

Unconfirmed Minutes

Council Meeting

Tuesday, 27 February 2024

Commencing at 6:00 PM

Council Chamber
Functions Centre
45 Princes Highway
Werribee

BUSINESS

Attendance

Councillors

Cr Jennie Barrera
 Cr Adele Hegedich
 Cr Jasmine Hill
 Cr Josh Gilligan
 Cr Marcel Mahfoud
 Cr Heather Marcus
 Cr Peter Maynard
 Cr Susan McIntyre
 Cr Sahana Ramesh
 Cr Robert Szatkowski

Officers

Stephen Wall	Chief Executive Officer
Mark Ward	Acting Director Planning & Liveability
Liana Thompson	Director City Life
Amanda Smith	Director City Operations
David Dudart-Aberdeen	Acting Director Corporate Services
Adem Saban	Acting Chief of Staff
Martina Simkin	Coordinator Governance
Renée Smith	Council Business Officer
Megan Bartolo	Governance Policy and Projects Advisor
Linda Smith-Thompson	Governance Officer

1. Opening Prayer and Welcome

The Mayor, CR JENNIE BARRERA, welcomed all in attendance to the meeting.

2. Apologies and Requests for Leave

The Chief Executive Officer, Stephen Wall, advised that CR MIA SHAW is an apology for the meeting

MOTION:

CR PETER MAYNARD / CR JASMINE HILL

That an apology be accepted on behalf of CR MIA SHAW.

(CARRIED)

3. Declaration by Councillors of Disclosure of Conflict of Interest/Conflicting Personal Interest in Any Item of the Agenda

Cr JASMINE HILL declared the following conflicts of interest:

- A general interest (public) in accordance with s 127(2) of the *Local Government Act 2020* in item 10.1 Community Grant Program - Approval of the Large (Annual) Community Grant Round Part B.
- A general interest (public) in accordance with s 127(2) of the *Local Government Act 2020* in item 11.1 Notice of Motion 638 - Ensuring equity and fairness of legal representation at VCAT over CCP matter.
- A general interest (public) in accordance with s 127(2) of the *Local Government Act 2020* in Confidential item 15.2.

Cr JOSH GILLIGAN declared the following conflicts of interest:

- A material interest (pecuniary or non-pecuniary) in accordance with s 128(2) of the *Local Government Act 2020* in item 11.1 Notice of Motion 638 - Ensuring equity and fairness of legal representation at VCAT over CCP matter.
- A general interest (public) in accordance with s 127(2) of the *Local Government Act 2020* in Confidential item 15.2.

Cr SUSAN McINTYRE declared a general interest (public) in accordance with s 127(2) of the *Local Government Act 2020* in item 10.1 Community Grant Program - Approval of the Large (Annual) Community Grant Round Part C.

Cr JENNIE BARRERA declared a general interest (private) in accordance with s 127(2) of the *Local Government Act 2020* in item 10.1 Community Grant Program - Approval of the Large (Annual) Community Grant Round Part D.

4. Confirmation of Minutes of Previous Meeting

MOTION:

CR PETER MAYNARD / CR SAHANA RAMESH

That the Minutes of the Council Meeting held at 7pm on Tuesday 19 December 2023 as prepared and circulated, be confirmed.

(CARRIED)

5. Deputations and Presentations

Nil.

6. Petitions

- 6.1. Petition 06/23 - Request for removal of commercial entrance from Kruger Road and Manda Circuit, Tarneit

MOTION:

CR PETER MAYNARD / CR MARCEL MAHFOUD

That Council:

1. Receive and note the Petition in relation to the request for removal of the commercial entrance from Kruger Road and Manda Circuit, Tarneit.
2. Receive a report at a future Council Meeting.

(CARRIED)

- 6.2. Petition 01/24 - Request for non-construction proposed footpath Torquata Court, Hoppers Crossing

MOTION:

CR SUSAN MCINTYRE / CR MARCEL MAHFOUD

That Council:

1. Receive and note the Petition objecting to construction of the footpath in Torquata Court, Hoppers Crossing.
2. Receive a report at a future Council Meeting.

(CARRIED)

- 6.3. Table and Response to Petition 02/24 - Request to acknowledge Australia Day

MOTION:

CR JOSH GILLIGAN / CR MARCEL MAHFOUD

That Council:

1. Receive the petition requesting Council to acknowledge Australia Day.
2. Notes Council's program in relation to Australia Day.
3. Write to the lead petitioner advising Council's position.

(CARRIED)

- 6.4. Petition 03/24 - Request for additional 'off street' parking in Nathan Close, Hoppers Crossing

MOTION:

CR PETER MAYNARD / CR SAHANA RAMESH

That Council:

1. Receive and note the Petition requesting additional 'off street' parking in Nathan Close, Hoppers Crossing.
2. Receive a report at a future Council Meeting.

(CARRIED)

Officers' Reports

7. Strategic Reports

- 7.1. Community Quarterly Report - Quarter 2 2023-24

MOTION:

CR JASMINE HILL / CR SUSAN MCINTYRE

That Council note the Quarterly Community Report for Quarter 2, 2023-24.

(CARRIED)

- 7.2. Learning Community Strategy 2018-2023 Community Update #5 2023 – report to community on outcomes.

MOTION:

CR JASMINE HILL / CR SAHANA RAMESH

That Council endorses publication of the Learning Community Strategy 2018- 2023 Community Update #5 - 2023.

(CARRIED)

8. Policy/Advocacy

8.1. Community Garden & Adopt-a-Park Policies

Cr PETER MAYNARD left the Chamber at 6.33pm.

Cr PETER MAYNARD returned to the Chamber at 6.36pm and was present for the vote on Item 8.1.

MOTION:

CR ROBERT SZATKOWSKI / CR MARCEL MAHFOUD

That Council approve the Draft Community Garden Policy and Draft Adopt-A-Park Policy for public comment for a period of five (5) weeks, from 18 March 2024 to 21 April 2024.

(CARRIED)

9. Strategic and Town Planning

9.1. Planning Scheme Amendment C266 - Implementation of The Wyndham Plan

MOTION:

CR ROBERT SZATKOWSKI / CR SUSAN MCINTYRE

That Council:

1. Seek authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to incorporate The Wyndham Plan adopted by Council at its meeting on 24 October 2023 as a background document into the Wyndham Planning Scheme and amend the Municipal Planning Strategy (MPS) to align with The Wyndham Plan.
2. Prepare and give notice of the amendment in accordance with the Minister's authorisation and relevant sections of the *Planning and Environment Act 1987*.

(CARRIED)

9.2. Draft Woodville Place Plan

MOTION:

CR JOSH GILLIGAN / CR MARCEL MAHFOUD

That Council place the Draft Woodville Place Plan on public exhibition for community feedback along with the background Woodville Issues & Opportunities document between 4 March 2024 to 1 April 2024.

(CARRIED)

10. Other Reports

10.1. Community Grant Program - Approval of the Large (Annual) Community Grant Round

MOTION:

CR JOSH GILLIGAN / CR JASMINE HILL

That Council award the following Large Grants for 2023-2024 to the following recipients:

Part A

Applicant	Recommended Amount (excluding GST)	Recommended Amount (including GST)
Left Write Hook Ltd	\$21,880.00	\$24,068.00
Melbourne Bengali Association (MELBA) Inc.	\$15,000.00	\$15,000.00
Essence Theatre Productions	\$39,901.00	\$43,891.10
African Development Centre	\$15,500.00	\$17,050.00
Iramoo Basketball Club	\$4,500.00	\$4,500.00
Sustain: The Australian Food Network	\$40,000.00	\$44,000.00
Sisterworks	\$40,000.00	\$44,000.00
Australian Karen Preserving & Promoting History and Cultural Association Inc	\$20,000.00	\$22,000.00
Werribee Islamic Centre	\$25,000.00	\$27,500.00
Refugee and Migrant Communities Network Inc.	\$25,000.00	\$27,500.00
Wyndham Diwali Incorporated	\$30,000.00	\$30,000.00
Wyndham Park Community Centre Incorporated	\$40,000.00	\$44,000.00
Life Saving Victoria	\$24,957.00	\$27,452.70
Headspace Werribee	\$32,000.00	\$35,200.00
IndianCare Inc	\$35,000.00	\$38,500.00
Team Sports 4 All	\$40,000.00	\$44,000.00
Victorian Cultural Associations Inc	\$30,000.00	\$30,000.00
Victorian Bangladeshi Community Foundation (VBCF) Inc	\$37,500.00	\$37,500.00
TOTAL	\$516,238.00	\$556,161.80

(CARRIED)

CR JASMINE HILL having declared a conflict of interest in this item, left the Chamber at 7.10pm and was absent for the discussion and vote on Item 10.1 Part B.

MOTION:

CR MARCEL MAHFOUD / CR SUSAN MCINTYRE

That Council award the following Large Grants for 2023-2024 to the following recipients:

Part B

Applicant	Recommended Amount (excluding GST)	Recommended Amount (including GST)
Point Cook Cultural Community Incorporated	\$40,000.00	\$40,000.00
TOTAL	\$40,000	\$40,000

(CARRIED)

CR JASMINE HILL returned to the Chamber at 7.11pm and was present for the vote on Item 10.1 Part C and Part D.

CR SUSAN McINTYRE having declared a conflict of interest in this item, left the Chamber at 7.11pm and was absent for the discussion and vote on Item 10.1 Part C.

MOTION:

CR JOSH GILLIGAN / CR JASMINE HILL

That Council award the following Large Grants for 2023-2024 to the following recipients:

Part C

Applicant	Recommended Amount (excluding GST)	Recommended Amount (including GST)
Christmas At The Lakes	\$23,800.00	\$23,800.00
TOTAL	\$23,800	\$23,800

CR SUSAN McINTYRE returned to the Chamber at 7.12pm and was present for the vote on Item 10.1 Part D.

CR JENNIE BARRERA having declared a conflict of interest in this item, left the Chamber at 7.13pm and was absent for the discussion and vote on Item 10.1 Part D. The Deputy Major CR JOSH GILLIGAN chaired the meeting for this item.

MOTION:

CR ADELE HEGEDICH / CR MARCEL MAHFOUD

That Council award the following Large Grants for 2023-2024 to the following recipients:

Part D

Applicant	Recommended Amount (excluding GST)	Recommended Amount (including GST)
WynBay LLEN	\$40,000.00	\$40,000.00
TOTAL	\$40,000	\$40,000

(CARRIED)

CR JENNIE BARRERA returned to the Chamber at 7.14pm and chaired the remainder of the meeting.

10.2. Financial Management Report - Quarter 2 FY 23-24 - July - December 2023

MOTION:

CR ADELE HEGEDICH / CR SUSAN MCINTYRE

That Council notes the information provided in the Financial Management Report for Quarter 2 of the Financial Year 2023-24 as required under Section 97 of the *Local Government Act 2020*.

(CARRIED)

10.3. Capital Projects for Decision

CR ROBERT SZATKOWSKI left the Chamber at 7.18pm.

CR ROBERT SZATKOWSKI returned to the Chamber at 7.21pm and was present for the vote on Item 10.3.

MOTION:

CR JOSH GILLIGAN / CR PETER MAYNARD

That Council:

1. Approve the proposed staging of adopted Capital Works projects to support financial management of the long term capital works program:
 - a. W3126 Tarneit Road duplication, Sayers to Leakes Road – prioritise the intersection at Leakes Road as Stage 1. Deliver the duplication of Tarneit Road as stage 2 with the timing subject to adoption in a future budget.
 - b. W10035 Tarneit Road duplication, Shaws Road to Railway Avenue - prioritise the intersection at Shaws Road as stage 1 and construct in 2024-25 (early works) and 2025-26. Deliver the duplication of Tarneit Road as stage 2 with the timing subject to adoption in a future budget.
2. Note that the above changes will be reflected in future budget and capital program discussions.

(CARRIED)

- 10.4. Update on the proposal to enter into a Lease with Amplitel Pty Ltd for an existing Low Impact Telecommunication Facility located on part of Council's Road Reserve RRS011825 at 120 Point Cook Homestead Road, Point Cook

MOTION:

CR JOSH GILLIGAN / CR PETER MAYNARD

That Council:

1. Grant a lease to Amplitel Pty Ltd for part of Road Reserve RRS011825 at 120 Point Cook Homestead Road, Point Cook for an existing Low Impact Telecommunications Facility for a term of twenty (20) years at \$15,000 gross per annum with fixed 2.5% annual increases.
2. Authorise the Coordinator Strategic Property Management to execute the lease and any associated documents at the appropriate time under the Instrument of Sub-delegation from the Chief Executive Officer to members of Council staff.

(CARRIED)

- 10.5. Enter Into Lease - Unit 2/6 Wallace Avenue Point Cook

MOTION:

CR JOSH GILLIGAN / CR ADELE HEGEDICH

That Council having complied with section 115(4) of the *Local Government Act 2020* (the Act):

1. Grants a lease to Fruit2Work, for the Council owned land at Unit 2, 6 Wallace Avenue Point Cook (the Property), a 2,950m² industrial allotment located on the corner of Linmax Court and Wallace Avenue in Point Cook for a bottle recycling facility at a commencing rental of \$153,180 per annum plus GST plus outgoings for an initial term of 5 years with two further option terms of 3 years each consistent with the Wyndham City Lease and Licence Policy.
2. Authorise the relevant delegate to execute the lease and any associated documents at the appropriate time, subject to the approval of Planning and Building permits.

(CARRIED)

COUNCILLOR JOSH GILLIGAN CALLED FOR A **DIVISION** ON THE VOTE. The DIVISION was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
CR SUSAN McINTYRE	CR SAHANA RAMESH
CR JOSH GILLIGAN	CR JASMINE HILL
CR ADELE HEGEDICH	CR MARCEL MAHFOUD
CR PETER MAYNARD	CR ROBERT SZATKOWSKI
CR JENNIE BARRERA	CR HEATHER MARCUS
TOTAL (5)	TOTAL (5)

Due to a tied vote, the Mayor exercised her casting vote. The motion was CARRIED.

- 10.6. Enter into Lease with Early Years Providers for Three Kindergartens on School Sites

MOTION:

CR JOSH GILLIGAN / CR MARCEL MAHFOUD

That Council having complied with Section 115(4) of the *Local Government Act 2020 (the Act)*:

1. Grant Leases to the following Three Early Years Providers.
 - Try Australia Children's Services (Trading as Sparkways) for the Kindergarten at Laa Yulta Primary School, 20 Lecture Circuit, Mambourin, for a term of five (5) years with one (1) further term option of five (5) years at a rate consistent with the Early Years Partnership Framework and Costings Model
 - Early Childhood Management Services (ECMS) for the Kindergarten at Warreen Primary School, 40 Boulder Avenue, Truganina, for a term of five (5) years with one (1) further term option of five (5) years at a rate consistent with the Early Years Partnership Framework and Costings Model.
 - Early Childhood Management Services (ECMS) for the Kindergarten at Wimba Primary School, 25 Tuition Drive, Tarneit, for a term of five (5) years with one (1) further term option of five (5) years at a rate consistent with the Early Years Partnership Framework and Costings Model
2. Authorise the relevant Delegate to execute the Leases and any associated documents at the appropriate time.

(CARRIED)

- 10.7. Naming of Regional Football Facility Reserve and Pavilion (Public Notice)

MOTION:

CR JOSH GILLIGAN / CR MARCEL MAHFOUD

That Council:

1. Notes the results of the community voting poll for the preferred name for the Regional Football Facility (interim name) Reserve and Pavilion located at the Wyndham Stadium Precinct, Tarneit.
2. Support naming the Regional Football Facility Reserve and Pavilion as Ironbark Fields and Ironbark Pavilion.
3. Undertake a public notification process in relation to the proposed names.
4. Receive a further report at a future Council Meeting on the naming proposal following the public notice period.

(CARRIED)

- 10.8. Re-naming of existing road Lucky Walk to Lyra Lane, Truganina (Public Notice)

CR PETER MAYNARD left the Chamber at 7.59pm and was not present

for the vote on Item 10.8.

MOTION:

CR ADELE HEGEDICH / CR SAHANA RAMESH

That Council:

1. Support re-naming the road currently known as Lucky Walk, Truganina as Lyra Lane.
2. Undertake a public notification process in relation to the re-naming proposal, seeking feedback regarding the proposed name.
3. Receive a further report at a future Council Meeting on the naming proposal following the public notice period.

(CARRIED)

- 10.9. Naming of Unnamed Road servicing the new Wyndham Law Courts (Approval)

Cr PETER MAYNARD returned to the Chamber at 8.02pm and was present for the vote on Item 10.9.

MOTION:

CR ADELE HEGEDICH / CR MARCEL MAHFOUD

That Council:

1. Approve the name Basalt Close for the road that will service the Wyndham Law Courts.
2. Submit the name to the Registrar of Geographic Names for consideration and inclusion in VICNAMES.
3. Advise stakeholders of the road name once gazetted and official registration has occurred.

(CARRIED)

- 10.10. Councillor Expense Report - 1 July 2023 to 30 September 2023

MOTION:

CR JASMINE HILL / CR PETER MAYNARD

That Council note the Councillor expenses for the period 1 July 2023 to 30 September 2023 as attached to this report.

(CARRIED)

- 10.11. Portfolio Committee Report

CR JOSH GILLIGAN left the Chamber at 8.05pm and was absent for the vote on Item 10.11.

MOTION:

CR PETER MAYNARD / CR SUSAN MCINTYRE

That Council note the minutes of the following Portfolio Committee meetings:

- Healthy City - 14 November 2023
- Community Safety - 20 November 2023

- Learning City - 22 November 2023
- Destination Wyndham - 11 December 2023
- Active City - 12 December 2023
- Smart Cities - 19 December 2023
- Welcoming City - 20 December 2023
- Community Safety - 21 December 2023
- Community Safety - 25 January 2024

(CARRIED)

11. Notices of Motion

- 11.1. Notice of Motion 638 - Ensuring equity and fairness of legal representation at VCAT over CCP matter

CR JOSH GILLIGAN having declared a conflict of interest in this item left the Chamber at 8.05pm, and was absent for the discussion and vote on Item 11.1.

CR JASMINE HILL having declared a conflict of interest in this item left the Chamber at 8.07pm, and was absent for the discussion and vote on Item 11.1.

The Chief Executive Officer, Stephen Wall, left the Chamber at 8.07pm, and was absent for the discussion and vote on Item 11.1.

NOTICE OF MOTION:

1. That Council notes:
 - a. A current legal proceeding brought by Cr Jasmine Hill at VCAT against the Councillor Conduct Panel (CCP) members and Cr Gilligan;
 - b. That Cr Jasmine Hill has been indemnified for her CCP legal costs, with Council paying the initial \$50,000 excess;
 - c. The VCAT Order confirming the right to legal representation for all parties in the action brought by Cr Jasmine Hill;
 - d. Council's endorsement of the release of material against Cr Hill in connection with the serious misconduct allegations of bullying towards Council staff; and
 - e. Council's adopted position to take a zero tolerance of workplace bullying by a councillor towards council staff.
2. That Council authorise the provision of legal counsel for Cr Josh Gilligan in connection with the VCAT proceedings initiated by Cr Jasmine Hill in appealing the Councillor Conduct Panel decision.

ALTERNATIVE MOTION:

CR ADELE HEGEDICH / CR SUSAN MCINTYRE

That in the interests of procedural fairness, that in the matter of Hill v Gilligan et al VCAT reference Z1021/2023 Council fund up to \$50k of legal fees for the first respondent, Cr Josh Gilligan.

(LOST)

COUNCILLOR ADELE HEGEDICH CALLED FOR A **DIVISION** ON THE VOTE.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
CR ADELE HEGEDICH	CR SAHANA RAMESH
CR JENNIE BARRERA	CR MARCEL MAHFOUD
	CR SUSAN McINTYRE
	CR PETER MAYNARD
	CR ROBERT SZATKOWSKI
	CR HEATHER MARCUS
TOTAL (2)	TOTAL (6)

(LOST)

CR JASMINE HILL, CR JOSH GILLIGAN and the Chief Executive Officer, Stephen Wall returned to the Chamber at 8.25pm.

12. Council Seal

- 12.1. Awarding of Contract - N400443 - Recruitment, Training & Associated Services – 2312/0618 to Comensura Pty Ltd

MOTION:

CR PETER MAYNARD / CR JASMINE HILL

That Council:

1. Award Contract number N400443 – Recruitment, Training & Associated Services – 2312/0618 to Comensura Pty Ltd for the provision of a Managed Services Program (MSP) Provider for Contingent Labour. for the indicative cost of \$14,153,905.00 (excl. GST) for the initial inductive term of three Years until 31 March 2027.
 - a. Appoint temporary Labour in accordance with the Schedule of Rates
 - b. Approve variations to the contract up to the contingency value noted in the Financial Section of this report which are subject to growth and future adopted budgets.
2. Advise all parties accordingly.

(CARRIED)

- 12.2. Awarding of Contract - N400449 - Wyndham West Open Space Maintenance

MOTION:

CR PETER MAYNARD / CR MARCEL MAHFOUD

That Council:

1. Award contract N400449 – Wyndham West Open Space Maintenance to BJE Constructions Pty Ltd for the initial contract term of three (3) years.
2. Authorise the Manager Open Space to approve contract extensions, variations and contingencies to contract N400449.
3. Approve the Manager Open Space to authorise payments as per the approved Schedule of Rates, in accordance with Council's allocated budget.
4. Sign and seal the contract.
5. Advise all tenderers accordingly.

(CARRIED)

12.3. Awarding of Contract - N400447 - Wyndham East Open Space Maintenance

MOTION:

CR MARCEL MAHFOUD / CR JASMINE HILL

That Council:

1. Award contract N400447 – Wyndham East Open Space Maintenance to Mickett Services for the initial contract term of three (3) years.
2. Authorise the Manager Open Space to approve contract extensions, variations and contingencies to contract N400447.
3. Approve the Manager Open Space to authorise payments as per the approved Schedule of Rates, in accordance with Council's allocated budget.
4. Sign and seal the contract.
5. Advise all tenderers accordingly.

AMENDMENT:

CR ROBERT SZATKOWSKI / CR HEATHER MARCUS

That Council:

1. Award contract N400447 – Wyndham East Open Space Maintenance to Mickett Services for the initial contract term of one (1) year.
2. Authorise the Manager Open Space to approve contract extensions, variations and contingencies to contract N400447.
3. Approve the Manager Open Space to authorise payments as per the approved Schedule of Rates, in accordance with Council's allocated budget.
4. Sign and seal the contract.
5. Advise all tenderers accordingly.

(LOST)

COUNCILLOR JOSH GILLIGAN CALLED FOR A **DIVISION** ON THE VOTE.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
CR ROBERT SZATKOWSKI	CR SAHANA RAMESH
CR HEATHER MARCUS	CR JASMINE HILL
CR MARCEL MAHFOUD	CR SUSAN McINTYRE
	CR JOSH GILLIGAN
	CR JOSH GILLIGAN
	CR PETER MAYNARD
	CR JENNIE BARRERA
TOTAL (3)	TOTAL (7)

(LOST)

MOTION:

CR MARCEL MAHFOUD / CR JASMINE HILL

That Council:

1. Award contract N400447 – Wyndham East Open Space Maintenance to Mickett Services for the initial contract term of three (3) years.
2. Authorise the Manager Open Space to approve contract extensions, variations and contingencies to contract N400447.
3. Approve the Manager Open Space to authorise payments as per the approved Schedule of Rates, in accordance with Council's allocated budget.
4. Sign and seal the contract.
5. Advise all tenderers accordingly.

(CARRIED)

COUNCILLOR JOSH GILLIGAN CALLED FOR A **DIVISION** ON THE VOTE.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST
CR SAHANA RAMESH	CR ROBERT SZATKOWSKI
CR JASMINE HILL	CR HEATHER MARCUS
CR MARCEL MAHFOUD	
CR SUSAN McINTYRE	
CR JOSH GILLIGAN	
CR ADELE HEGEDICH	
CR PETER MAYNARD	
CR JENNIE BARRERA	
TOTAL (8)	TOTAL (2)

(CARRIED)

12.4. Awarding of Contract - N400454 - Hard and Green Waste Collection Services

MOTION:

CR PETER MAYNARD / CR JOSH GILLIGAN

That Council:

1. Award contract N400454 - Hard & Green Waste Collection Services to Four Seasons Waste Pty Ltd (ABN (ACN 073 031 74; ABN: 41 769 825 743) under a schedule of rates based on the pricing submitted for Option A (collections on a specific day of the designated week), from 9 November 2024 to 8 November 2029 with a single two (2) year extension option.
2. Authorise Manager Refuse Disposal Facility to approve variations and extensions to contract N400454 - Hard & Green Waste Collection Services in accordance with Council's financial delegations and Council's allocated budget.
3. Approve the Manager Refuse Disposal Facility to authorise payments as per the approved Schedule of Rates, in accordance with Council's allocated budget.
4. Sign and seal the contract.
5. Advise all tenderers accordingly.

(CARRIED)

12.5. Awarding of Contract - N400446 - Polly Parade Reserve Active Open Space - Design & Construction

MOTION:

CR JOSH GILLIGAN / CR MARCEL MAHFOUD

That Council:

1. Award contract - Contract No. N400446 - Polly Parade Reserve Active Open Space - Design & Construction to Ace Landscape Services Pty Ltd ACN 131 093 500 for the sum of \$12,007,466.58 (GST Inclusive).
2. Authorise the Manager Facilities & Projects to approve variations and identified contingencies to contract N400446.
3. Sign and seal the contract.

(CARRIED)

12.6. Awarding of Contract - N400458 - Construction of Landfill Cell 7 Basal Liner and Landfill Cell 4 West Interim Cap

MOTION:

Cr ROBERT SZATKWOSKI left the Chamber at 9.01pm and was not present for the vote on Item 12.6.

CR MARCEL MAHFOUD / CR HEATHER MARCUS

That Council:

1. Award contract N400458 Construction of Landfill Cell 7 Basal Liner & Landfill Cell 4 West Interim Cap to Shamrock Civil Engineering Pty. Ltd. (ACN 066 655 856; ABN: 68 066 655 856) under a Lump Sum to the value of \$9,650,516.00.
2. Authorise Manager Refuse Disposal Facility to approve provisional items and variations under approved contingency to N400458 Construction of Landfill Cell 7 Basal Liner & Landfill Cell 4 West Interim Cap in accordance with Council's financial delegations and Council's allocated budget.
3. Authorise Manager Refuse Disposal Facility to approve payments as per the Contract, in accordance with Council's allocated budget.
4. Sign and seal the contract.
5. Advise all tenderers accordingly.

(CARRIED)

13. Questions with Notice from Public Gallery

Cr ROBERT SZATKOWSKI returned to the Chamber at 9.04pm.

Two questions received from Patrizia Barcatta

Question 1

According to the Councillor Expense Report 1 July 2023 to 30 September 2023 - one councillor spent a large amount above all other councillors. What was the \$5,839.00 used for? And what was the other category for \$125.00 regarding? As this was not listed in the report what the expense was for.

Response:

The amount of \$5,839.00 incurred by Cr Adele Hegedich under the category of Councillor Development /Conferences and Training relates to the Australian Institute of Company Directors (AICD) course (registration for self-paced online version) and AICD annual membership fee. Cr Hegedich chose to complete the course via the self-paced online option which is several thousand dollars cheaper than the face-to- face course format.

The \$125 reimbursement amount noted for Councillors Hill, Szatkowski, Ramesh and McIntyre is the cost of a ticket to a special Aged Care Event attended by those councillors in their capacity as councillors.

Question 2

In the same report - Council operating revenue increased by 7.7million dollars that was not budgeted for due to increased interest rates for term deposits from banking institutions and some unbudgeted operating grants received.

Then total operating expenses was lower by 3.9 million. Where did this extra 11.6 million dollars go towards? Council cried poor and are now delaying capital works projects.

Response:

The additional revenue and the reduced expenditure mentioned in your query will be used as follows:

- The increased revenue from investment interest relates to funding Council has received or collected in advance and kept in reserves for future capital

projects related to new development areas. This interest is applied to the reserve balances that the interest is earned from, and is intended to partially offset the impact of inflation from now to when the project can be undertaken.

- The additional grants received will be required to fund the specific projects or services related to the purpose of the grant.
- The \$3.6M in lower (YTD) expenses is a timing variance, which means Council is still expecting the service or the good to be received and expended in this financial year.

Please note that 23/24 budget already considers the funding and the funding sources needed for the capital works projects (Page 45-48 of the 23/24 Annual Plan & Budget). However, sometimes there are delays of which Council does not have full control (because of the size of the project, changes in the cost of projects or delays in external approvals and steps) and are not related to a lack of available funding for the originally planned project.

Two questions received from Monica Dewhurst

Question 1

What is Council doing about the lake at Presidents Park now that it has been drained and left with unsightly rubbish such as old tyres, rusting metal, and rubbish bins?

Response:

The lake at Presidents Park was emptied in 2023 as a result of reoccurring algae growth. The Presidents Park Master Plan identifies opportunities to enhance the lake and surrounds, including developing the circuit path and improving water quality. This component of the Master Plan is part of a package of design works currently funded and being delivered by Council. Council is in consultation with Melbourne Water concerning future inflows into the lake. The design is expected to be completed in 2024, with construction subject to funding. In the meantime, Council has a schedule for removing litter and waste from the lake, as well as dumped rubbish.

Question 2

Why have trees been left to die along the pathway walk along the back of the IGA supermarket in Honour Ave?

Response:

A number of trees were recently damaged during the storm event on Tuesday 13 February 2024. As a result, Council is currently working through a backlog of requests that were received reporting tree damage, including the trees at the rear of the IGA in Honour Avenue. The trees that are visibly unhealthy or have been structurally compromised will be removed unfortunately over the coming weeks, and replanted in the latter half of this year's planting season, which is between June and September.

One question was received from Shane Cockburn for this meeting, however Mr Cockburn was not present.

14. Urgent Business

Nil.

15. Confidential Business

MOTION:

CR ROBERT SZATKOWSKI / CR JASMINE HILL

That pursuant to Section 66(1) and (2)(a) of the Local Government Act 2020, this meeting of Council be closed to members of the public in order for Council to discuss the following confidential matter/s:

15.1 Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

15.2 Legal privileged information, being information to which legal professional privilege or client legal privilege applies.

(CARRIED)

CR JOSH GILLIGAN requested that it be noted that he was opposed to closing the meeting for Item 15.2 of the confidential agenda. CR GILLIGAN stated that he believes it is a matter of significant public interest in relation to how and why people vote a certain way in relation to 15.2.

CR JASMINE HILL noted she is not speaking for or against but she had requested for this item to be debated in the public arena but had received legal advice that this item should be considered as a confidential item.

The CEO advised that as with any confidential item of business Council could resolve to make it public within the confidential section of the meeting. Advice was provided to all councillors that it be considered in confidential business so as not to prejudice any party.

COUNCILLOR JOSH GILLIGAN CALLED FOR A **DIVISION** ON THE VOTE. The DIVISION was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR	AGAINST	ABSTAIN
CR SAHANA RAMESH	CR JOSH GILLIGAN	CR JASMINE HILL
CR MARCEL MAHFOUD		
CR SUSAN MCINTYRE		
CR ADELE HEGEDICH		
CR PETER MAYNARD		
CR ROBERT SZATKOWSKI		
CR HEATHER MARCUS		
CR JENNIE BARRERA		
TOTAL (8)	TOTAL (1)	TOTAL (1)

(CARRIED)

CR JOSH GILLGIAN left the meeting at 9.13pm and did not return.

The meeting was closed to the public at 9.13pm.

Resolutions of the confidential information were made whilst the meeting was closed members of the public.

The meeting was re-opened to members of the public at 9.28pm.

Cr Jasmine Hill and the Chief Executive Officer, Mr Stephen Wall, returned to the Chamber at 9.28pm.

Prior to closing the meeting the Mayor acknowledged and thanked Emily Keogh, Executive Manager Corporate Affairs, for her 21 years of service to Wyndham City Council and wished her all the very best for her new position.

16. Close of Meeting

The meeting was declared closed at 9.30pm.

Unconfirmed