute of Australia (HIA) opposed the introduction of the IDM into any planning schemes*
- *Some submissions relied on issues brought up as part of the Greater Shepparton City Council Amendment C112*
- *That the IDM relate technical content which is included in the tool, and ensure that it is referred to the Local Government Infrastructure Design Association Technical Committee*

Due to the previous consultation and community engagement undertaken by the Ministerial Advisory Committee, the GC Amendment could be commenced by the Minister for Planning under Section 20 (4) of *Planning and Environment Act 1987*. Section 20 (4) of the *Planning and Environment Act 1987* states that the Minister for Planning can exempt himself or herself from the amendment requirements under Sections 17, 18 and 19 of the *Planning and Environment Act 1987*.

In this case, the following purposes underpin the reasons why the Minister for Planning would consider their powers:

- *The matter will be one of genuine State or regional significance*
- *The matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known*
- *The matter requires co-ordination to facilitate decision-making by more than one agency*

The implementation of the IDM meets each of these criteria.

It will further be requested that the Minister for Planning take advantage of their powers under Section 20 (4) of the *Planning and Environment Act 1987* for this GC Amendment.

Finances

The resourcing costs associated with the Amendment can be covered through existing operating budget of the Strategic Planning Team.

Should Council resolve to participate with other Regional Victorian Councils in a GC Planning Scheme Amendment process, costs for Council will be significantly lower due to shared costs and the proposed approach, which is for reduced notification. Due to the Ministerial powers from the Planning Minister, the exemption of notice will result in cost savings for Council.

Stakeholders

The relevant stakeholders are as follows:

- *Bass Coast Shire Councillors*
- *Bass Coast Shire Council staff*
- *Land developers*
- *Residents and ratepayers of Bass Coast Shire*
- *Other Victorian councils taking part in the GC Amendment process*

Other Options

Council has the following three options for consideration as detailed below.

Option 1

The first option, as recommended by this report is that Council resolves to commence a Planning Scheme Amendment to include the IDM as a reference document in the Bass Coast Planning Scheme, as well as participate in a GC Planning Scheme Amendment process.

This would involve requesting that the Minister for Planning uses their ministerial intervention powers under Section 20 (4) of the *Planning and Environment Act 1987* to complete a GC Planning Scheme Amendment process for the group of regional Councils.

Implications

Introducing the IDM into the Bass Coast Planning Scheme will give the document statutory weight, ensuring that permit conditions for infrastructure as part of new developments cannot be contested at VCAT.

The opportunity to participate in a GC Amendment with other regional Councils would be a cost effective way to introduce the IDM into the Bass Coast Planning Scheme. Significant resourcing savings can be made through this approach, both in officer time and financial savings associated with not having to pay application fees which will be covered by the LGIDA.

Should Council resolve to be part of the GC Amendment, it is anticipated that no further notification and consultation would be undertaken. This is because a significant program of consultation was undertaken through the IDM Advisory Committee process.

Lastly, through this process, the IDM can be implemented into the Bass Coast Planning Scheme in a relatively short timeframe and Council will not have to wait until a Planning Scheme Amendment can be undertaken.

Option 2

Council could resolve to commence a Council led Planning Scheme Amendment process to introduce the IDM into the Bass Coast Planning Scheme, rather than participate in the GC Amendment process.

Council could also resolve to make changes to the Planning Scheme Amendment as currently proposed.

Implications

Should Council resolve to initiate a Council led Planning Scheme Amendment to introduce the IDM, the process would generally include an exhibition period, advertising and consultation, although exemptions from notification can also be applied for. This would allow for targeted consultation with the local development industry, which may not have been involved in the IDM Advisory Committee process.

This option would have significant resourcing implications, including:

- Significant officer time to progress the Planning Scheme Amendment.
- Costs in fees payable to the State Government, notification, advertising and consultation, as well as potentially Planning Panel costs if the Amendment were to attract submissions.

A Council led process would also take a longer to process and could not be commenced until at least the 2019/2020 financial year as a funded Council initiative.

Any changes to the Amendment from the proposed changes included at AT-1 and AT-2 may require strategic justification. The Amendment, as proposed, has been provided by the Local Government Infrastructure Design Association and the documents are consistent with other regional Councils that are participating in the GC Amendment.

Option 3

Council could resolve to not proceed with introducing the IDM into the Bass Coast Planning Scheme.

Implications

Not having the IDM in the Bass Coast Planning Scheme would open up the possibility of planning and infrastructure decisions being appealed at Victorian Civil and Administrative Tribunal. There is also a possibility of inconsistencies in design and infrastructure outcomes across the municipality.

Conclusion

This report recommends that Council resolves to proceed and participate in a GC Planning Scheme Amendment to introduce the IDM into the Bass Coast Planning Scheme.

Introduction of the IDM into regional planning schemes across Victoria has been thoroughly considered by the IDM Advisory Committee on behalf of the Minister for Planning, with the committee concluding that it should be introduced into regional planning schemes.

Further notification and consultation on this matter is not necessary because it has been extensively undertaken as part of the IDM Advisory Committee process.

Implementation of the IDM into the Bass Coast Planning Scheme would ensure statutory weight is given to the document. It will ensure consistency in design and infrastructure standards for new developments, ensuring that infrastructure in new communities is delivered to Council and community expectations.

Recommendation

That Council resolves to request the Minister for Planning to prepare, adopt and approve a GC Amendment under Section 20 (4) of the *Planning and Environment Act 1987* to:

- Amend Clause 21.06 Infrastructure to include references to the Infrastructure Design Manual.
- Update Clause 21.10 Reference Documents to include the Infrastructure Design Manual as a reference document.

Attachments

AT-1	Bass Coast MSS Clause 21.06 Draft Amendment Documentation	5 Pages
AT-2	Bass Coast MSS Clause 21.10 Draft Amendment Documentation	2 Pages
AT-3	Infrastructure Design Manual - Advisory Committee Report (2015)	43 Pages
AT-4	IDM Strategic Assessment - State Planning Policy Framework	1 Page

Council Decision

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

That the recommendation be adopted.

CARRIED

H.4 Annual Update Domestic Animal Management Plan 2017-2021

File No:	CMI8/671
Division:	Advocacy, Economy & Liveability
Council Plan Strategic Objective:	Liveability

Enjoying the place we live

Declaration

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

Summary

The purpose of this report is to provide an update in relation to the first year actions of the Bass Coast Domestic Animal Management Plan 2017-2021 (the Plan), which was adopted in September 2017. The report also provides information about the initiatives in the second year of the Plan.

The Plan ensures that Bass Coast Shire Council will meet its obligations under the *Domestic Animals Act 1994* (the Act) and demonstrates how Council will use a mix of educational and regulatory approaches to promote responsible pet ownership.

The report recommends the endorsement of the actions completed to date. There are 23 actions across the eight areas of the Plan, which are detailed in the attachment to the report. There is also an overview of actions for the Plan's second year.

Background

Under the provisions of the Act all Councils in Victoria must prepare a Domestic Animal Management Plan (DAMP) on a four-yearly cycle. The Plan must be submitted to the Minister Department of Economic Development, Job, Transport and Resources and an annual update submitted each year.

The current Plan is the third DAMP for Bass Coast Shire Council. The objectives of the previous plans included implementing leash free beach access for dogs, and the order to contain cats between sunset and sunrise.

The Plan builds on previous success, promotes responsible pet ownership and outlines all animal management functions of Bass Coast Shire Council.

The DAMP must outline programs, services and strategies which the Council intends to pursue relating to:

- Training of Authorised Officers
- Registration and identification of cats and dogs
- Nuisance cats and dogs
- Dog attacks
- Dangerous, menacing and restricted breed dogs
- Overpopulation and high euthanasia
- Domestic animal businesses

A range of objectives have been developed to address these themes and the Plan includes annual actions that have been developed to meet the identified objectives.

Strategic Basis

Council Plan Objective:

Liveability – *Enjoying the place we live*

Strategic Outcome:

- Promote Bass Coast as an all year events destination whilst supporting the continuation and development of new events
- Facilitate opportunities for multi-purpose facilities to improve access to recreation and sporting activities
- Plan for and support a healthy, connected and active community
- Support youth recreation and learning activities in our community
- Support dynamic and diverse arts and cultural activities
- Protect our natural environment balanced with access for all to enjoy
- Ensure any road or drainage infrastructure projects consider safe and accessible crossings for pedestrians
- Plan and provide well maintained public amenities and facilities

Strategic Indicators:

Strategic Indicators	Measures
Community grants program supporting events	Funding contributed to community events as identified in Annual Budget
Develop Municipal Recreation Plan	Developed by June 2018
Implement annual Health and Wellbeing Action Plan	Action Plan completed annually
Build community infrastructure that improves quality of life	90% of the projects included in the Capital Works program to be completed
Implement Asset Management Policy and Strategy Improvements	Action Plan completed annually
Implementation of annual maintenance programs	Annual program implemented
Implement priorities identified in the Pathways Network Plan 2016	Delivery of identified budgeted path projects Grant opportunities identified and applied for
Develop and Implement Domestic Animal Management Plan 2017-2021	Action Plan completed annually

Implement Arts and Culture Plan 2015-19	Action Plan completed annually New plan revised and adopted by 2019
Implement Youth Action Plan 2016-20	Action Plan completed annually New plan revised and adopted by 2020
Bass Valley Children's Centre construction	Construction completed and facility opened by February 2018

Major Initiative / Initiative

- Develop and Implement the Domestic Animal Management Plan 2017- 2020
 - Action Plan completed annually

Statutory Requirements/Codes/Standards/Policies

Under Section 68A of the *Domestic Animals Act 1994*, every Council must prepare a Domestic Animal Management Plan. The Plan must include a list of prescribed themes and include objectives and actions to improve responsible animal management under each theme. Each DAMP must include;

1. Training of Authorised Officers
2. Registration and identification of cats and dogs
3. Nuisance cats and dogs
4. Dog attacks
5. Dangerous, menacing and restricted breed dogs
6. Overpopulation and high euthanasia
7. Domestic animal businesses

Discussion

2017/18 Update

1. Training of Authorised Officers

Council's animal management activities are managed by the Community Safety Team. The Community Safety Team is situated within the Community Health and Wellbeing Department.

Council has six full time members of the Community Safety Team authorised under the Act. Council also employs a Prosecutions Officer who takes relevant animal management cases to court. This year Council has reviewed current training requirements and has developed a matrix of the current and required skills of each Officer. Several new officers and rangers have joined the team and have helped to develop a specific induction program for new staff members.

Council works closely with Phillip Island Nature Park rangers and delegates some powers to them under the *Domestic Animals Act*. An annual refresher training program has been implemented for these officers.

2. Registration and Identification

A key achievement has been the development and implementation of a process for providing free registration for the first year for adopted animals through recognised rescue groups. Council has promoted this to the community with the intention of increasing the number of people choosing to rehome animals from rescue groups.

Officers have also documented and implemented a refund process for dogs and cats desexed within six months of their registration. Some owners are not comfortable desexing their dogs or cats at three months and this process allows them to register the animal with Council and meet the requirements of the Act, they can then go on to desex their animal at a later date. When owners produce documentation confirming desexing, they receive the difference in registration costs back from Council for the current registration period.

As part of Council's animal registration renewal program, officers conducted door knocks to identify unregistered cats and dogs in Bass Coast. Officers door knocked over 300 random houses to check for unregistered animals. These door knocks, along with other registration initiatives, have led to an increase in animal registrations of 1000 during the last financial year.

3. Nuisance cats and dogs

Nuisance Dogs

Council receives complaints about dogs being walked off leash when they should not. The 'where can I walk my dog?' page on Council's website was updated to include maps of off leash areas and dog regulations on Phillip Island, updated maps of Waterline off leash areas and maps of the new Cape Paterson and Kilcunda off leash areas. This page is used to support communications around our current and new off leash areas and responsible behaviour whilst walking a dog.

Council officers completed place based consultation in relation to off leash beach areas in Waterline 2 area (Cape Paterson, Kilcunda) using online surveying and pop ups in these townships during summer 2017. An off leash area was identified in each location and was implemented on 1 August 2018. An update was made to the wording of current Orders relating to dog prohibited areas in Inverloch to improve communication with the community.

Council has developed prerequisite requirements for inland off leash areas on Council land and worked with relevant Council departments to identify potential off leash areas. Consultation with users in relation to the implementation of a fenced off leash area on Blue Gum Reserve in Cowes will take place as part of the Blue Gum Reserve Master Plan that is identified as an action in the *Active Bass Coast Plan*.

Council has rolled out a program to try and reduce the number of animal excrement complaints received by Council. Dog waste bags have been provided to owners of newly-registered dogs over the last 12 months and have also been available at Visitor Information Centres for tourists and visitors to the area. Council has also provided bags at pop up engagement sessions during the last 12 months and to selected pet-friendly tourism accommodation providers.

Nuisance Cats

Council Officers have continued to work to educate the community and cat owners about the responsible ownership requirements regarding cats including the requirement to contain cats between sunset and sunrise. Ongoing education has been provided through press releases and registration renewal documents, which included information relating to the current cat containment policy and its benefits. Information in relation to cats and cat nuisance has been provided at pop ups and engagement activities conducted throughout the year.

Council supported Phillip Island Nature Park's cat-tracking program by sending direct mail to known registered cat owners in Ventnor, Smiths Beach, Sunderland Bay, Surf Beach and Cape Woolamai, where Phillip Island Nature Park is conducting the GPS cat tracking study. The program was also promoted internally to Council staff. Council has requested that any information gained by Phillip Island Nature Parks be shared with Council; initial analysis shows that the nine cats that took part in the first round of tracking in August and September 2017 were found to roam up to a kilometre from home and spent a large proportion of the day away from their own property.

Promotion around Council's discount cat desexing event (*see 6. Overpopulation and High Euthanasia*) was used to raise awareness about the semi-owned cat population, responsible cat ownership, night time cat curfew and included elements of the 'Who's for cats?' education campaign.

4. Dog Attacks

An action in the Plan includes a review of Council's dog attack response process. This identified improvement opportunities in the investigation of dog attacks. Council took several dog attacks to court during the last financial year; these cases were successfully prosecuted by Council and this information, along with responsible pet ownership messages, was included in a number of press releases. Training was also provided to officers in relation to identifying aggressive behaviour in dogs and using catchpoles to catch aggressive animals.

5. Dangerous, Menacing and Restricted Breed Dogs

Officers have developed a case study of a Bass Coast Shire Council dangerous dog declaration and have developed an easy to follow, step by step process to completing a declaration. This includes a procedure to provide details of dangerous dogs on the Victorian Declared Dog Registry.

6. Overpopulation and High Euthanasia

Officers worked with Phillip Island Nature Park to investigate a discount cat desexing week. With financial support from Phillip Island Nature Park, Council was able to run an event with the Lost Dogs' Home. The Lost Dogs' Home visited Cowes from 17-19 April, offering low-cost cat desexing in its mobile clinic. Phillip Island's first mobile cat desexing event was an outstanding success, with 66 cats and kittens desexed. The cats were also microchipped and registered with Council.

Council has eight agreements with registered rescue groups who give unclaimed animals a chance to be rehomed, section 84Y of the Act allows these registered groups to foster animals until they can be rehomed. Council promoted its community grants program to local section 84Y agreement holders and has been working closely

with the RSPCA as one of Council's 84Y agreement holder and the lead agency in rehoming animals.

7. Domestic Animal Businesses

All domestic animal businesses must be registered annually with Council and comply with the appropriate mandatory Code of Practice. Officers completed annual inspection of domestic animal businesses in Bass Coast for compliance and have developed procedures regarding domestic animal businesses for issuing notices to comply, infringement notices and filing charges for prosecution.

Action Plan 2018/19 – Key Actions Year 2

Every Council must review its DAMP annually and, if appropriate, amend the plan. In reviewing our achievements, officers have had the opportunity to review the next year's action plan and have not identified any requirement to make amendments to the DAMP.

2nd Year Objectives - Nuisance Cats and Dogs

Nuisance Dogs

Key actions for the next year focus on completing place based consultation in relation to off leash beach areas on Phillip Island, using online surveying and 'pop ups' in relevant townships during summer 2018/19, and to complete online and 'pop up' consultation with surrounding property owners in relation to the declaration of inland off leash areas.

Council's *Active Bass Coast Plan* sets the scene for healthy and active environments and services in Bass Coast Shire. The *Active Bass Coast Plan* recognises dog walking and identifies future master planning opportunities to link to dog off leash areas and dog regulations.

Consultation in relation to inland off leash areas will be included in the *Active Bass Coast Plan* master planning for reserves.

Nuisance Cats

An ongoing community education plan in relation to current cat containment policy and its benefits is key to Council's activities around cats in the second year of the Plan. Actions include surveying of current registered cat owners in relation to responsible pet ownership which will include seeking views on desexing and 24 hour cat containment. This will lead to the preparation of a Council report in relation to the pros and cons of 24 hour cat containment.

Officers will continue to work closely with Phillip Island Nature Park, the community and other stakeholders over the next 12 months, through surveys and feedback opportunities, to provide both a response to the identified actions and a detailed analysis of the pros and cons of 24 hour containment.

2nd Year Objectives - Dog Attacks & Dangerous, Menacing and Restricted Breed Dogs

Officers will review procedures associated with the seizure and impounding of dangerous and restricted breed dogs, and declaring dogs menacing.

These situations are becoming more prevalent and it is important to make sure that all aspects of the legislation are being followed by officers to ensure that declarations are enforceable and both officers and the community are kept safe.

2nd Year Objectives - Overpopulation and High Euthanasia

The implementation of another session of discount desexing days/weeks in conjunction with Phillip Island Nature Park and The Lost Dogs' Home is identified in the second year of the Plan. Council Officers will contact The Lost Dogs' Home to discuss their availability to return to Bass Coast and will work with local vets to find ongoing, sustainable ways of making desexing more affordable to the community.

The Victorian Government is reviewing the regulatory frameworks for community foster care networks and dog and cat rescue organisations in Victoria. Officers will review written agreements with animal shelters/community foster care in line with the review.

Finances

The objectives of the Plan will be funded through the annual operational budgets of Council. In addition \$15,000 has been allocated in 2018/19 to implement the actions identified in the second year of the Plan.

Stakeholders

Initial consultation in relation to the development of the Plan included a public consultation processes and online survey, Officers also consulted with a number of local domestic animal stakeholders including:

- Animal rescue organisations
- Local veterinary clinics
- Phillip Island Nature Parks
- Parks Victoria
- Landcare
- Committees of Management
- Bird Life Australia
- Zoos Victoria
- Friends of the Hooded Plover
- Coast Action Groups

The community (including pet owners and non-pet owners) and relevant stakeholders will continue to be engaged throughout the implementation of the second year actions. Relevant projects will have their own consultation and engagement plans developed.

Other Options

Council may request further information before endorsing the Annual Update of the Plan. This may delay submitting the annual update to the Department of Economic Development, Jobs, Transport and Resources.

Council may wish to identify a new set of actions for implementation during the second year of the Plan. This may not be consistent with the feedback we have received from members of the community through the original DAMP consultation process.

Conclusion

It is recommended that Council endorses the Plan's first year update.

Council has successfully implemented the first year actions from the Plan.

A consultation and engagement plan will be developed to support place based consultation in relation to off leash beach areas on Phillip Island in year two. Further discussion is required with the land managers (Phillip Island Nature Park and the San Remo Foreshore Committee of Management) in relation to potential off leash beach areas, which will shape the place based consultation that will occur in the coming summer.

Council has recently adopted the *Active Bass Coast Plan*. This is an overarching framework to guide Council's decision-making process in the provision of open space. The *Active Bass Coast Plan* supports a more strategic approach to the identification of inland off leash areas by looking at open spaces more holistically and has identified a number of key engagement activities during 2018/19 in relation to these open spaces. It is proposed that consultation in relation to inland off leash areas in 2018/19 is linked to the *Active Bass Coast Plan* and additional consultation is completed over the course of the Plan as required.

The Victorian Government is reviewing the regulatory frameworks for community foster care networks and dog and cat rescue organisations in Victoria. Council's actions will be informed by the work being completed by the Victorian Government.

Recommendation

That Council endorses the Domestic Animal Management Plan 2017-2021 update and submits it to the Department of Economic Development, Jobs, Transport and Resources.

Attachments

AT-I DAMP Year 1 Actions 10 Pages

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Geoff Ellis

That the recommendation be adopted.

CARRIED

H.5 Community Grants 2018 Round 2

File No:	CMI8/696
Division:	Corporate & Community
Council Plan Strategic Objective:	Health and Wellbeing
	We are a healthy and active community

Previous Items: SR5/15 - Community Grants Program Review - Council - 21 Oct 2015 5.00pm
SR8/18 - Community Grants Program Policy - Council - 21 Mar 2018 5.00pm

Declaration

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

Council Officers involved in the assessment process were asked to declare conflicts of interest prior to assessing the applications. One officer declared a conflict of interest and removed themselves from the final assessment meeting at the relevant time.

Summary

This report presents funding recommendations for Community Grants 2018 Round 2. All categories were offered in the round, these are: General Community Grant; Festivals, Celebrations and Events Grant; and Minor Capital Works.

An assessment panel has made recommendations based on the funding criteria adopted by Council at its Ordinary Meeting on 21 October 2015.

There was \$127,000.00 budgeted for Round 2. A total of 43 applications were submitted requesting \$147,978.50 in grant funding. A total of \$82,236.50 has been recommended for allocation.

Background

Community Grants 2018 Round 2 opened on Saturday, 10 March 2018 and closed on Friday, 3 August 2018.

Community Grant Guidelines (AT-1) were available for prospective applicants on Council's website and an information session was held at Wonthaggi on 18 July. Throughout the application period, advice was provided by phone and email to prospective applicants.

Applications have been reviewed and funding recommendations made by an assessment panel of Council Officers.

Strategic Basis**Council Plan Objective:**

Liveability – *Enjoying the place we live*

Strategic Outcome:

- **Promote Bass Coast as an all year events destination whilst supporting the continuation and development of new events**
- **Facilitate opportunities for multi-purpose facilities to improve access to recreation and sporting activities**
- **Plan for and support a healthy, connected and active community**
- **Support youth recreation and learning activities in our community**
- **Support dynamic and diverse arts and cultural activities**
- **Protect our natural environment balanced with access for all to enjoy**
- **Ensure any road or drainage infrastructure projects consider safe and accessible crossings for pedestrians**
- **Plan and provide well maintained public amenities and facilities**

Strategic Indicators:

Strategic Indicators	Measures
Community grants program supporting events	Funding contributed to community events as identified in Annual Budget
Develop Municipal Recreation Plan	Developed by June 2018
Implement annual Health and Wellbeing Action Plan	Action Plan completed annually
Build community infrastructure that improves quality of life	90% of the projects included in the Capital Works program to be completed
Implement Asset Management Policy and Strategy Improvements	Action Plan completed annually
Implementation of annual maintenance programs	Annual program implemented
Implement priorities identified in the Pathways Network Plan 2016	Delivery of identified budgeted path projects Grant opportunities identified and applied for
Develop and Implement Domestic Animal Management Plan 2017-20	Action Plan completed annually
Implement Arts and Culture Plan 2015-19	Action Plan completed annually New plan revised and adopted by 2019
Implement Youth Action Plan 2016-20	Action Plan completed annually New plan revised and adopted by 2020
Bass Valley Children's Centre construction	Construction completed and facility opened by February 2018

Strategies / Policies

Community Grants Program Policy 21 March 2018.

DiscussionAssessment Process

An assessment panel consisting of Council Officers met to determine eligibility and consider all applications.

Members of the assessment panel were assigned individual applications to assess. The assessment panel then reviewed applications as a group and made final assessment recommendations on all applications.

Assessment recommendations were made in accordance with the Community Grant Guidelines and ranked against the Community Grants Assessment Criteria (AT-2). Funding recommendations providing a breakdown by electoral ward is attached (AT-3).

Funding of \$127,000.00 was available for Community Grants 2018 Round 2. Grant applications have a funding threshold of up to \$5,000 with one application per round being recommended for funding from \$5,000.00 up to \$10,000.00.

A total of 43 applications were submitted requesting \$147,978.50 in grant funding.

Of the 43 applications received, there are 33 applications recommended for funding, including part funding for 15 applications. There is a diversity of projects recommended for funding which includes support for sports and recreation, arts, cultural and heritage groups, youth activities and projects of benefit to the broader community. Support for organisations to purchase equipment or make capital improvements to facilities remains an essential role for Community Grants. The following table shows the grant categories and recommended financial allocations.

Community Grants 2018 Round 2 Grant Category	Funding to Applications			Funding requested	Recommended funding
	Full	Part	Declined		
General Community Grant:	7	6	2		
• Equipment	5	3	3	\$77,698.60	\$52,588.10
• Other Project					
Festivals, Celebrations and Events	4	4	2	\$16,288.40	\$10,758.90
Minor Capital Works	2	1	3	\$17,569.50	\$10,804.50
Major Project (Equipment)	1	0	0	\$10,000.00	\$8,085.00
Total	19	14	10	\$147,978.50	\$82,236.50

Recommended funding amounts are considered within the context of the 30/70 funding ratio set out in the Community Grant Guidelines. This requires a 30% contribution from the applicant in cash, in-kind or a combination of both, and contribution of 70% by Council. In applying this ratio, assessors take into account the capacity of an applicant to make an in-kind or financial contribution to the project.

Ten applications were declined as part of Community Grants 2018 Round 2, for the reasons set out below:

- one application was ineligible as it was to sponsor participants to attend a competition interstate
- three applications were ineligible as they did not provide the required documentation prior to the first meeting of the Assessment Panel. It is noted that these applicants were advised of the need for further information and provided a reasonable period of time to submit missing documentation
- two applications are already receiving financial assistance from Council for their project
- one application had also applied for funding through the State Government 'Pick My Project' funding process. This applicant has been advised that if they are unsuccessful with 'Pick My Project' funding they will be encouraged to apply through a future round of Community Grants
- three applications were declined by the Assessment Panel
 - one as it would likely cause damage to Council property
 - two applications are being supported by Council in other ways.

With each round of Community Grant assessment there is an evaluation process which includes feedback from applicants regarding the clarity of the application process. In this round a community group sought clarification of the Community Grant Guidelines relating to the maintenance of buildings (painting etc.). Based on this feedback, the Community Grant Guidelines will be updated to clearly state that maintenance of buildings is not supported by Community Grant funding.

A 2018/19 financial year Community Grants Summary Report is attached (AT-4).

Finances

The total funding pool for the 2018/19 Community Grants Program is \$254,000.00 with \$127,000.00 allocated to this round. This is the first round of grants for the 2018/19 financial year.

A total of \$82,236.50 has been recommended for funding in this round. This will leave a balance of \$44,763.50 from the Round 1 allocation. Allocations for both full and part funding of applications in this round have been made in accordance with the Community Grant Guidelines.

It is a recommendation of this report that the balance of \$44,736.50 be reallocated to the Community Grant 2019 Round 1.

Stakeholders

Key stakeholders include Council, community organisations who will gain benefit from the financial assistance through the grants process including local businesses, residents, ratepayers and visitors to the Shire.

Other Options

Council could:

- Resolve to endorse the Assessment Panel's recommendation report to fund applications to the total of \$82,236.50 and carry over the balance amount of \$44,763.50 grant funding to the next round (2019 Round 1).
- Resolve to endorse the Assessment Panel's recommendation report to fund applications to the total of \$82,236.50 and return \$44,763.50 to general revenue.
- Request changes to the Assessment Panel's recommendations for grant funding and then endorse the report.

To pursue the third option may require a re-assessment of the Community Grant applications with associated time and resource implications for Council. This may also impact on timelines for delivery of the community projects that form part of this Round.

The third option may also require reconsideration of the Community Grants Program Policy 21 March 2018 and/or the funding criteria adopted by Council at its Ordinary Meeting on 21 October 2015.

Conclusion

It is recommended that Council endorse the allocation of \$82,236.50 outlined in AT-2, and carry over the balance amount of \$44,763.50 to Community Grant 2019 Round 1.

Recommendation

That Council:

- 1. Endorses the Community Grants 2018 Round 2 Funding Recommendations and carry over the balance amount of \$44,763.50 to Community Grant 2019 Round 1.**
- 2. Approves the public release of the Community Grants 2018 Round 2 Funding Recommendations after endorsement.**

Attachments

AT-1	Community Grants Guidelines 2018	13 Pages
AT-2	Community Grants Assessment Criteria	1 Page
AT-3	CONFIDENTIAL - Community Grants 2018 Round 2 Funding Recommendations	5 Pages
AT-4	Community Grants 2018 Round 2 Summary Report	1 Page

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Brett Tessari

That the recommendation be adopted.

CARRIED

H.6 Newhaven Yacht Squadron Lease Renewal

File No: CMI8/118
Division: Corporate & Community
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

At the Ordinary Meeting of Council on 18 July 2018, Council resolved to commence the statutory procedures for a new lease of part of the Phillip Island Coastal Reserve in Newhaven to Newhaven Yacht Squadron.

The statutory procedures under Sections 190 and 223 of the Local Government Act 1989 require a Notice of Intention to Lease is published inviting persons to make a submission within 28 days. A notice was published in the Sentinel Times on 21 August 2018. One submission in support of the proposed lease was received in response to the Notice.

It is recommended that Council complete the statutory procedures and offer a new lease to Newhaven Yacht Squadron on the following key terms;

Permitted Use	Yacht Squadron Clubrooms, Maintenance and Storage Yard and Marina
Term	21 years
Rent	\$8,500 plus GST pa
Maintenance	All maintenance and Repairs to be a responsibility of the tenant
Community benefits	The Yacht Squadron is to report annually on the Community benefits provided through the use of the Crown land.

Background

Newhaven Yacht Squadron is situated on Crown land comprised of land above and below sea level. The land in the lease is described as Crown Allotments 5, 6, 2049, 2050 and 2119, Parish of Phillip Island. The total area of the site is 3.167 hectares with the sea bed component measuring 2.105 hectares.

Tenure is currently in over-holding (month to month) as the 21 year lease expired on 28 February 2018. Council was appointed as the Committee of Management for the land (including sea bed) in July 1997, after the lease was entered into by the relevant Minister. The current rent of \$5,000 per annum has been in place since 1997.

Building improvements include a sealed driveway and car park, clubrooms, maintenance shed, boat shed and marina. All improvements were constructed and maintained by Newhaven Yacht Squadron.

Established in 1962, Newhaven Yacht Squadron is an Incorporated Association managed by volunteers. It has two paid staff being a part-time administrator on wages and a marina/maintenance yard manager paid a retainer.

Newhaven Yacht Squadron reported in October 2017 that there were 560 members comprising senior (509), social (24), and other membership categories (27) together with 442 associate members making a total of 1002.

In its lease proposal Newhaven Yacht Squadron submits that its objectives are as follows;

“To promote, encourage and support the sports of yachting, boating, angling at Phillip Island and surrounding waters. To foster and train members in yachting and boat handling, as well as imbue amongst its members a sense of water safety and seamanship. To acquire and maintain and develop squadron premises, plant and equipment, boats, jetties, slipways, mooring facilities, boat storage, and a safe boat haven. To apply for, obtain, hold and renew as required from time to time any certificates, licences, permits, leases or any other requirements needed for the Squadron’s existence, facilities and welfare. To seek and arrange for the necessary affiliation of any organisation which would be of benefit to the squadron. To foster fellowship and social activity within the club.”

Newhaven Yacht Squadron has been identified as a Regional Facility in the *Recreational Boating Facility Framework* developed by the Central Coastal Board in response to the *Victorian Coastal Strategy*.

Strategic Basis

Council Plan Objective:

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

Strategic Outcome:

- Provide equitable distribution of resources across the Shire
- Be diligent in ensuring services meet community need and are cost effective
- Manage our financial resources and report on our performance
- **Engage with the community on decisions that impact them**
- Explore other alternatives for revenue opportunities

Strategic Indicator:

Strategic Indicators	Measures
Community Satisfaction with Council Decisions	Achieve the top quartile of Large Rural Councils
Transparency of Council decisions	Achieve the top quartile of Large Rural Councils
Community Satisfaction with Consultation and Engagement	Achieve the top quartile of Large Rural Councils

Community satisfaction with customer contact	Achieve the top quartile of Large Rural Councils
Local Government Performance Reporting Framework (LGPRF) – Financial Performance	Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF
Victorian Auditor General Office (VAGO) Financial Sustainability indicators	The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators
Other financial and non-financial performance indicators	Adjusted underlying operation result aims to achieve an operating surplus Implementation of monthly and year to date financial reporting, with plain English version for our Community Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community Increased efficiencies as a result of information technology improvements
Communications and Engagement Strategy 2015-18 actions implemented	Complete Strategy implementation by June 2018
Develop and Implement a Revenue Strategy	Strategy developed and actions implemented

Strategies / Policies

Being on Crown land, the Victorian Government's *Leasing Policy for Crown Land in Victoria 2010* applies.

A lease should also align with all other relevant Council plans policies and strategies including the *Phillip Island and San Remo Visitor Economy Strategy 2035 Growing Tourism* (adopted 2016). The Visitor Economy Strategy proposes a Marine Study to be undertaken in years 2 – 5 (2018 - 2021) to identify the cost and benefit of upgrading facilities in Rhyll, Newhaven and San Remo.

The *Victorian Coastal Strategy 2014* provides a long term vision for the planning, management and sustainable use of the coast. The *Recreational Boating Facility Framework* consolidates information on boating facilities in the central region (Port Phillip and Western Port Bays) and in planning precincts around the bays and provides a planning framework for each of the precincts. The Central Coastal Board will develop a Regional Coastal Action Plan to implement planning initiatives. At this stage, upgrades in this municipality are proposed for boating facilities at Corinella, Rhyll and the Cowes boat ramp by 2030.

Both the *Phillip Island and San Remo Visitor Economy Strategy 2035 Growing Tourism* and the *Recreational Boating Facility Framework* envisage increased demand for boating facilities in the future.

Statutory Requirements/Codes/Standards/Policies

Crown Land (Reserves) Act 1978

Local Government Act 1989

Retail Leases Act 2003

Leasing Policy for Crown Land in Victoria 2010

Discussion**Proposal**

Newhaven Yacht Squadron seeks a new 21 year lease through a direct negotiation at a rental of a \$8,500 per annum plus GST with no increase through the term of the lease.

Newhaven Yacht Squadron has provided a submission detailing its suitability and the associated benefits for a new long term lease agreement.

Newhaven Yacht Squadron appears to be particularly well managed. Its financial management appears to be based on providing boating facilities at a low cost to members while accumulating reserves to fund future major capital expenditure on maintenance and renewal.

Legislative considerations

A 21 year lease is the maximum term permitted under the *Crown Land (Reserves) Act 1978*.

A lease, having a term of more than 10 years, can only be granted by Council after having complied with Sections 190 and 223 of the *Local Government Act 1989* (the statutory procedures).

The statutory procedures under Sections 190 and 223 of the *Local Government Act 1989* require a Notice of Intention to Lease is published inviting persons to make a submission within 28 days. A notice was published in the Sentinel Times on 21 August 2018. One submission in support of the proposed lease was received in response to the Notice.

The submission was made by a member of the community and community organisations. The submission has been circulated to councillors. The submission is supportive of Newhaven Yacht Squadron because it provides a safe haven for boats and helps in boating emergencies and moreover for its support of community organisations by allowing use of its clubrooms.

The proposed lease is exempt from the *Retail Leases Act 2003* under a Ministerial Determination for a lease of premises used wholly or predominantly by a not for profit organization that exists for the purpose of providing or promoting a community, cultural, sporting or recreational activity and where the rent is not greater than \$10,000 per annum (inclusive of GST).

An exemption from the *Retail Leases Act 2003* enables maintenance and repair obligations to remain rightfully with Newhaven Yacht Squadron and also enables a restriction on the ability to assign (transfer) the lease to another entity.

Assessment

The following is an assessment of the lease proposal having regard to the relevant policies.

Tenant Selection

This lease is being considered under a direct negotiation rather than a competitive process which the *Leasing Policy for Crown Land in Victoria 2010* allows in special circumstances. It is considered that the following special circumstances justify a direct negotiation for a new lease;

- Newhaven Yacht Squadron has been in existence at the site since 1962,
- Newhaven Yacht Squadron has established all current assets at the site at its own cost,
- Newhaven Yacht Squadron intends to continue to maintain all buildings and infrastructure and undertake upgrades where necessary,
- Newhaven Yacht Squadron provides demonstrable community benefits,
- Newhaven Yacht Squadron has been a good tenant,
- Newhaven Yacht Squadron is a competent and responsible organisation,
- There is no other strategic purpose for the site, and
- It is not practical or genuine to offer the site to another party.

Permitted Use

The permitted use is for a Yacht Squadron, Clubrooms, Marina, Maintenance and Storage Yard. No third party private commercial use could form part of the permitted use. If proposed, a commercial use may be permitted under a sub-lease subject to landlord, Ministerial and planning approvals but this may also require a variation to the head-lease.

Term

The term sought is for the maximum length of 21 years permitted under the Crown Land (Reserves) Act 1978.

It is considered preferable to have shorter lease terms to enable flexibility to respond to such things as changes to legislation, policy, plans and contemporary practices.

However, a long term lease is justified where the tenant is required to expend substantial funds on capital works. A long term lease provides security of tenure enabling the tenant to benefit from the investment. A long term lease may also be required to help secure finance.

Rent

The proposed rent of \$8,500 per annum plus GST has been adjusted by CPI to be equivalent to the rent in the previous lease to Newhaven Yacht Squadron.

Newhaven Yacht Squadron can be categorised as a community not for profit tenant that offers significant direct and indirect community benefits.

Capital Program

Newhaven Yacht Squadron forecasts that it will be required to undertake major works to keep its facilities and equipment in good working order. Newhaven Yacht

Squadron's proposed capital expenditure program in current dollar terms is summarized below:

Period	Capital Item and cost
Years 1 to 5	Marina de-silting \$300K Lower level clubroom refurbishment \$100K
Years 5 to 15	Replace Southern Arm of Marina \$1.9M Replace safety boat \$120 – 150K Replace tractor \$40K

Transparency

The proposed lease triggers the statutory procedures under the *Local Government Act 1989*. Any person has been given the opportunity to make a submission and have his/her views considered before a final decision is made by Council.

The standard form of lease provided by the Department of Environment Land Water and Planning will form the basis of the lease and this helps to promote consistency in leasing.

Community Benefits

Newhaven Yacht Squadron exists to provide opportunities to participate in sailing, fishing and general boating as well as to promote an interest in safety on the water and the marine environment.

It is considered that Newhaven Yacht Squadron directly contributes to help to achieve the Strategic Outcomes in the *Council Plan, and Municipal Public Health and Wellbeing Plan 2017-2021* under various objectives.

The Newhaven Yacht Squadron leasing proposal contains statements about the community benefits it provides including the following:

- It has implemented the "Sailability" program initiated by Vic Sailing. The program introduces dinghy sailing to youth with a disability. It is planned to extend the program to adults with a disability. At its own cost Newhaven Yacht Squadron has constructed a large storage shed (\$35K) and with partial grants has funded the purchase of three dinghies (Newhaven Yacht Squadron cost \$7K each) and plans to purchase a further safety vessel in the near future. The same program is to be extended to schools at no cost to the schools.
- It conducts "come and try" days.
- The clubrooms are made available to other community groups.
- It is promoting the free use of its facilities for the 2018 Phillip Island 150th celebrations.
- It conducts training and safety courses for members and other groups.

- It provides free access to its safe harbor for emergency service vessels and assists with searches and rescues.
- It maintains the visual safety markers and dredging where necessary in the area that services both Newhaven Yacht Squadron and the Newhaven Public Boat Ramps.

Environment

As stated in the Council Plan Environmental Sustainability objectives, Council considers importance of the following:

- Managing the balance between our natural environment, public access and use of our foreshores and waterways.
- The use of the leased area legitimately favours the section of the community that wishes to have safe and ready access to the water for recreational boating. In its setting on this part of the coastline it is considered that the Yacht Squadron boating activities do not detract from coastal views or impede those walking the coastline for leisure.
- Enhance our environment and landscape with vegetation and native wildlife protection initiatives.

The yacht squadron has successfully revegetated the embankment along the internal access road to prevent erosion.

The Newhaven Yacht Squadron submission itemises the following environmental practices in place:

- Only uses Phillip Island indigenous plants when re-planting,
- Maintains perimeter control to ensure that no water overflows from the marina to the wetlands
- Approved boom spill kits are available in the case of any hazardous spill
- Only approved antifouling products are used at the marina
- An EPA approved waste interceptor has been installed
- The club has rules to restrict the use of electricity and water use
- The Council re-cycling code of conduct is followed.

Other environmental measures can be further specified in a lease to reduce the impact of the use on the environment and to reduce the energy use and water.

Finances

The proposed rent represents an increase of \$3,500.

There are resources required to oversee and manage the Council property portfolio which is part of the operating budget of Governance and Information Services Department.

Stakeholders

Newhaven Yacht Squadron committee and members
Bass Coast Shire Council
The Newhaven community
The broader community
Department of Environment, Land, Water & Planning

Other Options

Council may decide not to lease the land and return it to foreshore giving full public access. However, the Yacht Squadron use of the site allows accessibility to the water for boating and recreation and maintenance of the facilities whilst at the same time enabling general public access.

Conclusion

Having resolved to commence the statutory procedures and noting that no submission has been received, it is recommended that Council offer a new Lease to the Newhaven Yacht Squadron in accordance with the key terms that were publicly advertised.

Recommendation**That Council:**

- 1. For reasons of the substantial community benefits provided through leasing and the activities of the Newhaven Yacht resolves as follows:**
 - 1.1 Having commenced the statutory procedures in accordance with Sections 190 and 223 of the Local Government Act 1989 and noting that one submission in support of the lease has been received in response to a published Notice of Intention to Lease to offer a lease to Newhaven Yacht Squadron Inc in accordance with the following key terms:**
 - 1.1.1. Permitted Use - Yacht Squadron Clubrooms, Maintenance and Storage Yard and Marina**
 - 1.1.2. Term - 21 years**
 - 1.1.3. Rent - \$8,500 plus GST pa**
 - 1.1.4. Maintenance -All maintenance and Repairs to be a responsibility of the tenant**
 - 1.1.5. Community Benefits - The Yacht Squadron is to report annually on the community benefits provided through the use of the Crown land, and**
- 2. Authorises the Chief Executive Officer to negotiate, finalise and execute a lease in accordance with the approved key terms.**

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Stephen Fullarton / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

CARRIED

H.7 Future Wonthaggi Recreation Site

File No: CMI8/765
Division: Corporate & Community
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

The purpose of this report is to secure a site adjacent to the Wonthaggi Education Precinct for future recreational needs as show shaded below:



Active Bass Coast Plan 2018 – 2028 was adopted by Council on 19 September 2018. This plan builds on the Bass Coast Sport and Active Recreation Needs Assessment (SARNA) was adopted by Council on 20 April 2016. One of the key consultation findings in both Active Bass Coast Plan and SARNA is a need to develop the greenfield site adjacent to the Wonthaggi Education Precinct to cater for forecasted population growth and demand for purpose built sporting facilities.

The greenfield site identified is Crown land. It is recommended that Council seek to be appointed as the Committee of Management for the Crown land and that the land be reserved for public purposes.

Background

The Bass Coast Sport and Active Recreation needs Assessment recommends that land adjacent to the Wonthaggi Education Precinct be secured for future recreation needs. The needs are based on forecasted population growth and increased demand and participation in sports like soccer.

Active Bass Coast Plan 2018 – 2028 identifies in item 63, the need to investigate future recreation land in Wonthaggi South. This is identified as a long term project.

Discussion has taken place with the Department of Environment, Land, Water and Planning (DELWP) at the officer level. The process for re-reservation of the land and appointment of Council to Committee of Management requires a formal request to DELWP by Council after making a resolution. A survey plan has been prepared to specify the land involved – see Attachment I. This will be used to create a new Crown Allotment and for gazettal purposes.

The land is 14.66 hectares which is considered to be an adequate size to for future regional recreational use.

Strategic Basis

Council Plan Objective:

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

Strategic Outcome:

- Provide equitable distribution of resources across the Shire
- **Be diligent in ensuring services meet community need and are cost effective**
- Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

Strategic Indicator:

Strategic Indicators	Measures
Community Satisfaction with Council Decisions	Achieve the top quartile of Large Rural Councils
Transparency of Council decisions	Achieve the top quartile of Large Rural Councils
Community Satisfaction with Consultation and Engagement	Achieve the top quartile of Large Rural Councils
Community satisfaction with customer contact	Achieve the top quartile of Large Rural Councils
Local Government Performance Reporting Framework (LGPRF) – Financial Performance	Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF

Victorian Auditor General Office (VAGO) Financial Sustainability indicators	The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators
Other financial and non-financial performance indicators	Adjusted underlying operation result aims to achieve an operating surplus Implementation of monthly and year to date financial reporting, with plain English version for our Community Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community Increased efficiencies as a result of information technology improvements
Communications and Engagement Strategy 2015-18 actions implemented	Complete Strategy implementation by June 2018
Develop and Implement a Revenue Strategy	Strategy developed and actions implemented

Council Plan Objective:

Health and Wellbeing – *We are a healthy and active community*

Strategic Outcome:

- **Provide opportunities for involvement in healthy active lifestyles**
- Improved accessibility for people with a disability
- Engage in health promotion activities that support the health and wellbeing of our community
- Advocate for health services in our community*
- Deliver and advocate for appropriate services for older people, families and children
- Plan and prepare for emergency responses in the region
- Support our communities to be connected and empowered
- Work with other agencies to implement Family Violence Prevention Plans and Strategies

Strategic Indicator:

Strategic Indicators	Measures
Participation in health promotion activities	Health promotion activities from Health and Wellbeing Plan Actions undertaken annually
Compliance with Municipal Emergency Management Plan 2014	100% compliance

Implement the Youth Action Plan 2016-20	Action Plan completed annually
Implement annual Municipal Public Health and Wellbeing Action Plan	Action Plan completed annually
Implement the Disability Action Plan 2016-20	Action Plan completed annually
Implement Municipal Early Years Plan 2016-20	Action Plan completed annually

Council Plan Objective:

Liveability – *Enjoying the place we live*

Strategic Outcome:

- Promote Bass Coast as an all year events destination whilst supporting the continuation and development of new events
- Facilitate opportunities for multi-purpose facilities to improve access to recreation and sporting activities
- **Plan for and support a healthy, connected and active community**
- Support youth recreation and learning activities in our community
- Support dynamic and diverse arts and cultural activities
- Protect our natural environment balanced with access for all to enjoy
- Ensure any road or drainage infrastructure projects consider safe and accessible crossings for pedestrians
- Plan and provide well maintained public amenities and facilities

Strategic Indicators:

Strategic Indicators	Measures
Community grants program supporting events	Funding contributed to community events as identified in Annual Budget
Develop Municipal Recreation Plan	Developed by June 2018
Implement annual Health and Wellbeing Action Plan	Action Plan completed annually
Build community infrastructure that improves quality of life	90% of the projects included in the Capital Works program to be completed
Implement Asset Management Policy and Strategy Improvements	Action Plan completed annually
Implementation of annual maintenance programs	Annual program implemented
Implement priorities identified in the Pathways Network Plan 2016	Delivery of identified budgeted path projects

	Grant opportunities identified and applied for
Develop and Implement Domestic Animal Management Plan 2017-20	Action Plan completed annually
Implement Arts and Culture Plan 2015-19	Action Plan completed annually New plan revised and adopted by 2019
Implement Youth Action Plan 2016-20	Action Plan completed annually New plan revised and adopted by 2020
Bass Valley Children's Centre construction	Construction completed and facility opened by February 2018

Strategies / Policies

Bass Coast Sport and Active Recreation needs Assessment (April 2016)

Bass Coast Shire Council Property Strategy (May 2016)

Active Bass Coast Plan (September 2018)

Statutory Requirements/Codes/Standards/Policies

Crown Land (Reserves) Act 1978

Discussion

The Bass Coast Sport and Active Recreation needs Assessment recommends that land adjacent to the Wonthaggi Education Precinct be secured for future recreation needs. The needs are based on forecasted population growth and increased demand and participation in sports like soccer.

The Bass Coast Shire Council Property Strategy recommends that Council acquire or retain land that contributes to service delivery or is part of a future plan.

The identified land is of a size that meets future requirements as assessed by Council's Recreational Planner.

The location on Billson Street near Carneys Road and adjacent to the Wonthaggi Education Precinct is ideal as it enables a consolidation of complementary public uses and ease of access for young people.

Finances

Council is responsible for the cost of the survey plans which can be accommodated within the Governance Department operational budget.

The land is currently used for agistment and it is proposed that this be continued until it is redeveloped for recreational purposes.

At a future time Council will be responsible for the development of the land.

Stakeholders

Bass Coast Shire Council

The Wonthaggi community

Local sporting clubs and organisations

The broader community

Department of Environment, Land, Water & Planning

Other Options

Council could decide not to pursue control of the land. This decision would leave future demand for recreational use unresolved.

Council could decide to pursue a purchase of the land from the State Government. Although a more secure form of tenure, it requires unbudgeted expenditure and does not represent value for money given the recommended approach.

Conclusion

It is recommended that Council plan for future recreation needs for Wonthaggi by securing a site that it can control for that purpose.

The identified land is of an adequate size and is in an ideal location.

As the land is Crown land, approval for an appropriate reservation of the land and for Council to be appointed as the Committee of Management of the land must be sought from the Minister for Energy, Environment and Climate Change.

Council has a number of recreation infrastructure priorities to be funded, identified through the Active Bass Coast Plan. This piece of land will be reserved for future recreation needs but has not been prioritised for development at this stage and will be retained with a licence for grazing purposes.

Recommendation

That Council:

- 1. Resolves that the land shaded below is required for future recreation needs, and**



- 2. Makes a request to the Department of Environment, Land Water and Planning for the land to be reserved for Public Purposes and the Council to be appointed as the Committee of Management for the land under the Crown Land (Reserves) Act 1978.**

Attachments

AT-1 Wonthaggi Recreation Site 1 Page

Council Decision

Moved: Cr. Brett Tessari / Seconded: Cr. Julian Brown

That the recommendation be adopted.

CARRIED

H.8 Award of Tender No 18012 - Renewal Works at Bass Coast Children's Centre, Wonthaggi

File No: CMI8/727
Division: Corporate & Community
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 to Council presents the outcome of the tender evaluation for Tender No 18012 – Renewal Works at Bass Coast Children’s Centre Wonthaggi.

A panel, consisting of five Council officers was formed for the purpose of tender evaluation.

The objective of the Panel was to assess the submissions against the selection criteria and identify a preferred tenderer for the purpose of assisting the Council in reaching a tender award decision.

The Panel concludes that the tender submitted by Insight Construction Group Pty Ltd will satisfy the requirements of the works and will provide Council with value for money.

This report recommends that Council accept the tender submission and award Contract No 18012 to Insight Construction Group Pty Ltd.

The report contains an attachment which is declared to be confidential in accordance with Bass Coast Shire Council’s Tender & Contract Confidentiality Procedure.

Background and Context

The renewal works at the Bass Coast Children’s Centre includes renovation of the interior and exterior of the Building. The external works includes facade, roof, entrance fence and entrance gate. The internal work includes alterations to the office and interview room, desks and cabinetry, floor covering renewal, converting a window to sliding door, toilet fixtures, upgrade kitchen facility, alterations to staff room, upgrade cabinets in laundry area; alterations to accessible toilet facilities and general staff amenities.

In order to minimise the disruption to the Centre’s operation this work must be completed during late December and January.

Strategic Basis**Council Plan Objective:**

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

Strategic Outcome:

- Provide equitable distribution of resources across the Shire
- Be diligent in ensuring services meet community need and are cost effective
- Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

Strategic Indicator:

Strategic Indicators	Measures
Community Satisfaction with Council Decisions	Achieve the top quartile of Large Rural Councils
Transparency of Council decisions	Achieve the top quartile of Large Rural Councils
Community Satisfaction with Consultation and Engagement	Achieve the top quartile of Large Rural Councils
Community satisfaction with customer contact	Achieve the top quartile of Large Rural Councils
Local Government Performance Reporting Framework (LGPRF) – Financial Performance	Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF
Victorian Auditor General Office (VAGO) Financial Sustainability indicators	The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators
Other financial and non-financial performance indicators	Adjusted underlying operation result aims to achieve an operating surplus Implementation of monthly and year to date financial reporting, with plain English version for our Community Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community Increased efficiencies as a result of information technology improvements
Communications and Engagement Strategy 2015-18 actions implemented	Complete Strategy implementation by June 2018
Develop and Implement a Revenue Strategy	Strategy developed and actions implemented

Statutory Requirements/Codes/Standards/Policies

The entire tender process, commencing with development of the tender documents, through the invitation to tender, to evaluation of tenders received and culminating in the conclusion reached in this report, has been carried out in accordance with the provisions of:

- The Victorian Local Government Procurement Best Practice Guidelines
- Code of Tendering Australian Standard 4120-1994;
- Bass Coast Shire Council's Procurement Policy; and
- Bass Coast Shire Council Policy - Tender & Contract Confidentiality

Tender Process

This tender was advertised in:

- South Gippsland Sentinel Times on Tuesday 21 August 2018
- Phillip Island Advertiser on Wednesday 22 August 2018
- Tenderlink website on Tuesday 21 August 2018

The tender closed at 2pm on Tuesday 11 September 2018 and Council received one conforming tender submission.

Evaluation Process

The conforming tenders were assessed on the following evaluation criteria and weightings:

Criteria	Weighting
Price	30%
Construction Period & Methodology	30%
Capacity	10%
Previous Related Experience and Referees	15%
Site Management	10%
Benefit To Local Economy	5%
Integrated Management System	Pass/Fail
Insurances and Registration	Pass/Fail
Financial Capacity	Pass/Fail

An Evaluation Panel was formed consisting of five Council Officers and was chaired by an Officer from the Procurement Team who oversaw the process and did not score the tender.

Each panel member scored the criteria out of a maximum possible five points. Following the initial independent evaluation, the Panel met to discuss their independent scores and arrived at a consensus on final scores for each criterion. The scores were then multiplied by the relevant weighting to obtain final scores.

Reference checks were carried out and an interview was also conducted to seek clarification and to assist the panel in its understanding and assessment of their tender.

The Evaluation Panel sort cost savings from the tenderer to ensure best value for money would be achieved.

Insight Construction Group Pty Ltd demonstrated their capacity and capability to complete the works required. They also demonstrated their ability to complete the works with in the prescribed timeframes which with critical to the success completion of these works.

Contract Management

The Building & Open Space Project Officer will act as Contract Superintendent for the contract and the Design Engineer will act as the Contract Superintendent's Representative. Authorisations of variations will be in accordance with the Procurement Delegations Frameworks adopted by Council on 15 March 2017.

Contract Commencement: 22 December 2018

Anticipated Contract Completion: 22 January 2019

Finances

This project will be funded through the Wonthaggi Bass Coast Children's Centre refurbishment budget.

The initial budget available for these works was \$236,000. An additional amount of \$250,000 will be made available for this project, increasing the total budget to \$486,000. The additional \$250,000 was savings from the WUCAC air-conditioning renewal budget.

The revised budget of \$486,000 will adequately cover the total contract sum and project management costs associated with this project.

The value of the total contract sum is \$459,375 (GST exclusive), with a one month construction term. The contract sum includes a lump sum amount of \$437,500 GST exclusive and a contingency sum of \$21,875 (GST exclusive).

Through the interview process the Evaluation Panel identified cost savings of \$26,200. A further \$7,500 could be saved by using alternative materials. The alternative materials will be investigated to ensure their adequacy and a decision will be made in conjunction with the Children's Centre following contract award.

Stakeholders

The stakeholders for this tender include:

- Bass Coast Shire Council
- Bass Coast Children's Centre
- Clients of the Bass Coast Children's Centre
- The Bass Coast Shire Community

Other Option

Not award a contract at this time and re-tender for the renewal works at the Bass Coast Children's Centre, although it is unclear that Council would receive any benefit in doing this. Retendering these works would delay the start of the project for 12 months as in order to minimise disruption to the Centre, these works can only be completed during January.

Conclusion

The Tender Evaluation Panel Report is attached.

The panel report concludes that the tender submitted by Insight Construction Group Pty Ltd will provide Council with best value for money as they demonstrated their capacity and capability to deliver the project within the required timeframe.

Recommendation

That Council:

- 1. Accept the tender from Insight Construction Group Pty Ltd and award Contract No 18012 - Renewal Works at Bass Coast Children's Centre, Wonthaggi for the total contract sum of \$471,680 including GST; and**
- 2. Affixes the Common Seal of the Bass Coast Shire Council to Contract 18012 between Council and Insight Construction Group Pty Ltd.**

Attachments

AT-1 CONFIDENTIAL - Evaluation Report 18012 5 Pages

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Julian Brown

That Council:

- 1. Accept the tender from Insight Construction Group Pty Ltd and award Contract No 18012 - Renewal Works at Bass Coast Children's Centre, Wonthaggi for the total contract sum of \$471,680 including GST; and**
- 2. Affixes the Common Seal of the Bass Coast Shire Council to Contract 18012 between Council and Insight Construction Group Pty Ltd.**
- 3. Approve the re-allocation of \$250,000 savings from the WUCAC air-conditioning renewal budget to the Bass Coast Children's Centre refurbishment budget, increasing the total budget to \$486,000.**

CARRIED

**H.9 Additional Councillor appointment to the Chief Executive Officer
Employment Matters Committee**

File No: CMI8/782
Division: Corporate & Community
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

At the Ordinary Meeting of Council on 19 July 2017 the Council adopted the Chief Executive Officers (CEO) Employment Matters Committee Charter. The current Committee includes delegated Councillor representation by the Mayor, Cr Clare Le Serve and Cr Julian Brown.

The Purpose of this report is to increase the representation on the Committee for the process of recruitment and appointment of the CEO by one Councillor.

Background

The current CEO, Paul Buckley, has advised Council he will not be seeking a new contract with Bass Coast Shire Council at the end of his five year contract. Paul's contract will expire in February 2019.

The CEO Employment Matters Committee has the responsibility for recommending and advising Council on:

- I. Contractual matters relating to the CEO or the person to act as the CEO, including, but not limited to, the following:
 - a) The appointment of the CEO or person to act as the CEO
 - b) Remuneration and conditions of appointment of the CEO or person to act as the CEO
 - c) Extension (i.e. reappointment) of the CEO or person to act as the CEO.

Strategic Basis

This report is prepared to enable Council to further strengthen its transparent evidence-based and inclusive decision making.

Finances

The recruitment process for attracting suitable candidates for the position of CEO is allowed for within the operating budget of the People and Culture Department.

Stakeholders

The key stakeholders impacted by the change in CEO are Councillors, staff, residents and ratepayers and visitors.

Statutory Requirements/Codes/Standards/Policies

The *Local Government Act 1989* requires Council to appoint a Chief Executive Officer and to act with transparency and sound governance.

Clause 94A of the *Local Government Act 1989* outlines the appointment and functions of the Chief Executive Officer.

Other Options

In accordance with Section 94 of the *Act* the Council must make an appointment to the position of the CEO as soon as is reasonably practicable. If the Council chooses to not commence this process immediately, it could appoint an acting CEO for a period of not more than 12 months.

The Council would need to appoint to the position of CEO within the 12 months or would be in breach of the *Act*.

Officer's Conclusion and Recommendation

The increase of a Councillor to the position of the CEO Employment Matters Committee would add continuity to the Committee during a period where a Mayoral election will take place and Cr Le Serve will be contesting the State Government Election.

Recommendation

That Council:

- 1. Agrees to increase the membership of the CEO Employment Matters Committee for the process of recruitment and appointment of the CEO.**
- 2. Appoint Cr Brett Tessari to the Committee during this process.**

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Brett Tessari

That the recommendation be adopted.

CARRIED

H.10 Council Meeting Schedule Date Change December 2018

File No: CMI8/700
Department: Corporate & Community
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

At the Ordinary Meeting 18 October 2017 Council resolved to hold the December Council Meeting as follows:

- 12 December 2018 at Cultural Centre Hall, Cowes

This report recommends that Council amends the December Council Meeting date to allow Council to transact as much business as possible prior to the Christmas Holiday period:

- 19 December 2018 at Cultural Centre Hall, Cowes

Strategic Basis

Good governance requires that Council Meetings be run effectively and smoothly and are made accessible to the community to ensure openness and transparency in decision making. Council Plan Strategies commit to the development of good governance processes and strong democratic government which is effectively communicated to the community.

Council Plan Objective:

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

Strategic Outcome:

- Provide equitable distribution of resources across the Shire
- **Be diligent in ensuring services meet community need and are cost effective**
- Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

Strategic Indicator:

Strategic Indicators	Measures
Community Satisfaction with Council Decisions	Achieve the top quartile of Large Rural Councils
Transparency of Council decisions	Achieve the top quartile of Large Rural Councils
Community Satisfaction with Consultation and Engagement	Achieve the top quartile of Large Rural Councils
Community satisfaction with customer contact	Achieve the top quartile of Large Rural Councils
Local Government Performance Reporting Framework (LGPRF) – Financial Performance	Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF
Victorian Auditor General Office (VAGO) Financial Sustainability indicators	The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators
Other financial and non-financial performance indicators	Adjusted underlying operation result aims to achieve an operating surplus Implementation of monthly and year to date financial reporting, with plain English version for our Community Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community Increased efficiencies as a result of information technology improvements
Communications and Engagement Strategy 2015-18 actions implemented	Complete Strategy implementation by June 2018
Develop and Implement a Revenue Strategy	Strategy developed and actions implemented

Finances

The costs of preparing and running council meetings is allowed for within the current resources in the Governance Department.

Stakeholders

Council, Council Staff, the media and the general community have an interest in Council meeting arrangements.

Statutory Requirements/Codes/Standards/Policies

The provisions of the *Local Government Act 1989*, in relation to meetings, include:

-
- “(i) *That Council can hold Ordinary meetings at which general business of the Council may be transacted and hold Special meetings at which the business specified in the notice calling the meeting may be transacted.*
- (ii) *Meetings of the Council must be open to members of the public. Council can resolve that the meeting be closed to the public if the meeting is discussing any of the following:*
- (a) *Personnel matters*
 - (b) *The personal hardship of any resident or ratepayer*
 - (c) *Industrial matters*
 - (d) *Contractual matters*
 - (e) *Proposed developments*
 - (f) *Legal advice*
 - (g) *Matters affecting the security of Council property*
 - (h) *Any other matter which the Council or special committee considers would prejudice the Council or any person*
 - (i) *A resolution to close the meeting to members of the public*
- (iii) *A Council must make local laws governing the conduct of meetings of the Council and special committees. Except as provided in the Act and subject to any local laws, the conduct of meetings of a Council is in the Council’s discretion. Local Law Number 12 governs the conduct of Bass Coast Shire Council meetings.”*

Other Options

Council can choose to alter the proposed meeting date.

Officer’s Conclusion and Recommendation

It is recommended that the amended meeting date be adopted.

Recommendation

That Council amends the date of the December 2018 Ordinary Council Meeting to 19 December 2018 to be held at the Cowes Cultural Centre Hall.

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Geoff Ellis

That the recommendation be adopted.

CARRIED

Statutory Reports

Council Decision

Moved: Cr. Stephen Fullarton / Seconded: Cr. Brett Tessari

That agenda items 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 1.7 be considered as a block.

CARRIED

I Statutory Reports

I.1 CEO's Report for October 2018

File No: CMI8/768
Division: Advocacy, Economy & Liveability
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

Council is committed to introducing more regular updates on the projects and initiatives that are implemented for our community. The attached report (AT-1) highlights a number of projects and initiatives, along with their progress.

Strategic Basis

The Council Plan 2017-2021 contains a number of themes and key strategic outcomes and indicators. The projects outlined in this report all contribute to the achievement of this Plan. The themes in the Council Plan include:

- Advocacy
- Economic Development
- Environment
- Governance
- Health and Wellbeing
- Liveability
- Our Character

Major Initiatives are identified annually through the budget process, these initiatives ensure the strategies and plans which aid Council to sustain and deliver better services to the community are achieved.

Finances

All of the projects highlighted in this report are funded through the 2018/19 Budget. Some of these projects may have received grant funding.

Stakeholders

Council, ratepayers, external funding bodies, residents and visitors are all affected by the delivery of Council projects and the programs.

Statutory Requirements/Codes/Standards/Policies

The Major Initiatives are allocated for in the 2018/19 Budget. These projects are developed, approved and spent in accordance with the *Local Government Act 1989*, and the Procurement Policy.

The Local Government Act states that the primary objective of Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

Recommendation

That the CEO's Report for October 2018 be received.

Attachments

AT-1 CEO's Report - October 2018 2 Pages

1.2 Receipt of Bass Coast Shire Council Audit Committee Minutes - 22 August 2018

File No: CMI8/729
Division: Corporate & Community
Council Plan Strategic Objective: Governance

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Declaration

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

Summary

Attached are the minutes of the Bass Coast Shire Council Audit Committee Meeting held on Wednesday 22 August 2018. Items discussed at this Meeting were:

Confirmation of Audit Committee Meeting Minutes from 23 May 2018

Internal Audits

- Draft Contract Management Audit Scope
- Internal Audit - Review of Asset Management
- Status report on action items identified through the audit program
- Review of the Internal Audit Plan 2018 – 2020

External Audits

- Local Government and Economic Development - VAGO Report

Financial Reports

- Quarterly Financial Report to 30 June 2018

Risk Management

- Review any instances of fraud or possible illegal acts
- Risk Management Report
- Evidence Based Controls Effectiveness Testing
- Review any reports concerning evidence of material violation or breaches of fiduciary duty
- Review effectiveness of business continuity planning
- Monitor Fraud Awareness
- OHS Report
- Monitor the systems and processes for risk management

Compliance

- Legislative Compliance Registers
- Non-compliance and legal counsel engagement report for the period 1 April 2018 to 30 June 2018

Reporting Responsibilities

- Update on the Service Review Program

Governance Matters

- Project Phoenix - IT Core System Quarterly Report

Recommendation

That the minutes of the Bass Coast Shire Council Audit Committee meeting held on 22 August 2018 be received and the recommendations therein adopted.

Attachments

AT-1 CONFIDENTIAL - Audit Committee Minutes 22 August 2018 30 Pages

**I.3 Receipt of Bass Coast Shire Council Audit Committee Minutes - 5
September 2018**

File No: CMI8/730
Division: Corporate & Community
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

Attached are the minutes of the Bass Coast Shire Council Audit Committee Meeting held on Wednesday 5 September 2018. Items discussed at this Meeting were:

Financial Reports

- Review of the 2017/2018 Annual Financial Report and Performance Statement

Recommendation

That the minutes of the Bass Coast Shire Council Audit Committee meeting held on 5 September 2018 be received and the recommendations therein adopted.

Attachments

AT- I	CONFIDENTIAL - Special Audit Committee Minutes Meeting 5 September 2018	8 Pages
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1.4 Efficiency Report 2017/2018

File No: CMI8/532
Division: Corporate & Community
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

The purpose of this report is for Council to note the efficiencies that the organisation has found during 2017/2018. These efficiencies have been organised into three categories which include:

- Service Reviews
- Organisation Design and Productivity Savings
- Continuous Improvement

Council Officers continue to look for opportunities to review the way we provide services to ensure that they remain relevant and are as efficient as possible. Any savings identified will allow greater investment in Capital Works or a reduction in any need for rate increases in future years.

Background

The Council Plan articulates Council's vision for the future of Bass Coast and outlines strategies to be used by Council in fulfilling the vision. The Chief Executive Officer is responsible for the delivery of services and initiatives that align to the achievement of the Council Plan (Plan).

Staff resources are aligned to ensure that the structure allows for efficient delivery of services and key initiatives identified within the Plan. Management continually reassess the structure of the organisation to ensure resources are best allocated to achieve good outcomes for our community.

Council has also committed to a culture of continuous improvement and review of processes and practices to ensure the way we deliver services is efficient, relevant and meets the needs of our community. Council has also committed to a series of Service Reviews which include the review of six services per year. The purpose of the service reviews:

- is designed to find operational efficiencies and innovations to deliver services to the community in accordance with the Council Plan and Long Term Financial Plan.
- is our commitment to continuous improvement in what we do.

- in general, service reviews are designed to determine the level of service we will provide and the most appropriate strategic business model to provide that service.

Each of these initiatives provides Council with opportunities to identify savings and improvements.

Strategic Basis

Council Plan Objective:

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

Strategic Outcome:

- Provide equitable distribution of resources across the Shire
- Be diligent in ensuring services meet community need and are cost effective
- Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

Strategic Indicator:

Strategic Indicators	Measures
Community Satisfaction with Council Decisions	Achieve the top quartile of Large Rural Councils
Transparency of Council decisions	Achieve the top quartile of Large Rural Councils
Community Satisfaction with Consultation and Engagement	Achieve the top quartile of Large Rural Councils
Community satisfaction with customer contact	Achieve the top quartile of Large Rural Councils
Local Government Performance Reporting Framework (LGPRF) – Financial Performance	Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF
Victorian Auditor General Office (VAGO) Financial Sustainability indicators	The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators
Other financial and non-financial performance indicators	Adjusted underlying operation result aims to achieve an operating surplus Implementation of monthly and year to date financial reporting, with plain English version for our Community Implementation of monthly and year to date non-financial performance reporting, with plain English version for our

Strategic Indicators	Measures
	Community Increased efficiencies as a result of information technology improvements
Communications and Engagement Strategy 2015-18 actions implemented	Complete Strategy implementation by June 2018
Develop and Implement a Revenue Strategy	Strategy developed and actions implemented

Finances

All of the major efficiencies identified will be considered in the preparation of any future budgets and will be transferred to future Capital Works or to the reduction in any need for rate increases in future years.

All efficiencies will be in accordance with the Council Resolution from Council's Ordinary Meeting of 22 April 2015:

That future rate increases proposed in the long-term financial plan be reviewed when considering options for the application of savings achieved as a result of service reviews.

Stakeholders

Council, Council staff, ratepayers, residents and visitors are all affected by the delivery of efficiencies across Council.

Statutory Requirements/Codes/Standards/Policies

The *Local Government Act 1989* states that the primary objective of Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

Officer's Conclusion and Recommendation

The efficiencies and savings that have been identified are detailed in AT-1, they include:



Service Reviews

Service	Efficiency Realised
Reduction in operating costs for Social and Community Planning as a result of process improvements	\$40,000
*Indigenous Community Aboriginal Consultative Committee – ceased membership	\$7,000
Project funds for neighbourhood houses as now funded via community grants	\$10,000
Funding for Neighbourhood houses to attend quarterly meetings	\$6,000

Service	Efficiency Realised
Reduction in grant presentation costs	\$4,000
Changes to Cleaning Contract	\$33,000 pa

* Councils efforts associated with our indigenous community is now focused more locally and is funded through the operating budget of Social and Community Planning.



Organisation Design and Productivity Savings

Department	Reduction of Effective Full Time (EFT) Staff
Grants Officer redesign	1
Team Leader Community Development	1
Arts Officer	1

*Savings will be realised in 18/19 Budget



Continuous Improvement

Activity or Process	\$ Savings or Hours Saved
Economic Development changes move to online advertising	\$2,500
Change to the method of collection of building applications in our records system	3 hours per day
Change to the process of data backup from Information Technology	1 hour per day
Changes to oval renovations	\$10,000
Increase to statutory building fees resulting from the new <i>Building Regulations 2018</i> coming into force. (Will be realised in the 2018/19 financial year.)	\$100,000 p/a revenue
Increase in revenue from other statutory fees	\$563,000
Negotiations during tender evaluation processes	\$296,284
Unfilled vacancies and staff reductions	\$1,013,000
Increased interest on investments	\$50,890

Recommendation

That the 2017/2018 Efficiency Report be received.

Attachments

AT-I Q4 Efficiency Report 8 Pages

1.5 Assembly of Councillors Report

File No: CMI8/745
Division: Corporate & Community
Council Plan Strategic Objective: Governance

We are responsive, open, transparent
and financially sustainable

Declaration

The reporting officer has no direct or indirect interest in this matter

Summary

Section 80A of the *Local Government Act 1989* (the Act) requires all assembly of Councillors records to be reported on at the next practicable ordinary meeting of Council and to be recorded in the minutes of that meeting. This report intends to fulfil the requirements of the legislation.

Introduction

Section 3 of the Act defines an Assembly of Councillors as

'a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be-

- a. the subject of a decision of the Council; or*
- b. subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee-*

but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.'

Section 80A requires a written record to be kept of all such assemblies, stating the names of all Councillors and Council staff attending, the matters considered and any conflict of interest disclosures made by a Councillor. These records must be reported, as soon as practicable, at an ordinary meeting of the Council and recorded in the minutes.

Council Plan Objective:

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

Strategic Outcome:

- Provide equitable distribution of resources across the Shire
- Be diligent in ensuring services meet community need and are cost effective
- Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

Strategic Indicator:

Strategic Indicators	Measures
Community Satisfaction with Council Decisions	Achieve the top quartile of Large Rural Councils
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Local Government Performance Reporting Framework (LGPRF) – Financial Performance	Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF
Victorian Auditor General Office (VAGO) Financial Sustainability indicators	The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators
Other financial and non-financial performance indicators	<p>Adjusted underlying operation result aims to achieve an operating surplus</p> <p>Implementation of monthly and year to date financial reporting, with plain English version for our Community</p> <p>Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community</p> <p>Increased efficiencies as a result of information technology improvements</p>
Communications and Engagement Strategy 2015-18 actions implemented	Complete Strategy implementation by June 2018
Develop and Implement a Revenue Strategy	Strategy developed and actions implemented

Below is a summary of the Assembly of Councillors records completed since the last Ordinary meeting of Council.

Date	Assembly of Councillors	Councillors in attendance
21 August 2018	Community Tourism Reference Group	Cr M Whelan
27 August 2018	Rural Engagement Group	Cr B Tessari, Cr C Le Serve, Cr M Whelan
3 September 2018	Municipal Emergency Management Planning Committee	Cr B Kent
5 September 2018	Policy Workshop	Cr P Rothfield, Cr B Tessari, Cr L Larke, Cr B Kent, Cr S Fullarton, Cr G Ellis, Cr M Whelan, Cr J Brown & Cr Le Serve
12 September 2018	Policy Workshop	Cr P Rothfield, Cr B Tessari, Cr L Larke, Cr B Kent, Cr S Fullarton, Cr G Ellis, Cr M Whelan, Cr J Brown & Cr Le Serve
12 September 2018	Community Connection Session	Cr B Tessari, Cr L Larke, Cr J Brown, Cr G Ellis, Cr C Le Serve, Cr S Fullarton & Cr M Whelan
14 September 2018	Municipal Fire Management Planning Committee	Cr B Kent

Recommendation

That the Assembly of Councillors Records be received.

Attachments

AT-I Assembly of Councillor Records for October Meeting 7 Pages

1.6 Planning & Building statistics - August 2018

File No:	CMI8/697
Division:	Advocacy, Economy & Liveability
Council Plan Strategic Objective:	Our Character
	Celebrating the uniqueness of our townships

PERMITS REFUSED:

Nil

PERMITS ISSUED:**Island Ward**

- 180149: Development of the land for a dwelling in the Land Subject to Inundation Overlay located at 26 Woodland Avenue, Silverleaves.
- 180150: Variation of a restrictive covenant PS501872W and alterations and additions (external lift) of a dwelling in a Design and Development Overlay Schedule 1 located at 1/105 Steele Street, Cowes.
- 180193: Subdivide the land in two (2) lots and remove vegetation located at 4 Langard Road, Cowes.
- 180199: Variation of a Restrictive Covenant located at 1 Phillip Island Road, Sunset Strip.
- 180205: Construction of a fence in the Land Subject to Inundation Overlay located at 117 Silverleaves Avenue, Silverleaves.
- 180253: Removal of native vegetation in a Vegetation Protection Overlay 2 located at 37 Jansson Road, Rhyll.
- 180265: Buildings and works in special use purpose zone (multi purpose building) located at 381 Back Beach Road, Ventnor.
- 180266: Buildings and works in special use purpose zone (patron shelter) located at 381 Back Beach Road, Ventnor.
- 180274: Alterations and additions to a dwelling in a Bushfire Management Overlay 1 located at 8 Heyley Avenue, Ventnor.

Western Port Ward

- 180088: Building and works for a new dwelling in a Bushfire Management Overlay located at 61 June Street, Adams Estate.
- 180094: Use and development for an outbuilding in a Rural Living Zone with a Bushfire Management Overlay, and application to vary a restrictive covenant locate at 36 Hurdy Gurdy Lane, The Gurdies.
- 180097: Buildings and works for the construction of a dwelling located at 1 Beach Boulevard, Pioneer Bay.
- 180138: Subdivide the land in to two (2) lots located at 30 Reid Lane, Bass.

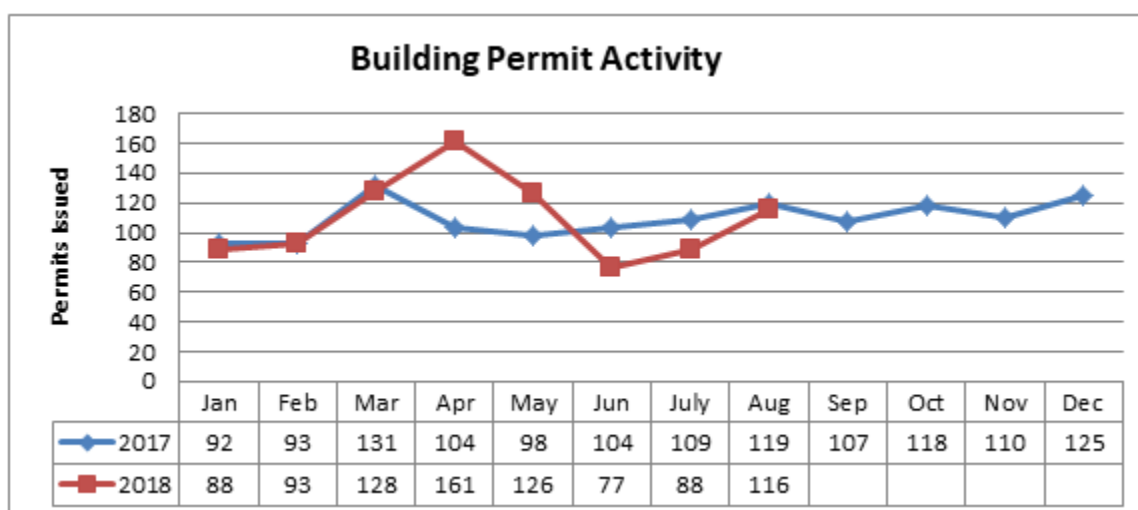
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- 180201: Development of the land for a dwelling in a Bushfire Management Overlay and consent to build outside of a building envelope located at 22 Portview Avenue, Grantville.
- 180251: Development of the land for a dwelling under a Bushfire Management Overlay 1 and Heritage Overlay located at 10 Bunya Drive, Cape Woolamai.
- 180258: Removal of Native Vegetation located at 51 Lantana Road, Cape Woolamai
- 180259: Removal of Native Vegetation located at 51 Lantana Road, Cape Woolamai
- 180264: Development of the land for an outbuilding used for domestic purposes located at 38 Anderson Street, San Remo.
- 180276: Removal of native vegetation under Vegetation Protection Overlay 2 located at 76 Lantana Road, Cape Woolamai.
- 180277: Removal of native vegetation under Vegetation Protection Overlay 2 located at 76 Lantana Road, Cape Woolamai.
- 180278: Removal of native vegetation under Vegetation Protection Overlay 2 located at 76 Lantana Road, Cape Woolamai.

Bunurong Ward

- 170322: Use and development second dwelling and subdivide land into two lots located at 36 Sandy Mount Avenue, Inverloch.
- 170389: Subdivide the land into three (3) lots located at 14 Dunn Street, Wonthaggi.
- 180038: Use of the land for car hire and display business identification signage located at 305 & 307 White Road, Wonthaggi.
- 180039: Buildings and works for a new dwelling in a Design & Development Overlay Schedule 1 and 9 located at 10 Surf Parade, Inverloch.
- 180131: Develop land for a dwelling and the removal of five (5) trees subject to the Vegetation Protection Overlay 3 located at 162 Lohr Avenue, Inverloch.
- 180146: Development of an outbuilding (Agricultural) located at 610 Inverloch-Venus Bay Road, Inverloch.
- 180174: Subdivide the land into two (2) lots located at 5 Clerk Crescent, Inverloch.
- 180182: Develop the land for a dwelling in the Bushfire Management Overlay located at 11 Blue Water Circle, Cape Paterson.
- 180187: Subdivide the land into two (2) lots located at 28 Golf Street, Inverloch.
- 180206: Development of the land for a dwelling within a Bushfire Management Overlay and Environmental Significance Overlay located at 52 Silvereye Circuit, Wonthaggi.
- 180209: Subdivision of land into two lots with an existing dwelling located at 4 Delmarni Court, North Wonthaggi.
- 180254: Alterations and additions to a dwelling under Design Development Overlay 9 located at 33 Halford Street, Inverloch.
- 180290: Development of a shade cloth under the Heritage Overlay located at 6 Murray Street, Wonthaggi.

PLANNING AND BUILDING ACTIVITY REPORT FOR AUGUST 2018

Statutory Planning	This month (August)	Last month	Year to date (financial year)
% of applications determined within statutory timeframe	94	78	84
Average Gross Days (Responsible Authority determination)	79	99	90
(new) Average Gross Days to final outcome	87	116	103
Number of live applications	202	200	0
Number of applications received for the month	60	40	100
Number of Responsible Authority outcomes	44	54	98
Municipal Building Services & Enforcement	This month (August)	Last month	Year to date (financial year)
Essential Safety Measure inspections <i>(Commercial building owners must maintain and ensure all safety systems within their building are operational. This may include: Fire services, Exits, Emergency lighting, alarms etc.)</i>	1	1	2
Swimming Pool & Spa safety barrier inspections <i>(All swimming pool and spa owners are required to maintain a safety fence or barrier. Council is required to implement an audit program to ensure compliance is being achieved.)</i>	2	2	4
Report and Consent applications determined <i>(Building proposals cannot always comply or fit into a required building envelope. Where this situation arises, Council may provide consent with respect to the non-compliance issue.)</i>	28	16	44
Siting consents issued for temporary structures <i>(Consent of the Municipal Building Surveyor must be obtained in order to erect marquees, grandstand or stages in association with any place of public entertainment or event.)</i>	0	0	0
Complaints received requiring investigation	5	10	15
New building enforcement cases	3	3	6
Number of open building enforcement cases	66	63	n/a
Building permits issued by Council	0	1	1



Planning Enforcement	This month (August)	Last month	Year to date (financial year)
Number of new planning cases	19	3	24
Number of live enforcement files	156	137	–
Pre commencement meetings	2	4	6
Official warnings issued	0	0	0
Number of planning infringement notices issued	0	0	1
Number of VCAT enforcement orders issued	0	0	0
Number of Magistrates Court prosecutions	0	0	0
Total infringements received (\$)	\$0.00	\$0.00	\$0.00
Number of CRS's closed	25	18	n/a
Number of closed enforcement cases	0	1	n/a

Recommendation

That Council:

1. **Receives and notes the Planning Permits issued under delegation report for August 2018.**
2. **Receives and notes the Planning and Building Activity Report for August 2018.**

Attachments

There are no attachments for this report.

1.7 Contracts Awarded Register

File No: CMI8/728
Division: Corporate & Community
Council Plan Strategic Objective: Governance

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and financially sustainable

Declaration

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

Summary**Contracts Awarded**

For the period from 1 August 2018 to 31 August 2018, no contracts were awarded under the Chief Executive Officer's Instrument of Delegation.

Contracts Extended

For the period from 1 August 2018 to 31 August 2018, the following contracts were extended under the Procurement Delegation Framework.

Contract No.	Description	Contractor	Contract Sum Including GST for Extension Period
16021	Organisation Development Programs	Peter Farago	N/A*
16027	Organisation Development Programs	Soda Consulting Group	N/A*
16028	Organisation Development Programs	Stubbs Consulting	N/A*

* There is no sum committed by the award of these contract extensions. Contractors supply a schedule of rates under which Council would engage them, if required, and within established budgets.

Recommendation

That Council receives the report.

Attachments

AT- CONFIDENTIAL - Extension Report for Contract 16013 to 16025 and 3
I 16027 to 16013 Pages

Council Decision

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

That the recommendations attached to agenda items 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 and 1.7 be adopted

CARRIED

Mayoral Announcement Of Next Meeting Of Council

The next **Community Connection Session** will be held on 14 November 2018 in the Old Wonthaggi Post Office, Corner of Watt Street and McBride Avenue, Wonthaggi commencing at 3.00pm.

The next **Special Council Meeting** will be held on 14 November 2018 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 5.00pm.

The next **Ordinary Council Meeting** will be held on 21 November 2018 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 5.00pm.

Council Decision

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

That the meeting be closed to members of the public pursuant to Section 89 (a), (d) and (h) of the *Local Government Act 1989*, to consider these items as they deal with:

- (a) Personnel matters;**
- (d) Contractual matters;**
- (h) Any other matter which the Council or special committee considers would prejudice the Council or any person;**

CARRIED

Meeting adjourned

The meeting was adjourned at 6.50pm.

Meeting resumed

The meeting resumed at 6.57pm.

Cr Les Larke was absent at the resumption of the meeting.

Items Closed to the Public

Excerpt of Section 89 of Local Government Act 1989.

- (2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:
- (a) Personnel matters;
 - (b) The personal hardship of any resident or ratepayer;
 - (c) Industrial matters;
 - (d) Contractual matters;
 - (e) Proposed developments;
 - (f) Legal advice;
 - (g) Matters affecting the security of Council property;
 - (h) Any other matter which the Council or special committee considers would prejudice the Council or any person;
 - (i) A resolution to close the meeting to members of the public.
- (3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.

K Confirmation of Closed Minutes

K.1 Minutes of Closed Ordinary Meeting held on 19 September 2018

Cr Les Larke returned to the meeting at 6.58pm

L Reports Requiring Council Decision Closed to the Public

L.1 Expression of Interest Recommendation for Lease for Cape Paterson Caravan Park

It is recommended that the meeting be closed to members of the public pursuant to Section 89 (d) of the Local Government Act 1989, to consider this item as it deals with contractual matters.

L.2 Abandonment of Rates

It is recommended that the meeting be closed to members of the public pursuant to Section 89 (h) of the Local Government Act 1989, to consider this item as it deals with any other matter which the Council or special committee considers would prejudice the Council or any person.

L.3 Chief Executive Officer Employment Matters Committee - meeting 3 October 2018, Performance and Remuneration Review

It is recommended that the meeting be closed to members of the public pursuant to Section 89 (a) of the Local Government Act 1989, to consider this item as it deals with personnel matters.

Council Decision

Moved: Cr. Geoff Ellis / Seconded: Cr. Stephen Fullarton

That the meeting be reopened to the public.

CARRIED

Meeting closed

The meeting closed at 7.07pm.