



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

Resolutions in Brief

To be read in conjunction with the Agenda 15 December 2015

PRESENT

Councillor – Darren McCubbin – Mayor
Councillor – Malcolm Hole
Councillor – John Duncan
Councillor – Scott Rossetti
Councillor – Patrick McIvor
Councillor – Emilie Davine
Councillor – Peter Cleary
Councillor – Carolyn Crossley
Councillor – Bob Wenger

IN ATTENDANCE

David Morcom – Chief Executive Officer
John Websdale – General Manager Development
Glenys Butler – General Manager Community and Culture
Arthur Skipitaris – General Manager Corporate Services
Chris Hastie – General Manager Built and Natural Environment
Trish Dean – Governance Officer

ORDINARY MEETING OF COUNCIL – 15 DECEMBER 2015

AGENDA & TABLE OF CONTENTS

	ITEM	PAGE NUMBER
A	PROCEDURAL	
A1	STATEMENT OF ACKNOWLEDGEMENT AND PRAYER	
A2	APOLOGIES - NIL	
A3	DECLARATION OF CONFLICT/S OF INTEREST – CR MCIVOR DECLARED CONFLICT ITEM C4.3 INDIRECT CLOSE ASSOCIATION	
A4	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING	
A5	BUSINESS ARISING FROM PREVIOUS MEETING/S	
A6	ACCEPTANCE OF LATE ITEMS	
A7	NOTICES OF MOTION ITEM A7(1) V-Line Black Spot Areas from Traralgon to Bairnsdale	
A8	RECEIVING OF PETITIONS OR JOINT LETTERS ITEM A8(1) Outstanding Petitions	
A9	INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS	
A10	QUESTIONS ON NOTICE ITEM 10(1) Outstanding Questions on Notice ITEM 10(2) Response to Questions on Notice	
A11	MAYOR'S REPORT A11(1) MAYOR'S REPORT	
B	REPORT OF DELEGATES ITEM B1 MAV STATE COUNCIL 2015	
C	OFFICERS' REPORT	
	C1 CHIEF EXECUTIVE OFFICER ITEM C1.1 CHIEF EXECUTIVE OFFICER REPORT ITEM C1.2 NOVEMBER 2015 PERFORMANCE REPORT	

	C2 GENERAL MANAGER CORPORATE SERVICES ITEM C2.1 ASSEMBLY OF COUNCILLORS ITEM C2.2 AUDIT COMMITTEE MINUTES ITEM C2.3 POLICY MANUAL REVIEW	
	C3 GENERAL MANAGER DEVELOPMENT ITEM C3.1 QUARTERLY STRATEGIC PLANNING UPDATE	
	C4 GENERAL MANAGER BUILT & NATURAL ENVIRONMENT ITEM C4.1 PLACE NAMES COMMITTEE ITEM C4.2 BRIDGE REPLACEMENT LOWER DARGO ROAD – ITEM C4.3 PEARSON AND SIMPSON STREETS SPECIAL CHARGE STREET CONSTRUCTION SCHEME – INTENTION TO DECLARE ITEM C4.4 ROAD CONSTRUCTION PROJECTS – DELEGATED AUTHORITY ITEM C4.5 ILM MYRTLEBANK FULHAM ROAD	
	C5 GENERAL MANAGER COMMUNITY AND CULTURE ITEM C5.1 GIPPSLAND ART GALLERY ADVISORY GROUP MINUTES ITEM C5.2 BRIAGOLONG RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP ITEM C5.3 BUNDALAGUAH MYRTLEBANK PUBLIC HALL PROGRESS REPORT ITEM C5.4 GORDON STREET RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP ITEM C5.5 NEWRY RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP ITEM C5.6 MAFFRA RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP ITEM C5.7 CAMERON SPORTING COMPLEX COMMITTEE OF MANAGEMENT MEMBERSHIP ITEM C5.8 BRIAGOLONG QUARRY RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP	
D	URGENT BUSINESS	

E	FURTHER GALLERY AND CHAT ROOM COMMENTS	
F	CONFIDENTIAL ATTACHMENTS ITEM F1.1 AUDIT COMMITTEE MINUTES (REFER TO ITEM C2.3) ITEM F1.2 CONTRACT 2015-010 LOWER DARGO BRIDGE REPLACEMENT (REFER TO ITEM C4.2) ITEM F1.3 BRIAGOLONG RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP (REFER TO ITEM C5.2) ITEM F1.4 GORDON STREET RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP (REFER TO ITEM C5.4) ITEM F1.5 NEWRY RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP (REFER TO ITEM C5.5) ITEM F1.6 MAFFRA RECREATION RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP (REFER TO ITEM C5.6) ITEM F1.7 CAMERON SPORTING COMPLEX COMMITTEE OF MANAGEMENT MEMBERSHIP (REFER TO ITEM C5.7) ITEM F1.8 BRIAGOLONG QUARRY RESERVE COMMITTEE OF MANAGEMENT MEMBERSHIP (REFER TO ITEM C5.8)	
G	IN CLOSED SESSION ITEM G1.1 LAND ACQUISITION – 7 DUKE STREET ROSEDALE	

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

To adopt the minutes of the Ordinary Council Meeting of 1 December 2015 as tabled.

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

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 1 December 2015 as tabled.

COUNCILLOR ROSSETTI / COUNCILLOR WENGER

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 1 December 2015 as tabled.

CARRIED

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

NIL

ITEM A6**ACCEPTANCE OF LATE ITEMS**

COUNCILLOR ROSSETTI / COUNCILLOR CLEARY

That Item G1.1 Land Acquisition – 7 Duke Street Rosedale be accepted as a late item and to be discussed in closed session.

CARRIED

ITEM A7(1)**NOTICE OF MOTION**

I, Councillor Malcolm Hole, hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council of 15 December 2015:

That the CEO of Wellington Shire Council:-

Make contact with the Transport Minister, Jacinta Allen, and the CEO of V-Line requesting that black spot areas on the passenger trains from Traralgon to Bairnsdale be dealt with at the same time as the Dandenong to Traralgon sector.

ALTERNATIVE MOTION

COUNCILLOR HOLE / COUNCILLOR ROSSETTI

That the CEO of Wellington Shire Council:-

Make contact with the Transport Minister, Jacinta Allen, and the CEO of V-Line requesting that black spot areas on the passenger trains from Traralgon to Bairnsdale be eliminated at the same time as the Dandenong to Traralgon sector.

CARRIED

ITEM A8 RECEIVING OF JOINT LETTERS OR PETITIONS

NIL

ITEM A8(1) OUTSTANDING PETITIONS

NIL

ITEM A9 INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

Councillor Crossley presented a memento from the opening of the time capsule. The time capsule was placed in a pillar at the former Council offices 21 years ago by Mr Bruce Warr who was Mayor at the time of amalgamation.

ITEM A10 QUESTIONS ON NOTICE

NIL

ITEM A10(1) OUTSTANDING QUESTIONS ON NOTICE

ITEM	FROM MEETING	COMMENTS	ACTION BY
TAFE Rescue Funds	4 November 2015	Response to the question on notice will be provided at the Ordinary Council Meeting to be held on 15 December 2015	Chief Executive Officer

ITEM A10(2)**RESPONSE TO QUESTION ON NOTICE**

At the 4 November 2015 Council Meeting, Councillor McIvor asked the following Question on Notice:

“The Victorian Government has committed to make Victoria the “Education State”, promising to deliver a \$320 million TAFE Rescue Fund. Can the CEO please provide council with an update on our local Federation Training campus noting how much of the TAFE rescue fund has been spent, what the effect of this spending is, the enrolment and completion rates at Federation Training’s campuses compared with other comparable institutions across Victoria and future directions.

The following information is supplied in response.

15 December 2015

“Council has contacted Federation Training seeking a response to a number of the points raised as these matters are not able to be answered without their input. It is anticipated that we will have a response for Council’s first meeting in 2016”

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

That the Mayor’s Report be noted.

COUNCILLOR McIVOR / COUNCILLOR DUNCAN

That the Mayor’s Report be noted.

CARRIED

DELEGATE REPORT B1 MAV STATE COUNCIL 2015**RECOMMENDATION**

That the Delegates Report be noted.

COUNCILLOR HOLE / COUNCILLOR CLEARY

That the Delegates Report be noted.

CARRIED

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

That the Chief Executive Officer's Report be received.

COUNCILLOR CROSSLEY / COUNCILLOR WENGER

That the Chief Executive Officer's Report be received.

CARRIED

ITEM C1.2**NOVEMBER 2015 PERFORMANCE REPORT****OBJECTIVE**

For Council to receive and note the November 2015 Council Performance Report.

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

That Council receive and note the November 2015 Council Performance Report as attached.

COUNCILLOR CLEARY / COUNCILLOR CROSSLEY

That Council receive and note the November 2015 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 24 November 2015 to 8 December 2015.

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

That Council note and receive the attached Assembly of Councillors records received during the period 24 November 2015 to 8 December 2015.

COUNCILLOR DAVINE / COUNCILLOR ROSSETTI

That Council note and receive the attached Assembly of Councillors records received during the period 24 November 2015 to 8 December 2015.

CARRIED

OBJECTIVE

To receive and note the minutes of the Audit Committee meeting held on 23 November 2015.

RECOMMENDATION

That:

- 1. Council receive and note the minutes in brief (Attachment 1) and the confidential attachment at Item F1.1 Audit Committee Minutes of 23 November 2015; and**
- 2. The information contained in the confidential attachment Item F1.1 Audit Committee Minutes of 23 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 Corporate Services on 16 November 2015 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: e) proposed developments; 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.**

COUNCILLOR DUNCAN / COUNCILLOR McIVOR

That:

- 1. Council receive and note the minutes in brief (Attachment 1) and the confidential attachment at Item F1.1 Audit Committee Minutes of 23 November 2015; and**
- 2. The information contained in the confidential attachment Item F1.1 Audit Committee Minutes of 23 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 Corporate Services on 16 November 2015 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: e) proposed developments; 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.**

CARRIED

ITEM C2.3**ANNUAL COUNCIL POLICY MANUAL REVIEW****OBJECTIVE**

To review and update, where required, policies contained in Council's Policy Manual.

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

That Council revoke the existing Council Policy Manual 2014/15 and replace it with the updated Council Policy Manual 2015/16.

COUNCILLOR ROSSETTI / COUNCILLOR McIVOR

That Council revoke the existing Council Policy Manual 2014/15 and replace it with the updated Council Policy Manual 2015/16.

CARRIED

ITEM C3.1**QUARTERLY STRATEGIC LAND USE PLANNING UPDATE****OBJECTIVE**

To update Council on the strategic land use planning work program for the fourth quarter of 2015.

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

That Council receives the 2015 fourth quarterly update on the strategic land use planning work program (included in Attachment 1 to the report).

COUNCILLOR McIVOR / COUNCILLOR WENGER

That Council receives the 2015 fourth quarterly update on the strategic land use planning work program (included in Attachment 1 to the report).

CARRIED

ITEM C4.1**PLACE NAMES COMMITTEE - MINUTES****OBJECTIVE**

The purpose of this report is for Council to receive the minutes from the Place Names Committee meeting held on 17 November 2015 and to consider the recommendations from that meeting.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council receive and note the minutes of the Place Names Committee meeting held on 17 November 2015.***
- 2. Arising from the Place Names Committee meeting of 17 November 2015, Council adopt the following recommendation:***

Following a developer request for a road name in a proposed subdivision in Maffra, the name "Currawong Drive" be approved.

COUNCILLOR DAVINE / COUNCILLOR CROSSLEY

That:

- 1. Council receive and note the minutes of the Place Names Committee meeting held on 17 November 2015.***
- 2. Arising from the Place Names Committee meeting of 17 November 2015, Council adopt the following recommendation:***

Following a developer request for a road name in a proposed subdivision in Maffra, the name "Currawong Drive" be approved.

CARRIED

OBJECTIVE

The purpose of this report is for Council to consider entering into a contract to replace the Lower Dargo River Road Bridge.

RECOMMENDATION

That:

1. *Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.2 Contract 2015-009 Bridge Replacement, Lower Dargo Road; and*
2. *The information contained in the confidential document Item F1.2 Contract 2015-009 Bridge Replacement Lower Dargo Road 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 30 November 2015 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) Contractual matter; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

COUNCILLOR HOLE / COUNCILLOR WENGER

That:

1. *Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.2 Contract 2015-009 Bridge Replacement, Lower Dargo Road; and*
2. *The information contained in the confidential document Item F1.2 Contract 2015-009 Bridge Replacement Lower Dargo Road 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 30 November 2015 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) Contractual matter; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public.*

CARRIED

The Mayor announced Eastern Roads and Bridges Pty Ltd as the successful tenderer.

OBJECTIVE

To consider the proposed Pearson and Simpson Streets Special Charge Street Construction Scheme Number 1502 for declaration as a Special Charge Scheme for the section of Pearson Street between Fitzroy Street and Raglan Street and the section of Simpson Street between Reeve Street and Desailly Street in Sale.

RECOMMENDATION

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 Pearson Street between Fitzroy Street and Raglan Street and the section of Simpson Street between Reeves Street and Desailly Street 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 5 April 2016 in accordance with the proposed declaration of Special Charge Scheme Number 1502 in the form of this resolution for the full construction of the section of Pearson Street between Fitzroy Street and Raglan Street and the section of Simpson Street between Reeves Street and Desailly Street 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 5 April 2016, 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 representative to form the 'Pearson – Simpson Streets 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 be heard in support of their submissions/objections.***

5. ***That Scheme Number 1502 for construction of the section of Pearson Street between Fitzroy Street and Raglan Street and the section of Simpson Street between Reeve Street and Desailly Street, Sale as presented to this meeting be adopted and a Special Charge for the scheme commences 5 April 2015 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 Pearson Street between Fitzroy Street and Raglan Street and the section of Simpson Street between Reeve Street and Desailly Street, 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 by:-***
 - ***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 \$330,000***
 - (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 in the 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:*

(a) *The owners of the properties described in the scheme document entitled "Pearson and Simpson Streets Special Charge Street Construction Scheme Number 1502" are liable for the respective amounts set out in the scheme document. Council will be contributing 70% of the scheme costs.*

(b) *Such owners may subject to any further resolution by Council, pay the special charge per property/title in accordance with the following:*

- (i) *the full amount within 45 days of invoice or*
- (ii) *payment may be made over 20 quarterly instalments (5 years) including interest or*
- (iii) *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 authorised to carry out any and 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.*

ALTERNATIVE RECOMMENDATION

Councillor McIvor declared an indirect conflict of interest due to close association because family members own property within street scheme. Councillor McIvor left the Council Chambers at 6:40pm

COUNCILLOR ROSSETTI / COUNCILLOR CLEARY

- 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 Pearson Street between Fitzroy Street and Raglan Street and the section of Simpson Street between Reeves Street and Desailly Street 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 5 April 2016 in accordance with the proposed declaration of Special Charge Scheme Number 1502 in the form of this resolution for the full construction of the section of Pearson Street between Fitzroy Street and Raglan Street and the section of Simpson Street between Reeves Street and Desailly Street 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 5 April 2016, 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 the following three Councillors, Darren McCubbin, Malcolm Hole, Scott Rossetti and as an alternative representative, Emilie Davine to form the 'Pearson – Simpson Streets 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 be heard in support of their submissions/objections.**
- 5. That Scheme Number 1502 for construction of the section of Pearson Street between Fitzroy Street and Raglan Street and the section of Simpson Street between Reeve Street and Desailly Street, Sale as presented to this meeting be adopted and a Special Charge for the scheme commences 5 April 2015 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 Pearson Street between Fitzroy Street and Raglan Street and the section of Simpson Street between Reeve Street and Desailly Street, 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 by:-**
 - **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 \$330,000**
- (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 in the 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:

(a) The owners of the properties described in the scheme document entitled “Pearson and Simpson Streets Special Charge Street Construction Scheme Number 1502” are liable for the respective amounts set out in the scheme document. Council will be contributing 70% of the scheme costs.

(b) Such owners may subject to any further resolution by Council, pay the special charge per property/title in accordance with the following:

- (i) the full amount within 45 days of invoice or**
- (ii) payment may be made over 20 quarterly instalments (5 years) including interest or**
- (iii) 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 authorised to carry out any and 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

Councillor McIvor Returned To Council Chamber 6:47pm

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

OBJECTIVE

The purpose of this report is for Council to delegate authority to the Chief Executive Officer to enter into contracts within budget for the reconstruction of Hearthall Road, The Heart and Toongabbie – Cowwarr Road, Cowwarr and Valencia Creek – Briagolong Road widening and Victoria Street widening, Briagolong and the Unsealed Road Reconstruction Southern Area.

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

That:

- 1. Council authorise the Chief Executive Officer to enter into contracts within budget for the reconstruction of Hearthall Road, The Heart and Toongabbie – Cowwarr Road, Cowwarr and Valencia Creek – Briagolong Road widening and Victoria Street widening, Briagolong and the Unsealed Road Reconstruction Southern Area.***
- 2. That the Chief Executive Officer provide Council with further details when the reconstruction of Hearthall Road, The Heart and Toongabbie – Cowwarr Road, Cowwarr and Valencia Creek – Briagolong Road widening and Victoria Street widening, Briagolong and the Unsealed Road Reconstruction Southern Area contracts have been awarded.***

COUNCILLOR CROSSLEY / COUNCILLOR WENGER

That:

- 1. Council authorise the Chief Executive Officer to enter into contracts within budget for the reconstruction of Hearthall Road, The Heart and Toongabbie – Cowwarr Road, Cowwarr and Valencia Creek – Briagolong Road widening and Victoria Street widening, Briagolong and the Unsealed Road Reconstruction Southern Area.***
- 2. That the Chief Executive Officer provide Council with further details when the reconstruction of Hearthall Road, The Heart and Toongabbie – Cowwarr Road, Cowwarr and Valencia Creek – Briagolong Road widening and Victoria Street widening, Briagolong and the Unsealed Road Reconstruction Southern Area contracts have been awarded.***

CARRIED

ITEM C4.5**ILM - MYRTLEBANK FULHAM ROAD****OBJECTIVE**

For Council to support Myrtlebank Fulham Road as a key alternate transport route and seek Federal and State Government support to assist in attaining funding for the improvements identified through the Investment Logic Mapping process.

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

That the Chief Executive Officer write to VicRoads, outlining Council's support for Myrtlebank Fulham Road as a key alternate transport route and seek Federal and State Government support to assist in attaining funding for the improvements identified through the Investment Logic Mapping process.

ALTERNATIVE RECOMMENDATION**COUNCILLOR WENGER / COUNCILLOR CROSSLEY**

That the Chief Executive Officer write to VicRoads, confirming Councils support for Myrtlebank Fulham Road as an alternative truck route for vehicles less than 42.5 tonnes, this being the existing load limit on Council's bridge crossing the Thomson River. Further, Council would support an upgrading of an alternate truck route for vehicles in excess of 42.5 tonnes subject to VicRoads securing state and/or federal funds to upgrade Myrtlebank Fulham Road, including bridges and related infrastructure, to provide for projected increased traffic volumes.

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

To receive the minutes from the Gippsland Art Gallery Advisory Group meeting held on 2 November 2015.

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

That Council receive the minutes of the Gippsland Art Gallery Advisory Group meeting held on 2 November 2015.

COUNCILLOR DAVINE / COUNCILLOR ROSSETTI

That Council receive the minutes of the Gippsland Art Gallery Advisory Group meeting held on 2 November 2015.

CARRIED

ITEM C5.2**BRIAGOLONG RECREATION RESERVE SECTION 86 COMMITTEE
OF MANAGEMENT MEMBERSHIP****OBJECTIVE**

For Council to appoint members to the Briagolong Recreation Reserve Committee of Management for a three year period.

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

That:

1. *The information contained in the confidential attachment Item F1.3 Briagolong Recreation Reserve 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 25 November 2015 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.*
2. *Council approve the appointment of the nominated members, as outlined in the attached confidential report to the Briagolong Recreation Reserve Special Committee of Council, pursuant to the provisions of Section 86 of the Local Government Act (1989).*

COUNCILLOR CLEARY / COUNCILLOR ROSSETTI

That:

1. *The information contained in the confidential attachment Item F1.3 Briagolong Recreation Reserve 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 25 November 2015 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.*
2. *Council approve the appointment of the nominated members, as outlined in the attached confidential report to the Briagolong Recreation Reserve Special Committee of Council, pursuant to the provisions of Section 86 of the Local Government Act (1989).*

CARRIED

ITEM C5.3**BUNDALAGUAH-MYRTLEBANK PUBLIC HALL PROGRESS
REPORT****OBJECTIVE**

This report addresses the Bundalaguah-Myrtlebank Public Hall Committee of Management's (the Committee of Management) requirement under Council's Resolution of 16 July 2013 to provide a report to Council upon each anniversary of their agreement for the following three years.

The object of this report is for Council to receive the management and maintenance plan progress report, annual Chairman's report and financials as provided by the Committee of Management.

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

That Council receive the management and maintenance plan progress report, annual Chairman's report and financials as provided by the Bundalaguah-Myrtlebank Public Hall Committee of Management.

COUNCILLOR McIVOR / COUNCILLOR WENGER

That Council receive the management and maintenance plan progress report, annual Chairman's report and financials as provided by the Bundalaguah-Myrtlebank Public Hall Committee of Management.

CARRIED

OBJECTIVE

For Council to appoint members to the Gordon Street Recreation Reserve Committee of Management for a three year period.

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

That:

1. *The information contained in the confidential attachment Item F1.4 Gordon Street Recreation Reserve 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 25 November 2015 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.
2. *Council approve the appointment of the nominated members, as outlined in the attached confidential report to the Gordon Street Recreation Reserve Special Committee of Council, pursuant to the provisions of Section 86 of the Local Government Act (1989).*

COUNCILLOR HOLE / COUNCILLOR ROSSETTI

That:

1. *The information contained in the confidential attachment Item F1.4 Gordon Street Recreation Reserve 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 25 November 2015 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.
2. *Council approve the appointment of the nominated members, as outlined in the attached confidential report to the Gordon Street Recreation Reserve Special Committee of Council, pursuant to the provisions of Section 86 of the Local Government Act (1989).*

CARRIED

OBJECTIVE

For Council to appoint members to the Newry Recreation Reserve Committee of Management for a three year period.

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

That:

1. *The information contained in the confidential attachment Item F1.5 Newry Recreation Reserve 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 25 November 2015 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.*
2. *Council approve the appointment of the nominated members, as outlined in the attached confidential report to the Newry Recreation Reserve Special Committee of Council, pursuant to the provisions of Section 86 of the Local Government Act (1989).*

COUNCILLOR CROSSLEY / COUNCILLOR WENGER

That:

1. *The information contained in the confidential attachment Item F1.5 Newry Recreation Reserve 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 25 November 2015 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.*
2. *Council approve the appointment of the nominated members, as outlined in the attached confidential report to the Newry Recreation Reserve Special Committee of Council, pursuant to the provisions of Section 86 of the Local Government Act (1989).*

CARRIED

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

OBJECTIVE

For Council to appoint members to the Maffra Recreation Reserve Committee of Management for a three year period.

RECOMMENDATION

That:

1. ***The information contained in the confidential attachment Item F1.6 Maffra Recreation Reserve 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 25 November 2015 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.
2. ***Council approve the appointment of the nominated members, as outlined in the attached confidential report to the Maffra Recreation Reserve Special Committee of Council, pursuant to the provisions of Section 86 of the Local Government Act (1989).***

COUNCILLOR CROSSLEY / COUNCILLOR CLEARY

That:

1. ***The information contained in the confidential attachment Item F1.6 Maffra Recreation Reserve 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 25 November 2015 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.
2. ***Council approve the appointment of the nominated members, as outlined in the attached confidential report to the Maffra Recreation Reserve Special Committee of Council, pursuant to the provisions of Section 86 of the Local Government Act (1989).***

CARRIED

OBJECTIVE

For Council to appoint members to the Cameron Sporting Complex Committee of Management for a three year period.

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

That:

- 1. The information contained in the confidential attachment Item F1.7 Cameron Sporting Complex 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 25 November 2015 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.*
- 2. Council appoint the nominated club representatives as detailed in the attached confidential report to the Cameron Sporting Complex Special Committee of Council and for Council to appoint four of the five community representative nominees, pursuant to the provisions of Section 86 of the Local Government Act (1989).*

ALTERNATIVE RECOMMENDATION**COUNCILLOR HOLE /COUNCILLOR CLEARY**

That:

- 1. The information contained in the confidential attachment Item F1.7 Cameron ; Sporting Complex 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 25 November 2015 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.*
- 2. Council appoint the nominated club representatives as detailed in the attached confidential report to the Cameron Sporting Complex Special Committee of Council;*

- 3. Council amend the current Cameron Sporting Complex Committee of Management Terms of Reference to reflect a membership of up to five community representatives;**
- 4. Council appoint the five nominated community representatives as detailed in the attached confidential report to the Cameron Sporting Complex Special Committee of Council.**

CARRIED

OBJECTIVE

For Council to appoint members to the Briagolong Quarry Reserve Committee of Management for a three year period.

RECOMMENDATION

That:

- 1. The information contained in the confidential attachment Item F1.8 Briagolong Quarry 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 25 November 2015 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***
- 2. Council approve the appointment of the nominated members, as outlined in the attached confidential report to the Briagolong Quarry Reserve Special Committee of Council, pursuant to the provisions of Section 86 of the Local Government Act (1989).***

COUNCILLOR CLEARY / COUNCILLOR ROSSETTI

That:

- 1. The information contained in the confidential attachment Item F1.8 Briagolong Quarry 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 25 November 2015 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***
- 2. Council approve the appointment of the nominated members, as outlined in the attached confidential report to the Briagolong Quarry Reserve Special Committee of Council, pursuant to the provisions of Section 86 of the Local Government Act (1989).***

CARRIED



D. URGENT BUSINESS

NIL



E. FURTHER GALLERY AND CHAT ROOM COMMENTS

CHAT ROOM – NIL

Alan Heywood, Pearsondale Resident

Spoke to Council requesting assistance with seeking improvements to green light timing for various traffic lights around Sale.

MEETING CLOSED 7:15pm



F. CONFIDENTIAL ATTACHMENT/S

F. CONFIDENTIAL ATTACHMENT/S

G. IN CLOSED SESSION

COUNCILLOR WENGER / COUNCILLOR CLEARY

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

- d) *contractual matters*

CARRIED

IN CLOSED SESSION

COUNCILLOR WENGER / COUNCILLOR CLEARY

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

CARRIED