



**WELLINGTON**  
SHIRE COUNCIL

*The Heart of Gippsland*

**COUNCIL MEETING AGENDA  
ORDINARY MEETING**

**Meeting to be held via Skype**

**Tuesday 16 February 2021, commencing at 6:00 PM**

**or join Wellington on the Web:  
[www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)**

**ORDINARY MEETING OF COUNCIL  
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## COUNCIL MEETING INFORMATION

*As the COVID-19 physical distancing requirements continue to remain in place, the “Minister’s Good Practice Guideline MGPG-1: Virtual Meetings”, issued by the Minister for Local Government, continue to apply. Pursuant to section 87 of the Local Government Act 2020, these guidelines ensure that local Government decision making can continue in line with COVID-19 requirements and further details can be found on the Local Government Victoria website.*

*These guidelines took effect from 1st May 2020 and will remain in place through to 26th April 2021.*

*While members of the public cannot attend this meeting in person, we have provided options for you to interact with us virtually via our Council Meetings page on the Wellington Shire Council Website. You are able to interact with Council in two ways:*

- Email through a specific question or comment relating to a particular Council Agenda item no later than 1:00pm on the day of the Council Meeting; or*
- For general communication with Council, via the online webform early in the meeting to ensure that your submissions can be dealt with at the end of the meeting.*

*While we continue to remain flexible through different ways of gathering, we thank you for your ongoing support and look forward to continuing this new way of keeping in touch with all of Wellington Shire.*

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## ACKNOWLEDGEMENT OF COUNTRY

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

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## 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*

## 1. APOLOGIES

## 2. DECLARATION OF CONFLICT/S OF INTEREST

## 3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

### 3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

To adopt the minutes of the Ordinary Council Meeting of 2 February 2021.

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

#### **RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 2 February 2021.*

#### **CONFLICT OF INTEREST**

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

#### 4. BUSINESS ARISING FROM PREVIOUS MEETINGS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
Item 15.2 Review of External Marketing Budget Allocation	15 December 2020	Council moved that this item lay on the table until Council resumes in 2021	General Manager Development

#### 5. ACCEPTANCE OF LATE AND URGENT ITEMS

#### 6. NOTICE/S OF MOTION

#### 7. RECEIVING OF PETITION OR JOINT LETTERS

##### 7.1. OUTSTANDING PETITIONS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

#### 8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

#### 9. QUESTION/S ON NOTICE

##### 9.1. OUTSTANDING QUESTION/S ON NOTICE

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

## 10. MAYOR AND COUNCILLORS REPORT

### 10.1. MAYOR AND COUNCILLOR REPORT

**ACTION OFFICER: COUNCILLOR GARRY STEPHENS**

#### RECOMMENDATION

*That the Mayor and Councillors report be noted.*

#### 5 DECEMBER 2020 TO 5 FEBRUARY 2021

6 December	Holy Trinity Anglican Church Service & Carols, Port Albert	Cr Maher attended
	Heyfield War Memorial meeting, Heyfield	Cr Hole attended
7 December	Gordon Street Recreation Reserve committee meeting, Heyfield	Cr Hole attended
9 December	2021 Australia Day Awards luncheon Civic Reception, Sale	Mayor Stephens, Cr Wood, Cr Maher, Cr McKenzie, Cr Hole and David Morcom, Chief Executive Officer attended
	Heyfield Community Housing Annual General Meeting	Cr Hole attended
11 December	Cameron Sporting Complex Reference Group meeting, online	Cr Hole attended
14 December	Implementation Matters for CEO's, Mayors and Councillors Workshop, online	Mayor Stephens attended
16 December	Official Launch of Port of Sale Campus Development Project, Sale	Cr Bye and Cr Hole attended
	Timber Towns Victoria Annual General meeting, online	Cr Hole attended
17 December	MAV Mayoral Induction – Day 1, online	Mayor Stephens attended
	Meeting with Kath Foley representatives, Sale	Cr Bye and Cr Crossley attended
	Sale & District Specialist School VCAL Award Presentations	Cr Rossetti attended

	Gippstar Annual Awards Night, Morwell	Mayor Stephens attended
	Resource Recovery Gippsland board meeting, Traralgon	Cr Maher attended
18 December	MAV Mayoral Induction – Day 2, online	Mayor Stephens attended
21 December	Native Timber Taskforce meeting, online	Mayor Stephens and Cr Hole attended
24 December	Meeting with East Gippsland Council Chief Executive Officer & Mayor, Stratford	Mayor Stephens and David Morcom, Chief Executive Officer attended
6 January	Maffra Men’s Shed meeting, Maffra	Cr Hole attended
14 January	Gippsland Forestry Hub 30 Year Strategy meeting, online	Cr Hole attended
15 January	Yarram Chalk Art Festival Opening Dinner, Yarram	Mayor Stephens attended
	Victorian Seniors Tennis Tournament, Maffra	Cr Crossley attended
26 January	2021 Sale Australia Day & Citizenship Ceremony, Sale	Mayor Stephens attended
	Australia Day event, Yarram	Mayor Stephens attended
	Australia Day event, Gormandale	Cr Wood attended
	Australia Day event, Rosedale	Cr Wood attended
	Australia Day event, Loch Sport	Cr McKenzie attended
	Australia Day event, Seaspray	Cr McKenzie attended
	Australia Day event, Maffra	Cr Crossley attended
	Australia Day event, Stratford	Cr Tatterson and Cr Crossley attended
	Australia Day event, Heyfield	Cr Hole attended
27 January	Meeting with Minister Leane MP, online	Mayor Stephens and David Morcom, Chief

		Executive Officer attended
28 January	Gippsland Power Hub meeting, online	Cr Crossley attended
29 January	One Gippsland meeting with The Hon Mark Coulton MP and The Hon Darren Chester MP, online	Mayor Stephens and David Morcom, Chief Executive Officer attended
3 February	Gippsland Emergency Relief Fund General meeting, Sale	Mayor Stephens attended
4 February	U3A Annual General meeting, online	Cr Crossley attended
5 February	Meeting with CFMEU representative, Mr Michael O'Connor	Mayor Stephens attended

**COUNCILLOR GARRY STEPHENS  
MAYOR**

## 11. DELEGATES REPORT

## 12. CHIEF EXECUTIVE OFFICER

### 12.1. CHIEF EXECUTIVE OFFICER'S REPORT

#### ACTION OFFICER: CHIEF EXECUTIVE OFFICER

##### RECOMMENDATION

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

#### 5 DECEMBER 2020 TO 5 FEBRUARY 2021

7 December	Attended Gippsland Bushfire Season Stakeholder Briefing via videoconference
8 December	Attended TAFE Gippsland Stakeholder Roundtable via videoconference
9 December	Attended the 2021 Australia Day Awards Luncheon Civic Reception, Sale. In attendance was Mayor Stephens, Cr Wood, Cr Maher, Cr McKenzie, and Cr Hole
14 December	Teleconference with Federal Member for Gippsland, The Hon Darren Chester MP
17 December	Met with Diocese of Sale Chief Financial Officer, Mr Rodney Kwok  Teleconference with One Gippsland Chief Executive Officers
21 December	Attended Native Timber Taskforce meeting, via teleconference  Met with SOLIS representatives, Sale
27 January	Teleconference with Minister Leane, alongside Mayor Stephens
28 January	Met with Gippswide Kerbside representative, Mr Matthew Peake, Sale
29 January	Teleconference with Ms Jillian Kilby, Infrastructure Collaboration representative to discuss PIPE project  Teleconference with The Hon Mark Coulton MP and The Hon Darren Chester MP alongside Mayor Stephens
5 February	Meeting with CFMEU representative, Mr Michael O'Connor alongside Mayor Stephens

## 12.2. DECEMBER 2020 COUNCIL PERFORMANCE REPORT

### ACTION OFFICER: CHIEF EXECUTIVE OFFICER

#### PURPOSE

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

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

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

#### BACKGROUND

The December 2020 Council Performance Report comprises key highlights towards achievement of the 2017-21 Council Plan, progress in relation to Major Initiatives and Initiatives as identified in the 2019/20 Budget together with an overview of Council finances including an Income Statement, a Balance Sheet with commentary regarding any major variances, information on cash balances, the level of rates outstanding and a progress update on Council's Capital Works program.

Section 97(1) and (2) of the *Local Government Act 2020* requires that at least every three months, the Chief Executive Officer must ensure that a statement comparing budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to Council at a Council meeting which is open to the public.

#### ATTACHMENTS

1. December 2020 Council Plan Highlights [12.2.1 - 4 pages]
2. Major Initiatives Initiatives Summary Dec 2020 [12.2.2 - 25 pages]
3. Quarterly Finance Report - December 2020 [12.2.3 - 6 pages]

#### OPTIONS

Following consideration of the attached December 2020 Performance Report, Council can resolve to either:

1. Receive and note the December 2020 Council Performance Report; or
2. Not receive and note the December 2020 Council Performance Report and seek further information for consideration at a later Council meeting.

#### PROPOSAL

That Council receive and note the attached December 2020 Council Performance Report.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

Provision of a monthly financial report to the community facilitates accountability and transparency and ensures that Council and management are able to make informed decisions in a timely manner.

## **COMMUNICATION IMPACT**

The Council Plan communicates Council's strategic direction to the community. The Council Plan can also be used by Council to communicate its vision and direction to other tiers of government, organisations, government agencies and funding bodies.

## **LEGISLATIVE IMPACT**

There is no legislative requirement for provision of a monthly Council Performance report however, Council has determined that in the interests of accountability and transparency, this report will be provided to the community.

## **COUNCIL POLICY IMPACT**

The December 2020 Council Performance Report has been prepared in the context of existing Council policies.

## **COUNCIL PLAN IMPACT**

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

**Strategic Objective 6.3:** *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"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.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## DECEMBER PERFORMANCE REPORT

### DECEMBER 2020 COUNCIL PLAN HIGHLIGHTS

#### ***Customer Request Management System***

A project group has been established to oversee the implementation of a new Customer Request Management system to replace the outdated ECM CARS system. The new system will enable Council to better manage customer requests more efficiently and effectively through better integration with Council's Property and Rating System, Authority. The Authority platform will enable improved management of customer requests. Work is scheduled for completion by June 30.

#### ***Archibald Prize***

Gippsland Art Gallery was announced as the sole Victorian host of the 2021 Archibald Prize. The announcement was met with great excitement in the media and has generated a real buzz around the community.

#### ***Art Gallery Foundation***

The Gippsland Art Gallery Foundation had a 'soft launch' in December with brochures, booklets and cover letters sent to current and potential Gallery donors. In the first week the Foundation received three separate donations of \$5,000 each, in addition to the initial \$200,000 received from the John Leslie Foundation. This money will be invested by the Foundation Directors to fund future major acquisitions and projects at the Gallery.

#### ***Community managed facilities***

The further easing of Covid-19 restrictions has resulted in more community managed facilities re-opening for their communities. Volunteer Committees continue to work hard to provide safe spaces for the community to participate and have social connection. The roll out of new risk and maintenance subsidies (operating subsidies) is continuing.

#### ***Capital Project Highlights***

- **Stratford Hub accessibility works:** Works are well underway with demolition and framing completed for the amenities.
- **Cameron Stadium Redevelopment:** Stage 2 works are progressing well and have reached lock-up stage. The project schedule is currently being reviewed due to some delays from inclement weather. Planning is underway for the official opening event.
- **Stratford Recreation Reserve - Female Friendly Changerooms:** Works are progressing well and on schedule for completion in March 2021. Discussions have commenced for the official opening event in April-May 2021.
- **Sale Oval – Precinct Redevelopment:** Tender has been awarded and works scheduled to commence in early January 2021.  
Briagolong Recreation Reserve Traffic Management & Open Space Upgrades: Tender has been awarded and scheduled to commence in January 2021.
- **Sale Tennis Redevelopment:** Funding agreement finalised to allow for Stage 1 (5 courts) re-works to be handed over to the Sale Tennis Club to deliver directly. Works to commence in February 2021. Similar agreement for club delivery of Stage 2 (7 courts) redevelopment works have been drafted for review.

#### ***Neighborhood Houses***

Council ran information sessions for Neighbourhood Houses to discuss their role in emergencies. Neighbourhood Houses can provide significant support for their local communities but are not involved currently in formal emergency management arrangements. These sessions informed them about their possible role in preparation for and during

emergencies as well as funding in emergencies.

**Community Grants**

A total of \$58,281 has been awarded to 34 community groups to deliver events, projects or facility upgrades through the Quick Response Grant Program.

An additional \$89,967 was awarded to 20 community groups through the 1st round of Community Assistance Grants.

Council Officers are investigating a short-term grant to support community groups whose operational sustainability has been significantly impacted due to Covid-19 restrictions.

Round 2 Community Assistance Grants will open on 15 January 2021 and close on 1 March 2021.

**Promote e-learning**

Council is working collaboratively with other agencies including Country Fire Authority to promote e-learning modules on how to support vulnerable people with bushfire planning. We also participated in a Department of Health and Human Services (DHHS) led exercise to test procedures to make Emergency Relief Centres Covid-19 Safe.

**Municipal Emergency Management Plan audit**

Council's Municipal Emergency Management Plan (MEMP) was audited and Council has received the required certificate of compliance from the auditor (State Emergency Service) showing that the MEMP was at a high standard and is approved until 2023 when next audit is due.

**Fire prevention inspection**

Council's private property fire prevention inspection program has been completed using new technology from Crisisworks software for the second year and after improvements from last year's first use, inspections were carried out faster than in previous years. Despite a very high number of Fire Prevention Notices (FPNs) being issued, there was a high level of compliance from the community with relatively few infringement notices issued.

**Aqua energy attendance**

Aqua Energy had 13,622 visitors through the facility in December 2020. This included 3,055 casual entries and 2,766 spectators; 1,437 students participated in swim school and 6,104 member visits.

Swim school class timetables have been prepared for 2021 with class times providing improved opportunity for teacher / parent interaction.

**Outdoor pools update**

Outdoor pools at Aqua Energy are all operational with completion of final commissioning of the new water treatment plant in early December. Sale Swim Club begun outdoor training and Riviera Triathlon Club commenced their Mini Triathlons on Wednesday evenings.

Rural outdoor pools had 2,947 visitors across all sites in December.

**Staff training on pool emergencies**

Staff training was expanded with an 'in-house' training session conducted at Aqua Energy that included multiple 'wet' and 'dry' emergency scenarios including medical and facility evacuation considerations. This was coordinated by Aquatic Operations, Health & Fitness, Customer Service/Administration leaders and involved over 40 Leisure Services staff.

**GRSC update**

Gippsland Regional Sporting Complex finished its social sports for the year. Preparations for 2021 programming continued with new provisions made for social sports participants to secure their bookings for 2021 with online payments, this being a significant process improvement to encourage participation.

***Rosedale Christmas Market***

Rosedale Library successfully participated in the Rosedale Christmas Market and engaged with 190 people, ran two Storytime sessions and distributed Christmas activity packs to 70 children. Branches have an annual goal of attending local events to provide activities and be involved with their local communities.

***Change to Outreach service***

Library Outreach services to Loch Sport have changed location with the relocation of the Community House to 55 National Park Road, away from the Community Hall. After discussion with local community groups and individuals, a smooth transition of services is expected.

***New ticketing system at 'The Wedge'***

The Wedge implemented a new ticketing system, Red 61. This was a very challenging and large project as we only had six weeks' notice that we needed to change from the previous provider. The changeover was very successful and was a wonderful collaboration between The Wedge, Information and Communication Technology and Finance teams.

***December shows***

The Wedge presented the following shows during December, in keeping with Covid-19 safe requirements:

- In the Loading Dock – 56 tickets sold for Danny Spencer and his band; and 50 people attended the Wellington Amateur Theatre Awards Night.
- In the Sale Botanic Gardens – 50 tickets sold for Tinkerbell and the Dream Fairies.
- In the theatre – the Strictly Christmas show was sold out (144 tickets) and Leaps and Bounds Dance School held three performances which were all sold out (432 tickets).

***Healthy Wellington 2021-2025***

Planning for our new municipal public health and wellbeing plan, Healthy Wellington 2021-2025 has commenced, focus will be on participation to improve health and wellbeing throughout life through accessibility and inclusion.

***Youth Liaison***

Youth Council and FReeZA group Propellor both held their final year celebrations this month. Fabulous to see connections being rapidly built as people met face to face once again after the lifting of Covid-19 restrictions.

***2021 Youth Council camp***

Three young people from the Youth Council Alumni have volunteered to help plan and support the 2021 Youth Council camp in February, building on their own strengths, but also acknowledging the opportunities they have been given in the past through the program.

***New TAFE site***

The first sods were turned at the site of the new TAFE Gippsland Port of Sale campus on Wednesday 16 December 2020.

***Auction of Weir Road, Heyfield***

The auction of 19 Weir Road, Heyfield was held on Friday 18 December 2020, with the property being passed in. The property is now being marketed at \$320,000 (inc. GST) for private sale.

***'The Middle of Everywhere' Marketing Campaign***

The Middle of Everywhere marketing rollout is now well under way via social media and radio. Television advertising will commence on Channel 7 for the month of January in conjunction with the Big Bash and will move to Channel 9 for the Australian Open in

February. Melbourne Metro Train advertising is also currently in place for the next few months on three south-eastern train lines.

***Port of Sale Mooring Access Upgrade Project***

Council continues with ongoing consultation with Port of Sale Boat Club regarding a \$2M Mooring Access upgrade project.

***Gippsland Regional Livestock Exchange (GRLE)***

Store Sale successfully completed under CovidSafe plan.

***Council's Acquisition of Strategic Property***

Council continues discussions regarding acquisition of strategic property including Former Education Precinct at Port of Sale, upgraded carpark precinct in Sale and two Maffra sites identified as required assets for future drainage and waste transfer facilities.

***Environmental health inspections***

Despite a disruptive year, the Environmental Health team worked together to undertake inspections, complaint investigations, delivery of an immunisation service, mosquito management, renewal of registrations and issuing of septic permits. In addition to the normal requirements, high level advice was also provided in relation to COVID to reinforce the State Government messaging. A risk based approach was used in relation to inspections under the various Acts, due to the pandemic forcing closure and/or limited trading, impacting on the normal inspection regime.

***Maffra Structure Plan / Port of Sale Precinct***

A draft discussion paper for the Maffra Structure Plan project has been finalised, along with a draft updated master plan for the Port of Sale Precinct. Following Council briefings, both pieces of work will be subject to community consultation in early 2021.

***Funding Applications***

Council has been invited to resubmit a previously unsuccessful funding Application to Round 2 of the Victorian State Government Community Sports Infrastructure Stimulus Program. The \$5,854,563 Great Southern Rail Trail Extension Project is to be resubmitted for consideration in February.






# Major Initiatives and Initiatives Progress Report




December 2020

## Major Initiatives and Initiatives Progress Report | 2021



## Council Plan Theme: Communities

Action Name	Status	Traffic Lights	Progress	Comments
Commence an independent audit of the Domestic Wastewater Management Plan (DWMP). Include recommendations in the Annual progress report.	Progressing		80%	Quotes were received from two audit firms and awaiting feedback from stakeholders regarding selection of auditor.
Develop Municipal Public Health and Wellbeing Plan 2021-2024 that considers planning for Youth, Age Friendly and Early Years, ahead of legislated due date of October 2021.	Progressing		30%	<p>Development of the Municipal Public Health and Wellbeing Plan (MPHWP) 2021 - 2025 commenced October 2020. Overall, the plan is on track to be delivered by end of October 2021.</p> <p>Completed during planning phase:</p> <ul style="list-style-type: none"> <li>• Municipal Scan complete</li> <li>• Media Plan complete</li> <li>• Project Plan complete</li> <li>• Research underway for new possible projects and strategies</li> </ul> <p>The new MPHWP 2021 - 2025 will be a council-led municipal plan, not an integrated health promotion plan and council plan as in previous iteration. The plan will still rely heavily on partnership work with health and wellbeing agencies across the shire.</p>
Develop a robust compliance and enforcement policy	Completed		100%	Development of Local Laws Framework Policy and Compliance and Enforcement Guidelines is complete.



## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
Commence the Local Laws review to ensure that Local Laws are accessible and clear to the community, reduce the regulatory burden on business and assist Council in achieving better policy outcomes.	Progressing		70%	Council workshop to present the Draft Local Law is scheduled for 2 February 2021.
Implement a robust Swimming Pool/Spa inspection database and inspection regimes to align with the new legislation changes.	Completed		100%	Development of Local Laws Framework Policy and Compliance and Enforcement Guidelines is complete.
Develop and deliver, across all Wellington Shire's seasonal outdoor pools during season 2020-21, a planned program to promote increased physical activity, facilitate social connection and inclusion, catering for a range of demographics.	Progressing		50%	<p>Following the lifting of Covid restrictions, an activity program has been activated for the Shire's outdoor pools.</p> <p>'Summer Kidz' VICSWIM learn to swim program has been confirmed for Heyfield, Maffra, Stratford and, for the first time, Rosedale, pools.</p> <p>Planning and timetabling of aquarobics classes for outdoor pools for summer season is complete. These classes are suitable for people of broad age range, and demographics and, being non gender specific, help promote social connection and inclusion.</p> <p>Classes commence Monday 11 January with one class being held every weekday and rotating to a different pool each day. Class sizes will be up to 10 at Rosedale and up to 12 at all other sites.</p> <p>'Inflatable Fun' is scheduled to run each pool on Saturdays (excluding Rosedale) and will run regardless of Temperature Trigger until the end of the season.</p> <p>Advertising will commence early 2021.</p>

## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
In conjunction with Information Communications and Technology and Facilities Management teams, deliver an upgrade of the Aqua Energy creche facilities to extend use of the area for additional group fitness programs and for training programs and meetings.	Not Due To Start		0%	This project, aiming to make the creche space suitable for multiple uses, is subject to consideration of creche service continuity and service levels into the future.  Project plan developed before project identified as delayable pending mid-year budget review and placed on hold.
Undertake consultation, including with the Aboriginal community to determine Council and the communities position on contestable historical legacies and provide recommendations on actions to be undertaken.	Progressing		50%	This item has had a change of scope. Progress to date:  1. Gunaikurnai Cultural awareness training was delivered as part of the induction sessions for the new Council. Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) ran this training in November.  2. Staff protocols for working respectfully with Gunaikurnai culture have been drafted and reworked to ensure they are simple and easy for staff to adopt. They can then be rolled out for use by all relevant staff and projects/services in the new year.  3. Regular meetings with GLaWAC are advancing the development of a relationship and discussions around projects and priorities for the Gunaikurnai community. This will form the basis of a possible future agreement between Council and GLaWAC and beginning of a movement towards a reconciliation action plan or similar document to advance truth telling and concrete community betterment actions.


## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
<p>Under the Municipal Emergency Resource Program (MERP) project plan, develop community emergency management (CEM) planning following asset-based community development (ABCD) principles.</p> <p>- Develop a new CEM guide and template</p> <p>- engage with four high risk communities to undertake CEM</p>	Progressing		30%	<p>From July to December there have been four key projects undertaken to support the development of a framework for community emergency planning.</p> <p>The outcomes of these projects will inform the new CEM guide to be developed in the final quarter of the financial year for communities to enhance their disaster resilience.</p> <p>The sub-projects being completed are:</p> <ul style="list-style-type: none"> <li>• Risk to Resilience Lighthouse project funded from the 2018-19 summer bushfires by Victorian Government's Dept of Justice and Community Safety.</li> <li>• Community-based Bushfire Management (CBBM) project in Briagolong, funded through Victorian Government's Safer Together Victoria, by a staff member shared with Latrobe City Council.</li> <li>• Evaluation of the Local Incident Management Plans in East Gippsland to inform delivery of CEM guide in Wellington Shire, also funded through Safer Together Victoria.</li> <li>• Ongoing engagement is occurring with Briagolong, Dargo and Loch Sport communities to support emergency preparedness. A fourth community will not be selected in 2020-21 due to significant unexpected workload during July to Dec 2021 associated with COVID response and outbreak preparedness actions as well as redeveloping processes for other emergencies in a Covid-safe way.</li> </ul>
<p>In conjunction with Business Development, Community Wellbeing and People &amp; Capability business units manage a Municipal level response, relief and recovery for the COVID-19 Pandemic.</p>	Progressing		50%	<p>COVID-19 <b>relief</b> activities year to date at end December include:</p> <ul style="list-style-type: none"> <li>• Coordination of the COVID-19 Relief Information Line</li> <li>• Support to maintain the Wellington Food Relief Network – 'Second Bite' has significantly increased delivery of donated food to Wellington food relief services.</li> </ul> <p>COVID-19 <b>response</b> actions include:</p>

## Major Initiatives and Initiatives Progress Report | 2021






Action Name	Status	Traffic Lights	Progress	Comments
				<ul style="list-style-type: none"> <li>• Development of the Wellington COVID-19 Pandemic Sub Plan, with an emphasis on agency roles during response, incorporating Wellington COVID-19 Communications Plan to ensure all demographic cohorts within the community are receiving key messages about preventing the spread of COVID-19 should residents be exposed to an outbreak</li> <li>• Coordination of the process to enable non-resident ratepayers living in metropolitan areas to access their properties during COVID-19 lockdown to complete fire prevention works</li> <li>• Planning with key health and community agencies to prepare and respond to an outbreak</li> <li>• Support for community managed facilities to navigate changing restrictions and to reopen safely</li> <li>• Standard Operating Procedures for COVID-safe virtual emergency relief centre for bushfires and floods during COVID-19 pandemic.</li> </ul> <p>COVID-19 <b>recovery</b> actions include:</p> <ul style="list-style-type: none"> <li>• Establishment of the Wellington Municipal Living Well during COVID-19 sub-committee, subgroups and plan.</li> <li>• Allocation of funding to community projects to support social connection and reduce isolation, under the Victorian Government's Community and Social Isolation program</li> <li>• Consolidation of COVID-19 impact data from community, partner agencies and stakeholders, with key impacts centering around mental wellbeing and economic uncertainty</li> </ul> <p>Support for restaurants and cafes to improve infrastructure for outdoor dining to enhance their ability to increase customers while there was a limit on indoor dining and service.</p>

## Major Initiatives and Initiatives Progress Report | 2021



Action Name	Status	Traffic Lights	Progress	Comments
<p>Implement municipal strategic roadside vegetation management framework ('Leave Early Access Road Network or 'LEARN' roads).</p> <p>Outputs will include:</p> <ul style="list-style-type: none"> <li>- Agreed procedure with Built Environment to review list of fire managed roads</li> <li>- Updated list of fire managed roads</li> <li>- Natural Environment &amp; Parks reserves treatments listed in ConQuest</li> </ul>	Progressing		50%	<p>New process to establish the list of fire managed roads developed and maps produced to inform ongoing annual roadside vegetation management works. A draft document has been prepared on the LEARN road approach for sharing with other councils and road management authorities.</p> <p>Delays experienced in commencing practical works on vegetation along identified LEARN roads. Gaining approval for a native vegetation permit from DELWP has included unexpected barriers. As the funding body for this project, Safer Together Victoria has been informed of the delays. Utilising the existing permit, works will continue on LEARN roads identified in Briagolong area.</p>

## Major Initiatives and Initiatives Progress Report | 2021




## Council Plan Theme: Services &amp; Infrastructure

Action Name	Status	Traffic Lights	Progress	Comments
Progress the production, through collaboration with stakeholders, consultants and other Council staff, of a business case for redevelopment options of The Wedge Performing Arts Centre for Council consideration.	Progressing		20%	Business case funding attracted from Victorian Government up to 50% of cost or \$100,000. Tender brief drafted for advertising early February.
Complete Maffra Drainage Study	Completed		100%	Maffra Drainage and Flood study has been completed.
Complete North Sale Drainage Study	Completed		100%	North Sale Drainage Study has been completed.
Commence planning for carpark renewal projects for IGA and Coles carparks, Sale.	Progressing		50%	Contract of sale with landowner's solicitor awaiting execution. Expect this to be completed by end of February based on recent discussions with the landowner.
In preparation for submission of grant funding application to Sport and Recreation Victoria and responding to the previously developed business case for a major redevelopment of facilities at Aqua Energy, develop appropriately costed concept and schematic designs, via appropriate community and user consultation, in conjunction with Leisure Services team and appointed consultants.	Progressing		90%	<p>Costed concept design approved by Council in September and exhibited publicly for community input. Community feedback being reviewed, and final schematic designs underway.</p> <p>State government has advised that 2020/21 budget did not include a major aquatic grants program, for the first time in many years. With no funding stream identified, a draft submission through the Sport and Recreation Victoria Loan Scheme for Council's \$9m contribution could not be submitted.</p> <p>Alternative grant funding programs are being sought however most relate to stimulus or regional development programs which require a higher level of 'shovel-readiness'. As such, it is likely detailed design will need to be undertaken ahead of the project being fully funded.</p>






## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
Successfully attract funding for 'A Warmer Pool for Yarram Project in conjunction with Leisure Services and deliver the capital upgrade project to achieve enhanced swimmer amenity, including the installation of improved weather protection structures, consistently warmer pool water along with electricity energy offset to Council, in readiness for outdoor pool season 2021-22 in conjunction with the Assets and Projects team.	Progressing		60%	<p>External funding contribution successfully accessed through the Victorian Government's Local Sporting Infrastructure Fund.</p> <p>Agreed approach that photo voltaic (PV) solar cells will be installed on the roof of the Yarram Hub, with energy efficiency benefits providing an indirect off-set to operating cost of planned heat pump installation for the pools.</p> <p>Tender for the pool shade structure has been advertised, closing on 3 February. Working through power supply investigations to confirm if any changes of incoming supply need to be undertaken.</p> <p>Heat pumps tender to be advertised end of February.</p> <p>Project on track for completion during outdoor off season 2021.</p>
In preparation for submission of grant funding application to Sport and Recreation Victoria and responding to the previously developed business case for a major redevelopment of facilities at Aqua Energy, develop appropriately costed concept and schematic designs, via appropriate community and user consultation, in conjunction with Community Facilities Planning team and appointed consultants.	Progressing		90%	<p>Costed concept design approved by Council in September and exhibited publicly for community input. Community feedback being reviewed, and final schematic designs underway.</p> <p>State government has advised that 2020/21 budget did not include a major aquatic grants program, for the first time in many years. With no funding stream identified, a draft submission through the Sport and Recreation Victoria Loan Scheme for Council's \$9m contribution could not be submitted.</p> <p>Alternative grant funding programs are being sought however most relate to stimulus or regional development programs which require a higher level of 'shovel-readiness'. As such, it is likely detailed design will need to be undertaken ahead of the project being fully funded.</p>






## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
Project manage the improvement and upgrade of facilities in The Wedge meeting room to create a studio performance space.	Progressing		30%	<p>The studio space is to be converted into a small black box theatre space for smaller events and localised theatre content. This will involve the installation of lighting bars at the rear and sides of the space and tiered seating to provide a comfortable and professional space that offers affordable hire fees for those seeking to produce smaller productions and for corporate presentations that do not require the capacity of the main theatre.</p> <p>3 phase power for lighting has been installed and the space has been painted black to suit the theatre space expectations of producers. Consultation is well underway to determine the best approach for lighting bar installation opting for cheaper non - powered bars that will utilise our current excess and older lighting technology.</p> <p>Audio is already installed in the space and requires no further updating.</p> <p>The staging will be semi-permanent rostra that can be moved if necessary or reconfigured to purpose.</p>
Complete the Sale Tennis Club Facility Upgrade Project	Not Progressing		0%	Independent Agreement reached with the Tennis Club for works to progress.
In collaboration with Community Facilities Planning on behalf of stakeholders, complete upgrade works on the Cameron Sporting Complex Stadium Redevelopment project in accordance with external funding agreements.	Progressing		90%	Works are progressing well and nearing completion. The original completion date will drift as additional works are now around 15% higher after a significant additional package of works being included around Christmas for the replacement of the roof on the facility.




## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
Participate in the Project Control Group related to the delivery of mooring access improvements the Port of Sale West Bank Project.	Progressing		55%	Project Control Group advised that tenders to be issued early 2021 with construction completed over a 12-month period.
Develop user/hire fees and financial management guidelines for communication to all applicable facilities as identified in the Community Managed Facilities Strategy.	Not Due To Start		0%	Planned to begin January 2021.
Update the Community Facilities Project Prioritisation Model with items identified out of the Sporting, Early Years and Community Infrastructure Plans. Include priority projects in the 10-Year Capital Program for community facilities.	Progressing		40%	<p>The prioritisation model has been designed and trialed to inform the 2021/22 capital program. This process has identified some minor changes required to the model that are being implemented.</p> <p>The Community, Sporting and Early Years Infrastructure Plans are due for community consultation in April 2021 and will have projects populated into the prioritization model after they are finalised.</p>
Complete civil works for the Maffra Streetscape Upgrade Project	Progressing		95%	With works curtailed to limit impacts over the Christmas and New Year travel period the works are nearing completion and only minor items remain outstanding prior to the Asphalt overlay.
Commence stage 1 civil works for the York Street, Sale, Streetscape upgrade project.	Not Due To Start		0%	Undergrounding of power and the provision of centre median lighting is progressing prior to the streetscape works being scheduled.

## Major Initiatives and Initiatives Progress Report | 2021





Action Name	Status	Traffic Lights	Progress	Comments
Implement new facilities hierarchy and operating subsidy model across all community managed facilities and ensure appropriate reporting by community committees of management via new methods as included in the Community Managed Facilities Strategy.	Progressing		75%	New risk and maintenance subsidies, replacing and an increase of previous operating subsidies, continue to be rolled out to all committees.  New risk & maintenance subsidy model continues to be well received by committees. New reporting requirements are being established as annual subsidies payments are made with positive feedback being received about its logic and simplicity.
Prepare a structure plan for Maffra to support the future urban growth of the township.	Not Progressing		30%	A draft discussion paper for the Maffra Structure Plan project has been finalised. Following a Council briefing, the Discussion Paper will be subject to upcoming community consultation.
Implement appropriate planning controls surrounding RAAF Base East Sale to support the ongoing operation of this airfield.	Ongoing		0%	Draft planning controls surrounding RAAF Base East Sale have been prepared for the formal consideration of the Department of Defence, with feedback received currently under consideration by Council Officers.
Implement the findings of the State Government's Planning in the Economic Growth Zone project to ensure that the Planning Scheme is up to date/relevant.	Not Due To Start		0%	A Planning Scheme Amendment has been prepared to implement various State Government initiatives to help simplify the Wellington Planning Scheme. Public exhibition has been in abeyance due to Covid -19 restrictions and other strategic planning priorities. It is expected that this Planning Scheme Amendment will be exhibited shortly.
Implement the North Sale Development Plan into the Planning Scheme to support well planned housing growth.	Ongoing		0%	Council has previously adopted the North Sale Development Plan. The final stage of the project, being a draft Developer Contribution Plan, is well advanced and will be subject to an upcoming Council briefing.

## Major Initiatives and Initiatives Progress Report | 2021


Action Name	Status	Traffic Lights	Progress	Comments
Undertake a two Stage Residential Land Stocktake (based on the outcomes of a charette) to support the supply of residential land across the municipality (including consideration of financial and non-financial incentives to help activate development)	Ongoing		0%	Stage 1 work to activate the subdivision of existing residential zoned land in Maffra continues as a focus, given the shortage of lots currently available, with some subdivision activity now expected in 2021. Stage 2 Shire wide work (including holding a charette/intensive workshop with the development sector and relevant stakeholders) has been delayed by the current Covid-19 pandemic, although it is hoped that the Stage 2 charette/workshop will be able to be held in early 2021.
Facilitate preparation of a development plan for the Wurruk Growth area (subject to a private request) to support well planned housing growth.	Ongoing		0%	A draft development plan for the Wurruk Growth Area is under development, with regular meetings with the proponent's planning representative being held.
Update the Port of Sale Masterplan (based on the outcomes of a charette) to support and encourage the integrated and high-quality development of the Port of Sale precinct.	Progressing		70%	A draft updated master plan for the Port of Sale Precinct has been finalised. The draft master plan will be subjected to community consultation following an upcoming Council briefing.

## Major Initiatives and Initiatives Progress Report | 2021

## Council Plan Theme: Natural Environment



Action Name	Status	Traffic Lights	Progress	Comments
Develop Urban Forest (Greening Wellington) Strategy including Design Standards, Technical Specifications, Green Infrastructure Guidelines and community consultation process to drive continuous improvement in the management of this key asset class.	Progressing		40%	Internal consultation is continuing.
Investigate future management options for Kilmany Landfill and Resource Recovery Facility to ensure the facility is meeting best value principles.	Progressing		35%	Continuing to explore options with Resource Recovery Gippsland (RRG) with joint procurement contract specs and Waste Tech Officer analysing resource requirements/costs of inhouse Landfill Management model.
Determine the feasibility of a combined Maffra/Stratford Transfer Station with a view to improving asset management in line with industry standards.	Progressing		40%	Formal valuations of the property to be undertaken early this year. Site inspections and investigations of new facilities planned for early in the year.
Develop a plan for the recovery of organic waste from landfill that takes into account the proposed Gippswide Kerbside Collaborative Procurement shared service opportunity, and the State Governments rollout of a state-wide "four bin" residential waste collection system.	Progressing		40%	Joint Gippsland procurement model continuing to progress. Tender document for FOGO processing planned to be released April 2021. Progress update by Resource Recovery Gippsland at Council Meeting booked early February.

## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
Work with Gippsland Water to implement the 'Be Smart, Choose Tap' initiative/campaign at all of Wellington Shire's seasonal outdoor pools, including the installation of supporting water dispensing infrastructure, improved signage, advertising and marketing - in readiness for outdoor pool season 2020-21.	Not Progressing		20%	<p>Negotiation underway with Gippsland Water regarding provision of additional funded water dispensing infrastructure at Aqua Energy and Gippsland Regional Sports Complex, along with units in outdoor spaces across the shire.</p> <p>Project plan for infrastructure component developed before project identified as delayable pending mid-year budget review and placed on hold. Infrastructure project will be rescheduled for 2021/22 delivery.</p> <p>'Be Smart, Choose Tap' campaign put on hold when water dispensers were banned from use due to Covid-19 considerations. Will be reactivated in second half of year now that water bottle filling from water dispensers permitted.</p>

## Major Initiatives and Initiatives Progress Report | 2021

### Council Plan Theme: Lifelong Learning




Action Name	Status	Traffic Lights	Progress	Comments
Commence planning of a major exhibition initiative to take place at the Gippsland Art Gallery in October 2021. (Confidential - embargoed for a further year)	Progressing		50%	Gippsland Art Gallery was named officially as the sole Victorian host venue for the Archibald Prize on 1 December 2020. A recruitment campaign is currently underway for the role of Project Manager and a project management framework is being established.
Prepare an update of Councils Arts and Culture Strategy to provide continuing direction on community arts development and the performing, visual and literary arts.	Not Due To Start		15%	Project to commence in fourth quarter.

## Major Initiatives and Initiatives Progress Report | 2021


## Council Plan Theme: Economy

Action Name	Status	Traffic Lights	Progress	Comments
Assess market demand to develop Eastern Recreation Aviation Precinct (ERAP) and progress the next stage of ERAP.	Not Progressing		50%	This project is on hold pending outcome on development proposal from private aviation business. A non-disclosure agreement was signed in Dec 2020.
Secure support from Council for the 2020-22 Action Plan associated with Wellington Shire Economic Development Strategy and then lead its implementation.	Progressing	▶	60%	Progress report for the 2020-2022 Action Plan completed and on track. Plan has been revised to ensure the nine priorities of the Business Development Team are captured. Meetings to be scheduled with responsible officers in March to monitor progress.
Progress initiatives associated with the Port of Sale East Bank project in line with Council direction including acquisition.	Progressing	▶	55%	GLaWAC's sub-committee has "provisionally agreed for GLaWAC to enter into negotiations with Wellington Shire". Any approvals still need to go to the Board and any final agreement go to the full group of native title holders.  Further meetings planned between Council and GLaWAC representatives in January 2021 including a site tour.
Funding extension secured via LVA to actively market and promote the municipality's competitive agricultural strengths and to leverage the agribusiness sector, in particular the MID to grow investment, output, branding/position, innovation and future opportunities.	Progressing	▶	65%	2020 Excellence in Agribusiness Awards; all trophy boards have been delivered to the winners during December. The feedback from the Awards program has been very positive. There have been two media stories on the news - Greenham Gippsland who were awarded Agribusiness of the Year and on Gabrielle Moore who was awarded Female Agribusiness Leader. The planning and confirmation of 2021 sponsors will commence in January for the program to launch in March/April.  The Food & Fibre Gippsland Industry Conference is postponed to 2021.  Gippsland Provenance Trademark project is progressing well. The trademark registration has been submitted.

## Major Initiatives and Initiatives Progress Report | 2021





Action Name	Status	Traffic Lights	Progress	Comments
				Gippsland Comeback Event has been changed to an online forum to educate and support Gippsland producers, growers and artisans to get their business online.
Implement initiatives and projects associated with State and Federal Government bushfire and drought funding including a specific marketing and advocacy campaign.	Progressing		60%	<p>The Middle of Everywhere (TMoE) marketing roll out is now well under way.</p> <p>TV advertising commenced on channel 7 for the month of January in conjunction with the Big Bash and will move to channel 9 for the Australian Open in February.</p> <p>Melbourne Metro Train advertising is also currently in place for the next few months on three south eastern train lines.</p> <p>Facebook continues to gather momentum as we approach 500 followers and TMoE Radio promotion is live on TRFM.</p> <p>Brand awareness and recognition amongst search engines continues to grow resulting in faster search engine results.</p> <p>App testing will commence in the second week of January with hopes of going live in late January.</p> <p>Town entry signage quotes are final and designs will be completed with imagery over the coming weeks.</p> <p>Next six Advocate videos to be released mid-January.</p>
Review Council's external tourism marketing activities and present findings and recommendations and agreed plan to Council.	Progressing		80%	Council elected nothing further to be done on Council report regarding the cessation of funding to Central Gippsland Tourism (CGT). Council is working with CGT to consider alternatives.
Secure funding for the extension of the Great Southern Rail Trail from	Progressing		50%	Consultant 'Indigenous Designs' engaged to secure permits to remove native vegetation.

## Major Initiatives and Initiatives Progress Report | 2021




Action Name	Status	Traffic Lights	Progress	Comments
Hedley to Alberton to increase visitation and business opportunities in adjacent areas.				Letter to land holders along the rail reserve being sent to advise of updates.  Sport and Recreation Victoria, Department of Jobs, Precincts and Regions has invited Council to re-submit for Round 2 of the Community Sports Infrastructure Stimulus Program for the Great Southern Rail Trail extension project - Alberton to Welshpool. Applications close early March.
Secure events to Wellington Shire to stimulate the local economy, raise the region's profile and increase visitation.	Progressing		50%	Wellington major events such as Sale Music Festival and Tarra Festival have been cancelled due to the requirements associated with Covid-19 restrictions.  Markets are currently still taking place.  As part of an overall post Covid-19 environment, initial appreciation documents have been prepared for the following events with tentative dates: <ul style="list-style-type: none"> <li>• Wetlands off road Bike challenge – Autumn 2021</li> <li>• Carp Festival – March 14, 2021</li> <li>• Air show in conjunction with RAAF – April 2022</li> <li>• Bird Watching Week</li> <li>• Innovative Energy Conference and Festival/Trade Show.</li> </ul>

## Major Initiatives and Initiatives Progress Report | 2021







### Council Plan Theme: Organisational

Action Name	Status	Traffic Lights	Progress	Comments
Source and deliver advanced staff training in the Library Management Software to produce greater efficiencies in customer service through reduced task times, improved patron satisfaction, and increased staff confidence in their system's features.	Progressing		50%	<p>COVID-19 has obstructed the usual in-person, class-based approach to group training. There was a possibility of aligning training with another library system to come on stream, but as this has been delayed through this year, this proposal has prevented rather than expedited the process.</p> <p>New circulation software was introduced by Libraries Victoria which altered the training content. The Coordinator has been in discussion with Libraries Victoria about various software issues which will be resolved in February 2021. Training will consist of a combination of online modules for staff and advanced or administration training for targeted staff.</p>
Manage Magiq upgrade and transition to BIZBudgeting	Progressing		20%	This project in planning stage.
Manage the implementation and rollout for new Intranet System to meet Council business requirements.	Completed		100%	A new Sharepoint based intranet system has been successfully developed inhouse and rolled out to all staff. This new intranet platform will support improved internal communications, resource sharing and 24/7 accessibility to information across the organisation. This project has been completed.
Major upgrade of council's phone and video conferencing systems to ensure compliant, compatible and secure communications to support council business operations.	Progressing		55%	Integration and business requirements have been established for the new phone and video conferencing solution. Test plan documentation has commenced. No issues to report / project progressing.

## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
Implement the Smarty Grants system for community assistance grants and quick response grants programs including the development of associated business processes. Prepare other business units within the organisation for the introduction of Smarty Grants from 2021/22.	Progressing		90%	<p>Smarty Grants system went live in September with five submissions received. Positive feedback from community groups on the change of process and the ease in using the system.</p> <p>Work has commenced with other Council business units who work with grants to establish Smarty Grants forms so they can transition into using the program. This includes the use of the system to receive and process Australia Day grants applications.</p>
Conduct a major review of the Municipal Relief and Recovery Sub Plan of the Municipal Emergency Management Plan in conjunction with the Municipal Recovery Manager incorporating learnings from reviews of the 2019-2020 East Gippsland bushfires relief and evacuation support.	Progressing		85%	<p>Wellington Municipal Relief and Recovery Sub Committee has reviewed all sections of the Municipal Relief and Recovery Subplan, simplifying it significantly.</p> <p>The review has included revising the delivery of relief and recovery services during a global pandemic, addition of agencies roles and responsibilities for relief and recovery not only during the emergency event, but also before and after. This has been the result of the evidence base that confirms that timely and effective relief and recovery provision is the result of strong preparation and planning. Condensing information into useful short and sharp sections has also been completed.</p> <p>The final aspect to be included in the version presented to the subcommittee in the new year is key learnings from the previous two summers of bushfires. Learnings include; communication roles before, during and after emergencies; spontaneous volunteers; donated goods; resource sharing arrangements; and the importance of a collaborative process in the transition from response to recovery.</p>
Undertake an annual audit of planning permit determinations to support best practice decision making	Not Due To Start		0%	To be progressed later in financial year as work priorities/resourcing allows.







## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
Research and implement social media management software to streamline the process of posting/scheduling/reporting.	Progressing		80%	Software solution has been researched and sourced. Purchase and implementation of software is approved through ICT team and will be implemented in this financial year.
Implement an enhanced Performance Review process for all staff.	Progressing		15%	This project is on track to deliver by the start of the next performance cycle.
Manage the ICT operations requirements for the Wellington Shire and East Gippsland Shire Councils as per the ICT Shared Services Memorandum of Understanding.	Progressing		70%	Major ICT MoU project milestone for this period is the successful design and delivery of East Gippsland Shire's new website. All ICT Service Level Agreements as required to facilitate the requirements for the ICT MOU for the Wellington Shire and East Gippsland Shire Councils have been delivered without issue for this period.
Working with participating GLGN Councils and Local Government Victoria, to plan the establishment of a shared services operating model	Ongoing		0%	Both Wellington Shire Council and East Gippsland Shire Council continue to consider options to progress with a future shared services operating model.
Undertake an annual statutory planning customer survey to support continuous improvement initiatives	Ongoing		0%	First half of 2020 (January to June 2020) planning applicant and objector surveys have been completed. Second half of 2020 surveys will be sent out early in 2021 and all results then compiled.
Rollout the Complaint Handling Strategy (aligned with the Complaint Handling Framework)	Progressing		80%	Currently in the final stages of testing the Complaint handling function using Authority system. Also working on 'How to Guides' and an online training package for Managers and Customer Service team.

## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
Implement the Customer Service Strategy Mystery Shopping initiative across all areas of Council	Completed	✓	100%	Mystery Shopping commenced in February and completed in July.  Wellington Shire was ranked 18th out of 44 Councils with an overall score of 54%.  Based on feedback few changes to be implemented within Customer Service in coming months.
Replace marketing items used for events - new pull-up banners, flags and marquee to improve public perception of Council as a professional organisation	Completed	✓	100%	New pull-up banners have been purchased and have replaced the old, out-dated ones. The WSC marquee has undergone some repairs, so does not need replacing at this time.
Implement online tendering system across the organisation to ensure consistency and good governance	Completed	✓	100%	The new online system for tender submissions has been rolled out. All tender submissions will now be submitted via the new portal. The e-tendering website provides a web-based tool that enables Council to procure goods and services over the internet. It provides a simple, secure and efficient means for managing tendering activities, correspondence and quotations. Registration of our suppliers to the portal is required and is free.
Hold a public launch, as part of broader marketing, of a philanthropic donor fund to increase the amount of donated funds received by the Gippsland Art Gallery.	Progressing	▶	50%	A 'soft launch' for the Gallery Foundation took place in December. Chairman John Gibson has done one interview on ABC Gippsland radio and other, more in depth, will follow in January 2021.  A public launch will be held onsite once Covid-19 restrictions permit.
Progress the sale of Council's Surplus Land in accordance with policy and standards of best practice.	Progressing	▶	50%	Weir Road auction completed Friday 18 December 2020. Property passed in and agent is negotiating with the highest bidder.

## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
Effectively manage and operate the Gippsland Regional Livestock Exchange to Council's satisfaction and provide updates to Council highlighting key performance indicators.	Progressing		50%	Regular GRLE Advisory Group meeting was held. Sale dates for first half of 2021 were agreed with agents. Update to Council is planned for May 2021.
Undertake a review of potentially contaminated land to ensure appropriate mitigation prior to development occurring	Not Due To Start		0%	Background work will advance on this initiative following progression of other strategic planning priority projects.
Implement a Safety Leadership Program in line with new Victorian Occupational Health & Safety changes.	Completed		100%	All current staff in leadership positions have completed the training.
Develop a Workforce Management Plan to address the human resourcing (succession) and recruitment requirements while meeting relevant Access and Inclusion plan outcomes to ensure that Council has the right employees, with the right skills, to deliver the Council Plan and services required by the community, both now and into the future.	Progressing		25%	Currently completing research and gathering information for this project. On track for delivery by fourth quarter.
Develop a Gender Equality action Plan as per the Gender Equality Act 2020.	Progressing		20%	Started the review of Gender impact assessments which are due in March.
Develop and implement a Leadership Development program for all staff.	Progressing		20%	Currently drafting an overall framework while looking at key opportunities and skills gap related to Council workforce.

## Major Initiatives and Initiatives Progress Report | 2021

Action Name	Status	Traffic Lights	Progress	Comments
Plan and develop media strategies to lobby relevant agencies in the best interests of Wellington residents, local business and the economy	Completed	✓	100%	<p>The Communications and Media team has worked closely with relevant Council teams on media strategies and campaigns during the past 12 months including:</p> <ul style="list-style-type: none"> <li>* The Native Timber Task Force which is lobbying State Government about the cessation of native timber harvesting in Gippsland;</li> <li>* The Wellington Still Delivering campaign which seeks to assist local businesses to adapt their practices and business activities around the Covid-19 pandemic;</li> <li>* The Be Kind Wellington concept which encourages community participation, along with kind, compassionate communication with members of the community during the Covid-10 pandemic;</li> <li>* Communications for emergency situations such as the Covid-19 pandemic, the Black Summer Bushfires and preparations for the 2020-21 fire/flood season.</li> </ul>



# DECEMBER 2020 QUARTERLY FINANCE SUMMARY

INCORPORATED IN PERFORMANCE REPORT

**INCOME STATEMENT**  
For the period ending 31 December 2020

	YEAR TO DATE			FULL YEAR 2020-21		
	Actual	Adopted Budget	Variance	Forecast	Adopted Budget	Variance
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
<b>Income</b>						
Rates and charges	63,222	63,119	103	63,433	64,276	(843)
Statutory fees & fines	614	361	253	872	786	86
User fees	2,013	3,350	(1,337)	6,310	7,922	(1,612)
Grants - operating	5,692	5,371	321	13,866	11,204	2,662
Grants - capital	1,035	3,132	(2,097)	16,210	16,028	182
Contributions - operating ( monetary)	135	59	76	337	206	131
Contributions - capital ( monetary)	-	337	(337)	1,014	1,335	(321)
Contributions - non monetary	410	-	410	410	-	410
Other income	1,200	1,234	(34)	2,527	2,298	229
<b>Total Income (Inc capital income)</b>	<b>74,321</b>	<b>76,963</b>	<b>(2,642)</b>	<b>104,979</b>	<b>104,055</b>	<b>924</b>
<b>Expenditure</b>						
Employee costs	14,382	14,910	528	29,767	29,821	54
Materials and services	15,734	17,200	1,466	39,529	38,236	(1,293)
Bad and doubtful debts	-	-	-	70	70	-
Depreciation and amortisation	10,910	10,835	(75)	24,520	24,916	396
Borrowing costs	49	47	(2)	93	93	-
Finance cost leases	3	2	(1)	4	4	-
Other expenses	4,843	531	(4,312)	5,411	948	(4,463)
Net loss on disposal of property, infrastructure, plant & equipment	(46)	(25)	21	941	931	(10)
<b>Total Expenditure</b>	<b>45,875</b>	<b>43,500</b>	<b>(2,375)</b>	<b>100,335</b>	<b>95,019</b>	<b>(5,316)</b>
<b>Surplus for the year</b>	<b>28,446</b>	<b>33,463</b>	<b>(5,017)</b>	<b>4,644</b>	<b>9,036</b>	<b>(4,392)</b>

*Note: The forecast figures reflect any known changes that have arisen since the adoption of the original budget. Including these changes enables Council to more accurately monitor financial performance during the year and predict the end of year position. However, Council must report publicly against the original adopted budget on a quarterly basis.*

*The current forecast reflects a reduction in the surplus of (\$4.4M) mainly due to the repayment of \$4.3M funding received for the shared services initiative which is not proceeding. The forecast also includes the estimated year to date impact of COVID-19 on income and the offsetting reductions in employee and other ancillary costs.*

### Adopted Budget to YTD Actuals

The result for the second quarter of the year reflects a surplus of \$28.4 million against an adopted budget surplus of \$33.5 million resulting in an adverse variance of (\$5.0 million). The variance is a combination of operating result (operating income less operating expense) of (\$2.9M) and the impact of lower capital grant income of (\$2.1 million).

### A summary of major operating variances that have occurred to date include:

#### Operating Income

- **\$0.25 million**      **Statutory fees & fines** - Income raised from planning and building permits issued during the first six months of the year have been higher than anticipated. Compliance notices issued (mainly for fire infringements) were slightly ahead of budget.

- **(\$1.34 million)** **User fees** - The current COVID-19 pandemic has impacted on Council's user fees collected to date including income from Leisure facilities of (\$784k) and the Wedge (\$204k) which in part has been offset by lower staff and other ancillary expenditure incurred to date by these facilities. Follow up action on outstanding pool registration inspections and food eating premises has been delayed due to COVID-19 resulting in lower than expected income to date of (\$258k).
- **\$0.32 million** **Grants (operating)** - New grant income received towards the Working for Victoria initiative of \$764k has been accounted for at end of December 2020 which was unbudgeted. Other minor grants relating to municipal emergency, COVID-19 and community projects have been raised/received during the period. The combating pests and weeds from drought impact project has commenced but is slightly behind schedule resulting in lower funding allocation to date of \$151k. Operating grants expected for library support services (\$165k) and the pests animal and plant program (\$75k) are yet to be received for 2020/21.
- **\$0.41 million** **Contributions (non monetary)** - Recognition of drainage, roads and footpaths assets associated with new subdivisions of \$290k.

#### Operating Expenditure

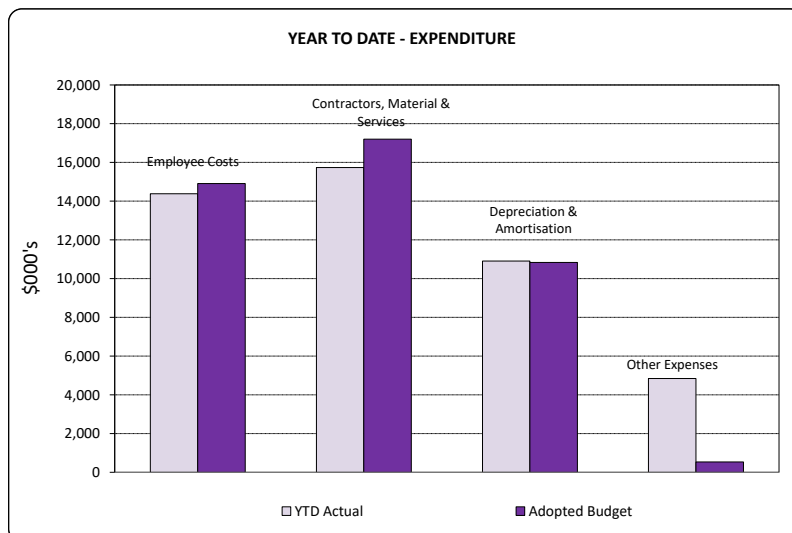
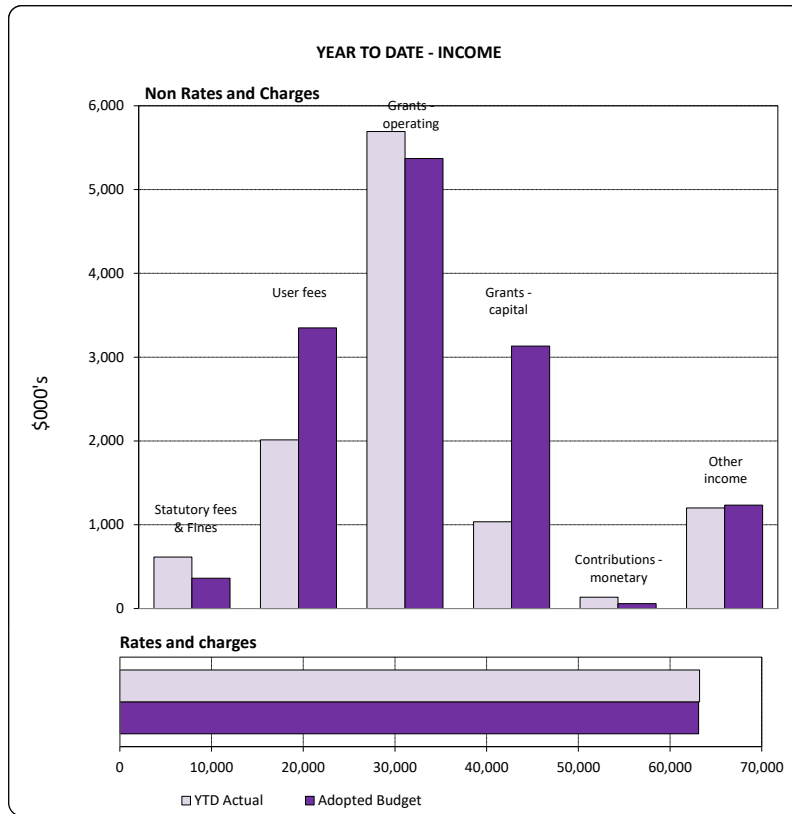
- **\$0.53 million** **Employee costs** - Salary underspends from a number of vacant positions \$542k is partly offset by additional agency or contract staff to maintain critical customer focus operations. Lower 2021/22 workcover premium has resulted in savings of \$320k. Further COVID-19 pandemic resulting in lower casual staff salaries and staff training of \$287k, but this has been partly offset by additional travel payments for use of own vehicles by staff.
- **\$1.47 million** **Contractors, materials and services variance includes:**
  - a. **\$343k** - Infrastructure, parks and general building maintenance expenditure were lower than expected.
  - b. **\$279k** - Overall consultants costs incurred to date are below budget due to delay of commencement of some business development and strategic planning projects.
  - c. **\$239k** - Lower than expected premium increase for asset and public liability insurance for 2020/21.
  - d. **\$229k** - Less utilities are being used at operational and community facilities mainly due to the pandemic.
  - e. **\$171k** - Contributions yet to be paid mainly for cultural facilities and community events as operating grants and subsidies.
  - f. **\$166k** - Expenditure associated with the major plant for fuel, parts and maintenance were lower than predicted.
- **(\$4.31 million)** **Other expenses** - mainly represents repayment of unused grant funding of (\$4.3 million) for shared services initiative.

#### **A summary of major capital variances that have occurred to date include:**

##### Capital Income

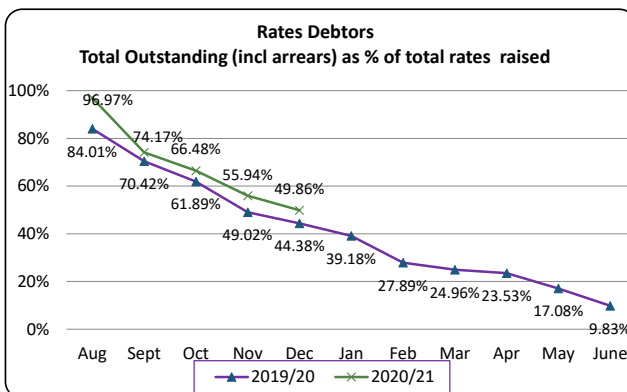
- **(\$2.10 million)** **Grants (capital)** - Market Street and Macarthur Street intersection works are progressing slower than projected (\$741k). Sale Toongabbie Road safety upgrade works completed awaiting final invoices before receiving claim (\$521k). Beverley Road safety upgrades are complete with the final funding claim to be received (\$537k).

## DECEMBER 2020 COMPONENTS AT A GLANCE



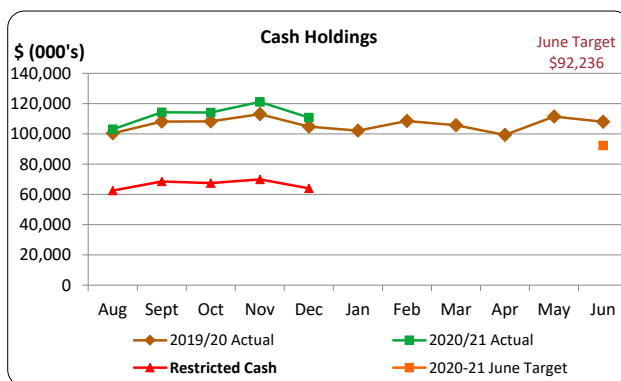
**BALANCE SHEET**  
As at 31 December 2020

Actual		Actual	Forecast	Adopted Budget
December 19		December 20	June 21	June 21
\$000's		\$000's	\$000's	\$000's
<b>Assets</b>				
136,578	Total Current Assets	145,916	99,341	86,214
884,389	Total Non Current Assets	998,621	1,024,486	925,119
<b>1,020,967</b>	<b>Total Assets</b>	<b>1,144,537</b>	<b>1,123,827</b>	<b>1,011,333</b>
<b>Liabilities</b>				
17,292	Total Current Liabilities	25,449	24,697	19,253
18,942	Total Non Current Liabilities	18,457	22,652	22,652
<b>36,234</b>	<b>Total Liabilities</b>	<b>43,906</b>	<b>47,348</b>	<b>41,905</b>
<b>984,733</b>	<b>Net Assets</b>	<b>1,100,631</b>	<b>1,076,478</b>	<b>969,428</b>



The rate debtors outstanding at the end of December 2020 were \$35.0 million (49.9%) compared to December 2019 of \$30.7 million (44.4%).

Third and final rate instalments are due for the year on 28 February 2021 and 31 May 2021.



Council cash holdings at the end of December 2020 are \$110.8 million, higher than December 2019 of \$104.0 million due to advance funds and lower than expected expenditure.

The current cash holdings include \$69.9 million restricted funds; \$12.3 million to cover reserves, \$40.1 million to cover provisions and trusts, and approximately \$17.5 million associated with the operating and capital carried forwards.

The balance is generally working capital for ongoing operations over the next quarter.

*Restricted cash is money that is reserved for specific purposes and therefore not available for general business use.*

**CAPITAL EXPENDITURE PROGRAM**  
For the period ending 31 December 2020

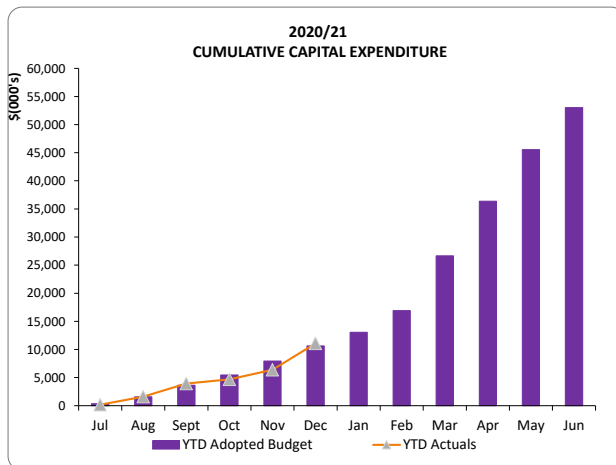
	YEAR TO DATE 2020-21			FULL YEAR 2020-21		
	Actual	Adopted Budget	Variance	Forecast	Adopted Budget	Variance to Adopted
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
Property	3,021	4,438	1,417	10,181	14,805	4,624
Infrastructure	7,387	5,060	(2,327)	32,393	34,342	1,949
Plant and Equipment	582	1,146	564	3,498	3,377	(121)
Intangibles	93	-	(93)	606	493	(113)
<b>Grand Total</b>	<b>11,083</b>	<b>10,643</b>	<b>(440)</b>	<b>46,678</b>	<b>53,017</b>	<b>6,339</b>

	YEAR TO DATE 2020-21			FULL YEAR 2020-21		
	Actual	Adopted Budget	Variance	Forecast	Adopted Budget	Variance to Adopted
	\$000's	\$000's	\$000's	\$000's	\$000's	\$000's
Renewal	7,232	5,570	(1,662)	30,184	31,794	1,610
Upgrade	2,808	3,710	902	11,422	12,567	1,145
Expansion	951	1,303	352	4,144	7,288	3,144
New Assets	92	60	(32)	928	1,368	440
<b>Grand Total</b>	<b>11,083</b>	<b>10,643</b>	<b>(440)</b>	<b>46,678</b>	<b>53,017</b>	<b>6,339</b>

**Capital Works Summary - for the period ending 31 December 2020**

- Overall 34 projects are at practical completion, 17 more projects are underway and 17 projects have had contracts awarded but not yet commenced. 60 projects are in pre-planning (development of the concept design, the detail design, community consultation and seeking quotes or tenders).
- Cameron Sporting Complex - Work is progressing to schedule with Stage 2 works underway.
- The multi year Outdoor Pool Plant Room Replacement project was completed in December 2020.
- The contract for the multi year Sale Oval Changeroom Development was awarded in December 2020. Works will be undertaken in stages with the Changerooms upgraded by the end of March 2021.
- The Heyfield Skate Park Expansion works have been completed apart from landscaping.
- Works on the Final Seals and Reseal Rural Roads programs are 98% complete.



## 13. GENERAL MANAGER CORPORATE SERVICES

### 13.1. ASSEMBLY OF COUNCILLORS

#### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### OBJECTIVE

To report on all assembly of Councillor records received for the period 25 January 2021 to 7 February 2021.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

*That Council note and receive the attached Assembly of Councillor records for the period 25 January 2021 to 7 February 2021.*

#### BACKGROUND

Section 80A of the *Local Government Act 1989* required a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, matters considered and any conflict of interest disclosures made by a Councillor. These records were required to be reported at an ordinary meeting of the Council and recorded in the minutes. Under the new *Local Government Act 2020*, this requirement is no longer provided for however, under Council's good governance framework, Council will continue to provide records of assemblies of Councillors to ensure that the community are kept informed of Councillors activity and participation.

Following is a summary of all Assembly of Councillor records received for the period 25 January 2021 to 7 February 2021.

#### ATTACHMENTS

1. Assembly of Councillors and Workshop Follow Up 2 February 2021 [**13.1.1** - 2 pages]

#### 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 during the period 25 January 2021 to 7 February 2021.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complied with Section 80A of the *Local Government Act 1989* however, without prescription under the *Local Government Act 2020*, Council will continue to provide these records as part of Council's good governance framework.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL PLAN IMPACT**

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

**Strategic Objective 6.3:** *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"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.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## ASSEMBLY OF COUNCILLORS – 2 FEBRUARY 2021

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
IT / Diary Meeting	Cr Bye	Yes	Cr Stephens	Yes	N/A
	Cr Crossley	Yes	Cr Tatterson	Yes	N/A
	Cr Hole	Yes	Cr Wood	Yes	N/A
	Cr McKenzie	Yes	David Morcom, CEO	Yes	N/A
	Cr Maher	Yes	Leah Carubia, EA CEO	Yes	N/A
	Cr Rossetti	Yes	Damian Norkus, Business Systems Officer	Yes	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE VIA SKYPE (ONLINE MEETING ONLY)				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
Workshops	Cr Bye	Yes	Cr Tatterson	Yes	
	Cr Crossley	Yes	Cr Wood	Yes	
	Cr Hole	Yes	David Morcom, CEO	Yes	
	Cr McKenzie	Yes	Arthur Skipitaris, GM Corporate Services	Yes	
	Cr Maher	Yes	Sharon Houlihan, GM Community & Culture	Yes	
	Cr Rossetti	Yes	Chris Hastie, GM Built & Natural Environment	Yes	
	Cr Stephens	Yes	Brent McAlister, GM Development	Yes	

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE VIA SKYPE (ONLINE MEETING ONLY)
Workshops (cont.)	1. DEVELOPMENT DIVISION UPDATE: PLANNING, BUILDING & BUSINESS DEVELOPMENT	<ul style="list-style-type: none"> <li>• Paul Johnson, Manager Business Development</li> <li>• Joshua Clydesdale, Manager Land Use Planning</li> <li>• Vanessa Ebsworth, Manager Municipal Services</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	2. GIPPSWIDE KERBSIDE - JOINT PROCUREMENT OF WASTE SERVICES	<ul style="list-style-type: none"> <li>• Matt Peake, Executive Officer Gippsland Waste and Resource Recovery Group (external presenter)</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	3. REVIEW OF THE UPDATED COUNCILLOR CODE OF CONDUCT AND CONFLICT OF INTEREST	<ul style="list-style-type: none"> <li>• Arthur Skipitaris, General Manager Corporate Services</li> <li>• Denise Teo, Governance Officer</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	4. NORTH SALE GROWTH AREA - INFRASTRUCTURE CONTRIBUTIONS ARRANGEMENT	<ul style="list-style-type: none"> <li>• Joshua Clydesdale, Manager Land Use Planning</li> <li>• Barry Hearsey, Coordinator Strategic Planning</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	5. LOCAL LAWS REVIEW - INTENTION TO DISPLAY LOCAL LAWS	<ul style="list-style-type: none"> <li>• Vanessa Ebsworth, Manager Municipal Services</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	6. CAMERON STADIUM REDEVELOPMENT UPDATE	<ul style="list-style-type: none"> <li>• Sam Mathews, Senior Community Facilities Projects Officer</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	7. COUNCIL/FINANCE/ASSET PLANS CONSULTATION	<ul style="list-style-type: none"> <li>• Bodye Darvill, Coordinator Council Plan Engagement</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	8. CENTRAL GIPPSLAND TOURISM UPDATE	<ul style="list-style-type: none"> <li>• Brent McAlister, General Manager Development</li> <li>• Paul Johnson, Manager Business Development</li> </ul> <p><i>Conflict of Interest: Nil</i></p>

## 13.2. ADOPTION OF 2020-2024 COUNCILLOR CODE OF CONDUCT

### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### PURPOSE

To approve the revised Councillor Code of Conduct, as attached and in doing so, revoke the 2016 Councillor Code of Conduct and approve the publication of the revised Councillor Code of Conduct on Council's website.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That Council:***

- 1. Approve the revised Councillor Code of Conduct, as attached;***
- 2. Revoke the 2016 Councillor Code of Conduct; and***
- 3. Authorise the publication of the revised Councillor Code of Conduct on Council's website.***

#### BACKGROUND

Section 139 of the *Local Government Act 2020* (the Act) requires that Council develop and adopt a Councillor Code of Conduct within four months of a general election. Therefore, as the recent local government elections were held on 24 October 2020, the Councillor Code of Conduct must be approved by Council no later than 24 February 2021. Also, as per section 139(5) of the Act, the revised Councillor Code of Conduct will become operative once it is approved by Council resolution.

As Council has previously developed a Councillor Code of Conduct for the 2016 elections, this version has been reviewed and brought up to date with the Act and *Local Government (Governance and Integrity) Regulations 2020* (the Regulations). These revisions focus on increased Councillor integrity, transparency and accountability and places stringent obligations on Councillors relating to conduct and disclosures.

The Act states the Code of Conduct (section 139(3)):

- must include the standards of conduct prescribed by the regulations expected to be observed by Councillors;
- must include any provisions prescribed by the regulations for the purpose of this section;
- must include provisions addressing any matters prescribed by the regulations for the purpose of this section; and
- may include any other matters which the Council considers appropriate, other than any other standards of conduct.

The attached Councillor Code of Conduct contains all revisions, which have been highlighted in yellow for ease of review. Once approved by Council, a final formatted copy will be released to Councillors and made available for public access on Council's website.

## **ATTACHMENTS**

1. Councillor Code of Conduct 2020\_marked up [13.2.1 - 34 pages]

## **OPTIONS**

Council has the following options available:

1. Approve the revised Councillor Code of Conduct, as attached, revoke the 2016 Councillor Code of Conduct and authorise the publication of the revised Councillor Code of Conduct on Council's website. or
2. Not approve the revised Councillor Code of Conduct, as attached, revoke the 2016 Councillor Code of Conduct or authorise the publication of the revised Councillor Code of Conduct on Council's website and request further review.

## **PROPOSAL**

For Council to approve the revised Councillor Code of Conduct, as attached and in doing so, revoke the 2016 Councillor Code of Conduct and approve the publication of the revised Councillor Code of Conduct on Council's website.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

The availability of the Councillor Code of Conduct on Council's website provides the community with the opportunity to access and review the standards by which their elected representatives are expected to hold themselves to and abide by.

It also provides guidance in the event of any Councillor breach of the Code of Conduct and is intended to increase public confidence in the administration of Council.

## **LEGISLATIVE IMPACT**

Section 139 of the Act requires that a Council develop and adopt a Councillor Code of Conduct within four months of a general election.

Adoption of the Councillor Code of Conduct is by Council Resolution.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL PLAN IMPACT**

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

**Strategic Objective 6.2:** *“Community engagement and customer service excellence is central to Council's decision making process.”*

Strategy 6.2.3: *“Ensure sound processes are in place to facilitate input into Council deliberations and decision making.”*

**Strategic Objective 6.3:** *“Maintain a well governed, transparent, high performing, ethical and accountable organisation.”*

Strategy 6.3.3: *“Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making.”*

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

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

A clear and consistent Councillor Code of Conduct will assist in enhancing a strong governance framework which in turn promotes transparency and trust within the community.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.



WELLINGTON

SHIRE COUNCIL

*The Heart of Gippsland*

**COUNCILLOR  
CODE OF CONDUCT  
2021 - 2024**

**Adopted by Council on the 16 February 2021**

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## Councillor Code of Conduct

### 1. Introduction

The *Local Government Act 2020* (the Act) and *Local Government (Governance and Integrity) Regulations 2020* (the Regulations) requires a Council to develop and maintain a Councillor Code of Conduct.

Wellington Shire Council's Councillor Code of Conduct sets out the minimum standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors as required under the Act and the Regulations.

The Councillor Code of Conduct is prescribed by the Regulations to assist Councillors by:

- (a) Providing understanding and guidance for compliance with the Standards of Conduct; and
- (b) Enabling Councillors to recognise how the Standards of Conduct enhance the Code of Conduct in directing them in fulfilling their statutory duties.

### 2. Adoption of the Councillor Code of Conduct

A person elected to be a Councillor is not capable of acting as a Councillor until the person has read the Councillor Code of Conduct and made a sworn declaration in the form of the Oath or Affirmation of Office stating that they will abide by the Councillor Code of Conduct and the declaration signed. If the Councillor fails to make a declaration to abide by the Councillor Code of Conduct within three months of being elected, their position is declared vacated. It is the personal responsibility of Councillors to ensure that they are conversant with, and comply with, the provisions of this Code.

A Council must, within four months after a general election, review and adopt the Councillor Code of Conduct. This is to occur by a formal resolution of Council passed at a meeting by at least two-thirds of the total number of Councillors. Until such time as the revised Councillor Code of Conduct is formally resolved, the existing Councillor Code of Conduct remains in force and Councillors are required to abide by the version in force.

Council may also choose to review this Code of Conduct at any other time.

A copy of this Code of Conduct (as amended from time to time) must be:

- given to each councillor;
- available for inspection at the Council office and any district offices; and
- published on the Council's internet website.

### 3. Primary Principle of Councillor Conduct

The purpose of local government is to provide a system under which Councils perform the functions and exercise the powers conferred by or under the *Local Government Act 2020* and any other Act for the peace, order and good government of their municipal districts. Good governance is fundamental to a Council being able to perform its purpose and relies on good working relations between Councillors but also with Council staff.

A Councillor must:

- act with integrity;
- impartially exercise their responsibilities in the interests of the local community; and
- not improperly seek to confer an advantage or disadvantage on any person.

Wellington Shire Council's Councillor Code of Conduct will assist Councillors in achieving their Primary Principles by:

- setting out the standards of conduct expected of elected representatives;
- endeavouring to foster good working relations between Councillors to enable a collegiate environment to work constructively together in the best interests of the Wellington Shire;
- mandating Councillor conduct designed to build public confidence in the integrity of local government;
- setting out the internal resolution procedure for dealing with misconduct and alleged contravention of the Councillor Code of Conduct;
- setting out processes for the purpose of resolving internal dispute between Councillors and Councillors and Council staff;
- facilitating contribution toward the strategic direction of the council through the development and review of key strategic documents of the council, including the Council Plan; and
- including other matters relating to the conduct of Councillors, which we as Councillors, consider to be appropriate.

The primary role of Councillors is to set the vision and direction for the Wellington Shire and to advocate on behalf of the municipality as a whole. Councillors recognise that they should represent and promote the interests of the entire Wellington Shire community, as a whole (not just one geographical area or ward), whilst recognising their particular relationship with their constituents.

#### 4. Standards of Conduct

The Act and Regulations place specific obligations on Councillors in relation to way they should act. The Act and Regulations also prohibit certain conduct by Councillors and prescribes penalties for Councillors who contravene these provisions. Councillors of Wellington Shire Council undertake to comply with the various provisions of the Act and with this Code of Conduct.



Section 12 and Schedule 1 of the Regulations sets out the Standards of Conduct detailing the following expectations of Councillors in carrying out their role:

### **Treatment of others**

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor—

- (a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the *Equal Opportunity Act 2010*; and
- (b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- (c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- (d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

### **Performing the role of Councillor**

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor—

- (a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and
- (b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and
- (c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

### **Compliance with good governance measures**

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following—

- (a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- (b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- (c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act;
- (d) any directions of the Minister issued under section 175 of the Act.

### **Councillor must not discredit or mislead Council or public**

- (a) In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.

(b) In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

**Standards do not limit robust political debate**

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

Councillors are required to conduct themselves in observance of these Standards of Conduct, in conjunction with the Councillor Code of Conduct.

The Wellington Shire Council also strives to be an organisation of exceptional character.

Councillors commit to lead by example, promote the highest standard in the way that Council business is conducted, undertake to comply with various provisions of the Act and Regulations, and collectively adhere to the behaviours detailed below which are encapsulated by the acronym REACH, which stands for Respectful, Engaged, Accountable, Creative and Honest:

<b>R</b>	<p><b>RESPECT AND RESPONSIBILITY – Councillors will;</b></p> <ul style="list-style-type: none"> <li>• respect and care about the community, each other, and themselves</li> <li>• act with integrity at all times and in all matters</li> <li>• take time to listen, to seek and to understand the other point of view</li> <li>• treat fellow Councillors with respect, even if they disagree with other views or decisions</li> <li>• debate contentious issues without resorting to personal acrimony or insult</li> <li>• strive to understand and respect the diversity of the community</li> <li>• understand their community role and respect the responsibility that comes with it</li> <li>• respect and work towards harmonious working relationships with others</li> <li>• act with courtesy towards Council staff and avoid intimidatory behaviour</li> <li>• support one another and staff if they are treated unfairly or without respect</li> <li>• accept that no Councillor can direct another Councillor on how to vote on any decision</li> </ul>
<b>E</b>	<p><b>ENGAGED – Councillors will;</b></p> <ul style="list-style-type: none"> <li>• listen to the community and respond</li> <li>• work together with the community and each other to achieve the best outcomes</li> <li>• have the confidence to challenge the status quo, to reach for better outcomes</li> <li>• are action-oriented in identifying and responding to new challenges</li> <li>• are responsive to the needs of the community</li> <li>• encourage active community participation in civic life</li> <li>• welcome the opinions of the community and respect their right to be heard</li> </ul>
<b>A</b>	<p><b>ACCOUNTABLE – Councillors will;</b></p> <ul style="list-style-type: none"> <li>• spend their time and effort on solutions rather than looking for someone to blame</li> <li>• take responsibility for their decisions and actions and act and work in an open and transparent manner</li> <li>• abide by all the governing Council policies and the local government sector legislation</li> </ul>

	<ul style="list-style-type: none"> <li>ensure the best use of Council resources</li> </ul>
<b>C</b>	<p><b>CREATIVE / COURAGE – Councillors will;</b></p> <ul style="list-style-type: none"> <li>care about getting the best outcomes</li> <li>constantly ask “what’s the future and what’s possible?”</li> <li>have the courage to try new ideas</li> <li>strive for excellence in everything they do</li> <li>have the courage to take on big projects and to look at the big picture</li> <li>have the courage to make sound judgements based on evidence and research to make good decisions at the right time</li> <li>persevere and commit to accomplish goals in the best interest of the Shire</li> </ul>
<b>H</b>	<p><b>HONEST – Councillors will;</b></p> <ul style="list-style-type: none"> <li>tell the truth in all dealings with the community, Councillors and Council staff</li> <li>always act with impartiality and in the best interests of the whole Shire</li> <li>form opinions and give advice from sound, evidenced-based research</li> <li>exercise reasonable care and diligence in performing their function as Councillors</li> <li>act with humility and apply the highest standards of ethical behaviour to everything they do</li> <li>comply with all relevant laws, be they Federal, State or Local Laws</li> <li>accept responsibility for mistakes and see them as opportunities for continuous improvement and growth</li> </ul>

## 5. Key Relationships, Roles and Responsibilities

A successful and harmonious Council term relies on the Mayor, Councillors, the Chief Executive Officer (CEO) and Management forming a strong working relationship built on clear and open communication to allow the focus to remain on delivering key initiatives, plans and strategies throughout the Shire.

### Relationship between the Mayor and Councillors

An effective relationship between the Mayor and Councillors will help to promote the successful delivery of the Council Plan and various strategies for the betterment of the Shire. The relationship must be based on mutual respect and understanding of the different roles. Some important aspects of this relationship include but are not limited to:

- (a) the Mayor is the leader of the Council and this role should be respected by all Councillors;
- (b) the Mayor should facilitate an inclusive approach to decision-making and involvement in Council activities; and
- (c) the Mayor is able to help Councillors and should facilitate the resolution of any disputes between Councillors.

### Relationship between the Mayor and the CEO

The strong working relationship between the Mayor and the CEO assists in the smooth running of Council through good communication and anticipation of issues. This relationship focuses on ways in which Councillors and the organisation can be best supported to mutually achieve the Council's goals.

Some important aspects of this relationship include but are not limited to:

- (a) both parties work together regularly to achieve and maintain a good working relationship
- (b) the relationship is characterised by consistency, openness and clear communication whereby both parties have the responsibility to keep the other informed about important and relevant issues; and
- (c) the relationship between the Mayor and the CEO promotes involvement and inclusion amongst all of the Councillors and management and does not seek to concentrate power within the relationship.

### **Relationship between the Councillors and the CEO**

Effective relationships between Councillors and the CEO can improve communication and interactions between the Councillors and management. The CEO is often able to assist Councillors in addressing issues within the Shire through the maintenance of a strong and open relationship. The CEO is accountable to Councillors when they sit as Council and Councillors, sitting as Council, are responsible for the performance management of the CEO. Some important aspects of this relationship include but are not limited to:

- (a) each having a good understanding of each other's roles and responsibilities;
- (b) Councillors understand that the CEO can be a source of advice and support and that honest and open communication between Councillors and the CEO can assist the CEO's role;
- (c) Councillors are a source of information to the CEO about what is happening in the community.

### **Relationship between Councillors and Management**

The fundamental differences in role and responsibility between Councillors and Management underpin this relationship. Councillors should be focused on strategy, policy and be outcomes driven which means that the focus should remain on who is going to benefit from Council's activities and in what way. The role of Management is to focus on advice, implementation, operations and acting upon Council resolutions. Some important aspects of this relationship include but are not limited to:

- (a) a mutual understanding, acceptance and respect for each other's roles;
- (b) a preparedness to identify, discuss and resolve issues and problems if and as they arise;
- (c) policies are in place that inform and guide Councillor and staff communication and interaction.

### **Role of Council**

The primary role of the Council is to provide leadership for the good governance of the Wellington Shire and the wellbeing of the municipal community. The role of the Council also includes:

- (a) acting as a representative government by taking into account the diverse needs of the Wellington Shire in decision making;
- (b) providing leadership by establishing strategic objectives and monitoring their achievement;
- (c) maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;
- (d) advocating the interests of the local community to other communities and governments;
- (e) acting as a responsible partner in government by taking into account the needs of other communities; and
- (f) fostering community cohesion and encouraging active participation in civic life.

### **Role of a Councillor**

The role of a Councillor as defined within section 28 of the Act is:

- (a) to participate in the decision making of the Council; and
- (b) to represent the interests of the municipal community in that decision making ; and
- (c) to contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

In performing their role, a Councillor must:

- (a) consider the diversity of interests and needs of the municipal community; and
- (b) support the role of the Council; and
- (c) acknowledge and support the role of the Mayor; and
- (d) act lawfully and in accordance with the oath or affirmation of office; and
- (e) act in accordance with the standards of conduct; and
- (f) comply with Council procedures required for good governance.

The role of a Councillor does not include the performance of any responsibilities or functions of the CEO.

### **Role of the Mayor**

The Mayor is the elected leader and is the key formal representative of Council. The Mayor, by virtue of the position, is expected to foster positive relationships between Councillors, encourage cooperation among Councillors and promote unity.

Promoting good relations between Councillors before contentious issues arise increases the likelihood that these issues can be dealt with robustly but without becoming divisive in a way that damages the reputation of the Council.

Section 18 of the Act describes the functions of the Mayor as including:

- (a) chair Council meetings; and
- (b) be the principal spokesperson for the Council; and
- (c) lead engagement with the municipal community on the development of the Council Plan; and
- (d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- (e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- (f) assist Councillors to understand their role; and
- (g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- (h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- (i) perform civic and ceremonial duties on behalf of the Council.

## Role of the CEO

The CEO is responsible for managing interactions between Council staff and Councillors by ensuring that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction between Council staff and Councillors.

The CEO has a number of statutory responsibilities and is accountable to the elected Council for delivering Council's policies, plans, strategies, and services. As the head of the organisation, the CEO's role is to provide professional, relevant, and timely information and support to Council. The CEO is also responsible for the staff of Council which includes appointing, directing and dismissing staff. Councillors have no right to individually direct staff to carry out particular functions or display intimidating behaviour.

The CEO is also responsible for a number of functions including:

- (a) establishing and maintaining an appropriate organisational structure;
- (b) ensuring that the decisions of the Council are implemented without undue delay;
- (c) the day to day management of Council's operations in accordance with the Council Plan;
- (d) developing, adopting and disseminating a code of conduct for Council staff;
- (e) providing timely advice to the Council;
- (f) ensuring that the council receives timely and reliable advice about its legal obligations under this Act and any other Act;
- (g) supporting the Mayor in the performance of the Mayor's role;
- (h) carrying out the Council's responsibilities as a deemed employer with respect to Councillors, as deemed workers, which arise under or with respect to the *Accident Compensation Act 1985* or the *Workplace Injury Rehabilitation and Compensation Act 2013*;
- (i) performing any other function or duty of the Chief Executive Officer specified in this Act or any other Act;

Councillors undertake to respect the functions of the CEO and to comply with the policies, practices and protocols defining appropriate arrangements for interaction between Council staff and Councillors that are put in place by the CEO.

## Representatives on Behalf of Council

As leader and chief spokesperson for the Council, the Mayor represents the Council at official functions and events.

Opportunities for Councillors to represent the Council will generally occur in one of the following ways:

- (a) referral of an invitation sent directly to the Mayor;
- (b) an invitation directly to a Councillor from an external source;
- (c) an invitation forwarded to management from an external source seeking the nomination of the appropriate Councillor; or
- (d) an invitation to a Councillor by a member of management.

In determining the appropriate representative in the circumstances referred to above, consideration should be given to the role and responsibilities of Councillors.

## 6. Good Governance Measures for Councillors

A Councillor, to ensure the good governance of the Council, must diligently and properly comply with a number of regulations as set out in the Standards of Conduct. These regulations relate to Council's governance requirements under the Act with the aim of creating an environment of transparency, openness and legislative compliance.

### Personal Interest Returns

A Councillor will find, on occasions, that there is a conflict or incompatibility between personal interests and their declaration to "...faithfully and impartially..." fulfil their public duties. The Act provides a mechanism to deal with these situations in the form of Personal Interests Returns.

Within thirty days of making the oath of office, a Councillor must complete a written Initial Personal Interests Return to disclose any matters which might conflict with their public duty. These returns are then completed twice yearly for the remainder of the Council Term (March and September).

A summary of these returns will be made available on Council's website for public inspection.

### Councillor Expenses

Council adopted the "Councillor Expense and Administration" policy at the September 2020 Ordinary Council meeting and the purpose of this policy is to establish the basis by which Councillors will be reimbursed for expenses while undertaking their role as Councillor. All expenses claimed by a Councillor in the carrying out of Council duties must be for a clear business purpose and substantiated by receipts and supporting documents as detailed in the policy.

### Administrative Support

An appropriate level of administrative support will be made available to assist the Mayor and Councillors in performing their roles. Administrative support may include, but not be limited to, the preparation of correspondence, responding to invitations, press release research, and constituent/community contact activities.

### Communication and Internet Expenses

Councillors are provided with all the resources required to fulfill their role as Councillors including mobile phone, laptop and printer (if required). Councillors are required to read and comply with Council's corporate policies in relation to the use of telecommunication and information technology equipment for carrying out of Council business and Councillor responsibilities. Use of technology resources and data for non-business purposes will be monitored by the General Manager Corporate Services with any concerns reported directly to the Councillor and CEO.

### Travel Expenses

Councillors may have the opportunity of attending conferences, seminars and training courses or participate or present as an official Council representative.

The "Councillor Expense and Administration" policy, outlines the processes to be followed in relation to associated travel expenses and arrangements.

### Councillor Allowances

Councils are divided into three categories based on the income and population of each Council. Wellington Shire Council is classified as a Category 2 Council and the current allowance ranges are available on the Know Your Council website. The Act specifies that a Council does not have to pay an allowance to a Councillor who does not wish to receive it.

### Remote Area Allowance

Council will also provide compensation to Councillors living in remote areas where long distance travel is required to carry out Council business. This allowance is set at a maximum limit of \$5,000 per annum (equating to a daily rate of \$40). The Remote Area Allowance Guideline provides full details and a checklist to assist Councillors in determining if the provision applies.

### Reimbursement of Expenses

Council will reimburse Councillors for expenses incurred during the course of carrying out their duties. Examples of these expenses are:

- (a) child care services;
- (b) private vehicles used on Council business;
- (c) travel on Council business;
- (d) food, beverage (with the exclusion of alcohol) and hospitality;
- (e) conferences and training.

All requests by Councillors for expense reimbursements will require appropriate evidence with an explanation of the clear business purpose for which the expense was incurred.

### Governance Rules and Local Law 2020 – Common Seal and Enforcement and Penalties

The details of Council's framework for processes of municipal government is outlined in Council's Governance Rules and elements relating to enforcement of penalties for breaches of the Governance Rules reside within the Local Law No 1.

The Governance Rules include details such as handling conflicts of interest, maintaining a quorum, agendas and minutes and the processes of Council meetings. They also provide Councillors with the rules of debate and how a decision of Council is made. There are many ways in which a Councillor can voice their opinion on a matter, but it must be in accordance with the Governance Rules and with the approval of the Mayor, whose role it is to control the direction of the meeting.

## 7. Conflict Resolution

As required by the Act, the Councillor Code of Conduct must outline the processes to be followed should a conflict arise between Councillors resulting from allegations of misconduct.

It is expected that prior to any formal dispute resolution processes commencing, Councillors will endeavour to resolve their differences between themselves. If Councillors cannot resolve a dispute amongst themselves, the Act creates several levels for the management of Councillor conduct issues.

### Definitions and Consequences of Misconduct

Definitions for misconduct, serious misconduct and gross misconduct by Councillors are summarised in the table following, along with the authority responsible for addressing the matter.

DEGREE OF SERIOUSNESS	DEFINITION	RESPONSIBLE AUTHORITY	FINDINGS	CONSEQUENCES
<b>Conduct inconsistent with standards Council has set itself</b>	Breaches of Councillor Code of Conduct	Council Mayor Councillor Conduct Officer	Remedial Action	<ul style="list-style-type: none"> <li>• Mediation</li> <li>• Training</li> <li>• Counselling</li> </ul>
<b>Misconduct</b>	Failing to comply with a Council's internal resolution procedure, including failure to abide by any decision of Council in relation to a breach by a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct	Panel	Misconduct	<ul style="list-style-type: none"> <li>• Reprimand</li> <li>• Apology</li> <li>• Leave of absence (max 2 mths)</li> <li>• Ineligible to be Mayor (max 4 yrs)</li> </ul>
<b>Serious Misconduct</b>	Failing to attend panel or comply with panel processes or directions. Bullying of councillor or staff or improperly directing staff. Releasing confidential information. Repeated misconduct after a finding of misconduct by the panel	Panel	Serious Misconduct	<ul style="list-style-type: none"> <li>• Ineligible to be Mayor (max 4 yrs)</li> <li>• Reprimand</li> <li>• Apology</li> <li>• Leave of absence</li> <li>• Suspension (max 12 mths)</li> <li>• Ineligible to chair delegated committee (max 4 yrs)</li> </ul>
<b>Gross Misconduct</b>	Behaviour that demonstrates that a Councillor is not of good character or is otherwise not a fit and proper person to hold the office of Councillor, including behaviour that is sexual harassment and that is of an egregious nature	VCAT	Gross Misconduct	<ul style="list-style-type: none"> <li>• Disqualification (max 4 yrs)</li> <li>• Ineligible to be candidate (max 8 yrs)</li> </ul>

Any management of councillor conduct issues is designed to:

- reinforce the responsibility and authority of councils to manage breaches of agreed conduct through a mandatory internal resolution procedure;
- Only escalate management of misconduct and serious misconduct to panels when Council cannot resolve the matter internally;
- give panels' greater powers to manage and resolve misconduct and serious misconduct; and
- retain the capacity to manage gross misconduct through VCAT.

If a complaint is made that a Councillor has breached the Councillor Code of Conduct, Council's internal resolution procedure will be followed. The Councillor Code of Conduct sets out the process that will be followed and the sanctions that can be applied against a Councillor should the complaint be upheld at Appendix 2.

To ensure a fair process is undertaken, complaints under the internal resolution procedure are investigated by an independent mediator or arbiter. Allegations of misconduct, serious misconduct and gross misconduct are dealt with externally and independently from Council by either an arbiter, Councillor Conduct Panel or VCAT.

## 8. Prohibited Conduct

The *Local Government Act 2020* has specific provisions that prohibit Councillors from certain conduct. This conduct relates to:

- Electoral Conduct (section 69)
- Misuse of Position (section 123)
- Improper Direction and Influence (section 124)
- Confidential Information (section 125)
- Conflict of Interest (sections 126-131)

These matters are set out below in order to provide a complete picture of the obligations on Councillors. While these matters are not of a nature to be addressed as a contravention of the Councillor Code of Conduct, we undertake to comply with the prohibitions on Councillor conduct set out below. These matters should more properly be the subject of an application to a Councillor Conduct Panel for a finding of serious misconduct or a complaint to the Chief Municipal Inspector or the Independent Broad-based Anti-corruption Commission depending on the nature of the allegation.

### Electoral Conduct

Wellington Shire Council is committed to fair and democratic elections and has adopted an Election Period Policy, which is contained in the Governance Rules, and provides Councillors an outline of expected behaviours for the conduct of Council business during the lead up to a General Election. Chapter 17 of the Governance Rules provides full details and can be found on the Councillor Homepage.

A Councillor who nominates as a candidate for a state or federal election (a Nominated Candidate), must apply for leave of absence from the Council and this leave of absence must commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (Nomination Date) and conclude no earlier than the close of voting for the election. During this period, a Councillor who is on a leave of absence must not attend meetings of the Council or otherwise act as a Councillor.

### Misuse of Position

Councillors also recognise that they hold a **position of trust** and will not misuse their position:

- (a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- (b) to cause, or attempt to cause, detriment to the Council or another person.

Circumstances involving the misuse of position by a Councillor include:

- (a) making improper use of information acquired as a result of the position the person held or holds;
- (b) disclosing information that is confidential information;
- (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff;
- (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform;
- (e) using public funds or resources in a manner that is improper or unauthorised; or
- (f) participating in a decision on a matter in which the person has a conflict of interest.

### Improper Direction and Influence

A Councillor must not direct, or seek to direct, a member of Council staff:

- (a) in the exercise of a delegated power, or the performance of a delegated duty or function, of the Council;
- (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act;
- (c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under this Act or any other Act;
- (d) in relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

### Confidential Information

A Councillor must not disclose information that he or she knows, or should reasonably know, is confidential information. This also includes any information that is made available through Council workshops and other discussions, until such time it is deemed available for public knowledge.

A person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances:

- (a) for the purposes of any legal proceedings arising out of this Act;
- (b) to a court or tribunal in the course of legal proceedings;
- (c) pursuant to an order of a court or tribunal;
- (d) in the course of an internal arbitration and for the purposes of the internal arbitration process;
- (e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
- (f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
- (g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;

- (h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry;  
or
- (i) to the extent reasonably required by a law enforcement agency.

### Conflict of Interest

Councillors are committed to making all decisions impartially and in the best interests of the whole community. It therefore recognises the importance of fully observing the requirements of the Act in regard to the disclosure of conflicts of interest.

If a Councillor has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council, an Assembly of Councillors or an Audit Committee, the Councillor must, if he or she is attending the meeting, disclose the conflict of interest in accordance with the provisions of the Act (unless any of the exemptions apply).

A Councillor will have either a general or material conflict of interest. For example:

- A relevant person has a **general conflict of interest** in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.
- A relevant person has a **material conflict of interest** in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred directly or indirectly or in a pecuniary or non-pecuniary form.

### Section 130 - Disclosure of Conflict of Interest

Councillors who have a conflict of interest in a matter to be discussed at any meeting must disclose the conflict of interest if they are attending the meeting.

Councillors will comply with all the provisions of the Act in regard to Conflicts of Interest:

- (1) This section applies in respect of a conflict of interest in respect of a matter—
  - (a) to be considered at a Council meeting; or
  - (b) to be considered at a meeting of a delegated committee; or
  - (c) to be considered at a meeting of a community asset committee; or
  - (d) that arises in the course of the exercise of a power of delegation by a member of Council staff; or
  - (e) that arises in the course of the exercise of a statutory function under this Act or any other Act.
- (2) A relevant person who has a conflict of interest in respect of a matter must—
  - (a) disclose the conflict of interest in the manner required by the Council's Governance Rules; and
  - (b) exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter at any Council meeting or delegated committee, and any action in relation to the matter.
- (3) A relevant person must not fail to comply with subsection (2) in respect of a conflict of interest that is a material conflict of interest.
- (4) If a relevant person who fails to comply with subsection (2) in respect of a conflict of interest that is a general conflict of interest is a Councillor who has been previously—
  - (a) found guilty by a court of a conflict of interest offence against this Act; or

(b) subject to a finding of serious misconduct by a Councillor Conduct Panel for a conflict of interest breach

the relevant person commits an offence against this Act and is liable to a fine not exceeding 120 penalty units.

(5) If a relevant person who fails to comply with subsection (2) in respect of a conflict of interest that is a material conflict of interest or a general conflict of interest is a Councillor, an application may be made under section 154 to a Councillor Conduct Panel alleging serious misconduct.

(6) If a relevant person who fails to comply with subsection (2) is the Chief Executive Officer, the Mayor must notify the Chief Municipal Inspector as soon as practicable after the Mayor becomes aware that the Chief Executive Officer has failed to comply with subsection (2).

(7) If a relevant person who fails to comply with subsection (2) is a member of Council staff other than the Chief Executive Officer, the Chief Executive Officer—

(a) must notify the Chief Municipal Inspector as soon as practicable after the Chief Executive Officer becomes aware that the member of Council staff has failed to comply with subsection (2); and

(b) must deal with the failure to comply with subsection (2) in accordance with the code of conduct for members of Council staff.

(8) If a relevant person who fails to comply with subsection (2) is a person other than a Councillor or a member of Council staff, the Chief Executive Officer must notify the Council and make a recommendation to the Council as to the action that is to be taken.

***For the purpose of this Code of Conduct, Councillors are to declare a Conflict of Interest based on the conditions in the following table.***

***If Councillors are unsure if a declaration should be made, they should err on the side of caution, presume a conflict of interest exists and proceed to make a declaration.***

CONFLICT TYPE	DEFINITIONS
<p><b>GENERAL CONFLICT OF INTEREST</b> (Section 127)</p> <p>(1) Subject to section 129 (Exemptions), a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's <b>private interests</b> could result in that person acting in a manner that is contrary to their <b>public duty</b>.</p>	<p><b>Private Interests (section 127(2))</b></p> <p>Any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.</p> <hr/> <p><b>Public Duty (section 127(2))</b></p> <p>The responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person</p>
<p><b>MATERIAL CONFLICT OF INTEREST</b> (Section 128)</p> <p>(1) Subject to section 129 (Exemptions), a relevant person has a material conflict of interest in respect of a matter if an <b>affected person</b> would gain a benefit or suffer a loss</p>	<p><b>Affected Person (section 128(3))</b></p> <p>For the purposes of section 128(3), any of the following is an <b>affected person</b>—</p> <p>(a) the relevant person;</p> <p>(b) a family member of the relevant person;</p>

<p>depending on the outcome of the matter.</p> <p>(2) The benefit may arise or the loss incurred -</p> <p>(a) directly or indirectly; or</p> <p>(b) in a pecuniary or non-pecuniary form.</p>	<p>(c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;</p> <p>(d) an employer of the relevant person, unless the employer is a public body;</p> <p>(e) a business partner of the relevant person;</p> <p>(f) a person for whom the relevant person is a consultant, contractor or agent;</p> <p>(g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;</p> <p>(h) a person from whom the relevant person has received a <b>Disclosable Gift (section 128(4))</b> -</p> <p>means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of section 128(4), the prescribed amount, received from a person in the 5 years preceding the decision on the matter -</p> <p>(a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or</p> <p>(b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation -</p> <p>but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.</p>
<p><b>Exemptions (section 129)</b></p> <p>A conflict of interest does not arise if any of the following applies—</p> <p>(a) the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter;</p> <p>(b) the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;</p> <p>(c) the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;</p> <p>(d) the interest only arises because the relevant person is the representative of the Council on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation;</p> <p>(e) the interest only arises because a family member of the relevant person is a member but not an office-holder of a not-for-profit organisation;</p>	

- (f) the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;
- (g) the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations.

In addition to the requirements of the Act:

- (a) Councillors will give early consideration to each matter to be considered by the Council, delegated committee of which the Councillor is a member, or Assembly of Councillors, to ascertain if they have a conflict of interest;
- (b) Councillors recognise that the legal onus to determine whether a conflict of interest exists rests entirely with the individual Councillor and that Council officers cannot offer any advice in relation to potential conflicts. If a Councillor cannot confidently say that he or she does not have a conflict of interest, the Councillor will declare a conflict of interest and comply with the relevant requirements as if they had a conflict of interest;
- (c) If the Councillor considers that they may be unable to vote on a matter because of a conflict of interest, they will notify, as soon as possible, the Mayor or the Committee Chair, depending on whether the matter is to be considered by the Council or an Assembly of Councillors, as well as the CEO.

## 9. Disputes Between Members of the Public and Councillors

Where a complaint is received from the public in respect of a Councillor, the matter will be referred to the CEO and Mayor for consideration. Where the Mayor determines a breach of the Councillor Code of Conduct has occurred, the Mayor will progress the matter in accordance with this dispute resolution process detailed herein. Where the complaint involves the Mayor, the Deputy Mayor will progress the matter in accordance with this dispute resolution process.

## 10. Disputes Between Councillors and Staff

The CEO has sole responsibility for the management of Council staff. In the event of a dispute between a Councillor and a member of Council staff, it must be brought to the immediate attention of the CEO. The CEO will investigate the dispute further and bring it to an appropriate resolution.

## 11. Personal Dealings with Council

When dealing with Council in a private capacity (e.g. as a ratepayer, recipient of a Council service or applicant for a permit), Councillors do not expect nor will they request preferential treatment in relation to any such private matter. Councillors will avoid any action that could lead Council staff or members of the public to believe that they are seeking preferential treatment.

## 12. Gifts, Benefits and Hospitality

Councillors will also abide by the relevant Council policy that details the receipt and declaration of all gifts, benefits and hospitality. All gifts accepted by Councillors, regardless of value, must be declared and details included on Council's Gifts, Benefits and Hospitality Declaration Register.

Councillors will scrupulously avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from an individual Councillor or from the Council.

Councillors will take all reasonable steps to ensure that their immediate family members (parents, spouse, children and siblings) do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.

Where a gift is received on behalf of the Council, the gift becomes the property of the Council. For transparency and accountability purposes, these gifts will be recorded in Council's Gifts, Benefits and Hospitality Declaration Register with a notation that it is the property of the Council.

Councillors recognise that gifts equal to or above the gift disclosure threshold received in the twelve months prior to election from a person or body that has a direct interest in a matter may give rise to a material interest because of receipt of a disclosable gift.

Examples in which Councillors should not accept a gift include where:

- (a) such a gift could be perceived as intended to or likely to influence the Councillor in the fair, impartial and efficient discharge of their duties; or
- (b) there is or may be the perception of a conflict of interest with past, present or future duties or where the object of the gift is to maintain or return a favour.

Councillors will not accept gifts, either in their roles as Councillor or where it could be perceived to influence the Councillor, except where:

- (a) the gift would generally be regarded as having a token value only and could not be perceived to influence the Councillor's actions;
- (b) the gift, in the form of hospitality, is reasonably provided by a not-for-profit organisation to a Councillor attending a function or event in an official capacity;
- (c) refusal of the gift may cause offence or embarrassment, in which case the gift may be accepted on behalf of Council and becomes the property of Council; or
- (d) there is a clear value to Council and acceptance cannot be seen to advantage the host company.

In accordance with Section 306 of the Act, each candidate in the 2020 Council election must give an election campaign donation return to the CEO within 40 days of election day. The return gives details of any gifts received by the candidate, or on behalf of the candidate, during the election period, used for or in connection with the election campaign. This includes goods or services.

As per Section 308 (2) and (3) of the Act, a summary available to view on Council's website and copies of all election campaign donation returns received are available for inspection at the Sale Service Centre.

### **13. Bullying, Harassment, Sexual Harassment and Discrimination**

Councillors are committed to providing a safe and productive working environment free from discrimination, harassment, bullying and occupational violence. Councillors are responsible for treating others with respect and are not to participate in, condone or fail to act on inappropriate behaviour of any kind.

Discrimination is defined as treating someone unfairly or unfavourably because of a personal characteristic they have or are assumed to have. Any breaches should be reported immediately to your Manager or the CEO.

No one will be victimised for identifying discrimination in our workplace.

Councillors will also abide by the relevant Council policies that encompass bullying, harassment, and discrimination.

## 14. Gender Equity, Diversity and Inclusiveness

Elected Councillors have an important role to play in ensuring Council's business reflects a human rights perspective. It is therefore essential that Councillors maintain awareness of the relevance of the Human Rights Charter in relation to the work of Council and improve their understanding of how they are expected to make decisions and act in a way which is compatible with the Charter.

All members of the community, Councillors and Council staff will be treated honestly and fairly in a manner that is not discriminatory on the basis of gender, religion, race or contrary to the *Equal Opportunity Act 2010*, *Gender Equality Act 2020* and the Victorian Charter of Human Rights, and which in no way causes undue offence or embarrassment to individuals or groups.

## 15. Cultural Awareness

Wellington Shire Council acknowledges the Gunaikurnai People as the traditional owners of the land that is now Wellington Shire.

Council currently incorporates an Acknowledgement of Country at the start of each Council meeting as follows:

*"We acknowledge the traditional custodians of this land, the Gunaikurnai people, and pay respects to their Elders past and present".*

Council and its representatives will work respectfully with traditional landowners and with the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) to create strategies to better manage land and water, maintain historical cultural sites and cultural practices.

## 16. Use of Council Resources

Councillors commit to using Council resources effectively and economically. Councillors will:

- (a) maintain adequate security over Council property, facilities and resources provided to them to assist in performing their role and will comply with any Council policies applying to their use;
- (b) maintain appropriate separation between personal property and Council property;
- (c) ensure any expense claims that are submitted are in compliance with the relevant legislative provisions and Council policy and relate strictly to a clear business purpose in the carrying out of Council duties;
- (d) not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate;
- (e) ensure that Council resources are always used effectively and economically and for the purposes for which they are provided;
- (f) ensure that Council resources are not used in a way that creates an impression of Council endorsement; and
- (g) not use public funds or resources in a manner that is improper or unauthorised.

## 17. Privacy

Councillors are also reminded that the Council complies with its Privacy and Data Protection Policy, *Privacy and Data Protection Act 2014*, *Freedom of Information Act 1982* and other relevant legislation. These assist in the regulation, management, collection, use and disclosure of 'personal information'.

If a recognised agency or Government body lawfully approaches a Councillor for any of this information, they should be referred to the CEO or General Manager Corporate Services.

## 18. Managing and Accessing Council Information

### Managing Information

While Council values openness and accountability, during the course of their duties Councillors will be privy to information that is confidential. Reference to confidential information includes sensitive matters discussed at workshops and other Assemblies of Councillors.

Councillors will manage Council information appropriately and in particular:

- (a) will not use information gained by virtue of being a Councillor for any purpose other than to exercise their role as a Councillor;
- (b) will respect the Council's policies in relation to public comments and communications with the media;
- (c) will treat with the utmost respect, information deemed "confidential information" in accordance with **Section 125 of the Act**;
- (d) will recognise the requirements of the *Privacy and Data Protection Act 2014* regarding the access, use and release of personal information;
- (e) will comply with the provisions of Council's Records Management Policy at all times; and
- (f) acknowledge that all mail addressed to Councillors, both hard copy and electronic, is defined as "corporate" mail and as such is subject to automatic capture and monitoring by Council Officers.

### Accessing Information

Councillors acknowledge that all requests made by Councillors for workshops from Council officers or access to information on Council files should be registered and reported. This obligation does not apply to requests for clarification/explanation of items on a forthcoming Council agenda.

In their capacity as a private resident of the Shire, Councillors may exercise their right to approach Council officers in the same way that any other resident may and expect to receive the same level of service.

### Refusal of Access to Information

Where the CEO or General Manager refuses access to information requested by a Councillor, they must take into account whether or not the information requested is required for the Councillor to perform their official functions and whether they have disclosed a conflict of interest in the matter the information relates to which would then preclude their participation in consideration of the matter. If a refusal is upheld, the CEO or General Manager must clearly state the reasons for the decision.

## 19. Occupational health and safety

Council is committed to providing and maintaining a safe workplace for all and recognises the provisions of the *Occupational Health and Safety Act 2004* (the OHS Act) apply to Council and Councillors. The CEO has a clear accountability for OHS matters, given their mandate under the OHS Act and will put policies and procedures in place from time to time to ensure a safe workplace for Councillors to carry out their civic duties.

Councillors understand that occupational health and safety is a shared responsibility. Accordingly, Councillors agree to:

- (a) comply with the OHS Act and incident and hazard reporting procedures;
- (b) take reasonable care to protect their own health and safety as well as the health and safety of others in the workplace;
- (c) undertake training, through Council, in order to obtain an understanding of the duties and obligations imposed by the OHS Act and their application to the duties of a Councillor; and
- (d) consider any health and safety implications of Council decisions.

Councillors will abide by the relevant Council policy that details all relevant processes and procedures.

## 20. Media and Communication

Councillors will endeavour to ensure that the messages communicated through the media are clear and consistent, and positively portray the Council as a decisive and responsible governing body in accordance with Council's Media and Communications Policy.

The Mayor and CEO will provide official comment to the media on behalf of Council where the matter is of a political, controversial, or sensitive nature. This includes:

- (a) state-wide political issues affecting Local Government;
- (b) contentious local issues that impact the community that do not relate directly to the business of Council but to the representation of the community;
- (c) issues pertaining to policy and Council decisions; and
- (d) issues relating to the strategic direction of the Council.

Where appropriate, the Deputy Mayor or other Councillor may nominate to make official comment on behalf of the Council.

The CEO is the official spokesperson for all operational matters pertaining to the Wellington Shire Council as an organisation, including:

- (a) staffing and structure of the organisation; and
- (b) corporate issues relating to service provision or the day-to-day business of Council.

Individual Councillors are entitled to express independent views through the media, however Councillors will make it clear that any unofficial comment is a personal view and does not represent the position of the Council as a whole.

## 21. Councillor Involvement at Sponsored Events

As part of involvement in sponsored events, Councillors will be given the opportunity of attending and playing an official role in a wide range of activities throughout the Shire. Where an official role (speaking or otherwise) is available to Councillors, the opportunity shall first be offered to the Mayor and then the Deputy Mayor.

## 22. Civic Functions

Councillors will have the opportunity of involvement in civic functions that actively support the Council's role as a regional cultural, sporting and business centre. The hosting of civic functions is an opportunity for the Council to take an appropriate leadership role in high profile Council events and activities.

As part of the Mayor's ceremonial role, the Mayor should always take the lead role in hosting a function (when in attendance).

## 23. Candidature of Councillors

### Distinction between Prospective Candidate and Nominated Candidate

The below guidelines draw a distinction between Prospective Candidates and Nominated Candidates because, as with council elections, candidates for state and federal elections only become actual nominated candidates a few weeks prior to the relevant election date. Accordingly, this policy recommends different treatment for Prospective Candidates and Nominated Candidates on the basis that some requirements are recommended as appropriate for Nominated Candidates during a formal election period which are not considered to be necessary prior to the formal election period.

- (a) A Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a state or federal election (a Prospective Candidate), should provide written advice to the CEO, as soon as practicable, who should then advise all Councillors.
- (b) A Councillor who is a Prospective Candidate, should declare his/her intended candidacy at a meeting of the Council as soon as practicable after notifying the CEO pursuant to point (a) above.
- (c) A Councillor who nominates as a candidate for a state or federal election (a Nominated Candidate), should apply for leave of absence from the Council and this leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (Nomination Date) and conclude no earlier than the close of voting for the election. During this period, a Councillor who is on a leave of absence should not attend meetings of the Council or otherwise act as a Councillor.
- (d) Any Councillor/staff relationship protocol which the Council has in place in respect of the election period prior to a Council election, should be observed by a Nominated Candidate and this should apply from their Nomination Date until the close of voting for the election.
- (e) A Council, upon receiving an application for a leave of absence from a Councillor who is a Nominated Candidate or who intends to become a Nominated Candidate, should approve that application.
- (f) A Councillor who is a Prospective Candidate or a Nominated Candidate, should take care to differentiate between his/her role as a state or federal election candidate and role as a Councillor when making public comment.
- (g) A Councillor who is a Prospective Candidate or a Nominated Candidate, should not use Council resources, including Council equipment and facilities in relation to his/her candidacy.
- (h) A Councillor who is a Prospective Candidate or a Nominated Candidate, should not attend Council activities, including committee meetings and Council-related external activities in relation to his/her candidacy.

## 24. Other Legislative Requirements

The Act includes requirements in relation to Councillor eligibility, electoral conduct and the election period. Alleged contraventions of these provisions are not to be dealt with by the Council using the internal resolution procedure in this Code of Conduct. Allegations in relation to contravention of these provisions should be directed to the Victorian Electoral Commission or the Local Government Inspectorate, depending on the nature of the allegation, for investigation and any consequent action.

Councillors undertake to comply with the various provisions relating to these matters.

## **25. Other Policies and Protocols**

Councillors acknowledge that in fulfilling the statutory requirements of their role, a shared understanding of their obligation and the practical ways that they perform their duties is necessary for good governance.

To achieve this shared understanding, Councillors commit to the development and adoption of all other operational policies and protocols as required, that help define how they will work together and create a safe and positive work environment. These will, from time-to-time, require revision to reflect contemporary best practices. Accordingly, Councillors undertake to:

- (a) take all reasonable steps to become familiar with Councillor policies and protocols;
- (b) participate in any reviews of these supporting documents; and
- (c) commit to adhere to these policies and protocols as agreed.

## Appendix 1 – Key Roles In Councillor Conduct Resolution

### Councillor Conduct Officer

The Wellington Shire Councillor Conduct Officer role is incorporated into the responsibility of the General Manager Corporate Services.

A Councillor Conduct Officer must—

- (a) assist the Council in the implementation of, and conduct of, the internal arbitration process of a Council; and
- (b) assist the Principal Councillor Conduct Registrar to perform the functions specified in section 149(1); and
- (c) assist the Principal Councillor Conduct Registrar in relation to any request for information under section 149(3).

### Independent Arbiter

It is critical that when allegations of poor conduct are levelled against a Councillor that these are fairly tested. Persons subject to allegations must be given an opportunity to be heard. Decisions by the arbiter must be supported by written reasons.

The role of the arbiter is to:

- (a) consider applications alleging a contravention of the Councillor Code of Conduct by a Councillor;
- (b) make findings in relation to any application alleging a contravention of the Councillor Code of Conduct which the arbiter must give to the Council;
- (c) give a written statement of reasons supporting the findings to the Council at the same times as it gives its findings to the Council;
- (d) recommend an appropriate sanction or sanctions where the arbiter has found that a Councillor has contravened the Councillor Code of Conduct.

An arbiter:

- (a) may find that a Councillor who is a respondent to an internal resolution procedure application has not contravened the code;
- (b) may find that a Councillor who is a respondent to an internal resolution procedure has contravened the Code;
- (c) will suspend consideration of an internal resolution procedure during the election period for a general election.

### Principal Councillor Conduct Registrar

The Principal Councillor Conduct Registrar is responsible for overseeing the resolution process once advised by the Principal Conduct Officer that all internal attempts for resolution have failed.

The Principal Councillor Conduct Registrar has the following functions—

- (a) receive applications for the appointment of an arbiter;
- (b) appoint an arbiter from the panel list established under section 142;
- (c) publish any guidelines in relation to processes and procedures relating to internal arbitration process applications that the Principal Councillor Conduct Registrar has determined to be necessary;

- (d) set and publish a schedule of fees specifying the fees to be paid to arbiters;
- (e) send a notice to a Council specifying the fees payable by the Council following any internal arbitration process conducted for, or on behalf of, the Council;
- (f) receive applications for the establishment of Councillor Conduct Panels;
- (g) form Councillor Conduct Panels by appointing members of the panel list to sit on Councillor Conduct Panels;
- (h) provide general advice and assistance to members of the Councillor Conduct Panel in relation to their functions;
- (i) publish any determination made by a Councillor Conduct Panel and any reasons given for that determination;
- (j) keep copies of all documents requested by, and given to, a Councillor Conduct Panel;
- (k) comply with any request made by the Chief Municipal Inspector or VCAT for copies of any documents given to, or made by, a Councillor Conduct Panel;
- (l) set and publish a schedule of fees specifying the fees to be paid to members of a Councillor Conduct Panel;
- (m) send a notice to a Council specifying the fees payable by the Council following any Councillor Conduct Panel hearing conducted for, or on behalf of, the Council;
- (n) publish any guidelines in relation to Councillor Conduct Panel procedures and processes that the Principal Councillor Conduct Registrar has determined to be necessary.

The Principal Councillor Conduct Registrar has the power to do all things necessary or convenient to be done for or in connection with the performance of the Principal Councillor Conduct Registrar's functions under this Act.

The Principal Councillor Conduct Registrar is responsible for receiving application for councillor conduct panels and, after receiving applications, determining whether panels should be formed. In making a determination whether to form a panel, the Principal Councillor Conduct Registrar must be satisfied that:

- (a) an application is not frivolous, vexatious, misconceived or lacking in substance;
- (b) there is sufficient evidence to support an allegation of misconduct or serious misconduct; and
- (c) Council has taken sufficient or appropriate steps to resolve the matter or has provided satisfactory reasons for not taking the steps.

### **Chief Municipal Inspector**

The Minister may appoint a Chief Municipal Inspector who is employed under Division 5 of Part 3 of the *Public Administration Act 2004*. The Chief Municipal Inspector has the following functions—

- (a) to investigate and prosecute any possible offence under this Act;
- (b) to examine any possible breach of this Act;
- (c) to investigate any allegation of serious misconduct or gross misconduct by a Councillor;
- (d) to investigate any public interest complaint that relates to the conduct of a Councillor or a member of Council staff;
- (e) to make an application for a Councillor Conduct Panel to make a finding of serious misconduct against a Councillor;
- (f) to make an application to VCAT for a finding of gross misconduct by a Councillor;
- (g) to investigate a matter referred to the Chief Municipal Inspector by the Minister under section 225 and provide a report to the Minister;

(h) any other function conferred on the Chief Municipal Inspector by or under this Act.

The Chief Municipal Inspector has all the powers necessary to perform the Chief Municipal Inspector's functions. The Chief Municipal Inspector may examine, investigate and prosecute any matter relating to a Council's operations or to Council elections or electoral matters and any possible breaches of this Act.

#### **Jurisdiction of VCAT**

VCAT will continue to hear allegations of gross misconduct. The Chief Municipal Inspector will be responsible for making applications to VCAT for findings of gross misconduct against Councillors. Decisions of a panel may still be appealed by VCAT.

## Appendix 2 – Internal Dispute Resolution Procedures

This dispute resolution procedure is intended to be used when Councillors have been unable to resolve an interpersonal conflict and where the situation is unduly affecting the operation of the Council. It is not intended to resolve differences in policy or decision making, which are appropriately resolved through debate and voting in Council meetings.

Before commencing any formal dispute resolution process, the Councillors who are parties to a dispute are expected to use their best endeavours to resolve the matter in a courteous and respectful manner between themselves. Where, after these endeavours have been exhausted, the matter still remains unresolved, the parties may resort to any or all of the Wellington Shire Council's three phase dispute resolution process.

The Council's three phase dispute resolution process involves:

**Phase 1 - Direct Negotiation between the parties** in dispute with the Mayor in attendance to provide guidance;

**Phase 2 - External Mediation by an independent mediator** engaged by the CEO; and

**Phase 3 - An Internal Arbitration process** involving an independent arbiter.

(Refer to Appendix 1 for a summary of the key roles in Councillor conduct resolution)

### Phase 1 – Direct Negotiation

Where Councillors who are in dispute have not been able to resolve the dispute between themselves, either (or both) party (parties) may request the Mayor to convene a meeting of the parties.

A dispute referred for direct negotiation may relate to:

- an interpersonal conflict between Councillors where the conflict is or is likely to affect the operations of the Council; or
- an alleged contravention of the Councillor Code of Conduct.

The party requesting the direct negotiation meeting is to provide the Mayor with the name of the other Councillor/s and the details of the dispute in writing. The written request is to indicate that it is for a "direct negotiation" dispute resolution process. Where the request relates to an alleged contravention of the Councillor Code of Conduct, the request must:

- specify the name of the Councillor alleged to have contravened the Code of Conduct;
- specify the provision(s) that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the request is made by a group of Councillors; and
- be signed and dated by the requestor or the requestor's representative.

The requestor is to notify the other party of the request and provide him or her with a copy of the written request either at the same time as it is provided to the Mayor or as soon as practicable thereafter.

The Mayor is to ascertain whether or not the other party is prepared to attend a "direct negotiation" meeting. If the other party is not prepared to attend a meeting, the Mayor is to advise the requestor forthwith. No further action is required of the Mayor. If the other party declines to participate in a meeting, this does not constitute a contravention of this Councillor Code of Conduct.

If the other party consents to a meeting, the Mayor is to convene a meeting of the parties at the earliest available opportunity. Unless one or both parties are unavailable, this should be within five (5) working days of receiving the consent of the other party.

The Mayor may present the parties with guidelines, in advance of the meeting or at the meeting, to help facilitate the meeting.

The role of the Mayor at the meeting is to provide guidance to Councillors about what is expected of a Councillor, including in relation to the role of a Councillor under section 28 of the Act, and the observation of the Standards of Conduct and the Councillor Code of Conduct.

The Mayor is to document any agreement reached at the meeting and copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to external mediation or the internal arbitration process where the matter relates to an alleged contravention of the Councillor Code of Conduct.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, either or both of the parties have recourse to external mediation or the internal arbitration process where the matter relates to an alleged contravention of the Councillor Code of Conduct.

Where the Mayor is a party to the dispute, the request is to be made to the Deputy Mayor or the immediate past Mayor. The Deputy Mayor or the immediate past Mayor will perform the functions ascribed to the Mayor.

## **Phase 2 – External Mediation**

A Councillor, or a group of Councillors, may make an application for a dispute to be referred for external mediation whether or not the dispute has been the subject of an application for “direct negotiation”.

An application made for a dispute to be referred for external mediation may relate to:

- an interpersonal conflict between Councillors where the conflict is or is likely to affect the operations of the Council; or
- an alleged contravention of the Councillor Code of Conduct.

The applicant is to submit a written application to the Councillor Conduct Officer (CCO) setting out the name of the Councillor/s and the details of the dispute. The application is to indicate that the application is for an “external mediation”. Where the application relates to an alleged contravention of the Councillor Code of Conduct, the application must:

- specify the name of the Councillor alleged to have contravened the Code of Conduct;
- specify the provision(s) that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the application is made by a group of Councillors; and
- be signed and dated by the applicant or the applicant's representative.

The applicant is to notify the other party of the request and provide him or her with a copy of the application either at the same time that it is submitted to the CCO or as soon as practical thereafter.

The CCO is to ascertain (in writing) whether or not the other party is prepared to attend an “external mediation”. If the other party declines to participate in an external mediation, he or she is

to provide their reasons for doing so in writing to the CCO. These reasons may be taken into account if the matter is, subsequently, the subject of an application for a Councillor Conduct Panel.

When the other party declines to participate in an external mediation, this does not constitute a contravention of this Councillor Code of Conduct.

If the other party agrees to participate in an external mediation, the CCO is to advise the applicant, the Mayor and CEO forthwith. The CEO is to engage the services of an external mediator to conduct the mediation at the earliest practicable opportunity.

The mediator is to document any agreement reached at the meeting and copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to the internal arbitration process where the matter relates to an alleged contravention of the Councillor Code of Conduct.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, the applicant has recourse to the internal arbitration process where the matter relates to an alleged contravention of the Councillor Code of Conduct.

### **Phase 3 – Internal Arbitration**

An application cannot be made for an internal arbitration process during the election period for a general election. Any internal arbitration process that is in progress is to be suspended during the election period for a general election.

If the respondent to an application for an internal arbitration process is not returned to office as a Councillor in the election, then the application lapses. If the respondent is returned to office in the election, the application may resume if:

- the application was made by the Council and the Council so resolves; or
- the application were made by a group of Councillors and any one (or more) of those Councillors who has been returned to office wishes to proceed with the application; or
- the applicant (individual Councillor) is returned to office and wishes to proceed with the application.

### **Application for an Internal Arbitration Process**

- (1) An arbiter may hear an application that alleges misconduct by a Councillor.
- (2) An application for an internal arbitration process to make a finding of misconduct against a Councillor may be made by—
  - (a) the Council following a resolution of the Council; or
  - (b) a Councillor or a group of Councillors.
- (3) An application under this section must be made within 3 months of the alleged misconduct occurring.
- (4) An application under this section must be given to the Principal Councillor Conduct Registrar in the manner specified by the Principal Councillor Conduct Registrar in any guidelines published under section 149(1)(c) of the Act.

### **Principal Councillor Conduct Registrar Must Examine Application**

- (1) The Principal Councillor Conduct Registrar, after examining an application, must appoint an arbiter to the Council to hear the matter if the Principal Councillor Conduct Registrar is satisfied that—
  - (a) the application is not frivolous, vexatious, misconceived or lacking in substance; and
  - (b) there is sufficient evidence to support an allegation of a breach of the Councillor Code of Conduct as specified in the application.
- (2) The Principal Councillor Conduct Registrar must reject an application if the Principal Councillor Conduct Registrar is not satisfied under (1)(a) or (b) above.
- (3) The rejection of an application by the Principal Councillor Conduct Registrar does not prevent a further application being made in respect of the same conduct by a Councillor that was the subject of the rejected application.

### **Arbiter Must Refer Certain Applications**

- (1) If, at any time before, during or after the hearing of an application for an internal arbitration process, the arbiter believes that the conduct that is the subject of the application for an internal arbitration process appears to involve serious misconduct and would more appropriately be dealt with as an application to a Councillor Conduct Panel, the arbiter must refer the matter in writing to the Principal Councillor Conduct Registrar.
- (2) If the Principal Councillor Conduct Registrar receives a referral, the Principal Councillor Conduct Registrar must notify the parties to the application for an internal arbitration process that the matter has been referred by the arbiter.

### **Sanctions that may be imposed by an arbiter on finding of misconduct**

- (1) If after completing the internal arbitration process, the arbiter determines that a Councillor has failed to comply with the prescribed standards of conduct, the arbiter may make a finding of misconduct against the Councillor.
- (2) If an arbiter has made a finding of misconduct against a Councillor, the arbiter may do any one or more of the following—
  - (a) direct the Councillor to make an apology in a form or manner specified by the arbiter;
  - (b) suspend the Councillor from the office of Councillor for a period specified by the arbiter not exceeding one month;
  - (c) direct that the Councillor be removed from any position where the Councillor represents the Council for the period determined by the arbiter;
  - (d) direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the arbiter;
  - (e) direct a Councillor to attend or undergo training or counselling specified by the arbiter.
- (3) The arbiter must provide a written copy of the arbiter's decision and statement of reasons to—
  - (a) the Council; and
  - (b) the applicant or applicants; and
  - (c) the respondent; and
  - (d) the Principal Councillor Conduct Registrar.
- (4) Subject to subsection (5) below, a copy of the arbiter's decision and statement of reasons must be tabled at the next Council meeting after the Council received the copy of the arbiter's decision and statement of reasons and recorded in the minutes of the meeting.

- (5) If the arbiter's decision and statement of reasons contains any confidential information, the confidential information must be redacted from the copy tabled under subsection (4) above.

Allegations of gross misconduct are heard on application by a Councillor Conduct Panel and VCAT.

In the event that reconciliation of the dispute is not possible after the internal arbitration process, the CCO will seek assistance from the Principal Councillor Conduct Registrar to resolve the issue, whilst providing support to the parties of the dispute. The Principal Councillor Conduct Registrar will convene a conduct panel and provide general advice and assistance to the conduct panel in relation to their functions.

A Councillor Conduct Panel will be able to:

- (a) discipline a Councillor by reprimand, direct an apology or require the Councillor to take up to two months leave of absence;
- (b) require remedial action, including mediation, training or counselling; or
- (c) refer a matter to VCAT.

Section 153 to 164 of the Act prescribes how Councillor Conduct Panels are established and function when required to assist Council to enforce its Code of Conduct.

### **13.3. ADOPTION OF THE UPDATED CONFLICT OF INTEREST POLICY**

#### **ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

To approve the revised Conflict of Interest Policy, as attached.

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

#### **RECOMMENDATION**

*That Council approve the revised Conflict of Interest policy, as attached.*

#### **BACKGROUND**

Section 130 of the *Local Government Act 2020* (the Act) details a significantly revised conflict of interest process that places considerable obligations on Councillors, staff and committee members to clearly and transparently declare conflicts of interest that occur while carrying out their Council duties.

As a result of the review of Council's current Conflict of Interest policy, additional guidance has been incorporated into the updated policy which aims to assist individuals in identifying and declaring a conflict.

Council's Audit and Risk Committee have also had the opportunity to review the revised Conflict of Interest Policy and their feedback has been included in the revised document.

The attached Conflict of Interest policy contains all revisions, which have been highlighted in yellow for ease of review.

#### **ATTACHMENTS**

1. Conflict of Interest Policy\_marked up [13.3.1 - 8 pages]

#### **OPTIONS**

Council has the following options available:

1. Approve the revised Conflict of Interest policy, as attached; or
2. Not approve the revised Conflict of Interest policy and seek further review.

#### **PROPOSAL**

That Council approve the Conflict of Interest policy, as attached.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

Sections 127, 128, 129 and 130 of the Act have placed stringent requirements on individuals to declare any conflict of interest they may have in relation to their duties. The significant amendment to the existing process has required a full and comprehensive review of the existing Council policy which is required to be reviewed by Council and approved by Council resolution.

## **COUNCIL POLICY IMPACT**

Approval of a Council policy is required by Council resolution. Council policies are reviewed annually, or more frequently as required, especially if there is an amendment to legislation.

## **COUNCIL PLAN IMPACT**

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

**Strategic Objective 6.3:** *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"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.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

The revision of Council's Conflict of Interest policy has resulted in a policy that clearly outlines the requirements of the legislation and details the correct processes for identifying and declaring a conflict of interest. Through the provision of clear guidance, policy and process for Councillors, staff and committee members, Council significantly reduces its risk of instances of conflicts of interest going undisclosed when the policy is adhered to.

## CONFLICT OF INTEREST

<b>Policy Number:</b>	2.4.6
<b>Approved by:</b>	Chief Executive Officer
<b>Date Approved:</b>	Original Approval Date
<b>Date Effective:</b>	17 December 2019
<b>Date of Next Review:</b>	1 October 2021
<b>Applicable to Unit(s):</b>	Organisation and Councillors
<b>Responsible Officer:</b>	General Manager Corporate Services
<b>Related Policies:</b>	<a href="#">Fraud Control Policy</a> <a href="#">Procurement Policy</a> <a href="#">Governance Rules</a>
<b>Related Documents:</b>	<a href="#">Councillor Code of Conduct</a> <a href="#">Employee Code of Conduct</a> <a href="#">Councillor Conflict of Interest Declaration Form (hardcopy and e-form)</a> <a href="#">Employee Conflict of Interest Declaration and Management Plan</a>
<b>Statutory Reference:</b>	<a href="#">Local Government Act 2020</a> <a href="#">Local Government (Governance and Integrity) Regulations 2020</a>

### OVERVIEW

This policy has been developed to provide information and guidance to Councillors, staff and committee members in the identification, disclosure and management of conflict of interest (i.e. actual, perceived or potential).

While conflicts of interest are not wrong in themselves, and indeed cannot always be avoided, the potential for conflict of interest exists in all aspects of Council operations.

**It is important that Councillors, staff and committee members act and are seen to act with integrity and are not inappropriately benefited or influenced by improperly using their position.**

The most effective means to address conflicts of interest is to establish a system under which Councillors, staff and committee members are required to disclose and obtain evaluation of any conflict of interest.

The purpose of this policy is to assist Councillors, staff and committee members in the identification and management of conflicts of interest – and to assist in addressing conflict of interest issues. Council has a responsibility to ensure that its activities and those of its Councillors, staff and committee members conform to acceptable standards of integrity and good conduct. It recognises that a well-established system for identifying, disclosing, managing and reporting conflicts of interest increases its public accountability and reduces the risk of corruption, misconduct and bias in its operations and decision-making processes.

Council also recognises that conflicts of interest are not unusual in the exercise of public responsibility and cannot always be avoided. Where a conflict of interest occurs, the interests of the Council will be balanced against the interests of the individual. Unless exceptional circumstances exist, the balance of interests will be resolved in the Council's favour, and Managers, when notified of a conflict of interest, will deal promptly with the conflict and put in place arrangements that protect the integrity of the Council processes.

Conflict of interest is about transparency, Councillors, staff and committee members hold positions of public trust and should work to serve the interests of the community, not themselves or someone else's private interests.

## **THE POLICY**

It is the responsibility of Councillors, staff and committee members to identify a conflict of interest and disclose this when necessary. Failure to disclose conflicts of interest is a breach of the **Local Government Act 2020** (the Act) in which penalties can apply.

### **Areas of activity where conflicts may arise**

A conflict of interest may arise because of the council's involvement in any of the following matters:

- appointing and managing staff;
- providing sponsorships;
- use of resources or assets that could be used for private gain;
- entering into contracts to procure goods or services from the private sector or engaging in projects with the private sector;
- collecting, retaining, accessing or using confidential information;
- providing financial assistance and concessions;
- performing a regulatory role in relation to the monitoring of standards;
- disciplinary role; and
- providing advice.

### **Disclosure and declaration**

All Councillors, staff and committee members must consider the public interest when carrying out their duties and place this above their own private or personal interests. This is achieved by:

- carrying out all duties in accordance with Council and legislative ethical principles as documented in Council's Code of Conduct
- assessing their own private and personal interest to identify any conflicts of interest
- identifying and declaring all conflicts of interest
- disclosing all conflicts of interest that arise when compiling Council reports and workshop notes
- managing all conflicts of interest in accordance with agreed management strategies
- completion of Council's conflict of interest declaration forms.

The Councillor Conflict of Interest Declaration Form can be found on the Councillor Homepage and the Employee Conflict of Interest Declaration and Management Form can be found on the Governance page of Council's Intranet.

All levels of management will:

- encourage a culture of disclosure within Council,
- regularly remind employees of their obligation to identify and declare conflicts of interest,
- actively liaise with employees to resolve and manage conflicts of interest, and
- maintain confidentiality with regards to conflict of interest declarations.

### Responsibilities of Managers

- complying with the conflict of interest policy with respect to their own conflicts and potential conflicts of interest;
- ensuring annual completion of training requirements;
- facilitating the compliance of those they manage by:
  - ensuring that the staff they manage complete the annual training module;
  - being aware of the risks of conflicts inherent in the work of the staff they manage;
  - making Councillors, staff and committee members aware of relevant policies and procedures;
  - advising Councillors, staff and committee members about appropriate ways to manage conflicts;
  - recording the receipt of disclosures of conflicts of interest reported to them by staff;
  - assisting staff who disclose conflicts in preparing management strategies; and
  - monitoring the work of staff and the risks to which they are exposed.

### Responsibilities of Employees

Employees are responsible for:

- ensuring annual completion of training requirements;
- being aware of their obligation to avoid, where possible, conflicts of interest and manage those conflicts of interest that cannot be avoided;
- assessing their private and personal interests and whether they conflict, or have the potential to conflict, with their official duties;
- disclosing conflicts of interest they may have in accordance with this policy, specified procedures or to their Manager;
- complying with the requirements of this policy or related guidelines and procedures; and
- reporting suspected breaches of this policy by other employees to their Manager and the General Manager Corporate Services.

### Responsibilities of Councillors/Committee Members

All Councillors must comply with section 130 of the Act, Governance Rules and the Councillor Code of Conduct when declaring conflicts of interest by undertaking the following:

- disclose the conflict of interest at the beginning of a Council meeting and again at the agenda item in question and remove themselves for the meeting for the duration of the discussion/vote;
- if details are private in nature, then the interest can be declared to the Chair in writing prior to the meeting and the disclosure will simply be the type of interest and example;
- immediately prior to consideration of the matter;
- classify the interest as General (section 127) or specify the type of Material interest (section 128);
- describe the nature of the interest;
- where a Councillor or member of a delegated committee has two or more conflicts of interest on matters being considered consecutively, they must disclose the interests prior to the first matter being heard;

- while the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a delegated committee must;
  - leave the room and notify the Mayor or the Chair of the delegated committee that he or she is doing so;
  - remain outside the room; and
  - the Mayor or Chair of the delegated committee must invite the Councillor or member of a delegated committee to return to the meeting.

All declarations and mitigation strategies (i.e. leaving the room for the duration of the discussion) must be recorded in the meeting minutes. All reported conflicts of interest, including mitigation strategies, must also be recorded in the Conflict of Interest Declaration register maintained by the Governance Officer.

Councillors have full access to various guidance material, including the Councillor Conflict of Interest Guide, which is available on the Councillor Homepage.

Sections 127, 128 and 129 of the Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances as set out in the following table.

General and Material conflicts of interest can give rise to the following conflict types:

1. An **actual conflict of interest** occurs when there is a real, current conflict between a public officer's duties and their private interests;
2. A **potential conflict of interest** arises when a public officer's duties could conflict with their private interests. A public officer can anticipate potential conflicts by thinking about how the particular private interests and associations they have might influence the types of functions they carry out and decisions they make in their Council role;
3. A **perceived conflict of interest** is where one or more third parties develop a reasonable view that a public officer's private interests have or could improperly influence their decisions or actions, or the actions or decisions of their organisation, in a particular matter. The perception is that a public officer may not be objective in their dealings as a result of the conflict.

Conflict Type	Definitions
<p data-bbox="331 240 786 268"><b>GENERAL CONFLICT OF INTEREST</b></p> <p data-bbox="472 288 645 316"><b>(Section 127)</b></p> <p data-bbox="248 331 846 512">(1) Subject to section 129 (Exemptions), a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's <b>private interests</b> could result in that person acting in a manner that is contrary to their <b>public duty</b>.</p>	<p data-bbox="891 240 1290 268"><b>Private Interests</b> (section 127(2))</p> <p data-bbox="891 288 1957 344">Any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.</p> <hr/> <p data-bbox="891 384 1229 411"><b>Public Duty</b> (section 127(2))</p> <p data-bbox="891 432 1939 488">The responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.</p>
<p data-bbox="331 544 786 571"><b>MATERIAL CONFLICT OF INTEREST</b></p> <p data-bbox="472 592 645 619"><b>(Section 128)</b></p> <p data-bbox="248 635 846 783">(1) Subject to section 129 (Exemptions), a relevant person has a material conflict of interest in respect of a matter if an <b>affected person</b> would gain a benefit or suffer a loss depending on the outcome of the matter.</p> <p data-bbox="248 804 792 831">(2) The benefit may arise or the loss incurred -</p> <p data-bbox="293 852 600 879">(a) directly or indirectly; or</p> <p data-bbox="293 900 770 927">(b) in a pecuniary or non-pecuniary form.</p>	<p data-bbox="891 544 1285 571"><b>Affected Person</b> (section 128(3))</p> <p data-bbox="891 592 1827 619">For the purposes of section 128(3), any of the following is an <b>affected person</b>—</p> <p data-bbox="936 639 1211 667">(a) the relevant person;</p> <p data-bbox="936 687 1442 715">(b) a family member of the relevant person;</p> <p data-bbox="936 735 1957 791">(c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;</p> <p data-bbox="936 812 1832 839">(d) an employer of the relevant person, unless the employer is a public body;</p> <p data-bbox="936 860 1464 887">(e) a business partner of the relevant person;</p> <p data-bbox="936 908 1850 935">(f) a person for whom the relevant person is a consultant, contractor or agent;</p> <p data-bbox="936 956 1944 1011">(g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;</p> <p data-bbox="936 1032 1957 1166">(h) a person from whom the relevant person has received a <b>Disclosable Gift</b> (section 128(4)) - means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of section 128(4), the prescribed amount, received from a person in the 5 years preceding the decision on the matter -</p> <p data-bbox="981 1187 1966 1243">a. if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or</p> <p data-bbox="981 1264 1966 1406">b. if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation - but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.</p>

**Exemptions (section 129)**

A conflict of interest does not arise if any of the following applies—

- (a) the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter;
- (b) the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;
- (c) the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
- (d) the interest only arises because the relevant person is the representative of the Council on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation;
- (e) the interest only arises because a family member of the relevant person is a member but not an office-holder of a not-for-profit organisation;
- (f) the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;
- (g) the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations.

### **Failure to disclose a conflict of interest**

Councillors, staff and committee members have an obligation to disclose and manage conflicts of interest.

Failing to comply with this policy, including refusal to take any reasonable action as directed, to resolve a conflict of interest may constitute misconduct or serious misconduct which may result in disciplinary action or termination of employment.

### **Managing conflicts of interest**

The management of conflicts of interest will be determined by the General Manager Corporate Services or by the relevant General Manager for the Division.

The four recommended responses could be:

#### **1. Avoid the conflict of interest**

Avoiding a conflict of interest which poses an unacceptable risk to, or impacts upon, Council's interests. This is the preferred strategy.

To avoid a conflict of interest, the staff member concerned may be removed from the decision-making process in relation to the matter concerned or requested to relinquish the interest which is creating the conflict.

#### **2. Accept and reduce the conflict of interest**

A conflict of interest may be reduced by ensuring that the staff member concerned has restrictions placed on their involvement in the relevant matter, or that another staff member or organisational area takes responsibility for the matter.

#### **3. Share the conflict of interest**

A conflict of interest may be shared by involving a third party to oversee part or all of the decision-making process that deals with the relevant matter.

#### **4. Retain the conflict of interest**

A conflict of interest may be retained, and the staff member continues to be involved in the matter concerned, subject to a regular review of the situation.

This response is only suitable for low risk conflicts of interest.

### **Monitoring conflicts of interest**

All disclosed conflicts of interest must be reviewed by the General Manager Corporate Services, Governance Officer, the staff member and their Manager on at least an annual basis to ensure that the information remains correct and that the management responses continue to be appropriate and effective. Any change in the arrangements must be notified immediately to the relevant Senior Officer.

### **Breaches of this Policy**

Failure to comply with this policy will constitute a breach of the relevant Codes of Conduct and may result in disciplinary action or other serious sanctions as per the *Local Government Act 2020*.

**HUMAN RIGHTS**

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

## 14. GENERAL MANAGER DEVELOPMENT

### 14.1. NOVEMBER AND DECEMBER 2020 PLANNING DECISIONS REPORT

#### ACTION OFFICER: MANAGER LAND USE PLANNING

#### PURPOSE

To provide a report to Council on recent planning permit trends and planning decisions made under delegation by Statutory Planners during the months of November and December 2020.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 November and 31 December 2020.***

#### BACKGROUND

Statutory Planners have delegated authority under the *Planning and Environment Act 1987* to make planning decisions in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme, including the issue of planning permits, amended permits, extensions of time, refusal of planning permits and notices of decision to grant a planning permit.

A copy of planning permit decisions made between 1 November and 31 December 2020 is included in Attachments November 2020 Planning Decisions Report and December 2020 Planning Decisions Report.

Attachment November/December 2020 Planning Trends Report provides an overview of recent planning permit trends including decisions made, efficiency of decision making and the estimated value of approved development (derived from monthly planning permit activity reporting data).

#### ATTACHMENTS

1. November 2020 Planning Decisions Report [**14.1.1** - 5 pages]
2. December 2020 Planning Decisions Report [**14.1.2** - 5 pages]
3. November December 2020 Planning Trends Report [**14.1.3** - 3 pages]

#### OPTIONS

Council has the following options available:

1. Receive the November and December 2020 planning decisions report; or
2. Not receive the November and December 2020 planning decisions report and seek further information for consideration at a future Council meeting.

## **PROPOSAL**

That Council note the report of recent planning permit trends and planning application determinations between 1 November and 31 December 2020.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

The monthly report communicates information about planning trends and determinations including the issue of planning permits, amended permits, refusal of planning permits, and notices of decision to grant a planning permit.

## **LEGISLATIVE IMPACT**

All planning decisions have been processed and issued in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme.

## **COUNCIL POLICY IMPACT**

All planning decisions have been issued after due consideration of relevant Council policy, including Council's Heritage Policy, and the requirements of the Planning Policy Framework in the Wellington Planning Scheme.

## **COUNCIL PLAN IMPACT**

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

**Strategic Objective 2.3:** *"Wellington Shire is well planned, considering long term growth and sustainability."*

Strategy 2.3.2: *"Ensure sufficient land supply to provide for a range of lifestyle."*

Strategy 2.3.3: *"Recognise and advocate for best practice land development which considers energy efficiency and sustainability for housing."*

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

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**ENVIRONMENTAL IMPACT**

Planning decisions are made in accordance with the relevant environmental standards to ensure that environmental impacts are minimised.

**ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**PLANNING APPLICATION DETERMINATIONS  
BETWEEN 1/11/2020 AND 30/11/2020**

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
161-1/2019	27/05/2019	Assessment No. 86785 LOT: 4 LP: 625184C KINGS RD DARGO	Use and development of the land for group accommodation (6 cabins).	NOD issued by Delegate of Respon/Auth  12/11/2020
204-2/2019	10/07/2020	Assessment No. 110023 CA: 32 CAIRNBROOK RD TOONGABBIE	Use and development of the land for a Class B Broiler Farm.	Withdrawn  4/11/2020
391-1/2019	12/12/2019	Assessment No. 198820 LOT: 3 LP: 207739E 160 CARRS CREEK RD LONGFORD	Use of the land for a domestic animal husbandry.	Refusal Issued by Delegate of Respo/Auth  13/11/2020
228-1/2020	6/07/2020	Assessment No. 238410 LOT: 943 LP: 55692 55 NATIONAL PARK RD LOCH SPORT	Use of land for place of assembly (Loch Sport Community House).	Permit Issued by Delegate of Resp/Auth  23/11/2020
261-1/2020	27/07/2020	Assessment No. 294793 LOT: 2 PS: 537541U 21 HIHOS LANE YARRAM	Subdivision of the land into five (5) lots.	Permit Issued by Delegate of Resp/Auth  9/11/2020
278-1/2020	3/08/2020	Assessment No. 282046 PC: 375545A 23-25 REBECCA ST WOODSIDE BEACH	Buildings and works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth  19/11/2020
281-2/2020	20/11/2020	Assessment No. 278150 PC: 360542Q 60-62 SOUTH ST PORT ALBERT	Two lot subdivision.	Permit Issued by Delegate of Resp/Auth  25/11/2020
290-1/2020	12/08/2020	Assessment No. 241216 PC: 379243V 71-73 SEAGULL DR LOCH SPORT	B & W associated with construction of a dwelling & outbuilding.	Permit Issued by Delegate of Resp/Auth  2/11/2020
298-1/2020	17/08/2020	Assessment No. 231423 LOT: 2605 LP: 70942 57 GOODLETT AVE LOCH SPORT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  5/11/2020
310-1/2020	21/08/2020	Assessment No. 286617 CA: 15 SEC: A 51 HOGANS RD BINGINWARRI	Subdivison of the land into two lots to excise the existing dwelling.	Permit Issued by Delegate of Resp/Auth  20/11/2020
315-1/2020	25/08/2020	Assessment No. 392761 LOT: 1 PS: 526923R 898 SISTERS RD GORMANDALE	Buildings & works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth  11/11/2020

**ATTACHMENT 14.1.1**

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
319-1/2020	27/08/2020	Assessment No. 15677 CA: 8 SEC: 88 69 THOMSON ST SALE	Subdivision of the land into two lots.	Permit Issued by Delegate of Resp/Auth  23/11/2020
325-1/2020	28/08/2020	Assessment No. 51409 PTL: RES1 LP: 143120 HUNT PL WURRUK	Buildings and works associated with alterations to existing building.	Permit Issued by Delegate of Resp/Auth  12/11/2020
326-1/2020	31/08/2020	Assessment No. 278440 LOT: 1 TP: 651487W 55 TARRAVILLE RD PORT ALBERT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  20/11/2020
328-1/2020	31/08/2020	Assessment No. 431627 LOT: 2 LP: 124245 82 BLANKS RD BRIAGOLONG	Use and development associated with group accommodation.	Permit Issued by Delegate of Resp/Auth  27/11/2020
331-1/2020	1/09/2020	Assessment No. 446849 CA: 12 SEC: 5 50 JOHNSON ST ALBERTON	Buildings & works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  13/11/2020
335-1/2020	3/09/2020	Assessment No. 78808 LOT: 1 PS: 344821N 64 TYERS ST STRATFORD	Buildings and works associated with alterations to existing building.	Permit Issued by Delegate of Resp/Auth  13/11/2020
340-1/2020	7/09/2020	Assessment No. 75853 CA: 8 SEC: 34 16-20 BOLDEN ST STRATFORD	Subdivision of the land into two (2) lots.	Permit Issued by Delegate of Resp/Auth  30/11/2020
342-1/2020	8/09/2020	Assessment No. 90910 CA: 62 SEC: 12 DALMORE RD DARGO	Buildings & works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth  4/11/2020
344-1/2020	8/09/2020	Assessment No. 229773 LOT: 2470 LP: 70939 5 ELIZABETH CT LOCH SPORT	Buildings & works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  2/11/2020
346-1/2020	9/09/2020	Assessment No. 237263 LOT: 1738 LP: 58872 319 NATIONAL PARK RD LOCH SPORT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  19/11/2020
353-1/2020	14/09/2020	Assessment No. 73387 LOT: 9 LP: 141682 48 BOLDEN ST STRATFORD	Subdivision of the land into 6 lots & the creation of common property.	Permit Issued by Delegate of Resp/Auth  27/11/2020
367-1/2020	22/09/2020	Assessment No. 434597 LOT: 894 LP: 40160 10 TWENTY THIRD ST PARADISE BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  26/11/2020

**ATTACHMENT 14.1.1**

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
369-1/2020	22/09/2020	Assessment No. 290585 PTP: 1 TP: 619834K 219 COMMERCIAL RD YARRAM	Application for a liquor licence.	Permit Issued by Delegate of Resp/Auth  6/11/2020
376-1/2020	25/09/2020	Assessment No. 390989 LOT: 7 PS: 515579R 19 KING ST PORT ALBERT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  26/11/2020
382-1/2020	1/10/2020	Assessment No. 192583 LOT: 1 TP: 113897 33-35 PRINCE ST ROSEDALE	Removal of heritage trees.	Permit Issued by Delegate of Resp/Auth  30/11/2020
386-1/2020	5/10/2020	Assessment No. 225011 LOT: 75 LP: 44537 3 CALDWELL ST LOCH SPORT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  13/11/2020
390-2/2020	13/11/2020	Assessment No. 80028 LOT: 4 PS: 220706V 21 PRINCES HWY STRATFORD	B&W/extension to an existing restricted recreation facility.	Permit Issued by Delegate of Resp/Auth  17/11/2020
391-1/2020	6/10/2020	Assessment No. 326454 LOT: 1 PS: 64051 HEYFIELD-SEATON RD SEATON	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  18/11/2020
393-1/2020	7/10/2020	Assessment No. 195503 CA: 26 SEC: 3 15 FORESHORE RD SEASPRAY	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  6/11/2020
395-1/2020	8/10/2020	Assessment No. 358267 LOT: 2 PS: 414932Q 456 BUNDALAGUAH RD MAFFRA	Use of land for an industry (boilermaker).	Permit Issued by Delegate of Resp/Auth  24/11/2020
399-1/2020	8/10/2020	Assessment No. 357046 LOT: 1 PS: 517658W 77 MAIN ST NEWRY	Buildings & works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  27/11/2020
400-1/2020	9/10/2020	Assessment No. 357608 LOT: 1 PS: 626536R 20 TRARALGON-MAFFRA TINAMBA	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  26/11/2020
416-1/2020	19/10/2020	Assessment No. 350173 LOT: 1 TP: 216390S 34 BEN CRUACHAN PDE COONGULLA	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  24/11/2020
417-1/2020	19/10/2020	Assessment No. 319459 LOT: 8 LP: 201143 45 MAFFRA RD HEYFIELD	Buildings and works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth  23/11/2020

**ATTACHMENT 14.1.1**

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
420-1/2020	20/10/2020	Assessment No. 82057 LOT: 1 TP: 408667E 172 BENGWORDEN RD SALE	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth  11/11/2020
421-1/2020	21/10/2020	Assessment No. 222240 LOT: 1206 LP: 52648 32 SUNBURST AVE GOLDEN BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  12/11/2020
423-1/2020	21/10/2020	Assessment No. 206870 LOT: 2 PS: 420127H 593 SEASPRAY RD LONGFORD	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth  4/11/2020
428-1/2020	26/10/2020	Assessment No. 246843 PC: 367727P 142-144 WALLABY ST LOCH SPORT	Buildings and works associated with construction of an outbuilding.	Withdrawn  12/11/2020
429-1/2020	16/10/2020	Assessment No. 446435 LOT: 2 TP: 534686U 54 CANSICK ST ROSEDALE	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  27/11/2020
430-1/2020	26/10/2020	Assessment No. 204255 LOT: 1 PS: 319931 360 NICHOLLS RD STRADBROKE	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth  12/11/2020
432-1/2020	27/10/2020	Assessment No. 90589 LOT: 4 PS: 815614U 168 BRIAGOLONG	Buildings and works associated with extension to existing dwelling.	Withdrawn  10/11/2020
434-1/2020	27/10/2020	Assessment No. 190173 LOT: 2 PS: 725173A 23 HOOD ST ROSEDALE	B&W extension to existing building (portico for RSL).	Permit Issued by Delegate of Resp/Auth  5/11/2020
435-1/2020	27/10/2020	Assessment No. 259457 LOT: 1 TP: 93652S 137 SEVENTH AVE PARADISE BEACH	B & W associated with construction of an outbuilding and verandah.	Permit Issued by Delegate of Resp/Auth  4/11/2020
441-1/2020	29/10/2020	Assessment No. 297812 LOT: 1 TP: 225436T 73 RODGERS ST YARRAM	Development of the land for a warehouse.	Permit Issued by Delegate of Resp/Auth  11/11/2020
445-1/2020	5/11/2020	Assessment No. 272575 CA: 8 SEC: 1 WOODSIDE BEACH RD WOODSIDE	Buildings & works associated with construction of a shed.	Permit Issued by Delegate of Resp/Auth  19/11/2020
449-1/2020	6/11/2020	Assessment No. 191932 LOT: 4 PS: 549879M 36A-36 PRINCE ST ROSEDALE	Buildings & works to front facade of a commerical building (mural).	Permit Issued by Delegate of Resp/Auth  18/11/2020

**ATTACHMENT 14.1.1**

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
450-1/2020	6/11/2020	Assessment No. 365627 LOT: 2 PS: 341038V 11 SUMMERLEA RD NEWRY	Buildings and works for an outbuilding.	Permit Issued by Delegate of Resp/Auth  18/11/2020
452-1/2020	6/11/2020	Assessment No. 298620 LOT: 25 BLK: 1 LP: 12305 68 UNION ST YARRAM	Subdivision of the land into three lots.	Permit Issued by Delegate of Resp/Auth  13/11/2020
453-1/2020	6/11/2020	Assessment No. 15644 LOT: 1 TP: 243842E 75-77 THOMSON ST SALE	Buildings and works for the development of an outbuilding.	Permit Issued by Delegate of Resp/Auth  19/11/2020
454-1/2020	6/11/2020	Assessment No. 388264 LOT: 13 PS: 506503D 25 PANORAMA DR WOODSIDE BEACH	Buildings and works associated with extension to existing shed.	Permit Issued by Delegate of Resp/Auth  19/11/2020
457-1/2020	10/11/2020	Assessment No. 299511 LOT: 2 PS: 346952L INGLES RD DEVON NORTH	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth  19/11/2020
461-1/2020	12/11/2020	Assessment No. 14068 PC: 375344L 44-50 MAFFRA-SALE RD SALE	Buildings & works associated with construction of a storage shed.	Withdrawn  25/11/2020
462-1/2020	13/11/2020	Assessment No. 376210 LOT: 5 PS: 317421J 9 GOWRIE RISE WOODSIDE BEACH	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  30/11/2020
464-1/2020	13/11/2020	Assessment No. 236901 LOT: 1759 LP: 58872 402 NATIONAL PARK RD LOCH SPORT	Buildings & works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  23/11/2020
472-1/2020	17/11/2020	Assessment No. 81273 CA: 1 SEC: 35 24 PRINCES HWY MONTGOMERY	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth  27/11/2020
477-1/2020	19/11/2020	Assessment No. 203786 CA: 19 39 MERTON VALE RD WILLUNG	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth  27/11/2020

**Total No of Decisions Made: 57**

**PLANNING APPLICATION DETERMINATIONS  
BETWEEN 1/12/2020 AND 31/12/2020**

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
340-2/2016	25/09/2020	Assessment No. 306522 LOT: 1 TP: 810707B 192 JOHNSON ST MAFFRA	Use the land for restricted recreation facility (gymnasium).	Permit Issued by Delegate of Resp/Auth  14/12/2020
222-1/2020	2/07/2020	Assessment No. 188813 LOT: 1 TP: 173948 33-59 CRICKET ST ROSEDALE	Use and development of a dwelling.	Permit Issued by Delegate of Resp/Auth  10/12/2020
236-1/2020	10/07/2020	Assessment No. 99283 CA: 13 SEC: 15 4,494 WONNANGATTA RD CROOKED RIVER	Building & works associated with the construction of a second dwelling.	Permit Issued by Delegate of Resp/Auth  4/12/2020
245-1/2020	16/07/2020	Assessment No. 346775 LOT: 2 LP: 135138 1,916 MAFFRA-BRIAGOLONG BRIAGOLONG	Subdivision of the land into 4 lots.	Permit Issued by Delegate of Resp/Auth  4/12/2020
259-1/2020	27/07/2020	Assessment No. 242537 LOT: 1806 LP: 58872 21 THE BOULEVARD LOCH SPORT	Buildings and works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth  4/12/2020
277-1/2020	31/07/2020	Assessment No. 236364 LOT: 1714 LP: 58872 268 NATIONAL PARK RD LOCH SPORT	Use and development of a dwelling.	Permit Issued by Delegate of Resp/Auth  21/12/2020
317-1/2020	26/08/2020	Assessment No. 12872 LOT: 7 LP: 211973W 277-279 RAYMOND ST SALE	Application for liquor licence and dispensation for carparking.	Permit Issued by Delegate of Resp/Auth  4/12/2020
320-1/2020	27/08/2020	Assessment No. 78279 CA: 9 SEC: 1 1 TYERS ST STRATFORD	Use and development of the land for a warehouse.	NOD issued by Delegate of Respon/Auth  10/12/2020
327-1/2020	31/08/2020	Assessment No. 213892 LOT: 289 LP: 52647 21 SPINDRIFT AVE GOLDEN BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  2/12/2020
342-2/2020	23/11/2020	Assessment No. 90910 CA: 62 SEC: 12 DALMORE RD DARGO	Buildings & works associated with construction of a farm shed.	Withdrawn  7/12/2020
348-1/2020	11/09/2020	Assessment No. 380782 LOT: 23 PS: 3262 1,545 MAFFRA-BRIAGOLONG BRIAGOLONG	Subdivision of the land into two lots to create a house excision.	Permit Issued by Delegate of Resp/Auth  11/12/2020

**ATTACHMENT 14.1.2**

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
356-1/2020	17/09/2020	Assessment No. 8730 LOT: 2 LP: 28353 115 MARKET ST SALE	Subdivision of the land into two lots.	Permit Issued by Delegate of Resp/Auth  21/12/2020
362-1/2020	17/09/2020	Assessment No. 330472 CA: 14 SEC: A WEIR RD TINAMBA WEST	Removal of native vegetation.	Permit Issued by Delegate of Resp/Auth  18/12/2020
363-1/2020	21/09/2020	Assessment No. 18283 LOT: 1 TP: 535059T 98 BARKLY ST SALE	Subdivision of the land into 2 lots.	Permit Issued by Delegate of Resp/Auth  17/12/2020
376-2/2020	3/12/2020	Assessment No. 390989 LOT: 7 PS: 515579R 19 KING ST PORT ALBERT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  15/12/2020
378-1/2020	28/09/2020	Assessment No. 345421 LOT: 2 PS: 743759Q 189 FOOTBALL LANE BOISDALE	Use and development of the land for a dwelling.	Permit Issued by Delegate of Resp/Auth  3/12/2020
383-1/2020	1/10/2020	Assessment No. 227975 PC: 379444K 29-31 CHRISTOPHER CT LOCH SPORT	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  17/12/2020
387-1/2020	5/10/2020	Assessment No. 427559 LOT: 2 PS: 713657T 222 BALGONIE LANE STRATFORD	Increase no. of dogs from 20 to 30 for existing boarding facility.	Permit Issued by Delegate of Resp/Auth  9/12/2020
388-1/2020	5/10/2020	Assessment No. 326306 PCA: 62D 970 HEYFIELD-SEATON RD HEYFIELD	Use of the land to keep and breed maximum of 40 dogs on site.	Withdrawn  8/12/2020
389-1/2020	5/10/2020	Assessment No. 351544 PC: 356415W 248 RYANS RD COONGULLA	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  10/12/2020
392-1/2020	6/10/2020	Assessment No. 425884 CA: 1 SEC: 27 18 MCLEAN ST MAFFRA	Subdivision of the land into two (2) lots.	Permit Issued by Delegate of Resp/Auth  17/12/2020
403-1/2020	13/10/2020	Assessment No. 281568 LOT: 15 LP: 29257 10 SEAWARD ST MCCLOUGHLINS BEACH	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  24/12/2020
408-1/2020	15/10/2020	Assessment No. 257618 LOT: 1012 LP: 40160 25 SIXTH AVENUE SOUTH PARADISE BEACH	Buildings & works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  14/12/2020

**ATTACHMENT 14.1.2**

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
410-1/2020	16/10/2020	Assessment No. 443150 LOT: 2 PS: 729754G 50 GUTHRIDGE PDE SALE	Buildings & works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  22/12/2020
411-1/2020	16/10/2020	Assessment No. 108639 LOT: 1 PS: 545545Q 8-10 CHURCH ST COWWARR	Development of a dwelling & outbuilding/restoration existing church.	Permit Issued by Delegate of Resp/Auth  18/12/2020
415-1/2020	19/10/2020	Assessment No. 98509 CA: 7B SEC: 9 STRATFORD-BENGWORDEN STRATFORD	Re-subdivision of three existing lots to create three new lots.	Permit Issued by Delegate of Resp/Auth  18/12/2020
425-1/2020	22/10/2020	Assessment No. 343970 LOT: 2 PS: 110831 273 BOISDALE-VALENCIA BOISDALE	Subdivision of the land into 2 lots.	Permit Issued by Delegate of Resp/Auth  21/12/2020
437-1/2020	28/10/2020	Assessment No. 315994 CA: 16 SEC: C BYRNE ST HEYFIELD	Buildings & works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth  10/12/2020
439-1/2020	29/10/2020	Assessment No. 207514 LOT: 2 PS: 348040W 5,455 SOUTH GIPPSLAND STRADBROKE	Buildings & works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth  4/12/2020
440-1/2020	29/10/2020	Assessment No. 36426 LOT: 1 TP: 157275 38 CUNNINGHAME ST SALE	Development of the land for a multi purpose field and fence.	Permit Issued by Delegate of Resp/Auth  23/12/2020
447-1/2020	6/11/2020	Assessment No. 260042 LOT: 1292 LP: 40160 50 THE BOULEVARD PARADISE BEACH	Buildings and works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth  2/12/2020
448-1/2020	6/11/2020	Assessment No. 94680 LOT: 1 PS: 635552S 169 LLOWALONG ESTATE LLOWALONG	Buildings and works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth  23/12/2020
450-2/2020	7/12/2020	Assessment No. 365627 LOT: 2 PS: 341038V 11 SUMMERLEA RD NEWRY	Buildings & works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  17/12/2020
451-1/2020	6/11/2020	Assessment No. 351205 PC: 377398A 7-9 MT BRADLEY ST COONGULLA	Buildings and works for the development of a dwelling.	Permit Issued by Delegate of Resp/Auth  14/12/2020
466-1/2020	13/11/2020	Assessment No. 225995 LOT: 208 LP: 50201 41 CAMPBELL ST LOCH SPORT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  4/12/2020

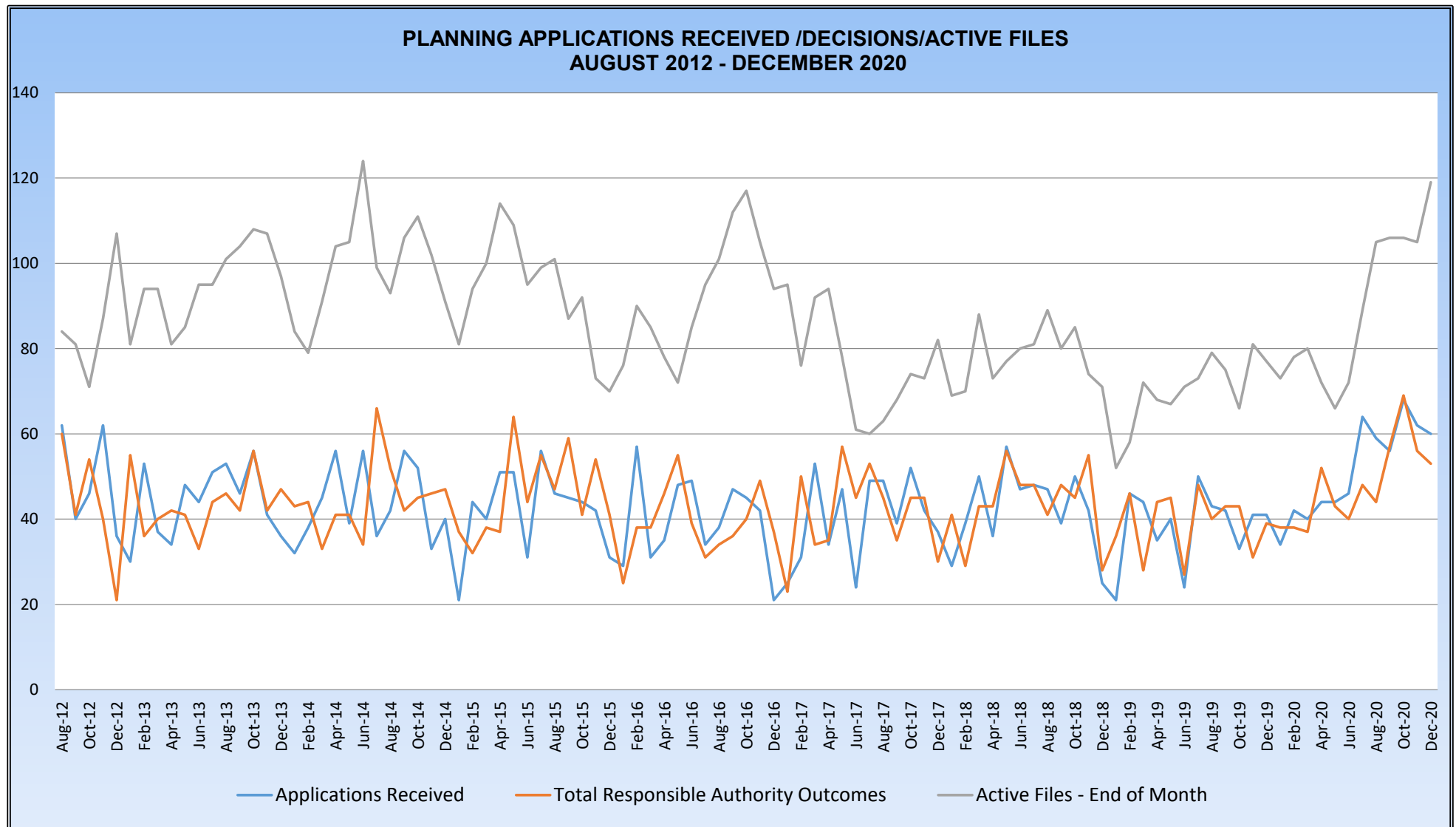
**ATTACHMENT 14.1.2**

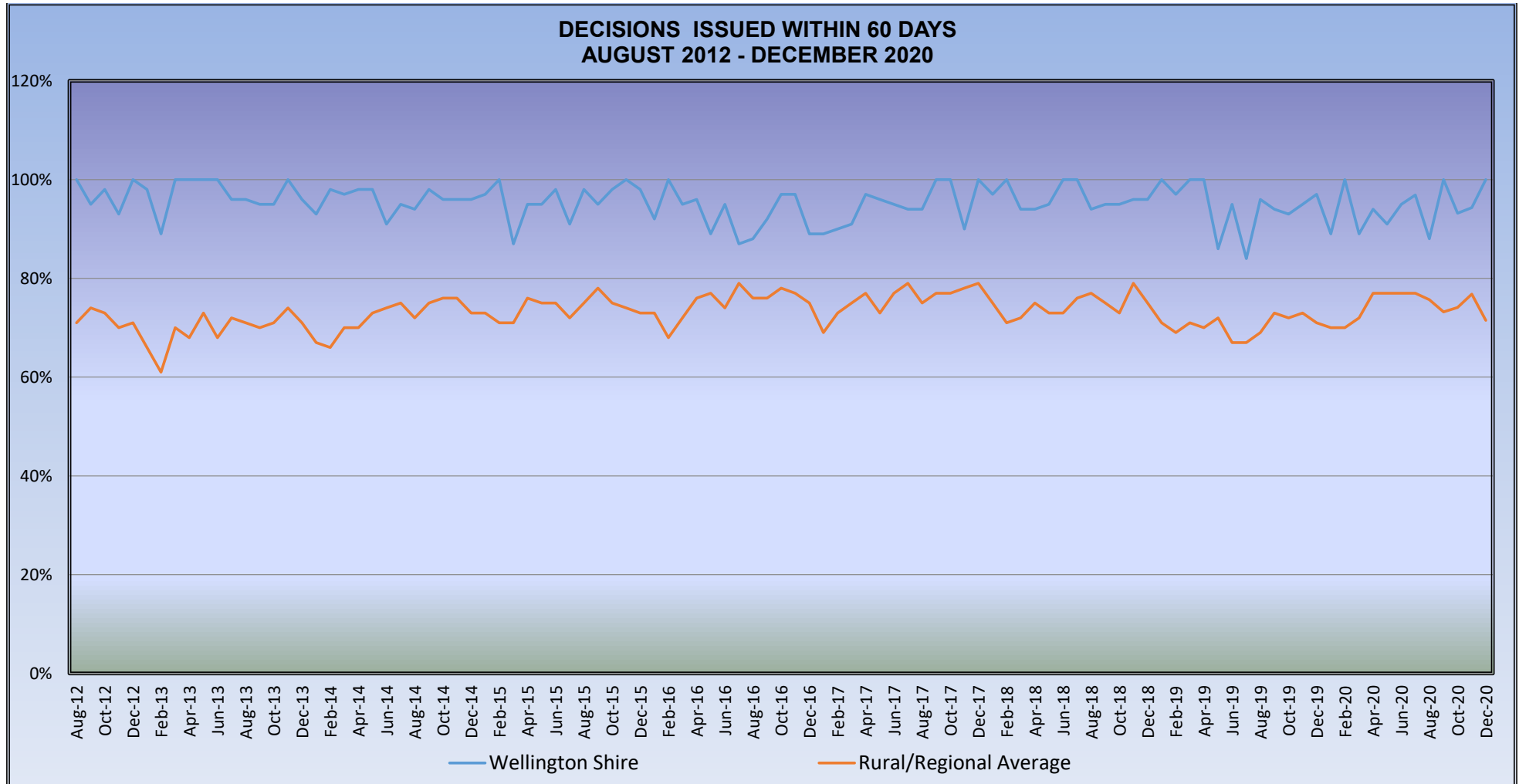
<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
467-1/2020	11/11/2020	Assessment No. 90589 LOT: 4 PS: 815614U 168 BRIAGOLONG	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  18/12/2020
468-1/2020	16/11/2020	Assessment No. 268342 LOT: 1 PS: 139613 426 OLD WHITELAWS TRK DEVON NORTH	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  18/12/2020
473-1/2020	17/11/2020	Assessment No. 382903 LOT: 2 PS: 646214C 2-4 CHURCH RD YARRAM	Use of the land for a take away food premises (mobile coffee van).	Permit Issued by Delegate of Resp/Auth  21/12/2020
479-1/2020	20/11/2020	Assessment No. 86017 CA: 35 SEC: E SOMERTON PARK ESTATE COBAINS	Use and development of a dwelling.	Permit Issued by Delegate of Resp/Auth  17/12/2020
486-1/2020	26/11/2020	Assessment No. 230821 LOT: 2383 LP: 70941 1 DAVID CT LOCH SPORT	Buildings & works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  1/12/2020
490-1/2020	30/11/2020	Assessment No. 274779 LOT: 1 TP: 118151J 17 TURNBULL ST ALBERTON	Buildings & works associated with alterations to existing outbuilding.	Permit Issued by Delegate of Resp/Auth  8/12/2020
495-1/2020	30/11/2020	Assessment No. 236075 LOT: 1379 LP: 58872 156 NATIONAL PARK RD LOCH SPORT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  22/12/2020
502-1/2020	2/12/2020	Assessment No. 211698 LOT: 38 LP: 52647 32 SHORELINE DR GOLDEN BEACH	Buildings & works for the construction of a deck.	Withdrawn  9/12/2020
505-1/2020	4/12/2020	Assessment No. 51359 PC: 369489S 15-17 HERBERTE CT WURRUK	Development of the land for a factory (glazing company).	Permit Issued by Delegate of Resp/Auth  15/12/2020
506-1/2020	4/12/2020	Assessment No. 298232 PC: 374485W 36-38 STATION ST YARRAM	Development of the land for an industrial building.	Permit Issued by Delegate of Resp/Auth  11/12/2020
507-1/2020	4/12/2020	Assessment No. 187195 LOT: 1 TP: 137952P 16 MAFFRA ST THE HONEYSUCKLES	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  23/12/2020
508-1/2020	7/12/2020	Assessment No. 195479 CA: 23 SEC: 3 9 FORESHORE RD SEASPRAY	Buildings and works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth  11/12/2020

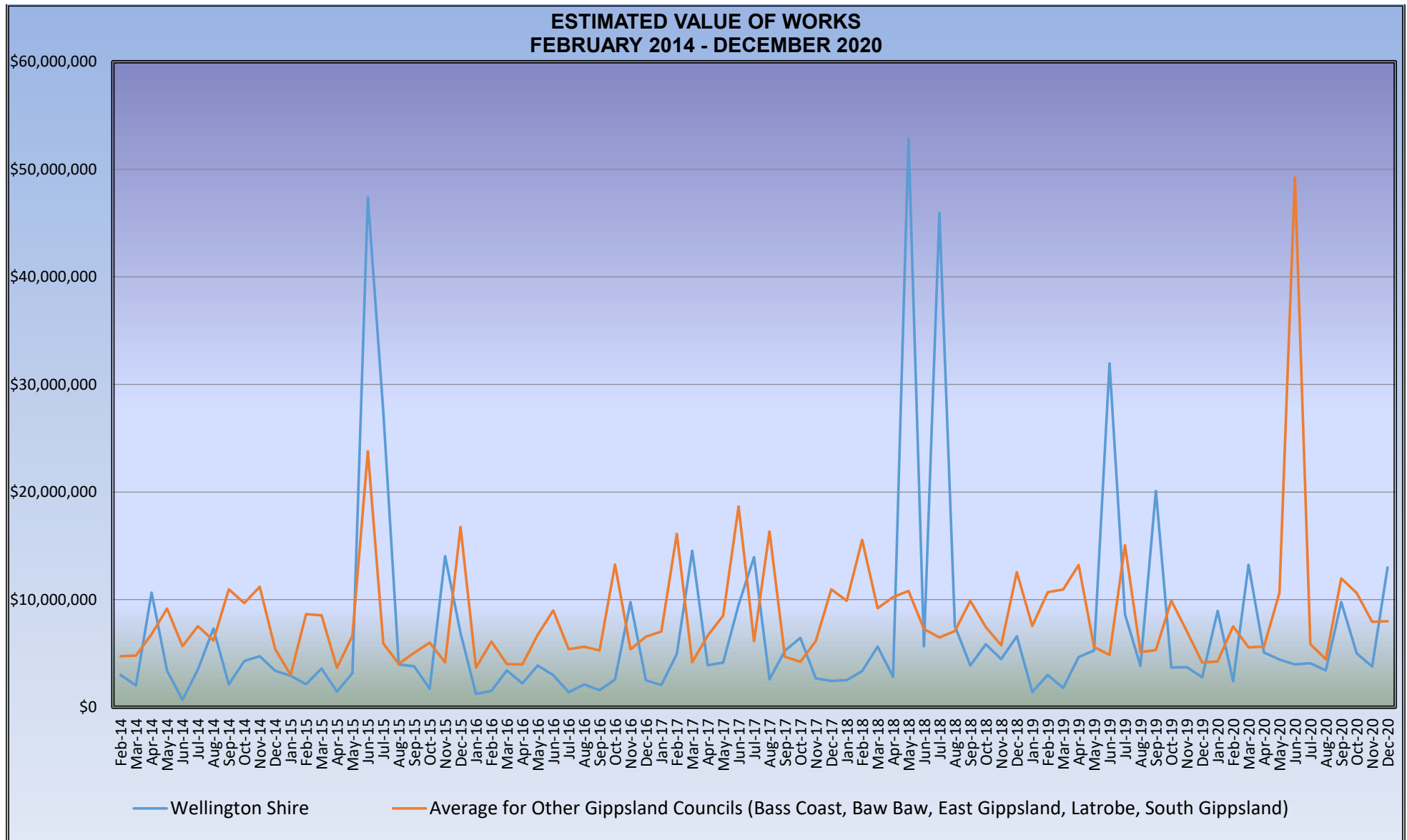
**ATTACHMENT 14.1.2**

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
510-1/2020	7/12/2020	Assessment No. 103630 LOT: 1 PS: 713652E 53 MALVERN PARK RD DENISON	Buildings and works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth  16/12/2020
512-1/2020	8/12/2020	Assessment No. 265355 LOT: 1 TP: 160688 442 GRAND RIDGE RD CARRAJUNG	Buildings & works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth  17/12/2020
515-1/2020	9/12/2020	Assessment No. 29736 LOT: 8 LP: 141606 373-377 RAGLAN ST SALE	Buildings & works assoc with extension to existing industrial shed.	Permit Issued by Delegate of Resp/Auth  21/12/2020
518-1/2020	11/12/2020	Assessment No. 315168 LOT: 17 LP: 25129 10 BOLTON ST HEYFIELD	Building and works for the development of a warehouse.	Permit Issued by Delegate of Resp/Auth  23/12/2020
522-1/2020	15/12/2020	Assessment No. 342543 LOT: 201 LP: 9946 214-222 POWERSCOURT ST MAFFRA	Buildings & works for a fence.	Permit Issued by Delegate of Resp/Auth  23/12/2020
523-1/2020	15/12/2020	Assessment No. 248674 LOT: 2716 LP: 70943 66 WHITE CRES LOCH SPORT	Buildings & works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  24/12/2020

**Total No of Decisions Made: 53**







## 14.2. MAFFRA MEN'S SHED

### ACTION OFFICER: GENERAL MANAGER DEVELOPMENT

#### PURPOSE

The purpose of this report is to present Council with an update on the Maffra Men's Shed search for a relocation site and to recommend giving approval for the Men's Shed to use the southern part of the Maffra RV site as their new home.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

*That Council resolve;*

- 1. To approve the Maffra Men's Shed use of the southern section of the current Maffra Recreational Vehicle (RV) Park land as outlined in the attached map subject to the following conditions:**
  - a) That the Maffra Men's Shed obtain a licence agreement to use the subject land under section 17B of the Crown Land (Reserves) Act 1978 with the approval of the Department of Environment, Land, Water and Planning (DELWP) and authorise the Chief Executive Officer to act under delegation to finalise and sign the agreement on behalf of Council noting the licence would be for a period of ten-years at which time it can be renewed.**
  - b) That the agreement in (a) above has two additional conditions namely that all the proposed buildings are approved by the Chief Executive Officer under delegation to ensure they are of a good standard/appearance and to include a sunset clause whereby the Maffra Men's Shed must make substantial progress towards the commencement of construction within two years of entering into the Agreement. If this is not achieved, the Agreement will be terminated. 'Substantial progress' is defined as obtaining all the relevant approvals and commencing on-site works.**
  - c) That the Maffra Men's Shed obtain a planning permit under the Planning and Environment Act 1987 ensuring that all buildings are constructed away from the stormwater drain as per Council's requirements and the issues of screening, hours of operation and carparking are satisfactorily addressed.**
  - d) That this approval in no way commits Council to any financial contributions to the project except for any community grants that are applied for and approved. That the Maffra Men's Shed is fully responsible for any costs associated with the toilets on the site.**
- 2. That the use of the existing Maffra Recreational Vehicle (RV) Park site on the northern side of the subject site be monitored along with other RV facilities in Maffra and that staff update Council on this at a workshop.**

#### BACKGROUND

The Maffra Men's Shed was established in 2018 and has been located at the Compound Yard of the Maffra Water Treatment Plant in Gibney Street on a License Agreement.

Gippsland Water have advised Maffra Men's Shed that the lease will not be renewed beyond the existing end date of 31 December 2022. The Maffra Men's Shed proposed to relocate to the back of the RV site.

At the early stages of investigation into this site, Council staff advised Councillors that development would be severely constrained due to a sizeable drainage easement running through the proposed site. As a consequence, staff advised Councillors that other sites should be explored, particularly those where infrastructure may already be in place and save the Maffra Mens Shed considerable resources and time re-establishing their new 'home'. Further, staff also advised Councillors that they would be concerned about possible conflicting uses with a workshed effectively co-locating beside a caravan/RV Park.

However the Mens Shed have remained adamant on the RV site as being the best option for their future location. Officers then undertook further detailed analysis of the easement running through the site and while it will restrict building options for the Maffra Mens Shed. They have advised they believe they can develop on the site given the stormwater drain is actually located on the periphery of the site not in the centre as originally thought.

Maffra Men's Shed have worked with Council Officers to seek an alternate location which has included both existing buildings and greenfield sites. This exhaustive search has included the following sites:

- Boisdale Street (near Croquet and Girl Guides on road reserve);
- Cameron Sporting Complex (Morrison Street);
- Maffra Recreation Reserve (Maffra-Newry Road);
- Maffra RV Park (Station St end);
- Lions Club Shed (DELWP Depot – Stratford-Maffra Road);
- Murray Goulburn's site (Foster Street); and
- Gippsland Vintage Vehicle Museum site.

The Maffra Recreation Reserve and RV Park were identified as the most suitable potential sites to construct a new shed. Each presented their own constraints, the most significant being the flood overlay placed on the Maffra Recreation Reserve.

Following the Council Workshop conducted on 15 December 2020, Council requested further investigations be undertaken for the potential use by the Maffra Men's Shed at the Maffra Recreation Reserve and the Gippsland Vintage Vehicle Museum. No existing buildings were able to be identified suitable for their use.

The vintage machinery museum is privately owned, and the owners were not willing to give their approval for the Maffra Men's Shed to relocate to their site.

While there are services (sewer and power) available on the south-east side of the Maffra Recreation Reserve, there are constraints to this section of the Reserve. The existing structures are in poor condition and would require significant work to make them suitable for use by Maffra Men's Shed, while workshop/s and storage would still need to be constructed. The former clubrooms would also require new access ramps to meet *Disability Discrimination Act* requirements.

Consultants, Inside Edge, have recommended (see Attachment – Draft Maffra Recreation Reserve Site Plan) that the existing structures should be demolished to enable realignment of roadways and improved pedestrian movement/safety around the site. The existing users of these buildings have also expressed support of Maffra Men's Shed being located at the

RV Park and advised that they would be interested in co-locating with them pending future stages being developed.

As previously stated, the other part of the Recreation Reserve has land available but is subject to flooding and would impose significant cost in raising the building floor to be out of flood. Given this consideration, disabled access would also be a significant cost.

## **ATTACHMENTS**

1. MMS Area [14.2.1 - 1 page]
2. RV Stormwater Drain [14.2.2 - 1 page]
3. Draft Maffra Recreation Reserve - Site Plan [14.2.3 - 1 page]
4. MMS Floorplan Staged [14.2.4 - 1 page]
5. Letters of Support [14.2.5 - 4 pages]
6. Confidential Header - Maffra Community Activities Hub Document 1 [14.2.6 - 1 page]
7. CONFIDENTIAL REDACTED - Maffra Community Activities Hub Document 1 [14.2.7 - 14 pages]

## **OPTIONS**

Council has the following options available:

1. Support the Maffra Men's Shed use of the southern section of the RV Park; or
2. Not support the Maffra Men's Shed use of the southern section of the RV Park and seek further information for consideration at a future Council meeting.

## **PROPOSAL**

Maffra Men's Shed have expressed their preferred site is the RV Park and have received support from the Maffra Business and Traders Association to occupy the rear section of the RV Park. Following the Workshop further letters of support have been received from the Maffra Business and Tourism Association, Maffra Neighbourhood House and Maffra Lawn Tennis Club (see attached – Letters of Support).

The RV Park is Crown Land and Council is the appointed land manager. Use of this space by Maffra Men's Shed requires Department of Environment, Land, Water and Planning (DELWP) approval and would be managed through a DELWP 17B Licence Agreement, that has a maximum period of 10 years with the opportunity to renew prior to expiry. A licence, as opposed to a lease, is the normal way of accommodating similar community group proposals.

Council Officers have worked with Maffra Men's Shed to refine their desired floorplan (see Attachment – Maffra Men's Shed Floorplan Staged) with Stage 1 comprising of a 375m<sup>2</sup> workshop, 240m<sup>2</sup> multipurpose/meeting room and utilising the existing amenities block to create toilets, a kitchen and office. Stage 1 will also include parking and site fencing between Maffra Men's Shed and the remaining RV Park.

Staff also requested that the Maffra Men's Shed develop a business case for their proposal on the RV site (see attached). Since the business case has been developed, there has been some modifications to the proposal. The costings of the proposed buildings have been checked by Barry Nicholl, the Municipal Building Coordinator, and he confirms they are reasonable. In terms of the funding side, the Maffra Men's Shed are making progress in applying for funding and securing community donations.

Staff are recommending the southern part of the RV site, given its availability and location near the town centre, is the preferred site by the Maffra Men's Shed and is supported by the Maffra Business and Tourist Association and other community groups. Plus, its co-location with the RV facility will not compromise the RV site's operation if conditions are imposed and will reuse a toilet facility that is now not required. The group also provides much needed support to men in Maffra and surrounds especially in terms of mental health in a shire with an ageing population.

The following are the key issues associated with the RV site for the proposal and the ways of mitigating these which are included in the recommended conditions:

1. Some aspects of the proposal could have a detrimental impact on the RV site's operation i.e. noise from power tools etc during early morning and any possible unsightly buildings seen from Johnson Street and the RV users themselves. The planning permit will require a screen fence between the RV site and the Maffra Men's Shed. Secondly, a condition will be imposed to ensure that inappropriate early morning, evening and weekend hours or activity cannot occur. The licence agreement will also require Council approval of any buildings to ensure these are of a good standard. The carparks required for the site will also have to be provided on-site not on the road reserve.
2. There is a stormwater drain that dissects the site. The location was initially thought to be problematic as it was to the western side of the existing toilets. However, upon further investigation, the drain is on the periphery of the site and that will not pose an issue. The planning permit will impose a condition that will require the drain to not be built over in addition to certain buffer requirements.
3. There has been concern that approving this licence agreement might infer Council is financially committed to contribute to the proposal. In the recommendation it is made clear that Council will not contribute to the project apart from any approved Council community grants. The recommendation makes it clear that the toilets on the site are fully the responsibility of the Maffra Men's Shed. This will save Council any costs in respect of vandalism etc.
4. There has been a concern that the project might not go ahead because of the inability to secure funding for what is quite an ambitious proposal. The licence agreement will have a sunset clause that if substantial progress is not made within two years then the licence will be terminated. Given the Maffra Men's Shed must vacate their current site by December 2022, this should not be an issue unless funding cannot be secured.
5. Finally, there is a recommendation that staff monitor the usage of the existing RV facility and other RV sites in Maffra. Councillors will be updated on findings.

All the above conditions have been discussed in person with Maffra Men's Shed representatives and they are agreeable with them.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

This impact has been assessed in the report.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL PLAN IMPACT**

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

**Strategic Objective 2.2:** *“Council assets are responsibly, socially, economically and sustainably managed.”*

Strategy 2.2.2: *“Ensure that community facilities within the municipality continue to meet the expectations and service needs of all current and future residents.”*

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

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

This impact has been assessed in the report.

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.







**LEGEND**

- Existing Tree to be Removed
- Existing Building to be Removed
- Proposed Trees
- Proposed Garden Bed
- Proposed Grass Areas
- Proposed Granite Sand Footpath
- Proposed Asphalt Paving
- Proposed Building
- Proposed Concrete Paving
- Proposed Plaza Space
- Proposed Netball Sports Lighting
- Proposed Overflow Parking Area
- Existing Relocated Ticket Box
- Proposed Overflow Car Park Access
- Emergency Vehicle/Maintenance Access
- Score board and Accessible Toilet Facilities
- Proposed shared Internal Vehicular/ Pedestrian Access
- Existing Footpath
- Proposed Footpath
- Main Entry
- Pedestrian Access Points

**EXPLANATORY NOTES**

**FACILITIES**

- 1 Upgrade existing changing rooms within main pavilion to be female and family friendly. Consider future multipurpose use to allow for consolidation of ageing infrastructure throughout the reserve. Any building extensions to consider flood overlay and subject to authority approval.
- 2 Existing netball building/change rooms do not currently meet Netball Facility Guidelines. Consider reconstructing to comply and incorporate publicly accessible toilets.
- 3 Consider reconstructing existing main netball court and provide new sports lighting to comply with Netball Facility Guidelines.
- 4 Consider reconstructing existing second netball court to comply with Netball Facility Guidelines and to provide a training/warmup area. Allow for new lighting/relocation to achieve compliant runoffs.
- 5 At the end of their useful life, upgrade existing sports lighting to main oval from metal halide to LED.
- 6 Consider the removal of the existing aged Former Football Clubrooms to the south and consolidate into existing and or expanded pavilion for multipurpose use. Removal will allow for realigned access road at southern end of main oval to expand pedestrian zone and improve safety.
- 7 Assess condition and use of existing dated and non compliant portable buildings to the east of main oval. Consider removal to allow for sealed access road, protection of existing significant tree and provision of spectator amenity to eastern side of main oval. Consolidate any existing use into main pavilion for multipurpose use.
- 8 Remove and upgrade existing aged scoreboard outside of the significant tree protection zone (user group delivered project).
- 9 Consider demolishing existing aged external public toilets throughout the site (#1 south east corner and #2 north of pavilion) and incorporate publicly accessible toilets into the new netball pavilion.
- 10 Proposed Maffra Agricultural Society dome shelter (21m x 30m) to improve facilities for events (user group delivered project).
- 11 Remove existing livestock sheds and reinstall along western side of dome shelter (user group delivered project).

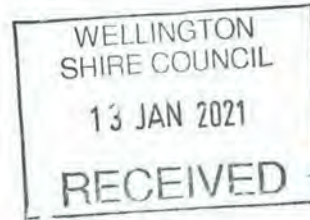
**ACCESSIBILITY AND SITE CONNECTIVITY**

- 12 Vehicular entry/exit option 1: Investigate feasibility of relocating main reserve entry on Maffra-Newry Road further west away from the intersection to improve safety including establishing a right hand turn slip lane. Relocate ticket box to a central aisle accessible from both exit and entry lanes.
- 13 Vehicular entry/ exit option 2: Establish entry from George Street as the main game day entry including ticket box. Retain existing entry/exit from Maffra- Newry Road and convert to exit only on game days.
- 14 Formalise access road and car parking around main oval. Provide traffic calming measures and incorporate WSUD measures where possible.
- 15 Formalise car parking to service the netball courts including accessible parking bays.
- 16 Formalise car parking west of the pavilion. Incorporate WSUD measures (ie raingardens to treat stormwater runoff), canopy trees and landscaping.
- 17 Provide a 2.5m wide DDA compliant pedestrian pathway around the main oval with new spectator seating in localised areas.
- 18 Provide a 1.8m wide DDA compliant pathway network throughout the site to improve connectivity and safety. Incorporate zebra linemarking to any vehicular crossing points.
- 19 Maintain informal vehicle access and overflow car parking to designated areas event days.

**COMMUNITY INFRASTRUCTURE AND SOCIAL AMENITY**

- 20 Consider a new local level playspace and picnic area near the netball courts to improve passive recreation opportunities at the reserve. Consider installing a barrier to the netball courts to contain errant balls.
- 21 Consider forecourt areas to the north and south of the existing pavilion to improve amenity. Allow for emergency vehicle/maintenance access to the south.
- 22 Proposed new spectator shelter and seating to eastern wing of main oval.
- 23 Provide additional canopy tree planting through the reserve and in car parks to define areas, provide shade and amenity. Retain and protect existing trees.





· MAFFRA ·  
Business & Tourism  
Association

DAVID  
COPY OF LETTER FORWARDED  
TO EVERY COUNCILLOR  
RE: RV SITE

12<sup>th</sup> January 2021

*[Signature]* 12/01/21

Councillor McKenzie  
Wellington Shire Council  
PO Box 506  
Sale  
Vic 3850

Dear Marcus

**RE : ALLOCATION OF SOUTHERN PORTION OF MAFFRA RV SITE**

As you are aware over recent months Council has entered into negotiations with the Maffra Men's Shed in order to find a suitable site to enable a relocation due to Gippsland Water's decision not to renew their Licence Agreement beyond 31<sup>st</sup> December 2022.

Various sites around Maffra have been examined and ultimately Council Officers and Committee Members of MMS agreed with Councillor Hole's initial suggestion that the southern portion of the Maffra RV site in Johnson Street could be a potential site. The site is Crown Land which is managed by Council, has access to all required services (power/gas/water/sewer), is centrally located and in close proximity to the Maffra shopping precinct.

If the site is allocated a staged development is proposed with Stage 1 being conversion/update of the existing Amenities Block (which Council had previously earmarked for demolition), building of a 9 metre by 10 metre Common Area for meeting/recreation purposes and the erection of a 24 metre by 15 metre workshop area to house the accumulated woodwork/metalwork assets of Maffra Men's Shed thus enabling MMS to continue as a valued contributor to the broader community of Maffra.

Further staged development of the site is planned with a number of community-based groups already expressing interest including the McMillan Rockhounds, the Maffra Angling Club, the Maffra CWA, Maffra Lions and some residents who wish to start a Community Garden.

We the under-signed Maffra community groups totally support the re-location of the Maffra Men's Shed to the southern end of the RV site as it will allow MMS members to settle into a permanent facility and further grow all aspects of a Men's Shed not only for the benefit of current members but for future generations of men within the Maffra Community.

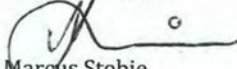
We totally agree with the adapted criteria which has been embraced in the current Wellington Shire Councils "Recreational Vehicle Strategy" in particular (page 17) where it states that **"RV activity should not displace local/community values"**.

Council has repeatedly acknowledged the substantial benefit which men's sheds provide within the Wellington Shire not only to respective members but other Community Groups and members of the general public and in the case of the Maffra Men's Shed this has been reflected throughout the Maffra Community via positive feedback on Facebook, Maffra "Out & About" and via articles in the Gippsland Times in response to MMS activities/initiatives.

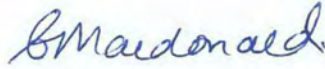
As Maffra does not have a local representative on Council to advocate on our behalf, we urge you as one of the Councillors within the Wellington Shire Council to support the allocation of the southern portion of the RV site when this issue comes before a formal meeting of the Council.

Should you require any further information regarding this exciting project could you please contact  
Jim King, President - Maffra Men's Shed : [Mobile 0418 343 034](tel:0418343034)  
[Email sandman2001@bigpond.com](mailto:sandman2001@bigpond.com)

Yours faithfully



Marcus Stobie  
President,  
Maffra Business & Tourism Assoc  
(3 letters of support previously forwarded)



Cath Macdonald  
Chairperson,  
Maffra Neighbourhood House Inc  
(letter of support attached)



Terry Flynn  
President,  
Maffra Lawn Tennis Club Inc  
(letter of support attached)



## Maffra Neighbourhood House Inc.

No. A0046894A

48 Kent Street  
Maffra, 3860  
P.O Box 470  
Maffra, 3860  
Phone: 5147 1487

31/08/2020

Email: [office@maffraneighbourhoodhouse.com.au](mailto:office@maffraneighbourhoodhouse.com.au)

To Whom it may concern,

Maffra Neighbourhood House would like to express their support for the continued operation of Maffra Men's Shed.

Men's Shed organisations provide a safe and happy environment where men are welcome to work on community projects, specific Men's Shed projects or a project of their choice in their own time. The bond that unites them is that they are men with time on their hands and would like something meaningful to do with that time. Maffra Men's Shed provides an essential community service aimed at improving mental health outcomes specifically for men. They provide an opportunity for the men in our community to be supported by their peers, learn new skills, reduce social isolation and improve wellbeing.

Men have been conditioned by our culture to withhold their emotions. They are not encouraged to talk about or show their feelings. They are likely not to focus on their health and well-being issues. Probably because of this, many men drink more than they should, take more risks and suffer from isolation, loneliness and depression.

Good health is based on many factors including feeling good about yourself, being productive, contributing to your community, connecting with friends and maintaining an active body and mind. Becoming a member of a Men's Shed provides a safe and busy environment where men can find many of these things in an atmosphere of old-fashioned mateship.

Many of these philosophies are shared with the Maffra Neighbourhood House and we have similar aims in the community. Maffra Neighbourhood House provides opportunities for people to engage in educational and social groups, however does not have the capacity to provide hands on interests for local men, and as such recognises the importance of having a Men's shed in Maffra to meet the needs in the community.

The township of Maffra currently does not have adequate public transport and many of the participants to this organisation have limited mobility. It is essential for the local community to be able to access these services in their own town. Travelling to another town for these participants is difficult and would lead to men becoming disengaged from their community.

In order to continue offering this service, they need a suitable space from which to operate. This space ideally should be in a prominent location which allows accessibility for all. It's extremely important for this organisation to have a fully operational workshop where power tool use and noise restrictions will not impede their ability to conduct woodwork sessions as well as sufficient space to be able sit and talk with their peers.

Kind Regards

Cath Macdonald.

Chairperson

Maffra Neighbourhood House



## Maffra Lawn Tennis Club Inc

President Terry Flynn - 0434607249  
Secretary Sarah Luke - 0400454876  
PO Box 104 24 Duke St Maffra 3860

5<sup>th</sup> September 2020

### MAFFRA MEN'S SHED RELOCATION

To whom it may concern,

We are writing to put MLTC's position about the letter of 15 July 2020 from Wellington Shire to the Maffra Men's Shed regarding the potential for the Men's Shed to relocate to the Maffra RV Park.

Firstly, the Men's Shed is regarded highly in the community because of the valuable service it provides both to its users and the projects undertaken for worthy causes.

Secondly the reference to the Maffra Easter Tournament as a typical reason why they could not relocate to the site is not reasonable because it is improbable and avoidable that the shed would be open over the Easter weekend. If there was a problem with complementary uses it would have been observed from the noise from the industries that surround the site.

Thirdly the relocation of the Men's Shed to the RV site would be opportune for the site which has long been regarded as "unloved" and therefore unattractive to visitors. If the Men's Shed were there its members could look after the area so that it becomes a town attraction that would lure visitors to events including our Easter Tennis Tournament and the new Maffra Triathlon

Please call me on 0434 607 249 or send an email to [maffratennis@gmail.com](mailto:maffratennis@gmail.com) if you would need to contact us regarding this letter.

Yours Sincerely

TERRY FLYNN  
President



WELLINGTON  
SHIRE COUNCIL  
*The Heart of Gippsland*

**ORDINARY COUNCIL MEETING  
16 FEBRUARY 2021**

On this day, 8 February 2021, in accordance with Section 66 Clause (2)(a) of the *Local Government Act 2020*; I, Brent McAlister, General Manager Development declare that the information contained in the attached document **Maffra Community Activities Hub Document 1** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

***g)(ii) private commercial information, being information by a business, commercial or financial undertaking that - if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage***

  
.....  
**BRENT McALISTER, GENERAL MANAGER DEVELOPMENT**

## 15. FURTHER GALLERY AND ONLINE COMMENTS

*Gallery comments are an opportunity for members of the public to raise any particular matter they wish. This allows those in the gallery to speak directly to Councillors but is not a forum designed for open discussion or debate. We will listen respectfully to what you have to say and make the commitment that if your query requires a written response, we will advise you that a response will be forthcoming, and a copy of that response will be circulated to all Councillors.*

*This is not a forum for members of the public to lodge complaints against individuals, including Councillors and staff, particularly as that individual gets no public right of reply to any matter raised. We take complaints seriously, and in line with the guidance from the Victorian Ombudsman and the local Government Inspectorate, we request that any specific complaint against an individual be put in writing. This way, your concern can be properly dealt with while ensuring fairness to all parties concerned.*

*If you wish to speak, we remind you that this part of the meeting is being recorded and broadcast on our website. Council's official Minutes will record that you have spoken to Council and the subject you spoke to Council about but will not record specific comments. We ask you to state your name in full, where you are from, and you have three minutes.*

ONLINE COMMENTS –

GALLERY COMMENTS –

Meeting declared closed at:

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

## **16. IN CLOSED SESSION**

### **COUNCILLOR**

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

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

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**IN CLOSED SESSION**

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### **COUNCILLOR**

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