



# WELLINGTON

SHIRE COUNCIL

*The Heart of Gippsland*

## Resolutions in Brief

**To be read in conjunction with the Council Meeting Agenda  
16 July 2019**

### **COUNCILLORS PRESENT**

Alan Hall (Mayor)  
Malcolm Hole (Deputy Mayor)  
Ian Bye  
Carolyn Crossley  
Gayle Maher  
Darren McCubbin  
Carmel Ripper  
Scott Rossetti  
Garry Stephens

### **IN ATTENDANCE**

David Morcom	- Chief Executive Officer
Arthur Skipitaris	- General Manager Corporate Services
John Websdale	- General Manager Development
Dean Morahan	- Acting General Manager Built & Natural Environment
Sharon Houlihan	- General Manager Community & Culture
Trish Dean	- Governance Officer
Sheryl Saynor	- Executive Assistant Corporate Services

### **OFFICER APOLOGY**

Chris Hastie	- General Manager Built & Natural Environment
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# ORDINARY MEETING OF COUNCIL – 16 JULY 2019

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**ITEM A4****ADOPTION OF MINUTES OF PREVIOUS MEETING/S****OBJECTIVE**

To adopt the minutes of the Ordinary Council Meeting of 2 July 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL****RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 2 July 2019.*

***COUNCILLOR ROSSETTI / COUNCILLOR CROSSLEY***

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 2 July 2019.*

***CARRIED***

**ITEM A5****BUSINESS ARISING FROM PREVIOUS MEETINGS**

NIL

**ITEM A6****ACCEPTANCE OF LATE ITEMS**

NIL

**ITEM A7****NOTICES OF MOTION**

NIL

**ITEM A8(1)****OUTSTANDING PETITIONS**

ITEM	FROM MEETING	COMMENTS	ACTION BY
Nil			

**ITEM A9****INVITED ADDRESSES, PRESENTATIONS OR  
ACKNOWLEDGEMENTS**

Councillor Hole presented the Mayor with a plaque from the Glenmaggie Boat Club in appreciation of Council's continued support.

**ITEM A10****QUESTIONS ON NOTICE**

**NIL**

**ITEM A11(1)****MAYOR AND COUNCILLOR ACTIVITY REPORT****RECOMMENDATION**

*That the Mayor and Councillor Activity report be noted.*

**COUNCILLOR ROSSETTI / COUNCILLOR McCUBBIN**

*That the Mayor and Councillor Activity report be noted.*

**CARRIED**

**ITEM B****DELEGATES REPORT**

**NIL**

**ITEM C1.1****CHIEF EXECUTIVE OFFICER'S REPORT****RECOMMENDATION**

*That the Chief Executive Officer's Report be received.*

**COUNCILLOR MAHER / COUNCILLOR ROSSETTI**

*That the Chief Executive Officer's Report be received.*

**CARRIED**

**ITEM C1.2****JUNE 2019 PERFORMANCE REPORT OBJECTIVE**

For Council to receive and note the June 2019 Council Performance Report.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL****RECOMMENDATION**

*That Council receive and note the June 2019 Council Performance Report as attached.*

**COUNCILLOR STEPHENS / COUNCILLOR HOLE**

*That Council receive and note the June 2019 Council Performance Report as attached.*

**CARRIED**

**ITEM C2.1****ASSEMBLY OF COUNCILLORS****OBJECTIVE**

To report on all assembly of Councillor records received for the period 26 June 2019 to 10 July 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL****RECOMMENDATION**

*That Council note and receive the attached Assembly of Councillor records for the period 26 June 2019 to 10 July 2019.*

**COUNCILLOR BYE / COUNCILLOR MAHER**

*That Council note and receive the attached Assembly of Councillor records for the period 26 June 2019 to 10 July 2019.*

**CARRIED**

**OBJECTIVE**

To request that the Mayor write to the Minister for Local Government requesting that the Local Government Bill 2019, which includes additional reforms, be deferred for 12-18 months. This would enable appropriate and informed examination of the issues, including cost impacts on Councils and the considered development of options in consultation with the sector.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL****RECOMMENDATION**

*That the Mayor write to the Minister for Local Government requesting:*

- *that the Local Government Bill 2019 Reform Proposals be deferred for 12-18 months to enable appropriate examination of the issues, including cost impacts on Councils and the considered development of options in consultation with the sector; and*
- *an immediate one-month extension to the feedback period while the Minister for Local Government considers the deferral of the 2019 Reform proposals to allow councils adequate time to provide a formal response.*

**COUNCILLOR HOLE / COUNCILLOR CROSSLEY**

*That the Mayor write to the Minister for Local Government requesting:*

- *that the Local Government Bill 2019 Reform Proposals be deferred for 12-18 months to enable appropriate examination of the issues, including cost impacts on Councils and the considered development of options in consultation with the sector.*

**CARRIED**

**ITEM C3.1****MONTHLY PLANNING DECISIONS - MAY****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 May 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL****RECOMMENDATION**

*That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 May and 31 May 2019.*

**COUNCILLOR MAHER / COUNCILLOR STEPHENS**

*That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 May and 31 May 2019.*

**CARRIED**

**ITEM C3.2****QUARTERLY STRATEGIC LAND USE PLANNING UPDATE****OBJECTIVE**

To update Council on the strategic land use planning work program for the second quarter (April – June) of 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL****RECOMMENDATION**

*That Council receive the 2019 second quarterly update on the strategic land use planning work program (included in Attachment 1 to this Report).*

**COUNCILLOR MAHER / COUNCILLOR McCUBBIN**

*That Council receive the 2019 second quarterly update on the strategic land use planning work program (included in Attachment 1 to this Report).*

**CARRIED**



**OBJECTIVE**

To determine planning permit application P125/2018 for the use and development of land for a residential hotel, removal of native vegetation, alteration to an access to a Road Zone Category 1 and associated buildings and works.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

James Troedel, Planning Permit Applicant

Spoke to Council regarding the development of the NunDuk Spa Retreat with reference to the following:

- Objections from Council, Catchment Management Authority and Department Environment Land Water & Planning
- Building design will focus on regeneration of land, improve biodiversity and create freshwater wetlands
- Creation of jobs and a tourism opportunity for municipality
- Working inclusively with Gunaikurnai people to ensure that Aboriginal culture is included within the development.

## RECOMMENDATION

***That;***

- 1. Council, pursuant to Section 59, 60, 61 and 65 of the Planning and Environment Act 1987, issue a notice of refusal to grant Planning Permit P125/2018 for use and development of land for a residential hotel, removal of native vegetation, alteration to an access to a Road Zone Category 1 and associated buildings and works on the following grounds:***
- 2. The proposal is not consistent with State and Local Planning Policy as outlined in the objection from the West Gippsland Catchment Management Authority dated 4 July 2019.***
- 3. The proposal is not consistent with State and Local Planning Policy as outlined in the objection from the Department of Environment, Land, Water and Planning dated 15 March 2019.***

### ***COUNCILLOR McCUBBIN / COUNCILLOR ROSSETTI***

***That Council pursuant to Section 59, 60, 61, 62, 64 and 64A of the Planning and Environment Act 1987 issue a Notice of Decision to Grant Planning Permit P125/2018 for use and development of land for a residential hotel, removal of native vegetation, alteration to an access to a Road Zone Category 1 and associated buildings and works in accordance with the proposed planning permit conditions specified in Attachment 2***

Councillor Crossley called for a Division

For: Councillor Hall, Councillor Rossetti, Councillor Maher, Councillor Hole, Councillor Bye, Councillor McCubbin, Councillor Ripper, Councillor Stephens

Against: Councillor Crossley

***CARRIED***

**OBJECTIVE**

The objective of this report is to seek Council authorisation to progress the sale of Council land described as Lot 5 Jackson Drive, Fulham at West Sale Airport (WSA) (refer Figure 1).

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL**

**RECOMMENDATION**

*That;*

- 1. Council authorise the Chief Executive Officer to offer the sale of Council Land described as Lot 5, Jackson Drive, Fulham at West Sale Airport;***
- 2. Council advertises its intention to sell land at West Sale Airport at or above market value, subject to the provisions of the Local Government Act 1989 section 189 and 223, including calling for submissions in relation to the proposed sale;***
- 3. Subject to not receiving any submissions, Council authorise the Chief Executive Officer to progress the sale at or above the current market value including executing necessary documents; and***
- 4. The information contained in the Confidential Attachment F1.1 Proposed Sale of Lot 5 West Sale Airport 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 Development on 9 July 2019 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.***

**COUNCILLOR ROSSETTI / COUNCILLOR BYE**

***That;***

- 1. Council authorise the Chief Executive Officer to offer the sale of Council Land described as Lot 5, Jackson Drive, Fulham at West Sale Airport;***
- 2. Council advertises its intention to sell land at West Sale Airport at or above market value, subject to the provisions of the Local Government Act 1989 section 189 and 223, including calling for submissions in relation to the proposed sale;***
- 3. Subject to not receiving any submissions, Council authorise the Chief Executive Officer to progress the sale at or above the current market value including executing necessary documents; and***
- 4. The information contained in the Confidential Attachment F1.1 Proposed Sale of Lot 5 West Sale Airport 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 Development on 9 July 2019 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.***

**CARRIED**

## ITEM C4.1

## POWER PURCHASE AGREEMENT

### OBJECTIVE

The purpose of this report is to seek Council approval to enter into an agreement with Municipal Association Victoria (MAV) to participate in a tender with the intention to procure renewable electricity through a long term (7-10year) Local Government Power Purchase Agreement for approximately twenty five percent of council's electricity requirements.

### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL

#### RECOMMENDATION

*That*

- 1. Council authorise the Chief Executive Officer to enter into an agreement with the Municipal Association Victoria (MAV) to participate in a tender with the intention to procure renewable electricity through a long term (7-10 years) Local Government Power Purchase Agreement for approximately twenty five percent of council's electricity requirements.***
- 2. The information contained in the attached document item F1.2 Power Purchase Agreement Proposal and Financial Impact 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 Built and Natural Environment on 8 June 2019 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 Hole declared an indirect conflict under section 78B due to a conflict of duty and left the chamber at 7:09pm.

#### **COUNCILLOR McCUBBIN / COUNCILLOR BYE**

*That*

- 1. Council authorise the Chief Executive Officer to enter into an agreement with the Municipal Association Victoria (MAV) to participate in a tender with the intention to procure renewable electricity through a long term (7-10 years) Local Government Power Purchase Agreement for approximately twenty five percent of council's electricity requirements.***
- 2. The information contained in the attached document item F1.2 Power Purchase Agreement Proposal and Financial Impact 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 Built and Natural Environment on 8 June 2019 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.***

**CARRIED**

Councillor Hole returned to the Chamber at 7:13pm.

**ITEM C5.1****QUICK RESPONSE GRANT SCHEME****OBJECTIVE**

For Council to note the information regarding applications received under the Quick Response Grant Scheme (QRGS) for the period March to June 2019 as at Attachment A.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL****RECOMMENDATION**

***That Council note the information regarding applications received under the Quick Response Grant Scheme for the period March 2019 to June 2019 as at Attachment A.***

Councillor McCubbin declared an indirect conflict of interest under section 78B due to a conflict of duty.

Councillor McCubbin left the chamber and the council meeting at 7:14pm.

**COUNCILLOR BYE / COUNCILLOR MAHER**

***That Council note the information regarding applications received under the Quick Response Grant Scheme for the period March 2019 to June 2019 as at Attachment A.***

**CARRIED**

**OBJECTIVE**

For Council to appoint the nominated Maffra Agricultural Society representative to the vacant Committee position as detailed in the attached confidential report, to the Maffra Recreation Reserve Committee of Management for the remainder of the three-year period ending 18 December 2021.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL****RECOMMENDATION*****That:***

- 1. Council appoint the nominated Maffra Agricultural Society representative to the vacant Committee position as detailed in the attached confidential report, to the Maffra Recreation Reserve Committee of Management for the remainder of the three year period, ending 18 December 2021;***
- 2. The information contained in the attached document Item F1.3 Maffra Recreation Reserve Committee 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 June 2019 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 RIPPER / COUNCILLOR CROSSLEY*****That:***

- 1. Council appoint the nominated Maffra Agricultural Society representative to the vacant Committee position as detailed in the attached confidential report, to the Maffra Recreation Reserve Committee of Management for the remainder of the three year period, ending 18 December 2021;***
- 2. The information contained in the attached document Item F1.3 Maffra Recreation Reserve Committee 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 June 2019 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.***

**CARRIED**

**ITEM C5.3****MAFFRA RECREATION RESERVE COMMITTEE OF MANAGEMENT  
MINUTES****OBJECTIVE**

For Council to receive the minutes from the Maffra Recreation Reserve Committee of Management General Meeting held on 3 June 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL****RECOMMENDATION**

*For Council to receive the minutes from the Maffra Recreation Reserve Committee of Management General Meeting held on 3 June 2019.*

**COUNCILLOR RIPPER / COUNCILLOR HOLE**

*For Council to receive the minutes from the Maffra Recreation Reserve Committee of Management General Meeting held on 3 June 2019.*

**CARRIED**

**ITEM C5.4****GIPPSLAND ART GALLERY ADVISORY GROUP MINUTES****OBJECTIVE**

To receive the minutes from the Gippsland Art Gallery Advisory Group meeting held on 3 June 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY - NIL****RECOMMENDATION**

*That Council receive the minutes of the Gippsland Art Gallery Advisory Group meeting held on 3 June 2019.*

**COUNCILLOR ROSSETTI / COUNCILLOR RIPPER**

*That Council receive the minutes of the Gippsland Art Gallery Advisory Group meeting held on 3 June 2019.*

**CARRIED**





## D. URGENT BUSINESS

NIL



## E. FURTHER GALLERY AND CHAT ROOM COMMENTS

*Gallery comments are an opportunity for members of the public to raise any particular matter they wish. This allows those in the gallery to speak directly to councillors but is not a forum designed for open discussion or debate. We will listen respectfully to what you have to say and make the commitment that the Mayor will respond to you in writing within one week if required, and a copy of that response will be circulated to all councillors.*

*This is not a forum for members of the public to lodge complaints against individuals, including councillors and staff, particularly as that individual gets no public right of reply to any matter raised. We take complaints seriously, and in line with the guidance from the Victorian Ombudsman and the local Government Inspectorate, we request that any specific complaint against an individual be put in writing. This way, your concern can be properly dealt with while ensuring fairness to all parties concerned.*

*If you wish to speak, we remind you that this part of the meeting is being recorded and broadcast on our website. Council's official Minutes will record that you have spoken to Council and the subject you spoke to Council about but will not record specific comments. We ask you to state your name in full, where you are from, and you have three minutes*

### CHAT ROOM – NIL

### GALLERY COMMENTS -

John McLinden, Longford resident

Spoke to Council regarding his concerns with the Adani Mine in Queensland.

Meeting declared closed at: 7:24pm

The live streaming of this Council meeting will now come to a close.