EAST GIPPSLAND
SHIRE COUNCIL

Council Meeting Agenda

Tuesday 21 July 2026 at 6.00 pm
Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875

Acknowledgement of Country

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.

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

Executive Leadership Team

Fiona Weigall Chief Executive Officer
Stuart McConnell General Manager Assets and Environment
Phill Phillipou Acting General Manager Business Excellence
Chris Stephenson General Manager Projects and Planning
Wayne Richards Executive 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

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1.2 Apologies

Cr Barry Davis (Leave of Absence)

1.3 Declaration of Conflict of Interest

1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Tuesday 23 June 2026 be confirmed.

1.5 Next Meeting

The next Council Meeting scheduled is to be held on Tuesday 18 August 2026 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 East Gippsland Livestock Exchange Commercial Review - Final Report

Authorised by General Manager Assets and Environment

Purpose

This report is to present the East Gippsland Livestock Exchange Commercial Review Final Report as provided at **Attachment 1** to Council for noting.

Recommendation

That Council:

1. ***notes the East Gippsland Livestock Exchange Commercial Review Final Report as provided at Attachment 1.; and***

2. ***notes that Officers will progress implementation of the recommended direction as outlined in the report.***

Key Points

- The East Gippsland Livestock Exchange (EGLE) Commercial Review commenced in March 2024 as part of Council's ongoing commitment to reviewing and improving Council managed services.

- The purpose of the EGLE is to support the local farming community and regional economy through the provision of a reliable, accessible, and well-regulated livestock selling facility.

- The review was undertaken to identify the most appropriate operating model for the EGLE to meet current and future needs, while ensuring it continues to deliver on its core purpose for the local farming community, operates to a high industry standard, and is structured and managed in a way that supports financial sustainability.

- Selling or closing the facility was not considered.

- Independent analysis and community engagement provided strong evidence in support of retaining the current Council managed model.

- The review found the current operating model to be fundamentally sound, with the greatest opportunities for improvement lying in strengthening systems, processes, planning, and stakeholder relationships, based on current operating conditions and industry context.

- Alternative operating models were assessed with findings indicating these introduce additional cost, complexity, and risk in the current environment.

- The report recommends retaining the current operating model, with a focus on targeted improvements to guide ongoing performance, strengthen the commercial and financial framework of the facility, and support its long-term planning and sustainability.

Strategic Alignment

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

Theme 2: Prosperity
Outcome – Thriving, self-sufficient communities with strong local businesses and social enterprises.

Consultation/Community Engagement/Impacts

Community and stakeholder engagement formed a key component of the Commercial Review. This included early consultation with Council staff, livestock agents, and buyers and sellers, followed by broader engagement with the farming community.

Feedback informed the assessment of operating models and reinforced strong support for the current Council managed model and the importance of practical operational improvements.

Opportunities and Risks

The Commercial Review presents an opportunity to strengthen the ongoing operation of the Livestock Exchange through targeted improvements to systems, processes, and planning within the existing operating model.

The review also identified that alternative operating models introduce additional cost, complexity, and risk, which are not justified in the current environment. The recommended approach mitigates these risks while maintaining financial sustainability, community confidence, and flexibility to respond to future changes.

Conflicts of Interest

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

Attachments

1. East Gippsland Livestock Exchange Commercial Review Final Report June 2026 [**5.1.1.1** - 13 pages]

East Gippsland Livestock Exchange
Commercial Review
Final Report – June 2026

Contents

1. Executive Summary

The East Gippsland Livestock Exchange (EGLE) is a Council owned facility located in Bairnsdale and is a key saleyard servicing East Gippsland and surrounding regions. The purpose of the EGLE is to support the local farming community and regional economy by providing a reliable, accessible and well-regulated livestock selling facility.

The facility operates as a commercial service and is expected to be structured and managed in a way that ensures it remains self-funding over the long term, supported by appropriate revenue generation, efficient operations and long-term asset planning, so it can continue to deliver its purpose without reliance on ongoing general ratepayer subsidy (i.e. the EGLE needs to operate in a way that does not make a loss).

The review commenced in March 2024 as part of Council’s ongoing commitment to reviewing and improving Council managed commercial services. It was not initiated in response to a single issue, nor was there a predetermined outcome. Selling or closing the EGLE was not considered.

In recent years, the livestock industry has continued to evolve. The review considered a range of factors influencing future operations, including increased use of direct and online selling, variability in livestock throughput, rising operating and compliance costs, asset renewal requirements, feedback on systems and processes, and the absence of a long-term strategic framework.

Against this backdrop, the Commercial Review was undertaken to ensure the EGLE continues to deliver on its core purpose for the local farming community, operates to a high industry standard, and is structured and managed in a way that supports both long-term financial sustainability and its self-funding position.

The AEC Group Pty Ltd were appointed as an independent consultant to undertake the Commercial Review due to its experience working with Councils on saleyard and livestock facility reviews. The review included analysis of facilities and infrastructure, livestock throughput, operating systems and processes, financial performance, long term sustainability, benchmarking against comparable saleyards, national and regional industry trends, and assessment of a range of operating models.

Six operating models were examined, being the existing Council-managed model, hybrid arrangements, external management, leasing, shared services, and a Council-owned subsidiary model.

Engagement occurred in two phases. Early engagement focused on those directly involved in the day-to-day operations, including Council staff, livestock agents, buyers and sellers, and helped identify operational and strategic issues. Broader engagement with the local farming community was then undertaken to test the findings, understand community priorities and gather feedback on the six operating models being considered.

Feedback demonstrated strong support for retaining the current Council-managed model, with stakeholders valuing local accountability and a reliable, familiar and cost-effective system that many reported is working well. There was also some support for a Council-owned subsidiary model, particularly for its potential to retain local ownership and control through a locally based board with agricultural sector representation, while providing greater commercial focus and operational flexibility. Support for other models was more limited, with some stakeholders expressing concerns about the potential for a more commercially driven operating approach.

Across all options, there was clear acknowledgement that practical improvements to systems, processes and facilities are required. Feedback also reinforced the importance of the facility's location, its role in reducing transport costs and livestock stress, its contribution to animal welfare and biosecurity, and its value as a trusted local selling and buying environment.

Based on the combined outcomes of the consultant's findings and community engagement, three operating models were shortlisted for further consideration, being the existing Council-managed operating model, a Council-owned subsidiary model, and a hybrid model involving a mix of Council and contractor operations. Further analysis was undertaken to understand the financial, risk and oversight implications of the shortlisted models.

The review found that the EGLE continues to play an important role for the local farming community and the broader region, despite ongoing change within the livestock industry. It concluded that the current Council managed operating model is fundamentally sound and provides a stable foundation for the continued operation of the facility, with the greatest opportunities for improvement lying in strengthening systems, processes, long term planning, and stakeholder relationships within the existing operating structure, based on current conditions and industry context.

The review identified that structural change alone would not resolve all operational challenges, and that more complex operating models introduce additional compliance, cost and oversight considerations. While the subsidiary model offers potential long-term benefits, it would require significant establishment effort, upfront investment and increased complexity, and may present additional risks during market downturns. The hybrid model was constrained by limited market capacity and the potential for higher operating costs, which could flow through to increased fees and charges for users, including local farmers.

This work also identified the opportunity to explore collaboration with other facilities operate within the broader Gippsland livestock market. In this context, collaboration may support more consistent and coordinated service delivery across the region and enhance the attractiveness and effectiveness for producers, agents and buyers.

Having regard to the full body of work including community and stakeholder engagement, Council officers propose retaining the current Council managed operating model, with a clear focus on targeted operational improvements, and development of a long-term strategic framework for the facility. This approach is considered to provide the best balance between stability, local accountability, financial performance and risk in the current environment, supporting the facility's core purpose and its operation as a self-funding service, while avoiding additional cost, complexity and uncertainty associated with alternative operating models, and retaining flexibility to reconsider these options should circumstances materially change in the future.

2. Introduction

The East Gippsland Livestock Exchange (EGLE) is a key piece of regional infrastructure that supports the agricultural economy of East Gippsland and surrounding areas. Owned and operated by East Gippsland Shire Council, the facility provides a central, regulated and well-established location for the buying and selling of livestock, supporting producers, agents, buyers, transport operators and related rural businesses.

The purpose of the EGLE is to support the local farming community and regional economy by providing a reliable, accessible and well-regulated livestock selling facility. The facility operates as a commercial service and is required to be structured and managed to remain self-funding over the long term, ensuring it can continue to deliver its purpose without reliance on ongoing general ratepayer subsidy.

Like many saleyards across Australia, the EGLE operates within an evolving industry environment. Changes in industry practices, increased compliance requirements, fluctuating throughput, rising operating costs and the need for ongoing asset renewal present both challenges and opportunities for the long-term operation of the facility. These factors reinforce the importance of maintaining a strong operational and commercial focus, including efficiency, cost recovery and long-term planning, to support the facility's self-funding position.

This public report summarises the outcomes of the EGLE Commercial Review. It outlines why the review was undertaken, how it was conducted, what was heard through engagement, the options that were considered, and the basis for the direction recommended by Council officers following completion of the review.

3. Purpose of the Commercial Review

The purpose of the Commercial Review was to identify the most appropriate operating model for the East Gippsland Livestock Exchange (EGLE) to meet current and future needs, while delivering strong outcomes for the local farming community, operating to a high industry standard, and maintaining long-term financial sustainability.

Specifically, the review sought to:

- assess the current operating model and its performance,
- understand industry, market and regulatory trends affecting saleyards,
- undertake benchmarking against comparable facilities,
- understand stakeholder perceptions, priorities and expectations for the facility,
- identify opportunities to improve operational performance and sustainability,
- assess asset condition and identify future asset renewal requirements,
- consider alternative operating models and their implications, and
- inform Council's long-term planning and decision-making for the facility.

The review was undertaken with no predetermined outcome; however, selling or closing the saleyards was not considered.

4. Overview of the East Gippsland Livestock Exchange

The East Gippsland Livestock Exchange (EGLE) is located in Bairnsdale and is a key saleyard servicing East Gippsland and surrounding regions. The facility supports cattle and sheep sales and is accredited to relevant industry standards for animal welfare, biosecurity and traceability.

The EGLE plays an important role beyond its commercial function, with stakeholders consistently highlighting its value in reducing transport distances and associated costs, supporting strong animal welfare outcomes, providing biosecurity controls and livestock traceability, maintaining competition and market transparency, and contributing to social connection within the local farming community.

Council has invested in the facility over time, including recent upgrades, and continues to hold responsibility for asset management, compliance and operational oversight.

5. Review Methodology

The Commercial Review was undertaken in stages to ensure a comprehensive, evidence-based assessment.

The review methodology included:

- site inspections and operational observations,
- analysis of throughput data and financial performance,
- assessment of operating systems, processes and cost structures,
- benchmarking against comparable saleyards,
- analysis of national, state and regional livestock industry trends,
- stakeholder engagement and consultation with key users and industry participants,
- assessment of asset condition and identification of future renewal requirements, and
- identification and evaluation of alternative operating models.

Independent expertise was engaged to ensure objectivity and provide Council with specialist advice.

6. Independent Commercial Assessment

AEC Group Pty Ltd (AEC) was engaged as an independent consultant to undertake the Commercial Review, bringing extensive experience in saleyard and livestock facility reviews for local government.

AEC's assessment was undertaken to support identification of the most appropriate operating model. The assessment considered:

- early engagement and consultation with key user groups,
- the physical condition and functionality of the facility,
- livestock throughput and utilisation patterns,
- operating practices and resourcing,
- assessment of asset condition and future renewal requirements,
- financial performance and long-term sustainability,
- risk and compliance considerations,
- benchmarking against comparable saleyards, and
- alignment with industry practice.

Six operating models were assessed:

- continuation of the current Council-managed model,
- external management,
- a hybrid model,
- leasing arrangements,
- shared services with another council, and

- a Council-owned subsidiary model.

Each model was assessed against a consistent set of criteria, including financial performance and sustainability, governance and risk, operational efficiency, market capacity and competition, and alignment with community expectations.

Informed by this assessment and stakeholder engagement, three operating models were identified for further consideration:

- continuation of the current Council-managed model,
- a Council-owned subsidiary model, and
- a hybrid model.

AEC undertook further detailed financial and risk analysis to understand the implications of the shortlisted models.

7. Community Engagement

Engagement was a key component of the Commercial Review and informed both the independent assessment and Council's consideration of future operating arrangements. It provided insights into current operations, stakeholder priorities and expectations, and helped validate the findings and options identified through the review.

Engagement was undertaken in two phases.

Initial engagement was undertaken by the independent consultant during the early stages of the review to inform the assessment of the current operating environment. This included in person meetings with Council management and key operational staff, in person engagement with the three livestock agents operating at the facility and the Bairnsdale Stock Agents Association, and telephone interviews with buyers and sellers.

This phase provided detailed insights into day-to-day operations and helped identify key operational and strategic issues, including systems and processes, infrastructure condition, resourcing, and market dynamics. These inputs directly informed the independent assessment and identification of operating models for further consideration.

To support transparency and inform broader engagement, a consolidated summary of AEC's Commercial Review was released on Council's Your Say East Gippsland website, outlining the key findings of the initial assessment and the operating models under consideration.

Broader engagement with the farming community was then undertaken during February and March 2025. This phase focused on testing the findings of the initial assessment, understanding community priorities, and gathering feedback on the operating models.

More than 100 direct engagements were completed and 66 survey responses were received. Feedback demonstrated strong support for retaining the current Council-managed model, with stakeholders valuing local accountability and a reliable, familiar and cost-effective system that many reported is working well. There was also some support for a Council-owned subsidiary model, particularly for its potential to retain local ownership and control through local representation while providing greater commercial focus and flexibility.

Support for other models was more limited, with some stakeholders expressing concerns about loss of local ownership and control and the potential for a more commercially driven approach. Across all options, there was clear acknowledgement that practical improvements to systems, processes and facilities are required to support ongoing performance.

Feedback also reinforced the importance of the facility’s location, its role in reducing transport costs and livestock stress, its contribution to animal welfare and biosecurity, and its value as a trusted local selling and buying environment.

Summaries of engagement activities and key feedback were published on Council’s Your Say East Gippsland website.

8. Key Findings

The Commercial Review identified a number of key findings in relation to the **current facilities and operational performance** of the EGLE, including:

- the East Gippsland Livestock Exchange (EGLE) remains an important regional asset, providing significant value to the local farming community and supporting livestock producers, agents and buyers across the region,
- the current Council-managed model is fundamentally sound and provides a stable foundation for continued operations.
- in recent years, the facility has demonstrated improved financial performance, including the ability to broadly cover operating costs and depreciation, supporting its position as a self-funding commercial service in the current context.

- recent improvements to systems, processes and operational arrangements have strengthened efficiency and consistency, including a transition away from paper-based and manual processes toward more streamlined, technology-enabled operations, demonstrating the capacity to deliver improved outcomes within the existing operating model, and
- analysis of fees and charges at the time of the review indicates that fee levels at the EGLE were generally at or below those of comparable benchmarked facilities, supporting its positioning as a cost-effective option for local producers.

The Commercial Review also made a number of findings in relation to the **future operational models** for the EGLE, including:

- the subsidiary model offers potential long-term benefits but would require significant establishment effort, upfront investment and increased complexity, and may present increased exposure to market variability during downturns,
- the hybrid model is associated with higher ongoing operating costs and is constrained by limited market capacity in a regional context, with the potential for these costs to flow through to increased fees and charges for users, including local farmers,
- alternative models, including leasing arrangements, may include provision for capital investment; however, asset ownership, depreciation costs and long-term renewal responsibility would remain with Council, and may not be fully offset through commercial returns in the current environment,
- stakeholder feedback demonstrated strong support for retaining the current model, with users valuing local accountability, a reliable and familiar operating environment, and a cost-effective system that is generally meeting their needs, and
- overall, more complex operating models may introduce additional cost, risk and governance requirements that are not justified in the current environment.

Finding related to improving **opportunities to improve operations and performance** include:

- structural change alone would not resolve all operational challenges, with the greatest opportunities for improvement lying in strengthening systems, processes, asset planning and stakeholder relationships within the existing operating structure,

- the facility is generally fit-for-purpose and capable of supporting current operations, with no immediate requirement for major capital investment or renewal in the short term; however, identified infrastructure and condition-related issues will require a structured approach to ongoing maintenance, renewal and improvement over time, and

- the absence of a formal long-term business planning framework limits the ability to take a structured and forward-looking approach to operational performance, asset renewal and industry change.

These findings reflect a structured assessment of operating model options across financial, operational, governance and market considerations, together with stakeholder feedback.

9. Recommended Direction

In considering the outcomes of the Commercial Review, Council officers assessed a range of factors, including financial performance, risk, market conditions, community confidence and long-term flexibility, alongside the findings of the independent assessment and stakeholder engagement. This assessment recognises the need to balance delivery of the facility's core purpose for the local farming community with the requirement to maintain the EGLE as a self-funding commercial service.

Based on this combined evidence, Council officers recommend retaining the current Council-managed operating model.

This approach recognises that the existing model is fundamentally sound, provides a stable and reliable foundation for ongoing operations, and maintains strong alignment with stakeholder expectations for local accountability and service delivery. It also reflects that more complex operating models introduce additional cost, risk and governance requirements that are not justified in the current environment.

Council officers recommend retaining the current model, with a clear focus on:

- strengthening systems and processes to improve operational efficiency and reduce reliance on manual and inconsistent practices and delivering practical, targeted improvements to the facility and day-to-day operations in response to feedback from users and stakeholders,

- improving clarity and consistency of roles, responsibilities and operational arrangements,

- enhancing asset planning and long-term strategic and business planning to better manage future renewal requirements and guide investment and decision-making,
- strengthening the commercial maturity of the business, including maintaining alignment with industry trends, adopting appropriate technology, and supporting effective positioning in a changing market environment, and
- strengthening the commercial and financial framework of the facility to maintain its position as a self-funding service.

Council officers will continue to work closely with stakeholders to support ongoing improvement and maintain strong industry relationships

The above priorities will be progressed through the development and implementation of a business plan, providing a structured framework to guide operations, performance, asset planning and improvement within the existing Council-managed model.

This approach is considered to provide the best balance between stability, local accountability, financial performance and risk in the current environment, while avoiding the additional cost, complexity and uncertainty associated with alternative operating models, and retaining flexibility to reconsider these options should circumstances materially change in the future.

10. Next Steps

Following completion of the Commercial Review, Council will progress a program of targeted improvements to the operation of the Livestock Exchange.

A key next step will be the development of a business plan for the Livestock Exchange. This plan will establish a clear framework to guide the ongoing operation, performance and improvement of the facility within the existing Council-managed model. It will also provide the primary mechanism to ensure the facility continues to deliver on its core purpose while being structured and managed to remain a self-funding service.

The business plan will:

- define the ongoing role, objectives and strategic direction of the facility,
- identify practical and prioritised business improvement actions and incorporate operational improvements identified through the review and engagement process,
- support improved planning, decision-making and performance monitoring over time,

- include a structured approach to asset planning and renewal, including identifying the appropriate timing and triggers for more detailed planning as future investment requirements evolve, and
- strengthen the commercial and financial framework of the facility, including how the business is structured, managed and resourced, to support its ongoing position as a self-funding service over the long term.

Engagement with key stakeholders will continue as improvements are implemented to ensure actions remain grounded in operational experience and support the needs of the local farming community.

Council will also continue to monitor industry conditions, livestock throughput, operational performance and emerging trends to ensure the Livestock Exchange remains responsive to changes in the operating environment.

11. Further Information

Further information about the Commercial Review and the East Gippsland Livestock Exchange, including supporting documentation released as part of the review process, is available on Council’s Your Say East Gippsland website.

This includes:

- the AEC Group Commercial Review – Executive Summary (March 2025),
- the Community and Stakeholder Engagement Summary (April 2025), and
- project updates and consultation materials published throughout the review process.

5.1.2 21 Year Lease - 70-78 Lucknow Street East Bairnsdale

Authorised by General Manager Assets and Environment

Purpose

This report is to seek a resolution of Council to grant a 21-year lease to the Gippsland and East Gippsland Aboriginal Cooperative (GEGAC) for the refurbishment, use and ongoing maintenance of the property at 70-78 Lucknow Street East Bairnsdale for children's and administrative services.

Recommendation

That Council:

1. ***approves a 21-year term for the lease to the Gippsland and East Gippsland Aboriginal Cooperative for the property at 70-78 Lucknow Street East Bairnsdale for children's and administrative purposes; and***
2. ***authorises the Chief Executive Officer or delegate to undertake a community engagement (notice of intent to enter into a lease) process in respect of the 21-year term lease to the Gippsland and East Gippsland Aboriginal Cooperative for the property at 70-78 Lucknow Street East Bairnsdale for children's and administrative purposes.***

Key Points

The property at 70-78 Lucknow Street East Bairnsdale (Property) was formerly occupied by the East Bairnsdale Kindergarten (most recently operated by Uniting (Victoria and Tasmania Ltd) and has been vacant for several years as provided at **Attachment 1**.

Due to the prolonged vacancy the building been subject to extensive vandalism and is in a significant state of disrepair.

In 2025 GEGAC approached Council seeking to lease the Property for the provision of children's playgroup services and administration services, including foodbank and medical consulting rooms.

It is proposed that Council enter into a lease agreement with GEGAC for a term of 21 years to formalise its occupation of the Property. The proposed lease would facilitate the ongoing provision of children's services in the East Bairnsdale Area and support the restoration of the Property to a functional and serviceable condition.

A 21-year lease is recommended given the capital investment required by the lessee in order to render the building useable for the proposed purpose. GEGAC advise there would be insufficient return on this capital investment for a term of 9 years or less.

Discussion

Council purchased the Property in 2020 from the Director of Housing. The building had been constructed by Council in 1976 on land that formed part of the former Housing Commission estate, however ownership of the land was never transferred to Council.

As the Property was purchased in 2020 at the 1976 land value, under conditions that required the land and any buildings constructed upon it, to be used for the purposes of a childcare centre as that term is defined in the East Gippsland Planning Scheme, unless with the written consent of the Director of Housing.

Prior written consent from the Director of Housing is required if Council seek to use or dispose of the Property for purposes other than a childcare centre or related child services. Given the concessional nature of the original acquisition price, there is a risk that approval for an alternative use may not be granted.

The East Bairnsdale Kindergarten formerly occupied the Property. The tenant surrendered the lease to Council in March 2022 citing low enrolment numbers as the reason for vacating the Property. The Property has remained vacant since that time.

Due to the prolonged vacancy and lack of ongoing use, the Property has been subject to significant vandalism. As a result, the Property has sustained substantial damage and would require considerable investment to restore it to a functionable and serviceable condition.

In August 2025 GEGAC approached Council and advised that its Board were keen to pursue a lease of the Property. GEGAC has indicated that they are prepared to invest significant capital to restore the asset to a functional and serviceable condition. Accordingly, they have requested a 21-year lease to provide sufficient tenure and certainty to justify the proposed capital investment and ongoing maintenance obligations associated with the Property.

The proposed lease would generate significant social benefits for the East Bairnsdale community by facilitating the delivery of children's services, health and wellbeing programs and other community support services. The Property is located within an area of socio-economic disadvantage where access to affordable and locally available services is particularly important.

The proposal would support community connection, improve access to culturally appropriate services, enhance social inclusion, and contribute to improved outcomes for children, families and vulnerable community members. Additionally, the activation of the currently vacant property would improve community amenity and help address issues associated with vandalism and property deterioration.

Consideration may be given to transferring the title of the building to GEGAC (noting this would require separate Council consideration) although in the first instance a 21-year lease is proposed.

While section 115 of the *Local Government Act 2020* (the Act) permits a lease term of up to fifty (50) years, a term of 21-years is considered the most appropriate and is consistent with other leases issued by Council. Under the Act, any proposed lease with a term of 10 years or more must be authorised by a Council resolution (as set out in this report) or included in the adopted budget before Council enters into the lease.

Legislation

This report has been prepared in accordance with section 115 of the *Local Government Act 2020* (Act). If determined by Council that a 21-year lease agreement can be granted to GEGAC for use of the Property, community consultation will be undertaken in accordance with section 115(4) of the Act.

Strategic Alignment

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

Theme 1: Community wellbeing and social responsibility
Outcome – A connected and inclusive community, where no one is left behind

Consultation/Community Engagement/Impacts

Confirmation has been received from GEGAC that they wish to pursue a 21-year lease for the Property. The proposed lease term would provide the security of tenure required to support significant capital investment in the Property, enabling its restoration to a functional and useable condition and facilitate the delivery of the proposed services from the Property.

The community will be informed of the proposed lease to GEGAC and will have the opportunity to provide feedback on the proposal in accordance with Council's Community Engagement Policy.

Should Council receive any feedback regarding the proposed lease to GEGAC, it will be reviewed by the relevant General Manager. Based on the nature and significance of the matters raised, the General Manager will determine the appropriate course of action which may include the need for further briefing of Council and/or a new Council resolution.

Opportunities and Risks

Entering a 21-year lease with GEGAC would provide a mechanism for the restoration and ongoing use of a Council-owned asset that has remained vacant since 2022.

The proposed lease term would provide GEGAC with the security of tenure necessary to justify significant capital investment in the Property while reducing Council's exposure to restoration and maintenance costs. The proposal would facilitate the delivery of a range of community services, including children's programs and related support services, ensuring the Property is actively used, maintained, and protected from further deterioration, while continuing to service the needs of the East Bairnsdale community.

The main risk associated with a 21-year lease is the long-term commitment of a Council-owned asset, which may limit Council's flexibility to respond to future community needs or alternative uses of the Property. This is more than outweighed by the benefits associated with restoration and use of the facility for community purposes at no capital cost to Council.

Any capital improvements undertaken by the tenant will become Council assets at the end of the lease. While generally beneficial, Council may inherit future maintenance or renewal liabilities associated with those improvements.

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. Location Plan – 70-78 Lucknow Street East Bairnsdale [**5.1.2.1** - 2 pages]

Attachment 5.1.2.1

Location Plan – 70-78 Lucknow Street East Bairnsdale

★ 70-78 Lucknow Street East Bairnsdale

Site Plan – 70-78 Lucknow Street East Bairnsdale

5.1.3 East Gippsland Shire Council Submission to the draft Victorian Waterway Management Strategy

Authorised by General Manager Assets and Environment

Purpose

To present East Gippsland Shire Council's (Council) submission to the Department of Energy, Environment and Climate Action's (DEECA) draft third Victorian Waterway Management Strategy (VWMS).

Given the short timeframe of the public engagement period, the submission was prepared at an Officer level. The submission is now provided to Council seeking retrospective endorsement. If required, amendments to the submission may be made by Council retrospectively and provided to DEECA as an addendum.

Recommendation

That Council retrospectively endorses the East Gippsland Shire Council's submission to the Department of Energy, Environment and Climate Action's draft Victorian Waterway Management Strategy as provided at Attachment 1.

Key Points

The draft VWMS provides a useful overview of the priorities and key challenges facing Victoria's waterways over the next decade. However, timely implementation will require dedicated resourcing.

The Victorian Government is encouraged to prioritise this funding in future budgets, as without it the VWMS risks remaining aspirational rather than delivering practical outcomes. Accordingly, resources should be committed alongside finalisation of the VWMS to support implementation of its recommendations.

Council's submission was prepared in the context of Council's responsibilities under the Local Government Act, including the requirement to achieve the best outcomes for current and future communities and to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.

The significance of the Gippsland Lakes and the five major waterways and tributaries which sustain the East Gippsland community, economy, and overall liveability was a central consideration to Council's submission.

The public exhibition period opened 1 June and closed 29 June 2026. Given the short timeframe in which submissions were required, the Council's submission was prepared at an Officer level.

A copy of the submission is provided at **Attachment 1** for Councillors' consideration.

Discussion

The submission supports the continuation of Victoria’s Waterway Management Framework and welcomes the draft strategy’s retention of existing directions, including its recognition that declining waterway health reduces the public and private benefits waterways provide.

The draft VWMS should however be strengthened to effectively address cumulative pressures, climate change, regional equity, and the long-term protection of high-value systems such as the Gippsland Lakes, which support the region’s economy, liveability, environmental values, and identity.

Furthermore, without dedicated implementation funding, the VWMS risks remaining aspirational rather than delivering practical outcomes. The Victorian Government should therefore commit resources alongside the finalisation of the strategy to support implementation of its recommendations. In particular for strategic, high value and nationally significant waterway environments such as the Gippsland Lakes.

The draft VWMS is a broad, high-level strategy containing 68 policy statements. The Council’s submission therefore focuses on the policy areas most relevant to East Gippsland over the next decade and provides specific commentary on 12 of those statements and 57 recommendations.

More specifically, as a member of the Gippsland Lakes Ramsar Site Coordinating Committee (GLRSCC), the submission requests future State Government water allocation and funding decisions to fully recognise the importance of the Gippsland Lakes and the role of riverine inflows in sustaining their environmental, cultural, tourism and economic values for future generations.

Strategic Alignment

This report has been prepared and aligned with the following theme in 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
Outcome - Natural assets are well-managed and protected

Consultation/Community Engagement/Impacts

DEECA released a discussion paper 24 July 2023 to 1 September 2023 which outlined the context, key challenges, and early ideas to prompt community and stakeholder discussion. A consultation report was later released February 2024.

The public exhibition period for the draft VWMS opened 1 June and closed 29 June 2026. Given the short timeframe in which submissions were required, the Council’s submission was prepared at an Officer level and focused on those areas considered most relevant to East Gippsland Shire. Given the short timeframes, specific stakeholder engagement was not undertaken as part of development of the submission. Rather, Officers were informed by ongoing engagement with community and key stakeholders in relation to issues impacting waterways, including the Gippsland Lakes, in East Gippsland.

DEECA will analyse feedback to the draft VWMS from July to August – with the final Strategy anticipated for release late 2026.

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:

Legislation

- *Catchment and Land Protection Act 1994* (including ss.20, 26, 32 and Part 3A)
- *Climate Change Act 2017* (including ss.17, 23-28)
- *Local Government Act 2020* (including ss. 8-9)
- *Planning and Environment Act 1987* (including ss. 4, 6, 12, 12B, 60)
- *Water Act 1989* (including ss. 16, 20-21)

Category

Adaptation Planning: Comprehensive adaptation measures exist and include responses to direct and indirect impacts of climate change.

Climate Risk Management: Council's risk management considers climate change issues in decision-making and includes responses to direct and indirect impacts.

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

Land Use Planning: Consideration is given to climate change in the local land use planning and includes responses to direct and indirect impacts.

Conflicts of Interest

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

Attachments

1. Council Submission to Third Victorian Waterway Management Strategy 29 June 2026 [**5.1.3.1** - 13 pages]

29 June 2026

EAST GIPPSLAND
SHIRE COUNCIL

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EAST GIPPSLAND SHIRE COUNCIL SUBMISSION ON THE DRAFT THIRD VICTORIAN WATERWAY MANAGEMENT STRATEGY

East Gippsland Shire Council welcomes the opportunity to provide feedback on the Department of Energy, Environment and Climate Action's draft third Victorian Waterway Management Strategy (VWMS).

Given the timing of the submission these comments are made at an Officer level and retrospective endorsement of the submission will be sought from our elected Council.

East Gippsland Shire Council is pleased to see the Victorian Government's commitment to renewal of the VWMS as a collaborative framework for managing waterways and sustaining their environmental, social, cultural and economic values in a changing climate. The draft VWMS provides a valuable overview of priorities and the key challenges facing Victoria's waterways over the next decade.

VWMS will require a resource commitment to support implementation of the plan in a timely manner, and we encourage the Victorian Government to make this a resourcing priority in future budgets.

The significance of the Gippsland Lakes and the five major waterways and tributaries which sustain the East Gippsland community, economy, and overall liveability is central consideration to this submission. In particular, the major waterways contribute significantly to the llife of East Gippsland communities and agriculture with high value agricultural production in areas such as the Lindenow Valley. Similarly, the waterways and the Gippsland lakes are central to East Gippsland's visitor and recreation economy. The estimated value of visitor expenditure in East Gippsland is $554 million per year, the majority of this can be contributed to the Gippsland Lakes.

As a member of the Gippsland Lakes Ramsar Site Coordinating Committee (GLRSCC), we are committed to our leadership role in representing and contributing to the environmental, cultural and economic values of the Gippsland Lakes. The committee plays an important role in considering RAMSAR obligations in planning policy and decision-making, as well as raising awareness and advocating for the protection of RAMSAR values.

This submission is provided in the context of Council's responsibilities under the Local Government Act, including the requirement to achieve the best outcomes for current and future communities and to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks. Council recognises that the draft VWMS is a high-level strategy covering a broad range of matters. This submission therefore focuses on policy areas of particular relevance to East Gippsland over the coming decade, outlined in the below Table.

Policy	Focus of Council comment
Policy 3 Collaboration, governance and accountability	Improvement and clarification of governance arrangements by defining roles, decision-making authority, including 'escalation pathways and accountability for outcomes.
Policy 4 Resilience, transition and transformation	Council supports planning for resilience and adaptation, provided the Strategy does not normalise avoidable ecological decline or obscure the consequences resulting from policy, regulatory or resource allocation decisions.
Policy 5 Regional waterway strategies	Clearly prioritise waterway health, adaptation, functioning ecosystems and environmental values. Continued compromise will result in further environmental decline where short- to medium-term priorities continue to dominate decision-making.
Policy 8 Cultural governance and Traditional Owner partnership	Supports genuine, enduring and properly resourced Traditional Owner partnerships as a core element of waterway management.
Policy 14 Annual watering priorities and water security	Support informed annual watering decisions that protect critical environmental values and regional water security under a changing climate.
Policies 25 and 26 Ramsar governance and response to ecological character change	Strengthening Ramsar governance from procedural compliance to proactive and preventative action to avoid ecological decline, manage cumulative pressures and protect high-value systems such as the Gippsland Lakes over the long term.
Policy 34 Crown frontage administration and riparian management	State government should take a more active role in managing Crown land frontages. High-value frontages should be prioritised using clear criteria, thresholds and transition timeframes, supported by dedicated funding.
Policy 47 Estuary management	Support recognition that estuary management must be integrated, climate-aware and focused on maintaining ecological function along with regional values.
Policy 56 – Protecting waterways from excess urban stormwater	Stronger targets and dedicated retrofit funding are needed to deliver system-wide improvements in urban waterway conditions and resilience.
Policy 61 Recreational values of waterways	Support the recognition of recreational values and need for integrated planning as a key component of waterway management.
Policy 63 – Investment in waterway-based recreation planning and infrastructure	Support that future investment priorities for water-based recreation planning and infrastructure should be guided by place-based planning processes; and that a clear asset owner and source of funding for ongoing costs needs to be agreed upon before any investment commitment.
Policy 65 Cost-sharing principles	A strengthened policy framework should adopt a "pressure driver pays" principle, supported by clear cost-allocation methods, climate-adjusted cost-sharing and higher contributions for high-risk activities. A clear commitment to sustained funding for higher value waterway assets such as the Gippsland Lakes is required.

Policy 3 – Collaboration and governance

Council supports the Strategy’s continued emphasis on integrated, collaborative waterway management and its recognition of the roles of government agencies, Traditional Owners, landholders, community groups, industry and research institutions.

Collaboration is essential for managing complex waterway issues and balancing environmental, cultural, social and economic values. However, collaboration must be supported by clearer governance, resourcing, accountability and delivery mechanisms if it is to produce consistent outcomes.

Key issues

- The framework remains descriptive – referring to the mediation of acceptable outcomes guided by the principles and policies of Strategy and does not sufficiently define decision-making authority, accountability or leadership arrangements.
- The collaborative model should better address cumulative impacts, cross-catchment dependencies, water scarcity and climate change so regional actions are coordinated at a system level.
- Clearer State leadership, ownership of the cumulative - catchment wide outcomes and regulatory support are necessary, especially for high-risk or contested decisions.
- Different stakeholder capacities should be recognised, with adequate resourcing for local government, Traditional Owners and community and industry organisations to participate effectively.
- The role, authority and statutory influence of Regional Partnership Groups and Integrated Water Management Forums should be clarified.
- It is important that collaboration should be measured by outcomes, not only participation, with clear performance measures, monitoring, reporting and evaluation.

Recommendations

1. Define clear governance, accountability, leadership and conflict-resolution arrangements for collaborative waterway management.
2. Clarify when State leadership or regulatory intervention is required for resolution of high-risk or contested decisions.
3. Provide sustained funding, coordination and capacity-building to support equitable participation based on different levels of capacity, influence and resourcing.
4. Clarify the role, authority and statutory influence of Regional Partnership Groups and Integrated Water Management Forums to avoid duplication and misalignment with provision of formal governance processes.

Policy 4 – Planning for resilience, transition and transformation

Council supports the intent of Policy 4 to build resilience in waterway ecosystems, biodiversity and related values, and that this will be undertaken as part of regional waterway planning to identify local threats and working with landowners and land managers to address them.

Council acknowledges that climate change may drive unavoidable transition or transformation in some ecosystems – and agrees that ecosystems respond differently to climate change and other pressures, with degraded waterways generally less resilient.

The 'transition' or 'transformation' of waterway ecosystems should not be normalised or accepted where it is primarily driven by policy, regulatory or resource allocation decisions. A clear example is reliance on surface water for Latrobe Valley mine rehabilitation in a drying climate, despite the known link between reduced freshwater inflows, declining water quality, more frequent algal blooms and ecological change in the Gippsland Lakes. Mine operators have not been required to use available alternative water sources, including manufactured water, to avoid unnecessary trade-offs affecting the Latrobe River and Gippsland Lakes.

Council is also not aware of any financial or other offset arrangements required being required for downstream ecosystems, communities and industry to be impacted by mine rehabilitation planning processes and reduction in water availability.

Key issues

- Trade-offs should be transparent, with potential adverse consequences considered and documented in decision-making.
- As an example, the trade-offs associated with Latrobe Valley mine rehabilitation are not sufficiently clear or publicized for the Latrobe River catchment community, the receiving Gippsland Lakes and other critical downstream water users.

Recommendations

5. Require decisions likely to cause transition or transformation of waterway ecosystems to be clearly justified, transparent and supported by robust assessment.
6. Distinguish unavoidable climate-driven change from impacts caused by policy, regulatory or investment decisions.
7. Industries that rely on consumptive use such as agriculture also need to plan for resilience and transition
8. Ensure regional waterway strategies explicitly assess downstream Ramsar impacts and cumulative water demand.
9. Require public documentation and education of trade-offs where environmental, community or economic values may be affected.

Policy 5 – Principles for regional waterway strategies

Council supports continued preparation of regional, catchment-based strategies to guide local action and investment. Council also supports values-based assessment and regional priority-setting to identify effective management actions, priority areas and feasible responses. Regional waterway strategies should prioritise improved waterway health as the primary outcome. Where necessary, secondary values or uses should not be maintained or extended at the expense of declining waterway conditions.

The draft VWMS should more clearly prioritise regionally important outcomes that support adaptation, maintain functioning ecosystems and protect environmental values. Regional waterway strategies should prioritise improved waterway health as the primary outcome.

Regional waterway strategies should prioritise waterway health, adaptation, functioning ecosystems and environmental values. Ongoing compromise risks further environmental decline where short- to medium-term priorities continue to dominate decision-making.

Key issues

- Regional strategies require stronger links to investment, implementation and monitoring.
- Strategies should explicitly address cumulative and cross-catchment impacts, particularly where upstream pressures affect downstream systems.
- Regional priority-setting should be transparent and use the best available scientific, cultural and community knowledge.

Recommendations

10. Ensure regional strategies define clear outcomes, priorities, implementation pathways and monitoring requirements and these recommendations are resourced.
11. Embed Traditional Owner knowledge and cultural priorities along with broader local knowledge in regional strategy development.
12. Require strategies to address cumulative catchment pressures and climate change scenarios.
13. Align regional strategies with funding decisions and place-based plans.

Policy 8 – Cultural governance and Traditional Owner partnerships

Council recognises Traditional Owners' rights to enter into formal partnerships in waterway management and acknowledges the importance of embedding cultural knowledge, governance and connection to Country in decision-making.

Council supports emphasis on cultural governance to move beyond consultation toward genuine partnership and shared stewardship.

Key issues

- Directions remain high level and require further clarity to ensure they are operational, resourced and consistently applied across regions.
- Roles, responsibilities, decision-making authority, statutory accountability and risk management arrangements should also be clearly defined.
- Meaningful participation requires sustained funding for Traditional Owner leadership, on-ground roles, capacity-building and community decision-making processes.
- Partnership arrangements should be embedded in regional waterway strategies and linked to investment and prioritisation decisions.

Recommendations

14. Provide sustained funding for Traditional Owner participation, leadership, on-ground roles, capacity-building and long-term partnerships.
15. Clarify statutory roles, decision-making authority, accountability, risk management and conflict-resolution processes.
16. Support flexible and scalable partnership models, including advisory, co-management and management roles as capacity and interest develop.
17. Embed Traditional Owner partnerships in regional waterway strategies, Integrated Water Management forums and investment decisions.

Policy 14 – Making informed decisions on annual watering priorities

Waterways play a critical role in regional water security and drought resilience. Deteriorating conditions can increase treatment costs, reduce habitat and fisheries values, diminish recreation and tourism opportunities, and restrict livestock water access.

Climate change is increasing the frequency and severity of drought, bushfire and extreme rainfall events. These events can alter flow paths, increase sediment and debris loads, affect water allocation and compound recovery challenges.

As events become more frequent and overlap, impacts are compounded and recovery becomes more difficult. Waterway managers therefore require sufficient capability and capacity to prepare for, respond to and sustain management of major events.

Key issues

- Waterway managers require sufficient capability and capacity to prepare for, respond to and sustain management of major events.
- The Strategy should provide clearer guidance on prioritising water users and critical needs during future shortages.
- Clearer prioritisation is needed between domestic supply, environmental values and less critical uses during periods of scarcity.

Recommendations

18. Provide clearer guidance on water prioritisation during drought and scarcity.
19. Ensure environmental water decisions are aligned with regional outcomes and long-term system resilience.
20. Strengthening links between annual watering priorities, regional waterway strategies and climate-risk planning.
21. Adequately resource waterway managers, agencies and authorities to prepare for and respond to extreme events.

Policies 25 and 26 – Ramsar governance and ecological character protection

Council supports the intent to strengthen Ramsar site governance, coordination, investment and engagement with Traditional Owners. However, Policies 25 and 26 should be strengthened to move beyond procedural compliance and reactive response planning toward proactive protection, early intervention and outcome-based accountability.

Policy 25 remains heavily compliance-focused and gives insufficient weight to proactive protection, early intervention and prevention of ecological decline.

It should more clearly embed Ramsar obligations in catchment planning, water allocation, land-use decisions and cumulative impact assessment, given upstream and cross-catchment pressures on systems such as the Gippsland Lakes. The policy also needs clearer thresholds, triggers, risk-based decision frameworks and response pathways that translate monitoring results into timely action and accountability.

Council supports the establishment of a clear framework for responding to potential or actual changes in Ramsar ecological character, including notification, response planning and adaptive management. Policy 26 is however largely reactive, with action triggered only once change is likely, risking acceptance of ecological decline rather than prioritising avoidance, restoration and protection.

A commitment to prioritise early intervention, causal management and outcome-based accountability is required to meet Ramsar obligations and protect systems such as the Gippsland Lakes.

Reliance on feasibility or cost-effectiveness may undervalue ecological, cultural and long-term public benefits and justify inaction where protection is difficult or costly. Long-term funding, priorities and measurable ecological outcomes should be better defined to assess effectiveness and match resources to the scale of Ramsar site pressures.

Key issues

- Policy 25 is strongly compliance-focusedcompliance, with limited emphasis on proactive protection and prevention of ecological decline.
- Policy 26 is largely reactive, with response planning triggered once ecological character is likely to change or has changed.
- The policies do not adequately integrate Ramsar obligations into catchment-scale planning, water allocation, land use decisions, major project assessment or cumulative impact assessment.
- Clear ecological thresholds, early intervention triggers, escalation pathways and accountability mechanisms are not sufficiently defined.
- The cost-effectiveness framing in Policy 26 risks undervaluing ecological, cultural and long-term public benefits and may normalise degraded conditions as a new baseline.
- Boundary modification or delisting should be treated as a last resort and subject to strict safeguards.

Recommendations

22. Embed and resource proactive protection and early intervention in Ramsar management and response policies and actions.
23. Integrate Ramsar obligations into catchment-scale planning, water allocation, land use decisions and major project approvals.
24. Require cumulative impact assessment across relevant activities affecting Ramsar sites.
25. Establish clear ecological thresholds, triggers, escalation pathways and adaptive management responses.
26. Ensure monitoring results directly inform decision-making, investment and management actions.
27. Ensure decisions do not rely solely on cost-effectiveness and that adaptation to a new ecological regime remains a last resort supported by robust evidence.
28. Apply strict criteria to boundary modification or delisting, including independent scientific review, public transparency and evidence that feasible restoration and mitigation options have been exhausted.
29. Embed Traditional Owner knowledge, priorities and cultural values in Ramsar planning, monitoring and response decisions.
30. Require public reporting on ecological condition, management actions, investment and outcomes.

Policy 34 – Administering and managing Crown frontage

Council position

Council supports stronger management of Crown frontages and the transition to riparian management licences that protect waterway, public access and Traditional Owner values.

Crown frontages are public assets with significant environmental, cultural and social values. Their management and dedicated investment should support riparian health, water quality, biodiversity, public access and Traditional Owner self-determination. Council supports a proactive, consistent and well-resourced approach to Crown frontage management that protects public land values and improves riparian condition.

Council also recognises that where these frontages have been incorporated into agricultural enterprises, care must be taken to include abutting land owners in in future management plans and intended uses of these frontages.

Key issues

- Reliance on land transfer as a trigger for licence conversion is too passive and may leave significant frontages under sub-optimal management for extended periods.
- Minimum management standards, monitoring, penalties and compliance pathways require greater clarity.
- Incentives for fencing, off-stream watering, riparian works and maintenance should be sufficient and consistently available.
- There is a need to move beyond passive participation by State government in the management of crown land frontages. High-value frontage should be prioritised using clear criteria, thresholds, transition timeframes and linage to dedicated funding is required.

Recommendations

31. Strengthen compliance standards and enforcement for licensed and unauthorised activities and occupation.
32. Provide secure funding and incentives for fencing, off-stream watering, riparian works and maintenance to support government land managers.
33. Establish a framework to prioritise high-value riparian areas, including areas connected to the Gippsland Lakes, for protection and restoration.
34. Support Traditional Owner-led and co-management opportunities for Crown frontage management.
35. Provide opportunities for meaningful and proactive engagement of abutting land owners in the planning and management of crown frontages.

Policy 47 – Framework for managing estuaries

Council position

Estuaries sit at the end of catchments and are affected by upstream land use, water extraction, stormwater, nutrients, sediments, pollutants, pathogens, barriers and entrance management. Reduced natural flooding, estuary entrance closures and loss of surrounding native vegetation can further degrade estuarine ecosystems.

Council supports a framework that recognises estuaries as dynamic systems requiring coordinated catchment-to-coast management.

Key issues

- Estuary management must address upstream drivers as well as local symptoms of decline.
- Clearer integration is needed between waterway managers, Traditional Owners, land managers, local government and agencies.
- Climate change, sea level rise, catchment hydrology and land-use change should be embedded in estuary planning.
- Planning controls and investment priorities should better protect critical habitat, migration pathways and water quality.

Recommendations

36. Strengthen catchment-to-coast planning for estuaries, including explicit treatment of upstream pressures.
37. Improve stormwater, nutrient, sediment and pollutant management in estuary catchments.
38. Protect habitat corridors, migration pathways and critical estuarine habitats through planning and investment.
39. Embed Traditional Owner knowledge and cultural values in estuary management.
40. Require climate adaptation planning for estuaries, including consideration of entrance dynamics, sea level rise and changing flow regimes.

Policy 56 – Protecting waterways from excess urban stormwater.

Council agrees that urban stormwater, intensified by climate change, is a major threat to receiving waterways through increased pollutants and more frequent, intense runoff. Effective stormwater management, green infrastructure and water-sensitive urban design can reduce these risks while improving urban cooling, amenity, water reuse and ecosystem health.

Key issues

- Stronger State Government commitment beyond education and promotion, including dedicated funding for urban water infrastructure retrofits, green infrastructure, WSUD and targeted waterway repair projects.
- The Strategy recognises stormwater as a primary threat, but stronger targets, clearer implementation, governance and dedicated retrofit funding are needed to deliver meaningful, system-wide improvements, particularly in regional Victoria.

Recommendations

41. Revise statewide stormwater performance targets, including runoff retention, pollutant reduction and catchment-scale reporting.
42. Establish a dedicated retrofit and funding program for existing urban areas, linked to road renewal, capital works for priority catchments such as the Gippsland Lakes.
43. Strengthen climate resilience through extreme rainfall design standards, dual-purpose infrastructure and dedicated resourcing support for regional councils.

Policy 61 – Planning for recreational values of waterways

The economic value of waterways and the Gippsland Lakes to the East Gippsland community and regional economy cannot be overstated.

Council supports recognition of recreational values as an important part of waterway management, particularly at sites of regional and community significance. Place-based planning is appropriate to manage visitor use, balance competing values and support tailored local outcomes.

The economic value of waterways and the Gippsland Lakes to the community and regional economy is significant. Recreational planning must therefore be integrated with environmental protection, visitor safety, cultural heritage protection, infrastructure planning and investment in long-term asset management and resilience.

Key issues

- The policy references facilities, services and visitor experience, but does not address funding responsibilities; capital and maintenance costs; or long-term asset management.
- The draft VWMS should make clear sites of significant recreational value and define consistent criteria or thresholds for identification of such sites.
- Governance and leadership arrangements for place-based plans are unclear where multiple potential leads exist.
- Funding responsibilities, capital costs, maintenance obligations and long-term asset management are not sufficiently addressed.

Recommendations

44. Establish consistent criteria for identifying sites of significant recreational value, including visitation, regional importance, environmental sensitivity and cultural significance.
45. Ensure prioritisation aligns with regional waterway strategies and local planning frameworks.
46. Identify lead agencies and clarify governance, funding and delivery responsibilities for place-based plans.

Policy 63 – Investment in waterway-based recreation planning and infrastucture

Council agrees that future investment priorities for water-based recreation planning and infrastructure should be guided by state, regional and place-based planning processes; and that a clear asset owner and source of funding for ongoing costs needs to be agreed upon before any investment commitment.

The value of the recreation and visitor economies reliant on the health of Gippsland Lakes cannot be overstated. A commitment to investment in actions which preserve and enhance these values by State Government is essential.

Key issues

- While several agencies contribute to the provision and management of waterway-based recreational infrastructure, current arrangements often lack clarity around funding responsibilities, governance and long-term asset risk.
- Existing funding programs are largely competitive, focused on new infrastructure and not always aligned with strategic priorities, maintenance needs or adaptive investment. This is evident in the complex challenge of managing Crown frontage erosion and associated risks to critical assets.

Recommendations

47. Establish clear cost-allocation methodologies, including thresholds for public and private benefit, consistent valuation of environmental outcomes to inform funding decisions.
48. Define governance arrangements and lead agency responsibilities for delivery, funding and long-term asset management.
49. Establish clear cost-allocation methodologies, including thresholds for public and private benefit, consistent valuation of environmental outcomes and risk to inform funding decisions.
50. The State Government make clear its commitment to the Gippsland Lakes through dedicated annual funding allocation over the coming next decade.

Policy 65 – Cost-sharing principles for waterway management

Council supports the need to establish clear cost-sharing principles grounded in duty of care, beneficiary pays and net public benefit shared between government, private beneficiaries and land managers.

However, the policy remains high-level and insufficiently defined to manage cost structures, where interventions and responsibilities are cumulative and cross-catchment such is the case for the Gippsland Lakes. Without clearer application, costs may be under-recovered from impact drivers, with a disproportionate burden placed on government and regional communities.

The Policy is currently framed around individual projects and localised interventions, limiting its ability to address long-term system impacts, distinguish public and private benefit, apply beneficiary pays consistently and value environmental outcomes.

Without refinement, costs may be under-attributed to ‘impact drivers’ and shifted disproportionately to government and local communities for high-value and complex waterway systems such as the Gippsland Lakes.

Key issues

- Policy is framed around individual projects and localised interventions, limiting its ability to address cumulative, cross-catchment and long-term impacts.
- The policy lacks clear decision rules for applying beneficiary pays, apportioning costs, distinguishing public and private benefit and valuing environmental outcomes.
- The policy does not adequately address cost implications resulting from climate change, declining water availability, extreme events, downstream impacts or ecosystem services.
- There is a risk that local government may be treated as a beneficiary for regional economic or liveability outcomes even where councils do not control the impact driver.
- High-value waterways such as the Gippsland Lakes require funding frameworks that recognise the full environmental, cultural, tourism and economic value of the system.

Recommendations

51. Introduce a “pressure driver pays” principle, requiring activities that create significant environmental pressure or system stress to contribute proportionally to mitigation and restoration costs.
52. Establish clear cost-allocation methodologies for public and private benefit, valuation of environmental outcomes to inform funding decisions.
53. Require cumulative impact assessment and funding so contributions reflect cross-catchment impacts and total system pressures, not only individual project impacts.

54. Embed climate-adjusted cost-sharing principles that account for climate projections, reduced water availability and the rising cost of resilience and adaptation on communities, which are often beyond the capacity of Local Government.
55. Strengthen protections for high-value waterways, including Ramsar-listed wetlands, through higher evidentiary thresholds and greater proponent contributions where risks are elevated by changing land uses or and water resource allocation.
56. Clarify that local government contributions should align with statutory responsibilities, direct benefit and matters within council control.
57. Commitment to annual funding specifically for the management and environmental repair of the Gippsland Lakes given their Ramsar, cultural and economic importance to Victoria.

Closing Statement

Council supports the continuation of Victoria’s Waterway Management Framework and welcomes the continuation of existing strategy directions and the recognition that *‘when the environmental conditions of waterways decline, so too do the public and private benefits they deliver.’*

Council also considers that the draft VWMS should be strengthened to better address cumulative pressures, climate change, regional equity and long-term protection of high-value systems such as the Gippsland Lakes which underpins the region’s economy, liveability, environmental values and identity.

Without funding to implement the VWMF, it becomes a document of aspiration only. Therefore, in parallel with finalising the VWMF there is a need for the Victorian Government to commit resources for the implementation of recommendations.

Finally, Council urges that future State Government water allocation, and funding decisions fully recognise the value of the Gippsland Lakes and the role of riverine inflows in sustaining their environmental, cultural, tourism and economic values for future generations.

Against the backdrop of pressures including climate change, it is vital that dedicated funding for environmental management of the Gippsland Lakes continues beyond the current allocation managed by the East Gippsland Catchment Management Authority. East Gippsland’s recreation and visitor economies rely on the health of the Gippsland Lakes. Ongoing State Government investment is needed to protect and enhance these values, estimated to require $20M over the next four years.

We remain committed to collaborative planning, sustained investment and our responsibilities in water resource management.

Should you have any questions about this submission, please contact Stuart McConnell by email at StuartM@egipps.vic.gov.au or by phone on 5153 9500.

Kind regards,

STUART MCCONNEL
GENERAL MANAGER ASSETS AND ENVIRONMENT

5.2 Projects and Planning

5.2.1 Planning and Development - Council Policies for Review

Authorised by General Manager Projects and Planning

Purpose

The purpose of this report is to seek adoption of the following revised policy documents to support good land use planning practices. The policies reviewed are the:

- Planning Delegations Policy;
- Development Plan Policy; and
- Planning Compliance Policy.

Recommendation

That Council:

1. ***adopts the Planning Delegation Policy as provided at Attachment 1;***

2. ***adopts the Development Plan Policy as provided at Attachment 2;***

3. ***adopts the Development Compliance Policy as provided at Attachment 3; and***

4. ***authorises the Chief Executive Officer or Delegate to amend the adopted Policies without formal Council consideration, if the amendments required are of a minor administrative nature.***

Key Points

The current **Planning Delegations Policy** was adopted in 2023 and is due for review. The purpose of the Planning Delegations Policy is to establish a framework for delegating authority on Planning application matters in a manner that facilitates efficiency and effectiveness and ensures the accountability of decision making. Proposed changes to the 2023 version of the policy are described as follows.

Based on feedback from Councillors, staff and participants, there is a view that Planning Consultation Meetings (PCMs) feel overly formal and do not facilitate any meaningful changes or negotiated outcomes for planning permit applications. While it does give the applicant and/or objectors 5 minutes to speak in front of Councillors and senior staff, we are increasingly finding that participants are not satisfied and are seeking additional meetings and site inspections post PCM. We are also seeing a decrease in attendance and sometimes, no attendees at all.

Furthermore, PCMs remove the right for objectors and/or applicants to address Council at a formal Council Meeting on the same matter. However, in practice, applicants and/or objectors are still wanting to exercise their right to address Council again.

Therefore, it has been concluded that PCM's add a layer of bureaucracy that is resource heavy and not leading to better planning decisions. The revised policy does propose to remove PCMs however at the same time proposes to:

- Ensure that <u>any</u> application with 10 or more objections must come before Council at a formal Council Meeting for a decision.

- Reinstate the right for applicants and/or objectors to address Council at a future Council Meeting.

- Ensure that Planning staff reasonably facilitate meetings and/or site inspections where requested.

It is noted that the number of objections threshold of 10 is not proposed to be changed. The threshold of 10 objections is considered reasonable and provides for streamlined and efficient decision making. Reducing the objections threshold would significantly increase the number of matters brought before Council and would cause delays to planning permit decisions.

Furthermore, the current threshold is at the lower end of what other Gippsland Council's have in their delegations. Wellington and Latrobe have full delegation which means that a delegated decision is made regardless of how many objections are received. By comparison, Bass Coast have their threshold set at 15 objections.

The draft Planning Delegation Policy 2026 is provided at **Attachment 1.**

The current **Development Plan Policy** was adopted in 2023 and is due for review. The purpose of the Development Plan Policy is to ensure applicants are clear about the requirements and process associated with the consideration of development plans, particularly relating to community consultation, and the processing and assessment of development plan requests. Proposed changes are described as follows:

- Revision to align with supporting the Council Plan 2025-2029 and Community Engagement Policy (2026).

- Inclusion of fees that may be charged in accordance with our adopted Fees and Charges.

- Clarity around when and how we engage on new and amended development plans.

- Reference to supporting documents updated to latest versions.

The draft Development Plan Policy 2026 is provided at **Attachment 2.**

The **Planning Compliance Policy** has not been reviewed since 2017. The purpose of the Planning Compliance Policy is to outline Council's approach to enforcement of the *Planning and Environment Act 1987* and the East Gippsland Planning Scheme. Proposed changes are described as follows:

- Change to title of policy to align with responsible officer role.

- Alignment with current Council approved policy formatting and framework.

- Outlining fundamental detail on the Planning Compliance function and its purpose.

- Inclusion of overall objectives of Planning Compliance.

- Inclusion of general compliance principles, priorities, and general decision-making factors.

- Inclusion of key detail regarding enforcement options, timeframes, and responsible roles.

NOTE: This policy has been completely rewritten and updated to the new format.

The draft Development Compliance Policy 2026 is provided at **Attachment 3.**

Strategic Alignment

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

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

Theme 4: Managing Council well
Outcome – Council operates transparently and effectively with public trust
Outcome – Decision-making is streamlined, efficient, and responsive to community needs

Consultation/Community Engagement/Impacts

Many of the proposed changes are administrative in nature. More substantial proposed changes have been made as a result of direct feedback from internal and external stakeholders.

It is also noted that discussions were held with the other Gippsland Councils in relation to their planning and development policies and processes. Overall, those Councils have removed additional processes such as PCM's and reviewed their delegations to try to strike a balance between efficient decision making and effective community engagement. While the amended polices have been drafted for East Gippsland context, we have also tried to achieve consistency and best practice where possible.

Opportunities and Risks

The proposed policy amendments present an opportunity to ensure that our policies are up to date and reflect contemporary practice in planning and planning compliance.

The proposed policy amendments do propose some changes which will change how we approach planning applications and while these changes will make significant improvements, there is some risk associated with changes in process and a general acceptance of those changes.

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:

Legislation

Local Government Act 2020 (including ss. 8-9)
Planning and Environment Act 1987 (including ss. 4, 6, 12, 12B, 60)

Category

Land Use Planning: Consideration is given to climate change in the local land use planning and includes responses to direct and indirect impacts.

Conflicts of Interest

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

Attachments

1. DRAFT Planning Delegations Policy 2026 [**5.2.1.1** - 12 pages]
2. DRAFT Development Plan Policy 2026 [**5.2.1.2** - 9 pages]
3. DRAFT Development Compliance Policy 2026 [**5.2.1.3** - 13 pages]

EAST GIPPSLAND
SHIRE COUNCIL

Planning Delegations Policy

Table of Contents

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 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 from time to time as required of any planning permit application under assessment that has received 10 or more objections.

Councillors will also be advised of any application where it is proposed to refuse the application.

Planning Unit Officers will 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 until a determination is made by a Delegate. After seven (7) days of the receipt of a notification of a Delegate's Intent to Determine a Planning Permit application, the Delegate will make such determination, 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.

In either case above, the Councillor requesting the call-up or the CEO, as the case may be, shall 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:

- 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.
- The planning permit application will have a significant impact beyond the immediate locality, including an impact across municipal boundaries.
- The planning permit application raises an issue that is not adequately provided for under existing Local Planning Policy.

- The planning permit application raises significant issues of public interest.
- 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 refer to Council any planning permit application without prior decision by the Delegate when:

- 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 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 will 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	DRAFT	Council	General review of policy to make administrative updates Removal of duplicated information Delete PCMs

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.

EAST GIPPSLAND
SHIRE COUNCIL

Development Plan Consultation Policy

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1. Purpose

The purpose of this Policy is to:

- support the Council Plan 2025-2029 and Council's Community Engagement Policy; and
- ensure that the public consultation and stakeholder engagement processes associated with development plans are consistent and transparent.

2. Scope

This Policy applies to private individuals or groups, referred to as applicant/s, or proponents, who lodge a development plan with Council in accordance with the Development Plan Overlay (DPO) contained within the East Gippsland Planning Scheme.

3. Context

The DPO is a statewide planning control that is exempt from public notice and consultation requirements. However, in accordance with Council's Community Engagement Policy, Council undertakes community consultation on development plans as outlined within this Policy.

4. Statement

4.1 What is the Development Plan Overlay?

The DPO is a planning tool used to identify areas which require the form and conditions future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

4.2 What is the Function of the Development Plan Overlay?

The DPO establishes the vision and land-use strategy for a site and provides statutory certainty regarding future use and development. It prescribes,
the required content of development plans, removes notice and third-party review rights for planning applications that comply with an approved plan, and ensures that any
permits issued are consistent with that plan.

- The DPO also requires consideration of the site's attributes, character, context and its relationship with surrounding land when preparing and assessing a development plan.

4.3 Council Consideration of Development Plans

An applicant must lodge a development plan with Council for approval. Given that development plans can be quite complex and cover a wide range of issues and disciplines, Council Officers **may**:

- Refuse the lodgement of a development plan due to lack of information.
- Request further information from the applicant throughout the assessment process.
- Require payment of fees prior to assessment advice being provided.

Council Officers will:

- Refer development plans internally and to external referral authorities for specialist comment and advice.
- Undertake a public consultation process (as outlined).

- Bring the matter before Council for the final recommendation to refuse or approve the development plan (with or without conditions)
- Subject to obtaining Council approval, endorse the plans and retain a copy of the endorsed plans for public access.

The assessment and decision-making process may take in excess of 12 months due to the complexity and level of detail required for some development plans.

4.4 Public consultation

Council's Community Engagement Policy outlines how we engage and the objectives for community engagement.

Council is committed to informing and consulting with the community during the Development Plan assessment stage given the absence of review rights during the planning permit process.

In consideration of the abovementioned notice requirement exemptions, Council has committed to a public notice period of a minimum of 21 days. As part of this consultation process, the public are invited to provide feedback. Any feedback received is then considered by Council at a formal Council meeting before a decision on the Development Plan is made.

Public consultation processes may vary depending on the location and nature of the Development Plan but, at a minimum, will include:

- notification to the public via notices in the local media;
- information on Council's website; and
- written notification to immediately adjoining landowners.

4.5 Amendment to approved development plans

Council accepts that amendments may need to be made to approved development plans over time. Upon lodgement of any amended documentation, Council Officers will determine whether the amendment constitutes a minor or major modification and undertake an internal approval process in accordance with this Policy.

Requests for amendments to an approved development plan may require a community consultation process (subject to consideration of changes), and this will be determined by Council Officers and communicated to the applicant.

Depending on the amendments proposed, the matter may need to be taken before Council for a decision. Where a Council decision is not required, a decision on the amended development plan can be delegated to the General Manager Place and Community.

In the event that Council Officers determine that the proposed modifications significantly alter the intent, purpose or outcome of the approved development plan, Council reserves the right to request a new development plan and recommence the process in accordance with this Policy.

4.6 Lodgement fees for a Development Plan

Fees will be charged for new or amended development plans as per the Schedule of Fees and Charges in Council's Annual Budget.

Please contact Council Officers for more information.

5. Roles and Responsibilities

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

Position	Roles and Responsibilities
General Manager Place and Community **General Manager Projects and Planning**	To ensure community awareness of this Policy, oversee the implementation and monitoring of staff compliance.
Manager Planning and Development	To ensure community awareness of and staff adherence to this Policy.
Planning Unit Staff	Complying with the requirements of this Policy.

6. Definitions

Term	Meaning
Action Officer	Member of East Gippsland Shire Council staff responsible for answering or responding to a request for information.
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.
Contractor	Person or company engaged to undertake works for Council, including service providers / service partners.
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.
Applicant	An individual or group who lodge a development plan with Council for assessment and/or approval.
Development	Development includes the construction, alteration or demolition of a building or works and the subdivision and consolidation of land.
Minor amendment	An amendment that is generally in accordance with the intent, purpose and outcomes of the approved development plan.
Major amendment	An amendment that materially transforms the intent, purpose and outcomes of the approved development plan.
Overlay	The planning scheme map may show that a piece of land has an overlay as well as a zone affecting it. Not all land has an overlay. Some land may be affected by more than one overlay. If an overlay applies, the land will have some special feature such as a heritage building, significant vegetation or flood risk.

Term	Meaning
Planning Permit	A planning permit is a legal document that allows a certain use or development to proceed on a specified parcel of land. The benefit of the permit generally attaches to the land for which it has been granted although a permit is sometimes made specific to a nominated owner or operator. A permit is always subject to a time limit and will expire under specified circumstances. The responsible authority will impose conditions when granting a permit and endorsed plans will also usually form part of the permit. The proposal must satisfy all of the conditions on a planning permit.
Planning Scheme Amendment (PSA)	The Minister for Planning may prepare amendments to any provision of a planning scheme (section 8). The Minister may also authorise the preparation of an amendment by another Minister (section 9), a public authority (section 9), and a municipal council (sections 8A and 8B).
Public notice	In some instances, in considering a planning permit application, the responsible authority will give notice or require notice to be given to adjoining owners and occupiers, unless it concludes that material detriment will not be caused to any person, or the planning scheme specifically provides for an exemption from the notice requirements. There are several standard procedures for giving notice of an application. The requirements for giving notice of an application are set out in section 52(1) of the *Planning and Environment Act 1987*. A planning scheme can also specify particular requirements for giving notice.
The Act	*Planning and Environment Act 1987*
Use	Use of land refers to using land for a particular purpose (such as dwelling or shop) and may not involve building anything.

7. 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.

8. 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).

9. 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	

10. References and Supporting Documents

10.1 Applicable Legislation:

- *Planning and Environment Act 1987*
- *Planning and Environment (Fees) Regulations 2016*
- *Local Government Act 2020*

10.2 Applicable Policy and Procedure:

- Community Engagement Policy
- Development Plan Procedure

10.3 Supporting Documents:

- PPN23: Using the Incorporated Plan and Development Plan (DELWP, September 2022)
- East Gippsland Shire Council Plan 2021 - 2025
- Annual Actions Plans

11. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1	9 May 2017	Council	New Policy
2	21 March 2023	Council	Policy updated to new Policy Template New input to the Scope and Policy Context Minor revision to all content
3		Council	Policy updated to new Policy Template New input to the Scope and Policy Context Minor revision to all content

11.1 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.

11.2 Document Control Disclaimer

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Development Compliance Policy

Table of Contents

1. Purpose

This policy outlines East Gippsland Shire Council's (Council's) approach to enforcement of the *Planning and Environment Act 1987* (the Act) and the East Gippsland Planning Scheme (Planning Scheme).

2. Scope

This policy applies to all authorised officers of Council under the *Planning and Environment Act* 1987 as it relates to the East Gippsland Planning Scheme.

3. Context

This policy is to ratify Council's planning enforcement decision making. It sets out the principles, criteria and measures that Council will use to enforce provisions of the Act and the Planning Scheme.

The Scheme and Act regulate land uses and developments across the municipality. These activities are controlled by the provisions in the Planning Scheme, the statutory planning process including the imposition of conditions on permits, and Victorian Civil and Administrative Tribunal (VCAT) enforcement orders.

Section 14 (a) of the Act places an obligation on Council to efficiently administer and enforce the Planning Scheme. On occasion, landowners, occupiers or people using the land fail to obtain appropriate planning approvals or fail to abide by the conditions of planning permits or provisions of the Planning Scheme. Compliance is mandatory and when breaches do occur, compliance and enforcement action must be taken.

4. Statement

4.1 Principles of Council Planning Enforcement

The aim of all enforcement action is to achieve compliance. The method by which compliance is achieved will be by one or a combination of the following:

- Compliance Advice via verbal or written notice
- Official Warning Notice
- Planning infringement notices (PIN)
- Prosecution heard in the Magistrates Court of Victoria
- Enforcement orders obtained from VCAT
- Section 173 agreements
- Injunctions granted in the Supreme Court of Victoria

4.2 Compliance Principles

4.2.1 Proportionality

A proportionate response means that enforcement will be scaled to the seriousness of the Planning Scheme breach.

Council recognises that most individuals want to comply with the law and will assist compliance by being open and helpful. It can be appropriate for an officer to offer informal advice and provide a chance to discuss compliance problems.

Attention will be focused on those whose activities give rise to the most serious risks, or where potential hazards are least well controlled. Depending on the seriousness and persistence of the breach, Council will minimise the costs to the person infringing the law by enforcing the minimum action necessary to secure future compliance.

Prosecution will generally be used as a last resort, or for serious or blatant offences. Prosecutions may be necessary when a problem or hazard is serious, or prevalent in the community, and prosecution will tend to deter people from breaching the law.

4.2.2 Consistency

Council will take a similar approach in similar cases to achieve similar outcomes. While decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances, officers will:

Follow procedures and standard operating procedures wherever possible;
- Ensure fair, equitable and non-discriminatory treatment; and
- Record any deviation from standard operating procedures and their reasons.

4.2.3 Transparency

Council will be open and transparent about the manner in which it undertakes enforcement activities and the laws it enforces. Council officers will be clear and open about what is expected from those on whom the law places a duty (duty holders).

In educating the community at large and dealing with duty holders, Council will make a clear distinction between what is legally required and what is desirable but not compulsory. Staff will be open to discussing potential and actual breaches, before, during and after enforcement decisions have been taken.

When remedial action is needed, officers will explain clearly and in plain language why the action is necessary. Where practicable, officers will give notice of intent to commence formal action. Officers will identify what action is required to achieve compliance and the timeframe for undertaking that action. Where they exist, advice will be provided on statutory review rights and the process for seeking a review of (or appeal against) that decision.

Where it is not practical to give notice, Officers will record why this is so.

Complainants may be advised of what action has been taken and why that action has been taken, however this is on a case by case basis and typically reserved for more significant cases.

Private or confidential information received by Council during the course of investigations will be handled and protected according to Privacy and Data Protection Act 2014. In particular, complainants may be informed of rudimentary updates, however not provided with detailed information. Council officers may be unable to disclose personal information regarding the duty holder, or aspects of their personal circumstances that may have influenced Council's enforcement decision.

Council recognises that there is sometimes a public interest in enforcement action, and that publicising enforcement action plays an important role in helping the community and duty holders to understand the role of Council, and the purpose and consequences of breaches of the law. However, in providing information to media outlets, Council will also consider:

- Whether the release of information will jeopardise or hinder other enforcement activities, and
- Whether Council has incomplete information, or is still investigating a report (for example, when the investigation may be ongoing), and
- Whether Council is aware of circumstances particular to the complainant, duty holder or others involved that mean partial disclosure of information will mislead or give a distorted picture of the facts.

In these circumstances, it will often be appropriate for Council to make no public comment.

4.3 Ethics

Council's planning and compliance officers will conduct themselves in accordance with the Council's Employee Code of Conduct. Enforcement and compliance activities will be conducted lawfully, respectfully, diligently, honestly, consistently, ethically and in line with natural justice principles.

Council will act as the model litigant and will secure compliance by pursuing enforcement actions to their logical and proper conclusions.

4.4 Compliance Priorities

In all instances Council will attempt to lead all parties to a compliant resolution before taking formal Enforcement action. Where an offence warrants a PIN and an enforcement order at VCAT, the PIN will be issued first.

Where an incident warrants prosecution in the Magistrates Court and a VCAT enforcement order, Council will usually commence the Magistrate Court action first.

4.5 Combined matters

Where a breach of more than one law occurs, for example a Planning Offence, Local law Offence and a Building offence where Council decides to pursue all breaches in a Court then Council will combine those actions into one Court hearing and generally one person will be nominated as the informant to the Court. This will allow the accused party to answer all charges at the same time.

4.6 Publicity

The use of social media plays an important tool in achieving compliance as it operates as a deterrent to non-compliance. Where Council deems it necessary for the benefit for the wider community, Council will publish the outcomes of enforcement and compliance activities either generally or as a report to specific professional associations and on its corporate website where such publication is deemed beneficial.

At no time should any such publication occur if it is considered it may be harmful to a defendant and will not occur until after all matters have been lawfully heard before a Court or Tribunal of competent jurisdiction. The Chief Executive Officer is authorised to make the decision to publicise.

4.7 Costs

Council will seek the appropriate orders to recover its full costs in undertaking compliance or enforcement actions.

4.8 Enforcement Factors

In determining the course of action to be taken, Council will take into consideration the following factors:

- The obligation to achieve compliance with the provisions of the Planning Scheme as reflected in the Planning and Environment Act 1987.

Cost effectiveness:

- The community benefit generated by Council taking action when comparing costs of possible ongoing or increasing non compliances.

Choosing the most appropriate enforcement path:

- Council will determine the most effective action applicable to the incident. The remedy may reside with other areas of Council such as, Local Laws, Building, Environmental Health or external bodies such as Victoria Police, Environment Protection Authority (EPA) or VicRoads. Council will actively cooperate with those other investigation enforcement agencies.

Sufficient evidence to support a breach:

- Before considering whether Council will commit to undertaking a full investigation it will first establish if there is, on the information available, likely sufficient evidence to support a breach by way of a preliminary investigation.
- If there is sufficient evidence then council may continue with the investigation, if there is not then the matter may be pended or closed until further additional information, if any, comes forward and then matter maybe re-opened.

Seriousness of the incident:

- The extent of the alleged breach will be considered in terms of damage to the environment level of amenity impact, such as to, neighbours, locality, municipality, State-wide or National.

Prevalence:

- Taking into account whether the breach can occur elsewhere in the municipality. If the frequency of similar incidents is not decreasing, the level of compliance/enforcement actions may be increased.

Deterrence:

- Consider whether the taking of action will likely decrease the frequency or severity of similar breaches by that person or business or others across the municipality.

Intention:
- Take into account whether the breach was accidental, negligent, deliberate, wilful or unavoidable.

Foreseeability of the breach:
- The contribution of any management system to the breach. The person's or business's experience, qualifications or registrations in a related or similar area.

Previous history:
- Previous conduct of the person or business in other non-compliances with any other areas of Council or with other councils.

History of previous actions for similar breaches:
- The previous actions taken for similar incidents will be reviewed prior to determining the appropriate action for the current issue. If the frequency or severity of incidents is not decreasing, the level of compliance/enforcement actions may be increased.

Level of Council or community concern:
- Consideration will be given to the detrimental or positive impact on Council's reputation by the taking or not taking of action.

Incorporated body or natural person:
- Whether the breach was caused by an incorporated body or a natural person. Company Directors may have actions taken against them where it is likely they could have prevented the breach. Council will actively explore the availability of any statutory due diligence defences.

Deeming provisions:
- The owner of a property is deemed to have committed all offences that have occurred on their property. Section 126 of the Act deems the owner responsible for all breaches that occur on the property. Council may choose not to rely on this deeming provision and institute legal proceedings against another or alternative party if appropriate to do so. Council may take action against all parties that are found to have contributed to the breach occurring.

Level of cooperation:
- The level of cooperation and rectification actions taken will be considered. If cooperation is not given the level of enforcement action may be increased to the next level. The making of a retrospective planning application seeking to remedy the breach is not considered as cooperation, i.e. was cooperation provided at the first instance, was the breach self-reported, were rectification works undertaken without direction or was a planning amendment sought.

Other aggravating or mitigating circumstances:
- Dependent on the prevailing circumstances these will be assessed on a case-by-case basis.

4.9 Objectives of Planning Compliance

This policy aims to outline the preferred methodology in directing matters towards compliant outcomes rather than prosecution.

- Ensure that the level of enforcement action undertaken is proportionate to the nature and seriousness of the offence.
- Ensure that Development Compliance Officers (DCO) exercise their discretion in relation to breaches in an appropriate manner and that Council's resources deal with breaches appropriately and in a manner consistent with the public interest.
- Promote the positive role of Council in reaching successful outcomes on non-compliance/s associated with breaches of its legislative framework, including through proactive enforcement programs;
- Ensure an effective complaint handling system that reflects the needs, expectation and rights of complainants, community and authorised officers.

Planning compliance aims to:

- Rectify non-compliances that have an impact on the community.
- Educate the community by informing respondents of non-compliances and proactively auditing strategically selected planning permits.
- Reduce risk to Council, community and environment as a result of any breach.
- Increase the publics' confidence in Council.

The enforcement of breaches outlined above includes discretion in how the DCO exercises their functions. This discretion includes how we prioritise and allocate our resources, how enforcement decisions are made and what actions are taken.

4.10 Enforcement Options

Council has a number of tools available to resolve breaches. Initially, minor breaches will be resolved informally, and more significant matters may result in more significant actions such as formal written warnings, PIN's or prosecution in the Magistrates Court or an interim enforcement order through VCAT.

4.10.1 No Action

No action will be taken when, after investigation, no breaches are identified. It may also be appropriate to take no action when:

- The complaint is vexatious or the breach is trivial in nature,
- The alleged offence is outside Council's jurisdiction,
- The alleged offence is outside Council's area of authority,
- Taking action may prejudice other investigations or Council activities, or,
- Upon assessment, any enforcement action is otherwise not in the public interest.

4.10.2 Informal Action

Informal action to achieve compliance with laws that may include:

- Offering verbal advice,
- Referral of matter to appropriate agency,
- Informal written advice.

Advice from officers will be given clearly and simply and (where appropriate) will be confirmed in writing.

The circumstances in which informal action may be appropriate include:
- Where the act, offence or omission is not serious enough to warrant formal action,
- Where the duty holder's past history reasonably suggests that informal action will secure compliance,
- Where confidence in the duty holder is high,
- Where the consequences of non-compliance will not pose a significant risk; or
- Where informal action may prove more effective than a formal approach.

Where formal action is not possible, but it would be beneficial in a wider public safety context to urge a particular outcome, such action will be taken by a senior officer of Council and the reasons for this will be recorded by the relevant staff member. The recipient will be made aware that the requested actions are not legally enforceable.

4.10.3 Mediation

In some circumstances, it may be appropriate for Council to facilitate mediation between affected parties. Mediation may be appropriate where, after investigation, an officer determines that the problems being complained of are incapable of resolution through other formal or informal means.

The use of mediation services may also be appropriate where an aggrieved individual has no wish to pursue action to resolve a complaint by legal means. Circumstances that may be suitable for mediation may include where complaints relate to minor losses of amenity by the conduct of one person towards another.

Mediation will not be suitable:
- Where any participant is concerned for their personal safety because of the conduct of another participant, or
- Where either party is not willing to participate in mediation, or
- Where non-compliance exposes a person or property to unacceptable risk of injury or harm, or
- Where the non-compliance is not of a minor nature.

4.10.4 Formal Action

Service of Orders and Directions

Sometimes, legislation will specify the procedures that Councils must follow, in order to:
- Advise of the intention to issue an Order,
- Invite submissions with respect to the matter,
- Order a duty holder to do or refrain from doing a thing under specified circumstances; and/or
- Issue directions specifying how the Order may be complied with.

Council Officers will use their experience, professional judgement and discretion to assess the variables relating to each matter under consideration, including the reasonableness of the actions required by an Order/direction and the timeframe to comply.

Only in circumstances such as a threat to life or immediate threat to public health or safety will an Order be made without giving notice of intention. In these circumstances, immediate compliance to resolve a situation may be required.

In most cases the person or business receiving the Order has a right of review or appeal (usually to a court, tribunal other statutory body) if the Order is considered unreasonable. If an Order is served for which a review is possible, Council will advise the recipient in writing of the right to review at the time of serving the Order.

Where there is evidence that an offence has been committed, Council may issue a PIN or commence a prosecution in addition to serving an Order. This will only be done where it is determined that the circumstances justify taking both steps.

4.10.5 Enforcement response timeline

Milestone	Target timeframes
Initial response	Respond to customer and review report within 2 days
Open case file	Within 7 days where required
Commence investigation	Within 14 days where appropriate

5. Roles and Responsibilities

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

Position	Roles and Responsibilities
General Manager Planning and Projects **General Manager Place and Community**	To ensure community awareness of this Policy and oversee its implementation.
Manager Planning and Development	Oversees delivery of compliance outcomes
Statutory Planning Coordinator	Provides subject matter expertise on statutory planning, environmental planning and general planning principles
Development Compliance Officer	Undertake compliance investigations in accordance with this policy and related procedures

6. Definitions and abbreviations

Term	Meaning
Action Officer	Member of East Gippsland Shire Council staff responsible for answering or responding to a request for information.

Term	Meaning
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.
Contractor	Person or company engaged to undertake works for Council, including service providers / service partners.
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.
DCO	Development Compliance Officer
EPA	Environment Protection Authority
PIN	Penalty Infringement Notice
Responsible Officer	The staff member of East Gippsland Shire Council who has responsibility for the general area/subject matter to which a record pertains.
Section 173	An agreement pursuant to Section 173 of The Act
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.
VCAT	Victorian Civil and Administrative Tribunal

7. 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.

8. 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).

9. 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	

10. References and Supporting Documents

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

Related Legislation

- Planning and Environment Act 1987
- East Gippsland Planning Scheme
- Infringements Act 2006
- Local Government Act 1989
- Privacy and Data Protection Act 2014
- Victorian Civil and Administrative Tribunal Act 1998

Related Guidelines, Operational Directives or Policies

- Victorian Auditor General's report on Enforcement of Planning Permits

Related Procedures

- East Gippsland Shire Code of Conduct
- East Gippsland Shire Development Compliant Procedure - 2026

11. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1	7 May 2013	Council	
2	6 June 2017	Council	
3	2026	Draft	Policy name change to align with role Update to template Major review and update

11.1 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.

11.2 Document Control Disclaimer

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5.3 Place and Community

5.3.1 Agriculture Sector Advisory Committee (ASAC) – Minutes of Meeting 21 May 2026

Authorised by Executive Manager Place and Community

Purpose

This report provides Council the minutes for the Agricultural Sector Advisory Committee (Committee) meeting held Thursday 21 May 2026, provided at **Attachment 1** for noting.

Recommendation

That Council receives and notes the Unconfirmed Minutes from the Agricultural Sector Advisory Committee meeting held on 21 May 2026.

Key Points

The Committee provides advice, guidance, and recommendations to Council on matters that affect the agriculture sector in East Gippsland and its communities.

The roles and responsibilities of the Committee are set out in its Charter Version 4 (2026).

Key agenda items for discussion at the 21 May 2026 meeting included a detailed discussion on Council’s pest animal advocacy work, with a presentation from DEECA and Agriculture Victoria representatives. Strong feedback from members highlighted increasing impacts of pest animals, the need for a more coordinated cross-tenure approach, and support for more proactive management measures. Council also discussed the development of a position paper on timber plantations, seeking feedback on economic implications, and community concerns regarding land use change.

Broader agricultural matters included discussions on rising fuel costs and their impact on farm productivity, as well as updates on a proposed Game Meat Hub Pilot linked to the Nowa Nowa Futures Project, which was generally seen as a potential opportunity for industry diversification and regional job creation. Agriculture Victoria provided a brief update on Avian Influenza (Bird Flu), noting current monitoring activity, and members identified emerging opportunities for increased horticulture production in the Tambo Valley.

Council also provided an update on the East Gippsland Livestock Exchange operating model review, confirming continued support for the current council-managed approach, with a focus on operational improvements rather than structural change.

The following advice for Council was minuted:

- Facilitate coordination on pest management by connecting agencies and landholders, and promoting reporting of pest animal incidents.

- Support ongoing stakeholder engagement by sharing agency contacts and enabling continued collaboration and feedback loops.

- Work with DEECA to establish a place-based forum focused on practical pest animal control strategies and coordinated approaches.

- Progress the plantation position paper by engaging stakeholders and gathering input to ensure a balanced and informed Council position.

- Assess economic impacts of land use change, particularly the shift from agriculture to plantations, through broader economic analysis.

- Gather industry evidence on fuel impacts to strengthen Council advocacy on rising production costs.

- Monitor and support emerging industry initiatives, including seeking updates and engagement on the Game Meat Hub pilot project.

- Share key reports with stakeholders, including the East Gippsland Livestock Exchange review outcomes.

Strategic Alignment

This report is consistent with Council's Advocacy Policy, Community Engagement Policy, and Representation Policy.

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

Theme 1: Community wellbeing and social responsibility
Outcome – A connected and inclusive community, where no one is left behind
Outcome – A stronger collaborative community that is actively engaged and supported

Theme 2: Prosperity
Outcome – Thriving, self-sufficient communities with strong local businesses and social enterprises.

Consultation/Community Engagement/Impacts

The Committee is a Council Consultative Committee who raise matters for consideration to council.

Opportunities and Risks

There are no economic implications stemming from this report. However, the agricultural sector is noted as a significant contributor to the East Gippsland economy.

Conflicts of Interest

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

Attachments

1. ASAC Unconfirmed Minutes 21 May 2026 [**5.3.1.1** - 5 pages]

East Gippsland Shire Council
Agriculture Sector Advisory Committee
Unconfirmed Minutes

For meeting held on
Thursday 21 May 2026
8.00am to 10.00am
Council Chambers 273 Main Street Bairnsdale

1. Procedural

Attendees: Alister Micallef, Brodie Anderson (FFG – Proxy), Dianne Phillips (AgVic), Jo Trevaskis, Leecia Angus (GAgG), Rob Lightfoot, Rohan Reynolds, Skye Royle (EGCMA - Proxy), Ty Mason, Mayor Cr. Jodie Ashworth, Cr. John White, Fiona Weigall, Chris Stephenson, Kaylene Wickham and Prue McTaggart.

Online: Edward Mauger, Kate Commins

Chair: Mayor Cr. Jodie Ashworth

Minute taker: Andie Abraham (EGSC)

Item 1.1 **Acknowledgement of Country and welcome**

Item 1.2 **Apologies**
Apologies were noted from Cr Barry Davis, Bec Hemming (EGCMA) and Simon Johnson (FFG).

Item 1.3 **Confirmation of previous minutes**
Moved: Ty Mason
Seconded: Cr John White

Item 1.4 **Declaration of conflict of interest**
No conflicts of interest declared.

Item 1.5 **Actions from previous minutes – Thursday 26 February 2026**

- Council has engaged with EGCMA and Wellington Shire regarding participation in a review of the Looking Ahead Drought Preparedness paper. EGCMA and Wellington Shire indicated willingness to participate, matter referred internally for Council to scope the process and undertake a survey to assess previous outcomes as a first step. Will add to next agenda.
- Rural Land Use Strategy workshop for Councillors is being rescheduled. Will add to next agenda.
- Pest Animal Management paper and East Gippsland Livestock Exchange update are being addressed as item 4.1.
- Weed management, silage wrap and pellet recycling information provided in meeting papers.
- Travel allowance claim forms have been distributed to members.

2. Discussion

Item 2.1 **Pest animal advocacy**
Prue McTaggart, Manager Economic Development

DEECA representatives: Eve Graham, Lucas Bluff and Roellen Gillmore
Agriculture Victoria representative: Jason Wishart and Kristy Hodge

Council's pest animal advocacy paper has generated strong interest and engagement across stakeholders, including agencies and industry. There is a clear and consistent message that pest animals are a growing issue, with increasing impacts on landholders, agriculture and the broader community. There is a strong appetite for a more coordinated, cross-tenure approach to pest animal management.

DEECA and AgVic outlined current programs, noting:

- Significant programs are underway across pig, deer, fox and dingo/wild dog management
- Programs are focused on protecting ecological values and threatened species, and managing predation and productivity impacts at the interface with private land.
- Predation Programs are largely reactive (responding to incidents), with limited resources
- Community-led and coordinated approaches are critical to improving outcomes.

Landholders expressed concern about increasing pest populations and identified deficiencies in existing management frameworks. There was strong support for proactive intervention, particularly the reinstatement of aerial baiting. Key issues included cost pressures, limited resourcing, and a reliance on reactive approaches. Participants emphasised the importance of improved coordination across agencies and land tenures, strengthened landholder engagement, and a transition to more preventative management strategies.

ACTIONS:

Council to continue facilitating connections between agencies and landholders including promoting reporting of incidents and sightings of feral animals.

Council to circulate contact details of attending representatives of DEECA and Ag Vic to enable continued feedback and engagement.

Council in partnership with DEECA to explore a dedicated, place based and solutions focused forum to work through practical strategies, control approaches and collaboration opportunities.

Item 2.2 **Position paper on plantations**

Lester Wharfe, Environmental Planning Officer

A draft position paper on timber plantations/production is being developed by Council to clarify how plantations are treated in the planning scheme and outline drivers, opportunities, and concerns.

Planning context:

- Timber plantations are an agriculture land use as defined under the Planning Scheme.
- In East Gippsland, plantations over 100 hectares require a permit, but smaller developments can proceed via plantation notification.
- Proponents of larger proposals are able to apply to have applications assessed directly by the Planning Minister, limiting Council's decision-making role when that option is accessed.

Plantations are regulated through the Code of Practice for Timber Production, which covers environmental, operational and management considerations.

Discussion raised several concerns:

- Transition of agricultural land from grazing and livestock to plantations and the perceived impacts on local economies, including reduced local spending and employment.
- Pest animal and land management issues associated with large plantation areas
- Perceived lack of local control and buy-up of land due to state-level policy and incentive programs.

It was noted that plantation expansion is being driven by government support programs and targets, market demand for timber and fibre and the cessation of native forest logging.

Council acknowledged that its influence is limited within the current planning framework, with advocacy being a key lever.

ACTIONS:

Council to circulate officer contact details to enable follow-up discussions, input and feedback to inform the position paper and to ensure a balanced view is captured.

Council to consider the economic implications of changes in agricultural land use, including incorporation into broader economic analysis work

3. Agricultural Matters

Item 3.1 **Opportunity for members to raise other matters**

Members were encouraged to raise matters directly through the committee and respond to agenda item call-outs in advance of meetings.

Strengthening engagement with the industry

The committee was recognised as a valuable forum, with representation from key agencies (AgVic, CMA, Food & Fibre Gippsland and Council), providing an opportunity to elevate issues and influence advocacy. Emphasis placed on the need to strengthen engagement ensuring issues are identified and addressed early.

Fuel impacts on agricultural production and productivity

Initial discussion commenced on fuel impacts on agricultural production and productivity, noting increasing cost pressures across the sector and potential impacts on farm viability and operations.

ACTIONS:

Members to provide insights and examples on fuel impacts within their businesses and networks to support Council's advocacy efforts.

Item 3.2 **Game meat hub pilot**

Jo Trevaskis

Update provided on a proposed Game Meat Hub Pilot linked to the Nowa Nowa Futures Project, exploring opportunities for a regional wild game processing industry.

Funding is currently being sought through the Forestry Transition Community Development Fund Stream 2 for a pilot focused on establishing a small-scale (micro) processing and value-adding facility, supported by recent regulatory changes allowing on-farm or smaller abattoir models.

The initiative aims to:

- Utilise wild game (primarily deer) as a commercial resource
- Support local jobs and industry diversification, particularly in the context of forestry transition

- Improve animal welfare and reduce transport distances
- Contribute to lower carbon food production systems

It was noted that the current funding application relates to a value-adding facility, with carcasses to be processed after slaughter.

The concept relies on licensed/professional shooters and regulated supply chains, with further detail being developed through a project working group.

Early-stage analysis indicates the model has potential commercial viability, subject to supply chain development and regulatory considerations.

Members raised questions regarding:

- Source and traceability of meat supply
- Regulatory and licensing requirements
- Connection between the pilot and broader pest animal management outcomes.

ACTIONS:

Council to seek update on the Nowa Nowa pilot project as it progresses and invite a presentation from the project lead should funding be secured for the pilot.

Item 3.3 **Other matters**

Bird Flu

Ag Vic provided an update on the Bird Flu at the request of members, advising that this has been detected 4000 km from the Western Australian cost, land managers are working with DEECA monitoring movement at this time.

Vegetable Production in Tambo Valley

An emerging opportunity was raised regarding increased horticulture/vegetable production in the Tambo Valley, particularly utilising productive river flats. It was noted the region may have favourable climate and soil conditions, with potential for crops such as garlic and other vegetables.

Discussion highlighted the potential to:

- Diversify agricultural production in the region
- Support local economic development and industry growth
- Better utilise available land and water resources.

The opportunity aligns with broader conversations around forestry transition and identifying new industry pathways for the region. Potential for trials or feasibility work in partnership with Food and Fibre Gippsland and their VegNET Program.

4. Reports

Item 4.1 **Council updates**

East Gippsland Livestock Exchange
Tegan Vanderslik, Manager Council Enterprises

Update provided on the operating model review of the East Gippsland Livestock Exchange. Three models were assessed: subsidiary, hybrid, and current council-managed model.

While alternative models presented some benefits, these were outweighed by risks, particularly relating to cost and limited market capacity. The current council-managed model is performing well, with increased throughput and improved operational performance.

Feedback from the farming community supported:

- Retention of local ownership and control
- A stable, reliable and easy-to-use facility.

It was determined that operational improvements would deliver greater benefit than structural change at this stage.

Discussion noted:

- The importance of financial sustainability, including consideration of depreciation and capital investment
- Opportunity to explore technology improvements, including online sales platforms (e.g. AuctionsPlus)
- Recruitment of a new Livestock Exchange Manager is underway

ACTION:

Council to circulate East Gippsland Livestock Exchange report to members once finalised.

Item 4.2 **Circulated reports for noting by exception**

Reports from Agriculture Victoria, Food & Fibre Gippsland and East Gippsland Catchment Management Authority were circulated with the agenda.

No additional matters were raised, and reports were noted by exception.

5. Meeting Close

Item 5.1 **Meeting close**

Mayor Cr Jodie Ashworth thanked members for their attendance and contributions to the meeting.

Next meeting date is Thursday 13 August 2026. It is scheduled to be held at the Gippsland Agriculture Centre, followed by an optional field visit. The field visits aim to provide on-the-ground insights and may become an annual feature rotating across industries. Council will also explore arranging a session with the CEO of Agriculture Victoria, subject to availability.

The meeting was declared closed by Mayor Cr. Jodie Ashworth at 9.57am.

5.4 Business Excellence

5.4.1 CON2026 1797 Public Space Closed Circuit TV - Maintenance and Support- Panel of Providers

Authorised by Acting General Manager Business Excellence

Confidentiality Notice

The information contained in the **Confidential Attachment 1 Tender Evaluation Report for Contract No. CON2026 1797 Council Managed Closed-Circuit TV (CCTV) Network – Maintenance and Support** 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 includes detailed tender evaluation and pricing information, the disclosure of which would unreasonably expose the business to disadvantage.

Purpose

This report seeks Council approval to award contracts to the preferred tenderers, establishing a panel of providers, for Contract No. CON2026 1797 Council Managed Closed-Circuit TV (CCTV) Network - Maintenance and Support.

Recommendation

That Council:

1. ***establishes a panel of suppliers for CON2026 1797 Council Managed CCTV Network – Maintenance and Support;***
2. ***awards appointment to the panel for CON2026 1797 Council Managed CCTV Network – Maintenance and Support to the tenderers identified as the preferred tenderers in the Tender Evaluation Report provided at Confidential Attachment 1, for an initial term of three years, inclusive of annual Consumer Price Index (CPI) adjustments;***
3. ***authorises the Chief Executive Officer or delegate to exercise, for CON2026 1797 Council Managed CCTV Network – Maintenance and Support, the two contract extension options, each for a period of up to 36-months, inclusive of annual Consumer Price Index (CPI) adjustments, at Council's sole discretion;***
4. ***authorises the Chief Executive Officer or delegate to finalise the terms of and to execute the necessary contract documents;***
5. ***notes that engagement of suppliers from the panel will occur on an as-needed basis in accordance with Council's Procurement Policy provisions for panel arrangements;***
6. ***notes that the successful tenderers and contract details will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and***
7. ***resolves that Confidential Attachment 1 to this report and all discussion relating to it remain confidential.***

Key Points

The CCTV Panel of Providers is a non-mandatory panel arrangement being established for support maintenance of existing CCTV equipment at the 20 public spaces across Bairnsdale and Lakes Entrance, and any future sites identified through Councils' community safety program (on behalf of Victoria Police) as well as carrying out maintenance of existing corporate CCTV equipment at the 27 corporate locations across the Shire.

The supply of CCTV products is to be determined at the point of engagement, based on the combination of supply of material and installation that results in best value for Council for each specific application. Whilst there is an approved budget allocated via Council's Capital Works Program, quotations will be sought from the Panel of Providers (as required) to facilitate specific project and service requirements through Council's normal quotation and procurement process to ensure best value to community.

Council currently operates a network of CCTV cameras across key public locations to assist in improving community safety, protecting Council assets, supporting law enforcement investigations, and enhancing public confidence in shared community spaces.

The existing arrangement for CCTV products and services has reached the end of its term and Council undertook a public tender process to secure suitably pre-qualified providers capable of delivering CCTV infrastructure, installation, maintenance, monitoring support, upgrades and associated technical services.

The procurement for CCTV and surveillance services (including associated equipment, cabling, and signage) at different sites across East Gippsland Shire Council is for:

- supply;
- installation and commissioning; and
- preventative maintenance and reactive maintenance

The total estimated value of the panel is approximately $570,000 (excluding GST), funded through Council's approved capital program and supported by the existing Memorandum of Understanding with Victoria Police.

Officers have completed the evaluation of tenders for CON2026-1797 - Council Managed CCTV Network - Maintenance and Support. There was a total of six tenderers, with five assessed and recommended to constitute a panel of providers, and one assessed as non-conforming having not met criteria assessment.

Strategic Alignment

A collaborative partnership between Council and Victoria Police delivers significant benefits to the community by combining local knowledge, community engagement, and law enforcement expertise to create safer public spaces and improve community wellbeing.

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

Theme 4: Managing Council well
Outcome – Decision-making is streamlined, efficient, and responsive to community needs

Consultation/Community Engagement/Impacts

Consultation and engagement with Victoria Police are ongoing in the selection of appropriate sites for the CCTV public safety program and supporting infrastructure and technology.

Opportunities and Risks

It is expected that the following outcomes will be achieved because of the establishment of this CCTV Panel of Providers:

- Opportunity to establish pre-qualified panel of providers that can support local skill and expertise.

- Procurement efficiencies which result in cost-effective CCTV project and service delivery.

- To ensure Council can effectively respond to CCTV requests through a coordinated approach that supports Victoria Police in addressing anti-social behaviour, and enhances public safety, ultimately contributing to safer public spaces and improved community wellbeing as per existing arrangements of the Memorandum of Understanding with Victorian Police.

The risks of this proposal have been considered as having no impact to business-as-usual operations.

There is an elevated risk of not being able to secure CCTV products and services in a timely manner if the Panel of Providers is not established, which may impact public safety, future project requirements, and service delivery outcomes.

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. CONFIDENTIAL - CON2026 1797 - TEP Report [**5.4.1.1** - 11 pages]

5.4.2 Review and Rescission of Council Policies

Authorised by Acting General Manager Business Excellence

Purpose

This report seeks Council approval to formally rescind a number of Council-adopted policies that have been identified as superseded, or more appropriately governed through alternative statutory, strategic or operational documents.

Recommendation

That Council rescinds the following Council-adopted policies:

a) Advocacy Policy;
b) Coastal Inundation and Erosion Planning Policy;
c) Council Marinas Power Policy;
d) Media Policy;
e) Public Space Closed Circuit Television Surveillance Policy; and
f) Quick Response Capital Fund Policy.

Key Points

Council must maintain a contemporary governance framework that meets its obligations under the *Local Government Act 2020* (Act) and supports community trust through strong integrity, transparency and effective decision-making. Council-adopted policies play a key role in this framework by supporting strategic objectives, ensuring legislative compliance, promoting consistency and transparency in Council activities, and managing risk.

Council regularly reviews its policy framework to ensure it remains contemporary, efficient and fit-for-purpose. The proposed policy rescissions support a more streamlined governance framework by removing unnecessary duplication, reducing administrative burden and ensuring matters are governed through the most appropriate mechanism. This improves clarity for staff and the community while allowing supporting documents and operational controls to be updated more efficiently as legislation, technology, industry standards and community expectations evolve.

As part of this review, Council has identified a number of policies where the subject matter is now addressed through updated strategic, statutory or operational frameworks. Maintaining separate Council-adopted policies in these circumstances can create unnecessary duplication without providing additional governance benefit.

This report therefore supports removal of unnecessary policy red-tape and duplication. Accordingly, this report seeks Council's approval to rescind a number of identified policies.

Background

To meet its obligations under the Act and maintain community trust and confidence, Council must ensure its governance framework reflects contemporary standards of good governance, integrity, transparency and effective decision-making.

Council-adopted policies are an important component of Council’s governance framework and are intended to:

- support Council’s strategic vision and objectives;
- promote transparency and consistency in decision-making;
- ensure compliance with legislative and regulatory obligations;
- support effective organisational governance; and
- manage strategic and operational risk.

Council policies support strategic direction, ensure compliance and provide clear governance positions. As part of ongoing governance assurance, Council’s policy framework has been reviewed to ensure policies remain contemporary and fit-for-purpose.

This review identified a number of policies whose subject matter is now addressed through updated strategic, statutory or operational frameworks.

This report seeks Council’s endorsement to formally rescind the following policies:

- Advocacy Policy
- Coastal Inundation and Erosion Planning Policy
- Council Marinas Power Policy
- Media Policy
- Public Space Closed Circuit Television Surveillance Policy
- Quick Response Capital Fund Policy

The proposed rescissions do not remove Council’s ability to set strategic direction where required under the Act, nor do they diminish Council oversight. Council will continue to provide direction through the Council Plan, strategic documents and formal resolutions, while oversight is maintained through statutory requirements, reporting frameworks, delegations and management policies.

Advocacy Policy

The Advocacy Policy was adopted to articulate Council's advocacy role, principles and priorities, and to support engagement with government and stakeholders on matters of importance to the community.

The Policy is no longer required to be maintained as a Council-adopted policy, as it does not establish a discrete governance, legislative or compliance framework beyond Council's existing strategic and operational arrangements. Having an Advocacy Policy also limits Council’s ability to respond to changing conditions and issues in a timely fashion and therefore may not support agile and responsive advocacy.

Council's advocacy priorities and activities are guided through the Council Plan, Advocacy Strategy, Council endorsed priorities and resolutions of Council. These documents provide the strategic direction for advocacy activities and enable Council to respond to emerging community needs, funding opportunities and government priorities.

There is no legislative requirement under the Act to maintain a standalone Advocacy Policy. Councillors will continue to play a central role in setting advocacy priorities through the Council Plan, adoption of strategic documents, consideration of advocacy matters and formal Council resolutions.

Rescission of the Policy does not create a governance, compliance or service delivery gap.

Coastal Inundation and Erosion Planning Policy

The Coastal Inundation and Erosion Planning Policy was adopted in 2017 to guide Council's approach to managing coastal hazard risks, including inundation and erosion in both existing and future settlement areas.

Since adoption, the policy has been superseded by changes to the State planning framework, including the Marine and Coastal Policy 2020 and Amendment VC210, which introduced Clause 13.01-2S into the Victoria Planning Provisions and the East Gippsland Planning Scheme.

The strategic intent of the Policy remains relevant. However, it is now embedded within statutory planning controls, Ministerial Direction 13, relevant Planning Practice Notes, coastal hazard assessments and contemporary development assessment practices.

The standalone Council policy can therefore be rescinded without displacing its underlying strategic intent.

Rescission of the Policy does not create a governance, compliance or service delivery gap and removes the risk of having a policy that is no-longer current and may contradict both the Victorian Planning Provisions and the East Gippsland Planning Scheme.

Council Marinas Power Policy

The Council Marinas Power Policy was established to provide clear requirements for power usage, safety and compliance for patrons using shore-based power within Council-managed marinas. The Policy was developed to support the safe management of electrical risks and to ensure compliance with relevant legislation and Australian Standards.

The Policy is no longer required to be maintained as a Council-adopted policy, as it is operational in nature and primarily provides detailed technical and compliance requirements for the day-to-day management of marina power usage. These matters are more appropriately addressed through a Management Policy and supporting operational controls.

The requirements of the Policy continue to be supported through the Council Marinas Power Management Policy and associated operational controls, including applicable Australian Standards, berth holder agreements, marina rules and regulations, and obligations under the *Electricity Safety Act 1998*. These arrangements ensure ongoing compliance, safety management and effective oversight of marina power usage within Council-managed marinas.

The Management Policy maintains Council's commitment to safety, compliance and risk management while enabling operational requirements to be updated more efficiently as standards, practices and operational needs evolve.

Rescission of the Policy does not create a governance, compliance or service delivery gap, as oversight and accountability are maintained through the Management Policy and existing operational practices.

Media Policy

The Media Policy was established to guide Council's media engagement and communication practices, including interactions with the media and the dissemination of information to the public.

The Policy is no longer required to be maintained as a Council-adopted policy, as its content primarily relates to operational communication practices and administrative processes managed by Council officers.

A review of the Policy has determined that these matters are more appropriately addressed through separate governance instruments. The operational communication requirements have been transitioned to a Management Policy and supporting procedures, enabling them to be updated more efficiently in response to changes in communication channels, technology, legislation and best practice, without requiring formal Council adoption.

The Councillor related provisions have been separated into a standalone Councillor Social Media Policy for Councillor consideration, based on the Victorian Local Governance Association's best-practice template. This approach provides a clearer distinction between operational communication activities undertaken by Council officers and Council's strategic governance responsibilities.

No significant risks have been identified and rescission of the Policy does not create a governance, compliance or service delivery gap.

Public Space Closed Circuit Television Surveillance Policy

The Public Space Closed Circuit Television Surveillance Policy was adopted in 2019 to provide governance for the use of public space CCTV.

The Policy is now superseded by a consolidated Surveillance Framework adopted at Management level, which provides a single, contemporary approach to governing all surveillance technologies across Council.

This framework retains safeguards relating to privacy, human rights and lawful use, while improving consistency, oversight and accountability.

Maintaining a standalone Council policy for a single surveillance technology would duplicate existing governance arrangements and is no longer necessary.

Rescission of the Policy does not create a governance, compliance or service delivery gap, with publicly available information continuing to support transparency and community confidence.

Quick Response Capital Fund Policy

The Quick Response Capital Fund Policy was established to provide a flexible and responsive framework to fund small-scale capital works projects of high community value outside the standard capital works program.

The Policy is no longer required to be maintained as a Council-adopted policy as it primarily governs operational processes for project identification, assessment and funding allocation. These functions are administered through existing capital program processes and Council's approved budget framework.

A review has confirmed the Policy is more appropriately maintained as a Management Policy, consistent with Council's governance framework. The Quick Response Capital Fund program will continue to operate, with project proposals assessed against established criteria including community benefit, project urgency, safety considerations, budget implications and alignment with the Council Plan. Use of funds for quick response matters will be reported to Councillors via the monthly Capital Project reports as the allocations will be managed via the Holding Account.

Funding allocations will continue to be administered through Council's Annual Budget process and capital planning framework. Approved projects are incorporated into Council's capital works reporting processes, providing ongoing visibility and accountability.

The requirements of the Policy will continue to be supported through the Management Policy, Annual Budget, Council Plan, Fraud and Corruption Control Policy, Fraud Control Procedure and existing capital planning processes, ensuring accountability, transparency and oversight are maintained.

Rescission of the Policy does not create a governance, compliance or service delivery gap.

Strategic Alignment

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

Theme 4: Managing Council well
Outcome – Decision-making is streamlined, efficient, and responsive to community needs

Consultation/Community Engagement/Impacts

Internal consultation has been undertaken with document owners to confirm the basis for rescission and assess any potential impacts.

The proposed policy rescissions are not expected to have a direct impact on the community, as relevant matters are addressed through statutory planning controls, management policies, procedures and operational practices.

Opportunities and Risks

Opportunities

Rescinding Council adopted policies whose subject matter is now addressed through other governance arrangements provides an opportunity to streamline Council's policy framework and reduce duplication between Council level policies and management or operational governance instruments. This supports clearer accountability and more efficient administration by ensuring that Council policies are reserved for strategic and legislative matters, while operational issues are managed through appropriate management level documents.

The proposed rescissions also ensure that Council adopted policies remain current and aligned with contemporary legislative, strategic and operational settings. Removing outdated or superseded policies reduces the risk of confusion and supports a governance framework that is clear, coherent and fit-for-purpose.

In addition, clarifying the distinction between Council level policy and management or operational controls improves transparency for Councillors, staff and the community. It reinforces Council’s role in setting strategic direction while enabling management to administer and update operational frameworks in a timely manner.

Risks

There is a potential risk that rescinding Council adopted policies may be perceived as reducing guidance or oversight if the supporting governance arrangements are not clearly communicated. This risk is mitigated through confirmation that appropriate alternative governance arrangements are already in place, including legislation, planning controls, Council strategies, management policies, procedures, delegations and reporting frameworks. These arrangements will continue to be maintained and accessible.

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

Nil

5.4.3 Council Resolutions Register

Authorised by Acting General Manager Business Excellence

Confidentiality Notice

The information contained in the confidential attachments is confidential under section 3(1) of the *Local Government Act 2020* because it relates to: (h) Confidential Meeting Information, being the records of meetings closed to the public under section 66(2)(a).

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 undermine the integrity of Council decision-making processes, disclose sensitive discussions or deliberations, or reveal personal, legal, or commercial information that may prejudice Council or third parties.

Purpose

To provide a status update on resolutions from Council meetings held between 1 April - 30 June 2026 provided at **Attachment 1** and **Confidential Attachment 2** and the status of actions that were reported as outstanding in the previous quarterly report provided at **Confidential Attachment 3**.

Recommendation

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

Key Points

The primary role of the Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. Council must perform its role in accordance with the Overarching Governance Principles as set out in section 9 (2)(i) of the *Local Government Act 2020*, in which one of the principles states '…the transparency of Council decisions, actions and information is to be ensured'.

The reporting of Council resolutions is a vital measure of Council's performance and provides the information it needs to demonstrate transparency and Council's accountability to the community.

For the period of 1 April - 30 June 2026 there were 26 open Council resolutions (including three resolutions for noting only) in the reporting period, of which 23 have been completed, and three are in progress. There were three closed Council resolutions, of which all three are completed.

Strategic Alignment

This report has been prepared in accordance with the *Local Government Act 2020*, specifically section 9 (2)(i) and section 58.

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

Theme 4: Managing Council well
Outcome – Decision-making is streamlined, efficient, and responsive to community needs

Consultation/Community Engagement/Impacts

No community or external stakeholder engagement was conducted in developing this report, aside from the internal engagement to compile its content.

Opportunities and Risks

The report supports Council's commitment to good governance by providing an accessible and detailed update on resolution progress.

Conflicts of Interest

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

Attachments

1. Open Council Meeting Resolutions from 1 April to 30 June 2026 [**5.4.3.1** - 15 pages]
2. CONFIDENTIAL - Closed Council Meeting Resolutions from 1 April to 30 June 2026 [**5.4.3.2** - 2 pages]
3. CONFIDENTIAL - Update on outstanding Closed Council Meeting Resolutions to 31 March 2026 [**5.4.3.3** - 1 page]

<table>
<tr><th>Meeting Date</th><th>Item No.</th><th>Item</th><th>Resolution</th><th>Directorate</th><th>Status</th></tr>
<tr><td>21-04-2026</td><td>5 1.1</td><td>Addition of Roads to Council's Register of Public Roads</td><td>

That Council:

1. declares the sections of road listed below as Public Road and be added to Council’s Register of Public Roads under the classifications shown;

<table>
<tr><th>Road Name</th><th>Locality</th><th>Land Tenure</th><th>Principle Places of Residence</th><th>Approx. length (Km)</th><th>Classification</th></tr>
<tr><td>Beynons Road</td><td>Ellaswood</td><td>Road Reserve</td><td>2</td><td>0.530</td><td>Rural Access Major</td></tr>
<tr><td>Ocean View Parade</td><td>Lakes Entrance</td><td>Road Reserve</td><td>1</td><td>0.050</td><td>Urban Access Major</td></tr>
</table>

2. determines not to add the below listed roads to the Register of Public Roads; and

<table>
<tr><th>Road Name</th><th>Locality</th><th>Land Tenure</th><th>Principle Places of Residence</th><th>Approx. length (Km)</th><th>Classification</th></tr>
<tr><td>Kookaburra Lane</td><td>Cobungra</td><td>Road Reserve</td><td>0</td><td>3.072</td><td>N/A</td></tr>
<tr><td>Private Access Estourts Road (Yellow Waterholes Creek Road)</td><td>Buchan</td><td>Road Reserve</td><td>0</td><td>0.792</td><td>N/A</td></tr>
</table>

3. authorises Council’s Register of Public Roads to be updated accordingly as required by the Road Management Act 2004.

</td><td>Assets and Environment</td><td>Completed</td></tr>
</table>

Meeting Date	Item No.	Item	Resolution	Directorate	Status
21-04-2026	5 1.2	CON2026 1794 - Supply of Plant and Equipment for Emergency Response and Recovery Works	***That Council:*** a. ***accepts the tenders submitted by the nominated suppliers and endorses the establishment of a panel of suppliers for Contract CON2026 1794 Supply of Plant and Equipment for Emergency Response Recovery Works, for the tendered Schedule of Rates (exclusive of GST) as detailed in Confidential Attachment 1 and 2, for an initial term of three years, inclusive of annual Consumer Price Index (CPI) adjustments, comprising the following panel:*** a. ***Bairnsdale Road Services Pty Ltd*** b. ***BATT Brothers Pty Ltd trading as Batt Brothers Vegetation Management*** c. ***Middleton Lee Pty Ltd trading as CAL Civil*** d. ***Brunts Harvesting Pty Ltd trading as Cann Quarries*** e. ***D&L High Country Earthworks Pty Ltd*** f. ***LJ & J Holdings Pty Ltd trading as Eastern Vegetation Contracting*** g. ***Flannagan Contracting Pty Ltd*** h. ***Goldsmith Civil & Environmental Pty Ltd*** i. ***Ground Technique Pty Ltd*** j. ***Jamie V Ingram Pty Ltd*** k. ***Orbost Civil & Civic Pty Ltd*** l. ***Riley Earthmoving Proprietary Limited*** m. ***Tree Limits Pty Ltd*** n. ***Whelans Group Investments Pty Ltd*** o. ***C&D Willox Pty Ltd trading as Willox Earthmoving & Transport Bairnsdale*** 2. ***authorises the Chief Executive Officer or delegate to exercise two contract extension options, each for a period of up to twelve months, inclusive of annual Consumer Price Index (CPI) adjustments, at Council's sole discretion;*** 3. ***notes that engagement of suppliers from the panel will occur on an as-needed basis, with selection determined at the time of engagement based on the combination of supply and cartage rates that represents best value for Council for each specific application, in accordance with Council's Procurement Policy provisions for panel arrangements;*** 4. ***authorises the Chief Executive Officer or delegate to finalise the terms of and to execute the necessary contract documents;*** 5. ***notes that the successful tenderers and contract details will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and*** 6. ***resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential.***	Projects and Panning	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
21-04-2026	5.1.3	CON2026 1795 - Supply and Delivery of Granular Pavement Materials	***That Council:*** ***1. accepts the tenders submitted by the nominated suppliers and endorses the establishment of a panel of suppliers for Contract CON2026 1795 – Supply and Delivery of Granular Pavement and Quarry Rock Materials, for the tendered Schedule of Rates (exclusive of GST) as detailed in Confidential Attachment 1 and 2, for an initial term of three years, inclusive of annual Consumer Price Index (CPI) adjustments, comprising the following panel:*** ***a. Bairnsdale Road Services Pty Ltd*** ***b. Brunts Harvesting Pty Ltd trading as Cann Quarries*** ***c. CASACIR Pty Ltd*** ***d. D&L High Country Earthworks Pty Ltd*** ***e. Eastern Quarries Pty Ltd*** ***f. J&B Skeen Pty Ltd*** ***g. Jamie V Ingram Pty Ltd*** ***h. Orbost Civil & Civic Pty Ltd*** ***i. Bairnsdale Quarries Pty Ltd ATF Bairnsdale Quarries Trust*** ***j. Whelans Group Investments Pty Ltd*** ***2. authorises the Chief Executive Officer or delegate to exercise two contract extension options, each for a period of up to twelve months, inclusive of annual Consumer Price Index (CPI) adjustments, at Council's sole discretion;*** ***3. notes that engagement of suppliers from the panel will occur on an as needed basis, with selection determined at the time of engagement based on the combination of supply and cartage rates that represents best value for Council for each specific application, in accordance with Council's Procurement Policy provisions for panel arrangements;*** ***4. authorises the Chief Executive Officer or delegate to finalise the terms of and to execute the necessary contract documents including any additional clauses required to include a fuel and petroleum product price adjustment mechanism;*** ***5. notes that the successful tenderers and contract details will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and*** ***6. resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential.***	Projects and Planning	🟩 Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
21-04-2026	5 1.4	Fuel Price Adjustment - Variation to Various Contracts to Address Fuel Price Risk	***That Council:*** ***1. notes the significant impact fuel price increases may have contract service delivery and project completion (continuity), and on the viability of, and employment provided by, local contractors;*** ***2. delegates to the Chief Executive Officer the power to vary existing capital contracts to include a fuel and petroleum product price adjustment mechanism, where this is assessed as being in the best interests of Council or the wider East Gippsland community;*** ***3. delegates to the Chief Executive Officer the power to vary existing operational contracts to include a fuel and petroleum product price adjustment mechanism, or vary existing adjustment mechanisms, where this is assessed as being in the best interests of Council or the wider East Gippsland community;*** ***4. authorises the Chief Executive Officer to make a public statement, if required, in relation to Council's position and response to fuel price impacts on contracts and service delivery;*** ***5. provides confidential updates to Council on an at least a monthly basis that document the contracts to which a fuel and petroleum product price adjustment mechanism has been introduced; and*** ***6. resolves that Confidential Attachment 1 to this report and all discussions relating to it remain confidential.***	Assets and Environment	Completed
21-04-2026	5.2.1	S11A Instrument of Appointment and Authorisation Planning and Environment Act 1987	***That Council:*** ***1. in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987, resolves that Karl Tracksdorf Strategic Planner be appointed as an Authorised Officer 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.***	Business Excellence	Completed
21-04-2026	5 2.2	Audit and Risk Committee Meeting Minutes	***That Council notes the confirmed minutes of the Audit and Risk Committee meeting held Monday 23 February 2026, as presented at Attachment 1.***	Business Excellence	Completed
21-04-2026	5 3.1	Planning Scheme Amendment C165egip - Corrections Amendment (Adoption)	***That Council:*** ***1. adopts Amendment C165egip with post exhibition changes, as outlined in Attachments 1 and 4, in accordance with section 29 of the Planning and Environment Act 1987;*** ***2. authorises the Chief Executive Officer or delegate to submit adopted Amendment C165egip as per Attachment 1 together with prescribed information, to the Minister for Planning for approval, in accordance with section 31 of the Planning and Environment Act 1987;*** ***3. having formally considered all written submissions received to Amendment C165egip, notes the issues raised by the submissions and the officer's response to those issues, as outlined in Attachment 3; and*** ***4. authorises the Chief Executive Officer or delegate to advise those persons who made written submissions to Amendment C165egip of Council's decision.***	Place and Community	In progress

Meeting Date	Item No.	Item	Resolution	Directorate	Status
21-04-2026	5.2.2	Agriculture Sector Advisory Committee Unconfirmed Minutes 26 February 2026	***That Council receives and notes the Unconfirmed Minutes from the Agricultural Sector Advisory Committee (ASAC) meeting held on 26 February 2026.***	Business Excellence	Completed
19-05-2026	1 7 1.1	Save the Bairnsdale Outdoor Pool	***That Council:*** **1.** ***receives and notes the petition lodged by head petitioners Ms Stephanie Buckland and Ms Genevieve Wilks requesting Council to:*** **a.** ***undertake the necessary repairs to make the Bairnsdale Outdoor Pool safe for staff and the community, and to ensure it is ready to reopen in 2026;*** **b.** ***actively consult with the community on the development of any plans for the future of the Bairnsdale Outdoor Pool, including any decisions regarding redevelopment, refurbishment, or changes to its operation; and*** **c.** ***acknowledge and affirm that the Bairnsdale Outdoor Pool is an important and valued community asset; and*** **2.** ***considers the matters raised in the petition in conjunction with the Officer report titled Bairnsdale Outdoor Pool - Response to Council Resolution at Item 5.1.1 relating to the Bairnsdale Outdoor Pool; and*** **3.** ***notes that the Chief Executive Officer will arrange for Council Officers to write to the head petitioners advising them of Council's resolution arising from consideration of Item 5.1.1.***	Place and Community	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
19-05-2026	2.1	Advocacy for Swifts Creek 24 Hour Health Services	***That Council:*** 1. ***notes the serious concerns raised at the Swifts Creek stakeholder meeting and in other remote communities in our region regarding:*** a. ***the sustainability of 24-hour nursing services;*** b. ***insufficient funding relative to weekend and peak population demand;*** c. ***emergency response capacity and workforce pressures; and*** d. ***the absence of local home care, palliative care, and ageing in place support.*** 2. ***affirms that 24-hour nursing services at Swifts Creek and other remote community health services are essential and critical to community safety;*** 3. ***acknowledges that:*** a. ***the current funding model does not reflect actual service demand;*** b. ***reliance on grants is no longer viable for essential health services; and*** c. ***community fear and risk are real and escalating.*** 4. ***welcomes Ambulance Victoria's recent support and recognition of the pressures faced in the Swifts Creek catchment;*** 5. ***calls on the Victorian Minister for Health to:*** a. ***guarantee and recurrently fund 24-hour nursing services at Swifts Creek;*** b. ***reform the funding model to reflect real population and risk;*** c. ***provide additional paramedic resources;*** d. ***fund essential infrastructure upgrades; and*** e. ***support home care, palliative care, ageing at home and other required services for remote communities in East Gippsland.*** 6. ***requests a formal written response from the Minister for Health outlining decisions, funding commitments, and implementation timeframes; and*** 7. ***authorises the Mayor (or Deputy Mayor) and CEO to:*** a. ***write formally to the Minister for Health and local Members of Parliament;*** b. ***engage in coordinated advocacy with health services, Ambulance Victoria, and community representatives; and*** c. ***report back to Council on progress.***	Office of the CEO	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
19-05-2026	5 1.1	Bairnsdale Outdoor Pool - Response to Council Resolution	***That Council:*** 1. ***notes the findings of Bairnsdale Aquatic Condition and Safety Assessment – Bairnsdale Swimming Pool report, provided at Confidential Attachment 1;*** 2. ***notes a summary of the findings of Bairnsdale Aquatic Condition and Safety Assessment – Bairnsdale Swimming Pool report, provided at Attachment 2;*** 3. ***notes that the matters addressed in the petition received at item 1.7.1.1 at this same Council meeting will be responded to via correspondence with the head petitioner as follows:*** a. ***based on the independent safety assessment and Council's obligations under the Occupational Health and Safety Act 2004, the Bairnsdale Outdoor Pool cannot be reopened or repaired in its current condition to enable operation in 2026;*** b. ***Council commits to undertaking broad community consultation on the future of aquatic facilities across East Gippsland, including the Bairnsdale Outdoor Pool, through the development of the East Gippsland Aquatic Strategy;*** c. ***Council acknowledges the important role aquatic facilities play in supporting health, wellbeing and community participation across East Gippsland, and notes that the future role, value and provision of aquatic infrastructure, including the Bairnsdale Outdoor Pool, will be considered through Council's development of an East Gippsland Aquatic Strategy;*** 4. ***resolves that no further remedial action be undertaken in relation to the Bairnsdale Outdoor Pool until the East Gippsland Aquatic Strategy is completed, considered and formally adopted by Council; and*** 5. ***resolves that Confidential Attachment 1 to this report, and all discussions relating to this attachment, remain confidential.***	Place and Community	Completed
19-05-2026	5 1.2	Application 2025.105 - 705 Metung Road (3 Lot Subdivision and Creation of Carriageway Easement Adjacent to a Road in a Transport Zone 2)	***That Council, being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2025.105.1 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 subject to Conditions as provided at Attachment 6.***	Place and Community	Completed
19-05-2026	5 1.3	Planning Scheme Amendment C161egip - Update Lakes Entrance Northern Growth Area (Authorisation)	***That Council:*** 1. ***authorises the Chief Executive Officer or delegate to:*** a. ***seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C161egip to the East Gippsland Planning Scheme in accordance with section 16F of the Planning and Environment Act 1987;*** b. ***prepare Planning Scheme Amendment C161egip to the East Gippsland Planning Scheme, generally in accordance with the documentation provided at Attachment 3, subject to ministerial authorisation; and*** 2. ***place Planning Scheme Amendment C161egip on public exhibition in accordance with section 19 of the Planning and Environment Act 1987, subject to ministerial authorisation.***	Place and Community	In progress

Meeting Date	Item No.	Item	Resolution	Directorate	Status
19-05-2026	5 2.1	Nicholson Street Mall	***That Council:*** 1. ***notes the actions Council Officers have initiated as short term mechanisms to address safety and amenity issues within the Nicholson Street Mall precinct;*** 2. ***supports the establishment of a Nicholson Street Taskforce as requested by traders, and supports Officers to work with this group and the broader community to identify both short-term and longer-term improvement opportunities for the area;*** 3. ***continues to advocate for an increased police presence both in the Nicholson Street Mall and other areas across East Gippsland where antisocial behaviour is a recognised issue; and*** 4. ***notes that Council Officers have recently provided the head petitioner with an update on the actions outlined in the report.***	Office of the CEO	Completed
19-05-2026	5 3.1	CON2026 1755 WORLD Soccer Pavilion and Pitches Construction Works	***That Council:*** 1. ***notes the current status of Environmental Protection and Biodiversity Conservation Act Approval, Town Planning and East Gippsland Water approvals for the WORLD Soccer Precinct project;*** 2. ***awards the tender for CON2026 1755 WORLD Soccer Pavilion and Pitches Construction Works to the tenderer identified as the preferred tenderer in the Contract Award Summary provided at Confidential Attachment 1, structured as two separable portions that are contingent on relevant approvals for each portion (1. Site preparation and drainage and 2. Pavillion, pitches and external works) for the contract amount specified in that attachment;*** 3. ***authorises the Chief Executive Officer or delegated General Manager to approve variations to CON2026 1755 WORLD Soccer Pavilion and Pitches Construction Works up to the contingency amount specified in the Contract Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that summary;*** 4. ***authorises the Chief Executive Officer to include conditions in the contract to make the awarding subject to any necessary final approvals including approval from the Department of Climate Change, Energy, the Environment and Water under the Environment Protection and Biodiversity Conservation Act 1999. This approval relates to environmental vegetation offset management and the impact of removing native vegetation from the site;*** 5. ***authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents, for each separable portion without further resolution of Council;*** 6. ***authorises the Chief Executive Officer to approve a Deed of Variation, if required, to provide for fuel cost recovery in accordance with Road Transport Contractual Chain Order made under Part3B-2 of the Fair Work Act 2009;*** 7. ***notes that the successful tenderer and contract amount will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and*** 8. ***resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential.***	Planning and Projects	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
19-05-2026	5.3.2	CON2026 1642 Eastern Beach Road Drainage Improvements Construction Works	***That Council:*** 1. ***awards the tender for CON2026 1642 Eastern Beach Road Drainage Improvements Construction Works to the tenderer identified as the preferred tenderer in the Contract Award Summary provided at Confidential Attachment 1, for the contract amount specified in that attachment;*** 2. ***authorises the relevant General Manager to approve variations to CON2026 1642 Eastern Beach Road Drainage Improvements Construction Works up to the contingency amount specified in the CON2026 1642 Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that summary;*** 3. ***authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents;*** 4. ***authorises the Chief Executive Officer to approve a Deed of variation, if required, to provide for fuel cost recovery in accordance with Road Transport Contractual Chain Order made under Part3B-2 of the Fair Work Act 2009;*** 5. ***notes that the successful tenderer and contract amount will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and*** 6. ***resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential.***	Planning and Projects	Completed
19-05-2026	5.3.3	CON2026 1733 Krauatungalung Walk, Stage 2 - Section 4 - Construction Works	***That Council:*** 1. ***awards the tender for CON2026 1733 Krauatungalung Walk, Stage 2- Section 4, Lakes Entrance – Construction Works to the tenderer identified as the preferred tenderer in the Contract Award Summary provided at Confidential Attachment 1, for the contract amount specified in that attachment;*** 2. ***authorises the Chief Executive Officer to approve variations to CON2026 1733 Krauatungalung Walk, Stage 2- Section 4, Lakes Entrance – Construction Works up to the contingency amount specified in the 2026 1733 Award Summary provided at Confidential Attachment 1, subject to the conditions specified in that summary;*** 3. ***authorises the Chief Executive Officer or delegate to finalise the terms and to execute the necessary contract documents;*** 4. ***authorises the Chief Executive Officer to approve a Deed of variation, if required, to provide for fuel cost recovery in accordance with Road Transport Contractual Chain Order made under Part3B-2 of the Fair Work Act 2009;*** 5. ***notes that the successful tenderer and contract amount will be published on Council's website following execution of the contract documents and after unsuccessful tenderers have been formally notified; and*** 6. ***resolves that the Confidential Attachments to this report and all discussions relating to them remain confidential.***	Projects and Planning	Completed

Meeting Date	Item No.	Item	Resolution	Directorate	Status
19-05-2026	5.4.1	Organisational Performance Report	***That Council:*** ***1. notes and endorses the full year forecast operating and capital budgets, including the revised capital forecast as detailed in the Organisational Performance Report, provided at Attachment 1, for the period to 1 July 2025 to 31 March 2026; and*** ***2. notes that if endorsed, the Organisational Performance Report for the period 1 July 2025 to 31 March 2026, provided at Attachment 1, will be published on Council's website.***	Business Excellence	Completed
9-06-2026	5.1.1	Information Communication and Technologies (ICT) Professional Services Panel of Providers - Contract Number 2026-000129	***That Council:*** ***1. endorses the outcome of the collaborative tender led by Wellington Shire Council for Contract Number 2026-000129 - Information Communication and Technologies (ICT) Professional Services, and confirms its agreement to the award of the contract to the tenderers identified in the Tender Evaluation Report provided at Confidential Attachment 1, for the tendered Schedule of Rates (exclusive of GST);*** ***2. authorises the Chief Executive Officer or Delegate to notify Wellington Shire Council, as the lead Council for the procurement, of this resolution and authorises Wellington Shire Council to finalise the terms of and to execute the necessary contact documents on behalf of the participating Councils, including East Gippsland Shire Council; and*** ***3. resolves that Confidential Attachment 1 to this report and all discussion relating to it remain confidential.***	Business Excellence	Completed
9-06-2026	5.2.1	Planning Permit Application 5.2025.18.1 - 200 Johnstons Road Forge Creek - Composting Facility	***That Council being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Dashboard Application 5.2025.18.1 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 the Use and development of a composting facility, removal of native vegetation, and a dispensation from parking and bicycle parking requirements on land at 200 Johnstons Road Forge Creek, subject to permit conditions as provided at Attachment 1.***	Place and Community	Completed
9-06-2026	5.2.2	Culture and Creativity Service Agreement Review	***That Council:*** 1. ***approves the conclusion of Service Agreements with East Gippsland Music and Heritage Network East Gippsland by 30 June 2027, following the agreed transition period;*** ***2. subject to Council's approval of recommendation 1, Council also:*** ***a. notes the extension of all existing Culture and Creativity Service Agreements for one further financial year to enable an orderly transition to a new funding model;*** ***b. notes that officers will commence negotiations for a revised Service Agreement with the East Gippsland Art Gallery by 30 June 2027 to reflect its ongoing strategic role;*** ***c. notes the Culture and Creativity Funding Model as Council's primary mechanism for future investment in the creative industries; and*** ***d. undertakes to explore additional funding opportunities within Council's 2027/28 budget processes and through external sources to enable further funding of arts and cultural projects and groups including heritage focused initiatives.***	Place and Community	Completed

<table>
<tr><th>Meeting Date</th><th>Item No.</th><th>Item</th><th>Resolution</th><th>Directorate</th><th>Status</th></tr>
<tr><td>23-06-2026</td><td>5.2.1</td><td>Adopt Council Budget 2026/27</td><td>

That Council:

1. ***adopts the Budget 2026/27 as provided at Attachment 1 (including the schedule of fees and charges) in accordance with section 94 of the Local Government Act 2020;***

2. ***in accordance with the Local Government Act 2020 and the Local Government (Planning and Reporting) Regulations 2020, declares the following:***

    (a) an amount of $78,012,732 be declared as the amount that Council intends to raise by general rates, municipal charge and waste collection charges, which is calculated as follows:

<table>
<tr><th><i>CATEGORY</i></th><th><i>INCOME $</i></th></tr>
<tr><td><i>General Rate</i></td><td>42,805,985</td></tr>
<tr><td><i>Commercial / Industrial</i></td><td>6,189,545</td></tr>
<tr><td><i>Farm Rate</i></td><td>6,205,147</td></tr>
<tr><td><i>TOTAL RATES</i></td><td>55,200,678</td></tr>
<tr><td></td><td></td></tr>
<tr><td><i>Municipal charge</i></td><td>8,704,053</td></tr>
<tr><td></td><td></td></tr>
<tr><td><i>Waste levy</i></td><td>1,903,392</td></tr>
<tr><td></td><td></td></tr>
<tr><td><i>Waste Charges:</i></td><td></td></tr>
<tr><td><i>Kerbside Waste/recycling collection (120 litre bin)</i></td><td>1,464,512</td></tr>
<tr><td><i>Kerbside Waste/recycling/green waste collection (120 litre bin)</i></td><td>9,575,424</td></tr>
<tr><td><i>Additional household waste bin</i></td><td>120,064</td></tr>
<tr><td><i>Additional Green/Recycling bin</i></td><td>60,096</td></tr>
<tr><td><i>Rural Waste Collection Charge</i></td><td>114,513</td></tr>
<tr><td><i>Total Waste Charges</i></td><td>11,334,609</td></tr>
<tr><td></td><td></td></tr>
<tr><td><i>TOTAL Rates & CHARGES</i></td><td>77,142,732</td></tr>
<tr><td><i>Supplementary Rates & Waste Charges</i></td><td>870,000</td></tr>
<tr><td><i>TOTAL RATES AND CHARGES</i></td><td>78,012,732</td></tr>
</table>

</td><td>Business Excellence</td><td>Completed</td></tr>
</table>

Meeting Date	Item No.	Item	Resolution	Directorate	Status
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(b) the general rate be declared for the period commencing 1 July 2026 and concluding on 30 June 2027:

i) It be further declared that subject to paragraph (iv) of this Part, the general rates be raised through the application of differential rates.

ii) the following rates in the dollar apply to property classifications:

Category	***% of General rate***	***Rate in the $***
General/Residential Rate	100%	0.00275605
Commercial/Industrial Rate	127%	0.00348662
Farm Rate	75%	0.00205792

iii) differential rates apply to rateable properties with the following characteristics:

(a) General
General land is any land that is:

- ***used primarily for residential purposes; or***
- ***unoccupied but zoned Residential, Township or Rural Living under the East Gippsland Shire Council Planning Scheme; or***
- ***any land that is not defined as Farmland or Commercial/Industrial Land.***
-

(b) Commercial and Industrial
Commercial and Industrial Land is any land used primarily for:

- ***the manufacture, or production of, or trade in, goods or services; or***
- ***obviously adapted for the primary use of commercial or industrial purposes; or***
- ***occupied primarily for the purpose of service delivery for tourism leisure and/or accommodation; or***
- ***unoccupied but zoned Business, Industrial, Mixed Use, Special Use or Comprehensive Development Zone under the East Gippsland Shire Council Planning Scheme; or***
- ***conforming to East Gippsland Shire Council guidelines for the classification of property as Commercial/Industrial Land.***

(c) Farmland
Farmland is defined as any land which:

- ***is used primarily for a farming or agricultural business; and,***
- ***conforms to the definition of "farmland" as specified within the Valuation of Land Act 1960; and,***
- ***conforms to East Gippsland Shire Council guidelines for the classification of property as "farm land" as stipulated within East Gippsland Shire Council's "Application for Farm Rate"; and***
- ***the ratepayer has Primary Producer status with the Australian Taxation Office and be located in a Farm Zone in accordance with Council's planning scheme, or have a permit from Council to operate a farming business.***

<table>
<tr><th>Meeting Date</th><th>Item No.</th><th>Item</th><th>Resolution</th><th>Directorate</th><th>Status</th></tr>
<tr><td></td><td></td><td></td><td>iv) Council has determined that the application of a differential rate for Farm and Commercial/Industrial Land will contribute to the equitable and efficient carrying out of its functions.

v) Council has determined that the differential percentage applied to Commercial/Industrial properties for the Economic Development Discretionary fund be 5 percent.

vi) Council has determined it will provide a rate rebate equivalent to $67.11 levy to eligible properties in the ownership of pensioners who qualify for a Victorian Government approved pension rebate. This rebate is provided in accordance with section 169(1)(a) of the Local Government Act 1989 and supports the development of the municipality in that it helps support pensioners to keep and stay in their own homes.

(c) Municipal Charge
i) a municipal charge be declared for the period commencing 1 July 2026 and concluding on 30 June 2027.

ii) a municipal charge be declared for the purpose of covering some of the administrative costs of Council.

iii) the municipal charge be the sum of $263.40 per each rateable property in respect of which a municipal charge can be levied.

(d) Waste Levy Charge
i) an annual service charge Waste Levy of $57.60 be declared for the period commencing 1 July 2026 and concluding 30 June 2027 to cover the increased costs levied by the Environment Protection Authority on the operation of landfills as well as the increased compliance costs required for the operation of landfills.

ii) the charge to be levied on each property to which a municipal charge is applied.

(e) Waste Collection Charge
i) A charge for kerbside collection of waste with recycling, and for kerbside collection of waste with recycling and green waste, and a rural waste collection charge be declared for the period commencing 1 July 2026 and concluding on 30 June 2027 as follows:

<table>
<tr><td>Kerbside Waste/recycling collection (120 litre bin)</td><td>$448.00</td></tr>
<tr><td>Kerbside Waste/recycling/green waste collection (120 litre bin)</td><td>$512.00</td></tr>
<tr><td>Additional household waste bin</td><td>$256.00</td></tr>
<tr><td>Additional Green/Recycling bin</td><td>$192.00</td></tr>
<tr><td>Rural Waste Collection Charge</td><td>$287.00</td></tr>
</table>
</td><td></td><td>🟩</td></tr>
</table>

<table>
<tr><th>Meeting Date</th><th>Item No.</th><th>Item</th><th>Resolution</th><th>Directorate</th><th>Status</th></tr>
<tr><td></td><td></td><td></td><td>

(f) ***authorises the Chief Executive Officer to levy and recover the general rates, municipal charge, waste levy, kerbside waste with recycling collection charge, kerbside waste with recycling and green waste collection charge and rural waste collection charge as per section 167 of the Local Government Act 1989.***

(g) ***Council allows the following payment options in accordance with section 167 of the Local Government Act 1989, as well as options outlined in Council's Financial Hardship Policy and other options available for individual circumstances:***

<table>
<tr><th>In Full</th><th>Four Instalments</th></tr>
<tr><td>15 February 2027</td><td>30 September 2026</td></tr>
<tr><td></td><td>30 November 2026</td></tr>
<tr><td></td><td>28 February 2027</td></tr>
<tr><td></td><td>31 May 2027</td></tr>
</table>

(h) ***interest on unpaid rates and charges will be charged in accordance with section 172 of the Local Government Act 1989.***

</td><td></td><td></td></tr>
<tr><td>23-06-2026</td><td>5.2.2</td><td>Adopt 10-Year Financial Plan 2026/27 - 2035/36</td><td>That Council adopts the 10-Year Financial Plan 2026/27 to 2035/36, as provided at Attachment 1.</td><td>Business Excellence</td><td>Completed</td></tr>
<tr><td>23-06-2026</td><td>5.2.3</td><td>Adopt Four-Year Revenue and Rating Plan 2026/27 to 2029/30</td><td>That Council adopts the Four-Year Revenue and Rating Plan 2026/27 - 2029/30, as provided at Attachment 1.</td><td>Business Excellence</td><td>Completed</td></tr>
<tr><td>23-06-2026</td><td>5.2.4</td><td>Endorse Draft Revised Chief Executive Officer Employment and Remuneration Policy</td><td>

That Council:

1. ***endorses the draft revised Chief Executive Officer Employment and Remuneration Policy, provided at Attachment 1;***
2. ***notes that the endorsed Chief Executive Officer Employment and Remuneration Policy will be published on Council's website; and***
3. ***notes that the Chief Executive Officer Employment and Remuneration Committee has fulfilled its responsibilities in accordance with and having regard to the Chief Executive Officer Employment and Remuneration Policy in this matter.***

</td><td>Business Excellence</td><td>Completed</td></tr>
</table>

Meeting Date	Item No.	Item	Resolution	Directorate	Status
23-06-2026	5.1.1	Raymond Island Ferry Passes	***That Council:*** 1. ***notes the outcomes of community consultation undertaken in response to Council's resolution at the Council Meeting held on 16 September 2025 (Item 5.1.1 Raymond Island Ferry Pass Review) and the findings of early investigation into ferry access and technology options;*** 2. ***adopts a revised approach to the Raymond Island Ferry resident pass system as follows:*** a. ***owners of developed land on Raymond Island will continue to have access to one portable resident pass (currently in circulation) as a baseline level of access, with no expiry date;*** b. ***eligible residents and owners of developed land on Raymond Island, including renters, may apply for one additional portable pass per eligible driver with suitable evidence, with passes valid for three years; and*** c. ***additional portable passes may be issued upon application in defined circumstances to support carer arrangements, subject to provision of suitable evidence;*** 3. ***subject to Council's approval of recommendation 2, notes that the revised Raymond Island Ferry resident pass system will be implemented to coincide with the scheduled renewal of passes in September 2026;*** 4. ***notes residents and owners of developed land on Raymond Island who, from time to time, may not have a portable pass available at the point of boarding the Raymond Island Ferry, may access the Raymond Island Ferry through presentation of valid photo identification, supported by appropriate verification of eligibility;*** 5. ***notes emergency services and eligible not-for-profit organisations providing regular services to Raymond Island continue to be exempt from fees for access to the Raymond Island Ferry;*** 6. ***notes the intent to update the Raymond Island Ferry Service Charter to reflect the changes outlined in this report;*** 7. ***notes Officers will further investigate voluntary or donation-based contribution models for walk-on passengers on the Raymond Island Ferry; and*** 8. ***notes Officers will further investigate more contemporary approaches to managing Raymond Island Ferry access, including opportunities to digitalise and automate access.***	Assets and Environment	In progress

5.4.4 Audit and Risk Committee Meeting Minutes

Authorised by Acting General Manager Business Excellence

Purpose

This report is to present the confirmed minutes of the Audit and Risk Committee (Committee) meeting held on Monday 25 May 2026 for noting.

Recommendation

That Council notes the confirmed minutes of the Audit and Risk Committee meeting held Monday 25 May 2026, as presented at Attachment 1.

Key Points

The Committee is an independent advisory committee to Council established under section 53 of the *Local Government Act 2020* (Act). The Committee does not have any delegated powers, including executive powers, management functions or delegated responsibility. The Committee meets quarterly, and its role is to monitor, review and advise Council on the standard of its financial control, risk management and corporate governance.

Council's Committee comprises five members: three independent members, one of whom is appointed by Council as Chair; the Mayor of the day; and one other Councillor appointed annually by Council.

The Committee's charter, which is available on Council's website, outlines the functions and responsibilities of the Committee in assisting Council to fulfil its oversight and corporate governance responsibilities. The Charter provides for the structure and operation of the Committee.

Presenting the minutes of the Committee meeting held Monday 25 May 2026, as presented at **Attachment 1**, demonstrates Council's ongoing commitment to transparency and accountability, and represents an opportunity to further enhance community understanding and trust in Council's deliberative processes.

Strategic Alignment

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

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

Consultation/Community Engagement/Impacts

No direct consultation was required in the preparation of this report. The minutes provide an open and transparent record of matters discussed at the Committee meeting, thereby supporting community confidence in Council’s governance processes.

Opportunities and Risks

This report enhances transparency, strengthens community trust in Council’s governance, and provides assurance to Councillors that financial, risk, and compliance frameworks are independently monitored. No material risks are identified, as the report is for noting only and does not require Council to make any decisions or delegate authority.

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. Audit and Risk Committee Meeting No 127 Minutes - 25 May 2026 [**5.4.4.1** - 26 pages]

Minutes
Audit and Risk Committee Meeting
Monday 25 May 2026 at 9:30 am

Council Chambers (and via Microsoft Teams)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875

Purpose

The Audit and Risk Committee Charter (the Charter) outlines the functions and responsibilities of the Audit and Risk Committee (the Committee) in assisting the East Gippsland Shire Council (the Council) fulfil its oversight and corporate governance responsibilities. The Charter provides for the structure and operation of the Committee.

The Committee is an independent advisory committee to Council established under section 53 of the *Local Government Act 2020.* The Committee does not have any delegated powers, including executive powers, management functions or delegated responsibility.

Objectives

The Committee's primary role is to provide oversight, advice and guidance on Council's frameworks, systems and controls relating to:

- legislative and good governance compliance;
- financial and performance reporting;
- risk management with a focus on strategic risks; and
- internal and external audit.

The operation of the Committee is guided by the Charter.

Organisational Values

The Committee will conduct itself in accordance with Council's organisational values:

- Respect – We treat all with courtesy and dignity
- Collaboration – We build and maintain productive relationships
- Integrity – we focus on taking correct the course of action
- Accountability – We are responsible for our actions and outcomes

Confidentiality

Items considered by the Chief Executive Officer to be confidential within the meaning of section 3(1) of the *Local Government Act 2020* are expressly noted as such. An offence may be committed if the information is disclosed to a person external to Council.

Other items set out in the agenda are likely to be of a sensitive nature, such that disclosure would be contrary to the public interest. Disclosure may place Council in an unanticipated position and cause unnecessary angst in the community.

Therefore, in addition to confidential items, Committee members should refrain from disclosing all other items to any person external to Council. A failure to do so may amount to a breach of the Councillor Code of Conduct (in the case of Councillors) or the terms of a member's engagement (in the case of external members).

Recording of Meetings

Meetings are recorded for the purposes of verifying the details of the Committee's discussions to facilitate the preparation of the minutes. Recordings will be made by the Committee Secretariat.

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1 Procedural

1.1 Opening and Welcome

Chair, Mark Dupé welcomed all to the meeting and acknowledged the traditional custodians.

1.2 Recognition of 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.

1.3 In Attendance

Committee Members
Mark Dupé, Chair
Sarah Philpott (Online)
Mayor, Councillor Jodie Ashworth
Councillor Joanne Eastman

Officers in Attendance
Fiona Weigall, Chief Executive Officer
Sarah Johnston, General Manager Business Excellence
Janelle Skipworth, Manager Governance and Regulatory Services
Other members as indicated for individual items

Observers
Deputy Mayor, Councillor Tom Crook

1.4 Apologies

Susan Lloyd

1.5 Declaration of Conflict of Interest

Nil

1.6 Next Meeting

The next scheduled Audit and Risk Committee Meeting is to be held on Monday 24 August 2026 at the Corporate Centre, 273 Main Street Bairnsdale and online, commencing at 9:30 am.

Chair, Mark Dupé advised that he will be on leave from 2 September to 10 October 2026 and will be available remotely for any meetings held during this period.

2 Chief Executive Officer Update

2.1	**Chief Executive Officer Update**
Presented by	Fiona Weigall Chief Executive Officer

The Committee was presented with an update on the activities of the Chief Executive Officer (CEO). The update provided an overview of current organisational priorities and key sector issues.

Matters covered included the development of the 2026/27 Budget (including identified savings, CPI-adjusted fees and charges, and fuel cost provisions), commencement of a Financial Sustainability Strategy (including scope, milestones and Councillor engagement), workforce planning and FTE trends, fuel management measures, and progress on digital transformation initiatives (including payroll and GIS system upgrades).

The update also addressed delivery of the 2025/26 capital works program, noting current performance challenges and actions underway to improve project governance, delivery capability and program realism. Transparency initiatives were highlighted, including the development of the Council IQ platform to enhance community access to information.

The Committee was also updated on sector-wide matters, including changes within Local Government Victoria, delays in governance and transparency frameworks, proposed jobs code reforms, emerging enterprise agreement trends, and ongoing funding constraints across the sector.

Committee members noted the opportunity to suggest areas for inclusion in future CEO updates to inform quarterly reporting to Council and the community.

Officer Recommendation

That the Committee receives and notes the Chief Executive Officer update.

CARRIED

3 Officer Reports

3.1 Quarterly Councillors' Expenses Report

Authorised by Chief Executive Officer

Attendance

Cr Eastman left the Council Chamber at 9.55 am.

The Committee considered the Quarterly Councillors’ Expenses Report, which was presented as a routine report for noting. No substantive issues or concerns were raised during discussion, and the report was generally viewed as clear and informative.

The Chair identified an opportunity to improve the report by including a clear statement confirming whether Councillor expenses comply with relevant legislation and Council policy. This enhancement is intended to provide the Committee with stronger assurance and improve overall transparency in reporting.

Officer Recommendation

That the Committee:

1. ***receives and notes this report and all attachments pertaining to it; and***
2. ***if appropriate, provide recommendations for Council’s consideration.***

CARRIED

3.2 Annual Report Local Government Performance Reporting Framework Report (6 month update)

Authorised by General Manager Business Excellence

Attendance

Cr Eastman returned to the Council Chamber at 9.58 am.

The Committee considered the Annual Report – Local Government Performance Reporting Framework (LGPRF) six-month update, which provides a mid-year overview of Council's performance against state-mandated non-financial indicators. It was noted that not all measures are available or consistent at the mid-year point due to seasonal factors and reporting limitations. However, overall performance was assessed as positive, with no significant compliance or performance concerns identified.

The Committee was advised that Council is well positioned to achieve its year-end LGPRF outcomes, supported by strong results across key areas including animal management, aquatic facility usage, food safety response times, library participation, and road condition indicators.

Officer Recommendation

That the Committee notes the Local Government Performance Reporting Framework Mid-Year Report 2025-26 results and provides feedback as appropriate.

CARRIED

3.3 Quarterly Organisational Performance Report

Authorised by General Manager Business Excellence

Attendance

Cr Crook left 10.18 am and returned at 10.20 am.

The Committee considered the Quarterly Organisational Performance Report for the period ending 31 March 2026, which provided an overview of performance against the Council Plan and the financial position at quarter three. Overall performance was reported as strong, with a high proportion of Council Plan actions on track for completion by year end and continued progress across key strategic initiatives and community engagement activities. The financial update indicated that results remain broadly aligned with the adopted budget, with key themes including the management of staff costs, carry forward grants and budget movements between expenditure categories.

During discussion, the Committee:

- noted the importance of clear and comparable performance reporting, with feedback provided on improving the presentation of targets and year-to-date results, particularly where targets are expressed as increases without baseline context;

- sought assurance that Council not only collects community feedback but also clearly communicates how that feedback has influenced decisions. Management confirmed that processes are in place to "close the loop," including responding to submissions and reporting outcomes back to the community, noting that this occurs following the adoption of key decisions such as the budget;

- discussed broader financial matters, including strengthened governance around carry forwards, the treatment of natural disaster reimbursements, and interest in longer-term cash and investment trends to support financial sustainability insights; and

- acknowledged the value of the report in supporting accountability and performance monitoring.

Officer Recommendation

That the Committee:

1. ***receives and notes the contents of the Operational Performance Report Quarter 3 for the period ended 31 March 2026 as provided at Attachment 1; and***

2. ***provide any comments if required.***

CARRIED

3.4 Annual Asset Valuations

Authorised by General Manager Assets and Environment

The Committee considered the Annual Asset Valuations report, which outlined Council's assessment of asset values based on construction price index movements. A modest increase of approximately 5% was identified, and it was determined that a full revaluation was not required at this time, with scheduled revaluations to proceed in future financial years. The Committee noted that the valuation methodology and approach adopted by management was appropriate and was supported by the external auditors, RSD, who confirmed no concerns with the approach.

Officer Recommendation

That the Committee receives and notes the annual report on Asset Valuations.

CARRIED

3.5 Quarterly ICT and Cyber Security Update

Authorised by General Manager Business Excellence

Confidentiality

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

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 prejudice the Council's position in commercial negotiations, as any future procurement processes that may be associated with this project are yet to be determined.

The Committee considered the quarterly ICT and Cyber Security update, including Council's position against the Victorian Protective Data Security Standards (VPDSS) and Essential Eight framework. The report indicated that Council's technology environment remains stable and secure, with no major incidents reported and strong compliance with key controls, supported by ongoing monitoring, external testing and independent assurance activities. The Committee commended the dashboard presentation, noting it provides clear visibility and assurance over system performance and controls. It was confirmed that legacy systems have been appropriately isolated and are being phased out, with no high-risk exposure identified.

During discussion, the Committee highlighted opportunities to strengthen reporting by clearly articulating cyber risk as a key organisational risk, improving visibility of how controls align to that risk, and incorporating benchmarking to demonstrate Council's position relative to the sector. The Committee also emphasised the importance of linking these reports back to the broader risk management framework, ensuring that quarterly reporting is recognised as a key control.

Officer Recommendation

That the Committee:

1. ***notes the ICT and Cyber Security Update for the reporting period 1 January – 31 March 2026; and***

2. ***notes the attached Council status updates for the Victorian Protective Data Security Standards and the Australian Cyber Security Centre Essential Eight.***

CARRIED

3.6 Quarterly Occupational Health and Safety Report

Authorised by General Manager Business Excellence

The Committee considered the Quarterly Occupational Health and Safety Report for the period January to March 2026, which provided an update on key health, safety and wellbeing activities, trends and risks across the organisation. The report highlighted ongoing improvements in hazard identification through targeted training, strengthened governance arrangements, and continued monitoring of incidents and trends.

During discussion, the Committee expressed interest in gaining a deeper understanding of psychosocial risk across the organisation and how these risks are being managed, noting the significance of both human and financial impacts. Management advised that work is underway, including risk assessments, control reviews and development of an action plan to address identified areas of risk.

Officer Recommendation

That the Committee receives and notes this report.

CARRIED

Procedural Note

The meeting adjourned for a break at 11:08 am and resumed at 11:14 am.

3.7 Quarterly Strategic Risk Management Report

Authorised by General Manager Business Excellence

The Committee considered the Quarterly Strategic Risk Management Report and noted the significant progress made in developing the Enterprise Risk Register, acknowledging that it represents a first version and will continue to be refined through validation with business areas.

The Committee supported the proposed approach to prioritise enterprise and operational risk work and discussed the importance of ongoing visibility of key risks and associated treatment actions. It was agreed that the Enterprise Risk Register will continue to be presented to the Committee to support oversight and monitoring as the framework is further developed and embedded.

Officer Recommendation

That the Committee:

1. ***receives and notes this report and the Risk Management Dashboard provided at Attachment 1; and***
2. ***provides feedback and recommendations to support continuous improvement in Council's risk management practices.***

CARRIED

3.8 Quarterly Public Liability Incident and Claims Report

Authorised by General Manager Business Excellence

Confidentiality

Some of the information contained in this report is confidential under section 3(1) of the *Local Government Act* 2020 because it relates to: (e) Legal Privileged Information, being information to which legal professional privilege or client legal privilege applies.

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 compromise legal professional privilege and prejudice Council's legal position.

The Committee considered the Quarterly Public Liability Incident and Claims Report, noting it was presented in a revised format that provides a more comprehensive overview of Council's public liability exposure, including both incidents and claims. The updated report is intended to provide greater transparency, reduce duplication of reporting and strengthen organisational assurance by capturing overall trends and lessons learned. The Committee received the report positively and acknowledged the value of the enhanced approach in supporting oversight of risk, continuous improvement and sector-wide insights.

Officer Recommendation

That the Committee:

1. ***notes the changes to Council's approach to Public Liability risk reporting, including the introduction of the Quarterly Public Liability Incidents and Claims Report provided at Attachment 1;***

2. ***notes the findings of the Victorian Ombudsman's report Outsourcing Small Claims and their relevance to Council's approach to under-excess claims management;***

3. ***notes and endorse the revised approach to the internal assessment and determination of under-excess public liability claims, supported by the Under Excess Claim Assessment Guide provided at Attachment 2; and***

4. ***provides any feedback or suggestions to further strengthen Council's approach to Public Liability risk reporting and claims management.***

CARRIED

4 Audit Matters

4.1 External Audit

4.1.1 Interim Management Letter - Financial Year Ending 30 June 2026

Attendance

Cr Tom Crook left 11.45 am and returned at 11.47 am.

The Committee considered the Interim Management Letter for the financial year ending 30 June 2026, noting that the interim audit phase is largely complete, with some items still outstanding due to the recent transition to new financial and payroll systems. It was acknowledged that the system changes have introduced additional complexity for both Council and the auditors. The audit findings to date were minimal, with only a low-risk issue identified, which management has accepted and is addressing.

The Committee noted that further audit work, including system migration testing, will be completed as part of the final audit, with any additional findings to be reported in the final management letter.

Auditor Recommendation

That the Committee notes the contents of this report.

CARRIED

4.2 Internal Audit

4.2.1 Internal Audit Plan Progress Update

The Committee was provided with an update on the progress of the 2025/26 Internal Audit Plan.

Auditor Recommendation

That the Committee receives and notes the contents of this report.

CARRIED

4.2.2 Internal Audit Report – Open Space Contributions

The Committee considered the Internal Audit Report on Open Space Contributions, noting the findings highlighted the need for a more structured, consistent and governance-focused approach to managing developer contributions. Officers advised that the organisation has adopted a strategic, framework-based approach to address the audit findings, with the intention of improving clarity, transparency and consistency across similar contribution types. The Committee noted this would provide a stronger foundation for future decision-making and financial management and acknowledged the report as a significant opportunity to strengthen governance in this area.

The Committee also noted the importance of understanding the scale of open space contributions and ensuring that long-term financial implications, including maintenance of acquired land, are appropriately considered within Council's financial planning. The Committee resolved to receive and note the report and will monitor the implementation of management actions.

Auditor Recommendation

That the Committee:

1. ***receives and notes the contents of the Audit Report on Open Space Contributions; and***

2. ***monitor the progress of actions required to achieve rectification of any identified issues through periodic updates provided.***

CARRIED

4.2.3 Internal Audit Plan

Authorised by General Manager Business Excellence

The Committee considered the Internal Audit Plan update, noting progress against the 2025/26 program and proposed amendments to the 2026–2029 Internal Audit Plan. While the Committee acknowledged that it was not feasible to proceed with the Project Management audit in 2025/26 due to timing constraints, discussion emphasised the importance of project management as a key risk area for the Council.

The Committee considered alternative approaches, including timing of the audit to align with implementation of the revised project management framework, and noted advice from Andrew Zavitsanos, Crowe Australasia that sufficient maturity is required to enable meaningful audit outcomes. It was also agreed that a staged approach would support better oversight, including an interim update on the framework and prioritisation of the audit within the forward program.

As a result, the Committee amended the Officer Recommendation to reinstate the Project Management audit within the 2027/28 Internal Audit Plan, replace the Statutory Planning audit, and include additional reporting milestones to support oversight, including a framework update and early scoping of the audit.

Procedural Note

The Committee amended the Officer Recommendation.

That the Committee:

1. ***notes the update on delivery of the 2025/26 Internal Audit Plan, including the decision not to proceed with the Project Management internal audit for 2025/26;***

2. ***endorses the proposed amendments to the 2026–2029 Internal Audit Plan, including:***
   a. ***deferral of the Long-Term Financial Planning audit to 2027/28; and***
   b. ***bringing forward the Service Delivery audit to 2026/27;***
   c. ***replacing the Statutory Planning audit with the Project Management audit, to be undertaken as the first audit for 2027/28;***
   d. ***presentation of the Project Management framework to the Committee at the November 2026 meeting; and***
   e. ***presentation of the scope for the Project Management internal audit at the first meeting of the 2027 calendar year; and***

3. ***endorses the Business Continuity internal audit scope.***

CARRIED

4.2.4 Internal Audit Actions Report

Authorised by General Manager Business Excellence

The Committee was presented with a progress update on actions arising from Internal Audit recommendations.

Officer Recommendation

That the Committee receives and notes the contents of this report.

CARRIED

5 Integrity Agency Matters

5.1 **Integrity Agency Reports**

Authorised by General Manager Business Excellence

The Committee was provided with recent Integrity Agency reports and an update on the management and tracking of relevant recommendations for review and feedback.

Officer Recommendation

That the Committee:

1. ***notes the following integrity agency reports:***
    a) ***Victorian Ombudsman – Outsourcing small claims handling: How councils manage fairness and responsibility (March 2026);***
    b) ***Victorian Auditor-General's Office – Results of 2024–25 Audits: Local Government (March 2026); and***
    c) ***Local Government Victoria – Municipal Monitor's Report on the Governance of Strathbogie Shire Council (November 2025).***
2. ***notes that relevant findings and recommendations have been captured in Council's action tracking system and allocated to responsible officers for review and management response, as provide in Attachments 1, 2 and 3; and***
3. ***provides any feedback on Council's proposed approach to managing and monitoring integrity agency recommendations.***

CARRIED

5.2 Integrity Agency Actions Report (Status Update)

Authorised by General Manager Business Excellence

The Committee was provided with an update on actions arising from Integrity Agency report recommendations.

Officer Recommendation

That the Committee receives and notes the contents of the Integrity Agencies Actions report.

CARRIED

6 Committee Matters

6.1	**Actions Arising Update**
Authorised by	General Manager Business Excellence

The Committee was provided with an update on actions requested at previous meetings.

Officer Recommendation

That the Committee receives and notes the Actions Arising Report provided at Attachment 1.

CARRIED

6.2 Annual Performance Assessment - 2025/26 Proposed Approach

Authorised by General Manager Business Excellence

The Committee considered the proposed approach for the 2025/26 Annual Performance Assessment, noting the continuation of the established process, including completion of a survey, facilitated discussion and development of a summary report for endorsement. The Committee supported the proposed approach and timeline, with members invited to raise any concerns or feedback directly to the Secretariat in relation to their availability.

Officer Recommendation

That the Committee considers and endorses the arrangements for the completion of the Committee's annual performance assessment for the 2025/26 year.

CARRIED

6.3 Annual Work Program - Progress Report

Authorised by General Manager Business Excellence

The Committee was provided with an update on the progress of the Annual Work Plan.

Officer Recommendation

That the Committee receives and notes the 2026 Annual Work Program Status Report provided at Attachment 1.

CARRIED

7 Emerging Issues

7.1 Quarterly Emerging Issues Report

The Committee considered the Quarterly Emerging Issues Report presented by Andrew Zavitsanos (Crowe Australasia), which highlighted key developments relevant to the sector. The Committee noted the release of new WorkSafe tools to support organisations in conducting psychosocial risk assessments and managing emerging regulatory requirements. It was also noted that the Queensland Audit Office has undertaken an audit into third-party cyber security risks, providing useful insights for consideration in Council’s approach to managing external and supply chain risks. The Committee acknowledged the importance of monitoring these emerging issues and incorporating relevant learnings into Council’s risk and governance frameworks.

Auditor Recommendation

That the Committee receives and notes the contents of this report.

CARRIED

8 Urgent Business

Nil

9 Close of Business

There being no further business, the Chair Mark Dupé closed the meeting, the time being 12.27 pm.

6 Urgent Business

7 Confidential Business

7.1 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 would unreasonably prejudice Council's position in relation to the current procurement process, the proposed re-procurement of the works, and associated contractual, legal and probity matters, including Council's dealings with tenderers and potential commercial negotiations.

8 Close of Meeting