



# Minutes Council Meeting

**Tuesday 6 October 2020 at 6:00 pm**

**Council Chambers (and by video conferencing)  
East Gippsland Shire Council Corporate Centre  
273 Main Street, Bairnsdale 3875**

*Councillors*

Crs John White (Mayor), Ben Buckley, Richard Ellis,  
Natalie O'Connell, Marianne Pelz, Mark Reeves, Joe Rettino,  
Jackson Roberts and Colin Toohey.

## 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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**Anthony Basford**  
**Chief Executive Officer**

# 1 Procedural

## 1.1 Opening and Recognition of Traditional Custodians

Welcome to East Gippsland Shire Council's Ordinary Council meeting of 6 October 2020.

You will be aware that the Election Period commenced on 22 September 2020 and will conclude on 24 October 2020 at 6pm.

I would like to remind all Councillors and Council Officers that tonight's Council meeting falls within the Election Period; accordingly, the provisions of Council's Election Period Policy will apply.

These provisions are intended to assist Councillors and Council Officers to continue to conduct ordinary matters of administration that need to be addressed in the lead up to an election, while maintaining public confidence in an unbiased election process. East Gippsland Shire Council is committed to the principle of fair and democratic elections and has adopted the practices detailed within this Election Period Policy to guide the conduct of Councillors and Council Officers throughout the election process

Effective from 1 May 2020, amendments to the Local Government Act 2020, allows virtual council meetings to ensure decision making can continue during the coronavirus pandemic. The Council meeting must be livestreamed.

East Gippsland Shire Council will livestream, record and publish its meeting via webcasting to enhance the accessibility of the meetings to the broader East Gippsland community. These recordings are archived and available for viewing by the public or used for publicity or information purposes.

Pre-recorded videos for public questions and requests to speak on an agenda item, submitted in the correct form prior to the Council meeting, will be played at the appropriate time during the meeting and included in the recording of the meeting.

No other person has the right to record Council meetings unless approval has been granted by the Chair.

As per the Minister's Good Practice Guideline issued by the Minister for Local Government on 29 April 2020, the intention is to ensure the normal ordinary business of council can continue through the use of electronic communication.

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 Marianne Pelz / Cr Mark Reeves***

***THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING 15 SEPTEMBER 2020 BE CONFIRMED.***

***CARRIED UNANIMOUSLY 6/10/2020***

#### **1.5 Next meetings**

Statutory Council Meeting, Tuesday 17 November 2020 to be held at the Corporate Centre, 273 Main Street, Bairnsdale commencing at 6.00pm.

Ordinary Council Meeting, Tuesday 24 November 2020 to be held at the Corporate Centre, 273 Main Street, Bairnsdale commencing at 6.00pm.

#### **1.6 Requests for leave of absence**

Nil

#### **1.7 Request to speak about your Community Project**

Nil

#### **1.8 Public question time**

Nil

## 1.9 Record of Assemblies of Councillors

### 1.9.1 Record of Assemblies of Councillors

**Endorsed by** General Manager Business Excellence

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#### Executive Summary

In accordance with section 80A(2) of *the Local Government Act 1989* (the Act), this report provides a summary record of assemblies of Councillors held during the period 21 August 2020 to 24 September 2020, refer to table below. Also included in the report are 11 records from Chief Executive Officer Employment and Remuneration Committee, Economic Development Committee, Livestock Exchange Committee, Marina Consultative Committee and a Councillor Briefing, not previously presented.

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

<b>Assembly of Councillors meetings:</b>	<b>Meeting date:</b>
Councillor Briefing	21 January 2020 25 August 2020 01 September 2020 08 September 2020 15 September 2020 22 September 2020
Councillor Only Time	25 August 2020 01 September 2020 08 September 2020 22 September 2020
East Gippsland Shire Council Planning Consultative Meeting Planning Permit Application 340/2019/P – 17 Forge Creek Road, Eagle Point.	24 August 2020
East Gippsland Shire Councillors and Audit and Risk Committee Members Annual Joint Meeting	15 September 2020
Chief Executive Officer Employment and Remuneration Committee	19 November 2019 01 October 2019 10 March 2020 30 July 2020 12 August 2020 18 August 2020 26 August 2020
East Gippsland Shire Council – Economic Development Advisory Committee	23 March 2020 17 August 2020
East Gippsland Shire Council - Livestock Exchange Consultative Committee	03 August 2020
East Gippsland Shire Council Marina Consultative Committee	14 August 2020

Councillor only time was not scheduled on 15 September 2020 as Councillors met with the Audit and Risk Committee as indicated in the table of meetings above.

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

The recommended decision is not a major policy decision, or a significant decision as defined by Council's Election Period Policy.

### **Recommendation**

***That Council notes the record of assemblies of Councillors that occurred during the period 21 August 2020 to 24 September 2020, together with 11 records from Chief Executive Officer Employment and Remuneration Committee, Economic Development Committee, Livestock Exchange Committee, Marina Consultative Committee and a Councillor Briefing not previously presented as provided at Attachment 1.***

***Cr Natalie O'Connell / Cr Jackson Roberts***

***THAT THE RECOMMENDATION BE ADOPTED***

***CARRIED UNANIMOUSLY 6/10/2020***

### **OFFICER COMMENT / CONTEXT**

#### **Discussion**

As required by the Act, this report presents a formal record of assemblies of Councillors held during the period 21 August 2020 to 24 September 2020, together with 11 records from Chief Executive Officer Employment and Remuneration Committee, Economic Development Committee, Livestock Exchange Committee, Marina Consultative Committee and a Councillor Briefing, not previously presented.

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

#### **Council Plan**

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

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

#### **Resourcing**

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



## Climate Change

This report has been prepared and aligned with the following Climate Change function/category:

Corporate/Strategic/Council Plan: Consideration is given to climate change in corporate, strategic or council plan(s) and includes responses to direct and indirect impacts.

## Legislation

On 24 March 2020 the Government passed the *Local Government Act 2020* (the new Act). Provisions from the new Act are being commenced in four stages. The first tranche of provisions commenced on 6 April 2020 with other tranches commencing on 1 May 2020 and 24 October 2020. All remaining provisions are commencing on 1 July 2021. The *Local Government Act 1989* applies in circumstances where the new Act has not commenced.

The East Gippsland Shire Council is required to make decisions under both Acts as the transition occurs. Council has implemented mechanisms to ensure decisions are made according to the relevant provisions of either the *Local Government Act 1989* or the *Local Government Act 2020* as in force at the date of the decision.

This report has been prepared in accordance with *Local Government Act 1989* s80A and s80A(2). S80A sets out the requirements Councils must observe in respect of assemblies of Councillors and s80A(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.

## Attachments

1. 1.9.1 Attachment Assemblies of Councillors - Council meeting 06.10.20 [1.9.1.1 - 47 pages]

### **1.10 Petitions**

Nil

## **2 Notices of Motion and/or Rescission**

Nil

## **3 Deferred Business**

Nil

## **4 Councillor and Delegate Reports**

### **4.1 Cr Marianne Pelz**

Cr Pelz spoke to her written report at folio 2426.

### **4.2 Cr Jackson Roberts**

Cr Roberts spoke to his written report at folio 2426.

### **4.3 Cr Richard Ellis**

Cr Ellis spoke to his written report at folio 2427.

### **4.4 Cr Ben Buckley**

Cr Buckley focused his report on reflecting on his time at Council and thanked his fellow Councillors.

### **4.5 Cr Mark Reeves**

Cr Reeves spoke to his written report at folio 2427.

### **4.6 Cr Joe Rettino**

Cr Rettino spoke to his written report at folio 2429.

### **4.7 Cr Natalie O'Connell**

Cr O'Connell spoke to her written report at folio 2430.

### **4.8 Cr Colin Toohey**

Cr Toohey spoke to his written report at folio 2431 and also reflected on his time at Council and thanked his fellow Councillors.

### **4.9 Cr John White Mayor**

Cr White spoke to his written report at folio 2432 and also reflected on his time at Council, thanked his fellow Councillors and Congratulated Cr Buckley for his number of years of service to the community.

## **COUNCILLOR WRITTEN REPORT**

### **Cr Marianne Pelz**

Thank You Mr. Mayor,

Rural councils Victoria still remains active with another meeting via skype scheduled for Friday. We will be discussing the Rural Council's Structural Plan, which will be finalised at our meeting as a sign off gesture and direction forward to the next progressive Rural Council Victoria executive committee. Many of the reports which have been commissioned by this group has been of relevance at a high level for all rural Councils to be using statistically to support beneficial funding. I really feel having a seat at the Rural Council table has been of direct benefit to our communities given that we are a cross border Council, the farthest East Council and the second largest Council in the State. I hope in the next Council the Councillors see it important to take up the role and fill the seat I leave behind for continual beneficial outcomes to our rural Council.

As a committee we have still been working diligently behind the scenes in regards to the South East Australian Transport Strategy (SEATS) and the cross border COVID-19 restraints and issues arising. I look forward to continuing to work with them into the future in a private role. The last great news story I heard only last night was from The Honorable Darren Chester MP yet another great news story announcing funding to finally seal the last 12kms of the Bonang highway a section which was always in the too hard basket to complete. With this stated I feel extremely satisfied that I have completed my job successfully bringing betterment to our region.

Before I sign off, I would like to thank the community for its support, it has been an absolute pleasure to represent this community at this level. Thank you also to all the Staff and the CEO for all their great work and of course to my fellow Councillor colleagues it has been a great experience to have worked with you all. I would like to wish you all the best in the future!

Kind regards Signing off for the last time after 12 years

Cr. Marianne Pelz

This concludes my report for the month.

### **Cr Jackson Roberts**

I firstly need to acknowledge the Councillors, officers, advocacy groups and community members that supported me during this term.

My time on Council has been incredibly challenging... but also rewarding, however not in the ways I would have predicted.

Some of the hardest situations of my life have occurred here.

While I was extremely tested at times, I respect the work that other counillors have contributed.

I am incredibly grateful to have been given the opportunity to participate in local government and represent my peers.

I feel I can look back at my time on council and comfortably say that I stuck to my principles and stood up for what I believed in, even if at times, I may not have shared the view of others.

Councillors have a sole responsibility to represent their community.

Sometimes that involves asking difficult questions.

I would encourage that the new council remain sure, strong and to constantly review and reassess all process to ensure the best outcome for East Gippsland.

I would wish them all the very best in their next council term.

I look forward to watching from the sidelines.

Thank you.

### **Cr Richard Ellis**

First and foremost, I would like to welcome everyone who may be viewing the streaming of this final Ordinary Meeting of this term of Council live from the Chamber in Bairnsdale this evening.

In commencing this evening, I would like to acknowledge and thank those Councillors seated around the Chamber for their contribution to, and service to, our East Gippsland Shire Council and the community it serves. I am sure their service will be widely acknowledged. I would also like to acknowledge and thank the work, application and dedication of the staff and Officers of the Shire all of whom have been led well by CEO Anthony Basford new well not so new CEO and his leadership team.

Having run through the activities recorded in my diary the major matters I wish to bring to this meeting is that I have continued in the past weeks to be involved in matters associated with waste management and working on the reform processes of Recycle Victoria by the running of forums and board meetings. I would also like to mention attending meetings of the Australian Coastal Councils Association and representing Council in discussions relative to Coastal asset and infrastructure and coastal erosion.

Thank you all gathered here this evening once again

### **Cr Mark Reeves**

Wunman-Ninje, good evening and welcome.

Councillors, officers and community members who may be viewing tonight.

Thank you for the opportunity to speak.

I'm proud of the work this council has undertaken and achieved in this last four years.

After a shaky start, we should celebrate the achievements of this group and this organisation.

There is a comprehensive end of term report, and CEO is this readily available and will it be publically shared for the community to review?

This council engaged the current CEO and Anthony, I want to thank you for your work and that of your team of senior staff. They have led a revival that continues in this organisation. Keep your foot on the accelerator.

Some of the highlights that I reflect positively on include:

- Live streaming these meetings-good practice as it transpired with COVID19 meeting restrictions.
- Taking these meetings to the community. I have really valued this aspect of our governance and engagement, and we are willing to accept the costs, no investment, associated with this great piece of democracy. It has been positively received.
- Bridge renewal and capital works program.
- Aboriginal traineeship programs.
- The Ageing well in East Gippsland strategy.
- Waste strategies as we all grapple with issues of reducing our cost and impacts on the environment. Waste is a never-ending issue for us. It won't go away.
- Renewable energy program and Solar Bulk Buy program.
- The investment in streetscapes in our towns makes me proud, Councillors. Orbost, Lakes, Cann River, Paynesville, Twin Rivers all look fresher and more contemporary.
- Place-Based Planning, such as Cann River, Twin Rivers and Errinundra-Snowy District plans.
- And we have battled with drought, Black Summer fires and Covid19 impacts. Terrible. Awful events and times.
- None of this is easy, and it takes collaboration and constant work.
- I will also briefly mention the community satisfaction survey results, which like all work in government and public life can be both a cause for celebration and a reason for the focus on continuous improvement.
- Councillors, I want to thank you for your work and collaboration around this table. We have not always agreed on individual issues, but we have all work towards better outcomes for our community as a result of the diversity of contribution.
- I wish you well and on behalf of the community thank you for your contribution to public life. I feel I have made friendships and connections that make me a better person as a result of my interactions with you, so thank you.
- Cr Buckley I note your retirement from 28 years in public life. Congratulations and thank you.
- To our three mayors from this term, thank you for your dedicated work and ably representing the views of council in many local, regional, state and national forums.
- I've said this before, but there is a reason for the handsome portrait, they hang out there in the foyer, that the shire takes of you as mayor: you give it to your family at the start of the term because that's all they'll see of you for the next 12 months. Around this table there are a few mayors, and that rings true, does it not?
- And to our support staff behind the scenes here who tirelessly help us as Councillors in our regular ICT or other ineptitudes, thank you.
- They say behind every successful Councillor is an astounded councilor support team!

- To our community watching tonight, thank you for giving me the opportunity to be your representative here in this chamber and in the many privileged roles I have been humbled to accept.

## Cr Joe Rettino

Date	Report Item
2016 to 2020	<p>Last Councillor report for this Council term: As an East Gippsland Mayor 2016-2018 and Councillor to 2020, I helped influence and advocate for the <b><u>key priorities</u></b> listed below.</p> <p>It has been a privilege to serve the people of East Gippsland for the past four years and even though I'm not continuing beyond this current term my passion and advocacy for everything that is great about this region will continue. I leave this place knowing that there is:</p> <ul style="list-style-type: none"> <li>• <b>Long term strategic vision</b> <ul style="list-style-type: none"> <li>○ Respectful advocacy to ensure decision makers knew where East Gippsland was and our need for infrastructure investment. Why so that we get our fair share of government investment. Our ABS SEIFA Index for disadvantage demands State and Federal government attention.</li> </ul> </li> <li>• <b>Health and wellbeing</b> <ul style="list-style-type: none"> <li>○ Worked with partner agencies to develop a region wide health and wellbeing plan, Council now has a strategy and road map to make it easier to live in East Gippsland</li> </ul> </li> <li>• <b>Customer Centric organisation</b> <ul style="list-style-type: none"> <li>○ Developed and introduced a corporate CEO process that is creating and maintaining a customer centric organisation</li> <li>○ In 2016 I drove a strategy to create and take Council meetings on a regional roadshow to build inclusiveness for our remote towns and communities</li> <li>○ This process also improved community engagement leading to a compromise and resolving delivery of the Bemm River boat ramp</li> </ul> </li> <li>• <b>A tertiary study hub</b> <ul style="list-style-type: none"> <li>○ In 2018 through relentless advocacy the Gippsland East Tertiary Study Hub was seed funded and operationally funded for four years, It was only one of eight funded right across regional Australia.</li> <li>○ Work with the tertiary education sector to create opportunities that can retain our young people and provide training opportunities for our key sector regional employers. The objective to ensure local East Gippsland people have the best opportunity to get a local job.</li> </ul> </li> <li>• <b>Regional Economic development</b> <ul style="list-style-type: none"> <li>○ Making tourism a key priority. Advocate for experiential tourism projects to be funded. Jeremy Thorpe an economist from PWC has stated that experiential tourism keeps growing at double digit growth, for a region like East Gippsland the opportunity is significant.</li> <li>○ The Omeo MTB Project has been supported and funded by all tiers of government, pump/skills track December 2020 and trails completed March 2021.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Key NOM and urgent business issues</b> <ul style="list-style-type: none"> <li>○ <b>7/5/2019</b> Councillor professionalism tabled with CEO but now regret not presenting it to the community via a formal notice of motion. The current Councillor code of conduct and process has no mechanism for dealing with frivolous or vexatious allegations. Allegations like this and the process not being efficient leads to impacted and strained relationships that leads to poor decision making.</li> <li>○ <b>8/10/2019</b> A request to the State Government for an economic stimulus and support package following the buyout of the Gippsland akes commercial fishing licenses. We did this because of the knock-on impact/effect to our local economy</li> <li>○ <b>17/12/2019</b> The cessation of the provision of alcohol for Council meeting dinners which was previously funded from Council. We did this because this practice does not represent current workplace practice and wouldn't pass the street test</li> <li>○ <b>17/3/2020 ROSI</b> That the Mayor write to 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);</li> </ul> </li> <li>• Black Summer Bushfires</li> <li>• COVID-19 A once in a lifetime Pandemic (let's hope so)</li> </ul>
24/09/20	<p><b>East Gippsland Marketing Inc (EGMI) Marketing Plan Launch 2020/2021:</b></p> <p>I attended the EGMI marketing plan launch for 2020/21. The overview and plan was comprehensively presented by Marketing Manager Hayley Hardy. I would like to mention Pete Williams the keynote speaker for the launch event. Pete is a recognised thought leader and practitioner in Innovation. Pete started working with internet technologies in 1993 and in 1996 founded an eBusiness Consulting group, Deloitte Australia. Since that time Pete is the CEO of the Eclipse Group, a Deloitte subsidiary, and then founded Deloitte Digital.</p> <p>He is also the Chairman of Deloitte's Innovation Council and the Chief Edge Officer. He is recently named as one of Australia's top Digital Influences and is an Adjunct Professor at RMIT.</p> <p>We have been lucky in East Gippsland that Pete has been helping us through his Pro Bono work with Deloitte. Pete was heavily involved with the 2009 Black Saturday disaster working closely with the impacted communities during recovery from that horrific event. As the black summer bushfires unfolded across</p> <p>East Gippsland he made his presence felt by offering to assist our region with recovery post bushfires. We are lucky to have people of the caliber of Pete assist us and his work with the various community recovery committees has been uplifting to those communities. Pete and the many others continue show such significant support for our region in recovery and I just want to say a heartfelt thank you.</p>

### Cr Natalie O'Connell

It is hard to believe that my Council term has come to an end. When I was first elected, my children were eight months old and two years old. I now have a four and six-year-old!

Some of the achievements I'd like to highlight, that I am proud to say this Council has realised:



- Taking Council meetings on the road to our outlying centres
- The establishment of a tertiary multiversity hub creating learning opportunities so our young people can stay in East Gippsland
- The \$4M Omeo MTB project which has already produced significant economic stimulus
- The employment of a new CEO and his organisational restructure
- Creation of Place Manager positions for outlying centres like Omeo, Orbost and Mallacoota which I hope will bring more localised ownership and decision making back to these areas
- Drought Advocacy resulting in rate relief
- Increased the transparency by reducing the Council decisions made at meetings closed to the public - This council reduced this figure from around 40% when we first started to where we are now at 2.67% compared to other like councils are at approximately 8%.

With the exception of this COVID year, I travelled the Great Alpine Road every Tuesday and when I was the Mayor sometimes up to five days a week, getting home at all hours of the night. Having been able to skype in to meetings has also made a difference. As a large shire the travel/time/distance for attending meetings in person can also be a barrier for people considering running. Technology like this, especially through the pandemic has shown that it is part of the modern workplace and it is pleasing to see that following the notice of motion I raised earlier this year, the Local Government Minister has responded to say his office is undertaking further evaluation to understand whether virtual meetings become a permanent feature of the *Local Government Act 2020*

Last year, as the Mayor was an incredible time. I am proud to have been the youngest Mayor elected to East Gippsland Shire and also the first from the Omeo Region.

This year for us all, it has been incredibly challenging, from the drought, into bushfires and then COVID, and personally for me, the most devastating time in my life, losing my beautiful Mum and most recently my Grandfather. And these losses really put everything into perspective about what is important.

I'd like to take this opportunity to thank my family who have enabled me to give it my all as a Councillor for East Gippsland. My husband Aaron who has always been my greatest supporter and my two beautiful girls Holly and Chloe who know more about what a Councillor does than most adults! Also to my Dad and my sister and my brother who have enabled me to be able to do this job by helping out with the kids and supporting me no matter what. I'd also like to make mention to those Councillors and the Council staff who have provided support and collegiate friendship to me over the last 4 years. I am proud and privileged to have represented our community.

I wish all the candidates the best for the upcoming elections. To the voters, know who you are voting for and do your own research. Social media is an easy place to write what you want without any need to support your point of view. Your vote counts, and the next 4 years are going to be critical for East Gippsland.

### **Cr Colin Toohey**

- |          |   |
|----------|---|
| 27/08/20 | Submitted complaint to the Local Government Directorate regarding Cr Ellis, and the regular use of his council car by his wife. |
| 22/09/20 | Debrief with Michael Malouf - Work done by CEO Employment and Remuneration Committee to date.                                   |

**Cr John White**

14/09/20	Native Timber Taskforce (NTT) General Meeting
15/09/20	Special Audit and Risk Committee Meeting
15/09/20	Ordinary Council Meeting
18/09/20	One Gippsland Board Meeting – September
21/09/20	ABC The Drum – Interview
22/09/20	De-Brief – CEO Performance Framework
22/09/20	Meeting – The Hon Jane Garrett

## 5 Officer Reports

### 5.1 Strong Communities

#### 5.1.1 Gippsland Regional Plan 2020 – 2025

Authorised by Chief Executive Officer

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#### Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

#### Executive Summary

The current Gippsland Regional Plan (GRP) 2015 to 2020 is in its final year and has been fully revised.

Consultants Aerium were engaged by the Gippsland Regional Plan Leadership Group to undertake the revision of the Plan. The Leadership Group is made up of representatives from One Gippsland (formerly The Gippsland Local Government Network), Regional Development Australia, Regional Partnerships, Regional Development Victoria and Committee for Gippsland.

The GRP seeks to highlight the strengths and aspirations of the Gippsland region. The scope of the GRP is broader than in previous years bringing two additional focus areas – Collaborators and partners and A healthy, happy and inclusive community.

The GRP does not commit Council to any particular course of action or diminish Council's ability to advocate for important local issues or projects, but seeks to create a platform for a united and coordinate approach to regional issues.

The recommended decision is not a major policy decision, or significant decision as defined by Council's Election Period Policy.

#### Officer Recommendation

***That Council receive and endorse the revised Gippsland Regional Plan.***

***Cr Joe Rettino / Cr Mark Reeves***

***THAT THE RECOMMENDATION BE ADOPTED***

***CARRIED UNANIMOUSLY 6/10/2020***

#### Background

The Gippsland Regional Plan 2015 to 2020 has been a successful advocacy document with a number of the projects listed being either delivered, funded or in the planning stages. A copy of the previous plan can be found at

[https://www.rdv.vic.gov.au/\\_data/assets/pdf\\_file/0011/1663544/Gippsland-Regional-Plan-2015\\_web.pdf](https://www.rdv.vic.gov.au/_data/assets/pdf_file/0011/1663544/Gippsland-Regional-Plan-2015_web.pdf)

The revised Gippsland Regional Plan 2020 – 2025 attached, is a long-term strategic plan for improving the economic, social and environmental outcomes for the Gippsland region and community.

The GRP has been developed collaboratively bringing together all levels of government, agencies and community organisations. Whilst the GRP is a five-year plan it has been drafted with a longer-term vision in mind about where Gippsland could be in 2040. This is highlighted in the document that states:

*“The plan is a blueprint for how we ensure Gippsland reaches its full potential and is on the map as the place to live, work, invest and play. The plan is unashamedly big and bold and is based on research and extensive stakeholder consultation. Its implementation requires strong collaboration and action...*

*...It doesn't attempt to cover every challenge Gippsland is facing, nor does it suggest we have all the solutions now. It is intended to ignite the conversation and action about Gippsland's future, and what we can all do individually and collectively about it.”*

During the development of the GRP, extensive work was done to ensure that projects and initiatives included were truly regional in nature. The GRP is not intended to replace local project and initiative advocacy or take away from any partner agency to advocate on issues it believes are important to the work it does.

## **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*.

## **Collaboration**

Not applicable

## **Council Plan**

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

Strong Communities Goal 3 - East Gippslanders enjoy healthy lifestyles.

A Growing Region of Opportunities Goal 1 - East Gippsland is a region of economic opportunity with strong industry sectors, a skilled workforce and local jobs.

Good Governance Goal 2 - Our relationships with other levels of government and partners that deliver great outcomes for East Gippslanders.

## **Council Policy**

Not applicable

## **Options**

The receiving and endorsing of the revised Gippsland Regional Plan 2020 – 2025 does not place any burden on ratepayers or future Councils. The GRP ensures East Gippsland Shire Council is involved and part of the advocacy to ensure Gippsland receives the attention from the State and Commonwealth Governments that it deserves.

The nature of regional projects and initiatives means that success with these projects will bring benefits to East Gippslanders

## **Resourcing**

### *Financial*

Council has contributed \$5,000 to the development of the Gippsland Regional Plan.

Projects and initiatives listed will require resources from State and Commonwealth Governments and the private sector.

### *Human Resources*

A consultant was engaged through the process to undertake the development of the GRP.

### *Risk*

The risk in the GRP would be not being part of its development and then ongoing advocacy. The GRP provides a clear, united and future focused plan that seeks to minimise the risk of Gippsland not being at the forefront of Government Policy and investment, and demonstrates to the private sector a clear strategy for the region.

## **Economic**

The GRP is a long-term strategic plan for improving the economic, social and environmental outcomes for the Gippsland region.

## **Social**

As above

## **Environmental**

As above

### *Climate change*

This report has been prepared and aligned with the following Climate Change function/category:

Corporate/Strategic/Council Plan: Consideration is given to climate change in corporate, strategic or council plan(s) and includes responses to direct and indirect impacts.

Section 2.1 of the GRP specifically covers climate change initiatives.

## **Engagement**

East Gippsland Shire Council is represented on One Gippsland by the Mayor of the day and the Chief Executive Officer. One Gippsland has received regular progress updates on the development of the GRP, and Councillors have been updated in Briefings. The Chief Executive Officer of Wellington represents One Gippsland on the GRP Leadership Group.

Significant consultation has been undertaken by the consultants. An engagement plan was developed, which included face to face meetings (albeit virtually), a survey of agencies and community organisations and regular input from the GRP Leadership Group. There was a deliberate and concerted effort to engage with young people, Aboriginal people and organisations through the development process.

### **Attachments**

1. Final Gippsland Regional Plan 2020 – 2025 [5.1.1.1 - 79 pages]

## 5.2 Good Governance

### 5.2.1 East Gippsland Shire Council Audit and Risk Committee Performance Review 2019/20

Authorised by General Manager Business Excellence

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#### Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

#### Executive Summary

This report seeks Council's consideration and noting of the report on the Audit and Risk Committee ('the Committee') annual performance review for 2019/20. As required in the Audit and Risk Committee Charter the Committee undertakes an annual assessment of its performance and provides a report to Council.

The assessment is completed through a survey of Committee members (including Councillors who are on the Committee), Councillors who do not sit on the Committee, and senior officers. The results were assessed by the Committee. The Chairman reported the review and the outcomes to a joint meeting with Councillors in September.

This summary outlines the responses the Committee will implement during 2020/21 as a result of the performance review and subsequent discussion with Council.

The recommended decision is not a major policy decision, or a significant decision as defined by Council's Election Period Policy.

#### Officer Recommendation

***That Council notes this report on the annual performance review of the East Gippsland Shire Council Audit and Risk Committee for the year ended 30 June 2020.***

***Cr Joe Rettino / Cr Natalie O'Connell***

***THAT THE RECOMMENDATION BE ADOPTED***

***CARRIED UNANIMOUSLY 6/10/2020***

#### Background

The Audit and Risk Committee Charter requires the Committee to conduct annually, an evaluation of the performance of the Audit and Risk Committee against the Audit and Risk Committee Charter and provide an assessment to the Chief Executive Officer for tabling at the next Council meeting.

A survey regarding the performance of the Audit and Risk Committee was completed by individual Committee members, Councillors who do not sit on the Committee and senior officers.

The questionnaire completed by the respondents covered the following areas of the Committee's operations:

- strengths and weaknesses of the committee over the past 12 months and key focus areas for the next 12 months;
- the Committee's understanding and conduct of its required duties;
- the appropriateness of the Committee charter;
- the mix of skills within the Committee;
- the conduct of meetings and administrative matters; and
- professional development undertaken in the past 12 months or that would be beneficial in future (questions addressed to Committee members only).

The results of the survey were assessed by the Committee at a meeting in August. The discussion focused on the issues raised in the survey and considered ways of improving the practice of the Committee. The Chairman presented the review and outcomes to Council at a joint meeting with Councillors in September.

The process has indicated a general agreement that the Committee has met the objectives as outlined in the Audit and Risk Committee Charter for 2019/20.

The transition to video conferencing as a result of the COVID-19 social distancing requirements was identified as a highlight of the year as it provided greater reach to the committee and ultimately better engagement. The Committee will continue to use video conferencing for its meetings.

There has been an improvement in communication between the Committee and Council over the preceding twelve months. The Committee is committed to ongoing improvements and focus on maintaining good communication with Council.

The main concern for the Committee was time management and length of the agenda. Though the Committee considered an extra meeting during the year it was decided that this was not desirable. The Committee is keen to improve meeting practices and maintain a strategic focus on matters presented for consideration. The Committee is working with management to focus the agenda and streamline reports and presentations to the Committee.

The Committee suggested the following improvements for 2020/21:

- Pre-meeting questions submitted to management to enable with informed responses and minimising the need to include the matter on a future agenda;
- Reviewing and improving the onboarding of new Committee members;
- Exploring opportunities to provide positive feedback to report writers for the quality information provided and outcomes achieved in the work environment; and
- Reviewing meeting process and performance regularly to provide continual improvement.

## **Legislation**

On 24 March 2020 the Government passed the *Local Government Act 2020* (the new Act). Provisions from the new Act are being commenced in four stages. The first tranche of provisions commenced on 6 April 2020 with other tranches commencing on 1 May 2020 and 24 October 2020. All remaining provisions are commencing on 1 July 2021. The *Local Government Act 1989* applies in circumstances where the new Act has not commenced.



The East Gippsland Shire Council is required to make decisions under both Acts as the transition occurs. Council has implemented mechanisms to ensure decisions are made according to the relevant provisions of either the *Local Government Act 1989* or the *Local Government Act 2020* as in force at the date of the decision.

This report has been prepared in accordance with *Local Government Act 2020* Section 53 which stipulates that Councils must establish an Audit and Risk Committee and section 54 requires Council to adopt an Audit and Risk Charter. The Charter requires the Audit and Risk Committee to provide an assessment of its performance to Council.

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*.

## **Collaboration**

Not applicable for this report.

## **Council Plan**

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

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

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

## **Council Policy**

This report addresses the requirements of the Audit and Risk Committee Charter for the Audit and Risk Committee to conduct annually, an evaluation of the performance of the Audit and Risk Committee against the Audit and Risk Committee Charter and provide an assessment to the Chief Executive Officer for tabling at the next Council meeting.

## **Options**

Not applicable for this report.

## **Resourcing**

### *Financial*

Not applicable for this report.

### *Plant and equipment*

Not applicable for this report.

### *Human Resources*

Not applicable for this report.

### *Risk*

Not applicable for this report.

**Economic**

Not applicable for this report.

**Social**

Not applicable for this report.

**Environmental**

Not applicable for this report.

*Climate change*

This report has been prepared and aligned with the following Climate Change function/category:

This report is assessed as having no direct impact on climate change.

**Engagement**

Not applicable for this report.

**Attachments**

Nil

**Conflict of Interest**

Officers preparing this report have no conflict of interest to declare.

**Executive Summary**

This report presents the Annual Report 2019-20 for Council's consideration, under the requirements of the *Local Government Act 1989*. The Annual Report has information on organisational performance reports, comprehensive financial statements, and a review of Council strategies.

Although the Minister for Local Government has extended the deadline for submitting the Annual Report to up to 30 November 2020, we are seeking to endorse the Annual Report at the Council Meeting on 6 October 2020.

As the Annual Report 2019-20 is being endorsed and published during the Councillor election period we are unable to use material that could be deemed as promotional, so all achievements and image of Councillors will not be included in this report, with the exception of the Councillors profile image. A video of Council's highlights over the past year will be created and promoted following the election period, providing an overview of the report's key information. The intention is to release the video following the election period so that we will be free to use Councillors images and achievements for the year.

A copy of the report has been provided at **Attachment 1**.

The recommended decision is not a major policy decision, or a significant decision as defined by Council's Election Period Policy.

**Officer Recommendation**

***That Council having considered the Annual Report 2019-20, as provided at Attachment 1, endorses the report as forwarded to the Minister for Local Government on 30 September 2020.***

***Cr Mark Reeves / Cr Richard Ellis***

***THAT THE RECOMMENDATION BE ADOPTED***

***CARRIED UNANIMOUSLY 6/10/2020***

**Background**

The Annual Report 2019-20 is presented to Councillors for consideration. The information in the report was provided by officers from across the organisation and follows Local Government Victoria's Better Practice Guide.

Although the Minister for Local Government has extended the deadline for submitting the Annual Report to up to 30 November 2020, we are seeking to endorse the Annual Report under our standard timeline. Under section 134 of the *Local Government Act* 1989, the Council must consider the Annual Report at a meeting of Council, which must be after the Council has sent the annual report to the Minister. Having now sent the Annual Report 2019-20 to the Minister, Council is in a position to consider the report.

As the Annual Report 2019-20 is being endorsed and published during the Councillor election period we are unable to use material that could be deemed as promotional, so all achievements and image of Councillors will not be included in this report, with the exception of the Councillors profile image. A video of Council's highlights over the past year will be created and promoted following the election period, providing an overview of the report's key information. The intention is to release the video following the election period so that we will be free to use Councillors images and achievements for the year.

## **Legislation**

On 24 March 2020 the Government passed the *Local Government Act* 2020 (the new Act). Provisions from the new Act are being commenced in four stages. The first tranche of provisions commenced on 6 April 2020 with other tranches commencing on 1 May 2020 and 24 October 2020. All remaining provisions are commencing on 1 July 2021. The *Local Government Act* 1989 applies in circumstances where the new Act has not commenced.

The East Gippsland Shire Council is required to make decisions under both Acts as the transition occurs. Council has implemented mechanisms to ensure decisions are made according to the relevant provisions of either the *Local Government Act* 1989 or the *Local Government Act* 2020 as in force at the date of the decision.

This report has been prepared in accordance with *Local Government Act* 1989 sections 131, 132, 133 and 134 section from the Act. 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.

## **Collaboration**

Not applicable for this Council report.

## **Council Plan**

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

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

Good Governance Goal 2 - Our relationships with other levels of government and partners that deliver great outcomes for East Gippslanders.

Responsive Services Goal 1 - East Gippsland Shire Council is a leading local government service provider.

## **Council Policy**

Not applicable for this Council report.

## **Options**

Not applicable for this Council report.

## **Resourcing**

### *Financial*

Not applicable for this Council report.

### *Plant and equipment*

Not applicable for this Council report.

### *Human Resources*

Council officers have prepared this Council report.

### *Risk*

The risks of this proposal have been considered and managed.

## **Economic**

Not applicable for this Council report.

## **Social**

Not applicable for this Council report.

## **Environmental**

Not applicable for this Council report.

### *Climate change*

This report has been prepared and aligned with the following Climate Change function/category:

Corporate/Strategic/Council Plan: Consideration is given to climate change in corporate, strategic or council plan(s) and includes responses to direct and indirect impacts.

## **Engagement**

Not applicable for this Council report.

## **Attachments**

1. Annual Report 2019-20 [5.2.2.1 - 176 pages]

Authorised by General Manager Business Excellence

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### Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

### Executive Summary

This report seeks Council's approval for the Instrument of Delegation from Council to Council staff for the various legislation that confers powers, duties and functions to Council and the Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) for the Manager Regulatory and Compliance Services, Place and Community Directorate.

Instruments of delegation and Instruments of Appointment and Authorisation need to be updated from time to time to reflect changes in legislation, organisational and administrative requirements.

The Instrument of Appointment and Authorisation enables officers to act on behalf of Council in certain circumstances. Council staff are authorised under the *Planning and Environment Act 1987* to represent the Council in enforcing the provisions of the Act. An Instrument of Appointment and Authorisation is required for Sam McPherson who was recently appointed as Manager Regulatory and Compliance Services to able the enforcement of the provisions of the *Planning and Environment Act 1987*.

The recommended decision is not a major policy decision, or significant decision as defined by Council's Election Period Policy.

### Officer Recommendation

#### ***That Council:***

- 1. in the exercise of the power conferred by the various Acts referred in the schedule of the Instrument of Delegation from Council to Council staff provided in Attachment 1 resolves that:***
  - a) the powers, duties and functions set out in the Instrument of Delegation in Attachment 1 be delegated to the position title specified;***
  - b) the Instrument of Delegation provided at Attachment 1 be signed and sealed;***
  - c) the Instrument of Delegation at Attachment 1 comes into force immediately after the common seal of Council is affixed;***
  - d) on the coming into force of the Instrument of Delegation at Attachment 1 the previous Instrument of Delegation from Council to Council staff is revoked;***
  - e) the duties and functions set out in the Instrument of Delegation at Attachment 1 must be performed, and the powers set out in the Instrument must be executed in accordance with any guidelines or policies of Council that it may from time to time adopt.***

2. *in the exercise of the powers conferred by section 224 of the Local Government Act 1989 and section 147 (4) of the Planning and Environment Act 1987 resolves that:*
- a) *the Instrument of Appointment and Authorisation and Instrument of Appointment and Authorisation certificates dated 2 June 2020 be revoked;*
  - b) *Council Officers named in the Instrument of Appointment and Authorisation provided at Attachment 2 and Instrument of Appointment and Authorisation certificates provided at Attachment 3 be appointed and authorised;*
  - c) *the Instrument of Appointment and Authorisation and Instrument of Appointment and Authorisation certificates come into force once the common seal is affixed and remain in force until Council determines to vary or revoke these; and*
  - d) *the Instrument of Appointment and Authorisation at Attachment 2 and Instrument of Appointment and Authorisation certificates provided at Attachment 3 be signed and sealed.*

**Cr Colin Toohey / Cr Joe Rettino**

**THAT THE RECOMMENDATION BE ADOPTED**

**CARRIED 6/10/2020**

For: Cr John White, Cr Richard Ellis, Cr Natalie O'Connell, Cr Mark Reeves,  
Cr Joe Rettino, Cr Jackson Roberts, Cr Colin Toohey  
Against: Cr Ben Buckley, Cr Marianne Pelz

## **Background**

Instruments of delegation and Instruments of Appointment and Authorisation need to be updated from time to time to reflect changes in legislation, organisational and administrative requirements. This report presents for Council considerations updates to the Instrument of Delegation from Council to Council staff for various legislation as outlined in schedule 1 of **Attachment 1** and the inclusion of a new appointment to the Instrument of Appointment and Authorisation for the *Planning and Environment Act 1987* for the Manager of Regulatory and Compliance Services, Place and Community Directorate.

## **Instrument of Delegation from Council to Council staff**

Instruments of Delegations are used to enable the day-to-day functioning of the legislative framework for Council by conferring powers, duties and functions of the Council to Council staff. This is particularly important given the numerous pieces of legislation the Council is responsible for administering.

Though under the *Local Government Act 2020* Council no longer directly delegates powers, duties and functions to Council staff, Council is still required to delegate directly to Council staff under other legislation.

The revised Instrument of Delegation from Council to Council staff at **Attachment 1** has been prepared using advice from Maddocks Lawyers regarding amendments to various legislation administered by Council. The delegation of powers, duties and function under the various legislation are to positions based on functions not people. The Instrument of Delegation has been updated to reflect organisational, administrative and legislative requirements for the period May 2019 to July 2020. Some of the delegations are subject to conditions or limitations and these are clearly articulated in the Instrument of Delegation.

A significant change to the Instrument of Delegation is the commencement of provisions in the *Residential Tenancies Act 1997*. Despite Council having limited application of this Act it is necessary to capture these changes to keep the instrument current. Most changes in the Instrument of Delegation reflect organisational responsibilities across the Directorates.

The power to declare and levy cladding rectification charges under section 185L(4) has been included to ensure it is clear that the delegation rests solely with the Chief Executive Officer. This ensures that this power cannot be delegated by the Chief Executive Officer to Council staff. There has been no legislative change to the Act rather this is to clarify where the level of delegation sits.

### **Instrument of Appointment and Authorisation**

The appointment of Authorised Officers allows the certain Council staff to act on behalf of the Council in the administration and enforcement of various Acts, regulations or local laws in accordance with the powers granted to them. Under the *Planning and Environment Act 1987* staff represent the Council in enforcing the provisions of the Act.

The Manager Regulatory and Compliance Services, Place and Community Directorate is required to be an authorised officer under the *Planning and Environment Act 1987*. This position was recently filled by Sam McPherson necessitating the update of the Instrument of Appointment and Authorisation for the *Environment and Planning Act 1987* at **Attachment 2** and the Instrument of Appointment and Authorisation certificates at **Attachment 3**.

All appointments are being updated to ensure these are managed in an effective and efficient manner.

### **Legislation**

On 24 March 2020 the Government passed the *Local Government Act 2020* (the new Act). Provisions from the new Act are being commenced in four stages. The first tranche of provisions commenced on 6 April 2020 with other tranches commencing on 1 May 2020 and 24 October 2020. All remaining provisions are commencing on 1 July 2021. The *Local Government Act 1989* applies in circumstances where the new Act has not commenced.

The East Gippsland Shire Council is required to make decisions under both Acts as the transition occurs. Council has implemented mechanisms to ensure decisions are made according to the relevant provisions of either the *Local Government Act 1989* or the *Local Government Act 2020* as in force at the date of the decision.

The Instrument of Appointment and Authorisation has been prepared in accordance with the Local Government Act 1989 and 2020 and the *Planning and Environment Act 1987*.

The Instrument of Delegation from Council to Council staff at **Attachment 1** has been prepared in accordance with the various legislation identified in the schedule.



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.

### **Collaboration**

As this report does not detail procurement arrangements there is no collaboration required.

### **Council Plan**

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

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

### **Council Policy**

There is no applicable Council Policy for this report.

### **Options**

There are no alternative options for Council to consider in relation to Instruments of Delegations or Instruments of Appointment and Authorisation.

### **Resourcing**

#### *Financial*

There are no financial implications from this report.

#### *Plant and equipment*

There are no plant and equipment implications from this report.

#### *Human Resources*

Updating the Instrument of Delegation will enable Council staff to apply the legislative responsibilities of Council.

Appointing the Manager Regulatory and Compliance Services, Place and Community Directorate an authorised officer under the *Environment and Planning Act* 1987 will enable the officer to enforce the requirements under the Act for the benefit of the municipal community.

#### *Risk*

The risks of this proposal have been considered and determined by the General Manager Business Excellence to be low.

### **Economic**

There are no economic impacts for the East Gippsland Shire from the approval of the Instruments outlined in this report.

## **Social**

The East Gippsland Shire will have confidence that Council is applying the powers, duties and functions of the various legislative requirements for the well-being and benefit of the municipal community.

## **Environmental**

The East Gippsland Shire will have confidence that Council is applying the powers, duties and functions of the various legislative requirements for the environmental sustainability of the Shire.

### *Climate change*

This report has been prepared and aligned with the following Climate Change function/category:

This report is assessed as having no direct impact on climate change.

## **Engagement**

The Instruments in the report have been prepared in consultation with appropriate personnel across the Council.

## **Attachments**

1. S 6 Instrument of Delegation - Updates from June 2019 to July 2020 ( Clean copy) [5.2.3.1 - 167 pages]
2. Instrument of Appointment ( P& E Act) ( Clean copy) [5.2.3.2 - 1 page]
3. Instrument of Appointment and Authorisation Certificates [5.2.3.3 - 10 pages]

## 5.2.4 Council meeting date post election declaration

Authorised by General Manager Business Excellence

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### Conflict of Interest

Officers preparing this report have no conflict of interest to declare.

### Executive Summary

This report seeks Council's approval to amend the Council meeting dates in November and December to accommodate potential delays in the declaration of the 2020 Local Government election results.

Council at its meeting held on 4 February 2020 (refer item 5.2.3) adopted the Council Meeting schedule 2020. Due to unforeseen circumstance throughout the year Council has amended the schedule of Council meetings and provided advice to the municipal community accordingly.

The Victorian Electoral Commission has advised that the election declarations are not anticipated to be completed until at least Friday 13 November 2020. The previous advice was that the declaration would be declared no later than 13 November 2020. This change is due to the potential flow on effects of the COVID-19 social distancing restrictions to the receipt of postal votes for counting and the vote counting process.

Several scenarios have been considered to manage the implications of the declaration past 13 November 2020. It is proposed that meeting dates are amended to ensure Council has a forum for timely and effective decision-making post the election. The proposal aims to retain the same number of Council meetings for the post-election period that was determined in Council's original decision in February 2020.

The recommended decision is not a major policy decision, or significant decision as defined by Council's Election Period Policy.

### Officer Recommendation

#### ***That Council resolves that:***

- 1. the Statutory Council meeting scheduled for 17 November 2020 remains, however in the event that the election results are declared after the 13 November 2020 the Statutory Council meeting is re-scheduled to the 24 November 2020;***
- 2. the Council meeting scheduled for the 24 November 2020 be amended to 1 December 2020;***
- 3. the Council meeting scheduled for the 8 December 2020 be amended to 15 December 2020;***
- 4. the Council meeting schedule in Attachment 1 as amended in accordance with recommendations 1-3 be adopted and published as the amended schedule of Council meetings;***
- 5. unless determined otherwise and notified to the municipal community through appropriate public notice the council meetings will be held in accordance with the amended Council meeting schedule in Attachment 1.***

**THAT THE RECOMMENDATION BE ADOPTED**

**CARRIED UNANIMOUSLY 6/10/2020**

**Background**

At the Council meeting held on Tuesday 4 February 2020 (refer item 5.2.3), Council adopted the schedule of Council meeting dates for 2020. Due to unforeseen circumstance throughout the year Council has amended the schedule of Council meetings to accommodate COVID-19 pandemic social distancing requirements and to ensure timely decisions on contract and planning matters.

The Victorian Electoral Commission has advised that the election declarations are not anticipated to be completed until at least Friday 13 November 2020. The previous advice was that the declaration would be declared no later than 13 November 2020. This change is due to the potential flow on effects of the COVID-19 social distancing restrictions to the receipt of postal votes for counting and the vote counting process.

Due to the uncertainty with the declaration of the election results the current schedule of meetings poses difficulties for preparing and scheduling Council reports for consideration in a timely and effective manner. In addition, the timing of the declaration and schedule of Council meetings also has implications for the preparation and organisation of induction activities for the new Council.

Several scenarios have been considered to manage the implications of the declaration past 13 November 2020 as outline in **Attachment 2**. These include the preferred option where to remove the fluidity in relation to preparing and scheduling Council reports it is considered appropriate to retain the Statutory meeting on 17 November 2020 and schedule Council meetings for the 1 and 15 December 2020.

Options 2 and 3 have been considered allowing for delays in the declaration of election results after the 13 November 2020 for up to a week. In both scenarios it is necessary to move the Statutory meeting from 17 November 2020 to the 24 November 2020. To retain the same number of meetings to transact Council business it is also necessary to schedule meetings on the 1 and 15 December 2020.

To ensure Council has a forum for timely and effective decision-making post the election process and Council reports can be prepared and scheduled appropriately it is proposed in **Attachment 1** that the Council meetings are amended as follows:

- a) the Statutory Council meeting scheduled for 17 November 2020 remains, however in the event that the election results are declared after the 13 November 2020 the Statutory Council meeting is re-scheduled to the 24 November 2020;
- b) the Council meeting scheduled for the 24 November 2020 be amended to 1 December 2020; and
- c) the Council meeting scheduled for the 8 December 2020 be amended to 15 December 2020.

All meetings will be held at the Corporate Centre, Bairnsdale.

The proposed changes aim to retain the same number of Council meetings for the post-election period that was determined in Council's original decision in February 2020.

## **Legislation**

On 24 March 2020 the Government passed the *Local Government Act 2020* (the new Act). Provisions from the new Act are being commenced in four stages. The first tranche of provisions commenced on 6 April 2020 with other tranches commencing on 1 May 2020 and 24 October 2020. All remaining provisions are commencing on 1 July 2021. The *Local Government Act 1989* applies in circumstances where the new Act has not commenced.

The East Gippsland Shire Council is required to make decisions under both Acts as the transition occurs. Council has implemented mechanisms to ensure decisions are made according to the relevant provisions of either the *Local Government Act 1989* or the *Local Government Act 2020* as in force at the date of the decision.

This report has been prepared in accordance with *Local Government Act 2020* section 60 that requires Council meetings to be conducted in line with Governance Rules. Sections 25 and 27 outlined the requirements for the election of the Mayor and Deputy Mayor within one month of the general election.

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*.

## **Collaboration**

As this is not a procurement there is no collaboration required.

## **Council Plan**

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

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

## **Council Policy**

Council meetings are conducted in accordance with the Governance Rules. The timing

## **Options**

As outline in Attachment 2 several options have been considered in relation to the timing of Council meetings. It is preferable, due to the fluid nature of the declaration of election results from the Victorian Electoral Commission, that the Statutory meeting is proposed for the 17 November 2020 but if the election is declared after the 13 November 2020 it is rescheduled for the 24 November 2020.

In addition, to retain the number of Council meeting originally scheduled it is proposed to have two meetings in December. This will replace the 24 November and 8 December with the 1 and 15 December 2020 respectively. Though there will be no scheduled meeting in November to transact Council business it is preferable to provide some certainty to the municipal community and Council staff of when Council will be able to make timely and effective decisions.

## **Resourcing**

### *Financial*

There are no financial implications for this report.

### *Plant and equipment*

There are no plant and equipment implications for this report.

### *Human Resources*

Adopting the recommendations in this report will assist Council staff with the considered preparation and scheduling of Council reports and induction processes for the new Council.

### *Risk*

The risks of this proposal have been considered and agreed by the General Manager Business Excellence.

## **Economic**

This report ensures Council has a forum for timely decision-making for matters that support the municipal economy. It is expected that the Council meetings in December will consider contractual and planning matters which will benefit the community through multiple effects.

## **Social**

This report ensures Council can make timely and effective decisions to support the municipal community.

## **Environmental**

This report ensures Council can make decisions to support the environmental sustainability of the Shire.

### *Climate change*

This report has been prepared and aligned with the following Climate Change function/category:

This report is assessed as having no direct impact on climate change.

## **Engagement**

The municipal community will be advised of the changes by an announcement on Council's website.

## **Attachments**

1. Proposed meeting schedule [5.2.4.1 - 1 page]
2. Options for Council meetings [5.2.4.2 - 1 page]

## 6 Urgent and Other Business

### 6.1 Presentation to Mayor Cr John White

*Cr Ben Buckley / Cr Richard Ellis*

**THAT CR BUCKLEY BE GRANTED APPROVAL TO INCLUDE AN ITEM OF URGENT BUSINESS REGARDING A PRESENTATION TO THE MAYOR CR JOHN WHITE.**

**CARRIED UNANIMOUSLY 6/10/2020**

*Cr Ben Buckley / Cr Richard Ellis*

**THAT CR BEN BUCKLEY, DEPUTY MAYOR MAKE A PRESENTATION TO CR JOHN WHITE, MAYOR ON BEHALF OF THE COUNCILLORS, CHIEF EXECUTIVE OFFICER AND STAFF OF EAST GIPPSLAND SHIRE, IN APPRECIATION OF HIS MAYORAL ROLE DURING THE PAST TWELVE MONTHS AS MAYOR.**

**CARRIED UNANIMOUSLY 6/10/2020**

For: Cr Ben Buckley, Cr Richard Ellis, Cr Natalie O'Connell, Cr Marianne Pelz,  
Cr Mark Reeves, Cr Joe Rettino, Cr Jackson Roberts, Cr Colin Toohey

Abstained: Cr John White

## 7 Confidential Business

Nil

## 8 Close of Meeting

Cr John White Mayor declared the Council Meeting - Tuesday 6 October 2020 closed at **7:24 pm.**

Confirmed

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To be confirmed

1 December 2020