



**WELLINGTON**  
SHIRE COUNCIL

*The Heart of Gippsland*

## **COUNCIL MEETING MINUTES RESOLUTIONS IN BRIEF**

**To be read in conjunction with the Council Meeting Agenda 5 April 2022**

### **COUNCILLORS PRESENT**

Cr Ian Bye (Mayor)  
Cr Marcus McKenzie (Deputy Mayor)  
Cr Carolyn Crossley  
Cr Gayle Maher *(via MS Teams)*  
Cr Carmel Ripper  
Cr Scott Rossetti  
Cr Garry Stephens *(via MS Teams)*  
Cr John Tatterson

### **OFFICERS PRESENT**

David Morcom, Chief Executive Officer  
Brent McAlister, General Manager Development  
Julie Foat, General Manager Community and Culture  
Denise Teo, Governance Officer  
Wendy Reeves, Coordinator Communications and Media

### **APOLOGIES**

Cr Jill Wood

**ORDINARY MEETING OF COUNCIL  
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## 1. APOLOGIES

COUNCILLOR WOOD

## 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 15 March 2022.

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

NIL

#### **RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 15 March 2022.*

**COUNCILLOR ROSSETTI / COUNCILLOR CROSSLEY**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 15 March 2022.*

**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
COVID-19 Public Health Approach	15 March 2022	A petition was received requesting Council revise its approach to COVID-19 public health management and take a more pro-choice approach to vaccinations.	Manager Regulatory Services

## 8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR RIPPER acknowledged the Federation Bushwalk that took place from 25 – 28 March 2022 in Licola where she was invited to give a welcome on behalf of the Wellington Shire who are major sponsors of the event. She noted how great it was to see so many bushwalkers from a so many bushwalking clubs coming into Gippsland to enjoy everything we have to offer.

Councillor Ripper also noted Councillor Bye's attendance to open the Anglican Church Fair held in Stratford last Saturday which has been held annually for the past few years. She acknowledged the importance of supporting the community through the support of the Anglican Church and its activities.

## 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

NIL

## 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 7 March 2022 to 27 March 2022.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That Council note and receive the attached Assembly of Councillor records for the period 7 March 2022 to 27 March 2022.*

**COUNCILLOR CROSSLEY / COUNCILLOR ROSSETTI**

*That Council note and receive the attached Assembly of Councillor records for the period 7 March 2022 to 27 March 2022.*

**CARRIED**

### 11.2. AUDIT & RISK COMMITTEE MINUTES

#### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### PURPOSE

To receive and note the minutes of the Audit & Risk Committee meeting held on 7 March 2022.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

**That:**

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 7 March 2022 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 7 March 2022; and**
- 2. The information contained in the confidential document Audit & Risk Committee Minutes of 7 March 2022 of this Council meeting agenda and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 17 March 2022 because it relates to the following grounds: e) legal privileged information; and l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.**

**COUNCILLOR MCKENZIE / COUNCILLOR RIPPER**

**That:**

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 7 March 2022 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 7 March 2022; and**
- 2. The information contained in the confidential document Audit & Risk Committee Minutes of 7 March 2022 of this Council meeting agenda and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 17 March 2022 because it relates to the following grounds: e) legal privileged information; and l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.**

**CARRIED**

### **11.3. APPROVAL OF INSTRUMENTS OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987 ONLY) - LAURA POSPISIL, STATUTORY PLANNER**

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

This report seeks Council's approval for the designated Council Officer responsible for the administration and enforcement of the *Planning and Environment Act 1987* to be appointed and authorised as an Authorised Officer under the provisions and powers of the *Local Government Act 1989* and the *Planning and Environment Act 1987*.

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

NIL

#### **RECOMMENDATION**

***That Council, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act), section 147(4) of the Planning and Environment Act 1987 and the other legislation referred to in the attached Instruments of Council Resolution and of Appointment and Authorisation, resolve that:***

- 1. Council Officer Laura Pospisil be appointed and authorised as set out in the instruments as provided at Attachments 1 and 2; and***
- 2. The S11A Instrument of Appointment and Authorisation be signed and sealed by the Chief Executive Officer.***

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

***That Council, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act), section 147(4) of the Planning and Environment Act 1987 and the other legislation referred to in the attached Instruments of Council Resolution and of Appointment and Authorisation, resolve that:***

- 1. Council Officer Laura Pospisil be appointed and authorised as set out in the instruments as provided at Attachments 1 and 2; and***
- 2. The S11A Instrument of Appointment and Authorisation be signed and sealed by the Chief Executive Officer.***

**CARRIED**

## 12. GENERAL MANAGER DEVELOPMENT

### 12.1. QUARTERLY BUILDING REPORT - OCTOBER TO DECEMBER 2021

**ACTION OFFICER: MANAGER REGULATORY SERVICES**

**PURPOSE**

To provide a report to Council on building permits issued in the Wellington Shire during the quarter 1 October 2021 to 31 December 2021, for information.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council note the report of building permits issued from 1 October 2021 to 31 December 2021.*

**COUNCILLOR MAHER / COUNCILLOR CROSSLEY**

*That Council note the report of building permits issued from 1 October 2021 to 31 December 2021.*

**CARRIED**

### 12.2. QUARTERLY STRATEGIC LAND USE PLANNING UPDATE - Q1 2022

**ACTION OFFICER: MANAGER LAND USE PLANNING**

**PURPOSE**

To update Council on the strategic land use planning work program for the first quarter January – March 2022.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council receive the first quarterly update on the strategic land use planning work program (included in Attachment Planning Project and Amendments to this report).*

**COUNCILLOR MAHER / COUNCILLOR CROSSLEY**

*That Council receive the first quarterly update on the strategic land use planning work program (included in Attachment Planning Project and Amendments to this report).*

**CARRIED**

## 13. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

### 13.1. PARK AVENUE COWWARR SPECIAL CHARGE SCHEME - INTENTION TO DECLARE

#### ACTION OFFICER: MANAGER BUILT ENVIRONMENT

#### PURPOSE

The purpose of this report is for Council to consider its 'intention to declare' the proposed Park Avenue Special Charge Street Construction Scheme Number 2202 as a Special Charge Scheme for its construction in Cowwarr.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

***That:***

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing Park Avenue in Cowwarr and the provision of improved road drainage including driveway crossings and culverts (from road edge to property line); and***
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 6 September 2022 in accordance with the Proposed Declaration of Special Charge Scheme Number 2202 in the form of the attachment to this report for the construction of Park Avenue in Cowwarr; and***
- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 6 September 2022, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and***
- 4. Council appoint three Councillors as determined by Council plus an alternative representative to form the 'Park Avenue Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and***
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and***
- 6. The Chief Executive Officer, the General Manager Built and Natural Environment or the Manager Built Environment (or any person for the time***

*being acting in any of those positions), each be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.*

**COUNCILLOR CROSSLEY / COUNCILLOR ROSSETTI**

**That:**

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing Park Avenue in Cowwarr and the provision of improved road drainage including driveway crossings and culverts (from road edge to property line); and**
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 6 September 2022 in accordance with the Proposed Declaration of Special Charge Scheme Number 2202 in the form of the attachment to this report for the construction of Park Avenue in Cowwarr; and**
- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 6 September 2022, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and**
- 4. Council appoint three Councillors, being Councillor Crossley, Councillor Ripper and Councillor Bye, as determined by Council plus an alternative representative, being Councillor Tatterson, to form the 'Park Avenue Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and**
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and**
- 6. The Chief Executive Officer, the General Manager Built and Natural Environment or the Manager Built Environment (or any person for the time being acting in any of those positions), each be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.**

**CARRIED**

## **14. GENERAL MANAGER COMMUNITY AND CULTURE**

### **14.1. COUNCIL COMMITTEES AND COMMITTEES OF MANAGEMENT HIGHLIGHTS**

#### **ACTION OFFICER: GENERAL MANAGER COMMUNITY AND CULTURE**

#### **PURPOSE**

For Council to receive the report highlighting activities and achievements of various Council advisory committees and community facilities' committees of management for the period November 2021 to February 2022.

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

NIL

#### **RECOMMENDATION**

*That Council receive the report highlighting activities and achievements of various Council advisory committees and community facilities' committees of management for the period November 2021 to February 2022.*

**COUNCILLOR RIPPER / COUNCILLOR CROSSLEY**

*That Council receive the report highlighting activities and achievements of various Council advisory committees and community facilities' committees of management for the period November 2021 to February 2022.*

**CARRIED**

## 15. 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 -

NIL

FURTHER GALLERY COMMENTS -

NIL

Meeting declared closed at: 3:25pm

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

## **16. 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***

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**IN CLOSED SESSION**

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### **COUNCILLOR**

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