



Unconfirmed Minutes

Council Meeting

Tuesday 20 October 2026 at 6.00 pm

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

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

Attachments referenced in these minutes can be located in the meeting agenda on East Gippsland Shire Council's [website](#), with summaries of Council Briefings also available under [Council Briefings](#).

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

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1 Procedural

1.1 Recognition of Traditional Custodians

Mayor Cr Jodie Ashworth welcomed all to the Council meeting and acknowledged the traditional custodians.

Council acknowledges the Traditional Owners and custodians of this land and pays deep respect to all First Nations peoples and communities with enduring cultural connections to East Gippsland, who have cared for and nurtured Country for tens of thousands of years.

We honour and celebrate the rich diversity, living cultures, and ongoing contributions of all First Nations peoples who live, work, visit, and play across East Gippsland.

We also acknowledge the many First Nations communities who, together, continue to shape and contribute to the region we know as East Gippsland. The place where we, as Local Government, deliver services and support to our community.

1.2 Apologies

Nil

1.3 Declaration of Conflict of Interest

Nil

1.4 Confirmation of Minutes

Motion

That the minutes of the Council meeting held Thursday 17 September be confirmed.

Moved: Cr Barry Davis

Seconded: Cr Joanne Eastman

Spoke for the motion: Cr Barry Davis

Spoke against the motion: Nil

Closed the debate: Nil

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 the Statutory Meeting for the election of the Mayor and, if determined, the Deputy Mayor. It will be held on Thursday 12 November 2026 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 Jodie Ashworth acknowledged Brodie from Lindenow Primary School who observed the meeting from the public gallery as part of his Rotary Junior Community Awards program. To acknowledge Brodie's participation in this community program, the Mayor presented Brodie with a Council pin.

Procedural Note

At this point in proceedings, Mayor Cr Jodie Ashworth acknowledged the recent passing of Mr Barry Newcomen AM. Cr Barry Davis extended his condolences to Mr Newcomen's family.

Motion

That Council acknowledges the recent passing of Mr Barry Newcomen AM and extends its sincere condolences to his family.

Moved: Cr Sonia Buckley

Seconded: Cr John White

Spoke for the motion: Cr Sonia Buckley and Cr John White

Spoke against the motion: Nil

Closed the debate: Nil

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

1.7 Notice of Appreciation

Procedural Note

Mayor Cr Jodie Ashworth called for a Councillor to move a procedural motion to alter the order of business as the recipient of the Notice of Appreciation was unable to be present at this point of the meeting.

Motion

That Council changes the order of business to consider Item 1.7 Notice of Appreciation to later in the meeting.

Moved: Cr Tom Crook

Seconded: Cr Sonia Buckley

Spoke for the motion: Cr Tom Crook

Spoke against the motion: Nil

Closed the debate: Nil

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

1.8 Open Forum

1.8.1 Petitions

1.8.1.1 Service Street Taxi Rank Relocation

Authorised by General Manager Business Excellence

Public Submission

Mr Paul Moncrieff

Motion

That Council:

- 1. receives the petition;***
- 2. notes that the petition will be referred to the Chief Executive Officer for consideration; and***
- 3. notes that the Chief Executive Officer will arrange for Council Officers to write to the head petitioner advising them of these actions.***

Moved: Cr Barry Davis

Seconded: Cr Ian Trevaskis

Spoke for the motion: Cr Barry Davis, Cr Ian Trevaskis and Cr Sonia Buckley

Spoke against the motion: Nil

Closed the debate: Nil

CARRIED UNANIMOUSLY

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

Against: Nil

Abstained: Nil

1.8.2 Questions of Council

1.8.2.1 Service Street Taxi Rank Relocation

Mr Paul Moncrieff asked the following questions:

- Question 1: *“When CEO Fiona met with Service Street business owners, she advised that Council’s usual internal process had not been followed. What assessment, if any, was completed before Service Street was identified as the proposed taxi rank location?”.*
- Question 2: *“Which alternative locations or taxi pickup arrangements were assessed before Council identified Service Street, including the existing railway station rank and pickup points elsewhere in Bairnsdale?”.*

Ms Prue McTaggart Executive Manager Place and Community provided a response which is summarised below:

- Response 1: Fiona Weigall, Chief Executive Officer was referring to our engagement practices which are outlined in the East Gippsland Shire Council Community Engagement Policy. [A copy of this policy can be found on our website.](#)

The assessment of a range of sites has considered accessibility, road and pedestrian safety, customer convenience, operational requirements and proximity to key destinations such as supermarkets and other services. Parking, business impacts and deliverability were also considered. No option is impact-free and there will be trade-offs in every scenario.

- Response 2: As outlined in the Council report accompanying receipt of the petition, a range of alternative locations have been investigated, including sites in Nicholson Street near Woolworths, Main Street, Pyke Street and other areas within the Bairnsdale central business district.

Council has assessed a range of sites and options against key criteria, including accessibility, safety, customer convenience, operational requirements and proximity to key destinations such as supermarkets and other services. Feedback received on a number of proposed locations has indicated that further investigation and consultation are required.

As discussed with the Service Street traders recently and as outlined in Council’s follow-up media release, Council has determined that at this current time, there is no ideal or preferred site, and we are expanding our consideration and assessment criteria.

1.8.3 Public Submissions

Nil

1.9 Items for Noting

Nil

2 Notices of Motion

Nil

1.7 Notice of Appreciation

Council resolved earlier in the meeting to consider this item when the recipient of the Notice of Appreciation was present.

Motion

That Council acknowledges the political career and contribution to East Gippsland made by the Honourable Tim Bull, Member for Gippsland East, and thanks him for his outstanding service to the people of East Gippsland over the past 16 years.

Moved: Cr Jodie Ashworth

Seconded: Cr John White

Spoke for the motion: Cr Jodie Ashworth, Cr John White, Cr Sonia Buckley and Cr Arthur Allen

Spoke against the motion: Nil

Closed the debate: Nil

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

3 Deferred Business

Nil

4 Councillor Delegate Reports

4.1 Cr Arthur Allen

17/09/2026 – I had the pleasure of joining the Mayor Cr Jodie Ashworth for the citizenship ceremony at Lucknow. As always, it was a happy and excited group who became Australian Citizens, a highlight of the Council program.

29/09/2026 – In the company of the Mayor Cr Jodie Ashworth, I attended the Police Remembrance Day service at St John's Bairnsdale. A deeply moving ceremony and it was all the more special for me as I had the opportunity to light a candle in memory of my cousin Clare Francis Bourke shot on duty in 1983. Rest in peace Clare.

07/10/2026 – The Mayor Cr Jodie Ashworth and I attended the Staff Awards and Recognition Day at the Riveria Christian Centre. It was a fantastic day as the majority of staff were able to come together to acknowledge achievements and to celebrate milestones. The day reflected a great culture among staff and it was an honour to have been present.

4.2 Cr Jodie Ashworth

18/09/2026 - One Gippsland Local Councillor and Board Meetings

22/09/2026 - Councillor Briefing Session

23/09/2026 - Meeting with Anglicare Victoria

23/09/2026 - Meeting with Lakes Entrance Action and Development Association and Annual General Meeting

24/09/2026 - Fern and Feather Café, Cann River

26/09/2026 - Wild Harvest Seafood Festival, Mallacoota

28/09/2026 - Commercial Vessels Australia Grand Opening

29/09/2026 - National Police Remembrance Day Service 2026

29/09/2026 - Councillor Community Day

30/09 to 01/10/2026 - Visit to communities in Bendoc, Cann River and Orbst

02/10/2026 - Victorian Local Governance Association (VLGA) Session - Planning Matters

03/10/2026 - Gippsland Lakes Yacht Club - 90th Sailing Season Opening

03/10/2026 - Paynesville Fashion Parade and Fundraiser

04/10/2026 - East Gippsland Musical Extravaganza

05/10/2026 - Election Candidate Meeting

06/10/2026 - Councillor Briefing Session

07/10/2026 - East Gippsland Shire Council All Staff Event

07/10/2026 - Paynesville Cemetery Trust Annual General Meeting

08/10/2026 - East Gippsland Jobs Expo

08/10/2026 - Spring Field Day, Gippsland Agricultural Group (GAgG) Centre

08/10/2026 - Church Leaders Meeting

08/10/2026 - Election Candidate Meeting

08/10/2026 - Municipal Association of Victoria Delegates - Pre State Council Meeting

08/10/2026 - Gippsland Lakes Community Forum on the Gippsland Lakes

09/10/2026 - One Gippsland Councillor and Local Government Meeting

09/10/2026 - Celebrate the Lakes Community Event

09/10/2026 - The Nest - Visit New Owners

09/10/2026 - Election Candidate Meeting

10/10/2026 - Big Bairnsdale Book Bazaar

11/10/2026 - Afghanistan War 25th Anniversary Commemorative Service

11/10/2026 - Durga Navaratri, Bathukamma and Family Celebrations

13/10/2026 - Gippsland Essential Director Update 2026

13/10/2026 - Councillor Briefing Session

14/10/2026 - Seniors Festival Concert

14/10/2026 - Community Meeting at the Paynesville Neighbourhood Centre

15/10/2026 - Meeting Bega Valley Shire Council/Site Visits

16/10/2026 - Mallacoota Stakeholder Meeting

20/10/2026 - U3A Bairnsdale and District Inc - Visit for Seniors Week

20/10/2026 - Councillor Briefing Session and Council Meeting

4.3 Cr Joanne Eastman

29/09/2026 - I joined staff, the Mayor Cr Jodie Ashworth and Councillors White, Allen and Trevaskis for the Twin Rivers Councillor in the Community visit. It was wonderful to see what a hive of activity Bruthen is, to get an overview of the development of and dreams for Tambo Honey, and to talk to other locals about alternative tourism ideas.

It was a treat to visit the Johnsonville Men's Shed and to see and hear first-hand what a wonderfully productive and supportive facility it is for long-term locals and newcomers and to see some of the first-class hand-made items they produce and hear about the community projects they support. The day finished off with a trip to Metung to, amongst other things, hear some of the great ideas from the enthusiastic and inspiring young owners of The Local.

30/09/2026 to 01/10/26 - The Mayor Cr Jodie Ashworth and I took an informal road trip to Bendoc, Cann River and Orbost where we had the opportunity to meet and hear directly from a number of locals about what's working well, some of their challenges, and ideas they have for economic development and community wellbeing, including how the communities can work together to develop a tourism circuit in some of the most picturesque parts of East Gippsland.

Our visit to Orbost gave us the opportunity to visit the Slab Hut (Tourism Information Centre), the Arts Centre and a feature of the visit to Orbost was the Men's Shed which not only produces some brilliant pieces, primarily from wood, but is also welcoming and inclusive. Many women are learning and honing their woodwork skills at the shed and are producing some incredible, finely crafted pieces of work.

02/10/2026 – Victorian Local Government Association (VLCA) Planning Matters held an online webinar designed to help equip Councillors with information on how to represent the community in planning processes where the Minister has final decision-making authority.

The webinar considered the delineation between the State and local government and the real-world challenges of managing both the short, medium and longer term challenges of development particularly when a number of planning decisions that are now bypassing local government. The importance of early notice of developments can't be stressed enough as so many of the decisions occur in a very short time frame and leave elected representatives scrambling for strategies to understand the impacts on their communities and engage meaningfully in any responses.

08/10/26 - The annual Jobs Expo was very busy, with numerous providers of tertiary education and career opportunities engaging with secondary students exploring opportunities for their future. I was astounded at the number of different agencies offering support for almost every school leaver whether it be for vocational pathways, disability and work readiness, early leaver interventions or mainstream job pathways.

14/10/2026 - Congratulations to Shire staff for organising the Seniors Festival Concert with Wendy Stapleton singing songs of the 60s. The Riviera Christian Centre was packed, the crowd enjoyed a delicious morning tea, and Wendy drew the crowd in with familiar, upbeat music, and encouraging armchair dancing.

14/10/2026 - I attended the Gippsland Agricultural Group's (GAgG) Annual General Meeting where we heard how this fine organisation is going from strength to strength with the work it is doing on its research and leased farms, the first class guest speakers it attracts and the educational opportunities it provides for farmers to improve their practices and outputs. GAgG is an organisation of which we should all be proud and continues to flourish and grow under the Chairmanship of Leecia Angus and management of Jen Smith.

5 Officer Reports

5.1 Projects and Planning

5.1.1 Planning Delegations Policy - Revised

Authorised by Acting General Manager Projects and Planning

Cr Joanne Eastman moved her own motion.

Motion

That Council:

1. *amends Council's Planning Delegations Policy adopted on 21 July 2026 to extend the call-up period for a Notice of Intention to Refuse a Planning Permit Application from seven (7) days to fourteen (14) days;*
2. *adopts the revised Planning Delegations Policy as provided at Attachment 1, amended to reflect the fourteen (14) day call-up period and to clarify how and when Councillors are notified of a proposed refusal to issue a planning permit; and*
3. *authorises the Chief Executive Officer or Delegate to amend the adopted policy without formal Council consideration where the amendments required are of a minor administrative nature.*

Moved: **Cr Joanne Eastman**

Seconded: **Cr Bernie Farquhar**

Procedural Motion

That Council suspended standing orders at 6.51 pm to allow clarification of information and further discussion.

Moved: **Cr Tom Crook**

Seconded: **Cr Sonia Buckley**

Procedural Note

Cr Joanne Eastman requested to amend the recommended alternate motion.

Procedural Motion

That Council resumed standing orders at 6.54 pm.

Moved: **Cr Tom Crook**

Seconded: **Cr Sonia Buckley**

Spoke for the motion: Nil

Spoke against the motion: Nil

Closed the debate: Nil

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

Council commenced debate on the substantive motion.

Motion

That Council:

- 1. amends Council's Planning Delegations Policy adopted on 21 July 2026 to extend the call-up period from seven (7) days to fourteen (14) days;***
- 2. adopts the revised Planning Delegations Policy as provided at Attachment 1, amended to reflect the fourteen (14) day call-up period and to clarify how and when Councillors are notified of a proposed refusal to issue a planning permit; and***
- 3. authorises the Chief Executive Officer or Delegate to amend the adopted policy without formal Council consideration where the amendments required are of a minor administrative nature.***

Spoke for the motion: Cr Joanne Eastman, Cr Bernie Farquhar and
Cr Sonia Buckley

Spoke against the motion: Cr Tom Crook

Closed the debate: Cr Joanne Eastman

CARRIED

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

5.2 Place and Community

5.2.1 Agriculture Sector Advisory Committee Unconfirmed Minutes 13 August 2026 and New Member Appointment

Authorised by Executive Manager Place and Community

Confidentiality Notice

The information contained in **Confidential Attachment 1** 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 result in the disclosure of personal information relating to the applicants.

Motion

That Council:

- 1. appoints the industry representatives identified in Confidential Attachment 1 to the Agriculture Sector Advisory Committee for a term commencing upon appointment and ending 31 December 2027, with the option to extend for a further two-year period from 1 November 2026 to 31 December 2028;**
- 2. notes that all Expression of Interest applications were assessed against the criteria contained in the Agriculture Sector Advisory Committee Charter;**
- 3. authorises the Chief Executive Officer or delegate to advise all applicants of the outcome of their expression of interest;**
- 4. authorises the Chief Executive Officer or delegate to make a public statement on the membership of the Agriculture Sector Advisory Committee following notification of all applicants of the outcome of the Expression of Interest process;**
- 5. notes the unconfirmed Minutes of the Agriculture Sector Advisory Committee meeting held on Thursday 13 August 2026 as provided at Attachment 2; and**
- 6. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.**

Moved: Cr Sonia Buckley

Seconded: Cr John White

Spoke for the motion: Cr Sonia Buckley and Cr John White

Spoke against the motion: Nil

Closed the debate: Nil

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

5.3 Assets and Environment

5.3.1 Public Amenities (Toilets) Service Review Final Report

Authorised by General Manager Assets and Environment

Motion

That Council:

- 1. endorses the findings and recommendations of the Public Amenities Service Review, as outlined in Attachment 1 to the report; and***
- 2. notes that the Public Amenities Service Review and a summary of its findings and recommendations will be published on Council's website, and the review outcomes communicated to the community members and stakeholders who participated in the review.***

Moved: Cr Sonia Buckley

Seconded: Cr Bernie Farquhar

Spoke for the motion: Cr Sonia Buckley and Cr Bernie Farquhar

Spoke against the motion: Nil

Closed the debate: Nil

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

5.3.2 CON2026 1746a - Kerbside Collection and Recycling Processing Services

Authorised by General Manager Assets and Environment

Confidentiality Notice

The information contained in the **Confidential Attachments 1 to 3** is confidential under section 3(1) of the *Local Government Act 2020* because it relates to: (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 relation to this agenda item would unreasonably expose tenderers to disadvantage by disclosing commercially sensitive information.

Motion

That Council:

- 1. awards Contract CON2026 1746a - Kerbside Collection and Recycling Processing Services to the preferred tenderers identified in the Contract Award Summary provided at Confidential Attachment 1, in accordance with the schedule of rates set out in that attachment for the following separable portions:***
 - a. Separable Portion A - Kerbside Collection of residential General Waste, Recycling, Organics and Glass (2030/31 Regional Zone only) for an initial term of 10 years commencing 1 March 2027, with two options to extend for periods of two years each;***
 - b. Separable Portion B - Collection of Public Place Bins (including Street Litter Bins and Public Place Recycling Bins) and Event Services, for an initial term of 10 years commencing 1 March 2027, with two options to extend for periods of two years each;***
 - c. Separable Portion C - Booked Hard Waste Collections, including Customer Service and Community Education, for an initial term of 5 years commencing 1 February 2028, with two options to extend for periods of two years each; and***
 - d. Separable Portion D - Material Recovery Facility (MRF) operations, acceptance and processing of Recycling and Glass, for an initial term of 10 years commencing 1 March 2027, with two options to extend for periods of two years each;***
- 2. authorises the Chief Executive Officer to approve variations to each separable portion (shown as part 1a, 1b, 1c and 1d above) in accordance with the Contract Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that attachment;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents;***

4. notes that the successful tenderers will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and

5. resolves that all Confidential Attachments to this report and all discussions relating to it remain confidential.

Moved: Cr Bernie Farquhar

Seconded: Cr Tom Crook

Spoke for the motion: Cr Bernie Farquhar, Cr Tom Crook and Cr Arthur Allen

Spoke against the motion: Nil

Closed the debate: Nil

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

5.4 Business Excellence

5.4.1 Annual Report 2025/26

Authorised by General Manager Business Excellence

Motion

That Council adopts the Annual Report 2025/26 as presented at Attachment 1 to the report.

Moved: Cr Jodie Ashworth

Seconded: Cr Tom Crook

Spoke for the motion: Cr Jodie Ashworth and Cr Tom Crook

Spoke against the motion: Nil

Closed the debate: Nil

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

5.4.2 Council Meeting Schedule 2027

Authorised by General Manager Business Excellence

Motion

That Council adopts the following Council Meeting dates for the 2027 calendar year, to be held at the Corporate Centre, 273 Main Street Bairnsdale:

<i>Tuesday, 23 February (6.00 pm)</i>	<i>Tuesday, 17 August (6.00 pm)</i>
<i>Tuesday, 16 March (6.00 pm)</i>	<i>Tuesday, 21 September (6.00 pm)</i>
<i>Tuesday, 20 April (2.00 pm)</i>	<i>Tuesday, 19 October (2.00 pm)</i>
<i>Tuesday, 18 May (6.00 pm)</i>	<i>Thursday, 11 November (Statutory) (6.00 pm)</i>
<i>Tuesday, 15 June (6.00 pm)</i>	<i>Tuesday, 16 November (6.00 pm)</i>
<i>Tuesday, 20 July (2.00 pm)</i>	<i>Tuesday, 21 December (2.00 pm)</i>

Moved: Cr Bernie Farquhar

Seconded: Cr John White

Spoke for the motion: Cr Bernie Farquhar and Cr Sonia Buckley

Spoke against the motion: Nil

Closed the debate: Nil

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

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

Authorised by General Manager Business Excellence

Motion

That Council:

- 1. in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987, resolves that David Ackland, Planning Compliance Officer and Tian Tian, Strategic Planner be appointed as Authorised Officers for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act;***
- 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.***

Moved: Cr Barry Davis

Seconded: Cr Tom Crook

Spoke for the motion: Cr Tom Crook

Spoke against the motion: Nil

Closed the debate: Nil

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

5.4.4 Special Audit and Risk Committee Meeting Minutes

Authorised by General Manager Business Excellence

Motion

That Council notes the confirmed minutes of the Special Audit and Risk Committee meeting held Monday 14 September 2026, as presented at Attachment 1 to the report.

Moved: Cr Tom Crook

Seconded: Cr Barry Davis

Spoke for the motion: Cr Tom Crook and Cr Barry Davis

Spoke against the motion: Nil

Closed the debate: Nil

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 Mayoral Term Address

Mayor, Cr Jodie Ashworth and Deputy Mayor, Cr Tom Crook reflected on their term of office.

7 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 Joanne Eastman

Seconded: Cr Tom Crook

Spoke for the motion: Nil

Spoke against the motion: Nil

Closed the debate: Nil

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 8.16 pm.

8 Confidential Business

8.1 Council Business Matter

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.

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 could adversely affect Council's ability to appropriately manage the matter and its associated processes

8.2 Contract Matter

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.

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 could prejudice Council's commercial interests by disclosing information relating to proposed contractual arrangements.

The meeting was re-opened to the public at 8.52 pm.

9 Close of Meeting

Mayor Cr Jodie Ashworth declared the Council Meeting closed at 8.52 pm.



Planning Delegations Policy

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1. Purpose

The objective of the Planning Delegations Policy (the Policy) is to achieve effective, efficient and transparent decision making on Planning matters. Delegations are the mechanisms by which Council enables its officers to act on behalf of the Council.

Delegations are the formal mechanism by which Council authorises officers to exercise powers, duties and functions on its behalf.

Delegations underpin Council's planning under the *Planning and Environment Act 1987* (the Act) and associated legislation, as implemented through Instruments of Delegation adopted by Council. These Instruments may include conditions or limitations on the exercise of delegated authority.

The purpose of this Policy is to establish a framework for delegation of planning responsibilities to facilitate efficiency, effectiveness, transparency and to ensure accountability for Planning decisions.

2. Scope

The scope of this Policy is in relation to all responsibilities under the Act and includes matters pertaining to statutory and strategic planning functions, responsibilities and actions. The responsibilities include planning scheme amendments, development plans and planning permit applications.

This Policy applies to all persons acting under delegated authority. A delegation cannot be exercised by a responsible officer who has a conflict of interest. A delegation is made to a position and not to a person.

This Policy is accompanied by operational procedures associated with decision-making.

This Policy must be read in conjunction with the applicable Instrument of Delegation. Delegated powers, discretions, duties and functions are to be exercised by authorised delegates in accordance with the conditions and limitations set out in the Instrument, and consistently with this Policy and associated procedures.

3. Context

This policy sets out how Council and Council Officers interact in relation to the roles and responsibilities conferred on Council under the Act and the East Gippsland Planning Scheme (the Planning Scheme).

Council's role in the planning process is divided into three categories: local governance, Planning Authority and Responsible Authority. These are clearly defined and separate functions of Council and are detailed below.

As a democratically elected body, Council has an obligation to represent and meet the needs of the local community. This role is to be fulfilled in accordance with the legislative framework governing the power, duties and functions of Council, including the provisions of the Act. Good local governance dictates the need for clarity in terms of the roles and responsibilities of Council, Councillors and Council Officers in the decision-making process.

As the Planning Authority, Council is given the power to prepare a planning scheme or an amendment to a planning scheme. The Minister is a Planning Authority and may authorise any other Minister or public authority to prepare an amendment to a planning scheme.

As a Responsible Authority, Council is charged with administering the Planning Scheme pursuant to the provisions of the Act. The Act specifically bestows upon Council all of the powers, functions and duties in relation to assessing and determining applications for planning permit approval and associated matters.

4. Statement

This Policy adopts the approach that all powers, duties and functions in relation to operational planning decisions are delegated to Planning Unit Officers, but exceptions to this are clearly stated. Council retains a number of powers under the Act in relation to the initiation and adoption of Planning Scheme Amendments.

The Policy, and its associated procedure, outlines the framework and protocols for assessing and deciding Planning matters under the Act.

In exercising a delegation, a delegate must comply with all conditions and limitations of a delegation, relevant legislation, resolutions of Council, industrial awards and agreements and Council policies and procedures. The delegate is responsible and accountable for any decisions made under a delegation and is required to be able to justify such decisions or actions.

A Planning Unit Officer must not exercise a delegation where a conflict of interest exists in accordance with the Local Government Act 2020 and Council's Code of Conduct. All conflicts of interest must be disclosed in accordance with the relevant procedure as specified in the Governance Rules.

This Policy includes criteria about what constitutes a statutory planning matter of significance or broad community interest. These include matters that:

- Relate to Council owned (or Committee of Management) land or a Council capital works project where construction value exceeds \$5 million.
- Are matters that have attracted a significant number of written objections and submissions.
- Have major economic, employment or infrastructure implications.
- Raise significant issues in relation to implementation of local, regional or state planning policy.
- Involve material conflicts of interest of Planning Unit Officers or Councillors.

To efficiently facilitate the Victorian Civil and Administrative Tribunal (VCAT) review process, the Policy confers power to the relevant position, irrespective of whether the decision was made by Council or a delegate, to:

- Make submissions to and submit information in response to Orders of VCAT; and
- Negotiate and settle with all parties when attending a compulsory conference; and
- Form a position on any amended plans or proposals filed with VCAT; and
- Prepare, file and serve amended grounds, having formed a position on any amended plans or proposal filed for a review under sections 77, 79, or 82 of the Act.

The Instrument of Delegation and this Policy are publicly available documents.

Delegates must keep appropriate records of all actions taken under delegation.

5. Exercise of Delegated Authority

In exercising a power, function or duty, the delegate must have regard for all statutory requirements, relevant legislation and any guidelines or policy, which the Council may from time to time adopt. All decisions will be made consistent with the objectives of planning in Victoria as set out in the Act and the Planning Scheme.

Prior to a decision being made under delegation, a Delegate Report must be prepared and approved by a Delegate of equal or higher office and a copy retained on the relevant file. The Delegate Report must be prepared in accordance with the Planning Delegations Procedure.

A delegation cannot be exercised by a person who has a conflict of interest. If any conflict of interest occurs, it must be disclosed and dealt with in accordance with the relevant procedure as specified in Council's Governance Rules.

5.1 Notification of Planning applications to Councillors

Councillors will be notified weekly in writing via the councillor newsletter of all planning permit applications lodged in the previous week, highlighting applications that are considered by Planning Unit Officers to be of potential significance.

Councillors will also be notified in writing via the councillor newsletter and via direct email of any planning permit application under assessment that has received 10 or more objections.

Councillors will also be advised in writing via the councillor newsletter and via direct email of any application where it is proposed to refuse the application.

Planning Unit Officers will automatically refer any planning permit application with less than 10 objections for Council determination, where Planning Unit Officers consider the application to meet the requirements of Section 6.1.

5.2 Call-up of Planning Permit Applications

This Policy implements the principle that call-ups for Council determination are not common practice. A call up is where three or more Councillors or the Chief Executive Officer (CEO) request in writing that a delegate not exercise delegation and the matter is to be determined by Council.

The call up can be made at any time during a planning application process until a determination is made by a Delegate.

A Delegate will make a determination as per usual process, unless:

- A Councillor makes a request in writing to the CEO, supported in writing by at least two (2) other Councillors, for the planning permit application to be determined by formal Council resolution, where it is not already required by this Policy; or
- The CEO requests the planning permit application to be determined by Council.

The call up must occur within 14 days of the formal notification to Councillors as outlined in Section 5.1. The 14 day timeframe starts from the date of the last notice given which will usually be the Councillor Newsletter on a Friday,

In either case above, the Councillor or CEO requesting the call-up must provide the reason/s for the request and those reasons must be on planning grounds.

In making such a request, a Councillor and the CEO must have regard to the principles listed below:

- Whether the planning permit application raises issues of genuine municipality wide significance that would have a substantial impact on the achievement of Local Planning Policy within the East Gippsland Planning Scheme.
- Whether the planning permit application will have a significant impact beyond the immediate locality, including an impact across municipal boundaries.
- Whether the planning permit application raises an issue that is not adequately provided for under existing Local Planning Policy.
- Whether the planning permit application raises significant issues of public interest.
- Or whether the planning permit application will result in a use or development which is contrary to a proposed planning scheme amendment which is supported by Council.

Where a call-up occurs, the matter shall be included in a future Council Meeting agenda for Council determination.

6. Determination of Planning Permit Applications

In exercising a power, function or duty, the Delegate must have regard for all statutory requirements, relevant legislation and any guidelines or policy, which the Council may from time to time adopt. All decisions will be made consistent with the objectives of planning in Victoria as set out in the Act and the provisions of the Planning Scheme.

6.1 Referral of Applications to Council by Delegate

A Delegate shall automatically refer to Council any planning permit application when any of the following apply:

- The proposal raises an issue of significant public interest, concern or controversy, or is likely to do so;
- The proposal raises an issue of policy or process not covered by existing policy or practice;
- The proposal has received 10 or more objections;
- The proposal is for a capital project with construction value of \$5million or more on Council owned land or under Committee of Management arrangements;
- The Delegate recommends approval of the proposal, but such approval would be or could reasonably appear to be inconsistent with a previous decision by or on behalf of Council;
- A Delegated Planning Unit Officer pursuant to the Instrument of Delegation S6 or any currently serving Councillor has declared a conflict of interest in the matter;
- Implementation of the proposal would require expenditure of Council funds, and such funds have not been specifically provided for in the budget;
- The Delegate or the CEO is not satisfied that the proposal is one that is appropriate for determination under delegation; or
- A request in writing is made by three or more Councillors to call-up the matter for Council decision and the reasons provided in accordance with Section 5.2.

6.2 Council owned land and capital projects

The following planning permit applications will be determined under delegation unless called up by Councillors:

- All buildings and works applications on Council owned or managed land up to a value of \$5million.
- All applications requesting removal of native vegetation on Council owned land.

Assessment of any planning application for Council owned or controlled land may be subject to external peer review at the discretion of the General Manager or CEO.

6.3 Significant or broad community interest matters

The Act stipulates that the Responsible Authority must (where appropriate) have regard to the number of objectors in considering whether the use or development may have a significant social effect.

Any social effects of a proposal must be balanced with other significant effects of the proposal having regards for the following:

- The objectives of the Act.
- The provisions of the planning scheme.
- Relevant policies and decision guidelines in the scheme.
- Other considerations in sections 60 and 84B of the Act.

7. Authority to determine an application with conditions

Delegated Planning Unit Officers have authority to issue a notice of decision to grant a permit, a permit, or an amended permit with conditions having regard to the decision guidelines of the Planning Scheme and any relevant policy or procedure of Council:

- Where an application is lodged in general compliance with the East Gippsland Planning Scheme (including incorporated documents) and Council's adopted policies and procedures, and no objections are received.
- Where an application substantially complies with any relevant Council policy or procedure and nine or less objections are received, following the issue of a notice of decision.
- Where Council have determined an application and the resolution is for the issue of a permit with conditions.

7.1 Authority to issue a Notice of Decision to Grant a Permit with conditions

Delegated Planning Unit Officers shall have authority to issue a Notice of Decision to grant a permit or amended permit with conditions having regard to this Policy and decision guidelines of the Planning Scheme and any relevant policy or procedure of Council where:

- An application is lodged in general compliance with the Planning Scheme (including incorporated documents) and Council's adopted policies and procedures and nine or less objections are received.
- An application has been determined by Council and the resolution is for a Notice of Decision to grant a permit with conditions.
- Up to ten objections have been received and the call-up or Council referral provision of Section 5.2 or 6.2 has not been enacted.

7.2 Authority to issue a Notice of Decision to Refuse to Grant a Permit

Decisions which refuse to grant a permit may be exercised in the following circumstances:

- Where an applicant has not provided sufficient information for an informed decision to be made.
- Where the application does not or is unable to comply with the relevant provisions of the Planning Scheme.
- A determining referral authority lodges an objection to a planning permit application.
- Where the grant of a planning permit would authorise a breach of a registered restrictive covenant, and such matter is not subject to the application. Before a decision is made, the applicant must be given reasonable opportunity to amend the application.
- Where the application proposes to use Coastal Crown Land without Minister's consent or where the Minister has refused or is deemed to have refused to give consent under the *Marine and Coastal Act 2018*.

Councillors will be notified in writing via the Councillor Newsletter and via direct email of any applications that are recommended for refusal and the matter is able to be called up for a Council decision in accordance with section 5.2 of this policy.

If the matter is not called up in accordance with section 5.2, a delegate will issue a Notice of Decision to Refuse a Permit.

7.3 Authority to determine to End or Amend Section 173 Agreements

All written requests made pursuant to the Act to end or amend a Section 173 Agreement will be determined under delegation, except in circumstances where the matter has been referred for Council resolution in accordance with this Policy.

In determining whether to end or amend an Agreement, the Delegate must consider all matters under section 178B of the Act.

A Delegate may determine to give in principle approval to ending or amending a Section 173 Agreement.

Where a request is made pursuant to the Act to end or amend a Section 173 Agreement, and the agreement of all those bound by any covenant in the agreement pursuant to section 177(2) or section 178 is received, the Delegate may determine to end or amend the Agreement.

Where a request is made pursuant to the Act to end or amend a Section 173 Agreement and objections are received the Delegate may determine to end or amend the Agreement in accordance with the requirements of Section 7.1.

7.4 Authority to provide representation and form a position in VCAT matters

Where an applicant has appealed to the VCAT pursuant to section 79 of the Act, and the Delegate in consultation with the Manager Planning and Development forms the opinion that the application could have been determined under delegation in accordance with this Policy, then the Delegate may represent the interests of Council at VCAT and recommend conditions suitable to the proposal, as if a delegated determination was made.

Where the Delegate in consultation with the Manager Planning and Development forms the opinion that the application would have been referred to a Council meeting for determination, a report shall be prepared for a Council meeting to enable Council to form a position on the application.

Planning Unit Officers will also exercise delegation in relation to any VCAT matters under sections 77, 78, 79, 81, 82, 82AAA, 82AA, or 82B of the Act, as follows:

- Represent Council at a mediation conference and approve a mediated outcome;
- Make submissions to and submit information in response to Orders of VCAT;
- Negotiate and settle with all parties when attending a compulsory conference;
- Form a position on any amended plans or proposal filed with VCAT; and
- Prepare, file and serve amended grounds, having formed a position on any amended plans or proposal.

8. Planning Scheme Amendments

The following matters will be reported to Council for formal resolution as required by the Act.

1. Request to seek authorisation and give public notice of a planning scheme amendment.
2. Consideration of written submissions and request for Ministerial Appointment of a Planning Panel (if required).
3. Consideration of Panel Report – adopting or abandoning of an amendment (if required).
4. Adopting or abandoning of an amendment.

The exceptions to a formal Council resolution for planning scheme amendment matters include State-wide planning scheme amendments administered and executed by the Minister for Planning.

9. Other Powers, Functions and Duties Delegated

The Instrument of Delegation sets out other powers, functions and duties delegated from Council to specific Council officers in relation to the operation of the planning process. These powers, functions, and duties include where the Act requires something to be done. Please refer to the Instrument of Delegation for specific powers, functions and duties.

10. Roles and Responsibilities

The following teams or positions have direct and/or supporting responsibilities associated with this Policy:

Position	Roles and Responsibilities
Councillors	To facilitate community awareness of this Policy, to be properly informed to enable appropriate decision making, and to adhere to call-up provisions and conflict of interest obligations.
Chief Executive Officer	To ensure staff and community awareness of and adherence to this Policy.
General Manager Place and Community General Manager Projects and Planning	To ensure community awareness of this Policy and oversee its implementation.
Manager Planning and Development	To ensure community awareness of and staff adherence to this Policy.
Planning Unit Officers	To implement and adhere to this Policy.

All staff have an obligation to report occurrences of non-compliance with Council policy. Incidents of non-compliance should be reported immediately to the Manager or General Manager responsible for this Policy.

11. Definitions

Term	Meaning
Application	Any application made to Council pursuant to the Planning and Environment Act 1987, including a Planning Permit application, an application to amend a Planning Permit, an application to end or amend a Section 173 Agreement or any other application for consent made pursuant to the Act.
Delegate	A member of Council staff holding, acting in or performing the duties of office or position as described within the Instrument of Delegation
Determining Referral Authority	An authority as specified in clause 66 of the Planning Scheme as a determining referral authority
Manager Planning and Development	Council officer responsible for the management of the Planning Unit
Material Conflict of Interest	As defined by Section 128 of the Local Government Act 2020
Planning Permit Application	Any application made to Council pursuant to Sections 47 or 72 of the Planning and Environment Act 1987.
Permit	A planning permit or other consent issued under the Planning and Environment Act 1987.
Planning Unit Officer	Member of East Gippsland Shire Council planning team.
Community	People who live in East Gippsland; People and organisations who are ratepayers in East Gippsland; and People and organisations who conduct activities in East Gippsland.
Council	East Gippsland Shire Council.
Councillor	A person who has been elected to the office of “Councillor” of East Gippsland Shire Council.
Council Officer	A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council.
Responsible Officer	The staff member of East Gippsland Shire Council who has responsibility for the general area/subject matter to which a record pertains.
Shire	The geographic area of East Gippsland Shire Council.
Staff	All staff engaged by East Gippsland Shire Council, including all full-time, part-time, and casual employees, labour hire agency staff and contractors.

12. Privacy Consideration

All personal information collected by East Gippsland Shire Council about matters arising from the *Planning and Environment Act 1987* will be handled in accordance with all applicable privacy legislation and will be used only for investigating matters related to the Act, the Planning Scheme, and land use and development within the East Gippsland Shire.

The disclosure of information revealed by planning processes is regulated by the *Privacy and Data Protection Act 2014*. It is an offence to disclose such information to a third party unless exempted under the Act.

This Policy has been assessed as compliant with the obligations and objectives of the Victoria *Charter of Human Rights and Responsibilities Act 2006*.

13. Human Rights

Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006* (the Charter). This Policy has been assessed as compliant with the obligations and objectives of the Charter.

14. Gender Equality

This Policy has considered the *Gender Equality Act 2020* in its preparation and has been assessed as not requiring an Equity Impact Assessment (EIA).

15. Risk Reference

This Policy is implemented as a control to mitigate risks in the following categories:

Risk Category	✓	Risk Category	✓
Community	✓	Governance and Reputation	✓
Financial		Environment	
People and Property	✓	Service Delivery and Projects	✓

16. References and Supporting Documents

16.1 Applicable Legislation

- *Local Government Act 1989, Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Aboriginal Heritage Act 2006*
- *Building Act 1993*
- *Environmental Protection Act 1970*
- *Heritage Act 2017*
- *Housing Act 1983*
- *Liquor Control Reform Act 1998*
- *Privacy and Data Protection Act 2014*
- *Marine and Coastal Act 2018*
- *Subdivision Act 1988*
- *Planning and Environment Regulations 2015*
- *Planning and Environment (Fees) Regulations 2016*

16.2 Applicable Policy and Procedure

- Planning Delegations Procedure
- Development Plan Policy
- Development Plan Procedure
- S6 Instrument of Delegation from Council to Members of Staff
- East Gippsland Planning Scheme
- Planning Delegations Procedure

17. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1	3 April 2018	Council	
2	26 September 2022	Council	New format. Expanded criteria for consideration of matters other than permit applications. Additional delegations.
3	14 November 2023	Council	Amendments to notice of intent requirements. Other administrative changes.
4	3 June 2026	Chief Executive Officer	Administrative updates including to the template and clarity of roles. Addition of process relating to PCMs.
5	21 July 2026	Council	General review of policy to make administrative updates Removal of duplicated information Delete PCMs
6	20 October 2026	Council	Updates to communication modes and the call up timeframe.

17.1 Administrative Updates

Minor amendments to this document may be required from time to time. Where amendments do not materially alter the intent of a document, they will be made administratively and approved by the Document Owner.

17.2 Document Control Disclaimer

Printed copies of this document are considered uncontrolled. Please refer to the Corporate Document Register on Council's intranet to access the most current version of this document.