



WELLINGTON
SHIRE COUNCIL

The Heart of Gippsland

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 7 June 2022

COUNCILLORS PRESENT

Cr Ian Bye (Mayor)
Cr Marcus McKenzie (Deputy Mayor)
Cr Gayle Maher
Cr Carmel Ripper (via MS Teams)
Cr Scott Rossetti (via MS Teams)
Cr Garry Stephens
Cr John Tatterson
Cr Jill Wood

OFFICERS PRESENT

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

APOLOGIES

Cr Carolyn Crossley

**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
 - 7.2. RECEIPT OF PETITION: SEASPRAY PUMP TRACK
- 8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS**
- 9. QUESTION/S ON NOTICE**
 - 9.1. OUTSTANDING QUESTION/S ON NOTICE
- 10. DELEGATES REPORT**
- 11. GENERAL MANAGER CORPORATE SERVICES**
 - 11.1. ASSEMBLY OF COUNCILLORS
 - 11.2. ADOPTION OF THE 2022 PROPERTY REVALUATION
 - 11.3. ADOPTION OF 2022/2023 BUDGET, PROPOSED RATES, FEES AND CHARGES
 - 11.4. APPROVAL OF UPDATED INSTRUMENTS OF DELEGATION
- 12. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT**
 - 12.1. PLACE NAMES COMMITTEE MINUTES
- 13. FURTHER GALLERY AND ONLINE COMMENTS**
- 14. IN CLOSED SESSION**

1. APOLOGIES

Councillor Carolyn Crossley

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 17 May 2022 and Unscheduled Council Meeting of 19 May 2022 to hear draft budget submissions.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 17 May 2022 and Unscheduled Council Meeting of 19 May 2022 to hear draft budget submissions.

COUNCILLOR STEPHENS / COUNCILLOR WOOD

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 17 May 2022 and Unscheduled Council Meeting of 19 May 2022 to hear draft budget submissions.

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			

7.2. RECEIPT OF PETITION: SEASPRAY PUMP TRACK

ACTION OFFICER: MANAGER NATURAL ENVIRONMENT AND PARKS

PURPOSE

To present Council with a petition in relation to the construction of a pump track on the foreshore at Seaspray.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

JOHN ALLMAN, SEASPRAY: noted a lack of extensive consultation; spoke to issues experienced trying to communicate with other groups within the Seaspray community; highlighted the division between various groups of Seaspray residents

PHILOMENA CASHION, MELBOURNE: owner of a holiday home in Seaspray; spoke about a Facebook page that has been censored and is not providing full information; concerned about the lack of direct communication for those outside the Seaspray community; would like to see a 3D model of the pump track prior to voting; would like to see a more natural installation in place of a pump track

RECOMMENDATION

That Council:

- 1. Receive the attached petition in relation to the proposed Seaspray Pump Track; and***
- 2. Refer the petition to be considered as part of the Your Wellington Your Say - Seaspray Pump Track survey review process.***

COUNCILLOR WOOD / COUNCILLOR STEPHENS

That Council:

- 1. Receive the attached petition in relation to the proposed Seaspray Pump Track; and***
- 2. Refer the petition to be considered as part of the Your Wellington Your Say - Seaspray Pump Track survey review process.***

CARRIED

The Mayor noted the receipt of a late final page for the petition containing 12 extra signatures now included in the minutes for a total of 73 signatures.

8. INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS

COUNCILLOR RIPPER acknowledged the Queen's 70 years of service, recently marked by the Platinum Jubilee celebrations in the United Kingdom.

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

COUNCILLOR MAHER thanked Council for the opportunity to attend the Company Directors Course over the past few weeks.

She also attended the Rural and Regional Planning conference hosted by MAV last Thursday and Friday in Torquay. She noted that the event provided plenty of important information, particularly in relation to regional Victoria. Some key items of note include:

- Simon Kuestenmacher from the Demographics Group spoke about statistics relating to skills and housing shortages, social housing issues, positive uses of empty retail spaces and recommended that local government leverage these opportunities
- Michael Orford from DELWP spoke about rural zoning, changes to telco changes, land use changes, minor permit changes and rural worker accommodation on farm zoned properties
- Agriculture Victoria noted an increase in dwellings applications on farming and rural zoned land
- Rohan Henry from Dr Rohan Henry Consulting spoke about indigenous engagement and recommended that local governments start to view indigenous landowners and rights owners instead. He also encouraged earlier consultation and collaboration with the local indigenous communities
- Alix Pearce from Insurance Councils Australia presented current data in relation to the recent floods up north. They also noted the ongoing difficulty in insuring properties due to constant environmental changes.

Councillor Maher noted how good it was to see other Councils attending that were experiencing similar issues and who were able to utilise this conference as a means to share knowledge and strategies as well as leverage the information provided during the course of the event.

11. GENERAL MANAGER CORPORATE SERVICES

11.1. ASSEMBLY OF COUNCILLORS

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

OBJECTIVE

To report on all assembly of Councillor records received for the period 9 May 2022 to 29 May 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 9 May 2022 to 29 May 2022.

COUNCILLOR MCKENZIE / COUNCILLOR WOOD

That Council note and receive the attached Assembly of Councillor records for the period 9 May 2022 to 29 May 2022.

CARRIED

11.2. ADOPTION OF THE 2022 PROPERTY REVALUATION

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

To adopt the total valuation of all properties within the Shire, as advised by the Valuer General, at the return date of 1 January 2022.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council adopt the following valuation figures as at the return date of 1 January 2022:

	SITE VALUE	CAPITAL IMPROVED VALUE	NET ANNUAL VALUE
RATEABLE	\$9,051,060,200	16,312,790,200	\$895,459,210
NON-RATEABLE	200,980,000	\$375,575,000	\$20,553,650
TOTAL VALUATION	\$9,252,040,200	\$16,688,365,200	\$916,012,860

COUNCILLOR STEPHENS / COUNCILLOR RIPPER

That Council adopt the following valuation figures as at the return date of 1 January 2022:

	SITE VALUE	CAPITAL IMPROVED VALUE	NET ANNUAL VALUE
RATEABLE	\$9,051,060,200	16,312,790,200	\$895,459,210
NON-RATEABLE	200,980,000	\$375,575,000	\$20,553,650
TOTAL VALUATION	\$9,252,040,200	\$16,688,365,200	\$916,012,860
			CARRIED

11.3. ADOPTION OF 2022/2023 BUDGET, PROPOSED RATES, FEES AND CHARGES

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

For Council to adopt the:

- 2022/23 Budget and Fees and Charges including:
 - 2022/23 Fees and charges
 - 2022/23 Capital Works Program
- 2022/23 Declared Rates and Service Charges.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

1. ***Council adopt the 2022/23 Budget, as attached, including:***
 - ***2022/23 Fees and charges***
 - ***2022/23 Capital Works Program***

in accordance with Section 96 of the Local Government Act 2020; and
2. ***Council adopts the following declared rates and charges for the period commencing on 1 July 2022 and concluding on 30 June 2023:***
 - 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 \$66.5M***

Type of Rate or Charge	\$'000
General Rate:	58,728
Cultural & Recreational Land rates	75
Garbage Charge:	4,977
Waste Infrastructure Charge:	1,603

EPA Levy Charge:	413
Boisdale Common Effluent System Charge	11

- B)**
- (1)** *It be further declared 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 0.003800 be specified as the general rate.*
 - (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 0.003800.*
 - (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 (80% of the general 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 \$257.60 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 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 \$21.40 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 Ninety Mile Beach and noted on Council’s website.*

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 amount of \$75,000 (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 to the community from this recreational land.*

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 declares 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 \$15 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, in accordance with the Sustainability Policy.*

(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 STEPHENS / COUNCILLOR MAHER

That:

1. Council adopt the 2022/23 Budget, as attached, including:

- 2022/23 Fees and charges
- 2022/23 Capital Works Program

in accordance with Section 96 of the Local Government Act 2020; and

2. Council adopts the following declared rates and charges for the period commencing on 1 July 2022 and concluding on 30 June 2023:

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- B) (1) It be further declared 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 0.003800 be specified as the general rate.**
- (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 0.003800.**
- (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 (80% of the general 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 \$257.60 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.**

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- (1) The amount of \$75,000 (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 to the community from this recreational land.**

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 declares 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 \$15 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, in accordance with the Sustainability Policy.**
- (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

11.4. APPROVAL OF UPDATED INSTRUMENTS OF DELEGATION

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

PURPOSE

For Council to adopt recent amendments to the S6 Instrument of Delegation to Members of Council Staff who hold, act in, or perform the duties of the office or position relating to the *Cemeteries and Crematoria Act 2003, Food Act 1984, Planning and Environment Act 1987, Road Management Act 2004, Residential Tenancies Act 1997 and Residential Tenancies Regulations 2021* as well as the S18 Instrument of Sub-Delegation under the *Environment Protection Act 2017*.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That Council:

- 1. adopt the attached updated S6 and S18 Instruments of Delegation;***
- 2. revoke the previous Instruments of Delegation made; and***
- 3. authorise the Chief Executive Officer to sign and seal the attached Instruments of Delegation.***

COUNCILLOR TATTERSON / COUNCILLOR WOOD

That Council:

- 1. adopt the attached updated S6 and S18 Instruments of Delegation;***
- 2. revoke the previous Instruments of Delegation made; and***
- 3. authorise the Chief Executive Officer to sign and seal the attached Instruments of Delegation.***

CARRIED

12. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

12.1. PLACE NAMES COMMITTEE MINUTES

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is for Council to receive the minutes of the Place Names Committee meeting held on 10 May 2022 and to consider the recommendations from that meeting.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

NIL

RECOMMENDATION

That:

- 1. Council receive and note the minutes of the Place Names Committee meeting held on 10 May 2022; and***
- 2. The name RULE, in recognition of the Rule family as early settlers of Stratford and their services to the community, be added to the Council Approved Name Register and be available for use when appropriate subject to compliance with the duplicate name rule; and***
- 3. The section of Gordon Street, north of George Street in Heyfield, be renamed as an extension of George Street and to advertise this intention; if no objections are received within 30 days, then the name be registered with Geographic Names Victoria.***

COUNCILLOR ROSSETTI / COUNCILLOR MAHER

That:

- 1. Council receive and note the minutes of the Place Names Committee meeting held on 10 May 2022; and***
- 2. The name RULE, in recognition of the Rule family as early settlers of Stratford and their services to the community, be added to the Council Approved Name Register and be available for use when appropriate subject to compliance with the duplicate name rule; and***
- 3. The section of Gordon Street, north of George Street in Heyfield, be renamed as an extension of George Street and to advertise this intention; if no objections are received within 30 days, then the name be registered with Geographic Names Victoria.***

CARRIED

13. FURTHER GALLERY AND ONLINE COMMENTS

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

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

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

ONLINE COMMENTS -

ALLISON YANEZ, SALE: queried a progress update for the Port of Sale Masterplan.

The CEO noted that Council Officers have spoken to Allison and also provided a written response which has also been circulated to Councillors.

NICHOLSON INNES, HEYFIELD: Why has Skeels Street, Heyfield been left without a footpath and not included in the roads program?

The CEO noted that a response will be forthcoming, and a copy circulated to all Councillors.

FURTHER GALLERY COMMENTS -

NIL

Meeting declared closed at: 3:59pm

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

14. IN CLOSED SESSION

COUNCILLOR ROSSETTI / COUNCILLOR STEPHENS

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:

f) Personal information

CARRIED

IN CLOSED SESSION

Details redacted.

COUNCILLOR STEPHENS / COUNCILLOR TATTERSON

CARRIED

COUNCILLOR ROSSETTI / COUNCILLOR STEPHENS

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

CARRIED