



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 18 April 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
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

**ORDINARY MEETING OF COUNCIL
TABLE OF CONTENTS**

0.1. TABLE OF CONTENTS

1. APOLOGIES

2. DECLARATION OF CONFLICT/S OF INTEREST

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

4. BUSINESS ARISING FROM PREVIOUS MEETINGS

5. ACCEPTANCE OF LATE AND URGENT ITEMS

6. NOTICE/S OF MOTION

7. RECEIVING OF PETITION OR JOINT LETTERS

7.1. OUTSTANDING PETITIONS

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

9. QUESTION/S ON NOTICE

9.1. OUTSTANDING QUESTION/S ON NOTICE

10. MAYOR AND COUNCILLORS REPORT

10.1. MAYOR AND COUNCILLORS REPORT - MARCH 2023

11. DELEGATES REPORT

12. CHIEF EXECUTIVE OFFICER'S REPORT

12.1. CHIEF EXECUTIVE OFFICER'S REPORT - MARCH 2023

12.2. COUNCIL PERFORMANCE REPORT - MARCH 2023

13. GENERAL MANAGER CORPORATE SERVICES

13.1. ASSEMBLY OF COUNCILLORS REPORT

13.2. ADOPTION OF THE CHILD SAFE POLICY

13.3. RESOLVE TO ADVERTISE DRAFT 2023/24 BUDGET, PROPOSED RATES, FEES
AND CHARGES

13.4. BIENNIAL AUDIT & RISK COMMITTEE UPDATE

13.5. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987 ONLY) - MIRIAM TURNER

14. GENERAL MANAGER DEVELOPMENT

14.1. QUARTERLY STRATEGIC LAND USE PLANNING UPDATE REPORT - FIRST QUARTER 2023

14.2. MONTHLY PLANNING DECISIONS - FEBRUARY 2023

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15.1. ROAD OPENING - PART RUMPFES LANE, HEYFIELD

16. FURTHER GALLERY AND ONLINE COMMENTS

17. IN CLOSED SESSION

1. APOLOGIES

NIL

2. DECLARATION OF CONFLICT/S OF INTEREST

NIL

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 4 April 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 4 April 2023.

COUNCILLOR WOOD / COUNCILLOR STEPHENS

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 4 April 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

NIL

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 - MARCH 2023

ACTION OFFICER: COUNCILLOR IAN BYE

<p style="text-align: center;">RECOMMENDATION</p> <p><i>That the Mayor and Councillors report be noted.</i></p> <p>COUNCILLOR RIPPER / COUNCILLOR MAHER</p> <p><i>That the Mayor and Councillors report be noted.</i></p> <p style="text-align: right;">CARRIED</p>
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11. DELEGATES REPORT

COUNCILLOR CROSSLEY presented an update on the Gippsland Climate Change Network (GCCN) as she is the Council delegate and Chair for the group. She noted the partnership between GCCN and Wellington Shire Council and highlighted updates from the recently circulated newsletter. She acknowledged the appointment of the preferred web designer and the new online portal which will be officially launched at the conference in September 2023. As well as a new portal, a new trailer has been designed in collaboration with Gippsland TAFE and AGL to educate the broader community on renewable and new energy.

She also highlighted the Gippsland Renewable Fund that is supported by the New Energy Jobs Fund. Funding for approximately \$30,000 was received from Bank Australia to start a loan project for community organisation to pay upfront for their renewable building transformations. The project has provided 180 kilowatts of solar across five projects in Wellington so far, which is a great outcome financially and for the future.

Councillor Crossley noted the auspiced partnership with Department of Energy, Environment and Climate Action (DEECA) to allocate funding for the Gippsland Alliance for Climate Action. This network is comprised of sustainability officers from East Gippsland Shire Council, South Gippsland Shire Council, Latrobe City Council and Wellington Shire Council.

She concluded by discussing upcoming events that included Gippsland EV Expos which will be held on 20 May 2023 and 2 September 2023, Gippsland New Energy Conference on 2 September 2023 and International EV Day on 9 September 2023.

12. CHIEF EXECUTIVE OFFICER'S REPORT

12.1. CHIEF EXECUTIVE OFFICER'S REPORT - MARCH 2023

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

COUNCILLOR MAHER / COUNCILLOR WOOD

That the Chief Executive Officer's report be received.

CARRIED

12.2. COUNCIL PERFORMANCE REPORT - MARCH 2023

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

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

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive and note the March 2023 Council Performance Report as attached.

COUNCILLOR STEPHENS / COUNCILLOR MAHER

That Council receive and note the March 2023 Council Performance Report as attached.

CARRIED

13. GENERAL MANAGER CORPORATE SERVICES

13.1. ASSEMBLY OF COUNCILLORS REPORT

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

OBJECTIVE

To report on all assembly of Councillor records received for the period 27 March 2023 to 9 April 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 27 March 2023 to 9 April 2023.

COUNCILLOR TATTERSON / COUNCILLOR CROSSLEY

That Council note and receive the attached Assembly of Councillor records for the period 27 March 2023 to 9 April 2023.

CARRIED

13.2. ADOPTION OF THE CHILD SAFE POLICY

ACTION OFFICER: MANAGER PEOPLE AND CAPABILITY

PURPOSE

For Councillors to adopt the Child Safe Policy, as attached. This policy provides a framework for the community to understand how Council is embedding the updated legislation into its practices from an organisational perspective and assures the community of our commitment to child safety.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the Child Safe Policy, as attached.

COUNCILLOR WOOD / COUNCILLOR CROSSLEY

That Council adopt the Child Safe Policy, as attached.

CARRIED

13.3. RESOLVE TO ADVERTISE DRAFT 2023/24 BUDGET, PROPOSED RATES, FEES AND CHARGES

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

For Council to resolve to advertise its draft 2023/24 Budget and seek public submissions in accordance with Section 96 of the *Local Government Act 2020*.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council advertise its draft 2023/24 Budget (as attached) including:**
 - fees and charges; and**
 - multi-year capital projects*****in accordance with Section 96 of the Local Government Act 2020; and***
- 2. Council consider submissions for the draft 2023/24 Budget at a Special Council Meeting on Thursday 18 May 2023 at 3pm; and**
- 3. Council meet on Tuesday 6 June 2023 at 3pm to consider the formal adoption of the 2023/24 Budget; and**
- 4. Council make the following declarations regarding rates and charges for the period commencing on 1 July 2023 and concluding on 30 June 2024:**
 - A) Pursuant to the provisions of Sections 158, 161 and 162 of the Local Government Act 1989 (currently, these remain saved provisions under the 1989 Act), the Wellington Shire Council hereby resolves to declare that the amount it intends to raise by rates and annual service charges is \$69.2M:**

Type of Rates or charge	\$'000
General Rate:	61,265
Cultural & Recreational Land rates	54
Garbage Charge:	5,443
Waste Infrastructure Charge:	1,652
State Government EPA Levy Charge:	475
Boisdale Common Effluent System Charge	11

- B) (1) It be further declared that, subject to paragraph 4 of this Part, the general rate be raised through the application of differential rates.**

- (2) *A rate in the dollar of 0.003855 be specified as the general rate (subject to final valuation outcomes).*
 - (3) *It be confirmed that the general rate for all rateable land within the municipal district be determined so that the amount payable be the Capital Improved Value multiplied by the rate in the dollar of 0.003855 (subject to final valuation outcomes)*
 - (4)
 - a) *It be recorded that Council considers that a differential rate will contribute to the equitable and efficient carrying out of Council functions.*
 - b) *A differential rate be declared for that rateable land having the characteristics specified below, which characteristics will form the criteria for the differential rate so declared:*
 - (i) *Farm Land:*
Means any land that:
Is "Farm Land" within the meaning of Section 2(1) of the Valuation of Land Act 1960 (paras a) and b)) and other criteria as defined by Council in c) hereunder
 - a) that is not less than 2 hectares in area; and*
 - b) that is used primarily for grazing (including agistment), dairying, pig-farming, poultry-farming, fish-farming, tree-farming, bee-keeping, viticulture, horticulture, fruit-growing or the growing of crops of any kind or for any combination of those activities; and*
 - c) where the ratepayer is a Primary Producer with any evidence/ruling confirmed by the Australian Taxation Office, registered ABN and business plan.*
- C) Garbage Charge:**
- (1) *An annual service charge of \$275.00 be declared for the collection and disposal of garbage in respect of Residential premises to which the service is available – whether, or not, the owner or occupier of any such premises avails themselves of the service.*
- D) Waste Infrastructure Charge:**
- (1) *An annual service charge be declared for the development of Landfills, Recycling facilities, Transfer Stations and the rehabilitation of Landfill sites, and provision of facilities for ongoing monitoring of landfills, to ensure that Council can continue to provide a waste disposal service.*
 - (2) *The charge be \$55.00 (same as last year) for each property in respect of which a municipal charge may be levied. This charge will not apply to properties identified as being within the Ninety Mile Beach Restructure Plan Stages 7 – 22, with the exception of those properties with an existing dwelling, where the charge will still apply.*
- E) EPA Levy Charge:**

- (1) *An annual service charge of \$24.00 be declared to cover the costs levied by the State Government Environment Protection Authority on the operation of landfills, not otherwise recouped.*
 - (2) *The charge be levied on each property to which a Garbage Charge is applied, at the rate of one EPA Levy Charge for each Garbage Charge.*
- F) Boisdale Common Effluent System Charge:**
- (1) *An annual service charge of \$421.00 be declared for wastewater availability in respect of Residential and Commercial premises in the township of Boisdale, to contribute towards the costs of operation and management of the Boisdale Common Effluent System (the System).*
 - (2) *The charge be levied on each property which is connected to the System, at the rate of one charge per tenement connected.*
- G) Cultural and Recreational Land:**
- (1) *The amount of \$54,016 (excluding service charges) be declared as payable in accordance with Section 4 of the Cultural and Recreational Lands Act 1963, having regard to the services provided by the Council in relation to such lands and the benefit to the community derived from this recreational land.*
- H) Pursuant to the provisions of Section 169 of the Local Government Act 1989 (currently, this remains as a saved provision under the 1989 Act), Council resolves to declare a Rates Rebate on land with a Deed of Covenant for conservation purposes.**
- (1) *Council considers that this rebate will ensure that the biodiversity values of the land will be protected for the benefit of the broader community.*
 - (2) *The rebate will apply only to the land that is affected by a covenant as described in the covenant document.*
 - (3) *The rebate will be applied at \$15 per hectare, with a minimum rebate of \$100 and a maximum equal to the annual general rate on the property for that portion of land.*
 - (4) *Conditions apply as per Council's Policy No. 4.1.12 – Rates Rebate on land with a Deed of Covenant for Conservation Purposes.*

COUNCILLOR MCKENZIE / COUNCILLOR STEPHENS

That:

- 1. Council advertise its draft 2023/24 Budget (as attached) including:**
 - *fees and charges; and*
 - *multi-year capital projects**in accordance with Section 96 of the Local Government Act 2020; and*
- 2. Council consider submissions for the draft 2023/24 Budget at a Special Council Meeting on Thursday 18 May 2023 at 3pm; and**
- 3. Council meet on Tuesday 6 June 2023 at 3pm to consider the formal adoption of the 2023/24 Budget; and**

4. Council make the following declarations regarding rates and charges for the period commencing on 1 July 2023 and concluding on 30 June 2024:

- A) Pursuant to the provisions of Sections 158, 161 and 162 of the Local Government Act 1989 (currently, these remain saved provisions under the 1989 Act), the Wellington Shire Council hereby resolves to declare that the amount it intends to raise by rates and annual service charges is \$69.2M:**

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Waste Infrastructure Charge:	1,652
State Government EPA Levy Charge:	475
Boisdale Common Effluent System Charge	11

- B)**
- (1) It be further declared that, subject to paragraph 4 of this Part, the general rate be raised through the application of differential rates.**
 - (2) A rate in the dollar of 0.003855 be specified as the general rate (subject to final valuation outcomes).**
 - (3) It be confirmed that the general rate for all rateable land within the municipal district be determined so that the amount payable be the Capital Improved Value multiplied by the rate in the dollar of 0.003855 (subject to final valuation outcomes)**
 - (4)**
 - a) It be recorded that Council considers that a differential rate will contribute to the equitable and efficient carrying out of Council functions.**
 - b) A differential rate be declared for that rateable land having the characteristics specified below, which characteristics will form the criteria for the differential rate so declared:**
 - (i) Farm Land:**
Means any land that:
Is "Farm Land" within the meaning of Section 2(1) of the Valuation of Land Act 1960 (paras a) and b)) and other criteria as defined by Council in c) hereunder
a) that is not less than 2 hectares in area; and
b) that is used primarily for grazing (including agistment), dairying, pig-farming, poultry-farming, fish-farming, tree-farming, bee-keeping, viticulture, horticulture, fruit-growing or the growing of crops of any kind or for any combination of those activities; and

c) where the ratepayer is a Primary Producer with any evidence/ruling confirmed by the Australian Taxation Office, registered ABN and business plan.

C) Garbage Charge:

- (2) An annual service charge of \$275.00 be declared for the collection and disposal of garbage in respect of Residential premises to which the service is available – whether, or not, the owner or occupier of any such premises avails themselves of the service.**

D) Waste Infrastructure Charge:

- (1) An annual service charge be declared for the development of Landfills, Recycling facilities, Transfer Stations and the rehabilitation of Landfill sites, and provision of facilities for ongoing monitoring of landfills, to ensure that Council can continue to provide a waste disposal service.**
- (2) The charge be \$55.00 (same as last year) for each property in respect of which a municipal charge may be levied. This charge will not apply to properties identified as being within the Ninety Mile Beach Restructure Plan Stages 7 – 22, with the exception of those properties with an existing dwelling, where the charge will still apply.**

E) EPA Levy Charge:

- (1) An annual service charge of \$24.00 be declared to cover the costs levied by the State Government Environment Protection Authority on the operation of landfills, not otherwise recouped.**
- (2) The charge be levied on each property to which a Garbage Charge is applied, at the rate of one EPA Levy Charge for each Garbage Charge.**

F) Boisdale Common Effluent System Charge:

- (1) An annual service charge of \$421.00 be declared for wastewater availability in respect of Residential and Commercial premises in the township of Boisdale, to contribute towards the costs of operation and management of the Boisdale Common Effluent System (the System).**
- (2) The charge be levied on each property which is connected to the System, at the rate of one charge per tenement connected.**

G) Cultural and Recreational Land:

- (1) The amount of \$54,016 (excluding service charges) be declared as payable in accordance with Section 4 of the Cultural and Recreational Lands Act 1963, having regard to the services provided by the Council in relation to such lands and the benefit to the community derived from this recreational land.**

H) Pursuant to the provisions of Section 169 of the Local Government Act 1989 (currently, this remains as a saved provision under the 1989 Act), Council resolves to declare a Rates Rebate on land with a Deed of Covenant for conservation purposes.

- (1) Council considers that this rebate will ensure that the biodiversity values of the land will be protected for the benefit of the broader community.**

- (2) *The rebate will apply only to the land that is affected by a covenant as described in the covenant document.*
- (3) *The rebate will be applied at \$15 per hectare, with a minimum rebate of \$100 and a maximum equal to the annual general rate on the property for that portion of land.*
- (4) *Conditions apply as per Council's Policy No. 4.1.12 – Rates Rebate on land with a Deed of Covenant for Conservation Purposes.*

CARRIED

13.4. 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 November 2022 to March 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 November 2022 to March 2023, as attached.

COUNCILLOR STEPHENS / COUNCILLOR MAHER

That Council receive the biennial report on the Audit & Risk Committee's activities, findings and recommendations for the period November 2022 to March 2023, as attached.

CARRIED

13.5. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987 ONLY) - MIRIAM TURNER

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

This report seeks Council's approval for the designated Council Officer responsible for administration and enforcement of the *Planning and Environment Act 1987* (the Act) to be appointed and authorised as an Authorised Officer under the Act.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached S11A Instrument of Appointment and Authorisation (the instrument), resolve that:

- 1. Council Officer Miriam Turner be appointed and authorised as set out in the instrument as provided at Attachment 1; and*
- 2. The instrument be signed by the Chief Executive Officer.*

COUNCILLOR MAHER / COUNCILLOR WOOD

That Council, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached S11A Instrument of Appointment and Authorisation (the instrument), resolve that:

- 1. Council Officer Miriam Turner be appointed and authorised as set out in the instrument as provided at Attachment 1; and*
- 2. The instrument be signed by the Chief Executive Officer.*

CARRIED

14. GENERAL MANAGER DEVELOPMENT

14.1. QUARTERLY STRATEGIC LAND USE PLANNING UPDATE REPORT - FIRST QUARTER 2023

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To update Council on the strategic land use planning work program for the first quarter January to March 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive the first quarterly update on the strategic land use planning work program (included in Attachment 'Planning Projects and Amendments' to this report).

COUNCILLOR MAHER / COUNCILLOR STEPHENS

That Council receive the first quarterly update on the strategic land use planning work program (included in Attachment 'Planning Projects and Amendments' to this report).

CARRIED

14.2. MONTHLY PLANNING DECISIONS - FEBRUARY 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 February 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 February and 28 February 2023.

COUNCILLOR MAHER / COUNCILLOR WOOD

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 February and 28 February 2023.

CARRIED

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15.1. ROAD OPENING - PART RUMPFES LANE, HEYFIELD

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider a request to re-open part of Rumpffs Lane in Heyfield to public traffic.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

- 1. Pursuant to section 223 of the Local Government Act 1989, authorise the Chief Executive Officer to write to the licensee of the unused road licence 1510615 advising of Council's intention to re-open part of Rumpffs Lane, Heyfield to public traffic; and*
- 2. Appoint three Councillors plus an alternate representative to form the 'Rumpffs Lane Unused Road Licence 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*
- 3. In the event that there are no submissions and pursuant to section 407(1) of the Land Act 1958, as it is desirable in the public interest, request the Department of Environment, Energy and Climate Action in writing that part of the unused road licence 1510615 held over Rumpffs Lane, Heyfield be revoked, as it is required for public traffic.*

COUNCILLOR RIPPER / COUNCILLOR MAHER

That Council:

- 1. Pursuant to section 223 of the Local Government Act 1989, authorise the Chief Executive Officer to write to the licensee of the unused road licence 1510615 advising of Council's intention to re-open part of Rumpffs Lane, Heyfield to public traffic; and*
- 2. Appoint three Councillors, being Councillor Tatterson, Councillor Ripper and Councillor Crossley, plus an alternate representative, being Councillor Bye, to form the 'Rumpffs Lane Unused Road Licence 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*
- 3. In the event that there are no submissions and pursuant to section 407(1) of the Land Act 1958, as it is desirable in the public interest, request the Department of Environment, Energy and Climate Action in writing that part of the unused road licence 1510615 held over Rumpffs Lane, Heyfield be revoked, as it is required for public traffic.*

CARRIED

16. 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 – NIL

Meeting declared closed at: 6:35pm

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

17. IN CLOSED SESSION

COUNCILLOR

That the meeting be closed to the public pursuant to Section 66(2) of the Local Government Act 2020 to consider matters under Section 66(5)(b) as defined by Section 3(1) being:

- a) Council business information*
- b) Security information*
- c) Land use planning information*
- d) Law enforcement information*
- e) Legal privileged information*
- f) Personal information*
- g) Private commercial information*
- h) Confidential meeting information*
- i) Internal arbitration information*
- j) Councillor Conduct Panel confidential information*
- k) Information prescribed by the regulations to be confidential information*
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989*

IN CLOSED SESSION

COUNCILLOR

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