

Minutes Council Meeting

TUESDAY 4 FEBRUARY 2020

**Council Chamber
273 Main Street
commencing at 6.00 pm**

<i>Councillors</i>	Cr John White (Mayor), Ben Buckley, Richard Ellis, Natalie O'Connell, Marianne Pelz, Mark Reeves, Joe Rettino, Jackson Roberts and Colin Toohey.
<i>Officers</i>	Anthony Basford (Chief Executive Officer), Stuart McConnell (General Manager Bushfire Recovery), Peter Cannizzaro (General Manager Business Excellence), Jodie Pitkin (Acting General Manager Business Place and Community), Mark Burnett (Acting General Manager Assets and Environment) and Brigitte Dew (Councillor Support Officer).

Our Vision

East Gippsland is the most liveable region in Australia. A place of natural beauty, enviable lifestyles, and opportunities.

Our Mission

A leading local government that works together with our communities to make East Gippsland the most liveable region in Australia.

Our Values

Accountability

We will take responsibility for our actions and decisions in an open and transparent way.

Inclusion

We will be accessible and active in engaging with our community. We will invite, listen to and seek to understand the views of others, and proactively share information about Council's plans, projects, services and activities.

Integrity

We will honour our commitments and conduct ourselves in an honest, ethical way.

Respect

We will value, support and help to develop our diverse community. We will respect the views and contributions of others and act with courtesy and consideration in all our interactions.

Resourcefulness

We will turn the challenges faced by our community into opportunities by being flexible and innovative in our response. We will actively seek better and more cost-effective ways to achieve the best outcomes for East Gippsland

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1. Procedural

1.1 Opening and Recognition of Traditional Custodians

On behalf of Council, I would like to acknowledge the Gunaikurnai People, the traditional owners of the land on which we are gathered and pay our respects to their elders both past and present.

1.2 Apologies

Nil

1.3 Declaration of Conflict of Interest

Nil

1.4 Confirmation of minutes

Cr Joe Rettino / Cr Mark Reeves

THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 17 DECEMBER 2019 BE CONFIRMED.

CARRIED UNANIMOUSLY 04/02/20

1.5 Next meeting

Ordinary Council Meeting, Tuesday 3 March 2020 be held at the Corporate Centre, 273 Main Street, Bairnsdale commencing at 6.00 pm.

1.6 Requests for leave of absence

Nil

1.7 Requests to speak about your Community Project

Nil

1.8 Public question time

Nil

1.9 Record of Assemblies of Councillors

1.9.1 Assemblies of Councillors – December 2019 / January 2020

Authored by Michelle Ingram, Governance and Compliance Officer

Endorsed by Peter Cannizzaro, General Manager Business Excellence

Document No 8360991

EXECUTIVE SUMMARY

In accordance with section 80A(2) of *the Local Government Act 1989* (the Act), this report presents a formal record of assemblies of Councillors held during the period 10 December 2019 to 24 January 2020. Also included in the report is one record from 30 September and two records from 3 December 2019, not previously presented.

The assemblies of Councillors covered by this report are as follows:

Assembly of Councillors meetings:	Meeting date:
East Gippsland Shire Council Planning Consultation Meeting 125/2019/P Development of six dwellings and reduction of three car parking spaces	30/09/19
Councillor Only Time Meeting Notes	03/12/19, 10/12/19, 17/12/19, 21/01/20
Councillor Briefing Notes	03/12/19
East Gippsland Shire Council Disability Advisory Committee	16/12/19
Extraordinary Councillor Briefing Notes	07/01/20, 14/01/20

A copy of the formal record for each of these assemblies is provided at **Appendix 1**.

RECOMMENDATION

That Council notes the record of assemblies of Councillors that occurred during the period 10 December 2019 to 24 January 2020, together with three records not previously presented, one from 30 September 2019 and two from 3 December 2019, as provided at Appendix 1.

Cr Joe Rettino / Cr Colin Toohey

THAT THE RECOMMENDATION BE ADOPTED.

CARRIED UNANIMOUSLY 04/02/20

OFFICER COMMENT / CONTEXT

Discussion

As required by the Act, this report presents a formal record of assemblies of Councillors held during the period 10 December 2019 to 24 January 2020, together with three records from 30 September and 3 December 2019.

An assembly of Councillors is defined as a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

Financial

There are no financial implications for Council arising from this report.

Council Plan

Good Governance Goal 1 East Gippsland Shire Council is inclusive, engaged and open.

Legislation

Section 80A of the Act sets out the requirements Councils must observe in respect of assemblies of Councillors. Section 80A(2) requires the Chief Executive Officer to ensure that as soon as practicable after any meeting that is an assembly of Councillors under the Act, a written record of the meeting is reported at an ordinary meeting of Council and incorporated in the minutes of that meeting. The Act also specifies the type of information to be provided in the written record.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's *Charter of Human Rights and Responsibilities Act 2006*.

APPENDICES AND ATTACHMENTS

Appendices

1. Assemblies of Councillors records

Attachments

Nil

1.10 Petitions

Nil

2 Notices of Motion and/or Rescission

2.1 Notice of Rescission No. 1/2020 – Rescission of en bloc resolution Council Meeting 17 December 2019 (items 5.1.1 to 5.1.6)

Take notice that it is my intention to move at the Ordinary Meeting of Council to be held on Tuesday 4 February 2020 at 6.00 pm or at any adjournment of that meeting: -

“That the following resolution of Council, made at the meeting held on Tuesday 17 December 2019 and referenced in the minutes of that meeting as “That item 5.1.1 to 5.1.6 be moved en bloc and adopted, be rescinded.”

Signed: Cr Jackson Roberts

Date: 19 December 2019

This Notice of Rescission is proposed with the support of:

Signed: Cr Richard Ellis

Signed: Cr Marianne Pelz

RATIONALE

That Council rescind immediately the motions 5.1.1- 5.1.6 that were passed en bloc at the 17th December 2019 Council Meeting on the grounds that:

1. The Council were not able debate for or against items 5.1.1 - 5.1.6 that have potential to significantly impact the community.
2. Moving items en bloc is not consistent with transparency principles and may infer a predetermined decision.
3. En bloc decision-making is not in accordance with principles of administrative law and therefore not good administrative practice.

Cr Jackson Roberts / Cr Richard Ellis

THAT THE NOTICE OF RESCISSION BE ADOPTED.

CARRIED 04/02/20

For: Crs Buckley, Ellis, Roberts, Pelz and White
Against: Crs O’Connell, Reeves, Rettino and Toohey

3 Deferred Business

Nil

4 Councillor Reports

4.1 Cr Colin Toohey

Cr Toohey spoke to his written report at folio 1612.

4.2 Cr Joe Rettino

Cr Rettino spoke to his written report at folio 1612 and also tabled a motion of condolence and thanks.

4.3 Cr Mark Reeves

Cr Reeves spoke to his written report at folio 1612.

4.4 Cr Natalie O'Connell

Cr O'Connell spoke to her written report at folio 1613.

4.5 Cr Ben Buckley

Cr Ben Buckley spoke to his written report at folio 1614.

4.6 Cr Richard Ellis

Cr Richard Ellis spoke to his written report at folio 1614.

4.7 Cr Jackson Roberts

Cr Jackson Roberts spoke to his written report at folio 1615.

4.8 Cr Marianne Pelz

Cr Marianne Pelz spoke to her written report at folio 1616.

4.9 Cr John White

Cr White spoke to his written report at folio 1616.

Councillor Written Reports

Cr Colin Toohey

07/01/20 Sarsfield Community Debrief Gathering
09/01/20 Nowa Nowa Community Meeting
26/01/20 Australia Day 2020 - Lindenow Lions Club

Cr Joe Rettino

Date	Report Item
17/12/19 04/02/20	East Gippsland bushfire disaster: Community triage, assisting and attended community meetings in Sarsfield and Clifton Creek. Relief Centre at Lucknow Hall, traffic assistance with fodder trucks leaving sale yards, talking and assisting locals with enquires regarding help, discussions with volunteers and offers of help. Advocated for support and provided feedback to our officers leading disaster management/recovery.
20/12/19	Federation University: Launch of Federation University Bachelor of Nursing at Bairnsdale Hub in 2020 in partnership with East Gippsland Shire, GELLEN and Tafe Gippsland. The future of an aspiring student should not be predetermined by where they live. Quote CUC Cooma NSW
23/12/19	Paynesville Business Tourism Association (BTA): Launch of the Paynesville BTA 10 point plan, this plan is available on the Paynesville BTA web page.
08/01/20	Bairnsdale Uniting Church: Sarsfield community debrief gathering.
19/01/20	Sarsfield community catch up and BBQ: I attended this function from 11am to 1pm to talk to locals that had been directly/indirectly impacted by the bushfire event that started 21/11/2019 and devastated our local communities and vast area of our region on 30/12/2019 and 31/12/2019. I had not been to this rec reserve for a number of years and apart from my walk down memory lane playing cricket on this ground with my son it reminded me of the importance of these community-gathering places.
17/01/20 and 19/01/20	Meetings with Victorian Employer Chamber of Commerce and Industry (VECCI) and Victorian Tourism Industry Council (VTIC). Attended workshops with Felicia Mariani, Anne Jamieson, Karyn Sobles, Scott Venkeer and Janine Hayes in relation to impacts on our business community in particular the visitor economy small business sector.
23/01/20	East Gippsland Shire Council 2020 Australia Day Awards: I attended the Lakes Entrance event along with the Mayor and Councillor Ellis.
23/01/20	GELLEN launch of the Bairnsdale Regional Study Hub: This was the official launch of the semester with the first registered students at the hub.
28/01/20	Food and Fibre Gippsland: I attended a workshop relating to creating a provenance brand for Gippsland produced goods.

Cr Mark Reeves

Wunman Ninje, good evening and welcome.

It's hard to know where to start with my report this month. In November and December my reports flagged and fore-warned of the fire events that have happened. For three months, the focus of my reports here have been about planning and preparation for this fire event that really, we saw coming. We've seen it coming for years.

Now it is still about response, relief and recovery. Simultaneously. The Garnault report in 2008 foreshadowed that we would be seeing landscape scale impacts of climate change in the landscape in 2020. It's the breadth and extent of the fires that has stunned us. We are hurt and shocked at the loss of life and it is terrible and heart breaking. We are saddened at the animal loss, the environmental impacts, but maybe the feral animal cull may be one upside. The social and economic effects are what are really hurting now.

We know that after the euphoria of survival and the potential to thrive, the reality is that individuals and communities tend to fall in a heap. We will have significant vulnerabilities in the next 6 and 12 months.

There will be many truths as a result of these fire catastrophes. And we need in the recovery discussion the place and platform for those voices and truths to be captured. But that isn't in the form of a royal commission, we don't need another royal commission. But an inquiry of some sort is needed. It's valuable that the Inspector General Emergency Management is pursuing this. In the meantime, the ground-swell and ground-up approach of communities is an absolute requirement. We support the concept of Community Recovery Committees.

I table two reports from the 2009 fires for information: Advice for Government and Lessons Learned from Community Recovery Committees. We've been somewhere like this before, and these gems of reflection are hugely valuable.

I continue to wish everyone well in these challenging times.

Cr Natalie O'Connell

It has been a devastating and stressful time for our communities during December and January. I'd like to congratulate Anthony and his team for the hard work and long hours they have put in. It has been a long couple of months, and it is not over yet. It has certainly been challenging having to deal with response and recovery simultaneously, it is new territory. Our thoughts are with all of those who have been affected during this horrible time.

Councillors have been attending extraordinary council briefings and a number of community meetings during this time.

The Australia Day celebrations at Courthouse Gardens in Omeo was a wonderful morning and nice to take our minds off the bushfires. We were privileged to have Melina Bath MP and Senator the Honourable Bridget McKenzie in attendance, who both spoke to the large crowd and assisted myself in presenting the awards. Thank you to the Omeo Shire Lions Club for organising yet another fantastic community event. Congratulations to the following award winners:

Young Citizen of the Year: Beccy Plowman and Leigh Mitchell

Community Event: Poet's Walk

Citizen of the Year: Jim Flannagan

Following the Australia Day celebrations, I took the Senator to visit a couple of farms who had either been affected by the ongoing drought or by the bushfires.

The CEO and I met with the Minister for Local Government and Small Business the Honorable Adem Somyurek MP and various staff from other agencies including Bushfire Recovery Victoria and Regional Development Victoria. We discussed the short term and long term challenges that our communities are facing in bushfire recovery. The Minister gave a commitment to return to East Gippsland as needed and pleasing to see some of the support announced for small businesses and local government.

We also met with the Chair of the Bushfire Taskforce Ken Lay and Regional Manager Ewan Waller with the main topic of discussion around the road closures and emphasizing the need for these roads to be reopened for tourism as well as the need for transport operators to get back to work.

Cr Ben Buckley

I attended the Australia Day celebrations at Bruthen, a sombre mood prevailed, and the event was poorly attended.

The reason being the intense fires that had occurred in the area and some still active, the two deaths and the little boy lost issue that had not been resolved at that time. On the plus side, the local Lions Club splendidly catered for the event with plenty of left overs which was offered as takeaways (you beauty).

So, Mr Mayor, thank you for assigning Bruthen to me, it was an interesting exercise in seeing how well most people cope with adversity.

PS. There were no awards given on the day because of the confusion that was to be sorted out later.

Cr Richard Ellis

First and foremost, I would like to welcome everyone attending our first Ordinary Meeting of the year here in Bairnsdale this evening.

Having run through my diary and compared it to other Christmas periods I think it would be no understatement to say there has been no other opening to the new year as we have just experienced for many a long year.

What an impact it has had on our community and environment. I think it goes without saying that my thoughts and best wishes are with the people and families directly impacted by the fire and its miserable consequences.

I would also like to record my admiration for the Emergency Services personnel for the work they have undertaken in all the various forms needed to protect and serve our communities.

I would also like to record my special thanks to the members of the Australian Defence Force, Fijian and Papua New Guinea armies and the Singaporean Air Force for coming to our aid. Their commitment and long days in the field will be remembered and appreciated for many years to come.

Although it would not be inappropriate to seek a motion of thanks and condolence at this our first meeting of the year I am keener on the idea of a more public form of thanks that would include a more formal civic form of thanks and recognition of the Armed and Emergency Services personnel that have worked so tirelessly to assist our community in our hour of need.

To that end I was genuinely pleased that Council as a group has thrown its support behind the concept of organising a more formal Civic reception – Key to City march/fly pass or parade of those service personnel as one of the ways we as a community can thank those servicemen and women at an appropriate time. I am sure such an action would have many benefits to all.

I thank CEO Anthony Basford and General Manager Peter Cannizzaro for agreeing to undertaking the preliminary steps in arranging such a thank you.

In returning to business as usual I would to simply report as would be expected a very busy time in terms of community engagement than otherwise would be experienced at this time of the year and with that an increased Council meeting commitment.

A couple of civic and other events worthy of mention include;

Attending as a guest speaker at the Lakes Entrance Australia Day Celebratory Breakfast and Awards ceremony conducted by the Lakes Entrance Lions Club. Once again a good sized crowd attended the day and enjoyed the meal provided by the Lions whilst listening to the talented and enjoyable Nowa Nowa Mens Choir. A lot of fun.

I would again like to congratulate the Lakes Entrance award winners for 2020

Senior Citizen of the year - Mr Terry Ryan

The Junior Citizen of the year - Fireman Ryan Fordham

Event of the year - Lakes Entrance Surf Club – Gippsland Lakes Paddle Challenge.

The Lakes Entrance Lions Club yet again did a wonderful job and I encourage anyone keen on joining a wonderful volunteer club to consider getting on board with the Lions Club.

Attending the Australia Day Citizenship Ceremony at our wonderful Lakes Entrance Corporate Centre where 19 local people attained their Australian citizenship. The ceremony was well attended with a very large crowd of family and friends supporting our new citizens. The ceremony was conducted in fine spirit and good humour particularly when well known and long term Lakes Entrance resident Mr Dennis Pitt was declared “always a slow learner” took up his Australian Citizenship after a reported 50 years of residence in Australia! An endeavour roundly supported by his family.

Finally, I would like to congratulate,

The East Gippsland Citizen of the year - Mr Blake Hollands.

The East Gippsland Junior Citizen of the year - Miss Annie Rogers

The East Gippsland Event of the year, two joint winners being;

- The 100th Orbost Uniting Church Annual Flower Show – A genuine WOW event and something I was really pleased I was able to attend.
- The Paynesville Music Festival – Thanks must go again to Martin Richardson and his team for this annual and quality festival.

Mention the need to support the use of the waste timber created by the response and relief stages of the Bushfire Emergency Management teams.

Cr Jackson Roberts

Firstly, as has already been mentioned, I need to acknowledge and sympathise with everybody that has been impacted by the bushfires. The bushfires that have been burning for two months and will likely continue to burn for some time to come.

Our volunteer firefighters have put everything on the line. Left families, homes and jobs to fight a new kind of war that we have never before experienced. A feat of bravery that I have trouble putting into words.

However, there is another group that have been as equally as brave and valuable during this crisis, but I think does not get anywhere near enough acknowledgement.

I'm referring to the individuals that were defending property and lives when the emergency services were spread too thin.

I was in Buchan South trying to help defend my grandparent's property when the fire fronts rolled in.

The isolation and helplessness that was felt over the next 36 hours as fires approached from 3 sides is not something I will soon forget.

After the power and phones went out, the only evidence of life was the occasional crackle on the UHF radio. This provided basic updates on the increasing severity and location of the fires.

However, what became obvious from the radio was that potentially dozens of unknown community members were doing what they could to organise and defend the little community of Buchan.

In that time, while quietly hoping that the CFA would arrive and save the day, the only flashing light I saw was atop a tractor operated by an enthusiastic neighbour. Not a fire truck or police car, but a tractor equipped with a shovel.

This was surprisingly comforting at 3am.

Comforting because it was a reminder that although everything felt helpless, the community was standing up to defend itself. Ordinary people were fighting an impossible battle and winning.

I can confidently say that if it wasn't for these people, dozens if not hundreds more properties would have been lost.

These people will probably remain anonymous, but they deserve enormous praise for their altruism. They are a great credit to our community.

Cr Marianne Pelz

Thank You Mr. Mayor,

I can only say with what has gone down it feels like it's been a lifetime since our last Ordinary Council Meeting on 17 December 2019, just 7 weeks ago.

Besides the overwhelming events of the disastrous bush fires engulfing the whole of our region, embattling scorching temperatures and a roller coaster of on again, off again evacuations. The people of our region have endured enough!

I myself have been a been on a roller coaster of emotions on all different levels and I think it's something that many of us have shared. I believe its ok to feel vulnerable or inadequate, stressed and confused but it's actually more important at a time like this to speak out and talk about it to others. I would like to hope that somewhere down the track we will be able to address support for each other through a men's lunch or breakfast.

I have been delighted to be able to rekindle my sewing expertise by making bedding for injured wildlife making bat wraps and joey pouches. It has led me to reach out to my old fashion design colleagues who jumped into action to support the cause.

I would like to finish by highlighting the support, goodwill and contributions which have been donated and thank all for helping. In 12 months' time we will look back and say, "wow look where we are now".

Cr John White

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| 06/01/20 | Orbost, Bruthen, Buchan and Nowa Nowa Community Meetings |
| 07/01/20 | Extraordinary Councillor Briefing Session |
| 08/01/20 | Sarsfield Community Debrief Gathering |
| 14/01/20 | Meeting with Mallacoota Community Bank Branch of Bendigo Bank |
| 14/01/20 | Extraordinary Councillor Briefing Session |

16/01/20	Metung Village Opening
16/01/20	Meeting with Andrew Colvin and Ken Lay AO APM – National Bushfire Recovery Agency
22/01/20	Visit to Mallacoota
23/01/20	Meeting with The Hon Jaala Pulford, Minister for Roads, Road Safety and the TAC, Minister for Fishing and Boating
23/01/20	Australia Day Awards Ceremony – Lakes Entrance
23/01/20	EGSC Response and Recovery Committee Meeting
24/01/20	Meeting with The Hon Martin Pakula MP – Victorian Minister for Tourism, Sport and Major Events
24/01/20	East Gippsland Art Gallery – Official Opening
26/01/20	Australia Day Community Event – Bairnsdale
26/01/20	Australia Day Citizenship Ceremony – Lakes Entrance
29/01/20	Community Rebuilding Roundtable Discussion with Sir Peter Cosgrove – Canberra
30/01/20	Meeting with Gippsland Emergency Relief Fund – John Mitchell
30/01/20	Meeting with Shadow Minister for Infrastructure, Transport and Regional Development
30/01/20	EGSC Response and Recovery Committee Meeting

Others:

- Met with the Prime Minister Scott Morrison, Premier of Victoria Daniel Andrews and Governor General, David Hurley
- Met with Twiggy Forest
- Visited relief centre at City Oval each day
- Checked Saleyards with community members horses and other animals
- Met and thanked many convoys of donated hay
- Met, thanked and helped to unload many trucks of donated goods
- On second trip to Buchan, went to check damage at Canni Creek Racecourse
- Helped Carlee Knight with upcoming Tom Curtain concert for community well being

Procedural Matter

Cr Rettino tabled the following motion when speaking to his monthly report at folio 1611.

Cr Joe Rettino / Cr Marianne Pelz

IN RESPECT OF WHAT HAS HAPPENED HERE IN THE BLACK SUMMER FIRES I WISH TO MOVE A MOTION OF CONDOLENCE FOR THE LIVES THAT HAVE BEEN LOST IN THIS EVENT AND ALSO A MOTION OF THANKS FOR EVERYONE THAT HAS HELPED US.

CARRIED UNANIMOUSLY 04/02/20

5 Officer Reports

5.1 A Liveable Region

Request to Speak

Ms Jamie Savory

5.1.1 Planning Permit Application 335/2019/P – Use and development of the land for a dwelling and shed and alteration of access to a road zone, category 1 at CA4 Sec B 1359 Great Alpine Road, Sarsfield

Authored by Robert Pringle, Land Use Planning Officer

Endorsed by Peter Cannizzaro, General Manager Business Excellence

Document No 8357570

In Attendance Aaron Hollow, Manager Planning

EXECUTIVE SUMMARY

This report seeks Council's resolution to issue a Notice of Refusal to Grant a Planning Permit for an application to use and develop land for a dwelling and shed and create access to a road zone, category 1 at 1359 Great Alpine Road Sarsfield. Proposed plans are provided at **Attachment 1**.

The refusal is based on the following planning policy positions:

- The activities proposed in the farm management plan, provided in **Attachment 2**, are of a domestic scale which could more appropriately be undertaken in a rural residential zone;
- The proposal does not provide sufficient rationale in support of on-site occupation, given the land and adjacent lots have previously been managed with no on-site dwelling;
- The proposal is contrary to policy seeking to consolidate agricultural enterprise, as approval would preclude consolidation of the adjacent agricultural holdings into a viable holding and would reduce potential for intensification of agriculture use.

The position is reached despite conditional consent from referral authorities. The referral responses are provided at **Attachment 3**.

The proposal seeks a rural living outcome on land not suited to rural living outcomes. The zoning of the land acts as a buffer between Crown land to the north and Rural Residential zoned land to the south of the Great Alpine Road. Approval of a dwelling on this land will increase pressure to rezone the land for rural residential outcomes, which cannot be supported due to bushfire risk.

A farm management plan prepared in support of the application lacks compelling evidence of agriculture being a primary activity on the land and necessitating residential occupation of the land. Activities proposed such as vegetable gardens and chicken coops could be located on rural residential zoned land in a lower risk environment. The land, including lots to the east and west, has historically been used for stock rotation; neither of these adjacent lots have a dwelling.

The recommendation is consistent with state and local planning policy, and also Tribunal decisions for dwellings in the Farming Zone in other municipalities, with similar circumstances considered.

RECOMMENDATION

That Council being the Responsible Authority and having considered all the relevant planning matters, determines that planning application 335/2019/P is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Refuse to Grant a Permit to use and develop land for a dwelling and shed and creation of access to a road in RDZ1 at 1359 Great Alpine Road Sarsfield on the following grounds:

- 1. The proposal is inconsistent with the purpose of the Farming Zone, by failing to provide a compelling agricultural need for a dwelling on the land and leading to rural residential outcome where there is adequate supply of such opportunities in the broader locality;***
- 2. The application is inconsistent with the Planning Policy Framework, specifically Clauses 11.01-1S, 13.02-1S, 13.07-1S, 14.01-1S, and 16.01-5S;***
- 3. The application is inconsistent with the Local Planning Policy Framework, specifically Clauses 23.03-1, 21.06-1, 21.08-2 and 21.12-3;***
- 4. The proposal is inconsistent with the purpose and decision guidelines of Farming Zone 1; and***
- 5. The proposal is likely to lead to increased potential for erosion hazard.***

THAT COUNCIL BEING THE RESPONSIBLE AUTHORITY AND HAVING CONSIDERED ALL THE RELEVANT PLANNING MATTERS, DETERMINES THAT PLANNING PERMIT APPLICATION 335/2019/P IS CONSISTENT WITH THE REQUIREMENTS AND OBJECTIVES OF THE EAST GIPPSLAND PLANNING SCHEME AND THEREFORE RESOLVES TO ISSUE A PLANNING PERMIT FOR USE AND DEVELOPMENT OF THE LAND FOR A DWELLING AND OUTBUILDING, AND CREATION OF ACCESS TO A ROAD ZONE, CATEGORY 1 AT CA 4 SEC B 1359 GREAT ALPINE ROAD SARSFIELD SUBJECT TO THE FOLLOWING PERMIT CONDITIONS:

- 1. BEFORE THE DEVELOPMENT COMMENCES AMENDED PLANS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY MUST BE SUBMITTED TO AND APPROVED BY THE RESPONSIBLE AUTHORITY. WHEN APPROVED, THE PLANS WILL BE ENDORSED AND THEN FORM PART OF THE PERMIT. THE PLANS MUST BE DRAWN TO SCALE WITH DIMENSIONS. THE PLANS MUST BE GENERALLY IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION BUT MODIFIED TO SHOW:**
- 2. CULVERT CONSTRUCTION PLAN FOR THE DRIVEWAY CROSSING AT THE INTERMITTENT WATERWAY LOCATION.**
- 3. THE USE AND DEVELOPMENT AS SHOWN ON THE ENDORSED PLANS MUST NOT BE ALTERED WITHOUT THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY.**
- 4. STORMWATER RUNOFF FROM BOTH BUILDING AND PAVED AREAS MUST BE CONTROLLED SO AS NOT TO FLOW OR DISCHARGE OVER THE PROPERTY BOUNDARIES AND MUST BE DISCHARGED TO A ROCKED BEACHED OUTLET OR RUBBLE PIT INSTALLED BY A REGISTERED PLUMBER. THE PIT OR OUTLET MUST BE LOCATED A MINIMUM OF 6 METRES FROM ANY BUILDING AND 3 METRES FROM ANY PROPERTY LINE, AND BE WELL CLEAR OF, OR BELOW, ANY SEWERAGE TREATMENT AREA.**
- 5. ALL EARTHWORKS ASSOCIATED WITH THE DEVELOPMENT MUST BE UNDERTAKEN IN ACCORDANCE WITH AN EROSION MANAGEMENT PLAN AS RECOMMENDED IN SIMON ANDERSON CONSULTANTS REPORT JOB NO 396924 18 SEPTEMBER 2019 TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 6. THE PREDOMINATE USE OCCURRING ON THE LAND AT ALL TIMES MUST BE AGRICULTURAL AND GENERALLY IN ACCORDANCE WITH THE ENDORSED FARM MANAGEMENT PLAN.**
- 7. THIS PERMIT WILL EXPIRE IF ANY OF THE FOLLOWING CIRCUMSTANCES APPLIES:**
 - THE DEVELOPMENT IS NOT STARTED WITHIN TWO YEARS OF THE ISSUE DATE OF THIS PERMIT.**
 - THE DEVELOPMENT IS NOT COMPLETED WITHIN FOUR YEARS OF THE ISSUE DATE OF THIS PERMIT.**
 - THE USE HAS NOT COMMENCED WITHIN FOUR YEARS OF THE ISSUE DATE OF THIS PERMIT.**

IN ACCORDANCE WITH SECTION 69 OF THE PLANNING AND ENVIRONMENT ACT 1987, AN APPLICATION MAY BE SUBMITTED TO THE RESPONSIBLE AUTHORITY FOR AN EXTENSION OF THE PERIODS REFERRED TO IN THIS CONDITION.

VICROADS CONDITIONS

- 8. ONLY ONE ACCESS WILL BE PERMITTED TO THE GREAT ALPINE ROAD. THE LOCATION OF THE CROSSOVER MUST BE AS SHOWN ON A1 BUILDING DESIGN & DRAFTING, DRAWING 17102, VERSION A01 DATED 24/10/2019.**
- 9. THE CROSSOVER MUST COMPLY WITH VICROADS STANDARD RESIDENTIAL ACCESS, DRAWING SD2066 INCLUDING A LEVEL PAD 8.0 METRES FROM THE GREAT ALPINE ROAD, ROAD SEAL. THE WIDTH OF THE CROSSOVER AT THE BOUNDARY FENCE LINE MUST BE A MINIMUM 4.0 METRES WIDE.**
- 10. THE CROSSOVER TO GREAT ALPINE ROAD MUST ACHIEVE THE REQUIRED SAFE INTERSECTION SIGHT DISTANCE AS SHOWN IN THE AUSTRoadS GUIDELINES. (MINIMUM 250 METRES).**
- 11. REMOVAL OF ANY VEGETATION ON GREAT ALPINE ROAD RESERVE, TO ACHIEVE SAFE INTERSECTION SIGHT DISTANCE MUST REQUIRE THE APPLICANT TO SEEK APPROVAL FROM THE RESPONSIBLE AUTHORITY**
- 12. ANY BARRIER, GATE, OR SIMILAR DEVICE CONTROLLING VEHICULAR ACCESS TO THE PREMISES MUST BE LOCATED A MINIMUM 15 METRES FROM THE EDGE OF THE EXISTING SEAL ON GREAT ALPINE ROAD TO ALLOW VEHICLES TO STORE CLEAR OF GREAT ALPINE ROAD PAVEMENT.**
- 13. PRIOR TO THE USE OF THE DWELLING, THE APPLICANT MUST SUBMIT A DETAIL DRAWING OF THE ACCESS ON TO GREAT ALPINE ROAD IN ACCORDANCE WITH VICROADS MODIFIED RESIDENTIAL ACCESS, DRAWING SD2066 AND TO THE SATISFACTION AND APPROVAL OF VICROADS.**
- 14. PRIOR TO THE USE OF THE DWELLING, THE APPLICANT MUST CONSTRUCT THE ACCESS AT NO COST TO VICROADS, AND TO THE SATISFACTION AND APPROVAL OF VICROADS.**
- 15. ALL WORKS ASSOCIATED WITH THE CONSTRUCTION OF THIS ACCESS ARE TO BE COMPLETED AT NO COST TO VICROADS, AND THE ROAD RESERVE MUST BE LEFT IN NEAT AND TIDY CONDITION.**
- 16. DRIVEWAYS MUST BE MAINTAINED IN A FIT AND PROPER STATE SO AS NOT TO COMPROMISE THE ABILITY OF VEHICLES TO ENTER AND EXIT THE SITE IN A SAFE MANNER OR COMPROMISE OPERATIONAL EFFICIENCY OF THE ROAD OR PUBLIC SAFETY.**

NOTES

- 1. ALL WASTEWATER FROM THE PROPOSED DEVELOPMENT MUST BE DISPOSED OF IN ACCORDANCE WITH THE PROVISIONS OF THE ENVIRONMENT PROTECTION ACT 1970. A PERMIT TO INSTALL A SEPTIC TANK SYSTEM' IS REQUIRED FROM THE ENVIRONMENTAL HEALTH UNIT OF COUNCIL.**
- 2. PLEASE BE INFORMED THAT YOU ARE REQUIRED TO CHECK WITH A PRIVATE BUILDING SURVEYOR IF A BUILDING PERMIT IS REQUIRED FOR THE BUILDING WORKS RELATING TO THIS PLANNING PERMIT.**

BUILDING WORKS ON THIS SITE MUST COMPLY WITH THE REQUIREMENTS OF THE VICTORIAN BUILDING ACT AND BUILDING REGULATIONS, THE NATIONAL CONSTRUCTION CODE (NCC) AND RELEVANT COUNCIL LOCAL LAWS.

CATCHMENT MANAGEMENT AUTHORITY NOTE

- 3. ALL WORKS WITHIN 30 METRES OF A DESIGNATED WATERWAY REQUIRE A WORKS ON WATERWAYS PERMIT FROM THE EAST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY, ISSUED UNDER THE WATER ACT 1989. AN APPLICATION FORM IS AVAILABLE ON THE FOLLOWING WEBSITE:**
<http://www.wgcma.vic.gov.au/for-landholders/works-on-waterways>

Procedural Matter

Cr Mark Reeves / Cr Marianne Pelz

THAT THE MOTION BE PUT.

CARRIED UNANIMOUSLY 04/02/20

The motion was put and carried unanimously 04/02/20

OFFICER COMMENT / CONTEXT

Discussion

Site and application detail

The planning application currently before Council seeks a permit to use and develop a dwelling and shed on the subject land. The land is located on the Great Alpine Road, which is a Road Zone, Category 1 managed by Regional Roads Victoria.

The land is located in Sarsfield and is approximately 22.5 hectares in area. The land contains two intermittent waterways running downstream east to west, which carry water during runoff events and are linked to dams on the western boundary and on the adjacent lot. No dams are wholly within the property boundary.

The land is sparsely vegetated, with a patch of trees on the eastern side of the common dam. The trees on the land and on the road reserve fronting the highway were affected by bushfire, however very few of the trees on the land would require removal. Roadside vegetation (approximately nine trees) has been lopped for public safety reasons following the bushfire but largely remains intact. Understorey vegetation on the roadside was completely consumed by fire and the property fencing was significantly destroyed and has been removed by the landowner. **Figure 1** demonstrates the current condition, looking from the eastern corner at the Great Alpine Road back towards the land.



Figure 1 – Current conditions of the roadside as at 23 January 2020. The proposed site access is in the foreground.

A full copy of the application plans is included at **Attachment 1**. The dwelling is a 4-bedroom dwelling with large alfresco entertaining area and a swimming pool. The total built footprint of the dwelling, garage, alfresco, and porch is approximately 400 square metres. The proposed shed is 5-bay with open sided portion along the length, with a total building footprint 304.5 square metres. The Farm Management Plan advises that the shed will be used for a mix of agricultural and domestic storage.

There is a rise in the land where the dwelling is proposed as demonstrated by the contour mapping in **Figure 2**. The siting of the dwelling minimises conflict with the road, waterways, adjacent land, and bushfire risk. Specifically, the dwelling is sited outside of the bushfire management overlay area mapped to a northern section of the land.

The application is supported by a detailed planning scheme response, land capability assessment for wastewater treatment, and geotechnical risk assessment report required for earthworks to a depth of 1 metre from natural ground level to establish a level building site for the dwelling in relation to the erosion management overlay.



Figure.2 – The subject land with contour (brown dots, 10 metre interval) and watercourse (blue dots) detail.

The site adjoins state forest to the north, and adjoining properties to the north of Great Alpine Road are agricultural holdings, which are primarily used for grazing, and are of similar or larger size.

Across the Great Alpine Road to the south, land is zoned Rural Living Zone 2 which has a scheduled minimum subdivision lot size of 4 hectares. Lots within this precinct were created primarily between 1988 and 1998, with actual lot sizes less than 4 hectares created as a result of ‘averaging’ and other provisions allowing for smaller lot sizes within the former scheme requirements. **Figure 3** provides an overview of the age of the subdivisions in the precinct. Some dates omitted from the figure are a result of lack of at-hand information. Crown Allotments, including the subject site with dashed borders, are indicated as CA.

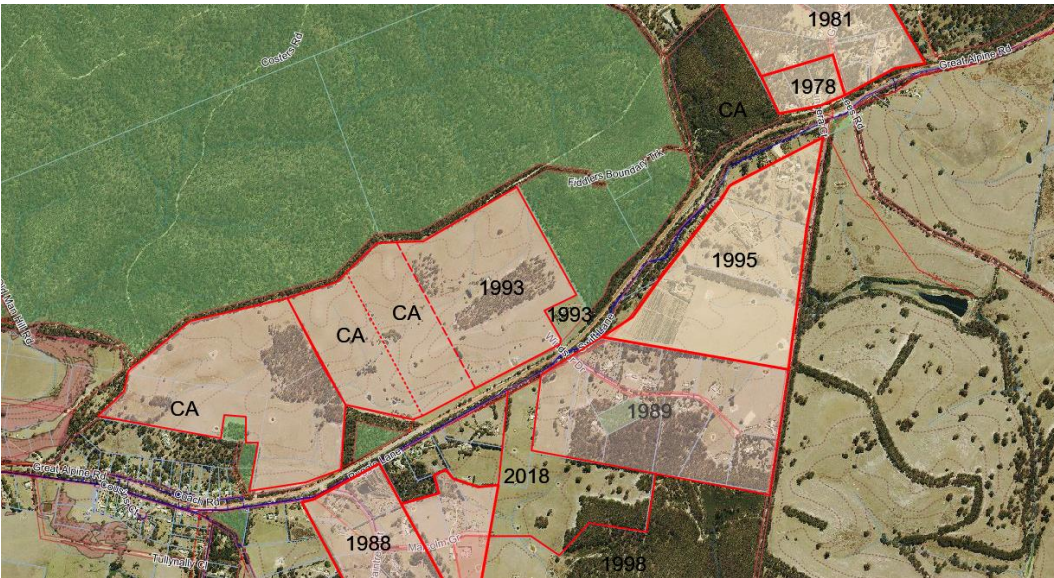


Figure 3 – The subject land (centre) in relation to the immediate area and subdivision history.

There is no local structure plan nor settlement boundary established for Sarsfield, and as such the Low Density and Rural Residential Zone boundaries depicted in the Zone Map at Figure 4 are considered to be the fixed settlement boundaries from a planning policy perspective.

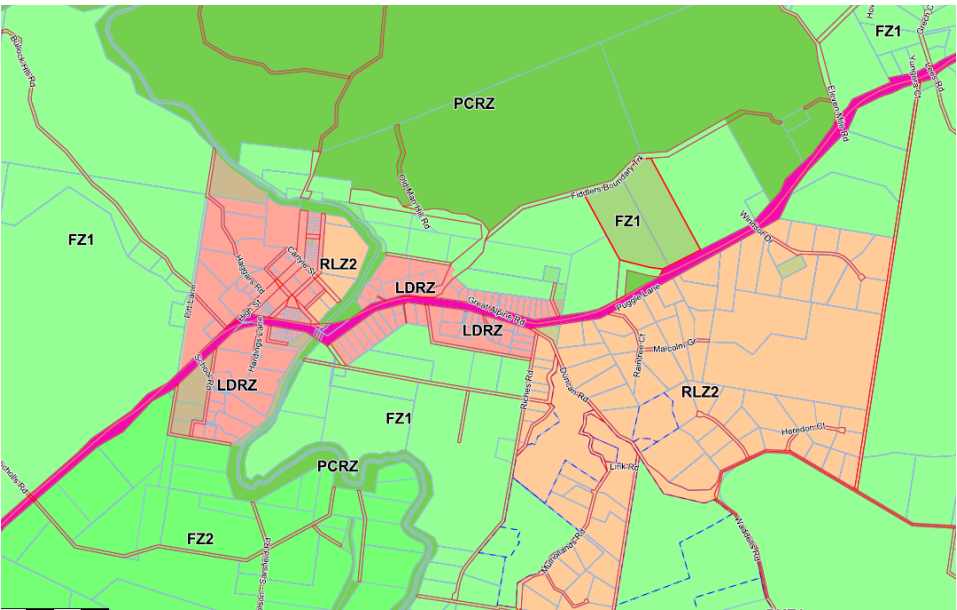


Figure 4 – The subject land and Sarsfield area zone map.

Reticulated water may be available to the development, with trenching likely required to the southern side of the highway reserve where the water main is located. This would be subject to East Gippsland Water approval and oversight and is not necessarily a planning consideration as the alternative would be to have a private potable water supply (tank water).

No sewer infrastructure is available in the locality. The application is supported by a land capability assessment, confirming that there is ability of the land to accommodate effluent disposal via primary treatment and four 26-metre-long absorption trenches. The land capability assessment considers rainwater tank use for potable and non-potable water supply to the dwelling.

Power supply would either need to come from the south side of the highway reserve or be provided privately on site by agreement with Ausnet Services.

Assessment of the Proposal against the East Gippsland Planning Scheme

Relevant planning considerations includes the planning policy framework, Farming Zone 1, Erosion Management Overlay, and the alteration of access to a road zone, category 1 (Clause 52.29).

It is considered that the proposal is inconsistent with the planning policy framework, specifically clauses 11.01-1S, 13.02-1S, 13.07-1S, 14.01-1S, and 16.01-5S. These policies jointly promote sustainable agricultural use, prevention of inappropriate encroachment of residential outcomes on land zoned for agriculture outside of settlement areas, and prevention of development in areas of elevated bushfire risk.

The proposal is inconsistent with the local planning policy framework clauses 23.03-1, 21.06-1, 21.08-2 and 21.12-3. Local policy specifies that residential development between settlements and outside of settlement boundaries should be discouraged.

Sarsfield is identified in the Agricultural Hinterland section of the Municipal Strategic Statement, being part of the Bruthen District. Specific policy in this regard includes:

Mossiface and Sarsfield are small settlements near Bruthen, which contain a range of facilities and points of interest, including the historic Mossiface Hop kilns.

Council will support the existing roles and functions that Bruthen fulfils and encourage development of new and enhanced roles as follows:

Town/Locality	Support Existing Role(s)	Encourage New/ Enhanced Roles
Bruthen including Mossiface, Sarsfield	Local commercial centre Significant residential community, increasing rural residential development	Increasing tourism role, particularly crafts & small-scale tourist accommodation
Population 1996 and 2011 (forecast) (601-875)	Range of community facilities and services Range of sporting and recreation facilities	Highway service role becoming more significant since Great Alpine Road completed and heavy vehicle alternative to Princes Highway being developed.

To achieve this, Council will apply the following strategies and policies:

- The built-up area of Bruthen has been zoned Township, to retain flexibility in distribution of non-residential uses. However, retail and commercial activities will be encouraged to locate on the Princes Highway or the Great Alpine Road (former Omeo Highway), unless they have specific needs which make another site more appropriate.*
- Land adjoining the township has been zoned Rural Living to provide opportunities for 'rural residential' style development.*
- Bruthen is a priority for provision of a sewerage system, since the lack of this infrastructure is constraining its potential and leading to adverse impacts on water quality in the Tambo River.*
- The Tambo River frontages and linkages between the river and the township will be improved as resources permit.*
- Bruthen and its surrounds are of high cultural landscape significance - the area is currently being assessed by the National Trust of Australia (Victoria) and these values will be taken into account in planning. There are also a number of buildings and places of potential heritage significance in and around Bruthen.*

In the absence of a defined settlement boundary, consideration of the appropriate outcomes for the settlement should be consistent with zone boundaries.

The proposal is contrary to the purposes and decision guidelines of Farming Zone 1.

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

The proposal fails to make a compelling argument linking the dwelling and the agricultural/land management activities. Instead, the statement is made at Page 28 of the submission:

"...[T]he proposed dwelling will provide the ability to use the land for agricultural purposes. The land is currently in a less than prime state with the ability for significant improvement. The development of a dwelling will enable the owners to graze cattle, manage the weeds and vermin and to undertake significant improvements.

The applicant has provided a Farm Management Plan (Appendix C) outlining the proposed agricultural uses which is predominantly grazing of cattle along with an extensive horticultural enterprise. The significant improvement works proposed are also outlined in the plan. Overall, the proposed dwelling is considered to support and enhance agricultural production on the land."

The agricultural proposal (internal fencing to create paddocks and approximately 1000 square metres dedicated to six garden plots, a chicken coop, and an orchard) represents neither significant improvements nor an extensive horticultural operation. The proposed farm management plan does not provide measurable stock quantities. Estimates could reasonably have been obtained on advice from the previous landowner, who used and effectively maintained this and two adjacent properties for cattle grazing with no dwelling on the land.

The proposal would lead to a concentration of dwellings on the north side of the Great Alpine Road. An approval will be cited by adjacent landowners as “precedence” for the further use and development of adjacent land for residential purposes. This will further degrade the agricultural viability of the precinct through disjointed operations and increasing land values making primary agricultural activities on the land too costly.

Additional information was required from the applicant during assessment of the proposal as it was found that the plans demonstrated more than 1 metre of site cut from natural ground level, and as such consideration was required under the Erosion Management Overlay. A geotechnical risk assessment in relation to the site cut was provided, with the qualified professional indicating that if the development were approved, an erosion management plan would be required to prevent soil erosion. The dwelling is an introduction of potential source of erosion on the land and further degrades the environment. On this basis it should not be supported.

There is no vegetation removal required which triggers a permit under the relevant overlays or particular provision for Native vegetation. The proposal has appropriately considered the siting of both the driveway access and dwelling site to prevent vegetation removal.

The application requires a permit to create a new access to a road in RDZ1. VicRoads have provided conditional consent to the proposal and provided details of the type of crossover they require to serve as access. A copy of the referral authority responses is included at **Attachment 3**. The land was previously used for agriculture in conjunction with the Crown Allotment to the west and land at 1395 Great Alpine Road. A single point of access was used in the road reserve north of the highway at the western side of the land for all three lots.

The creation of new access is technically appropriate in the desired location as it is located on a straight section of road with long sight lines. The access is designed to include a gate set back within the property frontage, allowing for towed vehicles to enter and leave the site without blocking the traffic lanes. Despite the technical appropriateness, the proposal increases the number of access points to the highway, where there was previously one access to the land off an abutting road reserve. Local policy discourages additional direct-highway access between settlement boundaries.

On balance of all of the policy, zone and overlay controls, and particular provisions, the proposal cannot be supported.

Council Plan

A Liveable Region Goal 2 - Sustainable planning and growth supports thriving townships, while maintaining our commitment to sustainability and protecting our natural environment

Strong Communities Goal 1 - East Gippsland has connected, inclusive and vibrant communities

Legislation

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government’s Charter of Human Rights and Responsibilities Act 2006.

The planning permit application has been assessed in accordance with the provisions of the *Planning and Environment Act 1987*.

The application has been referred to the East Gippsland Catchment Management Authority and VicRoads. They have responded with consent.

The application has been advertised to all adjoining property owners and occupiers. No objections have been received.

Organisational

- **Financial**

Nil

Consultation

The planning application was advertised to all adjoining landowners and occupiers in accordance with section 52 of the *Planning and Environment Act 1987*. No objections were received.

APPENDICES AND ATTACHMENTS

Appendices

Nil

Attachments

1. Plans submitted.
2. Application documents.
3. Referral Authority responses.

5.2 Good Governance

5.2.1 Finance Report – Period Ending 31 December 2019

Authored by Liz Collins, Manager Finance

Endorsed by Peter Cannizzaro, General Manager Business Excellence

Document No 8351619

In Attendance Liz Collins, Manager Finance

EXECUTIVE SUMMARY

This report summarises Council's year-to-date (YTD) financial performance and changes to the financial position for the six months ending 31 December 2019.

The forecast operating result for the 2019/20 financial year is \$4.121M compared to the adopted operating surplus of \$7.001M. This is a forecast reduction in operating surplus of \$2.880M. There has also been adjusted forecasts for depreciation expenses as a result of adjustments required following the revaluation of buildings as at 30 June 2019.

The most significant operating budget variance relates to projects that were funded in the 2018/19 financial year of \$2.307M and will not be completed until the current financial year. The forecast for depreciation expenses has been increased to account the revaluation of buildings as at 30 June 2019. There are some other forecast changes that result from additional capital grant funding offset by a net reduction in the forecast for operating grant income mainly as a result of the reduction in the Victoria Grants Commission final allocation for 2019/20.

The expected favourable end-of-year cash position of \$32.142M (\$13.661M greater than the adopted budget) is the result of the more favourable 2018/19 end-of-year cash position than the estimated result at the time of adopting the 2019/20 budget together with the estimated value of capital works projects that will now not be completed until the 2020/21 financial year. The increase in cash though is restricted in nature and committed to various provisions, that are required to be cash funded, for landfill rehabilitation projects and employee annual and long service leave. The use of this cash happens over time as landfill rehabilitation works are undertaken and employees take leave entitlements.

The capital works and landfill rehabilitation projects progress was reassessed at the end of December 2019 and adjustments to the timing for delivery of these projects has been taken into account in the forecast expenditure for the capital works and landfill rehabilitation projects. The end-of-year total for these works is expected to be \$52.040M. Refer to the **Attachment 1** for further information.

Details of the forecast variances and other financial information are included in **Appendices 1 to 7**.

With the recent bushfire event it is proposed that a monthly finance report be presented to Council to provide updated financial information to take into account the impact of the fire event. As at the time of preparing this quarterly report for Council no fire event financial impacts were able to be assessed and therefore have not been included in the full year forecast results

RECOMMENDATION

That Council adopts the Finance Report for the six-month period ended 31 December 2019, as outlined in Appendices 1 to 7.

Cr Joe Rettino / Cr Mark Reeves

THAT THE RECOMMENDATION BE ADOPTED.

CARRIED UNANIMOUSLY 04/02/20

OFFICER COMMENT / CONTEXT

Overview of Financial Performance

A detailed quarterly finance report is prepared and presented to Audit and Risk Committee for review and to Council for adoption. This quarterly report will be reviewed by the Audit and Risk Committee on 18 February 2020 with any feedback to be passed onto Council for information.

Provided in this report is an overview of the year-to-date (YTD) operating and capital expenditure compared to the revised budget, and adjustments to the adopted budget for the full year that have been incorporated into the revised budget as at 31 December 2019. A forecast for the anticipated end-of-year result and its comparison to the adopted budget is also included.

Year-to-Date

Net Comprehensive Result

The YTD unfavourable variance of \$224K is primarily the result of the timing for receipt of capital grant funding for various projects offset by payments yet to be made for a number of services that are less than expected as at the end of the reporting period.

Refer to **Appendix 1** for a full explanation of all variances.

Full Year – Budget

Net Comprehensive Result

The expected operating surplus for the year is \$4.121M which is \$2.880M less than the adopted budget of \$7.001M.

In the main, the issues that have a significant impact on the expected end-of-year operating result relate to programs and projects that received grants income in 2018/19 but will not be completed until this financial year, totalling \$2.307M. Additionally there has been a reassessment of the depreciation expenses as a result of the revaluation of Council buildings at 30 June 2019 that was not able to be determined at the time the 2019/20 budget was adopted. This has increased the depreciation expense for the full year from \$20.453M to \$21.561M, an increase of \$1.108M. These additional expenses are partly offset by additional forecast income mainly for capital grants.

Adjusted Underlying result

The adjusted underlying surplus is the net surplus for the year adjusted for non-recurrent capital grants, non-monetary contributions and capital contributions from other sources. The unfavourable variance of \$2.277M is a result of the forecast reduction in operating surplus of \$2.880M offset by a reduction in non-recurrent capital funding of \$679K.

Appendix 1 provides further explanation of the variances discussed above.

Cash Position

Year-to-Date:

As at 31 December 2019, Council held cash of \$52.390M. This is greater than YTD expectations as a result of the timing of works and services and the delivery of the capital works and landfill rehabilitation program.

Full Year

The end-of-year forecast cash position of \$32.142M is \$13.661M greater than the adopted budget of \$18.481M. This forecast cash position takes into account the actual 2018/19 end-of-year result that was more favourable than estimated at the time of adopting the 2019/20 budget. The increase in cash though is restricted in nature and committed to various provisions, that are required to be cash funded, for landfill rehabilitation projects and employee annual and long service leave. The use of this cash happens over time as landfill rehabilitation works are undertaken and employees take leave entitlements. The estimated cash at year end also includes cash to fund some 2019/20 capital projects that will now not be completed until the 2020/21 financial year.

For further details, please refer to the Balance Sheet variance explanations in **Appendix 2** and Statement of Cash Flows at **Appendix 3**.

Capital Works and Landfill Rehabilitation Projects

Year-to-Date:

The adopted budget for the 2019/20 financial year was \$45.624M in capital works and a further \$5.267M in landfill rehabilitation projects, giving a total of \$50.891M.

Actual YTD capital and landfill rehabilitation projects expenditure is \$12.687M.

Full Year:

The forecast capital and landfill rehabilitation expenditure for the 2019/20 year is \$52.040M, which takes into account an additional \$3.014M relating to carry forward projects from the 2018/19 year in addition to the estimated amount to be carry forward that was included in the adopted 2019/20 budget. There has been an initial assessment of projects that may not be able to be completed in the current financial year and will be carried over for completing in the 2020/21 year. The total estimated value of these projects is \$5.253M. This will be further assessed in the coming months and will also take into account Council's ability to complete capital works projects in the current year given the bushfire recovery works that will need to be undertaken as a priority.

Financial details of all projects is provided at **Attachment 1**.

Council Plan

Good Governance Goal 3 Council is in a strong financial position and can provide for future generations of East Gippslanders.

Legislation

Section 138 (1) of the *Local Government Act 1989* requires a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to be presented to the Council at a Council meeting which is open to the public.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's *Charter of Human Rights and Responsibilities Act 2006*.

Organisational

- **Financial**

Refer to the following **appendices**:

1. Income and Expenditure Statement and Explanation of Variances
2. Balance Sheet and Explanation of Variances
3. Statement of Cash Flows and Explanation of Variances
4. Reconciliation of Adopted (Operating) budget to Forecast budget
5. Summary of Capital Works and Landfill Rehabilitation
6. Rates Performance
7. Financial Performance Indicators

Consultation

Not applicable

APPENDICES AND ATTACHMENTS

Appendices

1. Income and Expenditure Statement and Explanation of Variances
2. Balance Sheet and Explanation of Variances
3. Statement of Cash Flows and Explanation of Variances
4. Reconciliation of Adopted (Operating) budget to Forecast budget and Rates Performance
5. Summary of Capital Works and Landfill Rehabilitation
6. Rates Performance
7. Financial Performance Indicators

Attachments

1. Financial details for all Capital Works and Landfill Rehabilitation Projects

5.2.2	Options to assist ratepayers affected by the December 2019 and January 2020 Bushfires
Authored by	Liz Collins, Manager Finance
Endorsed by	Peter Cannizzaro, General Manager Business Excellence
Document No	8353983
In Attendance	Liz Collins, Manager Finance

EXECUTIVE SUMMARY

Recent bushfires have affected many communities throughout East Gippsland. Given the significant hardship being experienced by many ratepayers, a number of options to assist ratepayers with the payment of rates and charges, will be considered by Council both now and in the coming months, as further information becomes available.

Whilst there are many properties within the fire impacted area that have suffered significant property loss there are also many other ratepayers who will be financially impacted as a result of the fire event. December and January are traditionally the most significant periods of trade for many tourism related businesses and with the evacuation of many communities across East Gippsland this has had a significant financial impact on many businesses both directly and indirectly.

The farming community of East Gippsland was already suffering through drought conditions and with the recent fires a number of farming properties will be further impacted with loss of infrastructure, stock etc. that are key to them being able to generate an income.

In acknowledgement of the difficult times that many ratepayers are currently experiencing, Council is considering options to assist with rate payments.

These options include:

- endorsement of not applying penalty interest for 2019/20 rates and charges that are due for payment by instalments or full payment for all ratepayers if they are paid by 31 May 2020; and
- deferral for payment, with no interest penalty, of 2019/20 rates and charges for all properties assessed as being in the bushfire impacted area, until 30 June 2021.

Also acknowledging that there are many other ratepayers who may suffer financial hardship as a result of the bushfires, a simplified financial hardship application and assessment process is to be implemented to assist ratepayers during this difficult time.

Council has provided financial hardship consideration for ratepayers in accordance with the provisions of the *Local Government Act 1989* (the Act). Whilst the relevant provisions of the Act provide a legislative framework within which Council can consider options for financial assistance for ratepayers who are experiencing financial hardship, it does not define specific criteria and process for consideration of applications for financial hardship.

A draft Financial Hardship Policy has been developed to provide clear guidance to Council in considering financial hardship applications as well as to ratepayers who are potentially experiencing financial hardship.

The Draft Financial Hardship Policy (draft Policy) is now presented at **Appendix 1** for Council's consideration and adoption, with or without amendment.

RECOMMENDATION

That Council:

- 1. in accordance with Section 172 of the Local Government Act 1989, exempt all ratepayers from payment of penalty interest on unpaid 2019/20 rates and charges until 31 May 2020;*
- 2. defer payment for all 2019/20 rates and charges for all properties identified as being in the bushfire impacted areas, until 30 June 2021 with no penalty interest to be applied for that period;*
- 3. adopts the Financial Hardship Policy as provided at Appendix 1;*
- 4. authorises the Chief Executive Officer to amend the adopted Financial Hardship Policy without formal Council consideration if amendment is required as a result of changes to officer titles or administrative changes that occur from time to time; and*
- 5. endorse a simplified Financial Hardship application and assessment process for all properties within the identified bushfire affected areas as well as any other ratepayer whose primary source of income has been directly impacted by the bushfire.*

Amendment

Cr Richard Ellis / Cr Mark Reeves

THAT COUNCIL:

- 1. IN ACCORDANCE WITH SECTION 172 OF THE LOCAL GOVERNMENT ACT 1989, EXEMPT ALL RATEPAYERS FROM PAYMENT OF PENALTY INTEREST ON UNPAID 2019/20 RATES AND CHARGES UNTIL 31 MAY 2020;**
- 2. DEFER PAYMENT FOR ALL 2019/20 RATES AND CHARGES FOR ALL PROPERTIES IDENTIFIED AS BEING IN THE BUSHFIRE IMPACTED AREAS, UNTIL 30 JUNE 2021 WITH NO PENALTY INTEREST TO BE APPLIED FOR THAT PERIOD;**
- 3. ADOPTS THE FINANCIAL HARDSHIP POLICY AS PROVIDED AT APPENDIX 1;**
- 4. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO AMEND THE ADOPTED FINANCIAL HARDSHIP POLICY WITHOUT FORMAL COUNCIL CONSIDERATION IF AMENDMENT IS REQUIRED AS A RESULT OF CHANGES TO OFFICER TITLES OR ADMINISTRATIVE CHANGES THAT OCCUR FROM TIME TO TIME; AND**
- 5. ENDORSE A SIMPLIFIED FINANCIAL HARDSHIP APPLICATION AND ASSESSMENT PROCESS FOR ALL PROPERTIES WITHIN THE IDENTIFIED BUSHFIRE AFFECTED AREAS AS WELL AS ANY OTHER RATEPAYER WHOSE PRIMARY SOURCE OF INCOME HAS BEEN IMPACTED BY THE BUSHFIRE EVENT.**

CARRIED UNANIMOUSLY 04/02/20

OFFICER COMMENT / CONTEXT

The recent bushfire event has affected many communities across the whole of East Gippsland. The full assessment of all directly impacted properties will continue over the coming weeks. As part of the process valuations for those properties will be reassessed by the Valuer General Victoria's valuer. Rates and charges for these properties for the 2019/20 year will be amended to reflect the loss in valuation of infrastructure and other improvements on each impacted property. The financial impact on Council rate revenue for the 2019/20 year will be determined once the valuation assessment has been completed. This will reduce Council's base valuations and associated rates and charges going forward with a reduction in rate income into the future that will be assessed as part of the development of the 2020/21 budget and longer-term financial plan.

Whilst many impacted property owners/ratepayers will receive various forms of government and community assistance over the coming months, it is recognised that Council can also provide some direct assistance by allowing additional time for current year rates and charges to be paid.

It is expected that further information will be available prior to the March 2020 Council meeting for Council to be able to assess the direct and indirect impact that the bushfires have had on ratepayers and further consider additional financial assistance in relation to 2019/20 rates and charges.

Under Section 171 (1)(b) of the *Local Government Act 1989* (the Act), Council may waive the whole or part of any rate or charge or interest in relation to any class of persons determined by Council for the purpose of waiving rates or charges on the grounds of financial hardship.

Council recognises that managing financial hardship is a shared responsibility and they should implement best practice arrangements for the collection of rates and charges, including offering flexible payment arrangements for ratepayers experiencing financial difficulty.

Sections 170, 171 and 172 of the Act allow councils to defer or waive in whole or in part any rate, charge or interest on the grounds of financial hardship.

The draft Financial Hardship Policy (the draft Policy), attached at **Appendix 1**, defines the circumstances where financial hardship may exist and the criteria that the applicant needs to meet in order for an application for financial hardship to be considered.

The draft Policy also details the assessment process and options available to provide financial relief to eligible applicants.

Any ratepayer seeking financial hardship consideration will be required to complete a Financial Hardship Application Form and provide information to enable the Financial Hardship Review Committee to determine if the ratepayer is in financial hardship in accordance with the processes associated with the ratepayer circumstance. Where the financial hardship is a result of a ratepayer being directly impacted by a natural disaster/emergency event then the assessment process will be simplified based on a criteria e.g. if the ratepayer is in a directly impacted area it may be an automatic approval for interest waiver and/or deferment of rates and charges for the current year without penalty interest being applied.

Whilst the Policy would be available on Council's website it is proposed that the Financial Hardship Application Form(s) be made available upon request so that initial discussion can be undertaken with relevant Council staff to assist the ratepayer in the process.

Council Plan

Good Governance Goal 3 Council is in a strong financial position and can provide for future generations of East Gippslanders.

Legislation

Sections 170, 171 and 172 of the *Local Government Act* 1989 (the Act) allow councils to defer or waive in whole or in part any rate, charge or interest on the grounds of financial hardship.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's *Charter of Human Rights and Responsibilities Act* 2006.

Organisational

- **Financial**

It is estimated that the deferral of penalty interest charges will reduce forecast revenue in the 2019/20 year by approximately \$100,000.

Consultation

Not applicable

APPENDICES AND ATTACHMENTS

Appendices

1. Draft Financial Hardship Policy

Attachments

1. Nil

5.2.3

Council Meeting Schedule 2020

Authored by Peter Cannizzaro, General Manager Business Excellence

Document No 8362957

EXECUTIVE SUMMARY

This report seeks a Council resolution to set the dates, venues and times on which Council meetings will be held in 2020.

The Council meeting times proposed will provide Council with a schedule that continues to facilitate timely decision-making.

The Council Meeting schedule as proposed meets its primary objective, which is to provide a forum for timely, effective decision-making.

The key points of the Council Meeting schedule are:

- Three 'Council in the Community' meetings proposed in the first half of the year, outside of the Council Corporate Centre Chamber in 2020 (compared to four in 2019), with locations to be confirmed closer to the dates based on nature of foreshadowed business items, making the meeting more relevant to the host location where possible;
- Localised community/council activities to be clustered around 'Council in the Community' meetings to maximise community/councillor participation, building on the success and positive community feedback; and
- No winter recess in July, the rationale for no recess is because of the number of items to be tabled' this will allow us to spread the load and covers the election period.

RECOMMENDATION

That Council

1. *adopts the following Council Meeting dates, times and locations for 2020:*

<i>Day</i>	<i>Date</i>	<i>Time</i>	<i>Purpose</i>	<i>Location</i>
<i>Tuesday</i>	<i>4 February</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>3 March</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>17 March</i>	<i>1.00 pm</i>	<i>Ordinary Meeting</i>	<i>Mallacoota District</i>
<i>Tuesday</i>	<i>7 April</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>21 April</i>	<i>1.00 pm</i>	<i>Ordinary Meeting</i>	<i>Omeo District</i>
<i>Tuesday</i>	<i>5 May</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>2 June</i>	<i>1.00 pm</i>	<i>Ordinary Meeting</i>	<i>Orbost District</i>
<i>Tuesday</i>	<i>23 June</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>7 July</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>4 August</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>25 August</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>8 September</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>6 October</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>10 November</i>	<i>6.00 pm</i>	<i>Statutory Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>17 November</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>
<i>Tuesday</i>	<i>8 December</i>	<i>6.00 pm</i>	<i>Ordinary Meeting</i>	<i>Corporate Centre</i>

and;

- 2. resolves that unless determined otherwise and notified to community members through appropriate public notice, Council meetings will be held in accordance with the above table.*

Amendment

Cr Natalie O'Connell / Cr Mark Reeves

THAT COUNCIL

- 1. ADOPTS THE FOLLOWING COUNCIL MEETING DATES, TIMES AND LOCATIONS FOR 2020:**

Day	Date	Time	Purpose	Location
Tuesday	4 February	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	3 March	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	17 March	1.00 pm	Ordinary Meeting	Mallacoota District
Tuesday	7 April	1.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	21 April	1.00 pm	Ordinary Meeting	Omeo District
Tuesday	5 May	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	2 June	1.00 pm	Ordinary Meeting	Orbost District
Tuesday	23 June	1.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	7 July	1.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	4 August	1.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	25 August	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	8 September	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	6 October	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	10 November	6.00 pm	Statutory Meeting	Corporate Centre
Tuesday	17 November	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	8 December	6.00 pm	Ordinary Meeting	Corporate Centre

AND;

- 2. RESOLVES THAT UNLESS DETERMINED OTHERWISE AND NOTIFIED TO COMMUNITY MEMBERS THROUGH APPROPRIATE PUBLIC NOTICE, COUNCIL MEETINGS WILL BE HELD IN ACCORDANCE WITH THE ABOVE TABLE.**

CARRIED UNANIMOUSLY 04/02/20

OFFICER COMMENT / CONTEXT

Discussion

The principal means by which Councillors act is by making decisions when they meet at formally constituted Council meetings.

The *Local Government Act 1989* (the Act) states that Council may hold ordinary meetings at which general business of the Council may be transacted and special meetings at which business specified in the notice calling the meeting may be transacted.

Since September 2006 Council has maintained a meeting schedule based on formal Council meetings generally being held on the first Tuesday in the month between February and December, commencing at 6.00 pm at the Corporate Centre, Bairnsdale.

This schedule was revised at the Council Meeting on Tuesday 5 September 2017 (Item 5.2.2) to alternate the commencement times of 1.00 pm and 6.00 pm for Ordinary Council meetings on a monthly basis.

In 2019, four Ordinary Council Meetings were held at locations other than the Corporate Centre. These locations were Mallacoota, Omeo, Lakes Entrance and Orbost. In 2020, it is proposed to hold three Council Meetings in the first half of the year at locations other than the Corporate Centre.

Council Plan

The Council Plan 2017-2021 *Good Governance Goal One – East Gippsland Shire Council is inclusive, engaged and open.*

Council Policy

Council meetings are conducted in accordance with the East Gippsland Shire Council Local Law No.1, which governs the conduct of Council Meetings. Clause L3.1 of the Local Law requires the Council to set the date, time and place of any Council Meetings from time to time.

Legislation

Reasonable notice must be provided to the public (refer sections 89(4) and (A) of the *Local Government Act 1989*).

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of Human Rights and Responsibilities Act 2006.

Organisational

- **Financial**

A review of 2019 'Council in the Community' meetings identified only minor budgetary impacts, predominantly based around vehicle travel. Holding these meetings during the day will allow minimal impact compared to night meetings where staff and Councillors may have to stay overnight. Councillors and staff required to present at the meetings will be encouraged to car-pool where appropriate and officers will be encouraged to combine any other business that they may have in that locality to maximise the use of the journey.

Consultation

As the Council meeting venues and times proposed differs from past practice, residents will be notified through appropriate public notice through traditional and digital media.

APPENDICES AND ATTACHMENTS

Appendices

Nil

Attachments

Nil

Cr Joe Rettino / Cr Marianne Pelz

THAT CR JOE RETTINO BE GRANTED PERMISSION TO RAISE AN ITEM OF URGENT AND OTHER BUSINESS RELATING TO A MOTION TO WRITE LETTERS TO RELEVANT MINISTERS, GOVERNMENT DEPARTMENTS AND OTHER RELATED THIRD PARTY AGENCIES REQUESTING THAT THE PRINCES HIGHWAY, SNOWY MONARO HIGHWAY AND THE GREAT ALPINE ROAD BE CLASSIFIED AS ROADS OF STRATEGIC IMPORTANCE.

CARRIED UNANIMOUSLY 04/20/20

Cr Joe Rettino / Cr Marianne Pelz

THAT THE MAYOR WRITE TO:

- 1. THE PRIME MINISTER, THE HON SCOTT MORRISON, THE HON MICHAEL MCCORMACK (DEPUTY PRIME MINISTER, MINISTER FOR INFRASTRUCTURE AND REGIONAL DEVELOPMENT) ASKING THAT THE PRINCES HIGHWAY, SNOWY MONARO HIGHWAY AND THE GREAT ALPINE ROAD ARE SIGNIFICANT CORRIDOR ROADS FOR OUR LOCAL GOVERNMENT AREAS (LGA) AND THAT THESE ROADS BE CLASSIFIED AS ROADS OF STRATEGIC IMPORTANCE (ROSI);**
- 2. THAT THE MAYOR WRITE IN SUPPORT OF THE BEGA VALLEY SHIRE COUNCIL TO SUPPORT THEIR REQUEST TO THE HON MICHAEL MCCORMACK (DEPUTY PRIME MINISTER, MINISTER FOR INFRASTRUCTURE AND REGIONAL DEVELOPMENT) SEEKING THAT THE PRINCES HIGHWAY BE CLASSIFIED AS A ROSI LINKING BOTH OUR CROSS BORDER LGAS AND COMMUNITIES;**
- 3. THAT THE MAYOR WRITE TO THE GIPPSLAND LOCAL GOVERNMENT NETWORK (GLGN) AND THE CANBERRA REGION JOINT ORGANISATION (CRJO) SEEKING THEIR SUPPORT IN POINTS 1 AND 2 OF THIS MOTION; AND**
- 4. THAT THE MAYOR WRITE TO THE VICTORIAN AND NEW SOUTH WALES CROSS BORDER COMMISSIONERS SEEKING THEIR SUPPORT FOR THE PRINCES HIGHWAY AND SNOWY MONARO HIGHWAY TO BE CLASSIFIED AS ROSI.**

CARRIED UNANIMOUSLY 04/20/20

Cr Richard Ellis / Cr Jackson Roberts

COUNCIL WILL NOW CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH THE PROVISION OF SECTION 89 (2) (D) OF THE LOCAL GOVERNMENT ACT 1989, TO CONSIDER ITEM 7.1 AS THIS ITEM RELATES TO A CONTRACTUAL MATTER.

CARRIED UNANIMOUSLY 04/02/20

The meeting was closed to the public at 7.54 pm.

7 Confidential Business

Consideration of confidential matters under section 89(2) of the *Local Government Act 1989*.

Deliberations of Council while in closed session are recorded in Council's Confidential Minute Book.

Reports and Attachments are located in Council's Confidential Minute Book.

The meeting was re-opened to the public 8.10 pm.

7.1 CON2019 1333 Bairnsdale Aquatic and Recreation Centre Changeroom Upgrade

Cr Joe Rettino / Cr Marianne Pelz

THAT COUNCIL:

1. **ACCEPTS THE TENDER SUBMITTED BY BROOKER BUILDERS PTY LTD FOR CON2019 1333 BARC CHANGEROOMS UPGRADE, FOR THE CONTRACT AMOUNT OF \$235,808.52 EXCLUDING GST;**
2. **AUTHORISES SIGNING AND SEALING OF THE CONTRACTS IN THE FORM PROPOSED; AND**
3. **RESOLVES THAT THIS REPORT, ITS ATTACHMENTS, APPENDICES AND ALL DISCUSSIONS IN RELATION TO THIS MATTER REMAIN CONFIDENTIAL.**

CARRIED 04/02/20

For: Crs Buckley, O'Connell, Pelz, Reeves, Rettino, Toohey and White
Against: Crs Ellis and Roberts

8 Close of meeting

The meeting closed at 8.12 pm.

Confirmed _____

Cr John White, Mayor

Date: 3 March 2020