



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 16 May 2023

COUNCILLORS PRESENT

Cr Ian Bye (Mayor)
Cr John Tatterson (Deputy Mayor)
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
Arthur Skipitaris, General Manager Corporate Services
Chris Hastie, General Manager Built and Natural Environment
Andrew Pomeroy, General Manager Development
Hayley Furlong, Governance and Council Business Officer
Claudia Oswald, Communications Officer

APOLOGIES

Cr Carolyn Crossley

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1. APOLOGIES

Councillor Crossley is on approved leave.

2. DECLARATION OF CONFLICT/S OF INTEREST

Councillor Stephens declared a general conflict of interest at item 16.1 Community Assistance Grants – March 2023 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: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 2 May 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 2 May 2023.

COUNCILLOR WOOD / COUNCILLOR MAHER

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 2 May 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
NIL			

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR STEPHENS spoke in relation to a book recommendation by Councillor Bye, *Empty Tomb* by Ross Jackson. The book is a brief history of the Sale Cenotaph which will be celebrating its centenary in 2024. He noted the many hours Ross has put into research for the book and dedication to his passion as a military historian. The names appearing on the Cenotaph will never be forgotten and he thanked Ross for his efforts.

COUNCILLOR BYE acknowledged the Friends of Sale Botanic Gardens and the prestigious award presented to three of their members on Friday 5 May 2023. The Australian Botanic Garden, Arboretum or Park award was presented to Heather Harrington, Dianne Honey and Evelyn McAdam. He congratulated them on their award and noted that was well deserved.

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 - APRIL 2023

ACTION OFFICER: COUNCILLOR IAN BYE

RECOMMENDATION

That the Mayor and Councillors report be noted.

COUNCILLOR TATTERSON / COUNCILLOR STEPHENS

That the Mayor and Councillors report be noted.

CARRIED

11. YOUTH COUNCIL REPORT

11.1. YOUTH MAYOR'S REPORT

ACTION OFFICER: YOUTH MAYOR, CHLOE BETHUNE

RECOMMENDATION

That Council receive the Youth Mayor's Quarterly Report.

COUNCILLOR WOOD / COUNCILLOR ROSSETTI

That Council receive the Youth Mayor's Quarterly Report.

CARRIED

12. DELEGATES REPORT

NIL

13. CHIEF EXECUTIVE OFFICER

13.1. CHIEF EXECUTIVE OFFICER'S REPORT - APRIL 2023

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

COUNCILLOR MCKENZIE / COUNCILLOR WOOD

That the Chief Executive Officer's report be received.

CARRIED

14. GENERAL MANAGER CORPORATE SERVICES

14.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

OBJECTIVE

To report on all assembly of Councillor records received for the period 24 April 2023 to 7 May 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 24 April 2023 to 7 May 2023.

COUNCILLOR MAHER / COUNCILLOR STEPHENS

That Council note and receive the attached Assembly of Councillor records for the period 24 April 2023 to 7 May 2023.

CARRIED

15. GENERAL MANAGER DEVELOPMENT

15.1. MONTHLY PLANNING DECISIONS - MARCH 2023

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 March 2023.

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 March and 31 March 2023.

COUNCILLOR MAHER / COUNCILLOR MCKENZIE

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 March and 31 March 2023.

CARRIED

**15.2. PROPOSED SALE OF COUNCIL PROPERTY - 32 PARADISE BEACH ROAD, PARADISE BEACH
ACTION OFFICER: GENERAL MANAGER DEVELOPMENT**

PURPOSE

For Council to determine that the above land is surplus to Council requirements and to authorise the sale of property located at 32 Paradise Beach Road, Paradise Beach, being Lot 1 on Title Plan 93699P.

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

RECOMMENDATION

That:

- 1. Council determines property located at 32 Paradise Beach Road, Paradise Beach, being Lot 1 on Title Plan 93699P, more particularly described as Volume 10098 Folio 230, is surplus to Council requirements and therefore may be considered for sale;***
- 2. Council authorise the Chief Executive Officer to offer to sell by private treaty, 32 Paradise Beach Road, Paradise Beach for an amount not less than 75% of the following consolidation market value as determined by a certified independent valuer;***
- 3. Council advertises its intention to sell 32 Paradise Beach Road, Paradise Beach at below market value, subject to the provisions of the Local Government Act 2020 section 114, including calling for submissions in relation to the proposed sale;***
- 4. The information contained in the confidential document at Item 15.2.2 Valuation 32 Paradise Beach Road, Paradise Beach and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 27 April 2023 because they relate 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.***

COUNCILLOR STEPHENS / COUNCILLOR MAHER

That:

- 1. Council determines property located at 32 Paradise Beach Road, Paradise Beach, being Lot 1 on Title Plan 93699P, more particularly described as Volume 10098 Folio 230, is surplus to Council requirements and therefore may be considered for sale;***
- 2. Council authorise the Chief Executive Officer to offer to sell by private treaty, 32 Paradise Beach Road, Paradise Beach for an amount not less than 75% of the following consolidation market value as determined by a certified independent valuer;***
- 3. Council advertises its intention to sell 32 Paradise Beach Road, Paradise Beach at below market value, subject to the provisions of the Local***

Government Act 2020 section 114, including calling for submissions in relation to the proposed sale;

- 4. The information contained in the confidential document at Item 15.2.2 Valuation 32 Paradise Beach Road, Paradise Beach and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 27 April 2023 because they relate 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.**

CARRIED

15.3. PROPOSED SALE OF COUNCIL PROPERTY - 12 FIREFLY ROAD AND 9 -11 SHOREWARD WAY, GOLDEN BEACH

ACTION OFFICER: GENERAL MANAGER DEVELOPMENT

PURPOSE

For Council to determine that land located at 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach described as Lots 3029, 3030 and 3048 of LP 56682, is surplus to Council requirements and to authorise the sale of the above described property.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council determine property located at 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach, being Lots 3029, 3030 and 3048 of LP 56682 more particularly described as Volume 08391 Folio 636, Volume 08391 Folio 637 and Volume 08391 Folio 655, is surplus to Council requirements and therefore may be considered for sale;**
- 2. Council authorise the Chief Executive Officer to offer to sell by private treaty the property described as 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach for an amount not less than 75% of the following consolidation market value as determined by a certified independent valuer;**
- 3. Council advertise its intention to sell 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach at below market value, subject to the provisions of the Local Government Act 2020 section 114, including calling for submissions in relation to the proposed sale;**
- 4. The information contained in the confidential document at Item 15.3.2 Valuations 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 27 April 2023 because they relate 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.

COUNCILLOR STEPHENS / COUNCILLOR MAHER

That:

- 1. Council determine property located at 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach, being Lots 3029, 3030 and 3048 of LP 56682 more particularly described as Volume 08391 Folio 636, Volume 08391 Folio 637 and Volume 08391 Folio 655, is surplus to Council requirements and therefore may be considered for sale;**
- 2. Council authorise the Chief Executive Officer to offer to sell by private treaty the property described as 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach for an amount not less than 75% of the following consolidation market value as determined by a certified independent valuer;**
- 3. Council advertise its intention to sell 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach at below market value, subject to the provisions of the Local Government Act 2020 section 114, including calling for submissions in relation to the proposed sale;**
- 4. The information contained in the confidential document at Item 15.3.2 Valuations 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 27 April 2023 because they relate 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.**

CARRIED

15.4. CROWN LAND CARAVAN PARK LEASES - WOODSIDE BEACH CARAVAN PARK AND LOCH SPORT CARAVAN PARK

ACTION OFFICER: MANAGER ECONOMIC DEVELOPMENT

PURPOSE

For Council acting in its capacity as Committee of Management to authorise the finalisation of new leases on Crown Land Reserves for the Lease, Development and Management of Woodside Beach Caravan Park and Loch Sport Caravan Park.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council authorise the Chief Executive Officer to finalise the negotiation of new leases on Crown Land Reserves for the Lease, Development and Management of Woodside Beach Caravan Park and Loch Sport Caravan Park, and obtain all required approvals including from the Department of Energy, Environment and Climate Action.***
- 2. The information contained in the confidential document at Item 15.4.2 Evaluation Report for New Crown Land Caravan Park Leases at Woodside Beach Caravan Park and Loch Sport Caravan Park and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 28 April 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 names of the recommended lessees can be made public.***

COUNCILLOR MCKENZIE / COUNCILLOR TATTERSON

That:

- 1. Council authorise the Chief Executive Officer to finalise the negotiation of new leases on Crown Land Reserves for the Lease, Development and Management of Woodside Beach Caravan Park and Loch Sport Caravan Park, and obtain all required approvals including from the Department of Energy, Environment and Climate Action.***
- 2. The information contained in the confidential document at Item 15.4.2 Evaluation Report for New Crown Land Caravan Park Leases at Woodside Beach Caravan Park and Loch Sport Caravan Park and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 28 April 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 names of the recommended lessees can be made public.

CARRIED

The Mayor announced Deersford Pty Ltd for the Lease, Development and Management of the Woodside Beach Caravan Park.

The Mayor announced Ray and Belinda Johnson for the Lease, Development and Management of the Loch Sport Caravan Park.

15.5. PROPOSED SALE - (PART) 110-112 GRANT (LAWLER) STREET, YARRAM

ACTION OFFICER: MANAGER ECONOMIC DEVELOPMENT

PURPOSE

For Council to authorise the sale of land assessed as surplus to requirements described as (Part) 110-112 Grant (Lawler) Street, Yarram.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council resolve that property described as (Part) 110-112 Grant (Lawler) Street, Yarram as shown on the plan within and more specifically referred as Lots 6, 7 and 8 PS 9386 Volume 6858 Folio 459 is not required for Council purposes.***
- 2. Council authorise the Chief Executive Officer to offer for sale the land to the Victorian Health Building Authority at the current market value and execute necessary documents.***
- 3. The information contained in the confidential documents at Item 15.5.2 Valuation Reports 1 and 2 – (Part) 110-112 Grant (Lawler) Street, Yarram and Item 15.5.3 Heads of Agreement – (Part) 110-112 Grant (Lawler) Street, Yarram and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 8 May 2023 because they relate 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.***

COUNCILLOR STEPHENS / COUNCILLOR WOOD

That:

- 1. Council resolve that property described as (Part) 110-112 Grant (Lawler) Street, Yarram as shown on the plan within and more specifically referred as Lots 6, 7 and 8 PS 9386 Volume 6858 Folio 459 is not required for Council purposes.***

2. **Council authorise the Chief Executive Officer to offer for sale the land to the Victorian Health Building Authority at the current market value and execute necessary documents.**
3. **The information contained in the confidential documents at Item 15.5.2 Valuation Reports 1 and 2 – (Part) 110-112 Grant (Lawler) Street, Yarram and Item 15.5.3 Heads of Agreement – (Part) 110-112 Grant (Lawler) Street, Yarram and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 8 May 2023 because they relate 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.**

CARRIED

15.6. ADOPTION OF UPDATED FUNDING AND PROCUREMENT OF PUBLIC INFRASTRUCTURE WORKS POLICY

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

For Council to adopt the updated Funding and Procurement of Public Infrastructure Works Policy (with only one minor change to the review period) as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the updated Funding and Procurement of Public Infrastructure Works Policy (with only one minor change to the review period) as attached.

COUNCILLOR MAHER / COUNCILLOR RIPPER

That Council adopt the updated Funding and Procurement of Public Infrastructure Works Policy (with only one minor change to the review period) as attached.

CARRIED

16. GENERAL MANAGER COMMUNITY AND CULTURE

16.1. COMMUNITY ASSISTANCE GRANTS - MARCH 2023

ACTION OFFICER: MANAGER COMMUNITIES, FACILITIES AND EMERGENCIES

PURPOSE

For Council to approve the allocation of Community Assistance Grants March 2023 round, as detailed in *Attachment 1 – Community Assistant Grants March 2023 – Recommendations* and applicants being notified of the outcome of their applications.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council approve the allocation of Community Assistance Grants March 2023 funds, as detailed in Attachment 1 – Community Assistant Grants March 2023 – Recommendations and applicants being notified of the outcome of their applications.

Councillor Stephens has declared a general conflict of interest at item 16.1 Community Assistance Grants - March 2023 due to a conflict of duty.

Left Chambers: 6:27pm

Returned to Chambers: 6:35pm

COUNCILLOR RIPPER / COUNCILLOR MCKENZIE

That Council approve the allocation of Community Assistance Grants March 2023 funds, as detailed in Attachment 1 – Community Assistant Grants March 2023 – Recommendations and applicants being notified of the outcome of their applications.

CARRIED

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 -

Gippsland Pride Initiative Group: correspondence was sent to Council highlighting International Day Against Homophobia, Biphobia, Intersex Discrimination and Transphobia (IDAHOBIT) which is held on Wednesday 17 May 2023. Gippsland Pride Initiative Group requested a summary of LGBTQIA+ commitments within Council and recognition events that will be held recognising IDAHOBIT day. Council is responding directly, noting initiatives supporting diversity and inclusion and will circulate the response to Councillors.

FURTHER GALLERY COMMENTS - NIL

Meeting declared closed at: 6:38pm

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

18. IN CLOSED SESSION

COUNCILLOR ROSSETTI / COUNCILLOR RIPPER

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***

CARRIED

IN CLOSED SESSION

Details redacted.

COUNCILLOR ROSSETTI / COUNCILLOR MCKENZIE

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

CARRIED