



**WELLINGTON**  
SHIRE COUNCIL

*The Heart of Gippsland*

## **RESOLUTIONS IN BRIEF ORDINARY MEETING**

**To be read in conjunction with the Council Meeting Agenda 20 December 2022**

### **COUNCILLORS PRESENT**

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

### **OFFICERS PRESENT**

David Morcom, Chief Executive Officer  
Arthur Skipitaris, General Manager Corporate Services  
Chris Hastie, General Manager Built and Natural Environment  
Sam McPherson, Acting General Manager Community and Culture  
Hayley Furlong, Governance and Council Business Officer  
Kimberley Salleh, Coordinator Communications and Media

### **APOLOGIES**

Clem Gillings, General Manager Community and Culture  
Brent McAlister, General Manager Development

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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 6 December 2022.

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

NIL

#### **RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 December 2022.*

**COUNCILLOR WOOD / COUNCILLOR RIPPER**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 December 2022.*

**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
Princess Street, Port Albert	6 December 2022	Built Environment team is currently preparing a response, due at the 7 February 2023 Council meeting.	Manager Built Environment

## 8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

Councillor Bye acknowledged the official announcement of the Gippsland offshore wind zone held at Seaspray Surf Life Saving Club on Monday 19 December 2022. He noted others in attendance - Minister for Climate Change and Energy, Chris Bowen, Minister for Industry and Science, Ed Husic and Minister for Energy and Resources, Lily D'Ambrosio and thanked the Ministers for taking the time to make the announcement in person. They announced 90 Mile Beach as being the number one zone in Australia for offshore wind farms with the Mayor also noting the potential for increased job and infrastructure opportunities as a result of the offshore wind farms. The Mayor also extended thanks to the Star of the South for all the hard work that has been put into the project to date.

## 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 - NOVEMBER 2022

ACTION OFFICER: COUNCILLOR IAN BYE

#### RECOMMENDATION

*That the Mayor and Councillors report be noted.*

**COUNCILLOR WOOD / COUNCILLOR MAHER**

*That the Mayor and Councillors report be noted.*

**CARRIED**

## 11. YOUTH COUNCIL REPORT

### 11.1. YOUTH COUNCIL MAYOR'S REPORT

ACTION OFFICER: YOUTH MAYOR, NICOLLA WOOLFORD

#### RECOMMENDATION

*That Council receive the Youth Mayor's Quarterly Report.*

**COUNCILLOR WOOD / COUNCILLOR RIPPER**

*That Council receive the Youth Mayor's Quarterly Report.*

**CARRIED**

## 12. DELEGATES REPORT

NIL

## 13. CHIEF EXECUTIVE OFFICER

### 13.1. CHIEF EXECUTIVE OFFICER'S REPORT - NOVEMBER 2022

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

#### RECOMMENDATION

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

**COUNCILLOR RIPPER / COUNCILLOR STEPHENS**

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

**CARRIED**

## 14. GENERAL MANAGER CORPORATE SERVICES

### 14.1. ASSEMBLY OF COUNCILLORS REPORT

#### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### OBJECTIVE

To report on all assembly of Councillor records received for the period 28 November 2022 to 11 December 2022.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That Council note and receive the attached Assembly of Councillor records for the period 28 November 2022 to 11 December 2022.*

**COUNCILLOR CROSSLEY / COUNCILLOR MAHER**

*That Council note and receive the attached Assembly of Councillor records for the period 28 November 2022 to 11 December 2022.*

**CARRIED**

### 14.2. ADOPTION OF THE 2023 COUNCIL POLICIES

#### ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

#### PURPOSE

To adopt the updated 2023 Council policies as attached.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That Council revoke the existing 2022 Council policies and adopt the updated 2023 Council policies as attached.*

**COUNCILLOR MAHER / COUNCILLOR STEPHENS**

*That Council revoke the existing 2022 Council policies and adopt the updated 2023 Council policies as attached.*

**CARRIED**

### 14.3. AUDIT AND RISK COMMITTEE MINUTES

#### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### PURPOSE

To receive and note the minutes of the Audit & Risk Committee meeting held on 28 November 2022 and approve the suggested amendments to the Audit & Risk Committee Charter and Terms of Reference.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

***That:***

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 28 November 2022 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 28 November 2022; and***
- 2. Council approve the suggested amendments to the Audit & Risk Committee Charter and Terms of Reference; and***
- 3. The information contained in the confidential document Audit & Risk Committee Minutes of 28 November 2022 of this Council meeting agenda and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 7 December 2022 because it relates to the following grounds: e) legal privileged information, being information to which legal professional privilege or client legal privilege applies; and l) information that was confidential information for the purpose of section 77 of the Local Government Act 1989; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

#### COUNCILLOR STEPHENS / COUNCILLOR WOOD

***That:***

- 1. Council receive and note the minutes in brief of the Audit & Risk Committee 28 November 2022 (as attached) and the confidential attachment Audit & Risk Committee Minutes of 28 November 2022; and***
- 2. Council approve the suggested amendments to the Audit & Risk Committee Charter and Terms of Reference; and***
- 3. The information contained in the confidential document Audit & Risk Committee Minutes of 28 November 2022 of this Council meeting agenda and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 7 December 2022 because it relates to the following grounds: e) legal privileged information, being information to which legal professional privilege or client legal privilege applies; and l) information that was confidential information for the purpose of section 77 of the Local Government Act 1989; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

**CARRIED**



## 15. GENERAL MANAGER DEVELOPMENT

### 15.1. QUARTERLY STRATEGIC LAND USE PLANNING UPDATE REPORT - QUARTER 4 2022

**ACTION OFFICER: MANAGER LAND USE PLANNING**

**PURPOSE**

To update Council on the strategic land use planning work program for the fourth quarter October to December 2022

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council receive the fourth quarterly update on the strategic land use planning work program (included in Attachment 'Planning Projects and Amendments', to this report).*

**COUNCILLOR MAHER / COUNCILLOR TATTERSON**

*That Council receive the fourth quarterly update on the strategic land use planning work program (included in Attachment 'Planning Projects and Amendments', to this report).*

**CARRIED**

### 15.2. MONTHLY PLANNING DECISIONS - OCTOBER 2022

**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 October 2022.

**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 October and 31 October 2022.*

**COUNCILLOR TATTERSON / COUNCILLOR MAHER**

*That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 October and 31 October 2022.*

**CARRIED**

### 15.3. QUARTERLY BUILDING REPORT - JULY TO SEPTEMBER 2022

**ACTION OFFICER: MANAGER REGULATORY SERVICES**

**PURPOSE**

To provide a report to Council on building permits issued in the Wellington Shire during the quarter 1 July 2022 to 30 September 2022, for information.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council note the report of building permits issued from 1 July 2022 to 30 September 2022.*

**COUNCILLOR TATTERSON / COUNCILLOR STEPHENS**

*That Council note the report of building permits issued from 1 July 2022 to 30 September 2022.*

**CARRIED**

### 15.4. NORTH SALE INFRASTRUCTURE FUNDING ARRANGEMENT - FINAL REPORT

**ACTION OFFICER: GENERAL MANAGER DEVELOPMENT**

**PURPOSE**

For Council to adopt the 'North Sale Infrastructure Funding Arrangement Final Report, November 2022'.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council adopt the 'North Sale Infrastructure Funding Arrangement Final Report, November 2022' as attached.*

**COUNCILLOR MAHER / COUNCILLOR STEPHENS**

*That Council adopt the 'North Sale Infrastructure Funding Arrangement Final Report, November 2022' as attached.*

**CARRIED**

## 15.5. INTRODUCTION OF 24-HOUR CAT CURFEW

### ACTION OFFICER: GENERAL MANAGER DEVELOPMENT

#### PURPOSE

For Council to introduce a 24-Hour Cat Curfew and approve the Victorian Government Gazette order as attached.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That Council;*

- 1. Make an order under section 25 of the Domestic Animals Act 1994 namely requiring all owners of a cat to keep that cat securely confined at all times to the owner's property or where they are being kept for the time being, unless effectively contained or controlled and not allow the cat to wander at large outside the owner's premises or where they are being kept for the time being. This order covers all areas of the municipality;*
- 2. From the date of the order being in effect for a six-month period, that there will be an amnesty where fines for breaching this order will not be issued rather warnings and educational information provided to cat owners;*
- 3. Approve the publishing of this order in the Victorian Government Gazette, Council's website and local newspaper also stating the objectives and effect of this order including the six-month amnesty period.*

**COUNCILLOR RIPPER / COUNCILLOR CROSSLEY**

*That Council;*

- 1. Make an order under section 25 of the Domestic Animals Act 1994 namely requiring all owners of a cat to keep that cat securely confined at all times to the owner's property or where they are being kept for the time being, unless effectively contained or controlled and not allow the cat to wander at large outside the owner's premises or where they are being kept for the time being. This order covers all areas of the municipality;*
- 2. From the date of the order being in effect for a six-month period, that there will be an amnesty where fines for breaching this order will not be issued rather warnings and educational information provided to cat owners;*
- 3. Approve the publishing of this order in the Victorian Government Gazette, Council's website and local newspaper also stating the objectives and effect of this order including the six-month amnesty period.*

**CARRIED**

## 16. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

### 16.1. SPECIAL CHARGE SCHEME INTENTION TO DECLARE - LONGFORD CENTRAL TOWNSHIP

**ACTION OFFICER: MANAGER BUILT ENVIRONMENT**

#### **PURPOSE**

The purpose of this report is for Council to consider its 'intention to declare' the proposed Longford Central Township Special Charge Street Construction Scheme Number 2203 as a Special Charge Scheme for its construction.

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

NIL

#### **RECOMMENDATION**

***That:***

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing certain streets within the Longford Central Township (being those streets listed and shown on the plan which is attached to and forms part of the Proposed Declaration of Special Charge Scheme 2203) and provision of ancillary works including drainage and vehicle crossings; and***
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 18 April 2023 in accordance with the Proposed Declaration of Special Charge Scheme Number 2203; and***
- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 18 April 2023, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and***
- 4. Council appoint three Councillors as determined by Council plus an alternative representative to form the 'Longford Central Township Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and***
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and***
- 6. The Chief Executive Officer, the General Manager Built & Natural Environment or the Manager Assets and Projects (or any person for the***

*time being acting in any of those positions), each be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.*

**COUNCILLOR TATTERSON / COUNCILLOR ROSSETTI**

**That:**

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing certain streets within the Longford Central Township (being those streets listed and shown on the plan which is attached to and forms part of the Proposed Declaration of Special Charge Scheme 2203) and provision of ancillary works including drainage and vehicle crossings; and**
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 18 April 2023 in accordance with the Proposed Declaration of Special Charge Scheme Number 2203; and**
- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 18 April 2023, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and**
- 4. Council appoint three Councillors, being Councillor Tatterson, Councillor Bye and Councillor McKenzie, as determined by Council plus an alternative representative, being Councillor Maher, to form the 'Longford Central Township Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and**
- 5. The Chief Executive Officer, the General Manager Built & Natural Environment or the Manager Assets and Projects (or any person for the time being acting in any of those positions), each be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.**

**CARRIED**

## 16.2. SPECIAL CHARGE SCHEME INTENTION TO DECLARE - ELLEN AVENUE, SEASPRAY

**ACTION OFFICER: MANAGER BUILT ENVIRONMENT**

### **PURPOSE**

The purpose of this report is for Council to consider its 'intention to declare' the proposed Ellen Avenue Special Charge Street Construction Scheme Number 2204 as a Special Charge Scheme for the construction of Ellen Avenue including a connecting section of Davies Street in Seaspray.

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

NIL

### **RECOMMENDATION**

***That:***

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing Ellen Avenue (CH00–CH450) and Davies Street (CH350–CH470) in Seaspray and the provision of improved road drainage including vehicle crossings and culverts (from road edge to building line); and***
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 18 April 2023 in accordance with the Proposed Declaration of Special Charge Scheme Number 2204 in the form of the attachment to this report for the construction of Ellen Avenue (CH00–CH450) and Davies Street (CH350–CH470) in Seaspray; and***
- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 18 April 2023, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and***
- 4. Council appoint three Councillors being as determined by Council plus an alternative representative to form the 'Ellen Avenue Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and***
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and***
- 6. The Chief Executive Officer, the General Manager Built & Natural Environment or the Manager Assets and Projects (or any person for the time being acting in any of those positions), each be authorised to carry out***



**any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.**

**COUNCILLOR TATTERSON / COUNCILLOR WOOD**

**That:**

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing Ellen Avenue (CH00–CH450) and Davies Street (CH350–CH470) in Seaspray and the provision of improved road drainage including vehicle crossings and culverts (from road edge to building line); and**
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 18 April 2023 in accordance with the Proposed Declaration of Special Charge Scheme Number 2204 in the form of the attachment to this report for the construction of Ellen Avenue (CH00–CH450) and Davies Street (CH350–CH470) in Seaspray; and**
- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 18 April 2023, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and**
- 4. Council appoint three Councillors, being Councillor Tatterson, Councillor McKenzie and Councillor Bye, as determined by Council plus an alternative representative, being Councillor Maher, to form the 'Ellen Avenue Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and**
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and**
- 6. The Chief Executive Officer, the General Manager Built & Natural Environment or the Manager Assets and Projects (or any person for the time being acting in any of those positions), each be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.**

**CARRIED**

### 16.3. SEASPRAY LEVEE BANK UPGRADE WORKS

#### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to consider entering into a contract for the Seaspray Levee Bank Upgrade Works.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

***That:***

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2023-037 Seaspray Levee Bank Upgrade Works; and***
- 2. The information contained in the confidential attachment Contract 2023-037 Seaspray Levee Bank Upgrade Works and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 December 2022 because it relates to the following grounds: (g)(ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

#### COUNCILLOR MAHER / COUNCILLOR WOOD

***That:***

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2023-037 Seaspray Levee Bank Upgrade Works; and***
- 2. The information contained in the confidential attachment Contract 2023-037 Seaspray Levee Bank Upgrade Works and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 December 2022 because it relates to the following grounds: (g)(ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

**CARRIED**

*The Mayor announced the successful tenderer as Macalister Earthmoving Pty Ltd.*



## 16.4. PAVEMENT REPAIR WORKS PANEL TENDER

### ACTION OFFICER: MANAGER BUILT ENVIRONMENT

#### PURPOSE

The purpose of this report is for Council to consider entering into a Schedule of Rates Panel Tender contract 2022-090 for Pavement Repair Works.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

##### *That Council:*

- 1. *Receives and considers this report and all attachments pertaining to this report; and***
- 2. *Accepts the Schedule of Rates for Pavement Repair Works for a two-year term with two extension options of twelve months to be made available solely at Council's discretion as outlined in the Confidential Attachment and as submitted by:***
  - *SuperSealing Pty Ltd***
  - *Tiber Bond Pty Ltd***
  - *Cranes Asphalting and Bitumen Sealing Pty Ltd***
  - *McInnes Earthmoving Pty Ltd***
  - *Fowlers Asphalting Pty Ltd***
- 3. *The information contained in the confidential attachment Contract 2022-090 Tender Evaluation Pavement Repair Works Schedule of Rates and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 6 December 2022 because it relates to the following grounds: (g) (ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

##### **COUNCILLOR RIPPER / COUNCILLOR MAHER**

##### *That Council:*

- 1. *Receives and considers this report and all attachments pertaining to this report; and***
- 2. *Accepts the Schedule of Rates for Pavement Repair Works for a two-year term with two extension options of twelve months to be made available solely at Council's discretion as outlined in the Confidential Attachment and as submitted by:***
  - *SuperSealing Pty Ltd***
  - *Tiber Bond Pty Ltd***

- **Cranes Asphaltting and Bitumen Sealing Pty Ltd**
- **McInnes Earthmoving Pty Ltd**
- **Fowlers Asphaltting Pty Ltd**

3. ***The information contained in the confidential attachment Contract 2022-090 Tender Evaluation Pavement Repair Works Schedule of Rates and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 6 December 2022 because it relates to the following grounds: (g) (ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

**CARRIED**

## **16.5. CAPITAL WORKS ADJUSTED BUDGET NOVEMBER UPDATE**

### **ACTION OFFICER: MANAGER ASSETS AND PROJECTS**

#### **PURPOSE**

The purpose of this report is to provide Council with an update and seek approval of the changes to the Capital Works Program to date for the 2022/2023 financial year.

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

NIL

#### **RECOMMENDATION**

***That Council approve changes to the 2022/2023 Adopted Capital Works Budget of \$43,608,240 resulting in an Adjusted Capital Works Budget of \$49,424,286 as described below:***

1. ***Approve the Budget Changes to the current Adjusted Capital Works Budget 2022/2023 as shown in Attachment One; and***
2. ***Remove projects that are to be deferred or removed for reasons as per Attachment Two.***

#### **COUNCILLOR STEPHENS / COUNCILLOR TATTERSON**

***That Council approve changes to the 2022/2023 Adopted Capital Works Budget of \$43,608,240 resulting in an Adjusted Capital Works Budget of \$49,424,286 as described below:***

1. ***Approve the Budget Changes to the current Adjusted Capital Works Budget 2022/2023 as shown in Attachment One; and***
2. ***Remove projects that are to be deferred or removed for reasons as per Attachment Two.***

**CARRIED**

## 16.6. AQUA ENERGY REDEVELOPMENT

### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to consider the tenders received for the redevelopment of Aqua Energy, 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 2023-029 Aqua Energy Redevelopment and not award a contract at this time; and*
- 2. The information contained in the confidential attachment Contract 2023-029 Aqua Energy Redevelopment and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 6 December 2022 because it relates to the following grounds: (g)(ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;  
be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

**COUNCILLOR TATTERSON / COUNCILLOR MCKENZIE**

*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 not award a contract at this time; and*
- 2. The information contained in the confidential attachment Contract 2023-029 Aqua Energy Redevelopment and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 6 December 2022 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.*

**CARRIED**

## 16.7. PROPOSED SALE OF ROAD AND LAND - 28 DESAILLY STREET, SALE

### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to consider the proposed sale of land, being the road at the rear of 28 Desailly Street in Sale.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

##### *That:*

- 1. Pursuant to Section 114 of the Local Government Act 2020, Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolve to advertise its intention to discontinue and to sell the road reserve abutting the rear of 28 Desailly St in Sale by private treaty; and*
- 2. Council place a public notice of the proposal, in a local newspaper and serve a copy of the notice on abutting property owners and statutory authorities; and*
- 3. Council appoint three Councillors plus an alternative representative to form the 'Road Discontinuance Committee – 28 Desailly Street' that is established by Council under section 223(1)(b)(i) of the Local Government Act 1989, to consider written submissions/objections and to hear any persons who in their written submission under section 223 of the Local Government Act 1989, have requested that they be heard in support of their submission/objection; and*
- 4. In the event of no objections, Council resolve to discontinue the road abutting the rear of 28 Desailly Street, Sale and place a notice in the Victoria Government Gazette; and*
- 5. Council authorise the Chief Executive Officer to sell the land to the abutting property owner at no less than current market value in accordance with the confidential attachment and Wellington Shire Council Policy 3.3.5 - Sale, Exchange and Acquisition of Land and to sign and seal any documents to facilitate the transfer of land.*

##### COUNCILLOR MCKENZIE / COUNCILLOR MAHER

##### *That:*

- 1. Pursuant to Section 114 of the Local Government Act 2020, Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolve to advertise its intention to discontinue and to sell the road reserve abutting the rear of 28 Desailly St in Sale by private treaty; and*
- 2. Council place a public notice of the proposal, in a local newspaper and serve a copy of the notice on abutting property owners and statutory authorities; and*
- 3. Council appoint three Councillors, being Councillor McKenzie, Councillor Bye and Councillor Stephens, plus an alternative representative, being Councillor Maher, to form the 'Road Discontinuance Committee – 28 Desailly*

*Street' that is established by Council under section 223(1)(b)(i) of the Local Government Act 1989, to consider written submissions/objections and to hear any persons who in their written submission under section 223 of the Local Government Act 1989, have requested that they be heard in support of their submission/objection; and*

- 4. In the event of no objections, Council resolve to discontinue the road abutting the rear of 28 Desailly Street, Sale and place a notice in the Victoria Government Gazette; and*
- 5. Council authorise the Chief Executive Officer to sell the land to the abutting property owner at no less than current market value in accordance with the confidential attachment and Wellington Shire Council Policy 3.3.5 - Sale, Exchange and Acquisition of Land and to sign and seal any documents to facilitate the transfer of land.*

**CARRIED**

## **16.8. PORT OF SALE MOORINGS UPGRADE**

### **ACTION OFFICER: MANAGER ASSETS AND PROJECTS**

#### **PURPOSE**

The purpose of this report is for Council to consider entering into a contract for the Port of Sale Moorings upgrade works.

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

#### **RECOMMENDATION**

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

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-081 Port of Sale Mooring Upgrade; and*
- 2. The information contained in the confidential attachment Contract 2022-081 Port of Sale Mooring Upgrade; and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 December 2022 because it relates to the following grounds: (g)(ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

**COUNCILLOR ROSSETTI / COUNCILLOR MAHER**

***Motion Opposed by Councillor Tatterson***

***Councillors For: Councillor Stephens, Councillor Crossley, Councillor Ripper, Councillor Rossetti, Councillor Maher***

**Councillors Opposed: Councillor Tatterson, Councillor Wood, Councillor Bye, Councillor McKenzie**

**That:**

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2022-081 Port of Sale Mooring Upgrade; and**
- 2. The information contained in the confidential attachment Contract 2022-081 Port of Sale Mooring Upgrade; and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 9 December 2022 because it relates to the following grounds: (g)(ii) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.**

**CARRIED**

*The Mayor announced the successful tenderer as Carter Marine Group Pty Ltd.*

## 17. GENERAL MANAGER COMMUNITY AND CULTURE

### 17.1. AQUA ENERGY - LAND ACQUISITION

#### ACTION OFFICER: GENERAL MANAGER COMMUNITY AND CULTURE

#### PURPOSE

To seek Council authorisation to complete the acquisition of 1,520 metres of vacant land situated adjacent to Aqua Energy, Sale, currently within property: 190 Foster Street, Sale (Sale Community Bowls Club Inc.). Noting the land is required for the Aqua Energy Redevelopment, including construction practices, improved amenity, and services, along with future proofing currently land locked land parcel, including space for planned environmental sustainability initiatives.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That:*

- 1. Council authorise the Chief Executive Officer to acquire 1,520 metres of vacant land as shown on draft plan situated adjacent to Aqua Energy, currently within property: 190 Foster Street, Sale (Sale Community Bowls Club Inc.) up to the value of \$425,000 (excluding GST.). Acknowledging the land is required for the Aqua Energy Redevelopment, including construction practices, improved amenity, and services, along with future proofing currently land locked land parcel, including space for planned environmental sustainability initiatives.***
- 2. Council utilise budget provision from available funds within 'Aqua Energy Land Purchase' and Aqua Energy Redevelopment budget in the 2022/23 Financial Year.***
- 3. The information contained in the confidential attachments; 'Valuation Reports; - 'Part 190 Foster Street, Sale' and 'Southwest Bowling Green, Part Lakeside Bowls Club' and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 8 December 2022 because it relates to the following grounds: (a) Council Business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

**COUNCILLOR STEPHENS / COUNCILLOR ROSSETTI**

*That:*

- 1. Council authorise the Chief Executive Officer to acquire 1,520 metres of vacant land as shown on draft plan situated adjacent to Aqua Energy, currently within property: 190 Foster Street, Sale (Sale Community Bowls Club Inc.) up to the value of \$425,000 (excluding GST.). Acknowledging the land is required for the Aqua Energy Redevelopment, including construction practices, improved amenity, and services, along with future proofing currently land locked land parcel, including space for planned environmental sustainability initiatives.***



- 2. Council utilise budget provision from available funds within 'Aqua Energy Land Purchase' and Aqua Energy Redevelopment budget in the 2022/23 Financial Year.**
- 3. The information contained in the confidential attachments; 'Valuation Reports; - 'Part 190 Foster Street, Sale' and 'Southwest Bowling Green, Part Lakeside Bowls Club' and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the Chief Executive Officer on 8 December 2022 because it relates to the following grounds: (a) Council Business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;  
be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.**

**CARRIED**



## 18. 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 –

**Anita Muller, Wurruk:** requested that Council make the main street in Sale more festive for Christmas.

The CEO confirmed that Council have responded directly to Anita and advised of Council's business support measures across the municipality and noted that no further action would be required.

### FURTHER GALLERY COMMENT – NIL

Meeting declared closed at: 7:08pm

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

## **19. IN CLOSED SESSION**

### **COUNCILLOR**

*That the meeting be closed to the public pursuant to Section 66(2) of the Local Government Act 2020 to consider matters under Section 66(5)(b) as defined by Section 3(1) being:*

- a) Council business information*
- b) Security information*
- c) Land use planning information*
- d) Law enforcement information*
- e) Legal privileged information*
- f) Personal information*
- g) Private commercial information*
- h) Confidential meeting information*
- i) Internal arbitration information*
- j) Councillor Conduct Panel confidential information*
- k) Information prescribed by the regulations to be confidential information*
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989*

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**IN CLOSED SESSION**

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### **COUNCILLOR**

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