Minutes
Council Meeting
Tuesday 18 March 2025 at 6:00 pm

Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875

Councillors	John White (Mayor), Sonia Buckley (Deput Mayor) (Online), Arthur Allen, Jodie Ashworth, Tom Crook, Barry Davis, Joanne Eastman, Bernie Farquhar, and Ian Trevaskis

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 John White welcomed all to the Council meeting and acknowledged the traditional owners.

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and 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 values 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 Joanne Eastman declared a conflict of interest in relation to item 5.1.2 *Amended Development Plan - Brookfield Lakes Estate - 135 Great Alpine Road Lucknow - Modified subdivision layout*, as a material interest due to a family member residing in the vicinity of the property.

Sarah Johnson General Manager Business Excellence declared a conflict of interest in relation to item 5.1.3 *Application to End Section 173 Agreement AF545507J 160 Orrs Road, Wy Yung*, as a general interest due to residing in the vicinity of the property.

1.4 Confirmation of Minutes

Motion

That the minutes of the Council meeting held Tuesday 18 February 2025 be confirmed.

Moved: Cr Barry Davis
Seconded: Cr Jodie Ashworth

CARRIED UNANIMOUSLY

For:	Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis, Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Against:	Nil
Abstained:	Nil

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 15 April 2025 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 John White acknowledged the recent passing of the Ms Deb Gray.

'It is my sad duty to acknowledge the passing of Deb Gray earlier this month.

Deb managed to overcome tremendous challenges that confronted her from birth and was a long-standing member of Council's Disability Advisory Committee. Deb most recently served as the judge for our Youth Art Prize in late 2024 and was a passionate advocate for people with disabilities, always working with determination to improve the lives of others in our community.

In January of this year, Deb shared her personal journey through her autobiography, A Simple Twist of Fate, which was launched in Lakes Entrance—a testament to her resilience and remarkable story.

On behalf of East Gippsland Shire Council, we extend our deepest condolences to Deb's family. She was admired by so many people and will be sadly missed'.

1.7 Open Forum

1.7.1 Petitions

Nil

Procedural Note

At this point in proceedings, Chief Executive Officer Fiona Weigall acknowledged receipt of a petition requesting the installation of a footpath on Macrae Street, Bairnsdale. Unfortunately, the petition did not comply with the requirements of Council's Governance Rules for formal presentation and a letter of response has been sent to the head petitioner. Councillors have also been provided a copy of the petition and letter of response.

Ms Weigall recognised the community's strong support for the footpath and the importance of addressing their concerns. She also noted that while Macrae Street is included in the list of proposed footpath upgrades, it is a long-term priority. Due to the high number of urgent footpath projects across East Gippsland, its construction is not planned for the near future.

1.7.2 Questions of Council

1.7.2.1 Application to End Section 173 Agreement AF545507J 160 Orrs Road, Wy Yung

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

Question 1: *"We own the property directly neighbouring this property and have objected to the removal of the s173. The application for the removal states that the Neighbours agree to the removal, this is clearly incorrect. As a neighbouring objector to the removal, what precedent would this set for the removal of other s173 agreements if allowed?"*

Question 2: *"We purchased our property from the original owner with this agreement being a big selling point. It gives us privacy, and at the time of purchase we also paid a premium for this. If this s173 was removed, how would anyone have any faith in the validity of s173 agreements that they are not just going to be removed at a later date?"*

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

Response 1: The report and attached assessment outline the matters that the Officers have considered in relation to the Agreement, the reasons for the Agreement and the possible outcome if the Agreement is ended.

While any future application to end an agreement must be considered on its merits, the Officers have suggested further strategic work be undertaken with additional public consultation before supporting removal of any agreements on an ad hoc basis.

Response 2: The *Planning and Environment Act* 1987 requires consideration of the reasons why an Agreement was established and whether the reasons have changed. For this application, the reasons for the agreement have not changed, also the reasons to remove the Agreement are not based on any change in provisions or policy of the Planning Scheme.

It is considered that the Agreement should remain in place until some form of significant change has been made to the Planning Scheme. For this change to happen, there would need to be strategic justification, and landowner consultation.

1.7.2.2 Chief Executive Officer Delegation and Cost of Consultancies

Mr Peter Jones submitted the following questions on behalf on East Gippsland Ratepayers and Residents Association (*EGRRA)*, which were read out on his behalf by Fiona Weigall Chief Executive Officer:

Question 1: *"In considering of the budget process, EGRRA understands the Chief Executive Officer has a 'delegation' which has substantially increased in recent years. Please advise EGRRA of the occasions where this delegation has been used and its total value in the previous Council term (2020/24). Where is this expenditure identified and recorded?"*

Question 2: *"Considering the current economic climate and the wish to minimise costs to ratepayers of East Gippsland, EGRRA is concerned at the apparent number, justification, and cost of consultancies. Please advise EGRRA of the number of occasions where consultants were engaged with justification for."*

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

Response 1: Section 11 of the *Local Government Act* 2020 (LGA) allows the Council to delegate to the Chief Executive Officer any power, duty, or function of a Council under any Act other than a power, duty or function specified in subsection 11(2) of the LGA.

This type of delegation occurs in the form of a written instrument. Council last remade the Instrument of Delegation to the Chief Executive Officer on 5 October 2021, which allows the Chief Executive Officer to approve expenditure up to $500,000. This amount has remained consistent since June 2020, when the previous instrument was made. A copy of the Instrument of Delegation to the Chief Executive Officer is available on Council's website.

Response 2: The operational expenditure has covered various service reviews, waste compliance requirements, Council Plan and Community Vision development, and recruitment for senior management positions. These costs vary annually, with some expenses offset by funding from Bushfire recovery, Strategic Planning Projects, and other grant-supported initiatives.

1.7.2.3 Community Service Survey Results

Mr John Butler-Cole submitted the following question on behalf on East Gippsland Ratepayers and Residents Association, which was read out on his behalf by Fiona Weigall Chief Executive Officer:

Question 1: *"Has Council been briefed yet on the full data received from the recent community service priority survey and what are the results?".*

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

Response 1: Yes, Council has been briefed on the feedback from the survey and is considering this as part of the drafting of the Council Plan. Once all the themes have been analysed and considered, we will let community know and will be presenting a report to the April Council meeting prior to the draft council plan and budget being released to community for feedback.

1.7.2.4 Lakes Entrance Carnival Expression of Interest

Mr Morris Borgelt asked the following questions:

Question 1: *"Next Lakes Entrance Carnival expression of interest date. The last time the expression of interest for the Lakes Entrance Carnival occurred was approximately 18 months ago preceding the implementation date. It's approximately 20 months to the next non-licenced Christmas carnival. What is Council's anticipated date for the 2026 Lakes Entrance carnival expression of interest?".*

Question 2: *"Who decides on Carnival operator. Will the Councillors or will Council Staff make the decision regarding the next Lakes Entrance expression of interest?".*

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

Response 1: Planning has commenced for the 2026 expression of interest process. It is anticipated that a public expression of interest will be released late 2025 or early 2026.

Response 2: A panel will be convened to evaluate expression of interest submissions and a recommendation made under delegation.

1.7.3 Public Submissions

1.7.3.1 Planning Permit Application 5.2023.350.1

Mr Ian Long addressed Council on the Planning Permit Application 5.2023.350.1 - Timber harvesting and regeneration on private land, 959 Murrungowar Road Cabbage Tree Creek - Council reconsideration and spoke at item 5.1.1.

1.7.3.2 Amended Development Plan - Brookfield Lakes Estate

Mr Mitchell Websdale addressed Council on the Amended Development Plan - Brookfield Lakes Estate - 135 Great Alpine Road Lucknow - Modified subdivision layout and spoke at item 5.1.2.

1.7.3.3 Amended Development Plan - Brookfield Lakes Estate

Mr Bernard Eastman addressed Council on the Amended Development Plan - Brookfield Lakes Estate - 135 Great Alpine Road Lucknow - Modified subdivision layout and spoke at item 5.1.2.

1.7.3.4 Application to End Section 173 Agreement

Mr and Mrs Carl and Kay Gasper addressed Council on the Application to End Section 173 Agreement AF545507J 160 Orrs Road, Wy Yung and spoke at item 5.1.3.

1.8 Items for Noting

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

Attachments

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

2 Notices of Motion

Nil

3 Deferred Business

Nil

4 Councillor Delegate Reports

4.1 Cr Arthur Allen

South East Australian Transport Strategy Meeting (SEATS) 20-21/02/25

The first item on the agenda. Cr Patricia White was elected Chairman with John Tatterson Deputy. All executive positions were filled, three from Victoria and three from NSW. The Annual General meeting of South East Australian Transport Strategy Meeting (SEATS) will be held on 14 August 2025, hopefully somewhere in East Gippsland Shire.

Venessa Wilson of NSW Main Roads was guest speaker for the afternoon session and covered the large number of very expensive projects currently happening or in the planning stages along the NSW south coast and along the escarpment to improve resilience and traffic flow.

Detailed discussion was held on SEATS priorities for the upcoming federal election. The refined list will come back to Councils for any modification shortly. For the Gippsland area, the main focus will be the Mitchell Bridge and detailed planning work on the Traralgon by-pass.

Friday's session included a briefing from the Department of Transport and Planning (DTP) Victoria on the Victorian Rail Freight Plan. In summary, the plan seeks to ensure Networks are fit for purpose, Operations are efficient, impacts are managed to provide certainty for investment and to ensure safety and resilience.

The proposed Rail node at Lyndhurst will necessitate freight being shipped there by road from across Gippsland. When I questioned this, we were told that DTP will seek to enshrine in upcoming rail agreements that slots must be provided in the passenger schedules for freight. Harvey Dinally outlined the DTP priorities with their chief concerns being the Traralgon by-pass and the Mitchell Bridge.

4.2 Cr Joanne Eastman

I represented Council at East Gippsland Marketing Inc's Partner Networking Event at the Lakes Helidrome. The event was another reminder of the breadth and depth of business opportunities across our Shire and the type of regulatory challenges many face. It also brought to mind the challenges for businesses relying on seasonal trade and the importance of building the wealth within the region by supporting the development of businesses across a wide range of industries.

I attended the February meetings of the Audit and Risk Committee (ARC) and the Economic Development Advisory Committee (EDAC). It was pleasing to have ARC agree to defer finalisation of the forward program in order to give new Councillors the opportunity to have greater input into directions. Although EDAC didn't have a quorum, there were some really interesting discussions with those in attendance that covered a wide range of challenges and potential opportunities.

The Community Visit to Orbost provided the opportunity to hear about just some of the challenges facing locals. It was particularly gratifying to see how Built QA at Newmerella has been able to provide ongoing employment for some of the people who lost jobs with the premature shut down of the Timber Industry.

4.3 Cr Ian Trevaskis

This being my first Timber Towns meeting, I was listening to see where other participants were coming from so didn’t contribute much.

The first section was a presentation by Monique Dawson, (ex Vic Forests CEO) from Healthy Forests (HF).

One possible outcome of this presentation was the idea that HF would promote the selection of two towns or small communities in Victoria to trial a scenario of community input into how the surrounding bush or grasslands are managed as a buffer to protect from bush fires.

Procedural matters were dealt with:

- imported timber was discussed re disease introduction. No conclusion was reached; and
- carbon sequestration was also discussed.

4.9 Cr John White

<u>Mayor monthly events – 18/02 – 18/03/25</u>

18/02/25 – 2025 Gippsland Red Meat Conference. Other Commitments meant I had to leave by lunchtime but listened to one lecture regarding forward supply and prices for sheep and cattle which sounded very positive for farmers.

21/02/25 – 2025 Paynesville Festival of Music. Great weather, great music and good time had for all attendees.

24/02/25 – Audit and Risk Committee Meeting.

25/02/25 – Community Day / Visit to Orbost:
- Built QA and morning tea
- Lochiel Park – Orbost Snowy Rovers Football Netball Club
- Site Visit – Orbost Recreation Reserve and Orbost basketball stadium
- Orbost Arts (Exhibition) Centre Community Lunch
- Joint meeting with Orbost District Community Recovery and Transition Committee and Future of Orbost and District Projects
- Site Visit – Orbost Mechanics Hall
- Site Visit – Snowy Rail Bridge
- Site Visit – Orbost Waste Transfer Station
- Site Visit – Mingling Waters Caravan Park

27-28/02/25 – Governor Visit – Her Excellency Professor the Honourable Margaret Gardner AC Governor of Victoria:
- Roundtable: Gippsland Agricultural Group and Food and Fibre
- Tour TAFE Gippsland, SEAMEC Campus
- Tour Lake Tyers Aboriginal Trust
- Civic Reception
- Bairnsdale Neighbourhood House
- Tour GEGAC, Krowathunkooloong and Aboriginal Keeping Place
- Visit to St Mary's Church for a guided tour

After the Governor departed, I dropped into the Big Blokes Lunch – Prostrate Cancer Foundation of Australia Fundraising event and found it supported to capacity.

01/03/25 – Ride the East Gippsland Rail Trail with the East Gippsland Rail Tral Committee.

06/03/25 – Planning Consultation Meeting – 618 Timbarra Road, Buchan.

07/03/25 – Omeo Stakeholders Meeting.

07/03/25 – Catch-up with Omeo District Health Chair.

07/03/25 – Meet and Greet with Our Community Our Voice (new committee – Omeo and surrounding districts).

09/03/25 – Attended Orbost Show and met with residents in Newmerella and also Bemm River.

11/03/25 – Event for Blind and Low Vision Community. Wonderful East Gippsland Shire Council sponsored event, appreciated by all.

13/03/25 – Catch-up with CEO Bairnsdale Regional Health Service.

13/03/25 – Infrastructure Projects meeting with Hon. Darren Chester MP and Hon. Tim Bull.

14/03/25 – One Gippsland Meetings:

- Two candidates for Monash addressed us, Deb Leonard and Mary Aldred.
- Update on delegation visit to Canberra and State Parliament.
- Reviewed submission on Regional Housing and Infrastructure Victoria Strategy and implications for plan for Victoria.
- Positive update from TAFE and Fed Uni on student enrolments.

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 - Council reconsideration

Authorised by General Manager Place and Community

Request to Speak

Mr Ian Long

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 5.2023.350.1 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 Timber Harvesting and Regeneration at 959 Murrungowar Road, Cabbage Tree Creek, subject to permit conditions in Attachment 1.***

Moved: ***Cr Bernie Farquhar***
Seconded: ***Cr Joanne Eastman***

Procedural Note

Cr Tom Crook moved an amendment to the motion, seeking for section 21 of the Permit Conditions referred to at Attachment 1 be amended to include the wording set out in red below:

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 5.2023.350.1 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 Timber Harvesting and Regeneration at 959 Murrungowar Road, Cabbage Tree Creek, subject to the minor amendment to permit conditions in Attachment 1, shown below:*

    21. *Before works or native vegetation removal start, a vegetation protection fence or other suitable measure(s) must be established around all areas of retained native vegetation, including scattered trees to the satisfaction of the responsible authority.*

        These measures must be located on the exclusion area boundary and geo-spatial data provided to the satisfaction of the Responsible Authority.

Procedural Note

The amendment was not supported by the mover, Cr Bernie Farquhar of the original motion. Therefore, Mayor Cr John White called for a seconder to Cr Crook's proposed amendment.

Moved: ***Cr Tom Crook***
Seconded: ***Cr Sonia Buckley***

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 5.2023.350.1 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 Timber Harvesting and Regeneration at 959 Murrungowar Road, Cabbage Tree Creek, subject to the minor amendment to permit conditions in Attachment 1, shown below:*

    21. *Before works or native vegetation removal start, a vegetation protection fence or other suitable measure(s) must be established around all areas of retained native vegetation, including scattered trees to the satisfaction of the responsible authority.*

        These measures must be located on the exclusion area boundary <u>and geo-spatial data provided to the satisfaction of the Responsible Authority.</u>

LOST

For:	Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook and Cr Joanne Eastman
Against:	Cr Arthur Allen, Cr Barry Davis, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Abstained:	Nil

Procedural Note

The amended motion was put to the vote and lost. Therefore, the original motion was debated and put to the vote. The motion was carried.

CARRIED

For:	Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Barry Davis, Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Against:	Cr Tom Crook
Abstained:	Nil

5.1.2 Amended Development Plan - Brookfield Lakes Estate - 135 Great Alpine Road Lucknow - Modified subdivision layout

Authorised by General Manager Place and Community

Conflict of Interest

Cr Joanne Eastman, having declared a conflict of interest in relation to 5.1.2, left the meeting at 7.12 pm and was absent during the discussion on this item.

Request to Speak

Mr Mitchell Websdale
Mr Bernard Eastman

Procedural Note

Cr Arthur Allen moved the following motion.

Motion

That Council:

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

2. ***approves the endorsement of the amended development plan for 135 Great Alpine Road Lucknow (Lot H on PS 846223) as amended (September 2024) and detailed at Attachment 1, with changes (as listed below) and subject to the inclusion of amended planning permit conditions to the existing Planning Permit as applying to the subject land (547.2009.4);***
   a. ***amend the Development Plan to retain the four low density lots (1000² or greater), along the western boundary of stage 11;***
   b. ***delete the requirement for Fencing and Notice of Restriction on the western boundary of all allotments in stage 11; and***
   c. ***any consequential changes to road layout;***

3. ***notes that Planning Permit 547.2009.4 will be amended to include the following requirements:***
   a. ***a Landscape Plan which details the planting regime in the Reserve adjoining Doyles Road;***
   b. ***an amended Traffic Management Plan;***
   c. ***the Plan of Subdivision must also include drainage easements as required;***
   d. ***Detailed construction and drainage plans for stage 11 which address current pre-conditions and overland flow from existing properties to the west to ensure that all overland flow (currently uncontrolled) into the subject land is appropriately provisioned with the necessary infrastructure to discharge into the waterway;***
   e. ***a section 173 legal agreement which will be registered on title for all allotments in stages 7 and 11 which prevents vehicle access to Doyles Road; and***
   f. ***preparation of a fencing plan or inclusion within an approved construction management plan showing a consistent form of timber paling fencing of 1.8 metres in height for stages 8 and 9; and***

4. ***delegates authority to the General Manager Place and Community to endorse changes to the Development Plan generally in accordance with the above requirements.***

Moved: ***Cr Arthur Allen***
Seconded: ***Cr Barry Davis***

CARRIED UNANIMOUSLY

For: Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Against: Nil
Abstained: Nil

Attendance

Cr Joanne Eastman returned to the Council Chamber at 7.42 pm.

5.1.3 Application to End Section 173 Agreement AF545507J 160 Orrs Road, Wy Yung

Authorised by General Manager Place and Community

Conflict of Interest

Sarah Johnston General Manager Business Excellence having declared a conflict of interest in relation to 5.1.3, left the meeting at 7.42 pm and was absent during the discussion on this item.

Request to Speak

Mr and Mrs Carl and Kay Gasper

Procedural Note

Cr Bernie Farquhar moved the following 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 the relevant matters of s178B(2) of the Planning and Environment Act 1987, and submissions received in accordance with s178D, pursuant to s178E(3)(a) now decides to end the agreement AF545507J as it relates to 160 Orrs Road, Wy Yung in accordance with the proposal;***

3) ***directs Officers to carry out notice of the decision in accordance with s178F; and***

4. ***notes that if the final determination is that the agreement is ended, that all costs incurred in the ending of the Agreement AF545507J must be paid by the owners of the land.***

Moved: Cr Bernie Farquhar
Seconded: Cr Ian Trevaskis

CARRIED

For: Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Barry Davis, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Against: Cr Tom Crook and Cr Joanne Eastman
Abstained: Nil

Attendance

Sarah Johnston General Manager Business Excellence returned to the Council Chamber at 8.08 pm.

Procedural Note

The meeting was adjourned for a short recess at 8.08 pm and resumed at 8.09 pm.

5.1.4 Agriculture Sector Advisory Committee Confirmed Minutes held 8 August 2024

Authorised by General Manager Place and Community

Attendance

Cr Tom Crook left the Council Chamber at 8.09 pm returned at 8.10 pm.

Motion

That Council:

1. ***receives and notes this report and all attachments pertaining to this report; and***
2. ***notes the recommendations in the Minutes of the Agricultural Sector Advisory Committee meeting held on 8 August 2024, at Attachment 1.***

Moved: Cr Arthur Allen
Seconded: Cr Sonia Buckley

CARRIED UNANIMOUSLY

For: Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Against: Nil
Abstained: Nil

5.2 Business Excellence

5.2.1 Microsoft Agreement Renewal 2025

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 the **Confidential Attachments** to this report are confidential because they contain Council business information being information that would, if released, prejudice the Council's position in commercial negotiations.

Motion

That Council:

1. ***adopt the recommendations contained in confidential Attachment 1 - Municipal Association of Victoria's Tender Evaluation Recommendation Report - Contract NPN 2.17-3;***

2. ***approves the renewal of the Microsoft Enterprise Agreement for a period of three years to the quoted total value of $1,834,531.96 excluding GST submitted by CRAYON Australia Pty Ltd (formerly Winc Australia Pty Ltd);***

3. ***approves for the procurement of Microsoft CoPilot Licenses (as needed) over the next three-year period up to the total value of $594,000 excluding GST;***

4. ***authorises the Chief Executive Officer to execute such documents as are necessary to give effect to these arrangements; and***

5. ***resolves that the Confidential Attachments to this report and all discussions relating to the attachments remain confidential.***

Moved: Cr Tom Crook
Seconded: Cr Bernie Farquhar

CARRIED UNANIMOUSLY

For: Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Against: Nil
Abstained: Nil

Procedural Motion

That Council resolves to extend duration of the meeting for one hour.

Moved: ***Cr Arthur Allen***
Seconded: ***Cr Barry Davis***

CARRIED UNANIMOUSLY

For: Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis, Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Against: Nil
Abstained: Nil

5.2.2 Council Meeting Resolution Register

Authorised by General Manager Business Excellence

Attendance

Cr Barry Davis left the Council Chamber at 8.30 pm and was absent during the discussion and voting of item 5.2.2.

Motion

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

Moved: Cr Arthur Allen
Seconded: Cr Joanne Eastman

CARRIED UNANIMOUSLY

For: Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Against: Nil
Abstained: Nil

Attendance

Cr Barry Davis returned to the Council Chamber at 8.32 pm.

5.2.3 Australian Local Government Association National General Assembly 2025 – Notices of Motion

Authorised by General Manager Business Excellence

Motion

That Council:

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

2. ***approves the submission of the proposed motions, as provided at Attachments 1, 2, 3 and 4, to the Australian Local Government Association for consideration to be included in the agenda for the 2025 National General Assembly.***

Moved: Cr Tom Crook
Seconded: Cr Sonia Buckley

CARRIED UNANIMOUSLY

For: Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis, Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Against: Nil
Abstained: Nil

5.2.4 Municipal Association of Victoria May 2025 State Council Meeting Motions

Authorised by General Manager Business Excellence

Motion

That Council approves the submission of the three proposed motions, as provided at Attachments 1 to 3, to the Municipal Association of Victoria for consideration to be included in the agenda for the State Council meeting to be held on 16 May 2025.

Moved: Cr Sonia Buckley
Seconded: Cr Barry Davis

CARRIED UNANIMOUSLY

For: Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis, Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Against: Nil
Abstained: Nil

5.2.5 Organisational Performance Report July to December 2024

Authorised by General Manager Business Excellence

Motion

That Council

1. ***endorses the full year forecast changes for operating and capital budgets, as included in the Organisational Performance Report for the period to 31 December 2024, as provided at Attachment 1;***
2. ***notes that if endorsed, the Organisational Performance Report for the period to 31 December 2024, as provided at Attachment 1 and 2 will be published on Council's website; and***
3. ***notes that the Chief Executive Officer has determined that no revised budget is required for the 2024/25 financial year.***

Moved: Cr Bernie Farquhar
Seconded: Cr Ian Trevaskis

CARRIED UNANIMOUSLY

For: Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis, Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis 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 Sonia Buckley***
Seconded: ***Cr Ian Trevaskis***

CARRIED UNANIMOUSLY

For:	Cr Arthur Allen, Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis, Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White
Against:	Nil
Abstained:	Nil

The meeting was closed to the public at 8.48 pm.

7 Confidential Business

7.1 Property 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 personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.

7.2 Property 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 personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.

The meeting was reopened to the public at 9.17 pm.

8 Close of Meeting

Mayor Cr John White declared the Council Meeting closed at 9.18 pm.

ATTACHMENT 1

Audit and Risk Committee

Biannual Report

July to December 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 (July to December 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 (July to October 2024)
Councillor Mark Reeves (July to October 2024)
Councillor Mendy Urie (July to October 2024)

Mayor, Councillor John White (from November 2024)
Councillor Jodie Ashworth (from December 2024)
Councillor Joanne Eastman (from December 2024)

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 three times during the reporting period:

Meeting Date	Type
19 August 2024	Ordinary Committee Meeting
24 September 2024	Special Committee Meeting Annual Joint Meeting with Councillors
9 December 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	19/08/24	24/09/24	09/12/24
Cr Tom Crook	Mayor (July to October 2024)	✓	✓	⃠
Cr Mendy Urie	Councillor Representative (July to October 2024)	✓	✓	⃠
Cr Mark Reeves	Councillor Representative (July to October 2024)	✗	✓	⃠
Celeste Gregory	Independent Chair	✓	✓	✓
Claudia Goldsmith	Independent Member	✓	✓	✓
Susan Lloyd	Independent Member	✓	✗	✓
Jason Hellyer	Independent Member	✓	✓	✓
Cr John White	Mayor (from December 2024)	⃠	⃠	✓
Cr Jodie Ashworth	Councillor Representative (from December 2024)	⃠	⃠	✓
Cr Joanne Eastman	Councillor Representative (from December 2024)	⃠	⃠	✓

<u>Attendance Key</u> ✓ = 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 9 December 2024, the Committee noted the following progress:

Number of Actions

Internal Audit Area	In Quarterly Report	Completed	On Schedule	Behind Schedule	Not Commenced	On Hold	Not Updated	Withdrawn
Food Act and Health Compliance	1	1						
Payroll	3	2				1		
Child Safety Standards	5	3	1	1				
Governance	6	1	5					
Procurement Tendering	4		4					

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 Final Management Letter was presented to the Committee at its meeting of 24 September 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:

- During the period, it is noted there was a quorum achieved at all times.
- Councillor Election and Changes to Councillor Audit and Risk Committee Representatives. (Effective from Council's Statutory Meeting)
  - We formally thank the outgoing Audit and Risk Committee Councillor members for their contribution, Cr Mark Reeves and Cr Mendy Urie. Their contribution and insights during their term were invaluable and we as a Committee wish them well with what their future holds.
  - Cr John White (Mayor) has continued his role on the Audit and Risk Committee, and we look forward to working with Mayor Cr White further.
  - Two (2) new Councillor Representatives were appointed to the Audit and Risk Committee, Cr Eastman and Cr Ashworth, formally adopted at 3 December 2024 Council meeting, with attendance at the 9 December 2024 Committee meeting noted and welcomed.
- The Committee noted the collaboration with neighbouring Councils to enhance information technology maturity across the organisation and the posture sits at a high standard.
- The Committee were fortunate to have a speaker from the Municipal Association of Victoria (MAV) who provided an overview of the strategic focus areas and local government reporting requirements. This was a valuable presentation and highlighted the importance of risk management, Local Government Reporting and the function of the Audit and Risk Committee has in Local Government governance.
- An annual evaluation survey tabled to the Councillor cohort and Executive at a Special Meeting in September 2024, chaired by the Audit and Risk Committee Chair, noted the Committee possess the necessary skills to perform their function either as Independent Members, Councillor Representatives or Council Staff presenting information to the Audit and Risk Committee.
- The Committee noted a very collaborative and informative effort for each Audit and Risk Committee meeting is executed by the Chief Executive Officer, Executive members and Council staff. Independent Members and Councillor Representatives feel they are getting the right information to discharge accountabilities under the Audit and Risk Committee Charter. As a note, this was at 30 June 2024, presented in September 2024 prior to the new Council term.

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

- Council's risk management and supporting framework and policy are being enhanced and it is pleasing to see the increase in the level of maturity over the last six (6) months. The Committee is looking forward to the continued updates regarding the maturity and note the amount of work East Gippsland Shire Council have undertaken thus far.
- Internal audits conducted in the first six (6) months are recognising the hard work the Council is undertaking to ensure risks are controlled effectively.
- Councillor Expenses reviewed at the August and December 2024 meetings noted expenditure is contained to the Councillor allowance (as per the determination applicable for Local Government) and reasonable expenditure in conducting their roles. No abnormalities were noted in the period.
- Gifts, Benefits and Hospitality declared to Council were presented at the December 2024 meeting for the calendar year. It included all offers of gifts, benefits and hospitality either accepted or declined in the period and no abnormalities were identified.
- Occupational Health and Safety, along with the Safety Management System, are noted and the level of maturity in this area is noted by the Committee.
- Although a number of Council policies were overdue (as at 30 June 2024) presented at the December meeting, it is noted these are progressing. During the election period only certain items could be presented to Council for adoption within legislative requirements. The Committee at the meeting understood the rationale and no concern has been noted regarding the completion of these policies with the new Councillor term. The progression will be noted in the following January to June 2025 half year.
- The Committee are comfortable with the management and progression of insurance claims and note the action being undertaken by Officers.
- No Conflicts of Interest were declared in the six (6) months between July and December 2024 by members of the Audit and Risk Committee.

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					
	August		September		December	
Reports	**Planned**	**Actual**	**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	✓	✓			✓	✓
ICT and Cyber Security Update	✓	✓			✓	✓
Annual Council Policies Report	✓	✗			✗	✓
Integrity Reports (as required)					✗	✓
Annual Investment Report					✓	✗
Annual Gifts, Benefits and Hospitality Report	✓	✗			✗	✓
Annual Delegations Review					✓	✓
Annual Risk Management Framework Review					✓	✗
Review Draft Financial Report and Performance Statement			✓	✓		
Audit Matters						
Internal Audit Plan Progress Update	✓	✓			✓	✓
Internal Audit Recommendations - Actions Update Report	✓	✓			✓	✓
Internal Audit Reports (as required)		✓				✓
Internal Auditor - Annual Meeting (Committee Only)	✓	✓				
External Auditor - Annual Meeting (Committee Only)			✓	✓		
External Auditor - Final Management Letter			✓	✓		
Committee Matters						
Actions Arising Update	✓	✓			✓	✓
Annual Work Program - Progress Report	✓	✓			✓	✓
Annual Performance Assessment			✓	✓		
Biannual Activity Report	✓	✓				
Strategic Focus Areas - Presentations						
Finance - Overview of Local Government Reporting Requirements	✓	✓				
Strategic Risk Management					✓	✗