



Council Meeting Agenda

Tuesday 7 February 2023 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 Bidawel 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.

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.

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1.2 Apologies

1.3 Declaration of Conflict of Interest

1.4 Confirmation of Minutes

That the minutes of the Council Meeting held 13 December 2022 be confirmed.

1.5 Next Meeting

The next Council of 28 February 2023 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

1.7.1.1 Proposed Toilet Block - Raymond Island Koala Park

Authorised by Chief Executive Officer

Conflict of Interest

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

Executive Summary

This report informs Council of a petition submitted by Mr John Weaver from Raymond Island objecting to the plan to build a toilet block within the Koala Park at Raymond Island. The petition was received an electronic copy on Monday 30 January 2023. The petition states:

“We, the undersigned residents of Raymond Island object to the plan to build a public toilet within the Koala park at Raymond island”

The petition has been received and presented in accordance with Governance Rule 8.7. The petition included 19 signatures, 13 of which met the governance requirements. *

Note: A petition with 10 or more signatures that meet Governance Rule 8.7 and is approved by the Chief Executive Officer, is presented to Council.

Councillors have been provided with a full copy of the petition separately. In the interests of respecting the privacy of signatories, and in accordance with the *Privacy and Data Protection Act 2014*, a copy of the petition has not been included with this report.

** 19 petitioners engaged in this petition. Of those, 13 signatories met Governance Rule 8.7 (1)(e), 6 signatories didn't meet the requirement due to not providing their full name or full address. Governance Rule 8.7 (1)(e) states for a signature to comply in hard copy format, petitions must include the names, addresses and original signatures of all petitioners. For example: John Doe, 1 Smith Street, Bairnsdale, Signature.*

Officer Recommendation

That Council:

- 1. receives and notes this report;***
- 2. receives the petition lodged by John Weaver objecting to the plan to build a toilet block within the Koala Park at Raymond Island;***
- 3. refers the petition to the Chief Executive Officer for a report to a future Council meeting; and***
- 4. notes that Council Officers will write to the head petitioner advising them of these actions.***

1.7.2 Questions of Council

1.7.3 Public Submissions

1.8 Items to be tabled

In accordance with section 147(4) of the *Local Governance Act* 2020, a copy of the arbiter's decision and statement of reasons on the matter of the Internal Arbitration Process (IAP) application (IAP 2022-24 2022-25 and 2022-26) by Councillors Sonia Buckley and John White concerning Councillors Arthur Allen, Mendy Urie and Mark Reeves are tabled and subsequently recorded in the minutes of the meeting.

Attachments

1. Arbiter Decision and Statement of Reasons [**1.8.0.1** - 6 pages]

IN THE MATTER OF AN APPLICATION FOR AN INTERNAL ARBITRATION PROCESS (IAP)

EAST GIPPSLAND SHIRE COUNCIL (COUNCIL)

IAP 2022-24, IAP 2022-25, and IAP 2022-26

HEARING PURSUANT TO DIVISION 5 OF PART 6 OF THE *LOCAL GOVERNMENT ACT 2020*

Applicants: Cr Sonia Buckley and Cr John White
Respondents: Cr Arthur Allen, Cr Mendy Urie and Cr Mark Reeves
Date of hearing: Wednesday, 18 January 2023
Place of hearing: East Gippsland Shire Council, Corporate Centre, 273 Main Street, Bairnsdale
Arbiter: Simon Heath

DETERMINATION:

The Arbiter finds that Cr Allen, Cr Urie and Cr Reeves did not breach the Standards in the “Councillor only time” meeting held on 3 May 2022 and, as such, no findings of misconduct are made against them.

The Arbiter therefore dismisses the Application.

STATEMENT OF REASONS

The Application

1. The ‘Application for an Internal Arbitration Process’ is dated 3 August 2022 (**Application**).
2. As the Application named three Respondents, a separate IAP number was allocated for each.
3. The Applicants seek a finding of misconduct against each Respondent in relation to alleged breaches of the standards of conduct during a “Councillor only time” meeting held on 3 May 2022 (**COT meeting**).

Arbiter’s jurisdiction

4. Section 143 of the *Local Government Act 2020* (**Act**) provides that an Arbiter may hear an Application that alleges misconduct by a Councillor.
5. Importantly, sub-section 143(3) of the Act provides that the Application “must be made within 3 months of the alleged misconduct occurring”.
6. I was appointed as Arbiter pursuant to sections 144 and 149 of the Act.

7. Pursuant to section 147 of the Act, I may determine whether or not a Councillor has engaged in misconduct.
8. "Misconduct" is defined in Section 3 of the Act which, at the relevant time, was as follows:
"...any breach by a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct".
9. The "standards of conduct" are set out in Schedule I to *Local Government (Governance and Integrity) Regulations 2020 (Standards)*. A copy thereof is attached as Annexure A.
10. The Standards have been adopted by the Council and are contained in its 'Councillor Code of Conduct' **(Code)**.
11. The Applicants allege each Respondent breached the following Standards in the Code:
 - Clause 6: Treatment of others; and,
 - Clause 7: Performing the role of Councillor.

Hearings

12. The Internal Arbitration Process comprised Directions dated 7 November 2022, a Directions hearing on Wednesday, 23 November 2022, Directions dated 23 November 2022, Directions dated 13 January 2023, and a hearing on 18 January 2023.

Applicant's evidence

13. The Applicants' evidence comprised the Application (which attached an undated letter from Cr White to Cr Allen and a letter from Cr Buckley to the Council's CEO dated 16 May 2022), a written submission from Cr White dated 19 December 2022, a written submission from Cr Buckley dated 20 December 2022, as well as oral evidence given by each at the hearing.

Respondents' evidence

14. The Respondents' evidence comprised a written submission from Cr Allen dated 11 January 2023, a written submission from Cr Urie dated 10 January 2023, a written submission from Cr Reeves dated 11 January 2023 and their oral evidence at the hearing.

Arbiter's findings

15. I find that Cr Allen, Cr Urie and Cr Reeves did not breach the Standards during the COT meeting and, as such, no finding of misconduct is made against them.
16. I therefore dismiss the Application.

Arbiter's Reasons

17. The alleged breaches of the Standards by the Respondents in the Application were confined to the COT meeting on 3 May 2022.
18. Despite this, the Applicants provided a significant amount of material relating to alleged incidents and cultural issues which occurred more than three months before they made their Application. These issues were not only historical but included alleged conduct involving Councillors other than the Respondents.
19. Although the Applicants indicated this material was provided by way of background, the Respondents understandably felt it necessary to respond to the matters raised by denying any misconduct.
20. Putting aside the fact that sub-section 143(3) of the Act prevented me from considering these historical matters, I note they are being addressed in an inquiry currently being conducted by the Council (**Inquiry**). Raising those matters again in this process was unhelpful.
21. The Application and supporting material refer to another IAP arising from an earlier "Councillor only time" meeting on 19 April 2022. That meeting occurred more than three months before the Application but, in any event, I also note that Arbiter J Silver dismissed that IAP on 6 December 2022.
22. The nub of the Application was that Cr Buckley said she felt bullied and intimidated during the COT meeting. This was said to arise from the following factors:
 - (a) The matters discussed were not appropriate for a Councillor only time meeting;
 - (b) Cr Reeves should not have chaired the meeting; and,
 - (c) The behaviour of the Respondents during the meeting.
23. Cr Reeves advised that "Councillor only time" meetings were initiated in 2012 and were an effective way of enabling councillors to meet to discuss and clarify matters of concern. Meetings are held weekly.
24. During the COT meeting, one topic for discussion was the possibility of resolving a complaint involving Cr Buckley (**Complaint**). (Cr Buckley and Cr White questioned the existence of the Complaint, but the Respondents' evidence was that one had been submitted to the CEO).
25. All Councillors were present at the COT meeting, except for Cr Buckley who participated by telephone.
26. At the COT meeting, all Councillors had the opportunity to participate in the discussion and to explore the possibility of resolving the Complaint.
27. Cr Buckley alleged that it was improper for Cr Reeves to chair the COT meeting, because he was part of the Inquiry.
28. I do not accept Cr Buckley's submission. As Mayor, it was appropriate for Cr. Reeves to have chaired the COT meeting initially before handing the role to Cr Allen, the Deputy Mayor, to avoid a perceived conflict of interest when the Inquiry was discussed.
29. I also do not accept Cr Buckley's submission that being chair allowed Cr Reeves and Cr Urie to intimidate her.

30. Cr Buckley alleged that it was improper for Cr Urie to return to discussing the Complaint later in the COT meeting which resulted in Cr Allen becoming “angry” and Cr Reeves becoming “loud and aggressive”. I find that there was nothing inappropriate about having further discussions on the matter.
31. Cr Buckley and Cr White alleged that the Respondents had breached the Standards because their “body language” and “tone of voice” during the COT meeting was evident of “bullying behaviour”. I disagree and find that the evidence does not support their contention.
32. As mentioned, Cr Buckley attended the COT meeting by telephone. Cr Buckley therefore could not see the Respondents’ “body language” and relied on what Cr White told her when he contacted her afterwards.
33. I accept the Respondents’ evidence that Councillors remained seated during the COT meeting except when they were required to access a portable microphone being used to assist Cr Buckley who, as mentioned, was attending remotely.
34. Cr White’s evidence in relation to inappropriate body language simply that Cr Allen was “red faced” and that Cr Urie was “on the edge of her seat”. I find that neither constitutes a breach of the Standards.
35. As Cr Buckley could not see the COT meeting, I asked her to explain the basis for alleging that the Respondents’ behaviour was “abusive, obscene or threatening” to constitute a breach of the Standards, Cr Buckley responded that, while there was no swearing, she detected a “raise in tone and verbal intent” as well “anger and frustration” in Cr Allen’s voice and that he spoke in an “authoritarian and condescending” tone.
36. I accept the Respondents’ evidence that they did not raise their voices during the COT meeting and that any apparent frustration was the result of Cr Buckley speaking over them.
37. The Standards are not intended to limit, restrict or detract from robust debate between Councillors.
38. While discussions at the COT meeting may have been robust, the evidence does not support Cr Buckley’s and Cr White’s allegations that the behaviour of Cr Allen, Cr Urie and Cr Reeves comprised bullying. Nothing the Respondents did or said during that meeting was “abusive” or “obscene” or “threatening” or was it unfair or disrespectful.
39. I find that the Respondents did not breach the Standards at the COT meeting as alleged or at all and I dismiss the Application.

Simon Heath

Arbiter

Dated: 3 February 2023

Appendix A

Schedule 1—Standards of conduct

1 Treatment of others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor—

- (a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the **Equal Opportunity Act 2010**; and
- (b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- (c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- (d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

2 Performing the role of Councillor

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor—

- (a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and
- (b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and
- (c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

3 Compliance with good governance measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following—

- (a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- (b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- (c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act;
- (d) any directions of the Minister issued under section 175 of the Act.

4 Councillor must not discredit or mislead Council or public

- (1) In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.
- (2) In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

5 Standards do not limit robust political debate

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

2 Notices of Motion

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Place and Community

5.1.1 Planning Permit Application 219/2022/P - Two Lot Subdivision - 29 Carpenter Street Lakes Entrance

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

This report seeks a Council resolution to issue a Notice of Refusal to Grant a Planning Permit for a two-lot subdivision at 29 Carpenter Street Lakes Entrance. The supporting documentation for the application is included at **Attachment 1**.

As well as the General Residential Zoning, the three overlays in consideration for this application are the Land Subject to Inundation Overlay, the Design and Development Overlay, and the Erosion Management Overlay.

The proposal is not compliant with the objectives and decision guidelines of the zone and overlays as well as other local and state policies. This is discussed in greater detail in the legislation section of this report.

In particular, the proposal does not align with the Planning Policy Framework objectives in relation to floodplain management and the protection of life and property.

The application has been referred to East Gippsland Catchment Management Authority (EGCMA) as a recommending referral authority, who objected to the granting of a planning permit. The referral response including grounds of objection and explanation are provided at **Attachment 2**.

EGCMA has raised that the risk to human life is not acceptable in this instance. The modelled mapping of flooding indicated that the existing house is located in a slightly less impacted level of flooding, however the mapping shows the new lot 2 is at a higher risk and impacted by a higher flood level.

The Officer Recommendation is to follow the EGCMA's technical advice and to refuse a planning permit for the subdivision based on the grounds outlined in the report below.

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 Permit Application 219/2021/P for a two-lot subdivision at 29 Carpenter Street, Lakes Entrance is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Refuse to Grant a Permit for the following reasons:**
 - a. the proposal is inconsistent with the planning policy framework;**
 - b. the proposal is inconsistent with the purposes of the Land Subject to Inundation Overlay;**
 - c. the proposal is likely to result in danger to the life, health and safety of the occupants of the land and neighbouring land due to flooding of the site, as:**
 - i. the proposal relies on low-level access to and from the site.**
 - ii. the proposal is likely to increase the burden on emergency services and the risk to emergency personnel.**
 - iii. the proposal is likely to increase the amount of flood damages to public or private assets; and**
 - iv. the proposal is likely to increase the number of buildings located in a floodway area.**

Background

Site and locality

The land is located in an established residential area of Lakes Entrance, on the corner of Carpenter Street and Devitt Street. The Myer Street commercial centre is located within 500 metres, as are key recreational amenities such as the Bowls Club, recreation reserve, and North Arm waterway.

The land is a rectangular lot of 969 square metres. The land contains a detached dwelling and a small outbuilding. Aerial images of the site and locality are in *Figures 1 and 2* below.

The immediately adjacent lots contain detached dwellings, however in locality contains a range of accommodation including units, caravan park and camping grounds.



Figure 1. Site and immediate vicinity.



Figure 2: Site in broad neighbourhood context.

The proposal

The applicant proposes to subdivide the land into two lots as shown in *Figure 3*. Proposed Lot 1 to the east of the property will contain the existing dwelling on 436 square metres and proposed Lot 2 to the west will be a vacant lot of 533 square metres.

The small outbuilding will be removed. Should a permit be granted, it would include a requirement for the demolition of the outbuilding prior to issuing a statement of compliance.

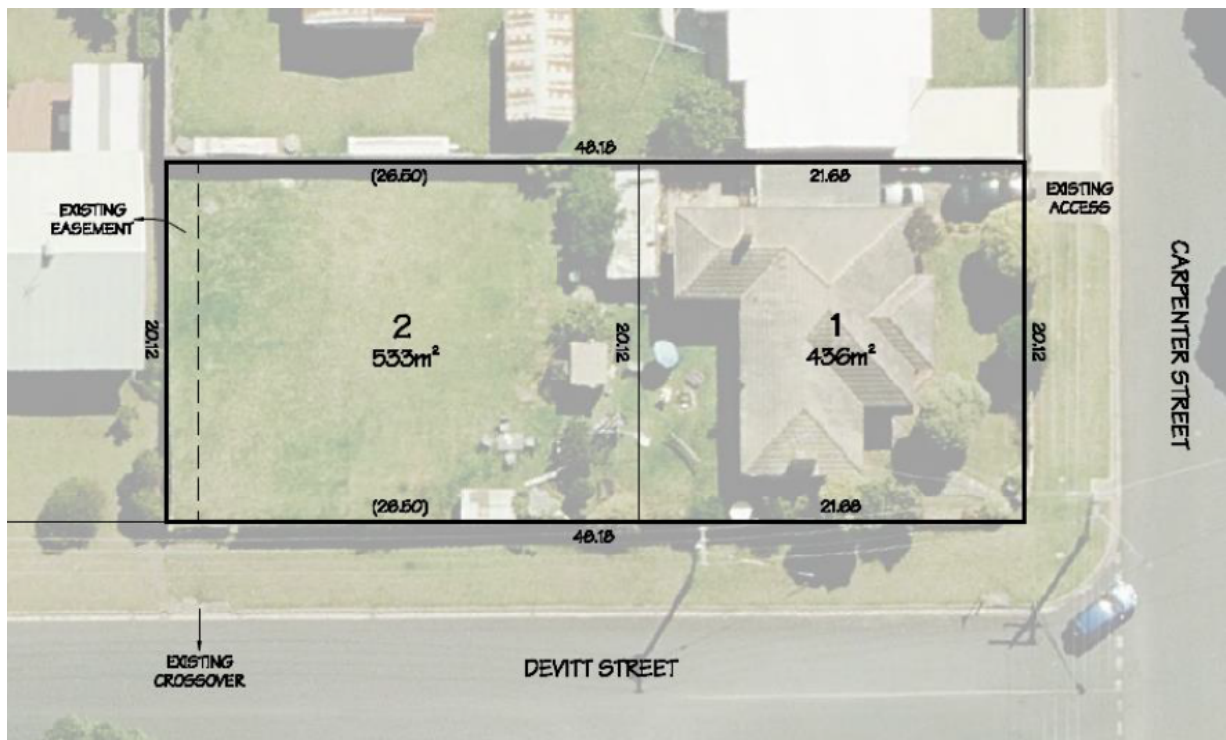


Figure 3 Proposed plan of subdivision

As shown in the proposed subdivision plan, a constructed crossover exists to Carpenter Street, and a crossover to Devitt Street is in need of improvement. Should a permit be granted, it would include a requirement for reconstruction of the crossover.

Current Status

The application was subject to notice to adjoining owners and did not receive objections. The application was referred to EGCMA which objected to the grant of the permit.

The evidence and reasoning provided by the EGCMA is accepted by officers. The EGCMA is the responsible flood management authority, and the Responsible Authority (Council) is to have regard to their advice. The risk to human life is not to be taken lightly and is not outweighed by the need for housing. In Lakes Entrance there are strategies that encourage areas for growth and this site is not located in the areas earmarked for future growth. The impact of additional housing in flood prone areas could have increased negative impacts (increased diversion of floodwaters) in the adjacent area and place a greater resource burden on emergency services.

Officers have discussed the concerns with the applicant and have also noted concerns regarding built form inconsistency for a future dwelling, given any dwelling on proposed Lot 2 would need to have a finished floor level at the nominal flood protection level (2.3m AHD), which is between 0.7 and 1.2 metres above the current natural ground level of the site. The concern and limitation would be for the character of the area and issues around overlooking to habitable room windows and secure private open space of adjacent lots.

A review of existing development in the area demonstrates a generally uniform single storey pattern. There are no nearby examples of elevated or multi-storey dwellings. Officers acknowledge this may change over time, but the concern is for the immediate impact on the amenity and privacy for neighbours, and the prevention of a complicated plan preparation process for a dwelling on proposed Lot 2 – likely requiring report and consent of the Municipal Building Surveyor for variations to building code standards. However, the key consideration is flood risk.

However, the key consideration is flood risk.

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 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*.

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 Controls

Control	Clause	Considerations
General Residential Zone	32.08-3	<p>A permit is required for subdivision of the land.</p> <p>The risk of intensifying development in an area of high flood risk outweighs all other aspects of the strategy that might encourage more housing diversity and growth to deal with demand. Housing growth and diversity should not create risk to humans.</p> <p>There is no evidence that future residential development would respect the neighbourhood character of the area. In fact, it is likely that any future development would be out of character. Due to the high risk of flooding in the area, any buildings would most likely have to be built significantly higher than other buildings in the area.</p>
Land Subject to Inundation	44.04-3	<p>A permit is required for subdivision of the land.</p> <p>Non-Compliant.</p> <p>The EGCMA found that the proposal is likely to result in danger to the life, health and safety of future occupants due to high risk of flooding of the site.</p> <p>The intensification of residential land development should not be located in an area that is prone to flooding. Future development on the land will be prone to flooding. As outlined in the EGCMA explanatory report, over 50% of the total property is subject to depths of up to 0.5 metres in a 1 in 100 year flood event under current climatic conditions and the proposed Lot 2 is almost completely subject to depths of flooding over 0.5 metres under current climatic conditions.</p> <p>In addition, the sea level is expected to rise by 0.8 metres by the year 2100, which would see the flood risk of the property increased to extreme flood risk levels.</p> <p>The proposal is likely to increase the burden on emergency services, increase the amount of flood damage to public and private assets and increase the number of buildings in a floodway area. These pressures not only affect the</p>

		<p>subject site but could also direct a negative impact on other areas and services during a flood event.</p> <p>The overlay is site specific and is not applied lightly or as a catch all. It is modelled on scientific evidence and the expertise provided by the EGCMA. The overlay is applied to this property for a reason and the planning scheme provides for sound planning to occur within this overlay. It doesn't mean that no development can occur, but it does serve as a warning to carefully balance whether intensification should occur and what type. It is considered that the evidence and advice from the flood management authority should not be ignored. For these reasons, the proposal is not compliant with the Land Subject to Inundation Overlay.</p>
Erosion Management Overlay	44.01-5	<p>A permit is required for subdivision of the land.</p> <p>Compliant.</p> <p>A Geotechnical Risk Assessment Waiver request has been provided by the applicant from a qualified engineer that has determined the erosion risk to be low.</p>
Design and Development Overlay	43.02-3	<p>A permit is required to subdivide the land.</p> <p>Non-Compliant.</p> <p>There is no evidence that future residential development would respect the neighbourhood character of the area. In fact, it is likely that any future development would be out of character. Due to the high risk of flooding in the area, any buildings would most likely have to be built significantly higher than other buildings in the locality.</p>

Planning Policy Framework

Clause 13 - Environmental Risks and Amenity

13.01-1S Natural hazards and climate change

Objective - To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

Assessment: EGCMA has estimated that the sea level is expected to rise by 0.8 metres by the year 2100, which would see the flood risk of the property increased to extreme flood risk levels, further exacerbating the detrimental effects of this proposal. Due to the increase in sea level and the associated flood risk, this proposal is not compliant with the objectives of this policy.

13.01-2S Coastal inundation and erosion

Objective - To plan for and manage coastal hazard risk and climate change impacts.

Assessment: One of the main strategies of this policy is to avoid use and development in areas vulnerable to coastal inundation and erosion. The site has been identified as a place of extreme flood risk to life and property and therefore the proposal is not compliant with the objectives and strategies in this policy.

13.03-1S Floodplain management

Objective:

To assist the protection of:

- Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river, wetland or coastal health.

Assessment: It is Officers' view that the proposal fails to achieve the objectives of this clause. The proposal is weakening the resilience of Lakes Entrance as the proposal is likely to result in danger to life, health and safety of occupants due to flooding on the site.

The proposal fails to comply with Planning Policy Framework (PPF) Environmental Risks and Amenity.

Clause 16 – Housing

Clause 16.01-1S Housing Supply

Objective: To facilitate well-located, integrated and diverse housing that meets community needs.

Assessment: The first objective of clause 16.01-1S states that housing should be well-located. This proposal to intensify residential development is proposed in a well-located area, due to the area being subject to flood risk.

Particular Provisions

Clause 56 – Residential Subdivision

Clause 56 Assessment

Objective	Assessment
56.03-5 Neighbourhood Character	Does not comply. It is considered that future residential development would not be able to respect the neighbourhood character of the area. Due to the high risk of flooding in the area, any buildings would most likely have to be built significantly higher than other buildings in the area. Therefore, it is likely that any future development would be out of character in order to mitigate flood risk.
56.04-2 Lot area and building envelopes	Complies. The proposed vacant lot can accommodate a 10 x 15 metres rectangle and is appropriately sized.
56.04-3 Solar orientation of lots	Complies. The proposed new lot contain sufficient area to provide appropriate solar orientation for the establishment of a future dwelling and private open space.

56.04-5 Common Areas	Complies. No common areas proposed.
56.06-8 Lot access	Complies. Access to lot 1 is existing and access to lot 2 can be accommodated from Devitt Street with the upgrade of the existing crossover.
56.07-1 Drinking water supply	Complies. Reticulated water available to both lots.
56.07-2 Reused and recycled water	N/A. There is no opportunity to connect to recycled water in East Gippsland.
56.07-3 Wastewater management	Complies. Both lots will be connected to reticulated sewer.
56.07-4 Urban run-off management	Does not comply. In the event of heavy rainfall or flood, the proposal is likely to increase damage from stormwater and flooding.
56.08-1 Site management	Complies.
56.09-1 Shared trenching	Complies.
56.09-2 Electricity, telecommunications and gas	Complies. Both proposed allotments can be connected to reticulated power, water, sewer, and telecommunications. Gas is available within the precinct.

Clause 56 assessment summary

The proposal is generally acceptable against most objectives of clause 56, except for neighbourhood character and urban run-off management. Despite being generally consistent, the risks of approval under the Land Subject to Inundation Overlay are high and the proposal should not be approved because of this.

General Provisions

Clause 65 Approval of an application

Decision Guidelines

- *The Municipal Planning Strategy and the Planning Policy Framework.*

As previously stated in this report, the proposal does not comply with various elements of the Municipal Planning Strategy and Planning Policy Frameworks.

- *The purpose of the zone, overlay or other provision.*

The proposal does not comply with the GRZ (character), LSIO (purpose of the control), or DDO (future built form, character).

- *The effect on the environment, human health and amenity of the area.*

As previously discussed, the EGCMA has found that the proposal is likely to result in danger to the life, health and safety of the future occupants of the site. It is likely to increase the burden on emergency services. It is likely to increase the amount of flood damage to public and private assets and increase the number of buildings in a floodway area.

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimize any such hazard.*

The flood risk on the land makes this proposal non-compliant with this decision guideline as it creates an unacceptable risk and does not minimise the hazard where buildings, fences, decks could alter the modelled flooding pattern.

Clause 65.02 approval of a subdivision

- *The suitability of the land for subdivision.*

The land is not considered to be suitable for subdivision due to the increase in flood risk. Future development on the land will be prone to flooding. Over 50% of the total property is subject to depths of up to 0.5 metres under current climatic conditions and the proposed Lot 2 is almost completely subject to depths of flooding over 0.5 metres under current climatic conditions. Creating a new residential lot will come with expectations of being able to build a dwelling.

It is at the subdivision stage of planning that can mitigate any expectation of whether it is safe to construct and live in a flood prone site. It is considered that no expectation should be provided in this instance given the associated risks.

In addition, the sea level is expected to rise by 0.8 metres by the year 2100, which would see the flood risk of the property increased to extreme flood risk levels.

- *The existing use and possible future development of the land and nearby land.*

Any future development on the land will exacerbate the risk of flooding as previously discussed in this report and should therefore not be supported.

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 Delegations Policy 2022, this matter has been subject of a "call-up" of the application after Officers advised Councillors of a Notice of Intent to Refuse to Grant the Permit under Delegation.

Options

In making its decision, Council has the following options:

1. Adopt the officer recommendation as presented. Officers have considered the matter carefully and note that this determination would not set precedent, as the individual site considerations are the critical component of assessment. Infill sites subject to lesser levels of flood risk may be considered for approval, depending on the extent of the risk; or
2. Alter the officer recommendation by clarifying any grounds of refusal; or
3. Defer the matter for further consideration of an alternative motion, including clarification to conditions; or
4. Determining to grant the permit. There are no matters outstanding which would prevent the determination of the application, however appropriate conditions of approval would need to be included in any alternative motion.

Resourcing

Financial

There are no financial implications resulting from the officer recommendation.

Plant and equipment

There are no implications on Council plant and equipment as a result of the officer recommendation.

Human Resources

There are no Human Resources implications as a result of the officer recommendation.

Risk

The risks of this proposal have been considered and the risk to life and property is considered too great for the proposal to be approved due to the flooding risk. EGCMA has objected to the granting of a permit. The Responsible Authority (Council) may be held responsible if the permit is granted and any life and property damage occurs in the future

Economic

The proposal does not have any significant economic impact either positively or negatively on the community.

Social

The proposal does not have a significant social impact either positively or negatively on the community.

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 tend 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. There are no specific gender issues arising from this proposal.

Environmental

The proposal fails to comply with the environmental risks associated with flooding.

Climate change

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

Land Use Planning: Consideration is given to climate change in the local land use planning and includes responses to direct and indirect impacts.

The East Gippsland Planning Scheme states the need for planning to contribute towards climate change adaptation and mitigation. The EGCMA anticipates an 0.8 metre sea level rise by the year 2100, which would see the flood risk of the property increased to extreme flood risk levels. Therefore, the proposal should not be supported as it exacerbates the effects of sea level rise due to climate change.

Engagement

The application was subject to notice via letters to neighbouring owners and occupiers of the land. The applicant carried out notice and returned a statutory declaration confirming completion of notice as required. No objections were received from surrounding residents.

The application for a two-lot subdivision is not subject to referral to servicing authorities, and standard conditions are applied in the event that a permit is granted.

Under the provision of the LSIO, a referral was made to the EGCMA as a recommending referral authority. The EGCMA responded as per **Attachment 1**, and object to the grant of a permit.

The grounds for objection from EGCMA are as follows:

1. *The proposal is not consistent with the strategy of the Planning Policy Framework (PPF) Clause 12.03-1R – High value water body assets – Gippsland – to minimise the impact of urban growth on high value water body assets such as the Gippsland Lakes, Corner Inlet, Anderson Inlet, Mallacoota Inlet and their source rivers;*
2. *The proposal is not consistent with the objective of the Planning Policy Framework (PPF) Clause 13.01-1S - Natural hazards and climate change - to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning;*
3. *The proposal is not consistent with the objective of the Planning Policy Framework (PPF) Clause 13.01-2S – Coastal inundation and erosion - to plan for and manage coastal hazard risk and climate change impacts;*
4. *The proposal is not consistent with the objective of the Planning Policy Framework (PPF), Clause 13.03-1S - Floodplain management - to assist the protection of: life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows; the natural flood carrying capacity of rivers, streams and floodways; the flood storage function of floodplains and waterways; and floodplain areas of environmental significance or of importance to river, wetland or coastal health;*
5. *The proposal is not consistent with the 'Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise' (DSE, 2012);*
6. *The proposal is not consistent with the East Gippsland Catchment Management Authority policy for development viability in coastal areas in accordance with the 'Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise' (DSE, 2012);*
7. *The proposal is not consistent with the purpose of the Land Subject to Inundation Overlay, Clause 44.04, which seeks: to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity; to minimise the potential flood risk to life, health and safety associated with development; to protection water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater; and to ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health; and*
8. *The proposal is not consistent with the decision guidelines in the Victorian Planning Provision Practice Note PNP11 'Applying for a Planning Permit Under the Flood Provisions – A guide for councils, referral authorities and applicants', in that:*
 - a. *It is not consistent with the Planning Policy Framework (PPF).*
 - b. *It is likely to result in danger to the life, health and safety of the occupants due to flooding of the site.*
 - c. *It relies on low-level access to and from the site.*
 - d. *It is likely to increase the burden on emergency services and the risk to emergency personnel.*
 - e. *It is likely to increase the amount of flood damages to public or private assets.*
 - f. *It is likely to increase the number of buildings located in a floodway area.*

Consideration by Officers is that the above grounds of objection are valid and worthy of adopting, in part, in recommending refusal of the application. Officers note that the applicant is aware of the flood risk, indicating that any future development of the vacant Lot 2 would be subject to a requirement for nominal flood protection levels to influence finished floor levels. The consideration by EGCMA is that those on-site considerations do not adequately consider the broader risks, such as access and egress, burden on emergency response, and the impact that additional development will have on existing development (neighbouring dwellings, roads, and other infrastructure).

Other development of a similar nature may still be considered appropriate, and may not be subject to objection by EGCMA nor a recommendation for refusal as:

- Not all sites are completely inundated in a 1:100 year ARI flood event;
- Other sites may have existing access and egress with less severe risk in a 1:100 year ARI flood event; and
- Other proposals may include redevelopment of an existing dwelling, rather than intensification of a use.

Attachments

1. Supporting Documentation - 29 Carpenter Street, Lakes Entrance [5.1.1.1 - 17 pages]
2. East Gippsland Catchment Management Authority Response - 29 Carpenter Street, Lakes Entrance [5.1.1.2 - 7 pages]



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 11322 FOLIO 092

Security no : 124097434373C

Produced 09/05/2022 09:19 AM

LAND DESCRIPTION

Lot 1 on Title Plan 447659H.

PARENT TITLE Volume 07601 Folio 126

Created by instrument AJ358084T 07/12/2011

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

ANTHONY PETER KISS

GABRIELLE MAREA KISS both of 138 MACALISTER STREET SALE VIC 3850

AV452283H 22/03/2022

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP447659H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	STATUS	DATE
AV449944G (E)	Completed	22/03/2022
AV452283H (E)	Registered	22/03/2022

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 29 CARPENTER STREET LAKES ENTRANCE VIC 3909

DOCUMENT END



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

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Produced: 09/05/2022 09:20:20 AM

Dealing Number: AV449944G

Status: Completed

Date and Time Lodged: 22/03/2022 09:20:03 AM

Responsible Subscriber: DIMITRA IATROU & ASSOCIATES PTY. LTD.

Customer Code: 15420R

Reference:

APPLICATION TO CONVERT AND NOMINATE PAPER CERTIFICATE OF TITLE TO AN ELECTRONIC INSTRUMENT

The Subscriber authorises the conversion of the following paper Certificate(s) of Title to electronic Certificate(s) of Title and their nomination to the instruments contained in the Lodgement Case shown below:

Certificate(s) of Title:
Volume 11322 Folio 092

Lodgement Case ID: 421431118

Following the registration of the instruments in the Lodgement Case, do not return the eCT Control to the nominating Subscriber

Subscriber's Certification:

1. The Certifier has:
 - (a) retrieved; and
 - (b) either securely destroyed or made invalid
 the (duplicate) certificate(s) of title for the folio(s) of the Register listed in this Registry Instrument or Document.

Signed by:
Dimitra Iatrou
(for DIMITRA IATROU & ASSOCIATES PTY. LTD.)
Customer Code: 15420R
Dated: 22 March 2022

File Notes:
NIL



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

Crowther & Sadler Pty, Ltd.

A.B.N. 24 006 331 184

LICENSED SURVEYORS & TOWN PLANNERS

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Planning Report

Two Lot Subdivision
29 Carpenter Street, Lakes Entrance

Reference – 20013

May 2022



20013 Report

Principal: Michael J. Sadler, L.S., Dip Surv, M.I.S., MAICD

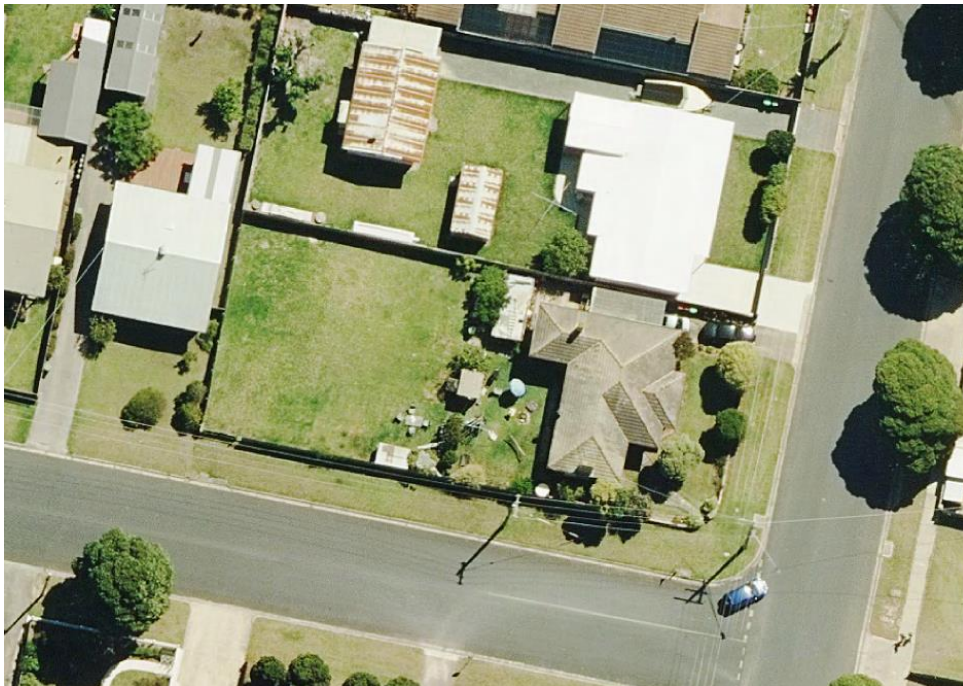
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	Application Form	
	Proposed Subdivision Plan (Version 1)	
	Copy of Title (Sec7, CA45 on TP447659H)	

Note: Applicable Planning Application fee is \$1337.70

1. Introduction

This planning report is prepared in support of a proposed two lot subdivision at 29 Carpenter Street, Lakes Entrance. The report addresses the provisions of the General Residential Zone, Design and Development Overlay 13, Erosion Management Overlay and Land Subject to Inundation Overlay as contained within the East Gippsland Planning Scheme.



Aerial Image of the Subject Land and Immediate Surrounds (Source: GeoVic)



Aerial image of the Subject Land and Wider Surrounds (Source: Google Earth)

2. Subject Land & Surrounding Context

The subject land at 29 Carpenter Street, Lakes Entrance is located on the corner of Carpenter Street and Devitt Street and is regular in shape with a frontage to Carpenter Street of 20.12 metres and a frontage to Devitt Street of 48.18 metres.

It has an area of 969 square metres, is relatively flat and is developed by a single storey weatherboard dwelling to the east of the property. Access to the subject site is obtained via Carpenter Street and an existing crossover leading to gates is located off Devitt Street. Both Carpenter Street and Devitt Street are constructed urban roads.

South of the subject land across Devitt Street is the Lakes Entrance Youth & Recreation Centre. To the west is a single storey dwelling as well as to the north of the subject land. To the east of the subject land across Carpenter Street is a caravan park.

The subject land is located a short walk from the Lakes Entrance Central Activity District and the Lakes Entrance Recreation Reserve. The immediate area is developed generally by single storey dwellings and units, motel accommodation and caravan parks.

3. The Application & Proposal

It is proposed to subdivide the land into two lots. Lot 1 to the east of the property is proposed to contain the existing dwelling on 436 square metres and lot 2 to the west of the land is proposed to be vacant lot of 533 square metres. To facilitate the subdivision a small outbuilding to the rear of the existing dwelling will require removal.



Proposed Plan of Subdivision

20013 Report

The subject application triggers approval at the following Clauses of the East Gippsland Planning Scheme:

- **Clause 32.08-3 General Residential Zone – a planning permit is required to subdivide the land.**
- **Clause 43.02-3 Design and Development Overlay 13 – a planning permit is required to subdivide land.**
- **Clause 44.01-5 Erosion Management Overlay – a planning permit is required to subdivide land.**
- **Clause 44.04-3 Land Subject to Inundation Overlay – a planning permit is required to subdivide land.**

4. Cultural Heritage

The proposal does not trigger any mandatory requirements to provide a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity*



Cultural Heritage Sensitivity Mapping (Source: VicPlan)

20013 Report

The subject land is mapped as being cultural heritage sensitive. However, a two lot subdivision is not defined as a high impact activity. Therefore, there is no mandatory requirement to provide a CHMP in support of the application.

5. Planning Policy

5.1 Planning Policy Framework

Lakes Entrance is recognised as a town where growth will be supported within Clause 11.01-1R Settlement – Gippsland. Clause 11.01-1S Settlement seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

The proposed subdivision supports various strategies that underpin this objective. It is in accordance with the regional growth plan, is located within the settlement boundary of Lakes Entrance, will provide growth in population, supports sustainable transport as the land is within easy walking distance of the Lakes Entrance Activity Centre, assists to limit urban sprawl and assists to develop compact urban areas around an existing activity centre.

Subdividing this property in a well serviced and located part of Lakes Entrance provides opportunity for consolidation and intensification of existing urban areas as sought in Clause 11.02-1S Supply of Urban Land.

Located within the Lakes Entrance Settlement Boundary the subdivision will assist to manage coastal population growth on land that is connected to stormwater and is sewered consistent with Clause 11.03-4S Coastal Settlement.

Clause 12.03-1S River Corridors, Waterways, Lakes and Wetlands seeks to protect and enhance lakes and waterways. The proposed subdivision and consequential development of a dwelling would not make a measurable difference to flood capacity, both lots will be connected to sewer and water quality is managed via Council's municipal drainage system.

Within Clause 13 Environmental Risk and Amenity, a risk identified is floodplains at Clause 13.03. The subject land is located within the Land Subject to Inundation Overlay. The proposed subdivision (and subsequent residential use) would not make a measurable difference to the flood capacity of the Lakes system nor would flood behaviour be significantly altered.

The proposed subdivision will add to an attractive, safe and diverse neighbourhood. It will create a compact neighbourhood within walking distance to recreation areas and the commercial precinct of Lakes Entrance. The subdivision will provide a range of lots to suit a variety of dwelling and household types and will reduce car dependency as sought by Clause 15.01-3S Subdivision Design.

The neighbourhood character of the area is mixed with detached dwellings, units, motels and caravan parks. A consistent theme of the area is a denser pattern of subdivision and development than other areas within the town. The proposed subdivision will maintain the streetscape of both Carpenter Street and Devitt Street and will integrate with the prevailing and underlying subdivision pattern of the area.

Clause 15.02-1S Energy and Resource Efficiency seeks to support a cooler environment and minimise greenhouse gases. The proposed subdivision will allow future development of the lots by dwellings that can take advantage of the good solar access opportunities, is within walking distance of services reducing car dependency and consolidates urban development.

Subdivision of the subject land assists to increase the portion of housing in established urban areas reducing the share of new dwellings in greenfield development areas, provides a further housing opportunity close to jobs and services and assist to consolidate urban areas consistent with Clause 16.01-1S Housing Supply.

The provision of two well located, serviced, smaller lots may assist with housing affordability at Clause 16.01-2S.

5.2 Local Planning Policy

Development of two lots within a serviced and appropriately zoned area close to facilities provides an infill opportunity and provides a range of lot sizes as encouraged within Clause 21.03 Settlement.

At Clause 21.05 Environmental Risk one of the risks pertinent to this property is Floodplain Management at Clause 21.05-1. The proposal will not result in any meaningful loss of floodplain storage or redirecting of flood waters. The vacant lot and the lot developed with a dwelling can be developed/redeveloped by residential development that reduces their vulnerability to flooding.

Clause 21.05-2 Erosion has been investigated by Chris O'Brien & Company which advises the threat of erosion on the land currently and as a result of the subdivision is low.

The provision of a smaller vacant lot will encourage the building and construction sector to provide a range of housing types and styles, caters for the housing needs and preferences of future landowners consistent with Clause 21.08 Housing.

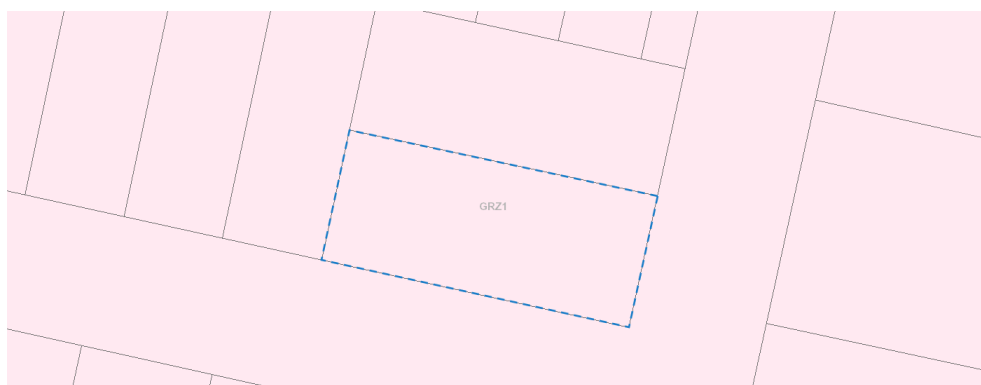
Clause 21.12 Strategies for Sub-Regions, Towns & Localities advises that Lakes Entrance is located in the Lakes & Coastal sub-region. Lakes Entrance is identified as a district town.

The proposed subdivision is consistent with the Lakes Entrance Strategy Plan.

6. Planning Elements

6.1 General Residential Zone

Located in the General Residential Zone a planning permit is required to subdivide land in accordance with Clause 32.08-3 of the East Gippsland Planning Scheme.



Extract of the East Gippsland Planning Scheme Zoning Mapping Identifying the Subject Land Zoned General Residential Zone (Source: VicPlan)

The proposed two lot subdivision is considered to respond positively to the purpose of the General Residential Zone as it will provide opportunity for future infill development into an area which is serviced with a full range of reticulated services and zoned appropriately.

The proposed subdivision is considered to comply with the relevant provisions of Clause 56. The following table provides comment against the relevant standards and objectives of Clause 56 relevant to a two lot subdivision.

Objective	Comment
56.03-5 Neighbourhood Character	Complies <p>The character of the area is mixed with detached dwellings generally on smaller lots, units, motel accommodation and caravan parks. The density of development within this precinct is higher than other precincts within the town. The proposed subdivision will sit comfortably within this denser urban form and will maintain the streetscapes of Carpenter Street and Devitt Street.</p> <p>The proposal is in keeping with the neighbourhood character as the current dwelling and eventual future dwelling on the vacant lot to be created will blend with the emerging built form character of the area.</p>

56.04-2 Lot area and building envelopes	<p>Complies</p> <p>Proposed lot 2 can easily accommodate a 10x15 metre rectangle.</p> <p>The subdivision layout provides area for anticipated future development on lot two to enjoy solar access, provision of private open space, and safe vehicle movements within allotment boundaries.</p> <p>Lot 1 to contain the existing dwelling provides for appropriate private open space and respects the orientation of the dwelling.</p>
56.04-3 Solar orientation of lots	<p>Complies</p> <p>Lot 2 contains sufficient area to provide appropriate solar orientation for the establishment of a future dwelling and location of private open space to take advantage of the lot's orientation with good northern solar access.</p>
56.04-5 Common Areas	<p>N/A</p> <p>There are no areas of Common Property proposed.</p>
56.06-8 Lot access	<p>Complies</p> <p>Access to lot 1 is existing and access to lot 2 can be accommodated from Devitt Street with the upgrade of the existing crossover.</p> <p>The use of individual points of access will be safe, convenient and practical.</p>
56.07-1 Drinking water supply	<p>Complies</p> <p>Reticulated water is provided to the subject land and will be connected to both allotments as part of the subdivision.</p>
56.07-2 Reused and recycled water	<p>Complies</p> <p>There is no opportunity to connect to recycled water in East Gippsland.</p>
56.07-3 Wastewater management	<p>Complies</p> <p>Reticulated sewer is already established within the precinct. The vacant lot will be connected to sewer as part of the subdivision consistent with Standard C24.</p>
56.07-4 Urban run-off management	<p>Complies</p> <p>Drainage will be dealt with to the satisfaction of the Responsible Authority and can be discharged into the municipal drainage network.</p>
56.08-1 Site management	<p>Complies</p> <p>The site will be managed to the satisfaction of the Responsible Authority.</p>
56.09-1 Shared trenching	<p>Complies</p> <p>All utility service connections will utilise shared trenching.</p>

<p>56.09-2</p> <p>Electricity, telecommunications and gas</p>	<p>Complies</p> <p>The proposal will make good use of a full range of existing services as available within the precinct. The vacant proposed allotment will be connected to reticulated power, water, sewer and telecommunications. Gas is available within the precinct.</p>
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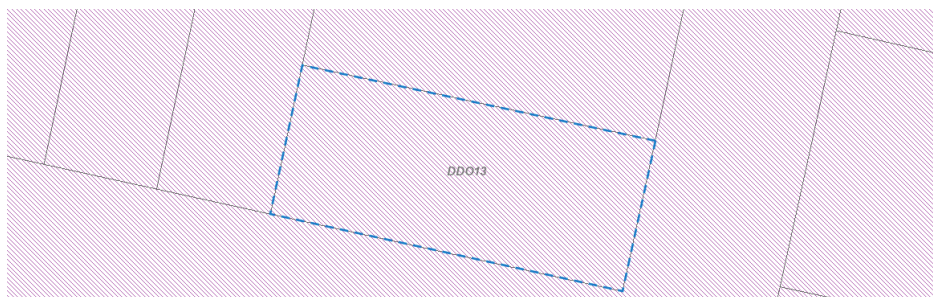
Decision Guidelines

The following dot points provide some comment against the key elements of the project in response to the Decision Guidelines.

- Support for the subdivision is provided in the State and Local Planning Policy Frameworks.
- The proposed two lot subdivision provides for infill residential opportunities into the precinct which is capable of sustaining further residential style development and is zoned appropriately.
- The subdivision will make good use of existing services and the site is already connected to a full range of reticulated services.
- The site is well located being within walking distance to recreational areas and the Lakes Entrance Central Activity District.
- Both lots will be provided with direct frontage and access from the adjoining road network resulting in the streetscapes remaining intact.
- There are no new roads proposed as part of the subdivision.
- There are no areas of Common Property proposed and no Owners Corporation will be required as a result of the proposal.

6.2 Design and Development Overlay 13

The subject land is located within the Design and Development Overlay 13 where a planning permit is required to subdivide land in accordance with Clause 43.02-3 of the Planning Scheme.



Extract of the East Gippsland Overlay Mapping Identifying the Subject Land Located Within the Design and Development Overlay 13.

Schedule 13 to Clause 43.02 Design and Development Overlay is Residential Development in Coastal Settlements: Lakes Entrance.

The subject land is located in Area 7: Inner Residential.

Decision Guidelines

The proposal responds well to the decision guidelines:

- The older character of the area will be maintained as the existing dwelling will be retained and the new lot will continue to maintain the Devitt Street lot frontages.
- No environmental or landscape values will be detrimentally impacted by the proposed subdivision.
- Provision of water sensitive urban design can be accommodated and imposed through detailed drainage design conditions.
- Coastal processes that could impact this property is flooding and future sea level rise. The future development of a dwelling on the land will be able to incorporate mitigation methods (future dwelling development will require further planning approval).
- The lot frontage width will continue to be consistent with both Carpenter and Devitt streets.

6.3 Erosion Management Overlay

Located within the Erosion Management Overlay a planning permit is required to subdivide land under Clause 44.01-5 of the Planning Scheme.



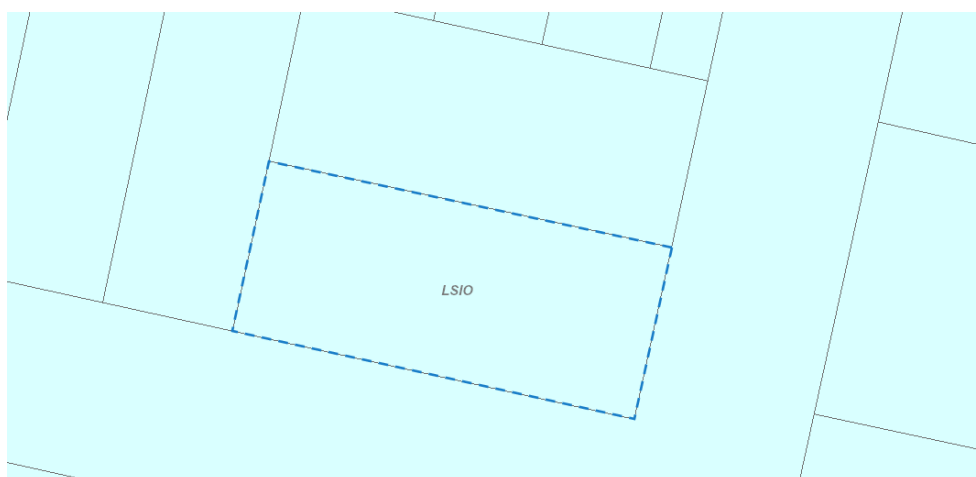
Extract of the East Gippsland Overlay Mapping Identifying the Subject Land Located Within the Erosion Management Overlay.

The Schedule of the Overlay informs that a Geotechnical Risk Assessment must accompany an application. However, if a suitably qualified and experienced geotechnical practitioner demonstrates to the satisfaction of the responsible authority that a geotechnical risk assessment is not relevant to the assessment of an application, the responsible authority may reduce or waive the requirement for a geotechnical risk assessment.

A Geotechnical Risk Assessment has been undertaken by *Chris O'Brien and Company* and advises that the erosion risk on the land and associated with the proposed subdivision is low.

6.4 Land Subject to Inundation Overlay

The subject land is located within the Land Subject to Inundation Overlay and a planning permit is required to subdivide land in accordance with Clause 44.04-3 of the Planning Scheme.



Extract of the East Gippsland Overlay Mapping Identifying the Subject Land Located Within the Land Subject to Inundation Overlay.

Decision Guidelines

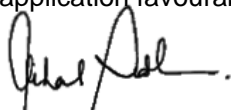
The proposed subdivision responds to the decision guidelines as follows:

- The proposal strikes the balance between facilitating development, urban consolidation and flooding risk.
- The subdivision is located on land that allows for a responsive dwelling design on the vacant lot to reduce possible property damage and access from the land is acceptable in a 1:100 AEP.
- The type of flooding in this location is a slow rise and recede. There is limited velocity and significant time warnings associated with flood behaviour reducing the risk to life.
- The proposal will not have a detrimental affect on environmental values of the Lakes

7. Conclusion

The proposed two lot subdivision at 29 Carpenter Street, Lakes Entrance is considered to accord with all relevant provisions of the General Residential Zone, Design and Development Overlay 13, Erosion Management Overlay and Land Subject to Inundation Overlay of the East Gippsland Planning Scheme. The proposal is consistent with Planning Policy Framework and Local Policy and has been designed to complement the adjoining properties.

For these reasons we respectfully request that Council consider the merits of the application favourably and resolve to issue a Planning Permit.



MICHAEL SADLER
Managing Director

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EAST GIPPSLAND
CATCHMENT
MANAGEMENT
AUTHORITY



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EGCMA Ref: EGCMA-F-2022-00142
Document No:

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James Spencer
Statutory Planner
East Gippsland Shire Council

Dear James,

Planning Permit Application No.: 219/2022/P

Property **Street:** 29 Carpenter Street Lakes Entrance Vic 3909
 Cadastral: Lot 1 TP447659, Parish of Colquhoun

Applicant(s): Peter & Gabrielle Kiss, C/- Crowther & Sadler Pty Ltd

I refer to your correspondence received at the East Gippsland Catchment Management Authority ('the Authority') on 07 June 2022 in accordance with the provisions of Section 55 of the *Planning and Environment Act 1987*. The Authority notes that the application is for a two lot subdivision.

The 1% Annual Exceedance Probability (AEP³) flood level (commonly known as the 1 in 100 year flood) under current climatic conditions is 1.8 metres AHD⁴. Under future climatic conditions this level increases to 2.6 metres AHD. **The applicable 1% AEP flood level for this property is 1.8 metres AHD.**

In accordance with East Gippsland Catchment Management Authority policy, where flood depth during a 1% AEP flood event is likely to exceed 0.5 metres over a property or 0.8 metres over the vehicle egress route from the property, a proposal that seeks to intensify development through the creation of additional lots or dwellings at a property is not supported as it would expose additional people and property to the flood hazard. Figure 1 and Table 1 demonstrates that the above criteria are **not met**.

As shown in Figure 1, over 50% of the total property is subject to depths of up to 0.5 metres under current climatic conditions and the proposed lot 2 is almost completely subject to depths of flooding over 0.5 metres under current climatic conditions.

The East Gippsland Catchment Management Authority's criteria for subdivision intensification does not take into account the anticipated 0.8 metre sea level rise by the year 2100, which would see the flood risk of the property increased to EXTREME flood risk levels.

The Authority is a recommending referral authority for this application. Pursuant to Section 56(1) of the *Planning and Environment Act 1987*, the Authority **objects** to the issue of a Planning Permit based on the following grounds:

1. The proposal is not consistent with the strategy of the Planning Policy Framework (PPF) Clause 12.03-1R – High value water body assets – Gippsland – to minimise the impact of

ABN 88 062 514 481

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Traralgon Office 16 Hotham Street, Traralgon VIC 3844 | Office Corner Young & Bair Streets, Leongatha VIC 3953

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urban growth on high value water body assets such as the Gippsland Lakes, Corner Inlet, Anderson Inlet, Mallacoota Inlet and their source rivers.

2. The proposal is not consistent with the objective of the Planning Policy Framework (PPF) Clause 13.01-1S - Natural hazards and climate change - to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.
3. The proposal is not consistent with the objective of the Planning Policy Framework (PPF) Clause 13.01-2S – Coastal inundation and erosion - to plan for and manage coastal hazard risk and climate change impacts.
4. The proposal is not consistent with the objective of the Planning Policy Framework (PPF), Clause 13.03-1S - Floodplain management - to assist the protection of: life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows; the natural flood carrying capacity of rivers, streams and floodways; the flood storage function of floodplains and waterways; and floodplain areas of environmental significance or of importance to river, wetland or coastal health.
5. The proposal is not consistent with the '*Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise*' (DSE, 2012).
6. The proposal is not consistent with the East Gippsland Catchment Management Authority policy for development viability in coastal areas in accordance with the '*Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise*' (DSE, 2012).
7. The proposal is not consistent with the purpose of the Land Subject to Inundation Overlay, Clause 44.04, which seeks: to ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity; to minimise the potential flood risk to life, health and safety associated with development; to protection water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater; and to ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.
8. The proposal is not consistent with the decision guidelines in the Victorian Planning Provision Practice Note PNP11 '*Applying for a Planning Permit Under the Flood Provisions – A guide for councils, referral authorities and applicants*', in that:
 - a. It is not consistent with the Planning Policy Framework (PPF).
 - b. It is likely to result in danger to the life, health and safety of the occupants due to flooding of the site.
 - c. It relies on low-level access to and from the site.
 - d. It is likely to increase the burden on emergency services and the risk to emergency personnel.
 - e. It is likely to increase the amount of flood damages to public or private assets.
 - f. It is likely to increase the number of buildings located in a floodway area.

Pursuant to Sections 64 to 66 of the *Planning and Environment Act 1987*, please ensure that you provide the Authority a copy of your decision as soon as possible to allow time if an application for review to VCAT is required.

The attached **explanatory report** provides further detail regarding the Authority's assessment.

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Should you have any queries, please do not hesitate to contact Rhain Bateman on 1300 094 262 or email planning@wgcma.vic.gov.au. To assist the Authority in handling any enquiries please quote **EGCMA-F-2022-00142** in your correspondence with us.

Yours sincerely,



Bec Hemming
Acting Chief Executive Officer

Date: 17/06/2022

Cc: Peter & Gabrielle Kiss C/- Crowther & Sadler Pty Ltd (contact@crowthersadler.com.au)

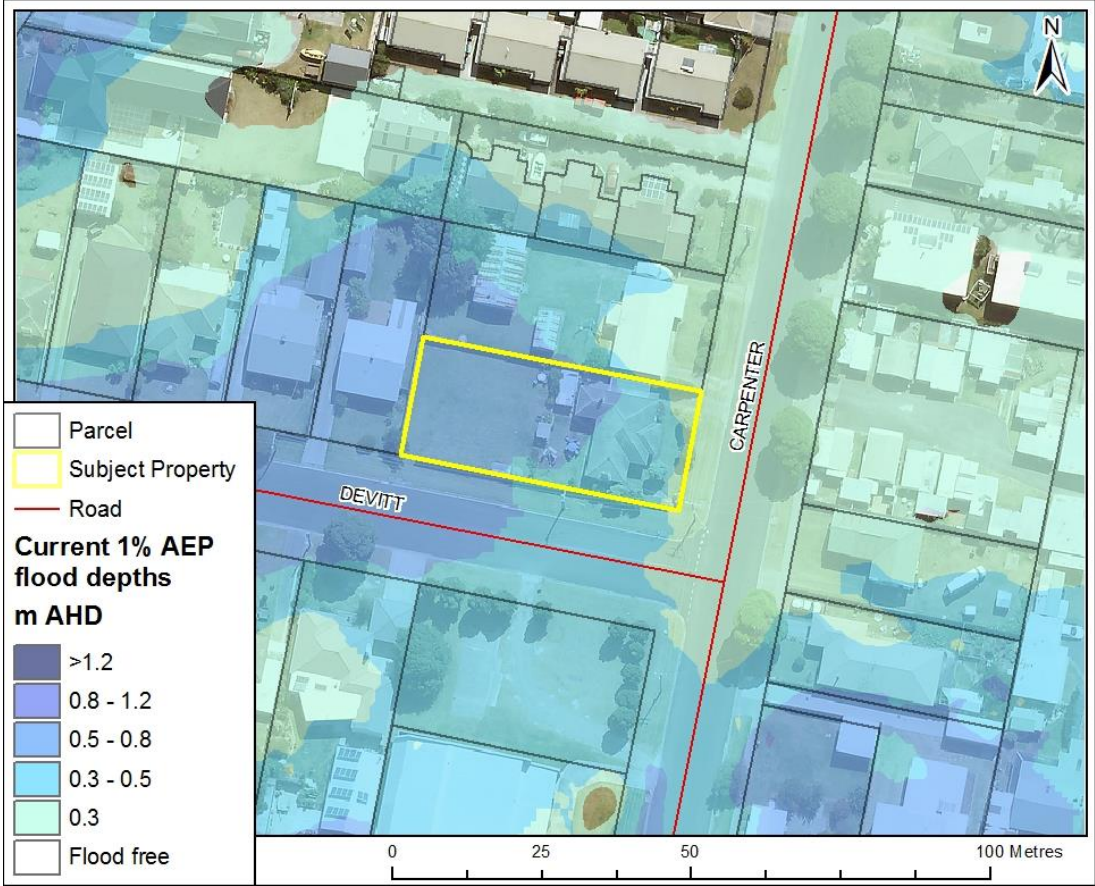
The information contained in this correspondence is subject to the disclaimers and definitions attached.

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EXPLANATORY REPORT

Figure 1 – Estimated 1% AEP flood depths under current climatic conditions



Decision Guidelines

The East Gippsland Catchment Management Authority assesses all applications against the following National, State and Local Policies, Guidelines and Practice Notes:

1. [Technical Flood Risk Management Guideline: Flood Hazard](#) (Australian Emergency Management Institute, 2014)
2. [Victorian Floodplain Management Strategy](#) (Victoria State Government, 2016)
3. Council Planning Schemes ([Planning Schemes Online](#)), including the:
 - i. Planning Policy Framework
 - ii. Local Planning Policy Framework
 - iii. Relevant Zones and Overlays
4. [Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise](#) (DSE, 2012)
5. [Applying for a Planning Permit under the Flood Provisions – A Guide for Councils, Referral Authorities and Applicants](#) (DELWP, 2015)
6. [East Gippsland Waterway Strategy](#) (2014-2022)
7. [East Gippsland Regional Catchment Strategy](#) (2013-2019)
8. [East Gippsland Floodplain Management Strategy](#) (2018-2027)

Table 1 – Flood Data

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	Current conditions	2100 conditions
1% AEP flood level – property	1.8 m AHD	2.6 m AHD
Lowest land elevation – property	1.1 m AHD	
Highest land elevation – property	1.6 m AHD	
Lowest land elevation – road (evacuation route)	1.2 m AHD	
FLOOD DEPTH		
Minimum depth of flooding on property	0.2 m	1.0 m
Maximum depth of flooding on property	0.7 m	1.5 m
Percentage of property flooded	100 %	100 %
Maximum flood depth on road (evacuation route)	0.6 m	1.4 m
HAZARD ASSESSMENT		
Hazard category – property	High	Extreme
Hazard category – road	Medium	Extreme

1% AEP³ Flood Level Determination

Floods are classified by the frequency at which they are likely to occur. In Victoria, all proposals for development on floodplains are assessed against a flood that, on average, will occur once every 100 years. A flood of this size has a 1% chance of occurring in any given year, and is known as either the 100 year Average Recurrence Interval (ARI⁵) flood or the 1% Annual Exceedance Probability (AEP) flood.

Please note that the 1% AEP flood is the minimum standard for planning in Victoria, and is not the largest flood that could occur. There is always a possibility that a flood larger in height and extent than the 1% AEP flood may occur in the future.

Flood levels for the 1% AEP flood event have been declared for this area under the *Water Act 1989*. The declared 1% AEP flood level for this location is 1.8 metres AHD which was obtained from the *Gippsland Lakes Flood Level Modelling Project (2004)*.

Current Victorian Government policy recommends that coastal communities should also be aware of and plan for mean sea level rise of not less than 0.8 metres by the year 2100. The 1% AEP flood level for Lakes Entrance is likely to increase by 0.8 metres to 2.6 metres AHD by 2100.

The *Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise* (DSE, 2012) outlines the Victorian Government response to the likely impacts of possible sea level rise. The Guidelines include policy direction allowing agreement between Councils and Catchment Management Authorities on appropriate flood level for anticipated sea level rise.

In April 2017 the East Gippsland Shire Council adopted Version 4 of the *Coastal Inundation and Erosion Planning Policy*. The Policy adopts the existing 1% AEP flood level as the benchmark flood level to be used to assess infill development against.

The applicable 1% AEP flood level for this property is 1.8 metres AHD.

The Authority holds no information in relation to the arrangement and capacity of stormwater drainage infrastructure in the area.

Flood Hazard Assessment

In accordance with East Gippsland Catchment Management Authority policy, where flood depth during a 1% AEP flood event is likely to exceed 0.5 metres over a property or 0.8 metres over the vehicle egress route from the property, a proposal that seeks to intensify development through the

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creation of additional lots or dwellings at a property is not supported as it would expose additional people and property to the flood hazard.

Table 1 demonstrates that the above criteria are **not met**.

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Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. Nominal Flood Protection Level – is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.
10. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.

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5.1.2 Economic Development Advisory Committee Appointment of Members

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

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 Attachments 2 and 3** to this report are confidential because they contain personal information that would if released result in the unreasonable disclosure of information about personal affairs.

This report recommends approval of the Economic Development Advisory Committee (Committee) Charter and also makes recommendations regarding the appointment of members to the new Committee.

As part of the development of the East Gippsland Economic Development Strategy, Council identified two focus groups to assist with the development of the Strategy. In the first instance, members of the focus groups were invited to express interest in being members of the Committee and those that did so were assessed against the criteria set out in the draft Charter. As a result, seven members are recommended for appointment.

A public expression of interest is proposed to be undertaken to fill the remaining vacancies on the Committee following consultation with the appointed members to identify gaps and priorities in expertise. Another Councillor (in addition to the Mayor as an ex officio member) will also be appointed at a later date.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. approves the draft Economic Development Advisory Committee Charter presented in Attachment 1;***
- 3. appoints the applicants listed in confidential Attachment 2 to the Economic Development Advisory Committee for an initial period of 2 years;***
- 4. notes that the Chief Executive Officer is to undertake a public Expression of Interest to identify suitable candidates to fill the remaining vacancies on the Economic Development Advisory Committee;***
- 5. notes that the Mayor is a member of the Economic Development Advisory Committee (ex officio) and that an additional Councillor will be appointed as per the Charter, at a later date; and***
- 6. resolves that Confidential Attachments 2 and 3 to this report and all discussions relating to the attachments remain confidential.***

Background

In August 2020, Council called for Expressions of Interest (EOI) for membership to the Committee, several submissions were received. However, after consideration that the development of Council's new Economic Development Strategy was underway and that this would include a review of the role of the Committee, member appointment to the Committee was postponed until the completion of the Strategy and review.

The Economic Development Strategy and Action Plan have recently been finalised. The Strategy was adopted by Council on 8 November 2022 and the Action Plan was endorsed at the Council Meeting on 13 December 2022. A revised EDAC Charter (Draft) has been developed as a result of the review, which is more consistent with the Agriculture Sector Advisory Committee Charter.

The Committee's primary role is to advise Council on critical matters of economic prosperity sustainability in East Gippsland and the wellbeing of those engaged in various industry sectors, the draft Charter is attached for Councillors' consideration and approval (**Attachment 1**).

To assist the development of the Strategy, focus groups were convened with membership consisting of invited community members. Subsequently, focus group members were invited to submit EOI's to form membership of a new Committee.

Several EOIs have been received. Council Officers have reviewed and evaluated each submission based on their skills, and alignment with one or more of the 9 focus areas of the Economic Development Strategy. These are summarised in a skills matrix in **Confidential Attachment 3**).

Evaluation Process

An evaluation panel consisting of Council's Chief Executive Officer, Anthony Basford, General Manager Place and Community, Stuart McConnell, Economic Development and Tourism Manager, Sharon Raguse and Project Manager Economic Recovery, Jenny Bailey. The panel received a total of seven EOI submissions, each submission was evaluated and scored against the nine Focus Group area's documented in the Economic Development Strategy.

Nine Focus Areas:

1. Fostering business
2. A high value and sustainable food and fibre sector
3. A unique and compelling tourist destination
4. An economy for young and future generations
5. Digital skills and connections
6. Arts, culture and heritage
7. Attractive place to live
8. Climate action leaders; and
9. A circular economy.

Recommended appointments

The Committee Draft Charter (**Attachment 1**) recommends up to 12 skill-based members to be appointed by Council plus 2 Councillors, this will form the Committee membership, however only seven EOIs were received for appointment to the Committee.

Although Council received only seven applications in response to the EOIs, Council officers recommend that the seven individuals named in **Confidential Attachment 2**, be appointed to the Committee. This will progress the formation of the Committee after a two-year pause, due to the development of the new Economic Development Strategy and Action Plan, Bushfires and COVID-19.

Additional members can be appointed to the Committee once the critical skills gaps have been determined. The process for appointing the remaining members should be by public EOI and assessment before presenting additional Committee member recommendations to Council for adoption.

Recommendation for Committee membership as a result of this initial EOI process is set out in **Confidential Attachment 2**, with a matrix showing areas of interest against the nine Focus Areas presented as **Confidential Attachment 3**.

Each of the candidates was assessed as suitable for appointment and, together, provide a breadth of expertise. Notwithstanding this there are some gaps that will be important to address through additional members.

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.

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 Attachments 2 and 3** to this report are confidential because they contain personal information that would if released result in the unreasonable disclosure of information about personal affairs.

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 4: 4.1 Leadership enables economic prosperity, investment, recovery, resilience and growth.

Options

Council has the option to:

- appoint the seven candidates as recommended;
- appoint none of the recommended candidates;
- appoint some, but not all of the candidates; or
- defer consideration until additional candidates have been identified through a public expression of interest process.

Resourcing

Human Resources

The Committee will potentially consist of up to twelve community members representing various industry sectors, along with two Councillors and several Council Officers, it is anticipated that the Committee will convene four times annually.

Council's Economic Development and Tourism Department will provide administrative support to the Committee.

Risk

The risks of this proposal have been considered and are considered to be of low risk.

Economic

The formation of the Committee is important to help guide Council decision making regarding the implementation of the Economic Development Strategy of the life of the 4-year Action Plan.

Social

Gender Impact Statement

The formation of the Committee will consider the *Gender Equality Act 2020* in its preparation.

Environmental

Not applicable.

Climate change

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

Engagement

The invitations to join the Committee was by expression of interest to the existing Economic Development Strategy Focus Group Members, as they had been previously appointed by Council and have remained passionate and committed stakeholders throughout the development of the Strategy.

Attachments

1. Draft Economic Development Advisory Committee Charter [**5.1.2.1** - 12 pages]
2. CONFIDENTIAL - Recommended Applicants for Economic Development Advisory Committee [**5.1.2.2** - 1 page]
3. CONFIDENTIAL - Economic Development Advisory Committee Skills Matrix [**5.1.2.3** - 1 page]



Charter

East Gippsland Economic Development Advisory Committee

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Purpose

The Economic Development Advisory Committee (Committee) will provide advice, guidance and recommendations to East Gippsland Shire Council (Council) on matters that affect Economic Development in East Gippsland and its communities.

Scope

This Charter will guide the operation of the Committee and apply to all its members.

Policy Context

A strong, competitive and sustainable economy is essential for the future of rural and regional areas. In the case of East Gippsland, Council recognises the importance of strong and resilient economic development to support investment and job opportunities that are key to providing quality of life for current and future generations.

The Committee will provide a valuable forum through which Council can gain timely and informed insight into the issues that are impacting on individual industry sectors and economic development more broadly.

The Committee

1. Formation, Powers and Limitations

The Committee will comprise representatives of Council and a range of stakeholders operating within East Gippsland's economic and business environment.

The Committee will be an Advisory Committee to Council as defined in Council's Governance Rules, which is informed by the Local Government Act 2020 (the Act).

Neither the Committee or its members are authorised to make decisions on Council's behalf or to act for Council.

Because Council maintains several Advisory Committees, the Economic Development Committee's Charter does not include working with Council, or any other Committee/group on initiatives to encourage or facilitate new business in East Gippsland. However, the Committee may refer matters to Council or another Council Advisory Committee for consideration (see also clause 3 below).

2. Objectives

The Committee's primary role is to advise Council on critical matters of economic prosperity sustainability in East Gippsland and the wellbeing of those engaged in various industry sectors, specifically;

- Provide advice on priority implementation of the Economic Development Strategy;
- Provide strategic advice and insights from the business community that are relevant to Council;
- Help strengthen connection between Council and the broader business community; and
- Provide policy advocacy in support of economic prosperity in the Shire.

It will do this through the provision of advice and recommendations on matters relevant to its Charter and Duties (detailed at clause 3) to facilitate decision-making by Council and its officers in discharging their responsibilities.

3. Charter and Duties

The Committee will:

1. Discuss and provide input on significant initiatives or programs Council is considering implementing to support economic development in East Gippsland and/or improve its resilience in the longer term.
2. Assist Council to formulate appropriate responses to significant existing or emerging issues that are impacting or are likely to affect industry (eg; local emergency incidents).
3. Discuss and provide feedback on strategic documents of Council that impact on the sector, eg:
 - planning scheme amendments;
 - policies;
 - draft Council Plan, draft Budget (including draft Capital Works program) and draft Rating Strategy;
 - any other matter likely to impact significantly on economic development outcomes in East Gippsland
4. Act in an advisory capacity to provide recommendations to Council and other stakeholders on matters that fall within the Committee's Charter or are otherwise consistent with the intent and purpose of the Committee.
5. Act as a conduit, and advise on collaboration between Council and business, industry and the economic development community in East Gippsland.
6. Refer matters for consideration by Council or another Council Advisory Committee if the issue is relevant to economic development but falls outside the Committee's Charter.

Committee members will:

1. Actively participate in and contribute to the work of the Committee;
2. Proactively raise awareness of changes or proposed changes of relevant strategic directions of key stakeholders to Committee members (e.g. actual or impending legislative, regulatory or other changes that may impact adversely on economic development);
3. Bring matters to the attention of the Committee as necessary to ensure Council retains a good understanding of what is happening 'on the ground'. Examples could include:
 - Longer-term environmental factors such as climate adaption and water security, and their impact on individuals and industries.
 - Inability to benefit from technological advances for any reason.
 - Any other matters impacting on the health and wellbeing of business and industry.
4. Participate in community engagement as advocates for economic development and business communities.

(Also see the 'Roles and Responsibilities' section of this Charter)

4. Membership

The Committee will comprise of a maximum of 12 members, as follows:

1. Two Councillors, appointed by Council, one of whom will be the Mayor¹.
2. Up to twelve (12) skill-based members appointed by the Council.

A representative of other relevant groups may be invited to participate as an observer (non-voting) member.

Selection of the skills-based members will be held either by way of a publicly advertised process or other processes that ensures an appropriate mix of skills is attained.

East Gippsland Shire Council will endeavor to ensure that these twelve skill-based members will individually possess the relevant skills and experience, and collectively will bring a breadth and depth of knowledge aligning with the nine Focus Areas of the East Gippsland Economic Development Strategy;

1. Fostering Business;
2. A High Value and Sustainable Food and Fibre Sector;
3. A Unique and Compelling Tourist Destination;
4. An Economy for Young and Future Generation;
5. Digital Skills and Connections;
6. Arts, Culture and Heritage;
7. Attractive Place to Live;
8. Climate Action Leaders; and
9. A Circular Economy.

Seek to ensure there is also appropriate coverage of the following sectors in our economy:

- Manufacturing;
- Construction;
- Retail;
- Professional Services; and
- Health.

Council is committed to promoting and supporting diversity in the workplace and recognises that our success depends upon our people with their diverse views, abilities, skills, languages, cultures, and backgrounds, as well as differences in race, religion and/or belief, gender and sexual orientation. We respect, value, and encourage diversity in the workplace. We are an inclusive organisation that values fairness, respect, equity, and diversity consistent with our policies and the Gender Equality Act 2020.²

Council's Chief Executive Officer, or a delegate will attend meetings as a non-voting member of the Committee.

Periodically additional representatives or stakeholders may be co-opted to the Committee for limited periods to provide advice or assistance on specific issues. Co-opted representatives and stakeholders will not be entitled to vote.

Membership and composition of the Committee may be varied at any time by Council resolution.

¹ If the Mayor chooses to relinquish their ex officio membership of the East Gippsland Economic Development Advisory Committee, a second Councillor will be elected through the same mechanism and for the same term as the other Councillor representative.

² Council's Workforce Plan 2021-2025

Any member of the The Committee that is absent from three consecutive ordinary meetings without having first applied for leave of absence will be considered to have vacated their position. In extenuating circumstances members can seek a leave of absence for an extended time, which may be approved at the discretion of the Chair.

5. Support

The responsible General Manager will attend Committee meetings but will not be a member of the Committee. The General Manager will ensure that appropriate secretariat services are provided to support the work of The Committee.

6. Term of Membership

Duration of appointments to the Committee will be for the following terms, using the appointment method nominated:

Membership type	Appointment method	Length of tenure
Two Councillors, comprising: <ul style="list-style-type: none"> the Mayor; and one other Councillor 	<i>Ex officio</i> unless Mayor chooses to relinquish that right ³ Formal resolution of Council	Duration of their term as Mayor 12 months reviewed annually following Council's Statutory Council Meeting.
Ordinary Members	Formal resolution of Council	Two years with the option to extend for a further two years.

The Committee ordinary members (other than Councillors) may serve a maximum of two consecutive terms. Following a break of one term's duration, a former member may re-apply for membership. If appointed, the two-term provision would then recommence.

Chair: The Chair of the Committee will be the Mayor. If the Mayor chooses not to take up membership of the Committee, the Chair will be another Councillor appointed by resolution of Council.

In the absence of the Chair, another Councillor or their delegate will chair the meeting.

(Also see 'Roles and Responsibilities' section of this Charter)

7. Meetings

- The Committee will meet at least four (4) times per year, once in each quarter.
- Additional meetings may be convened at the written request of any member of the Committee or as considered necessary by the Chair or responsible General Manager.
- A quorum will exist if at least eight Committee members are present.
- Agreement by the Committee on matters will generally be made by consensus. If consensus is not possible, matters will be resolved by a show of hands and a simple majority of votes cast by members in attendance. The Chair will have the casting vote if the votes are equal.

³ *If the Mayor chooses to relinquish their ex officio membership of the East Gippsland Economic Development Advisory Committee, a second Councillor will be elected through the same mechanism and for the same term as the 'one other Councillor'.*

- In accordance with section 126 of the *Local Government Act 2020* (Disclosure of Conflict of Interest), Committee members must declare all conflicts of interest before any discussion occurs on the matter for which the conflict of interest has arisen. *Also refer to clause 6 - Conflicts of Interest and Disclosure of Conflicts of Interests below.*
- Councillors who are not members of the Committee may attend its meetings as observers and through the Chair, may ask questions in relation to matters listed on the agenda.
- Agenda items can be submitted to the responsible General Manager for inclusion in the agenda of Committee meetings. The final composition of the agenda and associated documents will be determined by the responsible General Manager in consultation with the Chair.
- Minutes of Committee meetings will be kept and when the draft minutes have been approved by the Chair, circulated to Committee members and East Gippsland Shire Councillors as Unconfirmed Minutes. The Unconfirmed Minutes will be confirmed at the next meeting of the Committee.
- A report on the activities of the Committee will be presented to the next Ordinary Meeting of Council following each quarterly meeting of the Committee.

8. Conflicts of Interest and Disclosure of Conflicts of Interests

As defined in section 126 of the *Local Government Act 2020*, a conflict can arise when a person has the potential to be influenced, or appear to be influenced, by personal or private interests. Where such a conflict exists, it should be resolved in the best interests of East Gippsland Shire and its business and industry community, rather than the individual's private interest.

As set out in Clause 18 of Council's Governance Rules a member of the Committee considers that they have, or might reasonably be perceived to have, an interest in a matter before the Committee, they will clearly state the nature of their interest at the beginning of the meeting and immediately before the matter is considered. Having declared a conflict, the Committee member must leave the room before discussion on the matter starts and remain outside the room in an area out of sight or hearing of the room until the matter has been concluded. This will be done on every occasion that the matter is considered by the Committee.

It is the responsibility of a Committee member to make their own determination about whether to declare a conflict of interest, consistent with the Definitions outlined in section 126, General Conflict of Interest in section 127, Material Conflict of Interest in section 128 and the exemptions in section 129 of the Act.

Further, having declared such a conflict on a matter, the Committee member must exclude themselves from the decision-making process in relation to that matter, including any discussion or vote on the matter, and any action in relation to the matter.

Further guidance is available through the Victorian government's publication, [Good Governance Guide, 2012](#) and the [Conflict of Interest – A Guide for Members of Council Committees, 2012](#).

9. Confidentiality

Members of the Committee will be bound by the provisions of section 125 of the *Local Government Act 2020* in relation to confidentiality. In this regard, members are expected to maintain confidentiality in relation to matters under consideration from time to time that have been declared as confidential, particularly those matters of a commercial in confidence nature.

10. Indemnity

Members of the Committee will be covered by Council's insurance when engaged on or attending to their duties in accordance with this Charter.

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Roles and Responsibilities

Following is a list of positions with designated responsibilities under this Charter:

Party / Parties: Roles and responsibilities:	
Chair	<p>Conduct meetings efficiently to ensure all matters listed for consideration are afforded appropriate time and attention.</p> <p>Exercise a casting vote where:</p> <ul style="list-style-type: none"> (a) consensus cannot be reached; and (b) a formal vote is required to resolve the matter; and (c) voting numbers are equal. <p>Approve the Unconfirmed Minutes of each meeting for circulation to Committee members, Councillors and others.</p> <p>Consider applications from Committee members for leave of absence.</p> <p>Together with the responsible General Manager, participate in the selection process for relevant Committee members.</p> <p>Together with the responsible General Manager, ensure compliance with this Charter by Committee members and address any matters of concern arising in respect of a Committee member's conduct.</p>
The Committee members	<p>Make every effort to attend scheduled meetings of the Committee.</p> <p>Ensure that matters are considered fairly and consistently and facilitate open and respectful sharing of opinions.</p> <p>Form conclusions and recommendations based on the best available information.</p> <p>Keep confidential any matter or documents that have been declared to be confidential.</p> <p>In accordance with sections 126, 127 and 128 of the <i>Local Government Act 2020</i> (Disclosure of Conflict of Interest), make a full disclosure of all conflicts of interest prior to discussion of the matter for which the conflict of interest has arisen. Further, having declared such a conflict, leave the room and remain outside the room and any gallery or other area in view or hearing of the room until the matter has been concluded.</p> <p>As prescribed by section 123 of the <i>Local Government Act 2020</i>, members must not misuse their position on the Committee to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or cause, or attempt to cause, detriment to Council or any person.</p> <p>Complete the Register of Interest returns required by sections 133 and 134 of the <i>Local Government Act 2020</i> within the stipulated timeframes.</p>
Responsible General Manager	<p>Responsible for the implementation, review and updating of this Charter.</p> <p>While not a member of the Committee, attend all meetings of the Committee (or arrange for another General Manager to do so) and provide guidance and advice.</p> <p>also:</p> <ul style="list-style-type: none"> • ensure that an appropriate agenda is formulated for scheduled meetings and circulated to members in a timely fashion; • facilitate meetings by arranging for appropriate Council officers or others to attend to provide pertinent information, as necessary;

Party / Parties: Roles and responsibilities:	
	<ul style="list-style-type: none"> • provide secretariat services in respect of matters before the Committee; • after each quarterly meeting, ensure that a report describing the activities of the Committee and explaining any recommendations or key findings is tabled at an ordinary meeting of Council and the Economic Development Advisory Committee; • ensure that accurate minutes of Committee meetings are taken, circulated to Committee members, Councillors and others in a timely fashion and once confirmed, stored securely in Council's electronic document record management system; • coordinate the selection process for relevant The Committee positions and together with the Committee's Chair, comprise the interview panel for these positions; and • together with the Committee's Chair, address any matters of concern arising in respect of a Committee member's conduct.
Officers in Attendance	<p>Together with the responsible General Manager, the Manager responsible for Economic Development and Tourism or their delegate, will attend all meetings of the Committee.</p> <p>The Chief Executive Officer or other members of Council's staff may attend Committee meetings from time to time to provide information or respond to queries.</p>

References and Supporting Documents

Applicable Legislation:

Local Government Act 2020

Supporting Documents:

- Council Plan 2021-2025
- [Good Governance Guide](#) 2012
- [Conflict of Interest – A Guide for Members of Council Committees](#) 2012

Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council in connection with the Committee will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of investigating audit matters.

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

Definitions

For the purposes of this Charter, the following definitions apply:

Term	Meaning
The Advisory Committee	A committee established by the Council, other than a special committee, that provides advice to: (a) Council; or (b) a special committee; or (c) a member of Council staff who has been delegated a power, duty or function of the Council under section 98 of the <i>Local Government Act 1989</i> .
Economic Development	Organisations, businesses, enterprises, trusts and individuals involved in business and industry trading.
Committee member	A member of East Gippsland Shire Council's Economic Development Advisory Committee.
Chief Executive Officer	Person appointed by Council to the position of Chief Executive Officer.
Conflict of Interest	The <i>Local Government Act 2020</i> requires members of Council and many Council committees to disclose conflicts of interest that may impair an individual's ability to serve the Board in a fair, impartial manner. This mechanism is intended to demonstrate that in performing the role to which they were appointed, The Committee members are not attempting to serve their own interests or the interests of someone close to them.
Councillor	Person who has been elected to the office of "Councillor" of East Gippsland Shire Council.
Council officer	A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council.
Officers in Attendance	Council officers attending Committee meetings to provide information or respond to queries. No officers hold membership of the Committee.
Mayor	Councillor elected by other Councillors to fill the role of Mayor.
Responsible General Manager	General Manager delegated by the Chief Executive Officer to support the work of the Committee.

Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	12/11/2005	Council		
2	Approved	07/09/2017	Council	7404717	
3	Approved	08/10/2019	Council	8309319 v8	That Council: 1. Removes the Chief Executive Officer from nominated membership of the East Gippsland Shire Council's Economic Development Advisory Committee as referenced at 2.3 point 4 of the adopted Terms of Reference and in turn modifies the Terms of Reference to indicate that a delegate of the Chief Executive Officer attends the meetings, but is not a member of the Committee; and 2. Removes the Mayor, East Gippsland Shire Council from nominated membership of the East Gippsland Shire Council's Economic Development Advisory Committee as the Council's joint representative and in turn nominates a Councillor to that role; and that Council continues to support the work of the Economic Development Advisory Committee in the supply to Council of timely, considered and unbiased economic advice to the betterment of the East Gippsland Community
4	Approved	10/03/20	Council	V9	1. The Economic Development Advisory Board be renamed the Economic Development Advisory Committee. 2. The terms of reference be amended to reflect that the CEO and/or their delegate is a non-voting member of the Economic Development Advisory Board. 3. The terms of reference be amended to allow the Mayor to attend and actively participate and/or be a member of the Economic Development Advisory Board if they wish to.
5					2.

5.2 Assets and Environment

5.2.1 Capital Works and Major Projects - Quarter Two 2022-23

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

As part of the delivery and monitoring of the annual Capital Works and Major Projects program, a quarterly review of the program is provided to Council.

This report, as outlined below, summarises the progress of Capital Works and Major Projects 2022-23 for the program up to the period ending 31 December 2022, Quarter Two.

Officers can report that, at the end of Quarter Two 57.72% of the forecast budget, across a program of 251 projects, had been expended or committed. A snapshot of this activity is provided in the table below and is outlined in more detail through the body of the report and the attachments.

	Quarter Two to 31/12/22 (\$)
Total Revised Budget at 30 September 2022	113,419,064
Less Identified Carry Forwards to 23-24	27,946,382
Plus Identified Bring Backs from 23-24	
Less Other Budget variances 22-23	260,400
Revised Forecast	85,212,282
Actual Expenditure	15,565,403
Committed Expenditure	33,615,352
Percentage Capital Works Delivered or in Delivery (<i>against Forecast</i>)	57.72%
Percentage Capital Works Delivered or in Delivery (<i>against Adopted Budget</i>)	43.82%

The report outlines risks across the program and how these risks are being managed. Details of all 251 projects that make up the program are also provided as **Attachment 1**.

This report also summarises contracts awarded under Delegation during the Quarter.

Officer Recommendation

That Council receives and notes the Capital Works and Major Projects Report 2022-23 for Quarter Two ending 31 December 2022 and all attachments pertaining to this report.

Background

This report details the progress of Capital Works and Major Projects 2022-23 for the period up to 31 December 2022. The report will also be provided to the Audit and Risk Committee for their consideration at the next Audit and Risk Committee meeting.

Budget Variances

The revised forecast is a decrease of \$28,206,782 on the revised budget. This is summarised as follows:

	\$
Total Revised Budget at 30 September 2022	113,419,064
Plus, Additional Funding	835,313
Plus, Additional from Bring Backs	0
Less funds transferred to Operating Accounts	251,481
Less Savings Identified and Transferred to Holding Account	844,232
Less Carry Forwards to 22-23	27,946,382
Revised Forecast	85,212,282
Decrease	28,206,782

Changes to Funding

During Quarter Two, the following funding changes have occurred:

Project	Amount \$	Notes
Bruthen Streetscape	15,000	Contribution from VicRoads for lighting
Jones Bay Southern Catchment WSUD (Crooke St Wetlands)	30,000	Increase from CMA due to project cost escalations
Community Facilities - Emergency Power Project	491,000	New funding
Mobile Library Bus	53,921	New funding
Upgrade Omeo Streetscape	38,823	New funding \$200,000 over 2 years
Lochiel Park Sport Ground Lighting Upgrade	165,000	New funding \$250,000 over 2 years
AJ Freeman Netball Tennis Changerooms	171,000	New funding \$1M over 2 years
Lakes Entrance Changing Places Development	180,000	New funding
Mississippi Creek, Scriveners Road	225,000	Estimate reimbursement from DRFA
Gippsland Lakes Yacht Club	106,837	Funding successful – to commence concept design works

Bairnsdale Arts Precinct	90,000	Funding successful – to commence concept design works
Garnett's Track Landslip	88,000	Estimate reimbursement from DRFA
Integrated Water Management	129,000	Additional Funding from East Gippsland Water
EV Charge Points	50,000	Additional Funding from DEECA (Department Energy, Environment and Climate Action).
Lakes Entrance Club Spit Upgrade	-167,826	Project complete - unused funding
Energy Efficiency Upgrades	-250,000	Funding unsuccessful
Lions Park Toilet, Bruthen	-75,368	Project bought in under budget, funds returned to Lions Club
Playground Renewal Program	-100,000	Funding source to be identified – project on hold.
LRCI Paynesville Road Footpath	-156,074	Project withdrawn – footpath cannot be installed at this time due to other agency works
Bailey Street Reconstruction	-243,000	Project complete - unused funding
Metung Tennis Courts	-6,000	Returned to community group as not required
Overall increase in Funding	835,313	

Additional Funds from Operating Accounts

During Quarter Two, \$251,481 was transferred to operating to capital projects as detailed below.

Project	Amount \$	Notes
Plant Renewal Program	8,926	Transferred from the Ferry operating budget to purchase mobile crane for ferry maintenance officer
Orbost Landfill	72,661	Transferred from Bushfire Waste Reserve for ongoing auditor monitoring costs
Orbost Aftercare	9,821	Transferred from Bushfire Waste Reserve for additional aftercare costs
Bairnsdale Composting Facility	280,000	Transferred from Bushfire Waste Reserve for additional design costs identified post tender
Asset Opportunity	-5,000	Transferred to Parks & Gardens operating for maintenance to provide budget for maintenance for new property
Stormwater Improvements Program	-445,000	Program budget reallocated to operating for additional resources
Bairnsdale Cell 5	-150,000	Project delayed to 23-24 – transferred to operating for additional resources
Energy Efficiency Upgrades	-22,889	Transferred to Sustainability to develop/ scope future Capital Works projects
Overall decrease in budget	251,481	

Bring Backs

During Quarter Two, no further projects have been bought back to commence delivery during 22-23.

Holding Account Summary

The Holding Account commences the financial year with a zero balance. It is used to record savings from completed projects and redistribute to projects identified as requiring additional or new budget.

During the quarter two, savings from projects of \$2,569,290 were identified. Further to this, distribution to new projects or projects requiring additional funding totalled \$1,752,058. The balance of the Holding Account at 31 December 2022 is \$1,266,017. A summary of Holding Account transactions is provided as **Attachment 2**.

Carry Forwards

At the end of December 2022, the capital works program is reviewed and projects that are not expected to spend their 22-23 budget are revised. Where a project is identified as unlikely to spend some or all its budget in the current financial year, the amount is 'carried forward.' These carry forward amounts will be available for expenditure in 23-24. These adjustments are normal, especially for multi-year projects, when the spread of expenditure is different to original forecasts due to a range of factors i.e., weather delays, funding announcement delays, contractor availability, detailed community engagement and design delays.

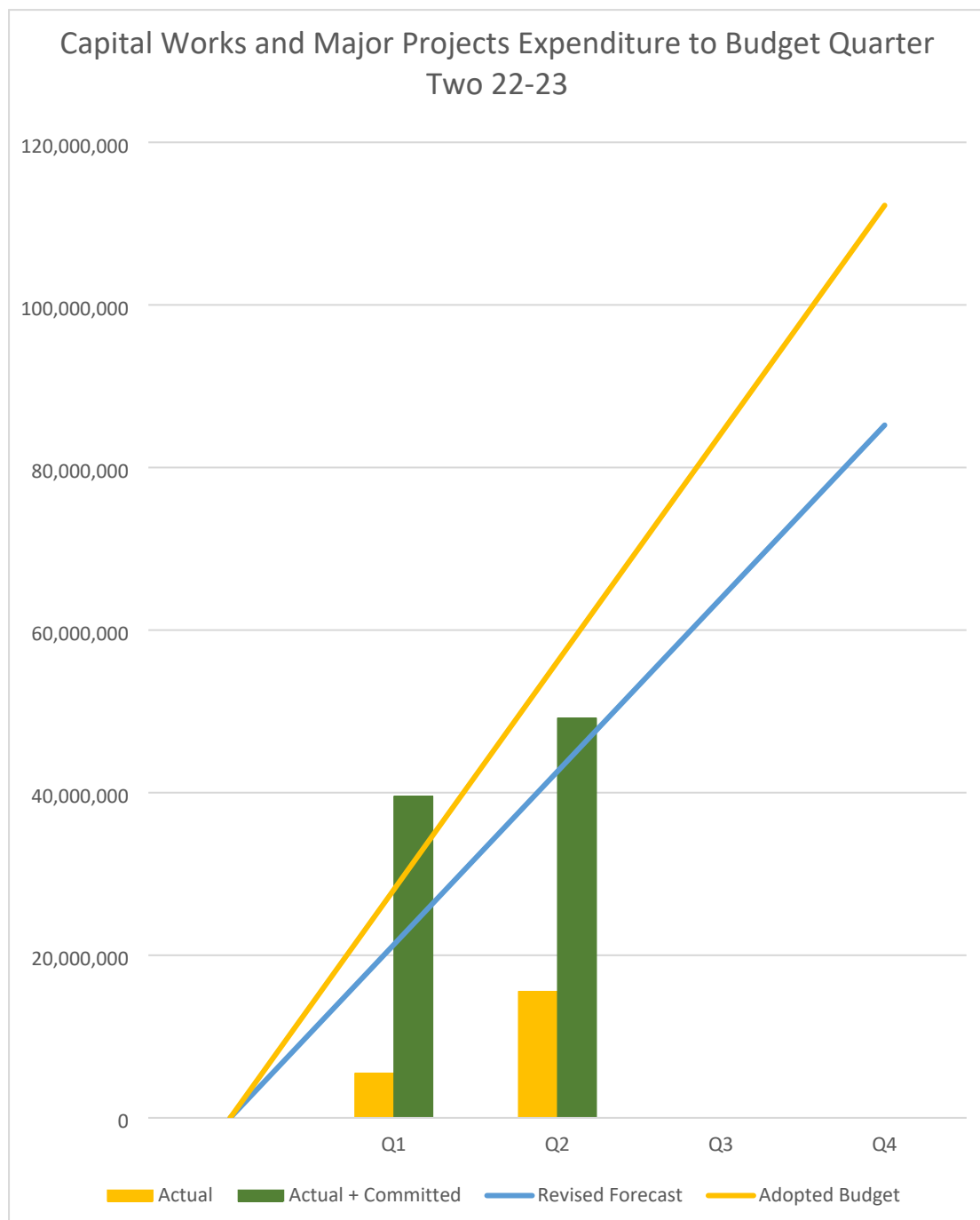
At the end of Quarter Two \$27,946,382 was carried forward, although it is important to note that \$11,657,478 is already committed under contract or order.

Project	Amount Carried Forward \$
Omeo Mountain Bike Trails Stage 1	1,600,000
Progress Jetty Precinct	350,000
Jemmy's Point - Stage 2	900,000
Parking Design - Marine Parade, Lakes Entrance	1,000,000
Paynesville Seawall	1,600,000
Orbost Forest Park Upgrade	1,500,000
Mallacoota Foreshore Holiday Park Fire Safety works	400,000
WORLD Sporting Precinct Stage 1	3,000,000
Cann River Waste Transfer Station	1,400,000
Slip Road Maritime Precinct	4,800,000
Lakes Entrance Marine Parade Upgrade	1,198,000
Livingstone Park Community Facilities	1,000,000
Mallacoota Streetscape	1,500,000
Gilsenan Reserve Toilet Replacement	150,000

Krauatunglung Walk	1,800,000
Mallacoota Hall and Recreation Reserve Upgrade	650,000
Lake Tyers Beach Hall Upgrade	370,000
Raymond Island Hall Upgrade	120,000
Cann River Skatepark	500,000
Bosworth Road West	600,000
Jones Bay Southern Catchment WSUD (Crooke St Wetlands)	700,000
Shaving Point Boat Ramp Upgrade, Metung	550,000
Kalimna Foreshore Rockwall Protection & Upgrade	100,000
Krautunglung Walk Stage 2	600,000
Omeo Mountain Bike Trails - Stage 2	800,000
Bairnsdale Recycling Facility	480,000
Mobile Library Bus	78,382
Lakes Entrance Changing Places Development	200,000
Total Carry Forwards as at 31 December 2022	27,946,382

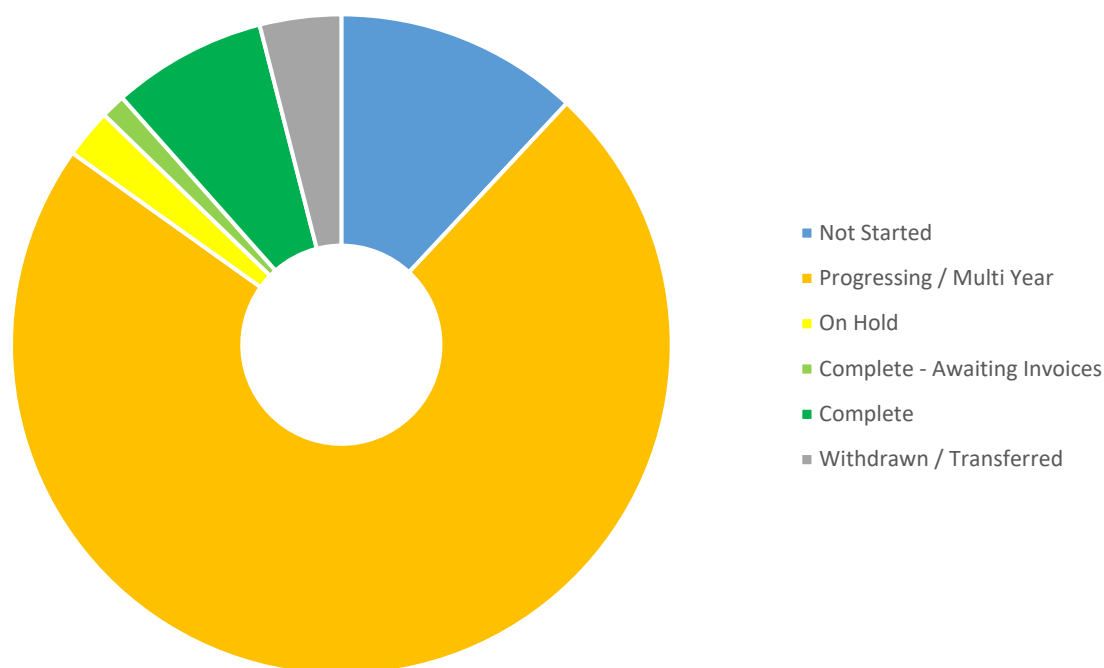
Project Status

As at 31 December 2022, \$49,180,755 (57.72% of total revised forecast) was expended or committed to works within the program.



At the end of the Second Quarter, the program covered 251 separate projects of which 22 projects had been completed, 183 are progressing, 10 projects have been withdrawn or transferred. The remaining projects are either on hold or have not started. A detailed list of all project status is provided at **Attachment 1**.

Status of Capital Works and Major Project as at December 2022



Quick Response Fund

The Quick Response Fund provides a flexible and responsive, yet accountable and transparent process to support undertaking small scale capital works.

The program allows the funding of works of high community value when opportunity arises and there is no other funding available, or time frames do not allow for sourcing of other external funding. The program commenced the year with a budget of \$100,000.

By the end of Quarter Two the program has been fully allocated as follows:

Project Name	Allocation \$
Lindenow Scorers Box Access Improvements	45,000
Hard Wicket Upgrade	7,000
Mallacoota Hall and Recreation Reserve Upgrade	38,000
The Hub, Drainage Renewal	10,000

Capital Works Contracts Awarded Under Delegation

The decision to award a contract can only be made by a delegate who has the authority (financial delegation) to commit the relevant sum of money. The decision is made after consideration of the tender evaluation panel report.

The Chief Executive Officer has a financial delegation of \$500,000 including GST.

During Quarter Two a total of four (4) capital works contracts were awarded under CEO Delegation, the contracts are listed as below:

Project	Contractor	Value \$ (ex GST)
Scriveners Road Repair Works over Mississippi Creek	Tambo Constructions Pty Ltd	131,135.00
Buchan Recreation Reserve Upgrade - Design Works	Loft Architecture Pty Ltd	308,650.00
Lindenow Recreation Reserve Lighting Upgrade	W R & E L Jones Electrical Contractors Pty Ltd	272,741.61
Mallacoota Streetscape Design	Fraser Design Collaborative Pty Ltd	129,400.00

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*.

Collaborative procurement

Not applicable 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 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

Expenditure of the Capital Works program is undertaken in accordance with the adopted Council Budget 2022-23 and Council's Procurement Policy.

Options

Not applicable for this report.

Resourcing

Financial

This report outlines the financial position of the 2022-23 Capital Works and Major Projects program as at the 31 December 2022.

Plant and equipment

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

Human Resources

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

Risk

Risk assessments are carried out on all projects within the Capital Program as part of the organisation's use of a Project Management Framework.

Program Risk

As previously discussed with Council, the size of the 2022-23 program coupled with supply issues and escalation costs triggered by the global pandemic present risks to individual projects and the program overall.

Significant risks within the program include:

- Increase in market prices and contractor tendered prices;
- Time delay between setting budget and going to market for tenders;
- Project contract variations post award of contracts;
- Availability of contractors;
- High component of the program grant funded, with external milestones and deadline requirements; and
- Internal Project Management capacity.

To address or at least partially address this, the following practices are in place:

- Design requests are set to 60% of available budget to factor in escalating costs between the design and contract award period;
- Final designs for significant projects go through a final external cost estimate / QS process to value manage prior to putting the project to tender. Where the project design is identified as potentially being over budget, the scope is reduced prior to tender;
- Use of provisional items within a tender. These are items that are separately costed in a tender and can be awarded subject to overall price being within budget or excluded from the contract;

- Use of Best and Final Offer and other value management practices post tender, prior to contract award. This allows scope to be reduced where possible and tenderers to submit revised prices;
- Regular review of the overall program to identify risk and to manage sequencing of projects. Where necessary projects that can be rescheduled and re-budgeted in future years are also identified;
- Variation of time and scope milestones in grant funded projects through working closely with funding body representatives;
- Annual workshops with contractors at the beginning of the financial year so they have some understanding of the forward program and likely tenders and can undertake their own resource planning;
- Use of panel contracts to set some schedules of rates so that pricing is understood and can be budgeted for; and
- Increased in-house resourcing with additional project supervisors; project design managers; procurement officers; and an additional business unit manager.

Climatic Risk

In addition to the program risks, eastern Australia is in its second consecutive year of a La Nina spring weather pattern and high winter rainfall. This has impacted on project timing due to the many delays' projects are experiencing due to:

- Inability to commence works / get on site;
- Number of weather-related stop-works; and
- Additional costs associated with additional drainage and treatments to deal with excessive surface water.

There are also risks associated with road projects if commenced in unfavourable conditions or exposed to dampness at critical points in construction.

To manage this the programming of works is undertaken to make allowance for additional wet days and with contingency to cover some of these delays and costs as part of day-work provisions (contingency).

A project also exists in the Capital Program to design works to be more resilient in a changing climate, with this initially focused on roads subject to ongoing / regular storm damage.

There are few other options available to Council to manage climatic risk.

Economic

Delivery of the Capital program includes the procurement of contractor services which stimulate the local economy and the betterment of areas of the shire that support business and industry growth. Many of the projects further stimulate the economy and investment by supporting access and connectivity, improving amenity, and enhancing liveability. Additionally, all projects tendered use local content as one of the tender assessment criteria, which allows the contractors response to local procurement, employment, and community support to be considered.

Social

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

Gender Impact Statement

Given that this report provides an overview of the entire Capital program, a gender impact assessment is not applicable. Gender Equity needs consideration at the project level not at program level. Gender Equity consideration has therefore been built into the organisations Project Management Framework used to manage all capital projects.

Environmental

The delivery of a number of the projects within the program have been designed to consider and / or provide environmental benefits. Additionally, all projects tendered use environmental sustainability as one of the tender assessment criteria, which allows the contractors response to environmental sustainability to be considered.

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

No engagement has been undertaken in the compilation of this report. However, engagement with community members, agencies and stakeholders has been a critical element in the design and delivery of many of the projects in the 2022-23 Capital program. The Capital program was also part of deliberative engagement undertaken to develop the Council Plan and Budget.

Attachments

1. Capital Works and Major Projects - Quarter Two 2022-23 [5.2.1.1 - 11 pages]
2. Quarter Two Holding Account Transactions [5.2.1.2 - 4 pages]

East Gippsland Shire Council
Capital Works and Landfill Rehabilitation Projects - Finance Report - December 2022

Project No	Project Name	Status	ACTUALS	COMMITMENTS		REVISED BUDGET	CHANGE	REVISED FORECAST	CARRY FORWARDS TO 2023/24	BRING BACK
			YTD Actual Expenditure - 31 December, 2022	YTD Commitments - 31 December, 2022	YTD Actual Expenditure & Commitments - 31 December, 2022	Expenditure 1 October, 2022	Expenditure - Change	Forecast Expenditure - 31 December, 2022	Expenditure Carry Forward	Funded from 2023/24 Budget
12017	Lakes Entrance Club Spit Upgrade	Completed	0	0	0	479,510	(479,510)	0	0	0
12103	Nowa Nowa Rec Reserve - Storage Shed	Completed	5,780	0	5,780	18,835	(13,055)	5,780	0	0
12118	Omeo Caravan Park Building Renewal	Completed	6,762	0	6,762	0	6,762	6,762	0	0
11605	Quick Response Fund	Completed	0	0	0	55,000	(55,000)	0	0	0
11646	Soldiers Road Agri Links Improvement Project	Completed	1,561	0	1,561	12,044	(10,483)	1,561	0	0
11828	Lakes Entrance North Arm Bridge Boat ramp Upgrade	Completed	91,861	810	92,671	58,189	31,928	90,117	0	0
11943	R2R27 Moroney Street Bairnsdale Upgrade	Completed	0	0	0	0	0	0	0	0
11960	LER - Marlo Triangle Park Playground Renewal	Completed	10,498	2,000	12,498	10,097	2,431	12,528	0	0
12000	LRCI2 Davison Oval Skate Park Stage 2	Completed	55,530	0	55,530	54,810	720	55,530	0	0
12014	LRCI3 LER - Nowa Nowa Boat Ramp Upgrade	Completed	25,957	0	25,957	25,310	647	25,957	0	0
12025	Bailey St Bairnsdale - Improvement Works	Completed	0	0	0	268,861	(268,861)	0	0	0
12046	Flagstaff Jetty Sewer Connection	Completed	7,625	0	7,625	7,625	0	7,625	0	0
12050	McCulloch Street Safety Improvements	Completed	665	0	665	665	0	665	0	0
12074	Bairnsdale Airport Potable Water Project	Completed	6,504	0	6,504	251	10,000	10,251	0	0
12115	Static Water Tanks (Black Summer Grant)	Completed	266,987	0	266,987	265,761	1,226	266,987	0	0
12125	Clifton Creek Static water tanks - Embedding Resilience in Community Fire Response	Completed	53,045	0	53,045	51,500	1,545	53,045	0	0
12169	Mobile Phone Reception Upgrade – Depot	Completed	0	0	0	0	0	0	0	0
50019	Bairnsdale RRC - Cell 1 and 2 - EPA Compliance Fla	Completed	414,155	15,185	429,340	413,774	0	413,774	0	0
12039	LRCI2 - Raymond Island Toilet Block Upgrade	Completed	159,837	16,880	176,717	244,238	0	244,238	0	0
12056	R2R Tabberabbera Rd - Timber Bridge Renewal	Complete - awaiting invoices	1,158	314,500	315,658	331,688	0	331,688	0	0
12095	Lions Park Toilet, Bruthen	Complete - awaiting invoices	42,000	0	42,000	134,183	(75,368)	58,815	0	0
12149	Metung Tennis Court Upgrade	Complete - awaiting invoices	65,414	120	65,534	75,000	(6,000)	69,000	0	0
11823	Parking Design - Marine Parade, Lakes Entrance	Concept Design Progressing	50,874	104,728	155,602	1,433,343	(1,000,000)	433,343	1,000,000	0
11843	Paynesville seawall - Detailed design	Concept Design Progressing	5,396	761	6,157	1,665,000	(1,600,000)	65,000	1,600,000	0
11932	Council Managed Caravan Park - Fire Safety Works	Concept Design Progressing	30,450	2	30,452	40,754	0	40,754	0	0

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11961	Foreshore Management Plan Implementation - Marlo	Concept Design Progressing	5,186	40,910	46,096	78,921	0	78,921	0	0
12043	Gilsenan Reserve Toilet Replacement	Concept Design Progressing	0	0	0	204,442	(150,000)	54,442	150,000	0
12052	Shaving Point Park Metung	Concept Design Progressing	6,382	0	6,382	50,000	0	50,000	0	0
12062	Integrated Water Management - Bairnsdale	Concept Design Progressing	0	0	0	226,000	129,000	355,000	0	0
12066	LRCI3 Bairnsdale City Oval Lighting Upgrade	Concept Design Progressing	2,936	425	3,361	312,000	0	312,000	0	0
12067	Bastion Point Geotactile Groin Wall	Concept Design Progressing	1,474	0	1,474	54,000	0	54,000	0	0
12070	Upgrade Bairnsdale Landfill Compliance Works	Concept Design Progressing	0	0	0	96,155	0	96,155	0	0
12071	Raymond Island Koala Experience	Concept Design Progressing	42,956	70,618	113,574	582,427	0	582,427	0	0
12076	Forward Design Seawalls Shirewide	Concept Design Progressing	3,249	0	3,249	148,000	(144,751)	3,249	0	0
12123	Air Handling Unit, Lakes Aquadome	Concept Design Progressing	9,481	72,800	82,281	509,935	0	509,935	0	0
12129	Gippsland Lakes Yacht Club	Concept Design Progressing	1,038	6,600	7,638	0	142,450	142,450	0	0
12133	Bosworth Road West	Concept Design Progressing	0	27,000	27,000	200,000	(200,000)	0	600,000	0
12136	Rural Road Improvement Program	Concept Design Progressing	9,867	0	9,867	200,000	0	200,000	0	0
12137	Bogong High Plains Road Safety Improvements	Concept Design Progressing	228	33,881	34,109	311,000	0	311,000	0	0
12138	Nungurner Road Safety Improvements	Concept Design Progressing	243	28,538	28,781	89,000	0	89,000	0	0
12139	Sydenham Inlet Road Safety Improvements	Concept Design Progressing	152	25,958	26,110	195,000	0	195,000	0	0
12148	Metung Bowling Green	Concept Design Progressing	3,547	1,690	5,237	220,000	0	220,000	0	0
12154	Kalimna Foreshore Rockwall Protection & Upgrade	Concept Design Progressing	0	0	0	215,000	(100,000)	115,000	100,000	0
12173	Lindenow Scorers Box Access Improvements	Concept Design Progressing	1,892	0	1,892	45,000	0	45,000	0	0
12190	Upgrade Omeo Streetscape	Concept Design Progressing	899	0	899	0	77,647	77,647	0	0
12192	AJ Freeman Netball Tennis Changerooms	Concept Design Progressing	8,857	55,940	64,797	0	176,000	176,000	0	0
12196	Myer Street & service roads - urban road improvement	Concept Design Progressing	1,105	0	1,105	0	25,000	25,000	0	0
12200	Connleys Road, Omeo - Rural Road Improvement	Concept Design Progressing	1,583	1,025	2,608	0	40,000	40,000	0	0
11395	Lakes Entrance Transfer Station Upgrade	Delivery Progressing	155,112	315,619	470,731	495,332	0	495,332	0	0

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11589	Renew Guard Rails Non-Specified	Delivery Progressing	1,742	57,650	59,392	100,000	(31,928)	68,072	0	0
11679	Omeo Mountain Bike Trails - Stage 1	Delivery Progressing	760,444	2,765,212	3,525,656	4,251,377	(1,600,000)	2,651,377	1,600,000	0
11698	Construction Cell 4 Bairnsdale Tip	Delivery Progressing	787,622	352,894	1,140,516	930,757	206,000	1,136,757	0	0
11718	Omeo Justice Precinct	Delivery Progressing	76,460	109,395	185,855	175,255	0	175,255	0	0
11741	Lakes Entrance Landfill E-Waste Infrastructure	Delivery Progressing	0	0	0	72,536	0	72,536	0	0
11767	Design for Gymnastics Facility at Lucknow	Delivery Progressing	1,332,189	862,468	2,194,657	1,831,478	305,000	2,136,478	0	0
11834	LRCI3 - Eagle Point Foreshore Hub	Delivery Progressing	332,517	3,725,574	4,058,091	4,163,639	0	4,163,639	0	0
11844	Mallacoota Seawall design	Delivery Progressing	173,801	10,139	183,940	1,447,033	0	1,447,033	0	0
11900	Bullock Island Bridge Replacement	Delivery Progressing	378,451	2,507,454	2,885,905	2,965,057	0	2,965,057	0	0
11908	QRF Mallacoota Cricket Nets	Delivery Progressing	38,339	31,470	69,809	93,748	0	93,748	0	0
11926	Reinstatement of Mallacoota Coastal Infrastructure	Delivery Progressing	6,200	16,495	22,695	125,000	0	125,000	0	0
11950	WORLD Sporting Precinct Stage 1	Delivery Progressing	3,329,384	3,479,376	6,808,760	11,648,890	(3,000,000)	8,648,890	3,000,000	0
12015	LER - Swan Reach Netball Courts Repair and Upgrade	Delivery Progressing	21,107	31,339	52,446	58,715	0	58,715	0	0
12023	Lakes Entrance Slipway Upgrade	Delivery Progressing	285,584	232,065	517,649	1,010,343	0	1,010,343	0	0
12024	Buchan Streetscape	Delivery Progressing	157,449	273,358	430,807	1,568,723	0	1,568,723	0	0
12029	Community Resilience and Development Program	Delivery Progressing	10,831	10,186	21,017	236,632	0	236,632	0	0
12035	LRCI2 EV Charge Points	Delivery Progressing	80,809	31,603	112,412	120,474	0	120,474	0	0
12042	Chinamans Creek Open Space Toilet Upgrade	Delivery Progressing	74,997	1,730	76,727	204,420	0	204,420	0	0
12064	Mallacoota Skatepark	Delivery Progressing	3,021	525,083	528,104	559,230	0	559,230	0	0
12065	Bairnsdale City Oval Changerooms Upgrade	Delivery Progressing	252,266	332,585	584,851	1,423,463	0	1,423,463	0	0
12072	Moroney St Bairnsdale Stage 2	Delivery Progressing	73,423	1,451,993	1,525,416	1,986,381	(180,000)	1,806,381	0	0
12094	Nowa Nowa Streetscape	Delivery Progressing	35,519	11,685	47,204	486,312	0	486,312	0	0
12142	Black Mountain Limestone Road, timber bridge renewal	Delivery Progressing	1,935	298,658	300,593	380,000	0	380,000	0	0
12158	Omeo Mountain Bike Trails - Stage 2	Delivery Progressing	113,604	1,509,360	1,622,964	1,270,000	(800,000)	470,000	800,000	0

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12161	Street Trees Program	Delivery Progressing	13,050	10,595	23,645	50,000	0	50,000	0	0
12166	Wallace Street, Bairnsdale - Footpath Installation	Delivery Progressing	0	0	0	350,000	0	350,000	0	0
12172	Concrete Cricket Pitch upgrade	Delivery Progressing	695	660	1,355	75,000	7,000	82,000	0	0
	Mobile Library Bus	Delivery Progressing								
12189			539	53,259	53,798	0	539	539	78,382	0
12194	Mississippi Creek, Scriveners Road	Delivery Progressing	1,513	131,135	132,648	0	280,000	280,000	0	0
12216	The Hub, Bairnsdale Drainage Renewal	Delivery Progressing	5,866	1,170	7,036	0	10,000	10,000	0	0
50008	Lakes Entrance Landfill Capping	Delivery Progressing	396,889	157,469	554,358	505,338	0	505,338	0	0
11715	Progress Jetty Precinct Design	Detailed Design Progressing	10,890	107,390	118,280	368,439	(350,000)	18,439	350,000	0
11774	Jemmy Point lookout infrastructure renewal	Detailed Design Progressing	65,378	33,357	98,735	2,092,656	(900,000)	1,192,656	900,000	0
11918	Cann River Roadside Rest Area	Detailed Design Progressing	7,287	32,884	40,171	1,093,105	0	1,093,105	0	0
11920	Newmerrela Roadside Rest Area	Detailed Design Progressing	10,239	3,000	13,239	381,870	0	381,870	0	0
11922	Orbost Forest Park Upgrade	Detailed Design Progressing	25,633	104,545	130,178	1,730,325	(1,500,000)	230,325	1,500,000	0
11924	John Flynn Reserve - Buchan (RV Dump Point)	Detailed Design Progressing	0	1,440	1,440	47,908	0	47,908	0	0
11929	Eagle Point Caravan Park Amenities Block Renewal D	Detailed Design Progressing	9,785	8,050	17,835	377,000	0	377,000	0	0
11930	Mallacoota Foreshore Holiday Park Fire Safety work	Detailed Design Progressing	0	0	0	431,636	(400,000)	31,636	400,000	0
11948	Omeo Caravan Park to Livingston Park Footpath	Detailed Design Progressing	222	0	222	249,616	0	249,616	0	0
11952	Forge Theatre Technical Equipment Upgrades	Detailed Design Progressing	0	0	0	15,000	0	15,000	0	0
11958	Cann River Waste Transfer Station	Detailed Design Progressing	2,719	4,857	7,576	1,495,148	(1,400,000)	95,148	1,400,000	0
11962	Bruthen Streetscape	Detailed Design Progressing	59,263	800,737	860,000	1,238,021	15,000	1,253,021	0	0
11965	Bairnsdale Runway 04/22 Extension & Lighting Upgra	Detailed Design Progressing	10,670	36,716	47,386	162,862	0	162,862	0	150,000
11991	Bullock Island Masterplan Implementation	Detailed Design Progressing	52,753	2,281,955	2,334,708	2,690,119	0	2,690,119	0	0
12060	Krautungalung Walk Stage 1	Detailed Design Progressing	20,222	259,127	279,349	2,173,572	(1,800,000)	373,572	1,800,000	0
12080	Mallacoota Hall Upgrades	Detailed Design Progressing	11,960	50,364	62,324	808,678	(612,000)	196,678	650,000	0
12086	Bruce Road Depot - Safety Upgrades	Detailed Design Progressing	10,203	14,382	24,585	245,132	0	245,132	0	0
12096	Bemm River Footpath Connections	Detailed Design Progressing	65,986	14,715	80,701	142,254	0	142,254	0	0
12101	Lakes Entrance Slipway Stage 3 - Outdoor Activation	Detailed Design Progressing	0	0	0	247,425	0	247,425	0	0

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12107	Calulu Road Intersection at Settlement Road	Detailed Design Progressing	527	0	527	130,000	0	130,000	0	0
12110	LRCI3 Lakes Entrance Slipway Upgrade Stage 2	Detailed Design Progressing	0	0	0	400,000	0	400,000	0	0
12112	Lake Tyers Beach Hall Upgrade	Detailed Design Progressing	25,344	25,940	51,284	428,638	(370,000)	58,638	370,000	0
12113	Raymond Island Hall Upgrade	Detailed Design Progressing	33,341	2,909	36,250	157,695	(120,000)	37,695	120,000	0
12116	Cann River Skatepark (Black Summer Grant)	Detailed Design Progressing	22,737	13,635	36,372	594,956	(500,000)	94,956	500,000	0
12117	Omeo Netball Court Upgrade (Black Summer Grant)	Detailed Design Progressing	66,798	467,109	533,907	712,000	0	712,000	0	0
12120	Mallacoota Mudbrick Pavilion (Black Summer)	Detailed Design Progressing	386	18,500	18,886	176,000	0	176,000	0	0
12122	Lake Road Landslip (Newmerella)	Detailed Design Progressing	31,413	0	31,413	227,000	0	227,000	0	0
12132	Entry Road & Parking at Lucknow Rec Res/Gymnastics	Detailed Design Progressing	77,711	22,447	100,158	800,000	0	800,000	0	0
12135	Tambo Upper Road, outside Primary School	Detailed Design Progressing	7,991	28,110	36,101	70,000	0	70,000	0	0
12141	Protective treatments for roads vulnerable to changing climate	Detailed Design Progressing	0	0	0	200,000	(200,000)	0	0	0
12144	LRCI3 Lindenow South Footpath Connections	Detailed Design Progressing	39,929	39,108	79,037	525,000	0	525,000	0	0
12145	Stormwater Improvements Program	Detailed Design Progressing	0	0	0	445,000	(445,000)	0	0	0
12146	Stormwater Renewal Program	Detailed Design Progressing	6,922	0	6,922	400,000	0	400,000	0	0
12147	Jones Bay Southern Catchment WSUD (Crooke St Wetlands)	Detailed Design Progressing	14,191	48,639	62,830	781,000	(406,025)	374,975	700,000	0
12152	Shaving Point Boat Ramp Upgrade, Metung	Detailed Design Progressing	15,460	70,950	86,410	709,000	(550,000)	159,000	550,000	0
12170	Bairnsdale Recycling Centre	Detailed Design Progressing	1,311	118,638	119,949	601,500	(480,000)	121,500	480,000	300,000
12171	Bairnsdale Composting Facility	Detailed Design Progressing	2,094	0	2,094	100,000	280,000	380,000	0	0
12188	Community Facilities - Emergency Power Project	Detailed Design Progressing	681	0	681	0	491,000	491,000	0	0
12191	Lochiel Park Sport Ground Lighting Upgrade	Detailed Design Progressing	2,799	110	2,909	0	170,000	170,000	0	0
12193	Lakes Entrance Changing Places Development	Detailed Design Progressing	1,358	11,200	12,558	0	40,000	40,000	200,000	0
12195	Marine Parade Marlo, Drainage Repair	Detailed Design Progressing	3,605	11,100	14,705	0	15,000	15,000	0	0
12208	Tambo Boulevard - Stormwater Improvement	Detailed Design Progressing	5,150	61,954	67,104	0	70,000	70,000	0	0
50016	Bairnsdale Cell 3A Capping Design	Detailed Design Progressing	34,046	56,736	90,782	2,398,874	0	2,398,874	0	0

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11456	Premiers Reading Challenge	Progressing	92	6,364	6,456	9,208	0	9,208	0	0
11569	Building Renewal	Progressing	268,313	269,577	537,890	750,000	0	750,000	0	0
11577	Plant Renewal	Progressing	334,144	364,859	699,003	2,007,261	8,926	2,016,187	0	0
11578	Vehicles Renewal	Progressing	510,021	719,824	1,229,845	1,431,011	(25,000)	1,406,011	0	0
11583	Office Furniture Non-Specified	Progressing	6,434	1,703	8,137	30,000	0	30,000	0	0
11584	Equipment Renewal BARC	Progressing	0	0	0	52,000	0	52,000	0	0
11585	Information Technology Infrastructure	Progressing	10,264	174,427	184,691	471,304	0	471,304	0	0
11586	Purchase Library Resources non-specified	Progressing	116,381	55,577	171,958	200,000	0	200,000	0	0
11587	Gravel Road Resheet Non-Specified	Progressing	173,166	232,501	405,667	1,200,000	0	1,200,000	0	0
11588	Roads Resealed Non-Specified	Progressing	107,394	154,555	261,949	3,824,000	(2,075,221)	1,748,779	0	0
11591	Dust Suppression Seal Non-Specified	Progressing	2,205	90,453	92,658	250,000	0	250,000	0	0
11662	LRCI3 Eastwood Palyground	Progressing	9,364	20,691	30,055	510,000	0	510,000	0	0
11672	Internal CCTV Renewal	Progressing	95,589	10,903	106,492	399,000	0	399,000	0	0
11678	Forward Bridge Designs	Progressing	12,566	0	12,566	0	12,200	12,200	0	0
11695	Skip Bins	Progressing	0	38,182	38,182	48,000	0	48,000	0	0
11709	Forward Design - Roads and Drainage	Progressing	94,346	95,419	189,765	576,629	(471,000)	105,629	0	0
11712	Marlo Township Drainage Design	Progressing	32,056	11,666	43,722	110,000	0	110,000	0	0
11717	Strategic Property Acquisitions	Progressing	6,531	13,869	20,400	108,618	0	108,618	0	0
11738	Property Acquisitions (Admin Services)	Progressing	16,415	6,783	23,198	225,000	0	225,000	0	0
11805	Photocopiers / Printers Renewal	Progressing	17,350	0	17,350	207,549	0	207,549	0	0
11807	Renewal and upgrade to corporate systems	Progressing	18,977	464,939	483,916	1,693,431	0	1,693,431	0	0
11825	Kerb and Channel Replacement, Shire-wide	Progressing	24,364	89	24,453	400,000	0	400,000	0	0
11854	Street Litter Bins	Progressing	6,027	0	6,027	25,000	0	25,000	0	0

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11928	Mallacoota Foreshore Holiday Park Toilet Block 3 D	Progressing	5,503	0	5,503	208,155	0	208,155	0	0
11937	Scanner Refresh, Shirewide	Progressing	0	0	0	122,664	0	122,664	0	0
11938	CCTV Commerical Marinas	Progressing	23,766	13,290	37,056	42,000	0	42,000	0	0
11940	Public Space CCTV Refresh	Progressing	92,210	23,927	116,137	263,381	0	263,381	0	0
11969	Slip Road Maritime Precinct - Paynesville	Progressing	220,885	2,829,551	3,050,436	5,075,130	(4,800,000)	275,130	4,800,000	0
12018	Mallacoota Streetscape	Progressing	35,980	9,758	45,738	1,839,741	(1,500,000)	339,741	1,500,000	0
12047	Network Equipment - Footprint Consolidation	Progressing	281,199	220,916	502,115	669,550	0	669,550	0	0
12048	Delegations Management Solution	Progressing	0	0	0	0	0	0	0	0
12049	Property Lease & Contract Management Solution	Progressing	0	0	0	0	0	0	0	0
12058	East Gippsland Trail Network	Progressing	20,225	24,802	45,027	108,000	0	108,000	0	0
12069	Upgrade for Glass Recycling	Progressing	90,331	0	90,331	140,324	0	140,324	0	0
12082	Hinnomunjie Bridge Restoration	Progressing	2,198	27,289	29,487	500,000	0	500,000	0	0
12087	AJ Freeman Cricket Nets Upgrade	Progressing	11,157	0	11,157	88,771	100,000	188,771	0	0
12089	Mobile devices for Out door crew	Progressing	1,556	1,227	2,783	122,508	0	122,508	0	0
12091	Eastern Beach Caravan Park toilet Block	Progressing	6,128	0	6,128	300,000	0	300,000	0	0
12092	King Street Shared Path and Laneway Upgrade, Payne	Progressing	1,305	0	1,305	3,136	0	3,136	0	0
12102	Mallacoota CP - BBQ Shelter -View deck	Progressing	10,211	9,291	19,502	19,185	0	19,185	0	0
12105	EV Charge Points -Streetscapes	Progressing	1,525	450	1,975	299,485	60,000	359,485	0	-
12106	Mallacoota Kitchen to Compost Renewal	Progressing	3,374	0	3,374	20,000	0	20,000	0	0
12108	Rescue Vessel for Raymond Island Ferry	Progressing	0	2,500	2,500	0	0	0	0	0
12119	Parks and Gardens Plants, Vehicle and Equipment	Progressing	42,811	259,675	302,486	327,000	0	327,000	0	0
12124	Lindenow Sports Lighting	Progressing	4,791	272,792	277,583	212,000	83,000	295,000	0	0
12127	Asset Investment Opportunity	Progressing	803,288	71,958	875,246	1,800,000	(5,000)	1,795,000	0	0

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12130	Server Equipment Cloud Services	Progressing	0	63,636	63,636	254,000	0	254,000	0	0
12143	Bills Creek, Waierna, renewal	Progressing	76,113	357,168	433,281	500,000	0	500,000	0	200,000
12165	Final Seal Program	Progressing	0	166,818	166,818	200,000	0	200,000	0	0
12174	Caravan Park Equipment Renewal	Progressing	12,807	2	12,809	18,000	0	18,000	0	0
12175	R2R - Racecourse Road, Bairnsdale	Progressing	52,578	1,953	54,531	0	53,000	53,000	0	0
12177	R2R - Hardy's Road, Metung	Progressing	89,831	4,552	94,383	0	94,519	94,519	0	0
12178	R2R - Lake Shore Drive, Newlands Arm	Progressing	527	63,000	63,527	0	63,000	63,000	0	0
12179	R2R - Old Buchan Road	Progressing	0	90,000	90,000	0	90,000	90,000	0	0
12180	R2R - Pyke Street, Bairnsdale	Progressing	0	285,000	285,000	0	285,000	285,000	0	0
12181	R2R - Main Road, Paynesville	Progressing	1,583	98,000	99,583	0	98,000	98,000	0	0
12182	R2R - Ensley Doctors Flat Road	Progressing	1,929	582,000	583,929	0	582,000	582,000	0	0
12183	R2R - Tambo Upper Road	Progressing	85,590	6,903	92,493	0	92,700	92,700	0	0
12184	R2R - Rosherville Road, Swan Reach	Progressing	141,375	1,818	143,193	0	143,248	143,248	0	0
12185	R2R - Rodericks Road, Wuk Wuk	Progressing	152,150	7,852	160,002	0	160,237	160,237	0	0
12186	R2R - Joiners Road, Newmerella	Progressing	0	95,000	95,000	0	95,000	95,000	0	0
12187	R2R - Nungurner Road, Nungurner	Progressing	138,835	4,545	143,380	0	143,517	143,517	0	0
12198	Bosworth Road West – Urban Road Improvement	Progressing	0	5,085	5,085	0	12,000	12,000	0	0
12218	Bairnsdale Arts Precinct	Progressing	556	3,020	3,576	0	120,000	120,000	0	0
12221	Chlorine Tank Orbest Pool	Progressing	5,842	24,545	30,387	0	32,000	32,000	0	0
12222	Bogong High Plains Road Landslip	Progressing	584	0	584	0	80,000	80,000	0	0
12223	Moroney Street Stage 3	Progressing	0	0	0	0	87,000	87,000	0	0
12224	Greer Street, Mallacoota	Progressing	247	1,860	2,107	0	175,000	175,000	0	0
12226	Mobile Traffic Lights Set	Progressing	0	0	0	0	25,000	25,000	0	0
12227	Garnetts Track Landslip, Omeo	Progressing	0	0	0	0	88,000	88,000	0	0

East Gippsland Shire Council
Capital Works and Landfill Rehabilitation Projects - Finance Report - December 2022

Project No	Project Name	Status	ACTUALS	COMMITMENTS		REVISED BUDGET	CHANGE	REVISED FORECAST	CARRY FORWARDS TO 2023/24	BRING BACK
			YTD Actual Expenditure - 31 December, 2022	YTD Commitments - 31 December, 2022	YTD Actual Expenditure & Commitments - 31 December, 2022	Expenditure 1 October, 2022	Expenditure - Change	Forecast Expenditure - 31 December, 2022	Expenditure Carry Forward	Funded from 2023/24 Budget
12229	Bairnsdale Cell 4a	Progressing	0	87,780	87,780	0	0	0	0	0
12230	Dragway Demolition	Progressing	0	0	0	0	168,000	168,000	0	0
12231	Eagle Point Beach Regeneration	Progressing	0	0	0	0	144,751	144,751	0	0
50004	Orbost Landfill Capping	Progressing	628	81,431	82,059	9,398	72,661	82,059	0	0
50009	Bosworth Road Aftercare	Progressing	17,065	0	17,065	23,000	0	23,000	0	0
50011	Orbost Landfill Aftercare	Progressing	7,927	8,970	16,897	7,000	9,821	16,821	0	0
50012	Mallacoota Landfill Aftercare	Progressing	3,760	0	3,760	7,000	0	7,000	0	0
50015	Cann River Landfill Capping	Progressing	0	37,491	37,491	1,591,261	0	1,591,261	0	0
50017	Bairnsdale Cell 1 Aftercare	Progressing	8,946	19,822	28,768	13,000	0	13,000	0	0
50018	Bairnsdale Cell 2 Aftercare	Progressing	7,576	22,602	30,178	11,000	0	11,000	0	0
50020	Lakes Entrance Landfill Aftercare	Progressing	57,676	46,800	104,476	82,000	0	82,000	0	0
50022	Bairnsdale Cell 3B capping	Progressing	0	0	0	100,000	0	100,000	0	0
11800	EGSC Energy Efficiency 2019	On Hold	27,111	0	27,111	550,000	(522,889)	27,111	0	0
11906	QRF Dinni Birrak Walk - Backwater Ct Paynesville	On Hold	0	8,636	8,636	9,500	0	9,500	0	0
12001	Lakes Entrance Foreshore Park	On Hold	65,140	26,240	91,380	1,712,653	(1,500,000)	212,653	0	0
12013	LER - Livingstone Park Community Facilities	On Hold	18,548	42,500	61,048	1,543,728	(1,000,000)	543,728	1,000,000	0
12078	Event Infrastructure -Fencing Aerdorme	On Hold	0	0	0	150,000	0	150,000	0	0
12157	Krautungalung Walk Stage 2	On Hold	103	0	103	624,000	(600,000)	24,000	600,000	0
11990	Lakes Entrance Marine Parade Upgrade	Not Started	0	0	0	1,198,000	(1,198,000)	0	1,198,000	0
12026	IT Equipment for Emergency Management	Not Started	0	0	0	27,767	0	27,767	0	0
12128	Mallacoota Foreshore Holiday Park Toilet Block 1	Not Started	0	0	0	20,000	0	20,000	0	0
12131	Digital Services	Not Started	0	0	0	1,886,000	0	1,886,000	0	0
12134	LENGA Drainage	Not Started	0	0	0	200,000	0	200,000	0	0

East Gippsland Shire Council
Capital Works and Landfill Rehabilitation Projects - Finance Report - December 2022

Project No	Project Name	Status	ACTUALS	COMMITMENTS		REVISED BUDGET	CHANGE	REVISED FORECAST	CARRY FORWARDS TO 2023/24	BRING BACK
			YTD Actual Expenditure - 31 December, 2022	YTD Commitments - 31 December, 2022	YTD Actual Expenditure & Commitments - 31 December, 2022	Expenditure 1 October, 2022	Expenditure - Change	Forecast Expenditure - 31 December, 2022	Expenditure Carry Forward	Funded from 2023/24 Budget
12151	BARC Health Club Floor Upgrade	Not Started	0	0	0	65,000	0	65,000	0	0
12156	Playground Renewal Program	Not Started	0	0	0	300,000	(300,000)	0	0	0
12159	Metung/Tambo Bluff/Kings Cove Trail Link	Not Started	6,630	0	6,630	50,000	0	50,000	0	0
12160	Bairnsdale Streetscape - Nicholson to Bailey St	Not Started	0	0	0	100,000	0	100,000	0	0
12162	Aerodrome Infrastructure Renewal	Not Started	0	0	0	100,000	0	100,000	0	0
12164	Sealed Road Renewal Program	Not Started	0	0	0	600,000	(400,000)	200,000	0	0
12199	Golf Links Road, Lakes Entrance - Urban Improvement	Not Started	0	0	0	0	30,000	30,000	0	0
12201	Lower Goon Nure Road - Rural Road Improvement	Not Started	0	0	0	0	20,000	20,000	0	0
12202	Olivers Road Nicholson - Rural Road Improvement	Not Started	0	0	0	0	20,000	20,000	0	0
12203	Apron & Taxiway C, Bairnsdale Airport	Not Started	0	0	0	0	50,000	50,000	0	0
12204	Omeo Valley Road - Road Renewal	Not Started	0	0	0	0	25,000	25,000	0	0
12205	Bung Bung Lane - Road Renewal	Not Started	0	0	0	0	25,000	25,000	0	0
12206	Howitt Avenue - Road Renewal	Not Started	0	0	0	0	20,000	20,000	0	0
12207	Limestone Road - Road Renewal	Not Started	0	0	0	0	20,000	20,000	0	0
12209	Sydenham Inlet Road, Stormwater Improvement	Not Started	0	0	0	0	20,000	20,000	0	0
12210	Centre Goon Nure Road - Protective Treatment	Not Started	0	0	0	0	30,000	30,000	0	0
12211	Boundary Road - Protective Treatment	Not Started	0	0	0	0	30,000	30,000	0	0
12212	Comleys Road - Protective Treatment	Not Started	0	0	0	0	30,000	30,000	0	0
12213	Aerodrome road - Protective Treatment	Not Started	0	0	0	0	30,000	30,000	0	0
12214	Humphreys Road - Protective Treatment	Not Started	0	0	0	0	30,000	30,000	0	0
12215	Morrison Road - Protective Treatment	Not Started	0	0	0	0	25,000	25,000	0	0
12219	Eagle Point School Connection	Not Started	0	0	0	0	50,000	50,000	0	0
12220	Replace Ferry Landings at Paynesville & Raymond Island	Not Started	113	0	113	0	73,000	73,000	0	0

East Gippsland Shire Council
Capital Works and Landfill Rehabilitation Projects - Finance Report - December 2022

Project No	Project Name	Status	ACTUALS	COMMITMENTS		REVISED BUDGET	CHANGE	REVISED FORECAST	CARRY FORWARDS TO 2023/24	BRING BACK
			YTD Actual Expenditure - 31 December, 2022	YTD Commitments - 31 December, 2022	YTD Actual Expenditure & Commitments - 31 December, 2022	Expenditure 1 October, 2022	Expenditure - Change	Forecast Expenditure - 31 December, 2022	Expenditure Carry Forward	Funded from 2023/24 Budget
99997	Project Cost Escalation Contingency	Not Started	0	0	0	657,000	0	657,000	0	0
12155	Bairnsdale Cell 5	Not Started	0	0	0	150,000	(150,000)	0	0	0
11297	Open space Eagle Point	Withdrawn	0	0	0	0	0	0	0	0
11592	Culvert Renewal Non-Specified	Withdrawn	0	0	0	0	0	0	0	0
11665	Port of Bairnsdale -Precinct Renewal	Withdrawn	0	0	0	0	0	0	0	0
11671	Security and Duress Devices - Customer Service	Withdrawn	0	0	0	0	0	0	0	0
11808	Renewal of EDRMS	Withdrawn	0	0	0	0	0	0	0	0
11820	Footpath Renewal Program	Withdrawn	0	0	0	0	0	0	0	0
11988	LRCI - Footpath Paynesville Road	Withdrawn	1,695	1,860	3,555	154,836	(153,166)	1,670	0	0
12140	Power Station Road	Withdrawn	0	0	0	0	0	0	0	0
12163	Bairnsdale CBD Car Parking	Withdrawn	0	0	0	0	0	0	0	0
12197	Murphy Street - Urban Road Improvement	Withdrawn	0	0	0	0	0	0	0	0
Grand Total			15,565,403	33,615,352	49,180,755	113,419,064	(28,206,782)	85,212,282	27,946,382	650,000

Holding Account Transactions Q2 2022-23

Opening Balance 1 October 2022		448,785
Savings	Energy Efficiency Upgrades	250,000
	Lakes Entrance Foreshore Park	1,500,000
	Lakes Entrance Club Spit Upgrade	311,684
	Soldiers Road - Agrilinks Improvements	11,690
	Nowa Nowa Rec Res Storage Shed	13,055
	Playground Renewal Program	200,000
	Moroney Street Stage 2	180,000
	Bailey Street Reconstruction	25,861
	Murphy Street	50,000
	Forward Design Roads	27,000
Total Savings end of Q2		2,569,290
Additional Budget	Bairnsdale Cell 4	200,000
	Gymnastics Pavilion, Lucknow Rec Res	305,000
	Bairnsdale Airport Potable Water Project	10,000
	Lindenow Sports Lighting	83,000
	Jones Bay Southern Catchment WSUD (Crooke St Wetlands)	263,975
	Upgrade Omeo Streetscape	38,824
	Lochiel Park Sport Ground Lighting Upgrade	5,000
	AJ Freeman Netball Tennis Changerooms	5,000
	Lakes Entrance Changing Places Development	60,000
	Soldiers Road - Agrilinks Improvements	1,207
	Marlo Triangle Park Playground Renewal	394
	LRCI Bairnsdale Skatepark Stage 2	720
	Nowa Nowa Boat Ramp Upgrade	647
	Static Water Tanks (Black Summer Grant)	1,226
	Omeo Caravan Park Building Renewal	6,762
	Clifton Creek Static ater Tanks	1,545
	Gippsland Lakes Yacht Club	35,613
	Bairnsdale Arts Precinct	30,000
	Eagle Point School Connection	50,000
	Replace Ferry Landings at Paynesville & Raymond Island	73,000
	Chlorine Tank Orbost Pool	32,000
	LRCI Paynesville Road Footpath	2,908
	Marine Parade Marlo, Drainage Repair	8,000
	Tambo Boulevard - stormwater Improvement	20,000
	AJ Freeman Cricket Nets	100,000
	EV Charge Points	10,000
	Bogong High Plains Landslip	80,000
	Moroney Street Stage 3	87,000
	Mobile Traffic Light Set	25,000
	Bairnsdale Cell 4	6,000
	Dragway Demolition	168,000
	Club Terrace Community Facility - operating	27,000
	Marlo Triangle Park	2,037
	Forward Design Bridges	12,200

Holding Account Transactions Q2 2022-23

Total Additional Budget Allocated end of Q2	1,752,058
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Holding Account Transactions Q2 2022-23

Reallocation - No Change to overall budget	Vehicle Fleet Replacement Program	-25,000
	Mobile Library Bus	25,000
	Forward Designs for Roads and Drainage	-444,000
	Protective treatments for roads vulnerable to changing climate	-200,000
	Rural Road Improvement Program	-200,000
	Mississippi Creek, Scriveners Road	55,000
	Marine Parade Marlo, Drainage Repair	7,000
	Myer Street & service roads - urban road improvement	25,000
	Murphy Street - Urban Road Improvement	50,000
	Bosworth Road West	12,000
	Golf Links Road, Princes Hwy to Palmers Road Urban Improvement	30,000
	Connleys Road, Omeo - Rural Road Improvement	240,000
	Lower Goo Nure Road - Rural Road Improvement	20,000
	Olivers Road Nicholson - Rural Road Improvement	20,000
	Apron & Taxiway C, Bairnsdale Airport	50,000
	Omeo Valley Road (from Omeo Hwy to Parish Boundary Lane)	25,000
	Bung Bung Lane	25,000
	Howitt Avenue (from Flinns Road to Balmoral Crescent)	20,000
	Limestone Road road Renewal	20,000
	Tambo Boulevard - Stormwater Improvement	50,000
	Sydenham Inlet Road, Stormwater Improvement	20,000
	Centre Goon Nure Road - Protective Treatment	30,000
	Boudary Road - Protective Treatment	30,000
	Comleys Road - Protective Treatment	30,000
	Aerodrome road - Protective Treatment	30,000
	Humphreys Road - Protective Treatment	30,000
	Morrison Road - Protective Treatment	25,000
	Quick Response Fund	-55,000
	Hard Wicket Upgrade	7,000
	Mallacoota Hall and Recreation Reserve Upgrade	38,000
	The Hub, Drainage Renewal	10,000
	Safety Barrier Renewal Program	-31,928
	North Arm Boat Ramp, Lakes Entrance	31,928
	Stormwater Improvements Program	-445,000
	Bairnsdale Cell 5	-150,000
	Removed from HA to fund resourcing	595,000
	Asset Opportunity	-5,000
	Trf to P&G for Maintenance of new office	5,000
	Resealing of Sealed Roads	-175,000
	Greer St Mallacoota	175,000
	Forward Design Seawalls Shirewide	-144,751
	Eagle Point Beach Regeneration	144,751
	Resealing of Sealed Roads	-106,221
	R2R - Hardy's Road, Metung	37,519
	R2R - Tambo Upper Road	14,700
	R2R - Rosherville Road, Swan Reach	19,248
	R2R - Rodericks Road, Wuk Wuk	24,237
	R2R - Nungurner Road, Nungurner	10,517

Holding Account Transactions Q2 2022-23

Reallocation - No Change to overall budget	0
Closing Balance 31 December 2022	1,266,017

5.2.2

CON2023 1473 Cleaning of Nominated Buildings

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in **Confidential Attachments 1 and 2** to this report are confidential because they contain private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

This contract replaces the existing contract CON2018 1249 Defined Facilities Management Services and Products – Cleaning and Property which expired mid-January 2023. This contract was leveraged through Procurement Australia.

The purpose of this report is to seek Council approval to appoint a contractor for the provision of cleaning services in various locations within East Gippsland. The contractor will supply all staff, labour, cleaning materials and plant as required. Council will provide consumables such as toilet paper, hand towel, liquid soaps, dishwasher tablets or detergents and bin liners.

The contract has been through a public tender process and has been evaluated by a Tender Evaluation Panel (TEP). The TEP Report is provided as **Confidential Attachment 1**. The tender evaluation process was overseen by an external Probity Auditor in accordance with the requirements of Council's Procurement Policy. The Probity Report is provided in **Confidential Attachment 2**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. accepts the tender submitted by _____ for CON2023 1473 Cleaning of Nominated Buildings for the contract amount \$ _____ exclusive of GST;**
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract in the form proposed; and**
- 4. resolves that the confidential attachments to this report and all discussions relating to these attachments remain confidential.**

Background

This contract replaces the existing contract CON2018 1249 Defined Facilities Management Services and Products – Cleaning and Property which expires mid-January 2023.

On 6 March 2018, Council approved the award of Contract CON2018 1249 Defined Facilities Management Services and Products – Cleaning and Property (Procurement Australia Contract 2008-0837 - Defined Facilities Management Services & Products – Cleaning & Property) for an initial two (2) year term which commenced 1 July 2018. Under the agreement, Procurement Australia and Council exercised the two extension term options each of twelve (12) months.

The contract was to expire on 31 August 2022 but was then extended under the Chief Executive Officer's delegated authority to ensure the continuity of the services to avoid disruption to Council premises, and remains in place whilst these services were out to tender and until the contract is awarded.

This contract is to engage an appropriately qualified contractor for the provision of cleaning services in various locations within East Gippsland. The contractor will supply all staff, labour, cleaning materials and plant as required. Council will provide consumables such as toilet paper, hand towel, liquid soaps, dishwasher tablets or detergents and bin liners.

The cleaning services are to be undertaken in Council buildings / structures either internally or externally across East Gippsland Shire at:

Area 1 – Bairnsdale

- Corporate Centre
- Library
- Corporate Annexure
- Visitor Information Centre
- Aquatic & Recreation Centre
- Aerodrome

Area 2 – Lakes Entrance

- Works Depot
- Palmers Road Office
- Library
- Visitor Information Centre
- Aquadome

Area 3 – Orbost / Marlo

- Library
- Outdoor pool
- Aerodrome Terminal Building

Area 4 – Omeo

- Library
- Business Centre

Area 5 – Mallacoota

- Service Centre
- Aerodrome Terminal Building

The initial term of the contract is for three (3) years inclusive of annual Consumer Price Index (CPI) adjustment with an anticipated commencement date in late February 2023.

There are two further extension options, each of up to 24 months inclusive of an annual CPI adjustment at Council's sole discretion.

A request for tender (RFT) was advertised seeking responses from suitable contractors to be appointed to the panel. 10 tender submissions were received by the closing date of Wednesday 14 September 2022.

The submissions were evaluated by the Tender Evaluation Panel (TEP) using a set list of weighted criteria that considered financial value (40%), capacity (25%), capability (20%), local contribution (10%) and sustainability and environment (5%). In line with Councils Procurement Procedure, the support for local content for an increase from 5% to 10% was approved by the General Manager Assets and Environment as it was determined this would be a benefit to the service requirements regarding prompt response call out to any issues arising with management of the contract and have dedicated support from current local cleaners.

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 Attachments 1 and 2** 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

Given the contractual nature of this report, this report has not been prepared in collaboration with another local government or agency.

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

Council has the option of either awarding or not awarding the contract.

Resourcing

Financial

The annual spend for this contract for all areas will be from Council's operating budget.

Plant and equipment

All plant and equipment are to be supplied by the successful contractor.

Human Resources

This contract will be supervised by the Senior Works Coordinator and the Technical Officer Facilities from the Capital Projects and Plant Unit.

Risk

The risks of this proposal have been considered. Tenderers were requested to provide details in relation to minimising risks identified in relation to property access, use of chemicals, noise, and other key issues associated with the works.

The main risk is for business continuity if the business closed which would only be an interruption to the cleaning services for Council opposed to a critical essential service. There would be no reputational risk as the services are internal and there are options available for business continuity.

Economic

In line with Council's Procurement Procedure, the support for local content for an increase from 5% to 10% was approved by the General Manager Assets and Environment as it was determined this would be a benefit to the service requirements in regard to prompt response call out to any issues arising with management of the contract and have dedicated support from current local cleaners.

Social

Having clean facilities is a basic OH&S requirement for staff and community members using these facilities.

Gender Impact Statement

Officers have considered the *Gender Equality Act 2020* in the preparation of contract CON2023 1473 Cleaning of Nominated Buildings. The contract has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

The use of sustainable chemicals and consumables was considered highly important in the evaluation of tenders received.

Recycled paper products, and recycled garbage bags will be used by the successful contractor.

All contractor plant and equipment purchased will be focused on reducing chemical usage, green product selection, and identifying sustainable equipment. Noise level management will also be taken into consideration.

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

Community engagement was not applicable for this contract as the services will be internal.

Attachments

1. CONFIDENTIAL - CON2023 1473 Cleaning of Nominated Buildings - Tender Evaluation Report [5.2.2.1 - 24 pages]
2. CONFIDENTIAL - CON2023 1473 Cleaning of Nominated Buildings - Probity Review Report [5.2.2.2 - 2 pages]

5.2.3

CON2023 1520 Club Terrace Community Facility

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 is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

During the 2019-20 fires the existing community facility at Club Terrace was damaged beyond repair and Council, in partnership with the Club Terrace Committee of Management (CoM), and Cann Valley Community Recovery Committee (CRC), with assistance from Bushfire Recovery Victoria, engaged a building designer to undertake a conceptual design for a new facility in the existing Club Terrace Community Reserve.

The conceptual design formed the basis of further detailed design work, which is now complete, and will enable the community of Club Terrace to utilise a new facility once again within the Club Terrace Community Reserve.

The purpose of this report is to provide the background to the Club Terrace Community Facility project that has led to the development of a tender for procurement of works being CON2023 1520 Club Terrace Community Facility, and provide an overview of the tender itself and in accordance with the Council's Procurement Policy 2020 seek approval from Council to award the contract to a suitably qualified and experienced contractor for the construction of a new community hall at 25 School Road, Club Terrace, located in the Club Terrace Community Reserve

The Club Terrace Facility Redevelopment will provide the flame-impacted locality with a fit-for-purpose community meeting place for all events, and as such, this report presents the outcomes of a Tender Evaluation Report for the tender – provided as **Confidential Attachment 1**, and to recommend Council accept the recommended tender to appoint a contractor for the upgrade of The Club Terrace Community Facility.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by _____ for CON2023 1520 Club Terrace Community Facility for the contract amount of \$ _____ exclusive of GST;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract in the form presented; and***
- 4. resolves that the confidential attachment to this report and all discussions relating to the attachment remain confidential.***

Background

During the 2019-20 bushfires, 17 dwellings were destroyed in Club Terrace and the community facility was irreparably damaged. A building inspection determined that the community facility 'did not meet the deemed to satisfy conditions' of the Building Code of Australia, (no longer fit for purpose) and as such, was demolished with the support of Department of Energy, Environment and Climate Action (DEECA) contractors.

This facility supported numerous events including community gatherings, social celebrations, camping opportunities and local environment activities, as well as emergency debriefs and relief and recovery actions.

The impact to the Club Terrace community has been significant with their only community facility unable to be accessed by the community for any emergency debriefing, community conversations or events.

Shortly after the fires of 2019-20 the Australian Governor General, General David Hurley, along with the National Bushfire Recovery Agency's Major General Andrew Hocking, attended and engaged with the community and placed their full support behind the viability of this project.

The overall objective for this new construction of this community facility will be to increase access of this remote and isolated community to a range of services, including:

- training;
- telehealth;
- Red Cross services;
- Royal Flying Doctors' services;
- Bush Nurse attendance;
- cultural services (e.g., including access to seminars etc to improve skills and knowledge); and
- full connectivity to communications and backup power with an allocated generator and Sky Muster system.

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 is 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 to section 109(2) of the *Local Government Act 2020* this report has not been prepared in collaboration with another local government or agency.

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.

A request for tender was advertised seeking responses from suitable vendors to undertake this contract. Two tender submissions were received by the closing date of Wednesday 7 December 2022.

Options

When developing the specifications for the Club Terrace Community Facility a design option was exercised, with Tim Hall & Associates awarded the design option for this project.

This report considers the awarding of the construction package. The tender process used for this project has seen multiple contractors bid for the works. The Tender Evaluation Panel evaluated these options to arrive at a preferred tenderer recommendation as outlined in **Confidential Attachment 1**.

Council has the option to award a contract in accordance with the Tender Evaluation Panel's recommendation, or to not proceed with the procurement.

Resourcing

Financial

The project is being funded from the Federal Government Department of Industry, Science, Energy and Resources Black Summer Grant Program Grants Program with some funds from Council.

The funding is phased over the 2022-23 budget years.

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.

Economic

Community facilities, including public halls and recreation reserve buildings are essential facilities that enable communities to be socially connected, physically active and positively engaged with a broad range of community activities and events.

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.

The existing facility is already managed by a locally appointed management committee that falls under the ultimate responsibility of DEECA. This means that all operating and maintenance costs are already covered by the existing management structure.

Constructing a new facility will also open the attractiveness of the building to be used more widely by the community, which may result in increased income for the management committee through hiring fees.

Social

This built environment outcome will generate further social and economic positive outcomes for the Club Terrace community as the new facility will be accessible and used more by the community and other outlying areas:

1. This new construction will improve resilience and with improved functionality will allow communities to become better socially connected through increased usage and events;
2. The new construction of this community facility will be used to increase access for this remote and isolated community to a range of services, including training (e.g., access to seminars etc to improve skills and knowledge); and
3. Upgraded community facilities that are more resilient and with improved functionality will allow communities to become better socially connected through increased usage and events.

Environmental

This project will empower communities to lead and direct their recovery process. Facility upgrades have been prioritised based on the landscape risk assessments. A new facility will contribute to providing the community outcomes outlined above.

This new construction will:

1. Improve asset resilience from future bushfire events;
2. greatly improved and resilient communication systems, so that when power is interrupted will result in critical community assets that are fit for purpose; and
3. build community capability and capacity to direct their recovery process.

Whilst not part of this tender, investigation of the viability and suitability of installing solar panels will be separately investigated.

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 undertook community consultation in 2021 which formed the basis for the conceptual design.

The Project Reference Group (PRG) is made up of members from the Club Terrace community, Council and DEECA. PRG meetings are held monthly and have endorsed Council to commence construction on the current plans submitted by the detailed design consultant.

The Project Supervisor for the works will be responsible for providing initial advice to the Club Terrace 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.

Attachments

1. CONFIDENTIAL - CON2023 1520 Club Terrace Community Facility - Tender Evaluation Report [**5.2.3.1** - 7 pages]

5.3 Business Excellence

5.3.1 Finance Report period ending 31 December 2022

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The *Local Government Act 2020* (the Act), section 97 (1) requires a quarterly finance report to be presented to Council as soon as practical after the end of each quarter. Section 97 (3) of the Act also requires that the second quarterly finance report to Council includes a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required. Section 95 (1) of the Act sets out the circumstances where Council must prepare and adopt a revised budget. These are as follows:

- (a) A variation to the declared rates or charges; or
- (b) Undertake any borrowings that have not been approved in the budget; or
- (c) Make a change to the budget that the Council considers should be the subject of community engagement.

The Chief Executive Officer, having considered the circumstances that would require a revised budget, has determined that a revised budget will not be required for the 2022-23 financial year.

This report for the six months to 31 December 2022 forecasts that the operating result for the 2022-23 financial year will be \$10.788 million compared to the adopted operating surplus of \$40.087 million. This is a forecast reduction in operating surplus of \$29.299 million.

There are capital grant income reductions of \$20.824 million as a result of some capital projects now being planned for completion in the 2023-24 financial year, and the associated grant funding will now be received in that year. Offsetting the reduction in capital grants are a number of new operating grants for projects totalling \$8.188 million, the most significant being the Fire 2019 Resourcing grant of \$5.3 million. There is also \$12.1 million of operating projects that were incomplete at the end of the 2021-22 year, that will now be completed in the current financial year. The majority of these projects are funded from grants received in the 2021-22 year. There is also an increase in the expected employee costs as a result of the new grants received. Additional unbudgeted revenue from capital reimbursement for the bushfire and other projects of \$1.125 million has been received.

The expected end-of-year cash position of \$63.236 million is \$24.799 million greater than the adopted budget as a result of the more favourable 2021-22 end-of-year cash position than the estimated result at the time of adopting the 2022-23 budget, together with the estimated value of capital works cash flow being less than the adopted budget by \$9.2 million for Council cash, noting that \$27.9 million of capital projects from the current financial year are expected to be now completed in the 2023-24 year. The cashflow from capital grants is also expected to decrease due to grants that were received in advance in the last financial year, as well as some capital grants that are now not expected to be received until the 2023-24 year as a result of the timing of associated project expenditure.

The cash flow expenditure increases for employee costs and suppliers relate to additional expenditure associated with new operating grants, together with expenditure of \$12.1 million for works that were incomplete in 2021-22 year that were primarily funded from grants received in that year.

The capital works adopted budget was \$104.091 million and further adjusted with actual carry forwards for incomplete projects from the 2021-22 year to \$107.428 million and has now been adjusted to the current forecast of \$79.968 million with an estimated \$27.9 million of works now to be completed in the 2023-24 financial year. Landfill rehabilitation projects forecast expenditure has increased from \$4.786 million (including actual carry forwards from 2021-22) to \$5.244 million mainly as a result of additional costs for the Lakes Entrance landfill rehabilitation.

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

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. notes that the Chief Executive Officer has determined that no revised budget is required for the 2022-23 financial year; and***
- 3. adopts the Finance Report for the six-month period ended 31 December 2022, as outlined in Attachments 1 to 7.***

Background

Overview of Financial Performance

Provided in this report as at the end of December 2022, is an overview of the year-to-date (YTD) operating and capital expenditure compared to the forecast result, and adjustments to the adopted budget for the full year that have been incorporated into the full year forecast result.

Year-to-Date

Net Comprehensive Result

The YTD favourable variance of \$4.311 million is primarily the result of the timing for works and when income has been received.

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

Full Year – Budget

Net Comprehensive Result

The expected operating surplus for the year is \$10.788 million which is \$29.299 million less than the adopted budget of \$40.087 million.

There were capital grants included in the adopted budget totalling \$18.6 million that will not be accounted for until the 2023-24 year, as a result of the associated projects now not being undertaken or completed until next financial year. There was also \$12.1 million of costs associated with incomplete projects and programs where the funding was included in the 2021-22 financial year but will not be completed in the 2022-23 year. There has been new operational grant funding of \$8.1 million with additional materials and employee costs offsetting the increase in income.

Adjusted Underlying result

The adjusted underlying surplus is the net surplus for the year adjusted for non-recurrent capital grants, non-monetary contributions and capital contributions from other sources. The unfavourable variance of \$13.248 million is primarily a result of the forecast reduction in operating surplus of \$29.299 million offset by a reduction in non-recurrent capital funding of \$16.051 million.

Attachment 1 provides further explanation of the variances discussed above.

Cash Position

Year-to-Date:

As at 31 December 2022, Council held cash of \$112.108 million. This is greater than YTD expectations as a result of the timing of works and services and the delivery of the capital works and landfill rehabilitation program.

Full Year

The end-of-year forecast cash position of \$63.236 million is \$24.799 million greater than the adopted budget of \$38.437 million. This forecast cash position takes into account the actual 2021-22 end-of-year result that was more favourable than estimated at the time of adopting the 2022-23 budget, as well as a net \$9.2 million of 2022-23 capital projects that will not be completed until the 2023-24 financial year. The increase in cash though is restricted in nature and committed to various provisions, that are required to be cash funded, for landfill rehabilitation projects and employee annual and long service leave. The use of this cash happens over time, as landfill rehabilitation works are undertaken and employees take leave entitlements.

For further details, please refer to the Balance Sheet variance explanations in **Attachment 2**, Statement of Cash Flows at **Attachment 3** and Financial Performance Indicators and Unrestricted cash at **Attachment 7**.

Capital Works and Landfill Rehabilitation Projects

Year-to-Date:

The adopted budget for the 2022-23 financial year was \$104.091 million in capital works and a further \$4.461 million in landfill rehabilitation projects, giving a total of \$108.552 million. There were also additional projects from the 2021-22 year that were incomplete at year end and were carried forward into 2022-23 which added a total of \$3.663 million to the adopted budgets for capital and landfill rehabilitation projects.

Actual YTD capital and landfill rehabilitation projects expenditure at the end of December 2022 was \$15.565 million.

Full Year:

The forecast capital and landfill rehabilitation expenditure for the 2022-23 year is \$85.212 million. There has been a forecast reduction in capital works expenditure of \$27.459 million from the adopted budget, plus the additional carry forward projects for projects that will now be completed in the 2023-24 year. There has also been an increase in landfill rehabilitation projects of \$457,000 from the adopted and carry forward budgets, mainly as a result of additional costs associated with the Lakes Entrance Landfill rehabilitation project.

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*. Section 97 of the *Local Government Act 2020* requires a quarterly budget report be presented to the Council at a Council meeting which is open to the public. The quarterly budget report must include a comparison of the actual and budgeted results to date and an explanation of material variances. The second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

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

This is not applicable 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 5: 5.5 Resources are managed to meet current and future needs and priorities.

Council Policy

Not applicable for this report.

Options

Not applicable for this report

Resourcing

Financial

Refer to the following **attachments**:

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

Plant and equipment

Not applicable for this report.

Human Resources

Not applicable for this report.

Risk

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

Economic

Not applicable for this report.

Social

Not applicable for this report.

Gender Impact Statement

Given that this report provides an overview of the Finance Report for the period ending 31 December 2022, a gender impact assessment is not applicable.

Environmental

Not applicable for this report.

Climate change

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

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

Engagement

Not applicable for this report.

Attachments

1. Income and Expenditure Statement and Explanation of Variances [**5.3.1.1** - 8 pages]
2. Balance Sheet and Explanation of Variances [**5.3.1.2** - 3 pages]
3. Statement of Cashflows and Explanation of Variances [**5.3.1.3** - 2 pages]
4. Reconciliation of Adopted (Operating) budget to Forecast budget [**5.3.1.4** - 1 page]
5. Summary of Capital Works and Landfill Rehabilitation [**5.3.1.5** - 2 pages]
6. Rates Performance [**5.3.1.6** - 1 page]
7. Financial Performance Indicators including unrestricted cash information [**5.3.1.7** - 3 pages]

Attachment 1

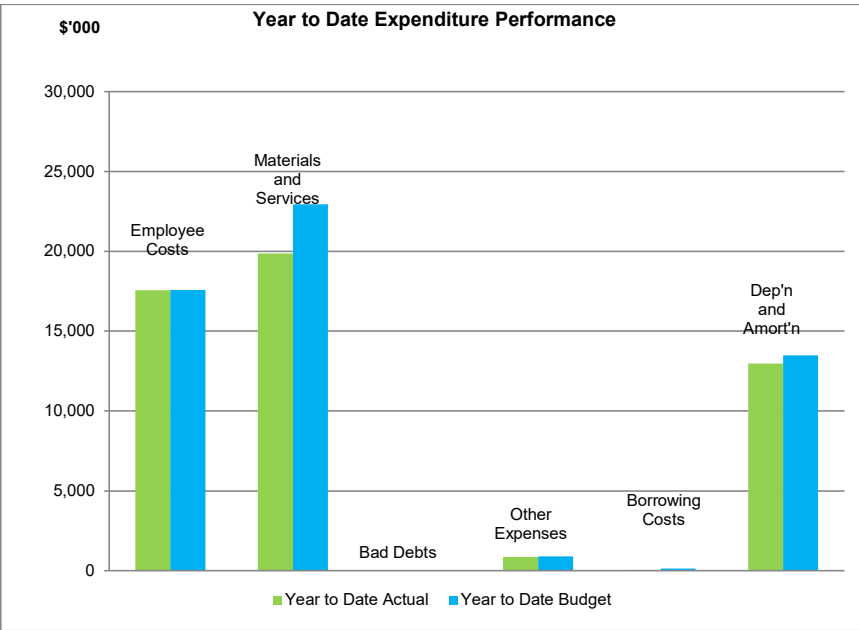
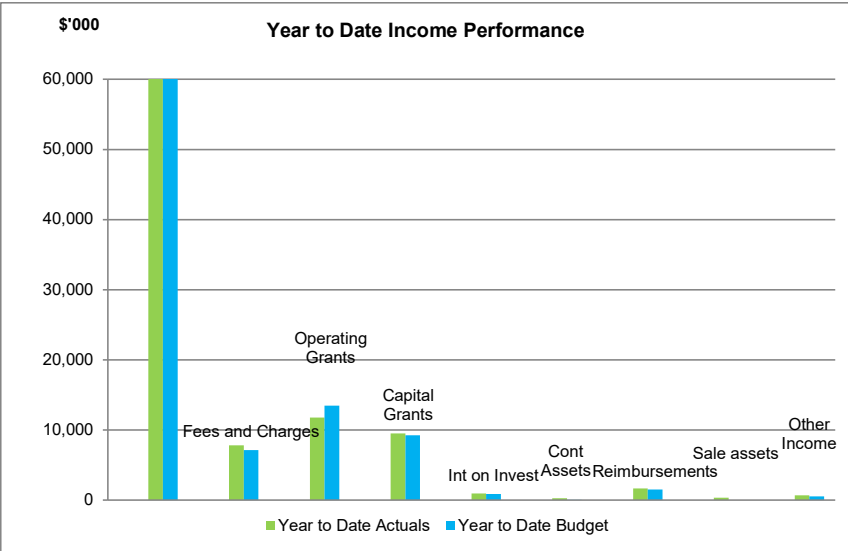
Income Statement for the period ended 31 December 2022

Item	Year-to-date			Note	Full Year			Note
	Actual (\$'000)	Forecast Budget (\$'000)	Variance (\$'000)		Adopted Budget (\$'000)	Forecast Budget (\$'000)	Variance (\$'000)	
Revenues								
Rates	65,307	64,949	358	A1	65,194	65,237	43	
Statutory Charges	1,287	1,167	120	A2	2,283	2,283	0	
User Charges	6,504	5,959	545	A3	12,127	11,876	(251)	B1
Recurrent Operating Grants	3,144	3,166	(22)		5,340	5,593	253	B2
Non Recurrent Operating Grants	8,623	10,294	(1,671)	A4	6,099	14,034	7,935	B3
Recurrent Capital Grants	706	702	4		3,759	3,881	122	B4
Non Recurrent Capital Grants	8,773	8,525	248	A5	49,449	28,503	(20,946)	B5
Interest on Investment	932	828	104	A6	290	1,540	1,250	B6
Contributed Assets Non monetary	0	0	0		2,000	2,000	0	
Contributions Monetary	233	26	207	A7	663	552	(111)	B7
Reimbursements and other contributions	1,653	1,490	163	A8	2,833	3,958	1,125	B8
Gain (Loss) on Sale of Assets	356	0	356	A9	0	0	0	
Other Income	680	506	174	A10	985	989	4	
Total operating revenues	98,198	97,612	586		151,022	140,446	(10,576)	
Expenses								
Employee Benefits	17,554	17,572	(18)		35,090	37,588	2,498	B9
Materials and services	19,861	22,948	(3,087)	A11	46,931	62,916	15,985	B10
Depreciation and Amortisation	12,958	13,479	(521)	A12	26,944	26,959	15	
Bad and doubtful debts	3	0	3		28	28	0	
Borrowing costs	61	133	(72)	A13	265	265	0	
Finance cost - leases	0	0	0		1	1	0	
Other expenses	868	898	(30)		1,676	1,901	225	B11
Total operating expenses	51,305	55,030	(3,725)		110,935	129,658	18,723	
Operating Surplus/(Deficit)	46,893	42,582	4,311		40,087	10,788	(29,299)	B12
Other Comprehensive Income								
Net Asset revaluation Increment/(Decrement)	0	0	0		28,515	28,515	0	
Net Comprehensive surplus	46,893	42,582	4,311		68,602	39,303	(29,299)	
Non Recurrent Capital Grants	(8,773)	(8,525)	(248)		(49,449)	(32,384)	17,065	
Contributed Assets	0	0	0		(2,000)	(2,000)	0	
Capital cont/Reimb - Monetary	(130)	(130)	0		(553)	(1,567)	(1,014)	
Adjusted Underlying Surplus/(Deficit) excluding Asset valuation	37,990	33,927	4,063		(11,915)	(25,163)	(13,248)	B13

(Note: this report has not been audited)

Please see the next page for an explanation of variances

Positive Variance - Greater income or less expenditure	Negative Variance - Less income or greater expenditure
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EXPLANATION OF VARIANCES
INCOME AND EXPENDITURE STATEMENT
PERIOD ENDING – 31 DECEMBER 2022

Note: Reference to timing differences through these notes mean that the actual income or expenditure has or will be received or expended at a different time to when it had been budgeted for; but will have no impact on the expected end of year result.

Year-to-Date (YTD) Variances

Notes (for category variances greater than 10 per cent or \$50,000)

A1	<p>Favourable Variance \$358k</p> <p>Rates are \$358k greater than YTD budget as a result of valuation objections yet to be finalised.</p>
A2	<p>Favourable Variance \$120k</p> <p>Statutory Charges are \$120k greater than YTD budget as a result of planning fee income being received earlier than anticipated offset by legal fee recovery for debt collection being less than expected due to a lesser cost for legal recoveries year to date.</p>
A3	<p>Favourable Variance \$545k</p> <p>User Charges are \$545k greater than YTD budget as a result of Forge Theatre attendance income being \$86k year to date greater than budget, Indoor recreation centres being \$107k year to date greater than budget and Mallacoota and Eagle Point caravan park income being \$343k greater than budget due to advance bookings.</p>
A4	<p>Unfavourable Variance \$1.671m</p> <p>Non Recurrent Operating Grants are \$1.671m less than YTD budget. This primarily relates to project grant funding for major works such as the Sarsfield Recreation Reserve upgrade, Buchan Recreation reserve upgrade and Club Terrace Community facility. The timing of the grant income will directly relate to when the works are undertaken and milestones are met for the claiming of the grant funds.</p>
A5	<p>Favourable Variance \$248k</p> <p>Non Recurrent Capital Grants are \$248k greater than YTD budget as a result of the timing of the receipt of the grant funding.</p>

A6	<p>Favourable Variance \$104k</p> <p>Interest on Investments is \$104k greater than YTD budget as a result of additional funds being available for investment in the 1st six months of the year, coupled with more favourable interest rates.</p>
A7	<p>Favourable Variance \$207k</p> <p>Contributions Monetary are \$207k greater than YTD budget as a result of additional contributions for planning and other works that have been received.</p>
A8	<p>Favourable Variance \$163k</p> <p>Reimbursements are \$163k greater than YTD budget as a result of the timing for natural disaster reimbursements earlier than expected together with workcover reimbursement that are the result of additional expenditure for workcover claims.</p>
A9	<p>Favourable Variance \$356k</p> <p>Gain (Loss) on Sale of Assets is \$356k greater than YTD budget as a result of the proceeds from sale of assets being greater than the written down value of those assets for the year to date.</p>
A10	<p>Favourable Variance \$174k</p> <p>Other income is \$174k greater than YTD budget as a result of the raising of lease invoices early than originally expected.</p>
A11	<p>Favourable Variance \$3.087m</p> <p>Materials and Services expenditure is \$3.087m less than the YTD budget. This is mainly the result of the timing for payment of funding agreements as well as expenditure related to major projects that will now occur later in the year as a result of the timing of contracts. There are also some grant related programs that have yet to commence and will progress over the remainder of the financial year.</p>
A12	<p>Favourable Variance \$521k</p> <p>Depreciation and Amortisation is \$521k less than the YTD budget mainly as a result of the timing for completion of the new landfill cell as well as the associated air space asset.</p>
A13	<p>Favourable Variance \$72k</p> <p>Borrowing costs are \$72k less than the YTD budget mainly as a result of the delay in taking up the new Community Infrastructure loans.</p>

Full Year Variances

Notes (for variances greater than 10 per cent or \$50,000)

B1	<p>Unfavourable Variance \$251k</p> <p>User Charges: The full year forecast budget is estimated to be less than the adopted budget by \$251k as a result of an expected decrease in user fees for the Omeo caravan park of \$405k offset by an increase in marina fees of \$154k over the adopted budget.</p>
B2	<p>Favourable Variance \$253k</p> <p>Recurrent Operating Grants: The full year forecast budget is estimated to be greater than the adopted budget by \$253K. This is a result of the final Victoria Grants Commission allocation for the 2022/23 year being greater than the amount included in the adopted budget offset by some minor reductions in other recurrent operating grants.</p>
B3	<p>Favourable Variance \$7.935m</p> <p>Non-Recurrent Operating Grants: The full year forecast budget is estimated to be greater than the adopted budget by \$7.935m. The significant additional grants are \$5.3m for Bushfire Recovery Resourcing, \$1.1m for Bruthen Community Recovery Committee, \$350k for Swifts Creek Economic Development plan, \$1.042m Buchan and Bruthen Streetscape projects, Buchan Recreation Reserve \$491k and Council Flood support \$500k. These increased grants were offset partially by a reduction in the Swifts Creek Recreation Reserve Upgrade grant of \$1.321m.</p>
B4	<p>Favourable Variance \$122k</p> <p>Recurrent Capital Grants: The full year forecast budget is estimated to be greater than the adopted budget by \$122k as a result of some additional funding to be received in the 2022/23 financial year.</p>
B5	<p>Unfavourable Variance \$20.946m</p> <p>Non-Recurrent Capital Grants: The full year forecast budget is estimated to be less than the adopted budget by \$20.946m as a result of final grant income being confirmed together with the timing for a number of capital projects that will now not be completed until the 2023/24 year and the associated grant income will now not be received until next financial year. There was also some grant income budgeted in the 2022/23 year that was brought to account in the previous financial year.</p>
B6	<p>Favourable Variance \$1.250m</p> <p>Interest on Investments: The full year forecast budget is estimated to be greater than the adopted budget by \$1.250m as a result of the significant</p>

	increase in interest rates in the first six months of the year and expected further increases during the year. The surplus cash available for investment has also been greater due to delays in expenditure for a number of projects both capital and operating.
B7	<p>Unfavourable Variance \$111k</p> <p>Contributions Monetary: The full year forecast budget is estimated to be less than the adopted budget by \$111k. This is due to the timing for a number of projects where capital contributions will be made, not now forecast to be completed until the next financial year.</p>
B8	<p>Favourable Variance \$1.125m</p> <p>Reimbursements: The full year forecast budget is estimated to be greater than the adopted budget by \$1.125m. This is partly due to reimbursement for a capital project where the funding has been provided to an external organisation who then will reimburse Council for the expenditure on the project. There is also additional natural disaster funding reimbursement forecast as a result of further natural disaster events that have occurred in the current year for storms and floods.</p>
B9	<p>Unfavourable Variance \$2.498m</p> <p>Employee Benefits: The full year forecast budget is estimated to be greater than the adopted budget by \$2.498m. There is an increase of \$2.6m relating to additional funding for 2019 bushfire related programs which has been slightly offset with some minor reductions in the estimated employee costs for both the East Gippsland Livestock Exchange and Eagle Point caravan park as a result of a change in how the facilities are being managed.</p>
B10	<p>Unfavourable Variance \$15.985m</p> <p>Materials and Services: The full year forecast budget is estimated to be greater than the adopted budget by \$15.985m. There were a number of grant funded projects from 2021/22 year that were incomplete at year end together with other projects that were Council funded and had commitments in the previous financial year that will now be completed in the 2022/23 year. The total of these works is \$12.1m. There will also be additional expenditure for new grant funding for the Bushfire Recovery Resourcing program and other new grant funded programs and projects.</p>
B11	<p>Unfavourable Variance \$225k</p> <p>Other expenses: The full year forecast budget is estimated to be greater than the adopted budget by \$225k. This is a result of increased leasing costs of \$188k for the Bushfire Administration Centre building and equipment and a \$15k increase in leasing expenses for the Swifts Creek Economic Development</p>

	Plan project. All of the forecast increased leasing costs are fully funded from grants. There are some other minor variances.
B12	<p>Unfavourable Variance \$29.299m</p> <p>Operating Surplus/(Deficit): The decrease in operating surplus is a net result of the variances explained above; but mainly the result of projects and programs that have been carried over from the previous financial year for completion in the 2022/23 year of \$12.1m and the reduction in capital grant funding.</p>
B13	<p>Unfavourable Variance \$13.248m</p> <p>Underlying Surplus: This is a result of the change in operating surplus, taking into account the change to non-recurrent capital grants and other capital contributions.</p>

Summary of amendments to operating grant income as at 31 December 2022			
Grant Name	Adopted	Revised	New/Increase / (Decrease)
	Budget	Income Budget	
	\$	\$	\$
1106 - Senior Citizens Support	45,000	45,000	0
1108 - Roadside Weeds and Pest Management	75,000	75,000	0
1113 - Immunisations	26,570	38,306	11,736
1120 - FreeZA	35,500	35,500	0
1124 - Mosquito Control	0	2,363	2,363
1135 - Be Connected	0	1,000	1,000
1136 - Tobacco Education	13,559	12,326	(1,233)
1140 - Municipal Emergency Resourcing	120,000	120,000	0
1165 - Best Start Program (Grant funds returned)	0	(81,259)	(81,259)
1170 - Vulnerable Persons Project	91,082	47,287	(43,795)
1180 - Forge Theatre - Creative Victoria MOU	60,000	60,000	0
1185 - Victorian Seniors Festival	2,700	2,700	0
1220 - VGC - General Purpose Grant	2,848,735	3,031,588	182,853
1225 - VGC - Local Roads Grant	1,395,377	1,555,676	160,299
1235 - Children's Week Event	700	700	0
1301 - Future Proof Young People	0	104,562	104,562
1305 - Libraries After Dark	6,000	6,000	0
1335 - Concierge Business Support - Economic Development	0	90,000	90,000
1340 - South Bairnsdale Industrial Estate	20,000	0	(20,000)
1355 - Lakes Entrance Adventure Race	0	15,000	15,000
1365 - Community Road Safety - VMS	0	8,000	8,000
1380 - Australia Day	0	20,000	20,000
1390 - Hearing our Voice	40,800	40,800	0
1405 - Buchan Streetscape - Footpath (Vic Roads Assets)	378,000	726,671	348,671
1406 - Buchan Streetscape -Economic Activation	0	471,429	471,429
1405 - Bruthen Streetscape - Economic Activation	0	221,572	221,572
1445 - Road Safety Strategy	15,000	15,000	0
1475 - Sarsfield Recreation Reserve Upgrade	1,800,000	1,800,000	0
1476 - Buchan Recreation Reserve - LRCI	1,200,000	1,691,386	491,386
1480 - Swifts Creek Recreation Reserve Upgrade	1,802,000	480,549	(1,321,451)
1485 - OCOC – Integrated Catchment Management	86,000	86,000	0
1490 - Club Terrace Community Facility (Black Summer Gran	751,000	744,476	(6,524)
1505 - Swifts Creek Economic Development Plan	0	350,000	350,000
1512 - Desexing and Microchipping Program	0	78,696	78,696
1520 - EG Community Transport Directory	0	10,000	10,000
1525 - Coastal Hazard and Risk Analysis	0	40,000	40,000
1530 - Stockman Base Metals Project	0	35,000	35,000
1531 - Bairnsdale growth Strategy Review	0	200,000	200,000
1532 - Domestic Waste Water Management	0	20,000	20,000
1533 - COVID - Rapid Antigen Tests	0	30,000	30,000
1534 - Council Flood Support	0	500,000	500,000
2033 - Fire 2019 - Resourcing Grant - State Govt	0	5,300,000	5,300,000
2283 - Bruthen Community Recovery Committee	0	1,100,000	1,100,000
8006 - Beach Cleaning	2,000	889	(1,111)
1110 - Inundation Management (Unspent grant funds returned)	0	(151,775)	(151,775)
School Crossing Supervision	98,720	118,192	19,472
Library Operations	375,000	378,582	3,582
Lake Tyers Trust	150,000	150,000	0
Total	11,438,743	19,627,216	8,188,473

Attachment 2

East Gippsland Shire Council
Balance Sheet - Period ended 31 December 2022

Prior Year	Item	Year-to-date	Full Year			Note
Actual (\$'000)		Actual (\$'000)	Adopted Budget (\$'000)	Forecast Budget (\$'000)	Variance (\$'000)	
	Current assets					
116,547	Cash and investments	112,108	38,437	63,236	24,799	A1
9,102	Receivables	46,022	12,650	9,147	(3,503)	A2
7,998	Other Current Assets	4,007	4,382	4,382	0	
133,647	Total Current Assets	162,137	55,469	76,765	21,296	
	Non-current assets					
1,282,249	Property, Infrastructure & Equipment	1,284,314	1,367,988	1,363,816	(4,172)	A3
8,263	Investment Properties	8,264	8,882	8,264	(618)	A4
771	Right of Use Assets	771	785	771	(14)	
999	Intangible Assets	495	3,241	2,714	(527)	A5
194	Receivables	194	200	411	211	A6
1,292,476	Total Non- Current Assets	1,294,038	1,381,096	1,375,976	(5,120)	
1,426,123	Total assets	1,456,175	1,436,565	1,452,741	16,176	
	Current liabilities					
11,805	Payables	429	12,573	12,573	0	
3,033	Trust Funds and Other Deposits	2,841	2,835	2,835	0	
25,951	Unearned Income	21,444	5,929	5,929	0	
11,153	Current Provisions	9,895	9,494	8,916	(578)	A7
102	Lease Liabilities	102	62	102	40	
0	Interest Bearing Liabilities	344	0	0	0	
52,044	Total Current Liabilities	35,055	30,893	30,355	(538)	
	Non-current liabilities					
5,643	Non - Current Provisions	5,661	8,517	6,387	(2,130)	A8
428	Unearned Income	558	383	383	0	
758	Lease Liabilities	758	759	758	(1)	
1,650	Interest Bearing Liabilities	1,650	9,955	9,955	0	
8,479	Total Non - Current Liabilities	8,627	19,614	17,483	(2,131)	
60,523	Total liabilities	43,682	50,507	47,838	(2,669)	
1,365,600	Net assets	1,412,493	1,386,058	1,404,903	18,845	
	Equity					
916,744	Reserves	916,746	913,464	945,195	31,731	A9
448,856	Total Retained Earnings	495,747	472,594	459,708	(12,886)	A10
1,365,600	Total Equity	1,412,493	1,386,058	1,404,903	18,845	
	Net Surplus for year	46,893	40,087	10,788	(29,299)	

(Note: this report has not been audited)

Please see the next page for an explanation of variances

EXPLANATION OF VARIANCES

BALANCE SHEET – PERIOD ENDING 31 DECEMBER 2022

Full Year Variances

Notes (for variances greater than 10 per cent or \$50,000)

A1	<p>Favourable Variance \$24.799m</p> <p>Cash and Investments: The end-of-year forecast cash position of \$63.236m is \$24.799m greater than the adopted budget of \$38.437m. The increase in the forecast cash position is partly a result of adjustments from the 2021/22 year end actual result versus the forecast result included in the adopted budget together with the revised cash projections for other balance sheet items based on the 2021/22 end of year actual result. The cashflow for natural disaster reimbursements in the previous financial year was \$4.9m greater than budget based on the timing of payments received over multiple financial years and user fees and operating grants were also greater than the forecast in the adopted budget by \$1.2m. There are also capital projects that are now forecast to be completed in the 2023/24 year that were budgeted out of Council cash in the current year and this accounts for \$9.2m of the increase.</p>
A2	<p>Unfavourable Variance \$3.503m</p> <p>Receivables: The year-end forecast is \$3.503m less than the adopted budget to reflect a reduction in general debtors at the end of the 2021/22 year that was less than the forecast in the adopted budget.</p>
A3	<p>Unfavourable Variance \$4.172m</p> <p>Property, Infrastructure and Equipment are forecast to be \$4.172m less than the adopted budget primarily as a result of the forecast reduction in the adopted capital works program in 2022/23 year of \$24.780m offset by the increase in the value of assets as a result of revaluations in 2021/22 year.</p>
A4	<p>Unfavourable Variance \$618k</p> <p>Investment Properties are expected to be \$618k less than the adopted budget as a result of the end of 2021/22 year actual result.</p>
A5	<p>Unfavourable Variance \$527k</p> <p>Intangible Assets are expected to be \$527k less than the adopted budget as a result the 2021/22 end of year result being less than the adopted budget.</p>
A6	<p>Favourable Variance \$211k</p> <p>Non Current Receivables are expected to be \$211k greater than the adopted budget as a result of the South Bairnsdale Industrial Estate Special Charge Scheme instalment payers now being known.</p>

A7	<p>Favourable Variance \$578k</p> <p>Current Provisions are expected to be \$578k less than the adopted budget as a result of the timing of landfill rehabilitation projects.</p>
A8	<p>Favourable Variance \$2.130m</p> <p>Non-Current Provisions: The decrease of \$2.130m is a result of the landfill rehabilitation provision timing for landfill rehabilitation works to be undertaken in future years.</p>
A9	<p>Favourable Variance \$31.731m</p> <p>Reserves: The increase of \$31.731m is the result of the revaluation undertaken for infrastructure assets in 2021/22 that resulted in valuation increases that had not been included in the adopted budget.</p>
A10	<p>Unfavourable Variance \$12.886m</p> <p>Retained Earnings: The year-end forecast is less than the adopted budget as a direct result of the forecast operating result for the 2022/23 year now being \$29.299m less than the adopted budget primarily as a result of a net reduction in grant income and the additional expenditure associated with programs and projects that were incomplete in the 2021/22 year that will now be completed in the 2022/23 year of \$12.1m. This is offset by the increased operating surplus from the 2021/22 year of \$16.413m compared to the estimate at the time of adopting the 2022/23 year budget.</p> <p>The \$12.1m of operating projects incomplete from the 2021/22 year was reflected in the additional operating surplus of \$16.413m at the end of the 2021/22 year.</p>

Attachment 3 Statement of Cashflows period ended 31 December 2022

Item	Year-to-date	Full Year			Note
		Adopted Budget	Forecast Budget	Variance	
	Actual (\$'000)	(\$'000)	(\$'000)	(\$'000)	
Cashflows from Operating Activities					
Ratepayer receipts	28,797	65,036	65,143	107	
Statutory fees and fines	1,234	2,283	2,188	(95)	
User fees	10,272	10,664	13,881	3,217	
Operating Grants	12,042	11,439	17,309	5,870	
Capital Grants	4,972	53,208	17,452	(35,756)	
Contributions	233	663	552	(111)	
Interest Received	957	250	1,473	1,223	
Trust funds and deposits taken	(192)	6,650	8,302	1,652	
Other Receipts and reimbursements	1,956	3,858	4,718	860	
Net GST refund/payment	(1,239)	0	5,362	5,362	
Payments to Employees	(17,864)	(34,669)	(37,940)	(3,271)	
Payments to Suppliers	(30,772)	(47,309)	(70,969)	(23,660)	
Trust funds and deposits repaid	0	(6,650)	(8,500)	(1,850)	
Other Payments	(955)	(1,676)	(2,091)	(415)	
Net Cash Provided by Operating	9,441	63,747	16,880	(46,867)	A1
Cashflows from Investing Activities					
Payments for Property/ Plant	(14,617)	(104,091)	(78,826)	25,265	
Proceeds from Investments	0	0	0	0	
Proceeds from sale of assets	454	600	600	0	
Net Cash Used in Investing	(14,163)	(103,491)	(78,226)	25,265	A2
Cashflows from Financing Activities					
Finance costs	(61)	(265)	(269)	(4)	
Loan Principal Repayments	344	(1,700)	0	1,700	
New Loans	0	4,168	8,305	4,137	
Interest paid-lease liability	0	(1)	(1)	0	
Repayment of lease liabilities	0	0	0	0	
Net Cash Used in Financing	283	2,202	8,035	5,833	A3
Net Increase / (Decrease) in Cash	(4,439)	(37,542)	(53,311)	(15,769)	
Cash At Beginning of Period/Year	116,547	75,979	116,547	40,568	A4
Cash at End of Period/Year	112,108	38,437	63,236	24,799	A5

(Note: this report has not been audited)

Please see the next page for an explanation of variances

EXPLANATION OF VARIANCES

STATEMENT OF CASHFLOWS – PERIOD ENDING 31 DECEMBER 2022

Full Year Variances

A1	<p>Unfavourable Variance \$46.867m</p> <p>Net cash Operating: The change to the budget for cash inflows and outflows from operating activities is partly due to the revision to budgets for operating income and expenditures discussed in Attachment 1 above. There are also cash inflows and outflows, particularly for user fees and supplier payments that are a result of accruals at year end where the cash for the user fees will be received in 2022/23 and the payments made to suppliers were made in 2022/23. The most significant variance relates to income received in 2021/22 for capital projects in 2022/23 of \$18.5m together with capital grants that will not now be received until the 2023/24 year of \$17.3m. There is also the additional expenditure for projects/programs that were incomplete at the end of the 2021/22 year that will now be completed in the current year of \$12.1m.</p>
A2	<p>Favourable Variance \$25.265m</p> <p>Net cash investing: The change to the cash used in investing activities is due to the revised estimate of capital works expenditure to be completed and paid in the 2022/23 year.</p>
A3	<p>Favourable Variance \$5.833m</p> <p>Net cash used in financing: The change to the cash used in financing activities is due to the timing of the loan repayment at 30 June 2022 and the timing for taking up of loan funds for the Community Infrastructure loans that are now forecast to happen in the 2022/23 year.</p>
A4	<p>Favourable Variance \$40.568m</p> <p>Cash and Investments at the beginning of the year: Cash at the beginning of the year is greater than the adopted budget primarily as a result of projects that were not completed at year end and will now be completed in the 2022/23 year and the advance income received in 2021/22 for capital projects that will be undertaken in 2022/23.</p>
A5	<p>Favourable Variance \$24.799m</p> <p>Cash and Investments at the end of the year: Cash and investments at the end of the year are expected to be \$24.799m greater than the adopted budget. This is the result of the end of year cash position from 30 June 2022 being greater than the forecast result included in the 2022/23 budget, after taking into account the advance capital funding received and carry forward capital and operating projects that would be completed in the current year. There are also capital projects that are now forecast to be completed in the 2023/24 year which accounts for \$9m of the additional cash.</p>

ATTACHMENT 4

RECONCILIATION OF ADOPTED BUDGET TO FORECAST BUDGET
INCOME STATEMENT PERIOD ENDING 31 DECEMBER 2022

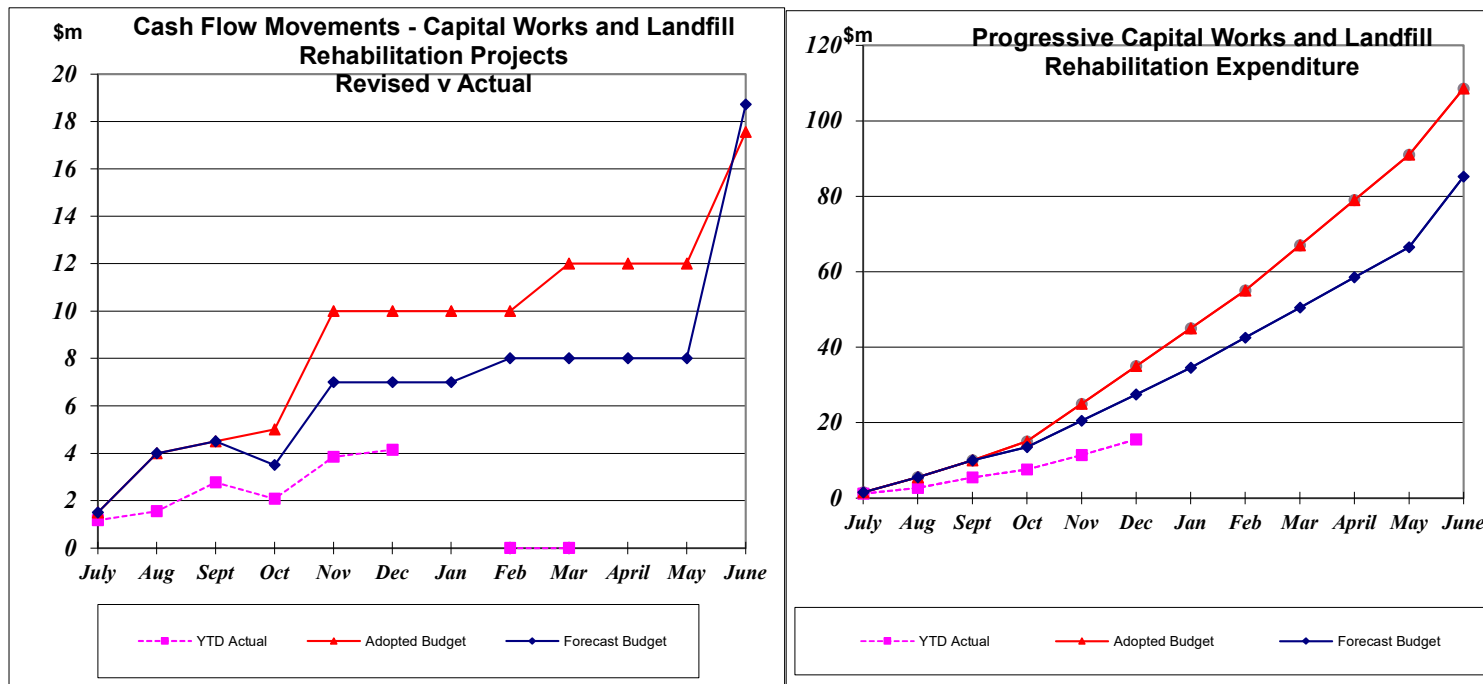
	(\$'000)
Net operating surplus per Adopted Budget	40,087
Budget Variations:	
Budget Revisions:	
Other Income Revision Increases	2,060
Expenditure Revision increases - other	(1,230)
Expenditure Revision increases for incomplete projects carried forward from previous year	(5,372)
Capital Works Program	
Increase in Capital and major projects Income per Capex review	(20,824)
New and adjusted Grants 22/23	
Victoria Grants Commission adjusted allocation decrease	343
Other Operating Grants Income	7,845
Expenditure relating to new/adjusted Grants (including carry forward unspent grants)	(12,121)
Net operating surplus per Forecast Budget	10,788

ATTACHMENT 5

Summary of Capital Works and Landfill Rehabilitation Projects as at 31 December 2022

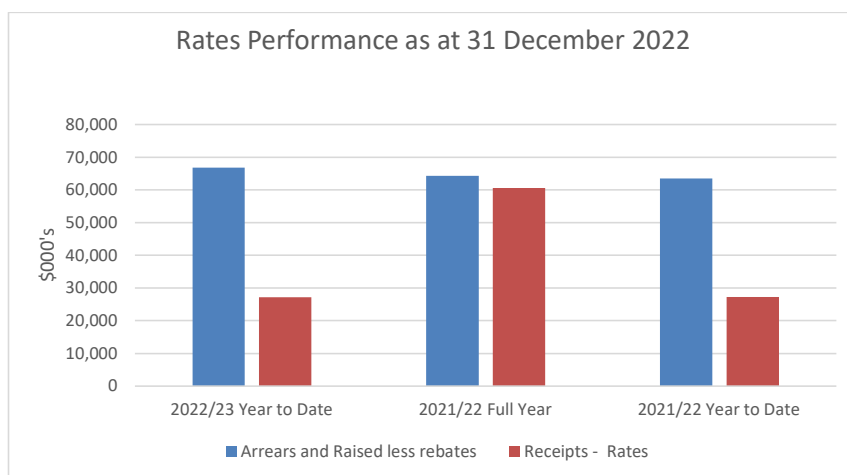
Description	Year-to-date		
	Actual (\$'000)	Forecast Budget (\$'000)	Variance (\$'000)
Capital Projects	14,616,735	9,600,000	5,016,735
Landfill Rehabilitation Projects	948,668	400,000	548,668
Total	15,565,403	10,000,000	5,565,403

Description	Full Year			
	Adopted Budget (\$'000)	Adopted Budget with actual c'fws from 2022/23 (\$'000)	Forecast Budget (\$'000)	Variance Forecast v adopted with C'fws (\$'000)
Capital Projects	104,091,000	107,428,094	79,968,155	(27,459,939)
Landfill Rehabilitation Projects	4,461,000	4,786,645	5,244,127	457,482
Total	108,552,000	112,214,739	85,212,282	(27,002,457)



**ATTACHMENT 6 RATES PERFORMANCE
FOR THE PERIOD ENDING 31 DECEMBER 2022**

	2022/23 year to date to 31/12/22 (\$'000)	2021/22 Full Year (\$'000)	2021/22 Year to date to 31/12/2021 (\$'000)
Arrears as at the start of the year	3,645	3,936	3,936
Rates raised 2022/23 including supplementary rates to 31/12/2022	65,217	62,279	62,107
Interest raised on arrears	90	277	92
Legal Fees added to rate arrears	5	21	11
Government Pension Rebates applied	(1,654)	(1,676)	(1,630)
Council Pension Rebate applied	(394)	(403)	(392)
Rebates and Waivers	(136)	(132)	(598)
Receipts - Rates	(27,141)	(60,657)	(27,230)
Balance outstanding	39,632	3,645	36,296
	2022/23 Year to Date	2021/22 Full Year	2021/22 Year to Date
Arrears and Raised less rebates	66,773	64,302	63,526
Receipts - Rates	27,141	60,657	27,230
	41%	94%	43%



ATTACHMENT 7

Financial Sustainability Risk Indicators

The following table highlights Council's budgeted and forecast performance across a range of key financial performance indicators that the Victorian Auditor General's Office (VAGO) uses to ensure local government remains financially sustainable. These indicators provide a useful analysis of Council's financial position and performance based on the current years forecast results.

Financial Sustainability Risk Indicator	Measure	Notes	Budget Forecast		Risk based on annual forecast - Refer to VAGO table
			2022/23	2022/23	
Net result	Net result/Total revenue	1	27%	7.68%	LOW
Adjusted underlying result	Adjusted underlying surplus (deficit) / Adjusted underlying revenue	2	(12.03%)	(23.00%)	HIGH
Working Capital	Current assets / current liabilities	3	1.80	2.53	LOW
Internal Financing	Net operating cash flow/Net capital expenditure	4	61.60%	21.58%	HIGH
Indebtedness	Non-current liabilities / own source revenue	5	23.40%	20.36%	LOW
Capital Replacement	Cash outflows for property, plant&equipment/Depreciation	6	3.86	3.07	LOW
Asset renewal	Asset renewal expenditure / depreciation	7	285.00%	285.12%	LOW

Notes to indicators

1 Net result – A positive result indicates a surplus and the larger the percentage the stronger the result. The indicator is forecast to be low risk.

2 Adjusted underlying result – An indicator of the sustainable operating result required to enable Council to continue to provide core services and meet its objectives. A result of more than 0% indicates surpluses are being generated consistently and represents a lower risk of Council not being able to fund works and services. The advance payment of \$13.8M of the 2022/23 Grants Commission allocation in the 2021/22 year together with other grants and incomplete projects of \$12.1M received or budgeted in 2021/22 that were unspent at year end and will be expended in the 2022/23 year has impacted on this indicator negatively as the indicator only measures an annual result and therefore does not show the the average underlying result over time which is a positive result for Council. Low risk indicator to be more than 5%.

3 Liquidity - Working Capital - The proportion of current liabilities represented by current assets. Working capital is forecast to remain steady at an acceptable level indicating Council has the ability to pay short-term liabilities as they fall due - Low risk - indicator is to be greater than 1.0.

4 Internal financing - This indicator measures Council's generation of cash from operations to fund new assets. Low risk indicator is to be greater than 100%. The forecast result for the 2022/23 year, whilst indicating high risk does not take into account the carry forward capital projects funded in the previous financial year and nor the timing of cash flows for capital grants that have been received in the previous financial year in advance of the capital spend. To note though that there was funding of \$53.8M received in the previous financial year for grants and works that are being completed in the current financial year. When taking this into account then the internal financing ratio would be 90.3%. When the proposed borrowings are taken into account then the ratio is at 100%. Taking this into account the ratio whilst showing High risk using the 22/23 forecasts it moves to Medium to Low based on the funding received in the previous year and the proposed new borrowings.

5 Indebtedness - This is a measure of Council's use of its own source revenue compared to longer term liabilities. This level of indebtedness is low even though there are new borrowings proposed in the 2022/23 year. A result less than 40% indicates a low risk.

6 Capital replacement - This percentage indicates the extent of Council's level of spending on capital works compared to the rate of depreciation. The forecast result is a low risk indicating that Council's spend on cash works is more than 1.5 times the rate of depreciation.

7 Asset renewal gap - This percentage indicates the extent of Council's renewals against its depreciation charge (an indication of the decline in value of its existing capital assets). A percentage greater than 100 indicates Council is maintaining its existing assets, while a percentage less than 100 means its assets are deteriorating faster than they are being renewed and future capital expenditure will be required to renew assets. The forecast results for this indicator is based on the current estimate of capital works to be completed in the 2022/23 financial year and is forecast to be low risk.

Financial sustainability risk indicators—risk assessment criteria

Risk	Net result	Adjusted underlying result	Liquidity	Internal financing	Indebtedness	Capital replacement	Renewal gap
High	Less than negative 10% Insufficient revenue is being generated to fund operations and asset renewal.	Less than 0% Insufficient surplus being generated to fund operations	Less than 0.75 Immediate sustainability issues with insufficient current assets to cover liabilities.	Less than 75% Limited cash generated from operations to fund new assets and asset renewal.	More than 60% Potentially long-term concern over ability to repay debt levels from own-source revenue.	Less than 1.0 Spending on capital works has not kept pace with consumption of assets.	Less than 0.5 Spending on existing assets has not kept pace with consumption of these assets.
Medium	Negative 10%–0% A risk of long-term run down to cash reserves and inability to fund asset renewals.	0%–5% Surplus being generated to fund operations	0.75–1.0 Need for caution with cashflow, as issues could arise with meeting obligations as they fall due.	75–100% May not be generating sufficient cash from operations to fund new assets.	40–60% Some concern over the ability to repay debt from own-source revenue.	1.0–1.5 May indicate spending on asset renewal is insufficient.	0.5–1.0 May indicate insufficient spending on renewal of existing assets.
Low	More than 0% Generating surpluses consistently.	More than 5% Generating strong surpluses to fund operations	More than 1.0 No immediate issues with repaying short-term liabilities as they fall due.	More than 100% Generating enough cash from operations to fund new assets.	40% or less No concern over the ability to repay debt from own-source revenue.	More than 1.5 Low risk of insufficient spending on asset renewal.	More than 1.0 Low risk of insufficient spending on asset base.

Source: VAGO.

Unrestricted Cash forecast as at 30 June 2023

	\$
Cash and Cash Equivalents as at 30 June 2023	63,236
Less Restricted amounts (non discretionary)	
Statutory Reserves	(1,462)
Trusts and Deposits	(2,835)
Unexpended grants	(5,929)
Unrestricted cash at year end	53,010
Less Current liabilities at year end	
Trade Payables	(12,573)
Less Other Current liabilities at year end	(9,018)
Unrestricted cash after current liabilities	31,419
Less other amounts held for intended specific purposes	
Capital works carry forwards into 2023/24 (Council cash)	(9,272)
Tambo Bluff Estate Reserve	(64)
Raymond Island Ferry Replacement Reserve	(2,900)
Orbost Landfill Bushfire Reserve	(9,201)
Unrestricted cash taking into account intended allocations	9,982

Commentary

Whilst unrestricted cash is measuring Council's ability to fund current liabilities if they fell due at the end of the year, there are cash reserves that Council has established for future works that are cash funded. There are also funds held as cash at the end of the year that are for capital works that were funded in the previous financial year; but will not be completed until the next financial year. When all of those commitments are taken into account Council will have any surplus funds available to buffer the impact of other unknown factors such as funding up front for natural disaster events and if there was a call made for the defined benefits superannuation requirements.

5.3.2 Council Meeting Resolution Register

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Council's Chief Executive officer is responsible for ensuring that the decisions of the Council are implemented without undue delay.

This report provides the status for outstanding Council resolutions up to 30 September 2022, from the previous report tabled at 8 November 2022 (**Attachment 1**) and resolutions from 1 October 2022 – 31 December 2022 (not including resolutions that are for noting only) (**Attachment 2**).

Officer Recommendation

That Council receives and notes this report and all attachments pertaining to this report.

Background

The primary role of the Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. Council must perform its role in accordance with the Overarching Governance Principles as set out in section 9 of the *Local Government Act 2020*, in which one of the principles states:

'...the transparency of Council decisions, actions and information is to be ensured'.

The reporting of Council resolutions is a vital measure of Council's performance and provides the information it needs to demonstrate transparency and Council's accountability to the community.

For the period of 1 October 2022 – 31 December 2022, there were 29 open Council resolutions (not including resolutions for noting only) in the reporting period, of which 26 have been completed and three (3) are in progress as Council officers are waiting on an external response or the matter is on hold. There were five (5) closed Council resolutions (not including resolutions for noting only), of which all have been completed.

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* section 9 (i) and section 58.

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 5: 5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced.

Council Policy

This report is consistent with the Governance Rules and the Community Engagement Policy.

Options

There are no alternate approaches for Council on this reporting requirement.

Resourcing

Financial

There are no financial implications associated with this Report.

Plant and equipment

There are no plant and equipment requirements with this Report.

Human Resources

There are no resource issues with this Report.

Risk

The risks of this proposal have been considered and once the Resolution Register is published, there may be questions or negative responses from the community. This will be managed in accordance with Council's Complaints Management Policy.

Economic

There are no economic implications stemming from this Report.

Social

This Report is assessed as having no direct social impact.

Gender Impact Statement

This Report is compliant with the obligations and objectives of the Victorian *Gender Equality Act 2020* and has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

There are no environmental implications stemming from 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

Internal engagement has been undertaken to garner the updates on the progress of resolutions. The register will be made available on Council's website, consistent with the Community Engagement Policy.

Attachments

1. Update on Outstanding Council Resolutions up to 30 September 2022 [5.3.2.1 - 1 page]
2. Council Resolution Resister 1 October 2022 to 31 December 2022 [5.3.2.2 - 2 pages]

Update on Outstanding Council Resolutions up to 30 September 2022

Meeting Date	Item No.	Report Title	Directorate	Status
Closed Council Meeting - Tuesday 24 August 2021	7.1	Recreation Centre Creche Services	Assets and Environment	Completed
Council Meeting - Tuesday 16 August 2022	1 8 1.1	Cann River and Noorinbee Storm Water Drainage	Assets and Environment	Completed
Council Meeting - Tuesday 16 August 2022	2.1	2022 State of the Environment Report	Assets and Environment	Completed
Council Meeting - Tuesday 16 August 2022	5.3.1	Transfer of Committee responsibilities – Beaufort Memorial Gardens	Business Excellence	Completed
Closed Council Meeting - Tuesday 16 August 2022	7.1	Sustainability Initiative	Assets and Environment	Completed
Unscheduled Closed Council Meeting - Tuesday 30 August 2022	3.1	Property Matter	Business Excellence	In progress
Council Meeting - Tuesday 20 September 2022	2.1	Nicholson Street Mall, Bairnsdale	Place and Community	In progress
Closed Council Meeting - Tuesday 20 September 2022	7.1	Gippswide Organics Process Tender	Assets and Environment	Completed

Council Resolution Register 1 October 2022 to 31 December 2022

Meeting Date	Item No.	Report Title	Directorate	Status
Council Meeting 11 October 2022	1.7.1.1	Cycling and Walking Track between Paynesville and Bairnsdale	Business Excellence	Completed
Council Meeting 11 October 2022	5.1	Annual Report 2021-22	Business Excellence	Completed
Council Meeting 11 October 2022	6.2.1	Planning Permit Application 102/2022/P - Tamboon Road, Cann River - Waste Transfer Station	Place and Community	Completed
Council Meeting 11 October 2022	6.2.2	Planning Permit application 259/2022/P - Use and Development of a Residential Hotel, Buildings and works (Retail Premises), Display of Signs, Subdivision, Bicycle Facilities waiver, and Sale and Consumption of Liquor - 19 Dalmahoy Street, Bairnsdale	Place and Community	Completed
Council Meeting 11 October 2022	6.2.3	Community Grants Programs Round 1 2022-2023	Place and Community	Completed
Council Meeting 11 October 2022	6.3.1	CON2023 1467 Buchan Main Street and Linkages Project	Assets and Environment	Completed
Council Meeting 11 October 2022	6.3.2	CON2023 1488 - Swifts Creek Recreation Reserve, Netball and Tennis Court Upgrade	Business Excellence	Completed
Council Meeting 11 October 2022	6.3.3	East Gippsland Shire Council Arts and Heritage Grants Round One 2022-2023	Assets and Environment	Completed
Council Meeting 11 October 2022	6.4.1	Draft revised Compliance Policy	Business Excellence	Completed
Council Meeting 11 October 2022	6.4.2	Draft revised Footpath Trading Policy	Business Excellence	Completed
Council Meeting 8 November 2022	5.1.1	Service Review Service Centres and Libraries	Business Excellence	Completed
Council Meeting 8 November 2022	5.1.2	Future Service Reviews	Business Excellence	Completed
Council Meeting 8 November 2022	5.1.3	Goods On Footpath Fees	Business Excellence	Completed
Council Meeting 8 November 2022	5.1.6	Revised Councillors Support and Expenses Policy	Business Excellence	Completed
Council Meeting 8 November 2022	5.2.1	Cann River and Noorinbee Storm Water Drainage	Assets and Environment	In Progress
Council Meeting 8 November 2022	5.2.1	Marina Consultative Committee Review	Assets and Environment	Completed
Council Meeting 8 November 2022	5.3.1	Temporary Accommodation Permit	Place and Community	Completed
Council Meeting 8 November 2022	5.3.2	End s173 Agreement AF072419Q - 52 Country Club Drive, Lakes Entrance	Place and Community	Completed
Closed Council Meeting 8 November 2022	7.1	Collaborative Procurement Bruthen Streetscape	Assets and Environment	Completed
Unscheduled Council Meeting 29 November 2022	5.1.1	Cycling and Walking Track between Paynesville and Bairnsdale	Assets and Environment	Completed
Unscheduled Council Meeting 29 November 2022	5.1.2	Fees and charges for Electric Vehicle Charging Stations	Assets and Environment	In Progress

Meeting Date	Item No.	Report Title	Directorate	Status
Unscheduled Council Meeting 29 November 2022	5.1.3	Omeo Holiday Park Fees and Charges	Assets and Environment	Completed
Unscheduled Council Meeting 29 November 2022	5.2.1	Adoption of Updated Instrument of Delegation Council to Members of Staff (S6) and Instrument of Appointment and Authorisation (S11A)	Business Excellence	Completed
Unscheduled Council Meeting 29 November 2022	5.2.2	Amended Risk Management Policy	Business Excellence	Completed
Unscheduled Council Meeting 29 November 2022	5.2.3	Draft Revised Investment Policy 2022	Business Excellence	Completed
Unscheduled Council Meeting 29 November 2022	5.2.4	Council Meeting Schedule 2023	Business Excellence	Completed
Unscheduled Council Meeting 29 November 2022	5.3.1	Planning Application 540/2021/P - 164 Deep Creek Road, Bruthen - Buildings and Works for a Dwelling and Outbuilding	Place and Community	Completed
Closed Unscheduled Council Meeting 29 November 2022	7.1	Audit and Risk Committee Appointment	Business Excellence	Complete
Council Meeting 13 December 2022	5.1.1	East Gippsland Shire Council and Maroondah City Council Partner Agreement and Donation of Marveloo by Maroondah City Council	Office of the CEO	In Progress
Council Meeting 13 December 2022	5.2.1	CON2023 1487 Bullock Island Masterplan Implementation - Construction	Assets and Environment	Completed
Council Meeting 13 December 2022	5.3.1	Four-Year Economic Development Strategy Council Action Plan 2022-2026	Place and Community	Completed
Closed Council Meeting 13 December 2022	7.2	Gippswide Procurement Withdrawal	Assets and Environment	Completed
Closed Council Meeting 13 December 2022	7.3	Home and Community Care Funding Agreements	Place and Community	Completed
Closed Council Meeting 13 December 2022	7.4	Provision of Mental Health and Wellbeing Services - Resilience and Recovery Funding	Place and Community	Completed

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 Property Matter (1)

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 personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.

7.2 Property Matter (2)

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 personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.

8 Close of Meeting