



**WELLINGTON**  
SHIRE COUNCIL  
*The Heart of Gippsland*

## Resolutions in Brief

### Virtual Council Meeting via Skype

To be read in conjunction with Council Meeting Agenda 20 October 2020

#### **COUNCILLORS PRESENT**

Alan Hall (Mayor)

Gayle Maher (Deputy Mayor)

Ian Bye

Carolyn Crossley

Malcolm Hole

Darren McCubbin

Carmel Ripper

Scott Rossetti

Gary Stephens

#### **APOLOGIES**

Nil

#### **OFFICERS PRESENT**

David Morcom, Chief Executive Officer

Damian Norkus, Business Systems Officer

Denise Teo, Governance Officer

**ORDINARY MEETING OF COUNCIL – 20 OCTOBER 2020**  
**RESOLUTIONS IN BRIEF**

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**ITEM A4**

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

*The recommended decision is not a Major Policy Decision or a Significant Decision as defined by Council's Election Period Policy.*

**OBJECTIVE**

To adopt the minutes of the Ordinary Council Meeting of 6 October 2020.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 October 2020.*

**COUNCILLOR BYE / COUNCILLOR CROSSLEY**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 October 2020.*

**CARRIED**

**ITEM A5**

**BUSINESS ARISING FROM PREVIOUS MEETING/S**

NIL

**ITEM A6**

**ACCEPTANCE OF LATE AND URGENT ITEMS**

NIL

**ITEM A7**

**NOTICE/S OF MOTION**

NIL

**ITEM A8(1)**

**OUTSTANDING PETITIONS**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

**ITEM A9**

**INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS**

NIL

**ITEM A10**

**QUESTIONS ON NOTICE**

NIL

**ITEM A11(1)**

**MAYOR AND COUNCILLORS REPORT**

*The recommended decision is not a Major Policy Decision or a Significant Decision as defined by Council's Election Period Policy.*

**RECOMMENDATION**

*That the Mayor and Councillors Report be noted.*

**COUNCILLOR CROSSLEY / COUNCILLOR RIPPER**

*That the Mayor and Councillors Report be noted.*

**CARRIED**

**ITEM B**

**DELEGATES REPORT**

NIL

**ITEM C1.1**

**CHIEF EXECUTIVE OFFICER'S REPORT**

*The recommended decision is not a Major Policy Decision or a Significant Decision as defined by Council's Election Period Policy.*

**RECOMMENDATION**

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

**COUNCILLOR HOLE / COUNCILLOR RIPPER**

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

**CARRIED**

**ITEM C1.2**

**SEPTEMBER 2020 COUNCIL PERFORMANCE REPORT**

*The recommended decision is not a Major Policy Decision or a Significant Decision as defined by Council's Election Period Policy.*

**OBJECTIVE**

For Council to receive and note the September 2020 Council Performance Report.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council receive and note the September 2020 Council Performance Report as attached.*

**COUNCILLOR STEPHENS / COUNCILLOR CROSSLEY**

*That Council receive and note the September 2020 Council Performance Report as attached.*

**CARRIED**

**ITEM C2.1**

**ASSEMBLY OF COUNCILLORS**

*The recommended decision is not a Major Policy Decision or a Significant Decision as defined by Council's Election Period Policy.*

**OBJECTIVE**

To report on all assembly of Councillor records received for the period 28 September 2020 to 11 October 2020.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council note and receive the attached Assembly of Councillor records for the period 28 September 2020 to 11 October 2020.*

**COUNCILLOR BYE / COUNCILLOR ROSSETTI**

*That Council note and receive the attached Assembly of Councillor records for the period 28 September 2020 to 11 October 2020.*

**CARRIED**

*The recommended decision is not a Major Policy Decision or a Significant Decision as defined by Council's Election Period Policy.*

**OBJECTIVE**

To receive and note the minutes of the Audit & Risk Committee meeting held on 24 September 2020.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

***That:***

- 1. Council receive and note the minutes in brief at Attachment 1 and the confidential attachment Audit & Risk Committee Minutes of 24 September 2020;***
- 2. The information contained in the confidential attachment Audit & Risk Committee Minutes of 24 September 2020 of this Council meeting agenda and designated under Section 3(1) of the Local Government Act 2020 as confidential by the General Manager Corporate Services on 30 September 2020 because it relates to the following grounds: e) legal privileged information, being information to which legal professional privilege or client legal privilege applies and l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989 be designated confidential information under Section 3(1) of the Local Government Act 2020.***

**COUNCILLOR STEPHENS / COUNCILLOR MAHER**

***That:***

- 1. Council receive and note the minutes in brief at Attachment 1 and the confidential attachment Audit & Risk Committee Minutes of 24 September 2020;***
- 2. The information contained in the confidential attachment Audit & Risk Committee Minutes of 24 September 2020 of this Council meeting agenda and designated under Section 3(1) of the Local Government Act 2020 as confidential by the General Manager Corporate Services on 30 September 2020 because it relates to the following grounds: e) legal privileged information, being information to which legal professional privilege or client legal privilege applies and l) information that was confidential information for the purposes of section 77 of the Local Government Act 1989 be designated confidential information under Section 3(1) of the Local Government Act 2020.***

**CARRIED**

**ITEM C2.3**

**IN PRINCIPLE APPROVAL OF DRAFT 2019/20 FINANCIAL AND PERFORMANCE STATEMENTS**

*The recommended decision is not a Major Policy Decision or a Significant Decision as defined by Council's Election Period Policy.*

**OBJECTIVE**

For Council to approve in principle the draft 2019/2020 Financial and Performance Statements as attached and authorise two Councillors to certify these statements upon completion of the Auditor-General's review.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council approve, in principle, the Draft 2019/2020 Financial and Performance Statements as attached and authorise two Councillors from the Audit & Risk Committee to certify the statements in their final form.*

**COUNCILLOR STEPHENS / COUNCILLOR RIPPER**

*That Council approve, in principle, the Draft 2019/2020 Financial and Performance Statements as attached and authorise two Councillors from the Audit & Risk Committee to certify the statements in their final form.*

**CARRIED**

ITEM C2.4

**S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION  
(PLANNING AND ENVIRONMENT ACT 1987 ONLY) - ANTHONY  
GREENFIELD**

*The recommended decision is not a Major Policy Decision or  
a Significant Decision as defined by Council's Election Period Policy.*

**OBJECTIVE**

This report seeks Council's approval for the designated Council Officer responsible for administration and enforcement of the *Planning and Environment Act 1987* (the Act) to be appointed and authorised as an Authorised Officer under the Act.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached S11A Instrument of Appointment and Authorisation (the instrument), resolve that:*

- 1. Council Officer Anthony Greenfield be appointed and authorised as set out in the instrument as provided at Attachment 1; and*
- 2. The instrument be signed and sealed by the Chief Executive Officer.*

**COUNCILLOR MAHER / COUNCILLOR RIPPER**

*That Council, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached S11A Instrument of Appointment and Authorisation (the instrument), resolve that:*

- 1. Council Officer Anthony Greenfield be appointed and authorised as set out in the instrument as provided at Attachment 1; and*
- 2. The instrument be signed and sealed by the Chief Executive Officer.*

**CARRIED**

**ITEM C3.1**

**CENTRAL GIPPSLAND TOURISM (CGT) QUARTERLY REPORT  
JULY - SEPTEMBER 2020**

*The recommended decision is not a Major Policy Decision or  
a Significant Decision as defined by Council's Election Period Policy.*

**OBJECTIVE**

To receive the quarterly report from Central Gippsland Tourism (CGT) for the quarter July to September 2020.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

NIL

**RECOMMENDATION**

*That Council receive the report from Central Gippsland Tourism (CGT) for the quarter  
July to September 2020.*

**COUNCILLOR MAHER / COUNCILLOR BYE**

*That Council receive the report from Central Gippsland Tourism (CGT) for the quarter  
July to September 2020.*

**CARRIED**

**ITEM C3.2**

**FINGERBOARDS MINE PROJECT - COUNCIL SUBMISSION**

*The recommended decision is not a Major Policy Decision or  
a Significant Decision as defined by Council's Election Period Policy.*

**OBJECTIVE**

To endorse a submission to the Fingerboards Mine Project located in the East Gippsland Shire.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

Ten submissions have been received from the community and have been provided to all Councillors. A verbal summary of submissions has been provided by the CEO and a tabulated copy provided at Attachment 2.

**RECOMMENDATION**

*That Council endorse the attached submission to the Fingerboards Mine Project.*

**COUNCILLOR HOLE / COUNCILLOR BYE**

**OPPOSED BY COUNCILLOR CROSSLEY AND COUNCILLOR RIPPER**

**MAYOR CALLED FOR A VOTE**

**COUNCILLORS FOR: COUNCILLOR ROSSETTI, COUNCILLOR BYE, COUNCILLOR HOLE,  
COUNCILLOR STEPHENS, COUNCILLOR HALL**

**COUNCILLORS OPPOSED: COUNCILLOR RIPPER, COUNCILLOR CROSSLEY,  
COUNCILLOR MAHER, COUNCILLOR MCCUBBIN**

*That Council endorse the attached submission to the Fingerboards Mine Project.*

**CARRIED**

**ITEM C3.2 FINGERBOARDS MINE PROJECT – COUNCIL SUBMISSION  
PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY  
20 OCTOBER 2020**

NAME	DATE & TIME RECEIVED	SUMMARY OF COMMENT/QUESTION
Charlotte King	20/10/20 10.46am	<p>My family and I reside within 2kms of the proposed Kalbar mine and I am extremely disheartened to read Wellington shire will be supporting the mine. I am not against mining, just the location, right next to our food bowl and waterways. The map Kalbar uses to show the current horticultural area is very misleading and is not an accurate representation. For example, our property is shown as a horticultural area, which is incorrect. We have owned the farm for ten years and never grown crops. Other areas on the map show where no horticulture is grown and in fact it is grown everywhere! This is just one of many inconsistencies. The council needs to review these and speak to current landowners, aboriginal elders and local horticulture and agricultural businesses. The mine is NOT good for our region.</p>
Sally Court	20/10/20 11.07am	<p>Dear members of the Wellington Shire Council.</p> <p>I am writing in haste to get this to you by one pm today having just read the Gippsland Times this morning.</p> <p>My name is Sally Court and I am very concerned about whether the Council will endorse Fingerboards mineral sands mine project that you will be voting on tonight.</p> <p>Coming from a family of nature loving people that included my father, Ron Court as a member of Field Naturalists, and an avid follower of the incredible experience and knowledge of Sir David Attenborough, I was lucky enough to find myself able to put this perspective into practice during my twelve years working with the Department of Defence.</p> <p>My work began in 2000 with JALO, Joint Ammunition Logistics Organisation that incorporated the handing over of 17 explosive ordnance sites throughout Australia from control of the individual service, Army, Air Force and Navy, to a private contractor ADI, Australian Defence Industries.</p> <p>A major part of that job was ensuring that each site was environmentally compliant in each state and that local, state and federal laws were adhered to and any issues fully rectified before handover to the commercial contractor.</p>

NAME	DATE & TIME RECEIVED	SUMMARY OF COMMENT/QUESTION
		<p>This included protection of native species, erosion control, contamination control and rectification, asbestos removal, decommissioning fuel underground storage tanks, pest species management, protection of RAMSAR wetlands and marine environments.</p> <p>The last six years were spent at the RAAF Base at East Sale and again as a contract manager, part of my duties included being the point of contact for all environmental issues arising from the business of running an Air Force Base liaising with the Senior Environmental Advisor for Victoria and Tasmania on behalf of contract management team. This included work to monitor and prevent contamination from the site into the water table and into the World Renowned RAMSAR wetlands that we are fortunate to have here in Wellington. Protection of old forest red gums and offset planting requirements were included amongst many other aspects of land and species protection and sustainable management.</p> <p>My concerns over the proposed Fingerboards mineral sands mine project is consequently quite real. I have lived in this area now since 2006 having lived at the coastal areas of Loch Sport, Seaspray and the Honeysuckles, whilst working at the RAAF ESL and now live in Sale (10 years). I won't go into the specific aspects of all the various details of the proposed works due to my time constraint today and I know other people have very accurately addressed these in their submissions. So I speak from the perspective of this 12 year experience.</p> <p>These are my concerns:</p> <ul style="list-style-type: none"> <li>• that the depth of the mine will interfere with the water table for the area. The sheer volume of water involved with the process must affect the capacity of the aquifer for domestic, commercial and agricultural water supply in the future.</li> <li>• that the loss of so many trees will not be adequately offset and that the protection of the offset plantings will not be managed well enough to bring those plants to adulthood.</li> <li>• that dust from the site will not only affect all the surrounding farms and settlements, but that the natural bushland will be contaminated for all the native creatures including vital insects and will further extend the damage far outside of the perimeter of the mine area itself.</li> <li>• that being only 500 metres from the Mitchell River will almost certainly, despite proposed mitigations, affect the health of the river and that the native fish, animals and birds that live in and along it will be affected by the dust and the in ground vibrations.</li> <li>• that the beautiful ever changing RAMSAR Wetlands and the whole Gippsland Lakes system will be forever altered by the influx of contaminated waters as well as the use of large quantities of</li> </ul>

NAME	DATE & TIME RECEIVED	SUMMARY OF COMMENT/QUESTION
		<p>water that had previously been flowing into that area. The altered PH levels are likely affect the amount of blue green algae in the lakes which in turn affects all wild life that form part of that large and intricate ecosystem.</p> <ul style="list-style-type: none"> <li>• underground vibrations are of great concern and would also affect many species normally living in quiet harmony with the seasons and weather condition both in the ground and above ground. This includes insects which are vital to our biodiversity for recycling matter, pollination, being part of the food chain, enriching soil and many other unseen benefits to the whole success of an ecosystem.</li> <li>• and finally, what will happen to all the species that have been living there? All the mammals like echidnas, wombats, possums, bats, rodents? As the wombat holes are dug up, how are the animals to be managed, euthanized, ??</li> </ul> <p>Thank you for reading this. I love this area and this world and the more we dig into it and take away from it, the more damage we do to such an essential aspect of survival for all species. In the words of Sir David Attenborough, we need to increase the wild spaces, not reduce them.</p> <p>With respect Sally Court</p>
Mendy Urie	20/10/20 11.17am	<p>I understand that Wellington Councillors will vote this evening on a submission which supports a proposed mineral sands mine at the Fingerboards in East Gippsland Shire.</p> <p>As a citizen of East Gippsland Shire, I do not support this mine and I am asking Wellington Councillors to not support this proposal.</p> <p>The grounds for my opposition are, despite the claimed (but disputed) economic benefits,</p> <ul style="list-style-type: none"> <li>• the loss of jobs, health and wellbeing, amenity and livelihoods to people living nearby from the 24/7 operations, vehicle traffic, noise and dust</li> <li>• the destruction of valuable native vegetation including mature trees</li> <li>• the impact and inability to compensate for damage to significant sites recognised by traditional owners</li> </ul>

NAME	DATE & TIME RECEIVED	SUMMARY OF COMMENT/QUESTION
		<ul style="list-style-type: none"> <li>• the need for extremely large amounts of water from surface sources as well as ground water</li> <li>• the lack of inclusion of expected impacts of climate change (extreme weather events (storm, floods) as well as drought) on modelling of impacts of water extraction, water storage, dust etc</li> <li>• lack of transparency with regard ownership of Kalbar and history of mining in general, resulting in lack of trust that the mining company will be held accountable for meaningful monitoring, ongoing rehabilitation and for fixing any issues which may arise in the 20 years plus of operation and impact on the land in question</li> <li>• the extreme risk to East Gippsland's waterways, Ramsar Wetlands, drinking water, food and food-growing industries from contamination.</li> </ul> <p>I ask that Wellington Councillors please take these views into account when deciding how to vote this evening.</p> <p>Yours sincerely Mendy Urie</p>
Gail Noble*	20/10/20 11.39am	<p>Dear councillors.</p> <p>I have lived a long life and have so often seen decisions made for economic benefit over future health, environmental and general well being concerns.</p> <p>I implore you to vote against the proposed mine going ahead for the following reasons</p> <ol style="list-style-type: none"> <li>1. We don't know the long term health effects of the excavation. Kalbar has admitted that there are radioactive substances below the ground. Once released into the atmosphere the particulate dust can travel far. What will be the future impact of respiratory health on Wellington residents and what of the dust that will settle on our food that is produced in the Lindenow market garden area?</li> <li>2. Driving through that area of Gippsland gives one a general feeling of well-being as nature, undisturbed, is indeed a lift to the spirit. As the quest for economic progress continues to erode undisturbed areas of natural beauty can the noise, dust and visual ugliness in the Glenadale area be something of appeal to either locals or tourists?</li> </ol>

NAME	DATE & TIME RECEIVED	SUMMARY OF COMMENT/QUESTION
		<p>3. Pre existing agricultural and residential arrangements should be honoured. No one could have anticipated that a sand mine would one day exist in this area adding noise, dust and ugliness to the rolling hills and plains of the landscape.</p> <p>4. Many companies have a track record of pledging to EES requirements and once approved, have been exposed as not strictly adhering. So often we have seen and the penalties for this have either been missing or extremely lenient.</p> <p>For the reasons I have outlined I ask Wellington Shire Council not to support the proposed Fingerboards Mine Proposal.</p>
Jennifer Parker*	20/10/20 11.56am	<p>To Wellington Shire Council I am writing in relation to the Kalbar Mine. As a resident of Briagolong I have been concerned about this proposed mine for some time and have been following news of it closely. Most of the information and community engagement has been targeted and located in the East Gippsland Shire and has been presented with an East Gippsland focus.</p> <p>I am rightly concerned about this mine which is close to Briagolong. Recent roadworks on Beverleys Rd made me wonder about transportation plans for mine resources and feel that there has been vital information about community impact that has been obscured from towns and residents. Upon hearing the role Stratford may play I know my concerns about communication with community is justified.</p> <p>I feel that this is not an issue for this Council to resolve as an election is currently underway and the Community deserves a chance to reflect and respond to the impacts of the Kalbar mineral sands mine and it's operations in Wellington Shire as thoroughly as possible. As the EES is currently being replied to these results should be considered before support by Wellington Shire Council be considered.</p> <p>There needs to be appropriate and relevant information about planning and environmental impacts on Wellington Shire roads and communities. A lot of people will be impacted if Stratford becomes a major transportation hub for Kalbar "product". Has this been made clear to those residents?</p> <p>I hope that Council will not give support this mine at this time as I feel that there has been a lack of proper community consultation and engagement on the matter. I hope that Council members will do the right thing and not support this mine to allow for a proper community consultation process to be held.</p>

NAME	DATE & TIME RECEIVED	SUMMARY OF COMMENT/QUESTION
		<p>I also worry about the damage the Kalbar Mine will do to tourism as it will be an unpleasant mix that could severely impact on communities such as Dargo, Briagolong and Stratford. Another reason support should not be rushed. This issue will have a long term effect on the area and to have a rushed rubber stamped approval will bring into question the legitimacy of the process.</p> <p>Yours sincerely Jennifer Parker</p>
Akarna Bowers	20/10/20 12.32pm	<p>Council is expected to mitigate any adverse impacts that the proposed Fingerboards mine shall have upon both the community and the environment should Council decide to vote in favour of supporting Kalbar Operations. Scientists and experts have concluded time and again that climate change will effect all peoples of Earth, including everyone living in the Wellington Shire. As mining, including resource mining, will be releasing more carbon stored within the soil into the atmosphere, this means that the proposed mine stands to contribute to man-made climate change. With this in mind, we can expect that supporting a Project which shall compromise the chances of our species survival shall thus go against Council's obligation to protect our community. Can we expect that climate change mitigation shall be paramount to Council's role if Council should vote to support this mine? As even the existence of climate change is still debated across Australia, I am concerned that Council shall not be able to appropriately mitigate the mine's negative impact on our planet. Will Council take into consideration that the proposed Fingerboards Mineral Sands Mine will contribute to further aggravate man-made climate change?</p>
Akarna Bowers	20/10/20 12.44pm	<p>I'm a candidate in the Wellington Shire's Central Ward for the local government election this year. I am concerned that having a motion to vote on a significantly impactful Project, such as the Fingerboards Mineral Sands Mine, is inappropriate for Council to be considering at this time. Would Council please agree to defer this motion until after the local government election?</p>
Lorraine Watt	20/10/20 1.01pm	<p>Dear Councillors, especially the ones representing the North Ward</p> <p>I am totally opposed to the Fingerboards mineral sands mine and As my representatives on Council I would like you to vote against this development. I am writing this on the side of the road on my way to Melbourne so I will be brief.</p> <p>The biggest risks I see are</p>

NAME	DATE & TIME RECEIVED	SUMMARY OF COMMENT/QUESTION
		<p>using vast amounts of water which may deplete river water for agriculture further downstream and feeding into the Gippsland Lakes. Why would you want deprive the Gippsland Lakes of water when climate change is her and likely to get worse. The lakes provide thousands and thousands of jobs and why would you deliberately allow the trashing of Ramsar Site.</p> <p>The mine will ruin the clean green image of local agriculture - our food....and not just the image. The food will be heavily sprinkled with contaminants from the mine. I do not like the idea of anyone having contaminated food.</p> <p>Lorraine Watt</p>
Kathy Mansfield	20/10/20 1.02pm	<p>Good Afternoon</p> <p>I want to express my real concern for the Environmental Consequences for the project that is to be discussed by the current Council, although I have only recently been made aware of the real risks to the water table, the dust on the production area that is local, along with negative impacts on business in the area.</p> <p>Regards</p> <p>Kathy Mansfield</p>
Margaret and Max Treasure	20/10/20 4:47pm	<p>Sorry this is late but I would like to comment on your motion in this regard. I have followed this project from the beginning, attended all meetings, sourced information and travelled to agriculture areas where a mineral sand mine has operated. Provided all environmental and rehabilitation concerns are addressed and a bank guarantee upgraded to meet costs for the duration of the mine are adhered to I believe this project would provide employment directly and indirectly which is crucial for our area. Mining can coexist with agriculture. The noisy minority bully, harass and intimidate people and deliberately spread inaccurate information. I believe this project should be encouraged.</p> <p>Margaret and Max Treasure</p>

\* submissions received from Gail Noble and Jennifer Parker twice

**ITEM C4**

**GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT**

NIL

**ITEM C5**

**GENERAL MANAGER COMMUNITY AND CULTURE**

NIL

**ITEM D**

**FURTHER GALLERY AND ONLINE COMMENTS**

NIL

Meeting declared closed at: 6:41pm

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