

RESOLUTIONS IN BRIEF ORDINARY MEETING

To be read in conjunction with the Council Meeting Agenda 20 June 2023

COUNCILLORS PRESENT

Cr Ian Bye (Mayor)

Cr John Tatterson (Deputy Mayor)

Cr Marcus McKenzie

Cr Carmel Ripper

Cr Scott Rossetti (online via MS Teams)

Cr Garry Stephens

Cr Jill Wood

OFFICERS PRESENT

Arthur Skipitaris, General Manager Corporate Services

Chris Hastie, General Manager Built and Natural Environment/Acting

Chief Executive Officer

Andrew Pomeroy, General Manager Development

Hayley Furlong, Governance and Council Business Officer

Kimberley Salleh, Coordinator Communications and Media

APOLOGIES

Cr Carolyn Crossley Cr Gayle Maher David Morcom, Chief Executive Officer Clem Gillings, General Manager Community and Culture



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1. APOLOGIES

Councillor Carolyn Crossley Councillor Gayle Maher

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: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

PURPOSE

To adopt the minutes of the Ordinary Council Meeting of 6 June 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY NIL

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 June 2023.

COUNCILLOR WOOD / COUNCILLOR TATTERSON

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 6 June 2023.

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

COUNCILLOR RIPPER acknowledged the late Councillor Malcolm Hole as he has been posthumously awarded a medal of Order of Australia for his service to Local Government, and to the community. She noted this prestigious honour is a testament to his dedication and contributions to Wellington Shire. Councillor Ripper reflected on Councillor Hole's achievements along with the dedication and inspiration he has given to the next generation of local leaders.

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 - MAY 2023

ACTION OFFICER: COUNCILLOR IAN BYE

RECOMMENDATION

That the Mayor and Councillors report be noted.

COUNCILLOR MCKENZIE / COUNCILLOR ROSSETTI

That the Mayor and Councillors report be noted.

11. DELEGATES REPORT

NIL

12. CHIEF EXECUTIVE OFFICER

12.1. CHIEF EXECUTIVE OFFICER REPORT - MAY 2023

ACTION OFFICER: CHIEF EXECUTIVE OFFICER

RECOMMENDATION

That the Chief Executive Officer's report be received.

COUNCILLOR MCKENZIE / COUNCILLOR WOOD

That the Chief Executive Officer's report be received.

CARRIED

13. GENERAL MANAGER CORPORATE SERVICES

13.1. ASSEMBLY OF COUNCILLORS REPORT

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

OBJECTIVE

To report on all assembly of Councillor records received for the period 29 May 2023 to 11 June 2023.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY NIL

RECOMMENDATION

That Council note and receive the attached Assembly of Councillor records for the period 29 May 2023 to 11 June 2023.

COUNCILLOR TATTERSON / COUNCILLOR STEPHENS

That Council note and receive the attached Assembly of Councillor records for the period 29 May 2023 to 11 June 2023.

13.2. ADOPTION OF 2023/2024 BUDGET, PROPOSED RATES, FEES AND CHARGES

ACTION OFFICER: MANAGER CORPORATE FINANCE

PURPOSE

For Council to adopt the:

- 2023/24 Budget and Fees and Charges including:
 - o 2023/24 Fees and charges
 - o 2023/24 Capital Works Program
- 2023/24 Declared Rates and Service Charges.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY NIL

RECOMMENDATION

That:

- 1. Council adopt the 2023/24 Budget, as attached, including:
 - 2023/24 Fees and charges
 - 2023/24 Capital Works Program

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

- 2. Council adopt the following declared rates and charges for the period commencing on 1 July 2023 and concluding on 30 June 2024:
 - 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 \$68.9M

Type of Rate or Charge	\$'000
General Rate:	61,233
Cultural & Recreational Land rates	75
Garbage Charge:	5,443
Waste Infrastructure Charge:	1,652
EPA Levy Charge:	475
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 0.003430 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 0.003430.
- (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 \$275.00 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 \$24.00 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 MCKENZIE

That:

- 1. Council adopt the 2023/24 Budget, as attached, including:
 - 2023/24 Fees and charges
 - 2023/24 Capital Works Program

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

2. Council adopt the following declared rates and charges for the period commencing on 1 July 2023 and concluding on 30 June 2024:

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 - (2) A rate in the dollar of 0.003430 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 0.003430.
 - (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 \$275.00 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) 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 \$24.00 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.

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- (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.

CARRIED

13.3. ADOPTION OF THE RISK MANAGEMENT FRAMEWORK

ACTION OFFICER: MANAGER ORGANISATIONAL PERFORMANCE AND GOVERNANCE

PURPOSE

For Council to consider the adoption of the Risk Management Policy, Risk Management Strategy and Risk Appetite Statements which are key strategic documents forming the basis of Council's Risk Management Framework.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY NIL

RECOMMENDATION

That Council adopt the Risk Management Policy, Risk Management Strategy and Risk Appetite Statements as attached.

COUNCILLOR ROSSETTI / COUNCILLOR STEPHENS

That Council adopt the Risk Management Policy, Risk Management Strategy and Risk Appetite Statements as attached.

14. GENERAL MANAGER DEVELOPMENT

14.1. MONTHLY PLANNING REPORTS - APRIL 2023

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 April 2023.

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 April and 30 April 2023.

COUNCILLOR TATTERSON / COUNCILLOR WOOD

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 April and 30 April 2023.

CARRIED

14.2. QUARTERLY BUILDING REPORT - JANUARY TO MARCH 2023

ACTION OFFICER: MANAGER REGULATORY SERVICES

PURPOSE

To provide a report to Council on building permits issued in the Wellington Shire during the quarter 1 January 2023 to 31 March 2023, for information.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY NIL

RECOMMENDATION

That Council note the report of building permits issued from 1 January 2023 to 31 March 2023.

COUNCILLOR TATTERSON / COUNCILLOR MCKENZIE

That Council note the report of building permits issued from 1 January 2023 to 31 March 2023.

15. GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

15.1. ROAD EXCHANGE - GIFFARD ROAD, STRADBROKE

ACTION OFFICER: GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

PURPOSE

The purpose of this report is for Council to consider a road exchange by deviating an unused Government Road over land contained in Lot 1 PS 703133 in Stradbroke forming part of the current alignment of Giffard Road at Stradbroke.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY NIL

RECOMMENDATION

That Council:

- 1. Pursuant to Section 206 including Clause 2 of Schedule 10 and Section 207A of the Local Government Act 1989, resolve to advertise its intention to undertake a road exchange by deviating the unused Government Road south and west of Lot 1 PS703133 over the current alignment (part thereof) of Giffard Road, Stradbroke traversing through Lot 1 PS703133;
- 2. Place a public notice of the proposed road exchange in a local newspaper and serve a copy of the notice on statutory authorities;
- 3. Appoint three Councillors plus an alternative representative to form the 'Giffard Road Exchange Committee' that is established by Council under section 223(1)(b)(i) of the Local Government Act 1989, to consider written submissions and to hear any persons who in their written submission under section 223 of the Local Government Act 1989, have requested that they be heard in support of their submission; and
- 4. In the event that there are no submissions, resolve to place a notice in the Victoria Government Gazette and authorise the Chief Executive Officer to sign and seal any documents to facilitate the road exchange.

COUNCILLOR RIPPER / COUNCILLOR STEPHENS

That Council:

- 1. Pursuant to Section 206 including Clause 2 of Schedule 10 and Section 207A of the Local Government Act 1989, resolve to advertise its intention to undertake a road exchange by deviating the unused Government Road south and west of Lot 1 PS703133 over the current alignment (part thereof) of Giffard Road, Stradbroke traversing through Lot 1 PS703133;
- 2. Place a public notice of the proposed road exchange in a local newspaper and serve a copy of the notice on statutory authorities;
- 3. Appoint three Councillors, being Councillor Ripper, Councillor Bye, and Councillor McKenzie, plus an alternative representative, being Councillor Tatterson, to form the 'Giffard Road Exchange Committee' that is established by Council under section 223(1)(b)(i) of the Local Government Act 1989, to consider written submissions and to hear any persons who in their written submission under section 223 of the Local Government Act 1989, have requested that they be heard in support of their submission; and

4. In the event that there are no submissions, resolve to place a notice in the Victoria Government Gazette and authorise the Chief Executive Officer to sign and seal any documents to facilitate the road exchange.

CARRIED

15.2. 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 9 May 2023 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 9 May 2023.
- 2. For the unnamed road off Swing Bridge Drive Sale:
 - i) Having considered the submissions, that the submitters be thanked for their contributions; and
 - ii) The road be named Eliza Lane on the basis of historical significance in being the only female bridge keeper in Victoria and recognising more women in place naming; and
 - iii) Eliza Lane be submitted to the Registrar of Geographic Names for registration and gazettal.
- 3. The name Prestney, in recognition of the Prestney family's contribution to the auto industry and local community, be added to the Council Approved Names Register for the Sale area and that the proponent be notified.
- 4. For the subdivision at 35 Lyons Street, Rosedale:
 - i) The name Royce, in recognition of Royce Moncur's contribution to education across the Gippsland community, be added to the Council Approved Names Register for the Rosedale area; and
 - ii) The name Cockatoo, after a local bird species, be added to the Council Approved Names Register; and
 - iii) The developer may select either Royce Lane or Cockatoo Close for the subdivision at 35 Lyons Street, Rosedale.
- 5. The name Mullens, in recognition of James (Jimmy 'PO') Russell Mullens for his contribution to postal services across the Sale and Maffra, be added to the Council Approved Names Register for the Sale area subject to consent from the proponent's family.

COUNCILLOR ROSSETTI / COUNCILLOR WOOD

That:

- 1. Council receive and note the minutes of the Place Names Committee meeting held on 9 May 2023.
- 2. For the unnamed road off Swing Bridge Drive Sale:
 - i) Having considered the submissions, that the submitters be thanked for their contributions; and
 - ii) The road be named Eliza Lane on the basis of historical significance in being the only female bridge keeper in Victoria and recognising more women in place naming; and
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 - iii) The developer may select either Royce Lane or Cockatoo Close for the subdivision at 35 Lyons Street, Rosedale.
- 5. The name Mullens, in recognition of James (Jimmy 'PO') Russell Mullens for his contribution to postal services across the Sale and Maffra area, be added to the Council Approved Names Register for the Sale area subject to consent from the proponent's family.

15.3. CAPITAL WORKS ADJUSTED BUDGET MAY UPDATE

ACTION OFFICER: MANAGER ASSETS AND PROJECTS

PURPOSE

The purpose of this report is to provide Council with an update and seek approval for the changes proposed for the Capital Works Program to date for the 2022/2023 financial year.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY NIL

RECOMMENDATION

That Council note the 2022/2023 Adjusted Capital Works Budget currently being \$49,015,166 as adopted on 7 March 2023 and approve changes made since that date resulting in an Adjusted Capital Works Budget of \$47,921,125 as shown in the Attachment, which also includes projects that have been deferred, reallocated or removed for reasons shown.

COUNCILLOR RIPPER / COUNCILLOR WOOD

That Council note the 2022/2023 Adjusted Capital Works Budget currently being \$49,015,166 as adopted on 7 March 2023 and approve changes made since that date resulting in an Adjusted Capital Works Budget of \$47,921,125 as shown in the Attachment, which also includes projects that have been deferred, reallocated or removed for reasons shown.

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 - NIL

FURTHER GALLERY COMMENTS - NIL

Meeting declared closed at: 5:30pm

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

17. 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
- I) 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.