



# WELLINGTON

## SHIRE COUNCIL

*The Heart of Gippsland*

### Resolutions in Brief

**To be read in conjunction with Ordinary Council Meeting Agenda  
20 December 2016**

#### **PRESENT**

Councillor – Carolyn Crossley – Mayor  
Councillor – Alan Hall – Deputy Mayor  
Councillor - Malcolm Hole  
Councillor – Scott Rossetti  
Councillor – Gayle Maher  
Councillor – Ian Bye  
Councillor – Garry Stephens  
Councillor – Keith Mills

#### **IN ATTENDANCE**

David Morcom – Chief Executive Officer  
Glenys Butler – General Manager Community & Culture  
Ian Carroll – Acting General Manager Corporate Services  
Chris Hastie – General Manager Built and Natural Environment  
John Websdale - General Manager Development  
Emily Dunn – Acting Governance Officer

#### **APOLOGY**

Councillor – Darren McCubbin

# ORDINARY MEETING OF COUNCIL – 20 DECEMBER 2016

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

To adopt the minutes of the Ordinary Council Meetings of 18 October 2016 and 6 December 2016 as tabled.

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

*That Council adopt the minutes and resolutions of the Ordinary Council Meetings of 18 October 2016 and 6 December 2016 as tabled.*

**COUNCILLOR HOLE / COUNCILLOR ROSSETTI**

*That Council adopt the minutes and resolutions of the Ordinary Council Meetings of 18 October 2016 and 6 December 2016 as tabled.*

**CARRIED****ITEM A5****BUSINESS ARISING FROM PREVIOUS MINUTES**

NIL

**ITEM A6****ACCEPTANCE OF LATE ITEMS**

NIL

**ITEM A7****NOTICE OF MOTION/S**

NIL

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

NIL

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

NIL

**OBJECTIVE**

To present Council with a petition in relation to ceasing the privatisation of Gumnuts.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

Courtney Mraz, Head Petitioner

Spoke to Council regarding the petition submitted opposing the privatisation of Gumnuts

- Parent of children attending Gumnuts, seeking Council's support to form a new committee and not have the operations moved to another provider

**RECOMMENDATION**

***That Council receive the attached petition in relation to ceasing the privatisation of Gumnuts***

**COUNCILLOR BYE / COUNCILLOR MAHER**

***That:***

- 1. Council receive the attached petition in relation to ceasing the privatisation of Gumnuts Early Learning Centre;***
- 2. Council forward the petition on to the Gumnut Committee of Management; and***
- 3. The Chief Executive Officer write to the head petitioner with the following information:***

***"Wellington Shire Council has been providing support to the Gumnuts Committee of Management to address ongoing issues that are having significant impact on the ability of the centre to meet governance and service requirements. In October 2016 the Gumnuts Committee of Management requested support from Council and the Department of Education and Training to undertake a tender process to enable transition of the centre to an Early Years Management provider. Early Years Management is a model that builds on the Kindergarten Cluster Management model acknowledging and supporting the inclusion of a range of early childhood service types. This service model provides committees of management and employees with support and supervision.***

***As the owner of the Gumnuts facility at 305 Raglan St Sale, Wellington Shire Council must ensure that any group involved in the management structure for the centre have the necessary skills and experience to address the current gaps in the governance model and comply with all licencing and regulatory requirements.***

***Council will continue to work with the Committee of Management to achieve an outcome that provides the highest standards of education and care for children and families using the centre."***

**CARRIED**

**ITEM A8(3)****RESPONSE TO PETITION: REMOVAL OF HAND RAIL ON  
GANGWAY NEXT TO McLOUGHLIN'S BEACH BOAT RAMP****OBJECTIVE**

To consider and respond to a petition from users of the McLoughlins Beach Boat Ramp regarding boats drifting under the southern gangway, received at its meeting on 16 August 2016.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

Wayne Webster, President of Resident and Rate Payers Association, McLoughlin's Beach Spoke to Council regarding the following;

- Referred to the initial petition and safety concerns of keeping the hand rail
- Provided a quote for proposed works to engineer a solution

**RECOMMENDATION**

*That:*

1. *Council authorise the Chief Executive Officer to arrange for the installation of bollards at approximately 1.5m centres as detailed in option 2 of this report, to prevent boats drifting under the McLoughlins Beach Boat Ramp southern gangway.*
2. *The Chief Executive Officer write to the head petitioner to advise of Councils decision in relation to this matter.*

**COUNCILLOR MAHER**

*That Council lift the petition regarding the removal of handrail on the gangway next to McLoughlin's Beach Boat Ramp from the table.*

**CARRIED**

**COUNCILLOR MAHER / COUNCILLOR STEPHENS**

*That:*

1. *Council authorise the Chief Executive Officer to arrange for the installation of bollards at approximately 1.5m centres as detailed in option 2 of this report, to prevent boats drifting under the McLoughlins Beach Boat Ramp southern gangway.*
2. *The Chief Executive Officer monitor the effectiveness of the installation of bollards as detailed in option 2 of this report, and advise Council of any feedback after the summer season.*
3. *The Chief Executive Officer write to the head petitioner to advise of Councils decision in relation to this matter.*

**CARRIED**

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

NIL

**ITEM A10****QUESTIONS ON NOTICE**

NIL

**ITEM A11(1)****MAYOR'S REPORT****RECOMMENDATION**

*That the Mayor's report be noted.*

**COUNCILLOR ROSSETTI / COUNCILLOR STEPHENS**

*That the Mayor's report be noted as amended.*

**CARRIED**

**ITEM B****DELEGATES REPORT**

Timber Industry Council Meeting November 2016  
Municipal Association Victoria Meeting November 2016

**COUNCILLOR HALL / COUNCILLOR STEPHENS**

*That the verbal delegates report be noted*

**CARRIED**

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

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

**COUNCILLOR ROSSETTI / COUNCILLOR BYE**

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

**CARRIED**

**ITEM C1.2****NOVEMBER 2016 PERFORMANCE REPORT****OBJECTIVE**

For Council to receive and note the November 2016 Council Performance Report.

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

*That Council receive and note the November 2016 Council Performance Report as attached.*

**COUNCILLOR HOLE / COUNCILLOR ROSSETTI**

*That Council receive and note the November 2016 Council Performance Report as attached.*

**CARRIED**

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

To report on all assembly of Councillor records received during the period 29 November 2016 to 13 December 2016.

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

*That Council note and receive the attached Assembly of Councillor records received during the period 29 November 2016 to 13 December 2016.*

**COUNCILLOR ROSSETTI / COUNCILLOR HALL**

*That Council note and receive the attached Assembly of Councillor records received during the period 29 November 2016 to 13 December 2016.*

**CARRIED****ITEM C2.2****MAYORAL AND COUNCILLOR ALLOWANCES REVIEW****OBJECTIVE**

For Council to resolve to advertise the review of the Mayoral and Councillor allowances in accordance with Section 74(1) of the *Local Government Act 1989* and seek public submissions in accordance with Section 223 of the *Local Government Act 1989*.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**



## RECOMMENDATION

***That:***

- 1. Council give public notice that it has reviewed the Mayoral and Councillor allowances in accordance with Section 74(1) of the Local Government Act 1989, and is proposing that the following allowances be set for the term of office of the current Council with adjustments to be applied in accordance with Category 2 Councils gazetted changes and superannuation guarantee percentage changes:***
  - a) the Mayoral allowance be set at \$76,521 plus the equivalent related percentage for the superannuation guarantee; and***
  - b) the Councillor allowance be set at \$24,730 plus the equivalent related percentage for the superannuation guarantee, and***
- 2. Council consider submissions on the proposed Mayoral and Councillor allowances at a Council Meeting on Tuesday 7 February 2017 at 3pm, and***
- 3. Council consider the adoption of the reviewed Mayoral and Councillor allowances at a Council meeting to be held on 21 February 2017 at 6pm.***

## COUNCILLOR HALL / COUNCILLOR HOLE

***That:***

- 1. Council give public notice that it has reviewed the Mayoral and Councillor allowances in accordance with Section 74(1) of the Local Government Act 1989, and is proposing that the following allowances be set for the term of office of the current Council with adjustments to be applied in accordance with Category 2 Councils gazetted changes and superannuation guarantee percentage changes:***
  - a) the Mayoral allowance be set at \$76,521 plus the equivalent related percentage for the superannuation guarantee; and***
  - b) the Councillor allowance be set at \$24,730 plus the equivalent related percentage for the superannuation guarantee, and***
- 2. Council consider submissions on the proposed Mayoral and Councillor allowances at a Council Meeting on Tuesday 7 February 2017 at 3pm, and***
- 3. Council consider the adoption of the reviewed Mayoral and Councillor allowances at a Council meeting to be held on 21 February 2017 at 6pm.***

**CARRIED**

## ITEM C4.1

## CONSTRUCTION PROJECTS – DELEGATED AUTHORITY

### OBJECTIVE

The purpose of this report is to request Council to delegate authority to the Chief Executive Officer to enter into contracts for the following projects:

- 2016-036 Rosedale Streetscape Works;
- 2016-054 Rosedale – Flynn's Creek Road Reconstruction;
- 2016-058 Pearson Street – Simpson Street, Sale Reconstruction; and
- 2016-065 Pearson Street, Maffra Reconstruction.

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

### **RECOMMENDATION**

***That:***

- 1. Council authorise the Chief Executive Officer to enter into contracts within budget for the 2016-036 Rosedale Streetscape Works and the 2016-054 Rosedale – Flynn's Creek Road Reconstruction and the 2016-058 Pearson Street – Simpson Street Reconstruction, Sale and the 2016-065 Pearson Street, Maffra Reconstruction.***
- 2. That the Chief Executive Officer provide Council with further details when the 2016-036 Rosedale Streetscape Works and the 2016-054 Rosedale – Flynn's Creek Road Reconstruction and the 2016-058 Pearson Street – Simpson Street Reconstruction, Sale and the 2016-065 Pearson Street Reconstruction, Maffra contracts have been awarded.***

### **COUNCILLOR ROSSETTI / COUNCILLOR STEPHENS**

***That:***

- 1. Council authorise the Chief Executive Officer to enter into a contract within budget for the 2016-058 Pearson Street – Simpson Street Reconstruction.***
- 2. That the Chief Executive Officer provide Council with further details when the 2016-058 Pearson Street – Simpson Street Reconstruction, Sale contract has been awarded.***

**CARRIED**

## **ITEM C4.2**

## **2016-016 PORT OF SALE PRECINCT CIVIL WORKS**

### **OBJECTIVE**

The objective of this report is for Council to consider entering into a contract 2016 - 016 for the Port of Sale Precinct Civil Works.

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

## **RECOMMENDATION**

**That**

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.1 of the Council Meeting Agenda for Contract 2016-016 Port of Sale Precinct Civil Works;**
- 2. The information contained in the confidential document Item F1.1 Contract 2016-016 Port of Sale Precinct Civil Works of this Council Meeting be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 14 December 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) Contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public.**

**COUNCILLOR BYE / COUNCILLOR MAHER**

**That**

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.1 of the Council Meeting Agenda for Contract 2016-016 Port of Sale Precinct Civil Works;**
- 2. The information contained in the confidential document Item F1.1 Contract 2016-016 Port of Sale Precinct Civil Works of this Council Meeting be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 14 December 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) Contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public.**

**CARRIED**

**Councillor Bye announced the successful tenderer as Contula Constructions Pty Ltd**

**OBJECTIVE**

The objective of this report is for Council to consider entering into a contract 2016-018 for the Port of Sale Precinct Building Works.

**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 2016-018 Port of Sale Precinct Building Works;**
- 2. The information contained in the confidential document Item F1.2 Contract 2016-018 Port of Sale Precinct Building Works of this Council Meeting be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 14 December 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) Contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public.**

**COUNCILLOR MAHER / COUNCILLOR STEPHENS**

*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 2016-018 Port of Sale Precinct Building Works;**
- 2. The information contained in the confidential document Item F1.2 Contract 2016-018 Port of Sale Precinct Building Works of this Council Meeting be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 14 December 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) Contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public.**

**CARRIED**

***The Mayor announced the successful tenderer as D.J Young Constructions Pty Ltd***

#### ITEM C4.4

#### MARLEY STREET NORTH SPECIAL CHARGE STREET CONSTRUCTION SCHEME – INTENTION TO DECLARE SCHEME

#### OBJECTIVE

To consider the proposed Marley Street Special Charge Street Construction Scheme Number 1604 for declaration as a Special Charge Scheme for the section of Marley Street between Macarthur and Raglan Streets in Sale.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

*That:*

- 1. Council commences the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing the section of Marley Street between Macarthur and Raglan Streets in Sale and providing any ancillary works including drainage and footpaths.***
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, directs that a public notice be given in the Gippsland Times newspaper of the intention of Council to declare the scheme at its ordinary meeting to be held on 4 April 2017 in accordance with the proposed declaration of Special Charge Scheme Number 1604 in the form of this resolution for the full construction of the section of Marley Street between Macarthur and Raglan Streets in the township of Sale.***
- 3. Council directs that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of a Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 4 April 2017, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.***
- 4. Council appoints three Councillors plus an alternative to form the 'Marley Street North Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions.***

5. *That Scheme Number 1604 for construction of the section of Marley Street between Macarthur and Raglan Streets, Sale as presented to this meeting be adopted and a Special Charge for the scheme commences 4 April 2017 and remain in force for a period of ten years.*
6. *The Special Charge be declared for the purpose of defraying costs associated with street construction (including drainage) which Council considers will be of benefit to those property owners required to pay the special charge.*
7. *The following be specified as the land in relation to which the special charges is so declared: All properties abutting the section of Marley Street between Macarthur and Raglan Streets, within the township of Sale intended to be included in the scheme as defined on the plan attached to this report. (Attachment 1)*
8. *The following be specified as the criteria which forms the basis of the special charge so declared:-*
  - *Properties will derive special benefit due to construction of the roads and streets*
  - *Reduction in dust*
  - *Enhance the amenity and character of the land and local area*
  - *Creation of improved riding surfaces for the street*
  - *Improved access and egress from properties*
  - *Improved road drainage*
  - *Improved road safety for motorists, cyclists and pedestrians*
9. *That pursuant to Clause (2) of Section 163 of the Local Government Act 1989, Council resolves:-*
  - (a) *The total amount of the special charge to be levied is \$885,000*
  - (b) *The criteria used as a basis for declaring the special charge are:*
    - *Improved amenity for properties in the area defined by the scheme boundary.*
    - *Improved road safety for properties and the community in the area defined by the scheme boundary.*

*That for the purposes of Clause (2A) of Section 163 of the Local Government Act 1989 the total amount of the special charge to be levied will not exceed the amount calculated in accordance with the formula  $S = R \times C$*

*Where S = The maximum total amount that may be levied from all persons who are liable to pay the special charges.*

*R = The Benefit Ratio pursuant to Clause (2B) of Section 163 of the Act  
and C = The cost of the scheme*

***That for the purposes of Clause (2B) of Section 163 of the Local Government Act 1989, the Benefit Ratio R shall have a value of 0.30.***

- (c) One half of the cost is to be apportioned to all properties included in the scheme on the basis of each property having abuttal to the street to be constructed under the scheme will be apportioned one (1) Access Benefit Unit (ABU).***
- (d) One half of the cost will be apportioned on the basis of abuttal length for each property. Abuttal length for the purpose of this scheme is defined as the actual frontage, one third sideage and one half rearage (including any extensions to these dimensions associated with corner splays) for every property scheme. The amount to be charged to each property for abuttal will be the product of the abuttal length of the property divided by the total abuttal length for the scheme multiplied by half the cost.***

***10. Having regard to the preceding parts of this resolution, it be recorded that:***

- 1. The owners of the properties described in the scheme document entitled "Marley Street – North - Special Charge Street Construction Scheme Number 1604" are liable for the respective amounts set out in the scheme document. Council will be contributing 70% of the scheme costs.***
- 2. Such owners may, subject to any further resolution by Council, pay the special charge per property/title in accordance with the following:***
  - a) The full amount within 45 days of invoice or***
  - b) Payment may be made over 20 quarterly instalments (5 years) including interest or,***
  - c) Payment may be made over 40 quarterly instalments (10 years) including interest.***

***11. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of this declaration in accordance with Sections 163 and 223 of the Local Government Act 1989.***

***12. The Chief Executive Officer, General Manager Built & Natural Environment and Manager Assets and Projects or the person for the time being acting in that position, be authorized to carry out all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163 (1A), (1B) and (1C) and sections 163B and 223 of the Act.***

**COUNCILLOR ROSSETTI / COUNCILLOR HOLE**

***That:***

- 1. Council commences the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing the section of Marley Street between Macarthur and Raglan Streets in Sale and providing any ancillary works including drainage and footpaths.***
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, directs that a public notice be given in the Gippsland Times newspaper of the intention of Council to declare the scheme at its ordinary meeting to be held on 4 April 2017 in accordance with the proposed declaration of Special Charge Scheme Number 1604 in the form of this resolution for the full construction of the section of Marley Street between Macarthur and Raglan Streets in the township of Sale.***



- 3. Council directs that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of a Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 4 April 2017, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.**
- 4. Council appoints Cr McCubbin, Cr Bye, Cr Crossley plus an alternative Cr Stephens to form the 'Marley Street North Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions.**
- 5. That Scheme Number 1604 for construction of the section of Marley Street between Macarthur and Raglan Streets, Sale as presented to this meeting be adopted and a Special Charge for the scheme commences 4 April 2017 and remain in force for a period of ten years.**
- 6. The Special Charge be declared for the purpose of defraying costs associated with street construction (including drainage) which Council considers will be of benefit to those property owners required to pay the special charge.**
- 7. The following be specified as the land in relation to which the special charges is so declared: All properties abutting the section of Marley Street between Macarthur and Raglan Streets, within the township of Sale intended to be included in the scheme as defined on the plan attached to this report. (Attachment 1)**
- 8. The following be specified as the criteria which forms the basis of the special charge so declared:-**
  - Properties will derive special benefit due to construction of the roads and streets**
  - Reduction in dust**
  - Enhance the amenity and character of the land and local area**
  - Creation of improved riding surfaces for the street**
  - Improved access and egress from properties**
  - Improved road drainage**
  - Improved road safety for motorists, cyclists and pedestrians**
- 9. That pursuant to Clause (2) of Section 163 of the Local Government Act 1989, Council resolves:-**
  - (c) The total amount of the special charge to be levied is \$885,000**
  - (d) The criteria used as a basis for declaring the special charge are:**
    - Improved amenity for properties in the area defined by the scheme boundary.**
    - Improved road safety for properties and the community in the area defined by the scheme boundary.**



***That for the purposes of Clause (2A) of Section 163 of the Local Government Act 1989 the total amount of the special charge to be levied will not exceed the amount calculated in accordance with the formula  $S = R \times C$***

***Where S = The maximum total amount that may be levied from all persons who are liable to pay the special charges.***

***R = The Benefit Ratio pursuant to Clause (2B) of Section 163 of the Act***

***and C = The cost of the scheme***

***That for the purposes of Clause (2B) of Section 163 of the Local Government Act 1989, the Benefit Ratio R shall have a value of 0.30.***

***(e) One half of the cost is to be apportioned to all properties included in the scheme on the basis of each property having abuttal to the street to be constructed under the scheme will be apportioned one (1) Access Benefit Unit (ABU).***

***(f) One half of the cost will be apportioned on the basis of abuttal length for each property. Abuttal length for the purpose of this scheme is defined as the actual frontage, one third sideage and one half rearage (including any extensions to these dimensions associated with corner splays) for every property scheme. The amount to be charged to each property for abuttal will be the product of the abuttal length of the property divided by the total abuttal length for the scheme multiplied by half the cost.***

***10. Having regard to the preceding parts of this resolution, it be recorded that:***

- 1. The owners of the properties described in the scheme document entitled "Marley Street – North - Special Charge Street Construction Scheme Number 1604" are liable for the respective amounts set out in the scheme document. Council will be contributing 70% of the scheme costs.***
- 2. Such owners may, subject to any further resolution by Council, pay the special charge per property/title in accordance with the following:***
  - d) The full amount within 45 days of invoice or***
  - e) Payment may be made over 20 quarterly instalments (5 years) including interest or,***
  - f) Payment may be made over 40 quarterly instalments (10 years) including interest.***

***11. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of this declaration in accordance with Sections 163 and 223 of the Local Government Act 1989.***

***12. The Chief Executive Officer, General Manager Built & Natural Environment and Manager Assets and Projects or the person for the time being acting in that position, be authorized to carry out all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163 (1A), (1B) and (1C) and sections 163B and 223 of the Act.***

***CARRIED***

## ITEM C4.5

## BRADYS BRIDGE REPLACEMENT

### OBJECTIVE

For Council to authorise the replacement of Brady's Bridge (Attachment 1) with a pedestrian bridge.

### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

Meryl Edwards, Stephenson's Street / Maxfields Road Resident

Spoke to Council regarding her ongoing frustrations with the replacement of Brady's Bridge

- Concerned that Council do not fully understand the impact of replacing Brady's Bridge with a pedestrian bridge only.
- Believes the consultation process between the community and Council was not as effective as it could have been.
- Concerned about the difference in costs quoted to replace the bridge.

Ernest Edwards, Sale Resident

Spoke to Council regarding the replacement of Brady's Bridge

- Voiced concerns about property access in times of floods if the vehicular bridge is not replaced.
- Believes the consultation process between the community and Council was not as effective as it could have been.

Trevor Tucker, Stephenson's Street / Maxfields Road Resident

Spoke to Council regarding his ongoing frustrations with the replacement of Brady's Bridge

- Opposes any decision to replace Brady's Bridge with anything but a vehicular bridge.
- Believes Council did not appropriately maintain the bridge when it was open.
- Believes the consultation process between the community and Council was not as effective as it could have been.
- Responded to each of the options in the Council report.

John McLinden, Longford Resident

Spoke to Council regarding;

- Concerned that Council funds have been spent on the Desailly Street upgrade when they could have been put into upgrading Brady's Bridge

### RECOMMENDATION

***That Council authorise the replacement of Brady's Bridge with a pedestrian bridge as part of the 2016/17 Capital Works Program.***

**COUNCILLOR MILLS / COUNCILLOR BYE**

***That Council authorise the replacement of Brady's Bridge with a pedestrian bridge as part of the 2016/17 Capital Works Program.***

**CARRIED**

**ITEM C4.6****ROAD DISCONTINUANCE AND ROAD EXCHANGE– PART OF  
UNUSED GOVERNMENT ROAD AND ABUTTING CROWN  
ALLOTMENTS 8 AND 8A, SECTION A, PARISH OF COWA, AT  
DARGO****OBJECTIVE**

The objective of this report is for Council to consider the discontinuance of a section of an unused Government Road and to exchange this land for a new road between Crown Allotment 8 and 8A Parish of Cowa.

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

*That:*

- 1. Pursuant to Section 206 including Clauses 2 & 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolves to advertise its intention to discontinue the section of unused Government road between Crown Allotments 8 and 8A Section A, Parish of Cowa in exchange for a portion of Crown Allotment 8A Section A, Parish of Cowa;*
- 2. Council places a public notice of the proposed discontinuance of the section of unused Government road in local newspapers and serve a copy of the notice on abutting property owners and statutory authorities;*
- 3. In the event of receiving no objections, Council resolves to discontinue the section of unused Government Road and to exchange the section of road for a portion of Crown Allotment 8A Section A, Parish of Cowa and to place a notice in the Victoria Government Gazette;*
- 4. Council proceed with the road exchange in accordance with Wellington Shire Council policy 4.3.6 Sale, Exchange and Acquisition of Land.*

**COUNCILLOR ROSSETTI / COUNCILLOR MAHER**

*That:*

- 1. Pursuant to Section 206 including Clauses 2 & 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolves to advertise its intention to discontinue the section of unused Government road between Crown Allotments 8 and 8A Section A, Parish of Cowa in exchange for a portion of Crown Allotment 8A Section A, Parish of Cowa;*
- 2. Council places a public notice of the proposed discontinuance of the section of unused Government road in local newspapers and serve a copy of the notice on abutting property owners and statutory authorities;*
- 3. In the event of receiving no objections, Council resolves to discontinue the section of unused Government Road and to exchange the section of road for a portion of Crown Allotment 8A Section A, Parish of Cowa and to place a notice in the Victoria Government Gazette;*
- 4. Council proceed with the road exchange in accordance with Wellington Shire Council policy 4.3.6 Sale, Exchange and Acquisition of Land.*

**CARRIED**

**ITEM C5.1****GIPPSLAND ART GALLERY ADVISORY GROUP MINUTES****OBJECTIVE**

That Council receive the minutes from the Gippsland Art Gallery Advisory Group meeting held on 3 October 2016.

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

*That Council receive the minutes of the Gippsland Art Gallery Advisory Group meeting held on 3 October 2016.*

**COUNCILLOR MAHER / COUNCILLOR BYE**

*That Council receive the minutes of the Gippsland Art Gallery Advisory Group meeting held on 3 October 2016.*

**CARRIED**

**ITEM C5.2****GORDON STREET RECREATION RESERVE COMMITTEE OF MANAGEMENT MINUTES AND MEMBERSHIP****OBJECTIVE**

For Council to:

- receive the minutes, including audited financials, from the Gordon Street Recreation Reserve Committee of Management's Annual General Meeting held on 25 July 2016 and the minutes from the Ordinary Meeting held on 29 August 2016; and
- receive the minutes, including financials, from the Gordon Street Recreation Reserve Committee of Management's Ordinary Meeting held on 24 October 2016;
- amend the current Gordon Street Recreation Reserve Committee of Management Terms of Reference to reflect a membership including the Heyfield Junior Netball Club; and
- appoint the nominated Heyfield Junior Netball Club representative to the Gordon Street Recreation Reserve Committee of Management, as detailed in the attached confidential report, for the remainder of the 3 year period, ending 18 December 2018.

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

**That:**

1. ***Council receive the minutes, including audited financials, from the Gordon Street Recreation Reserve Committee of Managements Annual General Meeting held on 25 July 2016 and the minutes from the Ordinary Meeting held on 29 August 2016; and***
2. ***Council receive the minutes, including financials, from the Gordon Street Recreation Reserve Committee of Management's Ordinary Meeting held on 24 October 2016.***
3. ***Council amend the current Gordon Street Recreation Reserve Section 86 Committee of Management Terms of Reference to reflect a membership including the Heyfield Junior Netball Club;***

4. ***Council appoint the nominated Heyfield Junior Netball Club representative as detailed in the attached confidential report to the Gordon Street Recreation Reserve Section 86 Committee of Management;***
5. ***The information contained in the confidential attachment Item F1.3 Gordon Street Recreation Reserve Section 86 Committee of Management Membership of 25 November 2015 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 Community and Culture on 2 December 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person;  
be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989.***

**COUNCILLOR HOLE / COUNCILLOR ROSSETTI**

***That:***

1. ***Council receive the minutes, including audited financials, from the Gordon Street Recreation Reserve Committee of Managements Annual General Meeting held on 25 July 2016 and the minutes from the Ordinary Meeting held on 29 August 2016; and***
2. ***Council receive the minutes, including financials, from the Gordon Street Recreation Reserve Committee of Management's Ordinary Meeting held on 24 October 2016.***
3. ***Council amend the current Gordon Street Recreation Reserve Section 86 Committee of Management Terms of Reference to reflect a membership including the Heyfield Junior Netball Club;***
4. ***Council appoint the nominated Heyfield Junior Netball Club representative as detailed in the attached confidential report to the Gordon Street Recreation Reserve Section 86 Committee of Management;***
5. ***The information contained in the confidential attachment Item F1.3 Gordon Street Recreation Reserve Section 86 Committee of Management Membership of 25 November 2015 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 Community and Culture on 2 December 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person;  
be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989.***

**CARRIED**



## D. URGENT BUSINESS

NIL



## E. FURTHER GALLERY AND CHAT ROOM COMMENTS

John McLinden

Spoke to Council about the following;

- Voiced concerns about a number of fines he has been issued for not slashing his block of land
- Tributed a local hero who has recently passed away – Peter Counahan

Meeting Closed 7.40pm



## G. IN CLOSED SESSION

### **COUNCILLOR HOLE / COUNCILLOR STEPHENS**

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

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

**CARRIED**

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**IN CLOSED SESSION**

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### **COUNCILLOR ROSSETTI / COUNCILLOR STEPHENS**

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

**CARRIED**