



Council Meeting Agenda

Tuesday 25 May 2021 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 Bidawal people as the Traditional Custodians of the land that encompasses East Gippsland Shire.

We pay our respects to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders past and present.

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.

The Victorian Government has amended the *COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020* that enables Council meetings to be conducted by electronic means (videoconferencing) until 26 April 2022. The Minister for Local Government re-issued the Ministerial Good Practice Guideline for Virtual Meetings on 20 October 2020 outlining the provisions relating to the Local Government Act 2020 allow Councillors to attend Council meetings electronically, and the requirement where Council meetings are open to the public will be satisfied where the meeting is livestreamed. The amendments do not preclude Councillors from attending a meeting in person in the Council chambers.

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

*Photo supplied by Destination Gippsland
Location – Paynesville*

Councillors

Cr Mendy Urie (Mayor)
Cr Mark Reeves (Deputy Mayor)
Cr Arthur Allen
Cr Sonia Buckley
Cr Tom Crook
Cr Jane Greacen OAM
Cr Trevor Stow
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 Bushfire Recovery
Jodie Pitkin 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/About_Us/Publications_and_Policies/Council_Policies

Vision

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

Our Mission

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

Our Values

Accountability

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

Inclusion

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

Integrity

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

Respect

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

Resourcefulness

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

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1 Procedural

1.1 Recognition of Traditional Custodians

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawal people as the Traditional Custodians of the land that encompasses East Gippsland Shire.

We pay our respects to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders past and present.

1.2 Apologies

Cr Kirsten Van Diggele

1.3 Declaration of Conflict of Interest

1.4 Confirmation of minutes

That the minutes of the Council Meeting held Tuesday 4 May 2021 and Tuesday 18 May 2021 be confirmed.

1.5 Next meeting

The next Council Meeting of 22 June 2021 to be held at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00pm.

1.6 Requests for leave of absence

1.7 Open Forum

1.7.1 *Petitions*

1.7.2 *Questions of Council*

1.7.3 *Public Submissions*

2 Notices of Motion

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Strong Communities

5.1.1 Regional and District Events Sponsorship Round Two, 2020-2021

Authorised by General Manager Bushfire Recovery

Conflict of Interest

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

Executive Summary

This report presents the recommendations for the Regional and District Events Sponsorship (RADES) funding program for Round Two, 2020–2021. A summary of the events, recommended funding and application feedback is provided in **Attachment 1**.

The purpose of RADES is to facilitate the attraction and enhancement of tourism events in East Gippsland Shire. The RADES program has a focus on stimulating the direct and indirect economic benefit for East Gippsland and attracting visitors from around Victoria, interstate and internationally into East Gippsland and value-adding to marketing opportunities.

Council received five applications in Round Two 2020- 2021 RADES funding program for a total value of \$50,000.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and**
- 2. allocates \$25,000 from Regional and District Events Sponsorship (RADES) program in the 2020-2021 fiscal year for recommended projects under Round Two, in accordance with the RADES program Assessment Panel recommendations as listed below:**
 - a) \$10,000 HRA Special Events Inc. - Alpine Rally of East Gippsland**
 - b) \$5,000 Omeo Golf Club Inc – Omeo RV and Caravan Muster**
 - c) \$10,000 Omeo Region Business and Tourism Association - Beef and Beer Adventure Festival**

Background

East Gippsland Shire Council has been running the Regional and District Events Sponsorship (RADES) program since 2010. Through RADES, Council commits to financially support events for a period of up to three years. This gives event coordinators certainty needed to establish their events and avoids the need for applying for the same funding for the same event annually. Funding allocations are based on a combination of the economic benefit projected by the event, the grant amount requested by applicants and the funds available within the RADES budget at the time of the round.

The funding available for allocation in Round Two of the 2020-21 RADES budget is \$63,630. The current financial year's budget of \$105,400, plus returned funds from 2019-20 of \$55,230 (events cancelled due to COVID-19) provided a total funding pool of \$160,630.

\$97,000 of this year's total funding pool had already been committed through earlier RADES rounds (round one 2020-21 and previous multi-year agreements) leaving a balance of \$63,630 available for allocation in Round Two.

The table below outlines pre-committed events, (that is, events funded under previous RADES rounds) from 2019-2020 and outlines events impacted by COVID-19.

Pre-Committed Sponsored Events - 2020-2021

Event	Most Recent Date	COVID Response	Commitment
X-Marathon Expedition Adventure Race	TBC 2022	2021 event postponed due to COVID	3 years ending 2021-2022
Gippsland Lakes Paddle Challenge	May 2021	No change	3 years ending 2020-2021
East Gippsland Dog Show	August 2021	No change	3 years ending 2020-2021
CLB3x3 Basketball	2022 TBC	2021 event postponed due to COVID	3 years ending 2020-2021
Mitchell River Trail Run	30 May 2021	2019 event postponed due to bushfires 2020 event cancelled due to COVID	3 years ending 2020-2021
Friends of the Mitta Give Back to the Mitta	September 2021	2020 event cancelled due to COVID	3 years ending 2021-2022
Vic Bream Classic	June – October 2021	2020 event postponed due to COVID	3 years ending 2021-2022
Tour of Gippsland	September 2022 TBC	2021 event postponed due to COVID	3 years ending 2021-2022
*East Gippsland Winter Festival	June - July 2021	No change	3 years ending 2021-2023
*Marlo Hotel Annual Wood Chop	July 2021	No change	3 years ending 2021-2023
Feast on East @Metung	TBC June 2021	No change	3 years ending 2021-2023
Deep Winter	June 2021	No change	3 years ending 2021-2023
*Slow Cooked Food and Great Wine	TBC July 2021	No change	3 years ending 2021-2023
*Cattlemen 100 MTB Omeo	November 2020	No change	2 Year ending 2021 -2022
*Riding For Recovery	March 2021	No change	1 year ending 2020-2021
*Hobie Fishing Series 13	March 2021	No change	1 year ending 2020-2021
Bruthen Blues and Arts Festival	February 2022	2021 event postponed due to COVID	1 year ending 2020 -2021

* New events

Program Delivery

Round Two 2020-21 of the East Gippsland Shire Council RADES program opened on Wednesday the 6 January 2021 and closed on Wednesday 3 March 2021.

The grant round was advertised by direct mail to community groups, through Council Connect newsletters, local newspaper, and social media. Media releases and advertisements were published in local newspapers to inform the community about the programs, the information sessions and of the closing date.

Detailed information about Council's annual grant and funding programs, including RADES, was available on Council's website which included access to a comprehensive Grants Program Guidelines booklet and the relevant RADES online application form. Council staff also promoted the grants program via their networks and databases including Business and Tourism Associations across the region for distribution to their members.

Potential applicants were invited to contact Council's Event Officer for advice on the eligibility of their event and were encouraged to attend an information briefing.

Information sessions are designed to assist event organisers with their project queries, share examples of successful past recipients, provide advice on how to plan and write a project budget and introduce Council's event staff to foster greater interaction and ongoing engagement with event proponents.

For Round Two 2020-2021, because of COVID-19 restrictions at the time (February), four on-line information sessions were conducted to replicate the face-to-face briefings previously held. These were developed with the assistance of Council's Communications Team and five event organisers participated in each session.

Assessment of applications

Applications are assessed against the *East Gippsland Shire Grants Guidelines* and *RADES Eligibility Criteria* by an appointed assessment panel. The panel then meets once to discuss the results and moderate.

Event organisers are required to address all application criteria and provide a financial plan detailing their event's income, expenditure and forecasted profit or loss. The information is considered along with their request for funding and informs the funding allocation recommendations of the RADES assessment panel.

The assessment panel for Round Two 2020-2021 was made up by:

- Manager Economic Recovery, East Gippsland Shire Council
- Events Administration Officer Economic Recovery, East Gippsland Shire Council
- East Gippsland Visitor Economy Bushfire Recovery Manager, Destination Gippsland
- Manager Tourism & Events – Destination Gippsland and,
- Marketing Manager, East Gippsland Marketing Inc (EGMI)

The Events Officer Economic Recovery, East Gippsland Shire Council oversaw the process. A total of five applications were assessed by the panel in Round Two.

There were no Conflicts of Interest declared by members of the assessment panel in relation to applications to Round Two 2020-2021.

Events that have been previously funded

Events previously funded through RADES, which are resubmitted for further funding, are required to illustrate growth and innovation to event operations and programming. This can be demonstrated for example through; enhanced event marketing (such as branding, website, or advertising), introducing new program experiences to attract more participants, or building further event management capacity.

Events that have been previously funded are often unsuccessful if they are unable to provide evidence of continuous improvement leading to growth or sustainability.

The RADES Round Two 2020-2021 report recommends supporting events already previously funded, based on the evidence presented pointing towards growth and extended marketing reach:

1. Alpine Rally of East Gippsland; and
2. Omeo RV and Caravan Muster.

Events not recommended for funding

Funding applications for events with a community focus, fall under Council's Community Projects Grants Program and are referred for Council consideration in a separate report.

Other events not recommended for funding may be due to applications being incomplete, funding criteria not met, unrealistic outcomes and budget or there being other more suitable sources of funding available. As part of the feedback process to unsuccessful applicants, officers provide guidance on how their applications could be strengthened in preparation for re-submission in future rounds or assist in redirecting applicants to alternative funding sources.

The RADES Round Two 2020-2021 report recommends not supporting two events:

1. Wildfighter Round 6; and
2. Orbost Winter Lantern Festival.

New Events

The RADES program has been successful in supporting new events to East Gippsland. New events often present creative ideas and collaborations, value adding upon previous events and help to foster greater awareness of East Gippsland as a quality event destination.

In Round Two of this year's RADES program, a funding application was received for one new event, the Beef and Beer Adventure Festival in Omeo.

Legislation

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

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

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

Collaboration

Pursuant of section 109(2) of the *Local Government Act* 2020 this report is not applicable.

Council Plan

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

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

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

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

Council Policy

There is no impact on Council policies as a result of this report.

Options

Officers recommend Council endorse the report and support the delivery of three unique tourism events proposed for delivery within East Gippsland Shire Council.

The alternative option is to decline to support one or more of the recommended RADES allocations. Councillors' rationale for this option will need to be documented and included in formal feedback to applicants.

Resourcing

Financial

RADES Round Two 2020 –2021 budget recommendations are as follows:

Annual Funding Pool 2020-2021	\$105,400
Plus: reallocated unspent and returned sponsorship funds \$55,230 from previous year due to COVID -19	\$55,230
<i>Subtotal</i>	\$160,630
Less: Commitments from previous rounds	\$97,000
<i>Subtotal</i>	\$63,630
Less: Recommended commitment to applications from Round Two 2020-2021	\$25,000
Balance of funding pool remaining for 2020-2021 RADES budget*	\$38,630

It is proposed the remaining balance of \$38,630 be returned to Council's consolidated funds as a budget saving.

Plant and equipment

There are no plant and equipment implications for Council as a result of the RADES program.

Human Resources

Council officers in the Economic Recovery Unit will be responsible for administering the RADES Program.

Risk

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

Council will support all successful applicants with event concierge access to land management services, planning department and any necessary skilled areas to eliminate risk and present a successful event via our event permitting process.

It is anticipated that risks associated with managing the spread of COVID-19 will be managed through the Department of Health Services Events Framework requirements as well as event organisers' own COVID Safe Event Management Plans.

Economic

This report makes recommendations to fund events that have a focus on supporting the economic growth of our region driven by increased visitor expenditure, and that have demonstrated through their event plan, that the assessment criteria are likely to be achieved.

The measure for economic impact is expenditure that would not otherwise have occurred in the region had the event not taken place.

New expenditure may come from:

- Visitors and competitors attracted to the area by the event
- Exhibitors, participants, officials, and event organisers
- Externally sourced sponsorships and grants
- Engagement of local suppliers in delivering the event

According to the latest National Visitor Survey (NVS) year ending December 2020, domestic visitation to East Gippsland was 1,173,000, down 24.9% against the same period last year. The average expenditure per visitor has increased marginally (overnight spend at \$130 and daytrip spend at \$136 (up 19.1% and 11.7% respectively), overall visitor expenditure of \$357M in East Gippsland is down 5.7% against the same period last year. These figures reflect the significant loss of business trade due to the compounding impacts of bushfire and COVID-19.

Supporting East Gippsland's visitor economy is dependent on getting visitors back to the region quickly as travel and permission for mass gatherings is restored. Investing in the delivery of regional tourism events as key drivers of visitation, will support local business operators through increased trade and the flow-on economic development stimulus across our impacted rural communities.

Social

Events support local business operators through increased visitation, increased trade, and the flow-on expenditure across our communities. Events also help build confidence and grow capacity within our sporting clubs and community groups to continue to deliver local events.

Other benefits of a vibrant tourism events calendar include:

1. Greater awareness of Council support;
2. Increased destination awareness through leveraged promotion of the region;
3. Increased community pride, good health, and wellbeing; and
4. Increased opportunity for direct community involvement (fund raising, volunteering etc).

Environmental

There are no specific environmental implications 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

External stakeholder input was sought as part of the assessment panel from:

- East Gippsland Marketing Inc
- Destination Gippsland

Attachments

1. PANEL SUMMARY with Comments Regional and District Events Sponsorship Round Two 2020 21 [YTC4] [5.1.1.1 - 4 pages]

5.2 A Liveable Region

5.2.1 Contract CON2020 1409 WORLD Construction Package 1

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

The purpose of this report is to provide the background to the WORLD Sporting Precinct project that has led to the development of a tender for the first package of works being CON2020 1409; provide an overview of the tender itself and in accordance with the East Gippsland Shire Council Procurement Policy 2020 seek approval from Council to award the contract.

The proposed works originate from Council's adoption of the Bairnsdale Sporting Facilities Plan 2018 (the plan) at the Council meeting held on 4 September 2018 (item No 5.1.2). This plan identified the redevelopment of the WORLD sporting precinct for Netball, Hockey, Soccer and Futsal as being one of the highest priorities of the plan. This therefore led to detailed design work and property negotiations.

The concept design, planning and detailed design of the WORLD Sporting Precinct has been undertaken by Thomson Adsett Pty Ltd. Their design contract was awarded at a Council meeting held on 12 November 2019 (item 7.2 CON2019 1330 Design of WORLD Sporting Facilities).

A Development Agreement has also been executed between Council and the Department of Education and Training, for Council to take on long-term management of this Crown land site.

Council has also been successful in attracting four competitive grants, which collectively fund over 80% of the entire project costs. The remaining costs can be funded via low interest loans and/or through council funds.

The tender for CON2020 1409 is the first of four proposed construction packages. Construction will include:

- Early Works
- Main Car Park
- Site Services including irrigation
- Improvements to Hockey Fields
- Demolition of existing WORLD Pavilion
- Retention basin and swale system

Award of this construction package will enable a new carpark to be built that will service the Westdale Kindergarten. This is key to ensure that the Westdale Kindergarten can continue to

provide services while construction occurs through the various construction packages. The site will be graded with retention basins built and site services run throughout. Improvements to two of the hockey fields will be completed that include irrigation, fencing and lighting.

As a result of the invitation to tender and the subsequent tender evaluation Council is in a position to award the contract. The Evaluation Panel's recommendations are detailed in **Confidential Attachment 1**.

Given the value of the contract an external Probity Auditor also observed the tender evaluation process in accordance with Councils Procurement Policy. A copy of the Probity Auditors report provided as **Confidential Attachment 2**.

Officer Recommendation

That Council:

- 1. receives and notes this report and any attachments pertaining to this report and the awarding of CON2020 1409 WORLD Construction Package 1;***
- 2. selects the tender submitted by _____ for CON2020 1409 WORLD Construction Package 1 for the contract amount of \$_____ (ex GST) and appoints _____ as its preferred tenderer; and***
- 3. notes that an application for project funding, through the Victorian State Government Community Sporting Infrastructure Stimulus Program, has recently been announced but contracts for these funds are currently pending;***
- 4. subject to the conclusion of the grant agreement process for the Victorian State Government Community Sporting Infrastructure Stimulus Program, authorises the CEO to finalise the terms, signing and sealing of the contract with _____ in the form provided; and***
- 5. resolves that the attachments to this report and all discussions in relation to these attachments remains confidential, except to the extent necessary for the Chief Executive Officer to give effect to this resolution.***

Background

The proposed contract originates from Council's adoption of the Bairnsdale Sporting Facilities Plan 2018 (the plan) at the Council meeting held on 4 September 2018 (item No 5.1.2).

The plan includes recommendations for the future development and management of Sporting Facility provision in Bairnsdale to meet the needs of our sporting community now and into the future.

Key recommendations in the plan relating to the WORLD site include:

- Council to secure tenure of an expanded sporting precinct
- New netball complex
- Upgrade the hockey pitches, including floodlights
- Expand and upgrade the netball-hockey pavilion
- New soccer complex to comprise of two soccer pitches, junior pitches and new pavilion

The development of the WORLD Sporting Precinct is a key initial step to enable the realisation of the Bairnsdale Sporting Facilities Plan 2018.

This site is a priority for redevelopment as the netball courts are the most utilised sporting facility in Bairnsdale on a weekly basis (over 700 female participants) and no longer meet compliance standards. This project will significantly enhance the participation of the East Gippsland community in organised sport - especially for girls and women.

The current netball pavilion has a series of functional issues including no hot water in the change rooms, the change rooms are non-compliant with Netball Victoria standards, and the facility is no longer considered fit for purpose. This project will include both renovation of the existing facility and the construction of additional buildings. The total build will then ensure adequate change facilities for both netball and hockey, and all the ancillary infrastructure requirements for both of those sports.

The project will also refurbish the eight netball courts to current standards and also line mark some of these courts to outdoor Futsal use.

This project is critical to provide fit for purpose facilities for the soccer community, not only in Bairnsdale but for the broader East Gippsland community. This project was identified through a comprehensive engagement and needs analysis process as part of the Bairnsdale Sporting Facilities Plan 2018.

This project is necessary as soccer in Bairnsdale does not have a permanent single-ground home. It currently functions out of West Bairnsdale Oval and Howitt Park, with both these venues having scheduling and capacity restrictions. The current arrangement creates capacity issues for the committee and volunteers coordinating organised sport across multiple venues, including the provision of umpires, canteen staff, first aid officers etc.

The soccer cohort led by East Gippsland United Football Club, has been requesting Council's support for a purpose-built facility for many years. The Bairnsdale Sporting Facilities Plan provided the process and evidence to support soccer's request.

Finally, the project will provide upgraded hockey facilities including oval lighting, improved pitches and shared use of the upgraded Netball Pavilion. These facilities will support the local hockey clubs to grow through access to night training facilities.

The land is located on land under management of the Department of Education and Training. A Development Agreement has been executed between Council and the Department of Education and Training for an initial term of 20 years with two further 10-year extension options.

The concept design, planning and detailed design of the WORLD Sporting Precinct has been undertaken by Thomson Adsett Pty Ltd. Their design contract was awarded at a Council meeting held on 12 November 2019 (See item 7.2 CON2019 1330 Design of WORLD Sporting Facilities).

A planning permit was issued on 05 May 2021 for the whole project (including the four construction packages). As part of the application process, advertising of the planning permit was conducted in September 2020, and again in March 2021. All requests for information from referral authorities were addressed.

The land is currently covered by the Native Title Act. Discussions are progressing with the traditional owners to come to a project specific Indigenous Land Use Agreement. This agreement will be finalised prior to commencement of works on site.

CON2020 1401 – this Contract:

This contract is the first of four proposed construction packages. The construction packages are proposed as follows:

- Construction Package 1
 - Early Works
 - Main Car Park
 - Site Services including irrigation
 - Improvements to Hockey Fields
 - Demolition of existing WORLD Pavilion
 - Retention basin and swale system
- Construction Package 2
 - Demolition of existing Netball Courts
 - Netball and Futsal Courts including lighting
 - Car parking
 - Main entrance to Kindergarten
- Construction Package 3
 - WORLD Pavilion
 - Soccer Pavilion
 - Marshalls Building
- Construction Package 4
 - Final Pad Preparation for Soccer Pavilion
 - Soccer Fields, Stormwater, Fencing, Shelters, Goals
 - Soccer Lighting
 - Peripheral Landscaping & Walking Path / Trail Connections

Award of Construction Package 1 will enable a new carpark to be built that will service the Westdale Kindergarten. This is key to ensure that the Westdale Kindergarten can continue to provide services while construction occurs through the various construction packages. The site will be graded with retention basins built and site services run throughout. Improvements to two of the hockey fields will be completed that includes irrigation, fencing and lighting.

The tender was advertised via Tenderlink and in the local newspapers, with tenderers also able to attend a pre-tender information session on site. Given the value of the tender the evaluation panel included two managers and a general manager and an external probity auditor. A copy of the Probity Audit Report is provided as **Confidential Attachment 2**.

Legislation

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

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

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

Collaboration

Pursuant of section 109(2) of the *Local Government Act* 2020 the development of the WORLD project has been prepared with funding contributions from both the Australian and Victorian Governments.

Council Plan

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

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

Council Policy

The procurement process described in this report is in line with East Gippsland Shire Council's Procurement Policy (2020).

The report progresses Council's previously established position regarding the Bairnsdale Sporting Facilities Plan 2018 and assists to enact Council's adopted health and wellbeing plan *Well Placed for Wellbeing*.

Options

As detailed earlier in this report, the delivery of the overall WORLD upgrade has been broken into a range of delivery packages. This is to provide logical sequencing of the works and to bring like works together to minimise mobilisation and management costs. A range of options were considered when developing the packages and work breakdown schedule.

More specifically, an option to be considered is to not award the contract as has been recommended in this report. The implications of this are that Council will not satisfy their Building Better Regions Fund milestones as outlined in its agreement with the Department of Industry. A variation request would subsequently need to be submitted to the Department of Industry.

Given that the price of the recommended tenderer is considered reasonable, and this tenderer has the ability to meet the required timelines, the option not to award is not recommended.

Resourcing

Financial

The project has received the following external funding so far:

Fund	Contribution	Funded Items
Building Better Regions Fund – Commonwealth Government	\$5,362,006	All items
Local Sports Infrastructure Fund – State Government	\$500,000	Netball Courts
The World Game Facilities Fund 2018 – State Government	\$153,700	Lighting
Community Sports Infrastructure Stimulus Program Round 2– State Government	\$5,000,000	All items

An application for borrowings to be undertaken through the State Government's Community Sports Infrastructure Loans Scheme. Recent funding announcements from the Community Sports Infrastructure Stimulus Program Round 2– State Government now mean that access to this borrowing scheme may no longer be required.

Funding exists within the 2020/21 Capital Program to fully cover the cost of this contract for the first package of works.

Risk

As part of the overall management of this project, the risks of this proposal have been thoroughly considered. Officers have prepared a Detailed Risk Assessment for the project.

Economic

Economic benefit for the project includes the economic activity associated with the construction maintenance and operation of community sport infrastructure and the increased productivity of those who are physically active as a result of such infrastructure.

An independent economic analysis of the project shows the benefits of the development at the WORLD Sporting Precinct as including:

- Construction will generate at least 29 full time direct jobs, with 2.13 indirect jobs created for every direct job. This results in 62 total full-time jobs as a result of this development
- 2 additional full time direct jobs will be created on an ongoing basis as a result of spending on maintenance and increased visitation to the area, with 1.5 indirect jobs created for every direct job. This results in 5 additional ongoing jobs
- With the additional capacity for regional competitions – a conservative estimate of two additional regional competitions every four years will result in \$12,456 of additional spending in the local economy each year
- The local economy will see the total value of improved productivity reach \$103,223 per year with the increase in participation and health outcomes

In addition to these overall project benefits, the tender evaluation process for this particular package of works included weighted criteria for local content and assessment of the contractor's ability to provide benefit to the local economy.

Social

The completion of the project will see numerous health and social benefits for the East Gippsland community. The increase in physical activity will see personal health benefits and reduced risk of accidents in the participant population. Some of the social benefits for the project include:

- Growing participation in physical and social activity amongst people of all ages, genders, cultural backgrounds and abilities
- Developing pathways for players from a school to local to regional and higher levels of sports competition
- Enhancing club development and participation through year-round access to facilities for clubs and schools
- Providing for regional sports events

Environmental

The removal of native vegetation and trees on the site has been considered through the detailed design stage. Changes were made to ensure that canopy trees along Wallace Street and on the eastern boundary of the Netball zone have been protected. Patches of critically endangered native grasses have been identified throughout the proposed Soccer zone. The proposed removal of these grasses will require approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. The Soccer zone works that impact this area is not contained within this contract and is in a future proposed package of works.

The tender for CON2020 1409 also included formal environmental sustainability criteria which were considered in the formal assessment of submissions.

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

Details on the engagement undertaken during the planning stage of this project can be found within the Bairnsdale Sporting Facilities Plan 2018. Since the adoption of that plan there has been consistent communication made with the end users of the development including:

- Bairnsdale Netball Association
- East Gippsland United Football Club
- Bairnsdale Hockey Club
- Bairnsdale Soccer Club and;
- Westdale Kindergarten

Further consultation has been made with the relevant state sporting bodies such as Netball Victoria and Football Victoria.

Engagement with adjoining properties was carried out prior to the project's Planning Permit application. This consisted of an introductory letter explaining the origins of the development and an info pack that included copies of the masterplan and explanation of items such as parking and lighting. This letter and info pack was distributed to 187 residents. Two queries were received, and further information provided. No formal objections to the development were received.

Stakeholders and residents as well as the broader community will continue to be informed of the progress of the works throughout the construction phase.

Discussions are also being held with the local aboriginal community via GLaWAC on how to recognise traditional owner culture in elements and naming of the facility components.

Attachments

1. CONFIDENTIAL - TEP Report - CON 2020 1409 WORLD Construction Package 1 [5.2.1.1 - 11 pages]
2. CONFIDENTIAL - Probity Review Report - CON2020 1409 WORLD Construction Package 1 [5.2.1.2 - 2 pages]

5.2.2 Contract CON2021 1380 Moroney Street Bairnsdale Reconstruction Stage 1

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 within this report's attachments is confidential because it contains private commercial information, which if released would, unreasonably expose the business, commercial or financial undertakings to disadvantage.

The purpose of this report is to seek Council approval to appoint a contractor for the first stage of Moroney Street reconstruction in Bairnsdale.

Moroney Street is a 2 km urban access road in West Bairnsdale. It is a high traffic street in a residential area with school and daycare facilities. The road currently has safety, drainage and amenity deficiencies which will be addressed through this project.

The overall objective is to upgrade Moroney Street with a consistent seal width, new underground drainage, kerb and channel, footpath, parking lanes, tree planting and upgrade to all intersections. Given the length of the street, the upgrade will be undertaken in stages. The Stage 1 works will extend from Dawson Street to the McKean Street intersection.

The upgrades to Moroney Street have been keenly anticipated by residents and users of the street for many years and will be well received once complete.

As a result of the invitation to tender and the subsequent tender evaluation provided as **Confidential Attachment 1**, Council is now able to consider the recommendation to award the contract for stage 1.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by _____ for CON2021 1380 Reconstruction of Moroney Street Stage 1 for the contract amount of \$ _____ exclusive of GST;***
- 3. authorises the signing and sealing of the contract in the form presented; and***
- 4. resolves that the attachments to this report, and all discussions in relation to the attachments remain confidential.***

Background

Moroney Street doesn't meet current urban infrastructure standards. It has a two-way seal carriageway of an inconsistent width, large gravel shoulders, and intersections open to high speed. The drainage infrastructure is very limited with a lack of underground infrastructure and no kerb and channel along the carriageway. The current conditions provide a low level of service for abutting residents with no defined on-street parking and incomplete sections of footpath.

To address deficiencies with the current conditions, the street was redesigned for a complete upgrade. Early consideration was given to constructing Moroney Street as a dual carriageway with a centre median in the same way as many of the Bairnsdale CBD streets. However, this would have resulted in extensive and expensive relocation of services including gas and underground watermain. This idea was, therefore, not retained, and the street was designed as a two-way carriageway with a general curvilinear alignment for traffic calming purposes.

Works will include pavement reconstruction and widening, an asphalt overlay, parking lanes, the installation of underground drainage infrastructure and kerb and channel, new section of footpath, and tree planting (not part of the contracted works, but part of the overall project with the installation to be completed by the Council Parks and Garden Team).

Due to the extent of the works, the construction has been programmed in three stages.

- Stage 1 - Dawson Street to McKean Street
- Stage 2 - McKean Street to Birchwood Court
- Stage 3 - Birchwood Court to Riley Street

Stage 1 construction works were advertised, and three conforming tenders were received, which are described in detail in the Tender Evaluation Report provided as **Confidential Attachment 1**.

Legislation

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

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

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

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

Collaboration

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 goals set out in the Council Plan 2017-2021:

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

Council Policy

Procurement has been undertaken in accordance with the East Gippsland Shire Council Procurement Policy (2020)

Options

When developing the specifications for the upgrade of Moroney Street a range of delivery options were considered, with three separate stages to be awarded under separate contract decided to be the most effective delivery method given the extensive nature of works. This report considers the awarding of Stage 1.

The tender process used for this project has seen multiple contractors bid for the works. The Tender Evaluation Panel evaluated these options in order to arrive at a preferred tenderer recommendation as outlined in Confidential Attachment 1.

Resourcing

Financial

The project is being funded from the Federal Government's Road to Recovery (R2R) program and from Council cash. The funding is phased over the 2020/21 and 2021/22 financial years. Council cash has been budgeted to cover all costs not able to be claimed through the R2R program.

Human Resources

This project will be supervised by a Project Supervisor from Council's Assets and Projects 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

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.

Social

The residents and users of Moroney Street will directly benefit from this project with increased road safety and improved drainage. New on-street parking, footpath and trees will contribute to a higher level of amenities in the area.

The project will also have a positive impact on the overall Bairnsdale community who use Moroney Street to access the school and daycare facilities.

Environmental

Sealing the existing wide gravel shoulders will decrease sediment going into the drainage system and have a positive environmental impact.

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

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

Climate change

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

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

Engagement

The Project Supervisor for the works will be responsible for providing initial advice to the Bairnsdale community in regard to 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 - CON 20211380 Reconstruction of Moroney Street Bairnsdale Stage 1- Tender Evaluation Panel Report [5.2.2.1 - 7 pages]

5.2.3 Contract CON2021 1429 Omeo Valley Road/Limestone Road Major Rehabilitation Works

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 within this report's attachments is confidential because it contains private commercial information, which if released would, unreasonably expose the business, commercial or financial undertakings to disadvantage.

The purpose of this report is to seek Council approval to appoint a contractor to undertake major rehabilitation works on Omeo Valley Road and Limestone Road.

The project will address large sections of pavement failure on two roads that are used by both heavy and light vehicles on a regular basis. Omeo Valley Road is used by an average of 15 B-double trucks per day (one way), and Limestone Road is used daily by 50 trucks.

Due to the excessive costs of ongoing maintenance of these road sections coupled with the poor performance of any maintenance undertaken, further investigation of the pavement failures was undertaken. This work recommended suitable pavement remediation works including the stabilisation of the existing subgrade and the construction of a new road pavement. The works will address three large sections of pavement failure on Omeo Valley Road and one section on Limestone Road.

Additional Drought Recovery funding through the Australian government's Roads to Recovery program, has enabled these works to be brought forward and implemented.

As a result of the invitation to tender and the subsequent tender evaluation provided as **Confidential Attachment 1**, Council is now able to consider awarding CON2021 1429 for the rehabilitation works.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. accepts the tender submitted by _____ for CON2021 1429 Omeo Valley Road/Limestone Road Major Rehabilitation Works for the contract amount of \$ _____, exclusive of GST;**
- 3. authorises the signing and sealing of the contract in the form presented; and**
- 4. resolves that any attachments to this report and any discussions in relation to the attachments remain confidential.**

Background

Limestone Road and Omeo Valley Road in the Benambra area are some of the most used roads in this district by both light and heavy vehicles. Pavement on both roads has been failing for some time, requiring regular and costly maintenance work, which often did not last for a significant period of time.

Based on the poor maintenance performance of the roads, Council officers engaged technical experts to carry out geotechnical pavement investigation and laboratory testing of the existing pavement and subgrade material. Further to the investigations and traffic data, these external experts recommended suitable pavement remediation works including the stabilisation of the existing subgrade and the construction of a new road pavement.

The works will address three large sections of pavement failure on Omeo Valley Road and one section on Limestone Road as follows:

Site 1	4.6km from the Omeo Valley Road turn off
Site 2	Livingstone River bridge to Hinnomunje Connection Road
Site 3a & 3b	Omeo Valley Road 0.8km from end of seal to Knocker Track intersection
Site 4	Benambra Limestone Road from Huggins/ Pendergast Road intersection to chainage 960m.

The works were advertised, and a number of conforming tenders were received, which are described in detail in the Tender Evaluation Report provided as **Confidential Attachment 1**.

Legislation

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

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

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

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

Collaboration

Given the contractual nature of this report and the remote location of the works, collaboration with other local governments and agencies was not practical.

Council Plan

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

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

Council Policy

Procurement has been undertaken in accordance with the East Gippsland Shire Council Procurement Policy (2020).

Options

A range of options were considered when investigating road condition and remediation possibilities, which influenced the final tender specification.

Multiple tenders were received for these works with the tender options considered against the tender evaluation criteria. This consideration is documented in the Tender Evaluation Panel report provided as **Confidential Attachment 1**.

Resourcing

Financial

The project is being funded from the Federal Government's Road to Recovery (R2R) program. In 2020 the Australian government extended the funding provided to council under this program in recognition of the impact of drought on East Gippsland. Care was given to ensuring that this funding was directed to works in drought effected parts of the shire, which allowed the works described in CON2021 1429 to be brought forward in the road renewal program.

Plant and equipment

Plant and equipment used to deliver the works have been listed by the contractor in his tender submission.

Human Resources

This project will be supervised by a Project Supervisor from Council's Assets and Projects unit. No additional Human Resources are required to manage this project.

Risk

The risks of this proposal have been considered. The main risk relating to pavement failure has been minimised by engaging geotechnical pavement specialists to investigate and design the new pavement in accordance with VicRoads and Austroads standards and guidelines. In addition, to minimise risks on site, tenderers were requested to develop a construction method that addresses risks identified in relation to weather, traffic management and other key issues associated with the works.

Economic

The construction works will contribute to local employment with a 5% weighting within the tender evaluation criteria directed towards recognition of local employment and local purchasing of goods and sub-contracted services.

Social

The works will have a direct positive impact on the quarry and logging industry, making the road safer for daily truck movements. Local road users will also benefit from improved pavement quality and the improved road safety.

Environmental

In designing the pavement works, instruction was given to stabilise the existing subgrade rather than importing additional material to rectify the subgrade deficiencies. This reduced transportation of materials and encouraged material re-use.

The evaluation of tenders also included a 5% weighting towards environmental sustainability and environmentally sensitive practices.

Climate change

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

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

Engagement

Early advice of the works was given to VicForest and to the local quarry during the geotechnical investigation. The Project Supervisor for the works will provide further advice to the local community once a commencement date is known.

Attachments

1. CONFIDENTIAL - CON 20211429 Omeo Valley Road - Limestone Road Major Rehabilitation Works- Tender Evaluation [5.2.3.1 - 5 pages]

5.2.4 Slip Road Masterplan Addendum

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

In 2009 Council adopted the Paynesville Maritime Precinct Master Plan, which was intended to guide development and use of the area within Paynesville sometimes referred to as Burrabogie Island. This area supports a flourishing maritime support industry and some of the areas most used public boating facilities. Despite the good intentions of this plan, little of the plan has been implemented a decade later.

Within the overall Burrabogie Island area is a precinct known as Slip Road (or Squatters Row) This site is approximately 5 ha of Crown Reserve foreshore on McMillan Strait, one of Victoria's busiest recreational waterways – this is an identified precinct within the Paynesville Maritime Precinct master plan. The site adjoins the Gippsland Ports Boatyard and sits opposite a range of boat building, maritime servicing and related businesses. The site is managed by Council.

In early 2020 Council received a \$250,000 grant from the Victorian Government to develop a new foreshore master plan for this area. This was then augmented with a further funding commitment from the State of \$1.1 million to implement the first stage of the master plan.

Council therefore drew together a range of stakeholders into a Project Reference Group to determine what the Masterplan should address. It was determined by this group that the Masterplan should be developed as an Addendum to the existing and adopted Paynesville Maritime Precinct Master Plan (the Addendum).

It was further recognised that as part of the Addendum it would be important to have a clear Concept Plan for the upgrade of the Slip Road Precinct to guide future investment.

Council has therefore worked with its stakeholders and consultants to develop the Addendum and Concept Plan that are presented now for formal Council consideration as **Attachment 1**. The Addendum and Concept Plan have also been through an extensive community engagement process which resulted in significant changes being made to the Concept Plan based on users' feedback.

Following from the recent project development activities, a further \$1.0M for implementation of the project has been formally announced, from the Regional Recovery Partnerships Program.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report,***
- 2. endorses the Addendum to the Paynesville Maritime Precinct Master Plan provided as Attachment 1; and***
- 3. advises stakeholders of the endorsement of the Addendum to the Paynesville Maritime Precinct Master Plan provided as Attachment 1 and updates the Master Plan available on Council's website to reflect this addendum.***

Background

In 2009 Council endorsed the Paynesville Maritime Precinct Master Plan. The key elements of the Master Plan were to: maintain and enhance the existing economic specialisation in marine industry; provide certainty to the local boating industry and major stakeholders; and support the tourism growth of the area, including related businesses and employment.

Little of the plan was implemented for a range of reasons including lack of funding and the lack of viability of some of the proposed elements of the Master Plan. Since the development of the Master Plan there have been a number of changes to the context including:

1. Changes to coastal planning requirements as outlined in the Marine and Coastal Policy 2020;
2. The completion of a feasibility study for a Centre for Wooden Boats and/or a Heritage Centre;
3. Completion of the Burrabogie Island flood study.

The original Master Plan recommended some zoning changes to the area be undertaken to support the marine industry. These zoning changes were presented to Council in 2018 but were not endorsed or enacted. There are no further proposals to change zoning in the new Addendum.

In 2019 the Paynesville Business and Tourism Association identified the upgrade of the Slip Road area as one of its top five priorities for Paynesville and based on this advocacy tourism stimulation funding was announced by the Victorian government for master planning for the site in early 2020. As the land manager Council was asked to deliver the project.

The Slip Road Maritime Precinct (Squatter's Row), Paynesville is approximately 5 ha of Crown Reserve foreshore on McMillan Strait, one of Victoria's busiest recreational waterways – this is an identified precinct within the Paynesville Maritime Precinct master plan. The site adjoins the Gippsland Ports Boatyard and sits opposite a range of boatbuilding, maritime servicing and related businesses. The marine industry within this precinct is Victoria's third largest marine industry and is an important employer in the area.

East Gippsland Shire Council is the designated Crown Land Committee of Management on behalf of the Department of Environment, Land, Water and Planning (DELWP). Despite the master planning in 2009 the site remains underdeveloped and disconnected from the main services of the town.

In addition to receiving funding to refresh the planning for the site Council also received \$1.1 million from the Victorian Government to construct new seawalls and boardwalks within the Slip Road precinct. This is seen as the first stage of implementing the revised master plan and newly developed concept plan.

Now that funding for the site has been provided and in order to guide the development of the site the original Paynesville Maritime Precinct Master Plan has been updated by way of an Addendum (provided as **Attachment 1**). The key elements of the addendum include:

- Removal of the Centre for Wooden Boats concept based on the feasibility study undertaken
- Greater recognition of the Aboriginal Heritage attributes of the lakes that can be incorporated into the development of the site
- Updated concept plan for the crown land reserve, Slip Road Maritime Precinct

The Addendum to the Paynesville Maritime Precinct Master Plan including the new Concept Plan is now presented for Council's formal consideration.

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 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 review of the Slip Road master plan was also undertaken to ensure alignment with the Victorian Marine and Coastal Act (2020).

Collaboration

Pursuant of section 109(2) of the *Local Government Act 2020* the review of the master plan and preparation of the Addendum has been prepared in collaboration with a range of agency and community stakeholders including Gippsland Ports; Department of Environment, Land, Water and Planning; East Gippsland Catchment Management Authority; Victorian Boating Industry Association and the Paynesville Business and Tourism Association.

Council Plan

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

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

Council Policy

Whilst there is no policy linked to this report, Council adopted the Paynesville Maritime Precinct master plan in 2009 and more recently adopted the Paynesville Foreshore Management Plan in 2017- which also incorporates this area.

Options

A range of options were considered by the Project Reference Group when developing the Addendum. However, in the report provided to Council the only options available are to either adopt the Addendum, or not adopt the Addendum.

Resourcing

Financial

Implementation of the concept plan proposed in the Paynesville Maritime Precinct Master Plan Addendum is intended to be primarily funded from external sources. At this stage the project is proposed to be funded as follows:

Works Stage	Cost	Income
Detailed design and project management	\$250,000	\$250,000 (Victorian State Government - confirmed)
Stage 1A Works • Seawall works (south of Boat ramp) • Boardwalk south of Boat ramp • Toilet upgrade • Parking improvements • Landscaping	\$2,100,000	\$1,100,000 (Victorian State Government - confirmed) \$1,000,000 (Regional Recovery Partnerships – confirmed)
Stage 1B works • Improved pedestrian link to Paynesville	\$80,000	\$80,000 (DOT contribution – pending)
Stage 1C Works • Seawall north of boat ramp • Parking improvements • Landscaping works	\$1,250,000	\$250,000 (Council contribution) \$1,000,000 (BBRF unconfirmed)
Stage 2: Additional berthing and Boat launching facilities • Vallet and Itinerant berths • Commercial repairs jetty (fixed) • Additional Boat Ramp for commercial / industry use	\$4,000,000	\$4,000,000 (RIF funding - unconfirmed)
Stage 3 • Pedestrian link across canal	\$2,000,000+ (currently not designed or costed)	No funding source identified at present.
Total Project Cost	\$9,680,000	
Confirmed funding		\$2,350,000
Pending funding		\$5,080,000
Funding gap (Stage 3)		\$2,000,000
Cost to Council:	\$250,000	

Plant and equipment

Not applicable

Human Resources

A Project Manager has been engaged to manage both development of the Addendum and Concept Plan and the detailed design work, with this resource fully funded through external funding. Council resources are being applied to the project's design and delivery including procurement, project delivery oversight, media, communications, administration and management. These are being contributed with no additional human resource requirement.

Risk

The risks of this proposal have been considered and mitigation measures have been built into the concept plan design and the overall Addendum. The risks considered included environmental risks and Climate Change risks; financial risks including access to external funding; and project delivery risks.

In particular, the full development of the Addendum and Concept Plan requires more funding than has currently been made available by the Regional Development Victoria grant of \$1.1M and Regional Recovery Partnerships Grant of \$1.0M. Unless additional funding can be secured there is a risk of disappointing the community who have experienced many 'false starts' for this site in the past. Council is currently exploring other funding options including lodging applications for funding through the Building Better Regions Fund (Federal Government), and Regional Infrastructure Funding (Victorian government).

The majority of Burrabogie Island in which the precinct sits is flood prone (as is much of Paynesville and the greater Gippsland Lakes areas). Sea level rise will further increase the frequency of flooding. A detailed flood study was undertaken for Burrabogie Island. The Addendum outlines options for providing flood protection for a range of scenarios and notes that protection of the site to a 1% (1 in 100 year) chance of flooding and with sea level rise (year 2100) would require significant sea walls and barriers across the canal entrances at both the north and south end of Burrabogie island.

It is proposed that the new seawall north of the existing jetty will be constructed to a height of 1.0m AHD. The reason for adopting the 1.0m AHD level is because providing a higher seawall will not prevent flooding as the site will still be inundated with flood water from other parts of the canal surrounding the island. This level of protection is considered appropriate for a site where there are no significant buildings and the site is public open space. The assets on the site will be designed to accommodate infrequent flooding.

Economic

The upgrade supported by the Addendum will unlock considerable economic opportunity for both the marine services industry and the visitor economy. An independent economic impact assessment of this project has concluded that the project will:

1. generate a Net Present Value of \$18.96 million over a 10-year period with a benefit to cost ratio of 4:1;
2. create 36 jobs during construction (12 direct and 24 indirect) with an estimated construction output impact of \$14.68 mil;
3. generate new business opportunities in the tourism and maritime sector with a total impact of \$2.25 mil and 5 ongoing jobs;
4. increase annual income related to the new berths by \$1.36 mil per annum;
5. introduce cost savings and efficiency gains for the maritime service businesses (not able to be quantified); and
6. extend the length of visitors stays and associated expenditure to a moderate-high impact.

Social

Important social benefits that the Addendum will assist to deliver include:

1. create new commercial opportunities including for Aboriginal people to operate boat hire and boat tour experiences;
2. incorporate Gunaikurnai story telling into the landscaping to support the regions fledgling indigenous tourism sector;
3. provide berthing and boat launching to support sea-changers choosing Paynesville as a lifestyle destination – contributing to population growth;
4. through the separation of commercial and recreational boat launching and retrieval, improve the safety of these activities and release additional capacity for efficient launching and retrieval;
5. improve the boating experience for the local community;
6. celebrate the rich cultural history of the site; and
7. finally, the site will be more aesthetically pleasing as well as having improved environmental benefits through landscaping and plantings. The improved amenity of the site will not just attract tourists but be a great asset to the community, many of whom are enthusiastic boat owner themselves.

Environmental

As detailed earlier in this report, the design work in the Concept Plan has considered Climate Change and the impact of sea level rise.

Climate change

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

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

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

Engagement

A Project Reference Group (PRG) has been developed to steer development of this planning through all stages including review of past master plans; development and testing of concept plans with the community and users; and informing detailed design. The PRG comprises representatives from Council, Regional Development Victoria, Department of Environment, Land, Water and Planning, Paynesville Business and Tourism Association, Gunaikurnai Land and Water Aboriginal Corporation, Gippsland Ports, Destination Gippsland, Victorian Boating Industry Association (local representative) and a local resident.

A community engagement process was implemented in December 2020 based on an earlier revision to the Concept Master Plan. This comprised online feedback with over 300 visitors to the website; two on-site community face to face drop-in sessions with over 50 local community members; a dedicated on-site review session with industry stakeholders; and meetings with local resident groups. As a result of feedback received through this process, a number of significant changes and revisions have been made and incorporated into the final concept plan.

Both the Master Plan Addendum and the Concept Plan were presented to the online Your Say consultation.

Attachments

1. Draft Slip Road Maritime Precinct Concept Plan Addendum to Paynesville Maritime Precinct Master Plan [**5.2.4.1** - 22 pages]

5.3 Good Governance

5.3.1 East Gippsland Shire Council Audit and Risk Committee meeting and Draft Internal Audit Plan 2021/22

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report provides Council with an overview of the items considered by the East Gippsland Shire Council Audit and Risk Committee (the Committee) meetings held on 18 February 2021 and 20 April 2021 (Committee meetings). In addition, this report is seeking Council's endorsement of the internal audit program for 2021-22 at **Attachment 1** and the Committee's Work Plan 2021-22 provided at **Attachment 2**.

At the February meeting Mr Jason Hellyer was re-elected as the Committee Chair. The Audit and Risk Committee Charter (Charter) stipulates that an independent member must be elected as Chair each year. Mr Stephen Paterson attended his first meeting in February.

The Committee has reviewed a wide range of reports from the internal auditors and management. Each meeting there is standard suite of quarterly reports, as outlined in the annual work program, considered by the Committee. In line with its roles and responsibilities outlined in the Charter, the Committee provides feedback to management on the reports and matters presented to it.

Officer Recommendation

That Council:

- 1. receives and notes this report on items considered by the East Gippsland Shire Council Audit and Risk Committee, at its meetings held on 18 February and 20 April 2021, and**
- 2. adopts the internal Audit Program for 2021/22 and Work Plan 2021-22, provided at Attachments 1 and 2.**

Background

The Audit and Risk Committee assists the East Gippsland Shire Council to fulfil its oversight and corporate governance responsibilities. The Committee meets five times per year and consists of seven members—four independent members, the Mayor and two Councillors. One of the independent members is elected the Chair. There have been two Committee meeting in 2021 – 18 February and 20 April.

At these meetings, the Committee was provided with updates on the East Gippsland Shire 2019-20 Bushfire recovery and COVID-19 impacts on Council business. The Committee discussed the Inspector-General for Emergency Management Phase 1 report and the bushfire preparedness for the Shire during the 2020-21 bushfire season.

The Committee has considered the following reports from the Internal Auditors:

- *IT Cyber Security Management*. This report found that the current controls over IT cyber security maintained by Council can be strengthened. It noted that Council has already undertaken a number of initiatives to increase the maturity of the IT environment. No high-risk issues were identified.
- *Community Grants (Outgoing) Management review*. The review identified current controls for community grants needs further strengthening. The report identified a range of controls that could be implemented to address the weaknesses identified. No high-risk issues were identified.

The Committee has reviewed and endorsed the internal audit program for 2021/22. It is presented for Council's consideration. As outlined at **Attachment 1** the following matters will be subject to audit in 2021/22:

- Purchase cards and fuel cards
- Food and Health Act compliance
- Occupational health and safety
- Payroll

Additionally, the Committee monitors progress on the implementation of management agreed recommendations from previous internal audits at each meeting.

The Audit Strategy for the 2020/21 financial year, to be undertaken by Council's external auditors has been discussed by the Committee at the April meeting. This is used as the basis for reviewing the Council's financial statements.

The Draft Audit and Risk Committee Work Program 2021/22 at **Attachment 2** was adopted at the April meeting in accordance with section 53(3) of the *Local Government Act 2020* which requires the Audit and Risk Committee to adopt an annual work plan. The Work Program provides the timeline for the presentation of management reports for the Committee's consideration. This program is developed to address the requirements of the Committee as outlined in its Charter. The Work Program is presented for Council's consideration.

The Committee received and noted updates in respect of matters presented quarterly relating to:

- risk management;
- legal activities;
- major insurance claims;
- finance; and
- capital works and major projects.

The Committee also received a report on the review of Councillor Expenses for 2020/21 (six months to 31 December 2020) and noted that the most significant Councillor expense is vehicles. In line with the Councillors Support and Expenses Policy, a Council owned vehicle is available to each Councillor to support them in undertaking their official duties.

The Committee was provided with recently released Victorian Auditor-General's Office (VAGO) Reports on Maintaining Local Roads (March 2021) and Sexual Harassment in Local Government (December 2020). The Committee discussed the implications of the Sexual Harassment in Local Government report for Council and will monitor actions adopted by management.

The Committee has endorsed the process for its annual performance review against the requirements of the Charter. This process will commence in the next reporting period and will involve a survey of Committee members, all Councillors and Council staff.

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 sections 53 and 54 of the *Local Government Act 2020* which establish the requirements for Council's Audit and Risk Committee.

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

Collaboration

As this report does not involve procurement there is no requirement for collaboration.

Council Plan

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

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

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

Council Policy

The Charter, adopted by Council, sets out the role and responsibilities of the Committee.

Resourcing

Financial

An attendance fee is paid to the four external independent members of the Audit and Risk Committee. This expense is accommodated within Council's annual budget.

Plant and equipment

There are no implications for plant and equipment with this report.

Human Resources

Secretariat support is provided to the Committee within existing resources.

Risk

The Charter ensures that the Committee provides advice to minimise strategic and operational risks for Council.

Economic

The Audit and Risk Committee provides the checks and balances to ensure Council is making decisions for its financial viability and the best outcomes for the municipality.

Social

Through its annual work program, the Audit and Risk Committee monitors and provides advice on Council's policies and procedures, financial performance, risk management, fraud prevention and audit program to ensure Council projects and programs are delivering outcomes for the sustainability of the East Gippsland community.

Environmental

The Audit and Risk Committee has regard to the risks and implications of Council's projects and programs on the environment of the Shire.

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

This report has been prepared with appropriate internal engagement.

Attachments

1. Draft Internal Audit Plan 2021-22 [**5.3.1.1** - 12 pages]
2. Draft Audit and Risk Work Plan 2021-22 [**5.3.1.2** - 3 pages]

5.3.2 Chief Executive Officer Instrument of Delegation

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

On 5 May 2020 Council resolved to increase the Chief Executive Officer's financial delegation from \$250,000 (including GST) to \$500,000 (including GST) to improve Council's business efficacy and efficiency in its procurement activities. Council requested a review to be undertaken in 12 months and a report prepared on the benefits, adequacy and application of the increase in the Chief Executive Officer's financial delegation.

This report indicates that cost benefits and efficiency gains that have been realised as a result of increasing the Chief Executive Officer's financial delegation limit. In addition, the process for approving contracts has saved approximately 11 hours per contract and enabled projects valued under \$500,000 to commence on average 4 weeks earlier than was previously possible.

In addition, a financial delegation limit of \$500,000 is in keeping with the Chief Executive Officer financial delegation limits for similar Councils, as outlined in the Options section of this report, with the average limit of \$569,000.

Officer Recommendation

That Council:

- 1. receives and notes this report; and***
- 2. resolves that the Chief Executive Officer's financial delegation remains at \$500,000 (including GST).***

Background

Prior to Council's decision in May 2020 to increase the Chief Executive Officer's financial delegation to \$500,000 the following challenges were identified with the \$250,000 (including GST) limit, such as:

- the elapsed time and additional work requirements for tenders and quotations to be compiled, evaluated then processed through the Council meeting cycle;
- the lengthy approval process as a significant number of tenders are priced above the \$250,000 threshold and need to be reviewed by the Executive Leadership Team prior to being considered by Council; and
- the magnitude of procurement works due to the bushfires meant the thresholds would create delays in the rebuild efforts.

The rationale for an increase in the Chief Executive Officer's financial delegation included:

- streamlining the current approval process and assist with the process of project planning; and
- creating time savings in project delivery by reducing the timeframes for approvals.

Council has ultimate oversight and approval of the capital projects through the annual budget and capital works program process and the Chief Executive Officer is able to approve the contracts for those capital projects up to \$500,000 (including GST) that Council has identified for the financial year.

Since May 2020, the Chief Executive Officer has approved expenditure under the Instrument of Delegation on 35 occasions for contracts, goods and services. There were 20 instances where the amounts were greater than \$250,000 (including GST) - the value of the previous financial delegation.

It is estimated that the cost benefit for Council, from increasing the Chief Executive Officer's financial delegation is around \$1,069 per expenditure or \$22,450 per annum. Streamlining the approval process for expenditure under \$500,000 (including GST) has saved around 109 hours of staff time and 121 hours of Councillor time across the year; this equates to about 11 hours per approval on expenditure above \$250,000 (including GST) up to \$500,000 (including GST).

Time savings are realised for staff by reducing the preparation and review of reports prior to and for a Council meeting. In addition, Councillors benefit from time savings for reading and reviewing briefs and Council reports.

In relation to contracts awarded following a tender process, as outlined in Table 1, the Chief Executive Officer has approved 19 contracts; 13 of which were over the previous \$250,000 (including GST) Chief Executive Officer financial limit, but under the current \$500,000 (including GST) limit. In the same period Council has approved 13 contracts valued over \$500,000 (including GST), whereas in the previous year Council had approved 31 contracts over \$500,000 (including GST).

Table 1: Contracts awarded

Year May '20/April'21	Contracts awarded by Chief Executive Officer		Total Contracts awarded by the Chief Executive Officer	Contracts awarded by Council	Total Contracts awarded
	< \$250,000 (inc. GST)	< \$500,000 (inc. GST)		>\$500,000 (inc. GST)	
2019/20	10	n.a.	10	31	41
2020/21	6	13	19	13	32

The approval process for expenditure between \$250,000 and \$500,000 (including GST) has been streamlined by reducing the approval time by approximately 4 weeks per contract; this is mainly due to not having to prepare reports for Councillor briefing and Council meeting. This means that projects and works can be commenced sooner. Staff are still required to prepare a report for the Chief Executive Officer for approval.

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 section 11 of the *Local Government Act 2020* that allows Council to delegate to the Chief Executive Officer and to specify the monetary limit for entering into a contract or making any expenditure.

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

Collaboration

This report does not involve collaborative procurement.

Council Plan

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

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

Council Policy

Procurement under the Chief Executive Officer's financial delegation occurs in accordance with Council's Procurement Policy.

Options

The increased Chief Executive Officer's financial delegation has been in place for 12 months. As discussed early in this report this has provided efficiencies to Council and enabled projects and works to commence as soon as practical. It is proposed that the Chief Executive Officer's delegation is retained at \$500,000 including GST.

Alternatively, the Chief Executive Officer's delegation could be a lower or higher amount. However, reducing the Chief Executive Officer's financial delegation will reduce the efficiency gains realised over the last 12 months and potentially delay the commencement of works and projects under \$500,000 (including GST) by approximately 4 weeks.

A benchmarking exercise of Councils with similar characteristics to East Gippsland Shire Council presented in Table 2 indicates that the financial delegation for Chief Executive Officers ranges from \$250,000 to \$1,000,000 (including GST). The average Chief Executive Officer delegation financial limit for these Councils is \$569,000. Eight of the thirteen Councils profiled have a limit of \$500,000 (including GST) or greater. The continuance of the Chief Executive Officer's financial delegation limit of \$500,000 (including GST) is in keeping with similar profiled Councils.

Table 2: Chief Executive Financial Delegation limits

Council	Current CEO Financial Delegation (incl GST) As at April 2021
Bass Coast Shire Council	\$1,000,000
Baw Baw Shire Council	\$750,000
Campaspe Shire Council	\$1,000,000
Corangamite Shire Council	\$500,000
East Gippsland Shire Council	\$500,000
Glenelg Shire Council	\$500,000
Golden Plains Shire Council	\$400,000
Latrobe City Council	\$500,000
Macedon Ranges Shire Council	\$1,000,000
Mitchell Shire Council	\$300,000
Moyne Shire Council	\$300,000
South Gippsland Shire Council	\$250,000
Wellington Shire Council	\$400,000

Resourcing

Financial

Council has realised both monetary and time savings through the increase of the Chief Executive Officer's financial delegation from \$250,000 (including GST) to \$500,000 (including GST). As outlined earlier it is estimated that \$22,450 in staff and Councillor time has been saved over the last twelve months.

Plant and equipment

There is no implication for plant and equipment.

Human Resources

The increase in the Chief Executive Officers financial delegations has provided Council staff with time saving in the preparation and execution of contracts. These time savings have been realised by not needing to prepare additional briefs and reports for Council consideration. Council staff have been able to focus on the commencement and management of strategic projects and works in line with Council's budget including identified capital works.

Risk

The risks associated with increasing the Chief Executive Officers financial delegations are mitigated through the application of the Procurement Policy to Council expenditure including the tender process and awarding contracts.

Economic

The ability for the Chief Executive Officer to approve contracts and expenditure up to \$500,000 (including GST) allows promptness in procuring goods and services which benefiting suppliers to Council and has a stimulus effect on the economy of the East Gippsland Shire. This has also allowed works projects to commence sooner than if these works had to been approved at a Council meeting. Many of the projects commenced under the Chief Executive Officer's delegation over the last twelve months have had a broad benefit to the residents, tourism operators and business owners in East Gippsland by improving infrastructure and access across the Shire.

Social

The municipal community benefits from the Chief Executive Officer approving expenditure as infrastructure works and services can be commenced and completed earlier. Ongoing economic activity in the East Gippsland Shire provides employment opportunity and financial stability for residents and business owners.

Environmental

The environmental benefits with the increased in the Chief Executive Officer's delegation allow promptness in the delivery of works and services relating to the environment such as landfills and solar installation works.

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 consultation has informed this report.

Attachments

Nil

5.3.3 Victorian Electoral Commission report on 2020 Election

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

In accordance with section 268 of the *Local Government Act 2020* the Victorian Electoral Commission conducted the East Gippsland Shire Council 2020 elections.

As required under clause 83(1) of the Local Government (Electoral) Regulation 2020 the Victorian Electoral Commission is required to prepare a report on the conduct of the election for the Chief Executive Officer, see Attachment 1. In addition, under clause 83(3) the Chief Executive Officer is to ensure that the report is submitted to the Council at the earliest practical meeting of Council held after the report is received. The report from the Victorian Electoral Commission was received on 19 April 2021.

Officer Recommendation

That Council receives and notes the report provided by the Victorian Electoral Commission on the East Gippsland Shire Council 2020 elections at Attachment 1.

Background

The Victorian Electoral Commission report on the 2020 East Gippsland Shire Council outlines the legislative requirements implemented under the *Local Government Act 2020*, the activities undertaken by the Victorian Electoral Commission, the statistics relating to voters and the results of the election.

The Victorian Electoral Commission conducted the East Gippsland Shire Council 2020 election in accordance with the service level agreement entered into in May 2020. The Victorian Electoral Commission managed the East Gippsland Shire Council elections from 54 Service Street, Bairnsdale.

There were 41,335 voters eligible to vote in the East Gippsland Shire Council 2020 election. A total of 34,252 ballots were cast of which 34,188 ballots were eligible for counting. The participation rate for the election was 84.97 per cent, which is higher than the state average of 84.12 per cent (excluding Melbourne City Council). Also, the participation rate for the Shire for the 2020 election was higher than the 76.02 per cent in 2016. In addition, the 9.96 per cent of informal votes in 2020 was considerably lower than the 16.79 per cent in 2016.

Legislation

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

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

This report has been prepared in accordance with *Local Government Act 2020* and the Local Government (Electoral) Regulations 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*.

Council Plan

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

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

Attachments

1. East Gippsland Shire Council - Election Report - 2020 Local Government elections [5.3.3.1 - 48 pages]

5.3.4 Instrument of Appointment and Authorisation

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report seeks Council's approval to appoint authorised officers under the *Planning and Environment Act 1987* (the Act) by an Instrument of Appointment and Authorisation. Under the Act only Council by a resolution can appoint authorised officers who must be employees of Council. In addition, Council is required to revoke any appointments for authorised officers who are no longer employees of Council.

An Instrument of Appointment and Authorisation enables authorised officers to act on behalf of Council in certain circumstances. Council staff are authorised under the *Planning and Environment Act 1987* to represent the Council in enforcing the provisions of the Act.

An Instrument of Appointment and Authorisation is required for a number of staff who have commenced both the Planning and the Regulatory and Compliance Services teams. In addition, several Instruments are required to be revoked as the authorised officer no longer works for Council.

Officer Recommendation

That Council:

- 1. receives and notes this report and the attachment pertaining to this report;***
- 2. in the exercise of the powers conferred by section 224 of the Local Government Act 1989 and section 147 (4) of the Planning and Environment Act 1987 resolves that:***
 - a) the Instrument of Appointment and Authorisation dated 15 December 2020 be revoked;***
 - b) Council Officers named in the Instruments of Appointment and Authorisation provided at Attachment 1 be appointed and authorised;***
 - c) the Instruments of Appointment and Authorisation come into force once the common seal is affixed and remain in force until Council determines to vary or revoke these; and***
 - d) the Instruments of Appointment and Authorisation at Attachment 1 be signed and sealed.***

Background

The appointment of Authorised Officers allows certain Council staff to act on behalf of the Council in the administration and enforcement of various Acts, regulations or local laws in accordance with the powers granted to them. Under the *Planning and Environment Act 1987* staff represent the Council in enforcing the provisions of that Act.

The following officers are required to be authorised officers under the *Planning and Environment Act 1987*:

Jodie Pitkin, General Manager Place and Community
Leigh Collings, Municipal Building Surveyor
Robert Pringle, Statutory Planning Coordinator
Chris Radford, Building Inspector
Sam McPherson, Manager Regulatory and Compliance Services
Daniella Natautama, Statutory Land Use Planning Officer – Bushfire Rebuild
Emine Mestan, Senior Land Use Planner
John Perry, Land Use Planning Officer
Royce Edwards, Development Compliance Officer
Nirveen Kaur, Land Use Planning Officer
Nicole Reynolds, Acting Manager Planning
Lachlan McArthur, Senior Technical Officer – Development
Gareth Hutchings, Technical Officer – Development
James Spencer, Graduate Statutory Planner
Stefani Risteska, Graduate Statutory Planner
Steven Daly, Graduate Statutory Planner

The Instrument of Appointment and Authorisation for the following officers are to be revoked as they are either no longer employed by Council or have transferred to a role that does not require an authorisation or are on extended leave.

Ben Marchbank
Bill Williams
Elaine Wood

This will be achieved with the revocation of the previous Instrument of Appointment and Authorisation dated 15 December 2020 that authorised all relevant Council officers.

It has been determined that the process of reappointing all authorised officers when a new authorisation is required under the *Planning and Environment Act 1987* has become administratively burdensome.

The current process requires a new Instrument and certificates are prepared each time a staff member joins or leaves Council or redeploy. This practice has allowed Council to manage the appointments collectively and ensure consistency, however with the increased fluidity of the workforce the Instrument and the current certificates are being remade frequently for each authorised officer. Each time the certificates are recalled, destroyed and new ones issued which involves time to prepare each Instrument and following-up with officers to return revoked Instruments. There is no statutory requirement to manage appointments in this manner or to issue certificates. As the appointment of an authorised officer is to an individual it is possible to issue a single Instrument for each authorised officer without an additional certificate. In addition, the content of the Instrument rarely changes ensuring the longevity of the Instrument when issued.

It is proposed, following this round of appointments, that Instruments of Appointment and Authorisation will be presented to Council individually, as required. This will save time by streamlining the current administrative processes and avoiding the repetitive report presented to Council for consideration. To ensure the appointments are managed effectively a register will be implemented to track the appointment and revocation dates. In the future, the reappointment of all authorised officers will only occur when there is a change to the content of the Instrument.

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 Acts 1989 and 2020* and the *Planning and Environment Act 1987*.

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

Collaboration

As this report does not detail procurement arrangements there is no collaboration required.

Council Plan

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

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

Council Policy

There is no applicable Council Policy for this report.

Options

There are no alternative options for Council to consider in relation to Instruments of Appointment and Authorisation.

Resourcing

Financial

There are no financial implications from this report.

Plant and equipment

There are no plant and equipment implications from this report.

Human Resources

There are no human resource implications from this report.

Risk

Appointing authorised officers minimises the risks of failing to comply with the *Planning and Environment Act 1987* when officers are acting on behalf of Council under this Act.

Economic

There are no economic impacts for the East Gippsland Shire from the approval of the Instruments outlined in this report.

Social

The East Gippsland Shire will have confidence that Council is applying the powers, duties and functions of the various legislative requirements for the well-being and benefit of the municipal community.

Environmental

The East Gippsland Shire will have confidence that Council is applying the powers, duties and functions of the various legislative requirements for the environmental sustainability of the Shire.

Climate change

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

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

Engagement

The Instruments attached to this report have been prepared in consultation with appropriate personnel across the Council.

Attachments

1. Instrument of Appointment & Authorisation [5.3.4.1 - 16 pages]

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 **Contract Extension - CON2018 1244 - Provision of Painting Services**

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

8 **Close of Meeting**