



**WELLINGTON**  
SHIRE COUNCIL

*The Heart of Gippsland*

## **RESOLUTIONS IN BRIEF ORDINARY MEETING**

**To be read in conjunction with the Council Meeting Agenda 20 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  
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  
Clem Gillings, General Manager Community and Culture  
Denise Teo, Coordinator Governance and Council Business  
Kimberley Salleh, Acting Coordinator Communications and Media

### **APOLOGIES**

Cr Garry Stephens

**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. MAYOR AND COUNCILLORS REPORT**
  - 10.1. MAYOR AND COUNCILLORS REPORT - AUGUST 2022
- 11. YOUTH COUNCIL REPORT**
  - 11.1. YOUTH COUNCIL MAYOR'S REPORT
- 12. DELEGATES REPORT**
- 13. CHIEF EXECUTIVE OFFICER**
  - 13.1. CHIEF EXECUTIVE OFFICER'S REPORT - AUGUST 2022
- 14. GENERAL MANAGER CORPORATE SERVICES**
  - 14.1. ASSEMBLY OF COUNCILLORS
  - 14.2. AUDIT & RISK COMMITTEE MINUTES
  - 14.3. APPROVAL OF UPDATED S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF
- 15. GENERAL MANAGER DEVELOPMENT**

15.1. MONTHLY PLANNING DECISIONS (JULY 2022)

15.2. OFFSHORE WIND DECLARATION

15.3. PORT ALBERT CARAVAN AND CAMPING PARK FEASIBILITY STUDY

**16. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT**

16.1. PLACE NAMES COMMITTEE

16.2. UNUSED ROAD LICENCE - ROAD OFF EREMIN COURT WURRUK

16.3. YARRAM MORWELL JACK RIVER VALLEY ROAD INTERSECTION  
CONSTRUCTION

**17. FURTHER GALLERY AND ONLINE COMMENTS**

**18. IN CLOSED SESSION**

18.1. ORGANICS PROCESSING TENDER

The Mayor acknowledged the passing of Queen Elizabeth II and extended condolences on behalf of Council.

The Mayor called for everyone to stand for a minutes' silence.

## 1. APOLOGIES

Councillor Garry Stephens

## 2. DECLARATION OF CONFLICT/S OF INTEREST

COUNCILLOR MAHER declared two conflicts of interest for Item 18.1 due to a general conflict of interest and a material conflict of interest with an exemption due to a conflict of duty

## 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 6 September 2022.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 September 2022.*

**COUNCILLOR WOOD / COUNCILLOR ROSSETTI**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 September 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

The Mayor acknowledged the opening of the Bill Cane Collection at the Sale Botanic Gardens. He thanked Bill's family for attending the opening and for sharing in Bill's contribution. The new collection provides examples of Bill's plant breeding achievements and features 70 different native plant species.

The Mayor acknowledged the John Leslie Art Prize, which is the Gippsland Art Gallery's biennial \$20,000 Acquisitive Prize for landscape painting. This year saw 456 entries in total with 50 paintings shortlisted by 47 artists (three artists had two paintings shortlisted). The Mayor congratulated Greg Wood for taking out this year's prize for this work – *V34 Reimagining* and also congratulated the winner of 'Best Gippsland Work' which went to Frank Mesaric for his work – *Velore Rd, Kilmany*.

## 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 - AUGUST 2022

**ACTION OFFICER: COUNCILLOR IAN BYE**

**RECOMMENDATION**

*That the Mayor and Councillors report be noted.*

**COUNCILLOR TATTERSON / COUNCILLOR CROSSLEY**

*That the Mayor and Councillors report be noted.*

**CARRIED**

## 11. YOUTH COUNCIL REPORT

### 11.1. YOUTH COUNCIL MAYOR'S REPORT

**ACTION OFFICER: YOUTH MAYOR, NICOLLA WOOLFORD**

**RECOMMENDATION**

*That Council receive the Youth Mayor's Quarterly Report.*

**COUNCILLOR WOOD / COUNCILLOR RIPPER**

*That Council receive the Youth Mayor's Quarterly Report.*

**CARRIED**

Good evening Councillors and thank you for taking the time to hear about the recent updates from Youth Council. Following the success of the Sale Skate Competition, the All-Ages Tour and various workshops, Youth Council has jumped right into the planning portion of the year. This is usually our toughest time of year, and while we will miss the few that have respectfully resigned this term, we have persisted. This term we have supported other organisations in their events and openings, as well as our own.

#### **Wellington Youth Art Prize**

In August we held our annual Wellington Youth Art Prize, an event that many of us were proud to see brought to life with the collaboration of the Gippsland Art Gallery. We had the opportunity for one of our youngest Youth Councillors to speak on the ABC radio before the night. It was a wonderful night and had a great turn out, filling the foyer upstairs of the library. Everybody enjoyed themselves and there were many who worked tirelessly to organise the unforgettable opening night; we are beyond lucky to have had things run so smoothly.

#### **East Gippsland Youth Ambassadors**

The East Gippsland Youth Ambassadors have been working on an LGBTQIA+, and ally inclusive ball this year, the Rainbow Ball. Multiple Youth Councillors attended in support of our friends in East Gippsland. Since first meeting in December on our leadership camp, we have also attended a YacVic panel discussion alongside the group. We find the relationships between Youth Council and the Youth Ambassadors to be a vital connection and hope to continue working with them in the future.

### **Nakunbalook Opening**

Another vital relationship we have formed is with none other than Nakunbalook, the education centre next to the community Seed Garden in Sale. I attended the first school workshop held there, the screening of the film 'Regenerating Australia'. It was lovely to see so many young people share their ideas, questions and hope for the future of sustainability in the Wellington Shire. Youth Council hopes to plan future events, meetings or workshops at Nakunbalook as the atmosphere perfectly captures the heart of one of our main pillars this year, environment.

### **Youth Illustrated**

We have been trying to devise a way to connect directly with our peers and inform the youth of upcoming events and local updates. We have just released a single issue of mini online magazine as a way to get real life feedback on what an issue could look like for complete magazine. This is something that has taken a lot of time to plan and organise but we're confident that by the time I am standing here at the end of the year doing my next report, we will have a successful line of communication with youth from across the Wellington Shire.

### **LYS**

During July, we were lucky enough to have the Latrobe Youth Space host us in Morwell for a day to discuss an upcoming project of theirs. There will be a youth focused bus introduced to both the Wellington Shire and the East Gippsland Shire. These will be designed by a committee from both shires, which right now are temporarily made up of either Youth Councillors, or Youth Ambassadors. This project is something that we have been very fortunate to have been a part of, and in our two meetings so far, we have already accomplished a lot.

### **Upswing**

Looking forward, we are currently in the planning and waiting stage for our most anticipated event of the year, Upswing. This is an annual event that not only Youth Councillors but also the general public look forward to each year. We will be holding a young makers market again this year, the ideal way for us to interact with youth led businesses that benefit the community. With this project well underway, the anticipation is quickly rising.

While there have been plenty of challenges this term, the Youth Council team has endured and continues to work hard to see our work pay off at each event. We are eager to finish off this year with multiple successful events and milestones under our belts and cannot wait for Council to watch our plans unfold and come to fruition.

**NICOLLA WOOLFORD  
YOUTH MAYOR**

## **12. DELEGATES REPORT**

NIL

## 13. CHIEF EXECUTIVE OFFICER

### 13.1. CHIEF EXECUTIVE OFFICER'S REPORT - AUGUST 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**

## 14. GENERAL MANAGER CORPORATE SERVICES

### 14.1. ASSEMBLY OF COUNCILLORS

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

**OBJECTIVE**

To report on all assembly of Councillor records received for the period 29 August 2022 to 11 September 2022.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council note and receive the attached Assembly of Councillor records for the period 29 August 2022 to 11 September 2022.*

**COUNCILLOR MAHER / COUNCILLOR MCKENZIE**

*That Council note and receive the attached Assembly of Councillor records for the period 29 August 2022 to 11 September 2022.*

**CARRIED**

## 14.2. 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 22 August 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 22 August 2022 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 22 August 2022 ;***
- 2. The information contained in the confidential document Audit & Risk Committee Minutes of 22 August 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 29 August 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 CROSSLEY**

***That:***

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 22 August 2022 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 22 August 2022 ;***
- 2. The information contained in the confidential document Audit & Risk Committee Minutes of 22 August 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 29 August 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**

### **14.3. APPROVAL OF UPDATED S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF**

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

The purpose of this report is for Council to adopt recent amendments to the *S6 Instrument of Delegation to Members of Council Staff* relating to officers who hold, act in, or perform the duties of the office or position relating to the *Planning and Environment Act 1987*.

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

NIL

#### **RECOMMENDATION**

***That Council:***

- 1. adopt the attached updated S6 Instrument of Delegation;***
- 2. revoke the previous S6 Instrument of Delegation made; and***
- 3. authorise the Chief Executive Officer to sign and seal the attached S6 Instrument of Delegation.***

**COUNCILLOR MAHER / COUNCILLOR ROSSETTI**

***That Council:***

- 1. adopt the attached updated S6 Instrument of Delegation;***
- 2. revoke the previous S6 Instrument of Delegation made; and***
- 3. authorise the Chief Executive Officer to sign and seal the attached S6 Instrument of Delegation.***

**CARRIED**

## 15. GENERAL MANAGER DEVELOPMENT

### 15.1. MONTHLY PLANNING DECISIONS (JULY 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 July 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 July and 31 July 2022.*

**COUNCILLOR MAHER / COUNCILLOR ROSSETTI**

*That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 July and 31 July 2022.*

**CARRIED**

### 15.2. OFFSHORE WIND DECLARATION

**ACTION OFFICER: MANAGER LAND USE PLANNING**

**PURPOSE**

For Council to endorse the attached submission in support of the Commonwealth Government's proposal to declare Bass Strait as the first area suitable for renewable energy (offshore wind) investment.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council endorse the attached submission in support of the Commonwealth Government's proposal to declare Bass Strait as the first area suitable for renewable energy (offshore wind) investment.*

**COUNCILLOR CROSSLEY / COUNCILLOR MAHER**

*That Council endorse the attached submission in support of the Commonwealth Government's proposal to declare Bass Strait as the first area suitable for renewable energy (offshore wind) investment.*

**CARRIED**

### 15.3. PORT ALBERT CARAVAN AND CAMPING PARK FEASIBILITY STUDY

#### ACTION OFFICER: GENERAL MANAGER DEVELOPMENT

#### PURPOSE

The purpose of the report is to finalise the Port Albert Caravan and Camping Park Feasibility Study and to recommend the next step.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

***That:***

- 1. Council note the attached 'Port Albert Caravan and Camping Park Feasibility Study' along with its assessment of potential sites and key findings; and***
- 2. The Study be made available to relevant caravan/camping ground operators and developers along with larger destination holiday park operators/investors, noting that the Council will have no financial involvement with any proposal and not have a committee of management role for those potential sites on Crown land.***

**COUNCILLOR MCKENZIE / COUNCILLOR MAHER**

***That:***

- 1. Council note the attached 'Port Albert Caravan and Camping Park Feasibility Study' along with its assessment of potential sites and key findings; and***
- 2. The Study be made available to relevant caravan/camping ground operators and developers along with larger destination holiday park operators/investors, noting that the Council will have no financial involvement with any proposal and not have a committee of management role for those potential sites on Crown land.***

**CARRIED**

## 16. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

### 16.1. PLACE NAMES COMMITTEE

#### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to receive the minutes of the Place Names Committee meeting held on 9 August 2022 and to consider the recommendations from that meeting.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

***That:***

- 1. Council receive and note the minutes of the Place Names Committee meeting held on 9 August 2022; and***
- 2. The Sale Oval and the netball facility at the Sale Oval retain their current names, being the Sale Oval and the K.J. Hogan Netball Facility respectively; and***
- 3. The name Hulse Place be approved for Stage 3 of the Daly Park subdivision in Maffra.***

#### **COUNCILLOR ROSSETTI / COUNCILLOR MAHER**

***That:***

- 1. Council receive and note the minutes of the Place Names Committee meeting held on 9 August 2022; and***
- 2. The Sale Oval and the netball facility at the Sale Oval retain their current names, being the Sale Oval and the K.J. Hogan Netball Facility respectively; and***
- 3. The name Hulse Place be approved for Stage 3 of the Daly Park subdivision in Maffra.***

**CARRIED**

## 16.2. UNUSED ROAD LICENCE - ROAD OFF EREMIN COURT WURRUK

### ACTION OFFICER: MANAGER BUILT ENVIRONMENT

#### PURPOSE

The objective of this report is for Council to consider an application received to provide consent for a section Government Road off Eremim Court in Wurruk to be deemed an unused road for the granting of an unused road licence by the Department of Environment, Land, Water and Planning (DELWP).

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That Council, pursuant to section 400 of the Land Act 1958, gives notice that Government Road south of Crown Allotment 1A in the Parish of Wurruk Wurruk is not required for public traffic and is therefore an unused road.*

#### **COUNCILLOR ROSSETTI / COUNCILLOR MCKENZIE**

*That Council, pursuant to section 400 of the Land Act 1958, gives notice that Government Road south of Crown Allotment 1A in the Parish of Wurruk Wurruk is not required for public traffic and is therefore an unused road.*

**CARRIED**

### 16.3. YARRAM MORWELL JACK RIVER VALLEY ROAD INTERSECTION CONSTRUCTION

#### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to consider entering into a contract for the rehabilitation of the Yarram Morwell – Jack River Valley Roads intersection.

#### 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 2023-006 Yarram Morwell – Jack River Valley Intersection Rehabilitation Works; and***
- 2. The information contained in the confidential attachment Contract 2023-006 Yarram Morwell – Jack River Valley Intersection Rehabilitation 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 5th September 2022 because it relates to the following grounds: (g) 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 TATTERSON / COUNCILLOR MAHER**

***That:***

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2023-006 Yarram Morwell – Jack River Valley Intersection Rehabilitation Works; and***
- 2. The information contained in the confidential attachment Contract 2023-006 Yarram Morwell – Jack River Valley Intersection Rehabilitation 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 5th September 2022 because it relates to the following grounds: (g) 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.***

**CARRIED**

*The Mayor announced the successful tenderer as Bairnsdale Road Services Pty Ltd*

## 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: 6:37pm

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

## 18. IN CLOSED SESSION

**COUNCILLOR ROSSETTI / COUNCILLOR TATTERSON**

***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***
- g) Private commercial information***

**CARRIED**

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**IN CLOSED SESSION**

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*Details redacted.*

**COUNCILLOR ROSSETTI / COUNCILLOR MAHER**

**CARRIED**

**COUNCILLOR ROSSETTI / COUNCILLOR WOOD**

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

**CARRIED**