



**WELLINGTON**

SHIRE COUNCIL

*The Heart of Gippsland*

## **Council Meeting Agenda**

**Meeting to be held at**

**Council Chambers - Wellington Centre**

**Foster Street, Sale**

**Tuesday 1 October 2019, commencing at 3pm**

**or join Wellington on the Web:**

**[www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)**

# ORDINARY MEETING OF COUNCIL – 1 OCTOBER 2019

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## Council Meeting Information

*Members of the Public Gallery should note that the Council records and publishes Council meetings via YouTube to enhance the accessibility of Council meetings to the broader Wellington community. These recordings are also archived and may be published on Council's Website for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, members of the gallery may address the Council at which time their image, comments or submissions will be recorded.*

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

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



## **A - PROCEDURAL**



### **STATEMENT OF ACKNOWLEDGEMENT**

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



### **PRAYER**

***“Almighty God, we ask your blessing upon the Wellington  
Shire Council, its Councillors, officers, staff and their families.***

***We pray for your guidance in our decisions so that the  
true good of the Wellington Shire Council may result to  
the benefit of all residents and community groups.”***

***Amen***



## **A - PROCEDURAL**

### **A4 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S**

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

ACTION OFFICER:

GENERAL MANAGER CORPORATE SERVICES

DATE:

1 OCTOBER 2019

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**OBJECTIVE**

To adopt the minutes of the Ordinary Council Meeting of 17 September 2019.

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

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 17 September 2019.*

**CONFLICT OF INTEREST**

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



## A - PROCEDURAL

### **A5 BUSINESS ARISING FROM PREVIOUS MEETING/S**





## A - PROCEDURAL

### A6 ACCEPTANCE OF LATE ITEMS



## A - PROCEDURAL

### A7 NOTICE/S OF MOTION



## **A - PROCEDURAL**

### **A8 RECEIVING OF PETITIONS OR JOINT LETTERS**

**ITEM A8(1)****OUTSTANDING PETITIONS**

ACTION OFFICER

GOVERNANCE

DATE:

1 OCTOBER 2019

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ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			



## A - PROCEDURAL

### **A9 INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS**



## A - PROCEDURAL

### A10 QUESTIONS ON NOTICE



## **B –REPORT**

# **DELEGATES**



## C1 - REPORT

# CHIEF EXECUTIVE OFFICER





## C2 - REPORT

# GENERAL MANAGER CORPORATE SERVICES

**ITEM C2.1****ASSEMBLY OF COUNCILLORS**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 1 OCTOBER 2019

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

**OBJECTIVE**

To report on all assembly of Councillor records received for the period 11 September 2019 to 25 September 2019.

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

***That Council note and receive the attached Assembly of Councillor records for the period 11 September 2019 to 25 September 2019.***

**BACKGROUND**

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

Below is a summary of all assembly of Councillor records received for the period 11 September 2019 to 25 September 2019.

**Assembly of Councillors summary of reports received for the period 11 September 2019 to 25 September 2019.**

<b>Date</b>	<b>Matters considered</b>	<b>Councillors and officers in attendance</b>
17 September 2019	IT/Diary Meeting	Councillor Bye, Councillor Crossley, Councillor Hall, Councillor Hole, Councillor McCubbin, Councillor Maher, Councillor Ripper, Councillor Rossetti, Councillor Stephens.  David Morcom, Chief Executive Officer Leah Carubia, Executive Assistant, CEO Unit Damian Norkus, ICT Operations Officer
17 September 2019	Verbal updates Solar Farms Proposal Aqua Energy Redevelopment Project Concepts Development Division Update Planning, Building and Business Development Community Managed Facilities Strategy Pt 2 Ombudsman Report (90 Mile Beach - Rates)	Councillor Bye, Councillor Crossley, Councillor Hall, Councillor Hole, Councillor McCubbin, Councillor Maher, Councillor Ripper, Councillor Rossetti, Councillor Stephens. David Morcom, Chief Executive Officer Chris Hastie, General Manager Built & Natural Environment Arthur Skipitaris, General Manager Corporate Services Sharon Houlihan, General Manager Community & Culture (Item 3) John Websdale, General Manager Development (Item 6)  External Presenter: Michael Bugelly (Item 2) External Presenter: King Arthur (Item 2) External Presenter: Brett Singh (Item 2) Paul Johnson, Manager Business Development (Item 2 and 4) John Traa, Coordinator Statutory Planning (Item 2 and 4) Nic Hall, Manager Leisure Services (Item 3) Josh Clydesdale, Manager Land Use Planning (Item 4 and 6) Vanessa Ebsworth, Manager Municipal Services (Item 4) Barry Nicholl, Municipal Building Surveyor Coordinator (Item 4) Daniel Gall, Coordinator Commercial Property (Item 4) Karen McLennan, Manager Community Wellbeing (Item 5) Bodye Darvill, Coordinator Community Committees (Item 5) Kim Phillips, (Item 6) Ian Carroll, Manager Corporate Finance (Item 6)

## **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 11 September 2019 to 25 September 2019.

## **CONFLICT OF INTEREST**

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

## **LEGISLATIVE IMPACT**

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

## **COUNCIL PLAN IMPACT**

The Council Plan 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.

## ASSEMBLY OF COUNCILLORS

**1. DATE OF MEETING:** 17 September 2019

**2. ATTENDEES**

**Councillors:**

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Cr Bye	✓		Cr Maher	✓	
Cr Crossley	✓		Cr Ripper	✓	
Cr Hall	✓		Cr Rossetti	✓	
Cr Hole	✓		Cr Stephens	✓	
Cr McCubbin	✓				

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
D Morcom, CEO	✓		S Houlihan, GMCC		✓
C Hastie, GMB&NE		✓	J Websdale, GMD		✓
A Skipitaris, GMCS		✓			

Others in attendance: (list names and item in attendance for)	Item No.
Leah Carubia, Damian Norkus	1

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

1. IT / Diary Meeting

**4. Conflict of Interest disclosures made by Councillors:**

Nil

## ASSEMBLY OF COUNCILLORS

1. **DATE OF MEETING:** 17 September 2019

2. **ATTENDEES :**

Councillor Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Cr Bye	✓		Cr Maher	✓	
Cr Crossley	✓		Cr Ripper	✓	
Cr Hall	✓		Cr Rossetti	✓	
Cr Hole	✓		Cr Stephens	✓	
Cr McCubbin	✓				

CMT Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
D Morcom, CEO	✓		S Houlihan, GMCC	✓	
C Hastie, GMB&NE	✓		J Websdale, GMD	✓	
A Skipitaris, GMCS	✓				

Others in attendance:	Item No.
John Websdale, Arthur Skipitaris, Sharon Houlihan	1
<u>External Presenters:</u> Michael Bugelly, King Arthur and Brett Singh <u>WSC:</u> Paul Johnson and John Traa	2
<u>External Presenters:</u> Sharon Houlihan and Nic Hall <u>WSC:</u> Jim Corbett, of <i>Sport and Leisure Solutions</i>	3
Josh Clydesdale, Paul Johnson, Vanessa Ebsworth, John Traa, Barry Nicholl and Daniel Gall	4
Karen McLennan and Bodye Darvill	5
John Websdale, Josh Clydesdale, Kim Phillips and Ian Carroll	6

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

1. Verbal updates
2. Solar Farms Proposal
3. Aqua Energy Redevelopment Project Concepts
4. Development Division Update Planning, Building and Business Development
5. Community Managed Facilities Strategy Pt 2
6. Ombudsman Report (90 Mile Beach - Rates)

4. **Conflict of Interest disclosures made by Councillors:**

Nil

**ITEM C2.2****AUDIT & RISK COMMITTEE MINUTES**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 1 OCTOBER 2019

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

**OBJECTIVE**

To receive and note the minutes of the Audit & Risk Committee meeting held on 6 September 2019.

**RECOMMENDATION*****That:***

- 1. Council receive and note the minutes in brief (Attachment 1) and the confidential attachment at Item F1.1 Audit & Risk Committee Minutes of 6 September 2019; and***
- 2. The information contained in the confidential attachment Item F1.1 Audit & Risk Committee Minutes of 6 September 2019 of this Council meeting agenda and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Corporate Services on 9 September 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: f) legal advice; and h) any other matter which the Council considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989.***

**BACKGROUND**

Council maintains an Audit & Risk Committee in accordance with Section 139 of the *Local Government Act 1989*. The Audit & Risk Committee is an independent advisory Committee to Council and its primary objective is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development. Minutes of the Audit & Risk Committee are reported direct to Council.

A copy of the minutes in brief from the Audit & Risk Committee meeting of 6 September 2019 can be found at Attachment 1 of this report and is provided for the information of Council and the public in general.

**OPTIONS**

Council has the following options:

- 1. To receive and note the minutes from the Audit & Risk Committee meeting of 6 September 2019; or**

2. To seek further information and consider the minutes at a future meeting.

## **PROPOSAL**

To receive and note the minutes of the Audit & Risk Committee meeting held on 6 September 2019.

## **CONFLICT OF INTEREST**

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

## **LEGISLATIVE IMPACT**

The *Local Government Act 1989*, section 139(1) requires Council to establish an audit committee. Council's Audit & Risk Committee is an Advisory Committee to Council and operates within the Terms of Reference and Charter adopted by Council.

The Audit & Risk Committee Terms of Reference require the minutes of the Audit & Risk Committee to be forwarded to an ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes. The Audit & Risk Committee is also required to report annually to the Council summarising the activities of the Committee during the previous financial year.

This report complies with the legislative requirements and the Audit & Risk Committee Terms of Reference requirements.

## **COUNCIL PLAN IMPACT**

The Council Plan 2017–2021 Theme 6 Organisational states the following strategic objective and related strategy:

### Strategic Objective

*"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.

## **RISK MANAGEMENT IMPACT**

The Audit & Risk Committee Charter identifies the management of risk as one of the primary objectives of the Audit & Risk Committee. The Audit & Risk Committee monitors the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems in place.



## AUDIT & RISK COMMITTEE MEETING MINUTES IN BRIEF – 6 SEPTEMBER 2019

**Present:** Mr Peter Craighead (Chair)  
Mr Chris Badger  
Ms Michelle Dowsett  
Councillor Alan Hall  
Councillor Garry Stephens

**In attendance:** Mr David Morcom (Chief Executive Officer)  
Mr Arthur Skipitaris (General Manager Corporate Services)  
Mr Ian Carroll (Manager Corporate Finance)  
Mr Gordon Robertson (Crowe Horwath)  
Mr Kundai Mtsambiwa (HLB Mann Judd) (via phone)  
Mrs Peta Crawford (Acting Coordinator Accounting & Payroll)  
Mrs Sheryl Saynor (Executive Support Officer)

1. **Welcome**
2. **Apologies - Nil**
3. **Closure of Meeting to Public:-**

**Councillor Hall/Chris Badger**

***That the meeting be closed to the public under Section 89(2) of the Local Government Act 1989 to discuss legal advice and any other matter which the Council or special committee considers would prejudice the Council or any person.***

**CARRIED**

4. **Declaration of Conflict(s) of Interest:-**  
Nil
5. **Adoption of Previous Minutes – 31 May 2019:-**

**Chris Badger/Michelle Dowsett**

***That the Committee adopt the minutes of the previous meeting held on 31 May 2019.***

**CARRIED**

6. **Action Items from Previous Minutes**

**Councillor Hall/Michelle Dowsett**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:***

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

***be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.***

**CARRIED**

**7. a) In Principle Agreement to the Draft Financial and Performance Statements 2018/19**

**Michelle Dowsett/Chris Badger**

***That the Audit & Risk Committee, having considered the draft Financial and Performance Statements for the year ended 30 June 2019, recommend to Council that it give its in principle agreement to sign the Draft Financial and Performance Statements subject to finalising by the Auditor General or their Agents.***

***That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:***

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

***be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.***

**CARRIED**

**b) Council Representation Letter**

**c) Committee members to meet with Auditors in camera**

It was agreed to hold over consideration of Item 8 (Internal Audit – Review of Local Laws) until later when representatives of HLB Mann Judd can join the meeting via phone conference.

**9. Status of Audit Recommendations**

**Councillor Hall/Councillor Stephens**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:***

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

***be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.***

**CARRIED**

**10. VAGO Performance Audit: Fraud and Corruption Control – Part 2**

**Councillor Stephens/Chris Badger**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:***

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

***be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.***

**CARRIED**

**11. Ombudsman's Request for Information – Ninety Mile Beach Subdivision**

**Chris Badger/Michelle Dowsett**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:***

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

***be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.***

**CARRIED**

**12. Victorian Auditor General's Reports**

**Michelle Dowsett/Councillor Stephens**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:***

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

***be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.***

**CARRIED**

**13. Review of Strategic Risks**

**Councillor Hall/Councillor Stephens**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:***

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

***be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.***

**CARRIED**

It was agreed to consider Item 8 (Internal Audit – Review of Local Laws) at this time.

**8. Internal Audit – Review of Local Laws**

**Councillor Hall/Michelle Dowsett**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30***

**August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:**

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

**be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.**

**CARRIED**

**14. Chairman's Report for the period ending 30 June 2019**

**Councillor Hall/Councillor Stephens**

**That the Audit & Risk Committee recommend to Council that it receive the report.**

**That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:**

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

**be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.**

**CARRIED**

**15. Draft Annual Report 2018/19**

**Michelle Dowsett/Chris Badger**

**That the Audit & Risk Committee recommend to Council that it receive the report.**

**That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:**

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

**be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.**

**CARRIED**

**16. Credit Card Expenditure – Chief Executive Officer**

**Chris Badger/Michelle Dowsett**

**That the Audit & Risk Committee recommend to Council that it receive the report.**

**That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:**

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

**be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.**

**CARRIED**

**17. Audit & Risk Committee Membership**

**Councillor Stephens/Michelle Dowsett**

*That the Audit & Risk Committee recommend to Council that it receive the report.  
That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:*

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

*be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.*

**CARRIED**

**18. Information Services Update**

*Chris Badger/Councillor Hall*

*That the Audit & Risk Committee recommend to Council that it receive the report.  
That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:*

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

*be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.*

**CARRIED**

**19. Evaluation of Audit & Risk Committee Performance**

*Chris Badger/Michelle Dowsett*

*That the Audit & Risk Committee recommend to Council that it receive the report.  
That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:*

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

*be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.*

**CARRIED**

**20. Related Party Transactions**

*Councillor Hall/Chris Badger*

*That the Audit & Risk Committee recommend to Council that it receive the report.  
That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:*

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

*be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.*

**CARRIED**

**21. Council Plan Highlights and Progress of Major Initiatives and Initiatives**

**Michelle Dowsett/Councillor Stephens**

***That the Audit & Risk Committee recommend to Council that it receive the Report.***

***That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:***

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

***be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.***

**CARRIED**

**22. Road Management Act Processes – Annual Report**

**Councillor Hall/Chris Badger**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:***

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

***be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.***

**CARRIED**

**23. Fraud Report**

**Councillor Stephens/Chris Badger**

***That the Audit & Risk Committee recommend to Council that it receive the report.***

***That the information contained in this document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:***

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

***be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.***

**CARRIED**

**24. Excessive Staff Leave**

**Michelle Dowsett/Councillor Hall**

***That the Audit & Risk Committee recommend to Council that it receive the Report.***

***That the information, contained in the attached document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Act:***

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

***be designated confidential information under Clause 77 (2) (b) of the Local Government Act 1989.***



**CARRIED**

**25. Current Key Risk Matters**

**Councillor Stephens/Councillor Hall**

*That the Audit & Risk Committee recommend to Council that it receive the report.*

*That the information, contained in the attached document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:*

*f) legal advice;*

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

*be designated confidential information under Clause 77 (2) (b) of the Local Government Act 1989.*

**CARRIED**

**26. Insurance Report**

**Michelle Dowsett/Councillor Hall**

*That the Audit & Risk Committee recommend to Council that it receive the report.*

*That the information, contained in the attached document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Act:*

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

*be designated confidential information under Clause 77 (2) (b) of the Local Government Act 1989.*

**CARRIED**

**27. Register of Commissioned Reports**

**Chris Badger/Michelle Dowsett**

*That the Audit & Risk Committee recommend to Council that it receive the report.*

*That the information, contained in the attached document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 30 August 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989:*

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

*be designated confidential information under Clause 77(2)(b) of the Local Government Act 1989.*

**CARRIED**

**28. General Business**

**29. Rotating Assessment of and Feedback on Meeting**

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 3.51PM.



## C3 - REPORT

# GENERAL MANAGER DEVELOPMENT



**ITEM C3.1****BUILDING PERMITS REPORT**

DIVISION:

DEVELOPMENT

ACTION OFFICER:

MANAGER MUNICIPAL SERVICES

DATE:

1 OCTOBER 2019

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

**OBJECTIVE**

To provide a report to Council on building permits issued in the Wellington Shire during the quarter April 2019 to June 2019, for information.

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

***That Council note the report of building permits issued from 1 April 2019 to 30 June 2019.***

**BACKGROUND**

Building permits are issued by private building surveyors, and copies of permits are provided to Council. The permits, plans and other documents, are filed by Council and recorded on a register of building permits. Building permits are issued for a range of developments, including dwellings, extensions and fences, as well as commercial and industrial buildings.

Attachment 1 to this report provides an overview by township, of the number of permits issued along with the estimated value of construction, for the three-month period ending 30 June 2019.

Attachment 2 provides an historical representation of the number and value of permits issued in Wellington Shire and compares this data against the broader Gippsland region.

For the period April to June 2019 there were 239 permits issued with an estimated value of work at \$36,251,501.

The major projects include:

- **Briagolong** – Clubroom redevelopment at Briagolong Rec Reserve
- **Fulham** – Prison Extension – Final stages of permits – completion of works
- **Sale** – Office alterations – Centrelink
- **Yarram Health Service** – New health care facility - Stage 4 of permit

Maffra, Stratford & Sale have increased permits in housing estate areas (Maffra – New stage Currawong Crescent, Hillcrest Estate, Stratford – New stage subdivision – Blackburn Street, and Sale – Cobains Estate)

In the previous quarter, January to March 2019, there were 217 permits issued with an estimated value of work at \$30,470,759.

## **OPTIONS**

Council may choose to note this report, alternatively Council may choose to seek further information and refer this report to another meeting.

## **PROPOSAL**

That Council note the report on building permits issued within Wellington Shire from April to June 2019.

## **CONFLICT OF INTEREST**

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

## **COMMUNICATION IMPACT**

The quarterly report provides information on the number of building permits, and cost of development per town, within the Wellington Shire. Gippsland-wide building activity is also provided, to demonstrate how the Wellington Shire area performs in comparison.

## **LEGISLATIVE IMPACT**

Building permits are issued in accordance with *Building Act 1993*, Building Regulations 2006 and the Wellington Planning Scheme.

## **COUNCIL POLICY IMPACT**

All building permits issued by private building surveyors are registered and filed as per the timelines set out in the Municipal Services Business Plan.

## **COUNCIL PLAN**

This Council Plan 2017-2021 Theme 2 Services and 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 2.3.1

*'continue to provide strategic planning to encourage long term growth and sustainability in Wellington Shire.'*

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

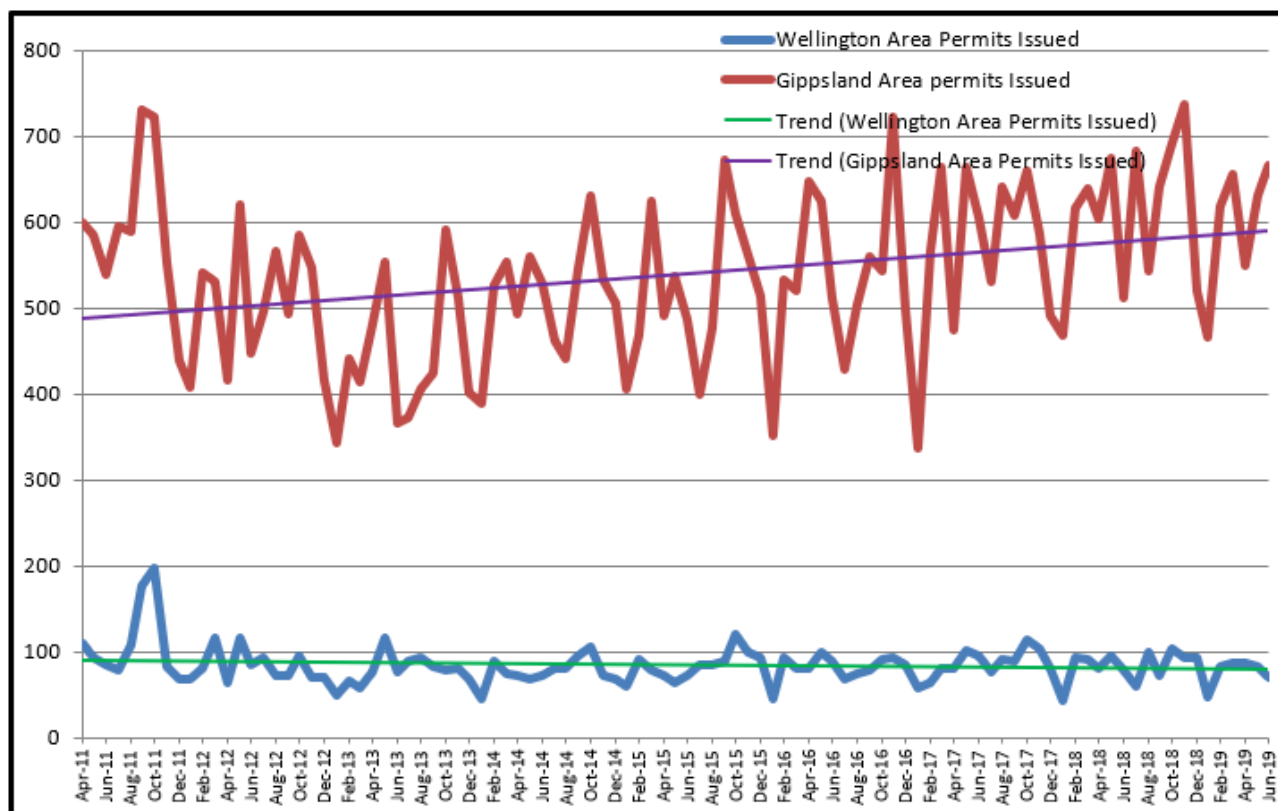
## WELLINGTON SHIRE PERMITS ISSUED

	April	May	June	Total
ALBERTON	1	0	0	1
	\$180,000	\$0	\$0	\$180,000
ALBERTON WEST	0	1	0	1
	\$0	\$32,325	\$0	\$32,325
BLACKWARRY	0	0	1	1
	\$0	\$0	\$30,020	\$30,020
BRIAGOLONG	1	1	1	3
	\$602,115	\$2,500	\$378,000	\$982,615
COBAINS	0	1	0	1
	\$0	\$30,950	\$0	\$30,950
COONGULLA	0	2	4	6
	\$0	\$273,511	\$374,127	\$647,638
DARGO	0	0	1	1
	\$0	\$0	\$15,670	\$15,670
DENISON	1	0	0	1
	\$34,650	\$0	\$0	\$34,650
DUTSON	1	0	0	1
	\$45,000	\$0	\$0	\$45,000
FLYNN	1	0	0	1
	\$60,000	\$0	\$0	\$60,000
FULHAM	1	1	3	5
	\$27,825	\$40,000	\$7,998,842	\$8,066,667
GIFFARD WEST	0	1	0	1
	\$0	\$25,850	\$0	\$25,850
GLENGARRY	1	0	1	2
	\$250,000	\$0	\$30,000	\$280,000
GLENMAGGIE	1	1	0	2
	\$168,500	\$14,100	\$0	\$182,600
GOLDEN BEACH	4	2	0	6
	\$502,572	\$590,500	\$0	\$1,093,072
GORMANDALE	0	1	0	1
	\$0	\$394,500	\$0	\$394,500

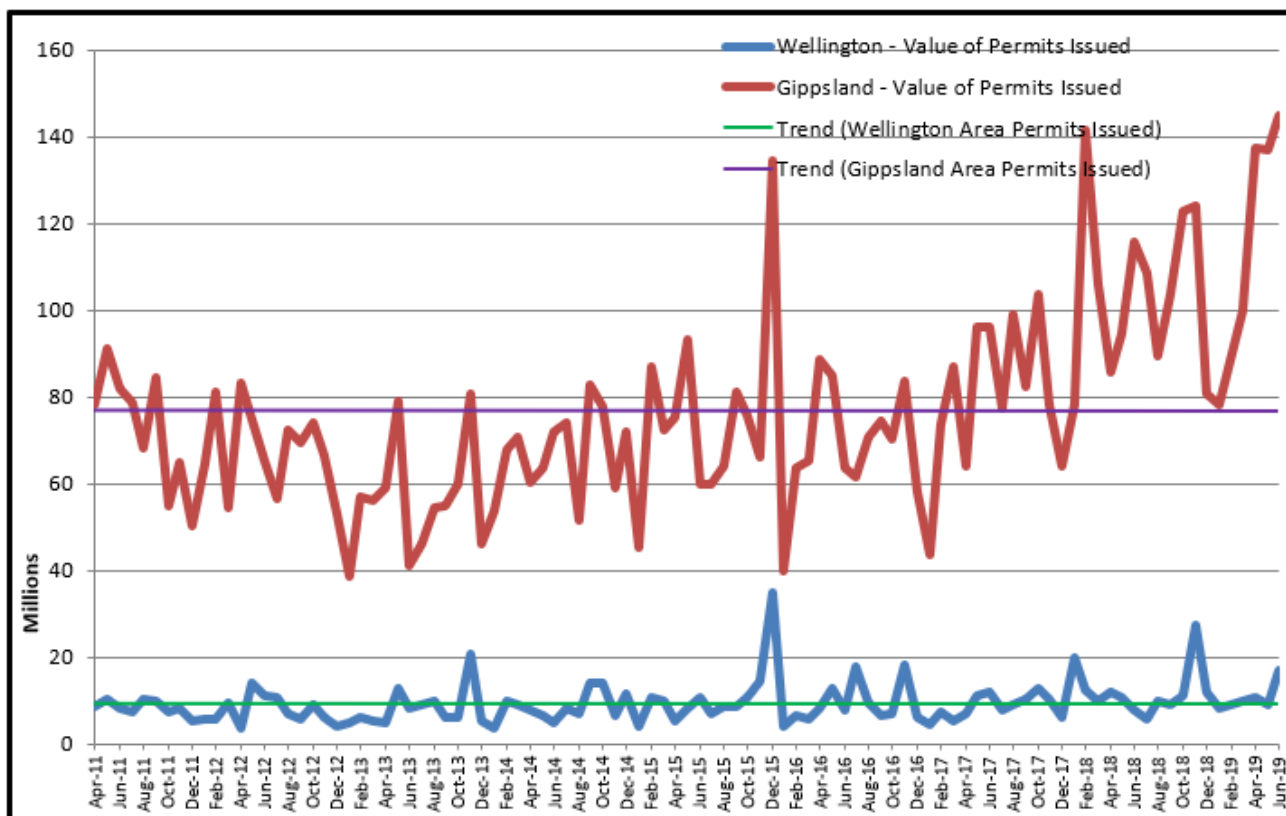
	<b>April</b>	<b>May</b>	<b>June</b>	<b>Total</b>
HEDLEY	0	0	1	1
	\$0	\$0	\$90,750	\$90,750
HEYFIELD	3	6	6	15
	\$378,597	\$523,500	\$764,977	\$1,667,074
KILMANY	2	0	0	2
	\$271,592	\$0	\$0	\$271,592
LOCH SPORT	5	9	2	16
	\$487,490	\$278,755	\$50,273	\$816,518
LONGFORD	2	3	8	13
	\$516,890	\$693,775	\$1,052,740	\$2,263,405
MAFFRA	15	7	12	34
	\$2,198,444	\$799,993	\$1,795,956	\$4,794,393
MANNS BEACH	1	0	0	1
	\$107,980	\$0	\$0	\$107,980
MCLOUGHLINS BEACH	0	1	0	1
	\$0	\$1,500	\$0	\$1,500
MONTGOMERY	1	0	0	1
	\$20,315	\$0	\$0	\$20,315
NAMBROK	0	1	0	1
	\$0	\$25,750	\$0	\$25,750
NEWRY	0	1	1	2
	\$0	\$40,000	\$20,000	\$60,000
PARADISE BEACH	2	2	2	6
	\$113,125	\$364,800	\$9,000	\$486,925
PEARSONDALE	1	0	0	1
	\$15,000	\$0	\$0	\$15,000
PORT ALBERT	2	2	3	7
	\$31,000	\$20,000	\$544,958	\$595,958
RIVERSLEA	0	0	1	1
	\$0	\$0	\$4,400	\$4,400
ROSEDALE	6	7	1	14
	\$802,642	\$157,096	\$15,000	\$974,738
SALE	14	16	14	44
	\$974,886	\$2,028,735	\$1,593,217	\$4,596,838

	<b>April</b>	<b>May</b>	<b>June</b>	<b>Total</b>
SEASPRAY	2	1	0	3
	\$27,486	\$90,000	\$0	\$117,486
STRATFORD	8	8	2	18
	\$838,617	\$1,351,240	\$368,950	\$2,558,807
TINAMBA	1	2	0	3
	\$27,000	\$86,200	\$0	\$113,200
VALENCIA CREEK	1	0	0	1
	\$32,400	\$0	\$0	\$32,400
WILLUNG	1	0	0	1
	\$59,000	\$0	\$0	\$59,000
WILLUNG SOUTH	1	1	0	2
	\$100,000	\$200,000	\$0	\$300,000
WINNINDOO	0	1	0	1
	\$0	\$16,770	\$0	\$16,770
WOODSIDE	1	1	1	3
	\$15,000	\$16,000	\$509,762	\$540,762
WOODSIDE BEACH	1	1	1	3
	\$5,000	\$362,235	\$303,774	\$671,009
WURRUK	2	2	2	6
	\$541,820	\$419,995	\$564,350	\$1,526,165
YARRAM	2	0	2	4
	\$1,076,510	\$0	\$344,699	\$1,421,209
<b>Total</b>	<b>86</b>	<b>83</b>	<b>70</b>	<b>239</b>
	<b>10,511,456</b>	<b>8,880,580</b>	<b>16,859,465</b>	<b>36,251,501</b>

### NUMBER OF BUILDING PERMITS



### VALUE OF BUILDING WORKS



**ITEM C3.2****FIXED PARKING INFRINGEMENT PENALTIES**

DIVISION: DEVELOPMENT

ACTION OFFICER: MANAGER MUNICIPAL SERVICES

DATE: 1 OCTOBER 2019

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

**OBJECTIVE**

To report to Council on the legislative changes relating to the *Road Safety (General) Regulation 2009* that are due for commencement on 27 September 2019 and to seek Council's support to continue with a fixed penalty at 0.5 penalty units for parking infringements.

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

***That Council, pursuant to section 87 of the Road Safety Act 1986 and Road Safety (General) Regulations 2019 resolve to apply fixed parking infringement penalties as set out in Attachment 4 and in doing so, notes that this represents that same value to the infringement as currently applied.***

**BACKGROUND**

The *Road Safety (General) Regulations 2009* are currently being rewritten with an expected commencement date of 27 September 2019. Following enactment, the *Road Safety (General) Regulation 2009* will become the *Road Safety (General) Regulations 2019 (Regulations)*.

As part of the Regulations, Schedule 6 – Parking Infringements, specifies the infringement penalty unit values associated with individual parking infringement offences. These penalty infringements range from 0.2 penalty units to 1.0 penalty unit.

***Current situation:***



Under the *Road Safety Act 1986* (Act) Council currently applies a fixed penalty of 0.5 penalty unit to ten parking infringement offences.

The Act stipulates, under Section 87 (3), that the service of an infringement notice under Section 87 of the Act is the amount prescribed by the Regulations (i.e. Schedule 6). Following this, Section 87 (4) provides that a municipal council may, by resolution, fix a penalty in contravention of Schedule 6 provided that the fixed penalty is no more than 0.5 penalty unit and is not more than the penalty prescribed by the regulations.

Whilst the new Regulations are substantially unchanged, including the information provided in Schedule 6, as the Regulations are undertaking a new name, to continue applying fixed penalties a Council is required to pass a resolution to endorse fixed penalties in contravention of Schedule 6 under the new *Road Safety (General) Regulations 2019*.

There is no proposed change from current Council fees or process.

## ATTACHMENTS

- Attachment 1 – Road Safety Act 1986, Section 3 and 4
- Attachment 2 – Road Safety (General) Regulations 2009, Schedule 6
  - First and second page only, as proceeding pages list offences not affected by this report
  - Affected penalties are indicated with “  ”
- Attachment 3 – Road Safety (General) Regulations 2019, Schedule 6
  - First and second page only, as proceeding pages list offences not affected by this report
  - Affected penalties are indicated with “  ”
- Attachment 4 – Affected penalty offences and penalty unit value

## OPTIONS

Council may choose to:

1. Apply penalties to affected penalty offences at the specified penalty rate as prescribed in Schedule 6 of the *Road Safety (General) Regulations 2019* (reduced rate from current status).
2. Pursuant to section 87 of the *Road Safety Act 1986* and *Road Safety (General) Regulations 2019* resolve to apply fixed parking infringement penalties as set out in Attachment 4 and in doing so, notes that this represents the same value to the infringement as currently applied (current status).

## PROPOSAL

That Council applies Section 87 of the *Road Safety Act 1986* to fix penalties for parking infringements in contravention of schedule 6 of the *Road Safety (General) Regulations 2019*.

## CONFLICT OF INTEREST

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

## FINANCIAL IMPACT

If council wishes to revert to the .2 penalty unit it will have a financial revenue loss impact of approximately \$50,000 per annum.



## LEGISLATIVE IMPACT

Parking Infringements are issued in accordance with *Road Safety Act 1986*, and *The Road Safety (General) Regulations 2019*.

## COUNCIL PLAN

This Council Plan 2017-2021 Theme 2 Services and Infrastructure states the following strategic objective and related strategy:

### Strategic Objective 1.1

*'Maintain friendly, safe communities providing opportunities for residents to lead healthy and active lifestyles'.*

### Strategy 1.1.2

*'work in partnership to provide leadership and strategic direction on issues relating to community safety.'*

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

Road Safety Act 1986  
No. 127 of 1986  
Part 7—Infringements

- 
- |   |   |
|---|---|
| <p>(1G) Any action taken or thing done by an authorised person is not invalidated by his or her failure to produce his or her identity card.</p>  | <p>s. 87(1G)<br/>Inserted by<br/>No. 25/1996<br/>s. 5(2),<br/>amended by<br/>No. 28/2009<br/>s. 41(6).</p>                            |
| <p>(1H) A person must not falsely represent himself or herself to be an authorised person.<br/><br/>Penalty: 10 penalty units.</p>  | <p>s. 87(1H)<br/>Inserted by<br/>No. 25/1996<br/>s. 5(2),<br/>amended by<br/>No. 28/2009<br/>s. 41(7).</p>                            |
| <p style="text-align: center;">*       *       *       *       *</p>  | <p>s. 87(2)<br/>amended by<br/>No. 57/1998<br/>s. 4(5)(b)(ii),<br/>repealed by<br/>No. 32/2006<br/>s. 62(4).</p>                      |
| <p>(3) The penalty prescribed for the purposes of this section for any parking infringement, other than a penalty for a parking infringement referred to in subsection (3A) or a penalty fixed by any municipal council or relevant public authority pursuant to subsection (4), is the amount prescribed by the regulations in respect of infringements of the kind in question.</p> | <p>s. 87(3)<br/>amended by<br/>Nos 12/1989<br/>s. 4(1)(Sch. 2<br/>Item 105.9),<br/>25/1996<br/>s. 6(1),<br/>28/2009<br/>s. 41(4).</p> |
| <p>(3A) The penalty for a parking infringement constituted by a contravention of section 90E is 1 penalty unit or the higher amount prescribed by the regulations in respect of infringements of that kind.</p>   | <p>s. 87(3A)<br/>Inserted by<br/>No. 25/1996<br/>s. 6(2),<br/>amended by<br/>No. 10/2004<br/>s. 15(Sch. 1<br/>Item 25).</p>           |

s. 87(4)  
amended by  
No. 78/1987  
s. 17,  
substituted by  
Nos 12/1989  
s. 4(1)  
(Sch. 2 item  
105.10) (as  
amended by  
No. 13/1990  
s. 38(2)(q)),  
14/2000 s. 22,  
amended by  
No. 81/2006  
s. 47,  
substituted by  
No. 28/2009  
s. 41(8).

(4) Despite subsection (3)—

- (a) a municipal council may, by resolution; or
- (b) a relevant public authority may, with the approval of the Minister—

fix a penalty for a parking infringement in contravention of a regulation under this Act, that is a regulation in respect of which regulations under this Act prescribe a penalty, if the penalty to be fixed is not more than 0.5 penalty unit and is not more than the penalty prescribed by the regulations.

s. 87(4A)  
inserted by  
No. 28/2009  
s. 41(8).

(4A) A penalty so fixed under subsection (4) is the penalty prescribed for the purposes of this section in respect of such a parking infringement occurring—

- (a) in the case of the municipal council, within the municipal district of that municipal council; or
- (b) in the case of the relevant public authority, on land or premises that are vested in or under the control of that authority.

s. 87(5)  
inserted by  
No. 110/2004  
s. 35,  
amended by  
Nos 28/2009  
s. 41(4),  
43/2011  
s. 45(2),  
37/2014  
s. 10(Sch.  
Item 147.46).

(5) If a municipal council or relevant public authority fixes a penalty under subsection (4) in relation to a parking infringement, a police officer or a protective services officer issuing a parking infringement notice in respect of the infringement may specify in the notice one or other of the following as the penalty payable under the notice—

- (a) the amount fixed by the council or relevant public authority as the penalty; or

s. 87(5)(a)  
amended by  
No. 28/2009  
s. 41(3).

Road Safety (General) Regulations 2009  
S.R. No. 115/2009  
Schedule 6—Parking infringements

### Schedule 6—Parking infringements

Regulation 70

In this Schedule, RR means the Road Safety Road Rules 2017

Sch. 6  
amended by  
S.R. Nos  
118/2013  
reg. 6,  
145/2014  
reg. 13,  
42/2017 reg. 9.

<i>Item No.</i>	<i>Code</i>	<i>Summary of parking infringement</i>	<i>Prescribed parking infringement reference</i>	<i>Infringement penalty</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
➡ 1	0701	Parking for longer than indicated	RR 205	0·2 penalty unit
2	0702	Parked—fail to pay fee and obey instructions on sign, meter, ticket or ticket-vending machine	RR 207(2)	0·2 penalty unit
➡ 3	0704	Stopped on a bicycle parking area	RR 201	0·2 penalty unit
➡ 4	0705	Stopped on a motor bike parking area	RR 202	0·2 penalty unit
➡ 5	0706	Parked contrary to requirement of parking area	RR 209(2)	0·2 penalty unit
➡ 6	0707	Parked—fail to comply with angle parking requirement	RR 210(1)	0·2 penalty unit
➡ 7	0708	Parked—fail to comply with 90° angle parking requirement	RR 210(1)	0·2 penalty unit
➡ 8	0711	Parked not completely within a parking bay	RR 211(2)	0·2 penalty unit

Road Safety (General) Regulations 2009  
S.R. No. 115/2009  
Schedule 6—Parking infringements

<i>Item No.</i>	<i>Code</i>	<i>Summary of parking infringement</i>	<i>Prescribed parking infringement reference</i>	<i>Infringement penalty</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
➡ 9	0712	Parked—long vehicle exceeding minimum number of bays	RR 211(3)	0.2 penalty unit
➡ 10	0713	Parked—wide vehicle exceeding minimum number of bays	RR 211(3)	0.2 penalty unit
➡ 11	0621	Stopped contrary to a no parking sign	RR 168(1)	0.2 penalty unit
12	0715	Stopped on a marked foot crossing	RR 173(1)	0.6 penalty unit
13	0716	Stopped within 10 metres of a marked foot crossing	RR 173(1)	0.6 penalty unit
14	0717	Stopped within 3 metres after marked foot crossing	RR 173(1)	0.6 penalty unit
15	0718	Stopped within 10 metres before bicycle crossing lights	RR 174(2)	0.6 penalty unit
16	0719	Stopped within 3 metres after bicycle crossing lights	RR 174(2)	0.6 penalty unit
17	0720	Stopped in a loading zone	RR 179(1)	1 penalty unit
18	0721	Stopped in a loading zone longer than 30 minutes	RR 179(2)(a)	1 penalty unit

Authorised by the Chief Parliamentary Counsel

Road Safety (General) Regulations 2019  
S.R. No. 88/2019

Schedule 6—Parking infringements

## Schedule 6—Parking infringements

Regulation 66

In this Schedule, RR means the Road Safety Road Rules 2017.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Code</i>	<i>Parking infringement provision</i>	<i>Infringement penalty</i>	<i>Summary of parking infringement</i>
➡ 1	0701	RR 205(1)	0-2 penalty unit	Parking for longer than indicated
2	0702	RR 207(2)	0-2 penalty unit	Parked—fail to pay fee and obey instructions on sign, meter, ticket or ticket-vending machine
➡ 3	0704	RR 201	0-2 penalty unit	Stopped on a bicycle parking area
➡ 4	0705	RR 202	0-2 penalty unit	Stopped on a motor bike parking area
➡ 5	0706	RR 209(2)	0-2 penalty unit	Parked contrary to requirement of parking area
➡ 6	0707	RR 210(1)	0-2 penalty unit	Parked—fail to comply with angle parking requirement
➡ 7	0708	RR 210(1)	0-2 penalty unit	Parked—fail to comply with 90° angle parking requirement
➡ 8	0711	RR 211(2)	0-2 penalty unit	Parked not completely within a parking bay
➡ 9	0712	RR 211(3)	0-2 penalty unit	Parked—long vehicle exceeding minimum number of bays

Authorised by the Chief Parliamentary Counsel

Road Safety (General) Regulations 2019  
S.R. No. 88/2019

Schedule 6—Parking infringements

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Code</i>	<i>Parking infringement provision</i>	<i>Infringement penalty</i>	<i>Summary of parking infringement</i>
→ 10	0713	RR 211(3)	0·2 penalty unit	Parked—wide vehicle exceeding minimum number of bays
→ 11	0621	RR 168(1)	0·2 penalty unit	Stopped contrary to a no parking sign
12	0715	RR 173(1)	0·6 penalty unit	Stopped on a marked foot crossing
13	0716	RR 173(1)	0·6 penalty unit	Stopped within 10 metres of a marked foot crossing
14	0717	RR 173(1)	0·6 penalty unit	Stopped within 3 metres after marked foot crossing
15	0718	RR 174(2)	0·6 penalty unit	Stopped within 10 metres before bicycle crossing lights
16	0719	RR 174(2)	0·6 penalty unit	Stopped within 3 metres after bicycle crossing lights
17	0720	RR 179(1)	1 penalty unit	Stopped in a loading zone
18	0721	RR 179(2)(a)	1 penalty unit	Stopped in a loading zone longer than 30 minutes
19	0722	RR 179(2)(b)	1 penalty unit	Stopped in a loading zone longer than indicated time
20	0723	RR 180(1)	0·6 penalty unit	Stopped in a truck zone
21	0724	RR 186(1)	0·6 penalty unit	Stopped in a mail zone

Authorised by the Chief Parliamentary Counsel

## LIST OF AFFECTED PARKING OFFENCES

Legislation	Description	Proposed fixed Penalty value
Road Safety Road Rules 2017 (168)	Stopped Contrary to No Parking Sign	\$83.00
Road Safety Road Rules 2017 (205)	Parked for Longer than Indicated	\$83.00
Road Safety Road Rules 2017 (201)	Stopped in Bicycle Parking Area	\$83.00
Road Safety Road Rules 2017 (202)	Stopped in Motor Bike Parking Area	\$83.00
Road Safety Road Rules 2017 (209.2)	Parked Contrary to Requirement of Parking Area	\$83.00
Road Safety Road Rules 2017 (210)	Parked Not at an Angle of 45 Degrees	\$83.00
Road Safety Road Rules 2017 (210)	Parked Not at an Angle of 90 Degrees	\$83.00
Road Safety Road Rules 2017 (211.2)	Parked not Completely in Parking Bay	\$83.00
Road Safety Road Rules 2017 (211.3)	Long Vehicle Exceeding Minimum No. of Bays	\$83.00
Road Safety Road Rules 2017 (211.3)	Wide Vehicle Exceeding Minimum No. of Bays	\$83.00

The value of a penalty unit is set annually by the Department of Treasury and Finance (DTF), and is updated on 1 July each year.

Calculate Penalties 2019 – 2020:

- 0.5 Penalty Units = \$83.00





## C4 - REPORT

# GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

**ITEM C4.1****PINE LODGE RECREATION RESERVE TENNIS COURT RENEWAL**

DIVISION: BUILT AND NATURAL ENVIRONMENT

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

DATE: 1 OCTOBER 2019

Financial	Communication	Legislative	Council Policy	Council Plan	Resources and Staff	Community	Environmental	Engagement	Risk Management
✓	✓			✓		✓	✓	✓	✓

**OBJECTIVE**

The objective of this report is for Council to consider entering into a contract for the renewal of the Pine Lodge Recreation Reserve Tennis Courts, Stratford.

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

- 1. Council adopt the recommendations contained in the attached Confidential Tender Evaluation Report at Item F1.2 of the Council Meeting Agenda for Contract 2020-010 Pine Lodge Recreation Reserve Tennis Court Renewal; and***
- 2. The information contained in the confidential document Item F1.2 Contract 2020-010 Pine Lodge Recreation Reserve Tennis Court Renewal Confidential Tender Evaluation Report of this Council Meeting and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 25 September 2019 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: c) Contractual matters; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

**BACKGROUND**

The Pine Lodge Recreation Reserve is the only tennis facility in the Stratford township and of the eight tennis courts at the facility, four are planned for renewal now. The courts do not have compliant run-offs and the 30 year old playing surface is in a poor condition and suffers from water pooling after rain. Renewal of the remaining four courts will be addressed in the future.

During the initial design process, it was noted that the large trees near the courts were too close to the existing courts and would be impacted by the construction of the new courts and would in turn impact the new court development with tree root impacts and leaf litter. Consultations with members of the club showed a strong desire to retain the trees both for aesthetics and shade rather than having them cut down and replaced with built shade structures.

The redeveloped courts will be moved five metres to the north which will allow for the trees to be retained and compliant runoffs to be constructed. One light tower will need to be replaced as part

of these works, however the existing lights and towers are at the end of their useful lives. The Committee have offered to fund the immediate replacement cost of the one light tower as part of its contribution to a full future lighting upgrade for the facility when the remaining lights and towers are renewed.

The Committee of Management have applied to the Latrobe Valley Authority for funding to replace all six light towers and when this contract was advertised, tenderers were asked to cost the replacement of the one light and tower that is the minimum requirement for this project to proceed as well as provide a separable price for the full lighting upgrade if the Latrobe Valley Authority fund this project now.

The project has received \$250,000 through Sport and Recreation Victoria's Community Sports Infrastructure Fund and the Committee of Management of the reserve are contributing \$30,000 to the project as well as an amount to be negotiated for the partial lighting upgrade.

## **OPTIONS**

Council have the following options available:

- Adopt the recommendations contained in the attached confidential Tender Evaluation Report for contract 2020-010 Pine Lodge Recreation Reserve Tennis Court Renewal; or
- Not enter into a contract and not proceed with these works at this time.

## **PROPOSAL**

That Council adopt the recommendations contained in the attached confidential Tender Evaluation Report for contract 2020-010 Pine Lodge Recreation Reserve Tennis Court Renewal.

## **CONFLICT OF INTEREST**

Nil staff and/or contractors involved in the compilation of this report have declared a Conflict of Interest.

## **FINANCIAL IMPACT**

These works have been budgeted for in the 2019/20 Capital Works Programs with funding also coming from grants from Sport and Recreation Victoria and the Pine Lodge Recreation Reserve Committee of Management.

## **LEGISLATIVE IMPACT**

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

## **RESOURCES AND STAFF IMPACT**

This project will be undertaken with the resources of the Assets & Projects unit.

## **COMMUNITY IMPACT**

These works will produce a positive community impact with the upgrade of four tennis courts to be compliant with runoff distances and improved compliant competition lighting.

## **ENVIRONMENTAL IMPACT**

The proposed works will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored.

## **ENGAGEMENT IMPACT**

Wellington Shire Council's standard consultation practices will be implemented on this project.

## **RISK MANAGEMENT IMPACT**

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All OH&S risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



## C5 - REPORT

# GENERAL MANAGER COMMUNITY AND CULTURE

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

DIVISION: COMMUNITY AND CULTURE  
 ACTION OFFICER: MANAGER COMMUNITY WELLBEING  
 DATE: 1 OCTOBER 2019

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

**OBJECTIVE**

For Council to receive the minutes from the Maffra Recreation Reserve Committee of Management's General Meeting held on 5 August 2019.

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

***That Council receive the minutes from the Maffra Recreation Reserve Committee of Management's General Meeting held on 5 August 2019.***

**BACKGROUND**

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

The objectives of the Special Committee are:

- To manage, operate and maintain the Maffra Recreation Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Maffra Recreation Reserve for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
- To keep the Council informed on the operations, improvements and advancements of the Maffra Recreation Reserve by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
- To set, maintain and collect appropriate user charges.
- To ensure that the Maffra Recreation Reserve's capital assets are adequately maintained.
- To provide advice to Council on matters relating to the Maffra Recreation Reserve.

As provided under the Committee's Instrument of Delegation the minutes of all meetings are to be presented to Council and highlight the day to day activities being undertaken by the Committee.

Conflict of Interest: It was noted that conflicts of interest were called for at the commencement of the Ordinary Meeting, with no conflicts being declared. Meetings held by the Maffra Recreation Reserve Committee of Management are open to the public.

## **OPTIONS**

Council has the following options:

1. Receive the minutes from the Maffra Recreation Reserve Committee of Management's General Meeting held on 5 August 2019; or
2. Seek further information to be considered at a future Council Meeting.

## **PROPOSAL**

That Council receive the minutes from the Maffra Recreation Reserve Committee of Management's General Meeting held on 5 August 2019.

## **CONFLICT OF INTEREST**

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

## **LEGISLATIVE IMPACT**

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

## **COUNCIL POLICY IMPACT**

This report is in accordance with Council Policy 5.1.4 which establishes a framework for the guidance of Council in relation to the roles and responsibilities of Committees.

## **COUNCIL PLAN IMPACT**

The Council Plan 2017-21 Theme 2 Services and 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.

**MAFFRA RECREATION RESERVE**  
**Special Committee of Council**  
**MINUTES**  
**05/8/2019, 7.30pm**  
**Meeting room Maffra Recreation Reserve Function Centre**

President Mat Coleman

Secretary Kath Coggan 0411 098 452

**Present:** Mat Coleman, Kath Coggan, Lisa Ogilvie, Irene Crockford, Paul Bourke, Kevin Christensen, Jenny Toma, Mark Hewlitt, Carmel Ripper, Michael Coggan, Grant Smith, Sonya Ford, Steve Bragg

**Apologies** Cheryl Dowling

**Declaration of Conflicts of Interest**

**Confirmation of Minutes/Discussion notes as no quorum.**

**Moved J. Toma, sec G. Smith**

**Business Arising from Previous Minutes. Demolition Derby. Mark to meet with Ag Society immediately after show to discuss repairs. Ag Society responsible for affecting repairs**

**As there was no quorum at July meeting Motion "That the July discussion notes be ratified as a true record of the meeting" Moved Paul Bourke, seconded Grant Smith**

**CORRESPONDENCE IN**

Email L. Ogilvie with July financials

Email WSC with building audit

**CORRESPONDENCE OUT**

Email Brian Teese with MRRC letter of support for Dramatic Society's LVA Application

Email to MRRC re user groups thoughts on our WSC Operating Subsidy.

**Moved Correspondence be accepted Jenny Toma, seconded Kevin Christensen**

**TREASURER'S REPORT. Tabled**

**Moved the Treasurer's report be accepted Lisa Ogilvie, seconded Mark Hewlitt**

**REPORTS of User groups**

**Kennel Club. 31 powered sites and 3 unpowered allocated for the 3 day dog show. Club will use the netball courts and umpire's room. K. ~~Allen~~ be contacted re cleaning. WSC questionnaire to be distributed to all entrants**

**American Historical Truck Society. Planning in hand. AGM at the end of August. Steve Bragg to retire from the Maffra Recreation Reserve Committee as their representative**

**Gippsland Riviera Poultry Club. Very successful Bird show with wide ABC news coverage. 350 birds, 2 interstate judges. Auction on Aug 11 and AGM late August.**



Macmillan ~~Rockhounds~~. Going well

Maffra show. No meeting last month. Planning in hand. Woolshed roofing to be looked at. Received agricultural society grant for internal display shelving in Woolshed

MFNC 3 out of 4 Football teams and 3 out of 6 netball teams to make the finals. If the seniors stay on top of the ladder one of the finals will be held at Maffra. Fast tracking the media box with thanks to WSC. An increase in hosting funeral gatherings. Would like to put a wider concertina door to give better access to the band room to increase seating for gatherings

EVPHC Inc. No Aug events. September 28/29 Instructional Clinics. Dec Christmas break up. The club has agreed to \$600 annual fee. Blinds to be installed in clubrooms at cost of \$1260

#### FACILITY FAULTS REPORT

Replaced rusted tap on ~~Newry~~ fence line. New super spreader. Ground fertilized. WSC soil test results helpful. Working with ~~arromist~~. Cleaning guttering on main building, netball building. Some guttering needs replacing on Poultry and Woolshed. Still a low spot near Northern goal posts. Looking at power mushroom replacement approx. \$4,000. WSC 60/40 funding means our contribution \$1600. Poplar removal again WSC 60/40 funding. Big gum trees need trimming. Unsure who is responsible WSC or MRRC. Pipe under the ~~Newry~~ Road a work in progress (Bill Hunt). Peter Hargreaves to look at EVPHC water issue. 5 oval sprinklers need replacing. Have organized a truckload of blue metal for repairs. There is a computer glitch with the scoreboard

Moved reports be accepted Grant Smith, Kevin Christensen

#### GENERAL BUSINESS.

Building Audit. Copies circulated. Only have audit for the main recreation Centre, the old Football Club Rooms and the Cattle sheds. WSC working on getting the other reports to us. Not as detailed regarding costs as the last audit. Mark to work through the list with Bodye.

The old tractor is running. Mark to advertise for sale

Robert Smart is happy to nominate as a community representative on the Maffra Rec Reserve committee

AGM for Rec reserve in October

Operating subsidy. All user groups are asked to put together their thoughts on the points Bodye raised. We are a very large entity both with user groups, space, buildings and large community events held, but are only funded on the sporting matrix for the Maffra Football club. The contribution from user groups and the volunteer hours we put into our maintenance, is the only reason we are viable. With all our projects we are expected to make a financial contribution eg the recent drainage scheme where the MRRC put in \$50,000. We note the \$1.6 million upgrade at Stephenson Park Sale, the user groups were asked to contribute \$50,000 (of which they could access the John Leslie Foundation, not available to many other WSC groups). There is a feeling on the committee that there is inequity in funding and support from WSC between facilities. ~~Councillor~~ Ripper to investigate

Kevin Christensen put forward a vote of thanks to retiring member Steve Bragg for his 15 years of service to the committee both as a Poultry Club member and the American Historical Truck Society. The committee thanks him and wishes him well into the future

Meeting closed 8.45pm

Next meeting 02/09/2019

9:34 PM  
16/06/14

**Maffra Recreation Reserve**  
**Reconciliation Summary**  
**Bendigo Bank - Investment Acc., Period Ending 31/07/2019**

	<u>Jul 31, 19</u>
Beginning Balance	25,102.83
Cleared Transactions	
Deposits and Credits - 1 item	<u>2.61</u>
Total Cleared Transactions	<u>2.61</u>
 Cleared Balance	 <u><u>25,105.44</u></u>
 Register Balance as of 31/07/2019	 25,105.44
Ending Balance	25,105.44

9:30 PM  
16/06/14

**Maffra Recreation Reserve**  
**Reconciliation Summary**  
**Bendigo Bank - General Account, Period Ending 31/07/2019**

	<u>Jul 31, 19</u>
Beginning Balance	20,093.88
Cleared Transactions	
Cheques and Payments - 7 items	-5,008.09
Deposits and Credits - 13 items	<u>4,427.24</u>
Total Cleared Transactions	<u>-580.85</u>
Cleared Balance	<u>19,513.03</u>
Uncleared Transactions	
Deposits and Credits - 2 items	<u>1,609.22</u>
Total Uncleared Transactions	<u>1,609.22</u>
Register Balance as of 31/07/2019	<u>21,122.25</u>
Ending Balance	21,122.25

9:25 PM  
16/06/14  
Cash Basis

## Maffra Recreation Reserve Profit & Loss

Jul 19 July 2019

Income	
Electricity contributions	
Poultry Club	384
Total Electricity contributions	384
Interest Received (Bendigo)	3
Rentals	
Camping (Kennel Club)	564
Kennel Club	622
Maffra Football & Netball Club	2,522
Maffra Lions Club	164
McKay Lease	273
Poultry Club	457
Total Rentals	4,602
Total Income	4,989
Expense	
Fuel and Oil	
Tractor/ Ride-On (MG Trading)	129
Total Fuel and Oil	129
Repairs and Maintenance	
Equipment (Toilets)	40
Grounds (Brown Wigg)	51
Grounds (Murray Goulburn)	12
Tractor (Service)	427
Total Repairs and Maintenance	530
Signwriting	127
Waste Removal (Maffra Waste)	160
Water Rates (Gippsland Water)	426
Total Expense	1,372
Net Income	3,617



## D. URGENT BUSINESS



## E. FURTHER GALLERY AND CHAT ROOM 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 the Mayor will respond to you in writing within one week if required, 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*

CHAT ROOM –

GALLERY COMMENTS –

Meeting declared closed at: pm

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



**F. CONFIDENTIAL ATTACHMENT/S**

# **F. CONFIDENTIAL ATTACHMENT/S**

**ITEM F1.1 AUDIT & RISK COMMITTEE MEETING 6 SEPTEMBER 2019 (Refer to Agenda Item C2.2)**



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

**ORDINARY COUNCIL MEETING  
1 OCTOBER 2019**

On this 9<sup>th</sup> day of September 2019, in accordance with Section 77 Clause (2)(c) of the *Local Government Act 1989*; I, Arthur Skipitaris (Delegate) declare that the information contained in the attached document **AUDIT & RISK COMMITTEE MINUTES 6 SEPTEMBER 2019** is confidential because it relates to the following grounds under Section 89(2) of the *Local Government Act 1989*:

- f) legal advice
- h) any other matter which the Council or special committee considers would prejudice the Council or any person.

.....  
General Manager Corporate Services (Delegate)

**ITEM F1.2 CONTRACT 2020-010 PINE LODGE RECREATION RESERVE TENNIS COURT RENEWAL CONFIDENTIAL TENDER EVALUATION REPORT (Refer to Agenda Item C4.1)**



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

**ORDINARY COUNCIL MEETING  
1 OCTOBER 2019**

On this 25<sup>th</sup> day of September 2019, in accordance with Section 77 Clause (2)(c) of the *Local Government Act 1989*; I, Chris Hastie, General Manager Built and Natural Environment, declare that the information contained in the attached document **ITEM F1.2 CONTRACT 2020-010 PINE LODGE RECREATION RESERVE TENNIS COURT RENEWAL CONFIDENTIAL TENDER EVALUATION REPORT** is confidential because it relates to the following grounds under Section 89(2) of the *Local Government Act 1989*:

c) contractual matters

.....  
General Manager Built and Natural Environment



## **G. IN CLOSED SESSION**

### **COUNCILLOR**

*That the meeting be closed to the public pursuant to Section 89(2) of the Local Government Act 1989 to consider:*

- a) personnel matters*
- b) the personal hardship of any resident or ratepayer*
- c) industrial matters*
- d) contractual matters*
- e) proposed developments*
- f) legal advice*
- g) matters affecting the security of Council property*
- h) any other matter which the Council or special committee considers would prejudice the Council or any person*

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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.*