



Minutes Council Meeting

Tuesday 8 November 2022 at 6:30 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 (online), 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 8 November 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 11 OCTOBER 2022 AND THE STATUTORY MEETING HELD TUESDAY 25 OCTOBER 2022 BE CONFIRMED.

CARRIED

1.5 Next meeting

The next Council Meeting of 13 December 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

Nil

1.7.3 Public Submissions

Ms Lynne Wintergreen spoke on the Service Review Service Centres and Libraries and spoke at item 5.1.1.

Ms Cosette Murphy spoke on the Service Review Service Centres and Libraries and spoke at item 5.1.1.

2 Notices of Motion

Nil

3 Deferred Business

Nil

4 Councillor and Delegate Reports

4.1 Cr Jane Greacen OAM

Cr Jane Greacen OAM spoke to her written report at page 8.

4.2 Cr Mendy Urie

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

4.3 Cr John White

Cr John White provided a verbal update.

4.4 Cr Sonia Buckley

Cr Sonia Buckley provided a verbal update.

4.5 Cr Kirsten Van Diggele

Cr Kirsten Van Diggele spoke to her written report at page 11.

4.6 Cr Tom Crook

Cr Tom Crook provided a verbal update.

4.7 Cr Trevor Stow

Cr Tom Crook provided a verbal update.

4.8 Cr Arthur Allen

Cr Arthur Allen spoke to his written report at page 12.

4.9 Cr Mark Reeves

Cr Mark Reeves spoke to his written report at page 13.

Procedural Note

Cr Mark Reeves read a statement of condolence at this junction of the meeting.

"It is with sadness that on behalf of Council I would like to pay my respects to the family and friends of Cassius Turvey. I acknowledge the grief being experienced by Aboriginal and Torres Strait Islander peoples, and the community more broadly. Cassius was a teenager from Perth. The young man's death – the result of an attack while walking home from school – is a tragedy that has been felt across our nation.

Every child has a right to be able to walk home without fear for their safety. Every parent should not fear that their child could be subjected to violence, abuse and racism. Council acknowledges the leadership that our indigenous community has shown following the passing of Cassius, and the opportunity provided by the Gippsland and East Gippsland Aboriginal Cooperative (GEGAC) for the community to attend a vigil last Thursday. As stated by GEGAC, coming together to mourn such a tragic loss as a community 'is our way, the old way, the respectful way'.

It's time to unite together. Rest in peace, Cassius."

Councillor Reports

Cr Jane Greacen OAM

12/10/22 - Balit Booboop Narrkwarren Overview and Update. Family Violence Prevention Gathering, which was held at the Bellevue in Lakes Entrance. This was an all-day meeting facilitated by Uncle Shane Charles, a collaborative venture between Yoowinna Wurnalong Aboriginal Healing Service and Dhelp Dja (Indigenous Family Violence Regional Action Group). These two organisations presented their work and invited others to speak to best practice, what has worked, and how to work together. Auntie Daphne Yarram spoke about the intention being to change the stories and change the data. Spending time on country, building our immunity, strengthen our culture and heal from carrying the trauma from colonisation.

The slogan “Baby Makes 3” is about the need for couples to talk about what happens after the birth as much as preparing for the birth. Many of the presentations were inspirational. So many of the East Gippsland Elders were involved in establishing the Dhelk Dja Framework, and their work was acknowledged.

13/10/22 – 16/10/22 - I attended the annual Rural Medicine Australia Conference in Canberra. This is a collaborative conference between the Australian College of Rural and Remote Medicine and the Rural Doctors Association Australia. Cr Urie’s husband, John was awarded a Life Fellowship of the College in recognition of his life’s work and commitment to serving the community of Bairnsdale as a GP and of East Gippsland as GP Anaesthetist and Obstetrician.

19/10/22 - I attended the East Gippsland Art Gallery annual general meeting which I found interesting – their annual report is a comprehensive document detailing all of their events over the year, and how well they have done over a very difficult time. They really deserve our congratulations for what they have achieved. I recommend reading it when it is published.

20/10/22 - I attended the East Gippsland Marketing Inc Business Networking Event, which provided a pre-launch look at the Metung Hot Springs development. We were given a tour over what was still a building site at that stage but looking very exciting. The extent of the proposed Hot Springs is impressive.

21/10/22 - The Municipal Association of Victoria Emergency Management Advisory Committee met online. The agenda and discussion were dominated by the floods in Victoria, of course. Impacted residents are not wanting to leave their homes and in particular their animals. Accommodation is a major issue, and often it is neighbours who are helping.

The Rapid Response Group have been providing an incredible response – providing food etc.

The issue of disposing of the sandbags was discussed – apparently the bags will rot after about three weeks. The sand can go into the garden. Putting rotting bags into the bins.

There was criticism of Australian Red Cross for not consulting with Local Government.

Evidently volunteers and staff are resigning in large numbers – they have had enough. Over-regulation is a major part of the problem. The Country Fire Authority (CFA) has lost 10,000 members.

Discussion also about data collection and linking between agencies. The link between Fire Rescue Victoria (FRV) and CrisisWorks did not happen. The State Emergency Services (SES) is under resourced as a volunteer organisation and needs Local Government to assist them with data collection etc, as currently they use spreadsheets. There are gaps in the Emergency Management Victoria (EMV) Initial Impact Assessment data. There needs to be a single system that does not push data across different systems.

EMV has communications and implementation packs housed on Emergency Management Common Operating Picture (EM-COP) (which are Incident and Training websites). The CFA is developing an online stakeholder kit.

All the fire warning signs are being replaced. The manual signs are managed by the CFA and the 380 automated ones by EMV. There are other signs not managed by either CFA or EMV, all of which will be replaced.

Catastrophic fire events happen every 3 – 5 years.

Stuart McConnell, General Manager Place and Community, commented that the level of sharing data during a disaster stops at recovery time. East Gippsland has developed systems now that we can share.

24/10/22 - I attended the Lakes Entrance Networking Night online which provided Anthony Basford Chief Executive Officer the opportunity to talk to the Council's Plan, four-year Action Plan and Advisory Committee.

02/11/22 - Mayor Cr Mark Reeves and I met with Ross Scott, a retired engineer who has dedicated his past 20 years (he is now 86 years old and working hard) to protecting the Gippsland lakes and waterways.

Ross wanted to ensure that the Council understands the three main impacts on the health of the lakes, and to advocate for its better management. He presented comprehensive data and evidence-based research and expert knowledge to support his statements.

In summary, the three main impacts are:

- overharvesting of freshwater from the catchment streams, which is going to be worse in the future with new dams built and further diversion of water to Melbourne;
- pollution from West Gippsland – waste products from agriculture and dairy farm run-off into the rivers and lakes - nutrients, pesticides, herbicides, hormone disrupters (endocrine-disrupting chemicals from food storage containers, processed foods, personal care products, PFAS), metals like mercury and lead etc; and
- saltwater intrusion as a direct result of the dredged deeper entrance.

He finished by saying that the last full audit of the lakes was conducted in 1998 by Commonwealth Scientific and Industrial Research Organisation (CSIRO).

He asked that the Council to advocate for monitoring and testing of flows discharging into the lakes.

Mayor Reeves agreed that this is something he could raise with One-Gippsland.

03/11/22 - I attended the Agriculture Sector Advisory Committee as an observer and was most impressed by the presentation by Trevor Caithness on his farming methods and goals to increase the organic content of his soil. He stated that most soils have 2% organic matter in them with a water holding capacity of 50mls rainwater in the topsoil. If this were increased by 1%, it would provide a substantial gain of water held in the soil (an extra 17mls) which would really help to withstand dry windy weather. His presentation would be helpful for everyone to understand what farmers deal with and are working towards achieving. It could be published on our website.

The committee discussed forming a strategy that would give the Council something to go forward with.

03/11/22 - I also attended a vigil held by GEGAC (Gippsland and East Gippsland Aboriginal Cooperative) for Cassius Turvey. It was a moving ceremony led by the Chief Executive Officer, Shellee Strickland, followed by a meal. The whole community had been invited and it was great to see many of the audience were not Aboriginal or Torres Strait Islanders.

04/11/22 - A Planning Medication Consultation was held to discuss issues pertaining to a proposed development in Newlands Arm.

Cr Mendy Urie

12 October 2022 - CEO Forum with board representatives with Mayor and standing in for Deputy Mayor.

It is pleasing to see the collaboration and potential for future work between these major organisations in East Gippsland and the shared willingness to progress important issues in common for the benefit of our whole community. Issues for discussion at this meeting included Zero Tolerance to Family Violence, Gunaikurnai Land and Waters Aboriginal Corporation's (GLaWAC) work and priorities, Council's new (draft) Economic Development Strategy and Climate Change Mitigation and Adaptation.

19 October 2022 - SGS Economics and Planning Community Wealth Building Masterclass, Melbourne.

Written report has been distributed to Councillors. This was a worthwhile one-day workshop which presented a framework very relevant to the development of our Economic Development Strategy and associated Action Plan for Council.

21 October 2022 - Buchan launch of East Gippsland Timber-Milling project (with Mayor and Deputy).

A real celebration of the many positive outcomes of this project. Held on Paul and Danielle Palhares' property, a considerable crowd gathered to hear about the history and development of the project and watch a demonstration. Pleasing also to hear about tree-planting aspect. Congratulations to all involved, Lions and Rotary Clubs and many individuals.

24 October 2022 - Lakes Entrance Business and Tourism Association Networking, on-line

This was a great opportunity for our Chief Executive Officer (CEO) to present the new (draft) Economic Development Strategy.

27 October 2022 - Big Bonang event (cancelled)

Very disappointed not to get up to Bonang, due to ongoing rain and flooding, but looking forward to a re-scheduling of the event.

28 October 2022 - Rural Council's Victoria Annual General Meeting (AGM) on-line (observer)

Apart from the business of the AGM, there was a lot of general reporting from municipalities most affected by the flooding events and their requests for assistance to other levels of Government.

3 November 2022 - Agriculture Sector Advisory Committee meeting (observer)

Always a lot going on in this space. Many interesting agenda items including presentation on resilience and productivity.

3 November 2022 - Vigil at Gippsland and East Gippsland Aboriginal Co-Operative Ltd (GEGAC) for Cassius Turvey (with other Councillors)

This was a very moving and well-attended event organised beautifully by GEGAC's new CEO, Shellee Strickland, their Officers and many volunteers on behalf of the whole community. It was a sad but very special occasion with beautiful flowers, candles, and heartfelt speeches. Thank you for providing a focal point for the community following this tragic event.

5 November 2022 - Bairnsdale Agricultural Show, judging duties (with Mayor)

What a wonderful day for the community, beautiful warm sunny day with so many activities and displays. Congratulations to all those children who dressed up for the day and participated in the competition for recognition. Judging was a difficult job! Huge appreciation and thank you to the show committee, stewards and judges as well as all those who contributed with music, art and craft work, cooking and fun activities for a spirit-lifting day.

7 November 2022 - Audit and Risk Committee meeting

Report provided to Councillors.

Cr Kirsten Van Diggele

Since the last meeting, I have moved house (again) and had a chest infection... it seems that it's never ending. Luckily though, I was able to attend a few amazing events.

Clifton Creek Big Bash Event

I attended the Clifton Creek Big Bash Event, which was held to celebrate the survival of Clifton Creek, Waterholes and Granite Rock after the 2019-20 bushfires. The event aimed to celebrate the volunteers that assisted the community with rebuilding and recovery, and celebrating their wins – new playgroup, upcoming stage that will be built, upgraded facilities etc.

When I was there, there were probably more than 200 people in attendance and that was only at the start of the event. There was amazing live music, food vans, and kids' entertainment. I felt honoured to be a part of their event and could feel the positive community spirit on the night.

Youth Art Prize

It was my pleasure to attend the Youth Art Prize event, held on the 27 October 2022 at the Forge Theatre. As a young person, I am always really proud to see young people 'having a go'. The Youth Art Prize was open to any young person aged 12-25 to submit their artwork and is currently open for anyone to enjoy at the Forge Theatre. The work on display was absolutely incredible and adopted many different mediums – painting, photography, digital art etc.

Young people have very little opportunity to showcase their work, outside of their school settings. Through Council providing these opportunities, we acknowledge that art contributes immensely to the livability of our region. I want to congratulate the winners and all the people who entered the competition.

Cassius Turvey Vigil

I want to thank Gippsland and East Gippsland Aboriginal Co-Operative Ltd (GEGAC) for putting on a thoughtful vigil for Cassius Turvey. Although the community received a last-minute notice to community regarding the vigil, there was a huge turnout to show support for the Turvey family and to stand in solidarity with Indigenous people across Australia that violence and racism is never acceptable. For me, it was important to show my support for the local community and understand the impact of the event on our local Indigenous community. I was moved by the speakers, the messages, the music, the yarning circles, and the running of the event. Once again, I want to thank GEGAC for running this event and allowing us to commemorate a young life that was lost way too early, and to remind us that we all should live in unity and with respect.

Cr Arthur Allen

Again, it has been a busy few weeks. Thursday 20 October 2022, I spent the morning at Cabbage Tree Men's Shed assisting with the installation of the donated Rotary Tool Library. This is the 9th such library to be installed in the fire affected areas and is a project that has been greatly appreciated by the recipient communities.

On 21 and 22 October 2022,

I attended parts of the Lions conference held in Lakes. It was great to spend time with the Lions and Lioness and to hear of the great work they do and to also enjoy their company.

On 21 October 2022, along with Mayor Cr Mark Reeves and Cr Mendy Urie, I attended the Buchan launch of the Farm Timber project at Buchan. This project that emerged out of fire recovery is a joint Rotary Lions project that mills fallen trees from the fires and mills them into a range of timber sizes for use on fire affected farms. Originally involving 1 Lucas mill the project has expanded to 3 mills providing employment as well as helping farmers in a practical way.

On October 24 2022, I had the pleasure of opening the Seniors concert featuring James and Briar Blundell at the Bairnsdale Sporting and Convention Centre. It was a huge day with over 320 in attendance. Special thanks to our staff for bringing great entertainment to our Shire for the enjoyment of our senior residents.

27 October 2022, I attended a consultation meeting at Lakes Entrance for the Sports Master Plan. It was a really positive meeting and the prospect of a three-court indoor stadium in Lakes certainly excited those in attendance. Well done consultant Richard and our very own Sophie Beasley.

On 4 November 2022, I attended the Rail Freight Alliance meeting in Melbourne. As always there is a lot happening in rail and a lot that needs to happen! Councils impacted by the Murray Valley corridor project expressed gratitude to East Gippsland Shire for their strong support of that project in the lead up to the election.

Rail Freight Alliance Meeting 04/11/22

Most funding in the Federal Budget went to suburban passenger projects, very little to regional rail. Fennings Intermodal has signed an agreement with Cube, but the lack of rolling stock is delaying the commencement of services. Reid has circulated all candidates with the Rail freight Alliance policy and priority documents and will meet with incoming ministers as soon as possible after the election.

Cr Mark Reeves

Wunman njinde

Thankfully a less busy couple weeks and I'm happy to provide the following report:

Several Councillors attended the launch of the East Gippsland Timber Milling Project at Buchan. A fantastic collaborative project. It involved:

- East Gippsland Rotary Fire Aid Group;
- Lions Clubs of District 201V3;
- Australian Lions Foundation;
- Minderoo Foundation;
- Department of Environment, Land, Water and Planning;
- Bushfire Recovery Victoria;
- Dwyer's Toyota;
- Riviera Trailers;
- Lucas Mill Pty Ltd;
- Bendigo Bank;
- B & J Crane;
- East Gippsland Community Foundation Ltd; and
- National Emergency Management Agency.

A heartfelt congratulations to all those organisations and the people behind them.

Lions held the District 201V3 Convention in Lakes Entrance last month. We all acknowledge the great work of the Lions Club and thank the District Governor David Culpitt for being in attendance.

We acknowledge all Lions for their tireless work in our community, the Timber Milling project being but one of them.

On 19 October 2022, there was special night to recognise the important contribution that Council staff made to the response effort for the Black Summer Bushfires.

So many volunteers and employees went over and above to protect our community in what has been described as a generational event. But we haven't yet acknowledged Council staff.

Local Member Tim Bull MP was delegated by the Governor General to present the National Emergency Medal to Council staff.

There was a One Gippsland - Delegation Meeting with Mr Richard Riordan MP on 28 October 2022. Unfortunately, I was unable to attend but it is important to note the One Gippsland Collective is continuing the advocacy to state governments and opposition.

Gippsland Historic Car Club enjoyed a long and engaging 50th Anniversary Rally culminating in lunch at the Marlo Hotel on 31 October 2022. Council contributed \$5,000 to this significant event. 90 or more vehicles were entered and enjoyed four great days traversing our Shire.

The economic multiplier of this relatively modest investment is significant. One participant shared they had as a couple spent between \$1,500 and \$2,000 on the trip with accommodation and paying for the rally. Consider this multiplied conservatively by the participants and it is a \$150,000 investment in the local economy. Special congratulations and thanks to Graham and Cherie Young for their amazing work in organising and leading the rally.

I was disappointed to hear that the Bairnsdale Races were cancelled on Cup Day. I spoke to Greg Beadle, Chair of the Racing Club, and passed on the good wishes of the Shire to the committee and members.

There was a planning mediation meeting regarding a proposed development in Newlands Arm. These are important and I urge Councillors, if at all possible, to attend them.

Ironically, back at the racecourse last Saturday was a picture-perfect spring day for the Bairnsdale Show. A great Agricultural Show, the crowds were there and the exhibitors a plenty.

Cr Urie and I had the challenge of the baby and young person competition judging. Easier for me later was the single stem rose judging. Congratulations to the organising committee. A great day, thanks and congratulations to the Show Organising Committee.

5 Officer Reports

5.1 Business Excellence

Requests to Speak

Ms Lynne Wintergreen

Ms Cosette Murphy

5.1.1 Service Review Service Centres and Libraries

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Council is required by the *Local Government Act 2020* (Act) to deliver services in accordance with the service principles in Part 5 Section 106 of Act. This review was undertaken for customer service and library services to assess whether services are delivered in the most responsible and sustainable manner. The review aligns with the Council's Service Review Policy.

Objectives of the review were:

- Services will reflect current and future community needs balanced against the resource capacity and financial viability;
- Look for a balance in service equity by identifying areas of over-servicing and under-servicing across our entire Council footprint; and
- Assess whether Council is the most appropriate agency to deliver the service.

It has been over 15 years since a detailed review has been undertaken on these functions across the entire footprint and quite a lot has changed in that time. This review, which has been conducted over two years, has attempted to balance the community service proposition, looking at areas of underservicing, and challenged with addressing the balance to cater for our growing service channels.

This report provides recommendations following recent community consultation and feedback, and discussions with Councillors.

Motion

Cr Jane Greacen OAM / Cr Kirsten Van Diggele

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. approves changes to Service and Library Centre hours for a trial period of 12 months as per the table below;**

Site	Proposed Hours
Bairnsdale Corporate Centre Provision of Council services	9.00 am to 5.00 pm Monday - Friday
Omeo Centre Provision of Library, Council and Visitor Information services	9.00 am to 5.00 pm Monday - Friday Close 12.30 pm to 1.30 pm Monday - Friday (Open 10.00 am to 2.00 pm Saturday and Sunday for Visitor information services only)
Orbost Centre Provision of Library and Council services	9.00 am to 5.00 pm Monday, Tuesday, Wednesday, Thursday, and Friday
Lakes Entrance Centre Provision of Library and Council services	9.00 am to 5.00 pm Monday, Tuesday, Wednesday, Thursday, and Friday
Paynesville Centre Provision of Library, Council and Visitor Information services	9.00 am to 5.00 pm Monday, Tuesday, Wednesday, Thursday, and Friday
Mallacoota Centre Provision of Library, Council and Visitor Information services	10.00 am to 2.00 pm Monday, Tuesday 2.00 pm to 5.00 pm Wednesday, Thursday, Friday
Bairnsdale Library Provision of Library services	9.00 am to 6.00 pm Monday to Friday 6.00 pm to 9.00 pm Thursday After Dark Program (subject to grant funding) 9.00 am to 12.00 pm Saturday

- 3. approves the use of two mobile service units to deliver library and Council services to remote towns, school and aged care facilities and other identified facilities across the region;**
- 4. authorises the Chief Executive Officer or Delegate to formally write to the Bendigo Bank to explore a reduced hours operating model at Omeo for a trial period of 12 months;**
- 5. authorises the allocation of an additional \$240,000 budget to support the above recommendations for a 12-month trial period;**
- 6. requests that a report on the 12-month trial period of the above arrangements be prepared and presented to Council within four months of the trial period ending; and**
- 7. authorises the Chief Executive Officer or Delegate to effect the termination of the VicRoads Agency agreement at Omeo, Orbost and Mallacoota by 31 January 2023.**

CARRIED

Attendance

Cr Sonia Buckley left the meeting at 7:56 pm.

Cr Trevor Stow left the Council Chamber at 7:57 pm and returned at 7:59 pm.

5.1.2 Future Service Reviews

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report outlines Council services where a formal service review is being undertaken including budget requirements and timeframes and also outlines continuous improvement of services and processes that are currently in progress or have been completed for Council's consideration.

Motion

Cr Tom Crook / Cr Jane Greacen OAM

That Council:

- 1. receives and notes this report;***
- 2. endorses the continuation of the suite of Formal Service Reviews currently being undertaken for FY2022/23; and***
- 3. notes that two Council services to undergo a Formal Service Review in FY2023/24 will be presented to a future Council Meeting.***

CARRIED

5.1.3 Goods On Footpath Fees

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 presented to Council to determine the Goods on Footpath fees applicable to local businesses and traders to place goods out on Council footpaths and land and to trade from the land.

Motion

Cr Trevor Stow / Cr John White

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. resolves to adopt a revised Goods on Footpath fee of \$80.00 per square metre per annum from \$117.00 per square metre per annum for the financial year 2022/23 with a credit adjustment for the difference to be made to permit holders for the financial year 2023/24;***
- 3. notes that the Goods on Footpath fee for financial year 2023/24 will be amended to reflect the intent of Council Resolution number 2 above plus the annual percentage increase applied to Fees and Charges; and***
- 4. notes that permit holders will be notified of this Council Resolution.***

CARRIED

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The forecast operating result for the 2022/23 financial year is \$27.650 million compared to the adopted operating surplus of \$40.087 million. This is a forecast reduction in operating surplus of \$12.437 million.

There are capital grant income net reductions of \$3.619 million as a result of some capital projects grant income forecasts being revised. Offsetting the reduction in capital grants is additional operating grants totalling \$5.643 million, the most significant being the Fire 2019 Resourcing grant totalling \$5.3 million and an increase in the final 2022/23 Victoria Grants Commission payment of \$343,000. There is also \$11 million of operating projects that were incomplete at the end of the 2021/22 year that will now be completed in the current financial year. \$5.6 million of these projects are funded from grants received in the 2021/22 year. There is also an increase in other income for fees, interest on investments, monetary contributions and reimbursements totalling \$1.799 million.

The expected end-of-year cash position of \$51.234 million is \$12.797 million greater than the adopted budget as a result of the more favourable 2021/22 end-of-year cash position than the estimated result at the time of adopting the 2022/23 budget. The cashflow from capital grants is also expected to decrease, due to grants that were received in advance in the last financial year. The cash flow expenditure increases for employee costs and suppliers relate to additional expenditure associated with new operating grants together with expenditure of \$11 million for works that were incomplete in 2021/22 year that were primarily funded from grants received in that year.

The capital works adopted budget was \$104 million and has been adjusted to the current forecast of \$108 million. There were also additional projects carried forward from the 2021/22 year that were incomplete at year end amounting to \$3.337 million. Landfill rehabilitation projects forecast expenditure has increased from \$4.786 million (including actual carry forwards from 2021/22) to \$5.161 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**.

Motion

Cr Arthur Allen / Cr Mendy Urie

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. adopts the Finance Report for the three-month period ended 30 September 2022, as outlined in Attachments 1 to 7.***

CARRIED

5.1.5

Council Plan Progress Report - Quarter One 2022-23

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report provides a summary of major initiatives, actions and strategic indicators listed in the Annual Action Plan 2022-23 covering the reporting period 1 July to 30 September 2022 (Quarter 1). The actions and strategic indicators are listed under the Council Plan Strategies they contribute to. The Council Plan Progress Report – Quarter One 2022-23 period ending 30 September 2022 is provided at **Attachment 1**.

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

Major initiative	Status	Comment
1. Develop a Culture and Creativity Strategy	On schedule	The Culture and Creativity strategy underwent community consultation. The first draft of strategy and the supporting action plan has been received for internal review.
2. Develop a new Reconciliation Action Plan	Yet to commence	Development of the new Reconciliation Action Plan is yet to commence. A draft scope of works has been developed.
3. Prepare a Housing and Settlement Strategy to guide future housing development and to support increased housing diversity and affordability	On schedule	A background briefing has been prepared and was provided to Councillors for review. The Draft Housing and Settlement Strategy Directions Paper has been prepared to be presented to Council in October. First draft of land supply/demand assessment has been undertaken.
4. Develop key public open space planning initiatives, which includes the East Gippsland Sporting Facilities Plan and Public Open Space Strategy	On schedule	The development of the East Gippsland Sporting Facilities Plan has continued with draft facility plans being finalised for consultation with the Committees of Management and the community. A project team for the Public Open Space Strategy has met and progressing the development of this plan.
5. Implement a climate risk analysis to identify the likely impact of extreme weather and climate events on Council's infrastructure	Behind schedule	This project is reliant on grant funding. Data has been compiled on the Council managed roads most impacted by flood events over the past 12 months. These roads will be prioritised for design improvements later in the year.

Major initiative	Status	Comment
assets, and ability to provide community services		
6. Support the circular economy through initiatives that reduce waste going to landfill, including: <ul style="list-style-type: none"> Value adding green and organic waste; and Introducing appropriate glass collection services at locations throughout the Shire. 	On schedule	A detailed business case for the management of organic waste has also been developed and externally peer reviewed. This Business case was discussed with the Councillor group in September. Glass collection has been introduced at eight Waste Transfer Stations.
7. Implement the Tourism Events Action Plan 2022-26	On schedule	The preparation for the launch of the new Pathways to Growth Program, which replaces the former RADES (Regional and District Event Sponsorship) program, is underway.
8. Implement the Customer Experience Strategy. Key projects include: <ul style="list-style-type: none"> Enhance systems and processes to increase resolution of customer enquiries and requests at first point; and Streamlining customer response systems and processes 	On schedule	Progress has been made with the Customer Experience Strategy through a collective group of actions. An update on the major projects include: <ul style="list-style-type: none"> the implementation of a new customer response system – Civica is progressing, with a projected go-live date of March 2023; and the escalation of the customer response actions has been identified as a strategic priority supported by a project plan.
9. Review and redevelop the organisation's Occupational Health and Safety Management System	On schedule	An expression of interest for a service provider to review the current and formulate a Safety Management System (SMS) for Council was released and received eight eligible responses. These are currently under review by the evaluation panel.

Motion

Cr Jane Greacen OAM / Cr Kirsten Van Diggele

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

CARRIED

5.1.6 Revised Councillors Support and Expenses 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 presents to Council the amended Councillor Support and Expenses Policy (Policy), provided at **Attachment 1**. A tracked-change version of the Policy is provided at **Attachment 2**.

The Policy has been updated to reflect:

- updated Mayor, Deputy Mayor and Councillor allowance section, as a result of the first determination of the Victorian Independent Remuneration Tribunal (VIRT);
- updated Remote Travel Allowance section, in line with the first determination of the VIRT;
- updated Standard of Accommodation and Meals section, in line with the Australian Taxation Office Taxation Determination TD2022/10;
- Standard of Accommodation and Meals section – out-of-pocket meal expenses provided for the day before and following an overnight stay; and
- minor administrative changes.

Motion

Cr Trevor Stow / Cr Arthur Allen

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. resolves to adopt the revised Councillors Support and Expenses Policy at Attachment 1; and***
- 3. authorises the Chief Executive Officer to amend the adopted Policy without formal Council consideration, if amendments required are of a minor administrative nature.***

CARRIED

5.1.7

Council Meeting Resolution Register

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Council's Chief Executive officer is responsible for ensuring that the decisions of the Council are implemented without undue delay.

This report provides the status for each Council resolution (not including resolutions that are for noting only) from 1 July 2021 to 30 June 2022 (**Attachment 1**) and 1 July 2022 – 30 September 2022 (**Attachment 2**).

Motion

Cr Mendy Urie / Cr Kirsten Van Diggele

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

CARRIED

5.2 Assets and Environment

5.2.1 Cann River and Noorinbee Storm Water Drainage

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

Council received a petition on the 27 July 2022 requesting that Council work with the State Road Authorities to ensure there is adequate and maintained drainage of storm water from private residences and public spaces in the Cann River Noorinbee area.

This petition was formally presented to Council on 16 August 2022. 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. 58 petitioners engaged in the petition, of those 34 signatories complied with *Governance Rule 8.7(e)*.

In response, this report outlines both the more recent, and historical drainage infrastructure installations and maintenance undertaken in the Cann Valley area and responds to the petition requests.

This report details drainage and road management works undertaken in recent years in the Cann River area; outlines the road and drainage maintenance responsibilities of Council; and identifies the responsibilities of the varying road authorities and the mechanisms used to liaise with these other authorities.

The report also acknowledges that East Gippsland has experienced two very wet years after a prolonged period of drought, which both impacts on stormwater flow and how it is responded to within the community.

The report also commits to writing to the head petitioner outlining how Council ensures there is adequate and maintained drainage of storm water from private residences and public spaces in the Cann River Noorinbee area and the way in which Council intends to manage storm water in the future.

Motion

Cr Arthur Allen / Cr Jane Greacen OAM

That Council:

- 1. receives and notes this report; and***
- 2. notes that Officers will formally write to the head petitioner detailing:***
 - a. Council's road and drainage management responsibilities; and***
 - b. how Council works with other road authorities to provide and maintain shared and connecting assets including drainage.***

CARRIED

5.2.2 Marina Consultative Committee Review

Authorised by General Manager Assets and Environment

Motion

Cr Arthur Allen / Cr Trevor Stow

That the report be deferred to a future Council meeting to allow Councillors time to further consider the recommendations proposed.

CARRIED

5.2.3 Capital Works and Major Projects - Quarter One 2022-23

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

As part of the delivery and monitoring of the annual Capital Works and Major Projects program, a quarterly review of the program is provided to Council.

This report, as outlined below, summarises the progress of Capital Works and Major Projects 2022-23 for the program up to the period ending 30 September 2022, Quarter One (Q1).

Pleasingly, we can report that, at the end of Quarter One 34.88% of the forecast budget had been expended or committed. A snapshot of this activity is provided in the table below and is outlined in more detail through the body of the report and within the attachments.

	Quarter One To 30/09/22
Total Adopted Budget – including actual carry forwards	\$112.21 M
Identified Carry Forwards to 23/24	\$ 0
Identified Bring Backs from 23/24	\$0.65 M
Other Budget variances 22/23	\$ 0.55 M
Revised Forecast	\$113.41 M
Actual Expenditure	\$5.49 M
Committed Expenditure	\$34.07 M
Percentage Capital Works Delivered or in Delivery (<i>against Forecast</i>)	35.26%
Percentage Capital Works Delivered or in Delivery (<i>against Adopted Budget</i>)	34.88%

The report also outlines risks across the program and how these risks are being managed. Details of all 195 projects that make up the program are also provided as **Attachment 2**.

This report also summarises contracts awarded under Delegation during the quarter.

Motion

Cr Mendy Urie / Cr Jane Greacen OAM

That Council receives and notes the Capital Works and Major Projects Report 2022/23 for Quarter One ending 30 September 2022 and all attachments pertaining to this report.

CARRIED

5.3 Place and Community

5.3.1 Temporary Accommodation Permit

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

Rebuilding of dwellings lost following the 2019/20 Black Summer fires continues slowly.

The Victorian Government amended the Victorian Planning Provisions in 2020 to allow a streamlined approval for temporary accommodation. However, the provisions required that an application by an individual be made within 18 months of the event and limited the duration of the temporary accommodation to 3 years. For some landholders that was not possible.

Advice from the Victorian Government indicates that there is no proposal to amend the provisions taking into account the impacts of the COVID 19 pandemic and other impacts on the construction sector which have delayed rebuilding. Further the Victorian Government established the Short Term Modular Housing program to install temporary housing on properties where a dwelling was lost. The STMH program has closed and is no longer available as an option for landholders to access for the first time now (it remains available for those already in the program).

As a result, neither of the key measures established to assist landholders that lost a dwelling during the 2019-20 fires is available for new entrants. This is at a time where some landholders are wanting to live in temporary accommodation on their property to facilitate rebuilding (e.g. by reducing other expenses that may be reducing their financial capacity to rebuild).

Council Officers have worked with individual landholders where appropriate to find solutions including use of the existing temporary accommodation provisions in the East Gippsland General Local Law.

It has now become apparent that there continues to be demand for temporary accommodation arrangements, particularly to facilitate rebuilding by allowing landholders to live on-site while rebuilding and to reduce other costs.

In response, specific guidelines are proposed that aim to facilitate rebuilding by enabling appropriate use of temporary accommodation in accordance with the East Gippsland General Local Law 2017. The guidelines also seek to address some of the key risks associated with temporary accommodation.

Note that the East Gippsland General Local Law 2017 already allows for temporary accommodation onsite while rebuilding, with existing guidelines indicating this is available from the issue of the building permit and for no more than two 6-month periods. The proposed specific guidelines to facilitate rebuilding bring forward the point from which temporary accommodation can be used and allows for a longer overall period, while adding some controls consistent with the intent to facilitate rebuilding. A review of the operation of the proposed guidelines will be undertaken within 12 months of commencement, including consideration of the continuing need for the proposed guidelines.

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 Guidelines for Issue of Temporary Accommodation Permits to Facilitate Rebuilding of a Primary Place of Residence lost during the 2019/20 Bushfires (Attachment 1) pursuant to cl.76(4) of Council's General Local Law 2017 (Attachment 1); and***
- 3. waives the application fee for temporary accommodation permits considered under the draft Guidelines for Issue of Temporary Accommodation Permits to Facilitate Rebuilding of a Primary Place of Residence lost during the 2019/20 Bushfires.***

CARRIED

Procedural Motion

Cr Trevor Stow / Cr Tom Crook

THAT COUNCIL RESOLVES TO BREAK FOR FIVE MINUTES AND EXTEND DURATION OF THE MEETING FOR HOUR

CARRIED

Procedural Note

The Council meeting stopped at 9.15 pm and recommenced at 9.25 pm

5.3.2 **End s173 Agreement AF072419Q - 52 Country Club Drive, Lakes Entrance**

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 seek Council's decision to end Section 173 Agreement AF072419Q (the Agreement) for 52 Country Club Drive, Lakes Entrance. Council provided in-principle support to end the agreement at the 28 June 2022 Meeting (Item 5.3.1). Community consultation has now been carried out whereby notices were sent directly to the affected landowners and occupiers. No objections have been received.

The catalyst to end the Agreement AF072419Q as it relates to 52 Country Club Drive, Lakes Entrance is that the land is subject to the Lakes Entrance Northern Growth Area Outline Development Plan, Development Plan for 189 Palmers Road, Lakes Entrance, and a planning permit application (Planning Permit Application 502/2021/P) which would require the ending of the current agreement before the new subdivision works could commence.

Specifically, the permit is proposed to require the Agreement to be ended prior to the commencement of works. A request to end the Agreement and the relevant title documents, including the Agreement, can be found at **Attachment 1**.

The effect of this proposed change is to substitute a requirement in the s.173 Agreement for vegetation protection onsite, with a permit that allows removal of the vegetation onsite and requires provision of an offsite native vegetation offset payment, including a penalty payment in relation to the vegetation removal which was undertaken for the previous subdivision.

Council has indirectly considered the appropriateness of the ending of the Agreement in its decision to adopt the Development Plan for the site in-principle (Council Meeting 3 October 2017, Item 5.2.4).

The effect of this application (and the linked application for a planning permit) is to facilitate residential development which is consistent with the Lakes Entrance Northern Growth Area (LENGA) Outline Development Plan. This site was excluded from the precinct-wide native vegetation precinct plan, as alternative arrangements had already been made. As a result, the vegetation on this land is not included in the strategic framework for LENGA, and its removal will not impact on the precinct plan. The removal of the vegetation has always been a potential outcome in the broader strategic plans for the site.

Motion

Cr Arthur Allen / Cr Trevor Stow

That Council:

- 1. receives and notes this report and all attachments pertaining to this report,***
- 2. agrees to the ending of Section 173 Agreement AF072419Q wholly as it relates to Volume 12185 Folio 389 being Lot B on plan of subdivision PS831208Q at 52 Country Club Drive, Lakes Entrance in accordance with S178E(2) of the Planning and Environment Act 1987; and***
- 3. resolves that all costs of ending the legal agreement are to be borne by the landowner.***

CARRIED

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

Council and Bushfire Recovery Victoria have prepared a third progress report on recovery actions following the 2019/20 Black Summer fires in East Gippsland.

The report outlines achievements and status of recovery across the bushfire impacted communities of East Gippsland and includes information from community recovery committees, Council, Bushfire Recovery Victoria (now Emergency Recovery Victoria) and other agencies such as the Department of Environment Land Water and Planning and Parks Victoria.

The report recognises the very significant contributions to recovery from community volunteers and leaders as well as by a range of agencies. It highlights how much has been achieved while also recognising that recovery is a long journey and there is still much to be done and significant support required.

The report has been developed to transparently document the recovery activities as part of our accountability to funding and other stakeholders as well as to the affected communities.

Officers would like to recognise the very significant financial and other support for recovery provided by both the Australian and Victorian Governments and other funding entities.

The report by its nature will always be incomplete – there are such a large number of community members and other entities that have contributed to recovery. The contributions of all are recognised and appreciated.

Motion

Cr Tom Crook / Cr Mendy Urie

That Council receives and notes the East Gippsland Bushfire Recovery Third Progress Report October 2022 (Attachment 1).

CARRIED

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

Council has led a thorough co-design process to prepare a draft East Gippsland Economic Development Strategy, 2022-2032 (draft Strategy) for our community. The draft Strategy builds on the Community Vision – 2040 adopted by Council in 2021.

There are two primary outputs from this co-design process:

Firstly, an overarching economic vision and strategy for our region: The draft East Gippsland Economic Development Strategy, 2022-2032 (refer **Attachment 1**).

Secondly, a 4-Year Council Action Plan (the draft Action Plan) which will provide a detailed focus on the Council's investment, planning, facilitation and coordination of activities over the next 4 years.

The draft Strategy links to the Community Vision for East Gippsland and reflects the Shire's robust economic drivers, both current and prospective, and acts as a coordinator of the economic development efforts of a range of stakeholders inside and outside of the Council. The draft Strategy takes a long-term perspective, that is, 10 years, and is intended as a strategy that all stakeholders in East Gippsland can get behind and contribute to the outcomes.

The draft Strategy sets out the ten-year aims for economic development in East Gippsland as follows:

- Be Bold;
- Be Open and welcoming;
- Deliver Universal economic outcomes;
- Generate New income-earning opportunities;
- Be Collaborative to deliver; and
- Think Ecologically to protect and enhance the environment.

The draft Strategy builds on the inherent strengths of the East Gippsland economy and identifies nine priority focus Areas:

1. Fostering business;
2. A high value and sustainable food and fibre sector;
3. A unique and compelling tourist destination;
4. An economy for young and future generations;
5. Digitally connected;
6. Arts, culture, and heritage;
7. Attractive place to live;
8. Climate leaders; and
9. A Circular Economy.

The draft Strategy represents an exciting roadmap for the next phase of East Gippsland's economic development and the prosperity of our communities. The draft Strategy is presented for Council's consideration and adoption.

The draft Action Plan will be presented to Council for endorsement at a forthcoming Council Meeting.

Motion

Cr Jane Greacen OAM / Cr Trevor Stow

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. adopts the draft East Gippsland Economic Development Strategy, 2022-2032 provided at Attachment 1.***

CARRIED

6 Urgent and Other Business

Nil

7 Confidential Business

Cr Arthur Allen / Cr Kirsten Van Diggele

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 9:47 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 9.55 pm

7.1 Collaborative Procurement Bruthen Streetscape

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 9:55 pm.