



Minutes

Council Meeting

Tuesday 21 May 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), Jane Greacen OAM (Deputy Mayor),
Arthur Allen, Sonia Buckley (Online), Mark Reeves, 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.

Index

1 Procedural.....	5
1.1 Recognition of Traditional Custodians.....	5
1.2 Apologies	5
1.3 Declaration of Conflict of Interest	5
1.4 Confirmation of Minutes	5
1.5 Next Meeting.....	5
1.6 Requests for Leave of Absence	5
1.7 Condolences	6
1.8 Open Forum.....	6
1.8.1 Petitions	6
1.8.2 Questions of Council	6
1.8.3 Public Submissions	6
1.9 Items for Noting.....	6
2 Notices of Motion.....	6
3 Deferred Business	6
4 Councillor and Delegate Reports.....	7
5 Officer Reports.....	11
5.1 Assets and Environment	11
5.1.1 CON2024 1610 Myer Street Lakes Entrance.....	11
5.1.2 CON2024 1636 Mallacoota Streetscape.....	11
5.2 Business Excellence	13
5.2.1 Submission - Inquiry into Local Government Sustainability.....	13
5.2.2 Locality Boundary Realignment – Eagle Point, Paynesville, Newlands Arm, Raymond Island, Boole Poole and Metung.....	14
5.2.3 Locality Boundary Realignment – Lakes Entrance and Kalimna	15
5.2.4 Council Plan Progress Report Quarter Three 2023-24	16

6 Urgent Business	17
7 Confidential Business	17
8 Close of Meeting	17

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

Cr Trevor Stow

1.3 Declaration of Conflict of Interest

Sarah Johnston General Manager Business Excellence declared a general conflict of interest in items 5.1.1 CON2024 1610 Myer Street Lakes Entrance and, 5.1.2 CON2024 1636 Mallacoota Streetscape, due to having a family connection with one of the tenderers.

1.4 Confirmation of Minutes

Motion

That the minutes of the Council meeting held Tuesday 30 April 2024 be confirmed.

Moved: Cr Mark Reeves

Seconded: Cr Sonia Buckley

CARRIED

For: Cr Sonia Buckley, Cr Tom Crook, Cr Jane Greacen OAM, Cr Mark Reeves,
Cr Mendy Urie and Cr John White

Against: Nil

Abstained: Cr Arthur Allen and Cr Kirsten Van Diggele

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 4 June 2024 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00pm.

1.6 Requests for Leave of Absence

Nil

Procedural Note

At this point in proceedings, Mayor Cr Tom Crook acknowledged Master Kipp Chandler and Miss Ella Waite from Tambo Upper Primary School who observed the meeting from the public gallery as part of their Rotary Junior Community Awards program. To acknowledge the student's participation in this community program, the Mayor presented them with a Council pin.

1.7 Condolences

Motion

That Council notes the recent passing of its former Chief Executive Officer, the late Joseph Cullen and extends East Gippsland Shire Council's condolences to his family, friends and former colleagues.

Moved: Cr Mendy Urie

Seconded: Cr Sonia Buckley

CARRIED UNANIMOUSLY

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

1.8 Open Forum

1.8.1 Petitions

Nil

1.8.2 Questions of Council

Nil

1.8.3 Public Submissions

Nil

1.9 Items for Noting

Nil

2 Notices of Motion

Nil

3 Deferred Business

Nil

4 Councillor and Delegate Reports

4.1 Cr Arthur Allen

Having been on leave for the past five weeks, I have nothing to report as far as representations go. I certainly enjoyed the break and look forward to resuming duties refreshed.

4.2 Cr Mendy Urie

It was a pleasant duty to welcome the participants to the second Events Masterclass at the RSL in Bairnsdale on 8 May 2024, hosted by our Council staff. Like the first evening, the second was also well attended. Participants got to socialise while learning from the expert presenters about writing successful grant applications and importantly, making their events as waste-free as possible. "Council is here to help" was a key take-away catchcry.

I attended another wonderful, happy East Gippsland Art Gallery opening on Friday evening 10 May 2024, to see and appreciate the wonderful woven artwork of the talented Alice Hesse "Nature Inspired Weaving" and "Artworks with a Twist" intriguing paintings by Meralin Fawcus. Congratulations to both artists for their beautiful work.

17 May 2014 was International Day against Homophobia, Transphobia and Biphobia (IDAHOBIT) day and it was good to join The Youth Ambassadors (YA), our Council staff and Councillors Greacen and Van Diggele for the commemoration at the Bairnsdale Secondary College for a flag raising and excellent speech by new YA President, Juliette.

Councillors were invited by Gippsland Apiarists to a Forest Walk on 19 May 2024 at Mississippi Creek. I joined a small group led by Charley Daniel to see and learn about this valuable, thriving piece of bush along the creek which is currently slated for prescribed burning. We were also shown some adjacent bush which had already been hot burnt with resultant dense bracken re-growth and collapse of previously healthy structure. I do question the principles behind these burning practices and will personally follow up to call for an urgent review. If the aim is to reduce risk of wildfire (which we are all interested in), I see that burning this precious riparian vegetation will have the opposite effect. Critically, there is also loss of precious habitat and visual amenity, as this area has high visitation by walkers and cyclists. Our beautiful remaining forests are communal assets which need protecting and in many cases re-constructing. The research and principles behind forest management need to be seriously and urgently reviewed.

In a week when we shine a light on the breadth of work done day-in and day-out by all our wonderful volunteers, it was a pleasure to attend Council's event at Bruthen on Monday when we enjoyed afternoon tea and heard from Joy Manley about her work over many, many years with various groups in that community. The results of Joy's work, along with many others in and around Bruthen can be seen in the array of completed projects and the sense of connectedness and pride in the town.

And today, on Tuesday 21 May 2024, we have again celebrated our Volunteers in person and on the Honour Roll, this time with a special morning tea in Bairnsdale. I hope all those who give their time, skill and care across so many organisations or quietly at home in caring for someone who needs some help, feels appreciated for what they do. I would also like to give a shout out to our Officers who work hard to set up and organise these events and make them very special. We have one more event in Buchan later in the week.

4.3 Cr Tom Crook

During the reporting period, I, Cr. Tom Crook, have actively participated in various engagements and meetings, demonstrating a dedication to fostering community connections, collaboration, addressing significant issues for our region and building partnerships for a better East Gippsland.

Below are some highlights of my activities:

02/05/24 - At the invitation of the Minister for Local Government, the Hon. Melisa Horne, I attended a Mayoral Forum on the Local Government Amendment Bill. Mayors from around Victoria were briefed on what these new changes mean for our and other councils.

On Tuesday 30 April 2024, the Local Government Amendment (Governance and Integrity) Bill 2024 was introduced to Parliament that includes reforms intended to strengthen council leadership, capability, and Councillor conduct, improve early intervention, and dispute resolution and strengthen oversight mechanisms. This follows multiple councils being put under administration due to unacceptable councillor conduct and other governance matters.

While I understand the broader rationale for many of these measures and support making sure Councils act with the utmost integrity, I have concerns around how these changes have been implemented. Especially around the lack of consultation with our and other Councils. Broadly speaking the new Bill seeks to:

- introduce ongoing mandated training for Mayors and Councillors that expand the existing induction training requirements for Councillors;
- enable the suspension or disqualification of individual Councillors found to have created a risk to health and safety, or prevented the council from performing its functions;
- enhance the enforcement powers of the Chief Municipal Inspector, including by providing the CMI with the ability to issue infringement notices for certain offences under the Act make improvements to the Councillor Conduct Framework. This will include creating a power to establish in regulations a model Councillor Code of Conduct and increasing the severity of sanctions available for councillor misconduct; and
- improve the operation of provisions relating to Ministerial oversight, appointment powers and the Councillor Conduct Framework.

I will continue to liaise with Minister Horne and Council staff to ensure our Council is abreast of these changes and able to ensure all Councillors understand their responsibilities.

2.5.2024: Later the same day, I convened the Chief Executive Officer Employment and Remuneration Committee to discuss refinement and implementation of a set of new 'key performance criteria' for the role. Which will form the basis of the formal review and evaluation of this critical position within the Council organisation.

3.5.2024: I attended The Friends of Paynesville Library event at the Paynesville library. Joining supporters for a Morning Tea. This was a get together with the community to recognise and celebrate the Council decision to maintain the existing opening hours of Regional Libraries and the role played by members of our community in bringing about the decision.

6.5.2024 I met with members of the Metung Bowls Club to inspect their new green but also importantly to try and work through some of their ongoing concerns about leasing arrangement with the facility and parking. It was a productive discussion and I hope to be able to find a pathway forward which allows the club to keep doing such great work in operating the Metung bowling green for the benefit of the community.

Late that afternoon I met with member for Gippsland East, Tom Macintosh, in East Bairnsdale, where we met with community members to announce new State Government and Council funding for the playground facilities in Hoddinott Street. We also took the opportunity to be shown around the East Gippsland hub, currently run by United Care, and saw the great work they are doing. I then took Tom to Bairnsdale west oval to inspect the site for future upgrades and then went to the Eagle Point foreshore hub to showcase this new development.

7.5.2024 I ran all day briefing with Councillors and Offices on matters coming to future Council meetings.

That night, I travelled to Traralgon and attended a meeting with the Environmental Protection Authority's board of Management. Discussing many issues around pollution regulation, the Gippsland Lakes and waste management initiatives and opportunities.

8.5.2024 After a day spent catching up on Council business and responding to various community concerns and requests, I met with the delivery team from the Future Proof Project.

Future Proof is a collective impact project led by the Youth Affairs Council of Victoria. Future Proof brings together eight local Councils, two Aboriginal Community Controlled Organisations, two Local Learning and Employment Networks, and Victoria University to drive recovery outcomes for fire-affected young people and communities in Eastern Victoria.

The Future Proof: Young People, Disaster Recovery and (Re)building Communities project is led by the Youth Affairs Council Victoria and funded via a Black Summer Bushfire Recovery Grants Program, of which Council is a key partner.

9.5.2024: I Ran Council's Agriculture Sector Advisory Committee Meeting. An important opportunity to hear first hand from farmers and explore way to work together and support our agricultural sector in East Gippsland.

13.5.2024: After visiting East Bairnsdale recently, I met with regional leaders of Uniting Care, who run the East Bairnsdale community hub, to better understand what Council can do to help their great work. The conversation was wide ranging and very informative. We also discussed the future of the former kindergarten, which is council owned. Something I am interested in and will be pursuing.

14.5.2024: I Opened and attended the Dark Sky's project launch at the Gunaikurnai Land and Waters Aboriginal Corporation in Kalimna. The program included: An Update – Destination Gippsland – by Terry Robinson. A presentation by Daniel Miller by GLAWAC Chief Executive Officer, on their Narjet project at Wilsons Promontory and presentations from Visit Victoria on their Every Bit Different campaign had our Chief Executive Officer, Fiona, present on some of council's recent work in the visitor economy space. A keynote address from Mark Cameron – who presented a unique understanding of where our world is going, and what choices all businesses have in front of them with the rapidly developing state of artificial intelligence, was a highlight. As was meeting with so many people from this important sector of our economy.

Later that day I returned to the Council corporate centre to run a briefing session with fellow councillors.

15.5.2024: I met with the new Chief Executive Officer of the Gippsland and East Gippsland Aboriginal Cooperative to discuss future working partnerships with Council.

17.5.2024: I travelled to Melbourne to represent East Gippsland at the Municipal Association of Victoria's State meeting, along with 70+ councils. We voted on a range of motions, several of which our council moved, including working with the State government to better utilise School sites during holiday periods for electrical vehicle charging, And motions on Local government financial sustainability and rating review, homelessness, and housing affordability.

21.5.2024 I attend and spoke at the Bairnsdale Volunteer recognition event and later the Carers morning mingle. Where we celebrated the contributions individuals and groups make to East Gippsland as part of National Volunteer Week 2024. The theme for the week is Something for Everyone. Volunteering brings people together; it builds communities and creates a better society for everyone. A big heartfelt thanks to everyone in our community who volunteers or is a carer.

These engagements reflect my ongoing commitment to a Better East Gippsland, partnership building, and addressing critical issues facing our region.

As always, I encourage residents and ratepayers to contact me to discuss any matters of importance.

5 Officer Reports

5.1 Assets and Environment

Conflict of Interest

Sarah Johnston General Manager Business Excellence having declared a conflict of interest related to items 5.1.1 and 5.1.2, left the meeting at 6.11 pm and was absent during the discussion on these items.

5.1.1 CON2024 1610 Myer Street Lakes Entrance

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 CON2024 1610 Road Safety Upgrades Myer Street, Lakes Entrance for the contract amount of \$1,458,474.34 exclusive of GST;*
- 3. subject to securing and confirming the external funding sought and budgeted for by Council for the Road Safety Upgrades Myer Street, Lakes Entrance, authorises the awarding of the contract;*
- 4. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and*
- 5. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.*

Moved: Cr Arthur Allen

Seconded: Cr Mark Reeves

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

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 1636 Mallacoota Streetscape for the contract amount of \$2,871,408.57 exclusive of GST;***
- 3. notes the receipt of the Probity Report, with no adverse findings, and approves the awarding of this contract;***
- 4. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and***
- 5. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.***

Moved: Cr Mark Reeves

Seconded: Cr Jane Greacen OAM

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

Attendance

Sarah Johnston General Manager Business Excellence returned to the Council Chamber at 6.36 pm.

5.2 Business Excellence

5.2.1 Submission - Inquiry into Local Government Sustainability

Authorised by Chief Executive Officer

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. endorses the submission provided at Attachment 2, with removal of reference to recommendations suggesting alternate approaches to rate capping, which is a State issue;***
- 3. authorises the Chief Executive Officer to augment the draft submission with relevant data or information coming from the local government peak bodies; and***
- 4. notes that Officers will submit, by 31 May 2024, the endorsed submission to the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport for consideration.***

Moved: Cr Mendy Urie

Seconded: Cr Sonia Buckley

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

5.2.2

Locality Boundary Realignment – Eagle Point, Paynesville, Newlands Arm, Raymond Island, Boole Poole and Metung

Authorised by General Manager Business Excellence

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. endorses the proposal to amend the locality boundary between Eagle Point, Paynesville, Newlands Arm, Raymond Island, Boole Poole and Metung, as provided at Attachment 1; and***
- 3. notes that Officers will submit the endorsed application to the Registrar of Geographic Names Victoria for registration.***

Moved: ***Cr Arthur Allen***

Seconded: ***Cr Mark Reeves***

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

5.2.3 Locality Boundary Realignment – Lakes Entrance and Kalimna

Authorised by General Manager Business Excellence

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report.***
- 2. endorses the proposal to amend the locality boundary between Lakes Entrance and Kalimna as per Attachment 1; and***
- 3. notes that Officers will submit the endorsed application to the Registrar of Geographic Names Victoria for registration.***

Moved: Cr Arthur Allen

Seconded: Cr John White

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

5.2.4 Council Plan Progress Report Quarter Three 2023-24

Authorised by General Manager Business Excellence

Attendance

Cr Kirsten Van Diggele left the Council Chamber at 6:53 pm and returned at 6:56 pm.

Motion

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

Moved: Cr Jane Greacen OAM

Seconded: Cr Mendy Urie

CARRIED UNANIMOUSLY

For: Cr Arthur Allen, Cr Sonia Buckley, Cr Tom Crook, Cr Jane Greacen OAM,
Cr Mark Reeves, Cr Mendy Urie and Cr John White

Against: Nil

Abstained: Nil

6 Urgent Business

Nil

7 Confidential Business

Nil

8 Close of Meeting

Mayor Cr Tom Crook declared the Council Meeting closed at 7.09 pm.