



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

Resolutions In Brief

To be read in conjunction with the Council Meeting Agenda 21 April 2020

COUNCILLORS PRESENT

Darren McCubbin (Acting Mayor)
Ian Bye
Malcolm Hole
Carmel Ripper
Scott Rossetti

IN ATTENDANCE

David Morcom – Chief Executive Officer
Denise Teo – Governance Officer

APOLOGIES

(Due to COVID-19 and social distancing requirements, Council is operating with a minimum of Councillors to form a quorum to adhere to these requirements and thus Councillor Maher, Councillor Crossley, Councillor Hall and Councillor Stephens have been granted leave)

Councillor Alan Hall (Mayor)
Councillor Gayle Maher (Deputy Mayor)
Councillor Carolyn Crossley
Councillor Garry Stephens
Arthur Skipitaris – General Manager Corporate Services
Brent McAlister – General Manager Development
Chris Hastie – General Manager Built and Natural Environment
Sharon Houlihan – General Manager Community and Culture
Wendy Reeves – Coordinator Communications and Media

ORDINARY MEETING OF COUNCIL – 21 APRIL 2020
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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 April 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 April 2020.

COUNCILLOR BYE / COUNCILLOR ROSSETTI

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 7 April 2020.

CARRIED

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

NIL

ITEM A6**ACCEPTANCE OF LATE ITEMS**

NIL

ITEM A7**NOTICE/S OF MOTION**

NIL

ITEM A8**OUTSTANDING PETITIONS**

ITEM	FROM MEETING	COMMENTS	ACTION BY
Nil			

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

NIL

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 ROSSETTI / COUNCILLOR HOLE

That the Mayor and Councillor Activity Report be noted.

CARRIED

ITEM B

DELEGATES REPORT

NIL

ITEM C1.1

CHIEF EXECUTIVE OFFICER'S REPORT

RECOMMENDATION

That the Chief Executive Officer's Report be received.

COUNCILLOR RIPPER / COUNCILLOR ROSSETTI

That the Chief Executive Officer's Report be received.

CARRIED

ITEM C1.2

MARCH 2020 COUNCIL PERFORMANCE REPORT

OBJECTIVE

For Council to receive and note the March 2020 Council Performance Report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive and note the March 2020 Council Performance Report as attached.

COUNCILLOR HOLE / COUNCILLOR BYE

That Council receive and note the March 2020 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 2 April 2020 to 15 April 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 2 April 2020 to 15 April 2020.

COUNCILLOR BYE / COUNCILLOR ROSSETTI

That Council note and receive the attached Assembly of Councillor records for the period 2 April 2020 to 15 April 2020.

CARRIED

ITEM C2.2**2020 LOCAL GOVERNMENT ELECTION****OBJECTIVE**

For Council to consider the provision of Election Services for the 2020 Local Government General Election and the administrative arrangements for those Election Services.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

- 1. authorise the Chief Executive Officer to enter into a contract with the Victorian Electoral Commission for the provision of Election Services and Compulsory Voting Enforcement; and***
- 2. adopt, for the 2020 Local Government General Election, the postal voting method, which was used in the 2016 Local Government General Election.***

COUNCILLOR HOLE / COUNCILLOR RIPPER

That Council:

- 1. authorise the Chief Executive Officer to enter into a contract with the Victorian Electoral Commission for the provision of Election Services and Compulsory Voting Enforcement; and***
- 2. adopt, for the 2020 Local Government General Election, the postal voting method, which was used in the 2016 Local Government General Election.***

CARRIED

ITEM C3.1**C102 TECHNICAL PLANNING SCHEME AMENDMENT****OBJECTIVE**

For Council to adopt Amendment C102 and request the Minister for Planning to approve Amendment C102.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION***That Council:***

- 1. Pursuant to Section 29 of the Planning and Environment Act 1987, resolve to adopt Amendment C102 – Technical Planning Scheme Amendment; and***
- 2. Pursuant to Section 31 of the Planning and Environment Act 1987, resolve to request the Minister for Planning to approve Amendment C102 – Technical Planning Scheme Amendment.***

COUNCILLOR ROSSETTI / COUNCILLOR BYE***That Council:***

- 1. Pursuant to Section 29 of the Planning and Environment Act 1987, resolve to adopt Amendment C102 – Technical Planning Scheme Amendment; and***
- 2. Pursuant to Section 31 of the Planning and Environment Act 1987, resolve to request the Minister for Planning to approve Amendment C102 – Technical Planning Scheme Amendment.***

CARRIED

OBJECTIVE

The purpose of this report is for Council to receive and consider the report from the Submissions Committee hearing for the Boggy Creek Road Special Charge Street Construction Scheme.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council receive and consider the report from the Submissions Committee in relation to the Boggy Creek Road 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 Boggy Creek Road 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 submitter and advise of the Council decision and the reason for that decision and advise the objector of Wellington Shire Council's Hardship Provisions and invite an application from the objector; and***
- 4. The information contained in the confidential document at Item F1.1 Boggy Creek Road Special Charge Scheme Construction Scheme 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 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.***

COUNCILLOR BYE / COUNCILLOR ROSSETTI

That:

- 1. Council receive and consider the report from the Submissions Committee in relation to the Boggy Creek Road 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 Boggy Creek Road 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 submitter and advise of the Council decision and the reason for that decision and advise the objector of Wellington Shire Council's Hardship Provisions and invite an application from the objector; and***

- 4. The information contained in the confidential document at Item F1.1 Boggy Creek Road Special Charge Scheme Construction Scheme 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 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.**

CARRIED

ITEM C4.2

**BOGGY CREEK ROAD SPECIAL CHARGE STREET
CONSTRUCTION SCHEME - DECLARATION OF SCHEME**

OBJECTIVE

The purpose of this report is for Council to consider to formally proceed with the proposed 'Boggy Creek Road Special Charge Street Construction Scheme Number 1901' by way of formal declaration as a Special Charge Scheme under section 163(1) of the Act for the construction of Boggy Creek Road in Longford, and related works, including drainage.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council, having considered all submissions received and taken account of all objections lodged and having complied with 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 Boggy Creek Road, Longford (Road) or any component of the Road has not previously been constructed by way of a special rate or charge], hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this Report, such Declaration being for the purposes of constructing the Road and providing all and any ancillary works, including surface drainage.***
- 2. Council directs that, under cover of a letter, a written notice, enclosing a notice of levy, be sent to all owners of properties included in the Scheme, including those who have made a submission and/or lodged an objection in writing, of the decision of Council to make the Declaration, and the reasons for the decision.***
- 3. For the purposes of resolution 2, the reasons of Council for making the Declaration are that –***
 - (a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Scheme from property owners;***
 - (b) Council considers that it is acting in accordance with the functions, powers and objectives conferred on it under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in and for the Scheme area;***

- (c) *All property owners who are liable or required to pay the Special Charge and the properties respectively owned and occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;*
 - (d) *The basis of distribution of the Special Charge amongst the property owners who are liable or required to pay the Special Charge is considered to be fair and reasonable;*
 - (e) *The works proposed by the Scheme are consistent with all and any policies and/or objectives set out in the planning scheme for the area; and*
 - (f) *The works proposed for the construction and drainage of the Road are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Road.*
4. *The Chief Executive Officer (or any 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 give effect to this resolution, including in relation to the levying of the Special Charge.*

COUNCILLOR BYE / COUNCILLOR HOLE

That:

1. *Council, having considered all submissions received and taken account of all objections lodged and having complied with 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 Boggy Creek Road, Longford (Road) or any component of the Road has not previously been constructed by way of a special rate or charge], hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this Report, such Declaration being for the purposes of constructing the Road and providing all and any ancillary works, including surface drainage.*
2. *Council directs that, under cover of a letter, a written notice, enclosing a notice of levy, be sent to all owners of properties included in the Scheme, including those who have made a submission and/or lodged an objection in writing, of the decision of Council to make the Declaration, and the reasons for the decision.*
3. *For the purposes of resolution 2, the reasons of Council for making the Declaration are that –*
 - (a) *There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Scheme from property owners;*
 - (b) *Council considers that it is acting in accordance with the functions, powers and objectives conferred on it under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in and for the Scheme area;*
 - (c) *All property owners who are liable or required to pay the Special Charge and the properties respectively owned and occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;*

- (d) The basis of distribution of the Special Charge amongst the property owners who are liable or required to pay the Special Charge is considered to be fair and reasonable;*
- (e) The works proposed by the Scheme are consistent with all and any policies and/or objectives set out in the planning scheme for the area; and*
- (f) The works proposed for the construction and drainage of the Road are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Road.*
- 4. The Chief Executive Officer (or any 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 give effect to this resolution, including in relation to the levying of the Special Charge.**

CARRIED

ITEM C4.3

**COOPER CRESCENT SPECIAL CHARGE STREET
CONSTRUCTION SCHEME – INTENTION TO DECLARE SPECIAL
CHARGE SCHEME**

OBJECTIVE

The purpose of this report is for Council to consider the proposed Cooper Crescent Special Charge Street Construction Scheme Number 2001 for declaration as a Special Charge Scheme for the construction of Cooper Crescent in Maffra.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

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 Cooper Crescent in Maffra and providing all and any ancillary works, including drainage and vehicle crossings; and***
- 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 July 2020 in accordance with the Proposed Declaration of Special Charge Scheme Number 2001 in the form of the attachment to this report for the construction of Cooper Crescent in Maffra (Proposed Declaration of Special Charge); and***

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 July 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; and*
4. *Council appoint three Councillors as determined by Council plus an alternative representative to form the 'Cooper Crescent 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; and*
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; and*
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; and*
7. *Council modify the Residential Road and Street Construction Plan to include the construction of driveways within the fixed fee model.*

COUNCILLOR RIPPER / COUNCILLOR ROSSETTI

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 Cooper Crescent in Maffra and providing all and any ancillary works, including drainage and vehicle crossings; and*
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 July 2020 in accordance with the Proposed Declaration of Special Charge Scheme Number 2001 in the form of the attachment to this report for the construction of Cooper Crescent in Maffra (Proposed Declaration of Special Charge); and*
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 July 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; and*

4. ***Council appoint the following three Councillors; Councillor Ripper, Councillor Crossley, Councillor Hole and an alternative representative; Councillor McCubbin, to form the 'Cooper Crescent 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; and***
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; and***
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; and***
7. ***Council modify the Residential Road and Street Construction Plan to include the construction of driveways within the fixed fee model.***

CARRIED

ITEM C4.4

PORT ALBERT INTENTION TO DECLARE SPECIAL CHARGE SCHEME

OBJECTIVE

The purpose of this report is for Council to consider the proposed Port Albert Township Street Construction Special Charge Scheme Number 1906 for declaration as a Special Charge Scheme in connection with the construction and improvement of streets and roads in the Township of Port Albert.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

1. ***Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme (Proposed Scheme) for the purposes of constructing certain streets in the Township of Port Albert (as those streets are listed and shown on the plan which is attached to and which forms a part of the Proposed Declaration of Special Charge Scheme Number 1906 in the form of the Attachment Proposed Declaration of Special Charge to this Report) and the provision of all and any ancillary works, including the provision of driveways and driveway culverts (from road edge to building line) and parking in Bay Street on the south side of and adjacent to Rutter Park.***
2. ***Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given including being published in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the Proposed Scheme at its ordinary meeting to be held on 15 September 2020 in accordance with the 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 which is attached to and which forms 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 15 September 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 'Port Albert Township Street Construction 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 and 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 vehicle crossings within the fixed fee model.**

COUNCILLOR RIPPER / COUNCILLOR HOLE

That:

1. **Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme (Proposed Scheme) for the purposes of constructing certain streets in the Township of Port Albert (as those streets are listed and shown on the plan which is attached to and which forms a part of the Proposed Declaration of Special Charge Scheme Number 1906 in the form of the Attachment Proposed Declaration of Special Charge to this Report) and the provision of all and any ancillary works, including the provision of driveways and driveway culverts (from road edge to building line) and parking in Bay Street on the south side of and adjacent to Rutter Park.**
2. **Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given including being published in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the Proposed Scheme at its ordinary meeting to be held on 15 September 2020 in accordance with the Proposed Declaration of Special Charge.**

- CARRIED**

In 2019 Council received negative feedback about plans to asphalt the parking/truck areas at the Gippsland Regional Livestock Exchange with drought funding received from the Federal Government.

In response to this feedback, Council determined to redirect these funds to re-sheeting gravel roads. This decision was supported by the federal government department managing the Drought Communities Programme funding because these activities aligned with the funding guidelines.

The re-sheeting works were conducted along sections of Wonnangatta Road, Dargo, Tinamba-Seaton Road, Heyfield and Woolshed Lane, Boisdale. These roads were selected because the roads are located in dry farming areas that were significantly impacted by drought, and were a high priority for re-sheeting works based on an assessment of road condition.

Since then, Council has successfully acquitted the federal government grant funding.

Officers also sought feedback from Council's Agriculture Industry Reference Group last year when identifying alternatives to resealing the GRLE carpark. The Ag Industry Reference Group was supportive of Council allocating funds towards the gravel re-sheeting roads located in dry farming areas that were significantly impacted by drought.

GALLERY COMMENTS – NIL

Meeting declared closed at: 6:32pm

The live streaming of this Council meeting will now come to a close.