



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 5 December 2023

COUNCILLORS PRESENT

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

OFFICERS PRESENT

David Morcom, Chief Executive Officer
Clem Gillings, General Manager Community and Culture
Carly Bloomfield, Manager Organisational Performance & Governance
Dean Morahan, Manager Assets and Projects
Andrew Pomeroy, General Manager Development
Keisha Langshaw, Governance and Council Business Officer
Kim Salleh, Coordinator Communications and Media

**ORDINARY MEETING OF COUNCIL
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COUNCIL MEETING INFORMATION

Members of the Public Gallery should note that the Council records and publishes Council meetings via YouTube to enhance the accessibility of Council meetings to the broader Wellington community. These recordings are also archived and may be published on Council's Website for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, members of the gallery may address the Council at which time their image, comments or submissions will be recorded.

Members of the public who are not in attendance at the Council meeting but who wish to communicate with the Council via the online webform should lodge their questions or comments early in the meeting to ensure that their submissions can be dealt with at the end of the meeting.

Please could gallery visitors, Councillors and invited online attendees ensure that mobile phones and other electronic devices are turned off or in silent mode for the duration of the meeting.

MISSION STATEMENT

Working together to make a difference. We listen and lead to provide quality services that improve life for all.

ACKNOWLEDGEMENT OF COUNTRY

“Wellington Shire Council acknowledges our offices are located on the traditional lands of the Gunaikurnai nation. We pay our deep respects to their Elders past, present and future and acknowledge their ongoing cultural and spiritual connections to their land and waters.”

1. APOLOGIES

NIL

2. DECLARATION OF CONFLICT/S OF INTEREST

COUNCILLOR BYE declared a conflict of interest at item 13.1 – Quick Response Grants.

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 21 November 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 21 November 2023.

COUNCILLOR WOOD / COUNCILLOR STEPHENS

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 21 November 2023.

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
Cobains Feedlots	21 November 2023	Development Division is currently preparing a response, due by 19 December 2023.	General Manager Development

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR MCKENZIE attended the Community Achievement Awards Australia on Friday 1 December 2023. He was over the moon that two local organisations made the finals, being PavFab, Yarram and A Better Life for Foster Kids Inc, Sale.

PavFab, owned by Sharee and Paul Wilson, are an engineering and fabrication business that started in 2015 and were finalists in the category of Business Achievement Award. He described their unwavering dedication to empowering first nations people and rehabilitating individuals by providing employment and training.

Councillor McKenzie noted that by actively collaborating with local councils, government bodies, and indigenous support organisations, they are catalysing transformation in the region. Their charitable spirit shines through donations and support for school programs, and fostering inclusivity and cultural awareness.

Councillor McKenzie noted that when he caught up with Sharee and Paul to congratulate them on being finalists, they advised that next year they aim to employ a further four first nations people, which is testament to their valued proposition of supporting and providing a better future for those most vulnerable. Although they unfortunately didn't win the final

award, they are winners to the people of Wellington and Yarram. He wished PavFab all the best for the future.

Councillor McKenize also acknowledged Heather Baird from A Better Lift for Foster Kids – a well known not-for-profit organisation she began in 2014. He noted that Heather was a foster child herself, and knows only too well the effect this has on our youth.

When Councillor McKenzie caught up with Heather, he asked her insights on foster care and her reply was heartbreaking. The rate of foster children in the Victorian system is around 9 percent, however in Wellington it is at 14 percent, and that Wellington is now experiencing the seventh generation of families reliant of welfare. When we consider that Wellington is the fourth worst council for domestic violence in the community, we certainly have work to do. On a positive note, A Better Life for Foster Kids received the Regional Service Award. He sent a huge congratulations to Heather and her team of volunteers from all within Council.

Councillor McKenzie expressed his final congratulations to both organisations for their dedication to community service, and support to the most vulnerable. He also made special mention of the Rochester Community House who won the award for Connecting Communities and the People Award following a challenging time.

COUNCILLOR BYE acknowledged that the community had to unfortunately endure floods again with an extreme amount of rain. Councillor Bye acknowledged the volunteers within the community, the SES and the emergency services for the great work they do. He also acknowledged the Council team that go beyond expectations by attending to those in the middle of the night and making sure residents are safe. Councillor Bye acknowledged the community's resilience, having come out of this event quite well due to the volunteers that ensure everyone's safety. He thanked the team on a job well done.

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 REPORT

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

PURPOSE

To report on all assembly of Councillor records received for the period 13 November 2023 to 26 November 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 13 November 2023 to 26 November 2023.

COUNCILLOR MAHER / COUNCILLOR WOOD

That Council note and receive the attached Assembly of Councillor records for the period 13 November 2023 to 26 November 2023.

CARRIED

11.2. APPOINTMENT OF COMMITTEES & DELEGATES 2023/2024

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To formally appoint Council Advisory Committees, Community Asset Committees and Committees of Other Organisations (Delegates) for 2023-2024 in accordance with the attached register.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Councillors be formally appointed to Council Committees in accordance with the Register of Council Committees and Advisory Groups 2023-2024.

COUNCILLOR MAHER / COUNCILLOR ROSSETTI

That Councillors be formally appointed to Council Committees in accordance with the Register of Council Committees and Advisory Groups 2023-2024

CARRIED

12. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

12.1. QUARTERLY CAPITAL REPORT

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is to provide Council with an update and seek approval of the changes to the Capital Works Program to the end of October for the 2023/2024 financial year.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council approve changes to the 2023/2024 Adopted Capital Works Budget of \$5,904,052 resulting in an Adjusted Capital Works Budget of \$48,596,057 as described below:

- 1. Approve the Budget Changes to the current Adjusted Capital Works Budget 2023/2024 as shown in attachment 12.1.1; and*
- 2. Remove projects that are to be deferred or removed for reasons as per attachment 12.1.2.*

COUNCILLOR STEPHENS / COUNCILLOR WOOD

That Council approve changes to the 2023/2024 Adopted Capital Works Budget of \$5,904,052 resulting in an Adjusted Capital Works Budget of \$48,596,057 as described below:

- 1. Approve the Budget Changes to the current Adjusted Capital Works Budget 2023/2024 as shown in attachment 12.1.1; and*
- 2. Remove projects that are to be deferred or removed for reasons as per attachment 12.1.2.*

CARRIED

12.2. ASPHALT URBAN STREETS – TENDER AWARD

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the asphalt resheeting of urban streets in various locations throughout the shire.

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 2024-040 Asphalt Resheeting of Urban Streets 2023-24 Annual Program; and***
- 2. The information contained in the confidential attachment Contract 2024-040 Asphalt Resheeting of Urban Streets 2023-24 Annual Program and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 15 November 2023 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 TATTERSON / COUNCILLOR CROSSLEY

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2024-040 Asphalt Resheeting of Urban Streets 2023-24 Annual Program; and***
- 2. The information contained in the confidential attachment Contract 2024-040 Asphalt Resheeting of Urban Streets 2023-24 Annual Program and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 15 November 2023 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.***

CARRIED

The Mayor announced the successful tenderer as Cranes Asphaltting & Bitumen Sealing Pty Ltd

12.3. PROPOSED SALE OF ROAD – 16 WILLOW COURT, SALE

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider the proposed sale of land, being the road at the rear of 16 Willow Court Street in Sale.

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 the road abutting the rear of 16 Willow Court St in Sale 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 BYE, COUNCILLOR TATTERSON, COUNCILLOR CROSSLEY plus an alternative representative being COUNCILLOR STEPHENS to form the 'Road Discontinuance Committee – 16 Willow Court' that is established by Council under section 223(1)(b)(i) of the Local Government Act 1989, to consider written submissions/objections and to hear any persons who in their written submission under section 223 of the Local Government Act 1989, have requested that they be heard in support of their submission/objection; and***
- 4. In the event of no objections, Council resolve to discontinue the road abutting the rear of 16 Willow Court, Sale and place a notice in the Victoria Government Gazette; and***
- 5. Council authorise the Chief Executive Officer to sell the land from the road to the abutting property owner at no less than current market value in accordance with the confidential attachment and 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; and***
- 6. The information contained in the confidential documents at Item 12.3.3 Proposed Sale of Land Rear 16 Willow Ct Sale and designated confidential under section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 27 November 2023 because it relates to the following grounds: (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; be designated confidential information under section 3(1) Confidential Information of the Local Government Act 2020.***

COUNCILLOR CROSSLEY / COUNCILLOR MAHER

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 the road abutting the rear of 16 Willow Court St in Sale 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 BYE, COUNCILLOR TATTERSON, COUNCILLOR CROSSLEY plus an alternative representative being COUNCILLOR STEPHENS to form the 'Road Discontinuance Committee – 16 Willow Court' that is established by Council under section 223(1)(b)(i) of the Local Government Act 1989, to consider written submissions/objections and to hear any persons who in their written submission under section 223 of the Local Government Act 1989, have requested that they be heard in support of their submission/objection; and**
- 4. In the event of no objections, Council resolve to discontinue the road abutting the rear of 16 Willow Court, Sale and place a notice in the Victoria Government Gazette; and**
- 5. Council authorise the Chief Executive Officer to sell the land from the road to the abutting property owner at no less than current market value in accordance with the confidential attachment and 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; and**
- 6. The information contained in the confidential documents at Item 12.3.3 Proposed Sale of Land Rear 16 Willow Ct Sale and designated confidential under section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 27 November 2023 because it relates to the following grounds: (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; be designated confidential information under section 3(1) Confidential Information of the Local Government Act 2020.**

CARRIED

13. GENERAL MANAGER COMMUNITY AND CULTURE

13.1. QUICK RESPONSE GRANTS – JULY TO OCTOBER 2023

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 July 2023 to October 2023 as shown in 13.1.1.

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 July 2023 to October 2023 as listed in attachment 13.1.1.

Councillor Bye declared a conflict of interest at item 13.1: Quick Response Grants July to October 2023.

Councillor Bye nominated Councillor Maher as temporary chair.

Councillor Bye left the chambers at: 5.16pm.

COUNCILLOR RIPPER / COUNCILLOR CROSSLEY

That Council note the information regarding applications received under the Quick Response Grant Scheme (QRGS) for the period July 2023 to October 2023 as listed in attachment 13.1.1.

CARRIED

COUNCILLOR BYE returned to chambers at: 5.20pm and resumed chairing.

14. 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 –

CHRISTINE TIMMERMAN, ALBERTON – Addressed Council regarding the Gelliondale wind farm and applicable environmental legislation. COUNCILLOR BYE noted that the Councillors have access to a paper Christine had previously submitted. Christine referred to various sections of her paper with relevance to the Gelliondale windfarm. She noted a number of her concerns regarding the location of infrastructure development within Gelliondale and the impact on the Ramsar wetlands.

GRAEME JAMES, GELLIONDALE – Addressed Council regarding proposed wind turbine construction in Gelliondale and concerns regarding recent flooding in the area. He further noted his concerns around the background noise predictions.

THELMA KEELY, STRATFORD – Addressed Council regarding her concerns relating to the replacement of the current wheelie bins within Wellington Shire. She queried why her perfectly good bins need to be replaced and would like to know how many are being taken away, how many are being replaced and what Council is going to do with the wheelie bins. She thinks it is a complete waste of money.

Thelma further raised there was a horrific attack of an alpaca across the road from her by two dogs that were running around in Stratford. She reviewed video footage of the attack and the aftermath, including the arrival of police. She would like Council to be aware of the impact of the attack and asked what Council are doing about this, noting it took the ranger two hours to respond to this incident due to other priorities.

COUNCILLOR BYE asked Thelma to pass on her details so a response could be provided.

Meeting declared closed at: 5.37pm

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

15. 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.

NIL