



**WELLINGTON**  
SHIRE COUNCIL

*The Heart of Gippsland*

## **RESOLUTIONS IN BRIEF ORDINARY MEETING**

**To be read in conjunction with the Council Meeting Agenda 7 February 2023**

### **COUNCILLORS PRESENT**

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

### **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  
Vanessa Ebsworth, Acting General Manager Development  
Hayley Furlong, Governance and Council Business Officer  
Kimberley Salleh, Coordinator Communications and Media

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## 1. APOLOGIES

NIL

## 2. DECLARATION OF CONFLICT/S OF INTEREST

Councillor McKenzie declared a general conflict of interest at Item 7.2 Response to Petition: Princess Street, Port Albert.

## 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**

NIL

#### **RECOMMENDATION**

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

**COUNCILLOR WOOD / COUNCILLOR RIPPER**

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

**CARRIED**

## 4. BUSINESS ARISING FROM PREVIOUS MEETINGS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

<b>ITEM</b>	<b>FROM MEETING</b>	<b>COMMENTS</b>	<b>ACTION BY</b>
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			

## 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

NIL

#### 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.***

*Councillor McKenzie declared a general conflict of interest at item 7.2 due to a conflict of duty.*

*Left Chambers: 3:02pm*

*Returned to Chambers: 3:05pm*

#### **COUNCILLOR STEPHENS / COUNCILLOR MAHER**

***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.***

**CARRIED**

## 8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR BYE acknowledged the Day at the Port event, held on Saturday 4 February 2023 and noted the five to seven thousand attendees that braved the wind, rain and cold to attend the event.

He noted the main highlights being children's rides, activities, market stalls, musicians, art bar, cinema, the Roulettes flyover, with the day wrapping up with a fireworks display.

Councillor Bye noted the success of the event and suggested that, based on the feedback received, potential exists for this to become an annual event. On behalf of all Councillors, Councillor Bye thanked and congratulated the dedicated team for putting together such a great event for community and abroad to enjoy.

## 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**

NIL

#### **RECOMMENDATION**

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

**COUNCILLOR STEPHENS / COUNCILLOR WOOD**

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

**CARRIED**

## 11. DELEGATES REPORT

NIL

## 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**

NIL

#### **RECOMMENDATION**

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

**COUNCILLOR WOOD / COUNCILLOR ROSSETTI**

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

**CARRIED**

## 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

NIL

#### 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.***

#### **COUNCILLOR MCKENZIE / COUNCILLOR MAHER**

***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.***

**CARRIED**

*The Mayor announced the successful tenderer as Doncol Civil 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 -

**ALLISON YANEZ, SALE:** Regarding the Port of Sale Master Plan including plans for a Cultural Museum, following previous discussion with Council.

The CEO noted that Allison has been provided a response in relation to her enquiry and a copy has been provided to Councillors. At this stage there is no plans for a Cultural Museum at the Port of Sale.

**EMMA WAGHORNE (CENTRE MANAGER, GIPPSLAND SHOPPING CENTRE), SALE:** Regarding a WorkSafe notice and speed zones in the Gippsland Shopping Centre carpark following an incident last year. Emma queried Wellington Shire Council's role in relation to gazetting speed limit changes.

The CEO noted that Councils do not gazette speed limit changes and a meeting has been scheduled to discuss the speed limits with Emma. Councillors will be provided with a copy of the response after the meeting.

### FURTHER GALLERY COMMENTS -

NIL

Meeting declared closed at: 3:15pm

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*

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**IN CLOSED SESSION**

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### COUNCILLOR

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