



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

Resolutions in Brief

To be read in conjunction with the Agenda of 21 October 2014

PRESENT:

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

IN ATTENDANCE:

Chris Hastie, General Manager Built & Natural Environment
John Websdale, Acting Chief Executive Officer
Tracey Cummings, Acting General Manager Corporate Services

ABSENT:

David Morcom, Chief Executive Officer
Glenys Butler, General Manager Healthy Lifestyles

Councillor John Duncan left chambers at 7:38pm

ORDINARY MEETING OF COUNCIL – 21 OCTOBER 2014

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ITEM A10**INVITED ADDRESSES, PRESENTATIONS OR
ACKNOWLEDGEMENTS**

Mr Ian Reilly GEO Fulham Prison on behalf of the Corrections Commissioner presented Council with an Award for outstanding partnerships between Corrections and the community. Winner of the 'Most Outstanding New Project' – Bushfire Recovery Work Community Plants Project; Help! No problem we are on our way.

ITEM A11**GALLERY COMMENTS**

NIL

ITEM A12**QUESTIONS ON NOTICE**

NIL

ITEM A12(1)**OUTSTANDING QUESTIONS ON NOTICE**

ITEM	FROM MEETING	COMMENTS	ACTION BY
<p>Question on Notice:</p> <p><i>When the 2014/15 Federal budget was announced it was revealed that indexation of Federal Assistance Grants would be 'paused' for three years. This announcement has resulted in a shortfall in funding for the Wellington Shire of \$420,000 for 2014/15 with the cumulative effect of 'freezing' the grant at 2013/14 levels over the four years of the Strategic Resource Plan being a loss of approximately \$3.6 million in revenue for local infrastructure projects.</i></p> <p><i>Because the minimum general purpose grant allocated to the inner Melbourne Councils is provided as of right, the effect of this "pause" on their budgets is negligible. As a result, the impact of the federal government indexation freeze is being most felt by regional and rural Councils that have the greatest need.</i></p> <p><i>In the Gippsland Times of Friday 27 June 2014, Gippsland MHR Darren Chester was quoted as saying "that the Government had committed to a significant boost in roads funding to help local Government deliver large and small scale roads projects which was expected to offset the indexation pause for Regional Councils".</i></p>	<p>15 July 2014</p>	<p>A response will be provided at a future Council Meeting.</p> <p><u>5 August 2014</u></p> <p>The briefing paper below at attachment 1 provides relevant background information in relation to the impact on the freezing of indexation on the Grants Commission allocation. A copy of this briefing paper has also been provided to Darren Chester MP.</p> <p>A copy of a letter received from Darren Chester MP at attachment 2 is provided in response to the Question on Notice. Given the general nature of the response from Mr Chester, the Chief Executive Officer has forwarded a further letter requesting specific details in relation to Wellington Shire Council. One a response has been received the information will be provided at a future</p>	<p>General Manager Corporate Services</p>

<p><i>Can the CEO please explain what additional funding in Federal Road Funding is expected over the life of the Strategic Resource Plan and what, if any, are the conditions on accessing these additional funds?</i></p>		<p>meeting of Council.</p> <p><u>19 August 2014</u> No response</p> <p><u>3 September 2014</u> No response</p> <p><u>16 September 2014</u> No response</p> <p><u>7 October 2014</u> No response</p> <p><u>21 October 2014</u> The guidelines for the Commonwealth Governments 2014-2019 Roads to Recovery Programme have now been released.</p> <p>Council will receive a total of \$13,336,018 over the life of the programme (an increase of \$1,878,828 on the previous program), which includes additional funding in the second year. The additional funding in 2015-16 effectively means that Council will receive a double payment, the equivalent of one extra year's Roads to Recovery funding. To receive the funding, the minimum amount of "own source expenditure" that Council must direct towards road construction and maintenance each year will be anchored at 2013-14 levels of \$5,470,515.</p> <p>The Australian Government has also committed funding during the same period to the new Bridges Renewal Programme (BRP). The objectives of the BRP are to contribute to the productivity of bridges</p>	
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		<p>serving local communities, and facilitate higher productivity vehicle access, amongst others.</p> <p>State, Territory and Local Governments are eligible to apply for funding under the BRP for a maximum contribution of 50 per cent of the total project cost. Projects will be selected as part of a competitive, merit based process.</p> <p>The previous 5 year program saw \$11,457,190 allocated to Wellington Shire, through an annual allocation of \$2,291,438 all of which was received and fully spent.</p> <p><u>Financial Assistance Grants</u> Council will receive \$12,197,106 m in 2014/15 (frozen at 2013/14 levels) and the two years following, after which indexation may be reapplied. Over the last five years, Council has received a total of \$53.9m. A graph depicting the trend over the last ten years is provided below (source Victoria Grants Commission).</p>	
ITEM	FROM MEETING	COMMENTS	ACTION BY
Question on Notice: Could the CEO please request from the Shadow Minister for Transport an assurance that ALL Gippsland line passenger rail services, beginning and ending east of Pakenham, will start and/or terminate at either Flinders Street station or Southern Cross station, should the Labor Party form government after the next State election?	16 September 2014	A response will be provided at a future Council Meeting. 21 October 2014 Awaiting response	General Manager Development

ITEM A13

MAYOR'S REPORT

RECOMMENDATION

That the Mayor's report be noted.

COUNCILLOR McCUBBIN/COUNCILLOR CLEARY

That the Mayor's report be noted.

CARRIED

ITEM A14

YOUTH COUNCIL REPORT

RECOMMENDATION

That Council receive the Youth Mayor's quarterly report for the period ending September 2014.

COUNCILLOR CROSSLEY/COUNCILLOR CLEARY

That Council receive the Youth Mayor's quarterly report for the period ending September 2014.

CARRIED

ITEM B1

DELEGATES REPORT: AUSTRALIA POST ISSUES WITHIN REGIONAL AREAS

RECOMMENDATION

That the delegate report be noted

COUNCILLOR McIVOR/COUNCILLOR WENGER

That the delegates report be noted

CARRIED

ITEM C1.1

CHIEF EXECUTIVE OFFICER'S REPORT

RECOMMENDATION

That the Chief Executive Officer's Report be received.

COUNCILLOR CROSSLEY/COUNCILLOR DUNCAN

That the Chief Executive Officer's Report be received.

CARRIED

ITEM C1.2

SEPTEMBER 2014 COUNCIL PERFORMANCE REPORT

OBJECTIVE

For Council to receive and note the September 2014 Council Performance Report.

RECOMMENDATION

That Council receive and note the September 2014 Council Performance Report as attached.

COUNCILLOR McIVOR/COUNCILLOR DUNCAN

That Council receive and note the September 2014 Council Performance Report as attached.
CARRIED

ITEM C1.3

CONSIDERATION OF THE ANNUAL REPORT 2013/14

OBJECTIVE

To consider, discuss and receive the Annual Report 2013/14 for Wellington Shire Council.

RECOMMENDATION

That Council consider, discuss and receive the Annual Report 2013/14 in accordance with the requirements of the Local Government Act 1989.

COUNCILLOR CLEARY/COUNCILLOR DAVINE

That Council consider, discuss and receive the Annual Report 2013/14 in accordance with the requirements of the Local Government Act 1989.
CARRIED

ITEM C2.1

LOCAL LAW NO.1

OBJECTIVE

For Council to revoke existing Local Law No.1 – 2005 Processes of Municipal Government (Meetings and Common Seal) and formally make a new Local Law No 1 – 2014 Processes of Municipal Government Meetings and Common Seal).

RECOMMENDATION

That:

- 1. Council revoke Local Law No 1 – 2005 Processes of Municipal Government (Meetings and Common Seal);*
- 2. Council make Local Law No 1 – 2014 – Processes of Municipal Government (Meetings and Common Seal), as attached, and give notice of this decision in the Government Gazette and by public notice; and*
- 3. Council authorise the Chief Executive Officer to sign and seal Local Law No 1 – 2014 Processes of Municipal Government (Meetings and Common Seal).*

COUNCILLOR McIVOR/COUNCILLOR WENGER

That:

- 1. Council revoke Local Law No 1 – 2005 Processes of Municipal Government (Meetings and Common Seal);**
- 2. Council make Local Law No 1 – 2014 – Processes of Municipal Government (Meetings and Common Seal), as attached, and give notice of this decision in the Government Gazette and by public notice; and**
- 3. Council authorise the Chief Executive Officer to sign and seal Local Law No 1 – 2014 Processes of Municipal Government (Meetings and Common Seal).**

CARRIED

ITEM C2.2 ASSEMBLY OF COUNCILLORS

OBJECTIVE

To report on all assemblies of Councillors records received during the period 6 and 7 October 2014.

RECOMMENDATION

That Council note and receive the attached assembly of Councillors records received during the period 6 and 7 October 2014.

COUNCILLOR DAVINE/COUNCILLOR WENGER

That Council note and receive the attached assembly of Councillors records received during the period 6 and 7 October 2014.

CARRIED

ITEM C3 GENERAL MANAGER DEVELOPMENT

NIL

ITEM C4.1 REVIEW OF PUBLIC ACQUISITION OVERLAY

OBJECTIVE

The objective of this report is for Council to authorise the removal the Public Acquisition Overlay (PAO) currently applied to the Port of Sale Business Centre – PAO 07.

RECOMMENDATION

That:

- 1. Council determine that the Public Acquisition Overlay (PAO 07) applied to land described as the Port of Sale Business Centre (POSBC), 66 Foster Street, Sale (Lot 2 PS406453) is no longer required; and**
- 2. The information contained in the confidential document Item F1.1 Review of Public Acquisition Overlay Scheme of this Council Meeting Agenda be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built and Natural Environment on 2 October 2014 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: e) legal advice be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989.**

COUNCILLOR CROSSLEY/COUNCILLOR McIVOR

That:

- 1. Council determine that the Public Acquisition Overlay (PAO 07) applied to land described as the Port of Sale Business Centre (POSBC), 66 Foster Street, Sale (Lot 2 PS406453) is no longer required; and**
- 2. The information contained in the confidential document Item F1.1 Review of Public Acquisition Overlay Scheme of this Council Meeting Agenda be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built and Natural Environment on 2 October 2014 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: e) legal advice be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989.**

CARRIED

ITEM C4.2

ROAD DISCONTINUANCE – PART OF LANEWAY, OFF BLAND STREET YARRAM - PARISH OF YARRAM YARRAM

OBJECTIVE

The objective of this report is for Council to consider the advertising, discontinuance and sale of a section of former laneway off Bland Street, Yarram as shown on the attached plan.

RECOMMENDATION

That:

- 1. Pursuant to Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolves to advertise its intention to discontinue a section of the former laneway being part of title Volume 04550 Folio 958 Bland Street, Yarram;**
- 2. Council place a notice of the proposed discontinuance of a section of the former laneway being part of title Volume 04550 Folio 958, in local newspapers and serve a copy of the notice on abutting property owners and statutory authorities;**
- 3. In the event of no objections been received, Council resolves to discontinue a section of the former laneway being part of title Volume 04550 Folio 985 and places a notice in the Victoria Government Gazette; and**

4. ***Council dispose of the discontinued section of laneway to the abutting land owner in accordance with Wellington Shire Council Policy 4.3.6 Sale, Exchange and Acquisition of Land.***

COUNCILLOR WENGER/COUNCILLOR McCUBBIN

That:

1. ***Pursuant to Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolves to advertise its intention to discontinue a section of the former laneway being part of title Volume 04550 Folio 958 Bland Street, Yarram;***
2. ***Council place a notice of the proposed discontinuance of a section of the former laneway being part of title Volume 04550 Folio 958, in local newspapers and serve a copy of the notice on abutting property owners and statutory authorities;***
3. ***In the event of no objections been received, Council resolves to discontinue a section of the former laneway being part of title Volume 04550 Folio 985 and places a notice in the Victoria Government Gazette; and***
4. ***Council dispose of the discontinued section of laneway to the abutting land owner in accordance with Wellington Shire Council Policy 4.3.6 Sale, Exchange and Acquisition of Land.***

CARRIED

ITEM C4.3 PUBLIC OPEN SPACE PLAN 2014-2024

OBJECTIVE

For Council to adopt the Open Space Plan 2014–2024.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

Cr Duncan left Council Chambers at 7.38pm

RECOMMENDATION

That Council adopt the Open Space Plan 2014–2024.

COUNCILLOR McCUBBIN/COUNCILLOR McIVOR

That Council adopt the Open Space Plan 2014–2024.

CARRIED

ITEM C4.4 CONTRACT 2014-009 SALE CBD INFRASTRUCTURE RENEWAL. RAYMOND STREET - CUNNINGHAME STREET TO MACARTHUR STREET AND MACARTHUR STREET - RAYMOND STREET TO DESAILLY STREET, SALE

OBJECTIVE

The objective of this report is for Council to consider entering into a contract for the Raymond Street - Cunninghame Street to Macarthur Street and Macarthur Street - Raymond Street to

Desailly Street kerb and channel and concrete footpath replacement as a continuation of the Sale CBD Infrastructure Renewal works.

RECOMMENDATION

That:

- 1. Council adopts the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.3 of the Council Meeting Agenda for Contract 2014 009 Sale UDF Kerb and Channel and Concrete Footpath Replacement. Raymond Street to Macarthur Street and Macarthur Street: Raymond Street to Desailly Street, Sale; and**
- 2. The information contained in the confidential document Item F1.3 Contract 2014 009 Sale UDF Kerb and Channel and Concrete Footpath Replacement. Raymond Street to Macarthur Street and Macarthur Street: Raymond Street to Desailly Street, Sale of this Council Meeting Agenda, be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built and Natural Environment on 6 October 2014 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 this recommendation has been adopted the name of the successful tenderer can be made public.**

COUNCILLOR CROSSLEY/COUNCILLOR WENGER

That:

- 1. Council adopts the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.3 of the Council Meeting Agenda for Contract 2014 009 Sale UDF Kerb and Channel and Concrete Footpath Replacement. Raymond Street to Macarthur Street and Macarthur Street: Raymond Street to Desailly Street, Sale; and**
- 2. The information contained in the confidential document Item F1.3 Contract 2014 009 Sale UDF Kerb and Channel and Concrete Footpath Replacement. Raymond Street to Macarthur Street and Macarthur Street: Raymond Street to Desailly Street, Sale of this Council Meeting Agenda, be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built and Natural Environment on 6 October 2014 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 this recommendation has been adopted the name of the successful tenderer can be made public.**

CARRIED

The Mayor announced Contula Constructions Pty Ltd as the successful tenderer.

ITEM C5.1

GIPPSLAND ART GALLERY ADVISORY GROUP MEMBERSHIP

OBJECTIVE

That Council appoint members to the Gippsland Art Gallery Advisory Group as detailed in the attached confidential report at Item F1.2 of the Council Meeting Agenda.

RECOMMENDATION

That:

- 1. Council appoint members to the Gippsland Art Gallery Advisory Group as detailed in the attached confidential report at Item F1.2 of the Council Meeting Agenda; and**
- 2. The information contained in the confidential document Item F1.2 Gippsland Art Gallery Advisory Group Membership of this Council Meeting Agenda, be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Development on 2 October 2014 because it relates to the following grounds under Section 89(2) of the Act: (h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Clause 77 (2) (b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful applicants can be made public.**

COUNCILLOR DAVINE/COUNCILLOR McCUBBIN

That:

- 1. Council appoint members to the Gippsland Art Gallery Advisory Group as detailed in the attached confidential report at Item F1.2 of the Council Meeting Agenda; and**
- 2. The information contained in the confidential document Item F1.2 Gippsland Art Gallery Advisory Group Membership of this Council Meeting Agenda, be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Development on 2 October 2014 because it relates to the following grounds under Section 89(2) of the Act: (h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Clause 77 (2) (b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful applicants can be made public.**

CARRIED

Successful Advisory Group Members are:

- Community Representative Mrs Robyn Aitkin
- Community Representative Mr Brian Cantwell
- Community Representative Mr Brian Castles
- Community RepresentativeMiss Claire Marston
- Community RepresentativeDr Robert Ziffer
- Art Educator RepresentativeMrs Bianca Taylor
- Practicing Artist Representative Mr Clive Murray-White

Cr Crossley returned to Council Chambers at 7.51pm

ITEM C5.2

COMMUNITY ASSISTANCE GRANTS – EVENTS, PROJECTS AND FACILITIES AUGUST 2014

OBJECTIVE

That Council adopt the recommendations to allocate Community Assistance Grants – Events, Projects and Facilities August 2014 funds as detailed in Attachment A and applicants notified of the outcome of their applications.

RECOMMENDATION

That Council adopt the recommendations to allocate Community Assistance Grants – Events, Projects and Facilities August 2014 funds as detailed in Attachment A and applicants notified of the outcome of their applications.

COUNCILLOR McIVOR/COUNCILLOR

That Council adopt the recommendations to allocate Community Assistance Grants – Events, Projects and Facilities August 2014 funds as detailed in Attachment A and applicants notified of the outcome of their applications.

CARRIED

Cr McCubbin returned to Council Chambers at 7.54pm



D. URGENT BUSINESS

NIL



E. FURTHER GALLERY AND CHAT ROOM COMMENTS

NIL

Meeting closed at 7.55pm