



Minutes

Council Meeting

Tuesday 2 February 2021 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.

Index

1 Procedural	4
1.1 Recognition of Traditional Custodians	4
1.2 Apologies.....	4
1.3 Declaration of Conflict of Interest.....	4
1.4 Confirmation of minutes	4
1.5 Next meeting	5
1.6 Requests for leave of absence	5
1.7 Request to speak about your Community Project	5
1.8 Public question time	5
1.9 Petitions.....	7
2 Notices of Motion and/or Rescission.....	7
3 Deferred Business	7
4 Councillor and Delegate Reports	7
5 Officer Reports	11
5.1 Strong Communities.....	11
5.1.1 Endorsement of the Gippsland Tracks and Trails Feasibility Study and Gippsland Trail Feasibility Study	11
5.1.2 Amendment C158egip to the East Gippsland Planning Scheme - Stockman Base Metals Project correction to the Incorporated Document	17
5.1.3 Motion to support International Campaign to Abolish Nuclear Weapons Cities Appeal 2021	23
5.2 A Liveable Region	28
5.2.1 Capital Works and Major Projects Quarter Two 20/21 Report	28
5.3 Responsive Services.....	35
5.3.1 Sale of Land - 286 Marine Parade Lakes Entrance.....	35
5.3.2 Customer Experience Strategy	39
6 Urgent and Other Business	44
7 Confidential Business	45
7.1 Agriculture Sector Advisory Committee Member Appointment	45
7.2 East Gippsland Shire Council Audit and Risk Committee Appointment.....	45
8 Close of Meeting	45

1 Procedural

1.1 Recognition of Traditional Custodians

Welcome to East Gippsland Shire Council's meeting of 2 February 2021.

East Gippsland Shire Council live streams, records and publishes its meetings via webcasting ([youtube.com/c/East GippyTV](https://youtube.com/c/EastGippyTV)) 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 Act 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.

The Mayor acknowledged and recognised the Gunaikurnai, Monero and the Bidawel 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

Fiona Weigall General Manager Assets and Environment declared a conflict of interest in *item 6 Urgent and Other Business*, as a general interest due to having a relationship with former contractor.

1.4 Confirmation of minutes

Cr Mark Reeves / Cr Tom Crook

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

CARRIED UNANIMOUSLY 2/02/2021

1.5 Next meeting

The next Council Meeting of Tuesday 23 February 2021 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

1.8.1 Speed Limit, Nungurner Road, Kalimna to Metung

Mr Robin Lewington submitted the following question:

“Reference to my initial communication on 4 December 2018 CRM 161160, regarding the existing 100 kilometres per hour on Nungurner Road.

My question/concern was/is:

“will the existing 100 kilometres per hour speed limit be reduced on Nungurner Road from the junction of Kalimna West Road through to the junction of the Swan Reach / Metung Roads?”

This section of Nungurner road is almost continuous bends, and there are many property entrances, including the junction of Rosherville Road.”

Fiona Weigall General Manager Assets and Environment provided the following response:

Thank you for the question, which officers understand is of importance to the Nungurner community and which officers take very seriously from a Road safety perspective.

Road Speeds are set and considered by the State through dept of Transport - even speeds on Roads managed by Council

In terms of the speed reduction from 100 - 80km - this is considered a significant reduction under the Dept of Transport guidelines and therefore has to follow an extensive review process which Council officers have commenced through the collection of the required traffic data.

This traffic data will then be in the program called VLimits which will determine the most appropriate speed reduction for this section of road.

Once this process is complete, officers will then document crash history, seek community views on the proposed change through direct mailout to all residents along Nungurner Road and also advertise the proposed changes through local media.

All this information is then presented to the Department of Transport locally in Traralgon, where it is assessed and then forwarded to Traffic Engineers in Melbourne for a final assessment and decision. The current timeframes between applications and decision at approximately 12 months

This particular review has also been slowed down as officers from both our own area and Dept of Transport focused on road recovery from the Black Summer fires

We understand the residents' concerns and remain committed to progressing out parts of the review as soon as possible.

1.8.2 10 Marlo Road, Marlo

Ms Shane Boyd submitted the following question:

“Why did the East Gippsland Shire Council pass Amendment C80 in 2012, to create a Development Plan Overlay on the 10 Marlo Road site, which effectively disenfranchises the Marlo Community from objection and review through VCAT and allow a subdivision plan which ignores the intent and strategic objectives of the Marlo Urban Design Framework 2007 and the articulated vision for Marlo established in that policy document which was designed to guide development in the following 15-20 years?”

Nicole Reynolds Acting Manager Planning provided the following response:

Planning Scheme Amendment C80 was approved at Council meeting in December 2011. This was following a process in accordance with the requirements of the Planning and Environment Act 1987 which included a public exhibition process.

The effect of the decision was to rezone the land from Farming Zone to residential 1 Zone and approved the Development Overlay Schedule 7, a new schedule into the planning scheme and applied the Design & Development Overlay Schedule 11 to the land. The Design and Development Overlay applies to the land and includes the Urban Design framework for Marlo as a background document

1.8.2 10 Marlo Road, Marlo

Mr Peter Foden submitted the following question:

“Why did East Gippsland Shire Council planning officers ignore the written objections and submissions of Marlo residents, relating to the lack of adherence to the Marlo Urban Design Framework 2007.

These submissions were lodged in February 2017, early enough for the Shire planners to request the Developer to modify the Development Plan subdivision to reflect community views.”

Sam McPherson Acting General Manager Place and Community provided the following response:

Thank you for the question. Key matters which form part of the Marlo Urban Design Framework have been appropriately considered as part of the assessment and consideration of the development plan overlay request as part of the East Gippsland Planning Scheme planning provisions.

Issues such as urban character, the natural environment, public areas improvement, management of traffic flow and improved safety, together with pedestrian circulation, stormwater drainage and bushfire risk have been considered as part of the assessment of the proposal.

1.9 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 9.

4.2 Cr Trevor Stow

Cr Stow focused his report on his attendance at the following events:

- Neighbourhood House, Hoddinott street meeting Bairnsdale on 16 December 2020
- South Bairnsdale Industrial Estate meeting on 22 January 2021
- Lindenow Australia Day awards event on 26 January 2021

4.3 Cr Jane Greacen OAM

Cr Greacen focused her report on his attendance at the following events:

- East Gippsland Shire Council Australia Day awards event on 21 January 2021
- Official Opening of the Art Textile Biennale 2020 exhibition event on 22 January 2021

4.4 Cr John White

Cr White focused his report on thanking Cr Stow for attending the Lindenow Australia Day awards event on 26 January 2021 on his behalf.

4.5 Cr Arthur Allen

Cr Allen spoke to his written report at folio 10.

4.6 Cr Kirsten Van Diggele

Cr Van Diggele focused her report on his attendance at the following events:

- East Gippsland Shire Council Australia Day awards event on 21 January 2021
- Paynesville Australia Day awards event on 26 January 2021
- East Gippsland Study Hub meeting in January 2021

4.7 Cr Sonia Buckley

Cr Buckley focused her report on his attendance at the Omeo Australia Day awards event on 26 January 2021.

4.8 Cr Mendy Urie

Cr Urie focused her report on his attendance at the following events:

- The Hon. Mary-Anne Thomas, Minister for Regional Development and Minister for Agriculture meeting on 14 January 2021
- Mallacoota Bushfire Recovery Hub meeting on 14 January 2021
- East Gippsland Shire Council Australia Day awards event on 21 January 2021
- Twin Rivers District Community Plan 2019 meeting on 22 January 2021
- Paynesville Australia Day awards event on 26 January 2021
- East Gippsland Recovery Committee meeting 28 January 2021
- One Gippsland Meeting with The Hon Mark Coulton MP and the Hon Darren Chester MP meeting on 29 January 2021

COUNCILLOR WRITTEN REPORT

Cr Mark Reeves

Meeting 1 - Meeting with Minister Mary-Anne Thomas

Meeting Date: 14/01/2021

Key Learnings and Benefit to Council/Community: A key strategic meeting with the minister for Agriculture and Minister for Regional Development.

Key Actions/Outcomes: Significant discussion ensued regarding the shire's economic recovery and development post-fires, drought recovery and agricultural sustainability, among others.

Meeting 2 Opening of Mallacoota Police Station

Meeting Date: 14/01/2021

Key Learnings and Benefit to Council/Community: Due to the impact of bushfires and covid19, the station was delayed in opening since 2019.

Key Actions/Outcomes: The station was opened and this was a significant symbolic moment for the officers and residents. Aunty Aileen welcomed the community to country in her usual inclusive and easy way. She also noted, which was encouraging, the important relationship between the aboriginal community and VicPol both for education and community engagement.

Meeting 3 Australia Day Awards

Meeting Date: 21/01/2021

Key Learnings and Benefit to Council/Community: This event was one of the most impressive presentation events in my experience as a Councillor. The marquee was magnificent, the crowd plentiful and enthusiastic. It impressed upon me the continued importance of these awards and the recognition of good work that has been well done. Congratulations; the 2021 Citizen of the Year is Leo op den Brouw of Mallacoota and Young Citizen of the Year is James Bush of Bairnsdale. Winner of Community Event of the Year is Paynesville Classic Boat Rally.

Key Actions/Outcomes: We acknowledge the great work of these individuals and the groups for their contributions to the shire in the past challenging year.

Meeting 4 Australia Day At Orbost

Meeting Date: 26/01/2021

Key Learnings and Benefit to Council/Community: Numbers were down somewhat at Orbost this year. It may have been the impact of the incredible heat the previous day. About 120 people attended. There was an acknowledgement of the ongoing complexity of the day.

Key Actions/Outcomes: The Rotary Club of Orbost again facilitated this event. They provided a delicious and optional breakfast of fruit or eggs/bacon. Music was provided. and the inclusion of children in the singing was noted and appreciated. A beautiful welcome to country was undertaken by Uncle Buzzy Hewitt.

Cr Arthur Allen

In December, along with Councillor Buckley, I attended an inspection at Omeo Recreation Reserve and met with Darcy Fitzgerald, Leigh Foulton and Grahame Symons.

We were shown the 6-stand shearing unit that has been installed as part of establishing a shearing school. The adjacent building, formerly the kindergarten, is to be used for classroom sessions. However, the building needs work to bring up to standard. This is a Council owned building and apparently funds have been allocated for the required works but have been delayed as a result of the fires and COVID. The committee are keen for this work to be completed as soon as possible

We also inspected the netball courts and observed the damage that is occurring as a result of water originating from the parking area adjacent. The netball courts represent a big investment and work is urgently needed to rectify the problem. To do so requires a drainage plan to be completed and curb and channel installed to divert water away from the courts. The committee also see this as an opportunity to address parking issues.

The committee also showed us through the social rooms and change rooms with particular emphasis on the upstairs gym. They would like to install a couple of windows to allow natural light and to also install some secure storage areas for equipment used by various groups. The COVID scare at Lakes Entrance caused disruption for a few days in early January with businesses forced to shut and deep clean and have staff tested. Fortunately, there were no positive cases and tourists returned in big numbers for the remainder of the holiday period. Council staff did an excellent job in response to the COVID situation and acting CEO Peter Cannizzaro was swift in responding to enquiries and in organising meetings. My sincere thanks to all involved.

On Wednesday 20 January Councillor Reeves and myself attended a meeting with representatives of the Marlo Rate Payers Association in regard to the proposed subdivision adjacent to Marlo road. Cr Reeves was able to answer their concerns with his extensive knowledge of the proposal and its history. Following the meeting Cr Reeves took us on a tour of Marlo.

On Australia day I attended events at both Lakes Entrance and Johnsonville. Numbers were down at both events, most likely because of COVID restrictions and, in the case of Johnsonville the pouring rain. Those in attendance were very enthusiastic and a number of people expressed their opposition to any suggestion of changing the day. Bruce Hurley was citizen of the year at Lakes Entrance for his continuing community service and his work through LEADA. At Johnsonville Kees Dogger was citizen of the year in recognition of his long service to the community through music. Johnsonville CFA was recognised for their outstanding work not only through the fires but across the years.

5 Officer Reports

5.1 Strong Communities

Request to Speak

Mr Joe Rettino (via Skype)

5.1.1 Endorsement of the Gippsland Tracks and Trails Feasibility Study and Gippsland Trail Feasibility Study

Authorised by General Manager Bushfire Recovery

Conflict of Interest

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

Executive Summary

TRC Tourism was engaged by a partnership of the six Gippsland Councils, Destination Gippsland Ltd and the Gippsland Mountain Bike Club to develop two different studies;

- The Gippsland Tracks and Trails Feasibility Study; and
- The Gippsland Trail Feasibility Study

The Gippsland Tracks and Trails Feasibility Study provides an assessment of trails across Gippsland and makes recommendations on opportunities for improving the current trails-based experiences. This includes the prioritisation and planning of improvements to existing trails and the development of future tracks and trails to expand the network.

The intent of this study is to establish Gippsland as a cycling, mountain biking, hiking and walking destination of national significance whilst providing economic and social benefit to the communities within the region.

The project is captured under the Experience Theme of Inspired Adventure within the Towards 2030 Gippsland Destination Management Plan developed by Destination Gippsland.

The 'Gippsland Trail Feasibility Study' took one of the proposed signature trails from the Tracks and Trails Feasibility Study and examined it in greater detail. The proposed Gippsland Trail is a signature route travelling over 700 kilometres through Gippsland, starting in the west on the outskirts of Melbourne (potentially at the Drouin Station on the Gippsland rail line). The trail covers the length and breadth of Gippsland showcasing the region's outstanding experiences, scenery and several communities and provides options along the route, including public transport for some sections if desired.

Identified in both studies are trails opportunities in East Gippsland. For trails where Council has responsibility the consideration of trail development will be undertaken through Councils normal budgetary and project planning processes. For those trails where Council does not have responsibility, we will advocate for these and will consider how we support them as appropriate.

Officer Recommendation

That Council:

- 1. Receives and notes this report and all attachments pertaining to this report;***
- 2. Endorses the Gippsland Tracks and Trails Feasibility Study; and***
- 3. Notes the Gippsland Trail Feasibility Study and that officers will continue to review the costs and benefits of the East Gippsland elements of the Gippsland Trail and the priority for further development and consideration.***

Cr Arthur Allen / Cr Tom Crook

THAT THE RECOMMENDATION BE ADOPTED

CARRIED UNANIMOUSLY 2/02/2021

Background

The Gippsland Tracks and Trails Feasibility Study and The Gippsland Trail Feasibility Study are initiatives of the Gippsland Local Government Network (now One Gippsland) in collaboration with project partners Destination Gippsland Pty Ltd and the Gippsland Mountain Bike Club Inc.

Significant planning work has previously occurred across Gippsland Councils for trails networks, recognising the substantial benefits tracks and trails provide for residents, through health and well-being, for visitors and in supporting economic growth in the region.

Several partners have already developed strategies expressing their intent to grow and connect trail opportunities across Gippsland with some projects already implemented, or ready to be implemented as a result of recent funding commitments.

The Gippsland Tracks and Trails Feasibility Study brings together all the existing significant plans and projects with a common vision and goal as they relate to attracting visitors to Gippsland and to more strongly support investment, collaboration and governance for Gippsland tracks and trails into the future. The study recommends several iconic trail experiences, interconnecting trail networks and growth of complementary trail products and services to support increased visitation, economic opportunities and increased overnight stays in the region.

The framework is deliberately built around an objective to improve the visitor economy by attracting new and repeat visitation to Gippsland (and in some cases, keeping people in Gippsland longer), so it is acknowledged that trails will continue to be developed for community purposes outside this study.

It should be noted that this document has been developed in concurrence with the Gippsland Destination Management Plan (DMP) so that it complements the work, research and priority projects identified in the DMP for broader Gippsland.

There are many opportunities for trails development right across Gippsland. To assist to identify the appropriate trails a classification framework was established. The trail classifications form the foundation for managing, improving and marketing the network, meeting the needs of residents and visitors, and prioritising resources and future investment.

Trail Classifications:

Signature Trails: A smaller number of trails that showcase the region and offer outstanding experiences attracting people to Gippsland to complete the trails

Regional Trails: A larger part of trail network that provide quality experiences for residents and visitors, keep people in the region longer, and perhaps less crowds

Local Trails: Trails that primarily service local communities, or local attractions, and that important for health, wellbeing and connections to community infrastructure

The signature trails recommended in The Gippsland Tacks and Trail Feasibility Study are those in which investment will drive the highest visitor economy outcomes for Gippsland (and East Gippsland) through driving increased visitation to the region.

The signature trails have been selected based on analysis relating to existing market demand for experiences, current gaps in Gippsland's trail offering, opportunities for Gippsland to show case it's natural and cultural assets and diversity of landscapes - including coastal wilderness, alpine and foothill areas and rolling green hills.

Trails identified that are fully or partially in East Gippsland include:

Signature Walks and Hikes

- Wilderness Coast Walk from Cape Conran to Point Hicks
- Sections of the Australian Alps Walking Track including a relaunched and rebranded trail in conjunction with the trail partners the ACT and NSW
- The Sea to Summit Walk (Feasibility Study)

Signature Mountain Biking Hubs and Trails

- Omeo Mountain Bike Destination Development

Multi Use Trails

- Continued development of 'Rail Trails' that together will form the basis of a 'Gippsland Trail'
- The development and implementation of the Gippsland Lakes Aquatic Trail

The Study also found that separate to identification of the trails, there were six core areas for coordinated actions:

1. Effective coordination arrangements to provide region-wide leadership and direction and assist collaboration and coordination
2. Consistent and collaborative planning provide consistent regional policies and approaches to trail use, design and construction standards and environmental sustainability

3. Delivering trail experiences with a consistent approach to trail classification, network development and service delivery
4. Sustainable management maintenance and monitoring to ensure continued environmental and social sustainability
5. Supporting trail use and community involvement including support for the work of volunteer trail groups and encouraging trail use through programs and events
6. Marketing and communication through effective methods for reaching local and visitor trail markets

The Gippsland Trail Feasibility Study identified a trail that had potential to be considered 'iconic' and confirmed that:

- The creation of a multipurpose trail that contains elements of many of the existing trails – but is branded the 'Gippsland Trail' or 'Great Gippsland Trail' will provide a trail of state-wide significance
- The trail should have several 'contained' experiences that could be enjoyed in sections – and these sections should generally align with the existing trail network (i.e. Great Southern Rail Trail)
- The trail could have several longer routes promoted as 'bike-packing' routes that would provide riders the option of longer cycling journeys through Gippsland.

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

Pursuant of section 109(2) of the *Local Government Act 2020*.

Not applicable.

Council Plan

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

A Growing Region of Opportunities Goal 2 - East Gippsland is Australia's number one adventure destination. We offer unforgettable tourism experiences for people of all interests, ages and abilities.

Council Policy

No current Council Policies directly impact on this report.

Options

There are many options for trails development right across Gippsland. While the two reports have been completed, the key options available to Council relate to how Council progresses any trail projects for which it may be responsible, or how Council engages with marketing, promotion and activation. These will be considered through Council's normal business planning processes.

Resourcing

Financial

There are no financial implications for Council as a result of the feasibility studies.

The Gippsland Tracks and Trails Feasibility Study identified key trails that would assist in strengthening the Gippsland tourism offering, it did not undertake a financial business case analysis of each trail.

The Gippsland Trail Feasibility Study created cost estimates for each section of the trail, including those in East Gippsland. The estimate is not based on engineering assessments and as such can only be relied upon for the purposes of assessing the economic feasibility and for budgeting purposes.

East Gippsland sections identified in the Gippsland Trail Feasibility Study are:

- \$1.0 M Upgrades to the East Gippsland Rail Trail including Lakes Discovery Trail
- \$3.0 M Restoration of the Orbost Viaduct Bridge over the Snowy Plains (DELWP asset)
- \$1.0 M off road trail construction – Paynesville to Bairnsdale

Officers are of the view that the cost estimates above require review along with the scope of each project, as the final costs are likely to be greater than listed in the Gippsland Trail Feasibility Study.

Where appropriate, consideration of trail development by Council will be undertaken through Council's normal budget and project planning processes. For those trails Council does not manage, Council can consider requests for advocacy as required.

Plant and equipment

There are no financial implications for Council as a result of the Feasibility Studies.

Human Resources

There are no financial implications for Council as a result of the Feasibility Studies.

Risk

The risks of this proposal have been considered and considered low.

Economic

The signature trails recommended in the Tracks and Trails Feasibility Study are the trails in which investment will drive the highest visitor economy outcomes for the Gippsland region through increased visitation to the region.

They have been chosen based on analysis relating to market demand for experiences, current gaps in Gippsland's trail offering, the opportunities to show case it's natural and cultural assets, and the diversity of landscapes, including coastal wilderness, alpine and foothill areas and rolling green hills.

Social

Although the trails identified are those that are intended to drive economic outcomes, positive social outcomes associated with an improved cycling / multi-use trail network are anticipated with any trail development.

The Gippsland Tracks and Trails Feasibility Study also found that separate to identification of the trails, there were six core areas for coordinated actions across Councils, including some that relate to community and social outcomes, including:

- Sustainable management maintenance and monitoring to ensure continued environmental and social sustainability; and
- Supporting trail use and community involvement such as support for the work of volunteer trail groups and encouraging trail use through programs and events.

Environmental

There are no environmental implications from this report.

The Gippsland Tracks and Trails Feasibility Study also found that separate to identification of the trails, there were six core opportunities for coordinated actions across Councils, including some that relate to environmental management, which are:

- Consistent and collaborative planning provide consistent regional policies and approaches to trail use, design and construction standards and environmental sustainability
- Sustainable management maintenance and monitoring to ensure continued environmental and social sustainability

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

There are several government and industry organisations that are involved (both directly and indirectly) in the visitor economy in the Gippsland region and were engaged during the development of these reports, including;

- Gippsland Local Government Network (All Gippsland LGs)
- Visit Victoria
- Destination Gippsland
- Destination Phillip Island
- Victoria Tourism Industry Council
- Industry Groups and Associations
- Gippsland MTB Inc.
- Department of Environment Land Water and Planning
- Prom Coast MTB Club.
- Parks Victoria
- Australian Hotels Association
- Mount Baw Baw Alpine Resort
- Bushwalking Victoria
- Phillip Island Nature Park
- Bicycle Network
- Sport and Recreation Victoria
- Cycling Australia
- VicRoads
- Caravan and Motorhome Club of Australia Ltd
- Victorian Fisheries Authority
- Outdoors Victoria
- Neighbouring Council areas such as Yarra Ranges Council
- Industry Groups and Associations
- Traditional Owners (Gunaikurnai Land and Water Corporation (GLAWAC), and representatives from Bunurong, Bidwell, Monero, and Yuin).
- Local business and tourism operators
- Walking and cycling clubs/groups

Attachments

1. Gippsland Tracks and Trails Feasibility Study [5.1.1.1 - 117 pages]
2. The Gippsland Trail Feasibility Study [5.1.1.2 - 80 pages]

5.1.2 Amendment C158egip to the East Gippsland Planning Scheme - Stockman Base Metals Project correction to the Incorporated Document

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

To seek Council approval to request the Minister for Planning to amend the East Gippsland Planning Scheme to correct a technical error contained in the Incorporated Document that regulates the off mining licence site land use activities that support the Stockman Base Metals Project Benambra.

Officer Recommendation

That Council as the Planning Authority for the East Gippsland Planning Scheme and having considered all relevant planning matters resolves to:

- 1. Receive and note this report and all attachments pertaining to this report; and***
- 2. Request the Minister for Planning to exercise his powers of intervention and approve Planning Scheme Amendment C158egip to the East Gippsland Planning Scheme in accordance with the attached documentation as a prescribed class of planning scheme amendment.***

Cr Mark Reeves / Cr Trevor Stow

THAT THE RECOMMENDATION BE ADOPTED

CARRIED 2/02/2021

For: Cr Arthur Allen, Cr Mark Reeves, Cr Trevor Stow, Cr Mendy Urie (casting vote)
Against: Cr Sonia Buckley, Cr Tom Crook, Cr Kirsten Van Diggele, Cr John White
Abstained: Cr Jane Greacen OAM

Procedural matter

The Mayor exercised her casting vote under section 61(5)(d) of the *Local Government Act* 2020.

Procedural note

Voting for item 5.1.2 was conducted again as the original voting was not compliant with the requirements of section 61(5)(e) of the *Local Government Act 2020*.

Cr Mark Reeves / Cr Jane Greacen OAM

THAT THE RECOMMENDATION BE ADOPTED

CARRIED 2/02/2021

For: Cr Arthur Allen, Cr Jane Greacen OAM, Cr Mark Reeves, Cr Trevor Stow, Cr Mendy Urie
Against: Cr Sonia Buckley, Cr Kirsten Van Diggele, Cr John White
Abstained: Cr Tom Crook

Background

The Stockman Base Metals Project Benambra has been through an extensive Environment Effects Statement approvals process which has co-ordinated the required Victorian statutory approvals and 1 Commonwealth approval. The implementation of these approvals includes provisions contained within the East Gippsland Planning Scheme for which the East Gippsland Shire Council is the responsible authority. Specifically, the Scheme provisions are at Clause 51 – Specific Sites and Exclusions and are set out in an Incorporated Document, namely the *Stockman Base Metals Project Incorporated Document (April 2016)*.

- residential village site – CA10, Sect 4, Parish of Guttamurra
- a telecommunications facility at the residential village
- Benambra car park site – CAs 3 & 4, Section 7A, Township of Benambra
- borefield site – CA 6, Section 11, Parish of Hinnomunjie (note that the proponent has advised that the borefield and water pipeline are no longer required)
- road widening along McCallums Road and Limestone Road from the intersection of Limestone Road with Beloka Road and the mine licence area
- an infrastructure corridor for an underground power line in the middle of McCallums Road from the mine site to the residential village
- vegetation removal

The Incorporated Document invokes plans which need responsible authority approval and include:

- endorsed plans for each element of the project (as listed above), including staging
- Traffic Management Plan
- Section 173 Agreement under the Planning and Environment Act 1987 in relation to McCallums Road and Limestone Road from the intersection of Limestone Road with Beloka Road and the mine licence area
- Fire and emergency response plan
- Social Management Plan

- Noise Management Plans – construction and operation
- Environmental Management Plan
- Construction Management Plan
- Biosecurity Management Plan
- Vegetation Management Plan
- Fauna Management Plan
- Residential village conditions
 - ▶ layout plans
 - ▶ landscaping plan
 - ▶ bushfire protection plan
 - ▶ waste management plan
 - ▶ internal road layout plan
 - ▶ drainage and stormwater management plans
 - ▶ external lighting plan
 - ▶ post mine closure and rehabilitation stage plan
- Benambra car park layout plan
 - ▶ layout plan
 - ▶ drainage and stormwater management plan
 - ▶ car park management plan
 - ▶ lighting
 - ▶ following closure / rehabilitation stage
- Linear infrastructure
 - ▶ location and site plans
 - ▶ Mine closure
 - ▶ Mine closure vegetation rehabilitation plan
- Telecommunications Facility
 - ▶ Plans
 - ▶ Base conditions
- Road widening and drainage
 - ▶ Road widening and drainage plan
 - ▶ Earthworks condition
 - ▶ Commencement condition
- Vegetation removal
 - ▶ Plan
 - ▶ Offset management plan
 - ▶ Condition securing offsets
- Expiry conditions

The proposed Amendment C158egip is required in relation to the requirement for a Section 173 Agreement for road maintenance. The issue being that the Registrar of Titles does not have the legislative power to register a Section 173 Agreement on Title. It is proposed to amend clause 3.1.4 of the Incorporated Document by deleting the reference '*pursuant to Section 173 of the Planning and Environment Act 1987*' and retain the reference to '*an agreement*'.

The approach of using a civil agreement is the usual practice used by Council where a third party is required to contribute to the upgrade and / or maintenance of Council managed roads.

The proposed amendment also seeks Ministerial intervention to correct minor anomalies in the Incorporated Document which has arisen as a result of Smart Planning Program reformatting of planning schemes and clerical errors.

Specifically the Amendment replaces the existing Schedule to Clause 51.01 being the *Stockman Base Metals Project Incorporated Document April 2016* with an updated Incorporated Document version.

The Amendment changes the Incorporated Document as follows:

- replaces the reference under condition 3.1.4 for the need for a Section 173 Agreement in relation to road widening activities in the infrastructure corridor with the need for an agreement;
- updates clause references following Smart Planning Program restructure of the East Gippsland Planning Scheme; and
- corrects clerical errors to figure and map referencing.

The Amendment is a prescribed class of amendment listed in regulation 8 of the Planning and Environment Regulations 2015. The Amendment is proposed to be prepared under section 20A of the *Planning and Environment Act 1987*. Exhibition and notification requirements of sections 17, 18 and 19 of the Act will not apply in respect of this Amendment. It is proposed that the Minister for Planning be requested to exercise his powers of intervention undertake this Amendment.

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.

Proposed Amendment C158egip is being undertaken following the planning scheme amendment process set out in the *Planning and Environment Act 1987*.

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:

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.

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.

This Amendment meets objectives of the East Gippsland Shire Council Plan 2017-2021 at the following goals:

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

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

Options

The Planning and Environment Act 1987 has provisions for streamlined planning scheme amendment processes for corrections. This matter has been discussed with and supported in principle by the Regional Office of the Department of Environment, Land, Water and Planning on behalf of the Minister for Planning as a prescribed amendment. A prescribed amendment is undertaken by the Minister at the request of Council.

Resourcing

Financial

Costs to facilitate the correction to the East Gippsland Planning Scheme provisions are absorbed within existing budget.

Plant and equipment

Nil

Human Resources

No additional human resources are required as the amendment is undertaken under existing workplans.

Risk

The risks of this proposal have been considered and as a correction to subordinate legislation the proposed amendment is considered to mitigate future legal challenge to approvals associated with a significant project.

Economic

The Project, through an extensive Environment Effects Statement process has demonstrated significant economic benefits.

Social

The Project, through the Environment Effects Statement process has considered social impacts and established mechanisms to monitor and address any adverse social impacts.

Environmental

The Project, through the Environment Effects Statement process has considered environmental impacts and established mechanisms to monitor and address any adverse environmental impacts.

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.

The proponent, Round Oak Minerals (ROM), have been consulted and support this approach. A letter of support from ROM is provided as an attachment.

Attachments

1. ROM letter of support Am C 158 egip - East Gippsland Shire Council 5 November 2020 [5.1.2.1 - 1 page]
2. Am C158egip C51 01s track changes [O35U] [5.1.2.2 - 1 page]
3. Am C158egip Stockman Mine Benambra Incorporated Document T120 I Instruction [82YJ] [5.1.2.3 - 1 page]
4. Am C158egip Stockman Mine Benambra Internet IT003 Prescribed amendment Explanatory [5.1.2.4 - 1 page]
5. Incorporated Document 2020 v1 track changes 1 [FZV7] [5.1.2.5 - 17 pages]

5.1.3 **Motion to support International Campaign to Abolish Nuclear Weapons Cities Appeal 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 purpose of this report is to seek endorsement by Council to write to the Prime Minister of Australia, the Hon Scott Morrison MP, noting East Gippsland Shire Councils support of the Treaty on The Prohibition of Nuclear Weapons.

In November 2020 and January 2021, Council was invited by the International Campaign to Abolish Nuclear Weapons to endorse the 'Cities Appeal' and pledge support for the 'Treaty'. The ICAN Cities Appeal is a global call from cities and towns in support of the UN Treaty on the Prohibition of nuclear weapons.

The invitation included a number of suggestions regarding how Councils support could be given, including the suggested formation of council's own position. Review of the documentation and information presented has resulted in the Officers Recommendation provided as the suggested way forward.

Officer Recommendation

That Council:

- 1. Receives and notes this report and all attachments pertaining to this report; and***
- 2. Writes to the Prime Minister of Australia, the Hon. Scott Morrison MP noting East Gippsland Shire Council's strong support of the Treaty on The Prohibition of Nuclear Weapons.***

Cr Tom Crook / Cr Jane Greacen OAM

THAT THE RECOMMENDATION BE ADOPTED

CARRIED 2/02/2021

For: Cr Tom Crook, Cr Jane Greacen OAM, Cr Mark Reeves, Cr Mendy Urie (casting vote)

Against: Cr Arthur Allen, Cr Trevor Stow, Cr Kirsten Van Diggele, Cr John White

Abstained: Cr Sonia Buckley

Procedural matter

The Mayor exercised her casting vote under section 61(5)(d) of the *Local Government Act* 2020.

Procedural note

Voting for item 5.1.3 was conducted again as the original voting was not compliant with the requirements of section 61(5)(e) of the *Local Government Act 2020*.

Cr Tom Crook / Cr Jane Greacen OAM

THAT THE RECOMMENDATION BE ADOPTED

LOST 2/02/2021

For: Cr Tom Crook, Cr Jane Greacen OAM, Cr Mark Reeves, Cr Mendy Urie

Against: Cr Arthur Allen, Cr Trevor Stow, Cr Kirsten Van Diggele, Cr John White

Abstained: Cr Sonia Buckley

Background

In November 2020 and January 2021, Council was invited by the International Campaign to Abolish Nuclear Weapons to endorse the 'Cities Appeal' and pledge support for the 'Treaty'. A copy of the invitation is provided at **Attachment 1**. The ICAN Cities Appeal is a global call from cities and towns in support of the UN Treaty on the Prohibition of nuclear weapons.

All national governments are now invited to sign and ratify this crucial global agreement, which prohibits the use, production and stockpiling of nuclear weapons and lays the foundations for their total elimination. Cities and towns have a crucial role to play in raising awareness and building support for the treaty across Australia and the world.

The entry into force (EIF) of the Treaty on The Prohibition of Nuclear Weapons is an important milestone on the path to a nuclear weapon-free world. It will make concrete the standard that nuclear weapons are illegal and illegitimate for all states.

The treaty will enter into force on 22 January 2021. This will mark the moment that the treaty becomes a permanent part of international law.

Australia is not a state party to the treaty, however, will still be impacted by its entry into force. A briefing paper outlines the impacts of EIF in Australia, and is provided at **Attachment 2**.

The 2017 United Nations Treaty on the Prohibition of Nuclear Weapons is the first treaty to comprehensively ban nuclear weapons and provide a pathway for all nations to outlaw and eliminate nuclear weapons. It is a crucial piece of international law that puts nuclear weapons in the same illegal category as biological weapons, chemical weapons, anti-personnel landmines and cluster munitions. The treaty will enter into legal force 90 days after the 50th nation deposits its ratification.

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

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 2 - East Gippsland communities plan for their future.

Strong Communities Goal 3 - East Gippslanders enjoy healthy lifestyles.

Strong Communities Goal 4 - East Gippsland has safe, resilient communities.

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

Council Policy

Not applicable

Options

Not applicable

Resourcing

Financial

There are no financial implications associated with this report.

Plant and equipment

No plant and equipment resources are required.

Human Resources

There are no human resource implications associated with this report

Risk

The risks of this proposal have been considered and deemed low.

Economic

There are no economic impacts arising from this proposal.

Social

Support of this proposal may have perceived societal impacts. In the absence of consultation or engagement, community sentiment on the issue is unknown.

Environmental

Support of this proposal has no direct environmental impacts.

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 submission has not been prepared with community input or consultation due to time restraints.

Attachments

1. Letter from ICAN Australia [5.1.3.1 - 2 pages]
2. Briefing Paper - Entry into force of the treaty on the prohibition of nuclear weapons [5.1.3.2 - 2 pages]

5.2 A Liveable Region

5.2.1 Capital Works and Major Projects Quarter Two 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 and Major Projects program, a quarterly review of the program is provided to Council. This report summarises the progress of Capital Works and Major Projects 2020-21 for the program up to the period ending 31 December 2020 (Quarter 2). A snapshot of this activity is provided in the table below and outlines in more detail through the body of the report and attachments. Pleasingly as at the end of Quarter 2 54.8% of the forecast budget had been expended or committed.

	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	\$14.18 m		
Committed Expenditure	\$16.59 m	\$18.06 m		
Identified Carry Forwards to 21/22	0	(\$6.92 m)		
Identified Bring Backs from 21/22	0	\$0.8 m		
Other Budget variances 20/21	(\$0.14 m)	(\$1.89 m)		
Revised Forecast	\$66.84 m	\$58.83 m		
Percentage Capital Works Delivered or in Delivery (<i>against Forecast</i>)	32.21%	54.80%		
Percentage Capital Works Delivered or in Delivery (<i>against Adopted Budget</i>)	32.14%	48.13%		

Officer Recommendation

That Council:

- 1. Receives and notes this report and all attachments pertaining to this report;***
- 2. Adopts the Capital Works and Major Projects Report 20/21 for the period up to 31 December 2020;***
- 3. Notes the status of the Capital Works and Major Projects for the period up to 31 December 2020, as provided in Attachment 1; and***
- 4. Notes the Holding Account Transactions for the period up to 31 December 2020, as provided in Attachment 2.***

Cr Mark Reeves / Cr Arthur Allen

THAT THE RECOMMENDATION BE ADOPTED

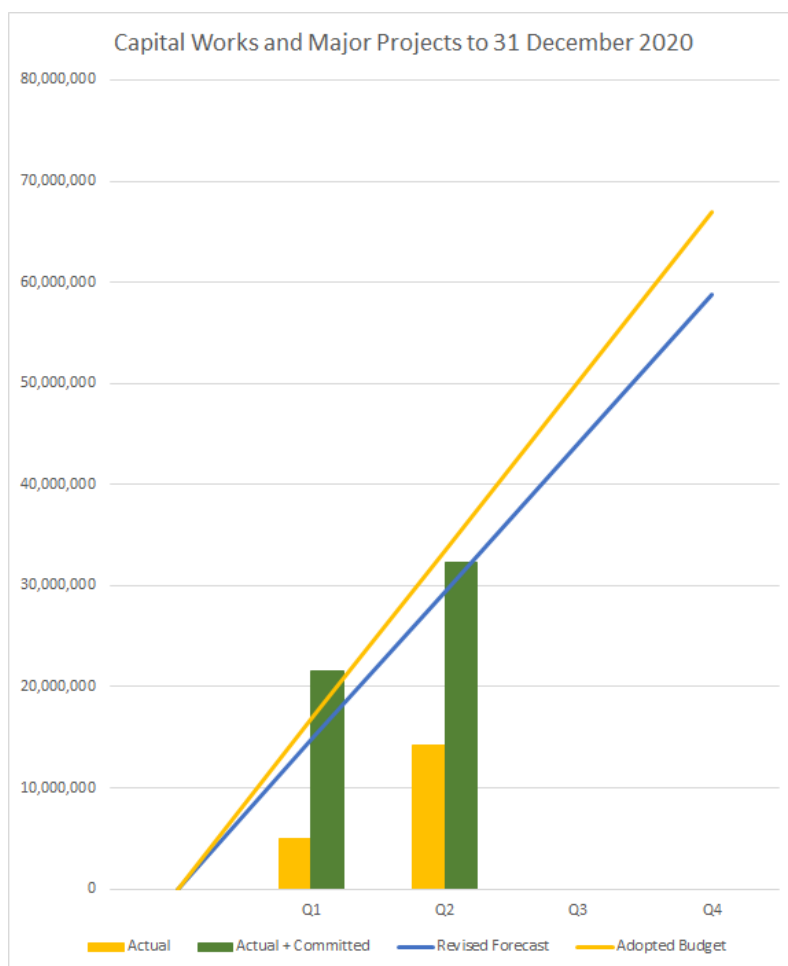
CARRIED UNANIMOUSLY 2/02/2021

Background

This report details the progress of Capital Works and Major Projects 20/21 for period up to 31 December 2020. The report will also be provided to the Audit and Risk Committee for their consideration at the next Audit and Risk Committee meeting.

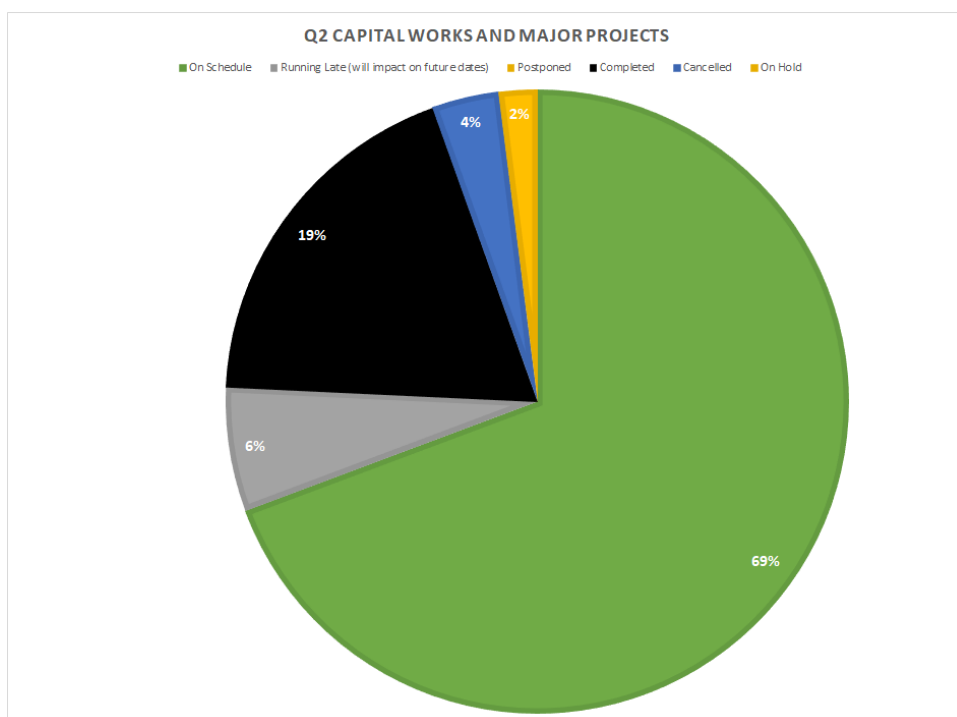
2020/21 commenced with an adopted budget plus actual carry forwards of \$66.98 million. This has been revised to \$58.83 million during quarter two to reflect changes detailed in Attachment 1. During the quarter \$6.92 million carry forwards and \$0.8 million bring backs were identified.

As at 31 December 2020, \$32.24 million (54.80% of total revised budget) was expended or committed to works within the program.



The Holding Account commenced quarter two with a balance of \$932,629. During the second quarter savings from projects of \$1,087,238 were identified. Further to this, distribution to new projects or projects requiring additional funding totaled \$132,369. The balance of the Holding Account as at 31 December 2020 is \$1,887,498. A summary of Holding Account transactions is provided at **Attachment 2**.

At the end of the second quarter, the program covered 202 separate projects of which 38 projects had been completed, 140 are on schedule for completion, 13 projects are listed as at risk of not spending their 20/21 budget or are multi-year projects and the remaining 11 projects are either on hold or have been cancelled.



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

Significant Projects Completed in the quarter ended 31 December 2020.

Project Name	Final Project Cost
Mallacoota Pavilion (including design work)	\$1,178,745.33
Pearson Street Upgrade	\$1,672,822.60
Metung Back Beach Renewal	\$314,608.69
Davison Oval Skatepark	\$749,143.49
Sunny Point Bridge (Fire damaged)	\$562,908.53
Tabbarabera Bridge (Fire damaged)	\$238,396.31
Lakes Tyers Beach Road and Drainage	\$904,731.39
Alfred Place Pathway Steps Eastwood Backwater	\$73,941.39
Lakes Entrance Aquadome Pool Inflatable Replacement	\$12,324.99

Projects allocated from the Quick Response Fund during the quarter ended 31 December 2020

Project Name	Amount Allocated	Balance of Fund	Comments
Opening Balance		\$45,000	
Replace Bus Shelters Birrells Rd, Newlands Arm		\$1,818	Project complete – savings returned
Shade Sail for Eastern Beach, Lakes Entrance		(\$12,000)	Community Request
Newlands Arm Community Hall Acoustics		(\$3,000)	Community Request
Lucknow Recreation Reserve Water Bore		(\$10,000)	Existing QRF project requiring additional funds
Signage for Canoe Tree at Howitt Park		(\$5,000)	Project to be delivered in conjunction with GLaWA
Closing Balance		\$16,818	

Contracts Awarded Under Delegation:

During the second quarter of 2020/21 a total of 11 contracts were awarded under CEO Delegation, these contracts are listed as below:

Project	Awarded to	Value (ex GST)
Eastwood Road Footpath Construction	Whelans Group Investments	\$229,894.36
Forge Creek Road Guardrail Installation	Safety Barrier Solutions	\$349,448.55
Bridge Replacement Auers Access Road	Jarvis Norwood Constructions Pty Ltd	\$328,170.00
Bridge Replacement Achapanis Access Road, Combienbar	Tambo Constructions Pty Ltd	\$274,448.00
Bridge Replacement Craigie Bog Road, Bendoc	Tambo Constructions Pty Ltd	\$297,850.00
Bridge Replacement Ellery Creek Road, Goongerah	Tambo Constructions Pty Ltd	\$186,820.00
Gully Road Lake Tyers Drainage Construction	Whelans Group Investments	\$312,927.61
Orbost Landfill Capping	Riley Earthmoving Pty Ltd	\$104,300.00
Bridge Replacement Big Flat Road, Bendoc	Tambo Constructions Pty Ltd	\$424,167.00
Scriveners Road, Kalimna Guardrail Installation	DDC Pty Ltd	\$372,412.11
Poets Walk Walking Path, Swifts Creek	Cranes Asphaltting & Bitumen Sealing Pty Ltd	\$133,314.75

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*

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

Collaboration is not applicable to this report.

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

Not applicable for this report

Options

Not applicable for this report.

Resourcing

Financial

This report outlines the financial position of the 2020/21 Capital Works and Major Projects program as at the 31 December 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 organisation's use of a 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 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. Capital Works Quarterly Report December 2020 [5.2.1.1 - 8 pages]
2. Holding Account Transactions Q 2 20-21 [5.2.1.2 - 1 page]

5.3 Responsive Services

5.3.1 Sale of Land - 286 Marine Parade Lakes Entrance

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Council received an expression of interest from the owners of the private property at 286 Marine Parade Lakes Entrance to purchase part of the road reserve along Barks Avenue that adjoins their private property.

The subject land is approximately 165.5 square metres in total of which 72.5 square metres is fenced into the property boundary of 286 Marine Parade Lakes Entrance and has been maintained by the current and previous owners for many years. The further 93 square meters is an additional area of the road reserve that is wider at their property boundary and if purchased will bring their property boundary into alignment with other properties along Barks Avenue Lakes Entrance.

This report seeks to obtain Council approval to commence proceedings for a road discontinuance and sale for a portion of Council-owned road reserve abutting the private property at 286 Marine Parade Lakes Entrance, refer **Attachment 1**.

Officer Recommendation

That Council:

- 1. Receives and notes this report and all attachments pertaining to this report;***
- 2. Determines that the road reserve that abuts the property at 286 Marine Parade Lakes Entrance is not required for public access or any future public use (refer Attachment 1);***
- 3. Pursuant to Section 206, including clause 3 of Schedule 10 and section 207(b) of the Local Government Act 1989, resolves to advertise its intention to discontinue the road reserve that abuts the property at 286 Marine Parade Lakes Entrance and sell the road reserve to the owner of the property at 286 Marine Parade Lakes Entrance;***
- 4. Authorises the Chief Executive Officer to place a public notice of the proposed road discontinuance and sale of the road reserve in local newspapers;***
- 5. Notes that section 5.5.2 of Council's Sale of Council-owned Land Policy stipulates that land will be sold at a price not less than current market value, unless Council specifically resolves otherwise;***
- 6. Appoints a Committee comprising the whole of Council with a quorum of five Councillors, to hear and consider any written public submissions received in relation to the proposed sale of the road reserve, in accordance with section 223 of the Local Government Act 1989;***

7. ***Nominates 16 March 2021, at 1:00pm as the date and time for the Committee to hear any submissions regarding the road reserve;***
8. ***Authorises the Chief Executive Officer to publish a notice in the Government Gazette and all relevant documentation surrounding the sale of the road reserve to be lodged with the Registrar of Titles, if no submissions are received on the proposed sale of the road reserve; and***
9. ***Notes that as part of the Section 223 process, a report providing a recommendation from the Committee Hearing will be presented at a future Council meeting for its consideration, should any submissions be received regarding the proposed sale of the road reserve.***

Cr Arthur Allen / Cr John White

THAT THE RECOMMENDATION BE ADOPTED

CARRIED UNANIMOUSLY 2/02/2021

Background

The purpose of this report is to seek authorisation from Council to complete a discontinuance and sale of road reserve which is owned by Council to the owners of 286 Marine Parade, Lakes Entrance (Property).

Marine Parade is 1.1 kilometres in length and runs from the Princes Highway East to Orme Street Lakes Entrance, parallel to North Arm.

The Property is on the corner of Marine Parade and Barks Avenue Lakes Entrance (**544 square metres outlined red and labelled 'A' on Attachment 1**). Part of the road reserve which is located on Barks Avenue was fenced into the Property prior to the current owner purchasing the Property (**72.5 square metres outlined blue and labelled 'B' on Attachment 1**).

The Property boundary (**544 square metres outlined red and labelled 'A' on Attachment 1**) along Barks Avenue on the south eastern side of the Property is set back from the boundary of other properties along Barks Avenue by approximately 9.8 metres creating a wider area of road reserve abutting the Property. Part of the road reserve (**72.5 square metres outlined blue and labelled 'B' on Attachment 1**) has been fenced into the Property.

The owners of the Property have approached Council to purchase part of the road reserve that is currently fenced into their property (**72.5 square metres outlined blue and labelled 'B' on Attachment 1**) plus an additional area of road reserve (**93 square metres outlined purple and labelled 'C' on Attachment 1**). This additional area (165.5 square metres in total) will then bring the Property boundary in line with the other properties on Barks Avenue.

As the intersection of Marine Parade and Barks Avenue is a dangerous intersection, Council have prepared a design plan for the reconstruction of the intersection. It has been determined by Council officers that the road reserve is not required for the redesign of the intersection. Council officers can confirm that the remainder of Barks Avenue will not be affected by the boundary changes. This proposed sale will bring the road reserve boundary back into alignment whereas it currently has a localized widening at the Property, which is no longer required.

The owners have advised that the anomaly of the alignment of the Property boundary was due to the Property being the former site of the Lakes Entrance Ambulance station.

As the land is no longer required for road purposes, Council can discontinue the road pursuant to section 206 including clause 3 of Schedule 10 and 207(b) of the *Local Government Act 1989* (the Act).

Once the road reserve has been formally discontinued the land vests in Council. The land can then be sold to the adjoining owner at a price to be determined by a registered valuer, subject to the requirement of section 189 of the Act.

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 proposed sale of the road reserve is required to be conducted in accordance with sections 206, 207B, 207D(1)(b) of the Act, including clauses 2 and 3 of Schedule 10.

The sale of the road reserve can be completed as a private treaty sale and effected under the provisions of section 189 of the Act provided that all details of Council's intention to sell are clearly disclosed during the proposed sale.

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

There are no aspects of this report that require entering into a procurement agreement and therefore external collaboration is not appropriate.

Council Plan

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

Responsive Services Goal 2 - We put the customer first and give each customer a great experience of Council's services.

Council Policy

Clause 5.5.2 of Council's *Sale of Council-owned Land Policy* provides for "where a proposed sale of land comprises a parcel of land or discontinued road that would otherwise not be able to be lawfully utilised or developed in its own right, the land may be sold by private treaty to the adjoining registered freehold proprietor at a price not less than current market valuation and to achieve a consolidation of title with the adjoining freehold property.

As the proposed sale of the road reserve is to the adjoining landowner, there is no requirement to offer the land for sale at public auction or the open market.

Options

Two options have been considered in the preparation of this report being:

Option 1

As per the Officers recommendations, determine that:

- the road reserve that abuts the Property is not required for public access or any future public use; and
- resolve to advertise Council's intention to discontinue the road reserve that abuts the Property and sell the road reserve to the owner of the Property.

Option 2

That Council does not proceed with the road discontinuance and sale to the Property Owner as recommended. This option not to sell the land and retain in Council ownership will result in the Property boundary not aligning with the other properties along Barks Avenue. This would not affect the proposed redesign of the intersection.

Resourcing

Financial

All valuation, surveying and legal costs associated with the discontinuance and subsequent sale of land, including Council's legal costs would be met by the applicant.

The purchase price of the road reserve adjacent to the Property will be determined in accordance with a report from a registered valuer.

Plant and equipment

There are no plant and equipment requirements associated with this report.

Human Resources

The implementation of the proposed road discontinuance and sale for a portion of Council-owned road reserve abutting the private property at 286 Marine Parade Lakes Entrance does not require any additional resources outside of the current Governance Unit structure.

Risk

The proposed road discontinuance and sale for a portion of Council-owned road reserve abutting the private property at 286 Marine Parade Lakes Entrance, when advertised, may receive submissions that oppose the sale. At which time Council will consider any written public submissions received, in accordance with section 223 of the *Local Government Act 1989* and evaluate on a case-by-case basis, taking into consideration each submissions merits and associated risks.

Economic

There are no perceived economic factors that will be impacted by this report.

Social

There are no identified social impacts in relation to this report.

Environmental

Climate change

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

Engagement

Members of the public will be entitled to make a submission response to the public notice and hearing process conducted in accordance with section 223 of the Act.

Attachments

1. Attachment 1 Plan of 286 Marine Parade Lakes Entrance [5.3.1.1 - 1 page]

5.3.2 Customer Experience Strategy

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Council provides extensive services to over 40 towns and locations in the region supporting local businesses, residents, visitors and communities. Our services are driven by the day-to-day needs of our communities.

Like any other organisation, East Gippsland Shire Council recognises the need for change. Council realises that there are gaps to be identified, opportunities to be created and room for innovation in being customer centric.

The Customer Experience Strategy, provided at **Attachment 1**, has been developed to drive this commitment and proactively accommodate the new trends in customer expectations and deliver great customer experience from all areas of the organisation.

Following discussion at the Council briefing session on 19 January 2021, amendments have been made to the technical action plan to include promotion of self-serve community feedback software, and substitution of some photographs to reflect community diversification.

Officer Recommendation

That Council:

- 1. Receives and notes this report and all attachments pertaining to this report; and***
- 2. Adopts the Customer Experience Strategy and authorises publication to the community.***

Cr Jane Greacen OAM / Cr Sonia Buckley

THAT THE RECOMMENDATION BE ADOPTED

CARRIED UNANIMOUSLY 2/02/2021

Background

Following on from a review of the Council organisation structure in 2019, East Gippsland Shire Council embarked upon the development of a Customer Experience Strategy to support customer focused delivery and cultural change.

The strategy is aimed at ensuring we focus on customer outcomes at the beginning of a task, process or project, we consider customer needs when we develop options and select a preferred option based on a balanced analysis of business, operational and customer requirements.

The strategy is also aimed at highlighting to our customers how Council is working to achieve enhanced customer experience. The strategy will drive actions and measures of success to ensure we meet current and emerging customer needs and achieve the highest

level of experience for our customers in collaboration with other key ongoing projects and strategies within Council.

The action plan is developed to be implemented over a two-year period. The strategy and action plan will be reviewed in concert with the customer satisfaction survey to incorporate feedback received from the customer satisfaction survey and other community engagement activities undertaken.

The initial action plan focuses on developing some fundamental tools to capture and analyse data, review current services with the customer experience front of mind, identify communication strategies and improve accountability. Once these procedures are in place, we will have valuable data to develop and improve our services.

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;

(d) a Council should seek to continuously improve service delivery to the municipal community in response to performance monitoring;

(e) service delivery must include a fair and effective process for considering and responding to complaints about service provision.

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:

Responsive Services Goal 2 - We put the customer first and give each customer a great experience of Council's services.

Resourcing

Financial

There are no financial implications as a result of this report that are outside the current approved budgeting process. Any initiatives identified through the strategy actions will be included for consideration in the following budget year.

Plant and equipment

No requirements for plant and equipment associated with this report.

Human Resources

The implementation of the customer experience strategy will require a "whole of organisation" commitment and will require engagement and training for stakeholders to implement culture change to support the objectives; this has been identified within the strategy.

Risk

The risks of this proposal have been considered and assessment of risk will be undertaken within each of the initiatives identified as they commence and recorded in the enterprise risk management system.

Economic

There is an expectation that implementation of the action plan supporting the strategy will identify efficiencies and service improvements as a result of reviewing service functions to improve customer experience.

Where there is a requirement for a system review to support improvements such as improved digital payments, online chat or enhancements to the customer relationship management and document management systems a business case will be required to validate the return on investment. This will be incorporated into the annual budget process.

Social

There is community benefit to be realised as a result of the implementation of this strategy. It provides the community with clarity of our commitment to consider them in everything we do. There are benefits to enhance council reputation, build trust and improve communication through the implementation of the strategy.

Environmental

Impacts to the environment are considered with all initiatives undertaken to achieve the objectives of the strategy.

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

In 2019 a series of workshops were held with internal stakeholders to discuss service delivery and identify areas of focus to enhance the customer experience.

In addition, a review of best practice within the industry, and information obtained from the customer satisfaction survey and community engagement during 2020 informed the development of the strategy and action plans.

The draft strategy was discussed in detail with the Strategic Leadership Group and the Executive Leadership Team.

We will be utilising data obtained from the development of the Council Plan, as well as sources of deliberative engagement with the community to update the strategy as required.

Briefing sessions will be held with Council to review the strategy and align with the annual operational action plans and budget.

Attachments

1. Customer Experience Strategy Draft for Council 2 Feb 2021 [5.3.2.1 - 38 pages]

Cr Trevor Stow / Cr Arthur Allen

THAT THE MEETING BE ADJOURNED FOR A SHORT RECESS.

CARRIED UNANIMOUSLY 2/02/2021

Procedural Matter

The meeting was adjourned for a short recess at 7.32 pm and resumed at 7.42 pm.

Procedural Matter

Voting for items 5.1.2 and 5.1.3 was conducted again as the original voting was not compliant with the requirements of section 61(5)(e) of the *Local Government Act 2020*.

6 Urgent and Other Business

6.1 Unscheduled Council Meeting Request

Cr Sonia Buckley / Cr Arthur Allen

THAT CR SONIA BUCKLEY BE GRANTED PERMISSION TO RAISE AN ITEM OF URGENT AND OTHER BUSINESS RELATING TO AN UNSCHEDULED COUNCIL MEETING.

CARRIED 2/02/2021

For: Cr Arthur Allen, Cr Sonia Buckley, Cr Trevor Stow, Cr Kirsten Van Diggele, Cr John White
Against: Cr Tom Crook, Cr Jane Greacen OAM, Cr Mark Reeves, Cr Mendy Urie

Conflict of Interest

Fiona Weigall General Manager Assets and Environment having declared a conflict of interest in item 6, left the meeting at 8.02 pm and was absent during discussion on this item.

Cr Sonia Buckley / Cr Arthur Allen

In accordance with section 3.3 (7) of the Governance Rules, I request;

That an unscheduled meeting be called under urgent business to discuss the Inquiry Advisory Committee Panel Hearing, regarding the Fingerboards Mineral Sands Project, to be held on Tuesday 9 February 2021, at the Bairnsdale Corporate Centre at 6.00pm.

LOST 2/02/2021

For: Cr Arthur Allen, Cr Sonia Buckley, Cr Trevor Stow, Cr John White
Against: Cr Tom Crook, Cr Jane Greacen OAM, Cr Mark Reeves, Cr Mendy Urie
Abstained: Cr Kirsten Van Diggele

Attendance

Fiona Weigall General Manager Assets and Environment returned to the Council Chamber at 8.20 pm.

Cr Mark Reeves / Cr Jane Greacen OAM

COUNCIL WILL CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH THE PROVISION OF SECTION 66(2) OF THE LOCAL GOVERNMENT ACT 2020 TO CONSIDER ITEMS 7.1 AND 7.2

CARRIED UNANIMOUSLY 2/02/2021

The meeting was closed to the public at 8.20 pm.

7 Confidential Business

Consideration of confidential matters under section 66(2) of the Local Government Act 2020.

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

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

The meeting was re-opened to the public at 9.00 pm.

7.1 Agriculture Sector Advisory Committee Member Appointment

This report, attachments and resolution are located in Council's Confidential Minute Book in accordance with the resolution made by Council in closed session.

7.2 East Gippsland Shire Council Audit and Risk Committee Appointment

This report, attachments and resolution are located in Council's Confidential Minute Book in accordance with the resolution made by Council in closed session.

8 Close of Meeting

Cr Mendy Urie declared the Council Meeting closed at 9.00 pm.

Confirmed

Cr Mendy Urie Mayor
23 February 2021