



**WELLINGTON**

SHIRE COUNCIL

*The Heart of Gippsland*

## Resolutions in Brief

**To be read in conjunction with the Council Meeting Agenda  
17 December 2019**

### **COUNCILLORS PRESENT**

Alan Hall (Mayor)  
Gayle Maher (Deputy Mayor)  
Ian Bye  
Carolyn Crossley  
Malcolm Hole  
Carmel Ripper  
Scott Rossetti  
Garry Stephens

### **IN ATTENDANCE**

Arthur Skipitaris - General Manager Corporate Services  
John Websdale - General Manager Development  
Chris Hastie - General Manager Built & Natural Environment  
Sharon Houlihan - General Manager Community & Culture  
Denise Teo - Governance Officer

### **APOLOGIES**

Councillor Darren McCubbin

# ORDINARY MEETING OF COUNCIL – 17 DECEMBER 2019

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**ITEM A4**

**ADOPTION OF MINUTES OF PREVIOUS MEETING/S**

**OBJECTIVE**

To adopt the minutes of the Ordinary Council Meeting of 3 December 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

**RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 3 December 2019.*

**COUNCILLOR BYE/COUNCILLOR MAHER**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 3 December 2019.*

**CARRIED**

**ITEM A5**

**BUSINESS ARISING FROM PREVIOUS MEETING/S**

Nil

**ITEM A6**

**ACCEPTANCE OF LATE ITEMS**

*Item A7(2) Notice of Motion regarding the shutdown of the native forestry industry be accepted as a late item.*

**COUNCILLOR STEPHENS/COUNCILLOR CROSSLEY**

*Item A7(2) Notice of Motion regarding the shutdown of the native forestry industry be accepted as a late item.*

**CARRIED**

**ITEM A7(1)**

**NOTICE OF MOTION – LATROBE VALLEY AUTHORITY (LVA)  
COMMUNITY AND FACILITY FUND**

**RECOMMENDATION**

*That the Mayor;*

*write to the The Hon. Jaclyn Symes MP, Minister for Regional Development, Agriculture and Resources, thanking the government for their support and the funding received to assist with strengthening community capacity and upgrading sporting infrastructure across the Wellington Shire.*

**COUNCILLOR ROSSETTI/COUNCILLOR STEPHENS**

*That the Mayor;*

*write to the The Hon. Jaclyn Symes MP, Minister for Regional Development, Agriculture and Resources, thanking the government for their support and the funding received to assist with strengthening community capacity and upgrading sporting infrastructure across the Wellington Shire.*

**CARRIED**

**ITEM A7(2)**

**NOTICE OF MOTION – RESPONSE TO SHUT DOWN OF NATIVE  
FORESTRY INDUSTRY**

**RECOMMENDATION**

*That the Mayor;*

- 1. Write to all Eastern Upper House members of parliament seeking their support for the proposed Legislative Inquiry into the Andrews Government decision to close down the native forestry industry by 2030.*
- 2. And again, request the Andrews Government to release all data on which this decision was so unexpectedly announced.*

**COUNCILLOR HOLE / COUNCILLOR CROSSLEY**

*That the Mayor;*

- 1. Write to all Eastern Upper House members of parliament seeking their support for the proposed Legislative Inquiry into the Andrews Government decision to close down the native forestry industry by 2030.*
- 2. And again, request the Andrews Government to release all data on which this decision was so unexpectedly announced.*

**CARRIED**

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

ITEM	FROM MEETING	COMMENTS	ACTION BY
Nil			

**ITEM A8(2)****RESPONSE TO PETITION: SALE TO MAFFRA BIKE PATH****OBJECTIVE**

The purpose of this report is for Council to consider a petition presented at the Ordinary Council meeting of 19 November 2019 requesting Council advocate for funding to investigate and plan for an off-road bike path from Sale to Maffra.

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

***That Council, in response to the petition presented at the Ordinary Council meeting of 19 November 2019 seeking funding to investigate and plan for an off-road cycling path connecting Sale to Maffra:***

- 1. Refer for consideration, an amount of \$50,000 to undertake a feasibility study/business case to the 2020/21 budget development process; and***
- 2. Write to the head petitioner advising him of the action to be undertaken.***

**COUNCILLOR RIPPER/COUNCILLOR BYE**

***That Council, in response to the petition presented at the Ordinary Council meeting of 19 November 2019 seeking funding to investigate and plan for an off-road cycling path connecting Sale to Maffra:***

- 1. Refer for consideration, an amount of \$50,000 to undertake a feasibility study/business case to the 2020/21 budget development process; and***
- 2. Write to the head petitioner advising him of the action to be undertaken.***

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

COUNCILLOR RIPPER congratulated Chris Lawless for his receipt of a 2019 Victorian Premier's Volunteer Champions Awards on 1 December 2019 at Government House for Service to his community. She noted the variety and breadth of his works and highlighted his contributions including working with and supporting veterans, fundraising over the years and positions held with Legacy and the Briagolong RSL.

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

NIL

**ITEM A11(1)**

**MAYOR AND COUNCILLOR ACTIVITY REPORT**

**RECOMMENDATION**

*That the Mayor and Councillor Activity report be noted.*

**COUNCILLOR RIPPER / COUNCILLOR STEPHENS**

*That the Mayor and Councillor Activity report be noted.*

**CARRIED**

**ITEM A12(1)**

**YOUTH COUNCIL REPORT**

**RECOMMENDATION**

*That Council receive the Youth Mayor's Quarterly Report.*

**COUNCILLOR CROSSLEY / COUNCILLOR MAHER**

*That Council receive the Youth Mayor's Quarterly Report.*

**CARRIED**

**ITEM B**

**DELEGATES**

COUNCILLOR RIPPER attended a meeting at VicForests at the DELWP office with the Mayor and Council Officers in relation to the Timber Release Plan (TRP). They were briefed on the plan and undertook a site visit to a few coupes in various stages of readiness which forms part of the TRP to be harvested within the next three to five years. She acknowledged that VicForests are doing a great job in balancing conservation and industry.

**ITEM C1.1**

**CHIEF EXECUTIVE OFFICER'S REPORT**

**RECOMMENDATION**

*That the Chief Executive Officer's Report be received.*

**COUNCILLOR ROSSETTI / COUNCILLOR BYE**

*That the Chief Executive Officer's Report be received.*

**CARRIED**

**ITEM C1.2**

**NOVEMBER 2019 PERFORMANCE REPORT**

**OBJECTIVE**

For Council to receive and note the November 2019 Council Performance Report.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

**RECOMMENDATION**

*That Council receive and note the November 2019 Council Performance Report as attached.*

**COUNCILLOR STEPHENS / COUNCILLOR CROSSLEY**

*That Council receive and note the November 2019 Council Performance Report as attached.*

**CARRIED**

**ITEM C2.1**

**ASSEMBLY OF COUNCILLORS**

**OBJECTIVE**

To report on all assembly of Councillor records received for the period 27 November 2019 to 11 December 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

**RECOMMENDATION**

*That Council note and receive the attached Assembly of Councillor records for the period 27 November 2019 to 11 December 2019.*

**COUNCILLOR BYE / COUNCILLOR MAHER**

*That Council note and receive the attached Assembly of Councillor records for the period 27 November 2019 to 11 December 2019.*

**CARRIED**

**ITEM C2.2**

**ADOPTION OF COUNCIL POLICY MANUAL 2020**

**OBJECTIVE**

To adopt the updated 2020 Council Policy Manual as attached.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

**RECOMMENDATION**

*That Council revoke the existing 2019 Council Policy Manual and replace it with the updated 2020 Council Policy Manual as attached.*

**COUNCILLOR MAHER/COUNCILLOR BYE**

*That Council revoke the existing 2019 Council Policy Manual and replace it with the updated 2020 Council Policy Manual as attached.*

**CARRIED**

**ITEM C3.1**

**QUARTERLY STRATEGIC LAND USE PLANNING UPDATE**

**OBJECTIVE**

To update Council on the strategic land use planning work program for the fourth quarter (October – December) of 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

**RECOMMENDATION**

*That Council receive the 2019 fourth quarterly update on the strategic land use planning work program (included in Attachment 1 to this Report).*

**COUNCILLOR MAHER/COUNCILLOR RIPPER**

*That Council receive the 2019 fourth quarterly update on the strategic land use planning work program (included in Attachment 1 to this Report).*

**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 October 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

**RECOMMENDATION**

*That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 October and 31 October 2019.*

**COUNCILLOR MAHER/COUNCILLOR ROSSETTI**

*That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 October and 31 October 2019.*

**CARRIED**

**ITEM C3.3****TIMBER TOWNS VICTORIA****OBJECTIVE**

For Council to consider reinstating its membership with Timber Towns Victoria.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY****RECOMMENDATION*****That Council;***

- 1. reinstate its membership with Timber Towns Victoria from January 2020 forward; and***
- 2. nominate Councillor Hole as Wellington Shire Council's delegate for the Timber Towns Victoria Committee for the January 2020 to December 2020 membership period.***

**COUNCILLOR CROSSLEY / COUNCILLOR RIPPER*****That Council;***

- 1. reinstate its membership with Timber Towns Victoria from January 2020 forward; and***
- 2. nominate Councillor Hole as Wellington Shire Council's delegate for the Timber Towns Victoria Committee for the January 2020 to December 2020 membership period.***

**CARRIED**

**COUNCILLOR HOLE ACCEPTED THE NOMINATION.**

**ITEM C3.4****PROPOSED COMMUNICATION TOWER LEASE – LICOLA****OBJECTIVE**

For Council to authorise the Chief Executive Officer to undertake the necessary statutory and other processes to allow Council to establish a lease on Council land within the township of Licola for the installation of a communications tower.

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

- 1. Council authorise the Chief Executive Officer to establish a lease on Council Land located at Park Reserve, Licola more specifically described as Part Lot 1 LP91309 for a period up to 20 years.***
- 2. Council advertise its intention to lease land at or below market value, subject to the provisions of the Local Government Act 1989 sections 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 below the current market value including executing necessary documents.***

- 4. The information contained in the confidential document Item F1.1 Heads of Agreement for proposed Lease from Wellington Shire Council to Telstra Corporation Limited of this Council Meeting Agenda and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Development on 3 December 2019 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 HOLE / COUNCILLOR BYE**

***That***

- 1. Council authorise the Chief Executive Officer to establish a lease on Council Land located at Park Reserve, Licola more specifically described as Part Lot 1 LP91309 for a period up to 20 years.***
- 2. Council advertise its intention to lease land at or below market value, subject to the provisions of the Local Government Act 1989 sections 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 below the current market value including executing necessary documents.***
- 4. The information contained in the confidential document Item F1.1 Heads of Agreement for proposed Lease from Wellington Shire Council to Telstra Corporation Limited of this Council Meeting Agenda and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Development on 3 December 2019 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 C3.5****BUILDING PERMITS REPORT****OBJECTIVE**

To provide a report to Council on building permits issued in the Wellington Shire during the quarter July 2019 to September 2019, for information.

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

*That Council note the report of building permits issued from 1 July 2019 to 30 September 2019.*

**COUNCILLOR BYE / COUNCILLOR ROSSETTI**

*That Council note the report of building permits issued from 1 July 2019 to 30 September 2019.*

**CARRIED****ITEM C3.6****PROPOSED LEASE – 8 FOSTER STREET, SALE****OBJECTIVE**

Receive Council authorisation for the Chief Executive Officer to undertake the necessary statutory and other processes to allow Council to establish a Crown Land Lease for a period of 21 years at 8 Foster Street, Sale.

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

- 1. Council authorise the Chief Executive Officer to establish a Crown Land Lease at 8 Foster Street, Sale for a period up to 21 years.***
- 2. Council advertises its intention to lease land at market value, subject to the provisions of the Local Government Act 1989 sections 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 the current market value including executing necessary documents.***
- 4. The information contained in the confidential document Item F1.2 Heads of Agreement – proposed Lease 8 Foster Street, Sale and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Development on 3 December 2019 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 BYE / COUNCILLOR RIPPER**

**That**

- 1. Council authorise the Chief Executive Officer to establish a Crown Land Lease at 8 Foster Street, Sale for a period up to 21 years.**
- 2. Council advertises its intention to lease land at market value, subject to the provisions of the Local Government Act 1989 sections 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 the current market value including executing necessary documents.**
- 4. The information contained in the confidential document Item F1.2 Heads of Agreement – proposed Lease 8 Foster Street, Sale and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Development on 3 December 2019 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**

To request the Minister for Planning to authorise Council as the planning authority to prepare Amendment C102 to the Wellington Planning Scheme (Attachment 1) under section 8A of the *Planning and Environment Act 1987* (Act) and to seek exemption from full notice requirements under the provisions of section 20(1) and 20(2) of the Act.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY****RECOMMENDATION*****That Council;***

- 1. in accordance with section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise Council as the planning authority to prepare Amendment C102 to the Wellington Planning Scheme; and***
- 2. pursuant to section 20(1) and 20(2) of the Planning and Environment Act 1987, request the Minister for Planning to exempt Council from giving notice under sections 19(1)(a), 19(1)(b), 19(2) and 19(3) of the Planning and Environment Act 1987.***

*Councillor Stephens declared an indirect conflict of interest under section 78B(a)(1) due to a conflict of duty and left the chamber at 6:45pm*

**COUNCILLOR MAHER/COUNCILLOR CROSSLEY*****That Council;***

- 1. in accordance with section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise Council as the planning authority to prepare Amendment C102 to the Wellington Planning Scheme; and***
- 2. pursuant to section 20(1) and 20(2) of the Planning and Environment Act 1987, request the Minister for Planning to exempt Council from giving notice under sections 19(1)(a), 19(1)(b), 19(2) and 19(3) of the Planning and Environment Act 1987.***

**CARRIED**

*Councillor Stephens returned to the chamber at 6:47PM*

**ITEM C3.8****DROUGHT FUNDING ALLOCATION****OBJECTIVE**

This report seeks Council approval for an application to be made to the Minister for Agriculture, Jaclyn Symes seeking the reallocation of \$500,000 of the Community Priorities Fund drought funding currently provided for community projects to be used for farmer rate relief.

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

*That Council write to the Minister for Agriculture, Jaclyn Symes, seeking approval to use the State Government's \$500,000 Community Priorities Fund to provide additional rate relief for farming families consistent with Council's resolution at Item C3.1 of the 6 November 2019 Council meeting minutes.*

**COUNCILLOR BYE / COUNCILLOR HOLE**

*That Council write to the Minister for Agriculture, Jaclyn Symes, seeking approval to use the State Government's \$500,000 Community Priorities Fund to provide additional rate relief for farming families consistent with Council's resolution at Item C3.1 of the 6 November 2019 Council meeting minutes.*

**CARRIED****ITEM C4.1****DRAFT ENVIRONMENTAL SUSTAINABILITY STRATEGY  
2020-2024****OBJECTIVE**

The purpose of this report is to seek council approval to release the Draft Environmental Sustainability Strategy for public and stakeholder feedback as part of our engagement strategy.

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

*That Council authorise the public release of the Draft Environmental Sustainability Strategy 2020-2024 as part of stakeholder engagement processes.*

**COUNCILLOR CROSSLEY / COUNCILLOR MAHER**

*That Council authorise the public release of the Draft Environmental Sustainability Strategy 2020-2024 as part of stakeholder engagement processes.*

**CARRIED**

**OBJECTIVE**

The purpose of this report is for Council to receive the minutes from the Place Names Committee meeting held on 3 December 2019.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

John Maltzahn, Stratford:

Challenging the recent decision of the Place Names Committee in relation to a submission made.

Requests that application be reviewed.

**RECOMMENDATION**

**That:**

1. *Council receive and note the minutes of the Place Names Committee meeting held on 3 December 2019.*
2. *The name DAVIDSON be added to the Council Approved Road Names Register for the Stratford area.*
3. *That the name WOOLLARD LANE be used for the subdivisional road at 172 Pearson Street, Sale.*
4. *That the reserve proposed as part of the new subdivision off Blackburn Street, Stratford, be named MARY TREASURE RESERVE.*
5. *That the name HOGAN, in recognition of Kevin Hogan, be approved for a road within the Cobains Estate subdivision.*
6. *That the following ANZAC names be added to the Council Approved Road Names Register for the areas listed within the municipality in the attached minutes: ANQUETIL, ASPINALL, BARTON, BOTTOMLEY, BRAIN, BURGESS, CLAYTON, COUSENS, COX, DAVEY, DODDS, GARLAND, GEMMILL, GUY, HARRISON, HIGGINS, HUGHES, JOY, KELLY, LANGTIP, MCCOOEY, MELDRUM, MINCHIN, MOLES, NOONAN, O'NEILL, PEEL, RICHARDS, ROTH, SEE, SLAVIN, TUESKI and WHITFORD.*

**COUNCILLOR MAHER/COUNCILLOR ROSSETTI**

**That:**

1. *Council receive and note the minutes of the Place Names Committee meeting held on 3 December 2019.*
2. *The name DAVIDSON be added to the Council Approved Road Names Register for the Stratford area.*
3. *That the name WOOLLARD LANE be used for the subdivisional road at 172 Pearson Street, Sale.*
4. *That the reserve proposed as part of the new subdivision off Blackburn Street, Stratford, be named MARY TREASURE RESERVE.*
5. *That the name HOGAN, in recognition of Kevin Hogan, be approved for a road within the Cobains Estate subdivision.*

6. *That the following ANZAC names be added to the Council Approved Road Names Register for the areas listed within the municipality in the attached minutes: ANQUETIL, ASPINALL, BARTON, BOTTOMLEY, BRAIN, BURGESS, CLAYTON, COUSENS, COX, DAVEY, DODDS, GARLAND, GEMMILL, GUY, HARRISON, HIGGINS, HUGHES, JOY, KELLY, LANGTIP, MCCOOEY, MELDRUM, MINCHIN, MOLES, NOONAN, O'NEILL, PEEL, RICHARDS, ROTH, SEE, SLAVIN, TUESKI and WHITFORD.*

**CARRIED**

**ITEM C4.3**

**MARLEY STREET (NORTH) SPECIAL CHARGE STREET CONSTRUCTION SCHEME - FINAL COST CERTIFICATE**

**OBJECTIVE**

The objective of this report is to present to Council for consideration, the Final Cost Certificate for the Marley Street (North) Special Charge Street Construction Scheme – Scheme No 1604.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

**RECOMMENDATION**

*That:*

1. *Council adopt the Final Cost Certificate for the Marley Street (North) Special Charge Street Construction Scheme – Scheme No 1604; and*
2. *Council officers prepare the final apportionment amounts due from property owners for the Marley Street (North) Special Charge Street Construction Scheme – Scheme No 1604 based on the initial estimated cost of \$885,000.*

**COUNCILLOR ROSSETTI / COUNCILLOR MAHER**

*That:*

1. *Council adopt the Final Cost Certificate for the Marley Street (North) Special Charge Street Construction Scheme – Scheme No 1604; and*
2. *Council officers prepare the final apportionment amounts due from property owners for the Marley Street (North) Special Charge Street Construction Scheme – Scheme No 1604 based on the initial estimated cost of \$885,000.*

**CARRIED**

## OBJECTIVE

To consider the proposed Boggy Creek Road Special Charge Street Construction Scheme Number 1901 for declaration as a Special Charge Scheme for the construction of Boggy Creek Road in Longford.

## PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

## RECOMMENDATION

*That*

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing Boggy Creek Road in Longford and providing all and any ancillary works, including drainage and sealed vehicle crossings.**
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 21 April 2020 in accordance with the Proposed Declaration of Special Charge Scheme Number 1901 in the form of the attachments to this report for the construction of Boggy Creek Road in Longford (Proposed Declaration of Special Charge).**
- 3. Council direct 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 Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 21 April 2020, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.**
- 4. Council appoint three Councillors as determined by Council plus an alternative representative to form the 'Boggy Creek Road Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions.**
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989.**
- 6. The Chief Executive Officer, the General Manager Built & Natural Environment or the Manager Assets and Projects (or any person for the time being acting in any of those positions), each 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.**

7. Council modify the Residential Road and Street Construction Plan to include the construction of driveways within the fixed fee model.

**COUNCILLOR ROSSETTI / COUNCILLOR BYE**

**That**

1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing Boggy Creek Road in Longford and providing all and any ancillary works, including drainage and sealed vehicle crossings.
2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 21 April 2020 in accordance with the Proposed Declaration of Special Charge Scheme Number 1901 in the form of the attachments to this report for the construction of Boggy Creek Road in Longford (Proposed Declaration of Special Charge).
3. Council direct 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 Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 21 April 2020, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.
4. Council appoint the following three Councillors; Councillor Bye, Councillor McCubbin, Councillor Rossetti and an alternative representative; Councillor Crossley, to form the 'Boggy Creek Road Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions.
5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989.
6. The Chief Executive Officer, the General Manager Built & Natural Environment or the Manager Assets and Projects (or any person for the time being acting in any of those positions), each 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.
7. Council modify the Residential Road and Street Construction Plan to include the construction of driveways within the fixed fee model.

**CARRIED**

