



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 21 February 2023

COUNCILLORS PRESENT

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

OFFICERS PRESENT

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

**ORDINARY MEETING OF COUNCIL
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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: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 7 February 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 February 2023.

COUNCILLOR WOOD / COUNCILLOR ROSSETTI

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 February 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 MCKENZIE acknowledged a dinner he attended on Thursday 16 February 2023 hosted by the Gippsland Agriculture Group. There were 140 attendees, comprising of Gippsland farmers and community groups from South Gippsland shire, East Gippsland shire and Wellington shire to present their 2022 research results. He noted the room was filled with collaborative and progressive people, all working as one toward a future with a focus on land and sustainability through any environmental factors ahead.

COUNCILLOR CROSSLEY acknowledged World Pride week and the 50th Anniversary of pride week in Australia. She noted this is a great opportunity to reflect on how far the civil rights have progressed whilst acknowledging the work we still have to do.

COUNCILLOR BYE acknowledged the Municipal Association Victoria (MAV) Leadership Conference held on Friday 10 February 2023. Attending alongside other Councillors, he acknowledged all of the guest speakers and thanked David Clarke and the team at MAV for an informative and engaging event.

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 - DECEMBER 2022

ACTION OFFICER: COUNCILLOR IAN BYE

RECOMMENDATION

That the Mayor and Councillors report be noted.

COUNCILLOR RIPPER / COUNCILLOR STEPHENS

That the Mayor and Councillors report be noted.

CARRIED

11. DELEGATES REPORT

NIL

12. CHIEF EXECUTIVE OFFICER

12.1. CHIEF EXECUTIVE OFFICER'S REPORT - DECEMBER 2022

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

COUNCILLOR MAHER / COUNCILLOR TATTERSON

That the Chief Executive Officer's report be received.

CARRIED

12.2. DRAFT LATROBE VALLEY AND GIPPSLAND TRANSITION PLAN FEEDBACK

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That Council advise the Latrobe Valley Authority (LVA) that it does not support the draft Latrobe Valley and Gippsland Transition Plan based on the reasons contained within this report, and authorise the CEO to draft an appropriate submission to the LVA.

COUNCILLOR MCKENZIE / COUNCILLOR STEPHENS

That Council advise the Latrobe Valley Authority (LVA) that it does not support the draft Latrobe Valley and Gippsland Transition Plan based on the reasons contained within this report, and authorise the CEO to draft an appropriate submission to the LVA.

CARRIED

13. GENERAL MANAGER CORPORATE SERVICES

13.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 30 January 2023 to 12 February 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 30 January 2023 to 12 February 2023.

COUNCILLOR WOOD / COUNCILLOR MAHER

That Council note and receive the attached Assembly of Councillor records for the period 30 January 2023 to 12 February 2023.

CARRIED

14. GENERAL MANAGER DEVELOPMENT

14.1. C118 WELL - PLANNING SCHEME AMENDMENT

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To seek a Council resolution requesting that the Minister for Planning authorise Council, in its capacity as the planning authority for the Wellington Planning Scheme, to prepare Amendment C118 well and proceed to a period of formal exhibition.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

- 1. Pursuant to Section 8A of the Planning and Environment Act 1987, resolve to request the Minister for Planning to authorise Council, as the planning authority, to prepare Amendment C118well (refer to Attachment 2); and***
- 2. Resolve to proceed to a period of public exhibition for Amendment C118well on the basis that authorisation is granted.***

COUNCILLOR MAHER / COUNCILLOR WOOD

That Council:

- 1. Pursuant to Section 8A of the Planning and Environment Act 1987, resolve to request the Minister for Planning to authorise Council, as the planning authority, to prepare Amendment C118well (refer to Attachment 2); and***
- 2. Resolve to proceed to a period of public exhibition for Amendment C118well on the basis that authorisation is granted.***

CARRIED

14.2. MONTHLY PLANNING DECISIONS - NOVEMBER AND DECEMBER 2022

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 months of November and December 2022.

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 November and 31 December 2022.

COUNCILLOR MAHER / COUNCILLOR TATTERSON

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 November and 31 December 2022.

CARRIED

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15.1. PROPOSED SALE OF LAND (ROADS) - ABUTTING 56 TURNBULL STREET, ALBERTON

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider the proposed sale of land (road reserves) being Station Street and Orr Street abutting 56 Turnbull Street in Alberton.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Pursuant to Section 114 of the Local Government Act 2020, Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolve to advertise its intention to discontinue and to sell the roads abutting 56 Turnbull Street in Alberton by private treaty; and***
- 2. Council place a public notice of the proposal, in a local newspaper and serve a copy of the notice on abutting property owners and statutory authorities; and***
- 3. Council appoint three Councillors plus an alternative representative to form the 'Road Discontinuance Committee – 56 Turnbull Street' that is established by Council under section 223(1)(b)(i) of the Local Government Act 1989, to consider written submissions/objections and to hear any persons who in their written submission under section 223 of the Local Government Act 1989 have requested that they be heard in support of their submission/objection; and***
- 4. In the event of no objections, Council resolve to discontinue the roads abutting 56 Turnbull Street, Alberton and place a notice in the Victoria Government Gazette; and***
- 5. Council authorise the Chief Executive Officer to sell the land to the abutting property owner at no less than current market value in accordance with Wellington Shire Council Policy 3.3.5 - Sale, Exchange and Acquisition of Land and to sign and seal any documents to facilitate the transfer of land.***

COUNCILLOR STEPHENS / COUNCILLOR MAHER

That:

- 1. Pursuant to Section 114 of the Local Government Act 2020, Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolve to advertise its intention to discontinue and to sell the roads abutting 56 Turnbull Street in Alberton by private treaty; and***
- 2. Council place a public notice of the proposal, in a local newspaper and serve a copy of the notice on abutting property owners and statutory authorities; and***

- 3. Council appoint three Councillors, being Councillor Stephens, Councillor Maher and Councillor McKenzie, plus an alternative representative, being Councillor Bye, to form the 'Road Discontinuance Committee – 56 Turnbull Street' that is established by Council under section 223(1)(b)(i) of the Local Government Act 1989, to consider written submissions/objections and to hear any persons who in their written submission under section 223 of the Local Government Act 1989 have requested that they be heard in support of their submission/objection; and**
- 4. In the event of no objections, Council resolve to discontinue the roads abutting 56 Turnbull Street, Alberton and place a notice in the Victoria Government Gazette; and**
- 5. Council authorise the Chief Executive Officer to sell the land to the abutting property owner at no less than current market value in accordance with Wellington Shire Council Policy 3.3.5 - Sale, Exchange and Acquisition of Land and to sign and seal any documents to facilitate the transfer of land.**

CARRIED

16. GENERAL MANAGER COMMUNITY AND CULTURE

16.1. ENDORSEMENT OF WELLINGTON DISABILITY ADVISORY COMMITTEE

ACTION OFFICER: MANAGER COMMUNITIES, FACILITIES AND EMERGENCIES

PURPOSE

For Council to appoint the nominated community representatives to the Wellington Disability Advisory Committee, as detailed in the attached confidential report, 'The Wellington Disability Advisory Committee Membership'.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council appoint the nominated community representatives to the Wellington Disability Advisory Committee, as detailed in the attached confidential report, 'The Wellington Disability Advisory Committee Membership', and***
- 2. The information contained in the confidential attachment 'The Wellington Disability Advisory Committee Membership' and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Community and Culture on 10 February 2023 because it relates to the following grounds: f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

COUNCILLOR WOOD / COUNCILLOR RIPPER

That:

- 1. Council appoint the nominated community representatives to the Wellington Disability Advisory Committee, as detailed in the attached confidential report, 'The Wellington Disability Advisory Committee Membership', and***
- 3. The information contained in the confidential attachment 'The Wellington Disability Advisory Committee Membership' and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Community and Culture on 10 February 2023 because it relates to the following grounds: f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

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 - NIL

FURTHER GALLERY COMMENTS - NIL

Meeting declared closed at: 6:23pm

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

COUNCILLOR

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