



Council Meeting Agenda

Tuesday 10 June 2025 at 6.00 pm
Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875



Acknowledgement of Country

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and 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 values 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 John White (Mayor)
Cr Sonia Buckley (Deputy Mayor)
Cr Arthur Allen
Cr Jodie Ashworth
Cr Tom Crook
Cr Barry Davis
Cr Joanne Eastman
Cr Bernie Farquhar
Cr Ian Trevaskis

Executive Leadership Team

Fiona Weigall Chief Executive Officer
Stuart McConnell General Manager Assets and Environment
Sarah Johnston General Manager Business Excellence
Chris Stephenson 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 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.

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1.2 Apologies

Cr Arthur Allen

1.3 Declaration of Conflict of Interest

1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Tuesday 20 May 2025 be confirmed.

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Monday 23 June 2025 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

1.6 Requests for Leave of Absence

1.7 Open Forum

1.7.1 *Petitions*

1.7.2 *Questions of Council*

1.7.3 *Public Submissions*

1.8 Items for Noting

2 Notices of Motion

3 Deferred Business

4 Councillor Delegate Reports

5 Officer Reports

5.1 Place and Community

5.1.1 Endorsement of Council Submission – Proposed Renewable Energy Facility and Utility Installation (Solar Farm), 280 Bengworden Road, Bairnsdale

Authorised by General Manager Place and Community

Purpose

This report seeks Council endorsement for a submission to the Minister for Planning relating to a planning application for the use and development of land for a renewable energy facility and utility installation (Solar Farm and Battery Energy Storage System) at 280 Bengworden Road, Bairnsdale (Ballantine Solar Farm - application reference PA2503624).

Key Points

On 30 April 2025, Council received notice (**Attachment 1**) of a planning application for the proposed Ballantine Solar Farm.

The Minister for Planning is responsible for decision making (the responsible authority) for all renewable energy facilities of 1MW capacity or greater. This includes undertaking the notice requirements of the Planning and Environment Act 1987 (the Act), receiving submissions and assessing them. Council may make a submission to the Minister for Planning regarding the planning application. A draft submission to the Minister for Planning has been prepared for Council consideration at **Attachment 2**.

At its meeting of 20 May 2025, Council endorsed a 'Position Paper - Renewable Energy Planning Applications' (**Attachment 3**) to provide broad guidance on referrals for renewable energy facilities. In accordance with the Position Paper, the submission requests that the Minister for Planning undertakes a robust assessment of key issues as part of the planning application assessment process. Based on adopted Council strategies, the submission provides in principle support for renewable energy facilities, provided they are in appropriate locations.

The submission focuses on:

- Full consideration of the obligations of the Responsible Authority (the Minister) in accordance with the policy requirements of the Planning and Environment Act 1987 and East Gippsland Planning Scheme;
- Ensuring any localised environmental or amenity impacts are avoided, minimised and/or mitigated;
- Consideration of local community objections and concerns regarding any real or perceived impacts of the proposal;
- Delivering appropriate and ongoing community engagement; and
- Securing local economic and community benefits associated with the project.

Notice of the planning application states that the Minister for Planning will not decide the application before 29 May 2025. The Department of Transport and Planning has been advised that Council will not be able to lodge its submission until after the Council meeting on 10 June 2025.

Recommendation

That Council:

- 1. endorses the submission to the Minister for Planning as set out at Attachment 2 in relation to the planning application for use and development of land for a renewable energy facility and utility installation (Solar Farm and Battery Energy Storage System) at 280 Bengworden Road, Bairnsdale (application reference PA2503624); and***
- 2. authorises the Chief Executive Officer or delegate to lodge the submission on behalf of Council.***

Strategic Alignment

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

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

Strategic Objective 4: 4.6 East Gippsland's natural strengths in agriculture and natural resource-based industries are enhanced to increase value, employment, sustainability and resilience.

Consultation/Community Engagement/Impacts

The Minister for Planning is the Responsible Authority for the assessment of this planning application, including notice (advertising) requirements.

While Council has no direct responsibility for providing notice of the planning application, it has issued a media release describing the decision-making responsibilities and alerting community members to the need to make submissions to the Department of Transport and Planning.

Council has also sought to ensure that it is aware of local community concerns by engaging informally with concerned local community members and obtaining a briefing regarding those concerns.

Opportunities and Risks

The submission provides the Minister for Planning with a local government perspective on the proposed Ballantine Solar Farm. This includes the management of potential impacts and opportunities to optimise community and economic benefits associated with the project.

A submission to the planning application is not compulsory. The Minister for Planning's assessment must be in accordance with the East Gippsland Planning Scheme, which provides an appropriate policy context to manage any risks associated with the proposal.

Climate change

This report considers potential climate change risks and impacts relevant to the Officer recommendation and aligns with the applicable climate change functions, categories, and legislative obligations, as detailed below:

Legislation

Planning and Environment Act 1987 (including ss. 4, 6, 12, 12B, 60)

Category

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

Options

There are three options for Council to consider:

1. Lodge the submission to planning application reference PA2503624 as set out in **Attachment 2**.
2. Not lodge a submission to planning application reference PA2503624.
3. Request specified changes to the submission to planning application reference PA2503624 set out at **Attachment 2** prior to lodgement.

The preferred option is **Option 1**.

Conflicts of Interest

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

Attachments

1. Ballantine Solar Farm - Form 2 - Notice Council and agencies [**5.1.1.1** - 1 page]
2. Final Draft Ballantine Solar Farm Submission June 2025 [**5.1.1.2** - 10 pages]
3. Position Paper Renewable Energy Planning Applications [**5.1.1.3** - 6 pages]

Planning and Environment Act Regulations 2015 (Form 2, section 52(1))

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at:	BALLANTINE SOLAR FARM
The application is for a permit to:	Use and development of the land for a renewable energy facility and utility installation, including to display a business identification sign, create or alter access to a road in a Transport Zone 2 and remove native vegetation. <i>Note: This is a summary. Full details of the proposal are contained within the application documentation</i>
The applicant for the permit is:	Elgin Energy Pty Ltd c/- Urbis Ltd
The application reference number is:	PA2503624
You may look at the application and any documents that support the application at the office of the Responsible Authority.	Minister for Planning c/- Department of Transport and Planning 1 Spring Street, Melbourne VIC 3001 - Online at https://www.planning.vic.gov.au/permits-and-applications/ministerial-permits/browse-ministerial-permits

A permit is required under the following clauses of the planning scheme:

Planning scheme clause	Matter for which a permit is required
35.07-1	To use land for a Renewable Energy Facility and Utility Installation
35.07-4	To construct a building and carry out works for a use in Section 2, for buildings and works within 100 metres of a road in the TRZ2, and within 100 metres of a dwelling not in the same ownership
43.02-2	To construct a building or construct or carry out works
42.01-2	To construct a building or construct or carry out works
52.05-2	To display a business identification sign
52.17-1	To remove, destroy or lop native vegetation
52.29-2	To create or alter access to a road in a Transport Zone 2

To view applications and supporting documents in person, please phone Jessica Sutherland on 03 7040 6008 or email jessica.sutherland@transport.vic.gov.au to make an appointment to view the plans. This can be done during office hours and is free of charge. The plans may also be viewed online at <https://www.planning.vic.gov.au/permits-and-applications/ministerial-permits/browse-ministerial-permits>.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority by email to development.assessment@transport.vic.gov.au or by post to Minister for Planning, C/-Department of Transport and Planning, GPO Box 2392, Melbourne VIC 3001.

An objection must:

- be made to the Responsible Authority in writing,
- include the reasons for the objection, and
- state how the objector would be affected.

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The responsible authority will not decide on the application before:	29 May 2025
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If you object, the responsible authority will tell you its decision.

Ballantine Solar Farm – Draft Submission

1. Executive Summary

Council has been provided with notice of a planning application to use and develop land for a renewable energy facility and utility installation (Solar Farm and Battery Energy Storage System) at 280 Bengworden Road, Bairnsdale.

The Minister for Planning is the Responsible Authority.

This submission to the Minister for Planning includes:

- An outline of the policy context, including reference to the objectives of Planning in Victoria, Council's adopted Environmental Sustainability and Economic Development Strategies, and the East Gippsland Planning Scheme;
- A summary of community concerns which have been conveyed to Council;
- A request for detailed consideration of specific key issues as part of the planning application assessment process; and
- Recommendations for matters that should be considered in any conditions of approval, should a permit be issued.

Council notes in making this submission that it's role under Section 8(1) of the *Local Government Act 2020* is:

"...to provide good governance in its municipal district for the benefit and wellbeing of the municipal community."

This role includes making representations to government on behalf of the community.

Council has been briefed by the proponent and by community members opposed to the proposal.

Community members, including nearby landowners have expressed significant concerns regarding the potential impacts of the proposal. It is understood that formal submissions have been made by those parties which outline the objections in detail.

Council expects that the Minister will take full consideration of those concerns, this submission and the Objectives of Planning in Victoria to effectively discharge the role of the responsible authority to:

"... integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations". (Clause 71.02-3 Integrated decision making).

There are many issues arising from the development of renewable energy facilities that are causing concern to regional communities. Whilst the resolution of these issues may not be regarded as falling within the ambit of planning powers under the *Planning and Environment Act 1987*, they are nonetheless legitimate concerns that affect those communities, and all efforts should be made to avoid, minimise and/or mitigate the real and perceived impacts of renewable energy facilities in Victoria.

2. Introduction

On 30 April 2025, Council was provided with notice of a planning application to use and develop land for a renewable energy facility and utility installation (Solar Farm and Battery Energy Storage System) at 280 Bengworden Road, Bairnsdale (application reference PA2503624).

The Minister for Planning is responsible for decision making (the responsible authority) for all renewable energy facilities of 1MW capacity or greater. This includes undertaking the notice requirements of the *Planning and Environment Act 1987* (the Act), receiving submissions and assessing them. This submission to the Minister for Planning requests consideration of key issues as part of the planning application assessment process.

In preparing this submission, Council officers have reviewed the following reports:

- Town Planning Report (Urbis, March 2025)
- Noise Impact Assessment (WSP, March 2025)
- Traffic and Transport Assessment (Impact, December 2024)
- Ecological Assessment (Ecology and Heritage Partners, December 2024)
- Agricultural Assessment (Ag-Challenge Consulting, January 2025)
- Landscape and Visual Impact Assessment (Urbis, January 2025)
- Fire Risk Assessment (Ecological Australia, December 2024)
- Environmental Management Plan – Framework (Urbis, December 2024)
- Hydrology Assessment (Ecological Australia, December 2024)
- Landscape Strategy (Urbis, March 2025)

As Council is not the responsible authority for decision making for this planning application, the preparation of this submission has not included a detailed technical assessment of the reports outlined above. This is the role of the Minister for Planning in conjunction with the Department of Transport and Planning (DTP) and relevant agencies. The scope of this submission is therefore based on:

- Strategic policy direction set out in the *Planning and Environment Act 1987*, East Gippsland Planning Scheme, Environmental Sustainability Strategy (2022-2032) and Economic Development Strategy (2022-2032).
- Position Paper – Renewable Energy Planning Applications' (May 2025)

At the Ordinary Meeting on 10 June 2025, Council resolved as follows:

That Council:

xxxxxxxxxxxxx Insert Council resolution xxxxxxxxxxxxxxxxxxxx

3. Proposal

The proposed Ballantine Solar Farm is located at 280 Bengworden Road, approximately 4km to the south west of Bairnsdale.

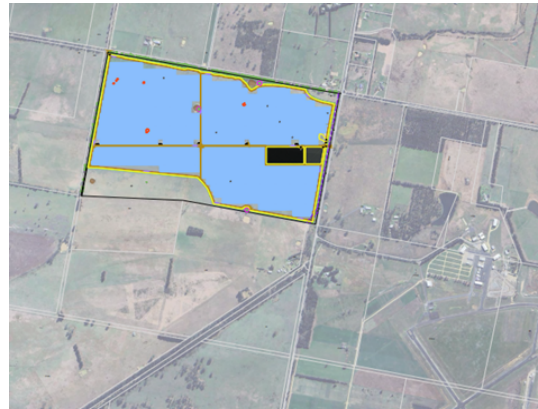
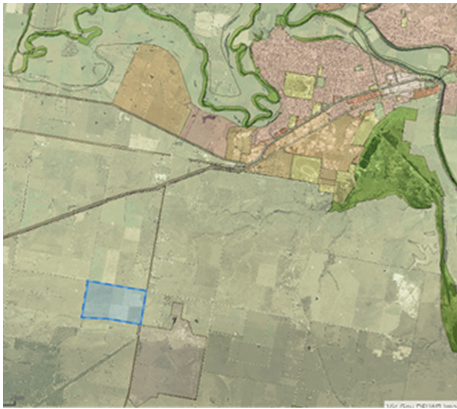


Figure 1 – Subject site (highlighted blue). Figure 2 – Site plan

Key features of the proposal are summarised below:

- Site area of 117ha of which the development footprint is 99ha
- Generation capacity of 85MW (equivalent to power for 34,000 homes)
- 70MW Battery Energy Storage System (BESS) with associated inverters
- Number of solar panels – approximately 118,100 with associated inverters
- High voltage transformer and sub station infrastructure
- Ancillary infrastructure including 2 water tanks (666,000L capacity), toilet block and on site car parking.

4. Policy Context

This submission has been informed by the following key strategic and policy considerations.

The Planning and Environment Act 1987, Section 4: **Objectives of Planning in Victoria** are:

- a) to provide for the fair, orderly, economic and sustainable use and development of land
- b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- e) to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community
- f) to facilitate development in accordance with the objectives set out in paragraphs a), b), c), d) and e)
- fa) to facilitate the provision of affordable housing in Victoria
- g) to balance the present and future interests of all Victorians.

The Minister is requested to give specific consideration to the objectives in the assessment of the proposal.

The **East Gippsland Environmental Sustainability Strategy 2022-2032**, which sets the following aspiration:

By 2032 sustainable behaviour and decision making will be embedded into all aspects of how East Gippslanders live and work. East Gippsland's natural environment will be enhanced, connected and resilient and East Gippsland will be recognised as a leader in regional climate change mitigation and adaptation.

Goal 3 of the Strategy – 'Community Participation in the climate response' contains the following strategic direction: *"East Gippsland community members will be encouraged to embrace new businesses and business opportunities that are linked to a changing climate".*

The **East Gippsland Economic Development Strategy 2022-2032**, which sets the following transformational ambition:

The Shire takes advantage of the mega-trend of decarbonisation to grow the economy with new climate-friendly jobs, new technologies and enterprises. (Focus 8). This ambition identifies the need to "build workforce and business capability to capitalise on new energy opportunities".

The **East Gippsland Planning Scheme** which includes policy direction for renewable energy facilities:

To support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met. (clause 19.01-2S Renewable energy.)

To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area. (clause 53.13 Renewable energy facility (other than wind energy facility).

The **East Gippsland Rural Land Use Strategy (2023)** which recognises the need for rural industry such as renewable energy generation facilities, while ensuring that in areas of high landscape value they are sensitively designed and located. It includes a strategy to: *Encourage rural industries that leverage strengths in renewable energy generation and extractive industries."*

Based on these strategies, Council offers in principle support for renewable energy facilities, including solar farms, provided they are in appropriate locations and do not impact negatively on the surrounding community.

5. Local community concerns

Council has been briefed by concerned local community members regarding their objections to the proposal and expects that formal submissions will be made regarding those objections.

In summary, the objections include:

- Fire risk and CFA capability for managing potential fires. Concerns include firefighting capability, availability of water supply for firefighting, potential impacts of fire on neighbouring properties, operations of the Bairnsdale airport, and environmental risks associated with pollutants entering waterways and the Gippsland Lakes.

- Understated land capability for agriculture, including disputed assessment of DSE capability of the land in the agricultural assessment.
- Potential impacts of flooding and erosion on the site including disputed modelling of flood behaviour.
- Concerns regarding increased insurance premiums for neighbouring farming enterprises and the effect of increased premiums on business viability.

Council expects that the Minister will ensure a detailed consideration of the community objections will be undertaken to ensure that any potential impacts on the amenity, environment and livelihood of nearby landowners are assessed, avoided, minimised or mitigated appropriately.

6. Key issues for consideration

Council recommends that the Minister for Planning provides robust consideration of local issues relating to the proposed use and development to ensure:

- Any adverse environmental or amenity impacts are avoided, minimised or mitigated.
- Environmental values on and surrounding the subject site are enhanced throughout the life of the project and following decommissioning of the site.
- Appropriate and ongoing community engagement, including with traditional owners, is maintained throughout the life of the project.
- The project delivers local economic benefits.
- The project delivers local community benefits.

a) Environmental and amenity impact

Council acknowledges and supports the contribution of renewable energy towards the goal of reducing greenhouse gas emissions (as reflected in Commonwealth and State legislation). The proposed Ballantine Solar Farm will make an important contribution towards mitigating the environmental risks associated with a changing climate.

It is important, however, that these strategic environmental benefits are balanced against the localised impacts of the proposed use and development.

The subject site is contained wholly within the Farming Zone (Schedule 1). A planning permit is required for the use and development of a renewable energy facility (solar farm and battery storage). The proposal must meet the requirements of clause 52.13 – Renewable energy facility (other than a wind energy facility). The decision guidelines of clause 53.13 include:

- The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference.
- The impact of the proposal on significant views, including visual corridors and sightlines.
- The impact of the proposal on strategically important agricultural land.
- The impact of the proposal on the natural environment and natural systems.

- The impact of the proposal on the road network.
- *Solar Energy Facilities Design and Development Guideline* (Department of Environment, Land, Water and Planning, October 2022).

In relation to these decision guidelines, Council makes the following observations and recommendations.

- The planning application has been reviewed by Council's Aerodromes Coordinator in conjunction with the Civil Aviation Safety Authority (CASA). CASA has no objection to the impact of proposed development on the safe operation of Bairnsdale Airport, subject to recommendations of the Glint and Glare Assessment (Urbis, January 2025).

The resting angle range for solar panels (30° to 55°) should be controlled via planning permit condition to avoid or minimise impact on sensitive receptors, including Bairnsdale Airport.

- Noise impacts associated with solar farms are only associated with ancillary systems such as inverters and BESS units. A Noise Impact Assessment (WSP, March 2025) states that the risk of the project causing environmental harm associated with noise is low. It is recommended that noise monitoring is maintained at appropriate periods throughout the life of the project, including during construction. This should be secured via planning permit conditions.
- The subject land is not affected by any specific planning overlay controls relating to significant landscapes, views, visual corridors or sightlines. Notwithstanding, the proposed solar farm will be visible at a local level from the surrounding road network. Proposed screen planting to mitigate the visual impact of the proposed development is supported and should be secured via planning permit conditions.
- The East Gippsland Rural Land Use Strategy (RLUS) identifies the importance of rural activities to the economy and community of East Gippsland and seeks to protect agricultural land for agricultural purposes, including rural industry. .

The proposal is generally consistent with the strategic direction of the RLUS to encourage rural industries that leverage strengths in renewable energy generation. To optimise the use of the site and enhance the management of fuel loads and weeds, Council encourages the ongoing use of the site for sheep grazing purposes.

Once the site is decommissioned, the reinstatement of the site for ongoing agricultural activities should be managed via planning permit conditions. This will require the removal of all solar farm infrastructure and improvement of soil to return the carrying capacity of the land to at least pre-development standards.

- The planning application has addressed issues relating to the impact of the proposed development on the natural environment and natural systems. It is recommended, however, that the Minister for Planning seeks further information from the applicant in relation to the following matters:
 - Clarification of the extent of proposed vegetation removal. Page 14 of the Town Planning Report (Urbis, March 2025) identifies the removal of one patch

vegetation. The table on page 37 of the Town Planning Report states that there is no impact to any patch vegetation. It will be important to clarify the impact of the proposal on vegetation removal and ensure that offset calculations are adjusted accordingly (if required). Planning permit conditions will be required to ensure protection of vegetation that is to be retained.

- The application identifies that proposed development setbacks from adjoining roads avoids impact on areas affected by the Environmental Significance Overlay (Schedule 1-43) (ESO1) and Vegetation Protection Overlay (Schedule 1).

The proposal fails to consider opportunities to enhance the natural environment, particularly following the decommissioning of the site. The ESO1 covers sites of biological significance in East Gippsland and contains an environmental objective to “*conserve and enhance the environmental sustainability and ecological integrity of these values.*” In its broader context, the site provides an opportunity to link the Moormung Nature Conservation Reserve (via Dahlsens Road), and the creek systems (including Ballantine, Smith and Macleod Creeks) that feed into Macleod Morass/Mitchell River. It is strongly recommended that the opportunity to enhance the sustainability and ecological integrity of these environmental features be investigated. Subject to the outcome of this investigation, long term environmental benefits should be secured via planning permit conditions.

- A Traffic and Transport Assessment (Impact, December 2024) states that the surrounding road network has an adequate capacity to manage estimated traffic volumes associated with the proposed solar farm. Peak traffic volumes of up to 200 vehicle movements per day are estimated during construction. It is recommended to include the requirement for a Traffic Management Plan as part of any planning permit conditions. Council considers it appropriate for the proponent to undertake a pre-development assessment of the road network to ensure maintenance and repair requirements associated with the development are established. This should form part of the Traffic Management Plan.
- The proposed development is considered to meet the siting and design requirements set out in the *Solar Energy Facilities Design and Development Guidelines* (the Guidelines). The locational aspects of the Guidelines are generally addressed in matters addressed by this submission (above). In conjunction with these matters, the Guidelines also require consideration of natural hazard management.
 - The site is in a Bushfire Prone Area and the Planning Scheme requires an appropriate assessment of fire risk (clause 13.02). The development proposal is supported by a Fire Risk Assessment (Ecological Australia, December 2024). Whilst Council does not have the in-house expertise to review the technical merits of this report, it is strongly recommended that the Minister for Planning seek comment from the Country Fire Authority (CFA). Subject to feedback, appropriate fire management measures including emergency response requirements should be included as part of any planning permit conditions. This should include design, construction and operational management in accordance

with the 'Guidelines and Model Requirements for Renewable Energy Facilities' CFA, 2023).

- Similarly, the Planning Scheme requires an appropriate assessment of risks associated with floodplain management (clause 13.03). The development proposal is supported by a Hydrology Assessment (Ecological Australia, December 2024). Whilst Council does not have the in-house expertise to review the technical merits of this report, it is strongly recommended that the Minister for Planning seek comment from the East Gippsland Catchment Management Authority (EGCMA). Subject to feedback, appropriate floodplain management measures should be included as part of any planning permit conditions.

It must be ensured that the proposed use and development of the solar farm is consistent with the requirements of the East Gippsland Planning Scheme. This is subject to technical advice from relevant agencies (e.g. CFA, EGCMA, etc.) and the imposition of appropriate planning permit conditions to avoid, mitigate and/or minimise risk.

b) Monitoring and compliance reporting

Where conditions are proposed to ensure mitigation of environmental or amenity impacts, or to provide for ongoing operating arrangements of the facility, there should also be a mechanism in place requiring the proponent to monitor and report on compliance with any conditions of approval.

Council should not be imposed with the burden of providing ongoing compliance monitoring, but rather there should be a requirement for the proponent to provide regular compliance audit reports to Council's satisfaction, prepared by a suitably qualified person, to demonstrate appropriate monitoring of operating requirements and to ensure compliance with all conditions of approval.

The proponent should also be required to commission independent peer review of compliance reporting at its own cost.

c) Community and economic benefit

Community benefit opportunities

The *Community Engagement and Benefit Sharing in Renewable Energy Development Guidelines* (Department of Environment, Land, Water, and Planning, 2017) identifies that community engagement should be a priority within the development process for renewable energy facilities. Council notes that in preparing the planning application, the proponent has undertaken engagement with:

- Representatives from all levels of government
- State Government Departments and agencies
- Community members including landowners, adjoining neighbours and selected community groups.

This engagement was carried out with the intention of 'informing' and 'consulting' in accordance with the International Association of Public Participation (IAP2) public participation spectrum.

Feedback raised during this consultation highlights a diverse range of views regarding the proposed development. The divergence of community views highlights the importance of thorough and ongoing community engagement as part of the assessment process (in accordance with the Act) and throughout the life of the project. This will be essential to:

- Develop a social license for the proposed solar farm.
- Deliver ongoing engagement with Traditional Owner groups.
- Deliver an appropriately resourced complaints management procedure.
- Provide community ownership of community benefit sharing opportunities, including governance arrangements.
- Avoid indirect impacts on housing availability or affordability due to influx of workers.
- Ensure the long term decommissioning of the facility is in accordance with community expectations.
- Does not have unintended negative impacts on community through the draining of suitable skills from the workforce; impacting availability of housing supply etc.
- Does not negatively impact on community safety including exposure to risk, or the functioning of critical services such as aviation services relied upon by this region.

On the last point, whilst the Landscape and Visual Impact assessment report suggests that there will be no significant impact on the operations for the Bairnsdale airport, Council requests that an assessment of possible thermal effects on aviation is undertaken, as well as mechanisms for ongoing monitoring of any risks associated with aviation and ongoing pilot feedback mechanisms to enable management of latent risks.

Council recommends that the requirements for community engagement be secured as part of a Community Engagement Strategy, enshrined in a Section 173 Legal Agreement (discussed further below). This Strategy must include the goals of 'inform', 'consult', and 'involve' as set out in the IAP2 public participation spectrum.

The Community Engagement Strategy should include provision for a Community Reference Group (or similar) that facilitates direct community involvement in identifying and administering community benefit sharing opportunities. The proponent should provide appropriate resourcing and governance arrangements for the Community Reference Group, ensuring benefits of the proposed Ballantine Solar Farm are targeted to the areas of greatest community need and/or impact.

Economic benefit opportunities

The East Gippsland Economic Development Strategy identifies an opportunity to “*build workforce and business capability to capitalise on new energy opportunities*”. The Ballantine Solar Farm is projected to create 150 jobs during the construction phase of the project. It is important for East Gippsland businesses and workforce to have access to the economic opportunities presented by the proposed development.

It is recommended that the proponent commit to the development and implementation of an Economic Benefit Plan that includes, but is not limited to, local employment, local procurement processes, worker accommodation that does not impact supply, education and workforce training for the East Gippsland community.

Indirect economic impacts should also be avoided, including the additional stress on local housing availability or affordability due to influx of workers for construction. Measures should be

considered to require worker accommodation plans that ensure short-term worker accommodation to be provided without negative impacts on housing availability or affordability.

The Economic Benefit Plan should be secured as part of a Section 173 Legal Agreement (discussed further below).

Mechanism to secure community and economic benefits for East Gippsland

Based on the long-term nature of the project, Council recommends that community and economic benefits associated with the Ballantine Solar Farm must be secured via a planning permit condition(s) requiring a Section 173 Legal Agreement between Council and the operator/landowner. This Agreement should include:

- Ongoing community engagement requirements via a Community Engagement Strategy aimed at informing, consulting and involving the community throughout the life of the project. The Community Engagement Strategy must include engagement with Traditional Owner Groups.
- An appropriate complaints management procedure.
- Mechanism to provide for local employment and ensure East Gippsland businesses are included in procurement processes for construction, maintenance and decommissioning of the facility.
- Mechanism to ensure operation of community benefit sharing outcomes with the local community, including resourcing and governance arrangements.
- Neighbour Agreements that recognise the potential for increased insurance premiums for adjoining and nearby landowners and indemnify those landowners or reimburse them for those additional costs.
- Requirements for decommissioning of the facility, including strategies for the sustainable disposal or recycling of decommissioned materials, reinstatement of agricultural land and environmental enhancement of the site and surrounding area.

Community benefits should be meaningful and leave a positive lasting community legacy.

7. Conclusion

Council offers in principle support in general for the use and development of renewable energy facilities, including solar farms, subject to the robust assessment of locational criteria and careful consideration of concerns raised by community members who are immediately affected by the proposal. As the local government authority with the interests of the community and need to ensure net community benefit from all development, we request that this assessment be undertaken in accordance with the matters and recommendations identified in this submission



Position Paper: Renewable Energy Planning Applications

Endorsed by Council: May 2025

Introduction

The energy sector is undergoing rapid change as part of the transition from fossil fuels to renewable energy. As the traditional heart of energy generation in Victoria, the Gippsland region is a focus for energy transition with significant investment in a range of renewable energy technologies and infrastructure.

Purpose

Access to renewable energy sources means that East Gippsland will play an important role in the transition from fossil fuels to renewable energy. The purpose of this document is to outline Council's position on planning applications for the development of renewable energy facilities and to represent the long-term interests of East Gippsland as part of Council's statutory responsibilities and advocacy on behalf of our community.

Council Position

The statutory assessment and decision making processes for the development of most renewable energy facilities is the responsibility of the Minister for Planning. Council is provided 'notice' of applications and can make a submission to be considered by the Minister for Planning. In fulfilling this role, Council will:

- Acknowledge that the technical assessment of a proposed renewable energy facility is the responsibility of the Minister for Planning and will be made in accordance with relevant legislation and the East Gippsland Planning Scheme.
- Offer in principle support for renewable energy facilities in appropriate locations in East Gippsland. This is consistent with strategic policy direction set out in the East Gippsland Planning Scheme, Environmental Sustainability Strategy (2022-2032) and Economic Development Strategy (2022-2032).
- Advocate for:
 - appropriate and ongoing community engagement, including with traditional owners, throughout the life of renewable energy projects.
 - avoidance, minimisation or mitigation of any adverse environmental or amenity impacts arising from renewable energy facility development.
 - economic opportunities including local jobs and procurement, vocational training, and value adding across the renewable energy supply chain.
 - community benefits associated with renewable energy facilities.

Background

What is a renewable energy?

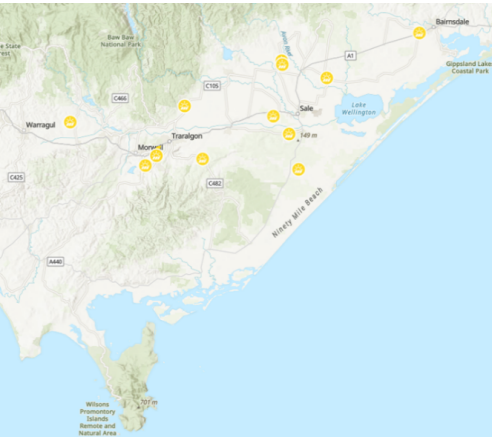
Renewable energy is derived from natural sources that are not depleted when used, including wind, solar and hydro. Renewable energy sources are being used to transition away from energy generated from fossil fuels to reduce greenhouse gas emissions and tackle risks associated with climate change.

East Gippsland is currently experiencing increased interest in the development of solar farms. Solar farms are large-scale solar installations typically consisting of thousands of ground mounted solar panels, often spanning many hectares of land. Using photovoltaic (PV) panels, solar farms harness the sun's energy and convert it into electricity that is sent to the electrical

grid for distribution and consumption. Solar farms are often accompanied by Battery Energy Storage Systems (BESS) to store energy for release to meet periods of peak demand.

Solar farm development in Victoria

There are many solar farm developments across Victoria that are either operational, under construction, or in the approvals pipeline. In 2024, the operating capacity of all approved solar farm facilities in Victoria is 7,700 megawatts (MW). In the Gippsland region the following solar farms have received planning permission but are yet to be constructed.



Location	Capacity
Bairnsdale	50 MW
Perry Bridge	50 MW
Maffra	30 MW
Maffra-Briagolong	5 MW
Fulham	80 MW
Longford	4 MW
Seaspray	5 MW
Flynn	5 MW
Fraser	77 MW
Hazelwood North	450 MW
Morwell	70 MW
Shady Creek	60 MW

Source: Department of Transport and Planning – Renewable Energy Projects Victoria.

Policy context

National

Australia is a signatory to the ‘Paris Agreement’ which commits to limiting global warming to below 2°C by setting ambitious targets to reduce greenhouse gas emissions. Australia has a target of 43% reduction in emissions by 2030 (below 2005 levels) and net zero emissions by 2050. The Australian Government’s *Powering Australia Plan* is focused on creating jobs, reducing energy bills and reducing emissions by boosting renewable energy.

State

The Victorian Government has committed to net zero emissions by 2045 and a renewable energy target of 40% by 2025; 65% by 2030; and 95% by 2035 (*Renewable Energy (Jobs and Investment) Act 2017*). The plan to deliver these targets is built on four pillars:

- Enabling the renewables ‘big build’ for energy generation and storage
- Empowering households and businesses to lower energy bills
- Managing the transition away from fossil fuels
- Creating jobs, skills and supply chain

The *Local Government Act (2020)* requires Councils to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.

Local

The **Environmental Sustainability Strategy 2022- 2032** sets the following aspiration:

By 2032 sustainable behaviour and decision making will be embedded into all aspects of how East Gippslanders live and work. East Gippsland's natural environment will be enhanced, connected and resilient and East Gippsland will be recognised as a leader in regional climate change mitigation and adaptation.

The **Economic Development Strategy 2022-2032** sets the following transformational ambition:

The Shire takes advantage of the mega-trend of decarbonisation to grow the economy with new climate-friendly jobs, new technologies and enterprises. (Focus 8)

The **East Gippsland Planning Scheme** includes policy direction for renewable energy facilities:

To support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met. (Clause 19.01-2S Renewable energy.)

To facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area. (Clause 52.32 Wind energy facility.)

To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area. (Clause 53.13 Renewable energy facility.)

Council's role in the assessment of renewable energy development proposals

The Minister for Planning is responsible for decision making (the responsible authority) for all renewable energy facilities of 1MW capacity or greater (East Gippsland Planning Scheme Clause 72.01). This includes undertaking community engagement associated with any planning application, receiving submissions and assessing them.

The Minister for Planning must provide Council with 'notice' of a planning application for a renewable energy facility and Council may make a submission to the planning application. The timelines for submissions to be made to the Minister for Planning generally do not allow for community input to inform Council's submission. Submissions regarding planning applications will therefore be guided by the Environmental Sustainability Strategy (2022-2032), Economic Development Strategy (2022-2032), requirements of the East Gippsland Planning Scheme and this position paper. Council will encourage community members to make their own submissions to the Minister for Planning via the Department of Transport and Planning (DTP).

In assessing planning applications for renewable energy facilities, the Minister for Planning must consider the relevant provisions of the East Gippsland Planning Scheme, including the **Solar Energy Facilities Design and Development Guideline** (Department of Environment, Land, Water and Planning, October 2022).

The decision of the Minister for Planning cannot be challenged at VCAT by a third party, including Council.

Renewable energy facility development – key considerations

Council recognises that transition to renewable energy presents a range of implications for our community. Council also acknowledges the diverse community views regarding the impact (both positive and negative) associated with the renewable energy transition.

Process considerations

The Minister for Planning is the responsible authority for the assessment of planning applications for most renewable energy facilities. This includes the detailed assessment of all technical issues relating to any proposed development. It is not the role of Council to undertake a detailed technical assessment of a proposed renewable energy facility.

In preparing a submission (where required) to any planning application for a renewable energy facility, Council will base any submission to the Minister for Planning on the strategic policy direction set out in the:

- East Gippsland Planning Scheme.
- Environmental Sustainability Strategy (2022-2032).
- Economic Development Strategy (2022-2032).

These strategic documents offer in principle support for renewable energy facilities in appropriate locations in East Gippsland.

A submission by Council may:

1. Object to a proposed renewable energy facility, stating grounds for objection;
2. Support a proposed renewable energy facility, subject to careful consideration by the Minister for Planning of specified environmental, economic or social considerations; or
3. Take no position in support of, or opposed to a renewable energy facility, but outline the environmental, economic or social considerations that Council wishes the Minister to take into account.

Environmental, economic or social considerations highlighted in options 2 and 3 above may include:

Environmental considerations

The environmental benefits of renewable energy are well documented. A combination of renewable energy sources will assist to tackle climate change risks by supporting the sustainable transition away from fossil fuels as the primary source of energy generation and reduce greenhouse gas emissions. There are, however, localised environmental considerations relating to the development of renewable energy facilities that require careful consideration, including:

- Impact on the productivity of farmland.
- Impact on the natural environment and natural systems including vegetation, habitat and/or fauna.
- Impact on environmental risk management including flood and fire.
- Impact on significant landscapes and views.
- Impact on cultural heritage values.
- Sun glint and light spill (solar farm).
- Noise, blade glint, shadow flicker and electromagnetic interference (wind energy facility).

Economic considerations

The Victorian Government have identified a \$540m Renewable Energy Zone (REZ) fund to increase renewable energy capacity to 16 gigawatts (GW). East Gippsland is in proximity to the designated Gippsland REZ (located across Wellington Shire and Latrobe City municipalities)

which will be a focus for local investment in renewable energy transition. This will result in a range economic opportunities and challenges for the East Gippsland community, including:

- Renewable energy employment creation. It is estimated that there will be 8,000 construction jobs and 1,500 ongoing operations jobs associated with the pipeline of renewable energy projects in Gippsland.
- Spin off employment opportunities in related fields such as supply chain manufacturing, professional services, logistics and vocational training.
- Improved operating efficiency for business with access to cheaper renewable energy opportunities.
- Impact on employment opportunities in 'traditional' fossil fuel based industries.

Social considerations

The renewable energy transition will require consideration of the social impact on the East Gippsland community, including:

- Demand for housing in East Gippsland from energy workers in the broader Gippsland region, in particular workers seeking lifestyle destinations.
- Impact on the amenity of areas surrounding renewable energy facilities (road network, noise, visual impact etc.) particularly during the construction phase of development.

The Victorian Government have prepared a **Community Engagement and Benefit Sharing Guide** for proponents of renewable energy facilities, including solar farms. The Guide highlights:

- Requirements for renewable energy development proponents to undertake appropriate community engagement activities throughout all stages of a renewable energy project to gain 'social licence to operate'. This includes engagement with Council.
- Opportunities to share the rewards of renewable energy development with local communities. It aims to integrate renewable energy development with the local community by contributing to the future vitality and success of the region. It is based on a desire to establish and maintain positive long-term connections to the area and to be a good neighbour. Benefit sharing can include opportunities for:
 - Local jobs and procurement
 - Sponsorship and community benefits
 - In kind contributions (labour volunteering or equipment loan)
 - Innovation at a local level.

Useful Links

Solar Energy Facilities Design and Development Guideline

https://www.planning.vic.gov.au/_data/assets/pdf_file/0037/659917/Solar-Energy-Facilities-Design-and-Development-Guideline.pdf

Community Engagement and Benefit Sharing Guide

https://www.energy.vic.gov.au/_data/assets/pdf_file/0026/580625/community-engagement-and-benefit-sharing-guide.pdf

5.2 Assets and Environment

5.2.1 CON2019 1293 Road Maintenance Services Contract Extension

Authorised by General Manager Assets and Environment

Purpose

This report seeks Council's approval to exercise its options within CON2019 1293 to extend the existing contract Road Maintenance Services, for the initial extension term of twenty-four (24) months, to 31 July 2027 inclusive of annual CPI adjustments.

Key Points

CON2019 1293 is a lump sum and schedule of rates contract covering four (4) separate regions across the Shire for appropriately qualified contractors. This is not a Panel of Suppliers contract, as each area can only be awarded to one contractor. As a result of the Request for Tender process, a contract was entered into with Cranes Asphalting and Bitumen Sealing Pty Ltd for Area 1 and Area 2 and with Whelans Group Investments Pty Ltd for Area 3 and Area 4.

This contract is for suitably qualified contractors to carry out road maintenance services covering four (4) separate regions across the Shire, including but not limited to:

Defined Activities

- Unsealed Pavement Maintenance;
- Unsealed Pavement Re-sheeting;
- Sealed Road Maintenance;
- Sealed Pavement Rehabilitation;
- Signage and Delineation;
- Road Reserve and Easement Drainage Maintenance;
- Road Reserve Vegetation Maintenance; and
- Bridge and Safety Barrier Maintenance.

Additional Works

- Repair, replacement and installation of stormwater pits, pit-lids, frames and surrounds and kerb and channel;
- Inspection, repair, replacement and installation of Underground Drain assets;
- Create new Surface Drain infrastructure;
- Wearing Course Maintenance and Repair works;
- Inspection of Roads / Road Reserves;
- Sealed road rehabilitation and regulation;
- Repairs to Structures;
- Removal and control of trees and vegetation;
- Remediation of land slips; and
- Installation of Road Furniture.

The contract was awarded on 18 December 2019. The initial term was effective from 1 August 2020 with the completion date being 31 July 2025, being five (5) years. Under the existing terms of the contract, there are two (2) extension options of twenty-four (24) months, solely at Council's discretion. The intention is to extend the initial contract term of the contract for twenty-four (24) months with the completion date being 31 July 2027.

Whilst over the first term of the contract minor changes have been made to ensure the document is clear in its intention, these changes have not resulted in any significant cost escalation. The adopted Infrastructure Maintenance budget for 2025-2026 is \$11.2 million, and based on averages, the RMC expenditure represents about 67% of this overall budget allocation.

The existing Road Maintenance contract is due to expire in August 2025.

Officers have undertaken a review of the current arrangements and based on both contractor performance, delivery outcomes, and service continuity considerations, and most importantly value for service. On the basis that both contractors have been assessed as performing satisfactorily over the current contract term and continue to provide appropriate value for money, Officers recommend exercising the first available two-year extension option for both Contractors involved.

Recommendation

That Council:

- 1. approves the contract extension to CON2019 1293 Road Maintenance Services for East Gippsland Shire for Area 1 (Bairnsdale to Orbost and surrounds) and Area 2 (Omeo and surrounds) for the tendered Schedule of Rates, inclusive of annual CPI adjustments for a period of twenty-four (24) months to 31 July 2027, to Cranes Asphaltting and Bitumen Sealing Pty Ltd;***
- 2. approves the contract extension to CON2019 1293 Road Maintenance Services for East Gippsland Shire for Area 3 (Mallacoota and surrounds) and Area 4 (Bonang, Tubbut and surrounds) for the tendered Schedule of Rates, inclusive of annual CPI adjustments for a period of twenty-four (24) months to 31 July 2027, to Whelans Group Investments Pty Ltd;***
- 3. authorises the Chief Executive Officer or delegate to finalise and execute the current contract extensions for CON2019 1293, as outlined in Recommendations 1 and 2, extending the contracts to 31 July 2027; and***
- 4. delegates authority to the Chief Executive Officer or delegate to approve and execute a further extension of up to twenty-four (24) months beyond 31 July 2027 for each contract, subject to the contractors maintaining satisfactory performance throughout the current extension period.***

Strategic Alignment

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.

Consultation/Community Engagement/Impacts

Community Consultation is not required for this contract as this is a legislative required service. Community consultation is taken in other forms most notably through community consultation when revision and upgrading of Councils Road Management Plan takes place.

Opportunities and Risks

Offering the contract extension to the current contractors ensures an approach allowing for the continuity of service, and to maintain established operational efficiencies, whilst avoiding the potential disruptions and resource commitments associated with a full re-tendering process at this time. This enables Council to still meet its obligation under the Road Management Act.

Climate change

This report considers potential climate change risks and impacts relevant to the Officer recommendation and aligns with the applicable climate change functions, categories, and legislative obligations, as detailed below:

Legislation

Not required.

Category

Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts. Continuing changes in weather patterns and frequency is resulting the requirement to undertake mitigation measures over and above our general maintenance obligations.

Options

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

Option 1

Exercise the initial twenty-four (24) months extension option to the existing contract CON2019 1293 Road Maintenance Services, with Cranes Asphalt and Bitumen Sealing Pty Ltd and Whelans Group Investments Pty Ltd, with the contract completion date being 31 July 2027.

Option 2

Re-tender for the services provided by Contract CON2022 1470.

Option 1 is recommended as the current contractors provide Council with sound reliability choice, based on having significant previous experience, relevant and experienced key personnel and extensive resources. Officers have completed a review of the current arrangements and based on contractor performance, delivery outcomes, and service continuity considerations, Officers preferred option at this stage is to exercise the first available two-year extension option for both Contractors involved.

Conflicts of Interest

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

Attachments

Nil

5.2.2 Addition of Roads to Council's Register of Public Roads

Authorised by General Manager Assets and Environment

Purpose

This report considers the inclusion of additional roads to Council's Register of Public Roads (ROPR) as part of Council's responsibilities under the *Road Management Act 2004* (the Act). As well as the removal of one Council managed road from the ROPR.

The roads considered for inclusion to the ROPR in this report include:

- Blair Road, Wiseleigh;
- Wallers Road, Iguana Creek;
- Sam Hill Road, Omeo;
- Milton Park Road, Wuk Wuk;
- Bennetts Brook Road, Swan Reach;
- Burgess Track, Wallagaraugh;
- Aerodrome Road Extension, Bengworden; and
- Jacksons Crossing Track, Buchan.

Key Points

The Act establishes a statutory requirement for road authorities to maintain a ROPR. Road authorities have a duty to inspect, maintain and repair roads that have been determined as public roads. Council's Road Management Plan establishes the standards that shall be met when discharging these duties to inspect, maintain and repair public roads.

Council has received several requests from members of the community seeking maintenance on roads that are not currently included on the ROPR and consequently, are not currently inspected, repaired or maintained by Council, in addition to identifying omissions through internal review.

Council Officers periodically receive requests to add roads to the ROPR. In accordance with the Act, Council can make alterations to its ROPR to include any new roads it considers to be public roads.

Council must record on its ROPR, any road in respect of which it is the responsible authority and where it has decided that the road is reasonably required for public use, in accordance with Section 17(3) of the Act.

While there is no statutory definition for what circumstances constitute reasonably required for public use, the following criteria have historically been used by Council when assessing whether a road fits this definition and therefore should be added to the ROPR:

- the road provides access to a principal place of residence (PPR).
- the road in question provides a single closest point of access to a rateable property holding.
- the road is located on suitable land, in a road reserve or Crown land where Council has relevant authority to lawfully have a road; and
- another authority does not maintain the road.

The guiding principles outlined above aim to provide a property access service level whereby private land that has been developed to include a principal place of residence, adjacent to a connected network of roads, has an access point to a roadway listed on the ROPR which is inspected, repaired, and maintained by Council. Unused road reserves requiring full construction of a physical road to provide access to properties are not usually considered under this process.

The roads for addition as listed above total 5.185 kilometres in length and have been nominated for inclusion in the ROPR. A map of each of the roads is provided below:

- Blair Road, Wiseleigh is a rural road constructed as part of a small subdivision of rural lifestyle blocks, the road is constructed to a standard that is acceptable to take on maintenance of.

Currently there are three principal places of residence on this road.

- Waller's Road, Iguana Creek: this is an extension to an existing road that is currently maintained by Council this last section does not service any principal places of residence; however this section joins to the parks-maintained access to the "Den of Nargun" which is a popular tourism location as well of significant cultural importance to our region.
- Sam Hill Road, Omeo: this is the main access to the new "Omeo Mountain Bike Trail Head" no principal places of residence exist, was previously under the authority of Department of Energy, Environment and Climate Action. However, under the agreements through the mountain bike project management authority has been passed to Council. Maintenance of the road would ensure safe access as the road management authority to the standards set out in the Road Management Plan to the trail head.
- Milton Park Road, Wuk Wuk: extension of an existing section of already maintained road the current section is maintained to the last principal place of residence property, the section proposed is the main access to a popular tourism location of the old Mitchell River Weir Wall.
- Bennetts Brook Road, Swan Reach: a formed and constructed existing road which accesses one principal place of residence, the road is currently in good condition and will not require any major works to be maintained to the required standards under our road management plan.

Roads that have been requested for addition that are not supported to be added to the ROPR.

- Aerodrome Road, Bengworden: this is not a constructed roadway, there would be considerable cost to construct a road in this road reserve, the existing track that weaves through large established trees. The cost in offsets to remove the existing trees to create enough room to construct a road that Council would consider adding to the register to maintain would be very high. The existing track does not meet the minimum standards under the Infrastructure Design Manual (IDM) to which Council is a signatory.
- Burgess Track, Wallagaraugh: is an existing track that is not constructed that weave through heavily vegetated bush land. Considerable costs would be incurred to remove the required vegetation to be able to construct a road that meets Council standards. The construction cost to create a road that meets our standards for maintenance would also be significant.

- Jacksons Crossing Road, Buchan: currently maintained for a short section, the road services one property which is not a principal place of residence. The road does not service any other properties and no further community benefit.

Recommendation

That Council:

- 1. declares the sections of road listed below as Public Road and be added to Council's Register of Public Roads under the classifications shown;***

Road Name	Locality	Land Tenure	Principle Places of Residence	Approx. length (Km)	Classification
Blair Road	Wiseleigh	Road Reserve	3	0.260	Rural Access
Wallers Road	Iguana Creek	Road Reserve	0	0.860	Rural Limited Access
Sam Hill Road	Omeo	Crown Land	0	2.300	Rural Limited Access
Milton Park Road	Wuk Wuk	Road Reserve	0	1.450	Rural Limited Access
Bennetts Brook Road	Swan Reach	Road Reserve	1	0.315	Rural Limited Access

- 2. determines not to add the below listed roads to the Register of Public Roads; and***

Road Name	Locality	Land Tenure	Principle Places of Residence	Approx. length (Km)	Classification
Aerodrome Road	Bengworden	Road Reserve	0	1.062	N/A
Burgess Track	Wallagaraugh	Road Reserve	0	1.529	
Jacksons Crossing Road	Buchan	Road Reserve	0	1.930	

- 3. authorises Council's Register of Public Roads to be updated accordingly as required by the Road Management Act 2004.***

Strategic Alignment

Strategic Objective 1: 1.1 Council strives to provide equitable access to their services, support and facilities.

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.

Collaborative Procurement

No procurement is required as a part of this report.

Consultation/Community Engagement/Impacts

Request for additions to the ROPR are generated by residents directly affected.

Opportunities and Risks

Additions of roads to the ROPR add additional costs to Council's annual maintenance budgets and as such, it needs to be considered what the overall benefit to the community as a whole is when these additions are made.

Climate change

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

Options

Council accepts the proposal in its entirety, or recommends changes as required.

Conflicts of Interest

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

Attachments

1. Road Maps [5.2.2.1 - 6 pages]

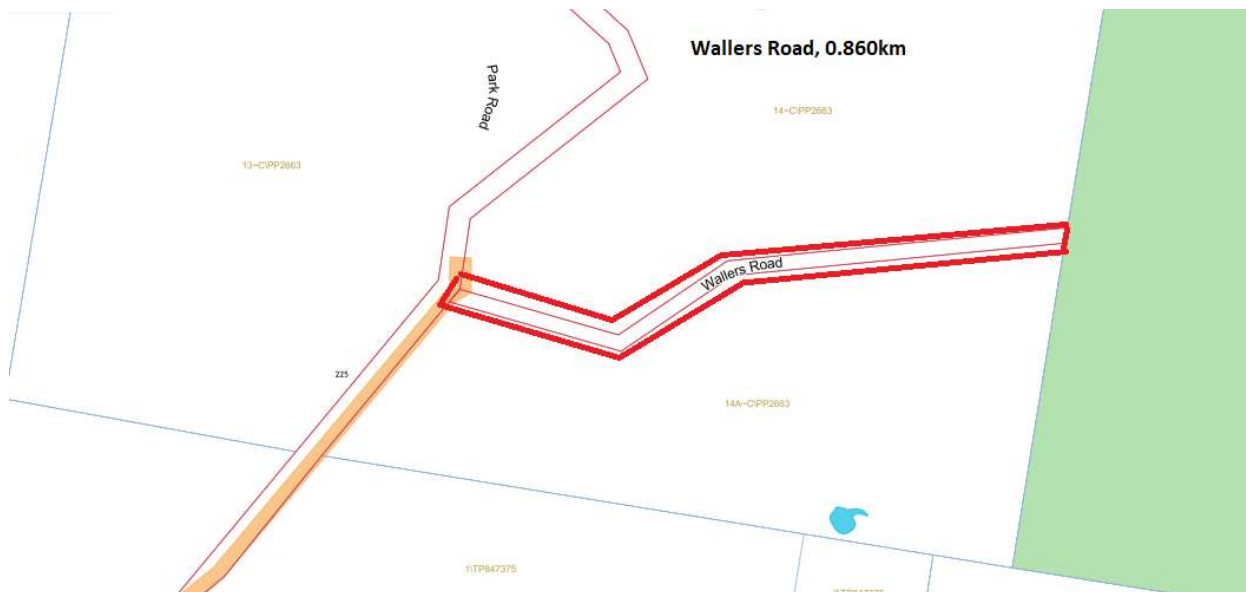
Attachment 1

Roads recommended to be added to the Public Road Register

Blair Road, Wiseleigh – 0.260km



Wallers Road, Iguana Creek – 0.860km



Sam Hill Road, Omeo – 2.300km



Milton Park Road, Wuk Wuk – 1.450km

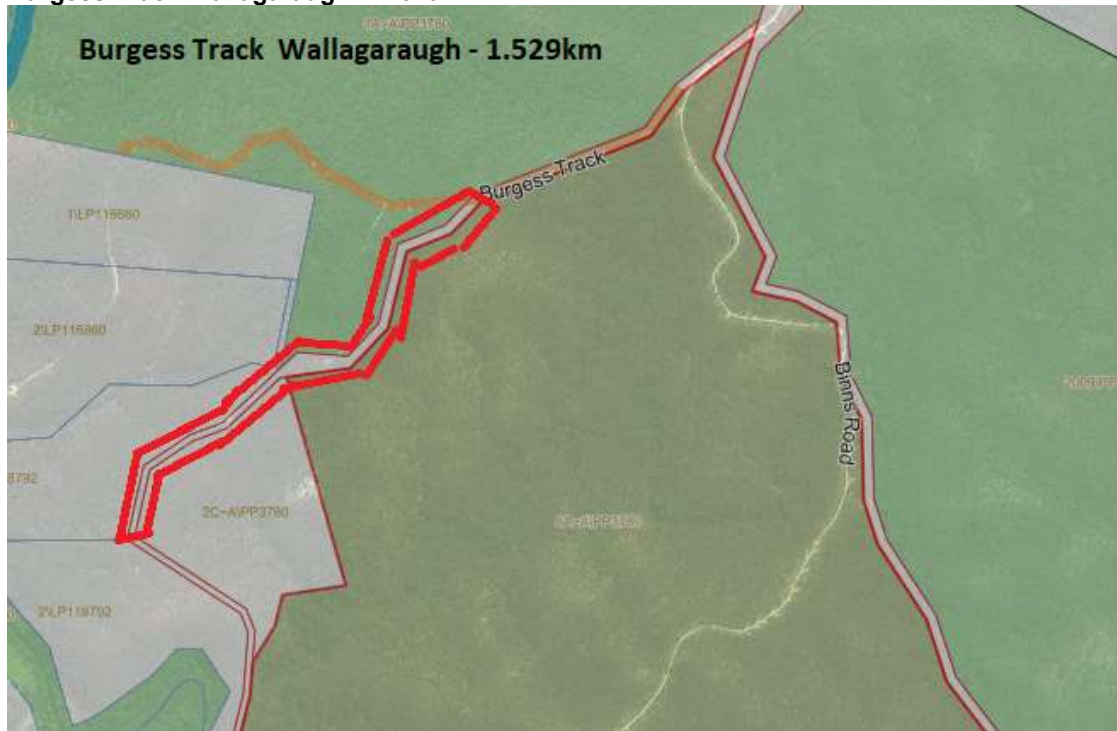


Bennetts Brook Road, Swan Reach – 0.315km



Roads Not Recommended to be added to the Register

Burgess Track Wallagaraugh – 1.529km



Aerodrome Road, Bengworden – 1.046km
Aerodrome Road,
Bengworden - 1.046km



Jacksons Crossing Track, Buchan – 1.930km
Jacksons Crossing Track,
Buchan - 1.930km



5.3 Business Excellence

5.3.1 Leasing and Licensing Policy

Authorised by General Manager Business Excellence

Purpose

To present the Leasing and Licensing Policy for consideration and seek Council's resolution to adopt the new policy.

Key Points

On 13 July 2021, the Council adopted the existing [Leasing and Licensing Policy for Council-owned and Council-managed land](#).

Following a comprehensive review, which included benchmarking against other Gippsland Councils, it was determined that significant changes were necessary. As a result, a new policy has been developed to replace the existing one. This report presents the new Leasing and Licensing Policy, provided at **Attachment 1**, for Council's consideration and adoption.

The new policy aims to establish clear principles for leasing and licensing Council-owned or Council-managed land, with the goal of maximising community benefit for the East Gippsland municipality. It provides consistent information and facilitates smoother business interactions with the community.

The key objectives of the new policy are to:

- Maximise community benefit.
- Promote the sharing of community facilities with like users where possible.
- Ensure agreements are developed and approved through an accountable and transparent allocation process.
- Ensure all agreements are subject to appropriate terms and conditions.
- Maintain consistency for similar uses and occupation types.
- Simplify the administration of the policy.
- Recover reasonable costs for providing the service.

Community engagement on the new policy was conducted between 2 April and 29 April 2025 with three submissions received. A summary is provided at **Attachment 2**.

Additionally, this report seeks a resolution from Council to rescind the existing Leasing and Licensing Policy for Council-owned and Council-managed land, as it is no longer required.

Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to it;***
- 2. rescinds the Leasing and Licensing Policy for Council-owned Land and Council-managed Land adopted by Council on 13 July 2021; and***
- 3. adopts the Leasing and Licensing Policy, as provided at Attachment 1.***

Strategic Alignment

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

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

Consultation/Community Engagement/Impacts

Community engagement on the new policy was conducted between 2 April and 29 April 2025. This included public notices in local newspapers and on Council's website, a Facebook post, information and surveys in Council offices, and a YourSay page. Feedback was sought on the draft policy, and three submissions were received. A summary of the submissions can be found at **Attachment 2**.

Opportunities and Risks

Opportunities

The new policy provides Officers with a clear and consistent approach to leasing and licensing, making it simpler and easier to work with, and ensuring that Council is easy to do business with. It provides clarity on leasing and licensing to ensure compliance with current practices and legislation, benchmarked against other Gippsland Councils. It allows Council to work towards some level of cost recovery.

Risks

If this policy is not implemented, the opportunity to work more efficiently will be missed.

Climate change

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

Conflicts of Interest

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

Attachments

1. Leasing and Licensing Policy [**5.3.1.1** - 9 pages]
2. Feedback Summary - Leasing and Licensing Policy [**5.3.1.2** - 3 pages]



Leasing and Licensing Policy

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1. Purpose

To establish the principles to be applied for the leasing and licensing of Council-owned land or Council-managed land to maximise community benefit for residents of East Gippsland Shire.

2. Scope

This Policy applies to all Leases, Licences, Management Agreements and Private Use agreements issued by Council.

3. Context

The leasing and licensing of Council-owned land is bound by legislation, primarily found in section 115 the *Local Government Act 2020* (LGA) which specifies Council's power to lease and license land.

Management Agreements for occupation of Council-owned land have been developed to apply a consistent approach to Council's property management.

For the leasing and licensing of Council-managed land where Council is the appointed Committee of Management, Council is bound by legislation, primarily the *Crown Land (Reserves) Act 1978*.

4. Statement

This Policy contains the principles that provide consistency for the leasing and licensing of Council-owned land and Council-managed land. All Leases, Licences and Management Agreements must:

1. Maximise community benefit.
2. Endeavour to share community facilities where possible with like users.
3. Be developed and approved through an accountable and transparent allocation process.
4. Be subject to appropriate terms and conditions for the service provided.
5. Be subject to consistent documentation for similar uses and occupation types across the Shire.
6. Be simple to administer.
7. Recover reasonable costs for providing the service to community.

5. Agreements

There are currently four agreement types that Council manages:

5.1 Community (non-Commercial) Agreements

Council recognises that community facilities make a fundamental contribution to our community, enabling a diverse range of social, sporting and recreational connection opportunities. They provide suitable spaces to deliver services, programs and activities to meet the needs of the community and build community capacity.

For this reason, Council will provide support to community facilities where:

- Council owns or controls the land
- Council owns or controls other assets on the land
- Council has specific legal agreements
- Facilities are under control of a Committee of Management appointed under the *Crown Land Reserves Act 1978*.

Where Council issues Leases or Licences over land and buildings for social, sporting or recreation purposes, rental shall be based on a community use rent and terms shall be of a length to justify investment in facilities required for that purpose.

It is acknowledged that community agreements may permit some commercial activities where the use will:

- be limited and not identified as the primary activity on the property;
- not conflict or diminish any community activities undertaken on the property;
- contribute to the economic and environmental sustainability of the property and the community through reinvestment of all income; and
- be aligned with the Council Plan and approved Master Plan (if applicable).

Council encourages the shared use of all community facilities to maximise whole community benefit, this will be strongly encouraged with like user groups, and this will form a condition of the agreement.

Where tenants do not allow shared use with like users groups a rental increase may be applied.

Where a Tenant has a community use agreement and undertakes commercial activity as well, the commercially used area will be governed by a commercial agreement.

5.2 Commercial Agreements

A commercial agreement is an occupation that by its nature could reasonably be expected to generate a profit and be retained by the tenant.

Commercial Leases and Licences should be in the best interest of the community and provide the best result (both financial and non-financial) for Council and the community.

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A commercial property agreement:

- will be determined by an expression of interest process or direct negotiations;
- will deliver market rental returns;
- will be administered in line with industry standards and commercial practices;
- will contain strategies or plans for obtaining commercial outcomes; and
- may require capital investment.

Where Council leases or licences land and buildings for commercial purposes, it shall be at a fair market price and may be determined by Council or based on the opinion of an independent valuer with regular rental reviews.

Lease periods can be:

- up to 50 years in accordance with the *Local Government Act 2020*; or
- up to 21 years in accordance with the *Crown Land (Reserves) Act 1978*.

The commercial rent may be reduced to the community use rental where it can be clearly demonstrated when a community organisation operates as a commercial business and:

- revenue raised is used for the delivery of its core functions and does it not operate for profit or personal gain; and
- the majority of its revenue put back into the community; and
- aligns with its constitution or terms of reference.

5.3 Management Agreements

A Management Agreement is an agreement between Council and an incorporated committee that is undertaking the care and management of the land and buildings on site and coordinates the users at that site on behalf of Council. A Management Agreement documents the rights and responsibilities of all parties to the agreement.

5.4 Private Use Agreement

A Lease or Licence for private use is when Council-owned Land or Council-managed land is used to meet household or private use, predominantly private jetties on council owned land.

6. Traditional Owners

This policy encourages Council to work with Traditional Custodians to support the development of healthy communities. We aim to build relationships based on self-determination and improved social and economic outcomes. We consider present and future investment rights of all communities under the *Traditional Owner Settlement Act 2010 (Vic)*.

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7. Roles and Responsibilities

The following teams or positions have direct and/or supporting responsibilities associated with this Policy:

Position	Roles and Responsibilities
Chief Executive Officer	Overall organisational compliance with this Leasing and Licensing Policy.
General Manager Business Excellence	Overall responsibility for the Leasing and Licensing Policy including implementation and compliance.
Manager Governance and Regulatory Services	Providing strategic oversight of Council's property leasing and licencing portfolio, formulation of solutions to complex occupancy issues, providing recommendations to the Chief Executive Officer, General Manager Business Excellence, relevant General Manager and Council in accordance with this Policy.
Property Coordinator	Provide advice to Manager Governance and General Managers on Council's property management. Manage and coordinate Council's property portfolio in accordance with this Policy.
Property Officers	Support and administer Council's property portfolio in accordance with this Policy.

8. Definitions

Term	Meaning
Commercial	An occupation that by its nature, could reasonably be expected to generate a profit.
Community benefit	Social, environmental and economic benefits that accrue to the wider Community.
Council-managed land	Land managed, but not owned by Council, for example, Crown land over which Council is the appointed Committee of Management. This may include buildings located on the land, fixtures attached to the land and Private Jetties constructed by an adjoining landowner.
Council-owned land	Land owned by Council. May include buildings located on the land, fixtures attached to the land and Private Jetties constructed by an adjoining landowner.
Lease	An agreement for the use of land and/or buildings that grants exclusive rights of occupation to a Tenant.
Licence	An agreement for the use of the land and/or building that does not grant exclusive rights of occupation to a Tenant.
Management Agreement	A Management Agreement is an agreement between Council and an incorporated committee that is undertaking the care and management of the land and buildings on site and coordinates the users at that site on behalf of Council. A Management Agreement documents the rights and responsibilities of all parties to the agreement.

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Term	Meaning
Private use agreement	A Lease or Licence for private use is when Council-owned Land or Council-managed land is used to meet household or private use, predominantly private jetties on council owned land.
Private Jetties	Jetties owned by a Tenant who owns a residence or holds a current residential building permit within a reasonable distance (generally two kilometres) of the jetty site. Private Jetties may be on Council-owned land or Council-managed land.
Valuation	A valuation undertaken by a person registered to do so under the <i>Valuation of Land Act 1960</i> or the Valuer General Victoria.

9. Human Rights

Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006* (the Charter). This Policy has been assessed as compliant with the obligations and objectives of the Charter.

10. Gender Equality

This Policy has considered the *Gender Equality Act 2020* in its preparation and a Gender Impact Assessment (GIA) has been prepared.

11. Risk Reference

This Policy is implemented as a control to mitigate risks in the following categories:

Risk Category	⌘	Risk Category	⌘
Environmental	⌘	Technology and Information Management	
Health and Safety	⌘	Assets, Facilities and Security	⌘
Project, Product and Service Delivery		Human Resources	
Financial and Economic	⌘	Procurement	
Leadership and Political Awareness		Corporate Governance and Compliance	⌘
Reputation and Corporate Image	⌘	Legal	⌘

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12. References and Supporting Documents

12.1 Applicable Legislation:

- *Aboriginal Heritage Act 2006*
- *Crown Land Reserves Act 1978*
- *Environment Protection Act 2020*
- *Land Act 1958*
- *Local Government Act 2020*
- *Local Government (Governance and Integrity) Regulations 2020*
- *Native Title Act 1993*
- *Marine and Coastal Act 2018*
- *Occupational Health and Safety Act 2004*
- *Personal Property Securities Act 2009 (Cth)*
- *Planning and Environment Act 1987*
- *Retail Leases Act 2003*
- *Retail Leases Regulations 2023*
- *Telecommunications Act 1997 (Cth)*
- *Traditional Owner Settlement Act 2010*
- *Valuation of Land Act 1960*
- *Worker Screening Act 2020*

12.2 Applicable Policy and Procedure:

- Annual Allocations Policy
- Community Engagement Policy
- Land Leasing and Licensing Procedure
- Procurement Policy

12.3 Supporting Documents:

- Approved master plans published on Council's website
- Council's Annual Budget
- Council Plan
- S7 Instrument of Sub-Delegation, Chief Executive Officer to Staff
- *Leasing policy for Victorian Crown Land 2023* (including any amendment or replacement document) [Leasing policy for Victorian Crown Land 2023 \(forestsandreserves.vic.gov.au\)](https://forestsandreserves.vic.gov.au)

13. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1		Council	New Policy

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13.1 Administrative Updates

Minor amendments to this document may be required from time to time. Where amendments do not materially alter the intent of a document, they will be made administratively and approved by the Document Owner.

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FEEDBACK – DRAFT LEASING AND LICENSING POLICY

Summary of Feedback	Officer Comment	Action
One submission supported the draft Policy	Noted	Nil
'Like User Groups' is not defined	The term "like users" is intentionally left undefined in the policy to ensure flexibility and avoid being overly restrictive. By not providing a narrow definition, the policy allows for a broader interpretation that can adapt to various situations and user groups. This approach ensures that the policy remains inclusive and can accommodate the diverse needs and circumstances of different community members.	Nil
Risk Table doesn't include reputation/corporate image	The references in this table speak to the Consequence Categories of Council's Risk Management Framework which has recently been updated. As a result, the new impact area is known as "Governance and Reputation".	The 'Risk Reference' table at clause 11 of the Policy has been updated.
Is there any intention to re-write current lease agreements, and if so, what will the consultation process look like?	There is no intention to rewrite current lease agreements. All existing lease agreements will remain on the same terms and conditions as already granted until expiry.	Nil
'Commercial activities' needs defining	Clause 8 of the Policy provides the definition of Commercial being: An occupation that by its nature, could reasonably be expected to generate a profit.	Nil
There is a need for mandatory training (online or in-person) for community groups, commercial leaseholders, and Council staff to effectively manage leases and licenses.	The suggestion to implement mandatory training for community groups, commercial leaseholders, and Council staff to manage leases and licenses is not supported. Although beneficial, such training would require significant resources, including time, funding, and personnel, which the Council must prioritise efficiently. Additionally, mandatory training may not suit the diverse needs of different groups.	Nil
A guide for user groups on improving shared use of community facilities was recommended.	While the idea of a guide is well-intentioned, the operational practicality of such a document may be limited. Each community facility and user group has unique characteristics and requirements, making it challenging to create a one-size-fits-all guide. Council encourages direct collaboration and communication between user groups to resolve issues related to shared facility use, fostering a more adaptable and organic solution.	Nil

FEEDBACK – DRAFT LEASING AND LICENSING POLICY

Summary of Feedback	Officer Comment	Action
Measuring floor space for commercial activities within community use agreements is challenging, especially for online activities.	The policy aims to distinguish between community facilities that provide direct benefits to the community and profit-raising commercial activities that do not. Tenants are allowed to undertake some commercial or fundraising activities to cover operational costs and ensure the viability of community facilities. However, the clause specifically targets situations where commercial activities, such as operating a public café, generate profit without necessarily benefiting the community. While measuring floor space for these activities, especially online ones, can be challenging, the policy's intent is to ensure that commercial activities within community facilities contribute to the community's overall benefit and are not solely profit-driven. This distinction helps maintain the focus on community support and sustainability.	Nil
Commercial property agreements should include a commitment back to the community via events, communication / engagement and involvement.	Commercial activities do benefit the community through employment and local purchasing, which stimulate the local economy. These contributions are considered sufficient, and additional commitments may impose unnecessary burdens on businesses.	Nil
Feedback provided on the following clause under section 5.2 Commercial Agreements: <i>The commercial rent may be discounted to the community use rental where it can be clearly demonstrated that a community organisation operates as a commercial business:</i> <i>• with revenue raised to be used for the delivery of its core functions and does not operate for profit or personal gain; and</i> <i>• with the majority of its revenue put back into the community; and</i> <i>• aligns with its constitution or terms of reference.</i>	The submitter appears to have misunderstood the clause and its intended purpose. This clause is not about community organisations operating as commercial entities. Instead, it pertains to commercial organisations, such as companies, that can clearly demonstrate their commitment to reinvesting revenue back into the community. For example, this could be evidenced through newspaper articles showcasing donations to community organisations. The application of this clause is determined on a case-by-case basis and currently applies to only two organisations.	Nil

FEEDBACK – DRAFT LEASING AND LICENSING POLICY

Summary of Feedback	Officer Comment	Action
Community organisations that are legally structured cannot operate as commercial businesses due to tax concessions and income tax implications. It is suggested to use different language or seek legal advice on community organisations. Most not-for-profits do not put the majority of their revenue back into the community, which conflicts with using revenue for their core functions. The term "personal gain" needs more clarity, as there is a lack of transparency regarding income sources, expenditures, and payment to volunteers/staff in some incorporated groups. To improve transparency and clarity, it is recommended that EGSC require license or lease holders to publish financial information, an up-to-date constitution, and a strategic plan online, or provide a simple public reporting process.		
The policy has taken the Gender Equality Act 2020 into account and a Gender Impact Assessment (GIA) has been prepared. While community groups are required to report on the gender composition of their committees and participants, it is suggested that stronger requirements for diversity and inclusion on committees and boards would be beneficial.	A Gender Impact Statement has been prepared for this policy in accordance with the Act and identified recommendations which have been included in the policy. Council can encourage and support diversity and inclusion initiatives, but it is ultimately up to individual community groups and organisations that enter into lease or license agreements with Council to implement and manage these practices.	Nil
It was suggested that a number of Acts of Legislation are missing from the "Applicable Legislation" section at clause 12 of the Policy, such Associations Incorporation Act (Vic) and ACNC and ASIC.	The "Applicable Legislation" section of the Policy pertains to the laws and regulations that the Council itself is required to adhere to. This section outlines the legal framework within which the Council operates. Tenants are subject to their own legal requirements and responsibilities, which may differ from those of the Council.	Nil

5.3.2 Draft Internal Resolution Procedure

Authorised by General Manager Business Excellence

Purpose

To present the Draft Internal Resolution Procedure to Council for consideration and endorsement, ensuring alignment with the requirements of the *Local Government Act 2020* (the Act) and Council's commitment to good governance and respectful conduct.

Key Points

Section 140 of the Act requires Councils to implement and adopt the procedures prescribed by Regulation 12A(1) and Schedule 1 of the *Local Government (Governance and Integrity Regulations) 2020* (Regulations), in relation to dealing with alleged breaches of the Model Councillor Code of Conduct. To comply with Regulation 12A(2), Council must adopt the Internal Resolution Procedure by 1 July 2025.

The regulations for the Internal Resolution Procedure encompass several key points to ensure effective dispute resolution:

1. The procedure must include a conciliation process conducted by the Mayor.
2. Council has the discretion to incorporate any other processes it deems appropriate for resolving disputes.
3. The Procedure must provide detailed requirements on how alleged breaches of the Model Councillor Code of Conduct are to be dealt with, including the circumstances in which the available processes may be used. It must also explain how a Councillor can access an Internal Resolution process and initiate a request to have a matter dealt with through the available processes.
4. For the conciliation process or any other process, the Procedure must detail:
 - a) The roles and responsibilities of the parties involved.
 - b) The role, functions, and duties of the person conducting the process.
 - c) Any support the Council will provide to the parties or the person conducting the process.
 - d) The form and availability of a record of any agreement, resolution, or outcome reached through the process.

The Draft Internal Resolution Procedure has been developed in accordance with the Act and Regulations and supports the effective management of Councillor conduct by outlining clear, fair and transparent processes for dealing with alleged breaches of the Model Councillor Code of Conduct. Adoption of the Procedure will strengthen Council's governance framework and support a respectful working environment.

Recommendation

That Council adopts the Internal Resolution Procedure provided at Attachment 1.

Strategic Alignment

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.

Opportunities and Risks

If Internal Resolution Procedures are not adopted by 1 July 2025 Council will not be compliant with its statutory requirements.

Conflicts of Interest

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

Attachments

1. DRAFT Internal Resolution Procedure [5.3.2.1 - 10 pages]



Internal Resolution Procedure

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1. Purpose

The purpose of the Internal Resolution Procedure (Procedure) is to provide a structured approach for handling alleged breaches of the Model Councillor Code of Conduct, encouraging respectful and constructive resolution of disputes to maintain effective working relationships and minimise disruption to Council operations.

This Procedure aims to:

- **Promote Good Governance:** Support the principles of good governance within Council, ensuring transparency, accountability, and integrity in all dealings.
- **Maintain Standards of Conduct:** Uphold high standards of conduct among Councillors by providing clear guidelines and processes for addressing alleged breaches of the Model Councillor Code of Conduct.
- **Ensure Fairness and Consistency:** Implement a consistent and fair approach to managing and resolving allegations of misconduct, ensuring that all parties are treated equitably and with respect.
- **Enhance Public Confidence:** Foster public trust and confidence in the Council's commitment to ethical behaviour and responsible governance by demonstrating a proactive approach to managing conduct issues.
- **Support Councillor Development:** Provide Councillors with the necessary support and resources to understand and comply with the Model Councillor Code of Conduct, promoting ongoing professional development and ethical decision-making.

2. Scope

This Procedure may be observed when dealing with alleged breaches of the Model Councillor Code of Conduct. Whilst Councillors are encouraged to resolve disputes informally through the internal resolution processes outlined in this Procedure, there is no obligation to do so, and they may choose to apply for a formal dispute resolution process under the Act if they prefer.

The following disputes are not covered by this Procedure:

- a) differences between Councillors in relation to policy or decision making, which are appropriately resolved through discussion and voting in Council meetings;
- b) complaints made against a Councillor or Councillors by a member or members of Council staff, or by any other external person;
- c) allegations of sexual harassment;
- d) disclosures made about a Councillor under the *Public Interest Disclosures Act 2012*, which can only be made to the Independent Broad-based Anti-corruption Commission; and
- e) allegations of criminal misconduct, which should be immediately referred to Victoria Police or the relevant integrity authority.

3. Context

Section 140 of the *Local Government Act 2020* requires Councils to implement and adopt the procedures prescribed by Regulation 12A of the *Local Government (Governance and Integrity Regulations) 2020*, in relation to dealing with alleged breaches of the Model Councillor Code of Conduct.

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The regulations for the Internal Resolution Procedure encompass several key points to ensure effective dispute resolution.

1. The procedure must include a conciliation process conducted by the Mayor. In cases where the Mayor is a party to the matter or is unable to perform the role, the Deputy Mayor or another designated person will conduct the conciliation.
2. Council has the discretion to incorporate any other processes it deems appropriate for resolving disputes. This flexibility allows the Council to tailor the resolution procedure to the specific needs of each situation.
3. The Procedure must provide detailed requirements on how alleged breaches of the Model Councillor Code of Conduct are to be dealt with, including the circumstances in which the available processes may be used. It must also explain how a Councillor can access an Internal Resolution process and initiate a request to have a matter dealt with through the available processes.
4. For the conciliation process or any other process, the Procedure must detail:
 - a) The roles and responsibilities of the parties involved.
 - b) The role, functions, and duties of the person conducting the process.
 - c) Any support the Council will provide to the parties or the person conducting the process.
 - d) The form and availability of a record of any agreement, resolution, or outcome reached through the process.

These structured guidelines ensure that the Internal Resolution processes are clear, accessible, and effective in addressing disputes within the Council.

4. Internal Resolution Processes

Disputes between Councillors may arise in a variety of circumstances. Internal Resolution processes can be applied to those disputes in which a Councillor (the Complainant) alleges that another Councillor (the Respondent) has breached the Model Councillor Code of Conduct.

It is acknowledged that these Internal Resolution processes may not be suitable for resolution of all disputes between Councillors. An overview in the form of flowcharts are provided at Appendix 1.

Council, through the Councillor Conduct Officer, will provide administrative assistance to the person conducting the relevant process when arranging a time and place for Conciliation or Mediation, including any technical assistance that may be required. Council will make a venue available to the Councillors that is private and suited to the relevant process.

Council will not provide any substantive guidance or advice about the subject matter of the dispute, or pay the costs of legal advice or representation for any Councillor in connection with this Procedure. Parties to a dispute may seek their own legal or other advice at their own cost, if they choose to do so.

All Councillors are responsible for conducting themselves in a courteous and respectful manner at all times during an Internal Resolution process.

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4.1 Direct Negotiation

A Complainant is encouraged to raise their issue directly with the Respondent in a respectful and courteous manner, either in person or in writing, where they feel comfortable to do so.

Councillors are encouraged to recognise that:

- certain behaviours and communications may be perceived by others to be causing issues or offence that may not have been intended;
- it can provide useful insight to reflect on their own behaviour or motivation and possible contribution to the dispute, whether intended or not; and
- dealing with the dispute early is more likely to avoid the issue escalating and resolve it before it threatens the effective operation of Council.

It is useful to frame any issue from the Councillor's perspective (eg "I felt disrespected when you said / did ..."), rather than accusing another person of holding a particular position or taking a negative action deliberately. A Councillor should let the other Councillor know how they feel and ask for an explanation, rather than making accusations or assumptions.

4.2 Conciliation

Where a direct conversation between Councillors has not been successful in resolving the dispute, or a Councillor does not feel comfortable communicating directly with another Councillor, an application for Conciliation can be made.

The Conciliation process is to be conducted by the Mayor except when the Mayor is a party to the dispute or otherwise unavailable. In that case the Deputy Mayor will assume the role of the Mayor. If both the Mayor and the Deputy Mayor are parties to the dispute or otherwise unavailable, the role of the Mayor must be performed by a Councillor jointly chosen for the purpose by the parties.

A Councillor initiating the Conciliation process must notify the Mayor and the Respondent of the dispute in writing. An application must:

- a) specify that Conciliation of a dispute is being initiated;
- b) specify the names of the Complainant and Respondent;
- c) name the Councillor appointed to be the applicants' representative (where the request is made by a group of Councillors);
- d) specify the provision (or provisions) of the Model Councillor Code of Conduct alleged to have been breached;
- e) detail what was said or done by the Respondent to constitute a breach of the Model Councillor Code of Conduct;
- f) attach any supporting information to provide examples of the behaviour complained of (eg screenshots or emails); and
- g) be dated and signed by the Complainant.

The Councillor making the application is to notify all parties related to the dispute and provide a copy of the application at the same time that it is submitted to the Mayor.

Councillors are not obliged to participate in the Conciliation process but should only decline if they honestly and reasonably believe that their participation would adversely affect their health or wellbeing or would otherwise be unsafe¹.

¹ Refer to Section 8 of this Procedure for additional support services available to Councillors.

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A Respondent declining to participate in Conciliation must advise the Complainant and the Mayor of their unwillingness to participate, and the reasons for it. That advice must be provided no more than one week after receiving the application.

During Conciliation, the role of the:

- Mayor is to convene and attend up to two meetings (as considered necessary) between the parties, which are to be held within three weeks of the date the application for conciliation is made. The Mayor will facilitate proceedings at each meeting and provide guidance to the parties on the Standards of Conduct outlined in the Model Councillor Code of Conduct, and actively explore whether the dispute can be resolved by mutual agreement between the parties.
- Complainant and Respondent are to explain their respective positions and, in a show of goodwill, actively explore the possibility of resolving the dispute by agreement.
- Councillor Conduct Officer is to provide the Mayor with the administrative support necessary to arrange and conduct the conciliation.

The Mayor will document any agreement reached during Conciliation. Copies of the agreement will be provided to both parties and the Chief Executive Officer. Where one party does not adhere to the agreement, the other party can request Mediation.

If resolution of the dispute is not obtained during Conciliation, an application for Mediation may be made by either of the parties to the dispute.

4.3 Mediation

Mediation is a method of resolving disputes between two or more parties with the help of a neutral third party, known as a Mediator. The role of the Mediator is to ensure impartiality and to help the parties reach a mutually acceptable agreement.

Any Councillor seeking Mediation of a dispute must have initially attempted Conciliation. By requiring an initial attempt at Conciliation before involving an external facilitator for Mediation, the Council aims to provide a structured and unbiased approach to resolving disputes.

The Mediation process will be conducted by an external facilitator. This means that an independent third party, who is not affiliated with the Council, will oversee the Mediation.

A Councillor initiating the Mediation may submit a written application to the Chief Executive Officer and must:

- a) specify that Mediation of a dispute is being initiated
- b) include relevant details of previous Conciliation attempts;
- c) specify the names of the Complainant and Respondent;
- d) name the Councillor appointed to be the applicants' representative (where the request is made by a group of Councillors);
- e) specify the provision (or provisions) of the Model Councillor Code of Conduct alleged to have been breached;
- f) detail what was said or done by the Respondent to constitute a breach of the Model Councillor Code of Conduct;
- g) attach any supporting information to provide examples of the behaviour complained of (eg screenshots or emails); and
- h) be dated and signed by the Complainant.

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The Councillor making the application is to notify all parties related to the dispute and provide a copy of the application at the same time that it is submitted to the Chief Executive Officer.

The Chief Executive Officer will ascertain (in writing) whether or not the party/parties who received the application are prepared to participate in Mediation. If the party/parties decline to participate, they are to provide their reasons for doing so in writing to the Chief Executive Officer, who will advise the Mayor. That advice must be provided no more than one week after receiving the application.

If the receiving party/parties agree to participate in Mediation, the Chief Executive Officer will advise the applicant and the Mayor and engage the services of a Mediator to conduct the Mediation at the earliest practicable opportunity. Mediation should be held within three weeks of the date the application for mediation is made, subject to availability of the Mediator.

The parties may have a support person with them, however in the spirit of Mediation legal representation is not appropriate during this process.

During Mediation, the role of the:

- Mediator is to facilitate proceedings and provide guidance to the parties to the dispute about the Standards of Conduct in the Model Councillor Code of Conduct, and actively explore whether the dispute can be resolved by agreement between them.
- Complainant and Respondent is to explain their respective positions and, in a show of goodwill, actively explore the possibility of resolving the dispute by agreement.
- Councillor Conduct Officer is to provide the Mediator with the administrative support necessary to arrange and conduct the Mediation.

If the parties cannot resolve the dispute at the initial Mediation meeting, a further meeting may be convened with the consent of both parties.

The Mediator will document any agreement reached through the mediation process. Copies of the agreement will be provided to all parties to the dispute, the Mayor and Chief Executive Officer.

5. Terminating a Conciliation or Mediation Process

A Conciliation or Mediation process will end or be terminated if any of the following occurs:

- a) the parties cannot jointly choose a Councillor to conduct the relevant process within one week of being asked to do so;
- b) the Respondent notifies the Mayor that they do not wish to participate in the relevant process, and the reasons for it, within one week of receiving the application;
- c) the Respondent does not respond to the application at all within two weeks of receiving it;
- d) Conciliation or Mediation has not occurred within four weeks of the Complainant submitting the application;
- e) Conciliation or Mediation has occurred and the parties have been unable to resolve the dispute; or
- f) the dispute has been resolved.

The time for Conciliation or Mediation may be extended by agreement between the parties to the dispute, whether or not the matter has been escalated to one of the formal dispute resolution procedures outlined in the Act.

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6. Confidentiality

Parties and other participants are expected to maintain confidentiality concerning the dispute and the operation of any Internal Resolution process outlined in this Procedure.

7. Additional Support

Councillors have access to confidential, professional support through the Employee Assistance Program (EAP), provided by Converge International. This service offers expert advice and assistance on a wide range of mental health and wellbeing matters.

While Councillors are not employees of Council, they are still eligible to use this service. Additional information is available in the Councillor Portal under Key Documents > Employee Assistance Program.

8. Formal Dispute Resolution Procedures

The Internal Resolutions processes operate alongside, and do not replace, the formal dispute resolution procedures outlined in the Act. These include the Internal Arbitration process (section 141) for any breach of the Model Councillor Code of Conduct, and Councillor Conduct Panel hearings (section 154) for alleged serious misconduct.

9. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1			Internal Resolutions Procedure developed in accordance with section 140 of the LGA 2020 and required to be adopted by 1 July 2025

9.1 Administrative Updates

Minor amendments to this document may be required from time to time. Where amendments do not materially alter the intent of a document, they will be made administratively and approved by the Document Owner.

9.2 Document Control Disclaimer

Printed copies of this document are considered uncontrolled. Please refer to the Corporate Document Register on Council's intranet to access the most current version of this document.

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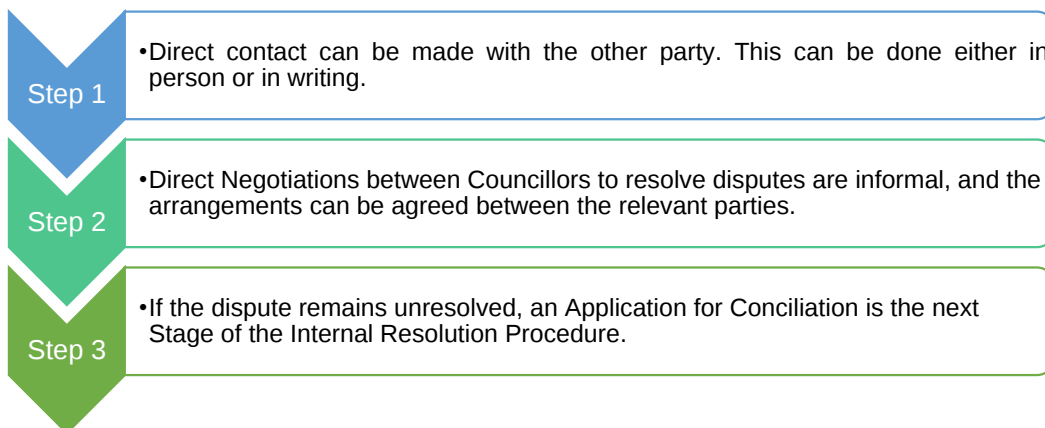
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Appendix 1 – Internal Resolution Process Flowcharts

The Internal Resolutions processes operate alongside, and do not replace, the formal dispute resolution procedures outlined in the Act. These include the Internal Arbitration process for any breach of the Model Councillor Code of Conduct, and Councillor Conduct Panel hearings for alleged serious misconduct.

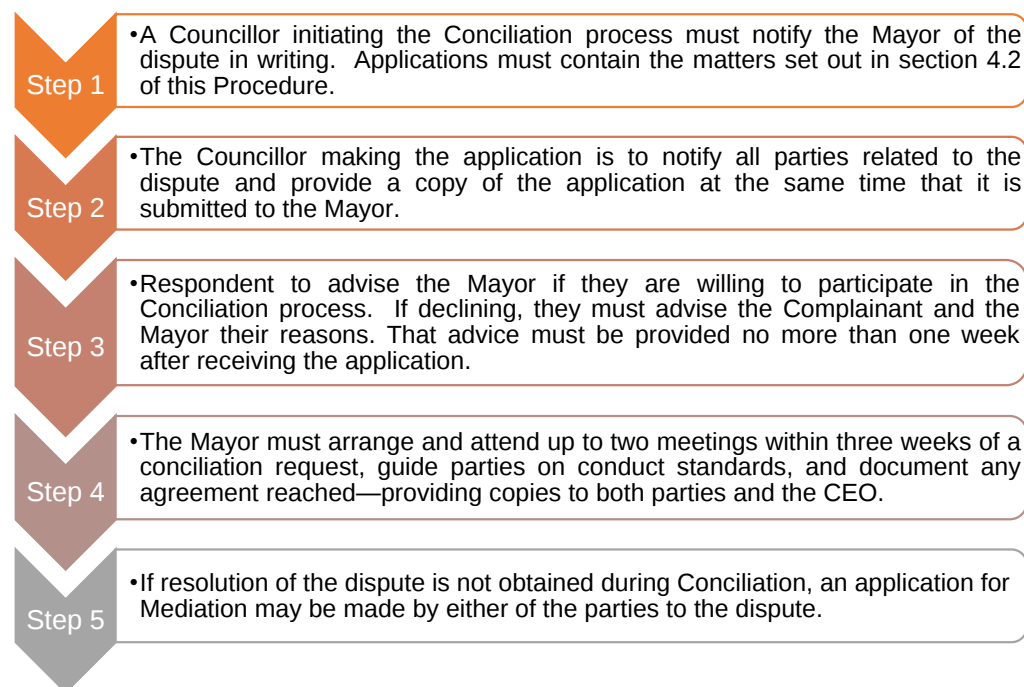
1. Direct Negotiation

Where they feel comfortable to do so, Councillors are encouraged to raise their issue directly with the other party or parties, in a respectful and courteous manner.



2. Conciliation

Where a direct conversation between Councillors has not been successful in resolving the dispute, or a Councillor does not feel comfortable communicating directly with another Councillor, an application for Conciliation can be made.



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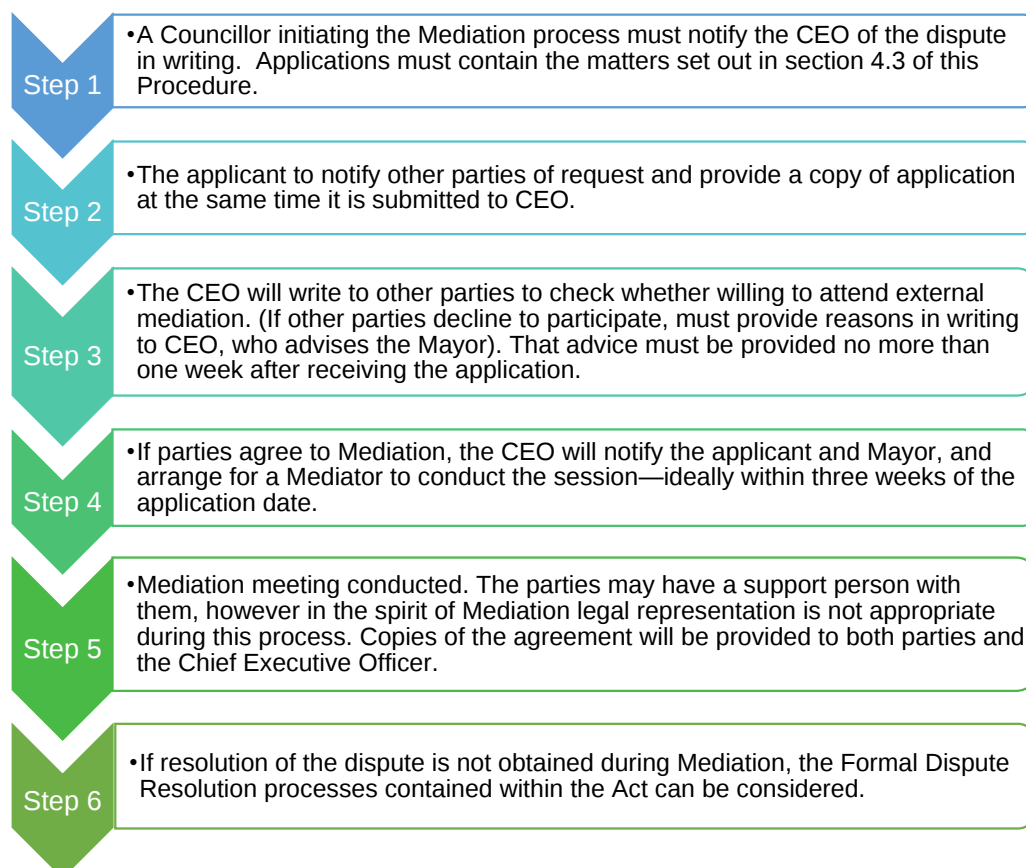
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Appendix 1 – Internal Resolution Process Flowcharts

3. Mediation

Any Councillor seeking Mediation of a dispute must have initially attempted Conciliation. By requiring an initial attempt at Conciliation before involving an external facilitator for Mediation, the Council aims to provide a structured and unbiased approach to resolving disputes.



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5.3.3 Transparency of Councillor Briefings

Authorised by Chief Executive Officer

Purpose

This report aims to provide Councillors with comprehensive information regarding the transparency of Councillor Briefings. It outlines the proposed approach for reviewing Council's Public Transparency Policy, provides an update on the implementation of a similar motion by the Mornington Peninsula Shire Council (MPSC), and discusses the significance of key transparency principles.

Key Points

At its meeting on Tuesday 27 August 2024, Council called for information to be provided to Councillors on the transparency of Councillor Briefings. The Notice of Motion called for a report to include:

1. options to revise the Public Transparency Policy and governance arrangements about how to engage with community at Councillor Briefings, that continue to be in accordance with the public transparency principles, public interest and confidentiality definitions of the *Local Government Act 2020*; and
2. information relating to:
 - a. how the MPSC is implementing its motion and what steps and impediments are currently being revealed in working to open its briefings to the public and how that benefits community; and
 - b. the importance of risk management, confidentiality, public interest, transparency, and accountability, being key tenets of good governance and decision making.

In responding to the above resolution, extensive benchmarking was undertaken in partnership with Baw Baw Shire Council, South Gippsland Shire Council, Latrobe City Council and MPSC. This work looked extensively at the actions of Councils in Victoria, New South Wales, South Australia and Western Australia.

This report explores a range of transparency mechanisms including:

- the status of Council's existing Transparency Policy and soon to be released state-wide Model Transparency Policy which all Councils will be expected to follow;
- the public release of summaries of Councillor Briefing Session discussions;
- continued development of an online transparency portal that will allow the community to access a range of information in real-time around the status of budgets, projects and community engagement outcomes, as well as a range of other yet to be determined information. This Portal will go live in 2026;
- the engagement practices used to seek community input into significant Council matters; and

- additional measures currently being explored to continue to enhance engagement and transparency, including:
 - Community forums and listening posts.
 - Updating advisory forums that Council may wish to review / introduce.
 - Community meetings and place-based engagement.

The report also provides an update on the approach being taken by MPSC, as called for in its 27 August 2024 Notice of Motion.

These matters are discussed in further detail in the body of this report. It is noted that Latrobe City Council also recently considered this matter and resolved that:

1. *no changes to be made to the current Councillor Briefing meetings until all options have been investigated, learnings from other councils are available, and the model Transparency Policy has been received from Local Government Victoria; and*
2. *notes that a future report will be presented to Council after the learnings from other councils, and the model Transparency Policy are available to Latrobe City Council.*

Recommendation

That Council receives this report and:

1. ***endorses release of summaries of Councillor Briefing session discussion topics via inclusion in the monthly Council Meeting agenda to provide the community with greater insight into the Briefing discussions, commencing in July 2025;***
2. ***notes that a review of the Public Transparency Policy will be undertaken following release of the Model Public Transparency Policy by Local Government Victoria, and further discussions will be held with Councillors as part of the review process;***
3. ***notes that planning has commenced on development of a publicly accessible East Gippsland Transparency Portal for implementation in the second half of 2026;***
4. ***notes that Officers will continue to explore and discuss with Councillors, additional measures to continually enhance transparency around Council's business through future reports to Council; and***
5. ***notes that Mornington Peninsula Shire Council is yet to fully implement its resolution to open its briefings to the public but is proposing to divide its sessions into briefings and workshops.***

Details supporting the Recommendations:

1. Public Transparency and Policy guidelines

Transparency is a fundamental tenet of democratic governance. Openness, accountability and honesty are essential to build high levels of accountability and trust amongst citizens and enable fully informed engagement in the democratic process. Without transparency, effective community engagement, planning, financial management and any number of other Council responsibilities cannot be properly performed.

One of the overarching principles of the *Local Government Act 2020* (the Act) is that “the transparency of Council decisions, actions and information is to be ensured” (s. 9(2)(i)). Councils should note that the public transparency principles, at section 58 of the Act, must be applied to all aspects of a Council's operations and decision making.

Transparency and accountability will strengthen governance and accountability across local government, so that the community can have confidence in the way their council works.

Council's existing Public Transparency Policy supports the overarching governance principles set out in the Act. The policy ensures the transparency of Council decisions, actions, and information, and describes the type of Council information that is publicly available and the methods by which the community can access this information.

Following the resolution and in alignment with the recommendations of the Independent Broad-based Anti-Corruption Commission's July 2023 Sandon Report, Local Government Victoria (LGV) has initiated the development and introduction of a Model Public Transparency Policy (Model Policy) aimed at enhancing council openness and transparency.

To oversee this initiative, a Local Government Steering Committee, comprising representatives from peak bodies and council representative groups, has been established. The completion of this work is anticipated by the third quarter of 2025.

Upon its release, the Model Policy will serve as a best-practice framework for individual Council policies. Consequently, it is recommended that a review of the Council's existing Public Transparency Policy be conducted once the Model Policy is available. This review process will include comprehensive consultation to ensure that any proposed amendments align with the needs and expectations of Councillors and the community.

For this reason, it would be premature for Council to review its Transparency Policy until such time as the Model Policy has been released. However, there are other options that Council can consider in the meantime to continue to ensure that our community is abreast of the work of Council and the drivers of decision making.

2. Enhancing Transparency of Councillor Briefings

Council's current Public Transparency Policy does not restrict Council from implementing additional transparency measures within the existing framework. This allows for incremental enhancements to transparency to be made without the need to wait for a comprehensive policy review.

It is also important to note that Councillor Briefings are not a decision-making forum. Primarily, they are a forum for information sharing and preliminary discussion. Normally only Councillors and Council Officers attend, which facilitates early, sometimes wide-ranging exploratory discussion without incurring the risk of stimulating premature debate.

The confidential setting of Councillor Briefings also allows for preliminary discussion of confidential matters as prescribed under the Act, contractual or commercial issues and other matters of a sensitive nature that may be compromised if discussed in the public domain prematurely.

Having regard to these considerations, and particularly the complexity inherent in managing Council's legislative and policy obligations around confidentiality, it is not recommended that Councillor Briefings be opened to the public or livestreamed.

However, in line with our ongoing commitment to transparency and accountability, a range of mechanisms to enhance the accessibility of Council information have been identified and are outlined below.

2.1 Publishing Councillor Briefing Session Note Summaries

Summaries of Councillor Briefing notes can be made publicly available on Council's website to provide the community with greater insight into the discussions and decisions that shape our municipality.

By making summaries of Councillor Briefings accessible to the public, we aim to:

- **Enhance Transparency:** Offering summaries allows residents and stakeholders to stay informed about the topics discussed and information provided to Councillors during briefing sessions.
- **Promote Openness:** Public access to these summaries ensures that Council's discussions and actions are open to scrutiny, fostering a culture of openness and trust.
- **Encourage Engagement:** Informed residents are more likely to engage with Council initiatives and participate in community consultations, leading to more robust and representative decision-making.

The summaries will include a brief overview of the topics covered during each session, and key points of discussion. Contextual information to help the public understand the significance of discussions will also be provided where possible.

The briefing summaries can be made publicly available by listing them as a report for noting at monthly Council Meetings. This practice is currently followed by at least three other Victorian Councils.

Where Council receives presentations for information purposes, these could also potentially be summarised and released publicly along with the Briefing summary notes.

While we are committed to transparency, we also recognise the importance of maintaining confidentiality where necessary. In accordance with section 3(1) of the Act, any information deemed confidential will not be disclosed to the public. This ensures that sensitive information, including personal data and matters subject to legal or commercial confidentiality, is appropriately protected while we continue to uphold our transparency principles.

3. Implementing a Transparency Portal

Work has commenced on the design of a publicly available East Gippsland Transparency Portal. When implemented, the portal will give the community the ability to access key Council information from a single location at any time convenient to them.

At this early stage of development, the mix of information that will be provided through the portal has not been determined. The objective of the Transparency Portal will be to foster community engagement and provide insight on a range of Council matters so examples could include Council decisions and outcomes; financial data; infrastructure project updates; policies and strategies; public registers and declarations; and organisational statistics (e.g. Freedom of Information).

It should be noted that because the portal cannot be developed until other key software programs have been implemented at Council, it is not likely to be available to the public until next year. Council will be involved in workshops to determine the data sets to be made available via the new portal.

As an interim measure, Council has already introduced search mechanisms that allow the easy searching of all Council Meeting agendas for relevant decisions using key words.

4. Inviting Feedback on Significant Strategic and Policy Matters

One of the key aspects of transparency is the way in which Council engages with its community. Council has an existing Community Engagement Policy that is currently being reviewed. This review will ensure that Council engages appropriately and with transparency prior to making key decisions impacting the community. This engagement will include inviting public feedback on significant strategic and policy matters on which Council has an informal position, before the matter is considered formally by Council.

Council recognises that by undertaking transparent public engagement and gathering diverse perspectives on matters of significant public interest, it is better placed to make informed decisions that better reflect the needs and preferences of its citizens. Examples of this approach applied to recent engagement include the engagement undertaken to inform the 2025/26 Budget and the Council Plan.

5. Exploring Additional Measures

Officers will continue to explore and discuss with Councillors additional measures to increase transparency. This includes the potential introduction of Community Forums or listening posts, as well as any other initiatives that promote greater public engagement and increased access to information. By continually seeking new ways to improve transparency, we aim to build stronger, more informed relationships with our communities and ensure that our governance processes remain open and accountable.

These measures will build on the existing approach used for statutory planning consultation (Planning Consultation Meetings) which allows Councillors to hear from objectors and proponents well before the matter comes to Council for formal consideration.

Council has also requested a review of several advisory groups to Council and consideration of other advisory group / advisory forum models. A range of options for engaging with the business community and around access and inclusion matters will be brought to Council for consideration in the near future.

It will also be important to ensure that opportunities are created for Councillors to regularly visit and hear from communities in their own place on matters of importance.

Update on Mornington Peninsula Shire Council

In July 2024, as part of its review of its Public Transparency Policy, MPSC resolved to make its Councillor Briefings open to the public online. Since the Council election in October 2024, MPSC has considered a range of proposals around engagement and transparency, with the following outcomes:

- An updated [Public Transparency Policy](#) has been adopted.
- Officers have been asked to provide more detailed briefing meeting outcomes and information/discussion in the Council's ordinary meeting agenda.
- Community consultation has occurred on a draft Briefing Meeting Protocol (draft Protocol). The draft Protocol was developed with input from Maddocks Lawyers to ensure there is structure around Public Briefings while providing for the exclusion of information that is confidential or sensitive. It proposes that:

- Briefings will be open to the public online and allow for preliminary discussions on items of significant public interest. When determining what items are of significant public interest, consideration will be given to the level of public interest (i.e. whether it affects a significant number of people in the community), the level of community involvement and discussion about the item and whether the item has strategic or general significance for the municipality.
- Matters that cannot be included in Briefing Meetings because the subject matter is confidential (as defined by the Act) or does not meet the requirements of the Public Interest Test (as defined in the Act and MPSC's Public Transparency Policy) will be discussed at Councillor Workshops. These will not be open to the public or livestreamed.

A formal report on the outcomes of the community engagement on the draft Protocol is being prepared. It is anticipated the report will come before MPSC later this month (June).

- The Council's Citizens Advisory Panel, which was involved in key deliberative engagement exercises, has been abolished. The reasons provided in the Notice of Motion that led to this decision included that the Panel was too costly, had limited representation and that Councillors are elected to undertake this task.

Good Governance and Decision Making

As part of the 2024 Induction Program, Councillors were provided with extensive information on the core principles and practices of good governance and effective decision-making in local government.

A key focus of the training was the integration of critical governance principles such as confidentiality, public interest, transparency, and accountability into everyday Council operations and decision-making processes. These principles are not only legal and ethical obligations but also serve as the cornerstone of responsible, inclusive, and effective governance.

Importantly, the training assisted Councillors to balance matters of public interest alongside the imperatives of confidentiality, transparency, risk mitigation, and accountability. All of which are necessary understandings to navigate the complex responsibilities of local government.

Strategic Alignment

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

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

Collaborative Procurement

Collaborative Procurement is not relevant to this report.

Consultation/Community Engagement/Impacts

Public consultation and engagement are critical for understanding the community's views which in turn, is essential for good governance. Transparency is integral to the process because it facilitates fully informed engagement in the democratic process.

Although Councillor Briefings are not decision-making forums, increasing transparency around them may lead to an improved understanding of Council decision-making and the role Councillors play in making them. It is also considered likely that increased accessibility of information may lead to enhanced community engagement and input into Council's decision-making.

Opportunities and Risks

Increasing transparency around Council's decision-making processes can help build public trust and confidence, enhance Councillor accountability and facilitate better community engagement.

Potential risks associated with introducing transparency measures include increased complexity in managing sensitive and confidential information, potential delays in decision-making and increased administration costs. Officers consider that the risks inherent in the measures proposed in this report are minor and can be managed effectively.

Climate change

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

Options

Council can implement increased or enhanced transparency initiatives at any time. As indicated earlier in this report, some transparency measures are proposed to be introduced immediately. Others will emerge or be identified over time through changes in legislation, evolving best practice in the local government sector, further investigation by officers, feedback from community stakeholders and advancements in technology.

Similarly, Council can review its Public Transparency Policy at any time. However, it is recommended that the next review not be undertaken until Local Government Victoria's new Model Policy is available.

Conflicts of Interest

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

Attachments

Nil

6 Urgent Business

7 Confidential Business

8 Close of Meeting