



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

Resolutions In Brief

***To be read in conjunction with Ordinary Council Meeting Agenda
21 March 2017***

PRESENT

Councillor – Alan Hall – Deputy Mayor
Councillor – Scott Rossetti
Councillor – Gayle Maher
Councillor – Ian Bye
Councillor – Garry Stephens
Councillor – Keith Mills
Councillor – Darren McCubbin

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
Trish Dean – Governance Officer

APOLOGY

Councillor – Carolyn Crossley – Mayor
Councillor – Malcolm Hole

ORDINARY MEETING OF COUNCIL – 21 MARCH 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 7 March 2017 as tabled.

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

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 March 2017 as tabled.

COUNCILLOR ROSSETTI / COUNCILLOR BYE

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 March 2017 as tabled

CARRIED

ITEM A5**BUSINESS ARISING FROM PREVIOUS MEETINGS**

NIL

ITEM A6**ACCEPTANCE OF LATE ITEMS**

NIL

ITEM A7**NOTICE OF MOTION**

NIL

ITEM A8**RECEIVING OF PETITIOINS OR JOINT LETTERS**

NIL

ITEM A8(1)**OUTSTANDING PETITIONS**

NIL

ITEM A8(2)**RESPONSE TO PETITION: CLOSURE OF THE PUBLIC AMENITIES WILDFISH RESTAURANT****OBJECTIVE**

The objective of this report is for Council to respond to a petition presented to Council on 7 February 2017 raising concerns about the closure of toilets to the public at Wildfish Restaurant, Port Albert.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note that the existing Port Albert public toilets at Rutter Park and the Water Tower currently allow shorter walking distances than similar coastal tourism destinations including Cowes, Lakes Entrance and Inverloch. Further, the City of Melbourne plans for CBD toilets in high traffic volume areas to be 500 metres between facilities. Using these and other benchmarks available as listed in the attached report, the Port Albert foreshore already is at the higher end of the service scale for pedestrian walking distance and access to public toilets. On that basis: -

- 1. Council does not support the request to reinstate public toilet facilities at Stockyard Point in Port Albert as the current provision of toilet facilities in Port Albert is considered adequate;***
- 2. Council install appropriate wayfinding signage to provide better information regarding the location of the two existing toilets in Port Albert, and***
- 3. The Chief Executive Officer write to the head petitioner to advise of Council's decision in relation to this matter***

COUNCILLOR ROSSETTI / COUNCILLOR BYE

That Council note that the existing Port Albert public toilets at Rutter Park and the Water Tower currently allow shorter walking distances than similar coastal tourism destinations including Cowes, Lakes Entrance and Inverloch. Further, the City of Melbourne plans for CBD toilets in high traffic volume areas to be 500 metres between facilities. Using these and other benchmarks available as listed in the attached report, the Port Albert foreshore already is at the higher end of the service scale for pedestrian walking distance and access to public toilets. On that basis: -

- 1. Council does not support the request to reinstate public toilet facilities at Stockyard Point in Port Albert as the current provision of toilet facilities in Port Albert is considered adequate;***
- 2. Council install appropriate wayfinding signage to provide better information regarding the location of the two existing toilets in Port Albert, and***
- 3. The Chief Executive Officer write to the head petitioner to advise of Council's decision in relation to this matter***

CARRIED

COUNCILLOR McCUBBIN CALLED FOR A DIVISION

**FOR: COUNCILLOR ROSSETTI, COUNCILLOR McCUBBIN, COUNCILLOR BYE,
COUNCILLOR STEPHENS**

AGAINST: COUNCILLOR MAHER, COUNCILLOR HALL, COUNCILLOR MILLS

COUNCILLOR MAHER / COUNCILLOR McCUBBIN

That the Chief Executive Officer contact the Lessee of the Port Albert Wildfish Restaurant requesting continuation of the original arrangement with Council for opening the Wildfish toilets to the public. Furthermore, that the opening times are either as per the original arrangement or negotiated down to a minimum of weekends, public holidays and between the period of 1st November and 1st May each year.

CARRIED

ITEM A9

**INVITED ADDRESSES, PRESENTATIONS OR
ACKNOWLEDGEMENTS**

Cr McCubbin acknowledged Brenda Coughlan for her contribution to the Cherished Mother and Child Memorial.

Brenda Coughlan, Spokesperson for Independent Regional Mothers, spoke to Council regarding the recent unveiling of the Cherished Mother and Child Memorial, in particular the efforts of Councillor McCubbin and Tim Rowe, Manager Natural Environment & Parks.

ITEM A10

QUESTIONS ON NOTICE

NIL

ITEM A11(1)

MAYORS REPORT

RECOMMENDATION

That the Mayor's report be noted.

COUNCILLOR McCUBBIN / COUNCILLOR ROSSETTI

That the Mayor's report be noted.

CARRIED

ITEM A12(1)

YOUTH COUNCIL REPORT

RECOMMENDATION

That Council receive the Youth Mayor's Quarterly Report.

COUNCILLOR MAHER / COUNCILLOR STEPHENS

That Council receive the Youth Mayor's Quarterly Report

CARRIED

**DELEGATE REPORT B1 SOREN HERMANSON MASTERCLASS – MORWELL –
24 FEBRUARY 2017**

RECOMMENDATION

That the delegates report be noted.

That the delegates report dated 24 February 2017 and 27 – 28 February 2017 be noted.

COUNCILLOR STEPHENS / COUNCILLOR MILLS

That the delegates report dated 24 February 2017 and 27 – 28 February 2017 be noted.

CARRIED

**DELEGATE REPORT B2 COALITION FOR COMMUNITY ENERGY CONGRESS –
MELBOURNE - 27-28 FEBRUARY 2017**

RECOMMENDATION

That the delegates report be noted.

COUNCILLOR STEPHENS / COUNCILLOR MILLS

That the delegates report dated 24 February 2017 and 27 – 28 February 2017 be noted.

CARRIED

ITEM C1.1 FEBRUARY 2017 PERFORMANCE REPORT

OBJECTIVE

For Council to receive and note the February 2017 Council Performance Report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council receive and note the February 2017 Council Performance Report as attached.

COUNCILLOR BYE / COUNCILLOR McCUBBIN

That Council receive and note the February 2017 Council Performance Report as attached.

CARRIED

ITEM C1.2**CHIEF EXECUTIVE OFFICER'S REPORT****RECOMMENDATION**

That the Chief Executive Officer's Report be received.

COUNCILLOR MILLS / COUNCILLOR McCUBBIN

That the Chief Executive Officer's Report be received

CARRIED

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

To report on all assembly of Councillor records received for the period 28 February 2017 to 14 March 2017.

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

That Council note and receive the attached Assembly of Councillor records for the period 28 February 2017 to 14 March 2017.

COUNCILLOR MAHER / COUNCILLOR BYE

That Council note and receive the attached Assembly of Councillor records for the period 28 February 2017 to 14 March 2017.

CARRIED

ITEM C2.2**ANNUAL COUNCIL POLICY MANUAL REVIEW****OBJECTIVE**

For Council to adopt the amendments to the 2017 Council Policy Manual as attached.

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

That Council adopt the amendments to the 2017 Council Policy Manual as attached.

COUNCILLOR STEPHENS / COUNCILLOR MAHER

That Council adopt the amendments to the 2017 Council Policy Manual as attached

CARRIED

ITEM C3.1**C51 – TECHNICAL PLANNING SCHEME AMENDMENT****OBJECTIVE**

To request the Minister for Planning to prepare and approve Amendment C51 to the Wellington Planning Scheme in accordance with Section 8(1) and Section 20(4) of the *Planning and Environment Act 1987*.

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

That Council request the Minister for Planning to prepare and approve Amendment C51 (refer to Attachment 1) to the Wellington Planning Scheme in accordance with Section 8(1) and Section 20(4) of the Planning and Environment Act 1987.

COUNCILLOR McCUBBIN / COUNCILLOR MAHER

That Council request the Minister for Planning to prepare and approve Amendment C51 (refer to Attachment 1) to the Wellington Planning Scheme in accordance with Section 8(1) and Section 20(4) of the Planning and Environment Act 1987.

CARRIED

ITEM C3.2**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 January 2017, 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 January and 31 January 2017.

COUNCILLOR BYE / COUNCILLOR MILLS

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 January and 31 January 2017.

CARRIED

ITEM C3.3

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

OBJECTIVE

- To consider all written submissions made to Amendment 90 – Precincts 3 and 11, Longford Development Plan Area, pursuant to Section 22 and Section 23 of the *Planning and Environment Act 1987*.
- To adopt Amendment 90 – Precincts 3 and 11, Longford Development Plan Area with changes (refer to **Attachment 2**), pursuant to Section 29 of the *Planning and Environment Act 1987*.
- To request the Minister for Planning to approve Amendment 90 – Precincts 3 and 11, Longford Development Plan Area, pursuant to Section 31 of the *Planning and Environment Act 1987*.

RECOMMENDATION

That:

1. ***Council pursuant to Section 22 and 23 of the Planning and Environment Act 1987, consider all written submissions made to Amendment 90 - Precincts 3 and 11, Longford Development Plan Area.***
2. ***Council pursuant to Section 29 of the Planning and Environment Act 1987, resolve to adopt Amendment 90 - Precincts 3 and 11, Longford Development Plan Area with changes (refer to Attachment 2).***
3. ***Council pursuant to Section 31 of the Planning and Environment Act 1987, resolve to request the Minister for Planning to approve Amendment 90 - Precincts 3 and 11, Longford Development Plan Area.***

COUNCILLOR McCUBBIN / COUNCILLOR MAHER

That:

1. ***Council pursuant to Section 22 and 23 of the Planning and Environment Act 1987, consider all written submissions made to Amendment 90 - Precincts 3 and 11, Longford Development Plan Area.***
2. ***Council pursuant to Section 29 of the Planning and Environment Act 1987, resolve to adopt Amendment 90 - Precincts 3 and 11, Longford Development Plan Area with changes (refer to Attachment 2).***
3. ***Council pursuant to Section 31 of the Planning and Environment Act 1987, resolve to request the Minister for Planning to approve Amendment 90 - Precincts 3 and 11, Longford Development Plan Area.***

CARRIED

ITEM C3.4**PROPOSED SALE – PARK STREET SALE TO GIPPSLAND WATER****OBJECTIVE**

For Council to consider a request from Central Gippsland Region Water Corporation (Gippsland Water) to purchase Council land described as Reserve 1 on proposed plan of subdivision PS804056Q located at Park Street, Sale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

Mr Heywood, Pearcondale Resident

Provided correspondence prior to council meeting. The Chief Executive Officer advised that questions raised Mr Heywood will be responded to.

RECOMMENDATION

That

- 1. Council resolve land described as Reserve 1 on proposed plan of subdivision PS804056Q located on Park Street, Sale as shown on the plan within is not required for Council purposes.*
- 2. Council authorise the Chief Executive Officer to sell Reserve 1 on PS804056Q to Central Gippsland Region Water Corporation (Gippsland Water) at the assessed market valuation with Gippsland Water meeting all costs.*

COUNCILLOR BYE / COUNCILLOR STEPHENS

That

- 1. Council resolve land described as Reserve 1 on proposed plan of subdivision PS804056Q located on Park Street, Sale as shown on the plan within is not required for Council purposes.*
- 2. Council authorise the Chief Executive Officer to sell Reserve 1 on PS804056Q to Central Gippsland Region Water Corporation (Gippsland Water) at the assessed market valuation with Gippsland Water meeting all costs*

CARRIED

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

The purpose of this report is for Council to receive the minutes from the Place Names Committee meeting held on 14 February 2017 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 14 February 2017.**
- 2. Arising from the Place Names Committee meeting of 14 February 2017, Council adopt the following recommendation:**

That:

- a) The unnamed road leading into Willow Park Rosedale be named Maloney Road, after Flight Sergeant Kevin Maloney, who crashed landed his Avro Anson on 24 February 1945, avoiding the town of Rosedale when his plane ran out of fuel during fog while on a training exercise during WWII. One of his crew, Sergeant David McLeod was killed when his parachute failed to open.**
- b) The following names be added to the Wellington Shire Council Approved Road Names Register for the locality specified and that the ANZAC link be acknowledged.**
Borthwick – Sale & Fulham;
Clapham – Sale & Boisdale;
Cleaver – Sale;
Longmore – Maffra;
Maxwell – Maffra & Stratford;
Stephens – Maffra;
Whitelaw – Briagolong;
Woodhouse – Briagolong.

COUNCILLOR McCUBBIN / COUNCILLOR MAHER

That:

- 1. Council receive and note the minutes of the Place Names Committee meeting held on 14 February 2017.**
- 2. Arising from the Place Names Committee meeting of 14 February 2017, Council adopt the following recommendation:**

That:

- a) The unnamed road leading into Willow Park Rosedale be named Maloney Road, after Flight Sergeant Kevin Maloney, who crashed landed his Avro Anson on 24 February 1945, avoiding the town of Rosedale when his plane ran out of fuel during fog while on a training exercise during WWII. One of his crew, Sergeant David McLeod was killed when his parachute failed to open.**
- b) The following names be added to the Wellington Shire Council Approved Road Names Register for the locality specified and that the ANZAC link be acknowledged.**
Borthwick – Sale & Fulham;
Clapham – Sale & Boisdale;
Cleaver – Sale;
Longmore – Maffra;
Maxwell – Maffra & Stratford;
Stephens – Maffra;
Whitelaw – Briagolong;
Woodhouse – Briagolong.

CARRIED

ITEM C4.2

DUNDAS STREET SOUTH SPECIAL CHARGE STREET CONSTRUCTION SCHEME – SUBMISSIONS COMMITTEE HEARING

OBJECTIVE

The objective of this report is for Council to receive and consider the report of the Submissions Committee hearing for the Dundas Street South Special Charge Street Construction Scheme between Cunninghame Street and Macarthur Street, Sale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

Jane Cahill, Owner 30a & 30B Dundas Street Sale

Spoke to Council regarding her objection to the Special Charge Street Construction Scheme on following basis:

- Not receiving a copy of the minutes from the Objectors meeting of 6 February 2017
- Clarify the application of the Roads to Recovery funding
- The application of Section 163 of the *Local Government Act 1989 (Special Benefit)*
- The application of Section 166 of the *Local Government Act 1989 (Reduction in percentage contributions)*

RECOMMENDATION

That:

- 1. Council receive and consider the report from the Submissions Committee in relation to the Dundas Street South Street Special Charge Street Construction Scheme; and***
- 2. Having regard to the written objection opposing the proposed Street Construction Scheme and the Submission Committee finding that the proposed Special Charge Street Construction Scheme for Dundas Street between Cunninghame & Macarthur Streets has been prepared in accordance with the provisions of the Local Government Act 1989, Council determines that the objection should not stop the scheme being considered for adoption; and***
- 3. The Chief Executive Officer write to the objector and advise of this decision and the reason for the decision; and***
- 4. The information contained in the confidential document Item F1.1 of this Council Meeting and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 1 March 2017 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 McCUBBIN / COUNCILLOR BYE

That:

- 1. Council receive and consider the report from the Submissions Committee in relation to the Dundas Street South Street Special Charge Street Construction Scheme; and***
- 2. Having regard to the written objection opposing the proposed Street Construction Scheme and the Submission Committee finding that the proposed Special Charge Street Construction Scheme for Dundas Street between Cunninghame & Macarthur Streets has been prepared in accordance with the provisions of the Local Government Act 1989, Council determines that the objection should not stop the scheme being considered for adoption; and***
- 3. The Chief Executive Officer write to the objector and advise of this decision and the reason for the decision; and***
- 4. The information contained in the confidential document Item F1.1 of this Council Meeting and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built & Natural Environment on 1 March 2017 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

ITEM C4.3

DUNDAS STREET SOUTH SPECIAL CHARGE STREET CONSTRUCTION SCHEME – CUNNINGHAME STREET TO MACARTHUR STREET - DECLARATION OF SCHEME

OBJECTIVE

The purpose of this report is for Council to consider the declaration of the Dundas Street South Special Charge Street Construction Scheme Number 1601 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. Wellington Shire Council (Council) having noted there was one objection 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 Dundas 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 Dundas Street between Cunninghame Street and Macarthur 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% and abuttal as to 50%, has and enjoys an abuttal to or access from Dundas Street, and having regard to frontage of the lands to the proposed works.***
- 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 \$320,000 being the estimated cost of the works to be undertaken. Council funding is to be allocated from its 2016/2017 Commonwealth Roads to Recovery Program.***

- 5. The total estimated amount to be levied under the Scheme as the Special Charge is \$124,500.**
- 6. The Special Charge will commence on 21 March 2017 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:**
 - 1. the full amount within 45 days of invoice or**
 - 2. payment may be made over 20 quarterly instalments (5 years) including interest or**
 - 3. 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 reconsider 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:**
 - Reduction in dust**
 - Enhance the amenity and character of the land and local area**
 - Creation of improved riding surface for the street**
 - 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 21 March 2017 and the reasons for the decision.**

COUNCILLOR McCUBBIN / COUNCILLOR ROSSETTI

That:

- 1. Wellington Shire Council (Council) having noted there was one objection 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 Dundas 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 Dundas Street between Cunninghame Street and Macarthur 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% and abuttal as to 50%, has and enjoys an abuttal to or access from Dundas Street, and having regard to frontage of the lands to the proposed works.**
- 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 \$320,000 being the estimated cost of the works to be undertaken. Council funding is to be allocated from its 2016/2017 Commonwealth Roads to Recovery Program.**
- 5. The total estimated amount to be levied under the Scheme as the Special Charge is \$124,500.**
- 6. The Special Charge will commence on 21 March 2017 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:**
 - 1. the full amount within 45 days of invoice or**
 - 2. payment may be made over 20 quarterly instalments (5 years) including interest or**
 - 3. 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 reconsider 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:**
- Reduction in dust**
 - Enhance the amenity and character of the land and local area**
 - Creation of improved riding surface for the street**
 - 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 21 March 2017 and the reasons for the decision.**

CARRIED

ITEM C4.4

DUNDAS STREET NORTH SPECIAL CHARGE STREET CONSTRUCTION SCHEME - MACARTHUR STREET TO STAWELL STREET- DECLARATION OF SCHEME

OBJECTIVE

The purpose of this report is for Council to consider the declaration of the Dundas Street North Special Charge Street Construction Scheme Number 1602 as a Special Charge Scheme for the section of Dundas Street between Macarthur Street and Stawell Street in Sale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Wellington Shire Council (Council) having noted there was no submissions/objections 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 Dundas 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 Dundas Street between Macarthur Street and Stawell Street in Sale and the provision of any ancillary works including footpath 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% and abuttal as to 50%, has and enjoys an abuttal to or access from Dundas Street, and having regard to frontage of the lands to the proposed works.***
- 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 \$320,000 being the estimated cost of the works to be undertaken. Council funding is to be allocated from its 2016/2017 Commonwealth Roads to Recovery Program.***

- 5. The total estimated amount to be levied under the Scheme as the Special Charge is \$96,000.**
- 6. The Special Charge will commence on 21 March 2017 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:**
 - 1. the full amount within 45 days of invoice or**
 - 2. payment may be made over 20 quarterly instalments (5 years) including interest or**
 - 3. 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 reconsider 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**
 - Reduction in dust**
 - Creation of improved riding surface for the street**
 - 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 21 March 2017 and the reasons for the decision.**

COUNCILLOR ROSSETTI / COUNCILLOR BYE

That:

- 1. Wellington Shire Council (Council) having noted there was no submissions/objections 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 Dundas 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 Dundas Street between Macarthur Street and Stawell Street in Sale and the provision of any ancillary works including footpath 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% and abuttal as to 50%, has and enjoys an abuttal to or access from Dundas Street, and having regard to frontage of the lands to the proposed works.***
- 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 \$320,000 being the estimated cost of the works to be undertaken. Council funding is to be allocated from its 2016/2017 Commonwealth Roads to Recovery Program.***
- 5. The total estimated amount to be levied under the Scheme as the Special Charge is \$96,000.***
- 6. The Special Charge will commence on 21 March 2017 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:***

1. *the full amount within 45 days of invoice or*
 2. *payment may be made over 20 quarterly instalments (5 years) including interest or*
 3. *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 reconsider 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*
 - *Reduction in dust*
 - *Creation of improved riding surface for the street*
 - *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 21 March 2017 and the reasons for the decision.*

CARRIED

ITEM C4.5

**ROAD DISCONTINUANCE – PART OF UNUSED COUNCIL ROADS
(STATION STREET & HAWDON STREET) ALBERTON**

OBJECTIVE

The objective of this report is for Council to consider the advertising, discontinuance and sale of unused sections of council roads in Station Street and Hawdon Street, Alberton.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Pursuant to Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolves to advertise its intention to discontinue a section of Station Street between Turnbull Street and Hawdon Street and a section of Hawdon Street between Station Street and Rankin Street, Alberton shown red on the attached plan; and**
- 2. Council place a notice of the proposed discontinuance of sections of Station Street between Turnbull Street and Hawdon Street and Hawdon Street between Station Street and Rankin Street, Alberton, in local newspapers and serve a copy of the notice on abutting property owners and statutory authorities; and**
- 3. In the event that there are no objections, Council resolves to discontinue sections of Station Street between Turnbull Street and Hawdon Street and Hawdon Street between Station Street and Rankin Street, Alberton and place a notice in the Victoria Government Gazette; and**
- 4. Council dispose of the discontinued section of road to the abutting land owner in accordance with Wellington Shire Council Policy 4.3.6 Sale, Exchange and Acquisition of Land.**

COUNCILLOR STEPHENS / COUNCILLOR MILLS

That:

- 1. Pursuant to Section 206(1) including Clause 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolves to advertise its intention to discontinue a section of Station Street between Turnbull Street and Hawdon Street and a section of Hawdon Street between Station Street and Rankin Street, Alberton shown red on the attached plan; and**
- 2. Council place a notice of the proposed discontinuance of sections of Station Street between Turnbull Street and Hawdon Street and Hawdon Street between Station Street and Rankin Street, Alberton, in local newspapers and serve a copy of the notice on abutting property owners and statutory authorities; and**
- 3. In the event that there are no objections, Council resolves to discontinue sections of Station Street between Turnbull Street and Hawdon Street and Hawdon Street between Station Street and Rankin Street, Alberton and place a notice in the Victoria Government Gazette; and**
- 4. Council dispose of the discontinued section of road to the abutting land owner in accordance with Wellington Shire Council Policy 4.3.6 Sale, Exchange and Acquisition of Land.**

CARRIED

ITEM C4.6**ROAD MANAGEMENT PLAN REVIEW****OBJECTIVE**

For Council to authorise the issue of a notice to amend the Road Management Plan, as attached, pursuant with Section 10 of the *Road Management (General) Regulations 2016*.

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

That Council authorise the issue of a notice to amend the Road Management Plan, as attached, pursuant with Section 10 of the Road Management (General) Regulations 2016.

COUNCILLOR ROSSETTI / COUNCILLOR BYE

That Council authorise the issue of a notice to amend the Road Management Plan, as attached, pursuant with Section 10 of the Road Management (General) Regulations 2016.

CARRIED

ITEM C5.1**QUICK RESPONSE GRANT SCHEME****OBJECTIVE**

For Council to note the information regarding applications under the Quick Response Grant Scheme (QRGS) for the period November 2016 to March 2017 as at Attachment A.

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

That Council note the information regarding applications under the Quick Response Grant Scheme for the period July 2016 to October 2016 as at Attachment A.

COUNCILLOR STEPHENS / COUNCILLOR MAHER

That Council note the information regarding applications under the Quick Response Grant Scheme for the period July 2016 to October 2016 as at Attachment A.

CARRIED



D. URGENT BUSINESS

NIL



E. FURTHER GALLERY AND CHAT ROOM COMMENTS

CHAT ROOM – NIL

GALLERY COMMENTS

Mr Eric Thorne, Sale Resident

Provided Council with an overview of his education, experience and his continued support of Council's advocacy regarding TAFE.

John McLinden, Longford Resident

Discussed with Council the following

- Cr McCubbin's delegates report regarding environmental possibilities for Renewable Energy
- Ongoing support suggestions for ASH Timber – Heyfield

Jane Cahill, Sale Resident

Provided Council with an overview regarding

- Federation TAFE facilities and quality of training provided
- Renewable energy.

Meeting declared closed 7:38pm