



Council Meeting Agenda

TUESDAY 21 APRIL 2020

**Meeting will be held on
Tuesday 21 April 2020
Council Chamber
273 Main Street
commencing at 1.00 pm**

Council Information

East Gippsland Shire Council live streams, records and publishes its meetings via webcasting 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 public questions or requests to speak to an agenda item which was submitted prior to the Council meeting will be recorded including pre-recorded video's and comments.

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

Under the direction of the Chief Health Officer and the Department of Health and Human Services' requirements limiting the number of people at public gatherings, Council will be conducting a closed-door meeting to ensure Council are abiding by the social distancing regulations.

Our Vision

East Gippsland is the most liveable region in Australia. A place of natural beauty, enviable lifestyles, and opportunities.

Our Mission

A leading local government that works together with our communities to make East Gippsland the most liveable region in Australia.

Our Values

Accountability

We will take responsibility for our actions and decisions in an open and transparent way.

Inclusion

We will be accessible and active in engaging with our community. We will invite, listen to and seek to understand the views of others, and proactively share information about Council's plans, projects, services and activities.

Integrity

We will honour our commitments and conduct ourselves in an honest, ethical way.

Respect

We will value, support and help to develop our diverse community. We will respect the views and contributions of others and act with courtesy and consideration in all our interactions.

Resourcefulness

We will turn the challenges faced by our community into opportunities by being flexible and innovative in our response. We will actively seek better and more cost-effective ways to achieve the best outcomes for East Gippsland

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Anthony Basford
Chief Executive Officer

1. Procedural

1.1 Opening and Recognition of Traditional Custodians

We regret that members of the public are not permitted to attend this meeting due to directions issued under the Public Health and Wellbeing Act 2008 to contain the spread of coronavirus (COVID-19).

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

On behalf of Council, I would like to acknowledge the Gunaikurnai People, the traditional owners of the land on which we are gathered and pay our respects to their elders both past and present.

1.2 Apologies

1.3 Declaration of Conflict of Interest

1.4 Confirmation of minutes

That the minutes of the Ordinary Council Meeting held on 17 March 2020 be confirmed, with a correction to the *Local Government Act* reference in Item 7.2 - Clause 2. The resolution should read Section 186(5)(c) rather than Section 185(5)(c).

1.5 Next meeting

Ordinary Council Meeting, 5 May 2020 be held at the Corporate Centre, 273 Main Street, Bairnsdale commencing at 6.00 pm.

The Victorian Government has announced it is bringing a bill to Parliament on 23 April 2020 to enable council meetings to be conducted virtually. Subject to the Parliamentary process, changes will be made to provide a mechanism in the Local Government Act 2020 for meetings to be conducted virtually. These changes, if passed, will come into operation on 1 May 2020.

1.6 Requests for leave of absence

1.7 Requests to speak about your Community Project

Note At Ordinary Meetings of Council, community groups and registered businesses may be allowed to speak on community projects they are seeking to carry out that will promote Council's vision for East Gippsland, as set out in its four-year Council Plan.

If you would like to take up this opportunity, please access the form on Council's website and lodge it with the Chief Executive Officer at least 10 days prior to the Council meeting at which your organisation wishes to speak.

1.8 Public question time

Note Questions must be received at Council's Corporate Centre via hand delivery, postal delivery or email by no less than four hours before the meeting's published commencement time on the day of the Ordinary Meeting of Council, or handed to the Council Officer on duty fifteen minutes before the meeting's published commencement time on the day of the Ordinary Meeting.

While every effort will be made to respond to questions on the night, if this is not possible, then questions will be taken on notice. A response will be provided to the member of the community who posed the question in accord with Council's Customer Response Policy standard for written correspondence, that is within 10 business days, or within 30 days in relation to a complex or sensitive matter. The response will also be attached to the Minutes of the meeting at which the question was put.

1.9 Record of Assemblies of Councillors

1.9.1 Assemblies of Councillors – (February to April 2020)

Authored by Michelle Ingram, Governance and Compliance Officer

Endorsed by Peter Cannizzaro, General Manager Business Excellence

Document No 8438756

EXECUTIVE SUMMARY

In accordance with section 80A(2) of *the Local Government Act 1989* (the Act), this report provides a summary record of assemblies of Councillors held during the period 25 February to 14 April 2020, refer to table below. Also included in the report is one record from 7 February 2020, not previously presented.

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

Assembly of Councillors meetings:	Meeting date:
Councillor Briefing	25 February 2020 3 March 2020 10 March 2020 24 March 2020 31 March 2020 7 April 2020
Councillor Only Time	25 February 2020 3 March 2020 10 March 2020 31 March 2020 7 April 2020 14 April 2020
East Gippsland Shire Council Marina Consultative Committee	7 February 2020

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

RECOMMENDATION

That Council notes the record of assemblies of Councillors that occurred during the period 25 February to 14 April 2020, together with one record not previously presented from 7 February 2020 as provided at Appendix 1.

OFFICER COMMENT / CONTEXT

Discussion

As required by the Act, this report presents a formal record of assemblies of Councillors held during the period 25 February to 14 April 2020, together with one record from 7 February 2020.

An assembly of Councillors is defined as a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority which is either of the following:

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

Financial

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

Council Plan

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

Legislation

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

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

This report has been prepared in accordance with *Local Government Act 1989* s80A and s80A(2). S80A sets out the requirements Councils must observe in respect of assemblies of Councillors and s80A(2) requires the Chief Executive Officer to ensure that as soon as practicable after any meeting that is an assembly of Councillors under the Act, a written record of the meeting is reported at an ordinary meeting of Council and incorporated in the minutes of that meeting. The Act also specifies the type of information to be provided in the written record.

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

APPENDICES AND ATTACHMENTS

Appendices

1. Assemblies of Councillors records

Attachments

Nil

1.10 Petitions

1.10.1 Petition – Declaring a Climate Emergency

Authored by	Megan Dennett, Environmental Sustainability Coordinator
Endorsed by	Fiona Weigall, General Manager Assets and Environment
Document No	8422391
In Attendance	Megan Dennett, Environmental Sustainability Coordinator

EXECUTIVE SUMMARY

This report informs Council of a petition submitted by the East Gippsland Climate Action Network on behalf of 1,649 signatories, containing the following statement and request:

“The undersigned:

- 1. acknowledge that dangerous climate change is happening now, and accelerating,*
- 2. demand action at a pace far beyond business and politics as usual to reduce climate risks, and*
- 3. hereby petition East Gippsland Shire Council to:*
 - a) take a stronger leadership role within the East Gippsland community for urgent action on climate change,*
 - b) include in all reports to Council climate implications for Council's own operations and for the broader East Gippsland community, and*
 - c) declare a climate emergency.”*

The petition in respect of the above was lodged with East Gippsland Shire Council at a Councillor Briefing session on 10 March 2020 attended by East Gippsland Climate Action Network Members Carina Turner, Sally Kendall and Nick Blandford. A cover note, signature count, hard copy signatures and online signatures were provided.

Councillors have been provided a 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

Council recognises that there are a range of challenges and opportunities that will need to be a focus for Council action, including addressing the impact of climate change. As a result, Council has taken a proactive approach to understanding, planning for and responding to climate change in East Gippsland, including taking the Victorian Government's Take2 pledge in November 2017 and made the following pledge:

East Gippsland Shire Council is committed to tackling climate change. We have a role in maintaining, protecting and enhancing the region's environment. We do this by using our resources more efficiently, by reducing our everyday impacts, planning for changing conditions and encouraging the people of East Gippsland to do the same”.

In addition to receiving the petition, this report outlines the manner in which Council is currently addressing Climate Change and the proposed future programs and strategic work. This includes the refreshing of Council's Environmental Sustainability Strategy, which proposes that a changing climate is one of the three main objectives of the strategy currently in development.

In light of the actions Council is already taking and the Take2 pledge this Council made in 2017, it is not considered declaring a climate emergency will significantly change Council's current and future works.

RECOMMENDATION

That Council:

- 1. receives the petition lodged by the East Gippsland Climate Action Network requesting East Gippsland Shire Council to:**
 - a. take a stronger leadership role within the East Gippsland community for urgent action on climate change;**
 - b. include in all reports to Council climate implications for Council's own operations and for the broader East Gippsland community; and**
 - c. declare a climate emergency.**
- 2. continues to show a strong leadership role in recognising climate change in future strategic work and ensuring that there are specific actions and projects undertaken to support the East Gippsland community adapt to a changing climate and mitigate impacts wherever possible;**
- 3. includes a specific climate change section within Council Report templates so that climate implications for Council operations and for the broader East Gippsland community are considered in all recommendation to Council;**
- 4. recognises that a changing climate is a matter of serious concern for the East Gippsland community and, in addition to an organisational response to climate change, advocate to other tiers of government to take assertive action that will support our community and our landscape to mitigate and adapt to the effects of climate change; and**
- 5. advises East Gippsland Climate Action Network that the petition has been received and considered.**

OFFICER COMMENT / CONTEXT

Discussion

A petition containing 1,649 signatures was submitted to East Gippsland Shire Council at a Councillor Briefing session on 10 March 2020 attended by East Gippsland Climate Action Network Members Carina Turner, Sally Kendall and Nick Blandford. A cover note, signature count, hard copy signatures and online signatures were provided.

In the interests of respecting the privacy of the petition's signatories, a copy of the full documentation received with the petition is not presented with this report but has been circulated to Councillors under separate cover.

In 2016 Darebin Council became the first Government body in the world to declare a climate emergency. Their initiative spurred on by local community members, sparked a global movement, with hundreds of Councils across multiple countries now calling for a climate emergency response. The momentum has been building worldwide, and the growth in the number of Councils that have formally recognised the climate emergency, has been seen as critical in getting a climate emergency response adopted at higher levels of Government.

Darebin Council have invited the community and other Councils and all levels of Government to join with them to declare a climate emergency, and importantly to follow through with an effective response. A key response to declaring a climate emergency has been the development of a Darebin Climate Emergency Plan with resourcing allocated.

The work done at a local level is viewed as vital, for now and for future generations, for humans and for the natural world. Across Australia, 94 of the 537 Councils have declared a climate emergency, this includes 30 Victorian Councils. Bass Coast Shire Council declared a climate emergency via a Notice of Motion by a Councillor at their August 2019 Ordinary Council meeting.

East Gippsland Shire Council has been proactive in considering climate change at an organisational level and have also addressed climate change within our planning functions for almost a decade.

Over the past five years, Council has invested over \$5 million in climate change mitigation and adaptation. We have also been formally recognised with Sustainability awards for our aquatic and leisure facilities and via a United Nations award for our Bright Futures Energy consumption initiatives. Understanding how to support effective and ongoing action to both mitigate the impacts and adapt to a changing environment are considered critical for East Gippsland.

Council's approach to date has been to focus our efforts on working to reduce our organisational climate impact and footprint, plan effectively for sustainable growth and infrastructure provision and support the development of capable and resilient communities. We have initiated a range of programs designed to improve access to information for our community to support effective decision making such as a Quarterly Environment Connect Newsletter and a Building Resilience Guide to consider climate change approaches for East Gippsland houses.

Beyond providing access to information, Council recognises the importance of developing the capacity of community members to plan for their future and their response to events. Example actions include working with communities to develop Local Incident Management Plans, continuing to work on and improve the way Council and agencies work with communities impacted by events and providing a Community Grants program.

The number and diversity of places across the Shire means that Council works strongly with our communities to understand and to increase their capacity to plan for their future and to recognise the actions that they can take themselves. Most recently this has seen Council piloting an approach to the development of Place and Community Plans across several quite different communities to understand how best to develop this place-based approach.

Council has taken the view that to be able to engage appropriately with the community about mitigating community impact on the environment, we need to be proactively engaged in reducing our own carbon footprint. A range of projects have been undertaken, most notable being the Bright Future Projects that occurred across two stages. The first being energy efficient upgrades at Council facilities and street lighting upgrade. Stage two has focused on identifying and investigating opportunities to deliver renewable energy solutions appropriate to our region and to increase the use and production of renewable energy. Technical reports were developed that provided Council with priorities for action and investment. This has resulted in the implementation of a Solar Bulk Buy program, Multi-Site Feasibility Study, piloting an Energy Information Hub and the development of the East Gippsland New Energy Technology Roadmap Business Case.

Council has also made a commitment to install solar PV and undertake energy efficiencies on Council buildings, committed to the Take2 initiative and has committed to a tender process being run by the MAV for a Power Purchase Agreement for Victorian Councils. Other works we are currently involved with to combat climate change include committing to a State-wide Green-power Purchase Agreement, developing facilities to service Electric Vehicles and Carbon Accounting.

In September 2019, Council prepared a submission for the Parliamentary Inquiry by the Victorian Legislative Assembly, Environment and Planning Committee into 'Tackling Climate Change in Victoria Communities'. A copy of the submission is available at https://www.parliament.vic.gov.au/images/stories/committees/epc-LA/Inquiry_into_Tackling_Climate_Change_in_Victorian_Communities/Submissions/S144_East_Gippsland_Shire_Council.pdf

Since 2008, Council has developed and implemented an Environmental Sustainability Strategy that outlines Council's position on issues relating to the protection, preservation and enhancement of our environment. This is considered a high-level strategy that provides a framework towards a more sustainable future and had been a catalyst for obtaining significant grant funding to deliver some of the programs and projects listed above.

Future Work

The Sustainability and Waste Minimisation Unit is in the process of reviewing the current Environmental Sustainability Strategy, this review will provide an opportunity to further strengthen Council's commitment to climate change, providing strategic direction for Council in this matter and identifying priority actions for Council and the community to both mitigate against further climate change and adapt to existing climatic conditions.

Whilst still a work in progress this strategy identifies three 10-year objectives, with one being *Support Council and Community to adapt to a changing climate*. The other two objectives relate to Landscape Quality and the Circular Economy. Each of these three objectives will lead to the development of priority areas and actions. Thus, officers are confident that the planning of future work for the organisation and in supporting the community will have a strong focus on Climate Change.

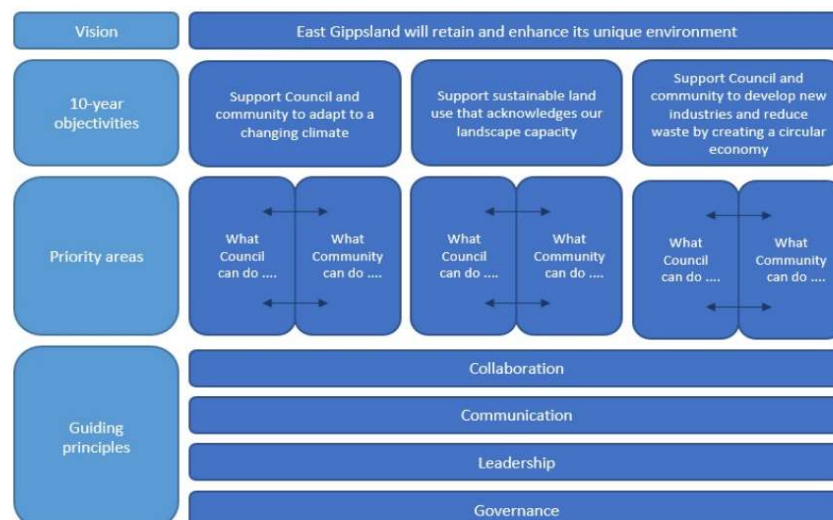


Figure 1: EGSC Indicative 10-Year Environment Strategy Structure

Council Plan

Good Governance Goal 1 - East Gippsland Shire Council is inclusive, engaged and open
A Liveable Region Goal 2 - Sustainable planning and growth supports thriving townships, while maintaining our commitment to sustainability and protecting our natural environment

Council Policy

At the Ordinary Council Meeting on 21 November 2017 (refer Item No 5.2.3) Council pledged its support for the Victorian Government's TAKE2 initiative as follows:

"East Gippsland Shire Council is committed to tackling climate change. We have a role in maintaining, protecting and enhancing the region's environment. We do this by using our resources more efficiently, by reducing our everyday impacts, planning for changing conditions and encouraging the people of East Gippsland to do the same".

Given the existing pledge made by this Council, which the petition signatories may not have been aware of, the additional act of declaring a climate emergency appears in many ways a duplication of this existing pledge.

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*.

The process through which the petition is progressing is consistent with clause L7.59 (Petitions) of *Local Law No. 1 - Procedures for Council Meetings*, which stipulates that petitions will be presented formally at the next practicable Ordinary Meeting of Council.

This report has been prepared in accordance with the *Local Government Act 1989*.

Community

East Gippsland communities are known to be at risk from climate change impacts. The dispersed nature of our townships, the high proportion of older people in our community, together with an economy that is very significantly linked to the natural environment and primary industries, all add to the vulnerability of our community.

Organisational

- **Financial**

Projects and actions to address Climate Change come at a cost to Council. Wherever possible officers try to attract grant funding to supplement the climate change budget, however like many of our services, action in this area comes at a cost and will require the allocation of annual budget.

- **Human Resources**

Should Council declare a climate emergency, resourcing will need to be allocated accordingly to increase capacity and capability within the organisation.

- **Environment**

East Gippsland has significant natural assets, with 87% of the region being composed of state forest and national park. These natural assets are at risk from climate change impacts. This risk has previously been acknowledged by Council in many of its strategies, submissions and presentations.

Consultation

The East Gippsland Climate Action Network presented at the 10 March 2020 Councillor briefing.

As part of the Environmental Sustainability Strategy review process, a community engagement plan will be developed.

Council develops a quarterly electronic newsletter *Environmental Connect* which has a wide distribution base and often addresses issues and projects associated with Climate Change.

APPENDICES AND ATTACHMENTS

Appendices

Nil

Attachments

Nil

2 Notices of Motion and/or Rescission

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Strong Communities

5.1.1 Interim Policy - Temporary Storage At Premises Impacted By Bushfire

Authored by Stuart McConnell, General Manager Bushfire Recovery

Document No 8450587

In Attendance Aaron Hollow, Manager Planning

EXECUTIVE SUMMARY

A large number of dwellings and outbuildings were destroyed in the 2019/2020 East Gippsland bushfires and community members have need for temporary storage of belongings, donated goods and building materials for rebuilding. The interim policy (**Appendix 1**) seeks to provide clarity in Council's expectations and the application of the statutory framework in relation temporary storage associated with a dwelling.

Council recognises the need for such temporary storage solutions and is seeking to enable this to occur. Some temporary storage solutions, such as shipping containers, can have significant impacts on landscape amenity and neighbourhood character. The interim policy therefore canvases a range of options and establishes timeframes and measures to reduce impacts.

RECOMMENDATION

That Council approve the Interim Policy for Temporary Storage at Premises Impacted by Bushfires (Appendix 1).

OFFICER COMMENT / CONTEXT

Discussion

Background

Community members who have lost houses or dwellings want somewhere to store things before the house is rebuilt. Given experience in other locations, Council can reasonably expect landowners wanting to use shipping containers for temporary storage where they have lost a dwelling of similar. Shipping containers in some locations can lead to amenity and other impacts that some members of the community find unacceptable. Further, some shipping containers that may be temporarily used for storage post bushfires will not be removed following this phase and cause amenity impacts.

As an alternative to a shipping container some people may want to prioritise the building of their shed/garage before the dwelling to provide storage.

Ordinarily both a shipping container or other shed without a dwelling in a residential zone is prohibited under the planning scheme and the General Local Law provides for use of shipping containers only in limited circumstances.

Outcome sought:

Officers propose that Council seek the following outcomes in responding to the need of the fire impacted communities for temporary storage:

- Council support people in recovery and their short-term needs for storage
- That a range of options are available for landowners so that shipping containers are not the only option
- Containers do not remain in the long term or at least if they do in areas allowed, steps are taken to effectively protect landscape amenity
- Circumstances where a container is used for storage but ultimately the dwelling is not rebuilt are avoided
- In the short term, where containers are used, they are treated to reduce amenity impacts

Proposed approach

The attached policy sets out an approach to enabling a range of options for temporary storage at bushfire impacted premises while balancing impacts on landscape amenity and neighbourhood character. The policy approach is informed by the recent changes to the Victorian Planning Provisions for temporary accommodation where the dwelling is lost due to bushfires. The exempt such temporary accommodation (and some other buildings) from the requirement for a planning permit (where one would otherwise be required), subject to Council being satisfied in relation to, for example, objectives such as those set out in the Bushfire Management Overlay. Landowners are provided a period of 18 months from the loss of the dwelling to establish a temporary dwelling and the dwelling may be used for a maximum of 3 years.

The proposed policy:

- Seeks to encourage a range of options including – establishment of temporary or permanent sheds, establishment of offsite storage (where appropriate) and use of shipping containers (where other options are not practical).
- Sets timeframes for the use of shipping containers as temporary storage and requires registration and measures to reduce amenity impacts.

Officers will work with landholders where shipping containers have already been placed on sites where a dwelling has been lost for the purposes of temporary storage.

Ultimately the proposed approach can be reflected in a review of the General Local Law however the immediate needs of the East Gippsland community warrant an interim policy as an immediate response to provide clarity.

Council Plan

Strong Communities Goal 4 – We live in communities that bring people together in a safe environment

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

Legislation

Relevant legislation in relation to the interim policy includes the following acts (and subordinate instruments):

- *Planning and Environment Act 1987*
- *Building Act 1993*

Further the East Gippsland General Local Law 2017 contains specific provisions in relation to shipping containers.

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*.

Community

Officers expect a range of community views in relation to this interim policy. While many members of the community are expected to be supportive of enabling temporary storage options, other community members may be concerned about impacts on amenity where shipping containers remain on-site for a very long period of time.

Setting aside the bushfire context some community members do not support restrictions on the use of shipping containers on private land, while others are concerned about the impacts on landscape amenity.

Organisational

- **Financial**

There is no direct financial implications for Council associated with this matter.

- **Human Resources**

Ensuring compliance with the interim policy will have some human resource impacts to be considered as part of normal business planning. Note that these are a reflection of existing issues with the use of shipping containers and the impact of the bushfires rather than a result of this policy.

Consultation

Given the interim nature of this policy and the need to provide some clarity in the short term, no formal community or stakeholder consultation has been undertaken.

APPENDICES AND ATTACHMENTS

Appendices

1. Interim Council Policy – Storage Facilities at Bushfire Impacted Premises

Attachments

Nil

**5.1.2 East Gippsland Shire Council Community Project Grants Program
Funding Round 2, 2019/2020**

Authored by Kathryn Macdonald, Place Manager

Endorsed by Jodie Pitkin, General Manager Place and Community

Document No 8439160

In Attendance Sascha Johns, Manager Community Engagement

EXECUTIVE SUMMARY

The East Gippsland Shire Council supports a wide range of projects and innovative activities through its grant's programs. This report is in relation to the Community Project Grants.

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

This round received less applications than usual; approximately 10 less. It is presumed that this is due to the fires however, the panel have been able to recommend some fantastic projects for support. Projects that will create important and lasting partnerships, provide comfortable places and celebrations for community to connect and projects that will entice visitors back to East Gippsland from far and wide, when safe to do so.

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

RECOMMENDATION

That Council adopts the recommendations for funding through the East Gippsland Shire Council Grants program. A full list of recommended applicants is outlined in **Appendix 1** and allocated to the grant categories as follows:

Funding Program	Funding Recommended	Total Project Investment	Number Recommended
Community Projects	\$39,704.00	\$125,550.48	13

OFFICER COMMENT / CONTEXT

Discussion

Round Two of the Community Project grants opened on Wednesday 8 January 2020 and closed on Wednesday 4 March 2020. The grant round was advertised by direct email to community groups, in Community Connect and Arts Connect newsletters, local newspapers, through the East Gippsland Shire website and on the East Gippsland Shire Council Facebook page.

The round attracted 26 applications, which is, on average, 10 less than usual into this round each year. The 26 applications are requesting a total of \$91,883.50 to support projects with a total project value of \$291,575.98. A list of all applications received can be found in **Attachment 1**.

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

Council Plan

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

Applicants are asked to make a connection between their projects and the Council Plan or adopted strategy. A table of connections outlined from recommended Community Project grants can be found at **Attachment 3**.

Council Policy

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

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

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

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.

Organisational

Financial

The 2019/2020 budget allocation for the Community Project Grants is \$111,363.00. \$4,500.00 is allocated to the SmartyGrants program usage fee. Of the remaining \$106,863.00 Councillors approved \$61,122.36 in round one leaving \$45,740.64 for Round 2.

Human Resources

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

Council Officers in the Community Engagement and Council Enterprises Units are responsible for the administration of the Community & Arts and Heritage Grants Programs.

Process

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

The Community Projects Program Assessment Panel consists of:

- Manager Community Engagement
- Place Manager
- Rural Access Officer
- Best Start Facilitator

So as not to lose the expertise, but cut down on administrative time, the following officers provided comments against applications related to their specific fields:

- Coordinator Community Facilities
- Acting Works Engineer

After the applications are assessed and scored they are then individually discussed at the Grants Program Assessment Panel meeting where the panel considered each of the applications based on the eligibility and specific program criteria within the East Gippsland Shire Council Grants Guidelines (refer to **Attachment 2** of this report).

The Grants Assessment Panel was attended by:

- General Manager Place and Community
- Manager Community Engagement
- Place Manager
- Rural Access Officer

The purpose of the assessment panel is:

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

It was noted that a small number of applications received did not meet the eligibility criteria and subsequently the Panel was unable to fund these applications.

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

Consultation

The funding round dates have been on the Council website since before round one – July 2019. Advertisements were published in local newspapers as well as community newsletters. Posters advertising information sessions and the funding round were sent to Service Centres and Neighbourhood House's well before the sessions to inform the community of the funding round. Application guidelines were made available on the Shire website and printed copies at all the Service Centres.

Applicants were invited to contact the Community Programs Coordinator for information regarding:

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

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

A series of afternoon and evening Council grants information sessions were held across the Shire in February however, due to active fires in the landscape less than usual were held. Grants specific information sessions were held in Bairnsdale, Lakes Entrance and Paynesville and Orbost.

The sessions were conducted to assist community members with their project queries, to give examples of successful past recipients, advise on how to plan and write a project budget and to introduce program staff so community can put a face to a name when contacting us with any further questions.

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

APPENDICES AND ATTACHMENTS

Appendices

1. Recommendations.

Attachments

1. List of All Applications received in Round 2, 2019/2020.
2. East Gippsland Shire Council Grants Program Guidelines.
3. Connection to the Council Plan or Adopted Strategy by recommended Community Project Applicants.

5.2 Good Governance

5.2.1 East Gippsland Shire Council Audit and Risk Committee - Appointments

Authored by Peter Cannizzaro, General Manager Business Excellence

Document No 8433176

EXECUTIVE SUMMARY

Council maintains an independent Audit and Risk Committee (Committee) to help fulfil its governance and associated responsibilities in relation to financial reporting, internal control structures, risk management systems, ethical accountability and the internal and external audits. The Committee comprises four external independent members, the Mayor of the day and two other Councillors.

There was one vacant position on the Committee arising through the expiry on 30 November 2019 of the three-year term of independent Committee member and Chair, Mr Michael McStephen. The Chair of the Audit and Risk Committee received an email from Dr Christopher Shields submitting his resignation from the Committee, effective 30 November 2019.

As a result of the notification of the resignation, Council agreed to extend Mr Michael McStephen's term to 30 June 2020 to ensure that the Audit and Risk Committee meetings can proceed with the agreed quorum, as set out in the charter:

A quorum will exist if four or more Committee members are present and the number of external independent members present is equal to or greater than the number of internal members present.

Expressions of interest in Committee membership were invited through public advertisements concluding on 14 February 2020. Eight expressions of interest were received in response.

A recruitment panel comprising of Audit and Risk Committee Chair, Jason Hellyer, the Mayor, Cr John White, and Chief Executive Officer, Anthony Basford assessed the applications and interviewed three nominees. It was agreed that the panel would interview for the two vacant positions on the Committee. As a result, the preferred applicants for the two vacant positions were identified. The panel's recommended appointees, together with copies of the applications of the eight candidates, has been provided to councillors separately.

Having advertised the vacant position on the Committee, reviewed all expressions of interest lodged and received a recommendation from the panel, Council is now in a position to make appointments to fill the vacancies on the Committee.

RECOMMENDATION

That Council, in respect of the vacancies on the East Gippsland Shire Council Audit and Risk Committee for an independent, external member, appoints:

- _____ ***for the term commencing on 21 April 2020 and concluding on 30 November 2022, and***
- _____ ***for the term commencing on 1 July 2020 and concluding on 30 November 2022.***

OFFICER COMMENT / CONTEXT

Discussion

As part of its governance function, Council has maintained an independent Audit and Risk Committee since 1995. Its primary role is to assist Council fulfil its governance and associated responsibilities in relation to financial reporting, internal control structures, risk management systems, ethical accountability and the internal and external audit.

In accordance with the Best Practice Guidelines prepared by the Victorian Government and adopted by Council, the Committee comprises seven members: four external independent members, the Mayor of the day; and two other Councillors. The Committee is a formally appointed advisory committee of Council and reports directly to Council.

There was one vacant position on the Committee arising through the expiry on 30 November 2019 of the three-year term of independent Committee member and Chair, Mr Michael McStephen. The Chair of the Audit and Risk Committee received an email from Dr Christopher Shields submitting his resignation from the Committee, effective 30 November 2019.

As a result of the notification of the resignation, Council agreed to extend Mr Michael McStephen's term to 30 June 2020 to ensure that the Audit and Risk Committee meetings can proceed with the agreed quorum, as set out in the charter:

A quorum will exist if four or more Committee members are present and the number of external independent members present is equal to or greater than the number of internal members present.

Expressions of interest in Committee membership were invited through public advertisements concluding on 14 February 2020

At the closing date, eight expressions of interest from were received.

A recruitment panel comprising of Audit and Risk Committee Chair, Jason Hellyer, the Mayor, Cr John White, and Chief Executive Officer, Anthony Basford assessed the applications and interviewed three nominees. It was agreed that the panel would interview for the two vacant positions on the Committee. As a result, the preferred applicants for the two vacant positions were identified. The panel's recommended appointees, together with copies of the applications of the eight candidates, has been provided to councillors separately.

As a result of this process the preferred applicants were identified for recommendation to Council. The panel's recommendation, together with copies of the applications of the eight candidates, has been provided separately to Councillors. The information has not been made public because of its private and confidential nature.

Council Plan

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

Council Policy

Clause 2.3 of the Audit and Risk Committee's Charter pertains to Committee membership. Among other requirements, the clause stipulates that four of the seven members of the Audit and Risk Committee must be independent (i.e. external); that expressions of interest will be invited through a public process; and that terms of appointment are arranged to ensure an orderly rotation and continuity of membership.

Legislation

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

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

This report has been prepared in accordance with *Local Government Act 1989* s139 – Council is required to maintain an Audit and Risk Committee.

Wherever practicable, the Committee operates in accordance with the Victorian Government publication, *A Guide to Good Practice for Local Government – January 2011*.

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*.

Organisational

- **Financial**

An annual budget is provided to support the functions of the Committee. The appointment of individual to fill the vacant position on the Committee will not incur any additional costs.

Consultation

A public process was conducted during which nominations were invited in joining Council's Audit and Risk Committee. Eight nominations were received as a result.

APPENDICES AND ATTACHMENTS

Appendices

Nil

Attachments

Nil

5.2.2 Amendment to Council Meeting Schedule 2020

Authored by	Chris Feil, Manager Governance
Endorsed by	Peter Cannizzaro, General Manager Business Excellence
Document No	8433033

EXECUTIVE SUMMARY

Council at its meeting held on 4 February 2020 (refer item 5.2.3) adopted the Council Meeting schedule 2020, which included three 'Council in the Community meetings' in the first half of the year and meetings in the winter months to be held at 1.00 pm. This report seeks Council's approval to amend the 2020 Council Meeting Schedule.

Due to the ongoing COVID-19 pandemic and the escalating restrictions and advice provided from the Government and the Department of Health and Human Services (DHHS) regarding travel, meeting places and social distancing, it is proposed that the following changes be made to the current Council Meeting schedule 2020:

- 1) Cancels the Ordinary Council meeting that was scheduled to be held on Tuesday 7 April 2020 (in accordance with the Local Law No. 1 L3.2) and not reschedule this meeting;
- 2) The 'Council in the Community meeting' scheduled to be held in Omeo district on Tuesday 21 April 2020 be held in the Council Chamber, Corporate Centre in Bairnsdale commencing at 1.00pm; and
- 3) The 'Council in the Community meeting' scheduled to be held in Orbost district on Tuesday 2 June 2020 be held in the Council Chamber, Corporate Centre in Bairnsdale commencing at 6.00pm.

The amended Council Meeting schedule has no impact on its primary objective, which is to provide a forum for timely and effective decision-making.

RECOMMENDATION

That Council, in accordance with Local Law No. 1 clause L3.2:

1. ***Endorses the amended schedule of Council Meeting dates adopted at its meeting held on 4 February 2020 as follows:***
 - (a) ***Ordinary Council Meeting 21 April 2020 be held in the Council Chamber, Corporate Centre, Bairnsdale; and***
 - (b) ***Ordinary Council Meeting 2 June 2020 be held in the Council Chamber, Corporate Centre, Bairnsdale.***

Day	Date	Time	Purpose	Location
Tuesday	4 February	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	3 March	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	17 March	1.00 pm	Ordinary Meeting	Mallacoota District
Tuesday	7 April	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	21 April	1.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	5 May	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	2 June	1.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	23 June	1.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	7 July	1.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	4 August	1.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	25 August	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	8 September	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	6 October	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	10 November	6.00 pm	Statutory Meeting	Corporate Centre
Tuesday	17 November	6.00 pm	Ordinary Meeting	Corporate Centre
Tuesday	8 December	6.00 pm	Ordinary Meeting	Corporate Centre

2. ***Endorses the cancellation of the ordinary Council Meeting that was scheduled for 7 April 2020.***
3. ***Resolves that unless determined otherwise and notified to citizens through appropriate public notice, the Ordinary Council meetings will be held in accordance with the amended Council Meeting Schedule 2020.***

OFFICER COMMENT / CONTEXT

Discussion

At the Council meeting held on Tuesday 4 February 2020 (refer item 5.2.3), Council adopted the schedule of Council meeting dates for 2020, which included three 'Council in the Community' meetings in the first half of the year and meetings in the winter months to be held at 1.00 pm.

As a result of the COVID-19 pandemic and the restrictions and advice provided from the Government and the Department of Health and Human Services (DHHS) regarding travel, meeting places and social distancing, it is proposed that the following changes be made to the current Council Meeting schedule 2020:

- 1) Cancels the Ordinary Council meeting scheduled to be held on Tuesday 7 April 2020 (in accordance with the Local Law No. 1 L3.2) and not reschedule this meeting;
- 2) The 'Council in the Community meeting' scheduled to be held in Omeo district on Tuesday 21 April 2020 be held in the Council Chamber, Corporate Centre in Bairnsdale commencing at 1.00pm; and
- 3) The 'Council in the Community meeting' scheduled to be held in Orbost district on Tuesday 2 June 2020 be held in the Council Chamber, Corporate Centre in Bairnsdale commencing at 6.00 pm.

Council Plan

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

Council Policy

Council meetings are conducted in accordance with the East Gippsland Shire Council Local Law No.1, which governs the conduct of Council Meetings. Clause L3.1 requires the Council to set the date, time and place of any Council Meetings from time to time and Clause L3.2 change meeting dates, times and places.

Legislation

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

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

This report has been prepared in accordance with *Local Government Act 1989* s91(1).

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*.

Organisational

- **Financial**

No additional costs will be incurred as a result of the amendment.

Consultation

Consultation has been undertaken with the Mayor and Councillors in respect of this report.

Officer Declaration of Conflict of Interest

Council Officers involved with the preparation of this report have no conflict of interest with this matter.

APPENDICES AND ATTACHMENTS

Appendices

Nil

Attachments

Nil

5.2.3	Suspension of the East Gippsland Shire Council Road Management Plan
Authored by	Peter Morton, Road Safety Coordinator
Endorsed by	Fiona Weigall, General Manager Assets and Environment
Document No	8444374
In Attendance	Mark Burnett, Manager Works

EXECUTIVE SUMMARY

This report seeks Council's approval to temporarily suspend the East Gippsland Road Management Plan (RMP) in response to the recent bushfire events that impacted approximately 650km of Council managed roads.

The East Gippsland Road Management Plan is a statutory document required under the *Victorian Road Management Act (2004)* that sets out Council's policies, service delivery and actions in relation to the local road network managed by Council. The Plan is the main mechanism for identifying the roads and related infrastructure for which Council is responsible. Significantly the plan also dictates the road management standards which Council commits to, including frequency of road inspections, the tolerable level of defects, and the time taken to repair defects.

The Summer 2020 bushfires affected over 250 separate local roads covering over 650 km. Over the past two months officers have worked through a process to have these roads handed back to Council to control and repair. This work is progressing well but given the magnitude of roads affected it is not possible to address these road repairs within the timeframes set out in the RMP. Similarly, it is not possible in the short to medium term to ensure that these fire affected roads meet the level of defect tolerance levels set out in the RMP.

Given the current inability to meet the requirements of the RMP and the statutory nature of the plan, it is therefore proposed to temporarily suspend the plan until such time as the roads are repaired and Council is again able to commit to the standards set out in the plan.

RECOMMENDATION

That Council:

- 1. approves the temporary suspension of the East Gippsland Shire Council Road Management Plan (2017) until 30 April 2021;***
- 2. notes that if a further extension of the East Gippsland Road Management Plan (2017) suspension is required, a further report will be brought to Council prior to the 30 April 2021;***
- 3. notes that the suspension of the East Gippsland Road Management Plan is undertaken in accordance with section 2.11 of the East Gippsland Shire Council Road Management Plan (2017);***
- 4. notes that those parties involved in the administration or operation of the East Gippsland Shire Council Road Management Plan (2017) will be advised by Council of the temporary suspension of this plan, and public notice of temporary suspension of this plan will also be published; and***

5. ***notes that the temporary suspension of the East Gippsland Shire Council Road Management Plan (2017) until 31 December 2020 will not impact on maintenance of local roads across East Gippsland Shire, other than those roads identified as damaged by the summer 2019/2020 bushfires, with these damaged roads to be managed via an alternate remediation process.***

OFFICER COMMENT / CONTEXT

Discussion

The Victorian Road Management Act (2004) is the primary tool for establishing a coordinated management system that will promote safe and efficient road networks at state and local levels and the responsible use of road reserves for other legitimate purposes. To enable co-ordination of road management, the Act establishes a "coordinating Road Authority", that has co-ordination functions, and a "Responsible Road Authority", which has operational functions.

East Gippsland Shire Council is a Co-coordinating Road Authority and as such must under the Road Management Act have an adopted Road Management Plan. The RMP outlines Council's road management responsibilities and details the standards of road maintenance service for roads within this municipality. Council regularly reviews the RMP, with it most recently being endorsed by Council in September 2017 (item 5.1.1).

The RMP describes the management system established by the Council to carry out its duty under the Road Management Act 2004 to inspect, maintain and repair public roads for which it is responsible. And by road, we mean the full road reserve area, from building line to building line, which includes the kerb and channel, the roadway, the footpath, traffic islands, street trees and signs but not the nature strip area or vehicle crossings.

Significantly the plan also dictates the road management standards which Council commits to, including frequency of road inspections, the tolerable level of defects and the time taken to repair defects. The RMP is also the vehicle that sets the standards for Council's Road Maintenance contracts. Should Council be proven not to be conforming with its adopted RMP, there are grounds for litigation.

Impact of Summer 2020 Bushfires

The Summer 2020 bushfires impacted 250 separate roads under Council's management equating to over 650 km of carriageway. During the fires the roads came under the management of the Incident Control Centre. The roads have now had an initial assessment of road safety undertaken and have been handed back to Council's management. Whilst the roads are now all open, many of the roads require significant repair and would not currently meet the minimum intervention level (i.e. tolerable standard of defects) described in the RMP adopted by Council in 2017.

Council is now working with Regional Roads Victoria and Emergency Management Victoria to have these roads assessed, repair works packages developed and funding approved for these works under the provisions of the Disaster Recovery Fund. Given the magnitude of roads impacted it is estimated that it will take at least 12 months to have all 250 roads repaired and brought back to the standard described in the RMP.

Risk

Due to the conditions and effect of fire damage to these assets Council and its contractors cannot meet the required timelines set out in the RMP to bring these roads back to pre-intervention criteria. Therefore, committing to this road standard in an endorsed document, exposes Council to potential litigation, should an accident occur on any of these roads prior to repairs being complete.

In consultation with our legal advisers, officers have therefore determined that Council should seek to temporarily suspend the powers of the RMP, until road repairs are complete.

Council Plan

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

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

Council Policy

The proposed action is taken in line with the Council's adopted Road Management Plan 2017 (section 2.11 *Force Majeure*) that states that in the event of natural disasters and other events including fires Council reserves the right to suspend compliance with its Road Management Plan under Section 83(b) of the *Victorian Wrongs Act* 1958 as amended.

Legislation

The suspension of the Road Management Plan has implications under the *Roads Management Act* 2004, where there are appropriate conditions under the legislation that allows the suspension of the Road Management Plan under specified criteria that meet the above conditions meet.

Suspension of the RMP is taken in accordance with the *Victorian Wrongs Act* 1958 as amended.

This report has been prepared in accordance with the *Local Government Act* 1989.

Community

Suspension of the Road Management Plan will have impacts on the community given the ever-changing road conditions. The level of services provided may see a reduced capacity of contractors to deliver the required service levels under the Road Management Plan, however Council will remain committed to ensuring the standards laid out in the Road Management Plan as much as possible and particularly in areas unimpacted by the recent bushfires.

Organisational

- **Financial**

There is anticipated to be no financial implications resulting from the suspension of the Road Management Plan.

- **Human Resources**

No changes in staffing levels are envisaged as a result of the suspension.

Consultation

This recommendation has been made after thorough discussion with Council's external legal advisor on this matter.

It is recommended that public notice of this suspension is made together with explanation of why the decision has been made and a commitment to revert to normal functioning levels as soon as possible.

Appendices

Nil

Attachments

Nil

6 Urgent and Other Business

Council will now close the meeting to the public in accordance with the provision of section 89(2)(d) and 89(2)(h) of the *Local Government Act* 1989 to consider Items 7.1 – 7.5 as these items relate to any other matter which the Council or special committee considers would prejudice the Council or any person and contractual matters.

7 Confidential Business

Consideration of confidential matters under section 89(2) of the *Local Government Act* 1989.

7.1 Disability Advisory Committee – Appointment 07 April 2020 – 31 December 2021

Note In accordance with section 77(2)(c) of the *Local Government Act* 1989, on Thursday 26 March 2020 the Chief Executive Officer designated as confidential, the report and attachments prepared in respect of this contract. The confidential delegation recognises that because the documentation deals with a contract, when considered by Council it will fall within section 89(2)(h) of the *Local Government Act* 1989 and may be considered in closed session.

7.2 CON2019 1353 Lakes Entrance Landfill Capping

Note In accordance with section 77(2)(c) of the *Local Government Act* 1989, on Friday 27 March 2020 the Chief Executive Officer designated as confidential, the report and attachments prepared in respect of this contract. The confidential delegation recognises that because the documentation deals with a contract, when considered by Council it will fall within section 89(2)(d) of the *Local Government Act* 1989 and may be considered in closed session.

7.3 CON2019 1371 Replacement Hospital Creek Bridge Wairewa Road, Wairewa

Note In accordance with section 77(2)(c) of the *Local Government Act* 1989, on Thursday 26 March 2020 the Chief Executive Officer designated as confidential, the report and attachments prepared in respect of this contract. The confidential delegation recognises that because the documentation deals with a contract, when considered by Council it will fall within section 89(2)(d) of the *Local Government Act* 1989 and may be considered in closed session.

7.4 CON2019 1352 Provision of Arboriculture General Tree Services (Panel of Suppliers)

Note In accordance with section 77(2)(c) of the *Local Government Act* 1989, on Tuesday 24 March 2020 the Chief Executive Officer designated as confidential, the report and attachments prepared in respect of this contract. The confidential delegation recognises that because the documentation deals with a contract, when considered by Council it will fall within section 89(2)(d) of the *Local Government Act* 1989 and may be considered in closed session.

7.5 CON2019 1340 Design of the Eagle Point Foreshore Redevelopment

Note In accordance with section 77(2)(c) of the *Local Government Act* 1989, on Friday 6 March 2020 the Chief Executive Officer designated as confidential, the report and attachments prepared in respect of this contract. The confidential delegation recognises that because the documentation deals with a contract, when considered by Council it will fall within section 89(2)(d) of the *Local Government Act* 1989 and may be considered in closed session.

Council will now re-open the meeting to the public.

8 Close of meeting