



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

COUNCIL MEETING AGENDA ORDINARY MEETING

Meeting to be held at

Wellington Centre – Wellington Room

Foster Street, Sale

Tuesday 1 June 2021, commencing at 3:00 PM

**or join Wellington on the Web:
www.wellington.vic.gov.au**

**ORDINARY MEETING OF COUNCIL
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COUNCIL MEETING INFORMATION

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

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

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

ACKNOWLEDGEMENT OF COUNTRY

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

PRAYER

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

Amen

1. APOLOGIES

2. DECLARATION OF CONFLICT/S OF INTEREST

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 18 May 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 18 May 2021.

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. CHIEF EXECUTIVE OFFICER

11.1. REVIEW CEO APPOINTMENT TO THE BOARD OF DESTINATION GIPPSLAND LTD

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

That Council review the appointment of the Chief Executive Officer (CEO), Mr David Morcom, as a Director of the Board of Destination Gippsland Ltd.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council approve the continuation of the appointment of the Chief Executive Officer (CEO), Mr David Morcom, as a Director of the Board of Destination Gippsland Ltd.

BACKGROUND

At the Council meeting on 2 June 2020, Council appointed the CEO, Mr David Morcom, as a Director to the Board of Destination Gippsland Ltd (DGL).

DGL's company constitution requires that the Board of Directors include Chief Executive Officers of Local Government Areas, hence the reason for David Morcom's appointment to this role.

DGL is the Regional Tourism Board and the peak tourism organisation for the region in eastern Victoria. The organisation was established in 2008 with the support of Visit Victoria, Parks Victoria and the six member councils of One Gippsland / Gippsland Local Government Network (Bass Coast Shire Council, Baw Baw Shire Council, South Gippsland Shire Council, Latrobe City Council, Wellington Shire Council and East Gippsland Shire Council).

DGL's role is to grow and serve the Gippsland tourism sector and work in partnership with the industry and government to deliver rewarding and lasting economic, environmental and social outcomes.

Destination Gippsland and TRC Tourism have developed an aspirational plan to strengthen the region. Accompanying the Plan is a larger Regional Tourism Review by the Victorian Government to identify opportunities to enhance the value of tourism in regional Victoria.

Update

Council has reviewed DGL's "Towards 2030 - Gippsland Management Plan" and agrees that given David's depth of experience, his appointment to the DGL Board should continue, as this will support Gippsland Tourism and DGL to meet its strategic priorities, which are:

- Collaborative and effective leadership and governance across industry and community
- Strengthen Gippsland's appeal as a destination through brand awareness and co-ordinated marketing.

- Develop Gippsland's experiences that encourage new and existing markets to visit, stay and spend.
- Invest in diverse and exciting regional events.
- Invest in place-making to support the visitor economy.
- Revitalise visitor servicing across the region.
- Create industry partnerships to foster and grow the Gippsland visitor economy.

ATTACHMENTS

Nil

OPTIONS

Council has the following options available:

1. Approve the continuation of the appointment of the CEO, Mr David Morcom, as a Director of the Board of Destination Gippsland Ltd; or
2. Not approve the continuation of the appointment of the CEO, Mr David Morcom, as a Director of the Board of Destination Gippsland Ltd and seek further information for consideration at a future Council meeting.

PROPOSAL

For Council to review the appointment of the CEO, Mr David Morcom, as a Director of the Board of Destination Gippsland Ltd.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

The cost to Council for membership of DGL was \$33,940.00 (excluding GST) for 2020/21. All Gippsland councils contribute an equal amount in accordance with the current Tourism Services Funding Agreement. It should be noted that the agreement includes a 2% increase for the next financial year.

Any additional costs of Board appointment borne by Council would be those related to travel and incidental expenses incurred as a result of attendance at Board meetings. No Directors fees are paid.

COMMUNICATION IMPACT

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

LEGISLATIVE IMPACT

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

COUNCIL POLICY IMPACT

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

COUNCIL PLAN IMPACT

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

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.

12. GENERAL MANAGER CORPORATE SERVICES

12.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 10 May 2021 to 23 May 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 10 May 2021 to 23 May 2021.

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 10 May 2021 to 23 May 2021.

ATTACHMENTS

1. Assembly of Councillors - Council Day - 18 May 2021 [12.1.1 - 3 pages]

OPTIONS

Council has the following options:

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

PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 10 May 2021 to 23 May 2021.

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

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."*

This report supports the above Council Plan strategic objective and strategy.

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 – 18 MAY 2021

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 CEO	Yes	N/A
	Cr Rossetti	Yes	Jarrold Lovas, ICT Support Services Contractor	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	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	Sharon Houlihan, GM Community & Culture	Yes	N/A
	Cr Rossetti	Yes	Chris Hastie, GM Built & Natural Environment	Yes	N/A
	Cr Stephens	Yes	Brent McAlister, GM Development	Yes	N/A

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE
Workshops (cont.)	BRIEF UPDATES A) DOG PARKS/DAM REVIEW UPDATE B) PRE 'CGT QUARTERLY UPDATE WORKSHOP' COUNCILLOR UPDATE C) COUNCIL PLAN CONSULTATION UPDATE	A) Brent McAlister, General Manager Development Tim Rowe, Manager Natural Environment and Parks B) Brent McAlister, General Manager Development Geoff Hay, Acting Manager Business Development Ashley Smirl, Marketing Campaign Coordinator C) Bodye Darvill, Coordinator Council Plan Engagement Brent McAlister, General Manager Development <i>Conflict of Interest: Nil</i>
	1. STAR OF THE SOUTH UPDATE	<ul style="list-style-type: none"> • Sarah Altmann, Stakeholder Engagement Manager (External Presenter) • Joshua Clydesdale, Manager Land Use Planning <i>Conflict of Interest: Nil</i>
	2. WARMER POOL FOR YARRAM	<ul style="list-style-type: none"> • Sharon Houlihan, General Manager Community and Culture • Chris Hastie, General Manager Built & Natural Environment
	3. APPOINTMENT OF COMMITTEE AND DELEGATES REVIEW	<ul style="list-style-type: none"> • Arthur Skipitaris, General Manager Corporate Services • Denise Teo, Governance Officer <i>Conflict of Interest: Nil</i>
	4. DEVELOPMENT DIVISION UPDATE: PLANNING, BUILDING AND BUSINESS DEVELOPMENT	<ul style="list-style-type: none"> • Brent McAlister, General Manager Development • Geoff Hay, Acting Manager Business Development • Joshua Clydesdale, Manager Land Use Planning <i>Conflict of Interest: Nil</i>
	5. COMMUNITY LOCAL LAW 2021 AND COMMUNITY IMPACT STATEMENT – REVIEW OF PUBLIC SUBMISSIONS	<ul style="list-style-type: none"> • Vanessa Ebsworth, Manager Municipal Services <i>Conflict of Interest: Nil</i>
	6. ROAD MANAGEMENT PLAN PUBLIC	<ul style="list-style-type: none"> • Sam Pye, Manager Built Environment • Zac Elliman, Coordinator Road Planning <i>Conflict of Interest: Nil</i>
	7. CGT QUARTERLY UPDATE	<ul style="list-style-type: none"> • Trent Fairweather, Interim Chair – CGT (External Presenter) • Ben Joske, Executive Officer – CGT (External Presenter) <i>Conflict of Interest: Nil</i>

	8. AERODROMES UPDATE	<ul style="list-style-type: none"> • Kieran Donovan, Managing Director – Lower Capital (External Presenter) • Daniel Gall, Coordinator Commercial Property • Theo Christopher, Coordinator Aerodromes <p><i>Conflict of Interest: Nil</i></p>
	9. ADOPTION OF 2021 PROPERTY REVALUATIONS	<ul style="list-style-type: none"> • Ian Carroll, Manager Corporate Finance • David Corrigan, FAPI, Senior Regional Valuer, Gippsland, Valuer General Victoria (External Presenter) • Daniel Scarfo, AAPI, Gippsland Property Valuations (External Presenter) <p><i>Conflict of Interest: Nil</i></p>
	10. DRAFT REVENUE AND RATING PLAN 2021 – 2024	<ul style="list-style-type: none"> • Ian Carroll, Manager Corporate Finance • Madeleine Hillsley, Coordinator Rates and Revenue <p><i>Conflict of Interest: Nil</i></p>

12.2. APPROVAL OF AMENDED APPOINTMENT OF COMMITTEES & DELEGATES 2020/21

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To formally appoint Councillors to the vacancies left by the recent passing of Councillor Malcolm Hole on the following Committees:

- Council Advisory Committees;
- Committees of Other Organisations; and
- Community Asset Committees;

as highlighted in the updated committee register as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Councillors be formally appointed to the vacant Council Committees in accordance with the updated 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 other bodies. Due to the recent and sad passing of Councillor Malcolm Hole, an opportunity to review the available committees and other bodies has arisen for Councillors to nominate to fill these vacancies.

An updated register with amended committee appointments (highlighted) is attached.

ATTACHMENTS

1. Council Committees and Advisory Groups 2020/21 - amended [12.2.1 - 12 pages]

OPTIONS

Council has the following options available:

1. To appoint Councillors to the vacant Council Committees in accordance with the updated register as attached;
2. Not appoint Councillors to the vacant Council Committees in accordance with the updated register and request further information.

PROPOSAL

It is proposed that Councillors be appointed to the vacant Council Committees in accordance with the updated 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 manage 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

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *“Maintain a well governed, transparent, high performing, ethical and accountable organisation.”*

Strategy 6.3.3: *“Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making.”*

This report supports the above Council Plan strategic objective and strategy.

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)**

2020/2021

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

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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

COUNCIL ADVISORY COMMITTEES/MEETINGS			
<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 in its ultimate decision making role. The Mayor may attend any meeting.</i></p>			
NAME	DESIGNATED REPORTING OFFICER	SCHEDULE	CONVENOR or DELEGATES & ADMIN RESOURCES
<p>Audit & Risk Committee</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>	General Manager Corporate Services	Meets at least quarterly, with extra meetings scheduled if needed	<p>Councillor McKenzie Councillor Stephens Councillor Bye (alternate)</p> <p>Chief Executive Officer General Manager Corporate Services Frank Evans (Independent) Chris Badger (Independent) Kiah Cashman (Independent)</p>
<p>CEO Performance Review Committee</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>Mayor – Councillor Stephens Past Mayor – Councillor Crossley Remuneration Committee Chair</p>
<p>Gippsland Art Gallery Advisory Group</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 & Culture	1st Monday at 5:30pm; Mar, Jun, Sept and Dec	<p>Councillor Rossetti Councillor Crossley</p> <p>Art Gallery Director</p>
<p>Gippsland Regional Sports Complex User Group Committee</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	Jan, April, July and Oct at 6:00pm	<p>Councillor Bye Councillor Tatterson (alternate)</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>Place Names Committee</p> <p><i>Purpose: Make recommendations to Council on naming issues.</i></p>	<p>Manager Assets and Projects</p>	<p>3rd Tuesday every three (3) months</p>	<p>Councillor Maher Councillor Rossetti Councillor Crossley</p>
<p>Remuneration Committee</p> <p><i>Purpose</i></p> <ol style="list-style-type: none"> 1. To monitor and review Councillor expenses 2. To review and recommend Councillor allowances 3. To review and monitor the salary, performance, and performance plan (including performance criteria) for the Chief Executive Officer 4. To monitor Enterprise Bargaining Agreements 5. To consult on Human Resources and Remuneration Policy 6. Any other related matters that may arise 	<p>General Manager Corporate Services</p>	<p>Quarterly or more frequently if required</p>	<p>Councillor Bye Councillor Crossley Councillor McKenzie</p> <p>Chief Executive Officer General Manager Corporate Services Manager People and Excellence</p>
<p>Strategic Land Use Planning Projects Review Group</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>	<p>Manager Land Use Planning</p>	<p>Bi-monthly</p>	<p>Councillor Bye Councillor Maher Councillor Tatterson</p> <p>General Manager Development Manager Land Use Planning Manager Business Development Coordinator Strategic Planning Strategic Planners General Manager Built and Natural Environment Manager Assets and Projects Coordinator Infrastructure Development</p>
<p>The Wedge Advisory Group</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>	<p>Manager Arts & Culture</p>	<p>Quarterly, usually 3rd Wednesday at 6:00pm; Feb, May, Aug & Nov</p>	<p>Councillor Crossley Councillor Wood (alternate)</p> <p>General Manager Community & Culture (Chair) Manager Arts & Culture Performing Arts Centre Manager Coordinator Venue Administration Coordinator Venue Operations <u>Community Representatives:</u> Deirdre Relph Clara Mandaletti Matthew Goss Deirdre Marshall Leanne Flaherty Dan Davine</p>

<p>Wellington Youth Service Network (WYSN)</p> <p><i>Purpose: To lend support to Youth Councillors generally and participate in a topic of discussion per meeting pre-set by either Youth Councillors, Councillors or Youth Liaison Coordinator.</i></p>	Youth Liaison Coordinator	<p>10:00am – 12:00pm</p> <p>Meeting dates: 2 February 2021 31 March 2021 1 June 2021 4 August 2021 5 October 2021 1 December 2021</p>	<p>Councillor Wood</p> <p>Youth Councillors (up to 18 no.) Youth Liaison Coordinator</p>
<p>Wellington Shire Youth Council</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>	Youth Liaison Coordinator	<p>Councillor attendance: 5:00 – 6:00pm</p> <p>Meetings with Councillor Conversation on the agenda are:</p> <p>17 February 2021 17 March 2021 21 April 2021 19 May 2021 16 June 2021 14 July 2021 11 August 2021 8 September 2021 6 October 2021 3 November 2021</p>	<p>Councillor Crossley Councillor Wood (alternate)</p>

SECTION 3: COMMITTEES OF OTHER ORGANISATIONS (DELEGATES)

COMMITTEES OF OTHER ORGANISATIONS (DELEGATES) <i>Councillors are often requested or required to represent Council via participation on Committees formed by other organisations.</i>		
NAME	SCHEDULE	CONVENOR or DELEGATES & ADMIN RESOURCES
Australian Coastal Councils Association <i>Purpose: To bring together the coastal shires experiencing the sea-change phenomenon. Facilitated by Alan Stokes – Executive Officer SCTF</i>	Twice yearly (ALGA and Forum)	Councillor Maher General Manager Development
Gippsland Climate Change Network Incorporated <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>	1st Monday from 10:00am – 1:00pm of each month unless otherwise noted	Councillor Crossley
OneGippsland <i>Purpose: Regional co-operation and lobbying by Gippsland Councils. Facilitated by: Collective Position Group P/L (Secretariat)</i>	Bi-monthly, 2 nd Friday	Mayor – Councillor Stephens Chief Executive Officer
Gippsland Local Government Waste Forum <i>Purpose: Works in tandem with Gippsland Waste and Resource Recovery Group</i>	Bi-monthly	Councillor Tatterson Councillor Maher (Gippsland Waste and Resource Recovery Group: nominated by Council, appointed by Minister)
Municipal Association of Victoria (MAV) <i>Purpose: Peak body representing Victorian Councils. Councillors also representing at the Australian Local Government Association (ALGA).</i>	Monthly meetings and as required	Councillor Rossetti Councillor Tatterson (alternate)
National Timber Council Association Inc <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

<p>South East Australian Transport Strategy (SEATS)</p> <p><i>Purpose: Integrated transport strategy for South East Australia. Includes representatives of municipalities and other organisations from Dandenong to Wollongong.</i></p> <p><i>Facilitated by: SEATS</i></p>	<p>Quarterly, 2nd Thursday & Friday (Feb, May, Aug, Nov)</p> <p>Meeting venue rotates between VIC, ACT & NSW</p>	<p>Councillor Tatterson</p> <p>General Manager Built & Natural Environment</p>
<p>Timber Towns Victoria</p> <p><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></p>	<p>2nd Friday each month (Executive)</p> <p>2nd Friday bi-monthly (Ordinary Members)</p>	<p>Economic Development Officer</p>

SECTION 4: OTHER GROUPS, TASKFORCES, PROJECT CONTROL GROUPS (PCG'S) & 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>Municipal Public Health and Wellbeing Partnership Group</p> <p><i>Purpose: Multi-agency partnership group that oversees the development, implementation and evaluation of Wellington Shire's Municipal Public Health and Wellbeing Plan (legislatively required plan).</i></p>	Quarterly	<p>Councillor Wood Councillor Crossley (alternate)</p> <p>Manager Community Wellbeing Coordinator Social Policy and Planning Department of Health and Human Services Department of Education and Training Central Gippsland Health Yarram and District Health Service Gippsland Women's Health GippSport Gippsland Primary Health Network Wellington Primary Care Partnership Executive Officer Wellington Neighbourhood Houses Uniting Quantam Mission Australia</p>
<p>Wellington Shire Municipal Emergency Management Planning Committee (MEMPC)</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 (MEMPC).</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>Councillor Wood Councillor Crossley (alternate)</p> <p>General Manager Community and Culture / Municipal Emergency Manager (chair) Coordinator Emergency Management Municipal Emergency Management Officer Municipal Recovery Manager Municipal Fire Prevention Officer Emergency Management Planning Officer All Wellington Shire emergency management services and agencies (public and private) Major business and industry representatives</p>

<p>Living Well during COVID-19 Municipal Committee</p> <p><i>Purpose: Responsible for coordinating shire-wide recovery from pandemic, ensuring economic and social impacts of COVID-19 are addressed utilising support from state government departments. Sub groups (economic & social) responsible for delivering initiatives.</i></p>	<p>Monthly meetings or as required</p>	<p>Councillor Crossley General Manager Community and Culture / Municipal Emergency Manager (chair) Municipal Recovery Manager Emergency Management Planning Officer Wellington shire recovery agencies representatives (NGO and government)</p>
<p>Domestic Animal Management Plan Reference Group</p> <p><i>Purpose: To provide input, advice and recommendations to the project team.</i></p>	<p>Bi-monthly meetings commencing February 2021 to August 2021</p>	<p>Councillor Wood Councillor McKenzie General Manager Development Manager Municipal Services</p>
<p>Business Boost Reference Group (Business Recovery Sub-committee)</p> <p><i>Purpose: To provide feedback and input into Council's marketing campaign, designed to improve business turnover throughout Central Gippsland by attracting more visitors and shoppers to the region while stimulating economic recovery and growth. All business and tourism Associations and other business related groups within the Shire are represented. This group also doubles as the official Covid-19 business recovery sub-committee as well.</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>Councillor Maher Councillor Wood General Manager Development (chair) Senior Business Development Officer Marketing Campaign Coordinator Pace Marketing representatives Business, tourism association and industry representatives</p>

SECTION 5: COMMUNITY ASSET COMMITTEES (VOLUNTARY APPOINTMENT)

COMMUNITY ASSET COMMITTEES			
<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>			
NAME	DESIGNATED REPORTING OFFICER	SCHEDULE	CONVENOR or DELEGATES & ADMIN RESOURCES
<p>Briagolong Recreation Reserve Committee</p> <p><i>Purpose: To protect, promote and develop the Briagolong Recreation Reserve.</i></p>	Coordinator Community Committees	3 rd Monday monthly at 7.30pm Briagolong Recreation Reserve	No Council Representative Nominated
<p>Cameron Sporting Complex Committee</p> <p><i>Purpose: To protect, promote and develop the Cameron Sporting Complex, Maffra</i></p>	Coordinator Community Committees	3 rd Thursday monthly at 8:00pm Cameron Sporting Complex	Councillor Tatterson
<p>Gordon Street Reserve Committee</p> <p><i>Purpose: To protect, promote and develop the Gordon Street Reserve.</i></p>	Coordinator Community Committees	2 nd Thursday bi-monthly (Feb, Apr, Jun, Aug, Oct) Gordon Street Recreation Reserve	Councillor Ripper
<p>Maffra Recreation Reserve Committee</p> <p><i>Purpose: To protect, promote and develop the Maffra Recreation Reserve.</i></p>	Coordinator Community Committees	1 st Monday monthly Maffra Recreation Reserve Meeting Room	Councillor Tatterson
<p>Newry Recreation Reserve Committee</p> <p><i>Purpose: To protect, promote and develop the Newry Recreation Reserve.</i></p>	Coordinator Community Committees	3 rd Monday Feb, May, Aug & Nov	No Council Representative Nominated

<p>Sale Performance Space Fundraising Committee</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 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>	<p>Manager Arts & Culture</p>	<p>As required</p>	<p>Councillor Crossley</p> <p>Manager Corporate Finance Manager Arts & Culture Performing Arts Centre Director</p>
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12.3. ADOPTION OF THE 2021 PROPERTY REVALUATION

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

To adopt the total valuation of all properties within the Shire as at the return date of 1 January 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION			
<i>That Council adopt the following valuation figures as at the return date of 1 January 2021.</i>			
	SITE VALUE	CAPITAL IMPROVED VALUE	NET ANNUAL VALUE
RATEABLE	\$6,128,461,100	\$12,840,324,100	\$718,277,945
NON-RATEABLE	\$136,014,000	\$268,757,000	\$14,623,050
TOTAL VALUATION	\$6,264,475,100	\$13,109,081,100	\$732,900,995

BACKGROUND

In accordance with the requirements of the *Valuation of Land Act 1960*, the *Valuation of Land Regulations 2014*, the *Local Government Act 1989* as well as 2021 Valuation Best Practice Specification guidelines, the Valuer General undertakes an annual revaluation of all properties within the municipality.

The Victorian Valuer General's Office contracts valuers to undertake annual valuations for all properties. The valuation data is collated and returned to Council. The abovementioned valuation figures are based on the property values as at 1 January 2021 and become effective on 1 July 2021 for rating purposes.

If Council chooses not to adopt the valuation figures we will not be able to issue the valuations and rate notices in a timely manner and this will impact cashflows available to Council to provide services paid for from the rating revenue.

ATTACHMENTS

Nil

OPTIONS

Council has the following options available:

1. Adopt the valuation figures as at the return date of 1 January 2021; or
2. Not adopt the valuation figures and seek further information to be considered at a future meeting of Council.

PROPOSAL

That Council adopt the following valuation figures as at the return date of 1 January 2021.

	SITE VALUE	CAPITAL IMPROVED VALUE	NET ANNUAL VALUE
RATEABLE	\$6,128,461,100	\$12,840,324,100	\$718,277,945
NON-RATEABLE	\$136,014,000	\$268,757,000	\$14,623,050
TOTAL VALUATION	\$6,264,475,100	\$13,109,081,100	\$732,900,995

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

The returned rateable capital improved value of \$12,840,324,100 will set the basis for rating for the next financial year and must be adopted by Council to enable rates to be raised against all rateable properties.

COMMUNICATION IMPACT

The issue of the Notices of Valuation will result in a significant number of ratepayer enquiries and, in some cases, objections to the valuation will be lodged by the ratepayer.

LEGISLATIVE IMPACT

The general property revaluation complies with the requirements of the *Valuation of Land Act 1960*, the *Valuation of Land Regulations 2014*, the *Local Government Act 1989* as well as the *Valuation Best Practice 2021* guidelines.

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and the proposed property valuation adoption is in accordance with Council's policy commitment to uphold human rights principles.

COUNCIL POLICY IMPACT

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

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical*

and accountable organisation.”

Strategy 6.3.3: "Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."

This report supports the above Council Plan strategic objective and strategy.

RESOURCES AND STAFF IMPACT

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

COMMUNITY IMPACT

Ratepayers will be issued a Notice of Valuation advising them of the new valuation figures before the end of the current financial year (2020/21). When ratepayers receive their Notice of Valuation, they will have two months from the date of issue of the notice to object to the valuation if they believe it is incorrect.

When ratepayers receive their annual rate notice in August 2021, as the objection process will have been completed as a separate process, there will be no further opportunity to object to the valuation.

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.

12.4. ADOPTION OF THE REVENUE AND RATING PLAN 2021-2024

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

To consider and adopt the Revenue and Rating Plan 2021-2024.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the Revenue and Rating Plan 2021-2024 as attached.

BACKGROUND

The *Local Government Act 2020* requires each Council to prepare and adopt a Revenue and Rating Plan by 30 June to cover a minimum period of four years, following each Council election.

The Revenue and Rating Plan establishes the revenue raising framework within which the Council proposes to work.

ATTACHMENTS

1. Revenue and Rating Plan 2021-2024 [12.4.1 - 27 pages]

OPTIONS

Council has the following options available:

1. Adopt the Revenue and Rating Plan 2021-2024 as attached; or
2. Seek further information and present the Revenue and Rating Plan 2021-2024 to Council for consideration at a meeting prior to 30 June 2021.

PROPOSAL

That Council adopt the Revenue and Rating Plan 2021-2024 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

Under Section 94 of the *Local Government Act 2020* a Council must prepare a Revenue and Rating Plan to cover a minimum period of four years by 30 June following each Council election.

COUNCIL POLICY IMPACT

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

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *“Maintain a well governed, transparent, high performing, ethical and accountable organisation.”*

Strategy 6.3.1: *“Maintain processes and systems to ensure sound financial management.”*

This report supports the above Council Plan strategic objective and strategy.

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

Revenue and Rating Plan

2021-2024

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1. PURPOSE

The *Local Government Act 2020* requires each council to prepare a Revenue and Rating Plan to cover a minimum period of four years following each Council election. The Revenue and Rating Plan establishes the revenue raising framework within which the Council proposes to work.

The purpose of the Revenue and Rating Plan is to determine the most appropriate and affordable revenue and rating approach for Wellington Shire Council which in conjunction with other income sources will adequately finance the objectives in the Council Plan.

This plan is an important part of Council's integrated planning framework, all of which is created to help Council achieve its vision of "*..an engaged and responsible community..*"

Strategies outlined in this plan align with the objectives contained in the Council Plan and will feed into our budgeting and long-term financial planning documents, as well as other strategic planning documents under our Council's strategic planning framework.

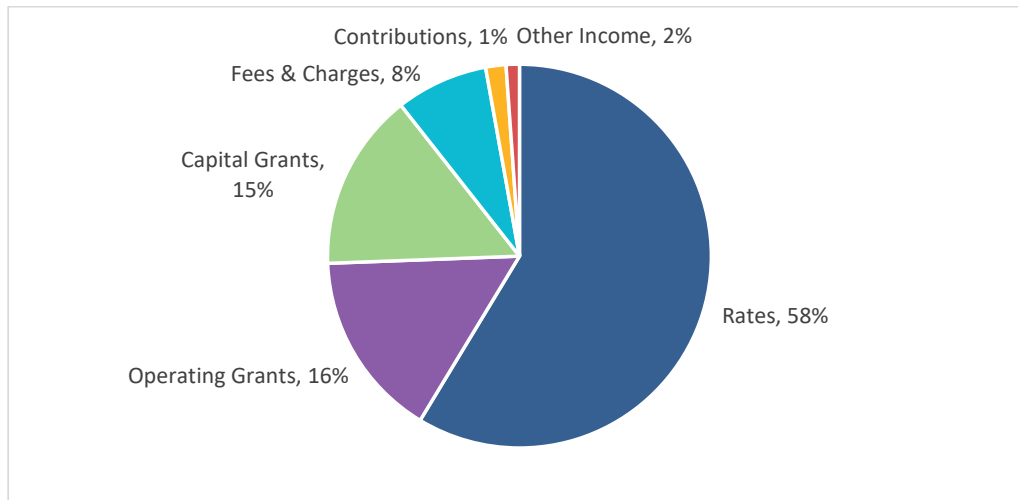
This plan will explain how Council calculates the revenue needed to fund its activities, and how the funding burden will be apportioned between ratepayers and other users of Council facilities and services.

In particular, this plan will set out decisions that Council has made in relation to rating options available to it under the *Local Government Act 2020* to ensure the fair and equitable distribution of rates across property owners. It will also set out principles that are used in decision making for other revenue sources such as fees and charges.

It is also important to note that this plan does not set revenue targets for Council, it outlines the strategic framework and decisions that inform how Council will go about calculating and collecting its revenue.

2. INTRODUCTION

Council provides over 110 services and facilities to our local community, and in doing so, must collect revenue to cover the cost of providing these services and facilities.



Council's revenue sources include:

- Rates and Charges
- Waste and garbage charges
- Grants from other levels of Government
- Statutory Fees and Fines
- User Fees
- Cash and non-cash contributions from other parties (i.e. community groups, developers)
- Interest from investments
- Sale of Assets

Rates are the most significant revenue source for Council and make up approximately 58% of its annual income.

The introduction of rate capping under the Victorian Government's Fair Go Rates System (FGRS) has brought a renewed focus to Council's long-term financial sustainability. The FGRS continues to restrict Council's ability to raise revenue above the rate cap unless application is made to the Essential Services Commission for a variation. Maintaining service delivery levels and investing in community assets remain key priorities for Council. This strategy will address Council's reliance on rate income and provide some options to reduce that reliance.

Council provides a wide range of services to the community, often for a fee or charge. The nature of these fees and charges generally depends on whether they relate to statutory or discretionary services. Some of these, such as statutory planning fees are set by State Government statute and are commonly known as regulatory fees. In these cases, councils usually have no control over service pricing. However, in relation to other services, Council has the ability to set a fee or charge and will set that fee based on the principles outlined in this Revenue and Rating Plan.

Council revenue can also be adversely affected by changes to funding from other levels of government. Some grants are tied to the delivery of council services, whilst many are tied directly to the delivery of new community assets, such as roads or sports pavilions. It is important for Council to be clear about what grants it intends to apply for, and the obligations that grants create in the delivery of services or infrastructure.

3. COMMUNITY ENGAGEMENT

The Revenue and Rating Plan outlines Council's decision-making process on how revenues are calculated and collected. The following public consultation process was followed to ensure due consideration and feedback is received from relevant stakeholders.

Revenue and Rating items community engagement process:

- Draft Budget including projected revenue and rates prepared;
- Draft placed on public exhibition at (April) Council meeting for a period of 28 days and calling for public submissions;
- Community engagement through local news outlets and social media;
- Hearing of public submissions (May-June); and
- Draft Budget and Revenue and Rating Plan will be presented to (June) Council meeting for adoption on 30 June.

4. RATES AND CHARGES

Rates are property taxes that allow Council to raise revenue to fund essential public services to cater to their municipal population. Importantly, it is a taxation system that includes flexibility for councils to utilise different tools in its rating structure to accommodate issues of equity and to broadly share rates across all ratepayers.

Council has established a rating structure comprised of key elements. These are:

- **General Rates** – Based on property values (using the Capital Improved Valuation methodology- CIV), which are indicative of capacity to pay and form the central basis of rating under the *Local Government Act 1989*;
- **Service Charges** - A 'user pays' component for council services to reflect benefits provided by Council to ratepayers who benefit from a service; and

Wellington Shire Council does not utilise a Municipal Charge as part of its rating strategy, unlike some other Councils.

Striking a proper balance between these elements will help to improve equity in the distribution of the rate burden across ratepayers.

Council makes a further distinction when applying general rates by applying rating differentials based on the purpose for which the property is used. This distinction is based on the concept that different property categories should pay a fair and equitable contribution, taking into account the benefits those properties derive from the local community.

The Wellington Shire Council rating structure comprises two differential rates (general and farm). These rates are structured in accordance with the requirements of Section 161 'Differential Rates' of the *Local Government Act 1989*, and the Ministerial Guidelines for Differential Rating 2013.

The differential rates are currently set as follows:

- General 100%
- Farm land 80%

The formula for calculating Rates, excluding any additional charges, arrears or additional supplementary rates is:

- Valuation (Capital Improved Value) x Rate in the Dollar applicable to each differential.

The rate in the dollar for each rating differential category is included in Council's annual budget.

Rates and charges are an important source of revenue, accounting for over 50% of operating revenue received by Council. The collection of rates is an important factor in funding Council services.

Planning for future rate increases is therefore an essential component of the long-term financial planning process and plays a significant role in funding both additional service delivery and the increasing costs related to providing Council services.

Council is aware of the balance between rate revenue (as an important income source) and community sensitivity to rate increases. With the introduction of the State Government's Fair Go Rates System, all rate increases are capped to a rate declared by the Minister for Local Government, which is announced in December for the following financial year.

Council currently utilises service charges to fully recover the cost of Council's waste services and provide for future landfill rehabilitation costs, these charges are not capped under the Fair Go Rates System.

4.1 Rating Legislation

The legislative framework set out in the *Local Government Act 1989* (remains as a saved provision under the 1989 Act), determines Council's ability to develop a rating system. The framework provides flexibility for Council to tailor a system that suits its needs.

Section 155 of the *Local Government Act 1989* (currently, this remains as a saved provision under the 1989 Act), provides that a Council may declare the following rates and charges on rateable land:

- General rates under Section 158
- Municipal charges under Section 159
- Service rates and charges under Section 162
- Special rates and charges under Section 163

Wellington Shire Council's recommended strategy in relation to municipal charges, service rates and charges and special rates and charges are discussed later in this document.

In raising Council rates, Council is required to primarily use the valuation of the rateable property to levy rates. Section 157 (1) of *the Local Government Act 1989* (currently, this remains as a saved provision under the 1989 Act), provides Council with three choices in terms of which valuation base to utilise. They are: Site Valuation, Capital Improved Valuation (CIV) and Net Annual Value (NAV).

The advantages and disadvantages of the respective valuation bases are discussed further in this document. Whilst this document outlines Council's strategy regarding rates revenue, rates data will be contained in the Council's Annual Budget as required by the *Local Government Act 2020*.

Section 94(2) of the *Local Government Act 2020* states that Council must adopt a budget by 30 June each year (or at another time fixed by the Minister) to include:

- a) the total amount that the Council intends to raise by rates and charges;
- b) a statement as to whether the rates will be raised by the application of a uniform rate or a differential rate;
- c) a description of any fixed component of the rates, if applicable;
- d) if the Council proposes to declare a uniform rate, the matters specified in section 160 of the *Local Government Act 1989*;
- e) if the Council proposes to declare a differential rate for any land, the matters specified in section 161(2) of the *Local Government Act 1989*;

Section 94(3) of the *Local Government Act 2020* also states that Council must ensure that, if applicable, the budget also contains a statement –

- a) that the Council intends to apply for a special order to increase the Council's average rate cap for the financial year or any other financial year; or
- b) that the Council has made an application to the ESC for a special order and is waiting for the outcome of the application; or
- c) that a special Order has been made in respect of the Council and specifying the average rate cap that applies for the financial year or any other financial year.

This plan outlines the principles and strategic framework that Council will utilise in calculating and distributing the rating burden to property owners, however, the quantum of rate revenue and rating differential amounts will be determined in the annual Wellington Shire Council budget.

In 2019 the Victorian State Government conducted a Local Government Rating System Review. The Local Government Rating System Review Panel presented their final report and list of recommendations to the Victorian Government in March 2020. The Victorian Government subsequently published a response to the recommendations of the Panel's report. However, at the time of publication the recommended changes have not yet been implemented, and timelines to make these changes have not been announced.

4.2 Rating Principals

Taxation Principles:

When developing a rating strategy, in particular with reference to differential rates, a

Council should give consideration to the following good practice taxation principles:

- Wealth Tax
- Equity
- Efficiency
- Simplicity
- Benefit
- Capacity to Pay
- Diversity.

Wealth Tax

The “wealth tax” principle implies that the rates paid are dependent upon the value of a ratepayer’s real property and have no correlation to the individual ratepayer’s consumption of services or the perceived benefits derived by individual ratepayers from the expenditures funded from rates.

Equity

Horizontal equity – ratepayers in similar situations should pay similar amounts of rates (ensured mainly by accurate property valuations, undertaken in a consistent manner, their classification into homogenous property classes and the right of appeal against valuation).

Vertical equity – those who are better off should pay more rates than those worse off (the rationale applies for the use of progressive and proportional income taxation. It implies a “relativity” dimension to the fairness of the tax burden).

Efficiency

Economic efficiency is measured by the extent to which production and consumption decisions by people are affected by rates.

Simplicity

How easily a rates system can be understood by ratepayers and the practicality and ease of administration.

Benefit

The extent to which there is a nexus between consumption/benefit and the rate burden.

Capacity to Pay

The capacity of ratepayers or groups of ratepayers to pay rates.

Diversity

The capacity of ratepayers within a group to pay rates.

The rating challenge for Council therefore is to determine the appropriate balancing of competing considerations.

Rates and Charges Revenue Principles:

Property rates will:

- be reviewed annually;
- not change dramatically from one year to next; and
- be sufficient to fund current expenditure commitments and deliverables outlined in the Council Plan, Financial Plan and Asset Plan.

Differential rating should be applied as equitably as is practical and will comply with the *Ministerial Guidelines for Differential Rating 2013*.

4.3 Determining Which Valuation Base to Use

Under the *Local Government Act 1989*, Council has three options as to the valuation base it elects to use. They are:

- **Capital Improved Value (CIV)** – Value of land and improvements upon the land.
- **Site Value (SV)** – Value of land only.
- **Net Annual Value (NAV)** – Rental valuation based on CIV.

For residential and farm properties, NAV is calculated at 5% of the Capital Improved Value. For commercial and industrial properties, NAV is calculated as the greater of the estimated annual rental value or 5% of the CIV.

Capital Improved Value (CIV)

Capital Improved Value is the most commonly used valuation base by local government with over 90% of Victorian councils applying this methodology. Based on the value of both land and all improvements on the land, it is generally easily understood by ratepayers as it equates to the market value of the property.

Section 161 of the *Local Government Act 1989* provides that a Council may raise any general rates by the application of a differential rate if –

- a) It uses the capital improved value system of valuing land; and
- b) It considers that a differential rate will contribute to the equitable and efficient carrying out of its functions.

Where a council does not utilise CIV, it may only apply limited differential rates in relation to farm land, urban farm land or residential use land.

Advantages of using Capital Improved Value (CIV)

- CIV includes all property improvements, and hence is often supported on the basis that it more closely reflects “capacity to pay”. The CIV rating method takes into account the full development value of the property, and hence better meets the wealth and equity criteria than Site Value and NAV.
- With the increased frequency of valuations (previously two year intervals, now annual intervals) the market values are more predictable and has reduced the level of objections resulting from valuations.
- The concept of the market value of property is more easily understood with CIV rather than NAV or SV.

- Most councils in Victoria have now adopted CIV which makes it easier to compare relative movements in rates and valuations across the state.
- The use of CIV allows council to apply differential rates which greatly adds to council's ability to equitably distribute the rating burden based on land use and ability to afford council rates.

Disadvantages of using CIV

- The main disadvantage with CIV is the fact that rates are based on the total property value which may not necessarily reflect the income level from time to time of the property owner as with pensioners and low-income earners.

Site value (SV)

There are currently no Victorian councils that use this valuation base. With valuations based simply on the valuation of land and with only very limited ability to apply differential rates, the implementation of Site Value in a Wellington Shire Council context would cause a shift in rate burden from the industrial/commercial sectors onto the farming and residential sectors and would hinder Council's objective of a fair and equitable rating system.

Advantages of using Site Value

- There is a perception that under site value, a uniform rate would promote development of land, particularly commercial and industrial developments. There is, however, little evidence to prove that this is the case.

Disadvantages of using Site Value

- Under SV, there will be a significant shift from the industrial/commercial sector onto the farming and residential sectors of council.
- SV is a major burden on property owners that have large areas of land. Some of these owners may have much smaller/older dwellings compared to those who have smaller land areas but well developed dwellings - but will pay more in rates. A typical example is flats, units, or townhouses which will all pay low rates compared to traditional housing styles.
- The use of SV can place pressure on council to give concessions to categories of landowners on whom the rating burden is seen to fall disproportionately. Large landowners, such as farmers for example, are disadvantaged by the use of site value.
- SV will reduce Council's rating flexibility and options to deal with any rating inequities due to the removal of the ability to levy differential rates.
- The community may have greater difficulty in understanding the SV valuation on their rate notices, as indicated by many inquiries from ratepayers on this issue handled by council's customer service and property revenue staff each year.

Net annual value (NAV)

NAV, in concept, represents the annual rental value of a property. However, in practice, NAV is loosely linked to capital improved value for residential and farm properties. Valuers derive the NAV directly as 5% of CIV.

In contrast to the treatment of residential and farm properties, NAV for commercial and

industrial properties is assessed with regard to actual market rental. This differing treatment of commercial versus residential and farm properties has led to some suggestions that all properties should be valued on a rental basis.

Overall, the use of NAV is not largely supported. For residential and farm ratepayers, actual rental values pose some problems. The artificial rental estimate used may not represent actual market value, and means the base is the same as CIV but is harder to understand.

Recommended valuation base

In choosing a valuation base, councils must decide whether they wish to adopt a differential rating system (different rates in the dollar for different property categories) or a uniform rating system (same rate in the dollar). If a council was to choose the former, under the *Local Government Act 1989* (currently, this remains as a saved provision under the 1989 Act), it must adopt either of the CIV or NAV methods of rating.

Wellington Shire Council applies Capital Improved Value (CIV) to all properties within the municipality to take into account the fully developed value of the property. This basis of valuation takes into account the total market value of the land plus buildings and other improvements.

Differential rating allows (under the CIV method) Council to shift part of the rate burden from some groups of ratepayers to others, through different "rates in the dollar" for each class of property.

Section 161(1) of the *Local Government Act 1989* (currently, this remains as a saved provision under the 1989 Act), outlines the requirements relating to differential rates, which include:

- a. A Council may raise any general rates by the application of a differential rate, if Council considers that the differential rate will contribute to the equitable and efficient carrying out of its functions.
- b. If a Council declares a differential rate for any land, the Council must specify the objectives of the differential rate, which must be consistent with the equitable and efficient carrying out of the Council's functions and must include the following:
 - i. A definition of the types or classes of land which are subject to the rate and a statement of the reasons for the use and level of that rate.
 - ii. An identification of the type or classes of land which are subject to the rate in respect of the uses, geographic location (other than location on the basis of whether or not the land is within a specific ward in Council's district).
 - iii. Specify the characteristics of the land, which are the criteria for declaring the differential rate.

Once the Council has declared a differential rate for any land, the Council must:

- a. Specify the objectives of the differential rates;
- b. Specify the characteristics of the land which are the criteria for declaring the differential rate.

The purpose is to ensure that Council has a sound basis on which to develop the various charging features when determining its revenue strategies and ensure that

these are consistent with the provisions of the *Local Government Act 1989*.

The general objectives of each of the differential rates are to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council. There is no limit on the number or types of differential rates that can be levied, but the highest differential rate can be no more than four times the lowest differential rate.

Property Valuations

The Valuation of Land Act 1960 is the principle legislation in determining property valuations. Under the *Valuation of Land Act 1960*, the Victorian Valuer-General conducts property valuations on an annual basis. Wellington Shire Council applies a Capital Improved Value (CIV) to all properties within the municipality to take into account the full development value of the property. This basis of valuation takes into account the total market value of the land including buildings and other improvements.

The value of land is always derived by the principal of valuing land for its highest and best use at the relevant time of valuation.

Council needs to be mindful of the impacts of revaluations on the various property types in implementing the differential rating strategy outlined in the previous section to ensure that rises and falls in council rates remain affordable and that rating 'shocks' are mitigated to some degree.

Supplementary Valuations

Supplementary valuations are carried out for a variety of reasons including rezoning, subdivisions, amalgamations, renovations, new constructions, extensions, occupancy changes and corrections. The Victorian Valuer-General is tasked with undertaking supplementary valuations and advises council on a monthly basis of valuation and Australian Valuation Property Classification Code (AVPCC) changes.

Supplementary valuations bring the value of the affected property into line with the general valuation of other properties within the municipality. Objections to supplementary valuations can be lodged in accordance with Part 3 of the *Valuation of Land Act 1960*. Any objections must be lodged with the Valuer General within two months of the issue of the supplementary rate notice.

Objections to property valuations

Part 3 of the *Valuation of Land Act 1960* provides that a property owner may lodge an objection against the valuation of a property or the Australian Valuation Property Classification Code (AVPCC) within two months of the issue of the original or amended (supplementary) Rates and Valuation Charges Notice (Rates Notice).

A property owner must lodge their objection to the valuation or the AVPCC via the Rating Valuation Objections Portal. Property owners also have the ability to object to the site valuations on receipt of their Land Tax Assessment. Property owners can appeal their land valuation within two months of receipt of their Council Valuation

Notice (via the online Objection Portal) or within two months of receipt of their Land Tax Assessment (via the State Revenue Office).

4.4 Rating Differentials

Council believes each differential rate will contribute to the equitable and efficient carrying out of council functions. Details of the objectives of each differential rate, the classes of land which are subject to each differential rate and the uses of each differential rate are set out below.

General Rate

Definition:

General land is any rateable land which does not have the characteristics of Farm Rate land, and includes residential and commercial/ industrial properties, both vacant and improved.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined general rate land properties is fair and equitable, having regard to Council's activities in the municipality.

Characteristics:

The characteristics of the planning scheme zoning are applicable to the determination of vacant land which will be subject to the rate of residential or commercial/ industrial land. The vacant land affected by this rate is that which is zoned residential or commercial/industrial under the Wellington Shire Council Planning Scheme. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes:

Rateable land having the relevant characteristics described below:

- a. used primarily for residential or commercial/ industrial purposes; or
- b. any land that is not defined as Farm Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

100% of General Rate.

Use of Land:

Any use permitted under the Wellington Shire Council Planning Scheme.

Geographic Location:

Wherever located within the municipal district.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Wellington Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Farm Rate

Definition:

Any land which is "Farm Land" within the meaning of Section 2(1) of the *Valuation of Land Act 1960* (paras a) and b)) and other criteria as defined by Council in c) hereunder:

- a. Farm Land means any rateable land that is 2 or more hectares in area;
- b. used primarily for primary producing purposes from its activities on the land; used primarily for grazing (including agistment), dairying, pig-farming, poultry farming, fish farming, tree farming, bee keeping, viticulture, horticulture, fruit growing or the growing of crops of any kind or for any combination of those activities;
- c. where the ratepayer is a Primary Producer with any evidence/ruling confirmed by the Australian Taxation Office, registered ABN and business plan, and commercial intent as outlined below;

That is used by a business –

- That has a significant and substantial commercial purpose or character;
- That seeks to make a profit on a continuous or repetitive basis from its activities on the land; and
- That is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating.

Objectives:

To ensure that Council has adequate funding to undertake its strategic, statutory, service provision and community services obligations and to ensure that the differential rate in the dollar declared for defined Farm Rate land properties is fair and equitable, having regard to the cost and the level of benefits derived from provision of Council services with considerations to maintain agriculture as a major industry in the municipal district, to facilitate the longevity of the farm sector and achieve a balance between providing for municipal growth and retaining the important agricultural economic base.

Characteristics:

The characteristics of the planning scheme zoning are applicable to the determination

of farm land which will be subject to the differential rate of farm land. The classification of the land will be determined by the occupation of that land for its best use and have reference to the planning scheme zoning.

Types and Classes:

Farm Land having the relevant characteristics described below:

- a. used primarily for primary production purposes; or
- b. any land that is not defined as General Land.

Use of Rate:

The differential rate will be used to fund items of expenditure described in the Budget adopted by Council. The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

Level of Rate:

80% of the General Rate.

Use of Land:

Any use permitted under the Wellington Shire Council Planning Scheme.

Geographic Location:

Wherever located within the municipal district.

Planning Scheme Zoning:

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Wellington Shire Council Planning Scheme.

Types of Buildings:

All buildings which are already constructed on the land or which are constructed prior to the end of the financial year.

Cultural and Recreational Land

Currently Council levies a general rate on land which has the following characteristics:

- Land which is controlled by a non-profit organisation which exists for the purpose of providing or promoting culture or sporting and recreation facilities which is used for sporting, recreation or cultural purposes or which is used for agricultural showgrounds

The provision of rate relief to recreational land can also be provided by the *Cultural and Recreational Lands Act 1963*. This Act provides for properties used for outdoor activities to be differently rated unless it involves land that is being leased from a private landowner. The discretion of whether to provide a cultural and recreational land

rate rests with Council.

A rebate system applies to these properties and is reassessed regularly in line with the current revaluation cycle. The level of rebate granted is determined by the number of members, annual profit/loss and hours of operation for each applicant. Rebates of 100%, 75%, 50% or 25% of the general rate are granted on this basis.

Advantages of a differential rating system

The advantages of utilising a differential rating system summarised below are:

- There is greater flexibility to distribute the rate burden between all classes of property.
- Allows Council to reflect the unique circumstances of some rating categories where the application of a uniform rate may create an inequitable outcome (e.g. Farming enterprises).
- Allows Council discretion in the imposition of rates to facilitate and encourage appropriate development of its municipal district in the best interest of the community.

Disadvantages of a differential rating system

The disadvantages in applying differential rating are summarised below:

- The justification of the differential rate can at times be difficult for the various groups to accept giving rise to queries and complaints where the differentials may seem to be excessive.
- Differential rates can be confusing to ratepayers, as they may have difficulty understanding the system. Some rating categories may feel they are unfavourably treated because they are paying a different level of rates than other ratepayer groups.
- Differential rating involves a degree of administrative complexity as properties continually shift from one type to another (e.g. residential to farming) requiring Council to update its records. Ensuring the accuracy/integrity of Council's data base is critical to ensure that properties are correctly classified into their right category.

4.5 Inappropriate Subdivisions

The Ninety Mile Beach subdivision is a 25-kilometre strip of land located between Bass Strait and Lake Reeve, which extends north of the Honeysuckles to Paradise Beach.

The land was subdivided into about 11,800 small lots from 1955 to 1969 prior to the introduction of planning controls. Much of the area is now inappropriate for development (e.g. due to flooding, lack of services etc). Areas unsuitable for development are contained in the Rural Conservation Zone. In contrast, land contained in the Low Density Residential Zone in the Honeysuckles and Golden Beach/Paradise Beach settlements can be developed with planning permit approval.

Due to the complex history of the Ninety Mile Beach subdivisions (and associated landowner concerns), the Victorian Ombudsman prepared a report which was tabled in the Victorian Parliament. A copy of the Ombudsman report can be accessed via the Victorian Ombudsman website.

Council welcomed the independent review of the complex issues associated with the Ninety Mile Beach subdivisions and supported each of the three (3) recommendations made for Council at its meeting of 3 December 2019.

Whilst it is lawful, Council has ceased levying rates and the waste infrastructure charge on undevelopable Ninety Mile Beach subdivided lots from 1 July 2019, no further rate notices will be issued for undevelopable blocks.

4.6 Municipal Charge

Another principle rating option available to Councils is the application of a municipal charge. Under Section 159 of the *Local Government Act 1989*, (currently, this remains as a saved provision under the 1989 Act), Council may declare a municipal charge to cover some of the administrative costs of the Council. The legislation is not definitive on what comprises administrative costs and does not require Council to specify what is covered by the charge.

The application of a municipal charge represents a choice to raise a portion of the rates by a flat fee for all properties, rather than sole use of the CIV valuation method.

Under the *Local Government Act 1989*, a council's total revenue from a municipal charge in a financial year must not exceed 20 per cent of the combined sum total of the Council's total revenue from the municipal charge and the revenue from general rates (total rates).

The municipal charge applies equally to all properties and is based upon the recovery of a fixed cost of providing administrative services irrespective of valuation. The same contribution amount per assessment to cover a portion of Council's administrative costs can be seen as an equitable method of recovering these costs.

Wellington Shire Council do not apply a Municipal Charge.

Advantages of Applying the Municipal Charge

A municipal charge applies equally to all properties and is based upon the recovery of a fixed cost of providing administrative services irrespective of property valuation. The same contribution amount per property can be seen by some as an equitable method of recovering these costs.

Disadvantages of Applying the Municipal Charge

The argument against a municipal charge is that this charge is regressive in nature and would result in lower valued properties paying higher overall rates and charges than they do at present. The equity objective in levying rates against property values is lost in a municipal charge as it is levied uniformly across all properties.

Wellington Shire Council does not utilise a Municipal Charge as part of its rating strategy.

4.7 Rebates and Concessions

Section 169(1) of the Act allows Council to grant a rebate or concession –

- a. to assist the proper development of the municipal district; or
- b. to preserve buildings or places in the municipal district which are of historical or environmental interest; or
- c. to restore or maintain buildings or places of historical, environmental, architectural or scientific importance in the municipal district; or
- d. to assist the proper development of part of the municipal district.

(1A) A Council resolution granting a rebate or concession must specify the benefit to the community as a whole resulting from the rebate or concession.

Rates Rebate for Land with a Deed of Covenant for Conservation Purposes

Council currently offers a rates rebate for land with a Deed of Covenant for Conservation purposes (Trust for Nature). A rate per hectare is determined by Council annually and is applied to reduce the general rates charged to those properties.

4.8 Special Charge Schemes

The *Local Government Act 1989* recognises that councils need help to provide improved infrastructure for their local communities. Legislation allows councils to pass on the cost of capital infrastructure to the owner of a property that generally receives a unique benefit from the construction works. The technical explanation of a Special Charge comes from legislation (under the *Local Government Act 1989*) that allows councils to recover the cost of works from property owners who will gain special benefit from that work.

The purposes for which special rates and special charges may be used include road construction, kerb and channelling, footpath provision, drainage, and other capital improvement projects.

The special rate or special charges may be declared on the basis of any criteria specified by the council in the rate (Section 163 (2)). In accordance with Section 163 (3), council must specify:

- a) the wards, groups, uses or areas for which the special rate or charge is declared; and
- b) the land in relation to which the special rate or special charge is declared;
- c) the manner in which the special rate or special charge will be assessed and levied; and
- d) details of the period for which the special rate or special charge remains in force.

The special rates and charges provisions are flexible and can be used to achieve a wide range of community objectives. The fundamental principle of special rates and charges is that "special benefit" applies to those being levied. For example, they could be used to fund co-operative fire prevention schemes. This would ensure that there were no 'free-riders' reaping the benefits but not contributing to fire prevention.

Landscaping and environmental improvement programs that benefit small or localised

areas could also be funded using special rates or charges.

4.9 Service Rates and Charges

Section 162 of the *Local Government Act 1989* provides council with the opportunity to raise service rates and charges for any of the following services:

- a) The provision of a water supply;
- b) The collection and disposal of refuse;
- c) The provision of sewage services;
- d) Any other prescribed service.

Kerbside Collection (Garbage) Charge

Wellington Shire Council provides a kerbside collection (garbage) service to around half of its ratepayers within designated areas, based on full cost recovery of the waste function. Applying the equity principle, those who do not receive this service should not have to pay for it through general rates.

Council calculates the cost of this service and applies a 'user pays' charge to those that receive the service, or to whom the service is available - a resident may not opt out of this service where they are in a collection zone. Commercial ratepayers, where they can provide evidence of an alternative, commercially provided waste collection service may opt out.

Waste Infrastructure Charge

Council applies a Waste Infrastructure Charge to all properties within the Shire (only excluding those within the inappropriate subdivision), to fund the provision of future waste management infrastructure e.g. tip cells, transfer station infrastructure, sorting and handling capacity. All funds collected through this charge are placed in the waste infrastructure reserve and are only applied to this purpose.

EPA Levy Charge

Environment Protection Authority (EPA) requirements under the Environment Protection Act 1970 require Council to provide financial assurances for rehabilitation, remedial works and aftercare for all licensed landfills. In addition, there are strict guidelines for future landfill siting, design and management.

Changes for Council's levies to the EPA are adjusted annually or as necessary. This separate cost is shown on Rates Notices in the interests of greater transparency. The cost of the levy is influenced by two drivers – one is the volume of waste going into our landfill, and the second is the price per tonne levied by the EPA. While we can do little regarding the price, we can certainly, as a community, make greater efforts to recycle more and reduce the volume of waste to landfill.

Boisdale Common Effluent System Charge

In 2014/15, an annual service charge for wastewater availability in the township of Boisdale was implemented, for all properties that are connected to the Boisdale Common Effluent System. This charge represents a contribution towards the costs of

operation and management of the system.

This system is unique to this township, where impacts of flooding can present significant risks to the health of the community as septic tanks overflow. The system was constructed to mitigate this risk and is maintained by Council.

This service charge does not cover the entirety of the costs incurred by Council, largely related to compliance with Environment Protection Authority requirements, but goes some way towards delivering equity with other ratepayers who pay other wastewater providers for similar services.

4.10 Collection and Administration of Rates and Charges

The purpose of this section is to outline the rate payment options, processes, and the support provided to ratepayers facing financial hardship.

Payment options

In accordance with section 167(1) of the *Local Government Act 1989* ratepayers have the option of paying rates and charges by way of four instalments. Payments are due on the prescribed dates below:

- 1st Instalment: 30 September
- 2nd Instalment: 30 November
- 3rd Instalment: 28 February
- 4th Instalment: 31 May

Council offers a range of payment options including:

- in person at Council offices (cheques, money orders, EFTPOS, credit/debit cards and cash),
- online via Council's ratepayer portal, direct debit can be set up,
- BPAY,
- Australia Post (over the counter, over the phone via credit card and on the internet),
- by mail (cheques and money orders only).

Interest on arrears and overdue rates

Interest is charged on all overdue rates in accordance with Section 172 of the *Local Government Act 1989*. The interest rate applied is fixed under Section 2 of the *Penalty Interest Rates Act 1983*, which is determined by the Minister and published by notice in the Government Gazette.

Pensioner rebates

Holders of a Centrelink or Veteran Affairs Pension Concession card or a Veteran Affairs Gold card which stipulates TPI or War Widow may claim a rebate on their principal place of residence. Upon initial application, ongoing eligibility is maintained, unless rejected by Centrelink or the Department of Veteran Affairs during the annual verification procedure. Upon confirmation of an eligible pensioner concession status, the pensioner rebate is deducted from the rate account each financial year.

Eligible pensioners may gain a municipal rates concession up to a maximum cap as stipulated by the State Government, and updated annually.

With regards to new applicants, after being granted an eligible Concession Card,

pensioners can then apply for the rebate at any time throughout the rating year. Retrospective claims up to a maximum of one previous financial year can be approved by Council on verification of eligibility criteria, for periods prior to this claims may be approved by the relevant government department.

Deferred payments

Under Section 170 of the *Local Government Act 1989*, Council may defer the payment of any rate or charge for an eligible ratepayer whose property is their sole place of residency, allowing ratepayers an extended period of time to make payments or alternatively to forestall payments on an indefinite basis until the ratepayer ceases to own or occupy the land in respect of which rates and charges are to be levied.

Deferral of rates and charges are available to all ratepayers who satisfy the eligibility criteria and have proven financial difficulties. Where Council approves an application for deferral of rates or charges, interest will continue to be levied on the outstanding balance of rates and charges but at an interest rate fixed annually by Council. This deferred interest rate is typically under the penalty interest rate levied by Council on unpaid rates and charges.

Ratepayers seeking to apply for such provision will be required to submit a Rates Deferment Application form which is available at the council offices and can be posted or emailed upon request.

Financial Hardship

Council recognises that there are cases of genuine financial hardship requiring respect and compassion. All applications will be treated in a consistent, equitable and confidential manner.

Section 170 of the Act allows Council to defer payment of all or part of the rates and charges due, for a specified period and subject to any conditions determined by Council, such as a change in the person's financial circumstances, where hardship may exist.

Under a deferment arrangement, whilst rates and interest will still accrue, no debt recovery action shall be taken. Periodic confirmation will be sought from either the ratepayer or nominated representative that financial hardship conditions still exist. Deferment is withdrawn automatically upon sale of the property.

In addition, Section 171(A) of the Act allows Council to consider applications by a ratepayer who –

- a) is suffering financial hardship; or
- b) would suffer financial hardship if they paid their rates and charges in full; to have all or part of the rates and charges or late payment interest waived.

Rates and charges will generally not be waived. Any application received from ratepayers to waive rates and charges will be considered by delegated Council staff for a decision. Applications must demonstrate that they are experiencing undue and unusual financial hardship. Waivers will not be granted for investment properties or holiday homes.

Penalty interest waivers can be applied for under the following categories:-

1. Administrative Waiver – where an administrative error or omission which is proven to have caused or significantly contributed to the failure to pay rates, a

waiver of interest, in full or in part, may be applied.

2. Compassionate Grounds – Ratepayers may have interest waived on their principal place of residence where they have demonstrated compassionate grounds. Acceptable compassionate grounds would generally relate to family illness or death. The ratepayer will need to agree to an acceptable payment arrangement to pay the outstanding amount. Waivers shall be applied on a one-off basis and ratepayers will need to apply on each occasion such a waiver is sought.
3. Financial Hardship - Applications must demonstrate that the ratepayer is experiencing financial hardship; and the ratepayer must enter into an acceptable payment arrangement and perform against such an arrangement. Under a financial hardship arrangement, whilst rates and interest will still accrue, no further legal action shall be taken. Periodic confirmation will be sought from either the ratepayer or nominated representative that financial hardship conditions still exist. Financial hardship arrangements will be withdrawn automatically upon sale of the property. Financial hardship waivers will not be granted for investment properties or holiday homes.

Debt recovery

Council makes every effort to contact ratepayers at their correct address but it is the ratepayers' responsibility to properly advise Council of their contact details. The *Local Government Act 1989* Section 230 and 231 requires both the vendor and buyer of property, or their agents (e.g. solicitors and or conveyancers), to notify Council by way of notice of disposition or acquisition of an interest in land.

In the event that an account becomes overdue, Council will issue an overdue reminder notice which will include accrued penalty interest. In the event that the account remains unpaid, Council may take legal action without further notice to recover the overdue amount. All fees and court costs incurred will be recoverable from the ratepayer.

If an amount payable by way of rates in respect to land has been in arrears for three years or more, Council may take action to sell the property in accordance with the *Local Government Act 1989* Section 181.

Council has a formal Policy (Debt Collection and Interest Charging – Rates, Charges and Fire Services Property Levy Policy) which discusses all the debt collection actions that may be taken, and documents arrangements relating specifically to inappropriate subdivisions in the Wellington Coastal Strategy areas. This Policy can be found on Council's website in the Council Policy Manual.

Fire Services Property Levy

In 2016 the Victorian State Government passed legislation requiring the Fire Services Property Levy to be collected from ratepayers. Previously this was collected through building and property insurance premiums. The Fire Services Property Levy helps fund the services provided by the Metropolitan Fire Brigade (MFB) and Country Fire Authority (CFA), and all levies collected by Council are passed through to the State Government.

The Fire Services Property Levy is based on two components, a fixed charge, and a variable charge which is linked to the Capital Improved Value of the property. This levy is not included in the rate cap and increases in the levy are at the discretion of the State Government.

5. OTHER REVENUE ITEMS

5.1 User Fees and Charges

User fees and charges are those that Council will charge for the delivery of services and use of community infrastructure.

Examples of user fees and charges include:

- Waste Management fees
- Leisure Centre, Gym, and Pool visitation and membership fees
- Entertainment Centre Ticket Sales, Performance and Venue Hire fees
- Yard Dues, Droving fees, and related Saleyards charges
- Leases and facility hire fees

The provision of infrastructure and services form a key part of Council's role in supporting the local community. In providing these, Council must consider a range of 'Best Value' principles including service cost and quality standards, value-for-money, and community expectations and values. Council must also balance the affordability and accessibility of infrastructure and services with its financial capacity and in the interests of long-term financial sustainability.

Councils must also comply with the government's Competitive Neutrality Policy for significant business activities they provide and adjust their service prices to neutralise any competitive advantages when competing with the private sector.

In providing services to the community, Council must determine the extent of cost recovery for particular services consistent with the level of both individual and collective benefit that the services provide and in line with the community's expectations.

Services are provided on the basis of one of the following pricing methods:

- A. Market Price
- B. Full Cost Recovery Price
- C. Subsidised Price

Market pricing (A) is where Council sets prices based on the benchmarked competitive prices of alternate suppliers. In general market price represents full cost recovery plus an allowance for a contribution profit margin. Market prices will be used when other providers exist in the given market, and Council needs to meet its obligations under the government's Competitive Neutrality Policy.

It should be noted that if a market price is lower than Council's full cost price, then the market price would represent Council subsidising that service. If this situation exists, and there are other suppliers existing in the market at the same price, this may mean that Council is not the most efficient supplier in the marketplace. In this situation, Council will consider whether there is a community service obligation and whether Council should be providing this service at all.

Full cost recovery price (B) aims to recover all direct and indirect costs incurred by Council. This pricing should be used in particular where a service provided by Council benefits individual customers specifically, rather than the community as a whole. In

principle, fees and charges should be set at a level that recovers the full cost of providing the services unless there is an overriding policy or imperative in favour of subsidisation.

Subsidised pricing (C) is where Council subsidises a service by not passing the full cost of that service onto the customer. Subsidies may range from full subsidies (i.e. Council provides the service free of charge) to partial subsidies, where Council provides the service to the user with a discount. The subsidy can be funded from Council's rate revenue or other sources such as Commonwealth and state funding programs. Full Council subsidy pricing and partial cost pricing should always be based on knowledge of the full cost of providing a service.

As per the Victorian Auditor General's Office report "Fees and charges – cost recovery by local government" recommendations, Council's user fee pricing policy guides the fair and equitable setting of prices. The process for setting fee prices includes such principles as:

- Both direct and indirect costs to be taken into account;
- Accessibility, affordability and efficient delivery of services; and
- Competitive neutrality with commercial providers.

Council compiles a table of fees and charges as part of its annual budget each year. Proposed pricing will be included in this table and will be communicated to stakeholders before the budget is adopted, giving them the chance to review and provide valuable feedback before the fees are locked in.

5.2 Statutory Fees and Charges

Statutory fees and fines are those which Council collects under the direction of legislation or other government directives. The rates used for statutory fees and fines are generally advised by the state government department responsible for the corresponding services or legislation. Council has little discretion to set these fees.

Examples of statutory fees and fines include:

- Planning and subdivision fees
- Animal registration fees
- Caravan park registration fees
- Building and Inspection fees
- Infringements and fines
- Land Information Certificate fees

Penalty and fee units are used in Victoria's Acts and Regulations to describe the amount of a fine or a fee.

Penalty units

Penalty units are used to define the amount payable for fines for many offences. For example, the fine for selling a tobacco product to a person aged under 18 is four penalty units.

One penalty unit is currently \$165.22, from 1 July 2020 to 30 June 2021.

The rate for penalty units is indexed each financial year so that it is raised in line with inflation. Any change to the value of a penalty unit will happen on 1 July each year.

Fee units

Fee units are used to calculate the cost of a certificate, registration or licence that is set out in an Act or Regulation. For example, the cost of depositing a Will with the supreme court registrar of probates is 1.6 fee units.

The value of one fee unit is currently \$14.81. This value may increase at the beginning of a financial year, at the same time as penalty units.

The cost of fees and penalties is calculated by multiplying the number of units by the current value of the fee or unit. The exact cost may be rounded up or down.

5.3 Grants

Grant revenue represents income usually received from other levels of government. Some grants are singular and attached to the delivery of specific projects, whilst others can be of a recurrent nature and may or may not be linked to the delivery of projects.

Council will pro-actively advocate to other levels of government for grant funding support to deliver important infrastructure and service outcomes for the community. Council may use its own funds to leverage higher grant funding and maximise external funding opportunities.

When preparing its financial plan, Council considers its project proposal pipeline, advocacy priorities, upcoming grant program opportunities, and co-funding options to determine what grants to apply for. Council will only apply for and accept external funding if it is consistent with the Community Vision and does not lead to the distortion of Council Plan priorities.

Grant assumptions are then clearly detailed in Council's budget document. No project that is reliant on grant funding will proceed until a signed funding agreement is in place.

5.4 Contributions

Contributions represent funds received by Council, usually from non-government sources, and are usually linked to projects.

Contributions can be made to Council in the form of either cash payments or asset hand-overs.

Examples of contributions include:

- Contributions from user groups towards upgrade of facilities
- Contributions from other Councils to complete mutually beneficial projects
- Contributions from individuals or estates towards purchase of artwork
- Assets handed over to Council from developers at the completion of a subdivision, such as roads, drainage, and streetlights.
- Monies collected from developers under planning and development agreements

- Monies collected under developer contribution plans and infrastructure contribution plans.

Contributions should always be linked to a planning or funding agreement. Council will not undertake any work on a contribution-funded project until a signed agreement outlining the contribution details is in place.

Contributions linked to developments can be received well before any Council expenditure occurs. In this situation, the funds will be identified and held separately for the specific works identified in the agreements.

5.5 Interest on Investments

Council receives interest on funds managed as part of its investment portfolio, where funds are held in advance of expenditure, or for special purposes. The investment portfolio is managed per Council's investment policy, which seeks to earn the best return on funds, whilst minimising risk.

5.6 Borrowings

Whilst not a source of income, borrowings can be an important cash management tool in appropriate circumstances. Loans can only be approved by council resolution. The following financial sustainability principles must be adhered to with new borrowings:

- Borrowings must only be applied for where it can be proven that repayments can be met in the Long Term Financial Plan
- Borrowings must not be used to fund ongoing operations
- Borrowings are appropriate for funding large capital works where the benefits are provided to future generations.
- Council will maintain its debt at levels which are sustainable, with:
 - indebtedness <60% of rate and charges revenue, and
 - debt servicing cost <5% of total revenue (excluding capital revenue).

12.5. APPROVAL TO ADVERTISE THE REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES FOR PUBLIC SUBMISSIONS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

For Council to resolve to advertise the review of the Mayoral and Councillor allowances in accordance with Section 74(1) of the *Local Government Act 1989* and seek public submissions in accordance with Section 223 of the *Local Government Act 1989*.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council:

- 1. Provide public notice that it has reviewed the Mayoral and Councillor allowances in accordance with Section 74(1) of the Local Government Act 1989, and is proposing that the following allowances initially set by the Victorian Government, continue until the Remuneration Tribunal makes its first determination on allowances:***
 - a) the Mayoral allowance for a Category 2 Council, is at \$81,204 plus the equivalent percentage for the superannuation guarantee;***
 - b) the Councillor allowance for a Category 2 Council, is at \$26,245 plus the equivalent percentage for the superannuation guarantee;***
- 2. Also invite public submissions relating to the reviewed Mayoral and Councillor allowances commencing immediately and closing on Tuesday 29 June 2021 at 5:00pm;***
- 3. Consider submissions on the proposed Mayoral and Councillor allowances at a Council meeting on Tuesday 6 July 2021 at 3:00pm; and***
- 4. Meet on Tuesday 20 July 2021 at 6:00pm to consider the formal adoption of the Mayoral and Councillor allowances, until the Victorian Independent Remuneration Tribunal make its first determination.***

BACKGROUND

The *Local Government Act 2020* transfers responsibilities in determining Mayoral, Deputy Mayoral and Councillor allowances to the Victorian Independent Remuneration Tribunal (the Remuneration Tribunal).

However, until the Remuneration Tribunal makes its first determination on allowances, the allowance framework under the *Local Government Act 1989* continues to apply. Section 39(6) of the 2020 Act provides for this transitional arrangement.

Under section 74(1) of the *Local Government Act 1989*, Councils must review and determine the level of Mayoral and Councillor allowances within six months of a general election or by 30 June, whichever is later. The review must also include public consultations and the opportunity for submissions in accordance with Section 223 of the Act.

Mayors and Councillors are entitled to receive an allowance while performing their duty as an elected official. Under the current framework the Victorian Government sets the upper and lower levels for allowances paid to Councillors. Allowance levels are subject to annual automatic adjustments that are announced in the Victoria Government Gazette by the Minister for Local Government.

The Wellington Shire Council is deemed as a Category 2 Council, along with another 28 Victorian Councils and pays the following per annum:

- Councillors - \$26,245
- Mayor - \$81,204

Further information regarding Councillor Remuneration can be found at the “Know Your Council Website” via the following link - [Councillor remuneration - Know Your Council](#).

Individuals and organisations have an opportunity to make submissions in response to the review of the Mayoral and Councillor allowances. Submissions must be received no later than 5:00pm on Tuesday 29 June 2021 and individuals will also have the opportunity to speak to their submission at the Council meeting on Tuesday 6 July 2021 at 3:00pm. Council will then meet on Tuesday 20 July 2021 at 6:00pm to consider the formal adoption of the Mayoral and Councillor allowances, until the Victorian Independent Remuneration Tribunal make its first determination.

ATTACHMENTS

Nil

OPTIONS

Council has the following options available:

1. To give public notice of the review of the Mayoral and Councillor allowances for public comment and consider submissions; or
2. To seek further information and present to Council for consideration at a later Council meeting.

PROPOSAL

That Council:

1. Provide public notice that it has reviewed the Mayoral and Councillor allowances in accordance with Section 74(1) of the *Local Government Act 1989*, and is proposing that the following allowances initially set by the Victorian Government, continue until the Remuneration Tribunal makes its first determination on allowances:
 - a) the Mayoral allowance for a Category 2 Council, is at \$81,204 plus the equivalent percentage for the superannuation guarantee;
 - b) the Councillor allowance for a Category 2 Council, is at \$26,245 plus the equivalent percentage for the superannuation guarantee;
2. Also invite public submissions relating to the reviewed Mayoral and Councillor Allowances commencing immediately and closing on Tuesday 29 June 2021 at 5:00pm;

3. Consider submissions on the proposed Mayoral and Councillor allowances at a Council meeting on Tuesday 6 July 2021 at 3:00pm; and
4. Meet on Tuesday 20 July 2021 at 6:00pm to consider the formal adoption of the Mayoral and Councillor allowances, until the Victorian Independent Remuneration Tribunal make its first determination.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

Provision for the proposed Mayoral and Councillor allowances are included in Council's annual budget.

COMMUNICATION IMPACT

All individuals or organisations making submissions in response to the review of the Mayoral and Councillor allowances will have an opportunity to present to Council on Tuesday 6 July 2021 at 3:00pm and will be advised in writing of the outcome once Council has considered their submission.

LEGISLATIVE IMPACT

Section 74(1) of the *Local Government Act 1989* (the Act) requires Council to review and determine the level of Councillor and Mayoral allowances within a period of six months after a general election or by the next 30 June, whichever is the later. The review must also include public consultations and the opportunity for submissions in accordance with Section 223 of the Act which requires Council to provide a 28 day submission period.

COUNCIL POLICY IMPACT

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

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objectives and related strategies:

Strategic Objective 6.2: *“Community engagement and customer service excellence is central to Council's decision making process.”*

Strategy 6.2.3: *“Ensure sound processes are in place to facilitate input into Council deliberations and decision making.”*

Strategic Objective 6.3: *“Maintain a well governed, transparent, high performing, ethical and accountable organisation.”*

Strategy 6.3.3: "Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."

This report supports the above Council Plan strategic objectives and strategies.

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.

13. GENERAL MANAGER DEVELOPMENT

13.1. RESOLUTION OF LONG STANDING NINETY MILE BEACH INAPPROPRIATE SUBDIVISION

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To endorse a letter to the Minister for Energy, Environment and Climate Change (and other relevant Ministers) relating to the resolution of the long standing Ninety Mile Beach Inappropriate Subdivisions.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council endorse the attached letter to the Minister for Energy, Environment and Climate Change (and other relevant Ministers) relating to the resolution of the long standing Ninety Mile Beach Inappropriate Subdivisions.

BACKGROUND

Due to significant environmental and service constraints, the Ninety Mile Beach Inappropriate Subdivision area is not suitable for development. The permanent prohibition of development in these areas is now long established in the Wellington Planning Scheme following past Independent Planning Panel processes established by the State Government.

'The history of the Ninety Mile Beach subdivisions between Glomar Beach and Golden Beach represents one of the perhaps longest running and most difficult episodes in land use planning in Victoria. The saga is filled with stories of personal financial hardship, impossible planning decisions, unscrupulous developers and at the heart of it all, the natural values of an iconic part of the Victorian coastline' (Amendment C71 Independent Planning Panel report, 2012).

Given the permanent loss of development rights and the complex history of the Ninety Mile Beach Inappropriate Subdivision, the August 2019 Victorian Ombudsman report has made it clear that all undevelopable land should be returned to public ownership through the State Government's compulsory acquisition of land.

It is my firm view that this long-running saga must be brought to an end, and the only way this will happen is if the land that cannot ever be developed is acquired, in the public interest, for the benefit of all' (Victorian Ombudsman report, 2019).

Council and the Department of Environment, Land, Water and Planning (DELWP) support the independent findings of the Victorian Ombudsman and are committed to implementing this Ombudsman recommendation to ensure that all undevelopable land can be returned to public ownership and management for the long-term benefit of all Victorians.

Accordingly, DELWP will advance a compulsory land acquisition process for remaining privately owned undevelopable land (~1800 lots) from 1 July 2021 onwards. This will build on work undertaken by Council in recent years where undevelopable land has been

transferred into Council ownership principally through voluntary processes. These Council processes, being the Voluntary Assistance Scheme and Voluntary Transfer Scheme, will conclude in mid-2021 and undevelopable Ninety Mile Beach land in Council ownership will be transferred to DELWP.

It is proposed that the Attached letter be sent to the Minister for Energy, Environment and Climate Change (and other relevant Ministers) to confirm the transition of the Ninety Mile Beach Inappropriate Subdivision project from Council to the State Government.

ATTACHMENTS

1. Letter to Minister Energy Environment and Climate Change [13.1.1 - 1 page]

OPTIONS

Council has the following options available:

1. That Council endorse the Attached letter to the Minister for Energy, Environment and Climate Change (and other relevant Ministers).
2. That Council not endorse the Attached letter and seek further information for consideration at a future Council meeting.

PROPOSAL

That Council endorse the attached letter to the Minister for Energy, Environment and Climate Change (and other relevant Ministers) relating to the resolution of the long standing Ninety Mile Beach Inappropriate Subdivisions.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

Financial costs associated with compulsory acquisition will be met by the State Government (subject to State Government budget processes).

COMMUNICATION IMPACT

DELWP, in consultation with Council, will lead communication activities associated with the next stage of implementation.

LEGISLATIVE IMPACT

Compulsory acquisition processes will be advanced by the State Government in accordance with relevant statutory processes.

COUNCIL POLICY IMPACT

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

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 3 Natural Environment states the following strategic objective and related strategy:

Strategic Objective 3.1: *"Conserve and protect our natural environment through responsible and sustainable management practices."*

Strategy 3.1.1: *"Ensure development is appropriate to conserve our environmentally sensitive landscapes for future generations."*

Strategy 3.1.2: *"Work in partnership to protect and preserve Wellington Shire's natural environment, biodiversity, resources and environmental heritage."*

This report supports the above Council Plan strategic objectives and strategies.

RESOURCES AND STAFF IMPACT

Council's Major Land Use Planning Projects Coordinator will be available to support DELWP with background information relating to upcoming compulsory acquisition processes to be led by the State Government.

COMMUNITY IMPACT

Broader community impacts are expected to be positive by returning undevelopable land to public ownership. Individual landowners are likely, however, to raise concern with compulsory acquisition of land, with issues arising to be considered in accordance with relevant statutory processes.

ENVIRONMENTAL IMPACT

Positive environmental impacts are expected by returning undevelopable land into State ownership and future public land management, consistent with the adjacent Gippsland Lakes Coastal Park.

ENGAGEMENT IMPACT

Individual landowners will be engaged by the State Government as the compulsory acquisition process advances.

RISK MANAGEMENT IMPACT

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

1 June 2020



The Hon Lily D'Ambrosio
Minister for Energy, Environment and Climate Change

Via email lily.dambrosio@parliament.vic.gov.au

Dear Minister

RE: RESOLUTION OF LONG STANDING NINETY MILE BEACH INAPPROPRIATE SUBDIVISIONS – STATE GOVERNMENT ACQUISITION OF LAND

I refer to the State Government's past funding support to resolve the long standing inappropriate subdivision of land along the Ninety Mile Beach and the associated August 2019 recommendation of the Victorian Ombudsman for the Department of Environment, Land, Water and Planning (DELWP) to 'facilitate a program of compulsory acquisition of privately owned undevelopable land in the Ninety Mile Beach subdivisions once the Council's Voluntary Assistance Scheme and Voluntary Transfer Scheme conclude in 2021.'

Council has made significant progress in transferring undevelopable land into Council ownership in recent years, with the final stage of implementation being the State Government's compulsory acquisition of remaining privately owned undevelopable land (as recommended by the Victorian Ombudsman). This critical step will fulfill the Victorian's Ombudsman's view 'that this long-running saga must be brought to an end, and the only way this will happen is if the land that cannot ever be developed is acquired, in the public interest, for the benefit of all.'

Accordingly, Council Officers will continue to work with DELWP as DELWP progress the compulsory acquisition of remaining undevelopable land (approximately 1800 lots) in accordance with relevant legislative and notification processes.

Council also welcomes the transfer of undevelopable land into State ownership for appropriate future public land management.

On behalf of Council, I thank the State Government for the support in finalising the complex and long-standing issue of inappropriately subdivided land along the environmentally sensitive Ninety Mile Beach.

Yours sincerely

CR GARRY STEPHENS
Mayor

Cc The Hon Richard Wynne, Minister for Planning; The Hon Shaun Leane, Minister for Local Government; and The Hon Lisa Neville, Minister for Water

13.2. 2020 PLANNING CUSTOMER SATISFACTION SURVEY RESULTS

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To provide Council with the results of the 2020 statutory planning applicant and objector customer satisfaction survey.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council note the results of the 2020 statutory planning applicant and objector survey as attached.

BACKGROUND

Council's statutory planning unit undertakes an annual survey of planning permit applicants and objectors. The key purpose of the survey is to obtain feedback on the level of customer satisfaction to help identify opportunities for improvement and process change.

The results of the survey sent to 2020 statutory planning applicants and objectors is attached, along with a comparison of past survey results (from 2014). The survey results are generally positive overall, although it is recognised that there is always opportunity for improvement and given the often emotive and controversial nature of planning it is extremely difficult to keep everyone satisfied, particularly parties who object to planning applications which are approved.

Of particular note are the applicant and objector responses to the question about the 'overall experience' dealing with Council's Planning Department. The results show improved customer satisfaction with planning applicants (74% 'excellent' rating compared to 71% in 2019), but a decrease in satisfaction with objectors (only 19% 'excellent' rating compared to 75% in 2019).

The survey results will now be used as a benchmark for further customer satisfaction surveys and to continue to refine and improve customer service and processes.

ATTACHMENTS

1. 2020 Planning Survey Results [13.2.1 - 20 pages]

OPTIONS

Council has the following options available:

1. Note the report and attachment.
2. Choose to seek further information and refer this report to another meeting.

PROPOSAL

That Council note the results of the 2020 statutory planning applicant and objector survey 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 report communicates the results of the 2020 planning applicant and objector survey.

LEGISLATIVE IMPACT

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

COUNCIL POLICY IMPACT

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

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.2: *“Community engagement and customer service excellence is central to Council's decision making process.”*

Strategy 6.2.1: *“Provide proactive, quality customer service to all stakeholders.”*

This report supports the above Council Plan strategic objective and strategy.

RESOURCES AND STAFF IMPACT

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

COMMUNITY IMPACT

This report communicates the results of the 2020 planning applicant and objector survey and will be used to help improve customer satisfaction with Council's statutory planning service.

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.

Land Use Planning

Customer Satisfaction Survey



SUMMARY

Wellington Shire Council's Land Use Planning Department processes hundreds of planning applications each year. Planners are responsible for ensuring that land is used and developed in an environmentally, economically and socially responsible way that provides a sustainable future for the community.

The Customer Satisfaction Survey is an opportunity for the Planning Department to review and improve planning services provided to the community.

Customers were asked to consider their level of satisfaction with the service provided to them as opposed to the outcome of their planning application.

SURVEY DETAIL

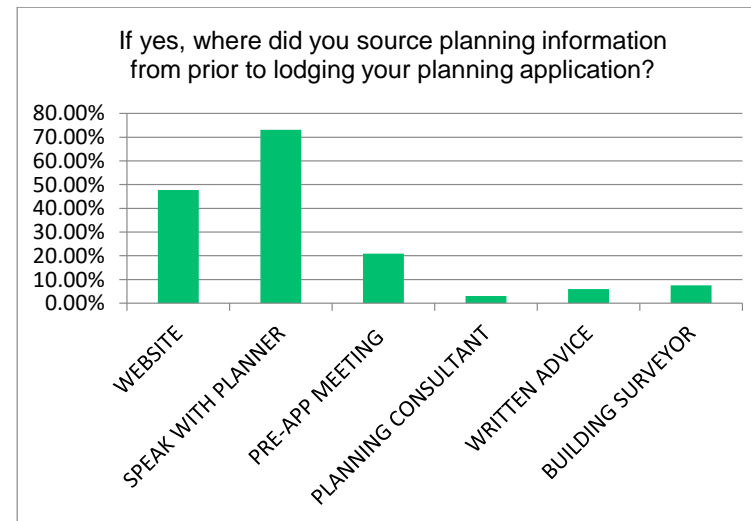
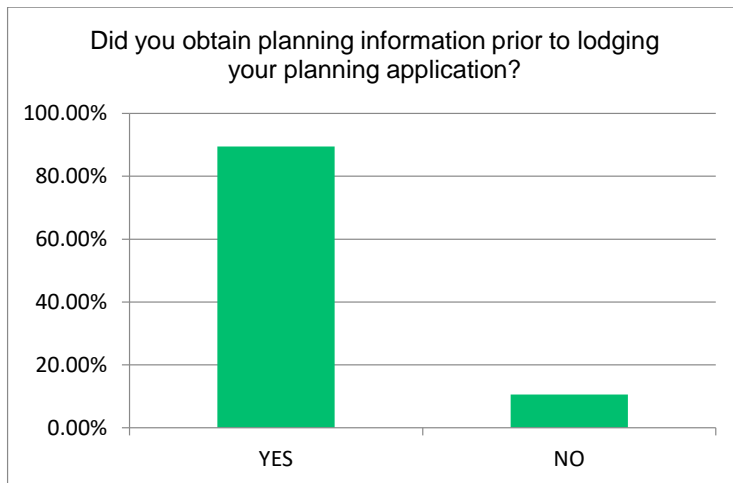
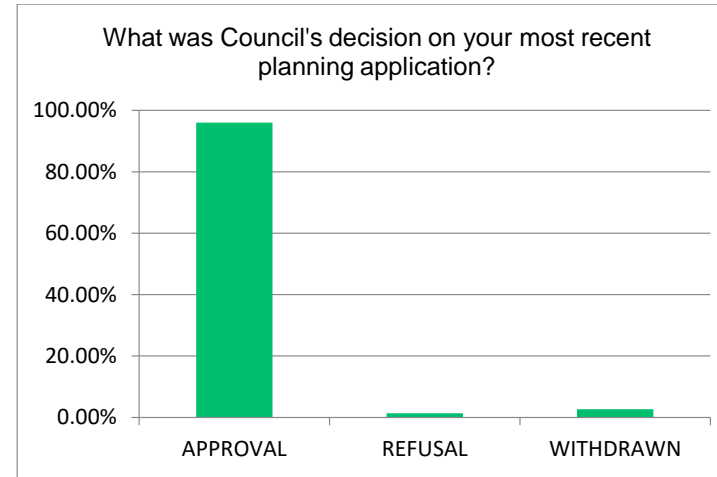
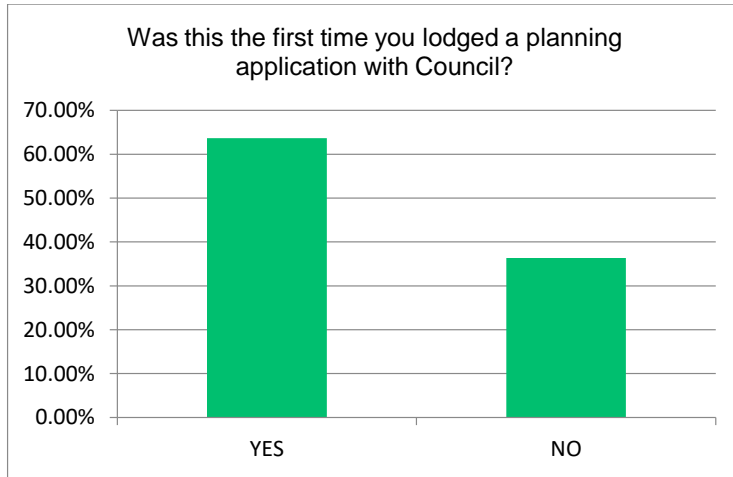
Surveys were undertaken for periods January – June and July – December 2020; the combined 12-month Survey follows (along with comparison of past survey results).

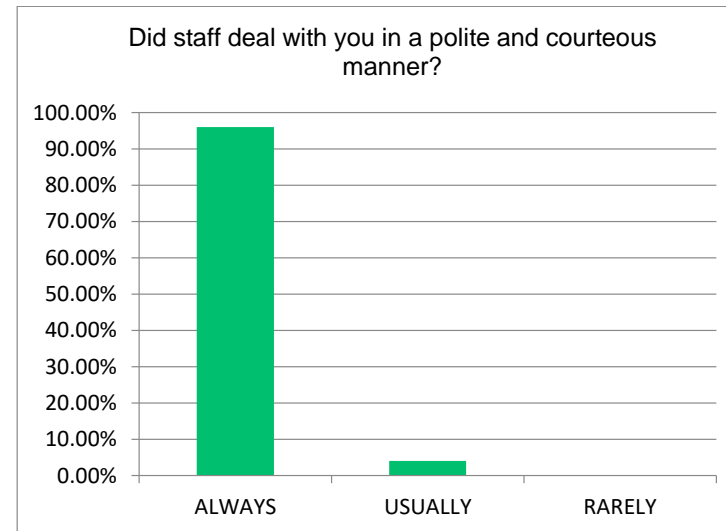
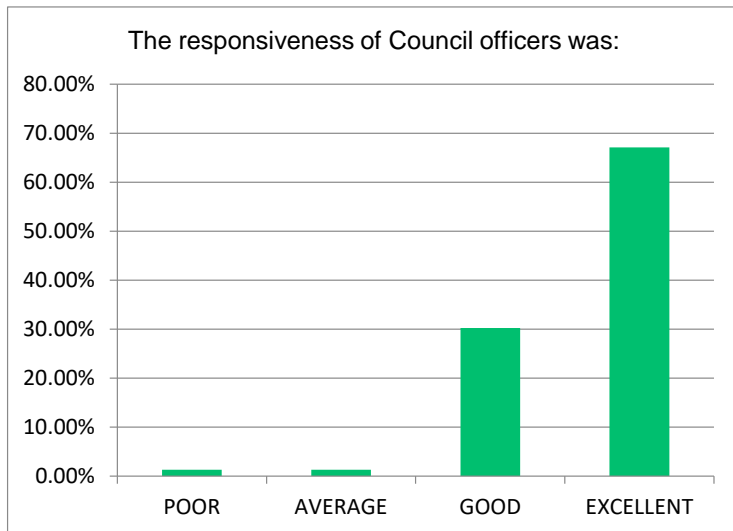
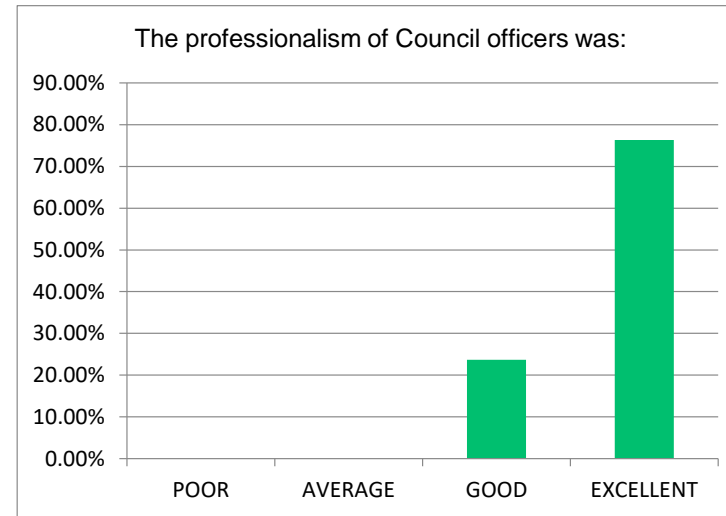
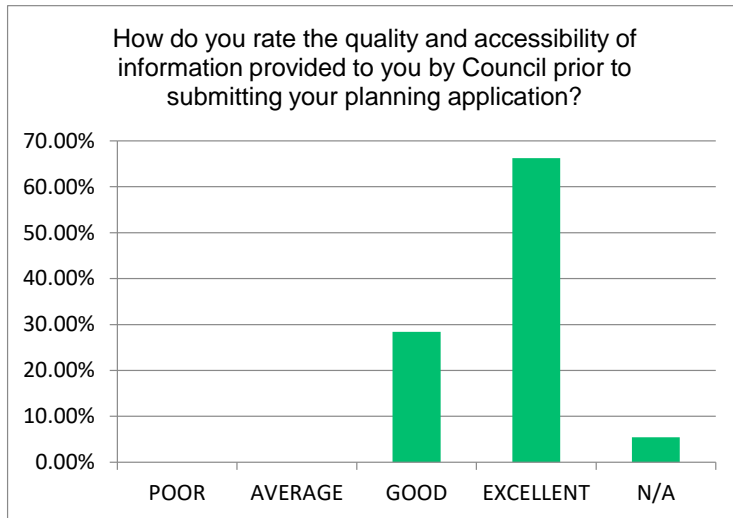
Planning Applicants and Planning Objectors were surveyed separately.

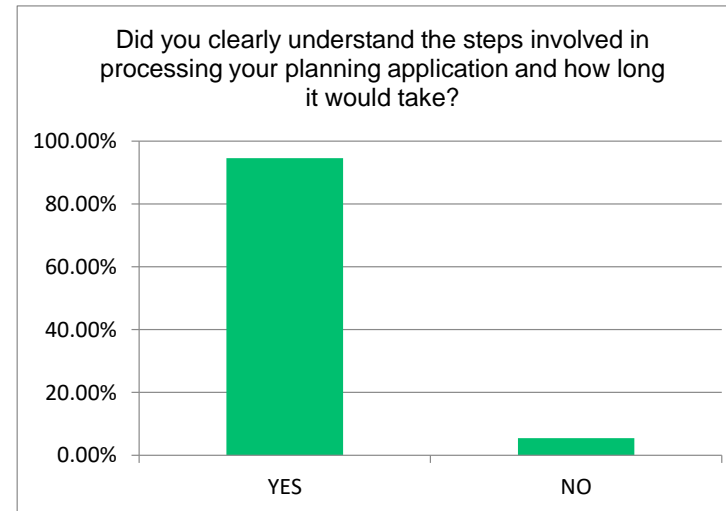
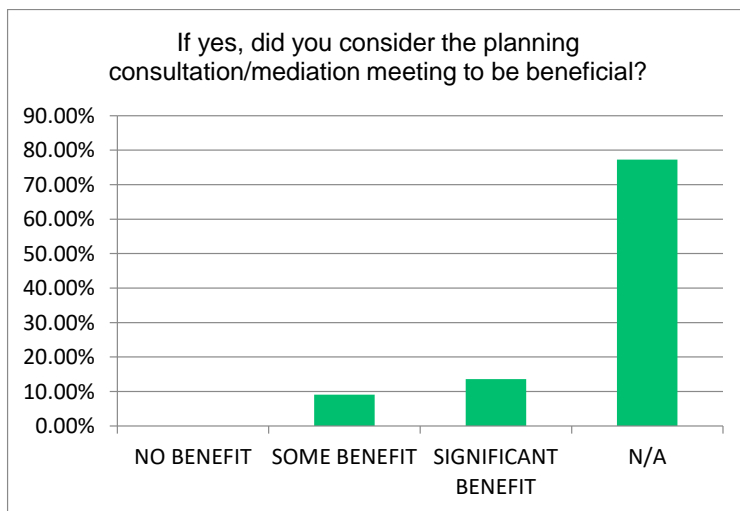
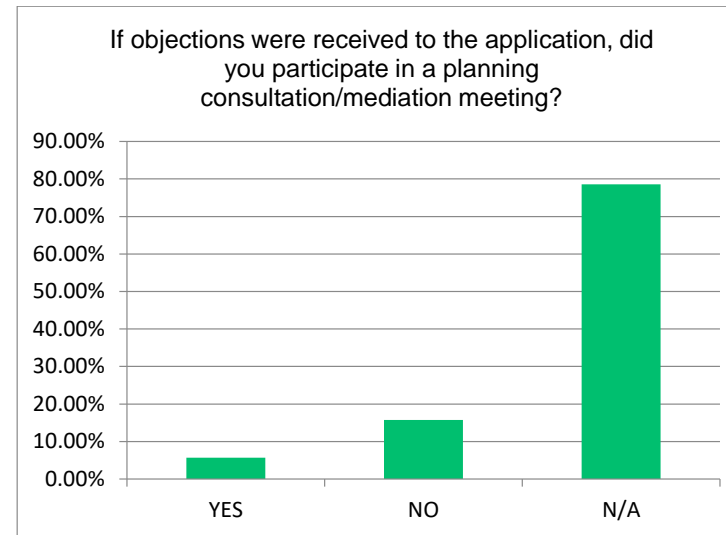
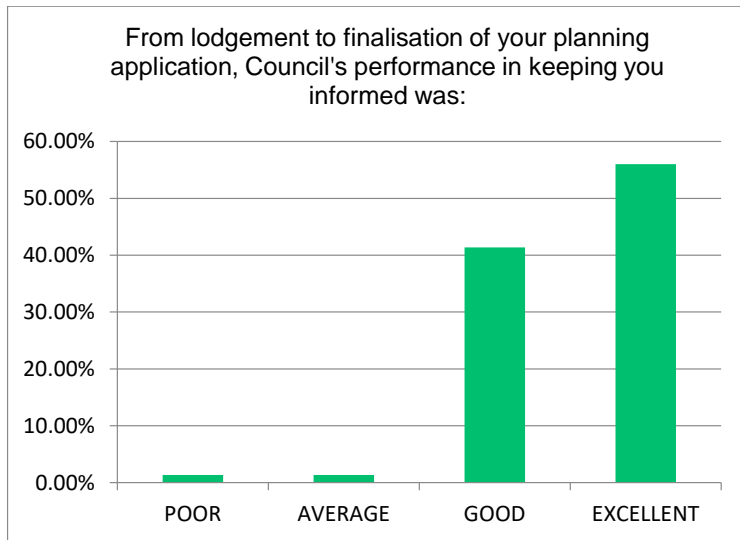
A total of 369 Planning Applicants and 45 Planning Objectors were sent surveys.

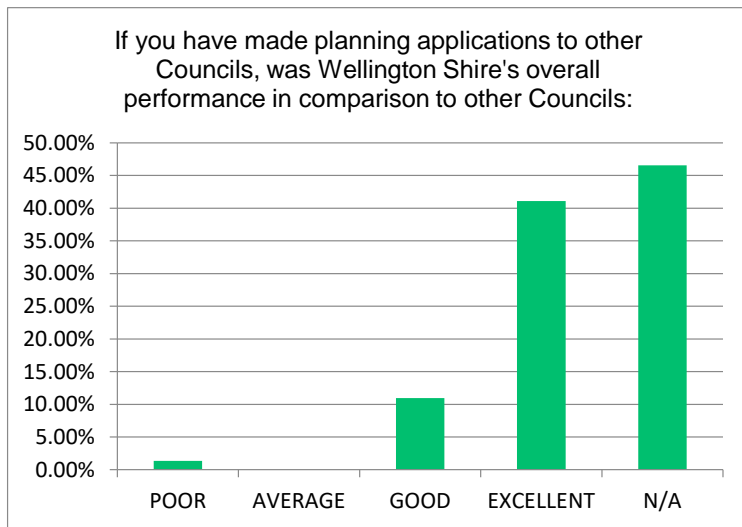
The Survey had a 20.87% return rate from Planning Applicants (77) and a 26.67% return rate from Planning Objectors (12). It is noted that the highest response rate came via hard copies returned in self-addressed replay paid envelopes.

PLANNING APPLICANT SURVEY RESULTS

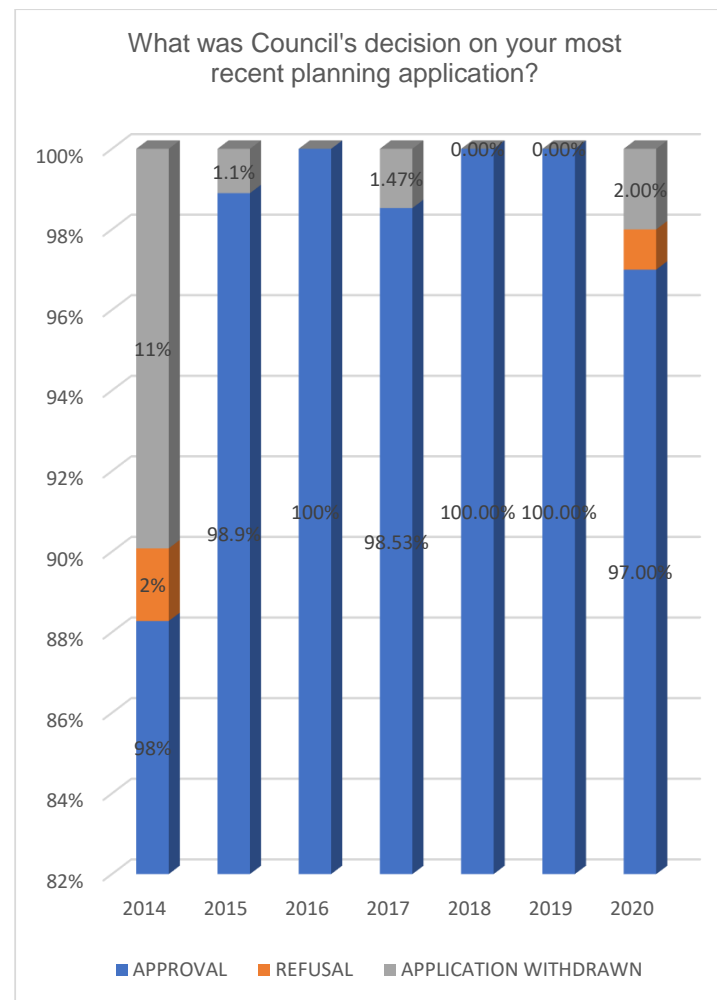
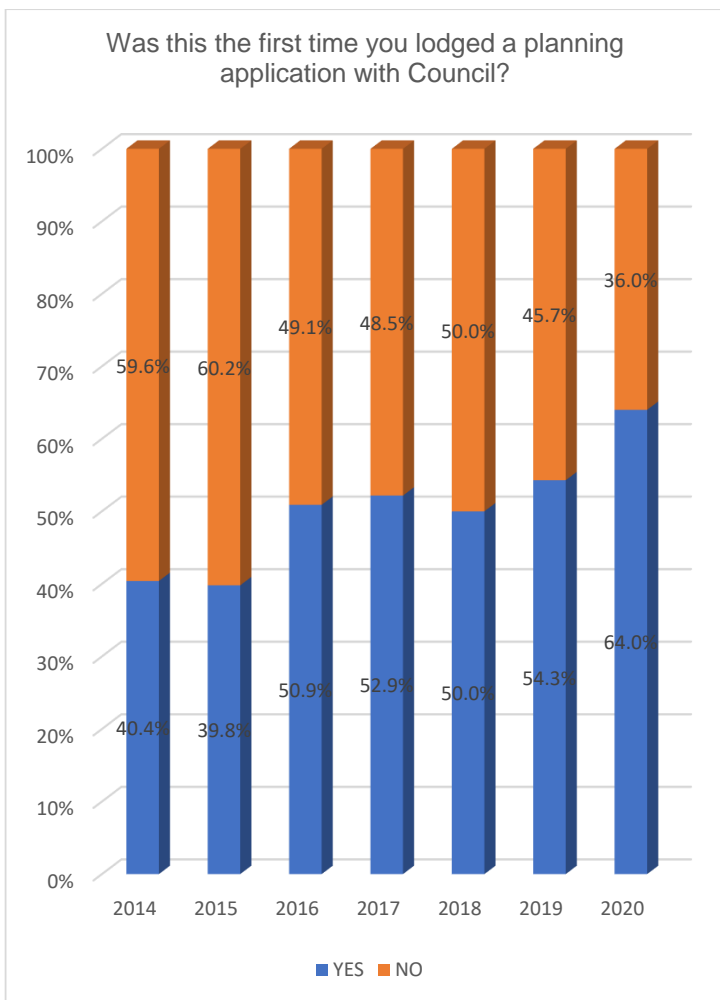


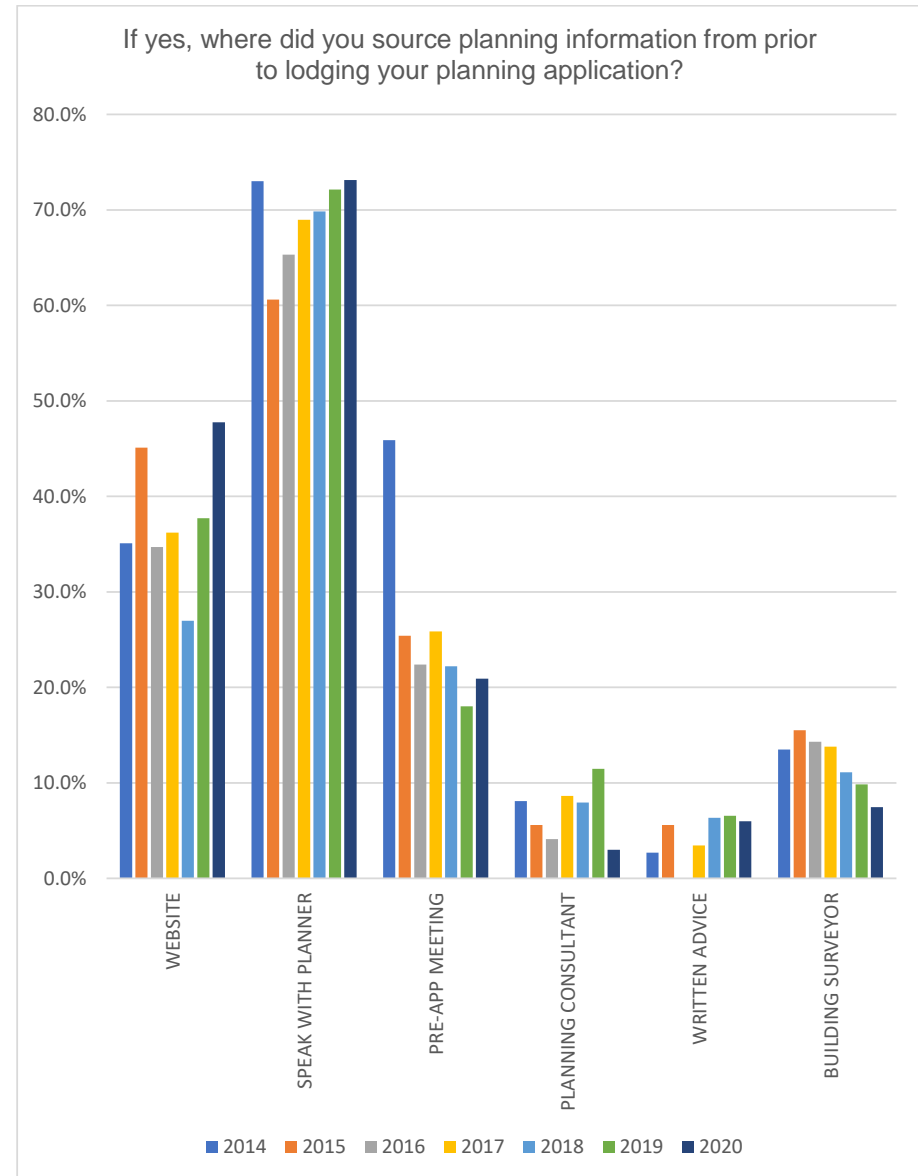
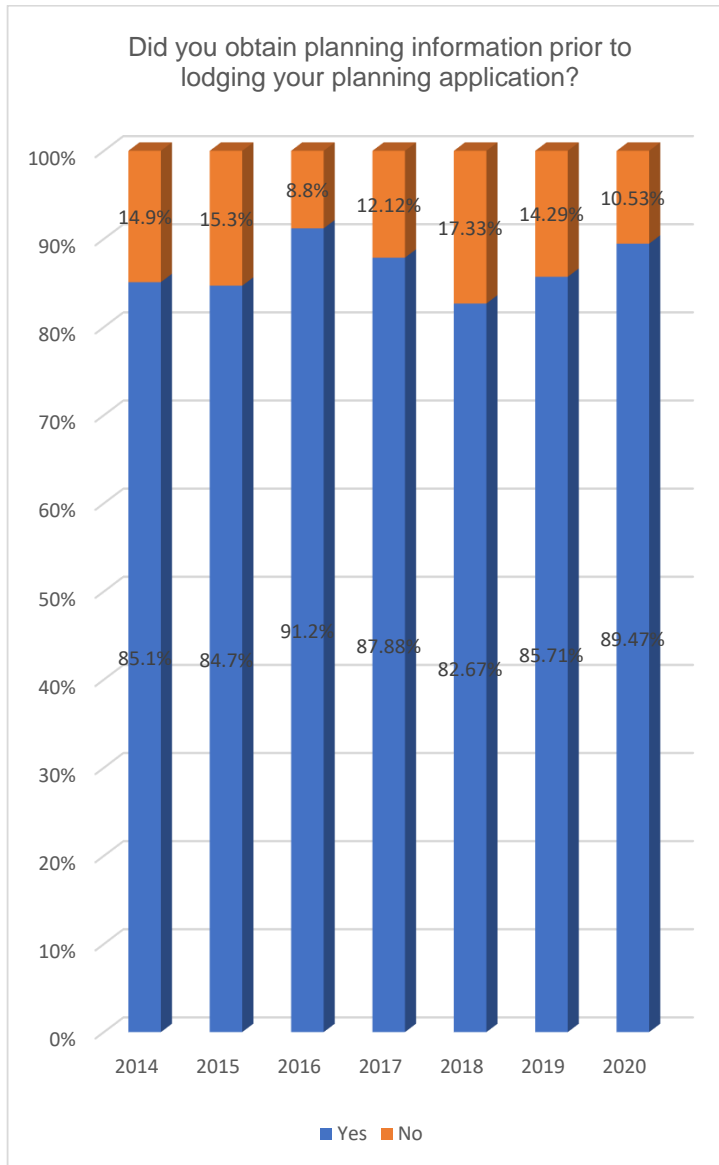




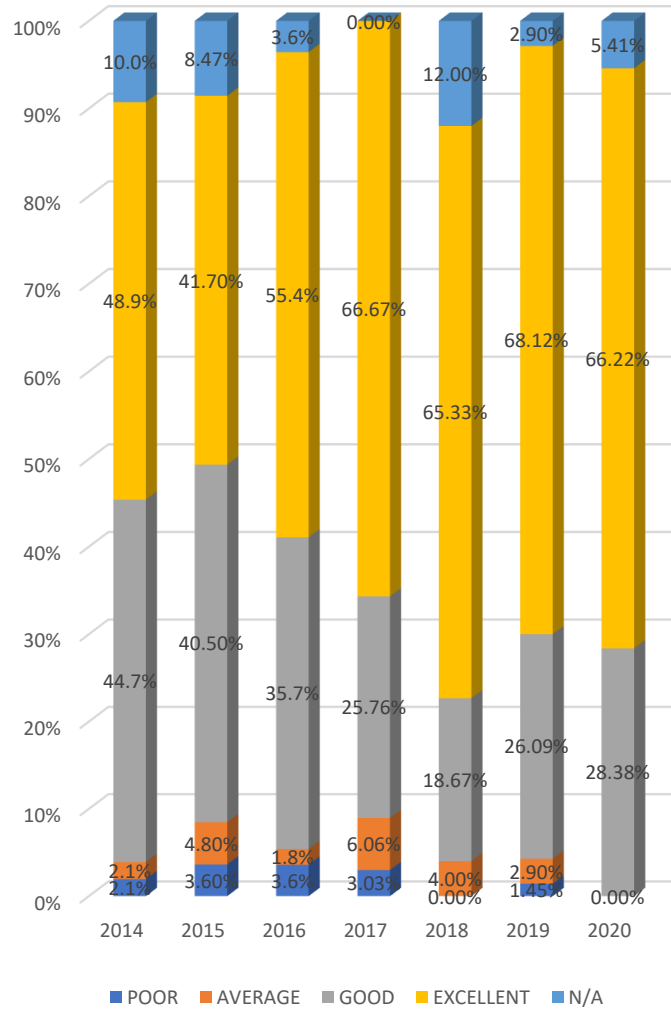


PLANNING APPLICANT SURVEY RESULT COMPARISON

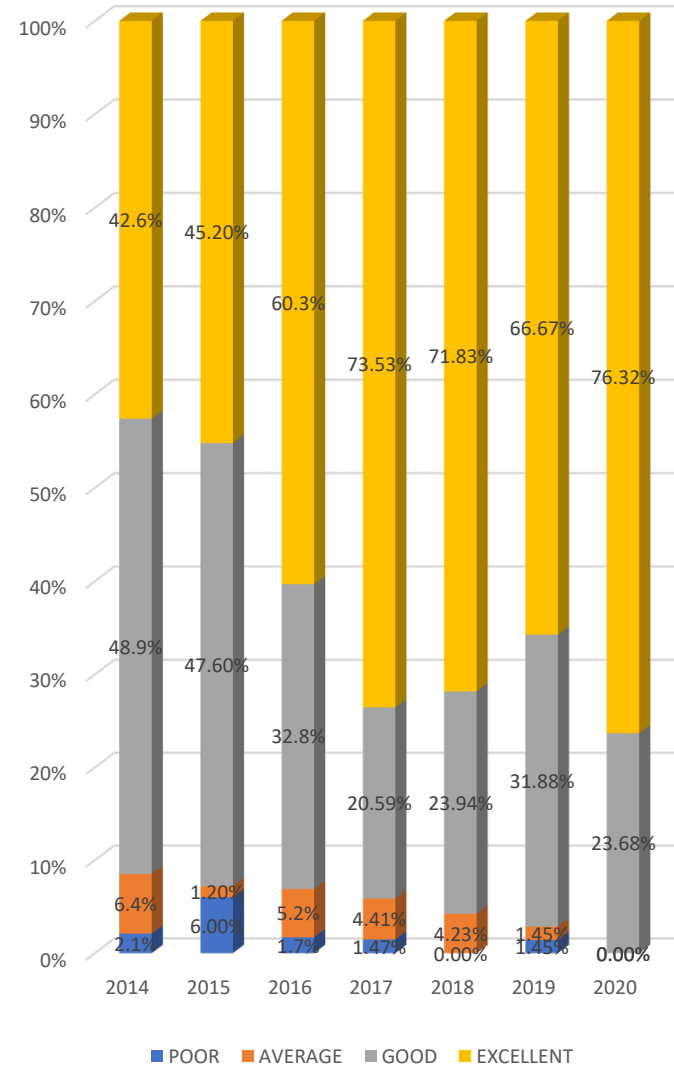


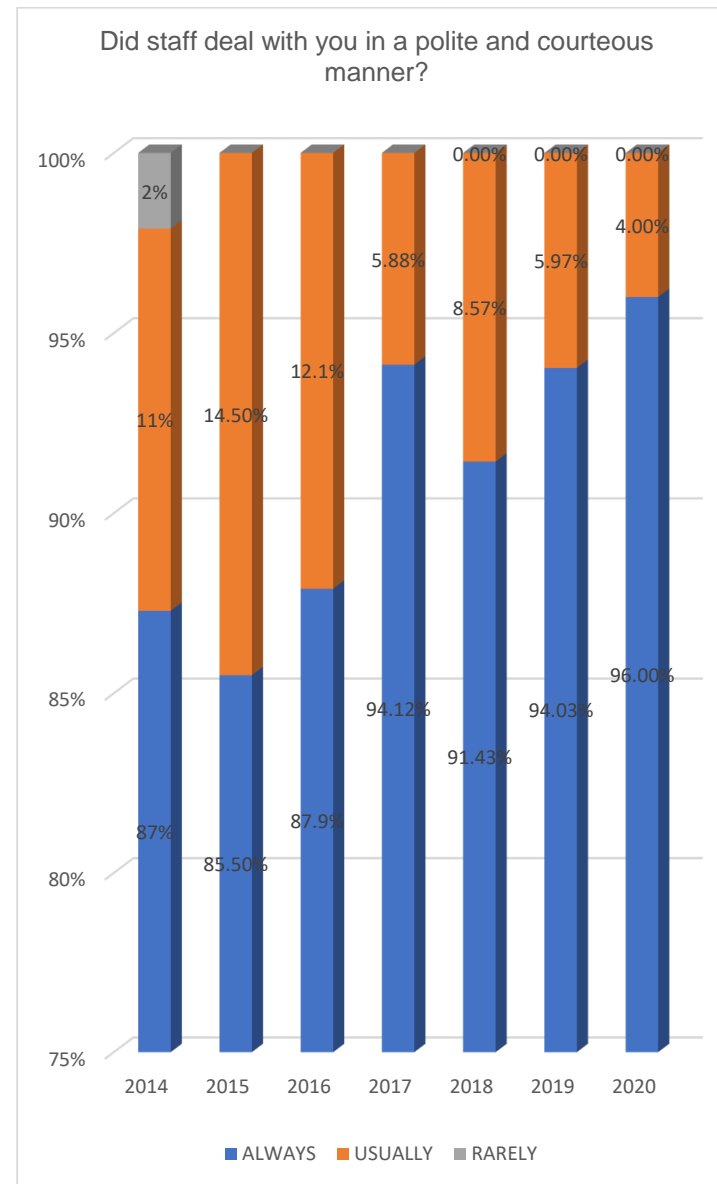
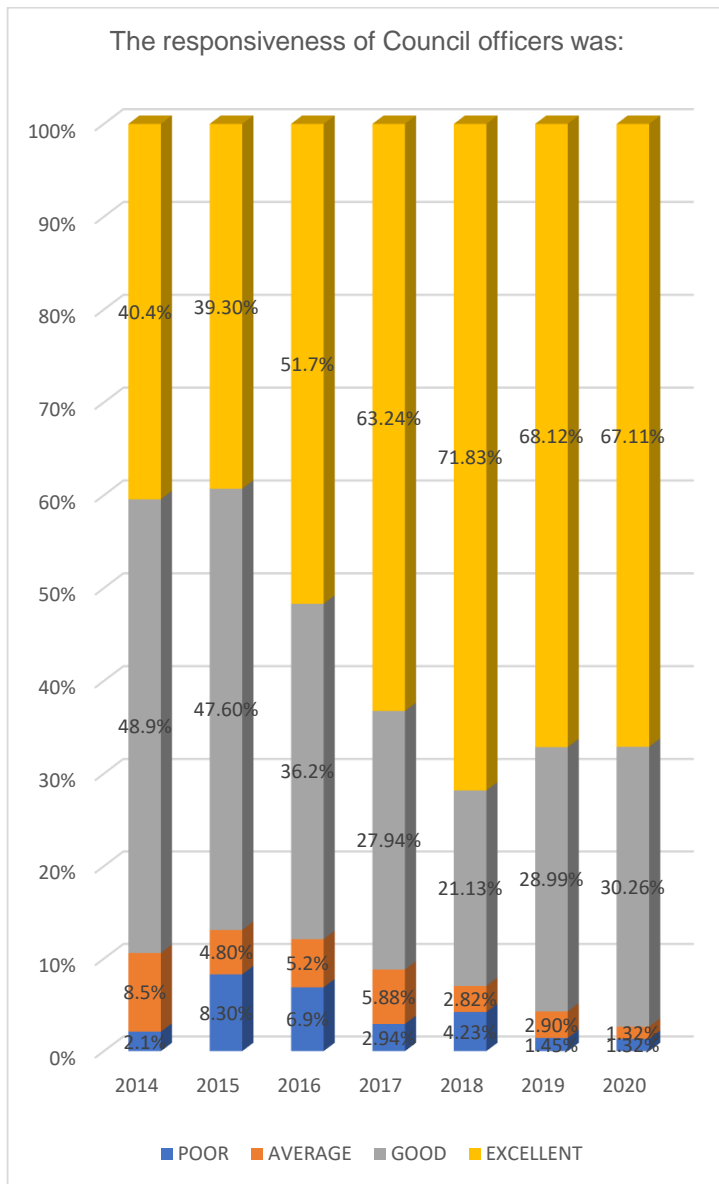


How do you rate the quality and accessibility of information provided to you by Council prior to submitting your planning application?

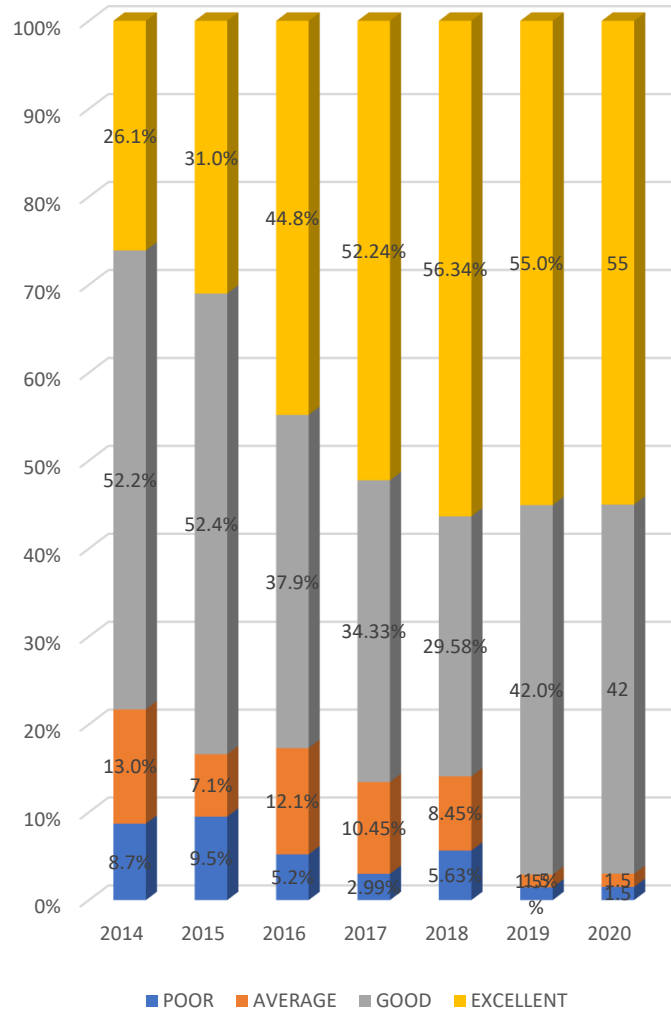


The professionalism of Council officers was:

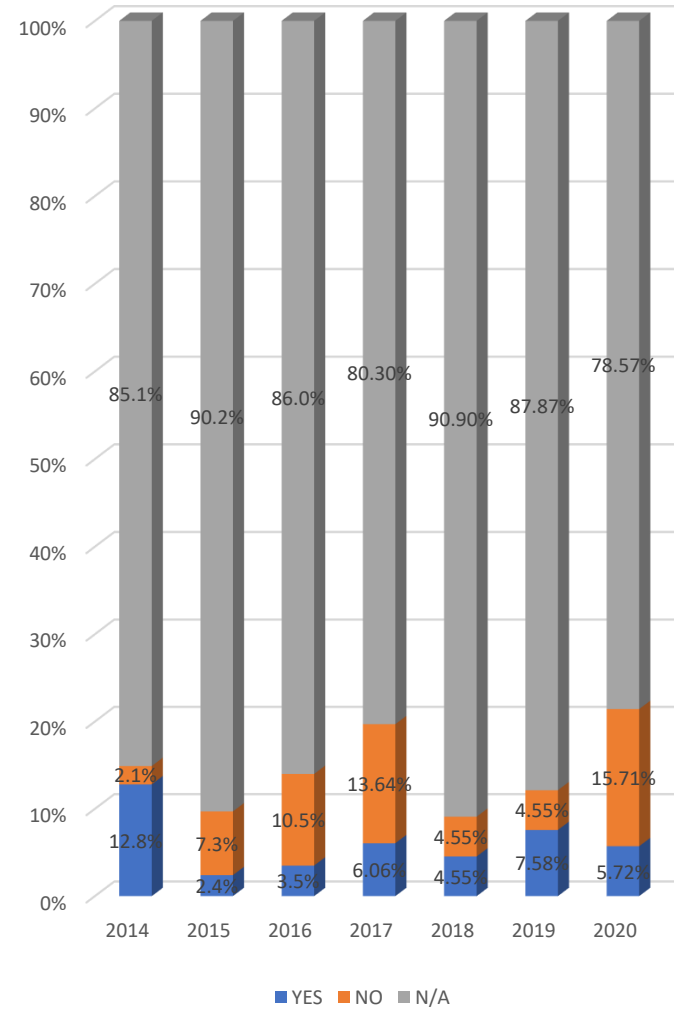


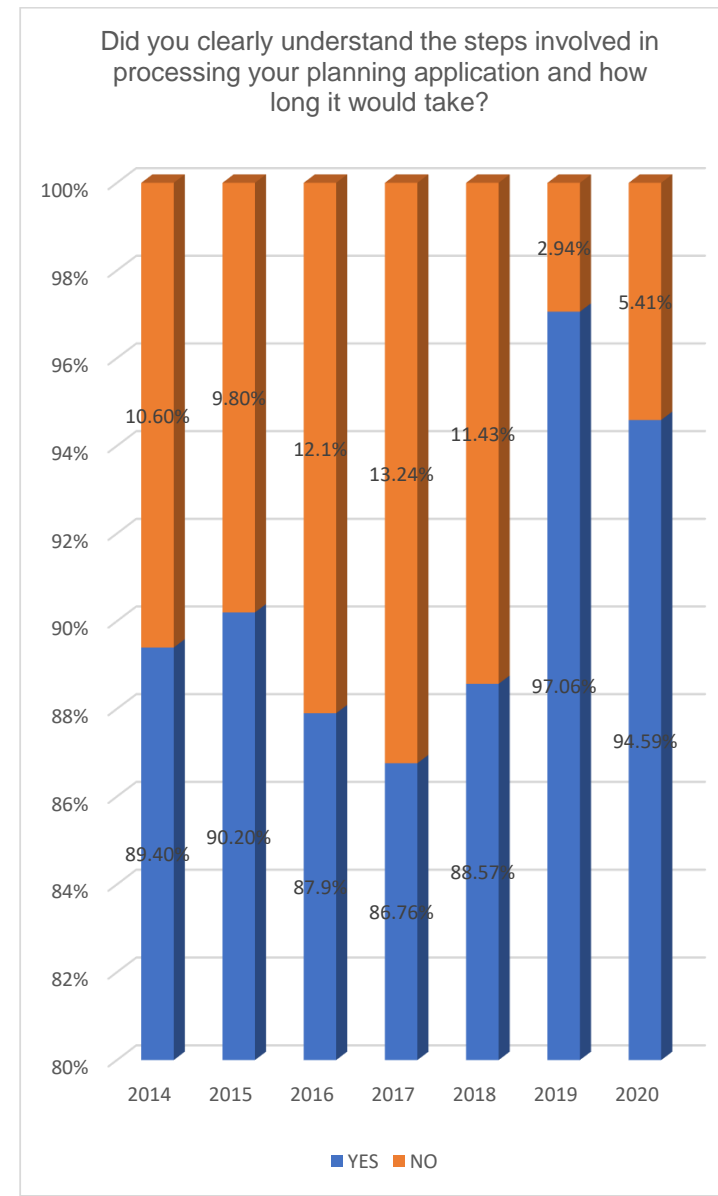
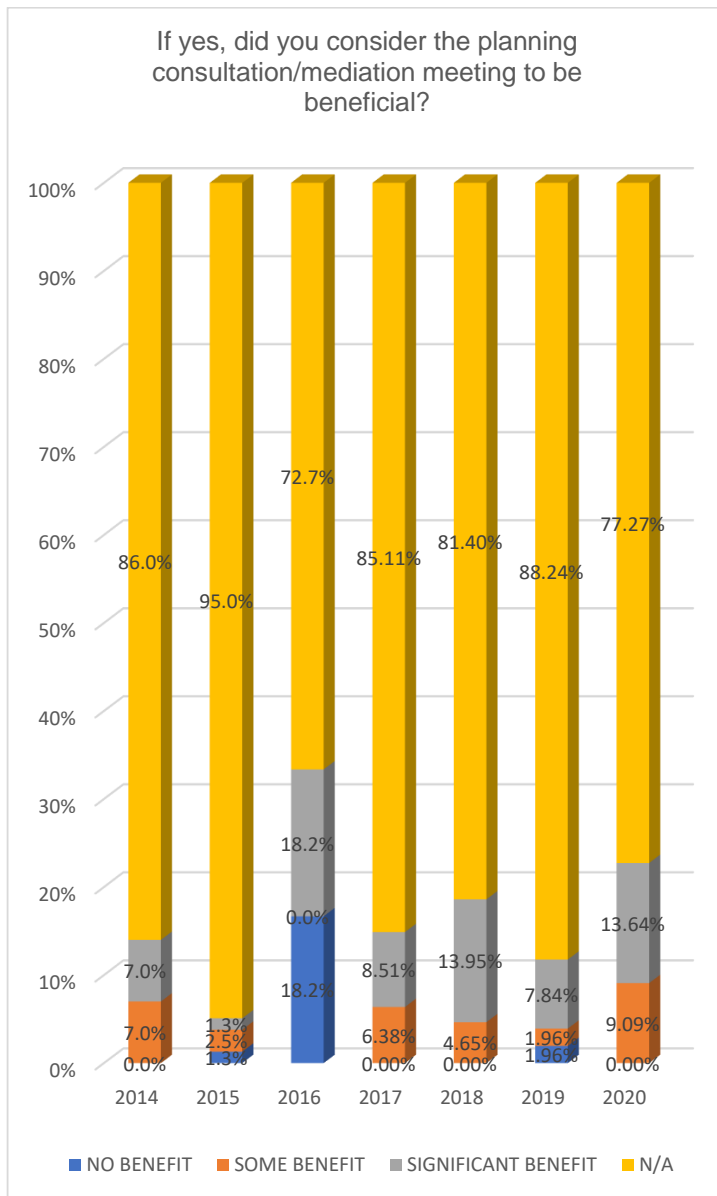


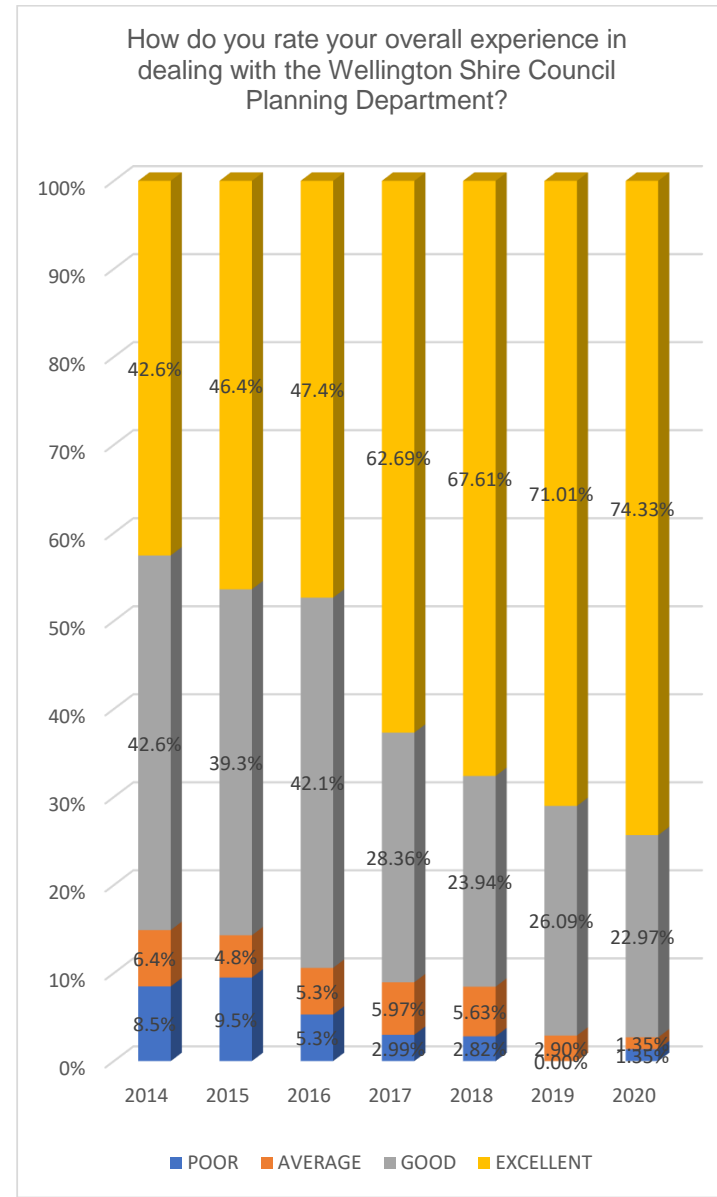
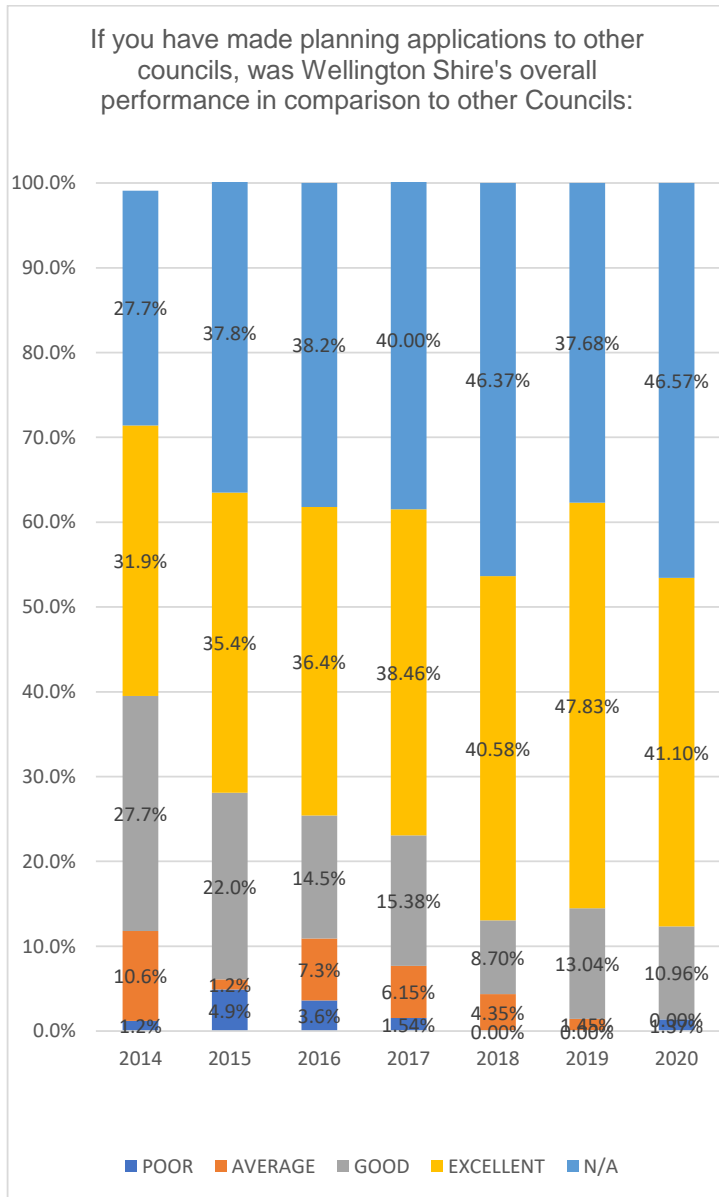
From lodgement to finalisation of your planning application, Council's performance in keeping you informed was:



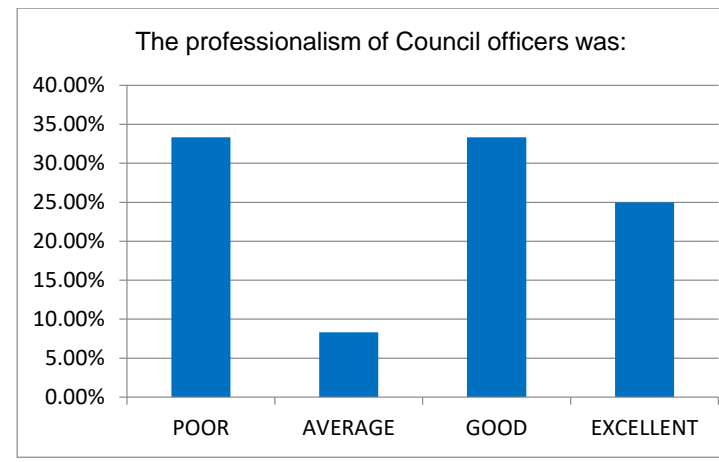
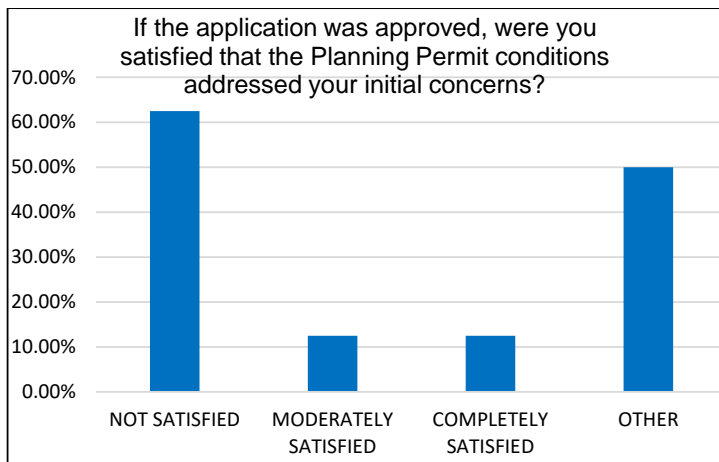
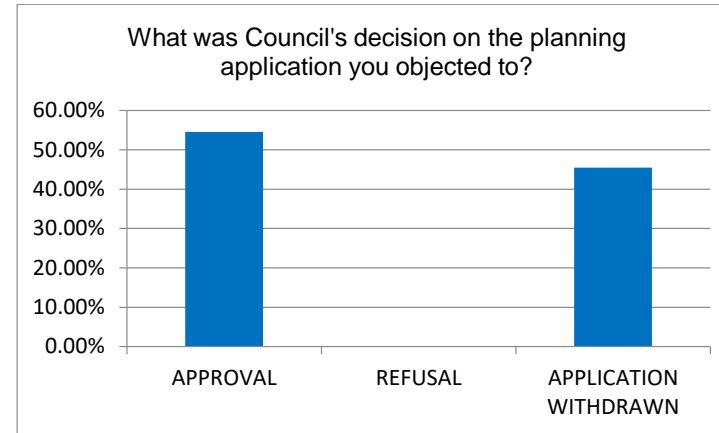
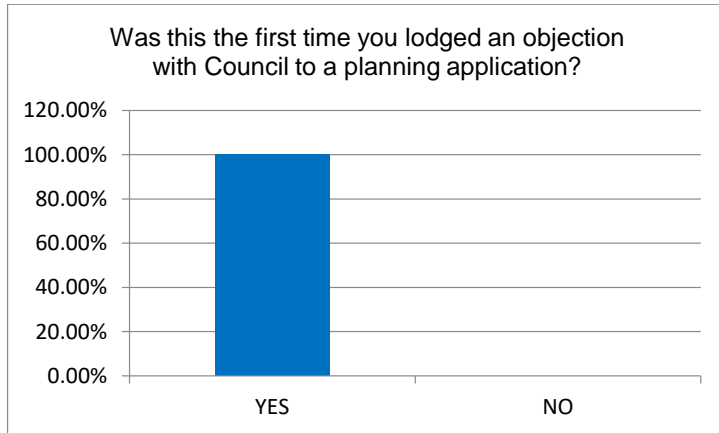
If objections were received to the application, did you participate in a planning consultation/mediation meeting?

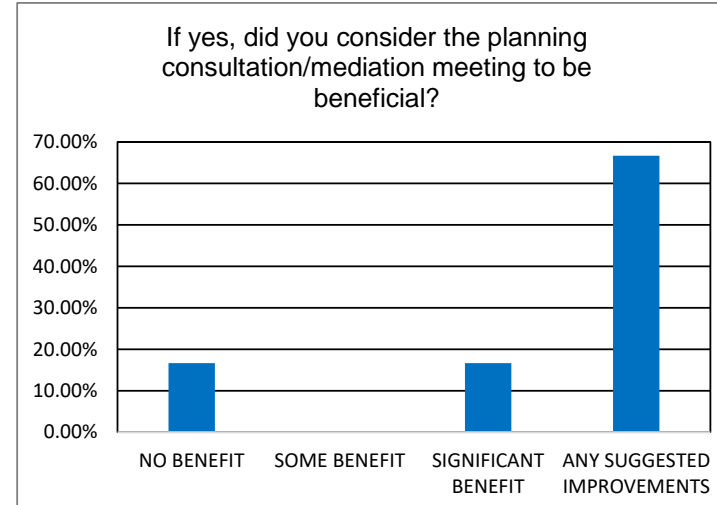
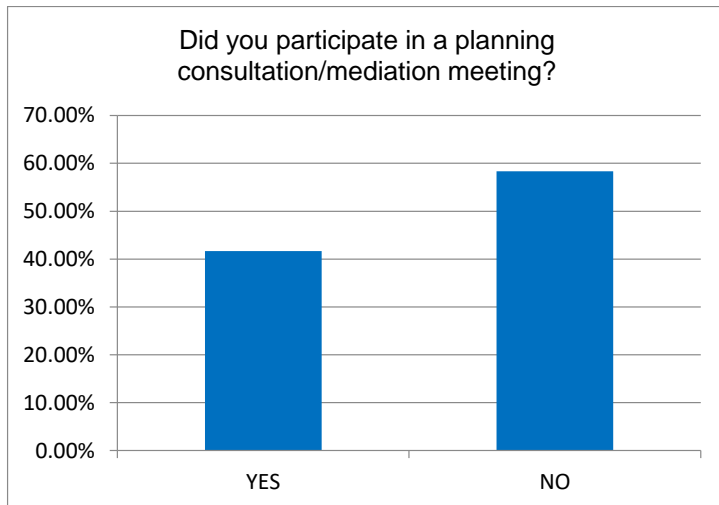
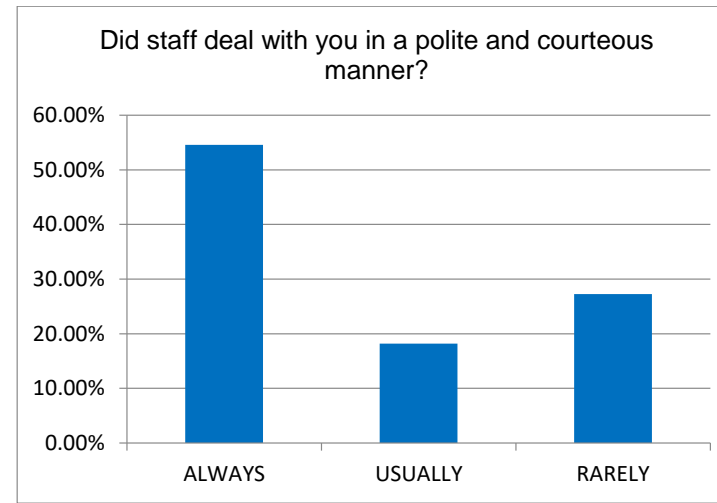
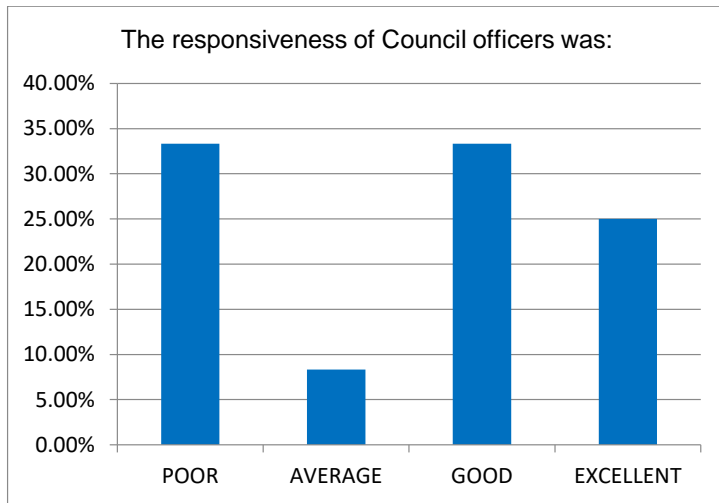


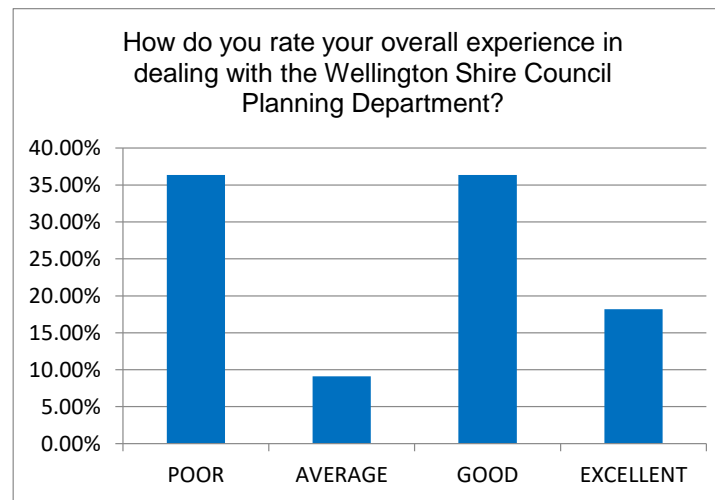
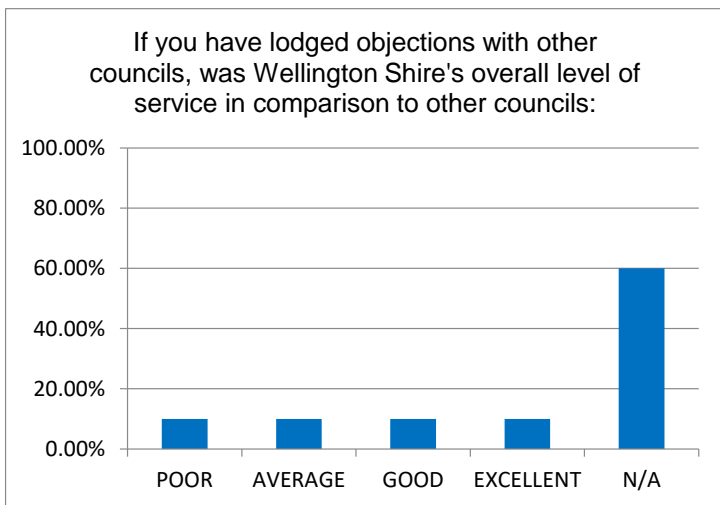




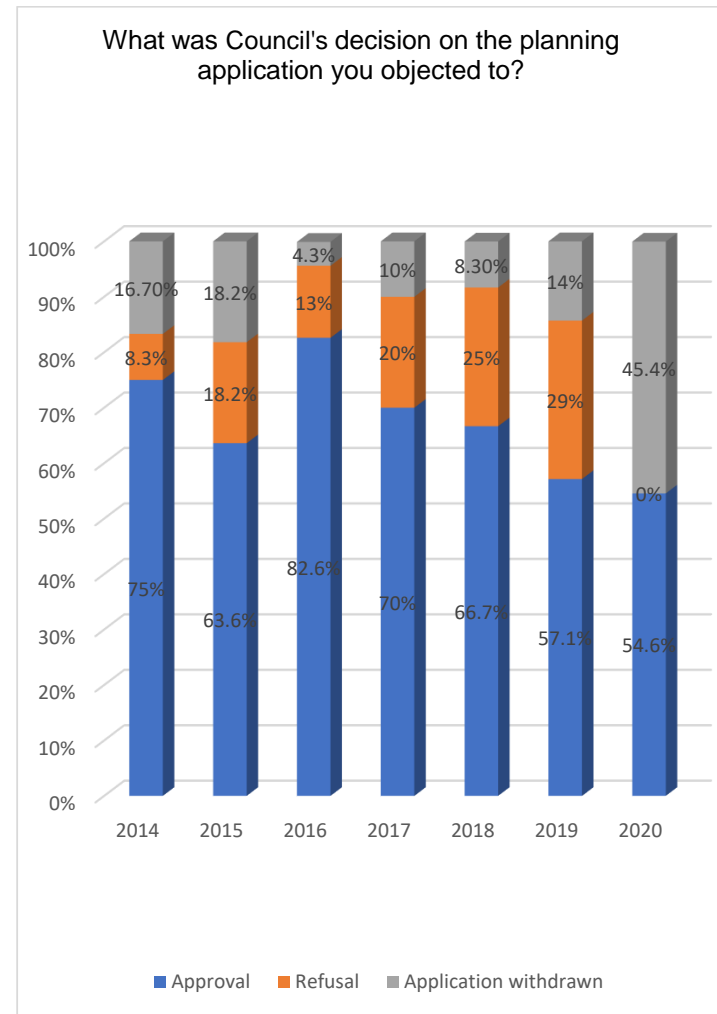
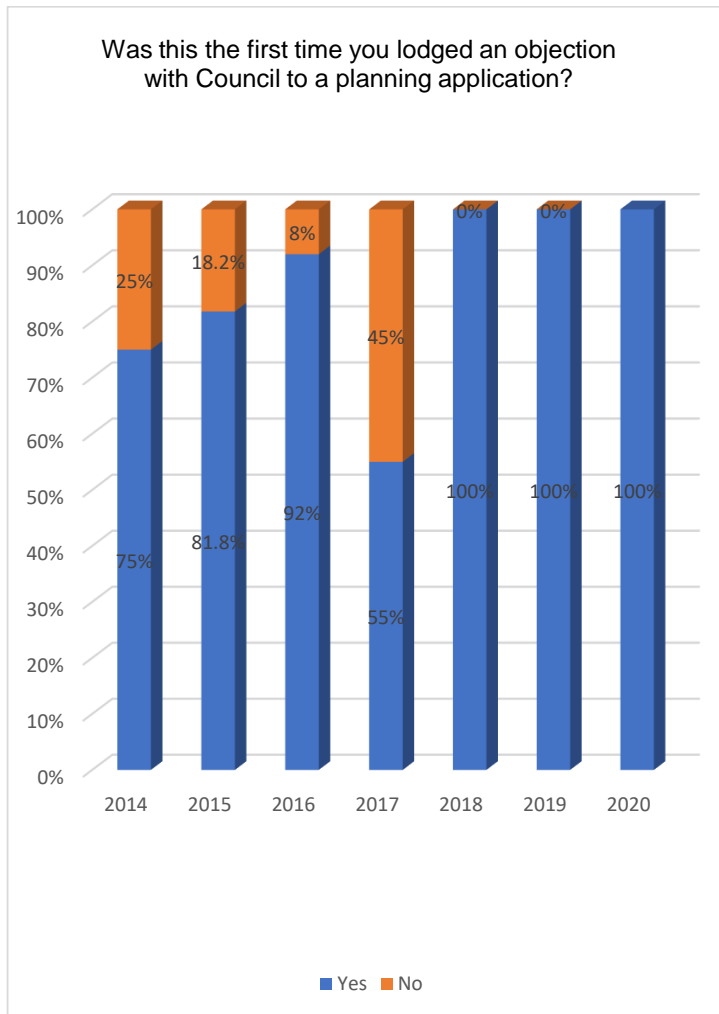
PLANNING OBJECTOR SURVEY RESULTS

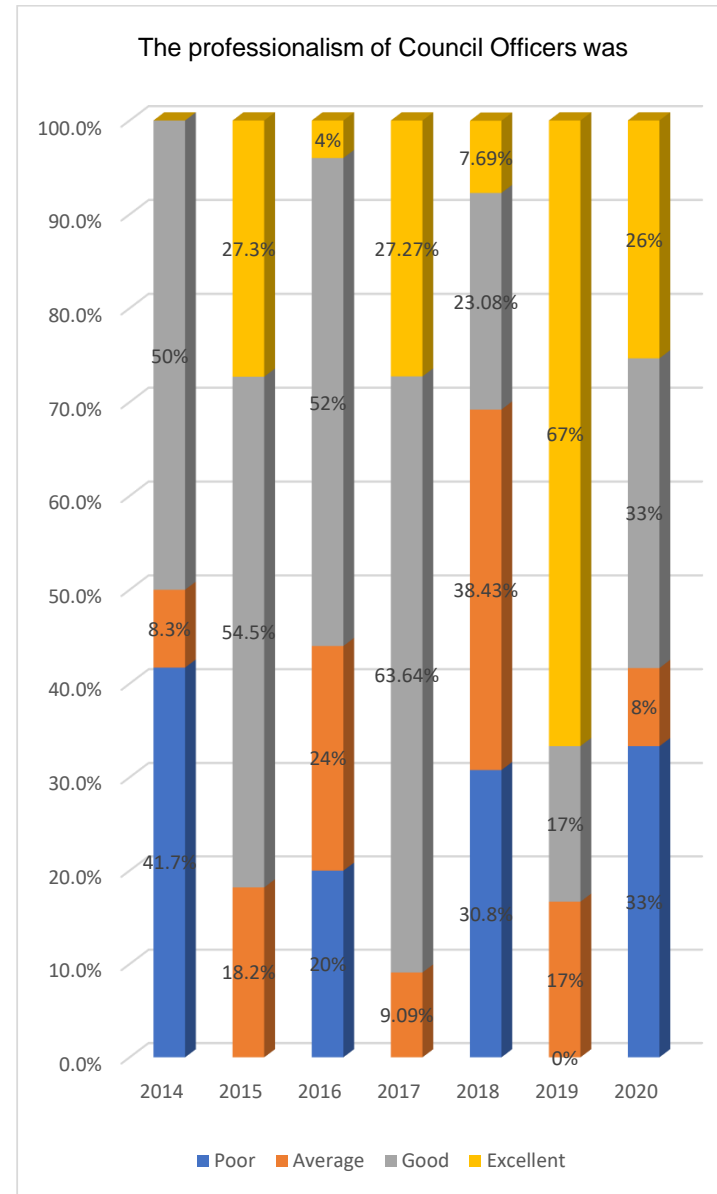
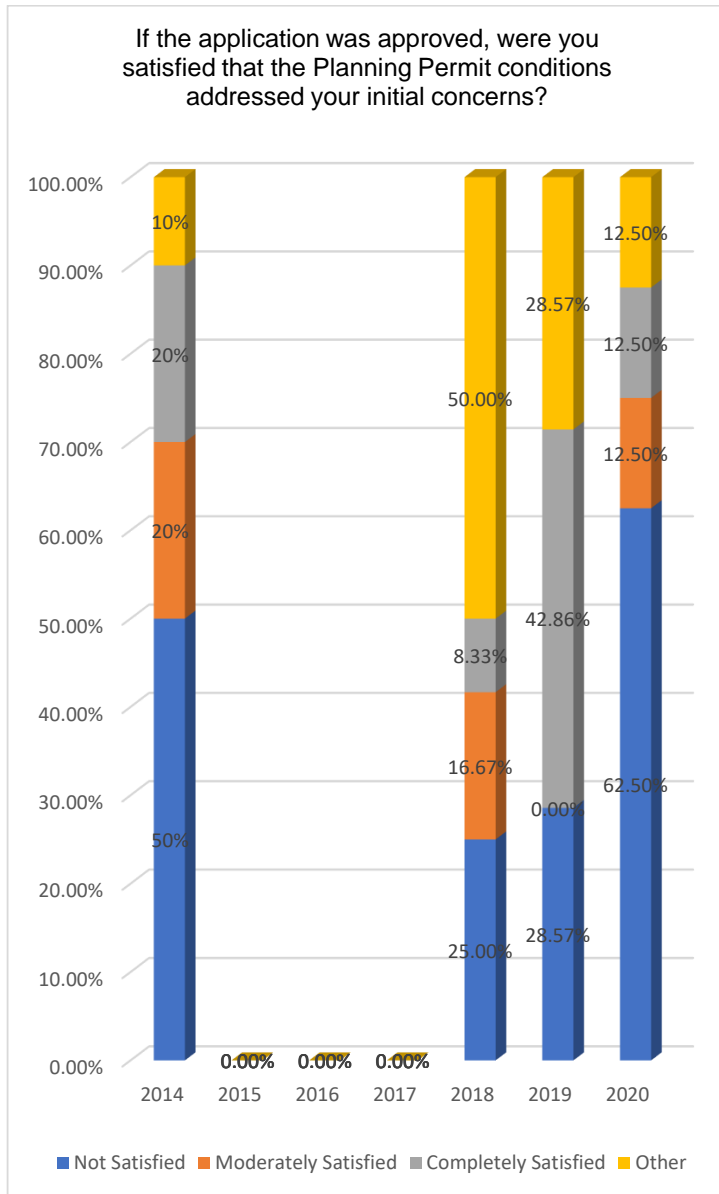


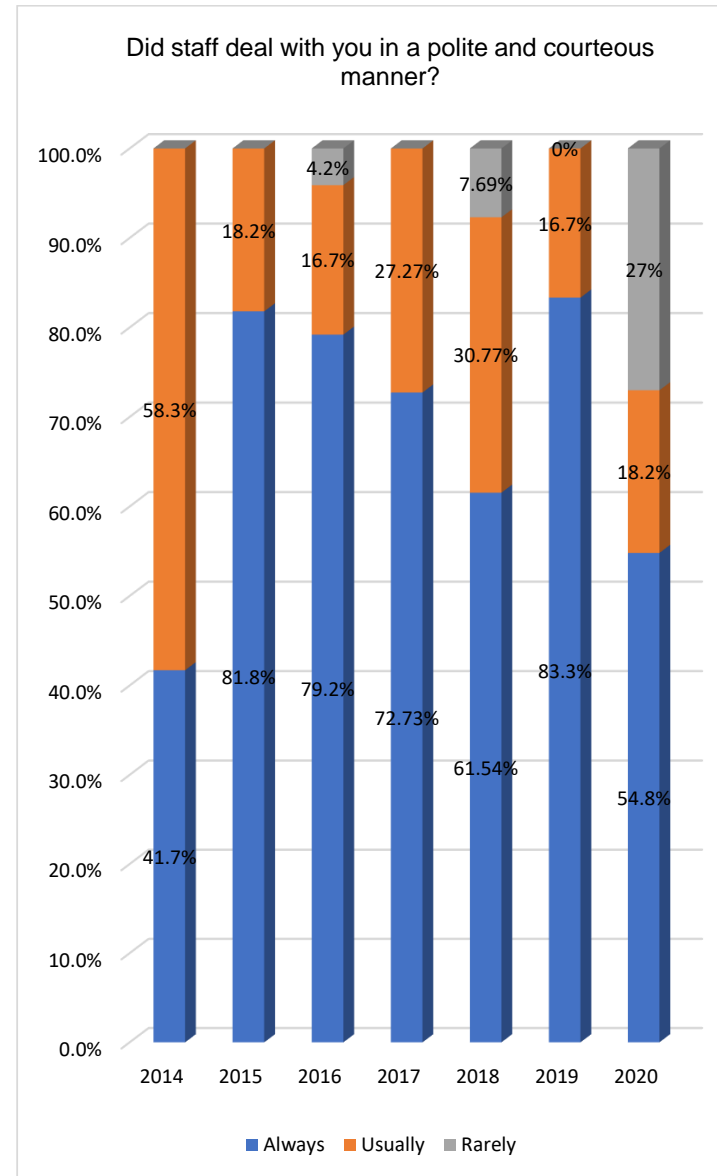
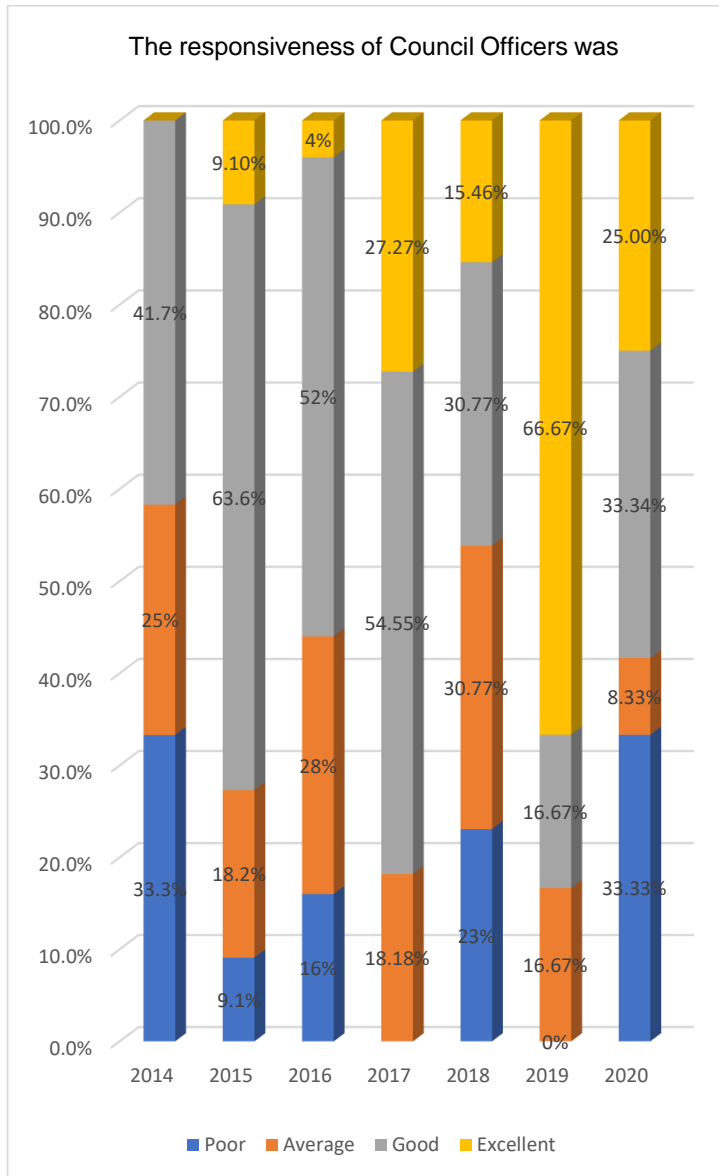


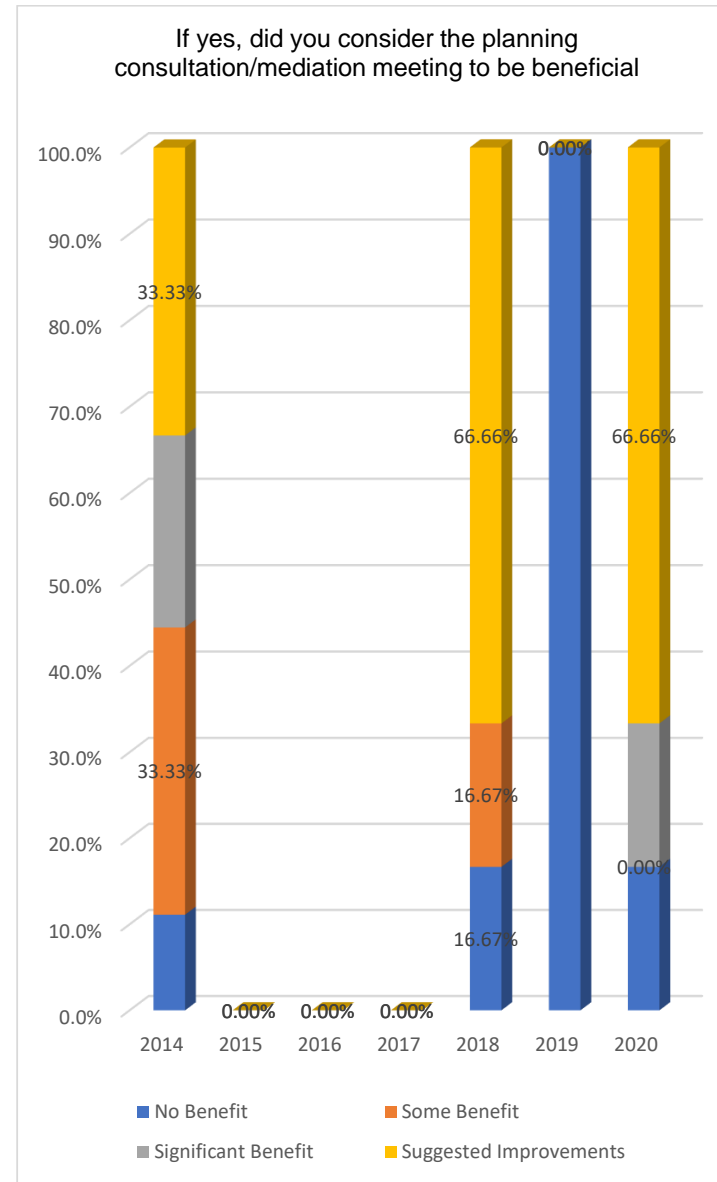
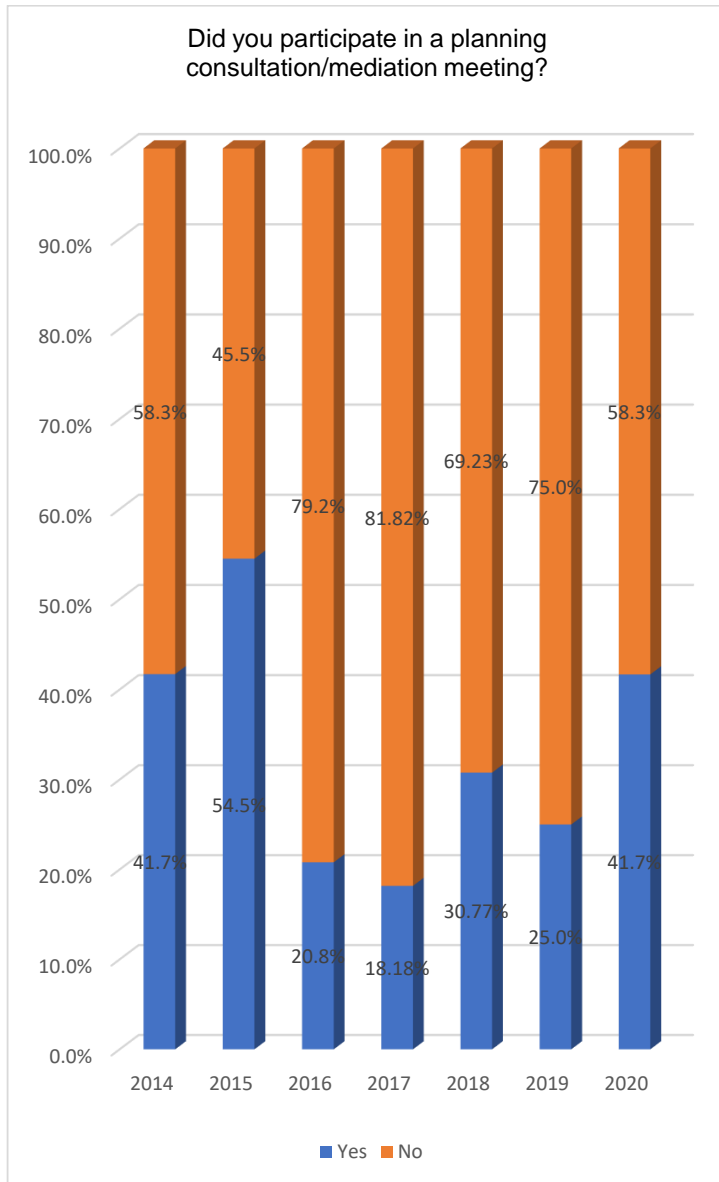


PLANNING OBJECTOR SURVEY RESULTS COMPARISON

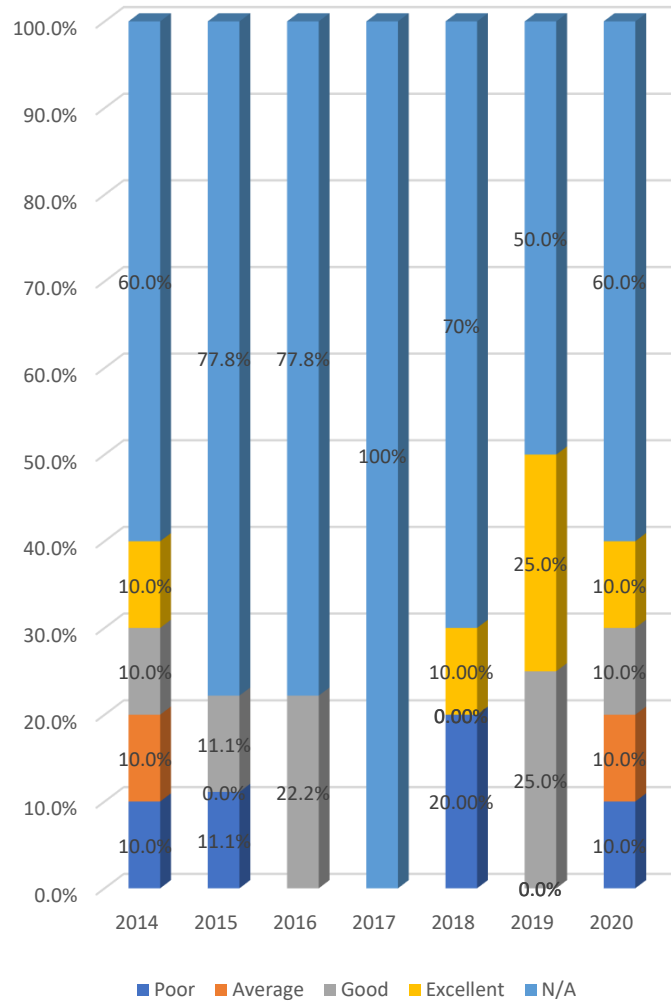




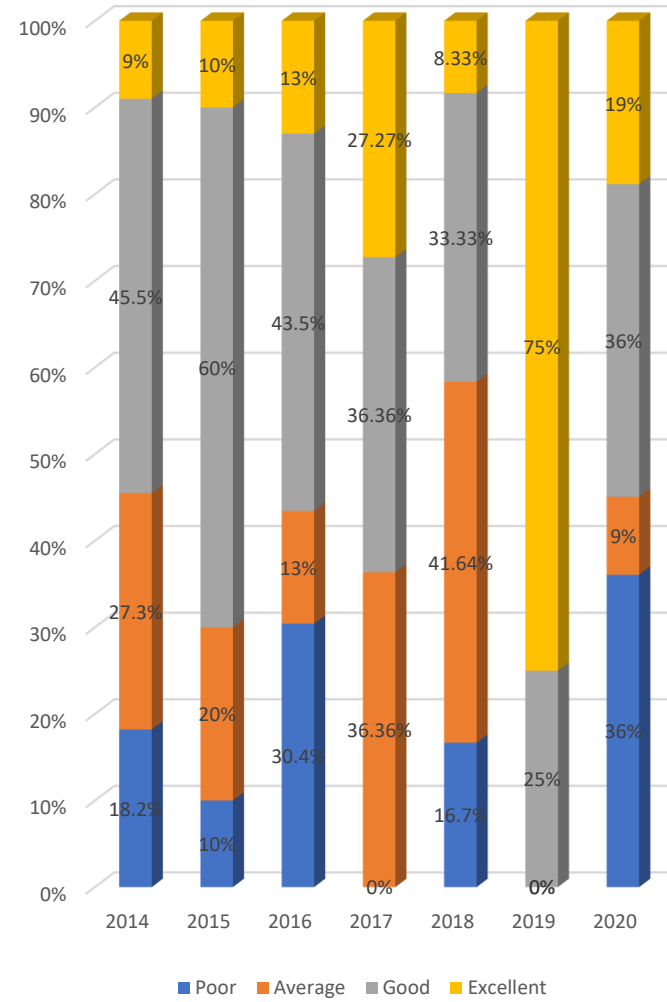




If you have lodged objections with other Councils, what was Wellington Shire's overall level of service in comparison to other councils:



How do you rate your overall experience in dealing with the Wellington Shire Council Planning Department?



13.3. PROPOSED SALE - 511 BENGWORDEN ROAD, COBAINS

ACTION OFFICER: MANAGER BUSINESS DEVELOPMENT

PURPOSE

For Council to authorise the sale of property assessed as surplus to requirements located at 511 Bengworden Road, Cobains.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council resolve that property described as 511 Bengworden Road, Cobains as shown on the plan within and more specifically referred as Lot 1 LP94951 Volume 08929 Folio 040 and Crown Allotment 6B TP350590H Volume 05866 Folio 119 is not required for Council purposes.***
- 2. Council advertises its intention to sell the property at or above market value on the open market, subject to the provisions of sections 189 and 223 of the Local Government Act 1989, including calling for submissions in relation to the proposed sale.***
- 3. The information contained in the confidential documents at:
Item 15.6.2 Valuation Report – 511 Bengworden Road, Cobains
Item 15.6.3 Sale Process
Item 15.6.4 General Property Information
and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 21 May 2021 because they relate to the following grounds: (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released
be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020.***

BACKGROUND

Wellington Shire Council owns 511 Bengworden Road, Cobains which comprises a 4,046m² site with a 1950's hardiplank clad building containing a main hall area, kitchen and amenities and is considered to be in fair condition for its age. The property was formerly used as a community hall however has been vacant for a number of years. The property has been discussed at previous Council workshops which considered future use and options. Further, whilst it is located next to the Cobains Primary School the school recently confirmed they have no identified use for it.

Following the workshops and discussions with various stakeholders, the property was rezoned from Public Use Zone (PUZ) to Farming Zone (FZ) in late 2020. The attached planning report outlines current zoning and applicable overlays. Accordingly the site may be used for farming related activities or subject to the granting of a permit residential use.

Having completed the rezoning and acknowledging it is surplus to Council requirements and in line with best practice standards, the property is now considered suitably prepared for sale.



Figure 1 – 511 Bengworden Road, Cobains

This report recommends that Council progress the sale on the open market at or above market value. The property would be sold based on an “as is” condition. This recommendation is supported by Council Plan Strategies and Objectives as detailed within the Council Plan Impacts section of this report.

The Confidential Attachments provide further details regarding background, land valuation and the method of sale process.

ATTACHMENTS

1. Confidential Header Cobains [**13.3.1** - 1 page]
2. CONFIDENTIAL REDACTED - Valuation Report - 511 Bengworden Road, Cobains [**13.3.2** - 3 pages]
3. CONFIDENTIAL REDACTED - Sale Process [**13.3.3** - 1 page]

4. CONFIDENTIAL REDACTED - General Property Information [13.3.4 - 1 page]
5. 511- Bengworden- Road- Cobains- Vicplan- Planning- Property- Report [13.3.5 - 4 pages]
6. Confirmation of Rezoning - Cobains Hall Nov 2020 [13.3.6 - 1 page]

OPTIONS

Council has the following options available:

1. Progress the sale of surplus Council property located at 511 Bengworden Road, Cobains; or
2. Not progress the sale of surplus Council property located at 511 Bengworden Road, Cobains at this time.

PROPOSAL

That:

1. Council resolve that property described as 511 Bengworden Road, Cobains as shown on the plan within and more specifically referred as Lot 1 LP94951 Volume 08929 Folio 040 and Crown Allotment 6B TP350590H Volume 05866 Folio 119 is not required for Council purposes.
2. Council advertises its intention to sell the property at or above market value on the open market, subject to the provisions of sections 189 and 223 of the *Local Government Act 1989*, including calling for submissions in relation to the proposed sale.
3. The information contained in the confidential documents at:
 - Item 15.6.2 Valuation Report – 511 Bengworden Road, Cobains
 - Item 15.6.3 Sale Process
 - Item 15.6.4 General Property Informationand designated confidential under Section 3(1) Confidential Information of the *Local Government Act 2020* by the General Manager Development on 21 May 2021 because they relate to the following grounds: (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released be designated confidential information under Section 3(1) Confidential Information of the *Local Government Act 2020*.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

This report recommends a sale of property at or above market value. Completing the sale will result in a positive financial impact for Council. It is noted there will be some minor costs associated with the sale such as legal and applicable marketing / commissions to facilitate a sale.

COMMUNICATION IMPACT

The neighbouring Cobains Primary School has been notified of Council's proposal to dispose of the property. The Principal of Cobains Primary School has confirmed the school is comfortable with the proposed sale and potential future uses.

LEGISLATIVE IMPACT

Section 189 of the *Local Government Act 1989* obligates Council to provide public notice of the intention to sell land, and to give consideration to any submissions received.

A further Council report will be completed once the submission period concludes.

COUNCIL POLICY IMPACT

Wellington Shire Council's Policy for the Sale, Exchange and Acquisition of Land accords with best practice guidelines. It states that transactions should be in the best interests of the community and provide the best result (financial and non-financial) for Council and the community.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.2: *"Council assets are responsibly, socially, economically and sustainably managed."*

Strategy 2.2.1: *"Develop asset management plans in conjunction with service level plans for all council facilities and infrastructure."*

Strategy 2.2.2: *"Ensure that community facilities within the municipality continue to meet the expectations and service needs of all current and future residents."*

This report supports the above Council Plan strategic objectives and strategies.

RESOURCES AND STAFF IMPACT

This matter is being addressed within the existing resources of the Business Development Business Unit.

COMMUNITY IMPACT

Progressing this sale will likely result in a higher and better use of the site.

ENVIRONMENTAL IMPACT

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

ENGAGEMENT IMPACT

Formal consultation will take place in the form of seeking submissions in accordance with section 223 of the *Local Government Act 1989*.

RISK MANAGEMENT IMPACT

The recommendation within this report is considered to have addressed any risk management impacts.



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

ORDINARY COUNCIL MEETING
1 June 2021

On this day, 21 May 2021, in accordance with Section 3(1) Confidential Information of the *Local Government Act 2020*; I, Brent McAlister, General Manager Development declare that the information contained in the attached documents **ITEM 15.6.2 VALUATION REPORT – 511 BENGWORDEN ROAD, COBAINS, ITEM 15.6.3 SALE PROCESS, AND ITEM 15.6.4 GENERAL PROPERTY INFORMATION** is confidential because it relates to the following grounds:

- (a) *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released*

A handwritten signature in red ink, appearing to read 'Brent McAlister', is written over a horizontal dotted line.

BRENT McALISTER, GENERAL MANAGER DEVELOPMENT

PLANNING PROPERTY REPORT



From www.planning.vic.gov.au at 12 May 2021 12:45 PM

PROPERTY DETAILS

Address: **511 BENGWORDEN ROAD COBAINS 3851**

Crown Description: **More than one parcel - see link below**

Standard Parcel Identifier (SPI): **More than one parcel - see link below**

Local Government Area (Council): **WELLINGTON** www.wellington.vic.gov.au

Council Property Number: **81778**

Planning Scheme: **Wellington** [Planning Scheme - Wellington](#)

Directory Reference: **Vicroads 99 D3**

This property has 2 parcels. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**

Urban Water Corporation: **Grampians Wimmera Mallee Water**

Melbourne Water: **Outside drainage boundary**

Power Distributor: **AUSNET**

[View location in VicPlan](#)

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**

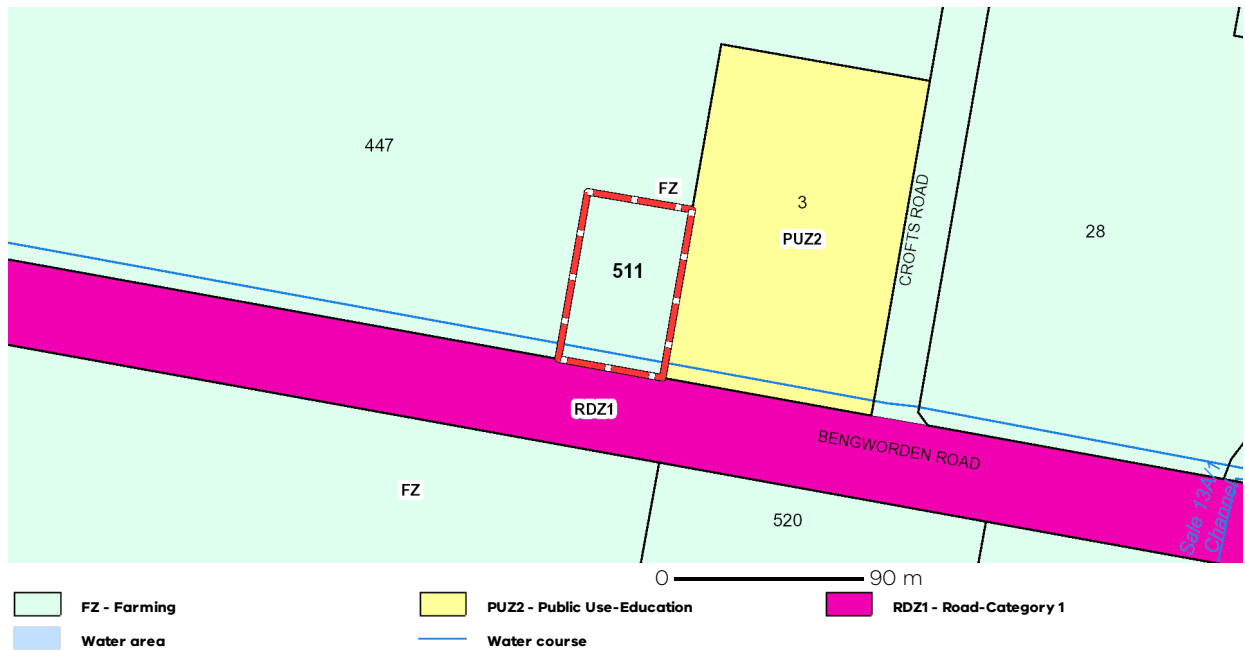
Legislative Assembly: **GIPPSLAND EAST**

Registered Aboriginal: **Gunaikurnai Land and Waters**

Party: **Aboriginal Corporation**

Planning Zones

[FARMING ZONE \(FZ\)](#)
[SCHEDULE TO THE FARMING ZONE \(FZ\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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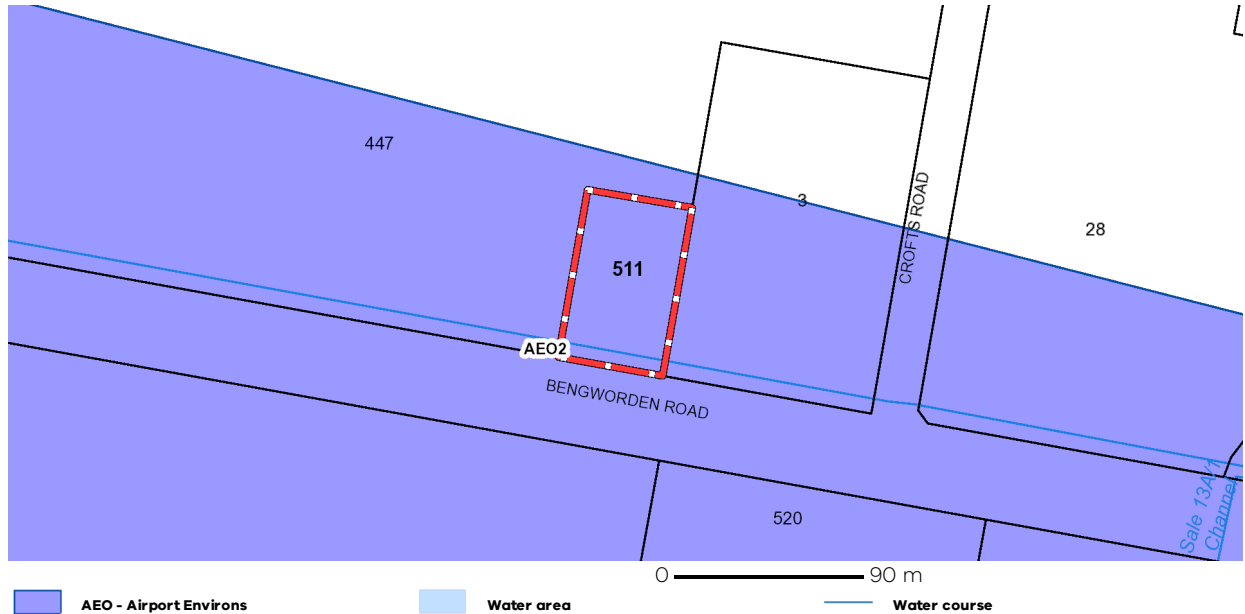
Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

PLANNING PROPERTY REPORT



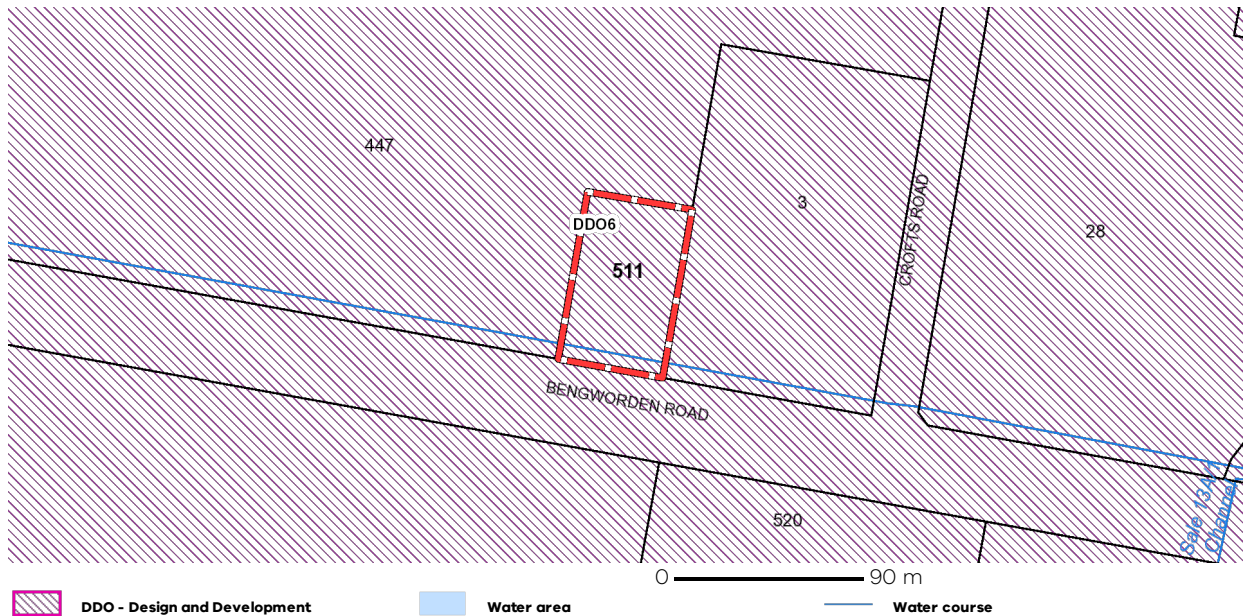
Planning Overlays

AIRPORT ENVIRONS OVERLAY (AEO)
AIRPORT ENVIRONS OVERLAY (AEO2) SCHEDULE



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

DESIGN AND DEVELOPMENT OVERLAY (DDO)
DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 6 (DDO6)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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PLANNING PROPERTY REPORT



Further Planning Information

Planning scheme data last updated on 5 May 2021.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Native Vegetation Removal

Unless exempt, native vegetation removal from this property requires a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#)

To identify proposed native vegetation removal from this property visit the [Native Vegetation Information Management system](#).

For information on preparing a planning permit application to remove native vegetation refer to the [Applicants guide - Applications to remove, destroy or lop native vegetation](#) or contact the relevant responsible authority.

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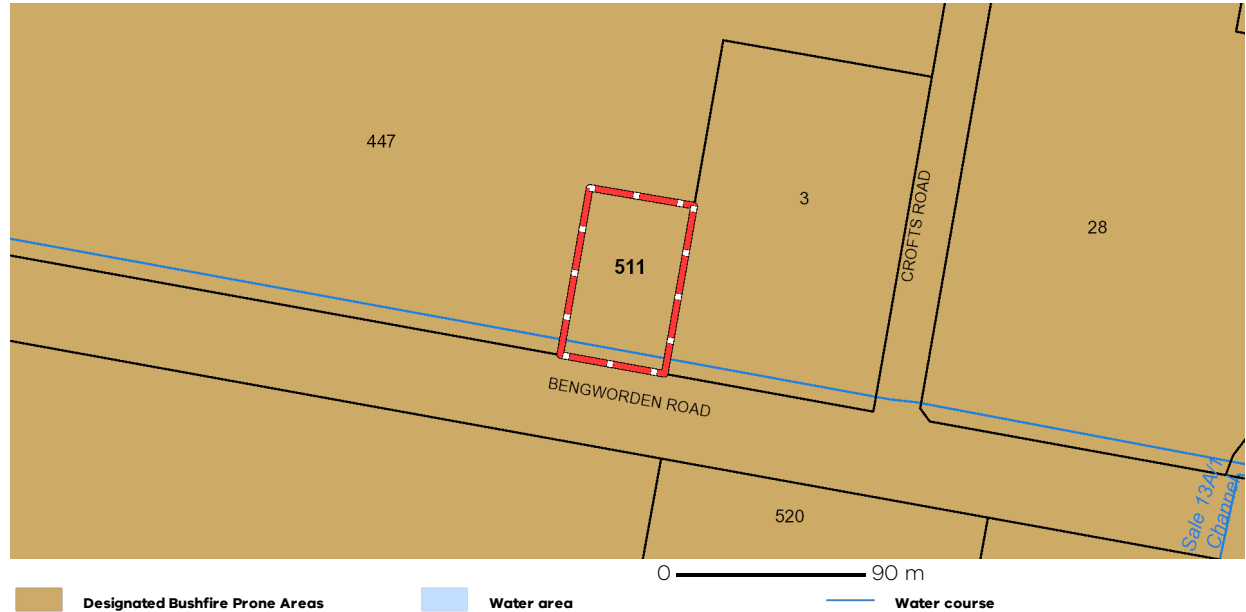
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PLANNING PROPERTY REPORT



Designated Bushfire Prone Areas

This property is in a designated bushfire prone area.
Special bushfire construction requirements apply. Planning provisions may apply.



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at <https://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

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28 October 2020

Wellington Shire Council
PO Box 506
SALE VIC 3850

Dear Sir/Madam

**NOTICE OF APPROVAL – PLANNING SCHEME AMENDMENT C102
RE. 511 BENGWORDEN ROAD, COBAINS (6B\PP3341)**

I am writing in relation to previous correspondence from Wellington Shire Council (the Council) dated 1 November 2019, regarding the request, by you, for the rezoning of land at 511 Bengworden Road, Cobains (6B\PP3341).

As advised at the time, Council was seeking to undertake a Planning Scheme Amendment to rezone your land from the Public Use Zone 6 (PUZ6 – Local Government) to the Farming Zone (FZ) in order to facilitate the sale of the land.

I wish to inform you that this change has now been made through Planning Scheme Amendment C102, which has been approved by the Minister for Planning.

511 Bengworden Road, Cobains (6B\PP3341) is now zoned Farming Zone (FZ).

Notice of approval of the Amendment appeared in the Victorian Government Gazette on 22 October 2020. A copy of the Amendment is available for viewing on the Department of Environment, Land, Water and Planning (DELWP) website www.planning.vic.gov.au/public-inspection or on Council's website www.wellington.vic.gov.au

If you have any queries regarding Planning Scheme Amendment C102, please contact me on 1300 366 244 or via email at caragh.button@wellington.vic.gov.au

Yours sincerely

CARAGH BUTTON
Strategic Planner

14. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

14.1. HODGES ROAD, COONGULLA SPECIAL CHARGE SCHEME - INTENTION TO DECLARE

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider its intention to declare the proposed Hodges Road (CH00 - CH200) Special Charge Street Construction Scheme Number 2101 as a Special Charge Scheme for its construction at Coongulla.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council commence the statutory process under the Local Government Act 1989 (the Act) to declare a Special Charge Scheme (Proposed Scheme) for the purposes of constructing Hodges Road (CH00 – CH200) in Coongulla and providing driveway crossings and culverts (from road edge to building line); and***
- 2. Council in accordance with sections 163(1A) and 163B(3) of the Act, direct that a public notice be given in the Gippsland Times newspaper and on Council's website of the intention of Council to declare the scheme at its ordinary meeting to be held on 17 August 2021 in accordance with the Proposed Declaration of Special Charge Scheme Number 2101; and***
- 3. Council direct that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Charge, advising of the intention of Council to declare the Special Charge at its ordinary meeting to be held on 17 August 2021, the basis of the calculation and distribution of the Special Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act; and***
- 4. Council appoint three Councillors as determined by Council plus an alternative representative to form the 'Hodges Road Special Charge Scheme Submissions Committee' that is established by Council under section 223(1)(b)(i) of the Act, to consider written submissions/objections and to hear any persons who in their written submissions under Section 223 of the Act have requested that they are heard in support of their submissions; and***
- 5. The Chief Executive Officer or the person for the time being acting in that position, be authorised to give public notice of the Proposed Declaration of Special Charge in accordance with Sections 163B and 223 of the Local Government Act 1989; and***
- 6. The Chief Executive Officer, the General Manager Built and Natural Environment or the Manager Built Environment (or any person for the time being acting in any of those positions), each be authorised to carry out any***

and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and sections 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.

BACKGROUND

The Coongulla township located on the northern side of Lake Glenmaggie and is located in the northwestern area of the Wellington Shire. Hodges Road commences at Ryans Road, traversing initially through the residential section of the township before heading through a rural residential area and then leading into State Forest.

Hodges Road is primarily of a rural type road in appearance and is unsealed for its full length. The proposed section of Hodges Road to be sealed under this scheme is the residential section from chainage 00 to chainage 200 (200 metres). The road is maintained by Wellington Shire Council.

An investigation of a Special Charge Scheme was commenced following ongoing property owner concerns in relation to dust, rutting and the maintenance grading regime of gravel roads in the Coongulla Township. A preliminary meeting was held with Coongulla property owners and the community on 11 November 2019 which included an outline of a special charge methodology in order to undertake street improvements for the township in line with the adopted Residential Road and Street Construction Plan 2019.

A follow up survey with property owners at the time was undertaken and mailed out on 23 January 2020 to determine the level of interest in such a proposal on a 'whole of town' basis. The results from this survey indicated an overall interest with 52% of property owners being in support.

Council Officers continued investigations into the opportunity for undertaking street improvements at Coongulla. Subsequently the residential section of Hodges Road was identified as having a higher level of support for the street scheme proposal.

A proposal for the formation and sealing of Hodges Road (CH00 – CH200) would reduce Council's need for maintenance intervention, whilst providing a higher level of service and safety for the adjacent properties. It is proposed that the scheme would provide for the sealing generally to 5.5 - 6m width, with kerbing at intersections as part of the proposed works.

It is considered that the properties which abut Hodges Road (CH00- CH200) 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.

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

A further letter and survey was sent to the property owners in Hodges Road (CH00 – CH200). The letter outlining the proposed scheme with a survey form was mailed out on 18 March 2021.

The results of the survey's in relation to the proposed schemes were;

	SUPPORT SCHEME		OPPOSE SCHEME		DID NOT REPLY	
	Count	Percentage	Count	Percentage	Count	Percentage
Property Owners (6)	4	67%	1	17%	1	17%
Properties (6)	4	67%	1	17%	1	17%

There are no property owners who own multiple properties. The survey results exclude any Council owned reserves and there are no other exempt properties.

Based on the survey results, the level of the support for the Hodges Road (CH00- CH200) exceeds the 60% threshold acceptance level outlined in the Residential Road and Construction Plan 2019 and therefore it is considered that there is sufficient level of support for the proposed Special Charge Scheme for **Hodges Road (CH00 – CH200)** in Coongulla.

ATTACHMENTS

1. Proposed Declaration of Special Charge [14.1.1 - 7 pages]
2. Maximum Total Levy [14.1.2 - 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

That Council progress the proposed scheme through the funding framework generally outlined in Council's Residential Road and Street Construction Plan and advertise its intention to declare a Special Charge Scheme for the construction of Hodges Road (CH00 – CH200) in Coongulla as outlined in this report.

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 (Hodges Road CH00- CH200) is estimated to be \$96,000. 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, \$21,600 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:	\$ 21,600
Portion of cost to be recovered from Council as direct costs:	\$ 74,400
Total estimated cost of scheme:	\$ 96,000

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

The resultant financial impact is a cost to Council estimated at \$74,400 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 Special Charge – **see attached 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 \$4,210 and \$9,517 or \$6,560 (respectively) 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 only be invoiced following satisfactory completion of works. 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 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.4: *"Continued improvement to Wellington Shire's connectivity with further developed, accessible transport networks."*

Strategy 2.4.2: *"Continue to maintain and enhance Council's road assets infrastructure."*

This report supports the above Council Plan strategic objective and strategy.

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 residential section of Hodges Road as outlined in the scheme 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 on 14 October 2020
- Public meeting held at Coongulla Public Hall - 11 November 2019
- Mail out survey of all property owners (Whole of Town) - 3 February 2020
- Mail out survey of all property owners (Eastern & Central Areas) - 18 March 2021
- Follow up phone calls and emails requesting replies to the survey.

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 and other road users through improved visibility (reduction of dust), improved road surfacing, properly identified through lanes and markings at intersections.

PROPOSED DECLARATION OF SPECIAL CHARGE**'Hodges Road (CH00 – CH200), Coongulla - Special Charge Street
Construction Scheme Number 2101'**

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 Hodges Road (CH00 – CH200) in Coongulla (**Street**) and for providing all and any necessary ancillary works associated with the construction of the Road, including drainage. The Scheme, if declared, is to be known as the 'Hodges Road (CH00 – CH200) - Special Charge Street Construction Scheme Number 2101'.
2. The criteria which will form the basis of the proposed declaration of the Special Charge are the ownership of rateable properties in the area of the Scheme (being properties within the 'residential area' of Coongulla) and based on the application of access benefit units, including having regard to the driveway access of those properties in the Scheme to Hodges Road (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 \$96,000 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 \$21,600
6. The Special Charge will commence on the date on which it is levied by Council and will remain in force for a period of 5 years.
7. The area for which the proposed Special Charge is to be declared is all of the land shown on the plan set out in the Schedule forming a part of this proposed declaration (being **Schedule 1**).
8. The land in relation to which the proposed Special Charge is to be declared is all that rateable land described in the listing of rateable properties set in the Schedule forming a part of this proposed declaration of Special Charge (being **Schedule 2**).

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

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

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

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 0.41 or 41%, 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 \$21,600.

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

HODGES ROAD (CH00 – CH200) – COONGULLA
PLAN OF SPECIAL CHARGE SCHEME AREA.

Scheme Boundary 



Schedule 2

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

WELLINGTON SHIRE COUNCIL

HODGES RD CONSTRUCTION SCHEME - APPORTIONMENT OF COST - MAX. LEVY AMOUNT - 50% ACCESS & 50% FRONTAGE

ASSES 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)
1	38478	359661 LOT: 14 PS: 146226	10 Hodges RD, COONGULLA	1	38.6		38.60	\$6,869.45
2	38479	359679 LOT: 13 PS: 146226	14 Hodges RD, COONGULLA	1	38.4		38.40	\$6,850.86
3	38480	359687 LOT: 12 PS: 146226	18 Hodges RD, COONGULLA	1	39.1		39.10	\$6,915.95
4	37660	351510 LOT: 21 PS: 54861	1-21 Hodges RD, COONGULLA	1		201.2	67.07	\$9,516.60
5	39080	364620 LOT: 15 PS: 146226	230 Ryans RD, COONGULLA	1		55.4	18.47	\$4,997.23
6	39081	364638 PC: 162117	234 Ryans RD, COONGULLA	1		30	10.00	\$4,209.91
TOTALS				6	116.1	286.6	211.63	\$39,360.00

TOTAL ESTIMATED COST OF SCHEME \$ 96,000
COUNCIL CONTRIBUTION \$ 56,640
APPORTIONED AMOUNT \$ 39,360

AMOUNT APPORTIONED TO ACCESS - 50% \$ 19,680
 AMOUNT APPORTIONED TO FRONTAGE 50% \$ 19,680

Apportionment Rate - (Access Benefit Units) \$ 3,280.00 per ABU (R)
 Apportionment Rate - (Abuttal Length) \$ 92.99 per m (R)

Method 2 - Maximum Levy at 100% Access Benefit

WELLINGTON SHIRE COUNCIL
HODGES RD (CH00-CH200) STREET SCHEME - APPORTIONMENT OF COST - MAX. LEVY AMOUNT - ACCESS ONLY

ASSESS NO.	PARCEL NO.	TITLE DETAILS	STREET ADDRESS OF PROPERTY	ACCESS BENEFIT	ACCESS BENEFIT FACTOR APPLIED FOR COMM. PROP.	APPORTIONED ACCESS BENEFIT (AAB)	FIXED RATE CONTRIBUTION (FRC)	SCHEME AMOUNT DUE (= AAB x FRC)
1	359661	LOT: 14 PS: 146226	10 Hodges RD, COONGULLA	1		1	\$6,560.00	\$6,560.00
2	38479	LOT: 13 PS: 146226	14 Hodges RD, COONGULLA	1		1	\$6,560.00	\$6,560.00
3	38480	LOT: 12 PS: 146226	18 Hodges RD, COONGULLA	1		1	\$6,560.00	\$6,560.00
4	37660	LOT: 21 PS: 54861	1-21 Hodges RD, COONGULLA	1		1	\$6,560.00	\$6,560.00
5	39080	LOT: 15 PS: 146226	230 Ryans RD, COONGULLA	1		1	\$6,560.00	\$6,560.00
6	364638	PC: 162117	234 Ryans RD, COONGULLA	1		1	\$6,560.00	\$6,560.00
TOTALS				6		6		\$39,360.00

TOTAL ESTIMATED COST OF SCHEME	\$ 96,000
COUNCIL CONTRIBUTION	\$ 56,640
APPORTIONED AMOUNT	\$ 39,360

ABU FACTOR CALCULATION FOR COMMON PROPERTY
 Calculation - First property at 100% with 50% for each additional property divided by number of properties

Address Nil
 Factor

HODGES ROAD (CH00-CH100) COONGULLA – SPECIAL CHARGE STREET CONSTRUCTION SCHEME NUMBER 2101

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 Hodges Road Coongulla for 200m, commencing from Ryans Road (to be known as the 'Hodges Road (CH00-CH100) - Special Charge Street Construction Scheme Number 2101') (**Special Charge** or **Scheme**) is consistent with, and otherwise supports, the Plan.

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

The calculation of the Maximum Total Levy requires Council to –

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

A. Define Purpose

The purpose of the Special Charge Scheme is to defray an expense or to repay (with interest) an advance made to or a debt or loan to be raised by Council in connection with the construction, improvement of Hodges Road (CH00 – CH200) in Coongulla

Hodges Road located within a rural - residential area and currently consists of a formed (but unsealed) gravel pavement of approximately 5 - 6m width and 4.8 km in length with irregular surface drains. The road is primarily a rural type road, with the unsealed section extending for the full length of the roads, commencing from the southern end at Ryans Road in the Coongulla township. The road is managed and maintained by Council.

A formal investigation of the proposed Special Charge Scheme was commenced following ongoing property owner concerns and complaints in relation to Council's maintenance grading regime, which applied to the roads. The initial work undertaken by Council in response to these concerns included the preparation of concept designs and an estimate of costs. Property owners were advised that, if implemented, the Scheme would provide for the construction and sealing of the road to a 5.5m width, with kerbing at intersections, and improved surface drainage and driveway crossovers.

The construction and sealing of Hodges Road (CH00 - CH200) 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, Hodges Road is designated as a 'Local Access B Road' respectively and (as required by the Plan), 67% or more of property owners have expressed support for its construction.

Consistent with the Plan, it is considered that the 6 rateable properties which it is proposed will be included in the Scheme (and the general public) will benefit from the proposed works in the following ways –

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

Following further investigation of potential methods to facilitate the construction works in Hodges Road, 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 6 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.

Total Scheme Cost	\$96,000
'Benefit Ratio' Determination	0.41 or 41%
Maximum Total Levy Amount	\$ 39,360
Further Council Contribution	\$ 17,760
Revised Maximum Total Levy Amount	\$ 21,600

D. Identify Special Beneficiaries

It is considered that all 6 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 6 properties and the location of the roads to be constructed) is shown in on the plan below.



E. Determine Properties to Include

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

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

F. Estimate Total Special Benefits

Total Special Benefit Units are defined as follows –

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

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

TSB_(in) has been calculated as follows –

Total Special Benefit Units In (TSB _(in))	Access (50%)	Amenity (50%)
Total number of Rateable Properties in Scheme receiving Special Benefit and being required to pay the Special Charge (6)	0.5 x 6 = 3 BU	0.5 x 6 = 3BU
TSB_(in) =	6 BU	

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 Hodges Road (CH00 – CH200) following its construction;
- Improved drainage and water quality; and
- Reduced ongoing maintenance costs for Council.

Broader traffic use

To calculate the level of Community Benefit which it is considered will be attributable to persons who are not accessing or servicing the properties within the Scheme boundary (but who will nevertheless use the road for wider access purposes), an assessment of vehicle movements has been undertaken. Based on a Traffic Count taken in December/January 2020/21, it was determined that there are 60 vehicle movements per day along Hodges Road during off peak times and 160 vehicle movements per day during peak times (in its present form). An average of 90 vehicle movements per day has been adopted.

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

Therefore, the Total Special Benefits for 'road access' by the Special Benefit (in) properties is determined to be 3 BU (this is based on approximately 36 vehicle movements per day (6 x 6 (averaged out and give or take))).

Based on current traffic volumes (and any projected increases in traffic following construction of the road by persons not receiving special benefits), it is anticipated that the overall traffic along Hodges Road would not significantly increase, meaning that it is anticipated that there will be little additional vehicle movements per day following construction of the roads. Despite this, an allowance is made for what may be some increase in traffic movements and, accordingly, any projected increase in external traffic will account for the Total Community Benefit, and this will result in the calculation of the following BU's for any such traffic by the broader community.

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

$$\begin{aligned} \text{TCB}_{\text{traffic}} &= 3 \times (90/36) \\ &= 3 \times 2.5 \end{aligned}$$

$$\text{TCB}_{\text{traffic}} = 7.5$$

Improved drainage and water quality

Sealing of the roads will result in improved drainage and better water quality: It is recommended therefore that **0.5 BU** be allowed for this benefit, which is however considered to be a marginal benefit.

$$\text{TCB}_{\text{drainage}} = 0.5$$

Reduced ongoing maintenance costs

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

$$TCB_{\text{maintenance}} = 0.5$$

Therefore,

$$TCB_{\text{total}} = TCB_{\text{traffic}} + TCB_{\text{drainage}} + TCB_{\text{maintenance}}$$

$$= 7.5 + 0.5 + 0.5$$

$$TCB_{\text{total}} = 8.5$$

H. Calculating the 'Benefit Ratio'

The Benefit Ratio is calculated as follows –

$$\begin{aligned} R &= \frac{TSB_{(in)}}{TSB_{(in)} + TSB_{(out)} + TCB} \\ &= 6 / (6 + 0 + 8.5) \\ &= 6 / 14.5 \end{aligned}$$

$$\text{Benefit Ratio (R)} = 0.41$$

I. Calculating the Maximum Total Levy

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

$$R \times C = S$$

where –

R is the Benefit Ratio determined by Council;

C is the total Scheme cost; and

S is the Maximum Total Levy

Maximum Total Levy Amount (R x C = S)
0.41 x \$96,000 = \$39,360

Council may levy up to **41%** of total costs, or **\$39,360**

J. Other relevant considerations

Council notes that if it levies the Maximum Total Levy Amount of \$36,360 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 2019¹.

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 \$17,760 in and towards the cost of the Scheme works, meaning that the Maximum Levy Amount to be charged to the Scheme will be \$21,600 (***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.

¹ 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.

14.2. A WARMER POOL FOR YARRAM PROJECT - MEMBRANE COVERED STRUCTURE

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to consider entering into a contact for the construction of a fabric covered shade structure at the Yarram Pool as part of the Warmer Pools Project.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

- 1. Council adopt the recommendations contained in the attached confidential Tender Evaluation Report of the Council Meeting Agenda for Contract 2021-042A Yarram Warmer Pools Sunshade Shelter; and***
- 2. The information contained in the confidential attachment Contract 2021-042A Yarram Warmer Pools Sunshade Shelter and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Built and Natural Environment on 12 May 2021 because it relates to the following grounds: (g) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage be designated confidential information under Section 3(1) Confidential Information of the Local Government Act 2020, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

BACKGROUND

The community of Yarram have been advocating for many years to have their swimming pools heated with the local Rotary Club of Yarram having raised approximately \$61,000 to contribute towards the project.

The first stage of the Warmer Pools project is the installation of a galvanised steel frame covered by a fabric membrane with café style blinds over the existing main and toddlers' pools. The shelter will provide a clear zone of approximately 3.0 metres from the outside of the wet deck of the pool to the inside of the shelter to comply with the Royal Life Saving Guidelines for Safe Pool Operations.

A separate contract will be let for the supply and installation of heat pumps that will raise the temperature of the pool water to approximately 29°C.

ATTACHMENTS

1. Confidential Header template Yarram Pools Sunshade Shelter Contract 2021 042A [14.2.1 - 1 page]

2. CONFIDENTIAL REDACTED - 2021-042 A Tender Evaluation Report retendered (002) [14.2.2 - 6 pages]

OPTIONS

Council has the following options available:

1. Adopt the recommendations contained in the attached confidential Tender Evaluation Report for 2021-042A Yarram Warmer Pools Sunshade Shelter; or
2. Not enter into a contact and not proceed with these works at this time.

PROPOSAL

That Council adopt the recommendations contained in the attached confidential Tender Evaluation Report for 2021-042A Yarram Warmer Pools Sunshade Shelter.

CONFLICT OF INTEREST

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

FINANCIAL IMPACT

The funding for this project comes from various sources being the Victorian State Government's Sport and Recreation Victoria contributing \$250,000, the Rotary Club of Yarram contributing \$61,000 and the balance coming from the Capital Works Budget of Wellington Shire Council.

COMMUNICATION IMPACT

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

LEGISLATIVE IMPACT

Wellington Shire Council is committed to ensuring the Contact tendering process complies with the Victorian Local Government Act and the Victorian Local Government Code of Tendering.

COUNCIL POLICY IMPACT

These works are in line with Council's policies of maintaining and enhancing Council's infrastructure.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.1: *“Council services and infrastructure are responsive to identified current and future community needs within budgeted parameters.”*

Strategy 2.1.2: *“Provide access to a diverse range of recreational opportunities for all sectors of the community.”*

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.2: *“Council assets are responsibly, socially, economically and sustainably managed.”*

Strategy 2.2.2: *“Ensure that community facilities within the municipality continue to meet the expectations and service needs of all current and future residents.”*

Strategy 2.2.3: *“Continue to maintain and enhance Council’s built environment for public amenity and long-term sustainability.”*

This report supports the above Council Plan strategic objectives and strategies.

RESOURCES AND STAFF IMPACT

This project will be undertaken with the resources of the Assets and Projects unit.

COMMUNITY IMPACT

These works will have a positive community impact with the Yarram Pool being provided with a shelter to cover both pools as part of the Warmer Pools Project.

ENVIRONMENTAL IMPACT

This impact will have minimal environmental impact, with the contractors providing an Environmental Management Plan which will be strictly monitored.

ENGAGEMENT IMPACT

These works will not create an impact whilst construction is underway as the Yarram Pool is currently closed and will not reopen until late November.

RISK MANAGEMENT IMPACT

It is considered that the proposed contract works will not expose Wellington Shire Council to any significant risks. All Occupational Health and Safety risks will be discussed with the contractor and allocated to the party in the best position to manage each risk.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

01 June 2021

On this day, 12 May 2021, in accordance with Section 66 Clause (2)(a) of the *Local Government Act 2020*; I, Chris Hastie, General Manager Built and Natural Environment declare that the information contained in the attached document **YARRAM WARMER POOLS SUNSHADE SHELTER TENDER AWARD CONTRACT 2021- 042A** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

- g) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

A handwritten signature in blue ink, appearing to be 'CH HASTIE', is written over a light blue circular stamp. The signature is fluid and cursive.

.....
CHRIS HASTIE, GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15. 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.

16. 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*

IN CLOSED SESSION

COUNCILLOR

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