Minutes
Council Meeting
Tuesday 6 August 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 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*, as a general interest due to owning property within proximity of the proposed development.

Sarah Johnston General Manager Business Excellence declared a conflict of interest in relation to item 5.2.1 *CON2024 1611 Bastion Point Groyne Wall Remediation Works - Construction,* as a general interest due to a family relationship with one of the tenderers.

1.4 Confirmation of Minutes

Motion

That the minutes of the Council meeting held Tuesday 16 July 2024 be confirmed.

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 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 is scheduled to be held on Tuesday 27 August 2024 Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

1.6 Requests for Leave of Absence

Nil

1.7 Open Forum

1.7.1 Petitions

Nil

1.7.2 Questions of Council

1.7.1.1 Council Committees

Ms Leah Morrison submitted the following questions which were read out on her behalf by Fiona Weigall Chief Executive Officer:

Question 1: *“Did Council fly the rainbow flag to mark the International Day Against Homophobia, Biphobia, Intersex discrimination, and Transphobia on 17 May 2024?”*

Question 2: “*Will Council consider establishing an LGBTIQA+ Advisory Committee?”*

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

Response 1

Unlike previous years, the rainbow flag was not raised this year. However, Council promoted the International Day Against Homophobia, Biphobia and Transphobia (IDAHOBIT) on Council’s Facebook page (as we have every year since 2019, excepting the COVID year – 2020)

The Youth Voice of East Gippsland, which Council supports, has also promoted it for a number of years.

This year Council held, FReeZA (which is a program that supports young people to organise festivals, live music events and cultural workshops for other young people in their local community) and Council’s Youth Ambassadors hosted an IDAHOBIT afternoon tea at the Bairnsdale Library.

Youth Voice did a Facebook post promoting this event, which Council’s corporate page ‘liked’, this meant it would appear in the feeds of people who follow our page. This event was promoted ahead of the day.

Response 2

After the local election in late October this year, the new Council will review existing advisory committees and consider forming new ones to best inform how we can support our community to thrive.

1.7.1.2 Chilas Road, Wy Yung

Ms Ceilidh Eadie submitted the following questions which were read out on her behalf by Fiona Weigall Chief Executive Officer:

Question 1: "*What is deemed a timely response from Council?"*

Question 2: *"Why has my email dated 19/6/2024 never been responded to regarding an update on the Chilas Road Petition (however coincidentally maintenance works started on Monday 24/6), what is council response to our 7 questions?"*

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

Response 1

There are different responses for different types of enquiries. These are all laid out in our customer response charter, which you can find on our website. In general, this is:

- 2 business days for phone calls or in-person contact; and
- 10 business days for written correspondence including emails.

There are exceptions to this where the response is complex or other things need to be done before we can respond, in which case we should tell you this and when we will be able to come back to you.

Response 2

Correspondence was sent on May 17 2024 advising that "*Council's road safety team has completed inspections of the road and intersection at Chilas Road, and that routine maintenance had been scheduled*".

A follow up email was received that included seven questions which requested "*Updates provided when we have something to advise*". Council is awaiting the completion of a Road Safety Audit being undertaken on Chilas Road and the adjoining intersection and will be happy to advise you of that outcome when received.

1.7.1.3 Public Question Time and Chinaman's Creek Marina

Mr Morris Borgelt asked the following questions:

Question 1: "*I notice Council has changed the format for question time, effectively reducing the number of questions by 50%, as well as no longer offering the open forum submissions. What led to these sudden and dramatic changes in the exchange of information between Council and Residents?*

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

There have been no changes to the format for public question time or the offering of public submissions. These are established through our Governance Rules which were last adopted by Council in August 2022. The requirements for submitting a question of Council must be in accordance with Governance Rule 8.2(3) which states that no more than two questions will be accepted from any person at any one meeting. Council continues to value open and transparent communication with members of our community and the community participation mechanisms within the Governance Rules facilitate this exchange of information.

Question 2: *"My question at the last question time was "what is the time limit for wait listees to accept or reject a berth offer" in that the Chinaman's Creek Marina. I pointed out at the time the answer didn't fit the question, which had obviously been misunderstood and I was told I'd be given it in writing. Three weeks later I still don't have it. What is it, and why not?"*

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

We replied to you in writing on the 1 August 2024 and responded to your question being; *"What is the time limit for wait listees to accept or reject a berth?"* Council's response was "there is a period 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 three months."

Prior to entering into the lease agreement, the timeline in which Council allows the wait list applicants to either decline or accept the offer of berth is not specified, given some of the time it takes for all our risk obligations to be met. This question has prompted Council to consider an appropriate timeframe to ensure transparency in processes.

1.7.3 Public Submissions

1.7.3.1 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.

1.8 Items for Noting

Nil

2 Notices of Motion

2.1 Wild Dogs

Procedural Note

Cr Sonia Buckley withdrew her Notice of Motion and foreshadowed her intent to resubmit a revised motion at a future meeting.

3 Deferred Business

Nil

4 Councillor and Delegate Reports

4.1 Cr Arthur Allen

For me the last three weeks have been quiet. A spell on the side lines with a positive COVID-19 test meant I was unable to attend the opening of the Slipway in Lakes Entrance. It's great to see people involved in various activities around the sheds despite the cold days we have been experiencing and as the warmer weather returns I look forward to more people and activities happening there.

02/08/24 - I represented Council at the Federation University Business awards Telstra Finalists Breakfast in Traralgon. Great to see Beachcomber Flats from Lakes Entrance as finalists and I wish them success when the winners are announced at Churchill.

Following the breakfast, I attended the Rail Freight Alliance Meeting in North Melbourne. Guest speaker was Paul Younis, Secretary of the Department of Transport who spoke of the work of the department, particularly in regard to freight. That such a senior public servant would take the time to address the alliance speaks volumes for the work the alliance does and the regard in which it is held.

<u>Rail Freight Alliance Meeting</u>

A very well attended meeting with 18 delegates in attendance. Discussion was held about the financial situation of the alliance going forward and options for affiliation fees and attracting new members. Reid Mather will develop proposals based on those discussions and present them at the next meeting.

An update was provided to members on the progress with various projects, noting delays in a number. Guest speaker was Paul Younis, Secretary of the Department of Transport. Paul outlined the scope of his department, encompassing 41 different units including the suburban rail projects and roads statewide. Paul is answerable to four Ministers overseeing this massive department. Paul answered a number of questions, of particular interest was 'what importance did the department give to the Rail Freight Alliance?' Paul's answer was the alliance is held in high regard by both himself and the department as was evidenced by his appearance at the meeting. The next meeting will be held early December after Councils have completed statutory meetings and appointed delegates.

4.2 Cr Mendy Urie

I joined with many elected representatives and community members on 17 July 2024 for the official opening of The Old Slipway, Lakes Entrance. What a celebration of a fantastic and well utilised facility! The following day,18 July 2024, was the official opening of the upgrades at the Bairnsdale City Oval, another project which Council can be very proud of and another step forward in making our facilities across the Shire fit for purpose or multi-purpose really. Friends of the Gippsland Lakes (FOGL) held an information session at the Slipway on Saturday 20 July 2024 around various aspects of managing and improving the health of our extensive, complex Lakes system. The session was well attended.

Marlo Hotel was the venue for one of the last events of the East Gippsland Winter Festival when Watty Thompson and his Total Fire Band, as well as some excellent supporting acts entertained a happy crowd.

Gippsland Primary Health Network held an information session at the Hub in Bairnsdale called ‘Dying Happens’ with a focus on Palliative Care options and end of life information. The session was very popular and obviously uncovered a big need for information and support in this area, particularly as our population ages.

On an extremely cold winter’s day, Sunday 28 July 2024, I joined with our Officers and library bus for an information session for Community Vision 2040 at the Howitt Park Market. Despite the crowds being well below a usual market day, many people were curious and happy to engage with the process. Kudos to our staff who are skilled at engaging people and eliciting great information and thoughts for our longer-term future.

It was a delight to be present amongst a large crowd of community members at the Hope Centre Open Day on Tuesday 6 August 2024. Following a smoking ceremony around the yarning circle, small groups of people were shown around the extremely impressive grounds and buildings, led by some of the residents who answered many questions from curious visitors. I am reminded that there is a book in the Nicholson Room called “A Time of Hope” “How a community embraced a new drugs and alcohol rehabilitation centre near Bairnsdale” by Tom Valenta. It’s a recommended read and outlines the process and the many determined and dedicated people who saw this facility become a reality. Congratulations to all those people (particularly Peter and Margaret Down). It is a wonderful achievement.
Of note is: this week is Landcare Week.

Councillors were invited to join members of the Eastwood Landcare group to walk and see the amazing work which has been accomplished since the group started in 2017. On this lovely afternoon, we were treated to a cup of tea and cake while we enjoyed the beautiful surrounds of the walking path which adds such terrific value to the local area. The work has been completed by a very small and dedicated volunteers, but credit was also given to Council Officers and a number of other agencies.

4.9 Cr Mark Reeves

The main and most exciting event this last period was the opening of the Lake Tyres (Bung Yarnda) Kindergarten and Early Learning Centre. It also involved a Welcome to Baby Country which was a beautiful event. This early learning centre has more than 50 enrolments, more than can be accommodated so there is an overflow in the Health Centre. I congratulate this vibrant community and the excellent work to begin the education journey of young people. This is truly closing the gap in action.

27/07/24 - I joined Council Officers at Mallacoota for the Waste Service review consultation. It was important for officers to be able to interact with community and I was pleased to be with them and hopefully added some value to the process. There were excellent contributions from concerned and informed residents and visitors.

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 in related to item 5.1.1, left the Council Chamber at 6:15 pm and was absent during the discussion on this item.

Public Submission

Ms Kate Young

Procedural Note

Cr Sonia Buckley moved her own motion.

Motion

That Council, being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2023.454.1 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 a two lot subdivision and development of a second dwelling, subject to the following permit conditions:

What will the permit allow?:

Planning Scheme Clause no.	Description of what the permit will allow, in accordance with the endorsed plans
32.08-3 (GRZ1)	Subdivide land
32.08-6 (GRZ1)	Construct a dwelling where there is at least one dwelling existing on the lot
43.02-2 (DDO)	Construct a building or construct or carry out works
43.02-3 (DDO)	Subdivide land
44.04-2 (LSIO)	Construct a building or construct or carry out works
44.04-3 (LSIO)	Subdivide land
44.06-2 (BMO)	Construct a building or construct or carry out works
44.06-2 (BMO)	Subdivide land

What will the conditions of the permit be?

Endorsed Plans

1. At all times, what the permit allows must be carried out generally in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority, unless with the written consent of the responsible authority.

Telecommunications

2. The owner of the land must enter into an agreement with:
   a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
   b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.

3. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
   c. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the item; and
   d. a suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Servicing

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
   All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
   The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Drainage

5. Before the issue of a statement of compliance, each lot as shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.

6. Before the dwelling/building is occupied all stormwater runoff from the roofed and paved areas must be discharged by an underground drainage system connected to an approved point of discharge to the satisfaction of the Responsible Authority

New Rural Vehicular Gravel Crossings

7. Before the issue of a Statement of Compliance a standard gravel crossover must be constructed at right angles to the road to suit the proposed driveway to Lot 2 to the satisfaction of the Responsible Authority.

Protection of Council Infrastructure

8. Before the issue of a Statement of Compliance any portion of Council's existing infrastructure damaged as a result of work undertaken on the site or associated with the development must be repaired/reinstated to the satisfaction of the Responsible Authority.

Section 173 Agreement

9. Before the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning & Environment Act 1987, which will provide that:
   e. The land must not be further subdivided to create an additional lot, and
   f. Any dwelling on each lot must include a rainwater tank having a minimum storage capacity of 2,000 litres; and
   g. The rainwater tank must collect rainwater runoff from the roof of the dwelling; and
   h. The rainwater tank must be used as the primary water source for flushing of toilets, laundry services and also include an external tap for garden irrigation.

   This agreement must be prepared by the owner. The cost of the preparation, review and recording on the title of the agreement in accordance with Section 181 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority must be borne by the owner of the land.

Conditions pertaining to inundation

10. The finished floor level of the dwelling must be a minimum of 2.5 metres AHD. This is referred to as the Nominal Flood Protection Level (NFPL).

11. All electrical outlets must be fixed above the Nominal Flood Protection Level (NFPL) of 2.5 Metres AHD.

Operation and Expiry of the Permit

12. This permit will operate from the issued date of this permit.

13. This permit as it relates to development (subdivision and development) will expire if one of the following circumstances applies:
   a. The buildings and works are not commenced within 2 years of the issued date of this permit.
   b. The buildings and works, having commenced, are not completed within 4 years of the issued date of this permit.
   c. The plan of subdivision has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.
   d. A statement of compliance is not issued within 5 years of the date of certification.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Country Fire Authority conditions

14. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Endorsement of Bushfire Management Plan

15. Before the development starts, the Bushfire Management Plan 20529-BMP Version 1 - Drawn 08/11/2023 and prepared by Crowther & Sadler Pty Ltd, must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

Notes

16. Before undertaking works within a Council Road reserve, a non-utility – minor works consent of works within road reserve application must be lodged with the *Roads and Traffic* unit of Council and approved. Refer to the Infrastructure Design Manual (IDM) for crossover designs.

Moved: *Cr Sonia Buckley*
Seconded: *Cr Trevor Stow*

Procedural Note

During debate, Cr Mendy Urie foreshadowed an alternate motion.

LOST

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

Procedural Note

The motion was put to the vote 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 lost.

As the Motion was lost, Cr Mendy Urie moved an alternate motion.

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 Mendy Urie
Seconded: Cr Mark Reeves

Procedural Motion

Cr Arthur Allen moved that the motion now be put.

Moved: Cr Arthur Allen
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 Kirsten Van Diggele and Cr John White
Against: Cr Mendy Urie
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 6.57 pm.

5.1.2 Fair Access Policy

Authorised by Acting General Manager Place and Community

Motion

That Council:

1. ***adopts the draft Fair Access Policy as provided at Attachment 1; and***
2. ***authorises the Chief Executive Officer or delegate to amend the adopted Fair Access Policy without formal Council consideration if the amendments required are of a minor administrative nature.***

Moved: Cr Arthur Allen
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

5.1.3 Agricultural Sector Advisory Committee Council briefing for unconfirmed minutes of meeting held at 9 May 2024

Authorised by Acting General Manager Place and Community

Attendance

Cr Kirsten Van Diggele left the Council Chamber at 7.06 pm and returned at 7.08 pm.

Motion

That Council:

1. ***receives and notes this report and all attachments pertaining to this report; and***
2. ***considers the recommendations in the Minutes of the Agricultural Sector Advisory Committee meeting held on 9 May 2024, at Attachment 1.***

Moved: Cr Sonia Buckley
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, Cr Kirsten Van Diggele and Cr John White
Against: Nil
Abstained: Nil

5.2 Assets and Environment

5.2.1 CON2024 1611 Bastion Point Groyne Wall Remediation Works - Construction

Authorised by Acting General Manager Assets and Environment

Conflict of Interest

Sarah Johnston General Manager Business Excellence, having declared a conflict of interest in relation to item 5.2.1, left the Council Chamber at 7.15 pm and was absent during the discussion on this item.

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 Attachments 1** and **2** to this report are confidential because they contain private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors and may unduly affect East Gippsland Shire Council's reputation and therefore should remain confidential.

Motion

That Council:

1. ***receives and notes this report and all Attachments pertaining to this report;***
2. ***accepts the tender submitted by Paul Volk Contracting Pty. Ltd. for CON2024 1611 Bastion Point Groyne Wall Remediation Works – Construction, for the contract amount of $1,012,175.00 exclusive of GST;***
3. ***authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and***
4. ***resolves that Confidential Attachment 1 and 2 to this report and all discussions relating to these attachments remain confidential.***

Moved: ***Cr Mark Reeves***
Seconded: ***Cr Arthur Allen***

CARRIED UNANIMOUSLY

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 Cr John White
Against: Nil
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.

5.2.2 CON2024 1652 Provision of Waste and Recycling Trailer Services

Authorised by Acting General Manager Assets and Environment

Confidentiality Notice

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

Attendance

Sarah Johnston General Manager Business Excellence returned to the Council Chamber at 7.36 pm.
Cr Trevor Stow left the Council Chamber at 7.36 pm and returned at 7.39 pm.

Motion

That Council:

1. ***receives and notes this report and all attachments pertaining to this report;***

2. ***accepts the tender submitted by Tambo Waste Proprietary Limited for CON2024 1652 Provision of Waste and Recycling Trailer Services for a period of two (2) years with one extension option of up to Two (2) years for:***

   Area 1 – lump sum price of $93,600.00 (ex GST) and schedule of rates (ex GST);
   Area 2 – lump sum price of $100,000.00 (ex GST) and schedule of rates (ex GST);
   Area 3 – lump sum price of $60,840.00 and schedule of rates for Area 3 (ex GST);
   Area 4 – schedule of rates prices submitted for Monday-Friday per collection/ disposal (ex GST)

   as provided at Confidential Attachment 1, be accepted.

3. ***authorises the Chief Executive Officer or delegate to exercise the one two year extension option on the basis that contractual terms have been met;***

4. ***authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract in the form proposed; and***

5. ***resolves that Confidential Attachment 1 to this report and all discussions remain confidential.***

Moved: Cr Sonia Buckley
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

5.3 Business Excellence

5.3.1 Information Communications Technology Equipment Tender Panel of Suppliers - Joint tender with Shire of Wellington

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, **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. ***approves Wellington Shire Council to award Contract No 2024-000077 for the Information Communications Technology Equipment Panel of Suppliers on behalf of East Gippsland Shire Council for a three-year period to the following:***

   a) ***BAMITS Pty Ltd***
   b) ***Communications Design Management Pty Ltd***
   c) ***Dell Australia***
   d) ***Learning with Technologies***
   e) ***Office Choice Bairnsdale Pty Ltd***
   f) ***Perfekt Pty Ltd***
   g) ***Solution One***
   h) ***Wave1 Pty Ltd***

3. ***approves and authorises the Chief Executive Officer or delegate to execute such documents as are necessary to give effect to the arrangements of the Information Communications Technology Equipment Panel of Suppliers Contract 2024-000077; and***

4. ***resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.***

Moved: Cr Sonia Buckley
Seconded: Cr Mark Reeves

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

5.3.2 ICT Printer/Copier Tender Panel of Suppliers Joint Tender with Wellington Shire Council

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 in **Confidential Attachments 1** and **2** are confidential because they contain 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. ***approves Wellington Shire Council to award Contract No 2024-000023 for the Print and Copier Services Panel of Providers on behalf of East Gippsland Shire Council for a three-year period to the following:***

    - ***GB Machines Pty Ltd***
    - ***KISS Print Solutions pty Ltd***
    - ***Lightstorm Imaging Pty Ltd***
    - ***Thinkex Holdings Pty Ltd***
    - ***Viatek South East Victoria Pty Ltd***

2. ***approves and authorises the Chief Executive Officer or delegate to execute such documents as are necessary to give effect to the arrangements of the Print and Copier Services Panel of Providers Contract 2024-000023;***

3. ***delegates the power to the Chief Executive Officer to exercise the one extension option of two years on the basis that all contractual requirements have been met by the suppliers; and***

4. ***resolves that Confidential Attachment 1 and 2 to this report and all discussions relating to these attachments remain confidential.***

Moved: ***Cr Mendy Urie***
Seconded: ***Cr Kirsten Van Diggele***

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

5.3.3 Council Meeting Resolution Register

Authorised by General Manager Business Excellence

Confidential 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 3** to this report are confidential because it contains confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

Motion

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

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

Against: Nil

Abstained: Nil

5.3.4 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 Petra Wood 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 Mark Reeves
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

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 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

The meeting was closed to the public at 8.10 pm.

7 Confidential Business

7.1 Contractual 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 is confidential because it contains Council business information being information that would, if released, prejudice the Council's position in commercial negotiations.

8 Close of Meeting

Mayor Cr Tom Crook declared the Council Meeting closed at 8.22 pm.