



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

COUNCILLORS PRESENT

Cr Garry Stephens (Mayor)
Cr Scott Rossetti (Deputy Mayor)
Cr Ian Bye
Cr Carolyn Crossley
Cr Marcus McKenzie
Cr Gayle Maher
Cr John Tatterson
Cr Jill Wood

OFFICERS PRESENT

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

**ORDINARY MEETING OF COUNCIL
TABLE OF CONTENTS**

0.1.	TABLE OF CONTENTS
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
4.	BUSINESS ARISING FROM PREVIOUS MEETINGS
5.	ACCEPTANCE OF LATE AND URGENT ITEMS
6.	NOTICE/S OF MOTION
7.	RECEIVING OF PETITION OR JOINT LETTERS
7.1.	OUTSTANDING PETITIONS
8.	INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS
9.	QUESTION/S ON NOTICE
9.1.	OUTSTANDING QUESTION/S ON NOTICE
10.	MAYOR AND COUNCILLORS REPORT
10.1.	MAYOR AND COUNCILLORS REPORT
11.	DELEGATES REPORT
12.	CHIEF EXECUTIVE OFFICER
12.1.	CHIEF EXECUTIVE OFFICER'S REPORT
12.2.	MARCH 2021 COUNCIL PERFORMANCE REPORT
13.	GENERAL MANAGER CORPORATE SERVICES
13.1.	ASSEMBLY OF COUNCILLORS
13.2.	RESOLVE TO ADVERTISE DRAFT 2021/2022 BUDGET, PROPOSED RATES, FEES AND CHARGES
13.3.	BIANNUAL AUDIT & RISK COMMITTEE UPDATE
13.4.	ADOPTION OF COUNCIL'S REVISED ACCEPTANCE AND DECLARATION OF GIFTS, BENEFITS AND HOSPITALITY POLICY
14.	GENERAL MANAGER DEVELOPMENT
14.1.	STRATEGIC LAND USE PLANNING - FIRST QUARTERLY REPORT

14.2. FEBRUARY 2021 PLANNING DECISIONS REPORT

14.3. PROPOSED SALE - 65 TEMPLE STREET, HEYFIELD

14.4. PROPOSED SALE - (LOT A) 21 WILLIAMS DRIVE, FULHAM

14.5. PROPOSED LEASE - VELORE ROAD, KILMANY

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT.....

15.1. COONGULLA TOWNSHIP (EASTERN AREA) SPECIAL CHARGE STREET
CONSTRUCTION SCHEME - DECLARATION OF SCHEME

16. FURTHER GALLERY AND ONLINE COMMENTS.....

1. APOLOGIES

NIL

TRIBUTES TO THE LATE COUNCILLOR MALCOLM HOLE

The Mayor paid tribute:

Malcolm served as a Councillor from 2000 to 2021 and was elected for seven consecutive terms. He was elected deputy Mayor in 2019 and before that was Mayor in 2002 and 2006. Malcolm had a great interest in the Timber Industry and was on the Timber Towns Victoria Executive between 2001 and 2014. He was President between 2003 and 2013. He also was President of the National Timber Council between 2004-2014. Malcolm was on the executive of Rural Councils Victoria between 2005-2014. Malcolm represented Gippsland on the Board of the Municipal Association of Victoria between 2015 and 2021.

The Minister for Local Government The Hon Shaun Leane said "Cr Hole's dedication to his local community ensured that their voices were heard" and I agree with the Minister that Malcolm was a wonderful representative of his community. He was extremely proud of the community of Heyfield and represented it in an exemplary fashion. He will be missed by all his Council colleagues and the staff of Wellington Shire. In fact, by the whole Local Government community. Our deepest condolences go to his family. I think that is 5 children and 15 grandchildren were his proudest achievement.

On behalf of Council, the Mayor would like to record a note of appreciation for the work of Cr Malcolm Gerard Hole as a Councillor and pass on our deepest sympathy to his family.

Malcolm may you Rest in Peace.

Councillor Rossetti paid tribute:

Having spent 12 of the past 20 years on Council with Malcolm, what I admired most about Malcolm was the breadth of advocacy for his community, extending from his Saturday morning bakery chats in Heyfield through to his state-wide role with the MAV and so much more in between.

While he was a great advocate for issues in and around Heyfield, he also recognised the greater good that came from supporting projects in other places throughout the Shire and indeed, over the state – not a lot of people can zoom in and out like Malcolm could! He became involved in shared groups like Timber Towns to achieve things and not just fill a role. Whenever he met anyone who was in a position to make a difference to our Shire, the broader rural community or indeed the timber industry, he would happily chew their ear and stay on topic until he achieved a result. While Malcolm was not Rocky Balboa, his fighting spirit in supporting small communities who were getting on with things was exceptional. Communities looking for a handout were not always on his radar but if they were needing a hand, he was all ears and was in there with the boxing gloves on to into the ring with them. When asked to assist, Malcolm was generous with his time and commitment but he also knew that being collegiate was such an important part of a successful Council. Many Councils we've seen fail due primarily to disharmony but Malcolm never let an argument around the table get in the way of a chat later on where relationships could be maintained even when opinions expressed in the chamber were vastly different.

A generous, funny, hardworking and considerate colleague who I know will be greatly missed.

2. DECLARATION OF CONFLICT/S OF INTEREST

NIL

3. CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

3.1. ADOPTION OF MINUTES OF PREVIOUS COUNCIL MEETING

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 6 April 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 April 2021.

COUNCILLOR ROSSETTI / COUNCILLOR BYE

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 April 2021.

CARRIED

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

NIL

6. NOTICE/S OF MOTION

NIL

7. RECEIVING OF PETITION OR JOINT LETTERS

7.1. OUTSTANDING PETITIONS

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

NIL

9. QUESTION/S ON NOTICE

9.1. OUTSTANDING QUESTION/S ON NOTICE

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

10. MAYOR AND COUNCILLORS REPORT

10.1. MAYOR AND COUNCILLORS REPORT

ACTION OFFICER: COUNCILLOR GARRY STEPHENS

RECOMMENDATION <i>That the Mayor and Councillors report be noted.</i> COUNCILLOR WOOD / COUNCILLOR MAHER <i>That the Mayor and Councillors report be noted.</i> CARRIED
--

11. DELEGATES REPORT

NIL

12. CHIEF EXECUTIVE OFFICER

12.1. CHIEF EXECUTIVE OFFICER'S REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

COUNCILLOR CROSSLEY / COUNCILLOR MAHER

That the Chief Executive Officer's report be received.

CARRIED

12.2. MARCH 2021 COUNCIL PERFORMANCE REPORT

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

PURPOSE

For Council to receive and note the March 2021 Council Performance Report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive and note the March 2021 Council Performance Report as attached.

COUNCILLOR CROSSLEY / COUNCILLOR ROSSETTI

That Council receive and note the March 2021 Council Performance Report as attached.

CARRIED

13. GENERAL MANAGER CORPORATE SERVICES

13.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 29 March 2021 to 11 April 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 29 March 2021 to 11 April 2021.

COUNCILLOR BYE / COUNCILLOR ROSSETTI

That Council note and receive the attached Assembly of Councillor records for the period 29 March 2021 to 11 April 2021.

CARRIED

13.2. RESOLVE TO ADVERTISE DRAFT 2021/2022 BUDGET, PROPOSED RATES, FEES AND CHARGES

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

For Council to resolve to advertise its draft 2021/22 Budget and seek public submissions in accordance with Section 96 of the *Local Government Act 2020*.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council advertise its draft 2021/22 Budget (as attached) including:**
 - *fees and charges; and*
 - *multi-year capital projects**in accordance with Section 96 of the Local Government Act 2020; and*
- 2. Council consider submissions for the draft 2021/22 Budget at a Special Council Meeting on Thursday 27 May 2021 at 3pm; and**
- 3. Council meet on Tuesday 15 June 2021 at 6pm to consider the formal adoption of the 2021/22 Budget; and**
- 4. Council make the following declarations regarding rates and charges for the period commencing on 1 July 2021 and concluding on 30 June 2022:**

- A) Pursuant to the provisions of Sections 158, 161 and 162 of the Local Government Act 1989 (currently, these remain saved provisions under the 1989 Act), the Wellington Shire Council hereby resolves to declare that the amount it intends to raise by rates and annual service charges is \$64,632,608:

General Rate:	\$57,707,691
Cultural & Recreational Land rates	\$ 65,048
Garbage Charge:	\$ 4,823,674
Waste Infrastructure Charge:	\$ 1,600,610
EPA Levy Charge:	\$ 360,005
Boisdale Common Effluent System Charge	\$ 10,532

- B) (1) It be further declared that, subject to paragraph 4 of this Part, the general rate be raised through the application of differential rates.
- (2) A rate in the dollar of 0.004700 be specified as the general rate (subject to final valuation outcomes).
- (3) It be confirmed that the general rate for all rateable land within the municipal district be determined so that the amount payable be the Capital Improved Value multiplied by the rate in the dollar of 0.004700 (subject to final valuation outcomes)
- (4) a) It be recorded that Council considers that a differential rate will contribute to the equitable and efficient carrying out of Council functions.
- b) A differential rate be declared for that rateable land having the characteristics specified below, which characteristics will form the criteria for the differential rate so declared:
- (i) Farm Land:
Means any land that:
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) that is not less than 2 hectares in area; and
- b) that is 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; and
- c) where the ratepayer is a Primary Producer with any evidence/ruling confirmed by the Australian Taxation Office, registered ABN and business plan.
- C) Garbage Charge:
- (1) An annual service charge of \$243.20 be declared for the collection and disposal of garbage in respect of Residential premises to which the service is available – whether, or not, the

owner or occupier of any such premises avails themselves of the service.

D) Waste Infrastructure Charge:

- (1) **An annual service charge be declared for the development of Landfills, Recycling facilities, Transfer Stations and the rehabilitation of Landfill sites, and provision of facilities for ongoing monitoring of landfills, to ensure that Council can continue to provide a waste disposal service.**
- (2) **The charge be \$55.00 (same as last year) for each property in respect of which a municipal charge may be levied. This charge will not apply to properties identified as being within the Ninety Mile Beach Restructure Plan Stages 7 – 22, with the exception of those properties with an existing dwelling, where the charge will still apply.**

E) EPA Levy Charge:

- (1) **An annual service charge of \$18.15 be declared to cover the costs levied by the Environment Protection Authority on the operation of landfills, not otherwise recouped.**
- (2) **The charge be levied on each property to which a Garbage Charge is applied, at the rate of one EPA Levy Charge for each Garbage Charge. – except those properties recently the subject of the Ombudsman’s report into non developable blocks along**

F) Boisdale Common Effluent System Charge:

- (1) **An annual service charge of \$421.00 be declared for wastewater availability in respect of Residential and Commercial premises in the township of Boisdale, to contribute towards the costs of operation and management of the Boisdale Common Effluent System (the System).**
- (2) **The charge be levied on each property which is connected to the System, at the rate of one charge per tenement connected.**

G) Cultural and Recreational Land:

- (1) **The following amounts (excluding service charges) be declared as payable in accordance with Section 4 of the Cultural and Recreational Lands Act 1963, having regard to the services provided by the Council in relation to such lands and the benefit to the community derived from this recreational land:**

ORGANISATION	LOCATION	AMOUNT
Gippsland Woodcraft Group Inc	843 Maffra-Rosedale Rd, Nambrok	-
Glenmaggie & District Boat Club	Licola Rd, Glenmaggie	-
Heyfield Bowling Club Inc	George St, Heyfield	1,598.00
Heyfield Golf Club Inc	91 Golf Course Rd, Heyfield	1,880.00
Lake Wellington Yacht Club Inc	725 Marlay Point Rd, Clydebank	-
Maffra Bowling Club Inc	Princess St, Maffra	869.50
Maffra Golf Club	Fulton Rd, Maffra	3,613.13
Maffra Sale Motorcycle Club	54 Tatterson Lane, Newry	170.38

Maffra Sale Motorcycle Club	Morison St, Maffra	270.25
Maffra Squash & Racquetball Club Inc	Little Johnson St, Maffra	293.75
Newry Golf Club	875 Three Chain Road Newry	-
Para Park Co-operative Game Reserve	Sunday Island, Port Albert	5,228.75
Port Albert Water Sports & Safety Centre	31-37 Bay St, Port Albert	-
Sale & District Aero Modellers Club Inc	Back Maffra Rd, Sale	146.88
Sale Agricultural Society – Sale Greyhound Club	Maffra-Sale Rd, Sale	10,457.50
Sale Agricultural Society – Showgrounds	Dawson St, Sale	3,290.00
Sale Angling & Sport Fishing Club	5 David St, Manns Beach	-
Sale Angling & Sport Fishing Club	Punt Lane, Sale	-
Sale City Football Netball Club Inc	Guthridge Pde, Sale	1,198.50
Sale Community Bowls Club Ltd	Foster St, Sale	4,582.50
Sale Croquet Club	Guthridge Pde, Sale	-
Sale Field & Game Association	Chessum Rd, Longford	951.75
Sale Golf Club	2631 Rosedale-Longford Rd, Longford	3,066.75
Sale Small Bore Rifle Club	86 Stephenson St, Sale	-
Sale Tennis Club	51 Guthridge Pde, Sale	552.25
Sale Turf Club	1227 Maffra-Sale Rd, Sale	1,092.75
Sale Turf Club	Maffra-Sale Rd, Sale	9,517.50
Sale United Football Club Inc	313-321 Raglan St, Sale	869.50
Sale-Maffra Badminton Association Inc.	59 Gibsons Rd, Sale	517.00
Sporting Legends Club Inc	316 Montgomery Rd, Bundalaguah	940.00
Stratford Angling Club Inc	Hollands Landing Rd, Hollands Landing	-
Stratford Bowls Club	18-22 Dawson St, Stratford	963.50
The Yarram Country Club Inc	332-338 Commercial Rd, Yarram	10,310.63
West Sale Bowls Club Inc	Hunt Place, Wurruk	552.25
Yarram Golf Club	42 Golf Links Rd, Yarram	2,115.00
Yarram Motorcycle Club	96 Morris Rd, Yarram	-
TOTAL		65,048.02

H) Pursuant to the provisions of Section 169 of the Local Government Act 1989 (currently, this remains as a saved provision under the 1989 Act), Council resolves to declare a Rates Rebate on land with a Deed of Covenant for conservation purposes.

- (1) Council considers that this rebate will ensure that the biodiversity values of the land will be protected for the benefit of the broader community.
- (2) The rebate will apply only to the land that is affected by a covenant as described in the covenant document.
- (3) The rebate will be applied at \$5 per hectare, with a minimum rebate of \$100 and a maximum equal to the annual general rate on the property for that portion of land.
- (4) Conditions apply as per Council's Policy No. 4.1.12 – Rates Rebate on land with a Deed of Covenant for Conservation Purposes.

COUNCILLOR ROSSETTI / COUNCILLOR CROSSLEY

That:

1. Council advertise its draft 2021/22 Budget (as attached) including:
 - fees and charges; and
 - multi-year capital projects
 in accordance with Section 96 of the Local Government Act 2020; and
2. Council consider submissions for the draft 2021/22 Budget at a Special Council Meeting on Thursday 27 May 2021 at 3pm; and
3. Council meet on Tuesday 15 June 2021 at 6pm to consider the formal adoption of the 2021/22 Budget; and
4. Council make the following declarations regarding rates and charges for the period commencing on 1 July 2021 and concluding on 30 June 2022:
 - A) Pursuant to the provisions of Sections 158, 161 and 162 of the Local Government Act 1989 (currently, these remain saved provisions under the 1989 Act), the Wellington Shire Council hereby resolves to declare that the amount it intends to raise by rates and annual service charges is \$64,632,608:

General Rate:	\$57,707,691
Cultural & Recreational Land rates	\$ 65,048
Garbage Charge:	\$ 4,823,674
Waste Infrastructure Charge:	\$ 1,600,610
EPA Levy Charge:	\$ 360,005
Boisdale Common Effluent System Charge	\$ 10,532

- B)
 - (1) It be further declared that, subject to paragraph 4 of this Part, the general rate be raised through the application of differential rates.
 - (2) A rate in the dollar of 0.004700 be specified as the general rate (subject to final valuation outcomes).
 - (3) It be confirmed that the general rate for all rateable land within the municipal district be determined so that the amount payable be the Capital Improved Value multiplied by the rate in the dollar of 0.004700 (subject to final valuation outcomes)

- (4) a) *It be recorded that Council considers that a differential rate will contribute to the equitable and efficient carrying out of Council functions.*
- b) *A differential rate be declared for that rateable land having the characteristics specified below, which characteristics will form the criteria for the differential rate so declared:*
- (i) *Farm Land:*
Means any land that:
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) *that is not less than 2 hectares in area; and*
- b) *that is 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; and*
- c) *where the ratepayer is a Primary Producer with any evidence/ruling confirmed by the Australian Taxation Office, registered ABN and business plan.*

C) Garbage Charge:

- (1) *An annual service charge of \$243.20 be declared for the collection and disposal of garbage in respect of Residential premises to which the service is available – whether, or not, the owner or occupier of any such premises avails themselves of the service.*

D) Waste Infrastructure Charge:

- (1) *An annual service charge be declared for the development of Landfills, Recycling facilities, Transfer Stations and the rehabilitation of Landfill sites, and provision of facilities for ongoing monitoring of landfills, to ensure that Council can continue to provide a waste disposal service.*
- (2) *The charge be \$55.00 (same as last year) for each property in respect of which a municipal charge may be levied. This charge will not apply to properties identified as being within the Ninety Mile Beach Restructure Plan Stages 7 – 22, with the exception of those properties with an existing dwelling, where the charge will still apply.*

E) EPA Levy Charge:

- (1) *An annual service charge of \$18.15 be declared to cover the costs levied by the Environment Protection Authority on the operation of landfills, not otherwise recouped.*
- (2) *The charge be levied on each property to which a Garbage Charge is applied, at the rate of one EPA Levy Charge for each Garbage Charge. – except those properties recently the subject of the Ombudsman's report into non developable blocks along*

F) Boisdale Common Effluent System Charge:

- (1) *An annual service charge of \$421.00 be declared for wastewater availability in respect of Residential and Commercial premises in the township of Boisdale, to contribute towards the costs of operation and management of the Boisdale Common Effluent System (the System).*
- (2) *The charge be levied on each property which is connected to the System, at the rate of one charge per tenement connected.*

G) Cultural and Recreational Land:

- (1) *The following amounts (excluding service charges) be declared as payable in accordance with Section 4 of the Cultural and Recreational Lands Act 1963, having regard to the services provided by the Council in relation to such lands and the benefit to the community derived from this recreational land:*

ORGANISATION	LOCATION	AMOUNT
<i>Gippsland Woodcraft Group Inc</i>	<i>843 Maffra-Rosedale Rd, Nambrok</i>	<i>-</i>
<i>Glenmaggie & District Boat Club</i>	<i>Licola Rd, Glenmaggie</i>	<i>-</i>
<i>Heyfield Bowling Club Inc</i>	<i>George St, Heyfield</i>	<i>1,598.00</i>
<i>Heyfield Golf Club Inc</i>	<i>91 Golf Course Rd, Heyfield</i>	<i>1,880.00</i>
<i>Lake Wellington Yacht Club Inc</i>	<i>725 Marlay Point Rd, Clydebank</i>	<i>-</i>
<i>Maffra Bowling Club Inc</i>	<i>Princess St, Maffra</i>	<i>869.50</i>
<i>Maffra Golf Club</i>	<i>Fulton Rd, Maffra</i>	<i>3,613.13</i>
<i>Maffra Sale Motorcycle Club</i>	<i>54 Tatterson Lane, Newry</i>	<i>170.38</i>
<i>Maffra Sale Motorcycle Club</i>	<i>Morison St, Maffra</i>	<i>270.25</i>
<i>Maffra Squash & Racquetball Club Inc</i>	<i>Little Johnson St, Maffra</i>	<i>293.75</i>
<i>Newry Golf Club</i>	<i>875 Three Chain Road Newry</i>	<i>-</i>
<i>Para Park Co-operative Game Reserve</i>	<i>Sunday Island, Port Albert</i>	<i>5,228.75</i>
<i>Port Albert Water Sports & Safety Centre</i>	<i>31-37 Bay St, Port Albert</i>	<i>-</i>
<i>Sale & District Aero Modellers Club Inc</i>	<i>Back Maffra Rd, Sale</i>	<i>146.88</i>
<i>Sale Agricultural Society – Sale Greyhound Club</i>	<i>Maffra-Sale Rd, Sale</i>	<i>10,457.50</i>
<i>Sale Agricultural Society – Showgrounds</i>	<i>Dawson St, Sale</i>	<i>3,290.00</i>
<i>Sale Angling & Sport Fishing Club</i>	<i>5 David St, Manns Beach</i>	<i>-</i>
<i>Sale Angling & Sport Fishing Club</i>	<i>Punt Lane, Sale</i>	<i>-</i>
<i>Sale City Football Netball Club Inc</i>	<i>Guthridge Pde, Sale</i>	<i>1,198.50</i>
<i>Sale Community Bowls Club Ltd</i>	<i>Foster St, Sale</i>	<i>4,582.50</i>
<i>Sale Croquet Club</i>	<i>Guthridge Pde, Sale</i>	<i>-</i>

Sale Field & Game Association	Chessum Rd, Longford	951.75
Sale Golf Club	2631 Rosedale-Longford Rd, Longford	3,066.75
Sale Small Bore Rifle Club	86 Stephenson St, Sale	-
Sale Tennis Club	51 Guthridge Pde, Sale	552.25
Sale Turf Club	1227 Maffra-Sale Rd, Sale	1,092.75
Sale Turf Club	Maffra-Sale Rd, Sale	9,517.50
Sale United Football Club Inc	313-321 Raglan St, Sale	869.50
Sale-Maffra Badminton Association Inc.	59 Gibsons Rd, Sale	517.00
Sporting Legends Club Inc	316 Montgomery Rd, Bundalaguah	940.00
Stratford Angling Club Inc	Hollands Landing Rd, Hollands Landing	-
Stratford Bowls Club	18-22 Dawson St, Stratford	963.50
The Yarram Country Club Inc	332-338 Commercial Rd, Yarram	10,310.63
West Sale Bowls Club Inc	Hunt Place, Wurruk	552.25
Yarram Golf Club	42 Golf Links Rd, Yarram	2,115.00
Yarram Motorcycle Club	96 Morris Rd, Yarram	-
TOTAL		65,048.02

H) Pursuant to the provisions of Section 169 of the Local Government Act 1989 (currently, this remains as a saved provision under the 1989 Act), Council resolves to declare a Rates Rebate on land with a Deed of Covenant for conservation purposes.

- (1) Council considers that this rebate will ensure that the biodiversity values of the land will be protected for the benefit of the broader community.**
- (2) The rebate will apply only to the land that is affected by a covenant as described in the covenant document.**
- (3) The rebate will be applied at \$5 per hectare, with a minimum rebate of \$100 and a maximum equal to the annual general rate on the property for that portion of land.**
- (4) Conditions apply as per Council's Policy No. 4.1.12 – Rates Rebate on land with a Deed of Covenant for Conservation Purposes.**

CARRIED

13.3. BIENNIAL AUDIT & RISK COMMITTEE UPDATE

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

To provide Council with an overview of the activities of Council's Audit & Risk Committee, including findings and recommendations, for the period October 2020 – March 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council receive the biannual report on the Audit & Risk Committee's activities, findings and recommendations for the period October 2020 – March 2021, as attached.

COUNCILLOR MCKENZIE / COUNCILLOR BYE

That Council receive the biannual report on the Audit & Risk Committee's activities, findings and recommendations for the period October 2020 – March 2021, as attached.

CARRIED

13.4. ADOPTION OF COUNCIL'S REVISED ACCEPTANCE AND DECLARATION OF GIFTS, BENEFITS AND HOSPITALITY POLICY

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

For Council to approve and adopt Council's revised Acceptance and Declaration of Gifts, Benefits and Hospitality Policy, as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council approve and adopt Council's revised Acceptance and Declaration of Gifts, Benefits and Hospitality Policy, as attached.

COUNCILLOR CROSSLEY / COUNCILLOR MAHER

That Council approve and adopt Council's revised Acceptance and Declaration of Gifts, Benefits and Hospitality Policy, as attached.

CARRIED

14. GENERAL MANAGER DEVELOPMENT

14.1. STRATEGIC LAND USE PLANNING - FIRST QUARTERLY REPORT

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To update Council on the strategic land use planning work program for the first quarter (January - March) 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

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

COUNCILLOR MAHER / COUNCILLOR BYE

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

CARRIED

14.2. FEBRUARY 2021 PLANNING DECISIONS REPORT

ACTION OFFICER: MANAGER LAND USE PLANNING

PURPOSE

To provide a report to Council on recent planning permit trends and planning decisions made under delegation by Statutory Planners during the month of February 2021.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 February and 28 February 2021.

COUNCILLOR MAHER / COUNCILLOR BYE

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 February and 28 February 2021.

CARRIED

14.3. PROPOSED SALE - 65 TEMPLE STREET, HEYFIELD

ACTION OFFICER: MANAGER BUSINESS DEVELOPMENT

PURPOSE

For Council to authorise the sale of Council property at 65 Temple Street, Heyfield.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council resolve that property described as 65 Temple Street, Heyfield as shown on the plan within and more specifically referred as Lot 1 TP341519 Volume 6919 Folio 718 is not required for Council purposes.***
- 2. Council advertises its intention to sell the land at or above the current market value by private sale, 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. Subject to considering any submissions, Council authorise the Chief Executive Officer to offer for sale the land at or above the current market value including executing necessary documents.***
- 4. The information contained in the confidential document at Item 14.3.2 Sale Process and Item 14.3.3 Valuation Temple Street 2021 and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 13 April 2021 because they relate to the following grounds: g) private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
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 proposed sale can be made public.***

COUNCILLOR CROSSLEY / COUNCILLOR MAHER

That:

- 1. Council resolve that property described as 65 Temple Street, Heyfield as shown on the plan within and more specifically referred as Lot 1 TP341519 Volume 6919 Folio 718 is not required for Council purposes.***
- 2. Council advertises its intention to sell the land at or above the current market value by private sale, 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. Subject to considering any submissions, Council authorise the Chief Executive Officer to offer for sale the land at or above the current market value including executing necessary documents.***
- 4. The information contained in the confidential document at Item 14.3.2 Sale Process and Item 14.3.3 Valuation Temple Street 2021 and designated confidential under Section 3(1) Confidential Information of the Local***

Government Act 2020 by the General Manager Development on 13 April 2021 because they relate to the following grounds: g) private commercial information, being information provided by a business, commercial or financial undertaking that—

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

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 proposed sale can be made public.

CARRIED

14.4. PROPOSED SALE - (LOT A) 21 WILLIAMS DRIVE, FULHAM

ACTION OFFICER: MANAGER BUSINESS DEVELOPMENT

PURPOSE

The purpose of this report is to seek Council authorisation to offer for sale land described as (Lot A) 21 Williams Drive, Fulham located at West Sale Airport (WSA) (refer Figure 1).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council authorise the Chief Executive Officer to offer for sale Council Land described as (Lot A) 21, Williams Drive, Fulham at West Sale Airport;***
- 2. Council advertises its intention to sell (Lot A) 21, Williams Drive, Fulham at or above market value, 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. Subject to not receiving any submissions, Council authorise the Chief Executive Officer to progress the sale including executing necessary documents; and***
- 4. The information contained in the confidential document at Item 14.4.2 Proposed Sale of Lot A, 21 Williams Drive, Fulham and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 6 April 2021 because it relates to the following grounds: g) private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
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 proposed sale can be made public.***

COUNCILLOR BYE / COUNCILLOR ROSSETTI

That:

- 1. Council authorise the Chief Executive Officer to offer for sale Council Land described as (Lot A) 21, Williams Drive, Fulham at West Sale Airport;***
- 2. Council advertises its intention to sell (Lot A) 21, Williams Drive, Fulham at or above market value, 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. Subject to not receiving any submissions, Council authorise the Chief Executive Officer to progress the sale including executing necessary documents; and***
- 4. The information contained in the confidential document at Item 14.4.2 Proposed Sale of Lot A, 21 Williams Drive, Fulham and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 6 April 2021***

because it relates to the following grounds: g) private commercial information, being information provided by a business, commercial or financial undertaking that—

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

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 proposed sale can be made public.

CARRIED

14.5. PROPOSED LEASE - VELORE ROAD, KILMANY

ACTION OFFICER: MANAGER BUSINESS DEVELOPMENT

PURPOSE

Seek Council authorisation to offer for lease vacant Council land located at 14 Velore Road, Kilmany.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council authorise the Chief Executive Officer to offer for lease vacant Council land at Velore Road, Kilmany for terms up to 30 years.***
- 2. Council advertises its intention to lease land at or below market value, subject to the provisions of sections 190 and 223 of the Local Government Act 1989, including calling for submissions in relation to the proposed lease.***
- 3. Subject to not receiving any submissions, Council authorise the Chief Executive Officer to progress leases including executing necessary documents.***
- 4. The information contained in the confidential documents at Items 14.5.2 Velore Road, Kilmany - HoA, 14.5.3 Site Details – Velore Road, Kilmany & 14.5.4 Leasing Process and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 12 April 2021 because it relates to the following grounds: g) private commercial information, being information provided by a business, commercial or financial undertaking that—
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
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 tenants can be made public.***

COUNCILLOR MAHER / COUNCILLOR BYE

That:

- 1. Council authorise the Chief Executive Officer to offer for lease vacant Council land at Velore Road, Kilmany for terms up to 30 years.***
- 2. Council advertises its intention to lease land at or below market value, subject to the provisions of sections 190 and 223 of the Local Government Act 1989, including calling for submissions in relation to the proposed lease.***
- 3. Subject to not receiving any submissions, Council authorise the Chief Executive Officer to progress leases including executing necessary documents.***
- 4. The information contained in the confidential documents at Items 14.5.2 Velore Road, Kilmany - HoA, 14.5.3 Site Details – Velore Road, Kilmany & 14.5.4 Leasing Process and designated confidential under Section 3(1) Confidential Information of the Local Government Act 2020 by the General Manager Development on 12 April 2021 because it relates to the following***

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

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

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 tenants can be made public.

CARRIED

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15.1. COONGULLA TOWNSHIP (EASTERN AREA) SPECIAL CHARGE STREET CONSTRUCTION SCHEME - DECLARATION OF SCHEME

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider to formally proceed with the proposed 'Coongulla Township (Eastern Area) Special Charge Street Construction Scheme Number 2007' by way of formal declaration as a Special Charge Scheme under section 163(1) of the *Local Government Act 1989* for the construction of streets within the eastern area of the Coongulla Township.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council, having considered that no submissions were received and taken account that no objections were lodged and having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act), and otherwise according to law, and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that Streets within the Coongulla Township (Eastern Area) or any component of the Streets have not previously been constructed by way of a special rate or charge, hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this Report, such Declaration being for the purposes of constructing the Street(s) and providing ancillary works, including surface drainage and vehicle crossings.***
- 2. Council directs that, under cover of a letter, a written notice, enclosing a notice of levy, be sent to all owners of properties included in the Scheme, including those who have made a submission and/or lodged an objection in writing, of the decision of Council to make the Declaration, and the reasons for the decision.***
- 3. For the purposes of resolution 2, the reasons of Council for making the Declaration are that –***

- (a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Scheme from property owners;**
 - (b) Council considers that it is acting in accordance with the functions, powers and objectives conferred on it under the Act, particularly in relation to the provision of proper, safe and suitable roads and property services in and for the Scheme area;**
 - (c) All property owners who are liable or required to pay the Special Charge and the properties respectively owned and occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;**
 - (d) The basis of distribution of the Special Charge amongst the property owners who are liable or required to pay the Special Charge is considered to be fair and reasonable;**
 - (e) The works proposed by the Scheme are consistent with all and any policies and/or objectives set out in the planning scheme for the area; and**
 - (f) The works proposed for the construction and drainage of the Street(s) are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street(s).**
- 4. The Chief Executive Officer (or any person for the time being acting in that position) be authorised to carry out any and all other administrative procedures necessary to enable Council to give effect to this resolution, including in relation to the levying of the Special Charge.**

COUNCILLOR TATTERSON / COUNCILLOR WOOD

That:

- 1. Council, having considered that no submissions were received and taken account that no objections were lodged and having complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (the Act), and otherwise according to law, and having, so far as can be ascertained from available records and can reasonably be concluded, ascertained that Streets within the Coongulla Township (Eastern Area) or any component of the Streets have not previously been constructed by way of a special rate or charge, hereby proceeds to declare a Special Charge Scheme under section 163(1) of the Act (Scheme) in accordance with the Declaration of Special Charge (Declaration) attached to and forming a part of this Report, such Declaration being for the purposes of constructing the Street(s) and providing ancillary works, including surface drainage and vehicle crossings.**
- 2. Council directs that, under cover of a letter, a written notice, enclosing a notice of levy, be sent to all owners of properties included in the Scheme, including those who have made a submission and/or lodged an objection in writing, of the decision of Council to make the Declaration, and the reasons for the decision.**
- 3. For the purposes of resolution 2, the reasons of Council for making the Declaration are that –**
 - (a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Scheme from property owners;**
 - (b) Council considers that it is acting in accordance with the functions, powers and objectives conferred on it under the Act, particularly in relation to the**

provision of proper, safe and suitable roads and property services in and for the Scheme area;

- (c) All property owners who are liable or required to pay the Special Charge and the properties respectively owned and occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties;***
 - (d) The basis of distribution of the Special Charge amongst the property owners who are liable or required to pay the Special Charge is considered to be fair and reasonable;***
 - (e) The works proposed by the Scheme are consistent with all and any policies and/or objectives set out in the planning scheme for the area; and***
 - (f) The works proposed for the construction and drainage of the Street(s) are necessary, reasonable, not excessive, sufficient, suitable and not costly, having regard to the locality or environment and the probable use of the Street(s).***
- 4. The Chief Executive Officer (or any person for the time being acting in that position) be authorised to carry out any and all other administrative procedures necessary to enable Council to give effect to this resolution, including in relation to the levying of the Special Charge.***

CARRIED

16. 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 –

Dean Sutton, Regional Representative of the LGBTIQ+ State Government Taskforce, emailed a request to Council to fly the rainbow pride flag from its Service Centres on 17 May, being International Day Against Homophobia, Biphobia and Transphobia.

Councillor Wood confirmed the rainbow pride flag will be raised at the Raglan Street roundabout and Yarram Service Centre on 17 May.

FURTHER GALLERY COMMENTS –

NIL

Meeting declared closed at: 6:45pm

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