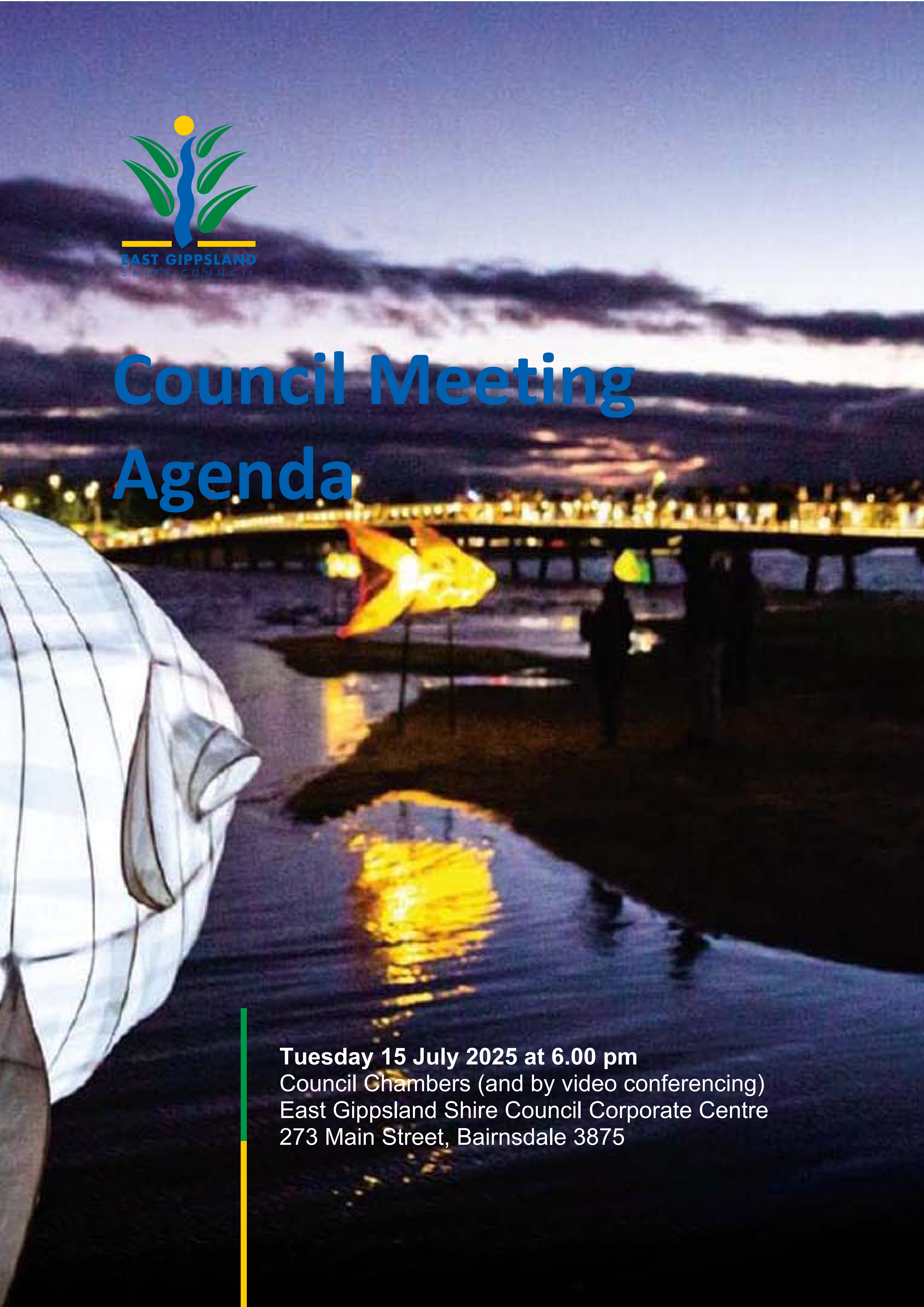
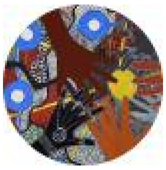


EAST GIPPSLAND
SHIRE COUNCIL

Council Meeting Agenda

Tuesday 15 July 2025 at 6.00 pm
Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875



Acknowledgement of Country

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.

Council information

East Gippsland Shire Council live streams, records and publishes its meetings via webcasting (youtube.com/c/EastGippyTV) to enhance the accessibility of its meetings to the broader East Gippsland community.

These recordings are also archived and available for viewing by the public or used for publicity or information purposes. At the appropriate times during the meeting, any members of the gallery who are addressing the council will have their image, comments or submissions recorded.

No other person has the right to record Council meetings unless approval has been granted by the Chair.

In line with the *Local Government Act* 2020, Councillors are able to attend Council meetings electronically or in person and the meetings will be open to the public via livestreaming.

Members of the public are invited to view the Council Meeting livestreamed by following the link on Council's website or Facebook page.

Councillors

Cr John White (Mayor)
Cr Sonia Buckley (Deputy Mayor)
Cr Arthur Allen
Cr Jodie Ashworth
Cr Tom Crook
Cr Barry Davis
Cr Joanne Eastman
Cr Bernie Farquhar
Cr Ian Trevaskis

Executive Leadership Team

Fiona Weigall Chief Executive Officer
Stuart McConnell General Manager Assets and Environment
Sarah Johnston General Manager Business Excellence
Chris Stephenson General Manager Place and Community

Purpose of Council meetings

(1) Council holds scheduled meetings and, when required, unscheduled meetings to conduct the business of Council.
(2) Council is committed to transparency in decision making and, in accordance with the *Local Government Act 2020*, Council and Delegated Committee meetings are open to the public and the community are able to attend.
(3) Meetings will only be closed to members of the public, in accordance with section 66 of the Act, if:
   (a) there are clear reasons for particular matters to remain confidential; or
   (b) a meeting is required to be closed for security reasons; or
   (c) it is necessary to enable the meeting to proceed in an ordinary manner.
(4) A meeting closed to the public for the reasons outlined in sub-rule 3(b) or 3(c) will continue to be livestreamed. In the event a livestream is not available:
   (a) the meeting may be adjourned; or
   (b) a recording of the proceedings may be available on the Council website.

Governance Rules

A copy of East Gippsland Shire Council's governance rules can be found at https://www.eastgippsland.vic.gov.au/council/council-policies

Councillors Pledge

As Councillors of East Gippsland Shire Council, we solemnly and sincerely declare and affirm that we will consider each item on this agenda in the best interests of the whole municipal community.

Vision

To foster inclusive, connected, communities and places where all East Gippslanders prosper, and endeavour not to leave anyone behind.

Our Strategic Themes

1. Community Wellbeing and Social Responsibility
2. Prosperity
3. Making the Most of What We've Got
4. Managing Council Well

Index

1 Procedural

1.1 Recognition of Traditional Custodians

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

1.3 Declaration of Conflict of Interest

1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Monday 23 June 2025 be confirmed.

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 19 August 2025 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

1.6 Requests for Leave of Absence

1.7 Open Forum

1.7.1 Petitions
1.7.2 Questions of Council
1.7.3 Public Submissions

1.8 Items for Noting

2 Notices of Motion

3 Deferred Business

4 Councillor Delegate Reports

5 Officer Reports

5.1 Assets and Environment

5.1.1 Construction of Slip Road Maritime Precinct - Variation

Authorised by Acting General Manager Assets and Environment

Confidentiality Notice

The information contained in **Confidential Attachment 1** to this report is confidential under section 3(1) of the *Local Government Act* 2020 because it relates to: (a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; and (g) Private Commercial Information, being information provided by a business, commercial or financial undertaking that—(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

Pursuant to section 66(5)(b) of the *Local Government Act 2020*, if released, the information discussed or considered in **Confidential Attachment 1** would disclose pricing and other information that is confidential in nature.

Purpose

This report is submitted to request Council approval for a financial variation for the Slip Road Marina Precinct Upgrade Project and approve an exemption of the market engagement requirements of the Procurement Policy.

Key Points

The original project was developed on the basis of constructing the boardwalk, seawalls and new jetties and associated works in one separate package. Similarly, the carparking and associated upgrade works were to be undertaken separately under a second package of works and another suitable contractor.

It is now proposed to deliver the completion of the project of both the above key elements under one inclusive contract to provide best value via a variation of Carter Marine (CON2022 1451 Slip Road Marina Precinct Upgrade Project) who are currently undertaking the main marina/landscaping/boardwalk and drainage works.

This proposal is preferred for three main reasons because undertaking these two key elements under one contract ensures the carpark and boardwalk/jetties are tied in more effectively and seamlessly to manage the latent drainage/tidal issues, soil levels and inherent conditions on site.

Subject to approval, the variation proposal will address the following:

- The tidal flows, latent geotechnical soil conditions and unstable ground to complete the project;
- Meet grant funding deadlines by February 2026; and
- Reduce material risk of any further variations incurred for this project.

The original carpark design was elevated and upon further review this will not be effective and will cause unacceptable flooding issues during heavy rain events and tidal flows, as such a revised design has been completed and will be constructed to manage the drainage challenges on site.

To address the drainage issues, tidal flows and other latent conditions the new design has been detailed to tie in with the new boardwalk and jetty levels more effectively to reduce unacceptable levels of flooding and water ingress.

It should be noted that due to the location, periodic localised ponding and water ingress will occur as it does in some other low-lying areas of Paynesville, however this new design and approach to the project will achieve the optimal functional design that meets best value to the community.

Furthermore, the proposed expanded scope aims to address unstable ground conditions to an acceptable level, acid sulphate exposure, and reduce the risks and impacts of localised flooding by adjusting the height of certain project elements.

Variation scope:

The proposed variation, subject to approval, delivers the below outcomes to complete the project. Specifically, the variation provides for:

- Construction of the carpark and associated works (previously anticipated to be subject to a separate contract); and
- Design changes to the seawall and boat ramp to match the carpark design, and in particular revised carpark levels.

Specific elements of the work include;

- Lengthening the boat ramp to meet ground levels.
- Importing fill to consolidate unstable ground (more material needed).
- Installing improved drainage.
- Installing seawall panel fixing plates.
- Applying rubberised bitumen and asphalt over the entire proposed carpark.
- Installing kerb and channel to address flooding and overland flow.
- Installing boardwalk transitions and pathways to meet compliance.
- Installing all utility infrastructure and services.

All the above requisite works will ensure compliance with pedestrian access requirements, marina safety codes, funding requirements and deadlines, and public expectations.

Note this project will be subject to a review to identify lessons to strengthen project planning, design and delivery.

Exemption:

Officers propose to complete the project by varying the existing contract rather than engaging a separate contractor through an open tender process to complete the carpark works. This requires Council to approve an exemption to the requirement for market engagement pursuant to section 7.4 of the Procurement Policy. In particular, an exemption from the market engagement requirements of the Procurement Policy is sought on the basis that adhering to the standard tender or procurement process would result in substantial delays and prove impractical under the current circumstances.

This is on the basis of the integral connection between the different elements of the work, the difficulty in having multiple contractors operating on the one site and grant timelines. Officers have engaged a quantity surveyor to cost the works, and this confirms the pricing offered is appropriate value for money.

Proceeding with a direct engagement is therefore considered the most efficient and responsible course of action to meet council objectives without undue disruption.

Recommendation

That Council:

1. ***approves an exemption from the market engagement requirements of the Procurement Policy on the basis that following the tender or procurement process would mean substantial delay or would be impractical, disadvantageous or unreasonable in the circumstances;***

2. ***approves the variation for CON2022 1451 Slip Road Marina Precinct Upgrade Project for the sum of $__________ (excluding GST);***

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

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

Strategic Alignment

This report has been prepared and aligned with the following themes set out in the Council Plan 2025-2029:

Theme 1: Community wellbeing and social responsibility.
Outcome – A stronger collaborative community that is actively engaged and supported.

Theme 2: Prosperity
Outcome – A well-functioning planning system that responds to our communities' needs.

Theme 3: Making the most of what we've got.
Outcome – Natural assets are well-managed and protected.

Collaborative Procurement

Pursuant of section 109(2) of the *Local Government Act* 2020 CON2022 1451 Slip Road Marina Precinct Upgrade Variation has not been prepared in collaboration with other agencies.

Consultation/Community Engagement/Impacts

Community engagement and consultation have been conducted through regular Project Reference Group (PRG) meetings and media updates, these community engagements will continue as the project progresses. The design has been consulted and approved by the PRG which include local business owners (existing berth holders), Department of Energy, Environment and Climate Action (DECCA) and Gippsland Ports to ensure it provides appropriate access and functionality. Specifically, the tie in works, levels of the jetties, boardwalks and how access to the new space is achieved has been a focus of the consultation to date over the last 12 months. Engagement with the business owners has confirmed the need for consistent access from Slip Road into the carpark area with limited restrictions.

Opportunities and Risks

By not completing the outstanding works outlined, the project site will need to remain closed for public safety reasons as it will not be accessible to meet compliance requirements. A variation to Carter Marine as outlined provides the best overall value to Council and ensures the carpark and boardwalk/jetties are tied in more effectively to manage the latent drainage/tidal issues and soil levels and condition on site.

Further, officers compared Carter Marine's proposal with an external quantity survey and their proposal aligns with benchmarked industry schedule of rates to provide comfort that a direct variation seeks best value. Further a prolonged delay in not finishing this project by early 2026 could have external grant funding challenges if works are paused for any long period of time.

Climate change

This report considers potential climate change risks and impacts relevant to the Officer recommendation and aligns with the applicable climate change functions, categories, and legislative obligations, as detailed below.

This design of drainage, carpark and levels of the soft and hard structures considers potential and future climate change risks and impacts relevant to the climate change challenges. Extreme weather events are becoming more intense with larger and more damaging storm and tidal surges that are occurring. These changes have been considered in the design to withstand and recover from impacts in an appropriate time. The carpark tie in works and sequencing with the boardwalk is key in the new design and variation required to provide an integrated drainage system. The carpark may flood in extreme weather events, but it is designed to do that to reduce risks of water ingress into private property.

Legislation

Not required

Category

Asset Management: Climate change is considered in the design and maintenance of assets and includes responses to direct and indirect impacts.

Options

1. Approve the variation for works to proceed to ensure compliant and functional project completion.

2. Proceed with the works as per the original design scope and prohibit public access to site until all works are complete at a later date.

Conflicts of Interest

Officers preparing this report have no conflict of interest to declare.

Attachments

1. CONFIDENTIAL - RFT - CON2022 1451 Variation Pricing [**5.1.1.1** - 1 page]

5.1.2 Sale of Land - 8 Gannet Grove Metung

Authorised by Acting General Manager Assets and Environment

Purpose

To seek a resolution from Council on the proposed sale of 8 Gannet Grove Metung on the open market.

Key Points

The property known as 8 Gannet Grove Metung (Property) is in the Tambo Bluff Estate (Estate) Metung (1998.26 square metres outlined **Red** and labelled '**A**' on **Attachment 1**).

In the 1960s the Blue Horizon Estate was created which had numerous small lots in an environmentally sensitive area with little or no infrastructure, services or community facilities and poor connections to nearby communities. This has created a long history of restructure activity and infrastructure development to enable appropriate urban development for this area.

We have been actively working to restructure the estate to address these legacy issues. This includes working with relevant agencies to identify and locate owners and/or executors of the remaining properties in the Estate as clear ownership of the remaining lots is often complex.

The strategy to address the issues has been to consolidate adjoining lots as guided by the Tambo Bluff Restructure Plan (Plan) (**Attachment 2**).

The below properties have been identified for consolidation into one allotment in line with the Plan.

- 7A Swan Drive Metung
- 7B Swan Drive Metung
- 8A Gannet Grove Metung
- Part of 6 Gannet Grove Metung (that did not accord with the Plan)

As these allotments have been consolidated into one developable allotment, the Property is now able to be sold.

Any monies we collect from the sale of this property will be allocated to the Tambo Bluff Restructure Fund which is used by Council to acquire properties for public open space or consolidation of future properties in this Estate.

Recommendation

That Council:

1. ***determines that the Property known as 8 Gannet Grove Metung is not required for public access or any future public use;***

2. ***gives notice of its intention to sell the property known as 8 Gannet Grove Metung in accordance with the provisions of section 114 of the Local Government Act 2020;***

3. ***notes that in accordance with section 3.3 of Council's Sale of Council-owned Land Policy, the property will be sold for at least market valuation, unless Council specifically resolves otherwise;***

4. ***notes that the property will be sold by public tender on the open market; and***

5. ***notes that a community engagement process will be undertaken in respect of the sale of the property at 8 Gannet Grove Metung.***

Strategic Alignment

This report has been prepared and aligned with the Council Plan 2025-2029:

Theme 3: Making the most of what we've got
Outcome – Our assets are well maintained, utilised and meet community needs

Consultation/Community Engagement/Impacts

Members of the public will be entitled to make enquiries and provide comments in response to the community engagement process in accordance with section 114 of the *Local Government Act 2020.*

Opportunities and Risks

When advertised, Council may receive enquiries and comments that oppose the sale of the property. Council will consider any written public enquiries and comments received and evaluate on a case-by-case basis, taking into consideration the merits and associated risks of each enquiry or comment.

Climate change

This report is assessed as having no direct impact on climate change.

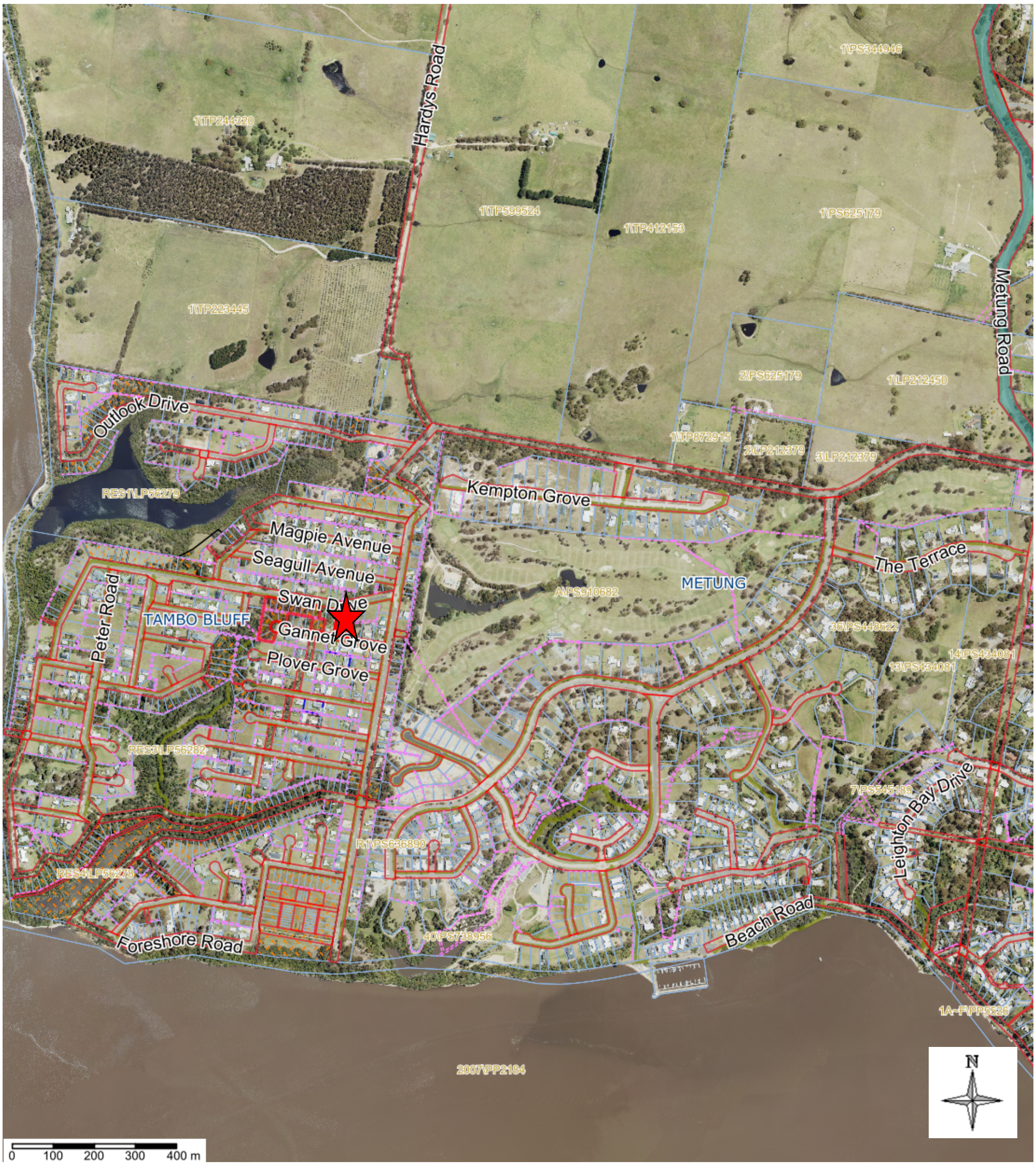
Conflicts of Interest

Officers preparing this report have no conflict of interest to declare.

Attachments

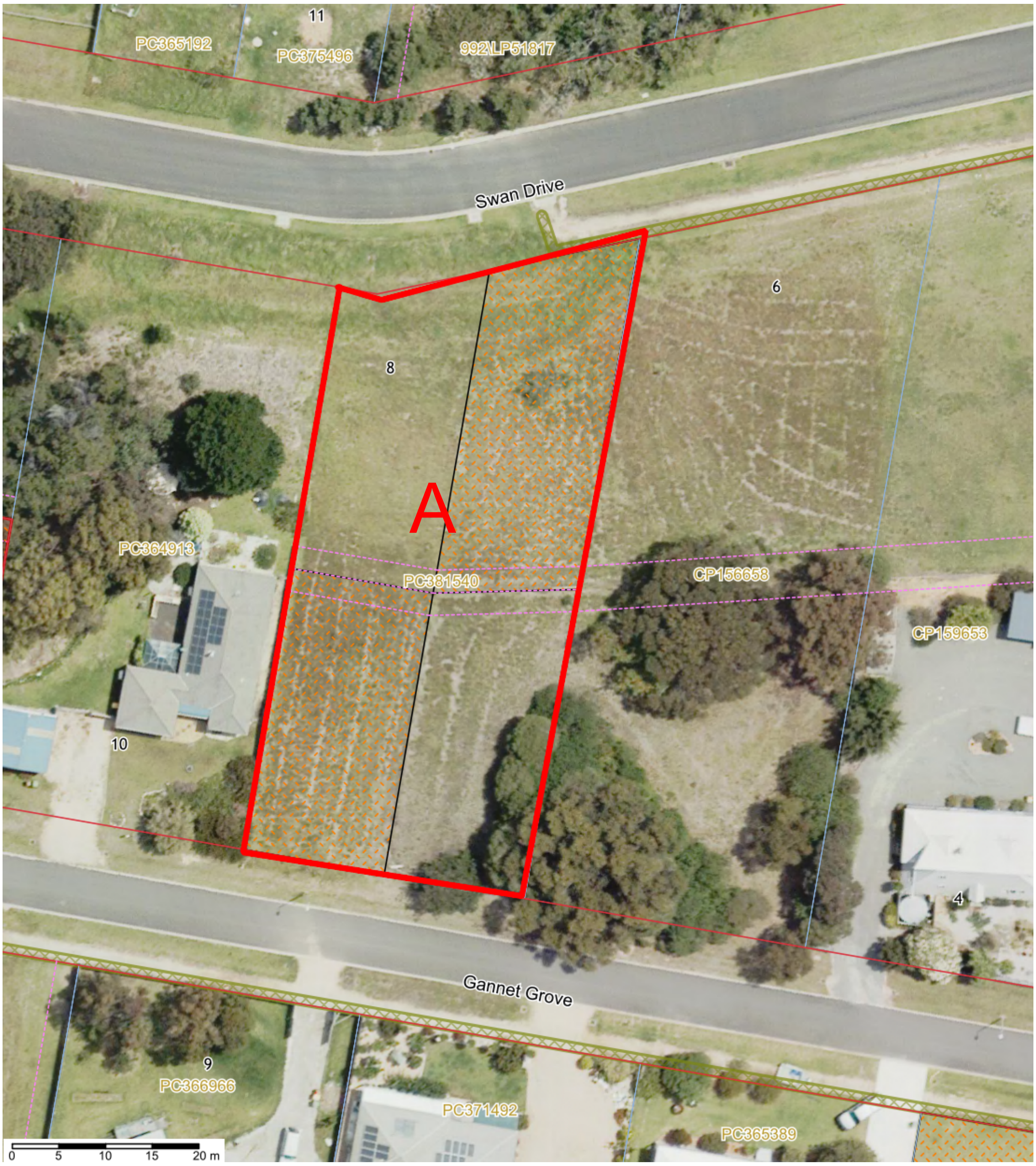
1. Attachment 1 8 Gannet Grove Metung [**5.1.2.1** - 2 pages]
2. Attachment 2 - Tambo Bluff Restructure Plan [**5.1.2.2** - 1 page]

Location Plan

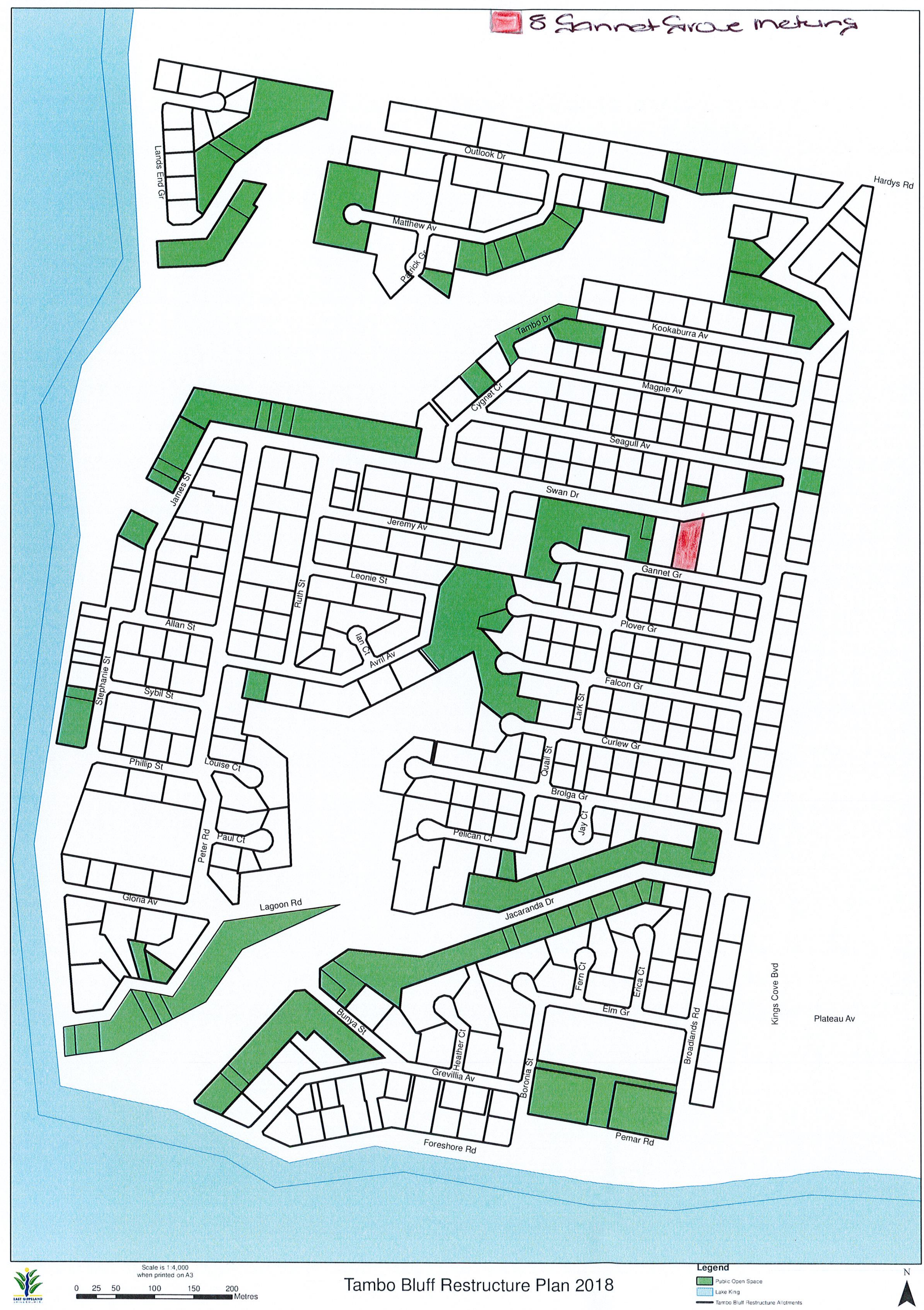


8 Gannet Grove Metung

Site Plan



EAST GIPPSLAND SHIRE COUNCIL	This map contains Vicmap information The State of Victoria, Department of Energy, Environment and Climate Action (DEECA), 2023. Disclaimer: This material may be of assistance to you, but the state of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or consequences which may arise from your relying on any information contained in this material. Using or copying parts of this document is prohibited without Councils written Authority.		1:589 10/04/2025	N


8 Gannet Grove meeting
Outlook Dr
Hardys Rd
Lands End Gr
Matthew Av
Patrick Gr
Tambo Dr
Kookaburra Av
Magpie Av
Cygnet Cr
Seagull Av
Swan Dr
James St
Jeremy Av
Gannet Gr
Leonie St
Ruth St
Plover Gr
Allan St
Ian Ct
Avril Av
Falcon Gr
Stephanie St
Sybil St
Lark St
Curlew Gr
Phillip St
Louise Ct
Quail St
Brolga Gr
Jay Ct
Pelican Ct
Peter Rd
Paul Ct
Gloria Av
Lagoon Rd
Jacaranda Dr
Fern Ct
Erica Ct
Kings Cove Bvd
Plateau Av
Elm Gr
Bunya St
Broadlands Rd
Heather Ct
Boronia St
Grevillia Av
Foreshore Rd
Pemar Rd
Scale is 1:4,000
when printed on A3
0 25 50 100 150 200
Metres
Tambo Bluff Restructure Plan 2018
Legend
Public Open Space
Lake King
Tambo Bluff Restructure Allotments
N

5.2 Business Excellence

5.2.1 Summary of Councillor Briefing Sessions

Authorised by Acting General Manager Business Excellence

Purpose

To provide a summary of topics discussed at recent Councillor Briefings.

Key Points

Councillor Briefings, while not formal decision-making forums, play a critical role in providing Councillors with information necessary for effective decision-making at formal Council meetings.

The provision of publicly available summaries of topics discussed during Councillor Briefings represents an opportunity to further enhance community understanding and trust in Council's deliberative processes.

At its meeting held on 10 June 2025 Council resolved to release summaries of Councillor Briefing session discussion topics in the monthly Council Meeting agenda to provide the community with greater insight into Councillor Briefing discussions.

This report includes notes from Councillor Briefings held on:

- Tuesday 17 June 2025;
- Monday 23 June 2025; and
- Tuesday 1 July 2025.

The notes from each of these Councillor Briefings are provided in **Attachments 1–3**.

Recommendation

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

Strategic Alignment

This report has been prepared and aligned with the Council Plan 2025-2029:

Theme 4: Managing Council well
Outcome – Council operates transparently and effectively with public trust

Climate change

This report is assessed as having no direct impact on climate change.

Conflicts of Interest

Officers preparing this report have no conflict of interest to declare.

Attachments

1. Councillor Briefing Notes - 17/06/25 [**5.2.1.1** - 3 pages]
2. Councillor Briefing Notes - 23/06/25 [**5.2.1.2** - 2 pages]
3. Councillor Briefing Notes - 01/07/25 [**5.2.1.3** - 3 pages]

Councillor Briefing Notes

Tuesday 17 June 2025 at 10.00 am

273 Main Street, Bairnsdale 3875

Attendance

Mayor Cr John White	**Deputy Mayor** Cr Sonia Buckley

Councillors

Cr Arthur Allen	Cr Joanne Eastman (Online)
Cr Jodie Ashworth	Cr Bernie Farquhar (Online)
Cr Tom Crook	Cr Ian Trevaskis
Cr Barry Davis (Online)	

Council Officers

Fiona Weigall	Chief Executive Officer
Stuart McConnell	General Manager Assets and Environment
Sarah Johnston	General Manager Business Excellence
Chris Stephenson	General Manager Place and Community

Apologies

Nil

Declaration of Conflict of Interest

Nil

Councillor Briefing Session

Reports to Future Council Meeting

1.1 Adopt Council Budget 2025/26

Councillors were briefed on the draft report for the 2025/26 Budget ahead of its presentation for adoption at the 23 June Council Meeting. Some additional explanatory wording was added to the document as an outcome of the discussion.

1.2 Adopt 10-Year Financial Plan 2025/26 to 2034/35

Councillors were briefed on the draft report for the 10-Year Financial Plan, which supports sustainable service delivery over the coming decade, prior to seeking Council endorsement at the 23 June Council Meeting.

1.3 Adopt Four-Year Rating and Revenue Plan 2025/26 to 2028/29

Councillors were briefed on the draft report for the Rating and Revenue Plan to guide Council's income strategy over the next four years, prior to seeking Council endorsement at the 23 June Council Meeting.

1.4 Adopt Council Plan 2025-2029

Councillors were briefed on the draft report for the Council Plan, which outlines strategic goals and priorities for the organisation, prior to seeking Council endorsement at the 23 June Council Meeting.

1.5 Adopt Draft Asset Plan 2026 - 2035 and Draft Asset Management Policy

Councillors were briefed on the draft report for the Asset Plan and Policy, which guide the management of Council's infrastructure and community assets, prior to seeking Council endorsement at the 23 June Council Meeting.

1.6 CON2022 1470 Provision of Painting Services

Councillors were briefed on the draft report for Contract CON2022 1470 – Provision of Painting Services, prior to seeking Council endorsement at a future Council Meeting. The contract will now be reopened for tenderers before proceeding to Council for formal consideration.

1.7 CON2025 1702 Construction of Barkes Avenue T-Intersection Lakes Entrance

Councillors were briefed on the draft report for Contract CON2025 1702 – Construction of the Barkes Avenue T-Intersection in Lakes Entrance, prior to seeking Council endorsement at the 23 June Council Meeting.

Business Excellence

2.1 Australian Local Governance Association Conference Final Motions Officer Recommendations

Councillors were briefed on the proposed motions for the Australian Local Governance Association Conference to support coordinated advocacy efforts. Council is putting forward four motions that are of importance to East Gippsland as well as meeting the criteria of being of National significance.

Meeting Close

Meeting closed at: 3.42 pm

Approved by: Fiona Weigall Chief Executive Officer

Councillor Briefing Notes

Monday 23 June 2025 at 2:30 pm

273 Main Street, Bairnsdale 3875

Attendance

Mayor	**Deputy Mayor**
Cr John White	Cr Sonia Buckley
Councillors	
Cr Arthur Allen	Cr Barry Davis
Cr Jodie Ashworth	Cr Joanne Eastman
Cr Tom Crook	Cr Ian Trevaskis
Council Officers	
Fiona Weigall	Chief Executive Officer
Stuart McConnell	General Manager Assets and Environment
Sarah Johnston	General Manager Business Excellence
Chris Stephenson	General Manager Place and Community

Apologies

Cr Bernie Farquhar

Declaration of Conflict of Interest

Nil

Councillor Briefing Session

1.1 Council Meeting Agenda Discussion

Councillors and Officers reviewed the agenda for the Council meeting today, Monday 23 June 2025, and raised any matters for discussion prior to the meeting.

Meeting Close

Meeting closed at: 4.34 pm

Approved by: Fiona Weigall Chief Executive Officer

Councillor Briefing Notes

Tuesday 1 July 2025 at 10.00 am

273 Main Street, Bairnsdale 3875

Attendance

Mayor	**Deputy Mayor**
Cr John White	Cr Sonia Buckley (online)
Councillors	
Cr Arthur Allen	Cr Joanne Eastman
Cr Jodie Ashworth	Cr Bernie Farquhar
Cr Tom Crook	Cr Ian Trevaskis
Council Officers	
Fiona Weigall	Chief Executive Officer
Stuart McConnell	General Manager Assets and Environment
Nola Brady	Acting General Manager Business Excellence
Chris Stephenson	General Manager Place and Community

Apologies

Cr Barry Davis

Declaration of Conflict of Interest

Nil

Councillor Briefing Session

Business Excellence

1.1 Community Satisfaction and Responsiveness

Councillors were briefed on the community satisfaction survey undertaken in February and a range of other customer satisfaction surveying and benchmarking undertaken to inform continuous improvement of Council services. The Community Satisfaction Survey report has now also been placed on Council's website.

1.2 Health Safety and Wellbeing 2025 Financial Year

Councillors were briefed on Health, Safety, and Wellbeing work and initiatives undertaken in 2025 Financial Year. This report covered improvements in reporting systems, proactive hazard management, and the implementation of new safety procedures.

1.3 Organisational Leadership and Culture

Councillors were briefed on the organisational leadership and culture initiatives, focusing on leadership development programs, staff satisfaction surveys, and efforts to enhance cultural safety and inclusivity within the organisation.

Presentation

2.1 Climate Risk and the role and Responsibility of Councillors

Councillors received an externally delivered presentation on their roles and responsibilities regarding climate risk under various legislation. The presentation emphasised the need to consider climate change impacts in decision-making processes and the potential legal and accountability risks associated with non-compliance.

Reports to Future Council Meeting

3.1 Planning Scheme Amendment C169egip - Update Municipal Planning Strategy and Planning Policy Framework (Post Exhibition Adoption)

Councillors were briefed on the draft report for the Planning Scheme Amendment C169egip, which aims to update the municipal planning strategy and planning policy framework based on adopted strategies, with a focus on environmental risk, climate change, and settlement hierarchy, ahead of its presentation for adoption at a future Council meeting.

CEO Employment - Final CEO KPIs 2025/26

4.1 CONFIDENTIAL Chief Executive Officer draft KPIs 2025/26

Confidentiality Notice

The information contained in this report is confidential under section 3(1) of the *Local Government Act* 2020 because it relates to: (f) Personal Information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Pursuant to section 66(5)(b) of the *Local Government Act* 2020, if released, the information discussed or considered in relation to this agenda item would unreasonably disclose personal information about the Chief Executive Officer, including performance expectations and employment-related matters.

Due to the confidential nature of this item, no notes were taken.

Meeting Close

Meeting closed at: 5.14 pm

Approved by: Fiona Weigall Chief Executive Officer

5.2.2 S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987

Authorised by Acting General Manager Business Excellence

Purpose

This report seeks a resolution of Council to remake the S11A Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (the Act).

Key Points

Some Council Officers are required to be appointed as Authorised Officers to exercise statutory powers under various Acts, regulations, and local laws in accordance with the provisions granted to them.

In most cases, Authorised Officers are appointed by the Chief Executive Officer (CEO) through the power of delegation conferred through the S5 Instrument of Delegation (Council to CEO). However, the Act specifically requires that Authorised Officers under that Act be appointed by resolution of Council.

The Act lists the activities that can be carried out on behalf of Council, which can only be carried out by Council Officers authorised under the Act, these are:

1. serve planning infringement notices (section 130);
2. enter any land at any reasonable time to carry out and enforce the Act, the regulations, a planning scheme, a permit condition, an enforcement order or a section 173 agreement (section 133); and
3. request the assistance of Victoria Police in the execution of the powers of entry (section 136).

Following staff movements within the Planning team, the existing S11A Instrument made by Council on 17 December 2024 has been reviewed to ensure that relevant staff are able to fulfill the requirements of their roles.

The review has identified that three new appointments are recommended for the following Planning staff:

- Kellinde Chester, Strategic Planning Projects Coordinator;
- Daniel Heinrichs, Development Compliance Officer; and
- Chris Wightman, Senior Planning Advisor.

Recommendation

That Council:

1. ***in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987, resolves that the Council Officers listed below be appointed as Authorised Officers, for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act:***

    a. ***Kellinde Chester, Strategic Planning Projects Coordinator***
    b. ***Daniel Heinrichs, Development Compliance Officer***
    c. ***Chris Wightman, Senior Planning Advisor***

2. ***authorises the Chief Executive Officer to remake and execute the S11A Instrument of Appointment and Authorisation to reflect the above changes to Authorised Officers; and***

3. ***notes that the Instrument will come into force immediately following resolution of Council and will remain in force until Council determines to vary or revoke it, or until the Officer ceases to be employed by East Gippsland Shire Council.***

Strategic Alignment

This report has been prepared and aligned with the Council Plan 2025-2029:

Theme 1: Community wellbeing and social responsibility
Outcome – A stronger collaborative community that is actively engaged and supported

Consultation/Community Engagement/Impacts

All appointments as Authorised Officers and the Act are prepared in consultation with the Manager Planning and Development.

Opportunities and Risks

Appointing Authorised Officers gives delegated staff the ability to carry out planning investigation and compliance activities, minimising the risks of failing to comply with the Act.

Conflicts of Interest

Officers preparing this report have no conflict of interest to declare.

Attachments

Nil

6 Urgent Business

7 Confidential Business

7.1 Personnel Matter

The information contained in this report is confidential under section 3(1) of the *Local Government Act* 2020 because it relates to: (f) Personal Information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

Pursuant to section 66(5)(b) of the *Local Government Act* 2020, if released, the information discussed or considered in relation to this agenda item would unreasonably disclose personal information about the Chief Executive Officer, including performance expectations and employment-related matters.

7.2 Council Insurances

The information contained in this report is confidential under section 3(1) of the *Local Government Act* 2020 because it relates to: (a) Council Business Information, being information that would prejudice the Council's position in commercial negotiations, if prematurely released.

In accordance with section 66(5)(b) of the *Local Government Act 2020*, the information contained in and discussed under this agenda item is considered confidential. Public disclosure at this stage could reasonably be expected to disadvantage Council in its negotiations regarding insurance terms, particularly by revealing sensitive pricing and provider details prior to the finalisation of contractual arrangements.

8 Close of Meeting