



WELLINGTON

SHIRE COUNCIL

The Heart of Gippsland

Resolutions in Brief

To be read in conjunction with the Agenda 19 April 2016

PRESENT

Councillor – Darren McCubbin - Mayor
Councillor – Bob Wenger – Deputy Mayor
Councillor – John Duncan
Councillor – Malcolm Hole
Councillor – Patrick McIvor
Councillor – Emilie Davine
Councillor – Carolyn Crossley
Councillor – Scott Rossetti

IN ATTENDANCE

David Morcom – Chief Executive Officer
Glenys Butler – General Manager Community and Culture
Arthur Skipitaris – General Manager Corporate Services
Tim Rowe – Acting General Manager Built and Natural Environment
Trish Dean – Governance Officer

APOLOGY

Councillor – Peter Cleary
Chris Hastie – General Manager Built and Natural Environment

ORDINARY MEETING OF COUNCIL – 19 APRIL 2016

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ITEM A4**ADOPTION OF MINUTES OF PREVIOUS MEETING/S****OBJECTIVE**

To adopt the minutes of the Ordinary Council Meeting of 5 April 2016 as tabled.

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

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 5 April 2016 as tabled.

COUNCILLOR WENGER / COUNCILLOR ROSSETTI

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 5 April 2016 as tabled.

CARRIED

ITEM A5**BUSINESS ARISING FROM PREVIOUS MEETING/S**

NIL

ITEM A6**ACCEPTANCE OF LATE ITEMS**

NIL

ITEM A7**NOTICES OF MOTION/S**

NIL

ITEM A8**RECEIVING OF PETITONS OR JOINT LETTERS**

NIL

ITEM A8(1)**OUTSTANDING PETITIONS**

NIL

ITEM A9**INVITED ADDRESSES, PRESENTATIONS OR
ACKNOWLEDGEMENTS**

NIL

ITEM A10**QUESTIONS ON NOTICE**

NIL

ITEM A10(1)**OUTSTANDING QUESTIONS ON NOTICE**

DATE:

19 APRIL 2016

ITEM	FROM MEETING	COMMENTS	ACTION BY
<p><i>Question on Notice</i> <i>"The Victorian Government has committed to make Victoria the "Education State", promising to deliver a \$320 million TAFE Rescue Fund. Can the CEO please provide council with an update on our local Federation Training campus noting how much of the TAFE rescue fund has been spent, what the effect of this spending is, the enrolment and completion rates at Federation Training's campuses compared with other comparable institutions across Victoria and future directions.</i></p>	4 November 2015	<p>A response will be provided at a future Council Meeting</p> <p><u>15 December 2015</u> "Council has contacted Federation Training seeking a response to a number of the points raised as these matters are not able to be answered without their input. It is anticipated that we will have a response for Council's first meeting in 2016."</p> <p><u>2 February 2016</u> "Council has contacted Federation Training seeking a response to a number of the points raised as these matters are not able to be answered without their input. Although we anticipated that we would have a response for Council's first meeting in 2016 this has not been achieved. Council officers will be meeting with Federation Training over the coming weeks and we are hopeful that a final response will be in hand by the end of February 2016."</p> <p><u>16 February 2016</u> No further update</p> <p><u>1 March 2016</u> Mayor McCubbin and CEO met with Federation Training executives on 11 February they were advised that a detailed response would be made within 4 weeks. A detailed verbal update will be provided to Councillors at that time.</p> <p><u>15 March 2016</u> No further update</p> <p><u>5 April 2016</u> No further update</p> <p><u>19 April 2016</u> No further update</p>	General Manager Development

ITEM A11(1)

MAYOR'S REPORT

RECOMMENDATION

That the Mayor's report be noted.

COUNCILLOR WENGER / COUNCILLOR DUNCAN

That the Mayor's report be noted

CARRIED

ITEM B

DELEGATES REPORT

NIL

ITEM C1.1

MARCH 2016 PERFORMANCE REPORT

OBJECTIVE

For Council to receive and note the March 2016 Council Performance Report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council receive and note the March 2016 Council Performance Report as attached.

COUNCILLOR CROSSLEY / COUNCILLOR WENGER

That Council receive and note the March 2016 Council Performance Report as attached.

CARRIED

ITEM C1.2

CHIEF EXECUTIVE OFFICER'S REPORT

RECOMMENDATION

That the Chief Executive Officer's Report be received.

COUNCILLOR ROSSETTI / COUNCILLOR McIVOR

That the Chief Executive Officer's Report be received

CARRIED

ITEM C2.1**ASSEMBLY OF COUNCILLORS****OBJECTIVE**

To report on all assembly of Councillor records received during the period 29 March 2016 to 12 April 2016.

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

That Council note and receive the attached Assembly of Councillors records received during the period 29 March 2016 to 12 April 2016.

COUNCILLOR DAVINE / COUNCILLOR DUNCAN

That Council note and receive the attached Assembly of Councillors records received during the period 29 March 2016 to 12 April 2016.

CARRIED

ITEM C2.2**2016/17 DRAFT BUDGET, PROPOSED RATES AND FEES AND CHARGES****OBJECTIVES**

For Council to resolve to advertise the 2016/17 Draft Budget and seek public submissions in accordance with Section 223 of the *Local Government Act 1989*.

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

That:

1. **Council advertise its 2016/17 Draft Budget (as attached) in accordance with Section 129 of the Local Government Act 1989; and**
2. **Council consider submissions on the 2016/17 Draft Budget at a Council Meeting on Tuesday 7 June 2016 at 1pm; and**
3. **Council meet on Tuesday 21 June 2016 at 6pm to consider the formal adoption of the 2016/17 Budget; and**
4. **Council makes the following declarations regarding rates and charges for the period commencing on 1 July 2016 and concluding on 30 June 2017:**

- A) **Pursuant to the provisions of Sections 158, 161 and 162 of the Local Government Act 1989, the Wellington Shire Council hereby resolves to declare that the amount it intends to raise by rates and annual service charges is \$53,721,472:**

General Rate:	\$48,408,066
Cultural & Recreational Land rates	\$ 66,060
Supplementary Rates	\$ 200,000
Garbage Charge:	\$ 3,387,761
Waste Infrastructure Charge:	\$ 1,371,060
EPA Levy Charge:	\$ 278,825
Boisdale Common Effluent System Charge	\$ 9,700

- 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 0.005329 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 0.005329.*
 - (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:*
Within the meaning of Section 2 of the Valuation of Land Act 1960 as amended
“Farm land” means rateable land –
 - that is not less than 2 hectares in area; and*
 - 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*
 - that is used by a business –*
 - that has a significant and substantial commercial purpose or character; and*
 - that seeks to make a profit on a continuous or repetitive basis from its activities on the land; and*
 - that is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating; and*
 - where the ratepayer is a Primary Producer as evidenced by a current ATO assessment*
- C)** **Garbage Charge:**
- (1)** *An annual service charge of \$181.00 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.*
 - (2)** *An annual service charge of \$199.10 (includes GST) be declared for the collection and disposal of garbage in respect of Commercial premises to which the service is available.*
- 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 is able to continue to provide a waste disposal service.*
 - (2)** *The charge be \$45.00 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 \$14.92 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.**
- F) Boisdale Common Effluent System Charge:**
- (1) An annual service charge of \$388.00 be declared for wastewater availability in respect of Residential premises in the township of Boisdale, to contribute towards the costs of operation and management of the Boisdale Common Effluent System (the System).**
 - (2) An annual service charge of \$426.00 (includes GST) be declared for wastewater availability in respect of Commercial premises in the township of Boisdale, to contribute towards the costs of operation and management of the System.**
 - (3) 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	NIL
Glenmaggie & District Boat Club	Licola Rd, Glenmaggie	NIL
Heyfield Bowling Club Inc	George St, Heyfield	\$1,177.71
Heyfield Golf Club Inc	91 Golf Course Rd, Heyfield	\$1,659.98
Lake Wellington Yacht Club Inc	725 Marlay Point Rd, Clydebank	NIL
Maffra Bowling Club Inc	Princess St, Maffra	\$975.21
Maffra Golf Club	Fulton Rd, Maffra	\$3,880.84
Maffra Sale Motorcycle Club	54 Tatterson Lane, Newry	\$286.43
Maffra Sale Motorcycle Club	Morison St, Maffra	\$182.52
Maffra Squash & Racquetball Club Inc	Little Johnson St, Maffra	NIL
Para Park Co-operative Game Reserve	Sunday Island, Port Albert	\$5,949.83
Port Albert Water Sports & Safety Centre	31-37 Bay St, Port Albert	NIL
Rockley Tennis Club	Dawson St, Sale	NIL
Sale & District Aero Modellers Club Inc	Back Maffra Rd, Sale	\$69.28
Sale Agricultural Society – Showgrounds	Dawson St, Sale	\$2,639.19
Sale Agricultural Society – Sale Greyhound Club	Maffra-Sale Rd, Sale	\$9,472.68

Sale Agricultural Society – Sale Bridge Club	Maffra-Sale Rd, Sale	NIL
Sale Angling & Sportsfishing Club	5 David St, Manns Beach	\$273.11
Sale Angling & Sportsfishing Club	Punt Lane, Sale	\$230.48
Sale Community Bowls Club Ltd	Foster St, Sale	\$5,547.49
Sale City Football Netball Club Inc	Guthridge Pde, Sale	\$674.12
Sale United Football Club Inc	313-321 Raglan St, Sale	\$566.21
Sale Croquet Club	Guthridge Pde, Sale	NIL
Sale Field & Game Association	Chessum Rd, Longford	\$223.82
Sale Golf Club	2631 Rosedale-Longford Rd, Longford	\$7,078.24
Sale-Maffra Badminton Association Inc.	59 Gibsons Rd, Sale	\$908.59
Sale Small Bore Rifle Club	86 Stephenson St, Sale	NIL
Sale Tennis Club	51 Guthridge Pde, Sale	\$879.29
Sale Turf Club	Maffra-Sale Rd, Sale	\$1,215.01
Sale Turf Club	1227 Maffra-Sale Rd, Sale	\$8,795.51
Sporting Legends Club Inc	316 Montgomery Rd, Bundalagwah	495.60
Stratford Angling Club Inc	Hollands Landing Rd, Hollands Landing	NIL
Stratford Bowls Club	18-22 Dawson St, Stratford	\$1,085.78
Wurruk Bowls Club Inc	Hunt Place, Wurruk	\$582.19
The Yarram Country Club Inc	332-338 Commercial Rd, Yarram	\$7,993.50
Yarram Golf Club	42 Golf Links Rd, Yarram	\$2,398.05
Yarram Motorcycle Club	96 Morris Rd, Yarram	\$819.33
TOTAL		\$66,060.00

H) Pursuant to the provisions of Section 169 of the Local Government Act 1989, 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 CROSSLEY / COUNCILLOR ROSSETTI

That:

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2. Council consider submissions on the 2016/17 Draft Budget at a Council Meeting on Tuesday 7 June 2016 at 1pm; and
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 - that is used by a business –*
 - that has a significant and substantial commercial purpose or character; and*
 - that seeks to make a profit on a continuous or repetitive basis from its activities on the land; and*
 - that is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way that it is operating; and*
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TOTAL		\$66,060.00

- H) Pursuant to the provisions of Section 169 of the Local Government Act 1989, Council resolves to declare a Rates Rebate on land with a Deed of Covenant for conservation purposes.
- (5) Council considers that this rebate will ensure that the biodiversity values of the land will be protected for the benefit of the broader community.
 - (6) The rebate will apply only to the land that is affected by a covenant as described in the covenant document.
 - (7) 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.
 - (8) Conditions apply as per Council's Policy No. 4.1.12 – Rates Rebate on land with a Deed of Covenant for Conservation Purposes.

CARRIED

ITEM C3.1**QUARTERLY STRATEGIC LAND USE PLANNING UPDATE****OBJECTIVE**

To update Council on the strategic land use planning work program for the first quarter of 2016.

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

That Council receive the 2016 first quarterly update on the strategic land use planning work program (included in Attachment 1 to the report).

COUNCILOR McIVOR / COUNCILLOR DUNCAN

That Council receive the 2016 first quarterly update on the strategic land use planning work program (included in Attachment 1 to the report).

CARRIED

ITEM C3.2**PLANNING DECISIONS AND 2015 CUSTOMER SURVEY RESULTS****OBJECTIVE**

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 2016, for information.

To provide Council with the results of the 2015 customer satisfaction survey for the statutory planning service.

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

That Council note the report on recent planning permit trends and Planning Application Determinations between 1 February and 29 February 2016 and note the results of the 2015 statutory planning applicant and objector survey.

COUNCILLOR McIVOR / COUNCILLOR CROSSLEY

That Council note the report on recent planning permit trends and Planning Application Determinations between 1 February and 29 February 2016 and note the results of the 2015 statutory planning applicant and objector survey.

CARRIED

ITEM C4.1**PROPOSED SALE OF PART 111-139 HOPKINS ROAD FULHAM****OBJECTIVE**

For Council to authorise the sale of part 111-139 Hopkins Road Fulham.

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

That

1. *Council resolve that the land and residence described as (part) 139 Hopkins Road Fulham and more specifically referred as Lot 2 on the Plan of Proposed Subdivision as shown in Attachment One is not required for Council purposes;*
2. *Council advertises its intention to sell the land at or above the current market value on the open market, subject to the provisions of the Local Government Act 1989 section 189 and 223, 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;*
4. *The information contained in the confidential attachment Item F1.1 Proposed Sale of Part 139 Hopkins Road Fulham of this Council Meeting Agenda and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built and Natural Environment on 12 April 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989.*

COUNCILLOR HOLE / COUNCILLOR ROSSETTI

That

1. *Council resolve that the land and residence described as (part) 139 Hopkins Road Fulham and more specifically referred as Lot 2 on the Plan of Proposed Subdivision as shown in Attachment One is not required for Council purposes;*
2. *Council advertises its intention to sell the land at or above the current market value on the open market, subject to the provisions of the Local Government Act 1989 section 189 and 223, 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;*
4. *The information contained in the confidential attachment Item F1.1 Proposed Sale of Part 139 Hopkins Road Fulham of this Council Meeting Agenda and designated under Section 77 Clause (2)(c) of the Local Government Act 1989 as confidential by the General Manager Built and Natural Environment on 12 April 2016 because it relates to the following grounds under Section 89(2) of the Local Government Act 1989: h) any other matter which the Council or special committee considers would prejudice the Council or any person; be designated confidential information under Section 77 Clause (2)(b) of the Local Government Act 1989.*

CARRIED

ITEM C4.2

ROAD DISCONTINUANCE AND ROAD EXCHANGE– PART OF UNUSED GOVERNMENT ROAD AND ABUTTING CROWN ALLOTMENT 21 PARISH OF WILLUNG INCLUDING SALE OF PART OF ROAD AT GORMANDALE

OBJECTIVE

The objective of this report is for Council to consider the discontinuance of a section of an unused Government Road and to exchange this land for a new road on part of Crown Allotment 21 Parish of Willung and for Council to consider the subdivision and sale of the Wellington Shire Council owned property east of the road discontinuance not required for Merrimans Creek Road.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That:

1. ***Pursuant to Section 206 including Clauses 2 & 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolve to advertise its intention to discontinue the section of unused Government road east of Crown Allotment 21, Parish of Willung and to exchange the section of discontinued road for a portion of Crown Allotment 21, Parish of Willung. To advertise its intention to subdivide and sell part of title Volume 8347 Folio 952;***
2. ***Council place a public notice of the proposed discontinuance of the section of unused Government road and proposed sale of a section of land in local newspapers and serve a copy of the notice on abutting property owners and statutory authorities;***
3. ***In the event of no objections being received, Council resolve to discontinue the section of Government Road, to exchange the section of road for a section of Crown Allotment 21 Parish of Willung and to subdivide and sell part of title Volume 8347 Folio 952. To place a notice in the Victoria Government Gazette.***
4. ***Council proceed with the road exchange and to dispose of the section of land to the abutting land owner immediately west of the discontinued sections of road in accordance with Wellington Shire Council policy 4.3.6 Sale, Exchange and Acquisition of Land.***

COUNCILLOR WENGER / COUNCILLOR HOLE

That:

1. ***Pursuant to Section 206 including Clauses 2 & 3 of Schedule 10 and Section 223 of the Local Government Act 1989, Council resolve to advertise its intention to discontinue the section of unused Government road east of Crown Allotment 21, Parish of Willung and to exchange the section of discontinued road for a portion of Crown Allotment 21, Parish of Willung. To advertise its intention to subdivide and sell part of title Volume 8347 Folio 952;***
2. ***Council place a public notice of the proposed discontinuance of the section of unused Government road and proposed sale of a section of land in local newspapers and serve a copy of the notice on abutting property owners and statutory authorities;***
3. ***In the event of no objections being received, Council resolve to discontinue the section of Government Road, to exchange the section of road for a section of Crown Allotment 21 Parish of Willung and to subdivide and sell part of title Volume 8347 Folio 952. To place a notice in the Victoria Government Gazette.***
4. ***Council proceed with the road exchange and to dispose of the section of land to the abutting land owner immediately west of the discontinued sections of road in accordance with Wellington Shire Council policy 4.3.6 Sale, Exchange and Acquisition of Land.***

CARRIED

D. URGENT BUSINESS

NIL

E. FURTHER GALLERY AND CHAT ROOM

CHAT ROOM – NIL

GALLERY – NIL

MEETING CLOSED 6:47pm