



# WELLINGTON

SHIRE COUNCIL

*The Heart of Gippsland*

## Resolutions in Brief

**To be read in conjunction with the Agenda 5 April 2016**

### **PRESENT**

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

### **IN ATTENDANCE**

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

### **APOLOGY**

Councillor – Darren McCubbin – Mayor  
John Websdale – General Manager Development

## ORDINARY MEETING OF COUNCIL – 5 APRIL 2016

### AGENDA & TABLE OF CONTENTS

---

	ITEM	PAGE NUMBER
<b>A</b>	<b>PROCEDURAL</b>	
A1	STATEMENT OF ACKNOWLEDGEMENT AND PRAYER	
A2	APOLOGIES – CR McCUBBIN (MAYOR)	
A3	DECLARATION OF CONFLICT/S OF INTEREST CR McIVOR DECLARED AN INDIRECT CONFLICT OF INTEREST DUE TO CLOSE ASSOCIATION REGARDING ITEM C4.1	
A4	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING	
A5	BUSINESS ARISING FROM PREVIOUS MEETING/S NIL	
A6	ACCEPTANCE OF LATE ITEMS NIL	
A7	NOTICES OF MOTION NIL	
A8	RECEIVING OF PETITIONS OR JOINT LETTERS Item A8(1) Outstanding Petitions Item A8(2) Response to Petition – Sealing of Banks Road Gormandale	
A9	INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS	
A10	QUESTIONS ON NOTICE Item 10(1) Outstanding Questions on Notice	
<b>B</b>	<b>REPORT OF DELEGATES</b>	
<b>C</b>	<b>OFFICERS' REPORT</b>	
	<b>C1 CHIEF EXECUTIVE OFFICER</b>	
	<b>C2 GENERAL MANAGER CORPORATE SERVICES</b> ITEM C2.1 ASSEMBLY OF COUNCILLORS ITEM C2.2 REMUNERATION COMMITTEE MINUTES	

	ITEM	PAGE NUMBER
	<b>C3 GENERAL MANAGER DEVELOPMENT</b>	
	<b>C4 GENERAL MANAGER BUILT &amp; NATURAL ENVIRONMENT</b> ITEM C4.1 PEARSON AND SIMPSON STREETS SPECIAL CHARGE STREET CONSTRUCTION SCHEME – DECLARATION OF SCHEME	
	<b>C5 GENERAL MANAGER COMMUNITY AND CULTURE</b>	
<b>D</b>	<b>URGENT BUSINESS</b>	
<b>E</b>	<b>FURTHER GALLERY AND CHAT ROOM COMMENTS</b>	
<b>F</b>	<b>CONFIDENTIAL ATTACHMENTS</b>	
<b>G</b>	<b>IN CLOSED SESSION</b>	

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

**COUNCILLOR DAVINE / COUNCILLOR ROSSETTI**

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

**CARRIED**

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

NIL

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

NIL

**ITEM A7****NOTICES OF MOTION/S**

NIL

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

NIL

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

NIL

**ITEM A8(2)****RESPONSE TO PETITION: SEALING OF BANKS ROAD  
GORMANDALE****PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

Kenneth Pearson, Banks Road Gormandale Resident

Complained 3 years ago regarding condition and safety concerns with Banks Road Gormandale. Presented council with video showing condition of road. Discussed concerns with depth of loose gravel and corrugation, along with suggestion of returning to previous type of gravel.

Jenny Taylor, Banks Road Gormandale

Concerns with state of road especially depth of loose gravel and also reiterated the concerns of Mr Kenneth Pearson.

**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.*

**COUNCILLOR ROSSETTI / COUNCILLOR CROSSLEY**

*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.*

**CARRIED****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.

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

NIL

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

NIL

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

ITEM	FROM MEETING	COMMENTS	ACTION BY
<p><i>Question on Notice</i>  <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 provided</p>	General Manager Development

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

NIL

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

**COUNCILLOR DAVINE / COUNCILLOR CLEARY**

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

**CARRIED**

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

**COUNCILLOR HOLE / COUNCILLOR ROSSETTI**

**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.**

**CARRIED**

**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.

**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.**

COUNCILLOR McIVOR DECLARED AN INDIRECT CONFLICT OF INTEREST DUE TO CLOSE ASSOCIATION AND LEFT COUNCIL CHAMBERS 1:15PM

**COUNCILLOR ROSSETTI / COUNCILLOR CROSSLEY**

**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.**

**CARRIED**

**COUNCILLOR ROSSETTI / COUNCILLOR CROSSLEY**

**COUNCILLOR McIVOR RETURNED TO COUNCIL CHAMBER 1:19PM**



## **D. URGENT BUSINESS**

NIL



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

CHAT ROOM – NIL

GALLERY COMMENTS – NIL

MEETING DECLARED CLOSED – 1:20PM