



Minutes

Council Meeting

Tuesday 27 February 2024 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), Arthur Allen, Sonia Buckley (Online),
Jane Greacen OAM (Deputy Mayor), Mark Reeves (Online),
Trevor Stow, Mendy Urie, Kirsten Van Diggele (Online) 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 Bidawel people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

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

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 6 February 2024 be confirmed.

Moved: Cr Arthur Allen

Seconded: Cr Jane Greacen OAM

CARRIED UNANIMOUSLY

1.5 Next Meeting

The next Council Meeting is scheduled be held on Tuesday 19 March 2024 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

1.7.2.1 Council Preparations for Natural Disasters and Draft Budget 2024/25

Mr John Butler-Cole submitted the following questions which were read out on his behalf by the Acting Chief Executive Officer Fiona Weigall:

Question 1 Council preparations for natural disasters - Digital Connectivity - Gaps and Priorities report September 202. Are all Councillors aware of the content of this report and what actions have been taken to meet each of the recommendations made?

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

Councillors were provided information on the review at the time. The report has been used extensively in Council's advocacy for investment in additional telecommunications infrastructure. For example, more than 26 new towers or 13 upgrades committed, and a range of backup power has been installed by providers (e.g., larger batteries). Clearly following the experience of the following weeks, there is a need to review this.

There were 15 key issues identified in the report and action has been undertaken or is underway on 10 of these. It is of note that Council is not a telecommunications provider and so much of our work in this space has been advocacy and supporting community and businesses with literacy and other programs.

I also note that Council has worked closely with the Commonwealth Governments Strengthening Telecommunications Against Natural Disasters (STAND) program to install satellite communication at more than 40 community facilities and we are progressively rolling out generators (as we can source funding) to provide communications backup as a last resort when landline and mobile systems fail.

This is part of Council's deliberate approach to disaster resilience. It includes a strategy to improve community facilities to better support communities during disasters as well as year-round and to strengthen the capacity of communities to better support themselves during events. This is a work in progress with further information to come.

Question 2 *Do Councillors intend to hold public discussions with the whole community to identify their 24/25 draft budget priorities.*

Sarah Johnston General Manager Business Excellence provided a response which is summarised below:

Council is working through the development of the 2024/25 annual budget. As to setting the 2024/25 budget priorities, the annual budget process operationalises the Council Plan for the coming year.

The budget priorities stem from the Council Plan or strategies developed to support the delivery of the Council plan – on which we do extensive consultation. A recent example is consultation on the Bairnsdale 2050 strategy.

For the 2024/25 budget process, the key dates and times that we are seeking community input are outlined on our website.

This is the final year of the current Council Plan, which was developed with extensive community consultation before we go through a deliberative engagement process to develop the 2025 - 2029 Council Plan and kick off community engagement again.

1.7.3 Public Submissions

Nil

1.8 Items for Noting

In accordance with section 54(5)(b) of the *Local Government Act 2020*, a copy of the Audit and Risk Committee Biannual Report is to be tabled and subsequently recorded in the minutes of the meeting.

Attachments

1. Audit and Risk Committee Biannual Report - July to December 2023 [**1.8.1.1** - 8 pages]

2 Notices of Motion

2.1 Amendment to the contents of East Gippsland Shire Council's Meeting Minutes

Motion

That Council:

1. *seeks a report on revising its Governance Rules to include in the minutes of each Council meeting the names of each Councillor who:*
 - a) *spoke on each motion; and*
 - b) *voted for, against or abstained from voting on each motion.*
2. *notes that the Acting Chief Executive Officer will also consider introducing administrative practices to record the names of all Councillors who vote for, against or abstain for each agenda item, in the Council meeting minutes.*

Moved: Cr Mark Reeves

Seconded: Cr Arthur Allen

CARRIED UNANIMOUSLY

3 Deferred Business

Nil

4 Councillor and Delegate Reports

4.1 Cr Arthur Allen

Rail Freight Alliance Meeting 16/02/24

The meeting began with the AGM of the alliance. Cr Glen Milne of Mildura Shire was re-elected as Chair for 2024. Following the AGM guest speaker Jonathon Spear of Infrastructure Victoria gave an overview of the work of Infrastructure Victoria as an independent adviser to parliament as distinct from adviser to Government, although advice provided may be taken up by Government. Jonathon outlined different scenarios that are examined by his team regarding transport, housing and urban growth, housing density, etc. The advice is provided to all members of parliament.

4.2 Cr Mendy Urie

There are some excellent performances and shows on regularly at the BARC. I loved the Queen tribute concert, Bohemian Rhapsody on 9 February 2024. Music to sing along to and as much audience participation as you could wish for!

WTF (What's Their Future?) is an excellent art and information exhibition at the Butter Factory hosted by East Gippsland Climate Action Network, which is highly recommended. Was due to close at the end of February but now extended beyond the month's end.

Mary Crooks a well-known author, stalwart/innovator in community engagement gave a very interesting presentation on Saturday 10 February 2024 at the Bungalook Studio in Lakes Entrance to an engaged group of 40 or so people. Democratic engagement was also the theme of a well-attended follow-up workshop.

Paynesville Tennis Club's fun day on 11 February 2024 was a hot one for people wanting to watch and enjoy the sport of Pickleball. That didn't deter people, it was a fully booked session, demonstrating the fantastic interest in this new sport. Thanks to the Club for the wonderful celebration of their smart new and much-appreciated courts (not quite finished yet.) The shade offered by the little clubroom was much appreciated by the spectators (myself included).

On 12 February 2024, I attended a Community Panel meeting for the important Bairnsdale 2050 project. This is a critical one for a large number of members of the local community to be involved with and the consultants are paying particular attention to providing as many opportunities for engagement as possible. People can find out how they can contribute ideas here: [Bairnsdale 2050 | Your Say East Gippsland](#) The community panel have been finalising the best list of questions to be put to the community in order to elicit the most useful information.

The evening of 13 February 2024 saw a wicked storm event across our shire, causing a great deal of damage to trees, some infrastructure, and disruption to power supplies, phone and internet connection as well as road and pathway obstruction. The impact was only mild for some individuals and businesses, but considerable for others. Once again, we thank our first responders, Council workers and emergency services who work so hard and fast to clean up damage and restore services as efficiently as possible.

On 19 February 2024, I attended our scheduled Audit and Risk Committee meeting. A report of this meeting will go to Councillors and the Biannual Report July – Dec 2023 will be tabled at this Council Meeting (27 February 2024).

It was wonderful to meet the new and continuing group of Youth Ambassadors over dinner on 21 February 2024, along with Officers, the Mayor and Councillors Greacen and Van Diggele. We all look forward to increasing contact with this group and their views and input into the work of Council.

And finally, I was privileged to attend Ros Crisp's solo dance performance, "The Real Time it Takes" along with Cr Greacen at the Exhibition Centre in Orbost on Sat 24 February 2024. Privileged because the calibre of this artist is so rare and beautiful. Enormous appreciation to Ros and Omeo Dance for offering this opportunity locally.

4.3 Cr Jane Greacen OAM

07/02/24 - The Gippsland Agricultural Group Inc Annual General Meeting was run online and in person. It was efficient and quick.

16/02/24 - I attended a full day workshop facilitated by Ruth McGowan, called Recalibrate. It was attended by 20 Councillors from around Victoria, Women, mostly Mayors. It was a valuable day preparing for the last part of this term as Councillors.

21/02/24 - The East Gippsland Municipal Emergency Management Plan Relief and Recovery Sub-Committee met. As usual it was well attended with representatives from about 15 agencies involved with recovery and relief activities supporting people impacted by the Buchan Extreme Weather event and flooding, and the mini hurricane that severely impacted many communities, and power outages for significant periods of time.

I also attended the Youth Ambassadors Dinner that night, which was not as well attended as usual by the youth, as many were preparing for their Debutant Ball.

24/02/24 - The Retrospective Installation Performance by Roz Crisp at the Orbost Exhibition Centre was just lovely. And fascinating to see videos of her dance over the past 20 years. Not at all surprising that she was awarded a Chevalier de l'Order des Arts et Lettres by the French Ministry of Culture in 2015.

5 Officer Reports

5.1 Business Excellence

5.1.1 Finance Report Period Ended 31 December 2023

Authorised by General Manager Business Excellence

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;*
- 2. notes that the Acting Chief Executive Officer has determined that no revised budget is required for the 2023/24 financial year; and*
- 3. adopts the Finance Report for the six-month period ended 31 December 2023, as outlined in Attachments 1 to 7.*

Moved: Cr Trevor Stow

Seconded: Cr Arthur Allen

CARRIED UNANIMOUSLY

5.1.2 Council Plan Progress Report - Quarter 2 2023-24

Authorised by General Manager Business Excellence

Motion

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

Moved: Cr Mendy Urie

Seconded: Cr Jane Greacen OAM

CARRIED UNANIMOUSLY

5.1.3 Council Meeting Resolution Register

Authorised by General Manager Business Excellence

Motion

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

Moved: Cr Arthur Allen

Seconded: Cr Jane Greacen OAM

CARRIED UNANIMOUSLY

**5.1.4 Discontinuance of Road Reserve - part of Lake Tyers Beach Road
Lake Tyers Beach**

Authorised by General Manager Business Excellence

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. determines that part of the government Road on which the all-abilities access ramp has been constructed at 575B Lake Tyers Beach Road Lake Tyers Beach is not required for public access or any future public use (outlined in red on Attachment 2);***
- 3. notes that there will be no interruption to traffic flow on the Lake Tyers Beach Road or maintenance of the Lake Tyers Beach Road Lake Tyers Beach by the proposed closure and discontinuance of part of Lake Tyers Beach Road Lake Tyers Beach as the all-abilities access ramp has been in place for over fifteen years;***
- 4. pursuant to section 206, including clause 3 of Schedule 10 and Section 207(b) of the Local Government Act 1989 and section 12 of the Road Management Act 2004 resolves to advertise its intention to close and discontinue the part of the Lake Tyers Beach Road Lake Tyers Beach on which the all-abilities access ramp has been constructed;***
- 5. authorises the Chief Executive Officer or their delegate to place a public notice of the proposed road closure and discontinuance of part of the Lake Tyers Beach Road Lake Tyers Beach;***
- 6. appoints a Committee comprising the Council with a quorum of five Councillors, to hear and consider any written public submissions received in relation to the proposed closure and discontinuance of part of the Lake Tyers Beach Road, Lake Tyers Beach, in accordance with section 22 of the Local Government Act 1989;***
- 7. nominates 23 April 2024 at 1:30pm as the date and time for the Committee to hear any submissions regarding the closure and discontinuance of part of Lake Tyers Beach Road Lake Tyers Beach;***
- 8. authorises the Chief Executive Officer or their delegate to publish a notice in the Victorian Government Gazette for the closure and discontinuance of part of the Lake Tyers Beach Road Lake Tyers Beach; and***
- 9. notes that as part of the section 223 process, a report providing a recommendation from the Committee Hearing will be presented at a future Council meeting for its consideration, should any submissions be received regarding the proposed closure and discontinuance of part of the Lake Tyers Beach Road Lake Tyers Beach.***

Moved: Cr Trevor Stow

Seconded: Cr Arthur Allen

CARRIED UNANIMOUSLY

5.1.5 Data Dashboards

Authorised by General Manager Business Excellence

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 **Confidential Attachment 1** is confidential because it contains Council business information being information that would, if released, prejudice the Council's position in commercial negotiations, as any future procurement processes that maybe associated with this project are yet to be determined. In addition, other Councils noted in this report, aside from Wellington Shire Council, have requested that they are not identified publicly, and the information they provided is also not publicly released in this report.

Motion

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. resolves to develop and implement interim and immediate solution for the visualisation of performance data via the Council's website; and**
- 3. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.**

Moved: Cr Sonia Buckley

Seconded: Cr Jane Greacen OAM

LOST

For: Cr Sonia Buckley, Cr Jane Greacen OAM, Cr Kirsten Van Diggele and Cr John White

Against: Cr Arthur Allen, Cr Tom Crook, Cr Mark Reeves, Cr Trevor Stow and Cr Mendy Urie

6 Urgent Business

Nil

7 Confidential Business

Nil

8 Close of Meeting

Mayor Cr Tom Crook declared the Council Meeting closed at 6.59 pm.

Audit and Risk Committee

Biannual Report

July to December 2023

Introduction

Attachment 1.8.1.1

East Gippsland Shire Council (Council) is required to establish an Audit and Risk Committee (the Committee) under section 53(1) of the *Local Government Act 2020* (the Act).

Additionally, section 54(1) of the Act requires councils to prepare and approve a Committee Charter (the Charter) which specifies the Committee's objectives, authority, composition, tenure, roles and responsibilities along with reporting, administrative and governance arrangements. The current Charter was adopted by Council 16 August 2022.

Section 54(5)(a) of the Act also requires the Committee to prepare a biannual audit and risk report that describes its activities, findings and recommendations. A copy of this report must also be provided to the Chief Executive Officer (CEO) for tabling at the next practicable Council meeting.

This Report outlines the activities of the Committee for the reporting period (July to December 2023).

Membership

The Committee is comprised of seven members: four independent members (one of whom is Chair), the Mayor of the day and two Councillors appointed by Council. The current membership of the Committee, including any changes that occurred during the reporting period, is set out below:

Council Representatives

Mayor, Councillor Mark Reeves (Mayoral term concluded 26 October 2023)
Mayor, Councillor Tom Crook (Elected 26 October 2023)
Councillor Mendy Urie
Councillor John White

Independent Members

Ms Celeste Gregory (2023 Chair)
Ms Claudia Goldsmith
Mr Jason Hellyer
Ms Susan Lloyd (Commenced November 2023)

Meetings and Attendance

In accordance with the Charter, an ordinary meeting is held once each quarter and a joint meeting with Councillors is held annually in September to discuss:

- Council's audited draft financial report and performance statement; and
- the Committee's self-assessed performance evaluation for the previous financial year.

As detailed in the Charter, a quorum will exist if four (4) or more Committee Members are present, and the number of external Independent Members present is equal to or greater than the number of Councillor members. Meetings during the reporting period complied with quorum requirements.

The Committee met four times during the reporting period:

Attachment 1.8.1.1

Meeting Date	Type
21 August 2023	Ordinary Committee Meeting
4 September 2023	Committee Only Workshop
26 September 2023	Special Committee Meeting / Annual Joint Meeting
20 November 2023	Ordinary Committee Meeting

In accordance with the Charter, Councillors who are not members of the Committee may attend meetings of the Committee as observers. Through the Chair, non-member Councillors may ask questions in relation to matters listed on the agenda but may not participate in discussion.

The Chief Executive Officer, General Manager Business Excellence, Manager Governance and Committee Secretariat, when practicable and appropriate, attend all meetings of the Committee. Other members of Council staff may be invited to attend meetings to present reports.

Attendance during the reporting period is shown in Table 1.

Table 1

Member	Role	21/08/23	04/09/23	26/09/23	20/11/23
Cr Mark Reeves	Mayor (July to October)	✗	✗	✓	⊖
Cr Tom Crook	Mayor (Elected 26 October)	⊖	⊖	⊖	✓
Cr Mendy Urie	Council Representative	✓	✓	✓	✓
Cr John White	Council Representative	✓	✓	✓	✓
Ms Celeste Gregory	Independent Chair	✓	✓	✓	✗
Ms Claudia Goldsmith	Independent Member	✓	✓	✓	✓
Ms Susan Lloyd	Independent Member	⊖	⊖	⊖	✓
Mr Jason Hellyer	Independent Member	✓	✓	✓	✓

Attendance Key ✓ = In Attendance ✗ = Apology ⊖ = Not Required

In the absence of the Chair, the Committee elects another independent member in attendance as Acting Chair. Accordingly, Jason Hellyer was elected as Acting Chair for the meeting held on 20 November 2023.

Attachment 1.8.1.1

Internal Audit

A key responsibility of the Committee is to monitor Council's internal audit program. The internal audit function of Council is supported by the engagement of independent Internal Audit professionals to provide analysis and recommendations aimed at improving Council's governance, risk, and management controls.

A three-year Strategic Internal Audit Plan was endorsed by the Committee in May 2023 and approved by Council in August 2023. The Committee monitors the delivery of the plan at each meeting.

A representative from Crowe attended each Committee meeting to provide an update on the progress of the Internal Audit Plan and to present results for each audit undertaken.

Implementation of Audit Recommendations

In accordance with the Committee's Charter, the Committee is also responsible for monitoring progress on actions required to achieve rectification of any issues identified following an Internal Audit. At the meeting held on 20 November 2023, the Committee noted the following progress:

Internal Audit Area	Number of Actions							
	In Quarterly Report	Completed	On Schedule	Behind Schedule	Not Commenced	On Hold	Not Updated	Withdrawn
Management of Plant and Equipment	1		1					
Food Act and Health Compliance	2	1	1					
Occupational Health and Safety (Staff)	8	2	2	4				
Records Management	6	1	1	4				
Payroll	11		11					
Internal Stand Alone - Statutory Planning	5		3	2				

External Audit

The Victorian Auditor General's Office (VAGO) appointed RSD Audit to complete external audits of East Gippsland Shire Council, as required by the *Audit Act 1994*. A representative of RSD Audit attends meetings as required.

The 2022/23 Final Management Letter was presented to the Committee at its meeting of 26 September 2023.

Attachment 1.8.1.1

Annual Work Program

The meeting agenda is driven by the Committee's Annual Work Program, which was formally endorsed at the meeting held 20 February 2023. The matters from the Annual Work Program considered by the Committee at each meeting are provided in **Table 2**.

Key Highlights

The key highlights for the Committee during the current reporting period were:

- Recruitment and appointment of Susan Lloyd as an Independent Member;
- Review of the Strategic Risk Register was undertaken;
- Internal Audit Report – Payroll was completed;
- Overall positive feedback from the Annual Performance Evaluation presented to Councillors at the September Joint Meeting; and
- The large volume of projects which are to be delivered by Council are ahead of schedule.

The Committee received and considered reports/information on the following key areas of interest:

- Staff turnover challenges experienced by East Gippsland as at 30 June 2023, particularly in management roles. This has been attributable to a restructure of positions undertaken by the CEO and attrition due to the post-COVID "Great Resignation". The Committee noted this is a sector wide issue and not specific to East Gippsland;
- With the number of projects "In Progress", the Committee queried whether, in the current environment, if it is feasible to be delivered. The Committee was advised the current projects are achievable noting many are in design works and Council is currently ahead of schedule;
- Completion of Fraud (Policy) Awareness training being a mandatory module for staff to complete as part of the Fraud Framework review;
- The Strategic Risk Register is currently being reviewed by Council's Executive Leadership Team and consideration will be given to including a cyber/technology risk as suggested by the Committee;
- An enhancement for Emergency Management Preparedness Standing Operating Procedures to include "Heat Wave" conditions;
- Lakes Entrance Northern Growth Area – Developer Contribution Risk Mitigation highlighting whether the estimate is current (given the length of time being 10 years) and whether landowners are agreeable;
- IBAC Sandon Report and in particular the recommendations and implications across East Gippsland, noting this is sector wide and has potentially significant changes to frameworks and legislation for local government;

Attachment 1.8.1.1

- As a result of the Annual Performance Evaluation, the Committee noted they would like:
 - More focus on strategic planning processes, associated risks and mitigation strategies;
 - What feedback the Councillor cohort are interested in outside of the minutes from meetings;
 - Implementation of the changes from the revised Charter; and
 - Updates to the questions will be considered in the 2024 performance evaluation;
- The Annual Investment Report was deferred to the February 2024 meeting;
- BCP testing will be conducted in the new year, anticipated to commence March 2024;
- An audit of the Operational Risk Register will be conducted in 2024 with further review of operational risks to be identified; and
- Emerging Issues section of the Agenda may be expanded to provide opportunities for the Committee to raise other emerging issues which may not be presented to the Committee at that time.

TABLE 2

Annual Work Program 2023		21 August 2023		26 September 2023		20 November 2023	
Reports	Source	Planned	Actual	Planned	Actual	Planned	Actual
Officer Reports							
Quarterly Finance Report	LGA 54(2)(b) / Charter 1.2					✓	✓
Quarterly Capital Works and Major Projects Report	Not Defined					✓	✓
Quarterly Councillors' Expenses Report	Charter 1.6(l)	✓	✓			✓	✓
Quarterly Strategic Risk Management Report	Charter 1.6(c)	✓	✓			✓	✓
Quarterly Occupational Health and Safety Report	Not Defined	✓	✓			✓	✓
Quarterly Major Insurance and Legal Claims Report	Charter 1.6(h)	✓	✓			✓	✓
Annual Council Policies Report	Charter 1.6(f)					✓	✓
Integrity Reports (as required)	Charter 1.6(k)		✓				
Fraud Control	Charter 1.6(d)	✓	x				✓
Annual Investment Report	Investment Policy					✓	✓
Annual Gifts, Benefits and Hospitality Report	Gifts Benefits and Hospitality Policy					✓	✓
Annual Risk Management Framework Review	Charter 1.6(c)					✓	✓
Review Draft Financial Report and Performance Statement	LGA 2020 - s54(2)(b) Charter 1.6(a)			✓	✓		

Annual Work Program 2023		21 August 2023		26 September 2023		20 November 2023	
Reports	Source	Planned	Actual	Planned	Actual	Planned	Actual
Audit Matters							
Internal Audit Plan Progress Update	Charter 1.6(g)	✓	✓			✓	✓
Internal Audit Recommendations - Actions Update Report	Charter 1.6(g)	✓	✓			✓	✓
Internal Audit Reports (as required)	Charter 1.6(g)		✓			✓	✓
External Auditor - Annual Meeting (Committee Only)	Charter - Roles			✓	✓		
External Auditor - Final Management Letter	Charter 1.6(b)			x	✓	✓	x
Committee Matters							
Actions Arising Update	Not Applicable	✓	✓			✓	✓
Annual Work Program	LGA 2020 - s54(3)					x	✓
Annual Performance Assessment	LGA 2020 - s54(4)(a) Charter 1.6(j)			✓	✓		
Biannual Activity Report	LGA 2020 - s54(5)(a) Charter 1.6(n)	✓	✓				
Unplanned Reports Presented							
Staff Turnover	Committee Request (20/09/22)		✓				
Emergency Management Preparedness	GMPC Request (31/08/23)						✓
Lakes Entrance Northern Growth Area	GMPC Request (12/09/23)						✓