



**WELLINGTON**  
SHIRE COUNCIL

*The Heart of Gippsland*

## **RESOLUTIONS IN BRIEF ORDINARY MEETING**

### **COUNCILLORS PRESENT**

Cr Garry Stephens  
Cr Scott Rossetti  
Cr Ian Bye  
Cr Carolyn Crossley  
Cr Marcus McKenzie  
Cr Gayle Maher  
Cr Carmel Ripper  
Cr John Tatterson  
Cr Jill Wood

### **OFFICERS PRESENT**

Chris Hastie, Acting Chief Executive Officer  
Karen McLennan, Acting General Manager Community and Culture  
Denise Teo, Governance Officer

### **APOLOGIES**

David Morcom, Chief Executive Officer

**ORDINARY MEETING OF COUNCIL  
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## 1. APOLOGIES

DAVID MORCOM, CHIEF EXECUTIVE OFFICER

## 2. ELECTION OF MAYOR AND DEPUTY MAYOR

### 2.1. ELECTION OF THE 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.

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

NIL

Nominations for Mayor were called  
Councillor Wood nominated Councillor Bye  
Councillor Bye accepted the nomination  
Councillor Stephens and Councillor Maher seconded the nomination  
No further nominations received  
No opposition for the nomination received  
Councillor Bye accepted the final nomination as Mayor

#### **RECOMMENDATION**

***That;***

- 1. Councillor Ian Bye be elected as Mayor of Wellington Shire Council for a term concluding at the first Ordinary Council meeting in November 2022; and***
- 2. This election supersedes the term of the previous Mayor.***

**COUNCILLOR STEPHENS / COUNCILLOR ROSSETTI**

***That;***

- 1. Councillor Ian Bye be elected as Mayor of Wellington Shire Council for a term concluding at the first Ordinary Council meeting in November 2022; and***
- 2. This election supersedes the term of the previous Mayor.***

**CARRIED**

## 2.2. ELECTION OF THE 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.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

Nominations for Deputy Mayor were called  
Councillor Rossetti nominated Councillor McKenzie  
Seconded by Councillor Stephens  
No further nominations received  
No opposition for the nomination received  
Councillor McKenzie accepted the final nomination as Deputy Mayor

#### RECOMMENDATION

*That;*

- 1. Councillor Marcus McKenzie be elected as Deputy Mayor of Wellington Shire Council for a term concluding at the first Ordinary Council meeting in November 2022; and*
- 2. This election supersedes the term of the previous Deputy Mayor.*

#### COUNCILLOR ROSSETTI / COUNCILLOR TATTERSON

*That;*

- 1. Councillor Marcus McKenzie be elected as Deputy Mayor of Wellington Shire Council for a term concluding at the first Ordinary Council meeting in November 2022; and*
- 2. This election supersedes the term of the previous Deputy Mayor.*

**CARRIED**

## 3. DECLARATION OF CONFLICT/S OF INTEREST

NIL

## 4. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

### 4.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

**PURPOSE**

To adopt the minutes of the Ordinary Council Meeting of 19 October 2021.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 19 October 2021.*

**COUNCILLOR CROSSLEY / COUNCILLOR ROSSETTI**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 19 October 2021.*

**CARRIED**

## 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

NIL

## 7. NOTICE/S OF MOTION

NIL

## 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

NIL

## 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

NIL

## 12. GENERAL MANAGER CORPORATE SERVICES

### 12.1. ASSEMBLY OF COUNCILLORS

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

**OBJECTIVE**

To report on all assembly of Councillor records received for the period 11 October 2021 to 24 October 2021.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council note and receive the attached Assembly of Councillor records for the period 11 October 2021 to 24 October 2021.*

**COUNCILLOR CROSSLEY / COUNCILLOR WOOD**

*That Council note and receive the attached Assembly of Councillor records for the period 11 October 2021 to 24 October 2021.*

**CARRIED**

### 12.2. ADOPTION OF COUNCIL MEETING DATES 2022

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

**PURPOSE**

To adopt the 2022 Council Meeting dates and times as attached and publish the 2022 Council Meeting dates and times on Council's website.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

***That Council:***

- 1. Adopt the 2022 Council Meeting dates and times as attached; and***
- 2. Publish the 2022 Council Meeting dates and times on Council's website.***

**COUNCILLOR STEPHENS / COUNCILLOR ROSSETTI**

***That Council:***

- 1. Adopt the 2022 Council Meeting dates and times as attached; and***
- 2. Publish the 2022 Council Meeting dates and times on Council's website.***

**CARRIED**



### **12.3. APPROVAL OF INSTRUMENTS OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987 ONLY) - HAMISH MIVAL**

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

This report seeks Council's approval for the designated Council Officer responsible for the administration and enforcement of the *Planning and Environment Act 1987* to be appointed and authorised as an Authorised Officer under the provisions and powers of the *Local Government Act 1989* and the *Planning and Environment Act 1987*.

#### **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), section 147(4) of the Planning and Environment Act 1987 and the other legislation referred to in the attached Instruments of Council Resolution and of Appointment and Authorisation, resolve that:***

- 1. Council Officer Hamish Mival be appointed and authorised as set out in the instruments as provided at Attachments 1 and 2; and***
- 2. The S11A Instrument of Appointment and Authorisation be signed and sealed 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), section 147(4) of the Planning and Environment Act 1987 and the other legislation referred to in the attached Instruments of Council Resolution and of Appointment and Authorisation, resolve that:***

- 1. Council Officer Hamish Mival be appointed and authorised as set out in the instruments as provided at Attachments 1 and 2; and***
- 2. The S11A Instrument of Appointment and Authorisation be signed and sealed by the Chief Executive Officer.***

**CARRIED**

## 13. GENERAL MANAGER DEVELOPMENT

### 13.1. SALE TO MAFFRA OFF ROAD TRAIL

#### ACTION OFFICER: MANAGER ECONOMIC DEVELOPMENT

#### PURPOSE

The purpose of this report is for Council to consider the outcome of the feasibility report that was commissioned as a result of the community-led petition in respect of the proposed off-road bike path between Sale and Maffra.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NORBERT FUESSEL, SALE: spoke in relation to the petition submitted in 2019 about establishing a Sale to Maffra trail. He acknowledged the significant costs involved and understands why this trail cannot progress but also highlighted the trails being established in other parts of Gippsland.

#### RECOMMENDATION

*That Council resolve in response to the petition presented at the Ordinary Council meeting of 19 November 2019 in respect of the proposed Sale to Maffra cycle path;*

- 1. To consider and note the attached Sale to Maffra cycle path detailed feasibility study as requested by the petitioners;*
- 2. To not complete any subsequent investigation and planning for the proposed path for the reasons recommended in the report namely; that the proposal is not included in the adopted Council Plan 21/25 and Financial Plan 21/31, priority is being given to funding the Urban Paths Plan and that the proposed path has a limited tourism link compared to other trails as outlined in the report;*
- 3. That the head petitioner be written to, advising of Council's decision and to thank him for the proposal and petition.*

#### COUNCILLOR RIPPER / COUNCILLOR CROSSLEY

*That Council resolve in response to the petition presented at the Ordinary Council meeting of 19 November 2019 in respect of the proposed Sale to Maffra cycle path;*

- 1. To consider and note the attached Sale to Maffra cycle path detailed feasibility study as requested by the petitioners;*
- 2. To not complete any subsequent investigation and planning for the proposed path for the reasons recommended in the report namely; that the proposal is not included in the adopted Council Plan 21/25 and Financial Plan 21/31, priority is being given to funding the Urban Paths Plan and that the proposed path has a limited tourism link compared to other trails as outlined in the report;*
- 3. That the head petitioner be written to, advising of Council's decision and to thank him for the proposal and petition.*

**CARRIED**

## 14. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

### 14.1. ROAD DISCONTINUANCE – GOVERNMENT ROAD (CA 7A1 SEC C), GOLDEN BEACH

**ACTION OFFICER: MANAGER BUILT ENVIRONMENT**

#### **PURPOSE**

The objective of this report is for Council to consider the discontinuance of an unused Government Road at Golden Beach (CA 7A1 Sec C in the Parish of Dulungalong) that is not required for public traffic.

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

NIL

#### **RECOMMENDATION**

***That Council:***

- 1. Pursuant to Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, resolve to advertise its intention to discontinue an unused Government Road at Golden Beach, being CA 7A1 Section C, Parish of Dulungalong; and***
- 2. Place a notice of the proposed discontinuance of the unused Government Road in local newspapers and serve a copy of the notice on abutting property owners and statutory authorities; and***
- 3. In the event of no objections, resolve to discontinue the unused Government Road at Golden Beach, being CA 7A1 Section C, Parish of Dulungalong and place a notice in the Victoria Government Gazette; and***
- 4. Provide the Department of Environment Land Water and Planning with a copy of the Gazettal Notice to advise that the road has been discontinued.***

**COUNCILLOR TATTERSON / COUNCILLOR WOOD**

***That Council:***

- 1. Pursuant to Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, resolve to advertise its intention to discontinue an unused Government Road at Golden Beach, being CA 7A1 Section C, Parish of Dulungalong; and***
- 2. Place a notice of the proposed discontinuance of the unused Government Road in local newspapers and serve a copy of the notice on abutting property owners and statutory authorities; and***
- 3. In the event of no objections, resolve to discontinue the unused Government Road at Golden Beach, being CA 7A1 Section C, Parish of Dulungalong and place a notice in the Victoria Government Gazette; and***
- 4. Provide the Department of Environment Land Water and Planning with a copy of the Gazettal Notice to advise that the road has been discontinued.***

**CARRIED**

## 15. 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 –

#### RAY BATCHELOR, SALE:

- the German Shepherd Dog Club of Victoria have club rooms on the grounds considered in the Port of Sale Masterplan and hold a lease for the use of the reserve for dog training, noting they have not been consulted on what their requirements would be or how it would affect their operations
- requested Council provide further information on exactly what is planned for club facilities, what building access they would have for storage and meetings, security arrangements for their assets due to a shared occupancy and any other plans for the project
- Acting CEO noted that Ray has been contacted personally and a written response will also follow

### FURTHER GALLERY COMMENTS – NIL

Meeting declared closed at: 3:29pm

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

## **16. 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*

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**IN CLOSED SESSION**

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### **COUNCILLOR**

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