

The Heart of Gippsland



# **Council Meeting Minutes**

To be read in conjunction with Meeting Agenda of 16 August 2016

# **PRESENT**

Councillor - Darren McCubbin - Mayor

Councillor – Bob Wenger

Councillor - Patrick McIvor

Councillor - Malcolm Hole

Councillor – John Duncan

Councillor - Scott Rossetti

Councillor - Emilie Davine

Councillor - Carolyn Crossley

#### IN ATTENDANCE

Glenys Butler – General Manager Community and Culture Tim Rowe – Acting General Manager Built and Natural Environment Arthur Skipitaris – General Manager Corporate Services John Websdale – General Manager Development Emily Dunn – Governance Officer

# **APOLOGY**

Councillor - Peter Cleary

### ITEM A4 ADOPTION OF MINUTES OF PREVIOUS MEETING/S

#### **OBJECTIVE**

To adopt the minutes of the Ordinary Council Meeting of 2 August 2016 as tabled.

#### RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 2 August 2016 as tabled.

# **COUNCILLOR WENGER / COUNCILLOR DAVINE**

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 2 August 2016 as tabled.

**CARRIED** 

ITEM A5 BUSINESS ARISING FROM PREVIOS MEETING/S

NIL

ITEM A6 ACCEPTANCE OF LATE ITEMS

NIL

ITEM A7 NOTICE OF MOTION/S

NIL

ITEM A8(1) OUTSTANDING PETITIONS

NIL

ITEM A8(2) RECEIPT OF PETITION REMOVAL OF HAND RAIL ON GANGWAY NEXT

TO MCLOUGHLIN'S BEACH BOAT RAMP

### **OBJECTIVE**

To present Council with a petition in relation to the removal of the hand rail on South gangway next to McLoughlin's Beach boat ramp.

# **RECOMMENDATION**

That Council receive the attached petition in relation to the removal of the hand rail on the gangway next to McLoughlin's Beach boat ramp.

#### COUNCILLOR WENGER / COUNCILLOR MCIVOR

That Council receive the attached petition in relation to the removal of the hand rail on the gangway next to McLoughlin's Beach boat ramp.

# ITEM A8(3) RESPONSE TO PETITION: PLANNING PERMIT APPLICATION P2016/75

#### **OBJECTIVE**

To consider and respond to a petition relating to Planning Permit Application P2016/75 (proposed installation of an on ground fuel storage tank with dispenser, Davis St, Heyfield).

# PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

Ms Julie Bryan, Representing Heyfield

Spoke to Council regarding the plans to install a fuel dispenser in Davis St, Heyfield

- Concern that Davis St is an unsafe location for the fuel dispenser due to the close proximity to the roundabout and primary schools.
- Heyfield is in a bushfire prone area and the additional traffic caused by the dispenser may impact accessibility of emergency vehicles.
- The proposed location is a general residential zone and residents fear they may be impacted by limited privacy and additional light at night.
- · Concern for environmental impacts.
- Why didn't Council release a planning notice to the community?
- Has an appropriate traffic impact analysis been done?
- Not opposed to the concept of the plan but believes the dispenser should be installed in an industrial area.

#### RECOMMENDATION

That Council advise the head petitioner that the petition received relating to Planning Permit Application P2016/75 will be treated as a formal objection and the issues of concern will be considered as part of the final assessment of the application.

# COUNCILLOR HOLE / COUNCILLOR WENGER

That Council advise the head petitioner that Planning Permit Application P2016/75 will be determined by Council at a future Council Meeting (once a full assessment of the application has been finalised) and not by Council Officers acting under the authority delegated to them by the Instrument of Delegation-S6 adopted by Council on 2 August 2016.

LOST

COUNCILLOR HOLE CALLED FOR A DIVISION

FOR: COUNCILLOR WENGER, COUNCILLOR HOLE, COUNCILLOR DUNCAN

AGAINST: COUNCILLOR McIVOR, COUNCILLOR ROSSETTI, COUNCILLOR DAVINE, COUNCILLOR CROSSLEY, COUNCILLOR McCUBBIN

# COUNCILLOR ROSSETTI / COUNCILLOR DAVINE

That Council advise the head petitioner that the petition received relating to Planning Permit Application P2016/75 will be treated as a formal objection and the issues of concern will be considered as part of the final assessment of the application.

ITEM A9 INVITED ADDRESSES, PRESENTATIONS OR

**ACKNOWLEDGEMENTS** 

NIL

ITEM A10 QUESTIONS ON NOTICE

NIL

ITEM A11 MAYOR'S REPORT

# **RECOMMENDATION**

That the Mayor's report be noted.

**COUNCILLOR McIVOR / COUNCILLOR HOLE** 

That the Mayor's report be noted.

**CARRIED** 

ITEM B DELEGATES

NIL

ITEM C1.1 JULY 2016 PERFORMANCE REPORT

**OBJECTIVE** 

For Council to receive and note the July 2016 Council Performance Report.

# **RECOMMENDATION**

That Council receive and note the July 2016 Council Performance Report as attached.

COUNCILLOR ROSSETTI / COUNCILLOR DUNCAN

That Council receive and note the July 2016 Council Performance Report as attached.

#### ITEM C1.2 CHIEF EXECUTIVE OFFICER'S REPORT

#### RECOMMENDATION

That the Chief Executive Officer's Report be received.

COUNCILLOR McIVOR / COUNCILLOR CROSSLEY

That the Chief Executive Officer's Report be received.

**CARRIED** 

# ITEM C1.3 ACT FOR THE FUTURE - DIRECTIONS FOR A NEW LOCAL GOVERNMENT ACT – SUBMISSION TO THE DIRECTIONS PAPER

#### **OBJECTIVE**

To approve the submission, to the "Act for the Future" Directions Paper, as attached.

### **RECOMMENDATION**

#### That:

- 1. Council approve the submission template, to the "Act for the Future" Directions Paper as attached and;
- 2. This submission be lodged with the Local Government Act Review Secretariat, prior to the close date of 16 September 2016.

# COUNCILLOR HOLE / COUNCILLOR ROSSETTI

### That:

- 1. Council approve the submission template, to the "Act for the Future" Directions Paper as attached with the following alterations;
  - a. Replace the words 'regulations/regulate' with 'legislations/legislate'
  - b. Include Council comment in Direction 122 of the submission template, that rateable properties should include water and sewerage farms, offices, and work yards; and
- 2. This submission be lodged with the Local Government Act Review Secretariat, prior to the close date of 16 September 2016.

# ITEM C2.1 ASSEMBLY OF COUNCILLORS

#### **OBJECTIVE**

To report on all assembly of Councillor records received during the period 26 July 2016 to 9 August 2016

#### RECOMMENDATION

That Council note and receive the attached Assembly of Councillors records received during the period 26 July 2016 to 9 August 2016.

# COUNCILLOR DAVINE / COUNCILLOR ROSSETTI

That Council note and receive the attached Assembly of Councillors records received during the period 26 July 2016 to 9 August 2016.

**CARRIED** 

### ITEM C2.2 REMUNERATION COMMITTEE MINUTES

#### **OBJECTIVE**

To note and receive the minutes and endorse the actions of the Remuneration Committee meeting held on 19 July 2016.

# RECOMMENDATION

#### That:

- 1. Council note and receive the minutes from the Remuneration Committee meeting held on 19 July 2016 as attached; and
- 2. Council endorse the actions from the Remuneration Committee meeting held on 19 July 2016 as detailed in the attached minutes.

#### COUNCILLOR HOLE / COUNCILLOR DUNCAN

# That:

- 1. Council note and receive the minutes from the Remuneration Committee meeting held on 19 July 2016 as attached; and
- 2. Council endorse the actions from the Remuneration Committee meeting held on 19 July 2016 as detailed in the attached minutes.

# ITEM C2.3 INITIATE PROCESS TO RE-APPOINT THE CHIEF EXECUTIVE OFFICER

#### **OBJECTIVE**

Council to initiate the process to re-appoint David Morcom as Council's Chief Executive Officer.

# **RECOMMENDATION**

#### That:

- 1. In accordance with section 94(4) of the Local Government Act 1989, Council place a public notice in the Gippsland Times on 23 August 2016, the Yarram Standard on 24 August 2016 and on the Council's Website on 23 August 2016, to advise that at the Ordinary Meeting of Wellington Shire Council scheduled for Tuesday 6 September 2016, a motion will be put that, if passed, would result in the re-appointment of Mr David Morcom as Council's Chief Executive Officer without the position being advertised.
- 2. Council's re-appointment of Mr David Morcom as Council's Chief Executive Officer, is to be subject to the satisfactory negotiation of a contract.

DAVID MORCOM DECLARED A DIRECT CONFLICT OF INTEREST DUE TO FINANCIAL INTEREST RELATING TO ITEMS C2.3 AND G(1)

DAVID MORCOM LEFT COUNCIL CHAMBER AT 6.36PM

#### COUNCILLOR CROSSLEY / COUNCILLOR ROSSETTI

- 1. In accordance with section 94(4) of the Local Government Act 1989, Council place a public notice in the Gippsland Times on 23 August 2016, the Yarram Standard on 24 August 2016 and on the Council's Website on 23 August 2016, to advise that at the Ordinary Meeting of Wellington Shire Council scheduled for Tuesday 6 September 2016, a motion will be put that, if passed, would result in the re-appointment of Mr David Morcom as Council's Chief Executive Officer without the position being advertised.
- 2. Council's re-appointment of Mr David Morcom as Council's Chief Executive Officer, is to be subject to the satisfactory negotiation of a contract.

**CARRIED** 

DAVID MORCOM RETURNED TO THE COUNCIL CHAMBER AT 6.53PM

# ITEM C3.1 JUNE 2016 PLANNING DECISIONS

#### **OBJECTIVE**

To provide a report to Council on recent planning permit trends and planning decisions, made under delegation by Statutory Planners during the month of June 2016, for information.

### **RECOMMENDATION**

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 June and 30 June 2016.

# COUNCILLOR WENGER / COUNCILLOR ROSSETTI

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 June and 30 June 2016.

**CARRIED** 

# ITEM C3.2 ECONOMIC DEVELOPMENT STRATEGY 2016-22 AND ACTION PLAN 2016-18

#### **OBJECTIVE**

To seek Council's adoption of the Economic Development Strategy 2016-22 and Action Plan 2016-18.

# **RECOMMENDATION**

That Council adopt the Economic Development Strategy 2016-22 and Action Plan 2016-18 as provided at attachments three and four.

# COUNCILLOR CROSSLEY / COUNCILLOR McIVOR

That Council adopt the Economic Development Strategy 2016-22 and Action Plan 2016-18 as provided at attachments three and four.

# **AMENDED MOTION**

# **COUNCILLOR DUNCAN / COUNCILLOR HOLE**

That Council receive and note the Economic Development Strategy 2016-22 and Action Plan 2016-18 as provided at attachments three and four.

LOST

That Council adopt the Economic Development Strategy 2016-22 and Action Plan 2016-18 as provided at attachments three and four.

# ITEM C3.3 BUILDING PERMITS REPORT

# **OBJECTIVE**

To provide a report to Council on building permits issued in the Wellington Shire during the quarter April to June 2016 for information.

#### **RECOMMENDATION**

That Council note the report of building permits issued from 1 April 2016 to 30 June 2016.

#### COUNCILLOR WENGER / COUNCILLOR DUNCAN

That Council note the report of building permits issued from 1 April 2016 to 30 June 2016.

**CARRIED** 

# ITEM C3.4 NINETY MILE BEACH SUBDIVISIONS: COMPULSORY ACQUISITION OF LAND

# **OBJECTIVE**

For Council to resolve to commence the statutory process to compulsorily acquire land in the "between settlements area", only where persons with an interest in specified land cannot be contacted after the conduct of diligent inquiries, or are willing but unable to transfer land to Council (subject to the declaration by the Governor in Council pursuant to section 172(2) of the *Planning and Environment Act 1987*).

#### RECOMMENDATION

#### **That**

- 1. Council commence the statutory process to compulsorily acquire land in accordance with the Land Acquisition and Compensation Act 1986 in the "between settlements area" of the Ninety Mile Beach subdivisions described as Restructure Plan Stages 7 to 22 in the Wellington Planning Scheme only where persons with an interest in specified land cannot be contacted after the conduct of diligent inquiries or are willing but unable to transfer land to Council, subject to the declaration by the Governor in Council pursuant to section 172(2) of the Planning and Environment Act 1987. (Refer to Attachment 1 for draft plans of the declared area);
- 2. Council authorise the Chief Executive Officer to sign all notices and documents in accordance with the Land Acquisition and Compensation Act 1986 and Transfer of Land Act 1958:
- 3. Council declare the information contained in the attached document Item F1.1 Ninety Mile Beach Subdivisions Compulsory Acquisition of Land and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 28 July 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) contractual matters; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989.

#### COUNCILLOR ROSSETTI / COUNCILLOR McIVOR

#### That

- 1. Council commence the statutory process to compulsorily acquire land in accordance with the Land Acquisition and Compensation Act 1986 in the "between settlements area" of the Ninety Mile Beach subdivisions described as Restructure Plan Stages 7 to 22 in the Wellington Planning Scheme only where persons with an interest in specified land cannot be contacted after the conduct of diligent inquiries or are willing but unable to transfer land to Council, subject to the declaration by the Governor in Council pursuant to section 172(2) of the Planning and Environment Act 1987. (Refer to Attachment 1 for draft plans of the declared area);
- 2. Council authorise the Chief Executive Officer to sign all notices and documents in accordance with the Land Acquisition and Compensation Act 1986 and Transfer of Land Act 1958;
- 3. Council declare the information contained in the attached document Item F1.1 Ninety Mile Beach Subdivisions Compulsory Acquisition of Land and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 28 July 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) contractual matters; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989.

# ITEM C4.1 SALE BOTANIC GARDENS MASTERPLANNING

# **OBJECTIVE**

The purpose of this report is for Council to consider and adopt the 2016 Sale Botanic Gardens Masterplan including the concept plan for the area currently occupied by the fauna enclosure.

The 2016 Sale Botanic Gardens Masterplan and Concept Plan for the fauna enclosure area are attached.

# **RECOMMENDATION**

That Council adopt the 2016 Sale Botanic Gardens Masterplan and Concept Plan for the Fauna Park.

# COUNCILLOR DAVINE / COUNCILLOR CROSSLEY

That Council adopt the 2016 Sale Botanic Gardens Masterplan and Concept Plan for the Fauna Park.

# ITEM C5.1 BRIAGOLONG RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP

#### **OBJECTIVE**

For Council to appoint the nominated Briagolong Junior Football Netball Club representative and the nominated Community representative to the Briagolong Recreation Reserve Committee of Management, as detailed in the attached confidential report, for the remainder of the three-year term, ending 18 December 2018.

#### RECOMMENDATION

#### That:

- Council adopt the recommendation contained in the confidential report at Item F1.2 of the Council Meeting Agenda for Briagolong Recreation Reserve Committee of Management Membership; and
- 2. The information contained in the attached document Item F1.2 Briagolong Recreation Reserve Committee of Management Membership of this Council Meeting Agenda, and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Community and Culture on 25 July 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful member can be made public.

# COUNCILLOR CROSSLEY / COUNCILLOR McIVOR

# That:

- 1. Council adopt the recommendation contained in the confidential report at Item F1.2 of the Council Meeting Agenda for Briagolong Recreation Reserve Committee of Management Membership; and
- 2. The information contained in the attached document Item F1.2 Briagolong Recreation Reserve Committee of Management Membership of this Council Meeting Agenda, and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Community and Culture on 25 July 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful member can be made public.

# ITEM C5.2 BRIAGOLONG RECREATION RESERVE COMMITTEE OF MANAGEMENT MINUTES

#### **OBJECTIVE**

For Council to receive the minutes from the Briagolong Recreation Reserve Committee of Management's Ordinary Meetings held on 20 June 2016 and 18 July 2016.

# **RECOMMENDATION**

That Council receive the minutes from the Briagolong Recreation Reserve Committee of Management's Ordinary Meetings held on 20 June 2016 and 18 July 2016.

# COUNCILLOR CROSSLEY / COUNCILLOR DUNCAN

That Council receive the minutes from the Briagolong Recreation Reserve Committee of Management's Ordinary Meetings held on 20 June 2016 and 18 July 2016.

# ITEM C5.3 CAMERON SPORTING COMPLEX COMMITTEE OF MANAGEMENT MEMBERSHIP

#### **OBJECTIVE**

For Council to appoint the nominated Maffra Cricket Club representative to the Cameron Sporting Complex Committee of Management, as detailed in the attached confidential report, for the remainder of the 3 year period, ending 18 December 2018.

#### RECOMMENDATION

### That

- 1. Council adopt the recommendation contained in the confidential report at Item F1.3 of the Council Meeting Agenda for Cameron Sporting Complex Committee of Management Membership; and
- 2. The information contained in the attached document Item F1.3 Cameron Sporting Complex Committee of Management Membership of this Council Meeting Agenda, and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Acting General Manager Community and Culture on 29 July 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful member can be made public.

# COUNCILLOR HOLE / COUNCILLOR WENGER That

- 1. Council adopt the recommendation contained in the confidential report at Item F1.3 of the Council Meeting Agenda for Cameron Sporting Complex Committee of Management Membership; and
- 2. The information contained in the attached document Item F1.3 Cameron Sporting Complex Committee of Management Membership of this Council Meeting Agenda, and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Acting General Manager Community and Culture on 29 July 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful member can be made public.

# ITEM C5.4 SPORT AND RECREATION VICTORIA FUNDING PRIORITIES

### **OBJECTIVE**

To seek Council endorsement of the chosen funding applications to be prepared and lodged as part of the Sport and Recreation Victoria's 2016/17 Community Sports Infrastructure Fund.

#### RECOMMENDATION

That Council endorses both the 'Baldwin Reserve Clubroom extension' and 'Maffra Lawn Tennis Synthetic Courts upgrade' projects to be submitted under the 2016/17 Community Sports Infrastructure Fund.

# COUNCILLOR DUNCAN / COUNCILLOR CROSSLEY

That Council endorses both the 'Baldwin Reserve Clubroom extension' and 'Maffra Lawn Tennis Synthetic Courts upgrade' projects to be submitted under the 2016/17 Community Sports Infrastructure Fund.

**CARRIED** 



# D. URGENT BUSINESS

NIL



# E. FURTHER GALLERY AND CHAT ROOM COMMENTS

NIL

Meeting closed 7.32pm