



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 7 February 2023, commencing at 3:00 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.

ACKNOWLEDGEMENT OF COUNTRY

"We acknowledge the traditional custodians of this land, the Gunaikurnai people, and pay respects to their Elders past and present"

PRAYER

"Almighty God, we ask your blessing upon the Wellington Shire Council, its Councillors, officers, staff and their families. We pray for your guidance in our decisions so that the true good of the Wellington Shire Council may result to the benefit of all residents and community groups."

Amen

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: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 20 December 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

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

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			

7.2. RESPONSE TO PETITION: PRINCESS STREET, PORT ALBERT

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider a petition presented at the Ordinary Council Meeting of 6 December 2022 requesting consideration be given to the upgrade of Princess Street, Port Albert.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That, in response to the petition presented at the Ordinary Council Meeting of 6 December 2022 Council:

- 1. Decline the request to upgrade Princess Street, Port Albert, between Spring Street and Victoria Street; and***
- 2. Authorise the Chief Executive Officer, or his delegate, to write to the head petitioner to advise them of Council's decision in relation to this matter, and to advise of Council's process for property owners to undertake works within road reserves to provide for their own access requirements.***

BACKGROUND

At its Ordinary Council Meeting of 6 December 2022, Council received a petition requesting Wellington Shire Council investigate options for the upgrade of Princes Street, Port Albert, between Victoria Street and Spring Street.

The petition is requesting the construction of the identified section of Princess Street to provide:

- Improved access to abutting properties
- Increased ability for abutting property owners to mow and maintain the grass within the road reserve
- Improved drainage within the road reserve
- Improved access and parking for the Port Albert Mechanics Hall.

Council manages its road network in line with Wellington Shire Council's Road Management Plan. Under Appendix A – Reasonably Required for General Public Use Assessment Criteria, the Road Management Plan details the criteria a road must meet in order to be considered. Roads which meet these criteria are added to Council's Register of Public Roads and are inspected, maintained and repaired by Wellington Shire Council. The section of Princess Street identified in the petition, between Victoria Street and Spring Street, does not meet the criteria for general public use as:

- The road is not essential for primary access for more than two discrete land owners; and

- The road has not been previously constructed and is not currently in a condition which is maintainable by Wellington Shire in line with Council's Road Management Plan.

There are many similar roads and lanes across Wellington Shire which do not meet the criteria for general public use, many of which are located within urban areas.

The head petitioner has been previously advised that abutting property owners who require the road for access may undertake works within the road reserve at their own cost. Council officers would support this process through providing approvals to work within the road reserve, provided the works are considered appropriate and do not impact on other surrounding properties.

A special charge scheme delivered under Council's Residential Road and Street Construction Program, is not considered appropriate for the identified section of Princess Street. This is due to Princess Street not meeting the criteria for general public use in terms of being essential for primary access for at least two properties, in line with Council's Road Management Plan.

It is noted that the next review of the Road Management Plan is required to be undertaken by 30 June 2025.

ATTACHMENTS

1. Full petition Princess Street Port Albert redacted [7.2.1 - 8 pages]

OPTIONS

Council has the following options:

1. Decline the request to upgrade Princess Street, Port Albert, between Spring Street and Victoria Street; and
2. Authorise the Chief Executive Officer, or his delegate, to write to the head petitioner to advise them of Council's decision in relation to this matter, and to advise of Council's process for property owners to undertake works within road reserves to provide for their own access requirements; or
3. Consider this matter further as part of the future review of the Road Management Plan in 2025.

PROPOSAL

1. That Council decline the request to upgrade Princess Street, Port Albert, between Spring Street and Victoria Street; and
2. Authorise the Chief Executive Officer, or his delegate, to write to the head petitioner to advise them of Council's decision in relation to this matter, and to advise of Council's process for property owners to undertake works within road reserves to provide for their own access requirements.

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 major effect to consider at this time.

COMMUNICATION IMPACT

The head petitioner will be contacted and advised of Council's decision.

LEGISLATIVE IMPACT

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

COUNCIL POLICY IMPACT

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

COUNCIL PLAN IMPACT

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

Strategic Outcome 4.2: *"Services deliver operating efficiencies and best value."*

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

The head petitioner will be contacted and advised of Council's decision.

RISK MANAGEMENT IMPACT

It is considered that the proposed works will not expose Wellington Shire Council to any significant risks.

TO: Wellington Shire Council

We the undersigned petition the Council to investigate options for the upgrade of Princess St Port Albert between Victoria St and Spring St to a standard where the street could be added to the Council Road Management Plan and then maintained by Council and further advise the petitioners of the available options.

Please see attached 6 scanned pages of Signatures collected.

For the following reasons –

1. Users of the Mechanics Hall, including Residents, Community Groups, Businesses, Visitors, at Events & Functions find it impossible now to use Princess Street to access the Mechanics Hall. These users include elderly people who use walking sticks, walking frames and wheelchairs who now need to park further away from the entrance to the Mechanics Hall.
2. Clubs and community groups using the Fishing Club Building (which is on Princess Street) can no longer enter from the Spring St end of Princess Street to access their Club Rooms and storage facility.
3. Residents on either side of Princess Street cannot access their properties.
4. Port Albert Progress Association cannot access the Mechanics Hall for meetings via the Spring St end of Princess St.
5. The Small Hall in Princess Street also has regular Yoga classes. The Ladies mostly walk to class, down Princess St but now they are unable to do so, as they don't feel safe.
6. Residents have used Princess St to walk their dogs (off the main roads) but they also don't feel confident now to use Princess St.
7. Drivers use Princess to avoid a U-turn in Tarraville Rd but now this is not accessible to them.
Children & adults used Princess St to ride their bikes but now it is not safe for them to do so.
8. Princess St has always had year round continuous access from Spring St to Victoria Street for many, many years without any kind of problem, but since the construction and raising of land on private property abutting onto Princess St. on the corner with Spring St. it has become an inaccessible, dangerous thoroughfare for children, bike riders, drivers, pedestrians, residents and visitors in Port Albert.
9. The **68** concerned people who have signed the petition from all the groups and individuals mentioned above are all hopeful that Council can see the public need to upgrade Princess St Port Albert between Victoria St and Spring St to a standard where the street could be added to the Council Road Management Plan.

10. Please note, improvement to the water drainage, on the corner of Spring & Princess Streets will not improve Princess Street to a standard that Port Albert people deserve.

I Rhonda Cahill can be contacted at [REDACTED] Mob. [REDACTED]

My own name appears at the top of each petition that I handed around.

There were so many different groups and individuals wanting to sign the Petition I wrote my own name at the top of each petition that I handed around.

Could you please advise when this petition will be tabled at Council so that a small representation may attend.

yours sincerely

Rhonda Cahill

PETITION

Re: Princess Street Port Albert from Spring Street to Victoria Street. (shown below)

Princess St Traffic

- Residents, Community Groups, Businesses, Visitors, Events, Functions and users of the Mechanics Hall.
- Clubs and community accessing the Fishing Club Building.
- Property owners on either side of Princess Street.
- P.A. Residents & Tourists who use Princess St.

We the concerned residents, property owners and businesses of Port Albert request the Wellington Shire Council to investigate options for the upgrade of Princess St Port Albert between Victoria St and Spring St to a standard where the street could be added to the Council Road Management Plan and then maintained by Council and further advise the petitioners of the available options.


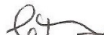

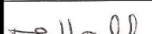
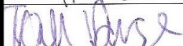

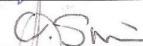

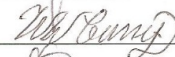

We would also like to acknowledge the effort that Wellington Shire Council has made to address improvement to the water drainage, which may affect the property on the corner of Spring & Princess Streets Port Albert, but will not change the present situation, that we cannot with certainty, have continuous usage of the full length of Princess St.


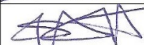


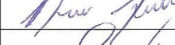
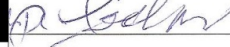
NAME	ADDRESS	SIGNATURE
RHONDA CAHILL		
DENNA JEWELL		
DAVID GOODALL		
GAIL SEXTON		
BOB SEXTON		
MARKS BROSCHE		
GARY BROSCHE		
HASTYER MCKENZIE		
YANNIE HUBER Franz Huber		

PETITION

Re: Princess Street Port Albert from Spring Street to Victoria Street.

We the concerned residents, property owners and businesses of Port Albert request the Wellington Shire Council to investigate options for the upgrade of Princess St Port Albert between Victoria St and Spring St to a standard where the street could be added to the Council Road Management Plan and then maintained by Council and further advise the petitioners of the available options.

NAME	ADDRESS	SIGNATURE
RHONDA CAHILL		
CHRISTINE THOMMES		
Peter Kennedy		
Nicole Hall		
Frank Savage		
John Savage		
CHRIS. SMITH		
S R. Balham		
Nanen Bung		
GANDRA-LEE JAWR		

BOB SEXTON		
SUSAN SCOTT		
Holly Jonston		
Wyatt Kilgower		
DANNA TALL		
DAVID GOOMALL		

PETITION

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NAME	ADDRESS	SIGNATURE
LYN KERRILAN		
Hazel Kerrison-Mack		
JO DARVILL		
Shoneta Stephens		
Cathy Hannant		
Megan Summers		
Alex Pooi		
Ben Kerrison		
DARYL MILLS		
IAN BLACKMORE		

PETITION

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NAME	ADDRESS	SIGNATURE
Sue O'Loughlin		Sue
David Myers		David
Richard Stuchbury		Richard
Wendy Pope		Wendy
June Kennedy		June
Barbara Kumbler		Barbara
J. D. H. H. H.		J. D. H. H. H.
M. Graham		M. Graham
C. B. B.		C. B. B.
P. O'Neill		P. O'Neill
J. McFarland		J. McFarland
H. Finn		H. Finn
Cec McFarland		Cec McFarland
Sam O'Neill		Sam O'Neill
Caterina Assaro		Caterina
Caterina Assaro		Caterina
JONATHAN TADY		Jonathan
JONATHAN TADY		Jonathan
Brenda Eaton		Brenda

PETITION

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NAME	ADDRESS	SIGNATURE
RHONDA CAHILL		
BOB SEXTON		
SUSAN SCOTT		
Holly Jonston		
Wyatt Kilgour		
Dawn Tait		
DAVID GOODE		
Rob Wherry		
Sharon Radon		
ROD PURRAN		

PETITION

Re: Princess Street Port Albert from Spring Street to Victoria Street.

We the concerned residents, property owners and businesses of Port Albert request the Wellington Shire Council to investigate options for the upgrade of Princess St Port Albert between Victoria St and Spring St to a standard where the street could be added to the Council Road Management Plan and then maintained by Council and further advise the petitioners of the available options.

[illegible]

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. CHIEF EXECUTIVE OFFICER

10.1. DECEMBER 2022 COUNCIL PERFORMANCE REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

For Council to receive and note the December 2022 Council Performance Report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council receive and note the December 2022 Council Performance Report as attached.

BACKGROUND

The December 2022 Council Performance Report comprises an overview of Council finances. This includes an Income Statement, a Balance Sheet with commentary regarding any major variances, information on cash balances, the level of rates outstanding and a progress update on Council's Capital Works program.

Section 97(1) and (2) of the *Local Government Act 2020* requires that at least every three months, the Chief Executive Officer must ensure that a statement comparing budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to Council at a Council meeting which is open to the public.

ATTACHMENTS

1. Finance Report - December 2022 [**10.1.1** - 6 pages]

OPTIONS

Following consideration of the attached December 2022 Performance Report, Council can resolve to either:

1. Receive and note the December 2022 Council Performance Report; or
2. Not receive and note the December 2022 Council Performance Report and seek further information for consideration at a later Council meeting.

PROPOSAL

That Council receive and note the attached December 2022 Council Performance Report.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

Provision of a monthly financial report to the community facilitates accountability and transparency and ensures that Council and management are able to make informed decisions in a timely manner.

COMMUNICATION IMPACT

The Council Plan communicates Council's strategic direction to the community. The Council Plan can also be used by Council to communicate its vision and direction to other tiers of government, organisations, government agencies and funding bodies.

LEGISLATIVE IMPACT

Section 97(1) and (2) of the *Local Government Act 2020* requires that at least every three months, the Chief Executive Officer must ensure that a statement comparing budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to Council at a Council meeting which is open to the public.

COUNCIL POLICY IMPACT

The December 2022 Council Performance Report has been prepared in the context of existing Council policies.

COUNCIL PLAN IMPACT

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

Strategic Outcome 4.1: *"A financially sustainable, high performing organisation."*

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.



DECEMBER 2022 QUARTERLY FINANCE SUMMARY

INCORPORATED IN PERFORMANCE REPORT

OPERATING RESULT STATEMENT
For the period ending 31 December 2022

	YEAR TO DATE			FULL YEAR 2022-23		
	Actual	Adopted Budget	Variance	Forecast	Adopted Budget	Variance
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
Income						
Rates and charges	66,691	65,875	816	66,542	66,481	61
Statutory fees & fines	545	491	54	994	994	-
User fees	3,470	3,481	(11)	8,020	8,020	-
Grants - operating	5,722	7,789	(2,067)	25,077	23,319	1,758
Grants - capital	2,135	5,656	(3,521)	18,488	16,983	1,505
Contributions - operating (monetary)	287	122	165	397	385	12
Contributions - capital (monetary)	87	2	85	93	93	-
Contributions - non monetary	12	-	12	-	-	-
Other income	1,657	1,067	590	3,458	3,458	-
Total Income (Inc capital income)	80,606	84,483	(3,877)	123,069	119,733	3,336
Expenditure						
Employee costs	15,814	16,954	1,140	32,918	32,894	(24)
Materials and services	19,165	18,824	(341)	47,619	44,778	(2,841)
Bad and doubtful debts	-	-	-	50	50	-
Depreciation and amortisation	13,757	12,249	(1,508)	28,121	26,121	(2,000)
Borrowing costs	27	30	3	60	60	-
Finance cost leases	3	5	2	11	11	-
Other expenses	493	410	(83)	892	892	-
Net gain on disposal of property, infrastructure, plant & equipment	94	(335)	(429)	1,431	1,431	-
Total Expenditure	49,353	48,137	(1,216)	111,102	106,237	(4,865)
Surplus for the year	31,253	36,346	(5,093)	11,967	13,496	(1,529)

Note: The forecast figures reflect any known changes that have arisen since the adoption of the original budget. The forecast enables Council to more accurately monitor financial performance during the year and predict the end of year position. However, Council must report publicly against the original adopted budget on a quarterly basis.

Adopted Budget to YTD Actuals

The result for the half of the year reflects a surplus of \$31.3 million against an adopted budget surplus of \$36.3 million, resulting in a unfavourable variance of (\$5.0) million. The variance is a combination of operating result (operating income less operating expense) of (\$1.1M), as well as the impact of lower operating grant (\$2.1 million) and capital grant (\$3.5 million) income streams year to date. Partially offset by positive variances in Employee Benefits \$1.1 million, and Rates and Charges \$0.82 million.

A summary of major operating variances that have occurred to date include:**Operating Income**

- **\$0.82 million** **Rates & charges** - This primarily represents additional supplementary rates raised since the 2022/23 budget adoption.
- **(\$2.07 million)** **Grants (operating)** - The reduced operating grants mainly represents the 75% advance receipt of the 2022/23 Victoria Grants Commission received in 2021/22 each quarterly payment will be (\$1.7M) lower than initially budgeted. The reduced funding will be partially offset by the advance payment for Natural Disasters of \$1.6M received for East Coast Rain Event in 2021/22 being recognised after the final claims were lodged in 2022/23 and new grant funding to be received this year.
- **\$0.59 million** **Other income** - Other income mainly includes the interest earned on investments being higher than expected by \$837k due to recent increases in interest rates. This is partly offset by reduction in rental and lease income to date.

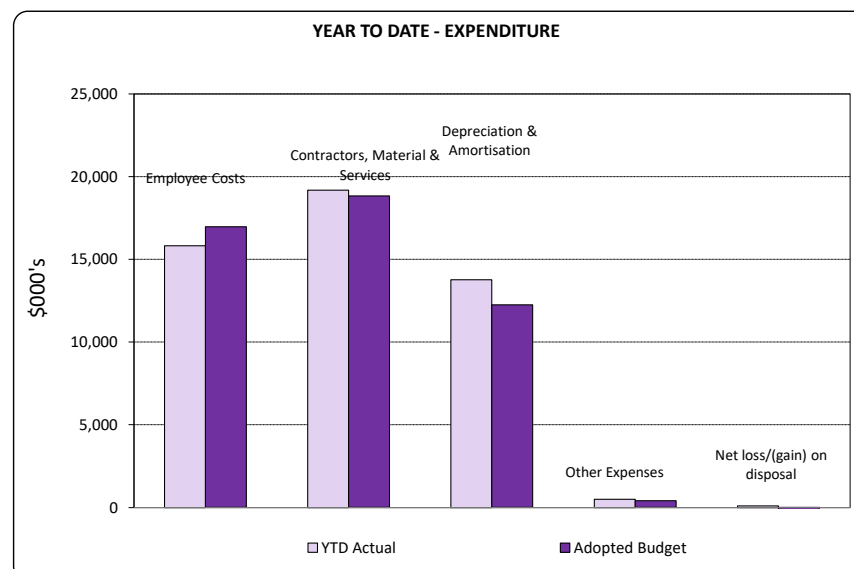
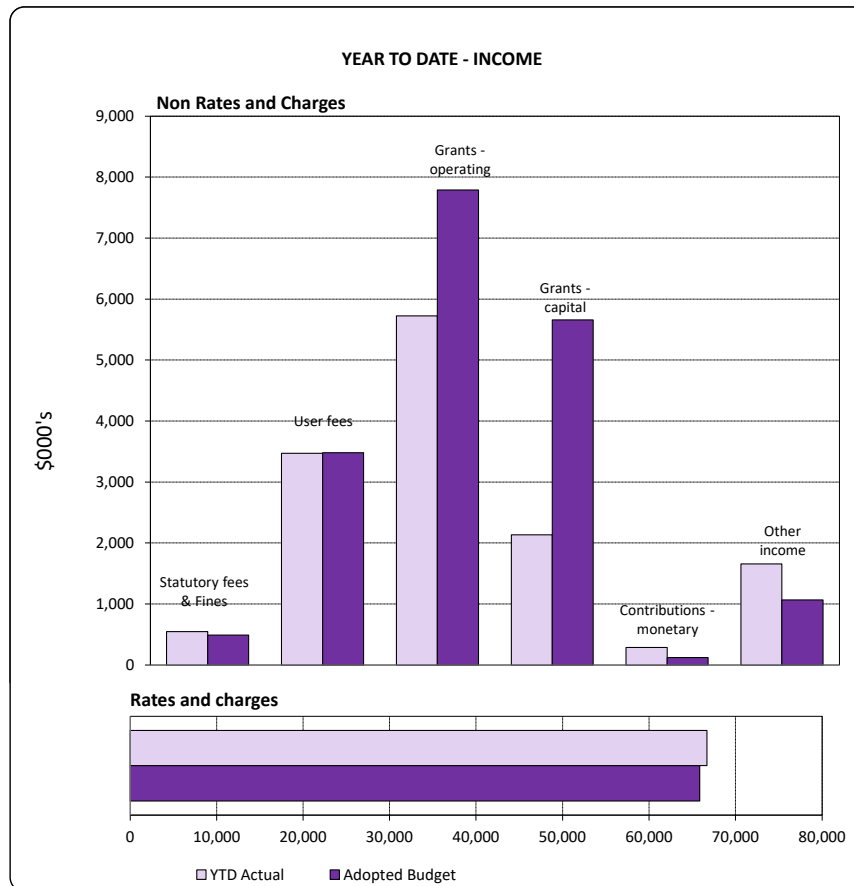
Operating Expenditure

- **\$1.14 million** **Employee costs** - Underspends in employee costs resulted from staff vacancies but slightly offset by use of casuals and agency staff. Lower than expected annual Workcover premium will generate overall savings of approximately \$0.2M for the year.
- **(\$1.51 million)** **Depreciation & amortisation** - Higher than budgeted depreciation and amortisation charges for buildings, community facilities and streetscapes due to the timing of projects been completed and capitalised.

A summary of major capital variances that have occurred to date include:**Capital Income**

- **(\$3.47 million)** **Grants (capital)** - Major capital grants yet to be received/claimed includes Sale CBD Renewal program (\$1.3M) works on track to be completed in February 2023, Sloping Bridge Widening project (\$0.7M) which has been completed and is awaiting final claims, Golf Course Road Heyfield (\$0.5M) works commenced onsite with culverts installed and pavement works to begin in January 2023, Great Southern Rail Trail Extension (\$0.5M) contracts have been awarded with bridge designs underway and track construction to commence in January 2023, plus works to commence soon on Weir Rd Tinamba West (\$0.3M) as tenders closed in January 2023.

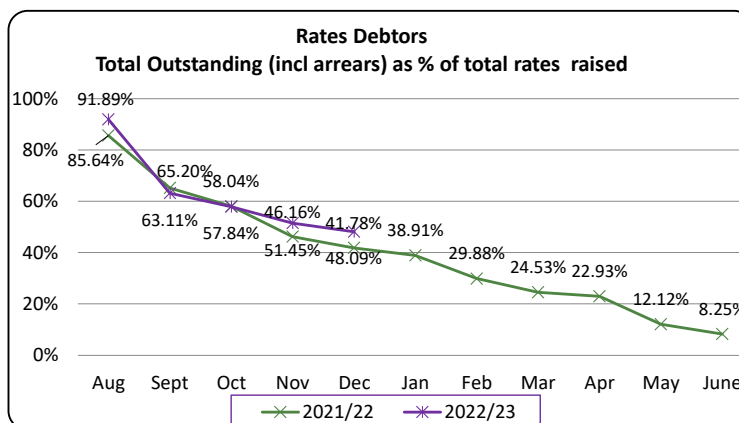
DECEMBER 2022 COMPONENTS AT A GLANCE



BALANCE SHEET

For the period ending 31 December 2022

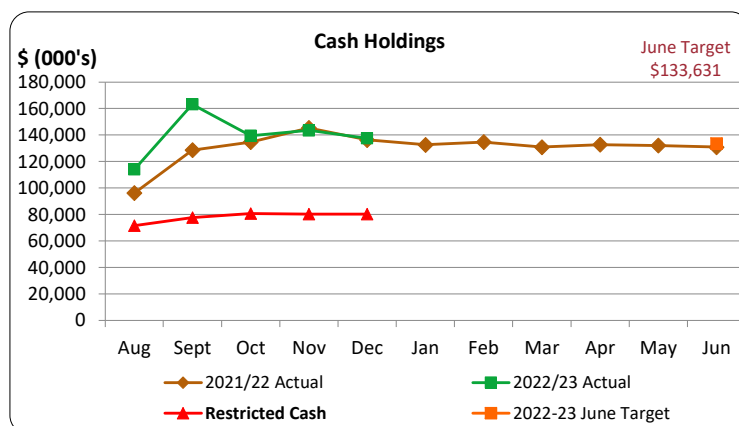
Actual		Actual	Forecast	Adopted Budget
December 21		December 22	June 23	June 23
\$000's		\$000's	\$000's	\$000's
Assets				
155,020	Total Current Assets	158,489	148,850	134,875
1,030,000	Total Non Current Assets	1,143,086	1,087,359	1,054,782
1,185,020	Total Assets	1,301,575	1,236,209	1,189,657
Liabilities				
40,982	Total Current Liabilities	39,488	34,363	38,800
18,867	Total Non Current Liabilities	17,362	17,788	27,468
59,849	Total Liabilities	56,850	52,151	66,268
1,125,171	Net Assets	1,244,726	1,184,058	1,123,389



The rate debtors outstanding at the end of December 2022 were \$30.1 million (41.8%) compared to December 2021 of \$27.8 million (48.1%).

The final rate instalment are due for the year on 28 February 2023 and 31 May 2023.

Council is continuing its emphasis on collection of outstanding rates through various means and proactive measures including the encouragement of regular payment plans.



Council cash holdings at the end of December 2022 are \$134.2M, slightly lower than December 2021 of \$136.3M due to increased expenditure towards capital projects.

Current cash holdings include \$80.8M restricted funds; \$12.7M to cover reserves, \$53.5M to cover provisions and trusts, and approximately \$5.0M associated with carried forwards.

The balance is generally working capital for ongoing operations over the next quarter.

Restricted cash is money that is reserved for specific purposes and therefore not available for general business use.

CAPITAL EXPENDITURE PROGRAM

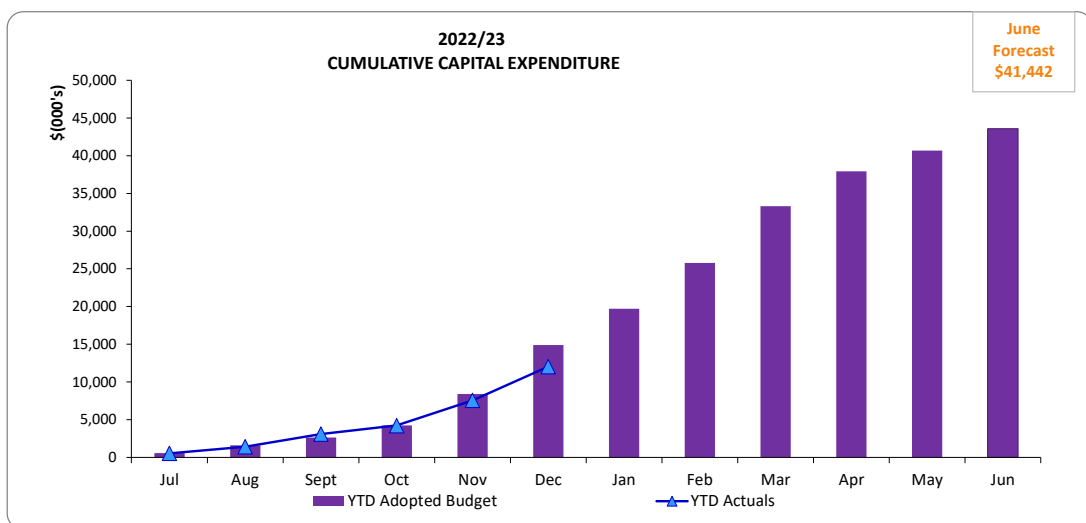
For the period ending 31 December 2022

	YEAR TO DATE 2022-23			FULL YEAR 2022-23		
	Actual	Adopted Budget	Variance	Forecast	Adopted Budget	Variance
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
Property	1,228	1,470	(242)	3,731	7,134	(3,403)
Infrastructure	8,390	11,808	(3,418)	31,956	32,560	(604)
Plant and Equipment	2,442	1,469	973	5,255	3,365	1,890
Intangibles	-	150	(150)	500	550	(50)
Grand Total	12,060	14,897	(2,837)	41,442	43,609	(2,167)

	YEAR TO DATE 2022-23			FULL YEAR 2022-23		
	Actual	Adopted Budget	Variance	Forecast	Adopted Budget	Variance to Adopted
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
Renewal	7,305	7,891	(586)	22,392	20,833	1,559
Upgrade	3,677	4,043	(366)	10,242	13,029	(2,787)
Expansion	858	2,938	(2,080)	8,536	9,717	(1,181)
New Assets	220	25	195	272	30	242
Grand Total	12,060	14,897	(2,837)	41,442	43,609	(2,167)

Capital Works Summary - for the period ending 31 December 2022

- Overall 26 projects are at practical completion, 47 more projects are underway and 19 projects have had contracts awarded but not yet commenced. 27 projects are in pre-planning (development of the concept design, the detail design, community consultation and seeking quotes or tenders).
- The multi year Sale CBD Renewal Program works are on track to be completed in February apart from street lighting.
- Three contracts have been awarded for the Great Southern Rail Trail Extension with bridge designs underway and track construction to commence in January 2023.
- Sloping Bridge Widening project works were completed in December 2022.
- Alberton to Port Albert Trail works were held up by wet weather and works will be completed in January 2023.
- Works on the Heyfield Recycling upgrade were completed in December 2022.
- Sale - Toongabbie road reconstruction works commenced in November 2022.



11. DELEGATES REPORT

12. GENERAL MANAGER CORPORATE SERVICES

12.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 12 December 2022 to 29 January 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 12 December 2022 to 29 January 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 12 December 2022 to 29 January 2023.

ATTACHMENTS

1. Assembly of Councillors - 13 December 2022 - SLUPP [12.1.1 - 2 pages]
2. Assembly of Councillors - 20 December 2022 - Council Day [12.1.2 - 2 pages]

OPTIONS

Council has the following options:

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

PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 12 December 2022 to 29 January 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.

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.

ASSEMBLY OF COUNCILLORS – 13 DECEMBER 2022

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)						
STRATEGIC LAND USE PLANNING PROJECT REVIEW GROUP	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.	Conflict of Interest
	Cr Ian Bye	Yes	NO	D Morcom, CEO	No		
	Cr Carolyn Crossley	No		A Skipitaris, GMCS	No		
	Cr Marcus McKenzie	No		C Gillings, GMC&C	No		
	Cr Gayle Maher	Yes	NO	C Hastie, GMB&NE	No		
	Cr Carmel Ripper	No		B McAlister, GMD	No	ALL	
	Cr Scott Rossetti	No					
	Cr Garry Stephens	No					
	Cr John Tatterson	Yes	YES Item No.2: Amendment C115 – North Sale Rezoning (Area 11) and Amendment C116 - Longford Rezoning				
	Cr Jill Wood	No					
OTHERS IN ATTENDANCE (NAME AND POSITION)			CONFLICT OF INTEREST	MATTERS/ITEMS CONSIDERED AT THE MEETING			
Barry Hearsey (Manager Land Use Planning)			Yes Item No.2: Amendment C116 - Longford Rezoning	Meeting Agenda: - SLUPP Meeting Minutes: 11 October 2022			

ATTACHMENT 12.1.1

Josh Clydesdale (Major Projects and Principal Strategic Planner)	No	- Strategic Planning Priorities
Lucy Spooner (Coordinator Infrastructure Development)	No	- Incoming Correspondence
Caragh Button (Strategic Planner)	No	- Rezoning Requests
		- Other Business

ASSEMBLY OF COUNCILLORS – 20 DECEMBER 2022

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
IT / Diary Meeting	Name	Attendance	Name	Attendance	
	Cr Bye	Yes	Cr Stephens	Yes	N/A
	Cr Crossley <i>(via MS Teams)</i>	Yes	Cr Tatterson	Yes	N/A
	Cr McKenzie	Yes	Cr Wood	Yes	N/A
	Cr Maher	Yes	David Morcom, CEO	Yes	N/A
	Cr Ripper	Yes	Hayley Furlong, Governance & Council Business Officer	Yes	N/A
	Cr Rossetti	No	Cameron Vale, ICT Support Services Contractor	Yes	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE				CONFLICT/S OF INTEREST OR ACTION ITEMS
Workshops	Name	Attendance	Name	Attendance	
	Cr Bye	Yes	Cr Wood	Yes	N/A
	Cr Crossley <i>(via MS Teams)</i>	Yes	David Morcom, CEO	Yes	N/A
	Cr McKenzie	Yes	Arthur Skipitaris, GM Corporate Services	Yes	N/A
	Cr Maher	Yes	Brent McAlister, GM Development	No	N/A
	Cr Ripper	Yes	Chris Hastie, GM Built and Natural Environment	Yes	N/A
	Cr Rossetti	Yes <i>(items 3-5)</i>	Clemence Gillings, GM Community and Culture	No	N/A
	Cr Stephens	Yes	Sam McPherson, Acting GM Community and Culture	Yes	N/A
	Cr Tatterson	Yes			

Workshops (cont.)	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE
	1. MAFFRA STRUCTURE PLAN – IMPLEMENTATION	<ul style="list-style-type: none"> Caragh Button, Strategic Planner Lucy Spooner, Coordinator Infrastructure Development Sam Pye, Manager Built Environment <i>Conflict of Interest: Nil</i>
	2. BUILT ENVIRONMENT QUARTERLY UPDATE	<ul style="list-style-type: none"> Sam Pye, Manager Built Environment Zac Elliman, Coordinator Road Planning <i>Conflict of Interest: Nil</i>
	3. WASTE, RECYCLING AND SUSTAINABILITY UPDATE	<ul style="list-style-type: none"> Samantha Nock, Acting Manager Natural Environment & Parks Joanna Rule, Sustainability Projects Officer <i>Conflict of Interest: Nil</i>
	4. DEVELOPMENT DIVISION UPDATE: PLANNING, MUNICIPAL SERVICES & ECONOMIC DEVELOPMENT	<ul style="list-style-type: none"> Brent McAllister, General Manager Development Geoff Hay, Acting Manager Economic Development Vanessa Ebsworth, Manager Regulatory Services <i>Conflict of Interest: Nil</i>
	5. RISK MANAGEMENT	<ul style="list-style-type: none"> Kapil Kukreja, HLB Mann Judd Risk Assurance and Consulting (external) <i>Conflict of Interest: Nil</i>

13. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

13.1. WHARF STREET STREETScape

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the Wharf Street, Port Albert streetscape works.

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 2023-040 Wharf Street Streetscape Works; and***
- 2. The information contained in the confidential attachment Contract 2023-040 Wharf Street Streetscape Works and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Acting General Manager Built and Natural Environment on 17 January 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

This project is intended to rejuvenate the streetscape on the western side of Wharf Street, Port Albert from Bay Street to the wharf by the installation of footpaths, landscaping and tree planting and kerb and channel where appropriate.

This section of Wharf Street is highly utilised by the local community and tourists who visit the town.

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 Wharf Street Streetscape Works 2023-040 [13.1.1 - 1 page]
2. CONFIDENTIAL REDACTED - Contract 2023-040 Wharf Street Streetscape Works Tender Evaluation Report [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 2023-040 Wharf Street Streetscape Works; or
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 2023-040 Wharf Street Streetscape Works.

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 2022-2023 capital works program, along with funding being sought from the Federal Government's Local Roads and Community Infrastructure 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."*

This report supports the above Council Plan strategic outcome.

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 works will beautify this area and make it more functional for pedestrians.

ENVIRONMENTAL IMPACT

This project 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 7 FEBRUARY 2023

On this day, 17 January 2023, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Dean Morahan, Acting General Manager Built and Natural Environment declare that the information contained in the attached **CONTRACT 2023-040 WHARF STREET STREETScape WORKS** 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.*

.....
DEAN MORAHAN

ACTING 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 -

Meeting declared closed at:

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

15. IN CLOSED SESSION

COUNCILLOR

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

- a) Council business information*
- b) Security information*
- c) Land use planning information*
- d) Law enforcement information*
- e) Legal privileged information*
- f) Personal information*
- g) Private commercial information*
- h) Confidential meeting information*
- i) Internal arbitration information*
- j) Councillor Conduct Panel confidential information*
- k) Information prescribed by the regulations to be confidential information*
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989*

IN CLOSED SESSION

COUNCILLOR

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