



# WELLINGTON SHIRE COUNCIL

*The Heart of Gippsland*

## Resolutions in Brief

To be read in conjunction with the Council Meeting Agenda  
20 August 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
Chris Hastie	- General Manager Built & Natural Environment
Sharon Houlihan	- General Manager Community & Culture
Sheryl Saynor	- Executive Support Officer Corporate Services
Denise Teo	- Governance Officer

# ORDINARY MEETING OF COUNCIL – 20 AUGUST 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 6 August 2019.

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

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 August 2019.*

**COUNCILLOR BYE / COUNCILLOR MAHER**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 August 2019.*

**CARRIED**

**ITEM A5(1)****NOTICE OF MOTION – PLANNING SCHEME AMENDMENT C99**

I, Councillor Maher, hereby give notice of my intention to lift the 18 June 2019 Council report Item C3.2 (Planning Scheme Amendment C99 – Flood Mapping and Flood Policy Update) (see Attachment 2) from the table at the Ordinary Meeting of Council on 20 August 2019 and to move an alternative motion for Council's consideration which has the effect of deferring Amendment C99 until a definitive and comprehensive State Government policy position is established in relation to coastal flooding and climate change adaptation.

**RECOMMENDATION****That:**

- 1. Council note the submission included in Attachment 1 sent to the Department of Environment, Land, Water and Planning in response to the public exhibition of the Draft Marine and Coastal Policy.**
- 2. Council, prior to further considering Amendment C99, seek a comprehensive and definitive written response from the Minister for Energy, Environment and Climate Change and the Minister for Planning on steps to be taken to provide for a consistent State led response to coastal flooding and coastal climate change adaptation (with requisite community engagement), including in the Wellington Shire.**
- 3. Council, prior to further considering Amendment C99, and in lieu of the former Minister for Planning's decision to not apply flood controls to the urban area of Port Albert via Amendment C33, write to the current Minister for Planning to seek clarity and certainty of position in relation to proposed Amendment C99.**

**COUNCILLOR MAHER / COUNCILLOR MCCUBBIN**

**That:**

- 1. Council note the submission included in Attachment 1 sent to the Department of Environment, Land, Water and Planning in response to the public exhibition of the Draft Marine and Coastal Policy.**
- 2. Council, prior to further considering Amendment C99, seek a comprehensive and definitive written response from the Minister for Energy, Environment and Climate Change and the Minister for Planning on steps to be taken to provide for a consistent State led response to coastal flooding and coastal climate change adaptation (with requisite community engagement), including in the Wellington Shire.**
- 3. Council, prior to further considering Amendment C99, and in lieu of the former Minister for Planning's decision to not apply flood controls to the urban area of Port Albert via Amendment C33, write to the current Minister for Planning to seek clarity and certainty of position in relation to proposed Amendment C99.**

**CARRIED**

**ITEM A6**

**ACCEPTANCE OF LATE ITEMS**

NIL

**ITEM A7**

**NOTICES OF MOTION**

NIL

**ITEM A8**

**RECEIVING OF PETITIONS OR JOINT LETTERS**

NIL

**ITEM A8(1)**

**OUTSTANDING PETITIONS**

NIL

**ITEM A8(2)**

**RECEIPT OF JOINT LETTER – MCMILLAN STREET AND SCOTT STREET, STRATFORD**

**OBJECTIVE**

The purpose of this report is for Council to receive the joint letter presented at the Ordinary Council meeting of 20 August 2019, and acknowledge a response was sent to the correspondent of the letter acknowledging the request and confirming the commencement of the special charge scheme process.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

## RECOMMENDATION

### ***That Council:***

- 1. Receive the attached joint letter penned by residents of McMillan Street and Scott Street, Stratford in regard to a street upgrade through a special charge scheme; and***
- 2. Deal with the attached joint letter in relation to a street upgrade for McMillan and Scott Street, Stratford in this meeting; and***
- 3. Acknowledge that a response was sent to the correspondent of the letter acknowledging the request and confirming the commencement of the special charge scheme engagement process.***

### **COUNCILLOR RIPPER / COUNCILLOR STEPHENS**

### ***That Council:***

- 1. Receive the attached joint letter penned by residents of McMillan Street and Scott Street, Stratford in regard to a street upgrade through a special charge scheme; and***
- 2. Deal with the attached joint letter in relation to a street upgrade for McMillan and Scott Street, Stratford in this meeting; and***
- 3. Acknowledge that a response was sent to the correspondent of the letter acknowledging the request and confirming the commencement of the special charge scheme engagement process.***

**CARRIED**

## ITEM A9

### INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

Councillor Crossley paid tribute to the partnership project at the Heyfield Wetlands following an event which took place on 15 August 2019. The event commemorated the allocation of ten megalitres of diverted Thomson River water into its western pond which revitalised the area as a refuge for birds and plants. This community driven project started 30 years ago, which has created three ponds and enhanced the surrounding areas with the support of local contractors and plant contributions from Glenmaggie Plant Farm. Peninsula Grammar School has planted over twelve thousand trees and shrubs over the past ten years which has resulted in 95 bird species in the area. VCAL students from Sale Catholic College have contributed to the building of duck nests and floating islands for aquatic plants.

Councillor McCubbin presented a Certificate of Appreciation from Sale RSL to the Mayor for Council's support of the 2018 Centenary Armistice Ball celebrating the end of the war.

Councillor Hall attended a service at the Sale RSL on 17 August 2019 to commemorate the 53<sup>rd</sup> anniversary of the Battle of Long Tan. He stated that it was a very moving and special service which reinforced the value of our community and service groups.

Councillor Ripper acknowledged that AFLW Gippsland team Boisdale-Briagolong Bombers won the grand final for the second year in a row and congratulated the players on a final score of 92 to 8. Councillor Ripper also attended the Stratford Courthouse Theatre on 17 August 2019 for 'The



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

### **RECOMMENDATION**

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

**COUNCILLOR STEPHENS / COUNCILLOR BYE**

*That Council receive and note the July 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 31 July 2019 to 14 August 2019.

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

### **RECOMMENDATION**

*That Council note and receive the attached Assembly of Councillor records for the period 31 July 2019 to 14 August 2019.*

**COUNCILLOR BYE / COUNCILLOR MAHER**

*That Council note and receive the attached Assembly of Councillor records for the period 31 July 2019 to 14 August 2019.*

**CARRIED**

## **ITEM C3.1**

## **MONTHLY PLANNING DECISIONS - JUNE**

### **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 2019.

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

## RECOMMENDATION

*That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 June and 30 June 2019.*

**COUNCILLOR MAHER / COUNCILLOR CROSSLEY**

*That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 June and 30 June 2019.*

**CARRIED**

### ITEM C3.2

### NINETY MILE BEACH SUBDIVISIONS – OMBUDSMAN REPORT

#### OBJECTIVE

To receive the Victorian Ombudsman report 'Investigation into Wellington Shire Council's handling of Ninety Mile Beach subdivisions' dated August 2019 and consider its associated recommendations.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

## RECOMMENDATION

***That Council:***

- 1. receive the Victorian Ombudsman report Investigation into Wellington Shire Council's handling of Ninety Mile Beach Subdivisions, dated August 2019;***
- 2. support the Ombudsman's Recommendation One in principle. Prior to Council's determination of this recommendation within the next 4-8 weeks, Council notes that independent advice has been sought on the mechanisms available to implement this recommendation, including other consequences that need to be considered;***
- 3. support the Ombudsman's Recommendations Two and Three and commence implementing required actions; and***
- 4. write to the Minister for Planning seeking a formal position on how the State Government proposes to action Recommendation 4 of the Ombudsman Report.***

**COUNCILLOR MCCUBBIN / COUNCILLOR STEPHENS**

**That Council:**

- 1. receive the Victorian Ombudsman report Investigation into Wellington Shire Council's handling of Ninety Mile Beach Subdivisions, dated August 2019;**
- 2. support the Ombudsman's Recommendation One in principle. Prior to Council's determination of this recommendation within the next 4-8 weeks, Council notes that independent advice has been sought on the mechanisms available to implement this recommendation, including other consequences that need to be considered;**
- 3. support the Ombudsman's Recommendations Two and Three and commence implementing required actions; and**
- 4. write to the Minister for Planning seeking a formal position on how the State Government proposes to action Recommendation 4 of the Ombudsman Report.**

**CARRIED**

**ITEM C4.1 APPLICATION FOR UNUSED ROAD LICENCE IN PARISH OF STRADBROKE AT WILLUNG**

**OBJECTIVE**

The objective of this report is for Council to consider an application that the Government Road east of CA 7A Section B in the Parish of Stradbroke is not required for public traffic and is therefore an unused road to enable the granting of an unused road grazing licence.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

**RECOMMENDATION**

***That, pursuant to section 400 of the Land Act 1958, Council give notice that Government Road east of CA 7A Section A, Parish of Stradbroke is not required for public traffic and is therefore an unused road.***

**COUNCILLOR STEPHENS / COUNCILLOR MAHER**

***That, pursuant to section 400 of the Land Act 1958, Council give notice that Government Road east of CA 7A Section A, Parish of Stradbroke is not required for public traffic and is therefore an unused road.***

**CARRIED**

**ITEM C4.2 ROAD DISCONTINUANCE AND ROAD EXCHANGE FOR LANEWAY OFF MACALISTER STREET SALE - SUBMISSIONS COMMITTEE HEARING**

**OBJECTIVE**

The objective of this report is for Council to receive and consider the report of the Submissions Committee hearing for the Road Discontinuance and Road Exchange for the laneway off Macalister Street, Sale.

## PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

### RECOMMENDATION

*That:*

- 1. Council receive and consider the report from the Submissions Committee in relation to the Technical School Lane Road Exchange; and*
- 2. Having regard to the written and oral submissions not opposing the road discontinuance and exchange but supporting the continued use of the lane, the Submission Committee finds that the road discontinuance and road exchange should proceed as advertised; and*
- 3. The Chief Executive Officer write to the submitters and advise of the Council decision; and*
- 4. The information contained in the confidential document Item F1.2 ROAD DISCONTINUANCE AND ROAD EXCHANGE FOR LANEWAY OFF MACALISTER STREET SALE – SUBMISSIONS 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 & Natural Environment on 5 August 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 STEPHENS**

*That:*

- 1. Council receive and consider the report from the Submissions Committee in relation to the Technical School Lane Road Exchange; and*
- 2. Having regard to the written and oral submissions not opposing the road discontinuance and exchange but supporting the continued use of the lane, the Submission Committee finds that the road discontinuance and road exchange should proceed as advertised; and*
- 3. The Chief Executive Officer write to the submitters and advise of the Council decision; and*
- 4. The information contained in the confidential document Item F1.2 ROAD DISCONTINUANCE AND ROAD EXCHANGE FOR LANEWAY OFF MACALISTER STREET SALE – SUBMISSIONS 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 & Natural Environment on 5 August 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 C5.1****GORDON STREET RECREATION RESERVE COMMITTEE OF MANAGEMENT MINUTES****OBJECTIVE**

For Council to receive the minutes from the Gordon Street Recreation Reserve Committee of Management's General Meeting held on 24 June 2019.

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

*That Council receive the minutes from the Gordon Street Recreation Reserve Committee of Management's General Meeting held on 24 June 2019.*

**COUNCILLOR HOLE / COUNCILLOR CROSSLEY**

*That Council receive the minutes from the Gordon Street Recreation Reserve Committee of Management's General Meeting held on 24 June 2019.*

**CARRIED****ITEM C5.2****BRIAGOLONG RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP****OBJECTIVE**

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

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

***That:***

- 1. Council appoint the nominated Briagolong Pony Club representative to the vacant Committee position as detailed in the attached confidential report, to the Briagolong 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 F1.1 Briagolong 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 1 August 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 HOLE**

*That:*

- 1. Council appoint the nominated Briagolong Pony Club representative to the vacant Committee position as detailed in the attached confidential report, to the Briagolong 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 F1.1 Briagolong 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 1 August 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**

*The Mayor announced the successful Pony Club representative as Mr Luke Brayshaw.*

**ITEM C5.3**

**CAMERON SPORTING COMPLEX COMMITTEE OF MANAGEMENT MINUTES**

**OBJECTIVE**

For Council to receive the minutes from the Cameron Sporting Complex Committee of Management's General Meetings held on 11 April 2019 and 1 July 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLER**

**RECOMMENDATION**

***That Council receive the minutes from the Cameron Sporting Complex Committee of Management's General Meetings held on 11 April 2019 and 1 July 2019.***

**COUNCILLOR HOLE / COUNCILLOR MCCUBBIN**

***That Council receive the minutes from the Cameron Sporting Complex Committee of Management's General Meetings held on 11 April 2019 and 1 July 2019.***

**CARRIED**

**ITEM D**

**URGENT BUSINESS**

NIL

**ITEM E**

**FURTHER GALLERY AND CHAT ROOM COMMENTS**

CHAT ROOM – NIL

GALLERY COMMENTS – NIL

Meeting declared closed at: 7.10pm

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