



**WELLINGTON**

SHIRE COUNCIL

*The Heart of Gippsland*

## **Council Meeting Agenda**

**Meeting to be held at**

**Port of Sale Business Centre**

**Foster Street, Sale**

**Tuesday 5 April 2016, commencing at 1pm**

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

# ORDINARY MEETING OF COUNCIL – 5 APRIL 2016

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## Council Meeting Information

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*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:

5 APRIL 2016

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**OBJECTIVE**

To adopt the minutes of the Ordinary Council Meeting of 15 March 2016 as tabled.

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

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 15 March 2016 as tabled.*

**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**



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

ACTION OFFICER

CHIEF EXECUTIVE OFFICER

DATE:

5 APRIL 2016

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ITEM	FROM MEETING	COMMENTS	ACTION BY
Nil			



## **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:

5 APRIL 2016

---

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

**ITEM A8(2)****RESPONSE TO PETITION: SEALING OF BANKS ROAD  
GORMANDALE**

DIVISION: BUILT AND NATURAL ENVIRONMENT  
ACTION OFFICER: MANAGER BUILT ENVIRONMENT  
DATE: 5 APRIL 2016

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

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

***That the Chief Executive Officer write to the head petitioner advising that Council does not agree to the request for sealing, but will continue to maintain Banks Road, Gormandale in line with its Road Management Plan.***

**OBJECTIVE**

To consider and respond to the petition received by Council at its meeting of 1 March 2016, requesting Banks Road, Gormandale, to be sealed.

**BACKGROUND**

Council received a petition at its meeting of 1 March 2016, requesting Banks Road to be sealed.

Banks Road is a 3.5km long road with a hierarchy of Local Access B. The road is located between Merriman Creek Road and Lays Road Extension. Banks Road has an unsealed pavement for its entire length and is presently maintained in line with Council's Road Management Plan.

Banks Road primarily services adjoining properties, which are generally agricultural in nature. There are 15 properties with rural road numbers.

No traffic data is available for Banks Road however assuming vehicle movements equal to 10 per property, traffic is estimated to be approximately 150 vehicles per day.

A school bus uses Banks Road, continuing its route onto Lays Road Extension back to Merrimans Creek Road.

Currently there are 1033km of unsealed rural Local Access B roads within the municipality and a further 266km of Local Access A rural unsealed roads. These roads serve as the primary access to homes and farms for a significant proportion of the community.

The request does not meet the criteria to be considered within Council's Residential Road and Street Program.

## OPTIONS

1. That Council make a budget provision for the sealing of Banks Road within Council's forward capital works program; or
2. That Council does not agree to the request for sealing, but will continue to maintain Banks Road, Gormandale in line with its Road Management Plan.

## PROPOSAL

That the Chief Executive Officer write to the head petitioner advising that Council does not agree to the request for sealing, but will continue to maintain Banks Road, Gormandale in line with its Road Management Plan.

## CONFLICT OF INTEREST

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

## FINANCIAL IMPACT

The sealing of Banks Road as requested by the petitioners would cost an estimated \$180,000 per kilometre which is line with recent contract rates received for construction and sealing works. This amounts to a total cost of approximately \$620,000 to seal the full 3.5km length of the road.

There is no provision for this project within the forward capital works program.

The average annual gravel road maintenance cost for Banks Road is approximately \$3,000 per kilometre of road, or \$10,500 for the total length of 3.5km. Constructing and sealing the road would provide an anecdotal reduction in annual maintenance cost to approximately \$500 per kilometre or \$1,750 in total.

Based on a 60 year period and opportunity interest rate of 5%, the Net Present Value of constructing and sealing Banks Road, as opposed to maintaining the status quo is a negative financial outcome of approximately \$432,000. This considers the upfront capital requirement to construct and seal Banks Road, resealing every 15 years and a maintenance cost reduction to \$500 per kilometre per year, in comparison to reconstructing the gravel road every 10 years and maintaining the current level of maintenance.

## COUNCIL PLAN IMPACT

The Council Plan 2013-2017 Theme 4 Infrastructure states the following strategic objective and related strategies:

### Strategic Objective

*"Assets and infrastructure that meet current and future community needs."*

### Strategy 4.2

*"Ensure assets are managed, maintained and renewed to meet service needs."*

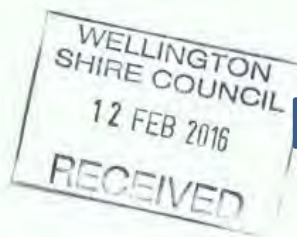
## **RESOURCES AND STAFF IMPACT**

The proposal can be undertaken within existing allocated operational resources.

## **LEGISLATIVE IMPACT**

Wellington Shire Council is the responsible road authority for Banks Road, Gormandale, within the meaning of the *Road Management Act 2004*.





GORMANDALE VIC 3873  
24<sup>th</sup> January, 2016

The Chief Engineer  
Wellington Shire Council  
PO Box 506  
SALE VIC 3850

Dear Sir/Madam

Re: Request to Seal Banks' Rd

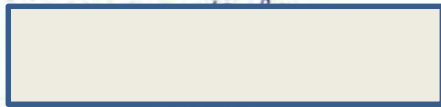
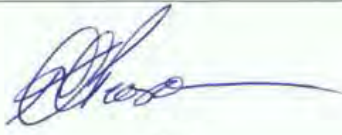
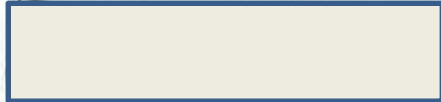
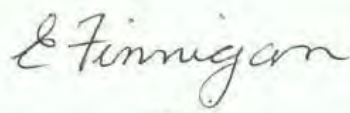
As residents of Banks' Rd Gormandale, we submit Council that our road needs to be sealed. Its gravel surface can no longer cope with the amount and type of usage it faces without causing serious safety and amenity problems.

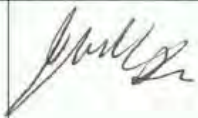
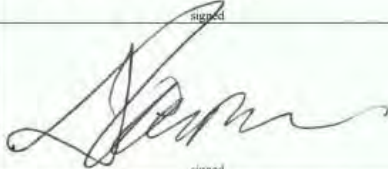
Banks' Rd is four kilometres long, has 15 homes, a church and a dairy farm. It carries a daily load of residential and heavy traffic, including milk tankers and school buses. It gets badly corrugated and dusty or slippery and muddy.

- Damaging to vehicles and encourages speeding to minimise the jarring
- Subsequent speeding vehicles are VERY dangerous for cyclist, horseriders, pedestrians, regular users of Banks Rd.
- Moving aside for oncoming traffic can cause a fall in loose gravel for the motorcyclist or pushbike rider
- Dust clouds from speeding vehicles forces homes to be kept shut as dust gets in everywhere. Livestock avoids dusty pasture, lowering farm productivity.
- When wet, downhill clay parts become a virtual skidpan – terrifying on the motorcycle.

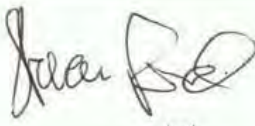
Grading addresses few of these problems. A cost-benefit analysis submitted early in 2014 showed sealing, while expensive, was a one-off investment which would save Council \$10,000 and more in grading costs every year. Banks Rd needs sealing more than some town streets which seem to attract attention.

Therefore, we the undersigned request that Council funds the sealing of Banks Road, Gormandale this year.

K.A. POTTERSON 	 signed
E.R. FINNIGAN 	 signed

Alyshia Reggardo <div></div>	H Reggardo.  <small>signed</small>
WENDY McDERMOTT <div></div>	WMCD  <small>signed</small>
STEVE McDERMOTT <div></div>	Steve Dermott  <small>signed</small>
JOSEPH William Brown <div></div> <small>Name and address</small>	  <small>signed</small>
Anne Brown <div></div>	Anne Brown  <small>signed</small>
JENNY TAME <div></div> <small>Name and address</small>	  <small>signed</small>
DIANNE CHILCOTE <div></div>	D. Chilcote  <small>signed</small>
IAN CHILCOTE <div></div>	I. Chilcote  <small>signed</small>
ANN LEIGH <div></div>	Ann Leigh  <small>signed</small>

①

DIANNE FORD <div></div>	<div></div> <div>signed</div>
LORNA THEXTON <div></div>	<div>L. A. Thexton.</div> <div>signed</div>
JOE FYFFE <div></div>	<div></div> <div>signed</div>
CANDICE WHITE <div></div>	<div></div> <div>signed</div>
MATTHEW WHITE <div></div>	<div></div> <div>signed</div>
D. Sullivan <div></div>	<div></div> <div>signed</div>
Kellie Venturoni <div></div>	<div>per </div> <div>signed</div>
Graeme & Wendy Calway <div></div>	<div></div> <div>signed</div>
<div></div>	<div></div> <div>signed</div>



[Redacted]  
GORMANDALE VIC 3873  
24<sup>th</sup> January, 2016

The Chief Engineer  
Wellington Shire Council  
PO Box 506  
SALE VIC 3850

Dear Sir/Madam

Re: Request to Seal Banks' Rd

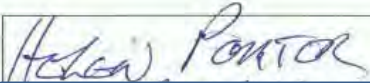
As residents of Banks' Rd Gormandale, we submit Council that our road needs to be sealed. Its gravel surface can no longer cope with the amount and type of usage it faces without causing serious safety and amenity problems.

Banks' Rd is four kilometres long, has 15 homes, a church and a dairy farm. It carries a daily load of residential and heavy traffic, including milk tankers and school buses. It gets badly corrugated and dusty or slippery and muddy.

- Damaging to vehicles and encourages speeding to minimise the jarring
- Subsequent speeding vehicles are VERY dangerous for cyclist, horseriders, pedestrians, regular users of Banks Rd.
- Moving aside for oncoming traffic can cause a fall in loose gravel for the motorcyclist or pushbike rider
- Dust clouds from speeding vehicles forces homes to be kept shut as dust gets in everywhere. Livestock avoids dusty pasture, lowering farm productivity.
- When wet, downhill clay parts become a virtual skidpan – terrifying on the motorcycle.

Grading addresses few of these problems. A cost-benefit analysis submitted early in 2014 showed sealing, while expensive, was a one-off investment which would save Council \$10,000 and more in grading costs every year. Banks Rd needs sealing more than some town streets which seem to attract attention.

Therefore, we the undersigned request that Council funds the sealing of Banks Road, Gormandale this year.

 [Redacted]	
JOHN LANNIGAN [Redacted]	signed

Additional points:

- Road dust means residents face rainwater tank cleanouts at least every two years. The cost being approximately \$500 and more depending on how many tanks you have.
- We're urged to reduce greenhouse gas output but solar panels get covered in dust and choked down. Our expensive outlays become useless.
- Massive dust problems in homes exacerbated by speeding vehicles, milk tanker and school bus.

In failing to address the road problem adequately, council may be saving itself money but it is passing the problem to ratepayers. A look at their cars and homes will tell you they don't need the extra burden.

In closing, maintenance efforts are appreciated but their effects very temporary as the corrugation is still under the loose surface and reappears very quickly. Grading produces great drifts of loose sand that will bring down a cyclist or motorcyclist. There are at least five road motorcycles riders in Banks Rd. Council has been put on notice about this safety problem before and if any person is injured on this road such information will be brought to their attention.



## **A - PROCEDURAL**

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



## **A - PROCEDURAL**

### **A10 QUESTIONS ON NOTICE**

**ITEM A10(1)****OUTSTANDING QUESTIONS ON NOTICE**

ACTION OFFICER

CHIEF EXECUTIVE OFFICER

DATE:

5 APRIL 2016

ITEM	FROM MEETING	COMMENTS	ACTION BY
<p><i>Question on Notice</i></p> <p><i>"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.</i></p>	4 November 2015	<p>A response will be provided at a future Council Meeting</p> <p><u>15 December 2015</u> "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."</p> <p><u>2 February 2016</u> "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. Although we anticipated that we would have a response for Council's first meeting in 2016 this has not been achieved. Council officers will be meeting with Federation Training over the coming weeks and we are hopeful that a final response will be in hand by the end of February 2016."</p> <p><u>16 February 2016</u> No further update</p> <p><u>1 March 2016</u> Mayor McCubbin and CEO met with Federation Training executives on 11 February they were advised that a detailed response would be made within 4 weeks. A detailed verbal update will be provided to Councillors at that time.</p> <p><u>15 March 2016</u> No further update</p> <p><u>5 April 2016</u> No further update</p>	General Manager Development





## **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: 5 APRIL 2016

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

**OBJECTIVE**

To report on all assembly of Councillor records received during the period 8 March 2016 to 29 March 2016.

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

***That Council note and receive the attached Assembly of Councillors records received during the period 8 March 2016 to 29 March 2016.***

**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 Councillors records received during the period 8 March 2016 to 29 March 2016.

Assembly of Councillors summary of reports received during the period 8 March 2016 to 29 March 2016.		
Date	Matters considered	Councillors and officers in attendance
15 March 2016	Councillors Diary Meeting	Cr Crossley, Cr Rossetti, Cr Cleary, Cr Davine, Cr McCubbin, Cr McIvor, Cr Wenger, Cr Hole David Morcom, Chief Executive Officer Leah Schuback, Executive Assistant Sharon Willison, Mayoral & Councillor Support Officer
15 March 2016	Pre Council Agenda Presentation – Inspector Rob Wallace Maffra Caravan Park – EOI Non Smoking Policy	Cr Crossley, Cr Rossetti, Cr Cleary, Cr Davine, Cr McCubbin, Cr McIvor, Cr Wenger, Cr Hole, Cr Duncan (Item 4 to 7) David Morcom, Chief Executive Officer

**Assembly of Councillors summary of reports received during the period 8 March 2016 to 29 March 2016.**

<b>Date</b>	<b>Matters considered</b>	<b>Councillors and officers in attendance</b>
	Tourism Brand Sale Botanical Gardens Request for Memorial Monthly Planning Update Maffra Gymnastics Club	Arthur Skipitaris, General Manager Corporate Services Chris Hastie, General Manager Built and Natural Environment Glenys Butler, General Manager Community & Culture John Websdale, General Manager Development Trish Dean, Governance Officer (Item 0) John Tatterson, Manager Built Environment (Item 2) Vanessa Ebsworth, Manager Municipal Services (Item 3) Sharyn Bolitho, Manager Economic Development (Item 4) Krystal Burns, Tourism Development Officer (Item 4) Barry Hearsey, Coordinator Strategic Planning (Item 6) John Traa, Coordinator Statutory Planning (Item 6) Paul Johnson, Manager Healthy Lifestyles (Item 7) Marcus Stone, Coordinator Facilities Planning (Item 7)

## **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 and seek further information for consideration at a future Council meeting.

## **PROPOSAL**

That Council note and receive the attached assembly of Councillors records received during the period 8 March 2016 to 29 March 2016.

## **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 2013-17 Theme 2 Organisational states the following strategic objective and related strategy:

Strategic Objective

*"An organisation that is responsive, flexible, honest, accountable and consistent."*

Strategy 2.3

*"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:

15 March 2016

### 2. ATTENDEES:

#### Councillors:

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Cr Crossley	✓		Cr McCubbin	✓	
Cr Rossetti	✓		Cr Mclvor	✓	
Cr Cleary	✓		Cr Wenger	✓	
Cr Davine	✓		Cr Hole	✓	
Cr Duncan		✓			

#### Officers In Attendance:

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

#### Others in attendance: (list names and item in attendance for)

Name	Item No.	Name	Item No.
Sharon Willison	1		
Leah Schuback	1		

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

#### 1. Councillors' Diary Meeting

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

NIL

## ASSEMBLY OF COUNCILLORS

### 1. DATE OF MEETING:

15 March 2016

### 2. ATTENDEES:

#### Councillors:

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
Cr Crossley	✓		Cr McCubbin	✓	
Cr Rossetti	✓		Cr McIvor	✓	
Cr Cleary	✓		Cr Wenger	✓	
Cr Davine	✓		Cr Hole	✓	
Cr Duncan (Items 4 to 7)	✓				

#### Officers in Attendance:

Name	In attendance (tick)		Name	In attendance (tick)	
	Yes	No		Yes	No
D Morcom, CEO	✓		G Butler, GMCC	✓	
A Skipitaris, GMCS	✓		J Websdale, GMD	✓	
C Hastie, GMBNE	✓				

#### Others in attendance: (list names and item in attendance for)

Name	Item No.
	0
Rob Wallace	1
John Tatterson	2
Vanessa Ebsworth	3
Sharon Bolitho, Krystal Burns, Alison Conroy, Trent Fairweather,	4
Glenys Butler	5
Barry Hearsey, John Traa	6
Prue Berry (Maffra Gymnastics), Vanessa Traill, Paul Johnson, Marcus Stone	7

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

0. Pre-Council Agenda
1. Inspector Rob Wallace – Sale Police
2. Expressions of Interest - Maffra Caravan Park
3. Non Smoking Policy
4. Tourism Brand
5. Sale Botanical Gardens Request for Memorial
6. Monthly Planning Update
7. Maffra Gymnastics Club

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

NIL



**ITEM C2.2****REMUNERATION COMMITTEE MINUTES**

DIVISION: CORPORATE SERVICES  
ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES  
DATE: 5 APRIL 2016

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

**OBJECTIVE**

To note and receive the minutes and endorse the actions of the Remuneration Committee meeting held on 16 February 2016.

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

*That:*

- 1. Council note and receive the minutes from the Remuneration Committee meeting held on 16 February 2016 as attached; and***
- 2. Council endorse the actions from the Remuneration Committee meeting held on 16 February 2016 as detailed in the attached minutes.***

**OPTIONS**

Council has the following options:

- To note and receive the minutes from the Remuneration Committee meeting held on 16 February 2016 and endorse the actions from the meeting; or
- To not note and receive the minutes from the Remuneration Committee meeting held on 16 February 2016 or endorse the actions from the meeting and seek further information for consideration at a future Council meeting.

**PROPOSAL**

It is proposed that:

- Council note and receive the minutes from the Remuneration Committee meeting held on 16 February 2016 as attached; and
- Council endorse the actions from the Remuneration Committee meeting held on 16 February 2016 as detailed in the attached minutes.

## **CONFLICT OF INTEREST**

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

## **COUNCIL POLICY IMPACT**

The Remuneration Committee reviews Councillor entitlements, expenses, reimbursements and gifts and ensures alignment with Council policy direction and governance in relation to Councillor benefits.

## **COUNCIL PLAN IMPACT**

The Council Plan 2013–17 Theme 2 Organisational states the following strategic objective and related strategy:

### Strategic Objective

*“An organisation that is responsive, flexible, honest, accountable and consistent.”*

### Strategy 2.3

*“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.



## REMUNERATION COMMITTEE MINUTES

**Tuesday 16 February 2016 – 10am Barkly River Room**

### MINUTES

---

**PRESENT** Councillor Malcolm Hole (Chair)  
Councillor Peter Cleary  
Councillor Carolyn Crossley  
David Morcom (Chief Executive Officer)  
Arthur Skipitaris (General Manager Corporate Services)

**APOLOGIES:**

**DECLARATION OF CONFLICTS OF INTEREST:**

No Conflicts of Interest were declared.

**MINUTES OF PREVIOUS MEETING:**

The minutes of the previous meeting on 20 October 2015 were accepted.

1. **Councillor Costs and Reimbursements**  
Councillor Costs and Reimbursements spreadsheets were reviewed, discussed and accepted.
  - Councillor Expense Summary Report as at 31 January 2016 (Attachment 1)

2. **General Business**

Nil

**The meeting closed at 10.15am.**

**Attachments:**

1. Councillor Expense Summary Report as at 31 January 2016 (Attachment 1)

## Attachment 1 - Councillor Expense Summary Report as at 31 January 2016

Wellington Shire Council						
Councillors						
01100. Councillors Master Account						
Activity Details						
For Period 1 July 2015 to 31 January 2016						
	2015/16 Adopted Budget	2015/16 Adjusted Budget	YTD Actuals (incl oncosts)	YTD Budget	YTD Variance	Commitments
Councillor and Mayoral Allowances	359,225	359,225	217,408	230,452	13,044	-
Other Councillor expenses	44,400	44,400	12,484	18,029	5,545	2,369
Grand Total	403,625	403,625	229,892	248,481	18,589	2,369

# **GENERAL MANAGER DEVELOPMENT**



## C4 - REPORT

# GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

**ITEM C4.1****PEARSON AND SIMPSON STREETS SPECIAL CHARGE STREET CONSTRUCTION SCHEME – DECLARATION OF SCHEME**

DIVISION: BUILT &amp; NATURAL ENVIRONMENT

ACTION OFFICER: MANAGER ASSETS &amp; PROJECTS

DATE: 5 APRIL 2016

IMPACTS								
Financial	Legislative	Council Policy	Planning Policy	Resources & Staff	Community	Environmental	Consultation	Risk Management
✓	✓	✓		✓	✓	✓	✓	✓

**OBJECTIVE**

To consider for declaration, the Pearson and Simpson Streets Special Charge Street Construction Scheme Number 1502 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.

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

- 1. Wellington Shire Council (Council) having noted there was one submission in favour , (see attachment 3), and no submissions/objections against, received within the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act) and otherwise according to law and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that the section of Pearson Street and the section of Simpson Street for which it is proposed the Special Charge will be declared has not previously been constructed by way of a Special Rate or Special Charge, hereby declares a Special Charge under section 163(1) of the Act for the purposes of repaying (with interest) any loan raised by Council in relation to the construction of Pearson Street between Fitzroy Street and Raglan Street and Simpson Street between Reeve Street and Desailly Street in Sale and the provision of any ancillary works including footpaths and drainage.***
- 2. The criteria which form the basis of the declaration of the Special Charge is the ownership of rateable land in the area of the Scheme which, based on scheme access benefit units and calculated by frontage as to 50%, having regard to frontage of their land to Pearson Street and/or Simpson Street and abuttal as to 50%, where their land has and enjoys an abuttal to or access from Pearson Street and/or Simpson Street.***
- 3. In declaring the Special Charge, Council is performing functions and exercising powers in relation to the peace, order and good government of the municipal district of the Wellington Shire, in particular the provision of proper, safe and suitable roads and property services within the area for which the Special Charge is declared.***
- 4. The total cost of the performance of the function and the exercise of the power by Council (in relation to the provision of proper, safe and suitable roads and property services in the area for which the Special Charge is declared) is \$1,100,000 being the estimated cost of the works to be undertaken. Council funding is to be allocated from its 2015/2016 and 2016/2017 Commonwealth Roads to Recovery Program. Council will be contributing 70% of the scheme costs.***

5. *The total estimated amount to be levied from persons liable to pay under the Scheme as the Special Charge is \$330,000.*
6. *The Special Charge will commence on 05 April 2016 and remain in force for a period of ten years.*
7. *The area for which the Special Charge is declared is all of the land within the boundary shown on the plan set out in the attachment forming a part of this declaration (being Attachment 1).*
8. *The Special Charge will be declared and assessed in accordance with the amounts set out alongside each property in Attachment 2. Such amounts having respectively been assessed based on the length of the frontage (as to 50%) and the access benefit (as to 50%) which a property included in the scheme has to the road.*
9. *The Special Charge will be levied by sending a notice of levy in the prescribed form quarterly to the person liable to pay the Special Charge.*
10. *Because the performance of the function and the exercise of the power in respect of which the Special Charge is declared and levied relates substantially to capital works , the Special Charge will be levied on the basis of an instalment plan being given to ratepayers whereby:- such ratepayers may subject to any further resolution by Council, pay the special charge per property/title in accordance with the following:*
  - *the full amount within 45 days of invoice or*
  - *payment may be made over 20 quarterly instalments (5 years) including interest or*
  - *payment may be made over 40 quarterly instalments (10 years) including interest.*
11. *Council will consider proven cases of financial and other hardship and may consider other payment options for the Special Charge.*
12. *No incentives will be given for payment of the Special Charge before the due date for payment.*
13. *Council considers that there will be a special benefit to the persons required to pay the Special Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge. The criteria used as a basis for declaring the special charge are:*
  - *Enhance the amenity and character of the land and local area.*
  - *Creation of improved riding surfaces for the streets*
  - *Reduction in dust*
  - *Improved access and egress from properties*
  - *Improved road drainage*
  - *Improved road safety for motorists, cyclists and pedestrians*
14. *Notice be given to all owners of properties included in the Scheme in writing of the decision of Council to declare and levy the Special Charge commencing on 05 April 2016 and the reasons for the decision.*



## **BACKGROUND**

Following the introduction of the Wellington Shire Council 2014 Residential Road and Street Construction Plan, property owners abutting the proposed scheme area for sections of Pearson and Simpson Streets expressed interest in a special charge scheme. An informal investigation of a special charge scheme commenced which included the preparation of a concept design and cost estimation. These sections of Pearson and Simpson Streets are primarily residential streets with access to Raglan Street and Reeve Street.

Currently there are unsealed road shoulders with only the through lanes sealed and a mixture of open channel drains and old concrete kerb and channel which is in poor condition. The proposed Pearson and Simpson Streets Special Charge Street Construction Scheme would provide for fully constructed sections of these streets. The work would include fully sealed roads with kerb and channel, footpaths and improved drainage and stormwater management. This scheme will ensure that these sections of Pearson and Simpson Streets will be to a similar standard as other fully constructed sections of Pearson and Simpson Streets.

A public meeting was held on Tuesday 15 October 2015 and an informal survey, which included an estimated cost, was distributed to all owners of property liable to be included in the proposed scheme. The result of the informal survey was, 82% of the property owners replied and 81% of the replies were in favour of the proposed scheme.

Public Notices were placed in the Gippsland Times on Tuesday 22 December 2015 and Tuesday 5 January 2016 respectively. A copy of the public notice was served on all owners of property intended to be included under the scheme on 23 December 2015. The final date for the receipt of written submissions/objections was Friday 5 February 2016.

Copies of the proposed declaration were placed at the Yarram Service Centre and Sale Service Centre-Council Headquarters for public inspection. The proposed declaration was also posted on the Council's website.

There was one written submission and no written objections received by the Chief Executive Officer. The written submission was in favour of the scheme. See attachment 3

## **OPTIONS**

That Council

- Adopt the scheme as presented by formally declaring the special charge and serve notice on all property owners liable to pay under the scheme; or
- Abandon the scheme and advise all property owners within the scheme of Council's decision; or
- Modify the scheme and prepare a new scheme then advertise and serve notice on all property owners within the scheme.

## **PROPOSAL**

That Council adopt the scheme as presented by declaring a Special Charge for the full 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 in the Township of Sale. Council to serve notice of levy on all property owners intended to be made liable under the scheme.

## CONFLICT OF INTEREST

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

## FINANCIAL IMPACT

The scheme is estimated to cost \$1,100,000. The amount to be recovered under the scheme does not include GST.

Portion of the cost to be recovered from property owners	\$325,263
Portion of the cost to be funded by Council as a property owner	\$4,737
Portion of the cost to be funded by Council as a direct cost	\$770,000
Total estimated cost of scheme	\$1,100,000

1. As only 30% of the cost of this scheme is intended to be recovered from affected property owners, Council will need to provide for the estimated cost within its 2016 / 2017 Capital Works Program. Council funding is to be allocated from its 2015/2016 and 2016/2017 Commonwealth Roads to Recovery Program.
2. The method of apportioning the costs for this scheme includes both access benefit and road abuttal. Accordingly, 50% of the estimated cost is to be uniformly apportioned among the properties in the scheme as an access benefit. The remaining 50% is to be apportioned on the basis of full cost for properties fronting the road/streets to be constructed, one half cost for all properties with rearage to a road/street to be constructed and one third cost for all properties with a sideage to a road/street to be constructed. Council will be contributing 70% of the scheme costs.
3. It is proposed under the scheme to invoice property owners for their apportioned project amount after commencement of construction of the scheme. Options for payment per property/parcel/title are 20 quarterly instalments (5 years) or 40 quarterly instalments (10 years) for all amounts. An interest component will be included where payment is to be made under either of these instalment programs.
4. The average estimated cost per property is \$6,600. The lowest estimated cost is \$3,700. The highest estimated cost is \$11,900.

## LEGISLATIVE IMPACT

This scheme has been prepared in accordance with Section 163, 163A, 163B of the *Local Government Act 1989*. Public notification will be in accordance with Sections 163 and 223 of the *Local Government Act 1989*. Submissions considered in accordance with Sections 163A, 163B and 223 of the *Local Government Act 1989*.

## COUNCIL POLICY IMPACT

The scheme has been prepared in accordance with Council's Special Charge Schemes – Roads, Street & Drainage Development Policy 4.2.4 and 2014 Residential Road and Street Construction Plan.

## **PLANNING POLICY IMPACT**

The proposal has no impact on Planning Policy.

## **RESOURCES AND STAFF IMPACT**

Implementation of the scheme can be undertaken within the resources of the Assets & Projects unit with the assistance of external contract engineering support for the survey and design. In the event the scheme is adopted and declared by Council, construction will be carried out by an approved contractor via a tender process.

## **COMMUNITY IMPACT**

Implementation of this scheme will have a significant community impact as it will realise a fully constructed road for a local access road. Direct benefits will include the elimination of vehicle generated dust, improved through traffic conditions and road safety arising from the defined road location, associated signage and pavement markings, footpaths and improved drainage.

## **ENVIRONMENTAL IMPACT**

Implementation of this scheme will have a positive environmental impact arising from the reduction of dust generated by vehicles as well as improved quality of stormwater runoff.

## **CONSULTATION IMPACT**

A comprehensive public consultation process has been entered into with affected property owners including:

- Numerous discussions between property owners and Council staff during 2015
- Information letter advising property owners of street works proposal 23 June 2015
- Public meeting held at Sale, 15 October 2015
- Mail out survey of all property owners, 28 October 2015
- Follow up mail out 10 November 2015 requesting replies to the survey.
- Council meeting 15 December 2015 advising survey results and the proposed process for the scheme.
- Public Notice of Intention to Declare advertised in a local newspaper on 22 December 2015 and 05 January 2016.
- Copy of Public Notice mailed to property owners liable to pay on 23 December 2015.

## **RISK MANAGEMENT IMPACT**

Implementation of the scheme will produce a substantial reduction in risk to motorists, cyclists and other road users through improved visibility (reduction of dust), properly identified through lanes, footpaths and new signage and markings.

## **CONSIDERATION OF SUBMISSIONS/OBJECTIONS**

There was one written submission in favour of the scheme received by the Chief Executive Officer by the closing date. See attachment 3.

**Attachment 1**

**PEARSON AND SIMPSON STREETS SPECIAL CHARGE STREET CONSTRUCTION SCHEME  
No 1502**

**PLAN OF SCHEME AREA.**

**Scheme Boundary** \_\_\_\_\_



## Attachment 2

### PEARSON AND SIMPSON STREETS – APPORTIONMENT OF COSTS –OCT 15

	PROPERTY	STREET ADDRESS	ABU	COST OF ABU	Frontage	Sideage	1/2ABU + 1/2 Frontage	ABU/FRONTAGE E - 30%	10 YR QUARTERLY INSTALMEN	5 YR QUARTERLY INSTALMENT
<b>PEARSON STREET</b>										
1	LOT: 1 TP: 395603X	135 Pearson St, SALE	1	\$10,576.92	20.12	0.00	\$24,342.20	\$7,302.66	\$227.06	\$408.47
2	PCA: 3 SEC: 56	137 Pearson St, SALE	1	\$10,576.93	20.12	0.00	\$24,342.20	\$7,302.66	\$227.06	\$408.47
3	PCA: 4 SEC: 56	139 Pearson St, SALE	1	\$10,576.93	13.41	0.00	\$19,751.50	\$5,925.45	\$184.24	\$331.44
4	LOT: 1 & 2 TP: 246429W	141 Pearson St, SALE	1	\$10,576.93	13.41	0.00	\$19,751.50	\$5,925.45	\$184.24	\$331.44
5	LOT: 1 TP: 371266Y	143 Pearson St, SALE	1	\$10,576.93	13.41	0.00	\$19,751.50	\$5,925.45	\$184.24	\$331.44
6	UNT: 2 RP: 3310	144 Pearson St, SALE	1	\$10,576.93	20.12	0.00	\$24,342.20	\$7,302.66	\$227.06	\$408.47
7	LOT: 1 TP: 374586N	145 Pearson St, SALE	1	\$10,576.93	16.67	0.00	\$21,981.86	\$6,594.56	\$205.04	\$368.87
8	LOT: 2 PS: 717804L	145A Pearson St, SALE	1	\$10,576.93	3.50	0.00	\$12,971.48	\$3,891.44	\$120.99	\$217.67
9	UNT: 1 RP: 3310	146 Pearson St, SALE	1	\$10,576.93	20.12	0.00	\$24,342.20	\$7,302.66	\$227.06	\$408.47
10	PCA: 7 SEC: 56	147 Pearson St, SALE	1	\$10,576.93	20.23	0.00	\$24,417.46	\$7,325.24	\$227.76	\$409.74
11	LOT: 1 PS: 610643E	1/148 Pearson St, SALE	1	\$10,576.93	6.74	0.00	\$15,188.16	\$4,556.45	\$141.67	\$254.86
12	LOT: 2 PS: 610643E	2/148 Pearson St, SALE	1	\$10,576.93	6.74	0.00	\$15,188.16	\$4,556.45	\$141.67	\$254.86
13	LOT: 3 PS: 610643E	3/148 Pearson St, SALE	1	\$10,576.93	6.74	0.00	\$15,188.16	\$4,556.45	\$141.67	\$254.86
14	LOT: 2 PS: 123799	149 Pearson St, SALE	1	\$10,576.93	20.23	0.00	\$24,417.46	\$7,325.24	\$227.76	\$409.74
15	PCA: 3 SEC: 57	150 Pearson St, SALE	1	\$10,576.93	20.12	0.00	\$24,342.20	\$7,302.66	\$227.06	\$408.47
16	LOT: 1 TP: 233161M	152 Pearson St, SALE	1	\$10,576.93	13.36	0.00	\$19,717.29	\$5,915.19	\$183.92	\$330.87
17	LOT: 1 PS: 336863R	153 Pearson St, SALE	1	\$10,576.93	20.16	27.41	\$30,620.50	\$9,186.15	\$285.62	\$513.83
18	PCA: 4 & 5 SEC: 57	154 Pearson St, SALE	1	\$10,576.93	13.51	0.00	\$19,819.91	\$5,945.97	\$184.88	\$332.59
19	LOT: 1 PS: 404795E	155 Pearson St, SALE	1	\$10,576.93	20.12	31.39	\$31,500.79	\$9,450.24	\$293.83	\$528.60
20	PCA: 5 SEC: 57	156 Pearson St, SALE	1	\$10,576.93	13.36	0.00	\$19,717.29	\$5,915.19	\$183.92	\$330.87
21	PCA: 1 SEC: 65	157 Pearson St, SALE	1	\$10,576.93	20.12	0.00	\$24,342.20	\$7,302.66	\$227.06	\$408.47
22	LOT: 1 TP: 391216C	158 Pearson St, SALE	1	\$10,576.93	15.24	0.00	\$21,003.51	\$6,301.05	\$195.92	\$352.45
23	LOT: 1 TP: 534036M	159 Pearson St, SALE	1	\$10,576.93	20.12	0.00	\$24,342.20	\$7,302.66	\$227.06	\$408.47
24	PCA: 6, 7 SEC: 57	160-162 Pearson St, SALE	1	\$10,576.93	25.00	0.00	\$27,680.90	\$8,304.27	\$258.20	\$464.50
25	PCA: 3 SEC: 65	161 Pearson St, SALE	1	\$10,576.93	20.12	0.00	\$24,342.20	\$7,302.66	\$227.06	\$408.47
26	PCA: 4 SEC: 65	163 Pearson St, SALE	1	\$10,576.93	20.12	0.00	\$24,342.20	\$7,302.66	\$227.06	\$408.47
27	LOT: 1 PS: 81891	164 Pearson St, SALE	1	\$10,576.93	17.53	0.00	\$22,570.23	\$6,771.07	\$210.53	\$378.74
28	UNT: 1 & 12 SP: 20125	1/165-167 Pearson St, SALE	1	\$10,576.93	4.06	0.00	\$13,354.61	\$4,006.38	\$124.57	\$224.10
29	UNT: 2 & 11 SP: 20125	2/165-167 Pearson St, SALE	1	\$10,576.93	4.06	0.00	\$13,354.61	\$4,006.38	\$124.57	\$224.10
30	UNT: 3 & 10 SP: 20125	3/165-167 Pearson St, SALE	1	\$10,576.93	4.06	0.00	\$13,354.61	\$4,006.38	\$124.57	\$224.10
31	UNT: 4 & 9 SP: 20125	4/165-167 Pearson St, SALE	1	\$10,576.93	4.06	0.00	\$13,354.61	\$4,006.38	\$124.57	\$224.10
32	UNT: 5 & 8 SP: 20125	5/165-167 Pearson St, SALE	1	\$10,576.93	4.06	0.00	\$13,354.61	\$4,006.38	\$124.57	\$224.10
33	UNT: 6 & 7 SP: 20125	6/165-167 Pearson St, SALE	1	\$10,576.93	4.06	0.00	\$13,354.61	\$4,006.38	\$124.57	\$224.10
34	PCA: 9 SEC: 57 -TP808341	166-168 Pearson St, SALE	1	\$10,576.93	18.90	50.29	\$34,976.32	\$10,492.89	\$326.25	\$586.92
35	Road R1 & R5 PS 530601	Adj 172 & 174 Pearson St	1	\$10,576.93	7.62	0.00	\$15,790.22	\$4,737.07	\$147.29	\$264.97
36	LOT: 1, 2, 3 TP: 750729W	172 Pearson St, SALE	1	\$10,576.93	24.66	0.00	\$27,448.29	\$8,234.49	\$256.03	\$460.60
37	LOT: 1 & 2 TP: 546802D	174 Pearson St, SALE	1	\$10,576.93	15.57	0.00	\$21,229.28	\$6,368.78	\$198.02	\$356.24
<b>SIMPSON STREET</b>										
38	LOT: 2 PS: 440236P	12 Simpson St, SALE	1	\$10,576.93	21.94	0.00	\$25,587.37	\$7,676.21	\$238.67	\$429.37
39	LOT: 2 PS: 336863R	14 Simpson St, SALE	1	\$10,576.93	23.00	0.00	\$26,312.58	\$7,893.77	\$245.44	\$441.54
40	PCA: 7 SEC: 65	15 Simpson St, SALE	1	\$10,576.93	16.76	0.00	\$22,043.43	\$6,613.03	\$205.62	\$369.90
41	LOT: 5 PS: 21109	17 Simpson St, SALE	1	\$10,576.93	16.76	0.00	\$22,043.43	\$6,613.03	\$205.62	\$369.90
42	LOT: 2 PS: 404795E	19 Simpson St, SALE	1	\$10,576.93	19.18	0.00	\$23,699.10	\$7,109.73	\$221.06	\$397.68
43	LOT: 15, 16, 17 PS: 2320	25-29 Simpson St, SALE	1	\$10,576.93	30.18	36.58	\$39,567.02	\$11,870.11	\$369.07	\$663.95
44	LOT: 2 PS: 81891	30 Simpson St, SALE	1	\$10,576.93	19.05	0.00	\$23,610.15	\$7,083.05	\$220.23	\$396.19
45	PCA: 1, 6 SEC: 64	31 Simpson St, SALE	1	\$10,576.93	15.39	0.00	\$21,106.13	\$6,331.84	\$196.87	\$354.17
46	LOT: 1, 2, 3 TP: 257485Y	33 Simpson St, SALE	1	\$10,576.93	15.39	0.00	\$21,106.13	\$6,331.84	\$196.87	\$354.17
<b>REEVE STREET</b>										
47	LOT: 1 PS: 440236P	154-156 Reeve St, SALE	1	\$10,576.93	0.00	28.25	\$17,019.42	\$5,105.83	\$158.75	\$285.59
48	LOT: 3 PS: 21109	158-160 Reeve St, SALE	1	\$10,576.93	10.67	0.00	\$17,876.90	\$5,363.07	\$166.75	\$299.98
<b>FITZROY STREET</b>										
49	PCA: 1 SEC: 56	29 Fitzroy St, SALE	1	\$10,576.93	0.00	26.76	\$16,679.62	\$5,003.89	\$155.58	\$279.89
<b>RAGLAN STREET</b>										
50	LOT: 9, 10 PS: 2320	16-18 Raglan St, SALE	1	\$10,576.93	0.00	35.43	\$18,656.84	\$5,597.05	\$174.03	\$313.07
<b>DESAILLY STREET</b>										
51	PCA: 8 SEC: 57	197-199 Desailly St, SALE	1	\$10,576.93	0.00	8.00	\$12,401.35	\$3,720.40	\$115.68	\$208.10
52	LOT: 23, PTL 21, 22 PS: 2320	201 Desailly St, SALE	1	\$10,576.93	0.00	8.00	\$12,401.35	\$3,720.40	\$115.68	\$208.10
				\$550,000.10	719.87	252.11	\$1,100,000.10	\$330,000.03	\$10,260.53	\$18,458.55
<b>ESTIMATED SCHEME COST AND APPORTIONMENT RATES</b>										
<b>TOTAL ESTIMATED COST OF SCHEME</b>				\$1,100,000.00						
<b>APPORTIONED RATE - ACCESS BENEFIT UNITS</b>				\$21,154.00						
<b>APPORTIONED RATE - per metre of road</b>				\$1,368.00						



### **Attachment 3 - Written Submission**

Monday 1 February 2016 11.34pm

Dear Mr Morcom,

We are the property owners of 152 Pearson Street, Sale and we wish to make a submission of support for Construction Scheme Number 1502- for the purpose of sealing sections of Pearson and Simpson Streets including the construction of kerbs, footpaths and improving drainage.

The two attached images show the muddy, substandard and unsightly conditions that we experienced at the front of our home during the last winter.

Having muddy pot-holes, soft verges and stagnant water filling the open drains at the front of our house does negatively impact our quality of life as well as our neighbours and any visitors to these blocks of Pearson and Simpson Streets.

Pedestrians, including parents with prams or those using mobility scooters have had no choice but to share the road with traffic when conditions are wet.

In summer the gravel covered sections beside the roads create dust when driven on and the very few, mismatched trees that grow in the affected sections of Pearson and Simpson Streets fail to improve the very plain streetscapes.

There is a huge level of support among the property owners in Pearson and Simpson Streets for the proposed Special Charge Street Construction Scheme No 1502.

Regards,

Michelle and Glen Coy







## **C5 - REPORT**

# **GENERAL MANAGER COMMUNITY AND CULTURE**





## **D. URGENT BUSINESS**



## **E. FURTHER GALLERY AND CHAT ROOM COMMENTS**



**F. CONFIDENTIAL ATTACHMENT/S**

**F. CONFIDENTIAL ATTACHMENT/S**



## G. IN CLOSED SESSION

## 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:

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That:

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