



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

Resolutions in Brief

**To be read in conjunction with the Ordinary Council Meeting Agenda
3 October 2017**

COUNCILLORS PRESENT

Carolyn Crossley (Mayor)
Alan Hall (Deputy Mayor)
Ian Bye
Malcolm Hole
Darren McCubbin
Gayle Maher
Keith Mills
Scott Rossetti
Garry Stephens

IN ATTENDANCE

John Websdale - Acting Chief Executive Officer
Chris Hastie - General Manager Built & Natural Environment
Sharon Houlihan - Acting General Manager Community & Culture
Arthur Skipitaris - General Manager Corporate Services
Trish Dean - Governance Officer

APOLOGIES

David Morcom - Chief Executive Officer
Glenys Butler - General Manager Community & Culture

ORDINARY MEETING OF COUNCIL – 3 OCTOBER 2017

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

To adopt the minutes of the Ordinary Council Meeting of 19 September 2017.

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

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 19 September 2017.

COUNCILLOR BYE / COUNCILLOR ROSSETTI

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 19 September 2017.

CARRIED

ITEM A5**BUSINESS ARISING FROM PREVIOUS MINUTES**

NIL

ITEM A6**ACCEPTANCE OF LATE ITEMS**

NIL

ITEM A7(1)**NOTICE OF MOTION – ANIMAL WELFARE AND BIOSECURITY****PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

John Buxton, Bundalaguah Resident

Spoke to Council regarding his concerns with Animal Welfare and Biosecurity.

- Farming industry heavily dependent on export markets
- The impact that an outbreak of foot and mouth disease would have on the farming industry and exports
- Encouraged council to continue to improve practices regarding animal welfare and biosecurity requirements.

Fergus Irving, Woodside Resident

Spoke to Council regarding Animal Welfare and Biosecurity

- Provided Council with information regarding his own experiences concerning Animal Welfare and Biosecurity.
- Queried if Council has a policy regarding livestock truck rollover?
- Encouraged council to continue to improve practices regarding animal welfare and biosecurity requirements

John McLinden, Longford Resident

Provided Council with information regarding his experience in Animal Welfare matters.

I, Councillor Keith Mills, hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council of 3 October 2017.

That-

- 1. Wellington Shire Council staff and officers utilising the “*Impounding of Livestock Act 1994*” take all actions permissible under the Act to avoid negative animal welfare and biosecurity impacts; *and***
- 2. Where the owner of straying stock is known, all possible steps are taken in a timely manner to return the animals to a secure area on the property of origin or to a secure place on other property nominated by the owner of those animals; *and***
- 3. Any handling and transport of the animals, in particular heavily pregnant cows or ewes, complies with the “Australian Animal Welfare Standards and Guidelines, Land Transport of Livestock”.; *and***
- 4. Where fencing on the subject property has been rendered ineffective by either natural or man-made influences there be consideration given as per section 22-3 (a) and (b) of the *Impounding of Livestock Act*; *and***
- 5. Any negotiation between Council officers and a livestock owner/manager focus on a workable way of achieving the desired biosecurity and animal welfare outcomes; *and***
- 6. The C.E.O. investigate the most appropriate and effective methods of informing and training Local Laws staff on matters pertaining to animal welfare and biosecurity with the aim of keeping them abreast of on-going changes and in alignment with the expectations of the farming community.**



COUNCILLOR KEITH MILLS
DATED: 22 September 2017

COUNCILLOR MILLS

The motion lapsed for want of a seconder

| | |
|-------------------|---|
| ITEM A8 | RECEIPT OF PETITIONS |
| | NIL |
| ITEM A8(1) | OUTSTANDING PETITIONS |
| | NIL |
| ITEM A9 | INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS |
| | NIL |
| ITEM A10 | QUESTIONS ON NOTICE |
| | NIL |
| ITEM B | DELEGATES REPORT |
| | NIL |
| ITEM C2.1 | ASSEMBLY OF COUNCILLORS |

OBJECTIVE

To report on all assembly of Councillor records received for the period 12 September 2017 to 26 September 2017.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 12 September 2017 to 26 September 2017.

COUNCILLOR BYE / COUNCILLOR MAHER

That Council note and receive the attached Assembly of Councillor records for the period 12 September 2017 to 26 September 2017.

CARRIED

OBJECTIVE

For Council to enact *Section 181 of the Local Government Act 1989* and sell the rateable properties, as listed in the attached confidential report, to recover unpaid rates and charges.

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

1. *That Council resolve to enact Section 181 of the Local Government Act 1989 and sell the rateable properties as listed in the attached confidential report, to recover unpaid rates and charges.*
2. *The information contained in the confidential document Item F1.1- Sale of properties for unpaid rates and charges of this Council Meeting and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Corporate Services on 13 September 2017 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: b) the personal hardship of any resident or ratepayer be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989.*

COUNCILLOR BYE / COUNCILLOR HOLE**RECOMMENDATION**

1. *That Council resolve to enact Section 181 of the Local Government Act 1989 and sell the rateable properties as listed in the attached confidential report, to recover unpaid rates and charges.*
2. *The information contained in the confidential document Item F1.1- Sale of properties for unpaid rates and charges of this Council Meeting and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Corporate Services on 13 September 2017 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: b) the personal hardship of any resident or ratepayer be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989.*

CARRIED

ITEM C3.1**ADOPTION OF DOMESTIC ANIMAL MANAGEMENT PLAN 2017 - 2021****OBJECTIVE**

For Council to consider all written submissions received to the draft Domestic Animal Management Plan and adopt the Domestic Animal Management Plan 2017 -2021.

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

That Council, having considered all written submissions received, resolve to adopt the Domestic Animal Management Plan 2017 -2021.

COUNCILLOR MILLS / COUNCILLOR McCUBBIN

That Council, having considered all written submissions received, resolve to adopt the Domestic Animal Management Plan 2017 -2021.

CARRIED

ITEM C3.2**AMENDMENT C96 - HEYFIELD LOW DENSITY RESIDENTIAL AREAS****OBJECTIVE**

For Council to:

- consider all written submissions made to Amendment C96 – Heyfield Low Density Residential Areas;
- adopt Amendment C96; and
- request the Minister for Planning to approve Amendment C96

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

Pat Weatherley, Heyfield Real Estate Agent

Spoke to Council regarding his support of this amendment as it will continue to support the economic growth and development of the town along with supporting the existing businesses and sporting clubs of Heyfield.

RECOMMENDATION

That:

1. Pursuant to Section 22 and 23 of the *Planning and Environment Act 1987*, Council consider all written submissions made to Amendment 96 - Heyfield Low Density Residential Areas.
2. Pursuant to Section 29 of the *Planning and Environment Act 1987*, Council resolve to adopt Amendment 96 – Heyfield Low Density Residential Areas with minor changes (refer to Attachment 2).
3. Pursuant to Section 31 of the *Planning and Environment Act 1987*, Council resolve to request the Minister for Planning to approve Amendment 96 – Heyfield Low Density Residential Areas.

Councillor Hole declared a direct conflict of interest due to a reasonable likelihood of a direct benefit or loss and left the chamber at 3:37pm

COUNCILLOR McCUBBIN / COUNCILLOR BYE

That:

1. Pursuant to Section 22 and 23 of the *Planning and Environment Act 1987*, Council consider all written submissions made to Amendment 96 - Heyfield Low Density Residential Areas.
2. Pursuant to Section 29 of the *Planning and Environment Act 1987*, Council resolve to adopt Amendment 96 – Heyfield Low Density Residential Areas with minor changes (refer to Attachment 2).
3. Pursuant to Section 31 of the *Planning and Environment Act 1987*, Council resolve to request the Minister for Planning to approve Amendment 96 – Heyfield Low Density Residential Areas.

CARRIED

Councillor Hole returned to the chamber at 3:44pm

OBJECTIVE

The objective of this report is for Council to consider entering into a contract for the upgrade of the Port Albert Boat Ramp. The upgrade consists of removal and disposal of the existing northern jetty, construction of an additional ramp and construction of new floating pontoons complete with laybys and pedestrian access

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

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.2 Contract 2018-012 Port Albert Boat Ramp Upgrade; and***
- 2. The information contained in the confidential attachment Item F1.2 Contract 2018-012 Port Albert Boat Ramp Upgrade 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 Built & Natural Environment on 12 September 2017 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) Contractual matters
be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

COUNCILLOR MAHER / COUNCILLOR STEPHENS

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.2 Contract 2018-012 Port Albert Boat Ramp Upgrade; and***
- 2. The information contained in the confidential attachment Item F1.2 Contract 2018-012 Port Albert Boat Ramp Upgrade 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 Built & Natural Environment on 12 September 2017 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: d) Contractual matters
be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

CARRIED

The Mayor announced the successful tenderer as SMC Civil Marine Pty Ltd.

OBJECTIVE

To consider the proposed Industrial Road Special Charge Street Construction Scheme Number 1701 for declaration as a Special Charge Scheme for the section from CH500 to CH630 Industrial Road in Stratford.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION**That:**

- 1. Council commences the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing the section of Industrial Road, Stratford, from CH500 to CH630 and providing any ancillary works including drainage.**
- 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 September 2017 in accordance with the proposed declaration of Special Charge Scheme Number 1701 in the form of this resolution for the full construction of the section of Industrial Road, Stratford, from CH500 to CH630.**
- 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 September 2017, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.**
- 4. Council appoints three Councillors plus an alternative representative to form the 'Industrial Road Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions.**
- 5. That Scheme Number 1701 for construction of this section of Industrial Road, Stratford, from CH500 to CH630 as presented to this meeting be adopted and a Special Charge for the scheme commences 5 September 2017 and remain in force for a period of ten years.**
- 6. The Special Charge be declared for the purpose of defraying costs associated with street construction (including drainage) which Council considers will be of benefit to those property owners required to pay the special charge.**
- 7. The following be specified as the land in relation to which the special charges is so declared: All properties abutting the section of Industrial Road from CH500 to CH630**

within the township of Stratford 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 \$120,000***
- (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 0.60.***
- (c) The cost is to be apportioned to properties included in the scheme on the basis of each property having a frontage abuttal to the street to be constructed under the scheme will be apportioned one (1) Access Benefit Unit (ABU). Properties with a side abuttal to the street to be constructed under the scheme will be apportioned one third (0.5) Access Benefit Unit (ABU).***

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 "Industrial Road – Stratford - Special Charge Street Construction Scheme Number 1701" are liable for the respective amounts set out in the scheme document. Council will be contributing 60% 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 40 quarterly instalments (10 years) including interest**

- 11. Council authorises the Chief Executive Officer to give public notice of this declaration in accordance with Sections 163 and 223 of the Local Government Act 1989.**
- 12. Council authorises the Chief Executive Officer 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.**

COUNCILLOR McCUBBIN / COUNCILLOR BYE

That:

- 1. Council commences the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing the section of Industrial Road, Stratford, from CH500 to CH630 and providing any ancillary works including drainage.**
- 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 December 2017 in accordance with the proposed declaration of Special Charge Scheme Number 1701 in the form of this resolution for the full construction of the section of Industrial Road, Stratford, from CH500 to CH630.**
- 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 December 2017, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.**
- 4. Council appoints Councillor Bye, Councillor McCubbin and Councillor Crossley plus Councillor Stephens as an alternative representative to form the 'Industrial Road Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions.**
- 5. That Scheme Number 1701 for construction of this section of Industrial Road, Stratford, from CH500 to CH630 as presented to this meeting be adopted and a Special Charge for the scheme commences 5 December 2017 and remain in force for a period of ten years.**
- 6. The Special Charge be declared for the purpose of defraying costs associated with street construction (including drainage) which Council considers will be of benefit to those property owners required to pay the special charge.**

7. The following be specified as the land in relation to which the special charges is so declared: All properties abutting the section of Industrial Road from CH500 to CH630 within the township of Stratford 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:-

(d) The total amount of the special charge to be levied is \$120,000

(e) 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 0.60.**
- (f) The cost is to be apportioned to properties included in the scheme on the basis of each property having a frontage abuttal to the street to be constructed under the scheme will be apportioned one (1) Access Benefit Unit (ABU). Properties with a side abuttal to the street to be constructed under the scheme will be apportioned one third (0.5) Access Benefit Unit (ABU).**

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 "Industrial Road – Stratford - Special Charge Street Construction Scheme Number 1701" are liable for the respective amounts set out in the scheme document. Council will be contributing 60% 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 40 quarterly instalments (10 years) including interest*

11. Council authorises the Chief Executive Officer to give public notice of this declaration in accordance with Sections 163 and 223 of the Local Government Act 1989.

12. Council authorises the Chief Executive Officer 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

ITEM C5.1 MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2017 - 2021

OBJECTIVE

For Council to approve Healthy Wellington 2017 - 2021 (Attachment A).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council approves Healthy Wellington Plan 2017 – 2021 (Attachment A).

COUNCILLOR MAHER / COUNCILLOR STEPHENS

That Council approves Healthy Wellington Plan 2017 – 2021 (Attachment A).

CARRIED

ITEM C5.2 SPECIAL COMMITTEES OF COUNCIL – INSTRUMENTS OF DELEGATION AND TERMS OF REFERENCE

OBJECTIVE

For Council to approve the revised Instruments of Delegations and Terms of Reference (as attached) for the:

- Briagolong Quarry Reserve Committee of Management
- Briagolong Recreation Reserve Committee of Management
- Cameron Sporting Complex Committee of Management
- Gordon Street Recreation Reserve Committee of Management
- Maffra Recreation Reserve Committee of Management
- Newry Recreation Reserve Committee of Management

For Council to maintain the current exemption under Section 81 of the *Local Government Act 1989* that exempts a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council approve the revised Instruments of Delegations and Terms of Reference (as attached) for the:***
 - Briagolong Quarry Reserve Committee of Management***
 - Briagolong Recreation Reserve Committee of Management***
 - Cameron Sporting Complex Committee of Management***
 - Gordon Street Recreation Reserve Committee of Management***
 - Maffra Recreation Reserve Committee of Management***
 - Newry Recreation Reserve Committee of Management***
- 2. Council maintain the current exemption under Section 81 of the Local Government Act 1989 that exempts a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return.***

COUNCILLOR ROSSETTI / COUNCILLOR MILLS

That:

- 1. Council approve the revised Instruments of Delegations and Terms of Reference (as attached) for the:***
 - Briagolong Quarry Reserve Committee of Management***
 - Briagolong Recreation Reserve Committee of Management***
 - Cameron Sporting Complex Committee of Management***
 - Gordon Street Recreation Reserve Committee of Management***
 - Maffra Recreation Reserve Committee of Management***
 - Newry Recreation Reserve Committee of Management***
- 2. Council maintain the current exemption under Section 81 of the Local Government Act 1989 that exempts a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return.***

CARRIED

ITEM C5.3

COMMUNITY ENGAGEMENT POLICY

OBJECTIVE

For Council to approve the Community Engagement Policy (Attachment A).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council approve the Community Engagement Policy (Attachment A).

COUNCILLOR HALL / COUNCILLOR HOLE

That Council approve the Community Engagement Policy (Attachment A).

CARRIED

D. URGENT BUSINESS

NIL

E. FURTHER GALLERY AND CHAT ROOM COMMENTS

CHAT ROOM

Alan Heywood – Pearsondale Resident

Correspondence received from Mr Heywood regarding parking improvements on private land at the York Street Sale Post Office complex.

Question from Mr Heywood: “how many signatures do you “our shire” think I should have on a petition?

GALLERY COMMENTS

Alan Guthrie (Consulting Criminologist) – Morwell

Provided Council with information regarding findings from an extensive review that he has undertaken with other councils regarding their Domestic Animal Management Plans.

Meeting declared closed at 4:01pm