

COUNCIL MEETING AGENDA ORDINARY MEETING

Meeting to be held at

Wellington Centre – Wellington Room

Foster Street, Sale and via MS Teams

Wednesday 8 November 2023, commencing at 5:00 PM

or join Wellington on the Web: www.wellington.vic.gov.au



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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

2. ELECTION OF MAYOR AND DEPUTY MAYOR

2.1. APPOINTMENT OF TEMPORARY CHAIR

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To appoint a temporary chair for the Council meeting prior to the election of a Mayor.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That the Chief Executive Officer, David Morcom, be appointed as Temporary Chair for this Council Meeting prior to the election of a Mayor.

BACKGROUND

Section 25(3)(a) of the *Local Government Act 2020* and item 5.5(1) of Council's Governance Rules require that the election of the Mayor must be chaired by the Chief Executive Officer.

2.2. SETTING THE TERM OF OFFICE FOR THE MAYOR AND TO ESTABLISH THE OFFICE OF DEPUTY MAYOR

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To establish an office of Deputy Mayor and to determine whether the Mayor and Deputy Mayor are to be elected for a one year or a two year term in accordance with the *Local Government Act 2020*.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council:

- 1. Resolve to establish an office of Deputy Mayor.
- 2. Determine that the term of office of the Mayor and Deputy Mayor will be from 8 November 2023 to 26 October 2024.

BACKGROUND

Office of Deputy Mayor

In accordance with the *Local Government Act 2020* ('the Act') section 20A(1) a Council may establish an office of Deputy Mayor. On 2 November 2022, the current Deputy Mayor was elected for a term concluding as close as reasonably practicable to the first Ordinary Council meeting in November.

Should Council resolve to establish an office of Deputy Mayor, the term of the newly elected Deputy Mayor will continue until 6am Saturday 26 October 2024, the commencement of the Victorian Electoral Commission's declared 2024 Council general election day.

Should Council decide not to continue with the office of Deputy Mayor, an Acting Mayor may be appointed when the Mayor is unable to attend a Council meeting or part of a Council meeting, the Mayor is incapable of performing the duties of the office of Mayor for any reason, or if the office of Mayor is vacant in accordance with section 20B(1) of the Act.

Term of Office of the Mayor and Deputy Mayor

Section 26(3) of the Act provides that before a Mayor or Deputy Mayor is elected, Council must determine by resolution whether the Mayor is to be elected for a one year or a two year term.

Due to the next general election being set for 26 October 2024, Council is limited to one option for the term of Office of the Mayor and Deputy Mayor, being the one-year term.

Section 26(4) of the Act further provides that if the Mayor is elected for a one year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the one year term as is reasonably practicable. The next election of the Mayor will occur once the general election results are known, around early November 2024.

OPTIONS

Council has the following options available:

- 1. That Council resolve to establish an office of Deputy Mayor and determine that the Mayor and Deputy Mayor are to be elected for a term from 8 November 2023 to 26 October 2024; or
- 2. That Council resolve not to establish an office of Deputy Mayor and determine that the Mayor be elected for a term from 8 November 2023 to 26 October 2024.

PROPOSAL

That Council resolve to establish an office of Deputy Mayor and determine that the Mayor and Deputy Mayor are to be elected for a term from 8 November 2023 to 26 October 2024.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

In accordance with section 39 of the *Local Government Act 2020*, Councillors are entitled to receive an allowance while performing their duty as a Councillor. The Mayor and Deputy Mayor receive a higher allowance. The framework and values of the base allowance are determined in accordance with the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*. Councils are divided into three categories with Wellington Shire Council recognised as a category two council. The costs associated with the payment of the allowances are funded through the 2023/24 budget and funds will also be provided in future financial years.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

In accordance with the *Local Government Act 2020* section 20A(1) a Council may establish an office of Deputy Mayor.

The *Local Government Act 2020* section 26(3) provides that before a Mayor or Deputy Mayor is elected, Council must determine by resolution whether the Mayor is to be elected for a one year or a two year term. This may also need to be an approximate time given the VEC timing for council elections in the final year of a Councillors tenure.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

2.3. ELECTION OF MAYOR

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

For Council to elect a Councillor to be Mayor at a meeting that is open to the public in accordance with the *Local Government Act 2020*.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

	RECOMMENDATION
That Councillor	be elected as Mayor for the 2023/2024 period to 6am commencement of the Victorian Electoral Council general election day.

BACKGROUND

On 2 November 2022, the current Mayor was elected for a term concluding as close as reasonably practicable to the first Ordinary Council meeting in November.

In accordance with the *Local Government Act 2020* ('the Act') section 20(a) the office of Mayor is now vacant and a Mayor must be elected by an absolute majority of the Councillors.

The term of the newly elected Mayor will continue until 6am Saturday 26 October 2024, the commencement of the Victorian Electoral Commission's declared 2024 Council general election day.

OPTIONS

Council has the following options available:

- 1. Elect a Councillor to be Mayor at a meeting that is open to the public; or
- 2. Consider the election of a Mayor at a later meeting of Council as soon as reasonably practicable

PROPOSAL

For Council to elect a Councillor to be Mayor at a meeting that is open to the public in accordance with the *Local Government Act 2020* section 25(1) for the 2023/2024 period to 6am Saturday 26 October 2024, the commencement of the Victorian Electoral Commission's declared 2024 Council general election day.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The *Local Government Act 2020* section 25(1) provides that Council selects a Councillor to be Mayor at a meeting that is open to the public.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENVIRONMENTAL IMPACT

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

2.4. ELECTION OF DEPUTY MAYOR

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

For Council to elect a Councillor to be Deputy Mayor at a meeting that is open to the public in accordance with the *Local Government Act 2020*.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

	RECOMMENDATION
That Councillor_ to 6am Saturday 26 October 2 Commission's declared 2024	be elected as Deputy Mayor for the 2023/2024 period 2024, the commencement of the Victorian Electoral Council general election day.

BACKGROUND

In accordance with the *Local Government Act 2020* ('the Act') section 20A(1) a Council may establish an office of Deputy Mayor. On 2 November 2022, the current Deputy Mayor was elected for a term concluding as close as reasonably practicable to the first Ordinary Council meeting in November.

The term of the newly elected Deputy Mayor will continue until 6am Saturday 26 October 2024, the commencement of the Victorian Electoral Commission's declared 2024 Council general election day.

OPTIONS

Council has the following options available:

- 1. Elect a Councillor to be Deputy Mayor at a meeting that is open to the public; or
- 2. Consider the election of a Deputy Mayor at a later meeting of Council as soon as reasonably practicable

PROPOSAL

For Council to elect a Councillor to be Deputy Mayor for the 2023/2024 period to 6am Saturday 26 October 2024, the commencement of the Victorian Electoral Commission's declared 2024 Council general election day.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The Local Government Act 2020 ('the Act') section 20A(1) provides that Council may establish an office of Deputy Mayor.

Section 27 of the Act provides that the same provision for Election of Mayor applies to the Election of Deputy Mayor, however the election of the Deputy Mayor is not required to be chaired by the Chief Executive Officer.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

- 3. DECLARATION OF CONFLICT/S OF INTEREST
- 4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S
- 5. BUSINESS ARISING FROM PREVIOUS MEETINGS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

- 6. ACCEPTANCE OF LATE AND URGENT ITEMS
- 7. NOTICE/S OF MOTION
- 8. RECEIVING OF PETITION OR JOINT LETTERS
- 8.1. OUTSTANDING PETITIONS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

9. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

10. QUESTION/S ON NOTICE

10.1. OUTSTANDING QUESTION/S ON NOTICE

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

11. DELEGATES REPORT

12. GENERAL MANAGER CORPORATE SERVICES

12.1. ASSEMBLY OF COUNCILLORS REPORT

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

OBJECTIVE

To report on all assembly of Councillor records received for the period 9 October 2023 to 29 October 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 9 October 2023 to 29 October 2023.

BACKGROUND

Section 80A of the *Local Government Act 1989* required a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, matters considered and any conflict of interest disclosures made by a Councillor. These records were required to be reported at an ordinary meeting of the Council and recorded in the minutes. Under the new *Local Government Act 2020*, this requirement is no longer provided for however, under Council's good governance framework, Council will continue to provide records of assemblies of Councillors to ensure that the community are kept informed of Councillors activity and participation.

Following is a summary of all Assembly of Councillor records received for the period 9 October 2023 to 29 October 2023.

ATTACHMENTS

- 1. Assembly of Councillors 10 October 2023 [12.1.1 1 page]
- Assembly of Councillors 17 October 2023 Council Day [12.1.2 3 pages]
- 3. Assembly of Councillors 25 October 2023 [12.1.3 1 page]

OPTIONS

Council has the following options:

- Note and receive the attached assembly of Councillors records; or
- 2. Not receive the attached assembly of Councillors records.

PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 9 October 2023 to 29 October 2023.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

LEGISLATIVE IMPACT

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complied with Section 80A of the *Local Government Act 1989* however, without prescription under the *Local Government Act 2020*, Council will continue to provide these records as part of Council's good governance framework.

COUNCIL POLICY IMPACT

This impact has been assessed and there is no effect to consider at this time.

COUNCIL PLAN IMPACT

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

This report supports the above Council Plan strategic outcome.

RESOURCES AND STAFF IMPACT

This impact has been assessed and there is no effect to consider at this time.

COMMUNITY IMPACT

ENVIRONMENTAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

ENGAGEMENT IMPACT

This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

ASSEMBLY OF COUNCILLORS - 10 OCTOBER 2023

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)								
	Councillor Name	Attendance	Conflict of I	nterest	Officer Name	Attendance	Item No.	Conflict of Interest	
	Cr lan Bye	Yes	N/A		D Morcom, CEO	No			
STRATEGIC	Cr Carolyn Crossley	No			A Skipitaris, GMCS	No			
LAND USE	Cr Marcus McKenzie	No			C Gillings, GMC&C	No			
PLANNING PROJECT	Cr Gayle Maher	Yes	N/A		C Hastie, GMB&NE	No			
REVIEW	Cr Carmel Ripper	No			A Pomeroy, GMD	Yes	ALL	N/A	
GROUP	Cr Scott Rossetti	No							
	Cr Garry Stephens	No							
	Cr John Tatterson	Yes	N/A						
	Cr Jill Wood	No							
	HERS IN ATTENDANG NAME AND POSITION		CONFLICT OF INTEREST	MATTERS/ITEMS CONSIDERED AT THE MEETING					
Sam Pye (Mana	ger Built Environment)		No	Meetin	g Agenda:				
Barry Hearsey (Manager Land Use Plann	ing)	No						
Josh Clydesdale Planner)	e (Major Projects and Prin	cipal Strategic	No	2.	Meeting Minutes Action Table Strategic Planning Work				
Caragh Button (Strategic Planner) Miriam Turner (Strategic Planner)			No	4. Incoming Correspondence 5. Planning Scheme Amendment Requests 6. Other Business 7. Next Meeting					
			No						

ATTACHMENT 12.1.2

ASSEMBLY OF COUNCILLORS - 17 OCTOBER 2023

MEETING		CONFLICT/S OF INTEREST OR ACTION ITEMS			
	Name	Attendance	Name	Attendance	
	Cr Bye	YES	Cr Stephens (leave)	NO	N/A
	Cr Crossley	YES	Cr Tatterson	YES	N/A
IT / Diary Meeting	Cr McKenzie	YES	Cr Wood	YES	N/A
	Cr Maher	YES	David Morcom, CEO	YES	N/A
	Cr Ripper	YES	Leah Carubia, EA	YES	N/A
	Cr Rossetti	YES	Damian Norkus, ICT Operations Officer	YES	N/A

MEETING			CONFLICT/S OF INTEREST OR ACTION ITEMS		
	Name	Attendance	Name	Attendance	
	Cr Bye	YES	Cr Tatterson	YES	N/A
	Cr Crossley	YES	Cr Wood	YES	N/A
Workshops	Cr McKenzie	YES	David Morcom, CEO	YES	N/A
	Cr Maher	YES	Chris Hastie, GM Built and Natural Environment	YES	N/A
	Cr Ripper	YES	Arthur Skipitaris, GM Corporate Services	YES	N/A
	Cr Rossetti	YES	Clemence Gillings, GM Community & Culture	YES	N/A
	Cr Stephens (leave)	NO	Andrew Pomeroy, GM Development	YES	N/A

ATTACHMENT 12.1.2

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE
	ELECTION OF THE MAYOR AND DEPUTY MAYOR – PROCESS AND KEY DETAILS	 Arthur Skipitaris, General Manager, Corporate Services Carly Bloomfield, Manager Organisational Performance & Governance
		Conflict of Interest: Nil
	2. VICTORIAN GOVERNMENT HOUSING STATEMENT	Barry Hearsey, Manager Land Use Planning Conflict of Interest: Nil
	3. DEVELOPMENT DIVISION UPDATE: PLANNING, MUNICIPAL SERVICES & ECONOMIC DEVELOPMENT	Andrew Pomeroy, General Manager Development Vanessa Ebsworth, Manager Regulatory Services Barry Hearsey, Manager Land Use Planning Geoff Hay, Manager Economic Development
		Conflict of Interest: Nil
Workshops (cont.)	4. SALE INTEGRATED CENTRE FOR CHILDREN AND FAMILIES (GIBSONS ROAD HUB) – MANAGEMENT MODEL	 Sam McPherson, Manager Communities, Facilities & Emergencies Lisa Lyndon, Coordinator Community Committees Mark Benfield, Coordinator Community Facilities Planning Natasha French, Senior Community Facilities Projects Officer
		Conflict of Interest: Nil
	5. WELLINGTON SHIRE COUNCIL'S WORKFORCE PLAN 2022-27	Arthur Skipitaris, General Manager Corporate Services Kirralee Richardson, Acting Manager People & Capability
		Conflict of Interest: Nil
	6. WELLINGTON LIBRARY STRATEGY AND ACTION PLAN	Suzanne Snooks, Manager Arts and Culture Ian Phillips, Director – I & J Management Services
		Conflict of Interest: Nil
	7. SEPTEMBER 2023 QUARTERLY PERFORMANCE REPORT	Ian Carroll, Manager Corporate Finance Conflict of Interest: Nil
	TEI ON	Connict of Interest. Mil

ATTACHMENT 12.1.2

8. THE YEAR THAT WAS 2022/23	David Morcom, Chief Executive Officer Arthur Skipitaris, General Manager Corporate Services Andrew Pomeroy, General Manager Development Clem Gillings, General Manger Community and Culture Chris Hastie, General Manager Built & Natural Environment
	Conflict of Interest: Nil

ASSEMBLY OF COUNCILLORS - 25 October 2023

MEETING	cou	NCILLORS	S, OFFICERS AND OTHERS IN ATTE	NDANCE (NAME AND PO	SITION)		
	Councillor Name	Attenda nce	Conflict of Interest	Officer Name	Attendance	Item No.	
	Cr Ian Bye	Yes		D Morcom, CEO	No		
	Cr Carolyn Crossley	No		A Skipitaris, GMCS	No		
Aqua Energy Redevelopment	Cr John Tatterson	No		C Gillings, GMC&C	No		
Project Reference	Cr McKenzie	No		C Hastie, GMB&NE	No		
Group	Cr Jill Wood	No		S Pye, A/GMD	No		
	Cr Gayle Maher	No		C Gillings, GMCC	Yes		
	Cr Carmel Ripper	No					
	Cr Scott Rossetti	No					
	Cr Garry Stephens	No					
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING				
Jackie Madden, Gippsl	and Swimming		Project Status; Key dates; Communications; and next steps discussed.				
Kylie Watson, Cath Vassiliou Sale Swim Club							
WSC - Ross McWhirter (Chair), Julie Baker (Minutes), Sam McPherson, Mark Benfield, Nathan Sellings, Kim Salleh, Ray Weber							
Tim Kemp, Kemp Aqua	atics						

13. 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 -

FURTHER GALLERY COMMENTS -

Meeting declared closed at:

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

14. 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
- I) 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.