



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 19 July 2022

COUNCILLORS PRESENT

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

OFFICERS PRESENT

David Morcom, Chief Executive Officer
Arthur Skipitaris, General Manager Corporate Services
Brent McAlister, General Manager Development
Chris Hastie, General Manager Built and Natural Environment
Clem Gillings, General Manager Community and Culture
Denise Teo, Governance Officer
Gary Stevens, Communications Officer

APOLOGIES

NIL

**ORDINARY MEETING OF COUNCIL
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1. APOLOGIES

NIL

2. DECLARATION OF CONFLICT/S OF INTEREST

COUNCILLOR STEPHENS declared a potential general conflict of interest at Item 7.3 Receipt of Petition: Implementation of a Traffic Management Plan for Nightingale Street, Yarram as he is on the committee arranging the completion of the mural however notes that as this is only a procedural item to receive and not consider the petition, he will not need to leave the chamber.

The CEO declared a direct material conflict of interest at Item 7.2 Receipt of Petition: Improved Traffic and Pedestrian Safety in Maffra as a family member has signed the petition and will leave the chamber for duration of the item.

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 5 July 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 5 July 2022.

COUNCILLOR WOOD / COUNCILLOR CROSSLEY

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 5 July 2022.

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			

7.2. RECEIPT OF PETITION: IMPROVED TRAFFIC AND PEDESTRIAN SAFETY IN MAFFRA

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To present Council with a petition requesting improvement of traffic and pedestrian safety at the intersection of McLean and Boisdale Streets in Maffra.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

WILHELMINA COLEMAN, MAFFRA: spoke further in support of the petition

RECOMMENDATION

That Council receive the attached petition requesting improvement of traffic and pedestrian safety at the intersection of McLean and Boisdale Streets, Maffra.

The CEO left the chamber at 6:06pm

The CEO returned to the chamber at 6:11pm

COUNCILLOR RIPPER / COUNCILLOR WOOD

That Council receive the attached petition requesting improvement of traffic and pedestrian safety at the intersection of McLean and Boisdale Streets, Maffra.

CARRIED

7.3. RECEIPT OF PETITION: IMPLEMENTATION OF A TRAFFIC MANAGEMENT PLAN FOR NIGHTINGALE STREET, YARRAM

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To present Council with a petition requesting that Council consider the implementation of a traffic management plan in Nightingale Street, Yarram.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

CHRIS BARCLAY, YARRAM: spoke further in support of the petition

RECOMMENDATION

That Council receive the attached petition requesting that Council consider the implementation of a traffic management plan in Nightingale Street, Yarram.

COUNCILLOR MAHER / COUNCILLOR CROSSLEY

That Council receive the attached petition requesting that Council consider the implementation of a traffic management plan in Nightingale Street, Yarram.

CARRIED

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR MAHER acknowledged the Port Albert Maritime Museum who received a Regional Collections Access Program grant to the value of just under \$140k recently to go toward building an education and exhibition space and improve their storage. They are also in receipt of a Gardiner Foundation grant which will go toward the installation of interpretive signage and listening posts which will enhance the experience of visitors to the museum.

COUNCILLOR RIPPER congratulated Mrs Pat Turner, a volunteer from Stratford, who is a recipient of a Life Membership award from the Stratford Senior Citizens for her dedication and commitment to the club as well as her years of service to the community. Pat joined the group in 2000 and has held the position of Secretary for the past 10 years. To date, Pat has been responsible for arranging bus trips, luncheons, leisure project, social outings and much more.

COUNCILLOR CROSSLEY acknowledged the launch of the Gippsland Study Hub in Sale which is open to students enrolled at any Australian university or TAFE. It offers quiet or group study spaces, high-speed internet, video conferencing and podcasting. Students can sit external exams and access course and career guidance as well as disability, financial and scholarship information. This initiative is a collaboration between Wellington Shire Council, Beyond Bank, TAFE Gippsland, Federation University and Gippsland East Local Learning and Employment Network (GELLEN).

The MAYOR acknowledged the successful Wildfighter Boxing event held on 16 July 2022 at the GRSC. He noted how exciting an event it was and detailed a number of the key highlights of the night. The Mayor also noted an attendance of around 1200 meaning a boost to the Wellington economy by way of accommodation, eating out, shopping and general tourism in the area.

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 - JUNE 2022

ACTION OFFICER: COUNCILLOR IAN BYE

RECOMMENDATION
<i>That the Mayor and Councillors report be noted.</i> COUNCILLOR STEPHENS / COUNCILLOR WOOD <i>That the Mayor and Councillors report be noted.</i>
CARRIED

11. DELEGATES REPORT

11.1. DELEGATES REPORT - COUNCILLOR SCOTT ROSSETTI

ACTION OFFICER: COUNCILLOR SCOTT ROSSETTI

National General Assembly - Australian Local Government Association (ALGA)

Delegates Report

The national General Assembly was held in Canberra from 19-22 June 2022, comprising over 800 Council delegates from across every state and territory in Australia. Representing Wellington Shire Council was myself and CEO, David Morcom.

There were many valuable presentations over the 2 ½ days, and it was certainly a valuable opportunity to network with colleagues from across the nation as matters discussed included covid recovery, recruitment and staff retention, inflationary impacts on services, procurement and project management challenges and relationships with state and federal governments. One of the strong messages was the apparent enthusiasm of the Albanese Government to improve relations with Local Government (LG) and involve our sector more in key decision making.

Catherine King, the new Minister for Infrastructure, Regional Development and Local Government spoke about the importance of the partnership between federal and local government in her keynote address. One of the immediate ways this would be done was to rebuild the importance and influence of Regional Development Authorities (RDAs),

underpinning this work with strong policy and representation from local government. The federal government was keen to drive local and regional development through these networks.

Further, ALGA has been invited to National Cabinet and the Council on Federal Financial Relations on an annual basis (albeit without voting rights!).

Linda Scott, ALGA President also delivered an important keynote speech on some of the key outcomes and opportunities for local government including:

- The Local Roads and Infrastructure Program (LRCIP) will continue under the Albanese Government and increase to \$750m. ALGA emphasised to all Councils the importance of working with, and acknowledging, Federal government agencies with this grant program. The total size of the LRCIP program is now \$3.25b and will continue to 2024/25.
- The Albanese Government is committed to fund \$200m each year to a Disaster Mitigation Fund, which will be a competitive grant funding scheme.
- ALGA has been included as a participant Council on the national Federal Financial Relations Council (confirming Minister King's previous announcement).

Councillor Scott also confirmed that ALGA will continue to push for LG to receive 1% of total federal taxation revenue and continue to seek indexation for Financial Assistance Grants each year. Interestingly, Local Government currently receives only 0.55% of total federal tax revenue – the last time local government achieved its 1% target was in 1996!

There was also considerable reflection by ALGA on the budget challenges faced by the federal government with a \$1trill debt, and the impact this will likely have on local government funding opportunities over the next few years.

There was also an announcement that ALGA was working with the Federal Government to establish a *Parliamentary Friends of Local Govt* Forum group, to further assist relationships and conversations between our two levels of Government. Details of how this forum will operate will be released in upcoming months.

There were several excellent sessions covering topics such as climate change, resilience and community partnering opportunities, and strategic planning. A full list of sessions can be found on the conference website [2022 National General Assembly \(eventsair.com\)](https://eventsair.com) where many of the sessions were recorded and available for online viewing (Councillors can contact the CEO for log in details).

Cr Scott Rossetti

That the Delegates Report be received.

COUNCILLOR ROSSETTI / COUNCILLOR CROSSLEY

That the Delegates Report be received.

CARRIED

12. CHIEF EXECUTIVE OFFICER

12.1. CHIEF EXECUTIVE OFFICER'S REPORT - JUNE 2022

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

COUNCILLOR WOOD / COUNCILLOR TATTERSON

That the Chief Executive Officer's report be received.

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 27 June 2022 to 10 July 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 27 June 2022 to 10 July 2022.

COUNCILLOR TATTERSON / COUNCILLOR MAHER

That Council note and receive the attached Assembly of Councillor records for the period 27 June 2022 to 10 July 2022.

CARRIED

14. GENERAL MANAGER DEVELOPMENT

14.1. MONTHLY PLANNING DECISIONS (MAY 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 month of May 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 May and 31 May 2022.

COUNCILLOR MAHER / COUNCILLOR CROSSLEY

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

CARRIED

14.2. STRATEGIC LAND USE PLANNING - SECOND QUARTERLY REPORT 2022

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To update Council on the strategic land use planning work program for the second quarter April to June 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

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

COUNCILLOR MAHER / COUNCILLOR WOOD

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

CARRIED

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15.1. MUSTONS LANE HEYFIELD SPECIAL CHARGE STREET CONSTRUCTION SCHEME - DECLARATION OF SCHEME

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider to formally proceed with the proposed Mustons Lane Special Charge Street Construction Scheme Number 2201 by way of formal declaration as a Special Charge Scheme under section 163(1) of the *Local Government Act 1989* for the construction and sealing of Mustons Lane in Heyfield.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council, having considered that no submissions were received and taken account that no objections were lodged and having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act), and otherwise according to law, and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that Mustons Lane (CH620 – CH2150) in Heyfield (Street) or any component of the Street has not previously been constructed by way of a special rate or charge, hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this report, such Declaration being for the purposes of construction and sealing the Street and providing all and any ancillary works, including road surface, drainage and vehicle crossings.**
- 2. Council directs that, under cover of a letter, a written notice, enclosing a notice of levy, be sent to all owners of properties included in the Scheme, including those who have made a submission and/or lodged an objection in writing, of the decision of Council to make the Declaration, and the reasons for the decision.**
- 3. For the purposes of resolution 2, the reasons of Council for making the Declaration are that ;**
 - (a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Scheme from property owners;**
 - (b) Council considers that it is acting in accordance with the functions, powers and objectives conferred on it under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in and for the Scheme area;**
 - (c) All property owners who are liable or required to pay the Special Charge and the properties respectively owned and occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;**

- (d) *The basis of distribution of the Special Charge amongst the property owners who are liable or required to pay the Special Charge is considered to be fair and reasonable;*
 - (e) *The works proposed by the Scheme are consistent with all and any policies and/or objectives set out in the planning scheme for the area; and*
 - (f) *The works proposed for the construction and drainage of the Street are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street.*
- 4. The Chief Executive Officer (or any person for the time being acting in that position) be authorised to carry out any and all other administrative procedures necessary to enable Council to give effect to this resolution, including in relation to the levying of the Special Charge.**

COUNCILLOR RIPPER / COUNCILLOR CROSSLEY

That:

- 1. Council, having considered that no submissions were received and taken account that no objections were lodged and having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act), and otherwise according to law, and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that Mustons Lane (CH620 – CH2150) in Heyfield (Street) or any component of the Street has not previously been constructed by way of a special rate or charge, hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this report, such Declaration being for the purposes of construction and sealing the Street and providing all and any ancillary works, including road surface, drainage and vehicle crossings.**
- 2. Council directs that, under cover of a letter, a written notice, enclosing a notice of levy, be sent to all owners of properties included in the Scheme, including those who have made a submission and/or lodged an objection in writing, of the decision of Council to make the Declaration, and the reasons for the decision.**
- 3. For the purposes of resolution 2, the reasons of Council for making the Declaration are that ;**
 - (a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Scheme from property owners;**
 - (b) Council considers that it is acting in accordance with the functions, powers and objectives conferred on it under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in and for the Scheme area;**
 - (c) All property owners who are liable or required to pay the Special Charge and the properties respectively owned and occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;**
 - (d) The basis of distribution of the Special Charge amongst the property owners who are liable or required to pay the Special Charge is considered to be fair and reasonable;**
 - (e) The works proposed by the Scheme are consistent with all and any policies and/or objectives set out in the planning scheme for the area; and**

(f) The works proposed for the construction and drainage of the Street are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street.

- 1. The Chief Executive Officer (or any person for the time being acting in that position) be authorised to carry out any and all other administrative procedures necessary to enable Council to give effect to this resolution, including in relation to the levying of the Special Charge.*

CARRIED

15.2. REVOCATION OF UNUSED ROAD LICENCE - STRZELECKI STREET, ALBERTON

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider a request to open part of an unused road licence held over a section of Strzelecki Street in Alberton abutting CA 17E to public traffic.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Pursuant to section 223 of the Local Government Act 1989, Council authorise the General Manager Built & Natural Environment to write to the licensee of the unused road licence of its intention to open to public traffic a part of their licence on Strzelecki Street, Alberton abutting CA 17E at its eastern extents for a width of 20 metres; and*
- 2. Council appoint three Councillors plus an alternative representative to form the 'Strzelecki Street Unused Road Licence Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submission under section 223 of the Act have requested that they be heard in support of their submission/objection; and*
- 3. In the event that there are no objections or submissions and pursuant to section 407(1) of the Land Act 1958, as it is desirable in the public interest, the Department of Environment, Land, Water and Planning be requested that part of the unused road licence held over Strzelecki Street, Alberton abutting CA 17E at its eastern extents for a width of 20 metres be revoked as it is required for public traffic.*

COUNCILLOR CROSSLEY / COUNCILLOR ROSSETTI

That:

- 1. Pursuant to section 223 of the Local Government Act 1989, Council authorise the General Manager Built & Natural Environment to write to the licensee of the unused road licence of its intention to open to public traffic a part of their licence on Strzelecki Street, Alberton abutting CA 17E at its eastern extents for a width of 20 metres; and*

2. *Council appoint three Councillors, being Councillor Crossley, Councillor Maher and Councillor Stephens, plus an alternative representative, being Councillor Bye, to form the 'Strzelecki Street Unused Road Licence Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submission under section 223 of the Act have requested that they be heard in support of their submission/objection; and*
3. *In the event that there are no objections or submissions and pursuant to section 407(1) of the Land Act 1958, as it is desirable in the public interest, the Department of Environment, Land, Water and Planning be requested that part of the unused road licence held over Strzelecki Street, Alberton abutting CA 17E at its eastern extents for a width of 20 metres be revoked as it is required for public traffic.*

CARRIED

15.3. LOCAL GOVERNMENT ADVISORY COMMITTEE APPOINTMENT - RECYCLING VICTORIA

ACTION OFFICER: MANAGER NATURAL ENVIRONMENT AND PARKS

PURPOSE

For Council to approve the nomination of Councillor Gayle Maher to the Local Government Advisory Committee for Recycling Victoria.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council approve the nomination of Councillor Gayle Maher to the Local Government Advisory Committee for Recycling Victoria.

COUNCILLOR STEPHENS / COUNCILLOR RIPPER

That Council approve the nomination of Councillor Gayle Maher to the Local Government Advisory Committee for Recycling Victoria.

CARRIED

16. GENERAL MANAGER COMMUNITY AND CULTURE

16.1. COUNCIL COMMITTEES AND COMMITTEES OF MANAGEMENT HIGHLIGHTS

ACTION OFFICER: GENERAL MANAGER COMMUNITY AND CULTURE

PURPOSE

For Council to receive the report highlighting activities and achievements of various Council advisory committees and community facilities' committees of management for the period March to June 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive the report highlighting activities and achievements of various Council advisory committees and community facilities' committees of management for the period March to June 2022.

COUNCILLOR RIPPER / COUNCILLOR ROSSETTI

That Council receive the report highlighting activities and achievements of various Council advisory committees and community facilities' committees of management for the period March to June 2022.

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: 6:52pm

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

18. IN CLOSED SESSION

COUNCILLOR ROSSETTI / COUNCILLOR TATTERSON

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 STEPHENS

CARRIED

COUNCILLOR ROSSETTI / COUNCILLOR MAHER

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

CARRIED