



# Minutes Council Meeting

**Tuesday 22 February 2022 at 6:00 pm**

**Council Chambers (and by video conferencing)  
East Gippsland Shire Council Corporate Centre  
273 Main Street, Bairnsdale 3875**

*Councillors*

Crs Mark Reeves (Mayor), Arthur Allen (Deputy Mayor), Tom Crook, Jane Greacen OAM, Trevor Stow, Mendy Urie, Kirsten Van Diggele and John White

*Attachments referenced in these minutes can be located in the meeting agenda on East Gippsland Shire Council's website.*

## 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

Welcome to East Gippsland Shire Council's meeting of Tuesday 22 February 2022.

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

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

The East Gippsland Shire Council live streams, records and publishes its meetings via webcasting. During the meeting, any members of the public who are addressing the Council will have their image and comments 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.

If Council encounters technical difficulties with the livestreaming during the meeting, we will adjourn until the issue is resolved. If technical issues can't be resolved the meeting may be postponed to a later time or date.

## 1.2 Apologies

Cr Sonia Buckley

## 1.3 Declaration of Conflict of Interest

Anthony Basford Chief Executive Officer declared a conflict of interest in item 7.1 *Chief Executive Officer Employment and Remuneration Committee Report*, as a material interest due to the matter relating directly to his employment.

Peter Cannizzaro General Manager Business Excellence declared a conflict of interest in item 7.1 *Chief Executive Officer Employment and Remuneration Committee Report*, as a general interest due to the matter relating to his direct report at his place of employment.

## 1.4 Confirmation of minutes

**Cr Jane Greacen OAM / Cr Trevor Stow**

**THAT THE MINUTES OF THE COUNCIL MEETING HELD TUESDAY 1 FEBRUARY 2022 BE CONFIRMED WITH THE INCLUSION OF CR GREACEN'S SECOND DELEGATE REPORT.**

**CARRIED**

## **1.5 Next meeting**

The next Council Meeting of Tuesday 15 March 2022 to be held at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

## **1.6 Requests for leave of absence**

Nil

## **1.7 Open Forum**

### **1.7.1 Petitions**

Nil

### **1.7.2 Questions of Council**

Nil

### **1.7.3 Public Submissions**

Nil

## 2 Notices of Motion

**Cr Mark Reeves / Cr Arthur Allen**

***That Council convey condolences, on behalf of the East Gippsland Shire, to the family of the late John Wilkin who passed away on 13 February 2022.***

**CARRIED**

**Cr John White / Cr Tom Crook**

***That Council convey condolences, on behalf of the East Gippsland Shire, to the family of the late Ben Buckley.***

**CARRIED**

### **2.1 1/2022 - Request Refund or Rebate Fees and Charges Waste Management**

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Take notice that it is my intention to move at the Council meeting to be held on Tuesday 22 February 2022 at 6.00 pm or at any adjournment of that meeting:

***The Council write to the State authorities(s) responsible for waste management policy, requesting a refund or rebate of a significant proportion of the fees and charges paid by our Shire so to provide both innovative waste management/ minimisation solutions and incentives for the uptake of circular economy initiatives in East Gippsland.***

**Signed: Cr Tom Crook**

Date: 8 February 2022

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### **RATIONALE**

Our Shire is subject to a range of statutory charges and fees in relation to waste management, over which we have little or no control. This money, charged by the state government, effectively leaves the region and at the same time we continue to experience increases in such fees. With little clear benefit to rate payers and the general community.

At a time when costs of waste management have never been higher and the need to minimise waste and embrace the circular economy never more urgent, this motion, if acted on by the State Government would provide a significant increase in our shires capacity to meet the waste challenge, be better equipped to solve the challenges of waste management and maximise the benefits of the circular economy to the broader East Gippsland community.

## **Motion**

***Cr Tom Crook / Cr Jane Greacen OAM***

***The Council write to the State authorities(s) responsible for waste management policy, requesting a refund or rebate of a significant proportion of the fees and charges paid by our Shire so to provide both innovative waste management/ minimisation solutions and incentives for the uptake of circular economy initiatives in East Gippsland.***

**CARRIED**

### 3 Deferred Business

Nil

### 4 Councillor and Delegate Reports

#### 4.1 Cr Arthur Allen

Cr Allen spoke to his written report at page 9.

#### 4.2 Cr Tom Crook

Cr White provided a verbal update.

#### 4.3 Cr Trevor Stow

Cr White provided a verbal update.

#### 4.4 Cr Jane Greacen OAM

Cr Greacen OAM spoke to her written report at page 9.

#### 4.5 Cr Mendy Urie

Cr Urie spoke to her written report at page 11.

#### 4.6 Cr John White

Cr White provided a verbal update.

#### 4.7 Cr Kirsten Van Diggele

Cr Van Diggele spoke to her written report at page 12.

#### 4.8 Cr Mark Reeves

Cr Reeves spoke to his written report at page 13.

## **COUNCILLOR REPORTS**

### **Cr Arthur Allen**

Since our last Council meeting there has been a lot happening in the community as we emerge from COVID. Of particular note was the winning of silver awards in the Victorian Tourism awards for 2021 by Frolic Lifestyle by the Sea, Sandbar Motel and Beachcomber apartments. Well done to each award winner.

I had the pleasure of attending the Colour Gangs exhibition opening at the Gallery. The work on display was outstanding and a great evening was had by all.

Along with Councillor Stow I attended the National Recovery and Resilience Agency outreach event at Omeo. The event was very well attended with almost 100 people attending from the Omeo district.

I had the privilege of launching the Partners in Prevention of Violence 10-year plan at the Hub on February 16 2022. Violence against women is a scourge on society, and hopefully this plan helps educate and prevent. My thanks to all involved in its creation and implementation.

I also attended the Bruthen Blues Festival. A great event and so good to see people out and about enjoying the festival.

I would also like to pay my respects on the passing of former Councillor Ben Buckley. Ben was a larger than life character, a one off. He contributed to public life for many years not just as a Councillor but in so many aspects of community life. RIP Ben.

### **Rail Freight Alliance Annual General Meeting**

The Annual General Meeting saw Glen Milne returned as Chair unopposed and Anita Rank retaining her Deputy post in an election with Katrina Rainsford. CEO Reid Mathers updated members on a number of projects across the state and country, of particular interest to East Gippsland being negotiations to improve access into and through Melbourne. Reid would welcome an invitation to address council on the work of the Rail Freight Alliance.

### **Cr Jane Greacen OAM**

On 15.2.22, I attended a LAJAC (Local Aboriginal Justice Advisory Committee) meeting. It was well attended by all Justice-related organisations, with everyone reporting back on initiatives, events, and local incidents involving youth, police, the legal and the justice system.

Alice Pepper provided an extensive report on the work of GLaWAC. She also advised that GLaWAC is currently negotiating a review of their Regional Settlement Agreement which was put in place in 2010 after many years of hard work by their Elders.

There is a new venture called Waragunya which will provide accommodation for men coming out of goal. They will aim to connect these men to their culture, community and healing services. It will be based halfway between Sale and Yarram, at Darriman, and there will be 8 units, each fully self-contained and able to house two men. It is on 20 acres of land.

On the same day, there was the Gippsland Red Meat Conference, held at the Riviera Convention Centre. This was a very well attended event, very well organized, and with many excellent presentations throughout the day and delicious red meat served at meals.

My particular interest in this event was the Carbon Neutral target of the MLA (Meat & Livestock Australia), and the carbon farming Forum.

The take home messages that I picked up were:

- The MLA have a target of zero emission by 2030. This is based on overseas market requirements, because 70% of the industry is exported, so it is very important to consider what other companies and countries require. The statement was made that the Federal Government policies and public statements are out of date and very reactive, and that government should step out of the way and allow the Agriculture Industry to determine how to do this. Government inaction in Australia has meant that carbon price has risen only a small amount compared with overseas where it has tripled.
- They talked about converting carbon to animals – improving efficiency at growing carbon and managing stock.
- They made the point that any “manmade activity” will have emissions. That it is possible to store carbon in the ground for 20 years.
- There are clear links between productivity gains and emission reduction
- The MLA remit is to pursue activities with multiple wins – low carbon, climate friendly and productivity gains.
- Methane from cattle can be managed. The estimate is that there are 2 tons equivalent of CO2 on every animal on the farm, and that this is a conservative estimate. It can be reduced dramatically with a range of supplements.

In summary, productive and profitable livestock graziers build soil carbon at the same time. Increasing soil carbon levels is a key indicator of not only soil health but the landscape and business resilience. The decision-making framework has been altered, and we now ask, “will this decision/action increase soil carbon or not”. Matt Crozier.

### **Cr Mendy Urie**

- 7 and 14 February 2022: Planning Consultation Meetings
- 13 February 2022: Gippsland Opera, St Mary’s Church. Congratulations to Andrea Ford and her team.
- 16 February 2022: Launch of East Gippsland Partners in Violence Prevention, 10 year plan at The Hub with Cr Allen and CEO.
- Recent announcement of Federal Government funding through Black Summer Bushfire program. Approximately \$30M, great boost for fire-affected communities. Some applications were not assessed because of a technicality and happy that this is being followed up by Federal member. Glad to see there is an acceptance on the importance of the Arts and building community resilience through a number of the programs granted funding. Obviously buildings and facilities are of great importance, but how we come together in communities to hear one another and facilitate ways forward in my view can’t be overlooked.
- Tribute to Cr Ben Buckley.

## **Cr Kirsten Van Diggele**

Before providing my Councillor updates, I want to start off by extending my sincere condolences to the Buckley family, friends, and wider community on the passing of Ben Buckley. Ben has played such a pivotal part in our Council over the last 18 years and has been a prominent figure in the East Gippsland community. He will be missed by many.

Here is my Councillor update:

Firstly, I have officially become a Bairnsdale resident as of last week! That has been occupying quite a lot of my time, but I've managed to attend a couple of things over the last few weeks!

### East Gippsland Partners in Violence Prevention – 10-year plan launch

I was very happy to be part of the launch of the East Gippsland Partners in Violence Prevention – 10-year plan launch, held at The Hub in Bairnsdale.

Although the plan was to be launched in 2020, it was nice to collectively get together and talk about how organisations and services intend to implement the plan to ensure we change the statistics in East Gippsland. The data shows that East Gippsland has some of the worst statistics for domestic violence in Victoria. We need to work together to change the story. The plan aims to create lasting change so that all people in East Gippsland can live free from abuse and violence, living and practicing equal and respectful relationships.

The plan supports gender equality and addresses the gender drivers of violence across East Gippsland and outlines the commitment, shared outcomes, indicators, and strategies for member organisations. I was very proud to see the commitment that the East Gippsland Shire Council had made in regards to reducing violence in East Gippsland.

### The Colour Gang Exhibition Opening

I had the pleasure of attending the Colour Gang Exhibition Opening at the Bairnsdale Art Gallery on Friday, the 4<sup>th</sup> of February.

The Colour Gang is a dedicated arts initiative of Noweyung Ltd, who have been holding exhibitions at the Bairnsdale Art Gallery for a number of years. The art was absolutely beautiful and the name 'Colour Gang' describes accurately what their art looks like – vivid colours, imagination, bold... there were some art pieces I wanted to buy but most were sold very quickly!

Here is some information on the Colour Gang, which I have taken from the Bairnsdale Art Gallery website:

*"The Colour Gang artists all live locally and have many creative ideas which they explore in their artworks, each reflecting their individual style, interests and vibrant colour, which has come to represent the Colour Gang."*

*"During times of lockdown and quiet times, Colour Gang artists have spent time reflecting on the themes of fire, regeneration and isolation, creating work they feel passionate and happy about."*

*"The Colour Gang's work has been admired by many and is displayed in corporate, private and public collections, including Government House. Noweyung has a range of artworks for sale and other examples of the Colour Gang's artworks can be seen on the tables at Noweyung's Cells Café."*

## **News about the Black Summer Grants**

I am happy to hear the news that East Gippsland has received over \$28 million in grants for 38 separate projects, 8 of these directly lodged by Council. Initially, we were expecting a much smaller number of funds to be allocated to the East Gippsland region, but it's great to see that strong advocacy has paid off. However, there are some organisations that have not received funding and I believe it's important we continue to support them to advocate for their projects, to ensure community recovery is at the centre of our focus, as there is so much more work to do in the recovery space for our region.

### **Cr Mark Reeves**

This was a difficult period due to an enforced seven-day isolation period from COVID. I acknowledge the great work of the Councillors in getting out and about and assisting when delegation was required due to isolation.

However, highlights included:

- Meeting with One Gippsland members face-to-face for the first time.
- Regional Roads Victoria Lakes Entrance completion launch event.
- Several Audit and Risk Committee meetings which will have an impact on the membership of that committee.
- The real highlight was the Hobie Kayak Series 13 round 11 Fishing competition at Bemm River. 90 competitors angled that weekend in windy and low water conditions but with incredible enthusiasm. This competition attracts people from around Australia. There is an amazing esprit-de-corps among competitors who are great spenders in our region and towns. This is an important part of our visitor economy and we are proud as a shire to support this activity. We should continue to invest in the Hobie Fishing series and anticipate some exciting new announcements in the near future.

## 5 Officer Reports

### 5.1 Chief Executive Officer

#### 5.1.1 Municipal Association of Victoria Rules Review

Authorised by Chief Executive Officer

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##### Conflict of Interest

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

##### Executive Summary

The Municipal Association of Victoria (MAV) is constituted through the Municipal Association Act 1907 (The Act). The Act allows the MAV to make rules associated with the running of the organisation. The MAV are reviewing these rules and have released a discussion paper, “2021-22 Rules Review. A Future Focussed MAV”. The discussion paper includes a series of questions.

The questions raised through the discussion paper have been addressed at Attachment 1 and are presented for Council’s consideration.

The MAV have requested that where a Council determines to submit a response to the discussion paper that this is supported by a resolution of the Council confirming the submission content.

As the MAV is the Victorian Local Government peak body and given East Gippsland Shire Council is a member, officers are recommending that a submission be lodged.

##### Motion

***Cr Mendy Urie / Cr Jane Greacen OAM***

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. approves the submission at attachment 1 or as amended by Council as its submission to the “2021-22 Rules Review. A Future Focussed MAV”; and***
- 3. authorises the Chief Executive Officer to lodge the submission by the due date to the Municipal Association of Victoria.***

**CARRIED**

## **5.2 Assets and Environment**

### **5.2.1 CON2021 1453 WORLD Construction Package 3 tender awards**

Authorised by General Manager Assets and Environment

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#### **Conflict of Interest**

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

#### **Executive Summary**

Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in the attachment/s to this report are confidential because it contains private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets.

The purpose of this report is to provide the background to the WORLD Sporting Precinct project that has led to the development of a tender for the third package of works being CON2022 1453; and provide an overview of the tender itself and in accordance with the Council's Procurement Policy 2020 seek approval from Council to award the contract.

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

Netball is the highest participation sport in Bairnsdale with 909 players identified as participating in netball on a weekly basis (2016 figures). Many of these participants play at the WORLD centre which has the most netball courts and offers mid-week competitions. Most of the players are female and the majority are junior players.

The Bairnsdale Sporting Facilities Plan identified that the WORLD centre is the key facility for netball, but that the courts are in poor condition and the pavilion is inadequate. The poor quality of the facilities has been identified as restricting participation and the ability to hold high-level netball competitions in East Gippsland.

Improvement of netball facilities at the WORLD is therefore identified as a once-in-a-generation investment which will significantly improve playing conditions and encourage growth in participation. The design of the new facilities has been undertaken in collaboration with Bairnsdale Netball Association and Netball Victoria, with very strong support for the upgrades represented in this contract.

The new facilities will also accommodate two new hockey fields with associated infrastructure such as lighting and amenities.

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

A Development Agreement has been executed between Council and the Department of Education and Training, for Council to take on long-term management of this Crown land site. A Collaboration Agreement has also been recently signed with the Gunaikurnai Land and Waters Aboriginal Corporation for the project.

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

Construction Package One of the projects, consisting of construction of hockey fields and lighting, main car parking and access road, services and drainage, has commenced on site and is scheduled for completion in April 2022.

Construction Package Two of the project, consisting of construction of eight netball courts, lighting and team shelters, car parking, services and drainage, has been awarded and is due to commence on site in April 2022 and scheduled for completion in October 2022.

The tender for CON20222 1453 – WORLD Construction Package 3 is the third stage of construction. Construction will include:

- Construction of the new WORLD pavilion, services infrastructure and connections and hardscape elements.

As a result of the invitation to tender and the subsequent tender evaluation, Council is in a position to award the contract. The Evaluation Panel's recommendations are detailed in **Confidential Attachment 2**.

Given the value of the contract an external Probity Auditor observed the tender evaluation process in accordance with Councils Procurement Policy. A copy of the Probity Auditors report provided as **Confidential Attachment 3**.

## **Motion**

***Cr Tom Crook / Cr Kirsten Van Diggele***

### ***THAT COUNCIL:***

- 1. RECEIVES AND NOTES THIS REPORT AND ALL ATTACHMENTS PERTAINING TO THIS REPORT;***
- 2. ACCEPTS THE TENDER SUBMITTED BY ALLMORE CONSTRUCTIONS PTY LTD FOR CON2022 1453 – WORLD CONSTRUCTION PACKAGE 3 FOR THE CONTRACT AMOUNT OF \$3,589,286.00 EXCLUSIVE OF GST;***
- 3. AUTHORISES THE SIGNING AND SEALING OF THE CONTRACT IN THE FORM PROPOSED; AND***
- 4. RESOLVES THAT THE ATTACHMENTS TO THIS REPORT AND ALL DISCUSSIONS IN RELATION TO THESE ATTACHMENTS REMAIN CONFIDENTIAL.***

**CARRIED**

## 5.2.2 Capital Works and Major Projects - Quarter Two 2021/22

Authorised by General Manager Assets and Environment

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### Conflict of Interest

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

### Executive Summary

As part of the delivery and monitoring of the annual Capital Works and Major Projects program, a quarterly review of the program is provided to Council. This report summarises the progress of Capital Works and Major Projects 2021-22 for the program up to the period ending 31 December 2021 (Quarter 2). A snapshot of this activity is provided in the table below and outlines in more detail through the body of the report and attachments. Pleasingly, as at the end of Quarter 2 67.83% of the forecast budget had been expended or committed.

	Q2 - 31/12/21
<b>Total Adopted Budget</b> - including actual carry forwards	\$94.09 m
Identified Carry Forwards to 22/23	\$19.86 m
Identified Bring Backs from 22/23	-
Other Budget variances 21/22	\$0.96 m
<b>Revised Forecast</b>	<b>\$75.19 m</b>
Actual Expenditure	\$14.83 m
Committed Expenditure	\$36.17 m
Percentage Capital Works Delivered or in Delivery ( <i>against Forecast</i> )	67.83%
Percentage Capital Works Delivered or in Delivery ( <i>against Adopted Budget</i> )	54.20%

### Motion

***Cr Arthur Allen / Cr Mendy Urie***

***That Council receives and notes the Capital Works and Major Projects Report 2021/22 for the Quarter ending 31 December 2021 and all attachments pertaining to this report.***

**CARRIED**

## Attendance

Cr Kirsten Van Diggele left the Council Chamber at 7.01 pm and returned at 7:03 pm.

### 5.2.3 Paynesville Canals Private Jetty Construction Policy

Authorised by General Manager Assets and Environment

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## Conflict of Interest

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

## Executive Summary

This report presents to Council the amended Paynesville Canals Private Jetty Construction Policy.

Council's *Private Jetty Construction Use within the Riviera Harbour Canals – Paynesville Policy Manual (Jetty Policy)* was first adopted by Council in December 1988 with amendments in September 1989 and August 1990, refer **Attachment 3**.

The Jetty Policy is no longer aligned with Council's current practices and processes for the construction of private jetties.

Under the current Jetty Policy, owners of properties abutting the Paynesville Canals proposing to construct a private jetty are required to complete an 'Application to Erect or Alter a Private Jetty on Canals at Paynesville' form and pay an application fee. Under the proposed revised Paynesville Canals Private Jetty Construction Policy, owners of properties abutting the Paynesville Canals proposing to construct a private jetty are now required to obtain a planning permit before commencing construction or alteration to the jetty. The owners are now required to complete an 'Application for Planning Permit' and pay a planning permit application fee, which is a statutory fee.

This amended policy provides clear guidance on the acceptable form for private jetties constructed in the Paynesville Canals and proposes to remove the application fee and replace it with the planning permit application fee, as a one-off fee.

## **Motion**

***Cr Tom Crook / Cr Trevor Stow***

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. resolves to adopt the revised Paynesville Canals Private Jetty Construction Policy and Guidelines provided as Attachment 1;***
- 3. resolves to adopt the removal of the application to erect or alter a Private Jetty on Canals at Paynesville application form and the payment of the application fee of \$194.00 inclusive of GST and replace it with a Planning Permit Application and the associated Planning Permit application fee which is a statutory fee set down by the Minister for Planning under the Planning and Environment (Fees) Regulations 2016; and***
- 4. authorises the Chief Executive Officer to make administrative changes to the policy from time to time, that have no material change to the policy intent.***

**CARRIED**

## **5.3 Business Excellence**

### **5.3.1 Surrender of Bairnsdale Cemetery to the Crown**

Authorised by      General Manager Business Excellence

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#### **Conflict of Interest**

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

#### **Executive Summary**

Following an audit of Council-owned property titles, it was identified that the Bairnsdale Cemetery was in Council's name.

The Bairnsdale Cemetery (Cemetery) is managed by the Bairnsdale Cemetery Trust (Trust) appointed by the Department of Health (DoH) under the *Cemeteries and Crematoria Act 2003*.

As the Cemetery is managed by the Bairnsdale Cemetery Trust, Council does not have any obligations to maintain the Cemetery, therefore it is proposed that the Cemetery be surrendered to the Crown.

The Cemetery is located at 10 Cemetery Road Bairnsdale. The land on which the Cemetery is located is a conditional Crown grant of land, contained in Certificate of Title Volume 2603 Folio 244, being Crown Allotments 19C Section B and 19D Section B, Town of Bairnsdale, Parish of Bairnsdale (**Attachment 1**).

#### **Motion**

***Cr Trevor Stow / Cr Arthur Allen***

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. determines that the property known as the Bairnsdale Cemetery located at 10 Cemetery Road Bairnsdale be surrendered to the Crown for no consideration, in accordance with the provisions of section 116 of the Local Government Act 2020; and***
- 3. authorises the Chief Executive Officer to undertake the necessary procedural requirements and to sign any relevant documentation to effect the transfer of the property known as the Bairnsdale Cemetery to the Crown.***

**CARRIED**

### 5.3.2

## School Crossing Supervision Program Funding

Authorised by      General Manager Business Excellence

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### Conflict of Interest

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

### Executive Summary

The School Crossing Supervision program was introduced during the 1970s under a joint funding arrangement between the Victorian Government, through the Department of Transport, and Councils. Through this program, Councils apply for and receive a subsidy from the State on an annual basis, with no guarantee in either the amount of subsidy received nor its continuation year on year.

School crossings are eligible for subsidy under this scheme if warrant requirements are met or special circumstances exist.

In addition to the staffing of the crossing, councils are also responsible for the maintenance of the crossing and associated infrastructure, when they are located on a council-controlled road.

East Gippsland Shire currently employs 23 School Crossing Supervisors to staff 16 school crossings across the municipality, with two additional school crossings to be added during the 2022 school year.

Of these 18 school crossings, nine receive subsidy on the basis that the warrant requirements are met, the remaining nine are funded based on special circumstances.

Council will receive a subsidy of \$98,720 this financial year, with a forecast total expenditure of \$237,000 and net cost to Council of \$138,280. This equates to a 42% subsidy which is consistent with the five-year average of 41%. The variance in the cost of providing the service and the subsidy received from the State Government continues to increase and this is predicted to continue in future years.

Numerous other Victorian councils are either currently, or have previously, undertaken a review of their school crossing programs on the basis that the service is the responsibility of the State Government and that it should not continue to be subsidised by local ratepayers to the level which it currently is. The outcome of these reviews range from responsibility for school crossings being handed back to the State and individual schools to manage, to further sector wide advocacy for increased funding allocations to local government.

Multiple options were considered in the development of this report, including continuing service provision under the current funding arrangement, withdrawing from providing the service and returning responsibility to the State, and undertaking immediate action via advocating to the relevant Minister and the Municipal Association of Victoria (MAV) for increased funding and the creation of an alternate funding model.

## **Motion**

***Cr Tom Crook / Cr John White***

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. writes to the Hon Ben Carroll MP, Minister for Roads and Road Safety:***
  - a. outlining its concerns over the increasing use of rate payer funds to provide the supervision and maintenance of school crossings, a service that relates to the provision of education which is a State Government responsibility;***
  - b. seeking an urgent review of subsidy allocations to Victorian Councils under the School Crossing Supervision program to ensure that a minimum 50/50 funding split is achieved ahead of the 2022/23 financial year;***
  - c. requesting the State Government develop an alternate operating model which removes the reliance on rate payer funds to supervise school crossings.***
- 3. writes to the Municipal Association of Victoria (MAV) requesting that the inadequate funding Councils receive under the School Crossing Supervision program be addressed as a sector wide issue.***

**CARRIED**

Authorised by General Manager Business Excellence

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### Conflict of Interest

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

### Executive Summary

This report provides a summary of major initiatives, actions and strategic indicators listed in the Annual Action Plan 2021-22 covering the reporting period 1 October to 31 December 2021 (Quarter 2). The actions and strategic indicators are listed under the Council Plan Strategies they contribute to. The Council Plan Progress Report – Quarter Two 2021-22 Period ending 31 December 2021 is provided at **Attachment 1**.

The Annual Action Plan identifies 10 major initiatives that represent significant, high priority activities that will require substantial time and resources to deliver. They are important to achieving the strategic objectives in the Council Plan. For Quarter 2, Nine of the 10 major initiatives are on schedule, with the remaining one behind schedule. An update of the status of each major initiative is:

- Major initiative 1 - The Creative Arts and Culture Strategy is behind schedule as it has not commenced due to resourcing constraints.
- Major initiative 2 - The main components of the asset management framework are Asset Management Plans, which have commenced development.
- Major initiative 3 - Work commenced and is on schedule on the development of Asset Management Plans for seven of Council's main asset classes. This will lead to the development of high-level maintenance service standards.
- Major initiative 4 - The updated Municipal Emergency Management Plan has been completed and is being audited.
- Major initiative 5 – The Draft Environmental Sustainability Strategy 2021-2030 has been prepared and ready for community consultation.
- Major initiative 6 – A final draft of the Waste Minimisation Action Plan has been developed and is being reviewed internally.
- Major initiative 7 - Development of the Economic Development Strategy is progressing, with internal stakeholder consultation complete.
- Major initiative 8 – Now that the East Gippsland Events Growth Action Plan has been adopted by Council, the Tourism Events Strategy can be further progressed.
- Major initiative 9 – Implementing the Customer Service Strategy is on schedule with the Complaints Management Policy and related procedure being updated, an updated after-hours call service and a review of Council's customer service has commenced.
- Major initiative 10 – The community engagement toolkit is progressing, with a range of community engagement documents completed and available for Council officers when conducting any form of engagement with the community.

**Motion**

***Cr Kirsten Van Diggele / Cr Jane Greacen OAM***

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

***CARRIED***

## **Attendance**

Cr Kirsten Van Diggele left the Council Chamber at 7.31 pm and returned at 7:32 pm.

## **5.4 Place and Community**

### **5.4.1 Final Submission Central and Gippsland Region Sustainable Water Strategy**

Authorised by      General Manager Place and Community

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## **Conflict of Interest**

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

## **Executive Summary**

The Department of Environment Land Water and Planning has sought submissions on the Central and Gippsland Region Sustainable Water Strategy (CRGSWS). Council officers prepared a submission which was lodged with DELWP on the 10 December 2021 (**Attachment 1**) with a caveat that the submission was subject to endorsement by Council.

This submission was developed in partnership with the Agriculture Sector Advisory Committee (ASAC). The submission identified:

1. Critical issues for East Gippsland with a focus on agriculture and the health of the Gippsland lakes
2. Opportunities to enhance productivity of agriculture and economic development
3. Identification of further issues and opportunities
4. Practical feedback from agricultural representatives and an understanding of the water allocation framework, available water resources in East Gippsland and the practical and realistic opportunities to deliver benefits to the agricultural community and economy of East Gippsland, and to the environment.

Subject to Council's decision, Officers will provide DELWP with updated information about the status of the submission.

## **Motion**

***Cr Mendy Urie / Cr Tom Crook***

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. endorses the submission at attachment 1 provided by Officers to the Department of Environment Land Water and Planning on the draft Central and Gippsland Sustainable Water Strategy.***

**CARRIED**

## **5.4.2 Planning Permit Application 403/2021/P - Two Lot Subdivision at 7 Sunset Boulevard Paynesville**

Authorised by General Manager Place and Community

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### **Conflict of Interest**

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

### **Executive Summary**

The planning permit application before Council seeks a permit to subdivide land into two lots, located at 7 Sunset Boulevard, Paynesville, part of the Eagle Bay Village Estate. The subject land is located on the western side of Sunset Boulevard with an approximate land area of 1,041 square metres.

A copy of the plans and supporting documents submitted with the application can be found via hyperlink at **Attachment 1**.

Due to the number of objections and in accordance with the Planning Permit Applications Delegations Policy 2018, the matter was presented at a Planning Consultation Meeting (PCM) on 24 January 2022 which allowed the applicant and the objectors the opportunity to speak to the proposal and for Councillors to be aware of the issues regarding the application. The minutes of the PCM are at **Attachment 2** and full copies of the objections are at **Attachment 3**.

A detailed assessment against the East Gippsland Planning Scheme has been undertaken (**Attachment 5**), and the proposal is viewed as being inconsistent with relevant planning policies. Additionally, based on the content of the objections received as well as concerns in relation to the neighbourhood character and amenity of the area, the recommendation is to refuse the proposal.

Pursuant to the instrument of delegation, a planning permit application may only be refused by decision of Council.

The officer recommendation is to issue a Notice of Refusal to Grant a planning permit based on the grounds of refusal outlined below.

## **Motion**

**Cr Arthur Allen / Cr Jane Greacen OAM**

**That Council:**

- 1. receives and notes this report and all attachments pertaining to this report; and**
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that planning application 403/2021/P at 7 Sunset Boulevard, Paynesville is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Refuse to Grant a Permit in accordance with the following grounds of refusal:**
  - a. The proposed subdivision is inconsistent with and does not adequately respond to the purpose and relevant decision guidelines of the General Residential Zone (Schedule 1) at Clause 32.08 in that it is inconsistent with the existing pattern of subdivision and neighbourhood character.**
  - b. The proposed subdivision has the potential to lead to development that is incompatible with the existing use of the surrounding land.**
  - c. The proposed subdivision is inconsistent with proper and orderly planning for the area.**

**CARRIED**

### 5.4.3                      **Proposal to End Agreement AG845895P - 79 Angophora Drive, Mallacoota**

Authorised by            General Manager Place and Community

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#### **Conflict of Interest**

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

#### **Executive Summary**

The purpose of this report is to seek Council's decision to end the Section 173 Agreement AG845895P ('the Agreement') as it relates to 79 Angophora Drive, Mallacoota.

The catalyst to end the Agreement is the potential for future subdivision of the land. The Agreement was entered into in relation to the previous subdivision, which has since lapsed, having only been partially implemented. It is unlikely that the subdivision could be approved in the same format today, given the extension of the Bushfire Management Overlay to the whole of the land and other environmental constraints. The obligations of the Agreement are now inconsistent with the Planning Scheme. The request to end the Agreement and the relevant title documents, including the Agreement, can be found at **Attachment 1**.

Council provided in principle support to end the Agreement at the 26 October 2021 Meeting (Item 5.4.3). Consultation has now been carried out. Notices were sent directly to the affected landowners with a note that Council would not determine the matter prior to 1 February 2022. At the time of writing the report, no objections have been received, and officers are confident none will be received before the determination is made, as there were no objections or queries from affected landowners in relation to the proposed two-lot subdivision.

Ending the agreement as it relates to 79 Angophora Drive, Mallacoota is a reasonable request and will enable the land to be developed or further subdivided in accordance with the applicable zone and overlays set out in the East Gippsland Planning Scheme. The subdivision is subject to a separate determination to be made under delegation and is pending Council's resolution in relation to the Agreement so that the matters can be progressed concurrently.

#### **Motion**

***Cr Trevor Stow / Cr Tom Crook***

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. agrees to the ending of Section 173 Agreement AG845895P wholly as it relates to Lot 3 on plan of subdivision 616253 at 79 Angophora Drive, Mallacoota in accordance with Section 178A of the Planning and Environment Act 1987 and resolves to End the Agreement in accordance with S178E(2) of the Planning and Environment Act 1987; and***
- 3. resolves that all costs of ending the legal agreement are to be borne by the landowner.***

**CARRIED**

#### **5.4.4 Request to end (in principle support) legal agreement AD089276J at 8B Kingscote Drive, Metung**

Authorised by General Manager Place and Community

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#### **Conflict of Interest**

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

#### **Executive Summary**

The purpose of this report is to seek Council's in principle support for the landowners' request to end the Section 173 Agreement AD089276J (the Agreement) for 8B Kingscote Drive, Metung. This will allow for the implementation of stage two of the process to end the Agreement which will involve community consultation and a further report to Council to determine the proposal.

The catalyst to end the Agreement AD089276J as it relates to 8B Kingscote Drive, Metung is that Condition No. 2 of the Planning Permit Application 555/2021/P requires the Agreement to be ended prior to the construction of the dwelling commencing on the site. A request to end the Agreement and the relevant title documents, including the Agreement, can be found at **Attachment 1**. The responsible authority has approved the earthworks associated to a dwelling, conditional on the ending of the Agreement.

The request is considered suitable to be progressed to notification, which allows for stakeholder submissions. As such, it is recommended that the request is supported in principle, and thereafter is subject to notification and final consideration by Council.

#### **Motion**

***Cr Tom Crook / Cr Kirsten Van Diggele***

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. agrees in principle to the ending of Section 173 Agreement AD089276J wholly as it relates to Volume 09852 Folio 701 being Lot 2 on plan of subdivision PS521927K at 8B Kingscote Drive, Metung in accordance with Section 178A of the Planning and Environment Act 1987; and***
- 3. determines to undertake the necessary public notice of the proposal in accordance with Section 178C of the Planning and Environment Act 1987 before the matter is brought back to Council for determination; and***
- 4. directs that all costs incurred in the ending of the Agreement AD089276J must be paid by the owners of the land.***

**CARRIED**

## 6 Urgent and Other Business

Nil

## 7 Confidential Business

*Cr Trevor Stow / Cr Arthur Allen*

**COUNCIL WILL NOW CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH THE PROVISION OF SECTIONS 66(2) OF THE LOCAL GOVERNMENT ACT 2020 TO CONSIDER ITEM 7.1.**

**CARRIED**

The meeting was closed to the public at 7:50 pm.

Consideration of confidential matters under section 66(2) of the *Local Government Act 2020*. Deliberations of Council while in closed session are recorded in Council's Confidential Minute Book.

Reports and Attachments are located in Council's Confidential Minute Book.

The meeting was re-opened to the public at 8.02 pm.

### 7.1 Chief Executive Officer Total Remuneration Package Report

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains personal information that would if released result in the unreasonable disclosure of information about personal affairs.

## 8 Close of Meeting

Cr Mark Reeves declared the Council Meeting closed at 8.04 pm.

Confirmed

Cr Mark Reeves Mayor  
15 March 2022