

SOUTH GIPPSLAND SHIRE COUNCIL

S223 Hearing of Council

Open hearing of submissions as prescribed under the
Local Government Act 1989, Section 223 in respect of the
Proposed 2019-2022 Rating Strategy

MINUTES

22 May 2019

RSL, Leongatha

Commenced at 2.15pm



minutes



*South Gippsland
Shire Council*

Come for the beauty, Stay for the lifestyle



MISSION

South Gippsland Shire will be a place where our quality of life and sense of community are balanced by sustainable and sensitive development, population and economic growth.

Privacy

Council is required to keep minutes of each Council meeting. The minutes contain details of proceedings which may include personal information about community members disclosed as part of presentations, submissions and questions. The minutes of Council meetings are a public record and can be inspected by members of the public.

Council undertakes audio recordings of Council Meetings as a contribution to good governance and accuracy of minutes. An audio recording of this meeting is being made for the purpose of verifying the accuracy of minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, and subpoena or by any other law such as the Freedom of Information Act 1982. It should be noted that other people present at the meeting may be recording the meeting and Council has limited power to regulate this. Council has developed a policy to regulate recordings, "*Sound Recording of Council Meetings*".

A copy of this policy is located on Council's website www.southgippsland.vic.gov.au.

PRESENT

COUNCILLORS:	Cr Don Hill, Mayor Cr Alyson Skinner, Deputy Mayor Cr Ray Argento Cr Aaron Brown Cr Steve Finlay Cr Frank Hirst Cr Rosemary Cousin
COUNCILLORS NOT PRESENT:	Cr Andrew McEwen
OFFICERS:	Faith Page, Director Corporate and Community Services Bryan Sword, Director Development Services June Ernst, Coordinator Council Business Jodi Cumming, Corporate and Council Business Officer

SOUTH GIPPSLAND SHIRE COUNCIL

Special Committee of Council
Wednesday 22 May 2019
RSL, Leongatha
commenced at 2.15pm

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Tim Tamlin
Chief Executive Officer

1. PRELIMINARY MATTERS

This Council Meeting is being streamed live, recorded and published in accordance with Council's *Live Streaming in Council Meetings Policy*.

To those present in the gallery today, by attending a public meeting of the Council you are consenting to your image, voice and comments being recorded and published.

Anyone who is invited to read out a question or a presentation will be recorded and their voice, image and comments will form part of the live stream and recording.

The Chair and/or the CEO have the discretion and authority at any time to direct the termination or interruption of live streaming. Such direction will only be given in exceptional circumstances where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory or potentially inappropriate to be published.

Attendees are advised that they may be subject to legal action if their actions results in inappropriate and/or unacceptable behaviour and/or comments.

Today's Meeting is being streamed live as well as recorded and published on Council's website.

Thank you

1.2. WELCOME

Please ensure Mobile phones remain 'off' during the Council Meeting.

1.3. OPENING PRAYER

We pray to God to guide us so that the thoughts we have and the decisions made this day, are in the best interests of the people of the South Gippsland Shire.

Amen

1.4. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The South Gippsland Shire Council respectfully acknowledges the Traditional Custodians of this Land, Elders past and present, their Spirits and Ancestors.

1.5. REQUESTS FOR LEAVE OF ABSENCE

Nil

1.6. APOLOGIES

**Cr McEwen with leave of absence granted at Ordinary Meeting of Council
27 March 2019.**

1.7. DECLARATION OF CONFLICT OF INTEREST FOR COUNCILLORS

Any interest that a Councillor or staff member has deemed to be significant and has disclosed as either a direct or an indirect interest is now considered to be a conflict of interest. Conflict of interest legislation is in sections 77A, 77B, 78, 78A-D and 79 of the Local Government Act 1989 (the Act). This legislation can be obtained by contacting the Council's Corporate & Community Services Directorate (Council Business) or by accessing the Victorian Legislation and Parliamentary Documents website at www.legislation.vic.gov.au.

An interest may be by close association, financial, conflicting duties or receipt of gifts. If a Councillor or staff member discloses any interest in an item discussed at any Council Meeting (whether they attend or not) they must:

- Complete a disclosure of interest form prior to the Meeting (forms are available from Council Business Department at South Gippsland Shire Council).
- Advise the Chair of the interest immediately before the particular item is considered (if attending the Meeting).
- Leave the Council Chamber or Meeting room while the item is being discussed and during any vote taken (if attending the Meeting).

The Councillor or staff member will be advised to return to the Council Chamber or Meeting room immediately after the item has been considered and the vote is complete.

Councillors should check the Minutes of the Council Meeting to ensure their disclosure is recorded accurately. Councillors are not required to disclose conflict of interest in relation to matters only considered at Meetings they do not attend. Detailed information is available in *Conflict of Interest – A Guide for Councillors – October 2012*.

Nil

1.8. DECLARATION OF CONFLICT OF INTEREST FOR STAFF

Sections 80B and 80C of the Local Government Act 1989 require members of Council staff who have delegated functions and/or provide advice to Council or a Special Committee to disclose conflicts of interest. If Council staff have written, provided information/advice or approved a Council Report and have a conflict of interest, it is the responsibility of that staff member to disclose the interest.

Guidance to identifying and disclosing a conflict of interest is contained in the Victorian State Government, Department of Transport, Planning and Local Infrastructure – *Conflict of Interest – A Guide for Council Staff – October 2011*.

Nil

2. COUNCIL REPORTS

2.1. S223 SUBMISSION - PROPOSED RATING STRATEGY 2019-2022 - OPEN HEARING

Corporate and Community Services Directorate

EXECUTIVE SUMMARY

At the Special Meeting of Council 20 March 2019, Council endorsed the Proposed 2019-2022 Rating Strategy and invited submissions from the public under s.223 of the Local Government Act 1989. Seven submissions were received, with five submitters requesting to speak at an Open Hearing. Refer to **Attachment [2.1.1]** for details on these submissions.

This Special Meeting is a formal 'Hearing of Submissions'. Ten minutes has been allocated for each submission. This includes time for the presentation and clarifying questions from Councillors. Council has resolved to consider and determine all the submissions received at a Special Meeting of Council scheduled at 11.00am on Wednesday 29 May 2019.

RECOMMENDATION

That Council hear the following submissions on Council's Proposed 2019-2022 Rating Strategy as prescribed under s.223 of the Local Government Act 1989, as follows:

- a. Ralph Gallagher – Questions the process, the new categories, taxation, rate capping, and necessary information for ratepayers;
- b. Barry Gilbert - Reduce the Rural Vacant Land rate from 190 per cent to 140 per cent;
- c. Marie Gerrard-Staton (Rate Challengers – A Community South Gippsland Group) – requests monthly meetings around the shire to discuss rates, that a representative panel be created to provide input into the Rating Strategy, that Councillors attend meetings to be educated about rates, requests a rates waiver for pensioners, the elderly and the disabled; and requests removal of the Rural Residential rate;
- d. Cheryl Denman – Rate increases have become unsustainable and do not take into account the financial hardship experienced by all ratepayers, particularly pensioners; and

- e. Phil Rerden (Foster Chamber of Commerce) – Reduce the differential on Commercial and Industrial Properties from 105 per cent to 100 per cent. The Rural Residential Rate is contentious.

MOVED: Cr Skinner

SECONDED: Cr Argento

THAT COUNCIL HEAR THE FOLLOWING SUBMISSIONS ON COUNCIL'S PROPOSED 2019-2022 RATING STRATEGY AS PRESCRIBED UNDER S.223 OF THE LOCAL GOVERNMENT ACT 1989, AS FOLLOWS:

- a. **RALPH GALLAGHER – QUESTIONS THE PROCESS, THE NEW CATEGORIES, TAXATION, RATE CAPPING, AND NECESSARY INFORMATION FOR RATEPAYERS;**
- b. **BARRY GILBERT - REDUCE THE RURAL VACANT LAND RATE FROM 190 PER CENT TO 140 PER CENT;**
- c. **MARIE GERRARD-STATON (RATE CHALLENGERS – A COMMUNITY SOUTH GIPPSLAND GROUP) – REQUESTS MONTHLY MEETINGS AROUND THE SHIRE TO DISCUSS RATES, THAT A REPRESENTATIVE PANEL BE CREATED TO PROVIDE INPUT INTO THE RATING STRATEGY, THAT COUNCILLORS ATTEND MEETINGS TO BE EDUCATED ABOUT RATES, REQUESTS A RATES WAIVER FOR PENSIONERS, THE ELDERLY AND THE DISABLED; AND REQUESTS REMOVAL OF THE RURAL RESIDENTIAL RATE;**
- d. **CHERYL DENMAN – RATE INCREASES HAVE BECOME UNSUSTAINABLE AND DO NOT TAKE INTO ACCOUNT THE FINANCIAL HARDSHIP EXPERIENCED BY ALL RATEPAYERS, PARTICULARLY PENSIONERS; AND**
- e. **PHIL RERDEN (FOSTER CHAMBER OF COMMERCE) – REDUCE THE DIFFERENTIAL ON COMMERCIAL AND INDUSTRIAL PROPERTIES FROM 105 PER CENT TO 100 PER CENT. THE RURAL RESIDENTIAL RATE IS CONTENTIOUS.**

CARRIED UNANIMOUSLY

Cr Brown arrived at the meeting 2.19pm and was not present for the vote however, heard the Section 223 submissions.

REPORT

Background

Submissions to the Proposed 2019-2022 Rating Strategy closed at 5.00pm on 26 April 2019. Seven submissions were received through the formal s.223 public exhibition process.

Five submitters have indicated that they wish to speak to their submissions. These submitters are listed in the attached summary together with the time of their presentation and a copy of their submission (**Attachment [2.1.1]**). The Special Meeting commences at 2.15pm. The presentations will provide Councillors with an opportunity to ask questions and seek further clarification from the submitters.

Council will formalise its decision on the s.223 submissions at a Special Meeting of Council to be held on 29 May 2019 at 11.00am.

CONSULTATION

Council has undertaken a formal s.223 public participation process to inform the Proposed 2019-2022 Rating Strategy which was endorsed by Council on 20 March 2019.

The formal consultation process commenced on Tuesday 26 March 2019 and concluded at 5.00pm on Friday 26 April 2019. The community was invited to make formal submissions on the Proposed 2019-2022 Rating Strategy and to indicate if they wished to speak to their submission.

RESOURCES

Nil

RISKS

Hearing from submitters that have indicated a desire to speak to their submission is a legal requirement associated with the s.223 public engagement process. Holding a Special Meeting of Council to consider and determine the outcome of submissions will complete the process on 29 May 2019.

Adherence to these formal requirements has mitigated Council's risks of (i) potentially making uninformed decisions, (ii) denying people natural justice to participate in decisions likely to affect them, or (iii) breaching the Local Government Act 1989.

STAFF DISCLOSURE

Nil

ATTACHMENTS

Attachments are available on Council's website: www.southgippsland.vic.gov.au

1. S223 Submissions - Proposed Rating Strategy 2019 - 2022 - Open Hearing
[2.1.1]

REFERENCE DOCUMENTS

Council Policy

Documents are available on Council's website: www.southgippsland.vic.gov.au

Annual Budget incorporating 15 Year Long Term Financial Plan
Rating Strategy

Legislative Provisions

Local Government Act 1989

3. MEETING CLOSED

NEXT MEETING

The next Ordinary Meeting of Council open to the public will be held on Wednesday, 29 May 2019 commencing at 2pm at the RSL, Leongatha.