



Minutes Council Meeting

Tuesday 20 September 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 20 September 2022.

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

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

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 and Mr Anthony Basford, Chief Executive Officer

1.3 Declaration of Conflict of Interest

Peter Cannizzaro General Manager Business Excellence declared a conflict of interest in items 5.2.4 *Chief Executive Officer Employment and Remuneration Policy*, as a general interest due to the matter relating to his direct report at his place of employment.

Cr John White declared a conflict of interest in item 5.3.1 *Planning Permit Application 508/2021/P - Multi-Lot Subdivision, Roadworks and Removal of Native Vegetation - 7 Christmas Street, Metung*, as a general interest due to previous employment with applicant.

1.4 Confirmation of minutes

Cr Arthur Allen / Cr Mendy Urie

THAT THE MINUTES OF THE COUNCIL MEETING HELD TUESDAY 16 AUGUST 2022 AND THE UNSCHEDULED MEETING HELD TUESDAY 30 2022 AUGUST BE CONFIRMED.

CARRIED

1.5 Next meeting

The next Council Meeting of Tuesday 11 October 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

Nil

1.7.2 Questions of Council

1.7.2.1 Offshore Renewable Energy

Ms Cosette Murphy submitted the following questions:

- 1. Just like solar panels, wind turbine only works when the wind is blowing. What other reliable, efficient, and cheap energy, if it is to remain productive, is the Council proposing for East Gippsland?*
- 2. We saw the failure of solar panels, wind turbine, electric cars, and the struggle to recycle them around the world. Is the Council using the data to prevent the same outcome for East Gippsland?*

This question was taken on notice by Morgana Te Pauae Acting General Manager Asset and Environment. A written response will be provided directly to Ms Murphy.

1.7.3 Public Submissions

Nil

Procedural Note

Cr Mark Reeves provided the following words on the recent passing of Her Majesty Queen Elizabeth II.

We join Australia, the Commonwealth, and the world in mourning the passing of Her Majesty Queen Elizabeth II.

Her Majesty, The Queen passed away on 8 September 2022, after a 70-year reign as Australia's Head of State.

Her Majesty was our sovereign; devoted to her duty, highly respected throughout her unprecedented reign, and much-loved here and around the world.

Cr Trevor Stow / Cr Arthur Allen

ON BEHALF OF EAST GIPPSLAND SHIRE COUNCIL AND OUR COMMUNITY, WE OFFER OUR DEEPEST CONDOLENCES TO HIS MAJESTY KING CHARLES III, THE ROYAL FAMILY, AND ALL THOSE MOURNING THE LOSS OF HER MAJESTY QUEEN ELIZABETH II.

CARRIED

2 Notices of Motion

2.1 Nicholson Street Mall, Bairnsdale

Take notice that it is my intention to move at the Council meeting to be held on Tuesday 20 September 2022 at 6.00 pm or at any adjournment of that meeting:

That Council:

Request Officers to bring a report to a future Council meeting in 2022 outlining physical improvements that could be made to Nicholson Street in Bairnsdale to create additional parking and loading areas; and other business attraction initiatives that could be considered by Council.

Signed: Cr Trevor Stow

Date: 13 September 2022

RATIONALE

The Bairnsdale CBD went through an extensive planning and physical upgrade, that included removal of parking from some areas of the town, to improve pedestrian access and encourage more alfresco opportunities. Since then, the retail mix of the area around the Nicholson Street Mall has changed significantly with the closure of Target; the relocation of Woolworths; and the approval of a new facility for Kmart on the edge of Bairnsdale. This means that this trading area no longer functions in the manner planned for and requires new considerations to stimulate shopper use of the precinct and business investment.

During the previous works a number of carparks were removed from the precinct, that could be reintroduced to assist to stimulate use of the precinct. Similarly, there are potentially other actions that Council can take to attract new business and shoppers into the precinct. In addition, a loading zone could be added at the end of the closed section, near the toilet. This would be of benefit to all businesses in that area and would be a welcome addition to any potential tenant who leases the old Woolworths building

A report to Council, will allow Council to consider these improvements and initiate works and activity that will support the Bairnsdale CBD's vitality and resurgence.

Motion

Cr Trevor Stow / Cr John White

That Council:

Request Officers to bring a report to a future Council meeting in 2022 outlining physical improvements that could be made to Nicholson Street in Bairnsdale to create additional parking and loading areas; and other business attraction initiatives that could be considered by Council.

CARRIED

3 Deferred Business

Nil

4 Councillor and Delegate Reports

4.1 Cr Arthur Allen

Cr Arthur Allen spoke to his written report at page 10.

4.2 Cr Trevor Stow

Cr Stow provided a verbal update.

4.3 Cr Tom Crook

Cr Crook provided a verbal update.

4.4 Cr Mendy Urie

Cr Mendy Urie spoke to her written report at page 10.

4.5 Cr Jane Greacen OAM

Cr Jane Greacen OAM spoke to her written report at page 11.

4.6 Cr Kirsten Van Diggele

Cr Kirsten Van Diggele spoke to her written report at page 13.

4.7 Cr John White

Cr John White provided a verbal update.

4.8 Cr Mark Reeves

Cr Mark Reeves spoke to his written report at page 14.

Councillor Reports

Cr Arthur Allen

18/08/22 - The Mayor and I attended the Orbost Innovation Network dinner at Marlo. Tim Cotter introduced a range of speakers covering a range of subjects demonstrating some of the innovative business in the Orbost region trading worldwide.

25/08/22 - Councillor Crook and I attended the Paynesville Neighbourhood House to see first-hand their food bank in operation and to meet their staff volunteers and clients. The Neighbourhood House does great work but badly needs more space to provide the community demand.

26/08/22 - I had the pleasure of opening the "Next Generation, East Gippsland Schools" exhibition at the East Gippsland Art Gallery. Well done Crystal and team on another great exhibition. The pride of the exhibitors and their families made the evening special.

03/09/22 - I accompanied the Mayor to the opening of the Bairnsdale Fire Station, a very proud day for all involved in the Bairnsdale Brigade. It is certainly a far cry from their traditional home in Main Street. That evening I represented the Mayor at the Lakes Entrance Urban Fire Brigades Annual Dinner. Thanks to Phil Loukes, Captain and all the volunteers for their hospitality, and congratulations to all those who were recognised for their service to our community, particularly to ex- captain Bob Richardson and Graeme Adams for their special recognition.

05-06/09/22 – Council in the Community meetings in Lindenow and Bengworden. Thanks to Ross Ingram, Andrew Bulmer and Sally at ZCG for their time and hospitality and to all those who took the time to attend the community catch ups.

09/09/22 - Councillor Mendy Urie and I attended the Alpine Schools Marlo Campus for their community day. Once again, I left feeling buoyed by the outstanding young adults and their choice of projects to enact in their communities when they complete their term at Marlo. An inspirational day

Cr Mendy Urie

24/08/22 - Invited to speak to Student Leaders from Bairnsdale West Primary School, along with Robyn Hayles from BRHS. An inspiring and challenging morning in the company of some very smart young people and their caring and wise adult teachers and guides, where we were asked to share views and explore questions about leadership, creative thinking, respectful relations and the importance of role models. These children are in very good hands and it was an honor to join them for a short while.

30/08/22 - Drop-In information session in Lakes Entrance for Gippsland Offshore Renewables Project. This is a huge development and EGSC is keeping abreast of potential opportunities and concerns and proposing to make a submission (To be considered in this evening's Council meeting.)

01/09/22 - Active Transport on-line webinar. There are learnings and benefits (health, environmental and economic) from towns and cities which have broken the dependency on passive transport and increased opportunities for walking and cycling in the public domain. It's all about Place-Making.

05-06/09/22 - Council visit to the Community: Lindenow and Bengworden. Thank you to all those businesspeople who showed us around and shared information around challenges and successes of some of our fantastic East Gippsland businesses, including farming in the Bengworden area. It was great to meet you all on your turf.

07/09/22 - Threatened Species Day: Activities with children from several local Primary Schools at EGAG where 250 bird and animal cutouts were painted, mounted and placed in our beautiful flower beds in our Main Street Gardens, to stay there for several days where people could find and admire them. Cutouts represent 40 threatened fauna species in East Gippsland. EGAG continues to provide wonderful engaging educational fun activities (following on from Southeast Now 2022 exhibition featuring Koorie artists with connection to Gunnai Kurnai Country. Exhibiting artist Leann Edwards led the way engaging over 500 students to visit and view the works.)

08/09/22 - Advancing Women's Leadership on-line summit with special address from the Hon Julia Gillard: There were many gems: We swim in a gendered world ... we need role models to routinely see women in leadership in order to imagine it ... women who step forward with ambition will be seen as unlikable and attract negative comments... The research is clear: The more diverse the team, the stronger is its decision-making ... there is a lot of activity but not much outcome yet. Family support is needed as well as mentoring men are needed to support the cause ambition in the service of others is to be aimed for three key tips: be clear about your motivation/Have a strong sense of self/time management. A wonderful seminar.

09/09/22- Snowy River Campus: Cr Allen and I attended another very special presentation day where students shone in front of community members. Thanks to Snowy River Campus and Cr Reeves (in his 'other' role).

19/09/22 - Library and Service review: With Cr Allen, Crook and Greacen, Acting CEO and officers we attended a meeting in Paynesville which was well attended/well received where results of consultation were presented and discussed frankly and openly.

Cr Jane Greacen

05-06/09/22 - Council in Community at Lindenow

Talked with community members about various issues, but in particular the bathroom and changing room facilities for women and girls. Whilst the upgrades to the netball courts and ovals are highly valued and well used, the facilities for female players are very much in need of upgrading so that there is not just gender equity, but that the facilities are up to standard and not an embarrassment to the home and visiting teams.

Ross Ingram at Bonnacord talked about their business growing vegetables, and how any that are not perfect are provided to the steers (beef cattle) that they are also farming, so there is no waste. He talked about employing people on visa and the decision to provide them with accommodation within walking distance from their work. They all must achieve certificates for driving machinery that meet Australian requirements as well as Bonnacord's own standards. The company has the deliberate policy of employing women to manage the teams and sheds. We later met one of the daughters who is a senior manager there.

Andrew Bulmer spent some time with us describing their company policies with respect to what they grow, how they ensure high quality, how they get their produce from being taken from the land and then from the farm to table on the very next day in Sydney. He gave a fascinating talk about the innovative industry practices, attention to detail and constant improvement policy. He talked about the need for re-contracting frequently with buyers and receiving and delivering orders on the day.

Bulmer's concentrates on salad mix and baby leaf, and constantly innovates to maintain and improve quality and life of their vegetables. They have a different approach to employing people, in that Andrew goes to Kiribati and Timor Leste himself to recruit. They like to attract back the same people each year and retain them for as long as possible (6 months to 4 years). The employees earn well and buy homes for their families back home. Bulmer have bought a motel in town for the employees and expect them to lead their lives independently outside of work. They are provided with information about everything that will help them to settle in – their churches, sport etc. They all have private health insurance, as they cannot be covered by Medicare.

08/09/22 - Social Enterprise Program at Fisherman's Landing, Lakes Entrance

At this event, I talked with school kids from Mallacoota High School who had canoed from Mingling Waters to the Fisherman's Landing over three days and nights. They were tired but happy and looking forward to a great feed of wild venison and roast veggies. This was an event organised by "Up the Creek", canoeing with Derek Cook (aka Ben Hennessy). Later there was discussion about Regenerative Tourism, which is the type of tourism that leaves a place better than it was before (Sarah Tate, GSEC team). The aim of this event being to inspire a new generation of potential outdoor entrepreneurs.

08/09/22 - Mediation session - Lawrence Court, Metung

12/09/22 - Planning Consultation Meeting - 2 Metung Road, Metung

13/09/22 - Research PhD by Marnie Connolly, School of Rural Health East Gippsland, Monash University. This research is the first of its kind in Australia and possibly the world. It looks specifically at the social and economic impacts a small medical school has on its rural communities.

These include:

- Pride of the local community having a university in their towns
- Opportunities for education for local people as well as attracting students from elsewhere to stay long term
- Research opportunities for issues of local importance – eg. the state of the lakes; the impact of certain activities on the effectiveness of a kindergarten
- Financial benefits – renting accommodation, buying food and goods. Spending by students, staff and their visitors
- Employment of staff and teachers
- Bringing diversity to the town.

Council agreed to write to Head of School indicating interest in attending the launch of the research, and to visit the school.

17/09/22 - National Citizenship Day at St Mary's Parish Centre

The last time the Queen Elizabeth II portrait will be a part of the ceremony. From now on it will be King Charles's portrait as long as the King is Head of State.

19/09/22 - Consultation about the proposed changes to the library/service in Paynesville.

Cr Kirsten Van Diggele

LENGA site visit

A couple of weeks ago, Councillors were provided with an update on the Lakes Entrance Northern Growth Area. It has come up in conversations, but it was wonderful to be able to see the area for myself and learn about the future developments in Lakes Entrance.

Meeting with Community Member of Housing Crisis

A couple of weeks ago, I attended a meeting with a community member and Cr. Tom Crook to discuss the housing crisis in East Gippsland. Although Council doesn't typically play a role in the provision of social and affordable housing, it is timely for Council to figure out the things that we can do to tackle the issue in our own backyard. The State Government is currently being proactive in the space, with East Gippsland being successful in obtaining some funding for affordable housing through the Big Housing Build. However, this will not provide enough supply to meet demand, and won't be able to assist our community in the short-term.

We spoke about the need to incentivise landlords to choose long-term rentals, rather than opting for short-term stay options. Another few ideas we could implement as a Council include implementing licensing/permit system to provide an upper limit to the number of short-term stays sites such as Airbnb, implementing rate differentials, and implement the number of days property can be 'let' out for holiday accommodation.

I am hoping to continue having this conversation with Councillors and officers to ensure that Council plays a proactive role during the housing crisis.

Lindenow Community Visit

Unfortunately, I could only attend the road trip on the Tuesday and missed out on the jam-packed Monday activities! Nevertheless, I enjoyed being out in the community and meeting with the locals. The community road trips have been a highlight for me as a Councillor. On the Tuesday, we visited the Bairnsdale Aerodrome, Bengworden Community Hall for a community visit, and met with Southern Rural Water. The highlight for me was learning about the future development of the airport and learning from the community at Bengworden about issues that are affecting them.

Unfortunately, I had to cancel every other event as I once again have been unwell.

Cr Mark Reeves

Wunman njinde

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

- We met with representatives of the Australian Airports Association. This follows meetings with Civil Aviation Safety Authority (CASA) regarding the certification of Mallacoota airport. This important work will be completed in October allowing Internal Reporting System (IRS) approach and overcoming issues with the Obstacle Limitation Surface (OLS) and other compliance matters. We are very pleased with the outcome and acknowledge the angst the matter caused to members of the Mallacoota community.
- Orbost and District Innovations Network had a vibrant meeting at Marlo Hotel. The Network chaired by Tim Cotter is advocating for innovative and enterprising renewal in the area using the Smart Specialisation model.
- The CEO and I had our quarterly meeting with the One Gippsland group as usual. The topic of the support and advocacy for West Gippsland Hospital is an ongoing matter.
- Many councilors attended the local launch of the State LGBTIQ+ Strategy. Many members of the local LGBTIQ+ community joined us and unfortunately the Commissioner Todd Fernando was an apology.
 - Of particular note was the feedback regarding data and evidence for participation in society by [people who identify as LGBTIQ+.
 - It was a salient point that the Census ignores this population, and there is lower employment or few strategies to ensure equitable participation in decision making by people who identify as LGBTIQ+.
 - These contribute to the perpetuation of the issue of access and equity.
 - The strategy has several simple and achievable actions we as a shire should focus on.
- The Youth Ambassadors met. With our current service review, the input of YA into how we might reimagine Libraries will be valuable in future.
- I attended the Federation University Gippsland Business Awards at Churchill campus.
- Many East Gippsland businesses were represented, and we note and congratulate Yeates Media for their award.
- The Councillors participated in a site visit to Lakes Entrance with a focus on the LENGA- the Northern Growth Area in Lakes. This is a complex and evolving planning challenge that we continue to work through.
- I attended the important but hardly exciting Victorian Grants Commission information webinar. This relates to the distribution of Financial Assistance Grant (FAGs) and we note the ongoing advocacy by ALGA that we subscribe to around ensuring FAGs are again 1% of reh federal tax take.
- I attended, with what appeared to be most of Bairnsdale, the East Gippsland Football-Netball league grand final. We acknowledge that this is the first such GF for some time and we congratulate the commissioners for the stoic organisation.

- I attended the opening of the new Bairnsdale Fire Station. Congratulations to Captain Aaron and the many members of the brigade and support team who contributed to this fabulous and necessary infrastructure.
- Orbost, Newmerella and Marlo CFA brigades hosted a terrific recovery evening at the Marlo Angling Club. Cann and Wairewa members also attended. The Shire assisted with Bushfire recovery funds to support this great event.
- Councillors had a busy day in community at Lindenow, Meerlieu and on Bulmers and Ingrams farms. A very enlightening event and generously hosted by our amazing local producers.
- We conferred citizenship on 20 new Australian Citizens on Citizenship day, 17 September.
- We were honoured to have a presentation by a PhD undergrad Marnie Connell on the social and other benefits of Rural Medical Health Schools, in particular the Monash school in Bairnsdale.
- I attended the Gippsland Biggest PJ day to support Foster Care in our region. The numbers of and needs for foster carers appears to be increasing.
 - This was a project by a syndicate of GCLP graduates.
 - Shire is a supporter of GCLP and we highly value these programs and what they contribute to the social capital and leadership capital of our communities.
- We were delighted as Councillors to see Patricia Pittman's original and beautiful art is hanging in the chamber. This was a wonderful purchase by the shire from our terrific local Gallery which had a local indigenous NOW exhibition over winter. I was lucky enough to personally purchase an Alan Solomon original.
- I thank and acknowledge all the community and people-facing work of the Councillors.

5 Officer Reports

5.1 Assets and Environment

5.1.1 Submission on the Gippsland area under consideration for offshore renewable energy

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

In a National first, an area off the Gippsland Coast has been earmarked for potential development as an offshore renewable energy infrastructure area by the Commonwealth Department of Industry, Science, Energy and Resources.

The reason this location has been selected is that:

- it has strong, consistent winds;
- it is close to electricity markets and existing connections to the grid;
- industry has expressed interest in developing projects in the area; and
- the Victorian Government has prioritized the area for development of an offshore wind industry. The Victorian Government has identified offshore wind as a key part of their own clean energy transition and has set a target of 2 Gigawatt (GW) of offshore wind capacity by 2028, 4 GW by 2035, and 9 GW by 2040.

As Bass Strait approaches the end of its operational life as an oil and gas field, the opportunity exists to transition this location to renewable energy. There is an opportunity to benefit from existing practices including the skills of a trained offshore workforce, access to the National Energy Market (NEM) through existing transmission and grid connection infrastructure (currently located in the La Trobe Valley), and the shallow and stable geology of Bass Strait that is located close to the coast and within Australia's Exclusive Economic Zone (EEZ).

The Department of Industry, Science, Energy and Resources is running a public consultation on the area under consideration and is accepting submissions through the online consultation hub until 11.59 pm on the 7 October 2022.

Council Officers have prepared a draft submission for consideration based on informal discussion with Councillors and participation in community consultation process by Council officers at the Lakes Entrance Mechanics Hall on the 30 August 2022. This submission is now presented for Council consideration prior to lodgement.

Motion

Cr Tom Crook / Cr Mendy Urie

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. resolves that the submission shown as Attachment 1 to this report be submitted to Australian Government Department of Climate Change, Energy, the Environment and Water.***

CARRIED

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

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

The Omeo Mountain Bike Project (Omeo MTB) is a \$9.72M (Stage one \$5.5M, Stage two \$4.2M) jointly funded nationally significant mountain bike trail network of 121 Km in length in keeping with the adventure tourism progression within the greater Gippsland region. Federal and State governments combined with East Gippsland Shire Council are in two stages, co-funding this network as an economic stimulus for the Omeo region.

The Oriental Claims Bridge (OCB) is a key element of both Stage one and Stage two of the Omeo MTB network. A tender process for the construction of this bridge has been undertaken and received multiple responses which were assessed. Current market conditions resulted in all tenders exceeding the budget estimate, however, a tender award recommendation and strategy to provide for the cost overrun has been made.

This tender has been through a formal Tender Evaluation which is summarised in **Confidential Attachment 1** and is now presented to Council for formal consideration.

Motion

Cr Jane Greacen OAM / Cr Tom Crook

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by Whelcon Pty Ltd for CON2023 1481 Omeo Mountain Bike Bridge - Oriental Claims for the contract amount of \$489,500.00***
- 3. authorises the Chief Executive Officer to finalise the terms and to sign and seal the contract in the form proposed; and***
- 4. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.***

CARRIED

5.2 Business Excellence

5.2.1 Draft Annual Financial Statements 2021/22 and Draft Performance Statement 2021/22

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Councils are required to produce an annual report within four months of the end of the financial year. The annual report includes the annual financial statements (accounts), a performance statement and a range of other information to discharge Councils' reporting requirements.

The Council, after passing a resolution giving its approval in principle to the performance statement and financial statements, must submit the statements to the auditor for reporting on the audit.

The Council must ensure that the performance statement and the financial statements in their final form after any changes recommended or agreed by the auditors have been made, are certified in accordance with the *Local Government (Planning and Reporting) Regulations 2020* by two Councillors authorised by the Council.

The auditor must not sign the audit reports unless the performance statement and the financial statements have been certified by two Councillors.

In line with the process in place to achieve 'in principle' adoption, the auditor will present the accounts and performance statement to Audit and Risk Committee (the Committee) on Tuesday 20 September 2022. After discussion between the Committee and the auditor, it is anticipated that the Committee will recommend that Council adopt the accounts and performance statement 'in principle'.

A copy of the draft accounts has been provided at **Attachment 1** and the draft performance statement at **Attachment 2**.

Motion

Cr Mendy Urie / Cr Jane Greacen OAM

That Council, having considered a recommendation from the East Gippsland Shire Council Audit and Risk Committee:

- 1. receives and notes the report and its attachments;***
- 2. provides 'in principle' approval to the Annual Financial Statements 2021/22 as provided at Attachment 1, subject to the Auditor General's review;***
- 3. provides 'in principle' approval to the Performance Statement 2021/22 as provided at Attachment 2, subject to the Auditor General's review; and***
- 4. appoints Councillors Mark Reeves and Arthur Allen to certify the Annual Financial Statements 2021/22 and the Performance Statement 2021/22 in their final form.***

CARRIED

Attendance

Cr Kirsten Van Diggele left the Chamber at 7.31 pm and returned at 7.33 pm.

5.2.2 Revised Advocacy Priorities

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Council acknowledges and accepts the critical role it plays in advocating for its communities on a broad range of issues.

Council directs its advocacy through an Advocacy Strategy (Strategy). It is acknowledged that advocacy is an essential component of the planning, development and delivery of many individual programs and services that Council provides.

Council at its meeting held on 16 November 2021, refer Item 5.3.1, adopted the initial Strategy.

A review of priorities has been undertaken and following a Councillor workshop on 2 August 2022, the priorities have been updated for adoption.

The Strategy is fluid to adapt to changes as they occur in our region and is reviewed on a regular basis. The revised Strategy is provided at **Attachment 1** for adoption.

Motion

Cr Jane Greacen OAM / Cr Tom Crook

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. adopts the revised Advocacy Strategy provided at Attachment 1; and***
- 3. agrees to advocate on issues that will arise from time to time, that are not included in this Advocacy Strategy***

CARRIED

5.2.3 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

A Draft Media Policy (Policy) was presented to Council at the 26 July 2022 Council meeting. The substantive motion, that included an amendment, was lost.

A revised Policy is being presented with this report, seeking Council's consideration and adoption, provided at **Attachment 1**.

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

Motion

Cr Mendy Urie / Cr Tom Crook

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; and***
- 3. authorises the Chief Executive Officer to amend the adopted Policy without formal Council consideration, if the amendments required are of a minor administrative nature.***

CARRIED

Conflict of Interest

Peter Cannizzaro General Manager Business Excellence declared a conflict of interest related to *5.2.4 Chief Executive Officer Employment and Remuneration Policy*, however remained in the meeting.

5.2.4 Chief Executive Officer Employment and Remuneration Policy

Authorised by General Manager Business Excellence

Conflict of Interest

The officer who authorised this report has declared a general conflict of interest as he is a direct report of the Chief Executive Officer.

Executive Summary

The purpose of this report is to present the Chief Executive Officer Employment and Remuneration Committee (Committee) recommendations to the Council for its consideration to adopt the draft revised Chief Executive Officer Employment and Remuneration Committee Policy (Policy), refer **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. adopts the draft revised Chief Executive Officer Employment and Remuneration Policy, provided at Attachment 1; and***
- 3. notes that the adopted Chief Executive Officer Employment and Remuneration Policy will be published on Council's website.***

CARRIED

5.2.5 Nomination Municipal Association of Victoria Substitute Representative and Draft Motion

Authorised by General Manager Business Excellence

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 endorsement for a substitute representative to attend the Municipal Association of Victoria (MAV) State Council meeting scheduled to be held on Friday 14 October 2022 and to consider a draft submission for a motion to the same meeting.

Council's appointed representative, Councillor Mark Reeves is unable to attend the meeting and Council has not previously appointed a substitute representative.

The MAV Rules of the Association, Part 2 – Membership and Membership participation, stipulates that if the appointed representative is not attending the State Council meeting, a substitute representative must be formally appointed by a resolution of Council. The substitute would then be able to vote on all motions presented at the meeting. A copy of the MAV Rules of the Association is available via this [Link](#).

Draft motions for consideration at the MAV State Council Meeting are to be submitted by Friday, 16 September 2022. Council has the opportunity to amend the draft motions and advise they are supported by a resolution until 23 September 2022. Therefore, Council is presented with a draft motion titled to '*establish a state-wide program for invasive species control, especially in periods of regrowth following natural disasters.*' The full draft motion is at **Attachment 1** for consideration.

Motion

Cr Arthur Allen / Cr Tom Crook

That Council:

- 1. receives and notes this report;***
- 2. appoints Councillor Trevor Stow as the substitute Municipal Association of Victoria representative for the Municipal Association of Victoria State Council 14 October 2022 meeting;***
- 3. authorises the Chief Executive Officer or delegate to lodge the appropriate form with the Municipal Association of Victoria notifying of Council's substitute representative;***
- 4. endorses the draft MAV motion to establish a state-wide ongoing program that funds and supports Local Governments to combat invasive species as per Attachment 1; and***
- 5. authorise the Chief Executive Officer to submit the endorsed motion to MAV.***

CARRIED

5.3 Place and Community

Conflict of Interest

Cr John White having declared a conflict of interest related to 5.3.1 *Planning Permit Application 508/2021/P - Multi-Lot Subdivision, Roadworks and Removal of Native Vegetation - 7 Christmas Street, Metung*, left the meeting at 7.48 pm and was absent during the discussion on this item.

5.3.1 Planning Permit Application 508/2021/P - Multi-Lot Subdivision, Roadworks and Removal of Native Vegetation - 7 Christmas Street, Metung

Authorised by General Manager Place and Community

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, Building and Works (Roadworks), Native Vegetation Removal and Variation to Easement, located at 7 Christmas Street & 10 Bossie Court, Metung. Based on 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**.

The subject land is located on the northern side of Christmas Street with an approximate land area of 1.2223 Hectares. A link to the original and amended copy of the plans, supporting documents and submission submitted with the application and amended application can be found **Attachment 2**.

Public notice occurred twice, and Council has received 11 objections and 2 additional with the subsequent advertising. The objections are provided at **Attachment 3**.

A Planning Consultation Meeting (PCM) was held on 24 January 2022, following the first round of notification, with multiple objectors presenting their concerns to Council. Minutes of that meeting are provided at **Attachment 4**.

Following the PCM, the applicant amended the application to modify the road in order to save two of the four trees proposed to be removed. A condition requiring amended plans to demonstrate protection of the trees is included in the recommended conditions.

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 Urban Design Framework for Metung (Meinhardt Infrastructure and Environment, March 2007).

Motion

Cr Arthur Allen / Cr Mendy Urie

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 508/2021/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, roadworks, removal of native vegetation and variation to easement, at 7 Christmas Street and 10 Bossie Court, Metung subject to the permit conditions at Attachment 1.**

CARRIED

Attendance

Cr John White returned to the Council Chamber at 8:01 pm.

Attendance

Cr Trevor Stow left the Chamber at 8.01 pm and returned at 8.03 pm.

5.3.3 Draft Planning Delegations Policy

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

Delegation is an integral element of an efficient administration process. It is essential for Council to have clear and precise policy arrangements and for Council staff to have the ability to make day-to-day decisions in accordance with that policy.

The purpose of the Planning Delegations Policy (Policy) is to establish a framework for delegating authority on Planning application matters in a manner that facilitates efficiency and effectiveness and ensures the accountability of staff for their performance.

The key outcome proposed is that the Policy extends delegated powers to deliver more efficient and timely decision-making, while maintaining accountability and clearly defining the opportunity for Council to “call-up” applications. The Policy will still allow Council to make decisions in relation to planning matters, by exception and according to established criteria.

The proposed process improvements set up new procedures and protocols in relation to a range of internal processes, including:

- call-up procedures;
- information and reporting;
- new decision-making procedures; and
- details such as Section 173 legal agreements and Victorian Civil and Administrative Tribunal (VCAT) matters.

The revision also incorporates the key recommendations of the Victorian Government's Better Regulations 2019 findings and reference to nine (9) principles contained in the Department of Environment, Land, Water and Planning (DELWP) guidance relating to planning decisions in local government ('Planning Decision Making in Local Government').

The draft Policy is included at **Attachment 1**.

The existing Planning Permit Applications Delegations Policy is included at **Attachment 2**. Note that the new draft Policy is a completely new policy, rather than an edit of the existing policy and so a 'revisions marked' version has not been included.

Motion

Cr Jane Greacen OAM / Cr Mendy Urie

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. rescinds the Planning Permit Application Delegations Policy last adopted by Council 3 April 2018;***
- 3. adopts the draft Planning Delegations Policy as provided at Attachment 1;***
- 4. notes the operation of the Planning Delegations Policy will be reviewed after one year, with the review reported to Council; and***
- 5. authorises the Chief Executive Officer to amend the adopted Planning Delegations Policy without formal Council consideration, if the amendments required are of a minor administrative nature.***

CARRIED

5.3.4 Summary of East Gippsland Business Awards 2021 and Future Considerations

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

The purpose of this report is to provide the Council with an overview of the delivery of the East Gippsland Business Awards. The report outlines the outcomes of the 2021 Awards Program, analysis of industry feedback sought and presents options for Councillor's consideration for the continuation of the industry event into the future.

Notwithstanding the value of the East Gippsland Business Awards as outlined in this report, in light of the priorities identified in the draft East Gippsland Economic Development Strategy and the funding available through the Economic Development Discretionary Fund (the fund source used to support the East Gippsland Business Awards), Council officers have formed a view that there are higher priority actions for the Economic Development Discretionary Fund.

As a result, Officers recommend that Council no longer fund and deliver the East Gippsland Business Awards program, and instead invests resources to support other priority Council-led business development initiatives and encourage local businesses into other industry-based awards including the Gippsland Business Awards.

Motion

Cr Trevor Stow / Cr Kirsten Van Diggele

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. approves Option 1: Council will no longer provide funding for an East Gippsland Business Awards program, and instead reinvests resources to support other priority Council-led business development initiatives and encourage local businesses into other industry-based awards including the Gippsland Business Awards.***

CARRIED

6 Urgent and Other Business

Nil

7 Confidential Business

Cr Arthur Allen / Cr John White

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 8.27 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 8.34 pm

7.1 Gippswide Organics Process Tender

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 8.35 pm.

Confirmed

Cr Mark Reeves Mayor
11 October 2022