



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 19 April 2022

COUNCILLORS PRESENT

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

OFFICERS PRESENT

David Morcom, Chief Executive Officer
Brent McAlister, General Manager Development
Julie Foat, General Manager Community and Culture
Sam Pye, Manager Built Environment
Denise Teo, Governance Officer

APOLOGIES

Cr Scott Rossetti
Cr Jill Wood

**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

7.2. RESPONSE TO PETITION: COVID-19 PUBLIC HEALTH APPROACH

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

9. QUESTION/S ON NOTICE.....

9.1. OUTSTANDING QUESTION/S ON NOTICE

10. MAYOR AND COUNCILLORS REPORT.....

10.1. MAYOR AND COUNCILLORS REPORT - MARCH 2022

11. DELEGATES REPORT.....

11.1. DELEGATES REPORT: COUNCILLOR MARCUS McKENZIE – STAR OF THE SOUTH

12. CHIEF EXECUTIVE OFFICER.....

12.1. CHIEF EXECUTIVE OFFICER'S REPORT.....

12.2. MARCH 2022 COUNCIL PERFORMANCE REPORT.....

13. GENERAL MANAGER CORPORATE SERVICES

13.1. ASSEMBLY OF COUNCILLORS

13.2. BIENNIAL AUDIT & RISK COMMITTEE UPDATE

- 13.3. RESOLVE TO ADVERTISE DRAFT 2022/2023 BUDGET, PROPOSED RATES, FEES AND CHARGES
- 14. GENERAL MANAGER DEVELOPMENT.....**
- 14.1. MONTHLY PLANNING DECISIONS (FEBRUARY 2022)
- 15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT**
- 15.1. ROAD DISCONTINUANCE - SIDE AND REAR OF 110 - 112 GRANT STREET, YARRAM
- 15.2. WOORARRA ROAD YARRAM MORWELL ROAD LANDSLIP RECTIFICATION WORKS
- 16. FURTHER GALLERY AND ONLINE COMMENTS.....**
- 17. IN CLOSED SESSION**

1. APOLOGIES

Councillor Scott Rossetti
Councillor Jill Wood

2. DECLARATION OF CONFLICT/S OF INTEREST

Councillor Gayle Maher has declared a general conflict of interest (perceived indirect) at Item 15.1 Road Discontinuance - Side and Rear Of 110 - 112 Grant Street, Yarram due to the location of her B&B and business.

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 5 April 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 5 April 2022.

COUNCILLOR RIPPER / COUNCILLOR MAHER

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 5 April 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: COVID-19 PUBLIC HEALTH APPROACH

ACTION OFFICER: MANAGER REGULATORY SERVICES

PURPOSE

The purpose of this report is for Council to reiterate its response to a petition presented at the Ordinary Council meeting of 15 March 2022 requesting that Council revise its approach to COVID-19 public health management and take a more pro-choice approach to vaccinations.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

KATHY LUMMIS, SALE:

- Head petitioner:
 - requested final count of signatures including those provided late
 - Council noted: 489 total petition signatures
- Asked questions in relation to the Council report impacts and requested justification for Council's continued position in carrying out state government directives

RAINA LONGSON, SALE:

- Spoke about the financial impacts that Government's COVID mandates and restrictions have had on her family.

RECOMMENDATION

That, in response to the petition presented at the Ordinary Council meeting of 15 March 2022, Council reiterates its position in writing to the head petitioner, that Council will continue to follow the advice of the Chief Health Officer and obey all lawful directions and regulations as set by the State Government, as it has done since the beginning of the pandemic.

COUNCILLOR STEPHENS / COUNCILLOR CROSSLEY

That, in response to the petition presented at the Ordinary Council meeting of 15 March 2022, Council reiterates its position in writing to the head petitioner, that Council will continue to follow the advice of the Chief Health Officer and obey all

lawful directions and regulations as set by the State Government, as it has done since the beginning of the pandemic.

CARRIED

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR BYE acknowledged Council's Coordinator Information Services, Marj McInnes, who has recently retired and congratulated her on her 50 years of service to local government and Council.

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 - MARCH 2022

ACTION OFFICER: COUNCILLOR IAN BYE

RECOMMENDATION

That the Mayor and Councillors report be noted.

COUNCILLOR CROSSLEY / COUNCILLOR MAHER

That the Mayor and Councillors report be noted.

CARRIED

11. DELEGATES REPORT

11.1. DELEGATES REPORT: COUNCILLOR MARCUS MCKENZIE – STAR OF THE SOUTH

On Wednesday April 6, the Management and staff of Star of the South arranged a field trip for all members of the Community Advisory Group to visualize from various spots along the coastal fringe what impact the wind turbines would have from the shore.

Some fifteen community members and management met at the Star of the South Yarram office where we were firstly shown their new 3D interactive screen which depicts the “proposed “location of the wind turbines from land and sea and how different weather conditions can impact the farm.

The 3D screen will be available for all visitors to the Yarram office as well as field day’s and once again showcases Star of the South’s engagement with the community.

It was then onto the bus with the first stop being Port Albert which will be a key Port for materials for the construction and ongoing maintenance of the wind farm.

Then we visited McLoughlin’s and Reeves Beach with questions and answers around visual interpretation, ongoing studies and bio physic data capture.

We then headed out to Giffard West Hall and met Lisa Harrison whose property will have underground cables commissioned by Star of the South going right through her property. Lisa explained that the original location for the underground cables was not ideal hence Star of the South changed the route to meet Lisa’s expectations.

During the talk it was evident that Star of the South once again consulted with not only the landholders but the community. They are transparent, open to change, reply both in written and verbal in a timely fashion and nothing is “too hard “.

Over the past eighteen months council have had many renewable operators present their vision whether it be a wind farm, solar farm or other form of renewable and as councillors and council management it is our responsibility that each presenter can show proof that a strong and transparent community consultation has been undertaken.

As we all know renewables are being fast tracked by both the State and Federal Governments and this council may or will be asked to support or advocate for suppliers during our term, so it is imperative that we make the right decision both for the next council and councillors but more importantly our community.

In this term of councillors, we need to always ensure that we listen to our community during the transition to renewables so that decisions we make leave a positive legacy for the community and future council / councillors and ensure that the “players “in this space have been open and transparent just as Star of the South have displayed.

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 RIPPER / COUNCILLOR CROSSLEY

That the Chief Executive Officer's report be received.

CARRIED

12.2. MARCH 2022 COUNCIL PERFORMANCE REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

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

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

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

COUNCILLOR MAHER / COUNCILLOR TATTERSON

That Council receive and note the March 2022 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 28 March 2022 to 10 April 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 28 March 2022 to 10 April 2022.

COUNCILLOR TATTERSON / COUNCILLOR MAHER

That Council note and receive the attached Assembly of Councillor records for the period 28 March 2022 to 10 April 2022.

CARRIED

13.2. BIENNIAL AUDIT & RISK COMMITTEE UPDATE

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To provide Council with an overview of the activities of Council's Audit & Risk Committee, including findings and recommendations, for the period October 2021 – March 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive the biennial report on the Audit & Risk Committee's activities, findings and recommendations for the period October 2021 – March 2022, as attached.

COUNCILLOR MCKENZIE / COUNCILLOR CROSSLEY

That Council receive the biennial report on the Audit & Risk Committee's activities, findings and recommendations for the period October 2021 – March 2022, as attached.

CARRIED

13.3. RESOLVE TO ADVERTISE DRAFT 2022/2023 BUDGET, PROPOSED RATES, FEES AND CHARGES

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

For Council to resolve to advertise its draft 2022/23 Budget and seek public submissions in accordance with Section 96 of the *Local Government Act 2020*.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

1. ***Council advertise its draft 2022/23 Budget (as attached) including:***
 - ***fees and charges; and***
 - ***multi-year capital projects******in accordance with Section 96 of the Local Government Act 2020; and***
2. ***Council consider submissions for the draft 2022/23 Budget at a Special Council Meeting on Thursday 19 May 2022 at 3pm; and***
3. ***Council meet on Tuesday 7 June 2022 at 3pm to consider the formal adoption of the 2022/23 Budget; and***
4. ***Council make the following declarations regarding rates and charges for the period commencing on 1 July 2022 and concluding on 30 June 2023:***
 - A) ***Pursuant to the provisions of Sections 158, 161 and 162 of the Local Government Act 1989 (currently, these remain saved provisions under the 1989 Act), the Wellington Shire Council hereby resolves to declare that the amount it intends to raise by rates and annual service charges is \$66.6M:***

| <i>Type of Rates or charge</i> | <i>\$'000</i> |
|------------------------------------------------------|----------------------|
| <i>General Rate:</i> | <i>58,782</i> |
| <i>Cultural & Recreational Land rates</i> | <i>54</i> |
| <i>Garbage Charge:</i> | <i>4,977</i> |
| <i>Waste Infrastructure Charge:</i> | <i>1,603</i> |
| <i>EPA Levy Charge:</i> | <i>413</i> |
| <i>Boisdale Common Effluent System Charge</i> | <i>11</i> |

- B)
 - (1) ***It be further declared that, subject to paragraph 4 of this Part, the general rate be raised through the application of differential rates.***
 - (2) ***A rate in the dollar of 0.003903 be specified as the general rate (subject to final valuation outcomes).***

- (3) ***It be confirmed that the general rate for all rateable land within the municipal district be determined so that the amount payable be the Capital Improved Value multiplied by the rate in the dollar of 0.003903 (subject to final valuation outcomes)***
- (4) a) ***It be recorded that Council considers that a differential rate will contribute to the equitable and efficient carrying out of Council functions.***
- b) ***A differential rate be declared for that rateable land having the characteristics specified below, which characteristics will form the criteria for the differential rate so declared:***
- (i) ***Farm Land:***
Means any land that:
Is "Farm Land" within the meaning of Section 2(1) of the Valuation of Land Act 1960 (paras a) and b)) and other criteria as defined by Council in c) hereunder
- a) ***that is not less than 2 hectares in area; and***
- b) ***that is used primarily for grazing (including agistment), dairying, pig-farming, poultry-farming, fish-farming, tree-farming, bee-keeping, viticulture, horticulture, fruit-growing or the growing of crops of any kind or for any combination of those activities; and***
- c) ***where the ratepayer is a Primary Producer with any evidence/ruling confirmed by the Australian Taxation Office, registered ABN and business plan.***

C) Garbage Charge:

- (1) ***An annual service charge of \$257.60 be declared for the collection and disposal of garbage in respect of Residential premises to which the service is available – whether, or not, the owner or occupier of any such premises avails themselves of the service.***

D) Waste Infrastructure Charge:

- (1) ***An annual service charge be declared for the development of Landfills, Recycling facilities, Transfer Stations and the rehabilitation of Landfill sites, and provision of facilities for ongoing monitoring of landfills, to ensure that Council can continue to provide a waste disposal service.***
- (2) ***The charge be \$55.00 (same as last year) for each property in respect of which a municipal charge may be levied. This charge will not apply to properties identified as being within the Ninety Mile Beach Restructure Plan Stages 7 – 22, with the exception of those properties with an existing dwelling, where the charge will still apply.***

E) EPA Levy Charge:

- (1) ***An annual service charge of \$21.40 be declared to cover the costs levied by the Environment Protection Authority on the operation of landfills, not otherwise recouped.***
- (2) ***The charge be levied on each property to which a Garbage Charge is applied, at the rate of one EPA Levy Charge for each***

Garbage Charge. – except those properties recently the subject of the Ombudsman’s report into non developable blocks along

F) Boisdale Common Effluent System Charge:

- (1) An annual service charge of \$421.00 be declared for wastewater availability in respect of Residential and Commercial premises in the township of Boisdale, to contribute towards the costs of operation and management of the Boisdale Common Effluent System (the System).**
- (2) The charge be levied on each property which is connected to the System, at the rate of one charge per tenement connected.**

G) Cultural and Recreational Land:

- (1) The amount of \$54,016 (excluding service charges) be declared as payable in accordance with Section 4 of the Cultural and Recreational Lands Act 1963, having regard to the services provided by the Council in relation to such lands and the benefit to the community derived from this recreational land.**

H) Pursuant to the provisions of Section 169 of the Local Government Act 1989 (currently, this remains as a saved provision under the 1989 Act), Council resolves to declare a Rates Rebate on land with a Deed of Covenant for conservation purposes.

- (1) Council considers that this rebate will ensure that the biodiversity values of the land will be protected for the benefit of the broader community.**
- (2) The rebate will apply only to the land that is affected by a covenant as described in the covenant document.**
- (3) The rebate will be applied at \$5 per hectare, with a minimum rebate of \$100 and a maximum equal to the annual general rate on the property for that portion of land.**
- (4) Conditions apply as per Council’s Policy No. 4.1.12 – Rates Rebate on land with a Deed of Covenant for Conservation Purposes.**

COUNCILLOR STEPHENS / COUNCILLOR CROSSLEY

That:

- 1. Council advertise its draft 2022/23 Budget (as attached) including:
 - fees and charges; and
 - multi-year capital projectsin accordance with Section 96 of the Local Government Act 2020; and**
- 2. Council consider submissions for the draft 2022/23 Budget at a Special Council Meeting on Thursday 19 May 2022 at 3pm; and**
- 3. Council meet on Tuesday 7 June 2022 at 3pm to consider the formal adoption of the 2022/23 Budget; and**
- 4. Council make the following declarations regarding rates and charges for the period commencing on 1 July 2022 and concluding on 30 June 2023:
 - A) Pursuant to the provisions of Sections 158, 161 and 162 of the Local Government Act 1989 (currently, these remain saved provisions under the 1989 Act), the Wellington Shire Council hereby resolves to declare****

that the amount it intends to raise by rates and annual service charges is \$66.6M:

| Type of Rates or charge | \$'000 |
|-----------------------------------------------|---------------|
| General Rate: | 58,782 |
| Cultural & Recreational Land rates | 54 |
| Garbage Charge: | 4,977 |
| Waste Infrastructure Charge: | 1,603 |
| EPA Levy Charge: | 413 |
| Boisdale Common Effluent System Charge | 11 |

- B)**
- (1)** *It be further declared that, subject to paragraph 4 of this Part, the general rate be raised through the application of differential rates.*
 - (2)** *A rate in the dollar of 0.003903 be specified as the general rate (subject to final valuation outcomes).*
 - (3)** *It be confirmed that the general rate for all rateable land within the municipal district be determined so that the amount payable be the Capital Improved Value multiplied by the rate in the dollar of 0.003903 (subject to final valuation outcomes)*
 - (4)**
 - a)** *It be recorded that Council considers that a differential rate will contribute to the equitable and efficient carrying out of Council functions.*
 - b)** *A differential rate be declared for that rateable land having the characteristics specified below, which characteristics will form the criteria for the differential rate so declared:*
 - (i)** *Farm Land:*
Means any land that:
Is "Farm Land" within the meaning of Section 2(1) of the Valuation of Land Act 1960 (paras a) and b)) and other criteria as defined by Council in c) hereunder
 - a)** *that is not less than 2 hectares in area; and*
 - b)** *that is used primarily for grazing (including agistment), dairying, pig-farming, poultry-farming, fish-farming, tree-farming, bee-keeping, viticulture, horticulture, fruit-growing or the growing of crops of any kind or for any combination of those activities; and*
 - c)** *where the ratepayer is a Primary Producer with any evidence/ruling confirmed by the Australian Taxation Office, registered ABN and business plan.*
- C) Garbage Charge:**
- (1)** *An annual service charge of \$257.60 be declared for the collection and disposal of garbage in respect of Residential premises to*

which the service is available – whether, or not, the owner or occupier of any such premises avails themselves of the service.

D) Waste Infrastructure Charge:

- (1) An annual service charge be declared for the development of Landfills, Recycling facilities, Transfer Stations and the rehabilitation of Landfill sites, and provision of facilities for ongoing monitoring of landfills, to ensure that Council can continue to provide a waste disposal service.**
- (2) The charge be \$55.00 (same as last year) for each property in respect of which a municipal charge may be levied. This charge will not apply to properties identified as being within the Ninety Mile Beach Restructure Plan Stages 7 – 22, with the exception of those properties with an existing dwelling, where the charge will still apply.**

E) EPA Levy Charge:

- (1) An annual service charge of \$21.40 be declared to cover the costs levied by the Environment Protection Authority on the operation of landfills, not otherwise recouped.**
- (2) The charge be levied on each property to which a Garbage Charge is applied, at the rate of one EPA Levy Charge for each Garbage Charge. – except those properties recently the subject of the Ombudsman’s report into non developable blocks along**

F) Boisdale Common Effluent System Charge:

- (1) An annual service charge of \$421.00 be declared for wastewater availability in respect of Residential and Commercial premises in the township of Boisdale, to contribute towards the costs of operation and management of the Boisdale Common Effluent System (the System).**
- (2) The charge be levied on each property which is connected to the System, at the rate of one charge per tenement connected.**

G) Cultural and Recreational Land:

- (1) The amount of \$54,016 (excluding service charges) be declared as payable in accordance with Section 4 of the Cultural and Recreational Lands Act 1963, having regard to the services provided by the Council in relation to such lands and the benefit to the community derived from this recreational land.**

H) Pursuant to the provisions of Section 169 of the Local Government Act 1989 (currently, this remains as a saved provision under the 1989 Act), Council resolves to declare a Rates Rebate on land with a Deed of Covenant for conservation purposes.

- (1) Council considers that this rebate will ensure that the biodiversity values of the land will be protected for the benefit of the broader community.**
- (2) The rebate will apply only to the land that is affected by a covenant as described in the covenant document.**
- (3) The rebate will be applied at \$5 per hectare, with a minimum rebate of \$100 and a maximum equal to the annual general rate on the property for that portion of land.**

(4) *Conditions apply as per Council's Policy No. 4.1.12 – Rates Rebate on land with a Deed of Covenant for Conservation Purposes.*

CARRIED

14. GENERAL MANAGER DEVELOPMENT

14.1. MONTHLY PLANNING DECISIONS (FEBRUARY 2022)

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 February 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 February and 28 February 2022.

COUNCILLOR MAHER / COUNCILLOR CROSSLEY

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 February and 28 February 2022.

CARRIED

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15.1. ROAD DISCONTINUANCE - SIDE AND REAR OF 110 - 112 GRANT STREET, YARRAM

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The objective of this report is for Council to consider the road discontinuance of a road (Right of Way) at the side and rear of 110 - 112 Grant Street in Yarram and for the road to be retained for municipal purposes.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Pursuant to Section 206 including Clause 3 of Schedule 10, Section 207A and Section 223 of the Local Government Act 1989, Council resolves to advertise*

its intention to discontinue a road at the side and rear of 110 -112 Grant Street, Yarram, and the land from the road be retained for municipal purposes; and

- 2. Council place a notice of the proposed discontinuance of a road at the side and rear of 110 – 112 Grant Street, Yarram, in the local newspaper and serve a copy of the notice on statutory authorities; and***
- 3. Council appoints three Councillors plus an alternative representative to form the ‘Grant 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 been requested that they be heard in support of their submission/objection; and***
- 4. In the event of no objections, Council resolves to discontinue the road at the side and rear of 110 -112 Grant Street, Yarram and place a notice in the Victoria Government Gazette and lodge a title plan to this effect with Land Use Victoria.***

Councillor Maher has declared a general conflict of interest (perceived indirect) at this agenda Item due to the location of her B&B and business

COUNCILLOR STEPHENS / COUNCILLOR RIPPER

That:

- 1. Pursuant to Section 206 including Clause 3 of Schedule 10, Section 207A and Section 223 of the Local Government Act 1989, Council resolves to advertise its intention to discontinue a road at the side and rear of 110 -112 Grant Street, Yarram, and the land from the road be retained for municipal purposes; and***
- 2. Council place a notice of the proposed discontinuance of a road at the side and rear of 110 – 112 Grant Street, Yarram, in the local newspaper and serve a copy of the notice on statutory authorities; and***
- 3. Council appoints three Councillors, being Councillor Tatterson, Councillor Stephens and Councillor McKenzie, plus an alternative representative, being Councillor Crossley, to form the ‘Grant 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 been requested that they be heard in support of their submission/objection; and***
- 4. In the event of no objections, Council resolves to discontinue the road at the side and rear of 110 -112 Grant Street, Yarram and place a notice in the Victoria Government Gazette and lodge a title plan to this effect with Land Use Victoria.***

CARRIED

15.2. WOORARRA ROAD YARRAM MORWELL ROAD LANDSLIP RECTIFICATION WORKS

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the rectification of four land slips on Woorarra Road and two land slips on Yarram-Morwell Road in Wonyip and Madalya.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-082 Woorarra Road and Yarram-Morwell Road Landslip Rectification Works; and*
- 2. The information contained in the confidential attachment Contract 2022-082 Woorarra Road and Yarram-Morwell Road Landslip Rectification Works and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 8 April 2022 because it relates to the following grounds: (g)(ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

COUNCILLOR CROSSLEY / COUNCILLOR RIPPER

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-082 Woorarra Road and Yarram-Morwell Road Landslip Rectification Works; and*
- 2. The information contained in the confidential attachment Contract 2022-082 Woorarra Road and Yarram-Morwell Road Landslip Rectification Works and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 8 April 2022 because it relates to the following grounds: (g)(ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

The Mayor announced the successful tenderer as Ground Technique Excavations Pty Ltd

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 –

NIL

FURTHER GALLERY COMMENTS –

JOHN ALLMAN, SEASPRAY:

- spoke in relation to a Seaspray community request for a pump track
- noted particularly that the community support and consultation to date appears to have been over-inflated with a significant portion of the Seaspray community actually unaware of the request itself or what a pump track is
- noted that this is not opposition or support for the project but advocating for a better understanding for the whole community to ensure everyone gets a say in all aspects being considered
- requests that Council undertakes a full consultation process with the whole Seaspray community

The CEO acknowledged all of John's comments and agreed with the need for further consultation with the Seaspray community.

Meeting declared closed at: 7:28pm

The live streaming of this Council meeting will now end.

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.