



**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 6 June 2023, commencing at 5:00 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**

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*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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## **MISSION STATEMENT**

*Working together to make a difference. We listen and lead to provide quality services that improve life for all.*

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## **ACKNOWLEDGEMENT OF COUNTRY**

*“Wellington Shire Council acknowledges our offices are located on the traditional lands of the Gunaikurnai nation. We pay our deep respects to their Elders past, present and future and acknowledge their ongoing cultural and spiritual connections to their land and waters.”*

## 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 16 May 2023 and the Unscheduled Council Meeting of 18 May 2023.

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

#### **RECOMMENDATION**

*That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 16 May 2023 and the Unscheduled Council Meeting of 18 May 2023.*

#### **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			

#### 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. DELEGATES REPORT

## 11. GENERAL MANAGER CORPORATE SERVICES

### 11.1. ASSEMBLY OF COUNCILLORS REPORT

#### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### OBJECTIVE

To report on all assembly of Councillor records received for the period 8 May 2023 to 28 May 2023.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

*That Council note and receive the attached Assembly of Councillor records for the period 8 May 2023 to 28 May 2023.*

#### 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 8 May 2023 to 28 May 2023.

#### ATTACHMENTS

1. Assembly of Councillors - 3 May 2023 - Aqua Energy Redevelopment Planning Group [11.1.1 - 1 page]
2. Assembly of Councillors - 16 May 2023 - Council Day [11.1.2 - 2 pages]
3. Assembly of Councillors - 18 May 2023 - Unscheduled Council Day to Consider 2023/24 Draft Budget Submissions [11.1.3 - 1 page]

#### 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 8 May 2023 to 28 May 2023.

## **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.

## **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 – 3 MAY 2023**

**ATTACHMENT 11.1.1**

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)					
<b>Aqua Energy Redevelopment Project Reference Group</b>	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.
	Cr Ian Bye	Yes		D Morcom, CEO	No	
	Cr Carolyn Crossley	No		A Skipitaris, GMCS	No	
	Cr John Tatterson	No		C Gillings, GMC&C	Yes	
	Cr McKenzie	No		C Hastie, GMB&NE	No	
	Cr Jill Wood	No		S Pye, A/GMD	No	
	Cr Gayle Maher	No				
	Cr Carmel Ripper	No				
	Cr Scott Rossetti	No				
	Cr Garry Stephens	No				
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING			
Jackie Madden, Gippsland Swimming			Discussed potential use of West Sale Helicopter Fleet indoor pool during construction stage			
Kylie Watson, Sale Swim Club			Tender to be advertised in June.			
WSC - Ross McWhirter (Chair), Mark Benfield, Clem Gillings, Julie Baker (Minutes), Sam McPherson, Kim Salleh			Communication & Engagement, Funding, and Schedule discussed.			

## ASSEMBLY OF COUNCILLORS – 16 MAY 2023

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
IT / Diary Meeting	Cr Bye	YES	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	YES	Leah Carubia, EA	YES	N/A
	Cr Rossetti	YES	Justin Kimber, ICT Project Coordinator	YES	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE				CONFLICT/S OF INTEREST OR ACTION ITEMS
	Name	Attendance	Name	Attendance	
Workshops	Cr Bye	YES	Cr Tatterson	YES	N/A
	Cr Crossley ( <i>Items 1-3</i> )	YES	Cr Wood	YES	N/A
	Cr McKenzie	YES	David Morcom, CEO	YES	N/A
	Cr Maher	YES	Arthur Skipitaris, GM Corporate Services	YES	N/A
	Cr Ripper	YES	Chris Hastie, GM Built & Natural Environment	YES	N/A
	Cr Rossetti	YES	Clemence Gillings, GM Community & Culture	YES	N/A
	Cr Stephens	YES	Andrew Pomeroy, GM Development	YES	N/A

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE
<b>Workshops (cont.)</b>	<b>1. DEVELOPMENT DIVISION UPDATE: PLANNING, MUNICIPAL SERVICES AND ECONOMIC DEVELOPMENT</b>	<ul style="list-style-type: none"> <li>• Andrew Pomeroy, General Manager Development</li> <li>• Barry Hearsey, Manager Land Use Planning</li> <li>• Geoff Hay, Manager Economic Development</li> <li>• Vanessa Ebsworth, Manager Regulatory Services</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	<b>2. DRAFT RISK MANAGEMENT FRAMEWORK</b>	<ul style="list-style-type: none"> <li>• Kapil Kukreja, Partner, Risk Assurance and Consulting - HLB Mann Judd (external)</li> <li>• Carly Bloomfield, Manager Organisational Performance and Governance</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	<b>3. LOCAL DEVELOPMENT STRATEGY UPDATE</b>	<ul style="list-style-type: none"> <li>• Matt Langdon, Local Development Strategy Project Officer – Yarram</li> <li>• Petra Wood, Local Development Strategy Project Officer – Heyfield</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	<b>4. HOME AND COMMUNITY CARE STAGE 2 REVIEW</b>	<ul style="list-style-type: none"> <li>• Sam McPherson, Manager Communities, Facilities and Emergencies</li> <li>• Jessica Saunders, Senior Community Development Officer</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	<b>5. NEWRY RECREATION RESERVE COMMUNITY ASSET COMMITTEE COUNCILLOR NOMINATION</b>	<ul style="list-style-type: none"> <li>• Sam McPherson, Manager Communities, Facilities and Emergencies</li> </ul> <p><i>Conflict of Interest: Nil</i></p>
	<b>6. COUNCIL POSITION STATEMENT - RENEWABLE ENERGY</b>	<ul style="list-style-type: none"> <li>• Joshua Clydesdale, Major Projects and Principal Strategic Planner</li> </ul> <p><i>Conflict of Interest: Nil</i></p>

## ASSEMBLY OF COUNCILLORS – 18 MAY 2023

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

<b>Workshops (cont.)</b>	<b>MATTERS/ITEMS CONSIDERED AT THE MEETING</b>	<b>OTHERS IN ATTENDANCE</b>
	<b>1. 2023/2024 DRAFT BUDGET SUBMISSIONS SPECIAL COUNCIL WORKSHOP</b>	<ul style="list-style-type: none"> <li>• Peta Crawford, Coordinator Accounting and Payroll</li> <li>• Suzanne Snooks, Manager Arts and Culture</li> </ul> <i>Conflict of Interest: Nil</i>

## 11.2. REMUNERATION COMMITTEE MINUTES

### ACTION OFFICER: CHIEF EXECUTIVE OFFICER

#### PURPOSE

For Council to note and receive the minutes and endorse the actions of the Remuneration Committee meeting held on 2 May 2023.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That Council:***

- 1. Note and receive the minutes from the Remuneration Committee meeting held on 2 May 2023 as attached; and***
- 2. Endorse the actions from the Remuneration Committee meeting held on 2 May 2023 as detailed in the attached minutes.***

#### ATTACHMENTS

1. Remuneration Committee Minutes - 2 May 2023 [**11.2.1** - 3 pages]

#### OPTIONS

Council has the following options available:

1. Note and receive the minutes from the Remuneration Committee meeting held on 2 May 2023 and endorse the actions from the meeting; or
2. Not note and receive the minutes from the Remuneration Committee meeting held on 2 May 2023 or endorse the actions from the meeting and seek further information for consideration at a future Council meeting.

#### PROPOSAL

It is proposed that Council:

1. Note and receive the minutes from the Remuneration Committee meeting held on 2 May 2023 as attached; and
2. Endorse the actions from the Remuneration Committee meeting held on 2 May 2023 as detailed in the attached minutes.

#### 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**

The Remuneration Committee reviews Councillor entitlements, expenses, reimbursements and gifts and ensures alignment with Council policy direction and governance in relation to Councillor benefits.

### **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.





## REMUNERATION COMMITTEE

Tuesday 2 May 2023 – 8.45am

### MINUTES

**PRESENT:** Councillor Ian Bye  
Councillor Marcus McKenzie  
Councillor John Tatterson  
David Morcom (Chief Executive Officer)  
Arthur Skipitaris (General Manager Corporate Services)

**APOLOGIES:** Nil

**1. Election of Chair**

The Committee agreed that the Mayor should be the Chair.

It was agreed that a draft Terms of Reference be tabled at the next meeting for review by the Committee, which would also detail the Mayor's role in this committee.

**2. Declaration of Conflicts of Interest:**

No Conflicts of Interest were declared.

**3. Minutes of Previous Meeting:**

The minutes of the previous meeting on 7 March 2023 were accepted.

**4. Actions from previous minutes**

The Committee noted the incorrect reference to \$44/day for remote area allowance in the Notes to the Councillor Expense Report YTD and queried whether this should be \$45/day as per the Victorian Independent Remuneration Tribunal determination which took effect on 18 December 2022. Arthur undertook to have the note corrected in the spreadsheet.

***Response: the correction has been made.***

The Committee recommended to Council that an item be included on the next agenda of the Audit & Risk Committee to consider the suggestion of the Remuneration Committee that all members of the Audit & Risk Committee attend 2 meetings per year in person.

***Response: this has been tabled as an item on the Audit & Risk Committee agenda for the meeting on 1 June 2023.***

**5. Councillor Costs and Reimbursements**

Councillor Costs and Reimbursements spreadsheets were reviewed, discussed and accepted.

- Councillor Expense Summary Report YTD – 31 March 2023 (Attachment 1)

**6. Update on Enterprise Agreement (EA) 11 Vote Result**

Noted.

**7. General Business**

**Timing of Meetings** – it was agreed to continue with the current timing of meetings (start of Council day).

**The meeting closed at 9.00am**

## Attachment 1 - Councillor Expense Summary Report YTD – 31 March 2023

Councillor Expenses and Reimbursements - Period 01 July 2022 to 31 March 2023					
	YTD Actuals (incl oncosts)	Commitments	Left to spend/ receive after commitments	2022/ 23 Adopted Budget	2022/ 23 Adjusted Budget
<b>Councillor and Mayoral Allowances</b>	195,061.40	-	41,023.60	236,085.00	236,085.00
<b>Other Councillor expenses</b>	188,473.14	10,432.46	86,915.40	285,821.00	285,821.00
<b>Grand Total</b>	383,534.54	10,432.46	127,939.00	521,906.00	521,906.00

## 11.3. REVIEWED APPOINTMENT OF COMMITTEES & DELEGATES 2022/2023

### **ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE**

#### **PURPOSE**

To update Council on the appointment of Councillors to the following Committees for 2022-2023:

- Advisory Committees;
- Committees of other Organisations;
- Other groups and statutory Committees: and
- Community Asset Committees;

in accordance with the updated register as attached.

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

##### **RECOMMENDATION**

*That Councillors be formally appointed to the revised Council Committees in accordance with the updated 2022-2023 register as attached.*

#### **BACKGROUND**

Council operates a range of committees which require a Councillor nominee. Each year Council reviews the appointments to these committees as well as the nominations of Councillors as delegates to committees of other bodies.

At times throughout the year, committee arrangements are subject to change due to changes in requirements, structure or attendance.

An updated register is attached (with amendments highlighted), detailing all committees requiring a Councillor nominee as well as other bodies for which Council has nominated a delegate to represent Council.

#### **ATTACHMENTS**

1. Council Committees and Advisory Groups 2022/2023\_June 2023 [11.3.1 - 12 pages]

#### **OPTIONS**

Council has the following options available:

1. To appoint Councillors to Council Committees in accordance with the updated 2022-2023 register as attached; or
2. To appoint Councillors to Council Committees with amendments to the updated 2022-2023 register as attached; or

3. Not appoint Councillors to Council Committees in accordance with the updated 2022-2023 register and seek further information.

## **PROPOSAL**

It is proposed that Councillors be formally appointed to the revised Council Committees in accordance with the updated 2022-2023 register as attached.

## **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**

In accordance with powers under section 65 of the *Local Government Act 2020*, Council may establish a Community Asset Committee and appoint as many members to the Community Asset Committee as the Council considers necessary to enable the Community Asset Committee to achieve its purpose of managing a community asset in the municipal district.

This is a voluntary appointment and Councillors may nominate to a committee for their own interest.

## **COUNCIL POLICY IMPACT**

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

## **COUNCIL PLAN IMPACT**

All Council Plan Strategic Directions are supported by the appointment of Councillors to a diverse range of Committees in accordance with the updated register as attached.

## **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.



WELLINGTON  
SHIRE COUNCIL  
*The Heart of Gippsland*

**COUNCIL ADVISORY COMMITTEES,  
COMMUNITY ASSET COMMITTEES  
AND COMMITTEES OF OTHER  
ORGANISATIONS (DELEGATES)**

**2022/2023**

**COUNCIL ADVISORY COMMITTEES, COMMUNITY ASSET COMMITTEES AND COMMITTEES  
OF OTHER ORGANISATIONS (DELEGATES) 2022/23**

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## SECTION 1: COUNCIL MEETINGS

**Purpose:**

*Primary decision making forum of the Council at which general business of the Council may be transacted (Ordinary meetings). In the event of a requirement for an Unscheduled Meeting, only the business specified in the notice calling the meeting may be transacted.*

**Members:**

*Mayor and all Councillors*

**Schedule:**

*Ordinary Meetings: As per Council approved Council Meeting schedule*

*Unscheduled Meetings: As required*

## SECTION 2: COUNCIL ADVISORY COMMITTEES

<b>COUNCIL ADVISORY COMMITTEES/MEETINGS</b>			
<p><i>Council has established Advisory Committees to assist Council and the community in a number of areas. Advisory Committees consist of community members, Council officers and Councillors. They provide advice on a range of issues including projects, planning, policy, resource planning, disability and community access, community amenity and many other strategic community issues. These Committees have no other authority or purpose other than to give information or advice to Council to assist it in its ultimate decision making role. The Mayor may attend any meeting.</i></p>			
<b>NAME</b>	<b>DESIGNATED REPORTING OFFICER</b>	<b>SCHEDULE</b>	<b>CONVENOR or DELEGATES &amp; ADMIN RESOURCES</b>
<p><b>Aqua Energy Redevelopment – Project Reference Group</b></p> <p><i>Purpose: The Aqua Energy Redevelopment Project Reference Group (Reference Group) is established to implement community engagement, planning and review processes for the Aqua Energy Redevelopment Project. The Reference Group provides a forum for information stakeholders in terms of project progress.</i></p>	<p>Manager Leisure Services</p>	<p>As required. Changing between Monthly and Bi-Monthly</p>	<p><b>Councillor Tatterson</b> <b>Councillor Bye</b></p> <p><u>Chairperson:</u> Manager Leisure Services <u>Stakeholder advocacy:</u> General Manager Community and Culture <u>Meeting support:</u> Executive Support Officer Community &amp; Culture <u>Media and Public Relations:</u> Coordinator Communications &amp; Media <u>Client representative:</u> Coordinator Communities Facilities Planning <u>User Group representative:</u> Sale Swim Club &amp; Gippsland Swimming <u>School education representative:</u> Kemp Aquatics <u>Access and inclusion:</u> Wellington Disability Advisory Committee <u>Project Superintendent:</u> Manager Assets and Projects</p>
<p><b>Audit &amp; Risk Committee</b></p> <p><i>Purpose: Advise Council in its discharge of its responsibilities for financial reporting, risk management, maintaining a reliable system of internal controls and fostering the organisation's ethical development.</i></p> <p><i>*Remuneration applies to independent members (non-Council)</i></p>	<p>General Manager Corporate Services</p>	<p>Meets at least quarterly, with extra meetings scheduled if needed</p>	<p><b>Councillor Stephens</b> <b>Councillor Maher</b> <b>Councillor McKenzie (alternate)</b></p> <p>Chief Executive Officer General Manager Corporate Services Sarah Heath (Independent) Chris Badger (Independent) Tony Smith (Independent)</p>

<p><b>CEO Employment and Remuneration Committee</b></p> <p><i>Purpose: To oversee the review of the CEO's performance as per the terms and conditions of the contract of employment.</i></p>	General Manager Corporate Services	As required	<p><b>Mayor – Councillor Bye</b>  <b>Previous Mayor – Councillor Stephens</b>  <b>Remuneration Committee Chair</b></p> <p><i>* one or two other Councillors may be elected if the required positions are unable to fulfil this role</i></p>
<p><b>Gippsland Art Gallery Advisory Group</b></p> <p><i>Purpose: To provide input to the Council on the operation, policy development and future planning of Gippsland Art Gallery.</i></p>	Manager Arts and Culture	1 <sup>st</sup> Monday at 5:00pm; March, June, September and December	<p><b>Councillor Crossley</b>  <b>Councillor Rossetti (alternate)</b></p> <p>Gippsland Art Gallery Director</p>
<p><b>Gippsland Regional Sports Complex User Group Committee</b></p> <p><i>Purpose: To provide advice, information, and feedback in relation to operational, maintenance and use of Gippsland Regional Sports Complex. Also, to share information with other users of the Gippsland Regional Sports Complex.</i></p>	GRSC Operations Leader	Quarterly, usually a Wednesday at 6:00pm	<p><b>Councillor Tatterson</b>  <b>Councillor Bye (alternate)</b></p> <p>One (1) Representative of the Sale Amateur Basketball Association  One (1) Representative of the Sale Netball Association  One (1) Representative of the Maffra Hockey Club  One (1) Representative of the Sale Hockey Club  One (1) Representative of the Wellington Hockey Club</p>
<p><b>Place Names Committee</b></p> <p><i>Purpose: Make recommendations to Council on naming issues.</i></p>	Manager Assets and Projects	3 <sup>rd</sup> Tuesday every three (3) months	<p><b>Councillor Maher</b>  <b>Councillor Rossetti</b>  <b>Councillor Crossley</b></p>
<p><b>Port of Sale Masterplan Implementation Steering Committee</b></p> <p><i>Purpose: To facilitate the coordinated implementation of the key elements of the Port of Sale Masterplan (September 2021).</i></p> <p>1. To monitor and review Councillor expenses, allowances for key Committees and any other related matters that may arise.</p>	General Manager Development	As required	<p><b>Councillor Bye</b>  <b>Councillor Crossley</b>  <b>Councillor Wood</b></p> <p>General Manager Development  Coordinator Strategic Planning  Coordinator Commercial Property  Coordinator Infrastructure Development  Manager Arts and Culture  Manager Corporate Finance</p>
<p><b>Remuneration Committee</b></p> <p><i>Purpose: To monitor and review Councillor expenses, allowances for key Committees and any other related matters that may arise.</i></p>	General Manager Corporate Services	Quarterly or more frequently if required	<p><b>Councillor Bye</b>  <b>Councillor Tatterson</b>  <b>Councillor McKenzie</b></p> <p>Chief Executive Officer  General Manager Corporate Services</p>

<p><b>Strategic Land Use Planning and Economic Development Group</b></p> <p><i>Purpose: To provide local Councillor input into and review the range of current strategic planning projects and Planning Scheme Amendments.</i></p>	Manager Land Use Planning	Bi-monthly	<p><b>Councillor Bye</b>  <b>Councillor Maher</b>  <b>Councillor Tatterson</b></p> <p>General Manager Development  Manager Land Use Planning  Manager Economic Development  Coordinator Strategic Planning  Strategic Planners  General Manager Built and Natural Environment  Manager Assets and Projects  Coordinator Infrastructure Development</p>
<p><b>The Wedge and Masterplan Advisory Group</b></p> <p><i>Purpose: To provide input to the Council on the operation, policy development and future planning of The Wedge performing arts centre, with current focus on potential redevelopment of the centre.</i></p>	Manager Arts and Culture	Quarterly, usually 3 <sup>rd</sup> Wednesday at 6:00pm; February, May, August and November	<p><b>Councillor Bye</b>  <b>Councillor Rossetti</b>  <b>Councillor Crossley</b>  <b>Councillor Tatterson (alternate)</b></p> <p>General Manager Community and Culture (Chair)  Manager Arts and Culture  Creative Director – Performing Arts  Coordinator Theatre Administration  Coordinator – Performing Arts Operations</p> <p><u>Community Representatives:</u>  Deirdre Relph  Clara Mandaletti  Deirdre Marshall  Leanne Flaherty  Dan Davine  Stella Ramage  Melesa Eldred  Darren McCubbin  Teagan Tudor</p>
<p><b>Wellington Disability Advisory Committee</b></p> <p><i>Purpose: To provide advice to Wellington Shire Council on matters relating to access and inclusion for people living with a disability</i></p>	Senior Community Development Officer	Four formal meetings a year	<p><b>Councillor Crossley</b>  <b>Councillor Wood (alternate)</b></p>

<p><i>*proposed terms of reference to be considered at Council on 15 November 2022</i></p>			
<p><b>Wellington Youth Service Network (WYSN)</b></p> <p><i>Purpose: Wellington Youth Services Network (WYSN) is a localised network of organisations, individuals and representatives of youth agencies located in the Wellington Shire. WYSN will work together to optimise the quality of life of all young people within the Wellington Shire.</i></p> <p><b>Promote. Advocate. Communicate.</b></p>	<p>Youth Liaison Coordinator</p>	<p>10:00am – 12:00pm</p> <p>Meeting dates:</p> <p>Two face-to-face meetings per year:</p> <p>7 February 2023 1 November 2023</p> <p>Online meetings:</p> <p>7 March 2023 4 April 2023 6 June 2023 3 July 2023 (training) 1 August 2023 5 September 2023 3 October 2023</p>	<p><b>Councillor Wood</b></p> <p>Youth Councillors (up to 18) Youth Liaison Coordinator</p> <p>Suggest Councillor attend the two face-to-face meetings plus the May and August on-line meetings</p>
<p><b>Wellington Shire Youth Council</b></p> <p><i>Purpose: To lend support to Youth Councillors generally and participate in a topic of discussion on an issue pre-set by either Youth Councillors, Councillors or Youth Liaison Coordinator.</i></p>	<p>Youth Project Officer – FreeZA Youth Liaison Coordinator</p>	<p>Meetings with Councillor Conversation on the agenda are:</p> <p>8 February 2023 – leadership team elections 8 March 2023 5 April 2023 10 May 2023 7 June 2023 12 July 2023 9 August 2023 6 September 2023 4 October 2023 1 November 2023 29 November 2023</p>	<p><b>Councillor Crossley</b> <b>Councillor Wood (alternate)</b></p> <p><i>Our Youth Council values and is strengthened by the active support of Councillors in meetings. Youth Liaison Coordinator investigating suitable model of support / mentorship from Councillors</i></p>

## SECTION 3: COMMITTEES OF OTHER ORGANISATIONS (DELEGATES)

<b>COMMITTEES OF OTHER ORGANISATIONS (DELEGATES)</b> <i>Councillors are often requested or required to represent Council via participation on Committees formed by other organisations.</i>		
<b>NAME</b>	<b>SCHEDULE</b>	<b>CONVENOR or DELEGATES &amp; ADMIN RESOURCES</b>
<b>Gippsland Climate Change Network Incorporated</b> <i>Purpose: To provide Gippsland, at an individual and organisational level; information, consultation, and facilitation to enable action on climate change, whilst also providing a voice for Gippsland on climate change issues.</i>	1 <sup>st</sup> Monday from 10:00am – 1:00pm of each month unless otherwise noted	<b>Councillor Crossley</b>
<b>OneGippsland</b> <i>Purpose: Regional co-operation and lobbying by Gippsland Councils.</i> <i>Facilitated by: Collective Position Group P/L (Secretariat)</i>	Bi-monthly, 2 <sup>nd</sup> Friday	<b>Mayor – Councillor Bye</b> Chief Executive Officer
<b>Municipal Association of Victoria (MAV)</b> <i>Purpose: Peak body representing Victorian Councils. Councillors also representing at the Australian Local Government Association (ALGA).</i>	Monthly meetings and as required	<b>Councillor Rossetti</b> <b>Councillor Tatterson (alternate)</b>
<b>National Timber Council Association Inc</b> <i>Purpose: To pursue a variety of issues relevant to local governments that have forest industries/timber issues with the Federal Government.</i>	Quarterly teleconferences Twice yearly in person at the ALGA Conference and Annual Meeting in November	Chief Executive Officer
<b>South East Australian Transport Strategy (SEATS)</b> <i>Purpose: Integrated transport strategy for South East Australia. Includes representatives of municipalities and other organisations from Dandenong to Wollongong.</i> <i>Facilitated by: SEATS</i>	Quarterly, 2 <sup>nd</sup> Thursday and Friday (February, May, August, November) Meeting venue rotates between VIC, ACT and NSW	<b>Councillor Tatterson</b> General Manager Built and Natural Environment
<b>Timber Towns Victoria</b> <i>Purpose: To pursue a variety of issues relevant to local governments which have forest industries in Victoria and keep abreast of the issues and trends in forestry development that may have an impact upon rural communities.</i>	2 <sup>nd</sup> Friday each month (Executive) 2 <sup>nd</sup> Friday bi-monthly (Ordinary Members)	Economic Development Officer

## SECTION 4: OTHER GROUPS, TASKFORCES, PROJECT CONTROL GROUPS (PCG'S) AND STATUTORY COMMITTEES

OTHER GROUPS, TASKFORCES, PROJECT CONTROL GROUPS (PCG'S) & STATUTORY COMMITTEES		
<i>These Groups, Taskforces, PCG's and Statutory Committees are subject to formal Council approval processes.</i>		
NAME	SCHEDULE (Include Sunset Dates)	CONVENOR or DELEGATES & ADMIN RESOURCES
<p><b>Wellington Shire Municipal Emergency Management Planning Committee (MEMPC)</b></p> <p><i>(Multi-agency committee appointed in accordance with the Emergency Management Legislation Amendment Act 2018)</i></p> <p><i>Councillors appointed on the committee as community representatives, mandatory to have community representatives on the committee under the Act.</i></p> <p><i>Council CEO is required to chair, or nominate a Council officer to chair, this committee.</i></p> <p><i>The committee is responsible for developing, implementing, maintaining and monitoring a Municipal Emergency Management Plan (MEMP).</i></p> <p><i>The committee will also maintain liaison, co-ordinate emergency working and operational arrangements, conduct exercises and other emergency management activities such that emergencies may be prevented and when they do occur are managed appropriately and evaluated for effectiveness and future learnings.</i></p>	Quarterly	<p><b>Councillor Wood</b> <b>Councillor Crossley (alternate)</b></p> <p>General Manager Community and Culture / Municipal Emergency Manager Manager Communities, Facilities and Emergencies / Municipal Recovery Manager <b>(chair)</b> Coordinator Emergency Management / Municipal Emergency Management Officer All Wellington Shire emergency management services and agencies (public and private) Major business and industry representatives</p>
<p><b>Business Boost Reference Group (Business Recovery Sub-committee)</b></p> <p><i>Purpose: The objectives of the Wellington Business Boost Reference Group shall be to provide a forum for representatives of the business community and Wellington Shire Council (herein referred to as "Council") staff/management to provide feedback and input relating to economic development across Wellington Shire. The intent is to provide an avenue for open communication and collaboration, and to explore opportunities in a productive manner. Members of the Group will be the conduit between Council and the association they represent and assist with communications where relevant.</i></p>	<p>Approximately every 6 to 8 weeks with meetings will run to at least mid-2021 (to be reviewed for continuation at this point)</p> <p>Meetings are usually held from 7:30 to 8:30am</p>	<p><b>Councillor Maher</b> <b>Councillor Wood</b></p> <p>General Manager Development (chair) Senior Economic Development Officer Coordinator Marketing, Events and Tourism Pace Marketing representatives Business, tourism association and industry representatives</p>
<p><b>Wellington Renewable Energy Forum</b></p> <p><i>Purpose: To demonstrate support and provide input to the Renewable Energy projects and proposals in the Shire. Council welcomes renewable energy as a major growth sunrise industry for the Shire as evidenced in our Council Plan 2021/25 and the Wellington Investment Prospectus.</i></p> <p><i>There are two key objectives for RE Forum:</i></p> <ol style="list-style-type: none"> <li><i>To allow Council and renewable energy stakeholders to update each other on key projects and initiatives.</i></li> </ol>	<p>Bi-monthly meetings</p> <p><b>Meetings are held on a Tuesday from 10:00-11:00am</b></p>	<p><b>Mayor – Councillor Bye</b> <b>Councillor Crossley</b> <b>Councillor Stephens</b> <b>Councillor McKenzie</b> <b>Councillor Maher</b></p> <p>Chief Executive Officer General Manager Development Manager Economic Development (chair) Senior Economic Development Officer Manager Land Use Planning</p>

<p>2. <i>To jointly progress shared outcomes including addressing common challenges, skills and training needs and to discuss advocacy to State/Federal Governments on common compliance and funding matters.</i></p>		<p>Projects, governing bodies, key industry stakeholders</p>
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## SECTION 5: COMMUNITY ASSET COMMITTEES (VOLUNTARY APPOINTMENT)

<b>COMMUNITY ASSET COMMITTEES</b>			
<p><i>Under Section 65 of the Local Government Act 2020, in addition to any Advisory Committees that the Council may establish, the Council may establish one or more Community Asset Committees, made up of any combination of Councillors, Council staff and other people.</i></p> <p><i>The Council may by Instrument of Delegation, delegate its functions, duties or powers to a Community Asset Committee, though this is subject to certain restrictions. The Mayor may attend any meeting.</i></p>			
<b>NAME</b>	<b>DESIGNATED REPORTING OFFICER</b>	<b>SCHEDULE</b>	<b>CONVENOR or DELEGATES &amp; ADMIN RESOURCES</b>
<p><b>Briagolong Recreation Reserve Committee</b></p> <p><i>Purpose: To protect, promote and develop the Briagolong Recreation Reserve.</i></p>	Coordinator Community Committees	3 <sup>rd</sup> Monday monthly Briagolong Recreation Reserve	<b>No Council Representative Nominated</b>
<p><b>Cameron Sporting Complex Committee</b></p> <p><i>Purpose: To protect, promote and develop the Cameron Sporting Complex, Maffra</i></p>	Coordinator Community Committees	3 <sup>rd</sup> Thursday bi-monthly Cameron Sporting Complex	<b>Councillor Tatterson</b>
<p><b>Gordon Street Reserve Committee</b></p> <p><i>Purpose: To protect, promote and develop the Gordon Street Reserve.</i></p>	Coordinator Community Committees	2 <sup>nd</sup> Thursday bi-monthly (February, April, June, August, October) Gordon Street Recreation Reserve	<b>Councillor Ripper</b>
<p><b>Maffra Recreation Reserve Committee</b></p> <p><i>Purpose: To protect, promote and develop the Maffra Recreation Reserve.</i></p>	Coordinator Community Committees	1 <sup>st</sup> Monday monthly Maffra Recreation Reserve Meeting Room	<b>Councillor Ripper</b>
<p><b>Newry Recreation Reserve Committee</b></p> <p><i>Purpose: To protect, promote and develop the Newry Recreation Reserve.</i></p>	Coordinator Community Committees	3 <sup>rd</sup> Monday quarterly (February, May, August and November)	<b>Councillor Ripper</b>
<p><b>Sale Performance Space Fundraising Committee</b></p> <p>2.1 To maintain a public fund into which the public may contribute towards the construction, maintenance, upgrade and expansion of Wellington Shire Council owned cultural spaces, facilities and equipment.</p> <p>2.2 To maintain a public fund into which the public may contribute towards cultural activities, programs and events conducted by</p>	Manager Arts and Culture	As required	<b>Councillor Crossley</b> Manager Corporate Finance Manager Arts and Culture Performing Arts Director

<p>Wellington Shire Council through Wellington Shire Council owned cultural spaces and facilities. To coordinate fundraising activities on behalf of Wellington Shire Council owned cultural spaces and facilities. To obtain all necessary permits and approvals required for eligible fundraising activities.</p> <p>To retain the registration of the Sale Performance Space Donations Fund on the Register of Cultural Organisations for the purposes of the Income Tax Assessment Act 1997 (Commonwealth), ensuring that those cultural activities and projects accepted meet the definition of the "organisation's principal purpose" in the Register of Cultural Organisations Guide.</p>			
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## 11.4. S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION (PLANNING AND ENVIRONMENT ACT 1987 ONLY) - JUSTIN GORWELL

### ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

#### PURPOSE

This report seeks Council's approval for the designated Council Officer responsible for administration and enforcement of the *Planning and Environment Act 1987* (the Act) to be appointed and authorised as an Authorised Officer under the Act.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That Council, in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached S11A Instrument of Appointment and Authorisation (the instrument), resolve that:***

- 1. Council Officer Justin Gorwell be appointed and authorised as set out in the instrument as provided at Attachment 1; and***
- 2. The instrument be signed by the Chief Executive Officer.***

#### BACKGROUND

Council Officers, whose duties include administration and enforcement under the *Planning and Environment Act 1987*, must be authorised and appointed as an Authorised Officer by a resolution of Council.

Authorised Officers are appointed under s 147(4) to be an authorised officer for the purpose of the *Planning and Environment Act 1987* and authorised under s 313 of the *Local Government Act 2020*, either generally or in a particular case, to institute proceedings for offences against the Acts and regulations described in Attachment 1.

#### ATTACHMENTS

1. S10A Council Resolution and S11A Instrument of Appointment and Authorisation (P&E Act Only) - Justin Gorwell [11.4.1 - 3 pages]

#### OPTIONS

Council has the following options available:

1. To appoint and authorise Justin Gorwell as an Authorised Officer as outlined in the attached Instrument of Appointment and Authorisation; or
2. To not appoint and authorise Justin Gorwell and seek further clarification and or information.

## **PROPOSAL**

That Council appoint and authorise Justin Gorwell as an Authorised Officer as outlined in the attached S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

## **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**

Section 188(2)(c) of the *Planning and Environment Act 1987* provides Council with the authority to approve the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) to empower authorised Council officers to act on behalf of Council in the enforcement of the *Planning and Environment Act 1987*.

## **COUNCIL POLICY IMPACT**

Council's approval of the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) aligns with the requirements as set out in its Delegations Policy (policy 2.4.7).

## **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**

Following adoption, our processes ensure that all staff are notified including updating of Council processes and procedures as required.

## **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.



Maddocks

Maddocks Delegations and Authorisations

***S10A Council Resolution – Appointment and Authorisation  
(Planning and Environment Act 1987)***

**Council Resolution  
Appointment and Authorisation**

In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987*, Wellington Shire Council (**Council**) **RESOLVES THAT –**

1. The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument.
2. The instrument comes into force immediately when it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.

Maddocks Delegations and Authorisations

*S11A Instrument of Appointment and Authorisation (Planning and  
Environment Act 1987)*

**Wellington Shire Council**

**Instrument of Appointment and Authorisation  
(*Planning and Environment Act 1987* only)**



Maddocks

**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

**Justin Gorwell**

**By this instrument of appointment and authorisation** Wellington Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Wellington Shire Council on 6 June 2023.

**Signed** by the Chief )  
 Executive Officer of Council )  
 in the presence of:

.....  
 Witness

Date: ...../...../2023



## 12. GENERAL MANAGER DEVELOPMENT

### 12.1. COUNCIL POSITION STATEMENT - RENEWABLE ENERGY

#### ACTION OFFICER: GENERAL MANAGER DEVELOPMENT

#### PURPOSE

For Council to adopt the attached Position Statement on Renewable Energy.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

*That Council adopt the attached Position Statement on Renewable Energy.*

#### BACKGROUND

The 2021-2025 Council Plan <https://www.wellington.vic.gov.au/council/council-plan> sets the strategic actions, priorities, and key projects for Council to deliver. The Council Plan was developed with significant community consultation during 2021 and also aligns with the long-term goals the community have expressed in the Wellington 2031 Community Vision. The Council Plan identifies Climate Change as the priority strategic issue in the Wellington Shire and also has a focus on attracting new investment and transitioning to a renewable energy future.

The Council adopted Wellington Renewable Energy Impact and Readiness Study ('Study') <https://www.wellington.vic.gov.au/development/renewable-energy-planning> summarises the cumulative scale and impact of planned renewable energy investment in the Wellington Shire (and broader Gippsland area), with more than \$40 billion of planned investment (the majority of which is offshore wind). The Study also documents State Government policy support for the Gippsland 'Renewable Energy Zone' and the Commonwealth Government's declaration of Bass Strait as the first area in Australia suitable for offshore wind development.

Given the scale and speed of renewable energy transition in the Wellington Shire and the high level of community interest, it is appropriate for Council to provide a clear Position Statement on Renewable Energy as attached. It is recommended that the attached Position Statement be adopted by Council.

The purpose of the Position Statement is to provide a consolidated and transparent Council position on renewable energy investment and transition in the Wellington Shire, addressing the following matters:

- Council support for investment/transition (subject to required consultation and statutory approval processes for individual projects);
- Well planned and coordinated onshore transmission led by VicGrid, underpinned by effective consultation, consideration of options including undergrounding and industry best practice compensation established by the State Government/relevant agencies;
- Support for employment and procurement opportunities for the Wellington Shire community to maximise economic benefits;
- The establishment of legacy community benefit infrastructure projects;
- The need for effective and meaningful community and stakeholder consultation;
- A preference for local Ports to be utilised to support offshore wind;
- The need for the establishment of training and education facilities in the Wellington Shire;
- Support for ongoing regional collaboration to help leverage long term community benefits and investment readiness across the region (including within the Wellington Shire); and
- The creation of a New Energy website to assist with community access to relevant information about renewable energy investment/transition.

## **ATTACHMENTS**

1. Council Position Statement Renewable Energy [12.1.1 - 5 pages]

## **OPTIONS**

Council has the following options available:

1. To adopt the attached Position Statement on Renewable Energy.
2. To not adopt the attached Position Statement on Renewable Energy and seek further information for consideration at a future Council meeting.

## **PROPOSAL**

That Council adopt the attached Position Statement on Renewable Energy.

## **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 Position Statement assists in communicating Council's position on renewable energy investment and transition.

## **LEGISLATIVE IMPACT**

All renewable energy project proposals will need to secure required State and/or Commonwealth Government statutory approvals.

## **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 outcomes:

**Strategic Outcome 1.1:** *"A climate and disaster resilient community."*

**Strategic Outcome 1.2:** *"Assist community to transition to a low carbon economy via adoption of sustainable practices and renewable energy."*

**Strategic Outcome 1.3:** *"The natural environment is valued, protected and accessible."*

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

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

**Strategic Outcome 2.2:** *"A community that has the capacity and skills to meet our economic needs."*

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**

The Position Statement assists in communicating Council's position on renewable energy investment and transition to the Wellington Shire community. The Position Statement acknowledges that divergent community views exist and the breadth of impacts (both positive and negative) associated with new energy transition will result in different community views. Council will, however, continue to advocate to State and Commonwealth Government decision makers and relevant stakeholders for the best long-term outcomes for the broader Wellington Shire community.

## **ENVIRONMENTAL IMPACT**

All renewable energy project proposals will need to secure required State and/or Commonwealth Government statutory approvals, incorporating consideration of environmental effects.

## **ENGAGEMENT IMPACT**

The attached Position Statement supports effective community and stakeholder engagement.

## **RISK MANAGEMENT IMPACT**

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



# **Position Statement – Renewable Energy**

### *Purpose*

- The purpose of this document is to provide a consolidated and transparent Wellington Shire Council ('Council') position on renewable energy investment and transition in the Wellington Shire.
- In outlining its position on renewable energy, Council acknowledges the divergent community views which exist and the breadth of impacts (both positive and negative) associated with new energy transition. Council will, however, continue to advocate to State and Commonwealth Government decision makers and relevant stakeholders for the best long-term outcomes for the broader Wellington Shire community.

### *Background*

- The 2021-2025 Council Plan <https://www.wellington.vic.gov.au/council/council-plan> sets the strategic actions, priorities, and key projects for Council to deliver. The Council Plan was developed with significant community consultation during 2021 and aligns with the long-term goals the community have expressed in the Wellington 2031 Community Vision. The Council Plan identifies Climate Change as the priority strategic issue in the Wellington Shire, and has a focus on attracting new investment and transitioning to a renewable energy future.
- The Council adopted Wellington Renewable Energy Impact and Readiness Study ('Study') <https://www.wellington.vic.gov.au/development/renewable-energy-planning> summarises the cumulative scale and impact of planned renewable energy investment in the Wellington Shire (and broader Gippsland area), with more than \$40 billion of planned investment (the majority of which is offshore wind). The Study also documents State Government policy support for the Gippsland 'Renewable Energy Zone' and the Commonwealth Government's declaration of Bass Strait as the first area in Australia suitable for offshore wind development.
- Given the scale and speed of renewable energy transition in the Wellington Shire and the high level of community interest, it is appropriate for Council to provide a clear position statement on renewable energy as follows.

### *Council Position*

#### Support for renewable energy investment/transition

- Consistent with the Council Plan, Council supports renewable energy investment and transition in the Wellington Shire. Council recognises, however, that individual renewable energy projects remain subject to required consultation and statutory assessment processes which are controlled by the State and/or Commonwealth Government.

#### Transmission

- Council acknowledges the need for the establishment of new onshore transmission to the Latrobe Valley electricity network and will continue to advocate to the responsible State Government agency (VicGrid) for well-

planned and coordinated transmission to avoid a 'spaghetti effect' of transmission.

- Council will continue to advocate to VicGrid for transmission solutions to be developed in consultation with the Wellington Shire community.
- Council acknowledges that final decisions about the form of transmission (underground or above ground, or a combination of both) do not ultimately rest with Council, but all viable options (including undergrounding in areas of greatest sensitivity) should be considered to help minimise impact on the Wellington Shire community.
- In all cases, and particularly where overhead transmission is required, Council will continue to advocate to the State Government/relevant agencies for the implementation of 'industry best practice' compensation for affected landowners.

#### Economic benefits

- Council seeks to unlock the economic potential of renewable energy investment and will advocate for and support employment and procurement opportunities for the Wellington Shire community.

#### Community benefits

- Council will continue to advocate to the State and Commonwealth Government and seek the support of renewable energy proponents to establish lasting and legacy community benefit projects in the Wellington Shire, so the benefits of renewable energy investment are shared.

#### Community and stakeholder engagement

- Council will continue to advocate to renewable energy project proponents and relevant State and Commonwealth agencies to effectively engage with the Wellington Shire community and with traditional owners, to inform final project proposals and investment decisions.
- Council supports individual community members being provided with meaningful opportunity to input into planning and statutory assessment processes (be it in support or opposition), before final State and/or Commonwealth Government decisions are made about individual renewable energy projects.
- Council strongly encourages thorough community consultation throughout the planning and implementation process for the transition to renewable energy, especially in those communities that are directly affected.
- That Council will continue to advocate for the best long-term outcomes for the broader Wellington Shire community.

#### Ports

- That Council supports (subject to future private sector investment and statutory approvals) Barry Beach/Port Anthony having both a construction and operations

and maintenance role to support renewable energy investment in Gippsland. Council also supports Port Albert being utilised to assist with future offshore wind operations and maintenance.

Training and skills

- That Council continue to advocate to the State Government for the establishment of Wellington Shire based training and education opportunities associated with renewable energy investment.

Regional collaboration

- Council will continue to collaborate with other Local Government authorities (particularly South Gippsland Shire Council and Latrobe City) and relevant Government agencies to help leverage long term community benefits and support investment readiness across the region.

Information availability

Council will continue to work with the Gippsland Climate Change Network to establish a New Energy website to assist the Wellington Shire community to access information about renewable energy investment/transition.





**Sale Service Centre**

18 Desailly Street, Sale, Victoria 3850  
Telephone 1300 366 244

**Yarram Service Centre**

156 Grant Street, Yarram, Victoria 3971  
Telephone 03 5182 5100

[www.wellington.vic.gov.au](http://www.wellington.vic.gov.au)  
[enquiries@wellington.vic.gov.au](mailto:enquiries@wellington.vic.gov.au)



## 13. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

### 13.1. UNUSED ROAD LICENCE - ROAD OFF MUNRO - STOCKDALE RD, MUNRO

#### ACTION OFFICER: MANAGER BUILT ENVIRONMENT

#### PURPOSE

The objective of this report is for Council to consider an application received to provide consent for a Government Road off Munro-Stockdale Road in Munro to be deemed an unused road for the granting of an unused road licence by the Department of Environment, Energy and Climate Action (DEECA).

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

*That Council, pursuant to section 400 of the Land Act 1958, give notice that Government Road between Lot 2 on PS544411 and CA 2A Sec C Parish of Nerrang is not required for public traffic and is therefore an unused road.*

#### BACKGROUND

The property owner of 557 Munro-Stockdale Road in Munro whose property abuts either side of this Government Road is seeking to obtain an unused road licence over this Government Road from the Department of Environment, Energy & Climate Action (DEECA) and has requested Council determine that this road is unused and is not required for public traffic in order to support their licence application.

The Government Road is between Lot 2 PS544411 and CA 2A Sec C in the Parish of Nerrang and is considered unused as a public road. The road is fenced within the property owner's property and has been part of their farming enterprise in this way for around 100 years.

The road is not listed on Council's register of public roads and the road is not maintained by Council under its Road Management Plan. The DEECA application process requires the applicant to publicly advertise the proposal and to seek confirmation from Council that this government road is unused and is not required for public traffic, prior to their granting of an unused road licence.

The section of government road subject to this application is shown in Attachment 1.

The property owner has provided a copy of the public notice required by their application for an unused road licence with DEECA. This public notice was placed by the property owner in the Gippsland Times newspaper on 14 April 2023 and subsequently DEECA have advised that no submissions were received. A copy of the Schedule 4 form to provide consent is shown in Attachment 2.

Road licences for unused roads are issued by DEECA on either an annual, triennial, or 99-year licence basis and they may be revoked (fully or in part) on written request from Council to DEECA should the road be required for public traffic in the future.

## **ATTACHMENTS**

1. Unused Road License - Stockdale Road, Munro - Locality Map [**13.1.1** - 1 page]
2. Unused Road License - Stockdale Road, Munro - Schedule and Plan [**13.1.2** - 2 pages]

## **OPTIONS**

Council has the following options available:

1. Pursuant to section 400 of the *Land Act 1958*, advise the Department of Environment, Energy and Climate Action its approval of issuing the licence as this section of the government road is not required for public traffic, or;
2. Not agree to the issuing of the licence as the government road is required for public traffic.

## **PROPOSAL**

That Council, pursuant to section 400 of the *Land Act 1958*, give notice that Government Road between Lot 2 PS544411 and CA 2A Sec C in the Parish of Nerrang is not required for public traffic and is therefore an unused road.

## **CONFLICT OF INTEREST**

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

## **FINANCIAL IMPACT**

There is no financial impact for Council as the road is a government road and any licence fee will be paid to DEECA.

## **COMMUNICATION IMPACT**

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

## **LEGISLATIVE IMPACT**

Application for issue of the licence(s) has been made pursuant to section 400 of the *Land Act 1958*.

## **COUNCIL POLICY IMPACT**

There is no Council policy on the closure of unused roads to public traffic, with each application being treated on merit.

### **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**

The Government Road is unused and is fenced within the applicant's property. The road has been within the farm enterprise in this way for over 100 years. The road is not listed on the Public Road Register and is not maintained by Council under our Road Management Plan. There will not be an identifiable community impact.

### **ENVIRONMENTAL IMPACT**

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

### **ENGAGEMENT IMPACT**

A public notice in the prescribed format was printed in the Gippsland Times on 14 April 2023 as required and subsequently DEECA have advised that no submissions or objections were received.

### **RISK MANAGEMENT IMPACT**

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

Attachment

**PROPOSED UNUSED GOVERNMENT ROAD LICENCE  
UNUSED ROAD OFF MUNRO-STOCKDALE ROAD**

**Government Road between Lot 2 PS544411 and CA 2A Sec C Parish of Nerrang  
in Munro**



 **GOVERNMENT ROAD SUBJECT TO THE APPLICATION**

**DEPARTMENT OF ENVIRONMENT, LAND, WATER & PLANNING**

**SCHEDULE 4**

**Notice of a municipal council under section 400 that a road is unused.**

Secretary to the Department of Environment, Land, Water & Planning

Under Section 400 of the Land Act 1958, the municipal council of the municipal district of

WELLINGTON

gives notice that \*the road / \*each of the roads described in the Schedule below is considered by Council to not be required for public traffic and is therefore an unused road.

**SCHEDULE**

<b>PARISH</b>	<b>DESCRIPTION OF LOCATION OF ROAD</b>
NERRANG	BETWEEN LOT 2 ON PS544411 & CROWN ALLOTMENT 2A, SECTION C

*As indicated by shading on the plan copy attached*

\* Signed: .....

Dated: .....

witness .....

\* The seal of the municipal council of .....

as affixed to this on .....

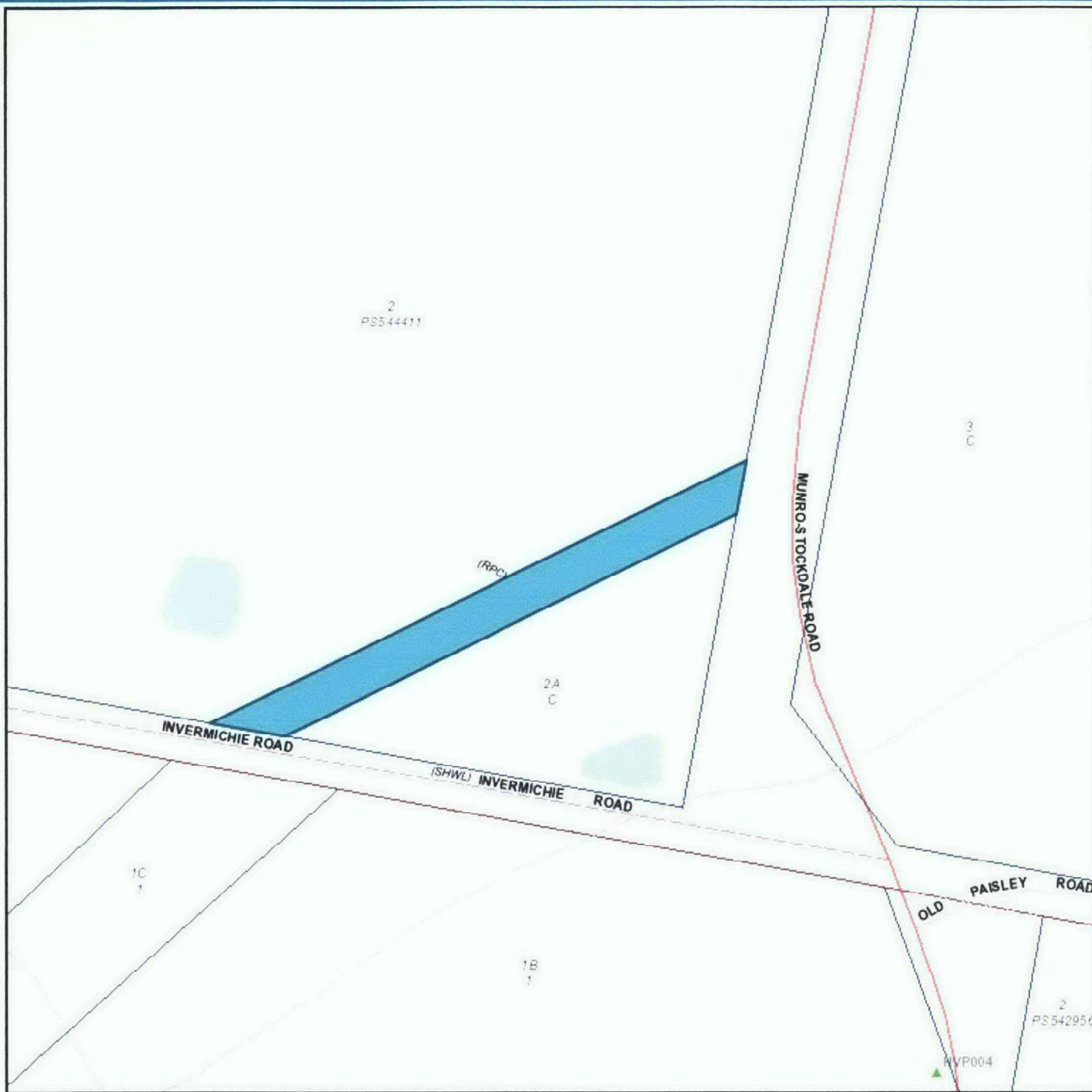
by .....

witness .....

\* Delete whichever is not applicable

Our ref. 3002613

OFFICIAL



1: 2,500

**Legend**

- Township
- Parish
- Parcel
- Crown Parcel
- Crown Land
- Government Road
- Plan Noting
- Apiary
- Temporary Apiary Rights
- Beefarm and Range licences

**Linear Tenure**

- Other Pipelines
- Industrial Commercial licences
- Recreation Amusement licences
- Occupancy licences
- Radio TV Telecom site licences
- Emergency Services Use licences
- Water Supply licences
- Miscellaneous General licences
- Easements
- Pipe Consents

**Lease**

- General Licence
- Delegated Lease
- Delegated License
- Grazing Licence
- Riparian Management Licence
- Water Frontage Licence
- Unused Road Licence
- Delegated Management Reserve
- Direct Management Reserve

**Government Road**

- Government Road
- Dual Status Government Road

-MapScale-



**Overview Map**

Disclaimer: This map is a snapshot generated from Victorian Government data. This material may be of assistance to you but the State of Victoria does not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for error, loss or damage which may arise from reliance upon it. All persons accessing this information should make appropriate enquiries to assess the currency of the data.

## 13.2. SPECIAL HEARING REPORT OBJECTION - SPECIAL CHARGE SCHEMES ELLEN AVENUE, SEASPRAY

### ACTION OFFICER: MANAGER BUILT ENVIRONMENT

#### PURPOSE

The purpose of this report is for Council to receive and consider the report from the Ellen Avenue, Seaspray Special Charge Scheme Submissions Committee that was set up to hear submissions on the Ellen Avenue, Seaspray Special Charge Street Construction Scheme.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That:***

- 1. Council receive and consider the report from the Submissions Committee in relation to the Ellen Avenue, Seaspray Special Charge Street Construction Scheme; and***
- 2. Having regard to the written submissions/objections opposing the proposed Street Construction Scheme and the Submission Committee finding that the proposed Special Charge Street Construction Scheme for Ellen Avenue, Seaspray has been prepared in accordance with the provisions of the Local Government Act 1989, Council determine that the objections should not stop the scheme being considered for adoption; and***
- 3. The Chief Executive Officer write to the submitters and advise of the Council decision and the reason for that decision and advise the objectors 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 9 May 2023 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.***

#### BACKGROUND

Following the resolution of Council of the intention to declare the Ellen Avenue, Seaspray Special Charge Street Construction Scheme at its 20 December 2022 meeting, Public Notices and copies of the notice were served on all owners of property intended to be included under the scheme on 10 January 2023. Written submissions were invited up until 17 February 2023 for anyone objecting to the scheme being declared, with two written objections being received by the Chief Executive Officer.



## **ATTACHMENTS**

1. Confidential Header Special Charge Scheme - Ellen Avenue Seaspray [**13.2.1** - 1 page]
2. CONFIDENTIAL REDACTED - Special Charge Scheme - Special Hearing Report Objection - Ellen Avenue, Seaspray [**13.2.2** - 3 pages]
3. CONFIDENTIAL REDACTED - Special Charge Scheme - Objections - Ellen Avenue, Seaspray [**13.2.3** - 3 pages]

## **OPTIONS**

Council has the following options available:

1. Receive and consider the report from the Submissions Committee (attached) in relation to the Ellen Avenue, Seaspray Special Charge Street Construction Scheme; or
2. Not receive the report from the Submissions Committee in relation to the Ellen Avenue, Seaspray and Special Charge Street Construction Scheme.

## **PROPOSAL**

That:

1. Council receive and consider the report from the Submissions Committee in relation to the Ellen Avenue, Seaspray Special Charge Street Construction Scheme; and
2. Having regard to the written objections opposing the proposed Street Construction Scheme and the Submission Committee finding that the proposed Special Charge Street Construction Scheme for Ellen Avenue, Seaspray and has been prepared in accordance with the provisions of the *Local Government Act 1989*, Council determine that the objections should not stop the scheme being considered for adoption; and
3. The Chief Executive Officer write to the submitters and advise of the Council decision and the reason for that decision and advise the objectors of Wellington Shire Council's Hardship Provisions and invite an application from the objectors.

## **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**

Written submissions were considered by the Submission Committee of Council in accordance with Section 223 of the *Local Government Act 1989*. Their report is provided in Attachment 1.

The scheme has been prepared in accordance with the *Local Government Act 1989*.

## **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 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**

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.



**WELLINGTON**  
SHIRE COUNCIL  
*The Heart of Gippsland*

**ORDINARY COUNCIL MEETING  
6 JUNE 2023**

On this day, 9 May 2023, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **SPECIAL HEARING REPORT OBJECTION - SPECIAL CHARGE SCHEMES ELLEN AVENUE, SEASPRAY** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

*(f) personal information; being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*

.....  
**CHRIS HASTIE**  
General Manager Built and Natural Environment

### 13.3. SPECIAL CHARGE STREET CONSTRUCTION SCHEME - DECLARATION OF SCHEME - ELLEN AVENUE, SEASPRAY

#### ACTION OFFICER: GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

#### PURPOSE

The purpose of this report is for Council to consider to formally proceed with the proposed Ellen Avenue Special Charge Street Construction Scheme Number 2204 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 Ellen Avenue including a connecting section of Davies Street in Seaspray.

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### 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 Ellen Avenue (CH00–CH450) and Davies Street (CH350–CH470) in Seaspray or any component of the Streets have not previously been constructed by way of a special rate or charge, hereby proceed 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 direct 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.**

## **BACKGROUND**

A formal investigation of a special charge scheme for the Seaspray Township was commenced following ongoing property owner concerns in relation to dust, rutting and the maintenance grading regime. An initial scheme and concept design for a whole of township street sealing scheme was proposed in 2021. This initial concept was not supported by a sufficient number of property owners and the conceptual design and a cost estimate were amended to form a smaller scheme consisting of Ellen Avenue along with a connecting section of Davies Street, where a higher interest of property owner support was shown.

Ellen Avenue and the connecting section of Davies Street are located within the residential area of Seaspray. Ellen Avenue extends from Main Road to Davies Street and the connecting section of Davies Street from Ellen Avenue to Main Street. These streets consist of a formed and unsealed gravel pavement of approximately 450 metres and 120 metres in length respectively. The full length of the streets are of variable width, with irregular table drains and road surface drainage. There is a formalised underground drainage system serving this area.

The streets are primarily of a rural type road in appearance. The unsealed section extends for its full length of Ellen Avenue and similarly for the connecting section of Davies Street to Main Street. The streets are managed and maintained by Wellington Shire Council.

The proposed Ellen Avenue Construction Scheme would provide for the construction and sealing of these streets to a six metre (6m) width and includes forming table drains, driveways crossovers and kerbing at intersections as part of the proposed works.

The construction and sealing of the Ellen Avenue street scheme would reduce Council's need for maintenance intervention, while providing a higher level of service and safety for these adjacent properties.

It is considered that the properties which abut this section of Ellen Avenue, and the connecting section of Davies Street will derive a special benefit by the proposed upgrade works, as a result of:

- reduction in dust;
- enhance the amenity of the area;
- creation of improved riding surfaces;

- Improved road safety for users;
- improved access and egress from properties;
- improved road surface drainage.

Following further investigation of potential methods to facilitate street construction works in Ellen Avenue 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 contribution.

A public meeting was held initially for the whole of Seaspray township on 4 August 2021 to outline the street scheme proposal. Subsequently, a follow up letter and survey form was sent to each property owner within the revised scheme for Ellen Avenue, along with an information pamphlet and property apportionment cost to assess support for, or objection to, the revised scheme. This was mailed out on 8 August 2022.

Results of the survey for the proposed scheme were;

	SUPPORT SCHEME		OPPOSE SCHEME		DID NOT REPLY	
Property Owners (37)	23	62%	6	16%	8	22%
Properties (37)	23	62%	6	16%	8	22%

There are no property owners within the scheme who own multiple properties. There are no Council or exempt non-rateable properties.

Based on the survey results, the level of support for the Ellen Avenue scheme exceeds the 60% threshold acceptance level outlined in the Residential Road and Construction Plan 2019 and therefore it is considered that there is sufficient support for the proposed Special Charge Scheme for Ellen Avenue and the connecting section of Davies Street in Seaspray.

## 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 two written submissions/objections from a property owner within the scheme.

This Report now addresses whether or not Council wishes to proceed with the proposed 'Ellen Avenue Special Charge Street Construction Scheme - Number 2204' by way of formal declaration as a Special Charge Scheme under section 163(1) of the Act for the construction of Ellen Avenue (CH00–CH450) and Davies Street (CH350–CH470) in Seaspray, and related works, including road surface drainage and vehicle crossings.

## ATTACHMENTS

1. Declaration of Special Charge - Ellen Avenue, Seaspray [13.3.1 - 7 pages]
2. Maximum Total Levy - Ellen Avenue, Seaspray [13.3.2 - 8 pages]

## OPTIONS

Council has the following options available:

1. Progress the proposed special charge scheme through a full cost recovery apportionment method, by advertising the intention to declare the Special Charge Scheme; or
2. Having trialed and considered other methods of apportionment, progress the proposed scheme through the 'fixed fee method' as outlined in Council's Residential Road and Street Construction Plan, by advertising the intention to declare the Special Charge Scheme; or
3. Not progress the intention to declare 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 Ellen Avenue and a connecting section of Davies Street in Seaspray 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

Total costs applicable to the Special Charge Scheme are estimated to be \$395,000. The amount to be recovered under the scheme does 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 total special benefits and community benefits to be provided by the works, \$113,200 of the costs are to be apportioned to properties within the Special Charge scheme, with the balance funded by Council.

Amount apportioned to properties within scheme:	\$113,200
Portion of cost to be recovered from Council as direct costs:	\$281,800
Total estimated cost of scheme:	\$395,000

There are no multiple property owners. There is no Crown Land or other non-rateable land located within the scheme boundary.

The resultant financial impact is a cost to Council estimated at \$281,800 to be funded through the Roads to Recovery Program.

The method of apportioning the costs for this scheme is uniform and is based on access.

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 Proposed Declaration of Special Charge - Schedule 2 (Methods 1 & 2), and this has included the completion of a property apportionment based on access only and a combination of access and frontage to the Maximum Total Levy Amount as calculated using the Benefit Ratio calculated for this proposed special charge scheme – see attached Maximum Total Levy.

On this basis, the cost per property under such apportionment methods would have been between either \$7,172 and \$19,484 or, \$9,074 considerably more on an average per property owner basis than the method of distribution which is being proposed for Council's present 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 Proposed Declaration of Special Charge), is considered to be fair and reasonable.

Property owners liable to pay under the Special Charge scheme will be invoiced within 12 months of the scheme declaration. Options for payment include full payment within 45 days or 20 quarterly instalments (over 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 with the assistance of external contract engineering support for the survey and design of the scheme. 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 general positive community impact as it will result in Ellen Avenue and the connecting section of Davis Street in Seaspray being fully sealed in line with current service standards. Community benefit is reflected in Council contribution toward 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:

- Information letter advising property owners of street works proposal for whole of Seaspray Township on 15 June 2021;
- Public meeting held at Seaspray Surf Lifesaving Club 4 August 2021;
- Mail out survey of all property owners whole of Seaspray Township on 2 December 2021;

- Letter sent advising whole of township scheme would not proceed;
- Mail out survey of all property owners for Ellen Avenue on 8 August 2022;
- Follow up phone calls and emails requesting replies to the survey;
- Letter advising of Intention to Declare the scheme (Ellen Ave) on 13 January 2023;
- Formal public notice under sections 163B and 223 of the *Local Government Act 1989*; and
- Section 223 Committee Hearing of submissions/objections on 12 April 2023.

Ongoing consultation will be carried out through recommendations 2 and 3 of this report.

### **RISK MANAGEMENT IMPACT**

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

**DECLARATION OF SPECIAL CHARGE****'Ellen Avenue, Seaspray - Special Charge Street Construction Scheme  
Number 2204'**

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 Ellen Avenue (and a connecting section of Davies St) in Seaspray (**Street**) and for providing all and any necessary ancillary works associated with the construction of the road, including road drainage and crossovers. The Scheme, if declared, is to be known as the 'Ellen Avenue - Special Charge Street Construction Scheme Number 2204'.
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 (being properties within the 'residential area' of Seaspray) and based on the application of access benefit units, including having regard to the driveway access of those properties in the Scheme to Ellen Avenue and a connecting section of Davies Street (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 \$395,000 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 \$133,200
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 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 proposed declaration (being **Schedule 1**).
8. The land in relation to which the 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 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; and
  - (c) Quarterly installments invoicing will commence within 12 months of the scheme declaration.
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 proposed 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 0.65 or 65%, 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 \$133,200.

### **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

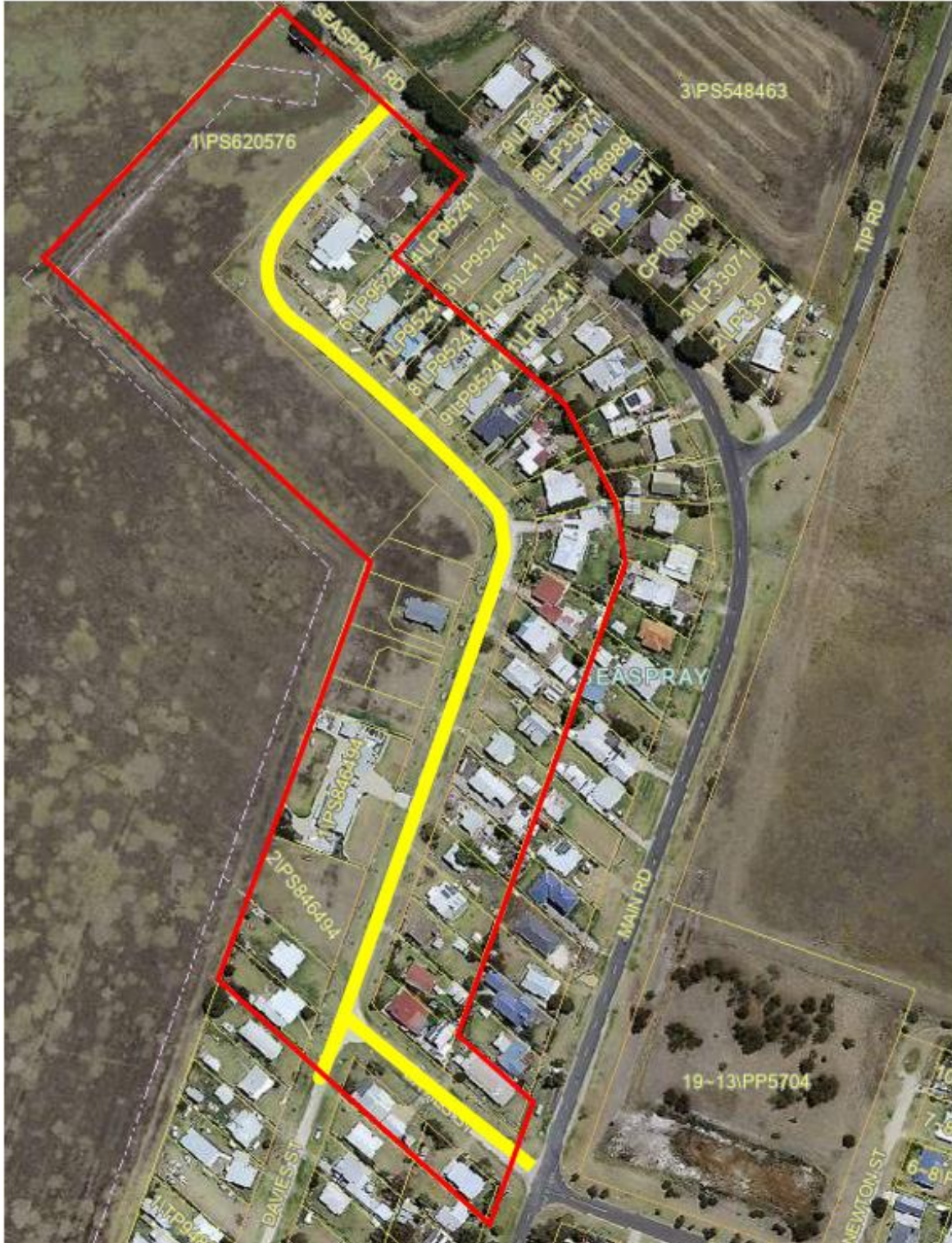
Method 2 - Maximum Levy at 100% Access Benefit

Method 3 - Fixed Fee

Schedule 1

ELLEN AVENUE – SEASPRAY  
PLAN OF SPECIAL CHARGE SCHEME AREA.

Scheme Boundary 



## Schedule 2

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

## WELLINGTON SHIRE COUNCIL

## ELLEN AVE 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>DAVIES STREET</b>								
1	10386	195040 LOT: 18 LP: 44533	35 Davies ST, SEASPRAY	1	16.5	0	16.5	\$8,142.91
2	10387	195057 LOT: 17 LP: 44533	33 Davies ST, SEASPRAY	1	16.5	0	16.5	\$8,142.91
3	10385	195032 LOT: 19 LP: 34328	32 Davies ST, SEASPRAY	1	16.5	40.2	28.56	\$10,778.39
<b>ELLEN AVE</b>								
4	63010	456301 LOT: 2 PS: 846494C	3 Ellen AVE, SEASPRAY	1	45	0	45	\$14,371.03
5	63009	456293 LOT: 1 PS: 846494C	7 Ellen AVE, SEASPRAY	1	56	0	56	\$16,774.86
6	57478	453126 LOT: 1 PS: 811653F	13 Ellen AVE, SEASPRAY	1	15.2	0	15.2	\$7,858.82
7	57479	453134 LOT: 2 PS: 811653F	15 Ellen AVE, SEASPRAY	1	19	0	19	\$8,689.24
8	57480	454744 LOT: 3 PS: 811653F	17 Ellen AVE, SEASPRAY	1	4	0	4	\$5,411.28
9	57481	453142 LOT: 4 PS: 811653F	19 Ellen AVE, SEASPRAY	1	4	0	4	\$5,411.28
10	57482	453159 LOT: 5 PS: 811653F	21 Ellen AVE, SEASPRAY	1	19	0	19	\$8,689.24
11	57483	453167 LOT: 6 PS: 811653F	23 Ellen AVE, SEASPRAY	1	16	0	16	\$8,033.65
12	57484	453175 LOT: 7 PS: 811653F	25 Ellen AVE, SEASPRAY	1	41.5	0	41.5	\$13,606.17
13	10408	195222 LOT: 37 LP: 44581	2 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
14	10409	195230 LOT: 36 LP: 44581	4 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
15	10410	195248 LOT: 35 LP: 44581	6 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
16	10411	195255 LOT: 34 LP: 44581	8 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
17	10412	195263 LOT: 33 LP: 44581	10 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
18	10413	195271 LOT: 32 LP: 44581	12 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
19	10414	195289 LOT: 31 LP: 44581	14 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
20	10415	195297 LOT: 30 LP: 44581	16 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
21	10416	195305 LOT: 29 LP: 44581	18 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
22	10417	195313 LOT: 28 LP: 44581	20 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
23	10418	195321 LOT: 27 LP: 44581	22 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
24	10419	195339 LOT: 26 LP: 44581	24 Ellen AVE, SEASPRAY	1	16.5	0	16.5	\$8,142.91
25	10420	195347 LOT: 25 LP: 44581	26 Ellen AVE, SEASPRAY	1	18	0	18	\$8,470.71
26	10421	195354 LOT: 24 LP: 44581	28 Ellen AVE, SEASPRAY	1	16	0	16	\$8,033.65
27	10422	195362 LOT: 23 LP: 44581	30 Ellen AVE, SEASPRAY	1	15.2	0	15.2	\$7,858.82
28	10423	195370 LOT: 22 LP: 44581	32 Ellen AVE, SEASPRAY	1	15.2	0	15.2	\$7,858.82
29	10424	195388 LOT: 9 LP: 95241	34 Ellen AVE, SEASPRAY	1	17.8	0	17.8	\$8,427.00
30	10425	195396 LOT: 8 LP: 95241	36 Ellen AVE, SEASPRAY	1	18.5	0	18.5	\$8,579.97
31	10426	195404 LOT: 7 LP: 95241	38 Ellen AVE, SEASPRAY	1	18.5	0	18.5	\$8,579.97
32	10427	195412 LOT: 6 LP: 95241	40 Ellen AVE, SEASPRAY	1	18.5	0	18.5	\$8,579.97
33	10428	195420 LOT: 2 LP: 121522	42 Ellen AVE, SEASPRAY	1	34.6	40.2	46.66	\$14,733.79
34	10529	196410 LOT: 1 LP: 121522	44 Ellen AVE, SEASPRAY	1	0	40.2	12.06	\$7,172.64
<b>MAIN ROAD</b>								
35	10554	196642 LOT: 20 LP: 34328	31 Main RD, SEASPRAY	1	0	40.2	12.06	\$7,172.64
36	10553	196634 LOT: 1 LP: 44581	33 Main RD, SEASPRAY	1	0	40.2	12.06	\$7,172.64
37	56030	195438 LOT: 1 PS: 620576L	85 Main RD, SEASPRAY	1	0	228	68.4	\$19,484.64
<b>TOTALS</b>				<b>37</b>	<b>639.5</b>	<b>429.0</b>	<b>768.2</b>	<b>\$335,750.00</b>
<b>TOTAL ESTIMATED COST OF SCHEME</b>					<b>\$ 395,000</b>			
<b>COUNCIL CONTRIBUTION</b>					<b>\$ 59,250</b>			
<b>APPORTIONED AMOUNT</b>					<b>\$ 335,750</b>			
AMOUNT APPORTIONED TO ACCESS - 50%					\$ 167,875			
AMOUNT APPORTIONED TO FRONTAGE 50%					\$ 167,875			
Apportionment Rate - (Access Benefit Units)					\$ 4,537.16	per ABU (R)		
Apportionment Rate - (Abuttal Length)					\$ 218.53	per m (R)		

## Method 2 - Maximum Levy at 100% Access Benefit

## WELLINGTON SHIRE COUNCIL

## ELLEN AVENUE 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 COMMON PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
<b>DAVIES STREET</b>								
1	10386	195040 LOT: 18 LP: 44533	35 Davies ST, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
2	10387	195057 LOT: 17 LP: 44533	33 Davies ST, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
3	10385	195032 LOT: 19 LP: 34328	32 Davies ST, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
<b>ELLEN AVE</b>								
4	63010	456301 LOT: 2 PS: 846494C	3 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
5	63009	456293 LOT: 1 PS: 846494C	7 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
6	57478	453126 LOT: 1 PS: 811653F	13 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
7	57479	453134 LOT: 2 PS: 811653F	15 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
8	57480	454744 LOT: 3 PS: 811653F	17 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
9	57481	453142 LOT: 4 PS: 811653F	19 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
10	57482	453159 LOT: 5 PS: 811653F	21 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
11	57483	453167 LOT: 6 PS: 811653F	23 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
12	57484	453175 LOT: 7 PS: 811653F	25 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
13	10408	195222 LOT: 37 LP: 44581	2 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
14	10409	195230 LOT: 36 LP: 44581	4 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
15	10410	195248 LOT: 35 LP: 44581	6 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
16	10411	195255 LOT: 34 LP: 44581	8 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
17	10412	195263 LOT: 33 LP: 44581	10 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
18	10413	195271 LOT: 32 LP: 44581	12 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
19	10414	195289 LOT: 31 LP: 44581	14 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
20	10415	195297 LOT: 30 LP: 44581	16 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
21	10416	195305 LOT: 29 LP: 44581	18 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
22	10417	195313 LOT: 28 LP: 44581	20 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
23	10418	195321 LOT: 27 LP: 44581	22 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
24	10419	195339 LOT: 26 LP: 44581	24 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
25	10420	195347 LOT: 25 LP: 44581	26 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
26	10421	195354 LOT: 24 LP: 44581	28 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
27	10422	195362 LOT: 23 LP: 44581	30 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
28	10423	195370 LOT: 22 LP: 44581	32 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
29	10424	195388 LOT: 9 LP: 95241	34 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
30	10425	195396 LOT: 8 LP: 95241	36 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
31	10426	195404 LOT: 7 LP: 95241	38 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
32	10427	195412 LOT: 6 LP: 95241	40 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
33	10428	195420 LOT: 2 LP: 121522	42 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
34	10529	196410 LOT: 1 LP: 121522	44 Ellen AVE, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
<b>MAIN ROAD</b>								
35	10554	196642 LOT: 20 LP: 34328	31 Main RD, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
36	10553	196634 LOT: 1 LP: 44581	33 Main RD, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
37	56030	195438 LOT: 1 PS: 620576L	85 Main RD, SEASPRAY	1	1	1	\$9,074.32	\$9,074.32
<b>TOTALS</b>				<b>37</b>		<b>37</b>		<b>\$335,750.00</b>
<b>TOTAL ESTIMATED COST OF SCHEME</b>					<b>\$395,000</b>			
<b>COUNCIL CONTRIBUTION</b>					<b>\$59,250</b>			
<b>APPORTIONED AMOUNT</b>					<b>\$335,750</b>			

## ABU FACTOR CALCULATION FOR COMMON PROPERTY

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

Address	Factor
Nil	



## Method 3 – Fixed Fee - Access Benefit (Revised Maximun Levy)

## WELLINGTON SHIRE COUNCIL

## ELLEN AVENUE STREET CONSTRUCTION SCHEME - APPORTIONMENT OF COST - REVISED MAXIMUM LEVY - ACCESS ONLY

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMMON PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
<b>DAVIES STREET</b>								
1	10386	195040 LOT: 18 LP: 44533	35 Davies ST, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
2	10387	195057 LOT: 17 LP: 44533	33 Davies ST, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
3	10385	195032 LOT: 19 LP: 34328	32 Davies ST, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
<b>ELLEN AVE</b>								
4	63010	456301 LOT: 2 PS: 846494C	3 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
5	63009	456293 LOT: 1 PS: 846494C	7 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
6	57478	453126 LOT: 1 PS: 811653F	13 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
7	57479	453134 LOT: 2 PS: 811653F	15 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
8	57480	454744 LOT: 3 PS: 811653F	17 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
9	57481	453142 LOT: 4 PS: 811653F	19 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
10	57482	453159 LOT: 5 PS: 811653F	21 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
11	57483	453167 LOT: 6 PS: 811653F	23 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
12	57484	453175 LOT: 7 PS: 811653F	25 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
13	10408	195222 LOT: 37 LP: 44581	2 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
14	10409	195230 LOT: 36 LP: 44581	4 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
15	10410	195248 LOT: 35 LP: 44581	6 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
16	10411	195255 LOT: 34 LP: 44581	8 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
17	10412	195263 LOT: 33 LP: 44581	10 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
18	10413	195271 LOT: 32 LP: 44581	12 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
19	10414	195289 LOT: 31 LP: 44581	14 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
20	10415	195297 LOT: 30 LP: 44581	16 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
21	10416	195305 LOT: 29 LP: 44581	18 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
22	10417	195313 LOT: 28 LP: 44581	20 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
23	10418	195321 LOT: 27 LP: 44581	22 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
24	10419	195339 LOT: 26 LP: 44581	24 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
25	10420	195347 LOT: 25 LP: 45581	26 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
26	10421	195354 LOT: 24 LP: 44581	28 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
27	10422	195362 LOT: 23 LP: 44581	30 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
28	10423	195370 LOT: 22 LP: 44581	32 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
29	10424	195388 LOT: 9 LP: 95241	34 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
30	10425	195396 LOT: 8 LP: 95241	36 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
31	10426	195404 LOT: 7 LP: 95241	38 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
32	10427	195412 LOT: 6 LP: 95241	40 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
33	10428	195420 LOT: 2 LP: 121522	42 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
34	10529	196410 LOT: 1 LP: 121522	44 Ellen AVE, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
<b>MAIN ROAD</b>								
35	10554	196642 LOT: 20 LP: 34328	31 Main RD, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
36	10553	196634 LOT: 1 LP: 44581	33 Main RD, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
37	56030	195438 LOT: 1 PS: 620576L	85 Main RD, SEASPRAY	1	1	1	\$3,600.00	\$3,600.00
<b>TOTALS</b>				<b>37</b>		<b>37</b>		<b>\$133,200.00</b>
<b>TOTAL ESTIMATED COST OF SCHEME</b>					<b>\$395,000.00</b>			
<b>COUNCIL CONTRIBUTION</b>					<b>\$261,800.00</b>			
<b>APPORTIONED AMOUNT</b>					<b>\$133,200.00</b>			

## ABU FACTOR CALCULATION FOR COMMON PROPERTY

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

Address	Factor
Nil	

**ELLEN AVENUE, SEASPRAY – SPECIAL CHARGE STREET CONSTRUCTION  
SCHEME NUMBER 2204**

**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 Ellen Avenue (450m) along with a connecting section of Davies Street (120m) in Seaspray (to be known as the 'Ellen Avenue - Special Charge Street Construction Scheme Number 2204') (**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 Ellen Avenue and a connecting section of Davies Street, Seaspray

Ellen Avenue and Davies Street located within the residential area of Seaspray and currently they consists of a formed (but unsealed) gravel pavement of approximately 4 to 4.5m width and around a total of 570m in length with irregular surface drains. The road is primarily a rural type road, with the unsealed section extending for its full length. 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 dust, potholing, surface water drainage and Council's maintenance grading regime, which applied to the road. The initial work undertaken by Council in response to these concerns included the preparation of concept plan 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 6m width, with kerbing at the intersection, and improved road surface drainage and driveway crossovers.

The construction and sealing of Ellen Avenue and the connecting section of Davies Street 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, Ellen Avenue and Davies Street are designated as a 'Local Access B Road' respectively and (as required by the Plan), 62% or more of property owners have expressed support for its construction.

Consistent with the Plan, it is considered that the 37 ratable 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 Ellen Avenue and Davies Street, 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 37 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>\$395,000</b>
‘Benefit Ratio’ Determination	0.85 or 85%
<b>Maximum Total Levy Amount</b>	<b>\$ 335,750</b>
Further Council Contribution	\$ 202,550
<b>Revised Maximum Total Levy Amount</b>	<b>\$ 133,200</b>

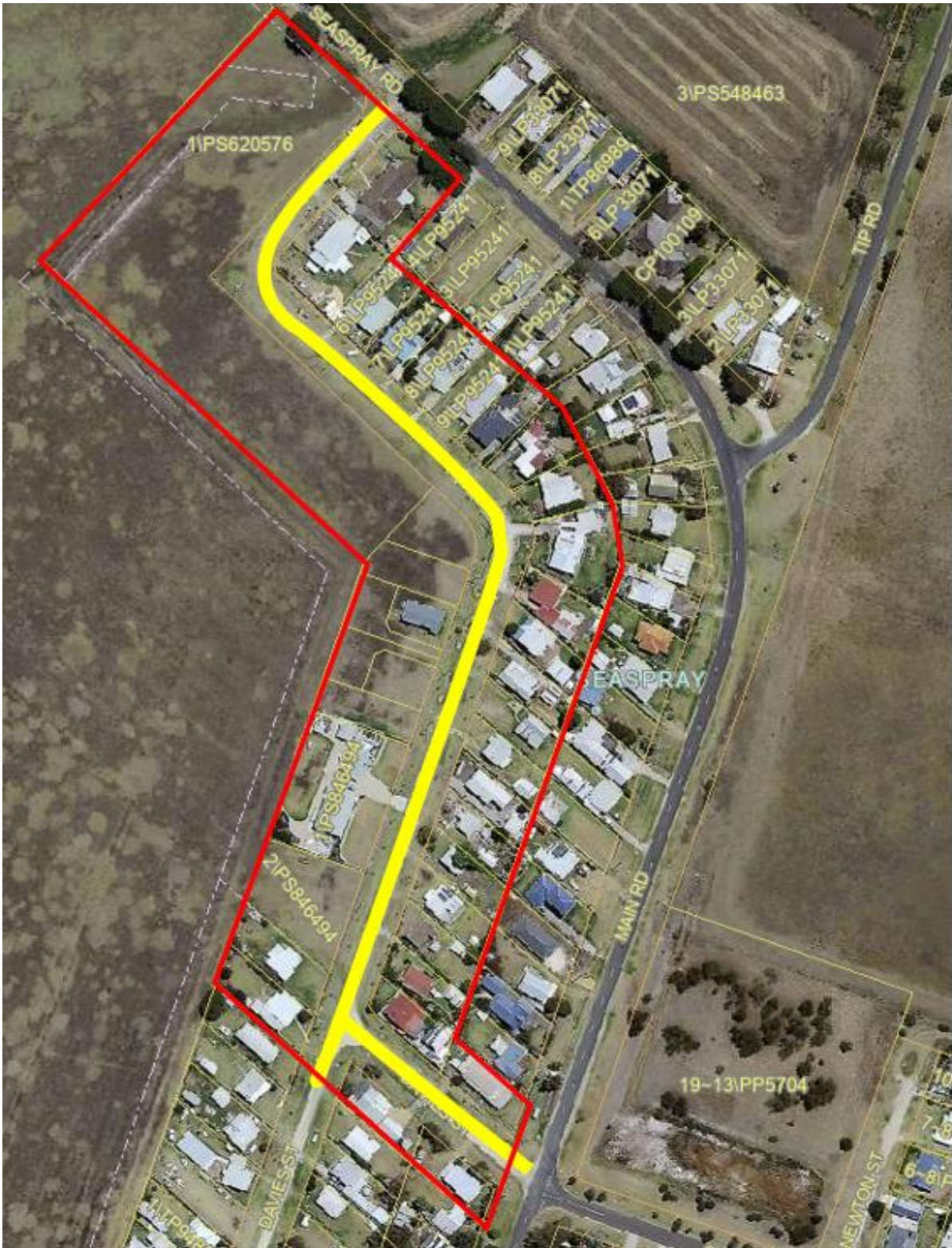
**D. Identify Special Beneficiaries**

It is considered that all 37 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 37 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	0.5 x 37 = 18.5 BU	0.5 x 37 = 18.5 BU
<b><math>TSB_{(in)} =</math></b>	<b>37 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 Ellen Avenue 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. From a traffic count in October 2022 it is estimated that there are 50 vehicle movements per day on the street (in its present form).

Based on these traffic movements, it is considered that the most of these vehicle movements relate to use by persons who are accessing or servicing the Special Benefit properties in the scheme (based on an average of 2 vehicle movements per day).

Therefore, the Total Special Benefits for 'road access' by the Special Benefit (in) properties is determined to be 18.5 BU (this is based on approximately 40 vehicle movements per day).

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 Ellen Avenue would not significantly increase, meaning that it is anticipated that there will be little additional vehicle movements per day following construction of the roads. The increase in traffic of the summer and easter holiday periods is considered marginal and generally only occurs in these holiday periods.

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–

$$\begin{aligned} \text{TCB}_{\text{traffic}} &= 18.5 \times (1 - (40 / 50)) \\ &= 18.5 \times 0.20 \\ \text{TCB}_{\text{traffic}} &= 2.7 \end{aligned}$$

*Improved drainage and water quality*

Sealing of the roads will result in improved road drainage and better water quality: It is recommended therefore that **2.0 BU** be allowed for this benefit, which is however considered to be a marginal benefit.

$$\text{TCB}_{\text{drainage}} = 2.0$$

*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 **2.0 BU** be allowed for this benefit, which again is considered to be a marginal benefit.

$$\text{TCB}_{\text{maintenance}} = 2.0$$

Therefore,

$$\begin{aligned} \text{TCB}_{\text{total}} &= \text{TCB}_{\text{traffic}} + \text{TCB}_{\text{drainage}} + \text{TCB}_{\text{maintenance}} \\ &= 2.7 + 2 + 2 \\ \text{TCB}_{\text{total}} &= 6.7 \end{aligned}$$

#### **H. Calculating the 'Benefit Ratio'**

The Benefit Ratio is calculated as follows –

$$\begin{aligned} R &= \frac{\text{TSB}_{(\text{in})}}{\text{TSB}_{(\text{in})} + \text{TSB}_{(\text{out})} + \text{TCB}} \\ &= 37 / (37 + 0 + 6.7) \\ &= 37 / 43.7 \end{aligned}$$

$$\text{Benefit Ratio (R)} = 0.85$$



### 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

<b>Maximum Total Levy Amount (R x C = S)</b>
0.85 x \$395,000 = \$335,750

Council may levy up to **85%** of total costs, or **\$335,750**

### J. Other relevant considerations

Council notes that if it levies the Maximum Total Levy Amount of \$133,200 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 \$202,550 in and towards the cost of the Scheme works, meaning that the Maximum Levy Amount to be charged to the Scheme will be \$133,200 (***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.

## 13.4. SPECIAL HEARING REPORT OBJECTION - SPECIAL CHARGE SCHEMES LONGFORD CENTRAL

### ACTION OFFICER: MANAGER BUILT ENVIRONMENT

#### PURPOSE

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

#### PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

#### RECOMMENDATION

***That:***

- 1. Council receive and consider the report from the Submissions Committee in relation to the Longford Central Special Charge Street Construction Scheme; and***
- 2. Having regard to the written submissions/objections opposing the proposed Street Construction Scheme and the Submission Committee finding that the proposed Special Charge Street Construction Scheme for Longford Central has been prepared in accordance with the provisions of the Local Government Act 1989, Council determine that the objections should not stop the scheme being considered for adoption; and***
- 3. The Chief Executive Officer write to the objectors and advise of the Council decision and the reason for that decision; 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 9 May 2023 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.***

#### BACKGROUND

Following the resolution of Council of the intention to declare the Longford Central Special Charge Street Construction Scheme at its 20 December 2022 meeting, Public Notices and copies of the notice were served on all owners of property intended to be included under the scheme on 10 January 2023. Written submissions were invited up until 17 February 2023 for anyone objecting to the scheme being declared, with three written objections being received by the Chief Executive Officer.

## **ATTACHMENTS**

1. Confidential Header Special Charge Scheme - Longford Central [**13.4.1** - 1 page]
2. CONFIDENTIAL REDACTED - Special Charge Scheme - Hearing Report Objection - Longford Central [**13.4.2** - 3 pages]
3. CONFIDENTIAL REDACTED - Special Charge Scheme - Objections - Longford Central [**13.4.3** - 11 pages]

## **OPTIONS**

Council has the following options available:

1. Receive and consider the report from the Submissions Committee (attached) in relation to the Longford Central Special Charge Street Construction Scheme; or
2. Not receive the report from the Submissions Committee in relation to the Longford Central Special Charge Street Construction Scheme.

## **PROPOSAL**

That:

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

## **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 although cost was not raised by the objectors Wellington Shire Council's Hardship Provisions are available for applications if required.

There are no further impacts to consider at this time.

## **COMMUNICATION IMPACT**

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

## **LEGISLATIVE IMPACT**

Written submissions were considered by the Submission Committee of Council in accordance with Section 223 of the *Local Government Act 1989*. Their report is provided in Attachment 1.

The scheme has been prepared in accordance with the *Local Government Act 1989*.

## **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 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**

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**

An information session was held at the Sale Golf Club on 7 July 2021.

## **RISK MANAGEMENT IMPACT**

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



WELLINGTON  
SHIRE COUNCIL  
*The Heart of Gippsland*

**ORDINARY COUNCIL MEETING  
6 JUNE 2023**

On this day, 9 May 2023, in accordance with Section 3(1) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached **SPECIAL HEARING REPORT OBJECTION - SPECIAL CHARGE SCHEMES LONGFORD CENTRAL** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

*(f) personal information; being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*

.....  
**CHRIS HASTIE**  
General Manager Built and Natural Environment

## 13.5. SPECIAL CHARGE STREET CONSTRUCTION SCHEME - DECLARATION OF SCHEME - LONGFORD CENTRAL

**ACTION OFFICER: GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT**

### **PURPOSE**

The purpose of this report is for Council to consider to formally proceed with the proposed Longford Central Special Charge Street Construction Scheme Number 2203 by way of formal declaration as a Special Charge under section 163(1) of the *Local Government Act 1989* for the construction and sealing of streets within the Longford Central area.

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

#### **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 Longford Central Area or any component of the Streets have not previously been constructed by way of a special rate or charge, hereby proceed 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.**

## **BACKGROUND**

The Longford township is located centrally in the Wellington Shire on the southern side of the Latrobe River. The township is located on the South Gippsland Highway approximately 10 kilometres south of Sale. The township and rural residential areas of Longford serve as home to a growing number of property owners who enjoy a rural atmosphere.

All streets within Longford township area are unsealed. These streets are of gravel formation, of variable width with irregular or no table drains. There is no formalised underground drainage system serving this area. The streets are managed and maintained by Wellington Shire Council.

A formal investigation of a special charge scheme for the whole of the township area was commenced following ongoing property owner concerns in relation to dust, rutting and the maintenance grading regime. This initial scheme including a concept design and cost estimation were presented to public meeting held with property owners on 7 July 2021. This meeting included an outline of the special charge methodology utilised to undertake improvements to whole of the Longford Township, in line with the Residential Road and Street Construction Plan 2019.

A follow up survey with property owners was mailed out on 12 October 2021 to determine the level of interest in such a proposal on a whole of town basis. This initial concept was not supported by a sufficient number of property owners. Through subsequent requests from property owners and a further analysis of the results by Council Officers the conceptual design was amended for a smaller scheme covering the central township area, being the east side of the South Gippsland Highway where a higher level of interest was shown.

The proposed Longford Central Area Street Construction Scheme would provide for the construction and sealing of the road to a six metre (6m) width including formed table drains, driveway crossovers and kerbing at intersections. A court bowl for turning traffic would also be provided at the western end of Clifford Street as part of the proposed works.

The construction and sealing of Longford central township area would reduce Wellington Shire Council's need for maintenance intervention, while providing a higher level of service and safety for these adjacent properties.

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

- reduction in dust;
- enhance the amenity of the area;
- creation of improved riding surfaces;
- improved access and egress from properties;
- improved drainage.

Following further investigation of potential methods to facilitate construction works in Longford Central Area, 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 contribution.

Subsequently, a follow up letter and new survey form was sent to each property owner within the revised scheme for Longford Central area, along with an information pamphlet and property apportionment cost to assess support for, or objection to, the revised scheme. This was mailed out on 5 August 2022

Results of the survey on the proposed revised scheme were;

	SUPPORT SCHEME		OPPOSE SCHEME		DID NOT REPLY	
	Count	Percentage	Count	Percentage	Count	Percentage
Property Owners (33)	25	76%	3	9%	5	15%
Properties (34)	26	76%	3	9%	5	15%

One property owner owns two properties in the scheme. There are two Council or exempt non-rateable properties.

Based on the survey results, the level of support for the Longford Central scheme exceeds the 60% threshold acceptance level outlined in the Residential Road and Construction Plan 2019 and therefore it is considered that there is sufficient support for the proposed Special Charge Scheme for Longford Central Scheme in Longford.

## **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 three written submissions/objections from property owners within the scheme.

This Report now addresses whether or not Council wishes to proceed with the proposed ‘Longford Central Special Charge Street Construction Scheme - Number 2203’ by way of formal declaration as a Special Charge Scheme under section 163(1) of the Act for the construction of streets within the central area of the Longford township, and related ancillary works, including road surface drainage and vehicle crossings.



## ATTACHMENTS

1. Declaration of Special Charge - Longford Central [13.5.1 - 7 pages]
2. Maximum Total Levy - Longford Central [13.5.2 - 8 pages]

## OPTIONS

Council has the following options available:

1. Progress the proposed special charge scheme through a full cost recovery apportionment method, by advertising the intention to declare the Special Charge Scheme; or
2. Having trialled and considered other methods of apportionment, progress the proposed scheme through the 'fixed fee method' as outlined in Council's Residential Road and Street Construction Plan, by advertising the intention to declare the Special Charge Scheme; or
3. Not progress the intention to declare the Special Charge Scheme.

## PROPOSAL

The proposal which is now presented for Council 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 street construction in Longford Central area and for the provision of road construction 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

Total costs applicable to the Special Charge Scheme are estimated to be \$740,000. The amount to be recovered under the scheme does 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 total special benefits and community benefits to be provided by the works, \$122,400 of the costs are to be apportioned to properties within the Special Charge scheme, with the balance funded by Council.

Amount apportioned to properties within scheme:	\$122,400
Portion of cost to be recovered from Council as direct costs:	\$617,600
Total estimated cost of scheme:	\$740,000

There is one multiple property owner. There are two non-rateable or exempt properties located within the scheme boundary.

The resultant financial impact is a cost to Council estimated at \$617,600 to be funded through the Roads to Recovery Program.

The method of apportioning the costs for this scheme is uniform and is based on access.

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 trialled and considered a number of different methods of apportionment of the Proposed Declaration of Special Charge - Schedule 2 (Methods 1 & 2), and this has included the completion of a property apportionment based on access only and a combination of access and frontage to the Maximum Total Levy Amount as calculated using the Benefit Ratio calculated for this proposed special charge scheme – see attached Maximum Total Levy.

On this basis, the cost per property under such apportionment methods would have been between either \$13,495 and \$24,185 or, \$17,629 considerably more on an average per property owner basis than the method of distribution which is being proposed for Council's present 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 Proposed Declaration of Special Charge), is considered to be fair and reasonable.

Property owners liable to pay under the Special Charge scheme will be invoiced within 12 months of the scheme declaration. Options for payment include full payment within 45 days or 20 quarterly instalments (over 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 *Local Government Act 1989* (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 with the assistance of external contract engineering support for the survey and design of the scheme. 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 general positive community impact as it will result in the unsealed streets in Longford central township area being fully sealed in line with current service standards. Community benefit is reflected in Council contribution toward 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:

- Information letter advising property owners of street works proposal for whole of Longford Township on 15 June 2021;

- Public meeting held at Sale Golf Course on 7 July 2021;
- Mail out survey of all property owners whole of Longford Township on 12 October 2021;
- Letter sent advising whole of township scheme would not proceed;
- Mail out survey of all property owners (Longford Central) on 5 August 2022;
- Follow up phone calls and emails requesting replies to the survey;
- Letter advising of Intention to Declare the scheme on 13 January 2023;
- Formal public notice under sections 163B and 223 of the *Local Government Act 1989*; and
- Section 223 Committee Hearings of submissions/objections.

Ongoing consultation will be carried out through recommendations 2 and 3 of this report.

### **RISK MANAGEMENT IMPACT**

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

**DECLARATION OF SPECIAL CHARGE****'Longford Central - Special Charge Street Construction Scheme Number 2203'**

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 preparation, forming and sealing of certain streets in the Longford Central township area as those streets and roads set out in paragraph 2 of this Proposed Declaration and as they are otherwise shown on the plan which is attached and which forms a part of the Proposed Declaration of Special Charge Scheme Number 2203 (**Scheme Plan**) and for provision all and any necessary ancillary works associated with the construction of the Road, including table drainage, driveway crossover and culverts (from road edge to building line). The Scheme, if declared, is to be known as the 'Longford Central - Special Charge Street Construction Scheme Number 2203'.
2. The streets and the roads to be constructed are (under Council's Road Management Plan) all designated by Council as (or will become) 'Local Access B' roads and are set out as follows –
  - (a) Arden Street;
  - (b) Audley Street (CH100 - CH300);
  - (c) Clifford Street
  - (d) High Street (for 20m north of Spencer St);
  - (e) Madeline Street
  - (f) Spencer Street
3. 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 (being properties within the Township of Coongulla as shown on the Scheme Plan) and, based on the application of access benefit units, including having regard to the driveway access of those properties in the Scheme to streets and roads to be formed and sealed (as the properties are set out in paragraphs 8 and 9 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.
4. 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**).
5. The total cost of the performance of the function and the exercise of the power by Council (in relation to the Works) is \$740,000 and this amount is the total estimated cost of the Works to be undertaken by the Scheme.

6. The total amount to be levied under the Scheme as the Special Charge is \$122,400
7. 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.
8. The area for which the 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 proposed declaration (being **Schedule 1**).
9. The land in relation to which the 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**).
10. The 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.
11. 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 12.
12. 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.
  - (c) Quarterly installments invoicing will commence within 12 months of the scheme declaration.
13. Council will consider cases of financial and other hardship, and may consider other payment options for the Special Charge.
14. No incentives will be given for the payment of the Special Charge before the due date for payment.

15. 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 proposed 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.
16. 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 0.81 or 81%, 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 \$122,400.

### **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

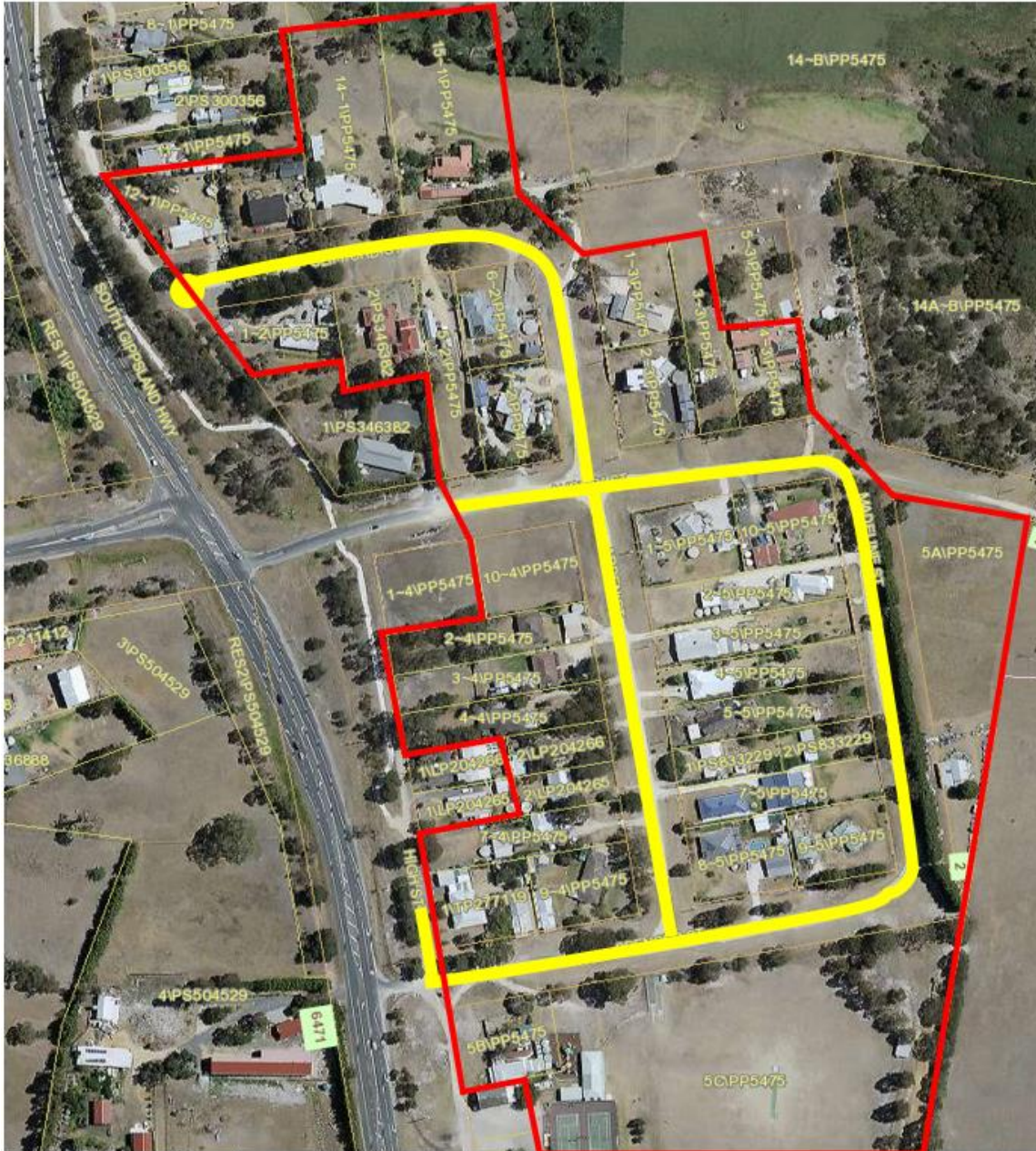
Method 2 - Maximum Levy at 100% Access Benefit

Method 3 - Fixed Fee

Schedule 1

LONGFORD CENTRAL  
PLAN OF SPECIAL CHARGE SCHEME AREA.

Scheme Boundary 





## Schedule 2

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

## WELLINGTON SHIRE COUNCIL

LONGFORD CENTRAL TOWNSHIP 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>ARDEN STREET</b>								
1	9373	185264 CA: 7 SEC: 5	6 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
2	62284	452904 LOT: 1 PS: 833229V	8 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
3	9375	185280 CA: 5 SEC: 5	10 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
4	9376	185298 CA: 4 SEC: 5	12 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
5	9377	185306 CA: 3 SEC: 5	14 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
6	9381	185330 CA: 1 SEC: 3	26-28 Arden ST, LONGFORD	1	50.3	0	50.3	\$20,528.01
7	9387	185389 CA: 7 SEC: 2	21-23 Arden ST, LONGFORD	1	50.3	40.2	62.36	\$23,336.41
8	9364	185173 CA: 10 SEC: 4	17-19 Arden ST, LONGFORD	1	40.2	50.3	55.29	\$21,690.03
9	9365	185181 CA: 2 SEC: 4	15 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
10	9366	185199 CA: 3 SEC: 4	13 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
11	9367	185207 CA: 4 SEC: 4	11 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
12	9368	185223 LOT: 2 PS: 204266	7-9 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
13	9369	185223 LOT: 2 PS: 204265	7 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
14	9370	185231 CA: 7 SEC: 4	5 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
15	9371	185249 CA: 9 SEC: 4	3 Arden ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
<b>AUDLEY ST</b>								
16	9380	185322 CA: 1 SEC: 5	10-12 Audley ST, LONGFORD	1	50.3	40.2	62.36	\$23,336.41
17	9382	185348 CA: 10 SEC: 5	14-16 Audley ST, LONGFORD	1	50.3	40.2	62.36	\$23,336.41
18	9383	185355 CA: 4 SEC: 3	19 Audley ST, LONGFORD	1	40.2	0	40.2	\$18,176.04
19	9385	185363 CA: 3 SEC: 3	15 Audley ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
20	9386	185371 CA: 2 SEC: 3	11-13 Audley ST, LONGFORD	1	40.2	50.3	55.29	\$21,690.03
<b>CLIFFORD ST</b>								
21	47619	378513 CA: 1 SEC: 2	2-4 Clifford ST, LONGFORD	1	61.2	0	61.2	\$23,066.29
22	9422	185710 LOT: 2 PS: 346382C	6-8 Clifford ST, LONGFORD	1	40.2	0	40.2	\$18,176.04
23	9423	185736 CA: 5 SEC: 2	10 Clifford ST, LONGFORD	1	20.1	20.1	26.13	\$14,899.57
24	9424	185744 CA: 6 SEC: 2	12-14 Clifford ST, LONGFORD	1	40.2	50.3	55.29	\$21,690.03
25	9418	185678 CA: 15 SEC: 1	13-15 Clifford ST, LONGFORD	1	50.3	0	50.3	\$20,528.01
26	9419	185686 CA: 14 SEC: 1	9-11 Clifford ST, LONGFORD	1	40.2	0	40.2	\$18,176.04
27	9420	185694 CA: 13 SEC: 1	5-7 Clifford ST, LONGFORD	1	45.6	0	45.6	\$19,433.53
<b>HIGH ST</b>								
28	9448	186007 CA: 5B	6-8 High ST, LONGFORD					exempt property
29	9449	186015 LOT: 1 TP: 277119	10-12 High ST, LONGFORD	1	40.2	50.3	55.29	\$21,690.03
30	9453	186056 CA: 12 SEC: 1	40-42 High ST, LONGFORD	1	32.4		32.4	\$16,359.66
<b>LONGFORD LOCH SPORT RD</b>								
31	48295	186262 CA: 5C	7 Longford-Loch Sport RD, LONGFORD					exempt property
<b>MADLINE ST</b>								
32	9504	186445 CA: 5A	2 Madeline ST, LONGFORD	1	0	220	66	\$24,184.06
33	62285	452912 LOT: 2 PS: 833229V	7 Madeline ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
34	9378	185314 CA: 2 SEC: 5	15 Madeline ST, LONGFORD	1	20.1	0	20.1	\$13,495.37
<b>SPENCER ST</b>								
35	9372	185256 CA: 8 SEC: 5	9-11 Spencer ST, LONGFORD	1	50.3	40.2	62.36	\$23,336.41
36	9519	186601 CA: 9 SEC: 5	13-15 Spencer ST, LONGFORD	1	50.3	40.2	62.36	\$23,336.41
<b>TOTALS</b>				<b>34</b>	<b>1094.3</b>	<b>642.3</b>	<b>1287.0</b>	<b>\$599,400.00</b>
<b>TOTAL ESTIMATED COST OF SCHEME</b>					<b>\$ 740,000</b>			
<b>COUNCIL CONTRIBUTION</b>					<b>\$ 140,600</b>			
<b>APPORTIONED AMOUNT</b>					<b>\$ 599,400</b>			
AMOUNT APPORTIONED TO ACCESS - 50%					\$ 299,700			
AMOUNT APPORTIONED TO FRONTAGE 50%					\$ 299,700			
Apportionment Rate - (Access Benefit Units)					\$ 8,814.71	per ABU (R)		
Apportionment Rate - (Abuttal Length)					\$ 232.87	per m (R)		

## Method 2 - Maximum Levy at 100% Access Benefit

## WELLINGTON SHIRE COUNCIL

LONGFORD CENTRAL TOWNSHIP 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 COMMON PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)	
<b>ARDEN STREET</b>									
1	9373	185264	CA: 7 SEC: 5	6 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
2	62284	452904	LOT: 1 PS: 833229V	8 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
3	9375	185280	CA: 5 SEC: 5	10 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
4	9376	185298	CA: 4 SEC: 5	12 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
5	9377	185306	CA: 3 SEC: 5	14 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
6	9381	185330	CA: 1 SEC: 3	26-28 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
7	9387	185389	CA: 7 SEC: 2	21-23 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
8	9364	185173	CA: 10 SEC: 4	17-19 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
9	9365	185181	CA: 2 SEC: 4	15 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
10	9366	185199	CA: 3 SEC: 4	13 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
11	9367	185207	CA: 4 SEC: 4	11 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
12	9368	185223	LOT: 2 PS: 204266	7-9 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
13	9369	185223	LOT: 2 PS: 204265	7 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
14	9370	185231	CA: 7 SEC: 4	5 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
15	9371	185249	CA: 9 SEC: 4	3 Arden ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
<b>AUDLEY ST</b>									
16	9380	185322	CA: 1 SEC: 5	10-12 Audley ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
17	9382	185348	CA: 10 SEC: 5	14-16 Audley ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
18	9383	185355	CA: 4 SEC: 3	19 Audley ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
19	9385	185363	CA: 3 SEC: 3	15 Audley ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
20	9386	185371	CA: 2 SEC: 3	11-13 Audley ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
<b>CLIFFORD ST</b>									
21	47619	378513	CA: 1 SEC: 2	2-4 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
22	9422	185710	LOT: 2 PS: 346382C	6-8 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
23	9423	185736	CA: 5 SEC: 2	10 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
24	9424	185744	CA: 6 SEC: 2	12-14 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
25	9418	185678	CA: 15 SEC: 1	13-15 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
26	9419	185686	CA: 14 SEC: 1	9-11 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
27	9420	185694	CA: 13 SEC: 1	5-7 Clifford ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
<b>HIGH ST</b>									
28	9448	186007	CA: 5B	6-8 High ST, LONGFORD					exempt property
29	9449	186015	LOT: 1 TP: 277119	10-12 High ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
30	9453	186056	CA: 12 SEC: 1	40-42 High ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
<b>LONGFORD LOCH SPORT RD</b>									
31	48295	186262	CA: 5C	7 Longford-Loch Sport RD, LONGFORD					exempt property
<b>MADLINE ST</b>									
32	9504	186445	CA: 5A	2 Madeline ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
33	62285	452912	LOT: 2 PS: 833229V	7 Madeline ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
34	9378	185314	CA: 2 SEC: 5	15 Madeline ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
<b>SPENCER ST</b>									
35	9372	185256	CA: 8 SEC: 5	9-11 Spencer ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
36	9519	186601	CA: 9 SEC: 5	13-15 Spencer ST, LONGFORD	1	1	1	\$17,629.41	\$17,629.41
<b>TOTALS</b>					<b>34</b>		<b>34</b>		<b>\$599,400.00</b>
<b>TOTAL ESTIMATED COST OF SCHEME</b>						<b>\$740,000</b>			
<b>COUNCIL CONTRIBUTION</b>						<b>\$140,600</b>			
<b>APPORTIONED AMOUNT</b>						<b>\$599,400</b>			

ABU FACTOR CALCULATION FOR COMMON PROPERTY

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

Address Factor

Nil

## Method 3 – Fixed Fee - Access Benefit (Revised Maximun Levy)

## WELLINGTON SHIRE COUNCIL

## LONGFORD CENTRAL TOWNSHIP STREET CONSTRUCTION SCHEME - APPORTIONMENT OF COST - REVISED MAXIMUM LEVY - ACCESS ONLY

PARCEL NO.	ASSES. NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMMON PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
<b>ARDEN STREET</b>								
1	9373	185264 CA: 7 SEC: 5	6 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
2	62284	452904 LOT: 1 PS: 833229V	8 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
3	9375	185280 CA: 5 SEC: 5	10 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
4	9376	185298 CA: 4 SEC: 5	12 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
5	9377	185306 CA: 3 SEC: 5	14 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
6	9381	185330 CA: 1 SEC: 3	26-28 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
7	9387	185389 CA: 7 SEC: 2	21-23 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
8	9364	185173 CA: 10 SEC: 4	17-19 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
9	9365	185181 CA: 2 SEC: 4	15 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
10	9366	185199 CA: 3 SEC: 4	13 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
11	9367	185207 CA: 4 SEC: 4	11 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
12	9368	185223 LOT: 2 PS: 204266	7-9 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
13	9369	185223 LOT: 2 PS: 204265	7 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
14	9370	185231 CA: 7 SEC: 4	5 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
15	9371	185249 CA: 9 SEC: 4	3 Arden ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
<b>AUDLEY ST</b>								
16	9380	185322 CA: 1 SEC: 5	10-12 Audley ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
17	9382	185348 CA: 10 SEC: 5	14-16 Audley ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
18	9383	185355 CA: 4 SEC: 3	19 Audley ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
19	9385	185363 CA: 3 SEC: 3	15 Audley ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
20	9386	185371 CA: 2 SEC: 3	11-13 Audley ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
<b>CLIFFORD ST</b>								
21	47619	378513 CA: 1 SEC: 2	2-4 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
22	9422	185710 LOT: 2 PS: 346382C	6-8 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
23	9423	185736 CA: 5 SEC: 2	10 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
24	9424	185744 CA: 6 SEC: 2	12-14 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
25	9418	185678 CA: 15 SEC: 1	13-15 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
26	9419	185686 CA: 14 SEC: 1	9-11 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
27	9420	185694 CA: 13 SEC: 1	5-7 Clifford ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
<b>HIGH ST</b>								
28	9448	186007 CA: 5B	6-8 High ST, LONGFORD		exempt property			
29	9449	186015 LOT: 1 TP: 277119	10-12 High ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
30	9453	186056 CA: 12 SEC: 1	40-42 High ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
<b>LONGFORD LOCH SPORT RD</b>								
31	48295	186262 CA: 5C	7 Longford-Loch Sport RD, LONGFORD		exempt property			
<b>MADLINE ST</b>								
32	9504	186445 CA: 5A	2 Madeline ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
33	62285	452912 LOT: 2 PS: 833229V	7 Madeline ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
34	9378	185314 CA: 2 SEC: 5	15 Madeline ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
<b>SPENCER ST</b>								
35	9372	185256 CA: 8 SEC: 5	9-11 Spencer ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
36	9519	186601 CA: 9 SEC: 5	13-15 Spencer ST, LONGFORD	1	1	1	\$3,600.00	\$3,600.00
<b>TOTALS</b>				34		34		\$122,400.00
<b>TOTAL ESTIMATED COST OF SCHEME</b>					\$740,000.00			
<b>COUNCIL CONTRIBUTION</b>					\$617,600.00			
<b>APPORTIONED AMOUNT</b>					\$122,400.00			

## ABU FACTOR CALCULATION FOR COMMON PROPERTY

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

Address Factor

Nil

**LONGFORD CENTRAL TOWNSHIP STREET CONSTRUCTION SCHEME  
SPECIAL CHARGE SCHEME NUMBER 2203**

**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 part of the Longford Township (to be known as the 'Longford Central Township Street Construction Scheme Number 2203') (**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, improvement and surface drainage of specified streets and roads within parts of the Township of Longford (collectively, **Streets**).

The Streets are all located within the Township of Longford and are otherwise located in a residential area, and currently consist of formed (but unsealed) gravel pavements of approximately 1250 metres in length (Arden Street 350m, Audley Street 200m (from CH100), Clifford Street 200m, High Street (20m north of Spencer St), Madeline Street 230m, Spencer St 250m), with irregular table drains. The streets are primarily rural-type roads (servicing the Township of Longford), with unsealed sections extending for the full length of the streets as detailed above. The streets are 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 had applied to the streets. 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 streets to a 6.0m width, with kerbing being proposed at intersections of streets, and improved surface drainage and stormwater management, and other improvements.

The construction and sealing of the Streets will reduce Council's need for ongoing maintenance intervention, while providing, in the context and for the benefit of the of the Township overall, a higher level of service for property owners and occupiers, and the general public. Under Council's Road Management Plan, the Streets are designated as 'Local Access B Roads' and (as required by the Plan) 60% or more of property owners have expressed support for the construction and improvement of the Streets. 34 rateable properties (being 36 total properties, less 2 non-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 the local community through quality infrastructure and streetscape;
- Removal of dust and health related issues currently experienced in unsealed streets;
- Improved safety for motorists and pedestrians with modern road and path 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 and paths;
- Increased community satisfaction via the provision of property infrastructure that meets expectations;
- Improved high density development opportunities in existing urban environments.

Following further investigation of potential methods to facilitate the construction works in the Scheme, a further consideration of survey results and further meetings 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 drainage improvement works to be located within the Scheme area will provide a special benefit to the rateable property owners located within the Scheme boundaries, 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>\$740,000</b>
‘Benefit Ratio’ Determination	<b>0.81 or 81%</b>
<b>Maximum Total Levy Amount</b>	<b>\$599,400</b>
<b>Further Council Contribution</b>	<b>\$477,000</b>
<b>Revised Maximum Total Levy Amount</b>	<b>\$122,400</b>

**D. Identify Special Beneficiaries**

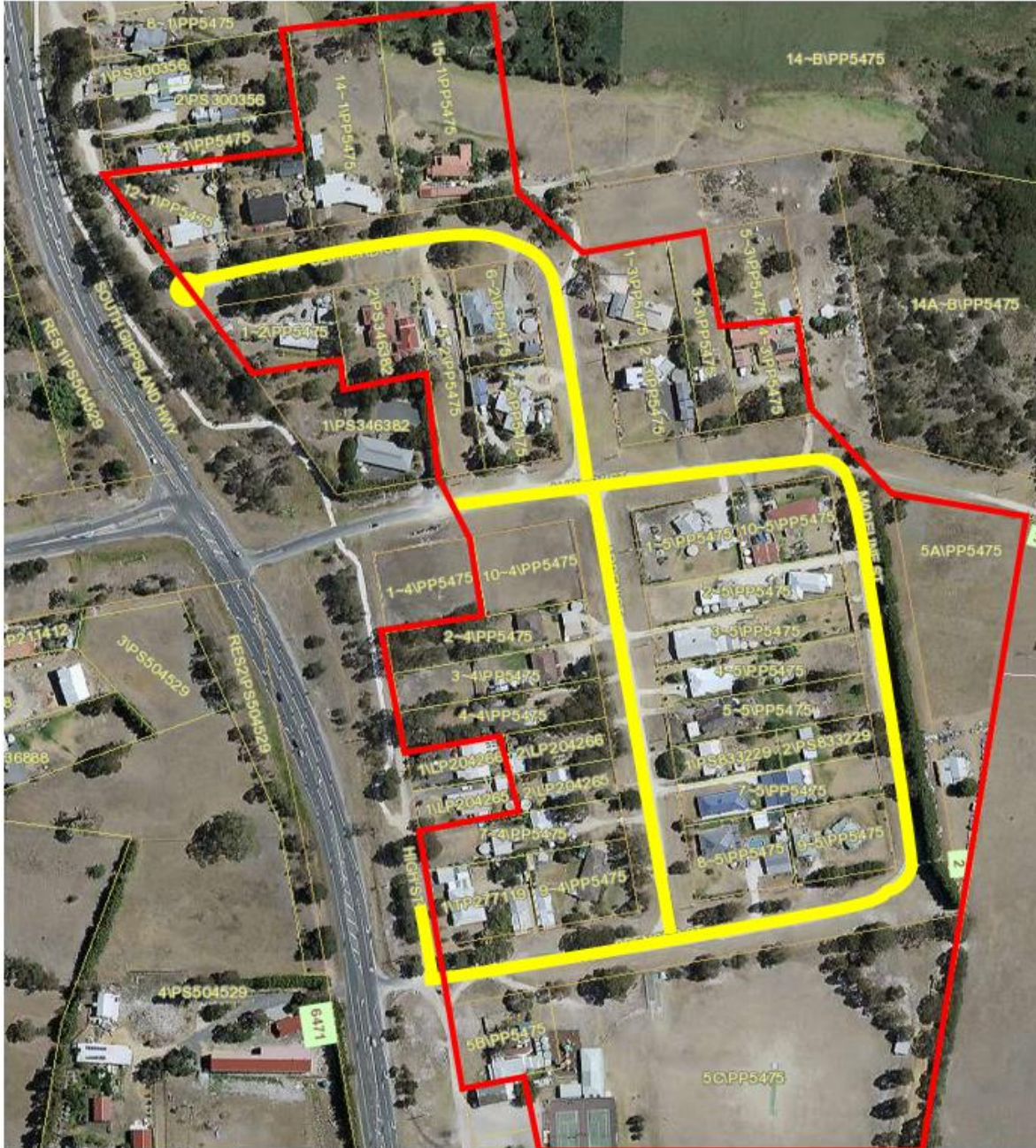
It is considered that all 34 rateable properties in the Scheme (as they are listed in the apportionment spreadsheet) will receive both road and surface drainage related special benefits from the proposed works.

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 34 rateable and chargeable properties and the location of the Streets to be constructed) is shown 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 (that is, and 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) 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 benefits and amenity benefits (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 <sub>(in)</sub> + Total Special Benefits <sub>(Out)</sub>, that is –

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

**TSB** <sub>(in)</sub> has been calculated as follows –

Total Special Benefit Units In (TSB <sub>(in)</sub> )	Access (50%)	Amenity (50%)
Total number of Rateable Properties in Scheme receiving Special Benefit and being required to pay the Special Charge (92)	0.5 x 34 = 17 BU	0.5 x 34 = 17BU
<b>TSB</b> <sub>(in)</sub> =	<b>34 BU</b>	

There are 2 non-rateable parcels of land in the Scheme (being Council land used for various municipal purposes). These properties are considered to be receiving a special benefit but are not required to pay the Special Charge.

These properties are referred to as **TSB** <sub>(out)</sub> properties.

**TSB** <sub>(out)</sub> has been calculated as follows –



Total Special Benefit Units Out (TSB <sub>(out)</sub> )	Access (50%)	Amenity (50%)
Total number of Non-rateable Properties in Scheme receiving Special Benefit and not being required to pay the Special Charge (3)	0.5 x 2 = 1 BU	0.5 x 2 = 1BU
<b>TSB <sub>(out)</sub> =</b>	<b>2 BU</b>	

### 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.

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

The community benefits are considered to be –

- General improvement in township amenity and liveability;
- General improvement in trafficability of roads serving the Township;
- General improvement in drainage and water quality; and
- Reduced ongoing maintenance costs for Council.

#### *Improved township amenity*

The sealing of the roads and the other works to be provided will result in an overall improvement in the amenity and liveability of the Longford Central Township. Whilst this benefit is very difficult to quantify, it is recommended that **2 BU** be allowed for this benefit, which is however considered to be a general benefit in circumstances where it is otherwise considered that most of the benefits of the works will be received by the abutting properties owners and occupiers, and their visitors.

$$TCB_{\text{township amenity}} = 2$$

#### *Improved trafficability of roads*

It is anticipated that there will be some wider community benefit attributable to persons who are not accessing or servicing the properties within the Scheme boundary (but who will nevertheless use the roads for wider access purposes) and in particular Spencer Street, as the principal access to the Public Hall & Kindergarten

Despite this, and on the basis that the roads to be improved only service the movement of local traffic within the Township (and do not in any real sense connect into the wider network of public (through) roads for which Council is responsible), the benefits attributable to any broader traffic use of the roads, (over the summer & Easter school holidays) is considered marginal and generally only occurs during these holiday periods.

For this reason, officers have carried out limited traffic studies. It is otherwise considered reasonable for Council to rely on, and be guided by, its own estimates based on Council's own local knowledge and experience.

On this basis, it is recommended that an allowance be made for what may be some increase in traffic movements during holiday periods, accordingly, any projected increase in external traffic will account for the Total Community Benefit, and this will result in the calculation of the following **2 BU's** for any such traffic by the broader community.

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

$$\text{TCB}_{\text{traffic}} = 2$$

*Improved drainage and water quality*

Sealing of the roads will result in improved surface 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 sealed roads, rather than unsealed roads: It is recommended therefore that **1 BU** be allowed for this benefit, which is considered to be a marginal benefit.

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

Therefore,

$$\begin{aligned} \text{TCB}_{\text{total}} &= \text{TCB}_{\text{township amenity}} + \text{TCB}_{\text{traffic}} + \text{TCB}_{\text{drainage}} + \text{TCB}_{\text{maintenance}} \\ &= 2 + 2 + 1 + 1 \end{aligned}$$

$$\text{TCB}_{\text{total}} = 6$$

It is otherwise noted that the Township has a public hall and sporting oval that supports various community activities. The public hall is located within the main park/public reserve within the Township, which also includes tennis courts, barbeque facilities and public toilets.

**I. Calculating the 'Benefit Ratio'**

The Benefit Ratio is calculated as follows –

$$R = \frac{\text{TSB}_{(in)}}{\text{TSB}_{(in)} + \text{TSB}_{(out)} + \text{TCB}}$$

$$= 34 / (34 + 2 + 6)$$

$$= 34 / 42$$

**Benefit Ratio = 0.81 or 81%**

**J. 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

<b>Maximum Total Levy Amount (R x C = S)</b>
0.81 x \$740,000 = \$599,400

Council may levy up to 81% of total costs, or \$599,400

**K. Other relevant considerations**

Council notes that if it levies the Maximum Total Levy Amount of \$599,400 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 \$477,000 in and towards the cost of the Scheme works, meaning that the Maximum Levy Amount to be charged to the Scheme will be \$122,400 (**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.

<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 and Coastal Towns where sealed roads are to be provided.

## 14. 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.

## 15. 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.*

## 15.1. PROCUREMENT AND IMPLEMENTATION OF ELECTRONIC DOCUMENT AND RECORDS MANAGEMENT SOLUTION TENDER EVALUATION



WELLINGTON

SHIRE COUNCIL

*The Heart of Gippsland*

### ORDINARY COUNCIL MEETING 6 JUNE 2023

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. On this day 18 May 2023, pursuant to sections 3(1) Confidential Information and 66(5) of the *Local Government Act 2020*; I, Arthur Skipitaris (Delegate) declare that the information contained in this report **PROCUREMENT AND IMPLEMENTATION OF ELECTRONIC DOCUMENT AND RECORDS MANAGEMENT SOLUTION REPORT** is designated as confidential because it relates to the following grounds:

**(g) private commercial information, being information provided by a business, commercial or financial undertaking that —**

**(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;**

The grounds for designation under section 3(1)(g)(ii) have been made as the information is deemed commercial-in-confidence to protect the privacy of the contractor information submitted for consideration.

ARTHUR SKIPITARIS GENERAL MANAGER CORPORATE SERVICES (DELEGATE)