



WELLINGTON  
SHIRE COUNCIL

*The Heart of Gippsland*

## RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 3 October 2023

### COUNCILLORS PRESENT

Cr Ian Bye (Mayor)  
Cr John Tatterson (Deputy Mayor)  
Cr Carolyn Crossley  
Cr Jill Wood  
Cr Gayle Maher  
Cr Carmel Ripper (Online)  
Cr Scott Rossetti

### OFFICERS PRESENT

David Morcom, Chief Executive Officer  
Clem Gillings, General Manager Community and Culture  
Arthur Skipitaris, General Manager Corporate Services  
Chris Hastie, General Manager Built and Natural Environment  
Andrew Pomeroy, General Manager Development  
Hayley Furlong, Social Connection & Inclusion Officer  
Keisha Langshaw, Governance and Council Business Officer  
Claudia Oswald, Communications Officer

### APOLOGIES

Cr Garry Stephens  
Cr Marcus McKenzie

**ORDINARY MEETING OF COUNCIL  
TABLE OF CONTENTS**

**0.1. TABLE OF CONTENTS**

**1. APOLOGIES**

**2. DECLARATION OF CONFLICT/S OF INTEREST**

**3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**

3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

**4. BUSINESS ARISING FROM PREVIOUS MEETINGS**

**5. ACCEPTANCE OF LATE AND URGENT ITEMS**

**6. NOTICE/S OF MOTION**

**7. RECEIVING OF PETITION OR JOINT LETTERS**

7.1. OUTSTANDING PETITIONS

**8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS**

**9. QUESTION/S ON NOTICE**

9.1. OUTSTANDING QUESTIONS ON NOTICE

**10. DELEGATES REPORT**

**11. GENERAL MANAGER CORPORATE SERVICES**

11.1. ASSEMBLY OF COUNCILLORS REPORT

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

11.3. AUDIT & RISK COMMITTEE MINUTES

11.4. ADOPTION OF 2024 COUNCIL MEETING DATES

**12. GENERAL MANAGER DEVELOPMENT**

12.1. QUARTERLY BUILDING REPORT

**13. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT**

13.1. UNSEALED ROAD RECONSTRUCTION - EASTERN & URBAN AREAS

13.2. UNSEALED ROAD RECONSTRUCTION - WESTERN MAINTENANCE AREA

13.3. UNSEALED ROAD RECONSTRUCTION - SOUTHERN MAINTENANCE AREA

**14. FURTHER GALLERY AND ONLINE COMMENTS**

**15. IN CLOSED SESSION**

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

## 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.”*

**COUNCILLOR BYE** acknowledged the wonderful effort of our volunteers to help the Wellington Shire residents. He noted that the terrible fire event just experienced in many of our communities was horrific to see and unfortunately, we did lose one house and our heart goes out to that resident.

**Councillor Bye** noted that it is terrible to see any losses in an extreme weather event such as a fire. Our residents are all safe, which is the best thing we can have. There are still some road closures, even though we have this beautiful rain which has come to help with the fire event, it is still not over yet. We still have some issues with a few of our communities that we need to work through. Hopefully the rain does not develop to a flooding event, but it is welcomed by our farming community, it has been very dry.

**Councillor Bye** again thanked our wonderful volunteers, noting that CFA have come from all over Victoria. He also thanked our Council team who have assisted residents at our relief centre.

## **1. APOLOGIES**

COUNCILLOR MARCUS MCKENZIE  
COUNCILLOR GARRY STEPHENS

## **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: 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**

NIL

#### **RECOMMENDATION**

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

**COUNCILLOR WOOD / COUNCILLOR TATTERSON**

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

**CARRIED**

## 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

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 TATTERSON attended the Maffra Golf Club on Sunday 1 October 2023 for the launch of the automated irrigation system. He congratulated the club in raising the \$800,000 to have this installed.

COUNCILLOR RIPPER acknowledged the Legacy Torch run that came through Sale on Thursday 28 September 2023. She noted the history of Legacy and their 100 year anniversary. Councillor Ripper was delighted to have attended the event and thanked all those who attended, including the ladies from CWA Sale who put on a wonderful lunch.

## 9. QUESTION/S ON NOTICE

### 9.1. OUTSTANDING QUESTION/S ON NOTICE

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

## 10. DELEGATES REPORT

NIL

## 11. GENERAL MANAGER CORPORATE SERVICES

### 11.1. ASSEMBLY OF COUNCILLORS 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**

NIL

#### **RECOMMENDATION**

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

**COUNCILLOR MAHER / COUNCILLOR CROSSLEY**

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

**CARRIED**

## 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**

NIL

### **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.***

**COUNCILLOR TATTERSON / COUNCILLOR WOOD**

***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.***

**CARRIED**

### 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

NIL

#### 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.***

#### **COUNCILLOR MAHER / COUNCILLOR ROSSETTI**

***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.***

**CARRIED**



## 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**

NIL

#### **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.***

**COUNCILLOR WOOD / COUNCILLOR MAHER**

***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.***

**CARRIED**

## 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**

NIL

#### **RECOMMENDATION**

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

**COUNCILLOR MAHER / COUNCILLOR WOOD**

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

**CARRIED**

## 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

NIL

#### 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.***

**COUNCILLOR CROSSLEY / COUNCILLOR MAHER**

***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.***

**CARRIED**

*The Mayor announced the successful tenderer as Bairnsdale Road Services Pty Ltd.*

## **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**

NIL

#### **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.***

**COUNCILLOR CROSSLEY / COUNCILLOR MAHER**

***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.**

**CARRIED**

*The Mayor announced the successful tenderer as Whelans Group Investments Pty Ltd.*

### **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**

NIL

#### **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.*

**COUNCILLOR CROSSLEY / COUNCILLOR WOOD**

**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.*

**CARRIED**

*The Mayor announced the successful tenderer as Bairnsdale Road Services Pty Ltd.*

## 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 –

NIL

FURTHER GALLERY COMMENTS –

NIL

The live streaming of this Council meeting will now come to a close at 5.21 pm.

The CEO left chambers at 5.21 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 ROSSETTI / COUNCILLOR CROSSLEY**

*That the meeting be closed to the public pursuant to Section 66(2) of the Local Government Act 2020 to consider matters under Section 66(5)(b) as defined by Section 3(1) being:*

*f) Personal information*

**CARRIED**

---

#### IN CLOSED SESSION

---

*Item 15.1 Chief Executive Officer's 2022/23 Performance Criteria Review Outcomes was considered in closed session.*

**COUNCILLOR ROSSETTI / COUNCILLOR WOOD**

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

**CARRIED**

The CEO returned to chambers at 5.24 pm.

Meeting declared closed at: 5.24pm.