



Minutes

Council Meeting

Tuesday 28 November 2023 at 6:00 pm

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

Councillors

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

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

Mayor, Cr Tom Crook welcomed all to the Council meeting and acknowledged the traditional owners.

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.

1.2 Apologies

Nil

1.3 Declaration of Conflict of Interest

Nil

1.4 Confirmation of Minutes

Motion

That the minutes of the Council meeting held Tuesday 14 November 2023 be confirmed.

Moved: Cr Mendy Urie

Seconded: Cr Trevor Stow

CARRIED

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 12 December 2023 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

1.6 Requests for Leave of Absence

Nil

1.7 Open Forum

1.7.1 Petitions

Nil

1.7.2 Questions of Council

1.7.1 Planning Permit Application 12 The Backwater Eastwood

Ms Michelle Wood submitted the following questions which were read on her behalf by the Chief Executive Officer:

Question 1: *“Is it known what the usage by the owners of the buildings is proposed to be, rental properties, owner occupiers/immediate sale?”*

Question 2: *“Do either owner intend to reside at 12 The Backwater at all or is this purely build and sell?”*

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

Council Officers do not know whether the dwellings will be owner-occupied or not and there is no requirement for that information to be provided with the application.

1.7.2 Planning Permit Application 12 The Backwater Eastwood

Mr Edward Campbell asked the following question:

“What makes this development so special that it can be approved when other developers have had their proposals not only not approved by Council, but the rejection confirmed by VCAT?”

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

The assessment has taken into account the matters raised in previous Victorian Civil and Administrative Tribunal matters in the area and that is discussed in the Officers report.

The key difference is the application is for the development as well as the subdivision whereas the previous cases were for subdivision only. The inclusion of the development in this application gives confidence about the built form outcome and demonstrates, in the Officer advice, that the proposal is compliant and consistent with the neighbourhood character.

1.7.3 Planning Permit Application 12 The Backwater Eastwood

Mr Glenn Calvert asked the following questions:

Question 1: *“What guarantees does agreement 173 provide that it will be built exactly as per plans?”*

Question 2: *“How much can they change the plans without getting a planning permit amended and if and when are neighbours notified?”*

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

Question 1 response: If the building is not in place at the time of subdivision, the conditions foreshadow use of the section 173 agreement to give confidence about the built form outcome. A section 173 agreement is legally enforceable. There is a defined process for amendment of a section 173 agreement and it is Council's practice to consult potentially affected parties in relation to any material changes proposed.

Question 2 response: If there is a material change proposed then the applicant may need to seek approval of amended plans or a change to the section 173 agreement or both. In each case, if there is a material change then our practice is to notify and seek feedback from neighbours. Minor changes such as deletion or relocation of windows/doors that do not create or worsen an overlooking issue may be consented to without consultation.

1.7.4 Planning Permit Application 12 The Backwater Eastwood

Ms Laurel Calvert asked the following questions:

Question 1: *“To maintain neighbourhood/streetscape, can the front and back dividing fences be removed from the plan to give the illusion of one large house?”*

Question 2: *“How long can this be enforced for? (Plan submit 1.8 m timber paling fence)”*

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

Question 1 response: Currently the plans show a paling dividing fence between the two lots at the front and part of the rear (with a post and wire fence for the remainder). The rear dividing fence assists to establish secure private open space (a requirement for all dwellings in residential areas). The front dividing fence is not within the remit of planning control, but forms part of the proposed endorsed plans. These plans could be amended to remove the front dividing fence with no consequence on the suitability of the approval. If the front dividing fence is removed from the plans, not constructed, but then a fence is erected at any time in the future, there is no planning consideration so there would not likely be enforcement.

Question 2 response: If the front dividing fence is removed from the plans, not constructed, but then a fence is erected at any time in the future, there is no planning consideration so there would not likely be enforcement.

1.7.5 Planning Permit Application 12 The Backwater Eastwood

Mr Jeff Lindsay submitted the following questions which were read on his behalf by the Chief Executive Officer:

Question 1: *“In light of the three choices that Council must decide on (approval, disapproval and approval with conditions), what sort of conditions can be imposed?”*

Question 2: *“Has this been discussed with Crowther & Sadler as an alternative to us all visiting VCAT in the event that this application is not successful?”*

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

Question 1 response: The Officers recommendation includes conditions which are set out in Attachment 1. These are largely the standard conditions applying to development and subdivision, noting there is a condition requiring a section 173 agreement regarding built form if the building is not completed to lockup before a statement of compliance is issued for the subdivision. Officers do not consider it necessary to add any conditions, but Council may consider any reasonable requirements for amendments to the plans to form additional pre-development requirements.

Question 2 response: Council needs to assess applications made and in this case that is for a subdivision and two dwellings. If a single dwelling were proposed on the existing lot, it is likely that no planning permit would be required, or such permit application would be exempt from notice.

1.7.6 Planning Permit Application 12 The Backwater Eastwood

Mr Wayne Stagg submitted the following questions which were read on his behalf by the Mr Glenn Calvert:

“Historically, in town planning issues, if there is already a precedent, does it help?”

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

Each planning matter is considered on its merits against the requirements of the East Gippsland Planning Scheme. From time to time Victorian Civil and Administrative Tribunal may issue a so called “red dot” decision that clarifies interpretation of the planning scheme but that is not relevant in this case, as the previous applications did not involve such determinations, and the current application is significantly different in its final outcome.

1.7.7 Planning Permit Application 12 The Backwater Eastwood

Ms Maree Stagg submitted the following questions which were read on her behalf by the Chief Executive Officer.

Question 1: *“Has the Town Planner Department had any ‘non-compliance’ issues with section 173 agreements?”*

Question 2: *“If so, how were they dealt with, were they resolved to Council’s Satisfaction or legally in court?”*

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

Question 1 and 2 response: Yes, Council will consider the severity of the non-compliance and determine an appropriate response to seek compliance or alternatively the proponent may seek an amendment or ending of an agreement to bring about compliance. It is rare that Council brings about legal action, as we seek to resolve as many non-compliance issues as practical via negotiation.

1.7.8 Planning Permit Application 12 The Backwater Eastwood

Ms Jessie Egan submitted the following question which were read on her behalf by the Chief Executive Officer.

“Is a steep block sloping down into a flood plain appropriate for subdivision? Aren’t there more suitable places for medium density housing and subdivisions such as flatter blocks where the actual building envelop isn’t markedly reduced like it is on the steep block of 12 The Backwater.”

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

The matters relating to the slope of the block have been considered as part of the Officers assessment of the application and Officers have concluded the subdivision and development are appropriate in the context.

1.7.9 Planning Permit Application 12 The Backwater Eastwood

Mr Peter Trewin submitted the following questions:

Question 1: *“Is the development more highly valued than heritage in this city?”*

Question 2: *“Is the Council concerned about protecting the thoughtful planning that went into the Eastwood estate?”*

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

Question 1 response: There is no heritage overlay applying to this property, nor is there heritage significance to the development.

Question 2 response: The proposed development is assessed as being consistent with the neighbourhood character and is generally consistent with the development of Eastwood.

1.7.10 Planning Permit Application 12 The Backwater Eastwood

Ms Julie Trewin asked the following question:

“Is this subdivision allowed and are there guidelines in place that might prevent/block further subdivisions on the backwater”

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

Any future proposal for subdivision on the Backwater must be considered on its merits. I note there are only a couple of remaining vacant properties. Subdivision of existing developed properties would need to be considered on their merits but would typically be unlikely given the existing development.

1.7.11 Planning Permit Application 12 The Backwater Eastwood

Ms Veronica Davies asked the following questions:

Question 1: *“Given that the new owners at the Brookfield Estate are requesting an amendment to their planning application is this possible for 12 The Backwater?”*

Question 2: *“In an age of climate change, Is this the appropriate location for dual occupancy and high footprint building?”*

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

Question 1 response: If a revised proposal was put before Council, the application would be subject to public notice and would be assessed on its merits. The Victorian Civil and Administrative Tribunal history would form part of the consideration of Council.

Question 2 response: As required by the East Gippsland planning scheme, pervious surfaces should be at least 20 percent of the site. The application proposes a site permeability of approximately 78%. The combined building footprint of both proposed dwellings is equivalent to and in a few instances, smaller than that of many of the single dwellings along the Backwater.

1.7.3 Public Submissions

1.7.3.1 Endorsement of the Paynesville Progress Jetty Revised Masterplan

Ms Robyn Peile addressed Council on the Endorsement of the Paynesville Progress Jetty Revised Masterplan and spoke at item 5.2.1.

1.7.3.2 Draft East Gippsland Sporting Facilities Plan

Mr Boyd McPhee addressed Council on the Draft East Gippsland Sporting Facilities Plan and spoke at item 5.2.4.

1.8 Items for Noting

Nil

2 Notices of Motion

2.1 Review of Feral Animal Control Approach

Motion

That Council writes to the Hon. Steve Dimopoulos Minister for Environment to:

- 1. seek an urgent review of the Parks Victoria approach to feral animal control in state and national parks, specifically for feral horses and deer. This review should consider:*
 - a. the adequacy of current provisions to ensure the physical and psychological safety of the community, including:*
 - i. if the current minimum of 300 metre exclusion zone for ariel shooting is sufficient; and*
 - ii. if inspection of areas subject to ariel or ground shooting should be inspected to ensure the affected animals are removed or buried on site.*
 - b. how Parks Victoria can partner more with local communities to implement feral animal control, through mechanisms like:*
 - i. employing local, experienced community members; and*
 - ii. establishing agreements for other humane methods of feral horse control such as relocation, rehoming and or fertility management.*

Moved: Cr Sonia Buckley

Seconded: Cr John White

LOST

Cr Sonia Buckley called for a division.

For: Cr Sonia Buckley and Cr John White

Against: Cr Arthur Allen, Cr Tom Crook, Cr Jane Greacen OAM, Cr Mark Reeves, Cr Trevor Stow, Cr Mendy Urie and Cr Kirsten Van Diggele

Procedural Note

In accordance with Governance Rule 9.3(4), where a division is requested after the original vote has been taken, the motion is decided on the division. Accordingly, the motion was lost.

Attendance

Cr Van Diggele left the chamber at 6.45 pm and returned at 6.47 pm.

3 Deferred Business

Nil

4 Councillor and Delegate Reports

4.1 Cr Arthur Allen

I attended the South East Australian Transport Strategy (SEATS) regional meeting in Traralgon on 16 November 2023. Guest speakers included Department of Transport on their plans for the freeway section Longwarry to Nar Nar Goon, National Heavy Vehicle Regulator, virtual fencing and the Black Spot program.

On Saturday 25 November 2023, I joined Cr Jane Greacen and Mayor Tom Crook for the Walk Against Violence in Bairnsdale. This was a very well attended event and an enjoyable day.

South East Australian Transport Strategy Inc Meeting 16/11/23

A well-attended meeting with five of the six Victorian SEATS Councils in attendance, including three Road Managers. Discussion was held on the possibility of introducing a road charge for heavy transport using shire roads as is the case in NSW. If it were to happen in Victoria, it would need to be included in the approvals stage of new projects.

Department of Transport briefed the meeting on their priorities going forward. The Traralgon bypass is constantly on their radar and planning is well advanced on a solution to the Longwarry to Nar Nar Goon section of the highway. This will require construction of service roads and three cross overs and is dependent on funding.

Presentations were made by National Heavy Vehicle Regulator (NHVR) on their current project to unlock bottle necks inhibiting B-Doubles on some routes by identifying possible ways around the bottle necks.

An update on a virtual fencing trial at Shoalhaven showed a big decrease in interactions with wildlife. However, it was found to be less effective in over 80km zones.

Kath Yuile spoke on the black spot program, the criteria for funding being under review. She called for submissions from councils on any changes to current criteria to improve the program.

Next meeting is at Bega on 15 and 16 February 2024.

4.2 Cr Mendy Urie

Along with the Mayor and approximately 40 other people, I attended a very informative geothermal public information session at the Bairnsdale Aquatic and Recreational Centre (BARC) on Wednesday 15 November 2023. This ongoing project is showing potential for some exciting local applications of this technology, building on successful project in Latrobe Valley. The format of the evening, with presentations from Melbourne University project leads, followed by questions and discussion from the floor, was also very successful and repeatable as a public forum, in my view. Congratulations to Council's Sustainability Unit for organising this.

On Monday 20 November 2023, I attended the Audit and Risk Committee meeting. A verbal report of the meeting has been provided to Councillors and the agenda and minutes are available to Councillors via the portal.

Shockingly, East Gippsland continues to have one of the highest reported Local Government areas for violence against women and I willingly add my support to the 16 Days of Activism to raise awareness about this intolerable situation. Although I was not able to march on Saturday, I note that our Youth Ambassadors provided a strong presence and I applaud their stand.

The issue of Homelessness has been raised as a worsening problem by the agencies directly involved with aiding those in need and I attended a meeting to discuss the matter and what Council's role could be on Monday 27 November 2023 along with the Mayor and several other Councillors. This will be further discussed in the days ahead to support both short- and longer-term multi-agency responses.

4.3 Cr Sonia Buckley

Rural Councils Victoria Meeting – 24 November 2023

Rural Councils Victoria (RCV) represents Victoria's rural Councils, supporting and promoting strong, liveable, prosperous rural communities. Representing the one in nine Victorians who live in rural communities, RCV has 34 member Councils right across the state. In Victoria, 38 of the 79 councils are classified as 'rural'. Victoria's rural Councils are responsible for 79 per cent of Victoria's land area and have a combined population of approximately 822,000 people (Census 2021).

Our rural areas and communities are critical to the liveability of Victoria. They are also key to a thriving state economy. RCV mission is to play a leadership role in delivering a sustainable, liveable, and prosperous rural Victoria. RCV Organisational Vision is recognised as the voice for rural Victoria, to achieve liveable rural communities and strong rural Councils. This means they are a key body influencing Government policy and projects for rural Victoria. They provide a rural lens on the development and implementation of policy, increase the understanding, recognition, and funding outcomes for rural Councils across Victoria. They increase the capacity of rural Councils to deliver positive outcomes for their communities and are a strong advocate on issues affecting rural Councils and communities.

Key Actions/Outcomes:

Advocacy: I raised issues around the Timber Transition and competitive grant funding not being well received by community. Awareness around Parks Victoria feral pest operations and community safety issues.

Unforeseen issues have presented in the Western region with Capital Gains Tax which will have a negative effect for regional and rural areas that need to be addressed. The view is that Regional and Rural areas should be exempt. A plan was developed to address this issue.

The issue of the Victorian Electoral Commission and electoral boundaries review was raised, this will be followed up with the Minister.

A review of the strategic pillars was undertaken with a positive response on our progress and a suggestion that our meeting at Parliament in March would be an opportunity for member Councils to contribute to the next strategic overview.

Funding is available for the regional tourism boards that is backed by visitation data sets with intent to create visitor economy partnerships between regions. I raised the issue regarding Minister Hornes announcement to acquire the power of authority to dismiss Councillors, it was stated that in the past the Minister could sack a Council. However, this had to undergo an act of parliament. The view that Minister Hornes actions would undermine the democratic process was noted and it was determined that RCV would do some advocacy in this space and keep up to date with developments.

RCV has a media release that is in support of reform of the Code of Conduct and ensuring that Councillors receive adequate training. I asked who would be writing the uniform Code of Conduct and how would Councillors get to contribute. I also raised the issue about the Minister taking on the role of appointing CEOs and the general consensus from CEO's and Councillors present was that it was not supported. It was said that it was also not supported by CEOs at the LGPro meeting, as there was the belief that it undermined the connection between the Council and CEO relationships.

4.4 Cr Tom Crook

Dear Council and community Members,

I am pleased to provide this report on my recent engagements and activities as your Mayor and delegate representing our community. This report covers various events and meetings that contribute to the betterment of our region and its residents.

1. Geothermal Community Information Session (15 November 2023 - Forge Theatre):

A Geothermal Community Information session has been organised for the Forge Theatre on November 15th at 7 pm. This session aims to inform the public and stakeholder agencies about geothermal power, outlining the potential it holds for West Bairnsdale. The focus is on illustrating what a geothermal project might look like and its significant impact in terms of cost savings and carbon emissions reduction.

2. Agriculture Sector Advisory Committee Meeting:

I attended a meeting where the Agriculture Sector Advisory Committee discussed the challenges farmers are facing due to worsening droughts under climate change and commodity price reductions. Additionally, we addressed issues with vet services and highlighted the collaborative efforts with the Gippsland Agricultural group, including the establishment of the new research and meeting facility.

3. Municipal Association of Victoria Rural and Regional Forum:

I actively participated in the Municipal Association of Victoria (MAV) Rural and Regional Forum, representing our shire to ensure our unique issues are well-represented. Our role in this context is to emphasise the key role local government plays in delivering a better regional Victoria within sustainable development patterns. We are working on a Discussion Paper with MAV to outline necessary changes, which will be workshopped once a draft is released in due course.

4. Gippsland Art Gallery Exhibition (18 November 2023):

I attended the Gippsland Art Gallery exhibition in the Bairnsdale mall, showcasing the artwork of Noweyung Ltd and others. It was gratifying to witness the Mall reactivated and full of people, emphasising the importance of supporting our local art community.

5. Next Economy Workshop (19 November 2023 - Sale):

I participated in the 'Next Economy Workshop' in Sale, exploring concepts related to community and economic transitions. The workshop focused on understanding the opportunities and challenges that come with economic changes, especially in the context of transitioning to renewable energy and plantation forestry.

6. North East Catchment Management Authority Meeting (20 November 2023):

I met with the North East Catchment Management Authority and its Board, gaining insights into the catchment, waterways, and landscape projects. The visit included discussions on large-scale carbon farming and revegetation works around Hinermungi Station, aiming to improve water quality and productivity.

7. Business Tourism Associations Meeting and Benambra Neighbourhood House (22 November 2023):

I attended a meeting in Omeo with the Business Tourism Association and how the new mountain bike park can be further capitalised upon for the local and regional economy. I later met with Benambra Neighbourhood House to discuss emerging issues. Concerns were raised about a proposed copper mine, with the local community expressing frustration with the lack of information coming from the mining company and expressing their desire to be informed about how the proposed project can maximise the benefits for local communities.

8. One Gippsland Mayoral Induction and Board Meeting (24 November 2023):

I attended the One Gippsland Mayoral Induction and Board Meeting, where Cr. Ian Bye was elected as the new One Gippsland Chair. Discussions with other mayors revolved in part around addressing coastal inundation and flooding, crucial issues affecting our region.

9. Walk to Change the Story and Great Victorian Bike Ride (25 November 2023):

I participated in the Walk to Change the Story, highlighting the major problem that is gender-based violence in our community, in partnership with Gippsland Complete Health, FReeZA and EGSC. Later that evening, I opened the Great Victorian Bike Ride in Orbost, promoting our region's natural beauty to over 2000 participants.

10. Briefing with Minister Sonia Kilkenny and Australian Coastal Councils Association AGM (27 November 2023):

I attended an online briefing with Minister Sonia Kilkenny on the development of a new plan for Victoria and discussed how local government can collaborate with the state government. Additionally, I participated in the Australian Coastal Councils Association AGM, where I was re-elected as one of two Victorian local government representatives.

11. Housing Crisis Meeting with St Vincent's (27 November 2023):

On Monday afternoon, I convened a meeting with Councillors and St Vincent's to discuss the housing crisis. We explored short and long-term solutions, considering the council's role and opportunities for action to address this pressing issue.

In conclusion, these events and meetings reflect my commitment to serving our community's best interests and addressing the challenges and opportunities that lie ahead.

If you would like to discuss any of the above-mentioned event or issues, please feel free to get in touch.

4.5 Cr Jane Greacen OAM

15/11/23 - I attended the Mitchell River Rotary Junior Community Awards ceremony at the Uniting Church in Lucknow. This event was a wonderful testimony to the schools and students that participated. Many of the students presented their program, and all had undertaken important volunteer work, learnt a new skill, engaged in a physical activity, and explored a community activity. I think there were more than 70 students who achieved this award on this night, and similar number will receive their awards in a week. This award is important for the students – they have to commit a significant number of hours to it – each week for ten weeks. It leads many students to engage in other state, federal and international awards, and is an important life experience for them.

16/11/23 - I attended the Agriculture Sector Advisory Committee meeting as an observer. Very interesting discussion, and a lot learnt from Alison Gunn about the lack of farm vets and Agriculture Extension Officers. There is no District Vet Officer here, and the one in Maffra is leaving. There is a serious decline in the number of vets working with large animals, and in the academic training and research.

18/11/23 - I and friends attended the East Gippsland Art Gallery Fun in the Mall event. This was well attended and brought the Nicholson Mall to life. Dawn Stubbs demonstrated painting a country scene, starting with a blank canvas. Her husband Chris Stubbs showed children how to create animals like wombats from clay. Wood carvers were there and musicians – the U3A Ukulele club, three members of the Bairnsdale brass band, and the Vanuatu Band (pickers for Riviera Horticulture). Really excellent musicians and a lot of fun.

19/11/23 - I attended The Next Economy, a workshop held in Sale Botanic gardens. This was led by Dr Amanda Cahill, Jacqui Bell and Michael Krawczyk. It was quite a long day and covered a range of topics including recovery works in Gippsland post the fires; some small group activities based around communication.

20/11/23 - Tom Crook and I travelled to Omeo to meet with the North East Catchment Management Authority and discussed the works being undertaken at the Hinnomunjie Station and the Livingstone Creek. It was great to meet with the staff and Board of the NE CMA, who all appear to be committed to restoring river health.

22/11/23 - The Municipal Emergency Management Planning subcommittee on Relief and Recovery had over 30 participants representing the agencies throughout East Gippsland with some role to play in the event of an emergency. The meeting endorsed the terms of reference, the vision and goals, elected Chair and Secretary (Council staff), and started discussion about communication during an emergency.

24/11/23 - One Gippsland met in Morwell, elected its Chairperson (Mayor Ian Bye) and had a light unhealthy lunch. It was essentially a networking event.

25/11/23 - I joined a few hundred other people at the Nicholson Mall for the annual Walk to Change the Story demonstration around the block, to launch the beginning of the 16 Days of Activism against Gender-Based Violence. This is a global campaign led annually by UN Women. It runs from 25 November (the International Day for the Elimination of Violence Against Women) to 10 December (Human Rights Day). Speeches at the beginning and the end of the march. Great to see the Youth Ambassadors take a strong role.

27/11/23 - I attended a meeting at St Vincents in Bairnsdale to discuss their great concern about a possible impending massive increase in homeless people resulting from many caravan parks and motels in Lakes Entrance evicting people in order to gain from the increased rent they can get from holiday visitors over the summer season. This was followed up by a discussion with Council's Chief Executive Officer and General Manager about possible next steps for Council.

5 Officer Reports

5.1 Place and Community

5.1.1 Planning Permit Application 12 The Backwater Eastwood Two Lot Subdivision and Buildings and Works for Two Dwellings

Authorised by General Manager Place and Community

Procedural Note

The meeting was adjourned for a short recess at 7.05 pm and resumed at 7.12 pm.

Motion

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 Permit Application 5.2023.100.1 (formerly referred to as 100/2023/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 Permit for the Development of Two Dwellings and Two Lot Subdivision, at 12 The Backwater Eastwood, subject to permit conditions in Attachment 1.*

Moved: Cr Mendy Urie

Seconded: Cr Mark Reeves

CARRIED

Cr Sonia Buckley called for a division.

For:	Cr Arthur Allen, Cr Tom Crook, Cr Jane Greacen OAM, Cr Mark Reeves, Cr Trevor Stow and Cr Mendy Urie
Against:	Cr Sonia Buckley, Cr Kirsten Van Diggele and Cr John White

Procedural Note

In accordance with Governance Rule 9.3(4), where a division is requested after the original vote has been taken, the motion is decided on the division. Accordingly, the motion was carried.

5.2 Assets and Environment

5.2.1 Endorsement of the Paynesville Progress Jetty Revised Masterplan

Authorised by General Manager Assets and Environment

Public Submission

Ms Robyn Peile

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. endorses the revised Paynesville Progress Jetty Masterplan version June 2023, as provided at Attachment 1.***

Moved: Cr Arthur Allen

Seconded: Cr Trevor Stow

CARRIED

Procedural Motion

That item 5.2.4 Draft East Gippsland Sporting Facilities Plan be brought forward and considered before item 5.2.2.

Moved: Cr Kirsten Van Diggele

Seconded: Cr Trevor Stow

CARRIED

5.2.4 Draft East Gippsland Sporting Facilities Plan

Authorised by General Manager Assets and Environment

Public Submissions

Mr Boyd McPhee

Attendance

Cr Trevor Stow left the Council Chamber at 7.44 pm and returned at 7.48 pm

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. adopts the draft East Gippsland Sporting Facilities Plan to be retitled East Gippsland Sporting Facilities Plan Phase 2; and***
- 3. notes that Council Officers will work towards developing plans for sporting and recreational facilities in other towns in East Gippsland, for a range of diverse sporting and recreation activities, that residents and visitors to East Gippsland enjoy.***

Moved: Cr Jane Greacen OAM

Seconded: Cr Trevor Stow

CARRIED

5.2.2 Marina Consultative Committee Meeting Minutes for 15 June 2023 and 21 September 2023

Authorised by General Manager Assets and Environment

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. notes Officers' intent to bring back separate reports to Council on both a revised Terms of Reference for the Marina Consultative Committee, and the establishment of a Marina Financial Reserve proposed by the Marina Consultative Committee.***

Moved: Cr Arthur Allen

Seconded: Cr Kirsten Van Diggele

CARRIED

5.2.3

Mitchell River Revegetation Program

Authorised by General Manager Assets and Environment

Attendance

Cr Kirsten Van Diggele and Cr Mark Reeves left the Council Chamber at 8:07 pm and returned at 8:09 pm.

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;*
- 2. notes the Environmental Protection and Biodiversity and Conservation Act 1999 permit has expired, and no further works identified within the 2015 Mitchell River Revegetation Program Strategic Management and Action Plan will be actioned;*
- 3. requests that the Chief Executive Officer or delegated Officer write to the Department of Energy, Environment and Climate Action seeking transfer of Committee of Management responsibilities to the Department on the basis that the site is no longer managed for public use; and*
- 4. notes, until a complete transfer is achieved of responsibility for the land referred to in this paper, Council will continue to take responsibility for managing the site, including its natural values.*

Moved: Cr Jane Greacen OAM

Seconded: Cr Mark Reeves

CARRIED

5.2.4 Draft East Gippsland Sporting Facilities Plan

Authorised by General Manager Assets and Environment

Procedural Note

Following the Procedural Motion to alter the order of business, this item was considered before item 5.2.2.

Authorised by General Manager Assets and Environment

Confidentiality Notice

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 is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors.

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by GBM Contractors (Vic) Pty Ltd for CON2024 1624, Bemm River Footpath Development – Construction Works for the contract amount \$936,749.00 exclusive of GST;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and***
- 4. resolves that Attachment 1 to this report and all discussions relating to that attachment remain confidential.***

Moved: Cr Sonia Buckley

Seconded: Cr Mendy Urie

CARRIED

Authorised by General Manager Assets and Environment

Confidentiality Notice

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 is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors.

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;*
- 2. accepts the tender submitted by Whelans Group Investments Pty Ltd for CON2024 1615, Moroney Street Stage 3A - Construction Works for the contract amount \$1,121,382.61.00 exclusive of GST;*
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and*
- 4. resolves that Attachment 1 to this report and all discussions relating to that attachment remain confidential.*

Moved: Cr Arthur Allen

Seconded: Cr Jane Greacen OAM

CARRIED

Cr Mark Reeves called for a division.

For:	Cr Arthur Allen, Cr Tom Crook, Cr Jane Greacen OAM, Cr Mark Reeves, Cr Trevor Stow, Cr Mendy Urie and Cr Kirsten Van Diggele
Against:	Cr Sonia Buckley
Abstained:	Cr John White

Procedural Note

Section 61(5)(e) of the *Local Government Act 2020* prescribes that a Councillor present at the meeting who does not vote is taken to have voted against the motion. Accordingly, Cr John White was taken to have voted against the motion.

In accordance with Governance Rule 9.3(4), where a division is requested after the original vote has been taken, the motion is decided on the division. Accordingly, the motion was carried.

5.2.7 CON2020 1406 Provision of Electrical Services - Contract Extension

Authorised by General Manager Assets and Environment

Motion

That Council:

- 1. receives and notes this report;***
- 2. approves the contract extension to CON2020 1406 Provision of Electrical Services for a period of twelve (12) months to 7 February 2025 for all contractors previously awarded CON2020 1406, inclusive of annual consumer price index adjustments;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract extension in the form proposed; and***
- 4. delegates the power to the Chief Executive Officer to exercise the final one (1) year extension options of twelve months inclusive of annual consumer price index adjustment on the basis that all contractual requirements have been met by the contractors.***

Moved: Cr Mark Reeves

Seconded: Cr Arthur Allen

CARRIED

Authorised by General Manager Assets and Environment

Confidentiality Notice

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 is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors.

Attendance

Cr Trevor Stow left the meeting at 8:34 pm and did not return.

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. that the tenders submitted by Orbest Plumbing Pty Ltd, BPR Plumbing Pty Ltd, Jared Fekete Plumbing (Vic) Pty Ltd ATF JMF Family Trust, Frith's Plumbing & Civil Construction Pty Ltd t/as Friths Plumbing and Gasfitting, DR & RL Murray Pty Ltd, Micah Fekete Plumbing & Drainage Pty Ltd for the Schedule of Rates for as provided at Appendix 1 for Area A – Bairnsdale and District Services for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;**
- 3. that the tenders submitted by Orbest Plumbing Pty Ltd, JR & MJ WAIT PTY LTD ATF Wait Family Trust t/as Shane O'Donnell Plumbing, Jared Fekete Plumbing (Vic) Pty Ltd ATF JMF Family Trust, Frith's Plumbing & Civil Construction Pty Ltd t/as Friths Plumbing and Gasfitting, DR & RL Murray Pty Ltd, Micah Fekete Plumbing & Drainage Pty Ltd for the Schedule of Rates as provided at Appendix 1 for Area B – Lakes Entrance and District for a three year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;**
- 4. that the tenders submitted by Orbest Plumbing Pty Ltd, Jared Fekete Plumbing (Vic) Pty Ltd ATF JMF Family Trust, BPR Plumbing Pty Ltd, Frith's Plumbing & Civil Construction Pty Ltd t/as Friths Plumbing and Gasfitting, DR & RL Murray Pty Ltd, Micah Fekete Plumbing & Drainage Pty Ltd for the Schedule of Rates as provided at Appendix 1 for Area C – Paynesville / Eagle Point for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;**

5. *that the tenders submitted by Orbost Plumbing Pty Ltd, Jared Fekete Plumbing (Vic) Pty Ltd ATF JMF Family Trust, DR & RL Murray Pty Ltd, Micah Fekete Plumbing & Drainage Pty Ltd for the Schedule of Rates as provided at Appendix 1 for Area D – Orbost and District for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;*
6. *that the tenders submitted by Orbost Plumbing Pty Ltd, DR & RL Murray Pty Ltd, Jared Fekete Plumbing (Vic) Pty Ltd ATF JMF Family Trust, Micah Fekete Plumbing & Drainage Pty Ltd for Area E – Cann River / Bemm River for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;*
7. *that the tenders submitted by Orbost Plumbing Pty Ltd, DR & RL Murray Pty Ltd, Jared Fekete Plumbing (Vic) Pty Ltd ATF JMF Family Trust, Micah Fekete Plumbing & Drainage Pty Ltd for the Schedule of Rates as provided at Appendix 1 for Area F – Mallacoota for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;*
8. *that the tenders submitted by Orbost Plumbing Pty Ltd, Jared Fekete Plumbing (Vic) Pty Ltd ATF JMF Family Trust, Frith's Plumbing & Civil Construction Pty Ltd t/as Friths Plumbing and Gasfitting, BPR Plumbing Pty Ltd, DR & RL Murray Pty Ltd, JR & MJ WAIT PTY LTD ATF Wait Family Trust t/as Shane O'Donnell Plumbing, Micah Fekete Plumbing & Drainage Pty Ltd for the Schedule of Rates as provided at Appendix 1 for Area G – Metung and District for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;*
9. *that the tenders submitted by Orbost Plumbing Pty Ltd, DR & RL Murray Pty Ltd, Jared Fekete Plumbing (Vic) Pty Ltd ATF JMF Family Trust, Micah Fekete Plumbing & Drainage Pty Ltd for the Schedule of Rates as provided at Appendix 1 for Area H – Omeo and District for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;*
10. *authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed;*

Moved: Cr Jane Greacen OAM

Seconded: Cr Mark Reeves

CARRIED

5.3 Business Excellence

5.3.1 Council Plan Progress Report 2023-24 - Quarter One

Authorised by Acting General Manager Business Excellence

Motion

That Council receives and notes this report and the Council Plan Progress Report 2023-24 Quarter one at Attachment 1.

Moved: Cr Mendy Urie

Seconded: Cr Kirsten Van Diggele

CARRIED

5.3.2 Council Meeting Schedule 2024

Authorised by General Manager Business Excellence

Motion

That Council:

- 1. receives and notes this report;***
- 2. adopts the following Council Meeting dates for the 2024 Calendar year, to be held at the Corporate Centre, 273 Main Street Bairnsdale, commencing at 6.00 pm;***

<i>Tuesday, 6 February</i>	<i>Tuesday, 16 July</i>
<i>Tuesday, 27 February</i>	<i>Tuesday, 6 August</i>
<i>Tuesday, 19 March</i>	<i>Tuesday, 27 August</i>
<i>Tuesday, 9 April</i>	<i>Tuesday, 17 September</i>
<i>Tuesday, 30 April</i>	<i>Tuesday, 15 October</i>
<i>Tuesday, 21 May</i>	<i>Tuesday, 19 November (Statutory Meeting)</i>
<i>Tuesday, 4 June</i>	<i>Tuesday, 3 December</i>
<i>Tuesday, 25 June</i>	<i>Tuesday, 17 December</i>

- 3. notes that the Statutory meeting date is subject to the Councillors for the 2024 Council term being declared; and***
- 4. resolves that Council Meeting agenda item 4 'Councillor and Delegate Reports' will be a written report submitted into the Council meetings minutes and not verbally presented at a Council meeting.***

Moved: Cr Mark Reeves

Seconded: Cr Sonia Buckley

CARRIED

6 Urgent Business

Nil

7 Confidential Business

Nil

8 Close of Meeting

Mayor Cr Tom Crook declared the Council Meeting closed at 8.53 pm.