



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY COUNCIL MEETING

Tuesday 1 October 2024, commencing at 5pm

To be read in conjunction with the Council Meeting Agenda 1 October 2024.

COUNCILLORS PRESENT

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

OFFICERS PRESENT

Chris Hastie, Acting Chief Executive Officer
Arthur Skipitaris, General Manager Corporate Services
Vanessa Ebsworth, Acting General Manager Development
Clem Gillings, General Manager Community & Culture
Claudia Oswald, Communications Advisor
Catie Thomson, Governance Officer

APOLOGIES

NIL

**ORDINARY MEETING OF COUNCIL
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1. APOLOGIES

NIL

2. DECLARATION OF CONFLICT/S OF INTEREST

NIL

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

OBJECTIVE

To adopt the minutes of the Ordinary Council Meeting of 17 September 2024.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION
<i>That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 17 September 2024.</i>
COUNCILLOR WOOD / COUNCILLOR MCKENZIE
<i>That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 17 September 2024.</i>
CARRIED

4. BUSINESS ARISING FROM PREVIOUS MEETINGS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

5. ACCEPTANCE OF LATE AND URGENT ITEMS

NIL

6. NOTICE/S OF MOTION

NIL

7. RECEIVING OF PETITION OR JOINT LETTERS

7.1. OUTSTANDING PETITIONS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR MAHER acknowledged the National Police Remembrance Day which she attended on Friday 27 September where a number of people including herself came together to pay respects to the brave men and women who made the ultimate sacrifice in their line of duty. It was certainly a solemn reminder of the risks that police officers face daily and the debt of gratitude owed to them for keeping the community safe. These remembrance days allow everyone to reflect on the dedication and bravery of the police force.

By coming together as a community, Councillor Maher said support is shown to those who served and to their families, ensuring that memories of the fallen are never forgotten. Councillor Maher said this was one of the most moving ceremonies ever attended in her time as councillor. Councillor Maher extended a recommendation to all to list this date of the annual event in their calendars – both those here today as well as those in the community. It is a way to ensure that leaders and community members honour the selfless service of Victoria's police officers. Councillor Maher would really like to see, going forward, that the community send that message to the police force that they are supported. Councillor Maher offered her heartfelt thank you.

9. QUESTION/S ON NOTICE

9.1. OUTSTANDING QUESTION/S ON NOTICE

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

10. DELEGATES REPORT

COUNCILLOR MCKENZIE provided an update on the Star of the South – Southerly Ten Community Advisory Group which held their 29th meeting in Sale on Wednesday 25 September.

Key updates were provided to the group as follows:

In November, Southerly Ten will be mailing an eight-page community newsletter to around 56,000 homes from Inverloch to Lakes Entrance. The newsletter will introduce Southerly Ten and include project timeline information for Star of the South and Kut-Wut Brataualung offshore wind projects.

Star of the South – Southerly Ten have also been working with the other offshore wind developers along with Vic Grid to hold collaborative engagement sessions to make it easier for community members to meet all developers in one location and to avoid duplication of community engagement sessions. The following sessions are planned in November and will be promoted via both conventional newspapers and online. Councillor McKenzie recommended that community members attend so they continue to be well informed of what is a once in a life time change.

Confirmed dates and locations are as follows:

- Seaspray - Surf Life Saving Club - Friday 8 November, 4.30pm to 6.30pm
- Foster - Manna Gum Community House - Wednesday 13 November, 3pm to 6pm
- Traralgon - Gippsland Performing Arts Centre, Meeting Room 1+2 - Thursday 14 November, 4pm to 6pm
- Yarram Agricultural Show - Saturday 23 November, 8.30am to 3.30 pm

A significant move forward was the finalisation of The Gippsland Offshore Wind Alliance (GOWA) which was launched at the Gippsland New Energy Conference (GNEC). The Committee for Gippsland and the Gippsland Climate Change Network will co-chair GOWA and its membership will include all ten offshore wind developers who secured a feasibility licence.

Another significant announcement was that the Gunaikunai Land and Waters Aboriginal Corporation launched the *Pathways to Partnership* document at the GNEC and Nick Dudley will provide an update at the next Community Advisory Group meeting which will be held on 6 November in Yarram.

Councillor McKenzie commended the commitment of Star of the South – Southerly Ten to maintain such a collaborative engagement with the community.

11. GENERAL MANAGER CORPORATE SERVICES

11.1. ASSEMBLY OF COUNCILLORS REPORT

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

OBJECTIVE

To report on all assembly of Councillor records received for the period 9 September 2024 to 22 September 2024.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 9 September 2024 to 22 September 2024.

COUNCILLOR MAHER / COUNCILLOR ROSSETTI

That Council note and receive the attached Assembly of Councillor records for the period 9 September 2024 to 22 September 2024.

CARRIED

11.2. WELLINGTON SHIRE COUNCIL AUDIT & RISK COMMITTEE MINUTES 29 AUGUST 2024

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

Councillors are reminded that, under the Wellington Shire Council Election Period Policy, they cannot make a decision during the election period that would be binding on the incoming Council.

This report is being considered by Council during an election period. The recommendation, if moved and carried by Council constitutes neither a prohibited decision in accordance with section 69 (2) and (3) of the Local Government Act 2020, nor a significant decision within the meaning of Council's Election Period Policy.

Councillors are also not permitted to use the public forum provided by the Council Meeting for purposes of campaigning, or to use their position to gain electoral advantage or to disadvantage another candidate.

PURPOSE

To receive and note the minutes of the Audit & Risk Committee meeting held on 29 August 2024.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

- 1. Receive and note the minutes in brief of the Audit & Risk Committee meeting of 29 August 2024 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 29 August 2024;***
- 2. Note that the information contained in the confidential attachment Audit & Risk Committee Minutes held 29 August 2024 in this Council meeting agenda was designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Corporate Services on 9 September 2024 because it relates to the following grounds:
e) legal privileged information; and
l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

COUNCILLOR MAHER / COUNCILLOR STEPHENS

That Council:

- 1. Receive and note the minutes in brief of the Audit & Risk Committee meeting of 29 August 2024 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 29 August 2024;***
- 2. Note that the information contained in the confidential attachment Audit & Risk Committee Minutes held 29 August 2024 in this Council meeting agenda was designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Corporate Services on 9 September 2024 because it relates to the following grounds:
e) legal privileged information; and
l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

CARRIED

11.3. WELLINGTON SHIRE COUNCIL AUDIT & RISK COMMITTEE MINUTES 9 SEPTEMBER 2024

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

Councillors are reminded that, under the Wellington Shire Council Election Period Policy, they cannot make a decision during the election period that would be binding on the incoming Council.

This report is being considered by Council during an election period. The recommendation, if moved and carried by Council constitutes neither a prohibited decision in accordance with section 69 (2) and (3) of the Local Government Act 2020, nor a significant decision within the meaning of Council's Election Period Policy.

Councillors are also not permitted to use the public forum provided by the Council Meeting for purposes of campaigning, or to use their position to gain electoral advantage or to disadvantage another candidate.

PURPOSE

To receive and note the minutes of the Audit & Risk Committee meeting held on 9 September 2024.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

- 1. Receive and note the minutes in brief of the Audit & Risk Committee meeting 9 September 2024 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 9 September 2024;***
- 2. Note that the information contained in the confidential attachment Audit & Risk Committee Minutes of 9 September 2024 in this Council meeting agenda was designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Corporate Services on 16 September 2024 because it relates to the following grounds:
1) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

COUNCILLOR MAHER / COUNCILLOR WOOD

That Council:

- 1. Receive and note the minutes in brief of the Audit & Risk Committee meeting 9 September 2024 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 9 September 2024;***
- 2. Note that the information contained in the confidential attachment Audit & Risk Committee Minutes of 9 September 2024 in this Council meeting agenda was designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Corporate Services on 16 September 2024 because it relates to the following grounds:
1) information that was confidential information for the purposes of section 77 of the Local Government Act 1989.***

CARRIED

11.4. IN PRINCIPLE APPROVAL OF DRAFT 2023/24 FINANCIAL REPORT AND PERFORMANCE STATEMENT

ACTION OFFICER: MANAGER CORPORATE FINANCE

Councillors are reminded that, under the Wellington Shire Council Election Period Policy, they cannot make a decision during the election period that would be binding on the incoming Council.

This report is being considered by Council during an election period. The recommendation, if moved and carried by Council constitutes neither a prohibited decision in accordance with section 69 (2) and (3) of the Local Government Act 2020, nor a significant decision within the meaning of Council's Election Period Policy.

Councillors are also not permitted to use the public forum provided by the Council Meeting for purposes of campaigning, or to use their position to gain electoral advantage or to disadvantage another candidate.

PURPOSE

For Council to approve in principle the draft 2023/24 Financial Report and Performance Statement as attached and authorise two Councillors to certify both documents upon completion of the Auditor-General's review.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council approve, in principle, the Draft 2023/24 Financial Report and Performance Statement as attached, subject to no material changes by the Victorian Auditor General's Office (VAGO) and authorise two Councillors from the Audit & Risk Committee to certify the documents in their final form.

COUNCILLOR STEPHENS / COUNCILLOR RIPPER

That Council approve, in principle, the Draft 2023/24 Financial Report and Performance Statement as attached, subject to no material changes by the Victorian Auditor General's Office (VAGO) and authorise two Councillors from the Audit & Risk Committee to certify the documents in their final form.

CARRIED

11.5. PROGRESS OF 2021-25 COUNCIL PLAN AND HEALTHY WELLINGTON QUARTER 4, 2023/24

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

Councillors are reminded that, under the Wellington Shire Council Election Period Policy, they cannot make a decision during the election period that would be binding on the incoming Council.

This report is being considered by Council during an election period. The recommendation, if moved and carried by Council constitutes neither a prohibited decision in accordance with section 69 (2) and (3) of the Local Government Act 2020, nor a significant decision within the meaning of Council's Election Period Policy.

Councillors are also not permitted to use the public forum provided by the Council Meeting for purposes of campaigning, or to use their position to gain electoral advantage or to disadvantage another candidate.

PURPOSE

To provide Council and the community with the Quarter 4, 2023/24 progress update towards achievement of our Council Plan 2021–2025.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive and note the attached update on progress of the 2021-25 Council Plan for Quarter 4, 2023/24.

COUNCILLOR ROSSETTI / COUNCILLOR TATTERSON

That Council receive and note the attached update on progress of the 2021-25 Council Plan for Quarter 4, 2023/24.

CARRIED

12. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

12.1. GIPPSLAND REGIONAL SPORTING COMPLEX NETBALL COURT RESURFACING

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

Councillors are reminded that, under the Wellington Shire Council Election Period Policy, they cannot make a decision during the election period that would be binding on the incoming Council.

This report is being considered by Council during an election period. The recommendations, if moved and carried by Council do not constitute a prohibited decision in accordance with section 69 (2) and (3) of the Local Government Act 2020, but do constitute a significant decision within the meaning of Council's Election Period Policy. An exception is required for the following reasons:

This is a routine project adopted within the annual capital works program and it is considered reasonable to continue normal operational business items. Awarding a contract will allow works to commence in a timely fashion and be completed over the summer months.

Councillors are also not permitted to use the public forum provided by the Council Meeting for purposes of campaigning, or to use their position to gain electoral advantage or to disadvantage another candidate.

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the resurfacing of the Gippsland Regional Sports Complex (GRSC) Netball Court.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

- 1. Adopt the recommendations contained in the attached confidential Tender Contract 2025-047 Evaluation Report for this Council Meeting Agenda for the GRSC Netball Court Resurfacing; and***
- 2. Council note and agree that this is a routine project adopted within the annual capital works program and that to ensure the work is completed in a timely manner, an exemption under the Election Period Policy be applied; and***
- 3. Note that the information contained in the confidential attachment Tender Contract 2025-047 Evaluation Report relating to the GRSC Netball Court Resurfacing, was designated confidential by the General Manager Built and Natural Environment on 20 September 2024 because it contains confidential information as defined in section 3(1) of the Local Government Act 2020; (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;
except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

COUNCILLOR RIPPER / COUNCILLOR MAHER

That Council:

- 1. Adopt the recommendations contained in the attached confidential Tender Contract 2025-047 Evaluation Report for this Council Meeting Agenda for the GRSC Netball Court Resurfacing; and***
- 2. Council note and agree that this is a routine project adopted within the annual capital works program and that to ensure the work is completed in a timely manner, an exemption under the Election Period Policy be applied; and***
- 3. Note that the information contained in the confidential attachment Tender Contract 2025-047 Evaluation Report relating to the GRSC Netball Court Resurfacing, was designated confidential by the General Manager Built and Natural Environment on 20 September 2024 because it contains confidential information as defined in section 3(1) of the Local Government Act 2020; (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;
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 Clint Kelly Excavations Pty Ltd.

12.2. ANNUAL KERB AND CHANNEL RECONSTRUCTION PROGRAM

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

Councillors are reminded that, under the Wellington Shire Council Election Period Policy, they cannot make a decision during the election period that would be binding on the incoming Council.

This report is being considered by Council during an election period. The recommendations, if moved and carried by Council do not constitute a prohibited decision in accordance with section 69 (2) and (3) of the Local Government Act 2020, but do constitute a significant decision within the meaning of Council's Election Period Policy. An exception is required for the following reasons:

This is a routine project adopted within the annual capital works program and it is considered reasonable to continue normal operational business items. Awarding a contract will allow works to commence in a timely fashion and be completed over the summer months.

Councillors are also not permitted to use the public forum provided by the Council Meeting for purposes of campaigning, or to use their position to gain electoral advantage or to disadvantage another candidate.

PURPOSE

The purpose of this report is for Council to consider entering into a contract for the annual kerb and channel replacement program.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Contract 2025-031 Evaluation Report of this Council Meeting Agenda relating to the Annual Kerb and Channel Reconstruction;**
- 2. Council note and agree that this is a routine project adopted within the annual capital works program and that to ensure the work is completed in a timely manner an exception under the Election Period Policy be applied; and**
- 3. Note that the information contained in the confidential attachment Tender Contract 2025-031 Evaluation Report relating to the Annual Kerb and Channel Reconstruction, was designated confidential by the General Manager Built and Natural Environment on 19 September 2024 because it contains confidential information as defined in section 3(1) of the Local Government Act 2020; (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; except that once this recommendation has been adopted the name of the successful tenderer can be made public.**

COUNCILLOR ROSSETTI / COUNCILLOR MAHER

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Contract 2025-031 Evaluation Report of this Council Meeting Agenda relating to the Annual Kerb and Channel Reconstruction;**
- 2. Council note and agree that this is a routine project adopted within the annual capital works program and that to ensure the work is completed in a timely manner an exception under the Election Period Policy be applied; and**
- 3. Note that the information contained in the confidential attachment Tender Contract 2025-031 Evaluation Report relating to the Annual Kerb and Channel Reconstruction, was designated confidential by the General Manager Built and Natural Environment on 19 September 2024 because it contains confidential information as defined in section 3(1) of the Local Government Act 2020; (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; 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 Fulton Hogan Industries Pty Ltd.

13. FURTHER GALLERY AND ONLINE COMMENTS

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

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

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

ONLINE COMMENTS

NIL

FURTHER GALLERY COMMENTS

NIL

Meeting declared closed at: 5.23pm.

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

14. 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

NIL