



WELLINGTON
SHIRE COUNCIL

Agenda Ordinary Council Meeting

Tuesday 2 September 2025, commencing at 5:00 PM

Meeting to be held at

Wellington Centre – Wellington Room, Foster Street, Sale via

Microsoft Teams

or stream online at <https://www.youtube.com/@wellingtonshire>

ORDINARY MEETING OF COUNCIL
TABLE OF CONTENTS

0.1. TABLE OF CONTENTS2

1. APOLOGIES4

2. DECLARATION OF CONFLICT/S OF INTEREST4

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S.....4

 3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING4

4. BUSINESS ARISING FROM PREVIOUS MEETINGS5

5. ACCEPTANCE OF LATE AND URGENT ITEMS5

6. NOTICE/S OF MOTION5

7. RECEIVING OF PETITION OR JOINT LETTERS.....5

 7.1. OUTSTANDING PETITIONS5

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS5

9. QUESTION/S ON NOTICE5

 9.1. OUTSTANDING QUESTION/S ON NOTICE5

10. DELEGATES REPORT6

11. GENERAL MANAGER CORPORATE SERVICES7

 11.1. ASSEMBLY OF COUNCILLORS REPORT7

 11.2. REVIEW OF S5 INSTRUMENT OF DELEGATION TO THE CEO11

12. FURTHER GALLERY AND ONLINE COMMENTS.....18

13. IN CLOSED SESSION19

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 published and archived on Council's Website for viewing by the public. Recordings may be used for publicity or information purposes.

Members of the public in attendance at the Council meeting who wish to communicate with the Council regarding an agenda item or any other matter should advise the Mayor, ideally prior to the meeting starting, to ensure that their submission is called at the appropriate time during the meeting.

Would gallery visitors, Councillors and invited online attendees please 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 GOVERNANCE

OBJECTIVE

To adopt the minutes of the Ordinary Council Meeting of 19 August 2025.

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 19 August 2025.

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. DELEGATES REPORT

11. GENERAL MANAGER CORPORATE SERVICES

11.1. ASSEMBLY OF COUNCILLORS REPORT

ACTION OFFICER: MANAGER GOVERNANCE

PURPOSE

To report on all assembly of Councillor records received for the period 11 August to 24 August 2025.

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 11 August to 24 August 2025.

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, in accordance with good governance, 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 11 August to 24 August 2025.

ATTACHMENTS

1. Assembly of Councillors - 19 August 2025 Council Day [11.1.1 - 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 11 August to 24 August 2025.

CONFLICT OF INTEREST

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

COUNCIL PLAN 2025-29

While this report does not meet a specific Council Plan strategic objective, it aligns with good governance.

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 in accordance with good governance.

COUNCIL POLICY IMPACT

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

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 AND OFFICERS IN ATTENDANCE - COUNCIL DAY

COUNCIL WORKSHOPS – 19 AUGUST 2025			
COUNCILLOR	ATTENDANCE	OFFICERS IN ATTENDANCE	
<i>Cr Scott Rossetti (Mayor)</i>	YES	David Morcom	Chief Executive Officer
<i>Cr Cindy Madeley (Deputy Mayor)</i>	YES	Arthur Skipitaris	General Manager Corporate Services
<i>Cr Catherine Bannerman</i>	YES	Chris Hastie	General Manager Built and Natural Environment
<i>Cr Liz Foat (Online)</i>	YES	Andrew Pomeroy	General Manager Development
<i>Cr Edward Lowe (Items 1 – 6)</i>	YES		
<i>Cr Garry Stephens (Leave)</i>	NO		
<i>Cr Carmel Ripper</i>	YES		
<i>Cr John Tattersson</i>	YES		
<i>Cr Geoff Wells</i>	YES		
CONFLICTS OF INTEREST NOTED*			
NIL			

* In accordance with Rule 18.5 of the Wellington Shire Council Governance Rules a Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.

WORKSHOP DETAILS – 19 AUGUST 2025		
ITEM NO.	WORKSHOP TITLE	PRESENTERS
1.1	SAFE LOCAL ROADS AND STREETS PROGRAM	<ul style="list-style-type: none"> <i>Sam Pye, Manager Built Environment</i> <i>Zac Elliman, Coordinator Road Planning</i> <i>Conflict of Interest: NIL</i>
1.2	FUTURE WELLINGTON WEBSITE	<ul style="list-style-type: none"> <i>Kim Salleh, Manager Customer and Communications</i> <i>Conflict of Interest: NIL</i>
1.3	USE OF ARTIFICIAL INTELLIGENCE	<ul style="list-style-type: none"> <i>Carly Bloomfield, Manager Governance</i> <i>Kim Salleh, Manager Customer and Communications</i> <i>Conflict of Interest: NIL</i>

ASSEMBLY OF COUNCILLORS AND OFFICERS IN ATTENDANCE - COUNCIL DAY

WORKSHOP DETAILS – 19 AUGUST 2025		
ITEM NO.	WORKSHOP TITLE	PRESENTERS
1.4	JUNE 2025 QUARTERLY PERFORMANCE REPORT	<ul style="list-style-type: none"> • Ian Carroll, Manager Corporate Finance • Arthur Skipitaris, GM Corporate Services Conflict of Interest: NIL
1.5	AMENDMENT TO THE COMMUNITY LOCAL LAW: CONSIDERATION OF COMMUNITY FEEDBACK	<ul style="list-style-type: none"> • Carly Bloomfield, Manager Governance • Peter Thompson, Coordinator Local Laws Conflict of Interest: NIL
1.6	DEVELOPMENT DIVISION UPDATE: ECONOMIC DEVELOPMENT, PLANNING & BUILDING, CULTURE & LEISURE AND COMMUNITY DEVELOPMENT	<ul style="list-style-type: none"> • Ashley Smirl, Acting Manager Economic Development • Barry Hearsey, Manager Planning and Building • Ross McWhirter, Manager Culture and Leisure • Rosina Davidson-Tuck, Manager Community Development Conflict of Interest: NIL
1.7	COMMUNITY FACILITIES PROJECTS UPDATE	<ul style="list-style-type: none"> • Natasha French, Acting Coordinator Community Facilities Planning • Sam McPherson, Manager Facilities and Emergencies Conflict of Interest: NIL
1.8	VICGRID UPDATE	<ul style="list-style-type: none"> • Alistair Parker, Chief Executive Officer - VicGrid • Amanda Correy, Director Engagement – VicGrid Conflict of Interest: NIL

11.2. REVIEW OF S5 INSTRUMENT OF DELEGATION TO THE CEO

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

For Council to consider and adopt the reviewed S5 Instrument of Delegation to the Chief Executive Officer.

RECOMMENDATION

That, in the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), Wellington Shire Council (Council) resolve that –

- 1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached S5 Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.***
- 2. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.***
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.***
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

BACKGROUND

Council may delegate any power, duty, or function under the *Local Government Act 2020* (the Act) or any other Act to the Chief Executive Officer (CEO), by instrument of delegation, subject to the limitations specified in section 11(2) of the *Local Government Act 2020*.

Council's delegation to the CEO is contained in the S5 Instrument of Delegation to the CEO.

In line with the *Local Government Act 2020*, Council is required to review the S5 Instrument of Delegation within 12 months of a general election. Accordingly, the current S5 Instrument of Delegation must be reviewed no later than 25 October 2025.

Similar to most Victorian Councils, Wellington Shire Council utilises regularly updated templates from Maddocks solicitors in preparing delegation instruments for Council or CEO approval. The Council's S5 Instrument of Delegation to the CEO is largely based on the Maddocks template. The 2025 update incorporates minor updates to the Maddocks template since the S5 Instrument of Delegation to the CEO was last made on 7 March 2023.

The S5 Instrument of Delegation issued on 7 March 2023 granted the CEO authority to enter into contracts or approve expenditure up to a maximum of \$400,000. This financial limit remains unchanged. However, the instrument also allows the CEO to approve expenditure beyond this limit in specific circumstances. While the original instrument listed annual insurance renewals as an exception, it has since been expanded to include the additional

scenarios of statutory charges, emergency services and volunteer funding levies, utility contracts, and insurance arrangements provided these are consistent with the approved or revised budget.

ATTACHMENTS

1. S5 Instrument of Delegation to CEO [**11.2.1** - 4 pages]

OPTIONS

Council has the following options available:

1. To revoke the previous S5 Instrument of Delegation made, approve the updated S5 Instrument of Delegation to the Chief Executive Officer and authorise the Chief Executive Officer and Mayor to sign the attached S5 Instrument of Delegation; or
2. Not revoke the previous S5 Instrument of Delegation made, not approve the updated S5 Instrument of Delegation to the Chief Executive and not authorise the Chief Executive Officer and Mayor to sign the attached S5 Instrument of Delegation. Instead, seek further information for consideration at a future meeting of Council.

PROPOSAL

For Council to revoke the previous S5 Instrument of Delegation made, adopt the updated S5 Instrument of Delegation and authorise its signing by the Chief Executive Officer and Mayor.

CONFLICT OF INTEREST

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

COUNCIL PLAN 2025-29

While this report does not meet a specific Council Plan strategic objective, it aligns with good governance.

FINANCIAL IMPACT

Under the S5 Instrument of Delegation, the Chief Executive Officer is authorised to approve contracts and procurement activities up to a maximum value of \$400,000. All staff involved in procurement must comply with the requirements of the Procurement Policy and the *Local Government Act 2020*.

COMMUNICATION IMPACT

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

LEGISLATIVE IMPACT

Delegations represent the authority to exercise specific powers, duties, and functions as permitted under legislation, enabling the efficient day-to-day operation of Council.

Section 11(1) of the *Local Government Act 2020* provides Council with the authority to utilise an Instrument of Delegation to delegate to the Chief Executive Officer.

Specifically, the S5 Instrument of Delegation to the CEO contains delegations by Council of specific powers, duties and functions under various Acts including the *Local Government Act 2020*.

Section 11(7) of the *Local Government Act 2020* requires Council to review the S5 Instrument of Delegation within 12 months following a general election. As the 2024 General Election occurred on Saturday 26 October 2024, the review of the S5 Instrument of Delegation has been completed within the legislated timeframe.

COUNCIL POLICY IMPACT

This impact has been assessed, and it aligns with Council's Delegations Policy.

RESOURCES AND STAFF IMPACT

Following adoption, all staff with altered or new delegations are notified and Council procedures updated as required.

COMMUNITY IMPACT

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

ENVIRONMENTAL IMPACT

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

ENGAGEMENT IMPACT

The instrument of delegation is a statutory document under the legislation referred to in the S5 Instrument of Delegation to the CEO and is largely based on information supplied by Council's solicitors.

RISK MANAGEMENT IMPACT

The utilisation of Instruments of Delegation and Sub-Delegation allow for the provision of powers to be allocated to relevant council officers to allow them to carry out various duties and actions as an extension of Council.

Delegated Officers must act within their delegation and in accordance with all Council policies and procedures and any relevant legislation.



INSTRUMENT OF DELEGATION

S5 INSTRUMENT OF DELEGATION TO CHIEF EXECUTIVE OFFICER

2 SEPTEMBER 2025

Instrument of Sub-Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020* (the Act) and all other powers enabling it, the Wellington Shire Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on Tuesday 2 September 2025
2. the delegation
 - 2.1 comes into force immediately when signed by the Chief Executive Officer and Mayor;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.

Signed by the Chief Executive Officer of)
Council in the presence of:)

Witness:

Date:

Signed by the Mayor in the presence of:)
)

Witness:

Date:

Schedule

The power to

1. determine any issue;
 2. take any action; or
 3. do any act or thing
- arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1 entering into a contract exceeding the value of \$400,000 (excluding GST);
 - 1.2 making any expenditure that exceeds \$400,000 (excluding GST);
 - 1.3 expenditure exceeding the amounts in 1.1 and 1.2 is permissible only if the contract, purchase or payment is for statutory charges, emergency services and volunteers funding levy, utility contracts or insurance contract arrangements consistent with the approved or revised budget.
 - 1.4 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.5 electing a Mayor or Deputy Mayor;
 - 1.6 granting a reasonable request for leave under s 35 of the Act;
 - 1.7 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.8 approving or amending the Council Plan;
 - 1.9 adopting or amending any policy that Council is required to adopt under the Act;
 - 1.10 adopting or amending the Governance Rules;
 - 1.11 appointing the chair or the members to a delegated committee;
 - 1.12 making, amending or revoking a local law;
 - 1.13 approving the Budget or Revised Budget;
 - 1.14 approving the borrowing of money;
 - 1.15 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

- 4.1 policy; or
- 4.2 strategy
adopted by Council;
- 5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
- 6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

12. 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.

13. 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 confidential 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.

Meeting declared closed at: