

# COUNCIL MEETING AGENDA ORDINARY MEETING

Meeting to be held at

Wellington Centre – Wellington Room

Foster Street, Sale and via MS Teams

Tuesday 5 March 2024, commencing at 5:00 PM

or join Wellington on the Web: www.wellington.vic.gov.au

# COUNCIL MEETING AGENDA ORDINARY MEETING 5 March 2024



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### **COUNCIL MEETING INFORMATION**

Members of the Public Gallery should note that the Council records and publishes Council meetings via YouTube to enhance the accessibility of Council meetings to the broader Wellington community. These recordings are also archived and may be published on Council's Website for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, members of the gallery may address the Council at which time their image, comments or submissions will be recorded.

Members of the public who are not in attendance at the Council meeting but who wish to communicate with the Council via the online webform should lodge their questions or comments early in the meeting to ensure that their submissions can be dealt with at the end of the meeting.

Please could gallery visitors, Councillors and invited online attendees ensure that mobile phones and other electronic devices are turned off or in silent mode for the duration of the meeting.

### **MISSION STATEMENT**

Working together to make a difference. We listen and lead to provide quality services that improve life for all.

### ACKNOWLEDGEMENT OF COUNTRY

"Wellington Shire Council acknowledges our offices are located on the traditional lands of the Gunaikurnai nation. We pay our deep respects to their Elders past, present and future and acknowledge their ongoing cultural and spiritual connections to their land and waters."

### 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

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

### **PURPOSE**

To adopt the minutes of the Ordinary Council Meeting of 20 February 2024.

### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 20 February 2024.

#### **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

### 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

### 6. NOTICE/S OF MOTION

### 7. RECEIVING OF PETITION OR JOINT LETTERS

### 7.1. OUTSTANDING PETITIONS

### **ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
Cobains Feedlots	21 November 2023	Council has been in contact with the landowner and head petitioner. The recommendation is that the petition is now resolved.	General Manager Development
Seventh Ave	6 February 2024	The Built and Natural Environment Division have prepared a response to be tabled at this Council Meeting.	General Manager Built & Environment

### 7.2. RECEIPT OF PETITION: YARRAM SWIMMING POOL

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES** 

#### **PURPOSE**

To present Council with a petition regarding the Yarram Swimming Pool.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

That Council receive the attached petition regarding extending the opening season at the Yarram Swimming Pool beyond 11 March 2024 and refer it to the General Manager Community & Culture for a report to a future Council Meeting.

#### **BACKGROUND**

This petition advocates for extending the operational season of the Yarram Swimming Pool beyond 11 March 2024.

The petition notes the moderately average temperatures over the recent summer and that prolonging the availability of the pool will contribute to the improved health and wellbeing of residents.

In addition to the signed petition that includes hundreds of signatures, the head petitioner has provided further supporting material, including an explanatory letter, online petition, letters of community support and photos indicating the lack of signage for the pool.

#### **ATTACHMENTS**

- 1. Yarram swimming pool petition addresses redacted [7.2.1 55 pages]
- 2. Letter to CEO of Wellington Shire Council [7.2.2 3 pages]
- 3. Online petition screenshot [7.2.3 1 page]
- 4. Online petition signatures addresses redacted [7.2.4 3 pages]
- 5. Letters of support redacted [7.2.5 7 pages]
- 6. Letter to Careers Coordinator at Yarram Secondary College [7.2.6 1 page]
- 7. Photo of signage indicating lack of pool signage [7.2.7 1 page]
- 8. Photo of signage indicating condition of pool signage [7.2.8 1 page]
- 9. Newspaper reference [7.2.9 2 pages]

#### **OPTIONS**

Council has the following options:

- 1. Receive the attached petition regarding the Yarram Swimming Pool and refer it to the General Manager Community & Culture for a report to a future Council Meeting; or
- 2. Receive the attached petition regarding the Yarram Swimming Pool and refer it to the General Manager Community & Culture for consideration and response.

### **PROPOSAL**

That Council receive the attached petition regarding the Yarram Swimming Pool and refer it to the General Manager Community & Culture for a report to a future Council Meeting.

Purpose of the Petition: Extending the Pool Opening Season

This petition aims to advocate for extending the opening season beyond 11th March 2024. Considering the noderately average summer temperatures, we believe that prolonging the availability of the pool would not only enhance community enjoyment but also contribute to the health and well-being of our residents.

This will be submitted to the council on February 29th 2024.

and Michelle Smith

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Head Petitioners: Debra Eldrido	ge and Michelle Sm	nith
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Matt Wilkinson	Alberton	Mul
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Full Name	Address	Signature
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Full Name	Address	Signature
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Full Name	Address	Signature
Emma M'Carmack	Staceup Bridge	Ellament.
Jo Nunn	Port Albert	Goster ANum
Michaela Anderson	Yarram	notheleser.
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Jess Mulroy	Hunterston	of may
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Chelsea Earles	Yavram	WW.
Tona Rouden	Karon	exp
Monique Derbyshire	Yarram	Chy
Mikayla Hallam	Yarram	Mohamila
Olivia Boughton	Jack River	Boughton
Doma Vollner	Davon North	Mm
Lily Laurence	Woodside	& Laurence
Casey Davell	Won Wron	C.Dowell
Caroline Punton	Woodside North	CA
Tori Lubrace	Yarram	6
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ROB LEWIS	YARRAM	12 30
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and Michelle Smith

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Full Name	Address	Signature
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D/ MILLEY	Woodside BEACH	1/12

#### **ATTACHMENT 7.2.1**

### WELLINGTON SHIRE COUNCIL YARRAM SWIMMING POOL PETITION

Purpose of the Petition: Extending the Pool Opening Season

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***************************************	DOBally -
PORT ALBERT	O-lip-
Yak	pun A Galindine
PORTAL	GORT John.
MARIO	1/1
	don
1	Lyndon Greggon
TARA	AM C MORSA
Youram	
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Y yorum	M.H. RULL
WON WRON.	Essistaly
Jaeron (	Me)
Jarrani	11/1
Youram	Sincera descu
Jola-	Lung hard
	Jarran  Jarran  Varan  Varan

Purpose of the Petition: Extending the Pool Opening Season

This petition aims to advocate for extending the opening season beyond 11th March 2024. Considering the noderately average summer temperatures, we believe that prolonging the availability of the pool would not only enhance community enjoyment but also contribute to the health and well-being of our residents.

This will be submitted to the council on February 29th 2024.

Head Petitioners: Debra Eldridge

Full Name	Address	Signature
Kathy Cragan	Welshpool	& Ceager.
6. Shirtes.	Took	a Kyrn
Chloe Avery-Spoot	Hedley	My Dry- Lil
Brittany Benson	Port welsh pool	B. Belnson
CASEAUDRA D'BRIEN	ALBERTON	aspier.
Read Smith	Was wron.	MAS
Ray Young	Nalu Yarram	King
CHARGE PURENS	Youraus	2/34
s. Lockett.	Yarram.	S. Macpetto.
N. BROADY	Yarram	NBrag)
Jeny Price	Manns.	A /
ANDREW FLEINER	WOX WIOX	NO STATE OF THE PROPERTY OF TH
Lil Targett	Jack River	IN Jergott
Ryan Schneider	Hedley	RS
Stevie Lee Gowing	i James	rem HALL
Sull-n	JAN MM	Acle
DAVID MUSGROUE	MANN'S BEACH	Deflique
Rohan Coulthon	d Yarram	Rem
PARREN NELSON	TEVON NORTH	THE STATE OF THE S
ROSALIE NECSON	DEVON NORM	R. Nepon
ROBBIE MOORE	Manns Breach	affer.

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Head Petitioners: Debra Eldridge and Michelle Smith

Full Name	Address	Signature
Deb Eldridge	larran	Delades
1 1 1	port albert	Jul.
Broth Harrington	von wron	Rat
Br Brigger	Yerroun	1
Garia isatahda	Cros mandale	MI
Brewson Bore	THERAVIUE	MIL
Glenda Amos	Gran	Glerda A.
JEFFREY Amos	pream	April Spice
KRISTY AMOS	YARRAM	MA
John Winter	larram	& Wint
CAROLINE KAMBER	Yarram	leson.
Darcy-let Lamb	Yarram	1000
MARTIN DALY		the define
EDDY M'DONAGE	Enternation	polifical
GEOFT NEILSON		4 Ne
Jessica Banik		Jest Barin
Kara Askew	yowam	Jana Jakon
Brylee Angwin	Foster	Bycelfquir
Kathleen Jackson	Gren	(A)
Charla Smith	Parada	IA S
Chris Smith	PortA	What Os



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Head Petitioners: Debra Eldride	and Michelle Si	mith
Full Name	Address	Signatu

Full Name		Signature
	Address	2/2
Ebony Campbell	Tarraville	W.
Helen Feng	\$ Aot Allet	09
Mi drelle Newshan	Despy Worth	Mont
Mahli Harding	Carrajung South	Attite
Sarah Mumford	L'on Wron	1-01
Lyn Walpake	Washinde	Political
hyn deft	Won Wron.	Loter
An Denely	Yarram	Mary Be
Ud Maria Beagley	Yavvan	L-Skler
Helen Bound	Albertan Wer	for winte
Rose Maree Vine	Jarram It	OHA)
NV 2	for auseit	Collins Ca
Pat Hobson	Devan No	Con Co
Kristi Barday	woods de	DA
Sharon Garland	YARRAM	College
Lyss GozaGA-	MARRADAM	en
K.A. Scott	Alferior .	2:
Laye Acford.	Yarran	TO THE TO
Home landy	P. Hoet	1 1
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Full Name	Address	Signature
Sue Bland	Yamam	Bard
Hayden Turner	yorran	75
Keny Turner	Yarran	k Turre
KEVIN MACKIH	YACRAM	10 mg
COLIN WATFORD	YARRAM	Goh I Whofath
PETA Whether	Yarran	Tota Whatas
Sunda Weelt	Varyan	Phon
ANN KAY.	BINGINW MERCY VIDYAGE	2 M. Ohn La
Betty Cocksedge	Yaman	B. Cocksedge
Barbara Laung	Hanam	Blowns
Buth They >	yarram	F. R. Shey
Wanda Shay	Javan	uzhay'
Elsa. Tiffs	Yavram	Isa h Iff
Frank Baggaley	Yasvan	Bash
Vale Baggaloy	YARRAM	13. A-Bougas
TACQUI LEE	TARRAM	Jacyleigher
BRIAN WEE	PARROM	Homaschel
Tom REAKES	YARRAM	and whi
Pareire Handley	Alberton	4
KERRY ANDERSON	YARRAM	2. Brolese
Rob Eppelstan	Woodside	<b>P</b>

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Full Name	Address	A Signature /
Sam Burton aread		The sale
Frona Davies	Yanou	Reparts
INDA AUSTIN		
ARRISON AUSTR	MIRBOONORM	Hastin
EVIN HERGEN	BINGINNADE	FWA
MARG O'NEIL	YAK	Ran ma Ore
Eric Green away		4 / Freeze
I main!	Ym	p - /
. Nieuwenhurzen		Then
GILIBERTO	Yarran	2 Curbarto
1. GILIBERTO		
2. House		Carl Down
A. Palmer	Tanavil	0
J. Brown	Tyalds	The
R. Long		NIL
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ANDI DAVIE	Alberton	JA
Darren Dave	6-	The

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Mathew Carland

Full Name	Address	Signature
STEPMEN	YARRAM	Sylven
adran		All S
dout	I mist am	TO THE
EMILY SPALDING	YAR	earn TS
Mana Moore	Yan.	am Mean
Ry Clinney	manns beach	16/
ESME KASH,	1190	May Edma Ralph
Joana Crawfad	Yourram.	fercopies,
DO Colloglo		( De special y/e
Like watson		/ del
Shallhouse	Alberten.	TB /
Tim DUNK-OV	YARRAM.	Don'
idy & Dunn	Wonnron	Box .
Sacquelyn Woods	Yarvam	300
Linda Bowdon	Yarram	& Borde
Raphel Botta	Yarram,	Bost.
Their FOND FOR	DEVIN NORTH	My
UZABETH BRINKER-EIZH	yearan	16874
A. Arkinson	Janay	Que
1 SKO tokov 1211	Yorram	1 Alba

#### **ATTACHMENT 7.2.1**

## WELLINGTON SHIRE COUNCIL YARRAM SWIMMING POOL PETITION

Purpose of the Petition: Extending the Pool Opening Season

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Head Petitioners: Debra Eldridge

Full Name	Address	87gnature,
PERER RENDELL	Asserton	John Hellell
ROZ BOTTM	Yarran	1-00-
Kristen Bedford	Won Wron	Ascell
Janel Ellison	McLoughlins Beach	Jarel Ellis
Chaules Martin	fave	le
MARGARET PROUB.	YARRAM-	MPUL-
KERRI STONE	HARRAM	Blow
Lindel Toundini	McLoughlins Beach	John "
chelsea ryan	YOURAM	Col.
Risa Hirata	carrajung Lower	200
Will Pearson	Erram	wen
CROC BUTTER	TAKRAM	
ADRIAN TILLET	YANNAM	An in
ANGIE GUTOWSKI	Gerran	attale
Sam Conrou	, YARR	AN Skyr
EMMA BALT	۲,	EROUT (
MATT KEMR	ll c	M. Keng
Sophie MccAday	Albert	on Schilally
Jessica Wona	Albertan	Junea Ban
JACKIE Schole idea	Alberton	Habridee
SCOTT KERR		4/1//

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Head Petitioners: Debra Eldridge	and Michelle Smith	
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Full Name	Address	Signature
Phymix Milner	yan	an Physiss
Fully Bowen	Yarran	er
BILL WILSON	yarram	26
Jack Peavey	youram	Lempson
· Dustin Riley	Yaran	no
Tahlia DiDio	yarram	+0
bailey unthank	yarram.	barr
Wosef Von Wilson	yarrambat	1
HUGH Jaenous	garreem	400
Matthew Gusan	Jarram	
yen Luc	yarram	M
BLAKE STONE	GARRAM	PS .
Perker Bowlin	Samun	PKG
Pale Gooper	yarram	OGOPOIAL
de Indet	garraville	Mult
Saul Figzenmons	(ARRaille	
Costing Drayes	Jack River	Cos
Anno Dunkley	70	Aruna
SUE JONES		of Rive & Jours
LIN WHITFORD	YARRAM-YARRAM	
Chris Rendell	Albertan	1 Rudle

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and Michelle Smith

Full Name	Address	Signature
SMN LEESON	TANAN	Afor
GARRY HUSTWAYTE		950
RAY WALKA		Molloll
Ebboy Goiffiths		
Michael Gregor		Mila gla
Tank June D	ABERTON	
Emily Smin	Sing !	Europet
Nigel Show		Missh
MARION SHAW		mang /
JEREMY BABB	- XARRAM	X-DH
JEMMA MILLIER	YARRAM	Je-M
Hanna Cleary	Devoi	
MORGAN CLEARLY	Deve	NORTH G
Hayden Hanrotty	Altero	ton to
Katlyn Sykes	Yarrai	1 Klypes
Jahantha Tons	Torres	Mars
Shona	Woodside	8hm2+
Emerald	Won Wron	lan
Evie Collins	Yarram	Eldri

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Full Name	Address	Signature
HOUTHER SMITH	· Varram	4 m & milk
DAUC NEW MAN	Parc	x 1/2
tany number	YARRAM	J. Sh
B Color	yarran	Tayley,
S. Campbell	Tarraville	
BELLBECK	ROBENSONS BEACH	D'Sech
	tarram	Ch,
Kelly Treiter.	Pot Albert.	Kallea
DOBBIE TAKOBON	HEDLEY	allie Subson
Elisha Janson	Dewon North	eef.
meliosa Dule	Marsam	mics
Samonthe LEACH	DEVON NORTH	84
Jeones Allen	garreen	Aufer
GEOTF BOYD	FOSTER	Terbugh
JASON JOHNSON	YALRAM	1 Km
PAUL ESLER	YARRAM	Veal Co
PETER ELLOH.	YARRAM	fr.
Rodere Whike	Foster	an
Debbie Chapman	welshpool	Q
MURLAY RICH	WOODS, DK	4
Nat Banker	yarram	DES-

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and Michelle Smith

Full Name	Address	Signature
Yvorne Hogen	Pad Alhad	JA.
houise Jones	Devon North	Au .
Kate Willier	Yanoan	Than
Maureen Yettigrew	Emaile	m Harry
historyo CHEISTISON	Green (	griotish
Tenny leggett	Savan	Togset
Jallie Dong	elberonwa	430
Brandon Pitt	woodside	Car
Elaine Waltins	Woodside	Evalat
Suzanne Greening	Calrossie	el 1
Many bush	Youray.	
Marg Barlow	Jack Rwer	NeBartons
Noia clifford	Yarram	Whelful
geon Eaten	Alberten	
ROD MCLEAU	MACKS CREEK	difference of
Theresa Selega	Alberton	dele
Lorelle ASKEW	Yarram	Lanelle 175 Kell
Gooff Parston	Yarram	Don.
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Head Petitioners: Debra Eldrid	ge and Michelle	Smith
Full Name	Address	Signatu

Teigan Brown	east fever been.
Benjamin Ferguson	east Byara Rysa
Trudi Henderson	doesdor
Colleen madeley	yours established
tangh madeley	yarram Sax 13
DARBELL SMITH	PORT ALTERS D. Sof
COLLIN KIRILPATIRICI	Por testar c-leggling
Jenry Smith	Port About January
GAYL SUMMERS	Pr. Direct Sup of
LOBREY Smokes	ALAISET DOS
Steve Rainer	PHOPland St A
Ju Rym	- Pour Acider Son Keep
Jon Wickham	Japan Tan
Green Payce	favor flye
BRIAN CAMPOEU	'YARRAM
P. A. KIELY	YHRRAM TA
NEW SEREMINA	- Mest
KEN WOOSWORTY	Antibalogues
Hannah Maciol	YARRAM Handhald.
Kyon Smith	ynaran H
NOI PACIES	Yacam M. Doorcox

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Head Petitioners: Debra Eldridge and Michelle Smith

Full Name	Address	Signature
Shane Come,	Toora	State
Anthony Vijnall	Port Moert	- A
Lorrance Coles	ARRAN	46
Bur Wugan	Garran	100
Vanessa OHalloran	Robertons Beach	-AMH
Soe O'Halloran	11	10000
Jenny Ashdaun	Port All	det Holdon
Bob Ashelown	11	
MICHAEL DAVIDS	UN ROBERSONS BRACH	Albura
JESSICA MEAKER	ALBERTON	Jellon Dar
Darren Dunne	Varram	all leses
MARK LEDWIDGE	yannam	Med chers
Rob Lindsay	Mt Marthy	Rhon
DOUG TATION	TYABR	te
ROB MG Plat	PAHERSON LONGS	pry
Nich Burgesa	pearcedale	15
James Flory	Alberton	Los
Court	Alverton	1 punge
ALLAN WILKINSON		13 cas
Billy VANNES		13 cas
James Dempsey		got you

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Head Petitioners: Debra Eldridge	and Michelle Smith (	
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Full Name	Address	Signature
Alliva Gittins	Grant	datting
Stephen Bagiley		SM
Jackie Winter	Yarram	JA. Winhe
Nonchez Pooke	Albanon	W. M. har
MARK DOERRE	BUCKLEYS ISLAND	Man The
5050	buckless Island	Losof
LISA	Welshpool	Alleh
Roule montins	YARRAM	Poulo Rmafino
Showe Arthur	YARRAM	
Brianna Hennig	Yarram	L Stepping,
To Synnoff	Yarram .	Dett .
Tabetha Green	Yarram	Moser
Marie O'Brien	YARRA M	MA O'Buen
Mandy Cook.	Burginwarri	Meg /
Be Linda Machirell	AlbeAon ,	Block
STEPHEN BELL	YARRAM	Stephen Bell
ATAM MODIE	7ADRAM	- Hede
AVANOS GARDE	YARLAM	MARY
K STAIT	PORT ALBERT	Posts
D. Boace	YARRAM	The second second
J. Campord.	Yarram	Super

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Full Name	Address	Signature
ROB LEWIS	reach	Mill is
KARL BOND	LOODSIDE BOOK 3874	168
IM Huants.	, Willing Sth	by har
Tour CILIAN	Winch	ani
Sunon Brown	willing	95
Nirde Bonkn	Yaram	<b>B</b>
Danielle O veill	ON	IA
Thomas Hayres	er er	
Maggie Burdet	YARRAM	M. Burdett
Kylie Youens	Albert	1
ANGE YOUENS	AL	BERTON BY
Crace Hester	YARRAM	alt
HELEN HESTER	YARRAM	MA
Many Mc Ruman	Deson Nh	of mykan
SUSAN HUNT		dun
Linda moss	Yavan	Julies.
PATER KEE	Y +RRH	Mees
Manika Trew	Won Wron	M
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Divickell-Davies	Alberton West	Sperial
) Deserris	Hedley	-

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Full <del>Na</del> me	Address /	Signature
Jeen Danney	J-RU	
NICK BOWDEN!	HYLAND Hally	Nother C
Nick Oran	Yarran'	
Vaniel Wood	Yacram	How' Und
Dulcie Barlow	Yarram	alle Ball
Denise Symington	1 garan	allynge
Jasmine Arnol	Yarram Vic 3971	Jamine Arnol.
Vlia Hall	Jarram Vic 3971	THE STATE OF THE S
Jessice Franke	Yayam	AM MI
Joel Morches;	Port Albert	Suffell !
Luke Wattson	Yarram	Chi.
Sarah Codes	Jarrum	5
Scott Ritehre	12/1	
Ken much	A War	sen mind
Paige Ection	Stavinel	1) all
Tanintie Samuel	Mberton West	V
SADE CARLSON.	HILLOS LANE	
Kelly Harding	carraluncy	Lelly
Broth PuVé	green mount	Brock DuVE

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Full Name	Address	Signature
Gaylekee	PT Albert	l Pi Re
Diane Foat	Woodsido Beach	Root
GRAEME BARLOW	YARRAM	Grand Ral
Abbey cooks	Yarram	Hocces
Jake Morgan	Alberton	My
Jayden Morgan	Aberton	40-
Jaxon Morgan	Alberton	
Inthony June	(crram)	· miles
Carley Galt	Yarram	Carchart.
SueWayah	Yarram	AND
Floria Cartwrighy	Strays Bridge	RC.
Sunday Oyobayo	Harram 5	Sanday e
	Haylield (	
Andew Cook	Devon North	17
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Full Name	Address	Signature
Rebecca Campbell	f A	Rabbels.
histin Gerbing	Yano	1 Lycal
Lee Garrett	Youthan	Le Car
JADE CARLSON		Holl.
Covina Puvyy.	Yawlan	My
Dorah Lish	Yaram	ODS (W)
MARK LEUROSPIEL	H ETULY	hif
Sherrin Nightingak	Robertson	sBeh Lallyone
Court Feed.	the ste	
Mary Hoban	Rellon	tred It offler.
Victorial Watson	Bu ginwari	Wille
Narelle Lucas		will,
wady "Acharotion	McGyhlvB	
Darlin Piddington	garran	M.
NATHAN "		MD
Kylie Snape	Blackwerry.	X8h
MANK WOUTERS	BINGINWARRI	40
J. Crawford	yarram.	Standard
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GRACE Coon	Deva Nat	A co

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\ Fu[l₁Name	Address	Signanlire
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LINDI ( QUETHARD	Yarram.	& Couldhard
PAT RICE	ALBERTO	Panes
M MASON		coll
Anno Taroh	Pt. Albert	A. Ind
Will Southwell	Pt Albert	Wiles
T. Sheply	McLoughens	JAY J
L. DANKETEND	YD RASEN	
K. Makenze	Yarrem	Helito
M. Ringer	42mom	
C. (olla()	prom	citates
1 By Gar	Meloughlins	49
Greg Lebloo	Devon north	GLOBIO
Chris LeBlanc	Devon north	CLOB
Jenny Legget	Lerran	Tagat
Jim Loggett	yarran	allen.
Anne Watt	Yarram	A-M-Wath
LINDRAY Watt	Yarram	2.N. Wath
NEIL VARBY	DEVON NTH	A
LOU COAD	DEVON NT4	X
Will Cook	00	m

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Full Name	Address	Signature
Gavin Hill	1 Part-Albe	of GMM
ANS DUNKER	'YERRAM	a. During
Jen Nickell	FrALBER	79/
GRAHAME SWIFT		C. Swift
Melinda Neist		o/d/es
Jacke Ballruschartis	Lorsa	n Alber
Aloby Pettitt	Yavar	A A
Thorette	1	the
Denty Augus		
Andy Mikang		abug
Stace Staky.	Yarian	Do cee Day,
MAS RITEAUR	ABERT	tille
John Mary Miles	- 20 - 30 - 1	Jan
Evin Malwell	, YARRAM	Ely Sta
Anne Carthress	Joren	CAL
JACKE EAGLE	Maria	Lagle.
Elynda Bakar	Tarraule	C. SCOCON
Frank Krice B	A BERTU	14010
CAPRING FISHCROP		Colon
1+11 +1H)	DENON NORTH	100
ZACH COOK	u u	ZalyCos

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Full Name	Address	Signature
Kaijn Cox		How Ween Kay
Robin Tons	A. Q	Detake.
Charle Ruguent	Yarram	ac
Jayle Michenziers	ell welshpool	Wee
confire by nos	Hedley	OPRACO.
JAMES HETFIELD	BINGINWARDEI (	DP
DEADUR CAPES	YAKKA!	Douthe 33
Dulcie Barrow	Yanam	Rulcebeller
Sisan Dustr	YAPRIN	Sulfoto
Doreen Miline	Yorram	<b>A</b>
Jennifer Ellmers	Manns Beach	Ze
Navy ellmers	Manns beach	99
Lincoln elimers	Mannsk beach	The state of the s
LORI Gregson	Yarram	dsh
E-POILDORE	1 nrrám	erpone
Sobel ganson	Devon North	Ledd.
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Gary Jones	Yarram	Coh
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16th February 2024

Mr David Morcom

CEO, Wellington Shire Council

#### Dear Mr Morcom

Thankyou for taking the time to table my Yarram Pool Petition at your council meeting.

I started this petition because I have osteo arthritis in my knee and was recommended aquatic exercise by my local Doctor & Physiotherapist and was surprised to learn that a "season" is only 4 months.

Having spoken to other community members who attend the pool's gentle exercise group, we all have aches and pains we need to live with, but try to manage with gentle exercise. We enjoy catching up regularly while exercising.

#### The pool has many benefits:-

- It's a low cost activity for families to enjoy
- It brings the older community members out for socialisation
- It is fantastic for one's mental health/weight loss journey/rehabilitation
- It gives kids and adults confidence in the water so they don't panic when visiting our treacherous 90 mile beach & Wilsons Prom beaches.
- The pool is Yarram's only entertainment venue and gives the locals something to do.
- The Rotary Club of Yarram tirelessly fundraised for many years in order to get the pool roof project started.
- The Hyland Hwy to Traralgon is treacherous to drive on and many older community members simply won't drive there. It is also a 110km round trip. Sale Pool is currently undergoing major renovations until 2025.
- Keeps people employed longer.
- Our summer temperatures have been low, our area has had 3 floods within 35 days and constant interruptions to power outages have all been a major factor of our pool being closed. We recently went 5 days without power/fuel/phone coverage in Yarram.

#### The main criticisim I am receiving is:-

- Why does Yarram need to rely on the 25 degree Sale trigger in order to open our pool? The pool is fully enclosed and heated so why does it matter what the weather temperature is outside?
- The local community never know when the pool is open! There is no signage along Commercial Road Yarram or Bland Street or even on the building itself.
- If you google Yarram pool opening times it takes you to Wellington Shire Council and states the date with a TBA next to it!!

 Why did the Wellington Shire spend \$771,000 on the roof and heating project for the pool to be left idle for 8 months of the year. Your Media Release stated that the kids could hold birthday parties at the venue and you would run water aerobics classes for us. No of which has occurred.

I feel the main concern is the lack of local lifeguards now that the current ones have returned to school and university. So why aren't we training more locals instead of sourcing lifeguards from Melbourne, Heyfield, Traralgon, Loch and Sale. I believe only 3 lifeguards are local to Yarram and they have returned to school or moved away for full-time employment.

Can we sponsor or apply for a Grant in order to train locals, both teenagers/retirees/stay home parents?. I believe a lifeguard requires a First Aid Certificate, CPR training, a half day online module and a 2 day course at either Sale or Traralgon pool. You can get more information at Lifesaving Victoria's website. I have also emailed the Careers Coordinator at the Yarram Secondary College about this.

During this petition, I have received many letters of support from The Rotary Club of Yarram, local Doctors & Physiotherapists, the Yarram & District Progress Association, Cr Marcus McKenzie, Pilates instructor, and the Surf Lifesaving Club.

The petition has received well over 1000 signatures – consisting of both online and paper - and we have also been featured in the local paper – The Bridge local newspaper – Edition 92 on Wednesday 7<sup>th</sup> February.

Michelle who is also assisting with this petition, started attending the pool to improve her confidence in the water and she believes she has improved considerably and potentially can save her life now if she was to get into trouble. That confidence alone speaks volumes and we are mindful that other Adults within our community who are not confident in swimming, therefore avoid swimming activities who are missing out on the facilities the pool offers.

As the weather temperature seems to be improving and Easter is earlier this year, 29<sup>th</sup> March to 1<sup>st</sup> April, can we please request for an extension to the end of May at a minimum. As the Tarra Festival is run over a busy 4 day Easter weekend, we could potentially have up to 9000 visitors to the area and it would be great to hold a pool party or Easter Egg hunt as part of the celebrations.

We understand that extra costs are involved to keep the pool open and maintained, but to have it sit idle for 8 months is ridiculous and not cost affective at all.

You mention that attendances and memberships are low, this is because families do not want to waste their money when they don't have consistent opening hours (trigger factor)!!

We also believe the Aqua Energy facebook page which updates the pool's opening times at 4pm daily, does not reach the local community. Only now do they advise us that

there is a gentle exercise group on certain days of the week. I have been sharing Aqua Energy's facebook post to our local community page daily.

Has the Shire considered having a private management group run the facility instead of the Shire? Can we change the classification from an Outdoor pool to Heated Pool?

It is our intention to make these changes for the greater good of our community.

We thank you for your consideration and we look forward to hearing from you.

Regards,

Deb Eldridge

Michelle Smith

12:59

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#### ■ www.change.org

Petition details

Comments



# YARRAM SWIMMING POOL - EXTEND HOURS OF OPERATION

Started 27 January 2024

345 500

Signatures Next goal

**圏** Support now

Sign this petition

Why this petition matters

9:46



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31 January 2024

The Mayor Cr Ian Bye Wellington Shire Council PO BOX 506 Sale VIC 3850

Re: Yarram Swimming Pool Opening Hours

Dear Cr Bye

As you know, the Rotary Club of Yarram has been intrinsically connected with the Yarram Swimming Pool for many years. We count the initial building and the more recent 'warmer pool' improvements amongst the benefits our Club, with the support of Wellington Shire Council, has brought to this part of the Shire.

The purpose of this letter is to lend our full support to the community-driven petition advocating for an extension to the operational season for the Yarram Swimming Pool beyond 11 March 2024. Considering the moderately average summer temperatures, we believe that prolonging the availability of the pool will not only enhance community enjoyment but also contribute to the health and wellbeing if our residents.

There are a number of key factors worthy of Council consideration regarding the Yarram Pool operating hours:

- In recent years we are seeing a trend towards warmer months in February, March and April
- The temporary closure of the Sale pool limits resident's access to swimming facilities
- A round trip to Traralgon pool from Yarram is 128km. At the current ATO mileage rate, the cost of a trip to the pool is \$109 (plus 1 ½ hours travel time)
- Community support for the Pool is increasing as demonstrated by the strong response to a call out for the petition

Thank you and the Shire Council for the continued support of the Yarram Swimming Pool project. The Rotary Club of Yarram is committed to continuing the development of this important local infrastructure and is pleased to be able to support the community drive for extended operational hours.

Yours sincerely

Muhannad Al-ani Dr Alan Al-ani President

> THE ROTARY CLUB OF YARRAM INC P.O. Box 93, Yarram, Victoria 3971 admin@yarramrotary.org.au



### **Yarram and District Progress Association**

ABN 90 740 955 327 Incorporated Association No. A0033053G

1st February 2024

To whom it may concern,

#### Letter of Support - Yarram Swimming Pool - Request for Signage

Please accept this letter of support and encouragement for the relevant authority to consider street signage to highlight the existence of, and direct people to, the Yarram Swimming Pool, located in the Yarram Memorial Park, 340 Commercial Road, Yarram, VIC 3971.

The Yarram Swimming Pool has recently undergone a significant upgrade to construct a fixed roof and removable side walls surrounding the swimming pool, in order to maintain the heated pool temperature. This has been considered an extremely positive upgrade by a large number of Yarram and District community members. We congratulate all involved in this positive development.

However, it has been noted by our community that there is no street signage on Commercial Road, nor Grant Street, to direct people to the swimming pool. This means that new locals to the area and visitors alike may simply be unaware that the swimming pool exists. It also may present a difficulty for people to locate the swimming pool.

We urge the relevant authorities to consider erecting signage on both Commercial Road and Grant Street in Yarram to direct community members and visitors to the Yarram Swimming Pool. This would no doubt result in greater visitor numbers making the most of this recently upgraded town asset.

If there is anything we can do to further support this request, please don't hesitate to contact me via email at <a href="mailto:gutsofgippsland@gmail.com">gutsofgippsland@gmail.com</a>

Yours sincerely

Emily Spalding President

Yarram & District Progress Association

www.gutsofgippsland.com





# **Yarram and District Progress Association**

ABN 90 740 955 327 Incorporated Association No. A0033053G

1st February 2024

To whom it may concern,

### Letter of Support - Yarram Swimming Pool - Extended Season

Please accept this letter of support and encouragement for the relevant authority to consider an extension to the current season for the Yarram Swimming Pool, located in the Yarram Memorial Park, 340 Commercial Road, Yarram, VIC 3971.

The Yarram Swimming Pool has recently undergone a significant upgrade to construct a fixed roof and removable side walls surrounding the swimming pool, in order to maintain the heated pool temperature. This has been considered an extremely positive upgrade by a large number of Yarram and District community members. We congratulate all involved in this positive development.

However, the challenge many of our local people now face is that the swimming pool is only open for a limited season and operating hours within the existing season are limited by temperature forecasts from Sale. This is the cause of much confusion for the public, and a reluctance to visit the pool given the uncertainty around whether the pool will be open to the public or not.

We urge the relevant authorities to consider an extension to the current season, and to provide more clarity around the pool operating days and times, so that our local community can make the most of this upgraded facility. As we are all aware, the positive impacts for general health and wellbeing which stem from being outdoors, exercising, and connecting with friends and family, is well documented. Therefore, we view the extended swimming pool season as being a win for the health and wellbeing of our community, as well as utilising the upgraded swimming pool facilities to their fullest potential. It seems a great waste to do anything other than use the swimming pool to its maximum value.

If there is anything we can do to further support this request, please don't hesitate to contact me via email at <a href="mailto:gutsofgippsland@gmail.com">gutsofgippsland@gmail.com</a>

Yours sincerely

Emily Spalding President

Yarram & District Progress Association

www.gutsofgippsland.com

1/243 Commercial Rd, Yarram VIC 3971







Enquiries to:

Physiotherapy

Telephone:

1800 934 722

Facsimile:

(03) 5182 6081

Date: 09/02/2024

To Whom It May Concern,

I am Anna Dolor. Physiotherapist at YDHS and I am writing this letter to provide information regarding ongoing physio session with me at YDHS.

Ms. Debra has an ongoing physiotherapy session at YDHS for management of her Left knee osteoarthritis and weight management, her first visit was on the 16th of May 2023 and had 13 sessions already with me. Management consists of the following:

- 1. Soft tissues massage of Left knee, Left quadriceps, L lateral thigh for pain relief.
- 2. L quadriceps, Hamstring and VMO settings for 6count 10repetitions and 1 set each.
- 3. Seated L knee extensions 6counts 10repetitions 1set.

Ms. Debra has been recommended to perform the provided home exercise program for knee management and Pool Exercises/Hydrotherapy was highly recommended as it is proven to be beneficial for her condition as pool exercises decreases joint load, improve pain and increase muscle strength.

Since commencing her physio session, performing her HEP and pool exercises Ms. Debra has been showing improvements, pain has improved and she has been losing weight.

Physio recommended to continue receiving physio sessions, to continue her HEP and her pool exercises as possible.

Physiotherapist

Yarram & District Health Services



### Yarram Medical Centre

85-91 Commercial Road (PO Box 239), Yarram Vic 3971

Phone: 03 5182 0222 Fax: 03 5182 0395 Email: medical.centre@ydhs.com.au

22/01/2024

To The Local Member Danny O'Brien

re: Ms Debra

Dear Sir,

This is to advise and request support for Debra and other patients, trying to lose weight with osteoarthritis.

She has complex medical issues and requires the assistance of continuing to use the pool to help with her journey.

I understand that the Yarram pool is closing in March, and your support to extend that timeframe would be greatly appreciated - not only to Debra but other community members.

Yours faithfully,

Dr Arvind Jhamb

Specialist AHPRA, FRACGP 2014, MBBS 1999

Provider No: 443367ML

Rochelle Carmichael

Pilates Yarram

0419 966 225

Liquidskinau@yahoo.com

REF: In support of Yarram Pool - Extended Operation Hours 2024

DATE: 25th Jan 2024

To whom it may concern,

Recently it came to my attention that there would be great benefit to extending the opening hours of the pool in Yarram, to allow locals to fully utilise the pool and benefits it offers.

For more than three decades, I have dedicated my career to rehabilitation and fitness, contributing my expertise in both Australia and various international settings. Collaborating with physiotherapists and osteopaths, our common practice frequently involved incorporating aquatic movement. Whether through fitness classes, pool-based Pilates, or the therapeutic freedom of swimming and kick-boarding, these water-based exercises provided individuals experiencing physical stress with a unique and low-impact avenue to move their bodies.

The other multitude benefits that swimming and access to a pool offers includes physical, mental and social.

Movement in the water engages various muscle groups, providing a comprehensive and low-impact full-body workout. It improves strength, endurance, and flexibility without putting excessive strain on joints. Regular swimming enhances cardiovascular fitness by promoting heart and lung health. It helps reduce stress, improve circulation, reduce blood pressure, and lower the risk of cardiovascular diseases. It can be great for weight management. Its an effective calorie-burning activity, in a very safe way, as the buoyancy of water reduces the impact on joints, which also makes swimming an ideal exercise for individuals with arthritis, joint pain, or those recovering from injuries.

The social component fosters a sense of community. Whether participating in water aerobics, swim classes, or simply enjoying recreational swimming, it provides opportunities for social interaction and connection for all ages and skill levels.

I believe that it may cost a little extra now, but the benefits in the long term will save everyone (including Wellington Shire) time, money and future health and wellbeing.

Thank you for you time.

Warm regards

Rochelle Carmichael

6:34

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### Yarram Swimming Po...





19th January 2024

Danny O'Brien MP

### Hi Danny

I am requiring your assistance to keep the Yarram Indoor Swimming pool open longer than 11th March as the Wellington Shire website states. In my opinion, it should remain open all year round.

There are several reasons why it should be open:

- I believe it cost \$650,000 to heat and enclose the pool
- The shutdown of the Sale pool until 2025
- The poor road conditions to travel along a dangerous Hyland Hwy to Traralgon
- The local physios refer us to the pool for our health & exercise

Being a 56 year old female with an arthritic knee, I find swimming the only form of exercise I can do without hurting or taking medication for. My knees also stiffen up on long journey's, hence the reason not to travel long distances for exercise. Why should we travel to Toora when we have a perfectly lovely heated swimming pool of our own. I enjoy my time at the pool and have spoken to older community members who also enjoy the pool and go for their own health reasons. We would also love a Water Aerobics instructor to teach classes. I also think the current opening hours on the Yarram pool are ridiculous which are based on the temperature in Sale, not Yarram!

Is the problem the lack of lifeguards? I'm aware several lifeguards travel from Sale & Heyfield to work at the pool. If this is the case, why aren't we sponsoring High School kids to train as lifeguards. This would be beneficial as they remain in town and earn a good salary.

I would love your assistance and thoughts on this and you are more than welcome to call me.

Many thanks

Debra Eldridge

13th February 2024

Ms Jo Darvill

Careers Co Ordinator

Yarram Secondary College

Dear Ms Darvill

You may be aware that I am running a petition to keep the Yarram Indoor Heated Pool open longer and I will be submitting it to the Wellington Shire Council meeting this month.

During my research on the pool, the most common issue is the lack of local Lifeguards to work shifts. The lifeguards are currently travelling from Melbourne, Heyfield, Traralgon, Sale, Loch Sport and Woodside.

So I've had an idea, why don't we get our local kids to train to become lifeguards? We keep them employed locally and they can earn a great wage, ie. \$36 per hour. They would need a current First Aid certificate, CPR training as well as online learning and a practical course held at Sale or Traralgon pool. There is more information about training at Lifesaving Victoria's website.

We could ask for local sponsorship or a grant in order to pay their tuition fees.

As one of the only entertainment venues in Yarram, we need it open for young people and families to enjoy. I would love to hold movie nights there while floating on the water and a fortnightly sausage sizzle to fundraise for local charities and a water aerobics instructor is desperately needed.

I am asking for your support and encouragement to advise the kids to seek this fulfilling career.

Please do not hesitate to contact me if you wish to discuss this further.

Regards,

Deb Sykes (nee Eldridge)

Kaitlyn, Riley & Bella's Mum

Ph: 0412346282

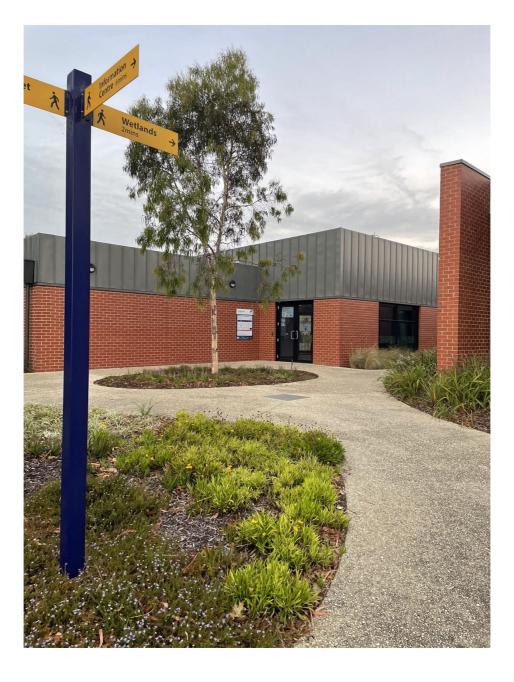
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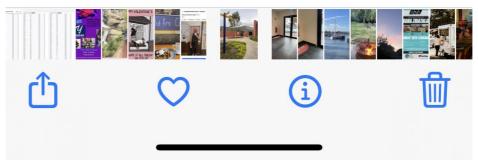
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9 February 6:31 am

**Edit** 







ATTACHMENT 7.2.

Your local news source for Yarram and district

Wednesday, February 7, 2024 Edition 92 - \$2



A PETITION asking Wellington Shire Council to extend the pool open season beyond March 11 has attracted over

"I was disappointed to find out that the pool would close on March 1, I thought the season would go longer now it is heated and covered," Deb said.

Dee Eldridge and Michelle Smith are the head petitioners.

"We were both really surprised when we learnt that the pool would close on March 11, we spoke about what we could do to get the council to extend the season and decided to get up a petition and see what support weg ot, "Deb said.

The support has been overwhelming, with people wanting to see this amazing facility used to its full potential.

Deb has been attending the pool regularly this year for medical reason.

"The pool was recommended to me by my physio to help my arthritic knees," she said.





**Darren Chester** 

**Putting Locals First** 

#lovegippsland



ATIONALS for Gippsland sed by Darren Chester, The National Party of Australia, Level 13, 30 Collins Stre

www.darrenchester.com.au

# Continued from page 1. The open times at Yarram Pool have been contentious for some time and even more so now that more than \$900,000 has been spent on upgrading the pool with an over pool structure with blinds, electric heat pump keeping the water temperature at 29 degrees, new lighting and increased power usage supplemented by photovoltaic (PV) solar cells. Funding for the projects was provided by Wellington Shire Council \$349,000, Federal Government \$300,000, Sport and Recentage of the community. \*\*Pool of the community.\*\* \*\*Pool of the community.\*\* \*\*Pool is just not open often enough," on making the water temperature at 29 degrees, new lighting and increased power usage supplemented by photovoltaic (PV) solar cells. \*\*Funding for the projects was provided by Wellington Shire Council \$349,000, Federal Government \$300,000, Sport and Recentage of the community. \*\*Pool is just not open often enough," on making lessons in Sale because of the closure of Aqua Energy and the extra tradiction to the structure of the pool is just not open often enough," on most said. \*\*Others have pulled their children out.\*\* \*\*We had been going to Sale for so time but decided that to-book her child into Yarram for swim lessons but that in for six weeks, that's not even the community. \*\*We had been going to Sale for so time but decided that to-book her child into Yarram for swim lessons but that in for six weeks, that's not even the community.

ighting and increased power usage supplemented by photovoltaic (PV) solar cells. Funding for the projects was provided by Wellington Shire Council \$349,000, Federal Government \$300,000. Sport and Receasion \$250,000 and Rotary Club of Yarram \$51,000 on behalf of the community. The new warmer pool complex was opened to the public in November 2022. At the time Wellington Shire Council said The completed Warmer Pool for Yarram project will allow Council's Leisure Services team to offer increased services for the local community, including Learn to Swim classes, gentle exercise for all abilities, Aqua Aerobics, improved water education, events, and birthday parties.

Swimming lesson and gentle exercises session times are now available at the pool. However, Yarram is classed as an outdoor pool is open hours are the same as other outdoor pools in the Wellington Shire which are not covered or heated.

"Most people are confused about the open times of the pool." De said.

"The gentle exercise time of 8 am 11am Monday, Wednesday and Friday is not advertised anywhere," she said.

Outdoers have guited their children out of wimming lessons in Sale because of the closure of Aqua Energy and the extra travel to Wers Sale provided that tohook her children into Yarram for swim lessons but that only interest the pool closes on March 11, "the yeard.

Wellington Shire Council said The community, in always comes as other outdoor pools in the Wellington Shire with the pool of the



Yarram Secondary College students and staff enjoyed their now annual welcome back to school by the Wulgunngo Ngalu Learning Place staff and clients smoking and welcome ceremony. This year the Year 12 students joined in the dancing showing off their dance skills which the were taught at a visit to the centre at the end of 2023.

### Refreshed and ready for year ahead

YARRAM Secondary College have celebrated the start of the new school year welcoming six new teachers and their new year 7 students.

New staff include Talia Duell heading up

wonderful feeling of connection and unity. Our year 12 students joined in with the animal dances, proudly displaying the moves they had learned last year on a visit out to Wungunggo Ngalu Learning Place.

"Our year 7s have settled into their new school very well; making new friends, getting to know their teachers and finding their way around school. To help consolidate these new positive relationships, they head to camp in week 2 and a parent information evening will be held on Tuesday 13th Feb at 5.30pm. Here the students will receive their computers and login details, and get an introduction to the school's amazing music New staff include Tailai Duell heading up the middle school, Ben Yarram is joining the music program, Ruby Heasley will teach English and History, Andrea Blunden is teaching Biology and Psychology, Anne Dupont will be teaching Matria and Emma Lewin teaching Science and Health.

YSC welcomed the year 7 and 12 students on Tuesday January 30 with great extendents on Tuesday January 30 with great extendents on Tuesday January 30 with great extendences in preparation for the smoking ceremony. A morning tea was prepared by staff and shared with the students.

The official start to the new school year was marked by a wonderful Smoking Ceremony performed by felias from Wungungo Ngalu Learning Place, a highlight of the school year. As the circle collectively stamps, claps and chants in time, there is a



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Other times and weekends by appointment



### 7.3. RECEIPT OF PETITION: MAFEKING HILL CORELLA ISSUE

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES** 

### **PURPOSE**

To present Council with a petition regarding the Mafeking Hill corella issue.

### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

### **RECOMMENDATION**

That Council receive the attached petition regarding the Mafeking Hill corella issue and refer it to the General Manager Built & Natural Environment for a report to a future Council Meeting.

### **BACKGROUND**

This petition is regarding the growing issue of corellas in Mafeking Hill Reserve, Maffra.

The petition highlights several issues created by the corellas including damage to land, damage to local residents' property, impact on tourism and the mental wellbeing of the local residents.

The petition requests Council's assistance in relocating the birds in consultation and with guidance from the Department of Energy, Environment and Climate Action.

### **ATTACHMENTS**

Mafeking Hill corella issue petition - addresses redacted [7.3.1 - 3 pages]

### **OPTIONS**

Council has the following options:

- Receive the attached petition regarding the Mafeking Hill corella issue and refer it to the General Manager Built & Natural Environment for a report to a future Council Meeting; or
- 2. Receive the attached petition regarding the Mafeking Hill corella issue and refer it to the General Manager Built & Natural Environment for consideration and response.

### **PROPOSAL**

That Council receive the attached petition regarding the Mafeking Hill corella issue and refer it to the General Manager Built & Natural Environment for a report to a future Council Meeting.

Dear Mayor and Councellors,

I write you this petition in regard to the ongoing and ever-growing corella issue which is continuing to develop into an unsustainable problem to Mafeking Hill direct and the township as a whole. We, the local residents, seek your assistance in helping with the re-location of the above-mentioned birds in consulation with and guidance from DEECA. Whilst we appreciate there are no guaranteed outcomes, we are desperate to see some effort made to ease the burdens being created such as, but not limited to, damage to the land itself, local residents' property damage, the impact it's having on tourism to the township and arguably most importantly mental wellbeing to us, the local community.

We thankyou in advance and eagerly await your response:

Name	Address	Signature	Phone
JANIA HORSFORD	MAFFICA	All	
TRACEY SHELTON	MAFFRA	One	
Jennifer Roep	Principal - Mattra	Je f Rp	
Lashay Tricker	Secondary College owner Maffeo Brewery	Inf.	
Marie Clark	Assistant Principal Maffra Secondary College	lulh	
Lynette Hywell.	Teacher Malbra sec Wege	Lodgwell	
DON Veale	MAFFRA	Dah	
Brett Hudson	Teacher Masson S.C.	Tolley	
HEIDI BASSLER	Teacher Maffra Secondary College	Hayler	
GMARME ALLEN	FACILITIES MANAGER.	Call	<i>&gt;</i> -
TOM MATTHEWS		Ch	
DAVID SMYTH		18	
MATHEN DAVIS	PRESIDENT, MAFPRA FOOTSALL NETBALL CLUB	Res	

### Dear Mayor and Councellors,

I write you this petition in regard to the ongoing and ever-growing corella issue which is continuing to develop into an unsustainable problem to Mafeking Hill direct and the township as a whole. We, the local residents, seek your assistance in helping with the re-location of the above-mentioned birds in consulation with and guidance from DEECA. Whilst we appreciate there are no guaranteed outcomes, we are desperate to see some effort made to ease the burdens being created such as, but not limited to, damage to the land itself, local residents' property damage, the impact it's having on tourism to the township and arguably most importantly mental wellbeing to us, the local community.

We thankyou in advance and eagerly await your response:

Name	Address	Signature	Phone
JUSTIN BRAMICAL		B	
JOHN SCOTT	ORFENKEEPER MAFFRA GOLF		
GEOFF CRAWFORD	MAFFRA BOWLS CLUB.	M	
KEUIN READ	ESTATE AGENT	Lus de	
MARCUS STOBIE	-	(y)	
John lughi		Mugh	
JIII Bedggood		JB	
Miranda Pilkington	1	Palanton	
LINA MEYER		ellege	
CHRIS DEFERINGFOR		Demo	
Sodie Lawrence		Sodense	
Linda Little	*	4 little	
Karg Coffeeill		M. Cotherill	

### Dear Mayor and Councellors,

I write you this petition in regard to the ongoing and ever-growing corella issue which is continuing to develop into an unsustainable problem to Mafeking Hill direct and the township as a whole. We, the local residents, seek your assistance in helping with the re-location of the above-mentioned birds in consulation with and guidance from DEECA. Whilst we appreciate there are no guaranteed outcomes, we are desperate to see some effort made to ease the burdens being created such as, but not limited to, damage to the land itself, local residents' property damage, the impact it's having on tourism to the township and arguably most importantly mental wellbeing to us, the local community.

We thankyou in advance and eagerly await your response:

Name	Address	Signature	Phone
in milks		lay sello	
Pachel van Hongry		hundanul	
PETER DELIOPOLICS		DY	
JACK MALEON		In O.M.	
Will B		(A)	
Amy mitchell		hym	
Shirley Fisher		Hish	
Javid Pendergout		Andert	
KELLY WHELAN	Maff	ig to	
Mitch Wholan	$\sim$	office &	
Brooke Randall gerti	IAPFRA DISTRICT OSPITAZ, KENTST STORED NACHMAFTRA	Blu	
	- <i>)</i>		

# 8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

### 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

### 11. GENERAL MANAGER CORPORATE SERVICES

### 11.1. ASSEMBLY OF COUNCILLORS REPORT

# ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

### **OBJECTIVE**

To report on all assembly of Councillor records received for the period 12 February 2024 to 25 February 2024.

### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

### RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 12 February 2024 to 25 February 2024.

### **BACKGROUND**

Section 80A of the *Local Government Act 1989* required a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, matters considered and any conflict of interest disclosures made by a Councillor. These records were required to be reported at an ordinary meeting of the Council and recorded in the minutes. Under the new *Local Government Act 2020*, this requirement is no longer provided for however, under Council's good governance framework, Council will continue to provide records of assemblies of Councillors to ensure that the community are kept informed of Councillors activity and participation.

Following is a summary of all Assembly of Councillor records received for the period 12 February 2024 to 25 February 2024.

### **ATTACHMENTS**

- 1. Assembly of Councillors Place Names Committee Meeting [11.1.1 1 page]
- 2. Assembly of Councillors Council Day 20 February 2024 [11.1.2 2 pages]

### **OPTIONS**

Council has the following options:

- 1. Note and receive the attached assembly of Councillors records; or
- 2. Not receive the attached assembly of Councillors records.

### **PROPOSAL**

That Council note and receive the attached assembly of Councillors records during the period 12 February 2024 to 25 February 2024.

### **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

### **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **LEGISLATIVE IMPACT**

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complied with Section 80A of the *Local Government Act 1989* however, without prescription under the *Local Government Act 2020*, Council will continue to provide these records as part of Council's good governance framework.

### **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **COUNCIL PLAN IMPACT**

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

### **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### ASSEMBLY OF COUNCILLORS - MEETING ORGANISED, HOSTED OR SUPPORTED BY COUNCIL

NAME OF MEETING	Place Names Committee
DATE OF MEETING	13 February 2024

	ASSEMBLY OF COUNCILLORS AND OFFICERS IN ATTENDANCE					
COUNCILLOR	ATTENDANCE		OFFICERS IN ATENDANCE			
Cr Gayle Maher	Yes	Dean Morahan	Manager Assets & Projects			
Cr Carolyn Crossley	Yes	Sandra Rech	Coordinator Asset Management			
Cr Scott Rossetti	No	James Blythe	GIS Officer			
	MATTERS CONSIDERED IN THE MEETING					
Various road and street naming issues as per the minutes attached to the Council Report related to this meeting.						
	CONFLICTS OF INTEREST NOTED*					
NIL						

<sup>\*</sup> In accordance with Rule 18.5(1) of the Wellington Shire Council Governance Rules a Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.

### **ASSEMBLY OF COUNCILLORS - COUNCIL DAY**

COUNCIL WORKSHOPS – 20 FEBRUARY 2024				
COUNCILLOR	ATTENDANCE		OFFICERS IN ATENDANCE	
Cr Ian Bye	NO	David Morcom	Chief Executive Officer	
Cr John Tatterson	YES	Chris Hastie	General Manager, Built & Natural Environment	
Cr Carolyn Crossley	YES	Carly Bloomfield	Manager, Organisational Performance and Governance	
Cr Carmel Ripper	YES	Sam McPherson	Sam McPherson Manager, Communities, Facilities and Emergencies	
Cr Gayle Maher	YES	Andrew Pomeroy General Manager, Development		
Cr Garry Stephens	YES			
Cr Jill Wood	YES			
Cr Marcus McKenzie	YES			
Cr Scott Rossetti	YES			
		СО	NFLICTS OF INTEREST NOTED*	
NIL				

In accordance with Rule 18.5 of the Wellington Shire Council Governance Rules a Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.

	WORKSHOP DETAILS – 20 FEBRUARY 2024		
ITEM NO.	WORKSHOP TITLE	PRESENTERS	
1.1	GRLE STRATEGIC REVIEW – FINAL REPORT AND RECOMMENDATIONS	<ul> <li>Andrew Pomeroy, General Manager, Development</li> <li>Daniel Gall, Coordinator Commercial Property, Business Development</li> </ul> Conflicts of Interest: NIL	
1.2	LOCAL GOVERNMENT REFORMS 2024 CONSULTATION PAPER	<ul> <li>Carly Bloomfield, Manager Organisational Performance and Governance</li> <li>Jess Saunders, Coordinator Governance &amp; Risk</li> </ul> Conflicts of Interest: NIL	

### ASSEMBLY OF COUNCILLORS - COUNCIL DAY

1.3	COMMUNITY FACILITIES MAINTENANCE	<ul> <li>Sam McPherson, Manager Communities, Facilities &amp; Emergencies</li> <li>Lisa Lyndon, Coordinator Community Committees</li> </ul> Conflicts of Interest: NIL
1.4	CROWN LAND CARAVAN PARKS – LEASE TENDERS	<ul> <li>External Presenter: Matt Williams, Managing Director – Sustainable Park Solutions</li> <li>Geoff Hay, Manager Economic Development</li> <li>Brent Setches, Commercial Property Officer</li> </ul> Conflicts of Interest: NIL
1.5	YARRAM & OUTDOOR SEASONAL POOLS REVIEW	Ross McWhirter, Manager Leisure Services  Conflicts of Interest: NIL
1.6	BUDGET OVERVIEW	David Morcom, Chief Executive Officer  Conflicts of Interest: NIL
1.7	BUDGET REVIEW	<ul> <li>Peta Crawford, Acting Manager Corporate Finance</li> <li>Dean Morahan, Manager Assets and Projects</li> </ul> Conflicts of Interest: NIL
1.8	FEES & CHARGES AND CAPITAL	Peta Crawford, Acting Manager Corporate Finance  Conflicts of Interest: NIL

### 11.2. COUNCIL SUBMISSION TO THE VEC WARD BOUNDARY REVIEW

### **ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

### **PURPOSE**

For Council to endorse the proposed submission to the Victorian Electoral Commission's ward boundary review of Wellington Shire.

### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

### RECOMMENDATION

That Council endorse the proposed submission to the Victorian Electoral Commission's ward boundary review of Wellington Shire.

### **BACKGROUND**

On the request of the Minister for Local Government, the Victorian Electoral Commission (VEC) is currently conducting several ward boundary reviews, including a review of Wellington Shire Council's ward boundaries.

The purpose of the review is to correct unbalanced elector numbers in preparation for the 2024 Council general elections. The review cannot consider any changes to the number of councillors, wards or councillors per ward.

The VEC released the attached preliminary report on 14 February 2024. The preliminary report sets out the VEC's single proposed model of ward adjustment, which is to extend the Coastal Ward north to include the towns of Longford, Rosedale, Nambrok and Denison. The VEC notes that the Coastal ward has the highest proportion of non-resident ratepayers in the shire. The combination of holiday home ownership and developmental constraints on some land along the Ninety Mile Beach has led to uncertainty about how many eligible ratepayers will choose to enrol as Council-enrolled voters prior to the 2024 Council general election.

Council has raised concerns about the contrasting communities of interest across the proposed new Coastal ward, encompassing the coastal communities of the south with the farming communities of the north, which have more in common with communities like Heyfield and Maffra.

The attached submission has been prepared on behalf of Council and the proposal is that the submission be made to the ward boundary review panel before submissions close on 6 March 2024.

### **ATTACHMENTS**

- 1. VEC preliminary report [11.2.1 24 pages]
- 2. Proposed submission to the WEC ward boundary review [11.2.2 2 pages]

### **OPTIONS**

Council has the following options available:

- 1. Endorse the proposed submission to the Victorian Electoral Commission's ward boundary review of Wellington Shire.
- 2. Not endorse the proposed submission to the Victorian Electoral Commission's ward boundary review of Wellington Shire.

### **PROPOSAL**

That Council endorse the proposed submission to the Victorian Electoral Commission's ward boundary review of Wellington Shire.

### **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

### FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

### **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **LEGISLATIVE IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 3 "Liveability and Wellbeing" states the following strategic outcome:

Strategic Outcome 3.2: "An actively engaged community."

This report supports the above Council Plan strategic outcome.

### **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **COMMUNITY IMPACT**

Council has assessed the potential impact the ward boundary review may have on affected communities and explained this in the proposed submission.

### **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **ENGAGEMENT IMPACT**

Councillors have been informed of the ward boundary review and the VEC has advertised the ward boundary review process within local communities.

### **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

# Local council ward boundary review

# Preliminary Report

Wellington Shire Council

February 2024





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### **Content approval**

Version	Date approved	Approved by
1	7 February 2024	Electoral Commissioner
1	7 February 2024	Program sponsor

### Release approval

Version	Date approved	Approved by	Brief description
1	9 February 2024	Program sponsor	Final proofread and confirmed for publication

### OFFICIAL

Local council ward boundary review - Preliminary report - Wellington Shire Council

### **Acknowledgement of Country**

The Victorian Electoral Commission (VEC) acknowledges the Gunaikurnai and Taungurung Peoples as the Traditional Custodians of the lands and waters for which it is holding this review and pays respects to ancestors and Elders past, present and emerging. The VEC acknowledges their custodianship for many thousands of years and their continuing living culture.

### **OFFICIAL**

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### **Executive summary**

Under section 17 of the *Local Government Act 2020* (Vic) (the Act), the Minister for Local Government has asked the Victorian Electoral Commission (VEC) to conduct ward boundary reviews for 10 local council areas prior to the next general local council elections in October 2024.

For these 10 councils, the number of voters per councillor is forecast to be out of balance by October 2024, with the number of voters per councillor in one or more wards forecast to vary from the average number of voters per councillor for all of the wards by more than 10 per cent.

Wellington Shire Council is one of the 10 local council areas under review. The purpose of this review is to correct this forecast imbalance for the October 2024 local council election.

In its review, the VEC is looking at:

- the number of currently enrolled voters in each ward
- the forecast number of enrolled voters at the next election
- adjustments to the locations of existing ward boundaries.

At the end of the review, the VEC will recommend ward boundary changes to the minister, with the aim of all wards in Wellington Shire Council being within the legislated +/-10% tolerance at the time of the 2024 local council election.

This preliminary report presents proposed ward boundary adjustments for Wellington Shire Council.

More information about the background to the review is available on page 6.

### Ward boundary models

After considering research and the requirements of the Act, the VEC is presenting a single model for public consultation, outlining the proposed ward boundary changes to Wellington Shire Council.

Details on this model, including a map, are available in Appendix 1.

### **Next steps**

The VEC is now seeking feedback on its preliminary ward boundary model. You can make a response submission to the preliminary model until 5 pm on Wednesday 6 March 2024. If any submitters ask to speak at a public hearing, the VEC will hold this online on Friday 15 March 2024. Following the hearing, the VEC will present its final recommendation to the minister on Wednesday 10 April 2024.

More information about the review process is available on the VEC website at vec.vic.gov.au

### **Background**

### About the 2024 ward boundary reviews

Under section 15(2) of the *Local Government Act 2020* (Vic), for a council that is divided into wards:

- a) each ward should have an approximately equal number of voters per councillor; and
- b) the number of voters per councillor in a ward should not vary from the average number of voters per councillor for all of the wards by more than 10 per cent.

On 22 February 2023, the VEC provided advice to the Minister for Local Government on councils that were projected to have at least one ward with the number of voters per councillor outside this +/-10% range at the time of the October 2024 local council elections.

This advice was based on:

- · current enrolment and enrolment trends
- future population projections
- legislated changes to council entitlements for council-enrolled voters.

On 20 April 2023, in response to this advice and under section 17 of the Act, the minister asked the VEC to conduct ward boundary reviews for 10 local council areas before the October 2024 local council elections. These reviews aim to balance the number of voters per councillor for the wards of these 10 councils in time for the 2024 elections.

Wellington Shire Council is one of the 10 local council areas under review.

In its review, the VEC is looking at:

- the number of currently enrolled voters in each ward
- the forecast number of enrolled voters at the next election
- adjustments to the locations of existing ward boundaries.

A ward boundary review does not change a council's electoral structure, number of councillors, or ward names. A ward boundary review also cannot change the external boundaries of a local council, divide local councils, or amalgamate local councils.

At the end of the review, the VEC will recommend ward boundary adjustments to the minister, with the aim of all wards in Wellington Shire Council being within the legislated +/-10% tolerance at the time of the 2024 local council election.

### The ward boundary review panel

Leading the VEC's review is a ward boundary review panel, which has 2 members:

- the Electoral Commissioner Mr Sven Bluemmel (Chairperson)
- the Program Sponsor, Electoral Structure and Boundary Review Program Ms Kirsty Williamson.

Administrative and technical support for the panel is provided by the VEC's team of electoral structure and boundary review experts as well as specialists from across the VEC.

### **Public engagement**

### **Public information program**

The VEC is conducting a public information and awareness program about the Wellington Shire Council ward boundary review. This includes:

- printed public notices in state-wide newspapers
- public information sessions to outline the review process and respond to questions from the community
- a media release to announce the start of the review
- information on social media channels
- website content on vec.vic.gov.au, including:
  - current information on the review process
  - fact sheets for each council under review and a submission guide.

Wellington Shire Council was also offered and took up 2 optional methods to promote the reviews:

- printed public notices in local newspapers
- targeted social media advertisements for the council area

### **Public consultation**

The VEC now invites input to the ward boundary review of Wellington Shire Council via:

- response submissions to this preliminary report
- an online public hearing for anyone who makes a response submission and wishes to speak to the ward boundary review panel and expand on their submission.

Public submissions are an important part of the review process and the VEC will consider them alongside other factors during the review. These factors are outlined below.

### Considerations in developing models

The model in this preliminary report complies with the Act and was developed through careful consideration of:

- research and analysis conducted by the VEC, including geospatial, electoral and demographic data
- rates or patterns of population and voter change over time, and relevant forecasts of growth or decline based on forecast information provided by .id (informed decisions, a company specialising in demographics and forecasting).

When developing the preliminary model for Wellington Shire Council, the VEC considered:

- whether the adjusted wards would comply with section 15(2) of the Act (see below), and how long they are likely to comply
- whether meaningful and effective ward boundaries could be established and whether these would be easily identifiable to local communities
- · the representation of communities of interest
- the voter distribution and physical features of the area, and the impact these may have on the shape and size of wards
- the scale of ward boundary changes, aiming for minimal change (where possible).

In addition to the above, the VEC's final recommendation will also consider matters raised in public response submissions.

Under section 15(2) of the Act, subdivided structures must aim for an approximately equal number of voters per councillor across all wards. This means the number of voters represented by each councillor in a ward should be within +/-10% of the average number of voters per councillor for all wards of that council.

During this review, the VEC aims to recommend ward boundary adjustments that help ensure a council's wards comply with section 15(2) at the time of the 2024 local council elections and, if possible, also comply based on voter numbers at the time the review is conducted. The VEC uses forecasts of population and voter change to assess compliance at the 2024 elections with as much accuracy as possible.

In some cases, population change and other factors impacting voter numbers mean it is not possible to adjust the ward boundaries of a council so that both 'current' (at the time of the review) and 'forecast' (at October 2024) voter numbers are within the legislated +/-10% tolerance. Where this happens, the VEC prioritises compliance at the October 2024 elections to ensure each vote will have approximately equal value at the 2024 elections. In some cases, the VEC's recommended model may set the current ward deviations outside the +/-10% tolerance. This is because the ward deviations are forecast to change over a short period of time and move within the +/-10% tolerance by the time of the 2024 local council elections.

One of the factors that may impact compliance with section 15(2) is the number of current and forecast voters with ratepayer-based voting entitlements, also known as council-enrolled electors. Voters' rolls include both state-enrolled electors (the majority of the roll) and a smaller number of council-enrolled electors. The Act introduced changes to ratepayer-based entitlement categories, which come into full effect at the 2024 local council elections. The VEC will take this change to the makeup of voters' rolls, and therefore compliance with section 15(2) of the Act, into consideration during this review.

## **About Wellington Shire Council**

### **Profile**

Wellington Shire Council is located in the Gippsland region of eastern Victoria, between East Gippsland to the east and the Latrobe Valley to the west. It stretches from Victoria's high country in the north to Ninety Mile Beach and Bass Strait to the south. With an area of 11,008 km², it is the third largest council in Victoria by area.

The Traditional Custodians of the land in Wellington Shire Council are the Gunaikurnai People and Taungurung Peoples. The majority of Wellington Shire Council is located on Gunaikurnai Country.

### Landscape

Wellington Shire Council is serviced by the Princes and South Gippsland highways connecting the shire with other council areas to the east and west. It is also serviced by the Melbourne to Bairnsdale rail line and the West Sale regional airport. There is an RAAF base in East Sale.

The council area supports many environmentally significant areas, including the Alpine National Park, the Gippsland Lakes, the Strzelecki Ranges, Ninety Mile Beach and many other river, lake, coastal and mountain areas. Some of Wellington's wetland environments are of international environmental significance and substantial areas in the north are in water catchment areas (DTP 2024). Over 26% of the council area is in public ownership as a State or national park (DAFF 2021).

Sale is the largest town in the shire, and serves as a regional centre, providing the main health, education and community services for the council area. Over 60% of people live in Sale and the towns of Heyfield, Maffra, Rosedale, Stratford and Yarram (DTP 2024). Smaller townships include Briagolong, Dargo and Licola in the north, and Alberton, Loch Sport, Port Albert and Seaspray in the south.

Wellington Shire Council is predominantly rural, with agriculture, forestry and oil and gas being major economic drivers. Over 35% of land is used for forestry (native and plantation) and over 30% is used for livestock production (including dairy, beef, sheep and poultry farming) (ABARES 2022, DAFF 2021). Healthcare and social assistance, defence and tourism also contribute significantly to the local economy (DTP 2024).

Social and economic shifts are expected to see the emergence of new industries supporting the local economy, including renewable energy and sustainable agriculture (DTP 2024). Responding to the challenges of climate change is expected to be a priority for the council into the future (WSC 2021).

### Community

Wellington Shire Council was home to 45,639 people in 2021 (ABS 2022a), an increase of 4,199 over the previous decade (ABS 2011). The population is expected to grow by about 1.3% per year to be over 57,000 by 2041 (.id 2022b).

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With an older population compared to the state overall, the median age of residents in 2021 was 44, higher than the Victorian average of 38 (ABS 2022a). Over 44% of Wellington residents were aged 50 years and over which was also higher than the Victorian average of 34.6% (ABS 2022a). The average household size of 2.3 persons in 2021 was lower than the Victorian average of 2.5 (ABS 2022a).

In 2021, over 80% of people were born in Australia and for over 87% of people English was the only language spoken at home. Of those who were born overseas, the United Kingdom and New Zealand were the most common countries of origin (.id 2022a).

Similar to much of regional Victoria, in 2021 most people lived in separate dwellings and over 71% of dwellings were owned outright or had a mortgage (.id 2022a). The median household weekly income in 2021 was \$1,272, lower than both Victoria and regional Victoria medians of \$1,759 and \$1,386 respectively (ABS 2022a, 2022b).

Wellington Shire Council's economy supports 18,650 jobs (Remplan 2021) and in 2021 53.5% of the population over 15 years of age were in the workforce, which is lower than the regional Victorian average of 57.4% (.id 2022a). The most common industries of employment in 2021 for residents were hospitals, dairy cattle farming, defence and primary education (ABS 2022a).

### **Current electoral structure**

Wellington Shire Council has a total of 9 councillors and is divided into 3 wards with 3 councillors per ward (Central, Coastal and Northern wards).



Figure 1: Diagram of current electoral structure of Wellington Shire Council.

There are an estimated 43,875 voters in Wellington Shire Council, with an estimated ratio of 4,875 voters per councillor.

By October 2024, the voter-to-councillor ratios of Central and Northern wards are forecast to be outside of +10%, and the voter-to-councillor ratio of Coastal Ward is forecast to be outside of -10%.

Visit the VEC website at <a href="vec.vic.gov.au">vec.vic.gov.au</a> for more information on Wellington Shire Council.

### Last electoral structure review

The VEC conducted an electoral representation review of Wellington Shire Council in 2015. That review was carried out under the *Local Government Act 1989* (Vic), which was replaced by the *Local Government Act 2020* (Vic).

After conducting the review, the VEC recommended that Wellington Shire Council adopt a structure of 9 councillors elected from 3 wards (3 wards with 3 councillors each).

Visit the VEC website at <u>vec.vic.gov.au</u> to access a copy of the 2015 representation review final report.

## **Preliminary findings and models**

One of the challenges facing the ward boundary adjustments for Wellington Shire Council is the high number of council-enrolled electors, located mainly in the existing Coastal Ward along Ninety Mile Beach between The Honeysuckles and Paradise Beach. Some of these voters own holiday homes, however many own land that cannot have a dwelling constructed due to environmental constraints, and there has been uncertainty over the future of these lots for many decades. A 2019 Victorian Ombudsman's report has provided some improved clarity about the future of these lots, which recommended that the undevelopable land along Ninety Mile Beach should no longer have council rates levied and for the land to be compulsorily acquired by the State Government for public conservation purposes (Victorian Ombudsman 2019).

Given the expected changes to be put in place to implement the recommendations of the 2019 Ombudsman's report, and recent changes to council-based voting entitlements under the *Local Government Act* 2020 (Vic), there is an increased level of uncertainty about how many eligible ratepayers will choose to enrol as council-enrolled electors prior to the October 2024 election. This leads to greater uncertainty when forecasting voter numbers for this review, particularly in Coastal Ward, which has the highest proportion of non-resident ratepayers in the shire.

The VEC has taken into account the anticipated timing and nature of these changes as best as possible when estimating the +/-10% deviations required under the Act as part of this ward boundary review.

#### Ward boundary model for public feedback

The VEC considered a range of ward boundary adjustments for Wellington Shire Council and chose the strongest model for public consultation.

The following model is presented for community consideration:

 Preliminary model, which proposes changes to the boundaries of Central, Coastal and Northern wards.

A map of the preliminary model is included in Appendix 1.

#### **Preliminary model**

In order to bring all wards within +/-10% voter deviation for the 2024 local council elections for Wellington Shire Council, some voters need to be transferred from Northern and Central wards (both of which are forecast to be above 10%) to be included within Coastal Ward (which is forecast to be outside -10%).

Having considered a number of preliminary options, the panel has decided to put forward one model for public comment. This model has been put forward as the panel felt that it satisfactorily met all legislated requirements. No other model could be developed that used strong features for boundaries as effectively, or represented communities of interest as adequately, to the same degree as the proposed preliminary model.

The preliminary model minimises overall boundary changes and retains the essential structure of the existing ward boundaries, whilst also maintaining communities of interest as much as possible. The model makes use of strong features as ward boundaries, including rivers, main roads, railway lines and locality boundaries. Existing ward boundaries have been retained where practical.

The preliminary model proposes to extend the boundary of Coastal Ward north to include the towns of Longford and Rosedale, and extend its northern boundary up to the Latrobe River (north of Longford) and then the Thomson River and the Traralgon-Maffra Road (north of Rosedale).

Central Ward is proposed to retain Sale and Wurruk as the key populated areas and retains its existing boundaries to the north (Northern Ward) and east (municipal boundary). The southern boundary of Central Ward is proposed to extend along the Latrobe River and the southern shoreline of Lake Wellington.

The southern boundary of Northern Ward is proposed to remain the same where it joins Central Ward, however where it meets Coastal Ward, the ward boundary has been moved north to the Thomson River and Traralgon-Maffra Road.

The key feature of the preliminary model is that it keeps the community focus of each proposed ward similar to the existing structure:

- Coastal Ward remains focussed on the coast and the rural hinterland in the southern part of the council area. This now includes Rosedale and Longford and their respective communities.
- Sale and Wurruk are maintained as the focus for Central Ward, which have similar communities of interest, and the immediately surrounding rural areas to the north of Lake Wellington.
- Northern Ward retains its focus on the towns of Heyfield, Maffra and Stratford and the rural communities to the north of the council area.

A potential drawback of the preliminary model is that the northern part of the proposed Coastal Ward includes areas north of Princes Highway up to the Thomson River, which are some distance from the southern coastal communities. The panel felt this to be unavoidable as Lake Wellington and the town of Sale prevents Coastal Ward from being extended in any logical manner to the north of the Latrobe River anywhere else than as proposed. Whilst there may not be strong communities of interest between this area north of Princes Highway and some coastal communities in the south, the panel felt there were still likely to be some communities of interest associated with rural land uses both north and south of Princes Highway. Moreover, the panel felt there to be strong community connections for the rural areas in proposed Coastal Ward with the towns of Longford and Rosedale, which are both now proposed to be within the same ward. The panel also felt that retaining Wurruk in Central Ward was a preferred outcome, rather than including Wurruk in Coastal Ward, given the communities of interest likely to exist between residents of Wurruk and Sale.

The preliminary model will affect 3,982 voters, with 1,370 voters in the existing Central Ward and 2,592 voters in the existing Northern Ward to be relocated into the proposed Coastal Ward. The ward boundary adjustments proposed by the preliminary model will therefore affect 9% of voters within Wellington Shire Council (based on current enrolment figures).

The Act introduced changes to ratepayer-based entitlement categories, which come into full effect at the 2024 local council elections. The current voter deviations for two of the proposed wards in the preliminary model (Coastal and Northern wards) are set outside the legislated +/-10% range to account for these changes to entitlement categories as well as forecast population change across the council between the time of the review and the October 2024 elections. All ward deviations are forecast to be within the legislated +/-10% range by October 2024.

Given elector growth forecasts across the shire, the voter deviations for the preliminary model are also expected to be within the legislated +/-10% range through to 2028, thereby reducing the likelihood of a further ward boundary review being required prior to the 2028 local council elections.

Wellington Shire Council is geographically large with many diverse landscapes and communities. Overall, the panel felt that the preliminary model proposes an effective electoral structure for Wellington Shire Council that provides a good balance between meeting legislated voter deviations, impacting a minimal number of voters (less than 10%), using strong features as ward boundaries and maintaining communities of interest as much as possible.

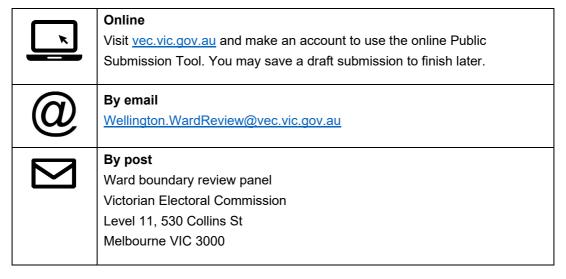
The panel welcomes feedback and suggestions for improvement to the preliminary model from the public through response submissions.

## **Next steps**

#### **Response submissions**

Any person or group, including the local council under review, can make a response submission to the VEC. Your submission should address the model or models proposed in this preliminary report.

You can make a submission:



The panel must receive all response submissions before 5 pm on Wednesday 6 March 2024. If you post your submission, it must reach the VEC before the deadline. Late submissions will not be accepted.

#### Required information

To be considered, your submission must include your:

- full name
- contact phone number or email address
- · postal or residential address.

To protect the integrity and transparency of the review process, the VEC will not consider submissions without this information. If you are submitting as a group or organisation, you must include a nominated contact person authorised to submit on behalf of your group.

The VEC will handle information provided by submitters in accordance with its privacy policy at <a href="https://www.vec.vic.gov.au/privacy">wec.vic.gov.au/privacy</a>

#### **Public access to submissions**

To ensure transparency in the ward boundary review process, your submission will be published on the VEC website at <a href="vec.vic.gov.au">vec.vic.gov.au</a>. The VEC will remove your signature and

contact details, including residential and postal addresses, from all public copies but must publish your full name (or group name) and locality (suburb or town).

Please note that any submission content that is potentially defamatory, offensive, obscene or that includes the personal information of people or organisations who are not a party to the submission may also be redacted before publication.

#### **Public hearing**

If you make a response submission, you can also ask to speak at an online public hearing to support your submission and expand on your views.

The online public hearing is scheduled for:

Time: 10 am

Date: Friday 15 March 2024

The VEC encourages participation in the public hearing. If you wish to speak at the public hearing, you **must** indicate this in your response submission. The public hearing will not be held if there are no requests to speak.

Anyone can attend a public hearing, but you will only be able to speak if you expressly asked to speak in your response submission. If you ask to speak, the VEC will contact you to arrange a time for you to speak at the hearing. You will have 10 minutes to address the public hearing panel. The members of the public hearing panel may ask you questions.

Visit the VEC website at <u>vec.vic.gov.au</u> for more information on public hearings.

### Final report

Following the public hearing, the VEC will consider all evidence and prepare a final report for the Minister for Local Government containing recommended ward boundary adjustments for the local council.

The final report is scheduled to be provided to the minister on Wednesday 10 April 2024. The minister will consider the final reports, including any determination to make the reports publicly available. Any change to the ward boundaries of Wellington Shire Council following this review is expected to apply at the October 2024 local council elections. Under the Act, the final council electoral structure will be set by an Order in Council published in the Victoria Government Gazette.

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DAFF (Department of Agriculture, Fisheries and Forestry) (2021) <u>Catchment scale land use</u> profile dashboard – local government areas, DAFF website, accessed on 9 January 2024.

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FPSR (First Peoples State Relations) (2024) <u>Acknowledgement of Traditional Owners</u>, First Peoples State Relations website, accessed 5 January 2024.

.id (Informed Decisions) (2022a) Shire of Wellington community profile, .id website, accessed 5 January 2024.

——(2022b) Shire of Wellington population forecast, .id website, accessed 5 January 2024.

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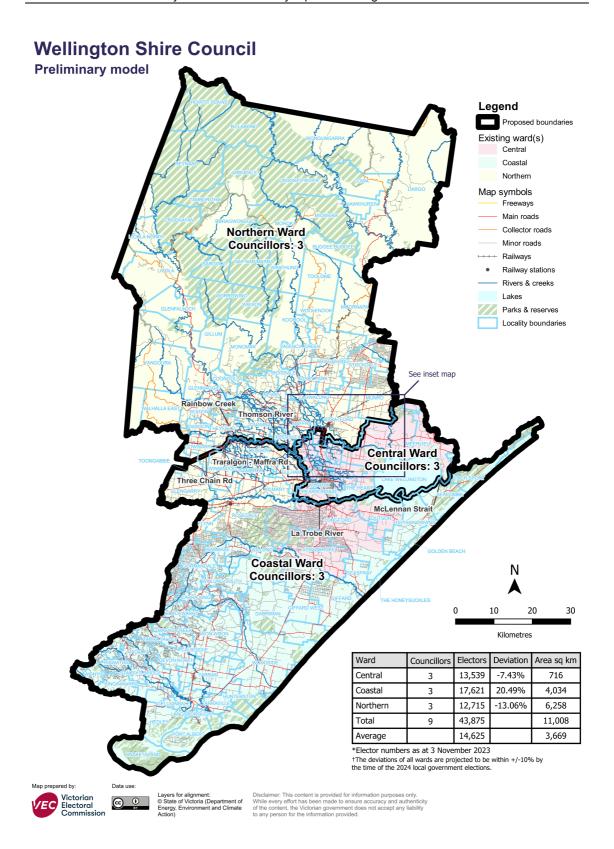
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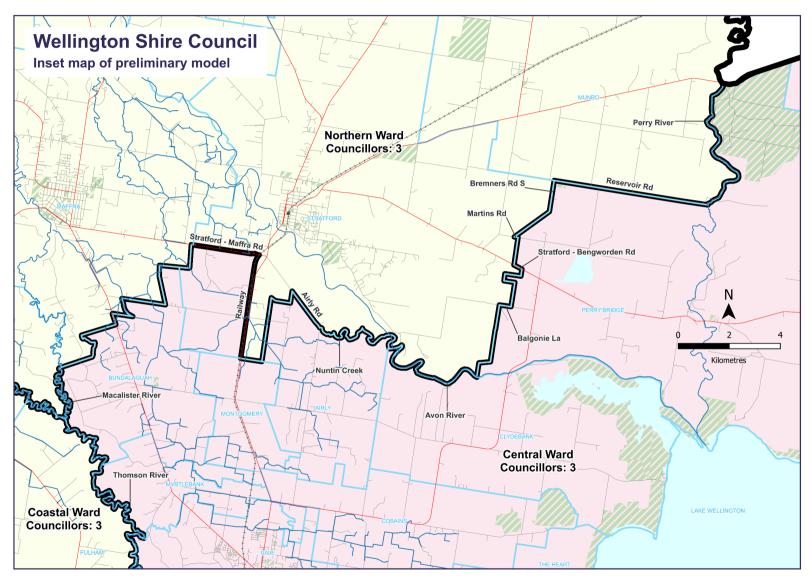
WSC (Wellington Shire Council) (2021), <u>Wellington Shire Council Plan 2021-2025</u>, Wellington Shire Council website, accessed 4 January 2024.

## **Appendix 1: Preliminary model map**

The following map is included in this report:

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Preliminary model – with proposed changes to the boundaries of Central, Coastal and Northern wards	19





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#### Data for preliminary model

Ward	Electors*	Deviation <sup>†</sup>	Area <sup>#</sup> (square km)
Central Ward	13,539	-7.43%	716
Coastal Ward	17,621	20.49%	4,034
Northern Ward	12,715	-13.06%	6,258
Total	43,875	n/a	11,008
Average	14,625	n/a	3,669

<sup>\*</sup> Elector numbers at 3 November 2023

# Ward area (square km) and total council area is measured at level of accuracy required for electoral boundaries. This may vary slightly from other data sources (for example, the ABS).

<sup>&</sup>lt;sup>†</sup> The deviations of all wards are forecast to be within +/-10% by the time of the 2024 local council elections. The current deviation of some wards may be set outside +/-10% at the time of the review to offset forecast change between the review and the 2024 election.

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5 March 2024

Ward boundary review panel Victorian Electoral Commission

via email to: Wellington.WardReview@vec.vic.gov.au

To the ward boundary review panel

#### SUBMISSION: WELLINGTON SHIRE COUNCIL WARD BOUNDARY **REVIEW**

Wellington Shire Council has reviewed the Preliminary Report prepared by the Victorian Electoral Commission that recommends a preliminary model, that proposes changes to the boundaries of Wellington Shire's Central, Coastal and Northern wards.

Wellington Shire Council recognises the challenging task of reflecting communities of interest in redividing our wards. As the Preliminary Report notes, a drawback of the preliminary model is that the northern part of the proposed Coastal ward will include areas that are some distance from the southern coastal communities. The Commission needs to be aware that rural farming communities like Nambrok and Denison (currently in the Northern Ward) use adjacent towns (under 10kms) like Heyfield and Maffra for shopping, health services, schools and so on. To effectively force these communities into the Coastal ward, where their ward Councillor is now likely to be over 80kms away in Yarram, is the complete antithesis of a 'community of interest'.

Likewise, Longford is 5kms from Sale and effectively a part of greater Sale. The Sale Golf Club is even in Longford! To move Longford from the Central ward to the Coastal ward, for no other reason than to 'shore up the numbers', removes them completely from their clear and obvious community of interest.

These are just two examples where the proposals are completely counterintuitive to a large rural council like Wellington Shire that cannot be logically carved into 3 similar sized wards that reflect reasonable communities of interest.

However, we recognise this Government's desire that Victorian Councils should have wards, and their resultant policy directives in this regard (noting that single member wards would be an even worse outcome for this shire). We also acknowledge the commentary in the Preliminary Report that 'No other model could be developed that used strong features for boundaries as effectively, or











represented communities of interest as adequately, to the same degree as the proposed preliminary model'. As such, Council has not submitted an alternative proposed model.

In addition, all Councillors have an obligation to provide civic leadership for the whole of Wellington Shire, not just their own ward. One of our Council's strengths has been the ability of Councillors to represent the whole community and focus on the benefits for the municipality overall.

Ultimately, Wellington Shire Council recognises the balancing act required of the Commission and the mathematical exercise required to ensure that voter deviations be within the legislated +/-10% range.

We thank the Victorian Electoral Commission for the opportunity to comment and await the Final Report.

Yours sincerely

**DAVID MORCOM Chief Executive Officer** 

Our Ref: 3217216











## 11.3. COUNCIL FEEDBACK TO LOCAL GOVERNMENT REFORMS 2024 CONSULTATION PAPER

#### **ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

For Council to note the feedback provided by the Chief Executive Officer to Local Government Victoria in response to the Local Government Reforms 2024 Consultation Paper.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

That Council note the feedback provided by the Chief Executive Officer to Local Government Victoria in response to the Local Government Reforms 2024 Consultation Paper.

#### **BACKGROUND**

On 17 November 2023, the Victorian Government announced its intention to introduce legislative reforms in 2024 to support improved governance and integrity across the local government sector ahead of the 2024 Council general elections.

Council's Chief Executive Officer received the *Local Government Reforms 2024 Consultation Paper* on 31 January 2024, providing an overview of the proposed reforms organised around three key reform areas:

- Reforms to strengthen council leadership, capability and councillor conduct.
- Reforms to improve early intervention and effective dispute resolution.
- Reforms to strengthen oversight mechanisms.

Local Government Victoria invited feedback with a closing date of 29 February 2024. Councillors have been notified of the consultation process and have had the opportunity to contribute their feedback. Due to the limited timeframe to provide feedback, the Chief Executive Officer has submitted Council's response to Local Government Victoria. This report provides Council with the opportunity to note the submission.

#### **ATTACHMENTS**

- 1. Local Government Reforms 2024 Consultation Paper [11.3.1 15 pages]
- 2. Wellington Shire Council Submission to Local Government Reforms 2024 [11.3.2 4 pages]

#### **OPTIONS**

Council has the following options available:

- That Council note the feedback provided by the Chief Executive Officer to Local Government Victoria in response to the Local Government Reforms 2024 Consultation Paper.
- 2. That Council request that the Chief Executive Officer rescind the response sent to Local Government Victoria in response to the Local Government Reforms 2024 Consultation Paper.

#### **PROPOSAL**

That Council note the feedback provided by the Chief Executive Officer to Local Government Victoria in response to the Local Government Reforms 2024 Consultation Paper.

#### **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

#### FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

#### COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

#### **LEGISLATIVE IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COUNCIL PLAN IMPACT**

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

#### **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **ENGAGEMENT IMPACT**

Councillors have been informed of the Local Government Reforms 2024 Consultation Paper and have had the opportunity to contribute feedback.

#### **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.



## Local Government Reforms 2024 Consultation Paper

January 2024

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### Introduction and overview

#### Introduction

On 17 November 2023, the Victorian Government announced its intention to introduce legislative reforms in 2024 to support improved governance and integrity across the local government sector ahead of the 2024 council general elections.

This Consultation Paper provides an overview of the proposed reforms organised around three key reform areas:

- Reforms to strengthen council leadership, capability and councillor conduct.
- Reforms to improve early intervention and effective dispute resolution.
- Reforms to strengthen oversight mechanisms.

#### Background

Victorian councils have been through a significant period of reform with the development and enactment of the *Local Government Act 2020* (LG Act).

The Local Government Inspectorate's (LGI) 2023 report <u>'Checking compliance: A review of council policies'</u> found that councils had a very high rate of compliance with adopting the new and updated policies required under the Act. To build on this progress, ongoing sector engagement is needed to embed the new principles-based Act and support continuous improvement.

Continuous improvement includes addressing the findings of integrity body reports and other government initiatives which have provided consistent evidence in highlighting governance issues across the sector.

Since the start of the current council term in October 2020, the Minister for Local Government (Minister) has appointed Municipal Monitors to nine councils to monitor their governance processes and practices. In October 2022 a Commission of Inquiry into Moira Shire council was appointed by the Minister resulting in the dismissal of the Moira Shire council in 2023. And in December 2023, Strathbogie Shire Council was suspended.

Additionally, the Independent Broad-based Anti-Corruption Commission (IBAC), the LGI and other government initiatives such as the Local Government Culture Project have highlighted areas for improvement in relation to council governance.

These interventions and reports highlight some of the underlying governance and integrity challenges faced by the sector. It also emphasises the opportunities for supporting council leadership, capability and conduct. They have also provided a strong body of evidence to suggest that if left unaddressed, these issues can undermine public trust in the sector, hinder effective decision-making, and impede the delivery of essential services to local communities.



#### Key reports and recommendations that have informed the reforms

<u>Independent Broad-based Anti-Corruption Commission, Operation Sandon Special</u>
<u>Report 2023</u>

Local Government Culture Project Insights Report 2022

<u>Local Government Inspectorate, Checking compliance: a review of council policies</u> 2023

<u>Local Government Inspectorate, Personal interests returns: Encouraging disclosure</u> and increasing transparency 2021

<u>Local Government Inspectorate, Social media fuels rise in complaints during 2020</u> council elections 2021

Commission of Inquiry into Moira Shire Council Report 2023

<u>Municipal Monitor Reports (Various)</u>

#### Consultation

This consultation is for the local government sector to provide comment and feedback on the proposed reforms, specifically:

- 1. Whether the individual proposed reforms are supported or not supported; and
- 2. Any operational matters that should be taken into consideration in finalising the reforms, including to ensure that the proposed legislative changes can be implemented effectively by councils.

Local Government Victoria (LGV) invites feedback and comments from councils and peak bodies on the proposed reforms by **29 February 2024**.

To facilitate this, the Municipal Association of Victoria (MAV), the Victorian Local Governance Association (VLGA) and the Local Government Professionals Inc (LGPro) will actively seek feedback and comments and submit this to LGV by the closing date.

The peak bodies will coordinate feedback from Mayors and elected representatives, CEOs, and council staff. Noting the tight timeframes, the peak bodies will determine the most appropriate engagement strategies.

Individual, sensitive, and confidential submissions can be sent directly to LGV via email at <a href="mailto:lgv@ecodev.vic.gov.au">lgv@ecodev.vic.gov.au</a>.

Enclosed with this Consultation Paper is a **Feedback Form** to assist the peak bodies with this process (Attached).

Please note that all reforms in this paper are proposals only and may be subject to change.



### Scope

LGV is inviting comments in relation to the proposed legislative reforms outlined in this Consultation Paper.

Following this initial invitation to provide feedback, LGV will undertake a separate consultation process with the local government sector to inform the development of regulations that will give effect to reforms outlined in this Consultation Paper. LGV will release details on this consultation process to the sector, including how the sector can participate, in due course.



# Part 1: Reforms to strengthen council leadership, capability and councillor conduct

#### Overview

These reforms recognise the need to enhance the capability and leadership of elected representatives. This will be achieved through ongoing mandated training programs and professional development for mayors and councillors that will build upon the existing induction training requirements for councillors.

These reforms also seek to support improved councillor conduct by introducing a mandatory uniform councillor code of conduct. A uniform councillor code of conduct will ensure consistent standards of behaviour at all Victorian councils and promote early and effective intervention.

## 1. Mandatory ongoing training for councillors and mayors

#### **Background**

The 2022 Local Government Culture Project (the Project) was designed to understand the factors influencing culture and conduct within local government and to identify opportunities and initiatives to improve culture and conduct.

Following a public engagement process, the Project produced an Insights Report, reflecting the feedback received from the sector and other key stakeholders. The report identifies key issues that influence council culture and councillor conduct.

One of the key issues identified is that candidate training, councillor induction training and ongoing training help in understanding councillor and mayoral roles and responsibilities. They can also assist in clarifying how the local government sector operates.

Strengthening councillor capability in relation to governance, leadership, and integrity via mandatory training is also reflected in IBAC's Operation Sandon Special Report (Recommendation 18, 20 and 28).

The LG Act mandates local government candidate training to educate and prepare candidates for the strategic focus of the councillor role. This helps to minimise unrealistic expectations and confusion regarding the responsibilities of councillors. Once elected, the councillor induction training is mandatory and must be completed by all councillors within the first six months of taking the oath or affirmation of office. This training is also critical for newly elected councillors to receive the necessary guidance on the importance of building effective relationships and leadership capabilities.



Any additional or ongoing training throughout the course of the council term, and its frequency, is currently at the discretion of the council.

#### **Proposal**

To establish and enhance councillors' understanding of their role and their leadership capabilities, they may be required to complete regular (annual) training throughout their term. Councillors are required to perform their role and make decisions as soon as they take office. As such, six months is too long without them having undertaken this training. Councillors will instead be required to complete induction training within three months of commencing their role.

Mandatory training for mayors, deputy mayors and acting mayors may also be introduced for the first month of their term. The training will focus on developing effective leadership skills, understanding their roles and responsibilities, meeting procedures, and ways to manage conflicts that address root causes and prevent escalation. If an acting mayor is appointed for a period of less than one month, they must complete the training within that period of appointment.

The provisions providing for mandatory training for councillors and mayors will largely be modelled on the existing councillor induction training provisions in the LG Act and relevant regulations. To ensure compliance with these new training requirements, a councillor's allowance will be withheld until they have completed the training requirements.

The scope and delivery of the new mandatory training will be prescribed in Regulations. LGV will consult with the local government sector in their development.

2. Enable model Councillor Code of Conduct and other governance matters to be prescribed in regulations

#### **Background**

The purpose of the current council Councillor Code of Conduct includes prescribed standards of conduct expected to be observed by councillors while performing their duties and functions as councillors. The standards include the prohibition of discrimination, harassment (such as sexual harassment) and vilification.

Councils may, however, include any other matters in their Code of Conduct which the council considers appropriate. This has enabled councils to supplement the standards of conduct with other matters councillors have agreed in principle to abide by in performing their role. These matters vary significantly across councils and include such things as shared values and commitments, dispute resolution procedures and social media policies.

In the development of the proposed reforms, LGV considered community expectations that acceptable conduct should be standardised and not differ across municipalities. LGV noted that there is little value in councils including other matters in their Codes to supplement the standards of conduct. This is because these are



not enforceable in the same way that the standards of conduct are under the councillor conduct framework.

#### **Proposal**

Regulations may be made to prescribe a uniform mandatory Model Councillor Code of Conduct (Model Code) to replace existing Codes that would apply to all councils.

The Model Code will include the existing standards of conduct expected to be observed by councillors. It may also include matters necessary to ensure consistent standards of behaviour, including promoting early and effective intervention.

Councils will no longer be able to include any other matters in the Model Code which the council considers appropriate, to ensure their uniformity across councils.

A council would no longer be formally required to adopt the Model Code, as it will automatically apply to councils as prescribed. However, councils should be required to publish a copy of the Model Code on their website.

To allow councils some flexibility regarding policy implementation for matters not covered in the Model Code, councils could adopt policies regarding matters prescribed in regulations, separately from the proposed Model Code. In the same way that certain council policies are currently enforced through the standards of conduct<sup>1</sup> compliance with these prescribed policies may be enforced through the standards of conduct, where appropriate. These matters will be consulted on in the development of the regulations.

Regulations that will implement a Model Code will align with the recommendations in IBAC's Operation Sandon Special Report (Recommendation 17, 21 and 31). These regulations will be designed in consultation with the local government sector.



<sup>&</sup>lt;sup>1</sup> See Clause 3 of the standards of conduct 'Compliance with good governance measures'.

## Part 2: Early intervention and dispute resolution

#### Overview

These reforms are proposed to strengthen and clarify the operation of the councillor conduct framework and assist in effective dispute resolution.

 Limit the Victorian Civil and Administrative Tribunal's (VCAT) jurisdiction with respect to councillor conduct panel decisions

#### **Background**

The councillor conduct framework under the LG Act is intended to ensure that councillor conduct issues are dealt with quickly, properly, fairly and with little formality.

Currently, a person who is affected by a councillor conduct panel (CCP) decision may apply to VCAT for a 'merits' review of that decision. This involves VCAT 'standing in the shoes' of the CCP and hearing the application afresh to determine the correct and preferable decision. In practice, this enables parties affected by a decision of a CCP to challenge the decision of a CC through a new hearing. These challenges can prolong the proceedings and delay a resolution to the matter.

#### **Proposal**

Parties affected by a decision of a CCP hearing will be able to seek a review of a decision to the Victorian Supreme Court. This can only occur on the grounds the decision is not legal, reasonable or fair i.e., judicial review, rather than on the merits of the decision to VCAT.

This is consistent with the process that applies to an internal arbitration process (IAP) under the LG Act, where VCAT review of a decision of an arbiter is not available.

2. Councils must not indemnify councillors in relation to the internal arbitration process and the councillor conduct panel process

#### **Background**

Using their insurance policies, councils often indemnify councillors for legal or other costs. This includes costs incurred with being a party to a proceeding for an IAP or



CCP process under the LG Act, and any associated review to VCAT or the Victorian Supreme Court.

LGV has noted the concerns that councillor conduct processes are being unduly delayed and complicated because of councillors' reliance on their councils to indemnify them for legal costs associated with these proceedings.

#### **Proposal**

A council must not indemnify a councillor or councillors against legal costs incurred in initiating or defending or otherwise being a party to a proceeding in relation to:

- an application for an IAP made, or
- an application for a CCP process, or
- an application to the Victorian Supreme Court for judicial review of a decision of an arbiter or a decision of a CCP.

A council will not be prohibited from indemnifying a councillor or councillors against legal costs in relation to an IAP or CCP hearing. This only applies when an arbiter or CCP has granted a party leave to have legal representation on the basis that legal representation is necessary to ensure that the process is conducted fairly. This proposal is not intended to restrict a council from obtaining legal advice in relation to those proceedings it initiates, by council resolution.

## 3. Broaden the scope of sanctions that may be imposed by an arbiter

#### **Background**

The LG Act sets out the sanctions an arbiter may take if the arbiter has made a finding of misconduct against a councillor.

The LG Act requires an arbiter to provide a written copy of the arbiter's decision and statement of reasons to the council, the applicant or applicants, the respondent and the Principal Councillor Conduct Registrar. A copy of the arbiter's decision and statement of reasons must be tabled at the next council meeting after the council received the copy of the arbiter's decision and statement of reasons.

However, the next meeting of the council can sometimes be an impromptu council meeting called at late notice to consider an urgent matter with little public notice and attendance at the meeting. This results in limited public transparency of the arbiter's decision.

A Municipal Monitor appointed to a Council in 2022 made several recommendations in their final report on ways to improve the sanctions that may be imposed by an arbiter and the transparency of the arbiter's decision. These included ensuring that a copy of an arbiter's decision and statement of reasons be tabled at the next



regular council meeting. Any apology a councillor is directed to make by an arbiter would also be made at the next regular council meeting that the councillor attends.

IBAC's Operation Sandon Special Report also made recommendations consistent with increasing the severity of sanctions available for misconduct (Recommendation 30).

#### **Proposal**

The sanctions that may be imposed by an arbiter on a finding of misconduct will be expanded to include:

- Directing that a councillor is prevented from attending and participating at the council's next council meeting or at a council meeting specified by the arbiter following the tabling of the arbiter's decision and statement of reasons:
- Suspending the councillor from the office of councillor for a period specified by the arbiter not exceeding three months (instead of one month); and
- Directing that a councillor be ineligible to hold the office of Mayor or Deputy Mayor for a period of up to 12 months.

A copy of an arbiter's decision and statement of reasons must be tabled at the next council meeting, or at a council meeting specified by the arbiter after the council received the copy of the arbiter's decision and statement of reasons.

To increase transparency and public trust, an arbiter will be given power to specify a council meeting which a councillor is prevented from attending and participating in. The arbiter will also be able to specify a council meeting at which the tabling of the arbiter's decision and statement of reasons must occur. The council meeting the arbiter specifies would occur reasonably soon after the arbiter's decision.



## **Part 3: Oversight Mechanisms**

#### Overview

These reforms will strengthen direct accountability mechanisms and promote early and effective intervention at a council to prevent and address governance failures and councillor conduct.

## Suspending or disqualifying individual councillors

#### **Background**

The Minister has the power to appoint a Municipal Monitor or Commission of Inquiry to a council under the LG Act where indications of a council's governance failures have been brought to the Minister's attention.

Municipal Monitors and Commissions of Inquiry have previously identified behaviours of individual councillors that create serious risks to the health and safety of staff at a council, or significantly impact a council's ability to perform its functions. However, neither a Municipal Monitor nor a Commission has an explicit function or power to recommend the suspension or dismissal of a councillor where it may be warranted.

#### **Proposal**

The Minister will be provided the power to suspend an individual councillor for up to 12 months if the Minister is satisfied on the advice of a Municipal Monitor or Commission appointed to the council. The advice would demonstrate that the councillor is creating a serious risk to the health and safety at the council or is preventing the council from performing its functions.

The suspended councillor will also be ineligible to hold the office of mayor or deputy mayor, or to chair a delegated committee of the council, for the remainder of the term. These sanctions are consistent with current sanctions following a finding of serious misconduct made by a CCP under the LG Act.

Councils and the Chief Municipal Inspector (CMI) will be expected to utilise existing pathways under the councillor conduct framework to address councillor conduct issues. Limiting this power of suspension by the Minister will provide a high bar to the exercise of this power. Additionally, before providing a report to the Minister, a Municipal Monitor or Commission will be required to confirm that a CCP is not already considering an allegation of serious misconduct against the councillor. This will avoid the councillor having separate adverse findings made against them in relation to the same behaviour.



Further, the Governor in Council will be provided with the power to disqualify a person from standing at future council elections. This would be on the recommendation of the Minister if satisfied on the advice of a Municipal Monitor or Commission. The advice must provide that the person was a councillor during the term immediately preceding the council's dismissal, and that the person was found to have created a serious risk to health and safety at the council or prevented the council from performing its functions. The period of disqualification would be for up to eight years following the dismissal of the council.

This power of disqualification of a councillor will ensure individual councillors found to have contributed to the council's governance failures are sanctioned appropriately and won't cause further issues at the council following the period of administration.

Prior to a Municipal Monitor or Commission submitting a report to the Minister recommending the suspension or disqualification of a councillor, they must first provide procedural fairness to the councillor to ensure they're provided an opportunity to respond to the adverse claims.

### Clarify the application of privileges and statutory secrecy to Municipal Monitors and Commissions of Inquiry

#### **Background**

To fulfill their respective roles in monitoring or inquiring into the affairs of a council, Municipal Monitor or Commission of Inquiry often need to access legally privileged information, or other information prohibited from release under another enactment.

However, Municipal Monitors don't have explicit powers to request this information, and councils have previously been dissuaded from providing documents due to legal privilege or other statutory requirements prohibiting release of information.

Similarly, a Commission of Inquiry currently has the power to request a person to appear before it or give evidence or produce any document, which the person must comply with unless they provide a 'reasonable excuse'. Given the term 'reasonable excuse' is not defined, there is a risk that a person (or a council) refuses to provide evidence or information to a Commission. This may occur on the basis that the evidence or information is legally privileged information or is prohibited from release under another enactment.

#### **Proposal**

To encourage councils to provide information to assist a Municipal Monitor, the reforms will add:



- The provision of information by a council to a Municipal Monitor that is legally privileged does not cease to be the subject of legal professional privilege only because it is given or produced to a Municipal Monitor under the LG Act.
- When information that is prohibited from release under another enactment, is provided to a Municipal Monitor, a person is not subject to any criminal, civil, administrative or disciplinary proceedings or actions only because the person has complied with the request.
- Councils must provide reasonable assistance to a Municipal Monitor.

The reforms will clarify the meaning of 'reasonable excuse' for the purpose of complying with a request of a Commission, making it consistent with the definition of 'reasonable excuse' in the *Inquiries Act 2014*. The reforms will make it clear that it is not a reasonable excuse for a person to refuse or fail to comply with a request of a Commission to give information or produce a document on the basis that:

- The information, document, or other thing is the subject of legal professional privilege;
- The information, document or other thing might tend to incriminate the person or make the person liable to a penalty; and
- Another enactment prohibits the person from giving the information or producing the document or other thing or imposes a duty of confidentiality on the person in relation to the information, document or other thing.

# 3. Give the Chief Municipal Inspector the power to issue infringements for certain offences

#### **Background**

In the LGI's report <u>Social media fuels rise in complaints during 2020 council</u> <u>elections</u>, it noted the limited avenues available to ensure compliance with offences relating to the conduct of council elections. The LGI recommended in its report that the LG Act be amended to give the CMI specific powers to issue infringement notices with respect to electoral related offences.

Further, in the LGI's report titled <u>Personal interests returns: Encouraging disclosure</u> <u>and increasing transparency</u>, the LGI recommended that the CMI be given powers to issue infringement notices regarding personal interests returns related offences.

In these reports, the LGI noted that the cost and delay in conducting prosecutions in the court system in relation to these offences is disproportionate to the nature and seriousness of the offences. The LGI further observed that given the significant cost and time needed to bring these matters to court, historically only the most serious examples of noncompliance have been prosecuted by the LGI.

#### **Proposal**



The CMI will be given power to serve infringement notices for specified electoral and personal interests related offences under the LG Act. These offences, and their respective penalty amount, will be prescribed in regulations.

A general infringement provision will be introduced to enable offences in the LG Act to be prescribed to be infringement offences. This ensures that any further offences identified in the future as being appropriate to be made infringement offences, and their respective penalty amount, can be prescribed in regulations.

The proposed infringement regulations will be developed in accordance with the Attorney-General's Guidelines to the *Infringements Act 2006*.

#### Part 4: Other Miscellaneous Amendments

#### **Overview**

Note there are further proposed reforms to improve the operation of provisions relating to councillor conduct, early intervention, dispute resolution and oversight, as well as other miscellaneous amendments.

As noted above, these reforms will provide for administrative efficiencies and clarity and ensure the LG Act operates as intended. LGV is not seeking feedback and comments from the local government sector on these reforms.





26 February 2024

The Director
Local Government Victoria
Department of Government Services

via email to: <a href="mailto:lgv@ecodev.vic.gov.au">lgv@ecodev.vic.gov.au</a>

**Dear Director** 

#### LOCAL GOVERNMENT REFORMS SUBMISSION

Wellington Shire Council have reviewed the *Local Government Reforms 2024 Consultation Paper*.

The Wellington Shire Council is foremost concerned with the very short time frame allowed for consultation with the sector, considering the magnitude of the changes proposed. Only two of our Council meeting days fell within the consultation period, with the agenda already finalised for one, allowing little time for our staff to discuss the proposed reforms directly with our Councillors.

Our feedback is compiled on the attached feedback form.

We thank Local Government Victoria for the opportunity to comment and we look forward to further opportunities to provide feedback soon.

Yours sincerely

DAVID MORCOM
Chief Executive Officer

Enclosed: Feedback form

Our Ref: 3220545









## **ATTACHMENT - FEEDBACK FORM**

Pa	Part 1: Reforms to strengthen council leadership, capability and councillor conduct.		
Re	form proposal	Support / Not Support	Comments (Please limit responses for each proposal to 500 words)
1.	Mandatory ongoing training for councillors and mayors.	Support – conditional upon further information regarding the ongoing cost of the training.	Council supports the requirement for Councillors to complete induction training within 3 months of commencing their role rather than the current 6 months. As induction of the new Council will commence from 15 November 2024, any changes to expedite the training must be communicated as a matter of priority to assist with the induction planning which is already underway and to adequately inform candidates of the requirements which they will be subject to should they be elected.
			Council welcomes further mandatory training for Mayors, Deputy Mayor and Acting Mayors and annual training requirements for Councillors, provided such training is adequately resourced by the Victorian Government to ensure a consistent approach and limit the financial burden on councils.
			Council queries the quality and substance of some training provided, including the compulsory training for those who wish to nominate as a candidate in any council elections. Further information regarding which training provider would assist to deliver the mandatory training is required.
2.	Enable model Councillor Code of Conduct and other governance matters to be prescribed in regulations.	Support	Council supports the provision of a Model Code of Conduct, written in clear and concise language and with more specific obligations than included in the current Standards of Conduct.  Council agrees that it remains important for individual councils to maintain some flexibility through the use of policies to manage items which may not be covered in the Mandatory Code of Conduct.

Wellington Shire Council

## **ATTACHMENT - FEEDBACK FORM**

Reform proposal	Support / Not Support	<b>Comments</b> (Please limit responses for each proposal to 500 words)
1. Limit the Victorian Civil and Administrative Tribunal's (VCAT) jurisdiction with respect to councillor conduct panel decisions.	Support	Council supports this proposal to support more timely and transparent outcomes.
2. Councils must not indemnify councillors in relation to the internal arbitration process and the councillor conduct panel process.	Further information and discussion required.	Council seeks further information and discussion on this proposal.  Councillors should always be indemnified for duties associated with undertaking their role, however in the event of proven Councillor misconduct issues, it is agreed that it is inappropriate for community funds to be utilised for legal costs.  A lot more consideration is required as Council is a forum for professional and constructive debate, and therefor this proposal should not impede a Councillor undertaking their role. Caution must be exercised to ensure that a Councillor involved in IAP or CCP processes without any wrongdoing, does not rescind their ability to obtain legal coverage.
<b>3.</b> Broaden the scope of sanctions that may be imposed by an arbiter.	Support	Council recognises the importance of upholding a range of sanctions to punish perpetrators and deter others. The proposed changes are supported as they improve public transparency in relation to the arbiter's decision.

Wellington Shire Council 2

#### **ATTACHMENT - FEEDBACK FORM**

Part 3: Oversight Mechanisms		
Reform proposal S	Support / Not Support	Comments (Please limit responses for each proposal to 500 words)
Suspending or disqualifying individual councillors.	Support – conditional upon further clarity.	Providing a robust level of procedural fairness is demonstrated, Council supports this provision.
		Council seeks further clarity on the proposal relating to the Governor in Council having the power to disqualify a person from standing at future elections. It is unclear if a councillor who has been individually suspended can be disqualified by the Governor in Council or if such a disqualification can only occur if a full Council has been dismissed.
2. Clarify the application of privileges and statutory secrecy to Municipal Monitors and Commissions of Inquiry.	Support	Council welcomes a definition of 'reasonable excuse' to bring consistency to the information and documentation which is produced.
	Support - Further nformation required.	Council supports the proposal of increased powers for the Chief Municipal Inspector, to issue infringement notices for certain offences requiring however prior to supporting further detail would be required in relation to the offence type and penalty.
4. Other Miscellaneous Amendments.	Not support	Council notes that LGV proposes to make 'Other Miscellaneous Amendments' however will not seeking feedback and comments from the LG sector on these reforms. Council responses is that in the interest of public transparency and engagement principles, there should be an opportunity for the sector to provide feedback.

Wellington Shire Council 3

### 11.4. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987 ONLY) - KRITSAYA JINTAKOM

### ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

#### **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

#### 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 Kritsaya Jintakom be appointed and authorised as set out in the instrument provided in Attachment 11.4.1; and
- 2. The instrument be signed by the Chief Executive Officer.

#### **BACKGROUND**

Authorised Officers are appointed under the *Planning and Environment Act 1987* s 147(4) and authorised under s 313 of the *Local Government Act 2020*, either generally or in a particular case, to institute proceedings for offences against the Acts and regulations described in the attached instrument of authorisation.

Kritsaya Jintakom is commencing employment in Council's Land Use Planning business unit in March 2024. Approval of the proposed S11A Instrument of Appointment and Authorisation will ensure that the council officer can carry out their duties under the *Planning and Environment Act 1987*.

#### **ATTACHMENTS**

1. S11A Instrument of Appointment and Authorisation [11.4.1 - 2 pages]

#### **OPTIONS**

Council has the following options available:

- 1. To appoint and authorise Kritsaya Jintakom as an Authorised Officer as outlined in the attached Instrument of Appointment and Authorisation, or;
- 2. To not appoint and authorise Kritsaya Jintakom and seek further clarification and or information.

#### **PROPOSAL**

It is proposed that Council appoint and authorise Kritsaya Jintakom as an Authorised Officer as outlined in the attached Instrument of Appointment and Authorisation.

#### **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

#### **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **LEGISLATIVE IMPACT**

Section 188(2)(c) of the *Planning and Environment Act 1987* provides Council with the authority to approve the S11A Instrument of Appointment and Authorisation.

#### **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COUNCIL PLAN IMPACT**

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

#### **RESOURCES AND STAFF IMPACT**

Following adoption, our processes ensure that all staff are notified including updating of Council processes and procedures as required.

#### **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)



### Instrument of Appointment and Authorisation (*Planning and Environment Act 1987* only)

Kritsaya Jintakom



### Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this Instrument 'officer' means -

#### Kritsaya Jintakom

By this Instrument of Appointment and Authorisation Wellington Shire Council -

- under s 147(4) of the Planning and Environment Act 1987 appoints the officer to be an authorised officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
- 2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

#### It is declared that this Instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Wellington Shire Council on 5 March 2024.

DAVID MORCOM Chief Executive Officer Wellington Shire Council

Date: ...../ 2024

#### 12. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

#### 12.1. RESPONSE TO PETITION - SEVENTH AVENUE PARADISE BEACH

#### **ACTION OFFICER: MANAGER BUILT ENVIRONMENT**

#### **PURPOSE**

The purpose of this report is for Council to consider a petition received at the Ordinary Council meeting of 20 February 2024 requesting sealing of Seventh Avenue, Paradise Beach.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

That Council authorise the Chief Executive Officer to write to the head petitioner advising that Council will commence engagement with property owners on Seventh Avenue, Paradise Beach, to progress consultation for a street upgrade project through a special charge scheme in line with Council's Residential Road and Street Construction Plan.

#### **BACKGROUND**

At the Council meeting held on 6 February 2024 Council received a petition regarding Seventh Avenue, Paradise Beach. The petition requested that Wellington Shire Council upgrade and seal Seventh Avenue as the current maintenance practice is inadequate due to increased traffic.

Council officers received and responded to a request dated 4 December 2023 regarding concerns with the condition of Seventh Avenue and requesting sealing works. Wellington Shire's maintenance team organised grading works which occurred in the week of 15 January 2024, and the road was subsequently inspected again on 13 February 2024. This most recent inspection noted the road remained in good condition in line with Council's Road Management Plan.

Wellington Shire Council's procedure for upgrading residential streets is via a special charge scheme where both Council and the benefitting property owners contribute towards the project. Seventh Avenue, Paradise Beach is currently listed in Council's Residential Road and Street Construction Plan (The Plan) for future road upgrade via a special charge scheme, however, there is no current timeframe on this project given the previous lack of community support.

Under a special charge scheme for a small or coastal township, each resident would be charged a fixed fee of \$3,600 towards the street upgrade which in this instance would include:

- · Reconstruction of road pavement if required;
- Spray sealed road surface; and
- Construction and sealing of existing property entrances.

Council officers have undertaken initial estimations on costings for a potential special charge scheme for Seventh Avenue. There are at least 92 properties which access from Seventh Avenue and would be required to contribute towards a special charge scheme. The upgrade of Seventh Avenue is estimated to cost \$600,000, with property owners contributing \$331,200 towards this project.

Based on these estimated figures, this would require Council to contribute approximately \$268,800 (45% of the total cost) towards the project which could be funded through Roads 2 Recovery funding. We note that these amounts are estimates only, and more exact costs require further investigation. This would typically take place once a demonstrated level of support for a special charge scheme from the property owners along Seventh Avenue has been established.

#### **ATTACHMENTS**

Nil

#### **OPTIONS**

- That Council authorise the Chief Executive Officer to write to the head petitioner advising that Council will commence engagement with property owners on Seventh Avenue, Paradise Beach to progress consultation for a street upgrade project through a special charge scheme in line with Council's Residential Road and Street Construction Plan.
- 2. That Council do not progress consultation regarding a proposed street upgrade project through a special charge scheme in line with its Residential Road and Street Construction Plan and continue to maintain Seventh Avenue in its current condition in line with its Road Management Plan.

#### **PROPOSAL**

That Council authorise the Chief Executive Officer to write to the head petitioner advising that Council will commence engagement with property owners on Seventh Avenue, Paradise Beach to progress consultation for a street upgrade project through a special charge scheme in line with Council's Residential Road and Street Construction Plan.

#### **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

#### FINANCIAL IMPACT

Should this proposal progress to a special charge scheme, both Council and property owners would contribute towards the upgrade works. Each resident would be charged a fixed fee of \$3,600 towards the street upgrade. Subject to final costings, Council officers estimate the project to cost approximately \$600,000, with property owners contributing \$331,200 towards the project. Council would be required to contribute the remaining \$268,800.

#### **COMMUNICATION IMPACT**

Should Option 1 proceed, Council officers will commence initial engagement with property owners who would be included within a special charge scheme for Seventh Avenue. This engagement would involve providing property owners with an information letter on special charge schemes and the proposed outcome, as well as an informal survey which would be used to determine the level of support. Should Council receive a level of support of 60% or greater, Council officers would commence the formal special charge scheme process.

#### **LEGISLATIVE IMPACT**

Wellington Shire Council is the responsible road authority for Seventh Avenue, Paradise Beach, within the meaning of the *Road Management Act 2004*.

Wellington Shire Council undertakes all special charge scheme in line with Council's Residential Road and Street Construction Plan and the *Local Government Act* 1989.

#### **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

**Strategic Outcome 4.4:** "Safe and well-used transport connections across all modes of travel."

This report supports the above Council Plan strategic outcome.

#### **RESOURCES AND STAFF IMPACT**

Should Council receive sufficient support for a special charge scheme, construction of Seventh Avenue would be unlikely to commence until the 2026/27 financial year given the special charge scheme projects already being attended to which include; Mustons Lane, Coongulla, Longford and Ellen Avenue.

#### **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **ENGAGEMENT IMPACT**

Engagement will be undertaken in line with Council's standard engagement processes for special charge schemes.

#### **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### 13. GENERAL MANAGER DEVELOPMENT

### 13.1. COUNCIL SUBMISSION TO THE GELLIONDALE WIND ENERGY FACILITY PROPOSAL

**ACTION OFFICER: MANAGER LAND USE PLANNING** 

#### **PURPOSE**

To endorse a submission to the Minister for Planning in relation to planning permit application PA2302394 for the proposed Gelliondale Wind Energy Facility, Alberton.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

#### That Council:

- 1. Council endorse the submission included in Attachment 13.1.1 'Submission to the Gelliondale Wind Energy Facility', to the Minister for Planning in response to planning permit application PA2302394 for the proposed Gelliondale Wind Energy Facility;
- 2. Council seek the Minister for Planning's assurance that in the absence of a formal Environmental Effects Statement being required by the State Government, all specific concerns raised in submissions by community members be thoroughly investigated and detailed responses provided;
- 3. Council liaise with Synergy Wind to seek a Memorandum of Understanding to ensure that local community benefits arise from the development (should a planning permit be issued), and
- 4. Given that the application is being assessed by the State Minister for Planning, Council provides the Member for Gippsland South, Mr Danny O'Brien, with a copy of Wellington Shire's endorsed submission.

#### **BACKGROUND**

Synergy Wind Pty Ltd is proposing to develop a 13-turbine wind energy facility and utility installation, battery energy storage system, associated buildings and works, removal of native vegetation (1.184 Ha) and alteration to a Transport Zone – Schedule 2 on land to the west of Alberton. A planning permit application (PA2302394) for the proposal is currently being assessed by the Department of Transport and Planning (DTP), on behalf of the Minister for Planning who is the Responsible Authority for wind energy facility developments across the State.

The planning permit application is currently on public notice. A copy of the planning permit application documentation can be viewed on the DTP website: <a href="https://www.planning.vic.gov.au/permits-and-applications/ministerial-permits/browse-ministerial-permits">https://www.planning.vic.gov.au/permits-and-applications/ministerial-permits/browse-ministerial-permits</a>.

The potential approval of the Gelliondale Wind Energy Facility raises several key issues for Council to consider including (but not limited to):

- Environmental impacts particularly on sensitive flora and fauna around designated areas, including Ramsar wetlands.
- Road maintenance/traffic management.
- Ongoing noise monitoring/compliance obligations.
- Implications for the Yarram Aerodrome (given the height of the proposed turbines).
- Future decommissioning of the facility.

As such, it is considered appropriate that in response to the formal period of notice, Council lodge a formal submission with the Minister for Planning (see Attachment 13.1.1, 'Submission to the Gelliondale Wind Energy Facility'), to highlight the issues of concern (including those listed above) and to ensure that the views of the community are afforded an appropriate level of consideration.

#### **ATTACHMENTS**

1. Wellington Shire Council formal submission - Gelliondale Wind Energy Facility [13.1.1 - 7 pages]

#### **OPTIONS**

Council has the following options available:

- 1. That Council endorses the submission to the Minister for Planning included in Attachment 13.1.1 'Submission to the Gelliondale Wind Energy Facility', and liaise further with Synergy Wind Pty Ltd in relation to a potential Memorandum of Understanding (should a planning permit issue).
- 2. That Council does not endorse the submission to the Minister for Planning included in Attachment 13.1.1 'Submission to the Gelliondale Wind Energy Facility', and not liaise further with Synergy Wind Pty Ltd in relation to a potential Memorandum of Understanding (should a planning permit issue); and instead, seek further information or changes for consideration at a future Council meeting.

#### **PROPOSAL**

That Council endorse the submission included in Attachment 13.1.1 'Submission to the Gelliondale Wind Energy Facility', to the Minister for Planning in relation to planning permit application PA2302394 for the proposed Gelliondale Wind Energy Facility and liaise further with Synergy Wind Pty Ltd in relation to a potential Memorandum of Understanding (should a planning permit issue).

#### **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

#### **FINANCIAL IMPACT**

The submission included in Attachment 13.1.1 *'Submission to the Gelliondale Wind Energy Facility'*, has been prepared to help minimise Council's future cost exposure should the proposal be approved by the Minister for Planning.

It is also proposed that a Memorandum of Understanding be entered into with Synergy Wind Pty Ltd to manage 'non-planning' issues such as the administration of the community fund (should a planning permit issue).

#### COMMUNICATION IMPACT

This impact has been assessed and there is no effect to consider at this time.

#### **LEGISLATIVE IMPACT**

Planning permit application PA2302394 will be assessed by the DTP in accordance with the requirements of the *Planning and Environment Act 1987* and *Planning Guidelines for Development of Wind Energy Facilities (DTP, September 2023).* 

Other relevant legislative approvals, including the *Commonwealth Environment Protection* and *Biodiversity Conservation Act 1999* will also have to be complied with. This includes a requirement to prepare a *'Public Environment Report'*, on the basis that the proposal has been deemed a 'controlled action' with significant potential environmental impacts.

#### **COUNCIL POLICY IMPACT**

The proposal is consistent with the Council Position Statement on Renewable Energy.

#### **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 1 "Environment and Climate Change" states the following strategic outcome:

**Strategic Outcome 1.2:** "Assist community to transition to a low carbon economy via adoption of sustainable practices and renewable energy."

Strategic Outcome 1.3: "The natural environment is valued, protected and accessible."

**Strategic Outcome 1.4:** "Council is an environmental steward with a reducing carbon footprint."

The Council Plan 2021-25 Theme 2 "Economy and Sustainable Growth" states the following strategic outcome:

Strategic Outcome 2.1: "A diverse economy that creates jobs and opportunities."

This report supports the above Council Plan strategic outcome.

#### **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COMMUNITY IMPACT**

Concerns have been raised by various members of the community and groups opposed to the proposal, including those who have addressed meetings of Council over the course of the last several months

Key concerns include, amongst others, the following:

- Impacts on rare flora and fauna species.
- Noise impacts.
- Visual impacts on the landscape.
- Flooding impacts.
- Impacts on near-by sensitive landscapes including a Ramsar Listed site.
- Location of associated infrastructure.
- The consultation process.
- Impacts on cultural heritage.

The planning assessment process, including a Panel Hearing, will allow these matters to be considered in detail and afford an opportunity for concerned members of the community to voice concerns at a formal Hearing, prior to any final decision by the Minister for Planning.

#### **ENVIRONMENTAL IMPACT**

Environmental impacts will be assessed by the relevant authorities in accordance with legislative requirements.

#### **ENGAGEMENT IMPACT**

Synergy Wind Pty Ltd has undertaken preliminary community and stakeholder engagement prior to lodging the planning permit application. Formal public notice requirements are now underway, which will afford the community and other affected stakeholders the opportunity to put forward their views prior to the planning permit application being determined by the State Government.

Following a request from the project proponent, Officers are aware that the Minister for Planning has decided to 'call in' permit application PA22302394 under section 97B(1)(a) of the *Planning and Environment Act 1987*. Calling in the permit application will facilitate the consideration of the project at a planning panel.

At the end of the formal notice period, all objections and submissions will be referred to a Panel hearing under section 97E of the Act, where the proponent and all submitters will have the opportunity to make representations. Upon completion of the hearing the Panel will provide a report to the Minister with its recommendations on the application.

Council has also received several community objections to the proposal but given that the Minister for Planning (via DTP) is the authority responsible for all wind energy facilities assessment/decisions in Victoria, they have been encouraged to lodge their submissions directly with the State Government. This will ensure that their concerns are considered as part of the formal planning process.

It is also proposed that, should a planning permit issue for the proposal, Council and Synergy Wind Pty Ltd enter into a Memorandum of Understanding to ensure that local community benefits arise from the development (e.g. from the proposed community fund and via use of local contractors where practicable etc).

Council further notes the objections raised to the proposed Gelliondale Wind Energy Facility by members of the community at multiple Council meetings in past months, as outlined in the 'Community Impact' heading above.

#### **RISK MANAGEMENT IMPACT**

Construction of wind energy facility developments elsewhere in Victoria has resulted in some negative impacts for Local Government, including in relation to noise monitoring obligations and landscape impacts (e.g., from unregulated overhead transmission line impacts).

Subject to the final form of any planning permit issued by the State Government, the risk of future Council cost exposure with the Gelliondale Wind Energy Facilities cannot be definitively ruled out, but any such impacts need to be balanced with the positive effects arising from renewable energy investment within the Wellington Shire.



#### [INSERT]

The Hon Sonya Kilkenny Minister for Planning 8 Nicholson Street East Melbourne VIC 3002

Department of Transport and Planning

Via Email: <u>Development.Approvals@delwp.vic.gov.au</u>

Dear Minister,

### RE: SUBMISSION TO THE PROPOSED GELLIONDALE WIND ENERGY FACILITY PLANNING PERMIT APPLICATION REF: PA2302394

Thank you for the opportunity for Wellington Shire Council (Council) to lodge a submission to planning permit PA2302394, which relates to the proposed Gelliondale Wind Energy Facility, Alberton, Gippsland.

The adopted Council Plan 2021 - 2025 contains clear strategic direction for economic growth and responding to climate change, and as such aspires to achieve, 'a diverse economy that creates jobs and opportunities' and 'assisting the community to transition to a low carbon economy via the adoption of sustainable practices and renewable energy'.

Accordingly, Council is supportive of renewable energy investment in the Wellington Shire and the benefits of the associated investment. This position is predicated on the basis that the views and concerns of the local community, particularly those residents in close proximity to the project are afforded a high level of consideration in the assessment and decision-making process. A meaningful two-way dialogue with the community is a crucial component of the planning process if a well-balanced, transparent, and fully informed decision is to be reached.

Members of the local community have raised several key issues of concern with Council that require careful consideration and where necessary, to be appropriately managed through the imposition of clear, concise, and relevant planning permit conditions. This will ensure that any unnecessary impacts (most notably, environmental) are avoided, should a permit be approved.

Key issues of concern to both the community and Council include the following matters:











#### Flora and Fauna

The potential impacts of the proposal on local flora and fauna have been highlighted as amongst the most critical issues of concern to members of the local community. As such Council requests that a commensurate level of scrutiny is afforded to the findings and recommendations of the technical reports that have been submitted in support of the proposal to make certain that all potential impacts have been fully considered and where necessary, mitigated against.

Council believes that better knowledge of the predicting variables of the occurrence of potentially impacted (vulnerable/endangered) bird and bat species in the area (time of the day, wind direction, weather etc) will assist in informing 'avoidance and mitigation' measures.

Conditions relating to further detailed investigation into avoidance and mitigation measures should be included on any planning permit issued and include, but not be limited to the need for:

- further (seasonal) surveys to ascertain peak activity weather and time patterns;
- targeted turbine curtailment during predicted peak occurrence times (month, time of the day, prevailing winds, storm fronts); and
- · mortality monitoring and impact triggers.

Findings arising from any further work undertaken and which give rise to further potential negative environmental impacts, should also be adequately addressed.

Whilst it is acknowledged that the removal of native vegetation is required, particularly to accommodate traffic and transport infrastructure requirements, any removal must be kept to an absolute minimum with appropriate offsets established to compensate for losses.

#### **Environment Protection and Biodiversity Conservation Act 1999**

Council recognises that the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) and its associated regulations are Australia's main national environmental legislation. They provide a way to protect and manage nationally and internationally important plants, animals, habitats, and places.

It is noted that, following a referral to the Federal Government's Department of Climate Change, Energy, the Environment and Water, the project has been deemed a 'controlled action', under the provisions of the EPBC Act and as such, will be assessed by public environment report.

With an estimated 237 individual occurrences of matters of national environmental significance identified within the vicinity of the proposal, it is incumbent upon the proponent to clearly demonstrate how the controlled action will not jeopardise the long-term aims, objectives, and actions of related Victorian environmental policy frameworks, including 'Protecting Victoria's Environment – Biodiversity 2037'.

In the absence of a formal Environmental Effects Statement being required by the Victorian State Government and the strength of community concern relating to the potential adverse impacts on the surrounding sensitive environment, Council seeks the Minister's assurance that all matters specifically relating to environmental issues that are raised in submissions made by the community be thoroughly investigated and detailed responses provided to

indicate the way in which they will be addressed prior to, during, and upon completion of the project.

#### Corner Inlet Ramsar Listed Site and Nooramunga Coastal and Marine Park

Of particular concern to Council and members of the community is the potential for significant adverse impacts on the sensitive marine component of the Nooramunga Coastal and Marine Park and the near-by Corner Inlet Ramsar Wetland, given their proximity to the proposed project site. Council supports the preparation of a public environment report as a requirement of the EPBC Act 1999 and the consequent implementation of its findings in relation to impacts on significant wetlands.

#### Noise

The ability for a constructed wind farm to operate in compliance with the relevant noise Standards (New Zealand Standard NZS 6808:2010 Acoustics – Wind Farm Noise) is critical.

It is noted that the results of the modelling detailed in the supporting, 'Environmental Noise Assessment' (Marshall Day Acoustics, July 2023), demonstrates that the proposed wind turbines are predicted to achieve compliance with the current applicable noise limits determined in accordance with the New Zealand Standard. It is also noted that the report makes several noise management recommendations, which Council believes should be enacted through appropriate permit conditions.

Should a permit issue for the proposal, as a minimum, conditions must be imposed to secure initial and on-going operational noise monitoring obligations on the permit holder, to the satisfaction of the Minister for Planning (or Environment Protection Authority as the administrator of the *Environment Protection Act 1970* should issues relating to 'nuisance' arise).

#### Traffic Impacts

Council notes that the 'Traffic Impact Assessment' (Cardno now Stantec, June 2023) (TIA) concludes that, based the on the existing capacity of the surrounding road network, the traffic generated by the Wind Energy Facility during the construction and operation periods will be accommodated with minimal impact.

If approved, permit conditions must be included to secure, amongst other things, the completion of the Traffic Management Plans referenced in the TIA and in particular a requirement for both 'pre' and 'post-construction' road condition assessment and reinstatement of the local road network. A list of infrastructure-related permit conditions is attached at **Appendix A**.

#### Cultural Heritage

Notwithstanding the Cultural Heritage Management Plan that has been prepared to support the proposal, there are community concerns that further ground-truthing is required to provide the degree of confidence that artefacts are not present in the vicinity of the proposed turbines. Council supports the need for further ground-truthing on these matters to ensure that the cultural heritage values within the project area are not adversely impacted by activities associated with the proposed use and development of the land.

#### Environmental Management Plan

Council believes that the preparation of a comprehensive 'Environmental Management Plan' should be required to cover both the *construction* and *post-construction* phases of development (i.e., earthwork controls, traffic management, emergency response planning and landscape reestablishment. etc).

#### Inundation

Concerns have been raised in relation to the location of the turbine towers, several of which are noted to be proposed within low lying areas within the landscape where coastal inundation has anecdotally, been known to occur. This is a matter that Council would like considered more fully as part of the planning permit assessment process to ensure that any likely impacts associated with the siting are addressed.

#### Yarram Aerodrome

Key planning policy applicable to the development of Yarram Aerodrome is contained within the Wellington Planning Scheme at Clause 18.04-1S 'Planning for Airports and Airfields'. This policy has a clear objective to '...strengthen the role of Victoria's airports and airfields within the state's economic and transport infrastructure, facilitate their siting and expansion and protect their ongoing operation.' To achieve its objective, the policy seeks to, amongst other things, protect airports from incompatible land uses which may impact upon their existing and future use.

Noting that in its capacity as Aerodrome Manager, Council was not directly consulted during the preparation of the 'Aviation Impact Assessment' (AIA) but would nonetheless like to highlight the following matters.

There appear to be incorrect distance references throughout the AIA in terms of the distance of the aerodrome from the proposal – if Yarram Aerodrome is 6.7nm from GWT11 this is in fact a distance of 12.4kms and not the 36.01kms stated within the Assessment. If found to be correct, the implications of this apparent error should be further investigated to ensure that any existing or future land use or development around the aerodrome is not compromised by the proposed Wind Energy Facility.

Council currently has a draft 'Yarram Aerodrome Master Plan', which is progressing towards finalisation and approval. Whilst reliant on a full business case and external funding, the Master Plan does show an extended 09/27 runway at the aerodrome along with other ancillary development. Assessment of the proposal should have regard to this document.

It is noted the Yarram Aero Club has been consulted and advises that the Wind Energy Facility will not impact on its activities and that no obstacle lighting is necessary for the proposal.

#### Decommissioning

Council strongly recommends that a detailed regime is established to ensure that, if the Wind Energy Facility is decommissioned, the works required to satisfactorily achieve this, are undertaken in full and the land remediated to its pre-development condition by the permit holder.

#### **Complaints Procedure**

In the interests of transparency, accountability, and best practice, it is requested that the permit holder be required to develop and maintain a *'Register of Complaints'* which incorporates a clear process of investigation and a detailed response plan, to be maintained for the life of the project.

Council welcomes the Minister's final assessment and determination of the permit application in the hope that economic investment will be realised within the Wellington Shire to support future environmental and economic prosperity, whilst also addressing the concerns of the local community.

Yours sincerely

CR IAN BYE Mayor



### **Appendix A**

## INFRASTRUCTURE PLANNING PERMIT CONDITIONS PROPOSED GELLIONDALE WIND FARM FACILITY PLANNING PERMIT APPLICATION REF: PA2302394

- Prior to the commence of works a Transport and Asset Management Plan must be prepared for review and endorsement to the satisfaction of Wellington Shire Council. The plan must be prepared by a suitably qualified and experienced traffic engineer and must address the following:
  - a. A pre and post construction survey of public roads and rails trails to be used during construction, and decommissioning using an agreed method to the satisfaction of Wellington Shire Council. The survey must:
    - i. Assess the suitability, design, condition and construction standard of relevant public road, access points and rail trail crossings.
    - ii. Include recommendations, if any, regarding upgrades required to accommodate construction traffic and operational traffic.
    - iii. Address how any damage identified in the post-construction survey is to be remediated within four weeks of completion of construction of the development, or by an alternate date agreed in writing with the Wellington Shire Council.
  - b. Specify measures to be taken to appropriately eliminate, reduce or mitigate road safety hazards and traffic impacts associated with the construction and operation of the development.
  - c. Designate principal and other vehicle access points to the development from surrounding roads and specify the detailed design of the connections between internal access tracks and public roads.
  - d. Include detailed engineering plans of any recommended traffic upgrade works and a program indicating when the works will be undertaken.
  - e. Address coordination between construction traffic and public road users.
  - f. Include details of signage to be removed, installed or replaced during general construction activities, such as directional signage and speed limits, and specify construction activities such as the delivery of over-dimension infrastructure to the development sites.
  - g. Specify the location, depth, and protective measures for all permanent infrastructure installed within a public road or rail trail.
  - h. Address construction and sealing of Coal Mine Road in accordance with the Infrastructure Design Manual, relevant industry standards and to the satisfaction of Wellington Shire Council.
    - Alternatively, the applicant must enter into a Section 173 agreement acknowledging and agreeing that Coal Mine Road is not maintained by

Wellington Shire Council and all on-going maintenance to sustain allweather access to the development site is the responsibility of the developer.

- Any inspections, maintenance, rehabilitation and repair work identified in the Traffic and Asset Management Plan must be undertaken to the satisfaction of, and to no cost to, Wellington Shire Council. If works are not completed within nominated timeframes, the works may be undertaken by Wellington Shire Council at the developer's expense.
- 3. Once endorsed the Traffic and Asset Management Plan will form part of this permit and must be implemented to the satisfaction of Wellington Shire Council.
- 4. The endorsed Traffic and Asset Management Plan must not be altered or modified without the written consent of the Wellington Shire Council. Any alteration or modification to the endorsed Traffic and Asset Management Plan must be prepared in consultation with the Wellington Shire Council.

End.

### 13.2. CROWN LAND CARAVAN PARK LEASES - SALE MOTOR VILLAGE AND STRATFORD ON THE RIVER TOURIST PARK

#### **ACTION OFFICER: MANAGER ECONOMIC DEVELOPMENT**

#### **PURPOSE**

For Council acting in its capacity as Committee of Management to authorise the finalisation of new leases on Crown Land Reserves for the Lease, Development and Management of Sale Motor Village and Stratford on the River Tourist Park.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

#### That:

- 1. Council authorise the Chief Executive Officer to finalise the negotiation of new leases on Crown Land Reserves for the Lease, Development and Management of Sale Motor Village and Stratford on the River Tourist Park, and obtain all required approvals including from the Department of Energy, Environment and Climate Action.
- 2. The information contained in the confidential attachment 13.2.2 Evaluation Report Sale Caravan Park and Item 13.2.3 Evaluation Report Stratford Caravan Park and designated confidential under section 3(1) of the Local Government Act 2020 by the General Manager Development on 19 February 2024 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the names of the recommended lessees can be made public.

#### **BACKGROUND**

On behalf of the Department of Energy, Environment, and Climate Action (DEECA) Wellington Shire Council is the appointed Committee of Management under the *Crown Land Reserves Act 1978* (Vic) (CLRA) and acts as lessor (landlord) for leases at Sale Motor Village and Stratford on the River Tourist Park.

In accordance with DEECA policy and guidelines, public advertising and a tender process commenced in December 2023 to seek new leases for both parks noting the existing leases expire in April (Stratford) and June (Sale) 2024.

Previously, council workshops and reports regarding new Crown Land Caravan Park Leases have been put forward on 19 July 2022, 4 April 2023, and 16 May 2023.

The tenders opened on Tuesday 21 November 2023 and closed 5pm Thursday 4 January 2024 and were promoted through:

- Tower Real Estate (Tourism Industry Specialist)
  - Website and database
- Industry networks;
- Industry Associations; and
- Print advertising in local publications.

Tenderers were required to address the following criteria:

- Applicants Experience/Background 20%
- Applicants Financial Position 15%
- Proposed Business Plan for the Park 15%
- Proposed Rent 20%
- Proposed Capital Works 20%
- Environmental and Cultural Management 10%

A Council workshop was also completed on 20 February 2024 following the close of tenders where the following details were discussed:

- Tender submissions received for each park;
- Overview of the evaluation panel's assessment; and
- Preferred Applicants for each park.

The two attached confidential Evaluation Reports set out how the preferred applicants for each park satisfied the selection criteria based on their tender submission.

It should be noted that the Lease document is a 'Model Lease Template' Section 17D Crown Land Lease provided by DEECA and adopted for Crown Land Reserves including caravan parks.

Consistent with discussions at previous Council workshops, lease terms and special conditions together with standard conditions to be incorporated into the new leases are summarised below:

Term: 21 years (with no options or renewals)

Commencement: 5 April 2024 or 1 July 2024

Rental: Benchmarked against Valuer General Victoria assessed

current market rental

Capital Investment: By tenant in accordance with agreed masterplan.

Rental reviews: CPI Annually and Market review every five years.

Security: Deposit/Bank Guarantee to the value of six months' rent.

Outgoings: Tenant to pay all outgoings.

Assignment: Not permitted within first three years.

On the basis Council accept the evaluation reports, the establishment of new leases can be progressed in accordance with this report's recommendation and will include the engaged specialist consultant Sustainable Park Solutions facilitating:

- The lease being executed by new tenant(s) and Council as lessor.
- Final DEECA approval and signing by the Minister for Environment (or their delegate).
- Any other actions required to establish the new leases.

In the event of any delays a revised lease commencement date will need to be adopted.

#### **ATTACHMENTS**

- 1. Confidential Header: Evaluation Reports Sale Caravan Park and Stratford Caravan Park [13.2.1 1 page]
- 2. CONFIDENTIAL REDACTED Evaluation Report Sale Caravan Park [13.2.2 5 pages]
- 3. CONFIDENTIAL REDACTED Evaluation Report Stratford Caravan Park [13.2.3 5 pages]

#### **OPTIONS**

Council has the following options available:

- 1. Progress establishing new Crown Land Caravan Park leases at Sale Motor Village and Stratford on the River Tourist Park; or
- 2. Not progress establishing new Crown Land Caravan Park leases at this time noting this will require alternate arrangements for the management and operation of the two caravan parks.

#### **PROPOSAL**

#### That:

- 1. Council authorise the Chief Executive Officer to finalise the negotiation of new leases on Crown Land Reserves for the Lease, Development and Management of Sale Motor Village and Stratford on the River Tourist Park, and obtain all required approvals including from the Department of Energy, Environment and Climate Action.
- 2. The information contained in the confidential attachments 13.2.2 Evaluation Report Sale Caravan Park and Item 13.2.3 Evaluation Report Stratford Caravan Park and designated confidential under section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 19 February 2024 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
  - be designated confidential information under section 3(1) Confidential Information of the *Local Government Act 2020*, except that once this recommendation has been adopted the names of the recommended lessees can be made public.

#### **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

#### **FINANCIAL IMPACT**

Under the terms of the new leases, each park will benefit from significant investment allowing upgrades and new infrastructure to be delivered. This will be identified and planned based on each park's agreed Master Plan which must be developed within the first six months of the lease.

All rental and any other financial payments received under the lease are held in a Crown Land Caravan Park Reserve Fund (Reserve Fund). Revenue is then directed towards capital works for the parks. The Reserve Fund is separate to Council's consolidated revenue.

Over the term of the lease investment at Sale Caravan Park is estimated at \$3.3-4.6M and at Stratford Caravan Park \$1.9-3.3M. The range reflects the potential for the tenant investment in their own assets e.g. new cabins.

As raised with DEECA, from the commencement of the new leases, reasonable administrative costs including staff time will be deducted from the Reserve Fund.

#### **COMMUNICATION IMPACT**

There are a number of permanent residents living at both parks, letters were sent early on to advise their residency rights would not be adversely affected. In doing this the general response was that residents were pleased to know this well in advance and had comfort in knowing where they stood.

All other communications with key stakeholders have been managed through Sustainable Park Solutions during the Caravan Park Tender Process with updates provided throughout. Annual Permit Holders will be updated based on the outcome of this report.

#### **LEGISLATIVE IMPACT**

The tender and establishment of new Section 17D Crown Land Leases will be undertaken in accordance with the *Crown Land Reserves Act 1978* (Vic), DEECA policy and guidelines.

#### **COUNCIL POLICY IMPACT**

The recommendations contained in this report are generally consistent with Council's policy on *Rental and Leasing of Council Owned Properties*.

#### **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 2 "Economy and Sustainable Growth" states the following strategic outcome:

Strategic Outcome 2.1: "A diverse economy that creates jobs and opportunities."

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

**Strategic Outcome 4.3:** "Well planned and sustainable towns, facilities, and infrastructure that service community need."

This report supports the above Council Plan strategic outcomes.

#### RESOURCES AND STAFF IMPACT

The implementation of this report's recommendation will be undertaken within the resources of the Development Division including engaging specialist advice from Sustainable Park Solutions.

As noted in the Financial Impact section above, reasonable costs associated with the administration and management of Crown Land Caravan Park Leases will be deducted from the Reserve Fund.

#### **COMMUNITY IMPACT**

The flow-on effect of implementing this report will result in a positive community impact. Through the evaluation process, tenderers' responses on community impacts were assessed as to how the caravan park will:

- work with local community groups and the local business community; and
- support 'local buy' within the Shire and promote The Middle of Everywhere campaign.

It is recognised that each caravan park is an integral part of their community and support other local businesses, tourism and the visitor economy sectors.

#### **ENVIRONMENTAL IMPACT**

Tenderers responses on environmental impacts in the form of promoting environmental sustainability were considered through the tender evaluation process. Crown Land Leases typically manage environmental impacts through relevant planning and environmental approvals being required when completing works.

In addition, obligations regarding compliance with applicable laws and regulations covering environmental issues exist.

#### **ENGAGEMENT IMPACT**

An open public tender process was conducted by Sustainable Park Solutions seeking submissions for the Lease, Development and Management of each park.

As Council is acting within its capacity as Committee of Management under the CLRA, public notice of the intention to lease and consideration of submissions under the *Local Government Act 2020* (Vic) is not required to be completed.

#### **RISK MANAGEMENT IMPACT**

Risks will be managed within the context of the lease document.



The Heart of Gippsland

# ORDINARY COUNCIL MEETING 6 MARCH 2024

I declare that the information contained in the attached document EVALUATION REPORT – SALE CP AND EVALUATION REPORT – STRATFORD CP relating to CROWN LAND CARAVAN PARK LEASES – SALE MOTOR VILLAGE AND STRATFORD ON THE RIVER TOURIST PARK is confidential because it contains confidential information as defined in section 3(1) of the Local Government Act 2020;

(g) private commercial information, being information provided by a business, commercial or financial undertaking that - relates to trade secrets; or - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

.....

ANDREW POMEROY
GENERAL MANAGER DEVELOPMENT
19/02/2024

#### 14. 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 -

FURTHER GALLERY COMMENTS -

Meeting declared closed at:

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

#### 15. 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
- I) 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.