



Minutes

Council Meeting

Tuesday 1 December 2020 at 6:00 PM

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

Councillors

Crs Mendy Urie (Mayor), Mark Reeves (Deputy Mayor), Arthur Allen, Sonia Buckley, Tom Crook, Jane Greacen OAM, Trevor Stow, Kirsten Van Diggele and John White.

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

Welcome to East Gippsland Shire Council's Ordinary Council meeting of 1 December 2020.

East Gippsland Shire Council live streams, records and publishes its meetings via webcasting ([youtube.com/c/East Gippy TV](https://youtube.com/c/EastGippsTV)) to enhance the accessibility of its meetings to the broader East Gippsland community.

These recordings are also archived and available for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, any members of the gallery who are addressing the council will have their image, comments or submissions recorded.

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

The Victorian Government has amended the *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Acts 2020* that enables Council meetings to be conducted by electronic means (videoconferencing) until 26 April 2021. The Minister for Local Government re-issued the Ministerial Good Practice Guideline for Virtual Meetings on 20 October 2020 outlining the provisions relating to the *Local Government Act 2020* allow Councillors to attend Council meetings electronically, and the requirement where Council meetings are open to the public will be satisfied where the meeting is livestreamed. The amendments do not preclude Councillors from attending a meeting in person in the Council chambers.

Members of the public are invited to view the Council Meeting livestreamed by following the link on Council's website or Facebook page.

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidjural people as the Traditional Custodians of the land that encompasses East Gippsland Shire. We pay our respects to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders past and present.

1.2 Apologies

Nil

1.3 Declaration of Conflict of Interest

Cr Kirsten Van Diggele declared a conflict of interest in item *5.2.1 Submission to the Fingerboards Mineral Sands Project EES Process*, as a general interest due to having a relationship with contractor.

Fiona Weigall General Manager Assets and Environment declared a conflict of interest in item *5.2.1 Submission to the Fingerboards Mineral Sands Project EES Process*, as a general interest due to having a relationship with former contractor.

1.4 Confirmation of minutes

Cr Mark Reeves / Cr John White

THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING OF TUESDAY 6 OCTOBER 2020 AND THE STATUTORY COUNCIL MEETING OF TUESDAY 17 NOVEMBER 2020 BE CONFIRMED.

CARRIED UNANIMOUSLY 1/12/20

1.5 Next meeting

Ordinary Council Meeting, Tuesday 15 December 2020 to 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 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

Executive Summary

This report provides a summary of the Assembly of Councillors during the period 25 September to 19 November 2020. The meetings are summarised in the table as:

Councillors meetings attended:	Meeting date:
Councillor Briefing	29 September 2020 6 October 2020
Councillor Only Time	29 September 2020 6 October 2020

A copy of the record for each Assembly of Councillors is provided at **Attachment 1**.

Recommendation

That Council receives and notes this report on Assembly of Councillors that occurred during the period 25 September to 19 November 2020, as provided at Attachment 1.

Cr Mark Reeves / Cr Trevor Stow

THAT THE RECOMMENDATION BE ADOPTED

CARRIED UNANIMOUSLY 1/12/20

OFFICER COMMENT / CONTEXT

Discussion

This report presents the Assembly of Councillors held during the period 25 September to 19 November 2020.

An assembly of Councillors is a meeting attended by one or more Councillors that considers matters that may have an impact on the financial, social or environmental sustainability of the municipality and may be presented to a Council meeting for decision.

Councillors are required at these meetings to disclose any conflicts of interests they identify exists in relation to an agenda item. Any disclosures at these meetings will be recorded on the public register of conflict of interest disclosures.

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.

The requirement to produce an Assembly of Councillors report, as per *Local Government Act* 1989 section 80A(2) was repealed on 1 May 2020 and is no longer required. However, the report has been prepared in accordance with the governance principles of transparency in the *Local Government Act* 2020 and specifically the overarching governance principle in section 9(i).

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. Attachment 1 Record of Assemblies [1.9.1.1 - 6 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 Mark Reeves

Cr Reeves spoke to his written report at folio 10.

4.3 Cr Tom Crook

Cr Crook focused his report on acknowledging the meeting being the first Council meeting of the new Councillor term and looking forward to working with the Councillors over the next four years.

4.4 Cr Jane Greacen OAM

Cr Jane Greacen OAM focused her report on acknowledging the meeting being the first Council meeting of the new Councillor term and looking forward to working with the Councillors over the next four years.

4.5 Cr John White

Cr White focused his report on the meeting being the first Council meeting of the new Councillor term and the honor of being invited to lay a wreath on Remembrance Day on behalf of the East Gippsland community.

4.6 Cr Arthur Allen

Cr Allen focused his report on his attendance the Lakes Entrance Action and Development Association (LEADA) meeting last Tuesday 24 November 2020.

4.7 Cr Kirsten Van Diggele

Cr Van Diggele focused her report on her recent visit to the Cann River and Mallacoota region where she was able to discuss Bushfire Recovery and Preparedness with members of the community.

4.8 Cr Sonia Buckley

Cr Buckley focused her report on the recent induction program the Councillors have participated in and also raising with the Councillor group the opportunity to celebrate the previous Councillor term when the COVID-19 restrictions ease.

4.9 Cr Mendy Urie

Cr Urie focused her report on the recent induction program the Councillors have participated in during the last few weeks and thanked the Council staff on the way the program was constructed.

COUNCILLOR WRITTEN REPORT

Cr Mark Reeves

Wunman njinde, good evening and welcome.

Councillors, thank you for the brief opportunity to speak. Welcome to the first ordinary meeting and thank you for the open and transparent way we have gone about our business in coming together as a Councillor group.

It has been a rapid process to move into the new Council and I'm excited by the new responsibilities imposed on Councillors by the *Local Government Act 2020*, especially as it relates to deliberative community consultation.

I want to recognise the recently formed Community Recovery Committee at Orbost. A hefty team of 21 members have been appointed and they are already exploring ways for economic recovery and renewal.

Councillors, I wish them well and thank the members for the work, in anticipation.

Councillors, I wish to also draw your attention to the T-Shirt I'm wearing tonight and the face masks many of us are wearing. This is 16 Days of Activism Against Gender-Based Violence project.

This is a global initiative running from 25 November through 10 December each year. To coincide with this initiative, Respect Victoria is running a campaign called Respect Women: 'Call It Out'. The active bystander campaign asks Victorians to call out the drivers of family violence and violence against women. For more information on the campaign, visit the Respect Victoria website. To learn more about support services to help you or someone you know, visit the Domestic Violence Resource Centre Victoria website. The 16 Days of Activism is held at this time of year because it aligns with two important dates: 25 November is International Day for the Elimination of Violence Against Women and December 10 is Human Rights Day

Councillors, thank you for the opportunity tonight.

5 Officer Reports

Cr Mark Reeves / Cr Sonia Buckley

THAT ITEM 5.2.1 SUBMISSION TO THE FINGERBOARDS MINERAL SANDS PROJECT EES PROCESS BE BROUGHT FORWARD AND CONSIDERED BEFORE ITEM 5.1.1 EAST GIPPSLAND SHIRE COUNCIL ARTS AND HERITAGE GRANTS ROUND 1 2020-2021

CARRIED UNANIMOUSLY 1/12/20

Procedural Matter

Cr Jane Greacen foreshadowed a motion in relation to item 5.2.1 Submission to the Fingerboards Mineral Sands Project EES Process

Conflict of Interest

Cr Kirsten Van Diggele and Fiona Weigall General Manager Assets and Environment having declared a conflict of interest in item 5.2.1, left the meeting at 6.15 pm and were absent during discussion on this item.

Requests to Speak

Mr Jozsef Patarica Bairnsdale (via Skype)
Ms Debbie Carruthers Paynesville
Mr Kristopher Woodward Bairnsdale (via Skype)
Ms Karen Fleischer Bairnsdale
Mr John Hine, Woodglenn
Mr Daniel Banks, Fernbank / Glenaladale
Mr Glen Maher Meerlieu
Mr Ian Campbell Raymond Island
Mr David Warren Metung
Mr Charles Becket Paynesville
Ms Sharon Clerke Bairnsdale
Ms Jenny Robertson Bengworden
Ms Michelle Barnes Granite Rock
Ms Jeanette Wagner Paynesville
Mr Neil Barraclough Meerlieu
Ms Dawson Stubbs Munro
Ms Melanie Steed Wy Yung

5.2.1 Submission to the Fingerboards Mineral Sands Project EES Process

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

The purpose of this report is to present to Council a submission to the Fingerboards Mineral Sands Project (the Project) Environmental Effects Statement (EES), draft planning scheme amendment and draft works approval for consideration.

An interim preliminary submission was lodged with the Minister for Planning (the Minister) on 29 October 2020 outlining the key matters to be addressed in the full written submission. An

extension of time has been granted by the Minister to East Gippsland Shire Council to provide a written submission to the EES, draft planning scheme amendment and draft Works Approval until 10.00 AM on the 11 December 2020.

This extension of time was granted in recognition of the 2020 Local Government elections and to provide the incoming East Gippsland Shire Council with the opportunity to view and consider a submission prior to lodgement.

The submission is a detailed and comprehensive review, which addresses the primary EES documentation and the associated supporting 23 technical reports.

The EES process provides for the analysis of potential impacts on the environment and the means of avoiding, minimising and managing adverse impacts. The term environment includes reference to the physical, biological, heritage, cultural, social, health, safety and economic of human surroundings, including the wider ecological and physical systems. The EES process includes public involvement and an opportunity for an integrated response to the Project.

The approach and methodology undertaken in the preparation of the written submission has been to procure a number of professional consultancies from a range of technical expertise to provide an independent technical review of the EES documentation. These technical experts have worked closely with Council Officers from relevant areas of the organisation. The result is a submission which addresses and provides a technical review.

The submission provides an independent assessment undertaken by a range of experts to assist Council to form a position on important and critical assumptions of the technical studies, identify key gaps within the information provided, ask key questions relating to details, nominate proposed minimum standards and requirements for mitigation measures, monitoring and implementation strategies and to provide the Minister with a Local Government perspective on the Project, taking into account the technical information against consideration of local knowledge.

In doing so, principles relating to net community benefit, cumulative and regional impact and the triple bottom line assessment can be understood.

The preparation of the submission has been undertaken having regard for the requirements of the Minister.

The targeted technical review identified key concerns in the following technical reports; planning scheme amendment, land use impact assessment, surface water, hydrogeology and ground water, traffic and transport, rehabilitation, draft work plan and draft Environmental Protection Authority (EPA) Works Approval.

It is important for Council to respond to the EES as this will allow Council to present at the Inquiry Panel Hearing before the Ministerial Advisory Committee appointed by the Minister.

Officer Recommendation

That Council:

- 1. Receives and notes this report and the Fingerboards Mineral Sands Project Technical Review prepared by SLR Consulting Pty Ltd as at Attachment 1;*
- 2. Considers and endorses the Fingerboards Mineral Sands Project Technical Review as at Attachment 1 and the Key Matters for East Gippsland Shire Council at Attachment 2 as Council's Submission;*
- 3. Authorises the Chief Executive Officer to lodge the Council Submission with the Minister for Planning for consideration as part of the Environmental Effects Statement, draft planning scheme and draft works approval processes;*
- 4. Authorises the Chief Executive Officer or their delegate to present at the Inquiry Advisory Committee Panel Hearing before the Ministerial Advisory Committee in relation to the Fingerboards Mineral Sands Project; and*
- 5. Authorises the Chief Executive Officer to engage appropriate legal representation for preparation and representation at the Inquiry Advisory Committee Panel Hearing.*

Alternate Motion

Cr Jane Greacen OAM / Cr Tom Crook

THAT COUNCIL:

- 1. RECEIVES AND NOTES THE REPORT AND THE FINGERBOARDS MINERAL SANDS PROJECT TECHNICAL REVIEW PREPARED BY SLR CONSULTING PTY LTD AS AT ATTACHMENT 1;**
- 2. ON THE BASIS OF CLAUSE 1 ABOVE, OPPOSES THE PROPOSED FINGERBOARDS MINERAL SANDS MINE AS PROPOSED BY KALBAR OPERATIONS OR ANY OTHER PROPONENT ON THE BASIS OF THE EVIDENCE BEFORE COUNCIL;**
- 3. ENDORSES THE FINGERBOARDS MINERAL SANDS PROJECT TECHNICAL REVIEW, AS AT ATTACHMENT 1, AND THE KEY MATTERS FOR EAST GIPPSLAND SHIRE COUNCIL, AT ATTACHMENT 2, AS COUNCIL'S SUBMISSION;**
- 4. REQUIRES THE CHIEF EXECUTIVE OFFICER, OR DELEGATE, TO PREPARE AN ADDENDUM TO THE SUBMISSION THAT INCLUDES, BUT IS NOT LIMITED TO, ISSUES RELATING TO HUMAN HEALTH AND CLIMATE CHANGE, AS THE SCOPE FOR THE TECHNICAL REVIEW DID NOT INCLUDE DETAILED REVIEW;**
- 5. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO LODGE THE AMENDED COUNCIL SUBMISSION AND COUNCIL OBJECTION TO THE PROPOSED MINE WITH THE MINISTER FOR PLANNING FOR CONSIDERATION AS PART OF THE ENVIRONMENTAL EFFECTS STATEMENT, DRAFT PLANNING SCHEME AND DRAFT WORKS APPROVAL PROCESSES;**

- 6. AUTHORISES THE CHIEF EXECUTIVE OFFICER OR THEIR DELEGATE TO PRESENT AT THE INQUIRY ADVISORY COMMITTEE PANEL HEARING BEFORE THE MINISTERIAL ADVISORY COMMITTEE IN RELATION TO THE FINGERBOARDS MINERAL SANDS PROJECT;**
- 7. AUTHORISES THE CHIEF EXECUTIVE OFFICER TO ENGAGE APPROPRIATE LEGAL REPRESENTATION FOR PREPARATION AND REPRESENTATION AT THE INQUIRY ADVISORY COMMITTEE PANEL HEARING; AND**
- 8. OBJECTS TO THE DRAFT PLANNING SCHEME AMENDMENT SPECIAL CONTROLS OVERLAY PROVISIONS WHICH EFFECTIVELY REMOVE THE EAST GIPPSLAND SHIRE COUNCIL AS THE RESPONSIBLE AUTHORITY FOR LAND USE PLANNING AND IMPLEMENTATION STRATEGIES FOR THE PRIVATELY OWNED LAND OUTSIDE THE MINE FOOTPRINT THAT THE MINE PROPOSES FOR ITS OWN PURPOSES.**

CARRIED UNANIMOUSLY 1/12/20

Background

Kalbar Operations Pty Ltd has prepared an Environment Effects Statement (**EES**) for the Fingerboards Mineral Sands Project. As part of the EES a draft planning scheme amendment and draft works approval has been subject to a public notice period for a period of 40 days. The notification period was during the election period for the Victorian Local Government elections.

What is the EES process in Victoria?

In Victoria, environmental assessment of the potential environmental impacts or effects of a proposed development may be required under the Environment Effects Act 1987.

The process under this Act is not an approval process, rather it enables statutory decision makers (Ministers, Local Government and other relevant statutory authorities) to make decisions about whether a project with potential significant environmental effects should proceed, through an assessment of the proposed environmental mitigation and management strategies.

If the Minister for Planning decides that an EES is required, the project Proponent is responsible for preparing this and undertaking the necessary investigations. Once the EES is completed and released for public comment, the Minister provides an Assessment to relevant decision makers. There are opportunities for involvement of stakeholders at various stages through the process.

The Department of Environment, Land, Water and Planning (DELWP), coordinate the process).

If a project requires assessment under both the *Environmental Effects Act* and the Commonwealth *Protection and Biodiversity Conservation Act 1999*, the relevant process can be accredited under the new Assessment Bilateral Agreement between the Commonwealth and Victoria. This means that the Proponent does not required to undertake two separate processes.

The matters to be investigated and documented in the EES are set out in a 'scoping requirements' issued for the project by the Minister.

A Technical Reference Group with membership drawn from government agencies, Local Government and regional authorities, was appointed to provide technical advice to DELWP and the proponent when preparing the EES. East Gippsland Shire Council was represented on this working group by the Director, Development. The working group was ended once the required information for the EES had been gathered.

The Minister may appoint an inquiry to consider the effects of the project. The Inquiry may take the form of; a desktop review, a roundtable conference with submitters or a formal hearing. In this case an Inquiry Panel has been established and will sit in February 2021

In preparing the assessment, the Minister may conclude that the project; will have an acceptable level of environmental effects; or will not have an acceptable level of environmental effects; or would need major modifications and or further investigation to establish that acceptable outcomes would be achieved.

Government and statutory decision makers must consider the Minister's assessment.

The areas to be addressed in an EES are as follows.

- *Physical systems*
 - *Geological conditions and features*
 - *Soil and geo technical hazards*
 - *Hydrology and quality of surface, ground and marine waters*
 - *Geomorphological processes*
 - *Air quality*
 - *Energy consumption*
 - *Greenhouse emissions*
 - *Waste generation and management*
 - *Integrity of built structures*
- *Ecological systems*
 - *Natural or semi natural ecological communities*
 - *Populations of habitat of indigenous of flora or fauna or conservation significance*
 - *Eco system processes supporting biodiversity, ecological productivity and environmental quality*

- *Social effects*
 - *Potential changes to local population and demographic profile*
 - *Social structure and networks*
 - *Residential amenity and social well-being*
 - *Social vulnerability and differential effects in parts of the community*
 - *Housing and social infrastructure needs.*
 - *Perceptions of aesthetic, recreation and other social values of landscape or locality*
 - *Attitudes to the proposed development.*
- *Relevant effects on land use*
 - *Potential for disruption or change to existing rural or urban land uses*
 - *Availability of housing and urban services*
 - *Infrastructure requirements (including education, health and other social infrastructure)*
 - *Access to natural resource (such as high-quality agricultural soils, earth resources and water resources.*
- *Economic effects*
 - *Levels of income*
 - *Investment and jobs (modelling of the flow on effects between different sectors within region)*
 - *Efficient use of resources.*

An EES should identify the potential cumulative effects, that is where a project, in combination with one or more proposed projects, or existing activities in an area, may have an overall significant effect on the same environmental assets. This is often in the form of a regional perspective.

Effects may also fall within a category of indirect effects, where they are separated in space and time.

In summary the EES process provides an analysis of the significance of potential effects, an integrated assessment of environmental performance and an assessment of consistency with relevant statutory provisions.

In addition, as an EES is required, the preparation of a Cultural Heritage Management Plan becomes mandatory under the provisions of the *Aboriginal Heritage Act 2006*.

What is the role of Local Government?

Council's role is summarised as follows.

- Participate on the Technical Reference Committee (complete).
- Review and provide advice on the EES.
- Engage with the Proponents on strategies to mitigate these impacts on local government services and areas.
- Provide comment in relation to the matters pertaining to the planning scheme.
- Represent local community as appropriate.
- Advocate and determine the future role for Council as the responsible authority with reference to detailed plans, implementation strategies and ongoing community consultation.

- Adopt a position with respect to any recommendations for the implementation of social and community outcomes, including composition of community reference committee and environment reference committee.

One of the challenges identified was the lack of internal expertise and resources to assess major proposals such as the one at hand. As a result, a decision was made to engage external technical experts to provide an independent assessment of the EES, and work with officers throughout the process to help increase understanding and ensure a detailed and considered submission was provided.

It is understood that other key Agencies have made written submissions to the EES. It will be important to consider the submissions by other Agencies to understand alignment of views and assessments.

What is addressed in the Fingerboards Mineral Sands Project EES?

The EES and related documents contain information about the following.

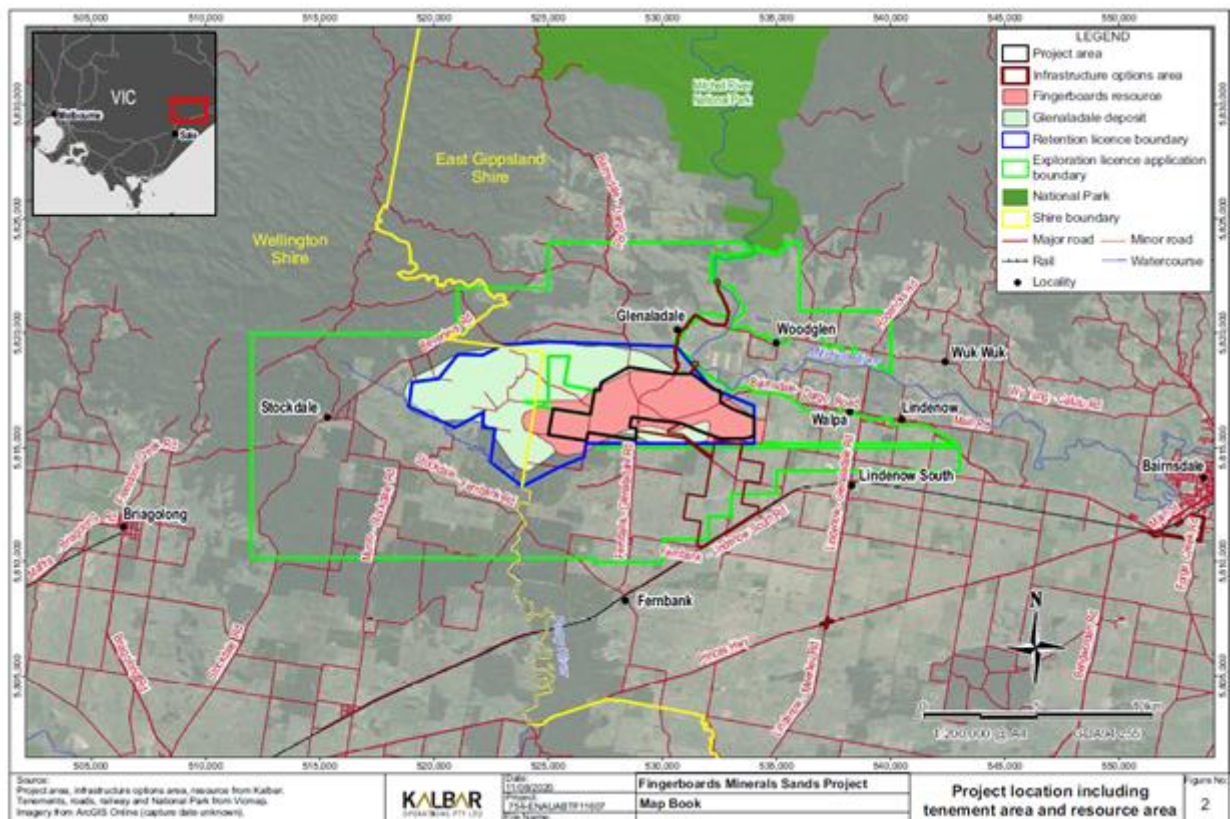
- A description of the project, including some options and an assessment of the potential effects.
- The regulatory framework which outlines the list of approvals required under a variety of different Acts.
- An Impact Assessment which addresses the impacts of the construction, operation and decommission (including rehabilitation and closure) phases of the project.
- An Environmental Management Plan which would be implemented to manage the impacts of the project construction, operation and closure to achieve acceptable environmental outcomes.
- A range of Technical Reports on matters relating to the environmental effects.
- A draft planning scheme amendment for the project related infrastructure.
- A draft Work Plan which addresses the requirements of the Mineral Resources (Sustainable Development) Act 2019.

There are 23 Technical Reports supporting the EES documentation.

Description of the Proposal

In summary the project comprises:

- A project area (the mine area).
- Infrastructure options area (to include private haulage roads, powerline corridor, water pipelines, groundwater bore fields, pump stations, road diversions, new intersections on external road network, upgrade to Bairnsdale Rail Siding and Fernbank Rail Siding, road maintenance and upgrades to external road network, realignments to existing road network and modifications to watercourse (dam construction)).



The Approvals

The project approvals required are as follows.

- The primary approval for the project is a mining licence and work plan under the Minerals Resources (Sustainable Development) Act 1990.
- Approvals to use and develop land under the Planning and Environment Act for associated infrastructure outside the mining licence area. A draft planning scheme amendment has been prepared.
- Commonwealth approvals for environment assessment.
- Approval of a Cultural Heritage Management Plan.
- Works Approvals and licenses for discharge water to the environment, extract groundwater, bores, offtake infrastructure and diversions of the watercourses.

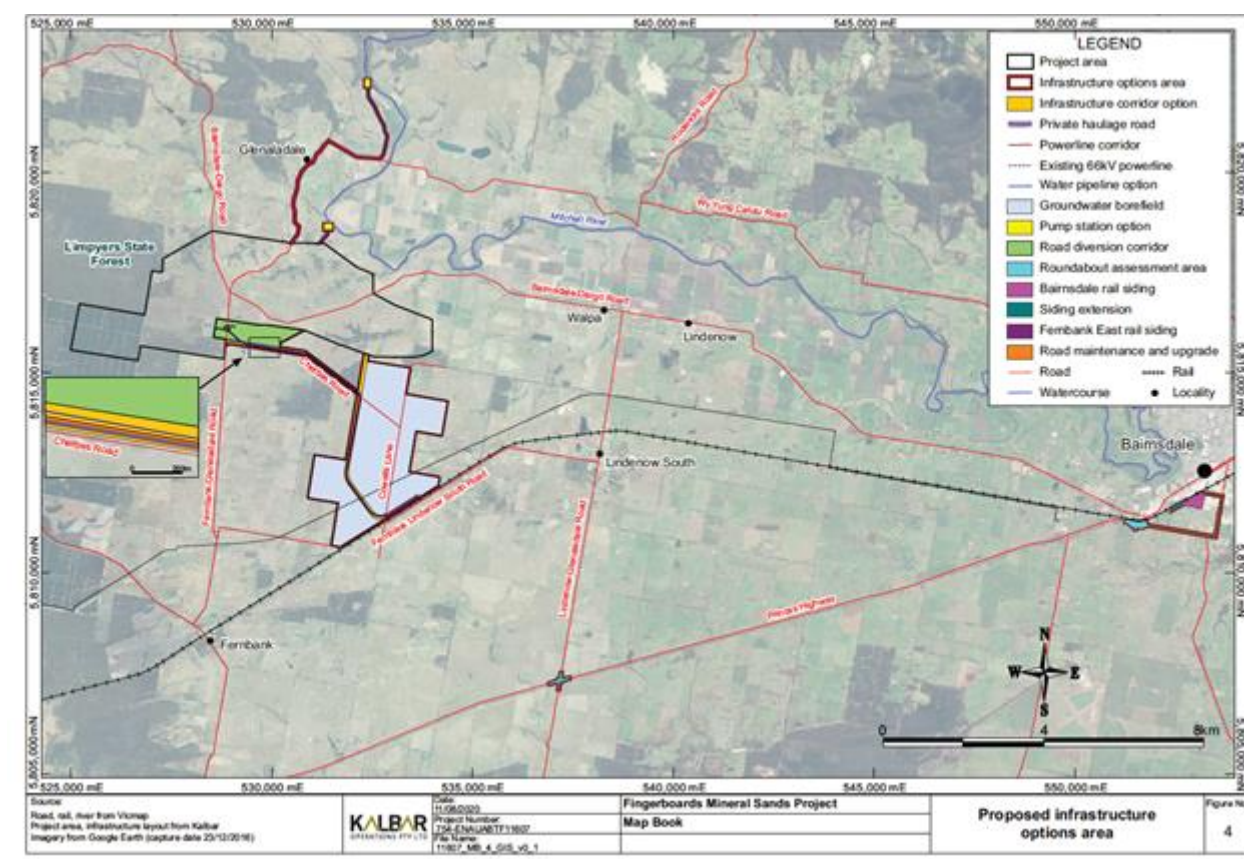
The draft Planning Scheme Amendment

The draft planning scheme amendment proposes to change the planning scheme to a Special Controls Overlay which implements an Incorporated Document, that provides a series of exemptions from planning permits, on land outside the mine area.

These works and buildings include.

- Creation of a new water pipeline in or adjacent to existing road reserves to an existing pump station to the north of the mine area (Glenaladale).
- Creation of new water pipeline and a 30 metre wide easement over private land to a new pumping station construction on private land.
- Water pipeline and associated bore pumps to the south of the mine area.

- Construction and use of new roads over private land to the new railway siding
- Creation of new powerlines adjacent to Chettles Road
- Creation of a new water pipeline adjacent to Chettles Road
- Noise bunding including earthworks along sections of the new road extensions
- A rail siding.
- Road diversions, road widening and roadworks including intersection upgrades.
- Subdivision for the purposes of acquiring land for road and roadworks upgrades and diversions
- Vegetation removal associated with all of the above.



The draft Works Plan

The project requires a works approval for:

- the discharge of water to the environment,
- licences to take and use water from the Mitchell river and to construct catchment dams,
- licence and bore construction permits to extract ground water from the Latrobe Group Aquifer.
- A licence to construct works on a waterway will be required for the Mitchell River offtake structure, pump station, and watercourse diversions necessary to access the mineral sands resource.

The project will require a management licence addressing a radiation safety in accordance with the relevant regulations.

Preparation of the written Submission

The approach has been to engage a lead Consultant (SLR Consulting Pty Ltd) together with four additional professional consultancies to specifically address areas of specialty and expertise, as listed below.

The aim has been to prepare an independent assessment of the EES and associated technical reports.

- Land use & planning impact and planning scheme amendment
- Surface Water
- Economic Assessment
- Social Impact
- Traffic and Transport.
- Rehabilitation
- Cultural Heritage
- Land use, Soils, Agriculture and Horticulture
- Noise

The Submission

Attachment 2 provides a Table which outlines a summary of the key matters for Council.

The submission raises issues in relation to the following high-level elements.

Planning scheme amendment

Further clarification is required with respect to the notification of affected landowners, the negotiations with landowners and agreement reached in relation to land included within the Special Controls Overlay.

There are gaps in the mapping with reference to the proposed infrastructure options north of the mine site, with reference to Glenaladale. There are gaps in the proposed Incorporated Document such as preparatory site and construction works, exemptions, ancillary uses, plan referral to other Agencies, expiry dates and a sunset clause for the deletion of the Special Controls Overlay. In addition, there are a series of corrections and anomalies in the proposed mapping of the Special Controls Overlay provisions.

Land use planning assessment

There is a need to provide greater clarity within the Incorporated Plan with respect to the uses, works and subdivision proposed. It is not generally supported for uses other than those documented within the Explanatory Report. There is a need to document the post mining rehabilitation commitments. There is a need for greater integration of the purpose and objectives of the bushfire management and erosion management overlay within the incorporated document controls.

Land use, soils, agriculture and horticulture

Baseline studies and further rehabilitation details are required with reference to soil structure. There is no detailed map of soil types or recommended stripping depths of soil types. Details relating to stripped and stockpiled soils separately for reinstatement as per the

“original” soil type. A map of ASC soil types within the project area and recommended topsoil and subsoil stripping depth should be developed.

The Agricultural and Horticultural Impact Assessments have adequately described planned land use and the existing beneficial uses within the vicinity (local and regional) of the proposed project.

The Horticultural Impact Assessments have adequately described planned land use and the existing beneficial uses within and in the vicinity (local and regional) of the proposed project.

Surface water

Clarification and justification is required for the assessment that utilising a 3% AEP design criteria for the Mitchell River is an acceptable level of risk. Salinity levels of mine water run-off are raised. There are limitations to the assumptions relating to water balance and unresolved water resource issues. The potential impacts associated with failure of temporary tailings storage facility would be extreme. A risk management plan should be revised to include contingencies for failure of the tailings dam.

Ground water

There are concerns in relation to the proposed groundwater bore field to support mine operational water demand. Matters relating to groundwater availability and quality, supply volume demands, groundwater extraction of the shallow aquifer, saline intrusion, seepage and impact to ground water extraction are raised as key issues. There are a series of issues raised in relation to the proposed filling of the voids and mounding arrangements.

Noise and vibration

The proposition is to defer any mitigation measures to the time wherein issues may arise, this is not acceptable. There is concern in relation to the predicted exceedances of the construction noise at numerous sensitive properties. There is a position that the technical study has underestimated the internal noise level.

Traffic & transport

There are significant issues associated with the proposed traffic and transport elements of the proposal primarily relating to the Infrastructure Options Area and to the surrounding road network.

These relate to but are not limited to, lack of geometric details, use of Racecourse Road, lack of detailed intersection performance analysis, methodology of decision making between options 1 and 2 and lack of sufficient detail to manage impacts to the road network.

It is considered that the nomination of Option 2 routing scenario is inconsistent with Bairnsdale Southern Alternative Freight Route.

Ecology

The risk assessment is not suitably comprehensive. Concerns have been documented with reference to the impacts of contaminants (including nutrients) and their potential impacts on water quality of the Mitchell and Perry rivers which are connected to the Gippsland Lakes. The Technical review suggests that there is a need for greater qualification of the assertion that potential impacts of minor changes to groundwater, surface water flows and water chemistry due to the mine and no effects downstream on Gippsland Lakes Ramsar site should be further justified.

Cultural heritage

The Cultural Heritage Management Plan (CHMP) is still in preparation and has not been approved. This needs to be available for review and assessment.

Radiation

Radiological impacts of the Project to workers, the public and the environment are low.

Adequate controls, that are commensurate with the potential radiological impacts, have been incorporated into the design of the project.

Air Quality and Greenhouse Gas

The assessment finds that substantial mitigation measures (e.g. ceasing some operations) may be required to avoid exceedances of the 24-hour PM10 air quality criterion under certain meteorological conditions. These mitigation measures should be documented as part of the management plan along with the trigger for their application (e.g. forecast high winds from directions that would increase the risk of impacts at identified receptors).

This project is expected to be a relatively minor contributor the state and national GHG inventories when considering the direct (Scope 1) emissions only.

Rehabilitation

Proposed agreements with landowners have not been provided. Additional detail is required with reference capacity for grazing land, auditing process for compliance, confirmation of pre-mining information for land capability, confirmation of radiation surveys, site contamination assessments should be undertaken progressively, and more details provides with reference to unplanned closure.

Social Impact Assessment

The technical review identifies that there is concern for some stakeholders in relation to how engagement activities are conducted. There is a need for the preparation of a Social Management Plan and associated implementation plan. Both community and traditional owners should have an opportunity to review such documents. Further information is required in relation to the benefit of the project to the community. Details relating to community reference committee and environment committee is required. Council must not be responsible for convening and managing these ongoing committees.

Economic Impact Assessment

No cumulative effects assessment has been undertaken for the EES. A cumulative effects assessment is required to identify to potential economic impacts associated with other regional infrastructure projects being constructed concurrently with the Fingerboards project.

Tourism analysis included in the EES is not sufficiently detailed to confirm impacts of the project on the tourism sector and is based primarily on visual, landscape analysis and case studies and not a specific Tourism Impact Assessment.

Detailed analysis of factors such as potential impacts on accommodation availability during peak tourism periods for specific establishments (likely to have the highest project demand), impacts of construction and operational traffic on tourist routes and visitation patterns should also be factored into potential industry costs. Cumulative impacts of multiple concurrent regional infrastructure projects on the tourism sector and visitor economy have not been assessed.

Draft Work Plan

Detail in relation to vegetation clearing is required. It is recommended that a trial pit be implemented into the approach. It is worth noting at this stage that Kalbar propose to undertake a trial pit in the coming months, a planning permit is not required for this work and while Council officers have met and discussed the need for detailed community information and engagement around this, to date no information has been forthcoming,.

Water usage requires more detailed analysis. The Work Plan should document vehicle speeds and provide a Risk Management Plan.

Draft EPA Works Approval

There are a range of detailed issues that require attention as documented in the submission.

The Inquiry Advisory Committee (IAC) and representation

The IAC is currently scheduled to commence on 1 February 2021 for 4-6 weeks. At the time of writing this report Kalbar have requested an extension to the start date of 2 weeks meaning if granted that proceedings would start mid-February.

In order to ensure that Council's views are appropriately represented at the IAC it is anticipated that legal representation will be required. While Officers have worked closely with external consultants in the preparation of the EES submission they are not technical, legal or IAC experts and do not have the skills to appropriately represent the views of Council as laid out in the submission.

There are two issues arising from IAC dates and the expected duration. The first is finding an advocate who is available for the expected duration of the hearing and the second is having sufficient time and resources to prepare for the hearing. For example, the preparations would include reviewing all materials, briefing experts, meeting with experts, settling their reports, undertaking an inspection of the site and surrounds and preparing written submissions. Further, the Christmas/New Year period is a considerable interruption to the preparation time, so would require legal representatives to make a start on this work before Christmas.

Accordingly, officers have made enquiries to find a suitable barrister who may be available. A potential suitable barrister has been sourced to lead the case, who is currently available in February; however, they are not available for every day, and so would be best supported by a junior barrister for research, preparation and attendance purposes. A Junior barrister has also been sourced who is available during this period. Both barristers have experience in representation in relation to EES submissions.

Once there is a clear understanding of how the IAC will be conducted and the preparation required (following the submissions hearing scheduled for December 14 2020) a full cost estimate will be provided to Council.

The IAC will expect Council to be in a position to advise what evidence it will be calling at the Directions Hearing.

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 59 from the Act relates to resolutions of Council. The report has been prepared to seek a resolution of Council to be made at a Council meeting.

There is an extensive list of relevant legislation, policies and guidelines applying to the matter at hand. These include International (Ramsar convention), Commonwealth and State legislation. The EES documentation addresses the applications requirements, obligations and associated guidelines.

In March 2018, DELWP issued the Scoping Requirements for the Fingerboards Mineral Sands Project EES. This document sets out the specific matters to be investigated and documented in the EES. These matters include resource development, biodiversity, water, catchment values and hydrology, amenity and environmental quality, social, land use and infrastructure, landscape and visual, cultural heritage and rehabilitation.

The overarching goal of the technical review was established to assess technically the ESS and supporting documentation with regard to risk assessment, accepted best practice and key regulatory requirements of relevant Commonwealth and Victorian legislation, policies and guidelines.

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:

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

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

The below elements of the Council Plan have been identified as being relevant to the matter at hand. The preparation of the submission to the EES process is consistent with the above elements of the Council Plan.

19. Ensure all new and renewed infrastructure incorporates best practice, design, including universal access, technology and sustainability elements.

28. Work with private property owners and the Victorian Government to embed better environment performance into new and existing developments.

30. Maintain and grow East Gippsland's traditional economic sectors.

31. Maximize the opportunities in the mining industry for local businesses and the community and implement the recommendations from the Economic Opportunities mining study.

32. Continue strong relationships developed with key mining investors, and use Memoranda of Understanding to maximise environmental, social and economic outcomes, including community benefits, commitment to local employment and positive legacy projects.

33. Work with the mining sector to support appropriate mining activities and act as the point of contact for potential future mining investors, engage with local contractors to communicate the opportunities mining projects will provide and support any Environmental Effect Statement processes managed by State Government

The Action Plan attached to the Economic Development Strategy 2014 –2018 seeks as part of the vision, strategic direction and desired outcomes to.

“Leverage business investment in the current strong and growing economic sections in the East Gippsland Shire: agribusiness (food and seafood), health services, manufacturing, education, tourism and mining” page 4.

The Action Plan includes 3 specific strategies relating to Mining. These form part of the Council Plan objectives at lines 31, 32, and 33.

Council Policy

The East Gippsland Planning Scheme provides a municipal overview at 21.02 which includes a vision statement which seeks to ensure that East Gippsland has a sustainable future through liveable and productive communities. The Municipal Strategic Statement (MSS) contains local planning policy relating to resource exploration and extraction. Specifically, policy seeks as an objective to encourage exploration for and development of mineral resources in appropriate areas (Clause 21.06-4). Local planning policy also seeks to balance objectives relating to environmental and landscape values at clause 21.04. This section addresses elements such as biodiversity and landscape.

Options

Officers considered 2 options with respect to the preparation of the Submission.

Option 1 – Address selective elements of the proposal.

Option 2 – Undertake a full comprehensive technical review of the EES, draft planning scheme amendment and draft works approval documentation.

Following internal consultation and discussion with the previous Council it was decided to seek a full independent technical review that would allow Council to consider a technical response in the first instance.

Council now has the following options:

1. Endorse the recommendations as listed
2. Seek additional information from Officers
3. Make an alternate recommendation/s

Resourcing

Financial

Council has allocated funds for the procurement of the Professional Consultancy from the operational budget of the strategic planning business unit. A further budget allocation will be required to support advocacy and representation at the Inquiry Panel Hearing, and associated committees. This information will be provided to Council in a separate report.

Plant and equipment

There are no implications.

Human Resources

In addition to the procurement of an external consultant significant internal resource has been required to deliver this submission and will be required as the process continues. It should be noted that over the last 6 weeks when hours of input are tallied and averaged, approx. 1FTE of senior officer time has been allocated to this project.

Risk

The risks of this proposal have been considered and documented within the Technical Review.

Economic

The proposal established the following key elements relating to the economic foundations. The mine development offers an opportunity for East Gippsland to enhance the skill base of the region. The on-site and off-site construction workforce is estimated to be up to 200 people and will include up to 20 company staff. The Proponent expresses that where possible; construction workers will be employed from the local area. No construction camp will be required. The project will not rely on fly-in-fly-out workers. The mine will provide an incentive for increased skilling and education opportunities for the workforce.

The statements relating to workforce on a local and sub-regional employment are not supported by a management plan or an implementation plan.

Cumulative Impact (Effects) Assessment has not been undertaken for the EES. This is required to facilitate an understanding of the impacts of competing interests of other regional projects on the labour market, vulnerable members of the community, business and community groups. This may require in the need to adjust the mitigation measures and risk levels to be included into an implementation plan.

One of the key omissions is an impact statement in relation to the tourism sector. A key element in the technical review has been to recommend that a Tourism Impact Assessment be prepared and considered. Elements that may be integrated into such a statement to include accommodation availability, impact of construction and operational traffic on tourist routes and visitation patterns. Cumulative impacts on multiple concurrent regional infrastructure projects on the tourism industry sector and visitor economy have not been appropriately addressed.

From an economic perspective, the technical review has addressed some key concerns for Council in relation to the roads and transport component of the project. These relate to lack of details, proposed use of local road networks and proposed intersection upgrades.

Social

Part of the Scoping Requirements established by the Minister for Planning for the EES is to address social, land use and infrastructure in order to minimise potential adverse social and land use effects such as agriculture, forestry, tourism, industrial and transport infrastructure. This component is a key area for Council assessment of the proposal.

In summary, the technical assessment has determined the following:

- The EES does not adequately address how the project responds to existing vulnerable communities.
- There are no strategies in place to adequately address ongoing engagement with the parts of the community you have adopted a position of opposing the mining activities.
- The documentation fails to provide a suitable implementation plan for mitigation measures, such as local employment framework or how may incentivize new residents to support local business.
- The assessment is that there is a further need to explore the ways that ensure the delivery of local jobs and a local employment framework.
- There is an information gap in how the project intends to sustain post mining land uses identified in the Agricultural Impact Assessment. These need to be documented as measurable actions.
- A direct ongoing methodology needs to be established to ensure that traditional owner group represented by GLaWAC is suitably and appropriate integrated into the process.
- Details in relation to the establishment of a community fund.
- Further information relating to analysis of local and regional industry, business and workforce is required. There is a need for the preparation of a management plan to address the employment component of the project
- The Agricultural impact assessment should address and determine the level of impact from the mine to the local vegetable industry.
- Further information is required with respect to the indirect job creation.
- There is a need for the Proponent to provide greater detail relating to the mitigation measures and potential community benefits of the project.

- Cumulative impacts effects associated with concurrent regional infrastructure projects are not considered.
- The EES does not include a description with respect to the impacts of disruption communities will face in relation to valued places such as the Mitchell River National Park.

The establishment of a community fund is highlighted by the Proponent. A community reference group will be established to provide a point of liaison and communication with the local community during project construction and operations.

An environment review committee will also be established to involve the community in reviewing environmental performance for the project throughout the life of mine.

Environmental

The technical review has resulted in a number of key areas of concern, which are documented extensively in the submission at **Attachment 1**.

The EES documentation identifies the Mitchell and Perry Rovers and Wellington Lakes and Gippsland Lakes Ramsar wetlands in addition to other smaller ephemeral drainage channels, river systems and water bodies as being potentially impacted by the project and nominates an overall rating of 'low risk'. The impact of contaminants and their potential impacts on water quality have not been fully discussed.

The overall EES documentation maintains that the proposed development will not lead to a significant impact to the Gippsland Lakes Ramsar site.

The potential impacts of minor changes to the ground water, surface water flows and water chemistry due to the proposed mine and the assertion that no effects downstream on Gippsland Lakes Ramsar site required further justification.

Assessment of the Environmental Risk Assessment includes gaps relating to the loss of aquatic habitat due to potential failure of containment, uncertainty associated with the potential for the project to be shut down if the economics or water resources are reduced to not able to be met in any one year. The Risk Assessment only addresses the closure process and not post closure process. Transfer and perchance of groundwater licence allocations are raised as issues.

Issues have been identified relating to a series of specific components in the technical reports relating to surface water, ground water, biodiversity and ecology.

High level analysis identifies issues that require additional detail relating to haul road runoff, soil baseline mapping details, further assessment of mine water runoff, justification for spillway discharge design criteria for the Mitchell River, downstream impacts, further investigation into water balance, wastewater treatment strategies, impact to aquifer and impact to the Gippsland Lakes.

Climate change

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

Climate Risk Management: Council's risk management considers climate change issues in decision-making and includes responses to direct and indirect impacts.

Engagement

Engagement has been undertaken with relevant internal areas of Council during the preparation of this submission.

Community engagement has not been undertaken as part of this submission; however, it should be noted that anyone was able to make a submission on the EES and the State Government provided a small grant program for community groups to assist with submissions.

Attachments

1. EES Fingerboards MSP Targeted Review Full Report Final 640.30078-v 2.0 20201113 [5.2.1.1 - 154 pages]
2. Table 1 Areas of Concern EES Submission EGSC 1 December 2020 [5.2.1.2 - 16 pages]

Attendance

Cr Kirsten Van Diggele and Fiona Weigall General Manager Assets and Environment returned to the Council Chamber at 7.39 pm.

Procedural matter

Council resumed the order of business as published, commencing at 5.1.1.

5.1 Strong Communities**5.1.1 East Gippsland Shire Council Arts and Heritage Grants Round 1 2020-2021**

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

The East Gippsland Shire Council supports a wide range of projects and innovative activities through its grants program. This report is in relation to the Arts and Heritage Grants program.

The objective of the East Gippsland Shire Council Arts and Heritage grants program is to provide local individuals (artists) and organisations the opportunity to access funding for a variety of needs and initiatives in a manner that is open, transparent and accountable. It offers support to individuals (artists) and local organisations to present and / or develop arts activity and heritage projects. The program aims to foster a strong sense of local identity, creativity and community spirit.

The community value-adding aspect of the program means that Council achieves more value for each dollar expended than would be the case for projects without these partnerships. All funding is provided on a matched 'dollar for dollar' basis with a minimum of 50% of the grant request showing as cash support.

Officer Recommendation

That Council:

- 1. Receives and notes this report and its attachments;*
- 2. Adopts the recommendations for funding through the East Gippsland Shire Council Arts and Heritage Grants program. A full list of recommended applicants is outlined in Attachment 3 and allocated to the grant categories as follows:*

Funding Program	Funding Recommended	Total Project Investment	Number Recommended
Arts Projects	\$12,380.00	\$29,239.00	3
Major Arts Projects	\$5,000.00	\$14,500.00	1
Heritage Projects	\$4,500.00	\$10,000.00	1
Total	\$21,380.00	\$53,739.00	5

Cr Arthur Allen / Cr Tom Crook

THAT THE RECOMMENDATION BE ADOPTED

CARRIED UNANIMOUSLY 1/12/20

Background

OFFICER COMMENT / CONTEXT

Discussion

Round one of the Arts and Heritage grants programs opened on Wednesday 3 June 2020 and closed on Wednesday, 5 August 2020. The grant round was advertised by direct email to community and arts groups, local newspapers, through the East Gippsland Shire website, and on BraveArtsEG and the East Gippsland Shire Council Facebook pages.

The current round attracted eight applications requesting a total of \$41,266.00 to support projects, with a total project value of \$131,586.00 (refer Table 1 for a category breakdown). A list of all applications received can be found in **Attachment 1**.

Before the grant round opened, the Guidelines **Attachment 2** were updated to reflect date changes only.

Table 1

Funding Applications for the East Gippsland Shire Council Arts and Heritage Grants Program Round One 2020-2021

Funding Program	Funding Requested	Total Project Investment	Number of Applications
Arts Projects	\$19,536.00	\$57,086.00	5
Major Arts Projects	\$16,730.00	\$64,500.00	2
Heritage Projects	\$5,000.00	\$10,000.00	1
TOTAL	\$41,266.00	\$131,586.00	8

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 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*.

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.

Council Policy

The recommendations included in this report are consistent with the Council Plan 2017-2021:

Increase people's skills and capabilities to participate in their community and make a difference.

1. Deliver creative programs, services and activities that encourage people of all ages, cultures and means to participate in their communities, including through lifelong learning opportunities.
2. Provide activities and events that strengthen and celebrate the diverse cultural identity of our communities.
3. Provide programs that support the development, capacity, and services of community

Resourcing

Financial

The Arts and Heritage funding allocation for 2020/2021 is \$50,000.00. \$5,000.00 is set aside to distribute annually via the Arts and Heritage Quick Response Grants of up to \$500.00 each. \$3,000.00 is set aside to pay for the Arts and Heritage proportion of the annual SmartyGrants program fee. The remainder of that fee (\$12,000 annually) is paid by Community Grants and Regional and District Event grants, leaving \$42,000.00 for the Arts and Heritage for rounds 1 and 2.

Human Resources

Council Officers are not involved in the implementation or project management of any funded projects, this remains the sole responsibility of the applicant.

Council Officers in the Council Enterprises Unit are responsible for the administration of the Arts and Heritage Grants Programs.

The process

The process for assessment of the applications requires a minimum of three people to assess and score each application against program specific criteria. The Officers also provide comments as part of the assessment process to be used as feedback to any applicants that request it.

The Arts and Heritage Program Assessment Panel consists of:

- Manager Council Enterprises
- Arts and Culture Coordinator
- Forge Theatre and Arts Hub Manager.

After the applications are assessed and scored they are then individually discussed at a Grants Program Assessment Panel meeting (Skype) where the panel considered the eight Arts Project applications based on the eligibility and specific program criteria within the East Gippsland Shire Council Grants Guidelines (**Attachment 2**).

The Grants Assessment Panel was attended by:

- Manager Council Enterprises
- Manager Community Programs
- Forge Theatre and Arts Hub Manager
- Arts and Culture Coordinator
- Place Manager
- Rural Health Access Officer

The purpose of the assessment panel is:

- to review, assess and provide objective, independent recommendations to Council in relation to funding for grants; and
- to ensure that the guidelines and assessment criteria have been applied consistently and equitably for all applications.

The Grants Program Assessment Panel's recommendations for funding allocations are detailed at **Attachment 3**

Risks

Economic

Nil

Social

Applicants are asked to make a connection between their projects and the Council Plan or adopted strategy. A table of connections outlined how each of the recommended Arts and Heritage Project grants link to the Council plan can be found at **Attachment 4**.

Environmental

Nil

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 funding round dates have been on the Council website for over 6 months. Advertisements were published in local newspapers as well as BraveArtsEG and Councils social media pages. Advertising in local newspapers as well as in Councils social media page and website about the two information sessions in July and the funding round were sent to Service Centres and Neighbourhood House's before the sessions to inform the community of the funding round.

Application guidelines were made available on the Shire website.

Applicants were invited to contact the Arts and Culture Coordinator for information regarding:

- Completing applications correctly.
- Budget assistance.
- Understanding timelines and processes involved.
- Need for supporting documentation; and
- Importance of acquitting the grant and acknowledging Council for the support.

This provides the potential applicants with an opportunity to seek advice and become competent in completing funding applications. In turn, they may then be confident in applying for alternative grants from other funding bodies.

Two Council grants information sessions were held via Skype in July 2020, one during the day and the other in the evening to allow access for community members

Multiple one-on-one skype meetings between program staff and applicants were also held in the lead up to the closing date.

Attachments

1. East Gippsland Shire Council Arts and Heritage Grants - all applications [5.1.1.1 - 4 pages]
2. EGSC Community Grants Guidelines Round 1_2020-2021 [5.1.1.2 - 13 pages]
3. Arts and Heritage grants Recommended Round 1 2020 2021 [5.1.1.3 - 3 pages]
4. East Gippsland Shire Council Connection to Council Plan Arts Round 1 2020 [5.1.1.4 - 6 pages]

5.1.2 Community Projects Grant Program Funding Round 1 - 2020-2021

Authorised by General Manager Place and Community

Conflict of Interest

No Officer who has provided advice in the preparation of this report has disclosed a conflict of interest.

Executive Summary

The East Gippsland Shire Council's Community Projects Grant program provides funding opportunities for East Gippsland based community groups and organisations. Through this program, Council supports a wide range of projects that strengthen our communities, encourage environmental sustainability, social connection, health and well-being, and social inclusion and cultural diversity.

The objective of the Community Projects Grants Program is to provide local community-based organisations the opportunity to access funding for a variety of needs and initiatives in a manner that is open, transparent and accountable.

The community value-adding aspect of the program means that Council achieves more value for each dollar expended than would be the case for projects without these partnerships. All funding is provided on a matched dollar for dollar basis.

The current grant round attracted 18 applications, 14 of which had been recommended for funding. 3 subsequently have withdrawn application due to receiving alternative funding. Applications that were not recommended for funding due to ineligibility or other reasons, will be contacted and supported to further develop their projects in order to access future funding rounds or other funding opportunities.

Officer Recommendation

That Council:

- 1. Receives and notes this report and its attachment;***
- 2. Endorses the recommendations for funding through the East Gippsland Shire Council Community Projects Grant Program outlined in Attachment 1.***

Funding Program	Funding Recommended	Total Project Investment	Number Recommended
Community Projects	\$41,869.00	\$143,885.35	11

Cr Mark Reeves / Cr Sonia Buckley

THAT THE RECOMMENDATION BE ADOPTED

CARRIED UNANIMOUSLY 1/12/20

Background

There are two funding rounds each financial year. Round one of the Community Project Grants opened on Wednesday 3 June 2020 and closed on Wednesday 5 August 2020. Applications in this round must be for projects that start after mid-October 2020. The grant round was advertised by direct email to community groups, in Community newsletters, local newspapers, through the East Gippsland Shire website and on the East Gippsland Shire Council Facebook page.

Approval processes and notification of successful applicants for this round has fallen outside the normal schedule (October) due to the election period.

The round attracted 18 applications, requesting a total of \$70,076.50 to support projects with a total project value of \$181,066.35. A list of all applications received can be found in **Attachment 2**.

Before the grant round opened the Grant Guidelines **Attachment 3** were updated to reflect date and program staff changes.

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:

106 Service performance principles

(1) A Council must plan and deliver services to the municipal community in accordance with the service performance principles.

(2) The following are the service performance principles—

- (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community;
- (b) services should be accessible to the members of the municipal community for whom the services are intended;
- (c) quality and costs standards for services set by the Council should provide good value to the municipal community;

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

A Liveable Region Goal 1 - East Gippsland has safe, accessible and well utilised open spaces and built environments that reflect the priorities of our community.

Connection to the Council Plan or Adopted Strategy by recommended Community Project Applicants can be found in **Attachment 4**

Council Policy

Council historically support budget allocation for two rounds of Community Project Grants in the annual budget.

This program aligns with the Service Performance Principles in the Local Government Act 2020 that suggest services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community.

Process

The process for assessment of the applications requires a minimum of three people to assess and score each application against program specific criteria. The Officers also provide comments as part of the assessment process to be used as feedback to any applicants that request it.

The Community Projects Program Assessment Panel consists of:

- Manager Community Engagement
- Place Manager
- Rural Access Officer

Applications are assessed against the grant program criteria and guidelines and each proposed project is discussed at the Grants Program Assessment Panel meeting where the panel considered each of the applications based on the eligibility and specific program criteria within the East Gippsland Shire Council Grants Guidelines **Attachment 3**

The purpose of the assessment panel is:

- to review, assess and provide objective, independent recommendations to Council in relation to funding for grants;
- assess potential risks associated with the proposed project; and
- to ensure that the guidelines and assessment criteria have been applied consistently and equitably for all applications.

It was identified that a number of applications received did not meet the eligibility criteria and subsequently the panel were unable to recommend these applications for funding.

The Grants Program Assessment Panel's recommendations for funding allocations are detailed at **Attachment 1**.

Options

The 11 recommended applications from the 18 received are detailed in **Attachment 1**. All applications received were assessed against the grant guidelines and eligibility criteria found in **Attachment 3**. Grants that did not meet the eligibility criteria, were assessed as offering low/no community benefit and rated low on the assessment criteria, or if there were other funding streams better suited for the proposed project, they were not recommended to be funded.

Support and feedback will be offered to unsuccessful applicants to assist them to further develop their project applications in order to access either future funding rounds through Council or through other funding opportunities outside of Council.

Resourcing

Financial

The 2020/2021 budget allocation for the Community Project Grants is \$111,000.00. \$4,500.00 is allocated to the SmartyGrants program usage fee. The remaining \$106,500.00 is for allocation across Round 1 and 2.

Human Resources

Council Officers are not involved in the implementation or project management of any funded projects, this remains the sole responsibility of the applicant.

Council Officers in the Community Engagement Unit are responsible for the administration of the Community Grants Programs

Economic

The Community Projects recommended amount to a total contribution of \$41,869.00 from Council if endorsed, but generate a total investment of \$143,885.35 overall, with the 50% matching criteria required.

Social

Through this program, Council supports a wide range of projects that strengthen our communities, encourage environmental sustainability, social connection, health and well-being, and social inclusion and cultural diversity.

The Community Grant Guidelines have been developed to align with the priorities communicated through the Community vision, The Council Plan, The Municipal Health and Wellbeing Plan, and various other Council Strategies, such as the Municipal Early Years Plan, the Youth Engagement Strategy, the Diversity and Social Inclusion Plan, the Reconciliation Action Plan, and Ageing Well in East Gippsland.

Environmental

See Climate Change section below

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 funding round dates have been advertised on the Council website since July 2019. Advertisements were published in local newspapers as well as community newsletters. Email dissemination advertising information sessions and the funding round were sent utilising existing community and sector networks, Service Centres and Neighbourhood House's. Application guidelines were made available on the Shire website and printed copies at all the Service Centres.

Applicants were invited to contact the programs staff for information regarding:

- Completing applications correctly;
- Budget assistance;
- Understanding timelines and processes involved;
- Need for supporting documentation; and
- Importance of acquitting the grant and acknowledging Council for the support.

This provides the potential applicants with an opportunity to seek advice and become competent in completing funding applications. In turn, they may then be confident in applying for alternative grants from other funding bodies.

Due to COVID-19 restrictions Council grants information sessions were held online through an online platform and an information session presentation has been made available via YouTube. Many applicants have reported this as a great introduction to the grant application process which supported individuals unable to make the scheduled session times.

The Information sessions are conducted to assist community members with their project queries, to give examples of successful projects, advise on how to plan and write a project budget and to connect community with the appropriate program staff.

Multiple online and phone support meetings between program staff and applicants were also held in the lead up to the closing date.

Attachments

1. Attachment 1 - Recommended Community Projects Round 1 2020 2021 [5.1.2.1 - 2 pages]
2. Attachment 2 - Community Project funding Program Round 1 2020 All Applicant [5.1.2.2 - 2 pages]
3. Attachment 3 - Community Project funding Program Round 1 2020-2021 Community Grant Guidelines [5.1.2.3 - 13 pages]
4. Attachment 4 - Community Project funding Program Round 1 2020 2021 Connect [5.1.2.4 - 3 pages]

5.2 A Liveable Region

5.2.1 Submission to the Fingerboards Mineral Sands Project EES Process

Authorised by General Manager Place and Community

In accordance with the resolution detailed on page 12, item 5.2.1 was considered before item 5.1.1.

5.2.2

Capital Works and Major Projects Quarter One 20/21 Report

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

As part of the delivery and monitoring of the annual Capital Program, a quarterly review of the program is provided to Council. This is a companion document to the quarterly financial report and allows for more detail of the status of the program as a whole and individual project to be provided to Council. This reporting is non-statutory (i.e. is not a legislative requirement) but is provided to ensure Council have full and complete oversight of the program.

This report summarises the progress of Capital Works and Major Projects 2020-21 for the quarter ending 30 September 2020 (quarter 1). The snapshot table below provides an overview of the progress of delivery from a budgetary perspective that is elaborated on within the body of the report.

	Q1 YTD 30/9/20	Q2 YTD 31/12/20	Q3 YTD 31/3/21	Q4 YTD 30/6/21
Total Adopted Budget including actual carry forwards	\$66.98 m			
Actual Expenditure	\$4.94 m			
Committed Expenditure	\$16.59 m			
Identified Carry Forwards to 21/22	0			
Identified Bring Backs from 21/22	0			
Other Budget variances 20/21	(\$0.14 m)			
Revised Forecast	\$66.84 m			
Percentage Capital Works Delivered or in Delivery (<i>against Forecast</i>)	32.21%			
Percentage Capital Works Delivered or in Delivery (<i>against Adopted Budget</i>)	32.14%			

Officer Recommendation

That Council:

1. *Receives and notes this report;*
2. *Adopts the Capital Works and Major Projects Report 2020/21 for the quarter ended 30 September 2020; and*
3. *Receives and notes the status of the Capital Works and Major Projects for the quarter ending 30 September 2020 as provided in Attachment 1.*

Cr Tom Crook / Cr Trevor Stow

THAT THE RECOMMENDATION BE ADOPTED

CARRIED UNANIMOUSLY 1/12/20

Background

This report details the progress of Capital Works and Major Projects 20/21 for the quarter ended 30 September 2020. The report will also be provided to the Audit and Risk Committee for their consideration at the next Audit and Risk Committee meeting.

The year commenced with an adopted budget plus actual carry forwards of \$66.98 million. This has been revised to \$66.84 million during quarter one to reflect changes detailed in Attachment 1. During the quarter no carry forwards or bring backs were identified.

As at 30 September 2020, \$21.53 million (32.21% of total revised budget) was expended or committed to works within the program.

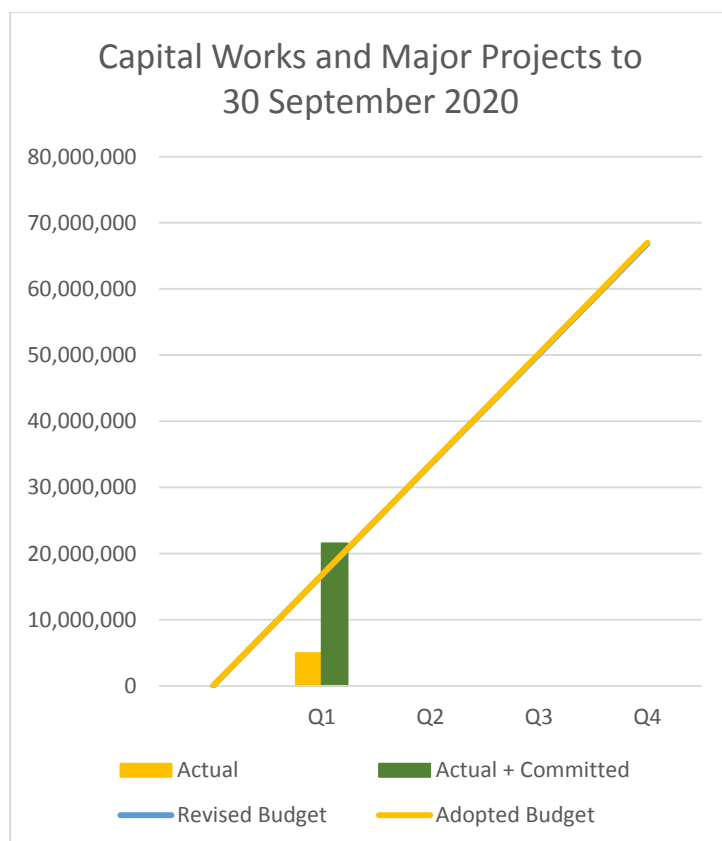


Figure 1. Quarterly Financial Breakdown

The Holding Account commenced the year with a zero balance. During the first quarter savings from projects of \$1,100,651 were identified. Further to this, distribution to new projects or projects requiring extra funding totalled \$168,022. The balance of the Holding Account as at 30 September 2020 was \$932,629. A summary of Holding Account transactions is provided at **Attachment 2**.

At the end of the first quarter, the program covered 191 separate projects of which 15 projects had been completed, 157 are on schedule for completion, the remaining 19 projects are either on hold or have been cancelled.

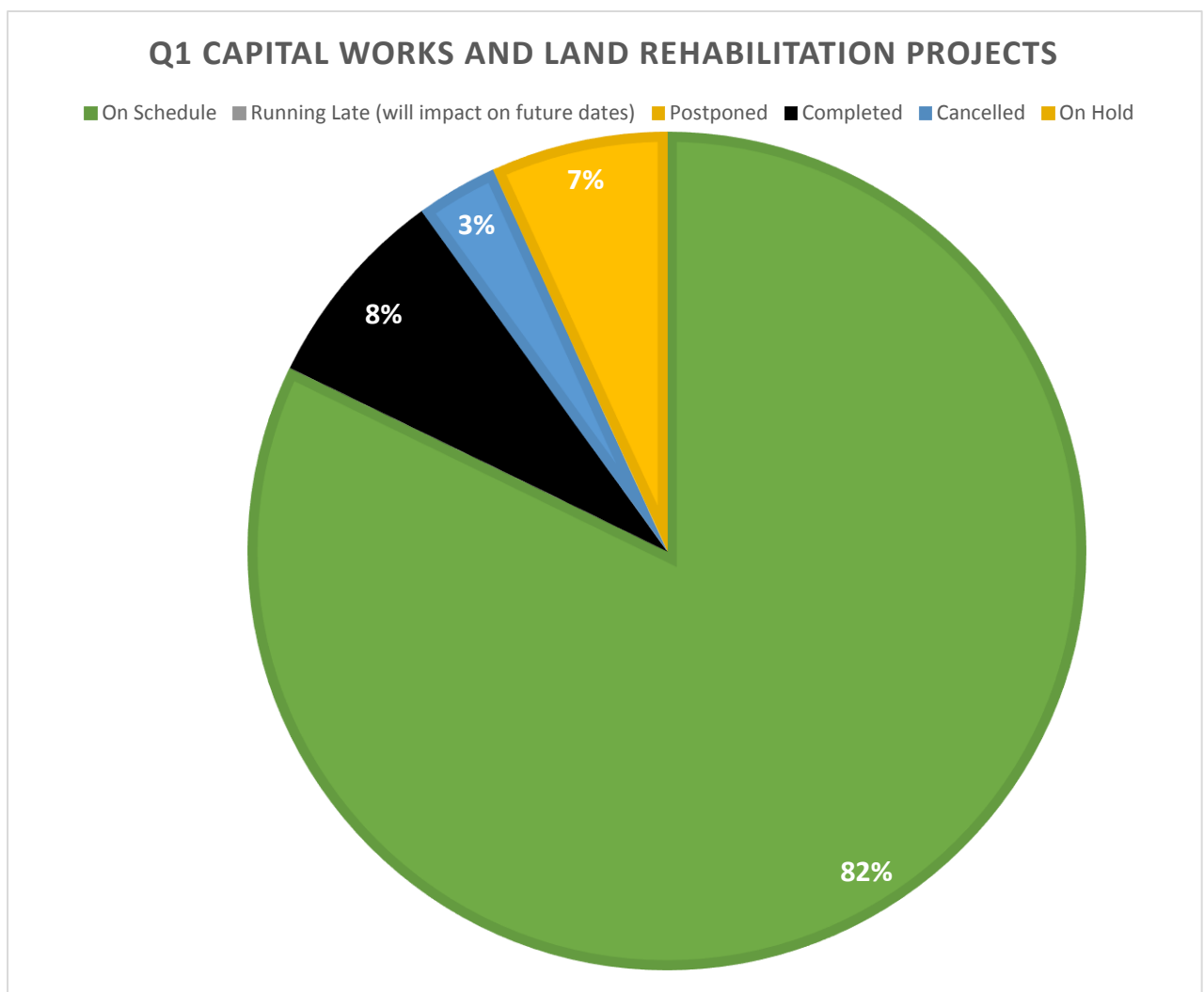


Figure 2. Capital Works Program Breakdown by Project Status

A full list of the Capital Works program and their status is included as **Attachment 1**.

Listed below are details of completed projects and summary of quick response allocations for the first quarter of the 20/21 financial year.

Significant Projects Completed in the quarter ended 30 September 2020.

Project Name	Commencement Year	Final Project Cost
Bridge Replacement - Sandy Flat Rd	19/20	\$1,113,036
Quire Road Bridge Replacement	19/20	\$301,578
Timber Bridge Replacement - Sunny Point Road, Buchan	19/20	\$611,795
Timber Bridge Replacement - Upper Wingan Road - Karlo Creek	19/20	\$338,879
Timber Bridge Replacement - Yalmy Road, Jarrahmond	19/20	\$351,198
Timber Bridge Replacement - Harrison Creek, Fairhaven	19/20	\$314,454
Timber Bridge Replacement - Reeds Rd, Goongerah	19/20	\$133,454
Water Tank Goongerah	19/20	\$24,514
Water Tanks Benambra school site, & standpipe	19/20	\$25,544

Projects allocated from the Quick Response Fund during the quarter ended 30 September 2020

Project Name	Amount Allocated	Balance of Fund	Comments
Opening Balance		\$65,000	
Replace Bus Shelter, Birrells Road, Newlands Arm	\$5,000		Community request
Metung Bowls Club Workshop	\$15,000		Agreed compensation for new footprint of Amenities block encroaching on Bowls Club land.
Closing Balance		\$45,000	

Contracts Awarded Under Delegation:

During the first quarter of 2020/21 a total of 2 contracts were awarded under CEO Delegation, these contracts are listed as below:

Project	Awarded to	Value (ex GST)
Omeo Justice Precinct	Period Building Conservation Pty Ltd	\$316,954
Orbost Airport Lighting Upgrade	Airport Lighting Specialists	\$113,329
	Lind Electrical	\$97,800

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 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

Several of the projects identified in the Capital program are considered partnership projects or projects that involve collaboration with an external agency. Given the size of East Gippsland however, none of the projects are collaborations with other councils.

Council Plan

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

Strong Communities Goal 2 - East Gippsland communities plan for their future.

A Liveable Region Goal 1 - East Gippsland has safe, accessible and well utilised open spaces and built environments that reflect the priorities of our community.

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

Council Policy

The Capital Works program is delivered in accordance with the East Gippsland Shire Council Procurement Policy; the Quick Response Capital Fund Policy; and a range of policies applying to occupational health and safety; risk and governance.

Options

Not applicable

Resourcing

Financial

This report outlines the financial position of the 2020/21 Capital Works and Major Projects program as at the 30 September 2020.

Plant and equipment

The Capital program includes budget for the replacement of plant and equipment as per depreciation schedules.

Human Resources

The development of this report has no impact on human resource levels. The delivery of the Capital program relies on the engagement of a number of project supervisors, that are engaged under various terms by Council.

Risk

Risk assessments are carried out on all projects within the Capital Program as part of the Project Management Framework.

Economic

Delivery of the Capital program includes the procurement of contractor services which stimulate the local economy and the betterment of areas of the shire that support business and industry growth.

Social

The delivery of a number of projects within the Capital program is seen to implement aspects of adopted strategies and plans and delivers positive social outcomes for our communities.

Environmental

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. However Climate Change and other environmental factors are considered in the design of many of the Capital projects being delivered in 2020/21.

Engagement

No engagement has been undertaken in the compilation of this report, however engagement with community members, agencies and stakeholders has been a critical element in the design and delivery of many of the projects in the 2020/21 Capital program.

Attachments

1. Q 1 20-21 Status of Capital Works and Major Projects [5.2.2.1 - 8 pages]
2. Q 1 Holding Account Transactions 20-21 [5.2.2.2 - 1 page]

Authorised by Fiona Weigall, General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

The purpose of this report is to provide the background of the tender and evaluation process for the above contract and seek approval by Council to accept the recommendations made by the Evaluation Panel.

The Tender Evaluation Report is detailed in **Confidential Attachment 1**. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in the confidential attachment is confidential because it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public.

The current timber bridge on Tarbucks Road has been load limited at 25 tonne for the past 6 years and will require further loading restrictions if not replaced in the near future. The bridge forms the only access to properties located East of the bridge and provides vital access for residents and Emergency Services.

In August 2020, a request for tender was advertised through Council's tender portal (Tenderlink) seeking tenders to undertake the construction of a concrete bridge on Tarbucks Road.

The request for tender allowed for the replacement of the existing load limited timber bridge with a steel and concrete bridge, safety barrier and all associated roadworks. These works will ensure that Tarbucks Road remains open to all traffic without the need for further load limiting of the existing timber bridge and will also reduce annual maintenance costs.

If approved, these works will be undertaken in the 2020/21 financial year and will be funded from the Local Roads and Community Infrastructure Grant.

Project Overhead charges are not able to be claimed against the Local Roads and Community Infrastructure Grant, these costs will be charged against the Capital Works Holding Account.

Officer Recommendation

That Council:

- 1. Receives and notes this report and any attachments pertaining to this report;***
- 2. Approves the awarding of Tarbucks Road, Cabbage Tree bridge replacement to _____ for the sum of \$_____ (ex GST);***
- 3. Authorises signing and sealing of the contracts in the form proposed; and***

- 4. Resolves that Attachment 1 to this report and all discussions in relation to Attachment 1 remain confidential.**

Cr Mark Reeves / Cr Arthur Allen

THAT COUNCIL:

- 1. RECEIVES AND NOTES THIS REPORT AND ITS ATTACHMENTS;**
- 2. APPROVES THE AWARDING OF TARBUCKS ROAD, CABBAGE TREE BRIDGE REPLACEMENT TO TAMBO CONSTRUCTIONS PROPRIETARY LIMITED FOR THE SUM OF \$437,740 (EX GST);**
- 3. AUTHORISES SIGNING AND SEALING OF THE CONTRACTS IN THE FORM PROPOSED; AND**
- 4. RESOLVES THAT ATTACHMENT 1 TO THIS REPORT AND ALL DISCUSSIONS IN RELATION TO ATTACHMENT 1 REMAIN CONFIDENTIAL.**

CARRIED UNANIMOUSLY 1/12/20

Background

The existing timber bridge on Tarbucks Road has been load limited at 25 tonne for the past 6 years and will require further loading restrictions if not replaced in the near future. The bridge forms the only access to properties located East of the bridge and provides vital access for residents and Emergency Services.

In August 2020, a request for tender was advertised through Council's tender portal (Tenderlink) seeking tenders to undertake the construction of a concrete bridge on Tarbucks Road.

The request for tender allowed for the replacement of the existing load limited timber bridge with a steel and concrete bridge, safety barrier and all associated roadworks. These works will ensure that Tarbucks Road remains open to all traffic without the need for further load limiting of the existing timber bridge and will also reduce annual maintenance costs.

The alternate tenders submitted by tenderers were based on components that could be fabricated locally and didn't rely on third party fabrication. Both alternates still comply with the SM1600 bridge loading requirements.

Following evaluation of the quotations using the list of criteria that considered financial value, capacity, capability and local contribution, Council Officers determined that one of the alternate tenders submitted represented the best value for Council.

If approved, these works will be undertaken in the 2020/21 financial year and will be funded from Council's 2020/21 Capital Works Program.

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* as it relates to procurement.

The Tender Evaluation Report is detailed in **Confidential Attachment 1**. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in the confidential attachment is confidential because it contains private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed 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*.

Collaboration

Given the nature of the works and location of the works, it has not been possible to pursue collaboration on this matter.

Council Plan

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

A Liveable Region Goal 1 - East Gippsland has safe, accessible and well utilised open spaces and built environments that reflect the priorities of our community.

Council Policy

The tender process that this report addresses, has been undertaken in accordance with the East Gippsland Shire Council Procurement Policy.

Options

As further detailed in the confidential attachment to this report, alternative construction methods were considered as part of the tender evaluation process. Alternative tenders are possible to consider where the tenderer has also submitted a conforming tender.

Resourcing

Financial

This project will be predominantly funded from the Australian Government's Local Roads and Community Infrastructure fund. This fund does not cover project management costs with these necessary management costs to be funded internally by Council.

Plant and equipment

Not applicable

Human Resources

The project will be managed by a Project Supervisor allocated from the Assets and Projects Team. There are no additional human resources required to deliver this project.

Risk

Project risks have been considered as part of Council's Project Management Framework and are considered to be of low magnitude with suitable and established controls.

Economic

Evaluation of the tender includes assessment of each tender against local economic impact criteria, that includes the location of the company, local employment to be generated as part of the project delivery, local purchasing of materials and other ways in which the company supports the local economy.

Social

Further load limiting of the existing timber bridge would be detrimental to the farming community East of the bridge. The new bridge will be built to current load rating standards with improved access for heavy vehicles, this will ensure the community's need for unlimited access is maintained. Provision of access to a primary place of residence is an essential human right.

Environmental

The bridge has been designed to reduce impacts on the environment, by increasing waterway areas under the new bridge. The successful tenderer will also be required to submit a range of project management plans prior to commencing the works including plans to demonstrate how the works will be undertaken with minimal impact on the waterway.

Evaluation of all tenders includes assessment against a range of environmental sustainability criteria including the environmental impact of plant and equipment, use of recycled materials, and other practices the company employs to minimise its environmental footprint.

Climate change

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

Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts.

Engagement

Council officers have consulted with the local community and bridge users when evaluating the need for a replacement bridge. Local users and the wider community will also be kept informed of construction progress and any potential impact on access during construction.

Attachments

1. CONFIDENTIAL REDACTED - CON2020 1398 Bridge Replacement Tarbucks Road Bridge Cabbage Tree Creek [5.2.3.1 - 7 pages]

5.3 Good Governance

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The forecast operating result for the 2020/21 financial year is \$12.747 million compared to the adopted operating surplus of \$22.673 million. This is a forecast reduction in operating surplus of \$9.926 million.

There are operating and capital grant income reductions of \$6.7 million as a result of these grants being brought to account in the 2019/20 year and included in the operating surplus for that year. There is also \$3.012 million of projects that were incomplete at the end of the 2019/20 year that will now be completed in the current financial year. The majority of these projects are funded from grants received in the 2019/20 year.

A grant of \$2.830 million will be received in the 2020/21 year for the Working for Victoria Program and this has added to both income and expenditure forecasts.

The expected end-of-year cash position of \$41.194 million (\$3.337 million greater than the adopted budget) is the result of the more favourable 2019/20 end-of-year cash position than the estimated result at the time of adopting the 2020/21 budget together with the estimated value of capital works being less than the adopted budget.

The capital works adopted budget was \$64.765 million and has been adjusted to the current forecast of \$63.630 million. Landfill rehabilitation projects forecast expenditure has increased from \$2.219 million to \$3.219 million as a result of the Orbost landfill rehabilitation that will be undertaken in 2020/21.

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

Officer Recommendation

That Council:

- 1. Receives and notes this report and its attachments; and***
- 2. Adopts the Finance Report for the three-month period ended 30 September 2020, as outlined in Attachments 1 to 7.***

Cr Mark Reeves / Cr Trevor Stow

THAT THE RECOMMENDATION BE ADOPTED

CARRIED UNANIMOUSLY 1/12/20

Background

Overview of Financial Performance

Provided in this report as at the end of September 2020 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. 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 \$28K is primarily the result of the timing for receipt of reimbursements for bushfire reinstatement works yet to be received less employee costs and materials and services that were underspent as at the end of September 2020.

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

Full Year – Budget

Net Comprehensive Result

The expected operating surplus for the year is \$12.747 million which is \$9.626 million less than the adopted budget of \$22.673 million.

There were operating and capital grants included in the adopted budget totalling \$6.68 million that were accounted for in the 2019/20 year and included in the end of year operating surplus for that year. This has reduced the expected operating surplus for the 2020/21 year this amount and together with \$3.012 million of additional expenditure added to the 2020/21 year as a result of projects that were incomplete at the end of the 2019/20 year, accounts for the reduction estimated operating surplus.

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 \$8.052 million is primarily a result of the forecast reduction in operating surplus of \$9.926 million offset by a reduction in non-recurrent capital funding of \$1.874 million.

Attachment 1 provides further explanation of the variances discussed above.

Cash Position

Year-to-Date:

As at 30 September 2020, Council held cash of \$73.027 million. 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 \$41.194 million is \$3.337 million greater than the adopted budget of \$37.857 million. This forecast cash position takes into account the actual 2019/20 end-of-year result that was more favourable than estimated at the time of adopting the 2020/21 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.

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

Capital Works and Landfill Rehabilitation Projects

Year-to-Date:

The adopted budget for the 2020/21 financial year was \$64.765 million in capital works and a further \$2.219 million in landfill rehabilitation projects, giving a total of \$66.984 million.

Actual YTD capital and landfill rehabilitation projects expenditure at the end of September 2020 is \$4.944 million.

Full Year:

The forecast capital and landfill rehabilitation expenditure for the 2020/21 year is \$66.839 million. There has been a forecast reduction in capital works expenditure of \$1.145 million and an increase in landfill rehabilitation projects of \$1.0 million as a result of the Orbest landfill rehabilitation works required following the reopening of the landfill site to accept bushfire waste.

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 97 of the Local Government Act 2020 requires a quarterly budget report be presented to the Council at a Council meeting which is open to the public. The quarterly budget report must include a comparison of the actual and budgeted results to date and an explanation of material variances.

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

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

Council Policy

Not applicable for this report.

Options

Not applicable for this report.

Resourcing

Financial

Refer to the following **attachments**:

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

Plant and equipment

Not applicable for this report.

Human Resources

Not applicable for this report.

Risk

The risks of this proposal have been considered and are not applicable to this report.

Economic

Not applicable for this report.

Social

Not applicable for this report.

Environmental

Not applicable for this report.

Climate change

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

Engagement

Not applicable for this report.

Attachments

1. Attachments 1 to 7 Financial Report September 2020 [**5.3.1.1** - 17 pages]

5.3.2 Councillor Representation Register

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report is presented to Council for determining Councillor representation on internal advisory committees and external organisations for 2021, refer **Attachment 1**.

Effective representation on relevant external organisations and internal advisory committees is a critical element of Council's advocacy program. Through its membership of and representation on a diverse range of relevant local, regional and state committees and organisations, Council is well placed to represent and advocate for the interests of East Gippslanders.

Councillor representation on these committees and organisations is guided by the Councillor Representation Policy at **Attachment 2**.

Officer Recommendation

That Council:

- 1. Receives and notes this report and any attachments pertaining to this report; and***
- 2. Adopts the list of representatives to the internal committees and external organisations, as provided at Attachment 1.***

Cr Mark Reeves / Cr John White

THAT THE RECOMMENDATION BE ADOPTED SUBJECT TO INCLUDING CR SONIA BUCKLEY AS A COMMITTEE MEMBER ON THE MARINA CONSULTATIVE COMMITTEE.

CARRIED UNANIMOUSLY 1/12/20

Background

Council is represented on a range of internal and external committees, reference groups, industry groups, forums and other local and regional organisations. Ensuring that Council has proper appointments of Councillors to these organisations is a critical element of Council's advocacy program. The Council Representation Policy guides Council's advocacy program and establishes expectations of Councillors when representing Council in these forums.

There are some internal advisory committees and external organisations that require the Mayor to attend as Mayor ex-officio. There is also an opportunity for Councillors to participate on a range of committees that are important to the future economic, environmental and social sustainability of the municipality.

The current list of Council advisory committees and external organisations for Councillors representation, at **Attachment 1**, outlines the Mayor ex-officio and Councillor nominations required for 2021. Councillor representatives are supported by a member of the Executive Leadership Team who will provide information, advice and context in respect of matters being considered by the Committees.

Councillors are required to disclose conflicts of interest that are identified with any agenda item for the meetings of the internal and external committees and organisations that they attend. These disclosures will be recorded in the publicly available conflict of interest register.

Councillors are required under the Councillor Representation Policy to provide a report at the next Council meeting about the meetings they have attended. Council officers will prepare a report for Council relating to meetings of Council's advisory committees.

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 the overarching governance principles in section 9 of the *Local Government Act 2020*. This report outlines compliance with the conflict of interest requirements in sections 126-131 of the *Local Government Act* and the procedure for disclosure outlined in the East Gippsland Shire Council Governance Rules.

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

This report does not involve procurement.

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

This report has been prepared in accordance with the Council Representation Policy, adopted by Council in 2019.

Options

Councillors have discussed and subsequently nominated the identified appointments to the committees and organisations, as outlined in **Attachment 1**.

Resourcing

Financial

Costs associated with attendance at these meetings is covered by current budget allocations. Payment or reimbursement of costs and expenses associated with Councillor representation will be managed in accordance with the Councillor Support and Expenses Policy.

Plant and equipment

Not applicable.

Human Resources

All Councillor representatives will be supported by a member of the Executive Leadership Team, who on request, will be available to provide information, advice and context in respect of matters being considered by the relevant organisation.

Risk

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

Economic

Councillor membership of and representation on a diverse range of committees and organisations ensures Council is aware of and understands the economic situation of the municipality. It also enables Council to make informed decisions for the economic sustainability of the Shire.

Social

By ensuring Council has a 'voice at the table' through its representation arrangements, Councillors will be able to work proactively with other members of these organisations to achieve the best possible social outcomes for Council and the East Gippsland community.

Environmental

Councillor representatives will advocate on environmental issues in line with Council policies at meetings and other forums where appropriate. Councillors will report to Council on emerging issues and other environmental matters that are likely to impact on Council's many areas of responsibility.

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

Councillors have discussed the purposes of the internal advisory committees and external organisations and the Council Representation Policy with the Executive Leadership Team.

Attachments

1. Councillor Representation 2021 [**5.3.2.1** - 1 page]
2. Council Representation Policy [**5.3.2.2** - 9 pages]

6 Urgent and Other Business

Nil

7 Confidential Business

7.1 CON2020 1398 Bridge Replacement Tarbucks Road Bridge Cabbage Tree Creek

Council did not close the meeting to the public to consider this item as discussion on the item was not required.

8 Close of Meeting

Cr Mendy Urie declared the Council Meeting Tuesday 1 December 2020 closed at 8.12 pm

Confirmed _____
Cr Mendy Urie Mayor
15 December 2020