



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

Council Meeting Agenda

Meeting to be held at

Port Of Sale Civic Centre

Foster Street, Sale

Tuesday 19 August 2014, commencing at 6pm

**or join Wellington on the Web:
www.wellington.vic.gov.au**

ORDINARY MEETING OF COUNCIL – 19 AUGUST 2014

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Council Meeting Information

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Members of the public who are not in attendance at the Council meeting but who wish to communicate with the Council via the webcasting chat room should lodge their questions or comments early in the meeting to ensure that their submissions can be dealt with at the end of the meeting.

Please could gallery visitors and Councillors ensure that mobile phones and other electronic devices are turned off or in silent mode for the duration of the meeting.



A - PROCEDURAL



STATEMENT OF ACKNOWLEDGEMENT

***“We acknowledge the traditional custodians
of this land the Gunaikurnai people,
and pay respects to their elders past and present”***



PRAYER

***“Almighty God, we ask your blessing upon the Wellington
Shire Council, its Councillors, officers, staff and their families.
We pray for your guidance in our decisions so that the
true good of the Wellington Shire Council may result to
the benefit of all residents and community groups.”***

Amen



A - PROCEDURAL

A4 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

ITEM A4**ADOPTION OF MINUTES OF PREVIOUS MEETING/S**

ACTION OFFICER:

GENERAL MANAGER GOVERNANCE

DATE:

19 AUGUST 2014

OBJECTIVE

To adopt the minutes of the Ordinary Council Meeting of 5 August 2014 as tabled.

CONFLICT OF INTEREST

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

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 5 August 2014 as tabled.



A - PROCEDURAL

A5 BUSINESS ARISING FROM PREVIOUS MEETING/S

ITEM A5

BUSINESS ARISING FROM PREVIOUS MEETING/S

ACTION OFFICER

CHIEF EXECUTIVE OFFICER

DATE:

19 AUGUST 2014

ITEM	FROM MEETING	COMMENTS	ACTION BY
Nil			



A - PROCEDURAL

A6 ACCEPTANCE OF LATE ITEMS



A - PROCEDURAL

A7 NOTICE/S OF AMENDMENT OR RESCISSION



A - PROCEDURAL

A8 NOTICE/S OF MOTION



A - PROCEDURAL

A9 RECEIVING OF PETITIONS OR JOINT LETTERS

ITEM A9(1)

OUTSTANDING PETITIONS

ACTION OFFICER

GOVERNANCE

DATE:

19 AUGUST 2014

ITEM	FROM MEETING	COMMENTS	ACTION BY
Nil			

ITEM A9(2)**RECEIPT OF PETITION: REPLACEMENT OF THE GUM TREE ON COUNCIL LAND SITUATED AT 10 McDONALD COURT, SALE**

DIVISION: BUILT & NATUTRAL ENVIRONMENT
 ACTION OFFICER: MANAGER NATURAL ENVIRONMENT & PARKS
 DATE: 19 AUGUST 2014

Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
		✓							

OBJECTIVE

To present Council with a petition in relation to the replacement of the gum tree on Council land situated at 10 McDonald Court, Sale.

BACKGROUND

A petition containing 22 signatures has been received by Council.

A copy of the petition is attached for Council information.

LEGISLATIVE IMPACT

Section L6.59 of Wellington Shire Council Processes of Municipal Government (Meetings and Common Seal) Local Law No 1 provides for petitions and joint letters:

“A petition or joint letter presented to the Council must lay on the table for a period determined by the Council but not exceeding the next two Council Meetings. No motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council unanimously agrees to deal with it earlier.”

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

That Council receive the attached petition relating to the replacement of the gum tree on Council land situated at 10 McDonald Court, Sale.

We, the concerned residents of McDonald Court in Sale, would like to submit to council the attached petition by the residents of McDonald Court for the replacement of the Gum tree on council land situated at 10 McDonald Court.



The screen shot above is from Google Maps.

This tree should be replaced on a number of grounds.

- The tree is inappropriate for its position and not 'fit for purpose'.
- The tree has already damaged the kerbing and road surface of the court.
- The tree litter is a constant problem restricting rainwater flows to the drain.
- The tree litter is a constant problem for resident's property maintenance.
- The tree root system is impacting residents property (namely 8, 10 and 12) specifically number 10.
- The tree regularly drops large branches (of particular concern with young children living in the court.)
- Potential structural damage to the dwelling at number 10 if a branch on the southern side were to drop or the tree was to fall.
- Essential services within the nature strip are at heightened risk of damage due to the root systems e.g. Power and telephone services.



The tree is inappropriate for its position and not 'fit for purpose'.

The Wellington Shire Council has over the past few years appeared to be removing and replacing exceptionally large and inappropriate trees in other areas of Sale, e.g. Raglan Street, King George Avenue and others. The residents view this Gum tree as a problem and would like a suitable replacement more fitting with the surrounding area.

The tree has already damaged the kerbing and road surface of the court.

The stormwater drain for the court is located at the northern end. The trees roots have penetrated under the kerbing lifting it to a point where water egress is restricted. The tree roots have also appeared to lift the edge of the driveway of number 10.

The tree litter is a constant problem restricting rainwater flows to the drain.

The very size and nature of the tree means the amount of leaf litter and material it deposits is very substantial. Previous requests for additional 'street sweeper' support have been unsuccessful due to the sweeper's areas of operation. This tree litter is blown by the wind into the kerbing and into resident's properties. When it rains all this litter in the stormwater system creates numerous drainage issues and minor flooding in the court. During showers this litter solidifies into small dams that are a hazard in their own right.

The tree litter is a constant problem for resident's property maintenance.

The amount of litter distributed throughout the court in the wind is a constant problem for residents. This means (in some instances) daily sweeping and clearing of drains and pathways which would not normally be required with the same level of frequency. Then there is the matter of disposal of all this additional material. With the local transfer station now closed, to expect residents to remove this material to the Kilmany facility is not acceptable. Is every resident in the court going to be issued with an additional council supplied green waste bin and a reduction in our rates to accommodate for the time required to maintain this tree?

The tree root system is impacting residents property (namely 8, 10 and 12) specifically number 10.

The front yard of number 10 is severely damaged by the roots drawing all the water from the grass, the residents of number 8 are having to utilise large amounts of additional water to maintain their existing grass and gardens.

The tree regularly drops large branches (of particular concern with young children living in the court.)

The large branches left in the court from this tree are a hazard to both people and property for the residents. Some of the resident's children ride safely within the court. Branches often fall onto the road even when the weather is only mild. These could easily impact a person or child as walked or rode underneath the tree. Vehicles when they enter or leave the court can run over these branches and part of the branch can flick up damaging the vehicle or with the potential to injure a person nearby. This court is used as a point of access for walkers through the reserve from the streets behind Coverdale Drive through to Somerton Park Road.

McDONALD COURT RESIDENTS PETITION FOR REMOVAL OF THE GUM TREE ON COUNCIL LAND

Tree in question is located on the nature strip at 10 McDonald Court, Sale.


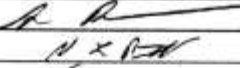

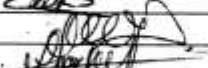
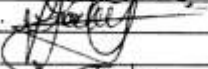
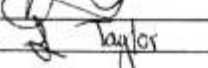
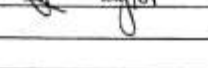
Name	Address	Signed
Beryl Duffy		Beryl Duffy
JUDY McMAHON		J. McMahon
Ken BARBOUR		Ken Barbour
Nichelle Barbour		Nichelle Barbour
CAROLYN BIRDSEY		Carolyn Birdsey
B.J. SAUNDERS		B.J. Saunders
M. CONNORS		M. Connors
BRETT CONNORS		Brett Connors
ROBERT LATHAM		Robert Latham
ROS MATHIESON		Ros Mathieson
MARYLIN MATHIESON		Marilyn Mathieson
NARELLE HANCOCK		Narelle Hancock
QUINN BIRD		Quinn Bird

Number of signatures on the page

14

McDONALD COURT RESIDENTS PETITION FOR REMOVAL OF THE GUM TREE ON COUNCIL LAND

Tree in question is located on the nature strip at 10 McDonald Court, Sale.

Name	Address	Signed
Max Hancock		
Sue Patterson		
Paul		N x Paul
Norman Farley		
Dana		
Amanda Gribbeld		
Lois Farley		
Norman Farley		
Lyn Taylor		Lyn Taylor

Number of signatures on the page

8



A - PROCEDURAL

A10 INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

ITEM A11

GALLERY COMMENTS

DIVISION:

CHIEF EXECUTIVE OFFICER

ACTION OFFICER:

CHIEF EXECUTIVE OFFICER

DATE:

19 AUGUST 2014



A - PROCEDURAL

A12 QUESTIONS ON NOTICE

ITEM A12(1)**OUTSTANDING QUESTIONS ON NOTICE**

ACTION OFFICER

CHIEF EXECUTIVE OFFICER

DATE:

19 AUGUST 2014

ITEM	FROM MEETING	COMMENTS	ACTION BY
<p>Question on Notice: <i>When the 2014/15 Federal budget was announced it was revealed that indexation of Federal Assistance Grants would be 'paused' for three years. This announcement has resulted in a shortfall in funding for the Wellington Shire of \$420,000 for 2014/15 with the cumulative effect of 'freezing' the grant at 2013/14 levels over the four years of the Strategic Resource Plan being a loss of approximately \$3.6 million in revenue for local infrastructure projects.</i></p> <p><i>Because the minimum general purpose grant allocated to the inner Melbourne Councils is provided as of right, the effect of this "pause" on their budgets is negligible. As a result, the impact of the federal government indexation freeze is being most felt by regional and rural Councils that have the greatest need.</i></p> <p><i>In the Gippsland Times of Friday 27 June 2014, Gippsland MHR Darren Chester was quoted as saying "that the Government had committed to a significant boost in roads funding to help local Government deliver large and small scale roads projects which was expected to offset the indexation pause for Regional Councils".</i></p> <p><i>Can the CEO please explain what additional funding in Federal Road Funding is expected over the life of the Strategic Resource Plan and what, if any, are the conditions on accessing these additional funds?</i></p>	15 July 2014	<p>A response will be provided at a future Council Meeting.</p> <p><u>5 August 2014</u></p> <p>The briefing paper below at attachment 1 provides relevant background information in relation to the impact on the freezing of indexation on the Grants Commission allocation. A copy of this briefing paper has also been provided to Darren Chester MP.</p> <p>A copy of a letter received from Darren Chester MP at attachment 2 is provided in response to the Question on Notice. Given the general nature of the response from Mr Chester, the Chief Executive Officer has forwarded a further letter requesting specific details in relation to Wellington Shire Council. One a response has been received the information will be provided at a future meeting of Council.</p>	General Manager Governance

ITEM A12(2)**RESPONSE TO QUESTION ON NOTICE**

OFFICER:

COUNCILLOR DARREN McCUBBIN

DATE:

15 JULY 2014

At the 1 July 2014 Council Meeting, Councillor McCubbin asked the following Question on Notice:

COUNCILLOR McCUBBIN

When the 2014/15 Federal budget was announced it was revealed that indexation of Federal Assistance Grants would be 'paused' for three years. This announcement has resulted in a shortfall in funding for the Wellington Shire of \$420,000 for 2014/15 with the cumulative effect of 'freezing' the grant at 2013/14 levels over the four years of the Strategic Resource Plan being a loss of approximately \$3.6 million in revenue for local infrastructure projects.

Because the minimum general purpose grant allocated to the inner Melbourne Councils is provided as of right, the effect of this "pause" on their budgets is negligible. As a result, the impact of the federal government indexation freeze is being most felt by regional and rural Councils that have the greatest need.

In the Gippsland Times of Friday 27 June 2014, Gippsland MHR Darren Chester was quoted as saying "that the Government had committed to a significant boost in roads funding to help local Government deliver large and small scale roads projects which was expected to offset the indexation pause for Regional Councils".

Can the CEO please explain what additional funding in Federal Road Funding is expected over the life of the Strategic Resource Plan and what, if any, are the conditions on accessing these additional funds?


15 July 2014

A response will be provided at a future Council Meeting.

5 August 2014

The briefing paper below at attachment 1 provides relevant background information in relation to the impact on the freezing of indexation on the Grants Commission allocation. A copy of this briefing paper has also been provided to Darren Chester MP.

A copy of a letter received from Darren Chester MP at attachment 2 is provided in response to the Question on Notice. Given the general nature of the response from Mr Chester, the Chief Executive Officer has forwarded a further letter requesting specific details in relation to Wellington Shire Council. Once a response has been received the information will be provided at a future meeting of Council.

<p>VICTORIA GRANTS COMMISSION</p> <p>BRIEFING PAPER DATE: 20 JUNE 2014</p> <p>FROM: GENERAL MANAGER GOVERNANCE TO: CHIEF EXECUTIVE OFFICER</p>	 <p>WELLINGTON SHIRE COUNCIL <i>The Heart of Gippsland</i></p>
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BRIEFING PAPER: VICTORIA GRANTS COMMISSION

KEY ISSUES

The federal government announced that from the 2014/15 budget through to and including the 2016/17 budget there will be no indexation applied to the grants commission allocation to local government. The financial impact of this federal government decision on a great number of Victorian Councils will be significant. For Wellington Shire Council it is a “loss” of expected revenue of approximately \$420,000 in 2014/15 and approximately \$3.6m over the indexation freeze period.

In analysing the impact of this indexation freeze on the general purpose component of the Victoria Grant Commission (VGC) grant, we note that there are already 13 Councils who receive a minimum grant as a result of a National Distribution Principle as required by the Commonwealth *Local Government (Financial Assistance) Act 1995*.

This National Principle states: “*The minimum general purpose grant for a councils to be not less than the amount to which it would be entitled if 30 percent of the total amount of general purpose grants were allocated on a per capita basis.*” This National Principle is also included in the *Victoria Grants Commission Act 1976* as an As-of-Right Entitlement. Consequently many larger metro Councils, usually with larger ratepayer bases and significant additional income streams such as car parking fees, will continue to receive their ‘As-of-Right’ entitlement and the indexation freeze will have a negligible impact on their budget and operations. Keep in mind that these Councils ‘As-of-Right’ entitlement often far exceeds the grant they would receive if disbursement was based solely on the ‘Needs’ calculation.

The impact however is enormous for regional and rural Councils that have the greatest need due to high levels of dispersed infrastructure, lower rating bases and fewer (significant) alternate income sources.

The As-of-Right/minimum general purpose grant allocated to the 13 Melbourne metro Councils totalled \$33.2m in 2013/14, with only \$11m being based on calculated ‘Need’ while \$22m of that amount being added due to the legislated minimum requirement based on population. Interestingly, 6 of these 13 Councils would not have received a single dollar in general purpose grant if the minimum requirement based on per capital was removed. The other seven Councils would only have received \$11m based on demonstrated need.

The ‘lost’ indexation of 3% for the other 66 Councils amounts to \$10.7m for the first year. Further, if you then add indexation of \$4.3m at 3% for every Council to the Local Road Grant, then the total amount required to maintain indexation for the 66 Councils who have demonstrated ‘need’ is \$15m in 2014/15.

Emerging from this data is a very compelling argument around fairness and equity that this \$15m (or a very high portion of it) could easily be funded out of the \$22m 'top-up amount' that the 13 large metro councils over and above their calculated 'needs' allocation (which for 6 councils is zero). It is acknowledged that if this proposition was put to these large councils, they would strongly argue for its retention for a range of reasons around servicing large urban populations.

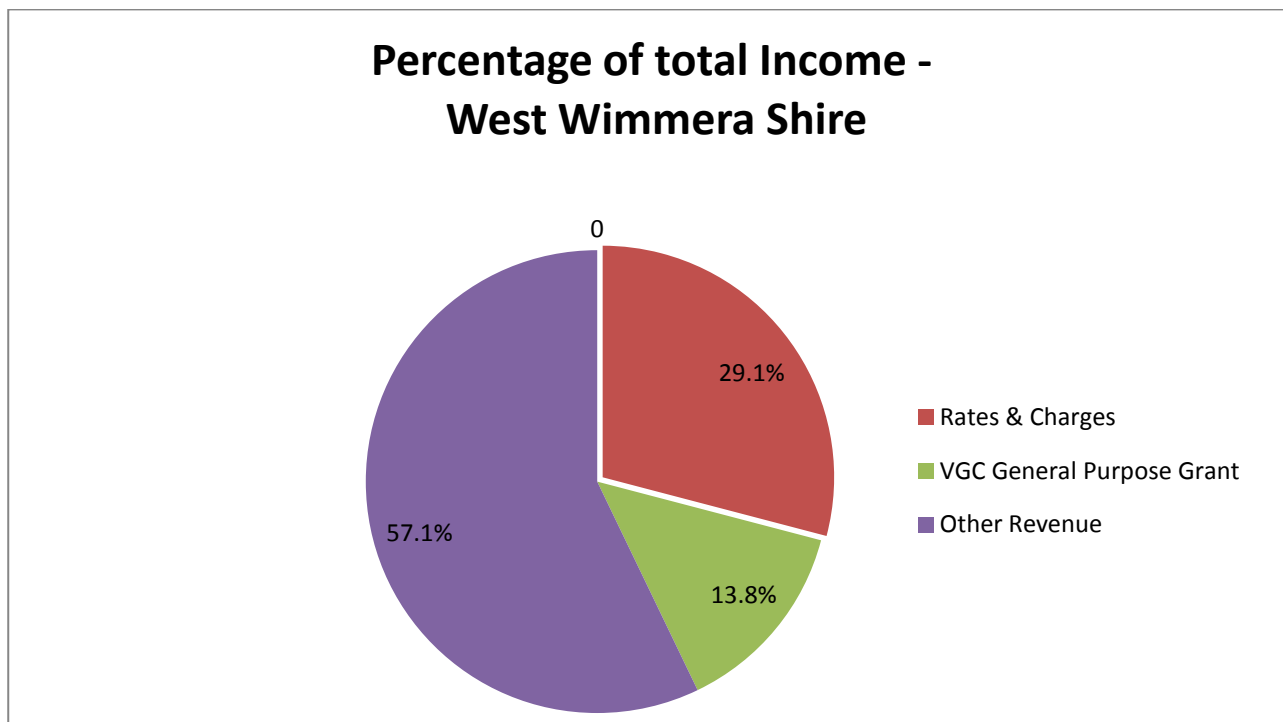
However there is simply no arguing that the freeze to indexation will have significant and fundamental consequences to regional and rural councils while Victoria's largest metro councils will only experience a minor 'bump in the road'. Or to put it more bluntly, it is 'the country' that undoubtedly will bear the real brunt and pain from this policy decision.

Even if indexation was set at 2% then the annual amount to be applied to the 66 Councils with a demonstrated 'Need' for general purpose grant would be \$7m for 2014/15. Over the next 3 years it would equate to approximately \$22m which could be accommodated from the current top-up amount received by those large metro councils over and above their minimum entitlement.

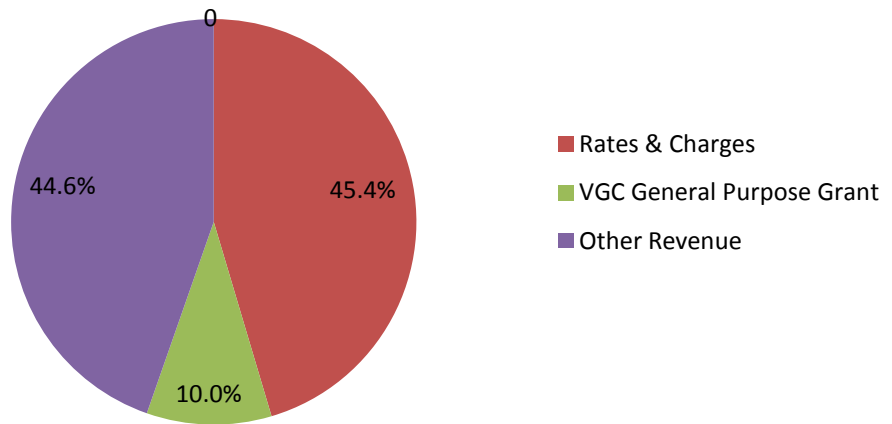
There is real irony here, as the intention of the Commonwealth *Local Government (Financial Assistance) Act 1995* that provides for a minimum grant, is to ensure horizontal equalisation as set out in the National Principles "*General purpose grants are to be allocated to councils, as far as practicable, on a full horizontal equalisation basis. This aims to ensure each council is able to function, by reasonable effort, at a standard not lower than the average standard of the other councils in the State/Territory.*"

The Federal Government's decision to freeze FAGs indexation, coupled with the Minimum Grant requirement, clearly compromises (albeit unintentionally) this important Horizontal Equalisation Principal.

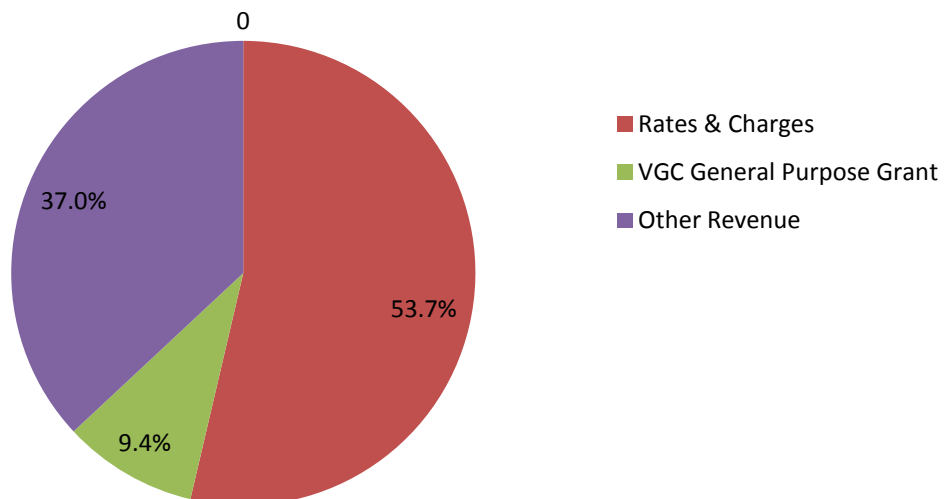
The four graphs below show the General Purpose Grant as a % of total income for three rural Councils versus one of the metropolitan Councils who have been assessed as having "no" need.



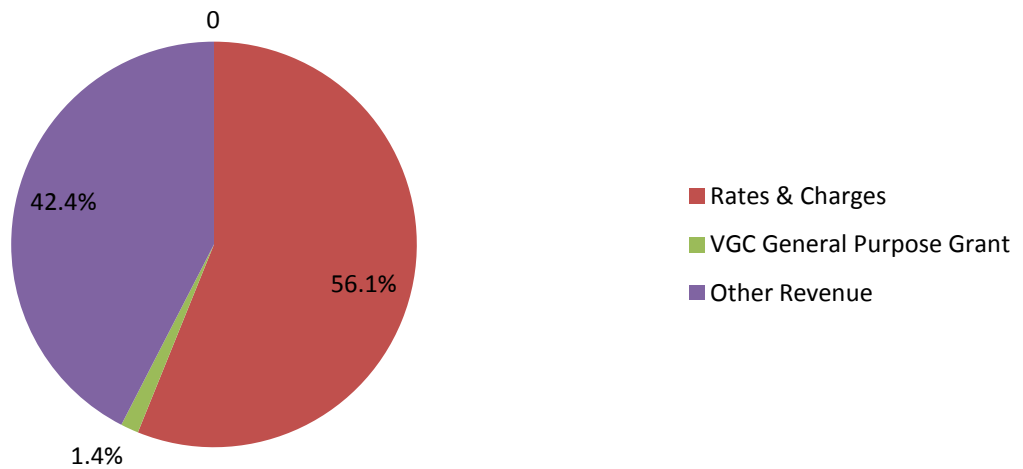
Percentage of total Income - East Gippsland Shire



Percentage of total Income - Wellington Shire

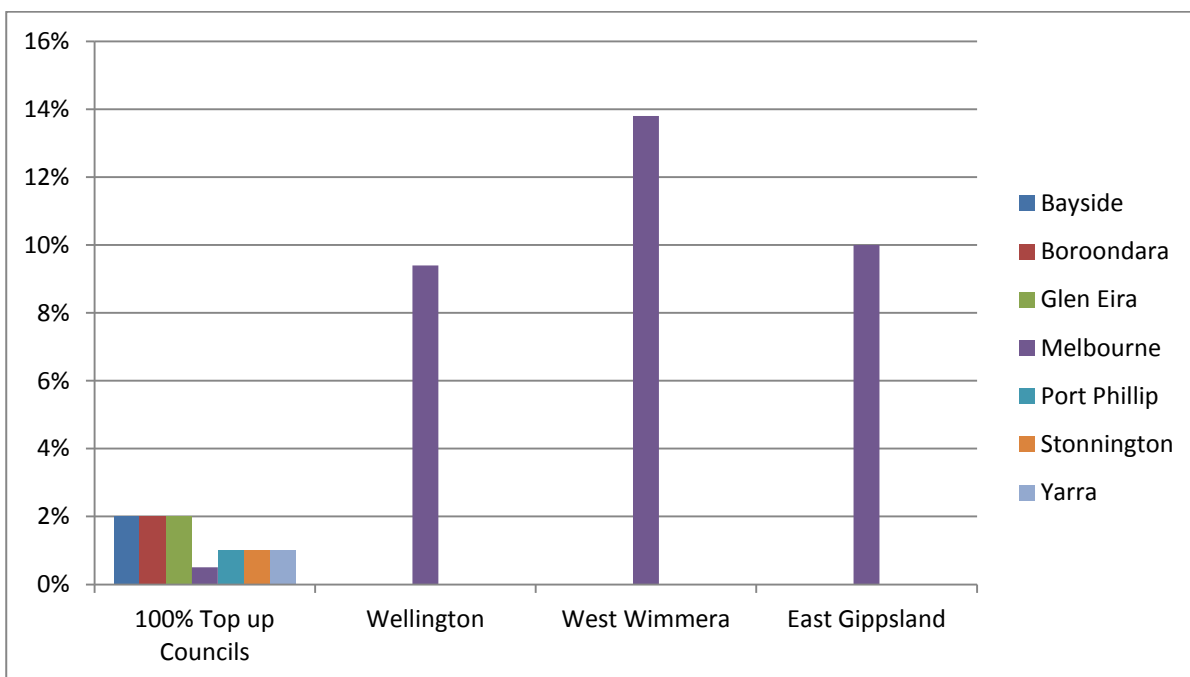


Percentage of total Income - City of Stonnington



The graph below shows the relative importance that the general purpose grant funding has for those Council's who have been assessed as needing it versus those who have been assessed to have no need, but still get a share. The data shows that the seven metropolitan Councils who would have received zero general purpose grant, except for the legislative requirement for a minimum payment, have insignificant reliance of those funds when compared to rural and regional Councils such as Wellington, East Gippsland and West Wimmera.

General Purpose Grant as a % of Income



SUMMARY

The purpose of this paper is not to analyse or assess the merits of the freezing of indexation – rather it has taken this policy position as a ‘given’. Rather, it seeks to demonstrate that in freezing indexation with existing federal legislation in place (requiring that minimum grants be paid), large city based councils will receive minimum impact while small regional and rural councils are being decimated.

Reallocation of general purpose grants that go to As-of-Right Councils (i.e. those who do not have a demonstrated need under the existing framework) to the other 66 councils would maintain the funding with no impact on the federal budget position.

However this could only be done with a change to the current Commonwealth and State legislation, that is, to remove the As-of-Right Entitlement/Minimum Grant.

The federal government need to examine the impact of the freeze on Councils and look at ways that can minimise the impact on those Councils with the greatest need for the funding.

Darren Chester

Federal Member for Gippsland

July 3, 2014

Cr Scott Rossetti
Mayor
Wellington Shire Council
PO Box 506
SALE VIC 3850



Dear Scott

Thank you for your email in relation to Financial Assistance Grants (FAGs).

I am advised by Warren Truss, Minister for Infrastructure, that he wrote to all 565 local council Mayors on June 3, 2014, outlining details to inform them of the decisions in this year's budget which will affect them.

As you know, the Local Government FAG will not be indexed for three years, however, I understand that the Minister provided information on additional funding for infrastructure investment, along with the Roads to Recovery, Bridges Renewal and Black Spot programmes, which is expected to offset the indexation pause.

Since writing to you, guidelines for the Bridges Renewal Programme have been released and are available on the department's website www.infrastructure.gov.au

This programme will contribute a maximum of 50 percent of the total project and will be assessed on a competitive and merit based basis.

Round One of the Bridges Renewal Programme closes for applications on August 28, 2014 and will focus on projects that are well developed, with planning and approvals well advanced so construction can begin in the 2014-15 financial year.

Under this programme, proponents who would like to seek funding but who are not at a construction ready stage should prepare themselves for Round Two which is expected to be announced in mid to late 2015.

I trust this information is of assistance and please don't hesitate to contact me should you require further advice.

Kind regards

DARREN CHESTER
The Nationals

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PO Box 486 Sale Vic 3853
[ph 1300 131 785](tel:1300131785) [fax 03 5144 3945](tel:0351443945)



THE NATIONALS for Regional Australia



The Hon Warren Truss MP
Deputy Prime Minister
Minister for Infrastructure and Regional Development
Leader of The Nationals
Member for Wide Bay



PDR ID: MC14-001011

3 June 2014

Cr Scott Rossetti
Mayor
Wellington Shire Council
PO Box 506
SALE VIC 3850

Dear Mayor

I am writing to inform you of some of the decisions in the 2014 Federal Budget which will affect Local Government.

On coming to office, the new Coalition Government faced a \$47 billion budget deficit for the 2013-14 financial year and \$123 billion of projected deficits to 2016-17. Already Australians are footing a \$1 billion interest bill every month on Labor's debt.

This Budget begins the task of restoring budget integrity for the long-term, making savings in recurrent expenditure so we can invest in the infrastructure necessary to rebuild our national economy.

The Coalition Government's 2014-15 Budget outlined a \$50 billion investment across Australia to deliver vital transport infrastructure for the 21st Century.

The Budget includes many large scale commitments which will trigger more than \$125 billion in infrastructure investment but importantly there is also a significant boost to road funding at the local level.

As a part of this agenda, we have committed \$2.5 billion for the continuation of the Roads to Recovery Programme to support the maintenance and upgrade of local roads. This includes an additional payment of \$350 million to councils during the 2015-16 financial year.

To fix dangerous and accident-prone sections of local roads and streets, \$565 million will be provided through the ongoing Black Spot Programme. This includes an extra \$100 million in both the 2015-16 and 2016-17 financial years.

I am pleased to confirm that the Government's Bridges Renewal Programme will commence in 2014-15. Partnering with local councils and State Governments, this programme will invest \$300 million in Commonwealth funding into the repair and replacement of local bridges. I will be releasing the guidelines for this new programme in the near future and they will be available on the Department of Infrastructure and Regional Development's website <www.infrastructure.gov.au>.

To improve productivity and safety in the heavy vehicle industry the Australian Government has committed to continue the Heavy Vehicle Safety and Productivity Programme with \$200 million available over the next five years for projects such as road enhancements, rest areas and technology trials. Additionally, on top of our major capital commitments to the national highway network, we have allocated \$229 million to a new National Highway Upgrade Programme that will provide funding for improvements to Australia's national highways through works such as shoulder and centreline widening, overtaking lanes and pavement improvements.

In addition to these road and bridge infrastructure programmes, the Budget also confirmed a \$314 million investment in 300 projects in local communities through our Community Development Grants Programme, which is designed to deliver the Coalition's election commitments and some residue projects from the previous Government.

The Government's new \$1 billion National Stronger Regions Fund aims to promote economic development through investment in infrastructure projects at a local level. The programme will help communities with lower than average socioeconomic circumstances and higher than average unemployment by improving local facilities, creating jobs and building needed infrastructure. The programme guidelines will be announced shortly and grants from the programme will commence next year. Funding has also been provided to support a network of regional development advisory committees across the nation.

The Assistant Minister for Infrastructure and Regional Development, the Hon Jamie Briggs MP, and I have recently released *Building Stronger Regional Communities*, a publication outlining the many Budget initiatives that will benefit non-metropolitan and regional communities. We are focused on delivering a strategic plan that generates economic growth and supports thousands of jobs in key regional areas across Australia. This document highlights the considerable measures within the Budget that may be of interest to local governments across the country and is also available on the Department of Infrastructure and Regional Development website.

The Coalition Government understands that this is a tough Budget and we have not hidden from that. All Australians are being asked to play a part in repairing our nation's financial woes, including Local Government.

The Local Government Financial Assistance Grant will not be indexed for three years. However, additional funding for infrastructure investment, along with the Roads to Recovery, Bridges Renewal and Black Spot programmes, is expected to offset the indexation pause.

I trust that this information is of assistance to your Council and I look forward to engaging with councils in Canberra during the Australian Local Government Association's National General Assembly later this month.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Warren Truss', written in a cursive style.

WARREN TRUSS



A - PROCEDURAL

A13 MAYOR'S REPORT

ITEM A13**MAYOR'S REPORT**

OFFICER:

COUNCILLOR ROSSETTI

DATE:

19 AUGUST 2014

Acknowledging Uncle Albert Mullett

As Mayor I would like to acknowledge the sad passing of highly respected Gunai elder Uncle Albert Mullett. Uncle Albert was well known across Gippsland and beyond for his leadership and depth of cultural knowledge and understanding. In 2013 Uncle Albert Mullett was inducted into the Victorian Indigenous Honour Roll.

The following statement was made at that announcement:

Born in Melbourne, Uncle Albert Mullett is a greatly respected Gunai Elder and community leader in Gippsland. He has made many important contributions in the fields of education, cultural advocacy, land management and native title. He has worked closely with numerous cultural and heritage bodies, as well as government, private sector and community-run organisations. After 15 years of tireless campaigning for Native Title rights, Albert played a leading role in the negotiation of the historic Gunai/Kurnai Native Title Settlement Agreement which was signed at the Knob Reserve in Stratford] in 2010. Albert is also a respected master-craftsman of traditional wooden artefacts, including shields and boomerangs

His profile on the Department of Premier and Cabinet website linked to this award is headed: "Albert Mullett- an admired storyteller, activist and craftsman".

Uncle Albert played a key role in the Deadly in Gippsland conference hosted by Wellington Shire and the Local Indigenous Network in November 2011, leading a Welcome to Country ceremony and as one of the keynote speakers at the gathering. Uncle Albert spent countless hours helping both members of the Aboriginal community and the broader community to understand the significance of Aboriginal cultural heritage across Gunai Kurnai country, which includes all of Wellington Shire. He played a critical role in the Federal Court decision to grant Native Title to the Gunai Kurnai people across much of Gippsland.

Uncle Albert's involvement in the Boorun's canoe project, where he taught his grandson Steaphan Paton and other young men in his family, to build a bark canoe was just one example of his commitment to the passing on of cultural knowledge through the generations, and his understanding of the vital importance of community maintaining and teaching culture. Boorun's canoe is now a permanent exhibit at Bunjilaka at the Melbourne Museum.

His wisdom and integrity will be greatly missed. We pass on our condolences to his widow Rachel, his children and grandchildren and the wider family.

Yarram Eisteddfod

I had the pleasure of opening the 54th Yarram Eisteddfod on Tuesday 5 August at the Regent Theatre. Schools, community members and students devote a great deal of effort to producing this wonderful annual event, which this year was supported by a Community Assistance Grant from Council. Along with a packed audience, I thoroughly enjoyed this event and the opportunity to experience the wide range of talent demonstrated by the young people in our region.

Annual Gippstar Awards

Another 54th I attended this month was this year's annual Gippstar Awards on Wednesday 6 August, organised by the Gippsland Sports Academy. These awards celebrate Gippsland's highest sports achievers, recognising local athletes who have achieved and continue to achieve at elite levels in their chosen sporting fields. I congratulate all of this year's winners.

Citizenship Ceremony

Wellington welcomed 23 new citizens on Wednesday 30 July. Presiding over Citizenship Ceremonies is one of the highlights of my role as Mayor. These events are a great celebration of how great it is to be Australian and I never cease to be fascinated by the stories of people who have chosen to call this country home.

Launch of the Seaspray Surf Lifesaving Club Appeal

Also on Wednesday 30 July, I attended the launch of the Seaspray Surf Lifesaving Club appeal to redevelop their clubrooms. The Seaspray Surf Lifesaving Club has a rich and colourful 58 year history of keeping part of the glorious Gippsland coastline safe. Imagine what can be done over the next 58 by such a dedicated local organisation.

I encourage our community to support this project. To the holidaymakers, tourists and locals who have made use of the wonderful services offered by the Seaspray Surf Lifesaving Club over the past six decades, now is certainly the time to say 'thank you' by supporting development of the new clubhouse. Councillors and council officers have worked long and hard alongside Club members for a number of years to help reach this stage in the project. Council plays an important ongoing supportive role, working alongside the organisation to assist their ongoing successes.

GLGN Group Forum and MAV Rural Gippsland Meeting

I spent the day on Friday 25 July with my counterparts from across Gippsland. These meetings are of significant importance for Wellington, providing opportunity for us to discuss issues which affect greater Gippsland, such as transport, in order that we advocate for the development of our region together.

Wellington Youth Art Prize

The Wellington Youth Art Prize is a non-acquisitive prize initiated by the Wellington Shire Youth Council, generously sponsored by FReeZa, local businesses and individuals. Now in its second year, entries are invited from young Wellington artists between the ages of 12 to 25. This is a fantastic competition that provides promising young artists the opportunity to showcase and present their work to the community. I was honoured to announce this year's winners at the Gippsland Art Gallery's Maffra Exhibition Space on Thursday 24 July and be provided with the opportunity to see the remarkable work produced by Wellington's talented youth.

Scott Rossetti
MAYOR

RECOMMENDATION

That the Mayor's report be noted.



A - PROCEDURAL

A14 YOUTH COUNCIL REPORT

Youth Council will present a report to Council quarterly.



B –REPORT

DELEGATES

EM B1

**DELEGATE REPORT: NATIONAL TIMBER COUNCILS
ASSOCIATION (NTCA)**

OFFICER: COUNCILLOR MALCOLM HOLE

DATE: 19 AUGUST 2014

On Monday 16 June 2014 I chaired the June general meeting of the National Timber Councils Association (NTCA) in Canberra. Our Mayor, Cr Scott Rossetti, was also in attendance.

Most States were represented, but not all Councils. However, it was a good networking session after a long day of debate at the National Convention Centre.

Our guest speaker was Mr Ross Hampton, CEO, Australian Forest Products Association, who presented an exciting slideshow on Forestry opportunities for Research and Development within Australia. The many questions from the floor were a true reflection on the presentation and its possibilities for rural councils.

I have also included my report, as National President, to all councils as **Attachment 1**.

Councillor Malcolm Hole

RECOMMENDATION

That the delegates report be noted.

President's Report

Welcome to this yearly meeting as part of our networking and information flow between Canberra and between states.

Since our last Annual Meeting in Melbourne last November, activity has been full on. One of the big challenges to delivering outcomes is the enormous volume of phone calls and emails from around the Nation requesting advice and guidance. Many, if not most, are from our members. Maybe the Executive should chat about bringing in consultancy fees. To ease the pressure on the Executive Officer, we have negotiated with Timber Towns Victoria to employ a part time assistant within the Municipal Association of Victoria. We anticipate by the end of July this new person will be in place.

We have two new councils as part of our growing strength, being the District Council of Grant, and Wattle Ranges Council, both from South Australia, so a warm welcome and you become the fourth state to be part of the NTCA.

We presented a submission paper to the federal government for Budget consideration. Our submission was designed around timber-impacted roads, bridge renewal, and capacity of our council members to contribute towards the costs of a national export industry. Well, the bridge renewal has made the grade.

The Coalition Bridges renewal program is something that began with the National Timber Councils Association's (Malcolm's) presentation to the ALGA Bundaberg Roads and Transport Congress, and later on from this point Hon Warren Truss MP announced the replacement of regional bridges to be a priority of the Coalition.

We have subsequently written to the Deputy Prime Minister Warren Truss to request which budget item to apply to for the road leading to, and leading away, from the bridge. Maybe tomorrow we may have our answer.

Since our last get-together, we have had a change of Government at the federal level. We look forward to working with them, on your behalf, and achieving mutual rewards. We will demonstrate, to our best capacities, our concerns over the Financial Assistance Grants allocation and the sub CPI allowance. Councils are currently working with the least benefit from our share of the GST, and now are being told we have to do more with an even lesser share.

By now, you should be aware of our monthly newsletter. We intend to keep it brief, newsy, and allow for members to use as a report to the council. We would love to receive any comment, regardless of the message you wish to get across.

Other achievements this year, as from the strategic directions that we endorsed at the Annual Meeting include:

1. Renewable Energy Targets and the inclusion of wood residue from harvest to create energy – discussed with Minister Greg Hunt with this.
2. Truth in public statements and advertising to be relevant to all sides in the timber debate.
3. The use of Biomass for energy and this is almost there. Tomorrow we will seek a current policy arrangement. ..
4. From our conference, two of our councils through their Economic Development areas have conducted roundtable conferences, being Latrobe City Council with their Wood Encouragement Policy, and Wellington Shire Council with its Timber Education Precinct. Local Government leading; a good sign in protecting local jobs and industries.

A new world in the use of wood is evolving in the northern hemisphere and in New Zealand. Research and Development needs to be encouraged and supported in Australia. Is your council up to the challenge?

Our annual meeting will be held in late October, with the date to be announced shortly, dependant on availability. Due to successful attendance at the Melbourne meeting last year, this may be the venue once again. Watch your newsletter for details as they happen.

Our next conference will be the 29 and 30 of April 2015. New theme, same venue, have just secured a booking with last year's sensational performers (by many requests) "The Briagolong Bush Band".

Let's keep jobs in Australia so please buy Australian Made. Reflex paper is made in Gippsland from local sustainable timber and also recycled paper. Ask your council if it is "Made in Australia".

Finally, tomorrow our delegation had meetings with at least six MPs, from both sides of Parliament. Your issues will be raised and we hope, will receive some good attention.

From your executive members, and the Executive Officer, Kevin Peachey, thank you for your support. We look forward to adding new members, particularly from Queensland and NSW, with a few more from Tasmania to give us more bargaining strength.

See you all at the AGM, and/or the next National Conference.

ITEM B2**DELEGATE REPORT: RURAL COUNCILS VICTORIA**

OFFICER:

COUNCILLOR MALCOLM HOLE

DATE:

19 AUGUST 2014

Rural Councils Victoria (RCV) Executive met on 10 and 11 July to discuss the programs for Year 4 of the current funding, and to have an exhaustive conversation/debate on the future of RCV and its operation. We were able to have Mr Rob Spence, CEO, Municipal Association of Victoria (MAV), and Ms Nadia Reid from Regional Development Victoria (RDV) join us for a full and frank sharing of thoughts.

To further grow our knowledge on behalf of our member Councils, we also had Mr John Hennessy from MAV's Local Government of the Future program along to give us an update, and we look forward to working with MAV to be a part of the changes and challenges of the future, particularly the impacts on small councils and their sustainability.

Our rural Roadshow, better known as the 'Educate and Innovate' Tour, was in Gippsland on 25 July at Leongatha. All six regional areas were visited on the day of their regional meeting, where possible. Our agenda included showing the opportunities and activities within the RCV membership, recently released RCV programs, topical issues for rural Councils, and the opportunity to share innovative local projects.

We are in the process of planning a new and improved website, due to be launched in October at the Mayors' and CEOs' Forum.

It is pleasing to also report that ALL 38 rural Councils are members of RCV and the organisation is recognised by the major political parties as representative of rural councils, as distinct and separate from rural cities.

The Executive meets monthly, usually in Melbourne, and has a time demanding agenda at every meeting. It has been mooted that the meeting be extended every second month by starting earlier.

Finally, RCV is working with the Australian Centre of Excellence for Local Government to scope up works for a major RCV project to address the sustainability of small councils. We anticipate having details this month. I will supply details when available.

A hard working committee with a dedicated secretarial workforce enables rural councils to have a strong voice at several levels within Government and Local Government.

RECOMMENDATION

That the delegates report be noted.

ITEM B3

DELEGATE REPORT: SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY

OFFICER: COUNCILLOR BOB WENGER

DATE: 19 AUGUST 2014

As Wellington Shire Council's delegate, I attended the quarterly meeting of SEATS held on 15 and 16 May 2014 at the Wollongong City Council Function Room, Wollongong, New South Wales.

The meeting was hosted by Wollongong City Council.

I have attached the full May SEATS report in **Attachment 1**.

COUNCILLOR BOB WENGER

RECOMMENDATION

That the delegates report be noted.



C1 - REPORT

CHIEF EXECUTIVE OFFICER

ITEM C1.1**CHIEF EXECUTIVE OFFICER'S REPORT**

OFFICER: CHIEF EXECUTIVE OFFICER

DATE: 19 AUGUST 2014

-
- | | |
|----------|--|
| 21 July | Regional Development Australia Gippsland Committee Meeting, Traralgon |
| 22 July | Gippsland Regional Plan Executive Officer, Sale Meeting to discuss revised GRP priorities for Gippsland. |
| 24 July | Gippsland Regional Plan Leadership Group Meeting, Traralgon
With the resignation of Steve Kozlowski (CEO, East Gippsland Shire Council), I have been appointed as Chair of the GRP Leadership Group. Our key priorities are to finalise the new Gippsland Regional Plan (2014) and finalise our advocacy strategy for the upcoming state election. |
| 25 July | Gippsland Local Government Network Group Forum Meeting, Leongatha
Attended with Mayor Rossetti

Municipal Association of Victoria Rural Gippsland Regional Meeting, Leongatha
Attended with Mayor Rossetti |
| 30 July | Citizenship Ceremony, Port of Sale Civic Centre

Launch of appeal for the Redevelopment of the Seaspray Surf Life Saving Club, Sale
Attended with Mayor Rossetti |
| 31 July | Performance by Orchestra Victoria, Esso BHP Billiton Wellington Entertainment Centre |
| 1 August | Committee for Gippsland Meeting with the Victorian Shadow Minister for Regional Development and Agriculture, Jacinta Allan MP; Leongatha.
Attended with Mayor Rossett in Mayor's capacity as Chair of Gippsland Local Government Network and my capacity as Chair of The Gippsland Regional Plan Leadership Group. We discussed a number of Gippsland Wide regional priorities, as part of One Gippsland's advocacy campaign leading into the 2014 State Election. Key projects discussed included Macalister Irrigation District (MID), Defence contract AIR5428, finishing the duplication of the Princes Highway between Traralgon and Sale, and the Gippsland Community Leadership Program. |
| 4 August | Monthly meeting with Inspector Rob Wallace, Victoria Police; Sale
I met with our new Police Inspector Rob Wallace, and discussed a range of issues (graffiti, security cameras, ice update, burglaries etc) in and around Wellington. Rob emphasised he is very keen to maintain a strong partnership on community safety matters with Council. |

- 6 August Trent Fairweather, Sale
Updates and discussions on Wellington Regional Tourism and Sale Business Traders
- 10 August Book Launch – Through the Flames of Time – Gwen Hardy, Rosedale Fire Station
- 11 August Meeting with Danny McDonald, re Gippsland Local Government Network, Sale
-

RECOMMENDATION

That the Chief Executive Officer's Report be received.

ITEM C1.2**CHIEF EXECUTIVE OFFICER'S ANNUAL REMUNERATION REVIEW**

DIVISION: CHIEF EXECUTIVE OFFICER
 ACTION OFFICER: CHIEF EXECUTIVE OFFICER
 DATE: 19 AUGUST 2014

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
✓					✓				

OBJECTIVE

This report seeks Council's approval to set the Chief Executive Officer's remuneration level subsequent to the completion of the 2013/14 performance year.

BACKGROUND

In terms of his employment contract, the Chief Executive Officer (CEO) Remuneration is to be reviewed annually by 30 January each year (Contract date anniversary). Since the most recent review (completed in accordance with the Contract effective January 2014) the CEO has provided further information to the Mayor and Councillors on the CEO Performance Review Committee. This information, in the form of a confidential memo to the Mayor dated 5 August 2014, (and supporting attachments) has been e-mailed to Councillors Wednesday 13 August and has been placed on the CEO's Personnel file by Manager Organisational Development.

OPTIONS

Council has the following options:

1. To approve the proposed new salary level, as outlined on page 2 of the memo dated 5 August 2014, effective 1 July 2014; or
2. To not approve the new salary level.

PROPOSAL

That Council approves the proposed new salary level for the Chief Executive Officer, as outlined on page 2 of the memo dated 5 August 2014, effective 1 July 2014.

CONFLICT OF INTEREST

The CEO has direct financial interest and will not be present during consideration of this item.

FINANCIAL IMPACT

As per memo from CEO to Mayor dated 5 August 2014, e-mailed to Councillors Wednesday 13 August 2014.

LEGISLATIVE IMPACT

Review is in accordance with CEO's Employment contract

RECOMMENDATION

That Council approves the proposed new salary level for the Chief Executive Officer, as outlined on page 2 of the memo dated 5 August 2014, effective 1 July 2014.



C2 - REPORT

GENERAL MANAGER GOVERNANCE

ITEM C2.1**ASSEMBLY OF COUNCILLORS**

DIVISION:

GOVERNANCE

ACTION OFFICER:

GENERAL MANAGER GOVERNANCE

DATE:

19 AUGUST 2014

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
		✓		✓					

OBJECTIVE

To report on all assemblies of Councillors records received during the period 16 July 2014 to 5 August 2014.

BACKGROUND

Section 80A of the *Local Government Act 1989* requires a written record to be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, the matters considered and any conflict of interest disclosures made by a Councillor. These records must be reported, as soon as practicable, at an ordinary meeting of the Council and recorded in the minutes.

Below is a summary of all assembly of Councillors records received during the period 16 July 2014 to 5 August 2014.

Assembly of Councillors summary of reports received between 16 July 2014 to 5 August 2014		
Date	Matters considered	Councillors and officers in attendance
5 August 2014	1. Councillors Diary Meeting	Councillors Rossetti, Cleary, Crossley, Wenger, McCubbin, Hole David Morcom, Chief Executive Officer Gail Hogben, Executive Assistant Sharon Willison, Mayoral & Councillor Support Officer
5 August 2014	1. Pre Council Meeting Agenda review (10.40am 11.10am) 2. Council Chambers location (11.10am to 11.40am) 3. Seaton West Development (11.40am to 12.15pm) 4. Parks Victoria Camping Charges (12.40pm to 1.15pm) 5. Performance report format (1.15pm to 1.35pm) 6. Maxfields Bridge, Sale (1.35pm to 1.55pm) 7. Implementation priorities- Residential Roads & Streets Construction Plan (1.55pm to 2.10pm)	Councillors Rossetti, Cleary, Crossley, Wenger, McCubbin, Hole David Morcom, Chief Executive Officer Liz Collins, General Manager Governance Sharyn Bolitho, Acting General Manager Development Glenys Butler, General Manager Liveability Tim Rowe, Acting General Manager Built & Natural Environment Raelene Bowman, Governance Officer (Item 1) Vanessa Ebsworth, Manager Organisation Development (Item 2) John Tatterson, Manager Built Environment (Items 2, 6 & 7) Josh Clydesdale, Manager Land Use Planning (Item 3). Barry Hearsey, Coordinator Strategic Planning

Assembly of Councillors summary of reports received between 16 July 2014 to 5 August 2014		
Date	Matters considered	Councillors and officers in attendance
	8. Davey Street, Heyfield (2.10pm to 2.30pm)	(Item 3) Tracey Cummings, Manager Business Improvement (Item 5) Lesley Fairhall, Manager Organisation Development (Item 5) Tom Weatherall, Coordinator Built Environment Planning (Items 6, 7 & 8)

OPTIONS

Council has the following options:

1. Note and receive the attached assembly of Councillors records; or
2. Not receive the attached assembly of Councillors records.

PROPOSAL

That Council note and receive the attached assembly of Councillors records received during the period 16 July 2014 to 5 August 2014.

CONFLICT OF INTEREST

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

LEGISLATIVE IMPACT

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complies with Section 80A of the *Local Government Act 1989*.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 2 Organisational states the following strategic objective and related strategy:

Strategic Objective

"An organisation that is responsive, flexible, honest, accountable and consistent."

Strategy 2.3

"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."

This report supports the above Council Plan strategic objective and strategy.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note and receive the attached assembly of Councillors records received during the period 16 July 2014 to 5 August 2014.

ASSEMBLY OF COUNCILLORS

1. DATE OF MEETING:

05/08/2014

2. ATTENDEES:

Councillors:

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Cr Crossley	√		Cr McCubbin	√	
Cr Rossetti	√		Cr Mclvor		√
Cr Cleary	√		Cr Wenger	√	
Cr Davine		√	Cr Hole	√	
Cr Duncan		√			

Officers In Attendance:

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
D Morcom, CEO	√		G Butler, GML		
L Collins, GMG			J Websdale, GMD		
C Hastie, GMB&NE					

Others in attendance: (list names and item in attendance for)

Name	Item No.	Name	Item No.
Gail Hogben	1		
Sharon Willison	1		

3. Matters/Items considered at the meeting (list):

1. Councillors' Diary Meeting

4. Conflict of Interest disclosures made by Councillors:

Nil

ASSEMBLY OF COUNCILLORS

1. DATE OF MEETING:

05/08/2014

2. ATTENDEES:

Councillors

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Cr Rossetti	✓		Cr McCubbin	✓	
Cr Davine		✓	Cr Mclvor(only from 2.05pm)	✓	
Cr Cleary	✓		Cr Wenger	✓	
Cr Crossley	✓		Cr Hole	✓	
Cr Duncan (only from 2.15pm)	✓				

Officers In Attendance

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
D. Morcom CEO	✓		G Butler, GML	✓	
L Collins, GMG	✓		J Websdale, GMD		✓
C Hastie, GMB&NE		✓	T. Rowe, Acting GM B&NE	✓	
Sharyn Bolitho, Acting GMD	✓				

Others in attendance (list names and item in attendance for)

Name	Item No.	Name	Item No.
Raelene Bowman, Governance Officer	1	John Tatterson, Manager Built Environment	2,6&7
Vanessa Ebsworth, Manager Org Development	2	Josh Clydesdale, manager Land Use Planning	3
Barry Hearsey, Coord Strategic Planning	3	Tracey Cummings, Manager Business Improvement	5
Lesley Fairhall, Manager Finance	5	Tom Weatherall, Coord Built Environment Planning	6&7&8

3. Matters/Items considered at the meeting (list):

1. Pre Council Meeting Agenda review (10.40am 11.10am)
2. Council Chambers location (11.10am to 11.40am)
3. Seaton West Development (11.40am to 12.15pm)
4. Parks Victoria Camping Charges (12.40pm to 1.15pm)
5. Performance report format (1.15pm to 1.35pm)
6. Maxfields Bridge, Sale (1.35pm to 1.55pm)
7. Implementation priorities-Residential Roads & Streets Construction Plan (1.55pm to 2.10pm)
8. Davey Street, Heyfield (2.10pm to 2.30pm)

4. Conflict of Interest disclosures made by Councillors and Officers:

The CEO declared a Conflict of Interest left the meeting discussion on items G1 and G2 of the Pre Council meeting discussion agenda.

No other Conflicts of Interests were declared.

ITEM C2.2**LOCAL LAW NO.1**

DIVISION:

GOVERNANCE

ACTION OFFICER:

MANAGER ORGANISATION DEVELOPMENT

DATE:

19 AUGUST 2014

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
		✓		✓	✓				

OBJECTIVE

For Council to determine to give notice of revocation of the existing Local Law No.1 – 2005 Processes of Municipal Government (Meetings and Common Seal) Local Law, and seek submissions relating to the proposed new Local Law No.1 – 2014.

BACKGROUND

Local Law No.1 – 2005 Processes of Municipal Government (Meetings and Common Seal) (Local Law) provides a mechanism to facilitate the good governance of the Wellington Shire Council to ensure effective and efficient Council decisions are made. The Local Law also promotes and encourages community participation by providing a mechanism for the Council to ascertain the community's views and expectations. The regulation and control for the conduct of meetings is also included in the Local Law as well as providing for the administration of the Council's powers and functions. This current Local Law No 1 – 2005 will cease to operate on 21 December 2014.

In order to ensure that a new local law is in place prior to the cessation of the current Local Law No 1 - 2005 a review has been undertaken and some amendments have been made that are included in the attached proposed new Local Law No 1 - 2014.

A summary of the changes included in the proposed new Local Law No 1 - 2014 are listed below:

- Front Page - The Common Seal update to reflect the present Chief Executive Officer
- Front Page - Update of the Wellington Shire Council Logo
- Section L1.5 - Operational Date of Local Law - these have been translated to days in accordance with the terminology of the Act.
- Section L1.6 - Date Local Law Ceases Operation - further guidance included to when it commenced operation.
- Section L1.7 - Words used in Local Law – revision of wording with the exclusion of the wording 'amendments' and 'time to time'.
- Section L2.1 - Date and Times of Meetings - Seven days notice of Ordinary Council meeting provided to the public.
- Section L2.3 - Special Council Meetings - Three days notice of each Special Meeting provided to the public.
- Section L2.8 - Inability to Gain a Quorum - addendum (7) days.
- Section L2.9 - Inability to Maintain a Quorum - addendum (7) days.
- Section L2.11 - Notice for Adjourned Meeting - inclusion of e-mail and deletion of facsimile for provision of contacting each member of Council.
- Section L6.56 (3) - During Meetings - addendum Chairperson will allocate 3 minutes of time to each person who addresses the Council.
- Section L6.56 (5) - During Meetings – Provides discretion to Chairperson to allocation additional time for the public to address or question Council.
- Section L7.1 - Election of Mayor and Chairs - 'when required' terminology removed

- Section L7.1 (2) - Election of Mayor and Chairs - addendum the Chief Executive Officer or member of Council staff nominated by the Chief Executive Officer must open the meeting at which the Mayor is to be elected.
- Section L7.1 (5) Election of Mayor and Chairs - determining the Election of any Deputy Mayor.
- Section L8.1 - Council Common Seal - inclusion of Council Common Seal wording.

Following the public notice and submission process, a further report will be presented to Council seeking consideration for revoking the current Local Law No 1 - 2005 and adopting the new Local Law No 1 – 2014.

OPTIONS

Council has the following options:

1. To give public notice and notice in the Government Gazette of the proposed new Local Law No.1 – 2014 and seek submissions; or
2. To seek further information and consider giving public notice and notice in the Government Gazette of the proposed new Local Law No.1 – 2014 and seek submissions, at a future meeting of Council.

PROPOSAL

That Council give public notice and notice in the Government Gazette of the proposed new Local Law No.1 – 2014, as attached, and seek submissions in accordance with section 223 of *the Local Government Act 1989*.

CONFLICT OF INTEREST

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

LEGISLATIVE IMPACT

Complies with s.119 of the *Local Government Act 1989* (the Act) (procedure for making a local law), section.223 submission processes and other sections that require compliance under the Act.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 2 Organisational states the following strategic objective and related strategy:

Strategic Objective

“An organisation that is responsive, flexible, honest, accountable and consistent.”

Strategy 2.3

“Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making.”

This report supports the above Council Plan strategic objective and strategy.

REOURCES AND STAFF IMPACT

Giving notice in the Government Gazette and public notice of the new proposed Local Law No.1 – 2014 will enable any person affected by the Local Law to make submissions under section 223 of the Act.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council give public notice and notice in the Government Gazette of the proposed new Local Law No.1 – 2014, as attached, and seek submissions in accordance with section 223 of the Local Government Act 1989.

**Processes of Municipal Government
(Meetings and Common Seal) Local Law**

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PART 1

PRELIMINARY

L1.1 TITLE

This Local Law is the Wellington Shire Council Processes of Municipal Government (Meeting and Common Seal) Local Law and referred to below as this Local Law.

L1.2 OBJECTIVES OF THIS LOCAL LAW

The objectives of this Local Law are to:

- (a) provide a mechanism to facilitate the good government of the Wellington Shire Council through its formal Processes of Municipal Government (Meeting and Common Seal) Local Law to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
- (b) to promote and encourage community participation in the system of local government by providing mechanisms for the Council to ascertain the community's views and expectations;
- (c) to regulate and control the conduct of meetings including:
 - (i) the notice required for meetings;
 - (ii) the keeping of minutes.
- (d) to provide for the administration of the Council's powers and functions; and
- (e) to provide generally for the peace, order and good government of the municipal district.

L1.3 SCOPE OF THIS LOCAL LAW

This Local Law will apply to all meetings of the Council including all Special Committees of the Council.

L1.4 THE POWER TO MAKE THIS LOCAL LAW

The Council's power to make this Local Law is contained in section 5 and 91 and 111 of the *Local Government Act 1989*.

L1.5 THE OPERATIONAL DATE OF THIS LOCAL LAW

This Local Law commences on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette, and operates throughout the municipal district.

L1.6 THE DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on the 10th anniversary of the day on which it commenced operation.

L1.7 WORDS USED IN THIS LOCAL LAW

WORDS	MEANING
Act	Means the <i>Local Government Act 1989</i>
Chair	Refers to the Chairperson.
Chairperson	The person who chairs the meeting of the Council or Special Committee of the Council.
Councillor	Means a person who is an elected member of the Council.
Council Meeting	Includes Ordinary and Special Meetings of the Council.
Member	Refers to a person who is entitled to vote at a meeting of the Council or a Special Committee of the Council.
Minister	Means the Minister responsible for administering the <i>Local Government Act 1989</i> .
Chief Executive Officer	Means the Chief Executive Officer appointed by the Council
Regulations	Means the Local Government (General) Regulations 2004
Suspension of Standing Orders	Means the suspension of the rules and regulations contained in this Local Law.

PART 2

COUNCIL MEETINGS

DIVISION 1 - NOTICES AND AGENDAS

L2.1 DATES AND TIMES OF MEETINGS

The date, time and place of all Council meetings are to be fixed by the Council from time to time and reasonable notice must be provided to the public.

Seven (7) days notice of each Ordinary Council meeting must be provided to the public.

L2.2 COUNCIL MAY ALTER MEETING DATES

The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes to the public.

L2.3 SPECIAL COUNCIL MEETINGS

The notice necessary to call a meeting in accordance with section 84 of the Act must be delivered to the Chief Executive Officer in sufficient time to enable reasonable notice to be given to Councillors.

Three (3) days notice of each Special Meeting must be provided to the public or such public notice as practicable given the circumstances.

L2.4 NOTICE OF MEETING

A notice of meeting incorporating or accompanied by an agenda of the business to be dealt with must be delivered to every Councillor:

- (a) For an ordinary meeting at least 7 days before the meeting; and
- (b) For a special meeting at least 3 days before the meeting; and
- (c) For a special committee meeting at least 3 days before the meeting.

DIVISION 2 - QUORUMS

L2.5 ORDINARY COUNCIL MEETINGS

The quorum required for ordinary Council meetings must comprise a majority number of Councillors.

L2.6 SPECIAL COUNCIL MEETINGS

The quorum required for special Council meetings must comprise at least a majority number of Councillors.

L2.7 SPECIAL COMMITTEE MEETINGS

The quorum for special committee meetings must comprise at least a majority number of members.

L2.8 INABILITY TO GAIN A QUORUM

If after thirty (30) minutes of the scheduled starting time of any meeting or adjournment a quorum cannot be obtained, those present must defer the meeting for a period not exceeding seven (7) days from the date of the deferment.

L2.9 INABILITY TO MAINTAIN A QUORUM

If during any meeting a quorum cannot be achieved and maintained, those present must adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

L2.10 INABILITY TO ACHIEVE OR MAINTAIN A QUORUM DUE TO CONFLICT OF INTEREST OF COUNCILLORS

If during any meeting or adjournment a quorum cannot be maintained due to the declaration of conflict of interest by the majority of Councillors, the Chief Executive Officer or, in his or her absence a senior officer, may hold the matter under consideration over for a length of time sufficient to enable special dispensation for the affected Councillors to be sought from the Minister.

L2.11 NOTICE FOR ADJOURNED MEETING

The Chief Executive Officer may provide written notice of an adjourned meeting but where that is not practicable because time does not permit that to occur then provided a reasonable attempt is made to contact each member, notice by telephone, e-mail, in person or by some other means will be sufficient.

PART 3

MINUTES

L3.1 KEEPING OF MINUTES

The Chief Executive Officer is responsible for the keeping of minutes on behalf of the Council.

L3.2 NO DEBATE ON CONFIRMATION OF MINUTES

No discussion or debate on the confirmation of minutes will be permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.

L3.3 OBJECTION TO CONFIRMATION OF MINUTES

If a Councillor is dissatisfied with the accuracy of the minutes, then he or she must:

- (a) state the item or items with which they are dissatisfied; and
- (b) propose a motion clearly outlining the alternative wording to amend the minutes.

PART 4

BUSINESS OF MEETINGS

L4.1 THE ORDER OF BUSINESS

The order of business will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.

L4.2 CHANGE TO ORDER OF BUSINESS

Once an agenda has been sent to Councillors the order of business for that meeting may only be altered by resolution of the Council.

L4.3 CHIEF EXECUTIVE OFFICER MAY INCLUDE ITEMS ON AN AGENDA

The Chief Executive Officer may include any matter on an agenda which he or she thinks should be considered by the meeting.

PART 5

ADDRESSING THE MEETING

L5.1 ALL PERSONS TO STAND

- (1) Except for the Chairperson, any Councillor or person who addresses the Council meeting must stand and direct all remarks through the Chair.
- (2) At all other meetings persons may remain seated but must direct remarks through the Chair.

L5.2 EXCEPTIONS

The Chairperson may permit any Councillor or person to remain seated whilst addressing the Chair, for reasons of sickness, infirmity or disability or for any other reason as determined by the Chairperson.

L5.3 SUSPENSION OF STANDING ORDERS

Any one or more of the rules and regulations contained in this Local Law may be suspended for a particular purpose by resolution of the Council.

L5.4 NO MOTIONS MAY BE ACCEPTED DURING SUSPENSION OF STANDING ORDERS

No motion may be accepted by the Chair or be lawfully dealt with during any suspension of standing orders.

L5.5 INTERRUPTION FOR POINT OF ORDER

A Councillor who has the floor must not be interrupted unless called to order by the Chair when he or she must sit down and remain silent until the Councillor raising the point of order has been heard and the question disposed of.

L5.6 USE OF TITLES

Councillors and Officers must designate each other by their official titles.

PART 6

OTHER MEETING PROCEDURES

DIVISION 1 - MATTERS NOT PROVIDED FOR

L6.1 MATTERS NOT PROVIDED FOR

Where a procedure or any situation has not been provided for or cannot be dealt with under this Local Law the Council may have regard to the rules, forms and usages of Parliament of the State of Victoria insofar as they are applicable to the proceedings of the Council.

DIVISION 2 - MOTIONS

L6.2 CHAIRPERSON'S DUTY

Any motion or amendment which -

- (a) is defamatory; or
- (b) is objectionable in language or nature; or
- (c) is outside the powers of the Council; or
- (d) is not relevant to the item of business on the Agenda and has not been admitted as urgent business; or
- (e) purports to be an amendment but is not

must not be accepted by the Chairperson.

L6.3 MOVING A MOTION

The procedure for any motion is-

- (a) The mover must state the motion without speaking to it;
- (b) Unless the motion is a formal motion, it must be seconded by a Councillor other than the mover;
- (c) If a motion is not seconded and is not a formal motion, the motion will lapse for want of a seconder;
- (d) If the motion is seconded, the Chairperson must ask: "Is the motion opposed?";
- (e) If the motion is not opposed the mover of the motion may address the Council on the motion.
- (f) If no Councillor indicates opposition, the motion must be declared to be carried without being voted on and will be treated as being passed unanimously;

- (g) If a Councillor indicates opposition, then the Chairperson must request-
 - (i) the mover to address the Council on the motion;
 - (ii) the seconder to address the Council on the motion (who may, without speaking on the motion, reserve his or her address until later in debate);
 - (iii) any Councillor opposed to debate the motion; and
 - (iv) any other Councillors for and against the motion to debate in turn.

L6.4 RIGHT OF REPLY

- (1) The mover of an original motion which has not been amended may once debate has been exhausted, have a right of reply only to matters raised against the motion during debate.
- (2) After the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

L6.5 NO RIGHT OF REPLY FOR AMENDMENTS

No right of reply is available where an amendment is before the Council.

L6.6 MOVING AN AMENDMENT

A motion having been moved and seconded may be amended by leaving out, inserting or adding words which must be relevant to the original motion and do not substantively alter the original intent of the motion. The amendment must be framed so as to complement the original motion as an intelligible and consistent whole.

L6.7 WHO MAY PROPOSE AN AMENDMENT

An amendment may be proposed or seconded by a Councillor, except the mover or seconder of the original motion.

L6.8 WHO MAY DEBATE AN AMENDMENT

A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.

L6.9 HOW MANY AMENDMENTS MAY BE PROPOSED

Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.

L6.10 AN AMENDMENT ONCE CARRIED

If the amended motion is carried, it then becomes the motion before the Chair.

L6.11 FORESHADOWING MOTIONS

At any time during debate a Councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.

L6.12 WITHDRAWAL OF MOTIONS

Before any motion is put to the vote it may be withdrawn by the mover and seconder with leave of the Council.

L6.13 SEPARATION OF MOTIONS

Where a motion contains more than one part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.

L6.14 CHAIRPERSON MAY SEPARATE MOTIONS

The Chairperson may decide to put any motion to the vote in several parts.

L6.15 MOTIONS IN WRITING

The Chairperson may require any complicated or lengthy motion to be submitted in writing.

L6.16 DEBATE MUST BE RELEVANT TO THE MOTION

- (1) Debate must always be relevant to the motion before the Chair, and if not, the Chairperson will request the speaker to confine debate to the subject motion.
- (2) If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter then before the Chair.

DIVISION 3 - MEETING PROCEDURE

L6.17 HOW DETERMINED

Unless determined as per L6.3, to determine a motion before a meeting, the Chairperson will first call for those in favour of the motion and then those opposed to the motion and will declare the result to the meeting. In the event of there being a tied vote of those in favour and those against, the Chairperson shall have a second or casting vote.

L6.18 BY SHOW OF HANDS

Unless the Council resolves otherwise voting on any matter will be by show of hands.

L6.19 BY SECRET BALLOT

Voting at a meeting that is open to the public must not be in secret.

L6.20 SYSTEM OF VOTING BY SECRET BALLOT

In the event that a secret ballot is used in a closed session of Council, the Chief Executive Officer must establish and administer a system for voting by secret ballot to ensure that the privacy of the vote is maintained.

L6.21 WHEN A DIVISION PERMITTED

- (1) Subject to Clause L6.24 a division may be requested by any Councillor on any matter.
- (2) The request must be made to the Chairperson either immediately prior to or immediately after the vote has been taken but cannot be requested after the next item of business has commenced.

L6.22 PROCEDURE FOR A DIVISION

Once a division has been requested, the Chairperson will call for a show of hands by those Councillors voting for the motion and then those Councillors opposed to the motion.

L6.23 BETWEEN THE ORIGINAL VOTE AND THE DIVISION

Where a division is requested after the original vote has been taken, the motion will be decided on the division and the fact that there may be a difference between the result obtained when the original vote was taken and the result obtained on the division will be disregarded.

L6.24 DIVISION NOT ALLOWABLE IF VOTING BY SECRET BALLOT

If the motion on any matter is determined by secret ballot (refer to Clause L6.19) a request to the Chairperson for a Division must not be accepted.

L6.25 NO DISCUSSION ONCE DECLARED

Once a vote on a motion has been taken no further discussion relating to the motion will be allowed unless:

- (a) A Councillor requests that his or her opposition to the motion be recorded in the minutes or a register maintained for that purpose; or
- (b) A subsequent notice of motion follows a rescission motion.

L6.26 FAILURE TO VOTE

When called upon by the Chair, all Councillors present at a meeting must vote and any Councillor being present who is not debarred by law from voting, and does not vote is guilty of an offence against this Local Law.

DIVISION 4 - POINTS OF ORDER

L6.27 CHAIRPERSON TO DECIDE

The Chairperson will decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

L6.28 CHAIRPERSON MAY ADJOURN TO CONSIDER

- (1) The Chairperson may adjourn the meeting to consider a point of order otherwise she or he must rule on it as soon as it is raised.
- (2) All other matters before the Council will be suspended until the point of order is decided.

L6.29 FINAL RULING ON A POINT OF ORDER

The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive.

L6.30 PROCEDURE FOR POINT OF ORDER

A Councillor raising a point of order must:

- (a) state the point of order; and
- (b) the section, clause, paragraph or provision constituting the point of order.

L6.31 VALID POINTS OF ORDER

A point of order may be raised in relation to:

- (a) a procedural matter;
- (b) a Councillor who is or appears to be out of order; or
- (c) any act of disorder.

L6.32 CONTRADICTION OR OPINION

Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

L6.33 ADJOURNMENT AND RESUMPTION OF MEETING

- (1) The Chairperson or the Council may adjourn any meeting until a time and place to be determined at the time of the adjournment.
- (2) For the purpose of stating the time that the meeting is adjourned to it is in order for the time to be indicated at the adjournment or conclusion of another meeting or event.

L6.34 FORMAL MOTIONS

- (1) Unless otherwise prohibited a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Formal motions are not required to be seconded.
- (3) The mover of a formal motion must not have moved seconded or spoken to the motion before the Chair or any amendment of it.
- (4) A formal motion cannot be moved by the Chairperson.
- (5) Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
- (6) Unless otherwise provided a formal motion cannot be amended.

L6.35 LAYING THE MOTION ON THE TABLE

A motion "*That the (motion, letter, document, report etc.) lay on the table*"-

- (a) is a formal motion which may be debated and if carried, has the effect of adjourning any further debate on the matter until such time (if any) as the Council resolves to take the motion from the table; and
- (b) any further debate on the matter cannot take place until such time (if any) as the Council resolves to take the motion from the table; and
- (c) if such a motion is carried in respect to an amendment, both the original motion and the amendment will be adjourned; and
- (d) a motion to take the motion from the table is required to enable debate on the matter to proceed.

L6.36 PROCEEDING TO THE NEXT BUSINESS

A motion "*That the meeting proceed to the next business*"-

- (a) is a formal motion which cannot be moved during the election of Chairperson; and
- (b) if carried in respect to an original motion, the Chairperson must direct the meeting to the next item of business; and
- (c) if carried in respect to a formal motion, the formal motion is immediately disposed of and debate upon the original motion may proceed; and
- (d) if carried in respect to an amendment, the amendment is immediately disposed of and debate upon the original motion may proceed but no similar amendment can be moved at that meeting or any adjournment of it.

L6.37 THE PREVIOUS MOTION

- (1) A motion *“That the motion be NOT now put”*-
 - (a) is a formal motion which cannot be moved while there is an amendment before the Chair or during the election of a Chairperson; and
 - (b) if carried, the original motion to which it relates cannot be dealt with at that meeting or any adjournment of it; and
 - (c) if lost, the original or substantive motion to which it relates must be put to the vote immediately without any further debate or amendment.
- (2) The Chairperson has the discretion to reject a motion for the previous motion if the matter is contentious by nature or has not been adequately debated.

L6.38 THE CLOSURE

A motion *“That the motion be now put”*-

- (1)
 - (a) is a formal motion which if carried in respect to an original motion, that original motion must be put to the vote immediately without any further debate, discussion or amendment;
 - (b) if carried in respect to an amendment, that amendment must be put to the vote immediately without any further debate or discussion and debate on the original motion may continue unaffected;
 - (c) if lost, debate may continue unaffected; and
- (2) The Chairperson has the discretion to reject a motion for closure if the motion upon which it is proposed has not been sufficiently debated.

L6.39 ADJOURNING THE DEBATE

A motion *“That the motion and amendments now before the meeting be adjourned until.....”*-

- (a) is a formal motion which cannot be moved while any person is speaking or during the election of a Chairperson; and
- (b) on which debate is permitted but may only be amended in relation to the time, date and place of the proposed adjournment.

DIVISION 5 - NOTICE OF MOTION

L6.40 MUST BE LISTED ON AGENDA

A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.

L6.41 PROCEDURE

A Councillor may give notice of motion on any matter he or she wants discussed at a meeting by delivering a notice of motion outlining the subject and the motion proposed for discussion to the Chief Executive Officer.

L6.42 LISTING NOTICE ON AGENDA

Unless the notice specifies a particular meeting date, the Chief Executive Officer will list the notice of motion and if more than one, in the order they were received, on the next appropriate meeting agenda.

L6.43 REGISTER OF NOTICES

The Chief Executive Officer must sequentially number every notice of motion received and maintain them in a register.

L6.44 MAY BE MOVED BY ANY COUNCILLOR AND AMENDED

A notice of motion listed on a meeting agenda, may be moved by any Councillor present and may be amended, except if the notice of motion is to confirm a previous resolution of the Council.

L6.45 EXCEPT FOR CONFIRMATION OF PREVIOUS RESOLUTION

If a notice of motion to confirm a previous resolution of the Council cannot be carried in its original form it will be lost.

L6.46 IF LOST

If a notice of motion is lost, a similar motion cannot again be put before the Council for at least 3 months from the date it was last lost, unless the Council resolves for the notice to be re-listed at a future meeting.

DIVISION 6 - NOTICE OF AMENDMENT OR RESCISSION

L6.47 PROCEDURE

A Councillor may propose a motion to amend or rescind a decision of the Council provided:

- (a) the previous decision has not been acted upon; and
- (b) a notice is delivered to the Chief Executive Officer outlining;
 - (i) the decision to be amended or rescinded; and
 - (ii) the meeting and date when the decision was made.

L6.48 LISTING NOTICE ON AGENDA

Unless the notice specifies a particular meeting date, the Chief Executive Officer will list the notice of amendment or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda.

L6.49 CRITERIA TO AMEND OR RESCIND A MOTION

For a decision of the Council to be amended or rescinded, the motion for amendment or rescission must be carried by a majority of the votes cast.

L6.50 IF LOST

If a notice of amendment or rescission is lost, a similar motion cannot be put before the Council for at least 3 months from the date it was last lost, unless the Council resolves for the notice to be re-listed at a future meeting.

L6.51 IF NOT MOVED

If a notice of amendment or rescission is not moved at the meeting for which it is listed, it will lapse.

L6.52 MAY BE MOVED BY ANY COUNCILLOR

A notice of amendment or rescission listed on a meeting agenda may be moved by any Councillor present but cannot be amended.

L6.53 WHEN REQUIRED

A notice of amendment or rescission is not required where the Council wishes to change a previous decision relating to policy of the Council.

L6.54 REGISTER OF NOTICES

The Chief Executive Officer must sequentially number every notice of amendment or rescission received and maintain them in a register.

L6.55 URGENT AND OTHER BUSINESS

Business which has not been listed on the Agenda may only be raised as urgent or other business by resolution agreed by the Council.

DIVISION 7 - PUBLIC PARTICIPATION

L6.56 DURING MEETINGS

- (1) (a) At every ordinary meeting of the Council time may be allocated to enable any member of the community to question the Council.
- (b) At every ordinary meeting of the Council time may be allocated to enable any member of the community to address the Council.

- (2) Sub-clause (1) does not apply where the Council has resolved to close the meeting in respect of a matter under section 89(2) of the Act.
- (3) The Chairperson will allocate 3 minutes of time to each person who wishes to question or address the Council having regard to-
 - (i) the nature of the matter to be discussed;
 - (ii) priorities in relation to other council business;
 - (iii) other members of the community present who also wish to question or address the Council.
- (4) The Council may decide to defer discussion to a later date.
- (5) The time allocation for public question time or addresses to Council may be extended at the Chairpersons discretion.

L6.57 MEETINGS

Any member of the public or community addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.

L6.58 CHAIRPERSON MAY REMOVE

- (1) Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be liable to be removed from the meeting.
- (2) The Chairperson has a discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction.

L6.59 PETITIONS AND JOINT LETTERS

A petition or joint letter presented to the Council must lay on the table for a period determined by the Council but not exceeding the next two Council Meetings. No motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council unanimously agrees to deal with it earlier.

L6.60 COUNCILLOR PRESENTING PETITION - OBLIGATIONS

Any Councillor presenting a petition or joint letter will be responsible for ensuring that-

- (a) they are familiar with the contents and purpose of the petition or joint letter;
and
- (b) the petition or joint letter is not derogatory or defamatory.

DIVISION 8 - ADDITIONAL DUTIES OF CHAIRPERSON

L6.61 THE CHAIRPERSON'S DUTIES AND DISCRETIONS

In addition to the duties and discretions provided in this Local Law, the Chairperson must-

- (a) not accept any motion, question or statement which is derogatory, defamatory or embarrassing to any Councillor, member of staff, ratepayer or member of the public;
- (b) call to order any person who is disruptive or unruly during any meeting.

PART 7.

ELECTION OF MAYOR, ANY DEPUTY MAYOR AND OTHER CHAIRPERSONS

L7.1 ELECTION OF MAYOR AND CHAIRS

- (1) The meeting to fill the vacancy of Mayor will be held:
 - (a) as soon as practicable after the declaration of the result of the election; or
 - (b) where the position of Mayor otherwise becomes vacant, as soon as practicable after the vacancy has occurred.
- (2) The Chief Executive Officer or member of Council staff nominated by the Chief Executive Officer must open the meeting at which the Mayor is to be elected, and call for nominations for the election of a Councillor as a temporary chair. They will deal with:
 - (a) the receipt of nominations for the election of Mayor;
 - (b) the fixing of allowances payable to the Mayor and Councillors;
 - (c) the election of the Mayor.
- (3) The election of the Mayor will be carried out by show of hands.
- (4) In determining the election of the Mayor, the following will apply:
 - (a) where only one nomination is received, that Councillor must be declared elected;
 - (b) where two nominations are received, the Councillor with the majority of votes cast will be declared elected;
 - (c) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot;
 - (d) where there are more than two nominations received and the result has not been determined under paragraphs (b) or (c) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again;

- (e) the procedure in paragraph (d) must be repeated until the circumstances in paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with a majority will be declared elected or, if there is an equal division of votes, the election must be determined by lot.

(5) Determining the Election of any Deputy Mayor

If Council resolves that there be an office of Deputy Mayor, the Deputy Mayor is to be elected in the manner provided for in clause L7.1. The role of the Deputy Mayor is to be taken as Acting Mayor for purposes of S 73 of the *Local Government Act 1989*.

If the mayor is unable to attend an ordinary or special council meeting for any reason

- (a) any Deputy Mayor will be acting Chair;
- (b) if no Deputy Mayor has been elected, an acting Chair may be elected.

- (6) Any election by council of an acting chair for an ordinary or special council meeting or a special committee will follow the same procedure as that for an election of the mayor.

PART 9.

ENFORCEMENT AND PENALTIES

L9.1 OFFENCES

- (1) Where any provision in this Local Law requires that something must not be done under any circumstances, any person who does that act is guilty of an offence.
- (2) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

L9.2 PENALTIES

- (1) A person found guilty of an offence under this Local Law is subject to a penalty of 20 penalty units.
- (2) Schedule 1 of this Local Law sets out penalties for infringement notices which may be issued as an alternative to prosecution in respect of offences against this Local Law where Council or its Authorised Officers determine to proceed by infringement notice.

L9.3 INFRINGEMENT NOTICE

- (1) An Authorised Officer may serve an infringement notice under this Local Law in the form of Schedule 2 on any person whom the officer believes has committed an infringement referred to in Schedule 1 requiring the person to pay the penalty for the infringement within 28 days of the issue of the infringement notice.
- (2) If the infringement notice is not withdrawn and the person pays to the Council the amount required by the infringement notice within the period of 28 days or such further period as the Council or an Authorised Officer may allow, no further action will be taken.
- (3) Any person issued with an infringement notice may make a written representation to the Council, marked to the attention of the Chief Executive Officer, officer in charge of Local Laws administration or any other person authorised by the Council to receive such representations within 28 days of the issue of the infringement notice.
- (4) A written representation received by the Council in accordance with sub-clause (3) within 28 days of the issue of the infringement notice must be considered, together with any other relevant information received within that period, by the relevant authorised person under sub-clause (3).
- (5) Subject to sub-clause (11) the decision of the Chief Executive Officer or officer in charge of Local Laws administration or such other person as the Council authorises on any representations received will be final.
- (6) The Council or the Chief Executive Officer or officer in charge of Local Laws administration or such other person as the Council authorises may at any time withdraw an infringement notice either as a result of consideration of any representation made or with a view to prosecuting for an offence.

- (7) Where an infringement notice is withdrawn, the person upon whom it was served must be refunded any payment which that person has made on the infringement notice.
- (8) If the penalty referred to in an infringement notice has been paid within 28 days of its issue and no representation has been received by the Council or its officers, no decision may be made to withdraw the infringement notice and prosecute the offence after the expiry of 28 days from the issue of the infringement notice.
- (9) A withdrawal of an infringement notice must be served in accordance with section 234 of the Act.
- (10) In the event of the failure of a person served with an infringement notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Council or the Authorised Officer may permit, the Council or the Authorised Officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.
- (11) Any person served with an infringement notice under this Local Law is entitled to disregard the notice and defend the prosecution in Court.

SCHEDULE 1

**PROCESSES OF MUNICIPAL GOVERNMENT
(MEETING AND COMMON SEAL) LOCAL LAW**

WELLINGTON SHIRE COUNCIL

**PENALTIES FOR INFRINGEMENT NOTICE PURPOSES IN
RESPECT OF OFFENCES AGAINST THIS LOCAL LAW**

OFFENCES AGAINST LOCAL LAW NO. 1- 2014 PENALTY UNITS

L6.57	Failure to comply with Chairpersons direction	20
L8.1	Using Council's Common Seal without authority.....	20

SCHEDULE 2

**PROCESS OF MUNICIPAL GOVERNMENT
(MEETING AND COMMON SEAL) LOCAL LAW
WELLINGTON SHIRE COUNCIL
INFRINGEMENT NOTICE**

Will be in the form provided by Council and in compliance with the requirements of Section 117 of the *Local Government Act 1989*.



C3 - REPORT

GENERAL MANAGER DEVELOPMENT



C4 - REPORT

GENERAL MANAGER BUILT & NATURAL ENVIRONMENT

ITEM C4.1**LEASE WITH ROYAL FLYING DOCTORS SERVICE**

DIVISION: BUILT AND NATURAL ENVIRONMENT
 ACTION OFFICER: MANAGER BUILT ENVIRONMENT
 DATE: 19 AUGUST 2014

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
✓	✓	✓	✓	✓	✓			✓	✓

OBJECTIVE

Receive Council authorisation for the Chief Executive Officer to undertake the necessary statutory and other processes to allow Council to establish a lease with the Royal Flying Doctors Service (Victoria) (RFDS) for buildings located at the Sale Oval.

BACKGROUND

Following an approach from Royal Flying Doctors Service for assistance in locating suitable buildings to relocate their Mobile Patient Care (road transport) regional coordination and administration functions, a Heads of Agreement was established which outlined the redevelopment of council buildings at the Sale Oval.

The location was considered desirable for two main reasons including: (1) to ensure Royal Flying Doctors Service staff who currently work at the Maffra based coordinator centre are retained within Wellington Shire; and (2) that the services provided by Royal Flying Doctors Service fit well within the Sale Hospital Precinct.

On 4 July 2014 Deputy Premier and Member for Gippsland South Peter Ryan announced \$360,000 in state government funding to support the project. This is in addition to \$180,000 in funding being provided by council.

Accordingly, the project has sufficiently progressed to require council to undertake relevant statutory processes, namely to advertise its intention to enter into a new lease. Contact has also been made with the Department of Environment and Primary Industries as the lease will be established on Crown Land where Council is the Committee of Management.

As outlined within the Heads of Agreement, rental is proposed to be at or below market value. Justification for this exists in the economic benefits that the lease provides by ensuring Royal Flying Doctors Service staff continue to be employed within Wellington Shire. Additional justification exists by the fact that the project has received significant state government funding, allowing for the redevelopment currently unused council assets.

OPTIONS

Council has the following options:

1. Progress the establishment of a lease with Royal Flying Doctors Service; or
2. Not progress with the establishment of a lease with Royal Flying Doctors Service noting that state government funding that has been committed would be withdraw.

PROPOSAL

Council authorise the Chief Executive Officer to progress all necessary steps to establish a lease with the Royal Flying Doctors Service (Victoria) including complying with s190 and s223 of the *Local Government Act 1989*.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

Whilst the intention is for Council to enter into a lease at or below market value, there is currently no rental being received for the relevant buildings. Accordingly in the event a lease is established, council will begin receiving an income for the site.

Funding for the redevelopment of the buildings is being sourced from Council's capital program (\$180,000) and a state government grant (\$360,000).

A funding agreement will be entered into at the appropriate point in time. A draft agreement has already been received from the Department of State Development, Business and Innovation (DSDBI).

COMMUNICATION IMPACT

Noting the building is also tenanted by the Sale Football and Netball Club and the Sale Cricket Club regular communication will continue to ensure parties are informed of developments and any minor issues are appropriately resolved.

LEGISLATIVE IMPACT

Council is required to comply with s190 and s223 of the *Local Government Act 1989*. Accordingly as this lease has been assessed to have a fair market value of at least \$50,000 annually Council is required to notify its intention to enter into the lease.

A public notice will be placed to seek submissions following the adoption of the recommendation within this report. Any submissions subsequently received would then need to be considered by Council at a future meeting.

The lease itself will be formed under s17D of the *Crown Land (Reserves) Act 1978* and the lease will therefore require the consent of the relevant Minister (or their delegate). Indications from Department Environment and Primary Industries are that consent would be provided noting the purpose of the lease not being detrimental the reservation purpose of the Crown Land.

COUNCIL POLICY IMPACT

In accordance with Council's policy on *Rental and Leasing of Council Owned Properties*, the lease proposed in this report would be considered a Commercial Lease i.e. this is not a lease to a "non-profit organisation for Council related community or sporting purposes". It would however be at or below market value and justification for this has been outlined within this report.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 4 Infrastructure states the following strategic objective and related strategies:

Strategic Objective

“Assets and infrastructure that meet current and future community needs.”

Strategy 4.1

“Undertake service delivery planning to provide community assets in response to identified needs.”

Strategy 4.2

“Ensure assets are managed, maintained and renewed to meet service needs.”

This report supports the above Council Plan strategic objective and strategies.

PLANNING POLICY IMPACT

Council’s planning unit has confirmed that both the buildings works and the use of the land associated with this proposal are exempt from requiring separate planning approval. Building works undertaken by Council with a value less than one million dollars are exempt from requiring planning approval.

The land is zoned Public Park and Recreation Zone. Under the provisions of the Wellington Planning Scheme, use of land in this zone by or on behalf of the Public Land Manager acting under the *Local Government Act 1989* or the *Crown Lands (Reserves) Act 1978* is exempt from needing to obtain planning approval. In this case, the leasing of the land to the Royal Flying Doctors Service is being undertaken by Council under the provisions of the *Local Government Act 1989*, with consent from Department Environment and Primary Industries under the *Crown Land (Reserves) Act 1978*, so the use is therefore exempt.

RESOURCES AND STAFF IMPACT

The majority of actions required for this project will be completed by officers within the Built and Natural Environment Division. Specialised advice may be procured from time to time such as legal and architectural / engineering.

CONSULTATION IMPACT

Extensive consultation has been undertaken with members of Royal Flying Doctors Service. This is to ensure the redeveloped buildings cater for the operational requirements.

RISK MANAGEMENT IMPACT

Appropriate advice has been sought regarding the establishment of the lease including from the Department Environment and Primary Industries noting that it will be a crown land lease.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That

- 1. Council authorise the Chief Executive Officer to progress all necessary steps to establish a lease with Royal Flying Doctors Service (Victoria) including complying with s190 and s223 of the Local Government Act 1989; and***
- 2. The information contained in the confidential document Item F1.1 Lease with Royal Flying Doctors Service of this Council Meeting Agenda be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 30 July 2014 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: c) contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989.***



RFDS Lease Areas - Sale Oval

Area 1 (part former OA Ruff Sports Stadium) Area 2 (part former Sale Community Sports Club)



0 10 20 30 40 Metres
1:879

Print Date: 28/07/2014 2:24:00 PM

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C5 - REPORT

GENERAL MANAGER LIVEABILITY

ITEM C5.1**NEWRY RECREATION RESERVE COMMITTEE OF MANAGEMENT MINUTES**

DIVISION: LIVEABILITY
 ACTION OFFICER: MANAGER HEALTHY LIFESTYLES
 DATE: 19 AUGUST 2014

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
		✓	✓	✓				✓	

OBJECTIVE

For Council to receive the minutes from the Newry Recreation Reserve Committee of Management's Ordinary Meeting held on 26 May 2014.

BACKGROUND

The Newry Recreation Reserve Committee of Management is a Special Committee of Council under Section 86 of the *Local Government Act 1989* and operates within the provisions of a Council approved Instrument of Delegation.

The objectives of the Special Committee are:

- To manage, operate and maintain the Newry Recreation Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Newry Recreation Reserve for the use and enjoyment of the local community.

As provided under the Committee's Instrument of Delegation the minutes of all meetings are to be presented to Council. The minutes from the 26 May 2014 Committee meeting were received at this office on the 18 July 2014 and highlight the day to day activities being undertaken by the Committee.

Conflict of Interest: It was noted that conflicts of interest were not called for at the commencement of the meeting. This oversight will be followed up with the Committee and the Committee will be encouraged to use the agenda and minute templates provided as part of the Resource Kit.

OPTIONS

Council has the following options:

1. Receive the minutes from the Newry Recreation Reserve Committee of Management's Ordinary Meeting held on 26 May 2014; or
2. Seek further information to be considered at a future Council Meeting.

PROPOSAL

That Council receive the minutes from the Newry Recreation Reserve Committee of Management's Ordinary Meeting held on the 26 May 2014.

CONFLICT OF INTEREST

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

LEGISLATIVE IMPACT

This report is in accordance with Section 91(4) of the *Local Government Act 1989*.

COUNCIL POLICY IMPACT

This report is in accordance with Council Policy 5.3.2 which establishes a framework for the guidance of Council in relation to the roles and responsibilities of Committees.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 4 Infrastructure states the following strategic objective and related strategy:

Strategic Objectives

“Asset and infrastructure that meet current and future community needs.”

Strategy 4.2

“Ensure assets are managed, maintained and renewed to meet service needs.”

CONSULTATION IMPACT

Meetings held by the Newry Recreation Reserve Special Committee of Council are open to the public.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council receive the minutes from the Newry Recreation Reserve Committee of Management’s Ordinary Meeting held on 26 May 2014.

Newry Recreation Reserve

General Meeting Minutes

26/05/2014

Present: G Smith, K Whitehurst, D Berryman, M Berryman, B Shingles, C Shingles, K Lascelles, I McGowan, C Crossley.

1. Minutes of Previous meeting.

The minutes were presented to be a true & correct record. Moved B Shingles, 2nd K Whitehurst.

2. Treasurers Report.

With a balance of \$6,486.09.00 in the account, all previous accounts have been paid, although a mix up at the bank has seen some cheque's returned. Michelle will chase up and see if we need to reissue any cheque's. An amount of \$32.01 interest is owing to the SRW for late payment of the water bill. Michelle will pay ASAP. Moved D Berryman, that all accounts presented by paid, 2nd K Whitehurst.

BUSINESS ARISING FROM THE PREVIOUS MINUTES.

1. User group accounts.

Michelle has double checked actual games played at the Rec Reserve by the Wurruk cricket Club and will now issue an account. The Motor bike club has outstanding accounts for the past couple of years. Michelle will reissue the accounts and Ian will chase up with the treasurer. *Account to be posted to Maffra Motorcycle Club, P O Box 338, MAFFRA, 3860.

2. New User group.

As discussed previously Dennis Huffer is to be made a user group due to his use of the football ground for his training. Michelle Berryman will contact Dennis.

3. Information sign.

We have agreed to go with option 1, Caroline Crossley will report back the council on our behalf.

Moved B Shingles, 2nd D Berryman.

Chairperson Report.

Graeme has checked the safety audit at the Rec Reserve and found that although we've been billed for 3 extinguishers, the one in the change rooms is actually out of date. It was decided that we would contact the Maffra Fire Brigade regarding the replacement of this one and future checking of all extinguishers. Moved K Whitehurst 2nd B Shingles.

USER GROUP REPORTS.

Football Club.

Brad reported that some gravel is needed to fill the large potholes behind the rooms and on the track in general. Will obtain some quotes and organize. Also will look into creating better access for disabled and the costs involved in altering the current ramp to suit.

CRG.

No issues.

FIRE BRIGADE.

Following the upgrade to the main street, parking is now an issue at the fire station, with little to no space available for members due to the new drains put in on the side of the road. Caroline to pass this on to Council and see what we can work out for a solution.

Golf Club

No Issues.

Motor Cross.

No issues.

GENERAL BUSINESS.

1. Michelle will endeavour to complete the GST report form, for July to December 2013, and return to the Council ASAP.

Meeting Closed: 7.42pm

Next Meeting: August 25th @ 7pm.

ITEM C5.2**MAFFRA RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP**

DIVISION: LIVEABILITY
 ACTION OFFICER: MANAGER HEALTHY LIFESTYLES
 DATE: 19 AUGUST 2014

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
		✓	✓	✓					

OBJECTIVE

For Council to appoint the nominated Eastern Victoria Pleasure Harness Club representative to the Maffra Recreation Reserve Committee of Management, as detailed in the attached confidential report, for the remainder of the three year period ending 18 December 2015.

BACKGROUND

The Maffra Recreation Reserve is a Special Committee of Council under Section 86 of the *Local Government Act 1989* and operates within the provisions of a Council approved Instrument of Delegation.

The objectives of the Special Committee are:

- To manage, operate and maintain the Maffra Recreation Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Maffra Recreation Reserve for the use and enjoyment of the local community.

The Committee operates under a Terms of Reference which provide for the Council appointment of a minimum of five members for a three year term from 17 December 2012 to 18 December 2015. At its meeting on 5 August 2014, Council adopted the recommendation to amend the Terms of Reference to include a representative from the Eastern Victorian Pleasure Harness Club as an endorsed position on the Committee. Committee membership is as follows:

- One Councillor
- Two Representatives from the Maffra Football Club
- Two Representatives from the Maffra Agricultural Society
- One Representative from the District Kennel Club
- One Representative from the Poultry Club
- One Representative from the Maffra Municipal Band
- One Representative from the Maffra Rockhounds
- One Representative from the Eastern Victorian Pleasure Harness Club Inc
- Four representatives of the community of Maffra. Expressions of interest shall be sought embracing an agreed range of skills and experience appropriate to the functioning of a public recreation reserve

An Expression of Interest for membership to the Committee as a representative of the Eastern Victorian Pleasure Harness Club has now been received.

OPTIONS

Council has the following options:

1. To appoint the nominated Eastern Victoria Pleasure Harness Club representative to the Maffra Recreation Reserve Committee of Management, as detailed in the attached confidential report, for the remainder of the three year period, ending 18 December 2015; or
2. Seek further information to be considered at a future Council meeting.

PROPOSAL

That Council appoint the nominated Eastern Victoria Pleasure Harness Club representative to the Maffra Recreation Reserve Committee of Management, as detailed in the attached confidential report, for the remainder of the three year period, ending 18 December 2015.

CONFLICT OF INTEREST

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

LEGISLATIVE IMPACT

This report is in accordance with Section 91(4) of the *Local Government Act 1989*.

COUNCIL POLICY IMPACT

This report is in accordance with Council Policy 5.3.2 which establishes a framework for the guidance of Council in relation to the roles and responsibilities of Committees.

COUNCIL PLAN IMPACT

The Council Plan 2013-17 Theme 4 Infrastructure states the following strategic objective and related strategy:

Strategic Objectives

"Asset and infrastructure that meet current and future community needs."

Strategy 4.2

"Ensure assets are managed, maintained and renewed to meet service needs."

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

1. ***Council adopts the recommendation contained in the confidential report at Item F1.2 of the Council Meeting Agenda for Maffra Recreation Reserve Committee of Management Membership; and***

2. ***The information contained in the confidential document Item F1.2 Maffra Recreation Reserve Special Committee of Council Membership of this Council Meeting Agenda, be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Liveability on 1 August 2014 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful member can be made public.***

ITEM C5.3**2013-058 PORT OF SALE CULTURAL HUB ARCHITECTURAL DESIGN SERVICES TENDER AWARD**

DIVISION: LIVEABILITY
 ACTION OFFICER: GENERAL MANAGER LIVEABILITY
 DATE: 19 AUGUST 2014

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Consultation	Risk Management
✓	✓	✓		✓	✓	✓	✓	✓	✓

OBJECTIVE

The objective of this report is for Council to enter into a contract for the architectural design of the Port of Sale Cultural Hub.

BACKGROUND

As discussed with Councillors at a Workshop on 6 May 2014 a Tender has been advertised to enable the appointment of an architect to undertake the design, documentation and construction services for the Port of Sale Cultural Hub, incorporating the Gippsland Art Gallery, Sale Public Library and Council chambers. This project is to be achieved by redeveloping the building that is currently the Wellington Shire Council Civic Centre at 70 Foster Street, Sale.

OPTIONS

Council has the following options:

1. Enter into a contract for the architectural design of the Port of Sale Cultural Hub; or
2. Not enter into a contract for the architectural design of the Port of Sale Cultural Hub.

PROPOSAL

That Council adopts the recommendations contained in the attached confidential Tender Evaluation Report for contract 2013-058 Port of Sale Cultural Hub Architectural Design Services.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

Funding for this project is included in the 2014/15 Capital Works Program as adopted by Council.

COMMUNICATION IMPACT

Local business owners will be informed of works prior to commencement and will continue to be kept informed during works, in accordance with the community engagement strategy.

Individual community members will be kept informed via regular information posted in Wellington Matters, and through the involvement of the Port of Sale Cultural Hub Steering Group.

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contract tendering process complies with the *Victorian Local Government Act 1989* and the Victorian Local Government Code of Tendering.

COUNCIL PLAN IMPACT

The Council Plan 2013–2017 Theme 4 Infrastructure states the following strategic objective and related strategy:

Strategic Objective

“Assets and infrastructure that meet current and future community needs”

Strategy 4.2

“Ensure assets are managed, maintained and renewed to meet service needs.”

This report supports the above Council Plan strategic objective and strategy.

RESOURCES AND STAFF IMPACT

There is staff involvement on the Port of Sale Cultural Hub Steering Group plus relevant library and art gallery staff will provide operational input to the project design via the architect. The Built Environment and Assets & Projects Units will provide staff and resources to manage this contract.

COMMUNITY IMPACT

There will be some short term impact due to the transition of the Gippsland Art Gallery Sale into temporary accommodation within the Port of Sale Business Centre. There will be a reduced service delivered by the art gallery during the construction period. Sale library services will continue as they are during the construction phase and we will endeavour to minimise disruption to services during the transition from the current site to the new facility.

ENVIRONMENTAL IMPACT

The proposed works will have minimal environmental impact, with the contractors complying with Council’s Guidelines on Environmental Management.

CONSULTATION IMPACT

There is an extensive process for community consultation throughout the life of this project. The Port of Sale Cultural Hub Steering Group plays a key consultative role. The architect will be consulting with a range of key stakeholders all of whom have the potential to influence the project design

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All OH&S risks will be discussed with the contractor and will be managed appropriately to minimise each risk

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.3 of the Council Meeting Agenda for contract 2013-058 Port of Sale Cultural Hub Architectural Design Services; and***
- 2. The information contained in the confidential document Item F1.3 2013-058 Port of Sale Cultural Hub Architectural Design Services and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Liveability on 11 August 2014 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) contractual matters; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except once this recommendation has been adopted the name of the successful tenderer can be made public.***



D. URGENT BUSINESS



E. FURTHER GALLERY AND CHAT ROOM COMMENTS



F. CONFIDENTIAL ATTACHMENT/S

F. CONFIDENTIAL ATTACHMENT/S



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

**ORDINARY COUNCIL MEETING
19 AUGUST 2014**

On this 30 day of July 2014, in accordance with Section 77 Clause (2)(c) of the *Local Government Act 1989*, I, Chris Hastie, General Manager Built and Natural Environment (delegate) declare that the information contained in the attached **LEASE WITH ROYAL FLYING DOCTORS SERVICE** is confidential because it relates to the following grounds under Section 89(2) of the *Local Government Act 1989*:

d) Contractual matters

.....
CHRIS HASTIE
General Manager Built and Natural Environment



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

**ORDINARY COUNCIL MEETING
19 AUGUST 2014**

On this 1 day of August 2014, in accordance with Section 77 Clause (2)(c) of the *Local Government Act 1989*; I, Glenys Butler (Delegate) declare that the information contained in the attached document **MAFFRA RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP** is confidential because it relates to the following grounds under Section 89(2) of the *Local Government Act 1989*:

(h) any other matter which the Council or special committee considers would prejudice the Council or any person

.....
General Manager Liveability (Delegate)



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

**ORDINARY COUNCIL MEETING
19 AUGUST 2014**

On this 11 day of August 2014, in accordance with Section 77 Clause (2)(c) of the *Local Government Act 1989*; I, Glenys Butler declare that the information contained in the attached document **2013-058 PORT OF SALE CULTURAL HUB ARCHITECTURAL DESIGN SERVICES TENDER AWARD** is confidential because it relates to the following grounds under Section 89(2) of the *Local Government Act 1989*:

d) contractual matters

.....
General Manager Liveability

G. IN CLOSED SESSION