



Council Meeting Agenda

Tuesday 20 September 2022 at 6:00 PM
Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875



Acknowledgement to country

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidjawan people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

Council value their living culture and practices and their right to self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

Council information

East Gippsland Shire Council live streams, records and publishes its meetings via webcasting (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.

In line with the *Local Government Act 2020*, Councillors are able to attend Council meetings electronically or in person and the meetings will be open to the public via livestreaming.

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

Photo supplied by Destination Gippsland

Councillors

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

Executive Leadership Team

Anthony Basford Chief Executive Officer
Fiona Weigall General Manager Assets and Environment
Peter Cannizzaro General Manager Business Excellence
Stuart McConnell General Manager Place and Community

Purpose of Council meetings

- (1) Council holds scheduled meetings and, when required, unscheduled meetings to conduct the business of Council.
- (2) Council is committed to transparency in decision making and, in accordance with the *Local Government Act 2020*, Council and Delegated Committee meetings are open to the public and the community are able to attend.
- (3) Meetings will only be closed to members of the public, in accordance with section 66 of the Act, if:
 - (a) there are clear reasons for particular matters to remain confidential; or
 - (b) a meeting is required to be closed for security reasons; or
 - (c) it is necessary to enable the meeting to proceed in an ordinary manner.
- (4) A meeting closed to the public for the reasons outlined in sub-rule 3(b) or 3(c) will continue to be livestreamed. In the event a livestream is not available:
 - (a) the meeting may be adjourned; or
 - (b) a recording of the proceedings may be available on the Council website.

Governance Rules

A copy of East Gippsland Shire Council's governance rules can be found at
<https://www.eastgippsland.vic.gov.au/council/council-policies>

Councillors pledge

As Councillors of East Gippsland Shire Council, we solemnly and sincerely declare and affirm that we will consider each item on this agenda in the best interests of the whole municipal community.

Vision

East Gippsland is an inclusive and innovative community that values our natural environment, puts community at the centre of Council decision-making, and creates the conditions in which communities can thrive.

Our Strategic Objectives

1. An inclusive and caring community that respects and celebrates diversity.
2. Planning and infrastructure that enriches the environment, lifestyle, and character of our communities.
3. A natural environment that is managed and enhanced.
4. A thriving and diverse economy that attracts investment and generates inclusive local employment.
5. A transparent organisation that listens and delivers effective, engaging and responsive services.

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1 Procedural

1.1 Recognition of Traditional Custodians

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawal people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

Council value their living culture and practices and their right to self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

1.2 Apologies

1.3 Declaration of Conflict of Interest

1.4 Confirmation of minutes

That the minutes of the Council Meeting held Tuesday 16 August and the Unscheduled Council meeting held Tuesday 30 August 2022 be confirmed.

1.5 Next meeting

The next Council Meeting of Tuesday 11 October 2022 to be held at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

1.6 Requests for leave of absence

1.7 Open Forum

1.7.1 *Petitions*

1.7.2 *Questions of Council*

1.7.3 *Public Submissions*

2 Notices of Motion

2.1 Nicholson Street Mall, Bairnsdale

Take notice that it is my intention to move at the Council meeting to be held on Tuesday 20 September 2022 at 6.00 pm or at any adjournment of that meeting:

That Council:

Request Officers to bring a report to a future Council meeting in 2022 outlining physical improvements that could be made to Nicholson Street in Bairnsdale to create additional parking and loading areas; and other business attraction initiatives that could be considered by Council.

Signed: Cr Trevor Stow

Date: 13 September 2022

RATIONALE

The Bairnsdale CBD went through an extensive planning and physical upgrade, that included removal of parking from some areas of the town, to improve pedestrian access and encourage more alfresco opportunities. Since then, the retail mix of the area around the Nicholson Street Mall has changed significantly with the closure of Target; the relocation of Woolworths; and the approval of a new facility for Kmart on the edge of Bairnsdale. This means that this trading area no longer functions in the manner planned for and requires new considerations to stimulate shopper use of the precinct and business investment.

During the previous works a number of carparks were removed from the precinct, that could be reintroduced to assist to stimulate use of the precinct. Similarly, there are potentially other actions that Council can take to attract new business and shoppers into the precinct. In addition, a loading zone could be added at the end of the closed section, near the toilet. This would be of benefit to all businesses in that area and would be a welcome addition to any potential tenant who leases the old Woolworths building

A report to Council, will allow Council to consider these improvements and initiate works and activity that will support the Bairnsdale CBD's vitality and resurgence.

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Assets and Environment

5.1.1 Submission on the Gippsland area under consideration for offshore renewable energy

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

In a National first, an area off the Gippsland Coast has been earmarked for potential development as an offshore renewable energy infrastructure area by the Commonwealth Department of Industry, Science, Energy and Resources.

The reason this location has been selected is that:

- it has strong, consistent winds;
- it is close to electricity markets and existing connections to the grid;
- industry has expressed interest in developing projects in the area; and
- the Victorian Government has prioritized the area for development of an offshore wind industry. The Victorian Government has identified offshore wind as a key part of their own clean energy transition and has set a target of 2 Gigawatt (GW) of offshore wind capacity by 2028, 4 GW by 2035, and 9 GW by 2040.

As Bass Strait approaches the end of its operational life as an oil and gas field, the opportunity exists to transition this location to renewable energy. There is an opportunity to benefit from existing practices including the skills of a trained offshore workforce, access to the National Energy Market (NEM) through existing transmission and grid connection infrastructure (currently located in the La Trobe Valley), and the shallow and stable geology of Bass Strait that is located close to the coast and within Australia's Exclusive Economic Zone (EEZ).

The Department of Industry, Science, Energy and Resources is running a public consultation on the area under consideration and is accepting submissions through the online consultation hub until 11.59 pm on the 7 October 2022.

Council Officers have prepared a draft submission for consideration based on informal discussion with Councillors and participation in community consultation process by Council officers at the Lakes Entrance Mechanics Hall on the 30 August 2022. This submission is now presented for Council consideration prior to lodgement.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. resolves that the submission shown as Attachment 1 to this report be submitted to Australian Government Department of Climate Change, Energy, the Environment and Water.***

Background

The Commonwealth has increased Australia's greenhouse gas emissions target to be 43% below 2005 levels by 2030. To reach this target, eliminating greenhouse gas emissions from electricity generation is seen as the first step.

The Commonwealth initiative to reduce greenhouse gas emissions support the Victorian Government objectives of transitioning Victoria's electricity generation to renewable energy. The Victorian government have identified 6 renewable energy zones across the state. The Gippsland Renewable Energy Zone recognises the opportunity to develop offshore renewable energy, principally through wind generation with linkages into transmission lines located in the La Trobe Valley. The Victorian Government has identified 10 Giga watts of potential wind energy off the Victorian coastline and are keen to utilise this resource to enable the transition away from fossil fuel electricity generation. The Victorian Governments ambitions for offshore wind generation can be found in their 2022 wind directions paper.

[Offshore-Wind-Policy-Directions-Paper.pdf \(energy.vic.gov.au\)](#)

Planning work has commenced, and investors have started preparing for the development of this new industry. The [Star of the South](#) project has begun preplanning with wind and ecological analysis of locations in Bass Strait. Recent legislative changes by the Federal Government have allowed an extension of this renewable energy zone into Commonwealth waters located greater than 3 nautical miles from the coastline.

Having announced these changes, the Commonwealth has now commenced a community consultation process to assess communities' views about this proposition. East Gippsland Shire Council have been invited to participate in this process.

Following some preliminary consultation with Councillors and community members attending the recent information sessions the attached draft submission has been prepared for consideration by the Council. It is noted within this document that the scale of the Commonwealth and State Governments proposal will transform Gippsland into a renewable energy powerhouse, effectively replacing the La Trobe Valley coal fired power stations with large scale wind generation. It will also impact Gippsland Communities, particularly those located in Bass Coast, South Gippsland, Wellington and the La Trobe Valley. There will be significant changes to the landscape with new transmission line being constructed and large (285 metre high) wind towers being located off 90-mile beach. (Note that waters off the East Gippsland coast have been excluded principally to support the fishing industry).

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*,

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*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.1 Statutory and strategic planning for land use delivers sustainable outcomes that balance the need for growth with the enhancement of our lifestyle, character, the built and natural environment.;

Strategic Objective 2: 2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable; and

Strategic Objective 4: 4.2 Collaboration amongst key partners is facilitated to improve pathways for education and skills training.

Council Policy

The Environmental Sustainability Strategy 2022-2032 has recognised the importance of sustainable energy generation, this includes the use of renewable energy as it relates to Council energy use.

Options

Council can:

1. Endorse this submission as drafted;
2. Request changes or additions be made to the submission; or
3. Not endorse the submission.

Resourcing

Financial

Nil

Plant and equipment

Nil

Human Resources

Nil

Risk

The risks of this proposal have been considered and are not considered significant to East Gippsland at this stage. The proposition is at an early stage of the development process but does have the potential to develop quickly.

Economic

There is significant economic opportunity and risk associated with this proposal. A well planned and considered implementation should ensure new investment with new jobs, currently estimated at around 6,500 over the life of the project. There is also a risk for East Gippsland in that workers and jobs may be relocated to the renewable energy zone from East Gippsland.

Social

Job dislocation may result in declining opportunities for communities located outside the renewable energy zone, with towns experiencing declining levels of service of increasing loss of workers.

Environmental

There is a significant opportunity to reduce the nation's greenhouse gas emissions. However, large-scale infrastructure associated with this project will also change the aesthetics of both coastline and rural hinterland for communities located within the Gippsland Renewable Energy Zone.

Climate change

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

Community Risk: Climate change is considered as a community risk and includes responses to direct and indirect impacts; and

Greenhouse Gas Emissions: Consideration has been given to reduce GHG emissions.

Engagement

Councill Officers and some Councillors participated in a drop in session as part of the Australian Government's initial community consultation process at the Lakes Entrance Mechanics Hall on the 30 August 2022.

Attachments

1. EGSC Submission for offshore renewable energy zone (1) [5.1.1.1 - 10 pages]



Submission on the Gippsland area under consideration for offshore renewable energy

Date published: Month 0000

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1. Introduction

East Gippsland is located within the country of the Gunaikurnai, Monero and Bidawal peoples. The East Gippsland Shire Council (EGSC) is the municipal authority responsible for that area of Victoria located east of Wellington Shire Council and extending to the NSW border and north into the Great Dividing Range. At 21,940 km² it covers approximately 10% of Victoria's land area, including 220km of coastline.

Major towns within the shire include Bairnsdale, Paynesville, Omeo, Mallacoota and Lakes Entrance. Lakes Entrance is home to the largest fishing fleet in Victoria and includes a fish processing facility. The municipality supports a population of approximately 46,000 residents.

2. Supporting the adoption and development of renewable energy resources

The East Gippsland Shire Council has a history of supporting the development of renewable energy technologies. Council has invested in installing solar PV on multiple Council and community buildings over the preceding 5 years and developed and supported community programs to increase the adoption of renewable energy throughout the community.

From 1 January 2022, all electricity procured by Council is 100% renewable after Council committed to purchasing its electricity through the Victorian Energy Collaboration (VECO) [Victorian Energy Collaboration \(VECO\) - EAGA](#). VECO is the largest emissions reduction project undertaken by local government in Australia. VECO is a power purchase agreement developed in collaboration with 46 other Victorian Councils.

East Gippsland residents have also realised the benefits of renewable energies. Since 1 July 2021, East Gippsland has increased solar kWh generated by 19.6% or an additional 8,605 kWh on the year before. In 2021/22, small scale roof top solar generated 43,824 kWh of solar PV.

3. Offshore Renewable Energy Infrastructure

EGSC acknowledges the natural advantages of Bass Strait as a potential development site for Australia's first offshore renewable energy infrastructure. These include:

- it has strong, consistent winds.
- it is close to electricity markets and existing connections to the grid.
- industry has expressed interest in developing projects in the area; and
- the Victorian Government has prioritized the area for development of an offshore wind industry. The Victorian Government has identified offshore wind as a key part of their own clean energy transition and has set a target of 2 GW of offshore wind capacity by 2028, 4 GW by 2035, and 9 GW by 2040.

As Bass Strait approaches the end of its operational life as an oil and gas field, the opportunity exists to transition this location to renewable energy. There is an opportunity to benefit from existing practices including the skills of a trained offshore workforce, access to the National Energy Market (NEM) through existing transmission and grid connection infrastructure (currently located in the La Trobe Valley), and the shallow and stable geology of Bass Strait that is located close to the coast and within Australia's Exclusive Economic Zone (EEZ).

However, in progressing this proposal, Council would like to make the following points for consideration by the Department of Climate Change, Energy, the Environment and Water.

4. Key Considerations

4.1 Governance and Transparency

The following key points are raised, not specifically as issues, but rather as points that EGSC considers will require considerable consideration in this process.

- a. A fully integrated government (Federal, State and Local) approach will be needed to support the objectives of this project. This includes community engagement. Messaging, scale and timelines must be agreed on and consistently endorsed across the life of the project. Without coordination and integration across government, the risks to the project will increase as different jurisdictions support competing interests.
- b. Who is responsible for the cumulative impacts of this development, that is both the environmental and visual?

State government is responsible for the first 3 nm of sea with the Federal government taking responsibility from that mark. How will legislative and statutory differences be considered and how does this align with community messaging and expectations?

For example, the State Government Offshore Wind Directions Paper – March 2022 identifies 10 gigawatts of wind energy potential off the Gippsland coastline. Is this consistent with the Commonwealths view?

- c. What are the implications for any Environmental Effects Statement (ESS) if multiple projects are being proposed and each project has its own EES?
- d. We need to insist on the highest levels of transparency for Gippsland communities throughout this process starting now. This is imperative if risks are to be managed and opportunities maximized. There is a clear interest already in the potential of this proposal with the Star of the South. How much if any of the development has already effectively been agreed on?

RECOMMENDATION

EGSC would like consideration to be given for a single coordinating authority to be established with representation of Federal, State and Gippsland Local Councils as well as industry and community representation.

4.2 Infrastructure

The visual impact of infrastructure will present a major challenge for some local communities who will be concerned about their quality of life.

Key points for further consideration.

- a. Infrastructure associated with this proposal will transform the landscape. This will affect the aesthetics of a rural landscape as it is essentially industrialised. Wind Turbines will be potentially 285 metres in height and visible along large lengths of the Gippsland coast.
- b. Transmission of high voltage electricity from the coast to the existing La Trobe valley National Energy Market (NEM) connections is approximately 50-60 kms from the closest point at Giffard. High voltage transmission will need to be constructed above ground (too expensive below ground) and will impact communities and private property.
- c. If the narrative with the community is allowed to focus on the negative impacts of the project, then the project will be at risk of becoming stalled. A positive messaging campaign that highlights the local opportunities and benefits of this project is needed to sell the project to the whole of Gippsland. If a view is allowed to become established that prioritises national benefit at the expense of local communities, then this would be problematic.
- d. The development of offshore services will require the transportation of large and heavy infrastructure on Gippsland roads. How will roads be strengthened and managed to ensure such transportation doesn't do lasting damage to the road network?

RECOMMENDATION

Community consultation needs to commence as soon as possible to manage risk for both the project proposal and affected communities and individuals, if resistance to the project becomes entrenched.

Wherever possible existing infrastructure needs to be upgraded and used. This must be a founding principle of the project with the intention communicated to the community at the first opportunity. EGSC would like to see the existing transmission link infrastructure located between Tasmania and Victoria fully utilised before greenfield sites are developed.

End of grid stability, evidenced by black outs and brown outs is common for Gippsland's rural communities. Investment in high voltage transmission must be complemented with investment in local and rural electricity distribution infrastructure. This is an opportunity to realise a social dividend for Gippsland whereby end of grid

stability issues, can be addressed with electricity supplied from Bass Strait Windfarms.

Funding must be invested in the road network and other existing infrastructure to be used during construction and installation of service infrastructure.

4.3 Urban Planning

Key Point.

Gippsland communities (including East Gippsland) are already experiencing growth restraint due to insufficient housing.

What are the implications of this new industry on Gippsland's housing potential?

RECOMMENDATION

A comprehensive audit of the impacts of this development on the Gippsland housing market is needed. Without increases to housing stock then Gippsland would struggle to accommodate an influx of new workers and their families. The development of this new industry should be accompanied with necessary social infrastructure to support the construction and operating workforce.

4.4 Education and Training

Key Point.

- a. Developing new industries provides opportunities for new skills and education. A scourge for rural communities is the loss of young people for further education and better paying employment. If this project could develop opportunities for both young people and the existing offshore workforce to be educated and employed locally, then this is a powerful incentive. It is also a strong signal to the community about the social sustainability of this proposal.
- b. Indigenous communities have not historically benefited from such large-scale investment. There is an opportunity for their greater participation in this new offshore industry if skills can be identified and developed.
- c. There is a risk that local trades people will be lured away to work for more money leaving Shires like East Gippsland with a relatively small population and a large geographic area unable to attract suitable trades needed for economic activity including construction and maintenance.
- d. Where possible local training providers such as Gippsland TAFE (SEAMAC) should be supported to participate in training of project service providers and employees.

RECOMMENDATION

Gippsland's educational institutions need to be engaged and actively encouraged so that local secondary, tertiary education and trades can be developed to support the opportunities that this investment will create. Developing Gippsland as a location of international significance for offshore wind generation skills development and investment should be a key objective of this proposition.

4.5 Understanding the impacts on the fishing industry

Key Point.

- a. Lakes Entrance is home to Victoria's largest fishing fleet. It is an important local industry both historically and economically, it defines the region.
- b. The concerns of the local fishermen are real. There are potentially significant impacts on existing fishing grounds, the risk of which must be well understood and managed. Coupled with the possible impacts of climate change on ocean currents and fish grounds, there is now an opportunity to better understand and plan for the future of Gippsland fishing fleet.

RECOMMENDATION

A comprehensive analysis of Gippsland's fishing industry and its fishing grounds is needed to understand how this proposal could impact the future viability of this existing industry. Any analysis should also consider the future impacts of climate change on ocean currents, acidification and fish distribution. Together these risk factors may complement or exclude each other as negatives on future fish yields from Bass Strait.

4.6 Providing Local Benefit

Key Points.

- a. East Gippsland is defined by long transition lines and at times variable electricity transmission services. This project has the potential to create capacity (financial and energy) to invest in improvement of the overall Gippsland energy network and transmission infrastructure. This would provide a positive legacy benefit for the region 'hosting' renewable energy projects.
- b. As stated earlier, though the project has the benefit to generate work for some, it also has the risk of removing skilled workers from local companies with a negative impact on broader service delivery in the region. This needs planning for so that there is a pool of local workers to support either the project itself, or the industries potentially depleted of skilled staff.

RECOMMENDATION

A new industry such as this happens very rarely, there is a need for the industry to provide a positive and enduring legacy for the local community. This legacy will not come without careful planning and inclusion in the principles that underpin the overall

planning and project delivery. There is opportunity to write in community benefit requirements in project tenders and dictate some of these legacy benefits.

5. Conclusion

The development of the offshore renewable energy zone off the Gippsland coast is undoubtedly an opportunity to transition this region to the energy sources of the future. However, such large-scale investment and development will also undoubtedly impact the existing local communities with what can only be called an industrialisation of what is essentially a rural landscape. This will challenge those communities most affected.

EGSC is not opposed to this proposition in its current form, nor is it confident that it will deliver benefits for Gippsland communities. Any development that excludes local communities from realising the benefits cannot be supported, both costs and benefits must be shared for a social licence to coexist with local communities.

EGSC would like to see a greater emphasis on selling the benefits of the offshore renewable energy zone to the whole of Gippsland and setting clear and measurable project KPIs that will delivery transformational and enduring benefit for the region.

Contact us

Telephone

Residents' Information Line: 1300 555 886 (business hours)

Citizen Service Centre: (03) 5153 9500 (business hours)

National Relay Service: 133 677

Post

East Gippsland Shire Council, PO Box 1618

Bairnsdale 3875 Australia

Fax (03) 5153 9576

Web www.eastgippsland.vic.gov.au

Email feedback@egipps.vic.gov.au

In person

Bairnsdale: 273 Main Street

Lakes Entrance: 18 Mechanics Street

Mallacoota: 70 Maurice Avenue

Omeo: 179 Day Avenue

Orbost: 1 Ruskin Street

Paynesville: 55 The Esplanade

Outreach Centres

Bendoc Outreach Centre -

18 Dowling Street

Buchan Resource Centre -

6 Centre Road

Cann River Community Centre -

Princes Highway

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachment 1** to this report are confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

The Omeo Mountain Bike Project (Omeo MTB) is a \$9.72M (Stage one \$5.5M, Stage two \$4.2M) jointly funded nationally significant mountain bike trail network of 121 Km in length in keeping with the adventure tourism progression within the greater Gippsland region. Federal and State governments combined with East Gippsland Shire Council are in two stages, co-funding this network as an economic stimulus for the Omeo region.

The Oriental Claims Bridge (OCB) is a key element of both Stage one and Stage two of the Omeo MTB network. A tender process for the construction of this bridge has been undertaken and received multiple responses which were assessed. Current market conditions resulted in all tenders exceeding the budget estimate, however, a tender award recommendation and strategy to provide for the cost overrun has been made.

This tender has been through a formal Tender Evaluation which is summarised in **Confidential Attachment 1**, and is now presented to Council for formal consideration.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. accepts the tender submitted by _____ for the contract amount of _____ exclusive of GST;**
- 3. authorises the Chief Executive Officer to finalise the terms and to sign and seal the contract in the form proposed; and**
- 4. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.**

Background

In stage one, the Oriental Claims Bridge provides the necessary creek crossing at the top end of cross-country trail XC3. This trail provides a return loop trip from the mountain bike trail head at Livingstone Park to the Historically significant Oriental Claims area. The trail of approximately 6 km is for families and beginner riders and will be a key drawcard for the first group of trails to be opened for the Omeo MTB project, which is due to be completed in the first half of 2023.

As the Omeo MTB project develops, the Oriental Claims bridge will provide access to a further 25 km of linked trails in XC5,6,8 and 9 in the Oriental Claims and Dry Gully Creek area (see **Attachment 2 - Trail Map**). This will provide riding options of easy and intermediate difficulty grading in this area of the trail network. The bridge design caters to one-way bicycle traffic enabling all-year-round access across Livingstone Creek.

Flood levels and usage loads have been catered for in the bridge design. Construction of the bridge will be in accordance with planning requirements, environmental, historical and cultural requirements as set out in the project masterplan and planning permit previously assessed by the Council's planning department and endorsed by Council.

The budget allowance for this bridge was initially \$250,000. The competitive tender process received a group of tender prices where the submission which was of the best value was double this estimate. An investigation found that steel costs have escalated continuously over the year since the cost was originally established and in recent months and continue to do so. A separate tender for another steel bridge found similar cost escalations. Information received from another Council for similar structures provided comparable results to this tender outcome, reinforcing the acceptance for this tender.

Based on this review of market costings, it is recommended that the Tender proceed to awarding of a contract.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*.

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachment 1** to this report are confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

Collaborative procurement

Pursuant of section 109 (2) of the *Local Government Act 2020* the design of this bridge has been developed with advice from the Victorian government (Heritage Victoria), State and Commonwealth government funding. Via these funding agreements Council have been endorsed by these bodies to Project Manage the works, including procurement.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable.

Council Policy

Procurement has been undertaken in accordance with Council's Procurement Policy.

Options

The tender process used for this project has seen multiple contractors bid for the works. The Tender Evaluation Panel evaluated the tenders received arriving at a preferred tenderer recommendation as outlined in **Confidential Attachment 1**.

A range of design options was considered for the Oriental Claims Bridge, due to the location, purposes, environmental, historical, and cultural elements in the area the design chosen reflects the most cost-effective and fit-for-purpose outcome. Minimising maintenance was also considered, resulting in the design being a predominantly steel bridge.

The tender prices exceed the budget estimate and appear to reflect the market conditions for the foreseeable future. It is proposed to award the contract with available funds within the project budget along with discussions with the Stage two funding body for the possibility of reallocating funds forward from Stage two into Stage one. Should this not be approved, the budget shortfall can be met within the holding account.

Alternatively, the trail lengths will need to be reduced to cater for the budget shortfall in the interim.

The options available to Council are:

Option 1 (Recommended)

- Award the contract per the Tender Evaluation Panel recommendation:
 - Reasons supporting this option;
 - Allows the bridge to be constructed in a timely fashion enabling stage one of the Omeo MTB project to open as scheduled; and
 - Meet project funding obligations

Option 2 (Not Recommended)

- Not award and re-tender the works:
 - Retendering is unlikely to provide a reduced cost;
 - Redesign is unlikely to provide an appropriate product with a reduced cost;
 - Stage one trail XC3 will be incomplete and unusable without the bridge; and
 - The bridge is a necessary piece of infrastructure within a feature trail, regardless of the timing funds will need to be found to cover the cost overrun.

Resourcing

Financial

Funding from BBRF	\$1,500,000
Funding from RDV	\$1,000,000
Funding from LRCI Phase 3	\$1,500,000
Funding from Council Cash	\$1,520,658
TOTAL BUDGET	\$5,520,658
Expenditure & Commitments to date	-\$3,876,041
TOTAL FUNDS AVAILABLE	\$1,644,617

Note funding recently committed to Stage Two from the Victorian government is not shown in the budget above.

Plant and equipment

Plant and equipment are to be supplied as a condition in the contract by the successful contractor in the entirety.

Human Resources

This project will be supervised by a Project Supervisor from Council's Capital Projects and Plant unit. No additional human resources are required to manage this project.

Risk

The risks of this proposal have been considered and tenderers were requested to develop a construction method that minimises risks identified in relation to property access, traffic management, vibration, dust, and other key issues associated with the works.

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

Economic

The tender evaluation process used for this tender included a 5% weighting for local content, with preference given to contractors who employ locally and purchase goods and any subcontracted services locally.

It is anticipated that the contractor's staff will reside in the local area for the duration of the project and as such contribute to the local economy through accommodation and food expenditure in addition to the purchase of locally produced materials, such as concrete for the project works.

The project outcomes have been assessed in the Omeo MTB Masterplan and Business Case previously endorsed by Council. The project will promote tourism and visitation in the Omeo region deriving benefits from the adventure tourism sector of the economy and stimulating private investment in the region.

Social

The Omeo MTB bridge is a key component of the Omeo MTB project, promoting healthy outdoor activity for all levels of riders and providing the mental health benefits that come from exercise and outdoor activity. Users will be a mix of local, regional, interstate and International riders.

Gender Impact Statement

Contract CON2023 1481 has considered the *Gender Equality Act 2020* in its preparation. The contract has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

Tree planting, whilst not part of this contract, is part of the overall project and will be completed by Council's Parks and Gardens Unit. This will increase the amenity of this area.

The aesthetically pleasing design of the footbridge will support the local amenity. The project environment impact has been subject to a Flora and Fauna assessment, which has been endorsed by DELWP, Parks Victoria, and the NECMA, and a planning permit has been issued to this effect.

The tender evaluation process used for this tender included a 5% weighting for environmental sustainability, with preference given to contractors who can demonstrate environmentally sustainable and environmentally sensitive practices.

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

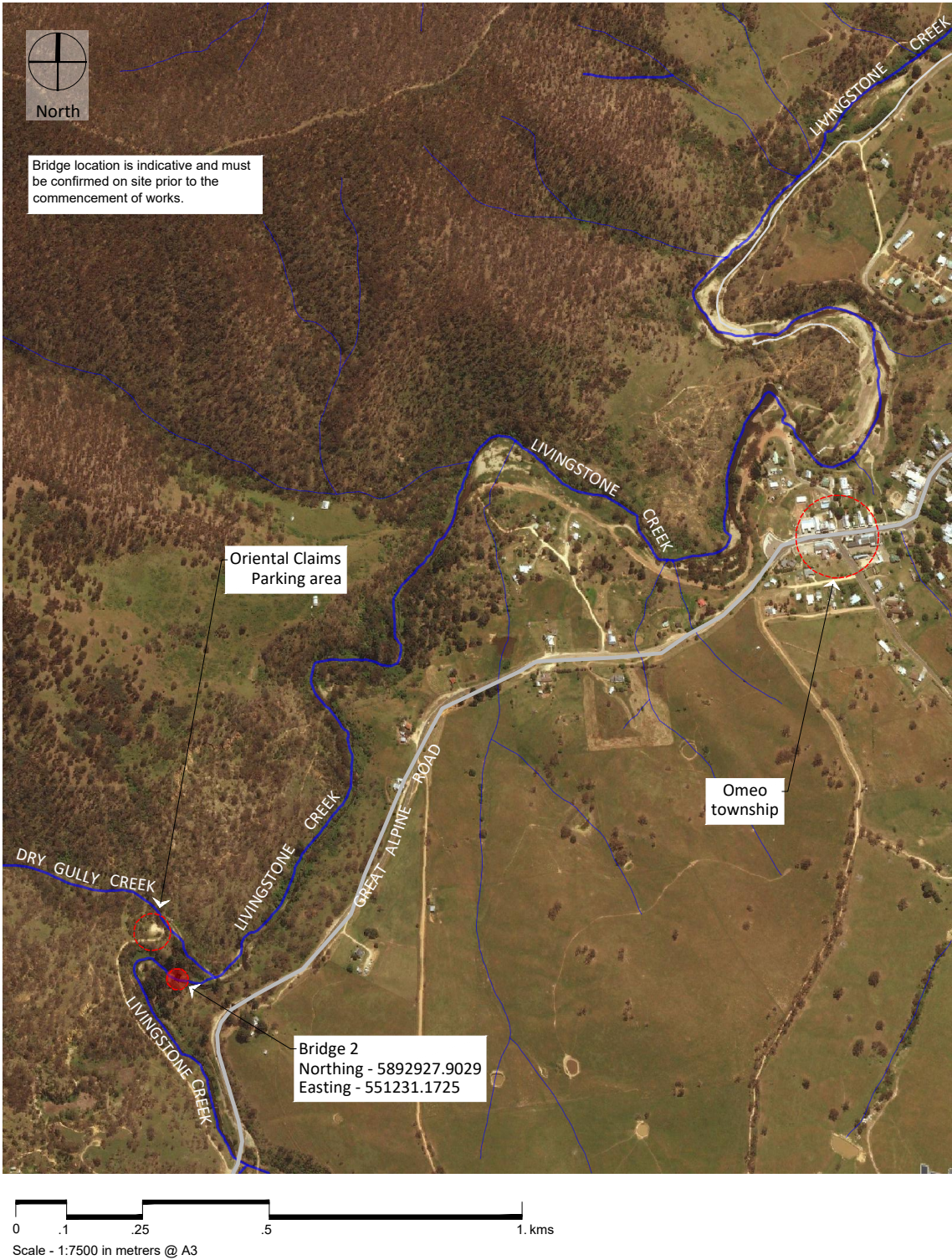
The Project Supervisor for the Works will be responsible for providing initial advice to the Omeo community regarding the construction works, location, and expected date.

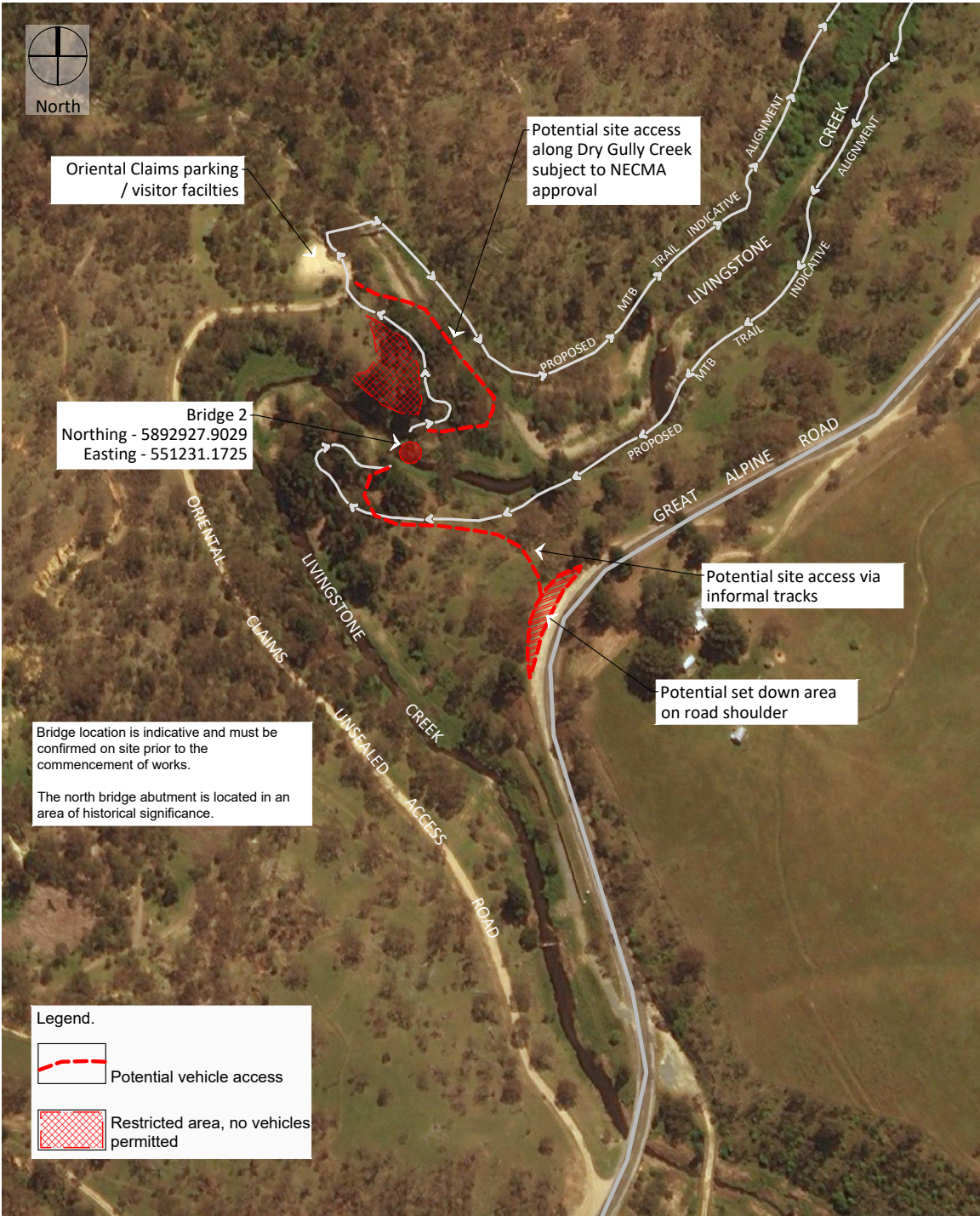
As part of the construction methodology, the contractor will be responsible for ongoing communication with affected residents in terms of property access during the works.

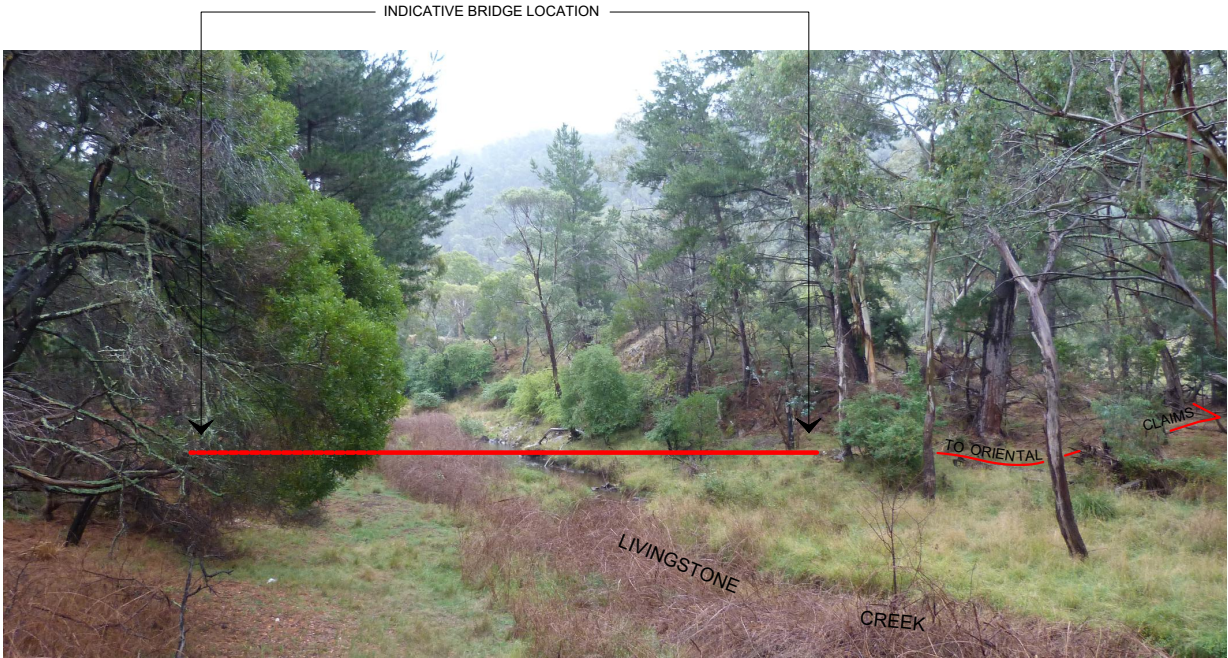
Broader communication and engagement will also be undertaken by Council representatives throughout the project delivery and activation.

Attachments

1. CONFIDENTIAL - Tender Evaluation Panel Report - CON2023 1481 Omeo Mountain Bike Bridge - Oriental Claims [5.1.2.1 - 7 pages]
2. Oriental Claims Bridge Location Plan [5.1.2.2 - 3 pages]







Bridge location is indicative and must be confirmed on site prior to the commencement of works.



5.2 Business Excellence

5.2.1 Draft Annual Financial Statements 2021/22 and Draft Performance Statement 2021/22

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Councils are required to produce an annual report within four months of the end of the financial year. The annual report includes the annual financial statements (accounts), a performance statement and a range of other information to discharge Councils' reporting requirements.

The Council, after passing a resolution giving its approval in principle to the performance statement and financial statements, must submit the statements to the auditor for reporting on the audit.

The Council must ensure that the performance statement and the financial statements in their final form after any changes recommended or agreed by the auditors have been made, are certified in accordance with the *Local Government (Planning and Reporting) Regulations 2020* by two Councillors authorised by the Council.

The auditor must not sign the audit reports unless the performance statement and the financial statements have been certified by two Councillors.

In line with the process in place to achieve 'in principle' adoption, the auditor will present the accounts and performance statement to Audit and Risk Committee (the Committee) on Tuesday 20 September 2022. After discussion between the Committee and the auditor, it is anticipated that the Committee will recommend that Council adopt the accounts and performance statement 'in principle'.

A copy of the draft accounts has been provided at **Attachment 1** and the draft performance statement at **Attachment 2**.

Officer Recommendation

That Council, having considered a recommendation from the East Gippsland Shire Council Audit and Risk Committee:

- 1. receives and notes the report and its attachments;***
- 2. provides 'in principle' approval to the Annual Financial Statements 2021/22 as provided at Attachment 1, subject to the Auditor General's review;***
- 3. provides 'in principle' approval to the Performance Statement 2021/22 as provided at Attachment 2, subject to the Auditor General's review; and***
- 4. appoints Councillors _____ and _____ to certify the Annual Financial Statements 2021/22 and the Performance Statement 2021/22 in their final form.***

Background

Councils are required to produce an annual report within four months of the end of the financial year. The annual report includes a range of information that is required to be provided to discharge Councils' reporting requirements.

Due to the limited time available to achieve these requirements, provision exists in the *Local Government Act 2020* (the Act) for Councils to adopt the accounts and performance statement 'in principle' before submission to the Auditor General and inclusion in Council's Annual Report.

To achieve the timeline, officers prepare the accounts and performance statement, which are then audited by the Auditor General's contractor (the auditor). Any adjustments are discussed and implemented, with the accounts and performance statement then presented to Council's Audit and Risk Committee (the Committee) for review and subsequently to Council for 'in principle' adoption.

The accounts and performance statement are then sent to the auditor, who conducts a further review and signs the audit reports. These are then returned to Council for final certification by two Councillors, the Chief Executive Officer and the Principal Accounting Officer for inclusion in the Annual Report. Past practice has been that two Councillors who sit on the Committee are nominated to sign the accounts and performance statement.

The auditor will present the accounts and performance statement to the Committee meeting on Tuesday 20 September 2022. After discussion between the Committee and the auditor, it is anticipated that the Committee will recommend that Council adopt the accounts and performance statement 'in principle'.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

Sections 98, 99 and 100 of the *Local Government Act 2020* detail the requirements in respect of the preparation and certification of the Annual Report, annual financial statements and performance statement.

Council is required to submit the accounts and performance statement in their final form to the auditor for auditing as soon as possible after the end of the financial year. Council, after passing a resolution giving its approval in principle to the accounts and performance statement, must submit the statements to the auditor for reporting on the audit.

The auditor must prepare a report on the accounts and performance statement. The auditor must not sign a report on the accounts or performance statement unless they have been certified by Council after ensuring that the accounts and performance statement are in their final form after any changes recommended or agreed by the auditors have been made. The certification must then be made by the two Councillors who have been appointed by Council for this purpose.

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

The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

Collaborative procurement

Not applicable to this report.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.5 Resources are managed to meet current and future needs and priorities.

Council Policy

Not applicable to this report.

Options

Not applicable to this report.

Resourcing

Financial

Not applicable to this report.

Plant and equipment

Not applicable to this report.

Human Resources

Not applicable to this report.

Risk

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

Economic

Not applicable to this report.

Social

Not applicable to this report

Environmental

Not applicable to this report.

Climate change

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

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

Engagement

Ongoing discussions have occurred with Council's auditor in the preparation of the accounts and the performance statement. The auditor will present the accounts and performance statement to the Audit and Risk Committee for discussion and review on 20 September 2022.

Attachments

1. Financial Statements 2021-22 [5.2.1.1 - 58 pages]
2. Draft Performance Statement 2021-22 [5.2.1.2 - 14 pages]

East Gippsland Shire Council

ANNUAL FINANCIAL REPORT

For the Year Ended 30 June 2022

East Gippsland Shire Council
Financial Report
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Certification of the Financial Statements

In my opinion, the accompanying financial statements have been prepared in accordance with the *Local Government Act 2020*, the *Local Government (Planning and Reporting) Regulations 2020*, the Australian Accounting Standards and other mandatory professional reporting requirements.

 Elizabeth Collins CPA
Principal Accounting Officer
Date : dd/mm/yyyy
 Bairnsdale

In our opinion, the accompanying financial statements present fairly the financial transactions of the East Gippsland Shire Council for the year ended 30 June 2022 and the financial position of the Council as at that date.

At the date of signing, we are not aware of any circumstances that would render any particulars in the financial statements to be misleading or inaccurate.

We have been authorised by the Council and by the *Local Government (Planning and Reporting) Regulations 2020* to certify the financial statements in their final form.

 Mark Reeves
Councillor
Date : dd/mm/yyyy
 Bairnsdale

 Arthur Allen
Councillor
Date : dd/mm/yyyy
 Bairnsdale

 Anthony Basford
Chief Executive Officer
Date : dd/mm/yyyy
 Bairnsdale

***East Gippsland Shire Council
2021/2022 Financial Report***

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**Comprehensive Income Statement
For the Year Ended 30 June 2022**

	Note	2022 \$'000	2021 \$'000
Income			
Rates and charges	3.1	62,556	60,536
Statutory fees and fines	3.2	2,514	2,220
User fees	3.3	11,335	12,684
Grants - operating	3.4	32,196	24,391
Grants - capital	3.4	20,606	11,898
Contributions - monetary	3.5	1,074	58
Contributions - non monetary	3.5	1,044	6,077
Net gain (or loss) on disposal of property, infrastructure, plant and equipment	3.6	551	(64)
Fair value adjustments for investment property	6.2	295	178
Other income	3.7	9,391	15,362
Total income		141,562	133,340
Expenses			
Employee costs	4.1	35,032	33,697
Materials and services	4.2	47,368	49,157
Depreciation	4.3	23,769	21,569
Amortisation - intangible assets	4.4	985	977
Amortisation - right of use assets	4.5	88	84
Bad and doubtful debts	4.6	102	52
Borrowing costs	4.7	297	290
Landfill rehabilitation provision movement		(1,125)	(746)
Finance costs - leases	4.8	18	17
Other expenses	4.9	4,052	8,726
Total expenses		110,586	113,823
Surplus/(deficit) for the year		30,976	19,517
Other comprehensive income			
Items that will not be reclassified to surplus or deficit in future periods			
Net asset revaluation increment/(decrement)	6.1	31,471	114,424
Total other comprehensive income		31,471	114,424
Total comprehensive result		62,447	133,941

The above comprehensive income statement should be read in conjunction with the accompanying notes.

Balance Sheet
As at 30 June 2022

	Note	2022 \$'000	2021 \$'000
Assets			
Current assets			
Cash and cash equivalents	5.1	116,547	92,198
Trade and other receivables	5.1	9,102	10,993
Other assets	5.2	7,998	7,726
Total current assets		133,647	110,917
Non-current assets			
Trade and other receivables	5.1	194	241
Property, infrastructure, plant and equipment	6.1	1,282,249	1,237,274
Right-of-use assets	5.8	771	785
Investment property	6.2	8,263	8,882
Intangible assets	5.2	999	1,882
Total non-current assets		1,292,476	1,249,064
Total assets		1,426,123	1,359,981
Liabilities			
Current liabilities			
Trade and other payables	5.3	11,805	9,474
Trust funds and deposits	5.3	3,033	2,835
Unearned income/revenue	5.3	25,951	20,977
Provisions	5.5	11,153	9,571
Interest-bearing liabilities	5.4	-	1,700
Lease liabilities	5.8	102	62
Total current liabilities		52,044	44,619
Non-current liabilities			
Unearned income/revenue	5.3	428	383
Provisions	5.5	5,643	9,417
Interest-bearing liabilities	5.4	1,650	1,650
Lease liabilities	5.8	758	759
Total non-current liabilities		8,479	12,209
Total liabilities		60,523	56,828
Net assets		1,365,600	1,303,153
Equity			
Accumulated surplus		448,856	418,286
Reserves	9.1	916,744	884,867
Total Equity		1,365,600	1,303,153

The above balance sheet should be read in conjunction with the accompanying notes.

**Statement of Changes in Equity
For the Year Ended 30 June 2022**

	Note	Total \$'000	Accumulated Surplus \$'000	Revaluation Reserve \$'000	Other Reserves \$'000
2022					
Balance at beginning of the financial year		1,303,153	418,286	883,747	1,120
Surplus/(deficit) for the year		30,976	30,976	-	-
Net asset revaluation increment/(decrement)	6.1	31,471	-	31,471	-
Transfers to other reserves	9.1	-	(408)	-	408
Transfers from other reserves	9.1	-	2	-	(2)
		<u>1,365,600</u>	<u>448,856</u>	<u>915,218</u>	<u>1,526</u>
Balance at end of the financial year		1,365,600	448,856	915,218	1,526

		Total \$'000	Accumulated Surplus \$'000	Revaluation Reserve \$'000	Other Reserves \$'000
2021					
Balance at beginning of the financial year		1,169,212	398,827	769,323	1,062
Surplus/(deficit) for the year		19,517	19,517	-	-
Net asset revaluation increment/(decrement)	6.1	114,424	-	114,424	-
Transfers to other reserves	9.1	-	(58)	-	58
Transfers from other reserves	9.1	-	-	-	-
		<u>1,303,153</u>	<u>418,286</u>	<u>883,747</u>	<u>1,120</u>
Balance at end of the financial year		1,303,153	418,286	883,747	1,120

The above statement of changes in equity should be read in conjunction with the accompanying notes.

Statement of Cash Flows
For the Year Ended 30 June 2022

	Note	2022 Inflows/ (Outflows) \$'000	2021 Inflows/ (Outflows) \$'000
Cash flows from operating activities			
Rates and charges		62,886	61,006
Statutory fees and fines		2,400	2,172
User fees		14,449	17,788
Grants - operating		34,788	23,620
Grants - capital		17,757	31,844
Contributions - monetary		1,154	58
Interest received		318	589
Trust funds and deposits taken		9,540	11,034
Other receipts		14,181	10,417
Net GST refund		3,143	4,119
Employee costs		(35,294)	(33,149)
Materials and services		(51,143)	(58,698)
Trust funds and deposits repaid		(9,342)	(10,998)
Other payments		(1,771)	(1,489)
Net cash provided by/(used in) operating activities		63,066	58,313
Cash flows from investing activities			
Payments for property, infrastructure, plant and equipment	6.1	(37,548)	(35,233)
Proceeds from sale of property, infrastructure, plant and equipment		994	933
Proceeds from sale of investments		-	33,500
Net cash provided by/(used in) investing activities		(36,554)	(800)
Cash flows from financing activities			
Finance costs		(321)	(292)
Repayment of borrowings		(1,700)	-
Interest paid - lease liability		(18)	(17)
Repayment of lease liabilities		(124)	(143)
Net cash provided by/(used in) financing activities		(2,163)	(452)
Net increase in cash and cash equivalents		24,349	57,061
Cash and cash equivalents at the beginning of the financial year		92,198	35,137
Cash and cash equivalents at the end of the financial year		116,547	92,198
Financing arrangements	5.6		
Restrictions on cash assets	5.1		

The above statement of cash flows should be read in conjunction with the accompanying notes.

**Statement of Capital Works
For the Year Ended 30 June 2022**

	Note	2022 \$'000	2021 \$'000
Property			
Land		321	80
Total land		321	80
Buildings		8,310	4,282
Heritage buildings		152	162
Total buildings		8,462	4,444
Total property		8,783	4,524
Plant and equipment			
Plant, machinery and equipment		3,489	1,772
Fixtures, fittings and furniture		812	804
Computers and telecommunications		1,020	372
Library books		212	211
Total plant and equipment		5,533	3,159
Infrastructure			
Roads		9,068	12,403
Bridges		3,391	6,063
Footpaths and cycleways		1,098	1,035
Drainage		797	1,081
Recreational, leisure and community facilities		3,410	1,755
Waste management		2,033	1,146
Parks, open space and streetscapes		1,096	434
Aerodromes		-	179
Off street car parks		133	110
Other infrastructure		2,858	3,362
Total infrastructure		23,884	27,568
Total capital works expenditure		38,200	35,251
Represented by:			
New asset expenditure		11,401	3,395
Asset renewal expenditure		23,684	26,334
Asset upgrade expenditure		3,115	5,522
Total capital works expenditure		38,200	35,251

The above statement of capital works should be read in conjunction with the accompanying notes.

Note 1 OVERVIEW

Introduction

The East Gippsland Shire Council was established by an Order of the Governor in Council on 2 December 1994 and is a body corporate.
The Council's main office is located at 273 Main Street Bairnsdale Victoria 3875.

Statement of compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Notes accompanying these financial statements. The general purpose financial report complies with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2020*.

The Council is a not-for-profit entity and therefore applies the additional AUS paragraphs applicable to a not-for-profit entity under the Australian Accounting Standards.

Significant accounting policies

(a) Basis of accounting

The accrual basis of accounting has been used in the preparation of these financial statements, except for the cash flow information, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

The financial statements are based on the historical cost convention unless a different measurement basis is specifically disclosed in the notes to the financial statements.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

The financial statements have been prepared on a going concern basis. The financial statements are in Australian dollars. The amounts presented in the financial statements have been rounded to the nearest thousand dollars unless otherwise specified. Minor discrepancies in tables between totals and the sum of components are due to rounding.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of AAS's that have significant effects on the financial statements and estimates relate to:

- the fair value of land, buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to Note 6.1)
- the determination of employee provisions (refer to Note 5.5)
- the determination of landfill provisions (refer to Note 5.5)
- the determination of whether performance obligations are sufficiently specific so as to determine whether an arrangement is within the scope of *AASB 15 Revenue from Contracts with Customers* or *AASB 1058 Income of Not-for-Profit Entities* (refer to Note 3)
- the determination, in accordance with *AASB 16 Leases*, of the lease term, the estimation of the discount rate when not implicit in the lease and whether an arrangement is in substance short-term or low value (refer to Note 5.8)
- whether or not *AASB 1059 Service Concession Arrangements: Grantors* is applicable (refer to Note 8.2)
- other areas requiring judgements

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

(b) Superannuation

The amount charged to the Comprehensive Operating Statement in respect of superannuation represents contributions made or due by East Gippsland Shire Council to the relevant superannuation plans in respect to the services of East Gippsland Shire Council's staff (both past and present). Superannuation contributions are made to the plans based on the relevant rules of each plan and any relevant compulsory superannuation requirements that East Gippsland Shire Council is required to comply with.

(c) Impact of Covid-19

During 2021/22 the COVID-19 pandemic continued to impact on Council's operations. Although there was some reduction in user fees at facilities for a period of time, these reductions were offset by a reduction in expenditure and the impact has been minimal over the course of the 2021/22 year.

Note 2.1 Performance against budget

The performance against budget notes compare Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2020* requires explanation of any material variances. Council has adopted a materiality threshold of the lower of 10 percent or \$500,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

The budget figure below were adopted by Council on 29/06/2021. The budget was based on assumptions that were relevant at the time of adoption of the Budget. Council sets guidelines and parameters for income and expense targets in the budget in order to meet Council's planning and financial performance targets for both the short and long-term.

These notes are prepared to meet the requirements of the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

2.1.1 Income and expenditure

	Budget 2022 \$'000	Actual 2022 \$'000	Variance \$'000	Variance %	Ref
Income					
Rates and charges	62,182	62,556	374	1%	
Statutory fees and fines	2,101	2,514	413	20%	1
User fees	11,746	11,335	(411)	(3%)	
Grants - operating	12,602	32,196	19,594	155%	2
Grants - capital	44,288	20,606	(23,682)	(53%)	3
Contributions - monetary	850	1,074	224	26%	4
Contributions - non monetary	2,000	1,044	(956)	(48%)	5
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	-	551	551	(100%)	6
Fair value adjustments for investment property	-	295	295	(100%)	7
Other income	2,252	9,391	7,139	317%	8
Total income	138,021	141,562	3,541	3%	
Expenses					
Employee costs	34,318	35,032	(714)	(2%)	9
Materials and services	42,723	47,368	(4,645)	(11%)	10
Depreciation	22,128	23,769	(1,641)	(7%)	11
Amortisation - intangible assets	964	985	(21)	(2%)	
Amortisation - right of use assets	71	88	(17)	(24%)	
Bad and doubtful debts	38	102	(64)	(168%)	12
Borrowing costs	353	297	56	16%	13
Landfill rehabilitation provision movement	-	(1,125)	1,125		14
Finance costs - leases	1	18	(17)	(1700%)	
Other expenses	1,690	4,052	(2,362)	(140%)	15
Total expenses	102,286	110,586	(8,300)	(8%)	
Surplus/(deficit) for the year	35,735	30,976	11,841	33%	

Note 2.1.1 Performance against budget (cont'd)

(i) Explanation of material variations

Variance Ref	Item	Explanation
1	Statutory fees and fines - \$413k greater than budget	As a result of increased planning applications the planning fees exceeded budget by \$337k. 2020 election fines of \$33k were received and no budget had been provided for this. There were additional animal registrations of \$38k offset by \$16k underbudget for animal fines. Parking fines exceeded budget by \$61k as a result of additional resources being allocated to monitor parking compliance. Building licence and certificate fees also exceeded budget by \$58k as a result of increased building activity during the year. Land Information Certificate income exceeded budget by \$31k as a result of increased property sales during the year. These were offset with debt recovery fees under budget by \$119k due to unpaid rates recovery being paused during part of the year due to COVID-19 (this is offset with a corresponding reduction in debt recovery costs). Other smaller variances where the income exceeded the budget make up the balance of the variance.
2	Grants - operating - \$19.594m greater than budget	The 75% advance payment of the Victoria Grants Commission 2022/23 general purpose and road grant of \$13.8m was the most significant variance. The final 2021/22 Victoria Grants Commission allocation also added an additional \$530k greater than the original budget. There were several new grants received during the year with the most significant being: <ul style="list-style-type: none"> - Fire 2019 Resourcing grant - \$3.2m - Fire 2019 Bushfire Rebuilding Support Services - \$1.178m
3	Grants - capital - \$23.682m less than budget	Capital grants were \$23.682m less than the adopted budget. The timing of the works for a number of large capital projects will see those projects completed in the 2022/23 year. As a result grant income associated with the projects will not now be received until the 2022/23 year. Some of the most significant projects and capital grant variances are as follows: <ul style="list-style-type: none"> - Omeo Mountain Bike Trails - Stage 1 - \$1.229m - Design for Gymnasium Facility at Lucknow - \$577k - Mallacoota Seawall Design - \$628k - Bullock Island Bridge Replacement - \$888k - Cann River Roadside Rest Area - \$910k - Newmerella Roadside Rest Area - \$370k - Orbost Forest Park Upgrade - \$700k - WORLD Sporting Precinct Stage 1 - \$1.532m - Slip Road Maritime Precinct Paynesville - \$3.001m - Lakes Entrance Marine Parade Upgrade - \$1.28m - Bullock Masterplan Implementation - \$2.555m - Livingstone Park Community Facilities - \$891k - Krautungalung Walk Stage 1 - \$2.097m - Buchan Streetscape - \$934k - Lakes Entrance Foreshore Park - \$957k - Lakes Entrance Slipway upgrade - \$489k - Bruthen Streetscape - \$467k - Lakes Entrance Ocean Rescue Seawall - \$507k - Bairnsdale City Oval Changerooms and lighting upgrade - \$602k

Note 2.1.1 Performance against budget (cont'd)

(i) Explanation of material variations

Variance Ref	Item	Explanation
4	Contributions - monetary - \$224k greater than budget	Capital contributions of \$400k were not received as a result of the timing of related capital projects. Subdivision developer contributions exceeded budget by \$436k. There was also an unbudgeted contribution to the WORLD Sporting precinct project of \$101k as well as \$86k of unbudgeted economic development contributions for events and other projects.
5	Contributions - non monetary - \$956k less than budget	Contributed assets of \$1.044M were received during the year against a budget of \$2M. Developer contributed assets vary from year to year depending on subdivision activity.
6	Net gain/(loss) on disposal of property, infrastructure, plant and equipment - \$551k greater than budget	The proceeds of sale from assets exceeded the written down value of the assets. These were mainly vehicle sales.
7	Fair value adjustments for investment property - \$295k greater than budget	There was an increase in the fair value of investment properties as at the end of year. No budget had been provided for this increase in value.
8	Other income - \$7.139m greater than budget	The timing for the reimbursements for replacement and rehabilitation works following the 2019/20 fire events is the most significant variance and accounts for \$4.8m of the variance. There was also an insurance reimbursement in relation to assets destroyed and income loss as a result of the 2019/20 bushfires. This accounted for a further \$2m of the variance. Interest on investments was under budget by \$249k as a result of lower interest rates for invested surplus funds than what was expected at the time of budget adoption. There were also some unbudgeted reimbursements in relation to storm events that happened during the year and these accounted for a further \$86k of the variance.
9	Employee costs - \$714k greater than budget	Employee costs were greater than the adopted budget by \$714k as a result of a reduction in the recovery from capital projects of \$428k for project administration operational salaries, due to the actual capital expenditure being less than originally expected for the year. The workcover premium was also greater than the budget by \$426k as a result of the additional cost following the closure of the MAV Workcare Scheme.
10	Materials and services - \$4.645m greater than budget	The South Bairnsdale Industrial Estate contractor expense was underspent by \$1.199m as a result of the timing for the project works. Roads and bridges was overspent for contractors for road maintenance works of \$1.119m and for natural disaster event rehabilitation works of \$3.2m. The Raymond Island Ferry service changed from a contracted service to an in-house service and the contractor budget was underspent by \$1.305m as a result with offsetting expenditure in employee costs and materials and service. Fuel costs for the year exceeded the adopted budget by \$145k as a result of the significant increase in fuel prices. The Environment Protection Authority landfill levy also exceeded the budget by \$221k as a result of the increased volume of waste going into landfill. Other materials and services for road and bridge maintenance exceeded budget by \$1.150m with \$609k of this being for restoration works for natural disaster events. As a result of new grant funding there was a additional materials and services expenditure for a number of these new programs. Consultancies exceeded budget by \$447k as a result of a number of programs using consultancies to undertake works. Grants and contributions were under budget \$580k as a result of delays in some projects whilst there were also unbudgeted expenditure that related to new funded projects as well as some program works being carried forward from the previous financial year.

Note 2.1.1 Performance against budget (cont'd)

(i) Explanation of material variations

Variance Ref	Item	Explanation
11	Depreciation - \$1.641m greater than budget	Depreciation expenses was \$1.641m greater than budget mainly as a result of the infrastructure revaluation and roads and bridges depreciation exceeding the budget by \$1.604m.
12	Bad and doubtful debts - \$64k greater than budget	A write off of parking and animal infringements accounts for the variance to budget.
13	Borrowing costs - \$56k under budget	As a result of the Community Infrastructure low interest loan not yet being taken up there was an underspend for loan interest.
14	Landfill rehabilitation provision movement - \$1.125m less than budget	There was an adjustment to the present value calculation of a reduction of \$1.499k and other adjustments that reduced the required provisions for landfill rehabilitation works.
15	Other expenses - \$2.362m greater than budget	There were \$2.442m of buildings, roads, bridges and other assets written off primarily as a result of assets being replaced.

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Note 2.1.2 Capital works

	Budget 2022 \$'000	Actual 2022 \$'000	Variance \$'000	Variance %	Ref
Property					
Land	218	321	103	47%	1
Total land	218	321	103	47%	
Buildings	5,945	8,310	2,365	40%	2
Heritage buildings	-	152	152	100%	3
Total buildings	5,945	8,462	2,517	42%	
Total property	6,163	8,783	2,620	43%	
Plant and equipment					
Plant, machinery and equipment	2,134	3,489	1,355	63%	4
Fixtures, fittings and furniture	30	812	782	2607%	5
Computers and telecommunications	4,377	1,020	(3,357)	(77%)	6
Library books	209	212	3	1%	
Total plant and equipment	6,750	5,533	(1,217)	(18%)	
Infrastructure					
Roads	13,775	9,068	(4,707)	(34%)	7
Bridges	4,217	3,391	(826)	(20%)	8
Footpaths and cycleways	6,586	1,098	(5,488)	(83%)	9
Drainage	185	797	612	331%	10
Recreational, leisure and community facilities	15,679	3,410	(12,269)	(78%)	11
Waste management	5,866	2,033	(3,833)	(65%)	12
Parks, open space and streetscapes	20,678	1,096	(19,582)	(95%)	13
Aerodromes	525	-	(525)	(100%)	14
Off street car parks	1,585	133	(1,452)	(92%)	15
Other infrastructure	6,750	2,858	(3,892)	(58%)	16
Total infrastructure	75,846	23,884	(51,962)	(69%)	
Total capital works expenditure	88,759	38,200	(50,559)	(57%)	
Represented by:					
New asset expenditure	28,344	11,401	(16,943)	(60%)	17
Asset renewal expenditure	48,414	23,684	(24,730)	(51%)	18
Asset upgrade expenditure	12,001	3,115	(8,886)	(74%)	19
Total capital works expenditure	88,759	38,200	(50,559)	(57%)	

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Note 2.1.2 Performance against Budget (cont'd)

(i) Explanation of material variations

Variance Ref	Item	Explanation
1	Land - \$103k greater than budget	There were land purchase commitments from 2020/21 year than were not finalised until the 2021/22 year and this accounts for the variance.
2	Buildings - \$2.365m greater than budget	Building renewal had a budget of \$700k but actual expense of \$97k as a result of the majority of the expenses being reclassified to operating. Several projects were delayed and will be completed in the 2022/23 year. The most significant of these projects were the Eagle Point Community Hub under budget by \$2.227m and the Gymnasium facility at Lucknow \$961k underbudget. There were also several projects that had components of the project classified as Buildings but the budget had been classified in a different asset category. The most significant of these were the WORLD Sporting Precinct Stage 1 expenditure of \$5.878 and the Tambo Crossing Community Facility expenditure of \$437k,
3	Heritage Buildings - \$152k greater than budget	The Omeo Justice precinct was classified as Buildings in the budget but has been determined to be a heritage building and accounts for this variance.
4	Plant, machinery and Equipment - \$1.355m greater than budget	Vehicle renewals exceeded the adopted budget by \$619k as a result of completing 2020/21 purchases in the early part of 2021/22. The Raymond Island Ferry chain renewal expenditure was underbudget by \$204k. There were also two projects that had been budgeted in other asset categories that were classified as plant and equipment at year end. The two projects were the Mario Playground Renewal with expenditure of \$416k and the EV Charge Points expenditure of \$390k.
5	Fixtures, fittings and furniture - \$782k greater than budget	There were two projects that had been classified as Waste projects but the expenditure has been classified as Fixtures. The two projects were the Street Litter Bins expenditure of \$530k and the Glass recycling expenditure of \$189k. There were some other minor expenditure that were also classified as fixtures at year end but had budgets in other categories.
6	Computers and telecommunications - \$3.357m less than budget	A number of projects have been classified as intangible assets for software and these budget totalled \$1.02m. There were several other projects that will not be completed until the 2022/23 year for IT infrastructure upgrades and the network consolidation project amounting to an underspend against budget of \$1.55m. There were a number of smaller projects where the expense has been transferred to operating.

Note 2.1.2 Performance against Budget (cont'd)

(i) Explanation of material variations

Variance Ref	Item	Explanation
7	Roads - \$4.707m less than budget	Some major road projects will not be completed until the 2022/23 year. The most significant being Moroney Street Bairnsdale upgrade underbudget by \$779k, Lakes Entrance Marine Parade underspent by \$1.396m, Bailey Street Bairnsdale underspent by \$317k, Eagle Point Foreshore Road underspent by \$342k, Spring Creek underspent by \$358k as well as a number of reseal projects that will be completed in 2022/23 year. Streetscapes had been classified as Parks in the budget but the expenditure for streetscapes has been included in the Road category at year end and this expenditure amounted to \$208k.
8	Bridges - \$826k less than budget	The Bullock Island Bridge replacement will not be completed until 2022/23 year and was underspent by \$849k against the adopted budget.
9	Footpaths and Cycleways - \$5.488m less than budget	The Omeo Mountain Bike Trail was budgeted as a footpath but has been reclassified as Other Infrastructure. The budget for this project was \$2.926m. The Kruatunglung Walk will not be completed until the 2022/23 year and had an underspend of \$2.174m. The Raymond Island Koala Experience project is also delayed and had an underspend of \$432k.
10	Drainage - \$612k greater than budget	Part expenditure for some roads has been classified as drainage works and the budget for these works was included in the road budget. This accounted for \$372k of the variance. The Bairnsdale Aerodrome Potable Water project was included in the Aerodrome budget but has been classified as a drainage project at year end and accounts for a further \$320k of the variance.
11	Recreation, leisure and Community Facilities - \$12.269m less than budget	The WORLD Sporting Precinct Project, with a budget of \$11.181m was included in Recreation facilities at budget time. The project is now classified as Buildings. There have also been several other projects where the budget was included in Parks and Other infrastructure but the expenditure has been classified as Recreation. The most significant of these were various seawall project with expenditure of \$1.816m and the Slip Road Maritime Precinct project with expenditure of \$1.074m.
12	Waste management - \$3.833m less than budget	The Lakes Entrance Transfer Station, with a budget of \$1.150m and the Cann River Transfer Station, with a budget of \$750k have both been classified as Buildings rather than Waste. The Street Litter Bins with a budget of \$515k and the Glass recycling with a budget of \$445k have both been reclassified to Fixtures. The construction of Bairnsdale Cell 4 will not be completed until 2022/23 and has an underspend of \$814k. Waste compliance works and security upgrades will also not be completed until 2022/23 and were underspent by \$133k.

Note 2.1.2 Performance against Budget (cont'd)

(i) Explanation of material variations

Variance Ref	Item	Explanation
13	Parks, Open spaces and Streetscapes - \$19.582m less than budget	A number of projects are running behind schedule and will be completed in the 2022/23 year. The most significant of these are the Progress Jetty Precinct Design underbudget by \$318k, Orbost Forest Park Upgrade underbudget by \$1.13m, Lakes Entrance Foreshore Park underbudget by \$1.194m, Livingstone Park Community facilities underbudget by \$1.534m and Lakes Entrance Slipway Upgrade under budget by \$510k. There were also a number of projects that were budgeted as Parks projects but have been reclassified into other asset categories. The most significant of these are Bullock Island Masterplan Implementation (Budget \$5.025m), Jemmy's Point Lookout (Budget \$1.389m), Slip Road Maritime Precinct (Budget \$4.2m) and various streetscapes (Budget \$3.715m).
14	Aerodromes - \$525k less than budget	The Bairnsdale Airport Potable Water project with a budget of \$475k has been reclassified to drainage. The Bairnsdale Airport runway extension and lighting upgrade with a budget of \$50k has been reclassified as Other infrastructure.
15	Off Street Car parks - \$1.452m less than budget	The Cann River and Newmerella Roadside Rest Area projects are running behind schedule and will be completed in the 2022/23 year. The underspend for these two projects is \$1.585m.
16	Other Infrastructure - \$3.892m less than budget	Various seawall projects were reclassified to Recreation with budgets totalling \$4.996m. The Electric Vehicle Charge Point projects was transferred to Buildings with a budget of \$450k. There were a number of projects at year end whose expenditure was classified as Other infrastructure but the budgets had been included in other asset categories. The most significant of these expenditures were Davison Oval Skate Park \$293k, Swan Reach Netball Courts \$160k, Bairnsdale Aerodrome runway and lighting \$102k, Lakes Entrance Transfer Station \$1.063m, Omeo Mountain Bike Trail \$184k and Lakes Entrance Club Spit upgrade \$660k.
17	New Asset expenditure - \$16.943m less than budget	The Omeo Mountain Bike trail project is under budget by \$2.74m, the WORLD Sporting Precinct Stage 1 is under budget by \$5.145m, The Bullock Island Masterplan implementation is under budget by \$2.229m, Bairnsdale Cell 4 construction is underbudget by \$814k, Eagle Point Community Hub is underbudget by \$1.027m, the Gymnasium Pavillion Lucknow is underbudget by \$961k, Kruatungalung Walk is underbudget by \$2.174m, Lakes Foreshore Park is underbudget by \$746k and the Glass recycling project is underbudget by \$256k. All of these projects are expected to be completed in the 2022/23 year.

Note 2.1.2 Performance against Budget (cont'd)

(i) Explanation of material variations

Variance Ref	Item	Explanation
18	Asset Renewal expenditure - \$24.730m less than budget	There are a significant number of renewal project that will not be completed until the 2022/23 year and as a result account for the majority of the variance. The most significant underspends include Eagle Point Community Hub \$600k, Building renewal \$603k, Consolidation of the IT network \$671k, Cann River Transfer Station \$711k, Jemmy's Point \$975k, Various seawalls \$3.252m, Computer replacements \$689k, Cann River Roadside Rest area \$1.093m, Newmerella Roadside Rest area \$461k, Orbst Forest Park \$1.130m, Bullock Island Bridge \$849k, Lakes Entrance Foreshore Park \$1.195m, Bruthen streetscape \$1.195m, Livingstone Park Community Facilities \$821k, Marine Parade Lakes Entrance \$1.395m, Eagle Point Foreshore Road \$342k, Bailey Street Bairnsdale \$317k, Spring Creek Road \$358k, Kerb and Channel renewal \$312k, Moroney Street Bairnsdale \$543k and various other roads \$4.709m.
19	Asset Upgrade expenditure - \$8.886m less than budget	A number of asset upgrade projects were delayed and will be completed in the 2022/23 year. The most significant project underspends were Eagle Point Foreshore Hub \$600k, Mallacoota Hall Upgrade \$809k, Bairnsdale City Oval Changeroom upgrade \$489k, Bullock Island Masterplan Implementation \$2.513m, Slip Road Maritime Parade \$1.975m, Jemmy's Point \$513k and Marine Parade Lakes Entrance \$400k.

Note 2.2 Analysis of Council results by program

Council delivers its functions and activities through the following programs.

2.2.1 Office of the CEO

Activities associated with municipal governance including the Chief Executive Officer.

Business Excellence

Activities associated with financial management, rate collection, risk management, valuations, information services and human resources, procurement, the cost of Councillors, corporate planning, customer service, libraries, communications, regulatory services, governance administration and property services.

Place and Community

Activities associated with strategic and statutory planning, economic development and tourism, emergency management, family and childrens services, aged services, community planning and development and bushfire recovery activities.

Assets and Environment

Activities associated with roads, bridges, drainage, signs, footpaths and street sweeping, parks and reserves, tree management, playgrounds, public toilets, waste and environmental management, asset management, capital works program, commercial business operations, recreation facilities and Forge Theatre and fleet and plant management.

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2.2.2 Summary of income, expenses, assets and capital expenses by program

	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
	\$'000	\$'000	\$'000	\$'000	\$'000
2022					
Office of the CEO	660	660	-	-	-
Business Excellence	51,070	20,094	30,976	17,308	18,384
Place and Community	11,625	11,625	-	6,268	383
Assets and Environment	78,207	78,207	-	29,226	1,407,356
	141,562	110,586	30,976	52,802	1,426,123
	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
	\$'000	\$'000	\$'000	\$'000	\$'000
2021					
Office of the CEO	704	704	-	-	-
Business Excellence	36,972	17,455	19,517	13,516	8,119
Place and Community	18,001	18,001	-	999	61,470
Assets and Environment	71,787	71,787	-	18,041	1,290,392
Bushfire Recovery	5,940	5,940	-	3,733	-
	133,404	113,887	19,517	36,289	1,359,981

There was an organisation restructure effective from 31 December 2021 and as a result the program areas have changed from the 2021 information. The 2022 results are therefore not comparable to the 2021 results by program.

Note 3 Funding for the delivery of our services	2022	2021
3.1 Rates and charges	\$'000	\$'000

Council uses capital improved value (CIV) as the basis of valuation of all properties within the municipal district. The CIV of a property is the value of the land and all of its improvements.

The valuation base used to calculate general rates for 2021/22 was \$9,200 million (2020/21 \$8,471 million). Commercial/Industrial rates for 2021/22 was \$1,138 million (2020/21 \$990 million) and Farm rates was for 2021/22 \$1,849 million (2020/21 \$1,511 million). The 2021/22 rate in the CIV dollar for General rates was 0.00370130 (2020/21 0.00392622), Commercial/Industrial rates was 0.00536688 (2020/21 0.00569302) and Farm rates was 0.00296104 (2020/21 0.00314098).

General rates	45,636	43,641
Municipal charge	7,280	7,106
Waste management charge	8,539	8,001
Supplementary rates and rate adjustments	691	1,337
Interest on rates and charges	277	320
Revenue in lieu of rates	133	131
Total rates and charges	62,556	60,536

The date of the latest general revaluation of land for rating purposes within the municipal district was 1 January 2021, and the valuation was first applied in the rating year commencing 1 July 2021

Annual rates and charges are recognised as revenues when Council issues annual rates notices. Supplementary rates are recognised when a valuation and reassessment is completed and a supplementary rates notice issued.

3.2 Statutory fees and fines

Infringements and costs	282	131
Application Registration Fees	338	250
Animal Registrations	478	453
Town planning fees	948	885
Land information certificates	136	160
Permits	71	77
Other	261	264
Total statutory fees and fines	2,514	2,220

Statutory fees and fines (including parking fees and fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

3.3 User fees

Aged and health services	26	22
Leisure centre and recreation	1,809	1,248
Raymond Island Ferry	283	280
Arts and Culture	136	70
Caravan Parks	2,724	2,578
Saleyards	850	781
Marinas	1,158	1,119
Child care/children's programs	141	79
Tourism	58	46
Building services	132	74
Waste management services	3,868	6,267
Other fees and charges	150	120
Total user fees	11,335	12,684
User fees by timing of revenue recognition		
User fees recognised over time	2,155	1,935
User fees recognised at a point in time	9,180	10,749
Total user fees	11,335	12,684

User fees are recognised as revenue at a point in time, or over time, when (or as) the performance obligation is satisfied. Recognition is based on the underlying contractual terms.

3.4 Funding from other levels of government	2022 \$'000	2021 \$'000
Grants were received in respect of the following :		
Summary of grants		
Commonwealth funded grants	32,807	25,533
State funded grants	19,800	10,692
Other	195	64
Total grants received	52,802	36,289
(a) Operating Grants		
Recurrent - Commonwealth Government		
Financial Assistance Grants	22,775	15,811
Aged Services	45	44
Recurrent - State Government		
Arts and Culture	60	100
Asset Maintenance	56	260
Community Development	55	149
Community Laws	99	97
Emergency Management	195	192
Environmental Management	94	94
Libraries	374	361
Parks and Gardens	-	7
Public Health	37	37
Recurrent - Other		
Environmental Sustainability	-	22
Total recurrent operating grants	23,790	17,174
Non-recurrent - Commonwealth Government		
Community Development	140	679
Bushfire Recovery	-	250
Economic Development	124	65
Environmental Management	1,445	50
Roads	29	-
Recreational, Leisure and Community Facilities	7	5
Non-recurrent - State Government		
Community Development	203	95
Arts and Culture	72	16
Economic Development	640	659
Bushfire Recovery	4,722	3,118
Emergency Management		85
Libraries	60	15
Environmental Management	4	4
Work for Victoria	288	2,007
Roads	24	15
Strategic planning	130	-
Human resource	66	-
Recreational, Leisure and Community Facilities	134	106
Waste	134	10
Non-recurrent - Other		
Environmental Management	59	2
Community Development	1	2
Economic Development	50	29
Events	20	-
Libraries	51	-
Arts and Culture	3	5
Total non-recurrent operating grants	8,406	7,217
Total operating grants	32,196	24,391

(b) Capital Grants		2022	2021
		\$'000	\$'000
Recurrent - Commonwealth Government			
Roads to recovery		3,507	3,803
Recurrent - State Government			
Recreational, Leisure and Community Facilities		9	9
Total recurrent capital grants		3,516	3,812
Non-recurrent - Commonwealth Government			
Buildings		-	374
Bridges		1,550	1,801
Aerodrome		220	111
Footpath and Cycleways		197	400
Other Infrastructure		230	182
Parks, Open Space and Streetscapes		738	57
Recreational, Leisure and Community Facilities		3,493	261
Roads		1,618	1,640
Environmental sustainability		176	-
Car Parks		20	-
Non-recurrent - State Government			
Buildings		507	24
Other Infrastructure		-	20
Caravan Parks		11	-
Parks, Open Space and Streetscapes		862	152
Recreational, Leisure and Community Facilities		6,168	1,696
Governance		-	100
Waste Management		186	28
Roads		980	1,218
Footpath and Cycleways		123	18
Non-recurrent - Other			
Recreational, Leisure and Community Facilities		11	-
Other		-	4
Total non-recurrent capital grants		17,090	8,086
Total capital grants		20,606	11,898

(c) Unspent grants received on condition that they be spent in a specific manner

Operating			
Balance at start of year	7,003		8,492
Received during the financial year and remained unspent at balance date	8,752		3,960
Received in prior years and spent during the financial year	(5,266)		(5,449)
Balance at year end	10,489		7,003
Capital			
Balance at start of year	20,516		1,573
Received during the financial year and remained unspent at balance date	10,251		20,134
Received in prior years and spent during the financial year	(8,285)		(1,191)
Balance at year end	22,482		20,516

(d) Recognition of grant income

Before recognising funding from government grants as revenue the Council assesses whether there is a contract that is enforceable and has sufficiently specific performance obligations in accordance with AASB 15 *Revenue from Contracts with Customers*. When both these conditions are satisfied, the Council:

- identifies each performance obligation relating to revenue under the contract/agreement
- determines the transaction price
- recognises a contract liability for its obligations under the agreement
- recognises revenue as it satisfies its performance obligations, at the time or over time when services are rendered.

Where the contract is not enforceable and/or does not have sufficiently specific performance obligations, the Council applies AASB 1058 *Income for Not-for-Profit Entities*.

Grant revenue with sufficiently specific performance obligations is recognised over time as the performance obligations specified in the underlying agreement are met. Where performance obligations are not sufficiently specific, grants are recognised on the earlier of receipt or when an unconditional right to receipt has been established. Grants relating to capital projects are generally recognised progressively as the capital project is completed. The following table provides a summary of the accounting framework under which grants are recognised.

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	2022	2021
	\$'000	\$'000
Income recognised under AASB 1058 Income of Not-for-Profit Entities		
General purpose	28,619	19,414
Specific purpose grants to acquire non-financial assets	20,605	11,898
Other specific purpose grants	1,124	1,811
Revenue recognised under AASB 15 Revenue from Contracts with Customers		
Specific purpose grants	2,453	3,166
	52,801	36,289

	2022	2021
	\$'000	\$'000
3.5 Contributions		
Monetary	1,074	58
Non-monetary	1,044	6,077
Total contributions	2,118	6,135

Contributions of non monetary assets were received in relation to the following asset classes.

Land	365	1,949
Roads	593	2,079
Drainage	51	1,152
Off Street Car Park	-	334
Footpath	35	563
Total non-monetary contributions	1,044	6,077

Monetary and non monetary contributions are recognised as revenue at their fair value when Council obtains control over the contributed asset.

3.6 Net gain/(loss) on disposal of property, infrastructure, plant and equipment

Proceeds of sale	994	933
Written down value of assets disposed	(443)	(997)
Total net gain/(loss) on disposal of property, infrastructure, plant and equipment	551	(64)

The profit or loss on sale of an asset is determined when control of the asset has passed to the buyer.

3.7 Other income

Interest	341	499
Investment property rental	944	942
Reimbursements - Other	1,047	2,366
Reimbursements - Natural Disasters	6,917	11,438
Other	142	117
Total other income	9,391	15,362

Interest is recognised as it is earned.

Other income is measured at the fair value of the consideration received or receivable and is recognised when Council gains control over the right to receive the income.

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	2022 \$'000	2021 \$'000
Note 4 The cost of delivering services		
4.1 (a) Employee costs		
Wages and salaries	26,834	27,002
WorkCover	1,676	1,180
Casual staff	3,316	2,580
Superannuation	3,080	2,792
Fringe benefits tax	126	143
Total employee costs	35,032	33,697
(b) Superannuation		
Council made contributions to the following funds:		
Defined benefit fund		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	22	27
	22	27
Accumulation funds		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	1,051	1,431
Employer contributions - Australian Super	255	178
Employer contributions - Hostplus	230	161
Employer contributions - Vic Super	180	149
Employer contributions - other funds	1,342	846
	3,058	2,765
Employer contributions payable at reporting date.	50	145
Refer to note 9.3 for further information relating to Council's superannuation obligations.		
4.2 Materials and services		
Contractors		
- Bridge Maintenance	-	142
- Road maintenance	12,144	17,666
- Road and Bridge design	-	60
- Vegetation management	2,305	1,207
- Ferry maintenance	217	142
- Aerodrome Operations and maintenance	100	92
- Building maintenance	237	131
- Electrical Services	32	-
- Ferry service	651	520
- Waste collection	4,176	3,938
- Waste Management	766	891
- Animal pound services	255	241
- Courier services	85	86
- Cleaning	1,156	995
- Street Lighting	1,074	-
- Community facilities IT implementation	222	-
- Consulting	351	-
- Other	-	87
Total Contractors	23,771	26,198
Other materials and services		
Building maintenance	230	313
General maintenance	12,268	11,089
Utilities	1,913	2,042
Office administration	1,069	1,105
Information technology	2,314	2,053
Insurance	1,246	1,141
Consultants	1,509	1,750
Contributions	3,048	3,466
Total Other materials and services	23,597	22,959
Total materials and services	47,368	49,157

Expenses are recognised as they are incurred and reported in the financial year to which they relate.

4.3 Depreciation	2022 \$'000	2021 \$'000
Property	3,478	3,449
Plant and equipment	2,919	3,278
Infrastructure	17,372	14,842
Total depreciation	23,769	21,569

Refer to note 5.2(b), 5.8 and 6.1 for a more detailed breakdown of depreciation and amortisation charges and accounting policy.

4.4 Amortisation - Intangible assets

Software	85	77
Landfill Airspace	900	900
Total Amortisation - Intangible assets	985	977

4.5 Amortisation - Right of use assets

Property	69	70
Plant and Equipment	19	14
Total Amortisation - Right of use assets	88	84

4.6 Bad and doubtful debts

Parking fine debtors	38	6
Animal fine debtors	68	17
Rates debtors	(13)	32
Other debtors	9	(3)
Total bad and doubtful debts	102	52

Movement in provisions for doubtful debts

Balance at the beginning of the year	1,016	988
New provisions recognised during the year	66	52
Amounts already provided for and written off as uncollectible	(5)	(24)
Balance at end of year	1,077	1,016

Provision for doubtful debt is recognised based on an expected credit loss model. This model considers both historic and forward looking information in determining the level of impairment.

4.7 Borrowing costs

Interest - Borrowings	297	290
Total borrowing costs	297	290

Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council.

4.8 Finance Costs - Leases

Interest - Lease Liabilities	18	17
Total finance costs	18	17

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4.9 Other expenses	2022 \$'000	2021 \$'000
Auditors' remuneration - VAGO - audit of the financial statements, performance statement and grant acquittals	54	40
Auditors' remuneration - Internal Audit	35	56
Councillors' allowances	361	330
Operating lease rentals	234	394
Memberships/Subscriptions	324	255
Bank fees and charges	223	201
Legal fees	354	774
Assets written-off -Buildings	454	950
Assets written-off -Bridges	633	3,035
Assets written-off -Roads	1,199	2,426
Assets written-off -Others	156	215
Others	25	50
Total other expenses	4,052	8,726

Note 5 Our financial position

5.1 Financial assets

(a) Cash and cash equivalents

Cash on hand	11	12
Cash at bank	89,487	87,162
Term deposits	27,049	5,024
Total cash and cash equivalents	116,547	92,198

Total financial assets

116,547 **92,198**

Councils cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary use. These include:

- Trust funds and deposits (Note 5.3(b))	3,033	2,835
- Unexpended grants (Note 3.4(c))	25,581	20,551
- Non-Discretionary Reserves (Note 9.1(b))	1,526	1,120
Total restricted funds	30,140	24,506
Total unrestricted cash and cash equivalents	86,407	67,692

Intended allocations

Although not externally restricted the following amounts have been allocated for specific future purposes by Council:

- Cash held to fund carried forward capital works	53,668	26,097
- Cash held to fund carried forward landfill rehabilitation projects	793	719
- Unexpended grants (Note 3.4(c))	7,390	6,968
- Tambo Bluff Estate	289	394
- Water transport replacement reserve	2,600	2,300
- Orbost Landfill Discretionary Reserve Bushfire 2019/20	9,581	9,626
Total funds subject to intended allocations	74,321	46,104

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of three months or less, net of outstanding bank overdrafts.

	2022 \$'000	2021 \$'000
(b) Trade and other receivables		
Current		
Statutory receivables		
Rates debtors	3,606	3,936
Special rate assessment	938	662
Infringement debtors	865	792
Provision for doubtful debts - statutory	(1,012)	(960)
Net GST receivable	1,443	874
Non statutory receivables		
Other debtors	3,327	5,745
Provision for doubtful debts - other debtors	(65)	(56)
Total current trade and other receivables	9,102	10,993
Non-current		
Statutory receivables		
Special rate scheme	194	241
Total non-current trade and other receivables	194	241
Total trade and other receivables	9,296	11,234

Short term receivables are carried at invoice amount. A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred. Long term receivables are carried at amortised cost using the effective interest rate method.

(c) Ageing of Receivables

The ageing of the Council's trade and other receivables (excluding statutory receivables) that are not impaired was:

Current (not yet due)	2,807	5,447
Past due by up to 30 days	204	142
Past due between 31 and 180 days	189	42
Past due between 181 and 365 days	30	29
Past due by more than 1 year	31	29
Total trade and other receivables	3,261	5,689

(d) Ageing of individually impaired Receivables

At balance date, other debtors representing financial assets with a nominal value of \$65,000 (2021: \$56,000) were impaired. The amount of the provision raised against these debtors was \$65,000 (2021: \$56,000). They individually have been impaired as a result of their doubtful collection. Many of the long outstanding past due amounts have been lodged with Council's debt collectors or are on payment arrangements.

The ageing of receivables that have been individually determined as impaired at reporting date was:

Past due by more than 1 year	65	56
Total trade and other receivables	65	56

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5.2 Non-financial assets	2022	2021	
(a) Other assets			
Prepayments	202	946	
Accrued income	955	5,219	
Grant income receivable	6,816	1,529	
Other	25	32	
Total other assets	7,998	7,726	
(b) Intangible assets			
Software	545	528	
Landfill air space	454	1,354	
Total intangible assets	999	1,882	
	Software	Landfill	Total
	\$'000	\$'000	\$'000
Gross carrying amount			
Balance at 1 July 2021	2,040	4,854	6,894
Other additions	102	-	102
Balance at 30 June 2022	2,142	4,854	6,996
Accumulated amortisation and impairment			
Balance at 1 July 2021	1,512	3,500	5,012
Amortisation expense	85	900	985
Balance at 30 June 2022	1,597	4,400	5,997
Net book value at 30 June 2021	528	1,354	1,882
Net book value at 30 June 2022	545	454	999
Intangible assets with finite lives are amortised as an expense on a systematic basis over the asset's useful life. Amortisation is generally calculated on a straight line basis, at a rate that allocates the asset value, less any estimated residual value over its estimated useful life. Estimates of the remaining useful lives and amortisation method are reviewed at least annually, and adjustments made where appropriate.			
	2022	2021	
5.3 Payables, trust funds and deposits and unearned income/revenue	\$'000	\$'000	
(a) Trade and other payables			
<i>Non-statutory payables</i>			
Trade payables	9,528	8,204	
Accrued expenses	2,277	1,270	
Total trade and other payables	11,805	9,474	
(b) Trust funds and deposits			
Refundable deposits	2,391	2,248	
Fire services levy	208	233	
Retention amounts	434	354	
Total trust funds and deposits	3,033	2,835	
(c) Unearned income/revenue			
Grants received in advance - operating	3,099	35	
Grants received in advance - capital	22,482	20,516	
Caravan Park and other	224	243	
Prepaid Marina Income	146	183	
Total unearned income/revenue	25,951	20,977	
(d) Unearned income - Non Current			
Prepaid Marina Income	428	383	
	428	383	

Unearned income/revenue represents contract liabilities and reflect consideration received in advance from customers in respect of government grants for projects yet to have completed the obligation for use of the grant, marina berth licences received for future years and caravan park bookings paid in advance. Unearned income/revenue are derecognised and recorded as revenue when promised goods and services are transferred to the customer. Refer to Note 3.

Amounts received as deposits and retention amounts controlled by Council are recognised as trust funds until they are returned, transferred in accordance with the purpose of the receipt, or forfeited. Trust funds that are forfeited, resulting in council gaining control of the funds, are to be recognised as revenue at the time of forfeit.

Purpose and nature of items

Refundable deposits - Deposits are taken by Council as a form of surety in a number of circumstances, including contract deposits and the use of civic facilities. Refundable deposits also include other monies received by Council in excess of amounts due to be paid and will either be returned or transferred in accordance with the purpose of the receipt.

Fire Service Levy - Council is the collection agent for fire services levy on behalf of the State Government. Council remits amounts received on a quarterly basis. Amounts disclosed here will be remitted to the state government in line with that process.

Retention Amounts - Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.

5.4 Interest-bearing liabilities	2022 \$'000	2021 \$'000
Current		
Other borrowings - secured	-	1,700
	<u>-</u>	<u>1,700</u>
Non-current		
Other borrowings - secured	1,650	1,650
	<u>1,650</u>	<u>1,650</u>
Total	<u>1,650</u>	<u>3,350</u>

Borrowings are secured by mortgages over the general rates of Council.

(a) The maturity profile for Council's borrowings is:

Not later than one year	-	1,700
Later than one year and not later than five years	1,150	-
Later than five years	500	1,650
	<u>1,650</u>	<u>3,350</u>

Borrowings are initially measured at fair value, being the cost of the interest bearing liabilities, net of transaction costs. The measurement basis subsequent to initial recognition depends on whether the Council has categorised its interest-bearing liabilities as either financial liabilities designated at fair value through the profit and loss, or financial liabilities at amortised cost. Any difference between the initial recognised amount and the redemption value is recognised in net result over the period of the borrowing using the effective interest method.

The classification depends on the nature and purpose of the interest bearing liabilities. The Council determines the classification of its interest bearing liabilities at initial recognition.

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5.5 Provisions

	Employee	Landfill restoration	Native Vegetation	Total
	\$ '000	\$ '000	\$ '000	\$ '000
2022				
Balance at beginning of the financial year	7,004	11,792	192	18,988
Additional provisions	995	374	16	1,385
Amounts used	(638)	(708)	(21)	(1,367)
Change in the discounted amount arising because of time and the effect of any change in the discount rate	(711)	(1,499)	-	(2,210)
Balance at the end of the financial year	6,650	9,959	187	16,796

2021				
Balance at beginning of the financial year	6,717	15,040	211	21,968
Additional provisions	951	(186)	1	766
Amounts used	(460)	(2,502)	(20)	(2,982)
Change in the discounted amount arising because of time and the effect of any change in the discount rate	(204)	(560)	-	(764)
Balance at the end of the financial year	7,004	11,792	192	18,988

	2022 \$'000	2021 \$'000
(a) Employee provisions		
Current provisions expected to be wholly settled within 12 months		
Annual leave	2,380	2,367
Long service leave	328	362
	2,708	2,729
Current provisions expected to be wholly settled after 12 months		
Annual leave	425	359
Long service leave	2,948	3,261
	3,373	3,620
Total current employee provisions	6,081	6,349
Non-current		
Long service leave	569	655
Total non-current employee provisions	569	655
Aggregate carrying amount of employee provisions:		
Current	6,081	6,349
Non-current	569	655
Total aggregate carrying amount of employee provisions	6,650	7,004

The calculation of employee costs and benefits includes all relevant on-costs and are calculated as follows at reporting date.

Annual leave

A liability for annual leave is recognised in the provision for employee benefits as a current liability because the Council does not have an unconditional right to defer settlement of the liability. Liabilities for annual leave are measured at:

- nominal value if the Council expects to wholly settle the liability within 12 months
- present value if the Council does not expect to wholly settle within 12 months.

Liabilities that are not expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits as current liabilities, measured at the present value of the amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

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Long service leave

Liability for long service leave (LSL) is recognised in the provision for employee benefits. Unconditional LSL is disclosed as a current liability as the Council does not have an unconditional right to defer settlement. Unconditional LSL is measured at nominal value if expected to be settled within 12 months or at present value if not expected to be settled within 12 months. Conditional LSL that has been accrued, where an employee is yet to reach a qualifying term of employment, is disclosed as a non-current liability and measured at present value.

Key assumptions:

- discount rate	3.33%	0.88%
- index rate	2.00%	1.50%

	2022	2021
	\$'000	\$'000
(b) Landfill restoration provision		
Current	5,072	3,222
Non-current	4,887	8,570
	9,959	11,792

Council is obligated to restore landfill sites to a particular standard. The forecast life of the site is based on current estimates of remaining capacity and the forecast rate of infill. The provision for landfill restoration has been calculated based on the present value of the expected cost of works to be undertaken. The expected cost of works has been estimated based on current understanding of work required to reinstate the site to a suitable standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

Key assumptions:

- discount rate	3.55%	0.013%
- index rate	2.00%	2.00%

(c) Native Vegetation Offset provision

Non-current	187	192
	187	192
Total Current	11,153	9,571
Total Non-current	5,643	9,417
Total Provisions	16,796	18,988

5.6 Financing arrangements

The Council has the following funding arrangements in place as at 30 June 2022

Bank overdraft	1,500	1,500
Credit card facilities	300	300
Treasury Corporation of Victoria facilities	8,305	3,305
Borrowings	1,650	3,350
Total facilities	11,755	8,455
Used facilities	1,694	3,386
Unused facilities	10,061	5,069

5.7 Commitments

The Council has entered into the following commitments. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value and presented inclusive of the GST payable.

(a) Commitments for expenditure

	Not later than 1 year	Later than 1 year and not later than 2 years	Later than 2 years and not later than 5 years	Later than 5 years	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
2022					
Operating					
Cleaning	707	50	-	-	757
Ferry Operations/Maintenance	65	1	-	-	66
Road Infrastructure Maintenance	599	600	654	-	1,853
Waste Management	4,204	4,076	2,639	-	10,919
Other Service Contracts	581	370	180	-	1,131
Total	6,156	5,097	3,473	-	14,726
Capital					
Buildings	189	-	-	-	189
Roads	117	-	-	-	117
Bridges	1,331	-	-	-	1,331
Recreation	16,546	-	-	-	16,546
Waste	2,065	-	-	-	2,065
Other	8,384	-	-	-	8,384
Total	28,632	-	-	-	28,632
2021					
Operating					
Cleaning	127	-	-	-	127
Ferry Operations/Maintenance	504	39	-	-	543
Road Infrastructure Maintenance	600	600	1,255	-	2,455
Waste Management	3,317	3,185	5,096	-	11,598
Other Service Contracts	568	436	527	-	1,531
Total	5,116	4,260	6,878	-	16,254
Capital					
Buildings	552	-	-	-	552
Roads	3,850	-	-	-	3,850
Bridges	3,384	-	-	-	3,384
Recreation	5,216	-	-	-	5,216
Waste	4,292	-	-	-	4,292
Other	1,010	-	-	-	1,010
Total	18,304	-	-	-	18,304

5.8 Leases

At inception of a contract, all entities would assess whether a contract is, or contains, a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. To identify whether a contract conveys the right to control the use of an identified asset, it is necessary to assess whether:

- The contract involves the use of an identified asset;
- The customer has the right to obtain substantially all of the economic benefits from use of the asset throughout the period of use; and
- The customer has the right to direct the use of the asset.

This policy is applied to contracts entered into, or changed, on or after 1 July 2019.

As a lessee, Council recognises a right-of-use asset and a lease liability at the lease commencement date. The right-of-use asset is initially measured at cost which comprises the initial amount of the lease liability adjusted for:

- any lease payments made at or before the commencement date less any lease incentives received; plus
- any initial direct costs incurred; and
- an estimate of costs to dismantle and remove the underlying asset or to restore the underlying asset or the site on which it is located.

The right-of-use asset is subsequently depreciated using the straight-line method from the commencement date to the earlier of the end of the useful life of the right-of-use asset or the end of the lease term. The estimated useful lives of right-of-use assets are determined on the same basis as those of property, plant and equipment. In addition, the right-of-use asset is periodically reduced by impairment losses, if any, and adjusted for certain measurements of the lease liability.

The lease liability is initially measured at the present value of the lease payments that are not paid at the commencement date, discounted using the interest rate implicit in the lease or, if that rate cannot be readily determined, an appropriate incremental borrowing rate. Generally, Council uses an appropriate incremental borrowing rate as the discount rate.

Lease payments included in the measurement of the lease liability comprise the following:

- Fixed payments
- Variable lease payments that depend on an index or a rate, initially measured using the index or rate as at the commencement date;
- Amounts expected to be payable under a residual value guarantee; and
- The exercise price under a purchase option that Council is reasonably certain to exercise, lease payments in an optional renewal period if Council is reasonably certain to exercise an extension option, and penalties for early termination of a lease unless Council is reasonably certain not to terminate early.

When the lease liability is remeasured in this way, a corresponding adjustment is made to the carrying amount of the right-of-use asset, or is recorded in profit or loss if the carrying amount of the right-of-use asset has been reduced to zero.

Council has elected to apply the temporary option available under AASB 16 *Leases* which allows not-for-profit entities to not measure right-of-use assets at initial recognition at fair value in respect of leases that have significantly below-market terms.

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Right-of-Use Assets	Property \$'000	Equipment \$'000	Total \$'000
Balance at 1 July 2021	774	11	785
Additions	65	72	137
Disposal	(63)	-	(63)
Amortisation charge	(70)	(18)	(88)
Balance at 30 June 2022	706	65	771

Lease Liabilities	2022 \$'000	2021 \$'000
Maturity analysis - contractual undiscounted cash flows		
Less than one year	88	77
One to five years	283	288
More than five years	606	673
Total undiscounted lease liabilities as at 30 June	977	1,038

Lease liabilities included in the Balance Sheet at 30 June:		
Current	102	62
Non-current	758	759
Total lease liabilities	860	821

Short-term and low value leases

Council has elected not to recognise right-of-use assets and lease liabilities for short-term leases of machinery that have a lease term of 12 months or less and leases of low-value assets (individual assets worth less than existing capitalisation thresholds for a like asset up to a maximum of AUD\$10,000), including IT equipment. Council recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

	2022 \$'000	2021 \$'000
Expenses relating to:		
Short-term leases	203	362
Leases of low value assets	30	28
Total	233	390
Variable lease payments (not included in measurement of lease liabilities)	Nil	Nil

Non-cancellable lease commitments - Short-term and low-value leases

Commitments for minimum lease payments for short-term and low-value leases are payable as follows:

Payable:

Within one year	108	40
Later than one year but not later than five years	22	35
Later than five years	36	40
Total lease commitments	166	115

Note 6 Assets we manage

6.1 Property, infrastructure, plant and equipment

Summary of property, infrastructure, plant and equipment

	Carrying amount 30 June 2021 \$'000	Additions \$'000	Contributions \$'000	Revaluation \$'000	Depreciation \$'000	Disposal \$'000	Write-off \$'000	Transfers \$'000	Carrying amount 30 June 2022 \$'000
Property	266,151	-	365	10,554	(3,478)	-	(610)	2,637	275,619
Plant and equipment	14,270	-	-	-	(2,919)	(442)	-	4,358	15,267
Infrastructure	947,094	-	679	20,917	(17,372)	-	(1,833)	12,308	961,793
Work in progress	9,759	38,200	-	-	-	-	-	(18,389)	29,570
	1,237,274	38,200	1,044	31,471	(23,769)	(442)	(2,443)	914	1,282,249

Summary of Work in Progress

	Opening WIP \$'000	Additions \$'000	Write-off \$'000	Transfers \$'000	Closing WIP \$'000
Property	1,261	8,783	-	(1,368)	8,676
Plant and equipment	160	5,534	-	(4,312)	1,382
Infrastructure	8,338	23,883	-	(12,709)	19,512
Total	9,759	38,200	-	(18,389)	29,570

(a) Property

	Land - specialised	Land - non specialised	Total Land & Land Improvements	Heritage buildings	Buildings - specialised	Total Buildings	Work In Progress	Total Property
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2021	146,008	3,634	149,642	17,095	169,392	186,487	1,261	337,390
Accumulated depreciation at 1 July 2021	-	-	-	(8,799)	(61,179)	(69,978)	-	(69,978)
	146,008	3,634	149,642	8,296	108,213	116,509	1,261	267,412
Movements in fair value								
Additions	-	-	-	-	-	-	8,783	8,783
Contributions	365	-	365	-	-	-	-	365
Revaluation	-	-	-	-	17,070	17,070	-	17,070
Disposal	(156)	-	(156)	-	(835)	(835)	-	(991)
Write-off	-	-	-	-	-	-	-	-
Transfers	452	-	452	-	2,691	2,691	(1,368)	1,775
Impairment losses recognised in operating result	-	-	-	-	-	-	-	-
	661	-	661	-	18,926	18,926	7,415	27,002
Movements in accumulated depreciation								
Depreciation and amortisation	-	-	-	(252)	(3,226)	(3,478)	-	(3,478)
Revaluation	-	-	-	-	(6,516)	(6,516)	-	(6,516)
Accumulated depreciation of disposals	-	-	-	-	381	381	-	381
Impairment losses recognised in operating result	-	-	-	-	-	-	-	-
Transfers	-	-	-	-	(506)	(506)	-	(506)
	-	-	-	(252)	(9,867)	(10,119)	-	(10,119)
At fair value 30 June 2022	146,669	3,634	150,303	17,095	188,318	205,413	8,676	364,392
Accumulated depreciation at 30 June 2022	-	-	-	(9,051)	(71,046)	(80,097)	-	(80,097)
Carrying amount	146,669	3,634	150,303	8,044	117,272	125,316	8,676	284,295

(b) Plant and Equipment

	Plant machinery and equipment \$'000	Fixtures fittings and furniture \$'000	Computers and telecomms \$'000	Library books \$'000	Work In Progress \$'000	Total plant and equipment \$'000
At fair value 1 July 2021	22,400	10,526	5,024	5,105	160	43,215
Accumulated depreciation at 1 July 2021	(13,461)	(7,004)	(4,193)	(4,127)	-	(28,785)
	8,939	3,522	831	978	160	14,430
Movements in fair value						
Additions	-	-	-	-	5,534	5,534
Contributions	-	-	-	-	-	-
Revaluation	-	-	-	-	-	-
Disposal	(1,510)	-	-	-	-	(1,510)
Write-off	-	-	-	-	-	-
Transfers	2,663	787	696	212	(4,312)	46
Impairment losses recognised in operating result	-	-	-	-	-	-
	1,153	787	696	212	1,222	4,070
Movements in accumulated depreciation						
Depreciation and amortisation	(1,655)	(795)	(298)	(171)	-	(2,919)
Accumulated depreciation of disposals	1,068	-	-	-	-	1,068
Impairment losses recognised in operating result	-	-	-	-	-	-
Transfers	-	-	-	-	-	-
	(587)	(795)	(298)	(171)	-	(1,851)
At fair value 30 June 2022	23,553	11,313	5,720	5,317	1,382	47,285
Accumulated depreciation at 30 June 2022	(14,048)	(7,799)	(4,491)	(4,298)	-	(30,636)
Carrying amount	9,505	3,514	1,229	1,019	1,382	16,649

(c) Infrastructure

	Roads	Bridges	Footpaths and cycleways	Drainage	Recreational, leisure and community facilities	Waste Management	Parks open space and streetscapes	Aerodromes	Off street car parks	Other Infrastructure	Work In Progress	Total Infrastructure
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2021	747,288	109,602	35,322	91,119	35,287	10,809	34,053	8,677	12,225	27,133	8,338	1,119,853
Accumulated depreciation at 1 July 2021	(96,818)	(8,689)	(5,863)	(20,892)	(13,482)	(4,613)	(5,089)	(390)	(1,739)	(6,846)	-	(164,421)
	650,470	100,913	29,459	70,227	21,805	6,196	28,964	8,287	10,486	20,287	8,338	955,432
Movements in fair value												
Additions	-	-	-	-	-	-	-	-	-	-	23,883	23,883
Contributions	593	-	35	51	-	-	-	-	-	-	-	679
Revaluation	16,515	2,406	781	2,014	780	239	753	192	270	599	-	24,549
Disposal	(1,732)	(727)	-	-	-	-	-	-	-	-	-	(2,459)
Write-off	-	-	-	-	-	-	-	-	-	-	-	-
Transfers	7,228	3,423	702	477	-	229	-	7	75	167	(12,709)	(401)
Impairment losses recognised in operating result	-	-	-	-	-	-	-	-	-	-	-	-
	22,604	5,102	1,518	2,542	780	468	753	199	345	766	11,174	46,251
Movements in accumulated depreciation												
Depreciation and amortisation	(11,252)	(1,268)	(606)	(902)	(744)	(793)	(497)	(111)	(258)	(941)	-	(17,372)
Revaluation	(2,140)	(190)	(130)	(462)	(298)	(102)	(112)	(9)	(38)	(151)	-	(3,632)
Accumulated depreciation of disposals	532	94	-	-	-	-	-	-	-	-	-	626
Impairment losses recognised in operating result	-	-	-	-	-	-	-	-	-	-	-	-
Transfers	-	-	-	-	-	-	-	-	-	-	-	-
	(12,860)	(1,364)	(736)	(1,364)	(1,042)	(895)	(609)	(120)	(296)	(1,092)	-	(20,378)
At fair value 30 June 2022	769,892	114,704	36,840	93,661	36,067	11,277	34,806	8,876	12,570	27,899	19,512	1,166,104
Accumulated depreciation at 30 June 2022	(109,678)	(10,053)	(6,599)	(22,256)	(14,524)	(5,508)	(5,698)	(510)	(2,035)	(7,938)	-	(184,799)
Carrying amount	660,214	104,651	30,241	71,405	21,543	5,769	29,108	8,366	10,535	19,961	19,512	981,305

6.1 Property, infrastructure, plant and equipment (cont'd)

Acquisition

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

In accordance with Council's policy, the threshold limits have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year.

	Depreciation Period	Threshold Limit \$'000
<i>Asset recognition thresholds and depreciation periods</i>		
Land & land improvements		
land	-	-
Buildings		
buildings	15-80 years	5
building and leasehold improvements	15-80 years	5
Plant and Equipment		
ferry equipment	40 years	1
plant, machinery and equipment	5-10 years	1
fixtures, fittings and furniture	10-20 years	1
computers and telecommunications	5-10 years	1
library books	5-10 years	1
Infrastructure		
road pavements and seals	18-80 years	5
road wearing course	15-60 years	5
road formation and earthworks	-	5
road kerb, channel and minor culverts	70 - 80 years	5
bridges	60-100 years	5
footpaths and cycleways	15-65 years	5
drainage	100 years	5
recreational, leisure and community facilities	15-60 years	5
aerodromes	15-80 years	5
waste management landfill cells	3 years	5
waste management infrastructure	60 years	5
parks, open space and streetscapes	20-40 years	5
Intangible assets	3-10 years	1

Land under roads

Council recognises land under roads it controls at fair value after 30 June 2008.

Depreciation and amortisation

Buildings, land improvements, plant and equipment, infrastructure, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life.

Straight line depreciation is charged based on the residual useful life as determined each year.

Depreciation periods used are listed above and are consistent with the prior year unless otherwise stated.

6.1 Property, infrastructure, plant and equipment (cont'd)

Repairs and maintenance

Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

Leasehold improvements

Leasehold improvements are recognised at cost and are amortised over the unexpired period of the lease or the estimated useful life of the improvement, whichever is the shorter. At balance date there were no leasehold improvements.

Valuation of land and buildings

Valuation of land and buildings were undertaken by a qualified independent valuer Todd Svanberg, Certified Practising Valuer CPV AAPI AM ASA, Director of JLL Public Sector Valuations Pty Ltd and Emily Villani RPV PMAPI, Valuer JLL Public Sector Valuations Pty Ltd. The valuation of land and buildings is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement. An index based revaluation was conducted in the current year for buildings, this valuation was based on the Victoria Valuer-General's indices. A full revaluation of these assets will be conducted in 2022/23.

Specialised land is valued at fair value using site values adjusted for englobo (undeveloped and/or unserviced) characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Any significant movements in the unobservable inputs for land and land under roads will have a significant impact on the fair value of these assets.

The date of the current valuation is detailed in the following table.

Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2022 are as follows:

	Level 1	Level 2	Level 3	Date of Valuation
Specialised Land	-	-	146,669	30/06/2021
Non Specialised land	-	3,634	-	30/06/2021
Heritage Buildings	-	-	8,044	30/06/2019
Buildings	-	-	117,272	30/06/2022
Total	-	3,634	271,985	

Valuation of infrastructure

Valuation of all infrastructure assets was undertaken by Council's engineering and asset management staff as at 31 December 2021.

The date of the current valuation is detailed in the following table. An index based revaluation was conducted in the current year, this valuation was based on Construction industries producer price indices for Victoria, a full revaluation of these assets will be conducted in 2022/23.

The valuation is at fair value based on current replacement cost less accumulated depreciation as at the date of valuation.

Details of the Council's infrastructure and information about the fair value hierarchy as at 30 June 2022 are as follows:

	Level 1	Level 2	Level 3	Date of Valuation
Roads	-	-	660,214	31/12/2021
Bridges	-	-	104,651	31/12/2021
Footpaths and cycleways	-	-	30,241	31/12/2021
Drainage	-	-	71,405	31/12/2021
Recreational, leisure and community facilities	-	-	21,543	31/12/2021
Waste management	-	-	5,769	31/12/2021
Parks, open space and streetscapes	-	-	29,108	31/12/2021
Aerodromes	-	-	8,366	31/12/2021
Off street car parks	-	-	10,535	31/12/2021
Other infrastructure	-	-	19,961	31/12/2021
Total	-	-	961,793	

Description of significant unobservable inputs into level 3 valuations

Specialised land and land under roads is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values between 0% and 90%. The market value of land varies significantly depending on the location of the land and the current market conditions. Currently land values range between \$0.02 and \$720 per square metre.

Specialised buildings are valued using a depreciated replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement costs are calculated on a square metre basis and ranges from \$257 to \$8,442 per square metre. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 15 years to 80 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend the useful lives of buildings.

Infrastructure assets are valued based on the depreciated replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 15 years to 100 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

	2022	2021
	\$'000	\$'000
Reconciliation of specialised land		
Land under roads	2,998	2,691
Parks and reserves	74,649	74,596
Recreation and Leisure	38,582	38,582
Residential Land	469	469
Commercial Land	480	480
Aerodrome Land	2,413	2,413
Community Services Land	4,940	4,940
Business Centre/Library Land	3,929	3,929
Caravan Park Land	2,380	2,380
Carpark Land	3,844	3,693
Depot Land	239	239
Quarry Reserve Land	155	155
Drainage Reserve Land	6,691	6,541
Saleyard and Pound Facility Land	731	731
Waste Management Land	3,852	3,852
Road Reserves	317	317
Total specialised land	146,669	146,008

East Gippsland Shire Council
2021/2022 Financial Report

Notes to the Financial Report
For the Year Ended 30 June

	2022 \$'000	2021 \$'000
6.2 Investment property		
Balance at beginning of financial year	8,882	8,704
Additions	-	-
Transfer	(914)	-
Fair value adjustments	295	178
Balance at end of financial year	8,263	8,882

Investment property is held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Costs incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the comprehensive income statement in the period that they arise.

Valuation of investment property

Valuation of investment property has been determined in accordance with an independent valuation by Todd Svanberg, Certified Practicing Valuer CPV AAPI AM ASA, Director of JLL Public Sector Valuations Pty Ltd and Emily Villani RPV PMAPI, Valuer JLL Public Sector Valuations Pty Ltd, who has recent experience in the location and category of the property being valued. The valuation is at fair value, based on the current market value for the property. An index based valuation was conducted in the current year. This valuation was based on Indices provided by the Victoria Valuer-General. A full valuation of these assets will be conducted in 2022/23.

	2022 No.	2021 No.
Note 7 People and relationships		
7.1 Council and key management remuneration		
(a) Related Parties		
<i>Parent entity</i>		
East Gippsland Shire Council is the parent entity.		
(b) Key Management Personnel		
Key management personnel (KMP) are those people with the authority and responsibility for planning, directing and controlling the activities of East Gippsland Shire Council. The Councillors, Chief Executive Officer and General Managers are deemed KMP.		
Details of KMP at any time during the year are:		
Councillors		
Councillor Mark Reeves (Mayor from 28/10/2021 to 30/06/2022)		
Councillor Mendy Urie (Mayor - 1/7/2021 to 27/10/2021)		
Councillor Arthur Allen (Deputy Mayor 28/10/2021 to 30/6/2022)		
Councillor Jane Greacen		
Councillor Tom Crook		
Councillor Trevor Stow		
Councillor Kirsten Van Diggele		
Councillor Sonia Buckley		
Councillor John White		
Chief Executive Officer		
General Manager Business Excellence		
General Manager Assets and Environment		
General Manager Place and Community		
General Manager Bushfire Recovery (1/7/2021 to 31/12/2021)		
Total Number of Councillors	9	16
Total of Chief Executive Officer and other Key Management Personnel	5	5
Total Number of Key Management Personnel	14	21
(c) Remuneration of Key Management Personnel		
	2022	2021
	\$	\$
Total remuneration of key management personnel was as follows:		
Short-term benefits	1,263	1,318
Long-term benefits	22	25
Post employment benefits	88	92
Termination benefits	-	-
Total	1,373	1,435
The numbers of key management personnel whose total remuneration from Council and any related entities, fall within the following bands:		
	2022 No.	2021 No.
\$1 - \$9,999	-	6
\$10,000 - \$19,999	-	7
\$20,000 - \$29,999	6	1
\$30,000 - \$39,999	1	-
\$40,000 - \$49,999	-	1
\$50,000 - \$59,999	2	1
\$70,000 - \$79,999	1	-
\$200,000 - \$209,999	-	2
\$210,000 - \$219,999	-	2
\$220,000 - \$229,999	3	-
\$290,000 - \$299,999	-	1
\$300,000 - \$309,999	1	-
	14	21
(d) Senior Officer Remuneration		
A Senior Officer is an officer of Council, other than Key Management Personnel, who:		
a) has management responsibilities and reports directly to the Chief Executive; or		
b) whose total annual remuneration exceeds \$151,000 (\$151,000 in 2020/21)		
The number of Senior Officers are shown below in their relevant income bands:		
	2022 No.	2021 No.
Income Range:		
\$180,000 - \$189,999	-	1
\$190,000 - \$199,999	1	-
	1	1
	2022	2021
	\$	\$
Total Remuneration for the reporting year for Senior Officers included above, amounted to:	194,109	186,852

7.2 Related party disclosure**(a) Transactions with related parties**

During the period Council entered into the following transactions with related parties.

- 1 For the year ended 30 June 2022, Council paid \$112,938 to staff related to Key Management Personnel and has accrued benefits payable to these staff of \$20,486 as at 30 June 2022, under standard employment terms and conditions.
- 2 For the year ended 30 June 2022, Council paid \$212,510 to suppliers and contractors related to Key Management Personnel on normal commercial terms and conditions. Details of these related party transactions for Key Management Personnel are as follows:

Cr White	Melwood Investments Pty Ltd - \$192,645 for contracted slashing services
Cr Allen	Leftrade Pty Ltd - \$8,599 for works and services
Cr Greacen	Cunninghame Medical Centre - \$266 for employee related medical services
General Manager Assets and Environment	The Right Man - \$11,000 for consultancy services

(b) Outstanding balances with related parties

The following balances are outstanding at the end of the reporting period in relation to transactions with related parties

Nil

(c) Loans to/from related parties

The aggregate amount of loans in existence at balance date that have been made, guaranteed or secured by the council to a related party are as follows:

Nil

(d) Commitments to/from related parties

The aggregate amount of commitments in existence at balance date that have been made, guaranteed or secured by the council to a related party are as follows:

Nil

Note 8 Managing uncertainties**8.1 Contingent assets and liabilities**

Contingent assets and contingent liabilities are not recognised in the Balance Sheet, but are disclosed and if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable, respectively.

(a) Contingent assets

The Council has entered into commercial property leases on its investment property, consisting of surplus freehold office complexes. These properties held under operating leases have remaining non-cancellable lease terms of between 1 and 10 years. All leases include a CPI based revision of the rental charge annually.

Future undiscounted minimum rentals receivable under non-cancellable operating leases are as follows:

	2022	2021
	\$'000	\$'000
Not later than one year	913	718
Later than one year and not later than five years	2,139	2,097
Later than five years	1,696	1,849
	4,748	4,664

(b) Contingent liabilities**Superannuation**

Council has obligations under a defined benefit superannuation scheme that may result in the need to make additional contributions to the scheme, matters relating to this potential obligation are outlined below. As a result of the volatility in financial markets the likelihood of making such contributions in future periods exists.

Future superannuation contributions

There were no contributions outstanding and no loans issued from or to the above schemes as at 30 June 2022. The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2023 are \$17,983.

Landfill

Council operates a number of landfills. Council will have to carry out site rehabilitation works in the future. Council has provided the Environment Protection Authority with a bank guarantee in their favour of \$1.3 million to meet the remedial action financial assurance requirements for licenced landfill sites.

Liability Mutual Insurance

Council is a participant of the MAV Liability Mutual Insurance (LMI) Scheme. The LMI scheme provides public liability and professional indemnity insurance cover. The LMI scheme states that each participant will remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability will continue whether or not the participant remains a participant in future insurance years.

MAV Workcare

Council was a participant of the MAV WorkCare Scheme. The MAV WorkCare Scheme provided workers compensation insurance. MAV WorkCare commenced business on 1 November 2017 and the last day the Scheme operated as a self-insurer was 30 June 2021. In accordance with the Workplace Injury Rehabilitation and Compensation Act 2013, there is a six year liability period following the cessation of the Scheme (to 30 June 2027). During the liability period, adjustment payments may be required (or received). The determination of any adjustment payments is dependent upon revised actuarial assessments of the Scheme's tail claims liabilities as undertaken by Work Safe Victoria. If required, adjustments will occur at the 3-year and 6-year points during the liability period, and will affect participating members.

8.2 Change in accounting standards

Certain new Australian Accounting Standards and interpretations have been published that are not mandatory for the 30 June 2022 reporting period. Council assesses the impact of these new standards. As at 30 June 2022 there were no new accounting standards or interpretations issued by the AASB which are applicable for the year ending 30 June 2023 that are expected to impact Council.

8.3 Financial instruments**(a) Objectives and policies**

The Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables (excluding statutory payables) and bank borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in the notes of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

(b) Market risk

Market risk is the risk that the fair value or future cash flows of council financial instruments will fluctuate because of changes in market prices. The Council's exposure to market risk is primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk.

Interest rate risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Council's interest rate liability risk arises primarily from long term loans and borrowings at fixed rates which exposes council to fair value interest rate risk / Council does not hold any interest bearing financial instruments that are measured at fair value, and therefore has no exposure to fair value interest rate risk. Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. Council has minimal exposure to cash flow interest rate risk through its cash and deposits that are at floating rates.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 2020*. Council manages interest rate risk by adopting an investment policy that ensures:

- diversification of investment product;
- monitoring of return on investment; and
- benchmarking of returns and comparison with budget.

There has been no significant change in the Council's exposure, or its objectives, policies and processes for managing interest rate risk or the methods used to measure this risk from the previous reporting period.

Interest rate movements have not been sufficiently significant during the year to have an impact on the Council's year end result.

(c) Credit risk

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council have exposure to credit risk on some financial assets included in the balance sheet. Particularly significant areas of credit risk exist in relation to outstanding fees and fines as well as loans and receivables from sporting clubs and associations. To help manage this risk:

- council have a policy for establishing credit limits for the entities council deal with;
- council may require collateral where appropriate; and
- council only invest surplus funds with financial institutions which have a recognised credit rating specified in council's investment policy.

Receivables consist of a large number of customers, spread across the ratepayer, business and government sectors. Credit risk associated with the council's financial assets is minimal because the main debtor is secured by a charge over the rateable property.

There are no material financial assets which are individually determined to be impaired.

Council may also be subject to credit risk for transactions which are not included in the balance sheet, such as when council provide a guarantee for another party. Details of our contingent liabilities are disclosed in Note 8.1(b).

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

(d) Liquidity risk

Liquidity risk includes the risk that, as a result of council's operational liquidity requirements it will not have sufficient funds to settle a transaction when required or will be forced to sell a financial asset at below value or may be unable to settle or recover a financial asset.

To help reduce these risks Council:

- have a liquidity policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- have readily accessible standby facilities and other funding arrangements in place;
- have a liquidity portfolio structure that requires surplus funds to be invested within various bands of liquid instruments;
- monitor budget to actual performance on a regular basis; and
- set limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

The Council's maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed on the face of the balance sheet and the amounts related to financial guarantees disclosed in Note 8.1(b), and is deemed insignificant based on prior periods' data and current assessment of risk.

There has been no significant change in Council's exposure, or its objectives, policies and processes for managing liquidity risk or the methods used to measure this risk from the previous reporting period.

With the exception of borrowings, all financial liabilities are expected to be settled within normal terms of trade. Details of the maturity profile for borrowings are disclosed at Note 5.4.

Unless otherwise stated, the carrying amounts of financial instruments reflect their fair value.

(e) Sensitivity disclosure analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, Council believes the following movements are 'reasonably possible' over the next 12 months:

- A parallel shift of + 2.5% and -0.5% in market interest rates (AUD) from year-end rates of 0.85%.

These movements will not have a material impact on the valuation of Council's financial assets and liabilities, nor will they have a material impact on the results of Council's operations.

8.4 Fair value measurement

Fair value hierarchy

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy, Council's financial assets and liabilities are measured at amortised cost.

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 Fair value measurement, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within a fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

Level 1 — Quoted (unadjusted) market prices in active markets for identical assets or liabilities

Level 2 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and

Level 3 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

Revaluation

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are measured at their fair value, being the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date. At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued.

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use of an asset result in changes to the permissible or practical highest and best use of the asset. In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from two to four years. The valuation is performed either by experienced council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

Impairment of assets

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the comprehensive income statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

8.5 Events occurring after balance date

No matters have occurred after balance date that require disclosure in the financial report.

East Gippsland Shire Council
2021/2022 Financial Report

Notes to the Financial Report
For the Year Ended 30 June 2022

Note 9 Other matters

	Balance at beginning of reporting period \$'000	Increment (decrement) \$'000	Balance at end of reporting period \$'000
9.1 Reserves			
(a) Asset revaluation reserves			
2022			
Property			
Land and land improvements	111,638	-	111,638
Buildings	84,209	10,554	94,763
	195,847	10,554	206,401
Infrastructure			
Roads	505,101	14,375	519,476
Bridges	73,975	2,216	76,191
Footpaths and cycleways	17,079	651	17,730
Drainage	43,745	1,552	45,297
Recreational, leisure and community facilities	13,760	482	14,242
Waste management	3,080	137	3,217
Parks, open space and streetscapes	10,969	641	11,610
Aerodromes	966	183	1,149
Offstreet car parks	1,882	232	2,114
Other infrastructure	17,343	448	17,791
	687,900	20,917	708,817
Total asset revaluation reserves	883,747	31,471	915,218
2021			
Property			
Land and land improvements	91,334	20,304	111,638
Buildings	84,209	-	84,209
	175,543	20,304	195,847
Infrastructure			
Roads	438,692	66,409	505,101
Bridges	64,857	9,118	73,975
Footpaths and cycleways	14,489	2,590	17,079
Drainage	37,015	6,730	43,745
Recreational, leisure and community facilities	11,715	2,045	13,760
Waste management	2,461	619	3,080
Parks, open space and streetscapes	7,991	2,978	10,969
Aerodromes	111	855	966
Offstreet car parks	846	1,036	1,882
Other infrastructure	15,603	1,740	17,343
	593,780	94,120	687,900
Total asset revaluation reserves	769,323	114,424	883,747

The asset revaluation reserve is used to record the increased (net) value of Council's assets over time.

East Gippsland Shire Council
2021/2022 Financial Report

Notes to the Financial Report
For the Year Ended 30 June 2022

	Balance at beginning of reporting period \$'000	Transfer from accumulated surplus \$'000	Transfer to accumulated surplus \$'000	Balance at end of reporting period \$'000
(b) Other reserves				
2022				
Car Parking	193	-	-	193
Development Contribution Plans	19	110	-	129
Lakes Entrance Northern Growth Area	1	-	-	1
Recreational Land	873	273	(2)	1,144
Road Upgrading	34	25	-	59
Total Other reserves	1,120	408	(2)	1,526
2021				
Car Parking	193	-	-	193
Development Contribution Plans	19	-	-	19
Lakes Entrance Northern Growth Area	1	-	-	1
Recreational Land	815	58	-	873
Road Upgrading	34	-	-	34
Total Other reserves	1,062	58	-	1,120

The Recreation Land Reserve receives developer contributions for future development of public open space.

Development Contribution Plans receive contribution from developers upon the sale of land in a prescribed planning area.

The Car Parking Reserve receives developer funds for future development of public car parks.

The Road Upgrading Reserve receives contributions from developers for the future upgrade of specific roads as required by development plans.

Lakes Entrance Northern Growth Area receive contributions in accordance with the development plan.

East Gippsland Shire Council
2021/2022 Financial Report

Notes to the Financial Report
For the Year Ended 30 June 2022

	2022 \$'000	2021 \$'000
9.2 Reconciliation of cash flows from operating activities to surplus/(deficit)		
Surplus/(deficit) for the year	30,976	19,517
Depreciation/amortisation	24,842	22,630
Profit/(loss) on disposal of property, infrastructure, plant and equipment	(551)	64
Write off property, plant and equipment	2,442	6,626
Fair value adjustments for investment property	(295)	(178)
Contributions - Non-monetary assets	(1,044)	(6,077)
Financing cost in financing activities	339	309
<i>Change in assets and liabilities:</i>		
(Increase)/decrease in trade and other receivables	1,969	1,410
Increase/(decrease) in other current assets	(303)	(365)
Increase/(decrease) in trade and other payables	1,666	(560)
(Decrease)/increase in other liabilities	5,019	17,881
(Decrease)/increase in provisions	(2,192)	(2,980)
Increase/(Decrease) in trust funds	198	36
Net cash provided by/(used in) operating activities	63,066	58,313

9.3 Superannuation

Council makes the majority of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently. Obligations for contributions to the Fund are recognised as an expense in the Comprehensive Income Statement when they are made or due.

Accumulation

The Fund's accumulation category, Vision MySuper/Vision Super Saver, receives both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2022, this was 10.0% as required under Superannuation Guarantee (SG) legislation (2021: 9.5%)).

Defined Benefit

Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan.

There is no proportional split of the defined benefit liabilities, assets or costs between the participating employers as the defined benefit obligation is a floating obligation between the participating employers and the only time that the aggregate obligation is allocated to specific employers is when a call is made. As a result, the level of participation of East Gippsland Shire Council in the Fund cannot be measured as a percentage compared with other participating employers. Therefore, the Fund Actuary is unable to allocate benefit liabilities, assets and costs between employers for the purposes of AASB 119.

Funding arrangements

Council makes employer contributions to the Defined Benefit category of the Fund at rates determined by the Trustee on the advice of the Fund Actuary.

As at 30 June 2021, an interim actuarial investigation was held as the Fund provides lifetime pensions in the Defined Benefit category.

The vested benefit index (VBI) of the Defined Benefit category of which Council is a contributing employer was 109.8%. The financial assumptions used to calculate the VBI were:

Net investment returns 4.75% pa

Salary information 2.75% pa

Price inflation (CPI) 2.25% pa.

As at 30 June 2022, an interim actuarial investigation is underway as the Fund provides lifetime pensions in the Defined Benefit category. It is expected to be completed by 31 October 2022.

Vision Super has advised that the VBI at 30 June 2022 was 102.2%. Council was notified of the 30 June 2022 VBI during August 2022 (2021: August 2021). The financial assumptions used to calculate this VBI were:

Net investment returns 5.5% pa

Salary information 2.5% pa to 30 June 2023, and

Price inflation (CPI) 3.0% pa.

The VBI is used as the primary funding indicator. Because the VBI was above 100%, the 30 June 2021 actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

Employer contributions

(a) Regular contributions

On the basis of the results of the 2021 interim actuarial investigation conducted by the Fund Actuary, Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2022, this rate was 10.0% of members' salaries (9.5% in 2020/21). This rate is expected to increase in line with any increases in the SG contribution rate and was reviewed as part of the 30 June 2020 triennial valuation.

In addition, Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

(b) Funding calls

If the Defined Benefit category is in an unsatisfactory financial position at an actuarial investigation or the Defined Benefit category's VBI is below its shortfall limit at any time other than the date of the actuarial investigation, the Defined Benefit category has a shortfall for the purposes of SPS 160 and the Fund is required to put a plan in place so that the shortfall is fully funded within three years of the shortfall occurring. The Fund monitors its VBI on a quarterly basis and the Fund has set its shortfall limit at 97%.

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers (including Council) are required to make an employer contribution to cover the shortfall.

Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's Defined Benefit category, together with the employer's payroll at 30 June 1993 and at the date the shortfall has been calculated.

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be wound up.

If there is a surplus in the Fund, the surplus cannot be returned to the participating employers.

In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.

The 2021 interim actuarial investigation surplus amounts

An actuarial investigation is conducted annually for the Defined Benefit category of which Council is a contributing employer. Generally, a full actuarial investigation is conducted every three years and interim actuarial investigations are conducted for each intervening year. An interim investigation was conducted as at 30 June 2021 and the last full investigation was conducted as at 30 June 2020.

The Fund's actuarial investigation identified the following for the Defined Benefit category of which Council is a contributing employer:

	2021 (Interim) \$m	2020 (Triennial) \$m
- A VBI Surplus	214.7	100.0
- A total service liability surplus	270.3	200.0
- A discounted accrued benefits surplus	285.2	217.8

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2021.

The total service liability surplus means that the current value of the assets in the Fund's Defined Benefit category plus expected future contributions exceeds the value of expected future benefits and expenses as at 30 June 2021.

The discounted accrued benefit surplus means that the current value of the assets in the Fund's Defined Benefit category exceeds the value of benefits payable in the future but accrued in respect of service to 30 June 2021.

Council was notified of the 30 June 2021 VBI during August 2021 (2020: August 2020).

The 2022 interim actuarial investigation

An interim actuarial investigation is being conducted for the Fund's position as at 30 June 2022 as the Fund provides lifetime pensions in the Defined Benefit category. It is anticipated that this actuarial investigation will be completed by October 2022. Council was notified of the 30 June 2022 VBI during August 2022 (2021: August 2021).

Superannuation contributions

Contributions by Council (excluding any unfunded liability payments) to the above superannuation plans for the financial year ended 30 June 2022 are detailed below:

Scheme	Type of Scheme	Rate	2022 \$'000	2021 \$'000
Vision super	Defined benefits	10.0% (2021:9.5%)	22	27
Vision super	Accumulation	10.0% (2021:9.5%)	1,051	1,431
Various other funds	Accumulation	10.0% (2021:9.5%)	2,007	1,334

There were contributions outstanding of \$50,428 as at 30 June 2022 and no loans issued from or to the above schemes as at 30 June 2022.

The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2023 is \$17,983.

Note 10 Change in accounting policy

There have been no changes to accounting policies in the 2021-22 year.

There are no pending accounting standards that are likely to have a material impact on council

East Gippsland Shire Council Performance Statement

For the year ended 30 June 2022

Description of municipality

East Gippsland is a large and vibrant region in a beautiful natural setting, home to proud and involved communities that embrace and encourage self-reliance, responsibility and new ideas. The past 30 years have seen East Gippsland evolve from its rural origins to a flourishing economic and tourism region in Eastern Victoria, drawing more than one million visitors each year.

The region has kept its identity and sense of place as it has grown. The shire stretches from west of Bairnsdale to the New South Wales border, covering more than 21,000 square kilometres or 10 per cent of the state. East Gippsland's unique qualities are both its strength and challenges. The region is distinguished by its natural setting, with its southern edge defined by the Gippsland Lakes and rugged coastline and the rising backdrop of the High Country. Historical rural landscapes and natural bushland areas characterise the region and surround its communities.

As East Gippsland has matured as a region, its communities have also developed and diversified. East Gippsland has an abundance of local producers. Fruit and vegetables, beef, lamb, seafood, milk, eggs and nuts are all grown in this diverse growing region. With its fertile soils, good rainfall and temperate climate, East Gippsland is a food bowl for Australia, producing fresh fruit and vegetables all year round.

East Gippsland Shire Council Sustainable Capacity Indicators

For the year ended 30 June 2022

	<i>Indicator/measure</i>	Results				Material Variations and Comments
		2019	2020	2021	2022	
	Population					
C1	<i>Expenses per head of municipal population</i> [Total expenses / Municipal population]	\$1,953.22	\$2,250.55	\$2,386.32	\$2,285.97	There has been significant additional expenditure for the last 3 years relating to bushfire grant funded programs together with additional expenditure relating to the restoration works following the 2019-20 bushfires. This has increased this measure over the last three years; but will also begin to reduce potentially as funded programs and works are completed.
C2	<i>Infrastructure per head of municipal population</i> [Value of infrastructure / Municipal population]	\$21,029.01	\$20,767.18	\$22,789.57	\$23,419.57	
C3	<i>Population density per length of road</i> [Municipal population / Kilometres of local roads]	15.86	15.89	15.99	15.95	
	Own-source revenue					
C4	<i>Own-source revenue per head of municipal population</i> [Own-source revenue / Municipal population]	\$1,599.56	\$1,788.08	\$1,906.34	\$1,791.01	There was significant income in 2019-20 and 2020-21 from bushfire related activities where Council was reimbursed for restoration works as well as a significant increase in user fees from the income for disposing of bushfire waste. Own source revenue has now reduced to a more normal level.
	Recurrent grants					
C5	<i>Recurrent grants per head of municipal population</i> [Recurrent grants / Municipal population]	\$414.07	\$471.68	\$439.73	\$564.45	The increase in the advance Victoria Grants Commission payment in 2021-22 year over the advance payment in the 2020-21 year was \$5.3m and this accounts for the increase in recurrent grants per head of municipal population.
	Disadvantage					
C6	<i>Relative Socio-Economic Disadvantage</i> [Index of Relative Socio-Economic Disadvantage by decile]	3.00	3.00	3.00	3.00	

East Gippsland Shire Council Performance Statement

For the year ended 30 June 2022

Workforce Turnover						
C7	Percentage of staff turnover [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x 100	11.6%	9.6%	12.8%	20.5%	The increase in turnover is consistent with trends across Australia with low turnover during the pandemic due to concerns with job security. With the lifting of restrictions and ability to travel both interstate and internationally, there has been an increase in resignations as well as earlier retirement of the workforce which may contribute to the increased turnover.

Definitions

"adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"infrastructure" means non-current property, plant and equipment excluding land

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the *Road Management Act 2004*

"population" means the resident population estimated by council

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"relative socio-economic disadvantage", in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA

"SEIFA" means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

East Gippsland Shire Council Service Performance Indicators

For the year ended 30 June 2022

	Service/ <i>indicator</i> / <i>measure</i>	Results				Material Variations and Comments
		2019	2020	2021	2022	
AF6	Aquatic Facilities Utilisation <i>Utilisation of aquatic facilities</i> [Number of visits to aquatic facilities / Municipal population]	8.31	5.63	4.06	6.07	Attendance steadily increased over the year as COVID-19 restrictions eased and more services and programs were reintroduced in the facilities. For the period 1 April - 30 June, the attendance returned to similar rates experienced before the bushfires and COVID-19.
AM7	Animal Management Health and safety <i>Animal management prosecutions</i> [Number of successful animal management prosecutions]	New in 2020	100%	0	100%	There were four animal management prosecutions, and Council was successful with all four cases. Prosecutions are conducted on an as needs basis or when required under the <i>Domestic Animals Act 1994</i> .
FS4	Food Safety Health and safety <i>Critical and major non-compliance outcome notifications</i> [Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100	90.48%	85.71%	100.00%	100.00%	All major and critical non-compliance notifications for food premises were followed up. For the 2021 period, there were eight critical and major non-compliance notifications.
G5	Governance Satisfaction <i>Satisfaction with council decisions</i> [Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]	46.00	54.00	51.00	50.00	Council has considered a number of matters in which community interest was high. A focus for Council is to continue to represent the interests of the community by considering and being responsive to the diversity of interests and needs of the municipal community.

East Gippsland Shire Council Service Performance Indicators

For the year ended 30 June 2022

	Service/ <i>indicator</i> /measure	Results				Material Variations and Comments
		2019	2020	2021	2022	
LB4	Libraries Participation <i>Active library borrowers in municipality</i> [Number of active library borrowers in the last three years / The sum of the population for the last three years] x100	19.60%	19.01%	16.88%	13.81%	As this indicator is averaged out over the past three years, this year's result is showing the extended impacts of the Black Summer Bushfires and COVID-19 lockdowns and restrictions.
R5	Roads Satisfaction <i>Satisfaction with sealed local roads</i> [Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]	49.00	55.00	53.00	41.00	Council manages almost 1,500km of sealed roads and invests heavily in the maintenance and upgrade of these roads annually. The wet conditions over the past year have had an adverse effect on roads throughout East Gippsland, including Council managed roads and roads managed by other State authorities. The reduction in satisfaction is felt to reflect general dissatisfaction with all roads regardless of who is the responsible road authority, with this reflected in the verbatim comments that accompanied the survey, many of which focused on Department of Transport managed roads.
SP4	Statutory Planning Decision making <i>Council planning decisions upheld at VCAT</i> [Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100	25.00%	100%	50.00%	75.00%	Four of Council's planning decisions were appealed to VCAT over the year, with one being upheld, one set aside and two were varied by VCAT.
WC5	Waste Collection Waste diversion <i>Kerbside collection waste diverted from landfill</i> [Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100	51.45%	52.48%	53.48%	53.32%	The consistent higher result for this indicator is due to the higher volume of green organics collected. This is attributed to the higher rainfall across the year causing more need for garden maintenance and collection.

East Gippsland Shire Council Service Performance Indicators

For the year ended 30 June 2022

Definitions

"active library borrower" means a borrower of a library who has borrowed a book from the library.

"annual report" means an annual report prepared by a council under sections 98 of the Act

"class 1 food premises" means food premises, within the meaning of the *Food Act 1984*, that have been declared as class 1 food premises under section 19C of that Act

"class 2 food premises" means food premises, within the meaning of the *Food Act 1984*, that have been declared as class 2 food premises under section 19C of that Act

"critical non-compliance outcome notification" means a notification received by council under section 19N (3) or (4) of the *Food Act 1984*, or advice given to council by an authorised officer under that Act, of a deficiency that poses an immediate serious threat to public health

"food premises" has the same meaning as in the *Food Act 1984*

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the Road Management Act 2004

"major non-compliance outcome notification" means a notification received by a council under section 19N (3) or (4) of the *Food Act 1984*, or advice given to council by an authorized officer under that Act, of a deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken

"population" means the resident population estimated by council.

East Gippsland Shire Council Financial Performance Indicators

For the year ended 30 June 2022

	Dimension/ <i>indicator</i> /measure	Results				Forecasts				Material Variations and Comments
		2019	2020	2021	2022	2023	2024	2025	2026	
E2	Efficiency Expenditure level <i>Expenses per property assessment</i> [Total expenses / Number of property assessments]	\$2,882.19	\$3,356.25	\$3,549.43	\$3,414.94	\$3,395.42	\$3,232.79	\$3,257.67	\$3,327.94	There was a significant increase in expenses post the 2019-20 bushfire events and this has impacted on the indicator for the last three years. It is expected that this indicator will reduce over the coming years back to a more normal level.
	Revenue level <i>Average residential rate per residential property assessment</i> [Residential rate revenue / Number of residential property assessments]	New in 2020	\$1,599.31	\$1,623.26	\$1,653.46	\$1,679.24	\$1,701.64	\$1,723.74	\$1,750.43	Rates have only increased by the rate cap plus growth.
L1	Liquidity Working capital <i>Current assets compared to current liabilities</i> [Current assets / Current liabilities] x100	349.01%	344.27%	248.59%	256.80%	179.55%	151.05%	129.49%	139.47%	A slight increase but consistent with the previous year as a result of the capital works and landfill rehabilitation projects incomplete in the 2021-22 year that are carried forward for completing in the 2022-23 year. This results in a decrease to cash at year end in the 2022-23 year when compared to the 2021-22 year and results in a reduction to current assets in the forecast years as the assumption is that capital works and landfill rehabilitation projects will all be completed in the year that they are budgeted in. This accounts for the reduction in this indicator for the 2022-23 year onwards.

East Gippsland Shire Council
Financial Performance Indicators
For the year ended 30 June 2022

	Dimension/ <i>indicator</i> /measure	Results				Forecasts				Material Variations and Comments
		2019	2020	2021	2022	2023	2024	2025	2026	
L2	Unrestricted cash <i>Unrestricted cash compared to current liabilities</i> [Unrestricted cash / Current liabilities] x100	-8.44%	48.17%	123.66%	61.38%	94.57%	56.30%	44.91%	46.70%	Current liabilities have increased over the previous year as a result of additional unearned income for capital projects. There was also a movement from non-current provisions for landfill rehabilitation to current provisions. This has reduced the percentage as a result. In the future years unrestricted cash is reduced as a result of advance grant funds being used together with funds being utilised from internal discretionary reserve for specific works. As a result the ratio will decrease in future years.
O2	Obligations Loans and borrowings <i>Loans and borrowings compared to rates</i> [Interest bearing loans and borrowings / Rate revenue] x100	7.15%	5.69%	5.53%	2.64%	15.27%	14.85%	13.37%	11.90%	A loan repayment of \$1.7m was made during the 2021-22 year whilst no new borrowings were taken up in the 2021-22 year. New borrowings are planned in the 2022-23 year of \$4.168m and this will impact on the indicator in the out years. Loan repayments of \$1.7m were made during the 2021-22 year whilst in the previous financial year there were no borrowings repaid. This indicator will increase in the outyears as new borrowings and repayments are planned from the 2022-23 year onwards.
O3	<i>Loans and borrowings repayments compared to rates</i> [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	3.99%	1.75%	0.48%	3.23%	3.01%	0.46%	1.52%	1.48%	
	Indebtedness									

East Gippsland Shire Council
Financial Performance Indicators
For the year ended 30 June 2022

	Dimension/ <i>indicator</i> /measure	Results				Forecasts				Material Variations and Comments
		2019	2020	2021	2022	2023	2024	2025	2026	
O4	<i>Non-current liabilities compared to own source revenue</i> [Non-current liabilities / Own source revenue] x100	16.35%	19.91%	13.42%	9.79%	23.43%	22.06%	16.69%	19.02%	Non-current liabilities decreased as a result of a movement from non-current to current liabilities for the Landfill Rehabilitation provision. This has reduced the total of non-current liabilities as a percentage of own source revenue.
O5	Asset renewal <i>Asset renewal and upgrade compared to depreciation</i> [Asset renewal and asset upgrade expense / Asset depreciation] x100	New in 2020	136.06%	147.69%	112.75%	285.12%	189.16%	152.86%	106.36%	Council aims for this indicator to be at 100% or greater and the result is based on the actual capital works undertaken each year.
OP1	Operating position Adjusted underlying result <i>Adjusted underlying surplus (or deficit)</i> [Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x100	4.34%	9.78%	4.49%	10.33%	-12.03%	-0.87%	0.82%	-0.21%	The increased advance Victoria Grants Commission payment was the main contributor to the increase result in this indicator. The underlying deficits forecasts for the 2022-23 and 2023-24 year are a result of grant funding being received in earlier years but the expenditure continuing into the 2022-23 and 2023-24 years.
S1	Stability Rates concentration <i>Rates compared to adjusted underlying revenue</i> [Rate revenue / Adjusted underlying revenue] x100	59.64%	49.85%	50.77%	50.72%	65.84%	63.37%	62.72%	63.07%	The 2021-22 result is consistent with the previous year noting that the advance Victoria Grants Commission payment has increased the underlying revenue for the 2021-22 year and reduced the underlying revenue in the

East Gippsland Shire Council
Financial Performance Indicators
For the year ended 30 June 2022

	Dimension/ <i>indicator</i> /measure	Results				Forecasts				Material Variations and Comments
		2019	2020	2021	2022	2023	2024	2025	2026	
S2	<i>Rates effort</i> <i>Rates compared to property values</i> [Rate revenue / Capital improved value of rateable properties in the municipality] x100	0.57%	0.55%	0.55%	0.51%	0.40%	0.35%	0.32%	0.30%	2022-23 year which has then increased the percentage of rates compared to underlying revenue in 2022-23. This then remains consistent in the forecast years. The significant increase in property CIV of approximately 31% overall has resulted in a decrease in rates compared to property values. The assumption going forward is that property values will increase at a greater percentage than the annual percentage increase in rates.

Definitions

"adjusted underlying revenue" means total income other than:

- (a) non-recurrent grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to above

"adjusted underlying surplus (or deficit)" means adjusted underlying revenue less total expenditure

"asset renewal expenditure" means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability

"current assets" has the same meaning as in the AAS

"current liabilities" has the same meaning as in the AAS

"non-current assets" means all assets other than current assets

"non-current liabilities" means all liabilities other than current liabilities

"non-recurrent grant" means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource Plan

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"population" means the resident population estimated by council

"rate revenue" means revenue from general rates, municipal charges, service rates and service charges

**East Gippsland Shire Council
Financial Performance Indicators**

For the year ended 30 June 2022

"recurrent grant "means a grant other than a non-recurrent grant

"residential rates" means revenue from general rates, municipal charges, service rates and service charges levied on residential properties

"restricted cash" means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted, and includes cash to be used to fund capital works expenditure from the previous financial year

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

East Gippsland Shire Council Other Information

For the year ended 30 June 2021

	Retired measures <i>Service/indicator/measure</i>	Results				Material Variations and Comments
		2019	2020	2021	2022	
	Animal Management					
AM4	Health and Safety <i>Animal management prosecutions</i> [Number of successful animal management prosecutions]	2.00	Retired in 2020	Retired in 2020	Retired in 2020	This measure was replaced by AM7 from 1 July 2019.
	Efficiency					
E1	Revenue level <i>Average residential rate per residential property assessment</i> [Residential rate revenue / Number of residential property assessments]	\$1,689.12	Retired in 2020	Retired in 2020	Retired in 2020	This measure was replaced by E4 from 1 July 2019.
	Obligations					
O1	Asset renewal <i>Asset renewal compared to depreciation</i> [Asset renewal expense / Asset depreciation] x 100	112.51%	Retired in 2020	Retired in 2020	Retired in 2020	This measure was replaced by O5 from 1 July 2019.

East Gippsland Shire Council Financial Performance Indicators

For the year ended 30 June 2022

1. Basis of preparation

Council is required to prepare and include a performance statement within its annual report. The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

Where applicable the results in the performance statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from council information systems or from third parties (e.g. Australian Bureau of Statistics).

The performance statement presents the actual results for the current year and for the prescribed financial performance indicators and measures, the results forecast by the council's strategic resource plan. The *Local Government (Planning and Reporting) Regulations 2020* requires explanation of any material variations in the results contained in the performance statement. Council has adopted materiality thresholds relevant to each indicator and measure and explanations have not been provided for variations below the materiality thresholds unless the variance is considered to be material because of its nature.

The forecast figures included in the performance statement are those adopted by council in its financial plan on 28 June 2022. The financial plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements. The financial plan can be obtained by contacting council.

East Gippsland Shire Council Financial Performance Indicators

For the year ended 30 June 2022

In my opinion, the accompanying performance statement has been prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

Elizabeth Collins, CPA
Principal Accounting Officer
Dated: XX September 2022

In our opinion, the accompanying performance statement of the East Gippsland Shire Council for the year ended 30 June 2022 presents fairly the results of council's performance in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The performance statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the performance statement to be misleading or inaccurate.

We have been authorised by the council and by the *Local Government (Planning and Reporting) Regulations 2020* to certify this performance statement in its final form.

Councillor
Councillor
Dated: XX September 2022

Councillor
Councillor
Dated: XX September 2022

Anthony Basford
Chief Executive Officer
Dated: XX September 2022

5.2.2 Revised Advocacy Priorities

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Council acknowledges and accepts the critical role it plays in advocating for its communities on a broad range of issues.

Council directs its advocacy through an Advocacy Strategy (Strategy). It is acknowledged that advocacy is an essential component of the planning, development and delivery of many individual programs and services that Council provides.

Council at its meeting held on 16 November 2021, refer Item 5.3.1, adopted the initial Strategy.

A review of priorities has been undertaken and following a Councillor workshop on 2 August 2022, the priorities have been updated for adoption.

The Strategy is fluid to adapt to changes as they occur in our region and is reviewed on a regular basis. The revised Strategy is provided at **Attachment 1** for adoption.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. adopts the revised Advocacy Strategy provided at Attachment 1; and**
- 3. agrees to advocate on issues that will arise from time to time, that are not included in this Advocacy Strategy.**

Background

Following consultation with Councillors and subject matter experts, this updated Strategy provided at **Attachment 1** will ensure a current list of priorities and supporting information is available to assist in advocacy to the Australian and Victorian governments, elected representatives and other bodies for the benefit of the community.

The updated Strategy highlights advocacy priorities ahead of the Victorian State Election on 26 November 2022. It will also be used to advocate to the new Federal Government, established since the May 2022 election.

There are 37 advocacy priorities for consideration in the revised Strategy:

- No change to adopted strategy: 18;
- Revised: 11;
- New: 8; and
- Removed: 6.

Individual supporting information sheets for the adopted advocacy priorities complement the Strategy, providing more detail on the opportunities and strategic links. Twenty-five information sheets are available and additional information sheets will be produced after the revised priorities are adopted.

Promotion of advocacy priorities

Following adoption of a revised Advocacy Strategy, the 'asks' and supporting information for each priority will be shared with, and promoted to, stakeholders.

Advocacy promotion	Timeline
Council website updated with revised Advocacy Strategy and supporting information.	23 September – 7 October 2022
Media release to promote advocacy priorities ahead of Victorian State Election	23 September – 7 October 2022
Individual advocacy priority information sheets distributed to targeted stakeholders, including: <ul style="list-style-type: none">- Australian Government Ministers and Shadow Ministers- Victorian Government Ministers and Shadow Ministers- Members of Parliament representing East Gippsland- Gippsland East election candidates	3 October – 18 November 2022
Gippsland East Victorian State Election candidates invited to meet with Councillors	8 – 15 November 2022
Victorian State Election	26 November 2022

**Promotion of individual priorities may also occur in addition to the above.*

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*.

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*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 1: 1.4 Through targeted services, partnerships and advocacy, communities enjoy strong mental and physical health, well-being and resilience; and

Strategic Objective 5: 5.2 Strong relationships with government, partners and stakeholders are maintained and strengthened to advocate for the community.

Council Policy

The revised Advocacy Strategy updates the Advocacy Strategy adopted by Council at its meeting held on 16 November 2021.

Resourcing

Financial

There are no financial implications as a result of implementing the recommendations of this report.

Plant and equipment

Not applicable.

Human Resources

Not applicable.

Risk

There are no risks to Council as a result of implementing the recommendations of this report.

Economic

Working in partnership with their communities, Councils develop priorities to attract government investment through advocacy. The identified items link to the Council Plan objectives to seek economic support for range of capital expenditure projects and non-capital programs to support the community need.

Social

Councils provide a pathway to policy, advocating for resources and educating policy makers on issues relevant to our community.

Gender Impact Statement

The Strategy has considered the *Gender Equality Act 2020* in its preparation. The Strategy has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

Through advocacy Council seeks to influence policy makers on strategic positions that align with East Gippsland's values and principles.

Climate change

This report is assessed as having no direct impact on climate change. However, the Policy document guides the development of the advocacy strategy priorities which would include environmental sustainability and climate change as key priorities.

Attachments

1. DRAFT Advocacy Strategy Revised September 2022 [**5.2.2.1** - 19 pages]



East Gippsland Shire Council

- Advocacy Strategy

Acknowledgements

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawal 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 and their Elders past and present.

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East Gippsland – who we are

The Gunaikurnai, Monero and the Bidjil people - the Traditional Custodians - have cared and nurtured East Gippsland for tens of thousands of years and represent the second largest population of Aboriginal people in Victoria. Council values their living culture and practices and their right to self-determination.

East Gippsland is a large and vibrant region in a beautiful natural setting, home to proud and involved communities that embrace and encourage self-reliance, responsibility and new ideas.

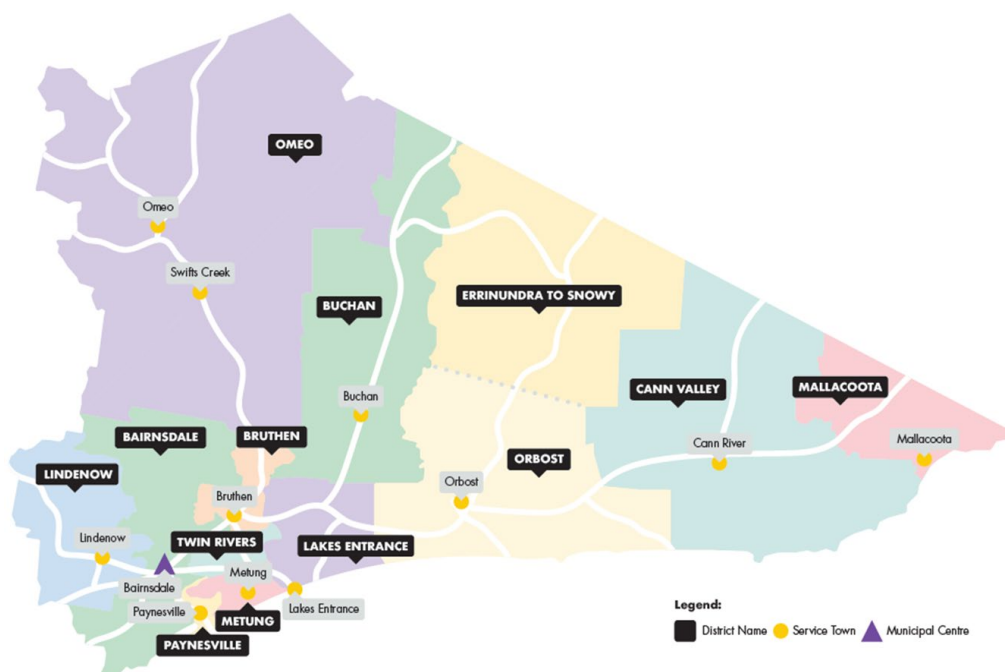
The past 30 years have seen East Gippsland evolve from its rural origins to a flourishing economic and tourism region in eastern Victoria, drawing more than one million visitors each year.

The region has kept its identity and sense of place as it has grown. The shire is the second largest in Victoria and stretches from west of Bairnsdale to the New South Wales border, covering more than 21,000 square kilometres or 10 per cent of the state.

East Gippsland's unique qualities are both its strength and challenges. The region is distinguished by its natural setting, with its southern edge defined by the Gippsland Lakes and rugged coastline and the rising backdrop of the High Country. Historical rural landscapes and natural bushland characterise the region and surround our communities.

With its fertile soils, good rainfall and temperate climate, East Gippsland has diverse agriculture and horticulture sector renowned nationally for its highly quality produce.

As East Gippsland has matured as a region, its communities have also developed and diversified. Residents, both new and old, continue to understand the importance of place and our direct relationship to where we live.



Shire profile – a snapshot



Population

47,725 (2040: 57,799)
 Aboriginal and Torres Strait Islander: 2.9% (Victoria: 0.8%)
 Over 60 years old: 36/5% (Victoria: 21%)
 Born overseas: 10.8% (Victoria 28.3%)



Major towns by population

Bairnsdale 17,468
 Lakes Entrance 8,534
 Paynesville 6,387
 Orbost 3,939



Community

Cultural belonging – 41% of the community highly value their long-standing cultural connections and sense of community and belonging.
 Connection to country – 77% of community members strongly value the natural environment in which they live.



Economy

Registered business: 4,403
 Economic output: \$4.9 billion
 Gross Regional Product: \$2.587 billion
 Jobs in the region: 16,539
 Unemployment rate: 6.3%
 Visitors to the region: 1,608,000



Environment

- 426 MWh of solar generated yearly by solar panels on Council facilities
- 63% (2,961) of streetlights are LED (or 2,961)
- 1 licensed landfill, 1 unlicensed landfill, 45 known legacy landfills, 16 stand-alone waste transfer stations, 10 transfer trailers, 400+ street litter and public place recycling bins and 21,000+ residential kerbside services
- 250km of roadside weeds treated
- Over 700 hectares of native vegetation (under Council management) fire impacted during the 2019-20 Black Summer Bushfires



Land, roads and bridges

Location and land area – East Gippsland Shire is located in eastern Victoria, between 280 and 550km from the Melbourne CBD
 Land area: 20,931km²
 Roads and bridges
 2,898km of formed roads
 203 road bridges
 27 footbridges
 223km of footpaths
 8.452 culverts (129 major culverts)



Our advocacy

Council's Advocacy Strategy provides a prioritised set of initiatives to focus our efforts on delivering the community's priorities.

Advocacy and partnership priorities are based on the adopted decisions of Council. These decisions include the strategic objectives in the 2021-25 Council Plan, Annual Budget, other strategic documents and partnerships, and items identified and resolved at Council meetings.

Priorities

The advocacy priorities as outlined are for a point in time. The document needs to be fluid to adapt to changes as they occur in our region and will be reviewed on a regular basis.

Council will promote these priorities in its advocacy to the Australian and Victorian governments. The priorities have been identified as either issues seeking support or capital works projects that require funding.

This document provides an overview of each item. [Detail supporting the identified priorities](#) can be found in Advocacy Strategy supplement information sheets and on Council's website.

OUR COMMUNITIES



An inclusive and caring community that respects and celebrates diversity.

Through targeted services, partnerships and advocacy, communities enjoy strong mental and physical health, wellbeing and resilience. (Strategic indicator 1.4)



Homelessness

The ask: A dedicated (non-competitive) funding allocation from the Victorian 'Big Housing Build' to address homelessness and the lack of affordable housing stock in the short to medium term, noting pre-existing homelessness has been exacerbated through COVID-19 and lost during the Black Summer Bushfires.



Long-term bushfire recovery and community resilience

The ask: The Victorian and Australian governments commit to supporting bushfire recovery services at least until year five with a particular focus on community resilience and wellbeing related services such as mental health support, and support for economic recovery.



Active ageing

The ask: Funding for awareness campaigns, events, and activities, to implement programs to improve physical and mental wellbeing strategies, support services that encourage participation and awareness around the focus areas of housing (older women and homelessness), respect and social inclusion (ageism, volunteers, carers), and communication and information (digital literacy, access to lifelong learning).

OUR PLACE



Planning and infrastructure that enriches the environment, lifestyle, and character of our communities.

- Infrastructure provision and maintenance support a diverse range of current and future user needs and activities and is both environmentally and financially sustainable. (Strategic indicator 2.2)



Mitchell River Bridge duplication

The ask: That funding is committed for the detailed design of the duplication of the Mitchell River Bridge and design of realignment of sections of the Princes Highway into a road reserve managed by the Victorian Government, in recognition of its importance to regional connectivity and interstate freight routes.



Shared approach to fire management

The ask: That the Victorian Government provides funding for local governments to review their emergency management strategies and ensure appropriate resourcing allocations.



Bairnsdale Aerodrome upgrade

The ask: \$6 million be committed to the development of terminal building upgrades and taxiway improvements. Works would support planned and funded widening and lengthening of the Bairnsdale Airport runway to meet new CASA standards and to recognise the importance of this runway in the management of the emergencies and air patient transfers for the region. The investment in the complementary infrastructure will support the use of the airport for commercial passenger and freight services.



Bullumwaal Road realignment

The ask: Funding to realign seven roads to intersect with Bullumwaal Road at a 90-degree angle at a cost of \$250,000 per intersection.



Asset management

The ask: A policy change that allows funding to be allocated to asset maintenance, and a change to funding programs to see more funding allocated on need rather than competitive funding rounds - a continuation of the Local Roads and Community Infrastructure Fund (Australian Government) and reintroduction of the Local Government Community Infrastructure Fund (Victorian Government).



Marlo Road upgrade

The ask: \$7m in funding to ensure the Marlo Road has the capacity to safely accommodate current and future volumes of traffic, and include a walking/cycle path to enhance access to employment, education, health services and major retail centres.



National disaster recovery funding reform

The ask: Review Disaster Recovery Funding Arrangements policy and application in Victoria to streamline access to funding, enable appropriate betterment, broaden the coverage of essential infrastructure and ensure appropriate consideration of hazardous trees and other hazards that emerge over time.



Industrial land supply

The ask: To overcome market failure, the Victorian Government provides direct intervention and sufficient funding for Council to enable planning for and rezoning of industrial land in East Gippsland locations such as Lakes Entrance and Mallacoota.



Great Alpine Road widening

The ask: That funds are committed to continue the widening and corner treatments of the Great Alpine Road, recognising the strategic importance of this road to connect communities and industries, access to snowfields and mountain biking infrastructure, and provide uninterrupted road access during times of emergency.



Coastal hazards and assets renewal

The ask: That the Victorian Government commits to an ongoing funding stream to support the aspirations of the Marine and Coastal Act, that this funding stream be open to local governments to access, and a collaborate approach be taken with other public land management agencies.



Lakes Entrance Indoor Stadium

The ask: That \$800,000 be committed to design and plan for the relocation and expansion of a multi-purpose indoor court complex (estimated cost \$8-10 million) to cater for the sporting needs of East Gippsland's second largest town.



Benambra-Corryong Road sealing

The ask: Commit \$4m in funding to undertake the necessary detailed design, costings and feasibility analysis to facilitate future sealing of the remaining 65km of the Benambra-Corryong Road to support the farming and livestock transport industries, improve social and commuter traffic safety, facilitate an increase in tourist traffic between East Gippsland and the Upper Murray and allow tourists to access the eastern end of the new Great River Road.



Bushfire rebuild support and preparedness

The ask: That the Victorian and Commonwealth governments identify and implement targeted actions that address cost escalation prevention bushfire impacted landholders from rebuilding, including advisory support, access to building materials and making it easier to attract trades.

OUR ENVIRONMENT



A natural environment that is managed and enhanced.

- Sustainable land use practices are used to manage council land to protect biodiversity and to provide education and incentives to support the management of private land. (Strategic indicator 3.2)
- Natural values on key Council managed land are managed and enhanced. (Strategic indicator 3.3)



Weed and pest management

The ask: Funding for pest management to be significantly increased to \$500,000 pa and an ongoing commitment made to the funding. Private land managers are adequately supported and funded to manage pests and weeds, and the community environment sector, Agriculture Victoria and DELWP are funded to provide expert advice to landowners on an ongoing basis.



Investment in waste management

The ask: That the Victorian Government make a commitment that at least 50% of council landfill levies collected will be provided back to council, on a non-competitive model, to implement a range of waste management initiatives.



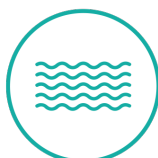
Strategic firebreaks and roadside vegetation management

The ask: In addition to the \$5m allocated to DELWP for the creation of strategic firebreaks, the Victorian Government makes a funding commitment for the ongoing management of these firebreaks.



Lakes Entrance Training Walls

The ask: Support to fund the replacement of critical marine infrastructure at the entrance to Bass Strait, Lakes Entrance.



Coastal risk management

The ask: That the Victorian Government commits to an ongoing allocation of an initial \$2m per annum for the management of seawall replacement and coastal hazards. Regular and ongoing funding for local government to assist with the management of Crown land foreshores and inundation management.



Biodiversity strategies

The ask: The Victorian Government provides Council, as a Crown land manager, an initial \$1m pa over the next four years to:

- Revegetate and manage weed infestation in burnt areas
- Map and manage local roadside vegetation and reserves
- Manage crown reserves
- Manage fire effected and hazardous trees and risks to public safety associated with bushfire impacts



Climate change mitigation

The ask: That local government and the private sector are provided access to funded programs to implement a net zero emissions target and environment strategy actions so Council can help the Australian and Victorian governments' meet their commitment to a net zero emissions by 2050.



Gippsland Lakes health audit

The ask: Financial support for a full audit of the health of the Gippsland Lakes, building on the work of the already committed one-year \$350,000 project assessing the vulnerability and sensitivity of the RAMSAR-listed wetlands.



Develop natural resource management strategic partnerships

The ask: The Victorian Government develops and implements a multi-disciplinary, decentralised approach for natural resource management policy to support the local management of natural resources in coastal and mountain areas across the state.

OUR ECONOMY



A thriving and diverse economy that attracts investments and generates inclusive local employment.

- Leadership enables economic prosperity, investment, recovery, resilience and growth. (Strategic indicator 4.1)
- Collaboration amongst key partners is facilitated to improve pathways for education and skills training. (Strategic indicator 4.2)
- Council's work with stakeholders fosters entrepreneurship and new business opportunities, particularly with communities facing change. (Strategic indicator 4.3)
- Targeted information and streamlined approvals and processes make it easier for business to invest. (Strategic indicator 4.4)
- Tourism sector investment is sought in business capability, product development and experience to meet the changing needs of domestic and international markets. (Strategic indicator 4.5)



The Hub Bairnsdale

The ask: \$600,000 to implement the next phase of the masterplan to transform the current Council owned site into a true collaborative education centre.



Education

The ask: The Victorian Government to finalise funding for the upgrade of Bairnsdale Secondary College. Provide additional funding and support for regional students having to relocate for tertiary education.



Develop performing arts and culture centre

The ask: \$300,000 in funding support to identify the appropriate space for a regional performing arts / arts centre and for the detailed design of such a facility.



Digital connectivity

The ask: Commitment to funding infrastructure upgrades to increase the resilience of telecommunications infrastructure during disasters, improve the quality and extent of coverage to support regional living, provide equitable access to services and digital technologies to improve productivity in agriculture, and meet demand during holiday periods.



Native timber industry transition and Local Development Strategies

The ask: That the Victorian Government replaces the practice of clear-fell native timber harvesting as soon as practical with a new approach to silviculture that maintains or improves forest health and reduces vulnerability to the impacts of bushfire, while also providing sawlogs for timber processing. Extends the development of Local Development Strategies to impacted communities that have not yet made an effective transition. Supports the use of forest resources by a range of other forest users, including tourism and recreation.



Housing availability for workers

The ask: Access to housing, and availability at a reasonable price, is a barrier to East Gippsland businesses securing the workforce they need to operate and grow. Access to funding is required to support provision of suitable land and infrastructure to support housing. There is an opportunity for partnerships to support increased worker accommodation.



Supporting the visitor economy on public land

The ask: Supporting the visitor economy through investment in parks and state forest to strengthen visitor offering and maintenance, and increased capacity for private operators.



Fuel prices

The ask: That the Victorian Government works with the Australian Government to continue the temporary reduction of fuel excise for East Gippsland Shire Council. Provide additional funding to East Gippsland Shire Council through the annual General Purpose Grant allocation in recognition of Council's costs in providing services to 10% of Victoria (geographically) and high reliance on fuel for service delivery and maintenance functions into remote areas, to lessen impact of fuel increases on organisation.

OUR COUNCIL



A transparent organisation that listens and delivers effective, engaging and responsive services.

- Resources are managed to meet current and future needs and priorities. (Strategic indicator 5.5)



EES statement process overhaul

The ask: The Victorian Government reviews the EES framework and that the process takes into account the financial and resource burden on local government in engaging and representing local interests, and that an independent expert group be established and funded by the proponent or Victorian Government to ensure the technical integrity of the EES. Support from the Municipal Association of Victoria and Rural Councils Victoria to establish a local government working group that has a focus on improving processes and outcomes for community and local government throughout the mine licence application process.



Financial assistance grants

The ask: The Australian Government restores funding for local government Financial Assistance Grants to a level equal to at least 1 per cent of Commonwealth taxation revenue, and addresses the rural and metropolitan rates divide that results in an imbalance in the capacity of rural councils to service communities and for rural ratepayers to service rates.



Council rates - CPI and rate cap

The ask: That the Victorian Government considers the volatility in CPI when setting rate caps and engages with the local government sector in advance of the next setting of the rate cap.



School crossing supervision

The ask: That the Victorian Government fully fund school crossing supervision and not impose costs on ratepayers and residents for a service that is unrelated to core local government functions.

Strategic partnerships in advocacy

East Gippsland Shire Council has formal alliances with organisations and peak bodies to advocate and influence decisions on policies and funding for the region where our priorities align. Through these partnerships we can benefit by targeting common objectives while still maintaining our uniqueness, independence and diversity of interests.

We work closely with our border councils including Wellington, Towong, Alpine and Bega Valley shires and Snowy Monaro Regional Council to explore opportunities for cross border initiatives.

The following illustrates some of these key partnerships and key priorities, supported by detailed strategies.

One Gippsland

Is a peak regional advocacy body for the Gippsland region that brings together local government, industry and education providers to address the key challenges and opportunities faced in our region.

Key priorities include:

- Increasing digital inclusion throughout Gippsland
- Progressing major transport infrastructure and services to open Gippsland to new business, visitors, and residents
- Renewable, clean and community energy initiatives
- Hero tourism destinations and Traditional Owner and Aboriginal cultural tourism
- Encouraging innovation and investment to sustainably grow our key industries
- Expanding programs that support and enable our most vulnerable communities and people

Timber Towns

Council is a member of Timber Towns Victoria, an incorporated Local Government Association representing the interests of municipal councils in relation to forestry on both public and private land.

The organisation advocates for the interests of local government on the impact of timber related issues on local government and their communities, particularly roads infrastructure.

In addition, the partnership provides information and advice to members on planning requirements for plantation development and sustainable land use practices.

South East Australia Transport Strategy (SEATS)

Established to advocate for an effective integrated transport network that stimulates economic growth that is sustainable and sensitive to the environment and enhances communities.

The objective is to significantly improve the efficiency of the transport network across the region, support sustainable growth, boost the economic competitiveness, improve employment prospects and enhance communities through improved, safer access to vital health, education, sport and recreational, government agencies and business services.

Municipal Association Victoria

Produces submissions and reports on behalf of the local government sector and publish a range of information and resources to build the capacity of councils and support their delivery of services to local communities.

Key focus areas include:

- Zero waste
- Township fire protection, including Marlo
- Impacts of COVID-19
- Emergency management
- Environment and water
- Planning and building
- Public Health and safety
- Social planning and community services
- Transport and infrastructure

Rural Councils Victoria (RCV)

Partnership in advocacy on state and federal budget initiatives with a significant focus on sustainability of rural communities including:

- impacts from Natural Disasters,
- regional infrastructure strategies,
- rural land use strategies
- health and wellbeing of rural communities

Australian Local Government Association (ALGA)

The peak body for local government at the national level advocating for local government's interests with the Australian Government. Core local government policy priority areas as agreed in the 2020-2023 Strategic Plan are:

- Financial sustainability
- Roads and infrastructure funding
- Waste reduction and recycling
- Stronger community resilience
- Addressing the risks of climate change

Supporting reference information

East Gippsland Shire Council: [Council Plan 2021 - 2025](#)

Gippsland Regional Plan 2021 – 2025: [Gippsland Regional Plan 2021 - 2025](#)

Timber Towns Victoria: [Strategic Plan 2019 - 2022](#)

SEATS East Gippsland Projects: [SEATS East Gippsland Advocacy Projects](#)

Rural Councils Victoria: [RCV Advocacy Priorities](#)

Municipal Association Victoria: [MAV Advocacy](#)

Australia Local Government Association: [Strategic Plan 2020 - 2023](#)

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Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes

5.2.3 Draft Media Policy

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

A Draft Media Policy (Policy) was presented to Council at the 26 July 2022 Council meeting. The substantive motion, that included an amendment, was lost.

A revised Policy is being presented with this report, seeking Council's consideration and adoption, provided at **Attachment 1**.

The Policy outlines how Council manages media communications, relationships with media outlets, stakeholders, and community.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. adopts the Draft Media Policy as provided at Attachment 1; and***
- 3. authorises the Chief Executive Officer to amend the adopted Policy without formal Council consideration, if the amendments required are of a minor administrative nature.***

Background

On 26 July 2022 a draft Policy was presented to Council for consideration. Following an amendment, the motion was lost. A revised Policy is being presented to Council providing better clarity around the personal views of Councillors and staff when interacting with the media, and references to the respective codes of conduct.

The draft Policy previously stated

Comment as a private citizen

The Policy is not intended to guide how Councillors or staff interact with the media as private citizens, including as spokespeople for clubs, organisations or causes.

Councillors and staff are advised to keep this policy in mind when interacting with media as private citizens. Sometimes content can indirectly or directly connect with Council, which may breach a code of conduct. For example, this may occur when a staff member is speaking as an authority on an issue but does not clearly indicate that the views are either personal or representing an organisation other than Council.

This has been revised to state

Comment as a private citizen

The Policy is not intended to guide how Councillors or staff interact with the media as private citizens, including as spokespeople for clubs, organisations or causes.

Councillors and staff are advised to keep this policy in mind when interacting with media as private citizens. Sometimes content can indirectly or directly connect with Council, which may breach a code of conduct.

Public comments to the media by any Councillor are to be considered in the context of Section 28 of the Local Government Act 2020 and Sections 5.2 and 9 of the Councillor Code of Conduct. Councillors are required to make it clear that their views are their own by stating it is their personal opinion only.

Staff are required to comply with section 4.2 of the Staff Code of Conduct with regard to media communication. If a staff member is speaking on an issue as a private citizen, they must clearly indicate that the views are either personal or representing an organisation other than Council.

No other sections of the revised Policy have been altered.

Through the media, Council communicates information to residents and stakeholders about its services, programs, and activities. The media and all communication channels play a critical role in facilitating education, transparency, and public trust. Importantly, the Policy outlines the protocols for managing Council's media communications and relationships with media outlets, stakeholders, and community.

How Council aims to ensure information is provided to media outlets in an accurate, timely and professional manner, and increases the likelihood of balanced information being published by media outlets and through Council's own media channels is an important part of this policy. As are the requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using the media to conduct Council business.

The revised Policy, at **Attachment 1**, outlines expected behaviours from elected representatives, staff and the public. If adopted, it will replace the current Social Media and Media Relations Policy (current policy), as provided at **Attachment 2**.

Since the adoption of the current Policy, the media landscape has changed significantly, with the continued use of traditional mediums and digital and social media now commonplace. Council's use of social media is now an embedded and important 'business as usual' activity.

The move to a Media Policy better reflects all media and Council's relationships with media, residents, and ratepayers, with the customer experience at the forefront. The current and proposed policies have significant differences.

Council is active across many media channels, which provide avenues to reach different audiences in varied localities at various times.

The media provides both opportunities and risks. This revised Policy has an emphasis on how Council can provide quality media content to its customers and stakeholders, while also mitigating risks associated with the publication of inaccurate, misleading, or mischievous comment.

The revised Policy will form a critical part of how the organisation's renewed Communications Strategy will be enacted, which is under development and will come before Council later this year.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*.

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*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the Gender Equality Act. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

Collaborative procurement

Pursuant of section 109(2) of the *Local Government Act 2020* does not apply as this report does not relate to procurement.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.1 A better everyday customer experience is created for our residents and visitors; and

Strategic Objective 5: 5.2 Strong relationships with government, partners and stakeholders are maintained and strengthened to advocate for the community.

Council Policy

This Policy was last adopted in 2018 and is due for review.

Resourcing

Financial

The delivery of media content is considered as part of the annual budget processes. Media initiatives outside the budget process are considered on a case-by-case basis with respect to their cost, merit and community and Council benefit.

Plant and equipment

Not applicable.

Human Resources

Not applicable.

Risk

Policies mitigate risks by providing a framework that ensures consistency in the way council manages business functions. This policy provides clear direction for Councillors and Officers to support the management of liability and reputational risk through our media channels.

Economic

Council contributing to a local media landscape that improves the quality of content accessed by its customers can improve relationships with government, partners and stakeholders and in turn build confidence.

Social

Council can play a significant role in the dissemination of information about events and services that improve the community's access to information and opportunities to connect both in person and online.

Gender Impact Statement

This policy has considered the *Gender Equality Act 2020* in its preparation. The policy has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

Not applicable.

Climate change

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

Attachments

1. Media Policy 2022 [5.2.3.1 - 14 pages]
2. Social Media and Media Relations Policy 2018 [5.2.3.2 - 12 pages]



Media Policy

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DRAFT

Purpose

To outline the protocols for managing East Gippsland Shire Council's media communications and relationships with media outlets, stakeholders, and community.

Scope

Through the media, Council communicates information to residents and stakeholders about its services, programs, and activities. The media and all communication channels play a critical role in facilitating education, transparency, and public trust.

This policy applies to Councillors and Council staff, contractors and volunteers.

The policy applies to all media and communication channels where people create, publish, comment on, upload and/or share content including social media.

This policy aims to ensure:

- Information is provided to media outlets in an accurate, timely and professional manner; and
- An increase in the likelihood of balanced information being published by media outlets and through Council's media channels.

The policy also outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using the media to conduct Council business. It seeks to:

- Inform appropriate use of Council's media tools;
- Promote effective and productive community engagement through the media;
- Minimise miscommunication or mischievous communications; and
- Help Council manage the challenges and opportunities of the media environment.

Policy Principles

Authorised media spokespersons

Mayor

The Mayor is the only member of Council authorised to respond to media enquiries on all matters relating to Council policy, decisions and direction. This includes state or federal matters affecting local government, and issues impacting the municipality.

The Mayor may authorise another Councillor to respond to media enquiries on a case-by-case basis.

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Chief Executive Officer

The Chief Executive Officer is the official spokesperson for all operational matters, including Council's administration and the overall organisation.

Other authorised spokespeople

General Managers can act as authorised spokespersons on issues from their areas of responsibility, as delegated by the Chief Executive Officer.

Managers and staff are not authorised to make comment to the media unless authorised by the Chief Executive Officer.

Where staff are contacted directly by the media, staff need to refer the enquiry immediately to the Communications Unit.

Likewise, if a staff member becomes aware of an issue that has potential to escalate and harm Council's reputation, or an opportunity to be promoted, it should be brought to the attention of their Manager/General Manager immediately.

Comment as a private citizen

The policy is not intended to guide how Councillors or staff interact with the media as private citizens, including as spokespeople for clubs, organisations or causes.

Councillors and staff are advised to keep this policy in mind when interacting with media as private citizens. Sometimes content can indirectly or directly connect with Council, which may breach a code of conduct.

Public comments to the media by any Councillor are to be considered in the context of Section 28 of the *Local Government Act 2020* and Sections 5.2 and 9 of the Councillor Code of Conduct. Councillors are required to make it clear that their views are their own by stating it is their personal opinion only.

Staff are required to comply with section 4.2 of the Staff Code of Conduct with regard to media communication. If a staff member is speaking on an issue as a private citizen, they must clearly indicate that the views are either personal or representing an organisation other than Council.

Communications support

Council's Communications Unit works to promote Council projects, services, programs and events, amongst others. It supports the communications and marketing aims of Council and all business units.

Content and approvals**Advertising**

All advertising related to Council must be endorsed by the relevant General Manager and authorised by the Chief Executive Officer, or an officer delegated by the Chief Executive Officer, before publication.

Digital

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Only authorised staff are to post digital content, including on the corporate website, Your Say engagement portal, social media and video and audio content platforms.

Media releases, newsletters and reports

All media releases and newsletters for distribution by Council are approved by the Mayor and/or Chief Executive Officer. This also pertains to other information provided to the media.

Signage

Council's Branding Guidelines provide the parameters on how Council's logo and other branding elements are to be used. Signage, and adherence to the branding guidelines, is the responsibility of the business unit Manager implementing the signage.

Local government election period

During the local government election period, arrangements will be in place for the authorisation of media releases and media comment. This is to ensure no electoral matter, including the promotion of Councillors or election of candidates, is included in Council content during this period. See the Election Period Policy in the Governance Rules.

Media relations

News media enquiries will be addressed and responded to in a timely manner.

All enquiries should be directed to the Communications Unit who will action the request and coordinate a response. Email media@egipps.vic.gov.au.

Where media outlets publish inaccurate or misleading content about Council, Council will correct public inaccuracies.

If a staff member is contacted by the media directly, the officer needs to refer the enquiry to the Communications Unit.

After hours / emergency media response

All after hours media enquiries or emergency communication requirements made by media outlets must be referred to the Manager Customer Experience, Communications and Libraries by contacting Council on (03) 5153 9500.

Social Media

Social media provides opportunities for engaging two-way communication between Council and the community.

Council's social media accounts are intended to share Council views, news, information and advice; and raise public awareness about Council's work, challenges and services provided to communities.

If we 'follow' other organisations and individuals this does not imply endorsement of any kind.

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If we repost information from another organisation or individual, we do not guarantee the accuracy or factual correctness of that information.

Where we provide a forum that allows third parties to publish content, we have a responsibility for the accuracy and fairness of that content. We will take appropriate action to manage accordingly, without notice.

Official use of social media

Official use of any social media platform is when you use social media as a Council representative.

When using social media, staff, contractors and volunteers should:

- Follow Council policies and procedures;
- Conduct themselves within the parameters of the codes of conduct;
- Comply with relevant laws and regulations; and
- Act in a way that is consistent with Council's integrity, reputation and values.

When responding to social media, authorised staff should:

- Respond in a timely manner; and
- Treat general Council enquiries in the same manner as other customer requests, following Council's Customer Response Policy.

Requests for staff to be an authorised spokesperson on social media require General Manager and Chief Executive Officer approval. Requests should be emailed to:

media@egipps.vic.gov.au

Responses to and moderation of public comments

We encourage comment, open conversation and debate, but expect participants to behave in a respectful manner, as guided by Council's Mutual Respect Charter, when engaging on Council social media channels.

Council accepts that there will, on occasions, be negative comments posted. Negative comments can remain published if they don't breach the page's house rules. Refer to the Communications Procedure for the response assessment chart for social media moderators.

Council reserves the right, without notice, to delete comments that are:

- Trolling – deliberately provoking others with inflammatory and offensive remarks;
- Knowingly false or mischievous complaints or statements about individuals, companies or government;
- Abusive, misleading, obscene, threatening, off-topic, sexist, racist or spam;
- Promotional or commercial in nature;
- Unlawful or incite others to break the law;
- Information that may compromise the safety or security of the public;
- Repetitive posts copied and pasted or duplicated by single or multiple users; or
- Any other inappropriate content or comments as determined by Council.

When moderating comments, Council will use its judgement to determine if customers are asking questions or making comment and respond/not respond accordingly.

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Customers who breach the above, will:

- On the first occurrence receive a warning and explanation of what house rules have not been followed;
- On the second occurrence, have their comment hidden with an explanation provided as to why, and advised that a third breach could result in a suspension from the page; and
- On the third occurrence could be suspended for 1 month, as authorised by the Chief Executive Officer.

Direct messaging on social media

- Customers who direct message during business hours will receive an initial response from the Communications Unit.
- Customers who direct message after hours receive an automatic reply acknowledging the message and noting Council's account is unmonitored at that time.

After-hours monitoring

Council's social media channels are actively monitored during business hours.

Outside normal business hours Council will:

- Where possible monitor, review content and provide responses deemed urgent; and
- Aim to not publish any potentially controversial content to assist with monitoring and limit after-hours exposure.

New social media accounts

All requests for new Council social media accounts, pages etc. require prior approval of the Communications Unit and Executive Leadership Team, through a business case proposal.

Third-party social media accounts

Council does not actively monitor third-party social media accounts. It does 'follow' or 'like' third-party media accounts that may publish content related to Council business.

Where content is deemed inaccurate and/or defamatory, Council will contact the Administrator to remove content and in exceptional circumstances and with Chief Executive Officer approval comment on the post with Council's position.

Staff are encouraged to bring content deemed inaccurate or defamatory to the attention of their Manager and the Communication Unit as a matter of urgency.

Inappropriate content

Councillors, staff and the public should not post or share content on Council's accounts that could be deemed as:

- Defamatory;
- Offensive (e.g. swearing), obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist;
- Unrelated to the topic of the blog, board, forum or site;
- Implies you are authorised to speak on behalf of Council;
- False or misleading;
- Confidential or personal information about Council, its staff or third parties;
- Under copyright or trademark;
- Discriminatory to a person or group;
- Illegal material or materials designed to encourage law breaking;
- Potentially compromising to the safety of Council, its staff, or systems; or
- A breach of applicable laws (privacy, trade practices, financial rules and regulations, fair use).

Personal use of social media

When using personal social media accounts, Councillors and staff are advised to keep this policy in mind. Personal content can be viewed by others and sometimes indirectly or directly connected with Council.

Sharing content on your personal accounts from official Council accounts is allowed.

This policy is not intended to cover personal use of social media where:

- The author publishes information in their personal capacity and not on behalf of Council
- No reference is made to Council, Councillors, staff, policies and services, suppliers or other stakeholders or Council-related issues.

Where a staff member refers to Council activities, issues, policy or Council decisions in their personal use of social media, Council will consider whether the staff member has breached the Staff Code of Conduct.

This policy should be read in conjunction with other relevant Council policies and procedures. When in doubt, seek guidance from the Communications Unit on how to comply with the following obligations.

Where the comments or profile of a staff member can identify that individual as linked to Council, the staff member should:

- Only disclose publicly available information;
- Consider if the comment is insulting or negative about Council, its staff, or services etc.
- Ensure that all content is accurate;
- Clearly state on all postings (identifying you as a Council employee) that the views are your own and are not those of Council; and
- Be polite and respectful.

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Content and material should not be posted or shared that:

- Implies the person is authorised to speak on behalf of Council;
- Is confidential or personal information about Council, its staff or third parties;
- Could compromise the safety of Council, its staff, or systems; or
- May potentially bring the Council into disrepute.

Guiding Principles

Council representatives authorised to comment or provide media content for consideration should use these principles:

Expertise

Do not comment outside your area of expertise. Council must not be committed to actions or undertakings without specific prior authorisation.

Identity

Be clear you are a Council employee/contractor/volunteer. Use your own identity, or an approved official account. Participation anonymously or covertly via a third party or agency is not allowed.

Disclosure

Only use publicly available information. Do not share confidential information, internal discussions or decisions of Council, employees or third parties or where there is enough detail for potential identification of Councillors, Council staff or third parties.

Accuracy

Be accurate, constructive, helpful and informative. Correct any errors as soon as possible. Do not publish any information that is untrue or where you have a suspicion it may be untrue. This includes misleading or deceptive information.

Opinion and political bias

Personal and professional opinions must be clearly separated. Follow Council's Codes of Conduct when commenting on Council matters. Do not endorse any politician or political party.

Privacy

Protect personal information obtained, whether unsolicited or by request. Get permission from anyone who appears in any photographs or video before publishing.

Language

Language and expression must always be professional and reflective of Council's values.

Copyright

You should respect copyright laws and fair use of copyrighted material and attribute work to the original author/source wherever possible.

Defamation

Users must not comment, contribute, create, forward, post, upload or share content that is malicious or defamatory.

Reward

Publishing content in exchange for reward of any kind is not allowed.

Transparency

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Be open and transparent in how you engage with, or review Council personnel, services or wares.

Discrimination

Do not publish statements or information that may be discriminatory. Anti-discrimination laws should be kept in mind.

State of mind

Avoid responding to media or using social media when inebriated, irritated, upset or tired.

Accessibility

Government website standards pertaining to accessibility should always be met. Information made available via non-compliant platforms should be made accessible in another form where practical.

Timeliness of response

Timely responses to media enquiries are a high priority.

Enforcement

Staff, contractors or volunteers breach of this policy may result in disciplinary action, including dismissal in extreme cases.

The Councillor Code of Conduct guides any perceived breach of this policy by a Councillor.

Council reserves the right to remove content, where possible, that violates this policy.

Breaches of this policy should be reported to Manager Customer Experience, Communications and Libraries via: media@egipps.vic.gov.au

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Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy:

Party / Parties	Roles and Responsibilities
Councillors	<ul style="list-style-type: none"> Seek advice from Communications Unit on using social media if required. Understand and follow this policy. Seek social media training if required. Seek advice from the Communications Unit or CEO if unsure about applying the provisions of this policy.
Staff, contractors and volunteers	<ul style="list-style-type: none"> Refer all requests for media interviews to the Communications Unit. Do not provide comment to a media outlet without prior approval from the CEO, via delegation. Seek authorisation from the Communications Unit on using social media and developing a social media strategy. Seek approval for Council branding of social media. Register social media account/tools/site with the Communications team. Seek social media training and development. Understand and follow this policy. Maintain records of email addresses, comments, 'friends', followers and printed copies or electronic 'screen grabs' when using externally hosted sites to the extent practicable. Maintain a record of the team's social media accounts including the intended administrator, URL, login, password, and provide this information to the Communications Unit. Seek advice from the Communications Unit if unsure about applying the provisions of this policy. Ensure contractors are provided with a copy of this policy. Familiarise yourself with the End User Licence Agreements of any external social media tools being used.
Business Unit Managers	<ul style="list-style-type: none"> Endorse or reject a social media strategy for any new social media accounts proposed by their teams (Step 1 in approval process). Ensure staff do not create social media platforms without approval. Ensure staff members do not conduct media interviews without prior approval from CEO, via delegation. Ensure contractors are provided with a copy of this policy.
Information Services Unit	<ul style="list-style-type: none"> Support delivery of Council's social media platforms. Help staff with social media record keeping so they retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to keep large volumes of screen grabs.

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Party / Parties	Roles and Responsibilities
Communications Unit	<ul style="list-style-type: none"> Respond to media enquiries and identify spokespeople for interview requests for CEO approval via delegation when required. Endorse or reject a social media strategy for any new accounts proposed by business units (Step 2 in approval process). Provide authorisation for social media officers (e.g., staff approved to respond to comments on behalf of council) Identify and implement any new social media platforms for Council. Provide advice and assist with the development of communication plans. Educate councillors, staff, contractors and volunteers about this policy and their responsibilities. Advise appropriate precautions e.g., disclaimers. Maintain a register of council's social media accounts including Business Unit social media strategies, the intended administrator, URL, login, password. Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs. Monitor and moderate Council's registered social media accounts. This refers to council-wide social media accounts and excludes accounts developed by Business Units. Monitor social media for references to Council. Elevate media content of reputation risk to Executive Leadership Team at the earliest convenience. Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk.
Executive Leadership Team	<ul style="list-style-type: none"> Review and approve content for publication. Fulfil media enquiries and interviews on an as-needed basis. Approve or reject a social media strategy for any new accounts proposed by Business Units (Final step in approval process).

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Definitions and Abbreviations

Party / Parties	Roles and Responsibilities
Authorised spokesperson	A person with pre-approval to speak to a media outlet on behalf of council.
Social media moderator	Person with pre-approval to add content and respond on behalf of Council.
Council	East Gippsland Shire Council.
Confidential	Not public. The private information of a person or group.
EDRMS	Council's electronic records management system.
URL	The address of a webpage.
Moderation	Controlling contents on an online platform.
Monitor	Watch; keep an eye out for.

References and Supporting Documents

Applicable Legislation:

- *Local Government Act 2020*
- *Local Government Regulation 2012*

Applicable Policy and Procedure:

- East Gippsland Shire Council Plan 2021-25
- East Gippsland Shire Council Community Vision 2040
- Policies for email, internet, digital equipment, electronic communications
- Code of Conduct (Councillor and Staff)
- Employment contracts
- Human Resource policies
- Information Services and Communications policies
- Information Privacy Policy
- Community Engagement Policy
- Customer Experience Strategy
- Customer Response Policy
- Mutual Respect Charter
- Election Period Policy (Governance Rules)
- Communications Procedure, including Response Assessment Guide
- Social Media Request Form
- East Gippsland Shire Council Branding Guidelines

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Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council in connection with the Media Policy will be handled in accordance with the applicable privacy legislation.

Generic principles for collecting and handling personal information by public bodies are legislated under the *Privacy and Data Protection Act 2014* (Vic), the *Health Records Act 2001* (Vic) and the *Privacy Act 1988* (Cth).

The Media Policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1					Migrated to new template Policy rewritten to better reflect all media

Media Policy
Date approved: XXX
Document owner: General Manager, Business Excellence

Version number: 1
Next review date: 1 June 2023

This document is uncontrolled when printed
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Social Media and Media Relations Policy

Department	Office of the CEO
Author	Communications and Corporate Strategy Unit
Responsible Position	Manager Communications and Corporate Strategy
Document Number	7527829
Policy Approved	06/03/18
Review Date	October 2019

REVISIONS

Date	Description	Authorised By	Approved by
1	Introduction of policy	Executive Group	Council 06/03/18

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1. PURPOSE

The purpose of this policy is to specify the procedures for dealing with news media and provide guidance on the expected behaviours when using social media and new technologies. This policy applies to Councillors, Council staff, contractors and volunteers and aims to ensure Council's communications with all types of media are timely, professional and accurate.

2. SCOPE

Media is an independent source of information for readers/listeners/viewers, and can be a useful communications tool for Council.

Through the media, Council communicates important information to residents and stakeholders about its services, programs, and activities. Media plays a critical role in facilitating transparency and public trust.

This policy aims to ensure that information is provided to the media in an accurate, timely and professional manner, and to increase the likelihood of useful and balanced information being presented through the organisation's media channels.

The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct Council business. It aims to:

- Inform appropriate use of social media tools;
- Promote effective and productive community engagement through social media;
- Minimise miscommunication or mischievous communications; and
- Help Council manage the challenges of the social media environment

The policy applies to traditional, digital and social media channels where people may comment, create, upload and share content, including:

- Blogs
- Bulletin boards
- Citizen journalism and news sites
- Forums and discussion boards
- Instant messaging facilities
- Microblogging sites (e.g. Twitter)
- Online encyclopedias (e.g. Wikipedia)
- Podcasts
- Social networking sites (e.g. Facebook, LinkedIn)
- Video and photo sharing sites (e.g. Flickr, YouTube)
- Video podcasts
- Wikis
- Any other websites or new technologies that allow people to self-publish.

Given the evolving world of online media, this policy applies to all types of media, whether or not it is named in this policy.

3. POLICY PRINCIPLES

3.1 Contact with news media outlets

News media enquiries will be addressed and responded to in a timely manner. All enquiries are to be directed to the Communications and Corporate Strategy team who will action the request and coordinate a response. Email media@egipps.vic.gov.au

Staff organising or attending events are not permitted to invite the media to attend. Requests are to be submitted to the Communications and Corporate Strategy team who will liaise with media outlets on the officer's behalf. This allows for a coordinated organisational approach.

Any staff member who, in their role as a Council officer, speaks to the media without prior approval is in breach of this policy.

3.2 Authorised media spokespersons

Mayor

The Mayor is the only member of Council authorised to respond to media enquiry on all matters relating to Council policy, decisions and direction. This includes state or federal matters affecting local government, and issues impacting the municipality.

The Mayor may authorise another Councillor to respond to media enquiries on a case by case basis.

Chief Executive Officer

The Chief Executive Officer is the official spokesperson for all operational matters, including Council's administration and the overall organisation. The Chief Executive Officer may authorise another staff member to speak on a particular matter on a case by case basis.

3.3 Communications support

Council's Communications and Corporate Strategy Unit works to promote Council projects, services, programs and events, amongst others. It supports the communications and marketing aims of Council and all Business Units.

The team's services do not extend to Council's stakeholders, partners or other external organisations.

4. SOCIAL MEDIA

4.1 Official use of social media

Official use is when you use social media as a council representative.

All requests for new Council social media accounts, pages etc require prior approval, based on the completion of a Social Media Request Form. The form is available on the intranet and EDRMS.

When using social media, staff, contractors and volunteers are expected to:

- Follow Council policies and procedures, as detailed in Section 6.
- Conduct themselves with caution, courtesy, honesty and respect
- Comply with relevant laws and regulations
- Act in a way that is consistent with Council's integrity, reputation and values

Only officers with specific authorisation may respond to issues and requests referring to Council on social media sites, news sites and external channels.

When responding to social media, authorised staff will:

- Respond in a timely manner;
- Treat general Council enquiries in the same manner as other customer requests, following Council's Customer Response Policy; and
- In all cases, the Communications team should be contacted to ensure accurate, consistent and timely communication in accordance with policies.

To become an authorised spokesperson on social media, you need approval from your Director and the Chief Executive Officer via delegation. Requests should be emailed to: media@egipps.vic.gov.au.

4.2 Guiding principles

Once authorised to comment as a council representative, you must follow these principles:

- **Expertise and identity**
Do not comment outside your area of expertise. Council must not be committed to actions or undertakings without specific prior authorisation.

Be clear you are a Council employee/contractor/volunteer. Use your own identity, or an approved official account. Participation anonymously or covertly via a third party or agency is not allowed.
- **Disclosure**
Only use publicly available information. Do not share confidential information, internal discussions or decisions of Council, employees or third parties. This includes publishing confidential, personal or private information where there is sufficient detail for potential identification of Councillors, Council staff or third parties.
- **Accuracy**
Be accurate, constructive, helpful and informative. Correct any errors as soon as possible. Do not publish any information that is untrue or where you have a suspicion it may be untrue. This includes misleading or deceptive information.

- **Opinion and political bias**
Personal and professional opinions must be clearly separated. Follow Council's Codes of Conduct when commenting on Council matters. Do not endorse any politician or political party.
- **Privacy**
Protect personal information obtained through social media, whether unsolicited or by request.

Respect the privacy of others. Before publication, get permission from anyone who appears in any photographs or video. If someone asks you to remove information directly related to them and could be considered detrimental to their privacy, remove the information as soon as possible.

For more information see the Information Privacy Policy and Information Privacy Guidelines on the Hive. Generic principles for collecting and handling personal information by public bodies are legislated under the *Privacy and Data Protection Act 2014* (Vic), the *Health Records Act 2001* (Vic) and the *Privacy Act 1988* (Cth).
- **Language**
Language and expression must be professional and reflective of Council's values at all times.
- **Copyright**
You should respect copyright laws and fair use of copyrighted material and attribute work to the original author/source wherever possible.
- **Defamation**
Users must not comment, contribute, create, forward, post, upload or share content that is malicious or defamatory. This includes statements that may impact negatively on the reputation of another.
- **Reward**
Publishing content in exchange for reward of any kind is not allowed.
- **Transparency**
Users must not seek to buy favourable social media commentary. Online publishers should be encouraged to be open and transparent in how they engage with, or review Council personnel, services or wares.
- **Discrimination**
Do not publish statements or information that may be discriminatory. Anti-discrimination laws should be kept in mind.
- **State of Mind**
Avoid using social media when inebriated, irritated, upset or tired.
- **Access**
Government web standards pertaining to accessibility should be met at all times. Information made available via non-compliant platforms should be made accessible in another form where practical.

Moderation of Council's social media

- The site owner must ensure a moderation policy is clear when inviting comments from the public on a council website or social media platform.

4.3 Personal use of social media

When using your personal social media accounts, you should keep this policy in mind.

You must be mindful that the way you represent yourself can be viewed by others and sometimes indirectly or directly connected with council.

Councillors, staff, contractors and volunteers need to maintain the same behaviour standards in their private social media use as is expected at work.

When in doubt, seek guidance from the Communications and Corporate Strategy team on how to comply with the following obligations.

Where your comments or profile can identify you as linked to Council, you must:

- only disclose publicly available information;
- not put down Council, its staff, services etc,
- ensure that all content is accurate;
- clearly state on all postings (identifying you as a Council employee) that the views are your own and are not those of Council; and
- be polite and respectful.

4.4 Inappropriate content

You are not allowed to post or share content that is:

- Offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist. This includes swearing.
- Unrelated to the topic of the blog, board, forum or site.
- Implying you are authorised to speak on behalf of Council.
- False or misleading.
- Confidential or personal information about Council, its staff or third parties.
- Under Copyright or Trademark.
- Discriminatory to a person or group. Illegal material or materials designed to encourage law breaking.
- Potentially compromising to the safety of Council, its staff, or systems.
- A breach of applicable laws (privacy, trade practices, financial rules and regulations, fair use).
- Potentially able to bring the Council into disrepute.
- Spam.

4.5 Timeliness of Response

Late responses to media enquiries can cause significant reputational damage. Any staff member required to provide information in order to help the Communications and Corporate Strategy team in responding to a media enquiry must do so within any reasonable timeframe set by the requesting officer.

4.6 After Hours / Emergency Media Response

All after hours media enquiries or emergency communication requirements must be referred to the Manager Corporate Communications and Strategy. If the Manager is unavailable, redirect your enquiry to your Director.

5. ENFORCEMENT

Breaching this policy may result in disciplinary action, performance management and/or review. Serious breaches may result in suspension or termination of employment or association.

A Councillor breach of this policy may result in a Councillor Code of Conduct complaint.

Council reserves the right to remove content, where possible, that violates this policy.

Breaches of this policy should be reported to Manager Communications and Corporate Strategy via media@egipps.vic.gov.au.

6. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Councillors	<ul style="list-style-type: none"> Seek advice from Communications Department on using social media if required. Understand and follow this policy. Seek social media training if required. Seek advice from the Communications Unit or CEO if unsure about applying the provisions of this policy.
Staff, contractors and volunteers	<ul style="list-style-type: none"> Refer all requests for media interviews to the Communications Unit. Do not provide comment to a media outlet without prior approval from the CEO, via delegation. Seek authorisation from the Communications Unit on using social media and developing a social media strategy. Seek approval for Council branding of social media. Register social media account/tools/site with the Communications team. Seek social media training and development. Understand and follow this policy. Maintain records of email addresses, comments, 'friends', followers and printed copies or electronic 'screen grabs' when using externally hosted sites to the extent practicable.

	<ul style="list-style-type: none"> • Maintain a record of the team's social media accounts including the intended administrator, URL, login, password, and provide this information to the Communications Unit. • Seek advice from the Communications Unit if unsure about applying the provisions of this policy. • Ensure contractors are provided with a copy of this policy. • Familiarise yourself with the End User Licence Agreements of any external social media tools being used.
Business Unit Managers	<ul style="list-style-type: none"> • Endorse or reject a social media strategy for any new social media accounts proposed by their teams (Step 1 in approval process). • Ensure staff do not create social media platforms without approval. • Ensure staff members do not conduct media interviews without prior approval from CEO, via delegation. • Ensure contractors are provided with a copy of this policy.
Information Services Unit	<ul style="list-style-type: none"> • Support delivery of council's social media platforms. • Help staff with social media record keeping so they retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to keep large volumes of screen grabs.
Communications Unit	<ul style="list-style-type: none"> • Respond to media enquiries and identify spokespeople for interview requests for CEO approval via delegation when required. • Endorse or reject a social media strategy for any new accounts proposed by Business Units (Step 2 in approval process). • Provide authorisation for social media officers (eg staff approved to respond to comments on behalf of council) • Identify and implement any new social media platforms for Council. • Provide advice and assist with the development of communication plans using social media. • Educate councillors, staff, contractors and volunteers about this policy and their responsibilities. • Advise appropriate precautions eg disclaimers. • Maintain a register of council's social media accounts including Business Unit social media strategies, the intended administrator, URL, login, password. • Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs. • Monitor and moderate Council's registered social media accounts. This refers to council-wide social media accounts and excludes accounts developed by Business Units. • Monitor social media for references to Council. • Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk.

Executive Group	<ul style="list-style-type: none"> • Approve or reject a social media strategy for any new accounts proposed by Business Units (Final step in approval process).
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7. REFERENCES AND SUPPORTING DOCUMENTS

Councillors and Council staff are expected to demonstrate standards of conduct and behaviour that are consistent with relevant legislation, regulations and policies (see Annexure A).

The following Council policies and guidelines must be followed:

- Response Assessment Guide (Appendix 1)
- policies for email, internet, digital equipment, electronic communications
- Code of Conduct (Councillor and Staff)
- employment contracts
- Human Resource policies
- Information Services and Communications policies
- Information Privacy Policy
- Community Engagement Policy

8. DEFINITIONS AND ABBREVIATIONS

Term	Meaning
Authorised spokesperson	A person with pre-approval to speak to a media outlet on behalf of council.
Social media moderator	Person with pre-approval to add content and respond on behalf of council.
Council	East Gippsland Shire Council.
Confidential	Not public. The private information of a person or group.
EDRMS	Council's electronic records management system
URL	The address of a webpage
Monitor	Watch; keep an eye out for

9. ANNEXURE A

Relevant legislation

- *Australian Human Rights Commission Act 1986* (Cth)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic)
- *Copyright Act 1968* (Cth)
- *Crimes Act 1958* (Vic)
- *Defamation Act 2005* (Vic)
- *Disability Discrimination Act 1991* (Cth)
- *Equal Opportunity Act 2010* (Vic)
- *Fair Trading Act 1999* (Vic)
- *Fair Work Act 2009* (Cth)
- *Freedom of Information Act 1982* (Vic)
- *Local Government Act 1989* (Vic)
- *Privacy Act 1988* (Cth)
- *Privacy and Data Protection Act 2014*
- *Public Records Act 1973* (Vic)
- *Racial and Religious Tolerance Act 2001* (Vic)
- *Racial Discrimination Act 1985*
- *Spam Act 2003* (Cth)
- *Wrongs Act 1958* (Vic)

Response assessment chart for social media moderators

Appendix 1

This table will help you decide whether you need to respond to a post on council's social media platforms.

Only approved social media moderators are allowed to respond on behalf of the organisation to social media posts.

Appropriate	Inaccurate	Low risk	High risk
<ul style="list-style-type: none"> You can: <ul style="list-style-type: none"> Agree with the post Provide additional information to expand on the original post Provide a positive review / appreciation Not respond (let the post stand on its own two feet) 	<ul style="list-style-type: none"> Post contains inaccurate information about: <ul style="list-style-type: none"> Council services, programs, or activities A local law or regulation 	<ul style="list-style-type: none"> Post contains: <ul style="list-style-type: none"> Offensive language Inappropriate comments Inflammatory statements Criticism of staff or Councillors 	<ul style="list-style-type: none"> Post contains: <ul style="list-style-type: none"> Threats against staff, Councillors or our facilities Defamatory comments High-level offensive language
Actions	Actions	Actions	Actions
<ul style="list-style-type: none"> Respond to post 	<ul style="list-style-type: none"> Contact relevant business unit or Communications to confirm correct information; then Respond to post 	<ul style="list-style-type: none"> Make a record of the post Delete the post Advise author why their comment was deleted (if appropriate) 	<ul style="list-style-type: none"> Make a record of the post Delete the post Flag the post Contact Communications and Risk Management business units

5.2.4 Chief Executive Officer Employment and Remuneration Policy

Authorised by General Manager Business Excellence

Conflict of Interest

The officer who authorised this report has declared a general conflict of interest as he is a direct report of the Chief Executive Officer.

Executive Summary

The purpose of this report is to present the Chief Executive Officer Employment and Remuneration Committee (Committee) recommendations to the Council for its consideration to adopt the draft revised Chief Executive Officer Employment and Remuneration Committee Policy (Policy), refer **Attachment 1**.

Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;*
- 2. adopts the draft revised Chief Executive Officer Employment and Remuneration Policy, provided at Attachment 1; and*
- 3. notes that the adopted Chief Executive Officer Employment and Remuneration Policy will be published on Council's website.*

Background

The current Policy was adopted by Council Resolution on 16 November 2021, refer item 5.4.3.

The Policy provides direction on Council's commitment to the application of good governance, transparency and fairness in all matters relating to the employment, management and remuneration of the Chief Executive Officer (CEO). Supporting the high performance of the CEO is one of the key responsibilities of the Council.

This Policy ensures that the Council meets its obligations to support the ongoing high performance of the CEO through professional development, performance planning and management and appropriate recognition and remuneration.

At the Committee meeting held on 9 August 2022, the Committee reviewed recommended changes to the Policy that were prepared and provided by Maddocks.

The Committee endorsed a draft revised Policy to be presented to Council for consideration and adoption.

The clean version of the draft revised Policy is provided at **Attachment 1** and the tracked version is provided at **Attachment 2**.

The proposed changes considered by the Committee included:

1. incorporating a new Clause 3.11 Dispute Resolution, which outlines a process to follow in relation to any matter under the Policy or the CEO's Contract of Employment that may be in dispute;
2. additional paragraphs at Clause 3.2 that provide clear outcomes required of an executive search consultant/provider;
3. improved ties back to the Local Government Act 2020; and
4. administrative changes such as renumbering of clauses, use of abbreviations and repositioning of clauses for better flow.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with section 45 of the *Local Government Act 2020*.

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

The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

Collaborative procurement

There is no Collaborative procurement required for this report.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 4: 4.1 Leadership enables economic prosperity, investment, recovery, resilience and growth; and

Strategic Objective 5: 5.6 Council attracts, develops, and retains an inclusive workforce to deliver services and priorities.

Council Policy

The draft revised Policy was developed and prepared by legal firm Maddocks.

The draft revised Policy, if adopted, will supersede the existing Chief Executive Officer Employment and Remuneration Policy, which was approved on 16 November 2021, refer to **Attachment 2**.

Options

Council may choose to:

1. adopt the proposed changes in full (the Committee's Recommendation), or
2. adopt the proposed changes in part (with those parts that are deemed appropriate for inclusion, to be identified by Council), or
3. consider the current Policy has been reviewed and determine to retain the current Policy as is and without any change.

Resourcing

Financial

The resource implications of the Policy can be accommodated within existing resources and budget.

Risk

The revised Draft Policy reduces risk through the provision of direction on Council's commitment to the application of good governance, transparency and fairness in all matters relating to the employment, management and remuneration of the Chief Executive Officer.

Economic

There are no perceived economic implications with this report.

Social

There are no perceived social implications with this report.

Gender Impact Statement

The revised Policy has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian *Gender Equality Act 2020*.

Environmental

There are no perceived environmental implications with this report.

Climate change

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

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

Engagement

The draft revised Policy has been developed through the provision of Maddocks' independent expertise.

Attachments

1. Draft Revised CEO Employment and Remuneration Policy Clean Version [**5.2.4.1** - 15 pages]
2. Draft Revised CEO Employment and Remuneration Policy track changed version [**5.2.4.2** - 17 pages]

Version number: 4
Authorised by: General Manager Business Excellence



Chief Executive Officer Employment and Remuneration Policy

[8731160: 33440319_1]

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[8731160: 33440319_1]

1 Purpose and Scope

This is the Chief Executive Officer Employment and Remuneration Policy (**Policy**) of East Gippsland Shire Council (**Council**), made in accordance with section 45 of the *Local Government Act 2020* (the **Act**).

This Policy provides for the following matters which Council is responsible for under the Act and/or as a requirement of this Policy:

- (a) the recruitment and appointment of the Chief Executive Officer (**CEO**) ensuring that:
 - (i) the recruitment decision is based on merit;
 - (ii) the recruitment processes support transparency in the recruitment process and, subject to Council's discretion to offer re-appointment in accordance with section 44 of the Act, the public advertising of the position; and
 - (iii) regard is had to gender equity, diversity and inclusiveness;
- (b) approving the Contract of Employment entered into between Council and the CEO;
- (c) the appointment of an Acting CEO in accordance with section 11(3) of the Act;
- (d) the provision of independent professional advice in relation to the matters dealt with in the Policy;
- (e) the monitoring of the CEO's performance;
- (f) an annual review of the CEO's performance; and
- (g) determining the CEO's remuneration.

2 Policy Context

Under the provisions of the Act, Council is responsible for the appointment of the CEO (section 44(1) of the Act) and at least once each year a Council must review the performance of its CEO (section 45(2)(b)(iv) of the Act).

Council is also responsible for determining the remuneration of the CEO.

This Policy has been developed to support the requirements of the Act (section 45) through the establishment of an advisory committee known as the CEO Employment and Remuneration Committee (**Committee**). The Committee will assist Council to fulfil its responsibilities relating to CEO employment, performance and remuneration matters.

3 Policy Statement

This Policy outlines the mechanisms which support Council in fulfilling its obligations regarding the CEO's employment and under the Act.

The aims of the CEO in relation to this Policy are to:

- work collaboratively with the Committee in determining the Performance Plan on an annual basis;
- actively participate in the performance appraisal process as required by the Committee;
- make use of constructive feedback from Councillors and Committee Members in relation to performance appraisals;
- undertake professional development on an as needed basis, and/or as part of the Performance Plan; and
- promptly draw the Committee's attention to any situation where any variation of the Performance Plan may be required in light of the current circumstances.

The aims of Council (including via the Committee) in relation to this Policy are to:

- establish the Committee;
- provide processes for the recruitment of a natural person, and their appointment, to the position of CEO;
- draft and approve the Contract of Employment entered into between Council and the CEO;
- seek and be guided by independent professional advice (Independent Member) in relation to the matters dealt with in this Policy;
- provide processes for determining and reviewing the Remuneration Package;
- provide processes for the monitoring of the CEO's performance including setting the Performance Plan and conducting an annual review;
- determine, as required, any variations to the Remuneration Package and terms and conditions of employment of the CEO; and
- provide processes for the appointment of an Acting CEO.

3.1 CEO Employment and Remuneration Committee

Council will maintain a CEO Employment and Remuneration Committee (**Committee**) for the purposes of this Policy.

The Committee will be an advisory committee to Council.

The purposes of the Committee are to consider, and make recommendations to Council with respect to, the:

- selection and appointment of the Independent Member;
- independent advice received from the Independent Member;
- performance monitoring of the CEO, including with respect to achievement of the KPIs;
- annual review of the CEO's performance, including against the KPIs;
- CEO's remuneration;
- recruitment and appointment (or reappointment) of a CEO, if required;
- provisions to be included in the Contract of Employment from time to time;

- appointment of an Acting CEO as per section 11(3) of the Act; and
- implementation of this Policy.

The Committee will consist of the Mayor, Deputy Mayor, two Councillors and an Independent Member appointed by Council.

The Independent Member will chair all meetings of the Committee; during the period in which there is no Independent Member, the Mayor will chair the meeting.

A quorum will be achieved when three (3) people including the Mayor or deputy Mayor and at least two other members of the Committee are in attendance.

The Committee is to hold meetings as often as is necessary to:

- prepare documentation relevant to the CEO's employment and remuneration, including Council reports and contractual documents, for the approval of Council;
- conduct and maintain appropriate records regarding performance reviews of the CEO; and
- review the Remuneration Package and conditions of employment of the CEO,

provided that the Committee meets at least twice in each year.

The Committee will provide a report to Council following each meeting describing its activities and making recommendations about any action to be taken by Council.

The Committee will determine its procedures at its first meeting, which will include:

- the rules for its meetings, noting that meetings should be conducted with as little formality and technicality as appropriate to fulfil the Committee's purposes;
 - how often the Committee will meet, provided that the Committee meets at least twice in each year;
 - means of attendance at Committee meetings (eg in person or electronically); and
 - the taking of the minutes of the Committee meetings,
- and will communicate the procedures to Council.

For the avoidance of doubt, nothing in this Policy requires Council to accept any or all of the Committee's recommendations.

3.2 Recruitment of CEO

Where Council makes the decision to go to or test the market for a CEO

The Committee will establish and lead the process to recruit the CEO, designed to ensure that Council can select the best available candidate from a short list of preferred candidates (with or without a recommendation from the Committee).

The Committee shall, in accordance with Council's Procurement Policy and Procedures, seek and appoint an independent Executive Search Consultant/Provider to manage and conduct the process of selection of a suitable candidate(s) for Council's consideration for appointment to the position of CEO, and ensure professional care throughout the administration of the process.

If an Executive Search Consultant/Provider is engaged, the Committee, the Chair of the Committee or a member of Council staff nominated by the Committee, must liaise with the Executive Search Consultant/Provider in connection with the recruitment process.

The Committee shall, in conjunction with the Executive Search Consultant/Provider engage, develop and agree upon:

- a search and selection process and timeframe
- setting the Remuneration Package and conditions based on industry benchmarks
- key accountabilities
- Key Selection Criteria
- candidate application material
- a candidate identification strategy
- methods of applicant evaluation – embracing diversity and gender equity principles and best practice processes to eliminate bias

When considering the recruitment of the position of CEO, the Committee shall, in conjunction with the Executive Search Consultant/Provider:

- ensure that the recruitment decision is based on merit;
- support transparency in the recruitment process and the public advertising of the position;
- ensure that regard is had to gender equity, diversity and inclusiveness;
- ensure that the CEO role is publicly advertised;
- oversee the development of the candidate pool by the Executive Search Consultant/Provider, providing feedback on the quality and diversity of candidates being identified;
- review the Executive Search Consultant/Provider report on the final candidate pool and determine which candidates will be long-listed for consideration by the Consultant/Provider and/or the Committee; and
- prepare a report for Council on all applications received and recommend the candidates that should be short-listed for interview by the full Council. All Councillors will be provided with the opportunity to be part of the interview process.

The Executive Search Consultant/Provider will prepare, and provide to Council, a schedule of dates for key decisions to be made by Resolution throughout the recruitment process.

The Committee must provide a report and recommendation to Council so that each key decision identified in the schedule of dates for key decisions identified above can, if necessary, be made by Resolution of Council.

3.3 Appointment of CEO

The Council's role is to appoint the CEO, on the advice of the Committee.

Council will receive a report from the Committee on the completion of its role in the recruitment process, and Council will proceed to decide on a preferred candidate with the support of the Committee to negotiate and finalise the Contract of Employment.

Once the preferred candidate is determined by the full Council, with the support of the Executive Search Consultant/Provider, the Committee will provide a recommendation to Council on the provisions to be contained in the proposed Contract of Employment.

The appointment of the CEO must be made by a Resolution.

The Committee shall then:

- ensure, through the Executive Search Consultant/Provider, that all candidates are updated on the outcome of the recruitment and selection process; and
- develop and recommend to the Council an on-boarding program for the new CEO.

3.4 Reappointment of CEO

Any reappointment of the current CEO must be made by Resolution.

Council will, by resolution, determine whether reappointment of the incumbent CEO pursuant to section 44(3) of the Act is under consideration or whether Council will go to or test the market for a CEO.

Where the reappointment of the current CEO is under consideration:

3.4.1 subject to paragraph 3.4.3, at least nine months prior to the expiration of the period of employment, Council and the CEO will confer about whether the CEO shall be reappointed for a further period and, if so, on what terms;

3.4.2 subject to paragraph 3.4.3, Council must advise the CEO no later than six months (or such other period as they may agree in writing) prior to the expiration of the period of employment whether it is proposing to exercise its discretion to offer re-appointment to the CEO; and

3.4.3 where the Contract of Employment is 12 months or less, the period of months referred to in paragraph 3.4.1 shall be three months and the period of months referred to in paragraph 3.4.2 shall be two months.

The Committee shall ensure a confidential, fair and respectful process is undertaken so that Council should make its decision on whether and on what terms to offer reappointment only after reasonable time is provided for Councillors to be informed adequately on relevant matters and to allow an opportunity for the incumbent CEO to make a formal presentation to the Council and/or the Committee.

3.5 Contract of Employment

The Contract of Employment is to be read in conjunction with this Policy (but the terms of this Policy are not incorporated into the Contract of Employment).

The Contract of Employment will, at a minimum, outline the following:

- the employment term, which must not exceed 5 years in accordance with section 44(2) of the Act;
- the responsibilities and duties of the position, including compliance with the Act and the Code of Conduct for Council staff;
- how conflicts of interest will be managed;
- the CEO's Remuneration Package and other entitlements;
- legislative and contractual obligations, including those during and continuing after appointment;
- the CEO's leave entitlements;
- processes for managing unsatisfactory performance;
- processes for early termination, including notice of termination (or payment in lieu) provisions; and
- any other matters required to be contained in the Contract of Employment by the Regulations.

The Contract of Employment may only be varied by a Resolution with the CEO's acceptance, with such variation to be recorded in a deed of variation.

3.6 Remuneration and Expenses

The Remuneration Package provided to the CEO will form part of the Committee's annual review, having regard to (in accordance with section 45(3) of the Act):

- any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent);¹ and
- any Public Sector Wages Determination.²

Remuneration will be reviewed on an annual financial year basis, in accordance with the CEO's Performance Plan and contractual requirements.

Council will meet expenses incurred by the CEO in relation to:

- membership and subscription fees payable to professional associations which are reasonably necessary in order to carry out duties;
- reasonable costs incurred where attending conferences, seminars or other networking functions;
- reasonable costs incurred in performance of required duties;
- professional development; and
- training and education.

3.7 Performance monitoring

Council will adopt an annual Performance Plan for the CEO, which will include KPIs. The Performance Plan must be developed by the Committee in consultation with the CEO and accepted by a Resolution.

To assist Council to fulfil its obligations in this respect, each year the Committee will develop a framework for Council's consideration through which the CEO's performance and Remuneration Package will be reviewed. As a minimum, the framework will provide for the following:

- in consultation with the CEO, identify and agree on performance criteria that will be used to measure the CEO's performance for the next 12-month financial year period;
- in consultation with the CEO, determine a personal and professional development plan (if required) for the CEO for the next 12-month financial year period;
- review of the CEO's performance against the performance criteria;
- review of the CEO's Remuneration Package as a component of the annual review, having regard to paragraph 3.6 above, expert advice on remuneration benchmarks from a recognised recruitment consultant and the provisions of the CEO's Contract of Employment;

¹ Section 45(3)(a) of the Act requires Council to have regard to any statement of policy issued by Government of Victoria which is in force with respect to its wages policy (or equivalent). The current Victorian Government Wages Policy applies in the public sector from 1 January 2022. See: <https://www.vic.gov.au/moving-new-wages-policy-2022>

² Section 45(3)(b) of the Act requires Council to have regard to the published remuneration bands for executives employed in public service bodies. See: <https://www.vic.gov.au/tribunals-determination-vps-executive-remuneration-bands>

- an annual report (see paragraph 3.8 below referring to the Annual Review Report) to Council on the CEO's performance review to determine outcomes of the review process in relation to:
 - the CEO's performance against the performance criteria;
 - the performance criteria for the next 12-month financial year review period; and
 - whether the Remuneration Package should be varied.

The framework will also observe the following principles:

- the CEO is aware of the performance review process to be undertaken;
- the CEO has an opportunity to submit a self-assessment performance report and to present that report to both the Committee and the full Councillor group;
- all Councillors are invited to provide feedback to the Committee in respect of the CEO's performance as measured against the performance criteria approved by Council;
- the CEO is provided with timely feedback on the outcomes of the Committee's review of his/her performance.

The CEO is to provide progress reports against the Performance Plan to the Committee on a quarterly basis.

The Committee may meet with the CEO following each progress report to discuss the matters contained in the progress report.

Following the initial 4 to 6 months of the CEO's term, a workshop with Councillors and the CEO should be arranged so that:

- the CEO can prepare and present their views formed since their appointment on any related matters, and highlight any projections or forecasts of relevance to Council during their tenure;
- Councillors can provide feedback to the CEO on their perspective of the CEO's performance during the initial period of the CEO's employment; and
- Council and the CEO can consider projects and priorities for inclusion in the CEO's Performance Plan and KPIs.

Nothing in this Policy prevents the Committee and/or Council from monitoring the CEO's performance on an ongoing basis.

3.8 Annual review

In preparation for Council's review, the Committee is required to submit an annual review report (**Annual Review Report**) to Council which includes recommendations on the following:

- whether, and to what extent, the CEO has met the KPIs under the Performance Plan;
- whether, and to what extent or in what respect, any KPIs or other criteria ought to be varied under the Performance Plan;
- whether, and to what extent, the Remuneration Package ought to be varied; and
- any other necessary matters.

The Committee will submit the Annual Review Report to Council only after meeting with the CEO to discuss the Committee's proposed recommendations.

The CEO may request the opportunity to address Council as part of this process.

Council shall, after receipt of the Annual Review Report, review the recommendations in the Annual Review Report, resolve upon the matters described in paragraph 3.8 and advise the CEO of the terms or effect of the Resolution.

3.9 Acting CEO

Council must appoint an Acting CEO when there is a vacancy in the office of the CEO or the CEO is unable to perform their duties under the Contract of Employment for a period exceeding 28 calendar days.

The appointment of the Acting CEO must be made by a Resolution unless the Acting CEO is appointed for a period not exceeding 28 calendar days, in which case the CEO may appoint an Acting CEO under delegation from Council pursuant to section 11(3) of the Act.

Where applicable, the Committee may advise Council on the selection and appointment of an Acting CEO.

3.10 Independent advice

The Independent Member is responsible for providing independent professional advice in relation to the matters dealt with under this Policy in accordance with section 45(2)(a) of the Act.

The Independent Member will be appointed on the recommendation of the Committee following a process to seek experienced and suitably qualified persons but must not be the Executive Search Consultant/Provider appointed by Council to assist in the recruitment process.

The term of appointment will be two years, with the option of a further two, one-year terms or one, two-year term extension at the discretion of the Council.

Duties of the Independent Member include:

- actively participate in the Committee's annual review of the CEO's performance and development of a draft performance plan for the next 12-month period for consideration by Council; and
- provide advice and guidance to the Committee on any matter pertaining to the CEO's employment with Council.

The role of Independent Member will be remunerated as follows:

- (1) a sitting fee per meeting, together with reimbursement of travel costs (where applicable) in line with the ATO amount, will be paid to the independent member. The fee to be paid has regard for the specific roles and responsibilities of the Independent Member as set out in this policy;
- (2) the fee will be paid to the Independent Member immediately following his/her attendance at each of the four scheduled committee meetings; and
- (3) an additional fee will be paid to the Independent Member for every meeting of the Committee attended over and above the four meetings required each year.

Council will ensure that it is a term of the Independent Member's engagement that the Independent Member keep confidential all information which the Independent Member acquires by virtue of the engagement.

Council, or the Committee with the approval of a Resolution, can, on an as needed basis, obtain additional independent professional advice in relation to the matters dealt with under this Policy.

3.11 Dispute resolution

In relation to any matter under this Policy or the CEO's Contract of Employment that may be in dispute, either the CEO or Council may:

- give written notice to each other of the particulars of any matter in dispute, and
- within 14 days of receiving a notice specified above, a meeting will be convened between the Committee and the CEO in an attempt to resolve the dispute.

The independent member of the Committee will be responsible to organise the meeting between the Committee and the CEO and will also act as the chairperson of the convened meeting.

If the dispute is not resolved, Council (in consultation with the CEO and on the recommendation of the Committee) will either, within 14 days:

- refer the dispute to an independent mediator (as agreed by the CEO and Committee, or if they cannot agree a mediator appointed by the Executive Director of Local Government Victoria) and the Committee agree to participate in any mediation process in good faith with the Mayor and other Committee members as required in attendance on behalf of Council; or
- nominate one or more external persons for the purpose of conducting further investigation and discussion and making a recommendation to Council (in consultation with the CEO). Persons nominated for this purpose will have had no prior involvement in the dispute.

The independent member of the Committee will facilitate the dispute resolution process on behalf of the Committee.

The cost of any mediation or investigation will be met by Council.

Having regard to any proposed outcome from any mediation or the recommendation made in accordance with the above paragraphs, Council will make a final decision regarding the dispute which shall be binding on the parties.

During this process, no party shall be prejudiced as to the final resolution of the dispute. The parties will co-operate to ensure that the steps required to reach a resolution are carried out as expeditiously as possible for the benefit of all concerned.

Council and/or the CEO may nominate a representative (including a legal representative) to assist it and/or the CEO in this process. The CEO and/or Council will each be responsible for meeting the cost of any nominated representative used by them or it.

Neither the Committee nor the Mayor can make any binding decision under any dispute resolution process, without a Council Resolution.

3.12 Administrative Support

Council acknowledges that, in implementing this Policy, it, the Committee and/or the Independent Member will from time to time require the assistance of members of staff, including assistance in relation to governance and human resources matters, and (where relevant) procurement and contract management.

Council, the Committee and/or the Independent Member may from time to time request a member of staff to provide assistance in implementing this Policy, recognising that the position of the member of staff is made difficult because they are accountable to the CEO (or a person acting as CEO) and therefore requests for assistance need to be limited to no more than those which are reasonably necessary.

3.13 Interaction with Act and Regulations

This Policy applies subject to any inconsistent obligations in the Act or the Regulations.

3.14 Confidential Information

Council is not required to disclose any **confidential information** including personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Confidential information has the meaning as provided in the Definitions section of this policy.

3.15 Delegations

Council must not delegate the power to appoint the CEO, whether on a permanent or acting basis, however, it may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days (sections 11(2)(d) and 11(3) of the Act).

Council must not delegate the power to make any decision in relation to the employment, dismissal or removal of the CEO (section 11(2)(e) of the Act).

3.16 Review of Policy

This Policy will be reviewed within 12 months of its adoption by Council.

This Policy will thereafter be reviewed at least every 2 years by the Committee and within 6 months of each Council election, and the Committee will make a recommendation to Council with respect to any suggested changes.

4 Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities
Chief Executive Officer	Responsible for ensuring the Committee is provided with: <ul style="list-style-type: none"> information and any necessary training for Committee members in relation to their responsibilities under the Act and this Policy; independent advice in respect of matters before the CEO Employment and Remuneration Committee; and administration and logistical support.
General Manager Business Excellence	Responsible for ensuring compliance with the requirements of this Policy. Required to review and update the Policy as required through the passing of time, changing circumstances or amendments to the Act or its successor legislation.
Manager People and Capability	Assist the Committee to discharge its responsibilities, as set out in this Policy.

5 References and Supporting Documents

CEO's Contract of Employment
 East Gippsland Shire Council Procurement Policy
 The Act and any successor Act
 Victorian Government Public Entity Executive Remuneration Policy

6 Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council in connection with any matter pertaining to the CEO's employment will be handled in accordance with all applicable privacy legislation and will be used only to assist Council to manage the recruitment, performance management and remuneration of the CEO.

The policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

7 Definitions

In this Policy, unless the context suggests otherwise, the following words and phrases mean:

Term	Meaning / Responsibility
Act	<i>Local Government Act 2020.</i>
Annual Review Report	Has the meaning given clause 3.8.
Chief Executive Officer or CEO	Person appointed Chief Executive Officer of East Gippsland Shire Council.
Committee	The Chief Executive Officer Employment and Remuneration Committee established under this Policy.
Confidential Information	Confidential information has the meaning as provided by the <i>Local Government Act 2020</i> (section 3(1) confidential information (a), (f) and (h) and at section 66(2)(a) and section 66(5)).
Contract of Employment	The contract of employment between Council and the CEO, including any schedules.
Council	East Gippsland Shire Council.
Councillors	The individual holding the office of a member of East Gippsland Shire Council.
Council meeting	Has the same meaning as in the Act.
Executive Consultant/Provider	Search An independent consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles.
Independent member	The consultant appointed by Council from time to time to provide independent advice in accordance with section 45(2)(a) of the Act.
KPIs	Key Performance Indicators or performance criteria however described.
Mayor	A Councillor elected by Council to perform the role of Mayor as defined in the Act.
Performance Plan	The annual performance plan setting out KPIs for the CEO.
Policy	This Chief Executive Officer Employment and Remuneration Policy adopted in accordance with section 45 of the Act.
Public Sector Wages Determination	Any Determination that is currently in effect under section 21 of the <i>Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019</i> in relation to remuneration bands for executives employed in public service bodies.
Recruitment Policy	The Recruitment Policy adopted by the CEO under section 48(2) of the Act.
Regulations	The Regulations made under Division 7 of Part 2 of the Act.
Remuneration Package	The total gross remuneration package paid to the CEO pursuant to the Contract of Employment.
Resolution	A resolution of Council made at a properly constituted Council meeting.

8 Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
DRAFT		July 2019	Director Corporate		
Final Draft		August 2019	Committee		Minor changes as per Committee discussion for finalisation and presentation to Council
1	Approved	10/09/2019	Council	8217685	
2	Approved	20/10/2020	GM Business Excellence	8706359	Administrative change 'Immediate Past Mayor' to 'Deputy Mayor',
3	Approved	16/11/2021	Council	9270651	Updated to reflect changes from <i>Local Government Act 1989</i> to <i>Local Government Act 2020</i> and insertion of the appropriate clauses
4					Updated to incorporate best practice recommendations

Version number: 43
Authorised by: General Manager Business Excellence



Chief Executive Officer Employment and Remuneration Policy

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1 Purpose and Scope

This is the Chief Executive Officer Employment and Remuneration Policy (**Policy**) of East Gippsland Shire Council ~~Council~~ (**Council**), made in accordance with section 45 of the *Local Government Act 2020* (the **Act**).

This Policy provides for the following matters which Council is responsible for under the Act and/or as a requirement of this Policy:

- (a) the recruitment and appointment of the Chief Executive Officer (CEO) ensuring that:
 - (i) the recruitment decision is based on merit;
 - (ii) the recruitment processes support transparency in the recruitment process and, subject to Council's discretion to offer re-appointment in accordance with section 44 of the Act, the public advertising of the position; and
 - (iii) regard is had to gender equity, diversity and inclusiveness;
- (b) approving the Contract of Employment entered into between Council and the ~~Chief Executive Officer~~ CEO;
- (c) the appointment of an Acting ~~Chief Executive Officer~~ CEO in accordance with ~~Local Government Act 2020~~ section 11(3) of the Act;
- (d) the provision of independent professional advice in relation to the matters dealt with in the Policy;
- (e) the monitoring of the ~~Chief Executive Officer~~ CEO's performance;
- (f) an annual review of the ~~Chief Executive Officer~~ CEO's performance; and
- (g) determining the ~~Chief Executive Officer~~ CEO's remuneration.

2 Policy Context

Under the provisions of the ~~Local Government Act 2020 (the Act)~~ Council is responsible for the appointment of the ~~Chief Executive Officer (CEO)~~ (section 44(1) of the Act) and at least once each year a Council must review the performance of its CEO (section 45(2)(b)(iv) of the Act).

Council is also responsible for determining the remuneration of the CEO.

This Policy has been developed to support the requirements of the ~~Local Government Act 2020 Act~~ (section 45) through the establishment of an advisory committee known as the ~~Chief Executive Officer (CEO) Employment and Remuneration Committee (Committee)~~. The Committee will assist Council to fulfil its responsibilities relating to CEO employment, performance and remuneration matters.

3 Policy Statement

This Policy outlines the mechanisms which support Council in fulfilling its obligations regarding the CEO's employment and under the Act.

The aims of the CEO in relation to this Policy are to:

- work collaboratively with the Committee in determining the Performance Plan on an annual basis;
- actively participate in the performance appraisal process as required by the Committee;
- make use of constructive feedback from Councillors and Committee Members in relation to performance appraisals;
- undertake professional development on an as needed basis, and/or as part of the Performance Plan; and
- promptly draw the Committee's attention to any situation where any variation of the Performance Plan may be required in light of the current circumstances.

The aims of Council (including via the Committee) in relation to this Policy are to:

- establish the Committee;
- provide processes for the recruitment of a natural person, and their appointment, to the position of CEO;
- draft and approve the Contract of Employment entered into between Council and the CEO;
- seek and be guided by independent professional advice (Independent Member) in relation to the matters dealt with in this Policy;
- provide processes for determining and reviewing the ~~CEO's~~ Remuneration Package;
- provide processes for the monitoring of the CEO's performance including setting the Performance Plan and conducting an annual review;
- determine, as required, ~~whether~~ any variations to the Remuneration Package and terms and conditions of employment of the CEO; and
- provide processes for the appointment of an Acting ~~Chief Executive Officer~~ CEO.

3.1 CEO Employment and Remuneration Committee

Council will maintain a CEO Employment and Remuneration Committee (**Committee**) for the purposes of this Policy.

The Committee will be an advisory committee to Council.

The purposes of the Committee are to consider, and make recommendations to Council with respect to, the:

- selection and appointment of the Independent Member;
- independent advice received from the Independent Member;
- performance monitoring of the CEO, including with respect to achievement of the KPIs;

- annual review of the CEO's performance, including against the KPIs;
- CEO's remuneration;
- recruitment and appointment (or reappointment) of a CEO, if required;
- provisions to be included in the Contract of Employment from time to time;
- appointment of an Acting CEO as per ~~Local Government Act 2020~~ section 11(3) of the Act; and
- implementation of this Policy.

The Committee will consist of the Mayor, Deputy Mayor, two Councillors and an Independent Member appointed by Council.

The Independent Member will chair all meetings of the Committee; during the period in which there is no Independent Member, the Mayor will chair the meeting.

A quorum will be achieved when three (3) people including the Mayor or deputy Mayor and at least two other members of the Committee are in attendance.

The Committee is to hold meetings as often as is necessary to:

- prepare documentation relevant to the CEO's employment and remuneration, including Council reports and contractual documents, for the approval of Council;
- conduct and maintain appropriate records regarding performance reviews of the CEO; and
- review the Remuneration Package and conditions of employment of the CEO,

provided that the Committee meets at least twice in each year.

The Committee will provide a report to Council following each meeting describing its activities and making recommendations about any action to be taken by Council.

The Committee will determine its procedures at its first meeting, which will include:

- the rules for its meetings, noting that meetings should be conducted with as little formality and technicality as appropriate to fulfil the Committee's purposes;
- how often the Committee will meet, provided that the Committee meets at least twice in each year;
- means of attendance at Committee meetings (eg in person or electronically); and
- the taking of the minutes of the Committee meetings; ~~and~~

and will communicate ~~ion of~~ the procedures to Council.

For the avoidance of doubt, nothing in this Policy requires Council to accept any or all of the Committee's recommendations.

3.2 — Appointment and reappointment of CEO

~~The Council's role is to appoint the CEO, on the advice of the Committee.~~

~~The appointment (or reappointment) of the CEO must be made by a resolution of Council. Council will, by resolution, determine whether reappointment of the incumbent CEO pursuant to section 44(3) of the Act is under consideration or whether Council will go to or test the market for a CEO.~~

~~Where the reappointment of the current CEO is under consideration:~~

~~3.2.1 at least nine months prior to the expiration of the period of employment, Council and the CEO will confer about whether the CEO shall be re-appointed for a further period and, if so, on what terms;~~

~~3.2.2 Council must advise the CEO no later than six months (or such other period as they may agree in writing) prior to the expiration of the period of employment whether it is proposing to exercise its discretion to offer re-appointment to the CEO; and~~

~~3.2.3 where the period of employment is one year or less, the period of months referred to in clause 3.2.1 shall be three and the period of months referred to in clause 3.2.2 shall be two months.~~

~~The Committee shall ensure a confidential, fair and respectful process is undertaken so that Council should make its decision on whether and on what terms to offer re-appointment only after reasonable time is provided for Councillors to be informed adequately on relevant matters and to allow an opportunity for the incumbent CEO to make a formal presentation to the Council and/or the Committee.~~

3.3.2 Recruitment of CEO

Where Council makes the decision to go to or test the market for a CEO

The Committee will establish and lead the process to recruit the CEO, designed to ensure that Council can select the best available candidate from a short list of preferred candidates (with or without a recommendation from the Committee).

The Committee shall, in accordance with Council's Procurement Policy and Procedures, seek and appoint an independent Executive Search Consultant/Provider to manage and conduct the process of selection of a suitable candidate(s) for Council's consideration for appointment to the position of CEO, and ensure professional care throughout the administration of the process.

If an Executive Search Consultant/Provider is engaged, the Committee, the Chair of the Committee or a member of Council staff nominated by the Committee, must liaise with the Executive Search Consultant/Provider in connection with the recruitment process.

The Committee shall, in conjunction with the Executive Search Consultant/Provider engaged, develop and agree upon:

- a search and selection process and timeframe
- setting the salary-Remuneration Package and conditions based on industry benchmarks
- key accountabilities
- Kkey Sselection Criteria

- candidate application material
- a candidate identification strategy
- methods of applicant evaluation – embracing diversity and gender equity principles and best practice processes to eliminate bias

When considering the recruitment of the position of CEO, the Committee shall, in conjunction with the Executive Search Consultant/Provider ~~Recruitment Provider~~:

- ensure that the recruitment decision is based on merit;
- support transparency in the recruitment process and the public advertising of the position; ~~and~~
- ensure that regard is had to gender equity, diversity and inclusiveness;~~;~~
- ensure that the CEO role is publicly advertised;
- oversee the development of the candidate pool by the Executive Search Consultant/Provider, providing feedback on the quality and diversity of candidates being identified;
- ~~r~~Review the Executive Search Consultant/Provider report on the final candidate pool and determine which candidates will be long-listed for consideration by the Consultant/Provider and/or the Committee~~;~~ ~~and~~
- ~~In consultation with the Executive Search Consultant,~~ prepare a report for Council on all applications received and recommend the candidates that should be short-listed for interview by the full Council. All Councillors will be provided with the opportunity to be part of the interview process.

The Executive Search Consultant/Provider will prepare, and provide to Council, a schedule of dates for key decisions to be made by Resolution throughout the recruitment process.

The Committee must provide a report and recommendation to Council so that each key decision identified in the schedule of dates for key decisions identified above can, if necessary, be made by Resolution of Council.

3.43.3 Appointment of CEO

The Council's role is to appoint the CEO, on the advice of the Committee.

Council will receive a report from the Committee on the completion of its role in the recruitment process, and Council will proceed to decide on a preferred candidate with the support of the Committee to negotiate and finalise the Contract of Employment.

Once the preferred candidate is determined by the full Council, with the support of the Executive Search Consultant/Provider, the Committee will provide a recommendation to Council on the provisions to be contained in the proposed Contract of Employment.

The appointment of the CEO must be made by a ~~R~~resolution ~~of the Council~~.

The Committee shall then:

- ensure, through the Executive Search Consultant/Provider, that all candidates are updated on the outcome of the recruitment and selection process; and

- develop and recommend to the Council an on-boarding program for the new CEO.

3.4 Reappointment of CEO

Any reappointment of the current CEO must be made by Resolution.

Council will, by resolution, determine whether reappointment of the incumbent CEO pursuant to section 44(3) of the Act is under consideration or whether Council will go to or test the market for a CEO.

Where the reappointment of the current CEO is under consideration:

3.4.1 subject to paragraph 3.4.3, at least nine months prior to the expiration of the period of employment, Council and the CEO will confer about whether the CEO shall be reappointed for a further period and, if so, on what terms;

3.4.2 subject to paragraph 3.4.3, Council must advise the CEO no later than six months (or such other period as they may agree in writing) prior to the expiration of the period of employment whether it is proposing to exercise its discretion to offer re-appointment to the CEO; and

3.4.3 where the Contract of Employment is 12 months or less, the period of months referred to in paragraph 3.4.1 shall be three months and the period of months referred to in paragraph 3.4.2 shall be two months.

The Committee shall ensure a confidential, fair and respectful process is undertaken so that Council should make its decision on whether and on what terms to offer reappointment only after reasonable time is provided for Councillors to be informed adequately on relevant matters and to allow an opportunity for the incumbent CEO to make a formal presentation to the Council and/or the Committee.

3.5 Contract of Employment

The Contract of Employment is to be read in conjunction with this Policy (but the terms of this Policy are not incorporated into the Contract of Employment).

The Contract of Employment will, at a minimum, outline the following:

- the employment term, which must not exceed 5 years in accordance with section 44(2) of the Act;
- the responsibilities and duties of the position, including compliance with the Act and the Code of Conduct for Council staff;
- how conflicts of interest will be managed;
- the CEO's Remuneration Package and other entitlements;
- ~~any~~ legislative and contractual obligations, including those during and continuing after appointment;
- the CEO's leave entitlements;
- ~~dispute resolution procedures;~~
- processes for managing unsatisfactory performance;

- processes for early termination, including notice of termination ~~(or payment in lieu)~~ provisions; ~~and~~
- any other matters required to be contained in the Contract of Employment by the Regulations.

The Contract of Employment may only be varied by ~~a Resolution with the CEO's acceptance, agreement between the Council and the CEO. A resolution of Council will be required,~~ with such variation to be recorded in a deed of variation.

3.6 Remuneration and Expenses

The Remuneration Package provided to the CEO will form part of the Committee's annual review, having regard to (in accordance with section 45(3) of the Act):

- any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent);¹ and
- any Public Sector Wages Determination.²

Remuneration will be reviewed on an annual financial year basis, in accordance with the CEO's Performance Plan and contractual requirements.

Council will meet expenses incurred by the CEO in relation to:

- membership and subscription fees payable to professional associations which are reasonably necessary in order to carry out duties;
- reasonable costs incurred where attending conferences, seminars or other networking functions; ~~and~~
- reasonable costs incurred in performance of required duties;~~;~~
- ~~p~~Professional development; ~~and~~
- ~~t~~Training and education.

3.7 Performance monitoring

Council will adopt an annual Performance Plan for the CEO, which will include KPIs. The Performance Plan must be developed ~~collaboratively between the CEO and by~~ the Committee ~~in consultation with the CEO and confirmed through a~~ accepted by a Resolution of Council.

To assist Council to fulfil its obligations in this respect, each year the Committee will develop a framework for Council's consideration through which the CEO's performance and

¹ Section 45(3)(a) of the Act requires Council to have regard to any statement of policy issued by Government of Victoria which is in force with respect to its wages policy (or equivalent). The current Victorian Government Wages Policy applies in the public sector ~~from 1 January 2022. See: <https://www.vic.gov.au/moving-new-wages-policy-2022>~~ until 31 December 2021. See: <https://www.vic.gov.au/wages-policy-and-enterprise-bargaining-framework>

² Section 45(3)(b) of the Act requires Council to have regard to the published remuneration bands for executives employed in public service bodies. See: <https://www.vic.gov.au/tribunals-determination-vps-executive-remuneration-bands>

Remuneration Package will be reviewed. As a minimum, the framework will provide for the following:

- in consultation with the CEO, identify and agree on performance criteria that will be used to measure the CEO's performance for the next 12-month financial year period;
- in consultation with the CEO, determine a personal and professional development plan (if required) for the CEO for the next 12-month financial year period;
- review of the CEO's performance against the performance criteria;
- review of the CEO's Remuneration Package as a component of the annual review, having regard to paragraph 3.6 above, for expert advice on remuneration benchmarks from a recognised recruitment consultant and the provisions of the CEO's Contract of Employment contract;
- an annual report (see paragraph 3.8 below referring to the Annual Review Report) to Council on the CEO's performance review to determine outcomes of the review process in relation to:
 - the CEO's performance against the performance criteria;
 - the performance criteria for the next 12-month financial year review period; and
 - whether the Remuneration Package should be varied.

The framework will also observe the following principles:

- the CEO is aware of the performance review process to be undertaken;
- the CEO has an opportunity to submit a self-assessment performance report and to present that report to both the Committee and the full Councillor group;
- all Councillors are invited to provide feedback to the Committee in respect of the CEO's performance as measured against the performance criteria approved by Council;
- the CEO is provided with timely feedback on the outcomes of the Committee's review of his/her performance.

The CEO is to provide progress reports against the Performance Plan to the Committee on a quarterly basis.

The Committee may meet with the CEO following each progress report to discuss the matters contained in the progress report.

Following the initial 4 to 6 months of the CEO's term, a workshop with Councillors and the CEO should be coordinated/arranged so that:

- the CEO can prepare and present an overview of their views formed since their appointment on any related matters/findings during the early months, and highlight any projections or forecasts of relevance to Council during their tenure;

- Councillors can provide feedback to the CEO on their perspective of the CEO's performance during the initial period of the CEO's employment; and
- Council and the CEO can agree to consider projects and priorities for inclusion in the CEO's Performance Plan and KPIs.

Nothing in this Policy prevents the Committee and/or Council from monitoring the CEO's performance on an ongoing basis.

3.8 Annual review

In preparation for Council's review, the Committee is required to submit an annual review report (**Annual Review Report**) to Council which includes recommendations on the following:

- whether, and to what extent, the CEO has met the KPIs under the Performance Plan;
- whether, and to what extent or in what respect, any KPIs or other criteria ought to be varied under the Performance Plan;
- whether, and to what extent, the Remuneration Package ought to be varied; and
- any other necessary matters.

The Committee will submit the Annual Review Report to Council only after meeting with the CEO to discuss the Committee's proposed recommendations.

The CEO may request the opportunity to address Council as part of this process.

Council shall, after receipt of the Annual Review Report, review the recommendations in the Annual Review Report, resolve upon the matters described in paragraph 3.8 above and advise the CEO of the terms or effect of the Rresolution.

3.9 Acting CEO

Council must appoint an Acting CEO when there is a vacancy in the office of the CEO or the CEO is unable to perform their duties of the office of Chief Executive Officer under the Contract of Employment for a period exceeding 28 calendar days.

The appointment of the Acting CEO must be made by a Rresolution of Council unless the Acting CEO is appointed for a period not exceeding 28 calendar days, in which case the CEO may appoint an Acting CEO under delegation from Council pursuant to section 11(3) of the Act.

Where applicable, tThe Committee may advise Council on the selection and appointment of an Acting CEO.

3.10 Independent advice

The Independent Member is responsible for providing independent professional advice in relation to the matters dealt with under this Policy in accordance with section 45(2)(a) of the Act.

The Independent Member will be appointed on the recommendation of the Committee following a process to seek experienced and suitably qualified persons but must not be the Executive Search Consultant/Provider appointed by Council to assist in the recruitment process.

The term of appointment will be two years, with the option of a further two, one-year terms or one, two-year term extension at the discretion of the Council.

Duties of the Independent Member include:

- aActively participate in the Committee's annual review of the ~~Chief Executive Officer~~CEO's performance and development of a draft performance plan for the next 12-month period for consideration by Council; ~~and~~.
- pProvide advice and guidance to the Committee on any matter pertaining to the ~~Chief Executive Officer~~CEO's employment with Council.

The role of Independent Member will be remunerated as follows:

- (1) aA sitting fee per meeting, together with reimbursement of travel costs (where applicable) in line with the ATO amount, will be paid to the independent member. The fee to be paid has regard for the specific roles and responsibilities of the Independent Member as set out in this policy; ~~t~~.
- (2) ~~t~~The fee will be paid to the Independent Member immediately following his/her attendance at each of the four scheduled committee meetings; and
- (3) an additional fee will be paid to the Independent Member for every meeting of the Committee attended over and above the four meetings required each year.

Council will ensure that it is a term of the Independent Member's engagement that the Independent Member keep confidential all information which the Independent Member acquires by virtue of the engagement.

Council, or the Committee with the approval ~~of~~ by ~~R~~resolution, can, on an as needed basis, obtain additional independent professional advice in relation to the matters dealt with under this Policy.

3.11 Dispute resolution

In relation to any matter under this Policy or the CEO's Contract of Employment that may be in dispute, either the CEO or Council may:

- give written notice to each other of the particulars of any matter in dispute, and
- within 14 days of receiving a notice specified above, a meeting will be convened between the Committee and the CEO in an attempt to resolve the dispute.

The independent member of the Committee will be responsible to organise the meeting between the Committee and the CEO and will also act as the chairperson of the convened meeting.

If the dispute is not resolved, Council (in consultation with the CEO and on the recommendation of the Committee) will either, within 14 days:

- refer the dispute to an independent mediator (as agreed by the CEO and Committee, or if they cannot agree a mediator appointed by the Executive Director of Local Government Victoria) and the Committee agree to participate in any mediation process in good faith with the Mayor and other Committee members as required in attendance on behalf of Council; or
- nominate one or more external persons for the purpose of conducting further investigation and discussion and making a recommendation to Council (in consultation with the CEO). Persons nominated for this purpose will have had no prior involvement in the dispute.

The independent member of the Committee will facilitate the dispute resolution process on behalf of the Committee.

The cost of any mediation or investigation will be met by Council.

Having regard to any proposed outcome from any mediation or the recommendation made in accordance with the above paragraphs, Council will make a final decision regarding the dispute which shall be binding on the parties.

During this process, no party shall be prejudiced as to the final resolution of the dispute. The parties will co-operate to ensure that the steps required to reach a resolution are carried out as expeditiously as possible for the benefit of all concerned.

Council and/or the CEO may nominate a representative (including a legal representative) to assist it and/or the CEO in this process. The CEO and/or Council will each be responsible for meeting the cost of any nominated representative used by them or it.

Neither the Committee nor the Mayor can make any binding decision under any dispute resolution process, without a Council Resolution.

3.113.12 Administrative Support

Council acknowledges that, in implementing this Policy, it, the Committee and/or the Independent Member will from time to time require the assistance of members of staff, including assistance in relation to governance and human resources matters, and (where relevant) procurement and contract management.

Council, the Committee and/or the Independent Member may from time to time request a member of staff to provide assistance in implementing this Policy, recognising that the position of the member of staff is made difficult because they are accountable to the CEO (or a person acting as CEO) and therefore requests for assistance need to be limited to no more than those which are reasonably necessary.

3.123.13 Interaction with Act and Regulations

This Policy applies subject to any inconsistent obligations in the Act or the Regulations.

3.143.14 Confidential Information

Council is not required to disclose any **confidential information** including personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Confidential information has the meaning as provided in the Definitions section of this policy.

3.143.15 Delegations

Council must not delegate the power to appoint the CEO, whether on a permanent or acting basis, however, it may delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days (sections 11(2)(d) and 11(3) of the Act).

Council must not delegate the power to make any decision in relation to the employment, dismissal or removal of the CEO (section 11(2)(e) of the Act).

3.153.16 Review of Policy

This Policy will be reviewed within 12 months of its adoption by Council.

This Policy will thereafter be reviewed at least every 2 years by the Committee and within 6 months of each Council election, and the Committee will make a recommendation to Council with respect to any suggested changes.

4 Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities
-----------------	----------------------------

Chief Executive Officer	Responsible for ensuring the Committee is provided with: <ul style="list-style-type: none"> information and any necessary training for Committee members in relation to their responsibilities under the <u>Act</u> Local Government Act 2020 and this Policy; independent advice in respect of matters before the CEO Employment and Remuneration Committee; and <u>A</u>administration and logistical support.
General Manager Business Excellence	Responsible for ensuring compliance with the requirements of this <u>p</u> Policy. Required to review and update the <u>p</u> Policy as required through the passing of time, changing circumstances or amendments to the Act or its successor legislation.
Manager People <u>and</u> <u>Capability, Performance and Culture</u>	Assist the Committee to discharge its responsibilities, as set out in this <u>P</u> policy.

5 References and Supporting Documents

~~Chief Executive Officer~~CEO's ~~employment c~~Contract of Employment
East Gippsland Shire Council Procurement Policy
~~Local Government Act 2020~~The Act and any successor Act
Victorian Government Public Entity Executive Remuneration Policy

6 Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council in connection with any matter pertaining to the ~~Chief Executive Officer~~CEO's employment will be handled in accordance with all applicable privacy legislation and will be used only to assist Council to manage the recruitment, performance management and remuneration of the ~~Chief Executive Officer~~CEO.

The policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

7 Definitions

In this Policy, unless the context suggests otherwise, the following words and phrases mean:

Term	Meaning / Responsibility
Act	<u>Local Government Act 2020</u> .

Annual Review Report	Has the meaning given clause <u>34.8.</u>
Chief Executive Officer or CEO	Person appointed Chief Executive Officer of East Gippsland Shire Council.
Committee	The Chief Executive Officer Employment and Remuneration Committee established under this Policy.
Confidential Information	Confidential information has the meaning as provided by the <i>Local Government Act 2020</i> (<u>s</u> Section 3(1) confidential information (a), (f) and (h) and at <u>s</u> Section 66(2)(a) and <u>s</u> Section 66(5)).
Contract of Employment	The contract of employment between Council and the CEO, including any schedules.
Council	East Gippsland Shire Council.
Councillors	The individual holding the office of a member of East Gippsland Shire Council.
Council meeting	Has the same meaning as in the Act.
Executive Search Consultant/Provider	An <u>independent</u> consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles.
Independent member	The consultant appointed by Council from time to time to provide independent advice in accordance with section 45(2)(a) of the Act.
KPIs	<u>Key Performance Indicators or performance criteria however described.</u>
Mayor	A Councillor elected by Council to perform the role of Mayor as defined in the Act.
Performance Plan	The annual performance plan setting out KPIs for the CEO.
Policy	This Chief Executive Officer Employment and Remuneration Policy adopted in accordance with section 45 of the Act.
Public Sector Wages Determination	Any Determination that is currently in effect under section 21 of the <i>Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019</i> in relation to remuneration bands for executives employed in public service bodies.
Recruitment Policy	The Recruitment Policy adopted by the CEO under section <u>489</u> (2) of the Act.
Regulations	The Regulations made under Division 7 of Part 2 of the Act.
Remuneration Package	The total gross remuneration package paid to the CEO pursuant to the Contract of Employment.
Resolution	A resolution of Council made at a properly constituted Council meeting.

8 Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
DRAFT		July 2019	Director Corporate		
Final Draft		August 2019	Committee		Minor changes as per Committee discussion for finalisation and presentation to Council
1	Approved	10/09/2019	Council	8217685	
2	Approved	20/10/2020	GM Business Excellence	8706359	Administrative change 'Immediate Past Mayor' to 'Deputy Mayor',
3	Approved	16/11/2021	Council	9270651	Updated to reflect changes from <i>Local Government Act</i> 1989 to <i>Local Government Act</i> 2020 and insertion of the appropriate clauses
<u>4</u>					<u>Updated to incorporate best practice recommendations</u>

5.2.5 Nomination Municipal Association of Victoria Substitute Representative and Draft Motion

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The purpose of this report is to seek Council's endorsement for a substitute representative to attend the Municipal Association of Victoria (MAV) State Council meeting scheduled to be held on Friday 14 October 2022 and to consider a draft submission for a motion to the same meeting.

Council's appointed representative, Councillor Mark Reeves is unable to attend the meeting and Council has not previously appointed a substitute representative.

The MAV Rules of the Association, Part 2 – Membership and Membership participation, stipulates that if the appointed representative is not attending the State Council meeting, a substitute representative must be formally appointed by a resolution of Council. The substitute would then be able to vote on all motions presented at the meeting. A copy of the MAV Rules of the Association is available via this [Link](#).

Draft motions for consideration at the MAV State Council Meeting are to be submitted by Friday, 16 September 2022. Council has the opportunity to amend the draft motions and advise they are supported by a resolution until 23 September 2022. Therefore, Council is presented with a draft motion titled to '*establish a state-wide program for invasive species control, especially in periods of regrowth following natural disasters.*' The full draft motion is at **Attachment 1** for consideration.

Recommendation

That Council:

- 1. receives and notes this report;***
- 2. appoints Councillor Trevor Stow as the substitute Municipal Association of Victoria representative for the Municipal Association of Victoria State Council 14 October 2022 meeting;***
- 3. authorises the Chief Executive Officer or delegate to lodge the appropriate form with the Municipal Association of Victoria notifying of Council's substitute representative;***
- 4. endorses the draft MAV motion to establish a state-wide ongoing program that funds and supports Local Governments to combat invasive species as per Attachment 1; and***
- 5. authorise the Chief Executive Officer to submit the endorsed motion to MAV.***

Background

The MAV State Council meeting is scheduled to be held on Friday 14 October 2022. The MAV has advised that if the appointed representative is not attending the meeting, and a substitute representative has not previously been resolved, a Council resolution is required to enable attendance and participation on behalf of Council.

The substitute representative would then be able to vote on all the motions presented at the State Council meeting.

In considering potential motions, Councils are asked to keep in mind the parameters within which the MAV requires motions for the State Council Meeting to be framed. In submitting a motion Councils need to identify if the motion is supported by a Council resolution and whether the subject matter of the motion:

1. has state-wide significance to the sector;
2. relates to one of the sector's priority issues in the MAV [MAV Strategy 2021-25](#) which are:
 - Economically sound councils
 - Healthy, diverse and thriving communities
 - Well-planned, connected and resilient built environment
 - Changing climate and circular economy
 - Sector capability and good governance
 - Effective and responsive MAV; and
3. is identical or substantially similar to a motion submitted to State Council in June 2022, May 2021, October 2019, May 2019 or October 2018.

The [MAV Strategy 2021-25](#) also identifies eight MAV member priorities:

1. Financial sustainability;
2. COVID-19 relief and recovery;
3. Health and well-being;
4. Waste and resource recovery;
5. Transport and infrastructure;
6. Planning and building;
7. Business and digital transformation; and
8. Climate impacts and emergency management.

Council has identified a draft motion for submission to the MAV State Council meeting on 14 October 2022 that relates to the:

- MAV Strategy 2021-25 sector priority issue: *Healthy, diverse and thriving communities; and*
- MAV Strategic MAV member priority: *Climate impacts and emergency management.*

It focuses on advocating for the establishment of a state-wide program for invasive species control, especially in periods of regrowth following natural disasters.

This draft motion is thematically aligned to several successful motions from the 24 June 2022 MAV State Council:

Weed and pest management (refer to page 11 of the [State Council Resolutions](#))

Resolution

That the MAV calls on the Victorian Government to:

- 1. acknowledge and address the significant weed infestations on Crown land and land under the control of various Government agencies and Departments***
- 2. increase funding support for enforcement of declared noxious weeds by Agriculture Victoria and for the delivery of Pest and Weed mitigation and management programs, including strategic research and programs that help farmers manage weeds and pests on their properties.***

This involved the consolidation of the following motions:

- Enforcement of Declared Noxious Weeds by Agriculture Victoria - Mitchell Shire Council
- Weed and pest management - South Gippsland Shire Council

It is also aligned to our own motion:

Develop strategic partnerships – natural resource management (refer to page 18 of the [State Council Resolutions](#))

Resolution

That the MAV advocate for agency and stakeholder collaboration to support the management of natural resources in coastal and mountain areas across the State through developing and implementing a multi-disciplinary approach for natural resource management policy.

This motion notes that ‘Local governments play a pivotal role in advocating for the protection of the environment for future generations. A Multi-disciplinary Approach to the natural resource management Policy would enable MAV to further the goals of local government across Victoria, by advocating with State and Federal governments for greater involvement of communities in the mammoth task of forest and coastal management, feral pest and animal husbandry, weed management and fire mitigation, among other management issues.’

While the draft motion for the 14 October 2022 is related, it focuses on the funding and specific treatment and prevention of pests in the aftermath of natural disasters.

There are some funding sources available in this area, such as:

- A range of weed and pest programs on public land such as the Good Neighbour Program and the Southern Ark;
- funding to Councils to contribute to manage pests on roadsides; and
- funding to community groups such as Landcare which undertake work including weeds on both public and private land.

However, this draft motion focuses on increasing funding over the long term, targeting particularly vulnerable areas such as those impacted by fires and floods.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with the overarching governance principles in section 9 of the *Local Government Act 2020*.

The *Municipal Association Act 1907* provides for the operation of the MAV.

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

The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

Collaborative procurement

This report does not involve procurement.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.2 Strong relationships with government, partners and stakeholders are maintained and strengthened to advocate for the community.

Council Policy

There are no Council Policy implications associated with this report.

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.

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.

Gender Impact Statement

This report has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian *Gender Equality Act 2020*.

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

The requirement to formally appoint a substitute representative for the MAV has been communicated to Councillors.

Attachments

1. Draft MAV motion Oct 2022 Meeting final draft [**5.2.5.1** - 1 page]

**East Gippsland Shire Council
Draft Motion for MAV State Council Meeting
14 October 2022**

Councillor Name: Cr Crook

Name of Motion: Establish a state-wide program for invasive species control, especially in periods of regrowth following natural disasters.

Motion: That the MAV calls on the Victorian Government to establish a state-wide ongoing program that funds and supports Local Governments to combat invasive species.

Rationale: Since the natural disasters such as fires and floods in recent years, Councils have witnessed exponential growth in the invasive flora and fauna (including insects) on public and private land. This hampers recovery and reduces agricultural productivity.

Councils are public land managers and custodians of many areas of native vegetation, which often contain species of state and federal environmental significance. It is considered critical in caring for these natural values that these same areas are prevented from becoming reservoirs for pest species which invade private land, impacting agricultural productivity and regional economic development.

Rural councils recovering from bushfire disasters and floods would benefit from additional funding and a state-wide ongoing program to manage these threats, to ensure agricultural productivity and matters of conservation significance can recover and thrive to the greatest extent possible.

State-wide significance: Yes

Relevance to [MAV Strategy 2021-25](#) priorities themes (nominate relevant priority):

MAV Strategy Plan 2021-25 priority issues	Develop strategic partnerships
Economically sound councils	
Healthy, diverse and thriving communities	✓
Well-planned, connected and resilient built environment	
Changing climate and circular economy	
Sector capability and good governance	
Effective and responsive MAV	

Objective: Work with State Government to support the removal of invasive flora, fauna and insects.

5.3 Place and Community

5.3.1 Planning Permit Application 508/2021/P - Multi-Lot Subdivision, Roadworks and Removal of Native Vegetation - 7 Christmas Street, Metung

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

The planning permit application currently before Council seeks a permit for a Multi-lot Subdivision, Building and Works (Roadworks), Native Vegetation Removal and Variation to Easement, located at 7 Christmas Street & 10 Bossie Court, Metung. Based on the consistency demonstrated in the application with Policy and planning scheme provisions, it is recommended that a Notice of Decision to grant a planning permit is issued, subject to the conditions outlined at **Attachment 1**.

The subject land is located on the northern side of Christmas Street with an approximate land area of 1.2223 Hectares. A link to the original and amended copy of the plans, supporting documents and submission submitted with the application and amended application can be found **Attachment 2**.

Public notice occurred twice, and Council has received 11 objections and 2 additional with the subsequent advertising. The objections are provided at **Attachment 3**.

A Planning Consultation Meeting (PCM) was held on 24 January 2022, following the first round of notification, with multiple objectors presenting their concerns to Council. Minutes of that meeting are provided at **Attachment 4**.

Following the PCM, the applicant amended the application to modify the road in order to save two of the four trees proposed to be removed. A condition requiring amended plans to demonstrate protection of the trees is included in the recommended conditions.

Referral authority submissions are provided at **Attachment 5**, and in general there is conditional consent for the grant of the planning permit. East Gippsland Catchment Management Authority raised concerns regarding the proposed drainage system shown in the lodged documents. Conditions are proposed requiring detailed design and discussion of the best solution to drainage for the site and downstream.

A detailed assessment of the proposal is provided at **Attachment 6**. On balance, the application is considered to be consistent with the purpose and objectives of the various planning scheme controls which apply to the site and is considered consistent with the direction provided for the land in the Council adopted Urban Design Framework for Metung (Meinhardt Infrastructure and Environment, March 2007).

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and**
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that planning application 508/2021/P is consistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Grant a Planning Permit for the multi lot subdivision, roadworks, removal of native vegetation and variation to easement, at 7 Christmas Street and 10 Bossie Court, Metung subject to the permit conditions at Attachment 1.**

Background

Site Analysis

The estate includes a variety of lot sizes and differing lot shapes. The northern, eastern and southern properties in the immediate vicinity of the subject land are developed with a variety of dwellings and lot sizes and are in the General Residential Zone, Schedule 1. To the west is a large, vegetated parcel held by the Department of Environment Land Water & Planning, which is in the Public Parks and Recreation Zone (PPRZ).

Access to the subject land is gained from Christmas Street and the land has a slope downwards to the eastern edge of the property. There are large native trees present on the land, centrally located. The north side of Christmas Street has a steep embankment up to the property level over the western half of the frontage, and a downward embankment on the eastern half. Central to the frontage is a more level area. The verge includes a range of planted and remnant vegetation. Only planted vegetation is proposed to be removed to provide access via a new road.

The precinct has a full range of reticulated services including power, water, sewer and telecommunications. Reticulated gas supply is not available in Metung.

The land is located within the General Residential Zone and is subject to the Design and Development Overlay (Schedule 11), and Vegetation Protection Overlay Schedule 3 (VPO3), Erosion Management Overlay (EMO). The site is partly within a declared bushfire prone area. The site in locality context is identified in **Figure 1**.

The land has been subject to at least two previous subdivision proposals, with access proposed directly from Christmas Street. This previous arrangement would have necessitated additional vegetation removal and would have further degraded the roadside and current character of the street.

Proposal Details/Discussion

The application (**Attachment 2**) currently before Council seeks approval for:

- Multi-lot Subdivision (10 Lots) of 7 Christmas Street with lots ranges in size from 739 sqm to 1,200 sqm. (**Figure 2**);
- Roadworks would be direct access from Christmas Street and end in a temporary court bowl on property to the north (10 Bossie Court). The court bowl is an interim arrangement for a turning area; and
- Removal of Native Vegetation would include removal of 2 large remnant trees in the middle of the property to make way for the road and servicing works. A patch of native vegetation (groundcover) is also considered and proposed to be offset (**Figure 3**). The application was amended to protect two other trees, as the original application considered the removal of four large trees.



Figure 1: Site and Locality Plan



Figure 2 – Amended proposed subdivision layout

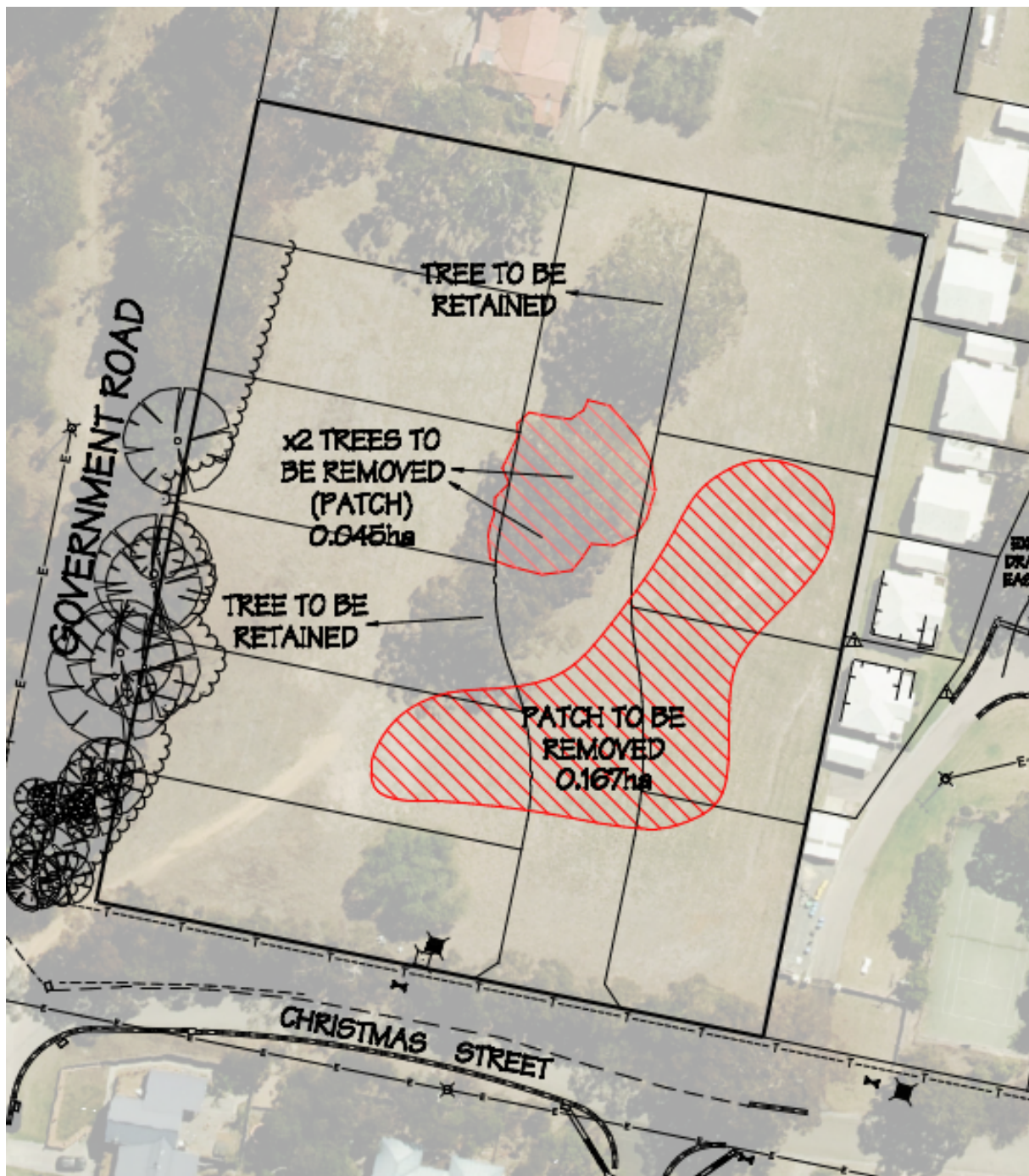


Figure 3: Amended vegetation to be removed (and retained)

Current Status/Issues

The application was amended, and further notice of the proposal was given. An additional two objections from the original 11 (**Attachment 3**) have been made as a result of the further notice. As a PCM was held (Minutes - **Attachment 4**), the matter is being presented to Council for determination.

During final detailed review of the application for this report, Officers identified the need to include 10 Bossie Court in the proposal, noting the land would not be subdivided, but would include the temporary court bowl. Conditions for management of the area are required, so the land must be included in the permit. The relevant permit is for roadworks, which under the Erosion Management Overlay are exempt from notice and review. This amendment was not advertised as a result.

Officers, having considered the Scheme and Objections, and all other relevant matters, present a recommendation for approval.

Legislation

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

In preparing this report the Victorian *Gender Equality Act* 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the Gender Equality Act. The need for a Gender Impact Assessment has also been assessed and is not considered required as not required by the *Planning and Environment Act* 1987.

Planning and Environment Act 1987 and the East Gippsland Planning Scheme

The application is made and assessed under the *Planning and Environment Act* 1987 and associated regulations. Policy and controls applicable are established under the East Gippsland Planning Scheme.

Planning policy relating to the proposal generally seeks to:

- direct development to appropriately zoned and serviced land;
- protect residential amenity;
- respect neighbourhood character;
- protect environmental features of significance; and
- ensure that human life and property is not placed at an unacceptable level of risk.

The key aspect of decision making in relation to this matter will be to ensure that the application has appropriately addressed all the purposes and objectives of the Zone, Overlays and Particular Provisions relating to the subject site and immediate surrounds. A full assessment against the relevant purposes and objectives of the Scheme is made and provided at **Attachment 6**. The relevant policy, standards, and decision guidelines are summarised below.

Planning Scheme Controls and decision criteria

The following is a summary of the controls applicable to the assessment. Further detail of the considerations for each control is at **Attachment 6**.

Scheme Part	Detail	Relevance
Zone	General Residential Zone (Schedule 1)	A permit is required to subdivide land.
Overlays	Design and Development Overlay (Schedule 11)	A permit is required to subdivide land.
	Erosion Management Overlay (EMO)	A permit is required to subdivide land. A permit is required to remove, destroy or lop any vegetation. A permit is required to carry out roadworks.
	Design and Development Overlay Schedule 11 (DDO11)	A permit is required to subdivide land.
Particular Provisions	Native Vegetation	A permit is required to remove, destroy or lop native vegetation, including dead native vegetation
	Variation of an easement	A permit is required to create, vary or remove an easement
	Public Open Space Contribution	Section 18(5) of the Subdivision Act, a 5% Public Open Space Contribution is required

Notice of Proposal

Public notification was undertaken twice in the form of letters to adjoining landowners and occupiers and a sign on site was erected (Christmas Street), in accordance with Section 52 of the Planning and Environment Act 1987 and the instructions issued by Council.

Thirteen (13) Objectors, some with multiple submissions, have registered concerns with the proposal. A table outlining the objections are at **Attachment 3**.

Responses to objections

Scale and design, number of lots, visual amenity and design control

The application has been made to be consistent with the General Residential Zone subdivision requirements. Specifically, the road network, street design and access to services. Proposed lot density and average size is also consistent with the area. This subdivision is a reasonable expectation given the zone which currently applies to the land.

The Design and Development Overlay Schedule 11 (DDO11) applies to the land. A permit is currently required under this control under the following circumstances:

- A building (dwelling and associated outbuildings) has a footprint exceeding 300 square metres; or
- A building has a height of 7.5 metres or greater from the natural (predevelopment) ground level within the building footprint; or
- The slope of the land where works are to be carried out is greater than 15 per cent.

The DDO11 can consider the visual impact of individual dwellings, however the proposed subdivision design is generally consistent with the objectives of the overlay. The developer may provide for further restrictions on title.

Amenity impacts – traffic (generation and safety), noise, and light pollution

The application is supported by current planning scheme requirements and Council policy for the street network and lighting requirements (design width, function, capacity).

The new road intersection is offset from Travers Court to protect a significant tree within the road reserve and provide the best alignment for future allotments. The anticipated traffic movements created from 10 dwellings will not cause an unreasonable increased demand on the existing road networks. There will be changes and increased queues not currently experienced in general, however the anticipated volumes will not create significant disruptions to traffic flow.

Intersection upgrades will not be required, as past subdivisions were designed to accommodate the additional demand generated. Impacts from construction of the subdivision and eventual individual dwellings, will be limited to a 5-10 year period, depending on market conditions and demand for new housing. Minor disruption due to construction impacts is a normal consequence of development.

The subdivision works will be subject to a construction management plan, which deals with dust suppression, stockpiling of soil, and cleaning vehicles prior to use of the road network. Regular inspections are conducted by Council's roads supervisors and technical Officers.

Vegetation loss issues

The four trees that were proposed to be removed have been reduced to the removal of only two trees and the road alignment has been altered to provide the protection of the two trees to be saved.

Standard construction management near the trees to be saved is required. This change by the applicant to minimise the loss of vegetation in this area is considered satisfactory. Vegetation removal proposed in Christmas Street is planted and does not trigger a planning permit for its removal.

The proposal will provide for biodiversity offsets and conditions require street tree planting to each lot. These street trees take time to establish but will contribute to a net increase in vegetation on the land, coupled with individual garden planting to each lot.

Infill residential subdivision

Ultimately, the proposal is an infill residential subdivision, and is no different than the existing residential areas existing on three sides. Whether or not land is or is not to be developed must be informed with consideration of advice and review of the relevant planning controls, including any strategic plans for an area. A prospective purchaser of land should consider speaking with Council to understand the likelihood of development. A timeframe cannot always be provided, but the controls and policy that apply can be explained.

Drainage

Internal review of the application was undertaken by the Senior Technical Officer – Development. Concerns have been raised in relation to the proposed drainage solution from an ongoing maintenance perspective, which can be resolved through the detailed drainage design process. Consultation has also occurred with the applicant, and they have supplied a draft drainage management plan subject to review of the detailed design.

Aboriginal Cultural Heritage

Pursuant to the *Aboriginal Heritage Regulations* 2018, a Cultural Heritage Management Plan (CHMP) was not required as the subject site is not mapped as being part of an area of cultural sensitivity. It is noted that the proposal is a high impact activity.

The *Regulations* provide the formal mechanism for review of development proposals by the area's First Nations people. Regardless of whether a CHMP is required or not, in the process of development if artefacts or suspected artefacts are discovered, then work must cease until an investigation is undertaken with supervision from the Registered Aboriginal Party.

Collaborative procurement

Not Applicable

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.1 Statutory and strategic planning for land use delivers sustainable outcomes that balance the need for growth with the enhancement of our lifestyle, character, the built and natural environment.

Council Policy

In accordance with Council's Planning Permit Application Delegations Policy (April 2018), the application requires consideration by Council as more than ten (10) objections were received during public notice, as set out in Section 8.5 of the Policy.

Options

As objections have been submitted and following the PCM, the matter must be determined by Council. It is recommended to Council to decide on a Notice of Decision to Grant a Planning Permit in matter 508/2021/P. This considers all the relevant planning merits of the proposal, and also includes analysis of the economic benefit of the proposal for the locality, municipality and region.

The officer recommendation is made in consideration of the response prepared by the applicant following the PCM. Council may disagree suggest further modifications or amendments to the plans within reason and on planning grounds. There are no further options to consider, except to note to Councillors that the recommendation, if not supported, would require preparation of grounds of refusal.

Resourcing

Financial

The assessment has been undertaken utilising existing operational budget and is supported by statutory application fees for consideration.

Plant and equipment

Assessment of the application is a part of existing operational budget.

Human Resources

The application is assessed by existing funded Officers.

Risk

The risks of this proposal have been considered and are assessed as being low.

Economic

The proposal will create an additional 10 lots within an existing residential area. The lots will be provided with services including water, electricity, and sewerage. The lots represent potential diversity in the market, especially within the Metung settlement.

Implementation of the subdivision will require contracted labour. New property sales will contribute to the real estate and associated property industries. 10 new dwellings are a likely outcome, supporting the building industry for the next 5-10 years based on the current demand.

Social

Gender Impact Statement

Considerations of Gender Equality in Planning are made in relation to planning strategy, including planning scheme amendments and policy changes. Individual assessment of planning applications tends to be gender neutral. However, Council Officers consider factors such as community safety, privacy, and accessibility in an integrated and multi-faceted decision-making process.

In particular in relation to this application, Officers note the proposed lot size diversity can accommodate a range of future dwelling sizes, which could accommodate a range of dwelling types suitable for diverse family arrangements.

Environmental

The proposed recommendation takes into consideration the environmental factors raised by objectors including the relating to stormwater management concerns and tree removal, and the result will allow for increased environmental protection and improvement.

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; and

Land Use Planning: Consideration is given to climate change in the local land use planning and includes responses to direct and indirect impacts.

Engagement

Engagement activity is outlined in relevant sections of Legislation in accordance with Sections 52 and 55 of the *Planning and Environment Act 1987*. A copy of referral authority responses is provided at **Attachment 5**.

Attachments

1. Conditions [5.3.1.1 - 9 pages]
2. Advertised Plans [5.3.1.2 - 1 page]
3. Objectors [5.3.1.3 - 14 pages]
4. Planning Consultation Meeting Attachment [5.3.1.4 - 4 pages]
5. Referrals [5.3.1.5 - 11 pages]
6. Detail assessment vRP 24 08 22 [5.3.1.6 - 10 pages]

508/2021/P - 7 Christmas Street & 10 Bossie Court METUNG
 Lot 1 TP 606497, Lot 1 TP 828384, Lot 2 PS 509109 - Multi-Lot
 Subdivision, Roadworks and Removal of Native Vegetation and
 Easement

PROPOSED CONDITIONS

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:
 - a) The temporary courtbowl area;
 - b) Location of a single crossover to each lots 1, 3, 7, and 10;
 - c) A tree protection zone for the 2 trees retained to be shown on amended plans, as established by condition 4; and
 - d) Proposed realignment of water easement – located to the road.
2. The subdivision, roadworks and native vegetation removal as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Vegetation Removal

Protection of vegetation to be retained

3. Before works start, a plan to the satisfaction of the Responsible Authority identifying all native vegetation to be retained and describing the measures to be used to protect the identified vegetation during construction, must be prepared and submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.

Notification of permit conditions

4. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
5. During construction activity, the tree protection zone must be marked as an exclusion zone with posts and flag line to exclude vehicles. Except as authorised under recommendations, in the endorsed tree protection zone plan, no construction work may occur in the tree protection zone.

Offset Requirement

6. To offset the removal of 0.212 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

General offset

A general offset of 0.045 general habitat units:

- i) located within the East Gippsland Catchment Management boundary or East Gippsland municipal area
- ii) with a minimum strategic biodiversity value of at least 0.208.

The offset(s) secured must provide protection of at least two (2) large trees.

Offset evidence and timing

7. Before any native vegetation is removed evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

At the conclusion of the project, offset requirements can be reconciled with agreement by the Responsible Authority and Department of Environment, Land, Water and Planning.

8. No roadside vegetation is to be removed, lopped or cleared under this planning permit without the approval of the Responsible Authority.
9. No additional vegetation is to be removed, lopped or cleared apart from that identified on the approved and endorsed plans.

Street Landscaping

10. Before the issue of statement of compliance, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale. The plans must show:
 - a) A schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, mature size and total quantities of each plant.
 - b) Pot sizes and specific location of the plants to be planted.
 - c) Street tree planting at a minimum rate of one tree per lot, with appropriate asset protection barrier design.
 - d) The proposed design features such as paths, paving, lawn, finished surfaces and outdoor lighting

Landscaping in accordance with this approved plan and schedule must be completed before the issue of statement of compliance.

Drainage Management

11. Before any works associated with the subdivision start, a detailed drainage management plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will then form part of the permit. The design and documentation for the drainage works must be prepared in accordance with standard engineering practice to provide for the collection, control and disposal of all stormwater runoff, and show:
 - a) Drainage infrastructure (where required and as appropriate to the site), including swale drains and culverts, piping/drains and pits.

- b) Any modification to the terrain, such as filling and excavation or for example a spoon drain to direct the water away from downhill properties.
- c) Easements and legal points of discharge.
- d) Methods of on-site detention, including the provision of rainwater tanks, detention basins and gross pollutant traps.

All drainage works and requirements must be undertaken and completed to the satisfaction of the Responsible Authority.

12. Before the issue of Statement of Compliance each lot as shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.

Legal Agreement

13. If a drainage management plan prepared for the subdivision requires the provision of on-site stormwater detention in the form of a rainwater tank, then before the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning & Environment Act 1987, which will provide that:
 - a) Any dwelling on each lot must include a rainwater tank having a minimum storage capacity as specified in the drainage management plan; and
 - a) The rainwater tank must collect rainwater runoff from the roof of the dwelling; and
 - b) The rainwater tank must be used as the primary water source for flushing of toilets, laundry services and also include an external tap for garden irrigation.

This agreement must be prepared by the owner. The cost of the preparation, review and recording on the title of the agreement in accordance with Section 181 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority must be borne by the owner of the land.

Works and services

14. Before the commencement of works, a road construction plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must show:
 - a) Asphalt pavement for the new road, with a minimum trafficable width of 7.3m invert to invert with semi-mountable kerb and channel on both sides of the road.
 - b) Verge areas with a width sufficient for the construction of drainage infrastructure and for pedestrian access.
 - c) Concrete footpath a minimum of 1.5 metres width on one side of the road.
 - d) A 10m radius, temporary gravel court bowl connecting to the current, subdivision, must be installed and maintained in Lot 2/ PS 509109.
 - e) Street lighting (using LED technology).
 - f) Statutory signage and traffic control devices and line marking as/if required.
 - g) Construction of a single residential standard crossover to lots 1, 3, 7 and 10.

The documentation for the road works must include provision for maintenance and repair of damage to any existing road and drainage infrastructure.

The works must be subject to a twelve-month defects liability period.

All works and requirements must be undertaken and completed to the satisfaction of the Responsible Authority.

15. Before any works associated with the subdivision start, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
 - Location of any temporary construction works office and machinery storage area;
 - The construction works access way;
 - Details of construction days and hours;
 - Vehicle and machinery exclusion zones;
 - Location and management requirements of stockpiled soil;
 - Measures and techniques to protect drainage lines and watercourses from sediment runoff from disturbed or under construction areas;
 - Measures and methods to be employed to protect sites of conservation importance, native vegetation and areas of archaeological significance;
 - Measures and techniques to manage dust control;
 - A note that Dewatering of sedimentation/retention basins during construction is prohibited without the prior approval of the Responsible Authority;
 - The location of a machinery and vehicle wash down area and requirements for the ongoing use of the of the machinery and vehicle wash down area by contractors;
 - Location and management of litter storage areas, construction waste areas and chemical storage areas; and
 - Methods of ensuring all contractors are informed of the requirements of the construction management plan and persons responsible for ensuring the construction management plan is adhered to.

All construction works and requirements of the construction management plan must be undertaken and completed in accordance with the endorsed construction management plan to the satisfaction of the Responsible Authority.

16. The site preparation, construction and maintenance of the site must adhere to the recommendations of the Geotechnical Risk Assessment Waiver Report by Chris O'Brien and Company Pty Ltd, Reference No. B21248, Project 111021, dated 21/12/2021.
17. During construction and maintenance activities, adequate steps must be taken to stop soil erosion and the movement of sediment off site and into drainage lines, watercourses and onto adjoining land to the satisfaction of the Responsible Authority. Methods include but are not limited to:
 - a) Control of on-site drainage by intercepting and redirecting run-off in a controlled manner to stabilised vegetated areas on site.
 - b) Installation of sediment control structures such as sediment basins, sediment fences and sediment traps when construction commences and maintaining them until the site is stabilised.
 - c) Re-vegetating all disturbed areas as quickly as possible or within 14 days after construction works are completed.
18. Cut batters must be no steeper than 1 in 1.5 and fill batters no steeper than 1 in 2 unless retained by structural means. When completed, all batters must have a layer of topsoil, 50mm minimum thickness, spread over them and sown with a

suitable grass and clover mixture, or mulched and planted with ground cover plants to the satisfaction of the Responsible Authority.

19. All earthworks associated with the development must be stabilised in accordance with standard engineering design and practices against erosion and failure. All earthworks or retaining structures must not encroach across neighbouring property boundaries to the satisfaction of the Responsible Authority.
20. All new services to the subdivision must be placed underground in shared trenching. Design for the installation of services must meet the requirements of the relevant authorities and must be approved by those authorities to the satisfaction of the responsible authority.
21. Before the issue of a Statement of Compliance, any portion of Council's existing infrastructure damaged as a result of work undertaken on the site or associated with the development must be repaired/reinstated to the satisfaction of the responsible authority.

Legal Agreement – Turning Area

22. Before a statement of compliance is issued, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to provide for the following:
 - a) A 10m radius, temporary gravel court bowl connecting to the current, subdivision, in Lot 2/ PS 509109 must be installed and maintained until the next subdivision has commenced, to the satisfaction of the Responsible Authority.
 - b) This agreement shall cease once the connecting road has been constructed to the satisfaction of the Responsible Authority.

The owner must pay the costs of the preparing, lodging and registering the agreement and any subsequent amendment, removal or other dealing associated with the agreement. The agreement must be registered on the certificate of title for the land.

Public Open Space Contribution

23. Before the issue of a Statement of Compliance, the applicant or owner must pay to the Council an amount equal to five percent of the site value of all the land in the subdivision, pursuant to Section 18 of the Subdivision Act 1988.

Telecommunications

24. The owner of the land must enter into an agreement with:
 - A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
25. Before issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Time Limit condition

26. This permit will expire if any of the following circumstances applies:
- (A) The vegetation removal is not carried out within 10 years of the date of the grant of the permit.
 - (B) The plan of subdivision is not certified within two years.
 - (C) A Statement of Compliance is not issued within five years of the date of the plan of subdivision being certified.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

AusNet Electricity Services Pty Ltd conditions

27. The application for certification of the plan of subdivision must be referred to Ausnet Services Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
28. The applicant must:
- Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
 - Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
 - Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
 - Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
 - Set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
 - Provide survey plans for any electric substations required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd

requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.

- Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

East Gippsland Water conditions

29. Extend water supply infrastructure to the satisfaction of East Gippsland Water.
30. Extend sewerage infrastructure to the satisfaction of East Gippsland Water.
31. The existing water main is to be realigned to the satisfaction of East Gippsland Water.
32. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
33. Place easement(s) on the plan of subdivision over existing/proposed infrastructure, to the satisfaction of East Gippsland Water.

Country Fire Authority conditions

Hydrants

34. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:
 - 1.1 Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
 - 1.2 The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Roads

35. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - i. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - ii. Curves must have a minimum inner radius of 10 metres.
 - iii. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.

- iv. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Notes

1. Before undertaking works within a Council road reserve, an application for consent of works within road reserve must be obtained from the *Roads and Traffic* unit of Council. Refer to the Infrastructure Design Manual (IDM) for crossover designs.

AusNet Electricity Services Pty Ltd notes

2.
 - a) It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).
 - b) Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.
 - c) Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

East Gippsland Water notes

3.
 - (A) In accordance with Section 136 of the Water Act 1989, easements are required over existing/proposed infrastructure. This requirement applies even if the infrastructure is in common property or there is a Section 12(2) easement over the land.
 - (B) For easement(s) created, the Land Benefited/In Favour Of is to be in the name of "East Gippsland Region Water Corporation".
 - (C) For any lot area that cannot be fully serviced by a gravity sewer connection, building envelopes or minimum floor levels are to be listed as restrictions on title, to the satisfaction of East Gippsland Water.
 - (D) Each lot is to be separately serviced by the water and/or sewerage reticulation system. Subject to East Gippsland Water's requirements being met, relevant infrastructure will then become East Gippsland Water's to own, operate and maintain in perpetuity.
 - (E) Design documentation to be submitted after certification application has been made.
 - (F) Development planning charges apply where East Gippsland Water approve design, construction, commissioning and as constructed documentation (actual charge is based on the final cost of the works).
 - (G) Any feasibility study, required to determine how best to service the development, is to be arranged by East Gippsland Water and funded by the applicant.
 - (H) Any infrastructure, outside of the development, that is required to provide sewerage and/or water supply services to the development, is to be funded by the applicant. The type and extent of additional infrastructure, if needed, is subject to detailed engineering design and approval by East Gippsland Water.
 - (I) If water services are required, each lot must be separately connected to the water reticulation system and separately metered, to the satisfaction of East Gippsland Water.

Country Fire Authority Note

For application documentation, refer to the advertised copy of the application listed on Council's website:

7 Christmas Street METUNG

First submission:

https://egswazstorage.blob.core.windows.net/pubwebcontent/advertised-planning-permit-applications/5082021P_7_Christmas_Street_Metung.pdf

Revised submission:

https://egswazstorage.blob.core.windows.net/pubwebcontent/advertised-planning-permit-applications/5082021P_readvertising_7_Christmas_street.pdf

Objections - 508/2021/P 7 Christmas Street METUNG

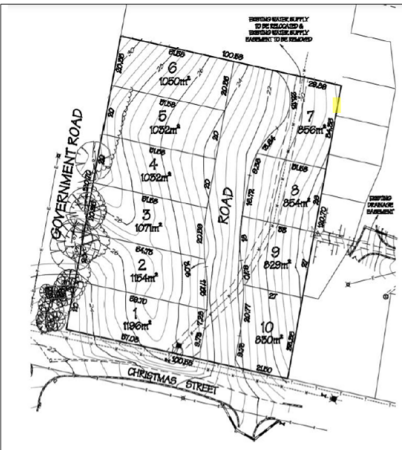

Objector	Lodged	What are the reason for objection	How would the objector be affected?
Jake Lynch	16/12/2021	<p>My reason for objecting to this development is that it is completely incongruous with the area for which it is proposed.</p> <p>It would have an immediate and dramatic negative impact on the surrounding homes and families, as well as the native plants and animals that are such a vital part of what makes Metung Metung.</p> <p>The development refers to Metung as a “heavily modified urban environment.” Although that may be the case for the tightly defined downtown area of Metung, it does not represent the area of the proposed development, and this misunderstanding of the site and the neighbouring properties is reflected in many aspects of the proposal.</p> <p>In the interests of brevity, here’s a summary of concerns:</p> <p>Density 10 homes is clearly too many for the site, and would be starkly inconsistent with everything else around it.</p> <p>Traffic Wood Street, which would become the main thoroughfare to and from the development, is already not particularly safe for walking and riding, because it’s so hilly, has disrupted sightlines, and is used by a dangerous combination of tourists unfamiliar with the area, elderly people and families with young children.</p> <p>The significance increase in traffic, including trucks and heavy vehicles during construction, would be a disaster for those of us that live on Wood Street.</p> <p>Lighting The proposal calls for the installation of public lighting.</p> <p>It is well-proven and accepted that street lighting and the resultant light pollution has a dire impact on the survival of native animals, particularly native birds. There is currently very limited street lighting on Wood and Christmas streets, and this development would result in a dramatic increase in light pollution.</p> <p>The developments claims that “there will be no detrimental impact to the adjoining Metung Bushland Reserve.” Even if only for the street lighting, this is clearly not the case. I hope the developer is made accountable for clearly false and misleading claims in this proposal.</p> <p>The Trees</p>	

		Those trees are likely more than a hundred years old, and are a vital continuance of the native landscape and habitat. Are you really going to allow them to be razed for the sake of a developer's convenience and profit? If so, it would set a very worrying precedent for future development in this area, which is loved and celebrated for its harmony and consideration of our natural environment.	
Bill and Bev Newcomen	13/12/2021	We write in support of the objection to the above subdivision submitted by Ms Lyn Meredith, with particular reference to the removal of existing aged vegetation on the proposed subdivision. These trees form a significant contribution to a habitat corridor between an adjacent Metung Bushland Reserve and surrounding groups of large trees in nearby existing built up areas. An alternative design, such as the one submitted by Ms Meredith, would be sympathetic to the local vegetative character of central Metung.	Our property at _____ is adjacent to the Metung Bushland Reserve which borders the proposed subdivision. Thank you for considering this objection to the development in its current form.
Cathy Willis	13/12/2021	I don't believe the application includes enough information about the indigenous vegetation to be removed. There is no consideration of fauna likely to be using or resident on the site. A flora and fauna assessment should be carried out by a suitably qualified and experienced consultant ecologist. The application does not adequately address the 3 step approach in the legislation to avoid, minimize, and only as a last resort offset clearing elsewhere. It states that the vegetation loss is unavoidable, but this is only true under this configuration and number of blocks, and doesn't consider other options, including reducing the number and or size of lots, and being more creative with their alignment. I don't believe sufficient consideration has been given to potential erosion and stormwater runoff from the dramatic increase in hard surfaces across the development, along with the resultant downstream effect on the water quality and siltation in the lake. Therefore I believe it would be inappropriate and unacceptable for EGSC to grant the planning application in its current form.	It will upset me, and downgrade my experience of Metung. My family have owned land in Metung for over 65 years. As a child I clearly remember warm summer nights when the flywire doors were literally covered with moths and insects. The frogs in the swamp since drained for development was deafening with frog calls. There were still resident goannas regularly seen at our house. The natural environment is integral to the joy of my family and I have had over 5 generations, and inappropriate underdevelopment threatens to turn it into a wasteland. Each big old canopy tree that disappears is a further blow to the amenity, the bird and wildlife, and the enjoyment for residents and visitors alike. In these days of climate emergency it is reckless and dangerous to take a view that its just a couple more trees. Trees this size and age will take

			<p>well over 100 years to replace. Once ground storey is removed weeds will out-compete native regrowth. The moths and insects have gone due to the disappearance of their foodplants, and hence no longer provide pollination services to our nearby crops, wheather home vege gardens or commercial orchards and crops. Please refuse this application and ask the developer to submit a new more realistic and more sensitive and sympathetic plan. Along with a flora and fauna assessment and a proper avoid and minimize statement.</p>
Brian Greer and Kate Mottram	12/12/2021	<ol style="list-style-type: none"> 1. The proposed subdivision does not include clear plans to retain any of the native vegetation and in particular the four magnificent ancient canopy trees in the centre of the subdivision area. The character of this part of Metung is defined by large ancient native canopy trees which contribute not only to its unique ambience but are crucial to the protection of wildlife including birds. We believe the proposal needs to incorporate a design that protects existing native vegetation as much as possible, and in particular to retain the large trees, especially the four ancient canopy trees in the centre of the subdivision area. 2. We believe the design and nature of the street lighting in the proposed subdivision need to be sensitive to the character of the area and the impact of lighting on wildlife. For example, much of the lighting in the Kings Cove development uses bell-shaped lights which reduce glare and spread of light, in contrast to that in Lawrence Court which is insensitive to the surroundings and produces much glare and unnecessary spread of light. 3. The proposed subdivision of ten dwellings is a large development in the context of this quiet area of Metung that has no through access. This area contains designated walkways which are used constantly by pedestrians including families with children, and the increase in traffic resulting from such a large development poses a safety risk. In addition we are concerned that this increased traffic would increase the risk of accident on the sharp corner turn in Wood St, which is 	<p>We live close to the proposed subdivision and we believe the character of our home environment, especially the unique natural environment and wildlife of the area, as well as road safety, will be impacted by the proposal in its current form.</p> <p>We are grateful for the opportunity to raise these objections and look forward to further discussion of the issues.</p>

		already hazardous (in part because of the location of the power pole on the corner).	
Jennifer	13/12/2022	<p>My family have owned land and houses in Metung since the 1950s. I have been coming to stay at Metung at property owned by my family for more than 40 years. In that time, I have seen huge amount of removal of native vegetation, particularly the loss of large trees on private land. Our property is less than 300m away. I don't have a problem with more residential blocks being developed within the town boundaries, but with the wholesale removal of the large trees that make up a unique part of Metung's character and liveability. While some of the vegetation being removed may be 'planted', they are very large canopy trees which provide habitat, aesthetics and carbon-offset, among other benefits like natural top soil stabilisation. Unfortunately the planning permit doesn't even name the non-planted native species, that are possibly a hundred or more years old. The planning permit repeatedly refers to the vegetation loss not being avoidable, but I think this is completely untrue. If the block was divided into 6 or 8 blocks instead of 10, it would definitely be avoidable. The other alternative would be to form the road around the trees and change the shapes of the blocks or make them smaller. I fell like offsetting these large trees somewhere else in the shire or CMA is wholly inadequate give the size and geography of the area. Metung's tourism value (and economy) will greatly depreciate if it continues to lose the biodiversity that draws visitors come to spend time in. My family have bought land, built houses, paid rates, paid mooring fees and continue to strongly support the local economy based on Metung's beautiful plants, animals and bush-feel. I think that many more people will feel the same and will seek out other more places to buy in the future if this essential characteristic is lost.</p>	<p>I'll be greatly upset by the loss of these large trees. It's not just about these trees, but it's continuing down the slippery slope of legal (and illegal!) clearing of native vegetation happening in the area. I don't want to see more large trees removed just to place a road to access new blocks, when there are easy alternative ways of avoiding the removal of vegetation. I think there would be people who would love to have the large trees and the birds and animals they provide habitat for around their new blocks of land.</p>
Lynette Meredith	9/12/2022	<p>While I understand the requirement to develop parcels of land in regional townships I am objecting to the proposal in its current state as I consider there to be many gaps in environmental considerations to develop this significant and important part of Metung. I consider the current proposal to be in breach of planning scheme, Character guidelines and the planning permit application process for the following reasons:</p> <ol style="list-style-type: none"> 1. The application does not adequately reference and name the proposed indigenous and native vegetation for removal. The application references the trees for removal as only numbers. 2. The proposal does not provide convincing explanation that avoiding the removal of the large old trees was factored. Rather it suggests that this amount of lots is somehow contributing to the affordability and access to lots within Metung. 	<p>I object to the proposed subdivision at 7 Christmas Street Metung, application reference number 508/2021/P. I live in this part of Metung because of the proximity to environmental assets that provide habitat corridors. The collective contribution that the Metung Reserve, roadsides and unmade road reserves, and trees on private properties should not be overlooked when considering a</p>

	<p>3. The site is adjacent to significant reserve of vegetation and a habitat corridor. Other local housing developments have required some retention of old trees contributing to canopy which is sympathetic to the Metung local character. The proposed subdivision does not attempt to retain any of its vegetation patch or magnificent canopy trees.</p> <p>4. The proposal does not consider the aspect or contours of the land and misses an opportunity to embrace water sensitive urban design principles where the trees could be retained and incorporated into appropriately designed swales that could negate the obvious water runoff issues that will affect the future homeowners.</p> <p>5. There is the potential for further light pollution adjacent to a reserve with significant fauna.</p> <p>6. The negative impacts of putting dwellings adjacent to the road reserve may contribute to the future removal and degradation of the current corridor. The proposal does not protect the encroachment by private property owners as there is no proposed fence nor barrier to stop vehicular access therewith.</p> <p>Recommendations/ suggestions for improvement to the development:</p> <p>1. The vegetation in the application be appropriately referred to with botanic and common names.</p> <p>2. The developer implements a sympathetic approach to the developing the parcel of land and retains the canopy trees by reducing lot numbers to less than 10 or makes the lot sizes smaller and more grouped with a patch of large trees and WSUD swale as a roundabout. Another way would be to have some larger block for sale with canopy trees as an asset. See concept image in the letter of objection that has been uploaded</p> <p>3. Consider habitat connectivity and the negative impacts of permitting canopy trees for removal. It is not sufficient to just offset these old trees that are potentially greater than 100 years old.</p> <p>4. Use of permeable road surface and WSUD principles. 5. No street lighting be included in the development</p> <p>6. Fence the road reserve and restrict access to the ensuing developing plant machines and potential for future private land encroachment and clearing.</p>	<p>decision for development in this area of Metung. I will be greatly emotionally impacted if the large old trees are removed when there is an opportunity for their retention. I will be emotionally affected if development of this beautiful area is compromised by the further reduction in canopy as there is already plenty of illegal and legal clearing of canopy trees already.</p>
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		 <p>No need for water easement to be changed or moved if another design is created. Please refer to the coloured map for potential ideas to retain trees and the beautiful Metung character.</p>	 <p>Above: concept map where some proposed blocks are reduced in size and is provided by a roundabout. Lot 9 could be accessed by the current drive. The northern tree could be incorporated into lot 1 or 5. Peppercorn tree retained and enjoyed by future generations to climb or swing from on lot</p>	
Celeste Morrison	10/12/2022	<p>1.The application does not adequately reference and name the proposed indigenous and native vegetation for removal. The application references the trees for removal as only numbers.</p> <p>2.The proposal does not provide convincing explanation that avoiding the removal of the large old trees was factored. Rather it suggests that this amount of lots is somehow contributing to the affordability and access to lots within Metung.</p> <p>3.The site is adjacent to significant reserve of vegetation and a habitat corridor. Other local housing developments have required some retention of old trees contributing to canopy which is sympathetic to the Metung local character. The proposed subdivision does not attempt to retain any of its vegetation patch or magnificent canopy trees.</p> <p>4.The proposal does not consider the aspect or contours of the land and misses an opportunity to embrace water sensitive urban design principles where the trees could be retained and incorporated into appropriately designed swales that could negate the obvious water runoff issues that will affect the future homeowners.</p> <p>5.There is the potential for further light pollution adjacent to a reserve with significant fauna.</p> <p>6.The negative impacts of putting dwellings adjacent to the road reserve may contribute to the future removal and degradation of the current corridor. The proposal does not protect the encroachment by private property owners as there is no proposed fence nor barrier to stop vehicular access therewith.</p>	<p>I live in the vicinity of this proposed location and would given the significant environmental habitat we have in this area, I would be emotionally impacted if the various old growth trees were not preserved. People live in this part of the world because of the ecological richness and at what cost are you willing to continually redevelop land that is not</p>	

Tim Howard	10/12/2021	The opportunity to design a creative and environmentally appropriate subdivision has been over looked through the desire of developers to maximise allotment numbers at the expense of a small group of beautiful significant mature native trees. The access road currently proposed to service the 10 allotments (could be a 9 lot subdivision ?) can be re designed to circle the trees in question and create a far better visual aspect and allowing the trees to be protected in a reserve with more appropriate native landscape works that would benefit the future residents and tree loving community of Metung. residents	The approval of the permit as proposed will be another lost opportunity to protect why current residents (and large number of people interested in relocating to Metung) choose to reside here. It is vital that we protect and enhance our native habitat, not destroy it in efforts to maximise financial gain. As I reside a short distance from this proposed subdivision and often walk in the bush reserve abutting the land I have a vested interest in the conservation of the environment there.
Trent Fairweather	8/12/2022	This is not so much an objection as it is for clarification and the intent to have the questions satisfied prior to granting a permit. • Privacy - removal of vegetation over time (historically) and as part of this planning application has the ability to impact the privacy of existing neighbouring residence located at 155 Metung Road Metung. (evident on page 22 of the application) • Subsequent permits for buildings could impose on the amenity that has been provided as part of the holiday experience. The Business operated as McMillan's of Metung Resort can be severely impacted without appropriate consideration of the subdivision and building design. (evident on page 22 of the application) • Stormwater. Currently, stormwater discharges across the surface of the land exiting beneath the fence of the address known as 7 Christmas Street. Overland runoff into the topside of 155 Metung Road Metung has historically caused water damage to buildings and property. (individual owners can substantiate). We are looking to ensure that the plan of stormwater piping, detention and treatment solves this matter with no further negative effects. • We identify that stormwater collection from Lot 7 Christmas Street pipes are funnelled into the 155 Metung Road property. The plan identifies the pipes extending through the McMillan's Property and terminating into an existing grated pit. The grated pit in question actually passes beneath an internal road and then a concrete headwall where it runs across open land and into a pond. a. Can you confirm this additional flow will not have an impact on the land where it passes when exiting the headwall. b. What impact will the additional flows have on the pond area within the boundaries of 155 Metung Road Metung. • We also identify the sewer reticulation from the Lot 7 Christmas Street Development extends into the	Further storm water damage to adjoining properties, potential disruption to trade of the resort and specific properties during storm water upgrades required. Recent rain events with existing run off have impacted the "pond" and other assets in the water course on multiple occasions.

		<p>155 Metung Road property. a. Are you able to confirm where this terminates, and the extent of work required to complete the installation to the satisfaction of East Gippsland Water. • We appreciate the works involved to undertake the 10 lot development of Lot 7 Christmas Street. a. We are also apprehensive about works taking place on the grounds of the McMillan's of Metung resort. We seek your: i. Assurance that should the project proceed, all works are undertaken with early collaboration and endorsement of the McMillan's of Metung Resort Operating Committee. It is crucial to consider and manage the business expectations of the resort without having any negative impact on operations and public experiences. ii. Commitment to restore existing surfaces equal too or improved to the current conditions where impacted by the development works. This includes; fencing, building, grassed areas, roadways other. iii. Assurance that all works areas will be undertaken in such a manner to have zero impact on public safety.</p>	
R. and S.K. McDougall	2/12/2022	<p>Submission to the Planning Authority In reference to Application number 508/2021/P In keeping with the requirements of an objection to a planning proposal (eg reference number 508/2021NP), this submission follows the required form. That is A, to be addressed to the authority in writing. B, to include reasons for objections. C, state how the objector would be affected. B. There are 3 reasons for our objection, and they are that 1: the subdivision as submitted is brutal in the architectural sense. The reference comes from designs in the late 19th and 20th century when little stress was made on aesthetic criteria. 2: It is insensitive. In spite of the many paragraphs, overlays and off sets, the proposed development shows no sympathy whatsoever to the environment or locality. 3. The development concept and execution is anachronistic. Out of harmony with its surroundings. In the 21 st Century, even following the Glasgow world wide conference, and modern younger generations' education, this is something which will make oncoming generations of town planners and officials wonder how it happened. To explain these three points I have to go into some details, and I apologise for taking up some extra time of the review board. Bl. The development in Infantry terms could be described as "up the guts", as in a Platoon frontal attack. As the planning simply bulldozes every vestige of natural habitat in the area, with no thought to the rural ambience of the surrounding areas. To the north is the farm built by Andy Henderson a local boat builder among other things. He was also an apiarist for the three</p>	

		<p>parcels of land which originally comprised his farm. Bossie Court to the north was named after his dog. To the east is MacMillan's Resort. It has many open spaces and has retained the draining wetlands, and adjoining paperbarks which are the home for many water birds, frogs and Passeriformes. The older trees provide nesting holes for Owls and Parrots, and visiting Gliders. To the west is the Reserve, created and protected by a previous Shire Ordinance, it was saved from the ravages of wild 4 wheel driving and trail bikes. It contains native orchids, many native species, a large avian culture and even a Canoe Tree of the Gunai Kumai people who roamed this land. To the west are residences based on a Covenant and consisting of dwellings on the spacious Imperial measure of quarter acre blocks.</p> <p>B2. Far from the impression give that the area has no natural value. The reality is far different. Even a modest inquiry would have revealed Marsupials, Tachyglossidae (Echidna), A vians, both residential and migratory. Among the A vians are small Passeriformes who travel between the Reserve and MacMillans nature areas.</p> <p>Among the annual migrants are Silvereyes or White-eyes, Olive Backed Orioles, Koels and some Honc'yeaters. As well as the annual arrival of Musk Lorikeets who feed on the nectar provided by the maturing trees on the block. In previous years apiarists have placed hives in the vicinity to gather the valuable honey the bees gather in these and other blossoming plants. Owls roost in the tall trees as do Raptores who like the height. The Kangaroo Grass provides seeds for small finches, and it these seeds that the Aborigines used to grind up to a form of flour.</p> <p>B3.An anachronism. The Glasgow Conference highlighted for millions of people the harsh realities we face at present and in the future. The younger generations have become well aware of the short sighted approach we have taken to the clearing of forests, the burning of fossil fuels and these concepts are alive and well, in the Schools in Bairnsdale and Metung. In time the oncoming generations will replace all of the local architects, town planners and administrators and new ordinances will be written with a different mindset. But here in the present what are we to make of this proposed, un- necessary destruction of native flora, and eventually, attendant fauna? What will be observed by the children returning from Metung Primary who see the tons of logs, chopped up and destined for the many fireplaces?</p> <p>Eventually all the present players will be looking for a quiet residential area for their retirement!</p> <p>C. State how the objector would be affected.</p>	
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		<p>Our land at 2 Travers Court, was purchased and then built upon by a local builder observing the then Covenant. With a northern aspect, it looked/looks upon the late Andy Henderson's Farm. The lounge, dining area, kitchen and studio all face north onto the property in question. If this proposal goes ahead our retirement will be at least disturbed by 12 months of heavy vehicular traffic outside our lounge window. Tree felling with chain saws, powered grinding of branches. Dust and noise from the crossover from Christmas Street to the property. Sundays are not sacrosanct as many heavy duty operators pre position units on the Sunday evening ready for the 0700 start up.</p> <p>Once the basic work is concluded the building process would begin with the many tradespersons entering and exiting the Christmas Street cross over, all day, possibly every day. If all the lots are sold and built upon there would be at least 20 vehicle movements out, and another 20 in, on most days (2 cars per household). Plus the usual service people, plumbers, electricians, Woolworths, repair services, antennae installers etc. None of this activity would enhance our living retirement. At night there would be significant light penetration, even through blinds, from headlights, and new street lights, into our evening living area.</p> <p>Thank you for persisting so far, in conclusion we attach a simple sketch, with an idea of how most of this could be ameliorated. Submitted in the spirit of preserving something of what Metung is supposed to be.</p> <p>R. and S.K. McDougall 2 December 2021.</p>	
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Ian & Sue Quake	6/12/2022	The proposed development would add further properties in an area that has only one point of egress and access in the event of a bushfire thus adding to the number of people in a potential bushfire trap area. The planning application does not address Clause 13.02-1S of the State policy for Bushfire Planning. The close proximity of the exit of proposed court to the exit of Travers Court will add to congestion in the event of a bushfire.	We are the owners of the property at _____, Metung and the increase in population in our area will cause further congestion when attempting to egress in the event of a bushfire.
		Amended Plans Submissions	
Lynette Meredith	12/8/2022	This is my second objection to the proposed subdivision at 7 Christmas Street, Metung. Crowther and Sadler (C&S) and their client Windmill Resort Pty Ltd have missed an opportunity to respond positively and sympathetically to the many objections previously submitted. The proposed	I will become dismayed by lack of protections for canopy trees and be annoyed that Council and the planning Scheme will not

	<p>subdivision is able to save all the trees but in its current inception is an over development of the block. Packing in the blocks are to the detriment of Metung's natural charm and environmental values. These trees can be maintained and be an asset to the development. Why is it that the developer cannot see the opportunity for established street trees? I believe version 2 of the proposed development to be a cynical snub to the residents that objected in December 2021. During the zoom meeting the objecting residents, East Gippsland Shire Council (EGSC) Councillors and Planning Officers, and the C&S representative discussed the objections and we were notified that there had been 'an update' and a reason for the plans to be redacted as the current owner had purchased the adjacent block in Bosse Court. The conversation from C&S perspective, was for a potential access road from 7 Christmas Street through the Bosse Court subdivision exiting onto Bosse Court. It was a confusing and intriguing conversation during this meeting as the implication of the comments would potentially contribute to:</p> <ol style="list-style-type: none"> 1. a further reduction of canopy trees and an increased potential to erode the government road habitat corridor 2. more light pollution in this prime location, and 3. a potential for increased traffic and through traffic wanting a shortcut. <p>It is imperative that the EGSC planners recognise the value of canopy trees and their integral role to maintaining the neighbourhood character of beautiful treed Metung Village. I request that EGSC planners recognise the consequence and precedence that their planning decision for Christmas Street will set for a future sub division application in not only Bosse Court, but the large blocks now for sale in Wood Street. How busy do you want it to be? In 2021 the First National King and Heath (FNK&H) website (https://firstnational.com.au/buy/real-estate/1661166/7-christmas-street-metung-vic-3904), drone images illustrate the canopied character of the Metung Village neighbourhood. The images also illustrate the connected canopy of the four trees on 7 Christmas Street. These trees are all contributing to the visual charm of Metung contributing to vista when viewed from Wood Street looking north, the road reserve looking east, from the MacMillan's properties looking west. The trees can be maintained as an intact canopy if the development is modified with less lots. These trees can be enjoyed into the future and also contribute to visual amenity within the property. I read on the FNK&H website: " 3.01 acres in the heart of Metung with plans for an 11 lot subdivision to include blocks ranging in size from 771sqm to 1087sqm. As land availability continues to be an issue in Metung this is an ideal opportunity to take advantage of one of the last generous allotments in a prime location." I bring this point to my objection because there was no mention that these plans were endorsed by EGSC. My opinion is that EGSC has the responsibility to respect neighbourhood character and not cave in to the ambitions of a vendor's and real estate agents' sales pitch.</p>	<p>protect the neighborhood character of Metung. I will become anxious that the development and future residents will continue to erode the habitat values and buffer to the Parks Victoria Metung Reserve. I will also have light pollution from the proposed street lights infiltrating my neighborhood and altering my evening ambiance. The increased traffic will make it difficult to walk along Wood and Christmas Streets.</p>
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		<p>The subdivision in its current proposal is a profit driven and out of touch with local residents' lifestyle choices to live in a treed environment. It is disappointing that the arborist was not able to correctly name the trees, rather naming them after a south-western, Western Australian mallee eucalypt. The tree assessment fails to recognise the time it takes for trees to reach maturity and form connected canopy. It is perplexing that a trench was dug to mine for tree roots when the Australian Standard for tree health and assessment premise is that tree roots will be found within a canopy and a half distance from the trunk. I do not consider the tree report be a credible document for the removal of any of these trees, the report is wrong. It is evident to me and the many other previous objections, that the proposal is an over development on this parcel of land, and that the four canopy trees can be retained and the lot numbers reduced Not only is the proposed subdivision a detraction for the area but the proposal also risks the canopy vegetation of the government road reserve. The vegetation in road reserve is noted in the C&S plans as "modified", suggesting that there is no net value in that vegetation. Some of the vegetation is maintained for power line clearance however, the greater percentage of the vegetation is high value indigenous vegetation with large canopy trees present. I suggest that this vegetation should not be reduced, removed or vandalized by future construction on the boundary of the government road. Is there evidence that this boundary has been surveyed to confirm the private property interface with govt road? There must be no go zones on this road for construction vehicles.</p>	
R. & S. K. McDougall	30/7/2022	<p>A. Reasons in particular for an objection to the overall design adjustments. B. Reasons for the impact of the adjustments on the health and welfare of the objectors.</p> <p>Prologue Firstly we would like to thank the Board who have overseen these proposals as part of their duties for the East Gippsland Shire and its Ratepayers. We understand the difficult decisions they have to make, balancing the many interests. We would also like to thank the Directors and Operators of Crowther and Sadler Pty Ltd., who are also in the position of trying to honourably balance the objectives of the Developer, and also try to do so, lawfully and with some view to the future impact that such a development would have. We understand they have been quite creative in attempting to minimise the impact of this development, which is evident in this proposed amendment. Objection A. The proposed amendments to the original 508/20211P does not go far enough to meet the original objection we lodged. To wit: Two of the main trees will be destroyed, and the entry/exit remains unchanged.</p>	

		<p>Some improvement must be acknowledged by the creation of small "nature strips", but the reality would be that these small edges would be quickly cut up by driveways and off property parking. Overall, the suburbanisation of this area would continue.</p> <p>Objection B. The proposed amendments in themselves do not address one of the main original observations. To wit: the entry/exit road of this proposed estate. This puts the main living area of our house _____, directly in the entry/exit path of what would become a busy suburban location. Also the initial works would have to use this road for access, and the noise, dust and vehicular traffic, non stop, for years. Years is not an exaggeration. All properties are not sold immediately, and built immediately concurrently. As retirees, it would condemn us to years of uncertainty and disturbance leaving us only a few alternatives.</p> <p>Conclusion: Thanks to all again who have an interest in this matter.</p>	
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**EAST GIPPSLAND SHIRE COUNCIL
PLANNING CONSULTATION MEETING
Planning Permit application 508/2021/P
7 Christmas Street METUNG
Multi-lot Subdivision (10 Lots), Roadworks, Removal
of Native Vegetation and Easement Variation**

**Meeting Minutes
Monday 24 January 2022
(VIA TEAMS)**

COMMENCING AT 7:30 PM

1. Procedural

1.1 APOLOGIES

Councillors

- Cr John White
- Cr Tom Crook
- Cr Sonia Buckley
- Cr Trevor Stow
- Cr Jane Greacen

1.2 IN ATTENDANCE

Councillors

- Cr Mark Reeves, Mayor (Chair – via Teams)
- Cr Arthur Allen, Deputy Mayor (via Teams)
- Cr Mendy Urie (via Teams)
- Cr Kristen Van Diggele

Applicant

Richard Hoxley and Aaron Hollow, Crowther & Sadler Pty Ltd

East Gippsland Shire Council Minutes Planning Consultation Meeting – 24 January 2022

Objectors

The following is a list of Objectors who registered as attending:

- Jake Lynch
- Cathy Willis
- Lyn Meredith
- Trent Fairweather

Officers

- Anthony Basford, Chief Executive Officer
- Stuart McConnell, General Manager Place and Community
- Martin Richardson, Manager Planning
- Andrew Bates, Senior Land Use Planner
- Michelle Dixon, Statutory Planning Officer

1.3 WELCOME AND INTRODUCTION BY MAYOR, CR MARK REEVES

1.4 DECLARATIONS OF CONFLICT OF INTERESTS

Nil

2. Reports/Presentations

2.1 PLANNER'S REPORT

Michelle Dixon, Statutory Planning Officer presented the application overview.

No Councillor Questions

2.2 APPLICANT PRESENTATION

The applicant was represented by Richard Hoxley of Crowther & Sadler.

The application is seeking approval for the subdivision of this property into ten lots with a variety of lot sizes or a range of lot sizes proposed between 830 square metres and just shy of 1200 square meters we understand having reviewed the objections um the concerns that have been raised are best summarized as the concern on impact to existing native vegetation. In particular, the trees within the middle of the middle to northern end of the property as a result of the proposal concerns with drainage additional traffic load within the local streets as a result Neighbourhood Character.

The other concerns that have been raised is in respect to bushfire hazard. East Gippsland is experiencing a huge demand for residential land unlike what we've ever seen. The existing vegetation is not in an ideal location to necessarily retain in this instance on top of that we've then got bushfire factors State Planning Policy requires us to plan for bushfire within existing settlements, arguably we've got a bushfire hazard on the adjacent floor and fauna reserve so lots on the western side of this site. The lots designed and layout are large a lot to ensure adequate separation for future dwellings with the need to provide appropriate road and drainage infrastructure. Then also to provide and optimize the yield and this is not maximising the yield, but as a means of balancing these competing issues. The trees are not ideally located and equally there are there are they are species that don't necessarily lend themselves to being suitable in residential size.

We propose that we can retain two trees of them and are certainly prepared to undertake further investigations and work toward that end with respect to drainage we're fully aware of drainage issues.

With respect to bushfire concerns and that was in one objection they raise a concern that the court bowl limits egress in the event of the 2020 bushfires, our clients have also acquired their joining property to the north now that we believe will and can now offer another solution to provide a through road or through access. As far as traffic volumes go there's been nothing brought to our attention by council staff that would raise any concerns with the additional traffic load on the surrounding an existing road network; it is more than capable of accommodating the anticipated number of vehicle movements from this site on a daily basis and the infrastructure.

The infrastructure design manual also ensures that appropriate road networks are established as part of its consideration of development applications and now in terms of other vegetation issues. The lot sizes are consistent with the character of surrounding subdivision patterns with flexibility with council, we believe that we can retain you know significant trees within the site and provide that balance.

- Q:** Cr Mendy Urie: To Richard – when was the last approval for the property where the bushfire risk was not .
- A:** Richard Hoxley: Take this on notice to address and can address later in the meeting.
- S:** Cr Mendy Urie: The reason for the question, I'm interested in the changing requirements around bushfire risk but there's also been a pretty big change of attitude around native vegetation and how it's managed.
- Q:** Cr Mark Reeves: To Richard – Does the proposed modifications change the nature of the application sufficiently that would require a new application, if suddenly we're going from two courts to a through road.
- A:** Martin Richardson: We would readvertise the amended application.
- S:** Michelle Dixon: Mapping depicting additional property and location of Bossie Court. Permit history, previous approvals of 5 lot and subsequent 11 lot subdivision.

No Councillor Questions

2.3 OBJECTOR PRESENTATIONS

Jake Lynch

- Sight lines at the intersection of Christmas Street and Wood Street.
- The volume of the additional traffic, the density of the houses and the lighting and its impact on the wildlife and native vegetation but also on the humans that live here.
- Keeping kids safe with the traffic, particularly during the summer when there are a lot of tourists around.
- The new subdivision would look like the outskirts of Melbourne.
- Services like the hospital they're already kind of struggling with all this influx of new people coming in.

Cathy Willis

- Five generations of my family that have enjoyed Metung I have lived there for fairly short periods.
- I think that this is over development and the lot sizes too small.
- Larger lots or a different layout would save some of these really large old trees

- No assessment of fauna might be utilizing trees and impact to the ecosystem and fragmentation.
- The development will create a lot of runoff and potential erosion and potential water quality issues. issues from agriculture and through development
- Lighting, I support what Jake said.
- Insect loss impacts.
- Traffic during the school holiday periods.

Lyn Meredith

- Potential loss of not only trees but also habitat for the insects that will be feeding the birds.
- affected by the light pollution
- Costs of the land / profit driven
- The beautiful canopy trees are an asset to the community.
- The smaller lots are not useful as people are concerned about safety of the trees larger lots would for people to live within the trees not under them.
- Easement the easement (Road Reserve) to the west of the block is not modified vegetation it is a continuous vegetation corridor.
- The proposed amendment to this this plan, with the through way to bossy court I can see that through traffic just being a nightmare and people actually speed.
- Middle tree is not insignificant and does not need to be removed.

Trent Fairweather

- Owner of a property to the east and chair of the owners corporation.
- Current stormwater challenges with infrastructure floods and floods the pool, making some properties uninsurable, as there are multiple insurance claims.
- Velocity of water coming down easement for the is a current stormwater issue, it is like a river that runs naturally between those two properties of unit number 22 and 23.
- Proposed building envelopes on new lots to adjoining dwellings with bedrooms adjacent to their properties, consider potential green space and re-vegetation to adjacent residences, so they are not looking a colourbond walls.

2.4 FUTURE ACTIONS SUMMARY

Martin Richardson: Normal process of completing officer reports, however we will await the applicant's changes and potential re-advertising of the applicants submission.

C Mark Reeves: Closing meeting

3. MEETING CLOSED

The meeting closed at 8:26 PM



133 Macleod Street, PO Box 52, Bairnsdale Victoria 3875
Tel: (03) 5150 4444 **Fax:** (03) 5150 4477
Email: egw@egwater.vic.gov.au **Web:** www.egwater.vic.gov.au

Our Ref: DOC/21/63413

30 November 2021

Reference Number(s): 508/2021/P
Referral Authority: East Gippsland Shire Council
For: 10 Lot Subdivision
Location: 7 Christmas Street Metung
Applicant: Crowther & Sadler Pty Ltd

In response to the above application, East Gippsland Water does not object to a permit being granted, provided it includes the following conditions and notes.

Conditions:

1. Extend water supply infrastructure to the satisfaction of East Gippsland Water.
2. Extend sewerage infrastructure to the satisfaction of East Gippsland Water.
3. The existing water main is to be realigned to the satisfaction of East Gippsland Water.
4. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
5. Pay applicable development planning charges.
6. Place easement(s) on the plan of subdivision over existing/proposed infrastructure, to the satisfaction of East Gippsland Water.

Notes:

- (A) In accordance with Section 136 of the Water Act 1989, easements are required over existing/proposed infrastructure. This requirement applies even if the infrastructure is in common property or there is a Section 12(2) easement over the land.
- (B) For easement(s) created, the Land Benefited/In Favour Of is to be in the name of "East Gippsland Region Water Corporation".
- (C) For any lot area that cannot be fully serviced by a gravity sewer connection, building envelopes or minimum floor levels are to be listed as restrictions on title, to the satisfaction of East Gippsland Water.
- (D) Each lot is to be separately serviced by the water and/or sewerage reticulation system. Subject to East Gippsland Water's requirements being met, relevant infrastructure will then become East Gippsland Water's to own, operate and maintain in perpetuity.



133 Macleod Street, PO Box 52, Bairnsdale Victoria 3875

Tel: (03) 5150 4444 **Fax:** (03) 5150 4477

Email: egw@egwater.vic.gov.au **Web:** www.egwater.vic.gov.au

- (E) Design documentation to be submitted after certification application has been made.
- (F) Development planning charges apply where East Gippsland Water approve design, construction, commissioning and as constructed documentation (actual charge is based on the final cost of the works).
- (G) Any feasibility study, required to determine how best to service the development, is to be arranged by East Gippsland Water and funded by the applicant.
- (H) Any infrastructure, outside of the development, that is required to provide sewerage and/or water supply services to the development, is to be funded by the applicant. The type and extent of additional infrastructure, if needed, is subject to detailed engineering design and approval by East Gippsland Water.
- (I) If water services are required, each lot must be separately connected to the water reticulation system and separately metered, to the satisfaction of East Gippsland Water.

Further enquiries may be directed to Rod Poynton (5150 4476) at our Bairnsdale Office.

Yours faithfully,

A handwritten signature in black ink, appearing to read "L. Caplygin", written over a light blue horizontal line.

LARA CAPLYGIN
EXECUTIVE MANAGER, STRATEGY
East Gippsland Water

cc: Crowther & Sadler Pty Ltd



cfa.vic.gov.au

Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Fire Prevention and Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 11000-484342-115024
Council Ref: 508/2021/P

17 December 2021

Michelle Dixon
East Gippsland Shire Council
273 Main Street
BAIRNSDALE VIC 3875

Dear Michelle,

CONDITIONAL CONSENT TO GRANT A PERMIT CERTIFICATION AND COMPLIANCE REQUIRED

Application No: 508/2021/P
Applicant: Crowther & Sadler
Address: 7 Christmas Street Metung
Purpose: Multi Lot Subdivision (10 Lots)

CFA, acting as a Referral Authority pursuant to Section 55 of the Planning and Environment Act does not object to the grant of a permit to C/- Crowther & Sadler for the subdivision at 7 Christmas Street Metung subject to the following conditions being attached to any permit which may be issued, and a copy of the permit being forwarded to CFA.

– Start of Conditions –

1. Hydrants

Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- 1.1 Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- 1.2 The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

2. Roads

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- 2.1 The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- 2.2 Curves must have a minimum inner radius of 10 metres.
- 2.3 Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- 2.4 Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

– *End of Conditions* –

Certification & Compliance

CFA does not consent to the Certification of the Plan of Subdivision and Statement of Compliance for Subdivision at this stage.

Additional Comments

The site is located in a Bushfire Prone Area (BPA) and has direct interface with Classifiable vegetation (Forest). The application does not appear to address the bushfire risk and relevant policy contained at Clause 13.02.

CFA encourages Council to consider how the application respond to Clause 13.02-1S. CFA also recommends that you review the DELWP *Design Guidelines for Settlement Planning at the Bushfire Interface* to help identify additional options to improve the bushfire response, particularly where there is an interface between the proposal and either a temporary or permanent bushfire hazard.

To assist you with your review of available opportunities to enhance the design and bushfire outcomes, CFA provides the following information for further consideration:

Hazard Assessments

CFA recommends that a bushfire risk assessment is undertaken to understand the fire context and whether the policy objectives of Clause 13.02-1S have been achieved.

Radiant Heat Exposure

Policy at Clause 13.02-1S seeks to encourage new development have a radiant heat exposure not greater than 12.5 kw/m². The proposal could be amended to show building envelopes that ensure new dwellings will be setback from any bushfire hazards to minimise radiant heat exposure.

The importance of providing adequate setbacks between new development and vegetation is heightened when dealing with large subdivisions, such as this one, where there are long corridors of interface between hazards and homes.

Road Layout and Design

CFA encourages subdivisions be designed to include a perimeter road adjacent bushfire hazards to provide permanent areas of separation between development and vegetation. This helps minimise radiant heat exposure to private property and provides a hard surface between potentially flammable materials.

The inclusion of a perimeter road would also assist in creating appropriate setbacks to meet radiant heat exposure benchmarks.

If you wish to discuss this matter, please do not hesitate to contact Peter Rogasch, Fire Safety Officer, on 1300 367 617.

Yours sincerely



Mark Holland
Service Delivery Team Leader
COMMUNITY PREPAREDNESS

cc: Crowther & Sadler
contact@crowthersadler.com.au

8/24/22, 3:31 PM

dwa5C6E.htm

From:

Sent: Monday, 15 November 2021 3:10:01 PM

To: Planning Unit Administration; Subdivisions

Subject: RE: 508/2021/P - 7 Christmas Street METUNG - Multi-lot Subdivision, Roadworks and Removal of Native Vegetation

EXTERNAL EMAIL: This email has originated from outside of the East Gippsland Shire Council network. Do not click links or open attachments unless you recognise the sender and know the content is safe. Contact ICT ServiceDesk if you are unsure.

8/24/22, 3:31 PM

dwa5C6E.htm

APA GROUP

APT O&M Services Pty Ltd (APT) is a company under the APA Group.

Our Reference: ps 15112021 - 23

Enquires: Paula Soluncevski
Telephone 9463 8323

Dear Sir/Madam,

Re: **APPLICATION FOR PLANNING PERMIT**
7 Christmas Street METUNG
Plan No. :

Reference is made to the above correspondence dated 09.11.2021 and accompanying plan.

APT pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987 has no objection to the granting of a permit.

APT does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, and consents to the issue of a statement of compliance at the appropriate time.

Yours faithfully,

Per
Rebecca May
Team Lead I&C Projects
Engineering & Planning

APT O&M Services Pty Ltd (APT) (APA Networks), operating as a subsidiary of APA Group, manages and operates the gas reticulation assets on behalf of Australian Gas Networks (AGIG).

From: Planning Unit Administration <Planning@egipps.vic.gov.au>
Sent: Tuesday, 9 November 2021 2:33 PM
To: subdivisions@ausnetservices.com.au; Subdivisions <Subdivisions@apa.com.au>; planning@egwater.vic.gov.au
Subject: [EXT]: 508/2021/P - 7 Christmas Street METUNG - Multi-lot Subdivision, Roadworks and Removal of Native Vegetation

file:///C:/Data Good afternoon

8/24/22, 3:29 PM

dwa8D0D.htm

From: J

Sent: Wednesday, 10 November 2021 10:57:17 AM

To: Planning Unit Administration

Subject: RE: 508/2021/P - 7 Christmas Street METUNG - Multi-lot Subdivision, Roadworks and Removal of Native Vegetation

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8/24/22, 3:29 PM

dwa8D0D.htm

AUSNET ELECTRICITY SERVICES PTY LTD does not object to the issue of a Planning Permit in respect of the abovementioned application if the permit is subject to the following conditions:

The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988.

The applicant must –

- Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
- Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
- Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
- Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of “Power Line” in the favour of “AUSNET ELECTRICITY SERVICES PTY LTD” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
- Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
- Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
- Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

END OF CONDITIONS

It is recommended that, at an early date the applicant commences negotiations with AUSNET ELECTRICITY SERVICES PTY LTD for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

8/24/22, 3:29 PM

dwa8D0D.htm

Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

If you require any further information in relation to the above, please do not hesitate to contact myself on 9237 4496 at the Lilydale Office.

Yours faithfully,

James Hammond
URD EPC
AusNet Services
james.hammond@ausnetservices.com.au
9237 4496

From: james.hammond@ausnetservices.com.au
Sent: Tuesday, 9 November 2021 2:33 PM
To: planning@egipps.vic.gov.au
Subject: 508/2021/P - 7 Christmas Street METUNG - Multi-lot Subdivision, Roadworks and Removal of Native Vegetation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon

Could you please review planning permit application [508/2021/P](#) (this link will expire 8 December 2021) and provide comments to planning@egipps.vic.gov.au

Kind regards



Land Use Administration Officer ■ [East Gippsland Shire Council](#)

■ P: 03 5153 9500 ■ F: 03 5153 9576 ■ PO Box 1618, Bairnsdale, Vic 3875

■ Please consider the environment before printing this e-mail.



East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidjil 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.

file:///C:/DAT/



Department of Environment,
Land, Water & Planning

71 Hotham Street
Traralgon Victoria 3844
Telephone: +61 3 5172 2111
www.delwp.vic.gov.au

15 December 2021

Robert Pringle
Planning Officer
East Gippsland Shire Council
PO Box 1618
BAIRNSDALE VIC 3875

By email: planning@egipps.vic.gov.au

Our ref: SP478398
Your ref: 508/2021/P

Dear Robert

PROPOSAL: TEN LOT SUBDIVISION AND NATIVE VEGETATION REMOVAL
APPLICANT: CROWTHER & SADLER
ADDRESS: 7 CHRISTMAS STREET, METUNG
LEGAL DESCRIPTION: LOT 1, TP606497 AND LOT 1, TP828384, PARISH OF BUMBERRAH

Thank you for your correspondence dated and received on 23 November 2021 consistent with section 52(1)(c) of the *Planning and Environment Act 1987* (Act).

The application seeks to undertake a ten (10) lot subdivision and native vegetation removal.

Under Delegation from the Secretary, the Department of Environment, Land, Water and Planning (DELWP) is providing advice in response to the referred planning permit application which may affect its responsibilities or assets. The referral trigger being Clause 5 to Schedule 3 of the Vegetation Protection Overlay *Nungurner – Metung Vegetation Protection Area* of the East Gippsland Planning Scheme. The DELWP assessment being that the proposed application does not impact on high conservation value native vegetation nor vegetation of high aesthetic or landscape value.

DELWP **does not object** to the granting of a planning permit.

In accordance with section 66 of the *Planning and Environment Act 1987*, please provide a copy of the permit to the above address.

If you have any further queries, or require clarification please contact
gippsland.planning@delwp.vic.gov.au

Yours sincerely

Elaine Wood
Program Manager Planning & Approvals
Gippsland

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to foi.unit@delwp.vic.gov.au or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.



OFFICIAL

DETAILED PLANNING REPORT

508/2021/P

**7 Christmas Street METUNG
Lot 1 TP 606497, Lot 1 TP 828384**

Multi-lot Subdivision, Roadworks Removal of Native Vegetation and Easement Variation

KEY DETAILS

Subject address	7 Christmas Street METUNG Lot 1 TP 606497, Lot 1 TP 828384
Land owner	Hyawatha Pty Ltd
Applicant	Crowther & Sadler Pty Ltd
Land area	1.2223 Hectares/ 12223.21sqm
Cultural sensitivity	The land is not culturally sensitive

PLANNING CONTROLS

Control	Clause(s)	Consideration
Low Density Residential Zone (LDRZ)	32.03-3	A permit is required to subdivide land.
Design and Development Overlay Schedule 11 (DDO11)	43.02-3	A permit is required to subdivide land.
Erosion Management Overlay (EMO)	44.01-2 44.01-3 44.01-5	A permit is required to carry out roadworks. A permit is required to remove, destroy or lop any vegetation. A permit is required to subdivide land.
Native Vegetation	52.17	A permit is required to remove, destroy or lop native vegetation, including dead native vegetation
Variation of an easement	52.02	A permit is required to create, vary or remove an easement
Public Open Space Contribution		Section 18(5) of the Subdivision Act, a 5% Public Open Space Contribution is required

REFERRAL AUTHORITIES

AUTHORITY	REFERRAL NATURE	REFERRAL CLAUSE	RESPONSE
APA (GAS)	Determining (s55)	66.01	Consent - No network, no conditions

East Gippsland Water (Water & Sewer)	Determining (s55)	66.01	Conditional Consent
Ausnet Services (Electricity)	Determining (s55)	66.01	Conditional Consent
CFA	S. 52 - notice	Policy - Section	Conditional Consent
DELWP	S 52 – Vegetation removal (not native vegetation removal)	42.02, schedule 3, 5.0	Consent

INTERNAL ADVICE

DEPARTMENT	SCOPE OF ADVICE	OUTCOME
Technical Officer Development	Road, Access, Erosion and Drainage	Conditional Consent

REPORT – PLANNING CONSIDERATION**Planning Policy Framework (PPF)**

The assessment of the application before Council requires assessment against Planning Policy Framework.

The clauses that have an influence upon the assessment of this application include:

- 11 Settlement
- 13 Environmental Risks and Amenity
- 16 Housing
- 17 Economic Development
- 19 Infrastructure

Assessment:

The subdivision is within the General Residential Zone Schedule 1, the land is suitable for subdivision and the density proposed is modest within other the zoning parameters to ensure the proposal meets the environmental risk factors and the neighbourhood character of Metung. The subdivision is in the heart of Metung and is highly vegetated on the perimeter to the East and there are a few remnant trees to the middle of the property. Efforts to minimise the loss of the trees was undertaken and there was a reduction of vegetation loss. The Erosion Management Overlay does not require a Geotechnical Analysis due to low impact and the area has some current drainage issues to east and with the subdivision process Council endeavors to assist in mitigating the drainage challenges.

This 10-lot subdivision anticipates the current needs within the community to provide additional housing stock and presents a diversity of choice to the community makes best use of existing infrastructure, provide housing options and increase density in appropriately serviced locations.

Municipal Strategic Statement (MSS)

Council is required to consider Local Policy as a part of this assessment.

Local Policy clauses that are relevant include:

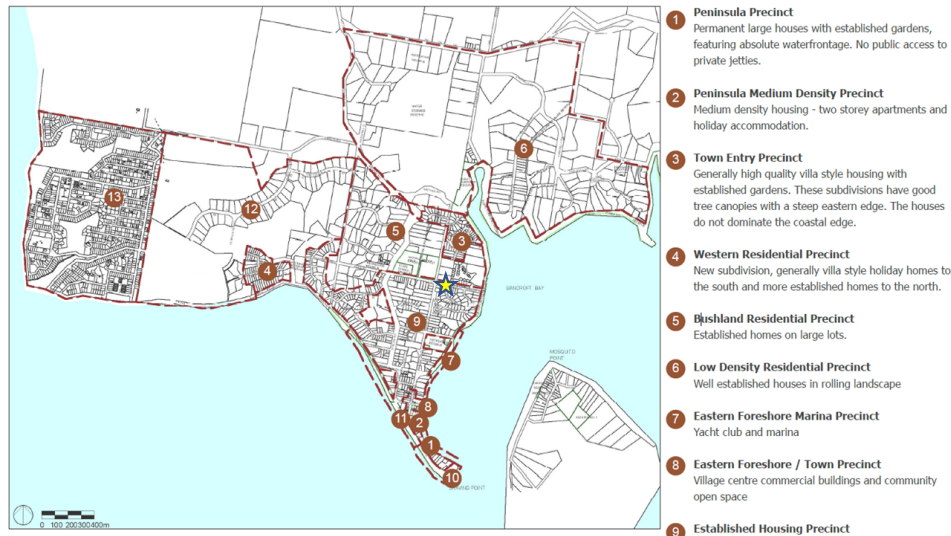
- 21.03 Settlement
- 21.05 Environmental Risk
- 21.08 Housing
- 21.09 Economic Development

21.11 Infrastructure

21.12 Strategies for Sub-Regions, Towns and Localities

Urban Design Frameworks for Metung (Meinhardt Infrastructure and Environment, March 2007)

– Adopted as a part of the Metung Strategy Plan



Bushland Residential Precinct (Area 5)

Established houses on larger lots with tree cover

Design Guidelines:

- *Retain present character, encourage tree retention – site coverage to be kept to a minimum.*
- *Generally, discourage fencing to promote wildlife corridors.*

Assessment:

The subdivision would provide 10 allotments, within a General Residential Zone, the lot sizes are large and has been designed to respect the slope and the bushland to the east. Substantial efforts to retain native vegetation to the site has been to done, the land has some fire risk, whilst the land was not within a Bushfire Management Overlay we referred the application to the CFA and fire hydrants and BAL ratings will determine construction materials and methods at the time of construction. Most of the new dwelling that will be constructed will be influences with current builder options on the market and the future owners design choices.

This proposed subdivision, within Metung provides lots that are between 793 and 1,200 square metres in an area with low environmental risk, (i.e. from salinity, erosion, flooding and coastal sea rise). Moderate risk of bushfire is present from the east, however there is not vast bushland that can present potential for long uncontrolled bushfires. The are no current draft strategic plans layers currently proposed on this land. The 10-lot subdivision would add to the diversity of housing to Metung. Whilst objectors have presented concern in relation to impact on neighbourhood character, the Municipal Strategic Statement and Local Policies support the development of serviced land in accordance with the zoning.

The proposal responds appropriately to the Zone control and meets other objectives for intensification of residential land.

General Residential Zone 1

The purpose of the zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The proposed Residential subdivision is consistent with the purpose of the General Residential Zone in that it seeks to deliver variety in dwelling type to meet the varying needs of households, whilst remaining respectful of the prevailing neighbourhood character.

Clause 32.08-4 requires assessment against the relevant sections of Clause 56 – two or more dwellings on a lot. This assessment was undertaken on the original planning permit application.

The proposal is contemplated by the zone and overall, the proposal is considered to be consistent with the purpose of the zone and delivers a reasonable planning outcome.

OVERLAYS

42.02 VEGETATION PROTECTION OVERLAY

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect areas of significant vegetation.

To ensure that development minimises loss of vegetation.

To preserve existing trees and other vegetation.

To recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.

To maintain and enhance habitat and habitat corridors for indigenous fauna.

To encourage the regeneration of native vegetation.

Schedule

Statement of nature and significance of vegetation to be protected

The Nungurner-Metung area is located on the shores of the Gippsland Lakes and comprises large areas of remnant native vegetation and tree-lined roadsides. Much of the area constitutes a Site of Biological Significance, whilst significant areas of native vegetation are also located within the built-up areas.

Vegetation contributes significantly towards aesthetic values of the area and provides for a unique character in a lakeshore setting, resulting in a highly attractive area to both local residents and visitors.

Remnant native vegetation throughout the area, including important examples of coastal vegetation, Gippsland Coastal Grey Box and Box - Ironbark communities, is of high conservation value and provides important fauna habitat.

Remnant native vegetation plays an important role in stabilising the often highly erodible dissected gullies characteristic of the area.

Conservation and enhancement of this area is generally important to, and supported by, the local community.

Assessment

The extent of vegetation to be removed is considered low for the development of 10 dwellings. Providing for dwellings within the Metung district is imperative to conserve vegetation within areas of higher conservation value areas and areas of high soil erosion properties.

Environmental Offsets for the vegetation removal will be conditioned. Revegetation is not appropriate in a moderate bushfire risk area. Indigenous species of vegetation within the subdivision is recommended, whilst not conditioned.

DELWP has consented to the proposal:

"The application seeks to undertake a ten (10) lot subdivision and native vegetation removal. Under Delegation from the Secretary, the Department of Environment, Land, Water and Planning (DELWP) is providing advice in response to the referred planning permit application which may affect its responsibilities or assets. The referral trigger being Clause 5 to Schedule 3 of the Vegetation Protection Overlay *Nungurner – Metung Vegetation Protection Area* of the East Gippsland Planning Scheme. The DELWP assessment being that the proposed application does not impact on high conservation value native vegetation nor vegetation of high aesthetic or landscape value.

DELWP does not object to the granting of a planning permit."

The vegetation is confirmed as not high conservation value and therefore the development is considered appropriate.

43.02 DESIGN AND DEVELOPMENT OVERLAY

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which are affected by specific requirements relating to the design and built form of new development.

Design objectives

To protect and manage the township character of coastal settlements.

To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.

To ensure that new development is designed to minimise visual impacts on the natural landscape.

To ensure that new development is visually and physically integrated with the site and surrounding landscape.

To ensure that new development is sited and designed to be visually unobtrusive through and above the surrounding tree canopy when viewed from nearby streets, lakes, coastal areas, or other distant viewpoints.

To protect the vegetated character of the landscape, particularly where it is a dominant visual and environmental feature.

To ensure that the scale and character of existing development in areas fronting Marine Parade in Marlo and on the lake frontage at Newlands Arm is preserved and that any new development should be consistent with the prevailing development form and height to retain the existing character and view corridors.

To ensure that the subdivision of land within the Newlands Arm Estate is consistent with the Newlands Arm Estate Restructure Plan, Version 7, (March 2017).

Assessment

No restriction of the dwelling designs will be imposed within this subdivision, future dwellings will trigger planning permit applications if dwellings and ancillary buildings are greater than 300 sqm and greater than 7.5 m in height. This overlay is exempt from notice and review.

44.01 EROSION MANAGEMENT OVERLAY

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.

Assessment

Erosion Management Overlay is triggered for the subdivision in Clause 44.01. It is required to protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development. A geotechnical risk assessment is not required to accompany the following applications:

The risk to life, property and community infrastructure from geotechnical waiver is provided (Reference No:B21248) and has identified the site in a low landslide hazard zone and is low for sheet and tunnel erosion.

PARTICULAR PROVISIONS

52.02 EASEMENTS, RESTRICTIONS AND RESERVES

A permit is required create, vary or remove an easement. There is an existing easement that traverses the middle of the proposed lots 1,7,8 and 9. This will require it to be realigned within the road reserve, to have no constraints of future dwellings and servicing requirements.

This requirement is outlined in the conditions from East Gippsland Water, and also reflected in the proposed amended plans condition.

52.17 NATIVE VEGETATION

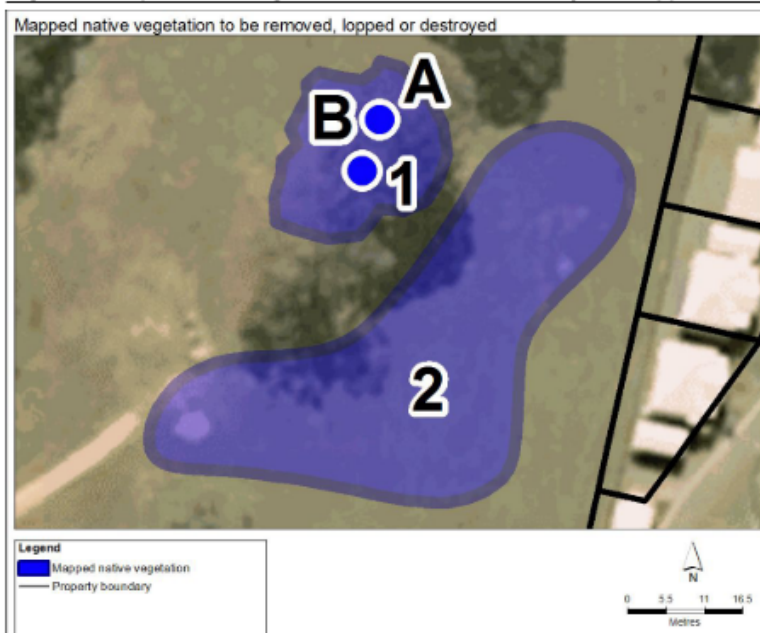
Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

- 1. Avoid the removal, destruction or lopping of native vegetation.*
- 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

Assessment

Figure 1 – Map of native vegetation to be removed, destroyed or lopped

The proposal will remove 2 trees and 0.215 hectares of native vegetation. In addition, some planted vegetation will be removed for the road which is exempt from requiring a planning permit.

The proposal has demonstrated the avoidance of native vegetation and provides offsets for the native vegetation that will be removed. The vegetation is not considered high conservation value. The extent of vegetation loss with low conservation value for 10 dwellings is considered a reasonable outcome.

Public Open Space Contribution

Subdivision of land requires consideration under Section 18(5) of the Subdivision Act:

A public open space requirement may be made only once in respect of any of the land to be subdivided whether the requirement was made before or after the commencement of this section...

The public open space requirement has not been made in relation to any prior subdivision and a 5% Public Open Space Contribution is required, as no public open space is being created and a higher demand is being generated from the proposed development.

56 Residential Subdivision

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

As stipulated under the Zone, a 10-lot subdivision must meet the following objectives and standards:

	Description	COMMENTS
56.01	Subdivision site and context description	The pattern of subdivision is appropriate and complementary to the existing land uses. The subdivision will not adversely impact existing buildings on adjacent land. The vegetation removal is not significant and not of high conservation value.
56.01-2	Subdivision design response	The applicant has prepared a written statement and it is appropriate.
56.03-5	Neighbourhood Character	The subdivision will create ten lots for dwellings in a residential area and would provide a range of densities into the area, and there is no policy which would prevent the creation of lots as proposed.
56.04-1	Lot diversity and distribution	The housing densities support compact and walkable neighbourhoods and the efficient use of the road network within the area, the increase of density within the growth area will provide a variation of dwelling diversity and housing types.
56.04-2	Lot area and building envelopes	The lots are each demonstrates the capacity to accommodate a building envelope of 10m x 15m. No building envelopes are proposed as it may restrict the best sitting of a future dwelling with the slope.
56.04-3	Solar orientation of lots	Each dwelling will have an opportunity to be appropriately oriented.
56.04-4	Street orientation	The lot layout that contributes to community social interaction, personal safety and property security.
56.04-5	Common Area	No common areas are proposed.
56.05-1	Integrated urban landscape	Providing attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas. Conditions will be imposed on any permit which may issue requiring vegetation landscaping to the entrance and within the road reserve to be endorsed prior to certification and planted prior to issue of Statement of Compliance.
56.06-2	Walking and cycling network	Footpaths are required within the road reserve to service the new allotments. Conditions will be imposed on any permit which may issue requiring Footpath construction prior to issue of Statement of Compliance.
56.06-4	Neighbourhood street network	The proposed road provides direct, safe and easy movement through and between neighbourhoods.

	Description	COMMENTS
56.06-5	Walking and cycling network detail	Detailed design and construction of footpaths will be imposed for endorsement prior to certification and construction to issue of Statement of Compliance.
56.06-7	Neighbourhood street network	The road design of the street carriageway provides a safe accessible street network to the area.
56.06-8	Lot Access <u>Access Street - Level 1</u> A street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated.	The only variation to the access Street Level 1 is the concrete footpath a minimum of 1.5 metres width on one side of the road, instead of both sides of the road as it is more suited to the Metung area.
56.07-1	Drinking water supply	The site has access to reticulated water services. Conditions will be imposed on any permit which may issue requiring consent from relevant authorities prior to issue of Statement of Compliance.
56.07-2	Reused and recycled water	Reused / recycled water is not provided to the area and no conditions are imposed.
56.07-3	Wastewater management	The site has access to reticulated sewerage services. Conditions will be imposed on any permit which may issue requiring consent from relevant authorities prior to issue of Statement of Compliance.
56.07-4	Urban run-off management	The site has access to reticulated stormwater services. Conditions will be imposed on any permit which may issue requiring consent from relevant authorities prior to issue of Statement of Compliance.
56.08-1	Site management	This is a ten-lot subdivision, no extensive works will be required; all works will be minor in nature and localized (such as connecting to water, electricity and sewerage). A detailed construction management plan is not considered necessary.
56.09-1	Shared trenching	This is a ten-lot subdivision of an existing residential lot. The provision of services will be managed by the contractors engaged by the owner of the land who will need to provide services based on the location of existing assets.
56.09-2	Electricity, Telecommunications & Gas	The site has access to electricity and telecommunications services. Standard conditions will be imposed on any permit which may issue requiring consent from relevant authorities prior to issue of Statement of Compliance. Gas services are not provided in Metung
56.09-3	Fire hydrants	Fire hydrants will be required. Conditions will be imposed on any permit requiring fire hydrants construction prior to issue of Statement of Compliance.

	Description	COMMENTS
56.09-4	Public lighting objective	Public lighting will be required. Conditions will be imposed on any permit requiring public lighting to Council current policy and construction prior to issue of Statement of Compliance.

GENERAL PROVISIONS

Clause 65 - Decision Guidelines

Clause 65 (Decision Guidelines) state that the Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this Clause. Specifically, the decision guidelines of Clause 65.02 relating to the approval of an application to subdivide the land are to be considered as appropriate. The decision guidelines contain a similar assessment to that found in Clause 56.

The application presents no detriment to the environmental values of the land or to the amenity of the area. The proposal is an acceptable planning outcome that is consistent with the objectives of planning in Victoria.

5.3.3 Draft Planning Delegations Policy

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

Delegation is an integral element of an efficient administration process. It is essential for Council to have clear and precise policy arrangements and for Council staff to have the ability to make day-to-day decisions in accordance with that policy.

The purpose of the Planning Delegations Policy (Policy) is to establish a framework for delegating authority on Planning application matters in a manner that facilitates efficiency and effectiveness and ensures the accountability of staff for their performance.

The key outcome proposed is that the Policy extends delegated powers to deliver more efficient and timely decision-making, while maintaining accountability and clearly defining the opportunity for Council to “call-up” applications. The Policy will still allow Council to make decisions in relation to planning matters, by exception and according to established criteria.

The proposed process improvements set up new procedures and protocols in relation to a range of internal processes, including:

- call-up procedures;
- information and reporting;
- new decision-making procedures; and
- details such as Section 173 legal agreements and Victorian Civil and Administrative Tribunal (VCAT) matters.

The revision also incorporates the key recommendations of the Victorian Government's Better Regulations 2019 findings and reference to nine (9) principles contained in the Department of Environment, Land, Water and Planning (DELWP) guidance relating to planning decisions in local government ('Planning Decision Making in Local Government').

The draft Policy is included at **Attachment 1**.

The existing Planning Permit Applications Delegations Policy is included at **Attachment 2**. Note that the new draft Policy is a completely new policy, rather than an edit of the existing policy and so a 'revisions marked' version has not been included.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. rescinds the Planning Permit Application Delegations Policy last adopted by Council 3 April 2018;***
- 3. adopts the draft Planning Delegations Policy as provided at Attachment 1;***
- 4. notes the operation of the Planning Delegations Policy will be reviewed after one year, with the review reported to Council; and***
- 5. authorises the Chief Executive Officer to amend the adopted Planning Delegations Policy without formal Council consideration, if the amendments required are of a minor administrative nature.***

Background

Key Issues

The rationale for the detailed review has been to address a series of elements including:

- identified policy gaps;
- operational challenges where processes and procedures are not clearly defined;
- opportunities for further streamlining of the permit process;
- inclusion of strategic planning responsibilities and obligations (relating to Planning Scheme Amendments); and
- clarification of delegations on VCAT matters.

The outcomes sought by the draft Policy are to:

- recognise the key role of Councillors in determining the strategic direction of the municipality and the role of Officers in implementing strategic direction and policy;
- reduce overall processing time for planning permit applications;
- reduce workload in preparing items for Council consideration where it is appropriate for decisions to be made under delegation;
- ensure that matters of significant public interest, conflicting policy considerations or involving conflicts of interest are dealt with by Council; and
- remove existing processes that do not contribute to improved decision-making.

Delegations of authority are mechanisms by which the Council enables Officers (the Delegates) to act on its behalf. The decision of a delegate is considered a decision of Council.

Delegations are made to members of Council Officers to a position they occupy and are set out in schedules referenced by the Instruments of Delegation.

In exercising a delegation, a delegate must comply with all conditions and limitations of a delegation, relevant legislation, resolutions of Council, and Council Policies and procedures.

The delegate is responsible and accountable for any decisions made under a delegation and is required to be able to justify such decisions or actions. An officer must not exercise a delegation where they have a conflict of interest.

In the case of planning matters, all decisions have additional accountability associated with review by VCAT or a Planning Panel appointed by the Minister for Planning.

The proposed Policy would still allow Council to make decisions in relation to any planning matters, by exception.

The proposed process improvements set up new procedures and protocols in relation to a range of internal processes, including call-up procedures, information and reporting, introduction of new decision-making processes and detail such as section 173 legal agreements and representation in VCAT matters.

The approach to the Policy updates has been based on the key recommendations of the Victorian Government's Better Regulations 2019 findings and reference to nine (9) principles contained in Department of Environment, Land, Water and Planning Guidance relating to planning decisions in local government.

Current Policy

The current Policy was adopted in April 2018 and only applies to determination of Planning Permits. It does not provide guidance on related Planning matters including ending or amending of Section 173 Agreements, representation at VCAT, amendments to Development Plans, or steps in the Planning Scheme Amendment process.

The Council's Instrument of Delegation establishes the delegations from Council to Officers under the *Planning and Environment Act* 1987. In particular, it delegates Council's functions under Section 61(1) of the Act (Power to determine permit applications, either to grant a permit, to decide to grant a permit with conditions or to refuse a permit application) "in accordance with operational guidelines..." The Planning Permit Delegations Policy effectively sets those operational guidelines and is proposed to be replaced by the revised Planning Delegations Policy.

Principles of the draft Policy

The proposed draft Policy has been prepared having regard for key recommendations of the Better Regulations 2019 findings and reference to nine principles contained in DELWP Guidance relating to planning decisions in local government.

The principles are:

Principle 1 – Delegation by exception.

An instrument of delegation should adopt a 'delegation by exception approach'. This means that all powers, duties and functions should be delegated to council officers, and the exceptions to this should be clearly stated.

This is the approach proposed in the draft Policy.

Principle 2 – Use Delegation Guidelines.

An instrument of delegation may be supported by delegation guidelines that set out protocols and thresholds for when delegated powers, duties and functions should not be exercised by council officers.

These are included in the draft Planning Delegations Policy and Procedure.

Principle 3 – Use of significance and broad community interest tests.

The basis for a permit application to be decided by the Council or a committee of the Council, should be where the application is of 'significance', or of 'broad community interest'.

This is included in the draft Policy.

Principle 4 – Call ups should not be common practice.

If a permit application is called up, this should be clearly documented including how the permit application meets the significance and broad community interest tests in Principle 3 (or other call up provisions). A permit application should generally not be called up by a single Councillor.

Procedures are included to document the reason for call-up and requiring a minimum of three Councillors.

Principle 5 – Call-ups should be clearly communicated.

If a matter has been called up, it should be documented in the council meeting agenda and minutes, including details of the reasons for the call up; and why the delegation should not be exercised.

This is included in the draft Policy.

Principle 6 – Decide to call up permit applications early.

Make it clear to council officers and the permit applicant if there is an intention to call-up an application as soon as is practicable. This should occur at the earliest time after the permit application is made.

This is included in the draft Procedure.

Principle 7 – Provide reasons for Council decisions.

Where a Council decision differs from the council officer recommendation, clear reasons for the decision should be included in the council meeting minutes.

This is covered in part in the Act and Regulations, but only for refusals. The draft Policy includes further guidance.

Principle 8 – Provide delegation to council officers at VCAT.

To facilitate the Victorian Civil and Administrative Tribunal (VCAT) review process, council officers should be delegated the power to, or instruct a representative to:

- negotiate and settle with all parties when attending a compulsory conference;*
- form a position on any amended plans or proposal filed with VCAT; and*
- prepare, file and serve amended grounds, having formed a position on any amended plans or proposal filed for a review under sections 77, 79, or 82.*

This should apply irrespective of whether the decision was made by the Council or a delegate.

This is included in the draft Policy.

Principle 9 – Make the delegation instrument and policy available to the public.

Instruments of delegation and delegation guidelines should be made publicly available. Councils should publish these on their website.

All Council policies and the Instrument of Delegation are published on the Council website.

Key differences

The proposed differences between the current Planning Permit Application Delegations Policy and the draft Planning Delegations Policy are described in summary form as:

1. The scope of the draft Planning Delegations Policy has been broadened beyond planning permits;
2. Including strategic planning matters – Planning Scheme Amendments and Development Plans;
3. Providing for planning permits and similar matters to be determined under delegation and only to be determined by Council by exception:
 - a. Extends call-up provisions and specifies criteria for call-up, both by Councillors and the Chief Executive Officer.
 - b. Includes wider obligations for informing Council of intended decisions in specified cases to enable consideration of call-up.
 - c. Introduces new procedures for planning permit applications with written objections to be advised to Council.
 - d. Removes formal mediation process for planning permit applications with 9 or less objections (but includes informal procedures for seeking resolution of issues).
 - e. Introduces delegation to issue a Notice of Decision to Refuse to Grant a Permit, subject to Councillors being informed in advance and able to call-up the decision;
 - f. Removes dollar threshold for private projects; and
 - g. Retains dollar threshold for Council projects at \$5m.
4. Introducing a requirement for the Delegate to refer a matter to Council in specified circumstances, including:
 - a. Significant public interest.
 - b. Conflict with existing policy.
 - c. Applications on Council owned (or Committee of Management) land over \$5 million (including an external peer review option where there are objections). and
 - d. A Planning Officer, Manager, General Manager or a Councillor has a financial interest (including an external peer review procedure to maintain transparency and accountability).
5. Introducing reference to representation by Officers in VCAT matters. Delegates power to negotiate, form a position, prepare, file and serve amended grounds at VCAT, consistent with Council decisions;
6. Introducing delegation to consider and determine requests to vary and end section 173 legal agreements, again subject to call-up procedures; and
7. Formalising current operational procedures in relation to Planning Scheme Amendments and consideration of Development Plan requests.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with the *Local Government Act 2020*, Sections 11 and 47, relating to delegation of powers.

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*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objectives of the *Gender Equality Act 2020*.

Collaborative procurement

Not applicable.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced.

Council Policy

The proposed Policy replaces the existing Planning Permit Applications Delegations Policy adopted in 2018.

Options

1. Adoption of the draft Planning Delegations Policy without change.

This is the recommended option.

The proposed Policy has been prepared in accordance with best practice guidelines published by DELWP and includes call-up processes for any matter to be referred to Council for a decision. Monitoring and reporting of Planning decisions occurs through regular Councillor Briefings and communications and the Policy will be subject to review after one year of operation.

2. Adoption of an amended Planning Delegations Policy.

If Council wishes to make amendments to the draft Policy, it would be recommended that the item is deferred to enable proper consideration of any proposed amendments and their implications.

Resourcing

Financial

There are no financial implications.

Plant and equipment

Not applicable.

Human Resources

The proposed policy seeks to make the most efficient of existing human resources.

Risk

The risks of this proposal have been considered and there are sufficient checks and balances to ensure transparency and accountability of decision-making. All Planning decisions are subject to the requirements of the *Planning and Environment Act 1987* and, in some cases, are subject to review by the Victorian Civil and Administrative Tribunal.

Economic

The Policy seeks to create efficiencies in decision-making with positive economic impacts for the community.

Social

The Policy has no specific social implications.

Gender Impact Statement

The Planning Delegations Policy has considered the *Gender Equality Act 2020* in its preparation and has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

The Policy has no specific environmental implications.

Climate change

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

Engagement

The Policy retains engagement process for Planning application matters, including Planning Consultation Meetings and informal negotiation processes for planning applications which are subject to objections.

Attachments

1. FINAL DRAFT Planning Delegations Policy September 2022 [5.3.3.1 - 12 pages]
2. CURRENT Planning Permit Applications Delegations Policy 2018 [5.3.3.2 - 8 pages]

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PLANNING DELEGATIONS POLICY

Version number: 2
 Authorised by: General Manager Place & Community

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1. Purpose

The objective of the Planning Delegations Policy (the Policy) is to achieve effective, efficient and transparent decision making on Planning matters. Delegations are the mechanisms by which Council enables its officers to act on behalf of the Council.

Delegations are important for decision-making for the planning responsibilities, duties, powers and functions of Council. Delegations underpin all actions and responsibilities associated with the *Planning and Environment Act 1987* (the Act) and associated decision-making as conferred by the Instrument of Delegation adopted by Council from time to time. The Instrument of Delegation may or may not contain conditions or limitations in the exercise of powers, duties or functions.

The purpose of this Policy is to establish a framework for delegation of planning responsibilities to facilitate efficiency, effectiveness, transparency and to ensure accountability for Planning decisions.

2. Scope

The scope of this Policy is in relation to all responsibilities under the Act and includes matters pertaining to statutory and strategic planning functions, responsibilities and actions. The responsibilities include planning scheme amendments, development plans and planning permit applications.

This Policy applies to all persons acting under delegated authority. A delegation cannot be exercised by an officer who has a conflict of interest. A delegation is made to a position and not to a person.

This Policy is accompanied by operational procedures associated with decision-making.

This Policy is to be referred to when exercising the power conferred by the Instrument of Delegation. The powers discretions, functions or authorities delegated shall be performed by the designated delegates in accordance with the policy and accompanying procedure.

3. Policy Context

This policy sets out how Council and officers interact in relation to the roles and responsibilities conferred on Council under the Act and the East Gippsland Planning Scheme (the Planning Scheme).

Council's role in the planning process is divided into three categories: local governance, Planning Authority and Responsible Authority. These are clearly defined and separate functions of the Council and are detailed below.

As a democratically elected body, Council has an obligation to represent and meet the needs of the local community. This role is to be fulfilled in accordance with the legislative framework governing the power, duties and functions of Council, including the provisions of the Act. Good local governance dictates the need for clarity in terms of the roles and responsibilities of Council, Councillors and officers in the decision-making process.

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As the Planning Authority, Council is given the power to prepare a planning scheme or an amendment to a planning scheme. The Minister is a Planning Authority and may authorise any other Minister or public authority to prepare an amendment to a planning scheme.

As a Responsible Authority, the Council is charged with administering the Planning Scheme pursuant to the provisions of the Act. The Act specifically bestows upon Council all of the powers, functions and duties in relation to assessing and determining applications for planning permit approval and associated matters.

4. Policy Statement

This Policy adopts the approach that all powers, duties and functions in relation to operational planning decisions are delegated to officers, but exceptions to this are clearly stated. Council retains a number of powers under the Act in relation to the initiation and adoption of Planning Scheme Amendments.

The Policy, and its associated procedure, outlines the framework and protocols for assessing and deciding statutory planning matters.

In exercising a delegation, a delegate must comply with all conditions and limitations of a delegation, relevant legislation, resolutions of Council, industrial awards and agreements and Council policies and procedures. The delegate is responsible and accountable for any decisions made under a delegation and is required to be able to justify such decisions or actions.

An officer must not exercise a delegation where a conflict of interest exists in accordance with the *Local Government Act 2020* and Council's Code of Conduct. All conflicts of interest must be disclosed in accordance with the relevant procedure as specified in the Governance Rules.

This Policy includes criteria about what constitutes a statutory planning matter of significance or broad community interest. These include matters that:

- Relate to Council owned land
- Are matters that have attracted significant written objections and submissions
- Have major economic, employment or infrastructure implications
- Raise significant issues in relation to implementation of local, regional or state planning policy
- Involve financial interests of officers or Councillors

To efficiently facilitate the Victorian Civil and Administrative Tribunal (VCAT) review process, the Policy confers power to the relevant position, irrespective of whether the decision was made by Council or a delegate, to:

- Make submissions to and submit information in response to Orders of VCAT; and
- Negotiate and settle with all parties when attending a compulsory conference; and
- Form a position on any amended plans or proposals filed with VCAT; and
- Prepare, file and serve amended grounds, having formed a position on any amended plans or proposal filed for a review under sections 77, 79, or 82 of the Act.

The Instrument of Delegation and this Policy are publicly available documents.

Delegates must keep appropriate records of all actions taken under delegation.

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5. Exercise of Delegated Authority

In exercising a power, function or duty, the delegate must have regard for all statutory requirements, relevant legislation and any guidelines or policy, which the Council may from time to time adopt. All decisions will be made consistent with the objectives of planning in Victoria as set out in the Act and the East Gippsland Planning Scheme (the planning scheme).

Prior to a decision being made under delegation, a Delegate Report must be prepared and approved by a Delegate of equal or higher office and a copy retained on the relevant file. The Delegate Report must be prepared in accordance with the Planning Delegations Procedure.

A delegation cannot be exercised by a person who has a conflict of interest. If any conflict of interest occurs, it must be disclosed and dealt with in accordance with the relevant procedure as specified in the Governance Rules.

A delegation must be exercised within its conditions and limitations and in accordance with Council policies and procedures, and any relevant legislation.

5.1 Notification of Planning applications to Councillors

Councillors will be notified weekly in writing of all planning permit applications lodged in the previous week, highlighting applications that are considered by officers to be of significance.

Councillors will also be notified from time to time as required of any planning applications under assessment that have received objections where it is proposed to decide the application under delegation.

5.2 Call-up of Applications

This Policy implements the principle that call-ups for Council determination are not common practice. A call up is where three (3) or more Councillors or the Chief Executive Officer request in writing that a delegate not exercise delegation and the matter is to be determined by Council. The call up can be made at any time until a determination is made by a Delegate.

After seven (7) days of the receipt of a notification of a Delegate's Intent to Determine an application, Delegate's will make such determination, unless:

- A Councillor makes a request in writing to the Chief Executive Officer, supported in writing by at least two (2) other Councillors, for the planning application to be determined by formal Council resolution, where it is not already required by this Policy; or
- The Chief Executive Officer requests the application to be determined by Council.

In making such a request, a Councillor and the Chief Executive Officer must have regard to the principles listed below:

- The planning permit application or consent matter raises issues of genuine municipality wide significance that would have a substantial impact on the achievement of Local Planning Policy.
- The planning permit or consent matter will have a significant impact beyond the immediate locality, including an impact across municipal boundaries.
- The planning permit application clearly raises an issue that is not adequately provided for under existing Local Planning Policy.

- The planning permit application or consent matter may raise significant issues of public interest.
- The planning permit application will result in a use or development which is contrary to a proposed planning scheme amendment which is supported by Council.

Where a call-up occurs, the matter shall be included in a future Council agenda for Council determination.

6. Determination of Planning Applications

In exercising a power, function or duty, the Delegate must have regard for all statutory requirements, relevant legislation and any guidelines or policy, which the Council may from time to time adopt. All decisions will be made consistent with the objectives of planning in Victoria as set out in the Act and the provisions of the East Gippsland Planning Scheme.

Prior to a decision being made under delegation, a Delegate Report must be prepared and approved by a Delegate of equal or higher office and a copy retained on the relevant file. The Delegate Report must be prepared in accordance with the Planning Delegations Procedure.

6.1 Planning Consultation Meetings

A Planning Consultation Meeting (PCM) will be conducted for all planning permit applications which have been subject to public notice and have received 10 or more written objections.

The PCM shall be arranged and conducted in accordance with the Planning Delegations Procedure.

After a PCM the Delegate Report will be finalised with a recommended decision and circulated to all Councillors.

Where a planning application has been the subject of a Planning Consultation Meeting and is called-up for Councillor determination, applicants and third parties will not have the opportunity to request to speak to the item at the Council meeting.

6.2 Referral of Applications to Council by Delegate

A Delegate shall refer to Council any planning decision without prior decision by the Delegate when:

- The proposal raises an issue of significant public interest, concern or controversy, or is likely to do so;
- The proposal raises an issue of policy or process not covered by existing policy or practice;
- The proposal has given rise to substantial public objections or appears likely to do so.
- The proposal is for a capital project with construction value of \$5million or more on Council owned land or under Committee of Management arrangements;
- The Delegate recommends approval of the proposal, but such approval would be or could reasonably appear to be inconsistent with a previous decision by or on behalf of Council;
- A Council Planning Officer, the responsible Manager, General Manager or any currently serving Councillor is the permit applicant or has a financial interest in the matter;
- Implementation of the proposal would require expenditure of Council funds, and such funds have not been specifically provided for in the budget;

- The Delegate or the Chief Executive Officer is not satisfied that the proposal is one that is appropriate for determination under delegation; or
- A request in writing is made by three (3) or more Councillors to call-up the matter for Council decision.

6.3 Council owned land and capital projects

The following planning applications will be determined under delegation unless called up by Councillors:

- All buildings and works applications on Council owned or managed land up to a value of \$5million.
- All applications requesting removal of native vegetation on Council owned land.

6.4 Significant or broad community interest matters

The Act stipulates that the Responsible Authority must (where appropriate) have regard to the number of objectors in considering whether the use or development may have a significant social effect.

Any social effects of a proposal must be balanced with other significant effects of the proposal having regards for the following:

- The objectives of the Act
- The provisions of the planning scheme
- Relevant policies and decision guidelines in the scheme
- Other considerations in sections 60 and 84B of the Act

7. Authority to Issue a permit with conditions

Delegated officers have authority to issue a permit or amended planning permit with conditions having regard to the decision guidelines of the Planning Scheme and any relevant policy or procedure of Council:

- Where an application is lodged in general compliance with the East Gippsland Planning Scheme (including incorporated documents) and Council's adopted policies and procedures, and no objections are received.
- Where an application substantially complies with any relevant Council policy or procedure and no objections are received.
- Where Council have determined an application and the resolution is for the issue of a permit with conditions.

7.1 Authority to issue a Notice of Decision to Grant a Permit with conditions

Delegated officers shall have authority to issue a Notice of Decision to grant a permit or amended permit with conditions having regard to this Policy and decision guidelines of the Planning Scheme and any relevant policy or procedure of Council where:

- An application is lodged in general compliance with the East Gippsland Planning Scheme (including incorporated documents) and Council's adopted policies and procedures and nine or less objections are received.

- An application has been determined by Council and the resolution is for a Notice of Decision to grant a permit with conditions.
- Ten (10) or more written objections have been received and a Planning Consultation Meeting has been conducted and call-up provision has not been enacted.

7.2 Authority to issue a Notice of Decision to Refuse to Grant a Permit

Decisions to issue a Notice of Decision to Refuse to Grant a Permit will be exercised under delegation and in accordance with the Planning Delegations Procedure.

A Delegate will issue a Notice of Decision to Refuse to Grant a Permit in the following circumstances. In these cases, a Notice to Refuse to Grant a Permit will be issued by the Delegate in consultation with the Manager Planning.

- Where an applicant has not provided sufficient information for an informed decision to be made.
- A determining referral authority lodges an objection to a planning permit application.
- Where the grant of a planning permit would authorise a breach of a registered restrictive covenant, and such matter is not subject to the application. Before a decision is made, the applicant must be given reasonable opportunity to amend the application.
- Where the application proposes to use Coastal Crown Land without Minister's consent or where the Minister has refused or is deemed to have refused to give consent under the *Marine and Coastal Act 2018*.
- Where a Planning Consultation Meeting has been conducted, Councillors have been advised of the officer recommendation to issue a Notice of Decision to Refuse to Grant a Permit and the call-up provision has not been enacted.

7.3 Authority to determine to End or Amend Section 173 Agreements

A Delegate may determine to give in principle support to ending or amending a Section 173 Agreement.

All written requests made pursuant to the Act to end or amend a Section 173 Agreement will be determined under delegation, except in circumstances where the matter has been referred for Council resolution in accordance with this Policy.

In determining whether to end or amend an Agreement, the Delegate must consider all matters under section 178B of the Act.

Where a request is made pursuant to the Act to end or amend a Section 173 Agreement, and the agreement of all those bound by any covenant in the agreement pursuant to section 177(2) or section 178 is received, the Delegate may determine to end the Agreement.

Where a request is made pursuant to the Act to end or amend a Section 173 Agreement and objections are received and the application is called-up by Councillors.

7.4 Authority to provide representation and form a position in VCAT matters

Where an applicant has appealed to the Victorian Civil and Administrative Tribunal (VCAT) pursuant to section 79 of the Act, and the Delegate in consultation with the Manager Planning forms the opinion that the application could have been determined under delegation in accordance with this Policy, then the Delegate may represent the interests of Council at VCAT and recommend conditions suitable to the proposal, as if a delegated determination was made.

Where the Delegate in consultation with the Manager Planning forms the opinion that the application would have been referred to a Council Meeting for determination, a report shall be prepared for a Council Meeting to enable Council to form a position on the application.

Officers will also exercise delegation in relation to any VCAT matters under sections 77, 78, 79, 81, 82, 82AAA, 82AA, or 82B of the Act, as follows:

- Represent Council at a mediation conference and approve a mediated outcome;
- Make submissions to and submit information in response to Orders of VCAT;
- Negotiate and settle with all parties when attending a compulsory conference;
- Form a position on any amended plans or proposal filed with VCAT; and
- Prepare, file and serve amended grounds, having formed a position on any amended plans or proposal.

8. Planning Scheme Amendments

The following matters will be reported to Council for formal resolution.

1. Request to seek authorisation and give public notice of a planning scheme amendment.
2. Consideration of written submissions and request for Ministerial Appointment of a Planning Panel.
3. Consideration of Panel Report – adopting or abandoning of an amendment.

The exceptions to a formal Council resolution for planning scheme amendment matters, where delegation may be exercised, are.

- Policy neutral planning scheme amendments.
- Corrections of anomalies and updates processed under sections 19, 20, 21 and 22 (inclusive) of the Act.
- State-wide planning scheme amendments administered and executed by the Minister for Planning.

9. Development Plan Overlay Requests

A Delegate will consider and process all new development plan overlay requests in accordance with the Development Plan Policy provisions and procedures. This will include community consultation and engagement.

A Delegate will bring the matter before Council for the final recommendation to refuse or approve the development plan, with or without conditions.

Council accepts that modifications and amendments may need to be made to approved development plans over time. Such modifications and amendments will be determined under delegation in accordance with the Instrument of Delegation.

10. Other Powers, Functions and Duties Delegated

The Instrument of Delegation sets out other powers, functions and duties delegated from Council to officers in relation to the operation of the planning process. These powers, functions, and duties include where the Act requires something to be done:

- In relation to any planning scheme or permit, to consent or to refuse consent to any matter which requires consent or approval of Council.
- Where the Scheme, a planning permit, or a Section 173 Agreement requires or provides that a matter can be considered to the satisfaction of the Responsible Authority.
- Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit.
- Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council.
- Power to give written authorisation in accordance with a provision of a planning scheme.

11. Roles and Responsibilities

Party / Parties	Roles and Responsibilities
Councillors	To facilitate community awareness of this Policy and to adhere to call-up provisions.
Chief Executive Officer	To ensure staff and community awareness of and adherence to this Policy.
General Manager Place and Community	To ensure community awareness of this Policy and oversee its implementation.
Manager Planning	To ensure community awareness of and staff adherence to this Policy.
Planning Unit Officers	To implement and adhere to this Policy.

All staff have an obligation to report occurrences of non-compliance with Council policy. Incidents of non-compliance should be reported immediately to the Manager Planning or General Manager responsible for this Policy.

12. References and Supporting Documents

- S6 Instrument of Delegation from Council to Officers
- East Gippsland Planning Scheme
- Planning Delegations Procedure

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13. Applicable Legislation

- *Local Government Act 1989, Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Aboriginal Heritage Act 2006*
- *Building Act 1993*
- *Environmental Protection Act 1970*
- *Heritage Act 2017*
- *Housing Act 1983*
- *Liquor Control Reform Act 1998*
- *Privacy and Data Protection Act 2014*
- *Marine and Coastal Act 2018*
- *Subdivision Act 1988*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Regulations 2016*

14. Applicable Policy and Procedure

- Planning Delegations Procedure
- Development Plan Policy

15. Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council about matters arising from the *Planning and Environment Act 1987* will be handled in accordance with all applicable privacy legislation and will be used only for investigating matters related to the Act, the Planning Scheme, and land use and development within the East Gippsland Shire.

The disclosure of information revealed by planning processes is regulated by the *Privacy and Data Protection Act 2014*. It is an offence to disclose such information to a third party unless exempted under the Act.

This Policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

16. Definitions

Term	Meaning
Delegate	A member of Council staff holding, acting in or performing the duties of office or position as described within the Instrument of Delegation
Determining Referral Authority	An authority as specified in clause 66 of the Planning Scheme as a determining referral authority
Manager Planning	Council officer responsible for the management of the Planning Unit

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Term	Meaning
Planning Application	Any application made to Council pursuant to the <i>Planning and Environment Act 1987</i> , including a Planning Permit application, an application to amend a Planning Permit, an application to end or amend a Section 173 Agreement or any other application for consent made pursuant to the Act.
Planning Consultation Meeting (PCM)	A meeting conducted by Councillors and attended by Planning Officers, permit applicants, objectors, and other parties who make submissions to the proceeding, with the primary purpose of informing Councillors of the matters at issue in advance of the application being determined either under delegation or at a Council Meeting.

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	3 April 2018	Council	7560998	
2	Draft	20 September 2022			New format. Expanded criteria for consideration of matters other than permit applications. Additional delegations.

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PLANNING PERMIT APPLICATION DELEGATIONS POLICY

DOCUMENT CONTROL

Managed by:	Development
Status:	Approved
Responsible position:	Director Development
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Date approved:	03/04/18
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REVISION HISTORY *(Completed by Governance and Compliance Officer)*

Revision Ref. No.	Approved/ Amended/ Rescinded	Date	Council / Management	ECM Document Reference
1	Approved	3 April 2018	Council	7560998

1. PURPOSE

This Planning Permit Application Delegations Policy underpins the planning permit application process and Instruments of Delegation adopted by Council from time to time.

The policy is to be referred to when exercising the power conferred by the Instrument of Delegation. The powers, discretions, functions or authorities delegated shall be performed by the designated delegates in accordance with the policy and guidelines.

2. POLICY STATEMENT

Council's role in the planning process is divided into three categories: Local Governance, Planning Authority and Responsible Authority. These are clearly defined and separate functions of the Council and are detailed below.

As a democratically elected body, Council has an obligation to represent and meet the needs of the local community. Council is mindful that this role is to be fulfilled in accordance with the legislative framework governing the power, duties and functions of Council, including the provisions of the *Planning and Environment Act 1987*. Good local governance dictates the need for clarity in terms of the roles and responsibilities of Council, councillors and officers in the decision making process.

As Responsible Authority, the Council is charged with administering the East Gippsland Planning Scheme pursuant to the provisions of the *Planning and Environment Act 1987*. The Act specifically bestows upon Council all of the duties, functions and powers in relation to assessing and determining applications for planning permit approval.

For Council to efficiently and effectively discharge its duties, functions and powers under the Act, it must delegate responsibilities to appropriate officers. The Planning Permit Application Delegations Policy is to assist with the interpretation of the roles and responsibilities in terms of officer delegations as well as to communicate Council's expectations in terms of decisions made under the instrument of delegation.

3. RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE

These positions are responsible for implementation and compliance monitoring of the policy in their work areas:

Party / Parties:	Roles and responsibilities:
Councillors	To ensure community awareness of and adherence to this Policy.
Chief Executive Officer	To ensure staff and community awareness of and adherence to this Policy.
Director Development	To ensure staff and community awareness of and oversee the implementation of this policy
Manager Statutory Services	To ensure staff and community awareness of and adherence to this Policy.
Planning Officers and Statutory Services Administration Officers	To ensure staff and community awareness of and adherence to this Policy.

All staff have an obligation to report occurrences of non-compliance with Council policy. Incidents of non-compliance should be reported immediately to the Director responsible for this policy, the Policy Owner or the Administration Unit.

4. SCOPE OF POLICY

This policy applies to all Councillors, Council Officers, individuals, companies and any other parties involved in the development, lodgement, review and decision making processes involving, planning permit applications and any other related planning considerations.

5. REFERENCES / ASSOCIATED DOCUMENTS

East Gippsland Planning Scheme

Instrument of Delegation

The Council Plan identifies the following goals:

- 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

5.1 Relevant Legislation

- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Aboriginal Heritage Act 2006*
- *Building Act 1996*
- *Environmental Protection Act 1970*
- *Heritage Act 2017*
- *Housing Act 1983*
- *Liquor Control Reform Act 1998*
- *Privacy and Data Protection Act 2014*
- *Subdivision Act 1988*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Regulations 2016*

6. PRIVACY AND HUMAN RIGHTS CONSIDERATION

The disclosure of information revealed by planning processes is regulated by the Information Privacy Act 2000. It is an offence to disclose such information to a third party unless exempted under the Act.

The Planning Permit Application Delegations Policy has been assessed as compliant with the obligations and objectives of the Victorian Charter of Human Rights and Responsibilities Act 2006.

7. DEFINITIONS AND ABBREVIATIONS

Term:	Meaning:
the Act	the <i>Planning and Environment Act 1987</i>
the Delegate	the member of Council staff holding, acting in or performing the duties of office or position as described within the Instrument of Delegation
the Planning Scheme	the East Gippsland Planning Scheme
Planning Consultation Meeting (PCM)	A meeting conducted by Councillors and attended by Planning Officers, Permit Applicants and Objectors, with the primary purpose of informing Councillors of the matters at issue in advance of the application being presented for determination at an Ordinary Meeting of Council.
Determining Referral Authority	An authority as specified in clause 66 of the Planning Scheme as a determining referral authority.

8. SUPPORTING PROCEDURES / GUIDELINES

8.1 Authority to Issue a permit with conditions:

Delegated officers have authority to issue a permit with conditions having regard to any relevant policy or procedure of Council:

- Where an application is lodged in general compliance with the East Gippsland Planning Scheme (including incorporated documents) and Council's adopted policies and procedures and no objections are received.
- Where an application substantially complies with any relevant Council policy or procedure and no objections are received.
- Where Council have determined an application and the resolution is for the issue of a permit with conditions.

8.2 Authority to issue a Notice of Decision to grant a permit with conditions:

Delegated officers shall have authority to issue a Notice of Decision to grant a permit with conditions having regard to this delegation policy and decision guidelines and any relevant policy or procedure of Council:

- Where an application is lodged in general compliance with the East Gippsland Planning Scheme (including incorporated documents) and Council's adopted policies and procedures and nine or less objections are received.
- Where an application has been determined by Council and the resolution is for a Notice of Decision to grant a permit with conditions.

In exercising a power, function or duty, the delegate must have regard to all statutory requirements, relevant legislation and any guidelines or policy, which the Council may from time to time adopt.

Prior to a decision being made under delegation, a Delegate Report must be prepared and approved by the Delegate and a copy retained on the relevant file. The Delegate Report should contain, as a minimum:

- Outline of the proposal;
- Site and locality description;
- Site history;
- Methods of advertising and summary of submissions or objections received;
- Referrals undertaken and summary of responses received;
- Assessment against the Planning Scheme requirements (including Zone and Overlay provisions, State Planning Policy Framework, Local Planning Policy Framework, relevant Particular Provisions and decision guidelines)
- Recommendation; and
- Recommended conditions to be placed on permit/reasons for refusal.

The following process will apply to notifying Councillors of planning permit applications:

- Councillors will receive a listing of all new applications for permits received on a weekly basis for information.
- Councillors will receive a monthly briefing from Officers at the Cr/CEO discussion (held on the second Tuesday of the month) highlighting applications that may be of significance to Councillors.
- Based on this information Councillors can also request further information through the Director on individual applications.

The Delegate may refer to the Council for its determination on any matter in relation to its powers and functions and responsibilities under the Act.

8.3 Mediation

Where a planning permit application receives between five and nine objections a mediation meeting will be conducted.

The primary objective of the mediation meeting is to resolve issues and reach agreement between applicant and objector(s) so as to allow for the timely determination of the application under delegation by Council planning officers. If an agreed position cannot be reached through this process the matter will be determined by Officers under delegation; noting that third party appeal rights will apply

The mediation meeting will involve the applicant and/or their representatives, the objectors and /or their representatives, two Councillors (one as the chair) the relevant manager and the planning officer processing the application.

8.4 Call-in Protocol

Any Councillor may, at any time prior to the determination of an application, request that the matter be referred to the Council for determination. A call-in can be made with the support of at least three Councillors (in total).

In making such a request in writing to the Chief Executive Officer, a Councillor must have regard to the principles listed in the points below:

- The planning permit application raises issues of genuine municipality wide significance that would have a substantial impact on the achievement of Local Planning Policy.
- The planning permit will have a significant impact beyond the immediate locality, including an impact across municipal boundaries.
- The planning permit application clearly raises an issue that is not adequately provided for under existing Local Planning Policy.
- The planning permit application or the development of the land may raise significant issues of public interest.
- The planning permit application will result in a use or development which is contrary to a proposed planning scheme amendment which is supported by Council.

8.5 Applications to be determined by Council

All applications in the following categories are to be referred to Council for decision:

- Planning applications that receive ten or more separate objections.
- Planning applications with a value in excess of \$5 million will be referred to the Council, unless they are located in Industrial 1 Zone.
- Planning applications at the discretion of the Chief Executive Officer.

8.6 Authority to issue a Notice of Refusal:

When after due consideration of a planning permit application a Planning Officer determines that an application cannot be supported, the matter will be reported to Council for consideration and determination.

However, an exception to this will arise where a "Determining Referral Authority" lodges an objection to a planning permit application. In this case a notice of refusal will be issued by the Planning Officer (s).

8.7 Council Determined Applications

Where applications for planning permits are to be heard at a Council meeting, the following procedures will be followed:

8.6.1 Prior to Council Meeting

If a planning permit application receive ten or more objections' a Planning Consultation Meeting (PCM) will be conducted.

The PCM will be attended by all available Councillors and relevant planning officers.

The applicant and the objectors will be provided the opportunity to address the PCM. Any address to the PCM must be no longer than 5 minutes at the discretion of the Mayor an extension of time may be provided.

No decision will be made on the application at a Planning Consultation Meeting. The application will be presented to a future Council Meeting for determination.

Where a planning permit application is called in by Councillors a Planning Consultation Meeting will be required.

Any planning permit application to be heard by Council will be the subject of a Councillor/CEO discussion.

8.6.2 At the Council Meeting

Any planning permit application which has been the subject of a Planning Consultation Meeting will result in applicants and objectors not having the opportunity to address Council.

Council officers will then present the Officer's report for the consideration of Council.

5.3.4 Summary of East Gippsland Business Awards 2021 and Future Considerations

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 provide the Council with an overview of the delivery of the East Gippsland Business Awards. The report outlines the outcomes of the 2021 Awards Program, analysis of industry feedback sought and presents options for Councillor's consideration for the continuation of the industry event into the future.

Notwithstanding the value of the East Gippsland Business Awards as outlined in this report, in light of the priorities identified in the draft East Gippsland Economic Development Strategy and the funding available through the Economic Development Discretionary Fund (the fund source used to support the East Gippsland Business Awards), Council officers have formed a view that there are higher priority actions for the Economic Development Discretionary Fund.

As a result, Officers recommend that Council no longer fund and deliver the East Gippsland Business Awards program, and instead invests resources to support other priority Council-led business development initiatives and encourage local businesses into other industry-based awards including the Gippsland Business Awards.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. approves Option 1: Council will no longer provide funding for an East Gippsland Business Awards program, and instead reinvests resources to support other priority Council-led business development initiatives and encourage local businesses into other industry-based awards including the Gippsland Business Awards.***

Background

The East Gippsland Business Awards (Awards) held annually for the past nine years, has been the premier business event for the region and a calendar highlight. The program was previously coordinated and delivered by Business and Tourism East Gippsland (BTEG) which wound up their operations in 2020.

Primarily the Awards aimed to:

- Encourage and celebrate business creativity, professionalism and innovation;
- Support improved business planning, development and internal analysis by operators;
- Provide a benchmark for business excellence;
- Encourage continuous business improvement and raised standards;
- Improve the customer experience;
- Publicly recognise and reward local champions;
- Reinforce consumer confidence in the region; and importantly; and
- Enable business operators to connect and celebrate their achievements.

The Awards would have celebrated their 10-year anniversary if the event was held in 2020. For several reasons, including BTEG folding and COVID-19 restrictions, the event did not proceed. With no alternative coordinator to deliver the program, Council Officers led the delivery of a refreshed East Gippsland Business Awards program in 2021, underwritten with Council approval, by a budget of up to \$50,000 from Council's Economic Development Discretionary Fund.

The Awards program attracted reasonable levels of corporate sponsorship, in-kind support and generous media rates on advertising which significantly reduced overall project costs. As a result, only a proportion of the Discretionary Fund was accessed.

Costs included building a new East Gippsland Awards Program website, Facebook profile, newspaper, radio and television advertising, Program Launch, Finalists' Breakfast and Winners' Presentation event, judging and keynote speaker.

The 2021 Awards Program provided an opportunity to celebrate the strength and resilience of East Gippsland's business community, showcase product and services excellence and acknowledge the difficulties faced by many businesses during unprecedented economic hardship. This year's program introduced of a new category, 'Business Excellence for Adaptability and Innovation,' in recognition of the challenging economic environment and allowing the business success stories to be highlighted.

The Awards program launched in August 2021 at Nicholson River Winery with just 30 guests due to COVID-19 restrictions and applications opened to East Gippsland Business for nominations across the 11 categories. The Awards attracted a total of 76 category nominations from right across East Gippsland, a response which demonstrated business' resilience and adaptability despite unprecedented times.

In a departure from previous years, Awards submissions were reviewed by a single judge which improved the consistency of assessment and feedback provided to entrants. However, the process of site inspections were not possible due to COVID-19 lockdowns.

A total of twenty-eight businesses were acknowledged at the Finalist Breakfast held in Lakes Entrance in November 2021. Recognition of entrants and sponsors were promoted via the new [East Gippsland Business Awards website](#) and in the Awards Ceremony Program, **Attachment 1.**

The Final Awards Ceremony was held two weeks later at the Forge Theatre and Arts Hub in Bairnsdale. It was attended by 120 people and celebrated the 11 category winners and the overall winner for Business Excellence. The format moved away from the traditional sit-down dinner to a theatre-style presentation and standup cocktail party. Keynote speaker Matt Jones, of Four Pillars Gin Distillery in the Yarra Valley and one of Australia's leading brand strategists was an inspiring choice, entertaining the audience with his engaging storytelling about brand, business leadership, culture, technology, and human behaviour.

Both the Finalist Breakfast and Awards Ceremony were live-streamed on the [East Gippsland Awards Facebook page](#) – a new inclusion in response to the COVID restrictions impacting attendance numbers.

Category winners of the Federation University East Gippsland Business Awards 2021 are presented in the table below.

Award Category	Winner
1. Food and Fibre	Flora & Fungi
2. Beauty, Health and Personal Care Services	Wigney Osteopathy
3. Home Based and Internet Business	PonySafe
4. Hospitality	Aroma Coffee House and Eatery
5. New Business	Sodafish
6. Business and Professional Services	Natural Health Balance
7. Retail	Seven Sundays Bairnsdale
8. Tourism Activities, Attractions and Accommodation	Nicholson River Winery
9. Trades, Construction and Manufacturing	Blay Builders
10. Young Achiever in Business	Sundayss
11. Business Excellence for Adaptability and Innovation	Playful Paws: Training and Wellness
Business of the Year	Aroma Coffee House and Eatery

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*, specifically Financial Management (Part 4, Division 2, Section 101) of the Act.

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

In preparing this report the Victorian Gender Equality Act 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the Gender Equality Act. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the Gender Equality Act 2020.

Collaborative procurement

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has been prepared in collaboration with local business and tourism associations and key industry stakeholders.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 4: 4.3 Council's work with stakeholders fosters entrepreneurship and new business opportunities, particularly with communities facing change; and

Strategic Objective 5: 5.5 Resources are managed to meet current and future needs and priorities.

This report is consistent with Focus Area 1 – Fostering Business Growth as part of the draft East Gippsland Economic Development Strategy.

Council Policy

There is no impact on Council Policies as a result of this report.

Options

In consideration for delivery of future East Gippsland Business Awards, Officers present the following options.

Option 1 (recommended)

Council no longer provides funding for an East Gippsland Business Awards program, and instead reinvests resources to support other priority Council-led business development initiatives and encourage local businesses into other industry-based awards including the Gippsland Awards.

Option 2

Council to own and deliver a Business Awards program biennially with budget support of \$40,000/2 years allocated from Council's Economic Development Discretionary Fund for a period of 6 years and investigate options to direct the winners into other industry-based awards including the Gippsland Business Awards.

Option 3

Council does not deliver a Business Awards program and instead considers sponsorship should another organisation take on the program.

Option 4

Council to own and deliver a Business Awards program annually with budget support of \$40,000/year allocated from Council's Economic Development Discretionary Fund for a period of 3 years and consider ways to further broaden the range of businesses participating.

**Note: feedback from participating business operators and sponsors preferred the event be held annually.*

Resourcing

Financial

In 2021, given the global economic environment, a reduction in corporate sponsorship was anticipated and approval was sought for the allocation of up to \$50,000 from the Economic Development Discretionary Fund to underwrite the Awards should it be required.

Changes to Awards program format and COVID-19 restrictions on social gatherings and event participation reduced overall event costs and enabled significant budget savings. In 2021, Council's total financial expenditure was \$19,436 plus staff costs estimated at \$17,185.70.

Based on the 2021 Awards an allocation of up to \$40,000 per year would be recommended to supplement delivery of future Business Awards.

EGSC Business Awards Budget 2021			
Item	Details	\$ Budget (ex GST)	\$ Actual (ex GST)
Income			
	Winners Presentation Ticket sales	10,000	*4,665
	Sponsorship	22,000	33,500
	Grants	Nil	Nil
	EGSC Eco- Dev Discretionary Fund	50,000	19,436
	In-kind support	Nil	^14,363
Total Income		82,000	71,964
Total Expenditure	See Attachment 1 for full budget breakdown		71,964

***Ticket sales** - below budget due to volatile nature of COVID-19 restrictions (venue capacity on the day of event was 271, event attendance was 120 people, prior events attracted 300 attendees).

^In-kind Support - included 50% discount on media costs, 100% discount for television advertising, Finalist Breakfast catering, Master of Ceremonies and event equipment hire.

Plant and equipment

Not applicable

Human Resources

The Council Events Team was responsible for managing the Awards with support from an external event coordinator. Even with previous experience, the resources required to coordinate such programs was substantial, estimated at \$17,185.70 (2 staff, 2 days per week for seven months).

In 2021, due to COVID-19 restricting the running of all events, the Council's workload for processing and supporting event permits was significantly lower than usual, enabling the Events team to absorb the additional project. However, with the event environment now returning to pre-COVID levels, workloads associated with event permitting and industry development has seen a strong return.

Consideration for additional administration resources would be necessary if Council were to coordinate delivery of an East Gippsland Business Awards Program in future. Alternatively, existing resources could be allocated from within the wider Economic Development Unit, however, this comes at the cost of other activity which would then not be progressed.

Risk

The risks of this proposal include potential 'reputation impact' for Council should an East Gippsland Business Award program not be supported into the future. Additionally, should an Awards program proceed, uncertainty in securing adequate levels of financial sponsorship or in-kind support may increase cost to Council and trigger a need to consider limiting aspects of the program or abandoning the event all together.

While the consequence of these risks is considered high, the likelihood of them occurring is low.

Economic

Business Awards programs are an indicator of a healthy, proactive, and well-supported business community and offers a practical way to support East Gippsland's growing business community and the region's reputation for investment attraction and doing business more generally.

For participants and corporate sponsors, the process of regularly reviewing their business achievements is highly valued, they enjoy increased business exposure and stronger commercial networks and collectively this positively influences their future business planning and goal setting.

The 2021 Awards program directly contributed \$72,000 into the local economy with flow on benefits through accommodation and travel incurred by participants from across the region in attending key events.

Social

The East Gippsland Business Awards provide an opportunity for business operators to network and celebrate their business achievements collectively. Participant feedback received following the 2021 Awards was overwhelmingly positive and demonstrated that business owners valued so much more than the Final Winners Ceremony. Feedback received from participants and sponsors has been provided separately to Councillors. Below are some of the quotes garnered through this activity.

"I really appreciate your input on our application. Special thanks for sending through those internet links about business mentoring programs. I didn't even know that something like that was available."

"The intention for participating in these sorts of awards is not to win or lose anything, but to explore the opportunities available for us to the fullest. This further helps us to understand the real potential of the business and then gauge it against our current performance."

"So far, every time we have entered the awards we have learnt and incorporated something new into our business. This has enhanced the overall wellbeing of our business and that's the main reason why we are always keen in placing an entry into the East Gippsland Business Awards."

"I thank the organisers of East Gippsland Business Awards for setting up a platform to learn and grow our business, while acknowledging and rewarding our achievements at the same time."

"It was great to meet other businesses that are going above and beyond in our wonderful area. After everything that small business has been through over the past 2 years it was great to celebrate the successes."

Gender Impact Statement

The East Gippsland Business Awards has considered the *Gender Equality Act 2020* in its preparation and is not requiring a Gender Impact Assessment (GIA).

Environmental

There are no environmental implications arising from the coordination and delivery of this event.

Climate change

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

Future Awards could recognise outstanding achievement in Corporate Social Responsibility in relation to the United Nations Sustainability Development Goals.

Engagement

Consultation of key stakeholders, corporate sponsors and media partners involved in earlier Awards helped inform the approach and delivery of the program in 2021. Following the Final Awards Ceremony, entrants and sponsors were surveyed to help inform Council's decision regarding the future of the Awards beyond 2021.

Attachments

1. 2021 East Gippsland Business Awards Booklet FINAL [5.3.4.1 - 20 pages]



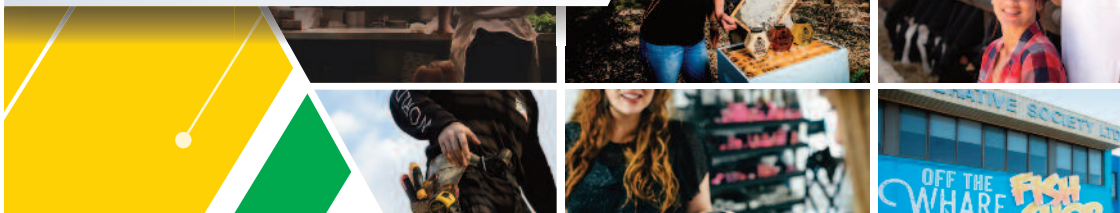
EAST GIPPSLAND Business Awards 2021



Winners Presentation

Thursday 25 November, 2021

The Forge Theatre and Arts Hub



Order of Proceedings



- | | |
|---------|---|
| 6.30pm | Guests arrive; drinks, canapes and networking in outdoor area |
| 7.15pm | Guests to be seated |
| 7.30pm | <p>Introductions MC Mat Cummins –
General Manager of TRFM and Gippsland's GOLD</p> <p>Welcome by East Gippsland Shire Council Mayor, Cr Mark Reeves</p> <p>Naming Sponsor Welcome by Leigh Kennedy, Head of Campus,
Federation University</p> |
| 7.40pm | Guest Speaker, Matt Jones |
| 8.10pm | <p>Announcement of finalists</p> <ul style="list-style-type: none"> - Food and Fibre - Home Based and Internet Business - New Business - Tourism Activities, Attractions and Accommodation - Trades, Construction and Manufacturing |
| 8.30pm | Interval. Please enjoy drinks, tea & coffee, dessert and cheese board and networking in outdoor area |
| 9.00pm | Guests to be seated |
| 9.15pm | <p>Announcement of finalists continues</p> <ul style="list-style-type: none"> - Business Excellence for Adaptability and Innovation - Beauty, Health and Personal Care Services - Hospitality - Business and Professional Services - Retail - Young Achiever in Business - Acknowledgement of Encouragement Awards - Federation University Business of the Year |
| 10.10pm | Closing of the Awards by East Gippsland Shire Council Mayor, Cr Mark Reeves |
| 10.20pm | Conclusion of evening |

Message from our Naming Sponsor



At Federation University, the desire to transform lives and enhance communities informs everything we do. From research that improves people's lives right around the world, to supporting our students to succeed at their studies and in life – we make a difference.

With campuses in Ballarat, Berwick, Brisbane, Gippsland and the Wimmera, we became Federation University in 2014 – a new entity bringing together almost 150 years of history from our predecessor institutions.

As a young university, we have the energy and optimism of youth combined with the knowledge and experience that comes from our history as one of the oldest universities in Australia, dating back to 1870.

We are a diverse community with over 24,000 domestic and international students and 110,000 alumni across Australia and the world. We are creating a Federation of independent thinkers, of like-minded individuals who are determined to make their mark.

As Victoria's premier regional university, we have been educating Australia's future leaders, innovators and thinkers for 150 years. We have been here for our communities through wars, disasters and times of strong economic growth. We provide the learning, innovation and research they need to survive and succeed.

We support our students to succeed and prepare them for the future. We are rated the number one university in Victoria for full-time employment and our graduates have the highest starting salaries. We are rated the number one university in Victoria for the way we support our students, develop their skills and for the exceptional quality of our teachers.

Federation drives regional economic growth and builds our communities. We work with you to make learning something you can do, whoever you are and wherever you are on your lifelong learning journey. We help you develop the skills you need to follow your passion.

Our graduates thrive because Federation is deeply engaged with industries and employers.

We are proud to support the East Gippsland community and promote business excellence in the region.

www.federation.edu.au

Message from our Mayor



After a difficult couple of years for our business community, I am so pleased the sector has been able to pause and recognise its achievements through the Federation University East Gippsland Business Awards.

After a hiatus in 2020 due to the bushfires and COVID-19, the awards returned this year and Council was rapt to see the level of support for the Awards, despite the ongoing challenges of the pandemic. We received applications from 56 businesses, totalling 76 nominations across 11

categories. This support and enthusiasm for the awards is fantastic to see.

Council is a strong supporter of economic development and helping to create a region where businesses can grow, innovate and thrive.

The business community is a key driver in making our region vibrant, liveable and able to meet the needs – and wants – of residents and visitors. The growing acceptance of remote working due to the pandemic is a huge opportunity for our region – opening East Gippsland up to a cohort of residents.

Council is currently developing its next Economic Development Strategy and has several other plans that support the region's economy. Council has launched a new tourism marketing slogan, taking on Destination Gippsland's 'Gippsland - all kinds of wonder' branding – a fresh new look and an opportunity to create efficiencies and leverage off marketing of the Greater Gippsland region.

Council also advocates on behalf of industry on economic investment matters; forming partnerships with stakeholders to develop and promote new investment opportunities; and seeking funds to support improved infrastructure.

There is no doubt East Gippsland is in a state of recovery – from drought, bushfire and the effects of the pandemic. This is a key consideration in the Council Plan 2021-25. Council will be side-by-side with community and business for as long as is needed.

What has been great to see is how our communities, and local businesses, have rallied to support one another.

Major and community events play an important role in East Gippsland's economy, attracting visitors and raising the profile of the region. The pause in (almost all) public events allowed Council to review its key grant program for attracting and establishing events. The Regional and District Events Sponsorship (RADES) program will be realigned to focus more on attracting established events to the region and supporting locals to start new events that will become self-sustaining.

Congratulations to this year's winners, finalists and all the businesses who nominated. You all well and truly deserve to enjoy the evening.

Cr Mark Reeves
Mayor
East Gippsland Shire Council

Guest Speaker, Matt Jones



Matt Jones is one of Australia's leading strategists and storytellers when it comes to the intersections of brand, business, leadership, experience, culture, technology, human behaviour and storytelling.

Matt has an eclectic background, combining economics, politics, brand experience and gin.

As one of three co-founders, and the brand brains behind Four Pillars, Matt Jones connects the dots between brand and purpose theory and gritty business and delivery reality.

His storytelling is insightful, engaging, energising and (perhaps most important) highly relatable to all kinds of businesses.

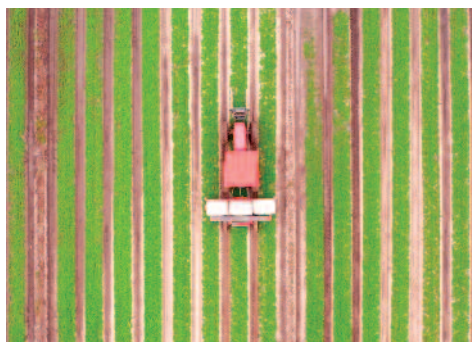
Matt is obsessed with sport, food, photography, wine, film, travel, politics, fiction, architecture, technology, design, hotels, ideas, experiences, cinema, contemporary art, human behaviour, ideas and (yes) gin.

He works in, speaks about, and connects the dots, between all of the above areas and is a former panellist on The Gruen Transfer.

Please welcome Matt to the Federation University East Gippsland Business Awards 2021, and enjoy this opportunity to be inspired and look at business a different way.

Food and Fibre

Sponsored by Food & Fibre Gippsland



www.foodandfibregippsland.com.au

Sponsor Profile

Food & Fibre Gippsland was formed in March 2019, via the amalgamation of Agribusiness Gippsland and the East Gippsland Food Cluster, creating a united, collaborative powerhouse.

Our mission is to lead capacity building, innovation, and knowledge sharing for the greater good of the sector across the whole of Gippsland.

- Our members, industry partners and stakeholders are at the core of everything we do – their success and prosperity is what drives us every day.
- We are industry-led. We are listening and engaging.
- We strive to understand and respond to the challenges and ideas across the region.
- For more information, please visit www.foodandfibregippsland.com.au

Finalists



Flora & Fungi
www.floraandfungi.com.au



Paynesville Pantry
Ph: 0403 826 463
www.paynesvillepantry.com.au

Beauty, Health and Personal Care Services

Sponsored by Monash University



Ph: 03 9905 1327
www.monash.edu/medicine/rural-health

Sponsor Profile

Monash Rural Health is a multi-site school within Monash University's Faculty of Medicine, Nursing and Health Sciences, deeply committed to transforming health outcomes for rural communities. With a footprint spanning from Mildura to Orbost to Wonthaggi, Monash Rural Health has played a critical role in developing a sustainable rural health workforce for almost 30 years.

Each year, over 200 Monash medical students complete part of their medical training in the Gippsland region through Monash Rural Health, embedded within hospitals and health services to learn from local doctors and patients. Our Gippsland Regional Training Hub helps support junior doctors beyond graduation so they can live, work and train locally. Our research focuses on improving the health of people in regional and Indigenous communities.

All of this is work made possible by ongoing Commonwealth funding.

We are proud to help recognise businesses who share our determination to foster excellence in East Gippsland.

Finalists



The Little Beauty Salon
 Ph: 0455 292 777
www.thelittlebeautysalon.com.au



Swifts Creek Bush Nursing Centre
 Ph: 5159 4210



Wigney Osteopathy
 Ph: 0419 910 237
www.wigneyosteopathy.com.au

www.eastgippslandbusinessawards.com.au

7

Home Based and Internet Business

Sponsored by Prime7



www.prime7.com.au

Sponsor Profile

Reaching a potential audience of over 5.5 million people, PRIME7's viewing area covers regional northern and southern New South Wales, the Australian Capital Territory, Victoria, the Gold Coast area of south eastern Queensland and all of regional Western Australia.

PRIME7 has established itself as the leading television network in its broadcast markets. It makes a significant investment in local news programming and provides valuable community airtime sponsorships to support and assist community endeavours.

PRIME7's local Gippsland sales team Matt Lenartowicz and Sara Feehan will work collaboratively with local clients to provide them with the most powerful and influential advertising opportunity in regional Australia. Prime7. Local staff. Local focus.

Finalists



PonySafe
Ph: 0467 021 111



Blue Wave Cakery
Ph: 0401 028 504

Hospitality

Sponsored by East Gippsland Shire Council



PH: 5153 9500
www.eastgippsland.vic.gov.au

Sponsor Profile

East Gippsland Shire Council serves a population of 47,700 people living in regional, rural and remote communities.

East Gippsland is a large and vibrant region in a beautiful natural setting, home to proud and involved communities that embrace and encourage self-reliance, responsibility and new ideas. The past 30 years have seen East Gippsland evolve from its rural origins to a flourishing economic and tourism region in Eastern Victoria, drawing more than one million visitors each year.

The shire has a growing reputation for high quality food and beverage production and adventure tourism. Agriculture, tourism and hospitality are some of the region's major employers.

The region has kept its identity and sense of place as it has grown. The shire stretches from west of Bairnsdale to the New South Wales border, covering more than 21,000 square kilometres or 10 per cent of the state. East Gippsland's unique qualities are both its strength and challenges.

Finalists



Schoolworks Supplies
 Ph: 5152 4086
www.schoolworkssupplies.com.au



Aroma Coffee House and Eatery
 Ph: 5152 6597
www.aromaeatery.com.au



Sundayss
www.instagram.com/s.u.n.dayss

www.eastgippslandbusinessawards.com.au

9

New Business

Sponsored by Tim Bull MP - Member for Gippsland East



www.timbull.com.au

Sponsor Profile

It has been an extraordinary period of challenge for businesses in the past two years and I doubt whether any time in history, perhaps since the great depression, has presented such challenging circumstances. East Gippslanders are by nature a resilient bunch as we endure our share of droughts, fires, floods and now earthquakes it seems.

With this in mind, and acknowledging how difficult it has been, I know that as life returns to normal, we will support each other as we have always done.

I look forward to working with our business and tourism sectors on our economic recovery.

Our holiday periods are always busy, so to make up for what we have lost, we need incentives for people to travel to our region in off-peak and shoulder tourism periods.

Building up visitation in these usually quieter times is a challenge I look forward to working with you all on.

It will take a combination of outside the square thinking, backing new initiatives and effective promotion to achieve this, but I have no doubt we will get there.

Despite the hardship, let's tackle the future with optimism.

Finalists



**Eight Acres
Lakes Entrance**
Ph: 5155 4314

www.eightacreslakesentrance.com.au



Sodafish
Ph: 0477 567 581
www.sodafish.com.au



**The Farmer
and the Cook**
www.farmerandthecook.com.au

Business and Professional Services

Sponsored by TAFE Gippsland



**TAFE
GIPPSLAND**

www.tafegippsland.edu.au

Sponsor Profile

For well over 85 years, we have been helping our Gippsland communities thrive by empowering local students and supporting local businesses.

We have campuses throughout eastern Victoria, from Warragul and Leongatha to Bairnsdale and Lakes Entrance, offering a diverse range of training programs.

Our courses have flexible study options and are developed to give you the qualifications, skills and experience you need to work within your industry of choice and prosper in the modern workplace.

Offering a wide variety of Business and Professional Services courses, coupled with our outstanding new and modern training facilities and expert teachers, our goal is to provide you with the best platform to propel your career.

We are delighted to be a Category sponsor for Business and Professional Services in the 2021 East Gippsland Business Awards, as we celebrate and recognise the huge array of talented individuals and businesses we have in our Gippsland area.

Call us on 1300 133 717 for more information or go to www.tafegippsland.edu.au

Finalists



Playful Paws:
Training and Wellness
Ph: 0421 641 138
www.playfulpaws.com.au



Natural Health Balance
Ph: 0420 211 965
www.naturalhealthbalance.com.au



Happy Changemakers
Ph: 0422 262 040
www.happychangemakers.com

www.eastgippslandbusinessawards.com.au

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Retail

Sponsored by Patties Foods



www.prime7.com.au

Sponsor Profile

For over 54 years, Patties Foods has created irresistible comfort food that celebrates Australia's exceptional ingredients and high-quality standards.

From the humble beginnings of a small family business in a seaside cake shop at Lakes Entrance in 1966 with a staff of four, Patties Foods is now one of Australia's largest food and most well-recognised manufacturing companies; responsible for some of Australia's most iconic brands including Four'N Twenty, Herbert Adams, Boscastle, Nanna's, Leader, Ruffie Rustic Foods, Weight Watchers, Fitness Outcomes and Leggo's.

Over the years, Patties Foods has gone from being an Australian household name to a globally renowned business, with products sold in Australia, New Zealand, Japan, Taiwan and the United States.

Patties Foods is a major employer in the East Gippsland region, at its Bairnsdale site which is the largest bakery in the world. Proud of its local heritage, Patties Foods remains committed to providing all Australian families with delicious, convenient, and high-quality food products.

Finalists



Seven Sundays Bairnsdale
Ph: 0402 269 613
www.sevensundaysbairnsdale.com



The Saltwater Creative Co.
Ph: 0448 669 063
www.thesaltwatercreative.com.au



Schoolworks Supplies
Ph: 5152 4086
www.schoolworkssupplies.com.au

Tourism Activities, Attractions and Accommodation

Sponsored by V/Line



www.vline.com.au

Sponsor Profile

V/Line, as a brand, has provided public transport services to regional Victoria for over 30 years. Each week, V/Line schedules more than 1,997 train services between Melbourne and:

- Traralgon, Sale and Bairnsdale
- Geelong and Warrnambool
- Ballarat, Maryborough and Ararat
- Bendigo, Swan Hill and Echuca
- Seymour, Shepparton and Albury.

More than 1,462 V/Line-branded coach services connect with the rail network and serve regional Victorian communities. Some of our coach services also link Victoria with South Australia, New South Wales and the Australian Capital Territory. Private sector operators provide all V/Line-branded coach services under the management of V/Line.

As well as being a public transport operator, V/Line also leases, provides access to and maintains over 3,520 kilometres of rail track used by passengers and freight rail operators.

V/Line is a major employer with a workforce of 2,190 including many who live and work in regional Victoria.

Finalists

Nicholson River Winery

Nicholson River Winery

Ph: 0409 568 241

www.nicholsonriverwinery.com.au



Sandbar Motel

Sandbar Motel

Ph: 5155 2567

www.sandbarmotel.com.au



Beachcomber Holiday Units

Ph: 0413 294 061

www.beachcomberholidayunits.com.au

www.eastgippslandbusinessawards.com.au

13

Trades, Construction and Manufacturing

Sponsored by RACV Gippsland Solar



www.solar.racv.com.au

Sponsor Profile

RACV Solar is one of Victoria's largest solar companies and is a wholly owned by RACV. The company has a 10-year track record of delivering high quality solar power, battery storage and energy efficiency solutions for thousands of homes, businesses, and community sites across Gippsland and East Gippsland.

As a Clean Energy Approved Retailer and Tesla Premium Partner, RACV Solar is committed to delivering the highest standard advice, service, and support for its customers during every step of their solar journey.

RACV Solar employs over 85 solar experts and installers, with large local teams of working across showrooms in Bairnsdale, Traralgon and Mirboo North.

Services include:

- Solar power and battery storage for residential and commercial
- Heating and cooling systems
- Smart hot water solutions
- Electric vehicle charging

For over 115 years RACV has been helping improve the lives of Victorians with offerings in Motoring, Home, Leisure and Energy.

Finalists



Blay Builders
Ph: 5152 1377

www.blaybuilders.com.au



Riviera Concrete
Ph: 0457 001 077

www.rivieraconcrete.com.au



Paynesville Pantry
Ph: 0403 826 463

www.paynesvillepantry.com.au

Young Achiever in Business

Sponsored by East Gippsland Water



East Gippsland **Water**

www.egwater.vic.gov.au

Sponsor Profile

East Gippsland Water provides water and sewerage services to some 35,000 people, across an area of 21,000 square kilometres - encompassing the communities of Lindenow through to Mallacoota, including Bairnsdale, Paynesville and Lakes Entrance.

Our coverage also extends as far north as Omeo and Dinner Plain in the Victorian Alps. We operate nine water supply systems, delivering the full range of water services including its collection, storage and supply. We also provide sewage collection and treatment services, recycled water for rural and beneficial community uses, and trade waste services to commercial customers.

Underpinning our commitment to the region's economic development and its communities, we have around 100 full and part time staff spread across locations in the Bairnsdale and Lakes Entrance areas, Omeo, Orbost and Mallacoota.

We also invest significant resources in staff training and development to enhance skills and promote personal advancement.

Finalists



The Little Beauty Salon

Ph: 0455 292 777

www.thelittlebeautysalon.com.au

SUNDAYSS

Sundayss

www.instagram.com/s.u.n.dayss



Picture Perfect Platters

www.facebook.com/picture-perfect-platters

[picture-perfect-platters](https://www.facebook.com/picture-perfect-platters)

Business Excellence for Adaptability and Innovation

Sponsored by East Gippsland Marketing Inc.



egmi.

East Gippsland Marketing Inc.

www.egmi.com.au

Sponsor Profile

East Gippsland Marketing Inc (EGMI) create compelling marketing, collaborations and opportunities for thriving livelihoods, businesses and experiences for all in naturally beautiful East Gippsland. We encourage people to visit, live, work and invest into the region to provide long term economic and community sustainability.

Our marketing is targeted towards the visitors to East Gippsland. We aim to increase the visitor economy of East Gippsland and also to encourage those visitors to invest into the region and become residents. We work with local businesses to connect with organisations and collaborate on marketing campaigns that can benefit the wider East Gippsland business community.

EGMI is located in Bairnsdale. It is made up of three part-time staff members and a volunteer board of thirteen people who represent the business community from East Gippsland.

We are partly funded by the East Gippsland Shire and the East Gippsland business community. We also work closely with other organisations such as Destination Gippsland, Food & Fibre Gippsland and local Business and Tourism Associations.

Finalists



The HIIT Factory
Bairnsdale

Ph: 0413 902 277

www.thehiitfactory.com.au



Playful Paws:
Training and Wellness

Ph: 0421 641 138

www.playfulpaws.com.au



The Saltwater
Creative Co.

Ph: 0448 669 063

www.thesaltwatercreative.com.au

Business of the Year

Sponsored by Federation University

Business of the Year is an exceptional award and top honour from the Federation University East Gippsland Business Awards 2021.

The 2021 award was judged on the following criteria:

- Has been operating for at least two years; and
- Has won at least one category in the 2021 Federation University East Gippsland Business Awards 2021; and
- Has made a contribution to the East Gippsland region in terms of creating employment opportunities, adding significant value to the economy in other ways, promoting local products/services, giving back to the community and significantly increased the level of professionalism in their area of operation.



www.federation.edu.au

Sponsor Profile

At Federation University, the desire to transform lives and enhance communities informs everything we do. From research that improves people's lives right around the world, to supporting our students to succeed at their studies and in life – we make a difference.

With campuses in Ballarat, Berwick, Brisbane, Gippsland and the Wimmera, we became Federation University in 2014 – a new entity bringing together almost 150 years of history from our predecessor institutions.

As Victoria's premier regional university, Federation University drives regional economic growth and builds our communities. We work with you to make learning something you can do, whoever you are and wherever you are on your lifelong learning journey. We help you develop the skills you need to follow your passion.

We are proud to support the East Gippsland community and promote business excellence in the region.



www.eastgippslandbusinessawards.com.au

17

Media and Venue Sponsors



www.regfm.com.au

R.E.G. FM broadcast easy listening and classic hits from studios located in Bairnsdale (105.5) and Lakes Entrance (90.7) and streaming via its website and iHeartRadio. Our audience spans throughout East Gippsland from Maffra to Orbost and beyond.

Our involvement with East Gippsland includes our daily Radio Diary, the ever-popular Community Catch-Up program and free Community Service Announcements supporting local community groups, schools, and sporting clubs.



www.trfm.com.au

1242 3TR started broadcasting in Gippsland over 90 years ago. We've proudly supported local businesses from our very first broadcasts and now we keep Gippsland connected across TR FM 99.5 and 99.9, and Gippsland's Gold 1242 AM and 98.3 FM.

Our parent company, ACE Radio Broadcasters has grown over the years to include 18 radio stations, The Weekly Advertiser newspaper, ACE Digital and ACE Direct Sales, employing over 200 people across Victoria and southern New South Wales.



JAMES YEATES
PRINTING

www.yeatesmedia.com.au

Yeates Media and James Yeates Printing are located at Bairnsdale on the east coast of Victoria.

Members of the Yeates family have operated the business for over 125 years.

James Yeates publishes The Bairnsdale Advertiser, Lakes Post and Snowy River Mail as well as the monthly East Gippsland News NOW. The company also offers a wide range of printing services which offer professional solutions tailored to help strengthen your business in a competitive market place.



www.prime7.com.au

Reaching a potential audience of over 5.5 million people, PRIME7's viewing area covers regional northern and southern New South Wales, the Australian Capital Territory, Victoria, the Gold Coast area of south eastern Queensland and all of regional Western Australia.

PRIME7 has established itself as the leading television network in its broadcast markets. It makes a significant investment in local news programming and provides valuable community airtime sponsorships to support and assist community endeavours.



www.kingheath.com.au

Established in 1923, First National King & Heath started with two brothers-in-law, three staff and one office and has been running continuously ever since. We've grown to become one of the largest businesses in the region employing more than 50 people, open 7 days a week, with offices in Bairnsdale, Paynesville, Lakes Entrance and Metung.

Since opening our doors in 1923, our mission has always been to provide the best Real Estate service to our community, whilst upholding the highest standards of professionalism. We pride ourselves on building ongoing, trusting relationships with our clients.



www.albertandco.com.au

Albert & Co Catering has been delivering catering right across East Gippsland for over 5 years. They love all things local and this includes employing local people, using the freshest local produce both in their catering and in their Albert & Co Restaurant.

Going from a little corner store that housed only 20 customers to now expanding to a 100-seater restaurant & cocktail bar plus a 200-seater conference and events centre - Albert & Co has pathed the way for events to happen in East Gippsland.

Acknowledgments



We would like to thank the following for making the Federation University East Gippsland Business Awards 2021 a success.

Volunteer Committee

Valarie Curtis
Karen Cox
Matt O'Donnell
Martin Richardson

Event Coordination & Communications Team

Sue-Ellen Latham, Seventy Event Management and Communication
Lauren Kyle, Seventy Event Management and Communication
Jeanette Seignior, EGSC Events officer
Kellie Lawler, EGSC Events Administration
Emma Langres, EGSC Communication Officer

Everyone else who helped make the Awards a great event

Anthony M Turner, Awards Judge
Matt Jones, Awards guest speaker
Janice Haynes, Forge Theatre and Arts Hub
Alanna Jones, Bairnsdale Aquatic and Recreation Centre
Bairnsdale Secondary College Committee
Benn Sargood, Sapphire Lighting and Audio Productions
Maurice Burns, MBworks
Bob Yeates, Bairnsdale Advertiser
Nathan Storer, Bairnsdale Advertiser
Julien Stannus, Go2Creative
Farmer and the Cook
Bairnsdale Trophy Centre
Misty Henderson, Awards musician
Nicholson River Winery, Launch Venue
Albert & Co, Caterers and Finalist Breakfast Venue
Kelly McNaughton, Bairnsdale Party Hire
Saxton Speakers Bureau
Business and Tourism Associations
Bairnsdale Chamber of Commerce and Industry

Again, thank you to all our sponsors and a very big thank you to East Gippsland Shire Council for making the 10th year Business Awards celebration happen in 2021.

Thank you

to all our Sponsors for their support of the Federation University
East Gippsland Business Awards 2021.



CATEGORY SPONSORS



MEDIA PARTNERS



LAUNCH SPONSOR



FINALISTS' BREAKFAST SPONSOR



6 Urgent and Other Business

7 Confidential Business

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 the following list of items:

7.1 Gippswide Organics Process Tender

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

8 Close of Meeting