



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

Resolutions In Brief

Virtual Council Meeting via Skype

To be read in conjunction with the Council Meeting Agenda 21 July 2020

COUNCILLORS PRESENT

Alan Hall (Mayor)
Ian Bye
Carolyn Crossley
Malcolm Hole
Darren McCubbin
Carmel Ripper
Scott Rossetti
Garry Stephens

APOLOGIES

Councillor Gayle Maher

ORDINARY MEETING OF COUNCIL – 21 JULY 2020
RESOLUTIONS IN BRIEF

	ITEM	PAGE NUMBER
A	PROCEDURAL	
A1	STATEMENT OF ACKNOWLEDGEMENT AND PRAYER	
A2	APOLOGIES <i>COUNCILLOR MAHER</i>	
A3	DECLARATION OF CONFLICT/S OF INTEREST <i>COUNCILLOR CROSSLEY DECLARED AN INDIRECT CONFLICT OF DUTY UNDER SECTION 77(B) AT ITEM C4.2</i>	
A4	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING	
A5	BUSINESS ARISING FROM PREVIOUS MEETING/S <i>NIL</i>	
A6	ACCEPTANCE OF LATE ITEMS <i>NIL</i>	
A7	NOTICES OF MOTION ITEM A7(1) NOTICE OF MOTION – LOCH SPORT EROSION	
A8	RECEIVING OF PETITIONS OR JOINT LETTERS ITEM A8(1) OUTSTANDING PETITIONS	
A9	INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS <i>NIL</i>	
A10	QUESTIONS ON NOTICE <i>NIL</i>	
A11	MAYOR AND COUNCILLOR ACTIVITY REPORT ITEM A11(1) MAYOR AND COUNCILLOR ACTIVITY REPORT	
B	REPORT OF DELEGATES <i>NIL</i>	
C	OFFICERS' REPORT	
	C1 CHIEF EXECUTIVE OFFICER ITEM C1.1 CHIEF EXECUTIVE OFFICER'S REPORT ITEM C1.2 JUNE 2020 COUNCIL PERFORMANCE REPORT	
	C2 GENERAL MANAGER CORPORATE SERVICES ITEM C2.1 ASSEMBLY OF COUNCILLORS	

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	ITEM C2.2 APPROVAL OF DRAFT GOVERNANCE RULES AND AMENDED LOCAL LAW 1 FOR PUBLIC CONSULTATION	
	C3 GENERAL MANAGER DEVELOPMENT ITEM C3.1 BUILDING QUARTERLY REPORT JANUARY – MARCH 2020 ITEM C3.2 CENTRAL GIPPSLAND TOURISM (CGT) QUARTERLY REPORT APRIL – JUNE 2020	
	C4 GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT ITEM C4.1 ECONOMIC STIMULUS MEASURES IN THE CONSERVATION AND LAND MANAGEMENT SECTOR ITEM C4.2 MACARTHUR STREET AND MARKET STREET ROUNDABOUT CONSTRUCTION ITEM C4.3 LLOYD ST (NORTH) SPECIAL CHARGE STREET CONSTRUCTION SCHEME – DECLARATION OF SCHEME	
	C5 GENERAL MANAGER COMMUNITY AND CULTURE ITEM C5.1 QUICK RESPONSE GRANTS MARCH - JUNE 2020 ITEM C5.2 AQUA ENERGY AND GIPPSLAND REGIONAL SPORTS COMPLEX FEE RELIEF	
D	URGENT BUSINESS	
E	FURTHER GALLERY AND CHAT ROOM COMMENTS	
F	CONFIDENTIAL ATTACHMENT/S ITEM F1.1 CONTRACT 2020-059 MACARTHUR STREET AND MARKET STREET ROUNDABOUT CONSTRUCTION (REFER TO AGENDA ITEM C4.2)	
G	IN CLOSED SESSION	

ITEM A4

ADOPTION OF MINUTES OF PREVIOUS MEETING/S

OBJECTIVE

To adopt the minutes of the Ordinary Council Meeting of 7 July 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 July 2020.

COUNCILLOR BYE / COUNCILLOR ROSSETTI

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 July 2020.

CARRIED

ITEM A5

BUSINESS ARISING FROM PREVIOUS MEETING/S

NIL

ITEM A6

ACCEPTANCE OF LATE ITEMS

NIL

ITEM A7(1)

NOTICE OF MOTION – LOCH SPORT EROSION

That Council write to the Hon Lilly D'Ambrosio MP, Minister for Energy, Environment and Climate Change requesting urgent action to address coastal erosion issues on the crown land areas adjacent to Seagull Drive, Loch Sport.

COUNCILLOR STEPHENS / COUNCILLOR CROSSLEY

That Council write to the Hon Lilly D'Ambrosio MP, Minister for Energy, Environment and Climate Change requesting urgent action to address coastal erosion issues on the crown land areas adjacent to Seagull Drive, Loch Sport.

CARRIED

ITEM A8(1)

OUTSTANDING PETITIONS

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

ITEM C1.2

JUNE 2020 COUNCIL PERFORMANCE REPORT

OBJECTIVE

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

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

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

COUNCILLOR STEPHENS / COUNCILLOR RIPPER

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

CARRIED

ITEM C2.1

ASSEMBLY OF COUNCILLORS

OBJECTIVE

To report on all assembly of Councillor records received for the period 2 July 2020 to 12 July 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 2 July 2020 to 12 July 2020.

COUNCILLOR BYE / COUNCILLOR MCCUBBIN

That Council note and receive the attached Assembly of Councillor records for the period 2 July 2020 to 12 July 2020.

CARRIED

ITEM C2.2**APPROVAL OF DRAFT GOVERNANCE RULES AND AMENDED LOCAL LAW 1 FOR PUBLIC CONSULTATION****OBJECTIVE**

For Council to resolve to advertise, the new Draft Governance Rules including Election Period Policy and Draft Amended Local Law No 1, as attached, and seek community comment and feedback, due to transitional requirements resulting from the introduction of the *Local Government Act 2020* (the Act).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council Resolve to advertise, the new Draft Governance Rules including Election Period Policy and Draft Amended Local Law No 1, as attached, in order to seek community feedback, for a period of 28 days, from 22 July 2020 to 19 August 2020.

COUNCILLOR MCCUBBIN / COUNCILLOR STEPHENS

That Council Resolve to advertise, the new Draft Governance Rules including Election Period Policy and Draft Amended Local Law No 1, as attached, in order to seek community feedback, for a period of 28 days, from 22 July 2020 to 19 August 2020.

CARRIED

ITEM C3.1**BUILDING QUARTERLY REPORT JANUARY - MARCH 2020****OBJECTIVE**

To provide a report to Council on building permits issued in the Wellington Shire during the quarter January to March 2020, for information.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note the report of building permits issued from 1 January 2020 to 31 March 2020.

COUNCILLOR BYE / COUNCILLOR ROSSETTI

That Council note the report of building permits issued from 1 January 2020 to 31 March 2020.

CARRIED

ITEM C3.2**CENTRAL GIPPSLAND TOURISM (CGT) QUARTERLY REPORT
APRIL - JUNE 2020****OBJECTIVE**

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

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive the report from Central Gippsland Tourism (CGT) for the quarter April to June 2020.

COUNCILLOR RIPPER / COUNCILLOR CROSSLEY

That Council receive the report from Central Gippsland Tourism (CGT) for the quarter April to June 2020.

CARRIED

ITEM C4.1**ECONOMIC STIMULUS MEASURES IN THE CONSERVATION AND
LAND MANAGEMENT SECTOR****OBJECTIVE**

To seek Council support for State and Federal Government investment in a job's rich conservation and land management stimulus package as part of the economic response to COVID-19 as outlined by a partnership of over 70 farming and conservation groups across Australia.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council;

- 1. Support State and Federal Government investment in a job's rich conservation and land management stimulus package as part of the economic response to COVID-19; and***
- 2. Authorise the Chief Executive Officer to write to local Federal and State Members of Parliament expressing support for this proposal.***

COUNCILLOR CROSSLEY / COUNCILLOR BYE

That Council;

- 1. Support State and Federal Government investment in a job's rich conservation and land management stimulus package as part of the economic response to COVID-19; and***
- 2. Authorise the Chief Executive Officer to write to local Federal and State Members of Parliament expressing support for this proposal.***

CARRIED

ITEM C4.2

**MACARTHUR STREET AND MARKET STREET ROUNDABOUT
CONSTRUCTION**

OBJECTIVE

The purpose of this report is for Council to consider entering into a contract for the construction of a roundabout at the corner of Macarthur Street and Market Street, Sale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

Councillor Crossley declared an indirect conflict of duty under section 77(b) at Item A4.2.

Councillor Crossley left the meeting at 6:28pm

Councillor Crossley returned to the meeting at 6:31pm

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2020-059 Market and Macarthur Street Roundabout Construction; and***
- 2. The information contained in the confidential attachment F1.1 Contract 2020-059 Macarthur Street and Market Street Roundabout Construction of this Council Meeting and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 3 July 2020 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: c) Contractual matter
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 tenderer can be made public.***

COUNCILLOR ROSSETTI / COUNCILLOR MCCUBBIN

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2020-059 Market and Macarthur Street Roundabout Construction; and***
- 2. The information contained in the confidential attachment F1.1 Contract 2020-059 Macarthur Street and Market Street Roundabout Construction of this Council Meeting and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 3 July 2020 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: c) Contractual matter
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 tenderer can be made public.***

CARRIED

The Mayor announced the successful tenderer as Cranes Asphaltting and Bitumen Sealing Pty Ltd

OBJECTIVE

The purpose of this report is for Council to consider to formally proceed with the proposed 'Lloyd Street (North) Special Charge Street Construction Scheme Number 1902' by way of formal declaration as a Special Charge Scheme under section 163(1) of the *Local Government Act 1989* for the construction of Lloyd Street (North) in Stratford.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council, having considered that no submissions were received and no objections were lodged and having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act), and otherwise according to law, and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that Lloyd Street (North), Stratford (Street) or any component of the Street has not previously been constructed by way of a special rate or charge], hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this Report, such Declaration being for the purposes of constructing the Street and providing all and any ancillary works, including underground drainage and vehicle crossings.***
- 2. Council directs that, under cover of a letter, a written notice, enclosing a notice of levy, be sent to all owners of properties included in the Scheme, including those who have made a submission and/or lodged an objection in writing, of the decision of Council to make the Declaration, and the reasons for the decision***
- 3. For the purposes of resolution 2, the reasons of Council for making the Declaration are that –***
 - (a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Scheme from property owners;***
 - (b) Council considers that it is acting in accordance with the functions, powers and objectives conferred on it under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in and for the Scheme area;***
 - (c) All property owners who are liable or required to pay the Special Charge and the properties respectively owned and occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;***
 - (d) The basis of distribution of the Special Charge amongst the property owners who are liable or required to pay the Special Charge is considered to be fair and reasonable;***
 - (e) The works proposed by the Scheme are consistent with all and any policies and/or objectives set out in the planning scheme for the area; and***

(f) The works proposed for the construction and drainage of the Street are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street.

- 4. The Chief Executive Officer (or any person for the time being acting in that position) be authorised to carry out any and all other administrative procedures necessary to enable Council to give effect to this resolution, including in relation to the levying of the Special Charge.**

COUNCILLOR RIPPER / COUNCILLOR HOLE

That:

- 1. Council, having considered that no submissions were received and no objections were lodged and having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act), and otherwise according to law, and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that Lloyd Street (North), Stratford (Street) or any component of the Street has not previously been constructed by way of a special rate or charge], hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this Report, such Declaration being for the purposes of constructing the Street and providing all and any ancillary works, including underground drainage and vehicle crossings.**
- 2. Council directs that, under cover of a letter, a written notice, enclosing a notice of levy, be sent to all owners of properties included in the Scheme, including those who have made a submission and/or lodged an objection in writing, of the decision of Council to make the Declaration, and the reasons for the decision**
- 3. For the purposes of resolution 2, the reasons of Council for making the Declaration are that –**
 - (a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Scheme from property owners;**
 - (b) Council considers that it is acting in accordance with the functions, powers and objectives conferred on it under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in and for the Scheme area;**
 - (c) All property owners who are liable or required to pay the Special Charge and the properties respectively owned and occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;**
 - (d) The basis of distribution of the Special Charge amongst the property owners who are liable or required to pay the Special Charge is considered to be fair and reasonable;**
 - (e) The works proposed by the Scheme are consistent with all and any policies and/or objectives set out in the planning scheme for the area; and**
 - (f) The works proposed for the construction and drainage of the Street are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street.**

4. The Chief Executive Officer (or any person for the time being acting in that position) be authorised to carry out any and all other administrative procedures necessary to enable Council to give effect to this resolution, including in relation to the levying of the Special Charge.

CARRIED

ITEM C5.1

QUICK RESPONSE GRANT MARCH - JUNE 2020

OBJECTIVE

For Council to receive the information regarding applications received under the Quick Response Grant Scheme for the period March to June 2020 as at Attachment 1.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receives the information regarding applications received under the Quick Response Grant Scheme for the period March to June 2020 as at Attachment 1.

COUNCILLOR RIPPER / COUNCILLOR CROSSLEY

That Council receives the information regarding applications received under the Quick Response Grant Scheme for the period March to June 2020 as at Attachment 1.

CARRIED

ITEM C5.2**AQUA ENERGY AND GIPPSLAND REGIONAL SPORTS COMPLEX
FEE RELIEF****OBJECTIVE**

In acknowledgement of COVID-19 restrictions impacts and in order to encourage ongoing participation in physical activities and sport, for Council to approve temporary fee relief to:

- Aqua Energy members via application of a 15% discount of membership fees while services are limited (or time equivalent added to membership duration); and
- Aqua Energy casual users via retention of 2019/20 fees while services are limited; and
- Gippsland Regional Sports Complex key user groups of either:
 - 15% discount to associations and hockey clubs for the whole of 2020/21, subject to demonstration of financial hardship; or
 - 15% discount to associations for half 2020/21 and to hockey clubs for their 2020/21 season.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

In acknowledgement of COVID-19 restrictions impacts and in order to encourage ongoing participation in physical activities and sport, that Council approves temporary fee relief to:

- ***Aqua Energy members via application of a 15% discount of membership fees while services are limited (or time equivalent added to membership duration); and***
- ***Aqua Energy casual users via retention of 2019/20 fees while services are limited; and***
- ***Gippsland Regional Sports Complex key user groups of either:***
 - ***15% discount to associations and hockey clubs for the whole of 2020/21, subject to demonstration of financial hardship; or***
 - ***15% discount to associations for half 2020/21 and to hockey clubs for their 2020/21 season.***

COUNCILLOR BYE / COUNCILLOR MCCUBBIN

In acknowledgement of COVID-19 restrictions impacts and in order to encourage ongoing participation in physical activities and sport, that Council approves temporary fee relief to:

- ***Aqua Energy members via application of a 15% discount of membership fees while services are limited (or time equivalent added to membership duration); and***
- ***Aqua Energy casual users via retention of 2019/20 fees while services are limited; and***
- ***Gippsland Regional Sports Complex key user groups of either:***
 - ***15% discount to associations and hockey clubs for the whole of 2020/21, subject to demonstration of financial hardship; or***
 - ***15% discount to associations for half 2020/21 and to hockey clubs for their 2020/21 season.***

CARRIED

ITEM D

URGENT BUSINESS

NIL

ITEM E

FURTHER GALLERY AND CHAT ROOM COMMENTS

CHAT ROOM –

SIMON WILSON: wrote to Council about various NBN concerns in Wurruk

GALLERY COMMENTS –

NIL

Meeting declared closed at: 6:40pm

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