



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 4 October 2022

COUNCILLORS PRESENT

Cr Ian Bye (Mayor)
Cr Marcus McKenzie (Deputy Mayor)
Cr Gayle Maher
Cr Scott Rossetti
Cr Carmel Ripper
Cr Garry Stephens
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
Denise Teo, Coordinator Governance and Council Business
Kimberley Salleh, Acting Coordinator Communications and Media

APOLOGIES

Cr Carolyn Crossley

**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. DELEGATES REPORT**
- 11. GENERAL MANAGER CORPORATE SERVICES**
 - 11.1. ASSEMBLY OF COUNCILLORS
 - 11.2. AUDIT & RISK COMMITTEE MINUTES
 - 11.3. IN PRINCIPLE APPROVAL OF DRAFT 2021/22 FINANCIAL REPORT AND PERFORMANCE STATEMENT
- 12. GENERAL MANAGER DEVELOPMENT**
 - 12.1. PLANNING SCHEME AMENDMENT C109 - SMART PLANNING AND PEGZ IMPLEMENTATION
- 13. FURTHER GALLERY AND ONLINE COMMENTS**
- 14. IN CLOSED SESSION**

1. APOLOGIES

Councillor Carolyn Crossley

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 20 September 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 20 September 2022.

COUNCILLOR WOOD / COUNCILLOR ROSSETTI

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 20 September 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			

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR MCKENZIE acknowledged the 62nd Gippstar Awards hosted by the Gippsland Sports Academy at the Morwell Bowling Club on the 29 September 2022. The Gippstar Awards have a long and proud history and recognise high level sporting achievement by talented Gippslander's across a variety of different sporting pursuits. There were 24 awards received by the successful nominees for the monthly awards from July 2021 to June 2022 in the Open and Junior categories. The overall winner for the Annual Open Award was Cohen Wade from Stratford for Modern Pentathlon / Tetrathlon and the Annual Junior Award winner was Kayla Wilson from Churchill for Swimming.

He also acknowledged the reopening of the Waves Bistro and Sandbar at the Seaspray Surf Lifesaving Club on the 21 September 2022 after being closed due to COVID lockdowns. Councillor McKenzie highlighted that the inability to get staff, in particular chefs and kitchen staff, greatly impacted the reopening of the bistro and noted that it was the community spirit and personal networks that have helped revitalise this icon of Seaspray. He has called for the patience of patrons while the new young team get service underway and learn the ropes as they go.

Councillor McKenzie also acknowledged the 20th annual Lexus Melbourne Cup tour which will see visits to Maffra on 18 October and Seaspray on 19 October 2022 with a variety of events taking place to mark the tour.

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. DELEGATES REPORT

NIL

11. GENERAL MANAGER CORPORATE SERVICES

11.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 12 September 2022 to 25 September 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 12 September 2022 to 25 September 2022.

COUNCILLOR MAHER / COUNCILLOR RIPPER

That Council note and receive the attached Assembly of Councillor records for the period 12 September 2022 to 25 September 2022.

CARRIED

11.2. AUDIT & RISK COMMITTEE MINUTES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To receive and note the minutes of the Audit & Risk Committee meeting held on 13 September 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 13 September 2022 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 13 September 2022; and***
- 2. The information contained in the confidential document Audit & Risk Committee Minutes of 13 September 2022 of this Council meeting agenda and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 19 September 2022 because it relates to the following grounds: 1) information that was confidential information for the purposes of section 77 of the Local Government Act 1989;
be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

COUNCILLOR STEPHENS / COUNCILLOR ROSSETTI

That:

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 13 September 2022 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 13 September 2022; and***
- 2. The information contained in the confidential document Audit & Risk Committee Minutes of 13 September 2022 of this Council meeting agenda and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 19 September 2022 because it relates to the following grounds: 1) information that was confidential information for the purposes of section 77 of the Local Government Act 1989;
be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

CARRIED

11.3. IN PRINCIPLE APPROVAL OF DRAFT 2021/22 FINANCIAL REPORT AND PERFORMANCE STATEMENT

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

For Council to approve in principle the draft 2021/22 Financial Report and Performance Statement as attached and authorise two Councillors to certify both documents upon completion of the Auditor-General's review.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council approve, in principle, the Draft 2021/22 Financial Report and Performance Statement as attached, subject to no material changes by the Victorian Auditor General's Office (VAGO) and authorise two Councillors from the Audit & Risk Committee to certify the documents in their final form.

COUNCILLOR STEPHENS / COUNCILLOR WOOD

That Council approve, in principle, the Draft 2021/22 Financial Report and Performance Statement as attached, subject to no material changes by the Victorian Auditor General's Office (VAGO) and authorise two Councillors from the Audit & Risk Committee to certify the documents in their final form.

CARRIED

12. GENERAL MANAGER DEVELOPMENT

12.1. PLANNING SCHEME AMENDMENT C109 - SMART PLANNING AND PEGZ IMPLEMENTATION

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

For Council to:

- Adopt Amendment C109 – ‘*Smart Planning Translation*’ and implementation of ‘*Planning in the Economic Growth Zone*’ recommendations, as per **Attachment 1** to this report; and
- Request the Minister for Planning to approve Amendment C109 as per **Attachment 1** to this report.
- Abandon part of Amendment C109 as per **Attachment 2** to this report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

1. *Split Amendment C109 into two parts, being:*
 - a. *Part 1) All parts of the exhibited Amendment - except the proposed deletion of Schedule 1 to the Environmental Significance Overlay (ESO1) from the residential areas in Golden Beach, Paradise Beach and the Honeysuckles (as per Attachment 1).*
 - b. *Part 2) Proposed deletion of Schedule 1 to the Environmental Significance Overlay (ESO1) from the residential areas in Golden Beach, Paradise Beach and the Honeysuckles (as per Attachment 2).*
2. *Adopt Amendment C109 Part 1 in accordance with Section 29 of the Planning and Environment Act 1987 (as per Attachment 1).*
3. *Submit Amendment C109 Part 1 to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act 1987 (as per Attachment 1).*
4. *Abandon Amendment C109 Part 2 in accordance with Section 28 of the Planning and Environment Act 1987 (as per Attachment 2) for the reasons outlined in the report.*

COUNCILLOR MAHER / COUNCILLOR TATTERSON

That Council:

1. *Split Amendment C109 into two parts, being:*
 - a. *Part 1) All parts of the exhibited Amendment - except the proposed deletion of Schedule 1 to the Environmental Significance Overlay (ESO1) from the residential areas in Golden Beach, Paradise Beach and the Honeysuckles (as per Attachment 1).*

- b. Part 2) Proposed deletion of Schedule 1 to the Environmental Significance Overlay (ESO1) from the residential areas in Golden Beach, Paradise Beach and the Honeysuckles (as per Attachment 2).***
- 2. Adopt Amendment C109 Part 1 in accordance with Section 29 of the Planning and Environment Act 1987 (as per Attachment 1).***
 - 3. Submit Amendment C109 Part 1 to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act 1987 (as per Attachment 1).***
 - 4. Abandon Amendment C109 Part 2 in accordance with Section 28 of the Planning and Environment Act 1987 (as per Attachment 2) for the reasons outlined in the report.***

CARRIED

13. 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 –

MICHELLE BODDY, PRESIDENT OF THE YARRAM AGRICULTURAL SOCIETY:

wanted to make Council aware of an issue relating to the Yarram Show on 19 November 2022. The Yarram Recreation Reserve Committee have arranged for the installation of an irrigation system on one of the ovals used by the horse events for the duration of the show, with the works to occur during the show period. Even with the potential for works to be completed prior to the commencement of the show, the ground may remain soft or uneven creating a risk to riders and users of the oval. The Yarram Agricultural Society have requested that the works be postponed until after the show to allow full use of the grounds safely.

The CEO acknowledged Ms Boddy's concerns and noted that a report will be provided back to Council after the various user groups meet this evening.

FURTHER GALLERY COMMENTS - NIL

Meeting declared closed at: 3:25pm

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

14. 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.