



Minutes Council Meeting

Tuesday 26 July 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, and Kirsten Van Diggele (via Microsoft Teams).

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 26 July 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; and
3. They can be heard (to speak).

I will now confirm with Councillors Van Diggie and Buckley that they 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?

Councillors Van Diggele and Buckley confirmed.

1.2 Apologies

Cr John White

1.3 Declaration of Conflict of Interest

Anthony Basford Chief Executive Officer declared a conflict of interest in items 7.2 *Chief Executive Officer Key Performance Criteria 2022/23* and 7.3 *Independent Member - Chief Executive Officer Employment and Remuneration Committee*, 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 items [7.2 Chief Executive Officer Key Performance Criteria 2022/23](#) and 7.3 *Independent Member - Chief Executive Officer Employment and Remuneration Committee*, as a general interest due to the matter relating to his direct report at his place of employment.

1.4 Confirmation of minutes

Cr Trevor Stow / Cr Arthur Allen

THAT THE MINUTES OF THE COUNCIL MEETING HELD TUESDAY 28 JUNE 2022 BE CONFIRMED.

CARRIED

1.5 Next meeting

The next Council Meeting of Tuesday 16 August 2022 to be held at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00pm.

1.6 Requests for leave of absence

Nil

1.7 Open Forum

1.7.1 Petitions

1.7.1.1 Proposed plan to cut the hours of operation to Paynesville Library

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report informs Council of a petition submitted by Ms Fiona Seaton from Paynesville seeking Council reconsider the proposed cut back of library hours in Paynesville as part of Council's Library and Service Centre Service Review. The petition from 236 petitioners states:

'We ask that East Gippsland Shire Council to reconsider their proposed plan to cut the hours of opening to Paynesville Library by 18.5 hours a week'.

The petition has been received and presented in accordance with Governance Rule 7.7.

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

Motion

Cr Arthur Allen / Cr Tom Crook

That Council:

- 1. receives and notes this report;***
- 2. receives the petition submitted by Ms Fiona Seaton requesting Council to reconsider their proposed plan to cut the hours of opening to Paynesville Library by 18.5 hours a week;***
- 3. notes the petition has been referred to the Manager Customer Experience and Communications for inclusion in the submissions for the Library and Service Centre Review process; and***
- 4. notes that Council officers have written to the head petitioner advising them of the action outlined in recommendation 3.***

CARRIED

1.7.1.2 Omeo Library and Service Centre Service Review

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report informs Council of a petition submitted by Ms Pauline Connley asking Council to adequately resource the Bendigo Bank and VicRoads Services at the Omeo Service Centre as part of Council's Library and Service Centre Service Review. The petition from 33 petitioners states:

'We, the undersigned, request the Bendigo Bank Agency and VicRoads Services to be adequately resourced and remain at the Omeo Service Centre'.

The petition has been received and presented in accordance with Governance Rule 7.7.

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

Motion

Cr Tom Crook / Cr Sonia Buckley

That Council:

- 1. receives and notes this report;***
- 2. receives the petition submitted by Ms Pauline Connley requesting that the Bendigo Bank and VicRoads Services be adequately resourced and remain at the Omeo Service Centre;***
- 3. notes the petition has been referred to the Manager Customer Experience and Communications for inclusion in the submissions for the Library and Service Centre Review process; and***
- 4. notes that Council officers have written to the head petitioner advising them of the action outlined in recommendation 3.***

CARRIED

Request to Speak

Ms Julia Ditterich

1.7.1.3 Lakes Entrance and Paynesville Library and Service Centre Service Review

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report informs Council of a petition submitted by Ms Julia Ditterich, on behalf of the members of the Friends of Library - Lakes Entrance and Paynesville, asking Council to continue the current operating hours at the Lakes Entrance and Paynesville Service Centre as part of Council's Library and Service Centre Service Review. The petition from 999 petitioners states:

'We, the undersigned, hereby petition that East Gippsland Shire Council perform due diligence in the Service Centre and Library Review. We ask that:

- 1. Lakes Entrance and Paynesville Service Centre and Libraries to continue to operate from 8.30 am – 5.00 pm (Monday to Friday); and*
- 2. We request the current proposed Service Centre and Library Review recommendations to be void.'*

The petition has been received and presented in accordance with Governance Rule 7.7.

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

Motion

Cr Tom Crook / Cr Arthur Allen

That Council:

- 1. receives and notes this report;***
- 2. receives the petition submitted by Ms Julia Ditterich requesting Council continue the current operating hours at the Lakes Entrance and Paynesville Service Centres;***
- 3. notes the petition has been referred to the Manager Customer Experience and Communications for inclusion in the submissions for the Library and Service Centre Review process; and***
- 4. notes that Council officers have written to the head petitioner advising them of the action outlined in recommendation 3.***

CARRIED

1.7.2 Questions of Council

1.7.2.1 Toonalook Waters Estate

Ms Denise Knight submitted the following question:

'Could Council please provide information/update on what action, if any, is being taken to remedy issues resulting from the volume of Cumbungi Reed in the Toonalook Waters Lagoon/drain, what options are being researched and what is the timeframe to deal with the increasing problem. How has the developer's contribution of \$500,000 towards the management of the Toonalook Waters Lagoon has been disbursed?'

Fiona Weigall General Manager Assets and Environment provided a response which is summarised below:

Council has also received these queries from Ms Knight in writing and responded in detail to Ms Knight recently. I understand that Ms Knight is also one of the residents from Toonalook Waters who also participated in a meeting with residents on 1 June 2022 at which time, Council officers addressed this query in detail and advised that there was a need for additional research around the developer contribution referred to at the meeting. This query about the developer contribution was also responded to in our recent correspondence to Ms Knight and I don't believe therefore needs elaborating on at this time. A range of options for Cumbungi management in the water body will be presented back to the local residents along with management options very shortly.

1.7.2.2 Service Centre and Library Review - Paynesville

Ms Kasey Booth submitted the following question:

'From a recent letter sent responding to our previous question, we would like to ask how does the council plan to support our wiser demographic and growing population of Paynesville and their requirements to have a service like the library available to them when they need it? Will they be offering extra Public transport or another space for this community to meet on the days and hours that the library will be closed? We look forward to council's response'.

Peter Cannizzaro General Manager Business Excellence provided a response which is summarised below:

Council has made no determinations regarding the recommendations of the Service Centre and Library review. Community consultation was undertaken from 23 May 2022 to 30 June 2022 and the significant volume of feedback received is being reviewed and will be discussed with council in August.

Once Council has had an opportunity to assess that feedback we will update the recommendations as required and present to a future Council meeting.

1.7.2.3 Mallacoota Streetscape Project

Ms Leanne Dyson submitted the following questions:

'It is my understanding that the Mallacoota Streetscape Project was not included in the 2020-2021 budget, and therefore it appears that it was not funded at the time the contract was granted. How did this meet the Council's Procurement and Probity guidelines?; and Who is the Council's external Probity Auditor and how is that appointment made?'

Fiona Weigall General Manager Assets and Environment provided a response which is summerised below:

Council often receives funding during the year for projects, and as such adjusts its budget once funding has been confirmed through contractual agreements with the funding body. Prior to the delivery funding granted council commenced a process of designing the Mallacoota Streetscape project with the community, this is not an unusual process for Council and is important to ensure that the project can be delivered within the project timeframes.

In accordance with Section 5.2 of Council's Procurement Policy, Council engages an independent Probity Auditor services, I don't believe it's necessary or appropriate to name our Probity Auditor.

1.7.2.4 Mallacoota Streetscape Project

Ms Jeanette Wagner submitted the following questions:

'When and how was the \$2million Mallacoota streetscape advertised? In Council's procurement policy at the time, there was a requirement for projects of \$2million or more to be referred to an external probity auditor prior to a project being awarded. Did this occur and if so, when did this happen?'

Fiona Weigall General Manager Assets and Environment provided a response which is summerised below:

The delivery of works packages for the Mallacoota Streetscape has yet to be tendered. To date Council has engaged both an external project manager and an external design company through separate contracts to guide this significant project to a point where it is able to be tendered for delivery. The contracts to date have been awarded in accordance with Council's Procurement Policy, using a publicly advertised panel of contractors.

As already explained, the major component of this project, being delivery of the physical works has yet to be delivered. The external contractors working on this project have been engaged in accordance with Council's Procurement Policy. Where Council's procurement Policy requires an external probity auditor, the auditor is engaged as set out in Council's Procurement Policy.

1.7.2.5 Mallacoota Streetscape Project

A community member submitted the following questions:

'I understand the \$2million Mallacoota streetscape project was awarded to an external firm in December 2020. The Council's procurement policy at the time required any contract with the value over \$500,000 to be put to Council for approval. Where is the record of this project being approved?'

Fiona Weigall General Manager Assets and Environment provided a response which is summarised below:

This understanding is not correct. Council has yet to engage contractors to undertake the physical works and when we are ready to do so, this work will be sought through public tender.

To date Council has awarded two small contracts for the development of detailed designs for this project and the project management of the design component of the project. These two contracts have been awarded in accordance with Council's procurement policy.

1.7.3 Public Submissions

Ms Julia Ditterich spoke to item 1.7.1.3 Lakes Entrance and Paynesville Library and Service Centre Service Review.

2 Notices of Motion

Nil

3 Deferred Business

Nil

4 Councillor and Delegate Reports

4.1 Cr Tom Crook

Cr Crook provided a verbal update.

4.2 Cr Jane Greacen OAM

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

4.3 Cr Kirsten Van Diggele

Cr Kirsten Van Diggele provided a verbal update.

4.4 Cr Sonia Buckley

Cr Sonia Buckley provided a verbal update.

4.5 Cr Mendy Urie

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

4.6 Cr Trevor Stow

Cr Trevor Stow provided a verbal update.

4.7 Cr Arthur Allen

Cr Arthur Allen spoke to his written report at page 15.

Attendance

Cr Van Diggele left the meeting at 7.00 pm and returned at 7.02 pm.

4.8 Cr Mark Reeves

Cr Mark Reeves spoke to his written report at page 16.

Councillor Written Reports

Cr Jane Greacen OAM

Since the last Council Meeting on 28th June 2022, I attended a number of Winter Festival events up until 4th July 2022, then the National Aborigines and Islanders Day Observance Committee (NAIDOC) week and a range of other activities.

1st July 2022: I attended the East Gippsland Art Gallery exhibition called 'Southeast NOW', which started at the Borun and Tuk sculpture in the central business district, Bairnsdale. Alan Solomon who created the designs on the sculpture, told the Borun and Tuk creation story of the GunaiKurnai people. He then talked about the footpath designs in Service Street and the original intention of them which was to encourage people to follow the footsteps to the sculpture. Most of us did not know this. The exhibition was for Aboriginal artists and included paintings, carvings, jewelry, linocuts. Beautiful works. After that we went to the Ice works in Lakes Entrance, and attended an improvisation called "The Waiting Room".

2nd July 2022: We attended the Melbourne Comedy Festival at the Forge Creek Theatre, which was packed. We were treated to an evening of very funny gags with some hilarious audience participation.

4th July 2022 to 9th July 2022: NAIDOC week. I was privileged to attend the East Gippsland Shire Council and Gippsland & East Gippsland Aboriginal Co-Operative Ltd (GEGAC) flag raising on the Monday; the Bairnsdale Regional Health Service and NAIDOC celebrations on the Tuesday; the Gippsland & East Gippsland Aboriginal Co-Operative Ltd (GEGAC) Street march followed by lunch on Wednesday; GunaiKurnai Land and Waters Aboriginal Corporation (GLaWAC) Family Day at the Knob; and the Dhuna Wannik Wurk Wurk Ball at the RSL on the Saturday. The events were really well attended, and people were happy. It was very special week.

11th July 2022: The Australia Institute held a webinar with Nobel prize recipients discussing the role of government in modern economy. The topic was the rise of autocracy since the introduction of neo-liberalism.

14th July 2022: I attended the Destination Gippsland Tourism Forum held at the Criterion Hotel in Sale. This was an excellent event with some very professional marketing presentations on tourism updates from GLaWAC, Wellington Shire Council, Destination Gippsland, and Tourism Australia.

16th July 2022: I attended the Paynesville Fire Brigade annual dinner, which was an awards night. This is a volunteer and community-based organisation with members who have provided up to 50 years of service. We had a very enjoyable evening.

Cr Mendy Urie

Returning from an enjoyable holiday so missed some key events such as the East Gippsland Winter Festival, Reconciliation Events, ALGA Conference, Important Council meeting on 28 June 2022 (Budget, Rating strategy, Adoption of Environmental Sustainability Strategy).

I've enjoyed reading Councillor reports.

I appreciated the 'winter recess' for Councillors.

On return I would like to note:

- Record heat in Europe and UK;
- State of the Environment Report released. This is a very important (if somewhat distressing) document for Council (and all of us) to be aware of as it adds critical contextual information for policy development;
- 25/07/22 - Quarterly Audit and Risk Committee meeting; and
- 25/07/22 - Observer at the second formal meeting of the Disability Advisory Committee. Appreciation for Council Office, Bec Pantry's work here in supporting these meetings and successful grant application. Important committee for Council to always be aware of who is not being heard in our communities.

Cr Arthur Allen

While enjoying out winter recess there has still been a number of opportunities to attend important events throughout the Shire. I had the honour of representing the Mayor at the flag raising to mark the start of National Aborigines and Islanders Day Observance Committee (NAIDOC) week. The flag rising was very well attended as was the luncheon that followed. I was unable to attend the street march later that week as my wife and I attended the announcement of the Victorian Tourism Awards at Healesville. Lakes Entrance was a finalist in the Major Town category against towns such as Ballarat and Bendigo and while not successful in obtaining an award just the fact that Lakes Entrance made the final 6 was a great achievement. Congratulations to Fiona and Sandy from LEADA BTA, our Shire staff who assisted with the application and everyone who cast a vote for Lakes Entrance.

On 12 July 2022, I accompanied the Mayor to the opening of the Mallacoota Abalone processing facility. Wow! From the ashes the Mallacoota Abalone Fishermen have certainly risen! The facility is state of the art and will serve generations to come and is a credit to the board and management of Mallacoota Abalone. A nice touch to the day was to have recently retired chair Geoff Ellis cut the ribbon.

On Saturday 16 2022, I attended the Paynesville Yacht Club Christmas in July event. I had an enjoyable afternoon meeting members and swapping note on wooden boats.

And to end on a positive note, it is pleasing to see some new business opening in Lakes Entrance. Last week a new bakery opened near the RSL and a long vacant shop adjacent the footbridge has a leased sign. It's heartening to see confidence in the town and I believe this in no small way due to the great work by the shire and the Department of Transport in renewing the street scape.

Cr Mark Reeves

Wunman njinde

Another busy few weeks and I'm happy to provide the following report:

- Council enjoyed winter recess. I know many Councillors and officers enjoyed a chance to have some time away with family. Well-deserved. This didn't stop the continuation of ceremonial and symbolic attendance at many events. The Chief amongst them was NAIDOC week.
- I attended the Flag raising at Moogji in Orbost. This was well-attended. 100+ people. Moogji is doing amazing work with the property they have purchased on Bonang Highway. I recommend a visit. Buzzy and Tammy would be delighted.
- The NAIDOC march from Gippsland & East Gippsland Aboriginal Co-Operative Ltd (GEGAC) was awesome! I was so glad I joined it.
- I attended several Winter Festival events, including Deep in the Weeds at Sailors Grave. The demographic of the participants was confirmed by Gabbi Moore. A third local, a third greater Gippsland and a third statewide (Melbournians mostly). This really fulfilled the ambitions of the organisers to attract and make stick those visitors. I'd like to acknowledge Adam Bloem and the team at the Deep Winter Festival. A real triumph.
- We unveiled the CFA-SES Wellbeing Project at Cann River. The mural depicts the incredible united struggle undertaken in Cann and surrounds by first responders and paraprofessionals/paramedics/DELWP/FFM and Park officers. A wonderful mural. The shire has successfully funded the casting and installation of many fire tanks around the shire, including at Cann River. We have been able to fund a Goongerah artist to decorate quite a few of them. Maybe not quite silo art trail, but really worth a look. It also allowed the unveiling of the memorial to timber workers.
- We officially opened the Marlo triangle park. Wow, this is a triumph of local ingenuity. It combined the input of the subcommittee to envisage a pirate ship, then the design and construction and compliance. To our community and the Marlo Ratepayers and Residents Group and school, well done for pushing for the upgrade and being actively involved. To our staff and contractors, including Liz Filmer Landscaping and Fowler's Asphaltting, hats off to you for your delivering another quality project. Liz, the playground is testament to your design and engagement with the community.
- The Deputy Mayor and I were honoured to be at the official opening of the Mallacoota Abalone Coop. WOW! This is a \$2+m rebuild of a critical piece of enterprise infrastructure in Mallacoota. It is one of the major fisheries exporting facilities in Victoria. Their product includes frozen, canned and fresh meat. Imagine the logistics to get fresh abalone to a plate in Hong Kong or Guangzhou from Mallacoota waters in 35 hours!
- The Youth Ambassadors met. I am proud to see students from my school taking the lead in these committees.
- Rotary Sunrise Bairnsdale and Orbost had their Presidential Changeover dinners. I attended both. Great organisations and I congratulate the members for their wonderful and generous work in the community.

- Cann River waste transfer mediation was attended by several Councillors. Thanks so much for that.
- The CEO and I met the Upper House member Jeff Bourman. He was able to gain a better understanding of the issues and opportunities we face.
- Audit and Risk Committee Meeting - A more palatable than usual agenda! The new Chair Stephen Paterson lead the meeting.
- Several of us attended the Disability Advisory Committee. This is an important group who provide a compass for us in, among others, ensuring we maintain all we do is accessible.
- A busy as usual few week. I thank and acknowledge all the community and people-facing work of the Councillors.

5 Officer Reports

5.1 Chief Executive Officer

5.1.1 Nomination to the Recycling Victoria Local Government Advisory Committee

Authorised by Chief Executive Officer

Conflict of Interest

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

Executive Summary

On 14 December 2021, the *Circular Economy (Waste Reduction and Recycling) Act 2021* (the Act) was gazetted. The Act took effect on 1 July 2022, and this will result in the establishment of Recycling Victoria.

Recycling Victoria will bring a state-wide oversight to Victoria's waste management and recycling system, setting minimum standards and clearer responsibilities, stabilising the market and providing better information and data to plan and deliver the right infrastructure and services for a growing Victoria.

Recycling Victoria will establish a Local Government Advisory Committee (the Committee). The Committee will provide advice on the early functions and priorities of Recycling Victoria, including engagement with local governments, and regional and rural communities.

The Committee will be established for a period of up to 12 months as a formal advisory committee comprising of no more than 10 members, including one Councillor from each of the seven former Waste and Resource Recovery Group regions, a Municipal Association Victoria (MAV) representative, and a Victorian Local Governance Association (VLGA) representative. Membership composition will ensure a broad geographic spread across Victoria.

The timing of the invitation required Council to nominate a Councillor prior to formal endorsement at a Council Meeting. Cr Tom Crook was nominated by Council. This report is now seeking confirmation of that nomination.

Motion

Cr Mendy Urie / Cr Trevor Stow

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. confirms and endorses the nomination of Cr Tom Crook to the Recycling Victoria Local Government Advisory Committee; and***
- 3. notes that the nomination was sent to the Minister by the due date of 22 July 2022.***

CARRIED

5.2 Business Excellence

5.2.1 Draft Media Policy

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report is seeking Council's consideration and adoption of a revised Media Policy which is provided as **Attachment 1**.

The Draft Media Policy (Policy) outlines how Council manages media communications, relationships with media outlets, stakeholders, and community.

Procedural note

Cr Sonia Buckley raised an amended motion, supported by the mover and seconder, which became the substantive motion.

Motion

Cr Tom Crook / Cr Trevor Stow

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. adopts the Draft Media Policy as provided at Attachment 1, with an addition to the Policy Principles section on page 3:***
- 3. Public comments to media by any Councillor are to be considered in the context of Section 28 of the Local Government Act 2020 and Sections 5.2 and 9 of the Councillor Code of Conduct, and therefore state their views are their own; and***
- 4. authorises the Chief Executive Officer to amend the adopted policy without formal Council consideration, if the amendments required are of a minor administrative nature.***

LOST

Procedural note

The vote was tied, therefore, the Mayor Cr Mark Reeves exercised his casting vote and the motion was lost.

Attendance

Cr Van Diggele left the meeting at 7.38 pm and returned at 7.40 pm.

5.3 Place and Community

5.3.1 Endorsement of the Independent Review of the East Gippsland Planning Scheme

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

To present and seek the endorsement by Council of the independent review of the of the East Gippsland Planning Scheme (the planning scheme) *Independent Review of the East Gippsland Planning Scheme – Final Review (April 2022)* (the Report) at **Attachment 1**, commissioned and prepared by Department of Environment, Land, Water and Planning (DELWP).

The Report was a desktop analysis and included consultation with Council officers, regular users of the planning scheme and stakeholders in relation to key questions regarding the performance of the scheme. The independent report is a requirement of the *Planning and Environment Act 1987* (the Act), in accordance with section 12B.

The Report was funded by DELWP as part of a Memorandum of Understanding executed between Council and DELWP to provide assistance to Council, specifically the strategic planning business unit, in response to bushfire recovery and current resourcing challenges.

The independent review is an audit of the performance of the planning scheme, which informs and sets the framework for the continuous improvement of the planning scheme by undertaking a comprehensive analysis of the operation and currency of the local planning provisions. The independent review identifies changes and a series of additional strategic planning work which is required to improve the performance of the planning scheme, which will align with the Council Plan 2021 – 2025 and adopted Council strategies.

The key areas for continuous improvement identified in the report are, in summary:

- need to include completed strategic work into the planning scheme;
- include new strategic work that has commenced; and
- identifying additional strategic work to address remaining policy gaps.

Future changes that flow from the review will be undertaken as planning scheme amendments separate to this review. There is a significant quantity and inherent complexity of projects identified to be undertaken as part of strategic workplan over the next 3- 5 years to address the improvements as identified to modernise the planning scheme. The Action Plan at **Attachment 2** is an indicative guide for implementation of the review recommendations over the next 3-4 years, giving priority in the first 1-2 years to work which has already commenced. This Action Plan will be subject to ongoing review based on resource availability.

The key outcomes of the planning scheme review process is to maintain the strategic focus of the planning scheme, ensure Council's continued ownership of, and commitment to the planning scheme and its continuous improvement, and to satisfy the requirements of section 12B of the Act.

The recommendation is to endorse the key findings of the independent review and to forward the independent report to the Minister for Planning as complying with the legislative requirements.

Motion

Cr Jane Greacen OAM / Cr Arthur Allen

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. endorses the Independent Review of the East Gippsland Planning Scheme – Final Report (April 2022) as at Attachment 1; and***
- 3. authorises the Chief Executive Officer to report the findings of the review to the Minister for Planning in accordance with Section 12B(5) of the Planning and Environment Act 1987.***

CARRIED

6 Urgent and Other Business

Nil

7 Confidential Business

Cr Trevor Stow / 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 - 7.3.

CARRIED

The meeting was closed to the public at 7.44 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 8.04 pm

7.1 Contract Variation CON2022 1415 Omeo Mountain Bike Trail Construction

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

7.2 Chief Executive Officer Key Performance Criteria 2022/23

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.

7.3 Independent Member - Chief Executive Officer Employment and Remuneration Committee

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 8.05 pm.

Confirmed

Cr Mark Reeves Mayor
16 August 2022