

MINUTES OF ORDINARY COUNCIL MEETING

TUESDAY 5 SEPTEMBER 2017

RESPONSE TO QUESTIONS TAKEN ON NOTICE

ITEM 10: QUESTIONS WITH NOTICE FROM PUBLIC GALLERY

10.10 **Question received from Shane Cockburn**

Question: Question to Cr Khan – Why don't you stand down as Councillor for Wyndham Council until charges laid against you by the Victorian Government are finalised.

Answer: Jenny McMahon, Acting CEO advised that this question will be taken on notice and a written response will be provided to the resident.

Additional Information The key piece of legislation governing the operations of Council is the Local Government Act 1989. There is no requirement for a Councillor who has been charged with an offence to take a leave of absence from his or her duties as a Councillor. Council has no authority, under the Act, to request that Cr Khan take a leave of absence. The matter before the Courts is a matter for the State and not one for which this Council can take any action, nor make such a request of a Councillor.

10.11 **Question received from Bill Strong**

Question: Tonight's agenda Item 8.3, attachment 3 – Instrument of Delegation, Heritage Act 1995. Page 49 of the attachment refers to maintaining a copy of the Heritage Register, as it relates to any place in the Municipal District.

When will the current Wyndham Heritage Register be next updated?

There have been many changes to the listing and nominations for inclusion, since the last Panel Hearing Report was adopted in 2009.

Answer: Stephen Thorpe, Director City Operations advised that the question will be taken on notice and a response will be provided to the resident.

Additional Information The Victorian Heritage Act establishes the Victorian Heritage Register for State significant buildings, landmarks, natural resources and the like. Heritage Victoria maintains the publicly available online Victorian Heritage Database, and HERMES, a database for heritage practitioners. Heritage Victoria is responsible for maintaining and updating this register.

In addition to the Victorian Heritage Register, Council also has a Schedule to the Heritage Overlay relevant to local heritage listed items covered in the Wyndham Planning Scheme.

The Heritage overlay relevant at the local level (that is for those items considered to be of heritage significance at the local level that do not appear in the State Heritage Register); is completed as part of either an original Planning Scheme, or as part of a Planning Scheme Amendment. Any updates to the Heritage Overlay Schedule are made as Planning Schemes are either introduced or amended. By way of example, Council is currently undertaking a Planning Scheme Amendment (C209) relating to Dry Stone Walls. Any Dry Stone Wall areas considered to be of heritage significance as part of this review will be noted in the revised planning scheme.

10.12	Question received from Bill Strong
Question:	Tonight's agenda item 6.4.1 – 21 Station Street, Little River (former Manor Railway Station site). Paragraph 2 of the Background on page 24 of 223 states that the proposed "site is within an area of cultural heritage sensitivity." Could Council please explain in greater detail what is the nature of the "cultural heritage sensitivity" that is being referred to?
Answer:	Stephen Thorpe, Director City Operations advised that the question will be taken on notice and a response will be provided to the resident.
Additional Information	The site is within an area of cultural heritage sensitivity pursuant to the <i>Aboriginal Heritage Regulations 2007</i> . The regulations require Cultural Heritage Management Plans (CHMP) for certain types of proposed activities. Council cannot issue a permit in these cases before a CHMP is issued. A CHMP, however, is not required for a telecommunications facility that does not include a cable over 500m in length. The subject proposal does not include a cable of this length and accordingly a CHMP is not required.