



Minutes

Council Meeting

Tuesday 16 July 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, Trevor Stow,
Mendy Urie, Kirsten Van Diggele (Online) and John White

Attachments referenced in these minutes can be located in the meeting agenda on East Gippsland Shire Council's [website](#).

Vision

East Gippsland is an inclusive and innovative community that values our natural environment, puts community at the centre of Council decision-making, and creates the conditions in which communities can thrive.

Our Strategic Objectives

1. An inclusive and caring community that respects and celebrates diversity.
2. Planning and infrastructure that enriches the environment, lifestyle, and character of our communities.
3. A natural environment that is managed and enhanced.
4. A thriving and diverse economy that attracts investment and generates inclusive local employment.
5. A transparent organisation that listens and delivers effective, engaging and responsive services.

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1 Procedural

1.1 Recognition of Traditional Custodians

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

Cr Jane Greacen OAM declared a conflict of interest in relation to item 5.1.1 *Planning Permit Application 5.2023.454.1 - Two-lot subdivision and buildings and works for a second dwelling - 34-36 Eighth Ave Raymond Island* and item 5.1.2 *Planning Permit Application 5.2023.356.1 - Two lot subdivision and removal of native vegetation - 34 First Parade Raymond Island*, as a general interest due to owning a property within proximity of the planning applications.

Cr Tom Crook declared a conflict of interest in relation to part of item 5.1.6 *Seeking Authorisation and Public Notice of Planning Scheme Amendment (C171egip) - Implementation of Eagle Point Structure Plan*, as a general interest due to owning a property within the Eagle Point Structure Plan boundary.

Cr Mendy Urie declared a conflict of interest in relation to part of item 5.1.6 *Seeking Authorisation and Public Notice of Planning Scheme Amendment (C171egip) - Implementation of Eagle Point Structure Plan*, as a material interest due to owning a property within the Eagle Point Structure Plan boundary.

Cr Kirsten Van Diggele declared a conflict of interest in relation to part of item 5.1.7 *Seeking Authorisation and Public Notice of Planning Scheme Amendment (C172egip) - Implementation of Paynesville Growth Area Structure Plan*, as a material interest due to owning a property within the Paynesville Structure Plan boundary.

Cr Mark Reeves declared a conflict of interest in relation to item 7.2 *Contractual Matter*, as a general interest due to having a connection with the content of the confidential report.

1.4 Confirmation of Minutes

Motion

That the minutes of the Council meeting held Tuesday 25 June 2024 be confirmed.

Moved: Cr Trevor Stow

Seconded: Cr Arthur Allen

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

1.5 Next Meeting

The next Council Meeting of Tuesday 6 August 2024 to be held at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

1.6 Requests for Leave of Absence

Nil

Procedural Note

Councillors John White and Sonia Buckley acknowledged the recent passing of Mrs Kim Ellis, wife of former Mayor and Councillor, Richard (Dick) Ellis and extended East Gippsland Shire Council's condolences to their family.

1.7 Open Forum

1.7.1 Petitions

Nil

1.7.2 Questions of Council

1.7.2.1 Planning Application - 34 First Parade Raymond Island

Mr David Peile submitted the following question which was read out on his behalf by the Acting Chief Executive Officer Stuart McConnell.

“What potential current and future liabilities might Council incur on behalf of its ratepayers if it were to approve this subdivision against EGCMA Referral Advice and Council Officer recommendations?”.

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

Noting it is not appropriate for me to speculate on any particular outcomes, where it could be demonstrated that Council made a determination contrary to statutory requirements, best practice, and/or scientific evidence, Council could be held liable for property damage, unreasonable delays, and/or injury.

Any claim for damages due to alleged negligence in decision-making would be dependent on the circumstances of the particular case.

Individual residents also have a responsibility to act in a responsible manner during flood events.

Council continues to advocate for a State Government response to inundation risks and climate response, which will improve the information available for decision making and update the planning system, including zones and overlays, appropriately.

1.7.2.2 Chinaman's Creek Marina, Metung

Mr Morris Borgelt asked the following two questions, which were split into two parts:

Question 1a *"A count of vacant mooring in Chinaman's Creek Marina this morning gave me 21% vacancy rate which is much higher than the 2-year average of 9% stated at Council's last meeting. What are the berth numbers for the vacant blocks being put to the wait list?"*

Question 1b *"What is the time limit for wait listees to accept or reject a berth?"*

Question 2a *"In the mid 1990's to early 2000's, Council offered me to have two boats on mooring M1 in Chinaman's Creek, following Council establishing with builders that the poles were ok for two boats, and I paid for two boats. Why is Council refusing to allow it now?"*

Question 2b *"Why is there a blanket ban on two boat moorings?"*

Paul Rooney Acting General Manager Assets and Environment provided a response which is summarised below:

Question 1a/1b response: A vacant berth listing is due to the berth not having an allocated lease agreement. Vacancy rates are not directly linked to the number of physical vessels onsite. This is due to a number of factors that could impact the vessels length of stay.

In saying that, there is a period of time identified in the lease agreements whereby if a vessel is not in the allocated site, it can be leased to another party. This timeframe is 3 months.

I note that consideration is given for berth holders dealing with special unforeseen circumstances. There are 7 berths being offered to the wait list at Chainman's Creek Marina. I am happy for Officers to share specific berth numbers with you via email.

Question 2a/2b response: In our Marinas rules and regulations it states *A Berth Holder is permitted only to moor a vessel in their allocated Chainman's Creek berth.*

Advice I received in relation to this matter highlights that the concern of the load on the mooring poles, and our Jetty spacing within our Marinas not being wide enough for safe vessel movements if sharing a berth between two vessels, has led to this ruling. The advice just shared in answering your previous question is applicable to all our Marina assets.

I have confirmed that there are other berth vacancies in the Metung area that officers can allocate to you. I hope this can support you in mooring both your vessels on the Gippsland Lakes.

Given the detailed and operational nature of your queries I am happy to arrange for the relevant Officer to meet with you separately.

1.7.2.3 Street Naming

Ms Susan Gilmore asked the following question:

"I am completing a development in East Bairnsdale in three stages, why can't I name the street after my late father-in-law?"

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

Thank you for the question. As you know we have been working with you extensively on this issue. Whilst Council is the naming authority, we must work within the naming rules set by Geographical Names Victoria. These rules have been in place for a number of years. We are guided by the Naming Rules which talk to connection to place and commemorative names.

Unfortunately, your father in law's name did not meet these principles of the naming rules because the name did not have a strong connection to East Bairnsdale. However, a strong connection to the Buchan area was identified with him being involved in many community organisations and taking a leading role in the welfare of the community.

I am sorry this has not met your expectations as I know your desire is to commemorate your father-in-law and honour his service to the community. As I have offered before, we have proposed another option for your consideration to commemorate your father-in-law and we are happy to keep talking to you about this.

1.7.2.4 Street Naming

Ms Rosalie Woodhouse submitted the following question which was read out on her behalf by Acting Chief Executive Officer Stuart McConnell:

"I am disappointed that Gilmore Crescent on the subdivision of 22 Lucknow Street East Bairnsdale and belonging to Susan Gilmore and my late brother Rodger. This is a privilege that Sue wishes honour our Father. Why has my letter, which was hand delivered on 20 May 2024, not responded to?"

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

Thank you for the question. I will have to follow up with the team as to why you have not had a final response, as I know you had an interim one. All I can do is pass on my apologies and commit to following up.

1.7.3 Public Submissions

1.7.3.1 Rates and Financial Hardship

Mr Ken White addressed Council on the rates and financial hardship and spoke at item 2.1.

1.7.3.2 Planning Permit Application 5.2023.454.1

Ms Kate Young addressed Council on Planning Permit Application 5.2023.454.1 and spoke at item 5.1.1.

1.7.3.3 Planning Permit Application 5.2023.454.1

Ms Jennifer Mason-Jefferies addressed Council on Planning Permit Application 5.2023.454.1 and spoke at item 5.1.1.

1.7.3.4 Planning Scheme Amendment (C172egip)

Ms Kate Young addressed Council on Planning Scheme Amendment (C172egip) and spoke at item 5.1.7.

1.8 Items for Noting

Nil

2 Notices of Motion

2.1 Rates and Financial Hardship

Public Submission

Mr Ken White

Motion

1. *notes the Financial Hardship Policy is currently under review;*
2. *requests that Officers prepare a report to Council prior to preparation of the draft 2025/26 budget and its release for advertising and community feedback, outlining the:*
 - a. *ways in which Council's Financial Hardship Policy can be amended to further minimise the impact on ratepayers who may be experiencing financial hardship;*
 - b. *evidence and options used to set rating differentials across the existing three property classes; and*
 - c. *consultation options available for Council in relation to the setting of rates, and in particular differential rates.*

Moved: Cr Jane Greacen OAM

Seconded: Cr Arthur Allen

CARRIED

For: Cr Arthur Allen, Cr Tom Crook, Cr Jane Greacen OAM, Cr Mendy Urie and Cr Kirsten Van Diggele

Against: Cr Sonia Buckley, Cr Mark Reeves, Cr Trevor Stow and Cr John White

Abstained: Nil

3 Deferred Business

Nil

4 Councillor and Delegate Reports

4.1 Cr Arthur Allen

The last three weeks have kept me busy! On 30 June 2024, I had the pleasure of officially opening the skate park at Cann River. The cold and rainy day was conducive to big crowds, but Cann River can be proud of new facility which adds a great attraction to Baum Park. And while the park will be greatly appreciated by the districts young people, I am sure it will become a stop off for families on longer road trips.

That same day saw Cr Reeves open the community facility at Club Terrace and what a great afternoon that was! Standing room only as the surrounding community gathered to express their gratitude. The hall is the culmination of the efforts of the local community, Council, Gippsland Emergency Relief and Commonwealth Disaster Recovery agency.

The winter festival held two big events on Saturday 6 July 2024 at Metung and Lakes Entrance. I attended the afternoon section of the Metung event, and it was great to see numerous families enjoying the games and face painting etc. The lantern parade at Lakes was big! And visually fantastic! Congratulations to Adam and his band of helpers and everyone who rugged up and joined in either in the parade or as spectators lining the route.

NAIDOC week was busy! The flag raising on Monday drew a big crowd and the rain stopped just in time for Wednesday's street march, again with a big turn out.

Thursday 11 July 2024 was a special day for the Lake Tyres Trust with the opening of the extension to their CFA shed, home of the Bunjil brigade. As part of the occasion, the three members, all women, were presented with 20-year service badges. Well done girls!

Saturday 13 July 2024 was a big day for the Omeo Recreation Reserve Committee and for womens sport in Omeo with the official opening of the refurbished courts and associated drainage, paths, lighting and player shelters. Again, it was great to see the appreciation expressed by people in Omeo for their facilities and the work by Officers, bushfire recovery and others in making the upgrades a reality.

4.2 Cr Mendy Urie

Returning from a little road trip to NSW on Saturday 30 June, it was wonderful to stop and spend time at the opening of the new Cann River Skate Park. Despite being a cold and wet day, it was clear that this facility is well-received by the local young folk, some of whom were there to speak and acknowledge the work and financial contributions of several agencies. This will also be an attraction for visitors too, I am sure.

Later in the afternoon, along with acting Chief Executive Officer and Cr Reeves and Cr Allen, we moved on to the Club Terrace Community facility opening. The wonderful, attractive, and practical space of this new building is exceptional. Once again, its completion has been achieved with a great deal of community input, financial support from multiple agencies and the hard work of community members, many who were represented at the opening.

July 7 2024, on a magic sunny winter's day, I participated in the inaugural Tour de Tambo bike-ride from Swifts Creek to Ensay (and return). Huge congratulations to the local organisers for introducing approximately 60 people to a wonderful ride in an area which is not well known. Also, thanks to the SES for keeping us all safe and the caterers for a wonderful lunch. Another excellent event as part of the East Gippsland Winter Festival.

July 8 2024 saw the start of NAIDOC week when, along with the Mayor and Cr Allen, I attended the flag raising and Baby welcome at GEGAC and later on in the week, the very well attended and celebratory street march on Wednesday 10 July 2024.

Thursday 11 July 2024 was the community celebration and commemoration of the Bunjil fire brigade at Lake Tyers Aboriginal Trust. The Mayor, Cr Allen and Cr Reeves also attended this event when the hard work and dedication of local people was acknowledged as well as an extension to the CFA building. It was another great community celebration.

Suicide prevention work is, for better or worse, often unseen and left to the hard work of dedicated volunteers in the community. The tiny local East Gippsland Suicide Intervention Inc group has taken on this important work over many years but now needs more support. On Saturday 13 July 2024, Cr Greacen and I attended a morning tea hosted by Wesley Mission Life Force to draw attention to this need. It was an informative and helpful session and I intend to follow this up within Council to explore our role, investigate connections and suggest avenues of support.

4.3 Cr Mark Reeves

Australian Local Government Association Conference

The Australian Local Government Association (ALGA) Conference in Canberra in 2024 included the Regional Development and Cooperation Forum and Australian Council of Local Government meeting. The program promised significant benefits across various dimensions of Council operations, and I say it delivered. With over 1200 local government delegates from across the nation, it is usually Australia's foremost gatherings of local government leaders, policymakers, and stakeholders and this was the case again this year. This event in my experience has always served as a crucial platform for fostering collaboration, innovation, and policy advancement and connects us as a more remote shire with many like-minded and situated Councils.

ALGA Conference plays a pivotal role in shaping the national agenda by addressing pressing issues facing local communities: funding and 1% will be covered below. With Canberra as the host city, we came from across Australia to convene in the capital, facilitating direct engagement with federal decision-makers. This proximity enhances dialogue on critical matters such as infrastructure development, financial and environmental sustainability, and community resilience especially post disaster. Many of the break-out sessions allowed this direct contact with key policy makers such as Ministers and CEO of National Emergency Management Agency, demographers and fellow elected members.

The conference served as a knowledge-sharing opportunity where best practices and successful strategies are exchanged among attendees. The ability to see, hear and learn from each other was hugely beneficial. Workshops, panel discussions, and keynote addresses provide insights into emerging trends and challenges in local governance, demographics, city/urban/per-urban/regional and rural-remote housing, power, roads, recreation facilities, education provision, waste and recycling to name a few. This exchange not only enriches each of us with actionable insights-some innovations in the Youth Ambassadors and Young Mayors from FYA spring to mind-but also promotes networking opportunities that can lead to enduring nation and sitewide partnerships and collaborations.

The ALGA Conference this year showcased innovative solutions and technologies relevant to contemporary governance. Exhibitions and demonstrations by industry leaders and commercial providers highlight advancements in areas such as smart city initiatives, digital transformation, energy transformation and transition, EV providers, accommodation platforms (Airbnb) and citizen engagement tools. These demonstrations not only inspire but also gave us new and fresh ideas and tools needed to deliver more efficient and responsive services to our communities.

Beyond the immediate benefits, the conference fostered a sense of unity and shared purpose among local and federal government representatives nationwide. By convening in Canberra, participants reinforce their commitment to collective action in tackling shared challenges and seizing opportunities for sustainable development. Of note was the renewed emphasis placed on the ALGA call, loud and clear from across the national local governments, to the Federal Government to increase financial assistance grants to 1% of the federal tax take. Currently it sits at about 0.52%.

While the amount provided to local government via state Grants Commissions has increased year on year by about CPI (apart from the disastrous years it was frozen by the Abott Liberal-National Government 2013-2015), the increase to 1% would resolve many issues for local government. Not the least is financial sustainability and the need to apply for competitive grants.

In conclusion, the ALGA Conference Canberra 2024 was as a cornerstone event for Australia's local government sector and for us as East Gippsland Shire by being present and attending. It empowered us with knowledge, fostered collaboration across jurisdictions, and inspired transformative action in service of communities nationwide and our shire constituents.

Events and specific plenary presentations:

Regional Cooperation and Development Forum - 2 July 2024

- Roads and Transport.
- Disaster resilience and recovery.
- Energy Transition.
- National Housing and Community Infrastructure.

ALGA National General Assembly (NGA) - 3 July 2024

- Governor General Address: first public address from the new Governor General the Hon Ms Sam Mostyn AC.
- Minister Catherine King Minister for Infrastructure, Transport, Regional Development and Local Government.
- Shadow Minister Bridget McKenzie.
- Plenary discussion with Anabelle Crab-Politics and civic engagement.
- Local Government report by Marcus Spiller SGS Economics.

Debate on motions - 4 July 2024

- Intergenerational Equity and Fairness: how demographics will shape our future planning and operations. By Simon Kuestemacher.
- Community and international Trust Q&A panel.

Australian Council of Local Government – 5 July 2024

- With many sitting and current members, senators and ministers.
- Service Delivery, Housing, Skills and Capacity.
- Disaster recovery panel Hon Minister Watt, Hon Tony Sheldon.
- Panel-Climate Change and renewables with the Hon Chris Bowen and Assistant Minister Jenny McAllister.
- Peri-Urban Councils and regional cities discussion and panel.

NAIDOC

This past week is a significant week for our First Nations, Aboriginal and Torres Strait Islander community. I was proud to be able to attend and acknowledge these events:

- Moogji Flag raising and morning tea, with cultural performances and a great opportunity to yarn and for collegiality. Many Shires, State Government department staff and community members were in attendance at Orbost Moogji.
- GEGAC NAIDOC walk. I estimate about 1000 people walked in solidarity through Bairnsdale.

Thanks to our amazing local Aboriginal and Torres Strait Islander community for your care of country, culture and lore. It adds to our current community in many ways.

Cann River and Club Terrace

We were excited to attend the official opening of both the Cann River Skate Park and Club Terrace Community Centre.

The skate park event was made even better by the insightful words of the two young people from Cann River who are both users and had input into the design.

Club Terrace Community Centre is a triumph of community resilience and persistence. I salute that community and the key people behind the design, development, construction, and final installation of the fittings and chattels in the facility.

Both of these investments in our remote communities will no doubt act as magnets to draw the community together and ultimately be a glue to adhere members into their place. Moreover, Club Terrace facility will be in future a refuge and emergency evacuation point not just for the local community but potentially for isolated travellers on the Princes Hwy should the need arise.

East Gippsland Winter Festival

With so many events available, one could attend an event every day for the month or so that the festival is open. Importantly, the key family-focussed events, with children in mind, are all early evening. This allows young people to participate and enjoy the night events such as lantern parades and be home in bed by 8pm! Everyone is a winner!

I have enjoyed the Dance of the Water Dragons at Lakes Entrance, The Buddy Knox Project at Orbost Exhibition Centre and enjoyed a cold winter SUP paddle from Chinaman's Creek to Metung via Cox's Creek. That was a great event with participants from Melbourne coming specifically for the Winter Festival-spot on!

Bunjil Fire Brigade

The Bunjil fire station was officially opened last Thursday 11 July. Bunjil Fire station is at Bung Yarnda-Lake Tyres Aboriginal Trust. Congratulations to my sister Charmain Sellings, the main driver in the successful creation of this stand-alone brigade. The brigade provides essential first responder services to the community of Bung Yarnda.

The event attracted many local CFA brigade members, Melbourne-based Board and CEO of CFA and many senior officers from region 11. Congratulations Bunjil Brigade. You are all awesome!

5 Officer Reports

5.1 Place and Community

5.1.1 Planning Permit Application 5.2023.454.1 - Two-lot subdivision and buildings and works for a second dwelling - 34-36 Eighth Ave Raymond Island

Authorised by Acting General Manager Place and Community

Conflict of Interest

Cr Jane Greacen OAM, having declared a conflict of interest to item 5.1.1 and item 5.1.2, left the Council Chamber at 6.52 pm, and was absent during discussions on these items.

Public Submission

Ms Kate Young
Ms Jennifer-Mason-Jefferies

Attendance

Cr Kirsten Van-Diggele left the meeting at 6.51 pm and returned at 6.53 pm
Cr Mark Reeves left the Council Chamber at 6.52 pm and returned at 6.54 pm
Cr Trevor Stow left the Council Chamber at 6.59 pm and returned at 7.01 pm

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2023.454.1 is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves issue a notice of decision to refuse to grant a planning permit for a Two lot subdivision and development of a second dwelling at 34-36 Eighth Avenue, Raymond Island for the following reasons:**
 - a. the proposal is generally inconsistent with the Planning Policy Framework (PPF) with respect to planning for places and environmental risks and amenity;**
 - b. the proposal is generally inconsistent with the objectives of Clause 44.04 Land Subject to inundation overlay; and**

c. the proposal is inconsistent with the decision guidelines in the Victorian Planning Provision (VPP) Planning Practice Note PPN11: Applying for a Planning Permit Under the Flood Provisions, in that:

- i. it is not consistent with the Planning Policy Framework (PPF).**
- ii. it relies on low-level access to and from the site.**
- iii. it is likely to increase the burden on emergency services and the risk to emergency personnel.**
- iv. it is likely to increase the amount of flood damage to public or private assets.**

Moved: Cr Mark Reeves

Seconded: Cr Mendy Urie

LOST

For: Cr Tom Crook, Cr Mark Reeves and Cr Mendy Urie

Against: Cr Arthur Allen, Cr Sonia Buckley, Cr Trevor Stow and Cr John White

Abstained: Cr Kirsten Van Diggele

Procedural Note

In accordance with section 61(5)(e) of the *Local Government Act 2020*, a Councillor who is present at a meeting and abstains from voting is to be counted as a vote against the motion.

5.1.2 Planning Permit Application 5.2023.356.1 - Two lot subdivision and removal of native vegetation - 34 First Parade Raymond Island

Authorised by Acting General Manager Place and Community

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2023.356.1 is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves issue a notice of decision to refuse to grant a planning permit for a Two Lot Subdivision and Removal of Native Vegetation at 34 First Parade, Raymond Island for the following reasons:***
 - a. the proposal is generally inconsistent with the Planning Policy Framework (PPF) with respect to planning for places and environmental risks and amenity;***
 - b. the proposal is generally inconsistent with the objectives of Clause 44.04 Land Subject to inundation overlay;***
 - c. the proposal does not suitably demonstrate the avoidance of removal of native vegetation in accordance with Clause 52.17, the Guidelines for the Removal, Destruction and Lopping of Native Vegetation (DELWP, 2017), the PPF, and the decision guidelines at Clause 65; and***
 - d. the proposal is considered to have a significant negative impact on biodiversity and environmental values of the land and neighbourhood based on impacts to threatened species habitat; and***
 - e. the proposal is not consistent with the decision guidelines in the Victorian Planning Provision (VPP) Planning Practice Note PPN11: Applying for a Planning Permit Under the Flood Provisions, in that:***
 - i. it is not consistent with the Planning Policy Framework (PPF).***
 - ii. it is likely to result in danger to the life, health and safety of the occupants due to flooding of the site.***
 - iii. it relies on low-level access to and from the site.***
 - iv. it is likely to increase the burden on emergency services and the risk to emergency personnel.***

Moved: Cr Mendy Urie

Seconded: Cr Mark Reeves

Procedural Motion

Cr Sonia Buckley moved that the motion now be put.

Moved: **Cr Sonia Buckley**

Seconded: **Cr Trevor Stow**

CARRIED

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

Against: Nil

Abstained: Nil

Procedural Note

The motion was immediately put to the vote without further debate, and the result was tied. Accordingly, the Chair Mayor Cr Tom Crook exercised a casting vote as required under section 61(5)(d) of the *Local Government Act 2020* and the motion was carried.

CARRIED

For: Cr Tom Crook, Cr Mark Reeves, Cr Mendy Urie and Cr Kirsten Van Diggele

Against: Cr Arthur Allen, Cr Sonia Buckley, Cr Trevor Stow and Cr John White

Abstained: Nil

Attendance

Cr Jane Greacen OAM returned to the Council Chamber at 7.41 pm.

**5.1.3 5.2023.464.1 - Use of land for sale and consumption of liquor
(increase red line area and patron numbers) and reduction of car
parking requirements**

Authorised by Acting General Manager Place and Community

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 5.2023.464.1 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 use of the land for the sale and consumption of liquor (increase red line area and patron numbers) and the reduction to the car parking requirements, subject to permit conditions in Attachment 1.***

Moved: Cr Arthur Allen

Seconded: Cr Trevor Stow

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

5.1.4 Seeking Authorisation and Public Notice of Planning Scheme Amendment (C169egip) - Update Municipal Planning Strategy/Planning Policy Framework and implementation of Housing and Settlement Strategy

Authorised by Acting General Manager Place and Community

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. seeks authorisation from the Minister for Planning to prepare Planning Scheme Amendment C169egip to the East Gippsland Planning Scheme generally in accordance with the draft planning scheme documentation shown at Attachment 1, Attachment 2 and Attachment 3;***
- 3. commences the public exhibition of Planning Scheme Amendment C169egip in accordance with Ministerial authorisation; and***
- 4. notes that the Planning Scheme Amendment C169egip will be subject to further Council review and assessment by an independent Planning Panel, if required, following the completion of the public exhibition.***

Moved: ***Cr Mark Reeves***

Seconded: ***Cr Trevor Stow***

CARRIED

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

Against: Cr John White

Abstained: Cr Sonia Buckley

Procedural Note

In accordance with section 61(5)(e) of the *Local Government Act 2020*, a Councillor who is present at a meeting and abstains from voting is to be counted as a vote against the motion.

5.1.5 Seeking Authorisation and Public Notice of Planning Scheme Amendment (C170egip) - Implementation of Rural Land Use Strategy

Authorised by Acting General Manager Place and Community

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. seeks authorisation from the Minister for Planning to prepare a Planning Scheme Amendment C170egip to the East Gippsland Planning Scheme generally in accordance with the draft planning scheme documentation shown at Attachment 1, Attachment 2, Attachment 3 and Attachment 4;***
- 3. commences the public exhibition of Planning Scheme Amendment C170egip in accordance with Ministerial authorisation; and***
- 4. notes that the Planning Scheme Amendment C170egip will be subject to further Council review and assessment by an independent Planning Panel, if required, following the completion of the public exhibition.***

Moved: Cr Mendy Urie

Seconded: Cr Jane Greacen OAM

CARRIED

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 and Cr John White

Abstained: Nil

5.1.6 Seeking Authorisation and Public Notice of Planning Scheme Amendment (C171egip) - Implementation of Eagle Point Structure Plan

Authorised by Acting General Manager Place and Community

Conflict of Interest

Mayor Cr Tom Crook and Cr Mendy Urie, having declared a conflict of interest to item 5.1.6, left the Council Chamber at 8.01 pm, and were absent during discussions on this item.

Procedural Note

Due to Mayor Cr Tom Crook declaring a conflict of interest, Deputy Mayor Cr Jane Greacen OAM assumed the Chair.

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. seeks authorisation from the Minister for Planning to prepare a Planning Scheme Amendment C171egip to the East Gippsland Planning Scheme generally in accordance with the draft planning scheme documentation shown at Attachment 1, Attachment 2, Attachment 3 and Attachment 4;***
- 3. commences the public exhibition of Planning Scheme Amendment C171egip in accordance with Ministerial authorisation; and***
- 4. notes that the Planning Scheme Amendment C171egip will be subject to further Council review and assessment by an independent Planning Panel, if required, following the completion of the public exhibition.***

Moved: Cr Arthur Allen

Seconded: Cr Mark Reeves

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

Attendance

Mayor Cr Tom Crook and Cr Mendy Urie returned to the Council Chamber at 8.13 pm.

Procedural Note

Mayor Cr Tom Crook reassumed the Chair.

5.1.7 Seeking Authorisation and Public Notice of Planning Scheme Amendment (C172egip) - Implementation of Paynesville Growth Area Structure Plan

Authorised by Acting General Manager Place and Community

Conflict of Interest

Cr Kirsten Van Diggele, having declared a conflict of interest to item 5.1.7, left the meeting at 8:14 pm, and was absent during discussions on this item.

Public Submission

Ms Kate Young

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. seeks authorisation from the Minister for Planning to prepare a Planning Scheme Amendment C172egip to the East Gippsland Planning Scheme generally in accordance with the draft planning scheme documentation shown at Attachment 1, Attachment 2, Attachment 3 and Attachment 4;***
- 3. commences the public exhibition of Planning Scheme Amendment C172egip in accordance with Ministerial authorisation; and***
- 4. notes that the Planning Scheme Amendment C172egip will be subject to further Council review and assessment by an independent Planning Panel, if required, following the completion of the public exhibition.***

Moved: ***Cr Mark Reeves***

Seconded: ***Cr John White***

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

Attendance

Cr Kirsten Van Diggele returned to the meeting at 8:23 pm.

5.2 Assets and Environment

5.2.1 Marina Consultative Committee Terms of Reference

Authorised by Acting General Manager Assets and Environment

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. adopts the draft Marina Consultative Committee Terms of Reference as presented at Attachment 1.***

Moved: Cr Arthur Allen

Seconded: Cr Sonia Buckley

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

5.3 Business Excellence

5.3.1 S11A Instrument of Appointment and Authorisation - Planning and Environment Act 1987

Authorised by General Manager Business Excellence

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987, resolves that Robert Buckmaster be appointed as an Authorised Officer, as set out in the Instrument of Appointment and Authorisation provided at Attachment 1, for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act;***
- 3. authorises the Chief Executive Officer to execute the Instrument provided at Attachment 1; and***
- 4. notes that the Instrument will come into force immediately following resolution of Council and will remain in force until Council determines to vary or revoke it, or until the Officer ceases to be employed by East Gippsland Shire Council.***

Moved: Cr Trevor Stow

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 Trevor Stow, Cr Mendy Urie, Cr Kirsten Van Diggele and Cr John White

Against: Nil

Abstained: Nil

6 Urgent Business

Nil

Motion

That Council resolves to move into confidential business pursuant to section 66(2) of the Local Government Act 2020.

Moved: Cr Arthur Allen

Seconded: Cr Sonia Buckley

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

The meeting was closed to the public at 8.33 pm

7 Confidential Business

7.1 Contractual Matter 1

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

7.2 Contractual Matter 2

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

7.3 Personnel Matter

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report (including attachments pertaining to this report) is confidential because it contains personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.

The meeting was reopened to the public at 8.57 pm.

8 Close of Meeting

Mayor Cr Tom Crook declared the Council Meeting closed at 8.58 pm.