



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

Resolutions in Brief

To be read in conjunction with the Agenda 15 March 2016

PRESENT

Councillor – Darren McCubbin – Mayor
Councillor – John Duncan
Councillor – Malcolm Hole
Councillor – Patrick McIvor
Councillor – Emilie Davine
Councillor – Peter Cleary
Councillor – Bob Wenger
Councillor – Carolyn Crossley
Councillor – Scott Rossetti

IN ATTENDANCE

David Morcom – Chief Executive Officer
John Websdale – General Manager Development
Glenys Butler – General Manager Community and Culture
Arthur Skipitaris – General Manager Corporate Services
Chris Hastie – General Manager Built and Natural Environment
Trish Dean – Governance Officer

ORDINARY MEETING OF COUNCIL – 15 MARCH 2016

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

To adopt the minutes of the Ordinary Council Meeting of 1 March 2016 as tabled.

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

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 1 March 2016 as tabled.

COUNCILLOR ROSSETTI/ COUNCILLOR WENGER

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 1 March 2016 as tabled.

CARRIED

ITEM A5**BUSINESS ARISING FROM PREVIOUS MEETING/S**

NIL

ITEM A6**ACCEPTANCE OF LATE ITEMS**

NIL

ITEM A7**NOTICES OF NOTION/S**

NIL

ITEM A8**RECEIVING OF PETITIONS OR JOINT LETTER**

NIL

ITEM A8(1)**OUTSTANDING PETITIONS**

ITEM	FROM MEETING	COMMENTS	ACTION BY
Sealing of Banks Road Gormandale	1 March 2016	Response to Council 5 April 2015	Manager Built Environment

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

NIL

ITEM A10**QUESTIONS ON NOTICE**

NIL

ITEM A10(1)
OUTSTANDING QUESTIONS ON NOTICE

ITEM	FROM MEETING	COMMENTS	ACTION BY
<p><i>Question on Notice</i></p> <p><i>"The Victorian Government has committed to make Victoria the "Education State", promising to deliver a \$320 million TAFE Rescue Fund. Can the CEO please provide council with an update on our local Federation Training campus noting how much of the TAFE rescue fund has been spent, what the effect of this spending is, the enrolment and completion rates at Federation Training's campuses compared with other comparable institutions across Victoria and future directions.</i></p>	4 November 2015	<p>A response will be provided at a future Council Meeting</p> <p><u>15 December 2015</u> "Council has contacted Federation Training seeking a response to a number of the points raised as these matters are not able to be answered without their input. It is anticipated that we will have a response for Council's first meeting in 2016."</p> <p><u>2 February 2016</u> "Council has contacted Federation Training seeking a response to a number of the points raised as these matters are not able to be answered without their input. Although we anticipated that we would have a response for Council's first meeting in 2016 this has not been achieved. Council officers will be meeting with Federation Training over the coming weeks and we are hopeful that a final response will be in hand by the end of February 2016."</p> <p><u>16 February 2016</u> No further update</p> <p><u>1 March 2016</u> Mayor McCubbin and CEO met with Federation Training executives on 11 February they were advised that a detailed response would be made within 4 weeks. A detailed verbal update will be provided to Councillors at that time.</p> <p><u>15 March 2016</u> No further update</p>	General Manager Development

ITEM A11(1)

MAYOR'S REPORT

RECOMMENDATION

That the Mayor's report be noted.

COUNCILLOR CROSSLEY / COUNCILLOR HOLE

That the Mayor's report be noted.

CARRIED

ITEM :A12(1)

YOUTH COUNCIL REPORT

RECOMMENDATION

That Council receive the Youth Mayor's report for the period ending March 2016.

COUNCILLOR McIVOR / COUNCILLOR WENGER

That Council receive the Youth Mayor's report for the period ending March 2016.

CARRIED

ITEM B

DELEGATES REPORT

NIL

ITEM C1.1

FEBRUARY 2016 PERFORMANCE REPORT

OBJECTIVE

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

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

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

COUNCILLOR CLEARY / COUNCILLOR DUNCAN

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

CARRIED

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

To report on all assembly of Councillor records received 6 February 2016 and during the period 23 February 2016 to 8 March 2016.

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

That Council note and receive the attached Assembly of Councillors records received 6 February 2016 and during the period 23 February 2016 to 8 March 2016.

COUNCILLOR DAVINE / COUNCILLOR ROSSETTI

That Council note and receive the attached Assembly of Councillors records received 6 February 2016 and during the period 23 February 2016 to 8 March 2016.

CARRIED

ITEM C2.2**ELECTION CARETAKER POLICY****OBJECTIVE**

To adopt the revised Election Caretaker Policy following reforms arising from the *Local Government Amendment (Improved Governance) Act 2015*.

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

That Council adopt the revised Election Caretaker Policy, as attached

COUNCILLOR HOLE / COUNCILLOR CROSSLEY

That Council adopt the revised Election Caretaker Policy, as attached

CARRIED

OBJECTIVE

To receive and note the minutes of the Audit Committee meeting held on 25 February 2016.

RECOMMENDATION

That:

- 1. Council receive and note the minutes in brief (Attachment 1) and the confidential attachment at Item F1.1 Audit Committee Minutes of 25 February 2016; and*
- 2. The information contained in the confidential attachment Item F1.1 Audit Committee Minutes of 25 February 2016 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 Corporate Services on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: e) proposed developments; f) legal advice; and h) any other matter which the Council 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 DUNCAN / COUNCILLOR ROSSETTI

That:

- 1. Council receive and note the minutes in brief (Attachment 1) and the confidential attachment at Item F1.1 Audit Committee Minutes of 25 February 2016; and*
- 2. The information contained in the confidential attachment Item F1.1 Audit Committee Minutes of 25 February 2016 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 Corporate Services on 18 February 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: e) proposed developments; f) legal advice; and h) any other matter which the Council 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 C2.4**INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL
STAFF****OBJECTIVE**

For Council to adopt an updated Instrument of Delegation to Members of Council Staff as a result of recent amendments to the *Food Act 1984* and *Planning and Environment Act 1987*, as attached.

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

That Council adopt the updated Instrument of Delegation to Members of Council Staff, as attached.

COUNCILLOR DAVINE / COUNCILLOR CLEARY

That Council adopt the updated Instrument of Delegation to Members of Council Staff, as attached.

CARRIED

ITEM C3.1**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 January 2016 for information.

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

That Council note the report on recent planning permit trends and Planning Application Determinations between 1 January and 31 January 2016.

COUNCILLOR McIVOR / COUNCILLOR CROSSLEY

That Council note the report on recent planning permit trends and Planning Application Determinations between 1 January and 31 January 2016.

CARRIED

ITEM C3.2**BUILDING PERMITS REPORT****OBJECTIVE**

To provide a report to Council on building permits issued in the Wellington Shire during the quarter October - December 2015 for information.

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

That Council note the report of building permits issued from 1 October 2015 to 31 December 2015.

ALTERNATE RECOMMENDATION

That Council note the report of building permits issued from 1 October 2015 to 31 December 2015 noting December total \$30,086,519 (SALE) should read \$12,086,519 for month of December 2015.

COUNCILLOR McIVOR / COUNCILLOR WENGER

That Council note the report of building permits issued from 1 October 2015 to 31 December 2015 noting December total \$30,086,519 (SALE) should read \$12,086,519 for month of December 2015.

CARRIED

ITEM C3.2

AMENDMENT C95: PORT ALBERT RURAL RESIDENTIAL LIFESTYLE LOTS REVIEW AND PLANNING CONTROLS REVIEW IMPLEMENTATION

OBJECTIVE

For Council to resolve to:

1. Consider the Report of the Planning Panel and the associated recommendation for Amendment C95, pursuant to Section 27 of the *Planning and Environment Act 1987*; and
2. Adopt Planning Scheme Amendment C95 with minor changes in Precinct 5 (refer to **Attachment 1**) pursuant to Section 29 of the *Planning and Environment Act 1987*; and

3. Request the Minister for Planning to approve Planning Scheme Amendment C95 with minor changes in Precinct 5 pursuant to Section 31 of the *Planning and Environment Act 1987* and take no further action, having regard to the Council Resolution of 2 December 2014:

“Should strong growth rates of rural residential lots be evident in Port Albert (following the rezoning of land identified in this motion), Council will review the potential for further rural residential rezoning in the context of the relevant planning policy applicable at the time”;

OR

3. Request the Minister for Planning to approve Planning Scheme Amendment C95 with minor changes in Precinct 5 pursuant to Section 31 of the *Planning and Environment Act 1987* and resolve to prepare a new Planning Scheme Amendment based on further strategic work to investigate replacing the Farming Zone (within the existing study area Precincts) with the most appropriate zone;

OR

3. Request the Minister for Planning to approve Planning Scheme Amendment C95 with minor changes in Precinct 5 pursuant to Section 31 of the *Planning and Environment Act 1987* and resolve to request the Minister for Planning to rezone additional land within Precincts 5, 6 and 7 (or other appropriate Precincts/combination thereof), to the Rural Living Zone 2 as illustrated in **Attachment 4**.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

Don Caithness, Yarram resident

Mr Caithness has a vested interest (Farming Zone Precinct 6 & 7) and is opposed to this development, however on a wider scale the whole area from Port Albert to Old Tarraville Road National Park should reflect the current usage.

Gary Proud, Port Albert resident

Referred Council to recommendations on page 98 and would like to see Council adopt pursuant to section 31 of the *Planning and Environment Act 1987* along with last paragraph of page 18 from the panel report regarding Council undertaking a strategic planning analysis and removal of planning zones where inappropriate.

Michael Glebov, Port Albert resident

Spoke in support of option 3.2 pursuant to planning act however C95 requires further investigation relating to inappropriate default zoning anomalies that are still occurring within Port Albert.

RECOMMENDATION

That Council:

1. Pursuant to Section 27 of the *Planning and Environment Act 1987*, consider the Report of the Planning Panel and the associated recommendation for Amendment C95; and
2. Pursuant to Section 29 of the *Planning and Environment Act 1987*, resolve to adopt Amendment C95 with minor changes in Precinct 5 (refer to Attachment 1); and

3. Pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C95 with minor changes in Precinct 5 and take no further action, having regard to the Council Resolution of 2 December 2014:

“Should strong growth rates of rural residential lots be evident in Port Albert (following the rezoning of land identified in this motion), Council will review the potential for further rural residential rezoning in the context of the relevant planning policy applicable at the time”;

OR

3. Pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C95 with minor changes in Precinct 5 and resolve to prepare a new Planning Scheme Amendment based on further strategic work to investigate replacing the Farming Zone (within the existing study area Precincts) with the most appropriate zone;

OR

3. Pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C95 with minor changes in Precinct 5 and resolve to request the Minister for Planning to rezone additional land within Precincts 5, 6 and 7 (or other appropriate Precincts/combination thereof), to the Rural Living Zone 2 as illustrated in Attachment 4.

COUNCIL RECOMMENDATION

That Council:

- 1. Pursuant to Section 27 of the *Planning and Environment Act 1987*, consider the Report of the Planning Panel and the associated recommendation for Amendment C95; and**
- 2. Pursuant to Section 29 of the *Planning and Environment Act 1987*, resolve to adopt Amendment C95 with minor changes in Precinct 5 (refer to Attachment 1); and**
- 3. Pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C95 with minor changes in Precinct 5 and resolve to request the Minister for Planning to rezone additional land within Precincts 5, 6 and 7 (or other appropriate Precincts/combination thereof), to the Rural Living Zone 2 as illustrated in Attachment 4.**

COUNCILLOR WENGER / COUNCILLOR McIVOR

That Council:

- 1. Pursuant to Section 27 of the *Planning and Environment Act 1987*, consider the Report of the Planning Panel and the associated recommendation for Amendment C95; and**
- 2. Pursuant to Section 29 of the *Planning and Environment Act 1987*, resolve to adopt Amendment C95 with minor changes in Precinct 5 (refer to Attachment 1); and**
- 3. Pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C95 with minor changes in Precinct 5 and resolve to request the Minister for Planning to rezone additional land within Precincts 5, 6 and 7 (or other appropriate Precincts/combination thereof), to the Rural Living Zone 2 as illustrated in Attachment 4.**

CARRIED

ITEM C3.3**AMENDMENT C87 - LONGFORD DEVELOPMENT PLAN
IMPLEMENTATION****OBJECTIVE**

For Council to resolve to:

1. consider all submissions made to Planning Scheme Amendment C87 - Longford Development Plan implementation;
2. adopt Planning Scheme Amendment C87 - Longford Development Plan Implementation; and
3. request the Minister for Planning to approve Planning Scheme Amendment C87 - Longford Development Plan implementation under the provisions of the *Planning and Environment Act 1987*.

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

That

1. Council pursuant to Section 22 of the *Planning and Environment Act 1987*, consider all submissions made to Amendment C87 - Longford Development Plan Implementation (refer to Attachment 1).
2. Council pursuant to Section 29 of the *Planning and Environment Act 1987*, resolve to adopt Amendment C87 - Longford Development Plan Implementation (refer to Attachment 2).
3. Council pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C87 - Longford Development Plan Implementation.

COUNCILLOR McIVOR / COUNCILLOR CROSSLEY

That

1. Council pursuant to Section 22 of the *Planning and Environment Act 1987*, consider all submissions made to Amendment C87 - Longford Development Plan Implementation (refer to Attachment 1).
2. Council pursuant to Section 29 of the *Planning and Environment Act 1987*, resolve to adopt Amendment C87 - Longford Development Plan Implementation (refer to Attachment 2).
3. Council pursuant to Section 31 of the *Planning and Environment Act 1987*, resolve to request the Minister for Planning to approve Amendment C87 - Longford Development Plan Implementation.

CARRIED

OBJECTIVE

The purpose of this report is for Council to consider entering into a contract for the Sale Streetscape Renewal Concrete Works in Macarthur Street, Sale between York Street and Desailly Street.

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

That:

1. *Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.2 of the Council Meeting Agenda for contract 2015-038 Sale Streetscape Renewal –Works ; and*
2. *The information contained in the confidential document Item F1.2 of this Council Meeting be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 01 March 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, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

COUNCILLOR ROSSETTI/ COUNCILLOR CLEARY

That:

1. *Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.2 of the Council Meeting Agenda for contract 2015-038 Sale Streetscape Renewal –Works ; and*
2. *The information contained in the confidential document Item F1.2 of this Council Meeting be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 01 March 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, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

CARRIED

The Mayor announced Doncol Civil Pty Ltd as the successful tenderer

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

For Council to note the information regarding successful applications under the Quick Response Grant Scheme (QRGS) for the period November 2015 to February 2016 as at Attachment A.

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

That Council note the information regarding successful applications under the Quick Response Grant Scheme for the period November 2015 and February 2016 as at Attachment A.

COUNCILLOR CROSSLEY/COUNCILLOR CLEARY

That Council note the information regarding successful applications under the Quick Response Grant Scheme for the period November 2015 and February 2016 as at Attachment A.

CARRIED

OBJECTIVE

For Council to amend the current Gordon Street Recreation Reserve Committee of Management Terms of Reference to reflect a membership of up to five community representatives and for Council to appoint the nominated community representative to the Gordon Street Recreation Reserve Committee of Management, as detailed in the attached confidential report, for the remainder of the 3 year period, ending 18 December 2018.

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

That:

- 1. The information contained in the confidential attachment Item F1.3 Gordon Street 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 26 February 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.***
- 2. Council amend the current Gordon Street Recreation Reserve Section 86 Committee of Management Terms of Reference to reflect a membership of up to five community representatives;***
- 3. Council appoint the nominated community representative as detailed in the attached confidential report to the Gordon Street Recreation Reserve Section 86 Committee of Management.***

COUNCILLOR HOLE / COUNCILLOR WENGER

That:

- 1. The information contained in the confidential attachment Item F1.3 Gordon Street 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 26 February 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.***

- 2. Council amend the current Gordon Street Recreation Reserve Section 86 Committee of Management Terms of Reference to reflect a membership of up to five community representatives;**
- 3. Council appoint the nominated community representative as detailed in the attached confidential report to the Gordon Street Recreation Reserve Section 86 Committee of Management.**

CARRIED



D. URGENT BUSINESS

NIL



E. FURTHER GALLERY AND CHAT ROOM COMMENTS

Chat Room Comments - NIL

Natasha Overy, Stratford Resident

Presented council with letter and photos concerning lack of fencing in McFarlane Crescent, Stratford. The footpath in McFarlane Crescent (approx. 2 -2 ½ meters) runs along the railway line and I request that Council investigate the possibility of fencing this section to improve safety and reduce potential injuries.

Trevor Cawthorn, Longford Resident

Completion of bike track from school to Lakeview which was discussed a couple of years ago (pending VicRoads approval) and also lack of maintenance on new bike track along with section of track from hall to the school. These sections are becoming increasingly narrower from encroaching grass.

Meeting closed 7:00pm