



**WELLINGTON**  
SHIRE COUNCIL

*The Heart of Gippsland*

## **COUNCIL MEETING AGENDA ORDINARY MEETING**

**Meeting to be held at**

**Wellington Centre – Wellington Room**

**Foster Street, Sale and via MS Teams**

**Tuesday 19 July 2022, commencing at 6:00 PM**

**or join Wellington on the Web:  
[www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)**

ORDINARY MEETING OF COUNCIL  
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## COUNCIL MEETING INFORMATION

*Members of the Public Gallery should note that the Council records and publishes Council meetings via YouTube to enhance the accessibility of Council meetings to the broader Wellington community. These recordings are also archived and may be published on Council's Website for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, members of the gallery may address the Council at which time their image, comments or submissions will be recorded.*

*Members of the public who are not in attendance at the Council meeting but who wish to communicate with the Council via the online webform should lodge their questions or comments early in the meeting to ensure that their submissions can be dealt with at the end of the meeting.*

*Please could gallery visitors, Councillors and invited online attendees ensure that mobile phones and other electronic devices are turned off or in silent mode for the duration of the meeting.*

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## ACKNOWLEDGEMENT OF COUNTRY

*"We acknowledge the traditional custodians of this land, the Gunaikurnai people, and pay respects to their Elders past and present"*

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## PRAYER

*"Almighty God, we ask your blessing upon the Wellington Shire Council, its Councillors, officers, staff and their families. We pray for your guidance in our decisions so that the true good of the Wellington Shire Council may result to the benefit of all residents and community groups."*

*Amen*

## 1. APOLOGIES

## 2. DECLARATION OF CONFLICT/S OF INTEREST

## 3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

### 3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

**ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

**PURPOSE**

To adopt the minutes of the Ordinary Council Meeting of 5 July 2022.

**PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**

**RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 5 July 2022.*

**CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

#### **4. BUSINESS ARISING FROM PREVIOUS MEETINGS**

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

#### **5. ACCEPTANCE OF LATE AND URGENT ITEMS**

#### **6. NOTICE/S OF MOTION**

#### **7. RECEIVING OF PETITION OR JOINT LETTERS**

##### **7.1. OUTSTANDING PETITIONS**

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

## **7.2. RECEIPT OF PETITION: IMPROVED TRAFFIC AND PEDESTRIAN SAFETY IN MAFFRA**

### **ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

To present Council with a petition requesting improvement of traffic and pedestrian safety at the intersection of McLean and Boisdale Streets in Maffra.

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

#### **RECOMMENDATION**

*That Council receive the attached petition requesting improvement of traffic and pedestrian safety at the intersection of McLean and Boisdale Streets, Maffra.*

#### **BACKGROUND**

Following a meeting between Council officers and members of the Maffra community, a petition containing 133 signatures has been received by Council requesting improvement of traffic and pedestrian safety at the intersection of McLean and Boisdale Streets in Maffra.

The petitioners have expressed concerns about incidents that have occurred at the intersection over the past decade. The petition recommends the installation of more relevant signage, rumble strips or other safety measures that would bring more awareness and slow the traffic down in the area. They have also noted that traffic flow has increased dramatically over the years, with new estates opening, school buses and local residents going about their day, a busy restaurant at the intersection and also being the main road used to attend the Maffra Cemetery.

#### **ATTACHMENTS**

1. Petition - Improved Traffic and Pedestrian Safety in Maffra [7.2.1 - 12 pages]

#### **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **LEGISLATIVE IMPACT**

Rule 7.5(2) of Wellington Shire Council Governance Rules provides for petitions and joint letters:

*“A petition or joint letter presented to the Council must lay on the table for a period determined by the Council but not exceeding the next two Council Meetings. No motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council unanimously agrees to deal with it earlier.”*

#### **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COUNCIL PLAN IMPACT**

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

#### **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.



**23 June 2022**

Dear Mayor Bye, Jey Parthiban & councillors,

Re request to improve traffic and pedestrian traffic safety at the intersection of McLean and Boisdale Street Mattra.

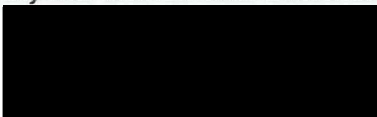
It is appreciated that there was prompt action to install extra 'more obvious' signage at the intersection under discussion post our meeting on the 24th of May with Jey Pethiban. Graduate Road Planning Engineer.

I organised a petition and placed it in a number of businesses locally which was well received, 131 signatures. Hopefully you will take the time to read the petition and consider the concern of the residents. Almost all of the people I approached commented at how they knew of someone or they themselves had witnessed how dangerous that particular intersection was. Using words like 'speedway, dangerous, tricky, frightening and poor visibility to describe how they felt about it.

Hopefully a remedy can be found to make it a much safer intersection maybe 'flashing lights, rumble strips or a roundabout'.

Thank you for taking the time to hear our concerns and hopefully we can find a satisfactory outcome in the near future.

Yours Sincerely Ms Wilhelmina Coleman



*W. S. M. Coleman*

*Wilhelmina L. Coleman,*

*23.06.2022,*

Wilhelmina Coleman



Contact customer for when this will be discussed at a council meeting. (what date)



# **SAFETY AT THE INTERSECTION OF MCLEAN STREET & WEST SIDE OF BOISDALE STREET**

## **MAFFRA 3860**

After a meeting at the intersection with representatives from WELLINGTON SHIRE COUNCIL it was suggested that a petition be arranged to collect as many signatures as possible in the hope of making this intersection safer, so please support us.

1. Over the last ten years there have been at least four major collisions at this intersection where all of the cars involved have been written off, and numerous near misses.
2. This petition signed by concerned residents and visitors is in the hope of improving safety and saving people from serious injury or death.
3. More relevant signage, rumble strips or possible safety measures that would bring more awareness and slow the traffic down would be appreciated.
4. Traffic flow has increased dramatically over the years, with new estates opening, school buses and local residents going about their day. Also a busy restaurant at the intersection and being the main road used to attend the Maffra Cemetery.
5. For the safety of everybody using this intersection improvements need to be made to cope with safer traffic and pedestrian flow.



JUNE 2<sup>nd</sup> 2022

NAME

ADDRESS &amp; POSTCODE

SIGNATURE

- 1 E. S. WEAVER
- 2 MARION LUCAS
- 3 E. DILNEY
- 4 J. Johns Love
- 5 M. M. Dalton
- 6 J. JENKINS
- 7 M. Henry
- 8 Bev Symonds
- 9 Kate Heydell
- 10 Lynne Lestrade
- 11 Anne Holden
- 12 JOSIANE HUNT
- 13 Elise Hunt
- 14 Wilhelmina <sup>COLEMAN</sup>
- 15 Tim COLEMAN
- 16 Julie Berry
- 17 MRC Coleman
- 18
- 19
- 20
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- 23
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- 25
- 26
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- 28
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- 30
- 31
- 32
- 33

Weaver.  
 M J Lucas.  
 E D Dilney  
 J. Johns  
 M. M. Dalton  
 J. Jenkins.  
 M J Henry  
 B Symonds  
 K. Heydell  
 L. Lestrade  
 A. Holden  
 J. Hunt.  
 E. Hunt.  
 W. J. Coleman.  
 Tim Coleman  
 Berry  
 MRC Coleman

104  
SIGNATURES

132516.

TOTAL ✓  
June 2<sup>nd</sup> -  
2022




NAME

ADDRESS &amp; POSTCODE

SIGNATURE

Bill Talbot  
Kate Wheeler  
Sue Bumpstead  
Robyn Hawkin  
Alicia Larsen  
KATH. PEEL  
Viv Savage  
John Fixter  
BRIDGET ERICSON

  
K. Wheeler  
~~S. Bumpstead~~  
~~R. Hawkin~~  
a. Larsen  
K. M. Peel  
V. Savage  
J. Fixter  
B. Ericson



NAME

ADDRESS &amp; POSTCODE

SIGNATURE

Ian Callace

Tina Mcdon

K. Fitt

Lyn S. Keldan

GREG MCDONN

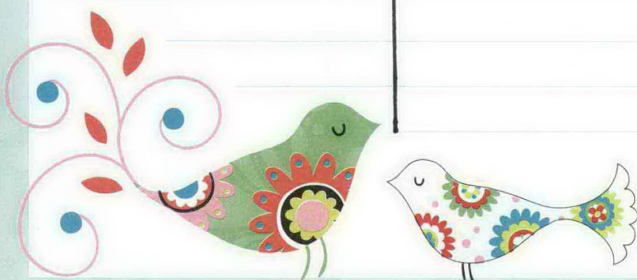
Ian Callace

Tina Mcdon

K. Fitt

Lyn S. Keldan

GREG MCDONN



NAME

ADDRESS &amp; POSTCODE

SIGNATURE

AMEE SCOTT

John Little

LORRAINE LITTLE

Karen Edwards

Natasha Smith

Veronica Dwyer

P. Harcourt

Jed Whiteley

Claire Cochrane

Mark Saddington

Neil Westhead

Jo Chambers

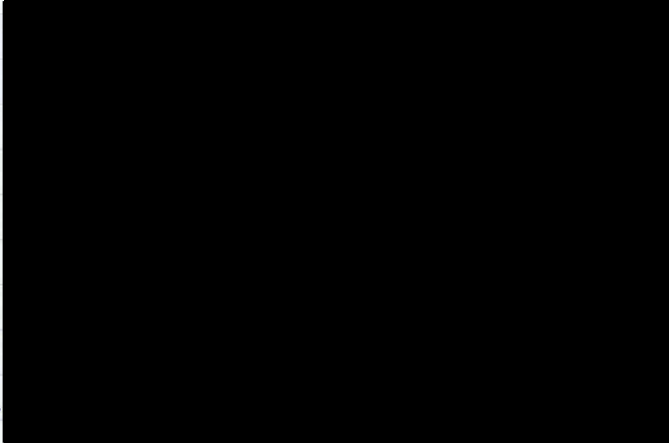
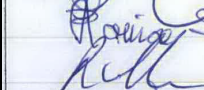
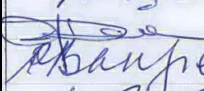



amee scott  
 J. Little  
 L. Little  
 K. Edwards  
 N. Smith  
 V. Dwyer  
 P. Harcourt  
 J. Whiteley  
 C. Cochrane  
 M. Saddington  
 N. Westhead  
 J. Chambers





NAME	ADDRESS & POSTCODE	SIGNATURE
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Elaine Sage		
Sam Pleydell		
Kyle Brown		
Hovise Stobie		
Rebyn Horn		
J Dunsmuir		
P. Banfield		
Laura Davis		
STEPHAN DUFFIN		



NAME

ADDRESS &amp; POSTCODE

SIGNATURE

Sam Giles

LINDY WILCOX

L Scott

Dorothy Smyth

Pam memo

Chris Willis

Lyn Robinson

Pam Crawford

Jenny Clapham

D. Casanaga

J. High

Jenny Glennon

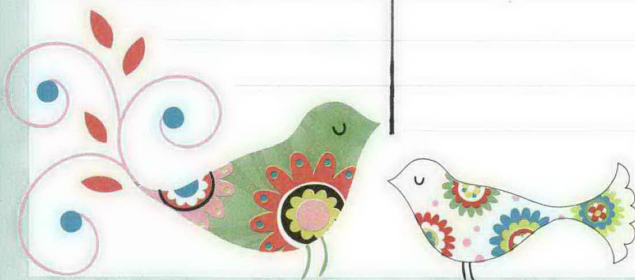
Jo Fletcher

DAVID GILES

Denielle Saunders

Nicky meddings

maddisonbarber



NAME

ADDRESS &amp; POSTCODE

SIGNATURE

NAME

ADDRESS &amp; POSTCODE

SIGNATURE

Dawn Clark

Don Hwell

~~Shirley Kelly~~

PETER HARRATT

Sharon Chester

Elisbeth Oldham

Don Bay

Margaret Williams

Dianne Carr

Lorraine McLaren

Jenny Behran

ANN MCLEOD

Maureen Gravenor

Clark

~~Shirley Kelly~~

P. Harratt

S. C. H.

W. Oldham

Don Bay

M. Williams

D. Carr

L. McLaren

J. Behran

A. McLeod

M. A. Gravenor.



NAME

ADDRESS &amp; POSTCODE

SIGNATURE

Haydn Ross  
 Haydn Ross B. J. J.

S. Dams

Dennis Prout

Travis J. J.

Laurence Cameron

Shirley Thomas

Peter Black

CASEY McMATTON.

Sylvia Bishoff

Louise Blencowe

Kathy Malcolm

Jay Small

Lorraine Sturak

14 Ross

S. Dams

W. P. Prout

J. L. J.

Laurence

Shirley Thomas

Peter Black

C. McMatton

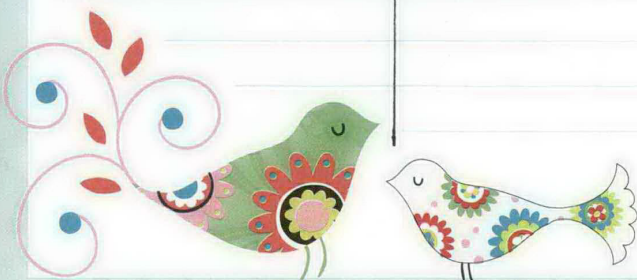
Sylvia Bishoff

Louise Blencowe

Kathy Malcolm

Jay Small

Lorraine Sturak





NAME

ADDRESS &amp; POSTCODE

SIGNATURE

Mary Lestrangle  
Bernice Lee  
Brett Robert  
SHIRLEY MILLARD  
Craig Baxter

M. Lestrangle  
3860  
B. Lee 3860  
B. Robert  
Shirley  
C. Baxter



NAME

ADDRESS &amp; POSTCODE

SIGNATURE

IAN MITCHELL  
Mitch Neil

Amber Patterson

Kirsty Robinson

John Hawkins

PHIL HAWKINS

GLENN McQUILLAN

MARCUS STOBIE

GEOFF. STOBIE.

Jenny Langshaw

Meghan Potter

BEN STOBIE

Michelle Willis

LAUREN McDONALD

Kevin BENNETT

Maya Osborne

Rhys Davis

Rbyn Kerton

AMANDA PROUD

Jen McDairitt

Mark Clemons

WAYNE ALEXANDER

Alec MATES

GARRY COTTERILL

Mandy Smith

CHARLES CRAIG

Matt Gravener

MARILYN MCKENZIE

MARGARET MURPHY

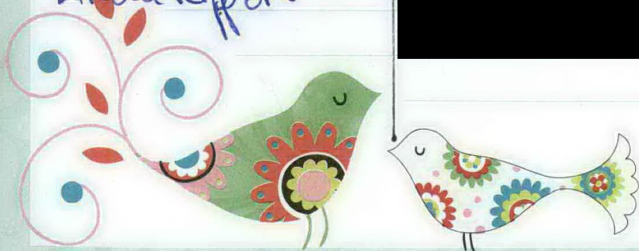
Megan Lee

Lisa Bosanko

Linda Rippon



Ian Mitchell  
 Mitch Neil  
 Amber Patterson  
 Kirsty Robinson  
 John Hawkins  
 Phil Hawkins  
 Glenn McQuillan  
 Marcus Stobie  
 Geoff. Stobie.  
 Jenny Langshaw  
 Meghan Potter  
 Ben Stobie  
 Michelle Willis  
 Lauren McDonald  
 Kevin Bennett  
 Maya Osborne  
 Rhys Davis  
 Rbyn Kerton  
 Amanda Proud  
 Jen McDairitt  
 Mark Clemons  
 Wayne Alexander  
 Alec Mates  
 Garry Cotterill  
 Mandy Smith  
 Charles Craig  
 Matt Gravener  
 Marilyn McKenzie  
 Margaret Murphy  
 Megan Lee  
 Lisa Bosanko  
 Linda Rippon



### **7.3. RECEIPT OF PETITION: IMPLEMENTATION OF A TRAFFIC MANAGEMENT PLAN FOR NIGHTINGALE STREET, YARRAM**

#### **ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES**

#### **PURPOSE**

To present Council with a petition requesting that Council consider the implementation of a traffic management plan in Nightingale Street, Yarram.

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

#### **RECOMMENDATION**

*That Council receive the attached petition requesting that Council consider the implementation of a traffic management plan in Nightingale Street, Yarram.*

#### **BACKGROUND**

Council have received a petition from the residents of Nightingale Street, Yarram requesting that a traffic management plan be implemented for the street to allow visitors to access the mural being painted on the Yarram Water Tower while still allowing for safe access and egress for the local residents, their children and visitors. Also of concern is that Nightingale Street is a single lane unmade road and a number of the children who live in the area use the street to access school by bicycle or on foot.

Details of the petition note that South Gippsland Water have approved the addition of the mural to the water tower, with plans to promote it as a local attraction across Gippsland and surrounds. The increase in traffic will create congestion as there is no off-street parking along the length of Nightingale Street for vehicles which is the greatest concern and in addition, there is currently no space for buses or caravans to park or turn around.

The petition was received with 13 signatures enclosed.

#### **ATTACHMENTS**

1. Petition - Implementation of Traffic Management Plan in Nightingale St, Yarram [7.3.1 - 4 pages]

#### **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

Rule 7.5(2) of Wellington Shire Council Governance Rules provides for petitions and joint letters:

*“A petition or joint letter presented to the Council must lay on the table for a period determined by the Council but not exceeding the next two Council Meetings. No motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council unanimously agrees to deal with it earlier.”*

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL PLAN IMPACT**

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.



**Request:** For council to consider implementing a Traffic Management Plan (TMP)

**Location:** Nightingale Street, Yarram

**Reason:** The Yarram Water Tower located on Nightingale Street is going to have a mural painted on its surface as approved by South Gippsland Water and will be promoted as a local attraction across Gippsland and surrounds. Recent experience has shown that there has been an increase in visitor activity including vehicles and bus tours visiting the mural already painted in Yarram. Water Towers and Silos painted in other regional areas are also advertised and promoted and have resulted in an increase in visitor numbers.

The increase in traffic will create congestion as there is no off street parking along the length of Nightingale Street for vehicles which is the greatest concern and in addition there is definitely no place for buses or caravans to park or turn around.

Also of concern is the fact the Nightingale Street is a single lane unmade road and there are a number of children that live in this area who use Nightingale Street to access school by bicycle and by foot.

The residents in this area therefore believe that a TMP should be implemented to allow visitors to access the mural and park off road and at the same time allow for safe access and egress for the local residents, their children and visitors

### **Proposal**

#### **Priority One: *Parking and Footpath***

There is no off street parking, in fact no areas to park or any area that a vehicle can turn around without entering a local landowners driveway and property once they have entered Nightingale Street, an inspection by the shire will confirm this. There is a vacant block of land opposite the Water Tower that is owned by the Shire, it would be hoped that the TMP would incorporate the construction of a gravelled car parking area which could be accomplished at a minimal cost. The footpath from the Sth Gippsland Hwy needs to be extended as a gravel pathway so visitors, local children etc do not have to walk on the single lane road.

#### **Priority Two: *Signage***

Nightingale Street is an unmade single lane road and subsequently has soft edges and soft nature strips, any attempt to park in these areas will cause damage and limit access by local residents, NO PARKING PAST THIS POINT signs need to be erected at strategic locations just past the water tower and also adjacent to the houses sited prior to the water tower.

As mentioned there are children who use Nightingale Street to access school, the speed limit needs to be reduced to 40km/hr.

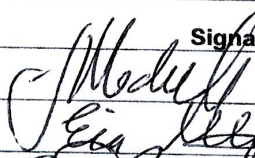
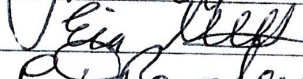
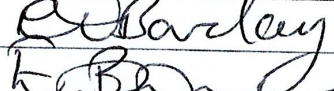
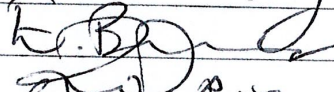
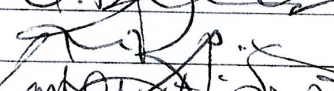
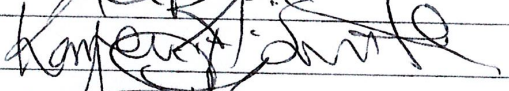
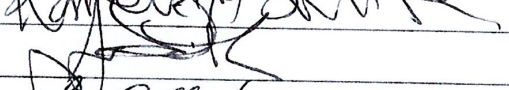
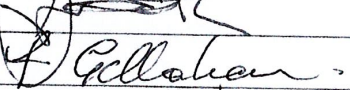
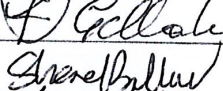
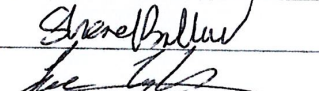
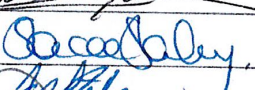
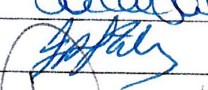
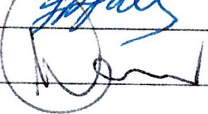
There is no where for either a bus or a car towing a campervan or caravan to turn around once they have entered Nightingale St as the single lane road is a no through road ending at a private property. In the absence of enlarging the car parking area considerably which would be cost prohibitive place "No Buses or Caravans" signage at the beginning of Nightingale Street while directing them 190 metres away to the corner of the Sth Gippsland Hwy and Church Street which can accommodate larger vehicles.

- Non Residential traffic currently travels down Nightingale Street and as there is no place to turnaround traffic travels into the last property and turns around inside their private property. "NO THROUGH ROAD" signage needs to be erected along Nightingale Street preferable with a "Private Residence" signage at a strategic location along Nightingale Street.

The residents do not believe that the street should be reconstructed or bitumen as this will only encourage more traffic along a no thru road. The Shire do a good job maintaining the road as is, it is the availability of parking if well organised and provided that will create minimum disturbance to the local residents.

The tower is due to be painted and completed in October 2022, so it would be hoped that some response and action is taken before this occurs.

Yours Sincerely

Name	Signature
Wayne Medwell	
ERIN MEDWELL	
CHRISTOPHER BARCLAY	
ELISABETH BRUNNER	
PAUL ROBERTS	
KAREN SMITH	
IAN SMITH	
FLORINDA GILLAHAN	
Shane Barlow	
JOE CIPOLLA	
Stacey Staley	
JUSTIN STALEY	
IGNATIUS DUNNENBERG	

All of the above signatures are from residents of Nightingale Street

**Summary:**

The mural will attract visitors to the town and into Nightingale Street the residents of Nightingale Street believe that this traffic management plan is required for our peace of mind and for the safety of children living in the area.

We sincerely hope that the shire will meet and discuss a the ideas mentioned in this TMP along with other items such the extension of the footpath to the water tower which will allow local children and visitors safe access to the water tower so that they do have to walk on the single lane street.

The shire need to view the area for themselves remembering that this an area zoned residential which is distinct from a number but not all of other silos and water towers that are painted in regional locations which are in areas zoned industrial.

It is unfortunate that the committee that are organising the painting of the tower have not yet engage the local residents.

Submitted on behalf of the local residents by

Christopher J Barclay

█ Nightingale Street

Yarram

█

█

**Some Reference Information**

1. Narranda Water Tower

Jennifer Connor from Lockhart Shire Council said the painted tower it had had a phenomenal effect on the town with visitor numbers up by close to 37 per cent.

"We had nearly 2000 people through the door of the information centre in the last couple of months, that's almost half of last year's total number," Ms Connor said.

2. Cooneana Water Tank Art

Quote: The location is also not sutiable for caravan parking inside the grounds of the Hertiage Centre. There is no roadside parking outside as well for any vehicles

3. Eudunda Silos

Quote: **Parking:** off-street car parking is available on Railway Parade, with a short stroll to the Silos



**Sample Management Plan**

"Private Residence"  
Signage should be placed  
around the corner



40  
km/hr  
Signs

No Parking  
Beyond This Point  
Signage

No Parking  
Signage

Gravel  
Footpath  
Extension

Bus Or Caravan  
Parking 190 mts

←  
Signage



**8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS**

**9. QUESTION/S ON NOTICE**

**9.1. OUTSTANDING QUESTION/S ON NOTICE**

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

## 10. MAYOR AND COUNCILLORS REPORT

### 10.1. MAYOR AND COUNCILLORS REPORT - JUNE 2022

**ACTION OFFICER: COUNCILLOR IAN BYE**

#### RECOMMENDATION

*That the Mayor and Councillors report be noted.*

#### 1 JUNE TO 30 JUNE 2022

1 June	Australian Sustainable Hardwood, Heyfield.	Mayor and CEO in attendance.
	Gelliondale Wind Farm Community Discussion – Hedley Hall	Cr McKenzie in attendance.
2 June	RACV Sale Hub Official Opening.	Mayor and CEO in attendance.
	2022 Rural and Regional Planning Conference – Day 1	Cr Maher attended.
3 June	BBQ Meeting – Laser Plumbing	Mayor attended.
	2022 Rural and Regional Planning Conference – Day 2	Cr Maher attended.
	CMT Presentation: Yarram Historical Society Update	Cr Stephens attended.
	Yarram Genealogy Group	Cr Stephens attended.
	Yarram Debutante Ball	Cr Stephens attended.
5 June	2022 Australian Local Government Women's Association (Vic) Conference	Cr Crossley attended.
6 June	One Gippsland Teams Meeting with Minister Shaun Leane, Minister for Local Government, Suburban Development and Veterans, to discuss current challenges experienced by Gippsland's Local Government and highlight the regions priorities.	Mayor attended.
	Art Gallery Advisory Group Meeting	Cr Rossetti attended.
	Maffra Recreation Reserve Community Asset Committee Meeting	Cr Tatterson attended.
7 June	Rotary Club of Sale Changeover.	Mayor attended.

8 June	Generator Project Handover, Yarram Neighbourhood House.	Cr Stephens attended.
	Meeting with Ray Scheuboeck, City of Adelaide, regarding dog parks.	Cr Ripper attended.
	Councillor Training with Governance Officer.	Cr Wood in attendance.
9 June	Municipal Association of Victoria Media Training Course, Collins Street Melbourne.	Cr McKenzie attended.
	SEATS Meeting	Cr Tatterson attended.
10 June	Gippsland Art Gallery Winter Season Launch.	Cr Wood attended.
14 June	SLUPP Meeting	Cr Maher and Cr Tatterson attended.
	Wellington Renewable Energy Forum	Cr Maher, Cr Stephens, Cr Ripper, Cr Rossetti, Cr McKenzie and Cr Tatterson attended.
	Wellington Youth Services Network	Cr Wood attended.
15 June	Official Opening – Sale Oval Redevelopment.	Cr Tatterson and CEO attended.
16 June	Resource Recovery Gippsland - Audit, Risk & Finance Committee Meeting.	Cr Maher attended.
	Councillor Training with Governance Officer.	Cr Wood attended.
	Cameron Sporting Complex Community Asset Committee Meeting	Cr Tatterson attended.
17 June	One Gippsland: – Mayoral Meeting – June Board Meeting – June Local Government Meeting	Mayor in attendance.
	MAV Rural Gippsland Regional Online Meeting	Cr Rossetti and Cr Tatterson in attendance.
20 June	National General Assembly Conference in Canberra.	Cr Rossetti and CEO in attendance.
	Sale Scouts, Joey Meeting.	Mayor attended.
	Gippsland Art Gallery Advisory Group Meeting.	Cr Crossley attended.
22 June	Meeting with Michael Malouf, CEO Performance Management Consultant.	Mayor, Cr Stephens and Cr McKenzie in attendance.

	Wildfighter Boxing Event Meeting, Sale.	Mayor in attendance.
23 June	Resource Recovery Gippsland Board Lunch, Board Meeting and Farewell Dinner.	Cr Maher in attendance.
	Star of the South Community Assistant Grants Meeting	Cr McKenzie attended.
	Wurruk Community House	Cr Wood attended.
24 June	Stephensons Park (Sale City) onsite meeting.	Mayor attended.
	Community Recovery Committee Information Session - Coastal area	Mayor, Cr Stephens and Cr McKenzie attended.
	MAV State Council Meeting	Cr Rossetti in attendance.
28 June	Loch Sport visit – actions meeting	Cr McKenzie attended.
	Aqua Energy Redevelopment Project Reference Group	Cr Tatterson in attendance.
29 June	Seaspray Pump Track Presentation meeting	Cr Ripper and CEO in attendance.
	H2X Board Discussion	Cr McKenzie and CEO in attendance.
	Meeting with Sharon Macgowan regarding Quick Release Grants	Cr McKenzie attended.
	Future of Heyfield meeting with Petra Wood.	Cr Crossley attended.
30 June	RAAF CFS Graduation – Star Hotel, Sails Room	Cr Rossetti attended.

**COUNCILLOR IAN BYE**  
**MAYOR**

## 11. DELEGATES REPORT

### 11.1. DELEGATES REPORT - COUNCILLOR SCOTT ROSSETTI

#### ACTION OFFICER: COUNCILLOR SCOTT ROSSETTI

#### National General Assembly - Australian Local Government Association (ALGA)

##### Delegates Report

The national General Assembly was held in Canberra from 19-22 June 2022, comprising over 800 Council delegates from across every state and territory in Australia. Representing Wellington Shire Council was myself and CEO, David Morcom.

There were many valuable presentations over the 2 ½ days, and it was certainly a valuable opportunity to network with colleagues from across the nation as matters discussed included covid recovery, recruitment and staff retention, inflationary impacts on services, procurement and project management challenges and relationships with state and federal governments. One of the strong messages was the apparent enthusiasm of the Albanese Government to improve relations with Local Government (LG) and involve our sector more in key decision making.

**Catherine King**, the new Minister for Infrastructure, Regional Development and Local Government spoke about the importance of the partnership between federal and local government in her keynote address. One of the immediate ways this would be done was to rebuild the importance and influence of Regional Development Authorities (RDAs), underpinning this work with strong policy and representation from local government. The federal government was keen to drive local and regional development through these networks.

Further, ALGA has been invited to National Cabinet and the Council on Federal Financial Relations on an annual basis (albeit without voting rights!).

**Linda Scott**, ALGA President also delivered an important keynote speech on some of the key outcomes and opportunities for local government including:

- The Local Roads and Infrastructure Program (LRCIP) will continue under the Albanese Government and increase to \$750m. ALGA emphasised to all Councils the importance of working with, and acknowledging, Federal government agencies with this grant program. The total size of the LRCIP program is now \$3.25b and will continue to 2024/25.
- The Albanese Government is committed to fund \$200m each year to a Disaster Mitigation Fund, which will be a competitive grant funding scheme.
- ALGA has been included as a participant Council on the national Federal Financial Relations Council (confirming Minister King's previous announcement).

Councillor Scott also confirmed that ALGA will continue to push for LG to receive 1% of total federal taxation revenue and continue to seek indexation for Financial Assistance Grants each year. Interestingly, Local Government currently receives only 0.55% of total federal tax revenue – the last time local government achieved its 1% target was in 1996!

There was also considerable reflection by ALGA on the budget challenges faced by the federal government with a \$1trill debt, and the impact this will likely have on local government funding opportunities over the next few years.

There was also an announcement that ALGA was working with the Federal Government to establish a *Parliamentary Friends of Local Govt* Forum group, to further assist relationships and conversations between our two levels of Government. Details of how this forum will operate will be released in upcoming months.

There were several excellent sessions covering topics such as climate change, resilience and community partnering opportunities, and strategic planning. A full list of sessions can be found on the conference website [2022 National General Assembly \(eventsair.com\)](https://eventsair.com) where many of the sessions were recorded and available for online viewing (Councillors can contact the CEO for log in details).

Cr Scott Rossetti

## 12. CHIEF EXECUTIVE OFFICER

### 12.1. CHIEF EXECUTIVE OFFICER'S REPORT - JUNE 2022

#### ACTION OFFICER: CHIEF EXECUTIVE OFFICER

##### RECOMMENDATION

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

#### 1 JUNE 2022 TO 30 JUNE 2022

1 June	Visit to Australian Sustainable Hardwood, Heyfield. Mayor Bye also in attendance.
2 June	<p>New Starter Morning Tea, welcome to all new staff.</p> <p>Meeting at WSC Office with East Gippsland Shire Council CEO Anthony Basford &amp; IT Manager Peter Cannizzaro to discuss LGV contract.</p> <p>Attended RACV Sale Hub Official Opening. Mayor Bye also in attendance.</p>
3 June	Attended meeting with CEO Central Gippsland Health Mark Dykgraaf and Danny O'Brien MP, at Central Gippsland Heath.
9 June	<p>Attended Local Government Chief Officers Group meeting online via Teams.</p> <p>Met with representatives at WSC Office from Department of Transport, Beth Liley (Director Gippsland), Harvey Dinelli (Manager Transport Strategy) and Pas Monacella (Manager Scoping &amp; Development).</p> <p>Meeting with Baw Baw Shire Council CEO Mark Dupe at WSC Office.</p>
10 June	Attended Destination Gippsland Board Meeting online via Zoom.
14 June	<p>Attended Gippsland Regional Partnership Meeting at the Gippsland Performing Arts Centre, Traralgon.</p> <p>Attended Wellington Renewable Energy Forum via Teams.</p>
15 June	Attended Official Opening – Sale Oval Redevelopment as MC.

- |         |  |
|---------|--|
| 16 June | Meeting with Michael Malouf, CEO Performance Management Consultant.  |
| 20 June | Attended the National General Assembly Conference in Canberra. Cr Scott Rossetti also in attendance.                       |
| 23 June | Attended Rural Councils Victoria June Meeting online via Zoom.   |
| 29 June | Attended H2X Board Discussion in Wellington Room, with GM Development Brent McAlister and Deputy Mayor Cr Marcus McKenzie. |



## 13. GENERAL MANAGER CORPORATE SERVICES

### 13.1. ASSEMBLY OF COUNCILLORS

#### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### OBJECTIVE

To report on all assembly of Councillor records received for the period 27 June 2022 to 10 July 2022.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

*That Council note and receive the attached Assembly of Councillor records for the period 27 June 2022 to 10 July 2022.*

#### BACKGROUND

Section 80A of the *Local Government Act 1989* required a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, matters considered and any conflict of interest disclosures made by a Councillor. These records were required to be reported at an ordinary meeting of the Council and recorded in the minutes. Under the new *Local Government Act 2020*, this requirement is no longer provided for however, under Council's good governance framework, Council will continue to provide records of assemblies of Councillors to ensure that the community are kept informed of Councillors activity and participation.

Following is a summary of all Assembly of Councillor records received for the period 27 June 2022 to 10 July 2022.

#### ATTACHMENTS

1. Assembly of Councillors - 5 July 2022 - Council Day [13.1.1 - 2 pages]

#### OPTIONS

Council has the following options:

1. Note and receive the attached assembly of Councillors records; or
2. Not receive the attached assembly of Councillors records.

#### PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 27 June 2022 to 10 July 2022.

## **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complied with Section 80A of the *Local Government Act 1989* however, without prescription under the *Local Government Act 2020*, Council will continue to provide these records as part of Council's good governance framework.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL PLAN IMPACT**

This impact has been assessed and while it does not meet a specific Council Plan strategic outcome, it does align with Council's good governance framework.

This report supports the above Council Plan strategic outcome.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## ASSEMBLY OF COUNCILLORS – 5 JULY 2022

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
IT / Diary Meeting	Name	Attendance	Name	Attendance	
	Cr Bye ( <i>on leave</i> )	No	Cr Stephens	Yes	N/A
	Cr Crossley	Yes	Cr Tatterson	Yes	N/A
	Cr McKenzie	Yes	Cr Wood	Yes	N/A
	Cr Maher	Yes	David Morcom, CEO	Yes	N/A
	Cr Ripper ( <i>via MS Teams</i> )	No	Denise Teo, Governance Officer	Yes	N/A
	Cr Rossetti	No	Damian Norkus, ICT Operations Officer	Yes	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE				CONFLICT/S OF INTEREST OR ACTION ITEMS
Workshops	Name	Attendance	Name	Attendance	
	Cr Bye ( <i>on leave</i> )	No	Cr Tatterson	Yes	N/A
	Cr Crossley	Yes	Cr Wood	Yes	N/A
	Cr McKenzie	Yes	David Morcom, CEO	Yes	N/A
	Cr Maher	Yes	Arthur Skipitaris, GM Corporate Services ( <i>on leave</i> )	No	N/A
	Cr Ripper ( <i>via MS Teams</i> )	Yes	Clemence Gillings, GM Community & Culture	Yes	N/A
	Cr Rossetti	Yes	Chris Hastie, GM Built & Natural Environment	Yes	N/A
	Cr Stephens	Yes	Brent McAlister, GM Development	Yes	N/A

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE	SUMMARY AND ACTION ITEMS
Workshops (cont.)	1. GOVERNANCE RULES REVISION UPDATE – PART 1	<ul style="list-style-type: none"> <li>Denise Teo, Governance Officer</li> </ul> <i>Conflict of Interest: Nil</i>	Councillors noted update. Action: N/A
	2. GENDER EQUALITY ACTION PLAN REVIEW	<ul style="list-style-type: none"> <li>Erin O'Neill, Coordinator Human Resources</li> </ul> <i>Conflict of Interest: Nil</i>	Councillors noted update. Action: N/A
	3. COUNCIL COMMITTEES AND COMMITTEES OF MANAGEMENT HIGHLIGHTS	<ul style="list-style-type: none"> <li>Sam McPherson, Manager Communities, Facilities and Emergencies</li> <li>Jamie Smith, Manager Arts and Culture</li> <li>Ross McWhirter, Manager Leisure Services</li> </ul> <i>Conflict of Interest: Nil</i>	Councillors noted update. Action: N/A

## 14. GENERAL MANAGER DEVELOPMENT

### 14.1. MONTHLY PLANNING DECISIONS (MAY 2022)

#### ACTION OFFICER: MANAGER LAND USE PLANNING

#### PURPOSE

To provide a report to Council on recent planning permit trends and planning decisions made under delegation by Statutory Planners during the month of May 2022.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 May and 31 May 2022.***

#### BACKGROUND

Statutory Planners have delegated authority under the *Planning and Environment Act 1987* to make planning decisions in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme, including the issue of planning permits, amended permits, extensions of time, refusal of planning permits and notices of decision to grant a planning permit.

A copy of planning permit decisions made between 1 May and 31 May 2022 is included in Attachment *May 2022 Planning Decisions Report*.

Attachment *May 2022 Planning Trends Report* provides an overview of recent planning permit trends including decisions made, efficiency of decision making and the estimated value of approved development (derived from monthly planning permit activity reporting data).

#### ATTACHMENTS

1. May 2022 Planning Decisions Report [**14.1.1** - 5 pages]
2. May 2022 Planning Trends Report [**14.1.2** - 3 pages]

#### OPTIONS

Council has the following options available:

1. Receive the May 2022 planning decisions report; or
2. Not receive the May 2022 planning decisions report and seek further information for consideration at a future Council meeting.

## PROPOSAL

That Council note the report of recent planning permit trends and planning application determinations between 1 May and 31 May 2022.

## CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

## FINANCIAL IMPACT

This impact has been assessed and there is no effect to consider at this time.

## COMMUNICATION IMPACT

The monthly report communicates information about planning trends and determinations including the issue of planning permits, amended permits, refusal of planning permits, and notices of decision to grant a planning permit.

## LEGISLATIVE IMPACT

All planning decisions have been processed and issued in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme.

## COUNCIL POLICY IMPACT

All planning decisions have been issued after due consideration of relevant Council policy, including Council's Heritage Policy, and the requirements of the Planning Policy Framework in the Wellington Planning Scheme.

## COUNCIL PLAN IMPACT

The Council Plan 2021-25 Theme 2 "Economy and Sustainable Growth" states the following strategic outcome:

**Strategic Outcome 2.1:** *"A diverse economy that creates jobs and opportunities."*

**Strategic Outcome 2.3:** *"An increase in variety of housing choice to support equitable access to housing."*

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

**Strategic Outcome 4.3:** *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcomes.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

Planning decisions are made in accordance with the relevant environmental standards to ensure that environmental impacts are minimised.

## **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.



**PLANNING APPLICATION DETERMINATIONS  
BETWEEN 1/05/2022 AND 31/05/2022**

<b>Application No/Year</b>	<b>Date Received</b>	<b>Property Title &amp; Address</b>	<b>Proposal</b>	<b>Status</b>
161-2.00/2019	4/11/2021	Assessment No. 86785 LOT: 4 LP: 625184C KINGS RD DARGO	Use and development of the land for group accommodation (6 cabins).	Permit Issued by Delegate of Resp/Auth  17/05/2022
280-2.00/2019	10/05/2022	Assessment No. 356626 LOT: 1 TP: 757351J STRATFORD-MAFFRA RD MAFFRA	Development associated with a store.	Permit Issued by Delegate of Resp/Auth  12/05/2022
321-3.00/2019	17/02/2022	Assessment No. 323329 LOT: 1 TP: 148899D 76 TYSON RD HEYFIELD	Multi lot residential subd of land & removal of native veg.	Permit Issued by Delegate of Resp/Auth  20/05/2022
466-2.00/2020	28/02/2022	Assessment No. 225995 LOT: 208 LP: 50201 41 CAMPBELL ST LOCH SPORT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  4/05/2022
337-2.00/2021	20/04/2022	Assessment No. 436162 LOT: 2 TP: 424558T LICOLA RD GLENMAGGIE	Use and development of land with a dwelling.	Permit Issued by Delegate of Resp/Auth  4/05/2022
524-1.00/2021	15/11/2021	Assessment No. 446740 LOT: 1 TP: 575217B 44-46 PRINCES HWY SALE	B&W-warehouse&office-signage-access to road zone cat 1-waiver5carpark.	Permit Issued by Delegate of Resp/Auth  31/05/2022
540-1.00/2021	22/11/2021	Assessment No. 442087 LOT: 2139 LP: 69977 38 KOOKABURRA ST LOCH SPORT	Buildings and works associated with a dwelling.	Permit Issued by Delegate of Resp/Auth  27/05/2022
553-1.00/2021	17/11/2021	Assessment No. 431817 LOT: 1 PS: 319190 89 INVERBROOM RD STRATFORD	Removal of native vegetation.	Permit Issued by Delegate of Resp/Auth  26/05/2022
560-2.00/2021	9/05/2022	Assessment No. 242214 LOT: 2245 LP: 70939 87 THE BOULEVARD LOCH SPORT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  20/05/2022
569-1.00/2021	3/12/2021	Assessment No. 322743 PC: 369130R 70-76 TEMPLE ST HEYFIELD	Subdivision of the land into 2 lots.	Permit Issued by Delegate of Resp/Auth  20/05/2022
587-1.00/2021	9/12/2021	Assessment No. 277244 CA: 3 SEC: 18 52 GIBSON ST PORT ALBERT	Use & development of dwelling & buildings & works for a ag shed.	Permit Issued by Delegate of Resp/Auth  20/05/2022

# ATTACHMENT 14.1.1

Application No/Year	Date Received	Property Title & Address	Proposal	Status
598-2.00/2021	23/03/2022	Assessment No. 218297 PC: 380817N 24-26 BEACHCOMBER RD GOLDEN BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  5/05/2022
13-1.00/2022	17/01/2022	Assessment No. 192492 LOT: 1 PS: 133479 85 PRINCE ST ROSEDALE	Use of Land, Restaurant, Live Music Venue & Reduction carparking.	Permit Issued by Delegate of Resp/Auth  13/05/2022
25-1.00/2022	19/01/2022	Assessment No. 255539 LOT: 759 LP: 40160 25 FIFTH AVE PARADISE BEACH	Buildings and works associated with the construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  25/05/2022
36-1.00/2022	25/01/2022	Assessment No. 188797 LOT: 2 PS: 147378 18 BYES LANE ROSEDALE	Use&development of care takers dwelling/B&W cons of storage sheds.	Permit Issued by Delegate of Resp/Auth  19/05/2022
40-1.00/2022	31/01/2022	Assessment No. 41780 LOT: 1 TP: 808827D 40 LANSDOWNE ST SALE	Subdivision of the land into 2 lots.	NOD issued by Delegate of Respon/Auth  13/05/2022
44-1.00/2022	1/02/2022	Assessment No. 440438 LOT: 1 PS: 729746F 46 CLANCYS RD LONGFORD	Buildings and works associated with a replacement dwelling.	Permit Issued by Delegate of Resp/Auth  13/05/2022
73-1.00/2022	17/02/2022	Assessment No. 248997 LOT: 985 LP: 55692 50 WILHELM ST LOCH SPORT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  12/05/2022
75-1.00/2022	17/02/2022	Assessment No. 221259 LOT: 1099 LP: 52648 84 MERIDAN RD GOLDEN BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  19/05/2022
76-1.00/2022	18/02/2022	Assessment No. 183343 LOT: 133 LP: 82059 2,329 SHORELINE DR THE HONEYSUCKLES	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  12/05/2022
80-1.00/2022	24/02/2022	Assessment No. 213116 LOT: 201 LP: 52647 70 RAINBOW RD GOLDEN BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  12/05/2022
88-1.00/2022	2/03/2022	Assessment No. 384735 LOT: 3 PS: 341047U 854 TINAMBA-GLENMAGGIE GLENMAGGIE	Buildings & works associated with an extension to an existing dwelling	Permit Issued by Delegate of Resp/Auth  27/05/2022
93-1.00/2022	7/03/2022	Assessment No. 26245 LOT: 12 LP: 26163 135 LANSDOWNE ST SALE	Subdivision of the land into 2 lots.	Permit Issued by Delegate of Resp/Auth  6/05/2022

# ATTACHMENT 14.1.1

Application No/Year	Date Received	Property Title & Address	Proposal	Status
94-1.00/2022	7/03/2022	Assessment No. 77842 LOT: 1 TP: 238766X 16 RAYMOND ST STRAITFORD	Development of 3 dwellings on lot and subdivision of the land into 3.	Permit Issued by Delegate of Resp/Auth  11/05/2022
100-1.00/2022	9/03/2022	Assessment No. 113928 PC: 355280Y 132 GOLDEN BEACH DR GOLDEN BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  5/05/2022
105-1.00/2022	11/03/2022	Assessment No. 16238 CA: 14 SEC: 88 12 UNION ST SALE	Buildings and works associated with construction of an industrial shed	Permit Issued by Delegate of Resp/Auth  25/05/2022
107-1.00/2022	11/03/2022	Assessment No. 446427 PC: 380204Y 60 TOORAK AVE LOCH SPORT	Buildings and works associate with construction of a garage.	Permit Issued by Delegate of Resp/Auth  5/05/2022
108-1.00/2022	15/03/2022	Assessment No. 398107 LOT: 5 PS: 530598B 79 KILLEEN ST STRAITFORD	Subdivision of the land into 3 lots.	Permit Issued by Delegate of Resp/Auth  19/05/2022
122-1.00/2022	22/03/2022	Assessment No. 288688 LOT: 7 PS: 315529X 5 BLACKSHAW RD ALBERTON WEST	Buildings and works associated with the construction of an outbuilding	Permit Issued by Delegate of Resp/Auth  4/05/2022
123-1.00/2022	21/03/2022	Assessment No. 369546  PLANNING & BUILDING ST WELLINGTON	Buildings & Works / with geotechnical Investigation of site (SOTSWF)	Permit Issued by Delegate of Resp/Auth  23/05/2022
129-1.00/2022	22/03/2022	Assessment No. 314195 LOT: 24 LP: 63947 8 NERRIGUNDAH DR GLENMAGGIE	Buildings & works assoc with construction of a dwelling and outbuilding	Permit Issued by Delegate of Resp/Auth  26/05/2022
137-1.00/2022	29/03/2022	Assessment No. 451344 LOT: 1 PS: 825689E 13B CENTRE RD SEASPRAY	Buildings and works associated with the construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  17/05/2022
140-1.00/2022	30/03/2022	Assessment No. 288266 LOT: 1 TP: 189817C 88 BLANDS RD YARRAM	2 lot subdivison of the land (house excision).	Permit Issued by Delegate of Resp/Auth  12/05/2022
143-1.00/2022	30/03/2022	Assessment No. 117234 PC: 380812Y 15 DRIFTWOOD AVE GOLDEN BEACH	Buildings and works/construction of a dwelling and outbuilding.	Permit Issued by Delegate of Resp/Auth  30/05/2022
151-1.00/2022	1/04/2022	Assessment No. 96024 LOT: 2 LP: 218229 19 SWANS RD MUNRO	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  10/05/2022

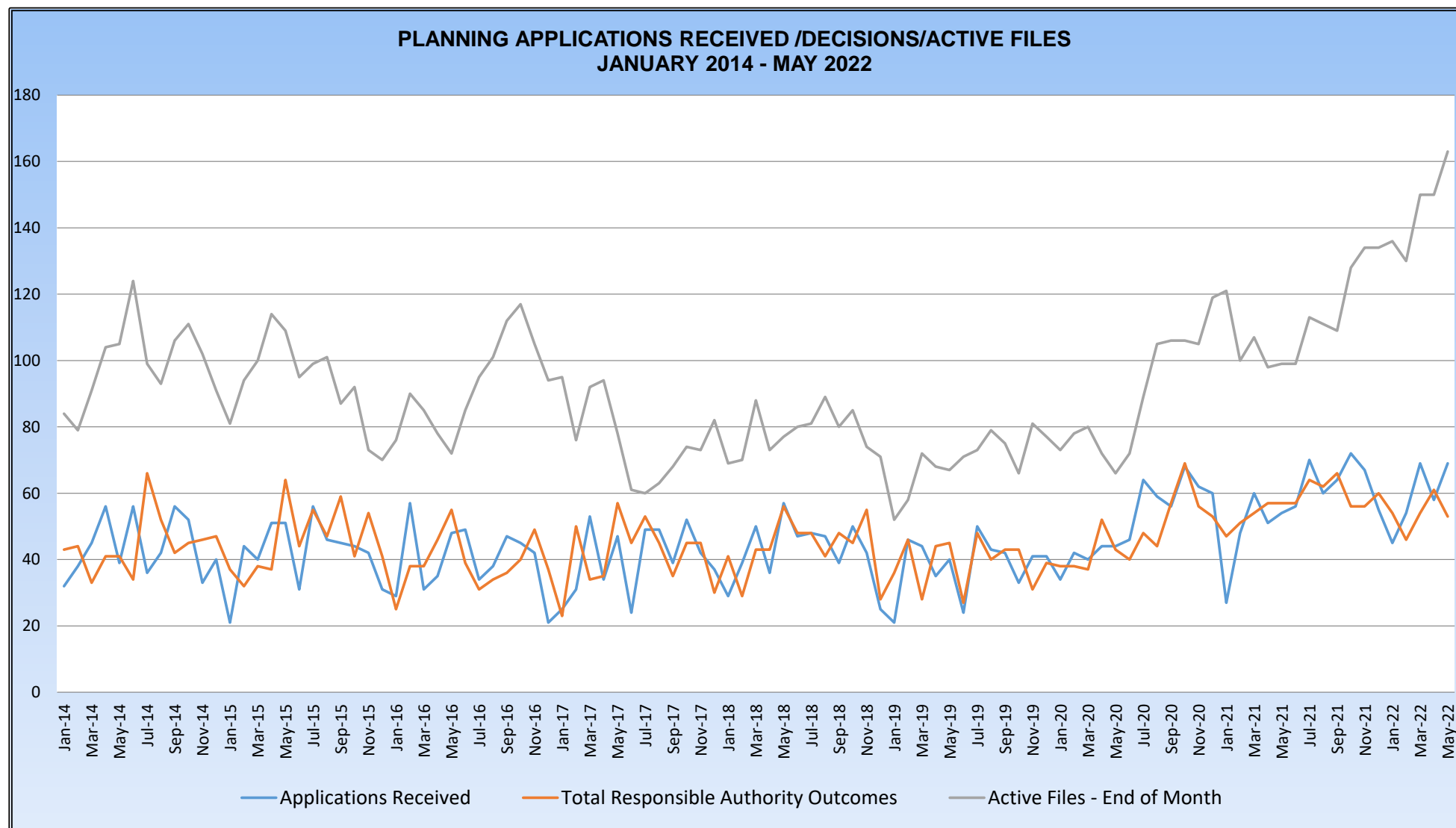
# ATTACHMENT 14.1.1

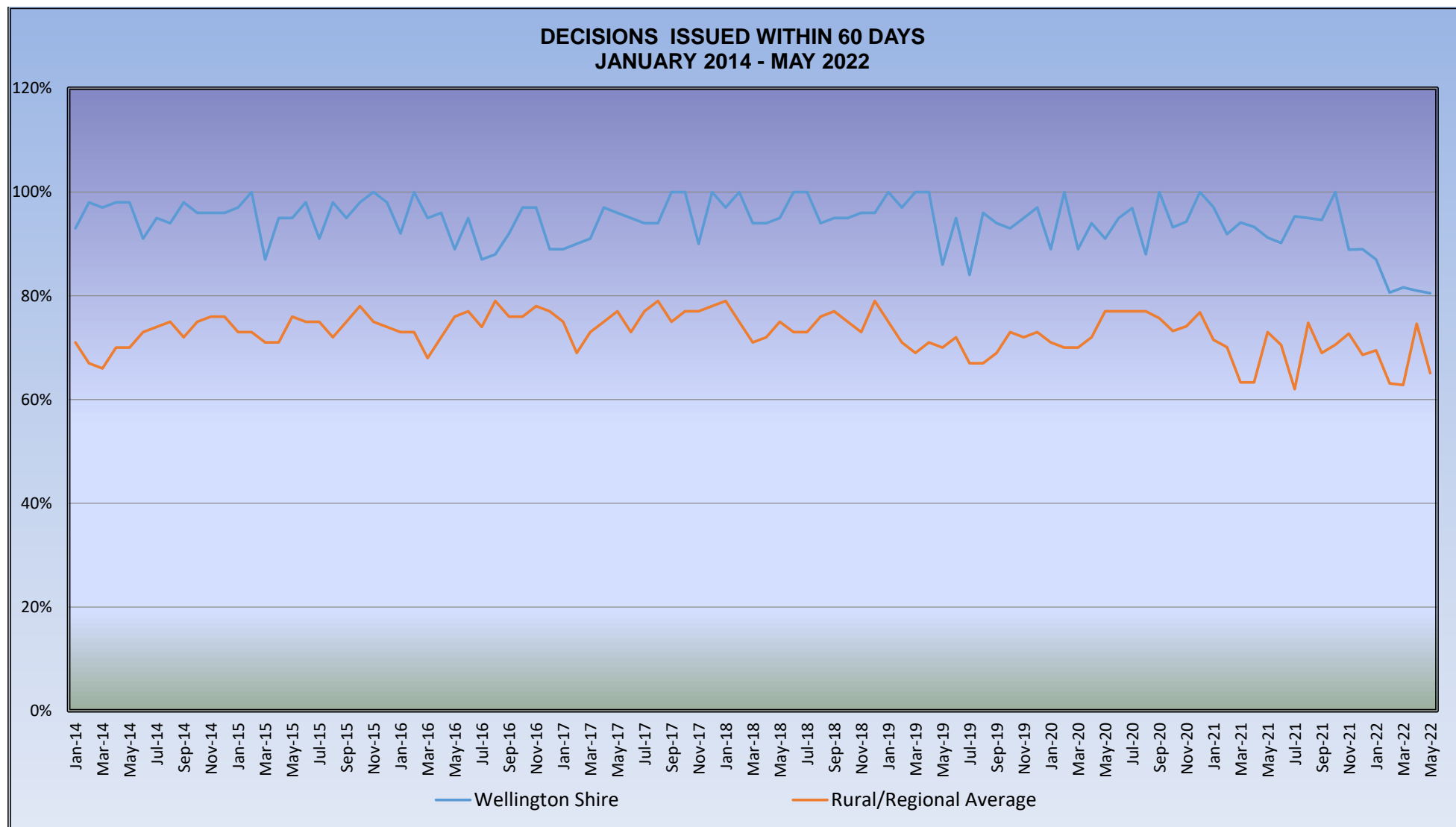
Application No/Year	Date Received	Property Title & Address	Proposal	Status
153-1.00/2022	1/04/2022	Assessment No. 390112 LOT: 1 TP: 340003J 3,871 SOUTH GIPPSLAND GIFFARD WEST	Buildings and works associated with construction of a car port.	Permit Issued by Delegate of Resp/Auth  27/05/2022
163-1.00/2022	6/04/2022	Assessment No. 456319 LOT: 1 PS: 127271 21 JACOBSONS ST ROBERTSONS BEACH	Buildings and works associated with the construction of a dwelling.	Permit Issued by Delegate of Resp/Auth  27/05/2022
164-1.00/2022	6/04/2022	Assessment No. 12021 LOT: 1 TP: 739825Q 356-358 RAYMOND ST SALE	Use of the land for a Liquor License.	Withdrawn  11/05/2022
171-1.00/2022	12/04/2022	Assessment No. 373506 LOT: 2 LP: 82246 514 GARRETTS RD LONGFORD	Buildings & Works/two shipping containers for firefighting simulator.	Permit Issued by Delegate of Resp/Auth  16/05/2022
176-1.00/2022	13/04/2022	Assessment No. 42275 LOT: 1 TP: 587978 82-84 MACALISTER ST SALE	Buildings and works associated with the construction of a fence.	Permit Issued by Delegate of Resp/Auth  18/05/2022
178-1.00/2022	14/04/2022	Assessment No. 83113 CA: 88F SEC: 1 311 DAWSON ST SALE	Buildings and works associated with an agricultural shed.	Permit Issued by Delegate of Resp/Auth  2/05/2022
183-1.00/2022	21/04/2022	Assessment No. 104257 CA: 14 SEC: G 507 NAMBROK RD NAMBROK	B/Ws associated with the construction of an agricultural building.	Permit Issued by Delegate of Resp/Auth  4/05/2022
194-1.00/2022	29/04/2022	Assessment No. 386367 LOT: 1 TP: 522209Y 6 PRINCESS ST PORT ALBERT	B&Ws with the construction of a mezzanine floor in an outbuilding.	Permit Issued by Delegate of Resp/Auth  3/05/2022
195-1.00/2022	29/04/2022	Assessment No. 367029 LOT: 1 PS: 54217 46 HEYFIELD-UPPER MAFFRA TINAMBA	Buildings & works associated with the construction of an Ag building.	Permit Issued by Delegate of Resp/Auth  11/05/2022
200-1.00/2022	2/05/2022	Assessment No. 75200 LOT: S2 PS: 812037Y 98 HOBSON ST STRATFORD	Creation of an easement.	Permit Issued by Delegate of Resp/Auth  19/05/2022
204-1.00/2022	3/05/2022	Assessment No. 116517 PC: 359660R 346 SHORELINE DR GOLDEN BEACH	Buildings and works associated with the construction of an outbuilding	Permit Issued by Delegate of Resp/Auth  19/05/2022
205-1.00/2022	3/05/2022	Assessment No. 81828 PTL: 1 PS: 204836 549B BENGWORDEN RD COBAINS	B & W association with construction of an agricultural building.	Permit Issued by Delegate of Resp/Auth  17/05/2022

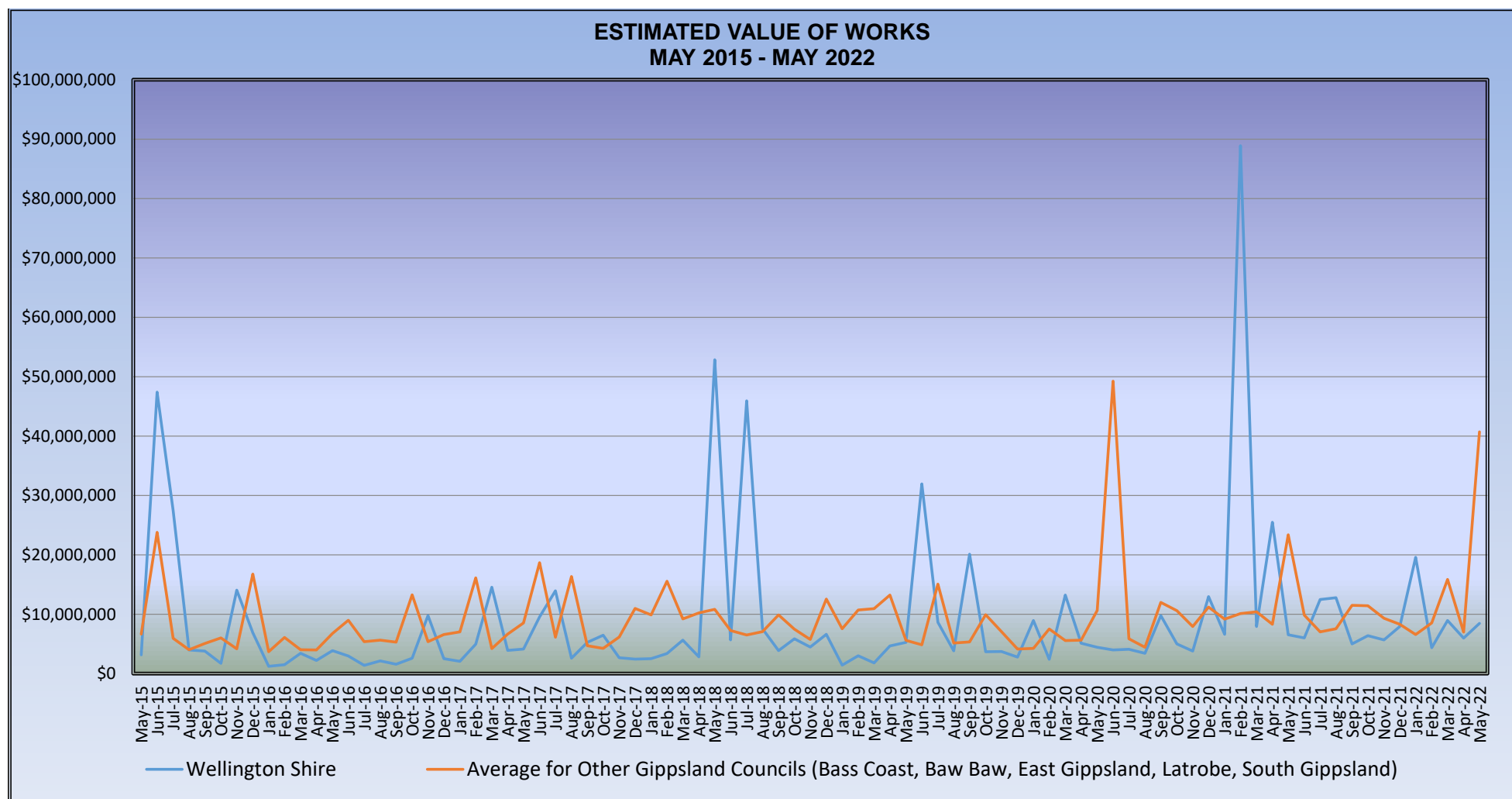
# ATTACHMENT 14.1.1

Application No/Year	Date Received	Property Title & Address	Proposal	Status
206-1.00/2022	3/05/2022	Assessment No. 201012 PCA: 1 SEC: A 191 GORMANDALE	B/W associated with a replacement dwelling (2nd dwelling)	Permit Issued by Delegate of Resp/Auth  23/05/2022
219-1.00/2022	11/05/2022	Assessment No. 390005 LOT: 3 TP: 820515E SETTLEMENT RD AIRLY	Buildings & works associated with the construction of an ag building.	Permit Issued by Delegate of Resp/Auth  25/05/2022
220-1.00/2022	12/05/2022	Assessment No. 197137 CA: 13 SEC: 4 25 SHORELINE DR SEASPRAY	Buildings and works associated with the construction of outbuilding.	Permit Issued by Delegate of Resp/Auth  23/05/2022
221-1.00/2022	11/05/2022	Assessment No. 218677 LOT: 808 LP: 52648 172 SHORELINE DR GOLDEN BEACH	B&Ws associated with the extension to an existing dwelling.	Permit Issued by Delegate of Resp/Auth  20/05/2022
229-1.00/2022	18/05/2022	Assessment No. 362715 LOT: 2 PS: 547907V 5,667 TRARALGON-MAFFRA TINAMBA	Buildings and works associated with construction of a storage shed.	Permit Issued by Delegate of Resp/Auth  25/05/2022
230-1.00/2022	19/05/2022	Assessment No. 70375 LOT: 1 PS: 404783M 20-24 BERGEN CRES SALE	B/Ws associated with an existing residential aged care facility(cafe).	Permit Issued by Delegate of Resp/Auth  27/05/2022
233-1.00/2022	20/05/2022	Assessment No. 283739 LOT: 4 PS: 3149 12 SIMMONS ST GELLIONDALE	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth  27/05/2022

**Total No of Decisions Made: 54**









## 14.2. STRATEGIC LAND USE PLANNING - SECOND QUARTERLY REPORT 2022

### ACTION OFFICER: MANAGER LAND USE PLANNING

#### PURPOSE

To update Council on the strategic land use planning work program for the second quarter April to June 2022.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That Council receive the second quarterly update on the strategic land use planning work program (included in Attachment 'Current Planning Projects and Amendments' to this report).***

#### BACKGROUND

The strategic land use planning work program is regularly reviewed by Council's Strategic Land Use Planning Projects Review Group (Review Group), the Councillor representation for which was appointed by Council at the Ordinary Council meeting of 7 December 2021 at Agenda item 11.2 'Appointment of Committees & Delegates 2021/22'.

The Review Group considered it beneficial to provide Council and the community with a quarterly update of the strategic land use planning work program, which comprises various prioritised projects and planning scheme amendments, as outlined in Attachment 'Current Planning Projects and Amendments'.

#### ATTACHMENTS

1. Current Strategic Land Use Planning Projects and Amendments [14.2.1 - 8 pages]

#### OPTIONS

Council has the following options available:

1. Receive the second quarterly update on the strategic land use planning work program; or
2. Not receive the second quarterly update on the strategic land use planning work program and seek further information for consideration at a future Council meeting.

#### PROPOSAL

To receive the second quarterly update on the strategic land use planning work program.

## **CONFLICT OF INTEREST**

The Coordinator Strategic Planning declared a direct conflict of interest in Item C116: Rezoning of Precincts 9 and 10, Longford Development Plan, Longford, contained within the Table: *'Current Privately Initiated Planning Scheme Amendments'*, in the Attachment *'Current Planning Projects and Amendments'*, to this Report on the basis that he resides in close proximity to the Longford Development Plan area.

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

All strategic land use planning matters are considered in accordance with the *Planning and Environment Act 1987* and/or any relevant legislation.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 2 "Economy and Sustainable Growth" states the following strategic outcome:

**Strategic Outcome 2.1:** *"A diverse economy that creates jobs and opportunities."*

**Strategic Outcome 2.3:** *"An increase in variety of housing choice to support equitable access to housing."*

This report supports the above Council Plan strategic outcomes.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## ATTACHMENT 1

### Current Planning Projects and Amendments

#### Current Strategic Planning Projects

<b>North Sale Developer Contributions Plan</b> <b>Priority: High</b> <b>Anticipated completion: 22/23</b>
<b>Status</b>
<p>The North Sale Development Plan was formally adopted by Council in April 2018.</p> <p>An associated draft '<i>Infrastructure Funding Arrangement</i>' (IFA) has now been prepared.</p> <p>The IFA seeks to equitably apportion costs associated with the provision of key infrastructure items such as highway intersections, roundabouts, and drainage, across the whole of the growth area.</p> <p>A copy of the draft IFA was distributed to all landowners within the growth area for comment and 'one-on-one' information sessions with Mesh Planning consultants offered to interested parties. Meetings were held with a number of interested parties to explain the IFA and its content.</p> <p>All feedback received in response to the draft IFA has now been considered and where appropriate to do so, will be used to inform a final report.</p>
<b>West Sale and Wurruk Industrial Land Strategy – Technical Report Preparation</b> <b>Priority: High</b> <b>Anticipated completion: 22/23</b>
<b>Status</b>
<p>The '<i>West Sale and Wurruk Industrial Land Supply Strategy (April 2018)</i>', (the Strategy) was formally adopted by Council at its ordinary meeting of 19 June 2018. A recommended action of the Strategy was the preparation of several detailed technical reports to address issues relating to cultural heritage, vegetation, drainage and traffic matters and required to be addressed prior to the development of 55Ha of industrial land (to the east of the West Sale Airport).</p> <p>With funding from the Victorian Planning Authority via the '<i>Streamlining for Growth</i>' program, consultants Urban Enterprise have been preparing the technical report, which will ultimately support the detailed master planning of the land.</p> <p>A suite of draft technical reports has been completed and reviewed by Council Officers. The recommendations of the draft reports have identified several matters that continue to be investigated and are required to be resolved. Officers are currently working with the relevant (statutory) authorities to address these issues, prior to finalising the reports.</p>

**Port of Sale East Bank Redevelopment Study****Priority: High****Anticipated completion: 22/23****Status**

The '*Port of Sale East Bank Redevelopment Study*', (the Study) aims to investigate the strategic land use opportunities and associated planning provisions required to guide the redevelopment of land located on the eastern side of the Port of Sale, being land formerly occupied by the Sale High School and Specialist School.

Following a period of community consultation, Ratio planning consultants prepared draft planning scheme provisions to facilitate appropriate uses and development on the site, the details of which are currently being reviewed for future Council consideration.

The Study will also inform and complement work associated with the '*Port of Sale Precinct Masterplan Review*' which was formally adopted by Council in October 2021.

**Maffra Structure Plan****Priority: High****Anticipated completion: Completed****Status**

As a key strategic land use planning project, the Structure Plan focuses on the growth needs of Maffra and establishes a direction as to how and where the town should develop into the future. The Structure Plan, amongst other things:

- provides an up-to-date and relevant strategic land use planning framework for Maffra;
- facilitates the coordinated and integrated growth of the township over the next 20 years;
- provides an informed direction for the future supply of land for residential, commercial and industrial uses, and
- reviews associated drainage and infrastructure issues holistically.

A draft Maffra Structure Plan was publicly exhibited between 15 November 2021 and 17 January 2022, with all feedback received, considered, and where appropriate, used to inform the final Structure Plan.

The final Maffra Structure Plan was formally adopted by Council at the Ordinary meeting of 17 May 2022.

Work will now commence on implementation.

**Review of Planning Controls - RAAF Base East Sale****Priority: Low/Medium****Anticipated completion: 22/23****Status**

Following significant upgrades at RAAF Base East Sale to accommodate expanded officer training and facilitate the use of new aircraft, background work is now underway to review and assess updated noise contour mapping to support the on-going operation of the airfield. Officers initiated dialogue with the Department of Defence (Defence) in October 2019 to discuss the best approach to the development of updated planning controls. Consultation with Defence will continue to allow for the finalisation of preferred planning controls, which will also need the support of the Department of Environment, Land, Water and Planning.

A future Planning Scheme Amendment will be undertaken to formally incorporate new controls into the Wellington Planning Scheme.

**Wellington Growth Management Strategy****Priority: Medium****Anticipated completion: 22/23****Status**

Growth Management Strategies (GMS) provide an overarching plan for future growth across the Wellington Shire, as well as to plan for future service and infrastructure provision to facilitate such growth.

Key elements of a GMS include:

- Planning for "natural" rates of growth.
- Planning for the delivery of new houses.
- Planning for a range of different housing types to meet the needs of our future communities.
- Planning for a range of new employment opportunities so that residents have greater opportunities for working locally and within the region.
- Acknowledging and seeking to protect the Shire's rural and resource land because of their special economic, environmental and cultural values.
- Encouraging sustainable growth, which supports existing key townships.
- Making the provision of services and infrastructure deliverable, efficient and viable.

The GMS does not rezone land but provides overarching policy to guide decisions as to where future growth should be best directed.

As a major Shire-wide strategic land use planning exercise, initial background research and analysis for the GMS will occur in due course.

<b>Sale Western Growth Area – Wurruk Development Plan</b> <b>Priority: High</b> <b>Anticipated Completion: Completed</b>
<p style="text-align: center;"><b>Status</b></p> <p>The Sale Western Growth Area Development Plan (Development Plan) has been prepared in response to the requirements of the Wellington Planning Scheme. The Development Plan will facilitate the integrated and coordinated development of the western growth area of Sale, which is approximately 180 Ha in area and when fully developed potentially provide around 1,256 lots.</p> <p>A detailed Draft Development Plan was released for engagement with potentially affected landowners, who were notified of the draft Development Plan on 26 November 2021. The closing date for feedback was 7 January 2022.</p> <p>A total of 15 submissions were received in response to the engagement process.</p> <p>All of the feedback received was considered in detail and where appropriate to do so, used to inform the final Development Plan.</p> <p>The Wurruk Development Plan was formally approved by Council at the Ordinary meeting of 21 June 2022.</p>
<b>Funding and Procurement of Public Infrastructure Works Policy</b> <b>Priority: High</b> <b>Anticipated completion: 22/23</b>
<p style="text-align: center;"><b>Status</b></p> <p>At the Council Meeting of 1 February 2022, Council resolved to adopt the <i>‘Residential Stocktake and Facilitation Strategy Report’</i> (Report).</p> <p>A key recommendation of the Report was the preparation of a formal Wellington-specific policy to provide a transparent and logical basis for future Council decisions relating to the possible ‘forward funding’ of key development infrastructure (with shared public benefit) to better expedite greenfield growth across the Shire.</p> <p>A draft Council Policy based on an approach adopted by Shepperton City Council, was subsequently prepared.</p> <p>The <i>‘Funding and Procurement of Public Infrastructure Works Policy’</i> was formally adopted by Council at the Ordinary Meeting of 3 May 2022.</p> <p>Implementation of the Policy is subject to the outcome of a current funding bid lodged with the ‘National Housing Infrastructure Fund’.</p>

**Renewable Energy Impact and Readiness Study****Priority: High****Anticipated Completion: 22/23****Status**

The primary focus of the Study is to determine the readiness of key towns in the southern area of the Shire to service and support new renewable energy project proposals. This includes understanding spatial implications of the Study Projects for the southern area alongside residential and industrial land demand and supply conditions and existing infrastructure challenges.

A secondary focus of the Study is to investigate economic issues and opportunities associated with the Study Projects, such as skills needs, business opportunities and supply chain requirements across the municipality and region.

Key stakeholders will be consulted in July 2022 as a first step in the Study process.



## Current Council Initiated Planning Scheme Amendments

### C99: Updated Flood Mapping

**Priority: High**

**Anticipated Completion: To be confirmed**

#### Status

Amendment C99 proposes revisions to the Wellington Planning Scheme to incorporate up-to-date, Shire-wide flood mapping and associated revised local planning policy to mitigate against potential flood hazards.

The Amendment will be further considered by Council once a State-wide policy and strategy response to coastal flooding and coastal climate change adaptation is finalised by the State Government.

### C109: Implementation of Smart Planning and Planning in the Economic Growth Zone

#### Recommendations

**Priority: Medium**

**Anticipated completion: 22/23**

#### Status

In conjunction with the state government, Council has completed several planning studies as part of the '*Planning in the Economic Growth Zone*' (PEGZ) initiative. The objectives of PEGZ is to streamline the provisions of the Wellington Planning Scheme (WPS) to make it more efficient and user-friendly through a reduction in the number of triggers for planning permits and stronger planning policy guidance.

The work of the PEGZ initiative has also been complemented by the completion of the State Governments, '*Smart Planning Program*', which facilitates the restructure of all Planning Schemes across Victoria to provide greater consistency and streamlining. This has been achieved through the deletion of redundant provisions, repetition, and the closer realignment of State/regional/local planning policy.

Amendment C109 seeks to implement and formalise the recommendations of both initiatives into the WPS.

At the meeting of 2 June 2020, Council resolved to seek Authorisation from the Minister for Planning to formally proceed with Amendment C109.

Authorisation to proceed with and formally exhibit the Amendment was sought from the Minister for Planning on 24 May 2022, with a response currently pending.

### Current Privately Initiated Planning Scheme Amendments

#### **C94: Rezoning of the former Sale Police Station Site**

**Priority: High**

**Anticipated completion: Completed**

#### **Status**

At the request of the Department of Justice, the former Sale Police Station (located on the South Gippsland Highway) was rezoned from the Public Use Zone to the Residential Growth Zone to facilitate its sale as a surplus asset to the Department's needs.

A formal Notice of Approval of the rezoning appeared in the Government Gazette on 14 January 2016.

Work continues to resolve the (complex) issue of Native Title on the site, which currently prevents the sale of the land for redevelopment purposes.

#### **C114: Rezoning of land to the East of Cobains Estate**

**Priority: High**

**Anticipated completion: 22/23**

#### **Status**

Amendment C114 proposes the rezoning of approximately 18Ha of land directly to the east of the existing Cobains Estate, North Sale from the Farming Zone (FZ) to the General Residential Zone (GRZ) and the application of a Development Plan Overlay on the land to facilitate the aims and objectives of the adopted North Sale Development Plan (2018).

The Amendment also proposes the rezoning of 3Ha of FZ land to the north of the existing commercially zoned land located on the Princes Highway, to the GRZ.

The rezonings will potentially provide an indicative yield of 252 urban residential lots.

At the Ordinary meeting of 21 June 2022 Council resolved to seek Authorisation from the Minister for Planning to formally progress Amendment C114.

A request for formal Authorisation to proceed will be sought from the Minister with a period of public exhibition to follow.

**C115: Rezoning of Area 11, North Sale****Priority: High****Anticipated completion: 22/23****Status**

Under the provisions of Section 96A of the *Planning and Environment Act 1987*, Amendment C115 proposes both the rezoning of 9.1Ha of land to the west of the existing Glenhaven Estate, North Sale from the Farming Zone (FZ) to the General Residential Zone (GRZ) and the consideration of an associated planning permit to subdivide the land into 84 lots.

At the Ordinary meeting of 21 June 2022 Council resolved to seek Authorisation from the Minister for Planning to formally progress Amendment C115.

A request for formal Authorisation to proceed will be sought from the Minister with a period of public exhibition to follow.

**C116: Rezoning of Precincts 9 & 10, Longford Development Plan, Longford****Priority: High****Anticipated completion: 22/23****Status**

Amendment C116 proposes the rezoning of approximately 150Ha of land from the Farming Zone to the Rural Living Zone - Schedule 5 (Minimum subdivision area 0.6Ha) and the application of a Development Plan Overlay to require the preparation of a Precinct-Plan in accordance with the requirements of the Longford Development Plan.

At the Ordinary meeting of 21 June 2022 Council resolved to seek Authorisation from the Minister for Planning to formally progress Amendment C116.

A request for formal Authorisation to proceed will be sought from the Minister with a period of public exhibition to follow.

## 15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

### 15.1. MUSTONS LANE HEYFIELD SPECIAL CHARGE STREET CONSTRUCTION SCHEME - DECLARATION OF SCHEME

#### ACTION OFFICER: MANAGER ASSETS AND PROJECTS

#### PURPOSE

The purpose of this report is for Council to consider to formally proceed with the proposed Mustons Lane Special Charge Street Construction Scheme Number 2201 by way of formal declaration as a Special Charge Scheme under section 163(1) of the *Local Government Act 1989* for the construction and sealing of Mustons Lane in Heyfield.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That:***

- 1. Council, having considered that no submissions were received and taken account that no objections were 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 Mustons Lane (CH620 – CH2150) in Heyfield (Street) or any component of the Street 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 construction and sealing the Street and providing all and any ancillary works, including road surface, drainage and vehicle crossings.***
- 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 Street are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street.***

***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.***

## **BACKGROUND**

Mustons Lane is located within the rural-residential area of the Heyfield township and consists of two road segments. The first segment being an unsealed pavement that extends between Tyson Road and Licola Road (CH00 to CH620) and the second segment being a partially sealed pavement that extends between Licola Road and Golf Course Road (CH620 to CH2440). The second segment of Mustons Lane is of variable width and has irregular table drains and road surface drainage. There is no formalised underground drainage.

The road is primarily a rural type road in appearance. The unsealed section extending 1530m westward from Licola Road (being CH 620 to CH2150) is subject to the proposed scheme. The existing sealed section of around 290m at its western end will not form part of this proposed scheme. The full length of the road is managed and maintained by Wellington Shire Council.

A formal investigation of a special charge scheme commenced following ongoing property owner concerns in relation to dust, rutting and the maintenance grading regime. An initial scheme and concept design was proposed in 2021 that included Mustons Lane and Draper Road to the south. This initial concept was not supported by a sufficient number of property owners and the concept design was altered to encompass Mustons Lane only, westward from Licola Road.

The proposed Mustons Lane Street Construction Scheme provides for the forming and sealing of the road to a 6.2m width and includes forming table drains, driveway crossovers and kerbing at intersections as part of the proposed works. The final design cross-section is subject to detailed design and may in part, be modified at locations along the alignment where base design cannot be achieved.

The construction and sealing of Muston Lane (CH 620 – CH2150) would reduce Wellington Shire Council's need for maintenance intervention, while providing a higher level of service and safety for adjacent properties, as well as the general public.

It is considered that the properties which abut this section of Mustons Lane will derive a special benefit by the proposed upgrade works, as a result of:

- a reduction in dust;
- an enhancement to the amenity of the area;
- the creation of improved riding surfaces;

- improved road safety for road users;
- an improvement to access and egress from properties;
- an improvement to road surface drainage.

Following further investigation of potential methods to facilitate construction works in Mustons Lane, it was concluded that a Special Charge Scheme, generally in line with Council's Residential Road and Street Construction Plan, was the preferred approach, as this process requires public advertising and is a transparent process that informs the community of Council's financial contribution.

A public meeting was not held to outline the street scheme proposal in this instance due to COVID-19 pandemic health restrictions, although council officers were available to discuss details with individual property owners if requested. A letter with a survey form including an information pamphlet outlining the proposed scheme, along with an applicable apportionment cost, was mailed out to property owners on 25 October 2021 to assess support for, or objection to, the scheme.

The results of the survey on the proposed scheme were:

	SUPPORT SCHEME		OPPOSE SCHEME		DID NOT REPLY	
Properties (27)	22	81%	3	11%	2	8%
Property Owners (26)	21	81%	3	11%	2	8%

There is one owner who has multiple properties. There are no Council owned reserves, and there are no exempt or non-rateable properties within the scheme boundary.

Based on these survey results, the level of support for the scheme exceeds the 60% minimum level required under the 'Residential Road and Street Construction Plan', and therefore it is considered that there is sufficient level of initial support for the proposed Special Charge Scheme for **Mustons Lane (CH620 – CH2150)** in Heyfield.

#### FORMAL AND STATUTORY SUBMISSIONS AND OBJECTIONS

Following Council's previous resolution in relation to its intention to commence the statutory process to declare the Special Charge Scheme, public notice was given in a newspaper circulating generally in the municipal district (Gippsland Times), and a separate written notice was sent to all property owners concerning Council's proposal.

As a result of this, Council received no written submission/objection from any property owners within the scheme.

This report now addresses whether or not Council wishes to proceed with the proposed 'Mustons Lane Special Charge Street Construction Scheme Number 2201' by way of formal declaration as a Special Charge Scheme under section 163(1) of the Act for the construction of Mustons Lane in Heyfield.

#### **ATTACHMENTS**

1. Declaration of Special Charge [**15.1.1** - 7 pages]
2. Maximum Total Levy [**15.1.2** - 8 pages]



## OPTIONS

Council has the following options available:

1. To progress the proposed Special Charge Scheme through a full cost recovery apportionment method, by advertising the declaration of the Special Charge Scheme; or
2. Having first trialed and considered other methods of apportionment, to progress the proposed Scheme through the 'fixed fee method' as outlined in 'Council's Residential Road and Street Construction Plan', by advertising the declaration of the Special Charge Scheme; or
3. To not progress the declaration of the Special Charge Scheme.

## PROPOSAL

The proposal, which is now presented for Council's determination, is for Council to proceed with the proposed Special Charge Scheme generally through (and in accordance with) the funding framework outlined in Council's 'Residential Road and Street Construction Plan' and to proceed to declare a Special Charge Scheme for the construction of Mustons Lane (CH620 – CH2150) in Heyfield and for the provision of road construction, sealing and ancillary works, as outlined in this and previous reports which have been considered by Council.

## CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

## FINANCIAL IMPACT

The total costs applicable to the Special Charge Scheme are estimated to be \$600,000. The amounts to be recovered under the Scheme do not include GST.

Based on the funding framework within the 'Residential Road and Street Construction Plan' and as otherwise considered by council officers to be fair and reasonable based on the total special benefits and community benefits to be provided by the works, \$86,400 of the costs are to be apportioned to properties within the Special Charge Scheme area, with the balance being funded by Council from the Roads to Recovery program.

On this basis, the following figures are presented for Council's approval –

Amount apportioned to properties within the Scheme:	\$ 86,400
Portion of costs to be recovered from Council as direct costs:	\$513,600
Total estimated cost of the Scheme:	\$600,000

There is one multiple property owner. There is one non-rateable land or council reserves located within the Scheme boundary.

To confirm the reasonableness, fairness and appropriateness of the funding framework outlined in Council's 'Residential Road and Street Construction Plan' and otherwise (as being the fairest and most reasonable method of distributing the proposed Special Charge amongst all of the property owners in the Scheme), Council officers first trialed and

considered a number of different methods of apportionment of the Special Charge, refer attached **Declaration of Special Charge Schedule 2 (Methods 1 and 2)**.

This included the completion of property apportionment charges based on access only, as well as a combination of access and frontage in the distribution of the 'Maximum Total Levy Amount' as that amount has been separately calculated using the 'Benefit Ratio' calculations for the proposed Special Charge Scheme, refer attached **Maximum Total Levy**.

On this basis, the cost per property under such other apportionment methods would have been between either \$7,087 and \$39,412 or \$14,250 (respectively) considerably more on an average per property owner basis, than the method of distribution which is being proposed for Council's consideration.

Accordingly, and in light of this 'comparative' work undertaken by Council officers, it is recommended to Council that the method of distributing the Special Charge amongst the property owners, as set out in this Report (**Method 3 in Schedule 2** of the attached **Declaration of Special Charge**), is considered to be fair and reasonable.

Property owners who are liable to pay under the Special Charge Scheme will only be invoiced following satisfactory completion of works. Options for payment include full payment within 45 days or 20 quarterly instalments (five years), including an interest component aligned to Council's cost of finance.

## **COMMUNICATION IMPACT**

A comprehensive public consultation process has been entered into with affected property owners including information letters, surveys and meetings. If the scheme progresses, then ongoing communication will continue with the recommendations of this report.

## **LEGISLATIVE IMPACT**

This scheme has been prepared in accordance with Section 163, 163A, 163B of the *Local Government Act 1989*. Public notification will be in accordance with Sections 163 and 223 of the *Local Government Act 1989*. Submissions and objections to the scheme will be considered in accordance with Sections 163A, 163B and 223 of the *Local Government Act 1989*.

Section (2) of Section 163 of the *Local Government Act 1989* requires Council to determine:

- (a) The total amount of the Special Charge to be levied; and
- (b) The criteria to be used as the basis for declaring the special charge.

Section (2A) of Section 163 of the *Local Government Act 1989* provides that for the purpose of Section (2) (a) the total amount of the Special Charge to be levied must not exceed the amount "S" where  $S = R \times C$  and;

S = is the maximum total amount that may be levied from all the persons who are liable to pay the special rates or special charges.

R = is the benefit ratio determined by the Council in accordance with sub-section (2B).

C = is the total cost of the performance of the function or the exercise of the power under sub-section (1).

A determination for the purposes of complying with the requirements of sections 163(2)(a), (2A) and (2B) of the Act (which also satisfies the requirements of the Ministerial Guidelines) is included in this report as **Maximum Total Levy**.

## **COUNCIL POLICY IMPACT**

The scheme has been prepared in accordance with Council's Special Charge Schemes – Roads, Street and Drainage Development Policy 4.2.4 and the 2019 'Residential Road and Street Construction Plan'.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

**Strategic Outcome 4.3:** *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

## **RESOURCES AND STAFF IMPACT**

Implementation of the scheme can be undertaken within the resources of the Assets and Projects Unit. In the event the scheme is adopted by Council, construction will be carried out by an approved contractor via a tender process.

## **COMMUNITY IMPACT**

Implementation of this Scheme will have a positive community impact as it will result in Mustons Lane, Heyfield being fully sealed in line with current service standards. Community benefit is reflected in Council's contribution towards the works outcome.

## **ENVIRONMENTAL IMPACT**

Implementation of this scheme will have a positive environmental impact arising from the reduction of dust generated by vehicles as well as improved quality of storm water runoff.

## **ENGAGEMENT IMPACT**

A comprehensive public consultation process has been entered into with affected property owners including:

- Initial Information letter advising property owners of street works proposal;
- Mail out survey of all property owners (Mustons & Drapers) – 12 May 2021;
- Letter sent advising combined scheme would not proceed – 30 August 2021;
- Mail out of survey of all property owners (Mustons only) – 25 October 2021;

- Follow up phone calls and emails requesting replies to the survey;
- Formal public notice under sections 163B and 223 of the *Local Government Act 1989*; and
- Letter with public notice enclosed to all property owners – 15 March 2022.

## **RISK MANAGEMENT IMPACT**

Implementation of the scheme will produce a substantial reduction in risk to motorists, and other road users through improved visibility (reduction of dust) and improved road surfacing.

## DECLARATION OF SPECIAL CHARGE

**'Mustons Lane Heyfield - Special Charge Street Construction Scheme  
Number 2201'**

1. Wellington Shire Council (**Council**) proposes to declare a Special Charge (**Special Charge** or **Scheme**) under section 163(1) of the *Local Government Act 1989* (**Act**) for the purpose of defraying any expenses or repaying (with interest) any advance made to or any debt incurred or loan to be raised by Council in relation to the construction of Mustons Lane (west of Licola Rd CH620 – CH2150) in Heyfield (**Street**) and for providing all and any necessary ancillary works associated with the construction of the Road, including road drainage and driveway crossovers. The Scheme, if declared, is to be known as the 'Mustons Lane - Special Charge Street Construction Scheme Number 2201'.
2. The criteria which will form the basis of the declaration of the Special Charge are the ownership of rateable properties in the area of the Scheme and based on the application of access benefit units, including having regard to the driveway access of those properties in the Scheme to Mustons Lane (as the properties are set out in paragraphs 7 and 8 of the proposed declaration), the overall benefits which it is considered the properties in the Scheme (based on the physical and other benefits) will receive from the works to be provided under the Scheme.
3. In proposing the declaration of 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 Shire of Wellington, in particular the provision of proper, safe and suitable roads and property services within the area for which the proposed Special Charge is to be declared (**Works**).
4. The total cost of the performance of the function and the exercise of the power by Council (in relation to the Works) is \$600,000 and this amount is the total estimated cost of the Works to be undertaken by the Scheme.
5. The total amount to be levied under the Scheme as the Special Charge is \$86,400
6. The Special Charge will commence on the date on which it is levied by Council and will remain in force for a period of 5 years.
7. The area for which the proposed Special Charge is to be declared is all of the land shown on the plan set out in the Schedule forming a part of this declaration (being **Schedule 1**).
8. The land in relation to which the proposed Special Charge is to be declared is all that rateable land described in the listing of rateable properties set in the Schedule forming a part of this proposed declaration of Special Charge (being **Schedule 2**).

9. The proposed Special Charge will be assessed and levied in accordance with the amounts set out alongside each property in the Schedule forming a part of this proposed declaration (being **Schedule 2**), such amounts having been assessed and determined by Council as (and are based on) a fixed charge for each property having regard to access, including and in particular driveway access. Properties which have a shared driveway access to the street to be constructed via common property will have their access benefits calculated on the basis of 100% for the first property and 50% for each additional property (with access being apportioned to each of the properties so as to equal the sum of the percentages divided by the number of properties with common property access), and any other benefits.

(More particularly, the Special Charge is to be apportioned to properties included in the Scheme on the basis of each property having a driveway access to the street to be constructed under the Scheme being apportioned one (1) Access Benefit Unit (ABU) and properties within an Owners Corporation with a shared driveway access to the street via common property being apportioned an Access Benefit Unit calculated on the basis of 100% for the first property and 50% for each additional property. The Access Benefit Unit is otherwise to be apportioned to each of these properties equaling the sum of the percentages divided by the number of properties with common property access.)

10. Subject to any further resolution of Council, the Special Charge will be levied by Council sending a notice in the prescribed form to the owners of the properties in the Scheme by which the Special Charge is to be paid –
  - (a) In full amount within 45 days of the notice; or
  - (b) By way of quarterly instalments in the manner set out in paragraph 11.
11. Because the performance of the function and the exercise of the power in respect of which the proposed Special Charge is to be declared and levied relates substantially to the provision of capital works, special ratepayers will be given an instalment plan under which –
  - (a) Quarterly instalments are to be paid over a 5 year period, or other such period as negotiated; and
  - (b) Quarterly instalments will include a component for reasonable interest costs, the total of which will not exceed the estimated borrowing costs of Council in respect of the construction of the Road by more than 1 per cent.
12. Council will consider cases of financial and other hardship, and may consider other payment options for the Special Charge.
13. No incentives will be given for the payment of the Special Charge before the due date for payment.
14. 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 over and above, or greater than, the benefit that is available to persons who are not subject to the Special Charge, and directly and indirectly as a result of the expenditure proposed by

the Special Charge, the value and the use, occupation and enjoyment of the properties included in the Scheme will be maintained or enhanced through the provision of proper, safe and suitable roads and property services. Without limitation, Council considers that the Works will –

- (a) Reduce dust;
- (b) Enhance the amenity and character of the land, and local area;
- (c) Create improved riding surfaces for the roads;
- (d) Improve access and egress from properties;
- (e) Improve road drainage; and
- (f) Improve road safety for motorists, cyclists.

- 15.** For the purposes of having determined the total amount of the Special Charge to be levied under the Scheme, Council further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special and community benefits) that will accrue as special benefits to all persons who are liable to pay the Special Charge is in a ratio of 0.57 or 57%, noting however that, in the exercise of its discretions, Council has chosen to make a further contribution to the cost of the Works so as to arrive at a Revised Maximum Total Levy Amount of \$86,400.

### **SCHEDULES TO DECLARATION**

Schedule 1 - Scheme plan area

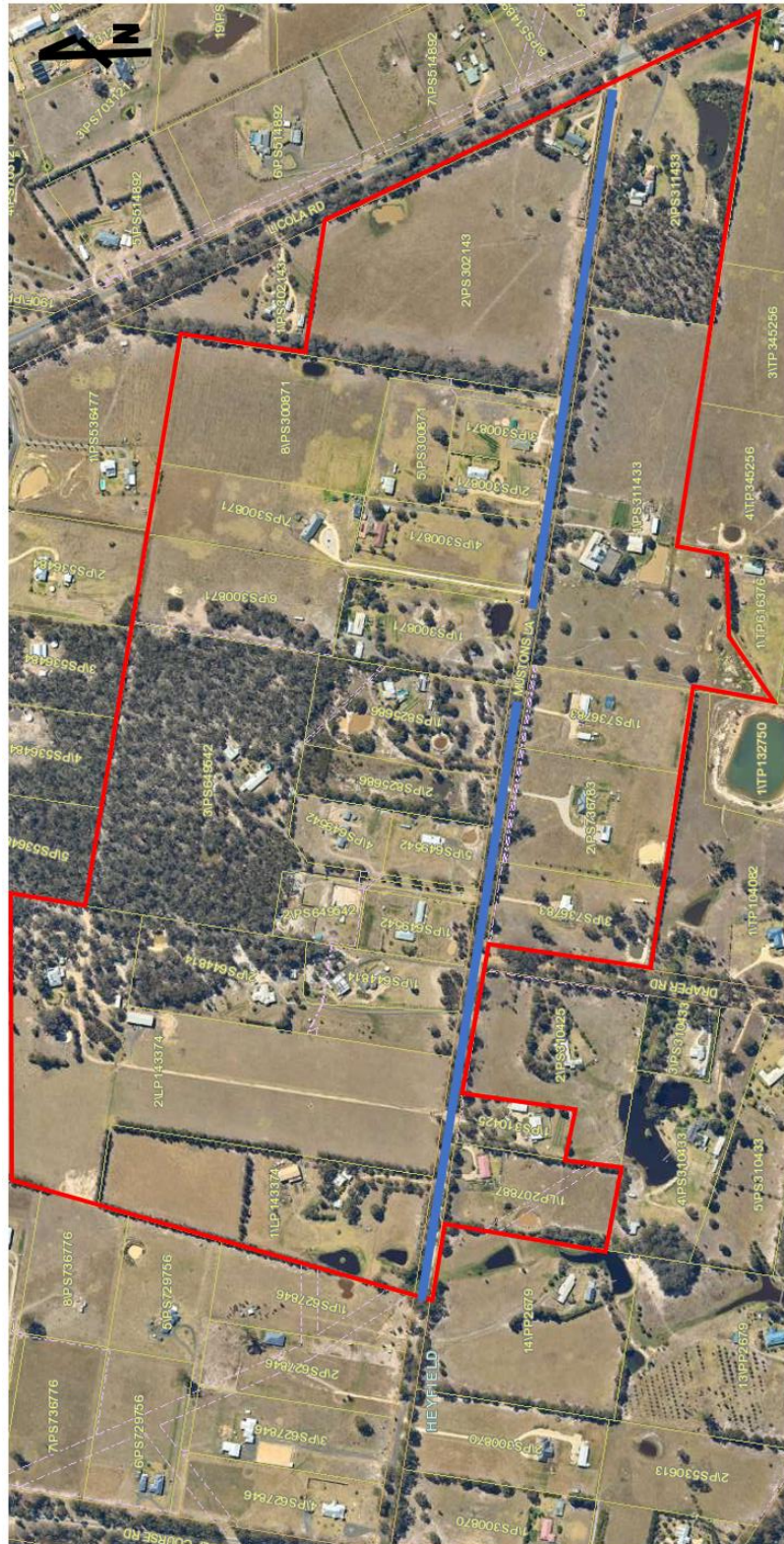
Schedule 2 - Listing of all properties with amount of special charges payable and showing manner of calculation of special charge apportionment;

Method 1 - Maximum Levy at 50% Access Benefit & 50% Frontage

Method 2 - Maximum Levy at 100% Access Benefit

Method 3 - Fixed Fee





## Schedule 2

## Method 1 - Maximum Levy at 50% Access Benefit &amp; 50% Frontage

## WELLINGTON SHIRE COUNCIL

## MUSTONS LN CONSTRUCTION SCHEME - APPORTIONMENT OF COST - MAX. LEVY AMOUNT - 50% ACCESS &amp; 50% FRONTAGE

ASSESS NO.	PARCEL NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT (AB)	FRONTAGE (F)	SIDEAGE & REARAGE (S&R)	TOTAL APPORTIONED LENGTH (AL=F+0.3S&R)	SCHEME AMOUNT DUE (=ABxR + ALxR)
<b>MUSTONS LANE</b>								
1	57663	446567 LOT 8 PS300871U	100A Mustons LANE, HEYFIELD	1	10.0		10.0	\$7,087.71
2	57660	444547 LOT 5 PS300871U	100B Mustons LANE, HEYFIELD	1	10.0		10.0	\$7,087.71
3	34836	328328 LOT 3 PS300871U	102 Mustons LANE, HEYFIELD	1	67.2		67.2	\$11,402.76
4	34837	328336 LOT 2 PS300871U	114 Mustons LANE, HEYFIELD	1	66.5		66.5	\$11,349.95
5	57659	328344 LOT 4 PS300871U	116 Mustons LANE, HEYFIELD	1	80.2		80.2	\$12,383.45
6	57662	439307 LOT 7 PS300871U	124A Mustons LANE, HEYFIELD	1	10.0		10.0	\$7,087.71
7	57661	439299 LOT 6 PS300871U	124B Mustons LANE, HEYFIELD	1	10		10.0	\$7,087.71
8	34839	328351 LOT 1 PS300871U	134 Mustons LANE, HEYFIELD	1	102.2		102.2	\$14,043.08
9	61937	328369 LOT 1 PS825686L	146 Mustons LANE, HEYFIELD	1	107.5		107.5	\$14,442.90
10	61938	445619 LOT 2 PS825686L	150 Mustons LANE, HEYFIELD	1	62.5		62.5	\$11,048.20
11	58744	430504 LOT 5 PS649542S	160A Mustons LANE, HEYFIELD	1	76.2		76.2	\$12,081.70
12	58743	430496 LOT 4 PS649542S	160B Mustons LANE, HEYFIELD	1	10		10	\$7,087.71
13	58742	328377 LOT 3 PS649542S	160C Mustons LANE, HEYFIELD	1	10		10	\$7,087.71
14	58741	427153 LOT 2 PS649542S	160D Mustons LANE, HEYFIELD	1	10		10	\$7,087.71
15	58740	427146 LOT 1 PS649542S	160E Mustons LANE, HEYFIELD	1	72.8		72.8	\$11,825.21
16	59105	440586 LOT 1 PS644814M	170 Mustons LANE, HEYFIELD	1	55.5		55.5	\$10,520.13
17	59106	328385 LOT 2 PS644814M	176 Mustons LANE, HEYFIELD	1	55.5		55.5	\$10,520.13
18	34843	328393 LOT 2 PS143374	188 Mustons LANE, HEYFIELD	1	146		146	\$17,347.26
19	34844	328401 LOT 1 PS143374	196 Mustons LANE, HEYFIELD	1	147		147	\$17,422.70
20	34847	328435 LOT 1 PS207887	195 Mustons LANE, HEYFIELD	1	100		100	\$13,877.12
21	34848	328443 LOT 1 PS310425	189 Mustons LANE, HEYFIELD	1	60		60	\$10,859.60
22	60185	435057 LOT 3 PS736783J	159 Mustons LANE, HEYFIELD	1	101.3		101.3	\$13,975.19
23	60184	435040 LOT 2 PS736783J	147 Mustons LANE, HEYFIELD	1	139.7		139.7	\$16,872.00
24	60183	435032 LOT 1 PS736783J	137 Mustons LANE, HEYFIELD	1	101.3		101.3	\$13,975.19
25	34850	328468 LOT 1 PS311433	115 Mustons LANE, HEYFIELD	1	438.5		438.5	\$39,412.83
<b>LICOLA ROAD</b>								
26	33417	318683 LOT 2 PS311433J	91 Licola Road, HEYFIELD	1		275.6	91.9	\$13,263.56
27	34765	327791 LOT 2 PS302143	99 Licola Road, HEYFIELD	1		375	125	\$15,763.06
<b>TOTALS</b>				<b>27</b>	<b>2049.9</b>	<b>650.6</b>	<b>2266.8</b>	<b>\$342,000.00</b>
<b>TOTAL ESTIMATED COST OF SCHEME</b>					<b>\$ 600,000</b>			
<b>COUNCIL CONTRIBUTION</b>					<b>\$ 258,000</b>			
<b>APPORTIONED AMOUNT</b>					<b>\$ 342,000</b>			
<b>AMOUNT APPORTIONED TO ACCESS - 50%</b>					<b>\$ 171,000</b>			
<b>AMOUNT APPORTIONED TO FRONTAGE 50%</b>					<b>\$ 171,000</b>			
<b>Apportionment Rate - (Access Benefit Units)</b>					<b>\$ 6,333.33</b>	<b>per ABU (R)</b>		
<b>Apportionment Rate - (Abuttal Length)</b>					<b>\$ 75.44</b>	<b>per m (R)</b>		

**Method 2 - Maximum Levy at 100% Access Benefit****WELLINGTON SHIRE COUNCIL****MUSTONS LANE (CH620 - CH2150) STREET CONSTRUCTION SCHEME - APPORTIONMENT OF COST - MAXIMUM LEVY - ACCESS ONLY**

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMM. PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
<b>MUSTONS LANE</b>								
1	57663	446567 LOT 8 PS300871U	100A Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
2	57660	444547 LOT 5 PS300871U	100B Mustons LANE, HEYFIELD	1	0.75	0.75	\$14,250.00	\$10,687.50
3	34836	328328 LOT 3 PS300871U	102 Mustons LANE, HEYFIELD	1	0.75	0.75	\$14,250.00	\$10,687.50
4	34837	328336 LOT 2 PS300871U	114 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
5	57659	328344 LOT 4 PS300871U	116 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
6	57662	439307 LOT 7 PS300871U	124A Mustons LANE, HEYFIELD	1	0.75	0.75	\$14,250.00	\$10,687.50
7	57661	439299 LOT 6 PS300871U	124B Mustons LANE, HEYFIELD	1	0.75	0.75	\$14,250.00	\$10,687.50
8	34839	328351 LOT 1 PS300871U	134 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
9	61937	328369 LOT 1 PS825686L	146 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
10	61938	445619 LOT 2 PS825686L	150 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
11	58744	430504 LOT 5 PS649542S	160A Mustons LANE, HEYFIELD	1	0.60	0.6	\$14,250.00	\$8,550.00
12	58743	430496 LOT 4 PS649542S	160B Mustons LANE, HEYFIELD	1	0.60	0.6	\$14,250.00	\$8,550.00
13	58742	328377 LOT 3 PS649542S	160C Mustons LANE, HEYFIELD	1	0.60	0.6	\$14,250.00	\$8,550.00
14	58741	427153 LOT 2 PS649542S	160D Mustons LANE, HEYFIELD	1	0.60	0.6	\$14,250.00	\$8,550.00
15	58740	427146 LOT 1 PS649542S	160E Mustons LANE, HEYFIELD	1	0.60	0.6	\$14,250.00	\$8,550.00
16	59105	440586 LOT 1 PS644814M	170 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
17	59106	328385 LOT 2 PS644814M	176 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
18	34843	328393 LOT 2 PS143374	188 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
19	34844	328401 LOT 1 PS143374	196 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
20	34847	328435 LOT 1 PS207887	195 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
21	34848	328443 LOT 1 PS310425	189 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
22	60185	435057 LOT 3 PS736783J	159 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
23	60184	435040 LOT 2 PS736783J	147 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
24	60183	435032 LOT 1 PS736783J	137 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
25	34850	328468 LOT 1 PS311433	115 Mustons LANE, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
<b>LICOLA ROAD</b>								
26	33417	318683 LOT 2 PS311433J	91 Licola Road, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
27	34765	327791 LOT 2 PS302143	99 Licola Road, HEYFIELD	1	1	1	\$14,250.00	\$14,250.00
<b>TOTALS</b>				<b>27</b>		<b>24</b>		<b>\$342,000.00</b>
<b>TOTAL ESTIMATED COST OF SCHEME</b>					<b>\$</b>	<b>600,000.00</b>		
<b>COUNCIL CONTRIBUTION</b>					<b>\$</b>	<b>258,000.00</b>		
<b>APPORTIONED AMOUNT</b>					<b>\$</b>	<b>342,000.00</b>		

**ABU FACTOR CALCULATION FOR COMMON PROPERTY**

Calculation - First property at 100% with 50% for each additional property divided by number of properties

Address	First Property	Additional Properties	Total No of Properties
102 A & 102 B	1	1	2
124 A & 124 B	1	1	2
106 A, 160B, 160C, 160 D, 160E	1	4	5



**Method 3 – Fixed Fee - Access Benefit (Revised Maximun Levy)****WELLINGTON SHIRE COUNCIL****MUSTONS LANE (CH620 - CH2150) STREET CONSTRUCTION SCHEME - APPORTIONMENT OF COST - REVISED MAXIMUN LEVY - ACCESS ONLY**

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMM. PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
<b>MUSTONS LANE</b>								
1	57663	446567 LOT 8 PS300871U	100A Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
2	57660	444547 LOT 5 PS300871U	100B Mustons LANE, HEYFIELD	1	0.75	0.75	\$3,600.00	\$2,700.00
3	34836	328328 LOT 3 PS300871U	102 Mustons LANE, HEYFIELD	1	0.75	0.75	\$3,600.00	\$2,700.00
4	34837	328336 LOT 2 PS300871U	114 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
5	57659	328344 LOT 4 PS300871U	116 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
6	57662	439307 LOT 7 PS300871U	124A Mustons LANE, HEYFIELD	1	0.75	0.75	\$3,600.00	\$2,700.00
7	57661	439299 LOT 6 PS300871U	124B Mustons LANE, HEYFIELD	1	0.75	0.75	\$3,600.00	\$2,700.00
8	34839	328351 LOT 1 PS300871U	134 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
9	61937	328369 LOT 1 PS825686L	146 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
10	61938	445619 LOT 2 PS825686L	150 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
11	58744	430504 LOT 5 PS649542S	160A Mustons LANE, HEYFIELD	1	0.60	0.6	\$3,600.00	\$2,160.00
12	58743	430496 LOT 4 PS649542S	160B Mustons LANE, HEYFIELD	1	0.60	0.6	\$3,600.00	\$2,160.00
13	58742	328377 LOT 3 PS649542S	160C Mustons LANE, HEYFIELD	1	0.60	0.6	\$3,600.00	\$2,160.00
14	58741	427153 LOT 2 PS649542S	160D Mustons LANE, HEYFIELD	1	0.60	0.6	\$3,600.00	\$2,160.00
15	58740	427146 LOT 1 PS649542S	160E Mustons LANE, HEYFIELD	1	0.60	0.6	\$3,600.00	\$2,160.00
16	59105	440586 LOT 1 PS644814M	170 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
17	59106	328385 LOT 2 PS644814M	176 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
18	34843	328393 LOT 2 PS143374	188 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
19	34844	328401 LOT 1 PS143374	196 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
20	34847	328435 LOT 1 PS207887	195 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
21	34848	328443 LOT 1 PS310425	189 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
22	60185	435057 LOT 3 PS736783J	159 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
23	60184	435040 LOT 2 PS736783J	147 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
24	60183	435032 LOT 1 PS736783J	137 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
25	34850	328468 LOT 1 PS311433	115 Mustons LANE, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
<b>LICOLA ROAD</b>								
26	33417	318683 LOT 2 PS311433J	91 Licola Road, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
27	34765	327791 LOT 2 PS302143	99 Licola Road, HEYFIELD	1	1	1	\$3,600.00	\$3,600.00
<b>TOTALS</b>				<b>27</b>		<b>24</b>		<b>\$86,400.00</b>
<b>TOTAL ESTIMATED COST OF SCHEME</b>					<b>\$ 600,000.00</b>			
<b>COUNCIL CONTRIBUTION</b>					<b>\$ 513,600.00</b>			
<b>APPORTIONED AMOUNT</b>					<b>\$ 86,400.00</b>			

**ABU FACTOR CALCULATION FOR COMMON PROPERTY**

Calculation - First property at 100% with 50% for each additional property divided by number of properties

Address	First Property	Additional Properties	Total No of Properties
102 A & 102 B	1	1	2
124 A & 124 B	1	1	2
106 A, 160B, 160C, 160 D, 160E	1	4	5

## MUSTONS LANE HEYFIELD – SPECIAL CHARGE STREET CONSTRUCTION SCHEME NUMBER 2201

### Determination under Sections 163(2)(a), (2A) and (2B) of the *Local Government Act 1989* – Calculation of Total Amount of Special Charges to be Levied (‘Maximum Total Levy’)

#### Introduction

Wellington Shire Council (**Council**) has a legacy of being required to deal with a number of issues associated with sub-standard roads and streets throughout the Shire. A key objective of Council is to renew and improve roads and streets within residential environments with a view to providing proper community infrastructure and improved amenity and liveability, and overall resident satisfaction.

Council has (following a review of its ‘Residential Road and Street Construction Plan 2014’) adopted the ‘Residential Road and Street Construction Plan 2019’ (**Plan**). As a strategic policy document, the Plan seeks to provide a sustainable budgetary response to the renewal and improvement of sub-standard roads and streets within residential environments throughout the Shire.

The proposed special charge scheme for the construction and improvement of Mustons Lane Heyfield, west of Licola Road CH620 – CH2150 (to be known as the ‘Mustons Lane - Special Charge Street Construction Scheme Number 2101’) (**Special Charge** or **Scheme**) is consistent with, and otherwise supports, the Plan.

This determination is made by Council under and for the purposes of sections 163(2)(a), (2A) and (2B) of the *Local Government Act 1989* (**Act**). It addresses the calculation of the ‘benefit ratio’ in order to determine the total amount of the special charges that may be levied on those property owners who it is considered will receive a benefit from the proposed works through the imposition of the Special Charge (**Maximum Total Levy**).

The calculation of the Maximum Total Levy requires Council to –

- Calculate the total cost of the works; and
- Calculate the ‘benefit ratio’ based on reasonable estimates being made of –
  - i. The ‘total special benefits’ to the properties included in the Scheme (TSB(in));
  - ii. The ‘total special benefits’ to the properties not included in the Scheme (if any) (TSB(out)); and
  - iii. The ‘total community benefits’ (if any) to be provided by the Scheme (TCB).

**A. Define Purpose**

The purpose of the Special Charge Scheme is to defray an expense or to repay (with interest) an advance made to or a debt or loan to be raised by Council in connection with the construction & sealing improvement of Mustons Lane Heyfield

Mustons Lane located within a rural - residential area of Heyfield and currently consists of a formed (but unsealed) gravel pavement of approximately 5 - 6m width and 4.8 km in length with irregular surface drains. The road is primarily a rural type road, with an unsealed section extending for 1530 metres length of the road, (Ch620 – CH2150) commencing from Licola Road and westwards along Mustons Lane. The road is managed and maintained by Council.

A formal investigation of the proposed Special Charge Scheme was commenced following ongoing property owner concerns and complaints in relation to Council's maintenance grading regime, which applied to the roads. The initial work undertaken by Council in response to these concerns included the preparation of concept designs and an estimate of costs. Property owners were advised that, if implemented, the Scheme would provide for the construction and sealing of the road to a 6.2 width, with kerbing at intersections, and improved road surface drainage and driveway crossovers.

The construction and sealing of Mustons Lane will reduce Council's need for ongoing maintenance intervention, while providing a higher level of service for property owners and the general public. Under Council's Road Management Plan, Mustons Lane is designated as a 'Local Access A Road' respectively and (as required by the Plan), 81% or more of property owners have expressed support for its construction.

Consistent with the Plan, it is considered that the 27 rateable properties which it is proposed will be included in the Scheme (and the general public) will benefit from the proposed works in the following ways –

- Improved amenity and liveability for residents and community through quality infrastructure and streetscape;
- Removal of dust and health related issues currently experienced in unsealed streets;
- Improved safety for motorists with modern road infrastructure, that is less exposed to rapid degradation;
- Decreased maintenance costs incurred by Council, through reduced demand associated with upkeep of poorly constructed roads, streets & drains;
- Increased community satisfaction via the provision of infrastructure that meets expectations;

Following further investigation of potential methods to facilitate the construction works in Mustons Lane, a further consideration of survey results and further discussions with property owners (who continue to show support for the Scheme), it has been concluded that a Special Charge Scheme, generally in accordance with and supported by the Plan, is the preferred approach to facilitate the project outcomes.



## B. Ensure Coherence

The proposed road and surface drainage improvement works to be located within the Scheme area will provide a special benefit to the 27 rateable property owners located within the Scheme boundary, and are otherwise physically connected to the purpose set out in A.

## C. Calculate Total Costs

The implementation of the Special Charge is regulated by section 163 of Act. Ministerial Guidelines made pursuant to the Act require Councils to be transparent about how they calculate the 'Maximum Total Levy'.

For this project, the Maximum Total Levy has been calculated in accordance with the Act and the Guidelines. The Maximum Total Levy, and other relevant information, is summarised in the table below.

<b>Total Scheme Cost</b>	<b>\$600,000</b>
'Benefit Ratio' Determination	0.57 or 57%
<b>Maximum Total Levy Amount</b>	<b>\$ 342,000</b>
Further Council Contribution	\$ 255,600
<b>Revised Maximum Total Levy Amount</b>	<b>\$ 86,400</b>

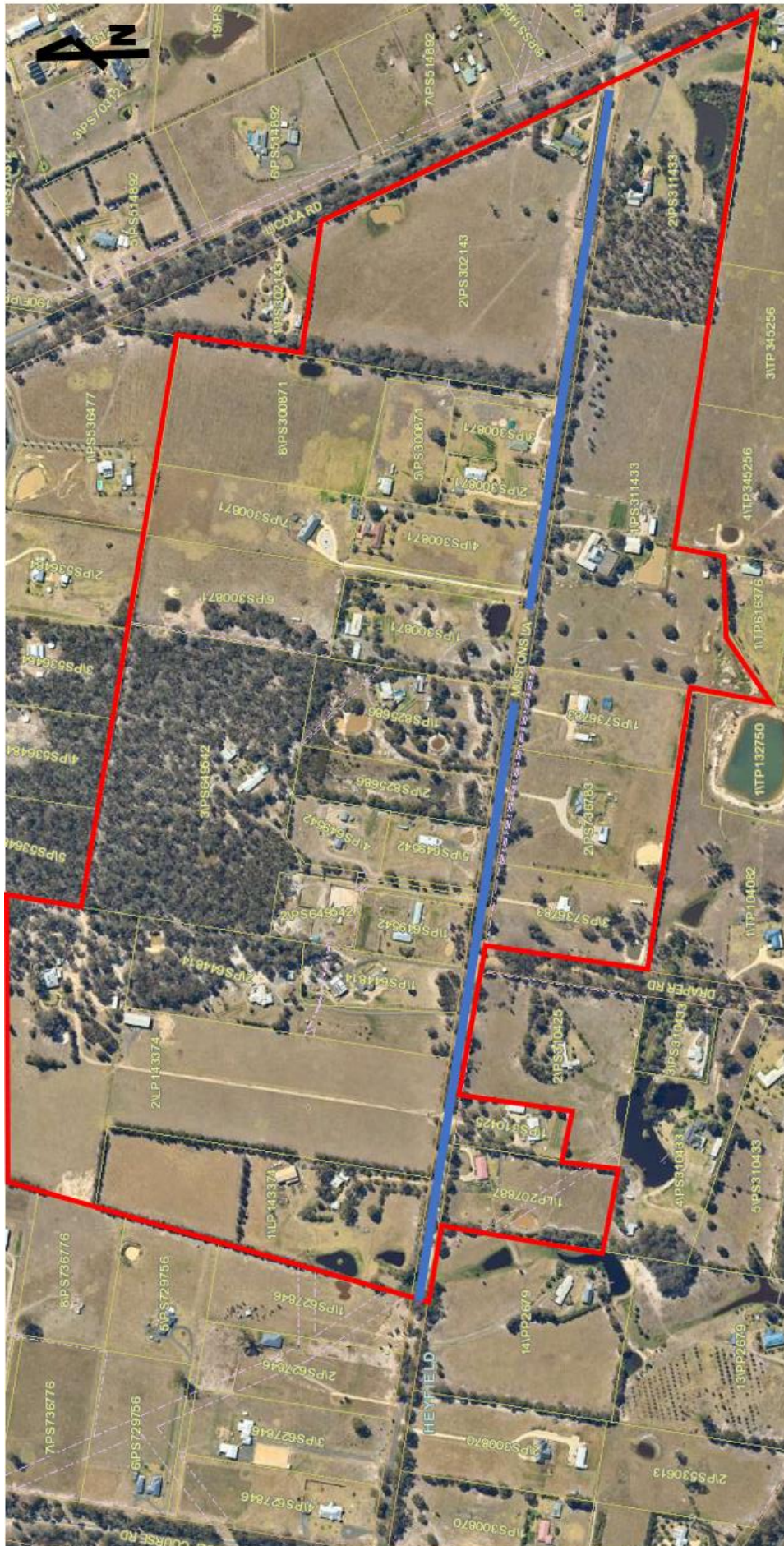
## D. Identify Special Beneficiaries

It is considered that all 27 rateable properties in the Scheme (as they are listed in the apportionment spreadsheet) will receive both road- and drainage-related special benefits from the proposed works.

The relevant special benefits which it is considered each property will receive are –

- Reduction in dust;
- Enhancement of the amenity and character of the land and local area;
- Creation of improved riding surfaces for the street;
- Improvement in access and egress from properties;
- Improved road drainage; and
- Improved road safety for motorists and cyclists.

The Scheme area (showing the 27 properties and the location of the roads to be constructed) is shown in on the plan below.



### E. Determine Properties to Include

For the purposes of calculating the Benefit Ratio, a notional benefit value – to be called a Benefit Unit (BU) – will be used. A BU is a deemed benefit equal to the *average* benefit for each and every property included in the Scheme. This average benefit is considered to comprise *both* access and amenity benefits.

It is considered that that all of the properties included within the Scheme will receive a benefit from the works to be provided under the Scheme (being 1 BU for each property), regardless (for the purposes of calculating the Benefit Ratio but not for the purposes of the final distribution of the Special Charge amongst the Special Charge contributors) and regardless of whether or not particular properties have subdivision or other development potential (or, in some cases, further subdivision or development potential). The BU so chosen has been broken up equally into both access benefit and amenity benefit (viz., 0.5 BU for ‘improved access’ and 0.5 BU for ‘improved amenity’).

### F. Estimate Total Special Benefits

Total Special Benefit Units are defined as follows –

Total Special Benefits = Total Special Benefits In + Total Special Benefits Out, that is –

$$(TSB = TSB_{(in)} + TSB_{(out)})$$

$TSB_{(in)}$  has been calculated as follows –

Total Special Benefit Units In ( $TSB_{(in)}$ )	Access (50%)	Amenity (50%)
Total number of Rateable Properties in Scheme receiving Special Benefit and being required to pay the Special Charge (6)	0.5 x 27 = 13.5 BU	0.5 x 27 = 13.5 BU
<b><math>TSB_{(in)} =</math></b>	<b>27 BU</b>	

$TSB_{(out)}$  has been calculated as follows –

Because –

- All of the properties in the Scheme (including common property) are rateable; and
- There are no properties in the Scheme receiving a special benefit which are not required to pay the Special Charge –

there are no  $TSB_{(out)}$  properties.  $TSB_{(out)} = 0$

## **G. Estimate Total Community Benefit**

In addition to establishing the Total Special Benefits for the Scheme, an assessment of any Community Benefit is also required to be undertaken in order to calculate the Maximum Total Levy.

In terms of assessing the level of any Community Benefit, it is generally considered that the works included in the Scheme will primarily benefit only those properties which are included within the Scheme boundary, and that accordingly the level of benefit to the broader community will be limited.

It is considered that the Community Benefit attributable to the proposed Scheme works will be generated from the broader community receiving some benefits and which benefits (in the interest of fairness and equity) Council should be pay for (and not the special charge contributors).

The community benefits are considered to be –

- A wider use of Mustons Lane following its construction;
- Improved drainage and water quality; and
- Reduced ongoing maintenance costs for Council.

### *Broader traffic use*

To calculate the level of Community Benefit which it is considered will be attributable to persons who are not accessing or servicing the properties within the Scheme boundary (but who will nevertheless use the road for wider access purposes), an assessment of vehicle movements has been undertaken. Based on a Traffic Count taken in December 2020, it was determined that there are 228 vehicle movements per day along Mustons Lane about 50m west of Licola Road (in its present form). An average of 220 vehicle movements per day has been adopted.

Based on these traffic movements, it is considered that the some of these vehicle movements relate to use by persons who are accessing or servicing the Special Benefit (in) properties the scheme (based on an average of 6 vehicle movements per day).

Therefore, the Total Special Benefits for 'road access' by the Special Benefit (in) properties is determined to be 13.5 BU (this is based on approximately 162 vehicle movements per day (27 x 6 (averaged out and give or take)).

Based on current traffic volumes (and any projected increases in traffic following construction of the road by persons not receiving special benefits), it is anticipated that the overall traffic along Mustons Lane would not significantly increase, meaning that it is anticipated that there will be little additional vehicle movements per day following construction of the roads. Despite this, an allowance is made for what may be some increase in traffic movements and, accordingly, any projected increase in external traffic will

account for the Total Community Benefit, and this will result in the calculation of the following BU's for any such traffic by the broader community.

Total Community Benefit Units for any broader traffic use of the road is calculated as follows—

$$\begin{aligned}\text{TCB}_{\text{traffic}} &= 13.5 \times (220/162) \\ &= 13.5 \times 1.4 \\ \text{TCB}_{\text{traffic}} &= 18.5\end{aligned}$$

*Improved drainage and water quality*

Sealing of the roads will result in improved drainage and better water quality: It is recommended therefore that **1 BU** be allowed for this benefit, which is however considered to be a marginal benefit.

$$\text{TCB}_{\text{drainage}} = 1$$

*Reduced ongoing maintenance costs*

There will be less ongoing maintenance costs for Council in having to care for and manage a sealed road, rather than an unsealed road: It is recommended therefore that **1 BU** be allowed for this benefit, which again is considered to be a marginal benefit.

$$\text{TCB}_{\text{maintenance}} = 1$$

Therefore,

$$\begin{aligned}\text{TCB}_{\text{total}} &= \text{TCB}_{\text{traffic}} + \text{TCB}_{\text{drainage}} + \text{TCB}_{\text{maintenance}} \\ &= 18.5 + 1 + 1 \\ \text{TCB}_{\text{total}} &= 20.5\end{aligned}$$

## H. Calculating the 'Benefit Ratio'

The Benefit Ratio is calculated as follows –

$$\begin{aligned}R &= \frac{\text{TSB}_{(\text{in})}}{\text{TSB}_{(\text{in})} + \text{TSB}_{(\text{out})} + \text{TCB}} \\ &= 27 / (27 + 0 + 20.5) \\ &= 27 / 47.5\end{aligned}$$

$$\text{Benefit Ratio (R)} = 0.57$$

### I. Calculating the Maximum Total Levy

The following formula, as set out in the Act, is used to determine the Maximum Total Levy–

$$R \times C = S$$

where –

**R** is the Benefit Ratio determined by Council;

**C** is the Total Scheme cost; and

**S** is the Maximum Total Levy

Maximum Total Levy Amount (R x C = S)
0.57 x \$600,000 = \$342,000

Council may levy up to **57%** of total costs, or **\$342,000**

### J. Other relevant considerations

Council notes that if it levies the Maximum Total Levy Amount of \$342,000 the special charge contributors would be required to pay by way of special charges amounts which exceed the amounts set out in Council's Residential Road and Street Construction Plan 2019<sup>1</sup>.

In the exercise of its discretions, and otherwise in accordance with the Plan (and the objectives which the Plan seeks to achieve), Council chooses to allocate a further amount of \$255,600 in and towards the cost of the Scheme works, meaning that the Maximum Levy Amount to be charged to the Scheme will be \$86,400 (***Revised Maximum Total Levy Amount***).

The Revised Maximum Total Levy Amount is to be apportioned amongst the property owners within the scheme area in accordance with the method of distribution of the Special Charge to be determined by Council in the declaration of the Special Charge.

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<sup>1</sup> Refer to section 6.2 of the Plan by which a fixed rate contribution model of \$3,600 has been proposed and adopted by Council for Small & Coastal Towns where sealed roads are to be provided.



## 15.2. REVOCATION OF UNUSED ROAD LICENCE - STRZELECKI STREET, ALBERTON

### ACTION OFFICER: MANAGER BUILT ENVIRONMENT

#### PURPOSE

The purpose of this report is for Council to consider a request to open part of an unused road licence held over a section of Strzelecki Street in Alberton abutting CA 17E to public traffic.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

*That:*

- 1. Pursuant to section 223 of the Local Government Act 1989, Council authorise the General Manager Built & Natural Environment to write to the licensee of the unused road licence of its intention to open to public traffic a part of their licence on Strzelecki Street, Alberton abutting CA 17E at its eastern extents for a width of 20 metres; and*
- 2. Council appoint three Councillors plus an alternative representative to form the 'Strzelecki Street Unused Road Licence 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 submission under section 223 of the Act have requested that they be heard in support of their submission/objection; and*
- 3. In the event that there are no objections or submissions and pursuant to section 407(1) of the Land Act 1958, as it is desirable in the public interest, the Department of Environment, Land, Water and Planning be requested that part of the unused road licence held over Strzelecki Street, Alberton abutting CA 17E at its eastern extents for a width of 20 metres be revoked as it is required for public traffic.*

#### BACKGROUND

A number of unused road licences for grazing purposes are currently held along sections of Strzelecki Street, Alberton. The licences are issued and administered by the Department of Environment, Land, Water and Planning (DELWP) with the prior consent of Council that a road (or section) was not required for public traffic. An unused road licence may be revoked (fully or in part) on the written request from Council when the road is required for public traffic.

The agent for the owner of 79 Strzelecki Street, Alberton has requested Council to open part of Strzelecki Street, abutting CA17E (Crown Land), to enable access to their property that abuts the unreserved crown land. The owner holds a licence to traverse over the Crown Land to Strzelecki Street. Although this connection onto Strzelecki Street is currently obstructed by unused road licence held by an adjoining landowner.

The property 79 Strzelecki Street does not have a direct access onto Strzelecki Street (or any other street). Thus, to enable an access with Strzelecki Street it is proposed to revoke a small section of the unused road licence to allow this connection to be made.

The revocation of the unused road licence being sought is for a width of 20 metres abutting CA17E, at its eastern extents, as shown in the **attached plan**. This revocation will enable 79 Strzelecki Street to have a linked access onto Strzelecki Street.

Council officers have written to the holder of the unused road licence outlining the proposal to open part of their unused road licence on Strzelecki Street to enable this access connection. The licence holder is generally in agreement with the proposal on the basis that any re-fencing work required is completed by the owner of 79 Strzelecki Street. The owner of 79 Strzelecki Street has agreed to this request.

The process requires Council to resolve that Strzelecki Street, in part, is required to be open for public traffic and formally request the DELWP, pursuant to section 407(1) of the *Land Act 1958*, to revoke part of this the licence.

The revocation of this unused road licence (in part) does not obligate Council to declare the additional section of this road on its register of Public Roads, or, to undertake any road maintenance. Subject to Council approval, once open to public traffic, the road will provide access to 79 Strzelecki Street and as such the opened part of road would remain a non-maintained road. The owner of 79 Strzelecki Street will need to construct their own crossover access at their cost in order to have an all-weather access.

## ATTACHMENTS

1. Proposed Part Revocation of Unused Road Licence [**15.2.1** - 1 page]

## OPTIONS

Council has the following options available:

1. Agree to the request Pursuant to section 407(1) of the *Land Act 1958*, to revoke the unused road licence, in part, held over Strzelecki Street as the road is required for public traffic; or
2. Not agree to the revocation of the unused road licence as the road is not required for public traffic.

## PROPOSAL

That:

1. Pursuant to section 223 of the *Local Government Act 1989*, Council authorise the General Manager Built & Natural Environment to write to the licensee of the unused road licence of its intention to open to public traffic a part of their licence on Strzelecki Street, Alberton abutting CA 17E at its eastern extents for a width of 20 metres; and
2. Council appoint three Councillors plus an alternative representative to form the 'Strzelecki Street Unused Road Licence 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 submission under section 223 of the Act have requested that they be heard in support of their submission/objection; and
3. In the event that there are no objections or submissions and pursuant to section 407(1) of the *Land Act 1958*, as it is desirable in the public interest, the Department of Environment, Land, Water and Planning be requested that part of the unused road licence held over Strzelecki Street, Alberton abutting CA 17E at its eastern extents for a width of 20 metres be revoked as it is required for public traffic.

## **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

## **FINANCIAL IMPACT**

The revocation of the unused road licence and opening of the road to public traffic will not incur any cost to Council. It is not proposed to include the additional section of Strzelecki Street on Council's Register of Public Roads.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

Application for revocation of the licence has been made pursuant to Section 407(1) of the *Land Act 1958*.

## **COUNCIL POLICY IMPACT**

There is no Council policy on the closure or opening of unused roads to public traffic. Each application is treated on merit.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 4 "Services and Infrastructure" states the following strategic outcome:

**Strategic Outcome 4.3:** *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcome.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

The unused Government Road is currently fenced and is used for grazing purposes by the licensee. Part revocation of the licence will allow the use of this section of road reserve for access to the applicant's property via Crown Land.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

The licence holder and the applicant are the only persons affected by the licence. The licence holder has been advised in writing of this proposal and has advised of their general agreement with the proposal.

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

**PROPOSED PART REVOCATION OF UNUSED ROAD LICENCE  
STRZELECKI STREET, ALBERTON**



Property 79 Strzelecki Street shown as;

Crown Land CA 17E – shown as

Unused Road Licence (1507320)

Road to be opened to public traffic – shown as



### 15.3. LOCAL GOVERNMENT ADVISORY COMMITTEE APPOINTMENT - RECYCLING VICTORIA

#### ACTION OFFICER: MANAGER NATURAL ENVIRONMENT AND PARKS

#### PURPOSE

For Council to approve the nomination of Councillor Gayle Maher to the Local Government Advisory Committee for Recycling Victoria.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That Council approve the nomination of Councillor Gayle Maher to the Local Government Advisory Committee for Recycling Victoria.***

#### BACKGROUND

On 14 December 2021, the *Circular Economy (Waste Reduction and Recycling) Act 2021* (the Act) was gazetted. The Act took effect on 1 July 2022, and has resulted in the establishment of Recycling Victoria, whose Head will oversee the waste, recycling, and resource recovery sector, and support the development of a circular economy.

According to the state, “*Recycling Victoria will bring strong state-wide oversight to Victoria’s waste management and recycling system, setting minimum standards and clearer responsibilities, stabilising the market and providing better information and data to plan and deliver the right infrastructure and services for a growing Victoria*”.

As part of the new arrangements, a new Local Government Advisory Committee will be established. The Committee will provide advice to Minister D’Ambrosio on the early functions and priorities of Recycling Victoria, including engagement with local governments, and regional and rural communities.

The Minister has invited councils to put forward a nomination of an appropriate councillor for consideration as a member of the Local Government Advisory Committee.

The Local Government Advisory Committee will be established for a period of up to 12 months as a formal advisory committee comprising of no more than 10 members, including one councillor from each of the seven former Waste and Resource Recovery Group regions, a Municipal Association Victoria representative, and a Victorian Local Governance Association representative. Membership composition will ensure a broad geographic spread across Victoria.

A selection panel comprising of Department of Environment, Land, Water and Planning senior leadership will shortlist suitable nominees for approval.

The first Committee meeting is expected to be scheduled in August 2022, most likely virtually, where members will be introduced to Recycling Victoria’s Interim Head.



## **ATTACHMENTS**

Nil

## **OPTIONS**

Council has the following options available:

1. For Council to approve the nomination of Councillor Gayle Maher to the Local Government Advisory Committee for Recycling Victoria; or
2. For Council not to approve the nomination of Councillor Gayle Maher to the Local Government Advisory Committee for Recycling Victoria and seek further nominations.

## **PROPOSAL**

That Council approve the nomination of Councillor Gayle Maher to the Local Government Advisory Committee for Recycling Victoria.

## **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

## **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **LEGISLATIVE IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 1 "Environment and Climate Change" states the following strategic outcome:

**Strategic Outcome 1.4:** *"Council is an environmental steward with a reducing carbon footprint."*

This report supports the above Council Plan strategic outcome.

#### **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

#### **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## 16. GENERAL MANAGER COMMUNITY AND CULTURE

### 16.1. COUNCIL COMMITTEES AND COMMITTEES OF MANAGEMENT HIGHLIGHTS

#### ACTION OFFICER: GENERAL MANAGER COMMUNITY AND CULTURE

##### PURPOSE

For Council to receive the report highlighting activities and achievements of various Council advisory committees and community facilities' committees of management for the period March to June 2022.

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

##### RECOMMENDATION

*That Council receive the report highlighting activities and achievements of various Council advisory committees and community facilities' committees of management for the period March to June 2022.*

##### BACKGROUND

Following the appointment of Councillors to Council committees for 2021/22 and transition to new legislative requirements under the *Local Government Act 2020*, this regular report to Council:

- gives an opportunity for councillor and officer representatives to highlight initiatives and achievements of various committees; and
- replaces previous practice of tabling minutes of Community Asset Committees (previously known as Section 86 committees) and Council advisory groups.

##### HIGHLIGHTS

##### Advisory Committees and other Council Committees:

##### **Gippsland Regional Sporting Complex User Group Committee (Cr Tatterson, Cr Bye – alternate)**

- Meetings lapsed during the changeover of Operations Leader. However, the Operations Leader has met individually with each user group and has attended club committee meetings.
- User groups reporting participation has returned to pre-Covid levels for junior organised sport but there is a 10-20% decline for adult/social sports.

##### **Gippsland Art Gallery Advisory Group (Cr Rossetti, Cr Crossley)**

- At meetings this quarter the Advisory Group:
  - Agreed to purchase paintings of the Gippsland Lakes by John G Sutherland and a painting by Peter Gardiner.
  - Accepted donations from Euan Heng, Geoffrey Bartlett and Peter Kingsbury.

- Discussed: location of outdoor sculpture by Geoffrey Bartlett; lack of art schools and art training in Gippsland; and revised Art Gallery Collection Policy.

#### **Business Boost Reference Group (business recovery sub-committee) (Cr Maher, Cr Wood)**

- Although the Business Boost Reference Group has not met this quarter engagement with members has occurred in several ways, including:
  - Presented to 55 business people at the Sale Business and Tourism Association (SBTA) industry breakfast on grant opportunities for business; upcoming courses for business through Council; and provided an update on The Middle of Everywhere (TMoE) campaign.
  - Met with SBTA and Maffra Business and Tourism Association (MBTA) around town centre improvements including roll out of outdoor dining (ODD 2.0) activations including planter boxes, planter barrels, café barriers and umbrellas.
  - Attended SBTA industry night 'Dinner with Bernard Salt'.
  - Ran Community Collaborations Workshop: *Community Events - How can we help you?* with 16 participants.
  - Attended monthly SBTA networking nights.
  - Delivered business training sessions to 25 people.
  - Presented to 60 businesspeople at the MBTA industry information night.

#### **Municipal Emergency Management Planning Committee (Cr Wood, Cr Crossley – alternate)**

- The Municipal Emergency Management Plan (MEMP) is due to be updated in 2023, this is the shared responsibility of all members.
- Review of MEMPC Sub-committee's and Sub-plans will be undertaken once MEMP updated.
- Planning for Emergency Relief Centre training and exercise is underway which will involve participation from member agencies.
- Agency and Subcommittee reports received.

#### **Wellington Youth Services Network (Cr Wood)**

- Despite face-to-face meetings being preferred by all, time is precious, therefore the decision was made to hold only two face-to-face networking meetings per year with all other meetings being held online (however there is the option for members to join council staff in the Merrimans Creek Room, Desailly Street office).
- Strong network with information sharing the strongest resource.
- Weekly email updates distributed to all members.

#### **The Wedge Masterplan Advisory Group (Cr Bye, Cr Rossetti – alternate)**

- Randell Arts Management has now completed the business case for the masterplan redevelopment.
- Council has committed to \$5m towards the redevelopment, subject to other funding sources being secured.
- The John Leslie Foundation has also committed an extra \$1m towards the project.

- Members of the advisory group were excited by Council's commitment which reflects the shared sentiment in our community of the need / importance of inclusive and accessible art spaces.
- The advisory group also highlighted the importance of workshop facilities and ample storage in the final masterplan design.

#### **Aqua Energy Redevelopment Project Reference Group (Cr Bye, Cr Tatterson)**

- Reference Group established to implement community engagement, planning and review processes of the redevelopment project and provide a forum for information to stakeholders in terms of project progress.
- The group is represented by Councillors, council officers and representatives from Kent Aquatics, Gippsland Swimming and the Sale Swimming Club.
- Working through layouts and space functionality, with detailed design expected to be finalised by end of July, in preparation for construction tender.
- Water-play equipment options, change room layouts and colour schemes have been discussed and agreed upon.
- Group site visit completed at Bairnsdale Aquatic and Recreation Centre to review similar design elements, including water play and '*Changing Places*' facilities.

#### **Community Asset Committees:**

##### **Maffra Recreation Reserve (Cr Tatterson)**

- Agricultural Society's dome project is complete.
- McMillan Rockhounds still seeking additional space.
- Considering improving Blackies Paddock given user group schedule clashes and extension of facilities.

##### **Gordon Street Recreation Reserve (Cr Ripper)**

- Progressing solar project and stadium roof repairs.

##### **Cameron Sporting Complex (Cr Tatterson)**

- No minutes received.

##### **Briagolong Recreation Reserve (no Councillor appointed)**

- Good transition from cricket to football season.
- Pony Club Shed project is complete.
- Tennis court project handover week of 27 June.

##### **Newry Recreation Reserve (no Councillor appointed)**

- Committee would like Councillors to consider their availability to become a member.
- Discussions continuing regarding golf club move to reserve clubrooms.
- Clubroom kitchen works nearing completion (painting and some electrical work still to do).

### **General Committees of Management (CoM):**

- CoMs that are receiving Risk and Maintenance Subsidies are using the SmartyGrants platform to report each year. Committees can now also use SmartyGrants for 60/40 Maintenance Program Funding applications.
- Combined Halls meeting was hosted by Airly Clydebank on 31 March 2022. The committees discussed the impacts of Covid including reduced participation levels and challenges reactivating their spaces. Committees were pleasantly surprised by the community's willingness and cooperation adhering to Covid restrictions. Next meeting will be held in Rosedale on 18 July 2022.
- Sadly, Jack Millier, President of the Yarram Recreation Reserve Committee, passed away recently.
- Successful Black Summer Bushfire Recovery funding received for the "Reactivating Community Volunteers" project. Recruitment is currently underway and the position will work with CoMs to activate community spaces and support volunteers.

### **ATTACHMENTS**

Nil

### **OPTIONS**

Council has the following options available:

1. Receive the report highlighting activities and achievements of various Council advisory committees and community facilities' committees of management for the period March to June 2022; or
2. Not receive the report highlighting activities and achievements of various Council advisory committees and community facilities' committees of management for the period March to June 2022 and seek further information for a future Council meeting.

### **PROPOSAL**

That Council receive the report highlighting activities and achievements of various Council advisory committees and community facilities' committees of management for the period March to June 2022.

### **CONFLICT OF INTEREST**

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

### **FINANCIAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

### **COMMUNICATION IMPACT**

This impact has been assessed and there is no effect to consider at this time.



## **LEGISLATIVE IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL POLICY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COUNCIL PLAN IMPACT**

The Council Plan 2021-25 Theme 3 “Liveability and Wellbeing” states the following strategic outcome:

**Strategic Outcome 3.2:** *"An actively engaged community."*

The Council Plan 2021-25 Theme 4 “Services and Infrastructure” states the following strategic outcome:

**Strategic Outcome 4.3:** *"Well planned and sustainable towns, facilities, and infrastructure that service community need."*

This report supports the above Council Plan strategic outcomes.

## **RESOURCES AND STAFF IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **COMMUNITY IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENVIRONMENTAL IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **ENGAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## **RISK MANAGEMENT IMPACT**

This impact has been assessed and there is no effect to consider at this time.

## 17. FURTHER GALLERY AND ONLINE COMMENTS

*Gallery comments are an opportunity for members of the public to raise any particular matter they wish. This allows those in the gallery to speak directly to Councillors but is not a forum designed for open discussion or debate. We will listen respectfully to what you have to say and make the commitment that if your query requires a written response, we will advise you that a response will be forthcoming, and a copy of that response will be circulated to all Councillors.*

*This is not a forum for members of the public to lodge complaints against individuals, including Councillors and staff, particularly as that individual gets no public right of reply to any matter raised. We take complaints seriously, and in line with the guidance from the Victorian Ombudsman and the local Government Inspectorate, we request that any specific complaint against an individual be put in writing. This way, your concern can be properly dealt with while ensuring fairness to all parties concerned.*

*If you wish to speak, we remind you that this part of the meeting is being recorded and broadcast on our website. Council's official Minutes will record that you have spoken to Council and the subject you spoke to Council about but will not record specific comments. We ask you to state your name in full, where you are from, and you have three minutes.*

ONLINE COMMENTS -

FURTHER GALLERY COMMENTS -

Meeting declared closed at:

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

## **18. IN CLOSED SESSION**

### **COUNCILLOR**

*That the meeting be closed to the public pursuant to Section 66(2) of the Local Government Act 2020 to consider matters under Section 66(5)(b) as defined by Section 3(1) being:*

- a) Council business information*
- b) Security information*
- c) Land use planning information*
- d) Law enforcement information*
- e) Legal privileged information*
- f) Personal information*
- g) Private commercial information*
- h) Confidential meeting information*
- i) Internal arbitration information*
- j) Councillor Conduct Panel confidential information*
- k) Information prescribed by the regulations to be confidential information*
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989*

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**IN CLOSED SESSION**

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### **COUNCILLOR**

*That Council move into open session and ratify the decision made in closed session.*