



# WELLINGTON

## SHIRE COUNCIL

*The Heart of Gippsland*

### Resolutions In Brief

**To be read in conjunction with Ordinary Council Meeting Agenda  
2 May 2017**

#### **PRESENT**

Councillor – Carolyn Crossley – Mayor  
Councillor – Alan Hall – Deputy Mayor  
Councillor - Malcolm Hole  
Councillor – Scott Rossetti  
Councillor – Ian Bye  
Councillor – Keith Mills  
Councillor – Darren McCubbin  
Councillor – Gayle Maher  
Councillor – Garry Stephens

#### **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

# ORDINARY MEETING OF COUNCIL – 2 MAY 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 18 April 2017 as tabled.

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

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 18 April 2017 as tabled.*

**COUNCILLOR BYE / COUNCILLOR HALL**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 18 April 2017 as tabled.*

**CARRIED**

**ITEM A5****BUSINESS ARISING FROM PRVIOUS MEETINGS**

NIL

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

**COUNCILLOR McCUBBIN**

*I move that Council receive a late notice of motion*

**CARRIED**

**ITEM A7 (1)****NOTICE OF MOTION**

I, Councillor Alan Hall, hereby give notice of my intention to move the following motion at the Ordinary Meeting of Council of 2 May 2017.

**That-**

- 1. The Mayor write to the Premier, commending his Government on the \$1.45 billion commitment to Regional Rail, in particular the \$435 million for Gippsland. However, we note that apart from replacing an existing decrepit asset (the Avon River Rail Bridge), there is no investment east of the Latrobe Valley. In addition, that the Mayor highlight those region-specific projects as identified in the Gippsland Rail Needs Study 2016, and seek a response from the Premier that these will also be funded in the short term.*
- 2. The Mayor write to the member for Gippsland, the Hon. Darren Chester, seeking his full support to fund the Regional Rail Upgrade proposed by the Victorian Government. Further, that Minister Chester continue to work with both Wellington and East Gippsland Shire councils to ensure the state government earmarks future investment, east of the Latrobe Valley, to improve much needed services in this region as identified in the Gippsland Rail Needs Study 2016.*

## **COUNCILLOR HALL / COUNCILLOR STEPHENS**

**That-**

- 1. The Mayor write to the Premier, commending his Government on the \$1.45 billion commitment to Regional Rail, in particular the \$435 million for Gippsland. However, we note that apart from replacing an existing decrepit asset (the Avon River Rail Bridge), there is no investment east of the Latrobe Valley. In addition, that the Mayor highlight those region-specific projects as identified in the Gippsland Rail Needs Study 2016, and seek a response from the Premier that these will also be funded in the short term.**
- 2. The Mayor write to the member for Gippsland, the Hon. Darren Chester, seeking his full support to fund the Regional Rail Upgrade proposed by the Victorian Government. Further, that Minister Chester continue to work with both Wellington and East Gippsland Shire councils to ensure the state government earmarks future investment, east of the Latrobe Valley, to improve much needed services in this region as identified in the Gippsland Rail Needs Study 2016.**

**CARRIED**

### **ITEM A8 RECEIVING OF PETITIONS OR JOINT LETTERS**

NIL

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

NIL

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

NIL

### **ITEM A10 NOTICE OF MOTION**

NIL

### **ITEM B DELEGATES REPORT**

NIL

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

#### **OBJECTIVE**

To report on all assembly of Councillor records received for the period 11 April 2017 to 25 April 2017.

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

### RECOMMENDATION

*That Council note and receive the attached Assembly of Councillor records for the period 11 April 2017 to 25 April 2017.*

**COUNCILLOR BYE / COUNCILLOR STEPHENS**

*That Council note and receive the attached Assembly of Councillor records for the period 11 April 2017 to 25 April 2017.*

**CARRIED**

#### ITEM C3.1

#### WEST SALE AIRPORT MASTER PLAN UPDATE 2017

##### OBJECTIVE

To present to Council the draft West Sale Airport Master Plan Update 2017 and seek authorisation for it to be released for public comment.

##### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

### RECOMMENDATION

*That Council approve the release of the draft West Sale Airport Master Plan Update 2017 for public comment for a period of four (4) weeks (refer to Attachment One).*

**COUNCILLOR BYE / COUNCILLOR ROSSETTI**

*That Council approve the release of the draft West Sale Airport Master Plan Update 2017 for public comment for a period of four (4) weeks (refer to Attachment One).*

**CARRIED**

#### ITEM C4.1

#### MARLEY STREET NORTH 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 Marley Street North Special Charge Street Construction Scheme between Macarthur Street and Raglan Street, Sale (Attachment 1).

##### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

Robin Motherway, Marley Street Sale Resident  
Spoke to Council regarding the following:

- Levying of an extra rate for the upgrade of Marley Street, Sale
- Consideration for discount to scheme where possible

Jane Cahill, Dundas Street Sale resident  
Spoke to Council regarding the following:

- Codrington Street and the application of "Special Benefit" in relation to Section 163 of the *Local Government Act 1989*

#### **RECOMMENDATION**

***That:***

- 1. Council receive and consider the report from the Submissions Committee in relation to the Marley Street North Special Charge Street Construction Scheme; and***
- 2. Having regard to the written objections opposing the proposed Street Construction Scheme and the Submission Committee finding that the proposed Special Charge Street Construction Scheme for Marley Street between Macarthur Street and Raglan Street has been prepared in accordance with the provisions of the Local Government Act 1989, Council determines that the objections should not stop the scheme being considered for adoption; and***
- 3. The Chief Executive Officer write to the submitters and advise of the Council decision and the reason for that 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 28 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 ROSSETTI / COUNCILLOR McCUBBIN**

***That:***

- 1. Council receive and consider the report from the Submissions Committee in relation to the Marley Street North Special Charge Street Construction Scheme; and***
- 2. Having regard to the written objections opposing the proposed Street Construction Scheme and the Submission Committee finding that the proposed Special Charge Street Construction Scheme for Marley Street between Macarthur Street and Raglan Street has been prepared in accordance with the provisions of the Local Government Act 1989, Council determines that the objections should not stop the scheme being considered for adoption; and***
- 3. The Chief Executive Officer write to the submitters and advise of the Council decision and the reason for that 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 28 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**

**OBJECTIVE**

The purpose of this report is for Council to consider the declaration of the Marley Street North Special Charge Street Construction Scheme Number 1604 as a special charge scheme for the section of Marley Street between Macarthur Street and Raglan Street in Sale.

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

***That:***

- 1. Wellington Shire Council (Council) having noted there were five 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 Marley 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 Marley Street between Macarthur Street and Raglan 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 Marley 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 \$885,000 being the estimated cost of the works to be undertaken. Council funding is to be allocated from its Commonwealth Roads to Recovery Program.***



- 5. The total estimated amount to be levied under the Scheme as the Special Charge is \$885,000.**
- 6. The Special Charge will commence on 2 May 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 2 May 2017 and the reasons for the decision.**

**COUNCILLOR McCUBBIN / COUNCILLOR BYE**

**That:**

- 1. Wellington Shire Council (Council) having noted there were five 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 Marley 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 Marley Street between Macarthur Street and Raglan 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 Marley 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 \$885,000 being the estimated cost of the works to be undertaken. Council funding is to be allocated from its Commonwealth Roads to Recovery Program.**
- 5. The total estimated amount to be levied under the Scheme as the Special Charge is \$885,000.**
- 6. The Special Charge will commence on 2 May 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 2 May 2017 and the reasons for the decision.**

**CARRIED**

## OBJECTIVE

For Council to approve the draft Wellington Community Early Years Plan 2017 – 2021 (attached) and release it to the community for comment for a period of four weeks.

## PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

### RECOMMENDATION

*That Council approve the draft Wellington Community Early Years Plan 2017 – 2021 (attached) and release it to the community for comment for a period of four weeks.*

**COUNCILLOR MAHER / COUNCILLOR MILLS**

*That Council approve the draft Wellington Community Early Years Plan 2017 – 2021 (attached) and release it to the community for comment for a period of four weeks.*

**CARRIED**

## D. URGENT BUSINESS

NIL

## E. FURTHER GALLERY AND CHAT ROOM COMMENTS

### CHAT ROOM COMMENTS

Mr Alan Heywood, Pearsondale resident  
Emailed Council with the following comments:

- Driver vision at both Reeve St roundabouts is currently excellent
- Stated that Raglan / York roundabout, planting of ground cover plants below 30cms in height, to allow road users safe movement on the highway through this intersection

### GALLERY COMMENTS

Jane Cahill, Dundas Street Sale resident  
Spoke to Council regarding preservation of the 'brick drain' in Marley Street Sale

Meeting declared closed at 3:51pm