



# Minutes

# Council Meeting

**Tuesday 15 March 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),  
Sonia Buckley via Microsoft Teams, 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 15 March 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.

A member's attendance can only be recorded as present at a Council meeting when the member can confirm that they meet all of these criteria:

1. They can hear proceedings;
2. They can see other members in attendance and can be seen by other members;
3. They can be heard (to speak).

I will now confirm with Councillor Buckley that she can see, hear and be heard and to note assurance that the location that they are participating from is secure to ensure deliberations are confidential.

- Can you see and hear us?
- Can you confirm that the location you are participating from is secure to ensure confidential items are dealt with in a confidential manner?

Councillor Buckley confirmed.

## 1.2 Apologies

Nil

## 1.3 Declaration of Conflict of Interest

Nil

#### 1.4 Confirmation of minutes

*Cr Trevor Stow / Cr Arthur Allen*

**THAT THE MINUTES OF THE COUNCIL MEETING HELD TUESDAY 22 FEBRUARY BE CONFIRMED.**

**CARRIED**

#### 1.5 Next meeting

The next Council Meeting of Tuesday 5 April 2022 to be held at the Buchan Mechanics Hall, 45 Main Road, Buchan commencing at 1.30 pm.

#### 1.6 Requests for leave of absence

Nil

#### 1.7 Open Forum

##### 1.7.1 Petitions

Nil

##### 1.7.2 Questions of Council

###### 1.7.2.1 Vaccine Passports

Mr Robert Love asked the following questions:

1. *Why are vaccine passports required in some venues and not in others?*
2. *Do the East Gippsland Shire Councillors and Council employees support an apartheid system of segregation and discrimination, or do you all support diversity, inclusion and equality? If yes, how do you explain your current actions?*

Stuart McConnell General Manager Place and Community provided a response which is summarised below:

The Victorian Governments pandemic orders issued by the Minister for Health are lawful directions and set out the requirements for access to some community facilities, including some Council facilities. This requires certain vaccination status for certain facilities.

East Gippsland Shire Council is obliged to follow the directions of the Victorian State Government.

Any concerns in relation to these directions should be directed to the Victorian Government.

### 1.7.2.2 Council Services and Vaccine Passports

Ms Tina Jennion asked the following questions:

*The East Gippsland shire vision statement says, “East Gippsland, as 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”, Now my question is, how are you fulfilling this vision statement when in reality, the Shire practices medical discrimination against its community? How is Council achieving its commitment to ‘an inclusive and caring community’ when sections of your community are being discriminated against by being excluded from Council services and amenities while paying for those services?*

Stuart McConnell General Manager Place and Community provided a response which is summarised below:

The Victorian Governments pandemic orders issued by the Minister for Health are lawful directions and set out the requirements for access to some community facilities, including some Council facilities. This requires certain vaccination status for certain facilities.

East Gippsland Shire Council is obliged to follow the directions of the Victorian State Government.

Any concerns in relation to these directions should be directed to the Victorian Government.

### 1.7.2.3 Planning Permit Application 476/2021/P - For Approval - 27 Eagle Point Road, Eagle Point - Multi lot subdivision

Mr John Garden and Ms Margaret Nowell submitted the following question:

*With all the new and proposed developments in the Eagle Point area, have any provisions been made to provide recreational facilities to cater to the growing population?*

*Currently there is a lack of facilities such as football/soccer oval, basketball/netball courts, tennis court, skateboard park etc. for use by the local community and families. The only sporting recreational facility we have is a tennis court which is in dire need of an upgrade.*

Stuart McConnell General Manager Place and Community provided a response which is summarised below:

The provision of Community and Recreation space in Eagle Point is addressed in the Eagle Point Structure Plan section 5.3.

Council is undertaking preliminary investigations for the upgrading of the existing tennis court facility in Eagle Point with a view to providing new hardcourt facilities for informal sporting activity.

Informal recreation needs will be significantly enhanced with the development of the Eagle Point foreshore precinct, new playground and proposed upgrading and extension of path networks.

Football, cricket, tennis, bowls and skate park facilities are provided in Paynesville and Council is currently investing in a major new regional sporting facility for soccer, hockey and netball at the WORLD Centre in Bairnsdale.

#### **1.7.2.4 Planning Permit Application 476/2021/P - For Approval - 27 Eagle Point Road, Eagle Point - Multi lot subdivision**

Ms Ruth Giles submitted the following questions:

- 1. Would the council and developers revisit the proposed layout of the Subdivision plan to find a way that does not have the Entry/Exiting Road infringing directly opposite mine and my neighbour's property backing onto Eagle Point Road. Please understand the impact to the residents facing the Entry/Exit Road will face with constant traffic noise of slowing and accelerating cars arriving and leaving the proposed East West Subdivision Road; this also includes the intrusion of head light shining directly into our properties.*
- 2. Pertaining to the issue of the traffic flow affecting my property; why is it that Riley Street Cannot be opened completely from Bay Road to Eagle Point Road intersecting with Woodman Road and putting in a roundabout at these intersecting roads. This would allow better traffic flow with the 2 Entry/Exit Roads onto Riley Street and Entry/Exit point at the lower end of The Subdivision at Eagle Point Road; this would help to ease up the funneling of traffic directly aimed towards my property through the centre of the Subdivision.*

Stuart McConnell General Manager Place and Community provided a response which is summarised below:

The proposed road network has been established in the Eagle Point Structure Plan for a significant period of time as has the designation of this area for residential use.

It is noted that the entry point onto Eagle Point Road is opposite houses that have a boundary on Eagle Point Road. There is also the opportunity for screening to reduce impacts.

Wherever the traffic entry points are located there will be some impacts as indicated however these can be mitigated to some extent and are otherwise a reasonable expectation in an urban environment.

Riley Street is not proposed to be extended to Eagle Point Road - there is a significant tree located in the road reserve at this location.

### **1.7.2.5 Planning Permit Application 476/2021/P - For Approval - 27 Eagle Point Road, Eagle Point - Multi lot subdivision**

Mr Brett Tanian submitted the following questions:

1. *What is the rationale behind the reasoning for the non-widening of the current Riley Street to accommodate the additional traffic flow and parking of additional vehicles from the sub-division?*
2. *What steps have been considered to manage traffic flow and parking issues that will arise with the non-widening of Riley Street, Eagle Point?*

Stuart McConnell General Manager Place and Community provided a response which is summarised below:

The pavement of Riley Street will be a minimum of 5.5 m in accordance with the Infrastructure Design Manual which establishes the requirements for road construction for this type of development. So while there will be some change to the road pavement, the overall width of the land set aside for the road (the road reserve) do not need to change. A kerb channel is to be installed.

### **1.7.2.6 Council Services and Vaccine Passports**

Ms Cossette Murphy asked the following questions:

1. *What does East Gippsland Shire has to say to those Australian citizens, specially to East Gippsland residents, that have decided not to participate in a voluntary medical trial, but are then denied access to East Gippsland Shire services and facilities that they contribute to via their rates and other Shire fees?*
2. *Do you think East Gippsland residents that are being discriminated against, contrary to Federal Anti-Discrimination Legislation (which is still in place and enforceable), should continue to support the East Gippsland Shire financially, via rates, fees, permits and licences, for services they cannot access? If yes, what is your reasoning behind this?*

Stuart McConnell General Manager Place and Community provided a response which is summarised below:

The Victorian Governments pandemic orders issued by the Minister for Health are lawful directions and set out the requirements for access to some community facilities, including some Council facilities. This requires certain vaccination status for certain facilities.

East Gippsland Shire Council is obliged to follow the directions of the Victorian State Government.

Any concerns in relation to these directions should be directed to the Victorian Government.

### **1.7.2.7 Planning Permit Application 476/2021/P - For Approval - 27 Eagle Point Road, Eagle Point - Multi lot subdivision**

Mr Helmut Tracksdorf asked the following question:

*Given the lack of technical justification for providing a road connection to Riley Street in the application's traffic impact assessment, as well as the potential for shortcutting (through the estate) and the need to provide safer, traffic-calmed routes to Eagle Point Primary School for vulnerable road users, will Councillors direct planning staff to replace proposed road connections to Riley Street in favour of cul-de-sacs with connecting footpaths, and or bike paths as permitted by clause 12.3.4 of the Infrastructure Design Manual?*

Stuart McConnell General Manager Place and Community provided a response which is summarised below:

The road network proposed as part of this subdivision is consistent with the Eagle Point Structure Plan, and is not expected to give rise to significant shortcutting. There are a range of other options that could be considered however the proposed network is assessed as providing an acceptable outcome

The Eagle Point Structure Plan sets out preferred road network standards and alignments for the precinct. This plan was informed by several years of community feedback. The goal of the road network design was to prevent destruction of significant trees, especially in the western extent of the Riley Street reserve. The preferred standards for the roadway construction provide for pedestrian footpaths alongside new roads and for additional linkages in public reserves, which is an improvement to the historical and current condition where there are minimal footpath links established. Council will continue to implement the Eagle Point Structure Plan to provide additional linkages in existing developments.

A structure plan adopted by Council supersedes any Infrastructure Design Manual or Scheme requirements to the extent of inconsistency. The suggested alternative is a tool which could be used but is not the preferred implementation tool in accordance with the Structure Plan. The proposal has implemented the recommendations of the Structure Plan and provides for connection of Riley Street to facilitate connected developments which allow choice in all movement modes, and also facilitates maximum use of and servicing of the land.

### **1.7.2.8 Council Services and Vaccine Passports**

Mr Shane Kidd asked the following questions:

1. *On what legal and medical data does the East Gippsland Shire Council base its decision to medically discriminate against Australian citizens and visitors to this region? Please provide instructions, legislation and medical evidence given to the shire by State and Federal Governments that support East Gippsland Shire's discriminatory actions.*
2. *What additional funding, if any, does the EG Shire receive from State and/or Federal Governments to enforce and encourage discriminatory practices connected to the EG Shire's ability to provide facilities and services to Australian citizens?*

Stuart McConnell General Manager Place and Community provided a response which is summarised below:

The Victorian Governments pandemic orders issued by the Minister for Health are lawful directions and set out the requirements for access to some community facilities, including some Council facilities. This requires certain vaccination status for certain facilities.

East Gippsland Shire Council is obliged to follow the directions of the Victorian State Government.

Any concerns in relation to these directions should be directed to the Victorian Government.

### **1.7.3 Public Submissions**

#### **1.7.3.1 Sarsfield Community Association**

Mr Scott Lamshed and Ms Cathy McLellan spoke to Councillors on their recent unsuccessful grant application and advocacy for future grants for the Sarsfield community.

## 2 Notices of Motion

### 2.1 2/2022 Support for the people of Ukraine

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Take notice that it is my intention to move at the Council Meeting to be held on Tuesday 15 March 2022 at 6.00 pm or at any adjournment of that meeting:

***That Council officers be asked to light the East Gippsland Shire Council Corporate Centre Building, 273 Main Street Bairnsdale, in the colours of the Ukraine flag (blue and yellow) each evening and night for a period of one week.***

**Signed: Councillor Mendy Urie**

Date: 07/03/22

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#### **RATIONALE**

East Gippsland Shire Council wishes to make a public and heartfelt gesture of care and concern for the people of Ukraine whose country is currently subject to invading and hostile forces, whose lives and livelihoods, homes and communities they know and love are being deliberately demolished.

By this small gesture of lighting up the Corporate Centre in blue and yellow, we join with many others around the globe to say that the people of East Gippsland are thinking of the people in Ukraine and holding them in our hearts.

#### **Motion**

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

***That Council officers be asked to light the East Gippsland Shire Council Corporate Centre Building, 273 Main Street Bairnsdale, in the colours of the Ukraine flag (blue and yellow) each evening and night for a period of one week.***

**CARRIED**

### **3 Deferred Business**

Nil

### **4 Councillor and Delegate Reports**

#### **4.1 Cr Arthur Allen**

Cr Allen s provided a verbal update.

#### **4.2 Cr Tom Crook**

Cr Tom Crook provided a verbal update.

#### **4.3 Cr Trevor Stow**

Cr Trevor Stow provided a verbal update.

#### **4.4 Cr Jane Greacen OAM**

Cr Jane Greacen OAM spoke to her written report at page 14.

#### **4.5 Cr Kirsten Van Diggele**

Cr Kirsten Van Diggele spoke to her written report at page 14.

#### **4.6 Cr Mendy Urie**

Cr Mendy Urie spoke to her written report at page 15.

#### **4.7 Cr Sonia Buckley**

Cr Sonia Buckley provided a verbal update.

#### **4.8 Cr Mark Reeves**

Cr Reeves spoke to his written report at page 16.

## COUNCILLOR REPORTS

### Cr Jane Greacen OAM

I attended a workshop for the MAV Emergency Management Board Advisory Committee on 28.2.22.

It started with a presentation from Andrew Haywood about Bushfire Recovery Victoria which was established in January 2020 to support recovery from the bushfires. In June 2021, it was expanded to *include floods and storms*. It was consolidated in October 2021 to have responsibility for *recovery from all emergencies*. And this year, it is transitioning to have responsibility to be “*an all hazards recovery entity*.”

Its “Lines of Recovery” are: Community led recovery; coordination; advocacy, and recovery service delivery.

It has had responsibility for \$834M funds of which \$169.4M were through grants. Examples of its activities are coordination of short-term modular housing (73), and clean-up (75,000 tonnes of debris, 736 sites).

Following the presentation, the MAV draft Policy paper was workshopped. This paper talks about the evolving role of local government. It notes that the changing legislation and revised emergency planning arrangements have had the impact of creating significant complexity for councils and the sector. It states that there is lack of clarity about the role of Councils from the Vic government, emergency management agencies and local government, even after the Royal Commission into the Black Saturday fires of 12 years ago.

Many Council representatives talked about the importance of the role of local government; the engagement of communities; and the importance of local knowledge during the emergencies and during recovery.

This is clearly an area of responsibility for local government, and a lot more work is required to develop an appropriate engagement with state government and the emergency management agencies.

### Cr Kirsten Van Diggele

#### Rural Agency Network Support Service meeting

On the 23<sup>rd</sup> of February, I attended the Rural Agency Network Meeting at the Bairnsdale Hub. The meeting had various stakeholders who are working and assisting our rural community, including Red Cross, Gippsland Farmer Relief, Country Women’s Association, Rural Financial Counselling, and more. It was a pleasure to learn about the work that was taking place throughout the region. There was a strong emphasis and urge to keep continuing farmers who have been affected by the bushfires. There was also a great need for food packages to farmers, which we discussed in the Council group as needing discussion. It highlighted the importance that there is still a lot of work that needs to be taken in the space of ‘recovery’.

## Omeo Region Ladies Luncheon

On Friday, 11 March, I had the pleasure of attending the Omeo Region Ladies Luncheon, which was organised by former Mayor and Councillor Natalie O'Connell. In 2020, the East Gippsland Shire Council was successful in securing funding from Regional Development Victoria to support women in drought affected areas and the luncheon was constantly delayed with the restrictions. We were joined by special guests Jacqui Felgate and Loretta Willaton. The event took place in the same week at International Women's Day and it was a great chance to network with fellow women from the high country.

### **Cr Mendy Urie**

23/02/22 - Rural Agency Network Support Services (with Councillors Van Diggele and Buckley)

25/02/22 - Visit to Tambo Bluff hosted by Landcare Group (TBLG) (With Mayor and Cr Allen)

26/02/22 and 27/02/22 -Paynesville Music Festival

28/02/22 - Release of 6<sup>th</sup> Assessment Report of IPCC

28/02/22 - Feedback provided to Council Culture Project

28/02/22 - Audit and Risk Committee Meeting

02/03/22 - East Gippsland Marketing breakfast event at the Servo in Lakes Entrance (With Mayor and Cr Allen)

03/03/22 - Visit to Tamboon (With Mayor) for opening of CFA Fireguard facility ... shed, solar system and protection equipment.

08/03/22 - International Women's Day Screening at Sun Cinema of film "The Leadership" hosted by EGSC

09/03/22 - 50<sup>th</sup> Anniversary of "Limits to Growth" Report to Club of Rome. Webinar.

10/03/22 - Launch of "Art Beat of the Country" at East Gippsland Art Gallery

10/03/22 - Planning meeting for EGCRP group in preparation for all day meeting on 1<sup>st</sup> April

11/03/22 - "A Taste of Ireland" @ the Forge Theatre (also Cr Allen)

13/03/22 - GAgG - Cutting Sunflowers at the Airport

14/03/22 - Orbost Show and Sustainability Expo with Costa Georgiadis as special guest speaker hosted by Far East Gippsland Landcare.

## **Cr Mark Reeves**

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Another busy few weeks and in particular note the work of the busy Councillor group in their endeavours out and about.

We saw the Gippsland Tourism conference at Lake Tyers Waterwheel Tavern herald a new optimism that has been waning in this sector over the last couple of years. Great speakers and a sense of esprit de corps amongst the many industry participants.

The Agriculture Sector Advisory committee was out an about with a field trip that encompassed the work of the Smart Specialisation that has been happening with the Timber Transition work in Orbost. This is a powerful group of people and the challenge for us is to use their knowledge skill and experience to influence change and innovation in how we as a council can support and interact with this vital sector of our community.

Tambo Bluff is sometime maligned, previously justifiably but in recent years we think increasingly unfairly. Council has undertaken much work there to redress the poor planning decisions of the past. In concert with this, a hard working Landcare group are rehabilitating the previously degraded natural landscape. In particular, the waterways and gullies are an absolute treasure and tribute to the Tambo Bluff Landcare Group.

We attended the Youth Ambassadors meeting in this reporting period. Congratulations to the young leaders on your newly elected chair, Kiera. YA include Ash, Brodie, Claudia, Kiera, LilyRose, Adam, Tabby, Jag.

The ambition of the ambassadors is great including Harmony Day, Freeza events and activities at the skate park in Bairnsdale. It was terrific to see some familiar faces and engagement from the young members, and well done Lilly Hodge Youth Engagement Officer and Bec Pantry both from the shire.

Thank you, Glenda Maloney, and the TBLC Committee for your vision, dedication, and work. A number of the Councillor group have now experienced your work first hand.

Back in my alma mater Marlo, the Residents and Ratepayers have been hard at work seeking and obtaining grants for street art. But not just any old street art, these are larger than life sculptures of iconic local creatures like Pelicans or Sea Eagles. The group will work with two local artists, Maddy from Swifts Creek and Jeff from Kiah just over the border in NSW to co-create and install these in five locations in Marlo. They will be a great source of curiosity and admiration for local and visitors.

At lakes, LEDA have been busy on completing upgrades on the Cunningham Arm to Flagstaff jetty walking trail.

We enjoyed a most appropriate celebration there at the Jetty and a huge congratulations to Trevor, Bruce and the LEDA team, plus Alison the mighty mower person who lives adjacent to the jetty.

The usual Audit and Risk Committee work has been in place and we welcome the new members to that committee, and in particular that the gender representation on eh committee of independent members is balanced.

GCLP is an important part of leadership development in our shire and region. I was delighted to attend the graduation of the 2021 leaders, and welcome the new 2022 intake. We note and are delighted to support Angus and Meg from our shire staff as they embark on their GCLP journey. GCLP is a particular favourite of mine. The community projects the form the action outcome of the syndicated work has a tangible and huge community benefit across the region.

There have been a rather large number of planning consultation meetings of late. I thank the councillors who can attend these important aspects of our planning journey in the shire. There is no doubt the community and personal outcomes are much enhanced through the consultation process. It is of note the increased number of subdivision and developments that seem to be occurring.

We attended the opening of the Peachtree-Tamboon Inlet fire-safe/fire-guard shed. This is an incredible piece of community collaboration to seek and obtain grants and funding and then to work with community input to build the shed. I congratulate the local community on the work and outcomes to make your community safer.

This is possibly in response to the definite demand increase for housing stock as city-dwellers realise what we here have known for a long time: east Gippsland is a great place to live, invest, work, raise a family and make a home either for a young person or couple or those wishing to benefit from the climate and nature beauty in their retirement.

International Women's Day snuck into the intervening period. The shire was active in promoting this important event and celebrating our journey to equality. Our focus this year was to "break the bias". The collective voice from our shire was powerful and it was really quite emotive. The YouTube clip is great and captures that collective voice.

We enjoyed and were challenged by the film The Leadership which the shire made available for free across the libraries and at the Sun Cinema.

We also facilitated a wonderful and provocative presentation by one of our own, Pam Hamond.

I would also like to make a particular point of the work of the parks and gardens team and their aboriginal flag-inspired garden bed in Main Street gardens and the Surf lifesaving cap-inspired flower bed in Myer Street Lakes Entrance. What great fun!

We also acknowledge the fantastic work of the Orbost Agriculture Society in conducting the Orbost Show at Newmerella on Labor Day Monday. I was there from 0830 to 1200, and the terrific volunteers at the gate advised 1600 people had entered from 0900. Council subsidised the entry charge. There were lots of teens and young people with families in attendance, great stalls and representation from all kinds of volunteer and statutory authorities. Excellent food, coffee, Costa was a hit, the Marlo garage band played in the afternoon and a fun day was had by all.

I would also note the brilliant work of the weekly Councillor Connect digital newsletter. So much work goes into this each week and I am really grateful, it gives a terrific overview and snapshot of the busy and enduring work we are engaged with.

Councillors, it feels really like we are moving into post-COVID BAU and I thank you all for the work you do in our communities and to the officers for your endless energy.

## 5 Officer Reports

### 5.1 Business Excellence

#### 5.1.1 Finance report - period ending 31 December 2021

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 forecast operating result for the 2021/22 financial year is \$22.241 million compared to the adopted operating surplus of \$35.735 million. This is a forecast reduction in operating surplus of \$13.494 million.

There are capital grant income reductions of \$10.2 million as a result of some capital projects now being planned for completion in the 2022/23 financial year, and the associated grant funding will now be received in that year. Offsetting the reduction in capital grants are a number of new operating grants for projects totalling \$6.1 million, the most significant being the Fire 2019 Resourcing and Bushfire Rebuilding support grants totalling \$4.3 million.

There is also \$8.2 million of operating projects that were incomplete at the end of the 2020/21 year that will now be completed in the current financial year. The majority of these projects are funded from grants received in the 2020/21 year. There is also an increase in the expected employee costs as a result of the new grants received. Additional unbudgeted revenue from the reimbursement for the bushfire restoration works of \$4.6 million has been received, noting that the expenditure for these works was included in the 2020/21 financial year.

The expected end-of-year cash position of \$57.787 million is \$17.550 million greater than the adopted budget as a result of the more favourable 2020/21 end-of-year cash position than the estimated result at the time of adopting the 2021/22 budget together with the estimated value of capital works cash flow being less than the adopted budget by \$16.2 million noting that \$19.86 million of capital projects from the current financial are expected to be now completed in the 2022/23 year. The cashflow from capital grants is also expected to decrease due to grants that were received in advance in the last financial year as well as some capital grants that are now not expected to be received until the 2022/23 year as a result of the timing of associated project expenditure. The cash flow expenditure increases for employee costs and suppliers relate to additional expenditure associated with new operating grants together with expenditure of \$8.2 million for works that were incomplete in 2020/21 year that were primarily funded from grants received in that year.

The capital works adopted budget was \$88.758 million and has been adjusted to the current forecast of \$73.983 million with an estimated \$14.775 million of works now to be completed in the 2022/23 financial year. There were also additional projects carried forward from the 2020/21 year that were incomplete at year end amounting to \$4.467 million, and the carry forward of capital projects into the 2022/23 year is now estimated to be \$19.242 million in total. Landfill rehabilitation projects forecast expenditure has increased from \$810,394 (including actual carry forwards from 2021/22) to \$1.207 million as a result of additional costs for the Lakes Entrance landfill rehabilitation.

Details of the forecast variances and other financial information are included in **Attachments 1 to 7**.

The *Local Government Act 2020* Section 97 (3) now requires that the second quarterly finance report to Council includes a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required. The Chief Executive Officer has determined that a revised budget will not be required for the 2021/22 financial year.

#### **Motion**

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

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. notes that the Chief Executive Officer has determined that no revised budget is required for the 2021/22 financial year; and***
- 3. adopts the Finance Report for the six-month period ended 31 December 2021, as outlined in Attachments 1 to 7.***

**CARRIED**

## 5.1.2 Sale of Land - Tambo Bluff Estate

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 Tambo Bluff Estate (Estate) situated at Metung, contains a number of Council-owned properties.

The Council-owned properties within the Estate are either freehold and are waiting to be consolidated with adjoining privately owned properties when the owners and/or executors are able to be located or, identified public open space that Council are required to retain as the properties are considered to be undevelopable due to their topography.

Officers have identified three properties within the Estate that are vacant properties that are able to be offered for sale without any further planning or evaluation:

- 3 Gannet Grove Metung (450 square metres);
- 6 Kookaburra Avenue Metung (929 square metres); and
- 13 Curlew Grove Metung (1,756 square metres).

Provided at **Attachment 1** is a copy of site plans for each property and a Tambo Bluff Restructure Plan 2018 showing the location of each of the properties.

### Motion

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

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. determines that the properties described as:***

- a. 3 Gannet Grove Metung (450 square metres);***
- b. 6 Kookaburra Avenue Metung (929 square metres); and***
- c. 13 Curlew Grove Metung (1,756 square metres)***

***are not required for public access or any other municipal or public use;***

- 3. gives notice of its intention to sell the properties described as:***

- a. 3 Gannet Grove Metung (450 square metres);***
- b. 6 Kookaburra Avenue Metung (929 square metres); and***
- c. 13 Curlew Grove Metung (1,756 square metres)***

***in accordance with the provisions of section 114 of the Local Government Act 2020;***

- 4. notes that in accordance with section 3.3 of Council's Sale of Council-owned Land Policy, the properties will be sold for at least market valuation, unless Council specifically resolves otherwise;***

- 5. notes that the property known as 3 Gannet Grove Metung will be sold by private treaty to the adjoining owner at 5 Gannet Grove Metung to accord with the Tambo Bluff Restructure Plan 2018;**
- 6. notes that the properties known as 6 Kookaburra Avenue Metung and 13 Curlew Gove Metung will be sold by public tender on the open market; and**
- 7. notes that a community engagement process will be undertaken in respect of the sale of the properties described as:**
  - a. 3 Gannet Grove Metung (450 square metres);**
  - b. 6 Kookaburra Avenue Metung (929 square metres); and**
  - c. 13 Curlew Grove Metung (1,756 square metres).**

**CARRIED**

### 5.1.3 Australian Local Government Association National General Assembly 2022 – Notices of Motion

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 2022 National General Assembly (NGA) of the Australian Local Government Association (ALGA) will be conducted 19-22 June. The theme for the 2022 NGA is 'Partners in Progress'. Further details on the theme are available in the Discussion Paper, which can be found via this [Link](#). Council proposes to submit two motions, aligned with several of the topics underpinning the 2022 theme. Namely: Jobs; Building Back Better Businesses; Workforce Shortages and Re-engineering Work; Natural Disaster; and the Circular Economy.

The proposed motions (available in **Attachment 1**) are:

**Motion 1:** to continue the Local Roads and Community Infrastructure (LRCI) Program in an ongoing capacity or develop a similar non-competitive program.

**Motion 2:** to expand the scope, reduce the evidence required, and implement fairer and more consistent processes (between states) for seeking funding under the Disaster Relief Funding Arrangements (DRFA).

If approved, these motions will proceed to submission by 25 March, for the NGA from 19 to 22 June 2022.

#### **Motion**

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

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. approves the submission of the two proposed motions, as provided at Attachment 1, to the 2022 Australian Local Government Association National General Assembly.***

**CARRIED**

## 5.2 Place and Community

### 5.2.1 Planning Permit Application 476/2021/P - For Approval - 27 Eagle Point Road, Eagle Point - Multi lot subdivision

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 currently before Council seeks a permit for a Multi-lot Subdivision (Staged), Building and Works (Roadworks) and Native Vegetation Removal located at 27 Eagle Point Road, Eagle Point. The subject land comprises three lots with an approximate land area of 10.3 Hectares. The land is located on the eastern side of Eagle Point Road, South of Riley Street and North of Hoskin Street and Houghton Crescent.

A copy of the plans and supporting documents submitted with the application can be found via [link](#) at **Attachment 2**.

Public notice occurred and the responsible authority has received 27 objections. The objections are provided at **Attachment 3**. A planning consultation meeting (PCM) was held on 7 February 2022 with multiple objectors presenting their concerns to Council. Minutes of that meeting are provided at **Attachment 4**.

Following the PCM, the applicant discussed responses to the objections with the officers and have offered to accept a condition requiring amended plans to demonstrate protection of the central native tree and creation of a small reserve to assist in the protection of the tree.

Referral authority submissions are provided at **Attachment 5**, and in general there is conditional consent for the grant of the planning permit. East Gippsland Catchment Management Authority raised concerns regarding the proposed drainage system shown in the lodged documents. Conditions are proposed requiring detailed design and discussion of the best solution to drainage for the site and downstream.

A detailed assessment of the proposal is provided at **Attachment 6**. On balance, the application is considered to be consistent with the purpose and objectives of the various planning scheme controls which apply to the site and is considered consistent with the direction provided for the land in the Council adopted Eagle Point Structure Plan (the Structure Plan). On the strength of the consistency demonstrated in the application with policy and planning scheme provisions, it is recommended that a Notice of Decision to grant a planning permit is issued, subject to the conditions outlined at **Attachment 1**.

**Motion**

**Cr Trevor Stow / Cr Arthur Allen**

**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 476/2021/P IS CONSISTENT WITH THE REQUIREMENTS AND OBJECTIVES OF THE EAST GIPPSLAND PLANNING SCHEME AND THEREFORE RESOLVES TO ISSUE A NOTICE OF DECISION TO GRANT A PLANNING PERMIT FOR THE MULTI LOT SUBDIVISION (STAGED), ROADWORKS AND THE REMOVAL OF VEGETATION, AT 27 EAGLE POINT ROAD, EAGLE POINT SUBJECT TO THE PERMIT CONDITIONS AT ATTACHMENT 1, WITH THE FOLLOWING AMENDMENTS:**

**CONDITION 5 IS DELETED, AND THE SUBSEQUENT CONDITIONS RENUMBERED.**

**CARRIED**

## 6 Urgent and Other Business

Nil

## 7 Confidential Business

*Cr Arthur Allen / Cr Jane Greacen OAM*

**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 ITEMS 7.1 – 7.6.**

**CARRIED**

The meeting was closed to the public at 8.09 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 8.42 pm.

### **7.1 Membership matter**

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 Council business information being information that would prejudice the Council's position in commercial negotiations.

### **7.2 Contract Extension - CON2019 1284 Maintenance and Repair Services for Mobile Plant**

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

### **7.3 East Gippsland Shire Council Audit and Risk Committee Appointment**

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.

#### **7.4 Microsoft Agreement Renewal**

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 Council business information being information that would prejudice the Council's position in commercial negotiations.

#### **7.5 Maternal Child Health Service Agreements 2021-2025**

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

#### **7.6 Home and Community Care Service funding agreements**

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

## **8 Close of Meeting**

Cr Mark Reeves declared the Council Meeting closed at 8.43 pm.

Confirmed

Cr Mark Reeves Mayor  
5 April 2022