



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

COUNCIL MEETING AGENDA ORDINARY MEETING

Meeting to be held at

Wellington Centre – Wellington Room

Foster Street, Sale and via MS Teams

Tuesday 3 October 2023, commencing at 5:00 PM

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

**ORDINARY MEETING OF COUNCIL
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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 19 September 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 19 September 2023.

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
NIL			

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 11 September 2023 to 24 September 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 11 September 2023 to 24 September 2023.

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 11 September 2023 to 24 September 2023.

ATTACHMENTS

1. Assembly of Councillors - 7 September 2023 - Aqua Energy Redevelopment Project Reference Group meeting [11.1.1 - 1 page]
2. Assembly of Councillors - 19 September 2023 - Council Day [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 11 September 2023 to 24 September 2023.

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 – 7 September 2023

ATTACHMENT 11.1.1

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)					
Aqua Energy Redevelopment Project Reference Group	Councillor Name	Attenda nce	Conflict of Interest	Officer Name	Attendance	Item No.
	Cr Ian Bye	Yes		D Morcom, CEO	No	
	Cr Carolyn Crossley	No		A Skipitaris, GMCS	No	
	Cr John Tatterson	No		C Gillings, GMC&C	No	
	Cr McKenzie	No		C Hastie, GMB&NE	No	
	Cr Jill Wood	No		S Pye, A/GMD	No	
	Cr Gayle Maher	No		S McPherson, A/GMCC	Yes	
	Cr Carmel Ripper	No				
	Cr Scott Rossetti	No				
	Cr Garry Stephens	No				
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING			
Jackie Madden, Gippsland Swimming			Successful visit to West Sale Helicopter Fleet pool held on 25 July 2023			
Kylie Watson, Cath Vassiliou Sale Swim Club			Tender awarded by Council at its 15 August 2023 meeting, construction to commence Oct/Nov 2023			
WSC - Ross McWhirter (Chair), Julie Baker (Minutes), Sam Matthews, Mark Benfield, Nathan Sellings, Kim Salleh, Ayla Ramsey			Communication & Engagement, and Schedule discussed.			
Bernadette Kemp, Kemp Aquatics						

ASSEMBLY OF COUNCILLORS – 19 SEPTEMBER 2023

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
IT / Diary Meeting	Cr Bye	YES	Cr Stephens	YES	N/A
	Cr Crossley	YES	Cr Tatterson	YES	N/A
	Cr McKenzie (<i>on leave</i>)	NO	Cr Wood	YES	N/A
	Cr Maher	YES	David Morcom, CEO (<i>on leave</i>)	NO	N/A
	Cr Ripper	YES	Leah Carubia, EA	YES	N/A
	Cr Rossetti	YES	Damian Norkus, ICT Operations Officer	YES	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
Workshops	Cr Bye	YES	Cr Tatterson	YES	N/A
	Cr Crossley	YES	Cr Wood	YES	N/A
	Cr McKenzie (<i>on leave</i>)	NO	David Morcom, CEO (<i>on leave</i>)	NO	N/A
	Cr Maher	YES	Chris Hastie, GM Built and Natural Environment	YES	N/A
	Cr Ripper	YES	Arthur Skipitaris, GM Corporate Services (<i>Acting CEO</i>)	YES	N/A
	Cr Rossetti (<i>items 2-4</i>)	YES	Sam McPherson, Acting GM Community & Culture	YES	N/A
	Cr Stephens	YES	Andrew Pomeroy, GM Development	YES	N/A

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE
Workshops (cont.)	1. AUSKELP – LARGE SCALE KELP FARMS	<ul style="list-style-type: none"> • Christopher Ride, Founder and Managing Director - AusKelp <i>Conflict of Interest: Nil</i>
	2. PROPOSED SALE OF LAND FOR NEW SALE COLLEGE CAMPUS	<ul style="list-style-type: none"> • Daniel Gall, Coordinator Commerical Property • Geoff Hay, Manager Economic Development • Sam Pye, Manager Built Environment • Josh Clydesdale, Major Projects and Principal Strategic Planner • Barry Hearsey, Manager Land Use Planning <i>Conflict of Interest: Nil</i>
	3. DEVELOPMENT DIVISION UPDATE: PLANNING, MUNICIPAL SERVICES & ECONOMIC DEVELOPMENT	<ul style="list-style-type: none"> • Andrew Pomeroy, General Manager Development • Vanessa Ebsworth, Manager Regulatory Services • Geoff Hay, Manager Economic Development • Barry Hearsey, Manager Land Use Planning <i>Conflict of Interest: Nil</i>
	4. ANNEMIEKE MEIN EXHIBITION UPDATE	<ul style="list-style-type: none"> • Simon Gregg, Director, Gippsland Art Gallery <i>Conflict of Interest: Nil</i>

11.2. LOAN FOR AQUA ENERGY REDEVELOPMENT PROJECT AND OTHER INFRASTRUCTURE PROJECTS

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

The purpose of this report is to recommend the preferred lending institution for borrowings and associated terms totalling \$14M, and to authorise the Chief Executive Officer to sign documents with the preferred lending institution to establish these borrowings.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council:

- 1. Approve the TCV (Treasury Corporation of Victoria) as a new source of funding for Council's infrastructure borrowing requirements.***
- 2. Participate in the Community Sports Infrastructure Loan Scheme and via the TCV facility, borrow \$10M for the approved Aqua Energy redevelopment.***
- 3. Utilise the TCV facility for additional borrowings of \$4M to assist with funding some key future capital works in line with Council's longer term financial plan and budgeted capital works.***
- 4. Authorise the Chief Executive Officer to liaise and negotiate with TCV and execute all relevant documents required, to establish a TCV borrowing facility of \$14M.***

BACKGROUND

Currently Wellington Shire Council is in the final stages of paying out its only active loans, within the agreed loan terms, with less than \$500,000 outstanding.

There is however a requirement for Council to be able to borrow to fund some key infrastructure projects, in line with Council's 10 Year Long Term Financial Plan and the 2023/24 Budget, as follows:

Aqua Energy redevelopment funding requirements

A business case was completed in 2018/19 to replace the almost 50-year-old, 25 metre indoor pool at Aqua Energy. This resulted in a plan which would achieve significant accessibility, utilisation, and programming benefits for users. A concept design was prepared and involved stakeholder and user consultation in 2019/20 and was adopted by Council.

Architects were appointed by Council in September 2021 to review the concept and to complete the detailed design. Following completion of the design the project was tendered in September 2022 for a period of eight weeks and at the conclusion of the tender period, Council at its Ordinary Meeting of 20 December 2022 determined not to award a contract.

Since that time a parcel of land has been purchased from the Sale Bowls Club and the proposed Aqua Energy Members Entrance has been confirmed on the construction drawings and some other minor modifications to the plans have been made. The project was retendered on 19 June 2023 and closed on 19 July 2023. The successful tender was accepted by Council at a Council meeting on 15 August 2023.

The original funding strategy was approved by Council at the Ordinary Council Meeting on 7 December 2021. This funding strategy was based on a \$16.7 million project cost and included \$10 million in proposed loans. The new project cost based on the successful tender is \$23 million. The current funding strategy for the increased budget includes \$10 million in proposed loans (TCV), grants and the balance from Council derived income.

Other borrowing requirements

Council's 10 Year Long Term Financial Plan and 2023/24 Budget include borrowings to fund Capital Infrastructure Projects to utilise an intergenerational approach that ensures the costs of developments are spread across the generations of ratepayers who will end up using the improved facilities.

Some of our long-term financial plan projections include borrowings for Early Learning Centres in Gibson's Road and Market Street as well as other Community Facility Renewals and/or Infrastructure developments.

ATTACHMENTS

NIL

OPTIONS

Council has the following options available:

1. Approve the TCV as a new source of funding for borrowing requirements; or
2. Not approve the TCV as a new source of funding for borrowing requirements and continue to source funding through more traditional bank loans or savings in the future capital works program; or
3. Seek further information to be considered at a future Council Meeting.

PROPOSAL

That Council:

1. Approve the TCV (Treasury Corporation of Victoria) as a new source of funding for Council's infrastructure borrowing requirements.
2. Participate in the Community Sports Infrastructure Loan Scheme and via the TCV facility, borrow \$10M for the approved Aqua Energy redevelopment.
3. Utilise the TCV facility for additional borrowings of \$4M to assist with funding some key future capital works in line with Council's longer term financial plan and budgeted capital works.
4. Authorise the Chief Executive Officer to liaise and negotiate with TCV and execute all relevant documents required, to establish a TCV borrowing facility of \$14M.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

The loan draw down schedule will be \$7 million in 2023/24 and \$7 million in 2024/25. This is consistent with the cash flow included in the 2023/24 budget and Long-Term Financial Plan.

At the current interest rates (from 27 July 2023) the total proposed interest over the life of the loan is \$2.2 million and the annual repayments including interest and principal are \$1.6 million. This expense and cash outflow has been included in the 2023/24 budget and Long-Term Financial Plan. The Long-Term Financial Plan has been designed to maintain a cash balance that will fund operations, capital expenses and maintain an unrestricted cash reserve for emergency events or unplanned opportunities.

The Community Sports Infrastructure Loans Scheme signed on 30 August 2023 is between the Department of Jobs, Precincts and Regions (Department) and Wellington Shire Council. Council will enter into a loan agreement for \$10 million with TCV for the Aqua Energy Redevelopment. The Department has agreed to pay TCV, on behalf of Council, 50 per cent of the interest payable by Council under the loan agreement. At the current rate of 4.62 per cent (TCV loan rates as at 26/07/2023), this 50% rate subsidy equates to a saving of \$1.3M over a 10-year loan. The Aqua Energy redevelopment draw is expected to be \$7 million in 2023/24 and \$3 million in 2024/25.

For the additional \$4 million, while there is no subsidy, TCV current rate of 4.62 per cent is significantly lower than the current rate of Council's banking institution which has offered an indicative rate of 6.02 per cent for a 10-year loan. If required, the draw down of this loan is expected to be \$4 million in 2024/25.

The additional \$4 million required may also be funded by savings in the future capital works program or a combination of both loan funding and savings. This will be determined during the 2024/25 and 2025/26 Budget process, taking into consideration cash flow requirements, and program restraints on resources and Council rates. Our long-term financial plan projections include borrowings for Early Learning Centres in Gibson's Road and Market Street as well as other Community Facility Renewals and/or Infrastructure developments.

COMMUNICATION IMPACT

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

LEGISLATIVE IMPACT

The proposal is in accordance with the requirements of the *Local Government Act 2020*.

COUNCIL POLICY IMPACT

While Council does not have a separate Borrowings Policy, in the 10 year Long Term Financial Plan 2021/22 to 2030/31 Council has defined a target to maintain borrowings below **60%** of total rate revenue. This proposal is within this measure.

The 2023/24 budget states that the following borrowing principles have been developed:

- Borrowings are utilised by Council to spread the impact across generations of the community utilising assets.
- Borrowings will be used for non-recurrent capital works and unexpected major events.

COUNCIL PLAN IMPACT

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 outcome.

RESOURCES AND STAFF IMPACT

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

COMMUNITY IMPACT

The impact on the local community is to provide inter-generational equity, i.e. the generation that uses the asset, pays for the asset.

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.

11.3. 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 12 September 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 12 September 2023 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 12 September 2023;***
- 2. The information contained in the confidential document Audit & Risk Committee Minutes of 12 September 2023 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 15 September 2023 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.***

BACKGROUND

Council maintains an Audit & Risk Committee in accordance with section 53 of the *Local Government Act 2020*. The Audit & Risk Committee is an independent advisory Committee to Council and its primary objective is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development. Minutes of the Audit & Risk Committee are reported direct to Council.

A copy of the minutes in brief from the Audit & Risk Committee meeting of 12 September 2023 is attached and is provided for the information of Council and the public in general.

ATTACHMENTS

1. Audit & Risk Committee 12 September 2023 - Minutes in Brief [11.3.1 - 2 pages]
2. Confidential Header - Audit & Risk Committee Meeting Minutes Tuesday 12 September 2023 [11.3.2 - 1 page]
3. CONFIDENTIAL REDACTED - Audit & Risk Committee Meeting Minutes Tuesday 12 September 2023 [11.3.3 - 246 pages]

OPTIONS

Council has the following options available:

1. To receive and note the minutes from the Audit & Risk Committee meeting of 12 September 2023; or
2. To seek further information and consider the minutes at a future meeting.

PROPOSAL

To receive and note the minutes of the Audit & Risk Committee meeting held on 12 September 2023.

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 *Local Government Act 2020*, section 53(1) requires Council to establish an audit committee. Council's Audit & Risk Committee is an Advisory Committee to Council and operates within the Terms of Reference and Charter adopted by Council.

The Audit & Risk Committee Terms of Reference require the minutes of the Audit & Risk Committee to be forwarded to an ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.

This report complies with the legislative requirements and the Audit & Risk Committee Terms of Reference requirements.

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

The Audit & Risk Committee Charter identifies the management of risk as one of the primary objectives of the Audit & Risk Committee. The Audit & Risk Committee monitors the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems in place.

AUDIT & RISK COMMITTEE 12 SEPTEMBER 2023 – MINUTES IN BRIEF

Present: Mr Chris Badger (Chair) (via Teams)
Ms Sarah Heath (via Teams)
Councillor Garry Stephens (via Teams)
Councillor Gayle Maher (Via Teams)

In attendance: Mr David Morcom (Chief Executive Officer)
Mr Arthur Skipitaris (General Manager Corporate Services)
Mr Ian Carroll (Manager Corporate Finance)
Ms Peta Crawford (Coordinator Accounting & Payroll)
Mr Gordon Robertson (Crowe via Teams)
Ms Sheryl Saynor (Executive Support Officer)

1 Welcome

2 Apologies

Tony Smith

3 Closure of Meeting to Public

***Councillor Stephens/Councillor Maher
That the meeting be closed to the public under Section 66(5) of the Local Government Act 2020 to discuss legal privileged information and information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

CARRIED

4 Declaration of Conflict(s) of Interest

Nil

5 Adoption of Previous Minutes - 29 August 2023

***Sarah Heath/Councillor Maher
That the Committee adopt the minutes of the previous meeting held on 29 August 2023.***

CARRIED

6 In Camera Session (to be conducted at 1.00pm)

7.1 In Principle Agreement to the Draft Financial Report and Performance Statement 2022/23

***Councillor Stephens/Sarah Heath
That the Audit & Risk Committee, having considered the draft Financial Report and Performance Statement for the year ended 30 June 2023, recommend to Council that it give its in principle agreement to sign the draft Financial Report and Performance Statement subject to finalising by the Auditor General or their Agents.***

That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 7 September 2023 because it relates to the following grounds:

(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

7.2 Final Management Letter for year ending 30 June 2023

Councillor Maher/Sarah Heath

That the Audit & Risk Committee recommend to Council that it receive the report. That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 7 September 2023 because it relates to the following grounds:

(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

7.3 Draft Annual Report 2022/23

Councillors Stephens/Councillor Maher

That the Audit & Risk Committee recommend to Council that it receive the report. That the information contained in this document and designated under Section 3(1) Confidential Information of the Local Government Act 2020 as confidential by the Chief Executive Officer on 7 September 2023 because it relates to the following grounds:

(l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

be designated confidential information under Clause 3(1) of the Local Government Act 2020.

CARRIED

8.1 Rotating Assessment of and Feedback on Meeting

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 2.28PM.



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

**ORDINARY COUNCIL MEETING
3 OCTOBER 2023**

On this day, 15 September 2023, in accordance with Section 3(1) Confidential Information of the *Local Government Act 2020*; I, Arthur Skipitaris (Delegate) declare that the information contained in the attached document **AUDIT & RISK COMMITTEE MEETING MINUTES Tuesday 12 September 2023 at 1:30 pm** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

- e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;
- l) information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*.

.....
General Manager Corporate Services (Delegate)

11.4. ADOPTION OF 2024 COUNCIL MEETING DATES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the 2024 Council meeting dates and times as attached and publish the 2024 Council meeting dates and times on Council's website.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council:

- 1. Adopt the 2024 Council meeting dates and times as attached; and***
- 2. Publish the 2024 Council meeting dates and times on Council's website.***

BACKGROUND

Scheduled Council meetings are held regularly to conduct the ongoing business of the Council. It is important that the community is made aware of the times, dates, and locations of Council meetings and the matters Council will consider. This summary of meeting dates provides the community with adequate notice should they plan to attend the meeting or watch via the livestream.

Council currently meets on the first and third Tuesday of each month commencing at 5:00pm, except for January when there are no Council meetings held. Of further note:

- Both October meetings will occur during the Election Period, when restrictions apply to Council decision making in accordance with the Election Period Policy.
- There is a public holiday on the first Tuesday in November 2024, so currently there is only one scheduled meeting in November 2024. However, early November 2024 also coincides with the period that the General Election results are announced, so an unscheduled meeting will be called, closer to that time so that newly elected Councillors can undertake the oath or affirmation of office and for the election of a Mayor and Deputy Mayor.

In addition to scheduled meetings, unscheduled meetings may be held from time to time to address an urgent item of business.

ATTACHMENTS

1. 2024 Workshop and Council Meeting Dates [11.4.1 - 1 page]

OPTIONS

Council has the following options:

1. Adopt the dates and times of the proposed 2024 Council meetings as attached and publish the 2024 Council meeting dates and times on Council's website; or
2. Not adopt the dates and times of the proposed 2024 Council meetings as attached and seek further information for consideration at a future Council meeting.

PROPOSAL

For Council to adopt the 2024 Council meeting dates and times as attached and publish the 2024 Council meeting dates and times on Council's website.

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

Per Council's Governance Rules, at or before the last meeting each calendar year, Council must fix the date, time and place of all Council meetings for the following calendar year. Council may also change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes to the public.

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

Council's meeting schedule has been designed to enable maximum opportunity for input and participation from members of the community.

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.

COUNCIL MEETING DATES FOR 2024

Council Meeting Dates 1st Tuesday and 3rd Tuesday of each Month at 5:00pm	
January 2024 <i>(Council does not convene in January)</i>	2 July 2024 16 July 2024
6 February 2024 20 February 2024	6 August 2024 20 August 2024
5 March 2024 19 March 2024	3 September 2024 17 September 2024
2 April 2024 16 April 2024	1 October 2024* 15 October 2024*
7 May 2024 21 May 2024	19 November 2024
4 June 2024 18 June 2024	3 December 2024 17 December 2024

*** These meetings occur within the Election Period**

Notes: *The Council Meeting dates cover all required statutory and financial obligations that need to be addressed at Council meetings.*

Workshops will continue to be conducted in week 1 and week 3 prior to the Council Meeting of each month (except January).

Unscheduled Council meetings may need to be convened as required to meet any other statutory legislative requirements. e.g. consideration of budget submissions, oath or affirmation of office by new councillors.

12. GENERAL MANAGER DEVELOPMENT

12.1. QUARTERLY BUILDING REPORT - APRIL TO JUNE 2023

ACTION OFFICER: MANAGER REGULATORY SERVICES

PURPOSE

To provide a report to Council on building permits issued in the Wellington Shire during the quarter 1 April 2023 to 30 June 2023, for information.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note the report of building permits issued from 1 April 2023 to 30 June 2023.

BACKGROUND

Building permits are issued by private building surveyors, and copies of permits are provided to Council. The permits, plans and other documents, are filed by Council and recorded on a register of building permits. Building permits are issued for a range of developments, including dwellings, extensions, and fences as well as commercial and industrial buildings.

Attachment "Wellington Permits Issued" to this report provides an overview by township, of the number of permits issued along with the estimated value of construction, for the three-month period ending 30 June 2023.

Attachment "Graph 1 - Number of Building Permits" and "Graph 2 - Value of Building Works" provides an historical representation of the number and value of permits issued in Wellington Shire and compares this data against the broader Gippsland region.

For the period 1 April 2023 to 30 June 2023 there were 309 permits issued with an estimated value of work at \$59,268,419.

The major projects include:

- LONGFORD: ESSO upgrades (Warehouse, control room & plant foundations)
- ROSEDALE: Poultry Farm (8 broiler sheds)
- SALE: 5 x warehouses - Wellington Park Way
Supermarket extension/upgrade
New office buildings x 2 – Macarthur Street
- New residential land estates in Sale, Stratford and Maffra continuing to be developed.

In the previous quarter, 1 January 2023 to 31 March 2023, there were 252 permits issued with an estimated value of work at \$41,360,436.

ATTACHMENTS

1. Monthly Wellington Permits Issued [**12.1.1** - 4 pages]
2. Graph 1 - Number of Building Permits [**12.1.2** - 1 page]
3. Graph 2 - Value of Building Works [**12.1.3** - 1 page]

OPTIONS

Council has the following options available:

1. Receive this Building Permits report; or
2. Not receive this Building Permits report and seek further information for consideration at a future Council meeting.

PROPOSAL

That Council note the report on building permits issued within Wellington Shire from 1 April 2023 to 30 June 2023.

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

The quarterly report provides information on the number of building permits, and cost of development per town, within the Wellington Shire. Gippsland-wide building activity is also provided, to demonstrate how the Wellington Shire area performs in comparison.

LEGISLATIVE IMPACT

Building permits are issued in accordance with the *Building Act 1993*, Building Regulations 2006 and the Wellington Planning Scheme.

COUNCIL POLICY IMPACT

All building permits issued by private building surveyors are registered and filed as per the timelines set out in the Municipal Services Business Plan.

COUNCIL PLAN IMPACT

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 outcome.

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.

WELLINGTON PERMITS ISSUED

Number of Applications and their Estimated Value Each Month

	April	May	June	Total
AIRLY	2 \$128,500	0 \$0	0 \$0	2 \$128,500
ALBERTON	0 \$0	2 \$120,050	2 \$66,000	4 \$186,050
ALBERTON WEST	0 \$0	0 \$0	1 \$64,750	1 \$64,750
BOISDALE	1 \$150,000	0 \$0	0 \$0	1 \$150,000
BRIAGOLONG	1 \$66,000	2 \$431,275	1 \$34,100	4 \$531,375
BUNDALAGUAH	0 \$0	0 \$0	1 \$28,047	1 \$28,047
CARRAJUNG	0 \$0	1 \$31,243	1 \$499,855	2 \$531,098
CLYDEBANK	0 \$0	1 \$145,117	0 \$0	1 \$145,117
COBAINS	1 \$536,469	1 \$78,050	0 \$0	2 \$614,519
COONGULLA	0 \$0	3 \$191,000	0 \$0	3 \$191,000
COWWARR	0 \$0	1 \$10,000	1 \$71,700	2 \$81,700
DARGO	1 \$90,000	0 \$0	2 \$722,000	3 \$812,000
DARRIMAN	1 \$32,670	0 \$0	0 \$0	1 \$32,670
DENISON	0 \$0	3 \$172,350	1 \$15,300	4 \$187,650
DEVON NORTH	0 \$0	1 \$125,775	0 \$0	1 \$125,775
GELLIONDALE	0 \$0	1 \$457,930	0 \$0	1 \$457,930
GIFFARD	0 \$0	1 \$31,260	0 \$0	1 \$31,260
GLENGARRY	0 \$0	1 \$13,700	0 \$0	1 \$13,700

ATTACHMENT 12.1.1

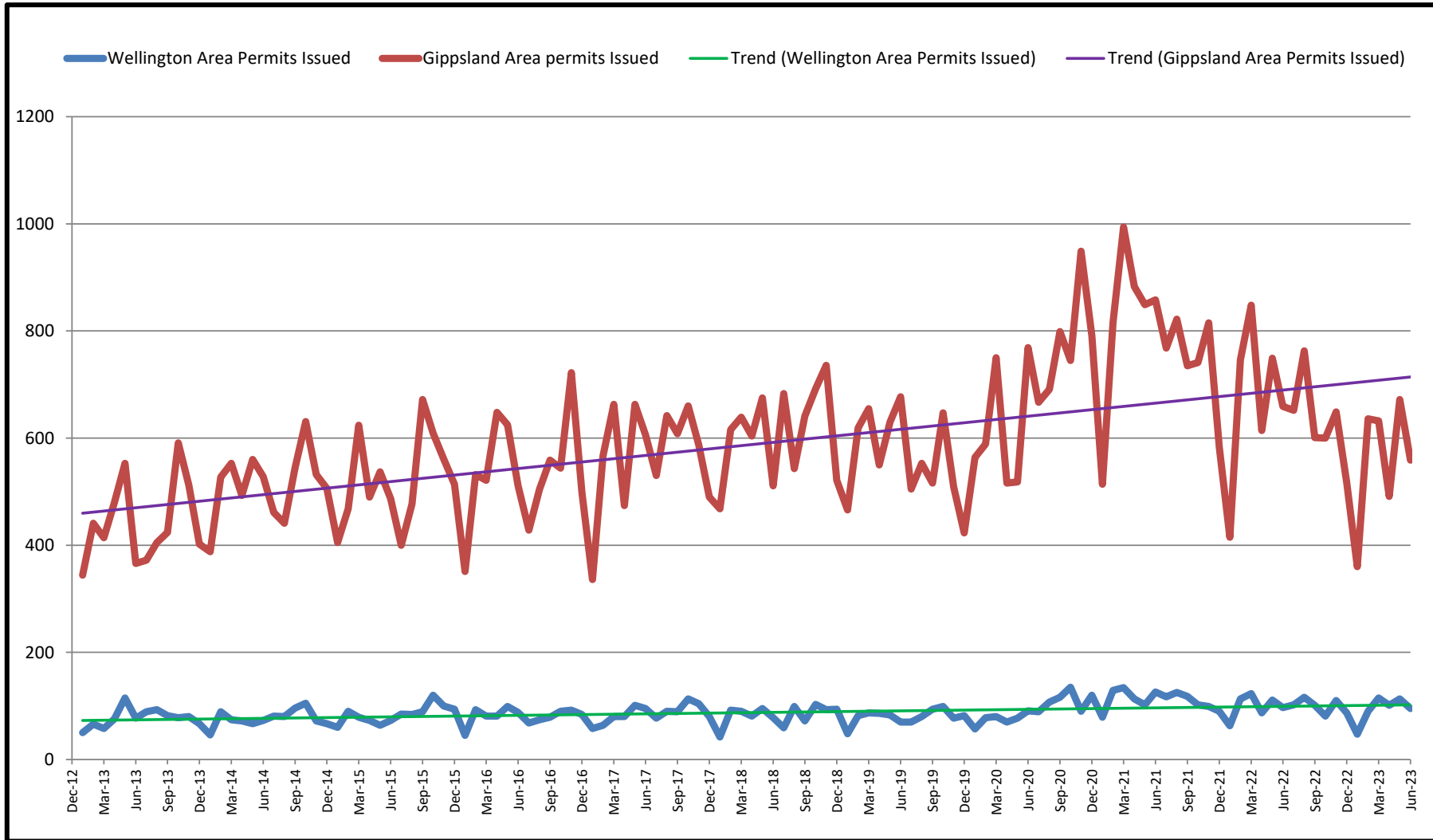
	April	May	June	Total
GLENMAGGIE	0 \$0	1 \$37,300	2 \$102,950	3 \$140,250
GOLDEN BEACH	3 \$440,890	5 \$237,165	1 \$15,350	9 \$693,405
GORMANDALE	0 \$0	0 \$0	3 \$73,631	3 \$73,631
HEYFIELD	3 \$46,435	4 \$182,002	5 \$145,960	12 \$374,397
HIAWATHA	0 \$0	1 \$110,721	0 \$0	1 \$110,721
HUNTERSTON	1 \$659,929	0 \$0	0 \$0	1 \$659,929
KILMANY	2 \$66,500	0 \$0	1 \$38,850	3 \$105,350
LICOLA	0 \$0	0 \$0	1 \$34,845	1 \$34,845
LLOWALONG	1 \$57,200	0 \$0	0 \$0	1 \$57,200
LOCH SPORT	2 \$188,260	4 \$977,977	8 \$360,700	14 \$1,526,937
LONGFORD	1 \$87,650	8 \$1,230,765	3 \$1,888,790	12 \$3,207,205
MAFFRA	10 \$1,022,442	14 \$2,446,190	7 \$785,244	31 \$4,253,876
MCLOUGHLINS BEACH	1 \$4,500	1 \$35,000	0 \$0	2 \$39,500
MEERLIEU	0 \$0	2 \$73,380	1 \$25,860	3 \$99,240
MUNRO	0 \$0	0 \$0	1 \$24,650	1 \$24,650
MYRTLEBANK	0 \$0	0 \$0	1 \$33,178	1 \$33,178
NAMBROK	1 \$66,501	0 \$0	2 \$201,300	3 \$267,801
NEWRY	5 \$700,640	0 \$0	1 \$90,000	6 \$790,640
PARADISE BEACH	2 \$159,165	1 \$5,800	1 \$12,800	4 \$177,765
PERRY BRIDGE	0 \$0	0 \$0	1 \$58,000	1 \$58,000

ATTACHMENT 12.1.1

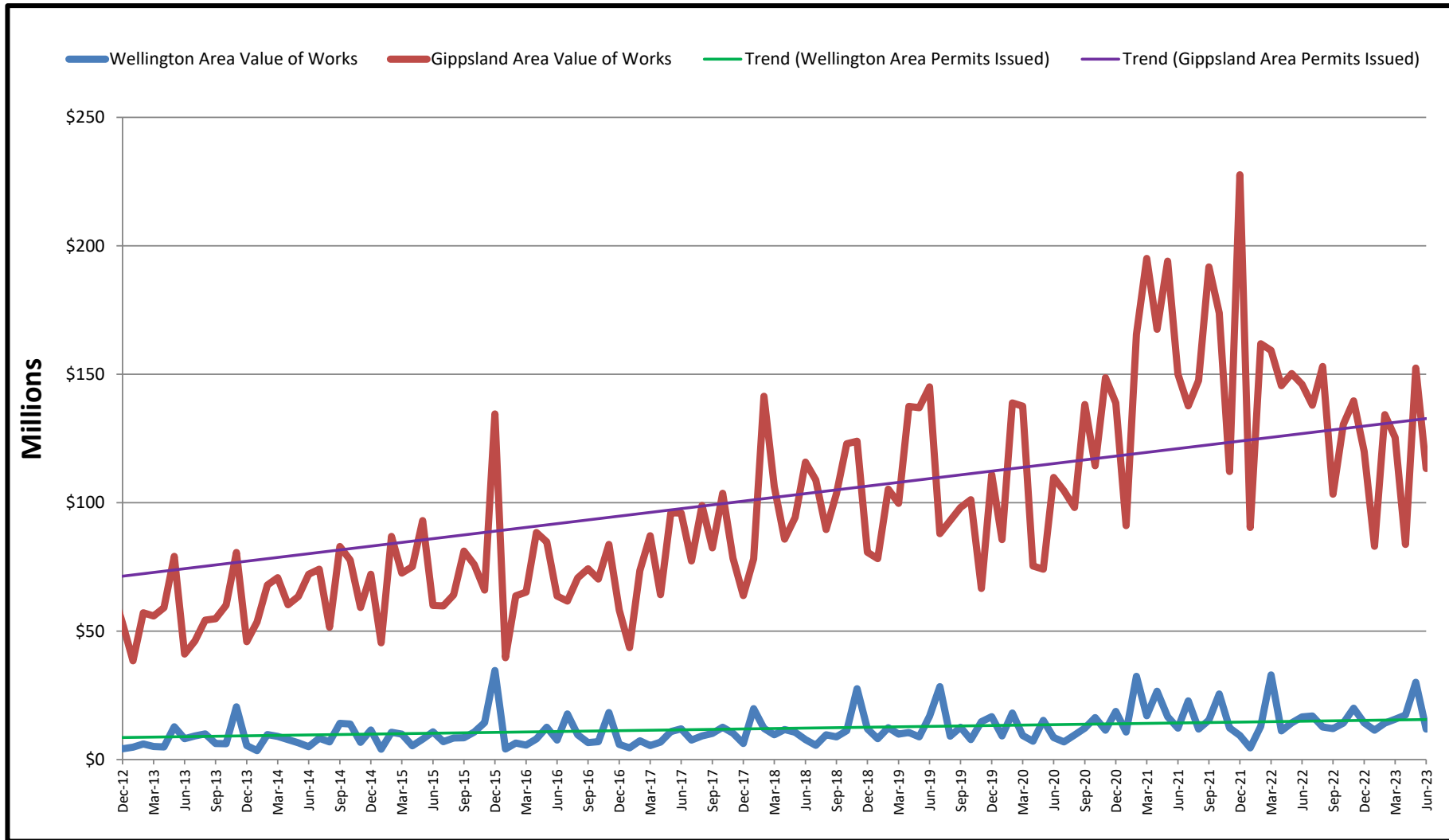
	April	May	June	Total
PORT ALBERT	0 \$0	2 \$127,628	1 \$402,050	3 \$529,678
RIVERSLEA	0 \$0	1 \$126,500	0 \$0	1 \$126,500
ROSEDALE	6 \$581,956	3 \$12,961,529	4 \$582,600	13 \$14,126,085
SALE	25 \$7,694,185	20 \$6,223,435	24 \$3,461,887	69 \$17,379,507
SEASPRAY	0 \$0	3 \$664,733	3 \$330,053	6 \$994,786
SEATON	1 \$31,000	2 \$78,200	1 \$35,725	4 \$144,925
STRATFORD	20 \$3,476,624	11 \$2,182,332	6 \$846,475	37 \$6,505,431
TARRAVILLE	1 \$83,700	0 \$0	0 \$0	1 \$83,700
TINAMBA WEST	1 \$61,900	0 \$0	0 \$0	1 \$61,900
WILLUNG SOUTH	0 \$0	1 \$15,490	0 \$0	1 \$15,490
WINNINDOO	0 \$0	1 \$15,000	0 \$0	1 \$15,000
WOODSIDE	2 \$498,091	1 \$15,950	0 \$0	3 \$514,041
WOODSIDE BEACH	1 \$20,291	0 \$0	0 \$0	1 \$20,291
WURRUK	3 \$46,067	4 \$509,429	3 \$633,607	10 \$1,189,103
YARRAM	2 \$304,984	5 \$58,963	4 \$156,374	11 \$520,321
Total	101.00 17,302,549	113.00 30,123,239	95.00 11,842,631	309.00 59,268,419

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GRAPH 1: NUMBER OF BUILDING PERMITS



GRAPH 2: VALUE OF BUILDING WORKS



13. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

13.1. UNSEALED ROAD RECONSTRUCTION - EASTERN & URBAN AREAS

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the reconstruction of the unsealed roads in the Eastern Maintenance and Urban Areas.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2024-007 Unsealed Road Reconstruction – Eastern Maintenance & Urban Areas; and***
- 2. The information contained in the confidential attachment Contract 2024-007 Unsealed Road Reconstruction – Eastern Maintenance & Urban Areas and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 20 September 2023 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.

BACKGROUND

Wellington Shire Council maintains approximately 1560km of unsealed roads and in line with good asset management practices, conducts an annual program of gravel road reconstruction and resheets on selected roads. The criteria for choosing roads is based on pavement condition, traffic volumes and usage and is intended to maintain the overall condition of the network.

Each year the roads selected are grouped together into separate contracts based on their location. This year, three contracts have been tendered, one for the Eastern Maintenance & Urban Area which is the subject of this report, one for the Western Maintenance Area and one for the Southern Maintenance Area. The works under this contract include Wonnangatta

Road, Crooked River; Carrs Creek Road, Longford; Dargo and Park Streets, Sale; roads in Hollonds Landing and resheeting of a section of the access road in Quarry Reserve, Briagolong.

Accordingly, a tender was advertised for these works and has been evaluated and a contract has now been prepared for Council's consideration.

ATTACHMENTS

1. Confidential Header - Unsealed Road Reconstruction Eastern and Urban Areas [**13.1.1** - 1 page]
2. CONFIDENTIAL REDACTED - Contract 2024-007 Unsealed Road Reconstruction - Eastern & Urban Areas [**13.1.2** - 5 pages]

OPTIONS

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2024-007 Unsealed Road Reconstruction – Eastern Maintenance & Urban Areas;
2. Not enter into a contract and not proceed with these works at this time.

PROPOSAL

That Council adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2024-007 Unsealed Road Reconstruction – Eastern Maintenance & Urban Areas.

CONFLICT OF INTEREST

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

COLLABORATION

Pursuant to section 109(2) of the *Local Government Act 2020*, no collaborative opportunities have been identified for this one-off project.

FINANCIAL IMPACT

These works have been budgeted for under the 2023-2024 capital works program.

COMMUNICATION IMPACT

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

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Local Government Act 1989*, *Local Government Act 2020* and the Victorian Local Government Code of Tendering.

COUNCIL POLICY IMPACT

These works are in line with Council's policies of maintaining and enhancing Council's infrastructure.

COUNCIL PLAN IMPACT

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."*

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

This report supports the above Council Plan strategic outcomes.

RESOURCES AND STAFF IMPACT

This project will be undertaken with the resources of the Assets and Projects unit.

COMMUNITY IMPACT

These works will have a positive community impact as the condition of these roads will be improved through these works.

ENVIRONMENTAL IMPACT

This impact will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored.

ENGAGEMENT IMPACT

Wellington Shire Council's standard consultation practices will be implemented on this project.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All Occupational Health and Safety risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

ORDINARY COUNCIL MEETING
3 October 2023

On this day, 20 September 2023, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **Contract 2024-007 Unsealed Road Reconstruction - Eastern & Urban Areas** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

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

.....
CHRIS HASTIE
General Manager Built and Natural Environment

13.2. UNSEALED ROAD RECONSTRUCTION - WESTERN MAINTENANCE AREA

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the reconstruction of the unsealed roads in the Western Maintenance Area.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2024-008 Unsealed Road Reconstruction – Western Maintenance Area; and***
- 2. The information contained in the confidential attachment Contract 2024-008 Unsealed Road Reconstruction – Western Maintenance Area and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 20 September 2023 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.

BACKGROUND

Wellington Shire Council maintains approximately 1560km of unsealed roads and in line with good asset management practices, conducts an annual program of gravel road reconstruction and resheets on selected roads. The criteria for choosing roads is based on pavement condition, traffic volumes and usage and is intended to maintain the overall condition of the network.

Each year the roads selected are grouped together into separate contracts based on their location. This year, three contracts have been tendered, one for the Eastern Maintenance & Urban Area, one for the Western Maintenance Area which is the subject of this report and one for the Southern Maintenance Area. The works under this contract include McEwans Road, Cowwarr; Mullocky Road, Rosedale and Hugs Lane, Winnindoo.

Accordingly, a tender was advertised for these works and has been evaluated and a contract has now been prepared for Council's consideration.

ATTACHMENTS

1. Confidential Header - Unsealed Road Reconstruction Western Maintenance Area [13.2.1 - 1 page]
2. CONFIDENTIAL REDACTED - Contract 2024-008 Unsealed Road Reconstruction - Western Maintenance Area [13.2.2 - 5 pages]

OPTIONS

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2024-008 Unsealed Road Reconstruction - Western Maintenance Area;
2. Not enter into a contract and not proceed with these works at this time.

PROPOSAL

That Council adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2024-008 Unsealed Road Reconstruction – Western Maintenance Area.

CONFLICT OF INTEREST

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

COLLABORATION

Pursuant to section 109(2) of the *Local Government Act 2020*, no collaborative opportunities have been identified for this one-off project.

FINANCIAL IMPACT

These works have been budgeted for under the 2023-2024 capital works program.

COMMUNICATION IMPACT

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

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Local Government Act 1989*, *Local Government Act 2020* and the Victorian Local Government Code of Tendering.

COUNCIL POLICY IMPACT

These works are in line with Council's policies of maintaining and enhancing Council's infrastructure.

COUNCIL PLAN IMPACT

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."*

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

This report supports the above Council Plan strategic outcomes.

RESOURCES AND STAFF IMPACT

This project will be undertaken with the resources of the Assets and Projects unit.

COMMUNITY IMPACT

These works will have a positive community impact as the condition of these roads will be improved through these works.

ENVIRONMENTAL IMPACT

This impact will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored.

ENGAGEMENT IMPACT

Wellington Shire Council's standard consultation practices will be implemented on this project.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All Occupational Health and Safety risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

**ORDINARY COUNCIL MEETING
3 October 2023**

On this day, 20 September 2023, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **Contract 2024-008 Unsealed Road Reconstruction - Western Maintenance Area** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

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

.....
CHRIS HASTIE
General Manager Built and Natural Environment

13.3. UNSEALED ROAD RECONSTRUCTION - SOUTHERN MAINTENANCE AREA

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the reconstruction of the unsealed roads in the Southern Maintenance Area.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2024-009 Unsealed Road Reconstruction – Southern Maintenance Area; and***
- 2. The information contained in the confidential attachment Contract 2024-009 Unsealed Road Reconstruction – Southern Maintenance Area and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 20 September 2023 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.

BACKGROUND

Wellington Shire Council maintains approximately 1560km of unsealed roads and in line with good asset management practices, conducts an annual program of gravel road reconstruction and resheets on selected roads. The criteria for choosing roads is based on pavement condition, traffic volumes and usage and is intended to maintain the overall condition of the network.

Each year the roads selected are grouped together into separate contracts based on their location. This year, three contracts have been tendered, one for the Eastern Maintenance & Urban Area, one for the Western Maintenance Area and one for the Southern Maintenance Area which is the subject of this report. The works under this contract include Hanrattys Road, Hunterston; James Street, Yarram; Verlings Lane, Yarram and Lays Road Extension, Gormandale.

Accordingly, a tender was advertised for these works and has been evaluated and a contract has now been prepared for Council's consideration.

ATTACHMENTS

1. Confidential Header - Unsealed Road Reconstruction Southern Maintenance Area [13.3.1 - 1 page]
2. CONFIDENTIAL REDACTED - Contract 2024-009 Unsealed Road Reconstruction - Southern Maintenance Area [13.3.2 - 5 pages]

OPTIONS

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2024-009 Unsealed Road Reconstruction – Southern Maintenance Area;
2. Not enter into a contract and not proceed with these works at this time.

PROPOSAL

That Council adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2024-009 Unsealed Road Reconstruction – Southern Maintenance Area.

CONFLICT OF INTEREST

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

COLLABORATION

Pursuant to section 109(2) of the *Local Government Act 2020*, no collaborative opportunities have been identified for this one-off project.

FINANCIAL IMPACT

These works have been budgeted for under the 2023-2024 capital works program.

COMMUNICATION IMPACT

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

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Local Government Act 1989*, *Local Government Act 2020* and the Victorian Local Government Code of Tendering.

COUNCIL POLICY IMPACT

These works are in line with Council's policies of maintaining and enhancing Council's infrastructure.

COUNCIL PLAN IMPACT

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."*

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

This report supports the above Council Plan strategic outcomes.

RESOURCES AND STAFF IMPACT

This project will be undertaken with the resources of the Assets and Projects unit.

COMMUNITY IMPACT

These works will have a positive community impact as the condition of these roads will be improved through these works.

ENVIRONMENTAL IMPACT

This impact will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored.

ENGAGEMENT IMPACT

Wellington Shire Council's standard consultation practices will be implemented on this project.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All Occupational Health and Safety risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

**ORDINARY COUNCIL MEETING
3 October 2023**

On this day, 20 September 2023, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **UNSEALED ROAD RECONSTRUCTION – SOUTHERN MAINTENANCE AREA CONTRACT 2024-009** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

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

.....
CHRIS HASTIE
General Manager Built and Natural Environment

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 –

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

15. IN CLOSED SESSION

15.1 CHIEF EXECUTIVE OFFICER'S 2022/23 PERFORMANCE CRITERIA REVIEW OUTCOMES

ACTION BY: CEO EMPLOYMENT AND REMUNERATION COMMITTEE

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:

f) Personal information

IN CLOSED SESSION

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

Meeting declared closed at:



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING 3 OCTOBER 2023

On this day, 21 September 2023, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Arthur Skipitaris, (Delegate) declare that the information contained in the attached document **CHIEF EXECUTIVE OFFICER'S 2022/23 PERFORMANCE CRITERIA REVIEW OUTCOMES** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;

The grounds for designation under section 3(1)(f) have been made as the information is deemed confidential to protect the privacy and personal information about any person or their personal affairs.

.....
ARTHUR SKIPITARIS
GENERAL MANAGER CORPORATE SERVICES