



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

**COUNCIL MEETING AGENDA
ORDINARY MEETING**

Meeting to be held at

Wellington Centre – Wellington Room

Foster Street, Sale and via MS Teams

Tuesday 3 May 2022, commencing at 3:00 PM

**or join Wellington on the Web:
www.wellington.vic.gov.au**

**ORDINARY MEETING OF COUNCIL
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COUNCIL MEETING INFORMATION

Members of the Public Gallery should note that the Council records and publishes Council meetings via YouTube to enhance the accessibility of Council meetings to the broader Wellington community. These recordings are also archived and may be published on Council's Website for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, members of the gallery may address the Council at which time their image, comments or submissions will be recorded.

Members of the public who are not in attendance at the Council meeting but who wish to communicate with the Council via the online webform should lodge their questions or comments early in the meeting to ensure that their submissions can be dealt with at the end of the meeting.

Please could gallery visitors, Councillors and invited online attendees ensure that mobile phones and other electronic devices are turned off or in silent mode for the duration of the meeting.

ACKNOWLEDGEMENT OF COUNTRY

"We acknowledge the traditional custodians of this land, the Gunaikurnai people, and pay respects to their Elders past and present"

PRAYER

"Almighty God, we ask your blessing upon the Wellington Shire Council, its Councillors, officers, staff and their families. We pray for your guidance in our decisions so that the true good of the Wellington Shire Council may result to the benefit of all residents and community groups."

Amen

1. APOLOGIES

2. DECLARATION OF CONFLICT/S OF INTEREST

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 19 April 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 19 April 2022.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

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

6. NOTICE/S OF MOTION

7. RECEIVING OF PETITION OR JOINT LETTERS

7.1. OUTSTANDING PETITIONS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

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. DELEGATES REPORT

11. GENERAL MANAGER CORPORATE SERVICES

11.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 11 April 2022 to 24 April 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 11 April 2022 to 24 April 2022.

BACKGROUND

Section 80A of the *Local Government Act 1989* required a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, matters considered and any conflict of interest disclosures made by a Councillor. These records were required to be reported at an ordinary meeting of the Council and recorded in the minutes. Under the new *Local Government Act 2020*, this requirement is no longer provided for however, under Council's good governance framework, Council will continue to provide records of assemblies of Councillors to ensure that the community are kept informed of Councillors' activity and participation.

Following is a summary of all Assembly of Councillor records received for the period 11 April 2022 to 24 April 2022.

ATTACHMENTS

1. Assembly of Councillors - 13 April 2022 - SLUPP [11.1.1 - 1 page]
2. Assembly of Councillors - 19 April 2022 - Council Day [11.1.2 - 2 pages]

OPTIONS

Council has the following options:

1. Note and receive the attached assembly of Councillors records; or
2. Not receive the attached assembly of Councillors records.

PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 11 April 2022 to 24 April 2022.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complied with Section 80A of the *Local Government Act 1989* however, without prescription under the *Local Government Act 2020*, Council will continue to provide these records as part of Council's good governance framework.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

ASSEMBLY OF COUNCILLORS – 13 APRIL 2022

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)						
STRATEGIC LAND USE PLANNING PROJECT REVIEW GROUP	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.	Conflict of Interest
	Cr Ian Bye	Yes	NO	D Morcom, CEO	No		
	Cr Carolyn Crossley	No		A Skipitaris, GMCS	No		
	Cr Marcus McKenzie	No		J Foat, GMC&C	No		
	Cr Gayle Maher	Yes	NO	C Hastie, GMB&NE	No		
	Cr Carmel Ripper	No		B McAlister, GMD	Yes	ALL	NO
	Cr Scott Rossetti	No					
	Cr Garry Stephens	No					
	Cr John Tatterson	Yes	NO				
Cr Jill Wood	No						
OTHERS IN ATTENDANCE (NAME AND POSITION)			CONFLICT OF INTEREST	MATTERS/ITEMS CONSIDERED AT THE MEETING			
Josh Clydesdale (Manager Land Use Planning)			No	Meeting Agenda:			
Lucy Spooner (Coordinator Infrastructure Planning)			No	- Strategic Planning Priorities			
Barry Hearsey (Coordinator Strategic Planning)			Yes Item No.2: Amendment C116 - Longford Rezoning	- Incoming Correspondence			
Caragh Button (Strategic Planner)			No	- Rezoning Requests			
Alex Duncan (Strategic Planner)			No	- Other Business			

ASSEMBLY OF COUNCILLORS – 19 APRIL 2022

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
IT / Diary Meeting	Cr Bye (<i>via MS Teams</i>)	Yes	Cr Stephens	Yes	N/A
	Cr Crossley	Yes	Cr Tatterson	Yes	N/A
	Cr McKenzie	Yes	Cr Wood (<i>apology</i>)	No	N/A
	Cr Maher	Yes	David Morcom, CEO	Yes	N/A
	Cr Ripper	Yes	Denise Teo, Governance Officer	Yes	N/A
	Cr Rossetti (<i>apology</i>)	No	Damian Norkus, ICT Operations Officer	Yes	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
Workshops	Cr Bye (<i>via MS Teams</i>)	Yes	Cr Wood (<i>apology</i>)	No	N/A
	Cr Crossley	Yes	David Morcom, CEO	Yes	N/A
	Cr McKenzie	Yes	Arthur Skipitaris, GM Corporate Services (<i>via MS Teams</i>)	Yes	N/A
	Cr Maher	Yes	Julie Foat, GM Community & Culture	Yes	N/A
	Cr Ripper	Yes	Chris Hastie, GM Built & Natural Environment	No	N/A
	Cr Rossetti (<i>apology</i>)	No	Brent McAlister, GM Development	Yes	N/A
	Cr Stephens	Yes	Sam Pye, Manager Built Environment (<i>for Chris Hastie</i>)	Yes	N/A
	Cr Tatterson	Yes			

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE
Workshops (cont.)	1. SEASPRAY PUMP TRACK COMMUNITY CONSULTATION	<ul style="list-style-type: none"> Liam Cole, Open Space Planner
	2. THE WEDGE MASTERPLAN - BUSINESS CASE, CONCEPT DESIGN AND FUNDING STRATEGY	<ul style="list-style-type: none"> Greg Randall, Managing Director – Randall Arts Management Pty Ltd (external) Jamie Smith, Manager Arts and Culture Andrew Thomson, Performing Arts Director <p><i>Conflict of Interest: Nil</i></p>
	3. LOCAL DEVELOPMENT STRATEGY (HEYFIELD AND YARRAM)	<ul style="list-style-type: none"> Chloe Ward, Department of Jobs, Precinct and Regions (external) Nathan Trushall, Department of Jobs, Precinct and Regions (external) <p><i>Conflict of Interest: Nil</i></p>
	4. DEVELOPMENT DIVISION UPDATE: PLANNING, MUNICIPAL AND ECONOMIC DEVELOPMENT	<ul style="list-style-type: none"> Brent McAlister, General Manager Development Joshua Clydesdale, Manager Land Use Planning Kate Foster, Manager Economic Development Vanessa Ebsworth, Manager Regulatory Services <p><i>Conflict of Interest: Nil</i></p>
	5. WASTE, RECYCLING AND SUSTAINABILITY UPDATE	<ul style="list-style-type: none"> Sam Nock, Coordinator Waste and Sustainability Joanna Rule, Sustainability Projects Officer <p><i>Conflict of Interest: Nil</i></p>
	6. BUILT ENVIRONMENT QUARTERLY UPDATE	<ul style="list-style-type: none"> Sam Pye, Manager Built Environment <p><i>Conflict of Interest: Nil</i></p>
	7. AQUA ENERGY REDEVELOPMENT UPDATE	<ul style="list-style-type: none"> Ross McWhirter, Manager Leisure Services <p><i>Conflict of Interest: Nil</i></p>
	8. MARCH 2022 QUARTERLY PERFORMANCE REPORT	<ul style="list-style-type: none"> Ian Carroll, Manager Corporate Finance <p><i>Conflict of Interest: Nil</i></p>

12. GENERAL MANAGER DEVELOPMENT

12.1. FUNDING AND PROCUREMENT OF PUBLIC INFRASTRUCTURE WORKS POLICY

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

For Council to adopt the Funding and Procurement of Public Infrastructure Works Policy.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the Funding and Procurement of Public Infrastructure Works Policy (as attached).

BACKGROUND

On 1 February 2022, Council adopted the Residential Stocktake and Facilitation Strategy, prepared by Mesh Planning, which investigated mechanisms to 'unlock' residential land across the main urban centres of the municipality. The principal recommendation was that Council pursue a 'forward funding' of infrastructure approach akin with the approach used by the City of Greater Shepparton. Under this model, Council would forward fund key development infrastructure of shared benefit 'up front' (e.g., drainage retention basins and road intersection upgrades), with developers to return costs to Council as development progresses.

A Funding and Procurement of Public Infrastructure Works Policy (Policy) has now been prepared for Council's adoption (as attached). The Policy provides for a consistent, orderly, and equitable approach to the funding and procurement of public infrastructure works of shared benefit required to facilitate desired urban growth outcomes. It is noted that the Policy does not apply to usual subdivision infrastructure works (e.g., internal roads and service connections) required to be provided directly by the developer as part of any planning permit issued.

Most significantly, the Policy provides a range of criteria to consider forward funding of infrastructure of shared benefit, which will be assessed on a 'case by case' basis. The Policy also establishes transparent record keeping and implementation requirements to manage relevant facts and circumstances, including requirements for probity audits and for appropriate legal agreements to be prepared.

The successful implementation of the Policy will be dependent on Council securing appropriate funds to administer a forward funding program, with investigations continuing in relation to securing funding (loan and grant) via the Commonwealth National Housing Infrastructure Facility fund.

ATTACHMENTS

1. Funding and Procurement of Public Infrastructure Works Policy_Final [12.1.1 - 4 pages]

OPTIONS

Council has the following options available:

1. Adopt the Funding and Procurement of Public Infrastructure Works Policy (as Attached).
2. Not adopt the Funding and Procurement of Public Infrastructure Works Policy and seek further information for consideration at a future Council meeting.

PROPOSAL

That Council adopt the Funding and Procurement of Public Infrastructure Works Policy (as attached).

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

FINANCIAL IMPACT

The draft 2022/23 Council budget has made an allowance for a forward funding infrastructure program.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL POLICY IMPACT

It is proposed that Council adopt the new Policy as attached, which will be subject to annual review.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 2 “Economy and Sustainable Growth” states the following strategic outcome:

Strategic Outcome 2.3: *"An increase in variety of housing choice to support equitable access to housing."*

Strategic Outcome 2.4: *"Infrastructure investment is targeted to maximise jobs and housing growth."*

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

Strategic Outcome 4.3: *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcomes.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

Risks associated with administration of this Policy will be considered via appropriate probity audits, legally enforceable agreements and record keeping requirements.

FUNDING AND PROCUREMENT OF PUBLIC INFRASTRUCTURE WORKS POLICY

Policy Number:	3.1.3
Approved by:	Council
Date Approved:	3 May 2022
Date of Next Review:	3 May 2023
Applicable to Unit(s):	Land Use Planning Built Environment
Responsible Officer:	Manager Land Use Planning Manager Built Environment
Related Policies:	Procurement Policy
Related Documents:	Any Council adopted strategic document (including the Residential Stocktake and Facilitation Strategy) Infrastructure Funding (Developer Contribution) document Wellington Planning Scheme Any relevant planning permit/section 173 agreement
Statutory Reference:	<i>Local Government Act 2020</i> <i>Planning and Environment Act 1987</i> <i>Subdivision Act 1988</i>

OVERVIEW

This Policy provides for a consistent, orderly and equitable approach to the funding and procurement of Public Infrastructure Works required to facilitate desired urban growth outcomes.

Via this Policy, Council will consider forward funding of key Public Infrastructure Works to be assessed on a 'case by case' basis with funds to be recovered from developers as development progresses.

This Policy aims to better facilitate a diversity of residential and employment land release across the municipality to achieve the strategic growth directions identified in the 2021-2025 Council Plan.

THE POLICY

Overall Policy Objective

To facilitate a diversity of residential and employment land release across the main urban centres of the municipality by supporting the forward funding and orderly procurement of Public Infrastructure Works.

Background

The need for housing and employment land release is a key strategic objective of the 2021-2025 Council Plan.

At the 1 February 2022 Council meeting, Council adopted the Residential Stocktake and Facilitation Strategy Report ('Report'). This Report identified the challenges in bringing residential and employment land to market in a Wellington Shire context, particularly where costly infrastructure items of shared benefit (e.g., drainage retention basins and road intersection upgrades) are required at initial stages of development. The Report recommended that Council

take a forward funding approach to key infrastructure items of shared benefit, with funds to be equitably recovered from developers as stages of development progress.

This Policy provides assessment criteria for future decisions to be made in relation to Council's forward funding of infrastructure of shared benefit (Public Infrastructure Works) and also provides for a consistent and orderly approach to the procurement and implementation of required infrastructure.

Scope

This Policy applies to residential and employment land across the main urban areas (or future urban areas) of the municipality which require significant new infrastructure investment of shared benefit to activate development and bring land to market.

The Policy applies in circumstances where Public Infrastructure Works are required by Council as a result of, or in association with, a new use and/or development approved or required by Council under an approved development plan, planning permit, section 173 agreement or other adopted Council document such as an Infrastructure Funding Arrangement (Developer Contribution) Report.

Definitions

Under this Policy, Public Infrastructure Works means key public infrastructure items (and any associated land requirement) of shared benefit such as drainage retention basins and road intersection upgrades. Public Infrastructure Works do not include usual subdivision permit works (e.g., internal subdivision roads and service connections) required to be provided directly by the developer.

Policy Criteria for Forward Funding of Public Infrastructure Works

Council (or an Officer delegated under this Policy) may elect to forward fund Public Infrastructure Works subject to a documented evaluation against the criteria below.

- Are the Public Infrastructure Works located in a clearly identified (or Council adopted) growth area?
- Are the Public Infrastructure Works identified in a Council adopted Infrastructure Funding Mechanism (Developer Contribution) document and has the developer agreed to contribute their share of required costs (or via works in kind)?
- Are the Public Infrastructure Works considered to be essential infrastructure of shared benefit, providing for the orderly and logical development of the growth area?
- Will delivery of the Public Infrastructure Works support Council's policy objectives and adopted strategic documents?
- Does the developer have a track record in successful delivery of subdivisional/infrastructure development and an appropriate business case/financial credentials?
- Will delivery of the Public Infrastructure Works assist in the creation of an appropriate lot yield (delivered in stages); a diversity of lot sizes to meet changing demographic needs; any social or affordable housing outcomes; and/or job creation?
- Are there broader community benefits (outside of the immediate development catchment) which may result?
- Will delivery of the Public Infrastructure Works enable delivery of related infrastructure to achieve cost and timing efficiencies?
- Are the Public Infrastructure Works appropriately costed and budgeted?

Procurement Policy

In procuring Public Infrastructure Works, the principles and requirements of Council's Procurement Policy 2.2.4 must be considered, in addition to the matters contained in this Policy.

Record keeping

It is policy that an Officer's report (or Council report) for funding and procurement supported via this Policy be kept which includes:

- the basic facts of the procurement
- the Council Officers responsible
- the amount of Council funding provided and details of required developer contributions (or infrastructure works to be provided in kind)
- the process followed, including preparing and costing the final design of Public Infrastructure Works and a review/independent probity audit of the business case submitted.
- any conflicts of interest declared
- any other relevant matters.

Implementation

The delivery of Public Infrastructure Works approved via this Policy should be managed via a legal agreement with the developer to manage relevant facts and circumstances including:

- the tender process for the provision of Public Infrastructure Works
- the purchase or acquisition of any land required for Public Infrastructure Works
- details of all infrastructure works, responsibilities, timings and costs
- details of financial contributions required by the developer, Council or any other party
- any other matters relating to implementation.

Delegations

Under this Policy, the following delegations are provided:

- Chief Executive Officer - \$400,000
- General Manager Development/General Manager Built and Natural Environment - \$250,000 for payments/services and \$300,000 for contracts

All monetary amounts specified in this Policy are inclusive of GST.

Compliance

In any circumstance where the relevant Council Officer responsible for funding, procurement or implementation of Public Infrastructure Works is concerned regarding compliance with any legislation, this Policy or any other matter, legal advice should be obtained or the matter be referred to Council's Audit and Risk Committee.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

13. 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 -

FURTHER GALLERY COMMENTS -

Meeting declared closed at:

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

14. 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.