



Council Meeting Agenda

Tuesday 22 June 2021 at 6:00 PM
Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875



Acknowledgement to country

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidjawan people as the Traditional Custodians of the land that encompasses East Gippsland Shire.

We pay our respects to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders past and present.

Council information

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

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

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

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.

Photo supplied by Destination Gippsland

Councillors

Cr Mendy Urie (Mayor)
Cr Mark Reeves (Deputy Mayor)
Cr Arthur Allen
Cr Sonia Buckley
Cr Tom Crook
Cr Jane Greacen OAM
Cr Trevor Stow
Cr Kirsten Van Diggele
Cr John White

Executive Leadership Team

Anthony Basford Chief Executive Officer
Fiona Weigall General Manager Assets and Environment
Peter Cannizzaro General Manager Business Excellence
Stuart McConnell General Manager Bushfire Recovery
Jodie Pitkin General Manager Place and Community

Purpose of Council meetings

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

Governance Rules

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

Councillors pledge

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

Vision

East Gippsland is the most liveable region in Australia. A place of natural beauty, enviable lifestyles, and opportunities.

Our Mission

A leading local government that works together with our communities to make East Gippsland the most liveable region in Australia.

Our Values

Accountability

We will take responsibility for our actions and decisions in an open and transparent way.

Inclusion

We will be accessible and active in engaging with our community. We will invite, listen to and seek to understand the views of others, and proactively share information about Council's plans, projects, services and activities.

Integrity

We will honour our commitments and conduct ourselves in an honest, ethical way.

Respect

We will value, support and help to develop our diverse community. We will respect the views and contributions of others and act with courtesy and consideration in all our interactions.

Resourcefulness

We will turn the challenges faced by our community into opportunities by being flexible and innovative in our response. We will actively seek better and more cost-effective ways to achieve the best outcomes for East Gippsland

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1 Procedural

1.1 Recognition of Traditional Custodians

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawal people as the Traditional Custodians of the land that encompasses East Gippsland Shire.

We pay our respects to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders past and present.

1.2 Apologies

1.3 Declaration of Conflict of Interest

1.4 Confirmation of minutes

That the minutes of the Council Meeting of Tuesday 25 May 2021 be confirmed.

1.5 Next meeting

The next Council Meeting of Tuesday 13 July 2021 to be held at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00pm.

1.6 Requests for leave of absence

1.7 Open Forum

1.7.1 Petitions

1.7.1.1 Petition Fort King Island footpath

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report informs Council of a petition submitted by Ms Michele Jackson from Paynesville seeking the continuation of the footpath along the road from Fort King Island bridge to the end of the road. The petition from 38 petitioners states:

There are approximately 232 allotments on Fort King Island, 8 of which are vacant land. All of these use Fort King Rd for access to their property.

There is currently no footpath for the entire length of Fort King Rd from just each of the bridge or paths on any of the streets and courts with exception of a few small sections of gravel paths.

Fort King Road is a major arterial road to the island and carries a large volume of vehicles every day. There is no safe place to walk and with an aging demographic in this area it is unsafe. If you would like to see paths constructed, please put your name on this list to lobby council to put paths on the budget as a matter of urgency. Also there are no adequate parking spaces outside the aged care facilities. If you would like to see parking provided please add your name to lobby council to provide parking spaces and curb and channel to the RHS of the road from the roundabout.

The petition has been received and presented in accordance with Governance Rule 7.7.

Note: Councillors have been provided a copy of the petition separately. In the interests of respecting the privacy of signatories, and in accordance with the Privacy and Data Protection Act 2014, a copy of the petition has not been included with this report.

Officer Recommendation

That Council:

- 1. receives and notes this report;***
- 2. receives the petition lodged by Ms Jackson requesting the continuation of the footpath from the Fort King Island Bridge to the end of the road;***
- 3. refers the petition to the Chief Executive Officer for a report to a future Council meeting; and***
- 4. notes that Council officers will write to the head petitioner advising them of these actions.***

1.7.2 Questions of Council

1.7.3 Public Submissions

2 Notices of Motion

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Strong Communities

5.1.1 Dogs in Public Places trial evaluation

Authorised by General Manager Place and Community.

Conflict of Interest

Officers involved in the preparation of this report have no conflicts of interest to declare.

Executive Summary

The purpose of this report is to seek Council endorsement for the permanent implementation of the Dogs in Public Places rules.

On 17 December 2019, a new Order (**Attachment 1**) was created under section 26 of the Domestic Animals Act 1994 to designate on and off leash dog areas within the municipality under the Dogs in Public Places project. This project was originally meant to be trialed over a six month period however was extended for a further 12-months due to the impacts of the Black Summer Bushfires and the COVID-19 pandemic. This report presents the evaluation of the trial and makes recommendation on its continuation.

Evaluation of the Dogs in Public Places trial was undertaken through both a public survey and an analysis of Council's internal statistics relating to range of customer request types including dog attacks and dog rushes, and reports of dogs wandering. A small number of written submissions were also received and considered as part of the evaluation.

The public survey ran for a four-week period and received 248 responses. Of these responses, 65% of people were in favor of the rules remaining in place.

In terms of the reported dog related incidents, the statistics should show a significant decrease in the number of dog wandering complaints received and a marginal increase in the number of reported dog attacks.

In preparing the report, two options were investigated; 1) Maintain the Dogs in Public Places rules for the longer term, or 2) revert to the previous rules and require dogs to be kept on leash in all public areas of East Gippsland. Based on the findings of the evaluation, Officers recommend that option 1 be endorsed.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. approves the Dogs in Public Places rules, as shown in Attachment 1, to become permanent; and***
- 3. undertakes an appropriate education campaign to advise of the Dogs in Public Places rules.***

Background

Prior to the implementation of the Dogs in Public Places trial, there was regular discussion on community social media pages requesting the leash laws be reviewed to be more in line with other councils across the state. These councils have a range of options available for residents and visitors, whether they are fully fenced areas, partially fenced, or just allocated as off leash walk through linear reserves. Out of 79 Councils across the state, 48 are deemed rural or regional, and 40 of the 48 have laws stipulating on and off leash areas.

Community reference groups were formed to discuss and advise on this issue and these groups identified the criteria for dog on and off leash areas.

Some members of the public had raised concerns that more off leash areas will mean more incidents between members of the public and dogs. To address this, officers sort to analyse available customer request data from both before and during the trial to identify any trends.

Council recognises that pets are an integral part of many people's lives and is actively seeking new and innovative ways to support pet owners and to harness the recognized health and social benefits of responsible pet ownership.

On 17 December 2019, Council implemented a new Order under section 26 of the *Domestic Animals Act 1994* which allowed for a trial of dogs to be off leash in certain areas throughout the Municipality.

The new Order maintained current requirements for dogs to be kept on leash when in built up areas yet enabled greater freedom for responsible pet owners to walk their dogs off leash in parks, reserves and outside township areas.

Beaches and foreshores which are Council managed remained on leash. Existing restrictions on dogs in national parks and similar DELWP managed reserves remained.

This trial was extended by Council, at its Ordinary Meeting on 7 July 2020 (refer Item 5.1.1), for a further 12-month period due to the impacts the Black Summer Bushfires and COVID-19. This resolution also sought a final report and recommendation be presented back to Council no later than July 2021.

Legislation

Legislation is currently in place in Victoria for dog offences under the *Domestic Animals Act 1994* Section 24.

Section 26 of the *Domestic Animals Act 1994* sets out the requirements for Council in making an Order in relation to areas designated on leash and off leash.

Collaboration

No joint procurement is proposed as part of this report.

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

Strong Communities Goal 1 - East Gippsland has connected, inclusive and vibrant communities.

- *Provide facilities and programs that support the development, capacity, and services of community organisations and encourage physical activity.*

A Liveable Region Goal 1 - East Gippsland has safe, accessible and well utilised open spaces and built environments that reflect the priorities of our community.

- *Support projects and initiatives that improve our open spaces and built environment for present and future generations, while mitigating effects on the environment*

Council Policy

Not applicable

Options

Two options have been considered in preparation of this report:

- 1: keep the current Dogs in Public Places rules long term
- 2: revert to the 'old' rules and dogs must always remain on leash when off private property

Based on the findings of the evaluation, Officers recommend that option 1 be endorsed.

Resourcing

Financial

No additional costs will be incurred by Council regardless of what option is adopted.

Plant and equipment

No additional plant and equipment is required.

Human Resources

This report has no impact on human resourcing.

Risk

The risks of this proposal have been considered and are rated as low.

Economic

There are no direct economic implications associated with this report.

Social

Council recognises that pets are an integral part of people's health and wellbeing and actively seeks innovative ways to support pet owners. Council makes every attempt to ensure the needs of the wider community are reflected through Council's domestic animal management strategies.

Off leash dog areas provide an option for dog owners to exercise their dogs in a way not possible on leash. People are always more likely to comply with regulations if they feel that those regulations allow them to exercise a degree of personal options (in this instance, to exercise their dogs). Dog owners are more likely to comply with leash restraint requirements in public open spaces if the off-leash option is available somewhere for them should they feel the need to use it.

Environmental

Areas of concern which may arise is the potential environmental impacts on breeding birds on foreshores and beaches, particularly if they border parks and reserves declared to be off leash.

These areas have been considered within the rules, and Council managed beaches and foreshores remain designated on leash areas.

These rules do not impact on areas of Crown Land not under the responsibility of Council. DELWP and Parks Victoria, as the major land managers, maintain on leash requirements in these areas to aid the protection of native wildlife.

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

Council officers sought feedback from the public regarding this trial by means of a survey through Survey Monkey. This survey ran for a period of 4 weeks. Below is a summary of the results from this survey.

Snapshot of feedback and statistics

- 248 people completed the survey with 72% being dog owners.
- 56% of people found the rules clear to understand.
- 42% of people were concerned that owners would not be able to control their dog well enough for it being off leash.
- 55% of people responded that they do not feel safe with dogs off leash in public areas.
- Mixed results with the question relating to dog behavior being better or worse when a dog is off leash. 27 % being the highest response was for about the same.
- 68% of people responded that dog off leash areas should be in a public reserve.
- 53% of people responded that dog off leash areas should be on a beach or foreshore.
- 58% of people responded that dog off leash areas should not be allowed within 20 meters from a playground or park.
- 51% of responders stated that dog owners are not following the rules for the dogs in public places in their area.
- 65% of responders would like to see the dogs in public places rules continue.

In addition to the survey results, officers have also compared internal statistics from Council data base records from the 12 months prior to be the trial to those received during the trial.

Customer Request Type	2018/19	2019/20	Difference
Dog Attacks	83	93	+10
Dog Wandering	288	185	-103
Dog Rush	18	10	-8
Dog Off Leash	NA	19	

These results indicate that during the comparison periods there was a significant decrease in the number of dog wandering reports and a marginal increase in the number of reported dog attacks. Based on these figures, it appears that the Dogs in Public Places trial did not lead to a significant increase in dog related requests.

A written submission was also received relating specifically to Raymond Island. In response to this, senior Council Officers have met directly with several of the Island's community groups and addressed their questions. This included clarifying that currently the majority of Raymond Island is designated as on leash due to the speed limit being less than 60 km/h. The Council roads that leave the built-up area on Raymond Island are, under the rules, deemed to be off leash due to their speed limit being greater than 60km/h.

Council's Roads and Traffic unit are currently reviewing the speed limits on all roads on Raymond Island with the potential of reducing all roads to 60 km/h as a road safety measure. If the speed limit reduction did occur, then the whole of Raymond Island would be an on leash area.

To address some of the feedback received during the evaluation, if endorsed, Officers will deliver a public information and education campaign which seeks to increase the community's knowledge of the dog off leash rules and the appropriate locations for dogs to be off leash in the region.

Attachments

1. Current Order under section 26 of the Domestic Animals Act 1994 [**5.1.1.1** - 3 pages]

APPENDIX 1

Order Pursuant to section 26 (2) of the *Domestic Animals Act 1994*

Notice is hereby given that at the Council Meeting of the East Gippsland Shire Council held on 12 November 2019, the Council resolved to revoke Order No 1 and make Order No 2 pursuant to section 26(2) of the ***Domestic Animals Act 1994*** to take effect 17 December 2019.

**ORDER NO. 2 OF
EAST GIPPSLAND SHIRE COUNCIL
Section 26
*Domestic Animals Act 1994***

1. On leash

Dogs must be on leash, except as provided in Part 2, and under effective control of a person in public places in township areas within any area with a speed limit of 60km/hr or less, including:

- all roads and footpaths; and
- shopping precincts and car parks.

Unless otherwise signed, dogs must be on leash;

- within 20m of a waterway (including a river or swimming hole) in parks and reserves in township areas; and
- on all Council managed beaches and foreshores.

2. Off leash

Unless otherwise signed, dogs may be off leash, but must remain under effective control of a person;

- in all Council managed public parks, recreation reserves, ovals; and
- outside township areas, (excluding beaches and foreshores)

but must be restrained by means of a chain, cord or leash when:

- within 5m of walking and bicycle tracks;
- an organised sporting activity (including training sessions), public meeting, event or market is occurring;
- within 20m of a playground or play equipment area; or
- within 20m of a BBQ or picnic area.

Note: Separate requirements may apply to land managed by *Department of Environment, Land, Water and Planning* and *Parks Victoria*.

3. Effective control

Whether on leash or off leash a dog is required to be under effective control. A dog is deemed to be under effective control if the dog is under the control of someone capable of restraining it.

In an off leash area, the following also applies to the person in charge of the dog:

- carry a chain, cord or leash sufficient to restrain the dog should it behave in a threatening manner; and
- always remain within effective voice or hand control distance of the dog.

4. Designated on leash beaches and foreshore areas

Dogs are not permitted to remain in a public reserve area or bathe or swim in the water adjoining a public reserve area between 1 November and 30 April as described below;

Eagle Point

- The beach and foreshore reserve area from the boat ramp to a point 200 metres north of the jetty.

Gipsy Point

- The beach and foreshore reserve area within 200 metres of boat ramp.

Lake Bunga

- The foreshore and beach area at Lake Bunga Beach from 200 metres east to 200 metres west of the beach access track.

Lake Tyers Beach

- The foreshore and beach area from the Lake Tyers Beach Road boat ramp south west to the western end of the foreshore carpark and 500 metres east.
- The beach area at Red Bluff from 200 metres east to 200 metres west of the beach access track.

Lakes Entrance

- The beach area on Cunningham Arm at the southern end of the footbridge from 200 metres east to 200 metres west of the footbridge.
- The Ninety Mile Surf beach area from 200 metres east to 200 metres west of the beach access track from the Cunningham Arm footbridge.
- The foreshore and beach area at Eastern Beach from 200 metres east of the beach access track to the vehicle turning circle at the western end of Lions Park.

Mallacoota

- The foreshore and beach area from the Bastion Point boat ramp north to Develling Inlet.
- The main surf beach area at Betka Beach from 200 metres east to 200 metres west of the Betka River entrance and the Betka River lagoon foreshore area, including the grassed picnic and BBQ areas.

Marlo

- The foreshore and beach area from the Sailing Club to a point 1.2 km east.

Metung

- The foreshore reserve commencing from the boat ramp at Shaving Point around the Point and in a northerly direction to a point 300 metres north of the jetty in Tambo Bay.

Newlands Arm

- The foreshore reserve at Butlers Point.

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Paynesville

- The beach and foreshore reserve area along The Esplanade between the Yacht Club and Craft Centre.
- The beach and foreshore reserve area from Old Camp Road boat ramp to a point 500 metres west of the boat ramp.
- The foreshore reserve from Kings Road boat ramp north to the Aquatic Club Tower.

Raymond Island

- The foreshore reserve at Point Montague.

Wattle Point

- The foreshore reserve from the boat ramp south to Wattle Point.

5.2 A Liveable Region

5.2.1 Endorsement of Development Plan Request - 10 Marlo Road Marlo

Authorised by 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 Council's approval of a development plan request for 10 Marlo Road Marlo. Following the resolution of Council at the ordinary meeting of 16 September 2016 (Item 5.1.1) wherein it was resolved to endorse 'in principle' the 10 Marlo Road Development Plan subject to a list of requirements and conditions, officers have been in negotiations with the Proponent' to fulfil and achieve compliance with the Council resolution.

The 22 conditions of the 'in principle' endorsement of the proposed development plan have now been deemed to be satisfied. These include the completion of community consultation by Officers, agreement by the landowner to enter into two section 173 legal agreements to address outstanding requirements, amended plans and documentation and receipt of referral comments.

Community consultation was undertaken between 14 December 2016 and 16 January 2017. A total of 18 survey and written responses were provided to Council as part of this consultation.

Over the past 6 months there has been an increased interest by the community in this application, with the culmination of a petition lodged by the Marlo Residents and Ratepayers Association against the current version (Version 7) of the Development Plan (**Attachment 1**). This was presented to Council at the ordinary Council Meeting of 23 February (Item 1.9.1). This report responds to the petition presented.

This recommendation is being presented to Council for endorsement at the request of Council.

This decision of Council is a new resolution in relation to the development plan request. Legal advice received by Council in relation to the existing resolution pertaining to this plan indicates that Council is under no legal obligation to endorse the development plan based on the previous resolution.

The recommendation provides for integrated decision making which balances the requirements of the planning scheme, addresses both the site's constraints and opportunities, responds appropriately to the assessment of the hazard associated with bushfire, results in an increase in density for the township (refer **Attachment 2**) and in doing so maximizes the efficient use of reticulated services and infrastructure and importantly carries forward the important design principles contained within the Urban Design Framework for our Coastal Settlements namely, enhancement of local character, conservation of the environment, the promotion of activity to sustain communities and the overall improvement of access (*page 22, Marlo Urban Design Framework, Meinhardt, 2007*; the UDF).

The proposal at hand has been the subject of a protracted and complex planning process. The matter is now considered to be appropriately resolved to a point where, subject to some further changes to the subdivision layout, coupled with the agreement by the Proponent to the execution of two new section 173 legal agreements to ensure outstanding requirements are implemented, officers are confident in a recommendation for approval of the development plan.

The subject land is a key strategic site for Marlo and represents land that has been identified and zoned for purposes of providing for residential growth for Marlo. Objective 3 of the UDF aims to enhance the town character. Strategy 3.5 specifically addresses the subject land, and it states:

Provide for the future comprehensive residential development of land to the east of Marlo Road and north of Ward Street. Development at slightly higher densities may be considered in order to contain the development of the town” (page 26).

On balance having considered the planning merits, having specific regard to the planning scheme requirements and the UDF, the recommendation to Council is for approval of the development plan for 10 Marlo Road as contained in the **Attachment 1**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. approves the endorsement of the Development Plan for 10 Marlo Road Marlo as provided at Attachment 1, noting in particular that prior to development of Lot A on the plan of subdivision, a further detailed site development plan is required to be considered by Council with appropriate community consultation.***

Background

The request

The request seeks approval for a development plan for land located at 10 Marlo Road, Marlo in accordance with Development Plan Overlay Schedule 7 of the East Gippsland Planning Scheme. The land has been zoned for General Residential Zone purposes since 2012.

The request for approval was lodged with Council in November 2015. The original plan was assessed by Officers to be deficient specifically in relation to; public open space, road network contributions, intersection works, bushfire management buffer arrangements, urban design, pathway connections and storm water management.

Council considered the Request for approval at the ordinary Council Meeting of 16 September 2016 (Item 5.1.1) endorsing in principle the approval of the development plan subject to a number of conditions. Over the past 6 years, officers have focused a considerable effort and dedicated time to rectifying a series of issues to facilitate approval of the 108-lot subdivision based on this resolution.

The planning history

In 2012 East Gippsland Planning Scheme Amendment C80 facilitated the rezoning of land from Farming Zone (Schedule 1) to Residential 1 Zone, introduced a new Schedule to the Development Plan Overlay (DPO) – Schedule 7, “Marlo Road, Marlo Development Plan Area” and applied the Design & Development Overlay (DDO) – Schedule 11, to the site.

As part of the formal consideration of the matter, Council resolved as part of the decision to proceed with the authorization and public exhibition of Planning Scheme Amendment C80, to require that the Proponent enter into a voluntary section 173 Legal Agreement which was to determine the contributions and responsibilities for upgrades into local road network, landscaping & playground equipment, public art and other hard landscape features. The legal agreement was registered on the subject land on 19 July 2012.

The planning scheme requirements

The subject land is zoned General Residential 1 Zone with the whole of the land contained within the Development Plan Overlay – Schedule 7 and the Design & Development Overlay – Schedule 11, with part of the land included within the Bushfire Management Overlay. Public exhibition of the planning scheme amendment was undertaken in accordance with Act.

The request at hand requires detailed consideration of the purpose and requirements of the Development Plan Overlay and Schedule 7 which was drafted specifically to the site in question. The Overlay is underpinned by a strategic framework that sets out the desired development outcome, the design principles, major land uses, transport and open space networks.

The development of the strategic framework provides the opportunity to engage property owners, the community and servicing authorities about the overall vision for the site and the future form of the development.

Schedule 7 (clause 43.04)

The Schedule applying to the subject land contains seven development principles. These are as follows:

- A subdivision layout which responds to the features of the land, such as inundation and bushfire, as identified in the Site Analysis Plan.
- A subdivision layout which is sympathetic to remnant vegetation, particularly mature indigenous trees and vegetation.
- The provision of useable open space.
- The new development incorporates water sensitive urban design principles for appropriate drainage solutions.
- That indigenous plant species should be used for landscaping of public open space reserves and for revegetation in accordance with the Department of Sustainability and Environment's *Revegetation Planting Standard*
- That the subdivision layout is designed to facilitate the provision of efficient and effective pedestrian, bicycle and vehicle movements, and to ensure connectivity with the existing public transport (if present).
- The subdivision layout provides appropriate linkages to adjoining land.

Compliance with each of the development principles is required as part of the assessment of the development plan document set. The development plan suite of documents must provide the appropriate detail, design, and detailed construction plans to demonstrate compliance with each of the development principles.

The subject land is also partially encumbered by the Bushfire Management Overlay.

The Municipal Strategic Statement (“the MSS”)

The objectives of the UDF have been carried forward into the planning scheme with the approval of C68 which implemented the UDF into the planning scheme. Strategies include facilitating development which implements the Marlo Strategy Plan. The plan specifically refers to opportunities for higher density residential development on the land (clause 21.12). Further strategic work still contained within the MSS refers to the subject land to allow for future residential use at slighter higher than existing densities in order to contain the development of the town (clause 21.12, page 37 of 58).

The Development Plan process

The planning scheme and Planning and Environment Act 1987 process for consideration of development plan overlay requests differs from usual planning permit and subdivision processes. The planning scheme specifically exempts such requests from formal public notice and review (to the Victorian Civil & Administrative Tribunal).

The development plan is a planning tool used to guide the future use and development of land. It has two purposes namely to identify the areas that require planning of future use or development to be shown on a plan before a planning permit can be granted and secondly to exempt a planning permit application from notice and review if it is generally in accordance with an approved plan. The development plan requires a plan to be prepared and aims to provide certainty with respect to the future development of the land. The development plan applies conditions that help implement the plan. The development plan prevents the issue of a planning permit until the relevant plan is prepared and has been approved.

The development plan overlay aims to identify site constraints and opportunities, provide direction about the development outcomes, provide certainty to landowners and third parties about the form of development and is a flexible plan which supports the implementation of a plan in stages.

Clause 43.04-3 allows subject to the agreement of the responsible authority, the development plan may be prepared and implemented in stages. The project was completed in 2007 and is intended to provide a framework for development over a 15-to-20-year time period.

The UDF

The UDF provides strategic guidance for the future development of urban areas, establishing an integrated design vision. This design vision is implemented via tools in the planning scheme, capital works projects and guidelines for private development.

There are 3 key objectives and strategies namely the creation of an attractive town centre, improvement of pedestrian circulation and safety and enhancement of town character (pages 25 and 26).

One of the key implementation measures was to alter the modification of Marlo Road to intersect with Argyle Parade. The vision includes a tree lined median and an alternate intersection treatment to determine the optimum arrangement for traffic movement and pedestrian safety. Conceptual plans have been developed and the project is not currently funded.

The proposal will result in an upgrade to the intersection with Ward Street and Marlo Road, resulting in increased pedestrian safety and a constructed intersection.

External Peer Review & Advice

To assist officers in the consideration and assessment of the matter, officers sought expert advice from external Professional Consultants in the areas of Stormwater Management and Bushfire Management. The purpose of the first of these Professional Consultancies was to provide a peer review of the proposed storm water management plan and to consider the broader implications of the Marlo township drainage system. The key findings of the Report were to provide key recommendations in relation to best practice approaches and to ensure that the existing drainage problems are not exacerbated. Additional storage and treatment of the drainage systems were recommended.

The second Professional Consultancy provided advice in relation to the risk associated with bushfire. Recommendations included requirement for Bushfire Attack Level of 12.5, review terms of management of the reserve for buffer purposes and management of defensible space. Management regime to included section 173 legal agreement requirements.

The commissioning of both peer reviews has resulted specifically in the preparation of two separate section 173 legal agreements to ensure amongst a series of matters, that drainage infrastructure is provided appropriately.

Secondly that there is payment of a maintenance levy with respect to Council's ongoing obligations with respect to the maintenance associated with the bushfire buffer. This decision is a significant decision as it proposes for Council to maintain the land specifically for bushfire protection and secondly foreshadows that into perpetuity individual landowners will be subject to a municipal charge to recoup the financial burden specifically for the management and maintenance of the buffer. Officers consider this to be fair and reasonable, as the buffer directly benefit the future landowners, and in doing so builds the resilience of the township. The buffer land is for bushfire protection and is not deemed to be part of the public open space contribution as it is deemed to be encumbered. The buffer will offer passive recreation space for the residents of the subdivision.

The new section 173 legal agreements

The elements which have not been evidenced to Council satisfaction to date, have been included in new section 173 legal agreements to ensure that future compliance is achieved. These agreements have been signed by the proponent as part of the process to date and can be summarised as:

- Imposition of maintenance levy by special rate on all allotments in relation to Reserve No: 1 for bushfire purposes (Agreement 1).
- Construction of a shared path in Perry Street.
- Payment of a community infrastructure contribution before a building permit is issued for construction of a dwelling on each of the newly created allotments.
- No vehicle access to Marlo Road.

- Construction of fence to Marlo Road.
- Nomination of a building exclusion zone for allotments against a vegetation pathway.
- Preparation of a Landscape Master Plan and completion of landscaping works, to include provision of playground equipment (requires modification).
- Agreement to provide other infrastructure works as required such as roads, drainage, services, pathways and plan supervision checking fees.

Key planning considerations

Storm water drainage

Strategic planning commissioned two peer reviews for the stormwater provisions, specifically following the community engagement process. A high-level catchment analysis, overland flow and assessment of stormwater assets was undertaken. The recommendations included a more detailed township scale drainage strategy be considered. Public infrastructure upgrades will be required by Council as part of the approval of the development plan. Recommendations also included the preparation of a Storm Water Management plan as part of the conditions of the approval of the development plan.

The development plan approval establishes the commitment to upgrade the road and drainage infrastructure in Ward Street, which will result in the provision of infrastructure where it currently does not exist. The section 173 legal agreement requires infrastructure works as required.

Bushfire protection

The peer review recommended future actions with respect to Lot A, preparation of a bushfire management statement, preparation of a landscape plan for vegetation management, retention of the perimeter road and provision of defendable space, all dwellings minimum BAL of 19, preparation of a bushfire hazard landscape assessment, referral to CFA and maintenance plan for the buffer zone.

Lot A and staging

Lot A is identified as a future medium density site and will be subject to a detailed development plan. The requirement for the development plan is established both in the endorsed plan and the Planning Scheme.

Social Impact Assessment

An assessment of the proposal has been undertaken by a social planner. The recommendations included developer contribution towards a public transport service node and connective pathway linkages for projects. Walkability and cycling connectivity are critical to the health and social outcomes for new residents. A second recommendation included an upgrade to an existing facility within Marlo for access for external services such as community facilities and playgrounds.

This is the foundation of the payment of a community infrastructure contribution. This is also the basis for the developer contribution for the shared pathway in Perry Street.

Neighborhood character

Neighborhood character is the combination of a set of attributes and qualities from both the public and private realms. Every property, public place or pieces of infrastructure contributes to the concept of neighborhood character. Qualities such as pattern of development, built form scale and character, and elements such as fencing, open space and vegetation. The UDF provides key statements describing the character of Marlo and contains a vision statement which refers to neighbourhood character, specifically seeking to retain the character described as a “*seaside holiday town looking out towards the river and the ocean*” (page 25). **Attachment 2** contains a locality plan analysis.

Objective 3 seeks to “enhance the town character”. Actions include street tree planting, retention of significant trees in new development areas, provision of design guidelines, reference to the development site, future land supply, containing low density residential and reinforcing the entry to Marlo with appropriate signage and landscaping amongst other elements to Marlo Road intersections.

The proposed subdivision responds effectively to all the above.

Subdivision layout and road network

The issue of the lot sizes and subdivision layout is a key criticism of the elements raised recently received as part of the community feedback.

The overall pattern of density in the existing residential area is illustrated in Attachment 2 which shows the locality.

Developer Contributions

The following elements are provided as part of developer contributions to the proposal namely; the shared pathway in Perry Street, upgrade in drainage and road infrastructure and agreement to a community infrastructure levy.

Open Space and Landscaping

A key component of the Master Plan contained in the UDF refers to the incorporation of new shared path system through residential areas. The requirement for the provision of a shared pathway in Perry Street is directly implementing this objective (number 10, page 30).

The petition

A petition in relation to this development was tabled at the Council meeting held on 23 February 2021. The minutes of this meeting include the endorsed resolution of Council relating to this petition:

The Council:

1. *Receives and notes this report;*
2. *Receives the petition lodged by Ms S Boyd on behalf of the Marlo Ratepayers and Residents Association opposing the current version of the Development Plan for 10 Marlo Road Marlo;*
3. *Refers the petition to the Chief Executive Officer for a report to a future Council meeting; and*
4. *Notes that Council officers will write to the head petitioners advising them of these actions.*

This report responds to part 3 of the endorsed resolution, with parts 1, 2 and 4 already having been actioned. The head petitioner has been advised of this report and the date that it will be presented to Council.

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.

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

Not applicable

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

A Liveable Region Goal 2 - Sustainable planning and growth supports thriving townships, while maintaining our commitment to sustainability and protecting our natural environment.

Council Policy

Development Plan Policy ("**the Policy**") was approved by Council in May 2017, after completion of the community consultation process undertaken by officers in relation to the current proposal. The purpose of the policy is to ensure a consistent and equitable approach to the consideration and management of development plans during the assessment, approval and endorsement stages.

Options

Three options have been considered namely; approve the current version of the development plan, refusal to approve the current version of the development plan or request further modifications to the plans and documentation.

All options have been considered by officers and it has been determined that the development plan is able to be approved having regard to the planning scheme requirements.

Resourcing

Financial

Council officers have been charged with the responsibility of assessing and considering the current development plan request. Officers have expended financial resources in relation to the procurement of external peer review on bushfire management, drainage and the drafting of the section 173 legal agreements.

Plant and equipment

None.

Human Resources

None.

Risk

The risks of this proposal in relation to bushfire management risk and drainage matters.

Economic

The land is the key source of residential growth for the township area of Marlo.

Social

Social considerations have been considered as part of the assessment of the development plan process. The section 173 legal agreements include a provision for future community infrastructure contribution to Council being \$1,150 per lot with adjustment to index on a yearly basis.

Environmental

The development plan comprises a Habitat Hectares & Offset Requirement for proposed subdivision. The Department of Environment Land and Planning have raised issues in relation to the proposal and the loss of vegetation within proposed Lot A.

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

A community consultation period was undertaken between 14 December 2016 and 16 January 2017. Officers undertook the community consultation process, which included a series of individual resident meetings. Methods for the community engagement included direct mail, your say page, your say web page, frequently asked questions, drop-in session in Orbost, appointments in Orbost and email newsletter. There were 18 survey and written submissions.

The primary key issues were focused on stormwater drainage.

- Numerous meetings were undertaken with individual landowners with key themes relating to existing stormwater drainage at a township scale.
- The Marlo Resident & Ratepayers Association provided support for the development in principle, reaffirmed merit in locating the development in the existing town centre and sought to ensure that the stormwater drainage was appropriately addressed.
- Concerns in relation to ongoing drainage problems with the caravan park.
- Comments that the proposal was not consistent with the vision statement for the township established in the Marlo Urban Design Framework (2007).
- The development will result in a significant increase to the size of the town.
- Size and density of the proposed lots.
- Lack of provision of public open space.
- Lack of footpaths.
- The Marlo UDF (2007) recommended the provision of a roundabout at Marlo Road, Ward Street and Argyle Parade.

The receipt of the Petition and subsequent written submissions over the past six months have essentially reinforced the above issues and levied significant criticism in relation to the level of engagement and communication undertaken by Officers with regard to the matter.

Attachments

1. Development Plan V7 Link [**5.2.1.1** - 1 page]
2. Locality Map [**5.2.1.2** - 2 pages]

The development plan can be retrieved from Council's website via the following link:

[Draft Marlo Road Development Plan](#)

Or by navigating to the [Planning Incorporated and Reference Documents](#) under Building and Development on Council's website and searching **DRAFT Development Plan 10 Marlo Road Marlo**

Locality Map

The purpose of this section is to provide some site context for the area.

The town of Marlo is located at the mouth of the Snowy River, in Victoria's far east, and 14 kilometres south of the major centre of Orbost.

Access to Marlo from Orbost is via Marlo Road which closely follows most of the Snowy River's final journey through farming land and pockets of rainforest to the open sea.

Marlo itself is a tranquil seaside resort and fishing town, offering a number of holiday houses and caravan parks for guests. The small commercial centre features a general store and the historic Marlo Hotel, which is perched on a hilltop overlooking the Snowy River, with the town's main jetty and boat ramp below via Beach Road.

The subject site is highlighted in red on the map below, with surrounding residential area to the south, south west and north. Directly to the east of the site is a large Nature Reserve. Lower density residential development is located to the north east of the Nature Reserve.

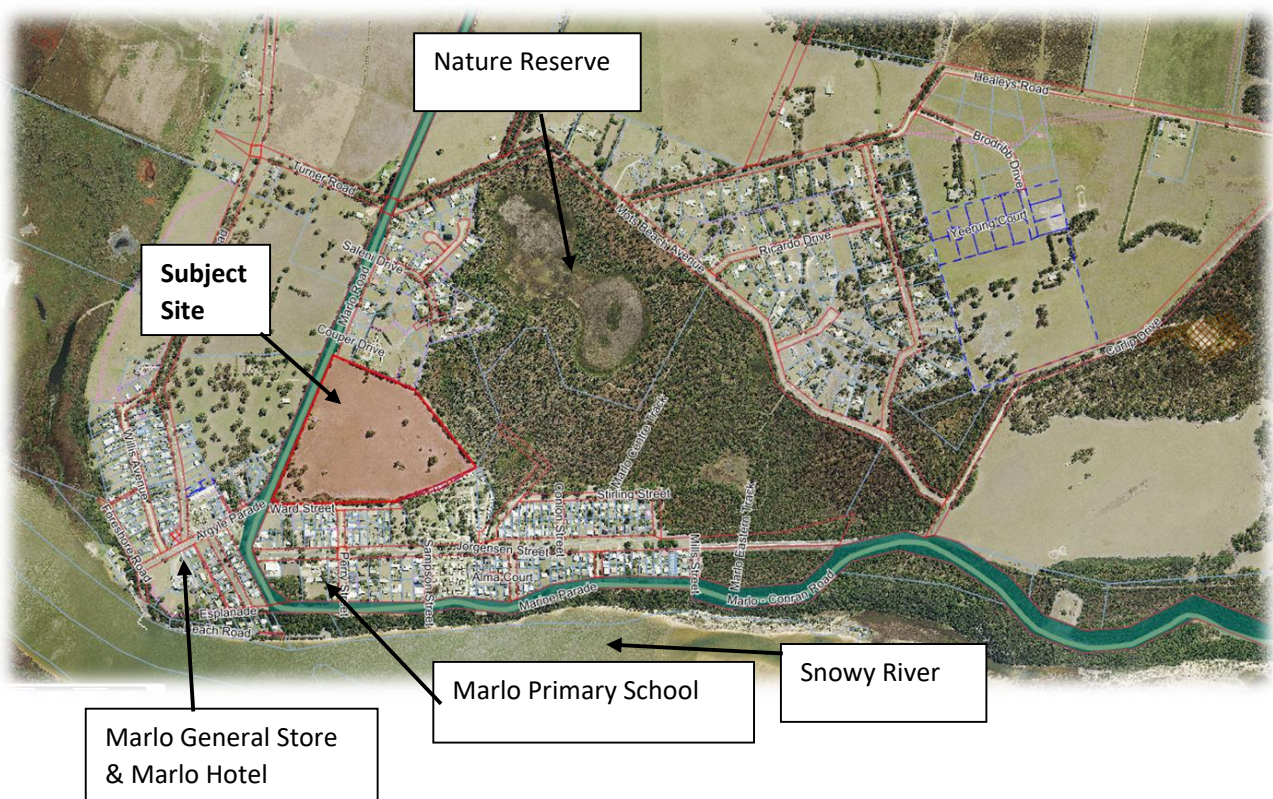
Marlo Primary School is located approximately 150 meters south of the subject site. Marlo General Store and Marlo Hotel are located approximately 300 metres south west of the subject site. South of the town is the Snowy River, which can be accessed via Beach Road.



Marlo General Store



Marlo Hotel



Locality Map Two

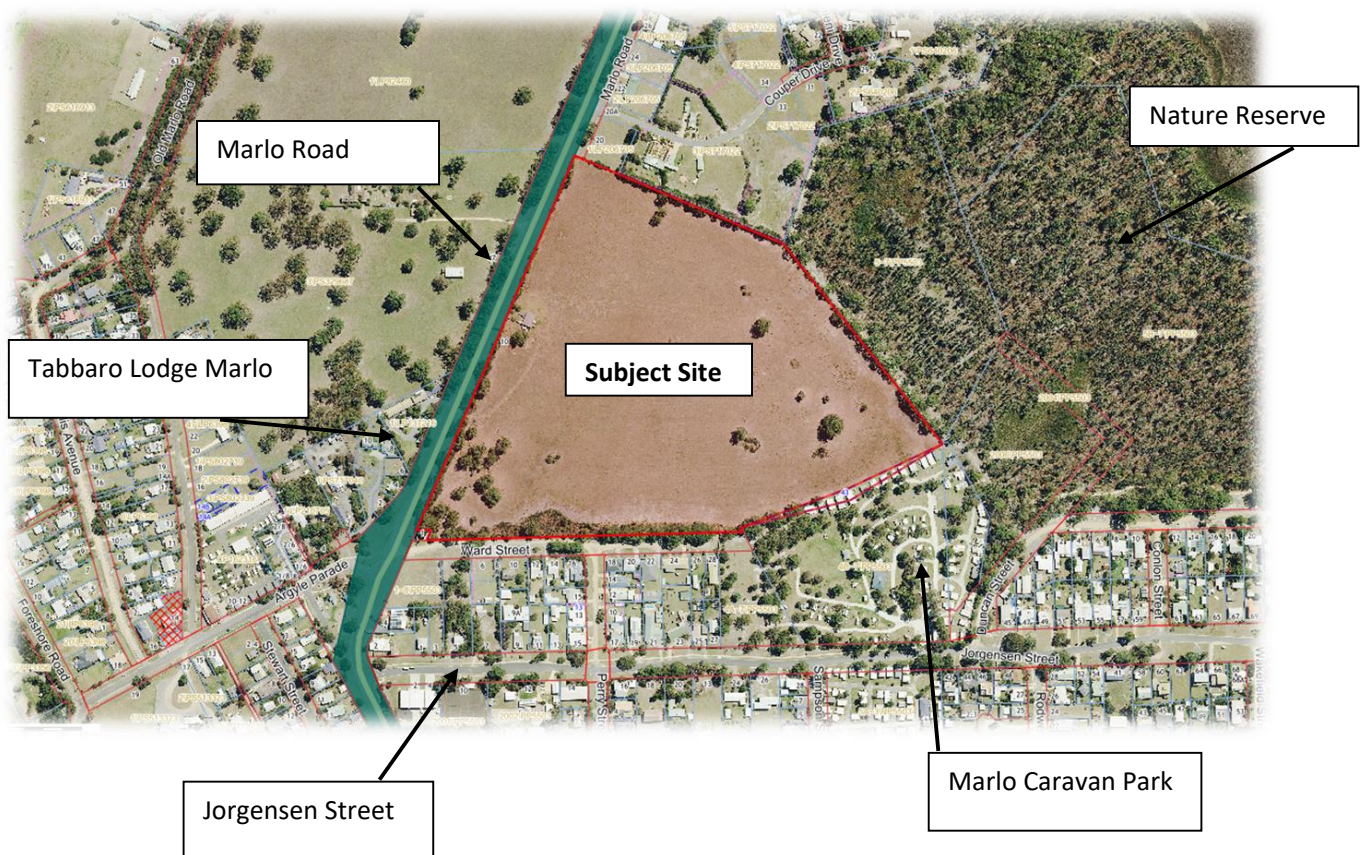
The second locality map shown below shows what immediately surrounds the subject site.

Marlo road runs parallel to the sites western boundary, connecting it to the town centre.

Immediately to the west of the site, sharing a boundary, is the Nature Reserve.

To the south east of the site is the Marlo Caravan Park. Tabbaro Lodge is located immediately to the south west of the subject site. Both of these key features accommodate the tourists that come to the town to enjoy the water and outdoor activities the area has to offer.

Jorgensen Street runs east west through Marlo, parallel with the subject site's southern boundary.



Tabbaro Lodge



Marlo Road, looking south.

5.2.2 Planning Application No. 83/2020/P – 1 Racecourse Road Lindenow - Application to subdivide land into three lots

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 three-lot subdivision (application documents at **Attachment 2**) at 1 Racecourse Road, Lindenow. The application received objections (**Attachment 3**) and was subject to a planning consultation meeting (PCM; Minutes at **Attachment 4**).

The application, as amended following the PCM (part of **Attachment 2**) would create proposed Lot 1 of 1.016 hectares, Lot 2 of 8913 square metres, and Lot 3 of 4195 square metres.

The proposed subdivision will create two new lots for residential purposes, which supports the objectives of the Township Zone. The Zone provides for residential development and a range of commercial, industrial and other uses in small towns, where reticulated services may or may not be 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.

The applicants have provided clarifying and supporting documents since the PCM which further support a recommendation for approval. This includes: agreement for reticulation of sewerage to serve the land; preparation of a stormwater management plan for the property, and stormwater investigation which reveals the on-site drainage does not exacerbate drainage issues in Henry Street; and a revised subdivision layout whereby the watercourse sits within a single proposed lot.

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 Township 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:

- 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 83/2020/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 subdivision of land at 1 Racecourse Road Lindenow into three lots, subject to the permit conditions at Attachment 1.***

Background

The Subject site

The land, as shown below in **Figure 1**, is irregular in shape, 2.327 hectares in area and is developed with one dwelling and associated outbuilding. Current access to the dwelling is from Racecourse Road, however, it has a second road frontage to Henry Street to the north. The land is located to the south of the township of Lindenow.

The land contains a watercourse generally running in the southern section from west to east. A constructed dam features along this watercourse. There is a gentle slope with minimal overall height change across the site. The boundary to the east of the site is vegetated. There is minimal other trees currently on the site.



Figure 1 – The Land in neighbourhood context

Proposal

The Application originally sought approval for a three-lot subdivision to create proposed Lot 1 of 7,120m², proposed Lot 2 of 9,504m², and proposed Lot 3 of 6,638m² in area.

As will be discussed further, the proposal has been reviewed following feedback from the East Gippsland Catchment Management Authority (EGCMA) and in response to aspects of the objectors grounds. The revised proposed subdivision (**Figure 2**) includes:

- Lot 1: 1.016 hectares, containing the watercourse and dam, otherwise vacant and fronting Racecourse Road;
- Lot 2: 8913 square metres, containing the dwelling, shed, and existing driveway to Racecourse Road; and
- Lot 3: 4195 square metres, fronting Henry Street

The proposal represents infill residential subdivision in appropriately zoned land. This lot is subject to Clause 15.01-3S (Subdivision design) that subdivision should provide a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people, and Clause 21.12 identifies Lindenow as being contained within the Lindenow & District region. The policy for Lindenow identifies that the town should be contained within existing township boundaries using infill development, and such proposals are to be encouraged. The application is considered to support this key objective, by activating land surplus to the requirements of the owner for further development within the Township Zone.

The proposal creates a range of lot sizes from 4195 square metres up to 10160 square metres which encourages a variety of lot sizes in new subdivisions on what is effectively greenfield sites. However, given the wide range of lot sizes special consideration needs to be given to the impacts of the lots sizes, access conflicts and ensuring that future subdivision will not be impacted or restricted by the proposed layout, as discussed later in this report.

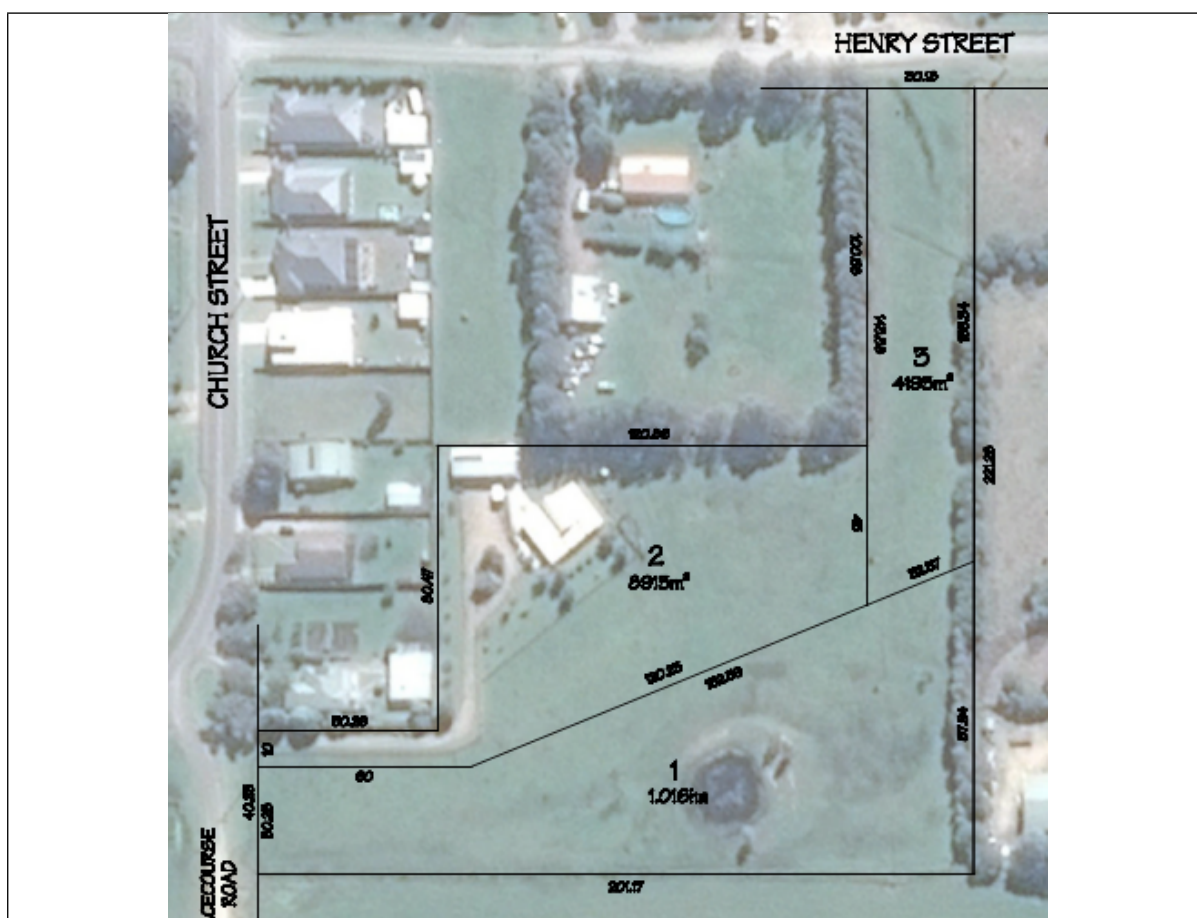


Figure 2 – Revised Proposed Plan of Subdivision

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.	83/2020/P
Address	1 Racecourse Road LINDENOW VIC 3865
Zone	Township (TZ)
Overlays	Nil
Particular Provisions	Clause 53.01 – Public open space contribution and subdivision Clause 56 – Residential 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 Township 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.

Pursuant to the Aboriginal Heritage Regulations 2018, a Cultural Heritage Management Plan (CHMP) is not required as the subject site is not mapped as being of cultural heritage value.

An assessment of the proposal against the East Gippsland Planning Scheme is provided at **Attachment 6**.

Collaboration

Not applicable

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

Strong Communities Goal 2 - East Gippsland communities plan for their future.

A Liveable Region Goal 2 - Sustainable planning and growth supports thriving townships, while maintaining our commitment to sustainability and protecting our natural environment.

Council Policy

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

Options

As objections have been submitted, it is recommended to Council to decide on a Notice of Decision to Grant a Planning Permit in matter 83/2020/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 Councilors 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

Application is assessed by existing human resources.

Risk

The risks of this proposal have been considered and are assessed as being low. The objectors and applicant have demonstrated that they have come to common ground about appropriate solutions to resolve objector concerns.

Economic

The proposal will create additional two lots adjacent to a township. The lots will be provided with services including water, electricity, and sewerage. The lots represent potential diversity in the market, especially within Lindenow Township. Implementation of the subdivision will require contracted labour. New property sales will contribute to the real estate and associated property industries.

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

Social

The proposal does not trigger assessment under the Social Impact Assessment Guidelines for Development which is incorporated into the East Gippsland Planning Scheme. It is thus considered that there is very minimal social impact as a result of the proposal.

Environmental

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

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

As reported above the application was given public notice and attracted fourteen (14) individual objections and one objection from the East Gippsland Catchment Management Authority.

The application was presented to Council at a Planning Consultation Meeting on Tuesday 11 August 2020. All objectors interested in presenting an oral submission were afforded the ability to speak.

A copy of the Minutes from the Planning Consultation Meeting is provided at **Attachment 5**

Objections

A total of 15 objections have been received (see **Attachment 3**).

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

1. Lack of drainage in Henry Street,
2. Lack of sewerage to be connected to the proposed lots,
3. Proposed lots unsuitable for onsite disposal from septic tanks,
4. Part of the area drains through the proposed lots,
5. The subdivision could lead to increased flooding, traffic and surface runoff, and
6. No footpaths in the streets means that children have to walk on the street.

Commentary on grounds for objection:

1. Lack of drainage in Henry Street

The lack of drainage is a significant matter for the objectors warranted further investigation. Such further investigation on behalf of the applicant is that the stormwater generated on the subject land do not get directed towards Henry Street. The relevant requirements of the planning scheme that need to be considered by this application do not include upgrading drainage in Henry Street.

The proposal has been supported based on that the consideration that the drainage will not impact adversely on the drainage any property on Henry Street nor on the street drains.

2. Sewerage connection to the proposed lots

The subject land is not located within the East Gippsland Water Sewerage District and accordingly there is no requirement for the proposed lots to be connected to sewerage. However, the applicant has advised that the proponent is willing to connect to reticulated sewerage. Conditions on the permit will ensure that this occurs.

3. Proposed onsite wastewater disposal

It was initially proposed that disposal of wastewater will occur on site in accordance with EPA guidelines. The application was accompanied by a Land Capability Assessment prepared by a suitably qualified Engineer that shows that disposal of wastewater can occur on site in accordance with EPA guidelines.

This application was referred to Councils Environmental Health Unit who had advised that disposal of wastewater can occur on site in accordance with EPA guidelines.

However as stated above the applicant has advised that the application is proposed to be connected to reticulated sewerage.

4. Area drainage through the proposed lots

As shown below an ephemeral watercourse is located within the south east section of the land which drains surface water through part of the land.

The Land Capability Assessment has demonstrated that required setbacks can be achieved for onsite wastewater disposal from the ephemeral watercourse, but the applicant has now indicated that wastewater would be directed to reticulated sewer.

It is noted that the East Gippsland Catchment Management Authority had originally objected to the subdivision, primarily with concerns for watercourse conditions. At the PCM EGCMA officers stated they would be inclined withdraw the objection as the applicant had agreed to modify the application to satisfy the concerns.

The applicant has also advised that they are prepared to develop a waterway management plan that would further address EGCMA concerns. A condition on the permit will ensure that this occurs.

5. The subdivision could lead to increased flooding, traffic and surface runoff

The application has been referred to Councils land development Engineer who has advised that the subdivision will not lead to increased flooding, traffic and surface runoff beyond the capacity of the existing systems.

The applicant has advised that a drainage management plan would be prepared to address drainage concerns. A condition on the permit will ensure that this occurs.

6. No footpaths in the streets means that children have to walk on the street.

It is not a reasonable requirement of the planning scheme that a subdivision creating lots of this size should be made to create footpaths.

However, the issue of footpaths and the safety of children has been referred to Councils Works Department for investigation separate to the assessment of this application for a planning permit.

Attachments

1. Proposed Notice of Decision Conditions [5.2.2.1 - 5 pages]
2. Application Documents [5.2.2.2 - 66 pages]
3. Objections redacted [5.2.2.3 - 55 pages]
4. Minutes of the PCM 11.08.2020 [5.2.2.4 - 3 pages]
5. Referral Responses [5.2.2.5 - 17 pages]
6. Detailed Assessment against the Planning Scheme [5.2.2.6 - 27 pages]

**83/2020/P - 1 Racecourse Road LINDENOW
Lot 1 TP 822253 - Three lot subdivision**

1. The subdivision as shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.
2. 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 (where required and as appropriate), including swale drains and culverts, piping/drains and pits.
 - b. Any modification to the terrain, such as filling and excavation.
 - c. Easements over any watercourses and legal points of discharge.
 - d. Methods of on-site detention, including the provision of sediment traps, wetlands, detention basins and/or dams.

All earthworks associated with the construction of the drainage must be stabilised to protect against erosion and failure, and must not encroach onto other properties.

All drainage works and requirements must be undertaken and completed to the satisfaction of the responsible authority.

3. Prior to the commencement of any works related to the subdivision, a Waterway Management Plan (WMP) must be developed to the satisfaction of East Gippsland Catchment Management Authority and the responsible authority and endorsed in writing. The WMP must include:
 - a. Details of 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 either side of the waterway, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site.
Revegetation within the buffer must not encroach into an area required to be cleared of vegetation to create defensible space; and
 - d. A maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action.
4. Prior to the commencement of any works related to 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, endorsed by the East Gippsland Catchment Management Authority and responsible authority, applies to Lot 1; and

- b. The current and future owner(s) of Lot 1 must comply with all requirements of the Waterway Management Plan at all times.
5. Within six months of the endorsement of the Waterway Management Plan, the owner of the land must commence the implementation of the Waterway Management Plan, in accordance with the schedule of works included in the Plan.
6. Prior to the commencement of any works related to the subdivision, a Stormwater Management Plan (SMP) must be developed to the satisfaction of East Gippsland Catchment Management Authority. The Stormwater Management Plan must demonstrate that all stormwater discharged from the subdivision will meet the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999).
7. Prior to Certification of the subdivision, the water quality treatment works outlined in the Stormwater Management Plan must be undertaken to the satisfaction of East Gippsland Catchment Management Authority and the responsible authority.
8. Before the issue of a Statement of Compliance, a gravel vehicular crossing must be constructed at right angles to the road, to Lots 1 and 3 to the satisfaction of the Responsible Authority.

Before undertaking works within a Council road reserve, an application for Non-utility – Minor Works Consent of Works within Road Reserve Application must be approved in writing
9. Before the issue of statement of compliance each lot as shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.
10. Before the issue of a Statement of Compliance, the applicant or owner must pay to the Council an amount equal to two point five percent (2.5%) of the site value of all the land in the subdivision, pursuant to Section 18 of the *Subdivision Act 1988*.
11. The owner of the land must enter into an agreement with:
 - A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
12. Before issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services

in accordance with the provider's requirements and relevant legislation at the time; and

- A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

13. Before issue of a Statement of Compliance, 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. Any dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5,000 litres; and
- b. The rainwater tank must collect rainwater runoff from the roof of the dwelling; and
- c. The rainwater tank must be used as the primary water source for flushing of toilets, laundry services and also include an external tap for garden irrigation.

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.

14. Before the issue of a 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.

15. This permit will expire if any of the following circumstances applies:

- The plan of subdivision is not certified within two years.
- A Statement of Compliance is not issued within five 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.

AusNet Electricity Service Pty Ltd conditions

16. The applicant must enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
17. The applicant must provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

East Gippsland Water conditions

18. Current water meter 19W034796 to be relocated to (or remain within) the boundaries of proposed Lot 2. If required, modify existing water service pipe work, to the satisfaction of East Gippsland Water; pipe work to each Lot is to be kept clear of the other Lot. Evidence of location/relocation must be provided.
19. Sewer reticulation infrastructure (including connection points) 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 connected to the sewer reticulation system.
20. Arrangements for the design, construction, commissioning and acceptance of all Gifted Assets required by East Gippsland Water to extend water and / or sewerage services to each Lot require written approval by East Gippsland Water.
21. Provide easements on the plan of subdivision over newly created or existing infrastructure, as required by East Gippsland Water.
22. Payment of applicable Development Planning Charges by the Applicant/Developer to East Gippsland Water (refer Notes)

Notes

AusNet Electricity Services Pty Ltd notes

1. It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.

Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

East Gippsland Water notes

2. As the parent property is outside of the Declared Sewerage District, a Supply By Agreement (Out Of District) will need to be entered into between the Developer and East Gippsland Water regarding the terms and conditions of ownership, operation and maintenance of any new infrastructure. Once titles are registered, each individual new lot will require their own Supply By Agreement, prior to any connection being approved.
3. Should the infrastructure not be designed, constructed and commissioned in accordance with East Gippsland Water's requirements, all pipework and connections will be deemed to be a Private Connection with East Gippsland Water's responsibility limited to the discharge point(s).
4. Should the infrastructure be designed, constructed and commissioned to East Gippsland Water's requirements, the infrastructure will be considered as Gifted

Assets. The Supply By Agreement (Out Of District) will reflect these terms and conditions.

5. 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.
6. 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.

East Gippsland Shire Council

ATTACHMENT 2

273 Main Street (PO Box 1618)
Bairnsdale Vic 3875
Website www.eastgippsland.vic.gov.au
Email feedback@egipps.vic.gov.au
Follow us on Twitter @egsc



Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

Planning Permit Application

Applicant Details:

Name: CROWTHER & SADLER PTY LTD			
Business trading name: (if applicable) As Above			
Email address: contact@crowthersadler.com.au			
Postal address: PO Box 722, Bairnsdale			
			Postcode 3875
Phone number: Home:	Work: (03) 5152 5011	Mobile:	

Owners Details: (if not the applicant)

Name: P2P SALES Pty Ltd			
Business trading name: (if applicable)			
Email address:			
Postal address: 27 Service Street, Bairnsdale			
			Postcode 3875
Phone number: Home:	Work:	Mobile:	

Description of the Land:

Street number: 1	Street name: Racecourse Road		
Town: LINDENOW	Postcode 3865		
Legal Description:			
Lot Number: 1	<input checked="" type="checkbox"/> Lodged plan	<input checked="" type="checkbox"/> Title plan	<input type="checkbox"/> Plan of Subdivision
			Number: TP82253
Crown Allotment Number:		Section Number:	
Parish/Township Name:			
Has there been a pre-application meeting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Officers name:	
Your reference number: 17599			

Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au

Aug 19

East Gippsland Shire Council

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Bairnsdale Vic 3875
Website www.eastgippsland.vic.gov.au
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Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description of proposal: Describe the use, development or other matter which needs a permit: <div style="border-bottom: 1px solid black; margin-bottom: 5px;"><i>Three Lot Subdivision</i></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div>	
Existing conditions: Describe how the land is used and developed currently: <div style="border-bottom: 1px solid black; margin-bottom: 5px;"><i>Existing dwelling.</i></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div>	
Estimated cost of development: Note: You may be required to verify this estimate	\$ <i>0.00</i>

If you need more space or have more information, please attach with this form.

Please make sure that:

- ☐ Form is filled in fully and signed
- ☐ The correct fee is paid or payment enclosed
- ☐ Attached any supporting information or documents
 - **Required** - Title (must have been generated within the past 30 days)
 - Covenants or Section 173 agreements
 - Site plan/floor - plan/elevations
 - Planning report
 - Supporting information/reports (e.g. – Land Capability Assessment, Bushfire Management Statement, Geotechnical report/waiver)

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When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website

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Aug 19

East Gippsland Shire Council

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Fax: (03) 5153 9576
National Relay Service: 133 677
Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

Declaration:

I declare that I am the applicant and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.

I confirm that I have authority to use the relevant documents.

In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, I permit documents submitted as part of this application, including my full contact information, to be made available for public viewing on Council's website.

Applicant signature: [Signature]

Name: Edward Long of Crowth & Sadler Pty Ltd

Date: 06 / 03 / 2020

Office Use Only:

Reference Number: AP/D/PP/_____ Method of Payment: ☐ Cash ☐ Cheque ☐ Credit Card ☐ Eftpos

Amount Paid: \$_____ Receipt Number: _____ Receipt Date: ____/____/____

Submitting your application:

Electronic

Fax to 03 5153 9576

Email to planning@egipps.vic.gov.au

Mail

Post the signed, completed form together with any applicable fees or copies of any documentation to;
PO Box 1618
BAIRNSDALE VIC 3875.

In Person

Bring the completed form and supporting documents to any of the following locations;

Service Centre Opening Hours:
8:30am to 5:00pm.
Monday to Friday.

Bairnsdale Corporate Centre: 273 Main Street.
Bairnsdale Service Centre: 24 Service Street.
Bairnsdale Business Centre: 34 Pyke Street.
Lakes Entrance Service Centre: 18 Mechanics Street.
Omeo Service Centre: 179 Day Avenue.
Orbost Service Centre: 1 Ruskin Street.
Paynesville Service Centre: 55 The Esplanade.

Mallacoota Service Centre Opening Hours:
Monday and Tuesday 10.00am to 2.00pm
Wednesday, Thursday, Friday 2.00pm to 5.00pm

Mallacoota Service Centre: 70 Maurice Avenue

Privacy Statement

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Aug 19

Trudi Stubbs

From: Eddie Long <edward@crowthersadler.com.au>
Sent: Friday, 6 March 2020 2:08 PM
To: Planning Department
Subject: RE: Application Lodgement Query
Attachments: 17599 COT Volume_10707_Folio_631.pdf; 17599 Council Application Form.pdf; 17599 Design Response V1.pdf; 17599 LCA.pdf; 17599 Planning Report d.pdf; 17599 Prop V1.pdf; 17599 Site Context V1.pdf

Thanks Kerry.

Please find attached herein the Planning Application for the proposed subdivision at 1 Racecourse Road, Lindewnow.

Regards,

Edward Long
Planning Assistant



152 Macleod Street, Bairnsdale
PO Box 722, Bairnsdale, Vic, 3875
P: 5152 5011 F: 5152 5705

From: Planning Department <Planning@egipps.vic.gov.au>
Sent: Friday, 6 March 2020 1:47 PM
To: Eddie Long <edward@crowthersadler.com.au>
Subject: RE: Application Lodgement Query

Hi Eddie,

We haven't had your application come through today.

Regards
Kerry

■ **Kerry Stow** ■ *Land Use Administration Officer*

 Please consider the environment before printing this e-mail.

From: Eddie Long <edward@crowthersadler.com.au>
Sent: Friday, 6 March 2020 1:46 PM
To: Planning Department <Planning@egipps.vic.gov.au>
Subject: Application Lodgement Query

Hi team,

I lodged an Application for a subdivision at 1 Racecourse Road in Lindenow about an hour ago, and we have not received the confirmation email back.
Just wondering if you have received it so we can make payment.

Regards,

Edward Long
Planning Assistant



152 Macleod Street, Bairnsdale
PO Box 722, Bairnsdale, Vic, 3875
P: 5152 5011 F: 5152 5705



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VOLUME 10707 FOLIO 631

Security no : 124081769774P
Produced 21/02/2020 10:54 AM

LAND DESCRIPTION

Lot 1 on Title Plan 822253X.
PARENT TITLES :
Volume 08143 Folio 153 Volume 08844 Folio 023
Created by instrument AB729575B 30/11/2002

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
P2P SALES PTY LTD of 27 SERVICE STREET BAIRNSDALE VIC 3875
AQ413146H 02/11/2017

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AQ413147F 02/11/2017
NATIONAL AUSTRALIA BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP822253X FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

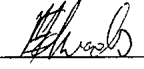
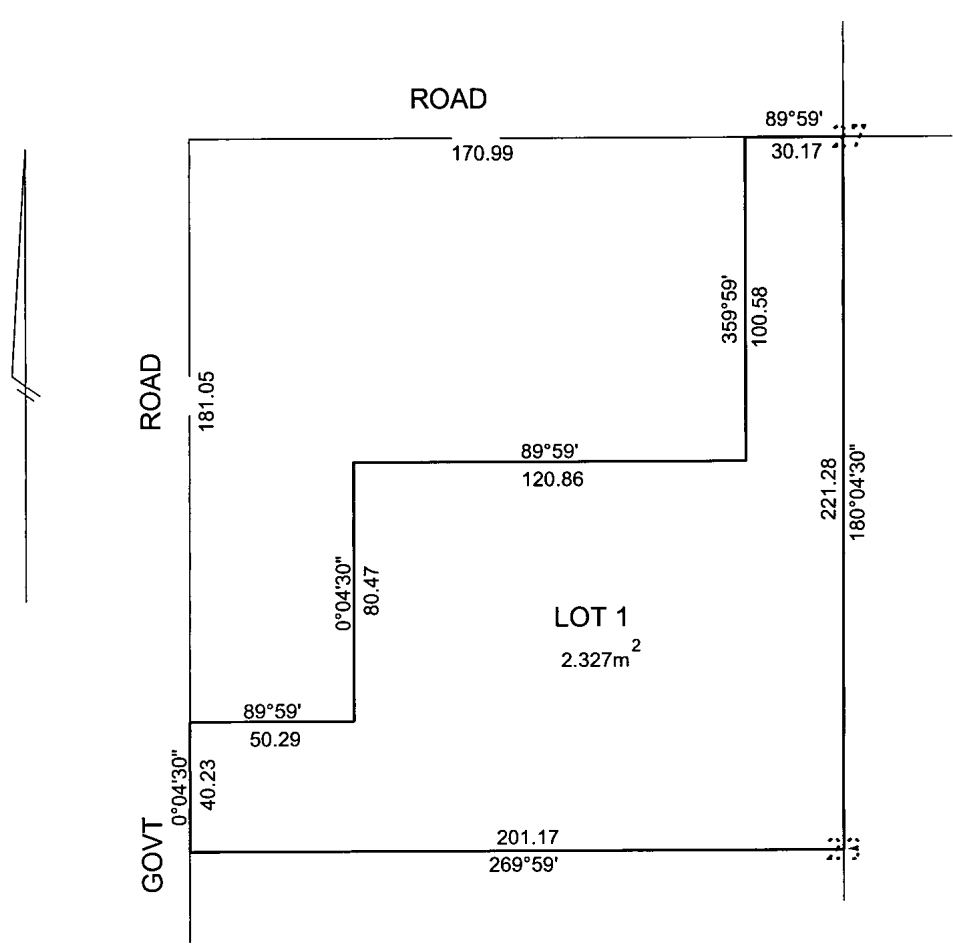
Street Address: 1 RACECOURSE ROAD LINDENOW VIC 3865

ADMINISTRATIVE NOTICES

NIL

eCT Control 00009E NATIONAL AUSTRALIA BANK
Effective from 02/11/2017

DOCUMENT END

TITLE PLAN		EDITION 1		TP822253X	
Location of Land Parish: Coongulmerang Township: -- Section: -- Crown Allotment: 27 (Subdivision A) (pt) Crown Portion: -- Last Plan Reference: LP1224, Lot 23 Derived From: Vol. 8143 Fol. 153 & Vol. 8844 Fol. 023 Depth Limitation: --				Notations	
Easement Information					THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES Checked by:  Assistant Registrar of Titles
Easement Reference	Purpose/ Authority	Width (Metres)	Origin	Land benefited/ In favour of	
					
LENGTHS ARE IN METRES			FILE No: AB729575B DEALING CODE No: 45		
LAND VICTORIA		Drawn By: _____		SHEET SIZE A3	Sheet 1 of 1 sheets

Planning Report

Proposed Multi Lot Subdivision
1 Racecourse Road, Lindenow
Lot 1 on TP822253

Reference – 17599

March 2020



17599 Planning Report d.docx

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7.	Conclusion	14
8.	Attachments	
	Application Form	
	Proposed Subdivision Plan (Version 2)	
	Design Response Plan (Version 1)	
	Site Context Plan (Version 1)	
	Land Capability Assessment (Simon Anderson Consultants)	
	Copy of Title	

Note: Applicable Planning Application fee is \$1,318.10

1. Introduction

This Planning Report is prepared in support of a proposed Multi Lot Subdivision at 1 Racecourse Road, Lindenow. The Report addresses the provisions of the Township Zone, as contained within the *East Gippsland Planning Scheme*.



Aerial view of subject land and surrounding precinct (Source: GeoVic)



Aerial view of subject land (Source: GeoVic)

2. Subject Land & Surrounding Context

The subject land is formally described as Lot 1 on Title Plan TP822253 and is approximately 2.3 hectares in area.

The site has frontage along Racecourse Road to the west and Henry Street to the north, both of which are good quality bitumen sealed roads. It is noted that a short distance south of the subject land, Racecourse Road changes from a bitumen surface, to an all-weather gravel surface.



Looking east from Racecourse Road property boundary



Looking south from Henry Street property boundary

The subject land contains an existing dwelling, outbuilding and ornamental garden in the north-western portion of the site currently accessed via an established crossover and driveway off Racecourse Road. These existing buildings are well established and are consistent with the surrounding residential development to the north and west of the site.



Existing buildings on the subject land

Lindenow is a small town located 15km west of the region's main town of Bairnsdale. Lindenow provides a range of services to the local area comprising of an expanding residential development precinct, various commercial services, community facilities such as sporting grounds and parks, and services specific to the needs of the surrounding productive farming industry.

Allotments extending south of Main Road in Lindenow vary considerably. The majority of land located in the Township Zone of Lindenow has been substantially developed over time. The subject land is currently the largest remaining allotment within the Township Zone area of Lindenow.

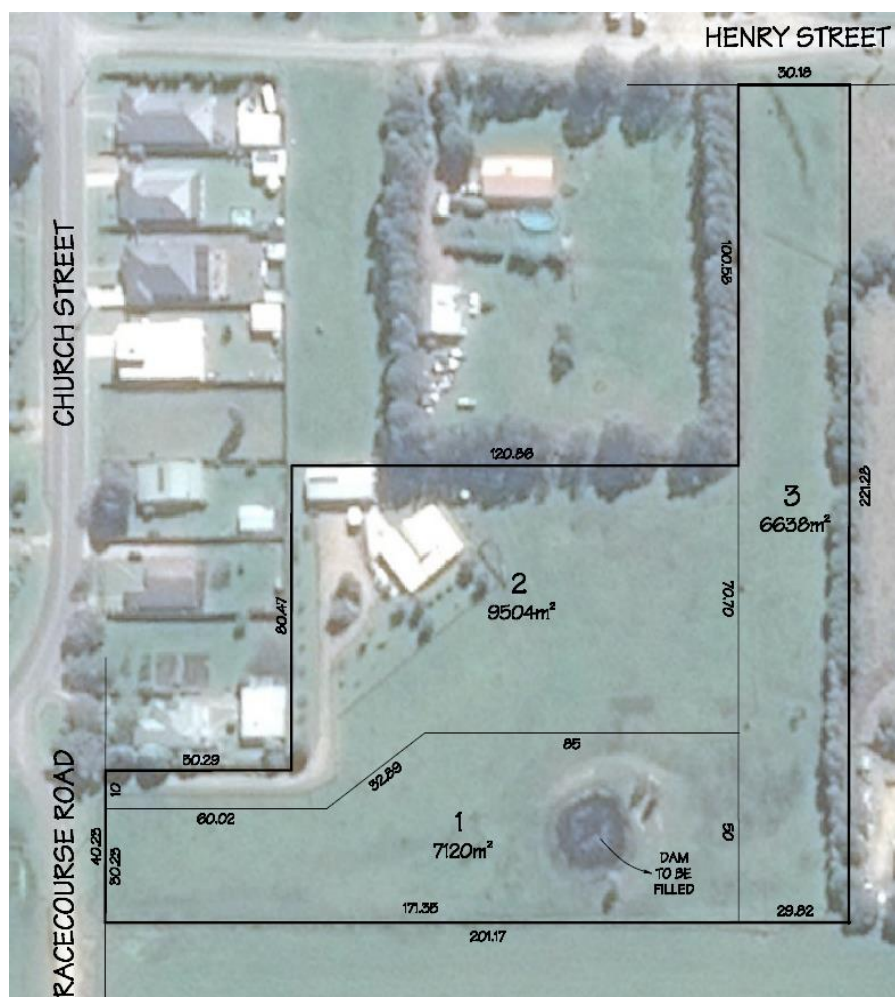


Current allotment structure in Lindenow (Source: LASSI Spear)

The whole of the subject land is affected by the provisions of the Township Zone, as contained within the *East Gippsland Planning Scheme*, with no overlays affecting the property.

3. The Application & Proposal

The Application seeks approval for a Three Lot Subdivision to create proposed Lot 1 of 7,120m², proposed Lot 2 of 9,504m², and proposed Lot 3 of 6,638m² in area.



Proposed Subdivision Layout

The proposed allotments will consist of a generous allotment area, which is considered appropriate in continuing a transition between the Township Zone land to the west and north, and the Farming Zone land east and south of the site.

Proposed Lot 1 will remain a vacant parcel of land, and will obtain a new point of access along the western boundary from Racecourse Road. The dam located in the eastern portion of the site will be filled as part of the proposed subdivision.

Proposed Lot 2 will contain the existing buildings on the site and retain the existing access point and driveway from Racecourse Road along its western boundary.

Proposed Lot 3 will utilise an existing gateway established along the northern boundary from Henry Street.

The relatively large size for both of the proposed vacant lots will allow for a variety of infill development opportunities, of which the Township Zone allows.

The proposal is considered a good planning outcome because it will activate a portion of appropriately zoned land for infill development that is currently not being utilised, and is surplus to the needs of the owner.

The subject Application triggers approval in accordance with the Township Zone at Clause 32.05-4 of the *East Gippsland Planning Scheme* for the subdivision of land.

4. Cultural Heritage

The proposal does not trigger any mandatory requirement to provide a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

Pursuant to Regulation 6 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

all or part of the activity area for the activity is in an area of cultural heritage sensitivity;
and

all or part of the activity is a high impact activity.



Cultural Heritage Sensitivity Mapping (Source: VicPlan)

The subject land is not identified as being contained within an area of cultural heritage sensitivity. There is therefore no mandatory requirement to provide a CHMP in support of the Application.

5. Planning Policy

5.1 State Planning Policy

The proposal responds positively to objectives in Clause 11 relating to *Settlement* as it will activate an underutilised portion of the land thereby enhancing opportunities for appropriately zoned and serviced land to accommodate future development.

The proposal responds positively to Clause 12.01-1 relating to *Protection of Biodiversity* as there will no vegetation loss incurred as a result of the proposed subdivision. The area proposed for each lot is of a size that allows future development to be sufficiently separated to avoid impact on the adjoining farm land.

The proposal supports the objectives of Clause 13.02-1S relating to *Bushfire planning* because although the subject land is contained within a bushfire prone area, the proposed subdivision is considered to result in a positive outcome by contributing to a reduction in the threat to bushfire. The proposal will result in two vacant lots with direct access quality sealed roads. The proposed lots are of a reasonably manageable area, and with more landowners maintaining the land.

Consistent with Clause 13.07-1S relating to *Land use compatibility*, the Township Zone provides opportunity for a range of uses including residential, commercial and industrial activities. Therefore, providing two vacant lots within this zone allows further development of the land for a diverse range of land uses, subject to Council approval.

Supporting Clause 15.01-3S relating to *Subdivision design*, the proposed subdivision is considered to achieve a safe, accessible, diverse and sustainable outcome and contributes positively towards the further consolidation of the township's population and services.

Providing opportunity by activating vacant parcels of land with the ability to accommodate a range of development options is considered to contribute positively to the *Economic development* of the township, as highlighted in Clause 17.

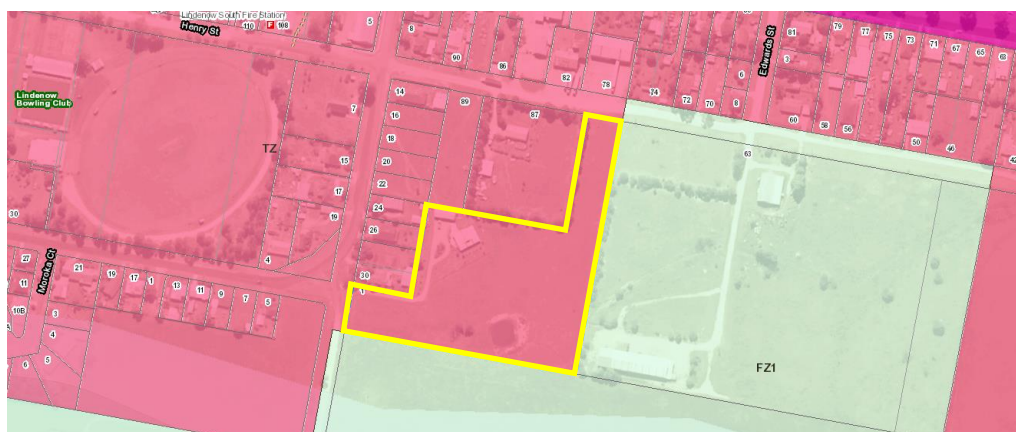
5.2 Local Planning Policy

Clause 21.03 provides insight to the municipality's identified *Key issues* relating to *Settlement*. Identifying the importance of smaller rural towns in providing a valid alternative to the larger settlements within the municipality, Lindenow is identified as a smaller rural township, that has limited reticulated sewerage available. The proposal creating two vacant lots that are capable of accommodating onsite wastewater treatment, ensures there is no negative impact on the identified key issues of the town.

Clause 21.12 identifies Lindenow as being contained within the *Lindenow & District* region. The policy identifies the consolidation of the town be contained within existing township boundaries using infill development, and such proposals are to be encouraged. The Application is considered to support this key objective, by activating land surplus to the requirements of the owner for further development within the Township Zone.

The proposal is considered to be consistent with Local Planning Policies, as it subdivides the existing title in order to create two proposed vacant parcels of land which are currently underutilised. Seeking to subdivide the land provides further development opportunities for either residential, industrial or commercial use, subject to Council approval.

6. Township Zone



Zone Mapping (Source: VicPlan)

The proposed subdivision is considered to respond positively to the purpose of the Township Zone as it will create two vacant lots which are able to treat wastewater onsite and can accommodate future development of a residential, commercial or industrial nature, subject to further Council approval.

In support of the proposal, a Land Capability Assessment has been prepared by the suitably qualified professionals at Simon Anderson Consultants. This Report confirms the land is capable of accommodating wastewater disposal on site associated with future development.

The proposal will not impact the operation of the established farms south and east of the subject land, nor the residential development to the west and north of the subject land.

The following table provides a response to the relevant objectives to Clause 56 relevant to Three Lot Subdivision in the Township Zone.

Objective	Design Response
56.03-5 Neighbourhood Character Objective	Complies <p>The allotments as proposed are able to be incorporated into the precinct easily, having regard for the transition between the traditional residential lot to the north and west of the site, and the larger parcels of Farming Zone land to the south and east.</p> <p>To the street frontages, the two proposed vacant lots will integrate with the varied established development existing within the Township Zone, and will provide opportunity and variety for appropriate uses due to their larger area.</p>
56.04-2 Lot Area & Building Envelopes Objective	Complies <p>Each proposed allotment will be greater than 500m² in area. There is therefore no requirement to provide Building Envelopes in support of the Application.</p> <p>Each of the allotments have been designed to ensure they can each easily accommodate the standard 10m X 15m rectangle, with enough area remaining to contain an effluent disposal field within the allotment boundaries.</p>
56.04-5 Common Area Objectives	N/A <p>There are no common areas proposed.</p>
56.05-1 Integrated Urban Landscape Objectives	Complies <p>The proposal does not include the creation of any new streets or public open space. There is therefore no requirement to provide a landscape design plan to support the Application.</p> <p>Each proposed allotment will have individual and direct access to an established road, with traffic able to easily integrate into the wider road network from those access points.</p>
56.06-2 Walking & Cycling Network Objectives	Complies <p>The proposal does not include the creation of any new streets, with each proposed allotment to have individual and direct road access. These access points will provide connection with the existing street network to cater for potential future pedestrian and bicycle movements.</p> <p>The creation of two vacant allotments with no common area is not considered to increase demand in order to justify providing an internal walking and cycling network.</p>

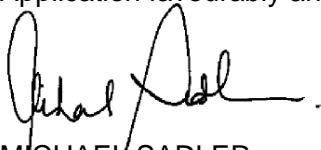
<p>56.06-4</p> <p>Neighbourhood Street Network Objective</p>	<p>Complies</p> <p>The proposal does not include the creation of any new streets, with each proposed allotment having direct access to the established street network.</p> <p>The proposal is not considered to result in an unreasonable amount of increased traffic in the area to justify changes to the existing neighbourhood street network.</p>
<p>56.06-5</p> <p>Walking & Cycling Network Detail Objectives</p>	<p>Complies</p> <p>There are no footpaths, shared paths or cycle paths proposed as part of this subdivision.</p> <p>The proposal does not include the creation of any new streets, with each proposed allotment to have individual and direct road access. These access points will provide connection with the existing street network to cater for potential future pedestrian and bicycle movements.</p>
<p>56.06-7</p> <p>Neighbourhood Street Network Detail Objective</p>	<p>Complies</p> <p>There are no new streets proposed as part of this subdivision.</p> <p>The proposal does not include the creation of any new streets, with each proposed allotment to have individual and direct road access. These access points will provide connection with the existing street network to cater for pedestrian and bicycle movements.</p>
<p>56.06-8</p> <p>Lot Access Objective</p>	<p>Complies</p> <p>The proposal utilises existing points of access to Proposed Lot 2 from Racecourse Road, and Proposed Lot 3 from Henry Street.</p> <p>The proposed access point off Racecourse Road for proposed Lot 1 has been located to ensure both safe and convenient vehicle access to and from the allotment, and will be constructed to the satisfaction of Council.</p>
<p>56.09-4</p> <p>Public Lighting Objective</p>	<p>N/A</p> <p>The proposal does not include the creation of any new streets, with lighting established within the existing street network considered to deliver adequate public lighting providing a sufficient sense of personal safety at night.</p>

The subject Application achieves a sound planning outcome consistent with policy directives encouraging the further consolidation of the town within existing township boundaries.


7. Conclusion

The proposed subdivision is considered to accord with all relevant provisions of the Township Zone under the *East Gippsland Planning Scheme*. The proposal is consistent with Planning Policy Framework and Local Planning Policy and has been designed to complement the adjoining properties.

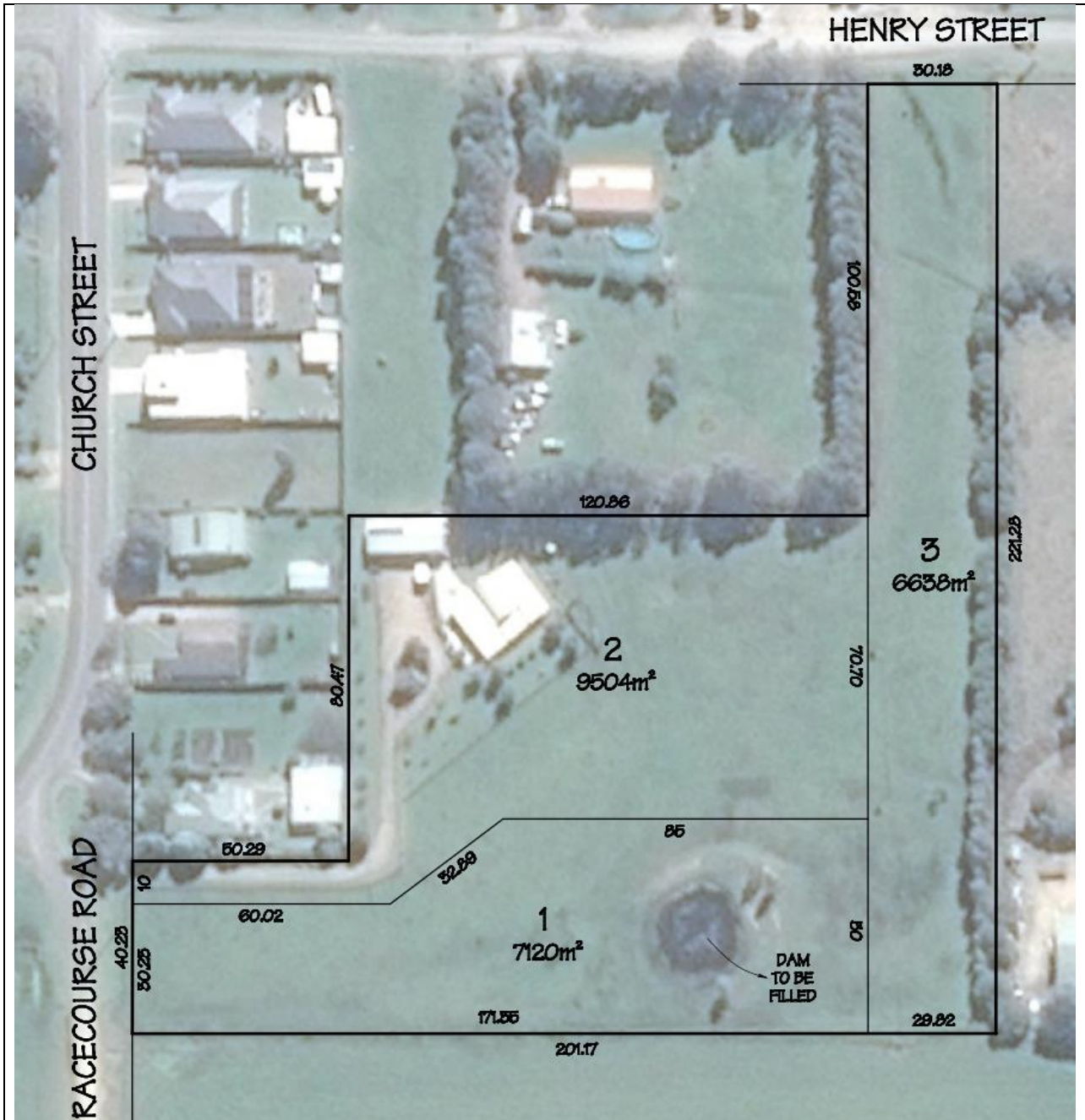
For these reasons we respectfully request that Council consider the merits of the Application favourably and resolve to issue a Planning Permit.



MICHAEL SADLER
Managing Director


 Simon Anderson Consultants CIVIL STRUCTURAL PROJECT ENGINEERS P.O. Box 1700 111 Main St Bairnsdale, Vic, 3875 ACN 073 392 266 P.O. Box 566 191-193 Raymond St Sale, Vic, 3850 ACN 145 437 065	Job: Proposed 3 Lot Subdivision 1 Racecourse Road Lindenow		Date: 2 Mar 2020
	Client: Riviera Farms		Designed: SJA
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LAND CAPABILITY ASSESSMENT ON-SITE DOMESTIC WASTEWATER



1 Racecourse Road, Lindenow

407069 LCA

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1.0 INTRODUCTION

Simon Anderson Consultants were engaged to undertake a land capability assessment for the purpose of on-site domestic wastewater management of the Proposed 3 Lot Subdivision at 1 Racecourse Road, Lindenow. The field investigation and report have been undertaken by suitable experienced staff.

The assessment was completed in accordance with the Environment Protection Authority's *Code of Practice – Onsite Wastewater Management* (EPA Publication No. 891.4, July 2016), guidelines for *Land Capability Assessment For On-Site Wastewater Management* (EPA Publication No. 746.1, March 2003), *On-Site Domestic Wastewater Management* (AS/NZS 1547:2012) and East Gippsland and Wellington Shires *Domestic Wastewater Management Plan*.

Information and results are presented in table form for clear data presentation and ease of identification of key points. **Detailed recommendations presented on page 9 of the report. LCA is to be read in conjunction with Site Features Plan 407069-LC1.**

Subject Land	1 Racecourse Road, Lindenow
Client	Riviera Farms
Email Address	c/- Ken White, email: kenw@whitesats.com.au
Contact	Nelson Cox Ph: (03) 5157 1697, Mobile: 0438 909 059
Map Reference	Vicroads 83 J6
Municipality	East Gippsland Shire Council
Proposed Development	Lot 2 - Staff Accommodation (Potential Occupancy = 12 persons max) ¹ Lot 1&3 – Assume 4 bedroom dwellings (Potential Occupancy = No. of Bedrooms + 1) ²
Design Flow	150 L/person/day ³ (for reticulated water supply and full water reduction fixtures)
Anticipated Wastewater Load	Lot 2 (1800 L/day) Lot 1&3 (750L/day)
Treatment System Required	Secondary treated effluent to minimum 20/30 standard (ie. AWTS ⁴ or sand filter)
Disposal System Required	Sub-surface irrigation – Area of 900m ² (for 12 person Accommodation) Lot 2 - Area of 375m ² (for 4 bedroom dwelling) Lots 1 & 3


¹ As identified by client/owner

² As identified in Victorian EPA Draft Code of Practice – Onsite Wastewater Management (publication 891.4, July 2016) Section 3.4.1

³ As identified in Victorian EPA Draft Code of Practice – Onsite Wastewater Management (publication 891.4, July 2016) Table 4

⁴ AWTS – Aerated Wastewater Treatment System (EPA approved)

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2.0 PURPOSE/SCOPE OF ASSESSMENT

Purpose and Scope of Assessment	Broad-scale assessment for subdivisional purposes (often requires further lot-specific assessment at later date)	<input type="checkbox"/>
	Detailed investigation for lot-specific management requirements	<input checked="" type="checkbox"/>

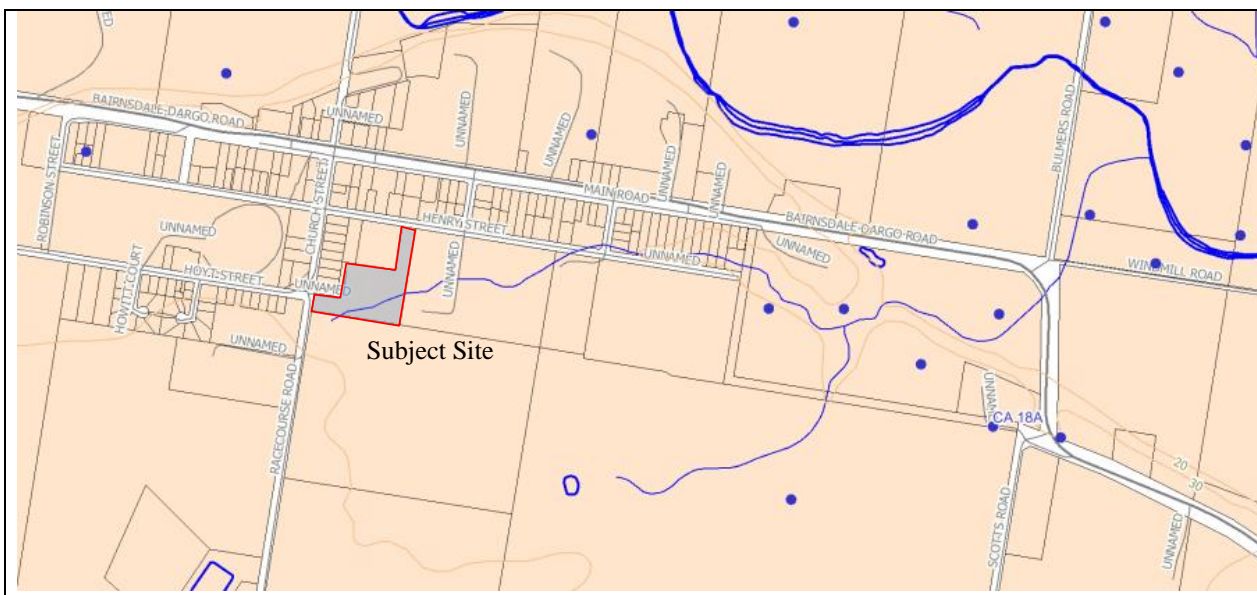


Figure 1: Locality Plan

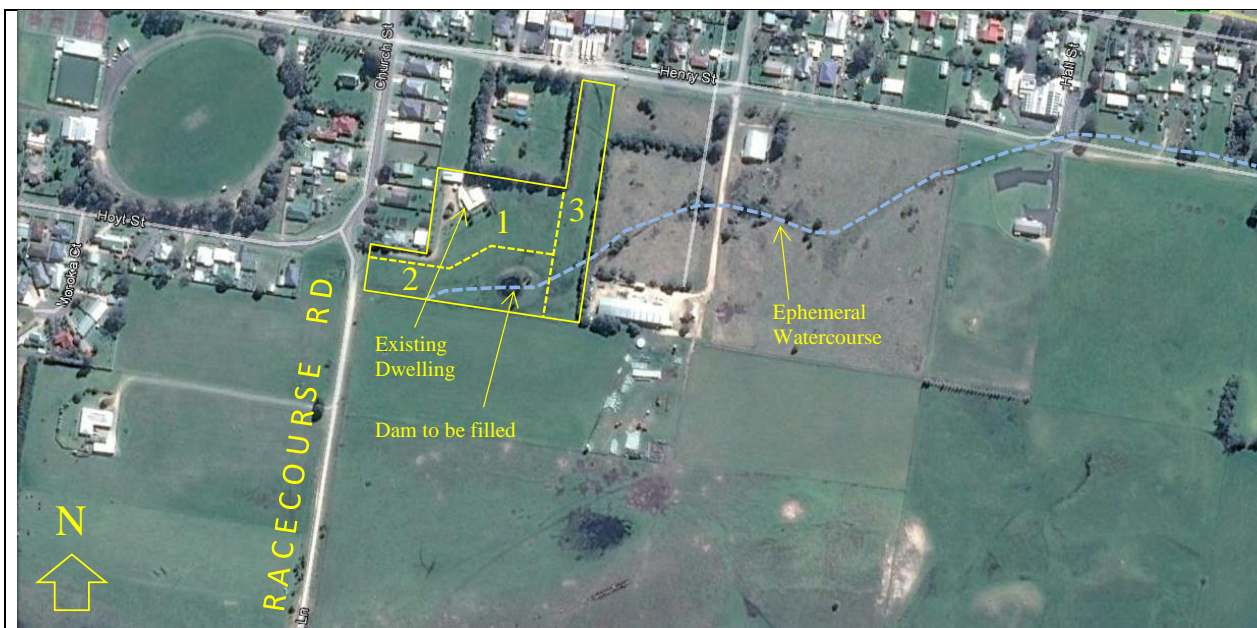





Figure 2: Aerial view of subject site (approximate title boundaries shown)

 Denotes location of proposed LAA


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3.0 SITE KEY FEATURES

Criteria / Feature	Description	Implications for Wastewater Management
Allotment/s		
Title details	Lot 1, TP822253 Council Property No: 2626	
No. of Lots Proposed	3	
Lot size (EPA recommended minimum lot size = 1.0 ha)	Lot 1 (7120m ²) – vacant land with possible future dwelling development Lot 2 (9504m ²) – Existing dwelling with possible future accommodation pod (max 12 persons on-site) Lot 3 (6638m ²) – vacant land with possible future dwelling development	Relatively small allotments, less than the EPA recommended 1.0 ha. Will require well managed and designed disposal system (refer to criteria outlined in Recommendations)
Dwelling Usage	Lot 2 accommodation likely to be seasonal Lots 1 & 3 likely to be permanent	Require a treatment system suited to periodic use.
Adjoining Lot sizes	1000m ² Lots north of subject site (reticulated sewer) 20+ha lots south of subject site (non sewer sites)	Overall volume of wastewater being disposed to land in the local district is low.
Current Land Use	An existing carport and five (5) bedroom dwelling is situated on site. 	The existing effluent disposal field shows evidence of failure. Likely due to the shallow depth of the limiting horizon (B1 – Heavy Clays), along with the inadequate size of the septic tank for the current loads received. The existing effluent disposal system does not comply with the relevant codes and standards. The current situation presents a direct health risk to the public and the environment. The system will require upgrade and re-design to meet current EPA standards, integrated with the design of the new accommodation unit.
Infrastructure		
Zoning & Overlays	Township Zone (TZ)	No overlays within subject site.
Nearest Reticulated Sewer	Township of Lindenow	Not feasible to connect to reticulated sewer.
Reticulated Water	Available on existing allotment	Increases the risk of excessive water usage by future dwellings.
Power	Available on existing allotment	Allows ready use of wastewater treatment plant
Land Features		
Geology	Qa7 (Qp5) – Quaternary Non-Marine (Alluvial) deposits consisting of Fluvial: gravel, sand, silt. (from 1:250,000 Geological Map Series BAIRNSDALE)	Observed Soils dominated by sandy silts, overlying heavy clays at shallow depth
Elevation	Approx 40m AHD	
Landscape Elements	The site is situated on an alluvial plain landform with a yellow duplex sedimentary landscape	Run-off upslope negligible
Fill	Natural soil profiles were observed throughout the site. No fill was observed.	No filling is proposed in the effluent management area.
Aspect	The site is generally flat	Increases sun exposure for improved efficiency of effluent disposal field
River/Stream Catchment	An Ephemeral Watercourse runs east/west on the site.	Necessary setbacks are easily achieved
Dams/Surface Water	A dam is situated in the South East corner of the site.	Dam is to be filled
Rock Outcrop	None	Maximises efficiency of effluent disposal field
Erosion	No evidence of sheet or rill erosion.	The erosion hazard is low.
Vegetation	Grass/Pasture	
Climate	Temperate	Reduces variation in efficiency of effluent field
Solar Exposure	High.	Increases efficiency of effluent disposal fields
Recommended Buffer Distances	All buffer distances recommended in Table 5 of EPA Publication 891.4, (July 2016) are achievable and do not significantly limit siting of the LAA in this case	
Available Land Application Area (LAA)	Considering all site constraints and the buffers mentioned above, the site has adequate land that is suitable and available for land application of treated effluent.	By using a system that provides secondary treatment and pressurized sub-surface irrigation, there will be ample protection for surface and groundwater

407069 LCA

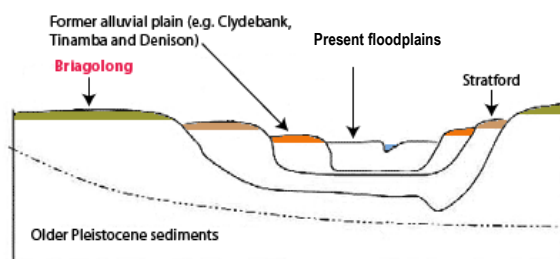
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4.0 SOIL ASSESSMENT & CONSTRAINTS

The sites soils have been assessed for their suitability for onsite wastewater management by a combination of soil survey and desktop review of published soil survey information as outlined below.

4.1 Published Soils Information


Soils of the site have been mapped and described in Sustainable Soil Management “*A reference manual to the major agricultural soils of the Bairnsdale and Dargo regions*”, and are described as belonging to the Stratford (Sf) map unit. The Qp5 terraces occur on alluvial plains associated with the Mitchell, Nicholson and Tambo Rivers. The surface soils are generally fine sandy loams, occasionally silty loams. The B horizon soils are brown to yellowish brown medium to heavy clays.



4.2 Soil Survey and Analysis

A Soil survey was carried out at the site to determine suitability for application of treated effluent. Subsoil investigations were conducted at various locations, as shown on the Site Features Plan, using a hand auger (B1-B3). This was sufficient to adequately characterise the soils, as only minor variation would be expected throughout the area of interest.


Samples of all discrete soil layers for test bores 1 & 2 were collected for subsequent laboratory analysis of pH⁵, electrical conductivity⁶ and Emerson Aggregate Class⁷. The soil profile of bore 3 is detailed below.

	Depth (m)	Description	Horizon	
	0.0	TOPSOIL: Dark Grey/Brown, Dry Loam	A1	
	0.1	SILT: Grey/Brown, Dry, Dense, Sandy	A2	
	0.2	CLAY: Yellow/Brown, Dry, Stiff	B1	
	0.3			
	0.4			
	0.5			
	0.6			
	0.7			
	0.8			
	0.9			
	1.0+			

⁵ The pH of 1:5 soil/water suspensions was measured using a Merck pH strip

⁶ EC (dS m⁻¹) was calculated by measuring the electrical conductivity of 1:5 soil water suspension.


⁷ Appendix C shows photographic results of Emerson Aggregate Test (Slaking/Dispersion)
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Soil Features: TEST BORE B1			
Soil Horizon	A1	A2	B1
Depth (mm)	0 - 100	100 - 400	400 +
Boundary Type	NA	Gradual	Clear
Field Texture Grade ⁸	L	SL	HC
Structure	Moderate	Weak	Massive
pH	6	7	6
EC (dS m ⁻¹)	0.00	0.00	0.24
Dominant Colour	10YR 3/2 Very Dark Grey/Brown	10YR 4/2 Dark Grey/Brown	10YR 3/6 Dark Yellowish Brown
Mottles	-	-	Red Blotches
Dispersion	5	5	5
Coarse Fragments (% Volume)	-	20	-
Soil Category⁹ (AS/NZ1547:2012)	3a	2a	6c
Design Irrigation Rate ¹⁰ (DIR mm/day)	4	5	2
Design Loading Rate ¹¹ (DLR mm/day)	15	NR	NR

NA: Not Applicable

NR: Not Recommended

Depth (m)	Description	Horizon	
0.0	TOPSOIL: Dry, Sandy, Loamy	A1	
0.1	SAND: Dry, Dense, Silty, Gravelly	A2	
0.2			
0.3			
0.4	CLAY: Dry, Stiff, Sandy	B1	
0.5			
0.6			
0.7	Red mottling present		
0.8			
0.9			
1.0			
1.2			
1.5+			

Soil Bore Log Profile

Test Bore B1


⁸ Refer Appendix D for description details (all soil samples have been sieved to minus 2mm and air-dried before being analyzed)

⁹ As identified in Victorian EPA Code of Practice – Onsite Wastewater Management (publication 891.4, July 2016) Appendix A, Table 9

¹⁰ For sub-surface irrigation (Refer Table M1 of AS/NZS 1547:2012)

¹¹ For absorption trenches/beds


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Soil Features: TEST BORE B2			
Soil Horizon	A1	A2	B1
Depth (mm)	0 - 200	200 - 400	400 +
Boundary Type	NA	Gradual	Clear
Field Texture Grade ¹²	L	SL	HC
Structure	Moderate	Weak	Massive
pH	6	6	6
EC (dS m ⁻¹)	0.00	0.00	0.04
Dominant Colour	10YR 3/2 Very Dark Grey/Brown	10YR 4/2 Dark Grey/Brown	10YR 3/6 Dark Yellowish Brown
Mottles	-	-	Red Blotches
Dispersion	8	5	5
Coarse Fragments (% Volume)	-	20	-
Soil Category¹³ (AS/NZ1547:2012)	3a	2a	6c
Design Irrigation Rate ¹⁴ (DIR mm/day)	4	5	2
Design Loading Rate ¹⁵ (DLR mm/day)	15	NR	NR

NA: Not Applicable

NR: Not Recommended

	Depth (m)	Description	Horizon	
	0.0	TOPSOIL: Dry, Sandy, Loam	A1	
	0.1			
	0.2	SAND: Dry, Dense, Silty, Gravelly	A2	
	0.3			
	0.4	CLAY: Dry, Stiff	B1	
	0.5			
	0.6			
	0.7			
	0.8			
	0.9			
	1.0			
	1.2			
	1.5+			

Soil Bore Log Profile

Test Bore B2


¹² Refer Appendix D for description details (all soil samples have been sieved to minus 2mm and air-dried before being analyzed)

¹³ As identified in Victorian EPA Code of Practice – Onsite Wastewater Management (publication 891.4, July 2016) Appendix A, Table 9

¹⁴ For sub-surface irrigation (Refer Table M1 of AS/NZS 1547:2012)

¹⁵ For absorption trenches/beds

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5.0 LAND CAPABILITY ASSESSMENT MATRIX

Land features	Land capability class rating				
	Very good (1)	Good (2)	Fair (3)	Poor (4)	Very Poor (5)
General characteristics					
Site drainage	No visible signs of dampness	Moist soil, but no water in pit		Visible signs of dampness	Water ponding on surface
Runoff	None	Low	Moderate	High - diversionary structures req'd	Very High - diversion not practical
Flood/inundation potential (yearly return exceedence)	Never		< 1 in 100	< 1 in 30	> 1 in 20
Proximity to watercourses	> 60m				< 60m
Slope (%)	0 - 2	2 - 8	8 - 12	12 - 20	> 20
Landslip	None Evident		Low potential for failure	High potential for failure	Present or past failure
Seasonal water table depth (m) (incl. perched water tables)	>5	5 - 2.5	2.5 - 2.0	2.0 - 1.5	< 1.5
Rock Outcrop (% of land surface containing rocks > 200mm)	0	< 10%	10-20%	20-50%	>50%
Vegetation Type	Turf or pasture				Dense forest with little understorey
Average Rainfall (mm/yr)	< 450	450 - 650	650 - 750	750 - 1000	> 1000
Pan Evaporation (mm/yr)	> 1500	1250 - 1500	1000 - 1250	-	< 1000
Fill	No Fill		Fill present		
Soil profile characteristics*					
Structure	High	Moderate	Weak	Massive	Single Grained
Profile depth (of limiting Horizon B1)	> 2.0m	1.5m - 2.0m	1.5m - 1.0m	1.0m - 0.5m	< 0.5m
Soil permeability category ¹⁶	2 and 3	4		5	1 and 6
Presence of mottling	None		Some		Extensive
Coarse Fragments (% volume)	<10	10-20	20-40		>40
pH	6 - 8		4.5 - 6		<4.5, >8
Emerson Aggregate Test (dispersion/slaking)	4, 6, 8	5	7	2, 3	1
Salinity (dS/m) (Electrical Conductivity)	<0.3	0.3 - 0.8	0.8 - 2	2 - 4	>4
Overall Site Rating¹⁷			Poor		4

* relevant to soil layer(s) associated with trench location

¹⁶ Refer Table 5.1 (Determination of Soil Category) of AS/NZS 1547:2012

¹⁷ A description of each Land Capability Class Rating is provided in Appendix A. 407069 LCA

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6.0 CONCLUSION

This LCA has been prepared to accompany a development application to East Gippsland Shire Council for a Proposed 3 Lot Subdivision and associated necessary wastewater management system. As such, this report provides recommendations for treatment and land application systems that are appropriate to the land capability.

The site has a number of limitations that result in the development being unsuitable for Primary treatment only (i.e. traditional septic tank and subsoil absorption trenches):

- Limiting Horizon B1 (Heavy Clays) have a very low permeability rate,
- Heavy Clays at shallow depths (200-400mm),
- Massively structured (Category 6c) clay soils not suitable for disposal via absorption trenches.


The following section provides an overview of a suitable system, with sizing and design considerations. **Detailed design for the system is beyond the scope of this study, but should be undertaken at the time of building application and submitted to Council.**

7.0 RECOMMENDATIONS

It is recommended based on this LCA, that if the development of a Proposed 3 Lot Subdivision on 1 Racecourse Road, at the location indicated on the Site Features Plan 407069 - LC1:

- Install a system that provides secondary treatment with disinfection to meet EPA requirements for irrigation. Indicative target effluent quality is a minimum EPA standard 20mg/L BOD and 30mg/L SS. Several suitable options are available, including aerated wastewater treatment systems (AWTS) and single pass sand filters. Either of these options is capable of achieving the desired level of performance and final selection is the responsibility of the property owner, who will forward details to Council for approval.
- On-site disposal of domestic wastewater should occur within the proposed Land Application Area (refer Site Features Plan 407069 - LC1). The client is allowed flexibility in selecting the final location and configuration of the irrigation system, provided it remains within this envelope and in accordance with the relevant codes/standards.
- Calculation of Irrigation Area based on AS/NZ 1547 equation $A=Q/DIR$
 - Q – 1800 L/day;
 - DIR – 2 mm/day;
 - Irrigation Area – 900 m²
 - Q – 750 L/day
 - DIR – 2mm/day
 - Irrigation Area – 375 m²
- To determine if the irrigation area recommended above is adequate, a water balance¹⁸ modelling has been undertaken to achieve a maximum wet weather storage depth of less than 10mm. The calculations are summarized below, with full details in Appendix B.
 - Average daily effluent load – 1800 L
 - Design irrigation rate (DIR) – 2 mm/day;
 - Crop factor – 0.6 to 0.85; and
 - Retained Rainfall – 75%.
 - Irrigation Area – 900m² & 375m²
 - Max Wet Weather Storage Depth – 6 mm (*therefore area shown in bold to be adopted*)
- Minimum setbacks and buffer distances must be obtained when establishing effluent disposal envelopes, as per *EPA Code of Practice – Onsite Wastewater Management, publication 891.4, (July 2016)*.
- The owner shall consult an irrigation expert familiar with wastewater irrigation equipment, to help design and install the irrigation system. The irrigation plan must ensure good, even application of effluent.

¹⁸ Water Balance undertaken in accordance with EPA Publication 168 (1991), *Guidelines for Wastewater Irrigation*.
407069 LCA

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8.0 MANAGEMENT PROGRAM

8.1 Installation Issues

To ensure the satisfactory installation and operation of the AWTS and sub-surface irrigation, the following measures are to be implemented:

- Construction of a shallow table or cut-off drain along the high sides of the effluent disposal area, extending to below the effluent disposal field;
- Overflow from any water storage tanks to be directed into a table drain, or equivalent, to discharge below the effluent disposal field in a manner to avoid scouring or washing away downstream of the discharge point;
- Stormwater flows from the roof must be discharged at a point well clear of the effluent disposal field and runoff from paved surfaces and driveways must be directed away from the disposal site.
- Installation of the sub-surface irrigation system to be undertaken when the soils are dry or moist, not when the ground is saturated;
- Sub-surface irrigation system to be designed to minimise root intrusion from trees;
- Sub-surface irrigation system to utilise pressure dosing to ensure effluent is applied uniformly throughout the effluent disposal area.

8.2 Ongoing Management & Maintenance Issues

To ensure the satisfactory ongoing performance of the proposed AWTS and sub-surface irrigation, the owners/occupiers will need to ensure that:

- No buildings or impermeable surfaces are constructed on or over the effluent disposal areas;
- Heavy equipment is kept away from effluent disposal areas whilst the soil is saturated;
- The effluent disposal field is maintained as a grassed area, or planted out with shrubs that tolerate wet conditions, have high evapo-transpiration capacity and can tolerate phosphorus levels typically found in treated effluent;
- Trees and/or thick shrubs **are not** to be planted out along the northern or western edges of the effluent disposal areas to prevent exposure to both wind and sun.


The installer of the AWTS and sub-surface irrigation is to ensure that the owners/occupants are aware of and fully understand their responsibilities in relation to operating the treatment system, maintenance requirements and what should be done in the event of any problems. The satisfactory ongoing performance and longevity of the AWTS and sub-surface irrigation can be enhanced by:

- Ensuring that maintenance requirements are undertaken regularly in accordance with the systems' requirements and that both they and future owners/occupiers are aware of the systems capabilities, limitations and ongoing requirements;
- Using biodegradable soaps, low phosphorous detergents and detergents that have low salt, sodium and chlorine levels;
- Limiting the use of germicides (such as strong detergents, disinfectants, toilet cleaners, whiteners and bleaches);
- Not flushing disposable nappies, sanitary napkins or other hygiene products into the systems;
- Not flushing chemicals, paint or similar substances into the systems.

NOTE: This report and associated plan(s) does not constitute a Septic Tank Permit. Such a permit should be obtained separately from the Environmental Health Department of East Gippsland Shire Council after development approval is obtained and prior to plumbing works commencing.

APPENDIX A

Capability Class	Degree of Limitation	General Description
Rating 1	None to Very Slight	The proposed subdivision is suitable for on-site disposal of septic tank discharge. The limitations or environmental hazard from long-term use are considered very slight. Standard performance measures for design, installation and management should prove satisfactory.
Rating 2	Slight	The site has been identified as generally suitable for on-site effluent disposal but there is a slight associated environmental hazard expected. One or more land limitations are present, which may not be compatible with 'straight forward' conventional on-site disposal. The wastewater management program will require careful planning, adherence to specifications and adequate supervision.
Rating 3	Moderate	The site has only a fair capability for on-site effluent disposal with a moderate associated environmental risk always present. Very careful site selection, preparation and specialized design will be required to address the identified land constraints. A management program should be delivered to the responsible authority with the development application and prior to earthworks commencing. It is recommended that, in order to achieve BPEM, wastewater-processing systems which can attain a higher level of treatment with basic monitoring should be considered as an alternative to standard conventional trench disposal.
Rating 4	High	Areas have a poor capability rating with a high associated environmental risk. Considerable difficulties are expected during siting and installation of the wastewater treatment system and during routine operation. A very high Engineering input and close supervision would be needed to minimize the environmental impact. Alternative wastewater processing systems capable of consistently producing a high quality secondary effluent (such as aerated wastewater treatment plants) together with a close monitoring program should be seriously investigated and adopted.
Rating 5	Severe	Areas have a very poor capability and there is severe associated environmental risk. The areas are not generally considered suitable for disposal of septic tank effluent by trench systems. The high levels of Engineering input and management needed at all stages are unlikely to adequately address the identified land constraints and achieve a sustainable outcome. Reticulated sewerage is usually the only acceptable option.

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APPENDIX B

Bairnsdale 085279

Mean

Source: AS1547-1994 - Table G1

Evap.data

Bairnsdale 084100

average Pan evaporation

(Prepared by R.A. Patterson, Lanfax Labs. Armidale updated April 2006)

1	2	3	4	5	6	7	8	9
Month	Days	daily pan	Pan Eo	Et	Rainfall	Retained	LTAR*N	Disposal
	per	Eo		+Cf*Eo	P	Rainfall	rate/month	Effluent
	month	(B.Met)				Re=(1-r)P	2	(Et-Re)+
							LTAR*N	per month
		mm	mm	mm	mm	mm	mm	1800
								L
								m2
Jan	31	6.6	204.3	174	48.9	36.7	62	199.0
Feb	28	6.1	170.0	144	50.8	38.1	56	162.4
Mar	31	4.8	148.8	126	44.7	33.5	62	155.0
Apr	30	3.7	109.8	66	55.8	41.9	60	84.0
May	31	2.6	80.0	48	47.3	35.5	62	74.5
Jun	30	2.4	70.8	42	59.7	44.8	60	57.7
Jul	31	2.4	73.8	44	49.1	36.8	62	69.4
Aug	31	3.0	93.0	56	36.3	27.2	62	90.6
Sep	30	3.8	114.9	69	52.7	39.5	60	89.4
Oct	31	4.7	144.8	123	60	45.0	62	140.1
Nov	30	5.5	165.9	141	80.9	60.7	60	140.3
Dec	31	6.3	195.9	167	59	44.3	62	184.3
Totals			1571.9	1201	645.2	483.9		

TABLE G2 - Depth of stored effluent First trial - choose from col.9 table above

1	2	3	4	5	6	7	8	9	10	11
month	first trial	application	Disposal	(3)-(4)	Increase	Starting	increase	computed	reset if	equivalent
	area	rate	rate		depth of	depth	depth	depth	Et deficit	storage
	(m2)	(8)/(2)	per month		stored	effluent	effluent	effluent	<0	10 x area
		(above)'			effluent	for		(X)		
		(mm)	(mm)	(mm)	(5)/porosity	month	+(6)	(mm)	(mm)	(L)
Dec								0.0	0	
Jan	900	62	199	-137	-342	0	-342	-342	0	0
Feb		56	162	-106	-266	0	-266	-266	0	0
Mar		62	155	-93	-232	0	-232	-232	0	0
Apr		60	84	-24	-60	0	-60	-60	0	0
May		62	75	-13	-31	0	-31	-31	0	0
Jun		60	58	2	6	0	6	6	6	1549
Jul		62	69	-7	-19	6	-19	-13	0	0
Aug		62	91	-29	-71	0	-71	-71	0	0
Sep		60	89	-29	-74	0	-74	-74	0	0
Oct		62	140	-78	-195	0	-195	-195	0	0
Nov		60	140	-80	-201	0	-201	-201	0	0
Dec		62	184	-122	-306	0	-306	-306	0	0
Jan		62	199	-137	-342	0	-342	-342	0	0
Feb		56	162	-106	-266	0	-266	-266	0	0
Mar		62	155	-93	-232	0	-232	-232	0	0
Apr		60	84	-24	-60	0	-60	-60	0	0
May		62	75	-13	-31	0	-31	-31	0	0

From calculations in tables above for optimised drainfield area, using Appendix G AS1547-1994

Porosity in disposal area

40%

Variables Table

Runoff Coeff = 0.25 percentage runoff

Summer Crop Factor = 0.85 crop transpiration rate Oct-Mar

Winter Crop Factor = 0.6 crop transpiration rate -Apr-Sep

Change as required


LTAR = 2 L/m2/day

FLOWS = 1800 L/day

Estimated area of effluent drainfield = 900 square metres

Maximum depth of stored effluent = 6 mm depth

Water Balance Model for 12 person accommodation
(prepared by R.A. Patterson, Lanfax Labs. Armidale April 2007)

 Simon Anderson Consultants CIVIL STRUCTURAL PROJECT ENGINEERS P.O. Box 1700 111 Main St Bairnsdale, Vic, 3875 ACN 073 392 266 P.O. Box 566 191-193 Raymond St Sale, Vic, 3850 ACN 145 437 065	Job: Proposed 3 Lot Subdivision 1 Racecourse Road Lindenow	Date: 2 Mar 2020
	Client: Riviera Farms	Designed: SJA
	Checked:	Job No.: 407069
	Page No.: 12 of 14	

APPENDIX B (cont'd)

Bairnsdale 085279				Evap.data				Bairnsdale 084100			
Mean				average Pan evaporation							
Source: AS1547-1994 - Table G1				(Prepared by R.A. Patterson, Lanfax Labs. Armidale updated April 2006)							
1	2	3	4	5	6	7	8	9	10	11	12
Month	Days	daily pan	Pan Eo	Et	Rainfall	Retained	LTAR*N	Disposal	Effluent	Size of	
	per	Eo		+Ct*Eo	P	Rainfall		rate/month	applied	area	
	month	(B.Met)				Re=(1-r)P	2	(Et-Re)+	per month	(8)/(7)	
		mm	mm	mm	mm	mm	mm	mm	L	m2	
Jan	31	6.6	204.3	174	48.9	36.7	62	199.0	23250	117	
Feb	28	6.1	170.0	144	50.8	38.1	56	162.4	21000	129	
Mar	31	4.8	148.8	126	44.7	33.5	62	155.0	23250	150	
Apr	30	3.7	109.8	66	55.8	41.9	60	84.0	22500	268	
May	31	2.6	80.0	48	47.3	35.5	62	74.5	23250	312	
Jun	30	2.4	70.8	42	59.7	44.8	60	57.7	22500	390	
Jul	31	2.4	73.8	44	49.1	36.8	62	69.4	23250	335	
Aug	31	3.0	93.0	56	36.3	27.2	62	90.6	23250	257	
Sep	30	3.8	114.9	69	52.7	39.5	60	89.4	22500	252	
Oct	31	4.7	144.8	123	60	45.0	62	140.1	23250	166	
Nov	30	5.5	165.9	141	80.9	60.7	60	140.3	22500	160	
Dec	31	6.3	195.9	167	59	44.3	62	184.3	23250	126	
Totals			1571.9	1201	645.2	483.9					

TABLE G2 - Depth of stored effluent First trial - choose from col.9 table above

1	2	3	4	5	6	7	8	9	10	11
month	first trial	application	Disposal	(3)-(4)	Increase	Starting	increase	computed	reset if	equivalent
	area	rate	rate		depth of	depth	depth	depth	Et deficit	storage
	(m2)	(8)/(2)	per month		stored	effluent	effluent	effluent	<0	10 x area
		(mm)	(mm)	(mm)	(5)/porosity	month	+(6)	(mm)	(mm)	(L)
Dec								0.0	0	
Jan	375	62	199	-137	-342	0	-342	-342	0	0
Feb		56	162	-106	-266	0	-266	-266	0	0
Mar		62	155	-93	-232	0	-232	-232	0	0
Apr		60	84	-24	-60	0	-60	-60	0	0
May		62	75	-13	-31	0	-31	-31	0	0
Jun		60	58	2	6	0	6	6	6	645
Jul		62	69	-7	-19	6	-19	-13	0	0
Aug		62	91	-29	-71	0	-71	-71	0	0
Sep		60	89	-29	-74	0	-74	-74	0	0
Oct		62	140	-78	-195	0	-195	-195	0	0
Nov		60	140	-80	-201	0	-201	-201	0	0
Dec		62	184	-122	-306	0	-306	-306	0	0
Jan		62	199	-137	-342	0	-342	-342	0	0
Feb		56	162	-106	-266	0	-266	-266	0	0
Mar		62	155	-93	-232	0	-232	-232	0	0
Apr		60	84	-24	-60	0	-60	-60	0	0
May		62	75	-13	-31	0	-31	-31	0	0

From calculations in tables above for optimised drainfield area, using Appendix G AS1547-1994

Porosity in disposal area = **40%**

Variables Table

Runoff Coeff = **0.25** percentage runoff

Summer Crop Factor = **0.85** crop transpiration rate Oct-Mar

Winter Crop Factor = **0.6** crop transpiration rate -Apr-Sep

LTAR = **2** L/m2/day


FLOWS = **750** L/day

Change as required

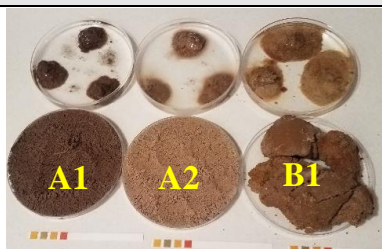
Estimated area of effluent drainfield = **375** square metres

Maximum depth of stored effluent = **6** mm depth

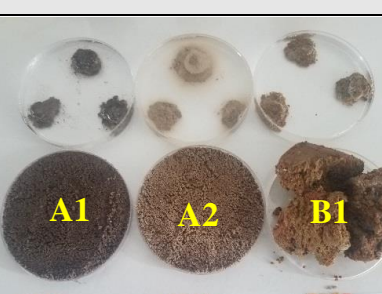
Water Balance Model for a 4 bedroom dwelling
(prepared by R.A. Patterson, Lanfax Labs. Armidale April 2007)

 Simon Anderson Consultants <small>CIVIL STRUCTURAL PROJECT ENGINEERS</small> P.O. Box 1700 111 Main St Bairnsdale, Vic, 3875 ACN 073 392 266 P.O. Box 566 191-193 Raymond St Sale, Vic, 3850 ACN 145 437 065	Job: Proposed 3 Lot Subdivision 1 Racecourse Road Lindenow	Date: 2 Mar 2020
	Client: Riviera Farms	Designed: SJA
	Checked:	Job No.: 407069 Page No.: 13 of 14

APPENDIX C


RECORD OF FIELD TEXTURE DETERMINATION							TEST BORE B1
Soil	Grittiness	Stickiness	Plasticity	Stain	Ribbon (mm)	Grade	
A1	None	Slight	None	Slight	25	L	
A2	Slight	None	None	Slight	15	SL	
B1	None	Extremely	Extremely	Extremely	75+	HC	

Emerson's Aggregate Testing & pH Testing

RECORD OF FIELD TEXTURE DETERMINATION							TEST BORE B2
Soil	Grittiness	Stickiness	Plasticity	Stain	Ribbon (mm)	Grade	
A1	None	Slight	None	Moderate	25	L	
A2	Slight	None	None	Slight	10	SL	
B1	None	Extremely	Extremely	Extremely	75+	HC	

Emerson's Aggregate Testing & pH Testing

NONE SLIGHT MODERATE VERY EXTREMELY

 Simon Anderson Consultants CIVIL STRUCTURAL PROJECT ENGINEERS P.O. Box 1700 111 Main St Bairnsdale, Vic, 3875 ACN 073 392 266 P.O. Box 566 191-193 Raymond St Sale, Vic, 3850 ACN 145 437 065	Job: Proposed 3 Lot Subdivision 1 Racecourse Road Lindenow		Date: 2 Mar 2020
	Client: Riviera Farms		Designed: SJA
	Checked:		Job No.: 407069
			Page No.: 14 of 14

APPENDIX D

Soil Category	Field Texture Grade		Behaviour of moist blobs	Ribbon length (mm)	Approx clay content %
1	S	Sand	coherence nil to very slight, cannot be moulded; sand grains of medium size; single sand grains stick to fingers	nil	< 5%
2	LS	Loamy sand	slight coherence; sand grains of medium size; can be sheared between thumb and forefinger to give minimal ribbon of about 5mm	about 5	about 5%
	CS	Clayey sand	slight coherence; sand grains of medium size; sticky when wet; many sand grains stick to fingers; discolours fingers with clay stain	5 - 15	5% to 10%
	SL	Sandy loam	bolus coherent but very sandy to touch; will form ribbon; dominant sand grains of medium size and readily visible	15 - 25	10% to 20%
3	FSL	Fine sandy loam	as for sandy loams, except that individual sand grains are not visible, although they can be heard and felt	15 - 25	10% to 20%
	L	Loam	bolus coherent and rather spongy; smooth feel when manipulated but with no obvious sandiness or "silkeness"; may be somewhat greasy to touch if much organic material present	25	about 25%
	ZL	Silty loam	coherent bolus, very smooth to silky when manipulated, will form a very thin ribbon and dries out rapidly	25	10% to 25%
4	SCL	Sandy clay loam	strongly coherent bolus, sandy to touch; medium size sand grains visible in finer matrix	25 - 40	20% to 30%
	FSCL	Fine sandy clay loam	as for sandy clay loam, except that individual sand grains are not visible although they can be heard and felt.	40 - 50	20% to 30%
	CL	Clay loam	coherent plastic bolus, smooth to manipulate	40 - 50	30% to 35%
	ZCL	Silty clay loam	as for clay loams but not spongy; very smooth and silky; dries out rapidly	40 - 50	30% to 35%
	SC	Sandy clay	plastic bolus; fine to medium sand can be seen, felt or heard in clayey matrix	50 - 75	35% to 40%
5	SiC	Silty clay	plastic bolus; smooth and silky to manipulate; long but very fragmentary ribbon; dries out rapidly	50 - 75	30% to 40%
	LC	Light clay	plastic bolus; smooth to touch; slight resistance to shearing between thumb and forefinger	50 - 75	35% to 40%
	LMC	Light medium clay	plastic bolus; smooth to touch; slight to moderate resistance to ribboning shear	75	40% to 45%
6	MC	Medium clay	smooth plastic bolus; handles like plasticine and can be moulded into rods without fracture; has moderate resistance to ribboning shear	> 75	45% to 55%
	HC	Heavy clay	smooth plastic bolus; handles like stiff plasticine; can be moulded into rods without fracture; has firm resistance to ribboning shear	> 75	50% +

Soil Texture Grade Table (International System, soil sieved < 2mm) & Table E1 (Assessment of Soil Textures) pg 106 of AS/NZS 1547:2012

9.0 REFERENCES

Environment Protection Authority (July 2016). Publication No. 891.4, *Code of Practice – Onsite Wastewater Management*.

Environment Protection Authority (Mar 2013). Publication No. 746.1, *Land Capability Assessment For On-Site Wastewater Management*.

Environment Protection Authority (1991). Publication 168, *Guidelines for Wastewater Irrigation*.

McDonald, R.C., Isbell, R.F., Spreight, J.G., Walker, J and Hopkins, M.S. (1990). *Australian Soil and Land Survey: Field Handbook. Second Addition*. Inkata Press, Melbourne.

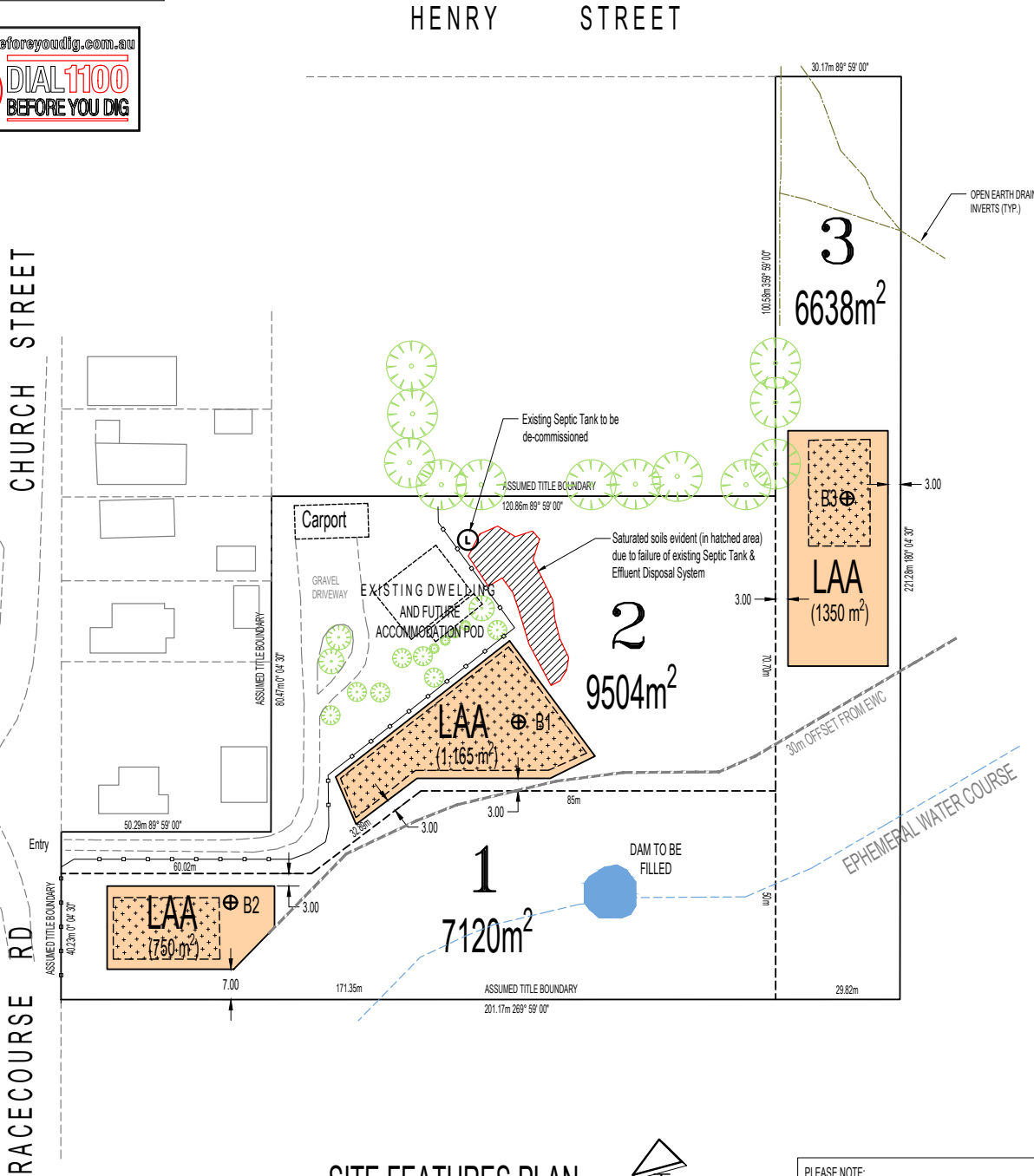
Standards Australia / Standards New Zealand (2012). AS/NZS 1547:2012 *On-Site Domestic Wastewater Management*.

Victorian Resources Online; <http://vro.depi.vic.gov.au/dpi/vro/vrosite.nsf/pages/vrohome>

Munsell Soil-Color Charts (2009 Year Revised / 2012 Production)

407069 LCA

PLEASE NOTE:
TITLES BOUNDARIES SHOWN MAY NOT REPRESENT
EXACT TITLE POSITION.
FOR EXACT TITLE POSITION IT IS RECOMMENDED THAT A
TITLE RE ESTABLISHMENT SURVEY BE CARRIED OUT BY A
LICENCED SURVEYOR



SITE FEATURES PLAN
SCALE 1:1000



PLEASE NOTE:
THE CLIENT IS ALLOWED FLEXIBILITY IN SELECTING THE
FINAL LOCATION AND CONFIGURATION OF THE
IRRIGATION SYSTEM, PROVIDED IT REMAINS WITHIN THE
LAND APPLICATION AREA (LAA)

legend

- ⊕ B1 TEST BORE LOCATIONS
- SUITABLE LAND APPLICATION AREA (LAA)
- IRRIGATION AREA - 900 m² required (for max 12 person on-site accommodation - Lot 2)
375 m² required (for a 4 bedroom dwelling development - Lots 1 & 3)

ALL EXISTING SERVICES
ARE TO BE LOCATED
BY CONTRACTOR PRIOR
TO COMMENCEMENT
OF WORKS.

REV	DESCRIPTION	DATE
1	ISSUED FOR TENDERS	2 MAR 2020
2	ISSUED FOR TENDERS	2 MAR 2020
3	ISSUED FOR TENDERS	2 MAR 2020
4	ISSUED FOR TENDERS	2 MAR 2020
5	ISSUED FOR TENDERS	2 MAR 2020
6	ISSUED FOR TENDERS	2 MAR 2020
7	ISSUED FOR TENDERS	2 MAR 2020
8	ISSUED FOR TENDERS	2 MAR 2020
9	ISSUED FOR TENDERS	2 MAR 2020
10	ISSUED FOR TENDERS	2 MAR 2020

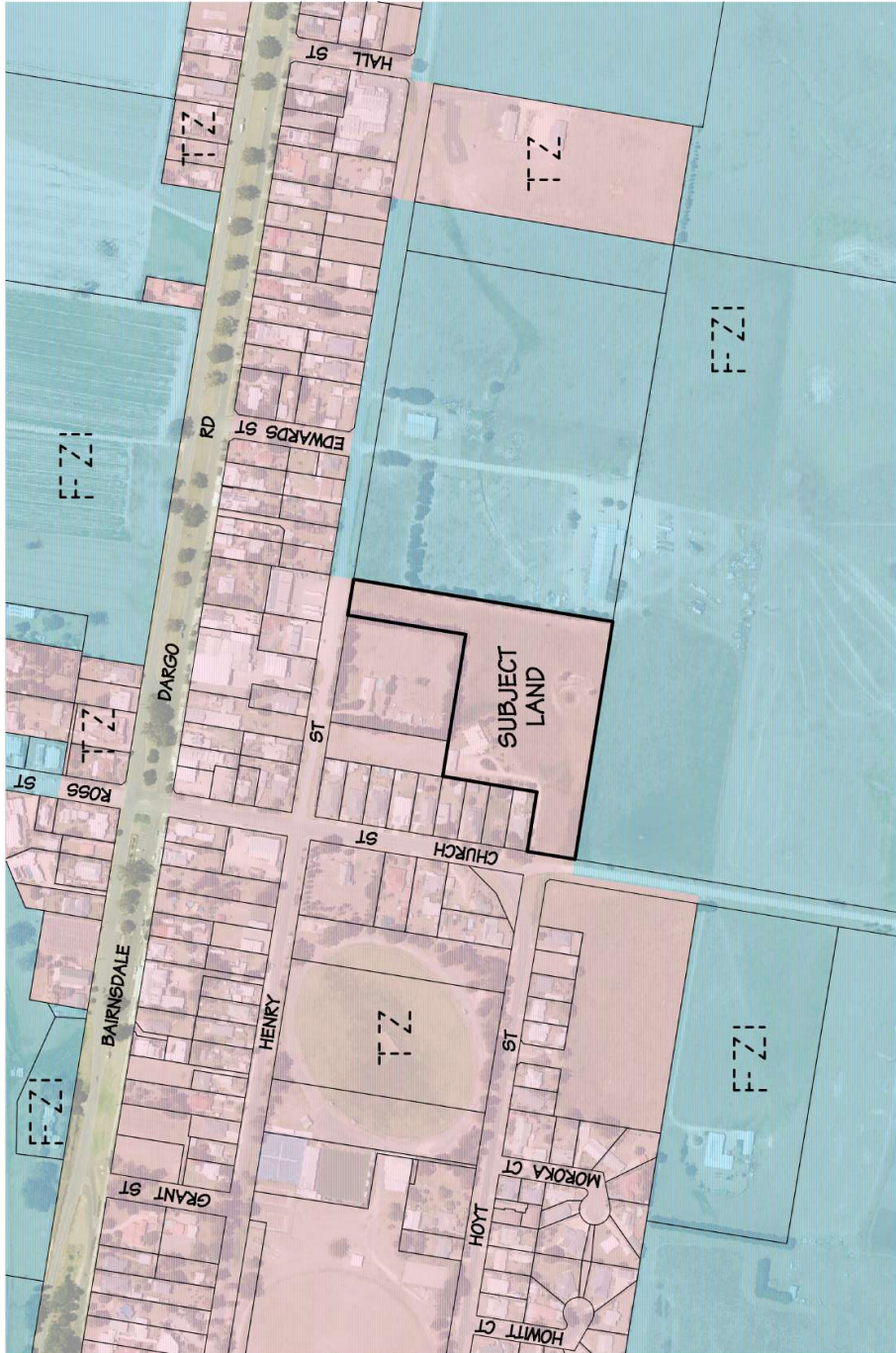
Project	SITE ANALYSIS
1 RACECOURSE RD, LINDENOW	
Client	RIVIERA FARMS

Job No:	407069
Drawing No:	LC1
Revision No:	-



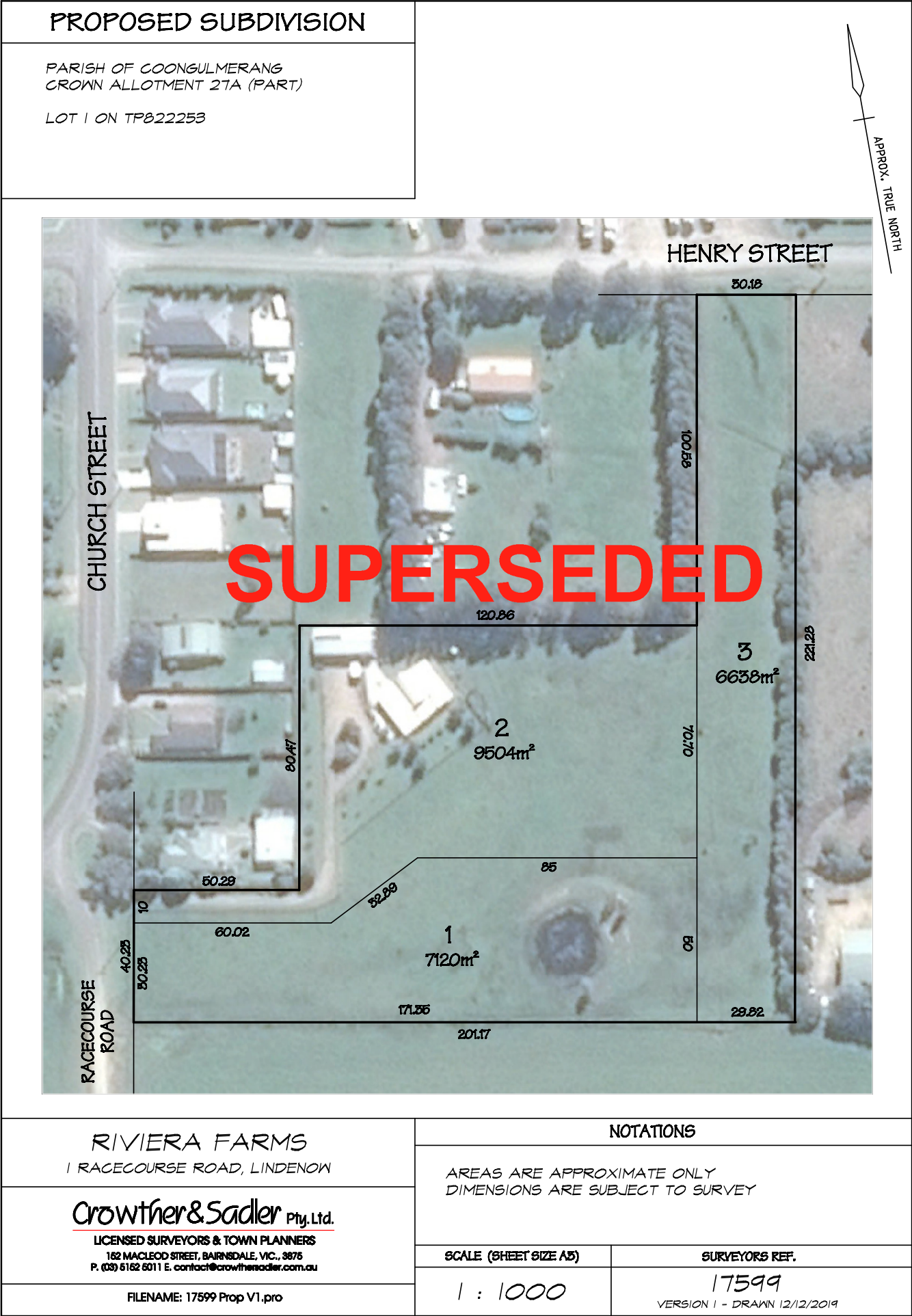
Simon Anderson
Consultants
CIVIL | STRUCTURAL | PROJECT ENGINEERS

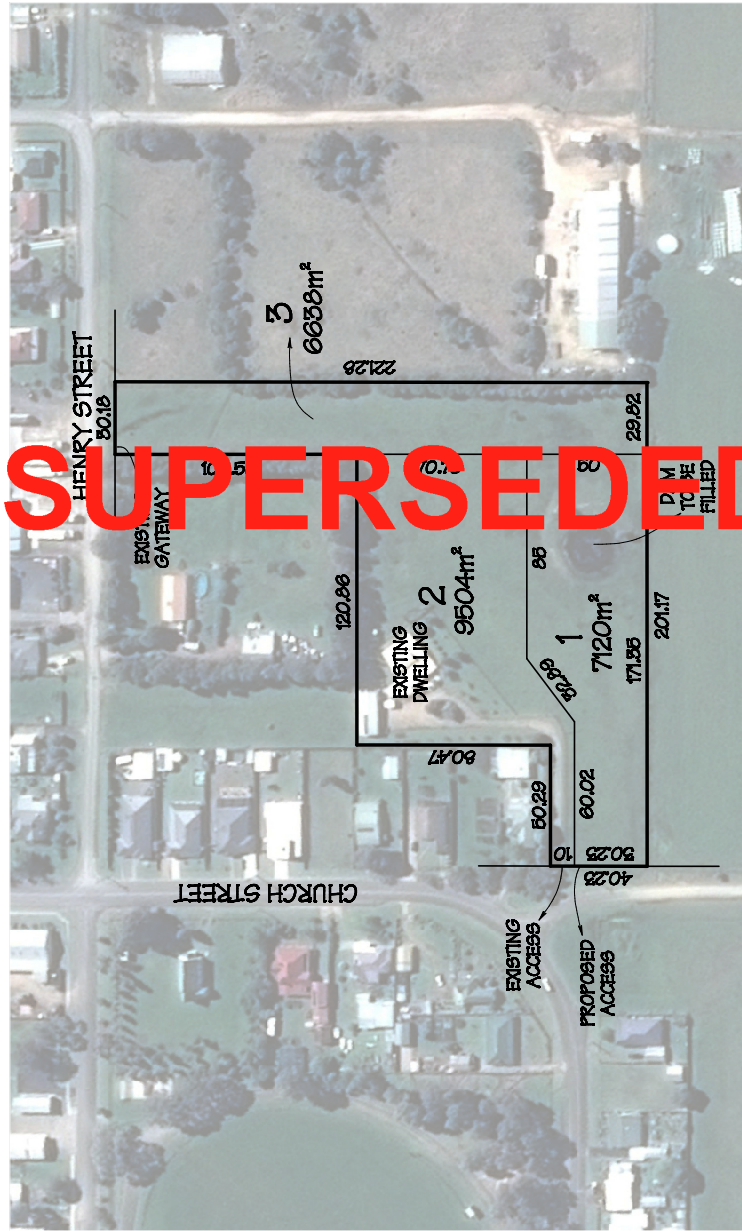
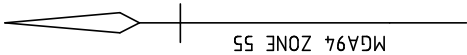
P.O. Box 1700 111 Main St, Bairnsdale
T: 03 5153 1500 ACN 073 392 266
P.O. Box 566 191-193 Raymond St, Sale
T: 03 5144 6688 ACN 145 437 065
P.O. Box 5027 East Geelong 3219
T: 0400 597 159 ACN 615 170 600



MGA94, ZONE 55

SITE CONTEXT PLAN	
PARISH OF COONGULMERANG CROWN ALLOTMENT 27A (PART) LOT 1 ON TP822253	
NOTATIONS	
RIVIERA FARMS 1 RACECOURSE ROAD, LINDENOW	
Crowther & Sadler Pty Ltd. LICENSED SURVEYORS & TOWN PLANNERS 182 MACLEOD STREET, BAIRNSDALE, VIC. 3876 P. (03) 5182 5011 E. contact@crowthersadler.com.au	
SCALE (SHEET SIZE A5)	SURVEYORS REF.
1 : 4000	17599
VERSION 1 - DRAWN 24/02/2020	
FILENAME: 17599 Site Context V1.pro	





RIVIERA FARMS
1 RACECOURSE ROAD, LINDENOW

Crowther & Sadler Pty Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
182 MACLEOD STREET, BAIRDSDALE, VIC., 3876
P. (03) 9162 6011 E. contact@crowthersadler.com.au

FILENAME: 17599 Design Response V1.pro

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

SCALE (SHEET SIZE A3)

1 : 2000

SURVEYORS REF.

17599

VERSION 1 - DRAWN 27/02/2020

DESIGN RESPONSE PLAN

PARISH OF COONGULMERANG
CROWN ALLOTMENT 27A (PART)

LOT 1 ON TP822253

Our ref: 17599

24 March 2021

Statutory Planning Coordinator
East Gippsland Shire Council
Via email: planning@egipps.vic.gov.au

Attention: Mr. Robert Planner

Dear Robert,

**Re: Planning Application 83/2020/P
Proposed Three Lot Subdivision
1 Racecourse Road, Lindenow**

I refer to your correspondence dated 1 September 2020 requesting additional information to address conditions required by the EGCMA, drainage details for the proposed site and confirmation each proposed lot will be connected to reticulated sewerage. The following advice is provided in response to Council's request.

Revised subdivision layout

Enclosed is a revised Proposed Subdivision Plan (Version 2, 02/09/2020) that has been prepared in response to the conditions requested by the EGCMA. The revised layout ensures the waterway is retained within one lot. The plan has been prepared in consultation with the EGCMA. Also included is a copy of the email received from Adam Dunn confirming the revised subdivision layout is acceptable to the EGCMA.

Proposed drainage details

Following receipt of the request for additional information our client engaged Crossco Consulting to prepare a Stormwater Report. The purpose of the Stormwater Report has been to assess stormwater drainage and surface runoff from the subject land and surrounding properties, to determine what, if any, upgrade to drainage within the precinct is required and also recommend appropriate means of drainage for the proposed lots.

While objections have raised concerns with existing drainage conditions in the precinct, the investigation by Crossco Consulting has determined drainage and surface runoff from the subject land does not contribute to the problems raised by the owner of 87 Henry Street. The investigation has confirmed all surface runoff from the subject land flows in a south-easterly direction and away from 87 Henry Street.

152 Macleod St.
PO Box 722,
Bairnsdale, VIC 3875

P: 5152 5011
F: 5152 5705

E: contact@crowthersadler.com.au



17599 EGSC ltr 24032021.docx

Stormwater drainage from the subdivision will be limited to servicing the existing dwelling and future dwellings on Lots 1 and 3. Soakage pits are nominated as the appropriate method of drainage.

In the absence of any stormwater runoff from the subject land contributing to the existing problems experienced by the owner of 87 Henry Street we do not believe Council has any ability to require the owner of the subject land to contribute in any way to upgrade existing drainage within the immediate precinct.

In respect to the existing dam, our client no longer proposes to remove the dam from the subject land.

Waterway Management Plan

The Waterway Management Plan will provide for revegetation either side of the waterway and will include a schedule of proposed works and maintenance program in accordance with conditions requested by the EGCMA. The area to which the Waterway Management will apply has now been delineated on the Design Response Plan (Version 3, 22/03/2021).

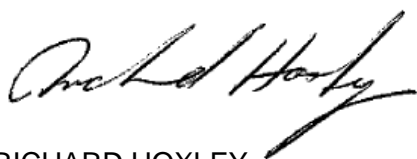
Connection to reticulated sewer

It is our understanding East Gippsland Water (EGW) have provided an amended referral response to Council that requires each lot to be connected to reticulated sewer. We trust the revised response from EGW provides confirmation is able to be connected to the reticulated sewerage system.

We trust the provision of this additional information satisfies Council's request and the application may now be finalised.

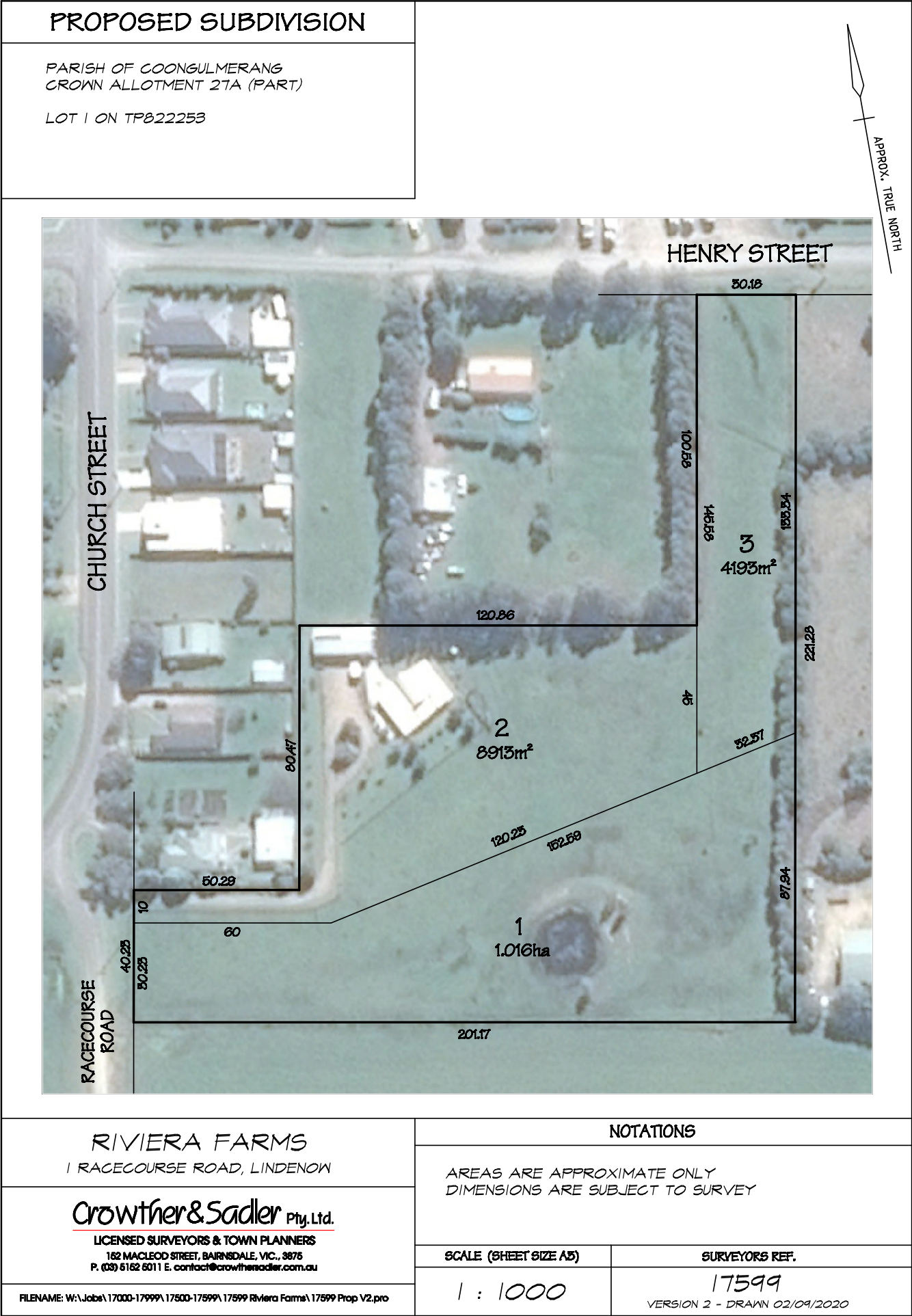
As always, please do not hesitate to contact our office should you require any further information.

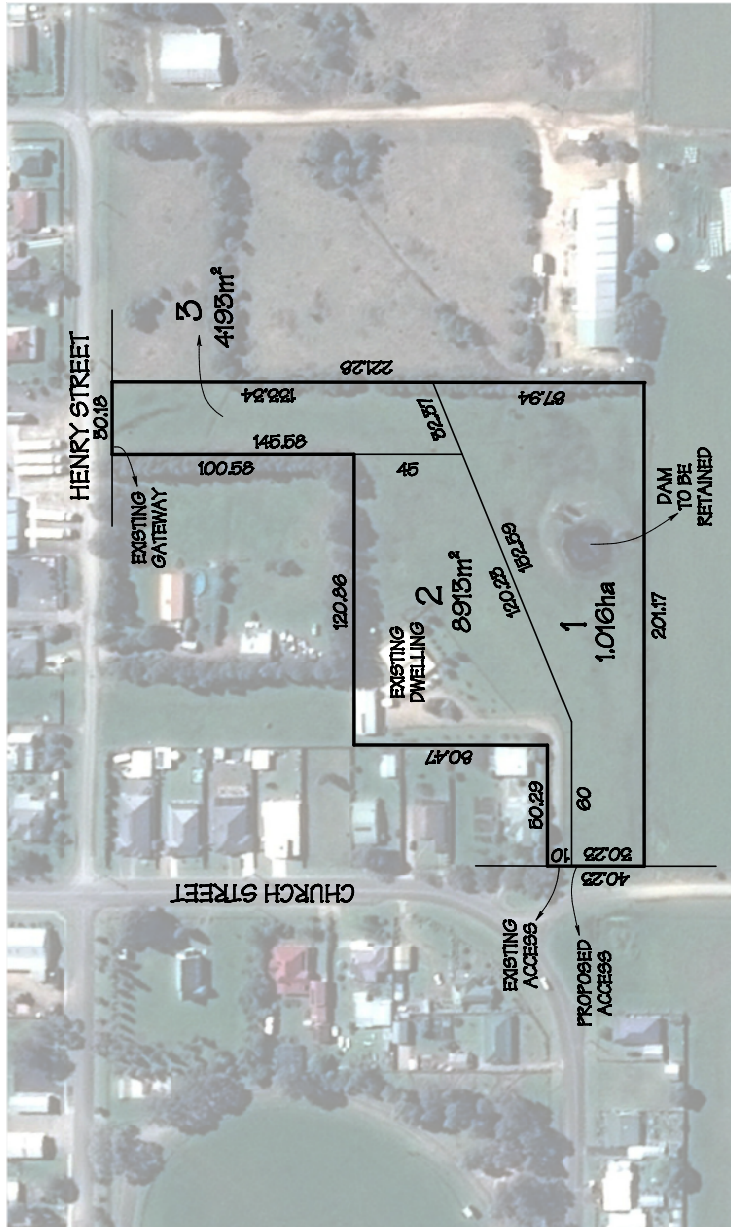
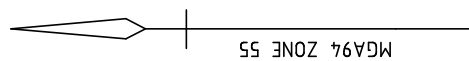
Regards,



RICHARD HOXLEY
Senior Planner

*Encl: Proposed Subdivision Plan (Version 2, 02/09/2020)
Design Response Plan (Version 3, 22/03/2021)
Email from Adam Dunn for EGCMA (23/03/2021)
Stormwater Report (Crossco Consulting, 04/12/2020)
Email from EGW 22/09/2020*





SHEET 1 OF 2		DESIGN RESPONSE PLAN	
RIVIERA FARMS 1 RACECOURSE ROAD, LINDENOW		NOTATIONS	
Crowther & Sadler Pty Ltd. LICENSED SURVEYORS & TOWN PLANNERS 182 MACLEOD STREET, BAIRNEDALE, VIC., 3876 P. (03) 5162 6011 E. contact@crowthersadler.com.au		AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY	
		SCALE (SHEET SIZE A5)	SURVEYORS REF.
		1 : 2000	17599
FILENAME: Y:\17000-17999\17600-17699\17699 Riviera Farms\17699 Design Response V3.pro		VERSION 3 - DRAWN 23/03/2021	
PARISH OF COONGULMERANG CROWN ALLOTMENT 27A (PART) LOT 1 ON TP822253			

<h1>DESIGN RESPONSE PLAN</h1>		<h1>SHEET 2 OF 2</h1>	
<p>PARISH OF COONGULMERANG CROWN ALLOTMENT 27A (PART)</p> <p>LOT 1 ON TP822253</p>		<div style="display: flex; align-items: center;"> <div style="margin-left: 10px;">- LAND SUBJECT TO WATERWAY MANAGEMENT PLAN</div> </div>	

The aerial map displays three distinct lots within Crown Allotment 27A (Part). Lot 1, located at the bottom left, covers 1.016ha and contains a hatched area labeled 'BUILDING ENVELOPE'. Lot 2, situated above Lot 1, covers 8913m² and features an 'EXISTING DWELLING'. Lot 3, positioned to the right of Lot 2, covers 4193m². The map is bounded by Church Street to the west, Racecourse Road to the south, and Henry Street to the north. A blue line indicates a 'WATER COURSE' flowing through the lower portion of the lots, with a note stating 'DAM TO BE RETAINED'. Various boundary dimensions are provided in meters along all sides of the lots.

RIVIERA FARMS

1 RACECOURSE ROAD, LINDENOW

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
152 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5162 6011 E. contact@crowthersadler.com.au

NOTATIONS	
AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY	
SCALE (SHEET SIZE A5)	SURVEYORS REF.
1 : 1000	17599
VERSION 3 - DRAWN 22/03/2021	

FILENAME: Y:\17000-17999\17500-17599\17599 Riviera Farms\17599 Design Response V3.pro



Proposed 3 Lot Subdivision
1 Racecourse Road, Lindenow

Town Planning Report -
Stormwater Report
(East Gippsland Planning Scheme)

Prepared for:
Riviera Farms
c/- Crowther & Sadler

Prepared by:
Crossco Consulting Pty Ltd
PO Box 858
Bairnsdale Vic 3875



R:/2417
04/12/2020



Document revision

Version	Date	Prepared by	Comments
Draft	01/12/2020	M Supplitt	Distribution: C&S
Final	04/12/2020	M Supplitt	Distribution: C&S, Client (Ken White)

Notice:***This Stormwater Management Plan:***

- 1. Has been prepared by Crossco Consulting Pty Ltd under instruction from Crowther & Sadler.***
- 2. Is for the use of Crowther & Sadler in responding to a request from Council.***

R:/2417
04/12/2020



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1	Background	1
2	Existing Conditions	1
2.1	General.....	1
2.2	Topography.....	3
2.3	Soils	3
3	Existing Drainage Infrastructure	4
4	Proposed Stormwater Management	5
5	Observations	6
6	Conclusion	6

Attachment 1 – Proposed Subdivision

Attachment 2 – Indicative Topography & Servicing.....

Attachment 3 – Photographs

Attachment 4 – Soakage Pit examples only

Figures

Figure 1: Subject Land	1
Figure 2: Adjoining uses	2
Figure 4: Soils.....	3
Figure 3: Unnamed Waterway	5

R:/2417
04/12/2020

1 Background

Crossco Consulting Pty Ltd (Crossco) has been engaged by Riviera Farms under instruction of Crowther & Sadler, to prepare a "Stormwater Strategy" to assist in responding to a request from Council for further information regarding drainage.

Our instruction from Crowther & Sadler are:

The proposed subdivision has received a number of objections with respect to drainage. As you are possibly aware the land is relatively flat meaning surface water can take some time to drain after a storm event. Council has subsequently requested more detailed information to demonstrate how the subject land will be satisfactorily drained and possibly alleviate some of the drainage problems experienced by the owner of the adjoining property at 87 Henry Street.

Crossco has been provided with a copy of the proposed subdivision (Surveyor's Reference 17599, Version 2 dated 02/09/2020). The drawing is included at Attachment 1.

2 Existing Conditions

2.1 General

The subject site is located to the south of the township of Lindenow (refer to red outline at Figure 1).



Figure 1: Subject Land

Stormwater Report
Proposed 3 Lot Subdivision
1 Racecourse Road, Lindenow



The subject land is approximately 23,266m² (2.32ha or 5.75 acres) in area.

There is an existing dwelling (at proposed Lot 2), and a designated waterway to the south of the subject land (at proposed Lot 1) that receives outfall from the municipal drainage system.

As is usual in smaller settlements, there is a mix of uses in the precinct including:

- Farming & Transport
- Residential



Figure 2: Adjoining uses

2.2 Topography

Refer to the drawing at Attachment 2 which shows:

- Indicative site levels
- Indicative contours
- Water & sewer services in the precinct
- Indicative municipal drainage infrastructure (incomplete)

In respect of the subject site:

- levels range from 38m AHD in the west of the site to 37m to the east of the site
- the site grades generally to:
 - o the east 0.8% (1V:130H or 0.4 degrees)
 - o the south-east 0.7% (1V:150H or 0.46 degrees)

As can be observed on site, the land is flat / level.

Attachment 2 indicates that the existing allotments (all with dwellings) at 14-24 Church Street grade to the north-east over 89 Henry Street to 87 Henry Street. The subject land *does not* grade toward 87 Henry Street (which is to the north and west of the subject land), but grades to the south-east and east away from the 87 Henry Street.

2.3 Soils

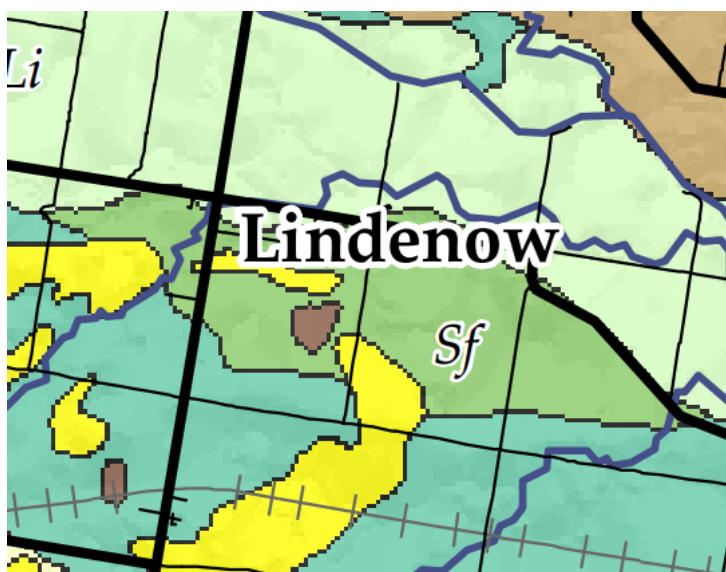


Figure 3: Soils¹

Mapped soil unit	Summary of description
Stratford (Sf)	Strong contrast between A & B horizons Surface soils at 0-30cm fine sandy loams Subsoil to 150cm some cobbles, medium clays

¹ Soils and landforms of the Bairnsdale and Dargo region, DPI, 2011

3 Existing Drainage Infrastructure

The municipal drainage infrastructure is a mix of kerb & channel, pit & pipe, and open drains. The open drains are poorly maintained and graded. Open drains have been infilled by the construction of driveways, services (eg. sewer manhole, power poles) and hardstand areas.

The existing drainage infrastructure is shown on the aerial photograph at Attachment 2, photographs in this section, and a summary description is included at Table 1 below.

Attachments 2 & 3 reference / Location	Drainage infrastructure description
 Intersection of Hoyt Street / Church Street / Racecourse Road	Series of pits / pipes discharging to the waterway adjacent to the south-west corner of the subject site. This system collects stormwater from the east end of Hoyt Street and south end of Church Street.
 Intersection of Church Street / Henry Street	Side-entry pits (SEPs) discharging to poorly graded open drain on the south side of Henry Street. House drains (HD) for properties in Church Street: a. 14-26 discharge to a pipe in the nature strip to the outfall to Henry Street open drain b. 28-30 Henry Street – undetermined c. West side of Church Street – undetermined d. North side of Henry Street – appear to discharge to Henry Street into poorly formed / infilled open drains.
 87 Henry Street and adjacent	Open drain has been infilled for driveway crossover (no pipes). There is no apparent drainage on the north side of Henry Street. Bund at frontage of 87 Henry Street. Based on contours, the buildings at 87 Henry Street are lower (approx. 36.5m AHD) than the south-west corner (37.5m AHD), and the overland flow path is from the south-west to the north-east.
 Henry Street – east of 87 Henry Street	Poorly graded open drain that discharges to the east.
 Natural drainage line / waterway	Minor drainage line. Well vegetated and includes a small dam on the subject site. Refer to Figure 4.

Table 1: Drainage Infrastructure Summary

Figure 4 shows the approximate location of an unnamed waterway that is located to the south-east of the subject land. This unnamed waterway is a secondary tributary of Skull Creek.



Figure 4: Unnamed Waterway²

4 Proposed Stormwater Management

The proposal seeks approval to subdivide the subject land into 3 lots (refer to Attachment 1). It can be anticipated proposed Lots 1 & 3 will be used for the construction of a dwelling, with Lot 2 retaining the existing dwelling.

No road construction and/or drainage associated with a road is required. Access to Lots is proposed as follows:

- Lot 1 – new crossover at Racecourse Road
- Lot 2 – existing gravel driveway (no change)
- Lot 3 – new crossover Henry Street crossover construction

Stormwater management / drainage requirements is limited to that associated directly with dwelling construction.

Stormwater management at each lot is proposed as follows:

- Lot 1 Soakage pit to be constructed.
- Lot 2 Existing soakage pit system to be retained.
- Lot 3 Construct house drain (HD) to open drain east of 87 Henry Street. If a building is constructed to the south end of Lot 1 then a soakage pit will be required.

Soakage pits have been nominated to ensure stormwater slowly percolates into the ground and is directed away from the surface where it could create a nuisance. Soakage pits are a water sensitive urban design (WSUD) technique, and can be constructed using proprietary / off-the-shelf products (refer to Mornington Peninsula Shire example at Attachment 4 for an example), or

² <https://mapshare.vic.gov.au/mapsharevic/>

Stormwater Report
Proposed 3 Lot Subdivision
1 Racecourse Road, Lindenow



by filling an excavation with well graded aggregate in a suitable geofabric and backfilling (refer to Boroondara Council drawing at Attachment 4 for an example).

5 Observations

- Some stormwater discharge from properties at Church Street appears to be directed to the east toward 89 Henry Street rather than to Church Street.
- Lot 2 has an existing dwelling with stormwater from buildings managed via a soakage pit. The lot is not connected to sewer.
- The proposed lots are planned to be connected to the reticulated sewerage system.
- There is a lack of drainage infrastructure in both Church and Henry Street. An engineering feature survey of the precinct and an audit of existing drainage infrastructure is required to ensure a holistic precinct solution. Legal points of discharge and drainage of existing properties in both Church and Henry Street should be included in this audit.
- The location of property drains / legal point of discharge for 28 and 30 Church Street are undetermined but could be directed to the south over 1 Racecourse Road.
- The location of stormwater discharge (property drain) from 87 Henry Street has not been determined but given the site area could be provided for by a soakage pit arrangement.
- It is understood that 87 Henry Street which is outside the declared sewer district, is connected to the reticulated sewerage system via a pump system (pers comm EGW).

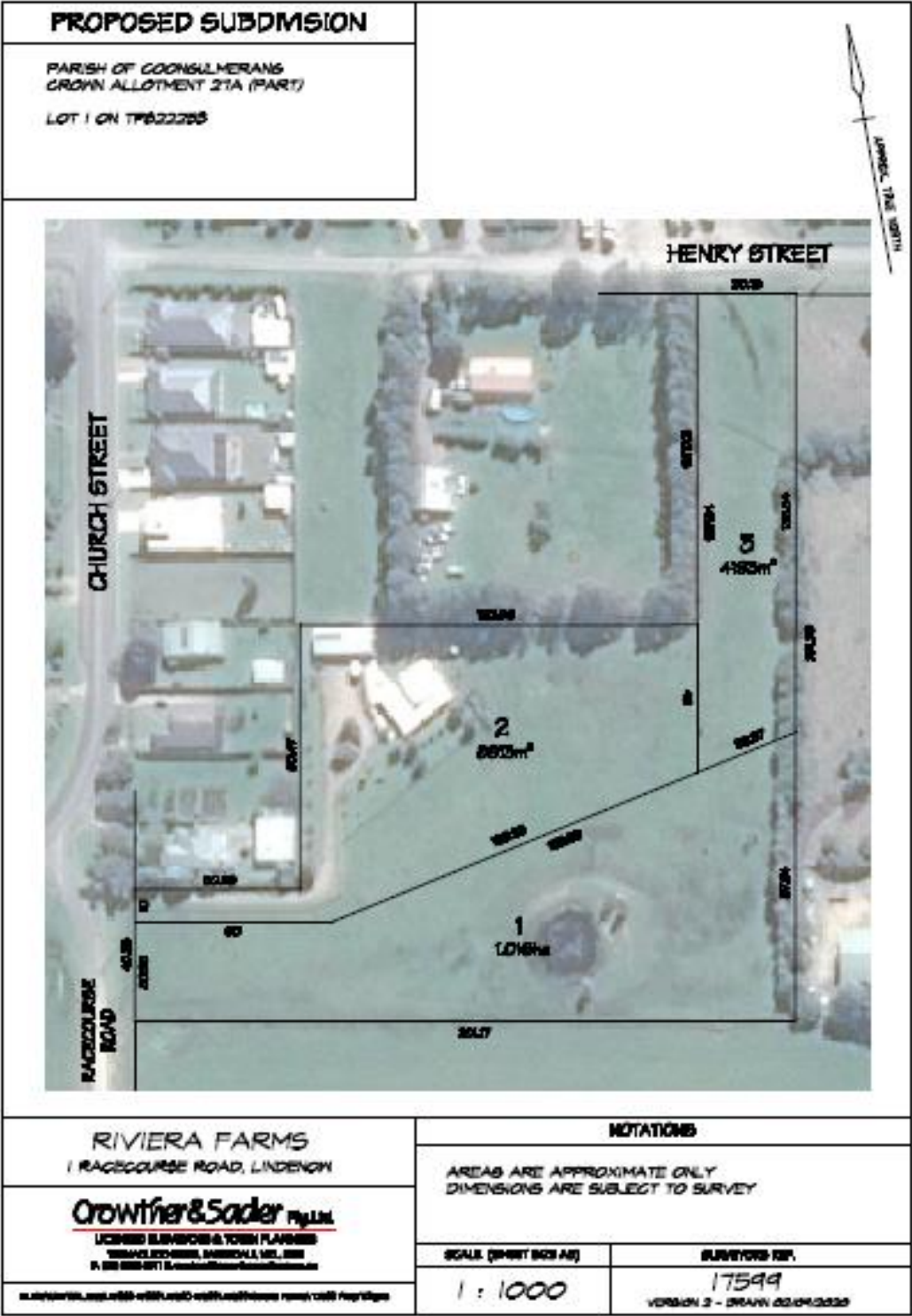
6 Conclusion

1. Drainage of the proposed 3 lot subdivision does not impact on 87 Henry Street.
2. To resolve drainage concerns at 87 Henry Street requires the drainage authority to consider a precinct solution that considers matters including but not necessarily limited to:
 - investigation of the location of property drains / legal point of discharge (Church and Henry Street)
 - redesign of the open drain on the south side of the Henry Street road reserve
 - drainage on the north side of Henry Street including property crossovers
 - informal open drains in the precinct
3. The location of the property drain / legal point of discharge for 30 Church Street requires confirmation to ascertain if it currently discharges via the 1 Racecourse Road.

M Supplitt
04/12/2020

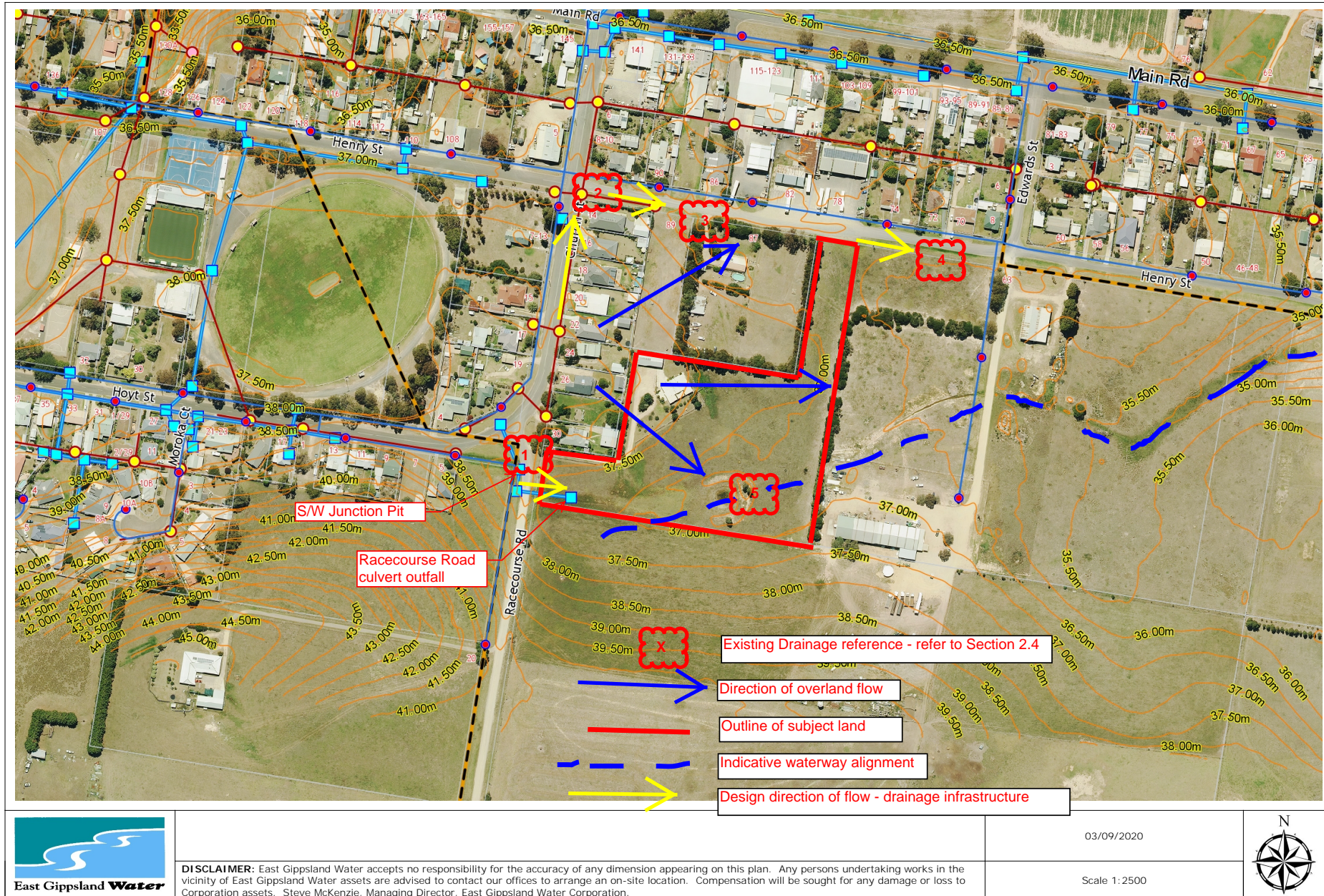


Attachment 1 – Proposed Subdivision



Attachment 2 – Indicative Topography & Servicing

ATTACHMENT 2



Attachment 3 – Photographs



Church Street / Hoyt Street / Racecourse Road intersection



1 Racecourse Road Driveway

Racecourse Road

Hoyt Street

Church Street

Note no formal drainage at 28 & 30 Church Street frontages

DIRECTION	55H 540290	ACCURACY 10 m
W (T)	5815886	DATUM WGS84



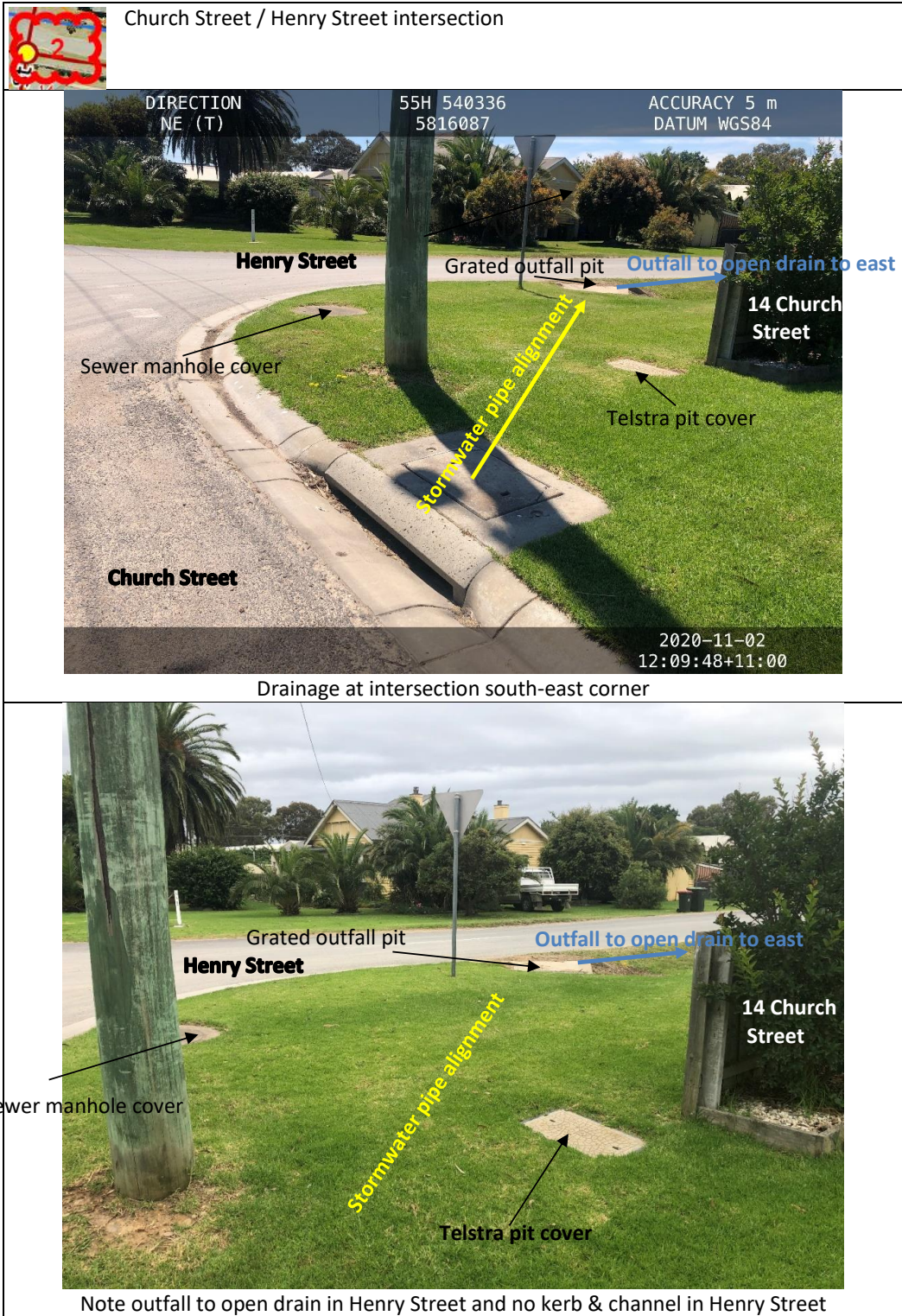
S/W Junction Pit (ref Attachment 2)

Hoyt Street

Racecourse Road

2020-11-02
12:21:57+11:00





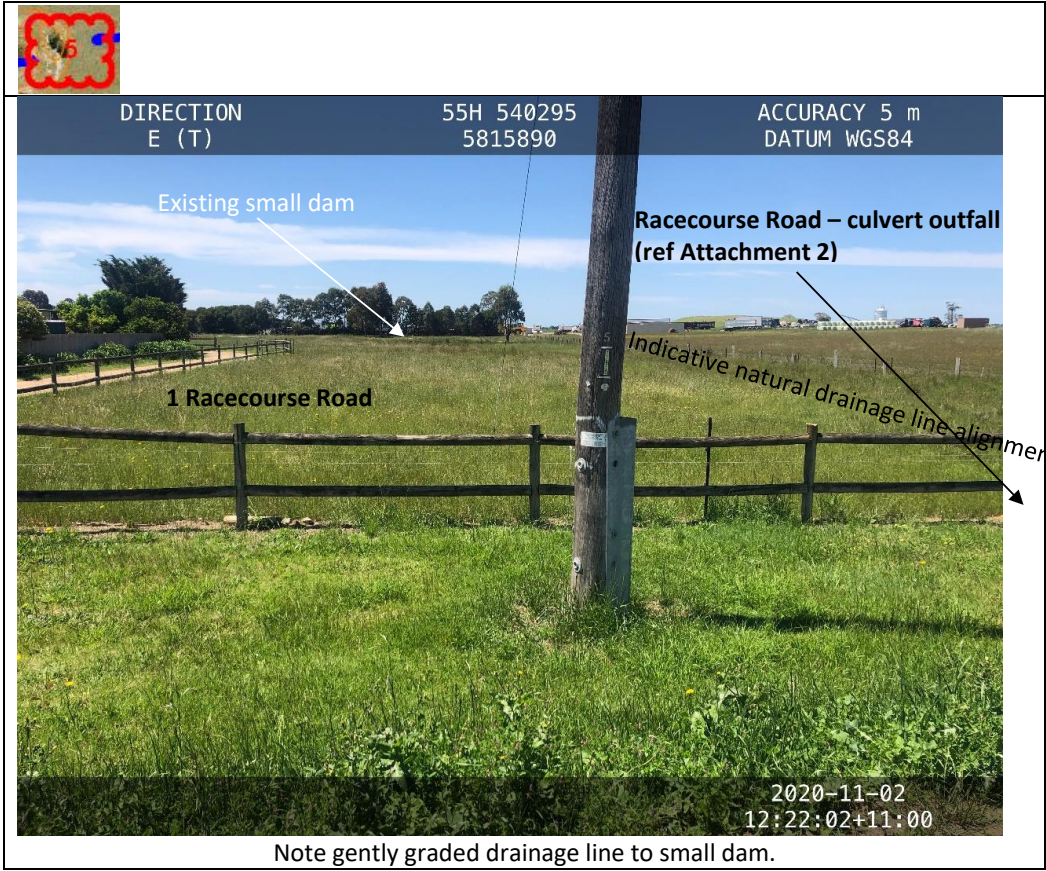




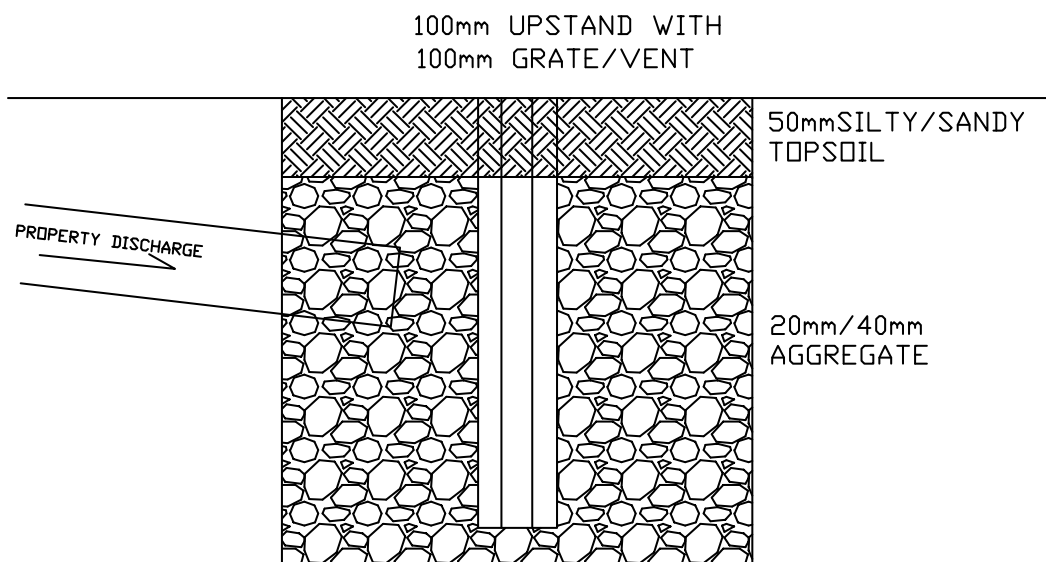








Attachment 4 – Soakage Pit examples only



NOTES:

1. PIT/TRENCH TO BE BACKFILLED WITH 20mm OR 40mm AGGREGATE (SINGLE SIZE ROCK)
2. UPSTAND REQUIRED TO ALLOW SURCHARGING OF TRENCH
3. MINIMUM 1 UPSTAND PER 3m OF TRENCH. E.G. 5m TRENCH REQUIRES 2 No. UPSTANDS WITH VENT
4. VOLUME OF TRENCH IN CUBIC METRES TO BE DETERMINED BY MULTIPLYING THE TOTAL SITE AREA (m²) x 0.0087
5. SHOULD THE SITE HARD-STAND COVERAGE EXCEED 60%; THE ABOVE RESULT WILL REQUIRE FACTORING IN CONSIDERATION OF THE ACTUAL COVERAGE
6. TRENCH TO BE PLACED SUCH THAT THE BASE AND FINISHED SURFACE ARE LEVEL
7. SOAKAGE PIT MAY ONLY BE INSTALLED IF APPROVED BY COUNCIL



BOROONDARA
City of Harmony

STORMWATER SOAKAGE PIT

STANDARD DRAWING

DATE REVIEWED
OCTOBER 2015

SCALE
NTS

DRAWING No.
SD997

Soak Pits



What is a Soak Pit?

Soak pits are a water sensitive urban design (WSUD) mechanism that relies on the stormwater principles of retention and infiltration. Featuring a large permeable porous walled chamber, the Soak Pits are located at the end of a stormwater drainage network, hence the lowest lying point, buried underground and out of sight. The soak pits collect the incoming storm water, and stores it while the water slowly percolates into the surrounding ground through an infiltration process. In layman's terms water is directed off the surface where it is a nuisance, and stored underground where it slowly seeps into the earth.

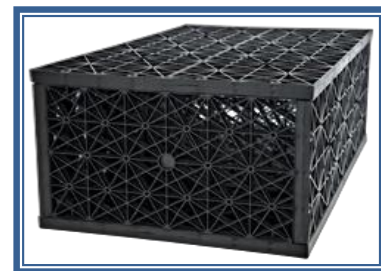


Soak Pits & the Mornington Peninsula

Soak pits are common on the Mornington Peninsula, particularly in the south-western end where the land is devoid of gullies and creeks/outfalls, ultimately limiting the drainage of stormwater from residential areas, hence the reliance on these man-made drainage systems. Luckily the geological make-up of the area is coarse granular sand, which provides a high level of infiltration for stormwater runoff, perfect for the implementation of soak pits.

The undulating nature of streets in areas such as Rye, Blairgowrie, Sorrento and all the suburbs within the vicinity leads to pooling of stormwater in low lying properties or roadways whenever a rain event occurs. Through strategic placement of soak pits this issue can be resolved, or at least minimized, with the vast array of soak pits currently present substantiating this reality.

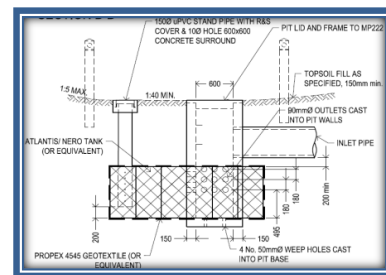
The Mornington Peninsula Shire uses modern soak pits which are constructed with recycled plastic modular components which are combined together and then wrapped in a highly permeable geotextile, this approach allows for greater effective volume of water to be stored as well as being more durable, longer lasting and less prone to siltation.



Advantages



- Moves water off the surface, storing it underground where it is not an issue.
- Water off the surface provides safer roadways, pathways and routes for the public move.
- Allows the stormwater to seep into the earth at a much faster rate than it would from the surface due to fine silts in Earths top soil.
- Environmentally advantageous over natural runoff drainage as silts are better filtered before the water passes into the surrounding environment.
- Relatively small, hence can be placed in council road reserves or drainage reserves.
- No power required and easily constructed.
- The process of drainage and infiltration requires no man made effort or interference with the process occurring autonomously.



Disadvantages



- As with all drainage systems, soak pits have a design capacity, most often this being for a 1 in 5 year event as per Australian Rainfall & Runoff guidelines, or Rainfall IFD data. If the intensity or duration exceeds this design the Soak pit will become fully charged, leading to water pooling on the surface.
- Particular attention must be given to placement, if placed anywhere other than lowest lying area they are virtually ineffective.
- In ground services such as water, power and gas often limit their size and use in road reserves.
- Prone to siltation if no silt management measures are taken for the influent.
- Maintenance and cleaning can be difficult due to the soak pits being buried, proper design and implementation crucial.



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National Relay Service: 133 677
Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.

Your Details:

Name: FRED COOMBS			
Postal address: LINDENOW			
			Postcode 3865
Phone number: Home:	Work:	Mobile:	
Email address:	Fax:		

Permit Details:

Planning permit number: 83/2020/P
What has been proposed? Sub-division into 3 Lots
What is the address to be used or developed? 1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

EGSC

7 MAY 2020

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MANAGEMENT

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JUL15

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Objection Details:

What are the reasons for your objection?

DRAINAGE OF THE AREA, THE NATURAL WATER
COURSE RUNS STRAIGHT THROUGH THE PROPOSED
PROPERTY IN QUESTION. LACK OF DRAINAGE
ON HENRY ST.

How would you be affected by the granting of this permit?

THE LACK OF POOR DRAINAGE COULD CAUSE
ROAD AND PROPERTY FLOODING IN HENRY ST.

If you need more space for any part of this form please attach another sheet.

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ABN: 81 957 967 765

Signature:	
Name: <u>FRED COOMBS</u>	Date: <u>6 / 5 / 2020</u>

Office Use Only:

Objection Received by: _____	Date Received: ____ / ____ / ____
Planning officer responsible: _____	Date Received: ____ / ____ / ____

Important Notes about Objections to Permit Applications

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2. Make sure you clearly understand what is put forward before you make an objection. You should look at the application at one of Council's offices.
3. To make an objection you should complete the details on this form and submit it with Council.
4. An objection should explain:
 - Why you object to the application, and
 - How you would be affected if a permit is granted.
5. Council may reject an objection which it considers has been made to secure commercial benefit for the objector.
6. Any person may inspect an objection during the Council's office hours.
7. If your objection is about an effect on property that is not your address shown on this form, give details of that property and your interest in it.
8. Council needs to get your objection by the date shown on the notice you were sent, the sign on site or in the newspaper, if they don't have it by the date shown your objection will not be considered.

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Planning and Environment Act 1987

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Your Details:

Name: Julie Coombs			
Postal address:			
Lindenow			Postcode 3865
Phone number: Home: —	Work:	Mobile:	
Email address:		Fax:	

Permit Details:

Planning permit number: 83/2020/P
What has been proposed?
Sub-division into 3 Lots
What is the address to be used or developed?
1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

EGSC

27 MAY 2020

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Objection Details:

What are the reasons for your objection?

Area drainage – a natural water course goes through the proposed sub-division – Very inadequate drainage in Henry St.
– no sewerage – septic tank may cause issues with blockages or overflows.

How would you be affected by the granting of this permit?

The affects of the very poor drainage may cause road and property flooding in Henry St.

If you need more space for any part of this form please attach another sheet.

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ABN: 81 957 967 765

Signature: _____	
Name: <u>Julie Coombs</u>	Date: <u>6 / 5 / 20</u>

Office Use Only:	
Objection Received by: _____	Date Received: ____/____/____
Planning officer responsible: _____	Date Received: ____/____/____

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6. Any person may inspect an objection during the Council's office hours.
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Objection to Planning Permit Application

Planning and Environment Act-1987~

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.
Your Details:

Name: MATTHEW GISCHUS		
Postal address: BOX 131 LINDENOW		
		Postcode 3865
Phone number: Home: 4	Work:	Mobile: 6
Email address:	Fax:	

Permit Details:

Planning permit number: 83/2020/P
What has been proposed? Sub-division into 3 Lots
What is the address to be used or developed? 1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

EGSC

8 MAY 2021

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Objection Details:

What are the reasons for your objection?

- * DRAINAGE ISSUES WITH THE NATURAL WATER COURSE.
- * LACK OF DRAINAGE ON HENRY ST
- * THERE IS NO SEWERAGE

How would you be affected by the granting of this permit?

THE EFFECTS OF POOR DRAINAGE COULD CAUSE ROAD FLOODING AND PROPERTY FLOODING IN HENRY ST AND THIS WOULD ALSO CAUSE PROPERTY DAMAGE, HENRY ST ALREADY HAS WATER RETENTION ISSUES AFTER EVEN A SMALL AMOUNT OF RAIN. ALSO THE NEW DEVELOPMENT PROPOSES SEPTIC TANK ~~TANK~~ USE. THIS WILL NOT WORK WELL AND COULD CAUSE SEWERAGE LEAKS INTO ALREADY WATER CONTAINING PRIVATE PROPERTY.

If you need more space for any part of this form please attach another sheet.

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Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

Signature:	
Name:	Date: <u>06/5/2020</u>

Office Use Only:	
Objection Received by: _____	Date Received: ____/____/____
Planning officer responsible: _____	Date Received: ____/____/____

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East Gippsland Shire Council

273 Main Street (PO Box 1618)
Bairnsdale Vic 3875
Website www.eastgippsland.vic.gov.au
Email feedback@egipps.vic.gov.au
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Fax: (03) 5153 9576
National Relay Service: 133 677
Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.
Your Details:

Name: P MACAFEE			
Postal address:			
LINDENOW			Postcode 3865
Phone number: Home:	Work:	Mobile:	
Email address:		Fax:	

Permit Details:

Planning permit number: 83/2020/P
What has been proposed?
Sub-division into 3 Lots
What is the address to be used or developed?
1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

EGSC

27 MAY 2021

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Objection Details:

What are the reasons for your objection?

EXPLOITATION OF WORKER'S PROPER HOUSING REQUIRED
 HAVING WORKED IN SEWERAGE AND
 DRAINAGE FOR 40 YRS
 GROUND UNSUITABLE FOR SEPTIC
 SYSTEMS TO WORK PROPERLY
 HEAVY RAIN FLOODING ON OPPOSITE HOUSE
 ROAD ALL READY NO DRAINAGE

How would you be affected by the granting of this permit?

ROAD ALREADY BREAKING UP DUE
 TO POOR DRAINAGE, CAUSED BY
 HEAVY TRANSPORT AND FARM
 MACHINERY. SUB DIVISION COULD
 CAUSE EXTRA WATER RUN OFF

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Signature: _____

Name: _____

P. MACAFEE

Date: 6/4/2020

Office Use Only:

Objection Received by: _____ Date Received: ____/____/____

Planning officer responsible: _____ Date Received: ____/____/____

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Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.
Your Details:

Name: Janice McCallum			
Postal address:			
Lindenow			Postcode 3865
Phone number: Home: 6	Work:	Mobile:	
Email address:		Fax:	

Permit Details:

Planning permit number: 83/2020/P
What has been proposed?
Sub-division into 3 Lots
What is the address to be used or developed?
1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

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27 MAY 2021
INFORMATION
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Objection Details:

What are the reasons for your objection?

- 1/ Area drainage - the natural water course goes through the proposed subdivision
- 2/ Lack of drainage on the Henry St. section
- 3/ No sewerage.

How would you be affected by the granting of this permit?

The affects of poor drainage could cause road flooding and property flooding in Henry St.

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Signature: _____

Name: _____

Janice McCallum

Date: 6 / 05 / 2020

Office Use Only:

Objection Received by: _____ Date Received: ____ / ____ / ____

Planning officer responsible: _____ Date Received: ____ / ____ / ____

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Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.
Your Details:

Name: <u>Ross McCallum</u>			
Postal address:			
<u>Lindenow</u>			Postcode <u>3865</u>
Phone number: Home: <u> </u>	Work: <u> </u>	Mobile: <u> </u>	
Email address: <u> </u>		Fax: <u> </u>	

Permit Details:

Planning permit number: 83/2020/P
What has been proposed?
Sub-division into 3 Lots
What is the address to be used or developed?
1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

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15 JUL 2020

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Objection Details:

What are the reasons for your objection?

- 1/ Area drainage - the natural water course goes through the proposed sub division
- 2/ Lack of drainage on the Henry St. section.
- 3/ No sewerage.

How would you be affected by the granting of this permit?

The affects of poor drainage could cause road Flooding and property Flooding in Henry St.

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Signature: _____	
Name: <u>ROSS E. McALLUM.</u>	Date: <u>6 / 05 / 2020</u>

Office Use Only:	
Objection Received by: _____	Date Received: ____ / ____ / ____
Planning officer responsible: _____	Date Received: ____ / ____ / ____

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Objection to Planning Permit Application

Planning and Environment Act 1987

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Your Details:

Name: <i>JOHN MCINTYRE + JOHANNE MCINTYRE</i>			
Postal address: <i>P.O. Box 123 LINDENOW, VIC</i>			
			Postcode <i>3865</i>
Phone number: Home:	Work:	Mobile:	
Email address:		Fax:	

Permit Details:

Planning permit number: 83/2020/P
What has been proposed? Sub-division into 3 Lots
What is the address to be used or developed? 1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

EGSC
28 MAY 2021
INFORMATION
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Objection Details:

What are the reasons for your objection?

My objections relate to the concerns we have in relation to drainage provisions along Henry street. In extreme weather events Henry street does flood, my concern is two fold, if an access way is developed from Henry street, consideration should be given to improving drainage, secondly, there will be increased water loading on the land from the proposed water treatment plant further adding to current problems. I would hope further information in relation to these concerns would be available prior to application approval as it is not addressed in the application.

How would you be affected by the granting of this permit?

Potential for increased flooding events when extreme weather events occur.

Note - We do have concerns in regard to seasonal workers and the potential impact on the immediate community - however, this is purely a personal concern and not based on any facts or precedents relating to seasonal workers - we are sympathetic to the proposal that will potentially ensure seasonal workers can enjoy a lifestyle we all aspire to in Australia.

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Signature: _____

Name: _____

Date: ____/____/____

Office Use Only:

Objection Received by: _____ Date Received: ____/____/____

Planning officer responsible: _____ Date Received: ____/____/____

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Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.

Your Details:

Name: DAVID ROWLANDS

Postal address: P.O BOX 121 LINDENOW

Postcode 3865

Phone number: Home: 01243 811111 Work: 01243 811111 Mobile: 07958 123456

Email address: David@Rowlands.co.uk Fax: 01243 811111

Permit Details:

Planning permit number: 83/2020/P

What has been proposed?

Sub-division into 3 Lots

EGSC

What is the address to be used or developed?

68 MAY 2010

1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

INFORMATION MANAGEMENT

East Gippsland Shire Council

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Objection Details:

What are the reasons for your objection?

- 1/ AS THE NATURAL WATER GOES THROUGH THE PROPOSED SUB DIVISION, WE ARE CONCERNED ABOUT EFFECTS ON PROPERTIES AROUND HENRY AND CHURCH STREETS.
- 2/ DRAINAGE "OR" LACK OF IN HENRY STREET.
- 3/ NO SEWERAGE ON PROPOSED SUB DIVISION

How would you be affected by the granting of this permit?

AS I HAVE SAID POOR DRAINAGE, LACK OF SEWERAGE, COULD CAUSE FLOODING IN HENRY ST. AND SURROUNDS.

feedback@egipps.vic.gov.au

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Signature: [Handwritten Signature]
Name: DAVID ROWLANDS Date: 6 / 5 / 2020

Office Use Only:

Objection Received by: _____ Date Received: ____/____/____

Planning officer responsible: _____ Date Received: ____/____/____

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Fax: (03) 5153 9576
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Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.
Your Details:

Name: Kay Rowlands
Postal address: P.O. Box 121
Lindenow Postcode 3865
Phone number: Home: _____ Work: _____ Mobile: _____
Email address: _____ Fax: _____

Permit Details:

Planning permit number: **83/2020/P**

What has been proposed?

Sub-division into 3 Lots

What is the address to be used or developed?

1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

EGSC

28 MAY 2021

**INFORMATION
MANAGEMENT**

Objection Details:

East Gippsland Shire Council

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What are the reasons for your objection?

- 1/ Area drainage - natural water course goes through the site of proposed subdivision.
- 2/ Drainage is lacking on Henry St section.
- 3/ Have concerns about sewerage problems

How would you be affected by the granting of this permit?

Poor drainage could cause road flooding and property flooding in Henry St and elsewhere.

If you need more space for any part of this form please attach another sheet.

feedback@egipps.vic.gov.au

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 ABN: 81 957 967 765

Signature: _____
 Name: Kay Rowlands Date: 6/05/2020

Office Use Only:

Objection Received by: _____ Date Received: ____/____/____

Planning officer responsible: _____ Date Received: ____/____/____

Important Notes about Objections to Permit Applications

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Make sure you clearly understand what is put forward before you make an objection. You should look at the application at one of Council's offices.

To make an objection you should complete the details on this form and submit it with Council.

An objection should explain:

- Why you object to the application, and
- How you would be affected if a permit is granted.

Council may reject an objection which it considers has been made to secure commercial benefit for the objector.

Any person may inspect an objection during the Council's office hours.

If your objection is about an effect on property that is not your address shown on this form, give details of that property and your interest in it.

Council needs to get your objection by the date shown on the notice you were sent, the sign on site or in the newspaper, if they don't have it by the date shown your objection will not be considered.

If you object before the date shown on the notice you were sent, the sign on site or the newspaper article, Council will tell you its decision.

feedback@egipps.vic.gov.au

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Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.
Your Details:

Name: Renee Smith			
Postal address: -			
Lindenow			Postcode 3865
Phone number: Home:	Work:	Mobile:	
Email address:	Fax:		

Permit Details:

Planning permit number: 83/2020/P
What has been proposed?
Sub-division into 3 Lots
What is the address to be used or developed?
1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

EGSC

15 JUN 2020

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JUL15

East Gippsland Shire Council

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Objection Details:

What are the reasons for your objection?

1- Area drainage natural water course goes through the
Proposed sub-division

2- Lack of drainage on henry st section. Water sits around
for days and days no were to go.

3- No sewerage

4- No proper walking parts kids have to walk on road
Not safe. Don't need more traffic.

to school

How would you be affected by the granting of this permit?

The affects of poor drainage could cause road flooding
and property flooding in henry st. Witch will
affect my land. If it's going to be a place for
seasonal worker's any one could come and go and for
me who have kid's I really don't feel safe about
it.

If you need more space for any part of this form please attach another sheet.

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Signature: _____	
Name: <u>Renee Smith</u>	Date: <u>5 / 5 / 2020</u>

Office Use Only:	
Objection Received by: _____	Date Received: ____/____/____
Planning officer responsible: _____	Date Received: ____/____/____

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Objection to Planning Permit Application

Planning and Environment Act 1987

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Your Details:

Name: W. SMITH			
Postal address:			
LINDENOW.			Postcode 3865
Phone number: Home:	Work:	Mobile:	
Email address:			Fax:

Permit Details:

Planning permit number: 83/2020/P
What has been proposed?
Sub-division into 3 Lots
What is the address to be used or developed?
1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

EGSC

7 MAY 2020

INFORMATION
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ABN: 81 957 967 765

Objection Details:

What are the reasons for your objection?

1) Drainage on proposed land is very poor and goes straight through sub-division because of natural causes: 2) Lack of draining in Henley ST 3) And has no sewerage on land.

How would you be affected by the granting of this permit?

Poor Drainage could cause road flooding Property flooding, Road Damage which happens + Lot. When Big Rain happens now.

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Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

Signature: _____

Name: WILLIAM D. SMITH

Date: 6 / 5 / 2020

Office Use Only:

Objection Received by: _____ Date Received: ____ / ____ / ____

Planning officer responsible: _____ Date Received: ____ / ____ / ____

Important Notes about Objections to Permit Applications

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Objection to Planning Permit Application

Planning and Environment Act 1987

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Your Details:

Name: RAINA STEVENS			
Postal address:			
LINDENOW			Postcode 3865
Phone number: Home:	Work:	Mobile:	
Email address:			Fax:

Permit Details:

Planning permit number: 83/2020/P
What has been proposed?
Sub-division into 3 Lots
What is the address to be used or developed?
1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

EGSC

8 MAY 2021

INFORMATION
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Objection Details:

What are the reasons for your objection?

DRAINAGE IN THIS AREA.

INADEQUATE DRAINAGE THROUGHOUT
THIS SECTION OF HENRY ST.

THE PROPOSED SUBDIVISION WILL NOT
BE CONNECTED TO THE SEWERAGE SYSTEM.

How would you be affected by the granting of this permit?

AFTER RAIN, ~~THE~~ MY PROPERTY IS
ALREADY PRONE TO FLOODING - MAINLY ON
THIS AND SOME OTHER OF THE NATURE STRIPS WHERE
WATER LIES FOR UP TO 48 HRS; CERTAINLY AFTER A
HEAVY DOWNPOUR. THE GROUND AROUND THE BUILDING
BECOMES QUITE SOGGY & IS SLOW TO DRAIN.
THE USE OF SEPTIC SYSTEMS ON THE SUBDIVISION
COULD CAUSE INTOLERABLE CIRCUMSTANCE TO THE
EXISTING/SURROUNDING PROPERTIES.

CONT'D

If you need more space for any part of this form please attach another sheet.

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CONT'D.

IT IS UNDERSTOOD THAT THE BUILDING/S TO BE CONSTRUCTED ARE FOR ACCOMMODATING SEASONAL WORKERS; OF WHICH THERE COULD BE QUITE A NUMBER.

SOME LOCAL RESIDENTS HAVE IN THE PAST USED SEPTIC TANKS. THEY WERE EVENTUALLY FOUND TO NOT WORK AT ALL SATISFACTORILY AND THEREFORE HAD TO CONNECT TO THE SEWER.

THE IDEA OF SEWAGE RUNNING OVER THE LAND - FROM FLOODED SEPTIC TANKS - IS NOT A PLEASANT ONE.



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ABN: 81 957 967 765

Signature: _____

Name: _____

RAINA STEVENS

Date: **6/05/2020**

Office Use Only:

Objection Received by: _____ Date Received: ____/____/____

Planning officer responsible: _____ Date Received: ____/____/____

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Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.
Your Details:

Name: Barbara Williams			
Postal address:			
Lindenow			Postcode 3865
Phone number: Home:	Work:	Mobile:	
Email address:			

Permit Details:

Planning permit number: 83/2020/P
What has been proposed?
Sub-division into 3 Lots
What is the address to be used or developed?
1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

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Objection Details:

What are the reasons for your objection?

flooding
 drainage
 Septic disposal

as per attached sheet

How would you be affected by the granting of this permit?

please see attached document

If you need more space for any part of this form please attach another sheet.

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ABN: 81 957 967 765

Signature: _____

Name: Barbara Williams

Date: 05 / 05 / 2020

Office Use Only:

Objection Received by: _____ Date Received: ____ / ____ / ____

Planning officer responsible: _____ Date Received: ____ / ____ / ____

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What are the reasons for your Objection.

My reasons for objecting are: flooding concerns, lack of storm water drainage, septic effluent disposal concerns.

How would I be affected by the granting of this permit:

This sub division will require 3 Septic effluent disposal systems with one of them needing to accommodate max of 12 people. The current system failed and there were 2 people living in the house. Our septic system failed as per attached letter from Mitchell Water Board dated 20/05/1993. We have been in drought for a number of years now so the current owners have not experienced how wet the ground gets. I have my doubts that any effluent disposal system will work and the only solution I can see is connecting into a sewerage system. If 3 effluent systems were installed the land would always be wet and when a rain event occurs the area will flood quicker and take longer to drain away.

Storm water runoff is also a concern as this land floods during rain events due to the clay soils and minimal fall of land for water to run off quickly. Back in July 1994 Greg Hatt, the then manager of Assets and Infrastructure of the Shire of Bairnsdale arranged with land owners to put in an open drain to assist with drainage. The open drain runs between 87 Henry street and the current land to be subdivided and then goes through David McKerrells property on the east side of the proposed subdivision and eventually into the natural watercourse that is documented on the Lindenow Zone Map. I have attached pictures of open drain after the rain last week and this was not a lot of rain. There is also a smaller drain coming from the dwelling on Lot 2 to channel water away from dwelling. Due to the flat grade of the land the open drain has been mildly successful. In the past I have contacted the shire asking for someone to assist me with sandbags as the water was 1cm below my door and I had concerns it would come in to the house.

I have some concerns with the proposal to fill in the dam as we are currently in drought it may look like it holds no water. In an average year this dam holds water all year and is very close to the natural watercourse as high lighted on the Lindenow Zone Map. In the past the local children had great fun riding motorbikes and getting them bogged due to the dampness in this area. If you take the dam away more water will flow into the watercourse causing more problems with drainage at the eastern end of Henry St near ZCG antennas.

I have grave concerns that all this extra water will run onto my land and the 1 cm buffer I have at my door will not be enough to keep the water out. I have enclosed some photos from 2016 rain event to give you an idea of how much the water lays in this area with the current drainage systems in place.

MITCHELL WATER BOARD

Telephone: (051) 52 5761 52 5501
(051) 52 4332 52 5335

133 MACLEOD STREET,
BAIRNSDALE, 3875

P.O. Box 52
Fax (051) 52 5663

REF.:

DJR:LM

20th May, 1993.

Mr/s. R. & B. Williams

LINDENOW 3865

Dear Mr. and Mrs. Williams,

I refer to your letter setting out problems encountered with your septic system and seeking approval to pump septic tank effluent to the Board's sewerage system.

This matter was originally considered at the Board's April meeting where it was resolved that you be required to explore all avenues to solve the problem with the Shire's Health Surveyor and that the Board would reconsider your request if it is clear that there is no other alternative.

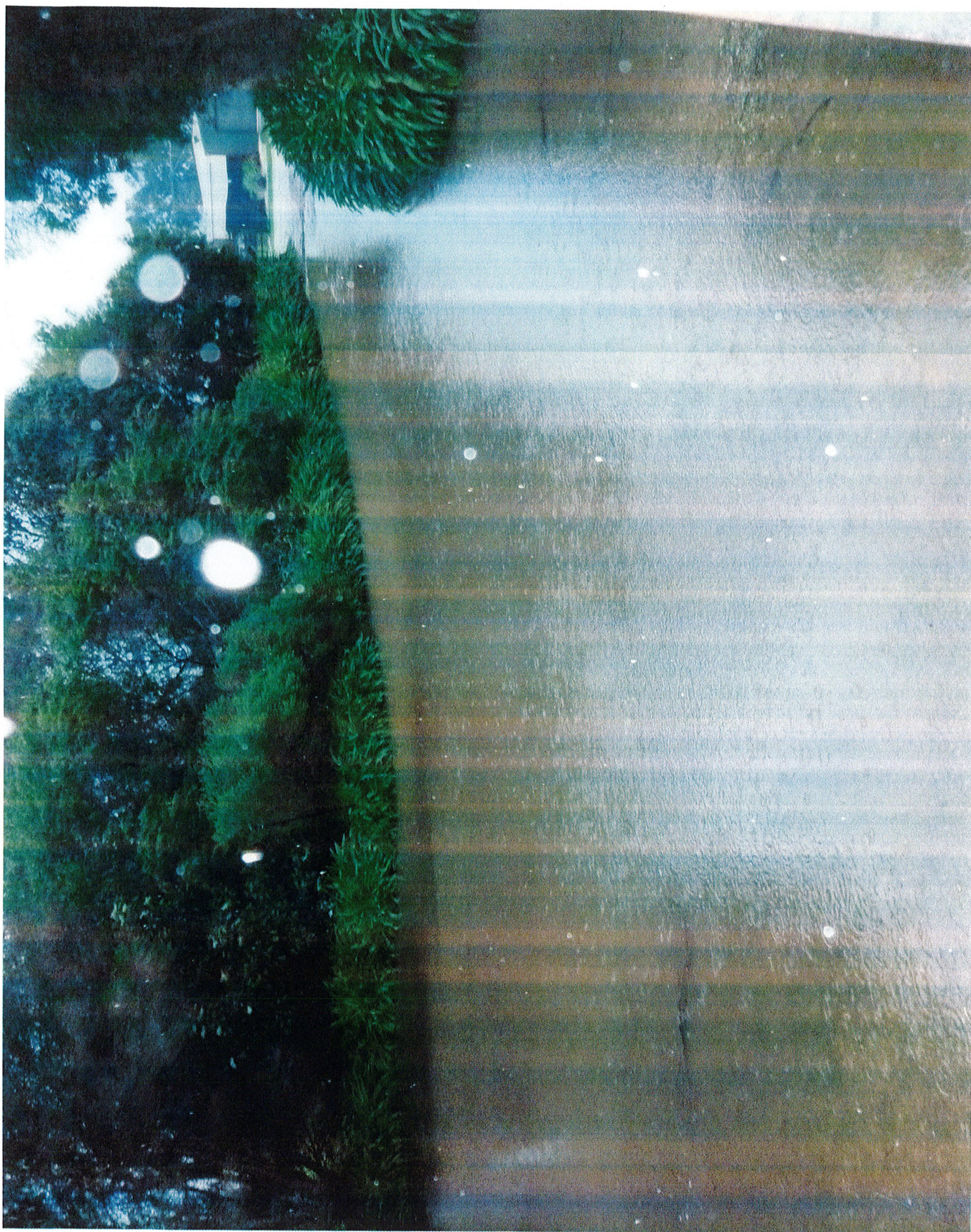
While this decision was not conveyed to you, for which I apologise, the matter was taken up with officers of the Shire of Bairnsdale.

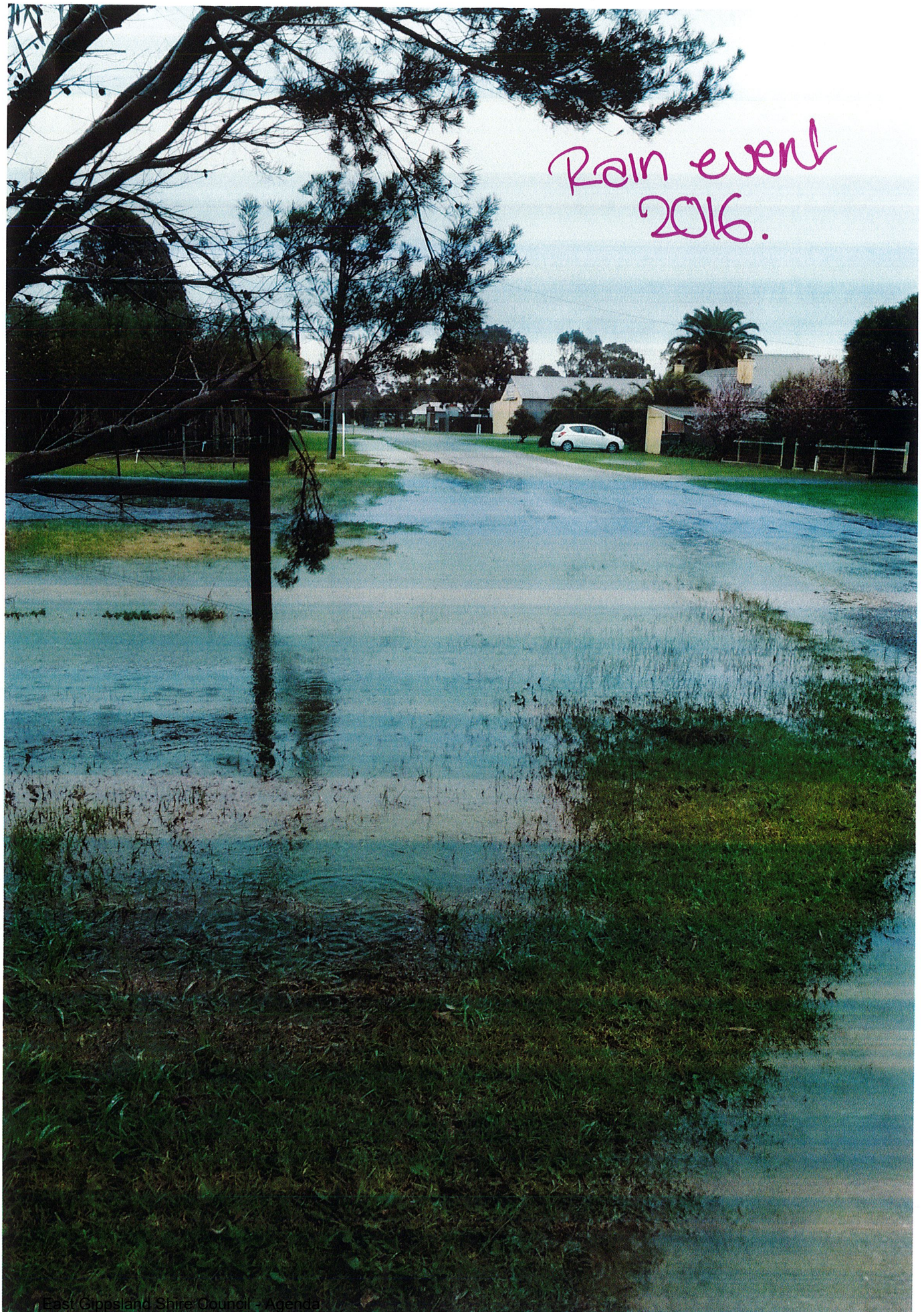
Following consideration of your problem and the Board's decision on your request, the Council's Human Services Manager/Health Surveyor wrote to Board stating that in his opinion there could be no guarantee that the septic tank system would work in the long term. In his opinion failure of the septic tank system could lead to health risks for your family and others in the community. In addition to stating these opinions he also asked that the Board reconsider its decision and grant approval to allow you to pump septic tank effluent to sewer.

Following this request and a review of the available information, the Board have agreed to approve your application to pump septic tank effluent to sewer on the following conditions:-

- (i) Acceptance of effluent in this manner will not relieve you or future owners of the responsibility of participating in any future scheme to provide reticulated sewerage facilities to the property. On the sale of the property any future owner is to be advised of this condition.
- (ii) Payment of an outfall and disposal charge of \$750 (already paid).
- (iii) The property becomes rateable property as far as sewerage is concerned.

Rain event 2016.





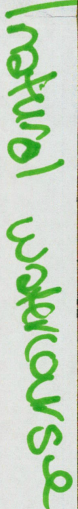








ATTACHMENT A - LINDENOW MAP OF ZONE OVERLAY ISSUES AND POTENTIAL CHANGES



East Gippsland Shire Council

273 Main Street (PO Box 1618)
Bairnsdale Vic 3875
Website www.eastgippsland.vic.gov.au
Email feedback@egipps.vic.gov.au
Follow us on Twitter @egsc



Telephone: (03) 5153 9500
Fax: (03) 5153 9576
National Relay Service: 133 677
Residents' Information Line: 1300 555 886
ABN: 81 957 967 765

Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.

Your Details:

Name: Chris Williams			
Postal address:			
LINDENOW			Postcode 3865
Phone number: Home:	Work:	Mobile:	
Email address:			Fax:

Permit Details:

Planning permit number: 83/2020/P
What has been proposed?
Sub-division into 3 Lots
What is the address to be used or developed?
1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

EGSC

- 7 MAY 2020

INFORMATION
MANAGEMENT

Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property. When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may ask for more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au

JUL15

East Gippsland Shire Council

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 ABN: 81 957 967 765

Objection Details:

What are the reasons for your objection?

I have concerns that the sub-divisions will not have enough drainage for storm water & septic. The ground in that area gets very boggy when the area has average or above rainfall. The water flows onto my parents property in Henry St.

How would you be affected by the granting of this permit?

If the permit goes ahead as planned my parents will get flooded when it rains and I will have to help out with managing it.

If proper sewage & storm water drainage is installed the issue would be sorted.

If you need more space for any part of this form please attach another sheet.

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JUL15

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Signature: _____	
Name: <u>Chris Williams</u>	Date: <u>6 / 5 / 2020</u>

Office Use Only:	
Objection Received by: _____	Date Received: ____ / ____ / ____
Planning officer responsible: _____	Date Received: ____ / ____ / ____



Important Notes about Objections to Permit Applications

1. This form is to help you make an objection to a planning permit application in line with the Planning and Environment Act 1987, and which can be readily understood by East Gippsland Shire Council. You do not have to use this form to make an objection. Do not use this form to make a submission about a planning scheme change.
2. Make sure you clearly understand what is put forward before you make an objection. You should look at the application at one of Council's offices.
3. To make an objection you should complete the details on this form and submit it with Council.
4. An objection should explain:
 - Why you object to the application, and
 - How you would be affected if a permit is granted.
5. Council may reject an objection which it considers has been made to secure commercial benefit for the objector.
6. Any person may inspect an objection during the Council's office hours.
7. If your objection is about an effect on property that is not your address shown on this form, give details of that property and your interest in it.
8. Council needs to get your objection by the date shown on the notice you were sent, the sign on site or in the newspaper, if they don't have it by the date shown your objection will not be considered.

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JUL15

From: Ray Williams [ ]
Sent: Wednesday, 6 May 2020 10:40:48 PM
To: Feedback Address For Web Page
Subject: Objection_form

Please find attached a copy of my objection to the proposed sub-division of N0 1 Racecourse road
Lindenow.

East Gippsland Shire Council

273 Main Street (PO Box 1618)
 Bairnsdale Vic 3875
 Website www.eastgippsland.vic.gov.au
 Email feedback@egipps.vic.gov.au
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 ABN: 81 957 967 765

Objection to Planning Permit Application

Planning and Environment Act 1987

There are some hard words in this form. The hard words are in blue. You can read what they mean on page 3.
 Your Details:

Name: Ray Williams							
Postal address:							
Lindenow			Postcode	3	8	6	5
Phone number: Home:		Work:	Mobile:				
Email address:			Fax:				

Permit Details:

Planning permit number: 83/2020/P
What has been proposed?
Sub-division into 3 Lots
What is the address to be used or developed?
1 Racecourse Road, Lindenow, 3865 Lot 1 TP822253

Objection Details:

Privacy Statement

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JUL15

East Gippsland Shire Council

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What are the reasons for your objection?

My objection to the sub-division stems from the proposal to have the sewage not connected to the town reticulated sewage system and the lack of ability to remove/drain storm waters.

I have lived in the property adjoining the property proposed to be sub-divided for the past 28 years. During this time I have had my septic system fail due to the lack of fall in the terrain and the composition of the soils. I had to connect to the town reticulated sewage system to solve the problem. The previous owners of the property proposed to be sub-divided had a similar issue due to storm waters laying on the ground saturating the soil in the vicinity of the septic effluent lines. To alleviate their problem an open drain was created allowing some of the storm waters to drain away by connecting to the only drainage for the southern side of Henry Street which runs across proposed Lot 3. This drain will pass across Lots 1 and 3 of the proposed 3 lot sub-division. If the open drain on lot 3 is closed there will be nowhere for excess water or storm waters to drain to. Storm water runoff from the road (Henry St) also uses this drain as it is the only drainage for this section of Henry St. This water runs into the natural water course where it crosses Edward Street.

Water from treated septic systems will only add to the excess water issue and will end up flowing into the local water.

As we have had drought or very dry conditions for several years the current owners are probably unaware of the normally wet characteristics of the property.

Water and power for the existing dwelling come from the NW corner of the proposed lot 3. You are not permitted to have power supplies for different properties cross another property.

If the sub-division lots are connected to the town reticulated sewerage system and proper storm water drainage was installed in Henry Street, Lindenow I would have no objection.

How would you be affected by the granting of this permit?

If this sub-division is allowed to go ahead I believe there is a strong possibility of flooding of my property on Henry Street due to the lack of drainage and the possibility of extra water being fed into the already struggling drainage system, as I already have issues when a heavy rain events occur. These issues were made worse when Riviera Farms made changes to their Henry street driveway at their packing complex and the shire with recent road sealing and changes were made to Henry Street. I have had many conversations with different members of the council and water management authorities over the past 28 years in regards to these issues and that is how the drain across proposed lot 3 came into existence.

Signature:

Name:

Date: ____/____/____

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JUL15



**EAST GIPPSLAND SHIRE COUNCIL
PLANNING CONSULTATION MEETING
Planning Permit application 83/2020/P
1 Racecourse Road, LINDENOW
Three Lot Subdivision**

**Meeting Minutes
Tuesday, 11 August 2020**

INSTANTANEOUS COMMUNICATION (SKYPE FOR BUSINESS)

COMMENCING AT 6:06 P.M.

1. Procedural

1.1 APOLOGIES

Councillors

Cr Natalie O'Connell

Cr Maryanne Pelz

Cr Mark Reeves

Objectors

Peter MacAfee	Christopher Williams	Ross McCallum
Kaye Rowlands	Matthew Gischus	Janice McCallum
David Rowlands	Raina Stevens	Frederick Coombs
Julie Coombs	Johanne and John McIntyre	Renee Smith
William Smith		

Officers

1.2 IN ATTENDANCE

Councillors

Cr John White (Mayor, Chair – in person)

Cr Joe Rettino (via Skype)

Cr Ben Buckley (in person)

Cr Colin Toohey (via Skype)

East Gippsland Shire Council Minutes Planning Consultation Meeting – 11 August 2020

Cr Jackson Roberts (via Skype)
Cr Richard Ellis (via Skype)

Applicant

Richard Hoxley, Senior Planner, Crowther & Sadler Pty Ltd

Objectors

The following is a list of Objectors who registered as attending:

Adam Dunn, Manager Planning, West Gippsland Catchment Management Authority
Raymond Williams
Barbara Williams

Officers

Jodie Pitkin, General Manager Place & Community
Nicole Reynolds, Acting Manager Planning
Robert Pringle, Acting Senior Land Use Planner
Bill Williams, Land Use Planner

1.3 DECLARATIONS OF CONFLICT OF INTERESTS

NIL

2. Reports/Presentations

2.1 PLANNERS REPORT

Bill Williams, Land Use Planner presented the application overview from the perspective of the responsible authority.

2.2 APPLICANT PRESENTATION

The applicant was represented by Richard Hoxley of Crowther & Sadler.

The applicant is willing to accept the conditions as requested by the catchment management authority, which would allow for Council to issue a notice of decision to grant a permit with an amended plans requirement to provide for the waterway to be encompassed within one allotment (re-arrangement of boundaries for Lots 2 and 3). The applicant also accepts conditions relating to waterway planting and maintenance within the waterway area.

The applicant notes that there is acceptance of a potential condition requiring the lots in the subdivision to be connected to reticulated sewerage, if that would allay the concerns of the objectors.

Q. Cr. Toohey: Regarding the filling of the dam. Would the filling

A. Mr. Hoxley: No immediate proposal to fill the dam in. It can be retained as part of the treatment/improvement/plantings of the watercourse. Helps control discharge from and across the site. Expects conditions about stormwater management plan for detention.

Q. Cr. Toohey: It is currently marked.

- A. Mr. Hoxley: Dam can be retained without conflict of future Lot 1. Accepting of condition also requiring retention of the dam.

2.3 OBJECTOR PRESENTATIONS

Adam Dunn (East Gippsland Catchment Management Authority)

Confirms that discussion has been undertaken between Crowther & Sadler and EGCMA in relation to acceptance of the conditions which would provide for improved waterway outcomes.

On this basis, EGCMA notes

Raymond Williams

Notes that concerns were related to septic, and would appreciate an outcome where there is a requirement to connect to reticulated sewer. Notes 29 years ago, built a septic, the system failed. Others had the same issue. Works fine when dry, but after a few wet days, the systems tend to fail.

Concerns about stormwater – open drain system over a number of properties along Henry Street. When the land is subdivided, the open drain across lot 3 could be filled or modified so that the drain is restricted and the water has nowhere to go.

Barbara Williams

One of main concern was septic system – concern about the number of occupants within the existing dwelling.

Land will remain wetter for longer and rain events will have a greater and longer lasting impact.

Concern about what will happen with the open drains along the boundaries.

2.4 FUTURE ACTIONS SUMMARY

Bill Williams, Land Use Planner presented the likely next steps for the application.

Mr. Hoxley advised with regards to concerns... include as a part of the stormwater management plan.

Cr. White:

Mr. Hoxley: would be registered within a drainage easement, which would not be able to be removed or interfered with

3. MEETING CLOSE

The meeting closed at 6:44 PM

**EAST GIPPSLAND
CATCHMENT
MANAGEMENT
AUTHORITY**



574 Main Street
(PO Box 1012)
Bairnsdale Vic 3875
PHONE: (03) 5152 0600
FAX: (03) 5150 3555
EMAIL: egcma@egcma.com.au
ABN 72 411 984 201

EGCMA Ref: EGCMA-F-2020-00102
Document No: 1

Bill Williams
Planning Officer
East Gippsland Shire Council

Dear Bill,

Planning Permit Application No.: 83/2020/P

Property **Street:** 1 Racecourse Road Lindenow Vic 3865
Cadastral: Lot 1 TP822253, Parish of Coongulmerang

Applicant(s): P2P Sales Pty Ltd C/- Crowther & Sadler Pty Ltd

I refer to your correspondence received at the East Gippsland Catchment Management Authority ('the Authority') on 4 June 2020 in accordance with the provisions of Section 52 of the *Planning and Environment Act 1987*. The Authority notes that the application is for a three-lot subdivision.

The Authority does not have any official record of flooding for the property; however the property contains a designated waterway that is a tributary of Skull Creek and the Mitchell River. We note that the waterway flows through two of the proposed three lots, which is likely to fragment future maintenance of the waterway. The Authority's preference is for the waterway to be contained within a single lot. Figure 1 (attached) shows the designated waterway (and 30 metre buffer) in relation to the proposed subdivision boundary.

The application documents do not refer to or meet the requirements of Clause 56.07-4 Stormwater management objectives, and in particular the development does not demonstrate that stormwater discharge from the subdivision can meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).

The Authority **objects** to the issue of a Planning Permit for the current proposal based on the following grounds:

1. The proposal is not consistent with the objective of the Planning Policy Framework (PPF) Clause 12.03-1S – River corridors, waterways, lakes and wetlands – to protect and enhance river corridors, waterways, lakes and wetlands.
2. The proposal is not consistent with the objective of the Planning Policy Framework (PPF), Clause 14.02-1S – Catchment planning and management – to assist the protection and restoration of catchments, water bodies, groundwater and the marine environment.
3. The proposal is not consistent with the objective of the Planning Policy Framework (PPF), Clause 14.02-2S – Water quality – to protect water quality.
4. The proposal is not consistent with the objectives of the Local Planning Policy Framework (LPPF), Clause 21.06-3 Water Quality, which seeks to improve water quality in rivers,

ABN 88 062 514 481

Correspondence PO Box 1374, Traralgon VIC 3844

Telephone 1300 094 262 | Facsimile (03) 5175 7899 | Email westgippy@wgcm.vic.gov.au | Website www.wgcm.vic.gov.au

Traralgon Office 16 Hotham Street, Traralgon VIC 3844 | Leongatha Office Corner Young & Bair Streets, Leongatha VIC 3953

East Gippsland Shire Council - Agenda
Council Meeting - Tuesday 22 June 2021

coastal estuaries and lakes.

5. The proposal is not consistent with the objectives of the Local Planning Policy Framework (LPPF), Clause 21.04-1 Biodiversity, which seeks to rehabilitate urban waterways to protect and enhance sensitive ecosystems
6. The proposal is not consistent with the objectives of the Local Planning Policy Framework (LPPF), Clause 21.04-3 Urban Waterways, which seeks to protect and enhance the ecological health of urban waterways.
7. The proposal is not consistent with the requirements of Clause 26.07-4 – to minimise increases in stormwater and protect the environmental values and physical characteristics of receiving water from degradation by stormwater.

Pursuant to Sections 64 to 66 of the *Planning and Environment Act 1987*, please ensure that you provide the Authority a copy of your decision as soon as possible to allow time if an application for review to VCAT is required.

The Authority may support a modified application for subdivision of the land subject to the following:

1. The designated waterway must be contained within a single lot.
2. Amended plans must nominate a building envelope and effluent disposal envelope on each lot that is a minimum of 30 metres from the designated waterway, and in accordance with the Land Capability Assessment for the property.
3. A conceptual Stormwater Management Plan must be developed to the satisfaction of the East Gippsland CMA to demonstrate that stormwater runoff from the site will meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999). The proposed stormwater treatment must also be in accordance with the advice provided in the Land Capability Assessment for the property.
4. A Waterway Management Plan must be developed to the satisfaction of the East Gippsland CMA. This plan should be developed by a suitably qualified and experienced professional. The Waterway Management Plan must provide for a significant improvement in the ecological health of the waterway and must include:
 - a. Details of the existing environmental values;
 - b. Details of any initial stabilization and vegetation works;
 - c. A landscape plan for revegetation of land within a 30 metres buffer either side of the waterway, including a species list and proposed density of plantings. The vegetation must be representative of the Ecological Vegetation Class for the site. Revegetation within the buffer must not encroach into an area required to be cleared of vegetation to create defensible space; and
 - d. A maintenance plan detailing the sequencing and periods of short, medium and long term actions and the parties responsible for each action.

Should you have any queries, please do not hesitate to contact Penny Phillipson or Adam Dunn on 1300 094 262. To assist the Authority in handling any enquiries please quote **EGCMA-F-2020-00102** in your correspondence with us.

Yours sincerely,



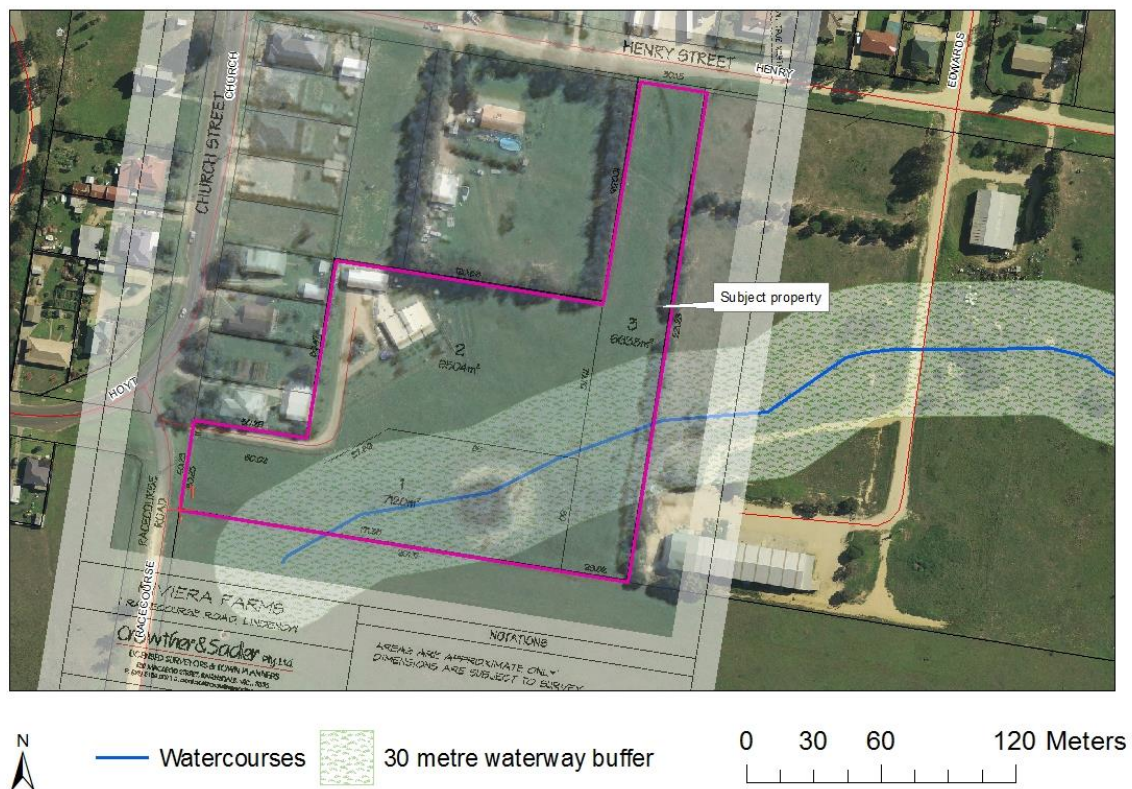
Graeme Dear
Chief Executive Officer

Date: 11/06/2020

Cc: Crowther & Sadler Pty Ltd (contact@crowthersadler.com.au)

The information contained in this correspondence is subject to the disclaimers and definitions below.

Figure 1 – Designated waterway and proposed subdivision layout



Decision Guidelines

The East Gippsland Catchment Management Authority assesses all applications against the following National, State and Local Policies, Guidelines and Practice Notes:

1. Technical Flood Risk Management Guideline: Flood Hazard (Australian Emergency Management Institute, 2014)
2. Victorian Floodplain Management Strategy (Victoria State Government, 2016)
3. Council Planning Schemes (Planning Schemes Online), including the:
 - i. Planning Policy Framework
 - ii. Local Planning Policy Framework
 - iii. Relevant Zones and Overlays
4. Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise (DSE, 2012)
5. Applying for a Planning Permit under the Flood Provisions – A Guide for Councils, Referral Authorities and Applicants (DELWP, 2015)
6. East Gippsland Waterway Strategy (2014-2022)
7. East Gippsland Regional Catchment Strategy (2013-2019)
8. East Gippsland Floodplain Management Strategy (2018-2027)

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. Nominal Flood Protection Level – is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.
10. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.

Richard Hoxley

From: Adam Dunn
Sent: Tuesday, 23 March 2021 12:01 PM
To: Richard Hoxley
Cc: Robert Pringle
Subject: RE: 1 Racecourse Road, Lindenow

OFFICIAL

Hi Richard,
Thanks for the updated Design Response plan Version 3 dated 22/02/2021 showing the land subject to the Waterway Management Plan within Lot 1.

The area shown is acceptable to the EGCMA.

Please let me know if you have any further questions.

Regards,

Adam

Adam Dunn
Statutory Planning Manager

www.wgcma.vic.gov.au

Stay informed, sign up to our [Catchment Snapshot Newsletter](#)



I respectfully acknowledge the Traditional Owners of the Country upon which I work; their Elders past, present and future.

West Gippsland Catchment Management Authority, 16 Hotham Street Traralgon and Corner Young & Bair Streets Leongatha | PO Box 1374 Traralgon 3844 | 1300 094 262 for standard call cost | westgippy@wgcm.vic.gov.au | www.wgcma.vic.gov.au

From: Richard Hoxley <
Sent: Monday, 22 March 2021 2:59 PM

To: Adam Dunn
Cc: Robert Pringle
Subject: 1 Racecourse Road, Lindenow

Good afternoon Adam,

**Re: Planning Application 83/2020/P
3 lot subdivision
1 Racecourse Road, Lindenow**

It has been a while since we last discussed this matter. I last contacted you in relation to this matter on 2 September 2020 and provided you with a copy of the revised Design Response Plan with a amended subdivision layout. On 3 September you provided a response with support for the revised subdivision layout.

In responding to a request from Council for some additional information we have updated the Design Response Plan to delineate the area within Lot 3 that will be subject to the Waterway Management Plan.

Attached is a copy of the updated Design Response (Version 3) together with a copy of the Proposed Subdivision Plan (Version 2). We respectfully request confirmation by return email that the subdivision layout and Waterway Management Plan area is acceptable.

Should you have any queries or require any further information please contact me.

Regards

Richard Hoxley
Senior Planner

Crowther & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS

P: 03 5152 5011 F: 03 5152 5705
152 Macleod Street
PO Box 722
Bairnsdale Victoria 3875

Robert Pringle

From: Richard Hoxley <
Sent: Thursday, 6 May 2021 4:44 PM
To: Adam Dunn; Robert Pringle; Planning Unit Administration
Subject: RE: Planning Application 83/2020/P - EGCMA-F-2020-00102

EXTERNAL EMAIL: This email has originated from outside of the East Gippsland Shire Council network. Do not click links or open attachments unless you recognise the sender and know the content is safe. Contact ICT ServiceDesk if you are unsure.

Hi Adam,

I note your comments regarding soakage pits. This is a common form of stormwater drainage for properties where there isn't any underground drainage. Essentially every building in a rural location will discharge stormwater into a soakage pit.

Regards

Richard Hoxley
Senior Planner

Crowther & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS

P: 03 5152 5011 **F:** 03 5152 5705
152 Macleod Street
PO Box 722
Bairnsdale Victoria 3875

From: Adam Dunn <
Sent: Thursday, 6 May 2021 4:40 PM
To: Robert Pringle < ; Richard Hoxley <
planning@egipps.vic.gov.au
Subject: RE: Planning Application 83/2020/P - EGCMA-F-2020-00102

OFFICIAL

Hi Robert,
Apologies for missing your call earlier.

From your message and the following email I understand that you require an amended response to Planning Permit application 83/2020.

From the documentation provided and previous discussions with Richard Hoxley I understand that the waterway will be revegetated and that the condition provided in your email below will ensure that this occurs through the development and implementation of a Waterway Management Plan. This is acceptable to the EGCMA.

I note the Stormwater Management Plan provided in the documentation. From my initial review it does not show stormwater being treated to best practice water quality targets. Further to this there are no calculations sizing the soakage pits and there is no plan showing their location.

The EGCMA is not aware of soakage pits being used elsewhere in our region and does not have any experience with the use and treatment performance of soakage pits. Before we could accept soakage pits as a viable solution we would need to be provided with information showing their treatment performance compared to best practice targets and that the proposed soil at this location is suitable to an infiltration solution. I note their use in the Mornington Peninsula where soils are generally very sandy. At this point the Stormwater management plan is not acceptable to the EGCMA.

Given this in addition to the WMP condition the EGCMA is also likely to require a condition requiring an updated SWMP showing stormwater being treated to Best Practice Water Quality Targets prior to discharge.

Please let me know if this works for you and I will get the process started to give you an updated response.

Thanks
Adam

Adam Dunn
Statutory Planning Manager

www.wgcma.vic.gov.au

Stay informed, sign up to our [Catchment Snapshot Newsletter](#)



I respectfully acknowledge the Traditional Owners of the Country upon which I work; their Elders past, present and future.

West Gippsland Catchment Management Authority, 16 Hotham Street Traralgon and Corner Young & Bair Streets Leongatha | PO Box 1374 Traralgon 3844 | 1300 094 262 for standard call cost | westgipps@wgcma.vic.gov.au | www.wgcma.vic.gov.au

From: Robert Pringle <[\[redacted\]](#)>
Sent: Thursday, 6 May 2021 2:25 PM
To: Adam Dunn <adam.dunn@egipps.vic.gov.au>; Richard Hoxley <richard.hoxley@egipps.vic.gov.au>; Planning Unit Administration <Planning@egipps.vic.gov.au>
Cc: CMA Planning <planning@wgcma.vic.gov.au>
Subject: FW: Planning Application 83/2020/P - EGCMA-F-2020-00102

Good afternoon Adam,

I refer to our past correspondence regarding 1 Racecourse Road, Lindenow – 3 lot subdivision.

Crowther & Sadler confirm that you were comfortable with the revised proposal, however it appears that Council failed to re-refer the information and request any conditions, pursuant to S52 with respect to the watercourse which is on the land.

Such conditions would be imposed by the responsible authority.

From your original S52 response, you indicated 4 conditions which would allow for your support. Of those, 3 have been implemented as previously presented to you.

Could you please confirm, by way of an amended response, that you would be satisfied with a condition as follows (from the original response) or if any other conditions are recommended?

A Waterway Management Plan must be developed to the satisfaction of the responsible authority and the East Gippsland CMA. This plan should be developed by a suitably qualified and experienced professional. The Waterway Management Plan must provide for a significant improvement in the ecological health of the waterway and must include:

- a. Details of the existing environmental values;*
- b. Details of any initial stabilization and vegetation works;*
- c. A landscape plan for revegetation of land within a 30 metres buffer either side of the waterway, including a species list and proposed density of plantings. The vegetation must be representative of the Ecological Vegetation Class for the site. Revegetation within the buffer must not encroach into an area required to be cleared of vegetation to create defensible space; and*
- d. A maintenance plan detailing the sequencing and periods of short, medium and long term actions and the parties responsible for each action.*

Thank you,

■ **Robert Pringle** ■ *Statutory Planning Coordinator*

 Please consider the environment before printing this e-mail.

From: Richard Hoxley <_____.>
Sent: Wednesday, 24 March 2021 4:17 PM
To: Planning Unit Administration <Planning@egipps.vic.gov.au>
Cc: Ken White <_____.>
Subject: Planning Application 83/2020/P

EXTERNAL EMAIL: This email has originated from outside of the East Gippsland Shire Council network. Do not click links or open attachments unless you recognise the sender and know the content is safe. Contact ICT ServiceDesk if you are unsure.

Attention: Robert Pringle

Good afternoon Robert,

Re: Planning Application 83/2020/P
Three lot subdivision
1 Racecourse Road. Lindenow

I refer to your email of 1 September 2020 requesting additional information for the abovementioned Planning Application.

Further to our discussion last week [please find attached our response to the request for additional information.

We trust the information provided is satisfactory and enables Council to finalise the application.

Regards

Richard Hoxley
Senior Planner

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS

P: 03 5152 5011 F: 03 5152 5705
152 Macleod Street
PO Box 722
Bairnsdale Victoria 3875

EAST GIPPSLAND
CATCHMENT
MANAGEMENT
AUTHORITY



574 Main Street
(PO Box 1012)
Bairnsdale Vic 3875
PHONE: (03) 5152 0600
FAX: (03) 5150 3555
EMAIL: egcma@egcma.com.au
ABN 72 411 984 201

EGCMA Ref: EGCMA-F-2020-00102
Document No: 3
Date: 25 May 2021

OFFICIAL

Robert Pringle
Statutory Planning Coordinator
East Gippsland Shire Council

Dear Robert,

Planning Permit Application No.: 83/2020/P

Property **Street:** 1 Racecourse Road, Lindenow Vic 3865
Cadastral: Lot 1 TP822253, Parish of Coongulmerang

Applicant(s): P2P Sales Pty Ltd C/- Crowther & Sadler Pty Ltd

I refer to your correspondence received at the East Gippsland Catchment Management Authority ('the Authority') on 6 May 2021 in accordance with the provisions of Section 52 of the *Planning and Environment Act 1987*, seeking an amended response following changes to the proposed lot layout.

The Authority does not have any official record of flooding for the property, however the property contains a designated waterway that is a tributary of Skull Creek and the Mitchell River. The Authority has negotiated an amended lot layout that will result in the waterway being retained within proposed Lot 1. This will reduce the risk of fragmented and inconsistent management of the waterway in the future.

The application documents do not refer to or meet the requirements of Clause 56.07-4 Stormwater management objectives, and in particular the development does not demonstrate that stormwater discharge from the subdivision can meet the current best practice performance objectives for stormwater quality as contained in the *Urban Stormwater - Best Practice Environmental Management Guidelines* (Victorian Stormwater Committee, 1999).

The Authority **does not object** to the issue of a Planning Permit, subject to the following conditions being included in the permit:

1. Prior to the commencement of any works related to the subdivision, a Waterway Management Plan (WMP) must be developed to the satisfaction of East Gippsland Catchment Management Authority and endorsed in writing. The WMP must include:
 - a. Details of 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 either side of the waterway, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site. Revegetation within the buffer must not encroach into an area required to be cleared of vegetation to create defensible space; and
 - d. A maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action.

ABN 88 062 514 481

Correspondence PO Box 1374, Traralgon VIC 3844

Telephone 1300 094 262 | Facsimile (03) 5175 7899 | Email westgippy@wgcm.vic.gov.au | Website www.wgcm.vic.gov.au

Traralgon Office 16 Hotham Street, Traralgon VIC 3844 | Leongatha Office Corner Young & Bair Streets, Leongatha VIC 3953

East Gippsland Shire Council - Agenda
Council Meeting - Tuesday 22 June 2021

178 of 366

2. Prior to the commencement of any works related to 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, endorsed by the East Gippsland Catchment Management Authority, applies to Lot 1; and
 - b. The current and future owner(s) of Lot 1 must comply with all requirements of the Waterway Management Plan at all times.
3. Within six months of the endorsement of the Waterway Management Plan, the owner of the land must commence the implementation of the Waterway Management Plan, in accordance with the schedule of works included in the Plan.
4. Prior to the commencement of any works related to the subdivision, a Stormwater Management Plan (SMP) must be developed to the satisfaction of East Gippsland Catchment Management Authority. The Stormwater Management Plan must demonstrate that all stormwater discharged from the subdivision will meet the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999).
5. Prior to Certification of the subdivision, the water quality treatment works outlined in the Stormwater Management Plan must be undertaken to the satisfaction of East Gippsland Catchment Management Authority.

Please ensure that you provide the Authority a copy of your decision in a timely manner to allow for an application for review to VCAT if required.

The Authority **objects** to the issue of the Planning Permit if these conditions are not included.

The attached **explanatory report** provides further detail regarding the Authority's assessment.

Should you have any queries, please do not hesitate to contact Penny Phillipson on 1300 094 262 or email planning@wgcm.vic.gov.au. To assist the Authority in handling any enquiries please quote **EGCMA-F-2020-00102** in your correspondence with us.

Yours sincerely,



Adam Dunn
Gippsland Floodplain Officer

Cc: P2P Sales Pty Ltd C/- Crowther & Sadler Pty Ltd (richard@crowthersadler.com.au)

The information contained in this correspondence is subject to the disclaimers and definitions attached.

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. Nominal Flood Protection Level – is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.
10. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.

Our Reference: 75064578
Your Reference: 83/2020/P

Date: 22 April 2020



EAST GIPPSLAND SHIRE COUNCIL
PO Box 1618
BAIRNSDALE VIC 3875

Locked Bag 14051
Melbourne City Mail Centre
Victoria 8001 Australia
T: 1300 360 795
www.ausnetservices.com.au

Dear Sir/Madam,

PLANNING PERMIT NUMBER: 83/2020/P
APPLICANT: CROWTHER & SADLER
DESCRIPTION OF LAND: 1 RACECOURSE ROAD LINDENOW

CONDITIONAL CONSENT TO ISSUE OF PERMIT

AusNet Electricity Services Pty Ltd does not object to the issue of a planning permit in respect of the abovementioned application if the permit is subject to the following conditions.

CONDITIONS REQUIRED BY AUSNET ELECTRICITY SERVICES PTY LTD

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.

The applicant must –

- Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

END OF CONDITIONS

It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.

Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

For all enquiries email subdivisions@ausnetservices.com.au

Yours sincerely,

Daryl Kelly
Customer Projects
AusNet Services



133 Macleod Street, PO Box 52, Bairnsdale Victoria 3875
Tel: (03) 5150 4444 Fax: (03) 5150 4477
Email: egw@egwater.vic.gov.au Web: www.egwater.vic.gov.au

Our Ref: DOC/20/48354

24 September 2020

East Gippsland Shire Council
(planning@egipps.vic.gov.au)

Attention: Bill Williams,

EGSC REFERENCE NUMBER(S): 83/2020/P
FOR: SUBDIVISION OF LAND INTO 3 LOTS
LOCATION: 1 RACECOURSE ROAD LINDENOW (LOT 1 TP822253)
APPLICANT: CROWTHER & SADLER PTY LTD

In response to a request from Crowther & Sadler on 3 September 2020, regarding the above Planning Permit application, East Gippsland Water does not object provided the permit is subject to the following amended conditions:

1. Current water meter 19W034796 to be relocated to (or remain within) the boundaries of proposed Lot 2. If required, modify existing water service pipe work, to the satisfaction of East Gippsland Water; pipe work to each Lot is to be kept clear of the other Lot. Evidence of location/relocation must be provided.
2. Sewer reticulation infrastructure (including connection points) 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 connected to the sewer reticulation system.
3. Arrangements for the design, construction, commissioning and acceptance of all Gifted Assets required by East Gippsland Water to extend water and / or sewerage services to each Lot require written approval by East Gippsland Water.
4. Provide easements on the plan of subdivision over newly created or existing infrastructure, as required by East Gippsland Water.
5. Payment of applicable Development Planning Charges by the Applicant/Developer to East Gippsland Water (refer Notes)

Notes:

- (A) As the parent property is outside of the Declared Sewerage District, a Supply By Agreement (Out Of District) will need to be entered into between the Developer and East Gippsland Water regarding the terms and conditions of ownership, operation and maintenance of any new infrastructure. Once titles are registered, each individual new lot will require their own Supply By Agreement, prior to any connection being approved.
- (B) Should the infrastructure not be designed, constructed and commissioned in accordance with East Gippsland Water's requirements, all pipework and connections will be deemed to be a Private Connection with East Gippsland Water's responsibility limited to the discharge point(s).
- (C) Should the infrastructure be designed, constructed and commissioned to East Gippsland Water's requirements, the infrastructure will be considered as Gifted Assets. The Supply By Agreement (Out Of District) will reflect these terms and conditions.
- (D) 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.
- (E) 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.

Further enquiries may be directed to Kristine Hunter (5150 4425) at our Bairnsdale Office.

Yours faithfully,

A handwritten signature in black ink, appearing to read "CAROL ROSS".

CAROL ROSS
EXECUTIVE MANAGER CUSTOMERS

Cc: Crowther & Sadler Pty Ltd 152 Macleod St Bairnsdale 3875 (contact@crowthersadler.com.au)



1 Racecourse Road, Lindenow - Detailed Assessment of the Proposal Against the East Gippsland Planning Scheme

Planning Policy Framework

The specific clauses of Planning Policy that suggest that the proposal ought to be supported are:

- Clause 11.03-3S (Settlement) which states the need to Identify and protect areas that are strategically important for agriculture and ensure township boundaries and agricultural uses are kept clearly separated to minimise the loss of productive farming land;
- Clause 13.07-1S relating to Land use compatibility, the Township Zone provides opportunity for a range of uses including residential, commercial and industrial activities. Therefore, providing two vacant lots within this zone allows further development of the land for a diverse range of land uses; and
- Clause 15.01-3S (Subdivision design), the proposed subdivision is considered to achieve a safe, accessible, diverse and sustainable outcome and contributes positively towards the further consolidation of the township's population and services.

Priority must be given to directing population growth and industry to established locations within existing settlement and compatible land use, within the Township Zone provides opportunity for a range of uses including residential, commercial and industrial activities.

Providing opportunity by activating vacant parcels of land with the ability to accommodate a range of development options is considered to contribute positively to the Economic development of the township, as highlighted in Clause 17.

Local Planning Policy Framework

Clause 21.03 provides insight to the municipality's identified Key issues relating to Settlement. Identifying the importance of smaller rural towns in providing a valid alternative to the larger settlements within the municipality, Lindenow is identified as a smaller rural township, that has limited reticulated sewerage available. The proposal creating two vacant lots that are capable of accommodating onsite wastewater treatment, ensures there is no negative impact on the identified key issues of the town.

Clause 21.12 identifies Lindenow as being contained within the Lindenow & District region. The policy identifies the consolidation of the town be contained within existing township boundaries using infill development, and such proposals are to be encouraged.

The Application is considered to support this key objective, by activating land surplus to the requirements of the owner for further development within the Township Zone.

The proposal is considered to be consistent with Local Planning Policies, as it subdivides the existing title in order to create two proposed vacant parcels of land which are currently underutilised. Seeking to subdivide the land provides further development opportunities for either residential, industrial or commercial use.

Township Zone

Clause 32.05 (Township Zone) states the objective that proposals need to provide for residential development and a range of commercial, industrial and other uses in small towns.

The most relevant purpose of the zone pertaining to this application is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework;
- To provide for residential development and a range of commercial, industrial and other uses in small towns;
- To encourage development that respects the neighbourhood character of the area; and
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations

The proposal currently before Council meets these purposes.

The application is for residential subdivision of the existing lots with each resulting lot being greater than 500 square metres. Between 3 and 15 lots are proposed, which triggers assessment in accordance with the decision guidelines of the Zone and Clause 56 (All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6). A detailed assessment against Clause 56 is conducted later in this report.

The proposal is generally consistent with the objectives of the zone, and given the size of the lots, and lack of site restriction will therefore not require building envelopes.

It is anticipated that at least one single dwelling will be constructed on each of the smaller lots at a future date, or further subdivision with common property access will occur.

Decision Guidelines

The proposal is generally consistent with the objectives of the zone, and given the size of the lots, and lack of site restriction will therefore not require building envelopes.

It is anticipated that a single dwelling will be constructed on each of the smaller lots at a future date. The Land Capability Assessment has demonstrated that required setbacks can be achieved for onsite wastewater disposal from the ephemeral watercourse, but the applicant has now indicated that wastewater would be directed to reticulated sewer.

The narrow lot sizes will to some extent restrict the ability to further subdivide these lots to be more in keeping with the lots size and frontage character of those in the immediate area.

Particular Provisions

Clause 53.01 – Public open space contribution and subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.

Section 18 (1A) outlines:

The Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space, having regard to-

- a. The existing and proposed use or development of the land;
- b. Any likelihood that existing open space will be more intensively used after than before the subdivision;

- c. Any existing or likely population density in the area of the subdivision and the effect of the subdivision on this;
- d. Whether there are existing places of public resort or recreation in the neighbourhood of the subdivision, and the adequacy of these;
- e. How much of the land in the subdivision is likely to be used for places of resort and recreation for lot owners; and
- f. Any policies of the Council concerning the provision of places of public resort and recreation.

The application does not meet any of the exemptions specified under Clause 53.01-2. The use and future development of the site is likely for residential single dwellings. The lot sizes of 4195 to 10160 sqm will be sufficient for large family homes.

The future development will not feature any on-site public open space. Abutting this property to the south is private farmland, and to the east is Lindenow Recreation Reserve.

The lot sizes are sufficient to meet minimum secure private open space requirements.

Given the likelihood the land will be further subdivided at a later date a reduced public open space contribution is considered appropriate to require 2.5 percent public open space contribution. This reduction of 50% percent is consistent with the further subdivision potential in the future which would require further contributions, on balance with the need for the contribution to be put towards future improvements at a neighbourhood scale.

The proposal demonstrates compliance with relevant standards and objectives of Clause 56 of the East Gippsland Planning Scheme. Areas where there is non-compliance have been addressed through conditions of the permit.

General Provisions

The application presents no detriment to the environmental values of the land or to the amenity of the area. The proposal is an acceptable planning outcome that is consistent with the objectives of planning in Victoria.



Figure 3 – Zoning Map. All Farm Zoning shown in green and residential/township zones in pink hues.

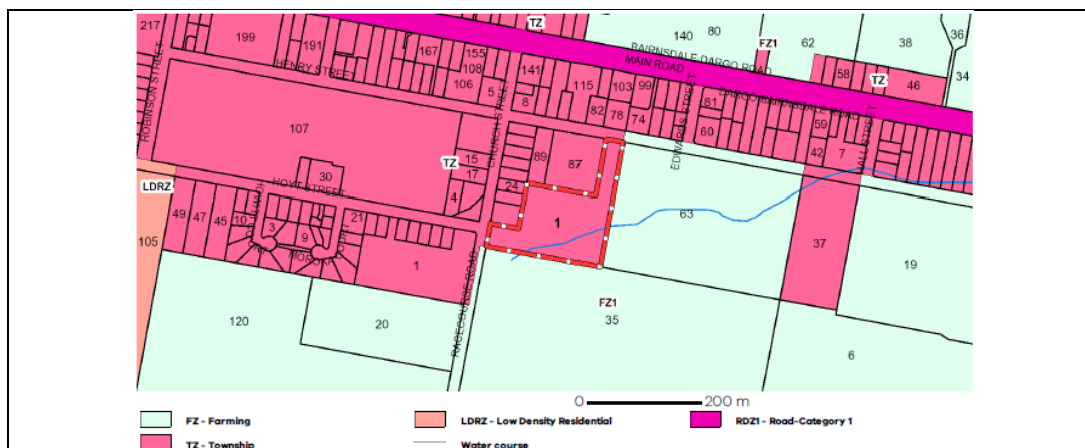


Figure 4 – The subject land relative to Lindenow township. Site shown in pink.

Overlays

None

Particular Provisions

Clause 56 Residential Subdivision

An application to subdivide land should meet the standards and must meet the relevant objectives of Clause 56. For a three-lot subdivision all clauses except clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6 are relevant and are assessed below:

Clause	Objective	Standard	Assessment
56.01 Site Context Description and Design Response 56.01-1 Site and Context Description	An application must be accompanied by a site and context description. This requirement must be provided unless the responsible authority is of the opinion that this requirement is not relevant.	In relation to the site the plan, photographs or other techniques must accurately describe: site shape, dimensions, size, orientation, levels and contours, trees, other significant vegetation, drainage lines, water courses, ridgelines, hill tops, siting and use of existing buildings and structures, street frontage features such as poles, street trees and kerb crossovers, access points, drainage and infrastructure connections, easements, identified natural or cultural features, significant views, noise and	Complies The application is supported by an appropriate Site and Context plan and description.

		<p>odour sources or other external influences, soil conditions and notable features, adjacent uses and inundation.</p> <p>For subdivision of three or more lots the plan, photographs or other techniques must accurately describe: the pattern of subdivision, existing land uses, the siting and use of buildings on adjacent properties, abutting street and path widths, materials and detailing and location and type of significant vegetation.</p>	
56.01-2 Design Response	<p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> • Derives from and responds to the site and context description. • Meets the objectives of Clause 56. • Responds to any site and context features for the area identified in the local planning policy or Neighbourhood Character Overlay. • Responds to any relevant objective, policy, strategy or plan set out for the area. 	<p>The plan and other techniques should show and explain:</p> <ul style="list-style-type: none"> • Proposed uses of each part of the site. • Natural features of the site and identify any features proposed to be altered. • Proposed integrated water management system. • Proposed staging of the subdivision. 	<p>Complies</p> <p>The design response adequately meets the intent of the objectives. No staging is proposed. The site constraints have been forefront in the discussions regarding the permit.</p>

<p>56.03 Livable and sustainable communities</p> <p>56.03-5 Neighbourhood character</p>	<p>To design subdivisions that respond to neighbourhood character</p>	<p>Subdivision should:</p> <ul style="list-style-type: none"> • Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out. • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. 	<p>Complies</p> <p>The subdivision will create lots which provide for an appropriate density, and are all accessible directly via the existing road network</p> <p>Whilst it is acknowledged that the depth of the lots will not result in dwellings directly fronting the adjacent roadway along the northern and western boundaries, the size and layout of the lot does create a transition from the more densely subdivided residential dwellings to the north and the farming land to the south.</p> <p>Given the lot sizes it is possible that the three lots will be further subdivided in the future, which would make better use of the existing infrastructure found in Lindenow.</p>
<p>56.04 Lot Design</p> <p>56.04-1 Lot diversity and distribution objectives</p>	<p>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres.</p>	<p>A subdivision should implement any relevant housing strategy, plan or policy for the area.</p> <p>Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out.</p> <p>A range and mix of lot sized should be provided including lots suitable for the development of single</p>	<p>Complies.</p> <p>Lots are greater than 300sqm.</p>

	<p>To achieve increased housing densities in designated growth areas.</p> <p>To provide a range of lot sizes to suit a variety of dwelling and household types.</p>	<p> dwellings, two dwellings or more, higher density housing, residential buildings and retirement villages.</p> <p>Unless the site is constrained by topography or other site conditions lot distribution should provide for 95% of dwellings to be located no more than 400 metres walking distance from the nearest existing/proposed bus stop, 600 metres walking distance from the nearest/proposed tram stop and 800 metres walking distance from nearest existing/proposed railway station.</p> <p>Lots of 300sqm or less in area, lots suitable for the development of two dwellings or more, higher density housing and residential buildings and retirement villages should be located in and within 400 metres walking distance of an activity centre.</p>	
56.04-2 Lot area and building envelopes	<p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>Lots of between 300sqm and 500sqm should:</p> <ul style="list-style-type: none"> Contain a building envelope that is consistent with a development of the lot approved; or If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope. 	<p>Complies</p> <p>Each lot has an area greater than 500m² and capable of sustaining a building envelope greater than 10mx15m in area.</p>

		<p>If lots between 300sqm and 500sqm are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve. Lots greater than 500sqm should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope</p> <p>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> • The objectives of the relevant standards are met; and • The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. <p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</p> <ul style="list-style-type: none"> • The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and • The building envelope must not regulate siting matters covered by 	
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		<p>Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</p> <p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> • Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. • Existing or proposed easements on lots. • Significant vegetation and site features. 	
56.04-3 Solar Orientation of lots	To provide good solar orientation of lots and solar access for future dwellings	<p>Unless the site is constrained by topography or other site conditions, at least 70% of lots should have appropriate solar orientation. Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> • The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300sqm and 500sqm are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. • Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	<p>Complies</p> <p>All lots allow for north orientation and the lot areas and dimensions will ensure that adequate opportunities exist for future development which achieves satisfactory solar access.</p>

56.04-4 Street Orientation	To provide a lot layout that contributes to community social interaction, personal safety and property security	Subdivision should increase visibility and surveillance by: <ul style="list-style-type: none"> Ensuring lots fronting all roads and streets and avoid the side or rear of lots being orientated to connector streets and arterial roads. Providing lots of 300sqm or less in an area and lots for two or more dwellings around activity centres and public open space. Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. Providing roads and streets along public open space boundaries. 	Complies The lots achieve adequate presentation to the abutting roads to the north and west. Whilst no direct frontage will result in lot 2 for the dwelling, this is an existing circumstance, and the remaining lots will still present towards both road frontages.
56.04-5 Common Area	To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place To maintain direct public access throughout the neighbourhood street network.	To subdivide land that creates common land must be accompanied by a plan and report identifying: <ul style="list-style-type: none"> The common area to be owned by the body corporate, including any streets and open space. The reasons why the area should be commonly held. Lots participating in the body corporate. The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. 	Not Applicable
56.05 Urban Landscape 56.05-1 Integrated Urban Landscape	To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and	Landscape design should : <ul style="list-style-type: none"> Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme. 	Complies No public space is proposed

	<p>identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p>	<ul style="list-style-type: none"> • Create attractive landscapes that visually emphasise streets and public open spaces. • Respond to the site and context description for the site and surrounding area. • Maintain significant vegetation where possible within an urban context. • Take account of the physical features of the land including landform, soil and climate. • Protect and enhance any significant natural and cultural features. • Protect and link areas of significant local habitat where appropriate. • Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space. • Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment. • Ensure landscaping supports surveillance and provides shade in streets, parks and public open space. • Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, 	
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		<p>playgrounds and shaded areas.</p> <ul style="list-style-type: none"> • Provide for walking and cycling networks that link with community facilities. • Provide appropriate pathways, signage, fencing, public lighting and street furniture. • Create low maintenance, durable landscapes that are capable of a long life <p>The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</p>	
<p>56.06 Access and Mobility Management</p> <p>56.06-2 Walking and cycling network</p>	<p>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p>	<p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant regional and local walking and cycling strategy, plan or policy for the area. • Link to any existing pedestrian and cycling networks. • Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. • Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. • Provide direct cycling routes for regional journeys to major activity centres, community 	<p>Complies</p> <p>Access from each lot is directly from the existing roads abutting the land to the north and west, and will not change existing walking and cycling flows.</p> <p>Whilst there is no existing footpath on Racecourse Road or Henry Street, the area comprises generous road widths with wide road verges for pedestrian usage and are considered more than capable of accommodating pedestrian and cyclist movements throughout the wider precinct safely and effectively.</p>

		<p>facilities, public transport and other regional activities and for regional recreational cycling.</p> <ul style="list-style-type: none"> • Ensure safe street and road crossings including the provision of traffic controls where required. • Provide an appropriate level of priority for pedestrians and cyclists. • Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. • Be accessible to people with disabilities. 	
56.06-4 Neighbourhood Street Network	To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.	<p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> • Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, footpaths and public transport routes. • Provide clear physical distinctions between arterial roads and neighbourhood street types. • Comply with the Roads Corporation's arterial road access management policies. • Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport. • Provide safe and efficient access to activity centres for commercial and freight vehicles. 	Not applicable No street network proposed.

		<ul style="list-style-type: none"> • Provide safe and efficient access to all lots for service and emergency vehicles. • Provide safe movement for all vehicles. • Incorporate any necessary traffic control measures and traffic management infrastructure. <p>The neighbourhood street network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant strategy, plan or policy for the area. • Include arterial roads at intervals of approx 1.6km that have adequate reservation widths to accommodate long-term movement demand. • Include connector streets approx half way between arterial roads and provide adequate reservation widths to accommodate long term movement demand. • Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other vehicles. • Provide an appropriate level of local traffic dispersal. • Indicate the appropriate street type. • Provide a speed environment that is appropriate to the street type. • Provide a street environment that appropriately manages 	
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		<p>movement demand (volume, type & mix of pedestrians, cyclists, public transport and other motor vehicles).</p> <ul style="list-style-type: none"> • Encourage appropriate and safe pedestrian, cyclist and driver behaviour. • Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. • Minimise the provision of culs-de-sac. • Provide for service and emergency vehicles to safely turn at the end of a dead-end street. • Facilitate solar orientation of lots. • Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees. • Contribute to the area's character and identity. • Take account of any identified significant features. 	
56.06-5 Walking and Cycling Network Detail	<p>To design and construct footpaths, shared path and cycle networks that are safe, comfortable, well constructed and accessible for people with disabilities.</p> <p>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	<p>Footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> • Be part of a comprehensive design of the road or street reservation. • Be continuous and connect. • Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. • Accommodate projected user volumes and mix. • Meet the requirements of Table C1. 	<p>Not applicable No path construction required.</p>

		<ul style="list-style-type: none"> • Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound. • Provide appropriate signage. • Be constructed to allow access to lots without damage to the footpath or share path surfaces. • Be constructed with durable, non-skid surface. • Be of a quality and durability to ensure: <ul style="list-style-type: none"> • Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles. • Discharge of urban run-off. • Preservation of all-weather access. • Maintenance of a reasonable, comfortable riding quality. • A minimum 20-year life span. • Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities. 	
56.06-7 Neighbourhood Street Network Detail	To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an	<p>The design of streets and roads should:</p> <ul style="list-style-type: none"> • Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table 	Not applicable No road construction required for this subdivision.

	<p>accessible and safe neighbourhood street system for all users.</p>	<p>C1, the requirements of the relevant fire authority and roads authority must be met.</p> <ul style="list-style-type: none"> • Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. • Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. • Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. • Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. • Provide a safe environment for all street users applying speed control measures where appropriate. • Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles. • Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a 	
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		<p>variation to achieve safe sight lines across corners.</p> <ul style="list-style-type: none"> • Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> • Enable the carriage of vehicles. • Avoid damage by construction vehicles and equipment. • Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> • Safe passage of pedestrians, cyclists and vehicles. • Discharge of urban run-off. • Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. • Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority. • Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span. • Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> • Perform the required integrated water management functions. • Delineate the edge of the carriageway for all street users. • Provide efficient and comfortable access to abutting lots at appropriate locations. • Contribute to streetscape design. • Provide for the safe and efficient collection of waste 	
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		<p>and recycling materials from lots.</p> <ul style="list-style-type: none"> • Be accessible to people with disabilities. • Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met. • A street detail plan should be prepared that shows, as appropriate: <ul style="list-style-type: none"> • The street hierarchy and typical cross-sections for all street types. • Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, • tactile surface indicators, cycle paths and speed control and traffic management devices. • Water sensitive urban design features. • Location and species of proposed street trees and other vegetation. • Location of existing vegetation to be retained and proposed treatment to ensure its • health. • Any relevant details for the design and location of street furniture, lighting, seats, bus • stops, telephone boxes and mailboxes. 	
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56.06-8 Lot Access	To provide for safe vehicle access between roads and lots.	<p>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p> <p>Vehicle access to lots of 300sqm or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p> <p>Refer to tables of this clause – Table C1.</p>	<p>Complies</p> <p>The Engineering officer has confirmed that the crossovers can be introduced in an appropriate manner to both Racecourse Road and Henry Street..</p>
56.07 Integrated Water Management 56.07-1 Drinking Water Supply	<p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost effective supply of drinking water.</p>	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p>Complies</p> <p>The site has access to reticulated drinking water supply. Conditions will be imposed on any permit which may issue requiring consent from relevant authorities prior to issue of Statement of Compliance..</p>
Clause 56.07-2 Reused and Recycled Water	To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection 	<p>Not applicable</p> <p>There is not a reticulated reused and recycled water system in place in the area.</p>

		<p>Authority and Department of Human Services</p> <ul style="list-style-type: none"> • Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	
56.07-3 Waste Water Management	<p>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</p>	<p>Waste water systems must be:</p> <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction go the relevant water authority and the Environment Protection Authority. • Consistent with any relevant approved domestic waste water management plan. <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	<p>Complies</p> <p>Reticulated sewerage is provided and will be extended for the development to the satisfaction of EGW.</p>
56.07-4 Stormwater Management Objectives	<p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical</p>	<p>The stormwater management system must be:</p> <ul style="list-style-type: none"> • Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. • Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed. • Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines 	<p>Deemed to comply</p> <p>EGCMA required detailed design information to support a change of stance from objecting to supporting the application. A plan has been prepared and is being reviewed, with the likely outcome that a revised detailed stormwater drainage design will be a condition of approval.</p>

	<p>characteristics of receiving waters from degradation by urban run-off.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</p>	<p>(Victorian Stormwater Committee 1999).</p> <ul style="list-style-type: none"> Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> Provision must be made for the safe and effective passage of stormwater flows. All new lots should be free from inundation or to 	
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		<p>a lesser standard of flood protection where agreed by the relevant floodplain management authority.</p> <ul style="list-style-type: none"> • Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria (average depth in metres and average velocity in metres per second $<0.35\text{m}^2/\text{s}$). <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> • Ensure stormwater is retarded to a standard required by the responsible drainage authority. • Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. • Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance 	
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		responsibilities, requirements and costs. Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.	
56.08 Site Management 56.08-1 Site Management Objectives	To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.	A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: <ul style="list-style-type: none"> • Erosion and sediment. • Dust • Run-off • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.	Complies This is a three-lot infill subdivision of an existing residential lot. No extensive works will be required; all works will be minor in nature and localized (such as connecting to water, electricity and sewerage), and appropriate easements have been provided to ensure management of services. The works will be conducted to ensure no impact on the waterway interface, therefore a detailed construction management plan is not considered necessary.
56.09 Utilities 56.09-1 Shared trenching	To maximize the opportunities for shared trenching. To minimise constraints on landscaping within street reserves.	Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.	Complies There is minimal need for shared services trenching for the proposal, but this will be done as appropriate.
56.09-2 Electricity, telecommuni	To provide public utilities to each lot in a timely,	The electricity supply system must be designed in accordance with the	Complies The site has access to electricity, and

cations and gas	<p>efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<p>requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</p> <p>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p> <p>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <p>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</p>	<p>telecommunications services. Gas is not supplied to the land. Standard conditions will be imposed on any permit which may issue requiring consent from relevant authorities prior to issue of Statement of Compliance.</p>
56.09-3 Fire hydrants	<p>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</p>	<p>Fire hydrants should be provided:</p> <ul style="list-style-type: none"> • A maximum distance of 120 metres from the rear of the each lot. • No more than 200 metres apart. 	<p>Complies</p> <p>Hydrants will be provided in accordance with CFA requirements, if deemed necessary.</p>

		Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire	
56.09-4 Public lighting	<p>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</p> <p>To provide pedestrians with a sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to saving energy.</p>	<p>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	<p>Complies Street lighting is already provided within the precinct, with the nearest located on Church Street.</p>

The proposal demonstrates compliance with relevant standards and objectives of Clause 56 of the East Gippsland Planning Scheme. Areas where there is non-compliance have been addressed through conditions of the permit.

Referral Authority responses

Ausnet Services is a determining referral authority pursuant to Clause 66.01 (electricity network) and has provided conditional consent.

East Gippsland Water is a determining referral authority pursuant to Clause 66.01 (sewer and water provider) and has provided conditional consent, with requirement for the proposal to connect to the reticulated networks.

East Gippsland Catchment Management Authority was given notice of the application under Section 52 of the Act in relation to their interests in waterway management. A watercourse runs

through the land. Originally ECGMA objected to the grant of a permit, however they provided guidelines on what actions could be taken to provide for consent.

Additional information was provided by the applicant to satisfy the majority of the concerns raised, including amendment to the plan of subdivision, which ensures only one lot contains the watercourse.

Conditions of approval by Council reflect the desired conditions of the CMA in this instance.

CONCLUSION

The proposal represents an acceptable planning outcome. Specifically, the location of the proposal within an established town boundary, and minimal impacts on the abutting uses. On the balance of the controls, the application is consistent with the East Gippsland Planning Scheme and is recommended to be supported.

5.2.3 Planning Permit Application 23/2013/P/D - 2A Clara Street, Kalimna - Position of Council - Amended plans for 2A Clara Street Dwelling, part of a historic Two-Lot subdivision and development of two dwellings permit

Authorised by General Manager Place and Community

Conflict of Interest

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

Executive Summary

A planning permit application to amend endorsed plans for 2A Clara Street, Kalimna, has been under consideration since December 2020. Although an amendment has been made to the proposal as a result of objections and officer advice to the applicant, processing of the application has taken more than 60 statutory days. After the officer provided advice to the applicant that a recommendation of refusal would be made, a Section 79 “failure to determine” application pursuant to the Planning and Environment Act 1987 was lodged on 4 May 2021.

The site is subject to an approved amendment to the development plans allowing for a two storey dwelling where originally a single storey dwelling was approved and plans were registered to the title in a S.173 Agreement. The proposal (**Attachment 1**) provides for a third storey, with substantial outdoor living area over the half of the level, but also with habitable rooms on the western side of the dwelling. A building permit has been issued in relation to the two storey dwelling, and construction is underway (foundation and steel frame). Construction is now on hold due to the delay in permit consideration. There are minor modifications to the two storey dwelling required to accommodate the three-storey proposal.

Officers contend that the departure from the originally endorsed plans for the development are now so significant that they cannot be supported, especially when considering:

- The adjacent proposed development under the same permit, the scale of which is more sympathetic to the original approval; and
- The design and development overlay design objectives for the precinct and Lakes Entrance area, which seek to minimise the impact of bulky development.

As an official determination has not been made and the S.79 application has been made to VCAT, the responsible authority must adopt a position. It is the officer recommendation, consistent with pre-lodgement advice provided in 2019, and subsequent advice provided during the assessment process, that the position adopted by the responsible authority should be to not support the proposed amendment.

This position is supported by three objectors/neighbours who may choose to join the proceedings as respondents.

Officer Recommendation

That Council:

- 1. *Receives and notes this report and all attachments pertaining to this report;***
- 2. *Notes that Council no longer acts as the responsible authority for the determination of the application, as a result of the Section 79 (failure to determine) application being made; and***
- 3. *Endorses the recommendation of officers that, had no Section 79 (failure to determine) application been made to VCAT, that the Council, being the responsible authority and having considered all the relevant planning matters, would have found the amendment to be inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore would have determined to issue a Notice of Refusal for the proposed amendment to plans (Attachment 1) relevant to Lot 2 of the subdivision or 2B Clara Street, Kalmina under permit 23/2013/P (Development of two dwellings, two lot subdivision, variation of an easement and vegetation removal), on the following grounds:***
 - a. The proposal is inconsistent with the design objectives of the design and development overlay schedule 13 which applies to the land;***
 - b. The proposal fails to have due regard to the development of a second dwelling within the original planning unit, which is subject to the same Section 173 Agreement on title; and***
 - c. The proposal represents a magnitude of change so dissimilar to the originally endorsed plans, that it cannot reasonably be supported.***

Background

Permit History

Permit 23/2013/P was a planning permit application for Development of two dwellings, two lot subdivision, variation of an easement and vegetation removal. Notification of the proposed subdivision and development was provided to neighbours, also with a sign on the site. There were some objections lodged, with the objectors concerned about:

- Overdevelopment of the constrained site;
- Destruction of native vegetation on the adjacent crown land, especially following on from the development (unauthorised clearing resulting from the landowners/tenants trying to improve views, carrying on from past clearing which has occurred to the East of the site).
- Traffic implications – Clara street is narrow and steep.

Ultimately, a planning permit was granted on 20 September 2013 for the two lot subdivision and development of two dwellings. The plans endorsed under this permit provided for creation of a common property driveway and construction of two single storey dwellings. In particular, the plans for the dwellings showed the following designs (**Figures 1, 2, and 3**)

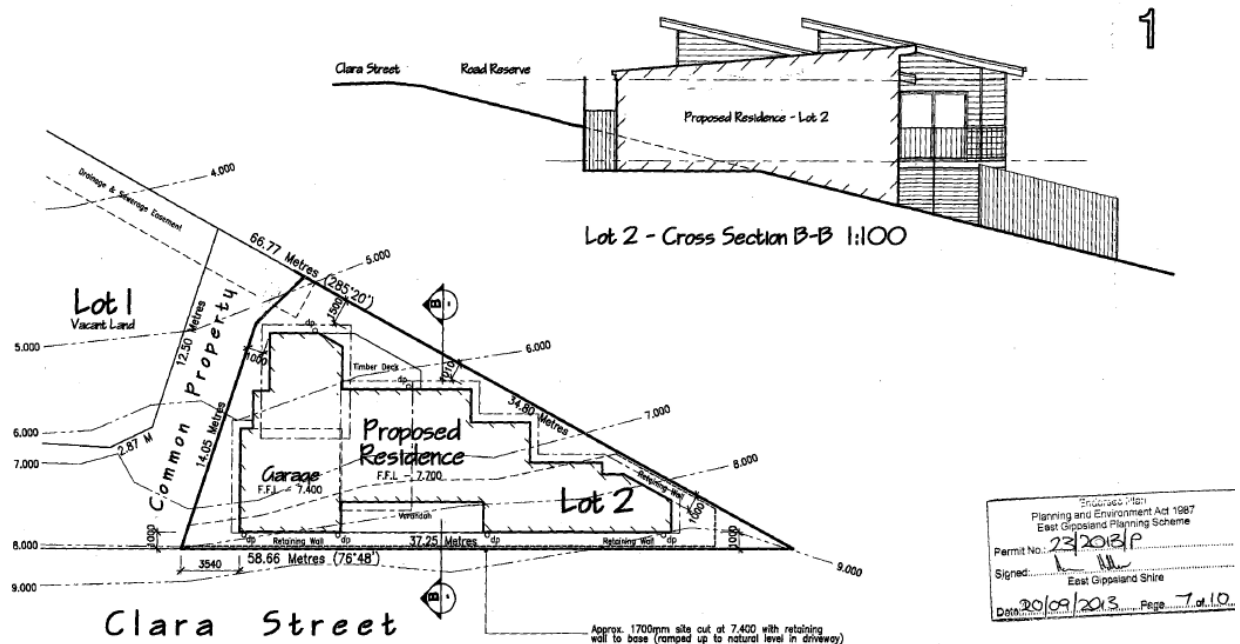


Figure 1 – Endorsed Layout/Cross Section Plans (lot 2) pursuant to permit 23/2013/P

A condition was placed on the permit which required that if the dwellings were not constructed to 'lock up' stage prior to statement of compliance, that the land could be subdivided subject to the owner entering into an agreement with the responsible authority to provide for the development of the dwellings in accordance with the endorsed plans. The works to enable the subdivision were undertaken, but the dwellings were not commenced, and the agreements was entered into prior to statement of compliance.

Once the titles were issued, the land was sold with the agreement in place over both subdivided lots.

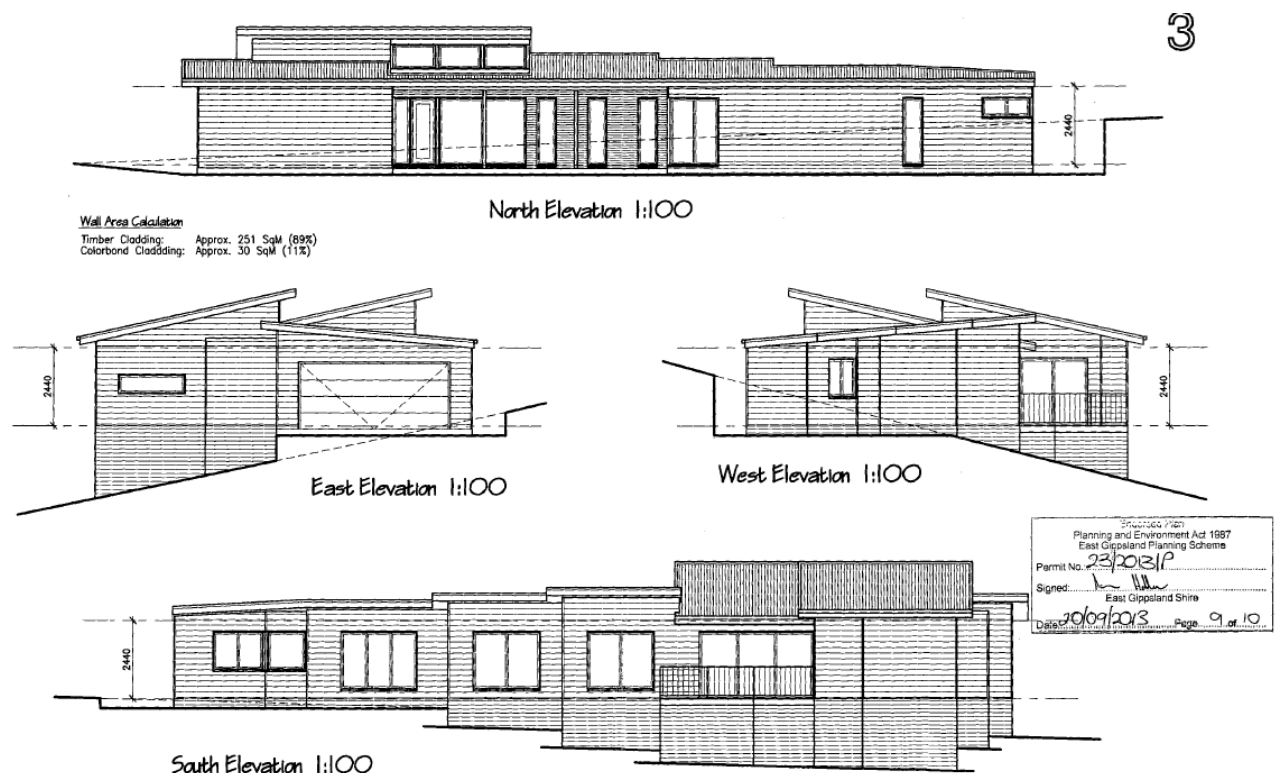


Figure 2 – Endorsed Elevation Plans (lot 2) pursuant to permit 23/2013/P

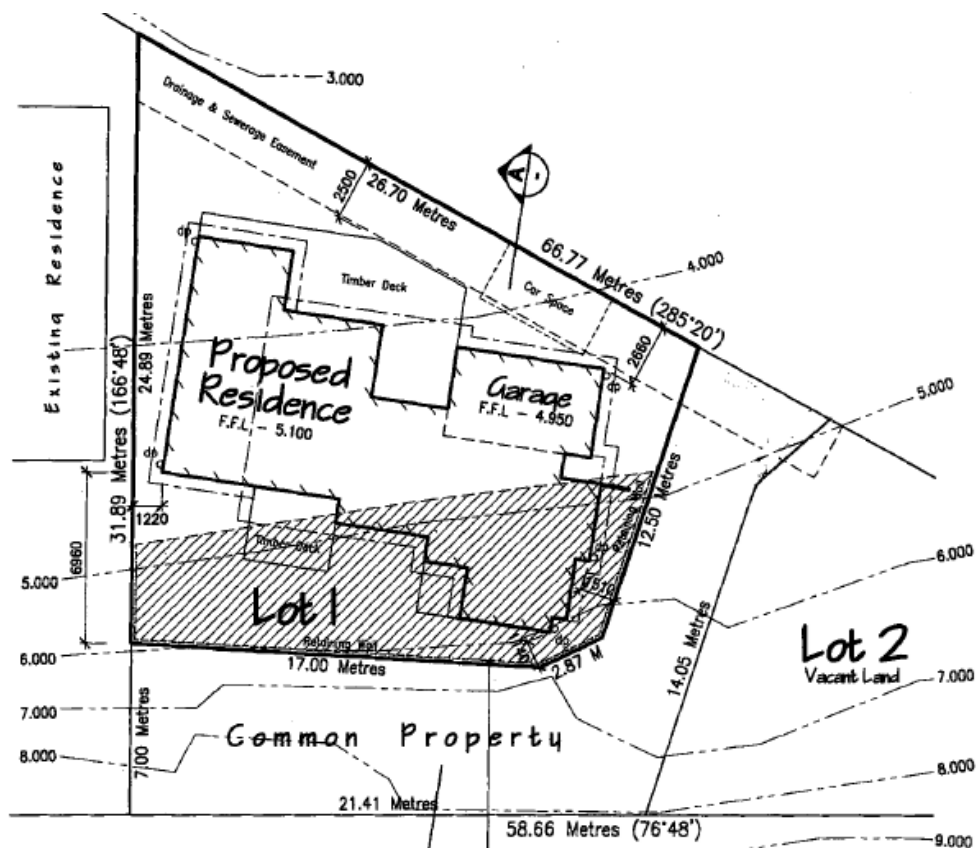


Figure 3 – Endorsed Layout Plan (Lot 1) pursuant to permit 23/2013/P

In 2017, Council was asked to consider amended plans in relation to lot 2/ 2A Clara Street. The proposal (**Figure 4**) made the following modifications, which were approved on 28 July 2017:

- Alterations to building layout/floor plan focusing common areas to the south;
- Increased use of/size of windows to the southern façade;
- Increased decking area to the south of the dwelling;
- Altered roof form and cladding;

Notably, there were no significant changes to the total building height. The amendment was approved. There was not considered to be any amenity impact arising as a result of the proposal.

Pre-amendment advice

In late 2019, pre-application advice was sought in relation to designs for both of the proposed dwellings. Advice was given by Officers, guided by the Manager Planning, in relation to the dwelling at 2A Clara Street. The proposal was for a three-storey dwelling which featured a vehicle bridge from the roadway and car parking on the upper storey. Officers advised that such proposal would not be supported, specifically as there had been vehicle access established in the subdivision, and that the size of the dwelling was out of character with the whole of the development.

Amendment 23/2013/P/B

An application in relation to 2B Clara Street was lodged in December 2019. The proposal was for a one-and-a-half storey dwelling. The proposal was subject to notice and attracted two objections. Ultimately officers disagreed with the objectors claims that the proposal was an overdevelopment of the site and that the proposal would impact views, and determined to issue a notice of decision to grant the amended permit.

An appeal was lodged at VCAT, with grounds that the development would not provide the necessary off-street parking and as a result would be an overdevelopment of the site. Amended plans were tabled at a compulsory conference and following the compulsory conference the matter was resolved by consent of all parties. The amended permit was issued on 7 January 2021. The amended plans are shown at **Figure 5**.

Amendment 23/2013/P/C

While 23/2013/P/B was under consideration, an application was also lodged for amendments to the endorsed plans relating to 2A Clara Street. The proposal was for a two-storey dwelling. The application was subject to notification and objections were received from neighbours, again relating to overdevelopment of the site and view sharing impacts.

Ahead of the VCAT determination in respect of 2B, officers considered the proposal for a two storey dwelling at 2A and were satisfied that there was not significant impact or detriment, and that there wasn't too significant a departure from the endorsed plans for that lot. As such, a Notice of Decision to Grant a Permit was issued, with plans approved as shown in **Figures 6 & 7**.

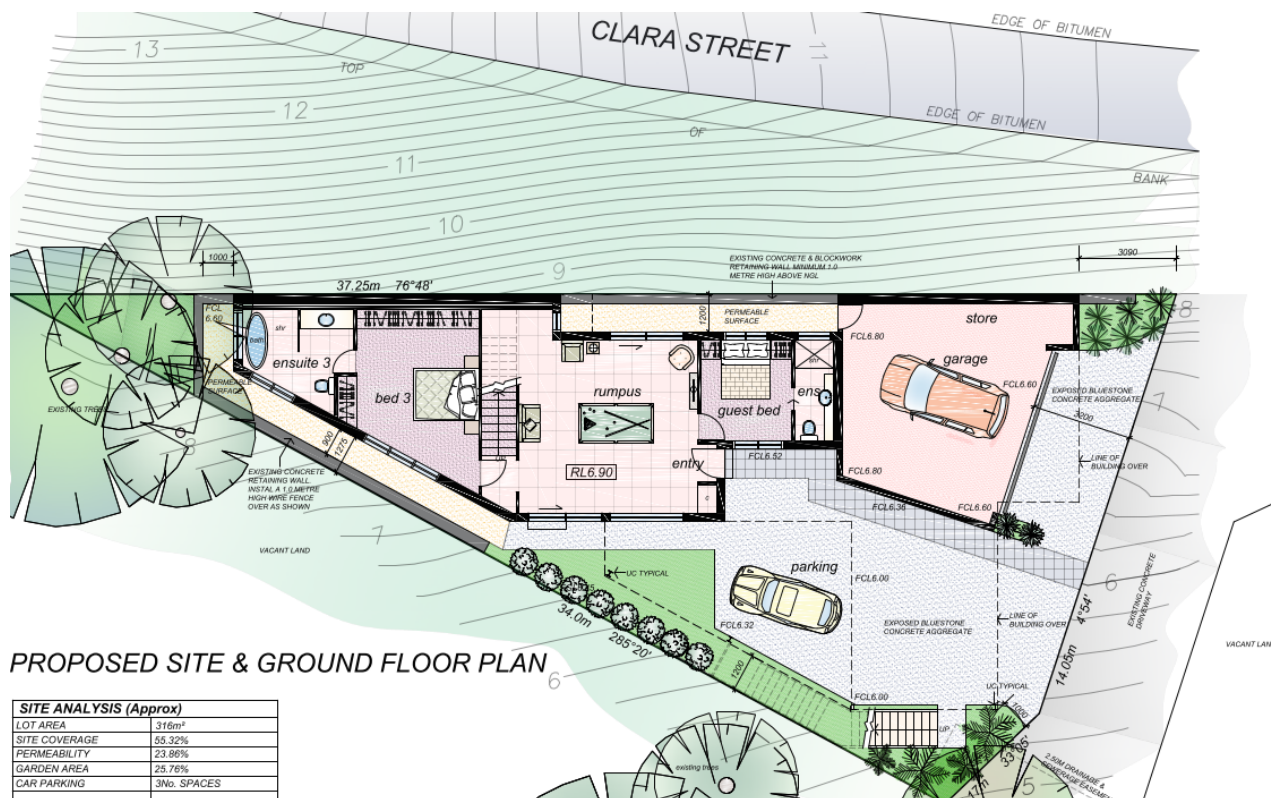


Figure 6 – Current endorsed floor plans for 2A Clara Street





Figure 7 – Current endorsed elevations for 2A Clara Street

Building permit – 2A Clara Street

A building permit has been issued in relation to the two storey dwelling, and construction is underway, but is now on hold due to the delay in amended planning permit consideration. There are minor modifications to the two storey dwelling required to accommodate the three-storey proposal, so the works that have been completed would not need to be changed in order to build either the two or three storey proposal. **Figure 11** demonstrates site conditions as at May 25, 2021.

Objectors have raised concerns with the planning officers regarding the building works, and officers have explained how the current works are not compromised by consideration of the current amendment, nor is the building works unauthorised. Officers have been requested to monitor the site, specifically due to concerns of vegetation impact on the foreshore reserve to the south of the site.

The subject site

The land at 2A Clara Street is previously vacant, with significant fall from the northwest corner down to the southeast, which is nearly at water level for the adjacent North Arm. The lot is triangular, and is 316 square metres in area. The previous subdivision of the land removed a drainage and sewerage easement from the majority of the lot.

Immediately adjacent to the land is the foreshore reserve, which is densely vegetated. There is no clear line of vision from the land to the Lake, only partial views through the canopy and scrub. The land sits opposite Marine Parade, Lakes Entrance (**Figure 9**), where boat hire operations berth. The area is used for a variety of recreational activities, primarily water-based.



Figure 9 – Locality map

The neighbourhood (Figure 10) is considered to be fairly low density residential, with all services provided. There is significant vegetation, including a protected rainforest environment, to the immediate north of the site beyond a single row of houses. To the west along Seaview Parade and on the foreshore side is a significant embankment which is also covered in vegetation. The large vegetation is largely intact, however further to the west, the integrity lessens and there is less mature canopy, creating opportunities for Ocean views across Cunningham Arm.

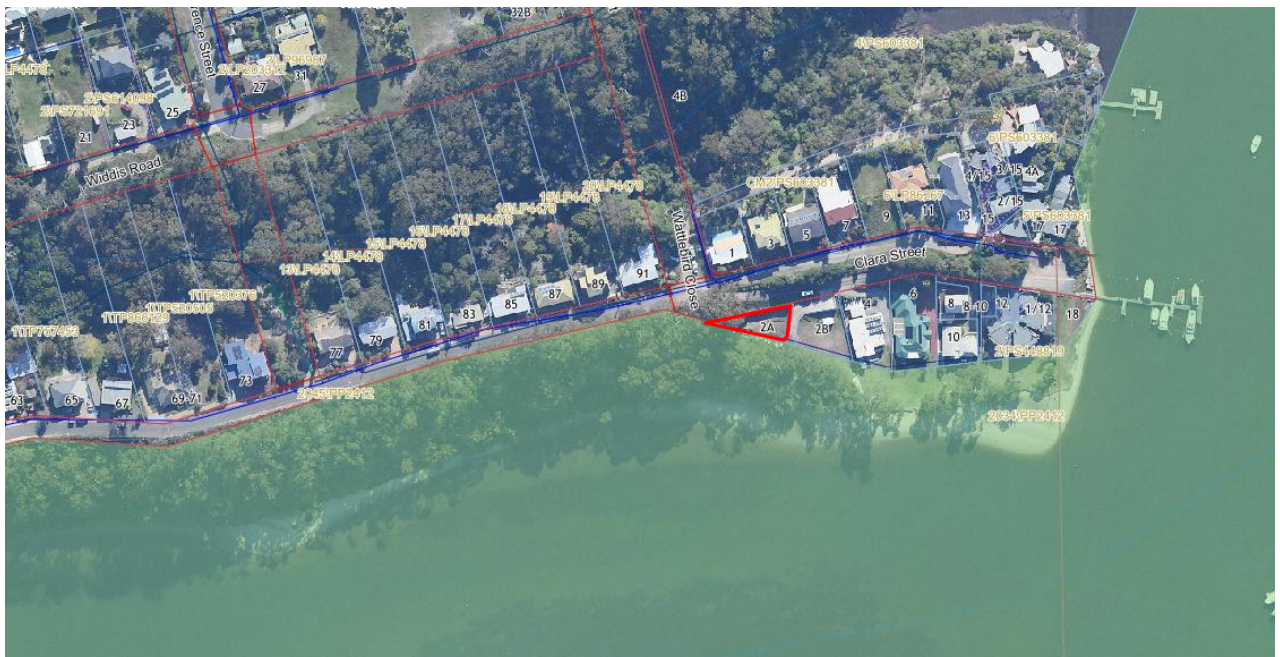


Figure 10 – Neighbourhood context

Since a building permit was issued, a retaining wall has been constructed on the northern and western extents of the development site, and the foundation and steel frame have been constructed. This is shown at **Figure 11** (photo montage)



View from 2B – proposed rear deck area



View from west end of Clara Street (high point)



View from frontage – 1 Clara Street looking south to site

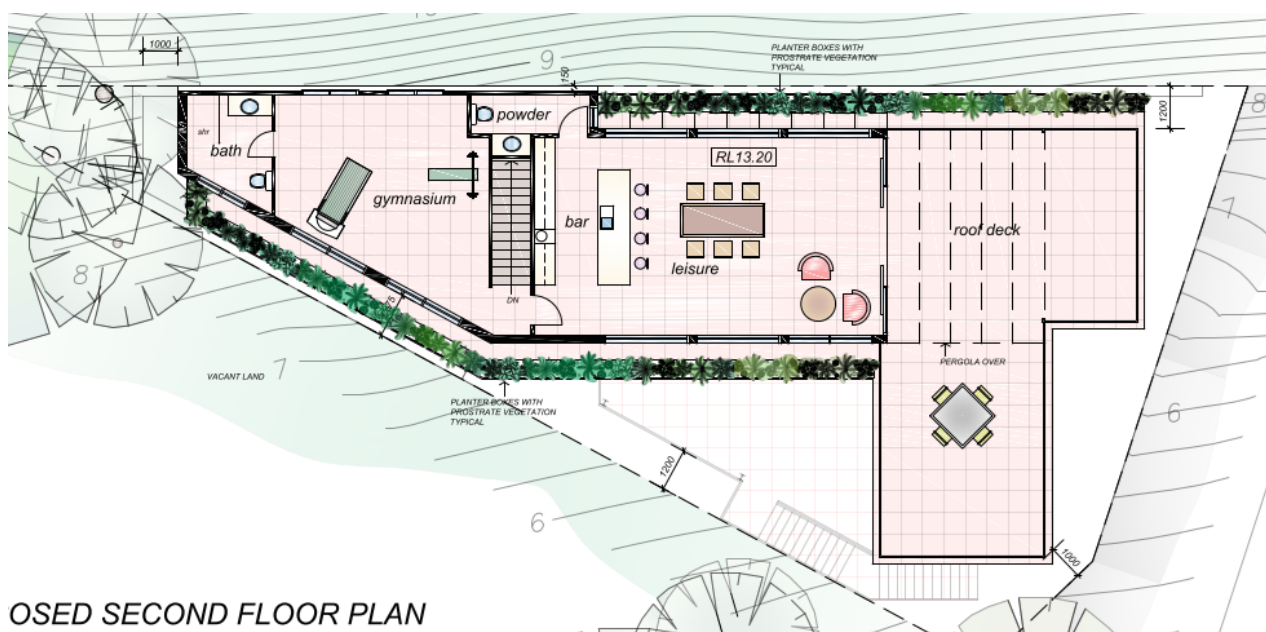


View from Clara Street – mid facade

Figure 11 – Site photos (Officer – 25 May 2021)

The proposal (23/2013/P/D)

The proposed amendment to the permit provides for a revised plan set. When originally submitted, the layout of the third storey provided for the following layout of **Figure 12**.



OSD SECOND FLOOR PLAN

Figure 12 – 23/2013/P/D floor plan for third storey which was subject to notification

The application to amend the permit was subject to public notice and three objections were received. The objections were provided to the applicant, and also an outline of officer concerns was provided. The applicant reviewed the information presented and provided the following plans (**Figure 13**, also **Attachment 1**) as a response, with a formal amending application made pursuant to Section 57A.

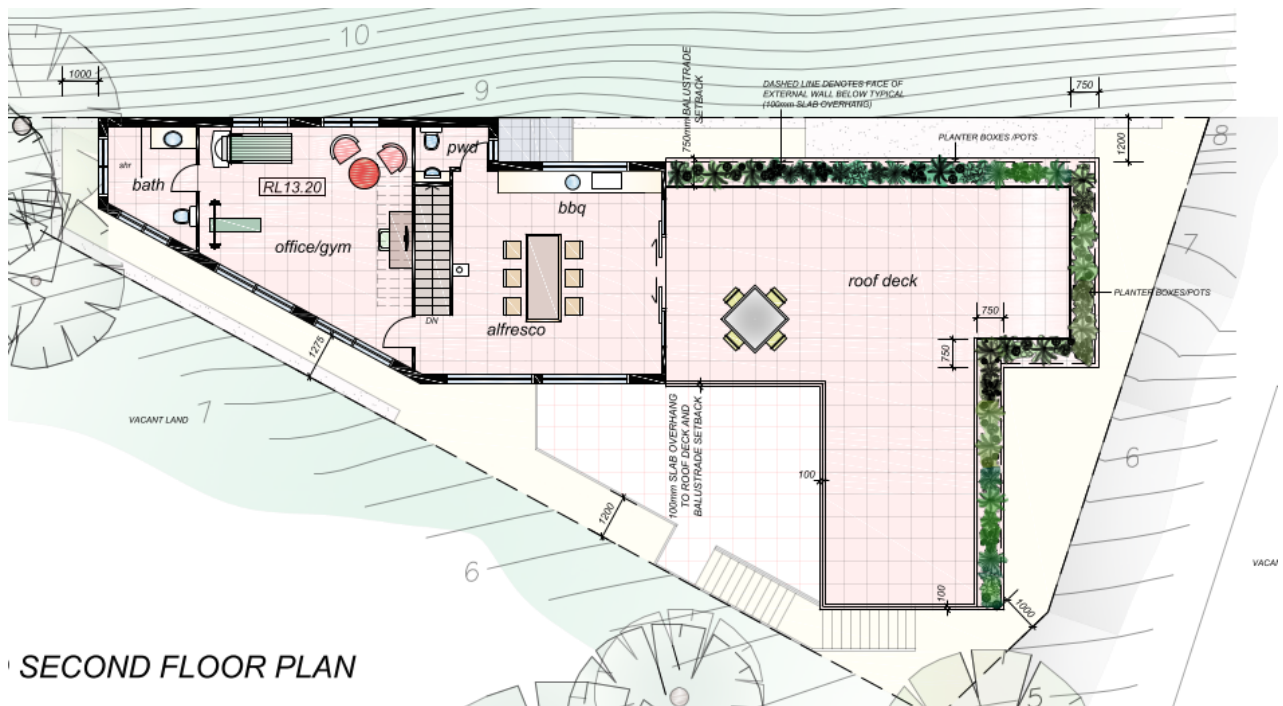


Figure 13 – floor plan and elevations for third storey following amendments proposed by the applicant

Current Status

Processing of the application has taken more than 60 statutory days since the 57A amending application was made, and as a result of officer advice to the applicant that a recommendation of refusal would be made, a Section 79 “failure to determine” application pursuant to the Planning and Environment Act 1987 was lodged.

Officers contend that the departure from the originally endorsed plans for the development are now so significant that they cannot be supported, especially when considering:

- The adjacent proposed development under the same permit, the scale of which is more sympathetic to the original approval; and
- The design and development overlay design objectives for the precinct and Lakes Entrance area, which seek to minimise the impact of bulky development.

As an official determination has not been made and the S.79 application has been made to VCAT, the responsible authority must adopt a position. It is the officer recommendation that, consistent with pre-lodgement advice provided in 2019, and subsequent advice provided during the assessment process, the position adopted by the responsible authority should be to not support the proposed amendment.

This position is supported by three objectors/neighbours who may choose to join the proceedings as respondents. The deadline for joining is 17 June 2021.

A practice day hearing is scheduled for 25 June 2021. The practice day will allow for the Tribunal to consider Council’s position in respect of the application given the operation of clause 6.1.2 of the section 173 agreement which applies to the land. ***A copy of this report will be provided to the Tribunal and all parties no later than 5 business days prior to the hearing (or by close of business 17 June 2021).***

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.	23/2013/P/D
Address	2 Clara Street, Kalimna (now 2A following subdivision under the parent permit)
Zone	General Residential 1 (GRZ1)
Overlays	Environmental Significance Overlay Schedule 1-53 Design and Development Overlay Schedule 13 Erosion Management Overlay
Particular Provisions	Clause 52.02 Easements, restrictions and reserves (completed) Clause 52.06 Car Parking Clause 55 – Multi-dwelling development – in relation to the ongoing approval under the Section 173 Agreement Clause 56 – Residential Subdivision (completed)

A summary of assessment is that:

- The proposal is inconsistent with the design objectives of the design and development overlay schedule 13 which applies to the land;
- The proposal fails to have due regard to the development of a second dwelling within the original planning unit, which is subject to the same Section 173 Agreement on title; and
- The proposal represents a magnitude of change so dissimilar to the originally endorsed plans, that it cannot reasonably be supported.

Pursuant to the Aboriginal Heritage Regulations 2018, a Cultural Heritage Management Plan (CHMP) is not required as the proposal (previously approved) is not considered to be a high-impact activity.

A detailed planning scheme assessment had not yet been completed when the failure application was made, however the various responses to the applicant outlined the Officer's assessment of the proposal clearly. This information will be expanded upon for the VCAT submissions.

Collaboration

Not applicable

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

A Liveable Region Goal 2 - Sustainable planning and growth supports thriving townships, while maintaining our commitment to sustainability and protecting our natural environment.

Council Policy

The application is reported to Council, as if the Section 79 failure to determine application not been lodged, the application for refusal would have been reported to Council in accordance with Council's *Planning Permit Applications Delegations Policy* 2018.

Options

Council may instruct the officer that a different recommendation is made and the proposal should be supported. If this is the case, the officer must prepare to negotiate suitable conditions to be imposed, such as appropriate screening to be implemented to prevent overlooking of the neighbouring proposed dwelling.

Resourcing

Financial

It is anticipated that the officer will represent the responsible authority in VCAT proceedings, even where the Council instructs contrary to the officer recommendation. If the application is determined contrary to the recommendation of the officer, it is possible that the permit applicant would seek costs (legal costs) against the responsible authority.

Plant and equipment

No plant and equipment resources are required.

Human Resources

The application is assessed through existing staffing resources.

Risk

The risks of this proposal have been considered and represent moderate financial risk. Officers are confident in their recommendation that the proposal should not be supported, however there is always the potential that the Tribunal may support the amendment and award costs as a result of the processing delay which resulted in the failure to determine application being made. It is noted that in this case, officers would argue that the applicant was advised early in the process regarding the officer position and opportunity was given to reconsider and revise the application.

Economic

It is recognised that building works which were commenced under a building permit issued following the grant of amended permit 23/2013/P/C have either slowed or halted as a result of the delays, which impacts on the work scheduling of the various contractors engaged. Aside from this consideration, there is minimal external economic impact.

Social

The proposal presents social implications to the neighbourhood. The proposal represents potential for neighbourhood conflict. The objectors have been quite clear that the proposal is undesirable.

Environmental

The proposal has negligible environmental impacts, as the building footprint is established through the existing approval.

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 proposal is unlikely to contribute negatively to climate change. 6 star energy rating is a minimum requirement for new dwellings.

Engagement

As indicated above, the application was subject to notification pursuant to the requirements of the Planning and Environment Act and three objections were received. Additionally, a submission has been made by the other landowner subject to the permit, who also is concerned, but did not want to object formally.

The concerns of the objectors include:

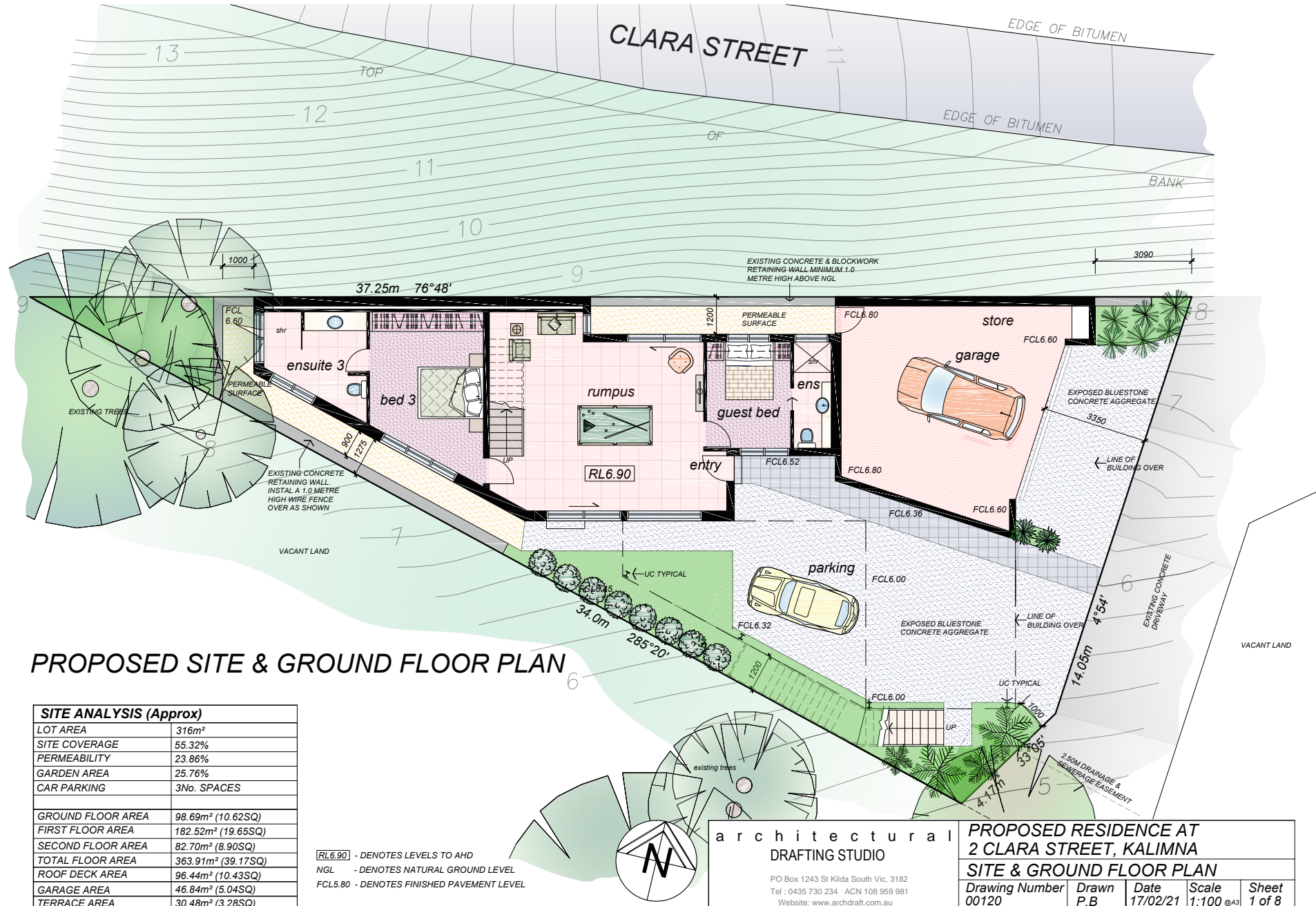
- Zero street setback to Clara Street, with awning projecting into the road reserve;
- The dwelling is not in character for the locality, and does not respect established street setbacks nor height of development;

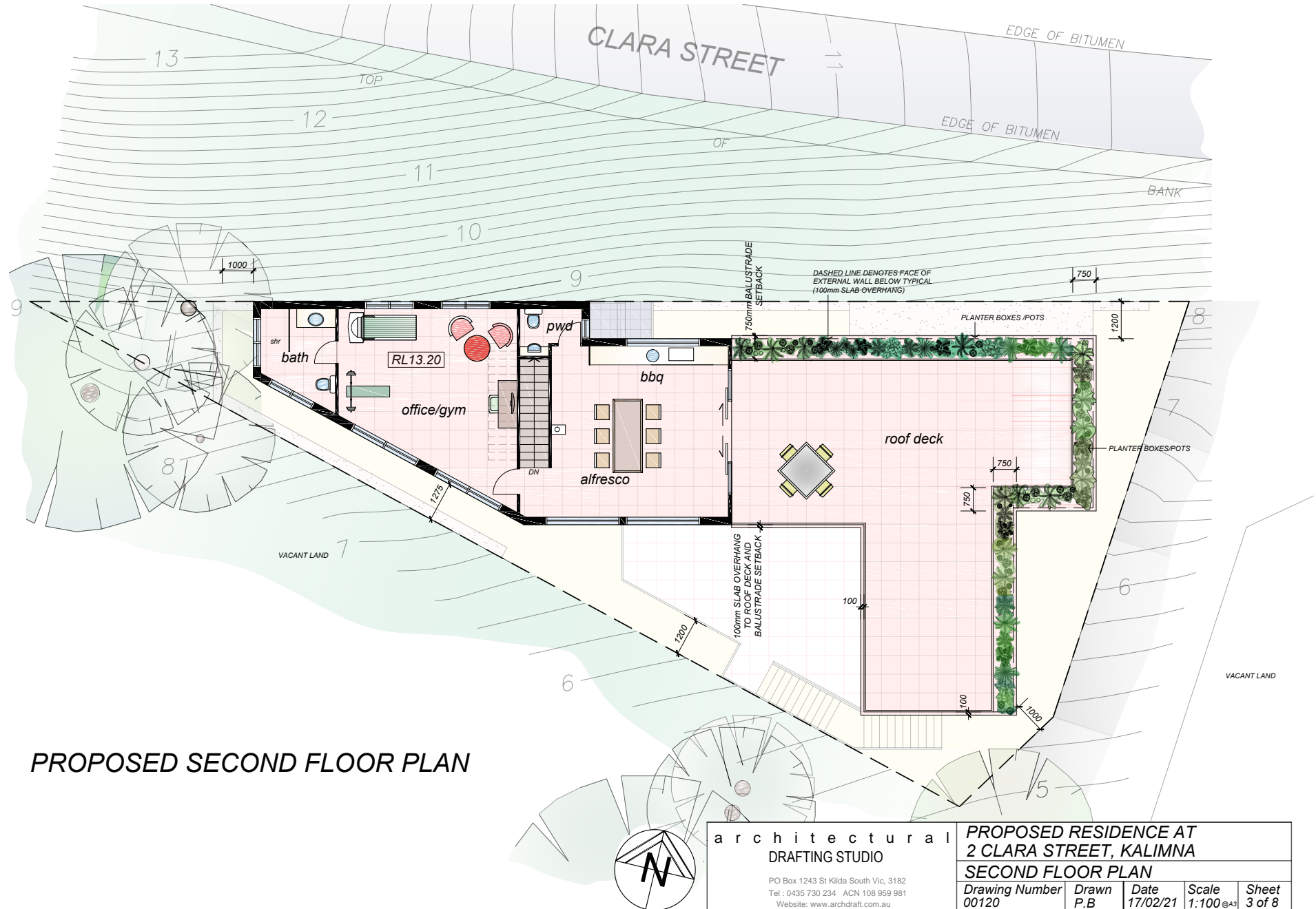
- Shade from building will create issues with beachgoers in the public foreshore and could impact flora and fauna;
- Amenity impacts as a result of the rooftop amenities proposed (a larger bar area was proposed originally in this amendment application, as shown at **Figure 10**;
- Traffic and parking issues as a result of the dwelling's use.

These grounds have been considered as a part of the recommendation. Specifically, the neighbourhood character and built form impact of the proposal has been considered. The officer generally agrees that the dwelling does not match with the established character and built form.

Attachments

1. Current Proposed Development Plans [**5.2.3.1** - 8 pages]















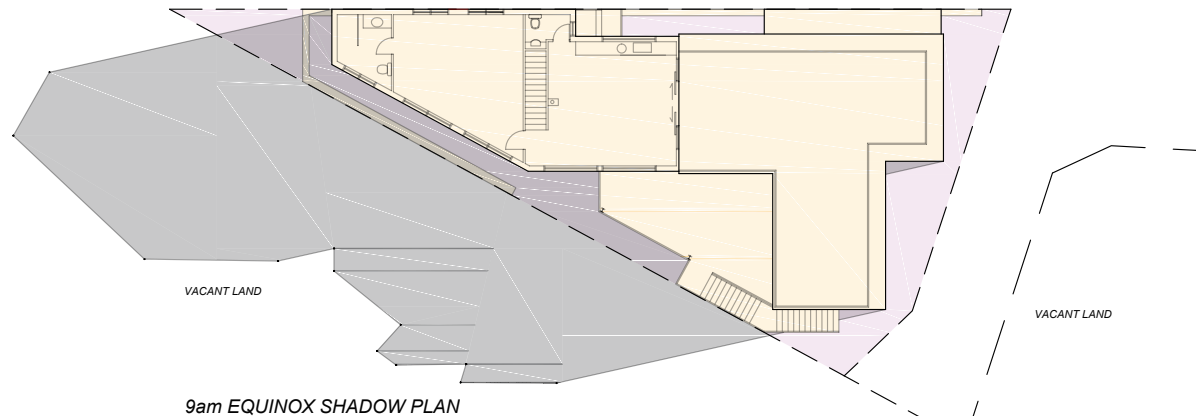
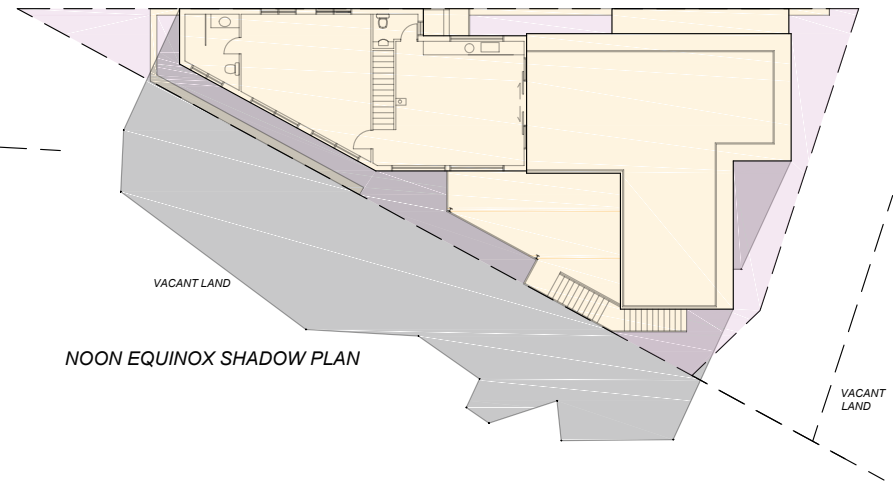
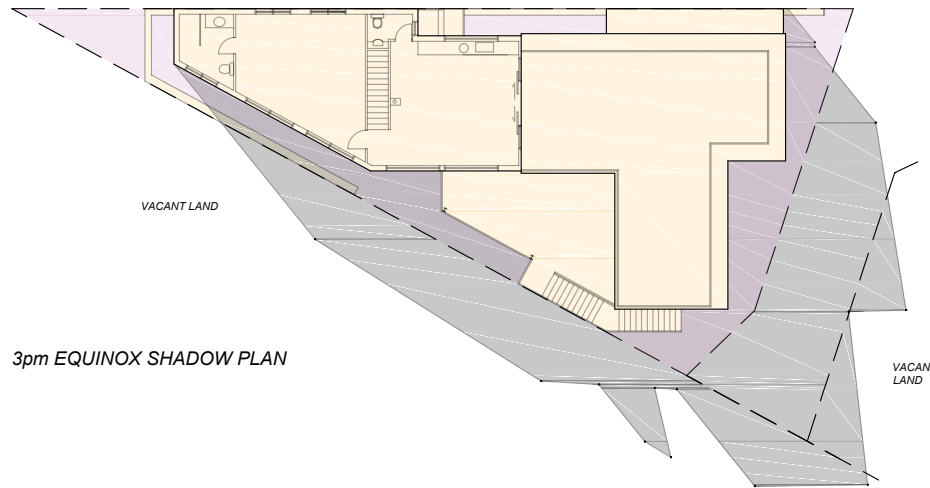
SOUTH ELEVATION



EAST ELEVATION

FINISHES SCHEDULE	
SELECT VERTICAL APPEARANCE TIMBER LINING NATURAL FINISH	
RENDERED MASONRY / CONCRETE COLOUR - NATURAL CEMENT	
COLORBOND NIGHT SKY DOWN PIPES OR SIMILAR	
COLORBOND NIGHT SKY ALUMINIUM FRAMED WINDOWS OR SIMILAR	
DRIVEWAY / PARKING - EXPOSED BLUESTONE CONCRETE AGGREGATE OR SIMILAR	
BLUESTONE PAVERS OR SIMILAR	

architectural DRAFTING STUDIO PO Box 1243 St Kilda South Vic, 3182 Tel : 0435 730 234 ACN 108 959 981 Website: www.archdraft.com.au		PROPOSED RESIDENCE AT 2 CLARA STREET, KALIMNA SOUTH AND EAST ELEVATIONS			
		Drawing Number 00120	Drawn P.B	Date 17/02/21	Scale 1:100@A3 Sheet 5 of 8

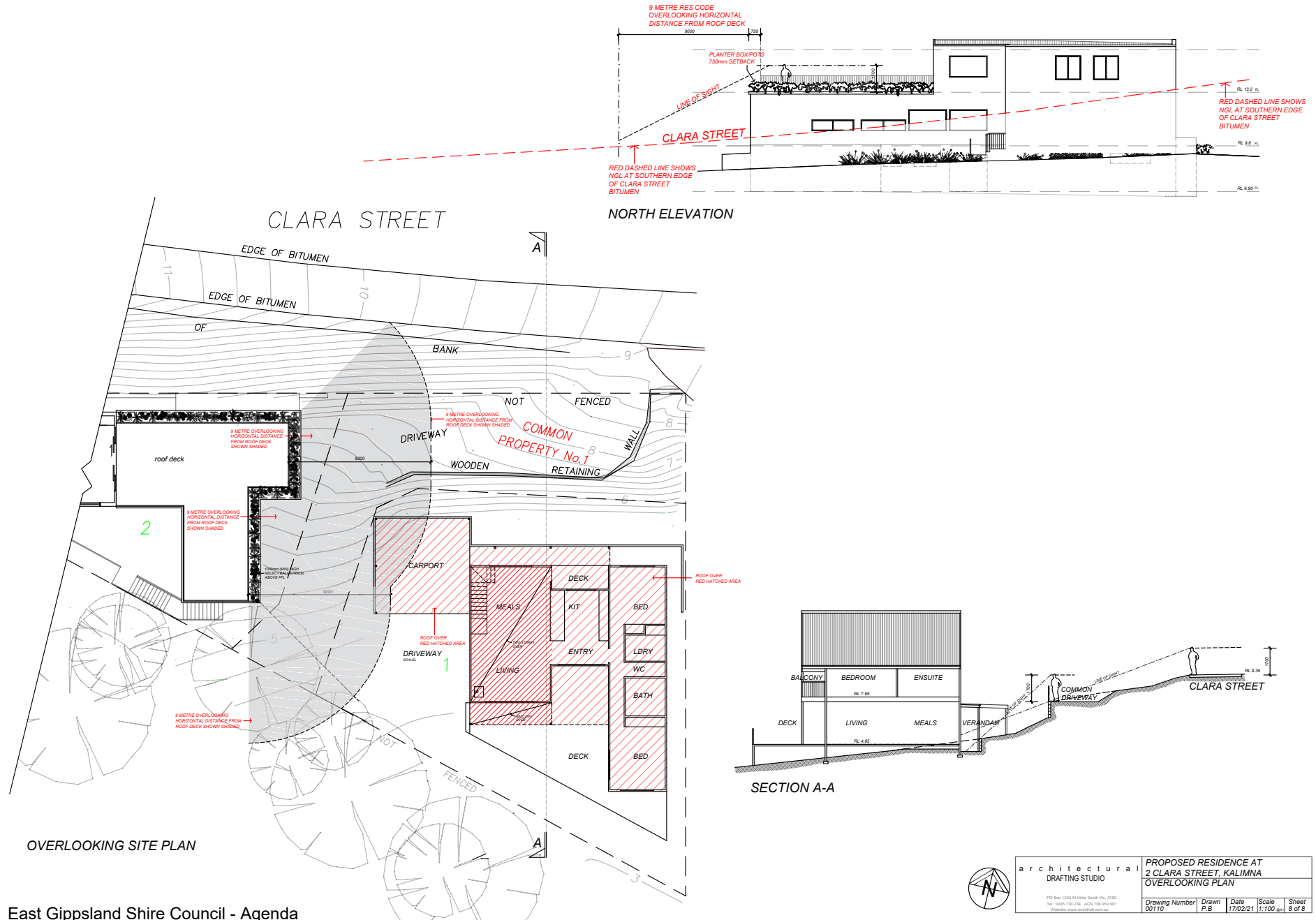


a r c h i t e c t u r a l DRAFTING STUDIO		PROPOSED RESIDENCE AT 2 CLARA STREET, KALIMNA EQUINOX SHADOW DIAGRAMS			
PO Box 1243 St Kilda South Vic, 3182 Tel : 0435 730 234 ACN 108 959 981 Website: www.archdraft.com.au		Drawing Number 00120	Drawn P.B	Date 17/02/21	Scale 1:200 @A3
				Sheet 6 of 8	



PO Box 1243 St Kilda South Vic, 3182
Tel : 0435 730 234 ACN 108 959 981
Website: www.archdraft.com.au

Drawing Number 00120	Drawn P.B	Date 17/02/21	Scale 1:100 @A3	Sheet 7 of 8
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5.2.4 Contract Extension - CON2019 1261 - Asphaltting of Various Roads in East Gippsland Shire

Authorised by General Manager Assets and Environment

Conflict of Interest

No Officer who has provided advice in the preparation of this report has disclosed a conflict of interest.

Executive Summary

The purpose of this report is to seek Council's approval to exercise its option within CON2019 1261 to extend existing contract Asphaltting of Various Roads in East Gippsland Shire, for a period of (1) year, to 30 June 2022.

This panel of providers contract is to undertake works to renew and upgrade the sealed local roads network managed by council - totaling to 1,157 kilometers, in the interest of public safety and in accordance with Council's Road Management Plan. The contract is a schedule of rates contract.

The contract commenced on 11 December 2018 with the initial term scheduled to end on 30 June 2021. Under the agreement, Council has the option to extend the contract for up to a further twenty-four (24 months) solely exercisable by Council.

The recommendation being made to Council is to extend the contract for twelve (12) months only with the completion date being 30 June 2022 and then retender the services. The reason for a twelve (12) month extension rather than the full 24 months available is not based on the performance of the contractors under this contract, it is in order to align these services with the current provision of line-marking contract which expires on 30 June 2022. By extending the contract in this manner both services will be able to be retendered together, generating potential efficiencies and savings for Council.

Both Contractors have been advised of desire to extend for the twelve (12) month period and both contractors are in agreeance with this arrangement, subject to Council approval.

Officer Recommendation

That Council:

- 1. receives and notes this report;***
- 2. approves the contract extension to CON2019 1261 Asphaltting of Various Roads in East Gippsland Shire for a period of twelve (12) months to 30 June 2022, to the tendered schedule of rates inclusive of annual rise and fall in costs to:***
 - a. Cranes Asphaltting & Bitumen Sealing Pty Ltd; and***
 - b. Fowlers Asphaltting Pty. Ltd; and***
- 3. authorises the Chief Executive Officer to finalise the terms, signing and sealing of the contract extension in the form proposed.***

Background

CON2019 1261 is a schedule of rates contract subject to adjustment to rise and fall in costs for pre-qualified level G2-RSA (Road Surfacing Asphalt) contractors to provide asphaltting of various roads in East Gippsland Shire Council.

On 11 December 2018 CON2019 1261 Asphaltting of Various Roads in East Gippsland Shire Council was awarded by Council for the initial term commencing 11 December 2018 and expiring on 30 June 2021.

As a result of the request for tender process, contracts were formed with two (2) tenderers as follows:

- Cranes Asphaltting & Bitumen Sealing Pty Ltd
- Fowlers Asphaltting Pty. Limited

Cranes Asphaltting Pty Ltd and Fowlers have both completed projects in the three-year period of the contract.

Both contractors have agreed to a one-year extension of contract

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.

Pursuant to sections 3(1) and 66(5) of the Local Government Act 2020, the information contained in this report is confidential because it contains 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*.

Collaboration

Not applicable

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

A Liveable Region Goal 1 - East Gippsland has safe, accessible and well utilised open spaces and built environments that reflect the priorities of our community.

Council Policy

This report and its recommendations are in accordance with the East Gippsland Shire Council Procurement Policy (2020).

Options

There are three options available to Council with respect to this report.

1. Exercise the twelve (12) month extension option with Cranes Asphaltting & Bitumen Sealing Pty Ltd and Fowlers Asphaltting Pty. Ltd with the contract completion date being 30 June 2022 (preferred option);
2. Exercise the twenty-four (24) month extension option with Cranes Asphaltting & Bitumen Sealing Pty Ltd and Fowlers Asphaltting Pty. Ltd with the contract completion date being 30 June 2023
3. Re-tender for the asphaltting services provided by CON2019 1261 Asphaltting of Various Roads in east Gippsland Shire

Option 1 is recommended for the reasons outlined earlier in this report.

Resourcing

Financial

The annual asphaltting budget is part of the reseal budget which varies and averages \$3,500,000 per year.

The value of works conducted under CON2019 1261 Asphaltting of Various Roads in East Gippsland Shire between the commencement on 11 December 2018 and May 2021 is detailed in the following table:

CONTRACT PERIOD	AMOUNT GST EXCL.
Year 1 – 18 December 2018 – 17 December 2019	\$465,360.41
Year 2 – 18 December 2019 – 17 December 2020	\$380,596.79
Year 3 – 18 December 2020 – May 2021	\$512,914.14
TOTAL	\$1,358,871.34

Plant and equipment

Not applicable

Human Resources

The contract is managed internally by existing staff from the Assets and Environment Directorate. Exercising the contract extension has no impact on existing staff capacity.

Risk

The risks of this proposal have been considered and the Contractor is required to carry out all activities as specified in the specifications and following the Occupational Health and Safety Regulations.

Economic

Offering contract extensions to the two recommended local contractors supports local business and employment.

Social

There are no identified social impacts in relation to this report.

Environmental

There are no identified environmental impacts in relation to this report.

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

Not applicable

Attachments

Nil

5.2.5 Contract Extension CON2019 1262 Sealed Road Rehabilitation of Various Roads in East Gippsland Shire

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

The purpose of this report is to seek Council's approval to exercise its option within CON2019 1262, to extend the existing contract Sealed Road Rehabilitation of Various Roads in East Gippsland Shire, for a period of twenty-four (24) months, to 30 June 2023.

This contract is a schedule of rates contract for a panel of appropriate contractors to undertake rehabilitation and improvement of Council's sealed road network to ensure the ongoing integrity of the road pavement and safety to the travelling public.

The contract commenced on 11 December 2018 with the initial term scheduled to end on 30 June 2021. Under the agreement, Council has the option to extend the contract for up to a further twenty-four (24) months solely exercisable by Council. The recommendation is for Council to extend the contract for the full contract extension term with the completion date being 30 June 2023.

Officer Recommendation

That Council:

- 1. receives and notes this report; and***
- 2. approves the contract extension to CON2019 1262 to the existing contract Sealed Road Rehabilitation on Various Roads in East Gippsland Shire for a period of twenty-four (24) months to 30 June 2023, to the tendered schedule of rates inclusive of annual rise and fall in costs to:***
 - a. R & M Contracting (Gippsland) Pty Ltd;***
 - b. Orbost Civil & Civic Pty Ltd; and***
 - c. Cranes Asphaltting & Bitumen Sealing Pty Ltd; and***
- 3. authorises the Chief Executive Officer to finalise the terms, signing and sealing of the contract extension in the form proposed.***

Background

CON2019 1262 is a schedule of rates contract subject to adjustment to rise and fall in costs for appropriate contractors to undertake sealed road rehabilitation of various roads in East Gippsland.

On 11 December 2018 CON2019 1262 Sealed Road Rehabilitation of Various Roads in East Gippsland was awarded by Council for the initial term commencing 11 December 2018 and expiring on 30 June 2021.

As a result of the request for tender process, contracts were formed with three (3) tenderers as follows:

- R & M Contracting (Gippsland) Pty Ltd;
- Orbost Civil & Civic Pty Ltd; and
- Cranes Asphaltting & Bitumen Sealing Pty Ltd.

All three contractors have carried out projects over the three-year period of the contract. All contractors have agreed to the contract extension, subject to Council's approval.

The works completed to date as part of the above contracts have been satisfactory. Based on performance and availability, this report recommends that all three contractors on the existing panel be offered the extension option.

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.

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

Not applicable

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

A Liveable Region Goal 1 - East Gippsland has safe, accessible and well utilised open spaces and built environments that reflect the priorities of our community.

Council Policy

This report and its recommendations are in accordance with the East Gippsland Shire Council Procurement Policy (2020).

Options

There are three options available to Council with respect to this report.

1. Exercise the twenty-four (24) month extension option with R & M Contracting (Gippsland) Pty Ltd; Orbost Civil & Civic Pty Ltd and Cranes Asphaltting & Bitumen Sealing Pty Ltd with the contract completion date being 30 June 2023
2. Re-tender for the services provided by Contract CON2019 1262 Sealed Road Rehabilitation of Various Roads in East Gippsland Shire.
3. Exercise a lesser period extension option with R & M Contracting (Gippsland) Pty Ltd; Orbost Civil & Civic Pty Ltd and Cranes Asphaltting & Bitumen Sealing Pty Ltd with the contract completion date being 30 June 2023

Option 1 is recommended for the reasons outlined earlier in this report.

Resourcing

Financial

The annual sealed road rehabilitation budget is part of the reseal budget which varies and averages \$3,500,000 per year.

The value of works conducted under CON2019 1262 Sealed Road Rehabilitation of Various Roads between the commencement on 11 December 2018 and May 2021 is detailed in the following table:

CONTRACT PERIOD	AMOUNT GST EXCL.
Year 1 – 11 December 2018 – 17 December 2019	\$303,406.74
Year 2 – 11 December 2019 – 17 December 2020	\$82,178.00 (due to bushfires)
Year 3 – 11 December 2020 – May 2021	\$306,656.58

Plant and equipment

Not applicable

Human Resources

The contract is managed internally by existing staff within the Assets and Environment Directorate. Exercising the contract extension has no impact on existing staff capacity.

Risk

The risks of this proposal have been considered and the Contractor is required to carry out all activities as specified in the specifications and following the Occupational Health and Safety Regulations.

Economic

Offering contract extensions to the three recommended local contractors supports local business and employment.

Social

There are no identified social impacts in relation to this report.

Environmental

There are no identified environmental impacts in relation to this report.

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

Not applicable

Attachments

Nil

5.2.6 Contract Extension CON2019 1263 Kerb and Channel Replacement on Various Roads in East Gippsland

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

The purpose of this report is to seek Council's approval to exercise its option within CON2019 1263, to extend the existing contract Kerb and Channel Replacement on Various Roads in East Gippsland, for a period of twenty-four (24) months, to 30 June 2023.

This contract is to undertake kerb and channel works to ensure the ongoing integrity of the road pavement and safety of the travelling public.

The contract commenced on 11 December 2018 with the initial term scheduled to end on 30 June 2021. Under the agreement, Council has the option to extend the contract for a further twenty-four (24 months) solely exercisable by Council. The intention is to extend the contract for the full contract extension term with the completion date being 30 June 2023.

Officer Recommendation

That Council:

- 1. receives and notes this report,***
- 2. approves the contract extension to CON2019 1263 to the existing contract Kerb and Channel Replacement on Various Roads in East Gippsland for a period of twenty-four (24) months to 30 June 2023, to the tendered schedule of rates inclusive of annual rise and fall in costs to the following contractors:***
 - a. R & M Contracting (Gippsland) Pty Ltd;***
 - b. Orbost Civil & Civic Pty Ltd;***
 - c. Cranes Asphaltting & Bitumen Sealing Pty Ltd;***
 - d. Albcon Pty Ltd; and***
 - e. Whelans Group Investments Pty Ltd; and***
- 3. authorises the Chief Executive Officer to finalise the terms, signing and sealing of the contract extension in the form proposed.***

Background

CON2019 1263 is a schedule of rates contract subject to adjustment to rise and fall in costs for appropriate contractors to undertake kerb and channel replacement on various roads in East Gippsland Shire Council.

On 11 December 2018 CON2019 1263 Kerb and Channel Replacement on Various Roads in East Gippsland was awarded by Council for the initial term commencing 11 December 2018 and expiring on 30 June 2021.

As a result of the request for tender process, contracts were formed with five (5) tenderers as follows:

- R & M Contracting (Gippsland) Pty Ltd;
- Orbost Civil & Civic Pty Ltd;
- Cranes Asphaltting & Bitumen Sealing Pty Ltd;
- Albcon Pty Ltd; and
- Whelans Group Investments Pty Ltd

All contractors have agreed to the contract extension, subject to Council approval.

The works completed to date as part of the above contracts have been satisfactory. Based on performance and availability, this report recommends that all five contractors on the existing panel be offered the extension option, subject to Council approval.

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.

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

Not applicable

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

A Liveable Region Goal 1 - East Gippsland has safe, accessible and well utilised open spaces and built environments that reflect the priorities of our community.

Council Policy

This report and its recommendations are in accordance with the East Gippsland Shire Council Procurement Policy (2020).

Options

There are three options available to Council with respect to this report.

1. Exercise the twenty-four (24) month extension option with R & M Contracting (Gippsland) Pty Ltd; Orbost Civil & Civic Pty Ltd; Cranes Asphaltting & Bitumen Sealing Pty Ltd; Albcon Pty Ltd; and Whelans Group Investments Pty Ltd with the contract completion date being 30 June 2023.
2. Exercise the twenty-four (24) month extension option with only some of the current panel.
3. Re-tender for the services provided by Contract CON2019 1263 Kerb and Channel Replacement on Various Roads.

Option 1 is recommended for the reasons outlined earlier in this report, as it provides Council with greatest contractor choice.

Resourcing

Financial

The annual kerb and channel replacement budget is part of the reseal budget which varies and averages \$350,000 per year.

The value of works conducted under CON2019 1263 Kerb and Channel Replacement on Various Roads between the commencement on 11 December 2018 and May 2021 is detailed in the following table:

CONTRACT PERIOD	AMOUNT GST EXCL.
Year 1 – 11 December 2018 – 17 December 2019	\$351,581.00
Year 2 – 11 December 2019 – 17 December 2020	\$157,572.50
Year 3 – 11 December 2020 – May 2021	\$400,000.00 approximately
TOTAL	\$909,153.50

Plant and equipment

Not applicable

Human Resources

The contract is managed internally by existing staff within the Assets and Environment Directorate. Exercising the contract extension has no impact on existing staff capacity.

Risk

The risks of this proposal have been considered and the Contractor is required to carry out all activities as specified in the specifications and following the Occupational Health and Safety Regulations.

Economic

Offering contract extensions to the five recommended local contractors supports local business and employment.

Social

There are no identified social impacts in relation to this report.

Environmental

There are no identified environmental impacts in relation to this report.

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

Not applicable

Attachments

Nil

5.2.7 CON2018 1195 Green Waste Processing and Removal Service - 1 Year Contract Extension

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

The purpose of this report is to seek Council's approval to exercise its option within CON2018 1195 to extend the existing contract – Green Waste Processing and Removal Service, for a period of twelve (12) months, to 7 September 2022, based on tendered schedules of rates.

This contract is for the provision of green waste mulching and carting services.

The contract commenced on 8 September 2018 with the initial term scheduled to end on 7 September 2021. Under the agreement, Council has the option to extend the contract for a further two (2) x twelve (12) month options.

Officer Recommendation

That Council:

- 1. receives and notes this report;***
- 2. approves the contract extension to CON2018 1195 Green Waste Processing and Removal Service for a period of twelve (12) months to 7 September 2022, to RPN Holdings Pty Ltd & Southridge Pty. Ltd. trading as Green Care Mulching for the tendered schedule of rates; and***
- 3. authorises signing and sealing of the contract in the form proposed.***

Background

On 7 August 2018 CON2018 1195 Green Waste Processing and Removal Service was approved by Council for an initial three (3) year term commencing 8 September 2018 and expiring on 7 September 2021 to RPN Holdings Pty Ltd & Southridge Pty. Ltd. trading as Green Care Mulching for the tendered Schedule of Rates.

East Gippsland Shire Council operates and manages its waste collection facilities across the region and this contract is designed to provide green waste mulching services as well as loading and removal services.

Current sources of green waste include the green waste collected through Council's kerbside service and self-haul and is stockpiled at 11 of Council's waste collection facilities:

- Bairnsdale
- Lakes Entrance
- Metung
- Orbost

- Swifts Creek
- Omeo
- Mallacoota
- Buchan
- Marlo
- Cann River
- Bemm River

Under the agreement, Council has the option to extend the contract for a further two (2) x twelve (12) months.

Green Care Mulching have been contacted and have confirmed agreement to the twelve (12) month extension term subject to Council approval.

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.

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

Not applicable

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

A Liveable Region Goal 2 - Sustainable planning and growth supports thriving townships, while maintaining our commitment to sustainability and protecting our natural environment.

Council Policy

This report and its recommendations are in accordance with the East Gippsland Shire Council Procurement Policy (2020).

Options

There are two options available to Council with respect to this report.

1. Exercise the twelve (12) month extension option with Green Care Mulching with the contract completion date being 7 September 2022 (preferred option);
2. Re-tender for the services provided by CON2018 1195 Green Waste Processing and Removal Service

Option 1 is recommended for the reasons outlined earlier in this report.

Resourcing

Financial

The annual expenditure since the commencement of the Contract is between \$300,000 and \$450,000.

This contract is not subject to rise and fall.

The value of works conducted under CON2018 1195 Green Waste Processing and Removal Service between commencement on 8 September 2018 and May 2021 are detailed in the following table:

CONTRACT PERIOD	AMOUNT GST EXCL.
Year 1 - 8 September 2018 – 7 September 2019	\$ 387,318.51
Year 2 - 8 September 2019 – 7 September 2020	\$ 426,889.10
Year 3 - 8 September 2020 – May 2021	\$ 285,419.75
TOTAL	\$1,099,627.36

Council has allocated funding for the contract extension as part of its operational budget.

Plant and equipment

Not applicable

Human Resources

The contract is managed internally by existing staff from the Sustainability and Waste Minimisation unit. Exercising the contract extension option has no impact on existing staff capacity.

Risk

The risks of this proposal have been considered and the Contractor is required to carry out all activities as specified in the specification to a satisfactory standard throughout the term of the Contract.

There have been no performance or OHS issues relating to this contract during the three-year term.

Economic

There are no identified economic implications in relation to this report.

Social

There are no identified social impacts in relation to this report.

Environmental

The mulching of green waste allows for efficient management of municipal green waste. At present this mulch is then re-used on landfill remediation projects. Other uses for this mulched green waste are currently being trialed.

Climate change

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

Greenhouse Gas Emissions: Consideration has been given to reduce GHG emissions.

Engagement

Not applicable

Attachments

Nil

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 provide Council with an overview of a tender for the reconstruction of a section of Bailey Street in Bairnsdale, between the Princes Highway and McLeod Street and seek Council's appointment of the Tender Evaluation Panel's recommended tenderer.

Bailey Street, between the Princes Highway and MacLeod Street in the Bairnsdale CBD, is a high traffic commercial street providing access to retail and other town centre services. The street has pavement, drainage and amenity deficiencies which make it a high priority for reconstruction and will be addressed through this project.

The works will include a full reconstruction of the footpath, kerb and channel, underground drainage infrastructure, road pavement and landscaping with new trees.

As a result of the invitation to tender and the subsequent tender evaluation provided as **Confidential Attachment 1**, Council is now able to consider the recommendation to award the contract.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by _____ for CON2021 1431 Bailey Street Bairnsdale Reconstruction for the contract amount of \$ _____ exclusive of GST;***
- 3. authorises the signing and sealing of the contract in the form presented; and***
- 4. resolves that the attachments to this report, and all discussions in relation to the attachments remain confidential.***

Background

The section of Bailey Street between the Princes Highway and MacLeod Street in the Bairnsdale CBD is currently in poor condition. Extensive cracking is visible on the road surface, with defects in the kerb and footpath. The pavement has failed in multiple locations due to lack of drainage infrastructure, large tree roots and failing water infrastructure. These deficiencies make the street a risk for both vehicles and pedestrians and have triggered numerous complaints about the road condition.

This renewal project aims to address all abovementioned deficiencies with existing infrastructure within this section Bailey Street while also enhancing the amenity in the area, with the following outcomes:

- Alignment with the Council adopted Re-imagining Bairnsdale Masterplan that has been implemented on nearby streets.
- landscaping works that will include planting six new trees.
- footpaths will feature decorative treatments that will tie the work to other recently renewed areas of the CBD.
- new bike lanes will link with the existing cycling network on Macleod Street.
- there will be no loss of parking as part of the project.

An existing water main located in the center of Bailey Street was highlighted as a very high risk. A collaborative approach between Council and East Gippsland Water led to the water main being successfully replaced in the past months, in preparation for the streetscape and rehabilitation works to commence. This work was undertaken at East Gippsland Water's expense.

The existing large English Plane tree located in the centre of Bailey Street was identified as causing extensive damage to the road pavement. The extent of damage being caused by the tree and nature of works necessitate the removal of the tree. Careful consideration was given when making this decision, noting that retaining this tree is not compatible with the road surface level and that the tree would be heavily impacted by the works and unlikely to survive. Officers understand the importance of this tree to some components of the community and the community will be informed of its removal in advance of the works. Officers are also investigating ways of acknowledging the past importance of this tree.

Additional trees will be added to the streetscape to ensure that with time shade is reintroduced to this part of Bailey Street.

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 *Local Government Act 1989*.

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

Given the localised focus of the project, collaboration with another local government or agency has not been possible. However, the works have been planned in consultation with East Gippsland Water to ensure that the water infrastructure was relocated and upgraded prior to the road pavement being disturbed.

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

A Liveable Region Goal 1 - East Gippsland has safe, accessible and well utilised open spaces and built environments that reflect the priorities of our community.

Council Policy

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

Options

When planning the Bailey Street reconstruction project, a range of options have been considered and discussed with various stakeholders. These included considerations with respect to design, traffic, parking and surface treatments. Best practice treatments in accordance with Australian Standards and infrastructure design principals have been adopted. A range of options were investigated before the remediation treatments for the replacement of the water main and removal of the large existing English Plane tree were determined as necessary.

When considering design options for this section of the Bairnsdale CBD, officers took care to also take direction from the CBD Masterplan *Re-imagining Bairnsdale* to ensure that the overall look and theming of the works remained true to these adopted guidelines, that were developed with extensive consultation.

Resourcing

Financial

The project is being funded predominantly by the Federal Government's Victorian Infrastructure Investment Program. Council is providing 20 percent of funding for the project. Further detailed financial information is contained in **Confidential Attachment 1**.

Human Resources

This project will be supervised by a Project Supervisor from Council's Assets and Projects unit. No additional human resources are required to manage this project.

Risk

The risks of this proposal have been considered extensively during the design phase of this project. 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.

Key risks with respect to water infrastructure have been mitigated through the replacement of the water main in preparation for works to commence.

The risk of the large Plain tree being damaged during the works was also considered, with officers and Council's arborist determining that the risk of the works damaging the root system and threatening the life of the tree, meant that the tree was best removed and replaced as part of 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 and purchase goods and any subcontracted services locally. As this is a CBD project that will address access and hazards the project is seen to support CBD vitality and amenity, which is known to positively impact economic growth.

The tender also considered local content as an assessable criterion with a 5% weighting. This considers factors such as local purchasing and employment.

Social

The adjacent businesses and agencies in this section of Bailey Street will directly benefit from this project once completed. The project will also enhance the amenity of the Bairnsdale town center generally. The new footpaths will increase pedestrian safety, and along with refreshed landscaping and new trees will provide a higher level of amenity in the area. The renewal of the road pavement will provide a safer surface to drivers and prevent further pavement failure.

Environmental

In designing the project, consideration was given to landscaping and tree planting, which will provide a higher level of amenity in the area and ensure ongoing canopy cover, reducing heat.

A 5% weighting has been used in the evaluation of tenders in regard to 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

This project design is influenced by the Bairnsdale CBD Masterplan *Re-imagining Bairnsdale* which included extensive consultation with CBD traders, landowners and the broader community.

The Project Supervisor for the works has been responsible for providing initial engagement with adjacent businesses and agencies 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 - CON2021 1431 Bailey Street Bairnsdale Reconstruction - Tender Evaluation Panel Report [**5.2.8.1** - 6 pages]

5.2.9 Draft Road Management Plan

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

In accordance with *Section 54(5) of the Road Management Act, 2004* Council has a statutory duty to regularly review its Road Management Plan. This was recently undertaken with a number of possible amendments identified.

East Gippsland Shire Council is a co-coordinating Road Authority and as such must under the Road Management Act have an adopted Road Management Plan (RMP). The RMP outlines Council's road management responsibilities and details the standards of road maintenance service for roads within this municipality. Council must periodically review the RMP, with the RMP most recently being endorsed by Council in September 2017.

Officers have therefore recently reviewed and modified the RMP as provided as **Attachment 1**. This review identified a need to update the plan to reflect current organisational resources, redefine and clarify Council's obligations under the Road Management Act; and analyse inspection frequencies, maintenance intervention levels and response times.

The review also identified an opportunity to look at the current requirements under its current Road Management Plan 2017 and create a more consistent document with not only municipalities of a similar size geographically including asset quantities but also those that border East Gippsland. Benchmarking was completed as well as recommendations from the Municipal Association of Victoria (MAV) relating to Council's defect intervention level and inspection regimes. This led to some simplification of the RMP to improve its readability and user-friendliness.

Based on the review a series of changes were made to the existing RMP with these changes shown as tracked changes to the existing plan – provided as **Attachment 2**.

As the amendments were deemed to be of a significant nature, Council was required to undertake a formal amendment process in accordance with the requirements of the Road Management Act and associated regulations. This included publicly advertising the intention to amend the Road Management Plan, in accordance with *Regulations 9(2) and 10, Road Management (General) Regulations, 2016*, in the Victorian Government Gazette (Edition No. G 16) on 22 April 2021, within local newspapers on 21 April 2021 and Council website from 21 April through to 19 May 2021.

Written submissions were invited from interested persons with one response recorded against the Road Management Plan Amendment, however this was in relation to a request for maintenance and bitumen sealing of a local road. This comment has been dealt with through the maintenance request process.

As such this report recommends that no additional amendments be made as a result of the public submission period. The draft Road Management Plan 2021 is now presented to Council for formal consideration.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. adopts the Draft East Gippsland Road Management Plan 2021 presented in Attachment 1; and***
- 3. authorises the placing of a notice in the Government Gazette advising that Council's Road Management Plan 2021 has been amended and that those amendments have been adopted by Council resolution.***

Background

Role of the Road Management Plan:

The Victorian Road Management Act (2004) is the primary tool for establishing a coordinated management system that will promote safe and efficient road networks at state and local levels and the responsible use of road reserves for other legitimate purposes. To enable co-ordination of road management, the Act establishes a "coordinating Road Authority", that has co-ordination functions, and a "Responsible Road Authority", which has operational functions.

East Gippsland Shire Council is a Co-coordinating Road Authority and as such must under the Road Management Act have an adopted Road Management Plan (RMP). The RMP outlines Council's road management responsibilities and details the standards of road maintenance service for roads within this municipality. Council periodically reviews the RMP, with its most recently being endorsed by Council in September 2017.

The RMP describes the management system established by the Council to carry out its duty under the Road Management Act 2004 to inspect, maintain and repair public roads for which it is responsible. By road, we mean the full road reserve area, from building line to building line, which includes the kerb and channel, the roadway, the footpath, traffic islands, street trees and signs but not the nature strip area or vehicle crossings. A copy of the Council's current RMP with the proposed changes shown is provided as **Attachment 2** to allow Councillors to easily compare the current plan with the proposed, reviewed plan.

Significantly the plan also dictates the road management standards which Council commits to, including frequency of road inspections, the tolerable level of defects and the time given to repair defects.

The RMP is also the vehicle that sets the standards for Council's Road Maintenance contracts. Should Council be proven not to be conforming with its adopted RMP, there are grounds for litigation.

The Victorian Auditor General's Office (VAGO) report, Maintaining Local Roads - March 2021 identified that East Gippsland Shire Council is performing slightly above average in comparison with other Large Rural Council's regarding maintenance of its local road network. In addition, their findings report that on average Council's spend up to 10% of their annual budgets on maintenance of roads and there needs to be continual focus on improving cost efficiency and financial sustainability.

Transition to New Road Maintenance Contracts

In late 2019, Council transitioned to new Road Maintenance Contracts, that will be in place for the next 5 years with two separate options of 24 months. The development of the

contracts saw Council move away from a 'Lump Sum Service' approach to a 'Schedule of Rates and Scheduling of Work' approach. This has provided Council with greater oversight of the management of road maintenance and the assessment of the standards of our roads.

Recognising that the transition of the contracts aligned with the next scheduled review of the RMP, Officers undertook to review Council's Road management practices against like and neighbouring Councils. This identified changes that could be made to the plan and in particular the inspection regime that would deliver far better value to Council.

Changes to Road Asset Inspections

Until 2019 Council officers relied on visual inspection of our sealed roads to inform our asset management system and corresponding maintenance and renewal programs. In 2019 Council converted to use of specialised road inspection services that provide a more detailed and reliable inspection regime. This data is now considered relevant for up to five years. This is a similar inspection process to that used by Regional Roads Victoria for the arterial road network.

Council now also has a dedicated Asset Inspector Roads position. This position is required to carry out a cyclic inspection program generated through the asset management system. This change has been instigated to ensure that inspections are cyclical and undertaken by one officer with relevant qualifications and inspects all roads in a consistent manner. As a result, our data is standardised and updated regularly based on the cycle of inspections.

A recent Victorian Auditor General's Office (VAGO) also put into question the capacity of Local Governments to maintain their local road networks. This report concluded that Councils were often not using reliable data to inform road maintenance and that Councils were placing themselves at risk of litigation for not meeting their own inspection regime committed to in the Road Management Plan. Our Officers have considered this information when revising the East Gippsland Shire Council Road Management Plan.

Proposed Changes to the Plan:

Section 54 of the Road Management Act 2004 and Part 3 of the Road Management (General) Regulations 2016 requires Council to conduct regular review of the Road Management Plan. The purpose of this review includes updating the plan to meet current organisational resources, to redefine and clarify Council's obligations under the Act; to analyse inspection frequencies, maintenance intervention levels and response times.

This recent review found that in some areas Council was not meeting its required deadlines under the current RMP. It also found in many cases that the response time between the defect being identified and the required time for the issues to be remediated to bring it back to a level below intervention was insufficient. This was particularly evident in the further outlying communities where the availability of contractor resources and materials is limited to be able to provide responses within the specified very short timeframes.

Given the recommendations of the recent VAGO audit report coupled with the fact that Council is now inspecting its roads more thoroughly and generating data that can be relied on for longer periods of time. The new RMP proposes modified inspection regime criteria to create greater consistency with similar Gippsland Council RMP criteria.

Modifying the inspection criteria will ensure that Council meets its compliance obligations with its Road Management Plan and uses the data we are collecting efficiently for the duration of the data's useful life. It also aligns our inspection regime with peer Councils.

Changes to the plan provided as **Attachment 1** have been proposed to allow for greater consistency with similar sized Councils and reviews of intervention response times to allow for greater compliance relative to current available resources.

The review has also allowed for condensation of the RMP to make it a more readable and concise document.

A significant number of options have been considered when reviewing inspection standards and the content for the revised RMP. As outlined earlier, these options were based on analysis of our own compliance data and benchmarking against other like Councils' plans.

While there have been significant changes in the amended document, these are considered reasonable measures to ensure Council is meeting its obligations under the relevant Acts and regulations.

Legislation

In accordance with *Section 54(5) of the Road Management Act, 2004* Council has a statutory duty to regularly review its Road Management Plan.

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.

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

Pursuant of section 109(2) of the *Local Government Act 2020* this report has not been able to be developed in collaboration with other councils as it relates specifically to East Gippsland Shire Council's roads and maintenance standards. However, a range of other councils' plans, and approaches were benchmarked as part of the review of the RMP.

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

A Liveable Region Goal 1 - East Gippsland has safe, accessible and well utilised open spaces and built environments that reflect the priorities of our community.

Council Policy

Options

Resourcing

Financial

The proposed changes consider the resources available both financially and physically to complete road management works within the required timeframes within the document.

It should also be noted that these are the minimum standards that Council will maintain; it will always be the goal to achieve shorter response timeframes for defect rectification than what is set out in this document, Council's preventative maintenance program is designed to ensure that all road assets are kept to a level above intervention level.

The adoption of the proposed changes listed in the Road Management Plan Amendment will have no further impact on the budget. The levels of maintenance are considered to improve on the previous road maintenance contract model as Council will always work to achieve a higher level of service than outlined in the RMP.

Plant and equipment

Not applicable

Human Resources

Council has made the human resource adjustments required to manage and oversee the new road maintenance contracts with the roles of Road Supervisors and Asset Inspector (Roads) replacing previous Asset Supervisor roles. It is not anticipated that there will a requirement for further human resource beyond the current structure.

Risk

The risks of this proposal have been considered and the proposed Road Management Plan amendments will further reduce Council's exposure to risks through a greater focus on management of our road network. The changes in inspection regime will also allow Council to consistently achieve these inspection requirements and for the road network to remain above the specified intervention levels.

Economic

The adoption of the Draft Road Management Plan 2021 is not expected to have any economic impact, as this document outlines the levels of inspection and repair of the road network which is already delivered under Council's existing Road Maintenance Contract.

Social

The amended Road Management Plan 2021 is aimed at providing a consistent approach to road maintenance, taking into consideration the geographical area and current resources, plant, labour and materials within the Road Maintenance Contract. The document outlines the minimum requirements of the road network maintenance. While Council will always strive achieve a higher level of service this is the standard which roads must be maintained to.

Environmental

With the inspections being completed with a greater systematic approach and at a reduced frequency this will create greater efficiencies with less vehicles on road and less emissions.

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

Consultation has been completed within Council to ensure all stakeholders had input into the revision of the amended Road Management Plan 2021. Council also sought information from Council's insurer. Considerable benchmarking was completed against other Councils of similar size in geographical area as well as similar quantities of road assets.

As required under the Act the proposed amendment to the Road Management Plan 2021 was gazetted and advertised for public submission for 28 days, to ensure public is given the opportunity to submit questions or comments regarding the amendment before the plan is adopted. Council received one written submission. This was related to maintenance and sealing of a local road not related to the amendment to the Road Management Plan 2021

Attachments

1. Draft East Gippsland Road Management Plan 2021 [**5.2.9.1** - 26 pages]
2. East Gippsland Road Management Plan Proposed Changes 2021 - Tracked Changes [**5.2.9.2** - 38 pages]

APPENDIX 1



ROAD MANAGEMENT PLAN 2021

|

Schedule of Changes & Amendments

Document	Date	Description	Authorised By	Approved
Original	23/11/04	Version 1.0	Council Report	Council
Revision 1	02/06/09	Updated links, adding walking tracks, Force Majeure clause, updated bridge and resheet program information, updating footpath service criteria	Council Report	Council
Revision 2	26/10/2015	Updated references to Council Plan, Policies/Strategies, Contracts & Current Legislation and Updated quantity and extent of Council Maintained road assets.	Council Report	Council
Revision 3	5/9/2017	Updated references to Council Plan, Policies/Strategies & Current Legislation and Updated quantity and extent of Council Maintained road assets. Review of Intervention Levels and Response Times.	Council Report	Council
Revision 4	2021	Updated references to Council Plan, Policies/Strategies & Current Legislation and Updated quantity and extent of Council Maintained road assets. Review of Intervention Levels and Response Times.		

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1. Executive Summary

The Road Management Plan sets out Council's policies, service delivery and actions relating to the local road network.

The objective of the plan is to:

- identify those roads and related infrastructure for which Council is responsible;
- adopt road management standards which include the nature and frequency of road inspections, the tolerable level of defects, and the time taken to repair defects;
- identify the road management systems used by Council to discharge its duty to inspect, maintain and repair public roads for which it is responsible;
- demonstrate to stakeholders that the road network is managed effectively; and to
- comply with the legislative requirements of the *Road Management Act 2004*.

This is a dynamic document and is reviewed at regular intervals as outlined in Chapter 6.

Copies of this Road Management Plan may be inspected or obtained at Council's Bairnsdale Corporate Centre and, Paynesville, Omeo, Lakes Entrance, Orbost or Mallacoota Service Centres or via Council's website at <http://www.egipps.vic.gov.au>.

2.1 Purpose of this Plan

The road network in East Gippsland is significant and varies throughout the municipality in dimensions and construction. The network comprises of 2958 kilometres of formed roads (of which 1264 kms are sealed), 195 road bridges & 27 footbridges, 310 kms of footpaths and 9363 culverts (including 129 major culverts). There also exist numerous other features including signs, street furniture and kerb and channel.

The significant value and importance of the above road assets requires that they be managed in a safe and efficient way, while providing the necessary levels of service.

2.2 Relationships with other documents

Asset Management Policy and Strategy

Council's Asset Management Policy and Strategy were adopted on 22 January 2003 and further updated on 2 July 2013.

The purpose of the policy was to broadly outline why asset management is relevant to Council and provide guidance in developing Asset Management Plans. The objective of the strategy was to develop a structured set of actions aimed at enabling improved asset management.

Other key documents

Other key documents that are linked to this asset management plan include:

- Council Plan 2017-21 (Revised 2019)
- Local Roads Asset Management Plan
- Annual Business Plan and Budget
- Road Maintenance Service Contracts

2.3 Assets included in the Plan

A road network, like any major asset, has a number of individual and distinct components. From an asset management point of view, the components of most interest are:

- components that are key contributors to performance (to satisfy stakeholder needs and safety);
- components that are the most expensive (in terms of life cycle costs) ; and
- components that are the most prone to deterioration or need for ongoing management interest.

Therefore, for the management of the road network, the components of most interest include road formations, pavements (the road surfacing and structural layers that support the traffic loading), drainage, bridges, traffic control equipment, [road related](#) street furniture and footpaths.

Subject to **section 2.4** the assets covered by this plan include all [road infrastructure](#) and road-related infrastructure within those roads and ancillary areas identified in Council's Public Road Register.

Figure 2.3 below identifies the key asset types and quantities that are covered by this plan. This information has been extracted from the best information sources available at the time. There is a Council commitment to ensure the assets register and quantities listed below are maintained as identified in **Section 6 – Plan**

Improvement and Monitoring.

Figure 2.3 Key assets covered by this plan

<u>Road Surface</u>		<u>Drainage</u>	
Sealed	1264 kms	Kerb & Channel	540 kms
Unsealed	1694 kms	Culverts	9363 kms
Total	2958 kms	Table Drains	3643 kms
<u>Footpaths and Constructed Walking Tracks</u>			
Footpaths and Constructed Walking Tracks *		310 kms	
<u>Road Bridges</u>		<u>Other Road Infrastructure</u>	
Timber	26	Safety Barrier	13.52 kms
Timber Steel & or Concrete	21	Signs & Delineators	n/a
Concrete	54	Street Furniture	n/a
Concrete & Steel	93	Roadside Structures	n/a
Steel	1	Roadsides	n/a
Major Culverts	131	Raymond Island Ferry	See note **
Floodway's	29		

n/a – information not yet available

* Walking tracks/ trails that are not within the road reserve of those roads identified in Council's Public Road Register are not included in this Plan. Also Walking tracks/trails on foreshore and/or river frontage land (irrespective of construction type,) for which Council is Committee of Management, are not included in this Plan

** The Raymond Island Ferry forms an important part of East Gippsland's road network, its management and operation, however, comes under separate legislation and is therefore currently beyond the scope of this document.

2.4 Assets not included in the Plan

2.4.1 General

Subject to those agreements outlined in **Section 2.5** or any relevant Codes of Practice this Road Management Plan does not cover any of the following:

- roads and/or road related infrastructure on roads not identified in Council's Public Road Register (eg. un-constructed roads, laneways or tracks that have historically not been maintained by Council);
- utility related assets (either publicly or privately owned) that provide, or intend to provide, water, sewerage, gas, electricity, telephone, telecommunications or other like services;
- other non-road related infrastructure such as rail infrastructure (including boom gates and level crossings), mailboxes or roadside furniture and fences erected by utilities;
- driveways/ crossovers;
- private roads or carparks; and
- other non-municipal roads and related infrastructure (eg State, Department of Environment, Land, Water & Planning and Parks Victoria roads).

2.5 Road management and maintenance agreements

2.5.1 Arterial roads

Under Section 37 of the *Road Management Act* Council is responsible for the following components of an arterial road:

- roadsides in "urban areas" [as defined under the Act but limited by Section 107](#);
- any pathways, other than those on freeway reserves;
- service roads; and
- the median strip between an arterial roadway and a service road.

Beyond these limits there are several areas that have historically been maintained by Council but are the responsibility of VicRoads. To ensure that the current levels of service continue, Council has entered into several arrangements with VicRoads to transfer and/or delegate road management functions refer to Code of Practice – Operational Responsibility for Public Roads published in the Victorian Government Gazette s267.

2.5.2 Agreements with adjoining municipalities

East Gippsland shares municipal boundaries with three other Victorian councils. For most of those roads that cross these boundaries the limits of demarcation for road management responsibilities are clearly defined. There are, however, several boundary roads for which the limits of responsibility are unclear. To address this Council has entered into an agreement with Wellington Shire Council, with whom it shares all but one boundary road, Beverley's Road, Glenaladale, to clearly define management responsibilities.

2.6 Key stakeholders

The following key stakeholders are recognised as having an interest in the service provided by the local road network:

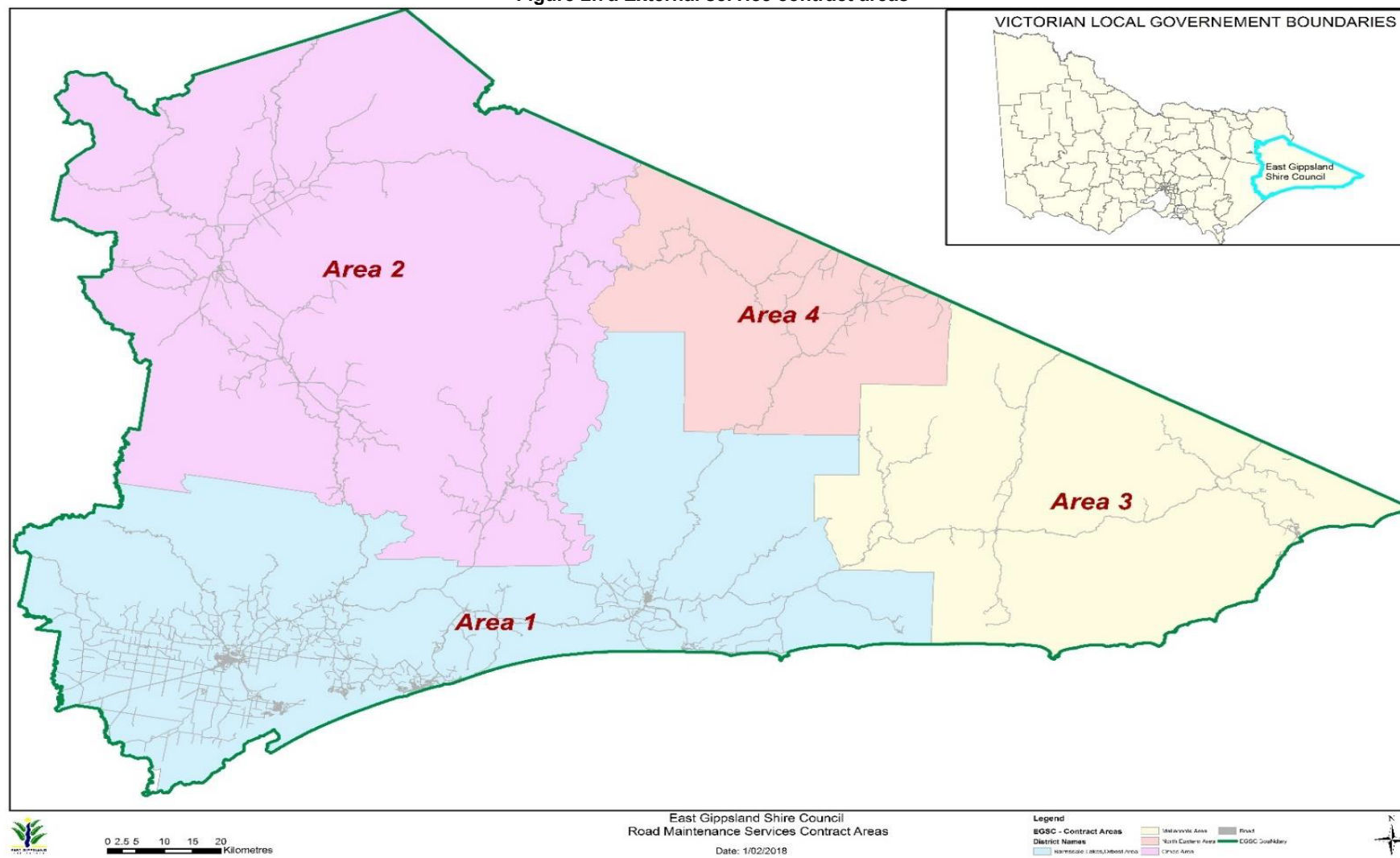
- Residents and businesses who reside and operate within the East Gippsland Shire Council municipality.
- All road users, vehicular, pedestrian, cyclists, those with disabilities or restricted mobility, tourists and visitors.
- Adjoining Municipalities;
- Other road authorities including VicRoads, Regional Roads Victoria, Department of Transport, Department of Environment, Land, Water & Planning (DELWP) and Parks Victoria emergency services authorities such as Victoria Police, Country Fire Authority (CFA), Ambulance Victoria, State Emergency Services (SES)
- Utility providers such as water, sewerage, gas, electricity and telecommunication as prescribed in Section 3 of the *Road Management Act 2004*;
- Councillor's, East Gippsland Shire staff through management of assets, contractors, customer experience and financial management of the road network

2.7 Road management structure

With the amalgamation of the five former councils in 1995 all external works, including the maintenance of East Gippsland Shire's road network and related infrastructure, were outsourced. Due to its geographic size the Shire was broken down into four distinct regions – Area 1 Bairnsdale/Lakes Entrance/Orbost, Area 2 Omeo/Buchan/ Swifts Creek/Ensay/Benambra Area 3 Cann River/Mallacoota, Area 4 Bonang/Bendoc (see **Figure 2.7a**).

Road maintenance contracts exist for these areas they are closely monitored and managed by Council's Assets & Environment Directorate.

Figure 2.7a External service contract areas



2.8 Road Management Act 2004

The *Road Management Act 2004* seeks to ensure efficient and safe management of the road network for all road users.

2.9 Duties of road users

Under Section 17A of the *Road Safety Act 1986*: -

A person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors, including the: -

- Physical characteristics of the road;
- Prevailing weather conditions;
- Level of visibility;
- Condition of the motor vehicle;
- Prevailing traffic conditions;
- Relevant road laws and advisory signs;
- Physical and mental condition of the driver.

Road users other than a person driving a motor vehicle must use a highway in a safe manner having regard to all relevant factors.

A road user must -

- have regard to the rights of other road users and take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;
- have regard to the rights of the community and infrastructure managers in relation to road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve;
- have regard to the rights of the community in relation to the road reserve and take reasonable care to avoid conduct that may harm the environment of the road reserve.

2.10 Responsibilities of adjoining landowners

2.10.1 Property access (driveways)

In accordance with the *Road Management Act 2004* Council is not responsible for driveways and pathways on road reserves that provide access to land adjoining a road. Property owners are responsible for maintaining driveways and the immediate surrounds impacted on by a driveway in a safe condition. The extent of responsibility of landowners for driveway access is depicted in **Figure 2.10.1**.

The maintenance responsibility of landowners includes the removal of non-approved modifications to kerb & channel driveway crossings and the ongoing clearing and cleaning of driveway culverts / structures.

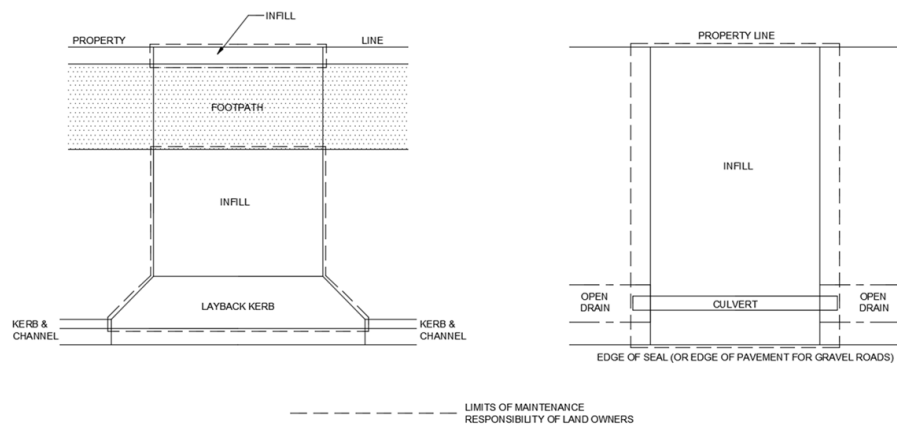


Figure 2.10.1 Limits of Maintenance Responsibility for Driveway Access

Pursuant to **Section 2.10.3** landowners are responsible for ensuring that the installation of driveways and new crossings over footpaths and channels are within the design standards specified by Council.

2.10.2 Footpaths and overhanging vegetation

In accordance with the *Road Management Act 2004* and *Road Management (General) Regulations 2016* landowners must not allow any tree or plant in or growing on land owned or occupied by him or her to obstruct or interfere with the passage of traffic by: -

- overhanging any footpath or other part of the road used by pedestrians so that it gets in the way of pedestrians or is likely to cause injury or damage;
- extending over any part of the road in such a way that it -
 - obstructs the view between vehicles;
 - obstructs the view between vehicles and pedestrians where they come close to each other;
 - obscures a traffic control item from an approaching vehicle or pedestrian;
 - obscures street lighting; or
- otherwise constitutes a danger to vehicles or pedestrians or compromises the safe and convenient use of the road;
- Council has responsibility to ensure that the landowner does not allow private assets to become a hazard.

2.10.3 Roadworks/openings – Works Within Road Reserve

In accordance with Section 63 of the *Road Management Act 2004* a person must not conduct any works in, on, under or over a municipal road without the written consent of Council and subject to the requirements of A Guide to Working in the Road Reserve by VicRoads July 2015. This does not apply if the person is required to conduct the works by specified requirements specified in or under any other Act and the works are conducted in accordance with these requirements refer to VicRoads A Guide to Working in the Road Reserve July 2015.

2.11 Force Majeure

Council will make every endeavour to meet all aspects of its Road Management Plan. However, in the event of natural disasters and other events including, but not limited to fires, floods, droughts and the like, together with human factors, such as a lack of Council staff or suitably qualified Contractors, Council reserves the right to suspend compliance with its Road Management Plan under Section 83 of the Victorian Wrongs Act 1958 as amended.

In the event that the Chief Executive Officer has to consider the limited financial resources of Council and its other conflicting priorities pursuant to Section 83 of the above Act, meaning Council's Plan cannot be met, the Chief Executive Officer will write to Council's Officer in charge of its Road Management Plan and inform them that some, or all, of the timeframes and response times are to be suspended.

Once the events beyond the control of Council have abated, or if the events have partly abated, the Chief Executive Officer will write to Council's Officer responsible for the Council's Plan and inform them which parts of the Plan are to reactivated and when.

3. Maintenance Management

3.1 Background data

3.1.1 Public road register

Under Section 19 of the *Road Management Act 2004* all road authorities are required to keep a register of public roads specifying the roads in respect of which it is the coordinating authority. The Register of Public Roads includes The Register of Public Roads includes roads that are managed in accordance with the East Gippsland Shire Council Road Management Plan, where the East Gippsland Shire Council is the coordinating road authority as determined in conjunction with Section 17 of the Road Management Act 2004.

Full Listing of the East Gippsland Shire Council Public Road Register can be found on council's website: www.eastgippsland.vic.gov.au

3.1.2 Road hierarchy

To improve the effectiveness of asset management East Gippsland Shire Council has allocated its roads and footpaths to categories or sub-networks. In this way, roads and footpaths with similar purposes are treated consistently with respect to decisions on standards and levels of service, regardless of legal or administrative classification. Roads have been allocated to a category on the basis of indicators such as function, traffic volume, percentage of heavy vehicles, travel speed, and strategic significance. Footpaths have been allocated to a category on the basis of traffic volume.

Figures 3.1.2a and 3.1.2b list the classifications and their definitions for both the road and footpath network.

Figure 3.1.2a Road Hierarchy

ROAD HIERARCHY	
Classification	Description
State/VicRoads	Roads under the responsibility of an authority other than Council.
Urban Link	Roads of this classification primarily provide a linkage between significant residential, industrial and commercial nodes and or the arterial road network. These roads have an identifiable origin and destination (eg suburbs, industrial areas or places of significance).
Urban Collector	Roads of this category primarily provide a route between and through residential, industrial and commercial areas and convey traffic to the Urban Link or Arterial Road network system.
Urban Access	A road, street, court or laneway that primarily provides direct access for abutting residential, industrial and commercial properties to their associated nodes with minimal to no through traffic.
Urban Limited Access	An un-constructed road that provides direct access or a laneway that provides secondary access for abutting residential, industrial and commercial properties.
Rural Link	Roads of this classification primarily provide a direct linkage between significant population centres and major traffic generators such as residential, industrial, commercial, agricultural and tourist areas and declared roads. These roads have an identifiable origin and destination (eg townships and places of significance).
Rural Collector	Roads of this classification primarily provide a route between, and through, residential, industrial, agricultural, tourist and forest traffic nodes and the Rural Link and/or Arterial Road network.
Rural Access	A road or laneway in this category primarily provides direct access for abutting Residential, Industrial, Commercial, and in other locations, Forestry, Tourist and Agricultural properties and connect into either the Link, Collector or Arterial Road network. There is minimal to no through traffic.
Rural Limited Access	Roads that are un-constructed but provide direct access for abutting property or roads that provide direct access for vacant abutting property.
Rural Fire Access	A road, laneway or track that primarily provides access for fire fighting purposes.

Figure 3.1.2b Footpath Hierarchy

FOOTPATH HIERARCHY	
Classification	Description
High Traffic	Major retail areas, schools, hospitals, elderly homes.
Medium Traffic	Tourist and significant volume pedestrian areas.
Low Traffic	Low volume pedestrian areas, residential areas, constructed walking tracks and shared use paths.

3.1.3 Asset condition and inspection regimes

Documenting the condition of road assets is crucial to determining the standards of maintenance, rehabilitation and renewal required to deliver the target level of service.

Quantitative (workload) and qualitative (intervention levels) indicators of maintenance standards are sensitive to the condition of the asset at any point in time.

Inspections of the road network form the cornerstone of the maintenance program. In order that the need for maintenance is properly assessed, and that safe passage for road and path users is maintained, it is necessary to carry out regular surveys and inspections. These fall into two categories: -

Condition surveys

Overall condition of the asset is determined from a lifespan and renewal expenditure planning perspective as such these inspections are not intended to identify or record individual specific defects.

Hazard inspections

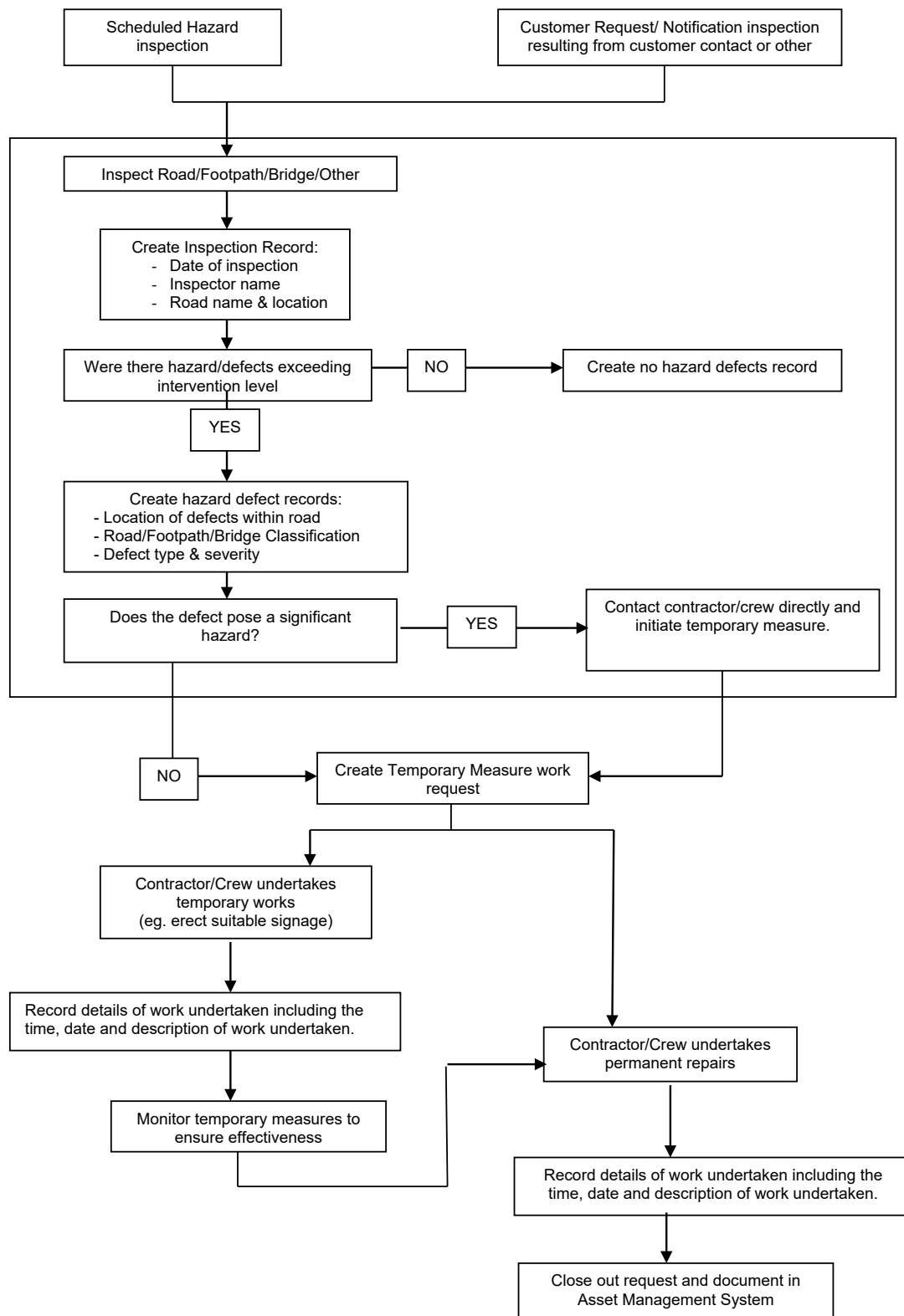
These are designed to identify those defects that exceed the stated intervention levels considered likely to create a danger or serious inconvenience to the public. These inspections follow the principles established within the road and footpath hierarchy and the routine maintenance levels of service outlined in **Appendix A**.

The monitoring of the road and footpath network between condition assessments is a combination of the proactive formal hazard inspections carried out at pre-determined intervals and reactive inspections in response to reports of potential hazards by members of the public or staff.

Figure 3.1.3a Inspection Frequencies

CLASSIFICATION	INSPECTION INTERVAL	
	DEFECT	CONDITION
Roads		
VicRoads/State	n/a	n/a
Link	Once in a 4-month period	5 Years
Collector	Once in a 7-month period	5 Years
Access	Once in a 14-month period	5 Years
Urban Limited Access	Once in a 14-month period	n/a
Fire Access	Once in a 14-month period (Pre fire season)	n/a
Footpaths and constructed walking tracks		
High Traffic Footpaths	Once in a 7-month period	
Medium Traffic Footpaths	Once in a 14-month period	
Low Traffic Footpaths	Once in a 24-month period	
Bridges and related structures		
	(Level 2)	(Level 1)
Bridges - concrete and concrete and steel	60 months	24 months
Bridges – load limited timber and timber and steel	As determined following Hazard (Level 1) Inspections but not greater than 24 months	12 months
Bridges – timber and timber and steel	24 months	12 months

Figure 3.1.3b Hazard Inspection Process



3.2 Maintenance plan

Sealed and unsealed roads deteriorate as a result of repeated traffic loading and environmental influences such as climate and soils. Maintenance is carried out to ensure the safety of traffic and to sustain the serviceability and appearance of the road and its associated facilities.

Road maintenance involves remedying the defects that occur from time to time and providing treatments such as resurfacing which slow down the rate of deterioration. For management and administrative purposes maintenance is divided into two categories: routine and periodic. Generally, routine maintenance is funded through Council's operational budget while periodic maintenance is funded through the capital works budget.

3.2.1 Routine maintenance

Routine maintenance is carried out to ensure the safety of traffic and to sustain the serviceability of the road and its associated facilities within the stated acceptable intervention levels. General road maintenance activities are delivered under Contract by external service providers (refer s 2.5 and s 2.7 for details) and that maintenance of footpaths and minor road related structures (eg signs) is undertaken by in-house works crews to ensure a timely and cost effective response to repair defects exceeding intervention levels identified in routine hazard inspections.

3.2.1.a Proactive maintenance

Proactive maintenance covers those activities that occur on a regular consistent schedule and are designed to proactively maintain an asset within the predefined level of service. Examples of these activities include: - but not limited to

- Grading
- Pothole patching
- Crack sealing
- Roadside vegetation regrowth clearing / slashing / weed spraying
- Shoulder maintenance / Edge breaks
- Culvert cleaning
- Clearing/cleaning of open drains
- Picking up of rubbish within road reserves
- Minor bridge maintenance such as tightening of fixtures and cleaning scuppers
- Grinding of footpaths

General routine maintenance is undertaken on a cyclic schedule based on geographic regions. Such maintenance works at below intervention levels are undertaken at Council's absolute discretion and are not for the purpose of hazard or risk reduction but more for the purpose of benefitting the long-term condition and lifespan of the respective assets.

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3.2.1.b Reactive maintenance

Reactive maintenance is that group of activities that address isolated and random defects exceeding stated intervention levels that occur within the road network. Examples include surface defects, damaged signage and obstructions in traffic lanes. These activities are usually undertaken as a result of notification or inspection.

Appendix A lists the intervention levels (tolerable levels of defect) and response times used by Council for routine – reactive type maintenance.

Temporary measures

In the event that repairs are unable to be undertaken within the prescribed response times, because of the nature of the repair required, level of resources required or workload, temporary measures may be implemented to reduce the risk of an incident until such time as maintenance or repair works can be completed. Examples of such measures include: -

- erection of appropriate warning signs;
- temporary repairs

Where warning signs are erected, or temporary repairs undertaken these treatments are to be inspected and maintained as required on a weekly basis.

Emergency works

Emergency works are works required to be undertaken to ensure the safety of road users and the public as a result of an emergency incident. Emergency works could include traffic incident management, response to fires, floods, storms and spillages, and assistance under the Victorian State Emergency Response Plan. Emergency works are provided by way of a 24-hour callout service.

In the event of widespread or extreme events the response times documented within **Appendix A** may not be achievable due to resource limitations at the time. In such instances works will be prioritised based on the classification of the asset (i.e. traffic type and volume), the defect type and its severity. Refer to s 2.11 Force Majeure

3.2.2 Periodic maintenance

Activities that come under the heading of “periodic maintenance” include sealed road resurfacing, gravel road resheeting and bridge rehabilitation.

Sealed road resurfacing program

The Road Resurfacing Program is an annual program that involves both the road surface and road pavement. The primary focus is for the renewal/replenishment of the surface however, small repairs to the road pavement need to occur prior to the application of the new treatment.

The annual Road Resurfacing Program (Reseal Program) is currently developed by ranking the overall condition of road segments (as identified by the sealed road surface inspection). This information is then used by the relevant officer/contractor through a series of site visits to refine the list and make decisions on for example, the worst roads, traffic type and volume, the most appropriate treatment and estimated costs.

Council reviews its capital works program annually and considers road funding.

Gravel road resurfacing program

The development of the annual gravel road resurfacing program is undertaken in a similar manner to that used for the Sealed Road Resurfacing Program. Unsealed roads requiring resheeting are identified primarily through the unsealed road surface inspection process or by notification. The roads are then prioritised based on traffic type and volume and estimated cost.

Bridge rehabilitation and renewal program

The bridge renewal program is generally a 'reactive' program because the demands greatly outstrip Council's financial capacity. Subject to this capacity works are ranked in priority order using the following principles:

- A load-limit severely restricting functionality.
- Availability and convenience of any alternative access.
- Traffic type and volume.
- Ability to stage any necessary upgrade to better fit budget constraints.

Footpath rehabilitation program

Council has implemented an annual program to rehabilitate the network. The program utilises the ongoing footpath condition/hazard inspections to prioritise works based on a combination of defect severity and footpath classification (ie traffic type and volume). Utilising this method ensures that those areas of greatest risk to path users are addressed first.

Council's in-house concrete crew is responsible for delivering the majority of the footpath rehabilitation program, ensuring timely and cost-effective program delivery.

3.2.3 Maintenance procedures and standards of work

The standards and procedures used for maintenance works are documented in Council's service agreement contracts.

These service agreement contracts consider various industry standards, geographic and climatic conditions as well as Council's capacity to deliver.

Intervention levels are used in conjunction with minimum maintenance frequencies to determine maintenance actions for each asset (this is important because many maintenance activities are driven by customer requests and the intervention levels provide guidance in assessing risks and prioritising reactive maintenance works).

The Service Agreement Contracts provide clear identification of the scheduled activities, workload indicators and performance criteria, as well as documenting the minimum quality/standard of materials and workmanship for each scheduled activity. These items are reviewed when contract tenders are being prepared – typically every 5-7 years.

4. Management Systems

A management system is a combination of processes, data and software applied to provide the essential outputs for effective asset management such as reduced risk and optimum infrastructure investment.

The management systems utilised by East Gippsland include: -

All Asset Data

Inspections, Defects and associated actions

History of all works completed

4.1 Notice of incidents and road condition reports

Pursuant to Sections 115 and 116 of the *Road Management Act 2004* Council will, within 14 days of receiving notice of an incident arising out of the condition of a public road or infrastructure, carry out an inspection of the condition of the part of the public road or infrastructure specified in the notice and prepare a report which will include:

- a statement of the condition of the relevant part of the road or infrastructure
- photographs, where appropriate, showing the condition of the site of the incident
- reference to any relevant plan, policy or policy decision relating to the construction, maintenance or repair of the road or infrastructure
- a summary of any inspections, reports, maintenance and repairs conducted on the road or infrastructure in the period of 12 months before the incident

4.2 Customer request management

Council receives customer service requests through a variety of means. Usually these will be in the form of a telephone call to Council's switchboard or through direct contact with customer service staff at any one of Council's business centres.

To minimise response times (in line with Council's customer service charters) and to ensure that a permanent record is kept, requests are recorded and transmitted to the relevant department/contractor using a computerised Customer Request Management System. The process involved in managing requests involves the initial recording, its referral for action/attention, recording action taken/proposed to be taken and, finally, the closing off and filing of the request.

5. Plan Improvement and Monitoring

To ensure the effective development and implementation of this plan, a review will be undertaken in accordance with the statutory requirements and timeframes specified by the *Road Management (General) Regulations 2005* and will reflect any changes or alterations.

The review will include, but not limited to: -

- audit and review of maintenance response times (to confirm whether maintenance works were delivered on time);
- review of inspection frequencies (to ensure appropriateness);
- review of levels of service (to ensure appropriateness);
- review of road classifications (to ensure appropriateness);
- review of customer feedback/contact;
- random audit of maintenance works (to confirm whether maintenance works were delivered to the specified quality).

Subject to the results of the review any amendments required to be made to the Plan will be undertaken pursuant to Section 54 of the *Road Management Act 2004*.

The Plan may also be updated if or when the Road Asset Management Plan changes significantly through internal continuous improvement processes.

Appendix A – Routine Maintenance Levels of Service

			RESPONSE TIME¹								FIRE ACCESS	
			Urban				Rural					
Service Criteria	Defect Type	Description of Hazard (Defect requiring intervention)	LINK	COLLECTOR	ACCESS	LIMITED ACCESS		LINK	COLLECTOR	ACCESS		LIMITED ACCESS
Road Surface (General)	Obstructions & substances in traffic lane	Any fallen trees, rubbish, waste material, foreign matter, oil spills and other slippery substances, animal carcasses or accumulation of granular materials on the traffic lane of sealed roads which may constitute a hazard.	24 Hours			48 Hours		24 Hours			7 Days	12 months (Seasonal Works Only)
Sealed Road Surface	Pot Holes	Where the pothole exceeds 50mm in depth and 300mm in diameter.	7 Days	14 Days	30 Days	60 Days		7 Days	14 Days	30 Days	Not Applicable	
	Rutting & Depressions	If the rutting/depression exceeds 50mm in depth under a 1.2 metre straight edge.	14 Days	30 Days	60 Days	90 Days		14 Days	30 Days	60 Days		
	Shoulders	When a 50 mm drop from the sealed pavement edge occurs for more than 100 metres	14 Days	30 Days	60 Days	90 Days		14 Days	30 Days	60 Days		
Unsealed Road Surface	Pot Holes	When pothole measuring 100mm or more in depth and 300mm diameter	Not Applicable			30 Days	12 months³	7 Days	14 Days	30 Days	12 months³	
	Rutting	When frequency of rutting of 100mm depth or more				60 Days		7 Days	14 Days	30 Days		
	Corrugations	When frequency of corrugations measuring 30mm or more in depth is equal to or more than a concentration of corrugations of a 30-metre length				60 Days		7 Days	14 Days	30 Days		

	Surface Scour	Transverse and longitudinal scouring to depth of 50mm or more having a length of 30 metres or more		60 Days			7 Days	14 Days	30 Days		
	Loose Material	Build-up of loose material exceeding 100mm. depth		60 Days			7 Days	14 Days	30 Days		
	Coarse Surface	material more than 40mm in size penetrating the surface by more than 30mm.		60 Days			7 Days	14 Days	30 Days		
Drainage	Side entry pits, culverts, table drains (cut off/run off) and open drains (constructed)	Culvert, pit or waterway obstructed causing 100mm or greater ponding to occur on the trafficable area	7 Days		30 Days			7 Days		30 Days	
	Drainage Pit (Lids/Surrounds)	Drainage pit lid and/or surround suffering significant structural damage or movement and/or missing in pedestrian areas or traffic lanes	48 hours					n/a			
Signs & Delineation	Signage (Regulatory, Safety & fire plug markings)	Sign is missing, poorly located or damaged to an extent that makes it substantially ineffective.	14 Days	30 Days	60 Days	12 months		14 Days	30 Days	60 Days	12 months
	Guide Posts	Missing or damaged guideposts at a critical location ² making them substantially ineffective.	14 Days	30 Days	60 Days			14 Days	30 Days	60 Days	
	Line-marking	Linemarking illegible or confusing at a critical location ² .	30 Days	60 Days	90 Days			30 Days	60 Days	90 Days	
Vegetation	Tree Clearance over roadways	Clearances for overhanging branches or limbs within an envelope from the back of shoulder and/or kerb and a minimum of 4.5m height clearance over pavement and the trafficable portion of shoulders.	30 Days	60 Days	90 Days			30 Days	60 Days	90 Days	
	Roadside and Shared Path Vegetation	Vegetation that restricts design sight distance to intersections or restricts viewing of regulatory or safety signs ³ on roads or sight distance and signage along shared paths	30 Days	60 Days	90 Days			30 Days	60 Days	90 Days	
Roadside Structures	Guardrail	Guardrail damaged at a critical location ² .	30 Days			n/a		30 Days			

	Utility access pits (lids & surrounds)	Pit lid and/or surround having significant structural damage and/or missing	Notify Appropriate Service Provider within 48 hours			n/a
Bridges	Structural damage	Significant damage affecting structural performance	24 Hours	n/a		n/a

Service Criteria	Defect Type	Description of Hazard	RESPONSE TIME		
			Footpath Classification		
			HIGH TRAFFIC	MEDIUM TRAFFIC	LOW TRAFFIC
Footpaths and shared paths	Trip hazards	Vertical level differential of lips, rutting and scouring greater than 30 mm in height and depressions and heaves greater than 30mm over a 1.2m flat edge. Crack width greater than 30 mm. Loose material & debris greater than 30mm in depth.	30 Days	60 Days	90 Days
	Tree Clearance over, and vegetation growth alongside or across, pedestrian paths	Vegetation intruding into a clearance envelope between the edges of path and a minimum of 2.5m height clearance over path and/or weeds and tree roots along edges and within a real extent of footpath shared path.			

A "Safety Sign" is a road sign that provides the driver with advice on the safe use of the road.

¹ The response time is measured from the time the hazard is recorded by, or notified to, Council.

² A critical location is a location where the road alignment and/or pavement width and/or geometry are identified by additional markings or furniture to guide the travelling public.

³ Defect types and response times do not apply to roads that are unformed and lack suitable pavement material (e.g. earth road/track)

Appendix B – Public Road Register

(Not provided due to its size – can be down-loaded from Council’s website)

APPENDIX 1



ROAD MANAGEMENT PLAN 2021

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Revision: ~~432~~

Page 1 of 38

Schedule of Changes & Amendments

Document	Date	Description	Authorised By	Approved
Original	23/11/04	Version 1.0	Council Report	Council
Revision 1	02/06/09	Updated links, adding walking tracks, Force Majeure clause, updated bridge and resheet program information, updating footpath service criteria	Council Report	Council
Revision 2	26/10/2015	Updated references to Council Plan, Policies/Strategies, Contracts & Current Legislation and Updated quantity and extent of Council Maintained road assets.	Council Report	Council
Revision 3	5/9/2017	Updated references to Council Plan, Policies/Strategies & Current Legislation and Updated quantity and extent of Council Maintained road assets. Review of Intervention Levels and Response Times.	Council Report	Council
Revision 4	2020	Updated references to Council Plan, Policies/Strategies & Current Legislation and Updated quantity and extent of Council Maintained road assets. Review of Intervention Levels and Response Times.		

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1. Executive Summary

~~This~~ The Road Management Plan sets out Council's policies, service delivery and actions ~~in regards relating~~ to the local road network.

The objective of the plan is to:

- identify those roads and related infrastructure for which Council is responsible;
- adopt road management standards which include the nature and frequency of road inspections, the tolerable level of defects, and the time taken to repair defects;
- identify the road management systems used by Council to discharge its duty to inspect, maintain and repair public roads for which it is responsible;
- demonstrate to stakeholders that the road network is managed effectively; and to
- comply with the legislative requirements of the *Road Management Act 2004*.

This is a dynamic document and is reviewed at regular intervals as outlined in Chapter 6.

Copies of this Road Management Plan may be inspected or obtained at Council's Bairnsdale Corporate Centre and, Paynesville, Omeo, Lakes Entrance, Orbost or Mallacoota Service Centres or via Council's website at <http://www.egipps.vic.gov.au>.

2. Introduction

~~Local government has the responsibility for the management of the local road network, which comprises sealed and unsealed roads, bridges, footpaths, bicycle paths, drainage, signage, street furniture and other road related physical assets.~~

2.1 Purpose of this Plan

The road network in East Gippsland is significant and varies throughout the municipality in dimensions and construction. The network comprises of ~~2895~~ 2958 kilometres of formed roads (of which ~~1155~~ 1264 kms are sealed), ~~208~~ 195 road bridges & ~~23~~ 27 footbridges, ~~205~~ 310 kms of footpaths and ~~8448~~ 9363 culverts (including 129 major culverts). There also exist numerous other features including signs, street furniture and kerb and channel.

The significant value and importance of the above road assets requires that they be managed in a safe and efficient way, while providing the necessary levels of service.

~~The purpose of this Road Management Plan is to:~~

- ~~• identify those roads and related infrastructure for which Council is responsible;~~
- ~~• adopt road management standards which include the nature and frequency of road inspections, the tolerable level of defects, the methods used to prioritise repairs, and the time taken to repair defects;~~
- ~~• identify the road management systems used by Council to discharge its duty to inspect, maintain and repair public roads for which it is responsible;~~
- ~~• demonstrate to stakeholders that the road network is managed effectively; and to~~

- ~~comply with the legislative requirements of the Road Management Act 2004;~~

2.2 Relationships with other documents

Council Plan ~~2013-2017-21~~ (~~Revised 2019~~6)

Council's relevant areas of focus and goals in its Council Plan are: –

~~Accountability~~ ~~We will take responsibility for our actions and decisions in an open and transparent way.~~

~~Respect~~ ~~We will value, support and help to develop our diverse community. We will respect the views and contributions of others and act with courtesy and consideration in all our interactions.~~

~~Integrity~~ ~~We will honour our commitments and conduct ourselves in an honest, ethical way.~~

~~Inclusion~~ ~~We will be accessible and active in engaging with our community. We will invite, listen to and seek to understand the views of others, and proactively share information about Council's plans, projects, services and activities.~~

~~Resourcefulness~~ ~~We will turn the challenges faced by our community into opportunities by being flexible and innovative in our response. We will actively seek better and more cost-effective ways to achieve the best outcomes for East Gippsland.~~

Asset Management Policy and Strategy

Council's ~~adopted an~~ Asset Management Policy and Strategy ~~were adopted~~ on 22 January 2003 ~~and further updated on 2 July 2013~~.

The purpose of the policy was to broadly outline why asset management is relevant to Council and provide guidance in developing Asset Management Plans. The objective of the strategy was to develop a structured set of actions aimed at enabling improved asset management.

Other key documents

Other key documents that are linked to this asset management plan include:

- Council Plan ~~2013 – 2017~~2017-21 (~~Revised 2016~~9)
- ~~Asset Management Policy~~
- ~~Asset Management Strategy~~
- Local Roads Asset Management Plan
- Annual Business Plan and Budget
- Road Maintenance Service Contracts ~~Maintenance Services Contract 1003/1112 – Maintenance Services for Bridges, Safety Barriers and Major Culverts~~

2.3 Assets included in the Plan

A road network, like any major asset, has a number of individual and distinct components. From an asset management point of view, the components of most interest are:

- components that are key contributors to performance (to satisfy stakeholder needs and safety);
- components that are the most expensive (in terms of life cycle costs) ; and
- components that are the most prone to deterioration or need for ongoing management interest.

Therefore, for the management of the road network, the components of most interest include road formations, pavements (the road surfacing and structural layers that support the traffic loading), drainage, bridges, traffic control equipment, [road related](#) street furniture and footpaths.

Subject to **section 2.4** the assets covered by this plan include all [road infrastructure](#) and road-related infrastructure within those roads and ancillary areas identified in Council's Public Road Register.

Figure 2.3 below identifies the key asset types and quantities that are covered by this plan. This information has been extracted from the best information sources available at the time. There is a Council commitment to ensure the assets register and quantities listed below are maintained as identified in **Section 7-6 – Plan**

Improvement and Monitoring.

Figure 2.3 Key assets covered by this plan

Road Surface		Drainage	
Sealed	1264 kms	Kerb & Channel	540 kms
Unsealed	1694 kms	Culverts	9363 kms
Total	2958 kms	Table Drains	3643 kms
Footpaths and Constructed Walking Tracks			
Footpaths and Constructed Walking Tracks *		310 kms	
Road Bridges		Other Road Infrastructure	
Timber	26	Safety Barrier	13520 kms
Timber Steel & or Concrete	21	Signs & Delineators	n/a
Concrete	54	Street Furniture	n/a
Concrete & Steel	93	Roadside Structures	n/a
Steel	1	Roadsides	n/a
Major Culverts	131	Raymond Island Ferry	See note **
Floodways	29		

n/a – information not yet available

* [Walking tracks/ trails that are not within the road reserve of those roads identified in Council's Public Road Register are not included in this Plan.](#) Also Walking tracks/trails on foreshore and/or river frontage land (irrespective of construction type,) for which Council is Committee of Management, are not included in this Plan

** The Raymond Island Ferry forms an important part of East Gippsland's road network, its management and operation, however, comes under separate legislation and is therefore currently beyond the scope of this document.

2.4 Assets not included in the Plan

2.4.1 General

Subject to those agreements outlined in **Section 2.5** or any relevant Codes of Practice this Road Management Plan does not cover any of the following:

- roads and/or road related infrastructure on roads not identified in Council's Public Road Register (eg. un-constructed roads, laneways or tracks that have historically not been maintained by Council) ;
- utility related assets (either publicly or privately owned) that provide, or intend to provide, water, sewerage, gas, electricity, telephone, telecommunications or other like services;
- other non-road related infrastructure such as rail infrastructure (including boom gates and level crossings), mail boxes or roadside furniture and fences erected by utilities;
- driveways/ crossovers;
- private roads or carparks; and
- other non-municipal roads and related infrastructure (eg State, Department of Environment, Land, Water & Planning and Parks Victoria roads).

2.4.2 Assets within Private Properties

~~Road infrastructure (e.g. bridges) located within private property shall have their public function reviewed irrespective of any previous care and management by Council~~

~~Where such assets are found to serve no public function other than to the owners of the properties that the assets are located within then the appropriate processes as required under the Road Management Act may be undertaken. This may then result in the withdrawal of the ongoing care and management of the said assets by Council and the respective owners advised accordingly.~~

2.5 Road management and maintenance agreements

2.5.1 Arterial roads

Under Section 37 of the *Road Management Act* Council is responsible for the following components of an arterial road:

- roadsides in "urban areas" [as defined under the Act but limited by Section 107;](#)
- any pathways, other than those on freeway reserves;
- service roads; and
- the median strip between an arterial roadway and a service road.

Beyond these limits there are a number of areas that have historically been maintained by Council but are the responsibility of VicRoads. To ensure that the current levels of service continue, Council has entered into a number of arrangements with VicRoads to transfer and/or delegate road management functions refer to Code of Practice – Operational Responsibility for Public Roads published in the Victorian Government Gazette s267.

2.5.2 Agreements with adjoining municipalities

East Gippsland shares municipal boundaries with three other Victorian councils. For the majority of those roads that cross these boundaries the limits of demarcation for road management responsibilities are clearly defined. There are, however, a number of boundary roads for which the limits of responsibility are unclear. To address this Council has entered into an agreement with Wellington Shire Council, with whom it shares all but one boundary road, Beverleys Road, Glenaladale, to clearly define management responsibilities.

2.6 Key stakeholders

The following key stakeholders are recognised as having an interest in the service provided by the local road network:

- Residents and businesses who reside and operate within the East Gippsland Shire Council municipality.
- All road users, vehicular, pedestrian, cyclists, those with disabilities or restricted mobility, tourists and visitors.
- Adjoining Municipalities;
- Other road authorities including VicRoads, Regional Roads Victoria, Department of Transport, Department of Environment, Land, Water & Planning (DELWP) and Parks Victoria emergency services authorities such as Victoria Police, Country Fire Authority (CFA), Ambulance Victoria, State Emergency Services (SES)
- Utility providers such as water, sewerage, gas, electricity and telecommunication as prescribed in Section 3 of the *Road Management Act 2004*;
- Councillor's, East Gippsland Shire staff through management of assets, contractors, customer experience and financial management of the road network

External

- Road users;
- The East Gippsland community including residents and ratepayers;
- Adjoining Municipalities;
- Other road authorities including VicRoads, ~~Regional Roads Victoria, Department of Transport, the Department of Sustainability and Environment, Land, Water & Planning (DELWP)~~ and Parks Victoria;
- Utility providers as prescribed in Section 3 of the *Road Management Act 2004*;
- Contractors.

Internal

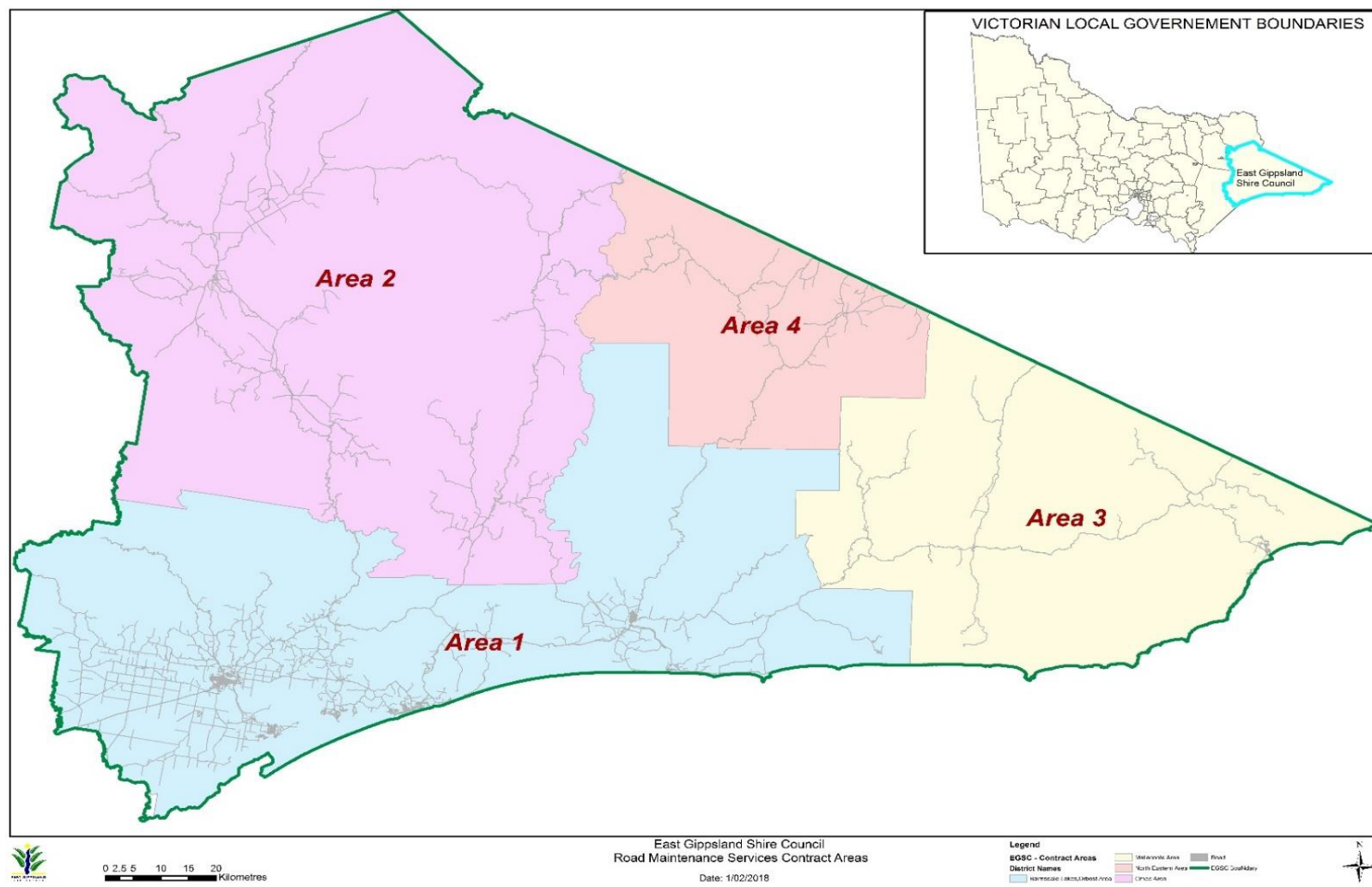
- Councillors
- Asset management staff
- Contract management staff
- Financial management staff
- Customer experience
- ~~Contractors~~

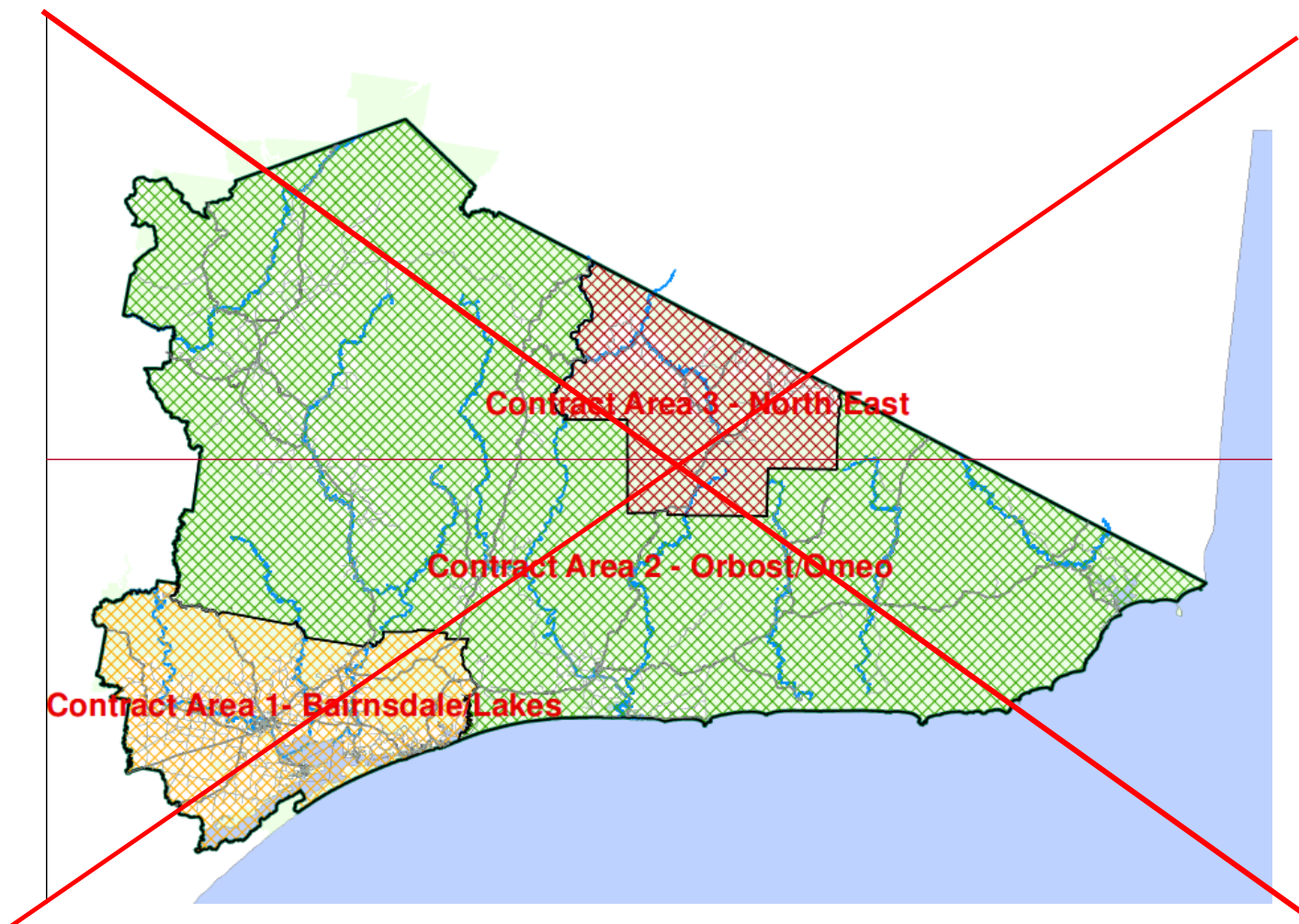
2.7 Road management structure

With the amalgamation of the five former councils in 1995 all external works, including the maintenance of East Gippsland Shire's road network and related infrastructure, were outsourced. Due to its geographic size the Shire was broken down into ~~four~~three distinct regions – Area 1 Bairnsdale/Lakes Entrance, Omeo/Orbost, Area 2 Omeo and North East, Area 3 Mallacoota, Area 4 North East (see **Figure 2.7a**).

~~A single~~Road maintenance contracts exists for these areas closely monitored by Council's Assets & Environment Directorate and Procurement Unit services these areas.

Figure 2.7a External service contract areas





2.8 Road Management Act 2004

The *Road Management Act 2004* seeks to ensure efficient and safe management of the road network for all road users.

The key objectives of the Act are to:

- Set out the general rights of road users and their obligations in relation to responsible use;
- Establish a system for the management of safe and efficient public roads that best meet the needs and priorities of State and local communities;
- Set clear principles for the division of responsibilities between State and local road authorities;
- Provide mechanisms for coordinating the placement and maintenance of infrastructure on road reserves;
- Establish standards for the construction, inspection, maintenance and repair of local roads;
- Set out the powers and duties of road authorities;
- Clarify the law relating to civil liability for the management of public roads and other public highways.

2.9 Duties of road users

Under Section 17A of the *Road Safety Act 1986*: -

A person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors, including the: -

- Physical characteristics of the road;
- Prevailing weather conditions;
- Level of visibility;
- Condition of the motor vehicle;
- Prevailing traffic conditions;
- Relevant road laws and advisory signs;
- Physical and mental condition of the driver.

Road users other than a person driving a motor vehicle must use a highway in a safe manner having regard to all relevant factors.

A road user must -

- have regard to the rights of other road users and take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;
- have regard to the rights of the community and infrastructure managers in relation to road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve;
- have regard to the rights of the community in relation to the road reserve and take reasonable care to avoid conduct that may harm the environment of the road reserve.

2.10 Responsibilities of adjoining landowners

2.10.1 Property access (driveways)

In accordance with the *Road Management Act 2004* Council is not responsible for driveways and pathways on road reserves that provide access to land adjoining a road. Property owners are responsible for maintaining driveways and the immediate surrounds impacted on by a driveway in a safe condition. The extent of responsibility of landowners for driveway access is depicted in **Figure 2.10.1**.

The maintenance responsibility of landowners includes the removal of non-approved modifications to kerb & channel driveway crossings and the ongoing clearing and cleaning of driveway culverts / structures.

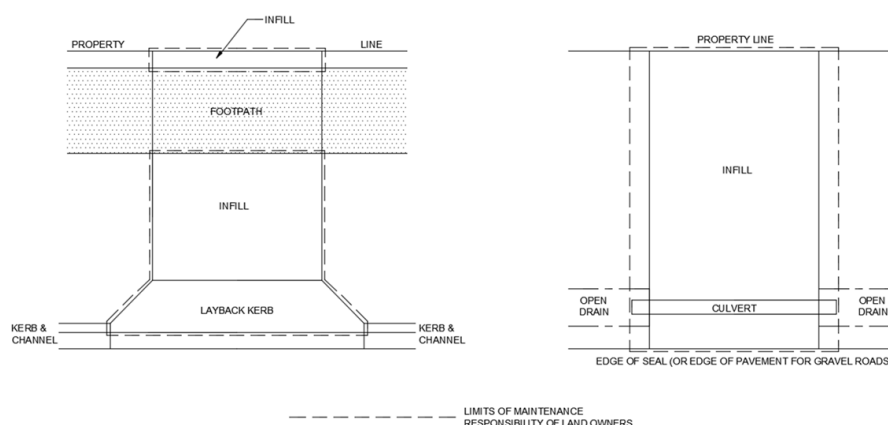


Figure 2.10.1 Limits of Maintenance Responsibility for Driveway Access

Pursuant to **Section 2.10.3** landowners are responsible for ensuring that the installation of driveways and new crossings over footpaths and channels are within the design standards specified by Council.

2.10.2 Footpaths and overhanging vegetation

In accordance with Schedule 10—Clause 11 of the Local Government Act 1995 and the Road Management Act 2004 and Road Management (General) Regulations 2016 landowners must not allow any tree or plant in or growing on land owned or occupied by him or her to obstruct or interfere with the passage of traffic by: -

- overhanging any footpath or other part of the road used by pedestrians so that it gets in the way of pedestrians or is likely to cause injury or damage;
- extending over any part of the road in such a way that it -
 - obstructs the view between vehicles;
 - obstructs the view between vehicles and pedestrians where they come close to each other;
 - obscures a traffic control item from an approaching vehicle or pedestrian;
 - obscures street lighting; or
- otherwise constitutes a danger to vehicles or pedestrians or compromises the safe and convenient use of the road;
- Council has responsibility to ensure that the landowner does not allow private assets to become a hazard.

2.10.3 Roadworks/openings – Works Within Road Reserve

In accordance with Section 63 of the *Road Management Act 2004* a person must not conduct any works in, on, under or over a municipal road without the written consent of Council and subject to the requirements of A Guide to Working in the Road Reserve by VicRoads ~~December 2009~~[July 2015](#). This does not apply if the person is required to conduct the works by specified requirements specified in or under any other Act and the works are conducted in accordance with these requirements refer to VicRoads A Guide to Working in the Road Reserve ~~December 2009~~[July 2015](#).

2.11 Force Majeure

Council will make every endeavour to meet all aspects of its Road Management Plan. However, in the event of natural disasters and other events including, but not limited to fires, floods, droughts and the like, together with human factors, such as a lack of Council staff or suitably qualified Contractors, Council reserves the right to suspend compliance with its Road Management Plan under Section 83 of the [\(Victorian\)](#) Wrongs Act 1958 as amended.

In the event that the Chief Executive Officer has to consider the limited financial resources of Council and its other conflicting priorities pursuant to Section 83 of the above Act, meaning Council's Plan cannot be met, the Chief Executive Officer will write to Council's Officer in charge of its Road Management Plan and inform them that some, or all, of the timeframes and response times are to be suspended.

Once the events beyond the control of Council have abated, or if the events have partly abated, the Chief Executive Officer will write to Council's Officer responsible for the Council's Plan and inform them which parts of the Plan are to reactivated and when.

3. Levels of Service

The levels of service or service standards identified in this plan are based on those levels currently specified by the service contracts identified in **Section 2.2**. These levels of service are based primarily upon:-

- Customer expectation;
- Safety and risk; and
- Asset preservation.

The combination of these demands is balanced against the funds and resources available each year.

3.1 Customer expectations

Understanding customers' expectations and perceptions of levels of service, and ensuring that management plans reflect the changing needs of customers, requires Council to undertake periodic service level reviews. The methods used by EGSC for assessing customer perceptions and expectations in relation to the local road network include:-

- Annual Department for Victorian Community customer satisfaction survey;
- Regular review of customer action requests;
- Road Management Plan public consultation.

When determining appropriate standards East Gippsland Shire Council gives consideration to:

- A Community Consultation program with residents, specific service users, service providers and other key stakeholders to determine their expectations and values for particular services.
- A Service Review process that evaluates the current level and standard of service delivery, assesses value for money with other similar service providers, and determines the most appropriate method of service delivery.
- Performance Plans that identify standards and performance indicators as a measure to the achievement of continuous improvement.
- Local Government Performance Reporting Framework 2015-2016-18-21

3.2 Safety and risk

The maintenance of roads in a condition that is safe for use by the public is a complex, and expensive, proposition. There are many factors that contribute to the condition of local roads and related infrastructure, only some of which Council has some degree of control over.

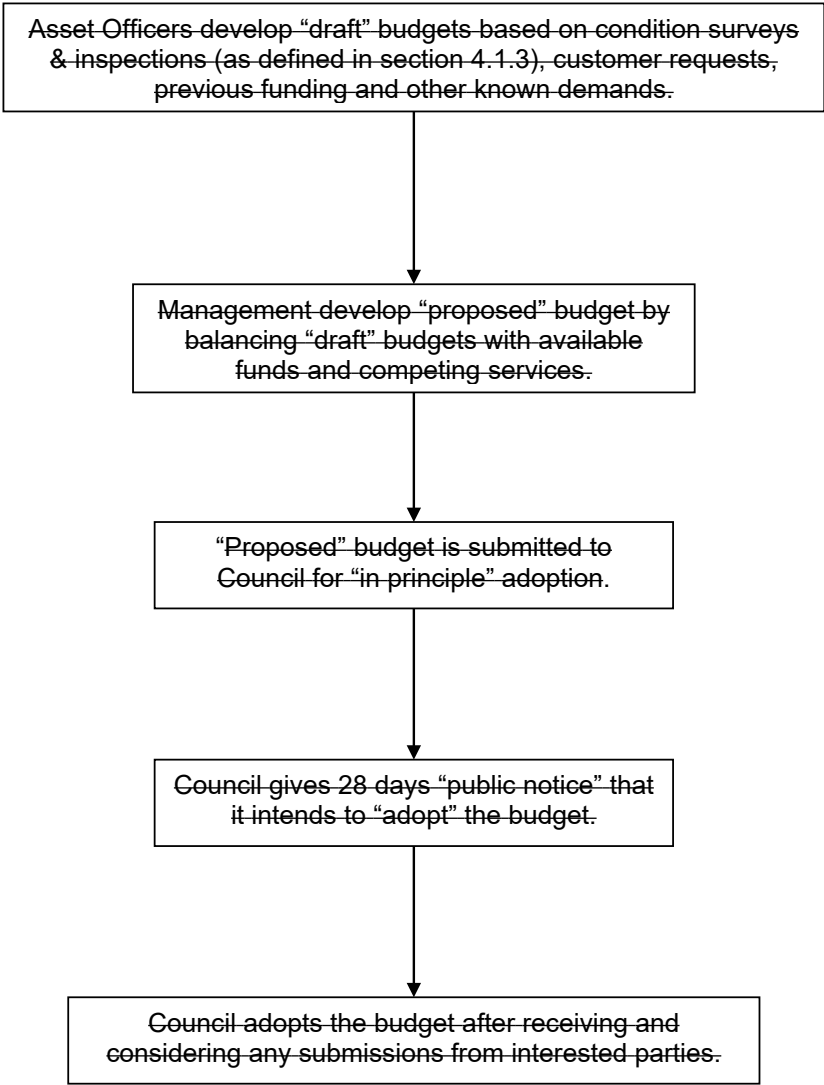
The management of these risks involves their identification, assessment, treatment and monitoring via the inspection processes outlined in **section 4.1.3** and the routine maintenance levels of service outlined in **Appendix A**. These maintenance standards will vary across the network in line with relevant risk factors such as the nature and volume of traffic using the road.

3.3 Asset preservation

Asset preservation relates to the optimum long and short-term solutions used to maximise the life of the asset while minimising the total life cost.

The process of preparing and adopting the annual budget for road maintenance is depicted in **Figure 3.4.2**.

Figure 3.4.2 Budget Preparation Process



4. Maintenance Management

4.1 Background data

4.1.1 Public road register

Under Section 19 of the *Road Management Act 2004* all road authorities are required to keep a register of public roads specifying the roads in respect of which it is the coordinating authority. The Register of Public Roads includes The Register of Public Roads includes roads that are managed in accordance with the East Gippsland Shire Council Road Management Plan, where the East Gippsland Shire Council is the coordinating road authority as determined in conjunction with Section 17 of the Road Management Act 2004.

Full Listing of the East Gippsland Shire Council Public Road Register can be found on council's website: www.egipps.vic.gov.au

- the name of each public road;
- if the road becomes a public road after 1 July 2004, the date on which the road became a public road;
- if a road ceases to be a public road, the date on which the road ceased to be a public road;
- the classification of the public road;
- the reference of any plan or instrument made on or after 1 July 2004 that fixes or varies the boundaries of a public road;
- any ancillary areas;
- references to any arrangements under which road management functions is transferred to or from another road authority.

Appendix – B lists those roads for which Council is the coordinating road authority.

Roads that have not been included on Council's Public Road Register consist of, but may not be limited to:-

- arterial roads (for which VicRoads is the coordinating road authority);
- forest roads and tracks (for which [the Department of Environment & Primary Industries-DELWP](#) or Parks Victoria is the coordinating road authority);
- un-constructed roads, laneways or tracks that have historically not been maintained by Council and that are considered not to be reasonably required for public use;
- Road infrastructure that is located within private properties; and
- private roads and carparks.

4.1.2 Road hierarchy

To improve the effectiveness of asset management East Gippsland Shire Council has allocated its roads and footpaths to categories or sub-networks. In this way, roads and footpaths with similar purposes are treated consistently with respect to decisions on standards and levels of service, regardless of legal or administrative classification. Roads have been allocated to a category on the basis of indicators such as function, traffic volume, percentage of heavy vehicles, travel speed, and strategic significance. Footpaths have been allocated to a category on the basis of traffic volume.

Figures 4.1.2a and 4.1.2b list the classifications and their definitions for both the road and footpath network.

Figure 4.1.2a Road Hierarchy

ROAD HIERARCHY	
Classification	Description
State/VicRoads	Roads under the responsibility of an authority other than Council.
Urban Link	Roads of this classification primarily provide a linkage between significant residential, industrial and commercial nodes and or the arterial road network. These roads have an identifiable origin and destination (eg suburbs, industrial areas or places of significance).
Urban Collector	Roads of this category primarily provide a route between and through residential, industrial and commercial areas and convey traffic to the Urban Link or Arterial Road network system.
Urban Access	A road, street, court or laneway that primarily provides direct access for abutting residential, industrial and commercial properties to their associated nodes with minimal to no through traffic.
Urban Limited Access	An un-constructed road that provides direct access or a laneway that provides secondary access for abutting residential, industrial and commercial properties.
Rural Link	Roads of this classification primarily provide a direct linkage between significant population centres and major traffic generators such as residential, industrial, commercial, agricultural and tourist areas and declared roads. These roads have an identifiable origin and destination (eg townships and places of significance).
Rural Collector	Roads of this classification primarily provide a route between, and through, residential, industrial, agricultural, tourist and forest traffic nodes and the Rural Link and/or Arterial Road network.
Rural Access	A road or laneway in this category primarily provides direct access for abutting Residential, Industrial, Commercial, and in other locations, Forestry, Tourist and Agricultural properties and connect into either the Link, Collector or Arterial Road network. There is minimal to no through traffic.
Rural Limited Access	Roads that are un-constructed but provide direct access for abutting property or roads that provide direct access for vacant abutting property.
Rural Fire Access	A road, laneway or track that primarily provides access for fire fighting purposes.

Figure 4.1.2b Footpath Hierarchy

FOOTPATH HIERARCHY	
Classification	Description
High Traffic	Major retail areas, schools, hospitals, elderly homes.
Medium Traffic	Tourist and significant volume pedestrian areas.
Low Traffic	Low volume pedestrian areas, residential areas, constructed walking tracks and shared use paths.

4.1.3 Asset condition and inspection regimes

Documenting the condition of road assets is crucial to determining the standards of maintenance, rehabilitation and renewal required to deliver the target level of service.

Quantitative (workload) and qualitative (intervention levels) indicators of maintenance standards are sensitive to the condition of the asset at any point in time.

Inspections of the road network form the cornerstone of the maintenance program. In order that the need for maintenance is properly assessed, and that safe passage for road and path users is maintained, it is necessary to carry out regular surveys and inspections. These fall into two categories: -

Condition surveys

Overall condition of the asset is determined from a lifespan and renewal expenditure planning perspective as such these inspections are not intended to identify or record individual specific defects.

Figure 4.1.3a lists the condition inspection frequencies for each classification of road, footpath and bridge within the Shire. The condition surveys include:-

- sealed road surface inspection (based on VicRoads — Guide to Visual Inspection of Pavement Condition);
- unsealed road surface inspection;
- Level 2 bridge inspections (based on VicRoads — Bridge Inspection Manual);
- Footpath condition.

Hazard inspections

These are designed to identify those defects that exceed the stated intervention levels considered likely to create a danger or serious inconvenience to the public. These inspections follow the principles established within the road and footpath hierarchy and the routine maintenance levels of service outlined in **Appendix A**.

Figure 4.1.3a lists the hazard inspection frequencies for each classification of road, footpath and bridge within the Shire.

The inspections include:-

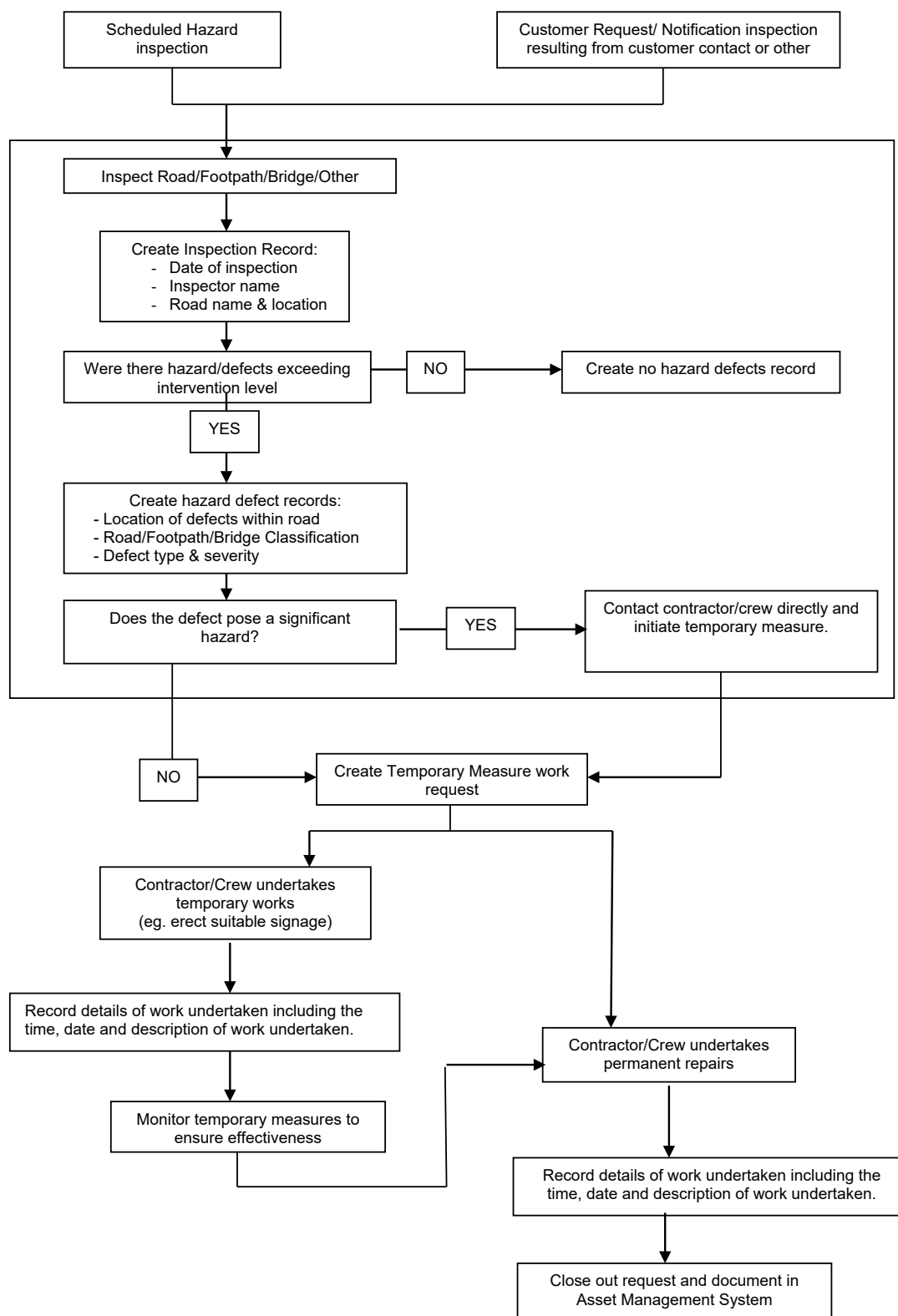
- road hazard inspections;
- footpath condition/hazard inspections;
- Level 1 bridge inspections (based on VicRoads — Bridge Inspection Manual).

The monitoring of the road and footpath network between condition assessments is a combination of the proactive formal hazard inspections carried out at pre-determined intervals and reactive inspections in response to reports of potential hazards by members of the public or staff.

Figure 4.1.3a Inspection Frequencies

CLASSIFICATION	INSPECTION INTERVAL	
	DEFECT	CONDITION
Roads		
VicRoads/State	n/a	n/a
Link	Once in a 4-month period	5 Years
Collector	Once in a 7-month period	5 Years
Access	Once in a 14-month period	5 Years
Urban Limited Access	Once in a 14-month period	n/a
Fire Access	Once in a 14-month period (Pre fire season)	n/a
Footpaths and constructed walking tracks		
High Traffic Footpaths	Once in a 7-month period	
Medium Traffic Footpaths	Once in a 14-month period	
Low Traffic Footpaths	Once in a 24-month period	
Bridges and related structures		
	(Level 2)	(Level 1)
Bridges - concrete and concrete and steel	60 months	24 months
Bridges – load limited timber and timber and steel	As determined following Hazard (Level 1) Inspections but not greater than 24 months	12 months
Bridges – timber and timber and steel	24 months	12 months

Figure 4.1.3b Hazard Inspection Process



4.2 Maintenance plan

Sealed and unsealed roads deteriorate as a result of repeated traffic loading and environmental influences such as climate and soils. Maintenance is carried out to ensure the safety of traffic and to sustain the serviceability and appearance of the road and its associated facilities.

Road maintenance involves remedying the defects that occur from time to time and providing treatments such as resurfacing which slow down the rate of deterioration. For management and administrative purposes maintenance is divided into two categories: routine and periodic. Generally, routine maintenance is funded through Council's operational budget while periodic maintenance is funded through the capital works budget.

4.2.1 Routine maintenance

Routine maintenance is carried out to ensure the safety of traffic and to sustain the serviceability of the road and its associated facilities within the stated acceptable intervention levels. General road maintenance activities are delivered under Contract by external service providers (refer s 2.5 and s 2.7 for details) and that maintenance of footpaths and minor road related structures (eg signs) is undertaken by in-house works crews to ensure a timely and cost effective response to repair defects exceeding intervention levels identified in routine hazard inspections.

4.2.1.a **Planned/Proactive** maintenance

Planned–Proactive maintenance covers those activities that occur on a regular consistent schedule and are designed to proactively maintain an asset within the predefined level of service. Examples of these activities include: - but not limited to

- Grading
- Pothole patching
- Crack sealing
- Roadside vegetation regrowth clearing / slashing / weed spraying
- Shoulder maintenance / Edge breaks
- Culvert cleaning
- Clearing/cleaning of open drains
- Picking up of rubbish within road reserves
- Minor bridge maintenance such as tightening of fixtures and cleaning scuppers
- Grinding of footpaths trip hazards

General routine maintenance is undertaken on a cyclic schedule based on geographic regions. Such maintenance works at below intervention levels are undertaken at Council's absolute discretion and are not for the purpose of hazard or risk reduction but more for the purpose of benefitting the long-term condition and lifespan of the respective assets.

4.2.1.b ~~Unplanned~~ Reactive maintenance

Reactive maintenance is that group of activities that address isolated and random defects exceeding stated intervention levels that occur within the road network. Examples include surface defects, damaged signage and obstructions in traffic lanes. These activities are usually undertaken as a result of notification or inspection.

Appendix A lists the intervention levels (tolerable levels of defect) and response times used by Council for routine – reactive type maintenance.

Prioritisation of maintenance

~~In instances where a defect type has been identified and the works required to return the asset to a below intervention level condition are significant and/or widespread, require special plant, materials and/or suitable weather conditions the works are prioritised based on the classification of the asset (ie traffic type and volume), the defect type and its severity.~~

Temporary measures

In the event that repairs are unable to be undertaken within the prescribed response times, because of the nature of the repair required, level of resources required or workload, temporary measures may be implemented to reduce the risk of an incident until such time as maintenance or repair works can be completed. Examples of such measures include: -

- erection of appropriate warning signs;
- temporary repairs

Where warning signs are erected, or temporary repairs undertaken these treatments are to be inspected and maintained as required on a weekly basis.

Emergency works

Emergency works are works required to be undertaken to ensure the safety of road users and the public as a result of an emergency incident. Emergency works could include traffic incident management, response to fires, floods, storms and spillages, and assistance under the Victorian State Emergency Response Plan. Emergency works are provided by way of a 24-hour callout service.

In the event of widespread or extreme events the response times documented within **Appendix A** may not be achievable due to resource limitations at the time. In such instances works will be prioritised based on the classification of the asset (i.e. traffic type and volume), the defect type and its severity. Refer to s 2.11 Force Majeure

4.2.2 Periodic maintenance

~~Periodic maintenance comprises cyclic activities, usually a more extensive kind than those of routine maintenance. The need for these activities is usually predicted and the required work planned.~~

Activities that come under the heading of “periodic maintenance” include sealed road resurfacing, gravel road resheeting and bridge rehabilitation.

Sealed road resurfacing program

The Road Resurfacing Program is an annual program that involves both the road surface and road pavement. The primary focus is for the renewal/replenishment of the surface however, small repairs to the road pavement need to occur prior to the application of the new treatment.

~~In an ideal environment where funding is not constrained and the condition and shape of the roads is good, there are two primary objectives of a resurfacing program. The first is to replenish or replace the surface of the road when the original surface has aged or deteriorated. The second objective is for the most cost-effective treatment to be selected, considering ongoing maintenance costs and the traffic type and volume the road must support.~~

The annual Road Resurfacing Program (Reseal Program) is currently developed by ranking the overall condition of road segments (as identified by the sealed road surface inspection). This information is then used by the relevant officer/contractor through a series of site visits to refine the list and make decisions on for example, the worst roads, traffic type and volume, the most appropriate treatment and estimated costs.

Council reviews its capital works program annually and considers road funding and takes into account road funding as detailed in clause 3.4.

Gravel road resurfacing program

~~The resurfacing/resheeting of unsealed roads is a necessary regular activity due to loss of pavement material resulting from:-~~

- ~~• degradation of stone;~~
- ~~• climatic conditions, i.e. wind and rain;~~
- ~~• scouring and erosion~~
- ~~• traffic abrasion;~~
- ~~• maintenance practices; and~~
- ~~• pavement material selection.~~

The development of the annual gravel road resurfacing program is undertaken in a similar manner to that used for the Sealed Road Resurfacing Program. Unsealed roads requiring resheeting are identified primarily through the unsealed road surface inspection process or by notification. The roads are then prioritised based on traffic type and volume and estimated cost.

Bridge rehabilitation and renewal program

~~Council's bridge maintenance program is based on the bridge prioritisation model – a tool developed to prioritise the importance of rehabilitating Council's bridge assets which nominates various inspection frequencies for the range of bridges in the network and also specifies 'minor maintenance' activities to be undertaken at the time of inspection. Other works recorded at the inspection are subsequently ranked and then programmed in priority order. Three levels of priority exist:~~

- ~~• Priority one – including a failed structural component reducing the load limit of the bridge, defective running deck, protruding fasteners, failed handrails presenting a 'fall risk' and abutment slump reducing travel width.~~

- Priority two—including defective cross-deck, defective kerbs and handrails, debris accumulation under bridge, abutment and wingwall failures outside 'priority one'.
- Priority three—malfunction of expansion joints, stream beaching repairs, general and cosmetic/visual matters such as painting, alignment of approach guard fences.

The bridge renewal program is generally a 'reactive' program because the demands greatly outstrip Council's financial capacity. Subject to this capacity works are ranked in priority order using the following principles:

- A load-limit severely restricting functionality.
- Availability and convenience of any alternative access.
- Traffic type and volume.
- Ability to stage any necessary upgrade to better fit budget constraints.

Footpath rehabilitation program

Council has implemented an annual program to rehabilitate the network. The program utilises the ongoing footpath condition/hazard inspections to prioritise works based on a combination of defect severity and footpath classification (ie traffic type and volume). Utilising this method ensures that those areas of greatest risk to path users are addressed first.

Council's in-house concrete crew is responsible for delivering the majority of the footpath rehabilitation program, ensuring timely and cost effective program delivery.

4.2.3 Maintenance procedures and standards of work

The standards and procedures used for maintenance works are documented in Council's service agreement contracts.

These service agreement contracts take into account various industry standards, geographic and climatic conditions as well as Council's capacity to deliver.

Intervention levels are used in conjunction with minimum maintenance frequencies to determine maintenance actions for each asset (this is important because many maintenance activities are driven by customer requests and the intervention levels provide guidance in assessing risks and prioritising reactive maintenance works).

The Service Agreement Contracts provide clear identification of the scheduled activities, workload indicators and performance criteria, as well as documenting the minimum particular quality/standard of materials and workmanship for each scheduled activity. These items are reviewed when contract tenders are being prepared – typically every 5-7 years.

4.3 Road network expansion and upgrades

4.3.1 Road network expansion

~~In the past 5 years Over time East Gippsland's road network has steadily expanded by 63 kilometres (an average of 12.6 kilometres per annum) and will continue to do so. This expansion is primarily the result of residential property development. Although the developer funds the construction of these roads and the short to medium term maintenance requirements are minimal, the long-term maintenance and renewal requirements must be accounted for over the asset's useful life.~~

4.3.2 Road infrastructure upgrades

Road infrastructure upgrades relate to works that allow an asset to provide a higher level of service than that currently provided. Examples of such works may include: –

- sealing of gravel roads;
- widening of roads;
- replacement of open drains with kerb and channel;
- bridge works to remove or increase load limits.

The motivation for undertaking upgrades and the methods of assessing and prioritising them varies significantly. The basis for undertaking such works could include: –

- to address traffic safety issues;
- to minimise long term maintenance requirements;
- in response to increased traffic volumes/loads; or
- in response to specific requests from the community.

Due to the variety of reasons for undertaking an upgrade each case must be assessed on an individual basis balanced with available budget and competing priorities.

Council's Black Resheet Program is based on the following evaluation: –

- Minimum Width
- Existing Pavement
- Reasonable Alignment

The evaluation process only applies to rural / rural residential gravel roads with those gravel roads located within urban areas / townships generally being required to be fully constructed under Special Charge Schemes or other Council or external funding.

Once roads conform to this evaluation criteria they are prioritised in Council's Capital Works Program annually according to: –

- Traffic volumes
- Strategic significance
- School bus route
- Public concerns
- Safety consideration
- Number of houses

The statutory duty imposed by the *Road Management Act 2004* to inspect, maintain and repair public roads does not create a duty to upgrade a road or to maintain a road to a higher standard than the standard to which the road is constructed.

5. Management Systems

A management system is a combination of processes, data and software applied to provide the essential outputs for effective asset management such as reduced risk and optimum infrastructure investment.

The management systems utilised by East Gippsland include: -

All Asset Data

Inspections, Defects and associated actions

History of all works completed

5.1 Analysis of accident data

~~Council analyses accident data to assist in providing a safe and efficient road network for all road users. This analysis is undertaken utilising the VicRoads Victorian Accident Statistics and Mapping Program – Crash Stats.~~

5.2 Notice of incidents and road condition reports

Pursuant to Sections 115 and 116 of the *Road Management Act 2004* Council will, within 14 days of receiving notice of an incident arising out of the condition of a public road or infrastructure, carry out an inspection of the condition of the part of the public road or infrastructure specified in the notice and prepare a report which will include:

- a statement of the condition of the relevant part of the road or infrastructure
- photographs, where appropriate, showing the condition of the site of the incident
- reference to any relevant plan, policy or policy decision relating to the construction, maintenance or repair of the road or infrastructure
- a summary of any inspections, reports, maintenance and repairs conducted on the road or infrastructure in the period of 12 months before the incident

5.3 Analysis of insurance claims

~~Council has implemented a process for dealing with insurance claims regarding incidents occurring within road reserves for which the Council is responsible. These claims are assessed and monitored to identify any trends or implications for similar elements and/or work practices within road reserves.~~

5.4 Road asset register

~~The core data relating to road infrastructure including basic attributes, condition and inspection results are stored within a relational database.~~

~~The data currently recorded against each asset (where appropriate) include:-~~

- ~~asset location, type, capacity, condition, special uses (eg bus routes), age, configuration and quantity;~~
- ~~asset valuation information (to satisfy AAS27);~~
- ~~inspection history (previous and proposed inspection dates and defects identified);~~
- ~~linkages with any customer service requests.~~

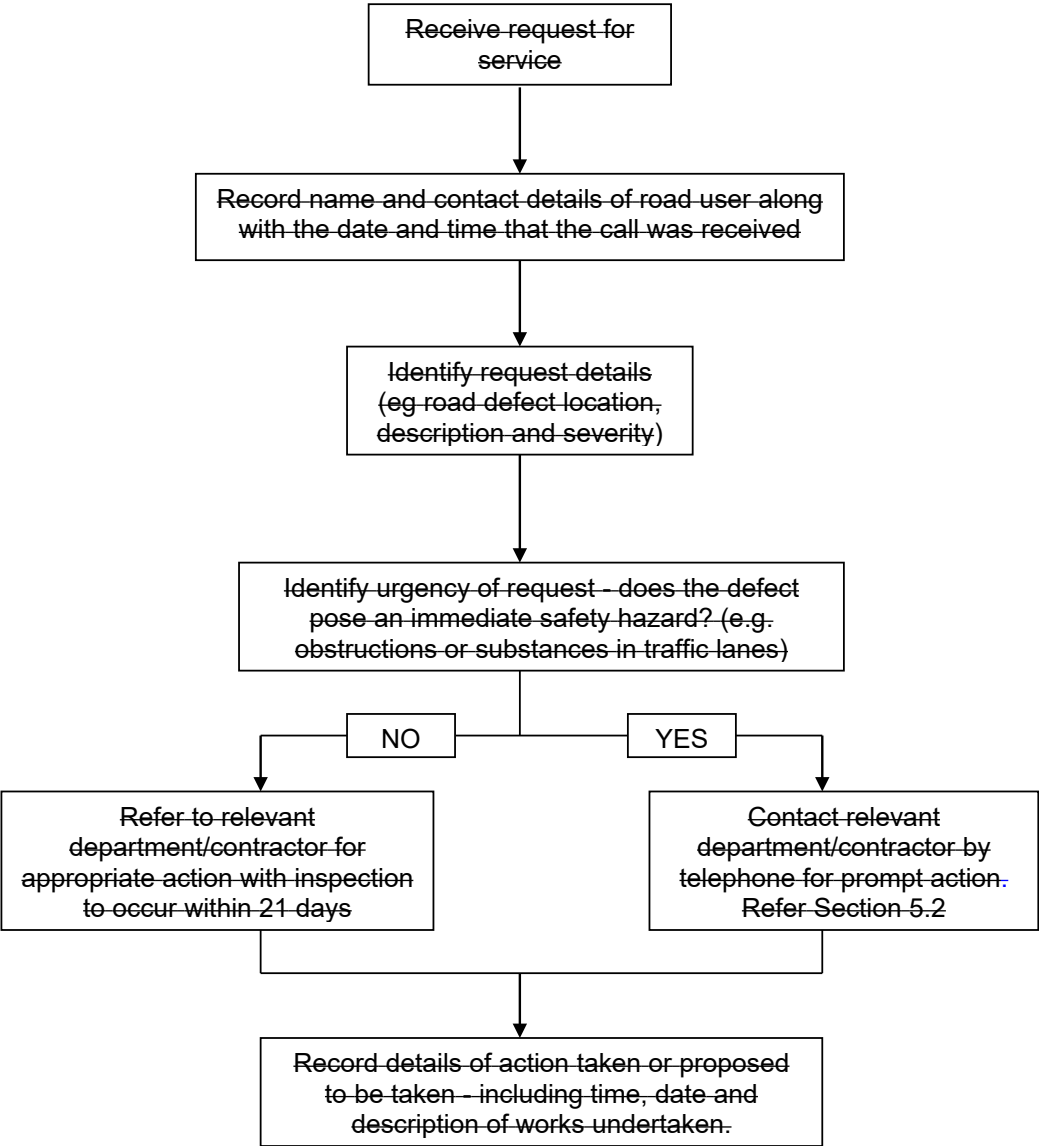
The linkage of the above data with Council's Geographic Information System allows staff to spatially visualise both data and information — and to assist them with decision-making and planning.

5.5 Customer request management

Council receives customer service requests through a variety of means. Usually these will be in the form of a telephone call to Council's switchboard or through direct contact with customer service staff at any one of Council's business centres.

To minimise response times (in line with Council's customer service charters) and to ensure that a permanent record is kept, requests are recorded and transmitted to the relevant department/contractor using a computerised Customer Request Management System. The process involved in managing requests involves the initial recording, its referral for action/attention, recording action taken/proposed to be taken and, finally, the closing off and filing of the request. ~~Figure 5.5 illustrates the process followed when receiving customer requests relating to road infrastructure.~~

Figure 5.5 Customer Action Request Workflow



6. Plan Improvement and Monitoring

To ensure the effective development and implementation of this plan, a review will be undertaken in accordance with the statutory requirements and timeframes specified by the *Road Management (General) Regulations 2005* and will reflect any changes or alterations.

The review will include, but not limited to: -

- audit and review of maintenance response times (to confirm whether maintenance works were delivered on time);
- review of inspection frequencies (to ensure appropriateness);
- review of levels of service (to ensure appropriateness);
- review of road classifications (to ensure appropriateness);
- review of customer feedback/contact;
- random audit of maintenance works (to confirm whether maintenance works were delivered to the specified quality).

Subject to the results of the review any amendments required to be made to the Plan will be undertaken pursuant to Section 54 of the *Road Management Act 2004*.

The Plan may also be updated if or when the Road Asset Management Plan changes significantly through internal continuous improvement processes.

~~This plan is monitored as follows:~~

- ~~Quarterly internal audits for selected road and footpath assets~~
- ~~Six monthly road register updates~~

References

1. "Council Plan 2013-2017 ([Revised 2016](#))", East Gippsland Shire
2. "Unsealed Roads Manual — Guidelines to Good Practice", *ARRB Transport Research*
3. "International Infrastructure Management Manual (IIMM) [20022015](#)", *IPWEA*
4. "MAV Asset Management Improvement Step Program — Asset Management Framework", *Municipal Association of Victoria*
5. "MAV Asset Management Improvement Step Program — Road Asset Management Plan Framework", *Municipal Association of Victoria*
6. "Sealed Local Roads Manual — Guidelines to Good Practice", *ARRB Transport Research*
7. "Guidelines for Community Input in Setting Level of Service and Intervention Standards for Road Networks", *AustRoads*
8. "Integrated Asset Management Guidelines for Road Networks", *AustRoads*
9. ~~"Road and Path Maintenance Manual — 1997", *Civic Mutual Plus*~~
9. ~~"Local Roads Bridge Management Manual — Guidelines to Good Practice", *ARRB Transport Research*~~
10. ~~Local Government Performance Reporting Framework 2015-2016~~
- 10.11. ~~[Infrastructure Design Manual](#)~~

Terminology

Term	Meaning as used in this document
"Act"	means <i>The Road Management Act 2004</i>
"Arterial Road"	means a road which is declared to be an arterial road by VicRoads under Section 14 of the Act.
"Asset management system"	means a system for collecting and analysing data on the performance of existing assets including their maintenance and operating costs.
"Asset management"	means a comprehensive and structured approach to the delivery of community benefits through management of road networks.
"Asset register"	means a record of items considered worthy of identification as discrete assets, including information such as construction and technical details about each. Specifically, a road asset register is an information system containing details of the location, configuration, condition, and history of the individual road segments that comprise the network.
"Asset"	means a physical component of a road system or network. An asset is considered worthy of separate identification if it delivers services or benefits to the community of sufficient current or future value to warrant control and management on an individual basis.
"Coordinating Road Authority"	means the road authority which has coordination functions as determined in accordance with section 36 of the Act
"Council"	means the East Gippsland Shire Council.
"Emergency Incident"	means an incident that has potential to place property or human life at risk.
"Hazard"	for the purposes of these maintenance standards, is a defect that exceeds a stated intervention level .
"Level of service"	means a generic term used to describe the quality of services provided by the asset under consideration. Depending upon various factors such as demand or importance, a higher Level of Service may be required for some assets compared to others.
"Public Highway"	means any area of land that is a highway for the purposes of the common law
"Public Road"	means a public road within the meaning of Section 17 of the Act
"Repair"	means the taking of any action to a defect in a roadway, pathway or road-related infrastructure to make it compliant with the relevant intervention level .
"Responsible Road Authority"	means the road authority which has operational functions as determined in accordance with Section 37 of the Act.
"Response time"	means the time measured from the time the hazard exceeding intervention is noticed recorded by, or notified to, Council to the time that the hazard is permanently repaired or there have been temporary measures implemented.
"Urban area"	As defined in Section 3 of the Act.

Appendix A – Routine Maintenance Levels of Service

			RESPONSE TIME¹										FIRE ACCESS
			Urban				Rural						
Service Criteria	Defect Type	Description of Hazard (Defect requiring intervention)	LINK	COLLECTOR	ACCESS	LIMITED ACCESS		LINK	COLLECTOR	ACCESS	LIMITED ACCESS		
Road Surface (General)	Obstructions & substances in traffic lane	Any fallen trees, rubbish, waste material, foreign matter, oil spills and other slippery substances, animal carcasses or accumulation of granular materials on the traffic lane of sealed roads which may constitute a hazard.	2-hours 24 Hours				24 hours 48 Hours		4-hours 24 Hours			1 Week 7 Days	
Sealed Road Surface	Pot Holes	Where the pothole exceeds 50mm in depth and 300mm in diameter.	48 Hours 7 Days	1 Week (96 hours for bus routes) 14 Days	2 Weeks (96 hours for bus routes) 30 Days	4 Weeks 60 Days		48 Hours 7 Days	1 Week (96 hours for bus routes) 14 Days	2 Weeks (96 hours for bus routes) 30 Days	Not Applicable		
	Rutting & Depressions	If the rutting/depression exceeds 50mm in depth under a 1.2 metre straight edge.	48 Hours 14 Days	1 Week (96 hours for bus routes) 30 Days	2 Weeks (96 hours for bus routes) 60 Days	4 Weeks 90 Days		48 Hours 14 Days	1 Week (96 hours for bus routes) 30 Days	2 Weeks (96 hours for bus routes) 60 Days			
	Shoulders	When a 50 mm drop from the sealed pavement edge occurs for more than 100 metres in any 100 metres or a single edge break greater than 100mm over a 300m length or greater.	48 Hours 14 Days	1 Week (96 hours for bus routes) 30 Days	2 Weeks (96 hours for bus routes) 60 Days	4 Weeks 90 Days		48 Hours 14 Days	1 Week (96 hours for bus routes) 30 Days	2 Weeks (96 hours for bus routes) 60 Days			
Unsealed Road Surface	Pot Holes	When frequency of pot hole measuring 100mm or more in depth and 300mm diameter or more across in any direction is equal to or greater than a concentration of 7 or more potholes in any 100 square metres of surface area.	Not Applicable			4 weeks (1 week for bus routes) 30 Days	12 months³	1 week 7 Days	2 weeks (1 week for bus routes) 14 Days	4 weeks (1 week for bus routes) 30 Days	12 months³		
	Rutting	When frequency of rutting of 100mm 50mm depth or more is equal to or greater than a concentration of rutting of 30 square metres or more in any area of 100 square metres of surface area.				4 weeks (1 week for bus routes) 60 Days		1 week 7 Days	2 weeks (1 week for bus routes) 14 Days	4 weeks (1 week for bus routes) 30 Days			
	Corrugations	When frequency of corrugations measuring 30mm or more in depth is equal to or more than a concentration of corrugations of a 30 metre length of any 100-metre section of road.				4 weeks (1 week for bus routes) 60 Days		1 week 7 Days	2 weeks (1 week for bus routes) 14 Days	4 weeks (1 week for bus routes) 30 Days			

12 months (Seasonal Works Only)

12 months
(Seasonal Works Only)

	Surface Scour	Transverse and longitudinal scouring to depth of 50mm or more having a length of 30 metres or more in any 100 metre section of road.			4-weeks (1-week for bus routes) 60 Days			1 week 7 Days	2-weeks (1-week for bus routes) 14 Days	4-weeks (1-week for bus routes) 30 Days	
	Loose Material	Build up of loose material exceeding 100mm. depth or covering an area of 100 square metres or more and averaging a depth of 50mm or more over the area.			4-weeks (1-week for bus routes) 60 Days			1 week 7 Days	2-weeks (1-week for bus routes) 14 Days	4-weeks (1-week for bus routes) 30 Days	
	Coarse Surface	More than 125 square metres in any 1000 square metres section of road which has material more than 40mm in size penetrating the surface by more than 30mm.			4-weeks (1-week for bus routes) 60 Days			1 week 7 Days	2-weeks (1-week for bus routes) 14 Days	4-weeks (1-week for bus routes) 30 Days	
Drainage	Side entry pits, culverts, table drains (cut off/run off) and open drains (constructed)	Culvert, pit or waterway obstructed causing 100mm or greater ponding to occur on the trafficable area		2-hours 7 Days		24-hours 30 Days			4-hours 7 Days		1-week 30 Days
	Drainage Pit (Lids/Surrounds)	<u>Drainage pit lid and/or surround suffering significant structural damage or movement and/or missing in pedestrian areas or traffic lanes</u>		48 hours					n/a		
Signs & Delineation	Signage (Regulatory, Safety & fire plug markings)	Sign is missing, poorly located or damaged to an extent that makes it substantially ineffective.	48 Hours 14 Days	1-Week (96 hours for bus routes) 30 Days	2-weeks (96 hours for bus routes) 60 Days			48 Hours 14 Days	1-Week (96 hours for bus routes) 30 Days	2-Weeks (96 hours for bus routes) 60 Days	
	Guide Posts	Missing or damaged guide posts at a critical location ² making them substantially ineffective.	48 Hours 14 Days	1-Week (96 hours for bus routes) 30 Days	2-weeks (48 hours for bus routes) 60 Days			48 Hours 14 Days	1-Week (96 hours for bus routes) 30 Days	2-Weeks (96 hours for bus routes) 60 Days	
	Line-marking	Linemarking illegible or confusing at a critical location ² .	4 weeks 30 Days	6-weeks 60 Days	3 months 90 Days			4 weeks 30 Days	6-weeks 60 Days	3 months 90 Days	
Vegetation	Tree Clearance over roadways	Clearances for overhanging branches or limbs within an envelope from the back of shoulder and/or kerb and a minimum of 3m 4.5m height clearance over pavement and the trafficable portion of shoulders.	48 hours 30 Days	1-week 60 Days	2-weeks (1-week for bus routes) 90 Days			1 week 30 Days	2-weeks (1-week for bus routes) 60 Days	4-weeks (1-week for bus routes) 90 Days	

	Roadside and Shared Path Vegetation	Vegetation that restricts design sight distance to intersections or restricts viewing of regulatory or safety signs ³ on roads or sight distance and signage along shared paths	48 hours 30 Days	1-week 60 Days	2-weeks (1-week for bus routes) 90 Days		1 week 30 Days	2-weeks (1-week for bus routes) 60 Days	4-weeks (1-week for bus routes) 90 Days			
Roadside Structures	Guardrail	Guardrail damaged at a critical location ² .	24-hours 30 Days			n/a		48-hours 30 Days				
	Utility access pits (lids & surrounds)	Pit lid and/or surround having significant structural damage and/or missing	Notify Appropriate Service Provider within 48 hours								n/a	
Bridges	Structural damage	Significant damage affecting structural performance	2-hours 24 Hours			n/a		4-hours 24 Hours			n/a	

			RESPONSE TIME		
			Footpath Classification		
Service Criteria	Defect Type	Description of Hazard	HIGH TRAFFIC	MEDIUM TRAFFIC	LOW TRAFFIC
Footpaths and shared paths constructed walking tracks	Trip hazards	Vertical level differential of lips, rutting and scouring greater than 30 mm in height and depressions and heaves greater than 30mm over a 1.2m flat edge. Crack width greater than 30 mm. Loose material & debris greater than 30mm in depth.			
	Tree Clearance over, and vegetation regrowth alongside or across, pedestrian paths	Vegetation which presents a physical hazard to the public intruding into a clearance envelope between the edges of path and a minimum of 2.5m height clearance over path and/or weeds and tree roots along edges and within a real extent of footpath/ track shared path.	48-hours 30 Days	1-month 60 Days	2-months 90 Days

A "Safety Sign" is a road sign that provides the driver with advice on the safe use of the road.

¹ The response time is measured from the time the hazard is recorded by, or notified to, Council.

² A critical location is a location where the road alignment and/or pavement width and/or geometry are identified by additional markings or furniture to guide the travelling public.

³ Defect types and response times do not apply to roads that are unformed and lack suitable pavement material (e.g. earth road/track)

Appendix B – Public Road Register

(Not provided due to its size – can be down-loaded from Council’s website)

5.3 A Growing Region of Opportunities

5.3.1 East Gippsland Business Awards 2021 Funding Allocation

Authorised by General Manager Bushfire Recovery

Conflict of Interest

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

Executive Summary

The purpose of this report is to seek Council approval to allocate up to \$50,000 from the Economic Development Discretionary Fund to facilitate the 2021 East Gippsland Business Awards event.

Officer Recommendation

That Council:

- 1. receives and notes this report; and***
- 2. approve the allocation of up to \$50,000 from the Economic Development Discretionary Fund to facilitate the 2021 East Gippsland Business Awards.***

Background

Council has been briefed in relation to the proposed approach to delivering the 2021 East Gippsland Business Awards. Officers propose to re-launch the industry event and deliver the 2021 East Gippsland Business Awards in a COVID-safe environment under a new format to celebrate the tenth anniversary of this event.

Naming rights sponsorship of \$10,000 has been secured and former media partners have confirmed their support of the event. The Business Awards event plan is currently being finalised and will continue to be shaped as additional sponsorship and event facilitation expenditure are confirmed.

Following the event, a program review will be completed to guide future event delivery and provide recommendations for Council consideration.

This report now seeks Council's approval to underwrite the Business Awards event to a maximum amount of \$50,000 should it be required and for this budget to be allocated from the Economic Development Discretionary Fund. A background paper on the Economic Development Discretionary Fund was provided at the Council Briefing on 8 May 2021.

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.

Collaboration

Pursuant of section 109(2) of the *Local Government Act 2020* this report has no procurement implications.

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

A Growing Region of Opportunities Goal 1 - East Gippsland is a region of economic opportunity with strong industry sectors, a skilled workforce and local jobs.

Council Policy

There are no Council policies or position statements pertaining to this report.

Options

The preferred option was for Council to lead the coordination and delivery of the Business Awards event in 2021 to which this was unanimously agreed.

The alternative option was to not reinstate the Business Awards in 2021 and continue to seek a suitable event organiser in readiness for 2022.

Resourcing

Financial

A budget of up to \$50,000 is proposed to support the Business Awards event, noting that while there has been significant interest and a naming rights sponsor has been secured, overall sponsorship income may be reduced as a result of the impact of the drought, bushfires and COVID 19. Considering this, it is possible the full \$50,000 allocation may not need to be expended.

Subject to approval by Council, Council's Economic Development Discretionary Fund has been identified as a suitable source of funding to support the awards (note this fund was previously used to support Business and Tourism East Gippsland (BTEG) including the running of the East Gippsland Business Awards).

Plant and equipment

Not applicable

Human Resources

Council Officers from Events team will be responsible for managing the 2021 Business Awards event.

Risk

The risks of this proposal have been explored and considered low.

Economic

The Business Awards provide industry benchmarks for best practice, innovation and continuous improvement. They help to raise operational standards reinforcing consumer confidence in the region and importantly providing improved consumer experience within East Gippsland.

The Business Awards also give businesses operators an opportunity to expand their horizons by increasing their exposure and build stronger commercial networks that will also reinforce East Gippsland's position as an outstanding destination to invest and do business.

Social

The Business Awards provide an important opportunity for business owners and operators to reconnect and celebrate their significant business achievements, both individually and collectively, after an unprecedented period of disruption and in an environment of continued economic uncertainty.

Environmental

There are no environmental implications arising from this event.

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

Attachments

Nil

5.4 Good Governance

5.4.1 Request Council Enter Agreement with East Gippsland Water for water supply upgrades to South Bairnsdale Industrial Estate

Authorised by General Manager Bushfire Recovery

Conflict of Interest

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

Executive Summary

To support the development of the South Bairnsdale Industrial Estate, it is proposed to upgrade the existing water reticulation to fire-fighting standards so that any landowners who wish to install a building of greater than 500m² will not have to install a private fire-fighting service.

The project is proposed to be funded from a Regional Development Victoria grant (\$500,000 secured), Council funds (\$400,000) and a Special Charge Scheme (\$400,000).

The water reticulation system is owned and operated by East Gippsland Water. Council will fund the works and East Gippsland Water will undertake the upgrade works. To facilitate this Council must enter into a formal agreement (**Attachment 1**) with East Gippsland Water.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. authorises the Chief Executive Office to execute an agreement (Attachment 1) with East Gippsland Water to the value of \$1.3 M for upgrading the water supply at South Bairnsdale Industrial Estate; and***
- 3. authorises the Chief Executive Officer to make minor changes to the agreement as required.***

Background

The South Bairnsdale Industrial Estate (the estate) is considered East Gippsland's premier industrial estate for large scale developments. The estate is partially developed with several significant and many smaller operations.

There remains considerable potential for further development on the estate in terms of new developments as well as upgrades to existing developments.

The water supply (flow and pressure) provided to the estate by East Gippsland Water is such that any buildings over 500 m² in floor area must provide their own firefighting service. The costs of these systems can vary from \$50,000 - \$150,000 per building. This requirement has limited development of the estate and economic development within the Shire.

To provide a fire-fighting standard to the South Bairnsdale Industrial Estate without the need for private fire-fighting services for buildings over 500 m² it is proposed that East Gippsland Water will upgrade the existing potable water supply to the necessary pressure and flow rate that meets the building code.

East Gippsland Water have agreed to undertake the necessary upgrade works at a total project cost of \$1.3 million.

It is proposed that funding be provided to East Gippsland Water comprising:

- \$500,000 grant from Regional Development Victoria;
- \$400,000 East Gippsland Shire Council; and
- \$400,000 to be raised from landowners through a proposed Special Charge Scheme.

East Gippsland Water have independently invested \$1.1 million in stage 1 works to enable the proposed fire-fighting standard to be achieved.

To facilitate the Special Charge Scheme, it is necessary for council to enter into a formal agreement with East Gippsland Water.

In mid-2020, Council and East Gippsland Water exchanged letters (**Attachment 2 and 3**) outlining East Gippsland Water's commitment to undertake the works.

The agreement is based on this exchange and has been structured such that it will not be 'triggered,' that is; no works will be undertaken, and no funding provided by East Gippsland Shire Council until Council have secured all funding. The outstanding funding for the project is dependent on the proposed Special Charge Scheme.

Council officers have been working closely with officers of East Gippsland Water to finalise the agreement. It is expected that this agreement will be approved by the East Gippsland Water Board at their meeting in mid-August.

Once the Agreement has been approved and signed by both Council and East Gippsland Water, a Council Report will be presented seeking Council approval to commence the statutory process to implement a special charge scheme.

The physical area that will be impacted by the water improvements is not all the area commonly known as the South Bairnsdale Industrial Estate, but specifically the areas that are supplied by the current and proposed water supply line upgrades (**Attachment 4**).

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 *Local Government Act 1989*, section 163 from the Act.

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 report is presented as part of a process to declare Council intention to implement a special charge scheme on the estate.

Under the *Local Government Act 1989*, Section 163, Council is required to have a debt burden to put in place a Special Charge Scheme. This report and the associated agreement will enable Council to meet this obligation under the Act.

Collaboration

Pursuant of section 109(2) of the *Local Government Act 2020* this report has been prepared in collaboration with East Gippsland Water.

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

Strong Communities Goal 2 - East Gippsland communities plan for their future.

A Livable Region Goal 2 - Sustainable planning and growth supports thriving townships, while maintaining our commitment to sustainability and protecting our natural environment.

A Growing Region of Opportunities Goal 1 - East Gippsland is a region of economic opportunity with strong industry sectors, a skilled workforce and local jobs.

Good Governance Goal 2 - Our relationships with other levels of government and partners that deliver great outcomes for East Gippslanders.

Council Policy

This proposal has been prepared in alignment with Council's procurement policy.

As the water supply assets are owned and operated by East Gippsland Water it is impractical for Council to undertake a competitive tendering approach to procure this service.

As a result, Council have been granted a Ministerial Exemption from the need to undertake a competitive tender process (**Attachment 5**)

East Gippsland Water will undertake their normal procurement process for the provision of the infrastructure, following their own policies and procedures.

This report also aligns to the revised Special Charge Scheme Policy approved by Council on 4 May 2021.

Options

Should Council wish to ensure that the water supply is sufficient for firefighting services in the South Bairnsdale Industrial Estate then there is no alternative other than to contract East Gippsland Water to undertake these works. East Gippsland Water are the owner of the water reticulation assets and have monopoly powers over the provision of reticulated water supplies in East Gippsland.

Resourcing

Financial

There are no financial costs associated with entering into this agreement.

Should the agreement be 'triggered' then East Gippsland Shire Council will be required to contribute \$1.3 million to East Gippsland Water as outlined in the agreement.

These funds are planned to be sourced as follows:

- \$400,000 is intended to come from landowners through a Special Charge Scheme,
- \$400,000 from other Council funds.
- \$500,000 will be passed on from Council to East Gippsland Water from grant funding received from Regional Development Victoria for this purpose.

Plant and equipment

There are no plant and equipment impact.

Human Resources

Human resource requirements to administer this agreement will be sourced from within existing available resources.

Risk

The risks of this proposal have been considered and there is minimal risk in entering this agreement as the actual project will only be 'triggered' once Council has all funding sources secured. Council may be liable for up to \$100,000 of planning work proposed to be undertaken in parallel with establishing the proposed special charge scheme. If this special charge scheme does not proceed and the project does not proceed that Council would be liable for the cost of the planning works (noted above) and its own project development costs.

Once the project is triggered there are a range of risks in relation to East Gippsland Water's ability to deliver the project on time and on budget. These risks are mitigated by the fact that these works are not complex for East Gippsland Water who are very experienced in the delivery of such works.

As per the agreement, East Gippsland Water have agreed to cover the cost of any over-expenditure (i.e. costs are agreed and capped provided the works commence before 30 June 2022) and will pass on any savings that accrue back to Council.

If commencement is delayed beyond 30 June 2022, East Gippsland Water is not bound by the cap on costs.

Economic

This agreement will facilitate further development of the South Bairnsdale Industrial Estate with subsequent economic benefits.

Social

There are no social impacts of this proposal.

Environmental

There are no environmental implications of entering into this agreement. Should the project be triggered then all works will be undertaken in accordance with East Gippsland Water's environmental policies and practices.

Climate change

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

Engagement

There has not been public engagement in relation to this agreement, however, there has been engagement in relation to the proposed Special Charge Scheme.

Attachments

1. Agreement South Bairnsdale Industrial Estate Upgraded Infrastructure and Water Services [**5.4.1.1** - 14 pages]
2. Letter EGW to EGSC - South Bairnsdale Industrial Estate [**5.4.1.2** - 1 page]
3. Letter EGSC to EGW Confirming Partnership [**5.4.1.3** - 1 page]
4. Mapping - Area impacted South Bairnsdale Industrial Estate [**5.4.1.4** - 1 page]
5. Signed instrument of approval - BMI N-2-21-11304 - South Bairnsdale Water Augmentation [**5.4.1.5** - 1 page]

**Agreement to Provide Upgraded Water
Infrastructure and Services**

16 June 2021

East Gippsland Shire Council

81 957 967 765

**East Gippsland Region Water Corporation (trading as
East Gippsland Water)
40 096 754 586**

Macquarie
Local Government Lawyers

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Melbourne Victoria 3000
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Date	2021
Parties	
1.	East Gippsland Shire Council 273 Main Street (P O Box 1618) Bairnsdale VIC 3875 ("Council")
2.	East Gippsland Region Water Corporation (trading as East Gippsland Water) 133 Macleod Street (P O Box 52) Bairnsdale VIC 3875 ("EGW")
Recitals	
A	The Council is a local government authority constituted by and under the <i>Local Government Act 2020</i> .
B	Amongst other things, the Council is responsible for the economic, social and environmental sustainability of the municipal district of the Shire of East Gippsland " Shire " and " Municipal District "), including mitigation and planning for climate change and bush fire risk and recovery in the Municipal District.
C	EGW is a corporation and authority constituted by and under the <i>Water Act 1989</i> .
D	Amongst other things, EGW is responsible for the delivery of retail residential and commercial water services, including water infrastructure, in and to an area which includes the Shire.
E	The South Bairnsdale Industrial Estate (" Estate " or (and where the context requires and in relation to the relevant part of the Estate covered by this Agreement) " Designated Zone ") is an area within the Municipal District of the Shire for which the Council is the responsible local government authority and EGW is the responsible water authority.
F	As a part of discharging its role and performing its functions, particularly in relation to bush fire risk and recovery response, the Council has determined that the Estate requires the provision of upgraded water infrastructure to provide the properties within the Designated Zone of the Estate with an increased and enhanced water supply service in order to improve future fire-fighting capabilities and bush fire risk

- and recovery responses in accordance with modern and current-day standards (“**Works**”).
- G The Works involve, and will require, the provision of an improved water supply to, and for, the properties in the Designated Zone of the Estate.
- H The Council considers that the Works, in the public interest, will enable the Council to properly perform its functions and that the Works will provide a special benefit to the properties in the Designated Zone of the Estate by:
- (a) Improving property services for the Estate;
 - (b) Providing for improved infrastructure coordination in the Designated Zone;
 - (c) Promoting land use and development in the Estate;
 - (d) Promoting economic development and employment in the Estate;
 - (e) Enhancing the safety and wellbeing of the owners and occupiers of the properties, and their properties, in the Designated Zone;
 - (f) Establishing improved and modern fire-fighting capabilities and bushfire risk response times for the properties in the Estate; and
 - (g) Generally enhancing and promoting the peace, order, good government and wellbeing of the Shire and the municipal community, including people living in the Shire, ratepayers, traditional owners of land and persons who conduct activities and businesses in the Shire.
- I The provision of the Works, involving upgraded water infrastructure, is under the jurisdiction of EGW.
- J The Council has approached EGW and has requested EGW – in the fulfilment of the Council’s role and the performance of its functions and also those of EGW and in partnering with EGW and otherwise in the public interest – to perform the Works.

K Subject to the Council (as a debt to be incurred by the Council and due for payment by the Council to EGW) agreeing to pay EGW for the cost of the Works, EGW has agreed to perform the Works in accordance with this Agreement.

L EGW agrees to use reasonable endeavours to:

- a. provide the properties in the Estate with an improved service level and flow rate of water being a rate of 20 litres per second with 20 metres of pressure (as measured at any one single fire hydrant located within the public road reserves servicing the Estate under the approximated 95thile demand conditions); and
- b. achieve design levels of service available under the approximated 95thile demand conditions (subject to the needs of routine maintenance of the system as reasonably required by EGW and in accordance with EGW's customer charter.

M The parties have agreed to enter into this Agreement:

- (a) To give effect to the requirements set out in this Agreement;
- (b) To achieve or advance the objectives of planning and good government and the economic, social and environmental sustainability in Victoria, including the objectives of the Council (and those of EGW) and the East Gippsland Planning Scheme in respect to the land in the Estate, and other land generally in the Shire of East Gippsland; and
- (c) Amongst other things, to formalise an understanding reached between the parties regarding the provision of the Works.

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THE PARTIES AGREE AS FOLLOWS

1. Introduction and Interpretation

1.1 Definitions

In this Agreement unless the contrary intention appears:

Act means the *Local Government Act 1989* (and, if and as the context requires, the *Local Government Act 2020*) (Vic);

Agreement means this agreement;

Annexure means an annexure to this Agreement;

Cost Estimate means the cost estimate presently agreed to between the Council and EGW for the carrying out of the Works, which for the purposes of this Agreement has been capped at (and is to be no more than) \$1.3 million all-fully inclusive, including for the avoidance of doubt, all and any GST, contingencies, design fees, consultants' fees, authority fees, project management fees and all and any other similar fees, costs and expenses;

Estate (and Designated Zone) means that section of the South Bairnsdale Industrial Estate, being the area of land within the Municipal District of the Council covering the properties as shown on the plan appearing in Annexure A;

Preliminary Scope of Works Document means the scope of works document presently agreed to between the Council and EGW, generally describing the Works as they are shown on the document appearing in Annexure B; and

Works means the works to be performed by EGW, at the cost of the Council, namely, the provision of upgraded water infrastructure services for, and to, those properties in the Estate in the Designated Zone, being works which will allow for the delivery of an improved and increased water supply by providing the properties with an improved rate of flow of water of 20 litres per second with 20 metres of pressure (as measured at any one single fire hydrant located within the public road reserves servicing the Estate under the approximated 95thile demand conditions) to achieve design levels of service available under the approximated 95thile demand conditions (subject to the needs of routine maintenance of the system as reasonably required by EGW and in accordance with EGW's customer charter).

Works Commenced means acceptance of tender/s for construction contracts.

Works Planning includes activities required to plan for the works including; but not limited to; project planning, detailed design, studies, project approvals and tender preparation and evaluation.

1.2 Interpretation

In this Agreement, unless the contrary intention appears:

- 1.2.1 Any reference to legislation includes any subordinate legislation made under that legislation and any later equivalent re-enactment or substitute legislation;
- 1.2.2 Any gender includes each other gender;
- 1.2.3 The singular includes the plural, and the plural includes the singular;
- 1.2.4 Where a word or phrase has a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning;
- 1.2.5 Headings are for guidance only and do not affect the operation of this Agreement;
- 1.2.6 A reference to a person includes a firm, partnership, association, corporation or other corporate body;
- 1.2.7 A reference to the 'Council' includes its successors and assigns;
- 1.2.8 A reference to 'EGW' includes its successors and assigns; and
- 1.2.9 Any reference to a person by way of that person's position with the Council or EGW includes a person:
 - 1.2.9.1 authorised to carry out the powers, duties and functions of that position at the Council or EGW;
 - 1.2.9.2 acting in that capacity; and
 - 1.2.9.3 if that position in the Council or EGW ceases to exist, any person exercising any power, duty or function which was previously a power, duty or function of the previous position.

1.3 Proper Law

This Agreement is governed by, and the parties submit to the jurisdiction of, the laws of the State of Victoria.

1.4 Commencement

This Agreement begins immediately upon execution by the parties.

1.5 Termination

This Agreement will end upon completion by the Council and EGW of their respective obligations under this Agreement, or if the Special Charge referred to in Clause 2.2, for any reason, does not proceed.

1.6 Reading Down and Severability

If a provision of this Agreement is void, or voidable by a party, unenforceable or illegal, but would not be so if read down or severed from the Agreement, it must be read down or severed accordingly.

2. Provision of Upgraded Water Infrastructure and Services for the Estate

2.1 Agreement

EGW agrees to use reasonable endeavours to, (as a debt to be incurred by the Council and payable by the Council to EGW), to perform the Works in accordance with the terms of this Agreement, including upgrade the existing water infrastructure and services for the Estate to enable the infrastructure and services to meet current day fire-fighting standards for a price which is, and will be, no more than the Cost Estimate, and otherwise generally in accordance with the Preliminary Scope of Works Document, subject to any further changes that may be agreed to between the Council and EGW as hereafter provided.

2.2 Funding Sources

The Council will fund the cost of the Works of \$1,300,000 (and pay the debt which it will have incurred to EGW) by way of a \$500,000 grant from Regional Development Victoria, an amount of \$400,000 from the Council's own budgetary allocations and, subject to statutory process under the Act and the proper exercise of the Council's future discretions, an amount of \$400,000 by way of a special charge scheme under section 163 of the Act ("**Special Charge**").

2.3 Preparation of More Detailed Plans, Specifications and Cost Estimates

The Council and EGW, agree, jointly and cooperatively and as required, to prepare and approve more detailed plans and specifications and estimates showing the manner in which the Works will be performed, otherwise generally in accordance with the Preliminary Scope of Works Document ("**Further Plans and Specifications and Cost Estimates**").

2.4 Other Consents, Permits and Approvals

Following approval as required of the Further Plans and Specifications and Cost Estimates, the EGW must obtain, as required, all and any other relevant consents, permits and approvals from all and any other relevant authorities, owners, occupiers and affected parties and stakeholders for the carrying out of the Works in accordance with the Further Plans and Specifications and Cost Estimates.

2.5 Operation

At the execution of this Agreement, in addition to any other amount payable by the Council to EGW pursuant to this Agreement, EGW will commence Works Planning activities, in respect of which EGW may make a payment claim and the Council shall pay EGW for Works Planning, relating to Clause 2.14.

This Agreement is conditional upon, and EGW shall not commence construction of the Works until, the Council provides EGW with written notification that:

2.5.1 the Council has confirmed the unconditional availability of the funding sources set out in Clause 2.2; and

2.5.2 the Special Charge has been declared and levied by the Council and (in the event of any appeal by any person against its declaration) the Special Charge has been affirmed by VCAT, without modification.

2.6 Difference Between Cost Estimate and Final Costs

Should the actual and final costs for the Works be less than the estimated and capped costs previously set out, EGW agrees that it will pass on all and any savings to the Council, and that it will only require the Council, as the debt due to EGW, to pay for the actual final costs of the Works.

2.7 Conditions Precedent

Without limiting clause 2.5, this Agreement is expressly subject to and conditional on the following two events:

2.7.1 the Special Charge being declared and levied by Council and (in the event of any appeal to VCAT) the Special Charge being affirmed without modification; and

2.7.2 the Works commencing on or before 30 June 2022.

2.8 All Costs Other than the Cost of the Works and Works Planning

Other than in relation to the actual cost of the Works, including Works Planning, each party agrees to bear their own costs in connection with giving effect to this Agreement or (if the Agreement for whatever reason cannot be given effect to) in seeking to give effect to this Agreement, including in relation to the performance of each party's respective statutory and governance obligations, including administrative costs.

2.9 Statutory and Governance Obligations

The parties agree that:

2.9.1 the Council will, at a time when it considers it is appropriate to do so (but otherwise consistent with the spirit, intent and requirements of this Agreement), and at all times keeping EGW informed, commence and progress the statutory procedures under the Act necessary to declare the Special Charge in order to assist the Council in satisfying the contractual liability which the Council will have incurred to pay to EGW, by way of debt incurred by the Council, for the cost of the Works; and

2.9.2 EGW will, at a time when it considers it is appropriate to do so (but otherwise

consistent with the spirit, intent and requirements of this Agreement), and at all times keeping the Council informed, commence and progress statutory procedures calling for public tenders for the provision of the Works (both for the actual construction of and the supply of materials for the Works). If the tenders received by EGW exceed the Cost Estimate, EGW must (and before accepting any tender) first notify the Council in writing of this fact and seek the Council's views in relation to the actual tendered amounts.

2.10 Ongoing Responsibility for the Works on Completion

Upon satisfactory final completion, the Works will be regarded as being assets under the care, management and control of EGW and they shall be, and remain, the ongoing legal and financial responsibility of EGW. Without limitation, EGW must maintain the Works as assets of EGW and ensure that the agreed fire safety service levels remain for the properties in the Designated Zone.

2.11 Project Control Group

To assist in giving effect to the spirit, understanding and requirements of this Agreement, the parties agree, in good faith, to set up a project control working group, with representatives of both EGW and the Council to be appointed to that group, which will arrange to regularly meet to discuss and resolve upon issues relating the progress of the Works.

2.12 Legal Costs

Each party agrees to pay their own legal costs and expenses associated with the negotiation, preparation and execution of this Agreement and no party may make any claim against the other for their own legal costs.

2.13 Parties to do All Things Necessary to Give Effect to this Agreement

The parties to this Agreement must, in good faith, do or cause to be done all things that are reasonably necessary to give effect to this Agreement.

2.14 Payment

Upon confirmation of Execution of this Agreement, Council shall issue a purchase order for \$100,000, to cover EGW necessary expenses for Works Planning. Should works not proceed beyond the Works Planning phase, the Council shall reimburse EGW for works completed up until the point of notification.

Once Council has secured funding Council will issue a purchase order for \$1,200,000 for Works. Once the Works are commenced EGW will submit monthly accounts to the Council for payment by the Council.

2.15 Limited Liability

The parties expressly agree that the liability of EGW arising out of or in connection with this Agreement, now or in the future, whether in contract, tort, or any other basis of legal liability, to the extent able to be limited at law, is limited to the reasonable rectification of work performed by EGW pursuant to this Agreement, including, for the avoidance of doubt liability for any consequential loss suffered by Council and/or any third party.

3. General

3.1 Non-Fettering of Powers

The Council and EGW expressly acknowledge that any obligation imposed on the Council or EGW under this Agreement does not fetter the future exercise of any statutory discretion by the Council or EGW, and the provisions of this Agreement must be read accordingly.

3.2 Further Documents

The Council and EGW will do all things, and prepare and sign all further documents, necessary to give effect to this Agreement and to ensure that this Agreement is fully carried out.

3.3 Preliminary Scope of Works Document and Plan of Estate and Designated Zone

For the purposes of proper identification, the Council and EGW acknowledge that the Preliminary Scope of Works Document and a plan of the Estate and the Designated Zone (showing the properties which will benefit from the Works) are attached to and respectively appear in Annexures 1 and 2 and that the Annexures are included in and form a part of this Agreement.

3.4 Further Acknowledgment

The parties acknowledge and agree that:

- 3.4.1** Due to the rise of the COVID-19 pandemic, the State of Victoria has declared and presently remains subject to imposed restrictions in Victoria.

The Council and EGW agree not to hold the other liable or responsible for any delay of the completion of the Works.

THE COMMON SEAL of the **EAST GIPPSLAND SHIRE COUNCIL**
was hereunto affixed on the

day of , 2021 in

the presence of :

.....

(Print Name)
WITNESS

.....
CHIEF EXECUTIVE OFFICER

THE COMMON SEAL OF

BETWEEN: EAST GIPPSLAND WATER

was hereunto affixed in accordance with it's Articles of
Association in the presence of :

.....

(Print Name)
WITNESS

.....

(Print Name)
CHIEF EXECUTIVE OFFICER

Annexure A: Estate and Designated Zone Plan

Annexure B: Preliminary Scope of Works Document



133 Macleod Street, PO Box 52, Bairnsdale Victoria 3875
Tel: (03) 5150 4444 Fax: (03) 5150 4477
Email: egw@egwater.vic.gov.au Web: www.egwater.vic.gov.au

17 June 2020

Mr Anthony Basford
Chief Executive Officer
East Gippsland Shire Council
Via email: anthonyb@egipps.vic.gov.au

Dear Anthony,

RE: South Bairnsdale Industrial Estate reticulated water service capacity upgrade

Further to our initial meeting on 19 March 2020 with Regional Development Victoria and subsequent discussions with staff over recent weeks, I am pleased to confirm the details of our commitment to partner with the East Gippsland Shire Council to increase the water supply service level at South Bairnsdale Industrial Estate in the designation zone as identified in the attached plan. The water supply pressure and flow will be upgraded to 20 metres of pressure and 20 litres per second as measured at any single fire hydrant located in the road reserve of the designated zone.

I am conscious that East Gippsland Shire Council (EGSC) has submitted a funding application to Regional Development Victoria (RDV) towards the cost of the project which is estimated at \$1.3 million. Subject to funding being confirmed and provided by the EGSC and/or RDV, East Gippsland Water (EGW) commits to project manage the water supply upgrade, including:

- Designing and delivering the project for a capped cost of \$1.3 million, provided that works commence before 30 June 2022;
- Publicly tender the major construction and material supply contracts and pass on any savings in actual tender costs, compared to the estimated costs, in the form of a reduced project cost;
- Submit monthly accounts to EGSC for payment of actual costs; and
- Maintain and replace the project assets in perpetuity to ensure the service level of 20 metres and 20 litres per second is maintained within the designated zone.

East Gippsland Water's key contact for the project is Executive Manager Capital and Service Delivery, Mark McNeil.

I trust that these terms are acceptable to Council and I look forward to your response.

Yours faithfully,

A handwritten signature in dark ink, appearing to read "S McKenzie", is written over a light blue horizontal line.

STEVE MCKENZIE
MANAGING DIRECTOR

Att: South Bairnsdale Industrial Estate Water Augmentation Project map



Contact: Stephen Kleinitz
Telephone No: (03) 5153 9500
Email: feedback@egipps.vic.gov.au

Corporate Centre
273 Main Street (PO Box 1618)
Bairnsdale Victoria 3875
Telephone: (03) 5153 9500
National Relay Service: 133 677
Residents' Info Line: 1300 555 886
Facsimile: (03) 5153 9576
Email: feedback@egipps.vic.gov.au
ABN 81 957 967 765

20 November 2020

Mr Steve McKenzie
Managing Director
East Gippsland Water

By email: S.McKenzie@egwater.vic.gov.au

Dear Mr McKenzie

South Bairnsdale Industrial Estate reticulated water service capacity upgrade


Thank you for your letter dated 17 June 2020 confirming that East Gippsland Water commits to partner with the East Gippsland Shire Council to increase the water supply service level at the South Bairnsdale Industrial Estate. My apologies for the delay in providing this response.

We acknowledge that subject to funding being confirmed and provided by Council, East Gippsland Water commits to deliver the water supply upgrade, including:

- Designing and delivering the project for a capped cost of \$1.3 million, provided that works commence before 30 June 2022;
- Publicly tender the major construction and material supply contracts and pass on any savings in actual tender costs, compared to the estimated costs, in the form of a reduced project cost;
- Submit monthly accounts to Council for payment of actual costs; and
- Maintain and replace the project assets in perpetuity to ensure the service level of 20 metres and 20 litres per second is maintained within the designated zone.

Thank you again for your partnership on this important project for our region.

Yours sincerely



STUART MCCONNELL
General Manager Bushfire Recovery



**LOCAL GOVERNMENT ACT 1989
SECTION 186**

APPROVAL OF ARRANGEMENTS

I, Shaun Leane, Minister for Local Government approve the arrangements for the purposes of section 186(5)(c) of the *Local Government Act 1989* for East Gippsland Shire Council to directly contract with East Gippsland Region Water Corporation (ABN 40 096 764 568) for Stage 2 of the South Bairnsdale Water Augmentation Project to the South Bairnsdale Industrial Estate from the date of approval to 30 June 2023 (inclusive).

For the purpose of this approval, I note the council's advice that the East Gippsland Region Water Corporation is effectively the only organisation in the region that has the necessary experience and skills to manage and deliver projects of this type, and that contracting directly with East Gippsland Region Water Corporation will provide council best value for money.



**The Hon Shaun Leane MP
Minister for Local Government
Minister for Suburban Development
Minister for Veterans**

20 May 2021

5.4.2 Proposed Road Renaming - Lanes Road

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Lanes Road currently extends from the Great Alpine Road at Lucknow through to the Princes Highway at Nicholson (refer to **Attachment 1**) however is not a through road as the road stops at Middle Creek. Section 3.2.5 of the *Naming rules for places in Victoria—Statutory requirements for naming roads, features and localities 2016* (the *Naming Rules*) states that if the course of a road is to be permanently obstructed or closed, a new unique name must be applied to one end of the road. This is particularly important when an emergency service vehicle cannot navigate the entire course of the road from one end to the other.

An incident was reported to Council, by the Bairnsdale Fire Brigade in August 2019, advising of a safety concern with the duplicated name and incorrect street numbering along the road. Councillors were briefed on the issues and suggested options in November 2019. The option to rename the section of Lanes Road from the Princes Highway at Nicholson to Middle Creek (refer to **Attachment 1** shown in Yellow and Pink) was supported by Councillors and consultation commenced in June 2020. Geographic Names Victoria (GNV) confirmed that Council had an obligation to rename one section of the road in August 2020. Through the consultation process, an alternate name, Bosses Road, was put forward by a resident and all property owners have now been consulted on this name, with only one objection received.

The outcome of the consultation process indicated general support for the name “Bosses Road” and the next step is for Council to endorse the proposal and submit the endorsed application to the Registrar of GNV for registration

Officer Recommendation

That Council:

- 1. receives and notes the report and all the attachments;***
- 2. endorses the proposal to rename a section of Lanes Road to Bosses Road as shown in Yellow and Pink on attachment 1;***
- 3. notes that officers will submit the endorsed application to the Registrar of Geographic Names Victoria for registration; and***
- 4. notes that officers will renumber property addresses along the retained section of Lanes Road from the Great Alpine Road to Middle Creek as shown in Green on attachment 1.***

Background

An incident was reported to Council, by the Bairnsdale Fire Brigade in August 2019, who has requested that Council take the appropriate action to address an anomaly with the road numbering and the no through road access along Lanes Road.

Lanes Road currently extends from the Great Alpine Road through to the Princes Highway at Nicholson as shown in **Attachment 1**; however it is not a through road as the road cannot be traversed at Middle Creek. Section 3.2.5 of the *Naming rules for places in Victoria—Statutory requirements for naming roads, features and localities 2016* (the *Naming Rules*) states that if the course of a road is to be permanently obstructed or closed, a new unique name must be applied to one end of the road. This is particularly important when an emergency service vehicle cannot navigate the entire course of the road from one end to the other.

Council was briefed on all options in November 2019, including whether to make the road a through road, and the option to rename the section of Lanes Road that extends from the Princes Highway at Nicholson to Middle Creek was supported. Part of this proposal also included renumbering the retained section of Lanes Road from the Great Alpine Road at Lucknow to Middle Creek.

Letters were issued to all affected property owners in June 2020, along with two suggested names to choose from for the renamed section of the road. As a result of this consultation, an alternative road name suggestion of Bosses Road was received in August 2020. This name was supported by 10 of the 17 property owners along this section of the road and is considered to comply with the Naming Rules.

Bosses Road was put forward as a preferred name over the two originally suggested names as the residents believe that this name has a direct link to the area of land where Lanes Road starts at the Princes Highway, being adjacent to Bosses Swamp at Nicholson. Details of the history of the Bosse family was also provided in support of the name, as shown in **Attachment 2**.

Further consultation with the impacted property owners, for the suggested road name of Bosses Road, was undertaken in October 2020.

Only one property owner provided feedback to the proposal to rename the section of Lanes Road to Bosses Road. This correspondence has been addressed, however the matters raised related to their disagreement with the road being renamed and queries on whether alternative solutions had been considered. This is not considered a valid objection to the road name. To be considered a valid objection the feedback must explain the reasons why they consider the proposed name is not compliant with the Naming Rules.

The Naming Process can be lengthy, and timeframes depend greatly on the results of the community consultation process. This proposal is currently at Step 6 in the process as shown at **Attachment 3**.

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 *Local Government Act 1989* section 206 and Schedule 10 (5).

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*.

As the "Naming Authority", Council must comply with the provisions of the *Geographic Place Names Act 1998*. This renaming proposal follows directions under the *Naming rules for places in Victoria - Statutory requirements for naming roads, features and localities 2016* (the Naming Rules).

In accordance with Section 10 of *The Naming Rules*, the Office of Geographic Place Names (OGN) requires a copy of the minutes from a Council meeting, indicating Council's endorsement of the proposal, to be attached with the submission lodged with OGN.

Collaboration

There is no procurement associated with this naming proposal.

Council Plan

This report has been prepared and aligned with the following goals set out in the Council Plan 2017-2021:

Strong Communities Goal 1 - East Gippsland has connected, inclusive and vibrant communities.

Strong Communities Goal 2 - East Gippsland communities plan for their future.

Council Policy

There are no Council Policies applicable to this report

Options

Option 1: Preferred Option – Endorse the proposal to rename the section of Lanes Road from the Princes Highway at Nicholson through to Middle Creek as Bosses Road and renumber the remaining section of Lanes Road from the Great Alpine Road at Lucknow through to Middle Creek to conform with the Naming Rules and addressing standards.

Option 2: Continue with the current situation of a duplicated road name and not address the confusion with the street addressing. This has the potential to expose Council to the risk of being negligent and not complying with Council's obligations under the Naming Rules.

Resourcing

Financial

Any signage costs associated with this proposal will be funded from within Council's budget.

Plant and equipment

Not Applicable

Human Resources

Not Applicable

Risk

The risks of this proposal have been considered. Council has a responsibility to provide accurate addressing information for the purposes of emergency services response to maintain community safety. As a matter of confusion has been highlighted by an emergency services provider, Council is currently at risk of being negligent if this issue is not resolved and the current addressing confusion prolongs an emergency service response that is considered to contribute to a serious incident. Geographic Names Victoria have also advised that they would consider this a public safety issue for the road to remain unchanged.

Economic

There are no perceived economic implications with this report.

Social

There are no perceived social implications with this report.

Environmental

There are no perceived environment implications with 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

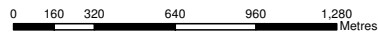
All required community consultation in accordance with the Naming Rules has been undertaken prior to the proposal being presented to Council.

No further consultation is required.

Attachments

1. Attachment 1 - Map of Lanes Rd [5.4.2.1 - 1 page]
2. Attachment 2 - Naming Suggestion - Bosses Road [5.4.2.2 - 6 pages]
3. Attachment 3 - Naming Process Document [5.4.2.3 - 2 pages]

ATTACHMENT 1

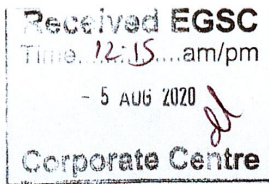


Lanes Rd, Lucknow & Nicholson

Date: 18/09/2019

- Watercourse
- Locality Boundary
- Lanes Rd, Lucknow
- Lanes Rd, Lucknow
- Lanes Rd, Nicholson



**Voting Poll**

East Gippsland Shire Council, as naming authority, is proposing to rename the eastern section of Lanes Road from the Princes Highway to Middle Creek (slightly west of Jennings Lane). The location and extent of Lanes Road to be renamed is shown below:



Please place a tick in the box next to your preferred name (only tick one box)



Bates Road – one of first settlers in the Nicholson area (mid – 1860s)



Arbuckle Road – early settler Nicholson district arriving 1869

see documentation

Please cast your vote by **31 July 2020 (extension granted)**.

The results of the voting poll will provide Council with an indication of support or otherwise for this proposal. Consideration will be given to any objections before a final decision by Council is made and a recommendation of the name is submitted to the registrar of the Office of Geographical Names for final approval.

If you wish to object to these name(s) please do so in writing, indicating why you do not support the name(s).

Please provide your name, address and contact details below -

Name M + J. BROOME

Postal Address [REDACTED]

Contact details [REDACTED]

Assessment Number: [REDACTED]

EGSC

- 6 AUG 2020

INFORMATION
MANAGEMENT

Road Renaming Proposal – Lanes Road

We wish to submit an alternate name for Lanes Road for the section of road extending from the Princes Highway at Nicholson through to Middle Creek.

We feel Arbuckle or Bates Road are not appropriate names as these two early settlers were not actually in the vicinity of our section of Lanes Road and a more suitable name would be Bosses Road.

Bosses Road – Johann Christian Bosse (1836 – 1923) (*Gippsland Times* 30/5/1874) was granted a selection of land under Section 19 of the Land Act at Broadlands. In 1876 he was the first man to operate the punt over the Nicholson River. In 1894 he and his family took over the hotel at Nicholson and on the 5th April, 1895 it burnt down and Mrs Bosse lost her life. Members of the Bosse family owned land in the area from 1874 to around the late 1950's

If this section of road became known as Bosses Road it would be a fitting geographical "lock in" to Bosses Swamp.

The chosen name complies to all principles in the naming rules for Victoria.

Name: John and Maureen Broome
 Postal Address: [REDACTED]
 Contact details: [REDACTED]
 Email: [REDACTED]
 Assessment No. [REDACTED] Signature: *M. A. Broome* Date: 3/8/2020

Name: Leona Anderson
 Postal Address: [REDACTED]
 Contact details: [REDACTED]
 Email: [REDACTED]
 Assessment No. [REDACTED] Signature: *L Anderson* Date: 3/8/2020

Name: Phil and Kathleen Lind
 Postal Address: [REDACTED]
 Contact details: [REDACTED]
 Email: [REDACTED]
 Assessment No. [REDACTED] Signature: *K. Lind* Date: 3/8/2020

Name: Susan and Roger Gill
 Postal Address: [REDACTED]
 Contact details: [REDACTED]
 Email: [REDACTED]
 Assessment No. [REDACTED] Signature: *Susan Gill* Date: 3/8/2020

Name: Paul & June McLeod Exec for L R Sanford
 Postal Address: [REDACTED]
 Contact details: [REDACTED]
 Email: [REDACTED]
 Assessment No. [REDACTED] Signature: *J McLeod* Date: 3/8/2020

Name: Richard and Jenny Comber
 Postal Address: [REDACTED]
 Contact details: [REDACTED]
 Email: [REDACTED]
 Assessment No. [REDACTED] Signature: *J. Comber* Date: 3/8/2020

Name: Geoff and Cath Rayment
Postal Address: [REDACTED]
Contact details: [REDACTED]
Email: [REDACTED]
Assessment No. [REDACTED] Signature: *Cath Rayment* Date: 3/8/2020

Name: Roger and Carolyn Price
Postal Address: [REDACTED]
Contact details: [REDACTED]
Email: [REDACTED]
Assessment No. [REDACTED] Signature: *Roger Price* Date: 3/8/2020

Name: Michael Jones
Postal Address: [REDACTED]
Contact details: [REDACTED]
Email: [REDACTED]
Assessment No. [REDACTED] Signature: [REDACTED] Date: 3/8/2020

Name: [REDACTED]
Postal Address: [REDACTED]
Contact details: [REDACTED]
Email: [REDACTED]
Assessment No. [REDACTED] Signature: [REDACTED] Date: 3/8/2020

Name: Adrian Bond
Postal Address: [REDACTED]
Contact details: [REDACTED]
Email: [REDACTED]
Assessment No. Signature: *Adrian Bond* Date: 3/8/2020

Name:
Postal Address:
Contact details:
Email:
Assessment No. Signature: Date: 3/8/2020

Name:
Postal Address:
Contact details:
Email:
Assessment No. Signature: Date: 3/8/2020


Name:
Postal Address:
Contact details:
Email:
Assessment No. Signature: Date: 3/8/2020

Name: Nikki and Rob Lukies

Postal Address: [Redacted]

Contact details: [Redacted]

Email: [Redacted]

Assessment No. [Redacted] Signature:  Date: 3/8/2020

Attachment 3

Introduction:

Naming authorities are responsible for submitting naming proposals that comply with the *Naming Rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016 (The Naming Rules)* to the Registrar of Geographic Names. Essentially, councils, government departments or authorities and private organisations are the naming authorities when they are responsible for particular roads or features within their jurisdiction.

The legislation and regulations that are relevant to geographic naming are:

- Local Government Act 1989
- Road Management Act 2004
- Aboriginal Heritage Act 2006
- Aboriginal Heritage Regulations 2007
- AS/NZ standards 4819:2011 Rural and urban addressing
- Survey Co-ordination Act 1958 and
- Subdivision (Procedures) Regulations 2011

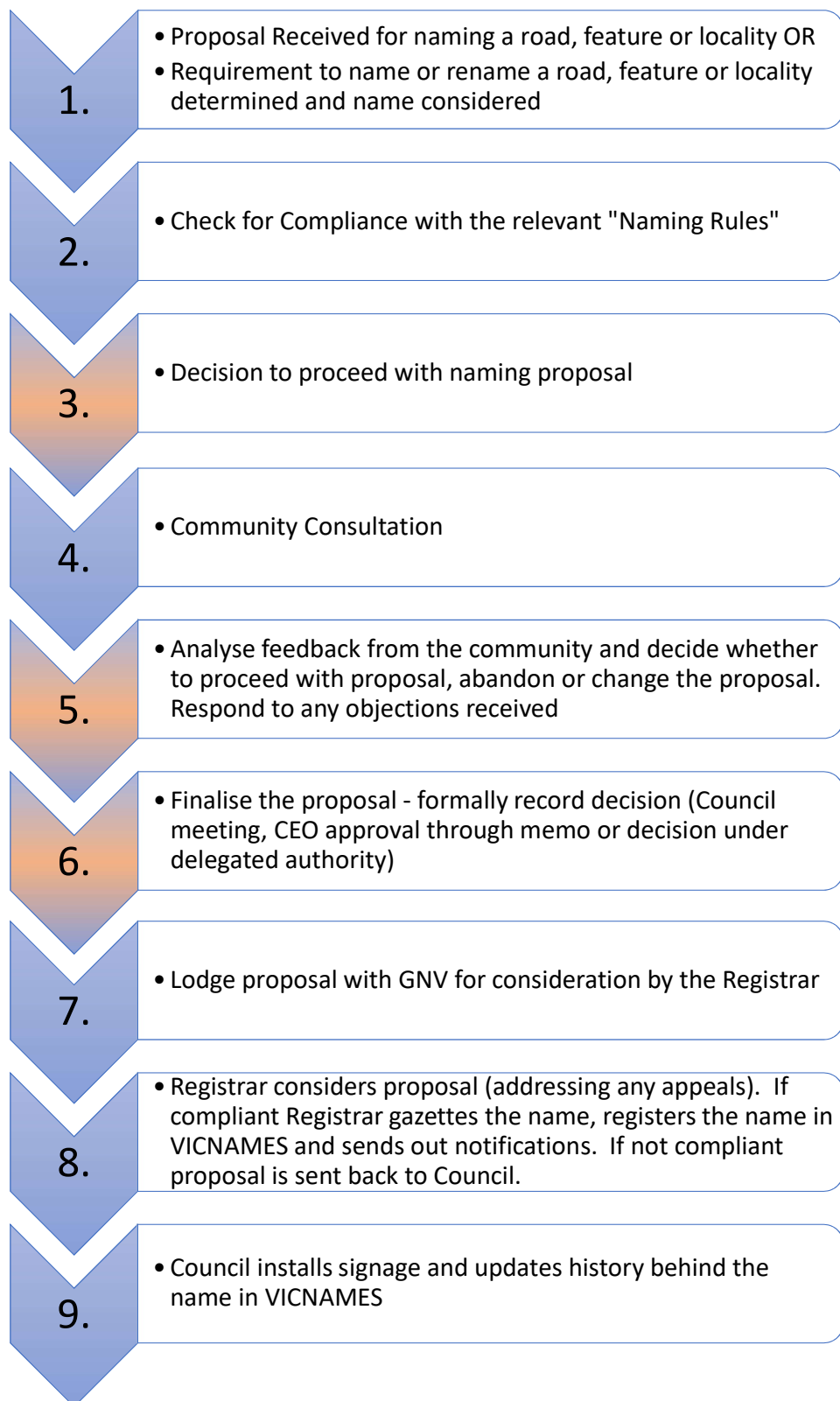
Whilst the naming rules do not apply to past naming decisions, they do apply to current naming proposals and the renaming of a road, feature or locality. If Council is advised of a risk to public safety due to a past naming decision, Council, as the naming authority should seek to rename it (where practical) and apply these rules.

The general principles of “The Naming Rules” must be adhered too to ensure that no ambiguity, confusion, errors or discrimination are caused by the naming, renaming or boundary change process. Below are the principles of “The Naming Rules” and all principles are considered to be equally important.

- Ensuring public safety
- Recognising the public interest
- Linking the name to place
- Ensuring names are not duplicated
- Names must not be discriminatory
- Recognition and use of Aboriginal languages in naming
- Dual names
- Using commemorative names
- Using commercial and business names
- Language
- Directional names are to be avoided
- Assigning extent to a road, feature or locality

Process:

Although the process can vary for each naming proposal, below is a diagram that shows the general end to end process of a naming proposal.



6 Urgent and Other Business

7 Confidential Business

Nil

8 Close of Meeting