



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 16 August 2022

COUNCILLORS PRESENT

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

OFFICERS PRESENT

David Morcom, Chief Executive Officer
Brent McAlister, General Manager Development
Chris Hastie, General Manager Built and Natural Environment
Clem Gillings, General Manager Community and Culture
Denise Teo, Coordinator Governance and Council Business
Gary Stevens, Communications Officer

APOLOGIES

Cr Gayle Maher

**ORDINARY MEETING OF COUNCIL
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1. APOLOGIES

Councillor Gayle Maher

2. DECLARATION OF CONFLICT/S OF INTEREST

Councillor Stephens has declared a general conflict of interest for Item 7.3 Response to Petition: Implementation of a Traffic Management Plan for Nightingale Street, Yarram and Item 16.1 Quick Response Grants - March to June 2022 due to a conflict of duty at both items.

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 2 August 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 2 August 2022.

COUNCILLOR WOOD / COUNCILLOR RIPPER

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 2 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			

7.2. RESPONSE TO PETITION: IMPROVED TRAFFIC AND PEDESTRIAN SAFETY IN MAFFRA

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider a petition presented at the Ordinary Council meeting of 19 July 2022 requesting improved traffic and pedestrian safety at the intersection of McLean Street and Boisdale Street in Maffra.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That, in response to the petition presented at the Ordinary Council meeting of 19 July 2022, Council:

- 1. Note that additional advisory signage has recently been installed at the McLean Street / Boisdale Street intersection;*
- 2. Note that the Maffra Traffic and Transport Assessment being undertaken to support the Maffra Structure Plan will assess further opportunities for improvements at the McLean Street / Boisdale Street intersection and that the recommendations from the Maffra Traffic and Transport Assessment will be considered for future Council Capital Works allocations where appropriate; and*
- 3. Authorise the Chief Executive Officer to write to the head petitioner to advise them of Council's decision in relation to this matter.*

COUNCILLOR CROSSLEY / COUNCILLOR WOOD

That, in response to the petition presented at the Ordinary Council meeting of 19 July 2022, Council:

- 1. Note that additional advisory signage has recently been installed at the McLean Street / Boisdale Street intersection;*
- 2. Note that the Maffra Traffic and Transport Assessment being undertaken to support the Maffra Structure Plan will assess further opportunities for*

improvements at the McLean Street / Boisdale Street intersection and that the recommendations from the Maffra Traffic and Transport Assessment will be considered for future Council Capital Works allocations where appropriate; and

- 3. Authorise the Chief Executive Officer to write to the head petitioner to advise them of Council's decision in relation to this matter.*

CARRIED

7.3. RESPONSE TO PETITION: IMPLEMENTATION OF A TRAFFIC MANAGEMENT PLAN FOR NIGHTINGALE STREET, YARRAM

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider a petition presented at the Ordinary Council meeting of 19 July 2022 requesting consideration be given to implementing a traffic management plan for Nightingale Street, Yarram.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That, in response to the petition presented at the Ordinary Council meeting of 19 July 2022 Council:

- 1. Authorise the Chief Executive Officer to investigate existing road signage at Nightingale Street, Yarram and provide improved signage, if required, in line with relevant standards and current practices;*
- 2. Authorise the Chief Executive Officer to investigate and implement, where feasible, opportunities for minor parking and turning improvements near the water tower in Nightingale Street, Yarram;*
- 3. Note that the provision of a footpath along Nightingale Street, Yarram does not meet the criteria under Council's Urban Paths Plan or Network Connections program and that provision of a cost effective and functional footpath is likely to be unachievable;*
- 4. Note that Nightingale Street does not meet the VicRoads Speed Zoning Guidelines for a speed reduction to 40km/h; and*
- 5. Authorise the Chief Executive Officer to write to the head petitioner to advise them of Council's decision in relation to this matter.*

Councillor Stephens declared a general conflict of interest due to a conflict of duty.

Left chambers at 6:04pm

Returned to chambers at 6:07pm

COUNCILLOR CROSSLEY / COUNCILLOR TATTERSON

That, in response to the petition presented at the Ordinary Council meeting of 19 July 2022 Council:

1. **Authorise the Chief Executive Officer to investigate existing road signage at Nightingale Street, Yarram and provide improved signage, if required, in line with relevant standards and current practices;**
2. **Authorise the Chief Executive Officer to investigate and implement, where feasible, opportunities for minor parking and turning improvements near the water tower in Nightingale Street, Yarram;**
3. **Note that the provision of a footpath along Nightingale Street, Yarram does not meet the criteria under Council's Urban Paths Plan or Network Connections program and that provision of a cost effective and functional footpath is likely to be unachievable;**
4. **Note that Nightingale Street does not meet the VicRoads Speed Zoning Guidelines for a speed reduction to 40km/h; and**
5. **Authorise the Chief Executive Officer to write to the head petitioner to advise them of Council's decision in relation to this matter.**

CARRIED

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR WOOD acknowledged one of Council's Local Laws Officers, Craig Stewart, for the way that he handled a situation relating to a local family's dog being attacked. He attended the property to commence the investigation and went the extra mile to address the dog's owner on a personal level and provide emotional reassurance in addition to doing his job.

COUNCILLOR CROSSLEY acknowledged TAFE Gippsland's new CEO, Laura Macpherson who will commence in the role on 3 October 2022. She comes to TAFE Gippsland with a wealth of knowledge and experience and will be a great asset to the area.

COUNCILLOR BYE acknowledged the work Kate Foster and team have been doing in the renewable energy space, leading to the Gippsland Energy Conference held last Thursday and Friday. There were over 300 attendees for a sold out conference which brought together key players in the renewable space to meet face to face.

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 - JULY 2022

ACTION OFFICER: COUNCILLOR IAN BYE

RECOMMENDATION

That the Mayor and Councillors report be noted.

COUNCILLOR RIPPER / COUNCILLOR CROSSLEY

That the Mayor and Councillors report be noted.

CARRIED

11. DELEGATES REPORT

NIL

12. CHIEF EXECUTIVE OFFICER

12.1. CHIEF EXECUTIVE OFFICER'S REPORT - JULY 2022

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

COUNCILLOR RIPPER / COUNCILLOR WOOD

That the Chief Executive Officer's report be received.

CARRIED

12.2. JUNE 2022 QUARTERLY PERFORMANCE REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

For Council to receive and note the June 2022 Council Performance Report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive and note the June 2022 Council Performance Report as attached.

COUNCILLOR STEPHENS / COUNCILLOR CROSSLEY

That Council receive and note the June 2022 Council Performance Report as attached.

CARRIED

13. GENERAL MANAGER CORPORATE SERVICES

13.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To report on all assembly of Councillor records received for the period 25 July 2022 to 7 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 25 July 2022 to 7 August 2022.

COUNCILLOR TATTERSON / COUNCILLOR CROSSLEY

That Council note and receive the attached Assembly of Councillor records for the period 25 July 2022 to 7 August 2022.

CARRIED

14. GENERAL MANAGER DEVELOPMENT

14.1. JUNE 2022 PLANNING DECISIONS REPORT

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 2022.

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 2022.

COUNCILLOR TATTERSON / COUNCILLOR ROSSETTI

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 June and 30 June 2022.

CARRIED

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15.1. REVOCATION OF UNUSED ROAD LICENCE - GOVERNMENT ROAD OFF KENTUCKY ROAD, NEWRY

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider a request to re-open a Government Road held under an unused road licence abutting 163 Kentucky Road in Newry to public traffic.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Pursuant to section 223 of the Local Government Act 1989, Council authorise the General Manger Built & Natural Environment to write to the licensee of the unused road licence 1501644 of its intention to open to public traffic their licence over the Government Road abutting 163 Kentucky Road at Newry; and***
- 2. Council appoint three Councillors plus an alternative representative to form the 'Newry Unused Road Licence 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 requested that they be heard in support of their submission/objection; and***
- 3. In the event that there are no objections or submissions and pursuant to section 407(1) of the Land Act 1958, as it is desirable in the public interest, the Department of Environment, Land, Water and Planning be requested that the unused road licence 1501644 held over Government Road abutting 163 Kentucky Road at Newry be revoked, as it is required for public traffic.***

COUNCILLOR RIPPER / COUNCILLOR MCKENZIE

That:

- 1. Pursuant to section 223 of the Local Government Act 1989, Council authorise the General Manger Built & Natural Environment to write to the licensee of the unused road licence 1501644 of its intention to open to public traffic their licence over the Government Road abutting 163 Kentucky Road at Newry; and***
- 2. Council appoint three Councillors, being Councillor Crossley, Councillor Tatterson and Councillor Ripper, plus an alternative representative, being Councillor Bye, to form the 'Newry Unused Road Licence 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 requested that they be heard in support of their submission/objection; and***
- 3. In the event that there are no objections or submissions and pursuant to section 407(1) of the Land Act 1958, as it is desirable in the public interest, the Department of Environment, Land, Water and Planning be requested that***

the unused road licence 1501644 held over Government Road abutting 163 Kentucky Road at Newry be revoked, as it is required for public traffic.

CARRIED

15.2. PROPOSED SALE OF LAND (ROAD) - TWENTY NINTH STREET, PARADISE BEACH

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider the proposed sale of land, being part of the Twenty Ninth Street road reserve in Paradise Beach.

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 resolve to advertise its intention to discontinue and to sell a section of Twenty Ninth Street road reserve abutting 136 Seventh Avenue in Paradise Beach by private treaty; and***
- 2. Council 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***
- 3. Council appoint three Councillors plus an alternative representative to form the 'Twenty Ninth Street Road Discontinuance 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 requested that they be heard in support of their submission/objection; and***
- 4. In the event of no objections, Council resolve to discontinue a section of Twenty Ninth Street, Paradise Beach and place a notice in the Victoria Government Gazette; and***
- 5. 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 WOOD

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 resolve to advertise its intention to discontinue and to sell a section of Twenty Ninth Street road reserve abutting 136 Seventh Avenue in Paradise Beach by private treaty; and***

2. ***Council 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***
3. ***Council appoint three Councillors, being Councillor McKenzie, Councillor Stephens and Councillor Wood, plus an alternative representative, being Councillor Bye, to form the 'Twenty Ninth Street Road Discontinuance 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 requested that they be heard in support of their submission/objection; and***
4. ***In the event of no objections, Council resolve to discontinue a section of Twenty Ninth Street, Paradise Beach and place a notice in the Victoria Government Gazette; and***
5. ***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

16. GENERAL MANAGER COMMUNITY AND CULTURE

16.1. QUICK RESPONSE GRANTS - MARCH 2022 TO JUNE 2022

ACTION OFFICER: MANAGER COMMUNITIES, FACILITIES AND EMERGENCIES

PURPOSE

For Council to note the information regarding applications received under the Quick Response Grant Scheme (QRGS) for the period March 2022 to June 2022 (as attached).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note the information regarding applications received under the Quick Response Grant Scheme (QRGS) for the period March 2022 to June 2022 (as attached).

Councillor Stephens has declared a general conflict of interest due to a conflict of duty.

Left the chamber at 6:32pm

Returned to the chamber at 6:37pm

COUNCILLOR MCKENZIE / COUNCILLOR RIPPER

That Council note the information regarding applications received under the Quick Response Grant Scheme (QRGS) for the period March 2022 to June 2022 (as attached).

CARRIED

17. 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: 6:38pm

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

18. 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.