



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

Resolutions in Brief

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

PRESENT

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

IN ATTENDANCE

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

APOLOGIES

John Websdale – General Manager Development

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

To adopt the minutes of the Ordinary Council Meeting of 6 September 2016 as tabled.

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

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 September 2016 as tabled.

COUNCILLOR WENGER / COUNCILLOR CROSSLEY

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 September 2016 as tabled.

CARRIED

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

NIL

ITEM A6**ACCEPTANCE OF LATE ITEMS**

NIL

ITEM A7(1)**NOTICE OF MOTIONS****PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

Matt Hams – Banksia Park Puppies

Spoke to Council regarding

- Proposed legislation and the ongoing effects this will have on their business
- Government policy based on noise from social media and extremist views
- Lack of consultation with the industry relating to this issue.
- Impacts on employment opportunities
- A sustainable approach that recognises demand along with education and an industry framework for officers to enforce any enacted legislation to achieve the best outcome for the industry.

I, Councillor Scott Rossetti, hereby give of my intention to move the following motion at the Ordinary Meeting of Council on 20 September 2016:

That the Council write to all local Members of Parliament and Joshua Morris MP – Chairman of the Economic and Infrastructure Upper House Committee - supporting an Upper House Committee review of the proposed legislation regarding dog breeding so the issues can be properly considered and so we can get the best outcome for animal welfare in Victoria without penalising reputable professional breeding businesses.

COUNCILLOR ROSSETTI / COUNCILLOR WENGER

That the Council write to all local Members of Parliament and Joshua Morris MP – Chairman of the Economic and Infrastructure Upper House Committee - supporting an Upper House Committee review of the proposed legislation regarding dog breeding so the issues can be properly considered and so we can get the best outcome for animal welfare in Victoria without penalising reputable professional breeding businesses

CARRIED



COUNCILLOR SCOTT ROSSETTI

Dated: 13 September 2016

ITEM A8(1) OUTSTANDING PETITIONS

ITEM	FROM MEETING	COMMENTS	ACTION BY
Removal of Handrail On Gangway Next to Mcloughlin's Beach Boat Ramp	16 August 2016	Item to lay on the table until further notice	General Manager Built & Natural Environment

ITEM A8(2) RECEIPT OF PETITION TO STOP BAND PRACTICE AT 322-324 YORK STREET SALE

OBJECTIVE

To present Council with a petition in relation to band practice at 322-324 York Street Sale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council receive the attached petition in relation to band practice at 322-324 York Street Sale.

COUNCILLOR DAVINE / COUNCILLOR McIVOR

That Council receive the attached petition in relation to band practice at 322-324 York Street Sale.

CARRIED

ITEM A8(3)

RESPONSE TO PETITION – BRADYS BRIDGE REPLACEMENT

OBJECTIVE

To consider and respond to a petition relating to the future of Bradys Bridge, located on Maxfields Road, Sale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

Meryl Edwards – Stephenson Street Sale

Spoke to Council regarding the following:

- Disappointed with apparent disregard to all previous documentation from last 12 years
- Referred to other shared usage roads that are working well within the Council
- Effective cost structure is a single lane multi use bridge to accommodate cars, emergency services, cyclists and pedestrians that can exist together
- Environmental impact on the Wetlands and Sale Common
- Signatures listed on the current petition are not affected by the re-opening of Bradys Bridge due to where they reside
- Council assist with facilitation of Community Meeting

Michelle Irwin – Stephenson Street Sale

Spoke to Council regarding the following:

- Benefits of bridge being closed out-weighs the benefits of it being open
- Safety concerns if bridge was re-opened
- Increase in grading would be required
- Costs associated with property damage (Fencing)

Cathy Duck – Stephenson Street, Sale

Spoke to Council regarding the following:

- New to area
- Area used by schools regularly and families for family outings
- Safety Concerns if Bridge was reopened
- Concerned with increase in theft if Bridge was re-opened
- Benefits of it being closed out-weighs the benefits of it being open

Richard Telling, Sale Resident

Spoke to Council regarding the following:

- Previous proposal for road from John Street to Lacey Street

Mr Edwards – Stephenson's Street, Sale

Spoke to Council regarding the following:

- Safety concerns with flooding of Stephenson's Street without a safe exit point
- Ask Council if the services e.g. Ambulance, Police have been approached enquiring about the advantages of having a Bridge in Maxfields Road.
- Ask Council to consider a speed limit on Maxfields Road
- Ask Council to undertake a NATA approved test of household and commercial dust within the area

RECOMMENDATION

That

- 1. Council agree with the petition to not pursue funding for a replacement of Bradys Bridge with a vehicular bridge;***
- 2. Council rescind the following resolution made on 19 July 2016:***
 - a) Council authorises the Chief Executive Officer to make application to the Federal Government Bridges Renewal Program, for additional funding to replace Bradys Bridge with a road network bridge;***
 - b) If application to the Federal Government Bridges Renewal Program is successful, authorise the replacement of Bradys Bridge with a road network bridge to commence as part of the 2016/2017 capital works program;***
 - c) If application to the Federal Government Bridges Renewal Program is unsuccessful, authorise the replacement of Bradys Bridge with a pedestrian bridge to commence as part of the 2016/2017 capital works program;***
- 3. Council endorse the replacement of Bradys Bridge with a pedestrian Bridge and authorise the Chief Executive Officer to write to the head petitioner, advising of this resolution.***

COUNCILLOR McIVOR / COUNCILLOR DUNCAN

That further consultation take place regarding re-opening Bradys Bridge and that a report be prepared for Council discussing the issue, taking all environmental, traffic and other relevant factors into account, including the views of affected land holders in the area.

CARRIED

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

Cr Hole represented Council at the MAV Annual Conference where he was presented with an award from the Heart Foundation for encouragement in walking, cycling and becoming more active.

ITEM A10**QUESTIONS ON NOTICE**

NIL

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

That the Mayor's report be noted.

COUNCILLOR HOLE / COUNCILLOR ROSSETTI

That the Mayor's report be noted.

CARRIED

ITEM B**DELEGATES**

Councillor Wenger provided a verbal report from the August Annual General Meeting of South East Australian Transport Strategy. The strategic network document was distributed at the AGM and Councillor Wenger provided a verbal report on the following:

- Purpose of the document
- Where additional infrastructure is needed
- Providing Strategic context for the infrastructure projects
- Assisting members to prepare submission for Transport Infrastructure funding
- Boosting economic activity and development
- Sustainable transport network
- Recycled products

Councillor Wenger advised a recent change in Chair and Deputy Chair and that, Wellington Shire Council was elected as Deputy Chair.

ITEM C1.1

CHIEF EXECUTIVE OFFICER'S REPORT

RECOMMENDATION

That the Chief Executive Officer's Report be received.

COUNCILLOR McIVOR / COUNCILLOR CROSSLEY

That the Chief Executive Officer's Report be received.

CARRIED

ITEM C1.2

AUGUST 2016 PERFORMANCE REPORT

OBJECTIVE

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

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

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

COUNCILLOR CLEARY / COUNCILLOR McIVOR

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

CARRIED

ITEM C1.3

AUDIT COMMITTEE MEMBER APPOINTMENT

OBJECTIVE

The purpose of this report is to provide information to Council to enable consideration of the appointment of one external independent member to Council's Audit Committee.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council appoint an independent member to Council's Audit Committee for a three year period commencing 29 October 2016 and expiring 28 October 2019 in accordance with the recommendation in the attached confidential evaluation report at Item F1.1 of this Council meeting agenda; and***
- 2. The information contained in the confidential document Item F1.1 Audit Committee Member Appointment and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 8 September 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, except that once this recommendation has been adopted the name of the successful applicant can be made public.***

COUNCILLOR CLEARY / COUNCILLOR DUNCAN

That:

- 1. Council appoint an independent member to Council's Audit Committee for a three year period commencing 29 October 2016 and expiring 28 October 2019 in accordance with the recommendation in the attached confidential evaluation report at Item F1.1 of this Council meeting agenda; and***
- 2. The information contained in the confidential document Item F1.1 Audit Committee Member Appointment and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the Chief Executive Officer on 8 September 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, except that once this recommendation has been adopted the name of the successful applicant can be made public.***

CARRIED

Councillor Cleary announced the external independent auditor as Mr Peter Craighead

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

To report on all assembly of Councillor records received during the period 30 August 2016 to 13 September 2016.

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records received during the period 30 August 2016 to 13 September 2016.

COUNCILLOR DAVINE / COUNCILLOR ROSSETTI

That Council note and receive the attached Assembly of Councillor records received during the period 30 August 2016 to 13 September 2016.

CARRIED

ITEM C2.2 AMENDMENT OF UPCOMING COUNCIL MEETINGS**OBJECTIVE**

For Council to:

- Cancel the 2 November, 2016 Ordinary Council Meeting and convene a Special Council Meeting on Thursday 3 November 2016 to instate incoming Councillors following the General Election; and
- Amend the start time for the 4 October, 2016 Ordinary Council Meeting

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council cancel the scheduled 2 November 2016 Ordinary Council Meeting; and***
- 2. Council approve as per S84A of the Local Government Act (1989) to convene a Special Council Meeting on Thursday 3 November 2016 at 5.00pm, to instate new Councillors; and***
- 3. Council amend the starting time of the 4 October 2016 Ordinary Council Meeting from 1.00pm to 4:00pm; and***
- 4. Council advertise the amendments as detailed above***

COUNCILLOR HOLE / COUNCILLOR CLEARY

That:

- 1. Council cancel the scheduled 2 November 2016 Ordinary Council Meeting; and***
- 2. Council approve as per S84A of the Local Government Act (1989) to convene a Special Council Meeting on Thursday 3 November 2016 at 5.00pm, to instate new Councillors; and***
- 3. Council amend the starting time of the 4 October 2016 Ordinary Council Meeting from 1.00pm to 4:00pm; and***
- 4. Council advertise the amendments as detailed above***

CARRIED

ITEM C3.1

PLANNING SCHEME AMENDMENT C90 - PRECINCTS 3 AND 11 LONGFORD DEVELOPMENT PLAN AREA

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council, having considered the private requests (refer to Attachments 1 and 2), resolve to advance the Planning Scheme Amendment process to facilitate the rezoning of all land within Precincts 3 and 11 of the Longford Development Plan Area, Longford.*
- 2. Pursuant to Section 8A of the Planning and Environment Act 1987, Council resolve to request the Minister for Planning to Authorise Council, as the planning authority, to prepare Amendment C90 - Precincts 3 and 11 Longford Development Plan Area (refer to Attachment 3).*
- 3. Council resolve to proceed with the public exhibition of Amendment C90 - Precincts 3 and 11 Longford Development Plan Area, once Authorisation is granted.*

COUNCILLOR McIVOR / COUNCILLOR ROSSETTI

That:

- 1. Council, having considered the private requests (refer to Attachments 1 and 2), resolve to advance the Planning Scheme Amendment process to facilitate the rezoning of all land within Precincts 3 and 11 of the Longford Development Plan Area, Longford.*
- 2. Pursuant to Section 8A of the Planning and Environment Act 1987, Council resolve to request the Minister for Planning to Authorise Council, as the planning authority, to prepare Amendment C90 - Precincts 3 and 11 Longford Development Plan Area (refer to Attachment 3).*
- 3. Council resolve to proceed with the public exhibition of Amendment C90 - Precincts 3 and 11 Longford Development Plan Area, once Authorisation is granted.*

CARRIED

ITEM C3.2

JULY 2016 PLANNING DECISIONS

OBJECTIVE

To provide a report to Council on recent planning permit trends and planning decisions, made under delegation by Statutory Planners during the month of July 2016, for information.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 July and 31 July 2016.

COUNCILLOR WENGER / COUNCILLOR CLEARY

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 July and 31 July 2016.

CARRIED

ITEM C3.3

NORTH SALE GROWTH AREA: DRAFT DESIGN RESPONSE PLAN

OBJECTIVE

To seek endorsement of the draft North Sale Design Response Plan and to proceed to a period of general public exhibition.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

Warren Sanders

Asked Council the following questions

- What is happening with the drainage reserve (proposed) and the third oval.(refer to Page 384 of the report)
- Acquisition of two existing properties. (refer to page 383 of Report)

RECOMMENDATION

That Council endorse the draft North Sale Design Response Plan (refer to Attachment 1) and proceed to a period of general public exhibition.

Councillor Davine declared an Indirect Conflict of Interest due to close association and left the Council chamber at 7:15pm.

COUNCILLOR ROSSETTI / COUNCILLOR HOLE

That Council endorse the draft North Sale Design Response Plan (refer to Attachment 1) and proceed to a period of general public exhibition.

CARRIED

Councillor Davine returned to the Council Chamber at 7:22pm.

ITEM C4.1**WEST SALE AIRPORT LEASE TO OPTUS MOBILE PTY LTD**

DIVISION:

BUILT AND NATURAL ENVIRONMENT

ACTION OFFICER:

GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

DATE:

20 SEPTEMBER 2016

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

OBJECTIVE

The objective of this report is to seek Council authorisation to enter into a lease at West Sale Airport (WSA) with Optus Mobile Pty Ltd.

RECOMMENDATION

That

- 1. Council authorise the Chief Executive Officer to progress the request to lease land to Optus Mobile Pty Ltd.***
- 2. Council advertises its intention to lease land at West Sale Airport at or above market value, subject to the provisions of the Local Government Act 1989 section 190 and 223, including calling for submissions in relation to the proposed lease.***
- 3. Subject to not receiving any submissions, Council authorise the Chief Executive Officer to progress the lease at or above the current market value including executing necessary documents.***
- 4. The information contained in the Confidential Attachment Item F1.2 West Sale – Lease to Optus Mobile Pty Ltd of the Council Meeting Agenda, and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built and Natural Environment on 26 August 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989.***

COUNCILLOR CLEARY / COUNCILLOR WENGER

That

- 1. Council authorise the Chief Executive Officer to progress the request to lease land to Optus Mobile Pty Ltd.***
- 2. Council advertises its intention to lease land at West Sale Airport at or above market value, subject to the provisions of the Local Government Act 1989 section 190 and 223, including calling for submissions in relation to the proposed lease.***
- 3. Subject to not receiving any submissions, Council authorise the Chief Executive Officer to progress the lease at or above the current market value including executing necessary documents.***
- 4. The information contained in the Confidential Attachment Item F1.2 West Sale – Lease to Optus Mobile Pty Ltd of the Council Meeting Agenda, and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built and Natural Environment on 26 August 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989.***

CARRIED

OBJECTIVE

The objective of this report is for Council to enter into a contract for the replacement of the Park Street Bridge, Sale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That

1. *Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.3 of the Council Meeting Agenda for Contract 2016-003 Park Street Bridge Replacement;*
2. *The information contained in the confidential document Item F1.3 Contract 2016-003 Park Street Bridge Replacement of this Council Meeting be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 05 September 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: c) Contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public*

COUNCILLOR McIVOR /COUNCILLOR CLEARY

That

1. *Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.3 of the Council Meeting Agenda for Contract 2016-003 Park Street Bridge Replacement;*
2. *The information contained in the confidential document Item F1.3 Contract 2016-003 Park Street Bridge Replacement of this Council Meeting be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 05 September 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: c) Contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public*

CARRIED

The Mayor Announced the successful tendered as Jarvis Norwood Constructions Pty Ltd

OBJECTIVE

The objective of this report is for Council to enter into a contract for the Port of Sale Precinct Roadworks.

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

That

1. *Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.4 2016-019 Port of Sale Precinct Roadworks of the Council Meeting Agenda for Contract 2016-019 Port of Sale Precinct Roadworks;*
2. *The information contained in the confidential document Item F1.4 2016-019 Port of Sale Precinct Roadworks of the 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 31 August 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: c) Contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public*

COUNCILLOR CROSSLEY / COUNCILLOR ROSSETTI

That

1. *Council adopt the recommendations contained in the attached confidential Tender Evaluation Report at Item F1.4 2016-019 Port of Sale Precinct Roadworks of the Council Meeting Agenda for Contract 2016-019 Port of Sale Precinct Roadworks;*
2. *The information contained in the confidential document Item F1.4 2016-019 Port of Sale Precinct Roadworks of the 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 31 August 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: c) Contractual matters be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful tenderer can be made public*

CARRIED

The Mayor announced the successful tenderer as Fowlers Asphaltting P/L

OBJECTIVE

The purpose of this report is for Council to receive the minutes from the Place Names Committee meeting held on 2 August 2016 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 2 August 2016;**
- 2. Arising from the Place Names Committee meeting of 2 August 2016, Council adopt the following recommendation;**

That:

- a) A letter be sent to all property owners abutting Tip Road that no further action will be taken regarding this matter until an alternate road name is nominated that has been agreed to by all abutting property owners that is acceptable to the Office of Geographic Names; and**
 - b) A letter be sent to all affected property owners that the unnamed road off the Bengworden Road be named Akoonah Lane and that if no negative response is received within 30 days then apply to the Registrar of Geographic Names to formalise the name; and**
 - c) The request to name the unnamed private road off the Seaspray Road, Wattlebird Close be approved and to apply to the Registrar of Geographic Names to formalise the name; and**
 - d) Following confirmation with the Maffra and District Historical Society that the intersection of Tinamba-Newry Road and Tinamba-Glenmaggie Road is known locally as GREENVALE CORNER that this name be registered with the Registrar of Geographic Names; and**
 - e) Following a request to name the York Street entrance to the IGA carpark in Sale that:**
 - (i) A response be sent to thanking people for their submissions; and**
 - (ii) The entrance to the carpark be named Sillett Lane; and**
 - (iii) That the name Grubb be added to the Council Approved Road Names Register for use in the Sale area.**
- 3. The information contained in the attached document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built and Natural Environment on 06 September 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989.**

COUNCILLOR DAVINE / COUNCILLOR CLEARY

That this item be lifted from table

CARRIED

COUNCILLOR DAVINE / COUNCILLOR CLEARY

That:

- 1. Council receive and note the minutes of the Place Names Committee meeting held on 2 August 2016;**
- 2. Arising from the Place Names Committee meeting of 2 August 2016, Council adopt the following recommendation;**

That:

- a) A letter be sent to all property owners abutting Tip Road that no further action will be taken regarding this matter until an alternate road name is nominated that has been agreed to by all abutting property owners that is acceptable to the Office of Geographic Names; and**
- b) A letter be sent to all affected property owners that the unnamed road off the Bengworden Road be named Akoonah Lane and that if no negative response is received within 30 days then apply to the Registrar of Geographic Names to formalise the name; and**
- c) The request to name the unnamed private road off the Seaspray Road, Wattlebird Close be approved and to apply to the Registrar of Geographic Names to formalise the name; and**
- d) Following confirmation with the Maffra and District Historical Society that the intersection of Tinamba-Newry Road and Tinamba-Glenmaggie Road is known locally as GREENVALE CORNER that this name be registered with the Registrar of Geographic Names; and**
- e) Following a request to name the York Street entrance to the IGA carpark in Sale that:**
 - 1. A response be sent to thanking people for their submissions; and**
 - 2. The entrance to the carpark be named Sillett Lane; and**
 - 3. That the name Grubb be added to the Council Approved Road Names Register for use in the Sale area.**
- 3. The information contained in the attached document and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built and Natural Environment on 06 September 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: h) any other matter which the Council or special committee considers would prejudice the Council or which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989.**

CARRIED

ITEM C4.5**DUNDAS STREET SOUTH SPECIAL CHARGE STREET
CONSTRUCTION SCHEME – INTENTION TO DECLARE SCHEME****OBJECTIVE**

To consider the proposed Dundas Street Special Charge Street Construction Scheme Number 1601 for declaration as a Special Charge Scheme for the section of Dundas Street between Cunninghame Street and Macarthur Street in Sale.

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

- 1. Council commences the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing the section of Dundas Street between Cunninghame Street and Macarthur 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 7 February 2017 in accordance with the proposed declaration of Special Charge Scheme Number 1601 in the form of this resolution for the full construction of the section of Dundas Street between Cunninghame Street and Macarthur 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 7 February 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. If written submissions/objections are received Council form the 'Dundas Streets – South - 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.***

RECOMMENDATION CONTINUED

That:

- 5. That Scheme Number 1601 for construction of the section of Dundas Street between Cunninghame Street and Macarthur Street, Sale as presented to this meeting be adopted and a Special Charge for the scheme commences 7 February 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 Dundas Street between Cunninghame Street and Macarthur 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 \$128,000***
 - (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 0.40.

RECOMMENDATION CONTINUED

That:

- (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:

- 1. The owners of the properties described in the scheme document entitled “Dundas Street – South - Special Charge Street Construction Scheme Number 1601” are liable for the respective amounts set out in the scheme document. Council will be contributing 60% of the scheme costs.***
- 2. Such owners may subject to any further resolution by Council, pay the special charge per property/title in accordance with the following:***
 - a) the full amount within 45 days of invoice or***
 - b) payment may be made over 20 quarterly instalments (5 years) including interest or***
 - c) payment may be made over 40 quarterly instalments (10 years) including interest***
- 11. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of this declaration in accordance with Sections 163 and 223 of the Local Government Act 1989.***
- 12. The Chief Executive Officer, General Manager Built & Natural Environment and Manager Assets and Projects or the person for the time being acting in that position, be 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.***

COUNCILLOR ROSSETTI / COUNCILLOR McIVOR

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 Dundas Street between Cunninghame Street and Macarthur 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 7 February 2017 in accordance with the proposed declaration of Special Charge Scheme Number 1601 in the form of this resolution for the full construction of the section of Dundas Street between Cunninghame Street and Macarthur 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 7 February 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. If written submissions/objections are received Council form the 'Dundas Streets – South - 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 1601 for construction of the section of Dundas Street between Cunninghame Street and Macarthur Street, Sale as presented to this meeting be adopted and a Special Charge for the scheme commences 7 February 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 Dundas Street between Cunninghame Street and Macarthur 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 \$128,000*
- (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 0.40.

- (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:

- 1. The owners of the properties described in the scheme document entitled “Dundas Street – South - Special Charge Street Construction Scheme Number 1601” are liable for the respective amounts set out in the scheme document. Council will be contributing 60% of the scheme costs.**
- 2. Such owners may subject to any further resolution by Council, pay the special charge per property/title in accordance with the following:**
 - d) the full amount within 45 days of invoice or**
 - e) payment may be made over 20 quarterly instalments (5 years) including interest or**
 - f) payment may be made over 40 quarterly instalments (10 years) including interest**
- 11. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of this declaration in accordance with Sections 163 and 223 of the Local Government Act 1989.**
- 12. The Chief Executive Officer, General Manager Built & Natural Environment and Manager Assets and Projects or the person for the time being acting in that position, be 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

ITEM C5.1**COMMUNITY ASSISTANCE GRANTS – EVENTS, PROJECTS
AND FACILITIES AUGUST 2016****OBJECTIVE**

That Council adopt the recommendations to allocate Community Assistance Grants – Events, Projects and Facilities August 2016 funds as detailed in Attachment A and that applicants be notified of the outcome of their applications.

RECOMMENDATION

That Council adopt the recommendations to allocate Community Assistance Grants – Events, Projects and Facilities August 2016 funds as detailed in Attachment A and that applicants be notified of the outcome of their applications.

Councillor Crossley declared an Indirect Conflict of Interest due to close association and due to being a member of a community committee and left the chamber at 7:43pm

Councillor McIvor declared an Indirect Conflict of Interest due to close association as a family member is a board member for one of the recipients for grant funding and left the chamber at 7:43pm

COUNCILLOR HOLE / COUNCILLOR DUNCAN

That Council adopt the recommendations to allocate Community Assistance Grants – Events, Projects and Facilities August 2016 funds as detailed in Attachment A and that applicants be notified of the outcome of their applications.

CARRIED

Councillor Crossley & Councillor McIvor returned to the chamber at 7:47pm

ITEM C5.2**GIPPSLAND ART GALLERY ADVISORY GROUP MINUTES****OBJECTIVE**

To receive the minutes from the Gippsland Art Gallery Advisory Group meeting held on 1 August 2016.

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

That Council receive the minutes of the Gippsland Art Gallery Advisory Group meeting held on 1 August 2016.

COUNCILLOR DAVINE / COUNCILLOR McIVOR

That Council receive the minutes of the Gippsland Art Gallery Advisory Group meeting held on 1 August 2016.

CARRIED

ITEM C5.3**COMMUNITY FACILITIES FRAMEWORK 2016****OBJECTIVE**

To seek Council adoption of the Community Facilities Framework 2016 as attached.

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

That Council adopt the Community Facilities Framework 2016 as attached.

COUNCILLOR CROSSLEY / COUNCILLOR CLEARY

That Council adopt the Community Facilities Framework 2016 as attached.

CARRIED

ITEM C5.4**BRIAGOLONG RECREATION RESERVE COMMITTEE OF
MANAGEMENT MEMBERSHIP****OBJECTIVE**

For Council to appoint the nominated Boisdale Briagolong Cricket Club representative to the Briagolong Recreation Reserve Committee of Management, as detailed in the attached confidential report, for the remainder of the 3 year period, ending 18 December 2018.

RECOMMENDATION

That:

- 1. Council adopts the recommendation contained in the confidential report at Item F1. of the Council Meeting Agenda for Briagolong Recreation Reserve Committee of Management Membership; and***
- 2. The information contained in the attached document Item F1. Briagolong Recreation Reserve Committee of Management Membership of this Council Meeting Agenda, be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Community and Culture on 13 September 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful member can be made public.***

COUNCILLOR CLEARY / COUNCILLOR WENGER

That:

- 1. Council adopts the recommendation contained in the confidential report at Item F1. of the Council Meeting Agenda for Briagolong Recreation Reserve Committee of Management Membership; and***
- 2. The information contained in the attached document Item F1. Briagolong Recreation Reserve Committee of Management Membership of this Council Meeting Agenda, be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Community and Culture on 13 September 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful member can be made public***

CARRIED

ITEM C5.5**MAFFRA RECREATION RESERVE COMMITTEE OF
MANAGEMENT MEMBERSHIP****OBJECTIVE**

For Council to appoint the nominated Maffra Football Club representative to the Maffra Recreation Reserve Committee of Management, as detailed in the attached confidential report, for the remainder of the 3 year period, ending 18 December 2018.

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

That

- 1. Council adopts the recommendation contained in the confidential report at Item F1. of the Council Meeting Agenda for Maffra Recreation Reserve Committee of Management Membership; and*
- 2. The information contained in the attached document Item F1. Maffra Recreation Reserve Committee of Management Membership of this Council Meeting Agenda, be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Community and Culture on 13 September 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful member can be made public.*

COUNCILLOR DUNCAN / COUNCILLOR WENGER

That

- 1. Council adopts the recommendation contained in the confidential report at Item F1. of the Council Meeting Agenda for Maffra Recreation Reserve Committee of Management Membership; and*
- 2. The information contained in the attached document Item F1. Maffra Recreation Reserve Committee of Management Membership of this Council Meeting Agenda, be designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Community and Culture on 13 September 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: (h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2) (b) of the Local Government Act 1989, except that once this recommendation has been adopted the name of the successful member can be made public.*

CARRIED



D. URGENT BUSINESS

NIL



E. FURTHER GALLERY AND CHAT ROOM COMMENTS

NIL

Meeting closed 8:05pm