



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 17 October 2023

COUNCILLORS PRESENT

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

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, Social Connection & Inclusion Officer
Keisha Langshaw, Governance and Council Business Officer
Kim Salleh, Communications Officer

APOLOGIES

Cr Garry Stephens

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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

COUNCILLOR STEPHENS

2. DECLARATION OF CONFLICT/S OF INTEREST

COUNCILLOR TATTERSON declared a conflict of interest at item 16.1 Community Assistance Grants – August 2023

COUNCILLOR BYE declared a conflict of interest at item 16.1 Community Assistance Grants – August 2023

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 3 October 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 3 October 2023.

COUNCILLOR WOOD / COUNCILLOR ROSSETTI

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 3 October 2023

CARRIED

CONFLICT OF INTEREST

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

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 BYE acknowledged and thanked the many volunteers who assisted the community in a time of need. Faced with the recent fires, gale-force winds and the flood, it was amazing to see the people who came and helped, including members of the community who sand-bagged at local pubs, moved furniture and valuable goods. He also thanked the emergency services, the Council team and local accommodation providers who ensured our residents were safe. Councillor Bye expressed his sympathy to those who lost assets, noting with gratitude that there were no lives lost during this difficult time.

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 - SEPTEMBER 2023

ACTION OFFICER: COUNCILLOR IAN BYE

RECOMMENDATION
<i>That the Mayor and Councillors report be noted.</i>
COUNCILLOR CROSSLEY / COUNCILLOR WOOD
<i>That the Mayor and Councillors report be noted.</i>
CARRIED
<i>The Mayor noted the following updates to the report since the publication of the agenda:</i>
<ul style="list-style-type: none">• <i>Added: Councillor Crossley attended Official Launch Offshore Wind Supplier Showcase, Sale 1 September 2023</i>• <i>Added: Councillor Crossley attended Gippsland New Energy Community Day, 2 September 2023</i>• <i>Removed: Councillor Crossley did not attend Wellington Disability Advisory Committee Meeting, 20 September 2023</i>• <i>Added: Councillor Ripper attended Centenary Relay Event, Sale 28 September 2023, with Councillor Bye</i>

11. DELEGATES REPORT

COUNCILLOR TATTERSON attended the Municipal Association of Victoria's Annual Conference on Thursday 12 October 2023 and State Council on Friday 13 October 2023. The keynote speaker on the first day was The Hon. Kristy McBain MP, Minister for Regional Development, Local Government and Territories, Parliament of Australia. She gave a strong insight into the Federal Government's support of Local Government. The Hon. Melissa Horne MP, Minister for Local Government was the keynote speaker on the second day. It was a terrific conference.

12. CHIEF EXECUTIVE OFFICER

12.1. SEPTEMBER COUNCIL PERFORMANCE REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

For Council to receive and note the September 2023 Council Performance Report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive and note the September 2023 Council Performance Report as attached, further noting the graph titled September 2023 Component at a Glance (page 16 of the agenda) was incorrect and a revised graph will be included in the minutes.

COUNCILLOR ROSSETTI / COUNCILLOR MAHER

That Council receive and note the September 2023 Council Performance Report as attached, further noting the graph titled September 2023 Component at a Glance (page 16 of the agenda) was incorrect and a revised graph will be included in the minutes.

CARRIED

The revised graph is available in the Appendix on page 19 of this document.

12.2. CHIEF EXECUTIVE OFFICER'S REPORT - SEPTEMBER 2023

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

COUNCILLOR RIPPER/ COUNCILLOR CROSSLEY

That the Chief Executive Officer's report be received.

CARRIED

13. GENERAL MANAGER CORPORATE SERVICES

13.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

PURPOSE

To report on all assembly of Councillor records received for the period 25 September 2023 to 8 October 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 25 September 2023 to 8 October 2023.

COUNCILLOR WOOD / COUNCILLOR MCKENZIE

That Council note and receive the attached Assembly of Councillor records for the period 25 September 2023 to 8 October 2023.

CARRIED

13.2. BIENNIAL AUDIT & RISK COMMITTEE UPDATE

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To provide Council with an overview of the activities of Council's Audit & Risk Committee, including findings and recommendations, for the period April 2023 to September 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY NIL

RECOMMENDATION

That Council receive the biennial report on the Audit & Risk Committee's activities, findings and recommendations for the period April 2023 to September 2023, as attached.

COUNCILLOR MAHER / COUNCILLOR CROSSLEY

That Council receive the biennial report on the Audit & Risk Committee's activities, findings and recommendations for the period April 2023 to September 2023, as attached.

CARRIED

13.3. CONSIDERATION OF ANNUAL REPORT 2022/23

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To consider, discuss and receive Wellington Shire Council's Annual Report 2022/23 as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council consider, discuss and receive the Annual Report 2022/23, as attached, in accordance with the Local Government Act 2020.

COUNCILLOR MAHER / COUNCILLOR WOOD

That Council consider, discuss and receive the Annual Report 2022/23, as attached, in accordance with the Local Government Act 2020.

CARRIED

13.4. ADOPTION OF ELECTION PERIOD POLICY

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

PURPOSE

To adopt the updated Election Period Policy that will apply during the 2024 General Council Election.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council approve the revised Election Period Policy as attached.

COUNCILLOR ROSSETTI / COUNCILLOR CROSSLEY

That Council approve the revised Election Period Policy as attached.

CARRIED

14. GENERAL MANAGER DEVELOPMENT

14.1. MONTHLY PLANNING DECISIONS - AUGUST 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 August 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 August and 31 August 2023.

COUNCILLOR MAHER / COUNCILLOR TATTERSON

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

CARRIED

14.2. QUARTERLY STRATEGIC LAND USE PLANNING UPDATE REPORT THIRD QUARTER 2023

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To update Council on the strategic land use planning work program for the third quarter July – September 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive the third quarterly update on the strategic land use planning work program (included in attachment 14.2.1 'Current Strategic Planning Work').

COUNCILLOR MAHER / COUNCILLOR ROSSETTI

That Council receive the third quarterly update on the strategic land use planning work program (included in attachment 14.2.1 'Current Strategic Planning Work').

CARRIED

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15.1. SALE TOONGABBIE ROAD WIDENING, WINNINDOO

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the reconstruction and widening of a 3.26 km section of Sale Toongabbie Road, Winnindoo.

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 – 031 Sale Toongabbie Road, Winnindoo ; and*
2. *The information contained in the confidential attachment Contract 2024 – 031 Sale Toongabbie Road, Winnindoo and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 October 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 ROSSETTI

That:

1. *Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2024 – 031 Sale Toongabbie Road, Winnindoo ; and*
2. *The information contained in the confidential attachment Contract 2024 – 031 Sale Toongabbie Road, Winnindoo and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 October 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 Whelans Group Investments Pty Ltd.

15.2. WONNANGATTA ROAD CULVERT REPLACEMENT

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract to replace several major culverts on Wonnangatta Road, Dargo.

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 2024-032 Wonnangatta Road Culvert Replacement; and*
- 2. The information contained in the confidential attachment Contract 2024-032 Wonnangatta Road Culvert Replacement and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 October 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 MAHER

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2024-032 Wonnangatta Road Culvert Replacement; and*
- 2. The information contained in the confidential attachment Contract 2024-032 Wonnangatta Road Culvert Replacement and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 October 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 Whelans Group Investments Pty Ltd.

15.3. PUBLIC HIGHWAY DECLARATION - LAND ADJOINING NELSON STREET, ROSEDALE

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to declare a public highway over a parcel of general law (old law) land located off Nelson Street in Rosedale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

- 1. Pursuant to section 204(1) of the Local Government Act 1989, resolve to declare a parcel of general law land described in Book 203 No 859 being a part of CA 2 Parish of Rosedale as a Public Highway; and***
- 2. Authorise a public notice under section 223 of the Local Government Act 1989 be given in the Gippsland Times newspaper and on Council's website of the intention to declare the Public Highway; and***
- 3. Appoint three Councillors plus an alternate representative to form the 'Rosedale Public Highway Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions and to hear any persons who in their written submission have requested that they be heard in support of their submission; and***
- 4. In the event that there are no submissions are received, authorise the placement of a notice to this effect in the Victoria Government Gazette.***

COUNCILLOR CROSSLEY / COUNCILLOR MAHER

That Council:

- 1. Pursuant to section 204(1) of the Local Government Act 1989, resolve to declare a parcel of general law land described in Book 203 No 859 being a part of CA 2 Parish of Rosedale as a Public Highway; and***
- 2. Authorise a public notice under section 223 of the Local Government Act 1989 be given in the Gippsland Times newspaper and on Council's website of the intention to declare the Public Highway; and***
- 3. Appoint three Councillors being COUNCILLOR TATTERSON, COUNCILLOR MCKENZIE, COUNCILLOR BYE, plus an alternate representative being COUNCILLOR MAHER, to form the 'Rosedale Public Highway Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions and to hear any persons who in their written submission have requested that they be heard in support of their submission; and***
- 4. In the event that there are no submissions received, authorise the placement of a notice to this effect in the Victoria Government Gazette.***

CARRIED

16. GENERAL MANAGER COMMUNITY AND CULTURE

16.1. COMMUNITY ASSISTANCE GRANTS - AUGUST 2023

ACTION OFFICER: MANAGER COMMUNITIES, FACILITIES AND EMERGENCIES

PURPOSE

For Council to approve the allocation of Community Assistance Grants August 2023 round, as detailed in attachment 16.1.1 CAG August 2023 Recommendations and applicants be 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 August 2023 funds, as detailed in attachment 16.1.1 CAG August 2023 Recommendations and applicants be notified of the outcome of their applications.

Councillor Bye has declared a conflict of interest at item 16.1 Community Assistance Grants – August 2023.

Councillor Bye called for nomination for temporary chair.

Councillor Rossetti has been elected by show of hands as temporary chair.

Councillor Bye left chambers at: 5.36pm.

Councillor Tatterson has also declared a conflict of interest at item 16.1 Community Assistance Grants – August 2023.

Councillor Tatterson left chambers at: 5.36pm.

COUNCILLOR RIPPER / COUNCILLOR MCKENZIE

That Council approve the allocation of Community Assistance Grants August 2023 funds, as detailed in attachment 16.1.1 CAG August 2023 Recommendations and applicants be notified of the outcome of their applications.

CARRIED

Councillor Bye and Councillor Tatterson returned to Chambers at: 5.41pm.

Councillor Bye resumed chairing.

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 –

JAN JONES, BRIAGOLONG – Asked if the 'no fee green waste' period in November could open earlier, given the recent fire near Briagolong and the fire near Loch Sport. She noted that adding another two weeks to the start of this service will benefit many of those who have been made acutely aware of the fire threat this season.

The CEO noted that there has been discussion with Councillors about reviewing this, particularly as the sole purpose of the no fee green waste is for people to clear their blocks in readiness for the fire season.

He also noted that although the period cannot not be changed this year – due to contracts already being in place – the period will be reviewed for the following year and a proposal presented to Council for their consideration.

FURTHER GALLERY COMMENTS –

VERONICA BARNES, ROSEDALE – Expressed her concerns regarding the trees planted in Rosedale. Her particular concern is for two trees in front of the BP Service Station between the entrance and exit, right where traffic will be leaving and the view to oncoming traffic will be hindered.

Veronica requested that someone please look into the matter, because it may be of concern very soon.

The Mayor noted that the General Manager Built and Natural Environment will respond directly to Veronica regarding her concerns.

Meeting declared closed at: 5.44pm

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

18. 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

NIL

19. APPENDIX

SEPTEMBER 2023 COMPONENTS AT A GLANCE

