



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 6 September 2022

COUNCILLORS PRESENT

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

OFFICERS PRESENT

David Morcom, Chief Executive Officer
Arthur Skipitaris, General Manager Corporate Services
Brent McAlister, General Manager Development
Chris Hastie, General Manager Built and Natural Environment
Denise Teo, Coordinator Governance and Council Business
Kimberley Salleh, Acting Coordinator Communications and Media

APOLOGIES

NIL

**ORDINARY MEETING OF COUNCIL
TABLE OF CONTENTS**

- 0.1. TABLE OF CONTENTS**
- 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
- 4. BUSINESS ARISING FROM PREVIOUS MEETINGS**
- 5. ACCEPTANCE OF LATE AND URGENT ITEMS**
- 6. NOTICE/S OF MOTION**
- 7. RECEIVING OF PETITION OR JOINT LETTERS**
 - 7.1. OUTSTANDING PETITIONS
- 8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS**
- 9. QUESTION/S ON NOTICE**
 - 9.1. OUTSTANDING QUESTION/S ON NOTICE
- 10. DELEGATES REPORT**
- 11. GENERAL MANAGER CORPORATE SERVICES**
 - 11.1. ASSEMBLY OF COUNCILLORS
 - 11.2. REMUNERATION COMMITTEE MINUTES
- 12. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT**
 - 12.1. PARK AVENUE COWWARR SPECIAL CHARGE STREET CONSTRUCTION SCHEME - DECLARATION OF SCHEME
 - 12.2. MCMILLAN STREET STRATFORD SPECIAL CHARGE SCHEME- FINAL CERTIFICATE
 - 12.3. PROPOSED SALE OF LAND (ROAD & PARKING RESERVE) - NATIONAL PARK ROAD, LOCH SPORT
- 13. FURTHER GALLERY AND ONLINE COMMENTS**
- 14. IN CLOSED SESSION**

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 16 August 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 16 August 2022.

COUNCILLOR WOOD / COUNCILLOR ROSSETTI

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 16 August 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
NIL			

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR MAHER acknowledged The Middle of Everywhere branding campaign and thanked Council officers for the work they have undertaken in this space, especially Brent McAlister, Ashley Smirl and team. She noted a large event she attended in her Middle of Everywhere hoodie which acted as a great conversation started and encouraged everyone to get one to support the campaign.

COUNCILLOR CROSSLEY acknowledged the launch of the new Tafe Gippsland site at the Port of Sale on the 24 August 2022 by the Minister for Training and Skills, Gayle Tierney MP. She noted that this new fit-for-purpose facility, supported by Gtech on Cobains Road and the Flexible Learning Centre (FLC) in Sale will ensure that local students have access to the latest in training and technology. She also acknowledged the winners of the Youth Art Prize and congratulated all of the winners in their respective categories. Councillor Crossley lastly noted the announcement of finalists for the 2022 John Leslie Art Prize whose works will be exhibited at the Gippsland Art Gallery from 10 September to 27 November 2022. The announcement of winners will take place at the exhibition launch on Saturday 10 September 2022.

COUNCILLOR MCKENZIE acknowledged the commencement of the new CEO of the Star of the South, Charles Rattray. He comes to the project as a dynamic and senior leader in the energy and finance sectors.

THE MAYOR acknowledged a number of events attended over the past few weeks, including:

- the 75th anniversary of the Yarram Rotary Club and extend thanks to all of the member of the club and their good works
- the successful event that was the Gippsland International Winter Festival All Breeds Champion Dog Show held in Maffra on 26 August 2022. It was a fantastic day with a great turnout and fun had by all
- the Gippsland Business Awards on the 26 August 2022 and acknowledged Sale finalists - Motel 24seven & Apartments, Summit Health and Performance, Elvas Hairdressing, Scarlet & Grace, Port of Sale Heritage Cruises and Siesta Central Apartments, and Designer Cabinetry from Maffra. He extended his congratulations to two local winners with Siesta Central Apartments taking out 2022 Accommodation Winner and Scarlet & Grace taking out the 2022 Manufacturing/Export Winner categories
- the opening of the Nakunbalook Education and Cultural Centre in Sale, noting what a great initiative this was and an opportunity for the community to come together in a great space

- the Gippsland Rally in Heyfield held on 27/28 August 2022 featuring Round 5 of the RSEA Motorsport Australia Rally Championship and Round 4 of the Till Hino Victorian Rally Championship moving through the mountains north west of Heyfield, between Walhalla, Toombon and Glenfalloch
- the Rural Councils Victoria 2022 Forum held in Daylesford on 2 September 2022. He noted the launch of their State Election Platform and all of the great discussions that came out of the day.

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

PURPOSE

To report on all assembly of Councillor records received for the period 8 August 2022 to 28 August 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 8 August 2022 to 28 August 2022.

COUNCILLOR STEPHENS / COUNCILLOR MAHER

That Council note and receive the attached Assembly of Councillor records for the period 8 August 2022 to 28 August 2022.

CARRIED

11.2. REMUNERATION COMMITTEE MINUTES

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

For Council to note and receive the minutes and endorse the actions of the Remuneration Committee meeting held on 18 August 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY
NIL

RECOMMENDATION

That Council:

- 1. Note and receive the minutes from the Remuneration Committee meeting held on 18 August 2022 as attached; and***
- 2. Endorse the actions from the Remuneration Committee meeting held on 18 August 2022 as detailed in the attached minutes.***

COUNCILLOR MCKENZIE / COUNCILLOR STEPHENS

That Council:

- 1. Note and receive the minutes from the Remuneration Committee meeting held on 18 August 2022 as attached; and***
- 2. Endorse the actions from the Remuneration Committee meeting held on 18 August 2022 as detailed in the attached minutes.***

CARRIED

12. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

12.1. PARK AVENUE COWWARR SPECIAL CHARGE STREET CONSTRUCTION SCHEME - DECLARATION OF SCHEME

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider to formally proceed with the proposed Park Avenue Special Charge Street Construction Scheme Number 2202 by way of formal declaration as a Special Charge Scheme under section 163(1) of the *Local Government Act 1989* for the construction and sealing of Park Avenue in Cowwarr.

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 Park Avenue in Cowwarr (Street) or any component of the Street has 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 construction and sealing the Street and providing all and any ancillary works, including road surface drainage and vehicle crossings.***
- 2. Council directs 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 are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street.*
- 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 CROSSLEY / COUNCILLOR ROSSETTI

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 Park Avenue in Cowwarr (Street) or any component of the Street has 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 construction and sealing the Street and providing all and any ancillary works, including road surface drainage and vehicle crossings.**
- 2. Council directs 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 are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street.

- 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

12.2. MCMILLAN STREET STRATFORD SPECIAL CHARGE SCHEME- FINAL CERTIFICATE

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is to present to Council for consideration the final cost certificate for the McMillan Street (East) Stratford Special Charge Street Construction Scheme – Scheme No 1904.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

- 1. Adopt the Final Cost Certificate for the McMillan Street Stratford Special Charge Street Construction Scheme – Scheme No 1904; and***
- 2. Authorise the Chief Executive Officer to prepare the final apportionment amounts due from property owners for the McMillan Street Stratford Special Charge Street Construction Scheme – Scheme No 1904 based on the total levy amount of \$60,000.***

COUNCILLOR RIPPER / COUNCILLOR WOOD

That Council:

- 1. Adopt the Final Cost Certificate for the McMillan Street Stratford Special Charge Street Construction Scheme – Scheme No 1904; and***
- 2. Authorise the Chief Executive Officer to prepare the final apportionment amounts due from property owners for the McMillan Street Stratford Special Charge Street Construction Scheme – Scheme No 1904 based on the total levy amount of \$60,000.***

CARRIED

12.3. PROPOSED SALE OF LAND (ROAD & PARKING RESERVE) - NATIONAL PARK ROAD, LOCH SPORT

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider the proposed sale of land, being parts of a road reserve and parking reserve abutting 280 and 282 National Park Road in Loch Sport.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Pursuant to Section 114 of the Local Government Act 2020, Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolves to advertise its intention to discontinue and to sell a section of road reserve abutting 280 and 282 National Park Road in Loch Sport by private treaty; and***
- 2. Pursuant to Section 114 of the Local Government Act 2020, Council resolves to advertise its intention to subdivide the Parking Reserve No.10 on LP58872 and to sell a section of the parking reserve abutting 280 and 282 National Park Road in Loch Sport by private treaty; and***
- 3. Place a public notice of the proposal, in a local newspaper and serve a copy of the notice on abutting property owners and statutory authorities; and***
- 4. Council appoints three Councillors plus an alternative representative to form the '280 and 282 National Park Road and Parking Reserve 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 submission under section 223 of the Act have been requested that they be heard in support of their submission/objection; or***
- 5. In the event of no objections, Council resolves to discontinue a section road reserve abutting 280 and 282 National Park Road and place a notice in the Victoria Government Gazette; and***
- 6. Council resolves to prepare and certify a Section 24A Plan of Subdivision under the Subdivisions Act 1988, to create a new lot from the Parking Reserve No.10 on LP58872 abutting 280 and 282 National Park Drive; and***
- 7. Council authorise the Chief Executive Officer to sell the land to the abutting property owner at no less than current market value in accordance with Wellington Shire Council Policy 3.3.5 - Sale, Exchange and Acquisition of Land and to sign and seal any documents to facilitate the transfer of land.***

COUNCILLOR MCKENZIE / COUNCILLOR CROSSLEY

That:

- 1. Pursuant to Section 114 of the Local Government Act 2020, Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolves to advertise its intention to discontinue and to sell a section of road reserve abutting 280 and 282 National Park Road in Loch Sport by private treaty; and***

- 2. Pursuant to Section 114 of the Local Government Act 2020, Council resolves to advertise its intention to subdivide the Parking Reserve No.10 on LP58872 and to sell a section of the parking reserve abutting 280 and 282 National Park Road in Loch Sport by private treaty; and**
- 3. Place a public notice of the proposal, in a local newspaper and serve a copy of the notice on abutting property owners and statutory authorities; and**
- 4. Council appoints three Councillors, being Councillor McKenzie, Councillor Stephens and Councillor Maher, plus an alternative representative, being Councillor Bye, to form the '280 and 282 National Park Road and Parking Reserve 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 submission under section 223 of the Act have been requested that they be heard in support of their submission/objection; or**
- 5. In the event of no objections, Council resolves to discontinue a section road reserve abutting 280 and 282 National Park Road and place a notice in the Victoria Government Gazette; and**
- 6. Council resolves to prepare and certify a Section 24A Plan of Subdivision under the Subdivisions Act 1988, to create a new lot from the Parking Reserve No.10 on LP58872 abutting 280 and 282 National Park Drive; and**
- 7. Council authorise the Chief Executive Officer to sell the land to the abutting property owner at no less than current market value in accordance with Wellington Shire Council Policy 3.3.5 - Sale, Exchange and Acquisition of Land and to sign and seal any documents to facilitate the transfer of land.**

CARRIED

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 - NIL

FURTHER GALLERY COMMENTS - NIL

Meeting declared closed at: 3:33pm

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

14. IN CLOSED SESSION

COUNCILLOR ROSSETTI / COUNCILLOR MAHER

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:

f) Personal information

CARRIED

IN CLOSED SESSION

Details redacted.

COUNCILLOR ROSSETTI / COUNCILLOR MAHER

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

CARRIED