Minutes
Council Meeting
Tuesday 27 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, Mark Reeves (Online), 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.

Index

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 Trevor Stow declared a conflict of interest in relation to item 5.1.2 *Amended Development Plan - 19 Lomandra Boulevard Lucknow* as a general interest due to previously owing a property within proximity of the proposed development.

Cr Kirsten Van Diggele declared a conflict of interest in relation to item 7.1 *Community Grants Program 2024 - Impact Grants*, as a general interest due to assisting in the preparation of one of the grant applications.

Sarah Johnson General Manager Business Excellence declared a conflict of interest in relation to item 7.1 *Community Grants Program 2024 - Impact Grants* as a general interest due to being a committee member of an organisation who submitted a grant application.

1.4 Confirmation of Minutes

Motion

That the minutes of the Council meeting held Tuesday 6 August 2024 be confirmed.

Moved: ***Cr Trevor Stow***
Seconded: ***Cr Mendy Urie***

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 10 September 2024 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

1.6 Requests for Leave of Absence

Nil

Procedural Note

At this point in proceedings, Mayor Cr Tom Crook acknowledged Tarkyn Richardson from St Mary's Primary School who observed the meeting from the public gallery as part of his Rotary Junior Community Awards program. To acknowledge Tarkyn's participation in this community program, the Mayor presented Tarkyn with a Council pin.

1.7 Open Forum

1.7.1 Petitions

Nil

1.7.2 Questions of Council

1.7.2.1 Lochard Terrace Playground, Lakes Entrance

Ms Joanne Pietrantoni submitted the following question which was read on her behalf by Fiona Weigall Chief Executive Officer:

"The Lochard Terrace Playground which opened to public on Friday 2 August 2024 is of concern to me, as my family home is directly opposite it, with only a street frontage separating the two. With no community consultation, engagement or feasibility study undertaken nor any strategy, policy or guidelines in place, could council please explain how and when it will work me in handling the following items as some of them are now becoming an issue?

1. *Privacy - People staring or giving off comments to my family and I when in the front yard*
2. *Increased congregation - Mornings / Evenings*
3. *Increased noise - Weekends*
4. *Increased parking*
5. *Increased traffic*
6. *Mulch being blown onto street and my property*
7. *Maintenance / Upkeep*
8. *Alcohol / drugs*
9. *Graffiti / Vandalism".*

Stuart McConnell General Manager Assets and Environment provided a response which is summarised below:

The Lochard Terrace playground is currently being developed by the developer of the Lochard Terrace development, not Council. This is a normal process as part of a subdivision and residential development and usually local reserves and playgrounds are highly valued.

The playground was a condition of the planning approval for the subdivision dating back to 2011. The approval was amended in 2021/22. However, the condition related to the playground was unchanged. The location of the playground forms part of Stage 2 of the subdivision.

At the time the requirement for the playground was established (including its location), there was not a local community to consult. The planning approval processes generally provides for notices and submissions (where appropriate). However, this by definition, predates neighbours.

The design of the playground is broadly consistent with expectations for a local playground. Typically, a local playground does not require parking as it is intended to service the immediate locality.

When complete and assessed as meeting the requirements of the planning approval for the subdivision, the playground will be transferred to Council and Council will be responsible for ongoing management.

Council has received positive feedback from children using the playground. I note some of the impacts identified are expected and normal for a local playground, such as people gathering. However, if behaviour becomes antisocial or illegal, Council will work with local Police.

1.7.2.2 Planning Permit Application 5.2023.350.1

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

Question 1: *"Considering the recent 2020 bushfires impact on our forests and wildlife and the council's capacity, how does the Council plan to monitor and ensure that the logging operations adhere to the approved logging plan both during and after the operations, What specific processes are in place to guarantee compliance?".*

Question 2: *"Given that the Council's forestry position paper supports selective logging and biodiversity conservation, how does the Council reconcile this with the current logging permit application, which seems to align with outdated high-volume, low-value practices. Additionally, with no requirement for loggers to purchase offsets, how will the Council ensure that the claimed regeneration is effectively enforced, especially considering the known failures in past regeneration efforts?"*

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

Response 1: The recommendation includes a proposed condition of approval to require an independent compliance monitoring report in six monthly intervals providing details of compliance with all conditions of the permit and all requirements of the Property Vegetation Plan. If considered necessary, Council may also obtain additional expert advice to review the compliance monitoring reports.

Response 2: As outlined in the Property Vegetation Plan, harvesting is planned to be conducted in accordance with a retention harvesting regime. "*Retention harvesting is designed for areas with high levels of existing and emerging habitat trees. Application of a retention harvesting regime to this planned harvesting operation ensures older forest elements are retained within areas identified for timber harvesting and are linked to riparian vegetation to provide improved habitat connectivity and ecological processes*."

The Property Vegetation Plan also indicates: "*An assessment of seed-bed receptivity and bushfire risk will be undertaken on completion of harvesting of any single coupe. Where harvesting residues are deemed too high to provide an adequately receptive seed bed, low intensity prescribed regeneration burning may be conducted in accordance with legal prescriptions. The landholder will seek advice from a suitably qualified and experienced forester to determine the need for and type of regenerative burn prescription, if needed*."

The conditions of approval proposed by the Department of Energy, Environment and Climate Action also include a requirement that regeneration reports must be submitted to the Responsible Authority at intervals and in accordance with the amended Property Vegetation Plan.

1.7.2.3 Planning Permit Application 5.2023.350.1

Ms Jill Redwood asked the following questions:

Question 1: "*Logging is a complex area both legally and operationally. We realise that Local Governments across Victoria have been loaded with the responsibility of assessing, overseeing, and regulating private land logging, without proper resourcing or expertise. As the 'responsible authority', does council have any concerns about its lack of capacity to: if it were to be approved, regulate the private land logging through to the regeneration phase, and detect, investigate, and take action against illegal logging and clearing of private land across the shire?"*

Question 2: *"The applicant claims the type of logging will be 'variable retention'. There is no set definition or silvicultural procedure for this term. A Freedom of Information request to both Department of Energy, Environment and Climate Action (DEECA) and VicForests this year showed that there was no silvicultural system defined for the term, despite 'variable retention' being used to describe the logging type on many coupe plans that has seen huge areas clear felled to dirt. Have Councillors or the planning dept looked into what this means and does this knowingly non-defined logging method stated in the plan, concern Council?"*

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

Response 1: The recommendation includes a proposed condition of approval to require an independent compliance monitoring report in six monthly intervals providing details of compliance with all conditions of the permit and all requirements of the Property Vegetation Plan. If considered necessary, Council may also obtain additional expert advice to review the compliance monitoring reports.

Council is aware of its resourcing constraints in relation to enforcement and this is outlined in the Officers report. For that reason, the above condition has been included to place the onus on the proponent to provide compliance monitoring reports. Council investigates complaints of illegal native vegetation removal and initiates enforcement action where it is practical to do so. Council's ability to undertake enforcement action is always dependant on the circumstances of each case.

The Officers report provides Council with a range of options that they may wish to consider when determining this matter.

Response 2: Council Officers are aware of various scientific papers and articles on the subject which describe Variable Retention Harvesting.

Research articles from Australia and overseas dating back to 2006 make reference to the term and provide descriptions of the methods used.

While acknowledging the question regarding a precise definition of the term, Council is reliant on the advice of DEECA in relation to the harvesting methods outlined in detail in the Property Vegetation Plan.

1.7.2.4 Planning Permit Application 5.2023.350.1

Ms Louise Crisp asked the following questions:

Question 1: *"The modernised Regional Forests Agreements (RFAs) will end in December 2024. There will no longer be an exemption of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) for native forest logging operations that are planned or occurring on private land in Victoria. From December 2024 logging operations will require a referral under the EPBC Act, where they may have a significant impact on Matters of National Environmental Significance (MNES). EPBC listed species recorded on or in vicinity of the permit application property include Greater Gliders, Yellow-bellied Gliders, and Long-footed Potoroo. From December 2024, local governments will need to consider the EPBC Act when exercising their functions. The planning permit application involves a staged process of logging operations. Later stages of logging will commence after December 2024. Has the East Gippsland Shire Council therefore received legal advice regarding their obligations to refer part, or all, of this permit application under the EPBC Act?"*

Question 2: *"The East Gippsland Shire Council (EGSC) Position Paper – Native Timber Harvesting in East Gippsland was adopted by EGSC in August 2022. The Council's policy supported selective logging, with the logs to be used for high value end use. If the planning permit application is approved, will Council enforce the single tree selective' method as stated in its policy?"*

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

Response 1: Referrals under the EPBC Act are the responsibility of the proponent. I refer to the Australian Government's fact sheet entitled: "*Submitting a referral under the EPBC Act – A fact sheet for a person proposing to take an action*".

Council has obtained previous legal advice on another matter that indicates that Council is not prohibited from issuing a Planning Permit in accordance with the *Planning and Environment Act* 1987 where approval under some other legislation, including the EPBC Act may also be required. There is also Victorian Civil and Administrative Tribunal precedent where that principle has been confirmed.

Response 2: The Position Paper does not constitute Planning Policy as defined by the Planning Scheme. Council is required to consider its obligations as the Responsible Authority and undertake the assessment of the proposal in accordance with the Planning Scheme requirements, rather than any specific approach outlined in Council's position paper. Council is reliant on the advice of DEECA in relation to the harvesting methods outlined.

1.7.2.5 Planning Permit Application 5.2023.350.1

Mr John Hermans submitted the following question which was read out on his behalf by Fiona Weigall Chief Executive Officer:

"Planning permit application 5.2023.350.1 - Timber harvesting and regeneration on private land, 959 Murrungower Road, Cabbage Tree Creek The East Gippsland Shire Council Position Paper – Native Timber Harvesting in East Gippsland was adopted by EGSC in August 2022. We saw that Council developed a considered and fairly progressive policy regarding the type of forest logging it felt should be acceptable on private land – that is selective - and those logs to be used for high value end use. Does Council consider firewood 'high value'?".

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

Legally sourced firewood as a by-product of timber harvesting could be considered a value adding product.

1.7.2.6 Planning Permit Application 5.2023.350.1

Mr Blake Nisbet on behalf of the Victorian National Parks Association submitted the following questions which were read out on his behalf by Fiona Weigall Chief Executive Officer:

Question 1: *"The proponent has adopted a survey methodology and silvicultural approach which was highly criticised in recent Supreme Court rulings. They were found to be ineffective at detecting and protecting resident populations of Greater & Yellow-bellied Gliders from logging - and to be inconsistent with sections 2.2.2.2 & 2.2.2.4 of the Code of Practice for Timber Production. Has the Council considered these findings and are they satisfied that the approval of such operations would be consistent with section 3.2.2 of the Code and their obligations under the Flora and Fauna Guarantee Act 1988 (FFG Act)?"*

Question 2: *"If the proposed application is approved by Councillors (or Planning Minister), what considerations and actions will Council take in light of new information becoming available? For example, new detections of forest-dependent threatened species on the property, new additions to the FFG Act list of Threatened Species, Key Threatening Processes or Action Statements which are relevant to the approved application, likewise with new additions to Recovery Plans or Threatened Listings under the Environment Protection and Biodiversity Conservation Act 1999, or any other change in circumstances."*

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

Response 1: The recommendation is reliant on the advice of the Department of Energy, Environment and Climate Action (DEECA), which includes detailed commentary on Section 3.2.2 of the Code of Practice for Timber Production (see pages 2-3 of the DEECA referral response). The Officers report provides Council with a range of options that they may wish to consider when determining this matter.

Response 2: The question is somewhat hypothetical, but I will attempt to answer it as follows. If there are changed circumstances in relation to legislative requirements, Council would seek further advice from DEECA as to whether there needs to be a change to the Property Vegetation Plan to reflect the changed circumstances. Council may also require legal advice as there may also be limiting factors relating to retrospective application of any new requirements.

1.7.3 Public Submissions

1.7.3.1 Planning Permit Application 5.2023.350.1

Mr Warwick Williams addressed Council on the petition submitted in relation to the Planning Permit Application 5.2023.350.1 and spoke at item 5.1.1.

1.8 Items for Noting

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

Attachments

1. Audit and Risk Committee Biannual Report - January to June 2024 [**1.8.1.1** - 7 pages]

2 Notices of Motion

2.1 Open and Transparent Briefings

Procedural Note

Cr Sonia Buckley amended her own motion.

Motion

That Council:

1. ***note the Public Transparency Policy will be reviewed when a new Council is established;***

2. ***request that a report is provided to a future meeting of the new Council providing:***

   a. ***options to revise the Public Transparency Policy and governance arrangements about how to engage with community at Councillor Briefings, that continue to be in accordance with the public transparency principles, public interest and confidentiality definitions of the Local Government Act 2020; and***

   b. ***information relating to how the Mornington Peninsula Council is implementing their motion and what steps and impediments are currently being revealed in working to open their briefings to the public and how that benefits community; and***

3. ***request that during the induction workshop advice regarding confidentiality in briefings is provided, and then a report is presented to the incoming Councillors on the importance of risk management, confidentiality, public interest, transparency, and accountability, being key tenets of good governance and decision making.***

Moved: Cr Sonia Buckley
Seconded: Cr John White

CARRIED

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

3 Deferred Business

Nil

Procedural Note

Cr Sonia Buckley and Cr Trevor Stow acknowledged the recent passing of Mr Trevor Smith of Omeo and extended East Gippsland Shire Council's condolences to their family.

4 Councillor and Delegate Reports

4.1 Cr Arthur Allen

08/08/24 - I had the privilege of representing the shire at the Annual Gippstar Awards at the Morwell Bowling Club. As usual, the evening showcased the diverse and talented sports people from across our region. Unfortunately, this year there were no winners in the various categories. However, I do note that a number of past winners from East Gippsland were competing in Paris at the Olympics. I had the honour of presenting the award for the Gippstar Achiever of the Year to Barry Lawrence for his years of dedication to football umpiring and also to Del Aherne for her achievements in Hockey.

15/08/24 - I attended day one of the South East Australian Transport Strategy conference in Sale, hosted by Wellington Shire Council (WSC). Guest speakers included Andrew Pomaroy of WSC who provided an overview of industries across the shire and opportunities. Opportunities and difficulties were presented by both on shore and offshore renewables. Transport and traffic assessments, route planning and mapping are all vital work that needs to happen ahead of proposed projects, along with housing requirements etc.

4.2 Cr Jane Greacen OAM

25/06/24 - East Gippsland Partners in Prevention of Violence meeting.

27/06/24 - Industry Round table discussion in Lakes Entrance. Invitees were entrepreneurial small business owners. Excellent discussion.

30/06/24 - Woolshed Lamb Feast – Winter Festival. Very enjoyable.

13/07/24 - White Night Dinner at Gippsland Lakes Yacht Club – Winter Festival. Excellent fundraiser for the KingFisher Dragon Boat Club.

Naidoc Week Gippsland and East Gippsland Aboriginal Cooperative (GEGAC) Event – Dhuna Wannik Wurk Wurk ball. Huge fun. Wonderful turnup. Hilarious MC

Wesley Life Force Suicide Prevention and East Gippsland Suicide Intervention meeting. Attended with Cr Urie. These people are doing life changing work for families of victims and supporting people who are at risk.

17/07/024 - East Gippsland Housing Affordability workshop at the Lakes Entrance Slipway Sheds. Very well attended, and very well conducted workshop. Lots of discussion about need as well as concerns expressed by neighbours of the two proposed Council sites.

Old Slipway Completion Celebration. Great to see everyone there.

East Gippsland Partners in Violence Prevention meeting.

20/07/24 - Health of the Lakes event held at Slipway Sheds. Very well attended and excellent presentations by Derek Russell from EG Birdlife Australia, as well as Tracey Anton talking about Forever Chemicals, PFAS in particular.

Deep in the Weeds – Winter Festival event held in Marlo pub. Great night.

23/07/24 - Palm Lake Resort visit – Paynesville. Impressed with their project. They charge an exit fee, but they do a percentage of the buy-in value, not of the sale value if a resident sells.

25/07/24 - Attended the Economic Development Advisory Committee meeting. Good discussion. This Committee is starting to work effectively.

29/07/24 - Industry RoundTable Event – Construction/Property Development group. Again, an excellent discussion and attendees very positive about having meetings of this sort. One noted that he had never met with a Council Chief Executive Officer (CEO) before.

02/08/24 - East Gippsland Art Gallery opening – Industrial Explorations and Oneironaut.

03/08/24 - Nagle vs Orbost hockey game at the WORLD. Unfortunately, I missed most of the game.

05/08/24 - CEO Remuneration and Employment Committee meeting.

06/08/24 - Visited the Hope Centre on their open day. Brilliant event. Very impressed with their work and meeting the residents.

Eastwood LandCare group showed a number of Councillors around their lovely work along the river.

On leave from 07/08/24-18/08/24.

21/08/24 - Innovation breakfast (online) – Federation University event about Migrant Recruitment and support.

EG MEMP-C relief and recovery subcommittee meeting at the Gippsland Agriculture Group shed.

23/08/24 - Attended the Foundry’s 10-year-old celebration. Lovely evening.

26/08/24 - Industry Round Table Discussion – Health Care and Community Service sector. How can Council help?

4.3 Cr Mendy Urie

On Monday 19th August, I attended the Audit and Risk Committee meeting on-line as Councillor representative. As per normal practice the report of this meeting is presented to the Councillor Group.

On the same evening, I attended in person, the planning stakeholder event, hosted by Council with introduction to in-depth features of the on-line ID Community Profile. This was a well-attended event and the wealth of data now available is able to be accessed through Council's website. This data is critical for service and infrastructure planning, resource allocation, economic development, and general knowledge about our shire. Of particular interest are the Community Profile, Social Atlas, Housing Trends, Economic Profile and Community Views sections.

Along with our staff and Cr Stow, I spent some time at Paynesville library to once again meet and speak with citizens participating in Community Vision process of consultation.

Congratulations to our Officers who have attended so many events over the past weeks and are collecting a wealth of information and views which will inform this foundational document.

5 Officer Reports

5.1 Place and Community

5.1.1 Planning Permit Application 5.2023.350.1 - Timber harvesting and regeneration on private land, 959 Murrungowar Road Cabbage Tree Creek

Authorised by General Manager Place and Community

Public Submission

Mr Warick Williams

Attendance

Cr Kirsten Van Diggele left the meeting at 6.59 pm and returned at 7.01 pm.

Procedural Note

Cr Jane Greacen OAM moved her own 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, notes that the proposal is of a nature that is contentious in relation to the interpretation of policy within the East Gippsland Planning Scheme that appears to be in conflict with other areas of State Policy, external to the Planning and Environment Act 1987. In accordance with section 97C, a decision is not made, and the responsible authority requests that Minister for Planning determine the application;***

3. ***if the Minister agrees to the request, in accordance with section 97C, directs that Officers provide to the Minister all relevant information with respect to the application; and***

4. ***if the Minister does not agree to the request, directs that Officers provide a further report to Council for consideration and determination of the application.***

Moved: ***Cr Jane Greacen OAM***
Seconded: ***Cr Mendy Urie***

CARRIED

For: Cr Tom Crook, Cr Jane Greacen OAM, 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

5.1.2 Amended Development Plan - 19 Lomandra Boulevard Lucknow

Authorised by General Manager Place and Community

Conflict of Interest

Cr Trevor Stow, having declared a conflict of interest in relation to 5.1.2, left the meeting at 7.21 pm and was absent during the discussion on this item.

Attendance

Cr Sonia Buckley left the Council Chamber at 7:21 pm, returning at 7:24 pm. She left again at 7:25 pm and returned to the Council Chamber at 7:26 pm.

Procedural Note

Cr Jane Greacen OAM moved her own motion.

Motion

That Council:

1. ***receives and notes this report and all attachments pertaining to this report;***
2. ***defers consideration of the proposed amendment of the development plan for 19 Lomandra Boulevard, Lucknow (as amended 19/04/2024) as provided in Attachment 1 to a later Council meeting;***
3. ***notes that the purpose of the deferral is to obtain further information to satisfy the concerns outlined in the Officer's report regarding housing quality and environmental performance; and***
4. ***authorises Council officers to request further information from the applicant regarding:***
    a. ***plans and elevations of proposed dwellings;***
    b. ***compliance with building standards for class 1 dwellings, including:***
        i. ***Energy efficiency;***
        ii. ***Separation between dwellings and site layout of dwellings;***
        iii. ***Building materials; and***
        iv. ***Structural engineering requirements for footings, foundations, and connections to services.***
    c. ***mechanisms to bind the applicant to obtaining building permits for each dwelling; and***
    d. ***specific details of:***
        i. ***Residential Tenancies Act registration and compliance;***
        ii. ***Ongoing site management and obligations with future tenants; and***
        iii. ***Draft community rules and site agreements.***

Moved: ***Cr Jane Greacen OAM***
Seconded: ***Cr Arthur Allen***

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

Cr Trevor Stow returned to the Council Chamber at 7.39 pm.

5.1.3 Submission to Plan for Victoria

Authorised by General Manager Place and Community

Motion

That Council:

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

2. ***endorses the draft submission set out at Attachment 1 and authorises the Chief Executive Officer to lodge the submission with the Department of Transport and Planning.***

Moved: Cr Mendy Urie
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

5.2 Assets and Environment

5.2.1 CON2025 1694 Buchan Recreation Reserve Pavilion

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 Cadbuild Construction Pty Ltd for CON2025 1694 Construction of Buchan Recreation Reserve Pavilion for the contract amount of $4,469,597.44 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 to this report and all discussions relating to that attachment remain confidential.***

Moved: ***Cr John White***
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

5.2.2 CON2025 1659 Construction of Air Ambulance Victoria Transfer Facility - Bairnsdale Airport

Authorised by General Manager Assets and Environment

Motion

That Council:

1. ***receives and notes this report and all attachments pertaining to this report;***
2. ***accepts the tender submitted by Middleton Lee Pty Ltd trading as CAL Civil for CON2025 1659 Construction of Air Ambulance Victoria Patient Transfer Facility, Bairnsdale Airport for the contract amount of $1,754,132.85 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 to this report and all discussions relating to that attachment remain Confidential.***

Moved: ***Cr Jane Greacen OAM***
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

5.2.3 Contract Extension and Variations - CON 1148/1314 Kerbside Waste, Recycling, Organics collections and Street Litter and Public Place Recycling Services

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 within **Confidential Attachments 1** and **2** to this report is confidential because they contain private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets.

Motion

That Council:

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

2. ***accepts the terms and conditions detailed in the Deed of Variation at Confidential Attachment 1 to contract CON 1148/1314 Kerbside Waste Recycling, Organics Collection and Street Litter and Public Place Recycling Services;***

3. ***authorises the Chief Executive Officer or delegate to execute the Deed of Variation to contract CON 1148/1314 Kerbside Waste Recycling, Organics Collection and Street Litter and Public Place Recycling Services (Confidential Attachment 1); and***

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

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

5.3 Business Excellence

5.3.1 Hardship Policy

Authorised by General Manager Business Excellence

Motion

That Council:

1. ***adopts the Hardship Policy as provided at Attachment 1;***
2. ***rescinds the existing Financial Hardship Policy at Attachment 2; and***
3. ***authorises the Chief Executive Officer to amend the adopted Hardship Policy without formal Council consideration if the amendments required are due to changes to Officer titles or administrative changes that occur from time to time.***

Moved: Cr John White
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

Attendance

Cr Sonia Buckley left the Council Chamber at 8.22 pm and returned at 8.23 pm

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 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 8.23 pm.

7 Confidential Business

7.1 Community Grants Program 2024

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 Ac*t 2020, the information contained in this report is confidential because it contains confidential meeting information, being the records of meetings closed to the public under section 66(2)(a), for the purpose of reviewing the Community Impact Grants Recommendations.

7.2 Personnel Matter

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

8 Close of Meeting

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

Audit and Risk Committee

Biannual Report

January to June 2024

Introduction

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

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

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

This Report outlines the activities of the Committee for the reporting period (January to June 2024).

Membership

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

Council Representatives

Mayor, Councillor Tom Crook
Councillor Mark Reeves
Councillor Mendy Urie

Independent Members

Ms Celeste Gregory (2024 Chair)
Ms Claudia Goldsmith
Mr Jason Hellyer
Ms Susan Lloyd

Meetings and Attendance

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

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

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

The Committee met twice during the reporting period:

Meeting Date	Type
19 February 2024	Ordinary Committee Meeting
27 May 2024	Ordinary Committee Meeting

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

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

Attendance during the reporting period is shown in Table 1.

Table 1

Member	Role	19/02/24	27/05/24
Cr Tom Crook	Mayor	✓	✓
Cr Mendy Urie	Council Representative	✓	✓
Cr Mark Reeves	Council Representative	✗	✓
Ms Celeste Gregory	Independent Chair	✓	✓
Ms Claudia Goldsmith	Independent Member	✓	✓
Ms Susan Lloyd	Independent Member	✓	✓
Mr Jason Hellyer	Independent Member	✓	✓

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

Internal Audit

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

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

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

Implementation of Audit Recommendations

In accordance with the Committee's Charter, the Committee is also responsible for monitoring progress on actions required to achieve rectification of any issues identified following an Internal Audit. At the meeting held on 27 May 2024, the Committee noted the following progress:

Title Internal Audit	In Quarterly Report	Completed	On Schedule Original Due Date	On Schedule Adjusted Due Date	Behind Schedule	Not Commenced	On Hold	Not Updated
Management Plant and Equipment	1	1						
Food Act and Health Compliance	1			1				
Occupational Health and Safety (Staff)	6	6						
Records Management	3	3						
Payroll	6	2	2		2			
Child Safety Standards	20	13	6		1			
Credit Cards and Fuel Cards Review	6	6						
Stand Alone - Statutory Planning	2			2				

External Audit

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

The 2023/24 Proposed Audit Strategy was presented to the Committee at its meeting of 19 February 2024 and the 2023/24 Interim Management Letter was presented to the Committee at its meeting of 27 May 2024.

Annual Work Program

The meeting agenda is driven by the Committee's Annual Work Program, which was formally endorsed at the meeting held 19 February 2024. The matters from the Annual Work Program considered by the Committee at each meeting are provided in **Table 2**.

Key Highlights

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

- Prior to the commencement of the year's meetings, the Chair met with the newly appointed Chief Executive Officer (CEO) to discuss how the Independent Members would like to work with the CEO and any concerns the Committee would like to see addressed over the coming year. The meeting was effective, and it was agreed between the Chair and the CEO to review the working relationship throughout the year to determine what is and isn't working effectively.

- Strategic Focus Area Presentations from Maddocks are very well received and the topics are relevant for Independent Members to discharge their role in an advisory capacity. The presentation during the February meeting was very informative and provided current contextual information for all members on the importance of Audit and Risk Committee oversight and the need for effective strategic oversight. May's presentation consisted of Climate Change and its relevance especially for the East Gippsland region.

- Work conducted in the cyber security space to increase Council's cyber security posture has been extensive and the team are to be commended.

- VAGO's Interim Management Letter provided an overview of the current status of the financial accounts, and there were no issues of a mandatory nature noted. It is noted, VAGO has a focus on asset valuations and in response to this, the policy was updated.

- In the May 2024 Capital Expenditure report, it was noted by the Committee the risks identified which may impact the delivery of the program. It is encouraging to see the team keep abreast of any issues which pose significant risks for delivery of the program.

- The Committee noted the Post Implementation Review for Civica ERP Implementation (along with Wellington Shire Council). As this project is part of a wider transformation program, the Committee noted the outcomes of the review and the key learnings. Staff provided an update and it was well received.

- Council provide updates of current issues within Local Government and the latest of the reports being the Municipal Monitor Report from City of Greater Geelong. The Committee welcomes these reports and any actions East Gippsland may be reviewing and undertaking.

- Overall engagement of staff from East Gippsland with the Committee is effective and issues are discussed in a pragmatic and solution-based manner.

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

- The Audit and Risk Committee are focusing on old outstanding actions which have been open for some time. The concern relates to relevancy and whether gaps are being addressed through interim measures with periodic review. At the May 2024 meeting, members were advised a number of actions were closed pending completion of actions either through systems or processes. Although it is understood it is being worked on, premature closure of actions loses oversight by management and the Committee.

- Staff recruitment, retention and turnover within the Local Government sector is widely known to be an issue, and although it has been flagged with the Committee, it will remain to be a focus at a strategic level.

- Further to the cyber work noted above, this is an increasing risk across the sector and more and more Councils are now being subject to cyber incidents and loss of information through third parties. This will be an ongoing focus of the Committee.

- Risk Management continues to be a key area of interest as the Committee awaits the review being undertaken by a Consultant.

- With the rising costs of materials and labour (if required), the Committee are closely reviewing the Capital Expenditure program. It is understood these costs are outside of the control of Council and an issue across the sector however, it will continue to be a focal point.

- An audit of Council Governance was finalised during the period with actions noted. With the assent of the changes to the Local Government Act relating to training and other provisions related to Council election and induction, noted during the meeting as waiting to be passed, it was noted the actions in the report may need to be revised.

The Committee also received and considered a number of reports that are confidential in accordance with section 3 of the *Local Government Act 2020*. Accordingly, these have not been included in the above key highlights or areas of interest.

TABLE 2

Audit and Risk Committee Annual Work Program 2024	Meeting Dates			
	February		May	
Reports	Planned	Actual	Planned	Actual
Officer Reports				
Quarterly Finance Report	✓	✓	✓	✓
Quarterly Capital Works and Major Projects Report	✓	✓	✓	✓
Quarterly Councillors' Expenses Report	✓	✓	✓	✓
Quarterly Strategic Risk Management Report (Inc Risk Register)	✓	✓	✓	✓
Biannual Occupational Health and Safety Report			✓	✓
Quarterly Major Insurance and Legal Claims Report (Confidential)	✓	✓	✓	✓
ICT and Cyber Security Update (Confidential)	✓	✓	✓	✓
Integrity Reports (as required)	✗	✓	✗	✓
Annual LGPRF Report			✓	✓
Annual Investment Report	✗	✓		
Audit Matters				
Internal Audit Plan Progress Update	✓	✓	✓	✓
Internal Audit Recommendations - Actions Update Report	✓	✓	✓	✓
Internal Audit Reports (as required)		✓		
Internal Audit Plan Delivery - Annual Review			✓	✗
External Auditor - Financial Year Audit Strategy	✓	✓		
External Auditor - Interim Management Letter			✓	✓
Committee Matters				
Actions Arising Update	✓	✓	✓	✓
Annual Report - Completed Actions Arising	✓	✓		
Annual Work Program - Adoption	✓	✓		
Annual Work Program - Progress Report	✓	✓	✓	✓
Annual Performance Assessment			✓	✓
Biannual Activity Report	✓	✓		
Strategic Focus Areas - Presentations				
Function and Responsibilities of an Audit and Risk Committee	✓	✓		
Climate Change			✓	✓