



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 21 December 2021

COUNCILLORS PRESENT

Cr Ian Bye (Mayor)
Cr Marcus McKenzie (Deputy Mayor)
Cr Carolyn Crossley - virtually
Cr Gayle Maher
Cr Scott Rossetti
Cr Garry Stephens
Cr John Tatterson
Cr Jill Wood

OFFICERS PRESENT

David Morcom, Chief Executive Officer
Arthur Skipitaris, General Manager Corporate Services
Brent McAlister, General Manager Development
Chris Hastie, General Manager Built and Natural Environment
Karen McLennan, Acting General Manager Community and Culture
Denise Teo, Governance Officer
Wendy Reeves, Coordinator Communications and Media

APOLOGIES

Cr Carmel Ripper

**ORDINARY MEETING OF COUNCIL
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1. APOLOGIES

Councillor Carmel Ripper

The Mayor paused proceedings to pay tributes and acknowledgements to those that have passed away in the past week.

Councillor Rossetti acknowledged the passing of Monsignor Allman last week. He was ordained in Sale in 1951 and continued to serve the communities of Sale and Traralgon. Councillor Rossetti reflected on his lifelong service to the Catholic church and his love of horses and racing.

Mayor Bye acknowledged the tragic loss of life in Devonport, Tasmania and extended condolences to everyone touched by the tragedy.

Mayor Bye expressed condolences to Pauline Duncan on the passing of John Duncan. He served as a Councillor from 2012 - 2016 and served as the Deputy Mayor in 2015.

Former Councillor, **Jenny O'Neill**, (from the public gallery) thanked the Council for taking a chance hosting the Archibald Prize and various sculpture events during a year when physical public events have suffered greatly. She acknowledged that it not only provided an opportunity for Wellington to host the prestigious prize but to also showcase all of the other sights of Sale and surrounds and provide an opportunity for local businesses to bounce back.

2. DECLARATION OF CONFLICT/S OF INTEREST

NIL

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 7 December 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 December 2021.

COUNCILLOR WOOD / COUNCILLOR STEPHENS

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 December 2021.

CARRIED

4. BUSINESS ARISING FROM PREVIOUS MEETINGS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

5. ACCEPTANCE OF LATE AND URGENT ITEMS

NIL

6. NOTICE/S OF MOTION

NIL

7. RECEIVING OF PETITION OR JOINT LETTERS

7.1. OUTSTANDING PETITIONS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR MAHER acknowledged the winners of the 2021 Wellington Shire Council Staff Achievement Awards. She highlighted the various contributions the winners have made across the five categories of:

1. leadership;
2. customer focus;
3. innovation;
4. relations;
5. sustainability;

and congratulated all staff for their hard work and contributions throughout the year.

9. QUESTION/S ON NOTICE

9.1. OUTSTANDING QUESTION/S ON NOTICE

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

10. MAYOR AND COUNCILLORS REPORT

10.1. MAYOR AND COUNCILLORS REPORT

ACTION OFFICER: COUNCILLOR IAN BYE

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

11. YOUTH COUNCIL REPORT

11.1. YOUTH MAYOR'S REPORT

ACTION OFFICER: YOUTH DEPUTY MAYOR, RIVER MAYMAN

RECOMMENDATION
<i>That Council receive the Youth Mayor's Quarterly Report.</i> COUNCILLOR WOOD / COUNCILLOR STEPHENS <i>That Council receive the Youth Mayor's Quarterly Report.</i>
CARRIED

12. DELEGATES REPORT

NIL

13. CHIEF EXECUTIVE OFFICER

13.1. CHIEF EXECUTIVE OFFICER'S REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

COUNCILLOR MCKENZIE / COUNCILLOR MAHER

That the Chief Executive Officer's report be received.

CARRIED

14. GENERAL MANAGER CORPORATE SERVICES

14.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 29 November 2021 to 12 December 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 29 November 2021 to 12 December 2021.

COUNCILLOR MAHER / COUNCILLOR ROSSETTI

That Council note and receive the attached Assembly of Councillor records for the period 29 November 2021 to 12 December 2021.

CARRIED

14.2. AUDIT & RISK COMMITTEE MINUTES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To receive and note the minutes of the Audit & Risk Committee meeting held on 24 November 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 24 November 2021 (Attachment 1) and the confidential attachment Audit & Risk Committee Minutes of 24 November 2021 (Attachment 3);***
- 2. The information contained in the confidential document Audit & Risk Committee Minutes of 24 November 2021 of this Council meeting agenda and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 2 December 2021 because it relates to the following grounds: e) legal privileged information; and l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

COUNCILLOR STEPHENS / COUNCILLOR MCKENZIE

That:

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 24 November 2021 (Attachment 1) and the confidential attachment Audit & Risk Committee Minutes of 24 November 2021 (Attachment 3);***
- 2. The information contained in the confidential document Audit & Risk Committee Minutes of 24 November 2021 of this Council meeting agenda and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 2 December 2021 because it relates to the following grounds: e) legal privileged information; and l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

CARRIED

14.3. ADOPTION OF THE PROCUREMENT POLICY

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

For Council to approve and adopt Council's revised Procurement Policy following reforms arising from the *Local Government Act 2020* (the Act).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council approve and adopt Council's revised Procurement Policy, as attached.

COUNCILLOR STEPHENS / COUNCILLOR TATTERSON

That Council approve and adopt Council's revised Procurement Policy, as attached.

CARRIED

14.4. ADOPTION OF THE 2022 COUNCIL POLICY MANUAL

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the updated 2022 Council Policy Manual as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council revoke the existing Council Policy Manual and replace it with the updated 2022 Council Policy Manual as attached.

COUNCILLOR WOOD / COUNCILLOR MAHER

That Council revoke the existing Council Policy Manual and replace it with the updated 2022 Council Policy Manual as attached.

CARRIED

15. GENERAL MANAGER DEVELOPMENT

15.1. QUARTERLY BUILDING REPORT - JULY TO SEPTEMBER 2021

ACTION OFFICER: MANAGER MUNICIPAL SERVICES

PURPOSE

To provide a report to Council on building permits issued in the Wellington Shire during the quarter 1 July 2021 to 30 September 2021, for information.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note the report of building permits issued from 1 July 2021 to 30 September 2021.

COUNCILLOR MAHER / COUNCILLOR CROSSLEY

That Council note the report of building permits issued from 1 July 2021 to 30 September 2021.

CARRIED

15.2. QUARTERLY STRATEGIC LAND USE PLANNING UPDATE - Q4 2021

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To update Council on the strategic land use planning work program for the fourth quarter October to December 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

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

COUNCILLOR MAHER / COUNCILLOR STEPHENS

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

CARRIED

15.3. ADOPTION OF THE WELLINGTON SHIRE COMPLAINT HANDLING POLICY 2021

ACTION OFFICER: MANAGER MUNICIPAL SERVICES

PURPOSE

For Council to adopt the Wellington Shire Council Complaints Handling Policy 2021 as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the Wellington Shire Council Complaints Handling Policy 2021.

COUNCILLOR TATTERSON / COUNCILLOR ROSSETTI

That Council adopt the Wellington Shire Council Complaints Handling Policy 2021.

CARRIED

15.4. OCTOBER 2021 MONTHLY PLANNING DECISIONS

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To provide a report to Council on recent planning permit trends and planning decisions made under delegation by Statutory Planners during the month of October 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 October and 31 October 2021.

COUNCILLOR MAHER / COUNCILLOR WOOD

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 October and 31 October 2021.

CARRIED

15.5. PROPOSED PURCHASE OF 107 FLAMINGO DRIVE, GOLDEN BEACH

ACTION OFFICER: MANAGER ECONOMIC DEVELOPMENT

PURPOSE

For Council to authorise the acquisition (purchase by agreement) of property located at 107 Flamingo Drive, Golden Beach.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council authorise the Chief Executive Officer to acquire (purchase by agreement) property described as 107 Flamingo Drive, Golden Beach more specifically referred to as Lot 2982 LP56682 Volume 8391 Folio 589 for the amount determined by the independent assessment of the market value following consolidation.

COUNCILLOR STEPHENS / COUNCILLOR MAHER

That Council authorise the Chief Executive Officer to acquire (purchase by agreement) property described as 107 Flamingo Drive, Golden Beach more specifically referred to as Lot 2982 LP56682 Volume 8391 Folio 589 for the amount determined by the independent assessment of the market value following consolidation.

CARRIED

16. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

16.1. SLOPING BRIDGE WIDENING - POUND ROAD WEST

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the widening of Sloping Bridge on Pound Road West, Alberton West.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-049 Sloping Bridge Widening – Pound Road West, Alberton West; and***
- 2. The information contained in the confidential attachment Contract 2022-049 Sloping Bridge Widening – Pound Road West, Alberton West and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 5 November 2021 because it relates to the following grounds: (g)(ii) 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 name of the successful tenderer can be made public.***

COUNCILLOR MAHER / COUNCILLOR ROSSETTI

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-049 Sloping Bridge Widening – Pound Road West, Alberton West; and***
- 2. The information contained in the confidential attachment Contract 2022-049 Sloping Bridge Widening – Pound Road West, Alberton West and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 5 November 2021 because it relates to the following grounds: (g)(ii) 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 name of the successful tenderer can be made public.***

CARRIED

The Mayor announced the successful tenderer as Jarvis Norwood Constructions Pty Ltd.

16.2. ANNUAL KERB AND CHANNEL PROGRAM

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the annual kerb and channel replacement program.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-056 Annual Kerb and Channel Program; and***
- 2. The information contained in the confidential attachment Contract 2022-056 Annual Kerb and Channel Program and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 December 2021 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 name of the successful tenderer can be made public.***

COUNCILLOR TATTERSON / COUNCILLOR WOOD

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-056 Annual Kerb and Channel Program; and***
- 2. The information contained in the confidential attachment Contract 2022-056 Annual Kerb and Channel Program and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 December 2021 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 name of the successful tenderer can be made public.***

CARRIED

The Mayor announced the successful tenderer as Contula Constructions Pty Ltd.

16.3. DELEGATED AUTHORITY: DUKE STREET ROAD AND DRAINAGE CONSTRUCTION, YARRAM / MCMILLAN STREET RECONSTRUCTION WORKS, STRATFORD / ABELS AND BOYLES ROAD, LONGFORD

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider delegating to the Chief Executive Officer to enter into contracts for the for following works:

- Duke Street Road and Drainage Construction Yarram; and
- McMillan Street Construction Stratford; and
- Abels and Boyles Road Construction – Longford; and

report back to Council on the details when awarded.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council delegate authority to the Chief Executive Officer to enter into contracts for the following projects subject to the tendered price being within budget:***
 - ***2022-063 Duke Street Road and Drainage Construction - Yarram; and***
 - ***2022-064 McMillan Street Construction Special Charge Scheme – Stratford; and***
 - ***2022-070 Abels / Boyles Road Construction Special Charge Scheme – Longford.***
- 2. The Chief Executive Officer provide details to Council of the contracts awarded under this delegation.***

COUNCILLOR ROSSETTI / COUNCILLOR MAHER

That:

- 1. Council delegate authority to the Chief Executive Officer to enter into contracts for the following projects subject to the tendered price being within budget:***
 - ***2022-063 Duke Street Road and Drainage Construction - Yarram; and***
 - ***2022-064 McMillan Street Construction Special Charge Scheme – Stratford; and***
 - ***2022-070 Abels / Boyles Road Construction Special Charge Scheme – Longford.***
- 2. The Chief Executive Officer provide details to Council of the contracts awarded under this delegation.***

CARRIED

17. FURTHER GALLERY AND ONLINE COMMENTS

Gallery comments are an opportunity for members of the public to raise any particular matter they wish. This allows those in the gallery to speak directly to Councillors but is not a forum designed for open discussion or debate. We will listen respectfully to what you have to say and make the commitment that if your query requires a written response, we will advise you that a response will be forthcoming, and a copy of that response will be circulated to all Councillors.

This is not a forum for members of the public to lodge complaints against individuals, including Councillors and staff, particularly as that individual gets no public right of reply to any matter raised. We take complaints seriously, and in line with the guidance from the Victorian Ombudsman and the local Government Inspectorate, we request that any specific complaint against an individual be put in writing. This way, your concern can be properly dealt with while ensuring fairness to all parties concerned.

If you wish to speak, we remind you that this part of the meeting is being recorded and broadcast on our website. Council's official Minutes will record that you have spoken to Council and the subject you spoke to Council about but will not record specific comments. We ask you to state your name in full, where you are from, and you have three minutes.

ONLINE COMMENTS –

ALAN HEYWOOD emailed Council with the same query as submitted for the 7 December 2021 Council meeting. The CEO confirmed that a response has since been provided to Mr Heywood.

FURTHER GALLERY COMMENTS –

NIL

Meeting declared closed at: 6:42pm

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

18. IN CLOSED SESSION

COUNCILLOR ROSSETTI

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***
- (g)(ii) Private commercial information***

IN CLOSED SESSION

COUNCILLOR ROSSETTI / COUNCILLOR STEPHENS

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

CARRIED