



WELLINGTON  
SHIRE COUNCIL

*The Heart of Gippsland*

## RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 7 March 2023

### COUNCILLORS PRESENT

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

### OFFICERS PRESENT

David Morcom, Chief Executive Officer  
Clem Gillings, General Manager Community and Culture (*via MS teams*)  
Arthur Skipitaris, General Manager Corporate Services  
Chris Hastie, General Manager Built and Natural Environment  
Sam Pye, Acting General Manager Development  
Hayley Furlong, Governance and Council Business Officer  
Kimberley Salleh, Coordinator Communications and Media

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## 1. APOLOGIES

NIL

## 2. DECLARATION OF CONFLICT/S OF INTEREST

COUNCILLOR BYE declared a material conflict of interest at Item 13.5 Stratford Recreation Reserve Pavilion 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 21 February 2023.

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

NIL

#### **RECOMMENDATION**

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

**COUNCILLOR WOOD / COUNCILLOR STEPHENS**

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

**CARRIED**

## 4. BUSINESS ARISING FROM PREVIOUS MEETINGS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

<b>ITEM</b>	<b>FROM MEETING</b>	<b>COMMENTS</b>	<b>ACTION BY</b>
NIL			

## 5. ACCEPTANCE OF LATE AND URGENT ITEMS

NIL

## 6. NOTICE/S OF MOTION

NIL

## 7. RECEIVING OF PETITION OR JOINT LETTERS

### 7.1. OUTSTANDING PETITIONS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

## 8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

**COUNCILLOR MCKENZIE** acknowledged The Wedge season launch held on Friday 24 February 2023. Councillor McKenzie, Councillor Ripper and Councillor Wood attended the event and it was clear to see all invitees were excited for the show season ahead. Councillor McKenzie noted, with an exciting line up of performing arts for all ages and community members, there is something for everyone.

**COUNCILLOR MCKENZIE** acknowledged the 60<sup>th</sup> Anniversary of the Port Albert Yacht Club held on Saturday 4 March 2023. He noted the success of the event and a great day had by all.

**COUNCILLOR CROSSLEY** acknowledged the Autumn season launch for the Gippsland Art Gallery on Friday 3 March 2023. She noted the exhibition and acknowledged the collection that has been gifted to the gallery which is now available to the public. She thanked the team involved in making this happen and made mention of notable pieces including 'Mapping Place' by *Tammy Honey* and works done by plein air artists that stood out to her.

**COUNCILLOR BYE** acknowledged the various sporting events held across the weekend of 25-26 February 2023. During the course of the weekend three main events took place; the annual Sale Basketball Tournament, the Gippsland Swimming Championships and a soccer tournament. The events were a success and attracted participants and patrons to the area. He thanked the staff for the work put into the facilities to prepare them for the weekend. He also gave special thanks to the committees for their hard work to make these events happen and to the volunteers who made it all possible.

## 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

**COUNCILLOR TATTERSON** noted the South East Australian Transport Strategy (SEATS) ordinary general meeting held on Thursday 16 February 2023 and Friday 17 February 2023.

The meeting was positive and a step forward with the appointment of Greg Pullen as the new SEATS Executive Officer. Some key items of note include:

- Marianne Pelz, a transport operator and a member of SEATS, spoke about issues, particularly around Orbost and road safety initiatives east of Bairnsdale and Lakes Entrance that have been undertaken with funding. With the safety improvements there have been reduced incidents between Stratford and Bairnsdale. Whilst there are still congestion issues in Stratford over long weekends, this is being considered further;
- Fenning Timbers of East Gippsland are seeking support for a proposal to install east facing rail turnout from the Maryvale spur line to the Gippsland main line which will facilitate operation of trains between Bairnsdale and Maryvale. A business case is being developed to see if this is feasible;
- Councillor Tatterson thanked General Manager Built and Natural Environment, Chris Hastie, on his update for Wellington priority projects including the Sale alternate truck route, York Street beautification works, Sloping Bridge widening and Sale-Toongabbie road widening projects.

The next meeting is scheduled to be held in May 2023 at Regional Roads and will discuss and assess the Victorian priorities which Councillor Tatterson will report on back to Council.

## 11. GENERAL MANAGER CORPORATE SERVICES

### 11.1. ASSEMBLY OF COUNCILLORS REPORT

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

**OBJECTIVE**

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

**COUNCILLOR MAHER / COUNCILLOR CROSSLEY**

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

**CARRIED**

### 11.2. APPROVAL OF UPDATED INSTRUMENTS OF DELEGATION

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

**PURPOSE**

For Council to adopt recent amendments to the S5 Instrument of Delegation to the Chief Executive Officer and S6 Instrument of Delegation to Members of Council Staff, as attached.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

***That Council:***

- 1. Revoke the previous S5 and S6 Instruments of Delegation made;*
- 2. Adopt the updated S5 and S6 Instruments of Delegation as attached; and*
- 3. authorise the Chief Executive Officer and Mayor to sign the attached S5 and S6 Instruments of Delegation as required.*

**COUNCILLOR RIPPER / COUNCILLOR WOOD**

***That Council:***

- 1. Revoke the previous S5 and S6 Instruments of Delegation made;*
- 2. Adopt the updated S5 and S6 Instruments of Delegation as attached; and*
- 3. authorise the Chief Executive Officer and Mayor to sign the attached S5 and S6 Instruments of Delegation as required.*

**CARRIED**

## 12. GENERAL MANAGER DEVELOPMENT

### 12.1. AMENDMENT C115 AND PLANNING PERMIT APPLICATION P542/2021

#### ACTION OFFICER: MANAGER LAND USE PLANNING

#### PURPOSE

To adopt Amendment C115 to the Wellington Planning Scheme and to determine to recommend to the Minister for Planning that Planning Permit P542/2021 be granted for staged residential subdivision.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

##### *That Council:*

- 1. Adopt Amendment C115 in the form outlined in Attachment 1 in accordance with the requirements of the Planning and Environment Act 1987.*
- 2. That Council submit the adopted Amendment C115 together with the prescribed information to the Minister for Planning requesting approval in accordance with the requirements of the Planning and Environment Act 1987.*
- 3. That Council determine to recommend to the Minister for Planning that Planning Permit P542/2021 be granted (with changes) in the form outlined in Attachment 2 in accordance with the requirements of the Planning and Environment Act 1987 and the Wellington Planning Scheme.*

##### **COUNCILLOR MAHER / COUNCILLOR CROSSLEY**

##### *That Council:*

- 1. Adopt Amendment C115 in the form outlined in Attachment 1 in accordance with the requirements of the Planning and Environment Act 1987.*
- 2. That Council submit the adopted Amendment C115 together with the prescribed information to the Minister for Planning requesting approval in accordance with the requirements of the Planning and Environment Act 1987.*
- 3. That Council determine to recommend to the Minister for Planning that Planning Permit P542/2021 be granted (with changes) in the form outlined in Attachment 2 in accordance with the requirements of the Planning and Environment Act 1987 and the Wellington Planning Scheme.*

**CARRIED**



## 12.2. AMENDMENT C116

### ACTION OFFICER: GENERAL MANAGER DEVELOPMENT

#### PURPOSE

For Council to adopt Amendment C116 to the Wellington Planning Scheme.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

***That Council:***

- 1. Adopt Amendment C116 (with changes) in the form outlined in Attachment 1 in accordance with the requirements of the Planning and Environment Act 1987.***
- 2. Submit the adopted Amendment C116 together with the prescribed information to the Minister for Planning requesting approval in accordance with the requirements of the Planning and Environment Act 1987.***

**COUNCILLOR MAHER / COUNCILLOR TATTERSON**

***That Council:***

- 1. Adopt Amendment C116 (with changes) in the form outlined in Attachment 1 in accordance with the requirements of the Planning and Environment Act 1987.***
- 2. Submit the adopted Amendment C116 together with the prescribed information to the Minister for Planning requesting approval in accordance with the requirements of the Planning and Environment Act 1987.***

**CARRIED**

## 13. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

### 13.1. ROAD EXCHANGE AT POUND ROAD WEST, ALBERTON WEST

#### ACTION OFFICER: GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

#### PURPOSE

The objective of this report is for Council to consider a road exchange by deviating a part of Government Road (Pound Road West) over CP167375 in Alberton West forming the current southern alignment onto Sloping Bridge over the Albert River, on Pound Road West at Alberton West.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

##### *That Council:*

- 1. Pursuant to Section 206 including Clause 2 of Schedule 10 and Sections 207A and 207B of the Local Government Act 1989, resolve to advertise its intention to undertake a road exchange by deviating a part of Government Road (Pound Road West) abutting CP167375 in Alberton West over the current alignment of Pound Road West traversing through CP167375 in Alberton West; and*
- 2. Place a public notice of the proposed road exchange in local newspapers and serve a notice on statutory authorities; and*
- 3. Appoint three Councillors plus an alternative representative to form the 'Pound Road West - Road Exchange 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 that there are no objections or submissions, authorise the Chief Executive Officer to progress the road exchange including placing a notice in the Victoria Government Gazette.*

##### **COUNCILLOR STEPHENS / COUNCILLOR MAHER**

##### *That Council:*

- 1. Pursuant to Section 206 including Clause 2 of Schedule 10 and Sections 207A and 207B of the Local Government Act 1989, resolve to advertise its intention to undertake a road exchange by deviating a part of Government Road (Pound Road West) abutting CP167375 in Alberton West over the current alignment of Pound Road West traversing through CP167375 in Alberton West; and*
- 2. Place a public notice of the proposed road exchange in local newspapers and serve a notice on statutory authorities; and*
- 3. Appoint three Councillors, being Councillor Stephens, Councillor Maher and Councillor McKenzie, plus an alternative representative, being Councillor Bye, to form the 'Pound Road West - Road Exchange 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 that there are no objections or submissions, authorise the Chief Executive Officer to progress the road exchange including placing a notice in the Victoria Government Gazette.*

**CARRIED**

## **13.2. EXTENSION OF WASTE SERVICES CONTRACT 2008-155**

### **ACTION OFFICER: MANAGER NATURAL ENVIRONMENT AND PARKS**

#### **PURPOSE**

The objective of this report is for:

1. Council to approve a five month extension (from 1 July 2023 to 1 December 2023) to the existing kerbside rubbish and recycling collection component of the existing Waste Services Contract No. 2008-155 and to authorise the Chief Executive Officer to execute a required Deed of Agreement for this extension.
2. In addition, authorise the Chief Executive Officer to provide a Variation Certificate for the transport and processing of the above recyclables for the period from 1 July 2023 to 1 December 2023

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

NIL

#### **RECOMMENDATION**

##### ***That Council:***

- 1. Authorise the Chief Executive Officer to sign a Deed of Agreement for the extension of the kerbside collection component of the existing Waste Services Contract No. 2008-155 from 1 July 2023 to 1 December 2023; and***
- 2. Authorise the Chief Executive Officer to provide a Variation Certificate to Towards Zero Pty Ltd for the transport and processing of recyclables for the period 1 July 2023 to 1 December 2023 under Contract No. 2008-155.***

##### **COUNCILLOR TATTERSON / COUNCILLOR CROSSLEY**

##### ***That Council:***

- 1. Authorise the Chief Executive Officer to sign a Deed of Agreement for the extension of the kerbside collection component of the existing Waste Services Contract No. 2008-155 from 1 July 2023 to 1 December 2023; and***
- 2. Authorise the Chief Executive Officer to provide a Variation Certificate to Towards Zero Pty Ltd for the transport and processing of recyclables for the period 1 July 2023 to 1 December 2023 under Contract No. 2008-155.***

**CARRIED**

### 13.3. CAPITAL WORKS ADJUSTED BUDGET JANUARY UPDATE

#### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is to provide Council with an update and seek approval for the changes proposed for the Capital Works Program to date for the 2022/2023 financial year.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That Council approve changes of \$5,406,926 to the 2022/2023 Adopted Capital Works Budget resulting in an Adjusted Capital Works Budget of \$49,015,166 as described below:*

- 1. Approve the Budget Changes to the current Adjusted Capital Works Budget 2022/2023 as shown in Attachment 1 which includes projects that are to be deferred or removed for reasons shown.*
- 2. Note the additional projects submitted for funding to the Local Roads and Community Infrastructure Program from the Federal Government's Department of Infrastructure, Transport, Regional Development, Communications and the Arts as shown in Attachment 2, Local Roads Community Infrastructure Program (LRCIP) and authorise the Chief Executive Officer to make the necessary budget changes when approval is granted.*

#### COUNCILLOR STEPHENS / COUNCILLOR WOOD

*That Council approve changes of \$5,406,926 to the 2022/2023 Adopted Capital Works Budget resulting in an Adjusted Capital Works Budget of \$49,015,166 as described below:*

- 1. Approve the Budget Changes to the current Adjusted Capital Works Budget 2022/2023 as shown in Attachment 1 which includes projects that are to be deferred or removed for reasons shown.*
- 2. Note the additional projects submitted for funding to the Local Roads and Community Infrastructure Program from the Federal Government's Department of Infrastructure, Transport, Regional Development, Communications and the Arts as shown in Attachment 2, Local Roads Community Infrastructure Program (LRCIP) and authorise the Chief Executive Officer to make the necessary budget changes when approval is granted.*

**CARRIED**

## 13.4. ROAD CLOSURE - PART GOVERNMENT ROAD OF STOCKDALE ROAD, STRATFORD

### ACTION OFFICER: MANAGER BUILT ENVIRONMENT

#### PURPOSE

The objective of this report is for Council to consider a request from the Department of Energy, Environment and Climate Action for Councils consent to the closure of the Government Road adjoining CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 in the Parish of Stratford, being an unused Government Road off Stockdale Road at Stratford.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

***That:***

- 1. The property owners of CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 abutting the proposed part road to be closed be advised in writing that they are required to enter into a Section 173 Agreement under the Planning and Environment Act on their titles for CA 12C and Lots 1 and 2 PS743731. In entering into this agreement, the owners, within three months of the road sales process being finalised with the Department of Energy, Environment and Climate Action (DEECA), agree to subdivide and consolidate the title created for the road into their abutting titles CA 12C and Lots 1 and 2 PS743731. On execution of this Section 173 Agreement on title, Council agrees to the following;***
- 2. Pursuant to Section 349 of the Land Act 1958, Council resolves to give its concurrence to the closing of the Government Road abutting CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 in the Parish of Stratford; and***
- 3. Pursuant to Section 400 of the Land Act 1958, Council gives notice that the Government Road abutting CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 in the Parish of Stratford, is considered not to be required for public traffic.***

#### COUNCILLOR RIPPER / COUNCILLOR STEPHENS

***That:***

- 1. The property owners of CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 abutting the proposed part road to be closed be advised in writing that they are required to enter into a Section 173 Agreement under the Planning and Environment Act on their titles for CA 12C and Lots 1 and 2 PS743731. In entering into this agreement, the owners, within three months of the road sales process being finalised with the Department of Energy, Environment and Climate Action (DEECA), agree to subdivide and consolidate the title created for the road into their abutting titles CA 12C and Lots 1 and 2 PS743731. On execution of this Section 173 Agreement on title, Council agrees to the following;***
- 2. Pursuant to Section 349 of the Land Act 1958, Council resolves to give its concurrence to the closing of the Government Road abutting CA 11B, CA 12C, CA 21A and Lots 1 and 2 PS743731 in the Parish of Stratford; and***
- 3. Pursuant to Section 400 of the Land Act 1958, Council gives notice that the Government Road abutting CA 11B, CA 12C, CA 21A and Lots 1 and 2***

**PS743731 in the Parish of Stratford, is considered not to be required for public traffic.**

**CARRIED**

## **13.5. STRATFORD RECREATION RESERVE PAVILION**

### **ACTION OFFICER: MANAGER ASSETS AND PROJECTS**

#### **PURPOSE**

The purpose of this report is for Council to consider entering into a contract for the redevelopment of the Stratford Recreation Reserve Pavilion Social Rooms.

#### **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 2023-049 Stratford Recreation Reserve Pavilion; and***
- 2. The information contained in the confidential attachment Contract 2023-049 Stratford Recreation Reserve Pavilion and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 24 February 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 Bye has declared a material conflict of interest due to a conflict of duty.*

*Councillor Tatterson is appointed as temporary chair for Item 13.5 Stratford Recreation Reserve Pavilion.*

*Councillor Bye left Chambers: 3.29pm*

*Councillor Bye returned to Chambers: 3.32pm*

#### **COUNCILLOR RIPPER / COUNCILLOR MCKENZIE**

***That:***

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2023-049 Stratford Recreation Reserve Pavilion; and***
- 2. The information contained in the confidential attachment Contract 2023-049 Stratford Recreation Reserve Pavilion and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 24 February 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 Deputy Mayor announced the successful tenderer as Brooker Builders Pty Ltd.*

## **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 -

**LAURIE PARK, BUNDALAGUAH:** spoke about the possibility of a bike track in Bundalaguah, which has been previously discussed, and was seeking an update and if this is to come. General Manager Built and Natural Environment, Chris Hastie, will share the business case study relating to the bike track with Laurie.

Meeting declared closed at: 3.35pm

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***

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**IN CLOSED SESSION**

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### **COUNCILLOR**

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