



Council Meeting Agenda

Tuesday 21 March 2023 at 6:00 pm
Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875



Acknowledgement to country

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

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

Council information

East Gippsland Shire Council live streams, records and publishes its meetings via webcasting (youtube.com/c/EastGippyTV) to enhance the accessibility of its meetings to the broader East Gippsland community.

These recordings are also archived and available for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, any members of the gallery who are addressing the council will have their image, comments or submissions recorded.

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

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

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

Councillors

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

Executive Leadership Team

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

Purpose of Council meetings

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

Governance Rules

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

Councillors pledge

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

Vision

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

Our Strategic Objectives

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

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1 Procedural

1.1 Recognition of Traditional Custodians

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

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

1.2 Apologies

1.3 Declaration of Conflict of Interest

1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Tuesday 28 February 2023 be confirmed.

1.5 Next Meeting

The next Council Meeting is scheduled be held on Tuesday 11 April 2023 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

1.7.1.1 Rezoning of Properties

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report informs Council of a petition submitted by Terese Bartlett from Lindenow seeking Council to adequately size the properties in the Rural Living Zone to reflect their use. The petition was received in electronic format on 2 February 2023. The petition states:

“...We ask the rezoning of properties from Farming Zone to Rural Living Zone to accurately reflect its size and use.”

The petition has been received and presented in accordance with Governance Rule 8.7. The petition included 30 signatures, of which all met the governance requirements. *

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

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

Officer Recommendation

That Council:

- 1. receives and notes this report;***
- 2. receives the petition lodged by Terese Bartlett stating “We ask the rezoning of properties from Farming Zone to Rural Living Zone to accurately reflect its size and use”;***
- 3. notes the petition has been referred to the Manager Planning for inclusion in the submissions for the Rural Land Use Scheme community feedback process; and***
- 4. notes that Council Officers will write to the head petitioner advising them of these actions.***

1.7.2 Questions of Council

1.7.3 Public Submissions

1.8 Items to be tabled

Residents of East Gippsland have received a thank you letter from His Majesty King Charles III for the book of condolence sent following the death of Queen Elizabeth II.

Attachments

1. Letter from His Majesty King Charles III [**1.8.1.1** - 1 page]



BUCKINGHAM PALACE

20th February, 2023

To: The Residents of East Gippsland

The King has asked me to thank you for your messages in the Book of Condolence which was sent following the death of His Majesty's beloved mother, Queen Elizabeth II.

The King was greatly touched by your kindness in expressing your sympathy and profound gratitude to The late Queen for her extraordinary life of service. His Majesty has asked me to send you his warmest thanks and very best wishes.

Yours sincerely,

Correspondence Secretary

2 Notices of Motion

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Chief Executive Officer

5.1.1 Audit and Risk Committee Biannual Report July to December 2022

Authorised by Chief Executive Officer

Conflict of Interest

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

Executive Summary

Section 54(5) of the *Local Government Act 2020* (the Act) prescribes that Council's Audit and Risk Committee (the Committee) must prepare a biannual audit and risk report (the Biannual Report) that describes the activities of the Committee that includes its findings and recommendations.

The Act further prescribes that a copy of the Biannual Report is to be provided to the Chief Executive Officer for tabling at the next Council meeting. This requirement is also reflected in the Audit and Risk Committee Charter (the Charter) at clause 1.6(n).

Attachment 1 to this report presents the Biannual Report which describes the activities undertaken by the Committee during the period July to December 2022.

The Committee has reviewed a wide range of reports from the internal auditors and management. At each ordinary meeting, a standard suite of quarterly reports is considered by the Committee, as outlined in the Committee's annual work program. In line with the 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. receive and note this report and all attachments pertaining to this report; and***
- 2. note the Audit and Risk Committee Biannual Report July to December 2022 as provided at Attachment 1.***

Background

The Committee assists 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.

The Biannual Report, presented at **Attachment 1**, is based on the Committee's annual work program and includes officer reports on other matters considered at the meetings.

The Committee has developed a strong reporting regime that meets the requirements set out in its Charter. It has monitored the progress of the annual internal audit program and reviewed and provided feedback on Council's management of financial and risk management.

At its meeting held on 20 February 2023 the Committee endorsed the Biannual Report for July to December 2022 to be tabled at the next Council meeting by the Chief Executive Officer.

Legislation

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

This report has been prepared in accordance with 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*.

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

Collaborative procurement

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 strategic objectives set out in the Council Plan 2021-2025:

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

Council Policy

The Audit and Risk Committee Charter, adopted by Council in August 2022, sets out the role and responsibilities of the Committee. The requirement to report biannually is outlined in clause 1.6(n) of the Charter and complies with the legislative requirements.

Resourcing

Financial

There are no financial implications associated with this report.

Plant and equipment

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

Human Resources

Secretariat support is provided to the Committee within existing resources.

Risk

This report ensures that Council complies with its legislative requirements under the Act.

Economic

There are no economic implications associated with this report.

Social

There are no social implications associated with this report.

Gender Impact Statement

The Biannual Report has considered the *Gender Equality Act 2020* in its preparation. The report and Charter have been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

There are no environmental implications associated with this report.

Climate change

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

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

Engagement

This report has been prepared with appropriate engagement with Committee members.

Attachments

1. Audit and Risk Committee Biannual Report - July to December 2022 [**5.1.1.1** - 7 pages]



Audit and Risk Committee

Biannual Report

July to December 2022



Introduction

East Gippsland Shire Council (Council) is required to establish an Audit and Risk Committee (the Committee) under section 53(1) of the *Local Government Act 2020* (the Act).

Additionally, section 54(1) of the Act requires councils to prepare and approve a Committee Charter (the Charter) which specifies the Committee's objectives, authority, composition, tenure, roles and responsibilities along with reporting, administrative and governance arrangements. The current Charter was adopted by Council 16 August 2022.

Section 54(5)(a) of the Act also requires the Committee to prepare a biannual audit and risk report that describes its activities, findings and recommendations. A copy of this report must also be provided to the Chief Executive Officer (CEO) for tabling at the next Council meeting.

This Report outlines the activities of the Committee for the reporting period (July to November 2022).

Membership and Meetings

Committee membership comprises four (4) independent members appointed by Council and three (3) Councillors. In accordance with section 53(4) of the Act the Chairperson of the Committee must be an independent member.

During the current reporting period, the term of one independent member concluded. Accordingly, the recruitment process to appoint a new independent member commenced.

The Committee met five times during the reporting period:

Date	Meeting Type	Attendance
25 July 2022	Ordinary Committee Meeting	4 Independent Members 3 Councillors
15 August 2022	Special Members Only Committee Meeting	One apology
20 September 2022	Special Committee Meeting	4 Independent Members 3 Councillors
20 September 2022	Annual Joint Meeting	7 Committee Members 4 Non-Member Councillors
7 November 2022	Ordinary Committee Meeting	4 Independent Members 1 Councillor

In accordance with the Charter, an ordinary meeting is held once each quarter and a joint meeting with Councillors is held annually in September to discuss:

- Council's audited draft financial report and performance statement; and
- the Committee's performance evaluation for the previous financial year.



A Special meeting of the Committee was convened 20 September 2022 for the purpose of endorsing the Committee's Annual Performance Evaluation prior to presentation at the Annual Joint meeting.

As detailed in the Charter, a quorum will exist if four (4) or more Committee members are present, and the number of external independent members present is equal to or greater than the number of Councillor members.

Meetings during the reporting period complied with quorum requirements.

The meeting agenda is driven by the Committee's Annual Work Program, which was formally endorsed at the meeting held 2 May 2022. The matters considered by the Committee at each meeting are provided in **Table 1**.



TABLE 1

		Reporting Period 1 July - 31 December 2022						
		25 July 2022		20 September 2022		7 November 2022		
Items	Source	Planned	Actual	Planned	Actual	Planned	Actual	Comments
Financial								
Finance Report	LGA 54(2)(b)/ Charter 1.1, 1.2 and 1.6(a)					✓	✓	These quarterly reports are not considered at the July meeting due to the Annual Financial and Performance statements being considered at the September meeting.
Capital Works and Landfill Rehabilitation Report	Part of the financial requirements					✓	✓	
Investment report	Investment Policy - reporting section					✓	✓	
Requirements/Triggers for a revised budget	Committee request 02/05/22	✓	✓					
External Auditor								
External Auditor's Interim Management Letter and Audit Strategy for 2021/22 financial year	LGA 54(2)(b)/ Charter 1.1 and 1.6(b)	✓	✓					
Review draft audited Financial Statements and Performance Statement against the Local Government Performance Reporting Framework for the 2021/22 financial year (undertaken at a joint meeting with Councillors at which the external auditor presents).	LGA 54(2)(b)/ Charter 1.1 and 1.6(a) and (e)			✓	✓			
Review External Auditor's Final Management Letter for 2021/22	LGA 54(2)(b)/ Charter 1.1 and 1.6(b)			✓	✓		✓	
Meet with external auditor privately (i.e. with no Council officers present).	Charter 1.1			✓	✓			
Risk Management/Occupational Health and Safety								
Risk Management Report	LGA 54(2)(c)	✓	✓			✓	✓	
Occupational Health and Safety Report	LGA 54(2)(c)	✓	✓			✓	✓	



		Reporting Period 1 July - 31 December 2022						
		25 July 2022		20 September 2022		7 November 2022		
Items	Source	Planned	Actual	Planned	Actual	Planned	Actual	Comments
Review Council's Risk Management framework (policies, procedures and program)	LGA 54(2)(a)(i)/ Charter 1.1 and 1.6(c)					✓	✓	Rescheduled from July meeting
Review Strategic Risk Registers – full report	Charter 1.6(c)	✓	✓			✓	✓	
Legal Activities Report	Charter 1.6(h)	✓	✓			✓	✓	
Insurance Claims Report	Charter 1.6(h)	✓	✓			✓	✓	
Annual - Insurance Claims report	Charter 1.6(h)	✓	X					
Governance								
Councillor Expenses Report	Councillor Support and Expenses Policy/Charter 1.6(l)	✓	✓			✓	✓	
Gifts, Benefits and Hospitality, Fraud and Conflict of Interest registers	Charter 1.1 and 1.6(d), Gifts Benefits and Hospitality Policy					✓	✓	
Council Policies - statutory obligations and management framework	LGA 54(2)(a)(i)/ Charter 1.1 and 1.6(c), (d) and (f)					✓	✓	
Review Audit and Risk Committee Charter	Charter 1.6(m)	✓	✓					Item relisted from 2 May 2022 meeting to the July meeting
Integrity Agency reports, as required	Charter 1.6(k)	✓	✓					
Internal Auditor								
Internal Audit Plan delivery status updates (Internal Auditor report)	LGA 54(2)(b)/ Charter 1.1 and 1.6(g)	✓	✓			✓	✓	
Internal Audit Review Report - Records Management	Charter 1.1 and 1.6(g)					✓	✓	
Internal Audit Program Actions Report	LGA 54(2)(b)/Charter1.1 and 1.6(g)	✓	✓			✓	✓	
Internal Audit Statutory Planning Actions Report	LGA 54(2)(b)/Charter 1.1 and 1.6(g)	✓	✓			✓	✓	
Draft proposed Climate Change Internal Audit Scope	Committee request 02/05/22	✓	✓					
Audit and Risk Committee Meeting Actions Report	Committee request 17/10/11	✓	✓			✓	✓	



		Reporting Period 1 July - 31 December 2022						
		25 July 2022		20 September 2022		7 November 2022		
Items	Source	Planned	Actual	Planned	Actual	Planned	Actual	Comments
Annual Performance Review/Work Program/ Biannual Report								
Finalise Audit and Risk Committee performance evaluation for 2021/22 (final report for consideration by Council)	LGA 54(4)(b) Charter 1.6(j)			✓	✓			
Discuss final report on Audit and Risk Committee performance evaluation for 2021/22 with Councillors	LGA 54(4)(b) Charter 1.6(j)			✓	✓			
Endorse the Audit and Risk Committee activities bi-annual report	LGA 54(5)(a) Charter 1.6(n)	✓	✓			✓	X	The Biannual Report will be presented at the February 2023 meeting
Adopt annual Audit and Risk Committee work program for 2023	LGA 54(3)					✓	X	The Annual Work Plan is currently being reviewed post Charter update and scheduled for presentation to the February 2023 meeting
Other matters considered at the meetings								
Impact or rising fuel prices on Council's business	Committee request 02/05/22	✓	✓					



Key Highlights

The key highlights for the Committee during the current reporting period were:

- Review and update to the Audit and Risk Committee Charter
- Audit and Risk Committee Charter and Staff and Councillor Interaction Policy identified by the Local Government Inspectorate as best practice examples with Council approval sought to promote these documents on the Inspectorate's policies page
- Significant improvements in the quality and content of Risk Reporting recognised by the Committee

The Committee has provided advice/assurance on the following key items:

- Advice on the development of risk strategy policy and framework and classification of risks
- Advice on financial reporting to be more useful in tracking capital spend and to make them more transparent to users of the information as opposed to meeting statutory requirements.
- Assurance on investment policy, councillors' expenses, overview of council policies, OH&S, capital works, insurance claims and Internal Audit programs.
- Recommendation in support of the draft Annual Financial Statements

The following key items are noted to be under consideration by the Committee as at the 30 November 2022:

- Implementation of the Annual Performance Review recommendations
- Election of a Committee Chair scheduled for the February 2023 meeting
- Welcoming new independent member onto the Committee
- Review of the updated Work Plan following Council-adopted changes to the Charter
- Internal Audit Plan for 2023-24
- Further review of risk management issues

5.2 Assets and Environment

5.2.1 Petition - Objection to Proposed Toilet Block - Raymond Island Koala Trail and Experience

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

A signed petition was received by Council on 7 February 2023 objecting to the building of a public toilet within the Koala Park at Raymond Island. The petition was signed by 19 residents of Raymond Island, stating:

We, the undersigned residents of Raymond Island object to the plan to build a public toilet within the Koala Park at Raymond Island. Our major concern is the close proximity to, and the full close appearance to the adjoining properties, and the fact that this aspect will devalue those properties and seriously affect their resale prospects.

Many who have lived in this area for some time have chosen to do so due to the natural native ambience that prevails, and whilst we have been supportive of the Koala Park development to date, the toilet block proposal is not in sympathy with the natural aspects of the area. There is a toilet facility at the Ferry terminal park for public use, and whilst it is a long way from the Koala Park, we residents that immediately about the Koala Park have not observed any evidence of the public using that park indiscriminately for toilet use.

There is currently only one public toilet facility on Raymond Island. The need for an additional public toilet has been identified as part of a planned enhancement of the Koala visitor experience and in recognition of the significant number of visitors coming to the island for a koala experience.

Other components of the upgrade and enhancement to the Koala Trail have included improvements to the Ferry Park; replacement of the existing toilet at Ferry Park; significant revegetation of areas of the island to enhance habitat; and development of trails and trail markers to assist manage where the visitors walk and minimise environmental damage.

The overall project is guided by a Project Reference Group with wide interest group and stakeholder representation including several Raymond Island residents.

The proposed toilet is still at concept design stage, meaning that the exact location and design of the facility is yet to be finalised. As the design is advanced there will be further opportunity for community input, particularly input from those living in the immediate vicinity.

The Head partitioner will therefore be advised that whilst a toilet is planned for somewhere in the vicinity of Tenth Avenue, the exact location and design is still to be determined and is subject to further investigation and community consultation.

Officer Recommendation

That Council:

- 1. receives and notes this report; and***
- 2. notes that Officers will write to the head petitioner, notifying them that the plans for an additional public toilet on Raymond Island are still in concept design and will be subject to further design and consultation to determine the specifics of location and toilet type.***

Background

The 'Raymond Island Koala Trail and Discovery Experience' project will deliver ecological restoration, wildlife conservation, new visitor infrastructure, visitor amenities, interpretive materials, and education to create a world class koala visitor experience on Raymond Island. Raymond Island provides one of the best locations in Australia for viewing koalas in the wild and is increasing in popularity for visitors.

There are critical issues to be addressed for habitat and population management, visitor infrastructure, interpretation, and education to accommodate a sustainable growth in this iconic visitor experience. The project will be delivered by Council in conjunction with local volunteer community groups and the Gunaikurnai Land and Waters Aboriginal Corporation.

The project will contribute to improved environmental, social, and economic outcomes for the region. It will deliver ecological and wildlife protection, community education capacity-building, improved infrastructure, increased activity and expenditure in the regional visitor economy, and new employment opportunities.

The project has a budget of \$500,000 which has been provided by the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications.

The 'Raymond Island Koala Trail and Discovery Experience' project was developed over a 6-month period by a community-based group (Koala Island Foundation Inc.) in consultation with the broader community. Consultation meetings have involved the community providing input to refine the project proposal.

The project is included as a regional priority in Destination Gippsland's Destination Management Plan.

The project has very strong support from local community groups, including:

- Koala Island Foundation Inc.;
- Raymond Island Landcare;
- Raymond Island Community Association;
- Raymond Island Sustainability Association; and
- Paynesville Business & Tourism Association.

All key representative groups are members of the Project Reference Group that meets with Council monthly to discuss the preparation, designs and implementation of the approved activities provided within the grant funding.

Project Components

The overall Raymond Island Koala Trail and Discovery Experience project has a range of design and construction activities including:

1. interpretive installation and communication materials (commenced);
2. trail extension and enhancements, including:
 - Installation of 1100 m of crushed rock path (in concept design)
 - Wayfinding signage (commenced)
3. safety and access improvements:
 - Trail/road interface treatments (in concept design)
4. new and upgraded public amenities, including:
 - Construction of 1 new toilet block (in concept design)
 - Construction of 1 new shelter (in concept design)
5. open space infrastructure, including:
 - Paving and landscaping of the Information Area (complete)
 - 500m boardwalk repairs (in concept design)
 - General landscaping and irrigation (commenced)
 - Bench seat installation x 3 (product ordered)
6. environmental Stewardship (commenced):
 - Establish koala monitoring program
 - Resource koala shelter
 - Habitat restoration coastal trail.

Proposed Toilet:

The need for a second toilet on the island in the vicinity of Tenth Avenue has been identified as a visitor service need. This is intended to be one of the most visited components of the Koala Trail and is quite distant from the existing toilets. The exact design and location of the toilet is yet to be determined and will be the subject of further consultation.

The location of the toilet is somewhat limited by the parameters of the Crown reserve and the location of the sewer system and costs associated with extending the sewer.

Overall Project Benefits

The Raymond Island koala experience is a growing visitor attraction in the region.

Visitors to the trail contribute approximately \$3 million per annum to the local economy, driving business growth and employment in the tourism and hospitality sector. Predicted annual growth of 5% per annum in visitor numbers will generate an additional \$300,000 in visitor expenditure per annum.

The project aims to enhance local business development opportunities and the retention, expansion and attraction of businesses operating in the visitor economy and has two key objectives:

- improvement and management of koala habitat, koala care, research, and rehabilitation; and
- extension and enhancement of the Raymond Island Koala Trail and associated visitor amenities.

These objectives are embedded in the following principles:

1. Increase economic and social benefits through investment in enabling infrastructure – the local and regional visitor economy will benefit from investment in high-quality visitor infrastructure and experiences, supporting visitor growth and increased local expenditure. Social benefits accrue from improved visitor management, as well as increased local expenditure and employment;
2. Increase employment opportunities and decrease skills shortages in key sectors, including the promotion of Aboriginal participation. Skills development and Aboriginal participation in the project is a key component, enabling increased indigenous involvement in environmental management and visitor interpretation as outlined in the Gunaikurnai 'Land Management Plan' for Raymond Island; and
3. Increase the capacity of the business community by enhancing employment, business, and economic opportunities with a focus on tourism and primary industries, including small business or other sectors, consistent with the objectives of local and state government.

Legislation

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

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

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

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

Collaborative procurement

Pursuant of section 109(2) of the *Local Government Act 2020* this report has not been prepared in collaboration as it does not relate to procurement.

Council Plan

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

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

Council Policy

This response to a petition complies with Council's Governance Rules s8.7 4(c) *that the petition be referred to the Chief Executive Officer or relevant General Manager for a report to a future Council Meeting.*

Options

There are a range of options available to Council. These include not proceeding with the project and design modification options. However, as this report is the response to a public petition and as the design of the proposed new toilet is still at concept stage, cancelation of this component of the project at this stage is not recommended.

It is therefore proposed to proceed through the next steps of design and consultation, based on the concept plan finalised with support of the Koala Island Foundation Inc. Raymond Island Landcare, Raymond Island Community Association, Raymond Island Sustainability Association and Paynesville Business & Tourism Association.

This option will not require renegotiation with the funding body as is listed as an activity which requires implementation to ensure full acquittal against the grant funding can be achieved.

Resourcing

Financial

The project has a budget of \$500,000 which has been provided by the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications. This funding included the new sanitary facility as a listed activity, removal of this component would require a grant variation and a potential reduction in the overall grant.

Plant and equipment

Not applicable to this report.

Human Resources

Not applicable to this report.

Risk

The inclusion of an additional toilet in the project has the risk of continued opposition to the project from some Raymond Island residents, this opposition may be able to be overcome with careful design and appropriate consultation.

The risk of not having appropriate public toilets in an area widely promoted as an eco-tourism destination and predicted to see increasing number of visitors creates a potential environmental health risk. With those 'caught short' opting to use the public spaces and crown land in lieu of public toilets.

The Commonwealth funding for the overall Discovery Trail requires a number of activities to be delivered at project end. Removing an activity places risk over the entire funding application and may put the project at risk of commencing.

Economic

The project will contribute to vastly improved environmental, social, and economic outcomes for the region. It will deliver ecological and wildlife protection, indigenous interpretation and capacity-building, community education and capacity-building, improved infrastructure, increased activity and expenditure in the regional visitor economy, and new small business and employment opportunities.

Benefits will accrue to the local communities and businesses of Raymond Island and Paynesville, the wider East Gippsland and Gippsland community, and visitors from across Australia.

Social

The need for appropriately located toilets to support an eco-tourism experience is planned with the comfort and wellbeing of visitors in mind.

It is acknowledged that a poorly located or aesthetically unpleasing public toilet could impact on nearby residential neighbours, and effort will be taken to reduce this impact in the design.

Gender Impact Statement

The *Gender Equality Act 2020* has been considered in the preparation of this report. The Petition 'Objection to Proposed Toilet Block Raymond Island Koala Experience' has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

Through collaborations between government, community and indigenous groups, the project enables capacity building in environmental management and eco-tourism, increases workforce participation in the visitor sector, supports new skill development in visitor servicing, environmental management, and interpretation. It also enables the development of networks between local community volunteers, Koala Island Foundation Inc. (KIFI), Paynesville Business & Tourism Association (PBTA), Raymond Island Community Association (RICA), and Raymond Island Sustainability Association (RISA).

Public toilets also provide an important environmental health service.

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

This project has arisen from development over a 6-month period by a community-based group (Koala Island Foundation Inc) in consultation with the broader community. Consultation meetings have involved the community providing input to refine the project proposal. The project is included as a regional priority in Destination Gippsland's Destination Management Plan.

The overall project has a [Your Say Page](#) and more specific engagement is planned to support detailed design and final location choices.

Attachments

Nil

5.2.2 Standing Committee Submission on Road Network

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

The Australian Government House of Representatives Standing Committee (the Standing Committee) on Regional Development, Infrastructure and Transport has launched an inquiry into the implications of severe weather events on the national regional, rural, and remote road network. The enquiry has been designed to examine road engineering and construction standards to strengthen road resiliency against natural disasters, including the critical role of climate change trends and data to inform infrastructure standards.

The Standing Committee is concerned about the increasing deterioration of the nation's road network, particularly in regional, rural, and remote areas. The extreme flooding events and other natural disasters across the nation have impacted many Australians, and the Committee is seeking to understand how road planning and construction may be improved to enhance road climate resiliency and support our communities.

Written submissions have been sought from organisations and individuals providing recommendations relating to any or all of the inquiry terms of reference by 28 February 2023.

Given we are a shire that has experienced eight separate severe weather events, resulting in eight declared weather events and over \$3 million of claimable damages over the past 12 months and a significant fire event in 2019-20 that resulted in over \$14 million of damage to the local road network, we are well credentialed to comment on the implications of severe weather events on the national regional, rural, and remote road network.

A submission has therefore been prepared as **Attachment 1** and was lodged with the Standing Committee. Retrospective Council endorsement of this submission is now sought.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. endorses the submission to the Standing Committee on Regional Development, Infrastructure and Transport into the implications of severe weather events on the national regional, rural, and remote road network provided as Attachment 1; and***
- 3. provides a copy of the submission made to the Standing Committee on Regional Development, Infrastructure and Transport inquiry into the implications of severe weather events on the national regional, rural, and remote road network as outlined in Attachment 1 to the Member for Gippsland Darren Chester MP.***

Background

With a road network of almost 3,000 km and significant associated road assets, East Gippsland Shire Council has seen firsthand the impact of severe weather events on our roads with flow on community, economic and financial implications. This enquiry is very important to Council, albeit with its limited terms of reference.

Council's draft submission makes a range of recommendations throughout, with the key recommendations being:

1. There is a need for modelling of climate impacts on road infrastructure at a scale to be useful and locally applied. It makes sense that this is coordinated and funded at a national scale for consistency. This modelling should then inform future road renewal, development and maintenance decision making;
2. There is a need for urgent changes to the way Australia's road networks are designed, constructed, and managed, given our nation's reliance on vehicle transport as the main means of physical connectivity and movement of goods, services, and people;
3. There is a need for new standards and specifications for development, renewal and maintenance of roads drainage and bridges that can respond to forecasted changes in climatic and weather conditions ahead of an event. It makes sense that these are developed at a national level to ensure that there is consistency and that the designs are developed rapidly – there is no time to wait;
4. More funds are required to upgrade road infrastructure before weather events to ensure that infrastructure does not fail during events with catastrophic community and economic outcomes;
5. Natural Disaster Recovery funding requires modification to allow for infrastructure improvements after a natural disaster, to ensure future resilience; and
6. Local government collectively manages most of the road network in Australia and therefore needs to be a key stakeholder in improvements to the road network through both supply of technical advice and funds to enable the re-engineering of their network. Councils such as East Gippsland cannot undertake the necessary upgrade works in the required timeframe without significant support.

Legislation

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

Council has a range of Road Management responsibilities legislated under the *Victorian Road Management Act (2004)*.

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

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

Collaborative procurement

Not applicable.

Council Plan

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

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

Council Policy

Not applicable.

Options

Council has dorse or not endorse the submission.

Resourcing

Financial

There are no financial implications associated with making this submission, however Road management is one of Council's highest expenditure items - especially at times of severe weather impact.

Plant and equipment

Not applicable.

Human Resources

Not applicable.

Risk

There are no risks associated with making this submission. It must be noted that the content addresses an area of significant financial and capacity risk for Council. These risks are addressed in the submission.

Economic

Not applicable.

Social

Not applicable.

Gender Impact Statement

Not applicable.

Environmental

Climate Change and severe weather has a significant impact on Council's road network. It is therefore considered important to make a submission to this parliamentary enquiry.

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

This report is a response to engagement by the Australian Government House of Representatives Standing Committee.

Attachments

1. Council's response to inquiry into the implications of severe weather events on road networks [5.2.2.1 - 9 pages]

EAST GIPPSLAND SHIRE COUNCIL SUBMISSION INQUIRY INTO THE IMPLICATIONS OF SEVERE WEATHER EVENTS ON THE NATIONAL REGIONAL, RURAL AND REMOTE ROAD NETWORK



1. Introduction

East Gippsland is located on the Country of the Gunaikurnai, Monero and Bidawal peoples. East Gippsland Shire Council is the municipal authority responsible for the area that covers the most easterly region of Victoria -extending from western watershed of the [Mitchell](#) and [Thomson River](#) catchments to the New South Wales border and north into the Great Dividing Range. At 20,940 square kilometres it covers approximately 10% of Victoria's land area, and includes 220km of coastline.

Major towns within the shire include Bairnsdale, Lakes Entrance, Mallacoota, Omeo, Orbost and Paynesville. [Bairnsdale](#) is the largest town and administrative centre. Lakes Entrance is home to the largest fishing fleet in Victoria and includes a fish-processing facility.

The municipality supports a population of approximately 48,000 residents.

East Gippsland Shire Council is responsible for maintaining a network of sealed and unsealed public roads across the municipality. The shire encompasses an area of 20,940 square kilometres, including substantial areas of national park, state park, lakes, rivers and coastal areas. Council acknowledges the Gunaikurnai, Monero and Bidawal people as the Traditional Custodians of that land.

EGSC response to inquiry into the implications of severe weather events on the road network.



East Gippsland Shire Council's road network includes:

- 2,898 km of formed public roads
- 203 road bridges
- 27 footbridges
- 223 km of footpaths
- 8,452 culverts - including 129 major culverts

Council's formed road network is comprised of almost equal distances of sealed and unsealed roads, with both road types responding differently to severe weather events and requiring differing maintenance and renewal approaches to ensure they are severe-weather-event ready.

Over the past 12 months, our shire has experienced eight separate severe weather events resulting in eight declared weather events and over \$3 million of claimable damages. A significant fire event in 2019/20 resulted in over \$14 million of damage to the local road network.

Council considers itself well credentialled to comment on the implications of severe weather events on the national regional, rural and remote road network.

We welcome this enquiry and would also make ourselves available for any subsequent hearings conducted by the Standing Committee.

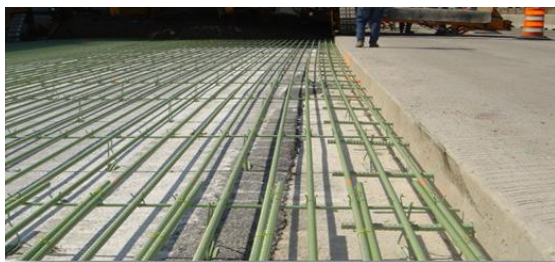
2. Road engineering and construction standards required to enhance the resiliency of future road construction

As with most councils in recent times, East Gippsland Shire Council has dealt with extreme weather events associated with climate change that have had a devastating effect on its road network and accompanying infrastructure.

Australia's sealed roads are made from different types of crushed rock, surfaced with sprayed seals such as bitumen or asphalt. While these materials are the most cost-effective solution available, they are also more susceptible to the impacts of extreme weather events. Water acts as a softening agent and it can inundate an asphalt road surface. It then acts as a lubricant between the rocks and stops the hard engineering that creates a bond between the compacted material.

With climate change making extreme weather events more common, we must reconsider the way road networks are built and the materials used. Materials such as concrete need to be considered, but the cost of this type of construction design makes it difficult to justify as value for money.

We need to use of newer technologies that enable monitoring of our infrastructure on a more frequent basis. These technologies include drones, which can cover more of our vast road networks faster and more often than we are able to at present.



Continuously reinforced concrete road pavement



Drone undertaking road surveillance

At present, road design standards don't adequately address the issues posed by a changing climate and the need to be more heat-, flood- and drought-tolerant.

Commonwealth and State governments must take a leadership role in developing new designs for regional, rural and remote roads that anticipate changing climatic conditions, are responsive to local climate

modelling and can be used by local governments.

In Victoria, the standard designs developed by VicRoads and used on both local and arterial roads have been seen to be inadequate. It is not reasonable to expect local government to each individually invest in such designs.

Changing climactic conditions are not only impacting roads, but roadside drainage is also proving inadequate. Drainage designs, too, are proving inadequate and have been overlooked when designing modern roads for longevity and durability.

Effective drainage protects roads from inundation and is one of the most important elements of the road network. New designs and technologies are required to support areas that are now experiencing more regular and higher levels of rainfall. As recent summer flooding in northern Victoria demonstrated, inadequate drainage and flood levies have contributed significantly to road damage and repair costs.

To aid design work there is a need for investment in climate change modelling at *regional and local levels* which can inform future design work.

At present, much of the modelling is too broad brush to provide useful parameters for infrastructure design. Agencies such as the CSIRO have the expertise and models that could be applied to this task, but they require Commonwealth investment.

While the design of new roads and road renewal is important, so too are technologies that will support effective road-maintenance regimes. Many traditional road-maintenance practices rely on dry conditions and low sub-surface moisture content. As we have seen across Australia recently, prolonged periods of wet have led to saturated soils that have not responded to traditional maintenance regimes. This has seen repeated maintenance of the same road sections, at considerable cost and time delay for road users. Therefore, just as investment is required in the rapid development of road and drainage designs, similar investment is required for alternate maintenance practices that can be applied in varying climatic and weather conditions.

Given the vast road network across the nation, consideration needs to be given to developing and funding the retrofitting of existing roads, so they can withstand changing climatic conditions. While the Disaster Ready Fund is welcomed, it is a relatively small fund in comparison to investment in disaster relief. Investment in modelling for road vulnerabilities and the retrofitting of vulnerable roads and road sections will allow for orderly improvement of the road network.

3. Identification of climate resilient corridors suitable for future road construction projects

Incorporating climate resilience into future road corridors will require consideration of the following key factors:

A) GEOGRAPHIC AND TEMPORAL VARIABILITY

Climate change will not have a uniform impact on landscapes. Climate risks and hazards will vary in terms of time (when), geography (where) and what hazard (heat, wind, soil subsidence, bushfire, coastal inundation, flash flooding or riverine flooding).

It is not possible to identify a climate-resilient corridor without knowing what risk and hazard profile to plan for. This profile determines how to make a road network that is climate resilient.

Addressing geographic and temporal variability is a key area where the Commonwealth Government can support communities and road managers. Public institutions and private companies have developed modelling options that identify our climate risk hazard profile. These models can be established at a fine scale (approximately 100 square metres) which makes them useful as a local planning tool. Setting assumptions for future scenarios will help local communities plan for climate uncertainty and support budget planning for road authorities.

Climate future planning requires agreed parameters.

B) PRIMARY AND SECONDARY ACCESS OPTIONS FOR EVACUATION PURPOSES

Rural communities, unlike urban ones, do not generally have the option to access alternative road or transport options in the case of extreme weather events. Infrastructure failure can result in

EGSC response to inquiry into the implications of severe weather events on the road network.



the isolation of a community for a period that is greater than the community's capacity to support themselves. When roads or bridges fail, the communities that are then isolated need to be evacuated. Evacuations may need to be rapid.

Future road construction projects must recognise the interdependent nature of infrastructure and the extreme uncertainty communities are aiming to contend with. Both primary and secondary access and egress options need to be clearly identified by authorities.

Climate-resilient corridors must be identified as alternative access and egress options and those alternative corridors must be made more suitable to better protect communities.

C) HARDENING EXISTING INFRASTRUCTURE WHERE THE RISK IS GREATEST

Climate-resilient corridors require roads that can function during extreme weather conditions. Roads are only as resilient as their weakest point. It is pointless to identify or create a new road corridor if it connects to an old section of road that will fail. Any climate review of the road network needs to be holistic, addressing both future and legacy road assets.

Most existing road infrastructure is not fit for future climate scenarios. Roads and bridges designed in the 1980s for example will not tolerate future heat and weather events. Where existing road assets are identified as being at greatest risk of failure, this must be a priority for investment.

D) GOVERNANCE AND COMMUNICATION

Construction of new road corridors will not occur in a timely manner unless there is recognition of the limitations posed by governance and communication barriers. Planning and construction planning creates a stress point regarding cooperation between stakeholders, particularly where values clash.

For example, biodiversity or historical considerations may mean that habitat needs to be removed or an old bridge replaced. For people who live in these communities, this might reduce their reason for wanting to live in that community so they may resist this change.

Engaging and reaching agreement with stakeholders about the need for new road corridors based on future climate risk scenarios must be developed as a skill used by road managers.

A general lack of knowledge among stakeholders about the urgency and need to adapt to climate change will impede planning for new road corridors.

E) EXISTING CORRIDORS

While new corridor creation may be possible this should not be at the expense of upgrading existing corridors. In most cases, it will be preferable to maintain and enhance existing corridors, unless modelling shows these corridors to present ongoing and unacceptable connectivity risk.

4. Opportunities to enhance road resilience through the use of waterproof products in road construction

An effective way to increase the resilience of road transport corridors in anticipation of increasing natural disasters is to identify, develop or revise and subsequently implement better construction and design standards.

The main risks to our road surfaces associated with climate change are, depending on the area, extreme heat and insolation, higher occurrence of heavy rain, temperature fluctuation occurring around and below freezing.

Considerations to manage these conditions include:

- Adjustment of bituminous mixture design (using of binders with higher softening point, including polymer modification of bitumen, selection of stronger aggregates).
- Adjustment of structural design of the pavement (flexible, semi-rigid and rigid/composite designs).
- Greater use of concrete, due to its higher temperature resistance and other advantages (longer lifetime, possibility of increased load, lower need for maintenance) albeit slightly higher purchase costs.
- For concrete surfaces, a low water to cement ratio is recommended.

- Increase the reflectance (albedo) of the road surface, by means such as using bright, coloured elements on the road or reflective coatings on road surfaces.
- Cooling pavements with water in extreme heat.
- Use of permeable/reservoir pavements. Water is stored in the pavement structure and infiltrated into the soil or discharged by a drainage system.
- Use of porous top layers that can facilitate the drainage of the water to the sides of the road and prevent aquaplaning.
- Development of hydrophobic coatings suitable for use at the micro-mechanical and or pavement surfacing level.
- Investment in the development of new technologies and materials.

There needs to be immediate and nation-wide investment in the development of new standards and specifications, as at present this is being left to local road managers and civil construction companies to develop which is time consuming and leads to inconsistencies.

Opportunities also exist to investigate other technologies that have the ability to be used for other ecological and climatic reasons such as solar roads, that use road surface materials to convert heat to energy.

A) ROAD DRAINAGE SYSTEMS

Drainage infrastructure is as important as road surfaces. Drainage system capacity should be adapted to a higher intensity and frequency of extreme rainfall events. The design for culverts should be adjusted to accommodate higher water volumes within a short period. When defining the capacity design of a drainage system, intensity-duration-frequency curves (IDF curves) should be used. IDF curves should be updated to accommodate rainfall characteristics projected in climate scenarios.

Changes in heat and rainfall patterns will contribute to soil subsidence, changing water table levels and salinity. The risk is that underground culverts and drains in some locations will be exposed to ground movements, inundation and salinity levels for which they were not designed. The life of many of these stormwater assets would then be shorter than the lifespan they were originally designed to achieve.

In addition, landscape changes, including upgraded road surfaces and new housing developments, have increased local flash flooding potential in some locations.

Increased stormwater flows have resulted in roads failing repeatedly in East Gippsland over the preceding three years of La Nina.

Legacy stormwater assets are a key weak link in the function of the road network across our shire. New design standards are needed for drainage assets that are exposed to prolonged periods of saturation, rising salinity levels and dry soils.

Funding streams (or a significant increase in Roads to Recovery funding) should be developed to support such drainage upgrades.

B) BRIDGES AND SIMILAR INFRASTRUCTURE

The main climate change concerns relevant to design, construction and management of existing bridge structures are increased occurrence of flooding, increased river discharge, erosion and slope instabilities, and temperature fluctuation. This means that in many areas, bridges are vulnerable assets.

As well as designing and funding more flood- and fire-tolerant bridges, consideration should be given to having infrastructure available that can be brought into areas immediately after major natural disasters to restore connectivity.

In recent flood events and the 2019/20 Black Summer fires, many communities were left stranded for months when major bridges were destroyed. While the Australian Defence Force was able to bring in some infrastructure, it was not sufficient to meet needs.

C) ROADSIDE VEGETATION AND HAZARD TREE MANAGEMENT

Roadside vegetation is subject to differing community views and values, which must be taken into consideration when planning such management. Vegetation along roads contributes to environment protection, in particular reducing noise and pollution, and can also have an adaptation function, for example protecting road from direct sunlight.

On the other hand, improper management of vegetation along a road can be a risk factor regarding traffic disruption during extreme weather and may also influence road safety. Recommendations

pertaining to creating climate-resilient roads therefore include careful vegetation selection and planting vegetation at a sufficient distance from the road as to not impact egress during and immediately after natural disasters. The gradual replacement of large and inappropriate trees with more appropriate vegetation is therefore recommended.

East Gippsland Shire Council's experience in managing roads at times of disaster recovery – especially fire recovery – highlights the need for multiple approaches to managing large trees along major road corridors.

There is a need to consider tree proximity to roads prior to fire events, so that access and egress is restored in a timely manner to support community recovery and reinstatement of freight movement.

Similarly, at present, hazard trees can only be managed using external Natural Disaster Recovery Fund (NDRF) funds for a limited period. In practice, many disaster-hit trees start to recover then die, presenting a later risk that road authorities are not funded to manage which either places a financial burden on the road authority or increases road user risk if not addressed.

D) ROAD MAINTENANCE

Climate change will also affect road maintenance, which therefore must be taken into account when dealing with climate-resilient road infrastructure. Attention will need to be paid to all related maintenance services, such as cleaning and maintenance of drainage systems, removing of storm-related debris, cleaning of roads, and the removal of hazardous vegetation

5. The Commonwealth's role in road resilience planning

While road manager responsibilities sit at a local or state government level, there is an urgent need to take a nationwide approach to address deficiencies in the road networks across the country related to changing climatic conditions and an increased prevalence of natural disasters.

A state-by-state or shire-by-shire approach would lead to varying road conditions, inconsistencies, inefficiencies and time delays.

Some of the roles that the Australian Government, the Department of Infrastructure, Transport Regional Development in particular, should take on include:

1. Setting national parameters and standards that address the future climate scenario that we are preparing for.
2. Funding climate modelling that is localised enough to inform future infrastructure planning and, in particular, could highlight vulnerabilities at a road or road-segment level. Modelling could be outsourced to an organisation such as ICLEI Local Governments for Sustainability (ICLEI Oceania), which supports local governments across Australia, New Zealand and the Pacific to accelerate climate action and sustainable urban development.
3. Requiring the development of road design standards that respond to climate change and then linking future funding to the use of these standards to ensure uniform uptake and investment in future-proofed infrastructure comprising:
 - a. Road- and drainage-renewal programs;
 - b. New road and road upgrades – including drainage; and
 - c. Bridge-replacement programs
4. Facilitating and funding the research and development of new materials and construction techniques that improve road tolerance to heat, water ingress and other climate change-related factors.
5. Providing additional funding for upgrading and repairing existing and planned road assets to suit future climate scenarios.
6. Requiring Australian Government investment in roads through the National Disaster Recovery Program and other funding streams to address locally specific, future climate conditions in the design and replacement of roads and bridges, particularly post disaster. That is, not replacing like for like.

7. Modifying national disaster recovery funding to encourage betterment of damaged roads and their replacement with more climate-tolerant designs. We note and welcome the recently announced independent review into Australia's disaster funding arrangements announced by the Albanese Government. We believe the review should consider this issue.
8. Investing more heavily in Disaster Ready Fund programs – especially those supporting community and industry connectivity through road network improvements.
9. Helping to address governance and communication barriers between stakeholders.
10. Recognising that local government is responsible for the majority of the nation's roads and should be funded and supported accordingly, directly by the Commonwealth (at present, much of the road-related funding goes to the relevant state government for redistribution, which may see a reinterpretation of priorities).
11. Addressing the general lack of knowledge across communities about the effects of global warming on our natural and built environment.

6. Related issues

A) **RECOGNITION OF A RESPONSE TO CLIMATE CHANGE**

Climate change and adaptation will impact the entire road transport network. The Australian Government need to recognise that:

1. A national risk assessment is needed to identify those specific assets and classes of assets that are most at risk of failing due to extreme weather and that these assets need to be upgraded as a priority. Failure of some assets can and will disrupt national transportation networks.
2. Climate change is degrading existing roads at a quicker rate than predicted when they were originally designed and that maintenance costs are increasing, resulting in an unrecognised burden being placed on local government budgets. The Commonwealth needs to recognise this as being unfair and unsustainable.

B) **PUBLIC RISK**

Driver behaviour under changed road conditions presents new risks for both the travelling public and road managers. Soil subsidence, water ingress (from premature surface cracking) and heat will damage road surfaces. Unsealed roads with insufficient or too much water will be damaged by traffic. Asphalt surfaces subject to heavy transport on extreme heat days may become compacted, indented and cracked.

Driving on flooded roads poses a significant risk to human life. On extremely hot days, road rage incidents and driver impatience become more common place. Driver education and deployment of advisory services under different climate conditions would therefore serve to protect human health and reduce road damage.

The owner of assets is ultimately responsible for ensuring that assets are designed and operated effectively over their lifespan. As the occurrence of climate change events increases, insurers may reduce their exposure to road assets by limiting coverage. This is a major risk for all levels of government.

C) **COSTS / FUNDING SUPPORT FOR LOCAL GOVERNMENT**

In many states, local government has had its ability to raise funds for road infrastructure improvements curtailed by rate caps. Funding for local government is restricted to property rates and grants from state and federal governments.

Grant applications are by nature competitive (except for Roads to Recovery and Local Roads and Community Infrastructure programs).

Local government should be recognised and more adequately funded for the road network they service and maintain. At present, maintenance funding for roads is limited to an allocation within the Financial Assistance Grants program, which does not meet the increasing costs of road maintenance. In EGSC's case, annual Financial Assistance Grants for roads totalled \$5.3 million despite the actual cost of maintenance (excluding claimable natural disaster events) being approximately \$10 million. Equitable funding arrangements linked to the actual and future need of local roads is required. Ideally, this would see continuation of Roads to Recovery, with allocations increased to upgrade road

infrastructure to meet modelled climate risks. Roads to Recovery could also be modified to allow funds to also be used for annual maintenance, as the current guidelines allow for road renewal and investment in new roads only.

D) NATIONAL DISASTER RECOVERY FUNDING

Funding under the Victorian Government's Disaster Recovery Funding Arrangements (DRFA) requires like-for-like replacement for roads damaged by weather events. Where the Australian Standard has changed, Council is only funded for the replacement of what was lost, not to the new Australian standard. Any upgrade to road assets is considered betterment and is at the expense of Council.

This cost difference is often greater than a local council's ability to fund an upgrade. This is poor planning and expenditure of public money, given that what is being replaced is not fit for purpose under current and future climate change weather conditions. Like-for-like replacement will require the asset to be replaced again before the end of its planned life.

By way of example, East Gippsland Shire Council has replaced road segments using NDRF funds four times in the past 12 months. Funds would have been better invested in upgrading drainage infrastructure to prevent future damage, however, this is not allowed under the Victorian Government's interpretation of NDRF.

Council welcomes the Albanese Government's recently announced independent review into Australia's disaster-funding arrangements, to be led by Andrew Colvin APM OAM, who led national recovery efforts after the 2019-20 Black Summer Bushfires. The issue of betterment of replaced infrastructure should be considered within this review process.

7. Conclusion and recommendations

With a road network of almost 3000km and significant associated road assets, East Gippsland Shire Council has seen first-hand the impact of severe weather events on our roads with flow-on community, economic and financial implications. This enquiry, albeit with its limited terms of reference, is very important to Council.

Council's submission makes a range of recommendations, with our key recommendations being:

1. There is a need for modelling of climate impacts on road infrastructure at a scale that can be usefully and locally applied. It makes sense that this is coordinated and funded at a national scale for consistency. This modelling should then inform future road renewal, development and maintenance decision-making;
2. There is a need for urgent changes to the way Australia's road networks are designed, constructed and managed, given our nation's reliance on vehicle transport as the main means of physical connectivity and movement of goods, services and people.
3. There is a need for new standards and specifications for the development, renewal and maintenance of roads, drainage and bridges that can respond to forecast changes in climatic and weather conditions ahead of an event. It makes sense that these are developed at a national level to ensure that there is consistency and that the designs are developed rapidly. There is no time to wait.
4. More funds are required via both the Financial Assistance Grants program and Roads to Recovery to upgrade road infrastructure before weather events occur to ensure that infrastructure does not fail during such events, with associated catastrophic community and economic outcomes.
5. Natural Disaster Recovery Funding requires modification to allow for infrastructure improvements after a natural disaster, to ensure future resilience.
6. Local government collectively manages most of the road network in Australia and therefore needs to be a key stakeholder in improvements to the road network through both supply of technical advice and funds to enable the re-engineering of their network. Councils such as East Gippsland cannot undertake the necessary upgrade works in the required timeframe without significant support.

East Gippsland Shire Council would welcome the opportunity to expand on the points made in this submission.

5.2.3 CON2023 1541 Lucknow Recreation Reserve Gymnasium Access Road Construction

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

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

The purpose of this report is to provide Council with an overview of the tender process and seek approval to appoint a Principal Contractor for CON2023 1541 Lucknow Recreation Reserve Gymnasium Access Road Construction.

The Bairnsdale Sporting Facilities Plan, adopted by Council in 2018, recognised the need for a purpose-built gymnastics centre as part of the Lucknow Recreation Reserve, which is a high priority for the region. This recognition led to the current construction of the Gymnastic centre.

The tendered works in this report which comprises of an access road, car park with lighting and associated drainage works complement the current construction activity and the recommendations of the Bairnsdale Sporting Facilities Plan. The works will also enact the recommendations of the Lucknow Precinct Structure Plan which identified the need for a road connection from the residential land to the east of the Gymnastics pavilion.

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.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by _____ for CON2023 1541 – Lucknow Recreation Reserve Gymnasium Access Road Construction for the contract amount of _____ exclusive of GST;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract in the form presented; and***
- 4. resolves that confidential attachment to this report and all discussions relating to the attachment remain confidential.***

Background

Lucknow Recreation Reserve Gymnasium Access Road Construction project will provide access to East Gippsland Gymnastics Centre and a proposed six lot subdivision to the north. This road will implement the recommendations of both the Bairnsdale Sporting Facilities Plan and the Lucknow Precinct Structure Plan, both of which are Council adopted plans.

The construction of the access road along with approximately 40 carparks and street lighting will complete the East Gippsland Gymnastic Centre development and is an essential component of the gymnastics centre project.

Legislation

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

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

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

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

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

Collaborative procurement

Procurement collaboration has not been possible for this contract. However, the works include a developer contribution towards the works.

Council Plan

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

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

Council Policy

Procurement processes associated with contract have been undertaken in accordance with Council's Procurement Policy.

This project also assists to deliver a high priority within the Council adopted Bairnsdale Sporting Facilities Plan (2018).

Options

Option 1 – Preferred

Award contract to preferred contractor to carry out works as tendered.

Option 2

Not proceed with the procurement.

Resourcing

Financial

Considerable work has already been undertaken on the design and approvals for this project, which are in addition to the value of this contract. The budget is further outlined in **Confidential Attachment 1** and includes a developer contribution towards the works.

Plant and equipment

Plant and equipment used to deliver the works will be provided by the successful tenderer, as detailed in their tender submission.

Human Resources

The contract will be supervised by Project Supervisors in Council's Capital Projects and Plant Unit.

Risk

The risks of this proposal have been considered and tenderers were requested to develop a construction methodology that minimises risks identified with respect to timing, public safety, traffic management, works near residential areas and other key issues associated with the Contract.

Economic

Although the East Gippsland Gymnastics Club operates as a community-based not-for-profit organisation, the new facility will have economic benefits across many areas of the local economy. During construction, immediate economic benefit will result from the procurement of goods and services predominantly through local businesses. When the new facility is operational, several new volunteer and paid employment opportunities will become available as local participation in gymnastics increases.

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

Social

The social impact of this project is substantial in terms of its direct health and wellbeing benefits to the wider community. The new facility will enable increased participation in sporting activities for females, who are under-represented in organised sport. This will result in better health outcomes. In addition, the new facility will enable the East Gippsland Gymnastics Club to diversify their product and service offering to target a broader cross-section of the community, with a focus on inclusivity and accessibility across different age groups and socio-economic categories.

The road will also assist to open areas for residential development, addressing housing supply in the Bairnsdale area.

Gender Impact Statement

The *Gender Equality Act 2020* was considered in the preparation of this report. Contract 'CON2023 1541 Lucknow Recreation Reserve Gymnasium Access Road Construction' has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

The design of the new Gymnastics Centre Access Road has adopted best practice in terms of energy efficiency lighting, pavement construction methods and materials, transport, and waste.

The tender evaluation process included a 5% weighting towards environmental and sustainability aspects, with preference given to Tenderers who can demonstrate environmentally friendly work practices and who adopt sustainability principles within their workplaces.

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

This project builds on the extensive community engagement undertaken to develop the Bairnsdale Sporting Facilities Plan (2018), and the Lucknow Precinct Structure Plan.

Since then, Council Officers have undertaken extensive community engagement during the planning phase of this project and have worked in close consultation with the East Gippsland Gymnastics Club committee throughout the design phase. Direct engagement and negotiations have also taken place with the property owner to the north of the road.

The Project Supervisor will continue to engage with these stakeholders and foster positive ongoing relationships by providing regular updates throughout the project delivery phase. Engagement activities promoting the project to the broader community and advising of potential impacts throughout its implementation will be initiated following award of the construction contract and the commencement date being known.

Attachments

1. CONFIDENTIAL - Tender Evaluation Panel Report [**5.2.3.1** - 8 pages]

5.2.4 CON2019 1284 Maintenance and Repair for Mobile Plant - contract extension

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

This report is to seek Council's approval to exercise its options within CON2019 1284 to extend the existing contract Maintenance and Repair Services for Mobile Plant, for the final extension term period of 12 months, to 5 April 2024.

This is a schedule of rates service contract with an appropriately qualified contractor to supply and deliver mechanical, hydraulic, and sundry repair services for Council's items of mobile plant at various locations.

The contract commenced on 6 April 2019 with the initial three (3) year term ending on 5 April 2022. Under the agreement, Council has the option to extend the contract for up to a further two twelve-month periods. The contractor has shown themselves to have fully met the requirements of the contract. The intention is to extend the contract for the full final contract extension term of twelve months with the completion date being 5 April 2024.

Officer Recommendation

That Council:

- 1. receives and notes this report;***
- 2. approves the contract extension to the existing contract CON2019 1284 Maintenance and Repair Services for Mobile Plant for the final contract period of twelve (12) months to 5 April 2024, for the tendered schedule of rates to MWT Holdings Pty Ltd trading as East Vic Trucks; and***
- 3. authorises the Chief Executive Officer or delegate to execute the signing and sealing of the contract extension in the form presented.***

Background

CON2019 1284 is a schedule of rates contract for a qualified contractor to supply and deliver mechanical repair services in various locations in East Gippsland. This contract is not subject to adjustment for rise and fall in costs.

On 5 March 2019, CON2019 Maintenance and Repair Services for Mobile Plant was awarded by Council with the initial term commencing 6 April 2019 and expiring on 5 April 2022.

As a result of the request for tender process, a contract was formed with M & A Cashman Pty Ltd (Cashman's).

On 15 February 2022, a Deed of Novation was fully executed with M & A Cashman Pty Ltd being the exiting party and MWT Holdings Pty Ltd trading as East Vic Trucks being the incoming party with all terms and conditions of the contract being entered in to remaining unchanged.

On 15 March 2022, Council exercised the initial contract extension term of twelve months with the completion date being 5 April 2023.

The contract allowed for two (2) 12-month extensions and this report seeks to exercise this second extension period.

Whilst Council has an in-house mechanic, this contract provides additional capacity to manage plant, and especially unscheduled and urgent plant repairs. It also ensures that the needs of the organisation are catered for when our mechanic is unavailable or when the complexity of the repair needs specialised tools or skills.

The contractor has been seen to fully and satisfactorily meet the requirements of the contract and on this basis, a further extension of the contract for a further and final twelve months.

Legislation

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

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

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

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

Collaborative procurement

Not applicable.

Council Plan

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

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

Council Policy

This report and its recommendations are in accordance with Council's Procurement Policy.

Options

There are two options available to Council with respect to this report.

Option 1

Exercise the final 12-month extension option to the existing contract CON2019 1284 Maintenance and Repair Services for Mobile Plant with MWT Holdings Pty Ltd trading as East Vic Trucks, with the contract completion date being 5 April 2024.

Option 2

Re-tender for the services provided by Contract CON2019 1284.

Option 1 is recommended for the reasons outlined earlier in this report, as it provides Council with known costs and an acceptable schedule of rates.

Resourcing

Financial

The contract value lies between \$100,000 - \$200,000 per annum, depending on the complexity of work undertaken and the number of call outs per annum. The expenditure for the extension term is allocated in Council's 2023-24 budget and draft 2023-24 budget for major plant.

Plant and equipment

Not applicable

Human Resources

This contract is managed internally by existing staff within the Assets and Environment Directorate. Exercising the contract extension has no impact on existing staff capacity.

Risk

The risks of this proposal have been considered and the Contractor is required to carry out all activities as specified in the specifications and following the Occupational Health and Safety Regulations.

Economic

Offering the contract extension ensures ongoing mechanical repair services are undertaken by a qualified mechanic which in return assists in providing continual operation of Council's plant in various locations.

Social

Most of the plant covered by this contract is located in various Landfill and Transfer Stations throughout East Gippsland. Ongoing mechanical repair services are required to be undertaken by a qualified mechanic to avoid disruption both to public needs and to ensure efficient operation at these sites. Some of these sites operate seven days a week, so require an on-call service as well as the services of the in-house mechanic.

Gender Impact Statement

The *Gender Equality Act 2020* was considered in the preparation of this report.

The Service has been assessed as not requiring a Gender Impact Assessment.

Environmental

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

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

Not applicable.

Attachments

Nil

5.2.5 Electric Vehicle Fleet and Advocacy for Fuel Efficiency Standards

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

Reducing emissions from the transport sector is a key component of moving towards a low carbon economy.

The Cities Power Partnership (CPP) are inviting Local Government elected officials around Australia to add their name as a signatory to their statement calling for fuel efficiency standards to be introduced nationally (refer to **Appendix 1**).

Fuel efficiency standards will assist to:

- reduce transport emissions;
- provide consumer choice;
- save motorists money at the petrol pump; and
- make Electric Vehicles (EVs) more affordable in Australia.

Support for the advocacy statement could be undertaken either by Councillors individually or as a group. Signatories for the joint advocacy statement calling for fuel efficiency standards by the Cities Power Partnership are due by 24 March 2023.

This report is therefore provided for Councillor consideration to become signatories to the joint statement.

Officer Recommendation

That Council:

- 1. receives and notes this report and the attachment pertaining to this report;***
- 2. becomes signatory to the joint statement by the Cities Power Partnership (Climate Council) of which the Council is a member, calling for the Australian Government to introduce fuel efficiency standards for Australia as provided at Attachment 1; and***
- 3. authorises the Mayor to make a public statement on the joint advocacy statement calling for fuel efficiency standards by the Cities Power Partnership.***

Background

The CPP of which Council is a member, have invited Local Government elected officials from around Australia to add their name as a signatory, to their statement calling for fuel efficiency standards to be introduced nationally – refer to **Attachment 1**.

Joint advocacy statement

The advocacy statement that Councils are asked to join either as a Council entity or an individual elected member is:

We call on the Australian Government to: Implement fuel efficiency standards that will secure a pipeline of affordable lower and zero emissions vehicles for Australian communities, Councils, and business fleets.

These standards must:

- *be mandatory and deliver at least equivalent settings to those in other major markets - to ensure Australia does not stay at the back of the queue for cleaner vehicles;*
- *give Australian drivers more choice and affordability than they have today, by bringing a wider range of vehicle types to our shores;*
- *support 100% of new vehicles sold in Australia to become zero emissions as soon as possible - sending a strong market signal that Australian communities, businesses, and government agencies are ready for zero-emission vehicles; and*
- *be reviewed and updated approximately every five years. Technology changes fast and it is imperative we have a continued supply of quality vehicles equivalent to our global peers.*

What are fuel efficiency standards?

Fuel efficiency standards set an average efficiency target, typically measured in grams of CO₂ per kilometre, for vehicles sold by each manufacturer. Over 80% of cars sold globally are already covered by such standards. In other countries with fuel efficiency standards, allowances are made for heavier or larger vehicles, to ensure consumers can continue to access the range of vehicles they need for work and leisure.

Introducing fuel efficiency standards would mean new petrol and diesel cars would likely use less fuel, saving money on running costs. They would also encourage car manufacturers to supply fuel-efficient and electric vehicles to Australia, improving consumer choice and making it easier and cheaper to access popular EV models.

Electric vehicle transition

The world is moving rapidly to electrify road transport. EVs are being deployed globally, and innovation is underway. This transition will make a significant contribution to achieving the global climate goal of keeping warming well below 2 degrees, and preferably to 1.5 degrees. Collective effort by government and industry is needed to develop the right national policy settings and investments.

Emissions

Transport accounts for around 19% of Australia's greenhouse gas emissions, and light vehicles alone contribute around 12% of Australia's greenhouse gas emissions. (Source: [Department of Infrastructure, Transport, Regional Development, Communications, and the Arts](#))

EVs are an important step in the transition to a clean energy future. The Victorian Government's target is for half of all light vehicle sales in Victoria to be zero emissions vehicles by 2030. While the federal government has undertaken consultation in 2022 to inform the development of a draft [National Electric vehicle Strategy](#).

National fuel efficiency standards could help to:

- reduce transport emissions;
- give consumers more choice;
- save motorists money at the petrol pump; and
- make EVs more affordable in Australia.

Council fleet

In response to the directions and targets of Council's Environmental Sustainability Strategy 2022-2032, Council Officers are in the preliminary stages of developing an EV transition plan for Council fleet.

Elements of this transition plan will likely include:

- a report that identifies the types of vehicles and usage within the existing Council fleet;
- modelling and analysis of options for Council fleet conversion, including consideration of life cycle costs, market availability and emissions reduction;
- EV charging infrastructure requirements; and
- approximately 15% of Council's passenger fleet is currently Hybrid.

Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* commenced. Council is required by the *Local Government Act 2020* to promote environmental sustainability principles within the municipality.

This report has been prepared in accordance with *Local Government Act 2020*, under sections 9(2), part (c) *Councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.* (b) *Councils are required to give priority to achieving the best outcomes for the municipal community, including future generations.*

In addition, the *Climate Change Act 2017* requires that Council demonstrate, plan for, and implement measures to limit the effect of climate change on our communities and environments.

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

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*.

Collaborative procurement

Not directly relevant to this report.

Council Plan

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

Strategic Objective 3: 3.1 Council works to reduce its own and the communities carbon emissions while supporting the community to mitigate the impact of a changing climate on the environment, safety, health, and lifestyles.

Measure: Proportion of Council passenger vehicle fleet is electric, hybrid or use alternate fuel source. Target: is more than 25 per cent by 2025.

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

Council Policy

Council fleet policy will be reviewed alongside the preparation of an EV transition plan.

Transition to low emission vehicles also supports Council's Environmental Sustainability Strategy adopted by Council in 2022.

Options

The following options are available to Council:

1. Councillors individually support the CPP advocacy statement; or
2. Councillors collectively support the CPP advocacy statement; or
3. Not support the statement.

The deadline to add names is close-of-business Friday 24 March 2023.

Resourcing

Financial

There are no financial implications associated with the recommendations of this report.

Plant and equipment

There are no plant and equipment implications associated with the recommendations of this report.

Human Resources

There are no human resource implications.

Risk

A key risk is the lack of Australian experience and guidance on the electrification of transport vehicles and associated infrastructure. This is a complex and fast evolving area and requires a systems view. It is expected that the joint statement initiated by the CPP will see greater attention and priority of the Federal Government given to the advancement low and zero emissions vehicles in Australia.

Economic

Affordability is a key aspect of the access and transport system. For the short-medium term, electric vehicles are likely to be owned (or leased) by higher income households or businesses. This will contribute to the second-hand car market making EVs more affordable.

Social

To ensure equitable outcomes for our community, Council is not looking to preference electric vehicles or limit internal combustion vehicles e.g., in parking or road space allocation, other than when they are being charged.

Gender Impact Statement

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

The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the Gender Equality Act 2020.

Environmental

The Environmental Sustainability Strategy 2022-2032:

- Goal 2: Sustainable management of natural resources;
- Strategy: East Gippsland will use sustainable transport in preference to fossil fuels; and
- Target 5: Greenhouse gas emissions from light vehicle fleet transport will decrease from both Council and community by 50% by 2032.

Climate change

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

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

Engagement

No engagement has taken place on this report. However, extensive consultation was undertaken when developing Council's Environmental Sustainability Strategy in 2022, with emission reductions identified as a priority within the strategy.

Attachments

1. Fuel Efficiency Standards Joint Statement [5.2.5.1 - 1 page]



Affordable electric vehicles for Australian communities unlikely without Fuel Efficiency Standards

STATEMENT FROM AUSTRALIAN MAYORS AND COUNCILLORS

Transport is a significant source of emissions at all levels of government - and is the third highest source of emissions nationally behind only electricity and stationary energy.

Local governments are doing what we can to switch to electric vehicles (EVs), but our hands are tied. A lack of supply to Australia, and the strong federal policy to drive it, makes it difficult to transition our fleet and supply affordable EVs to our communities.

We urge the Federal Government to support our access to electric vehicles by legislating strong fuel efficiency standards.

World-class fuel efficiency standards would bring more low and zero emissions vehicles to Australian shores. This will accelerate the transition for councils - and with fleet vehicles entering the secondhand market after three to five years, this ensures communities have access to the best technology at a fair price.

We call on the Australian Government to:

Implement fuel efficiency standards that will secure a pipeline of affordable lower and zero emissions vehicles for Australian communities, Councils and business fleets. These standards must:

- Be mandatory and deliver at least equivalent settings to those in other major markets - to ensure Australia doesn't stay at the back of the queue for cleaner vehicles.
- Give Australian drivers more choice and affordability than they have today, by bringing a wider range of vehicle types to our shores.
- Support 100% of new vehicles sold in Australia to become zero emissions as soon as possible - sending a strong market signal that Australian communities, businesses and government agencies are ready for zero-emission vehicles.
- Be reviewed and updated approximately every five years. Technology changes fast and it's imperative we have a continued supply of quality vehicles equivalent to our global peers.

5.3 Business Excellence

5.3.1 Australian Local Government Association National General Assembly 2023 – Notices of Motion

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The 2023 National General Assembly (NGA) of the Australian Local Government Association (ALGA) will be conducted 13-16 June. The theme for the 2023 NGA is 'Our Communities Our Future', which conveys the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work.

This year's call for motions focusses on the following eight priority areas being productivity, Local Government infrastructure, community wellbeing, Local Government workforce, data, digital technology and cyber security, climate change and renewable energy, natural disasters and housing. These are further explored in the [Discussion Paper](#).

The proposed motions (available in **Attachment 1**) are as follows.

This National General Assembly calls on the Australian Government to:

- Motion 1** support the urgent need to upgrade critical infrastructure to respond to the impacts of climate change through investment in detailed modeling, setting of new design standards and infrastructure upgrades;
- Motion 2** review the *Environment Protection and Biodiversity Conservation Act* 1999 so that it is more effectively applied without unintended consequences;
- Motion 3** adequately resource the implementation of the recommendations in the State of the Environment Report to ensure that matters of national environmental significance in Australia can be appropriately managed;
- Motion 4** restore funding for local government Financial Assistance Grants to a level equal to at least one (1) percent of Commonwealth taxation revenue, to enable a focus on initiatives that support climate-change resilient infrastructure and or renewable energy initiatives; and
- Motion 5** support communities affected by the rapid and excessive rise in insurance premiums by requiring insurers to:
- not apply a 'postcode' approach when considering the impacts of extreme weather events on a particular property. Rather, undertake a risk assessment of each property; and
 - fully disclose the basis on which insurance decisions are made.

If approved, these motions will proceed to submission by 21 March 2023. After which, they will be considered by ALGA for inclusion in the agenda for the NGA from 13 to 16 June 2023.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. approves the submission of the five proposed motions, as provided at Attachment 1, to the Australian Local Government Association for consideration to be included in the agenda for the 2023 National General Assembly.***

Background

The theme for 2023 is 'Our Communities Our Future', which conveys the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work. A notice of motion to this year's NGA should either:

- focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build our communities; or
- new program ideas that would help the local government sector to deliver national objectives.

This year's call for motions focusses on the following eight priority areas. These are further explored in the [Discussion Paper](#):

1. Productivity;
2. Local Government Infrastructure;
3. Community Wellbeing;
4. Local Government Workforce;
5. Data, Digital Technology and Cyber Security;
6. Climate Change and Renewable Energy;
7. Natural Disasters; and
8. Housing.

For a motion to be eligible, it must meet the following criteria:

1. be relevant to the work of local government nationally;
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications;
3. be consistent with the themes of the NGA;
4. Complement or build on the policy objectives of ALGA and your state or territory local government association;
5. be submitted by a Council which is a financial member of their state or territory local government association;
6. propose a clear action and outcome i.e. call on the Australian Government to act on something;
7. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, Local Government;
8. address issues that will directly improve the capacity of Local Government to deliver services and infrastructure for the benefit of all Australian communities;
9. not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another; and

10. be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording:

This National General Assembly calls on the Australian Government to ...

All motions require a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of Council.

The motions submitted by Council to the NGA in recent years are summarised in **Attachment 2**.

Proposed Motions

It is proposed that Council submits five motions.

Motion 1: Support the urgent need to upgrade critical infrastructure to respond to the impacts of climate change through investment in detailed modeling, setting of new design standards, and funding infrastructure upgrades.

National Objective:

In recognition of the impact of extreme weather events over the past three years across the nation, the Federal Government is requested to invest in detailed modeling and the development of new design and maintenance standards for infrastructure including roads with the aim of ensuring that key public infrastructure is designed to cope with the effects of a changing climate and reduce the impact of extreme weather events on communities across Australia.

Motion 2: The unintended consequences of the Environment Protection and Biodiversity Conservation Act 1999 on management of key infrastructure and community services be reviewed.

National Objective:

To ensure the key, national environmental protection legislation for Australia is effective and targeted to achieve long term, positive outcomes for the care and protection of the country's unique plants, animals, habitats and places.

Motion 3: A strong framework and adequate resourcing for implementing the State of the Environment Report recommendations.

National Objective:

Timely implementation of the recommendations contained within the State of the Environment Report will support the care and protection of Australia's natural resources.

Motion 4: Restoration and expansion of the scope of the Financial Assistance Grants.

National Objective:

Enable equal and appropriate funding across local government through Financial Assistance Grants. This will support local governments to implement recommendations contained within the Federal Government's State of Environment Report, and apply the Federal Government's approaches to [Building climate-resilient infrastructure](#).

Motion 5: Support and protection against rapid and excessive increases to insurance premiums for landholders in areas impacted by severe weather events and/or natural disasters.

National Objective:

Ensure that landholders in areas of Australia potentially or previously affected by extreme weather events, bushfires and floods are not unreasonably affected by higher property insurance premiums due to inaccurate and or inappropriate assessment tools and/or benchmarks.

Proposed next steps

If approved, these motions will proceed to submission by 21 March 2023, for the NGA which occurs 13-16 June 2023.

Legislation

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

This report has been prepared in accordance with related sections 90(1)(e) and 92(3)(g) in the new Act.

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

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

Consultation

Discussions have occurred and information garnered from the Executive Leadership Team.

Council Plan

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

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

Council Policy

This report has been prepared and aligned with the following policies:

- Advocacy:
- Asset Management; and
- Risk Management.

Options

It is considered that all Motions can be submitted for consideration by ALGA.

Resourcing

Financial

There are no financial implications to submitting these motions.

Plant and equipment

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

Human Resources

Effort and time may be assigned by relevant resources to attend the event.

Risk

The risks of this proposal have been considered and determined that there are no material risks to Council to submit these motions.

Economic

There are no economic benefits to Council or the community in submitting these motions.

Social

There are no social impact implications associated with this report.

Environmental

There are no environmental implications associated with the 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

There is no requirement to undertake community engagement to submit these motions.

Attachments

1. 2023 Draft Proposed Motions [**5.3.1.1** - 7 pages]
2. Previous Motions [**5.3.1.2** - 3 pages]

ATTACHMENT 1

SUGGESTED ISSUES OVERVIEW

MOTION DETAILS

Motion 1

To support the urgent need to upgrade critical infrastructure to respond to the impacts of climate change through investment in detailed modeling, setting of new design standards, and funding infrastructure upgrades.

This National General Assembly calls on the Federal Government to support the urgent need to upgrade critical infrastructure to respond to the impacts of climate change through investment in detailed modeling, setting of new design standards and infrastructure upgrades.

National Objective

In recognition of the impact of extreme weather events over the past three years across the nation, the Federal Government is requested to invest in detailed modeling and the development of new design and maintenance standards for infrastructure including roads with the aim of ensuring that key public infrastructure is designed to cope with the effects of a changing climate and reduce the impact of extreme weather events on communities across Australia.

Summary of Key Arguments

This approach accords with the Federal Government's approach to [Building climate-resilient infrastructure](#) and a current House of Representatives Standing Committee inquiry into the implications of severe weather events on the national, regional, rural, and remote road network.

The key arguments behind this motion are:

1. The cost of replacing critical public infrastructure after natural disasters caused by extreme weather events is crippling the nation.
2. Infrastructure – especially road infrastructure, that was designed decades ago is proving itself incapable of protecting communities and economic needs in times of severe weather events. There is therefore a need to urgently invest in new designs that are climate-change resilient and fund the rollout of such infrastructure.
3. There is a need for modelling of climate impacts on road and other critical public infrastructure at a scale to be useful and locally applied. It makes sense that this is coordinated and funded at a national scale for consistency. This modelling should then inform future public infrastructure renewal, development and maintenance decision making.
4. There is a need for urgent changes to the way Australia's road networks and other critical public infrastructure is designed, constructed and managed, given our nation's reliance on vehicle transport as the main means of physical connectivity and movement of goods, services and people.

5. There is a need for new standards and specifications for development, renewal and maintenance of roads, drainage and bridges that is able to respond to forecasted changes in climatic and weather conditions ahead of an event. It makes sense that these are developed at a national level to ensure that there is consistency and that the designs are developed rapidly – there is no time to wait.
6. More funds are required to upgrade road and other critical public infrastructure before weather events to ensure that infrastructure does not fail during events with catastrophic community and economic outcomes.
7. Natural Disaster Recovery funding requires modification to allow for infrastructure improvements after a natural disaster, to ensure future resilience.

DRAFT

MOTION DETAILS

Motion 2

That the unintended consequences of the *Environment Protection and Biodiversity Conservation Act 1999* on management of key infrastructure and community services be reviewed.

This National General Assembly calls on the Federal Government to review the *Environment Protection and Biodiversity Conservation Act 1999* so that it is more effectively applied without unintended consequences.

National Objective

To ensure the key, national environmental protection legislation for Australia is effective and targeted to achieve long term, positive outcomes for the care and protection of the country's unique plants, animals, habitats and places.

Summary of Key Arguments

The *Environment Protection and Biodiversity Conservation Act* (EPBC Act) is almost a quarter of a century old. Whilst its framework for the protection and management of unique plants, animals, habitats and places is supported, its application requires review and refinement. The EPBC Act was independently reviewed in 2020, but major change has not been implemented.

The key arguments behind this motion are:

1. The timeframes used to implement the EPBC Act are unwieldy and can cause substantial delays to the design and implementation of critical public infrastructure projects. There is a need to have more reasonable timeframes for consideration of EPBCA applications - as are set for other authorising and referral agencies.
2. The EPBC Act does not consider the type of project for which Native Vegetation may require removal and the implications of delays in these projects on public safety – for example vegetation removal to ensure regional airfields meet the changed requirements of other legislations such as the CASA.
3. The legislation places an unreasonable burden on small rural communities, where native vegetation has been preserved and is often in abundance.
4. An independent review of the EPBC Act released in 2020 found that '*the EPBC Act is ineffective, and reform is long overdue. It does not enable the Commonwealth to effectively protect environmental matters that are important for the nation. It is not fit to address current or future environmental challenges.*' The review recommended that fundamental reform of national environmental law is required. This review has not been implemented (source: <https://epbcactreview.environment.gov.au/resources/interim-report/executive-summary>)
5. The independent review also found that '*the EPBC Act is duplicative, inefficient and costly for the environment, business and the community. The interaction between Commonwealth and state and territory laws and regulations leads to duplication. Despite efforts to streamline, significant overlap remains. Reform is therefore*

required to remove duplication between the EPBC Act and state and territory systems with decision making to be devolved to other jurisdictions, where they demonstrate National Environmental Standards can be met.'

6. The same independent review also found that '*regional (landscape) plans should be developed that support the management of threats at the right scale and to set clear rules to facilitate and manage competing land uses. These plans should prioritise investment in protection, conservation and restoration to where it is most needed, such as biodiversity hotspots, and where the environment will most benefit.*' The present approach does not support this focus on priority areas and leaves many communities and projects inadvertently compromised by the non-discerning nature of the current EPBC Act.

DRAFT

MOTION DETAILS

Motion 3

A strong framework and adequate resourcing for implementing the State of the Environment Report recommendations.

This National General Assembly calls on the Federal Government to adequately resource the implementation of the recommendations in the [State of the Environment Report](#) to ensure that matters of national environmental significance in Australia can be appropriately managed.

Commented [AE1]: Based on the [letter to the Minister](#).

National Objective

Timely implementation of the recommendations contained within the State of the Environment Report will support the care and protection of Australia's natural resources.

Summary of Key Arguments

In the past three years, many Councils across Australia have witnessed extreme events that caused significant damage to natural and built environments. These range from (but are not limited to) fires, floods and algal blooms. Each event, while naturally occurring, can be in part attributed to the increased pressures currently imposed on the environment. As such, urgent action is required to mitigate these pressures.

The key arguments behind this motion are:

1. The State of the Environment Report released by the Albanese Government found that overall, the state and trend of the environment of Australia are poor and deteriorating as a result of increasing pressures from climate change, habitat loss, invasive species, pollution and resource extraction. Changing environmental conditions mean that many species and ecosystems are increasingly threatened. Multiple pressures create cumulative impacts that amplify threats to our environment, and abrupt changes in ecological systems have been recorded in the past 5 years.
2. The Report calls for immediate action with innovative management and collaboration to turn things around. Indicating that adequately resourced, innovative, responsive and collaborative management measures will foster investment and renewed action to turn things around.
3. The report also found that Australia currently lacks a framework that delivers holistic environmental management to integrate our disconnected legislative and institutional national, state and territory systems, and break down existing barriers to stimulate new models and partnerships for innovative environmental management and financing.
4. To turn things around as suggested by the Report requires a strong framework and adequate investment. There is an obligation on the Federal Government to provide both.

MOTION DETAILS

Motion 4

Restoration and expansion of the scope of the Financial Assistance Grants

This National General Assembly calls on the Federal Government to restore funding for local government Financial Assistance Grants to a level equal to at least one (1) percent of Commonwealth taxation revenue, to enable a focus on initiatives that support climate-change resilient infrastructure and or renewable energy initiatives.

Commented [AE2]: Drawn from [Council's Advocacy Strategy](#)

National Objective

Enable equal and appropriate funding across local government through Financial Assistance Grants. This will support local governments to implement recommendations contained within the Federal Government's State of Environment Report, and apply the Federal Government's approaches to [Building climate-resilient infrastructure](#).

Summary of Key Arguments

This motion proposes a similar approach to the [Regional Councils sustainability reform](#) that in 2021 was established to act on the barriers and challenges to long-term financial sustainability for rural and regional councils.

The key arguments behind this motion are:

1. A greater share of Commonwealth taxation would increase local government service levels, in particular, in the following areas:
 - **Infrastructure** - sealed road maintenance; unsealed road maintenance; footpaths and cycleways; stormwater drainage; and waste disposal and recycling.
 - **Environmental and regulatory** - road safety/traffic management; management of natural areas/ biodiversity; animal control and pounds.
 - **Community** - parks and open spaces; aquatic centres, leisure centres, and sports fields; community grants; and community halls and venues.

MOTION DETAILS

Motion 5

Support and protection against rapid and excessive increases to insurance premiums for landholders in areas impacted by severe weather events and/or natural disasters.

This National General Assembly calls on the Federal Government to act to support communities affected by the rapid and excessive rise in insurance premiums by requiring insurers to:

1. not apply a 'postcode' approach when considering the effects of extreme weather events on a particular property. Rather, undertake a risk assessment of each property; and
2. fully disclose the basis on which insurance decisions are made.

This will ensure undue financial stress from insurance premiums is not placed on affected communities.

National Objective

Ensure that landholders in areas of Australia potentially or previously affected by extreme weather events, bushfires and floods are not unreasonably affected by higher property insurance premiums due to inaccurate and or inappropriate assessment tools and/or benchmarks.

Summary of Key Arguments

The key arguments behind this motion are:

1. Insurance premiums have increased in areas affected by severe weather events and/or natural disasters. In some cases, the premiums have increased to unaffordable levels or to the point where they cause real financial hardship.
2. While insurance premiums necessarily reflect risk, in some cases it is understood that insurance premiums are set based on the broad application of location and or benchmarks. This may unfairly penalise landholders as premiums do not reflect the actual risks of a property.
3. Anecdotal information indicates a dramatic reduction in the number of insurance companies offering insurance in areas of Australia affected by severe weather events and/or natural disasters, thereby reducing competition and enabling price increases.

Previous Motions

For interest, below is an outline of motions submitted by Council to the NGA in recent years:

2022

- *Local Roads and Community Infrastructure (LRCI) Program (or similar)*
The National General Assembly calls on the Federal Government to continue the Local Roads and Community Infrastructure (LRCI) Program, or a similar non-competitive funding program focused on funding community infrastructure and local roads based on the characteristics and needs of the local government area in an ongoing capacity, so that all communities across Australia can benefit from sustained and consistent roads and community infrastructure upgrade projects without a reliance on competitive processes that often exclude projects due to LGA's capacity to draft grant funding applications.
- *Expand the scope and refine the application process for the Disaster Relief Funding Arrangements (DRFA)*
The National General Assembly calls on the Federal Government to expand the scope, reduce the evidence required, and implement fairer and more consistent (between states) processes for seeking funding under the Disaster Relief Funding Arrangements (DRFA).

2020

- *Telecommunication companies to provide infrastructure and communication devices.*
The National General Assembly calls on the Federal Government to require Telecommunication companies to provide infrastructure and communication devices that are resilient and reliable in high risk areas. So that all communities across Australia have access to NBN satellite infrastructure to access news and other critical information in times of high risk such as fire, flood and other weather-related events.
- *Telecommunication companies to ensure their infrastructure is fire resistant and regularly maintained.*
The National General Assembly calls on the Federal Government to require Telecommunication companies to ensure their infrastructure is fire resistant and provides a regular maintenance routine to minimize the risk of infrastructure loss during critical risk events such as fire, flood or weather incidents.
- *Expand and increase the funding of the Roads of Strategic Importance initiative.*
The National General Assembly calls on the Federal Government to expand and increase the funding of the Roads of Strategic Importance initiative (ROSI) by focusing on rural regions hit by the 2019/2020 bushfires and floods. This funding will enable fire and flood ravaged communities to upgrade freight and road corridors to fund bridge and culvert upgrades, road sealing, strengthening and widening, creating a more reliable and safer road network and facilitate tourism opportunities which will assist the economic recovery of fire and flood ravaged rural communities. This will assist Council's work with isolated communities. East Gippsland Shire Council nominates the Princes Highway as roads of strategic importance that require that should be the focus of this funding

2019

- *Universal access to mobile phone service*
That the NGA advocate to the Australian Government in respect to the importance of ensuring that all communities have timely access to effective mobile phone services and

reiterate the importance of acting promptly on recommendations made by Infrastructure Australia and the Productivity Commission to:

- Review the current Mobile Black Spot Funding Program prior to announcing any further funding rounds;
- Revise the current Telecommunications Universal Service Obligation to reflect changes to the telecommunications needs of communities by creating a new baseline for universal access to mobile voice and data requirements; and
- Focus appropriate resources to ensure that a baseline of service can be provided in non-commercially viable areas and to special service users in regional and remote areas.

- *Fund protective coastal infrastructure following natural disaster events*

That the NGA advocate to the Australian Government requesting a review and clarification of the Natural Disaster Funding Arrangements for protective coastal infrastructure having regards for:

- The critical role that protective coastal infrastructure has in ensuring the social and economic functioning of coastal communities;
- The changing climate and forecast increase in the frequency and intensity of coastal storm related events and coastal flooding; and
- The quantum of investment in protective coastal infrastructure across Australia by Local Government.

- *Primary Healthcare Funding in Australia*

That the NGA advocate the Australian Government seeking a commitment to:

- The development of a comprehensive national primary health policy and plan that would articulate and benchmark the health services that should be available in all areas throughout Australia based on need;
- Reform of the Primary Healthcare system in order to address the unequal distribution of the primary healthcare workforce by seeking to allocated Medicare provider numbers based on need; and
- Learning from overseas experience about developing more robust primary health services that can treat people in a community primary health environment rather than in an expensive acute setting.

- *Achieving the National Waste Policy goals*

That ALGA advocate to the Australian Government and each state and territory government to ensure that all local governments are supported in transitioning waste and resource recovery management to a circular economy through establishing:

- a national guideline for the collection and reporting of waste and resource recovery data to ensure cross jurisdictional comparison and the monitoring of national targets;
- an investment pipeline for the development of an integrated waste and resource recovery infrastructure systems capable of collecting, aggregating, consolidating and supplying materials to specifications that meet domestic and international market requirements (e.g. compost, aggregate replacement, plastics and paper cleaning and processing);
- a consistent and clear national program of education, behaviour change and enforcement in relation to all aspects of waste and resource recovery management; and
- regulation to compel manufacturers and wholesalers to work in partnership with all levels of government to establish 'cradle to cradle' stewardship systems that enable equitable services throughout Australia.

2018

- *Development and implementation of Climate Change Adaptation Plans*

That the National General Assembly call on the Australian Government to support initiatives by councils, working with local businesses and communities, to develop and implement local and regional Climate Change Adaptation Plans, thereby improving the sustainability and resilience of local communities and regions.

- *Telecommunications – Mobile phone blackspot eradication*
That the National General Assembly advocate to the Australian Government in respect to the importance of ensuring that all communities have timely access to effective mobile phone services and reiterate the importance of acting promptly on recommendations made by Infrastructure Australia and the Productivity Commission to:
 - Review the current Mobile Black Spot Funding Program prior to announcing any further funding rounds;
 - Revise the current Telecommunications Universal Service Obligation to reflect changes to the telecommunications needs of communities by creating a new baseline for universal access to mobile voice and data requirements; and
 - Focus appropriate resources to ensure that a baseline of service can be provided in non-commercially viable areas and to special service users in regional and remote areas

2016

- *Exemption from Native Vegetation Clearing Regulations for Airport and Aerodrome Operators*
That the National General Assembly call on the Australian Government to exempt Airport and Aerodrome Operators from having to meet the requirements of the 'Permitted clearing of native vegetation - Biodiversity assessment guidelines' when maintaining the Obstacle Limitation Surface (OLS) and Visual Segment Surface (VSS) at airports and aerodromes.
- *Intergovernmental agreement on Coastal Zone management and responsibilities*
That the National General Assembly call on the Australian Government to develop an Intergovernmental Agreement on the Coastal Zone in consultation with state, territory and local governments as a means of defining the roles and responsibilities of each tier of government in relation to coastal zone management.

2013

- *Financial Assistance Grants (allocation methodology)*
That the Australian Local Government Association seeks a commitment from the Australian Government to:
 - ensuring ongoing practical support for rural, regional and remote areas by providing a level of funding that is sustainable over the long term which in turn, will improve their effectiveness and ability to provide services to their communities; and
 - securing this outcome through an improved allocation methodology for distributing Financial Assistance Grants (FAGs) that incorporates a greater needs-based allocation, improved grant equalisation outcomes and removal or at least reduction of the minimum grant entitlement.

5.4 Place and Community

5.4.1 Review and adoption of Development Plan Policy

Authorised by: General Manager Place and Community

Conflict of Interest

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

Executive Summary

This report seeks Council's adoption of a revised version of the existing Development Plan Policy (Policy) provided at **Attachment 1**.

The Policy was first adopted by Council in March 2017 to address issues which were arising at the time in relation to the consideration and management of development plans, as at the time, the planning tool was a relatively new tool for the operation of the East Gippsland Planning Scheme.

The Policy seeks to ensure applicants are clear about the requirements and process associated with the consideration of developments, particularly relating to community consultation, and the processing and assessment of development plan requests.

The revised version for adoption has been modified with minor changes which update the content, provide clarification and are administrative in nature. As such the main substance of the Policy remains unchanged.

The proposed changes are described as follows:

- conversion to new Council Policy template and re-arrangement of the order of the information;
- updating to the new template has resulted in a new section relating to revision and review history, additional definitions, and a gender impact statement;
- addition of two dot points in the section relating to what the policy does with the inclusion of reference to removal of public notice provisions and provision of statutory force and effect. Both these elements are derived directly from the Victorian Government Planning Practice Note 23 (September 2022);
- addition of reference to relevant government - A authorities and agencies as part of the stakeholder engagement; and
- removal of procedural details on community consultation, which are now included in a Development Plan Procedure (**Attachment 2**).

The rationale, purpose and objectives contained in the Policy remain relevant and important and provide clarity and transparency. The Policy establishes good practices and processes, which results in informing the community of key development proposals. Most typically the Policy applies to residential growth areas.

The recommendation is to adopt the revised Policy with the minor administrative modifications as outlined above.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. rescinds the existing Development Plan Policy adopted by Council on 9 May 2017;***
- 3. adopts the revised Development Plan Policy as provided at Attachment 1;***
- 4. notes the new Development Plan Procedure at Attachment 2; and***
- 5. authorises the Chief Executive Officer to amend the adopted Development Plan Policy without formal Council consideration, if the amendments required are of a minor administrative nature.***

Background

The Policy was introduced and adopted by Council in 2017. This report represents the first review of the Policy. Part of the key components contained in the Policy is to outline Council's commitment to community consultation as part of the consideration and assessment of any development plan request.

The Development Plan Overlay (Overlay) is a planning tool forming part of the suite of mechanisms contained in the Victorian Planning Provisions. The operation of the Overlay has a range of purposes relating to the coordination of development and providing certainty for development. An important part of the operation is that the Overlay removes notice requirements and third-party review rights from planning permit applications for proposals that conform with an approved plan. The Overlay also prevents the issue of planning permits under the controls before a plan has been approved to the satisfaction of the responsible authority.

The Overlay promotes a strategic approach to the consideration of significant land use proposals, primarily affecting residential growth areas. In the case of the East Gippsland Planning Scheme, it is an effective and efficient planning tool for growth area planning and has and continues to be progressively implemented in growth area planning precincts. Most typically the Overlay will form part of a Planning Scheme Amendment process when considering rezoning requests for residential and commercial development. The Overlay sets out objectives, criteria or performance measures, specific provisions addressing buildings and works, provision of open space, infrastructure, access and road requirements and often addresses social and community infrastructure requirements.

The East Gippsland Planning Scheme currently has requirements for preparation and approval of development plans for residential growth areas such as Lakes Entrance, Marlo and Bairnsdale. The preparation of development plans delivers a strategic planning framework for development outcomes, including design principles major land uses, transport and open space networks.

The purpose of the Policy is to specifically inform applicants of Council's processes and in doing so to outline the Council's approach in relation to consideration of development plans, community consultation and stakeholder engagement.

A draft Development Plan Procedure has also been prepared to outline the internal procedures for consideration of development plan requests and undertaking community consultation and stakeholder engagement and related procedural issues. The Procedure (**Attachment 2**) is included for Council information and noting.

It is noted that other Councils in more recent times are specifically referring to community consultation and stakeholder engagement as part of the requirements of the Schedule to the Overlay. The existing Overlay Schedules in the East Gippsland Planning Scheme, nine in total, do not have this reference to consultation and engagement, and as such the policy statement in relation to consultation is important.

The public must have access to the operational version of any approved plans. Development plans may be amended and modified from time to time, and it is important that a full copy of the current endorsed plan is available for inspection upon request.

The revised Policy is consistent with Council's Community Engagement Policy as approved by Council in March 2021.

Legislation

Development plans are considered in accordance with the requirements of the Development Plan Overlay in the East Gippsland Planning Scheme, as adopted and amended from time to time in accordance with 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*.

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

Collaborative procurement

Not relevant.

Council Plan

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

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

Council Policy

This report has been prepared in line with the requirement to routinely review and where appropriate, amend the Council endorsed Policy. This report mitigates the risk of non-compliance with corporate document requirements for regular review of the Council's operations.

Options

There are three options.

1. Adopt the revised Policy with the minor administrative changes and rescind the existing Development Policy;
2. Not adopt the revised Policy and retain the existing Policy; or
3. Propose amendments to the proposed revised Policy.

The first option is recommended, given the importance of the Policy in establishing clarity and transparency in relation to the assessment and consideration of development plan requests. Community consultation is considered to be good practice for informing the community in relation to strategic planning matters.

The recommendation is to adopt the revised Policy without amendment and rescind the existing Policy (Option 1).

Resourcing

Financial

Officer time will be used to conduct community consultation and engagement activities in association with the consideration and assessment of development plan requests as part of responsibilities and obligations in accordance with the *Planning and Environment Act 1987*.

Plant and equipment

Not relevant.

Human Resources

The Planning business unit routinely assesses and processes development plan requests, as part of the business-as-usual responsibilities and obligations in accordance with the *Planning and Environment Act 1987*.

Risk

The risks of this proposal have been considered and this report mitigates the risk of non-compliance with corporate document requirements for regular review of this Policy as well as the risk of the Policy no longer being relevant to the conduct of Council's operations.

Economic

The report is assessed as having no direct economic impacts.

Social

This report is assessed as having no direct social implications.

Gender Impact Statement

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

Environmental

This report is assessed as having no direct impact on the environment.

Climate change

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

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

Engagement

There is no requirement to undertake community engagement for the review of this Policy as it primarily deals with matters of statutory process.

Attachments

1. DRAFT Development Plan Policy [**5.4.1.1** - 7 pages]
2. DRAFT Development Plan Procedure [**5.4.1.2** - 6 pages]

Version number:
Authorised by:



Development Plan Policy

1. Purpose

The purpose of this policy is to:

- Ensure a consistent and equitable approach to the consideration and management of development plans during the assessment, approval and endorsement stages.
- Ensure that Council officers, applicants and the public are clear about the role of development plans, how they are processed and how they are retained.
- Ensure that the public consultation and stakeholder engagement processes associated with development plans are consistent and transparent.

2. Scope

This policy applies to private individuals or groups, referred to as Applicant/s or Proponents, who lodge a development plan with Council in accordance with the Development Plan Overlay contained within the East Gippsland Planning Scheme.

3. Policy Context

The East Gippsland Planning Scheme applies the Development Plan Overlay (DPO) to selected land throughout the municipality.

The Development Plan Overlay (clause 43.04 and schedule) is used where the form of development is appropriately controlled by a plan that satisfies the responsible authority as there is no formal notice process for the plan or any subsequent planning permit application.

A planning scheme amendment is not required to amend a plan established by a Development Plan Overlay.

4. Policy Statement

What is the Development Plan Overlay (DPO)?

The DPO is a flexible planning tool that is used to implement a plan to guide the future use and development of the land in the form of an outline development plan, detailed development plan or master plan.

The application of the DPO identifies areas that require the forward planning of future use or development to be resolved before a permit can be granted for any further development to take place on the land.

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What is the function of the Development Plan Overlay?

The Development Plan Overlay is used to:

- Require a plan to be prepared to coordinate proposed use or development, before a permit under the zone can be granted.
- Guide the content of the plan by specifying that it should contain particular requirements.
- Provide certainty about the nature of the proposed use or development.
- Ensure that permits granted are in general conformity with the plan.
- Identify particular permit conditions that help to implement the plan.
- Remove public notice provisions for subsequent planning permit applications.
- Provide statutory force to the development plans.

A development plan delivers certainty about development of land, provides a coordinated plan and set of documentation, establishes planning permit conditions for proposals which conform to a plan and removes public notification and third party rights from planning permit applications.

The Development Plan Overlay with a specific Schedule is placed on land as result of a Planning Scheme Amendment, typically at the time when a rezoning of the land is adopted. A planning authority must give notice that it has prepared an amendment unless it has been exempted from this requirement.

When is a Development Plan required?

A development plan is required to be prepared and lodged with Council for approval for any land that has the Development Plan Overlay applied and where the landowner or applicant wishes to further develop the land.

What does a development plan need to contain?

The development plan may consist of plans or other documents. The content of the plans and/or documents is guided by the schedule to the Development Plan Overlay wherein specific requirements are listed.

Exemption from notice and review

Once the development plan document is approved, all future planning permit applications that are generally in accordance with the approved plan will be exempt from notice and review meaning that they are not required to be advertised to adjoining landowners.

A planning scheme may exempt any class or classes of application from some or all of the notice requirements that may otherwise apply under section 52(1) of the *Planning and Environment Act 1987*. In these cases, there is no opportunity for persons to make submissions or objections in relation to the application. The application must still be referred to any referral authority and the responsible authority must still take into account all relevant planning considerations in deciding the application.

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Council consideration of development plans

An applicant must lodge a development plan with Council for approval. Given that development plans can be quite complex and cover a wide range of issues and disciplines, Council officers **may**:

- Refuse the lodgement of a development plan due to lack of information.
- Request further information from the applicant throughout the assessment process.

Council officers **will**:

- Refer development plans to external referral authorities for specialist comment and advice.
- Undertake a public consultation process (as outlined in the Development Plan Procedure).
- Bring the matter before Council for the final recommendation to refuse or approve the development plan.
- Subject to obtaining Council approval, endorse the plans and retain a copy of the endorsed plan for public access in perpetuity.

The assessment and decision-making process may take in excess of 12 months due to the complexity and level of detail required for some development plans.

Public consultation

Council is committed to informing and consulting with the community during the development plan assessment stage given the absence of review rights during the planning permit process. As part of this consultation process, the public are invited to provide comment and feedback. Any comments or feedback are then considered by Council at a formal Council meeting before a decision on the Development Plan is made.

Public consultation processes may vary depending on the location and nature of the development plan but, at a minimum, will include:

- Notification to the public via notices in local media;
- Information on the Shire website;
- Written notification to immediately adjoining landowners.

Modifications to approved development plans

Council accepts that modifications and amendments may need to be made to approved development plans over time. Upon lodgement of any amended documentation Council officers will determine whether the amendment constitutes a minor or major modification and undertake an internal approval process accordingly.

In the event that Council officers determine that the proposed modifications significantly alter the intent, purpose or outcome of the approved development plan, Council reserves the right to request a new development plan and recommence the process in accordance with this policy.

Requests for modifications or amendments to an approved development plan may require a community engagement and public consultation process (subject to consideration of changes).

5. Roles and Responsibilities

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

Party / Parties	Roles and Responsibilities
General Manager Place and Community	To ensure community awareness of this Policy, oversee the implementation and monitoring of staff compliance.
Manager Planning	To ensure community awareness of and staff adherence to this Policy.
Planning Unit Staff	Complying with the requirements of this Policy.

6. References and Supporting Documents

The development of this policy is guided by the following references and associated documents:

Applicable Legislation:

- Planning and Environment Act 1987
- Planning and Environment (Fees) Regulations 2016
- Local Government Act 2020

Applicable Policy and Procedure:

- Community Engagement Policy

Supporting Documents:

- PPN23: Using the Incorporated Plan and Development Plan (DELWP, September 2022)
- East Gippsland Shire Council Plan 2021 - 2025 and Annual Action Plans

7. Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council in connection with the Development Plan Policy will be handled in accordance with all applicable privacy legislation and will only be used for the purposes collected.

The Development Plan Policy has been assessed as compliant with the obligations and objectives of the Victorian Charter of Human Rights and Responsibilities Act 2006. Gender Impact Statement.

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

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8. Definitions

Term	Meaning
Applicant	An individual or group who lodge a development plan with Council for assessment and/or approval.
Community	People who live in East Gippsland; People and organisations who are ratepayers in East Gippsland; and People and organisations who conduct activities in East Gippsland.
Council	East Gippsland Shire Council. A council is a planning authority for any planning scheme in force in its municipal district and for an area adjoining its municipal district for which it is authorised by the Minister to prepare an amendment
Councillor	Person who has been elected to the office of "Councillor" of East Gippsland Shire Council.
Council officer	A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council.
Development	Development includes the construction, alteration or demolition of a building or works and the subdivision and consolidation of land.
Minor amendment	An amendment that is generally in accordance with the intent, purpose and outcomes of the approved development plan.
Major amendment	An amendment that materially transforms the intent, purpose and outcomes of the approved development plan.
Overlay	The planning scheme map may show that a piece of land has an overlay as well as a zone affecting it. Not all land has an overlay. Some land may be affected by more than one overlay. If an overlay applies, the land will have some special feature such as a heritage building, significant vegetation or flood risk
Planning Permit	A planning permit is a legal document that allows a certain use or development to proceed on a specified parcel of land. The benefit of the permit generally attaches to the land for which it has been granted although a permit is sometimes made specific to a nominated owner or operator. A permit is always subject to a time limit and will expire under specified circumstances. The responsible authority will impose conditions when granting a permit and endorsed plans will also usually form part of the permit. The proposal must satisfy all of the conditions on a planning permit.
Planning Scheme Amendment (PSA)	The Minister for Planning may prepare amendments to any provision of a planning scheme (section 8). The Minister may also authorise the preparation of an amendment by: • another Minister (section 9) • a public authority (section 9) • a municipal council (sections 8A and 8B).

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Term	Meaning
Public notice	<p>In some instances in considering a planning permit application, the responsible authority will give notice or require notice to be given to adjoining owners and occupiers, unless it concludes that material detriment will not be caused to any person, or the planning scheme specifically provides for an exemption from the notice requirements. There are several standard procedures for giving notice of an application.</p> <p>The requirements for giving notice of an application are set out in section 52(1) of the PE Act. A planning scheme can also specify particular requirements for giving notice.</p>
Shire	The geographic area of East Gippsland Shire Council.
Staff	All staff engaged by East Gippsland Shire Council, including all full-time, part-time and casual employees, labour hire agency staff, contractors and volunteers.
The Act	<i>Planning and Environment Act 1987</i>
Use	Use of land refers to using land for a particular purpose (such as dwelling or shop) and may not involve building anything.

9. Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	Approved	9 May 2017	Council		New Policy
Review					

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Development Plan Procedure

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1. Introduction

The Planning Delegations Policy provides the framework for delegation of planning responsibilities to facilitate efficiency, effectiveness, transparency and to ensure accountability for Planning decisions. This procedure breaks down the policy into operational procedures, providing guidance to Council Officers and Councillors on the processes and timeframes.

2. Objectives

The objectives of this Development Plan Procedure are to:

- Outline the procedures for undertaking public consultation on development plans
- Outline the procedures for development plan documentation endorsement.

3. Scope

This procedure applies to all Council Officers exercising functions in the consideration and approval of development plans in accordance with the Council's Instrument of Delegation and Development Plan Policy.

4. Consideration of Development Plans

4.1 Public consultation process associated with development plans

Once a development plan is approved, all future planning permit applications that are generally in accordance with the approved plan will be exempt from notice and review meaning that they are not required to be advertised to adjoining landowners or the public.

Council is committed to informing and consulting with the community during the development plan assessment stage given the absence of review rights during the planning permit process. As part of this consultation process, the public are invited to provide comment and feedback. Any comments or feedback are then considered by Council at a formal Council meeting before a decision on the development plan is made.

Council will undertake the following procedures in relation to public consultation for development plans:

- A 'Have Your Say' notice will be published as part of the weekly shire noticeboard advertisement in the relevant local newspapers and, if considered appropriate, social media platforms.
- The matter will be featured on the home page of the Council's website.
- The matter will be featured on the 'Your Say' engagement portal that is accessed via Council's website. The 'Your Say' portal may include the specific documents related to the development plan including:
 - Frequently Asked Questions
 - A specific survey for completion
 - A document library featuring the documents that make up the development plan
 - The lifecycle of the development plan process.

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- Hardcopies of the documents featured on the 'Your Say' portal will be made available upon request for inspection. Council is not obliged to give copies of an application, although it may. As long as the planning documents are used for the purpose of the public planning process, including relevant community consultation, no breach of copyright will occur. Administrative charges can, if necessary, be made for copying.
- Letters may be sent to adjoining owners and emails sent to the relevant community database. The Frequently Asked Questions, survey and documents may be sent as attachments.
- Media releases may be issued (depending on the scope and location of the development plan).

The duration of the consultation period will be determined by Council officers but will be no less than 14 days. At the end of the consultation period, Council officers will:

- Collate all of the surveys and other responses received.
- Prepare a report detailing the outcomes of the consultation process.
- Provide all respondents with a 'closing the loop' email or letter to advise them of the next steps in the process.
- Advise respondents of the Council decision.

4.2 Approval and stamping process

Following the consultation process, Council will be requested to resolve either to refuse or approve the development plan.

Given that Council must retain a copy of the approved development plan in perpetuity, it is important to have the approved document marked in some way and signed by the Council appointed delegate.

Therefore, the following steps will be undertaken to finalise the approval process.

- Preparation of a memo to the delegate (at the time of writing this policy, the delegate is the General Manager Place and Community). The memo should provide details on the development plan content, the process to date and what is required of the delegate (signing of the development plan).
- Upon receipt of agreement to sign from the delegate, each page of the development plan will be watermarked with standard identifying information and the delegate signature.
- A development plan summary sheet is also required to be completed. This will act as the cover sheet and version control document associated with the development plan.
- Once all pages have been watermarked and the summary sheet has been completed and placed at the front of the document, the development plan will be held in full electronically and in hard copy in a development plan master file to allow for internal and public access in perpetuity.

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5. Roles and Responsibilities

Party / Parties	Roles and Responsibilities
General Manager Place and Community	To ensure staff awareness of this Procedure and oversee its implementation.
Manager Planning	To ensure and staff adherence to this Procedure.
Statutory and Strategic Planners and Land Use Administration Officers	To implement and adhere to this Procedure.

6. Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council about matters arising from the Planning and Environment Act 1987 will be handled in accordance with all applicable privacy legislation and will be used only for investigating matters related to the Act, the Planning Scheme, and land use and development within the East Gippsland Shire.

The disclosure of information revealed by planning processes is regulated by the Information Privacy Act 2000. It is an offence to disclose such information to a third party unless exempted under the Act.

The Planning and Environment Act 1987 Delegations policy has been assessed as compliant with the obligations and objectives of the Victorian Charter of Human Rights and Responsibilities Act 2006.

7. References and Supporting Documents

7.1 Applicable Legislation

- *Local Government Act 1989, Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Subdivision Act 1988*
- *Planning and Environment Regulations 2015*

7.2 Applicable Policy and Procedure

Development Plan Policy

7.3 Supporting Documents

East Gippsland Planning Scheme

Instrument of Delegation

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8. Definitions

Term	Meaning
Development Plan	A plan lodged for approval in accordance with the Development Plan Overlay in the East Gippsland Planning Scheme.
Delegate	A member of Council staff holding, acting in or performing the duties of office or position as described within the Instrument of Delegation
Referral Authority	An authority as specified in clause 66 of the Planning Scheme as a determining referral authority.

9. Revision History and Review

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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 CON2022 1453 WORLD Pavilion Construction Package 3

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.

7.2 CON2023 1475 Newmerella Roadside Rest Area

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