



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 15 August 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 1 August 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 1 August 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. MAYOR AND COUNCILLORS REPORT

10.1. MAYOR AND COUNCILLORS REPORT - JULY 2023

ACTION OFFICER: COUNCILLOR IAN BYE

RECOMMENDATION

That the Mayor and Councillors report be noted.

1 JULY TO 31 JULY

3 July	Ramahyuck District Aboriginal Corporation NAIDOC Flag Raising and Lunch, Sale	Mayor Bye and Cr Crossley attended
	Maffra Recreation Reserve Committee meeting, Maffra	Cr Ripper attended
4 July	Sister Cities meeting, Stratford	Cr Ripper attended
6 July	Committee for Wellington meeting, Sale	Mayor Bye attended
	Citizenship Ceremony, Sale	Mayor Bye and Cr McKenzie attended
	Gippsland New Energy Web Portal Working Group meeting	Cr Crossley attended
9 July	Heyfield Ambulance 80 th Birthday Celebrations, Heyfield	Mayor Bye and Cr Ripper attended
10 July	SEATS Executive Meeting	Cr Tatterson attended
11 July	Backpacker Destination Yarram - Entrepreneurial Discovery Workshop, Yarram	Cr Stephens attended
12 July	Youth Council Formal meeting, Sale	Cr Crossley attended
	EDP Koala Project, Yarram	Cr Stephens attended
13 July	Gippsland New Energy Web Portal Working Group meeting	Cr Crossley attended

	Health and Active Ageing Discovery Workshop	Cr Ripper attended
19 July	Innovation Breakfast - Sustainable Development Goals in Gippsland, Morwell	Cr Crossley and Cr Maher attended
20 July	Yarram Outdoor Recreation - Entrepreneurial Discovery Workshop	Cr Stephens attended
	Yarram Secondary College - Year 12 oral presentations, Yarram	Cr Stephens, Cr McKenzie and Cr Maher attended
	Business Boost Reference Group meeting	Cr Maher attended
21 July	One Gippsland - Delegation Meeting with Minister Shing	Mayor Bye attended
	Creative Yarram - Entrepreneurial Discovery Workshop, Yarram	Cr Stephens attended
	Christmas in July Community Lunch, Dargo	Cr Ripper attended
24 July	Stratford Historic Society Annual General Meeting, Stratford	Cr Ripper attended
25 July	2022/23 CEO Performance Review Subcommittee meeting, Sale	Mayor Bye, Cr McKenzie and Cr Stephens attended
	Gordon Street Recreation Reserve Committee Annual General Meeting, Heyfield	Cr Ripper attended
25-26 July	Australian Wind Energy 2023 Conference and Women of Offshore Wind Inaugural Event, Melbourne	Cr Crossley attended
27 July	Ministerial Forum for Mayors on Public Disruptions	Mayor Bye attended
31 July	Maffra Secondary College Community Meeting	Mayor Bye attended

**COUNCILLOR IAN BYE
MAYOR**

11. DELEGATES REPORT

12. CHIEF EXECUTIVE OFFICER

12.1. 2023 JUNE COUNCIL PERFORMANCE REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

For Council to receive and note the June 2023 Council Performance Report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council receive and note the June 2023 Council Performance Report as attached.

BACKGROUND

The June 2023 Council Performance Report comprises an interim overview of Council finances including 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. 2023 June Council Performance Report [12.1.1 - 9 pages]

OPTIONS

Following consideration of the attached June 2023 Performance Report, Council can resolve to either:

1. Receive and note the June 2023 Council Performance Report; or
2. Not receive and note the June 2023 Council Performance Report and seek further information for consideration at a later Council meeting.

PROPOSAL

That Council receive and note the attached June 2023 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

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

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 June 2023 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.



INTERIM
JUNE 2023
QUARTERLY
FINANCE SUMMARY

INCORPORATED IN PERFORMANCE REPORT

INTERIM COMBINED RESULT STATEMENT
For the period ending 30 June 2023

	FINANCIAL YEAR ENDING 30 JUNE 2023			
	Actual \$000's	Forecast \$000's	Adopted Budget \$000's	Actual Variance to Budget \$000's
Income				
Rates and charges	67,133	67,175	66,480	653
Statutory fees & fines	1,003	1,012	994	9
User fees	9,106	9,271	8,020	1,086
Grants - operating	33,526	31,145	23,319	10,207
Grants - capital	9,131	12,655	16,983	(7,852)
Contributions - operating (monetary)	647	643	385	262
Contributions - capital (monetary)	194	135	93	101
Contributions - non monetary	2,948	2,240	-	2,948
Other income	7,758	4,246	3,458	4,300
Total Income (Inc capital income)	131,446	128,523	119,732	11,714
Expenditure				
Employee costs	32,385	31,381	32,907	522
Materials and services	44,453	48,505	44,790	337
Bad and doubtful debts	(91)	10	50	141
Depreciation and amortisation	28,639	28,475	26,121	(2,518)
Borrowing costs	61	60	60	(1)
Finance cost leases	8	7	11	3
Other expenses	2,372	709	892	(1,480)
Net gain on disposal of property, infrastructure, plant & equipment	1,334	(65)	1,431	97
Total Expenditure	109,161	109,082	106,262	(2,899)
Surplus for the year	22,285	19,441	13,470	8,815

Note: Council must report publicly against the original adopted budget on a quarterly basis. The following provides an explanation of the differences between the adopted budget and the interim results (as at 7 August 2023). These interim results have been produced to conform with all accounting standards and reporting obligations but are still subject to audit by Victorian Auditor General in August 2023. Subject to any final adjustments from the audit.

Commentary below to explain the timing of components of this surplus:

Annual Summary - Actuals vs Adopted Budget

Council's 2022/23 provisional surplus result \$22.2 million is made up of:

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>
Operating	\$12.5	(\$4.2)	\$16.7
Capital	\$9.7	\$17.6	(\$7.9)
	<u>\$22.2</u>	<u>\$13.4</u>	<u>\$8.8</u>

Operationally, the major variances are:

Advance receipt of 100% of the 2023/24 VGC funding in 2022/23	\$17.1 million
Higher fees earned from shared services	\$1.0 million
Additional rates and charges raised from supplementary notices	\$0.8 million
Savings on contractors and materials expenses	\$0.3 million
Increase in depreciation and amortisation expenses	(\$2.5 million)
	<u>\$16.7 million</u>

Capital, the major variances are:

Non-Recurrent Capital grants - (received and in trust account or final submissions pending)	(\$6.5 million)
Other income - capital - receipt of donations been delayed/halted	(\$1.6 million)
Recurrent Capital grant funding (Roads to Recovery)	(\$1.4 million)
Capital adjustment (non -cash) relating to recognition/(derecognition) of assets	(\$1.3 million)
Additional contributions (non monetary) - recognised towards new subdivision land assets	\$2.9 million
	<u>(\$7.9 million)</u>

Surplus for the year

\$8.8 million

Note: Timing of capital works can often distort the comprehensive result/surplus of any Council. Positive surplus should always be cautiously assessed and reported in light of shifting project timelines.

A summary of major variances to budget for 2022/23 are:

Income

- **\$0.65 million** **Rates & charges** - This primarily represents additional supplementary rates raised since the 2022/23 budget adoption, due to elevated levels of building activity for new residential subdivisions and developments.
- **\$1.09 million** **User fees** - Income raised from reimbursements for the year is higher than anticipated by \$0.6M. Fees earned from environmental health and animal services registrations/permits were \$0.1M above budget, due to an increase in new registrations.
- **\$10.21 million** **Grants (operating) -**
 - The advance receipt of 100% of Victoria Grant Commission allocation for 2023/24 of \$17.1M was received in June 2023.
 - An additional grant of \$1.8M has been received for York Street (SP Ausnet) Princes Highway improvements, most of the works for this multi year project were completed back in 2020/21.

Other major grant funding to be received or recognised as of 30 June 2023 include:

 - York Street Works (\$3.3M) and Great Southern Rail Trail Extension (\$1.2M);
 - This is partly offset by the Natural disaster funding received for past flood and storm events contributing \$1.5M.

Grants pending for community infrastructure projects such as the Stratford Recreation Reserve Social Room upgrades and Sport and Community Lighting Program are approximately (\$0.5M).
- **(\$7.85 million)** **Grants (capital) -** Major capital grants yet to be received/claimed include:
 - Aqua Energy Redevelopment multi year project budgeted was delayed (\$3.2M) .
 - Great Southern Rail Trail Extension (\$1.6M). Contracts have been awarded, with bridge designs underway and track construction works progressing. Works to be completed in December 2023.
 - Sale-Toongabbie Road Reconstruction program works for this year completed and waiting on final invoices (\$1.3M).
 - Lansdowne St and Macarthur St Roundabout project deferred due to unsuccessful grant application (\$1.0M).
- **\$0.26 million** **Contributions (monetary) -** This is predominantly represented by external contributions received for public open space future developments, as well as sustainability energy efficiency initiatives.
- **\$2.95 million** **Contributions - capital (non monetary) -** Gifted assets recognised during the year, largely for roads, drainage and footpaths.
- **\$4.30 million** **Other income -** Other income includes:
 - Interest on investments earned is above budget by \$3.2M, due to higher interest rates.
 - The non cash accounting adjustment of \$2.7M for landfill rehabilitation estimates, was initiated in April 2023 and completed in June 2023.

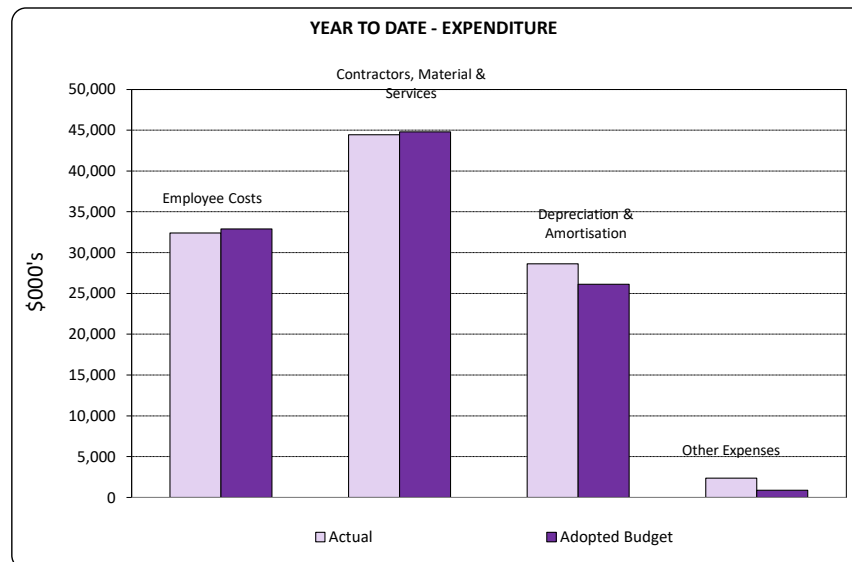
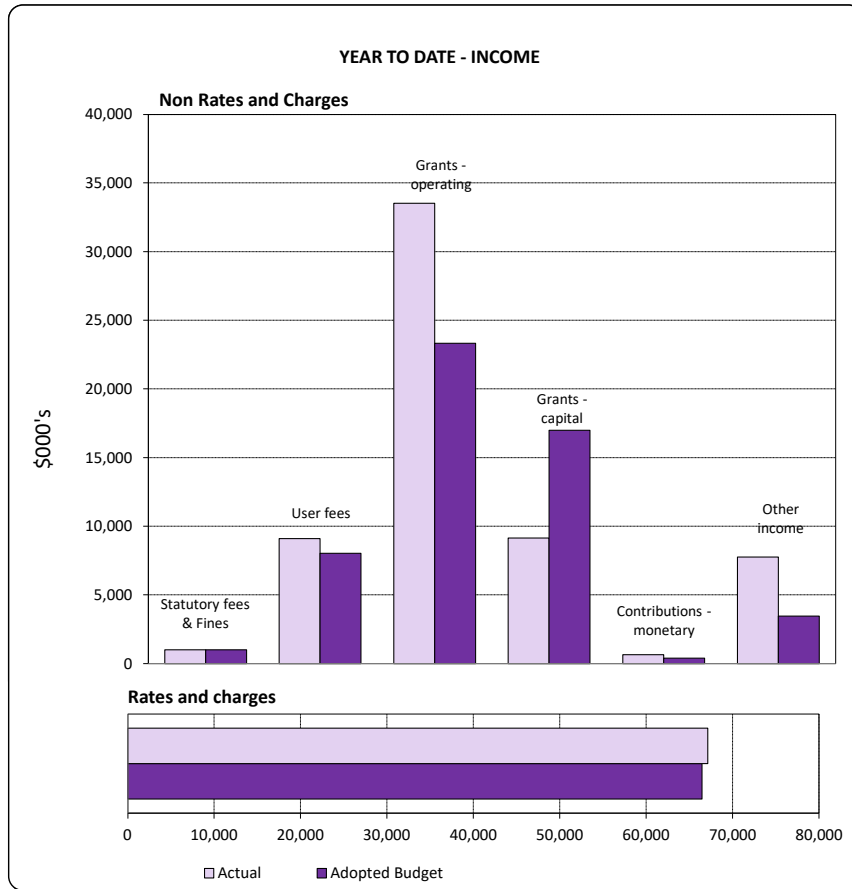
Expenditure

- **\$0.52 million** **Employee costs** - The majority of savings in employee costs are mainly due to staff vacancies throughout the organisation, and 2022/23 workcover premium savings. This is slightly offset by higher casual staff costs incurred to maintain important customer service functions.

- **\$0.34 million** **Contractors, materials and services variance includes:**
 - a. **\$1.8M** - The bulk of the contractor variances includes:
 - Great Southern Rail Trail Extension works \$1.1M are progressing and will be completed in December 2023.
 - Community infrastructure projects such as Stratford Recreation Reserve upgrade, Sports and facility lighting/renewal programs are progressing.
 - b. **\$0.4M** - Underspends in consultant payments incurred on planning projects, aerodromes, organisational performance, and governance initiatives.
 - c. **(\$0.9M)** - Expenditure associated with rehabilitation of landfills (mainly Kilmany), which were not budgeted. To be accounted from the landfill provisions set aside for the future rehabilitation of these facilities.
 - d. **(\$0.6M)** - Expenses associated with waste management authority fees (EPA landfill levy) was greater than anticipated for the year 2022/23. This was a product of higher rates, and elevated processing charges.
 - e. **(\$0.3M)** - Expenditure incurred on regular/annual maintenance for roads infrastructure were higher than budgeted.

- **(\$2.52 million)** **Depreciation & amortisation** - Overall higher than expected depreciation (non cash) mainly in roads (\$1.1M), recreation and leisure facilities (\$0.6M) and buildings (\$0.2M) offset by lower than expected depreciation for drainage \$0.2M. Annual deprecation charges are impacted by the timing of project completions plus the projects moving from work in progress to completion.
- **(\$1.48 million)** **Other expenses** - This mainly represents de-recognised drainage and roads assets during the year.

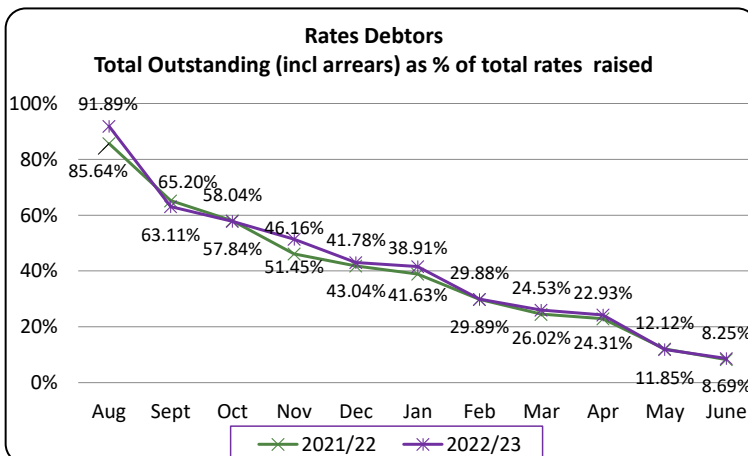
JUNE 2023 COMPONENTS AT A GLANCE



BALANCE SHEET

As at 30 June 2023

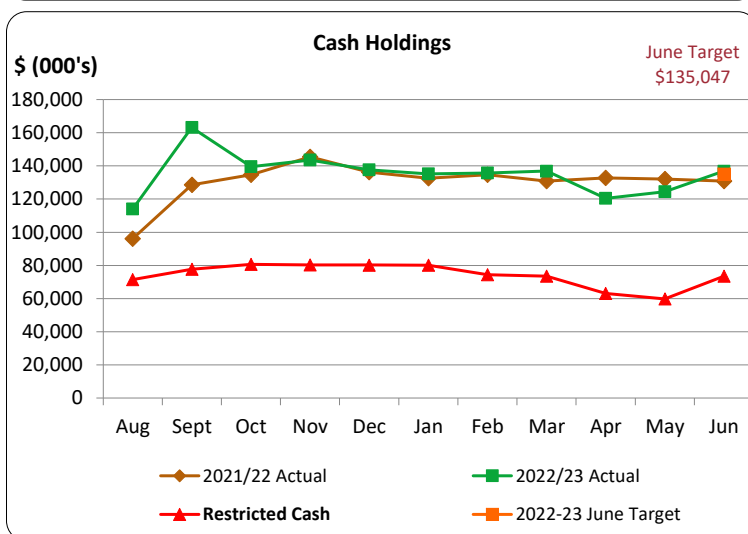
Actual		Actual	Forecast	Adopted Budget
June 22		June 23	June 23	June 23
\$000's		\$000's	\$000's	\$000's
Assets				
138,967	Total Current Assets	147,115	146,073	134,875
1,083,243	Total Non Current Assets	1,342,363	1,292,469	1,054,782
1,222,210	Total Assets	1,489,477	1,438,542	1,189,657
Liabilities				
42,496	Total Current Liabilities	34,561	37,684	38,800
12,826	Total Non Current Liabilities	14,639	18,106	27,468
55,322	Total Liabilities	49,199	55,790	66,268
1,166,888	Net Assets	1,440,278	1,382,752	1,123,389



The rate debtors outstanding at the end of June 2023 were \$6.3 million (8.7%) compared to June 2022 of \$5.8 million (8.2%).

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

Overall an excellent effort to raise and collect over \$67.0 million in 2022/23 financial year.



Council cash holdings at the end of June 2023 are \$136.6M, higher than June 2022 of \$130.8M, due to receipt of new/additional grant funding and delayed expenditure mainly towards capital projects.

Current cash holdings include \$57.2M in restricted funds: \$12.8M to cover reserves, \$39.8M to cover provisions and trusts, \$4.6M associated with carried forwards, and \$17.1M linked to the VGC advance for 2023/24.

The balance is generally working capital for ongoing operations.

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

CAPITAL EXPENDITURE PROGRAM

As at 30 June 2023

	FINANCIAL YEAR ENDING 30 JUNE 2023			
	Actual	Year End Forecast	Adopted Budget	Actual Variance to Adopted
	\$000's	\$000's	\$000's	\$000's
Property	2,621	3,356	7,134	(4,513)
Infrastructure	25,509	26,645	32,560	(7,051)
Plant and Equipment	3,963	4,671	3,365	598
Intangibles	100	150	550	(450)
Grand Total	32,193	34,822	43,609	(11,416)

	FINANCIAL YEAR ENDING 30 JUNE 2023			
	Actual	Year End Forecast	Adopted Budget	Variance to Adopted
	\$000's	\$000's	\$000's	\$000's
Renewal	19,211	19,219	20,833	(1,622)
Upgrade	7,409	9,383	13,029	(5,620)
Expansion	5,341	5,987	9,717	(4,376)
New Assets	232	233	30	202
Grand Total	32,193	34,822	43,609	(11,416)

Capital Works Summary - Financial Year Ending 30 June 2023

- A significant capital works program has been undertaken with many achievements and expenditure across the Shire of \$32.1 million.
- Sale Revitalisation project works to revitalise the main streets and CBD precincts made possible through Federal Government Funding and included the following:
 - * The streetscape works included upgrading the concrete footpaths, kerb and channel, and street furniture;
 - * Enhanced landscaping along the roadside and in the centre median;
 - * Upgrading of the street lighting; and improving the visual amenity; by undergrounding the electrical power through the central section of York Street (between Macalister and Macarthur Streets), in addition to installing centre median lights between Foster and Raglan Streets;
 - * Upgrading of the parking and traffic lanes with an asphalt overlay in Foster Street, from York to Reeve Streets; and
 - * Installation of traffic signals at the York Street and Cunninghame Street intersection, to improve traffic flow.
- Completion of Nakunbalook Education Centre Sale.
- Capital Sealed Roads & Kerb & Channel Works \$11.2 million .
- Footpath & Cycleways projects \$6.3 million.
- Capital improvement works on Buildings and Recreation Facilities \$2.2 million.
- Capital Unsealed Road Works \$2.0 million.

CAPITAL EXPENDITURE PROGRAM

As at 30 June 2023

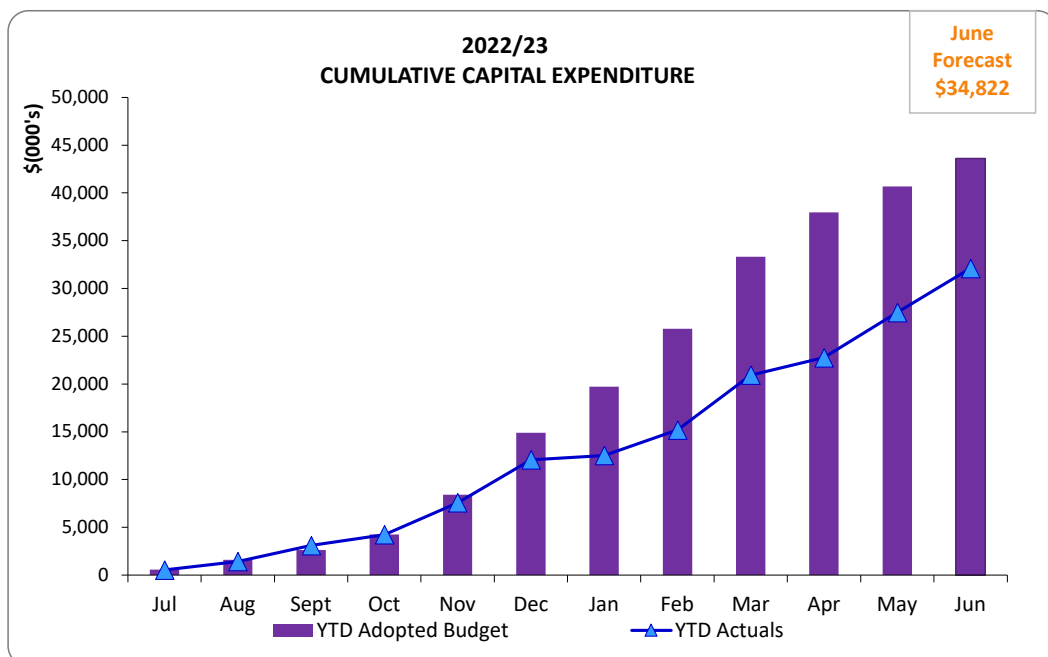
The budgeted capital works not completed in 2022/23 of (\$11.4 million) largely results from:

- 1) Projects delayed due to extended community consultation or liaison with other authorities, (\$5.7 million).
- 2) Contractor and materials unavailability due (\$4.4 million).
- 3) Unsuccessful grant applications, (\$1.3 Million).

June 2023 Quarterly Highlights

- Demolition commenced on the Stratford Memorial Park Toilets and Port Albert Boat Ramp Toilets with the expected completion of both projects expected to be November 2023.
- Target Creek Road Culvert Improvement works commenced in June 2023.
- Great Southern Rail Trail Extension works are progressing on the two bridge and trail construction contracts.
- Works were completed at the Hobson Road Reserve Longford, Rutter Park Shelter Wind Attenuation Port Albert and Avon View Estate Stratford.
- Woorarra Road Rehabilitation works were completed in June 2023.
- Lake Street Loch Sport Carpark Reconstruction was completed in June 2023.
- A number of delayed projects are being carried over into 2023/24. Overall, 2 projects are in preplanning and 13 projects are underway to be completed in the next financial year.

A total of 111 projects have reached completion for the 2022/23 financial year.



12.2. CHIEF EXECUTIVE OFFICERS REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

1 JULY TO 31 JULY

1 July – 25 July	Annual Leave
26 – 28 July	Attended the Local Government Chief Officers Group meeting
31 July	Attended PIPE Infrastructure Platform meeting

13. GENERAL MANAGER CORPORATE SERVICES

13.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

OBJECTIVE

To report on all assembly of Councillor records received for the period 24 July 2023 to 6 July 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 24 July 2023 to 6 August 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 24 July 2023 to 6 August 2023.

ATTACHMENTS

1. Assembly of Councillors - 1 August 2023 - Council Day [**13.1.1** - 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 24 July 2023 to 6 August 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 – 1 AUGUST 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 <i>(online 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	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 <i>(online via MS Teams)</i>	YES	Cr Wood	YES	N/A
	Cr McKenzie	YES	David Morcom, CEO	YES	N/A
	Cr Maher	YES	Chris Hastie, GM Built and Natural Environment	YES	N/A
	Cr Ripper	YES	Arthur Skipitaris, GM Corporate Services	YES	N/A
	Cr Rossetti	YES	Clemence Gillings, GM Community & Culture	YES	N/A
	Cr Stephens	YES	Andrew Pomeroy, GM Development	NO	N/A

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE
Workshops (cont.)	1. AQUA ENERGY TENDER UPDATE	<ul style="list-style-type: none"> • Ross McWhirter, Manager Leisure Services • Ray Weber, Coordinator Projects <i>Conflict of Interest: Nil</i>
	2. COMMUNITY AND CULTURE DIVISION UPDATE - COMMUNITIES, FACILITIES AND EMERGENCIES	<ul style="list-style-type: none"> • Sam McPherson, Manager Communities, Facilities and Emergencies <i>Conflict of Interest: Nil</i>
	3. 90 MILE BEACH – SURRENDER OF COUNCIL LAND	<ul style="list-style-type: none"> • Kim Phillips, Manager Land Use Planning Projects Coordinator <i>Conflict of Interest: Nil</i>
	4. OCCUPATIONAL HEALTH AND SAFETY AUDIT AND ACTION UPDATE	<ul style="list-style-type: none"> • Arthur Skipitaris, General Manager Corporate Services <i>Conflict of Interest: Nil</i>

14. GENERAL MANAGER DEVELOPMENT

14.1. MONTHLY PLANNING DECISIONS - JUNE 2023

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To provide a report to Council on recent planning permit trends and planning decisions made under delegation by Statutory Planners during the month of June 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 June and 30 June 2023.

BACKGROUND

Statutory Planners have delegated authority under the *Planning and Environment Act 1987* to make planning decisions in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme, including the issue of planning permits, amended permits, extensions of time, refusal of planning permits and notices of decision to grant a planning permit.

A copy of planning permit decisions made between 1 June 2023 and 30 June 2023 is included in Attachment, '*Planning Decisions Report - June 2023*'.

Attachment, '*Planning Trends Report – June 2023*', provides an overview of recent planning permit trends including decisions made, efficiency of decision making and the estimated value of approved development (derived from monthly planning permit activity reporting data).

ATTACHMENTS

1. Planning Trends Report - June 2023 [14.1.1 - 3 pages]
2. Planning Decisions Report - June 2023 [14.1.2 - 4 pages]

OPTIONS

Council has the following options available:

1. Receive the June 2023 planning decisions report; or
2. Not receive the June 2023 planning decisions report and seek further information for consideration at a future Council meeting.

PROPOSAL

That Council note the report of recent planning permit trends and planning application determinations between 1 June 2023 and 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 monthly report communicates information about planning trends and determinations including the issue of planning permits, amended permits, refusal of planning permits, and notices of decision to grant a planning permit.

LEGISLATIVE IMPACT

All planning decisions have been processed and issued in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme.

COUNCIL POLICY IMPACT

All planning decisions have been issued after due consideration of relevant Council policy, including Council's Heritage Policy, and the requirements of the Planning Policy Framework in the Wellington Planning Scheme.

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 2 "Economy and Sustainable Growth" states the following strategic outcome:

Strategic Outcome 2.1: *"A diverse economy that creates jobs and opportunities."*

Strategic Outcome 2.3: *"An increase in variety of housing choice to support equitable access to housing."*

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

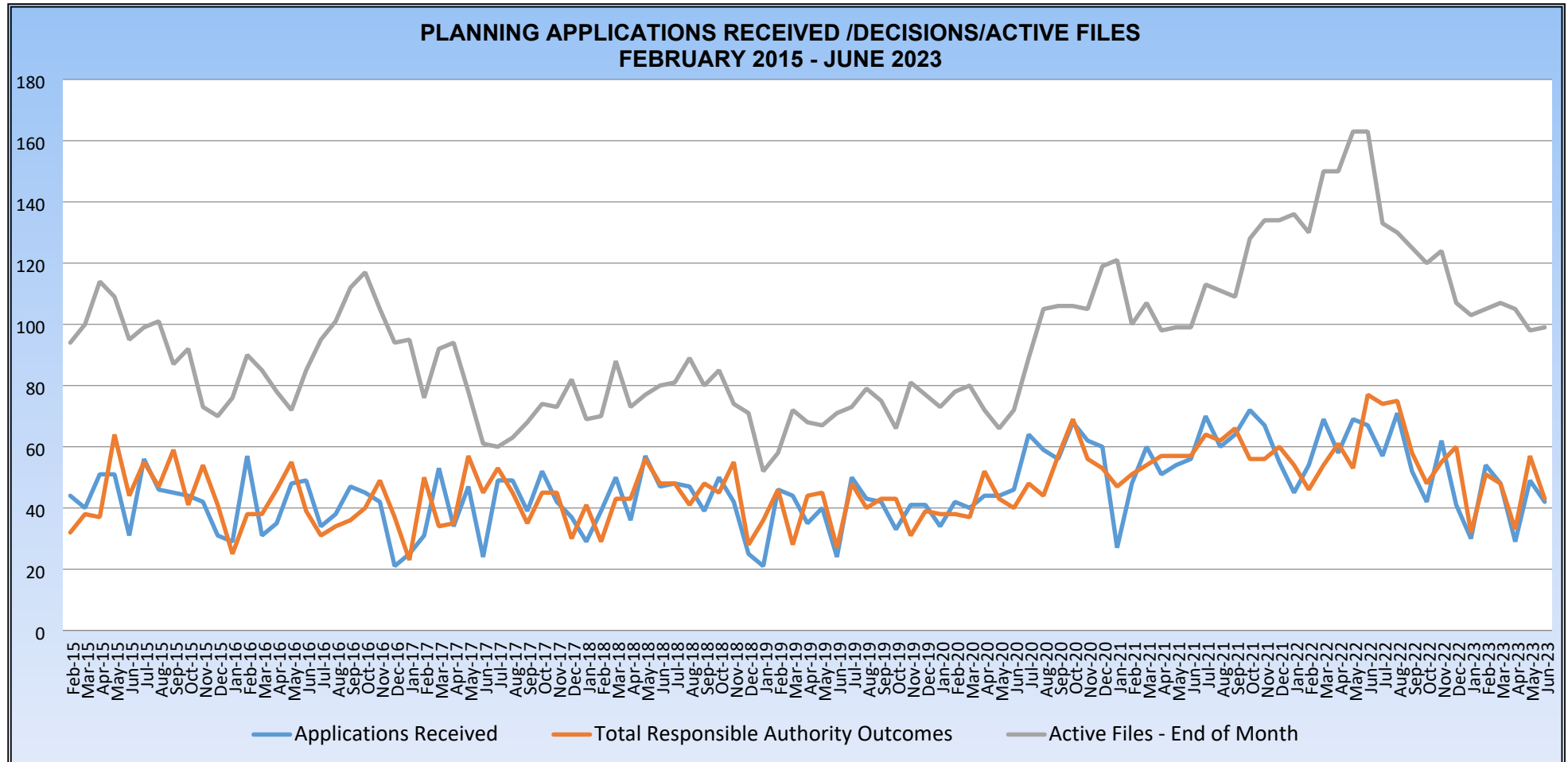
Planning decisions are made in accordance with the relevant environmental standards to ensure that environmental impacts are minimised.

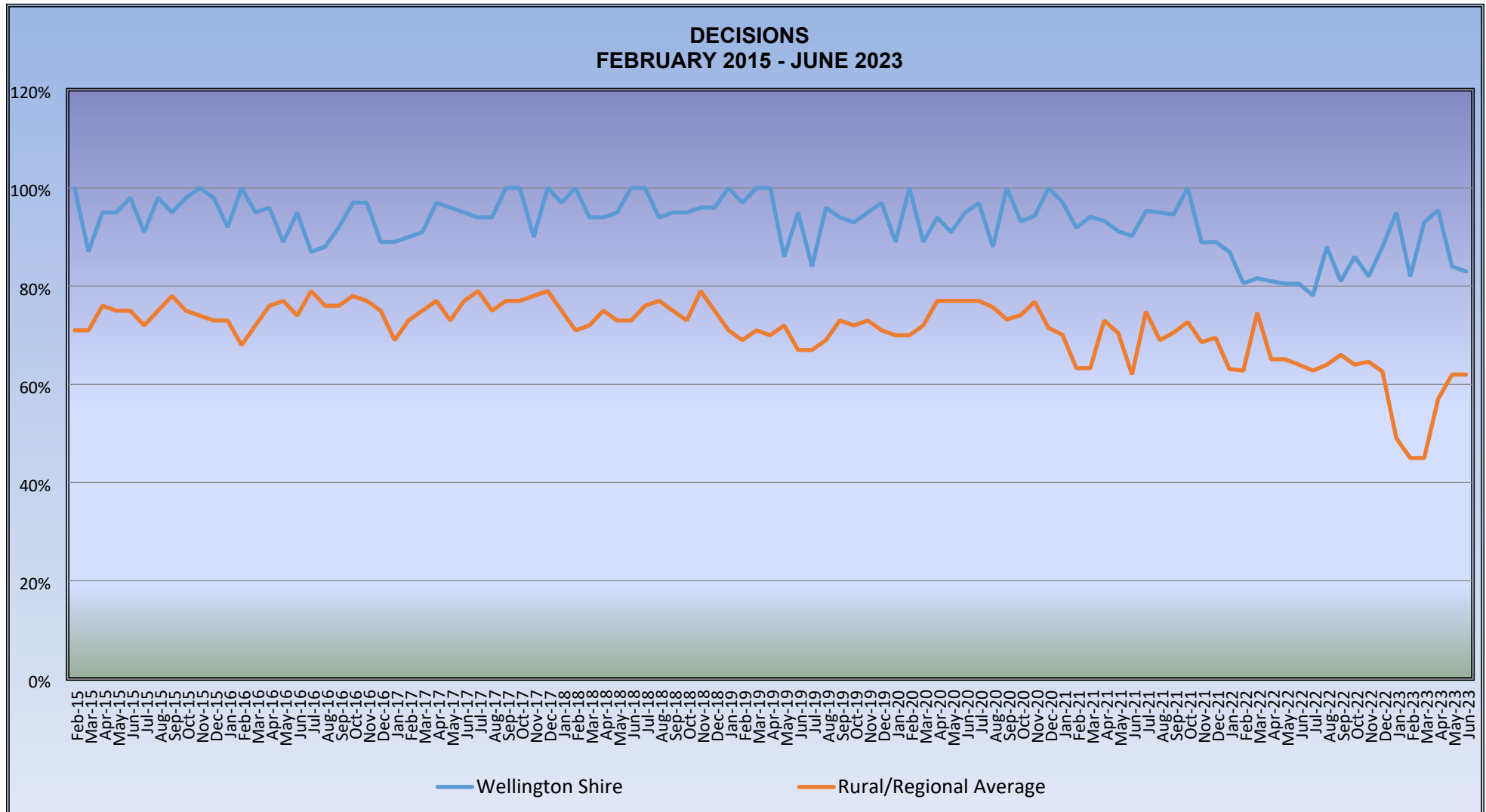
ENGAGEMENT IMPACT

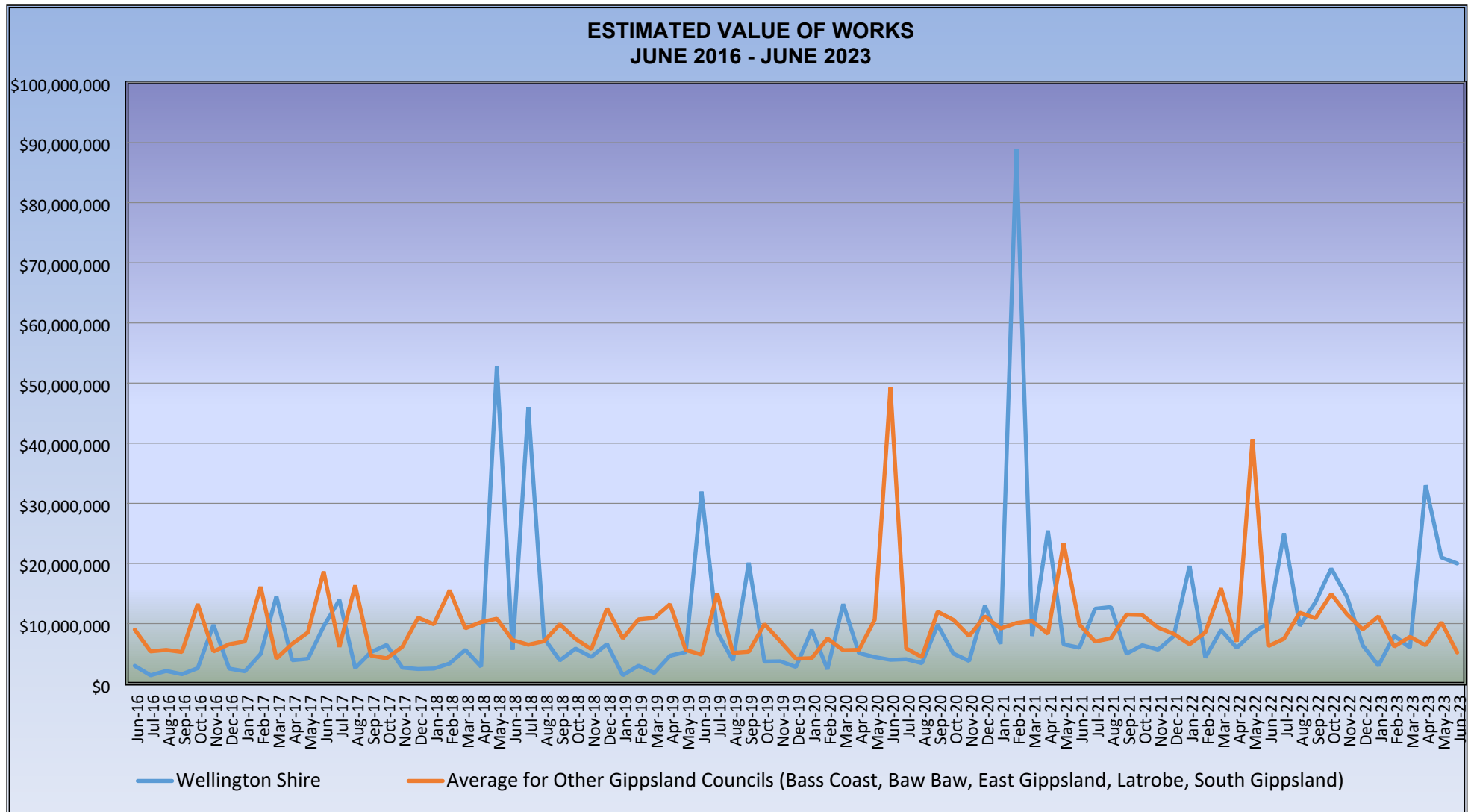
This impact has been assessed and there is no effect to consider at this time.

RISK MANAGEMENT IMPACT

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







PLANNING APPLICATION DETERMINATIONS
BETWEEN 1/06/2023 AND 30/06/2023

Application No/Year	Date Received	Property Title & Address	Proposal	Status
205-2.00/2006	10/05/2023	Assessment No. 406967 LOT: 2 PS: 605237V 12A DIXON ST STRATFORD	Construction of a second dwelling.	Permit Issued by Delegate of Resp/Auth 21/06/2023
344-3.00/2021	18/05/2023	Assessment No. 221218 LOT: 1 TP: 139550A 106 SEA BREEZE AVE GOLDEN BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 9/06/2023
11-3.00/2022	15/06/2023	Assessment No. 398156 LOT: 2 TP: 173210H 1,677 ROSEDALE-LONGFORD ROSEDALE	Use & development of land, dwelling in association with ag activities.	Permit Issued by Delegate of Resp/Auth 16/06/2023
196-2.00/2022	15/06/2023	Assessment No. 278416 LOT: 1A BLK: 10 LP: 3222 43 TARRAVILLE RD PORT ALBERT	Two Lot Subdivision of the Land.	Permit Issued by Delegate of Resp/Auth 20/06/2023
314-2.00/2022	28/11/2022	Assessment No. 276907 LOT: 1 PS: 134544 4 BRISBANE ST PORT ALBERT	Buildings and works associated with the extension of a dwelling.	Permit Issued by Delegate of Resp/Auth 7/06/2023
437-1.00/2022	14/09/2022	Assessment No. 305847 LOT: 5 LP: 216612E 2 JOHNSON ST MAFFRA	B & W assoc with construction of hotel & mv business & dwelling.	Permit Issued by Delegate of Resp/Auth 1/06/2023
505-1.00/2022	10/11/2022	Assessment No. 443150 LOT: 2 PS: 729754G 50 GUTHRIDGE PDE SALE	Buildings and works associated with the construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 23/06/2023
22-1.00/2023	31/01/2023	Assessment No. 460410 LOT: 1 TP: 240826 COMMERCIAL RD YARRAM	Installation of an externally illuminated major promotions sign.	NOD issued by Delegate of Respon/Auth 22/06/2023
53-1.00/2023	21/02/2023	Assessment No. 321471 CA: 9 SEC: 7 81 RACECOURSE RD HEYFIELD	Buildings & works assoc with construction of a dwelling & outbuilding.	Permit Issued by Delegate of Resp/Auth 23/06/2023
72-1.00/2023	3/03/2023	Assessment No. 450973 LOT: S2 PS: 324120J TYSON RD HEYFIELD	Multi lot subdivision of the land.	NOD issued by Delegate of Respon/Auth 28/06/2023
90-1.00/2023	22/03/2023	Assessment No. 279026 LOT: 1 TP: 885118Y 27 WHARF ST PORT ALBERT	2 Lot Subdivision of the Land.	Permit Issued by Delegate of Resp/Auth 21/06/2023

ATTACHMENT 14.1.2

Application No/Year	Date Received	Property Title & Address	Proposal	Status
92-1.00/2023	22/03/2023	Assessment No. 73197 LOT: 1 TP: 168917 36 BLACKBURN ST STRATFORD	2 Lot Subdivision of the Land.	Permit Issued by Delegate of Resp/Auth 2/06/2023
102-1.00/2023	28/03/2023	Assessment No. 205252 LOT: 1 PS: 549862F 264 ROSEDALE-FLYNNS ROSEDALE	Use and development of the land for a new dwelling.	Permit Issued by Delegate of Resp/Auth 22/06/2023
110-1.00/2023	31/03/2023	Assessment No. 405209 LOT: 1 PS: 637848J 8 SEASPRAY-STRADBROKE SEASPRAY	2 lot subdivision of the land (house excision).	Permit Issued by Delegate of Resp/Auth 27/06/2023
124-1.00/2023	20/04/2023	Assessment No. 389940 LOT: 1401 LP: 58872 12 ROBIN ST LOCH SPORT	Buildings and works associated with the construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 28/06/2023
127-1.00/2023	24/04/2023	Assessment No. 288696 CA: A9A 33 BLACKSHAW'S RD ALBERTON WEST	Buildings & works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 2/06/2023
128-1.00/2023	26/04/2023	Assessment No. 242222 LOT: 2244 LP: 70939 85 THE BOULEVARD LOCH SPORT	Buildings & works associated with the construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 28/06/2023
129-1.00/2023	26/04/2023	Assessment No. 242305 LOT: 2309 LP: 70939 71 THE BOULEVARD LOCH SPORT	Buildings & works associated with the construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 20/06/2023
131-1.00/2023	28/04/2023	Assessment No. 260109 PC: 109615 64-66 THE BOULEVARD PARADISE BEACH	B/w assoc with the extension of a dwelling.	Permit Issued by Delegate of Resp/Auth 5/06/2023
135-1.00/2023	1/05/2023	Assessment No. 443358 LOT: 1 PS: 849250R 97-99 CANSICK ST ROSEDALE	Buildings and works associated with the construction of an outbuilding	Permit Issued by Delegate of Resp/Auth 1/06/2023
147-1.00/2023	8/05/2023	Assessment No. 434290 LOT: 60 PS: 707316G 26 MORGAN ST SALE	Use of the land for a short term Respite and accommodation facility.	No Permit Required 16/06/2023
150-1.00/2023	9/05/2023	Assessment No. 304733 LOT: 1 TP: 534665D 99A POWERSCOURT ST MAFFRA	Buildings and works associated with construction of an Outbuilding.	Permit Issued by Delegate of Resp/Auth 7/06/2023
151-1.00/2023	9/05/2023	Assessment No. 456301 LOT: 2 PS: 846494C 3 ELLEN AVE SEASPRAY	2 Lot Subdivision of the land.	Permit Issued by Delegate of Resp/Auth 21/06/2023

ATTACHMENT 14.1.2

Application No/Year	Date Received	Property Title & Address	Proposal	Status
156-1.00/2023	16/05/2023	Assessment No. 192302 PC: 381269N 2,188 PRINCES HWY ROSEDALE	B&W associated with construction of two caravan storage buildings.	Permit Issued by Delegate of Resp/Auth 14/06/2023
159-1.00/2023	19/05/2023	Assessment No. 223677 LOT: 1265 LP: 58872 56 BANKSIA ST LOCH SPORT	Buildings & works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 16/06/2023
166-1.00/2023	24/05/2023	Assessment No. 445049 LOT: 5 PS: 729744K 8-12 ST CLAIR CT SALE	B&W associated with the extension to an industrial building.	Permit Issued by Delegate of Resp/Auth 26/06/2023
169-1.00/2023	25/05/2023	Assessment No. 303941 PPC: 102102 1/3 DUKE ST MAFFRA	Buildings & works associated with the construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 2/06/2023
170-1.00/2023	26/05/2023	Assessment No. 85100 LOT: 1 PS: 527862E 157 MONTGOMERY RD MONTGOMERY	B & W associated with the construction of an agricultural building.	Permit Issued by Delegate of Resp/Auth 1/06/2023
171-1.00/2023	26/05/2023	Assessment No. 249102 LOT: 998 LP: 55692 24 WILHELM ST LOCH SPORT	Buildings & works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 9/06/2023
175-1.00/2023	30/05/2023	Assessment No. 245704 LOT: 1880 LP: 65192 143 WALLABY ST LOCH SPORT	B & W associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 30/06/2023
177-1.00/2023	30/05/2023	Assessment No. 346452 CA: 19B SEC: 5 85 LOTTONS RD LLOWALONG	B/W associated with construction of an agricultural building.	Permit Issued by Delegate of Resp/Auth 13/06/2023
179-1.00/2023	1/06/2023	Assessment No. 439505 LOT: 1 TP: 390848S 36-38 FOSTER ST SALE	B/W associated with construction of an existing building.	Permit Issued by Delegate of Resp/Auth 7/06/2023
182-1.00/2023	2/06/2023	Assessment No. 232546 LOT: 709 LP: 53109 8 JOAN CT LOCH SPORT	B/W associated with the construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 26/06/2023
184-1.00/2023	7/06/2023	Assessment No. 107060 LOT: 2 PS: 602219P 148F REID DR WURRUK	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 14/06/2023
187-1.00/2023	13/06/2023	Assessment No. 104208 LOT: 2 PS: 123440 853 NAMBROK RD NAMBROK	B&W associated with construction of an agricultural building.	Permit Issued by Delegate of Resp/Auth 23/06/2023

ATTACHMENT 14.1.2

Application No/Year	Date Received	Property Title & Address	Proposal	Status
188-1.00/2023	13/06/2023	Assessment No. 104216 LOT: 1 LP: 123440 821 NAMBROK RD NAMBROK	B&W associated with construction of an agricultural building.	Permit Issued by Delegate of Resp/Auth 16/06/2023
189-1.00/2023	13/06/2023	Assessment No. 277996 LOT: 10 BLK: 20 LP: 3222 27 SOUTH ST PORT ALBERT	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 23/06/2023
193-1.00/2023	15/06/2023	Assessment No. 229807 LOT: 1394 LP: 58872 4 EMU CT LOCH SPORT	Buildings and works associated with construction of an outbuilding.	No Permit Required 20/06/2023
196-1.00/2023	16/06/2023	Assessment No. 213454 LOT: 239 LP: 52647 6 AZURE AVE GOLDEN BEACH	Buildings and works associated with the construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 28/06/2023
198-1.00/2023	16/06/2023	Assessment No. 217463 LOT: 682 LP: 52648 60 ASTRO AVE GOLDEN BEACH	Buildings & works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 27/06/2023
199-1.00/2023	16/06/2023	Assessment No. 228668 LOT: 523 LP: 53108 7 COVE ST LOCH SPORT	Buildings and works associated with construction of an outbuilding.	No Permit Required 20/06/2023
211-1.00/2023	28/06/2023	Assessment No. 235820 LOT: 963 LP: 55692 98 NATIONAL PARK RD LOCH SPORT	Buildings and works associated with the construction of a side fence.	Permit Issued by Delegate of Resp/Auth 30/06/2023

Total No of Decisions Made: 42

14.2. PROPOSED SALE 32 PARADISE BEACH ROAD, PARADISE BEACH - RECEIPT OF PUBLIC SUBMISSIONS

ACTION OFFICER: MANAGER ECONOMIC DEVELOPMENT

PURPOSE

For Council to authorise the sale of property assessed as surplus to requirements, located at 32 Paradise Beach Road, Paradise Beach, noting that the required statutory public notice and submissions process has been completed.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council note no submissions have been received regarding the proposed sale of surplus Council property located at 32 Paradise Beach Road, Paradise Beach***
- 2. Council resolve that property described as 32 Paradise Beach Road, Paradise Beach as shown on the plan within (refer Figure 1) and more specifically referred as Lot 1 on Title Plan 93699P - Volume 10098 Folio 230 for an amount not less than 75% of the market value following consolidation, as determined by a certified independent valuer.***
- 3. The information contained in the confidential document Updated Valuation 32 Paradise Beach Road, Paradise Beach (June 2023) and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 8 August 2023 because they relate 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.***

BACKGROUND

The following was resolved by Council at an ordinary meeting on 16 May 2023:

That:

- 1. Council determines property located at 32 Paradise Beach Road, Paradise Beach, being Lot 1 on Title Plan 93699P, more particularly described as Volume 10098 Folio 230, is surplus to Council requirements and therefore may be considered for sale;***
- 2. Council authorise the Chief Executive Officer to offer to sell by private treaty, 32 Paradise Beach Road, Paradise Beach for an amount not less than 75% of the following consolidation market value as determined by a certified independent valuer;***
- 3. Council advertises its intention to sell 32 Paradise Beach Road, Paradise Beach at below market value, subject to the provisions of the Local Government Act 2020 section 114, including calling for submissions in relation to the proposed sale;***

4. *The information contained in the confidential document at Item 15.1.2 Valuation 32 Paradise Beach Road, Paradise Beach and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 27 April 2023, because they relate 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.*

Subsequently, public notice indicating Council's intention to sell the property was published on Council's website, in the Gippsland Times and The Bridge – Yarram (refer Figure 1 below).

NOTICE OF INTENTION TO SELL PROPERTY

32 Paradise Beach Road, Paradise Beach

Wellington Shire Council (Council) gives notice under Section 114 of the *Local Government Act 2020* (Act) that it intends to sell by private treaty land described as Lot 1 on Title Plan 93699P, more particularly described as Volume 10098 Folio 230, located at 32 Paradise Beach Road, Paradise Beach (refer to plan below).

Council intends to sell the property at below market value.

Any person may make a written submission to Council.



**32 Paradise Beach Road, Paradise Beach (858m²)
(Council owned)
1 of 4 Lots comprising Restructure Lot 1423**

All submissions must be received on or before 5.00pm on Friday 7 July 2023. Submissions will then be considered in accordance with Council's Community Engagement Policy by Council or a Committee of Council (Committee) convened for that purpose.

If a person wishes to be heard in support of their submission they must so indicate in their written submission and this will entitle them to appear in person or by a person acting on their behalf before Council or a Committee to be held at a date and time to be advised at Council Chambers, 70 Foster Street, Sale. The meeting will proceed if one or more persons request to be heard.

Submissions made in accordance with Council's Community Engagement Policy are not considered confidential and will be incorporated into the agenda and minutes of any Council or Committee meeting at which the matter is considered.

Any person requiring more information may contact John Hirt, Commercial Property Officer, on 1300 366 244.

Figure 1 Notice of Intention to Sell Property – 32 Paradise Beach Road, Paradise Beach

ATTACHMENTS

1. Confidential Header - Proposed Sale of Land - 32 Paradise Beach Road - Updated Valuation [14.2.1 - 1 page]
2. CONFIDENTIAL REDACTED - Updated Valuation 32 Paradise Beach Road - June 2023 [14.2.2 - 1 page]

OPTIONS

Council has the following options available:

1. Progress the sale of surplus Council property located at 32 Paradise Beach Road, Paradise Beach.
2. Not progress the sale of surplus Council property located at 32 Paradise Beach Road, Paradise Beach, at this time.

PROPOSAL

That Council:

1. Note no submissions have been received regarding the proposed sale of surplus Council property located at 32 Paradise Beach Road, Paradise Beach.
2. Resolve that property described as 32 Paradise Beach Road, Paradise Beach as shown on the plan within (refer Figure 1) and more specifically referred as Lot 1 on Title Plan 93699P - Volume 10098 Folio 230 for an amount not less than 75% of the market value following consolidation, as determined by a certified independent valuer.
3. The information contained in the confidential document Updated Valuation 32 Paradise Beach Road, Paradise Beach (June 2023) and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 8 August 2023 because they relate 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.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This report recommends the sale of property at not less than 75% of market value where completing the sale will produce a positive financial impact for Council.

An assessment of market value has been conducted by an independent certified valuer. The valuation considers the value of the land “as is” and secondly following consolidation into the restructure lot. The value following consolidation has been adopted for the purposes of negotiating the proposed sale.

It is considered that offering a concession of up to 25% will incentivise the sale and is consistent with the recommendations contained within the Ombudsman Report dated August 2019, inter alia, that Council should *actively facilitate the sale of single allotments within the urban nodes*. The proposed concession may also mitigate any perception that Council is profiteering from such sale.

Justification for a sale at below market value is based on:

- Aligning with the Ombudsman recommendation of actively facilitating the sale of lots between landowners.
- Acknowledges the future cost and effort for the purchaser in consolidating and developing the property.
- Interested party having expressed interest in purchasing the Council land for a considerable period.
- Council lot is of highest value to the owner of other lots within the Restructure Lot and has limited value on the open market as any development requires consolidation and therefore common ownership.
- Council will receive some financial consideration for land surplus to requirements; and
- Not having any identified corporate, community or operational use.

It is to be noted that there will be some costs associated with the sale including legal, survey and valuation.

An updated valuation can be found in the confidential attachment.

COMMUNICATION IMPACT

In accordance with the requirements of the *Local Government Act 2020*, Council has advertised its intention to sell this property. This second report is presented for Council to determine whether or not to proceed with any sale noting no submissions have been received.

LEGISLATIVE IMPACT

The sale of this property is required to comply with relevant legislative requirements, including the *Local Government Act 2020 (Vic)*.

COUNCIL POLICY IMPACT

Wellington Shire Council Policy for the Sale, Exchange and Acquisition of Land accords with best practice guidelines. It states that transactions should be in the best interests of the community and provide the best result (financial and non-financial) for the Council and the community.

In instances where transactions are at less than market value, an explanation of the circumstances, reasons or factors should be provided. These details are provided within the Financial Impact section of this report.

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 matter is being handled by resources, including casual resources, within the Development Division.

Proceeds from the sale of surplus lots will be used to fund the required resource to complete the recommendations of the Ombudsman's report.

COMMUNITY IMPACT

Progressing the sale of this property is anticipated to facilitate development of the restructure lot and produce a positive community impact.

ENVIRONMENTAL IMPACT

All development on the restructure lot, including removal of native vegetation, will be subject to the grant of a Planning Permit. It is to be noted that removal of native vegetation is not prohibited under the Planning Scheme.

ENGAGEMENT IMPACT

The recommendation contained within this report has been considered in light of the Victorian Ombudsman Report (August 2019), subsequent correspondence and Council consideration thereof.

The Ombudsman Report followed an investigation into the Council's handling of land sales within the Ninety Mile Beach area. In supporting the recommendations, Council has established improved processes to allow the exchange of information between landowners within the restructure overlay area. Ongoing engagement will continue where appropriate with relevant parties, including within the Ninety Mile Beach area.

RISK MANAGEMENT IMPACT

This impact has been assessed and potential risks have been considered in the development of this report and recommendations.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

**ORDINARY COUNCIL MEETING
15 AUGUST 2023**

On this day, Tuesday 25 July 2023, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Andrew Pomeroy, General Manager Development declare that the information contained in the attached documents:

Updated Valuation – 32 Paradise Beach Road, Paradise Beach – June 2023

are confidential because they relate to the following grounds under Section 3(1) of the *Local Government Act 2020*:

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

A handwritten signature in black ink, appearing to be 'AP', is written over a light blue rectangular background.

ANDREW POMEROY, GENERAL MANAGER DEVELOPMENT

14.3. PROPOSED SALE 12 FIREFLY ROAD AND 9-11 SHOREWARD WAY GOLDEN BEACH - RECEIPT OF SUBMISSIONS

ACTION OFFICER: MANAGER ECONOMIC DEVELOPMENT

PURPOSE

For Council to authorise the sale of property assessed as surplus to requirements, located at 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach described as Lots 3029, 3030 and 3048 of LP 56682, noting that the required statutory public notice and submissions process has been completed.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council note no submissions have been received regarding the proposed sale of surplus Council property located at 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach***
- 2. Resolve that property described as 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach, being Lots 3029, 3030 and 3048 of LP 56682 more particularly described as Volume 08391 Folio 636, Volume 08391 Folio 637 and Volume 08391 Folio 655, be sold by private treaty for an amount not less than 75% of the following consolidation market value as determined by a certified independent valuer.***
- 3. The information contained in the confidential document Updated Valuation 12 Firefly and 9-11 Shoreward Way, Golden Beach (June 2023) and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 8 August 2023 because they relate 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.***

BACKGROUND

The following was resolved by Council at an ordinary meeting on 16 May 2023:

That:

- 1. Council determine property located at 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach, being Lots 3029, 3030 and 3048 of LP 56682 more particularly described as Volume 08391 Folio 636, Volume 08391 Folio 637 and Volume 08391 Folio 655, is surplus to Council requirements and therefore may be considered for sale;*
- 2. Council authorise the Chief Executive Officer to offer to sell by private treaty the property described as 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach for an amount not less than 75% of the following consolidation market value as determined by a certified independent valuer;*
- 3. Council advertise its intention to sell 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach at below market value, subject to the provisions of the Local Government Act 2020 section 114, including calling for submissions in relation to the proposed sale;*
- 4. The information contained in the confidential document at Item 15.2.2 Valuations 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 27 April 2023 because they relate 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.*

Subsequently, public notice indicating Council's intention to sell the property was published on Council's website, in the Gippsland Times and The Bridge – Yarram (refer Figure 1 below).

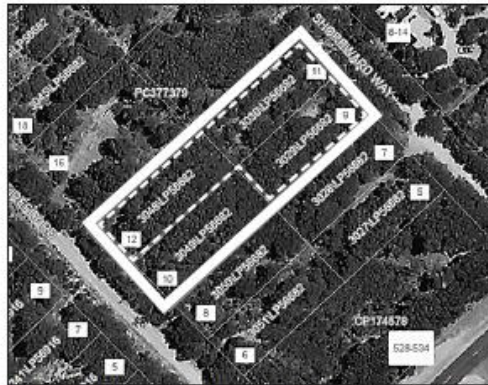
NOTICE OF INTENTION TO SELL PROPERTY

12 Firefly Road and 9-11 Shoreward Way, Golden Beach

Wellington Shire Council (Council) gives notice under Section 114 of the *Local Government Act 2020* (Act) that it intends to sell by private treaty, land described as Lots 3029, 3030 and 3048 of Lodged Plan 56682 more particularly described as Volume 08391 Folio 636, Volume 08391 Folio 637 and Volume 08391 Folio 655. (refer to plan below).

Council intends to sell the property at below market value.

Any person may make a written submission to Council.



12 Firefly Road (618 m²) and 9 and 11 Shoreward Way (604 m² each) Golden Beach (Council owned)
3 of 4 Lots comprising Restructure Lot 302

All submissions must be received on or before 5.00pm on Friday 7 July 2023. Submissions will then be considered in accordance with Council's Community Engagement Policy by Council or a Committee of Council (Committee) convened for that purpose.

If a person wishes to be heard in support of their submission they must so indicate in their written submission and this will entitle them to appear in person or by a person acting on their behalf before Council or a Committee to be held at a date and time to be advised at Council Chambers, 70 Foster Street, Sale. The meeting will proceed if one or more persons request to be heard.

Submissions made in accordance with Council's Community Engagement Policy are not considered confidential and will be incorporated into the agenda and minutes of any Council or Committee meeting at which the matter is considered. Any person requiring more information may contact John Hirt, Commercial Property Officer, on 1300 366 244.

Figure 1

Notice of Intention to Sell Property – 12 Firefly Road and 9 – 11 Shoreward Way, Golden Beach

ATTACHMENTS

1. Confidential Header - Proposed Sale of Land - 12 Firefly Road 9-11 Shoreward Way - Updated Valuation [14.3.1 - 1 page]
2. CONFIDENTIAL REDACTED - Updated Valuation 12 Firefly and 9-11 Shoreward Way - June 2023 [14.3.2 - 3 pages]

OPTIONS

Council has the following options available:

1. Progress the proposed sale process; or
2. Not progress any sale at this time.

PROPOSAL

That Council:

1. Council note no submissions have been received regarding the proposed sale of surplus Council property located at 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach
2. Resolve that property described as 12 Firefly Road and 9 - 11 Shoreward Way, Golden Beach, being Lots 3029, 3030 and 3048 of LP 56682 more particularly described as Volume 08391 Folio 636, Volume 08391 Folio 637 and Volume 08391 Folio 655, be sold by private treaty for an amount not less than 75% of the following consolidation market value as determined by a certified independent valuer.
3. The information contained in the confidential document Updated Valuation 12 Firefly and 9-11 Shoreward Way, Golden Beach (June 2023) and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 8 August 2023 because they relate 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.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This report recommends the sale of property at not less than 75% of market value where completing the sale will produce a positive financial impact for Council.

An assessment of market value has been conducted by an independent certified valuer. The valuation considers the value of the land “as is” and secondly following consolidation into the restructure lot. The value following consolidation has been adopted for the purposes of negotiating the proposed sale.

It is considered that offering a concession of up to 25% will incentivise the sale and is consistent with the recommendations contained within the Ombudsman Report dated August 2019, inter alia, that Council should *actively facilitate the sale of single allotments within the urban nodes*. The proposed concession may also mitigate any perception that Council is profiteering from such sale.

Justification for a sale at below market value is based on:

- Aligning with the Ombudsman recommendation of actively facilitating the sale of lots between landowners.
- Acknowledges the future cost and effort for the purchaser in consolidating and developing the property.
- Interested party having expressed interest in purchasing the Council land for a considerable period.
- Council lot is of highest value to the owner of other lots within the Restructure Lot and has limited value on the open market as any development requires consolidation and therefore common ownership.
- Council will receive some financial consideration for land surplus to requirements; and
- Not having any identified corporate, community or operational use.

It is to be noted that there will be some costs associated with the sale including legal, survey and valuation.

An updated valuation can be found in the confidential attachment.

COMMUNICATION IMPACT

In accordance with the requirements of the *Local Government Act 2020*, Council has advertised its intention to sell this property. This second report is presented for Council to determine whether or not to proceed with any sale noting no submissions have been received.

LEGISLATIVE IMPACT

The sale of this property is required to comply with relevant legislative requirements, including the *Local Government Act 2020 (Vic)*.

COUNCIL POLICY IMPACT

Wellington Shire Council Policy for the Sale, Exchange and Acquisition of Land accords with best practice guidelines. It states that transactions should be in the best interests of the community and provide the best result (financial and non-financial) for the Council and the community.

In instances where transactions are at less than market value, an explanation of the circumstances, reasons or factors should be provided. These details are provided within the Financial Impact section of this report.

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 matter is being handled by resources, including casual resources, within the Development Division.

Proceeds from the sale of surplus lots will be used to fund the required resource to complete the recommendations of the Ombudsman's report.

COMMUNITY IMPACT

Progressing the sale of this property is anticipated to facilitate development of the restructure lot and produce a positive community impact.

ENVIRONMENTAL IMPACT

All development on the restructure lot, including removal of native vegetation, will be subject to the grant of a Planning Permit. It is to be noted that removal of native vegetation is not prohibited under the Planning Scheme.

ENGAGEMENT IMPACT

The recommendation contained within this report has been considered in light of the Victorian Ombudsman Report (August 2019), subsequent correspondence and Council consideration thereof.

The Ombudsman Report followed an investigation into the Council's handling of land sales within the Ninety Mile Beach area. In supporting the recommendations, Council has established improved processes to allow the exchange of information between landowners within the restructure overlay area. Ongoing engagement will continue where appropriate with relevant parties, including within the Ninety Mile Beach area.

RISK MANAGEMENT IMPACT

This impact has been assessed and potential risks have been considered in the development of this report and recommendations.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

**ORDINARY COUNCIL MEETING
15 AUGUST 2023**

On this day, Tuesday 25 July 2023, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Andrew Pomeroy, General Manager Development declare that the information contained in the attached documents:

Updated Valuation – 12 Firefly Road and 9-11 Shoreward Way, Golden Beach – June 2023

are confidential because they relate to the following grounds under Section 3(1) of the *Local Government Act 2020*:

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

ANDREW POMEROY, GENERAL MANAGER DEVELOPMENT

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15.1. AQUA ENERGY REDEVELOPMENT

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the redevelopment of Aqua Energy.

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 2023-029 Aqua Energy Redevelopment; and***
- 2. The information contained in the confidential attachment Contract 2023-029 and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 7 August 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

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 tender evaluation is attached for Council's consideration.

ATTACHMENTS

1. Confidential Header Aqua Energy Redevelopment Contract Number 2023 029 [15.1.1 - 1 page]
2. CONFIDENTIAL REDACTED - Aqua Energy Redevelopment - 2023 029 - Tender Evaluation Report [15.1.2 - 6 pages]

OPTIONS

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2023-029 Aqua Energy Redevelopment; 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 2023-029 Aqua Energy Redevelopment.

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 and 2024-2025 capital works program. Further information regarding budgetary requirement is provided in the confidential attachment.

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 due to the redevelopment works and the new facilities that will be provided.

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 and additional community engagement will be conducted at the appropriate times during the 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
15 AUGUST 2023**

On this day, 7 August 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 **AQUA ENERGY REDEVELOPMENT CONTRACT 2023 - 029** 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;***

A handwritten signature in blue ink, appearing to be 'CHAS HASTIE', is written over a faint, light blue circular stamp.

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

16. GENERAL MANAGER COMMUNITY AND CULTURE

16.1. SALE INTEGRATED CENTRE FOR CHILDREN AND FAMILIES - DESIGN TENDER AWARD

ACTION OFFICER: GENERAL MANAGER COMMUNITY AND CULTURE

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the 2023 056 the Sale Integrated Centre for Children and Families (Gibsons Road Hub) Design.

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 056 the Sale Integrated Centre for Children and Families (Gibsons Road Hub) Design; and***
- 2. The information contained in the confidential attachment Contract 2023 056 the Sale Integrated Centre for Children and Families (Gibsons Road Hub) Design and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Community and Culture on 4 August 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

The Sale Feasibility Study (2022) found that “there is both a current and future shortfall in the number of licensed places for kindergarten and childcare” in the region; recommending an integrated centre for children and families be developed on vacant land adjacent to the Gippsland Regional Sporting Complex.

The Sale Integrated Centre for Children and Families will bring together a range of services working in collaboration to deliver education, care, health and support services to children and their families. Located in a growth area, the centre would improve accessibility, and integration of early childhood services in the region.

Council seeks to appoint a consultant to undertake designs to facilitate the integrated and coordinated future development of the site in accordance with the recommendations contained in the Sale Feasibility Study.

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 Sale Integrated Centre for Children and Families (Gibsons Road Hub) [16.1.1 - 1 page]
2. CONFIDENTIAL REDACTED - Sale Integrated Centre for Children and Families (Gibsons Road Hub) - Design Tender Report [16.1.2 - 7 pages]

OPTIONS

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for Contract 2023 056 the Sale Integrated Centre for Children and Families (Gibsons Road Hub) Design;
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 056 the Sale Integrated Centre for Children and Families (Gibsons Road Hub) Design.

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

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

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

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

COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 3 “Liveability and Wellbeing” states the following strategic outcome:

Strategic Outcome 3.4: *“Improved access to and participation in support services focussing on those who are vulnerable including: young children, youth, people living with a disability and seniors.”*

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
SHIRE COUNCIL
The Heart of Gippsland

**ORDINARY COUNCIL MEETING
15 AUGUST 2023**

On this day, 4 August 2023, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Clem Gillings, General Manager Community and Culture declare that the information contained in the attached **SALE INTEGRATED CENTRE FOR CHILDREN AND FAMILIES (GIBSONS ROAD HUB) - DESIGN TENDER REPORT** 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;**

.....
CLEM GILLINGS
GENERAL MANAGER COMMUNITY AND CULTURE

17. FURTHER GALLERY AND ONLINE COMMENTS

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

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

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

ONLINE COMMENTS –

FURTHER GALLERY COMMENTS –

Meeting declared closed at:

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

18. 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.