



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 17 August 2021

COUNCILLORS PRESENT

Cr Garry Stephens (Mayor)
Cr Scott Rossetti (Deputy Mayor)
Cr Ian Bye
Cr Carolyn Crossley
Cr Marcus McKenzie
Cr Gayle Maher
Cr Carmel Ripper
Cr John Tatterson
Cr Jill Wood

OFFICERS PRESENT

David Morcom, Chief Executive Officer
Denise Teo, Governance Officer

**ORDINARY MEETING OF COUNCIL
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1. APOLOGIES

NIL

2. DECLARATION OF CONFLICT/S OF INTEREST

NIL

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 3 August 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 3 August 2021.

COUNCILLOR WOOD / COUNCILLOR MAHER

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 3 August 2021.

CARRIED

4. BUSINESS ARISING FROM PREVIOUS MEETINGS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

| ITEM | FROM MEETING | COMMENTS | ACTION BY |
|-------------|---------------------|-----------------|------------------|
| NIL | | | |

5. ACCEPTANCE OF LATE AND URGENT ITEMS

NIL

6. NOTICE/S OF MOTION

NIL

7. RECEIVING OF PETITION OR JOINT LETTERS

7.1. OUTSTANDING PETITIONS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

| ITEM | FROM MEETING | COMMENTS | ACTION BY |
|------|--------------|----------|-----------|
| NIL | | | |

7.2. RESPONSE TO PETITION - OBJECTION TO TREES PLANTED AT ANDREWS ROAD AND CUMMING DRIVE, LONGFORD

ACTION OFFICER: MANAGER NATURAL ENVIRONMENT AND PARKS

PURPOSE

The purpose of this report is for Council to consider a petition presented at the Ordinary Council meeting of 20 July 2021, raising concerns with street tree planting in Cumming Drive, Longford.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That, in response to the petition presented at the Ordinary Council meeting of 20 July 2021, Council;

- 1. Request the Chief Executive Officer to engage with residents of Cumming Drive, Longford, on a case-by-case basis, to achieve a mutually agreeable outcome in relation to siting of the trees referred to in the petition and species selection; and*
- 2. Authorise the Chief Executive Officer to write to the Head Petitioner advising of the above outcome.*

COUNCILLOR CROSSLEY / COUNCILLOR WOOD

That, in response to the petition presented at the Ordinary Council meeting of 20 July 2021, Council;

- 1. Request the Chief Executive Officer to engage with residents of Cumming Drive, Longford, on a case-by-case basis, to achieve a mutually agreeable outcome in relation to siting of the trees referred to in the petition and species selection; and*
- 2. Authorise the Chief Executive Officer to write to the Head Petitioner advising of the above outcome.*

CARRIED

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

NIL

9. QUESTION/S ON NOTICE

9.1. OUTSTANDING QUESTION/S ON NOTICE

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

| ITEM | FROM MEETING | COMMENTS | ACTION BY |
|------|--------------|----------|-----------|
| NIL | | | |

10. MAYOR AND COUNCILLORS REPORT

10.1. MAYOR AND COUNCILLORS REPORT

ACTION OFFICER: COUNCILLOR GARRY STEPHENS

| RECOMMENDATION |
|---|
| <i>That the Mayor and Councillors report be noted.</i> COUNCILLOR RIPPER / COUNCILLOR BYE <i>That the Mayor and Councillors report be noted.</i> |
| CARRIED |

11. DELEGATES REPORT

COUNCILLOR MAHER noted that Resource Recovery Gippsland has progressed in delivering a region-wide collaborative procurement project – Gippswide Kerbside – in partnership with the six Gippsland Councils (Bass Coast, Baw Baw, East Gippsland, Latrobe City, South Gippsland and Wellington). The first of four tenders, the Organics (FOGO) Processing Tender, is designed to secure Gippsland’s capacity to process food and garden organics consistent with the requirements of the Recycling Victoria Policy and opened on 10 August 2021 and will close at 5:00pm on 8 September 2021.

12. CHIEF EXECUTIVE OFFICER

12.1. CHIEF EXECUTIVE OFFICER'S REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

COUNCILLOR CROSSLEY / COUNCILLOR RIPPER

That the Chief Executive Officer's report be received.

CARRIED

12.2. JUNE 2021 COUNCIL PERFORMANCE REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

For Council to receive and note the June 2021 Council Performance Report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive and note the June 2021 Council Performance Report as attached.

COUNCILLOR MAHER / COUNCILLOR CROSSLEY

That Council receive and note the June 2021 Council Performance Report as attached.

CARRIED

13. GENERAL MANAGER CORPORATE SERVICES

13.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 26 July 2021 to 8 August 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 26 July 2021 to 8 August 2021.

COUNCILLOR BYE / COUNCILLOR ROSSETTI

That Council note and receive the attached Assembly of Councillor records for the period 26 July 2021 to 8 August 2021.

CARRIED

13.2. REMUNERATION COMMITTEE MINUTES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

For Council to note and receive the minutes and endorse the actions of the Remuneration Committee meeting held on 28 July 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

- 1. Note and receive the minutes from the Remuneration Committee meeting held on 28 July 2021 as attached; and***
- 2. Endorse the actions from the Remuneration Committee meeting held on 28 July 2021 as detailed in the attached minutes.***

COUNCILLOR BYE / COUNCILLOR CROSSLEY

That Council:

- 1. Note and receive the minutes from the Remuneration Committee meeting held on 28 July 2021 as attached; and***
- 2. Endorse the actions from the Remuneration Committee meeting held on 28 July 2021 as detailed in the attached minutes.***

CARRIED

14. GENERAL MANAGER DEVELOPMENT

14.1. JUNE 2021 MONTHLY PLANNING DECISIONS

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

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 2021.

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 June and 30 June 2021.

COUNCILLOR MAHER / COUNCILLOR WOOD

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 June and 30 June 2021.

CARRIED

14.2. PROPOSED SALE OF 511 BENGWORDEN ROAD, COBAINS - RECEIPT OF PUBLIC SUBMISSIONS

ACTION OFFICER: MANAGER ECONOMIC DEVELOPMENT

PURPOSE

For Council to authorise the sale of property assessed as surplus to requirements located at 511 Bengworden Road, Cobains noting that the required statutory public notice and submissions process has been completed.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

- 1. Note no submissions have been received regarding the proposed sale of surplus Council property located at 511 Bengworden Road, Cobains.***
- 2. Resolve that property described as 511 Bengworden Road, Cobains as shown on the plan within (refer Figure 1) and more specifically referred as Lot 1 LP94951 Volume 08929 Folio 040 and Crown Allotment 6B TP350590H Volume 05866 Folio 119 be sold at or above market value.***

COUNCILLOR CROSSLEY / COUNCILLOR MAHER

That Council:

- 1. Note no submissions have been received regarding the proposed sale of surplus Council property located at 511 Bengworden Road, Cobains.***

- 2. Resolve that property described as 511 Bengworden Road, Cobains as shown on the plan within (refer Figure 1) and more specifically referred as Lot 1 LP94951 Volume 08929 Folio 040 and Crown Allotment 6B TP350590H Volume 05866 Folio 119 be sold at or above market value.**

CARRIED

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15.1. HODGES ROAD COONGULLA SPECIAL CHARGE SCHEME - DECLARATION OF SCHEME

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider the proposed Hodges Road (CH00 - CH200) Special Charge Street Construction Scheme Number 2101 by the way of formal declaration as a Special Charge Scheme under section 193(1) of the *Local Government Act 1989*, for the construction of Hodges Road for 200 metres in Coongulla.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council, having considered that no submissions were received and taken account that no objections were lodged and having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act), and otherwise according to law, and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that Hodges Road (from Chainage 00 to 200) or any component of the Street have not previously been constructed by way of a special rate or charge, hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this Report, such Declaration being for the purposes of constructing the Street and providing ancillary works, including surface drainage and vehicle crossings.**
- 2. Council direct that, under cover of a letter, a written notice, enclosing a notice of levy, be sent to all owners of properties included in the Scheme, including those who have made a submission and/or lodged an objection in writing, of the decision of Council to make the Declaration, and the reasons for the decision.**
- 3. For the purposes of resolution 2, the reasons of Council for making the Declaration are that –**
 - (a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Scheme from property owners;**
 - (b) Council considers that it is acting in accordance with the functions, powers and objectives conferred on it under the Act, particularly in**

relation to the provision of proper, safe and suitable roads and property services in and for the Scheme area;

(c) All property owners who are liable or required to pay the Special Charge and the properties respectively owned and occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;

(d) The basis of distribution of the Special Charge amongst the property owners who are liable or required to pay the Special Charge is considered to be fair and reasonable;

(e) The works proposed by the Scheme are consistent with all and any policies and/or objectives set out in the planning scheme for the area; and

(f) The works proposed for the construction and drainage of the Street(s) are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street(s).

4. The Chief Executive Officer or any person for the time being acting in that position) be authorised to carry out any and all other administrative procedures necessary to enable Council to give effect to this resolution, including in relation to the levying of the Special Charge.

COUNCILLOR RIPPER / COUNCILLOR CROSSLEY

That:

1. Council, having considered that no submissions were received and taken account that no objections were lodged and having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act), and otherwise according to law, and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that Hodges Road (from Chainage 00 to 200) or any component of the Street have not previously been constructed by way of a special rate or charge, hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this Report, such Declaration being for the purposes of constructing the Street and providing ancillary works, including surface drainage and vehicle crossings.

2. Council direct that, under cover of a letter, a written notice, enclosing a notice of levy, be sent to all owners of properties included in the Scheme, including those who have made a submission and/or lodged an objection in writing, of the decision of Council to make the Declaration, and the reasons for the decision.

3. For the purposes of resolution 2, the reasons of Council for making the Declaration are that –

(a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Scheme from property owners;

(b) Council considers that it is acting in accordance with the functions, powers and objectives conferred on it under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in and for the Scheme area;

- (c) All property owners who are liable or required to pay the Special Charge and the properties respectively owned and occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;**
- (d) The basis of distribution of the Special Charge amongst the property owners who are liable or required to pay the Special Charge is considered to be fair and reasonable;**
- (e) The works proposed by the Scheme are consistent with all and any policies and/or objectives set out in the planning scheme for the area; and**
- (f) The works proposed for the construction and drainage of the Street(s) are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street(s).**
- 4. The Chief Executive Officer or any person for the time being acting in that position) be authorised to carry out any and all other administrative procedures necessary to enable Council to give effect to this resolution, including in relation to the levying of the Special Charge.**

CARRIED

16. FURTHER GALLERY AND ONLINE 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 if your query requires a written response, we will advise you that a response will be forthcoming, 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.

ONLINE COMMENTS –

RICHARD MCGOWAN, WOODSIDE: Why has town planning not given any consideration to neighbouring properties and all surrounding properties as well as environmental and visual impact by announcing the required permits to a new industrial size shed to be erected in a residential zone at 27 Byrnes Rd, Woodside Beach?

The CEO noted that Richard will be contact directly by the General Manager Development and relevant Council Planning officer tomorrow to discuss further. A formal written response, if required, will also be circulated to all Councillors.

FURTHER GALLERY COMMENTS –

NIL

Meeting declared closed at: 6:35pm

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

17. IN CLOSED SESSION

COUNCILLOR

That the meeting be closed to the public pursuant to Section 66(2) of the Local Government Act 2020 to consider matters under Section 66(5)(b) as defined by Section 3(1) being:

- a) Council business information***
- b) Security information***
- c) Land use planning information***
- d) Law enforcement information***
- e) Legal privileged information***
- f) Personal information***
- g) Private commercial information***
- h) Confidential meeting information***
- i) Internal arbitration information***
- j) Councillor Conduct Panel confidential information***
- k) Information prescribed by the regulations to be confidential information***
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989***

IN CLOSED SESSION

COUNCILLOR

That Council move into open session and ratify the decision made in closed session.