



**WELLINGTON**  
SHIRE COUNCIL

*The Heart of Gippsland*

## **RESOLUTIONS IN BRIEF ORDINARY MEETING**

**To be read in conjunction with the Council Meeting Agenda 21 September 2021**

### **COUNCILLORS PRESENT**

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

### **OFFICERS PRESENT**

David Morcom, Chief Executive Officer  
Denise Teo, Governance Officer

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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: GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

To adopt the minutes of the Ordinary Council Meeting of 7 September 2021.

#### **PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

#### **RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 September 2021.*

**COUNCILLOR WOOD / COUNCILLOR BYE**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 September 2021.*

**CARRIED**

## 4. BUSINESS ARISING FROM PREVIOUS MEETINGS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
Item 12.3 Aqua Energy Redevelopment – Detailed Design	7 September 2021	Item has been laid on the table.	Manager Assets and Projects

**COUNCILLOR TATTERSON** *moved that the matter in relation to Aqua Energy Redevelopment – Detailed Design, as tabled at the 7 September Council Meeting at Item 12.3, be taken from the table.*

**COUNCILLOR MAHER** *seconded the motion that the matter in relation to Aqua Energy Redevelopment – Detailed Design, as tabled at the 7 September Council Meeting at Item 12.3, be taken from the table.*

**CARRIED**

*The Aqua Energy Redevelopment – Detailed Design report has been included at the new Section 16 Appendix 1, following Section 15 General Manager Built and Natural Environment of these agenda minutes.*

## 5. ACCEPTANCE OF LATE AND URGENT ITEMS

NIL

## 6. NOTICE/S OF MOTION

NIL

## 7. RECEIVING OF PETITION OR JOINT LETTERS

### 7.1. OUTSTANDING PETITIONS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

### 7.2. RECEIPT OF PETITION: OBJECTION TO PLANNING APPLICATION P291/2021

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

To present Council with a petition raising objections to Planning Application reference P291/2021 for the reasons as set out in the attached submission and signed petition.

#### **PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

#### **RECOMMENDATION**

***That Council receive the attached petition raising objections to Planning Permit application reference number P291/2021 for the reasons as set out in the attached submission and signed petition.***

#### **COUNCILLOR RIPPER / COUNCILLOR BYE**

***That Council receive the attached petition raising objections to Planning Permit application reference number P291/2021 for the reasons as set out in the attached submission and signed petition.***

**CARRIED**

### 7.3. RESPONSE TO PETITION: OBJECTION TO PLANNING APPLICATION P291/2021

**ACTION OFFICER: GENERAL MANAGER DEVELOPMENT**

#### **PURPOSE**

The purpose of this report is for Council to consider the petition received raising objections to planning permit application P291-2021.

#### **PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

#### **RECOMMENDATION**

*That, in response to the subject petition presented at the Ordinary Council meeting of 21 September 2021, Council treats the petition as an objection to planning permit application P291/2021 and acknowledges that the statutory planning process will consider the issues raised by the petition.*

#### **COUNCILLOR RIPPER / COUNCILLOR WOOD**

*That, in response to the subject petition presented at the Ordinary Council meeting of 21 September 2021, Council treats the petition as an objection to planning permit application P291/2021 and acknowledges that the statutory planning process will consider the issues raised by the petition.*

**CARRIED**

### 8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

NIL

### 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

**ACTION OFFICER: COUNCILLOR GARRY STEPHENS**

#### **RECOMMENDATION**

*That the Mayor and Councillors report be noted.*

**COUNCILLOR WOOD / COUNCILLOR MAHER**

*That the Mayor and Councillors report be noted.*

**CARRIED**

## 11. DELEGATES REPORT

NIL

## 12. CHIEF EXECUTIVE OFFICER

### 12.1. CHIEF EXECUTIVE OFFICER'S REPORT

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

#### **RECOMMENDATION**

*That the Chief Executive Officer's report be received.*

**COUNCILLOR BYE / COUNCILLOR MAHER**

*That the Chief Executive Officer's report be received.*

**CARRIED**

### 12.2. JULY AND AUGUST 2021 COUNCIL PLAN HIGHLIGHTS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

#### **PURPOSE**

For Council to receive and note the July and August 2021 Council Plan Highlights.

#### **PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

#### **RECOMMENDATION**

*That Council receive and note the July and August 2021 Council Plan Highlights as attached.*

**COUNCILLOR MAHER / COUNCILLOR CROSSLEY**

***That Council receive and note the July and August 2021 Council Plan Highlights as attached.***

**CARRIED**

### **12.3. AUDIT & RISK COMMITTEE MEMBER APPOINTMENT**

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

**PURPOSE**

The purpose of this report is to provide information to Council to enable the consideration of, and a decision to appointment an external independent member to Council's Audit & Risk Committee.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

***That:***

- 1. Council appoint an independent member to Council's Audit & Risk Committee for a three year period commencing 29 October 2021 and expiring 28 October 2024 in accordance with the recommendation in the attached confidential Audit & Risk Committee Member Appointment of this Council meeting agenda; and***
- 2. The information contained in the attached Audit & Risk Committee Member Appointment and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 30 August 2021 because it relates to the following grounds: f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;  
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 applicant can be made public.***

**COUNCILLOR MCKENZIE / COUNCILLOR ROSSETTI**

***That:***

- 1. Council appoint an independent member to Council's Audit & Risk Committee for a three year period commencing 29 October 2021 and expiring 28 October 2024 in accordance with the recommendation in the attached confidential Audit & Risk Committee Member Appointment of this Council meeting agenda; and***
- 2. The information contained in the attached Audit & Risk Committee Member Appointment and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 30 August 2021 because it relates to the following grounds: f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;  
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 applicant can be made public.***

**CARRIED**

*The Mayor announced the successful applicant as Ms Sarah Heath.*

## **13. GENERAL MANAGER CORPORATE SERVICES**

### **13.1. ASSEMBLY OF COUNCILLORS**

#### **ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

#### **OBJECTIVE**

To report on all assembly of Councillor records received for the period 30 August 2021 to 12 September 2021.

#### **PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

#### **RECOMMENDATION**

***That Council note and receive the attached Assembly of Councillor records for the period 30 August 2021 to 12 September 2021.***

#### **COUNCILLOR BYE / COUNCILLOR CROSSLEY**

***That Council note and receive the attached Assembly of Councillor records for the period 30 August 2021 to 12 September 2021.***

**CARRIED**

## **13.2. IN PRINCIPAL APPROVAL OF DRAFT 2020/21 FINANCIAL AND PERFORMANCE STATEMENTS**

**ACTION OFFICER: MANAGER CORPORATE FINANCE**

### **PURPOSE**

For Council to approve in principle the draft 2020/2021 Financial and Performance Statements as attached and authorise two Councillors to certify these statements upon completion of the Auditor-General's review.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**  
NIL

### **RECOMMENDATION**

*That Council approve, in principle, the Draft 2020/2021 Financial and Performance Statements 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 statements in their final form.*

**COUNCILLOR MCKENZIE / COUNCILLOR BYE**

*That Council approve, in principle, the Draft 2020/2021 Financial and Performance Statements 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 statements in their final form.*

**CARRIED**

## **14. GENERAL MANAGER DEVELOPMENT**

### **14.1. JULY 2021 MONTHLY PLANNING DECISIONS**

**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 July 2021.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**  
NIL

### **RECOMMENDATION**

*That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 July and 31 July 2021.*

**COUNCILLOR MAHER / COUNCILLOR CROSSLEY**

*That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 July and 31 July 2021.*

**CARRIED**

## 14.2. COUNCIL SUPPORT FOR MIRRIDONG SERVICES INC

### ACTION OFFICER: MANAGER ECONOMIC DEVELOPMENT

#### PURPOSE

To seek Council's support to advocate for the cancellation of a historic caveat tied to a funding agreement with Department of Housing on a Council property at 14 Lawler Street, Yarram to facilitate the unencumbered transfer to Mirridong Services Inc.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That Council;*

- 1. Note no submissions have been received regarding the proposed sale of surplus Council property located at 14 Lawler Street, Yarram to Mirridong Services Inc.; and*
- 2. Endorse providing Mirridong Services Inc. with a letter supporting the unconditional removal of the subject caveat from the title of 14 Lawler Street, Yarram and that the Victorian Department of Health and Human Services not require an equivalent agreement to the caveat.*

**COUNCILLOR MAHER / COUNCILLOR WOOD**

*That Council;*

- 1. Note no submissions have been received regarding the proposed sale of surplus Council property located at 14 Lawler Street, Yarram to Mirridong Services Inc.; and*
- 2. Endorse providing Mirridong Services Inc. with a letter supporting the unconditional removal of the subject caveat from the title of 14 Lawler Street, Yarram and that the Victorian Department of Health and Human Services not require an equivalent agreement to the caveat.*

**CARRIED**

## 15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

### 15.1. PLACE NAMES COMMITTEE MINUTES

#### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to receive the minutes of the Place Names Committee meeting held on 12 August 2021 and to consider the recommendations.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

##### *That:*

- 1. Council receive and note the minutes of the Place Names Committee meeting held on 12 August 2021; and*
- 2. The trafficable section of Earl Street, west of High Street, Woodside, be renamed Blue Wren Way; and a letter be sent to the objector informing them of the outcome and the reasons supporting it; and the name BLUE WREN WAY be registered with Geographic Names Victoria.*
- 3. The government road off Dalmore Road, Dargo, be named Phelan Road, in recognition of the Phelans who have a long association with the area; and a letter be sent to the objector informing them of the outcome and the reasons supporting it; and the name PHELAN ROAD be registered with Geographic Names Victoria.*
- 4. The name DJAMBIES PARK be registered with Geographic Names Victoria and that this item be closed; and*
- 5. The names CHEVALIER, SCHELTEMA and VON GUERARD be added to the Council Approved Road Names Register, to preferably be used in an artist-named/themed development, in recognition of artists Nicholas Chevalier, Jans Hendrik Scheltema and Eugene von Guérard who, through their works during the 1800s and early 1900s, contributed to the wider understanding of the Gippsland region; and a letter be sent to the proponents informing them of the outcome.*

#### COUNCILLOR ROSSETTI / COUNCILLOR CROSSLEY

##### *That:*

- 1. Council receive and note the minutes of the Place Names Committee meeting held on 12 August 2021; and*
- 2. The trafficable section of Earl Street, west of High Street, Woodside, be renamed Blue Wren Way; and a letter be sent to the objector informing them of the outcome and the reasons supporting it; and the name BLUE WREN WAY be registered with Geographic Names Victoria.*
- 3. The government road off Dalmore Road, Dargo, be named Phelan Road, in recognition of the Phelans who have a long association with the area; and a letter be sent to the objector informing them of the outcome and the reasons supporting it; and the name PHELAN ROAD be registered with Geographic Names Victoria.*

4. *The name DJAMBIES PARK be registered with Geographic Names Victoria and that this item be closed; and*
5. *The names CHEVALIER, SCHELTEMA and VON GUERARD be added to the Council Approved Road Names Register, to preferably be used in an artist-named/themed development, in recognition of artists Nicholas Chevalier, Jans Hendrik Scheltema and Eugene von Guérard who, through their works during the 1800s and early 1900s, contributed to the wider understanding of the Gippsland region; and a letter be sent to the proponents informing them of the outcome.*

**CARRIED**

## **15.2. ENVIRONMENTAL POLICY REVISIONS**

### **ACTION OFFICER: GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT**

#### **PURPOSE**

For Council to adopt the revised Environmental Sustainability Policy, including a change to the policy title, and adopt the revised Rate Rebate on Land with a Deed of Covenant for Conservation Purposes Policy, including an increased rate rebate and a change to the policy title.

#### **PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

#### **RECOMMENDATION**

##### ***That Council:***

1. *adopts the revised Environmental Sustainability Policy, including a change of policy title to Climate Change and Sustainability Policy; and*
2. *adopts the revised Rate Rebate on Land with a Deed of Covenant for Conservation Purposes policy, including the increased rate rebate and a change of policy title to Rates Rebate on Land for Conservation Purposes.*

##### **COUNCILLOR CROSSLEY / COUNCILLOR MAHER**

##### ***That Council:***

1. *adopts the revised Environmental Sustainability Policy, including a change of policy title to Climate Change and Sustainability Policy; and*
2. *adopts the revised Rate Rebate on Land with a Deed of Covenant for Conservation Purposes policy, including the increased rate rebate and a change of policy title to Rates Rebate on Land for Conservation Purposes.*

**CARRIED**

### 15.3. POUND ROAD EAST WIDENING WORKS

#### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to consider entering into a contract for the reconstruction and widening of two sections of Pound Road East, Yarram.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That:*

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-008 Pound Road East Widening Works Yarram; and*
- 2. The information contained in the confidential attachment Contract 2022-008 Pound Road East Widening Works Yarram and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 3 September 2021 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

#### COUNCILLOR MAHER / COUNCILLOR WOOD

*That:*

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-008 Pound Road East Widening Works Yarram; and*
- 2. The information contained in the confidential attachment Contract 2022-008 Pound Road East Widening Works Yarram and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 3 September 2021 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

**CARRIED**

*The Mayor announced the successful tenderer as Fowlers Asphalting Pty Ltd.*

## 15.4. MAFFRA TENNIS CLUB PAVILION CONSTRUCTION

### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to consider entering into a contract for the reconstruction of the Maffra Lawn Tennis Club Pavilion.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That:*

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-002 Maffra Tennis Club Pavilion Construction; and*
- 2. The information contained in the confidential attachment Contract 2022-002 Maffra Tennis Club Pavilion Construction and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment 9 September 2021 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

#### COUNCILLOR TATTERSON / COUNCILLOR CROSSLEY

*That:*

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-002 Maffra Tennis Club Pavilion Construction; and*
- 2. The information contained in the confidential attachment Contract 2022-002 Maffra Tennis Club Pavilion Construction and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment 9 September 2021 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

**CARRIED**

*The Mayor announced the successful tenderer as RAL Constructions.*



## 15.5. YORK STREET REVITALISATION PROJECT (NORTHERN SECTION)

### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to consider entering into a contract for the renewal of the northern section of the York Street streetscape from Stawell Street to Raglan Street, Sale.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

***That:***

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-011 York Street Streetscape Renewal Works (Northern); and***
- 2. The information contained in the confidential attachment Contract 2022-011 York Street Streetscape Renewal Works (Northern) and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on the 9 September 2021 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

#### COUNCILLOR TATTERSON / COUNCILLOR ROSSETTI

***That:***

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-011 York Street Streetscape Renewal Works (Northern); and***
- 2. The information contained in the confidential attachment Contract 2022-011 York Street Streetscape Renewal Works (Northern) and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on the 9 September 2021 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

**CARRIED**

*The Mayor announced the successful tenderer as JW Volk Pty Ltd.*



## 16. APPENDIX 1

### 16.1. AQUA ENERGY REDEVELOPMENT – DETAILED DESIGN

#### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to consider entering into a contract for architectural services for the detailed design of the proposed redevelopment of Aqua Energy, Sale.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

7 SEPTEMBER 2021 COUNCIL MEETING: NIL

21 SEPTEMBER 2021 COUNCIL MEETING: NIL

#### RECOMMENDATION

*That:*

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2021-085 Aqua Energy Redevelopment – Detailed Design;*
- 2. The information contained in the confidential attachment Contract 2021-085 Aqua Energy Redevelopment – Detailed Design and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 26 August 2021 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

*COUNCILLOR TATTERSON moved an alternative motion that this matter lay on the table*

*COUNCILLOR WOOD seconded the alternative motion that this matter lay on the table*

**CARRIED**

*COUNCILLOR ROSSETTI moved that an alternative motion be introduced*

*That;*

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2021-085 Aqua Energy Redevelopment – Detailed Design and request the Chief Executive Officer to seek a variation from the contractor to investigate the feasibility of minor concept design changes to the 25m indoor pool within the current building footprint, and, if feasible provide a report back to Council.*
- 2. The information contained in the confidential attachment Contract 2021-085 Aqua Energy Redevelopment – Detailed Design and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 26 August 2021 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or*

***financial undertaking that - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;***

***be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

**COUNCILLOR ROSSETTI / COUNCILLOR WOOD**

***That;***

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2021-085 Aqua Energy Redevelopment – Detailed Design and request the Chief Executive Officer to seek a variation from the contractor to investigate the feasibility of minor concept design changes to the 25m indoor pool within the current building footprint, and, if feasible provide a report back to Council.***
- 2. The information contained in the confidential attachment Contract 2021-085 Aqua Energy Redevelopment – Detailed Design and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 26 August 2021 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

**CARRIED**

***The Mayor announced the successful tenderer as Haskell Architects Pty Ltd.***

## 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 - NIL

FURTHER GALLERY COMMENTS - NIL

Meeting declared closed at: 6:51pm

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

## 18. IN CLOSED SESSION

**COUNCILLOR ROSSETTI / COUNCILLOR CROSSLEY**

***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:***

***f) Personal information***

**CARRIED**

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**IN CLOSED SESSION**

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**COUNCILLOR ROSSETTI / COUNCILLOR CROSSLEY**

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

**CARRIED**