



Minutes Council Meeting

Tuesday 5 October 2021 at 6:00 pm

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

Councillors

Crs Mendy Urie (Mayor), Mark Reeves (Deputy Mayor), Arthur Allen, Sonia Buckley (Via Teams), Tom Crook, Jane Greacen OAM (via Teams), Trevor Stow, Kirsten Van Diggele and John White

Vision

East Gippsland is an inclusive and innovative community that values our natural environment, puts community at the centre of Council decision-making, and creates the conditions in which communities can thrive.

Our Strategic Objectives

1. An inclusive and caring community that respects and celebrates diversity
2. Planning and infrastructure that enriches the environment, lifestyle, and character of our communities.
3. A natural environment that is managed and enhanced.
4. A thriving and diverse economy that attracts investment and generates inclusive local employment.
5. A transparent organisation that listens and delivers effective, engaging and responsive services

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1 Procedural

1.1 Recognition of Traditional Custodians

Welcome to East Gippsland Shire Council's meeting of Tuesday 5 October 2021.

East Gippsland Shire Council live streams, records and publishes its meetings via webcasting ([youtube.com/c/East Gippy TV](https://youtube.com/c/EastGippsTV)) 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.

The Victorian Government has amended the COVID-19 Omnibus (Emergency Measures) and Other Acts Amendment Act 2020 that enables Council meetings to be conducted by electronic means (videoconferencing) until 26 April 2022. The Minister for Local Government re-issued the Ministerial Good Practice Guideline for Virtual Meetings on 20 October 2020 outlining the provisions relating to the Local Government Act 2020 allow Councillors to attend Council meetings electronically, and the requirement where Council meetings are open to the public will be satisfied where the meeting is livestreamed. The amendments do not preclude Councillors from attending a meeting in person in the Council chambers.

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

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidjural people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

Council value their living culture and practices and their right to self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

A member's attendance can only be recorded as present where the member can confirm that they meet all three of the following:

1. They can hear proceedings;
2. They can see other members in attendance and can be seen by other members;
3. They can be heard (to speak).

Councillors MUST confirm ALL of the above conditions to be noted as present for the meeting.

A quorum will not be made if these conditions are not met and the meeting will be adjourned until a quorum is met or postponed if a quorum cannot be met.

If technical difficulties are encountered by Council during the meeting including with the livestreaming, we will adjourn until resolution of the issue or postpone to later time and/or date.

I will now confirm with Councillors Buckley and Greacen OAM that she can see, hear and be heard and to note assurance that the location she is participating from is secure to ensure deliberations are confidential.

- Can you see and hear us?
- Can you confirm that the location you are participating from is secure to ensure confidential items are dealt with in a confidential manner?

Councillors Buckley and Greacen OAM confirmed.

1.2 Apologies

Nil

1.3 Declaration of Conflict of Interest

Cr Sonia Buckley declared a conflict of interest in item 5.3.1 *Planning Permit Application 475/2020/P - for approval - 30 Clifton West Road - Multi Lot Subdivision, Roadworks and vegetation removal*, as a material interest due to election campaign donation.

1.4 Confirmation of minutes

Cr Mark Reeves / Cr Trevor Stow

THAT THE MINUTES OF THE COUNCIL MEETING HELD TUESDAY 14 SEPTEMBER 2021 BE CONFIRMED.

CARRIED

1.5 Next meeting

The next Council Meeting of Tuesday 26 October 2021 to be held at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00pm.

1.6 Requests for leave of absence

Nil

1.7 Open Forum

1.7.1 Petitions

Nil

1.7.2 Questions of Council

Nil

1.7.3 Public Submissions

Ms Lisa Herbert, spoke on GIVIT, a not-for-profit organisation and their short-term modular housing project.

Mr Richard Hoxley, Crowther and Sadler Pty Ltd, spoke in relation to item 5.3.2.
Mr Hoxley spoke at item 5.3.2.

2 Notices of Motion

Nil

3 Deferred Business

Nil

4 Councillor and Delegate Reports

4.1 Cr Tom Crook

Cr Crook provided a verbal update which is available in the livestream of the meeting.

4.2 Cr Arthur Allen

Cr Allen spoke to his written report at page 9.

4.3 Cr Kirsten Van Diggele

Cr Van Diggele spoke to her written report at page 9.

4.4 Cr Mark Reeves

Cr Reeves spoke to his written report at folio page 9.

4.5 Cr Sonia Buckley

Cr Buckley provided a verbal update which is available in the livestream of the meeting.

4.6 Cr Jane Greacen OAM

Cr Greacen provided a verbal update which is available in the livestream of the meeting.

4.7 Cr Mendy Urie

Cr Urie spoke to her written report at folio page 9.

COUNCILLOR WRITTEN REPORTS

Cr Arthur Allen

Once again due to lock down I have little to report, however I would like to acknowledge the nomination of the exhibition "End of an Era" for the Victorian History Awards. This exhibition by Nicki Henningham and Lee Henningham in conjunction with FRDC and Deakin University was a photographic study and oral history of the last 10 Gippsland Lakes Fishermen. Lynda Mitchelson Twigg played a major role in developing the project and seeking funding and support. To be nominated is a major accolade, to win would be fantastic. Congratulations to all involved.

Cr Kirsten Van Diggele

Planning Consultation

I attended the planning consultation on 114 Grandview Road for a Boat and Caravan Storage facility. It was insightful to listen to the proponent, as well as hear from the objectors.

Paynesville Foreshore Development

Myself and three other Councillors visited Paynesville this morning to consult with business owners about the Paynesville Foreshore Development plan. We had a chance to hear the views and ideas of business owners in regards to the new proposed development. After this, we were able to visit the Men's Shed and have insightful conversations about renewable energy, the needs of residents in Paynesville and Eagle Point, and learn more about the Men's Shed and what it means to the members.

Cr Mark Reeves

Once again due to lock down I have little to report, however I would like to acknowledge Nomination of the exhibition "End of an Era" for the Victorian History Awards. This exhibition by Nicki Henningham and Lee Henningham in conjunction with FRDC and Deakin University was a photographic study and oral history of the last 10 Gippsland Lakes Fishermen. Lynda Mitchelson Twigg played a major role in developing the project and seeking funding and support. To be nominated is a major accolade, to win would be fantastic. Congratulations to all involved.

Cr Mendy Urie

I returned to work yesterday after 2.5 weeks leave. It was great to get away for a period and I offer many thanks again to Cr Reeves, Deputy Mayor for stepping in as acting Mayor while I was away.

The COVID-19 pandemic continues to impact us all. East Gippsland has been relatively unaffected to-date by infections and exposures, which has allowed a degree of freedoms which I am sure we all appreciate. I want to sincerely thank all members of our community who take care to follow the health guidelines and in particular those who have received vaccinations. I also appreciate all those who continue to provide good information to people about vaccinations, who may be reluctant. We know that building on our good vaccination numbers in East Gippsland will help the health of the whole community, including our valued health workers and health systems and I am proud that Council continues to work with other agencies to encourage and support vaccinations, particularly in our more vulnerable sectors. Special thoughts for those continuing to be in lockdown in Melbourne. I am sure we all have

people we know and love who continue to be severely restricted and are mindful of supporting them.

The Annual Report 2020/2021 is a highlight of our Council meeting this evening and I am looking forward to speaking a little about the work of the last 12 months when the document is presented for endorsement.

National Black Summer Bushfire Recovery Grant Program closes tomorrow (Wednesday 6th October). Since this funding round opened in early July, there have been an enormous number of requests for letters of support from Council for the applications from community, perhaps indicating the level of need right across our shire. Thank you to our officers for compiling these letters, it represents a lot of time and effort. We wish all the applicants well, because the projects are all worthy indeed and each one represents a lot of work by the communities in putting the projects forward for consideration.

Community Visits - Again, just to express how disappointing it is not to be able to visit our communities more extensively (individuals and organisations), I am hoping for all that to change gradually, but soon.

5 Officer Reports

5.1 Assets and Environment

5.1.1 CON2022 1432 Bituminous Sealing

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in the attachment/s to this report are confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

The purpose of this report is to provide the detail and background of the tender and evaluation process for CON2022 1432 Bituminous Sealing in East Gippsland and seek approval by Council to accept the recommendations made by the Tender Evaluation Panel.

East Gippsland Shire Council is responsible for the management of an extensive road network including 1,157 kilometres of sealed roads. This schedule of rates based contract for bitumen reseals and asphaltting is the primary tool enabling Council to meet its renewal requirements for sealed road surfacing, enabling the road network to be maintained in a safe and cost-effective way.

Bitumen spray sealed roads require resealing every 10 – 15 years. To meet the renewal demand of sealed road surfaces, Council needs to reseal approximately 8% of the whole sealed road network each year. This equates to approximately 92km of road per year on average, which requires resurfacing. The contract also caters for minor sealing of unsealed roads, of which Council currently manages in excess of 1,800 km. Examples of this are roads sealed through Council's annual Dust Suppression Sealing program.

As a result of the invitation to tender and the subsequent tender evaluation, Council is in a position to award the contract. The Evaluation Panel's recommendations are detailed in **Confidential Attachment 1**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by _____
for CON2022 1432 Bituminous Sealing in East Gippsland for the Schedule of Rates
amounts included in Confidential Attachment 1, for an initial contract term to 30
June 2024;***
- 3. authorises signing and sealing of the contract in the form proposed; and***
- 4. resolves that the attachments to this report and all discussions in relation to the
attachments remain confidential.***

THAT COUNCIL:

- 1. RECEIVES AND NOTES THIS REPORT PERTAINING TO THE AWARDING OF
CON2022 1432 SCHEDULE OF RATES CONTRACT FOR BITUMINOUS SEALING IN
EAST GIPPSLAND.***
- 2. ACCEPTS THE TENDER SUBMITTED BY CRANES ASPHALTING & BITUMEN
SEALING PTY LTD FOR BITUMINOUS SEALING IN EAST GIPPSLAND FOR THE
SCHEDULE OF RATES (EX GST) AT ATTACHMENT 1; FOR THE INITIAL
CONTRACT TERM UNTIL 30 JUNE 2024 TO BE ACCEPTED AS TENDERED.***
- 3. AUTHORIZES SIGNING AND SEALING OF THE CONTRACT IN THE FORM
PROPOSED; AND***
- 4. RESOLVES THAT THE ATTACHMENTS TO THIS REPORT AND ALL DISCUSSIONS
IN RELATION TO THE ATTACHMENTS REMAIN CONFIDENTIAL.***

Cr Arthur Allen / Cr John White

THAT THE RECOMMENDATION BE ADOPTED

CARRIED

Background

The purpose of this report is to provide the detail and background of the tender and evaluation process for CON2022 1432 Bituminous Sealing in East Gippsland and seek approval by Council to accept the recommendations made by the Tender Evaluation Panel (TEP).

East Gippsland Shire Council is responsible for the management of an extensive network including 1,157 kilometres of sealed roads. These roads and streets include both spray seal surfaces and asphalt surfaces.

In addition to regular condition inspections and programming, this schedule of rates based contract for bitumen reseals and asphaltting is the primary tool enabling Council to meet its renewal requirements for sealed road surfacing. The delivery of the contract through Council's annual sealed road resealing capital program, enables the road network to be maintained in a safe way, providing the best levels of service and lowest whole of life costs.

Bitumen spray sealed roads require resealing every 10 – 15 years, depending on a range of factors including the type and amount of traffic. After this time, surface treatments break down, losing their waterproofing ability, resulting in increasing defects, degradation of the road pavement and generally lower levels of service and higher costs.

To meet the renewal demand of sealed road surfaces, Council needs to reseal approximately 8% of the whole sealed road network each year. This equates to approximately 92km of road per year on average that requires resurfacing. While asphalt is a more costly treatment, generally this requires renewal at longer intervals, approximately every 20 – 25 years.

The contract also allows for minor sealing of unsealed roads, of which Council currently manages in excess of 1,800 km. Examples of this are roads sealed through Council's annual Dust Suppression Sealing program.

Council's previous schedule of rates-based contract for bituminous sealing expired in June 2021. CON2022 1432 Bituminous Sealing in East Gippsland is proposed to have an initial term to 30 June 2024. There is a further two (2) extension options each of up to 12 months at Council's sole discretion.

A public tender process has been undertaken in accordance with Council's procurement process for these services. As a result of the tender and the subsequent evaluation, Council is able to award the contract for CON2022 1432 Bituminous Sealing in East Gippsland. The TEP Report including recommendations are detailed in **Confidential Attachment 1**.

Legislation

On 24 March 2020 the Government passed the *Local Government Act 2020* (the new Act). As of 1 July 2021 all provisions from the new Act have commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 1989*, as it relates to procurement undertaken in accordance with a Policy adopted under this Act.

Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in the attachment/s to this report are confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

Collaborative Procurement

Pursuant of section 109(2) of the *Local Government Act 2020* this report has been prepared on the basis of a tender for services for only East Gippsland Shire Council, as no viable collaborative opportunities for the service have been identified at this time.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable.

Council Policy

Procurement has been undertaken in accordance with the East Gippsland Shire Council Procurement Policy (2020).

Options

Various contractual options were considered in planning for the tender of CON2022 1432 Bituminous Sealing in East Gippsland. The schedule of rates based model incorporating both bituminous spray sealing and asphaltting is similar to previous contract formats for these services, which have proven to demonstrate good value for money and flexibility. The option to include line marking for reseals, to improve efficiency and reduce complexity, has been included in CON2022 1432 Bituminous Sealing in East Gippsland, differing from previous contracts for this service.

Council's previous schedule of rates-based contract for bituminous sealing expired in June 2021. To enable this service to be delivered over the upcoming summer period, Council has the option to enter into a contract for CON2022 1432 Bituminous Sealing in East Gippsland as recommended or review the market engagement approach related to this service and select an alternative.

Resourcing

Financial

Annual amounts for the reseal program and dust suppression sealing program are allocated by Council through annual budgets. The budgets for 2021/22, 2022/23 and 2023/24 as included in the adopted 2021/22 budget are detailed below and considered most relevant to the contract scope of works and term.

Financial Year	Capital Program Budget (Reseal Program)	Proposed Capital Expenditure Dust Suppression Sealing
2021/22	\$2,590,000	\$200,000
2022/23	\$4,250,000	\$200,000
2023/24	\$4,250,000	\$200,000

- Based on the proposed 2021/22 Reseal Program the estimated reseal works cost \$2,590,000.
- Based on the proposed 2021/22 Dust suppression sealing program the estimated sealing works cost \$200,000.

- Resealing and dust suppression sealing works cost to be funded through the Capital Program (reseal) and dust suppression programs. To enable a comparison of the tenders received, the tendered rates were applied to a nominated set of quantities. Cranes Asphalt and Bitumen Sealing returned the only submission.

Plant and equipment

All plant and equipment relevant to the service will be provided under the proposed contract.

Human Resources

The Project Supervisor for this contract will be allocated from Council's Assets and Projects Unit. No additional human resources are required to manage this contract.

Risk

The risks of this proposal have been considered extensively during the tender process and considered low. Tenderers were also requested to develop a construction method that minimises risks identified in relation to protection of existing services, traffic management, property access and off-street carpark access, vibration and other key issues associated with the works.

Economic

The tender evaluation process used for this tender included a 5% weighting for local content, with preference given to contractors who employ locally, support the local community and purchase materials and any subcontracted services locally.

As this is a project that will enable safe transport, the project is seen to support the East Gippsland Shire's vitality and amenity, which is known to positively impact economic growth.

Social

The effective management of Council's road network supports connectedness and safety.

Environmental

A 5% weighting has been used in the evaluation of tenders regarding environmental sustainability, with preference given to contractors who can demonstrate environmentally sustainable and environmentally sensitive practices.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

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

Engagement

The project supervisor for the works will be responsible for providing initial engagement with adjacent businesses and agencies for all projects delivered in a coordinate with this contract and this relationship will continue throughout the duration of the project.

As part of the construction methodology, the Contractor will communicate regularly with all stakeholders regarding any impact throughout delivery of the project.

Engagement activities targeting the broader community promoting the project and any potential impacts throughout its implementation will be initiated following award of the contract.

Attachments

1. CONFIDENTIAL - CON2022 1432 Bituminous Sealing - Tender Evaluation Panel Report [5.1.1.1 - 22 pages]

5.2 Business Excellence

5.2.1 East Gippsland Shire Council Audit and Risk Committee Performance Review 2020/21

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report seeks Council's consideration and noting of the report on the Audit and Risk Committee ('the Committee') annual performance review for 2020/21. As required in the Audit and Risk Committee Charter the Committee undertakes an annual assessment of its performance and provides a report to Council.

The assessment is completed through a survey of Committee members (including Councillors who are on the Committee), Councillors who do not sit on the Committee, and senior officers. The results were assessed by the Committee. The Chairman reported the review and the outcomes to a joint meeting with Councillors in September.

This summary outlines the responses the Committee will implement during 2021/11 as a result of the performance review and subsequent discussion with Council.

Officer Recommendation

That Council notes this report on the annual performance review of the East Gippsland Shire Council Audit and Risk Committee for the year ended 30 June 2021.

Cr Arthur Allen / Cr Tom Crook

THAT THE RECOMMENDATION BE ADOPTED

CARRIED

Background

The Audit and Risk Committee Charter requires the Committee to conduct annually, an evaluation of the performance of the Audit and Risk Committee against the Audit and Risk Committee Charter and provide an assessment to the Chief Executive Officer for tabling at the next Council meeting.

A survey regarding the performance of the Audit and Risk Committee was completed by individual Committee members, Councillors who do not sit on the Committee and senior officers.

The questionnaire completed by the respondents covered the following areas of the Committee's operations:

- strengths and weaknesses of the committee over the past 12 months and key focus areas for the next 12 months;
- the Committee's understanding and conduct of its required duties;
- the appropriateness of the Committee charter;
- the mix of skills within the Committee;
- the conduct of meetings and administrative matters; and
- professional development undertaken in the past 12 months or that would be beneficial in future (questions addressed to Committee members only).

The results of the survey were assessed by the Committee at a meeting in August. The discussion focused on the issues raised in the survey and considered ways of improving the practice of the Committee. The Chairman presented the review and outcomes to Council at a joint meeting with Councillors in September.

The process has indicated a general agreement that the Committee has met the objectives as outlined in the Audit and Risk Committee Charter for 2020/21.

The transition to video conferencing as a result of the COVID-19 social distancing requirements was again identified as a highlight of the year, as it provided greater reach to the committee and ultimately better engagement. The Committee will continue to use video conferencing for its meetings.

There has been an improvement in communication between the Committee and Council over the preceding twelve months. The Committee is committed to ongoing improvements and focus on maintaining good communication with Council.

The Committee believes that the 30-minute Committee members only pre-meetings has assisted with the management of items in the Committee meeting.

The Committee discussed efforts for attracting and retaining broader diversity of members on the Committee and to demonstrate diversity for future pools of candidates for positions on the Committee.

The Committee suggested the following improvements for 2021/22:

- Review of the Charter so that all members understand the role of the Committee, the scope of the committee and the roles and responsibilities of members.
- Improve the meeting practices to manage the agenda and work with management to prioritise items on the agenda.
- Continue with the 30-minute Committee members only pre-meetings.
- Appreciation and recognition of the staff members who prepare the reports for the meeting.
- Continue with conducting the meetings via video conference, which may also be attractive for potential candidates for the Committee.

The Chair recognised the support and assistance of Management with the process and compiling of the Audit and Risk Committee Annual Performance Review.

Legislation

On 24 March 2020 the Government passed the *Local Government Act 2020* (the new Act). As of 1 July 2021, all provisions from the new Act have commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020* Section 53 which stipulates that Councils must establish an Audit and Risk Committee and section 54 requires Council to adopt an Audit and Risk Charter. The Charter requires the Audit and Risk Committee to provide an assessment of its performance to Council.

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The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

Collaborative procurement

Not applicable for this report.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.5 Resources are managed to meet current and future needs and priorities.

Council Policy

This report addresses the requirements of the Audit and Risk Committee Charter for the Audit and Risk Committee to conduct annually, an evaluation of the performance of the Audit and Risk Committee against the Audit and Risk Committee Charter and provide an assessment to the Chief Executive Officer for tabling at the next Council meeting.

Options

Not applicable for this report.

Resourcing

Financial

Not applicable for this report.

Plant and equipment

Not applicable for this report.

Human Resources

Not applicable for this report.

Risk

Not applicable for this report.

Economic

Not applicable for this report.

Social

Not applicable for this report.

Environmental

Not applicable for this report.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

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

Engagement

Not applicable for this report.

Attachments

Nil

5.2.2 Annual Report 2020-21

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report presents the Draft Annual Report 2020-21 (Annual Report) for Council's consideration, under the requirements of the *Local Government Act 2020*. The Annual Report has information on organisational performance, challenges, instances of advocating for the East Gippsland community, comprehensive financial statements, achievements, and highlights for the year.

Under the *Local Government Act 2020* section 100, the Mayor must report on the implementation of the Council Plan by presenting the Annual Report at a Council meeting open to the public.

Some highlights from the Annual Report include:

- Council advocated for and received over \$25.5 million in Local Economy Recovery grant funding to support East Gippsland communities.
- Council accessed over \$31.4 million of grant funding that was received in 2020-21.
- Developed the new Council Plan 2021-25 following extensive deliberative engagement.
- Council helped over 4,000 small business owners to successfully apply for Business Victoria bushfire recovery support grants
- Council's Place Managers continued to support communities with their recovery, with the establishment of representative groups and development of recovery plans.
- A total of thirty one Local Incident Management Plans were developed or reviewed with the local communities.
- The commencement of the Omeo Mountain Bike Trail Project, with the construction of the skills and pump track.
- Detailed design and approval work for the WORLD Sporting Precinct was undertaken for work to commence in 2021-22.
- An Agriculture Sector Advisory Committee was formed.
- Council won three top awards at the 2021 LGPro Awards for Excellence.
- To respond to COVID-19 restrictions, Council created a plan: *East Gippsland – The Way We Do Business Now*.

A copy of the Draft Annual Report 2020-21 has been provided at **Attachment 1**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and**
- 2. adopts the Draft Annual Report 2020-21 at Attachment 1.**

Cr John White / Cr Mark Reeves

THAT THE RECOMMENDATION BE ADOPTED

CARRIED

Background

This report presents the Annual Report for Council's consideration, under the requirements of the *Local Government Act 2020*. The Annual Report has information on organisational performance, challenges, instances of advocating for the East Gippsland community, comprehensive financial statements, achievements, and highlights for the year.

There is a legislated requirement that the Annual Report must contain certain information. This is detailed in *the Local Government Act 2020* - section 98(2) – which states: An annual report must contain the following—

- a. a report of operations of the Council;
- b. an audited performance statement;
- c. audited financial statements;
- d. a copy of the auditor's report on the performance statement;
- e. a copy of the auditor's report on the financial statements under Part 3 of the *Audit Act 1994*;
- f. any other matters prescribed by the *Local Government (Planning and Reporting) Regulations 2020* (Regulations).

The Annual Report provides the report of operations of the Council and other matters prescribed by the Regulations.

Sections b., c., d., and e. as listed above, were presented and adopted by Council at the September Council Meeting on 14 September 2021. The authorised documentation has been signed off and a copy has been included in the Annual Report.

The savings and transitional provisions in section 329 (7)(b) of the *Local Government Act 2020* states that the *Local Government Act 1989* continues to apply to the preparation of 2020-21 Annual Reports. Therefore, Councils are still required to submit their Annual Report to the Minister for Local Government by 30 September 2021.

The Annual Report is intended to be used as a promotion tool, that provides an overview of the good news stories and highlights for the community to read in a consolidated report.

Some highlights from the Annual Report include:

- Council advocated for and received over \$25.5 million in Local Economy Recovery grant funding to support East Gippsland communities.
- Council accessed over \$31.4 million of grant funding that was received in 2020-21.
- Developed the new Council Plan 2021-25 following extensive deliberative engagement.
- Council helped over 4,000 small business owners to successfully apply for Business Victoria bushfire recovery support grants
- Council's Place Managers continued to support communities with their recovery, with the establishment of representative groups and development of recovery plans.
- A total of thirty one Local Incident Management Plans were developed or reviewed with the local communities.
- The commencement of the Omeo Mountain Bike Trail Project, with the construction of the skills and pump track.
- Detailed design and approval work for the WORLD Sporting Precinct was undertaken for work to commence in 2021-22.
- An Agriculture Sector Advisory Committee was formed.
- Council won three top awards at the 2021 LGPro Awards for Excellence.
- To respond to COVID-19 restrictions, Council created a plan: *East Gippsland – The Way We Do Business Now*.

The Annual Report is also accompanied by a short highlights video as a way to promote the highlights in a short, engaging format that can be consumed more easily than reading the document. The video will be presented through the visual screens in our service centres and at other relevant opportunities.

Legislation

On 24 March 2020 the Government passed the *Local Government Act 2020* (the new Act). As of 1 July 2021 all provisions from the new Act have commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*, 98, 99 and 100 section from the Act as well as the savings and transitional provisions in section 329 (7)(b) of the *Local Government Act 2020* states that the *Local Government Act 1989* continues to apply to the preparation of 2020-21 Annual Reports.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

Collaborative Procurement

Pursuant of section 109(2) of the *Local Government Act 2020* this report has not been prepared in collaboration with another Council or government agency.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.1 A better everyday customer experience is created for our residents and visitors.

Council Policy

Not applicable

Options

No options available

Resourcing

Financial

Not applicable

Plant and equipment

Not applicable

Human Resources

Not applicable

Risk

The risks of this proposal have been considered minimal and managed appropriately.

Economic

Not applicable

Social

Not applicable

Environmental

Not applicable.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

Corporate/Strategic/Council Plan: Consideration is given to climate change in corporate, strategic or council plan(s) and includes responses to direct and indirect impacts.

Engagement

After adoption, the Annual Report will be promoted to the community with a media release. As the Annual Report covers Council's highlights and achievements for the past year, it is a great opportunity to promote a good news story to the community.

Attachments

1. Draft Annual Report 2020-21 [**5.2.2.1** - 179 pages]

5.2.3 Mutual Respect Charter

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The report is seeking Council approval to adopt the draft Mutual Respect Charter provided at **Attachment 1**. The draft Mutual Respect Charter supports a key principle of providing a safe and respectful workplace. It is based on the principle of mutual respect and cooperation between Council and the community and customers.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report, and*
- 2. resolves to adopt the draft Mutual Respect Charter, at Attachment 1.*

Cr Tom Crook / Cr Arthur Allen

THAT THE RECOMMENDATION BE ADOPTED

CARRIED

Background

East Gippsland Shire Council is committed to being accessible and responsive to our community and members of the public and values respectful relationships with our community and customers. Notwithstanding, Council has a zero-tolerance in relation to any harm, abuse, aggressive behaviour or threats directed towards Council or its staff.

The draft Mutual Respect Charter has been developed to support a key principle of providing a safe and respectful workplace. It is based on the principle of mutual respect and cooperation.

The rationale for the introduction of a Mutual Respect Charter was borne from several instances of unacceptable and unwarranted behaviour towards Council officers from members of the community.

There have been instances for example where parks and gardens officers have been verbally abused by members of the community on matters that are unrelated to the works that are being carried out by these officers.

There have also been instances where operators at the landfill have been subjected to unacceptable abuse and on occasion customer service officers have received verbal abuse from customers.

It is also well documented that other Councils face similar issues of abuse on Council officers who are doing their job, even if it is a regulation such as animal control or welfare, or a parking fine, but could also extend to school crossing supervisors - assaults on people who are trying to protect children in the community.

Whilst Council officers deal with this unacceptable behaviour in a professional manner, the abuse can affect Council's ability to do its work and perform functions in the most effective and efficient way possible and potentially impacts on the health, safety and security of our officers.

It is proposed that through the Mutual Respect Charter, appropriate guidance is provided to support Council officers when confronted with these types of behaviour. To that end, Council's complaints management framework will be updated to provide practical guidance to Council officers and Councillors on how to deal with members of the public appropriately and safely.

In order that matters are dealt with fairly, efficiently and effectively and that occupational health and safety standards and duty of care obligations are adhered to, the Mutual Respect Charter sets out the rights and responsibilities expected to be observed and respected by all parties.

The Mutual Respect Charter sets out a shared responsibility:

1. Safe workplace expectations for our staff in dealing with the community and our customers.
2. Our commitment to serving the community and what people can expect when interacting with Council and its staff.

The Mutual Respect Charter reads:

The community has the right and responsibility to:

- Be treated with courtesy and respect
- Be given reasons that explain decisions affecting them
- A fair and impartial assessment based on the facts and merits of the matter
- A timely response
- Express their opinions in ways that are respectful and lawful
- A fair hearing
- Communicate valid concerns and views without fear of reprisal
- Access Council's complaints management policy
- Be informed about the actions taken and outcome of their complaint

Councillors and staff have the right and responsibility to:

- Be treated with courtesy and respect
- A safe and healthy working environment
- Expect honesty, cooperation and reasonable assistance from the community
- Zero tolerance on verbal abuse, offensive behaviour, threats and violence
- Provide reasons for decisions, and ensure that decisions are subject to appropriate review processes
- Be clear on how the matter will be handled, including compliance to statutory and/or legislative processes
- Modify, curtail or decline service in response to unacceptable behaviour which because of its nature or frequency raises health, safety, resource or equity issues

It is intended that the Mutual Respect Charter will be publicised through Council's normal communication channels and placed at all customer facing sites.

Legislation

The *Occupational Health and Safety Act 2004* is the main workplace health and safety law in Victoria. Organisations must provide and maintain a working environment that is safe and free of risks to health, so far as is reasonably practicable. The intention is to provide Council officers with the necessary information, instruction, and guidance to enable them to do their work in a way that is safe.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.1 A better everyday customer experience is created for our residents and visitors.

Resourcing

Financial

The financial implication with this report is limited to any minor costs associated with printing and stationery, which will be absorbed within existing budgets.

Plant and equipment

There are no plant and equipment requirements associated with this report.

Human Resources

There are no additional human resources required as a result of this report.

Risk

The risks of this proposal have been considered and it is anticipated that the introduction of a Mutual Respect Charter will improve the risk nature of dealings and interactions with the community and customers because the Mutual Respect Charter supports a key principle of providing a safe and respectful workplace and is based on the principle of mutual respect and cooperation.

Economic

There are no perceived economic impacts identified with this report.

Social

The acceptance of the Mutual Respect Charter will improve social behaviour directed towards Council and Council officers.

Environmental

There are no perceived environmental impacts identified with this report.

Engagement

East Gippsland Shire Council is grateful to and acknowledges the leading work of the City of Stonnington with regards to the Mutual Respect Charter. With City of Stonnington's permission, East Gippsland Shire Council has reproduced both the Mutual Respect Charter with suitable adaptations as required.

Attachments

1. Mutual Respect Charter [5.2.3.1 - 1 page]

5.2.4 Public Transparency Policy

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The *Local Government Act 2020* requires Council to adopt and maintain a Public Transparency Policy. This Policy was adopted in August 2020 but the Council at the time expressed the desire for the Policy to be reviewed within twelve months to assess if there were learnings that could be adopted and to give the new Council the opportunity to review the Policy.

The revised draft Public Transparency Policy, available at **Attachment 1**, continues to commit Council to making all Council decision-making processes (by Council and Council staff) transparent and Council information publicly available except where it is confidential information as defined in the Act or by virtue of another Act, or it is not in the public interest to make it available.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and**
- 2. adopts the revised draft Public Transparency Policy at Attachment 1.**

Cr Jane Greacen OAM / Cr Tom Crook

THAT THE RECOMMENDATION BE ADOPTED

CARRIED

Background

Council adopted the first Public Transparency Policy under section 57 of the *Local Government Act 2020* in August 2020. The Policy indicates where possible information will be available on Council's website or accessible at customer service centres and libraries.

Since the adoption of the Policy the transition from the *Local Government Act 1989* (the 1989 Act) has been completed. The initial policy provided for access to information under both the Acts, however most of the requirements under the 1989 are no longer relevant as the majority of the provisions have now been repealed. A review provides an opportunity to consider the legislative changes and to ensure the consistency with the Act and other legislation.

The revised draft Policy, at **Attachment 1**, provides an extensive list of the publicly available information including, among other things, livestreaming of Council meetings, Council agendas and minutes, adopted Council policies, plans, codes and strategies and summaries of personal interest returns.

As the Act is not prescriptive like the 1989 Act, the structure of the publicly available information has been changed in the draft revised Policy. This is to eliminate the potential confusion between what is expressly required under the Act and what is by extension required under the Act. The Policy makes publicly available all information relevant to the Act and in the remaining circumstances the 1989 Act. It also identifies publicly available information required under other legislation for ease of reference.

In addition, the revised draft Policy includes guidance to the community on how to access information that is not available on Council's website or otherwise available. It also outlines how Council will respond to such requests, including the process for denying access to information under the Policy which provides greater clarity for the community and Council staff.

Legislation

On 24 March 2020 the Government passed the *Local Government Act 2020* (the new Act). As of 1 July 2021, all provisions from the new Act have commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with section 57 of the *Local Government Act 2020* and other Acts as required.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

Collaborative Procurement

This report does not involve collaborative procurement.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced.

Council Policy

The Policy was adopted, in line with the legislative requirements, immediately prior to the 2020 Local Government elections. The Council at the time requested that the Policy be reviewed within the first twelve months to give the new Council the opportunity to consider the Policy and to apply improved understanding of the legislative requirements.

Options

As this is a legislative requirement there are no alternative options to consider.

Resourcing

Financial

There are no financial implications of this Policy.

Plant and equipment

There are no implications for plant and equipment.

Human Resources

The Policy will be managed within existing resources.

Risk

The revised draft Policy will minimise the risk of confusion about publicly available information following the transition to the new Act. The inclusion of the procedural guidance reduces the risk of misunderstanding when seeking access to information that is not available on the website or otherwise available.

Economic

The revised draft Policy continues Council commitment to transparency in decision-making and provides the community and the businesses of the Shire with confidence in its decisions.

Social

The revised draft Policy assumes that all matters should be public except in very specific and limited circumstances ensuring transparency of decision-making processes in the interest of the community.

Environmental

The revised draft Policy ensures protection of the Shires environment by ensuring transparent decision-making processes and making information available for public scrutiny.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

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

Attachments

1. Revised draft Public Transparency Policy [5.2.4.1 - 12 pages]
2. Revised draft Public Transparency Policy - tracked changes [5.2.4.2 - 13 pages]

5.2.5 Instrument of Delegation to Chief Executive Officer

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The purpose of this report is to amend the Instrument of Delegation to the Chief Executive Officer to address legislative compliance and grammar. It is necessary to remake the Chief Executive Officer's Instrument of Delegation regularly so that it applies to all legislation current at the time.

It is proposed to include a specific limit for expenditure required under legislation that is above the Chief Executive Officer's financial delegation. This is particularly pertinent to the payment of Council's insurance premiums that currently exceed the Chief Executive Officer's financial delegations.

Under the current Instrument of Delegation, the Chief Executive Officer is specifically permitted to exceed the financial limit for the procurement of insurance, conditional of Councillors being advised of the insurance premium being paid.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. agrees that the Chief Executive Officer may exceed the financial delegation where the expenditure is, by or under legislation such as statutory or compulsory insurance, in which case the expenditure must not exceed \$1,100,000 (including GST) inclusive of the initial \$500,000 (including GST) limit;***
- 3. resolves to adopt the amended Instrument of Delegation Council to the Chief Executive Officer at Attachment 1;***
- 4. authorises signing and sealing of the Instrument of Delegation Council to the Chief Executive Officer at Attachment 1; and***
- 5. notes that the amended Instrument of Delegation Council to the Chief Executive Officer comes into force immediately after the common seal of Council is affixed.***

Cr Mark Reeves / Cr Trevor Stow

THAT THE RECOMMENDATION BE ADOPTED

CARRIED

Background

The Instrument of Delegation from Council to the Chief Executive Officer is required to be made at regular intervals to ensure that the Chief Executive Officer is delegated all the current powers, functions and duties of the legislation. There is legal precedence that the Chief Executive Officer delegation only applies to the Acts, Regulations and provisions that are in force at the time the Instrument was made. Therefore, with the changing legislative environment it is important to remake the Instrument so that the Chief Executive Officer can delegate and authorise staff under the Acts, Regulations and provisions that have come into force since the last time the Instrument was made.

The Instrument of Delegation from Council to the Chief Executive Officer has been reviewed. It is proposed to clarify the intention of the Instrument in line with section 11(5) of the *Local Government Act 2020* (the Act) to specify a maximum monetary limit where Council's expenditure is required by legislation but exceeds the Chief Executive Officer's financial delegation.

Under the Act there are several instances where Council is legislated to pay for services, such as insurance for Councillors and Council staff (sections 43 and 52), the cost incurred by the Victorian Electoral Commission in conducting an election (section 268), or the cost of a Councillor Conduct Panel (section 152).

The current Instrument of Delegation provides for the Chief Executive Officer to pay the insurance premiums that exceeds the limit of the Chief Executive Officer delegation (\$500,000 including GST) provided a report is provided to Councillors regarding the expenditure. However, the Instrument of Delegation does not provide a limit for when expenditure exceeds the Chief Executive Officer's limit as required by the Act.

In 2021/22 Council's insurance premiums were sourced through two brokers. One broker provided insurances, which includes insurance for Council assets, in the order of \$790,000 (including GST and stamp duty). The second broker provided insurance, which included public liability insurance, valued around \$529,000 (including GST and stamp duty). However, due to the increases in claims, particularly the claims for 2019/20 summer bushfires, and general increases in insurance premiums it is expected that the insurance premiums will exceed the current Chief Executive Officer financial delegation of \$500,000 (including GST) in future years.

In addition, the premium for WorkCover for 2021/22 with an early payment discount was \$561,000. It should be noted that this is the first year with a new insurance provide and represents a significant discount on the premium from the previous provider (\$901,000). The WorkCover premium may increase depending on the claims made in the coming years.

Based on the requirement to source and secure insurance, it is proposed that the limit for expenditure required under legislation that exceeds the Chief Executive Officer's financial delegation of \$500,000 (including GST) is limited to \$1,100,000 (including GST). This is effectively the current \$500,000 (including GST) limit plus \$600,000 (including GST). This does not allow the Chief Executive Officer to enter contracts for goods and services above \$500,000 (including GST); this increase is only relevant to legislatively required expenditure such as insurance premiums.

Legislation

On 24 March 2020 the Government passed the *Local Government Act 2020* (the new Act). Provisions from the new Act are being commenced in four stages. The first tranche of provisions commenced on 6 April 2020 with other tranches commencing on 1 May 2020 and 24 October 2020. All remaining provisions are commencing on 1 July 2021. The *Local Government Act 1989* applies in circumstances where the new Act has not commenced.

The East Gippsland Shire Council is required to make decisions under both Acts as the transition occurs. Council has implemented mechanisms to ensure decisions are made according to the relevant provisions of either the *Local Government Act 1989* or the *Local Government Act 2020* as in force at the date of the decision.

This report has been prepared in accordance with section 11 of the *Local Government Act 2020* that allows the Council to delegate to the Chief Executive Officer and to specify the monetary limit for entering into a contract or making expenditure.

In addition, to proposing to specify the monetary limits for legislative expenditure above the Chief Executive Officer's delegation of \$500,000 (including GST) there are minor amendments to the Instrument to improve grammar.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

Collaboration

This report does not involve collaborative procurement.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 5: 5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced.

Council Policy

Procurement under the Chief Executive Officer's financial delegation occurs in accordance with Council's Procurement Policy.

Options

It is proposed that at a minimum the Chief Executive Officer limit for insurance for 2021/22 is set to \$1,100,000 (including GST) to allow for the increase in premiums for the ensuing years.

Council may determine to establish another limit for the exception given the annual increase in insurances premiums for Council.

It is not possible to benchmark other Council's limits in relation to the exception as insurance premiums differ between Council's due to a range of factors including previous claims, size of Council, types of assets and other factors.

Resourcing

Financial

Establishing a limit for expenditure above the Chief Executive Officer's financial delegation but required under legislation provides transparency for the procurement of Council's insurance.

Plant and equipment

There is no implication for plant and equipment.

Human Resources

Any implication can be managed with existing human resources.

Risk

The risks associated with establishing a limit for expenditure above the Chief Executive Officer's financial delegation but required under legislation are mitigated through the application of the Procurement Policy to Council expenditure.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

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

Engagement

Internal consultation has informed this report.

Attachments

1. Instrument of Delegation [5.2.5.1 - 4 pages]
2. Instrument of Delegation (tracked) [5.2.5.2 - 4 pages]

Attendance

Cr Sonia Buckley, having declared a conflict of interest to item 5.3.1 *Planning Permit Application 475/2020/P - for approval - 30 Clifton West Road - Multi Lot Subdivision, Roadworks and vegetation removal*, left the meeting at 7.44 pm.

5.3 Place and Community

5.3.1 Planning Permit Application 475/2020/P - for approval - 30 Clifton West Road - Multi Lot Subdivision, Roadworks and vegetation removal

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

This Report seeks Council's resolution to issue a Notice of Decision to Grant a Planning Permit with conditions outlined in **Attachment 1** for a multi-lot subdivision (208 lots), roadworks and the removal of vegetation (application documents at **Attachment 2**) at 30 Clifton West, Road Wy Yung. The application received objections (**Attachment 3**) and was subject to a planning consultation meeting (Minutes at **Attachment 4**).

The application proposes to create 208 lots for residential purposes with an average lot size of 5,871sqm, delivered across 10 stages, which supports the objectives of the Low Density Residential Zone. The Zone provides for residential development regardless of whether reticulated sewer is or is not provided. The proposed subdivision is consistent with Local Planning Policy which encourages residential development and seeks to encourage subdivision within areas defined as being suitable for residential development.

On 9 July 2021, Councillors and officers attended the site with Chris Curnow of Beveridge Williams, the applicant. The applicant has provided clarifying and supporting documents since the site meeting which had been circulated to Councillors and Objectors and was made available on Council's [website](#). The additional material further supports a recommendation for approval. This includes:

1. Applicant's response to matters raised by Marc Noyce at the PCM held on 21 June 2021.
2. A revised Stormwater Management Strategy clarifying the issues mentioned in the matters raised by Marc Noyce. The changes occurred on:
 - Page 29, where Table 14 and Figure 15 have been updated to clarify the treatment catchments and reflect the fact that outfall from catchments P2 and V will bypass the southern wetland and outfall from catchment M will bypass the eastern wetland before joining the balance of the outfall again downstream. This outcome was already assumed in the strategy, just not explicitly stated. So, the drainage assets had already been oversized to accommodate it. As a result, it does not lead to any further changes to the strategy; and,
 - Pages 28 & 31, where the manner in which rainwater tanks on each property would be used to treat and detain stormwater is more precisely explained.

The application is supported by the relevant referral authorities, with their responses at **Attachment 5**. The recommendation for approval results from a proposal that is assessed as being consistent with the relevant sections of the East Gippsland Planning Scheme: The Low Density Residential Zone, the relevant sections of the Planning Policy Framework, and the Local Planning Policy Framework provisions, which are assessed in detail at **Attachment 6**.

Officer Recommendation

That Council being the Responsible Authority and having considered all the relevant planning matters, determines that planning application 475/2020/P 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 Planning Permit for the multi lot subdivision of land, roadworks and the removal of vegetation, at 30 Clifton West Road Wy Yung subject to the permit conditions at Attachment 1.

AMENDED OFFICER RECOMMENDATION

THAT COUNCIL BEING THE RESPONSIBLE AUTHORITY AND HAVING CONSIDERED ALL THE RELEVANT PLANNING MATTERS, DETERMINES THAT PLANNING APPLICATION 475/2020/P 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 PLANNING PERMIT FOR THE MULTI LOT SUBDIVISION OF LAND, ROADWORKS AND THE REMOVAL OF VEGETATION, AT 30 CLIFTON WEST ROAD WY YUNG SUBJECT TO THE FOLLOWING PERMIT CONDITIONS:

CONDITIONS

1. The subdivision works and vegetation removal as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. The subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by the Responsible Authority.
3. Before a statement of compliance is issued, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to provide for the following:
 - a) The subject land must only be subdivided in accordance with the plans endorsed from time to time under planning permit 475/2020/P);
 - b) The owners of the land accept and agree to undertake the actions in the Waterway Management Plan endorsed under condition 4 of this permit, to the satisfaction of the Responsible Authority;
 - c) All fencing at the interface between lots and the municipal reserve, waterway reserves and pedestrian connections must be consistent with the public open landscape plan endorsed as a part of this permit, at all times to the satisfaction of the Responsible Authority;
 - d) All dwellings constructed on the subject land must be connected to and drain through, a rainwater tank with a minimum capacity of 10,000 litres;
 - e) The rainwater tank must be used as the primary water source for laundry fittings, flushing of toilets and also include an external tap for garden irrigation;
 - f) Buildings and works must not occur outside of the building envelope nominated on the endorsed plans on lots 121 to 136, 205 to 213, 215 to 222, 302 to 312, 401 to 410, 909 to 911, and 1001 to 1012 (all inclusive);

- g) All wastewater must be treated to a secondary standard and disposed of, on each lot via sub surface irrigation;
- h) All works on the land must be undertaken in accordance with the recommendations of the Erosion and Slope Risk Assessment and Management Strategies prepared by Strata Geoscience and Environmental, March 2021 to the satisfaction of the Responsible Authority.
- i) Direct vehicular access between lots 101 to 108 (inclusive) and Clifton West Road is prohibited.
- j) Direct vehicular access between lots 417 to 419 (inclusive) and Lanteris Road is prohibited.
- k) The fencing at the interface of the subject land and Clifton West Road must be maintained as post and wire construction at all times to the satisfaction of the Responsible Authority

The owner must pay the costs of the preparing, lodging and registering the agreement and any subsequent amendment, removal or other dealing associated with the agreement. The agreement must be registered on the certificate of title for the land.

4. Before the issue of statement of compliance for Stage 1, a Waterway Management Plan (WMP) for the waterways on the site must be submitted to and be approved by the Responsible Authority. The WMP must include:
 - A landscape plan for revegetation of the waterway, drainage corridor and all water quality works, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site;
 - An ongoing maintenance plan detailing the sequencing and periods of short, medium and long-term actions, including inspections, and the parties responsible for each action; and
 - Be prepared in accordance with the East Gippsland Urban Waterway Guidelines 2013.

Before the issue of statement of compliance for each stage, the identified works and plantings in their respective stage, must be completed to the satisfaction of the Responsible Authority.

5. Before works commence, a public open space landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale. The plans must show:
 - A schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, mature size and total quantities of each plant.
 - Pot sizes and specific location of the plants to be planted.
 - A concrete footpath at least 2m wide through the pedestrian connections.
 - Public park infrastructure such as BBQ's, shelters, drinking fountains, seats, children's playgrounds and picnic tables.
 - Fencing at the interface of proposed lots and the municipal reserve, waterway reserves and the pedestrian connections (such fencing must be of at least 50% and no taller than 1.5 metres).
 - Natural features that influence the landscape design.
 - Proposed irrigation methods.
 - The proposed design features such as paths, paving, lawn, finished surfaces and outdoor lighting (including in the reserves).

Landscaping in accordance with this plan and schedule, in each stage, must be completed before the before the issue of statement of compliance for each stage.

6. Before works commence, a streetscape landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale. The plans must show:
 - A schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, mature size and total quantities of each plant.
 - Pot sizes and specific location of the plants to be planted.
 - A minimum of 180 canopy trees with a minimum height on reaching maturity of 8 metres.
 - The proposed design features such as footpaths, paving, lawn, finished surfaces and outdoor lighting

Landscaping in accordance with this approved plan and schedule, in each stage must be completed before the issue of statement of compliance for each stage.

7. Before any works associated with the subdivision start, a detailed drainage management plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will then form part of the permit. The design and documentation for the drainage works must be prepared in accordance with standard engineering practice to provide for the collection, control and disposal of all stormwater runoff, and show:
 - a) Drainage infrastructure including swale drains and culverts, piping/drains and pits.
 - b) Any modification to the terrain, such as filling and excavation.
 - c) Easements and legal points of discharge.
 - d) Methods of on-site detention, including the provision of sediment traps, wetlands, detention basins, rock beached outlets, drop structures, and other dispersive structures.
 - e) The drainage plans must be prepared in accordance with Water Sensitive Urban Design (WSUD) principles for 1% AEP and 20% AEP storm events and the recommendations of the Beveridge Williams Storm Water Management Strategy; dated 09/11/2020.

All drainage works and requirements must be undertaken and completed to the satisfaction of the Responsible Authority.

8. Before any road works associated with the subdivision start, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) Fully sealed pavement for all new roads, with a minimum width of 6.2 metres, with formed shoulders no less than 1.5 metres wide and swale drains on each side.
 - b) A concrete footpath on one side of all new roads at least 2 metres wide, throughout the entirety of subject site.
 - c) An intersection design for the Clifton West Road point of access including measures to avoid directing traffic down Lanteris Road.
 - d) An intersection design for Clifton West Road/Bullumwaal Road in accordance with VicRoads permit conditions.

- e) Fully sealed pavement with a suitably gypsum stabilised subgrade, with a turning area with a minimum trafficable radius of ten metres at the end of each court bowl
- f) The internal access road and road reserve's longitudinal gradients, must not exceed 10% without the approval of the Responsible Authority.
- g) Verge areas with a width sufficient for the construction of drainage infrastructure and for pedestrian access.
- h) Street lighting using LED technology.
- i) Statutory signage and traffic control devices and line marking.

The documentation for the road works must include provision for maintenance and repair of damage to any existing road and drainage infrastructure for a twelve-month defects liability period.

Before the issue of statement of compliance for each stage, all works and requirements in each stage must be undertaken and completed to the satisfaction of the Responsible Authority.

9. Before the Issue of Statement of Compliance any portion of Council's existing infrastructure damaged as a result of work undertaken on the site or associated with the development must be repaired/reinstated to the satisfaction of the responsible authority.
10. All roads, storage areas, stockpiles and vacant or grazed areas must be covered and maintained to avoid dust emissions and nuisance to the surrounding area to the satisfaction of the Responsible Authority.
11. Before the issue of a Statement of Compliance, the applicant or owner must pay to the Council an amount equal to five percent of the site value of all the land in the subdivision, pursuant to Section 18 of the Subdivision Act 1988. This amount may be adjusted in accordance with Section 18 of the Subdivision Act 1988.
12. All earthworks associated with the development must be stabilised in accordance with standard engineering design and practices against erosion and failure. All earthworks or retaining structures must not encroach across neighbouring property boundaries to the satisfaction of the Responsible Authority.

All earthworks works in this development are to be undertaken in accordance with, but not limited to; the recommendations of the Strata Geoscience and Environmental "Erosion, Slope Stability and General Geotechnical Risk Assessment and Management Strategies" Report 02449V6, dated 10/11/2020 and also their "Soil and Water Management Plan" Report 03881.

13. During construction and maintenance activities, adequate steps must be taken to stop soil erosion and the movement of sediment off site and into drainage lines, watercourses and onto adjoining land to the satisfaction of the Responsible Authority. Methods include but are not limited to:
 - a) Control of on-site drainage by intercepting and redirecting run-off in a controlled manner to stabilised vegetated areas on site.
 - b) Installation of sediment control structures such as sediment basins, sediment fences and sediment traps when construction commences and maintaining them until the site is stabilised.
 - c) Re-vegetating all disturbed areas as quickly as possible or within 14 days after construction works are completed.

14. Cut batters must be no steeper than 1 in 1.5 and fill batters no steeper than 1 in 2 unless retained by structural means. When completed, all batters must have a layer of topsoil, 50mm minimum thickness, spread over them and sown with a suitable grass and clover mixture, or mulched and planted with ground cover plants to the satisfaction of the Responsible Authority.
15. Before the commencement of any works associated with the subdivision start, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
- Location of any temporary construction works office and machinery storage area;
 - The construction works access way;
 - Details of construction days and hours;
 - Vehicle and machinery exclusion zones;
 - Location and management requirements of stockpiled soil;
 - Measures and techniques to protect drainage lines and watercourses from sediment runoff from disturbed or under construction areas;
 - Measures and methods to be employed to protect sites of conservation importance, native vegetation and areas of archaeological significance;
 - Measures and techniques to manage dust control;
 - A note that Dewatering of sedimentation/retention basins during construction is *prohibited* without the prior approval of the Responsible Authority;
 - The location of a machinery and vehicle wash down area and requirements for the ongoing use of the of the machinery and vehicle wash down area by contractors;
 - Location and management of litter storage areas, construction waste areas and chemical storage areas; and
 - Methods of ensuring all contractors are informed of the requirements of the construction management plan and persons responsible for ensuring the construction management plan is adhered to.

All construction works and requirements of the construction management plan must be undertaken and completed in accordance with the endorsed construction management plan to the satisfaction of the Responsible Authority.

16. No roadside vegetation is to be removed, lopped or cleared without written Council approval or until a separate planning permit has been issued by the Responsible Authority.
17. No vegetation is to be removed, lopped or cleared without the written approval of Council or until a separate planning permit has been issued by the Responsible Authority.
18. All works and activities must be undertaken in accordance with the approved Cultural Heritage Management Plan.

Country Fire Authority conditions
Subdivision plan not to be altered

19. The subdivision as shown on the endorsed plans must not be altered without the consent of CFA.

Hydrants

20. Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 90 metres and the hydrants must be no more than 120 metres apart. These distances must be measured around lot boundaries.
 - b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Roads

21. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- a) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - b) Curves must have a minimum inner radius of 10 metres.
 - c) Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
 - d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Department of Environment, Land, Water & Planning Conditions

22. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
23. The Department of Environment Land Water and Planning native vegetation report (ID: 319-20201106-002, dated 6/11/2020) included with the application will be endorsed and form part of this permit.
24. Before works start, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the responsible authority will endorse the plans, which will then form part of this permit. The plans must include:
- a. a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites.
 - b. an amended site plan, drawn to scale with dimensions and georeferences (such as VicGrid94 co-ordinates), that clearly shows:
 - i. the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land
 - ii. the location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit

- iii. all areas of native vegetation to be retained, including roadside native vegetation with tree protection zones extending onto the subject land.
25. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
- a. Vehicular or pedestrian access
 - b. Trenching or soil excavation
 - c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d. Entry and exit pits for the provision of underground services
 - e. Any other actions or activities that may result in adverse impacts to retained native vegetation

Native vegetation permitted to be removed, destroyed or lopped

26. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.031 hectares of native vegetation, which is comprised of:
- a. 1 scattered small tree.

Native vegetation offsets

27. To offset the removal of 0.0031 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017):
- a. A general offset of 0.006 general habitat units:
 - i. Located within the East Gippsland Catchment Management boundary or East Gippsland municipal area
 - ii. With a minimum strategic biodiversity value of at least 0.320
28. Before the issue of a Statement of Compliance, evidence that the required offset for stage 7 of the subdivision has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
- a. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
 - b. Credit extracts (s) allocated to the permit from the Native Vegetation Credit Register.

Offset evidence

29. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning & Approvals at the Department of Environment, Land, Water and Planning Traralgon regional office via gippsland.planning@delwp.vic.gov.au.

First party offset reporting

30. Where the offset includes a first party offset, the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Jemena Asset Management Pty Ltd conditions

31.

- Jemena requires a construction safety management study (SMS) to determine threats and controls. This will be required once civil contractors have been awarded the works
- Jemena accepts the two road crossings, but will be subject to a review of detail designs by Jemena, these road crossings may require concrete protection slabbing and further integrity testing of the pipeline at the proponents expense
- The location of effluent systems adjacent to the pipeline easement will be subject to a review of detail designs by Jemena, as excavation adjacent to the pipeline may have a detrimental effect, and discharge of the effluent systems over the easement is not allowed
- The creation of wetlands and retarding basin on or near the easement may requires clarification.
- Access along easement (gates at fence lines) through the created allotments may require LCA consideration, additionally the style of fencing crossing the easement will need to be considered by Jemena, ideally wire stock fencing or similar
- Allotments, 212, 213, 214, 303, 304 and 305 will be subject to subject to Jemena approval of any services crossings, or driveway crossings of Jemena's easement. Additionally, Jemena will not approve any encroachment of Building envelopes over the easement, this includes and not limited to eave and pergola overhangs
- Allotments, 212, 213, 214, 303, 304, 305 and 1003, cannot install any structures, this includes and not limited to, sheds, garages, chicken coops, swimming pools and spas over the gas pipeline easement
- Jemena also reserves the right to limit the vegetation planting within the easement, the planting of large trees, bushes and orchards will not be allowed
- During the construction of the subdivision the easement boundaries are to be clearly marked by flagging and or temporary fencing to ensure the safety of the gas pipeline from heavy machinery
- All subdivision works around the gas pipeline easement should refer to Jemena's GUIDELINE TO DESIGNING, CONSTRUCTING AND OPERATING AROUND EXISTING AS2885 NATURAL GAS PIPELINES GAS-960-GL-PL-001 (attached)

Department of Transport conditions

32. At the intersection of Clifton West Road and Bullumwaal Road, a right turn lane short CHR(s) and an Auxiliary left turn lane generally in accordance with the Austroads guidelines must be constructed.
33. At the intersection, a splitter island must be provided.
34. The intersection is to be provided with V3 roadway lighting to the satisfaction of the Department.
35. Prior to the statement of compliance of stage 1, a detailed functional layout in accordance with Eastern Regions Developer funded checklist must be submitted and approved by the Head, Transport for Victoria.
36. Prior to the certification of stage 2, detail design plans in accordance with Eastern Regions Developer funded checklist must be submitted and approved by the Head, Transport for Victoria.
37. Prior to the issue of a statement of compliance for stage 2, the intersection works at Clifton West Road and Bullumwaal Road must be completed at no cost and to the satisfaction of the Department.

38. Prior to works beginning in the road reserve, detail plans in accordance with Eastern Regions Developer funded checklist must be submitted and approved by the by the Head, Transport for Victoria.
39. Prior to intersection roadwork design plans being prepared, a pre-design meeting with the Department of Transport must be attended.
40. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority and the Head, Transport for Victoria.
41. Prior to commencement of the development hereby approved a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land.
42. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of VicRoads.

Ausnet Electricity Services conditions

43. The Plan of Subdivision submitted for certification must be referred to Ausnet Electricity Services Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
43. The applicant must enter in an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
44. The applicant must enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
45. The applicant must enter into an agreement with Ausnet Electricity Services Pty Ltd rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by Ausnet Electricity Services Pty Ltd.

Ausnet Electricity Services conditions

46. The applicant must provide easements satisfactory to Ausnet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "Ausnet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
47. The applicant must obtain for the use of Ausnet Electricity Services Pty Ltd any other easement required to service the lots.
48. The applicant must adjust the position of any existing Ausnet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
49. The applicant must set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services Pty Ltd for electric substations.

50. The applicant must provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
51. The applicant must provide to Ausnet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
52. The applicant must agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
53. The applicant must ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Catchment Management Authority conditions

54. Prior to the commencement of any works related to the subdivision, a Waterway Management Plan must be endorsed in writing by the East Gippsland Catchment Management Authority. The Waterway Management Plan must provide for a significant improvement in the ecological health of all waterways on the subject land and must include:
 - a. Details of the existing environmental values;
 - b. Details of any initial stabilisation and vegetation works;
 - c. A landscape plan for revegetation of land within a 30 metre buffer of the waterway, drainage corridor and all water quality works, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site. The revegetation of land within the 30m buffer of the waterways should comply with the following requirements:
 - i. Channel/Lower Bank Zone - Mass tubestock planting (6/m²) and 800 GSM jute mat where required for stabilisation.
 - ii. Primary Buffer Zone – A minimum 10m wide planted continuous buffer zone is to be established to both sides of the waterway channel, wetland area or other conservation zone. The buffer zone is to be planted at 4/m² to establish scattered trees, areas of shrubs and ground layer vegetation recreating the prevailing EVC. Existing trees and areas of existing natural vegetation are to be incorporated into the planted buffer zone where possible.
 - iii. Secondary Buffer Zone Areas - outside the primary buffer zone/waterway channel/wetlands, but within 30m of the waterway, are also to be revegetated to form a secondary buffer and should focus on providing good ground cover with a density of 2 plants/m² and with a scattered planting of overstorey trees.
 - d. A maintenance plan detailing the sequencing and periods of short, medium and long term actions and the parties responsible for each action.

55. Prior to the issue of a Statement of Compliance for the subdivision, the owner(s) shall enter into an Agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987 ('the Act') and make application to the Registrar of Titles to have the Agreement registered on the title to the land under Section 181 of the Act. The owner(s) must pay all reasonable costs of the preparation, execution and registration of the Agreement. The Agreement will stipulate that:
- a. A Waterway Management Plan to the satisfaction of the East Gippsland Catchment Management Authority applies to all lots in the plan of subdivision
 - b. The current and future owner(s) of all lots in the plan of subdivision must comply with all requirements of the Waterway Management Plan at all times.

East Gippsland Water conditions

56. Water reticulation infrastructure must be extended to service each Lot to East Gippsland Water's requirements, at the cost of the Applicant/Developer. Subject to East Gippsland Water's requirements being met, relevant infrastructure will then become Gifted Assets (refer Notes). Each Lot is to be separately serviced by the water reticulation system and able to be separately metered.
57. Arrangements for the design, construction, commissioning and acceptance of all Gifted Assets required by East Gippsland Water to extend water services to each lot require written approval by East Gippsland Water. Design drawings to be sent to developerworks@egwater.vic.gov.au after Certification Application has been made.
58. If the existing dwelling is retained, the current water meter (#96837) is to be relocated to within the boundaries of the relevant lot. If existing dwelling is removed, the current water meter is to be disconnected and returned to East Gippsland Water.
59. Provide easements on the plan of subdivision over newly created or existing infrastructure, as required by East Gippsland Water.
60. Payment of applicable Development Planning Charges by the Applicant/Developer to East Gippsland Water (refer Notes)
61. Any additional infrastructure required to adequately service the development would need to be provided by the developer at the developer's cost. The type and extent of additional infrastructure, if needed, is subject to detailed engineering design and approval by East Gippsland Water.

Time Limit condition

62. This permit will expire if one of the following circumstances applies:
- The works and vegetation removal is not completed within twelve (12) years of the issue date of this permit;
 - The plan of subdivision for Stage 1 is not certified within two (2) years of the issue date of this permit;
 - The plan of subdivision for all remaining Stages is not certified within seven (7) years of the issue date of this permit;
 - A Statement of Compliance is not issued for each stage within five (5) years of the date of the plan of subdivision being certified;

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes

1. Before undertaking works within a Council road reserve, a non-utility – minor works consent of works within road reserve must be obtained from the *Roads and Traffic* unit of Council. Refer to the Infrastructure Design Manual (IDM) for crossover designs.

East Gippsland Water notes

2.
 - (A) Subject to its written acceptance of the Gifted Assets, East Gippsland Water will become responsible for ownership and the ongoing maintenance and operation of the assets in perpetuity.
 - (B) Development Planning Charges apply where East Gippsland Water are involved in the developer's works (actual charge is based on the final cost of the works). Contact East Gippsland Water for further information on these fees.

Department of Transport note

3. Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:
 - Right turn lane
 - Left turn lane
 - Roadway Lighting
 - Splitter island

Country Fire Authority Note

4. Note –CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

Cr Trevor Stow / Cr John White

THAT THE RECOMMENDATION BE ADOPTED

LOST

Background

The Subject site

The subject site, as shown below in **Figure 1**, is irregular in shape, made up of three titles with a combined site area of just over 149 hectares and is developed with a dwelling and associated farm outbuildings. The site is approximately 3.8 kilometres north of Bairnsdale.

The site is bounded by existing farming land to the north, south and east, low density residential development to the northwest and southwest, and Clifton West Road to the west.

There is also an existing drain to the south that discharges into Clifton Creek, a declared waterway that runs through farmland in a north-south direction to the east of the site.



Figure 1: Location Map: The subject land (outlined in blue)

Current Status/Issues

The application is a resubmission of a previous planning permit application 345/2017/P, which was refused by VCAT ([Flack v East Gippsland SC \[2020\] VCAT 939](#)). Member Blackburn ruled against the proposal, specifically in relation to drainage considerations and downstream impacts. In the ruling, the Member specifically concluded:

- 80. Clause 71.02-3 of the Scheme makes it clear that in determining planning permit applications, decision makers are to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. The exception to this, as I explained previously in these reasons, is the prioritisation of the protection of human life in bushfire affected areas.*
- 81. In this instance, I find the proposal to respond well to almost all of the relevant policies and planning controls of the Scheme, including those relating to bushfire. However, as I have explained above, there is one aspect of the proposal – its proposed stormwater management concept plan – which I have found have not been appropriately addressed in the potential impacts of stormwater on Clifton Creek or on Ms Crisp's property. As I have explained above, these are matters which I do not consider can be left for resolution by permit condition.*
- 82. While there are many considerations which weigh in favour of granting a permit, I do not consider these to outweigh the need for the potential impacts of the proposed management of stormwater on the natural environment and adjoining properties to be assessed and considered before a permit is issued. It is not acceptable for those impacts to be assessed after a permit is granted. They must be considered as part of any assessment of whether to grant a permit for the proposal, so that an integrated assessment of the merits of the proposal as a whole can be undertaken.*
- 83. It follows from this, that I have decided to refuse the application and have directed that no permit be granted*

The concerns raised at the VCAT hearing are considered to be effectively managed and addressed by the current proposal, which is demonstrated in the submitted Stormwater Management Strategy (**Attachment 2**). The strategy ensures that the stormwater is able to be managed by controlling the rate of the stormwater runoff for post-development peak flows to pre-development levels, and by providing stormwater treatment to meet the best practice guidelines. For stormwater quality management it is proposed to provide three stormwater retarding basins located to the north, south-east and south of the development site. Further, a provision of four wetlands (each with a sedimentation basin) with three located within the retarding basins and one stand alone in the northeast. Previously, two stormwater retardation basins and three wetlands were proposed.

Additionally, through restrictions on title, there will also be 10,000 litre rainwater tanks installed for each lot which will provide additional detention above the permanent water level that can be controlled by an outlet halfway up the tank wall.

Due to the steep terrain of the area, the proposed basins would need to ensure that appropriate areas are set aside for the required volume, embankment, safety batters, maintenance access and wetlands to fit within their base. This will be addressed in final functional design plans.

The Applicant has demonstrated to officer's satisfaction that the treatment of stormwater runoff would ensure that discharge would not significantly change to adjoining properties and that there are no detrimental downstream flow or quality impacts. As a result, it is considered that the stormwater management system will effectively meet the requirements of both the relevant drainage authority and responsible authority, and most importantly the concerns raised in the previous VCAT determination.

Legislation

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

The application has been assessed against the East Gippsland Planning Scheme in accordance with the *Planning and Environment Act 1987*.

The applicable controls under the planning scheme are summarised below:

Application No.	475/2020
Address	30 Clifton West Road, Wy Yung
Zone	Low Density Residential Zone
Overlays	Erosion Management Overlay; Vegetation Protection Overlay (Schedule 1)
Particular Provisions	Clause 52.17, Native Vegetation Clause 53.01, Public Open Space Contribution Clause 65.02, Decision Guidelines - Subdivision

A full assessment against the East Gippsland Planning Scheme is included at **Attachment 6**. In summary, the assessment is that:

- The proposal demonstrates a high level of consistency with the State and Local Planning Policy Framework. The purpose and objectives of the Low Density Residential Zone are addressed by the proposal which results in a good planning outcome for the subject land.
- The proposal will allow for a variety of infill development opportunities and activate infill development that is currently not being utilised.

Aboriginal Cultural Heritage

Pursuant to the Aboriginal Heritage Regulations 2018, a Cultural Heritage Management Plan (CHMP) was required as the subject site is mapped as being of cultural heritage value.

The applicant has provided a Cultural Heritage Management Plan with recommendation that an area in the south-east portion of the site is to be set aside in reserve in order to protect an artefact scatter found during the course of the site testing. The Plan also recommends that this reserve is not to be accessible to the general public and that only Council officers can only enter to maintain the native vegetation. As a result, a 1.42 hectare reserve has been created to facilitate this (see **Figure 3**).

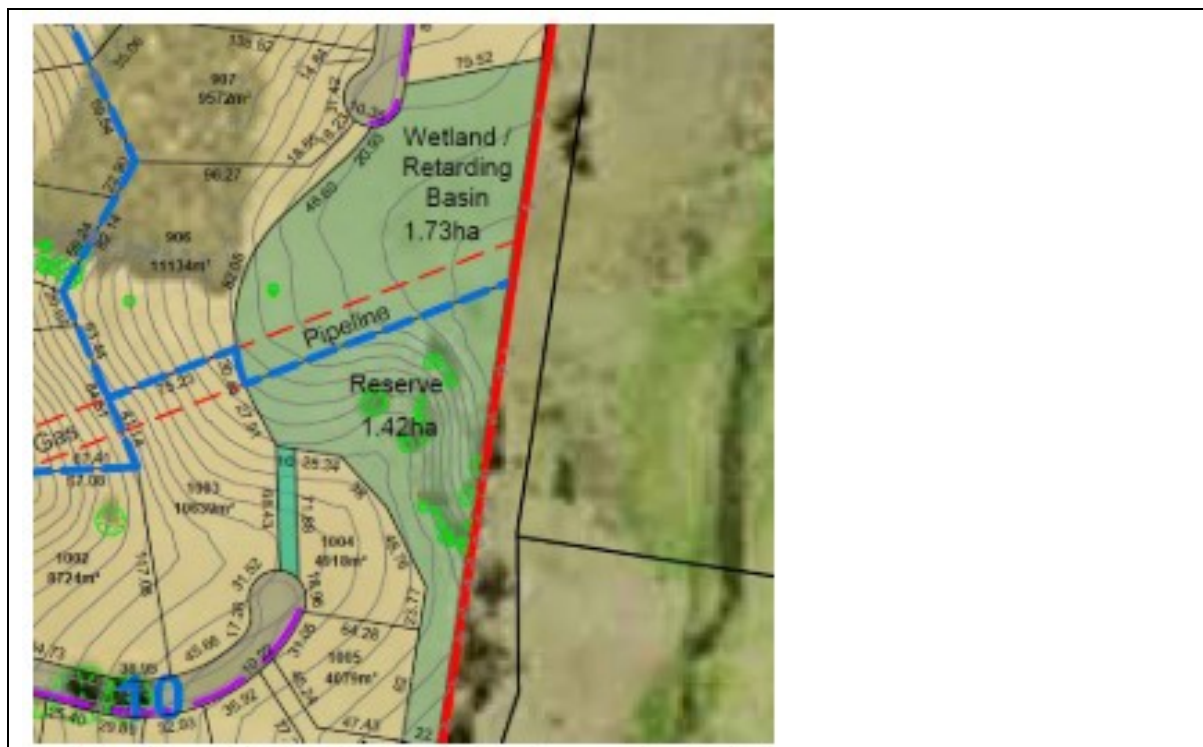


Figure 3: Extract of proposed plan of subdivision showing the 1.42 hectares reserve in the south-east portion of the property to be set aside to protect an Aboriginal artefact scatter

Collaborative Procurement

Not Applicable.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.1 Statutory and strategic planning for land use delivers sustainable outcomes that balance the need for growth with the enhancement of our lifestyle, character, the built and natural environment.

Council Policy

In accordance with Council's Planning Permit Application Delegations Policy (April 2018), the application requires consideration by Council as more than ten (10) objections were received during public notice, as set out in Section 8.5 of the Policy.

Options

As objections have been submitted and following the PCM, the matter must be determined by Council. It is recommended to Council to decide on a Notice of Decision to Grant a Planning Permit in matter 475/2020/P. This considers all the relevant planning merits of the proposal, and also includes analysis of the economic benefit of the proposal for the locality, municipality and region.

There are no further options to consider, except to note to Councillors that the recommendations, if not supported, would require preparation of grounds of refusal.

Resourcing

Financial

The assessment has been undertaken utilising existing operational budget and is supported by statutory application fees for consideration.

Plant and equipment

Assessment of the application is a part of existing operational budget.

Human Resources

Assessed by existing human resources.

Risk

The risks of this proposal have been considered and are assessed as being low. The applicant has provided additional information and amendments to the proposal, particularly in relation to drainage, that are considered to address some, if not all objector concerns.

Economic

The proposal will create an additional 208 lots adjacent to an existing low density residential area. The lots will be provided with services including water, electricity, and sewerage. The lots represent potential diversity in the market, especially within the Wy Yung township. Implementation of the subdivision will require contracted labour. New property sales will contribute to the real estate and associated property industries.

208 new dwellings are a likely outcome, supporting the building industry.

Social

Pursuant to Clause 21.08 of the East Gippsland Planning Scheme, the proposal triggers an assessment under the Social Impact Assessment Guidelines for Development, as the proposed subdivision creates more than 60 lots.

The Applicant has provided a Social Impact Assessment where it has been evaluated and has appropriately considered the community's housing needs.

Environmental

The proposed recommendation takes into consideration the environmental factors raised by objectors including the Catchment Management Authority relating to stormwater management concerns, and the result will allow for increased environmental protection and improvement. The proposal will contribute to the development of the township of Wy Yung.

Climate change

This report has been prepared and aligned with the following Climate Change function/ category:

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

Engagement

Consultation

Consultation has been undertaken in the following manner:

Referrals	<p><u>Externals</u></p> <p>Country Fire Authority – Conditional consent</p> <p>Department of Environment, Land, Water and Planning – Conditional consent</p> <p>APA Group (Gas Distribution) – Conditional consent</p> <p>AusNet – Consent with no conditions</p> <p>Department of Transport – Conditional consent</p> <p>Jemena (Gas Transmission) – Conditional consent</p> <p>Public Transport Victoria – no response</p> <p>East Gippsland Water – Conditional consent</p> <p>East Gippsland Catchment Management Authority – Sought further information; amended plans received then provided Conditional consent</p> <p><u>Internals</u></p> <p>Strategic Planning Department – Consent</p> <p>Senior Technical Officer – Development – Conditional consent</p> <p>Environmental Health – Consent</p> <p>Parks and Gardens / Assets and Environment – Consent (expressed support for the municipal reserve)</p> <p>Waste – Consent</p>
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As reported above the application was given public notice and attracted thirty-two (32) individual objections which are provided at **Attachment 3**.

The application was presented to Council at a Planning Consultation Meeting on Monday 21 June 2021. All objectors interested in presenting an oral submission were afforded the ability to speak. Minutes of the PCM are at **Attachment 4**.

Objections

Issues raised in the objections highlighted concerns relating to the following:

- Increased traffic/safety/vehicle noise
- Lack of public transport in the area
- The sewer system won't be able to cope
- Increased soil erosion
- Poor water management effecting Clifton Creek and adjoining properties
- Stormwater impacts onto Clifton Creek
- Bushfire concerns
- Loss of views
- Increase in Council rates
- Boundary setbacks insufficient

- Intersection to be updated between Salvatore Drive and new thoroughfare into the new subdivision
- Excessive street lighting
- Council reserve to be built
- Size of proposed blocks not providing variety
- Inappropriate and unsustainable development
- Loss of vegetation is a negative outcome in terms of the impact on the biodiversity of the area

Commentary on grounds for objection:

Many of the grounds for objection are valid and reasonable. The character of an area is often difficult to define, however in Wy Yung the character of the existing lot layout is quite apparent (i.e. larger lots above 4,000sqm in size). Below is a response to common concerns:

Loss of views/ Visual impact on landscape

The visual outlook will change, given the low density nature of the proposed development compared to the existing agricultural conditions. There will still be ample green and open space that will define the landscape.

When a landowner seeks to develop their land in accordance with the planning scheme, inevitably there will be some degree of change experienced by those who own adjoining land. The key test is whether or not the change is positive or negative. On balance of all relevant factors, the net effect of this proposal is positive, and as such the impact on existing views is not enough to warrant a refusal of the proposal.

Noise pollution

Noise emanating from dwellings in a new residential estate is an expected outcome which the planning system does not take into account. Some residents will naturally be quieter or louder than others, however as a matter of personal behaviour it is not a planning-based ground for refusal.

Increase in rates

The claim has been made that the rates of adjoining land will increase should the subdivision proceed. This may occur if property values increase, however that is not a relevant planning consideration.

The number of lots is too high

One of the grounds of objection is that the number of lots is too high, in other words, the density is too high. The underlying zone allows for lots to be created that are a minimum of 4,000 square meters in size based on the lack of reticulated sewerage. The subdivision has met this requirement, and in fact most lots are significantly higher than the minimum lot size. As such, the subdivision does not represent high density development. In addition, this is an increased average size lots compared to the previous application (application 345/2017/P, which was refused by VCAT).

The Bullumwaal Road/Clifton West Road intersection will become unsafe/road safety generally

VicRoads has requested permit conditions that would bind the applicant to upgrading the Clifton West/Bullumwaal Road intersection. These conditions will require the proponent to upgrade the intersection. In light of this, concerns relating to that intersection can be addressed.

It is considered that no direct access to and from new lots created be allowed onto Clifton West Road, this can be achieved via a permit condition requiring a legal agreement to be entered into requiring access to these lots to be undertaken from the internal road within the subdivision.

Impact on flora and fauna

The vast majority of the land is already cleared of vegetation. The vegetation to be removed involves two dead silver Banksia's and one 'red box' tree.

In terms of impact on fauna, the planning application included a biodiversity report which detailed that there was very little evidence of native fauna existing on the subject site.

Pedestrian safety

The proposed subdivision includes provision of a shared walking/cycle path throughout the estate. There is also provision for passive open space in the northern reserves and Municipal Reserve, linking to existing pedestrian trails. General pedestrian safety is not expected to be adversely impacted.

Lack of public transport

The application was referred to the Head, Transport for Victoria but unfortunately no response was received. It is anticipated that bus services would extend to the estate.

Stormwater impacts

The hydrology and drainage strategy submitted with the application details the manner in which the storm water drainage will be treated, retained and released from the site. The provision of two retention basins along with the required physical infrastructure usually installed as a part of a residential subdivision, gives rise to confidence that the development will not lead to an unacceptable storm water drainage outcome.

As this was the key ground of refusal by the Tribunal, considerable additional detail has been provided to satisfy the concerns of the Tribunal and objectors in relation to the grant of a permit. It is considered that the additional information surrounding the stormwater regime, specifically the outflow over the Crisp property, combined with the deletion of some lots and improved clarity regarding waterway quality, will provide for suitable development outcomes and will not compromise waterway health and safety.

Lack of open space

The plan of subdivision includes a suitable amount of open space. In addition to this it is important to note that the average lot size will be at least 5,871sqm in size. As such, it is expected that most lots will leave 80-90% of their footprint undeveloped, providing for private open space. There will be ample 'passive' open space for the future residents to enjoy. The social impact assessment clarifies that the proposal will not put an undue strain on existing regional public open space and amenities.

Boundary setbacks insufficient

The application documentation included a building envelope plan which showed where each lot might contain a dwelling or a shed. Boundary setbacks included in this subdivision are typical of a low-density estate, and based on a planning assessment, they are suitable for support.

Not appropriate for a rural area

The land has been zoned low density residential since the new format planning scheme was adopted in 1999, and similar zoning was provided for in the former Shire of Bairnsdale Planning Scheme. The proposed subdivision, having met the technical requirements established by the LDRZ can be considered on merit.

Although people may feel that the subdivision is not appropriate, the proposal before Council seeks to subdivide land in accordance with the underlying zone. The underlying zone indicates that the outcome is acceptable.

Attachments

1. Proposed Permit Conditions [5.3.1.1 - 12 pages]
2. Planning Application Documents [5.3.1.2 - 1 page]
3. Objections [5.3.1.3 - 102 pages]
4. Minutes PCM 21 June 2021 [5.3.1.4 - 5 pages]
5. Referral Responses [5.3.1.5 - 20 pages]
6. Detailed Scheme Assessment [5.3.1.6 - 10 pages]

Attendance

Cr Sonia Buckley rejoined the meeting at 8.15 pm

Public Submission

Mr Richard Hoxley, Crowther and Sadler Pty Ltd

5.3.2 Planning Permit Application 120/2018/P - 860 Stephenson Road, Tambo Upper - for refusal - two lot subdivision

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

This report relates to a planning permit application for a two-lot subdivision at 860 Stephenson Road, Tambo Upper.

A full copy of the proposed subdivision included plans, planning report and a bushfire hazard site assessment is provided at **Attachment 1**.

The proposal is considered to be a rural residential outcome rather than an agricultural outcome. The history of subdivision involving the subject land has already fragmented the original property, allowing for rural residential development on the land. The agricultural holding is at risk of further land use conflict, potentially compromising its full agricultural potential. Approval of the proposal would further diminish the potential range of agricultural activities which could occur on the site.

Council is in the early stages of preparing a Rural Land Use Strategy which seeks to strengthen provisions discouraging fragmentation of agricultural land. Given that the Strategy is still in its formulation stage, it cannot be considered in the assessment of this proposal.

Nonetheless, there remains a strong policy position against this subdivision under the current planning scheme policy.

The proposal follows a recent (2017) subdivision that enhanced the agricultural potential of the land through partial consolidation and resulting larger allotments. The current proposal will reverse recent gains and exert a negative influence on agricultural operations. The applicants have provided information regarding the subdivision history, provided at **Attachment 2**.

The purpose of the report is to recommend that the permit application be refused. A detailed assessment of the proposal against the provisions of the East Gippsland Planning Scheme to support the recommendation is located at **Attachment 3**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and**
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that planning application 120/2018/P is inconsistent with the purpose and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Refuse to Grant a Permit for a Two Lot Subdivision at 860 Stephenson Road Tambo Upper on the following grounds:**
 - a. The application relates to land which is already considered to have utilised its full entitlement to subdivision, based on a minimum lot size of 40 hectares to establish a new lot and single dwelling. Over the combined land area in the historical 3 lots of 100 hectares, there are now an additional two lots, and a sixth lot is proposed.**
 - b. The Application is inconsistent with the Planning Policy Framework Clause 14.01 and Local Planning Policy Framework Clause 21.06, by creating a small lot in an area of agricultural production;**
 - c. The Application is inconsistent with the Local Planning Policy Framework, Specifically Clause 21.08 by creating a rural living outcome in an agricultural area;**
 - d. The Application is inconsistent with the Local Planning Policy Framework, Specifically Clause 21.12-2 and -3 by failing to meet the general policy strategies identified for the Twin Rivers region and 'Agricultural Hinterland' sub-region;**
 - e. The Application is inconsistent with the Twin Rivers Land Use Plan;**
 - f. The Application is inconsistent with the purpose and decision guidelines of the Farming Zone;**
 - g. The Application results in an unacceptable agricultural outcome.**

Cr Jane Greacen OAM / Cr Mark Reeves

THAT THE RECOMMENDATION BE ADOPTED

CARRIED

Background

Description of the Land and Application

The Application seeks approval for a two-lot subdivision to excise an existing dwelling in the Farming Zone. A permit for subdivision is also required pursuant to the Bushfire Management Overlay and Erosion Management Overlay provisions. The Vegetation Protection Overlay applies to the site but is not a permit trigger in this instance.

The application documents (**Attachment 1**) include a plan of subdivision which shows an indicative building envelope for a future dwelling on the vacant lot.

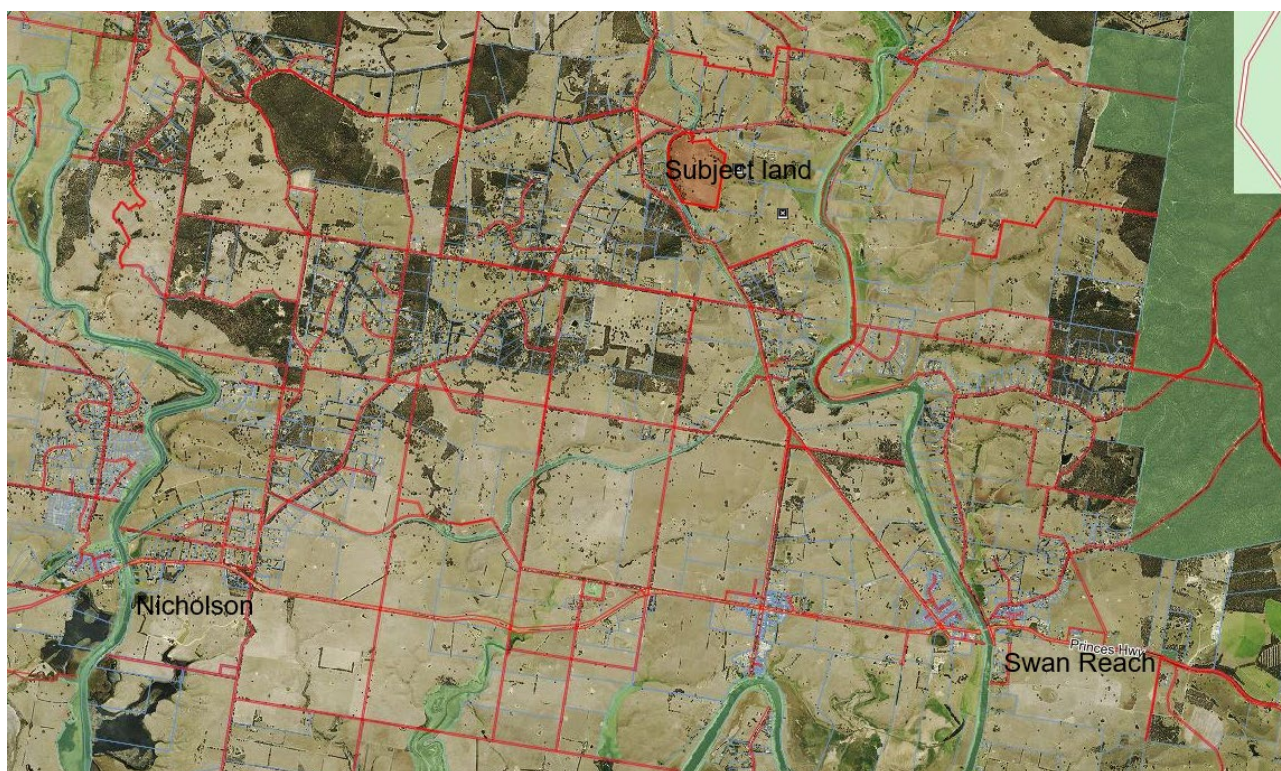
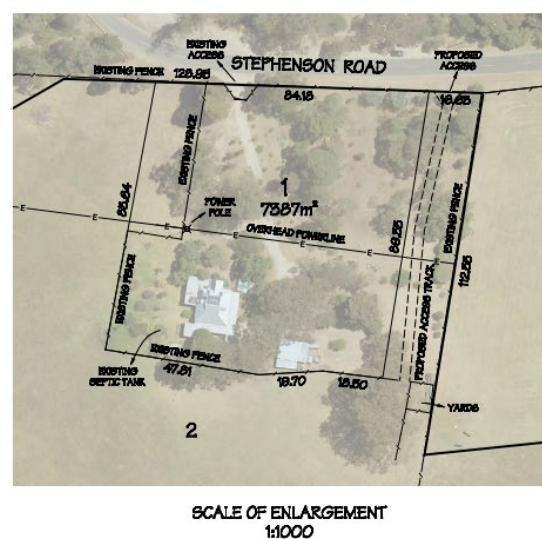
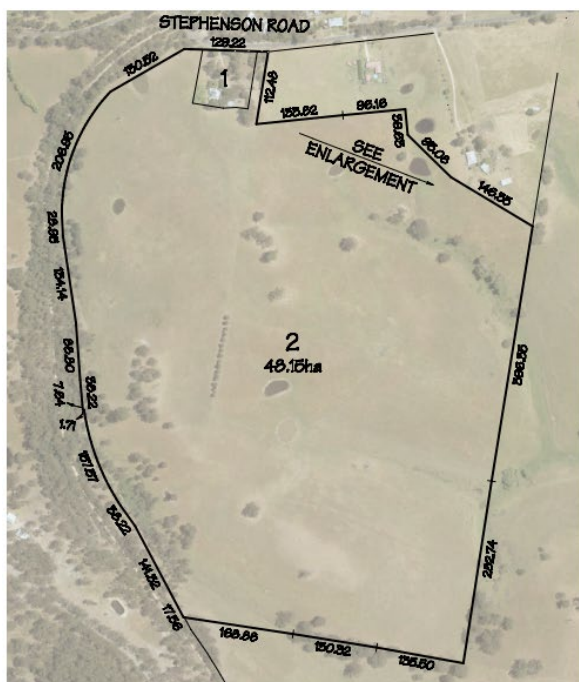
The application proposes to create a smaller lot containing the existing dwelling and shed on a lot of 7387sqm in area. The subdivision will result in the creation of a balance lot of approximately 48 hectares in area, containing the dams, and predominantly cleared pasture.

To the west of the subject land is a rural living precinct defined by small lots with dwellings and ancillary outbuildings. To the east are large holdings which are used predominantly for grazing and are productive agricultural holdings. The East Gippsland Rail Trail on the western boundary provides an effective boundary between the productive and non-productive agricultural areas.

The larger holdings are used for grazing, while the smaller lots contain little to no agricultural component. The Rivendell function centre and accommodation estate is located to the east of the subject site.



Figure 1 – The subject land



Subdivision History

The land is a part of a series of four subdivisions since 1993, which re-aligned boundaries and excised dwellings, taking benefit of the provisions of the Tambo Shire and East Gippsland Shire planning schemes over those years.

The series of subdivision is more fully pictured in **Attachments 2 and 3**, but is summarised as follows:

1. In 1993, two lots were created from the parent title, resulting in Lot 1 of 3.034 ha and Lot 2 of 41.68 ha on PS329638. Net + 1 lot
2. In 1994, Crown Allotment 47 to the south was joined with Lot 2 PS329638, and Lot 1 PS340030 of approximately 4.5 ha was created. The balance lot became 77.64 ha. Net + 1 lot
3. In 2002, a dwelling was excised from the above balance lot, creating Lot 1 PS510092 of approximately 3.56 ha. The balance lot became 74.38 ha. Net + 2 lots.
4. In 2018, Crown allotment 68b of approximately 13.58 ha to the northwest was combined to the planning unit, but the balance was split, resulting in Lots 1 of 48.89 ha and 2 of 39.07 ha on PS808306. Net +2 Lots

Each time the land was subdivided, a dwelling was either established on the small lot or was retained or established on the balance lot, allowing for further subdivision to be justifiable under the scheme provisions.

In total, the original 3 lots (circa 1993) was 99.9 hectares. Under today's planning controls, the subdivision potential would be expected at 2 lots. The subdivision provisions over the years allow for smaller lots to be created where the purpose is to excise a dwelling or to restructure lot boundaries without increasing the number of lots. This subdivision history has combined these two strategies to achieve 5 total lots from the original 3.

Current status/Issues

This application has been under consideration for over three years now. A consistent message to the applicants since late 2018 has been the officer recommendation for the application to be refused. For many reasons, the application has not yet been presented to Council. Requests from the applicant for a determination have given rise to the finalisation of the matter. It is considered that the referral response from the Country Fire Authority would not be affected by the intervening time, and no significant scheme provisions have changed which impact on the consideration of the matter.

The application was subject to notification in accordance with Section 52 of the Planning and Environment Act 1987. No objections were received.

Legislation

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

This planning application has been processed and assessed in accordance with the *Planning and Environment Act 1987*.

Planning Scheme Controls

Zone:	Farming Zone
Overlays:	Bushfire Management Overlay, Vegetation Protection Overlay, Erosion Management Overlay
Notice:	Instructions given to the applicant, who provided the required notice via letters to the neighbouring landowners. No objections were received
Referrals:	Section 55 recommending referral to Country Fire Authority. Consent provided subject to conditions.

A detailed assessment of the proposal against the relevant controls is contained within **Attachment 3**. The assessment is summarised as follows:

State and Local Planning Framework

The specific clauses of the Planning Policy Framework that suggest that the proposal should not be supported are:

- *Clause 14.01-1S (Agriculture) which states that the fragmentation of farms and the creation of dwellings 'as of right' which are not connected to farming are a negative outcome.*

Clause 21.06 (Natural Resource Management) states that the fragmentation of farms should be avoided, and that subdivision not connected to agriculture should be discouraged.

The Local Policy contained within the East Gippsland Planning Scheme also requires that rural land should be used efficiently and that productive soils should be protected. The proposal currently before Council does not include any measure to demonstrate how this policy is met.

Specifically, policy states the decisions should not support small lot subdivision outside areas identified for rural residential purposes. The land in this proposal is not identified as being an area for rural living purposes.

Strategies include discouraging the creation of smaller lots, to facilitate the effective use of land for agriculture and that when an approval is issued that conditions be applied to prohibit future development of dwellings.

Response to the Policy Framework

The state and local planning policy frameworks provide for the protection of agricultural land from fragmentation and discourage rural residential outcomes in land zoned for agricultural purposes. The policy talks to consolidation of land, not further subdivision. The policy encourages the land, regardless of productivity, to remain in agricultural holdings to prevent future land use conflict from other agricultural activity. This is essentially reverse amenity impact – making sure that residential use does not detrimentally affect the ability of a genuine farmer from carrying out what would otherwise be permissible in the Farming Zone.

The proposal does not meet the objectives of state and local planning policy with respect to natural resource management and preservation of agricultural amenity.

Farming Zone

The subject land and surrounding area is zoned Farming Zone. The purpose of the Farming Zone in the Planning Scheme is to protect and 'hold' land for the continued ability for Victoria to produce and generate food and fibre.

An Application for Planning Permit is regulated by clause 35.07 which allows application for allotments to be created in accordance with the nominated Schedule to the Zone, in this case 40 hectares is the scheduled minimum lot size. Lots less than 40 hectares are deemed to be smaller lots in the Farming Zone provisions.

A Planning Permit may be granted to create smaller lots if the subdivision is to create a lot for an existing dwelling.

Response to the Farming Zone requirements

The application is premised on the ability for the land to be subdivided based on the current lot size and the lack of restrictions or conditions on the dwelling excision provision. The ability to make the application does not mean that it is a reasonable planning outcome, and when considered in the context of the historical subdivisions, the application is considered to be contrary to the purposes of the Farming Zone, and does not represent orderly planning in the district.

Officers recognise that the Farming Zone provisions from 2006 through 2013 provided that where a dwelling is to be excised, that the land would then be subject to a mandatory requirement for a legal agreement preventing further subdivision of the land, but that such requirement was removed. Since the amendment to remove the mandatory agreement, Officers and Council have regularly imposed (or sought to impose) conditions preventing further subdivision and dwelling development on the balance allotments. In the absence of the condition, the entitlement to subdivide is perpetuated without control.

On the basis that the original planning unit (the subdivision history) under the current controls would allow for only 2.4 total lots on a density basis, the current five lots and five dwellings is considered overly dense, and the proposal to add a sixth lot and not provide a restriction against another dwelling is unreasonable.

The use of the land for the desired use, agricultural production, is already disadvantaged, and would experience further detriment through the proposal.

Bushfire Management Overlay

The subject land is partly contained within the Bushfire Management Overlay.

The application is supported by a full Bushfire Management Statement prepared by the consultant, which confirms that the land, when considering the landscape perspective of fire behaviour, is at low risk.

When assessing a planning application for a permit Council must:

- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk if the risk is sufficiently low.*

Response to Bushfire Planning

The subject land is partly contained within the Bushfire Management Overlay and the inherent risk of bushfire attack is high. It is important to note that not all rural locations within East Gippsland are 'high risk'.

The south west boundary of the lot is near to densely vegetated freehold land. A result of the subdivision is that the 'use' of land for a dwelling will become 'as of right' on the balance lot. A future proposed dwelling might require a planning permit by virtue of the BMO, however, there is the potential to site a dwelling outside the overlay.

The CFA have provided consent in terms of the technical application requirements relating to the Bushfire Management Overlay controls.

General Overview:

The creation of small lots in agricultural areas has the potential to:

- Permanently remove land from being used for productive agriculture;
- Create amenity conflicts between genuine farming enterprises, and residents of a dwelling on a 'lifestyle residential lot';
- Create a resource burden on service providers and Council;
- Place people in an isolated environment away from social infrastructure;
- Artificially inflate the price of land in rural areas (which prevents genuine enterprises from expanding their holdings or operations); and
- Threaten the broader agricultural sector.

It has been observed that the agricultural value of the land is in 'dry land grazing'. It is difficult to sustain an argument that two agricultural operations or enterprises are able to efficiently and effectively farm the land, without further detail. There is no evidence of existing or new proposed agricultural uses for the land.

Collaboration

Not applicable

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2: 2.1 Statutory and strategic planning for land use delivers sustainable outcomes that balance the need for growth with the enhancement of our lifestyle, character, the built and natural environment.

Council Policy

Twin Rivers Land Use Plan

The Twin Rivers Land Use Plan covers Nicholson, Swan Reach, Johnsonville and Tambo Upper. It is the most relevant and important strategic document for this area. Its key findings include:

Rural Living Zoned Land

8) A sufficient supply of lots exists on RLZ to meet forecast demand over the next 20-year period, provided that the subdivision of large RLZ vacant lots occurs.

9) Potential exists for a number of the larger lots to be used for farming purposes, and in that case the land might not be subdivided over the next 20-year planning period.

Further research into the potential for large vacant and occupied lots to be subdivided in the future may be required.

10) The minimum subdivision size for RLZ1 land is 2ha, which is half the minimum subdivision size of RLZ2 land of 4ha. Rezoning parts of the RLZ2 land in Twin Rivers to RLZ1 could encourage the subdivision of this land and contribute to an additional supply of RLZ lots. This should only be entertained where land is located in close proximity to a Township area, and where land is not required for potential future township growth.

From this, there is an identified finding that the Twin Rivers area has sufficient supply of rural living zoned land. Therefore, there is sufficient rural living opportunities and outcomes already available in the immediate locality. Future rural living opportunities are also directed to occur closer to settlements and services. The Twin Rivers Land Use Plan does not support the creation of further rural residential outcomes in farming areas or land zoned farming.

The Twin Rivers Land Use Plan also highlights that there is no short or medium term need to further create rural living type outcomes outside of area already zoned for that purpose. In other words, the creation of rural living outcomes in this case is not supported by the Twin Rivers Land Use Plan.

Rural Land Use Strategy

Council is in the early stages of preparing a Rural Land Use Strategy. This will be one of the most important strategic planning documents that Council undertakes in the context of the East Gippsland Planning Scheme.

Given that the Strategy is still in its formulation stage, it cannot be considered in the assessment of this proposal.

Currently, there is very little policy basis for approving this subdivision under the current planning scheme policy.

Options

1. Endorse the officer recommendation.
2. Move an alternate motion for approval subject to conditions.

Officers strongly recommend that an alternative motion, if proposed, contain a provision for prevention of a dwelling on the balance allotment and prevention of further subdivision, for the reasons outlined in the report regarding the development of the land over time.

Resourcing

Financial

Not applicable

Plant and equipment

Not applicable

Human Resources

The application was assessed utilising existing officer resources.

Risk

The risks of this proposal have been considered and are relatively minor in nature. There is a usual risk in relation to a challenge to Council's determination of the matter through VCAT.

Economic

There are minor economic risks associated, however the long-term sustainability of agricultural production on the land and in the locality must be considered, and the position taken is that there is a long term detriment to the economic viability of agricultural production as a result of this and past subdivisions.

Social

There are minimal social implications of the proposal, whether the recommendation is supported or not.

Environmental

The proposal will have a detrimental impact on the capability of the land to be farmed and will have negative impacts on the ability of the land to accommodate intensive agricultural production. This ability has already been degraded over time, and the outcome would be further detrimental.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

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

The proposed recommendation forms a part of sustainable land use planning, by way of restriction of development for non-agricultural purposes outside of settlement areas, especially prevention of inappropriate subdivision creating rural-residential expectations. Allowing further encroachment threatens agricultural productivity and creates demand for higher intensity agricultural production which can come at increased environmental costs.

Engagement

Public notice was undertaken in accordance with section 52 of the *Planning and Environment Act 1987*. Adjoining land owners were notified and a sign placed on site.

No objections were received.

Attachments

1. Application Materials [5.3.2.1 - 33 pages]
2. Applicant Supporting Information - Subdivision History [5.3.2.2 - 5 pages]
3. Detailed Assessment against the Planning Scheme [5.3.2.3 - 17 pages]

5.3.3 Submission on the draft Marine and Coastal Strategy

Authorised by Acting General Manager Place and Community

Conflict of Interest

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

Executive Summary

The purpose of this report is to seek endorsement of a written Submission to the Department of Environment, Land, Water and Planning (DELWP) in relation to the Draft Marine and Coastal Strategy, July 2021 ("the draft Strategy").

The written submission at **Attachment 1** has been lodged in draft form to DELWP to meet the deadline of 10 September 2021. DELWP have been advised that a Council endorsed submission will be provided following Council's formal consideration.

The written submission has been prepared to align with previous written submissions provided by Council in August 2019 in relation to the draft Marine and Coastal Policy, endorsed at the Council Meeting of September 2019 (Item 3.4.1).

The draft Strategy, in general, is supported, however it will have a direct impact on Council's roles as a Planning Authority and as Committee of Management for extensive sections of coastal Crown Land.

The submission provides commentary on various actions contained within the draft Strategy, particularly in relation to implementation and funding responsibilities.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. endorses the written Submission to the Draft Marine and Coastal Strategy as provided in Attachment 1.***

Cr Tom Crook / Cr Mark Reeves

THAT THE RECOMMENDATION BE ADOPTED

CARRIED

Background

The preparation of a Marine and Coastal Strategy is a requirement of Victoria's Marine and Coastal Act 2018, which sets the principles and objectives for planning and managing the coastal spatial environment.

The draft Marine and Coastal Strategy seeks to.

- Empower Traditional Owners to fully integrate cultural values, uses and practices in the healing and ongoing management of country.
- Build the foundations for long term climate change adaptation in Victoria's marine and coastal environment.

- Improve integration and coordination across governments, industries and communities when planning and managing marine and coastal areas.
- Build the skills and capabilities of communities, managers and governments to plan and manage a healthy and resilient marine and coastal environment.

The draft strategy will have a direct impact on Council's operational activities relating to our role as Committee of Management for extensive areas of coastal Crown Land, together with our role in land use planning along the coast, including inland waterways, (specifically, the Gippsland Lakes) and for our coastal townships and settlements. Council's role is vital to the economic prosperity of coastal settlements which are inextricably linked to the coastal location, natural environment, land uses, facilities and infrastructure provided in these places and spaces.

It is acknowledged that the current draft strategy is the first of three strategies that will outline priority actions to achieve the Policy and as such aims to lay the foundations for the subsequent strategies.

Key comments are summarised as.

- 1) Provide high level support for the MAV submission.
- 2) Provide support for Traditional Owner integration with coastal spatial planning.
- 3) Provide support for the progressive updating of strategic plans and statutory planning tools requiring DELWP resources and technical expertise as the lead agency.
- 4) Acknowledgment that local government plays a key role in education and interpretation programs, which requires recognition of the need for funding for implementation.
- 5) Confirms and agree with the importance of the role of Coastal and Marine Management Plans, which require funding for preparation, review and progressive implementation, including maintenance activities of ageing infrastructure.
- 6) Importance of need to understand and adapt to the impacts of climate change and having community conversation with the local communities about impacts and actions.
- 7) Support of planning scheme amendment processes to reflect sea level rise, coastal hazards projections and other projections relating to climate change. This includes the preparation of relevant practice notes and drafting of new zones and overlay planning provisions.
- 8) Provide support for the establishment of coastal erosion advisory support.
- 9) Support for the establishment of a clear governance framework for integrated and coordination coastal spatial planning.
- 10) Critical need to establish clear, strategic and sustainable funding and resource allocation for the implementation of the actions and activities as identified in the strategy.

Legislation

On 24 March 2020 the Government passed the *Local Government Act 2020* (the new Act). As of 1 July 2021 all provisions from the new Act have commenced.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

Collaborative Procurement

This is not relevant to this Council Report.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 2:2.1 Statutory and strategic planning for land use delivers sustainable outcomes that balance the need for growth with the enhancement of our lifestyle, character, the built and natural environment.

Council Policy

The Coastal and Inundation Erosion Policy is relevant. This policy provides a framework for the considerations of the risks of climate change through the planning and decision-making processes both now and into the future.

Options

Council may:

1. Endorse the submission as presented;
2. Endorse the submission with any changes of emphasis required by Council; or
3. Not endorse the submission.

It is important for Council to continue to advocate on matters of state policy and strategy and to maintain advocacy for appropriate resourcing. The submission as drafted provides a response that balances general support for the draft Strategy with a request for resourcing to be addressed.

Option 1 is recommended.

Resourcing

Financial

The written position confirms ongoing concerns in relation to resourcing of the co-investment model being implemented through the Marine and Coastal Policy. The ongoing resourcing and funding model seek to allocate some of the responsibilities (and costs) associated with the implementation of the draft Strategy to local government. Local Government requires increased resources and capacity to ensure maintenance and improvement to coastal infrastructure together with resources to implement the many actions and activities recommended in the draft Strategy.

Plant and equipment

There are no direct implications.

Human Resources

Officers have prepared the written submission and attended relevant information sessions. The submission was drafted within budget resources.

Risk

The risks of this proposal have been considered and are highlighted in the written submissions with respect to ongoing resourcing of the actions and activities recommended in the draft Strategy for Local Government responsibility.

Economic

Council's submission to the 2019 Draft Policy sought to emphasis in addition to the environmental sustainability objectives, the importance and recognition of the economic values associated with the use and development around coastal settlements. It is important that there is adequate recognition of the community and social values of coastal infrastructure and coastal settlements.

Social

The preparation, review and implementation of Coastal Management Plans on a progressive and a place basis by Council recognises the importance of place in social planning objectives.

Environmental

The overarching aims of the draft Strategy are to seek to protect and sustainably manage the marine and coastal environment. The strategy aims to integrate the management of the coastal zone, ecosystem management, ecologically sustainable development, and risk based adaptative management strategies.

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

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

Engagement

There was no external consultation undertaken with reference to the preparation of the written submission. Comments made in relation to DELWP engagement processes were taken into account.

Attachments

1. Draft Submission on Marine and Coastal Strategy [5.3.3.1 - 7 pages]
2. Summary - Draft Marine and Coastal Strategy 2021 [5.3.3.2 - 2 pages]
3. FA Qs - Draft Marine and Coastal Strategy [5.3.3.3 - 4 pages]

Attendance

Cr Arthur Allen left the Chamber at 8.46 pm and returned at 8.47pm

5.3.4 East Gippsland Shire Council Arts and Heritage Grants Round 1 2021-2022

Authorised by Acting General Manager Place and Community

Conflict of Interest

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

Executive Summary

The East Gippsland Shire Council supports a wide range of projects and innovative activities through its grants program. This report is in relation to the Arts and Heritage Grants program.

The objective of the East Gippsland Shire Council Arts and Heritage grants program is to provide local individuals (artists) and organisations the opportunity to access funding for a variety of needs and initiatives in a manner that is open, transparent, and accountable. It offers support to individuals (artists) and local organisations to present and / or develop arts activity and heritage projects. The program aims to foster a strong sense of local identity, creativity and community spirit.

The community value-adding aspect of the program means that Council achieves more value for each dollar expended than would be the case for projects without these partnerships. All funding is provided on a matched 'dollar for dollar' basis with a minimum of 50% of the grant request showing as cash support.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. adopts the recommendations for funding through the East Gippsland Shire Council Arts and Heritage Grants program as follows:***

<i>Applicant</i>	<i>Project Title</i>	<i>Funding Amount</i>
Albatross Photography & Design	Artworks for East Gippsland Kids	\$6,000.00
Marlo ratepayers and Residents Association Inc.	Snowy Estuary Sculptures	\$8,000.00
Crashendo! Bairnsdale Inc	Music changes lives for the better!	\$2,500.00
Friends of Paynesville and Raymond Island	Paynesville Pop-Up Choir	\$2,000.00
Lee Nickless	Art Labs - Workshop series (Digital media)	\$2,500.00
Reclink Australia Mallacoota	Reclink Recovery Arts Program	\$2,500.00
Total		\$23,500.00

THAT THE RECOMMENDATION BE ADOPTED

CARRIED

Background

Round one of the Arts and Heritage grants programs opened on Wednesday 2 June 2021 and closed on Wednesday 4 August 2021. The grant round was advertised by direct email to community and arts groups, local newspapers, through the East Gippsland Shire website, and on BraveArtsEG and the East Gippsland Shire Council Facebook pages.

The current round attracted seven applications requesting a total of \$39,080.20 to support projects, with a total project value of \$214,320.20. (Refer Table 1 for a category breakdown). A list of all applications received can be found in **Attachment 1**.)

Before the grant round opened, the Guidelines, **Attachment 2**, were updated to reflect date changes only.

Table 1.

All Funding Applications for the East Gippsland Shire Council Arts and Heritage Grants Program Round One 2021-2022.

Funding program	Funding requested total	Project investment	Number of applications
Major Arts Projects	\$20,000.00	\$65,000.00	2
Arts Projects	\$15,605.20	\$142,370.20	4
Heritage Projects	\$3475.00	\$6950.00	1
Total	\$39,080.20	\$214,320.20	7

Legislation

On 24 March 2020, the Government passed the *Local Government Act 2020* (the new Act). As of 1 July 2021, all provisions from the new Act have commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with Local Government Act 2020 106 Service performance principles

- (1) A Council must plan and deliver services to the municipal community in accordance with the service performance principles.
- (2) The following are the service performance principles—
 - (a) services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community.
 - (b) services should be accessible to the members of the municipal community for whom the services are intended.
 - (c) quality and costs standards for services set by the Council should provide good value to the municipal community.

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act* 2006.

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 1:

- 1.2 Collaboration with key stakeholders fosters the cultural, arts and creative communities for all activities Council has facilitated or financially contributed to.
- 1.4 Through targeted services, partnerships and advocacy, communities enjoy strong mental and physical health, well-being, and resilience.
- 1.6 Council is culturally and linguistically inclusive and celebrates diversity.

Connection to the Council Plan or Adopted Strategy by recommended Arts and Heritage Project Applicants can be found in **Attachment 4**

Council Policy

Council historically supports a budget allocation for two rounds of Arts and Heritage Project Grants in the annual budget.

This program aligns with the Service Performance Principles in the Local Government Act 2020 that suggest services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community.

Resourcing

Financial

The Arts and Heritage funding allocation for 2021/2022 is \$50,000.00. \$5,000.00 is set aside to distribute annually via the Arts and Heritage Quick Response Grants of up to \$500.00 each. \$3,000.00 is set aside to pay for the Arts and Heritage proportion of the annual Smarty Grants program fee. The remainder of that fee (\$12,000 annually) is paid by Community Grants and Regional and District Event grants, leaving \$42,000.00 for the Arts and Heritage for rounds 1 and 2. The funding allocated in Round one of the Arts and Heritage grants is \$23,500.00, leaving a pool of \$18,500.00 for Round two 2021-2022 applications.

Officers ensure decisions around funding allocation is based on each individual applications merit, with intention to provide funding for as many projects as possible each round. At the end of round two each year there is expectation all funding is allocated to projects within the community.

Human Resources

Council Officers are not involved in the implementation or project management of any funded projects, this remains the sole responsibility of the applicant.

Council Officers in the Council Enterprises Unit are responsible for the administration of the Arts and Heritage Grants Programs.

The Evaluation Process

The evaluation process for each round of funding is imperative to review, assess and provide objective, independent recommendations to Council in relation to funding for grants; and to ensure that the guidelines and assessment criteria have been applied consistently and equitably for all applications.

The process for assessment of the applications received each round requires a minimum of three people to assess and score each application against program specific criteria. This assessment panel consists of:

- Manager Council Enterprises
- Arts and Culture Coordinator
- Forge Theatre and Arts Hub Manager.

Each panel member ensures during their individual assessment of the applications, there commentary is recorded on each application to deliver proof of transparency in decision making. This feedback is also available to applicants upon request.

After applications are reviewed by panel members individually, the panel reviews each project collectively and consider the project applications based on the eligibility and specific program criteria within the East Gippsland Shire Council Grants Guidelines (**Attachment 2**).

A further Grants Assessment Panel meeting is then held to brief the General Manager Place and Community on all applications received and the panel's recommendations for funding. This meeting is attended by the panel and Acting General Manager Place and Community and not only are recommendations for funding discussed, but further support for non-successful applications is also considered.

The Grants Program Assessment Panel's recommendations for funding allocations are detailed at **Attachment 3**.

Risk

The risks of this proposal have been considered and have been assessed as minimal impact. Management through officer support to address incidents of backlash and supported processes are in place through communications.

Economic

The Arts and Heritage Projects recommended amount to a total contribution of \$23,500.00 from Council if endorsed but generate a total investment of \$207,370.00 overall.

Social

Through this program, Council supports a wide range of projects that strengthen our artistic communities, encourage sustainability, social connection, health and wellbeing, social inclusion, and cultural diversity.

The Community and Arts Grant Guidelines have been developed to align with the priorities communicated through the Community vision, The Council Plan, The Municipal Health and Wellbeing Plan, and various other Council Strategies.

Applicants are asked to make a connection between their projects and the Council Plan or adopted strategy. A table of connections outlined how each of the recommended Arts and Heritage Project grants link to the Council plan can be found at **Attachment 4**.

Environmental

Not applicable

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

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

Engagement

The funding round dates have been on the Council website for over 6 months. Advertisements were published in local newspapers as well as BraveArtsEG and Councils social media pages.

Advertising in local newspapers as well as in Councils social media page and website about the four information sessions held in June -July 2021, information flyers about the funding round were sent to Service Centres and Neighbourhood House's before the sessions to inform the community of the funding round.

Application guidelines were made available on the Shire website.

Applicants were invited to contact the Arts and Culture Coordinator for information regarding:

- Completing applications correctly.
- Budget assistance.
- Understanding timelines and processes involved.
- Need for supporting documentation; and
- Importance of acquitting the grant and acknowledging Council for the support.

This provides the potential applicants with an opportunity to seek advice and become competent in completing funding applications. In turn, they may then be confident in applying for alternative grants from other funding bodies.

Four Council grants information sessions were held via Microsoft teams in June- July 2021, two during the day and two in the evening to allow access for community members. Multiple one-on-one skype meetings between program staff and applicants were also held in the lead up to the closing date.

Attachments

1. East Gippsland Shire Council Arts and Heritage grants All applications Round1 2022022 [5.3.4.1 - 4 pages]
2. East Gippsland Shire Council Community and Arts Grants Guidelines 2021-2022 [5.3.4.2 - 13 pages]
3. East Gippsland Shire Council Recommended Arts Project Grants Round One 2021 2022 [5.3.4.3 - 3 pages]
4. East Gippsland Shire Council Arts Project Grants Round One 2021 2022 Recommended connection to the Council Plan [5.3.4.4 - 4 pages]

Attendance

Cr Greacen OAM left the meeting at 8.53 pm

Cr Trevor Stow / Cr Tom Crook

THAT COUNCIL RESOLVES TO EXTEND DURATION OF THE MEETING TO CONSIDER ITEM 5.3.5.

CARRIED

5.3.5 East Gippsland Shire Council Community Projects Grants Program Funding Round 1 2021-2022

Authorised by Acting General Manager Place and Community

Conflict of Interest

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

Executive Summary

The East Gippsland Shire Council's Community Projects Grant program provides funding opportunities for East Gippsland based community groups and organisations. Through this program, Council supports a wide range of projects that strengthen our communities, encourage environmental sustainability, social connection, health and well-being, and social inclusion and cultural diversity.

The objective of the Community Projects Grants Program is to provide local community-based organisations the opportunity to access funding for a variety of needs and initiatives in a manner that is open, transparent and accountable.

The community value-adding aspect of the program means that Council achieves more value for each dollar expended than would be the case for projects without these partnerships. All funding is provided on a matched dollar for dollar basis.

The current grant round attracted 18 applications, 11 of which had been recommended for funding. 1 application has subsequently withdrawn due to no longer being unable to meet commitment to 50% funding contribution and one due to cancellation of 2022 annual event.

5 applications were not recommended for Round 1 funding due to ineligibility or other reasons, applicants will be contacted and supported to apply for alternative funding opportunities or further develop their projects in order to access future funding rounds.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. endorse the recommendations for funding through the East Gippsland Shire Council Community Projects Grant Program outlined in Attachment 1. Summary below.***

Application ID		Project Title	Recommended Total Amount Requested
CPGR1/21-2200005	GippSport	Streetgames Action Sports Events	\$5,000.00
CPGR1/21-2200011	VALID - VICTORIAN ADVOCACY LEAGUE FOR INDIVIDUALS WITH DISABILITIES	Bairnsdale Community Expo - Together We Are Better	\$5,000.00
CPGR1/21-2200008	Bairnsdale Recycle Enterprise Inc (BREI)	Bairnsdale repair cafe safety project	\$3,975.00
CPGR1/21-2200021	Cassilis Recreation Reserve	Living it Up	\$2,500.00
CPGR1/21-2200009	Snowy Grower Community Garden	Community garden fencing project	\$3,385.00
CPGR1/21-2200018	Reading Out of Poverty	Books from Birth	\$5,000.00
CPGR1/21-2200015	Paynesville Motor Cruiser Club	Infrastructure improvement – Verandah/outdoor shade	\$5,000.00
CPGR1/21-2200022	Howitt Park Management Committee	Little Aths Equipment Upgrade	\$2,402.00
CPGR1/21-2200024	East Gippsland United Football Club	Ball Stop Net and Post System	\$4,800.00
CPGR1/21-2200013	Omeo Soldiers Memorial Hall CoM Inc.	Giving the Floor in the Hall a Polish	\$5,000.00
CPGR1/21-2200006	Lindenow Recreation and Bowling Club Inc.	Club room upgrade	\$3,634.00
			\$45,696.00

Cr Kirsten Van Diggele / Cr Sonia Buckley

THAT THE RECOMMENDATION BE ADOPTED

CARRIED

Background

There are two funding rounds each financial year. Round 1 of the Community Project Grants opened on Wednesday 2 June 2021 and closed on Wednesday 4 August 2021. Applications in this round must be for projects that start after notification in October 2021. The grant round was advertised by direct email to community groups, in Community newsletters, local newspapers, through the East Gippsland Shire website and on the East Gippsland Shire Council Facebook page.

The round attracted 18 applications, requesting a total of \$74,696.00 to support projects with a total project value of \$218,898.91. A list of all applications received can be found in **Attachment 2**.

Before the grant round opened the Grant Guidelines **Attachment 3** were updated to reflect date and program staff changes.

Legislation

On 24 March 2020 the Government passed the *Local Government Act 2020* (the new Act). As of 1 July 2021 all provisions from the new Act have commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked.

This report has been prepared in accordance with *Local Government Act 2020*

The implications of this report have been assessed and are not considered likely to breach or infringe upon the human rights detailed in the Victorian Government's Charter of *Human Rights and Responsibilities Act 2006*.

Collaborative Procurement

Pursuant of section 109(2) of the *Local Government Act 2020* this report has been prepared in collaboration Not applicable

Council Plan

This report has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 1:

- 1.1 Council strives to provide equitable access to their services, support and facilities.
- 1.2 Collaboration with key stakeholders fosters the cultural, arts and creative communities for all activities Council has facilitated or financially contributed to.
- 1.3 Community groups and volunteers are acknowledged, promoted and supported.
- 1.4 Through targeted services, partnerships and advocacy, communities enjoy strong mental and physical health, well-being and resilience.

Strategic Objective 2:

- 2.2 Infrastructure provision and maintenance supports a diverse range of current and future user needs and activities and is both environmentally and financially sustainable.

Strategic Objective 5:

- 5.3 Communities are engaged in decision-making and support is provided to develop local solutions to local issues.

Council Policy

Council historically support budget allocation for two rounds of Community Project Grants in the annual budget.

This program aligns with the Service Performance Principles in the Local Government Act 2020 that suggest services should be provided in an equitable manner and be responsive to the diverse needs of the municipal community.

Process

The process for assessment of the applications requires a minimum of three Council Officers to assess and score each application against program specific criteria. The Officers also provide comments as part of the assessment process to be used as feedback to any applicants that request it.

The Community Projects Program Assessment Panel consists of:

- Acting Coordinator Community Programs, Place and Community
- Youth Engagement Officer, Community Programs Place and Community
- Drought Assistance Officer, Economic and Emergency Management Team

Applications are assessed against the grant program criteria and guidelines and each proposed project is discussed at the Grants Program Assessment Panel meeting where the panel considered each of the applications based on the eligibility and specific program criteria within the East Gippsland Shire Council Grants Guidelines **Attachment 3**

The purpose of the assessment panel is:

- to review, assess and provide objective, independent recommendations to Council in relation to funding for grants;
- assess potential risks associated with the proposed project; and
- to ensure that the guidelines and assessment criteria have been applied consistently and equitably for all applications.

It was identified that a number of applications received did not meet the eligibility criteria and subsequently the panel were unable to recommend these applications for funding.

The Grants Program Assessment Panel's recommendations for funding allocations are detailed at **Attachment 1**.

Options

The 11 recommended applications from the 18 received are detailed in **Attachment 1**. All applications received were assessed against the grant guidelines and eligibility criteria found in **Attachment 3**. Grants that did not meet the eligibility criteria, rated low on the assessment criteria, were assessed as offering low/no community benefit, or if there were other funding streams better suited for the proposed project were not recommended to be funded.

Support and feedback will be offered to unsuccessful applicants to assist them to further develop their project applications to make submission to future Council funding rounds or seek other external funding opportunities.

Reportedly applications are down due to the current community engagement and program delivery complexities.

Resourcing

Financial

Funding Program	Total number of applications	Funding Recommended	Total Project Investment	Number of projects Recommended
Community Projects	18	\$ 45,696.00	\$ 97,917.00	11

The 2021 - 2022 budget allocation for the Community Project Grants is \$111,000.00 \$4,500.00 is allocated to the SmartyGrants program usage fee. The remaining \$106,500.00 is for allocation across Round 1 and 2. Funds are evenly distributed between the two rounds.

Officers have supported individual groups and organisations with project development, application submission as is appropriate.

Plant and equipment

Not applicable

Human Resources

Council Officers are not involved in the implementation or project management of any funded projects, this remains the sole responsibility of the applicant.

Council Officers in the Community Engagement Unit are responsible for the administration of the Community Grants Programs

Risk

The risks of this report have been considered as minimal impact. Management through Officer support to address incidents of backlash and supported processes are in place through communications.

Economic

The Community Projects recommended amount to a total contribution of \$45,696.00 from Council if endorsed, but generate a total investment of \$97,917.00 overall, with the 50% matching criteria required and in some cases additional partner project investment.

Social

Through this program, Council supports a wide range of projects that strengthen our communities, encourage environmental sustainability, social connection, health and well-being, and social inclusion and cultural diversity.

The Community Grant Guidelines have been developed to align with the priorities communicated through the Community vision, The Council Plan, The Municipal Health and Wellbeing Plan, and various other Council Strategies.

Environmental

Assessment and scoring of projects were in consideration of environmental and community impacts. Some individual projects have direct and specific positive environmental impacts

Climate change

This report has been prepared and aligned with the following Climate Change function/category:

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

Engagement

The proposed funding opening round dates have been advertised on the Council website since the last Round 2 2020 - 2021 successful projects were announced. Round 1 2021 - 2022 advertisements commenced in May 2021 and were published in local newspapers as well as community newsletters and social media.

Online Q&A and grant information sessions were held on
Friday, 25 June 2021, 10.00AM – 11.00AM
Monday, 28 June 2021, 6.00 PM-7.00 PM
Monday, 5 July 2021, 10.00AM – 11.00AM
Wednesday, 7 July 2021, 6:00 PM-7:00 PM

The Information Session links were available on Council website.

<https://www.eastgippsland.vic.gov.au/community/grants>

Email dissemination advertising information sessions and the funding round were sent utilising existing community and sector networks, Service Centres and Neighbourhood House's.

Applicants were invited to contact the programs staff for information regarding:

- Completing applications correctly
- Budget assistance
- Understanding timelines and processes involved
- Need for supporting documentation
- Importance of acquitting the grant and acknowledging Council for the support

This provides the potential applicants with an opportunity to seek advice and become competent in completing funding applications. In turn, they may then be confident in applying for alternative grants from other funding bodies.

Due to COVID-19 restrictions Council grants information sessions were held online through an online platform and an information session presentation has been made available via YouTube.

The Information sessions are conducted to assist community members with their project queries, to give examples of successful projects, advise on how to plan and write a project budget and to connect community with the appropriate program staff.

Multiple online and phone support meetings between program staff and applicants were also held in the lead up to the closing date.

Application guidelines were made available on the Shire website and printed copies at all the Service Centres and libraries.

Attachments

1. Recommended applications R 1 2021-2022 Council Report [**5.3.5.1** - 2 pages]
2. All Applications R 1 2021-2022 Council Report [**5.3.5.2** - 2 pages]
3. Community Grants Guidelines Round 1 2021-2022 [**5.3.5.3** - 13 pages]

6 Urgent and Other Business

Nil

7 Confidential Business

Nil

8 Close of Meeting

Cr Mendy Urie declared the Council Meeting closed at 9.05 pm.

Confirmed

Cr Mendy Urie Mayor
Tuesday 26 October 2021