



**WELLINGTON**  
SHIRE COUNCIL

*The Heart of Gippsland*

## **RESOLUTIONS IN BRIEF ORDINARY MEETING**

**To be read in conjunction with the Council Meeting Agenda 1 March 2022**

### **COUNCILLORS PRESENT**

Cr Marcus McKenzie (Deputy Mayor)  
Cr Carolyn Crossley  
Cr Carmel Ripper  
Cr Scott Rossetti  
Cr Garry Stephens  
Cr John Tatterson  
Cr Jill Wood

### **OFFICERS PRESENT**

David Morcom, Chief Executive Officer  
Arthur Skipitaris, General Manager Corporate Services  
Brent McAlister, General Manager Development  
Chris Hastie, General Manager Built and Natural Environment  
Julie Foat, General Manager Community and Culture  
Denise Teo, Governance Officer  
Wendy Reeves, Coordinator Communications and Media

### **APOLOGIES**

Cr Ian Bye (Mayor)  
Cr Gayle Maher

**ORDINARY MEETING OF COUNCIL  
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## 1. APOLOGIES

COUNCILLOR MAHER IS ON LEAVE  
COUNCILLOR BYE IS AN APOLOGY

## 2. DECLARATION OF CONFLICT/S OF INTEREST

NIL

## 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 15 February 2022.

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

NIL

#### **RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 15 February 2022.*

**COUNCILLOR WOOD / COUNCILLOR STEPHENS**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 15 February 2022.*

**CARRIED**

## 4. BUSINESS ARISING FROM PREVIOUS MEETINGS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

<b>ITEM</b>	<b>FROM MEETING</b>	<b>COMMENTS</b>	<b>ACTION BY</b>
NIL			

## 5. ACCEPTANCE OF LATE AND URGENT ITEMS

NIL

## 6. NOTICE/S OF MOTION

NIL

## 7. RECEIVING OF PETITION OR JOINT LETTERS

### 7.1. OUTSTANDING PETITIONS

**ACTION OFFICER: CHIEF EXECUTIVE OFFICER**

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

## 8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

NIL

## 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. DELEGATES REPORT

NIL

## 11. GENERAL MANAGER CORPORATE SERVICES

### 11.1. ASSEMBLY OF COUNCILLORS

#### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### OBJECTIVE

To report on all assembly of Councillor records received for the period 7 February 2022 to 20 February 2022.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

*That Council note and receive the attached Assembly of Councillor records for the period 7 February 2022 to 20 February 2022.*

#### **COUNCILLOR WOOD / COUNCILLOR CROSSLEY**

*That Council note and receive the attached Assembly of Councillor records for the period 7 February 2022 to 20 February 2022.*

**CARRIED**

## 12. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

### 12.1. MUSTONS LANE HEYFIELD SPECIAL CHARGE SCHEME - INTENTION TO DECLARE

#### ACTION OFFICER: MANAGER BUILT ENVIRONMENT

#### PURPOSE

The purpose of this report is for Council to consider its 'intention to declare' the proposed Mustons Lane Special Charge Street Construction Scheme Number 2201 as a Special Charge Scheme for its construction in Heyfield.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

#### RECOMMENDATION

#### ***That:***

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing Mustons Lane (CH620 – CH2150) in Heyfield and the provision of improved road drainage including driveway crossings and culverts (from road edge to building line); and***
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 19 July 2022 in accordance with the Proposed***

**Declaration of Special Charge Scheme Number 2201 in the form of the attachment to this report for the construction of Mustons Lane (CH620 – CH2150) in Heyfield; and**

- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 19 July 2022, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and**
- 4. Council appoint three Councillors as determined by Council plus an alternative representative to form the Mustons Lane Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and**
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and**
- 6. The Chief Executive Officer, the General Manager Built and Natural Environment or the Manager Built Environment (or any person for the time being acting in any of those positions), each be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.**

**COUNCILLOR RIPPER / COUNCILLOR WOOD**

**That:**

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme for the purposes of constructing Mustons Lane (CH620 – CH2150) in Heyfield and the provision of improved road drainage including driveway crossings and culverts (from road edge to building line); and**
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 19 July 2022 in accordance with the Proposed Declaration of Special Charge Scheme Number 2201 in the form of the attachment to this report for the construction of Mustons Lane (CH620 – CH2150) in Heyfield; and**
- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 19 July 2022, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be**

*considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and*

- 4. Council appoint three Councillors being Councillor Tatterson, Councillor Ripper and Councillor Wood plus an alternative representative being Councillor Stephens to form the Mustons Lane Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and*
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and*
- 6. The Chief Executive Officer, the General Manager Built and Natural Environment or the Manager Built Environment (or any person for the time being acting in any of those positions), each be authorised to carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.*

**CARRIED**

## **12.2. SPECIAL CHARGE STREET CONSTRUCTION SCHEME COONGULLA - SUBMISSIONS COMMITTEE HEARING**

### **ACTION OFFICER: MANAGER BUILT ENVIRONMENT**

#### **PURPOSE**

The purpose of this report is for Council to receive and consider the report from the Coongulla Township (Central Area) Special Charge Scheme Submissions Committee that was set up to hear submissions on the Coongulla Township (Central Area) Special Charge Street Construction Scheme.

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

NIL

#### **RECOMMENDATION**

***That:***

- 1. Council receive and consider the report from the Submissions Committee in relation to the Coongulla Township (Central Area) Street Special Charge Street Construction Scheme; and*
- 2. Having regard to the written submission/objection opposing the proposed Street Construction Scheme and the Submission Committee finding that the proposed Special Charge Street Construction Scheme for Coongulla Township (Central Area), has been prepared in accordance with the provisions of the Local Government Act 1989, Council determines that the objection should not stop the scheme being considered for adoption; and*
- 3. The Chief Executive Officer write to the submitter and advise of the Council decision and the reason for that decision and advise the objector of*

***Wellington Shire Council's Hardship Provisions and invite an application from the objector; and***

- 4. The information contained in the confidential attachment and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 14 February 2022 because it relates to the following grounds: (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;  
be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

**COUNCILLOR TATTERSON / COUNCILLOR ROSSETTI**

***That:***

- 1. Council receive and consider the report from the Submissions Committee in relation to the Coongulla Township (Central Area) Street Special Charge Street Construction Scheme; and***
- 2. Having regard to the written submission/objection opposing the proposed Street Construction Scheme and the Submission Committee finding that the proposed Special Charge Street Construction Scheme for Coongulla Township (Central Area), has been prepared in accordance with the provisions of the Local Government Act 1989, Council determines that the objection should not stop the scheme being considered for adoption; and***
- 3. The Chief Executive Officer write to the submitter and advise of the Council decision and the reason for that decision and advise the objector of Wellington Shire Council's Hardship Provisions and invite an application from the objector; and***
- 4. The information contained in the confidential attachment and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 14 February 2022 because it relates to the following grounds: (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;  
be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

**CARRIED**

### **12.3. COONGULLA TOWNSHIP (CENTRAL AREA) SPECIAL CHARGE STREET CONSTRUCTION SCHEME - DECLARATION OF SCHEME**

#### **ACTION OFFICER: MANAGER BUILT ENVIRONMENT**

#### **PURPOSE**

The purpose of this report is for Council to consider to formally proceed with the proposed 'Coongulla Township (Central Area) Special Charge Street Construction Scheme Number 2102' by way of formal declaration as a Special Charge Scheme under section 163(1) of the *Local Government Act 1989* for the construction of streets within the central area of the Coongulla Township.

**RECOMMENDATION**

***That:***

- 1. Council, having considered all submissions received and taken account all objections lodged and having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act), and otherwise according to law, and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that Streets within the Coongulla Township (Central Area) or any component of the Streets have not previously been constructed by way of a special rate or charge, hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this Report, such Declaration being for the purposes of constructing the Streets and providing ancillary works, including driveway crossover and culverts.***
- 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(s) are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street(s).***
- 4. The Chief Executive Officer (or any person for the time being acting in that position) be authorised to carry out any and all other administrative procedures necessary to enable Council to give effect to this resolution, including in relation to the levying of the Special Charge.***

**COUNCILLOR TATTERSON / COUNCILLOR CROSSLEY**

**That:**

- 1. Council, having considered all submissions received and taken account all objections lodged and having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act), and otherwise according to law, and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that Streets within the Coongulla Township (Central Area) or any component of the Streets have not previously been constructed by way of a special rate or charge, hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this Report, such Declaration being for the purposes of constructing the Streets and providing ancillary works, including driveway crossover and culverts.**
- 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(s) are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street(s).**
- 4. The Chief Executive Officer (or any person for the time being acting in that position) be authorised to carry out any and all other administrative procedures necessary to enable Council to give effect to this resolution, including in relation to the levying of the Special Charge.**

**CARRIED**

## 13. 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 -

**Maureen Pettigrew, Tarraville:** requested an update on the Yarram swimming pool.

The CEO confirmed that a response has been provided to Maureen and a copy circulated to Councillors.

### FURTHER GALLERY COMMENTS -

NIL

Meeting declared closed at: 3:16pm

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

## 14. 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.*