



Council Meeting Agenda

Tuesday 26 October 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 Bidjil people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

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

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

Our Strategic Objectives

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

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1 Procedural

1.1 Recognition of Traditional Custodians

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

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

1.2 Apologies

1.3 Declaration of Conflict of Interest

1.4 Confirmation of minutes

That the minutes of the Council Meeting held Tuesday 5 October 2021 be confirmed.

1.5 Next meeting

The next Council Meeting of Thursday 28 October 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 Non-Reduction of Carparking along Paynesville Foreshore

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 Mr Simon and Mrs Kristy Groves from Paynesville Newsagency & Lotto seeking Council to retain carparking along Paynesville foreshore. The petition from 472 petitioners states:

We, the undersigned, are concerned citizens who urge our Shire to act now to retain and increase carparking along the Paynesville foreshore.

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 Mr and Mrs Groves requesting Council to retain and increase carparking along Paynesville foreshore;***
- 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

2.1 Sealing of Power Station Road

Take notice that it is my intention to move at the Council Meeting to be held on Tuesday 26 October 2021 at Corporate Centre Bairnsdale or at any adjournment of that meeting:

That Council:

- 1. acknowledges that with the growth in the western Bairnsdale residential area and the growth of vehicle movements along the Dargo Lindenow Road, there is a compelling case for an alternate link road to be provided between the two State managed arterial roads of Princes Highway and Dargo Road – with Power Station Road providing such a potential link;***
- 2. request that officers undertake a Road Safety Audit for Power Station Road that focuses on the potential upgrade of this road as an arterial link and fast-tracks the detailed design work required to support such an upgrade; and***
- 3. advocates to our State and Commonwealth Members of Parliament and Department of Transport to fund this important link between two State managed arterial roads.***

Signed: Cr Trevor Stow

Date: 04/10/21

RATIONALE

The rationale for prioritising the sealing of Power Station Road, Bairnsdale are:

1. the growth in residential development on the western edge of Bairnsdale, coupled with the growth in school numbers and increasing Lindenow to Bairnsdale traffic, is placing increasing pressure on the Dargo Road / Princes Highway intersection;
2. quite a bit of traffic, including trucks, use this road as it links the Princess Highway and Lindenow Road, these trucks could avoid the busy Dargo Road / Princes highway intersection, if an alternate appropriate link between these two arterial roads was provided;
3. the Power Station Road conditions, which include a level crossing, poor site lines, narrow laneways, insufficient drainage and power line easements, do not make it a safe linkage road in its current condition;
4. the upgrade of this road would improve safety to users and residents as well as taking pressure off other intersections – especially intersections used heavily by school and residential traffic; and
5. once designed there would be a compelling case for this linkage upgrade to be funded as either part of the Princes Highway East upgrade works or through the State Government's 'last mile' program.

Take notice that it is my intention to move at the Council meeting to be held on Tuesday 26 October 2021 at 6.00 pm or at any adjournment of that meeting:

That Council demonstrates its support for a Net Zero Target by writing immediately to the Prime Minister, Mr. Scott Morrison, to;

- 1. Express East Gippsland Shire Council's congratulations for his decision to attend the United Nations Climate Change Conference, COP26; and***
- 2. Request that the Prime Minister commits our country (Australia) to a net zero emissions target by 2050, if not 2030 or before.***

Signed: Cr Tom Crook

Date: 19 October 2021

RATIONALE

Setting a target for the transition to a net-zero emissions economy is critical to limit catastrophic global heating and maximise the opportunities this challenge presents. Nations attending the international climate change conference (COP26) next month, representing a majority of global emissions, are expected to increase current pledges to transition to net zero by 2050, if not before.

Based on global understanding, in line with developing climate science, of the costs associated with further delaying the transition. Australia will be represented at the summit by our Prime Minister, Scott Morrison. But currently no firm commitment has been made to a specific emissions reduction target.

Global markets and community sentiment are shifting rapidly with many major economic players now signing up to the net zero by 2050 commitment or sooner. Including the National Farmers federation, Meat and Livestock Australia, BHP, our largest banks, the Business Council of Australia and over 130 of our country's largest companies. Australia has some of the best clean energy resources in the world, which can be used to drive investment into new and existing industries, creating and securing future jobs while increasing climate stability.

Setting a target would both signal our commitment to do our bit as a global citizen while providing the policy certainty required to invest in the zero net carbon technologies required to reduce emissions, keep our communities safe and provide future prosperity for our Shire and our nation.

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Assets and Environment

5.1.1 CON2022 1451 Slip Road Precinct – Marine Package - CP1

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 attachments to this report are confidential because they contain private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

The purpose of this report is to provide the background to the Slip Road Maritime Precinct project; provide an overview of the tender for the first package of works being CON2022 1451 - Marine Package; and in accordance with the Procurement Policy seek approval from Council to award the contract as per the recommendation of the Tender Evaluation Panel.

The proposed works originate from Council's adoption of the Paynesville Maritime Precinct Master Plan in 2009. This Plan was prepared to guide development on Burrabogie Island and support the marine industry and recreational boating tourism. It was revised in 2020 and a concept plan was developed for the Slip Road Precinct aimed at improving safe water access, increasing mooring capacity, and reducing frequent inundation. In February 2020, the Victorian Government committed \$1.1M for improvement works at the Slip Road site. Since then, Regional Development Victoria have committed a further \$4M from the Regional Infrastructure Fund and the Federal Government have committed an additional \$1M. In addition to a \$250,000 State Government grant for project planning and Council's contribution, the total budget for the project is \$6.51M.

The design of the Slip Road Maritime Precinct has been undertaken by local consultants Crossco Consulting, Tibar Services and MaCEngineering.

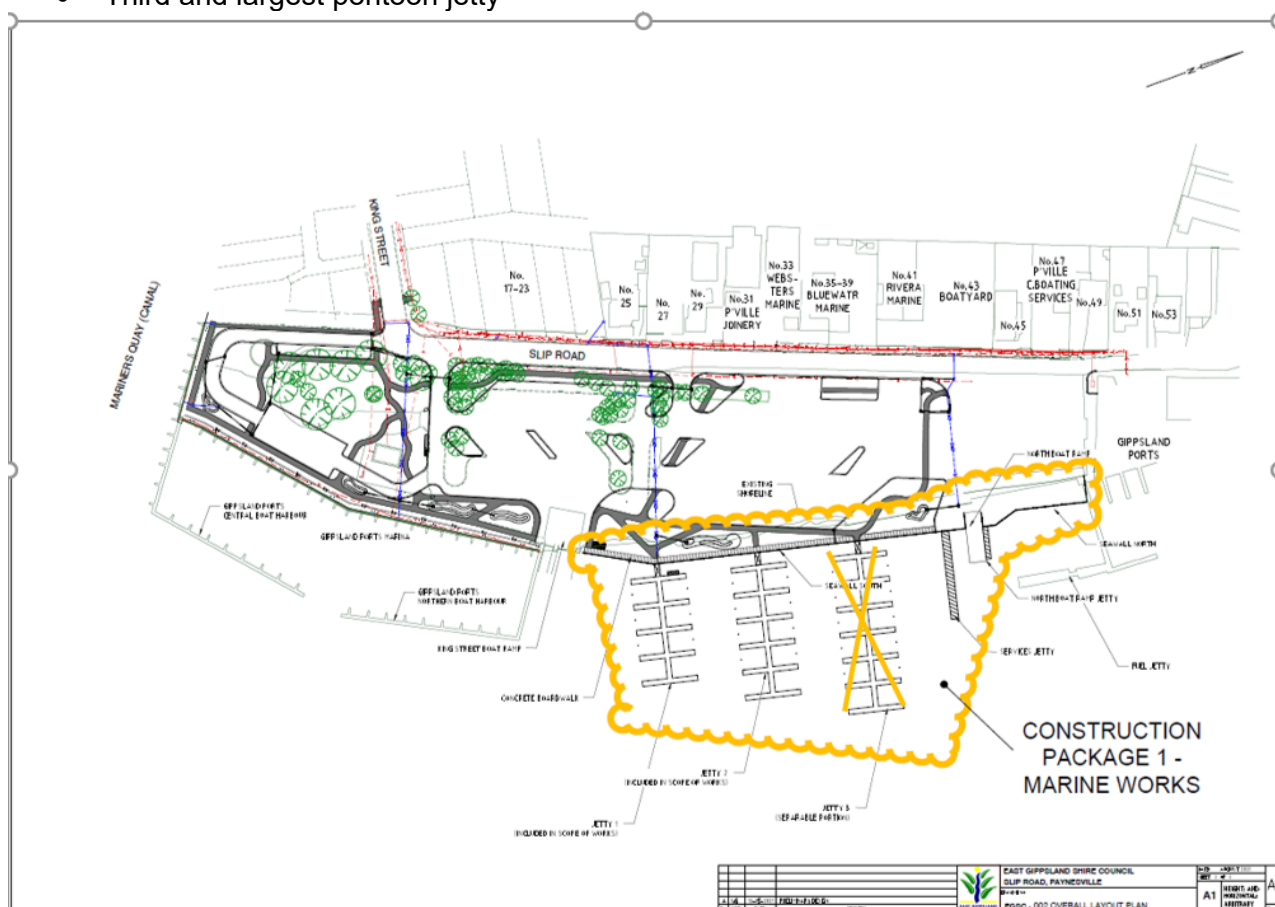
The Marine Package tender is the first of three construction packages and includes:

Separable Portion A

- Two new seawalls and a concrete boardwalk
- A new second boat ramp and associated fixed jetty
- A services jetty (trafficable jetty) for minor works
- Two pontoon jetties and a kayak launching platform
- Earthworks and preliminary pavement behind the new seawalls

Separable Portion B

- Third and largest pontoon jetty



Two additional construction packages yet to be tendered are planned to implement all outcomes of the Slip Road Maritime Precinct Plan.

As a result of the invitation to tender for the Marine works and the subsequent tender evaluation provided as **Confidential Attachment 1**, Council is now able to consider the recommendation to award the contract.

An external Probity Auditor also observed the tender evaluation process in accordance with Council's Procurement Policy for contracts above \$2M. A copy of the Probity Auditor's report is provided as **Confidential Attachment 2**.

Officer Recommendation

That Council:

1. receives and notes this report and all attachments pertaining to this report;
2. accepts the tender submitted by _____ for CON2022 1451 Slip Road Precinct Marine Package - Separable Portion A 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

In 2009, Council adopted the Paynesville Maritime Precinct Master Plan, which was intended to guide development and use of the area within Paynesville sometimes referred to as Burrabogie Island.

Within the overall Burrabogie Island area is a precinct known as Slip Road (or Squatters Row) This site is approximately 5 ha of Crown Reserve foreshore managed by Council, adjacent to McMillan Strait, one of Victoria's busiest recreational waterways. This area is an identified precinct within the Paynesville Maritime Precinct Master plan. The site is managed by Council.

In early 2020, Council received a \$250,000 grant from the Victorian Government to develop a new foreshore Master Plan for this area. A Project Reference Group was established to develop an Addendum to the Paynesville Maritime Precinct Master Plan and a clear Concept Plan for the upgrade of the Slip Road Precinct to guide future works at the site.

The Paynesville Maritime Precinct Master Plan Addendum comprising a new concept plan for the upgrade of the Slip Road Precinct was adopted by Council on 25 May 2021.

A total of \$6.1M in funding from the Victorian State Government and Australian Government has been allocated to deliver on the adopted plans for the Slip Road Precinct. This funding and associated projects, will deliver on the following Paynesville Maritime Precinct Master Plan objectives:

1. Improving safe water access

- Achieved by the construction of a second and longer boat ramp catering for larger boats and enabling greater separation of recreational boating and marine industry activities.
- The redevelopment of the carpark will also contribute to formalising safer movements around the precinct.

2. Increasing mooring capacity

- The construction of two pontoon jetties will reduce the significant shortage of itinerant berths around Paynesville and develop the economic potential of the site.
- Construction of a marine services jetty for low risk on-water works.

3. Reduce frequent inundation

- The construction of new seawalls from the existing boat ramp to the Gippsland Ports Yard will reduce frequent inundation of the shoreline.
- The redevelopment of the carpark will also improve overall drainage and overland flows.

Also included within the overall scope of work is additional infrastructure that will contribute to an increased level of amenity within the precinct and generally encourage boaters to spend more time in the area. Further features include construction of paths and a boardwalk, landscaping and interpretive arts installations within the precinct.

A detailed design of the Slip Road Maritime Precinct has been undertaken by local consultants Crossco Consulting, Tibar Services and MaCEngineering, bringing valuable local input to the project.

CON2022 1451 Slip Road Precinct – Marine Package, the subject of this report, is one of three intended construction packages to deliver on the objectives of the Slip Road Precinct Concept Plan.

- *Construction Package 1 – CON2022 1451 Marine Package - subject of this report:*
 - o Two new seawalls and a concrete boardwalk
 - o A new second boat ramp and associated fixed jetty
 - o A services jetty (trafficable jetty) for minor works
 - o Two pontoon jetties and a kayak launching platform
 - o Earthworks and preliminary pavement behind the new seawalls

Two further stages to be progressed in 2022, also funded from the total available \$6,1M in funding, include the following.

- *Construction Package 2*
 - o Replacement of the existing Boat Harbour seawall
 - o Repair to the existing boat ramp
- *Construction Package 3*
 - o Car parking works
 - o Landscaping and aboriginal art
 - o Services relocation and lighting

A planning permit was issued on 15 September 2021 for the whole project and Construction Package 1 – CON2022 1451 Marine Package is considered shovel ready and able to commence.

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 the attachments to this report are confidential because they contain private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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

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

Collaboration

Given the contractual nature of this report, this report has not been prepared in collaboration with another local government or agency. However, the project has been guided by a project reference group and a technical working group. DELWP and Gippsland Ports are represented on both these groups.

Council Plan

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

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

Council Policy

Procurement has been undertaken in accordance with the East Gippsland Shire Council Procurement Policy (2020). The works were tendered prior to the adoption by Council of the new Procurement Policy and Procedure in September 2021.

Options

Phasing options - construction packages

In recognising the tight delivery timeframe driven by the grant funding requirements, the decision was made to deliver the works in three separate construction packages to be awarded under separate contracts. The Marine Package was tendered first to allow for additional time to progress the design for construction packages 2 and 3; and in recognition that contractors may require extended time to procure the necessary materials for the water-based infrastructure.

This delivery method will also alleviate technical challenges associated with constructing new pavement on unconsolidated ground. The Marine Package scope of works includes the consolidation of all the reclaimed foreshore area (between the new seawall and the existing shoreline) several months prior to constructing the final pavement as part of construction package 3. This methodology has been designed to minimise risks of future settlement and cracking of the concrete path/kerb and asphalted areas.

Tendering options - separable portions

The works for the Marine Package were tendered in two separable portions A and B:

- Separable Portion A – all items excluding Jetty 3;
- Separable Portion B – Jetty 3

The construction of the third and largest pontoon jetty was advertised as a separable portion B to allow the Tender Evaluation Panel to award or not proceed with this item depending on the tendered cost. This recognises that construction prices are volatile with materials pricing changing frequently as a consequence of COVID19. In reviewing the tendered cost against the project budget, the Panel has made the decision not to include Jetty 3 in the recommended TEP scope of works due to the very high risk of exceeding the total budget, noting that the total budget covers several construction packages.

Resourcing

Financial

The project has received the following external funding:

Fund	Contribution	Funded items
Infrastructure Stimulus Fund – State Government	\$1,100,000	Seawalls, boardwalk, amenity block improvements, landscaping
Regional Recovery Fund – State Government	\$4,000,000	Boat ramp, jetties, pavement and drainage works
Regional Recovery Partnership – Federal Government	\$1,000,000	All items
Victorian State Government	\$250,000	Project Planning
East Gippsland Shire Council	\$160,000	Project Overheads

The funding is phased over the 2021/22 and 2022/23 financial years.

Plant and equipment

Provision of all plant and equipment is part of the contracted works.

Human Resources

This project will be supervised by Council's Project Engineer from the Assets and Projects unit.

Risk

As part of the overall management of this project, the risks of this proposal have been thoroughly considered. Officers have prepared a risk assessment for the project and implemented mitigation measures to minimise risks such as financial risk or environmental risk.

Economic

The development of the precinct presents one of the best opportunities in regional Victoria to enhance boating and visitor experience and create economic and social benefits for the region.

Visitation to the region is increasing, driving demand for additional tourism and boating services. 33% of overnight visitors to East Gippsland undertake fishing, boating or water sport activities. The development of the Slip Road Precinct will support the growth in recreational boating and support the local marine industry.

- The construction of safer and more adequate facilities recognises the key role played by the marine industry in the Paynesville area. East Gippsland has the sixth largest employment in boat building of all Victorian municipalities, and the second largest in regional Victoria (behind Geelong). 30 businesses registered in Paynesville are directly related to marine industries, 18 of which have a Slip Road address, including 10 boat building and repair businesses; 2 boat hire, 3 marine equipment retailing, 1 boat storage. The boat manufacturing sub-sector generates 6% of the Paynesville economy's output and supports 33 jobs. The project will introduce cost savings and efficiency gains for the maritime service businesses and generate new businesses opportunity.
- The provision of additional berthing, footpaths and increased amenity will encourage boaters to spend more time in the area and support the tourism industry. Industries linked to tourism and recreational boating including retail, accommodation and food services equate to 12% of Paynesville economic activity.

Economic benefit for the project also includes the economic activity associated with the construction. The tender evaluation process for this tender included weighted criteria for local content and assessment of the contractor's ability to provide benefit to the local economy. This project will contribute to creating and retaining jobs in East Gippsland for a minimum of 18 months.

Social

The completion of the project will see numerous social benefits for the East Gippsland community:

- Improve the boating experience for the local community
- Through the separation of commercial and recreational boat launching and retrieval, improve the safety of these activities and release additional capacity for efficient launching and retrieval
- Incorporate Gunaikurnai story telling into the landscaping to support the region's indigenous tourism sector
- Provide berthing and boat launching to support sea-changers choosing Paynesville as a lifestyle destination – contributing to population growth
- The construction of new footpaths will encourage walking longer distances
- The site will be more aesthetically pleasing as well as having improved environmental benefits through landscaping and plantings. The improved amenity of the site will not just attract tourists but be a great asset to the community, many of whom are enthusiastic boat owners themselves

Environmental

The environmental impact associated with the works have been assessed at every step of the project lifecycle and associated risks have been minimised by mitigation measures.

Planning

- Geotechnical investigations were carried out including soil testing for acid sulphate soil.
- A native vegetation assessment was completed to support the planning permit application. Before any vegetation removal occurs, Council will secure the general offset of 0.158 general habitat units.

Design

- The Working Group considered the need to build resilient infrastructure and adapt to climate change. DELWP and the CMA agreed that 1.0m AHD was the optimal height for the new seawall to protect the site from frequent inundation whilst ensuring that the chosen wall height does not have an adverse impact on flooding of Slip Road and private properties. The current Slip Road site has been designed for intermittent flooding.
- The design allows for reuse of materials, such as fill material from the Johnson's Road landfill and recycled materials for elements of the jetties.

Construction

- The project is situated in an environmentally sensitive area within the Gippsland Lakes. As part of the contract requirements, the Contractor will develop and implement a site-specific Construction Environmental Management Plan.
- The Planning Permit allows for "Buildings and works which alter existing surface levels and native vegetation removal in accordance with the endorsed plans". The Planning Permit and associated conditions will form part of the Contract.
- Construction package 3 will include extensive landscaping works to ensure that the new precinct integrates well in the environment.

Maintenance

- All materials used in the works are durable and easy to maintain.

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

A stakeholder engagement plan was developed to guide the planning and design of the project.

Council Officers established a Project Reference Group and a Technical Working Group to lead the planning and design phase involving representatives from:

- Government agencies (DELWP, Gippsland Ports, CMA),
- the local community and boating industry (Business & Tourism Association Paynesville, Boating Industry Association)
- the funding body (Regional Development Victoria)
- the designer's team

This diverse panel of representatives has enabled Council to understand all community interests and respond to the needs of different stakeholder groups.

Wider community and stakeholder engagement was undertaken during the planning stage of this project and involved media releases, letters to local residents, and drop-in sessions for community members, the marine industry and boat owners. In response to the feedback from the community, the concept plan was revised to increase parking and add a second boat ramp at the north end of the site to provide safer movements for larger boats. Details of the engagement and feedback can be found on Council's YourSay website.

More recently, as part of the landscape design, Council also engaged Aboriginal Artists to incorporate Gunaikurnai story-telling into the site with art installations.

Engagement will continue as part of the design of construction packages 2 and 3 and throughout the entire construction works. An engagement plan specific to the construction stage is currently being developed.

Attachments

1. CONFIDENTIAL - CON2022 1451 Slip Road Precinct - Marine Package - TEP Report [5.1.1.1 - 10 pages]
2. CONFIDENTIAL - CON2022 1451 - Probity Review Report [5.1.1.2 - 2 pages]

5.1.2 Capital Works and Major Projects - Quarter One 21/22

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

As part of the delivery and monitoring of the annual Capital Works and Major Projects program, a quarterly review of the program is provided to Council. This report summarises the progress of Capital Works and Major Projects 2021-22 for the program up to the period ending 30 September 2021 (Quarter 1). A snapshot of this activity is provided in the table below and outlines in more detail through the body of the report and attachments. Pleasingly as at the end of Quarter 1 30.21% of the forecast budget had been expended or committed.

	Q1 - 30/09/21
Total Adopted Budget - including actual carry forwards	\$94.09 m
Identified Carry Forwards to 21/22	-
Identified Bring Backs from 21/22	-
Other Budget variances 20/21	-\$0.34 m
Revised Forecast	\$93.75 m
Actual Expenditure	\$6.73 m
Committed Expenditure	\$21.59 m
Percentage Capital Works Delivered or in Delivery (<i>against Forecast</i>)	30.21%
Percentage Capital Works Delivered or in Delivery (<i>against Adopted Budget</i>)	30.10%

Officer Recommendation

That Council receives and notes the Capital Works and Major Projects Report 21/22 for the Quarter ending 30 September 2021 and all attachments pertaining to this report.

Background

This report details the progress of Capital Works and Major Projects 21/22 for the period up to 30 September 2021. The report will also be provided to the Audit and Risk Committee for their consideration at the next Audit and Risk Committee meeting.

2021/22 commenced with an adopted budget plus actual carry forwards of \$94.09 million. This has been revised to \$93.75 million during Quarter One to reflect changes summarised below.

Budget Variances

The revised forecast is a decrease of \$0.34 million on the adopted budget as at 30 September 2021. This is summarised as follows:

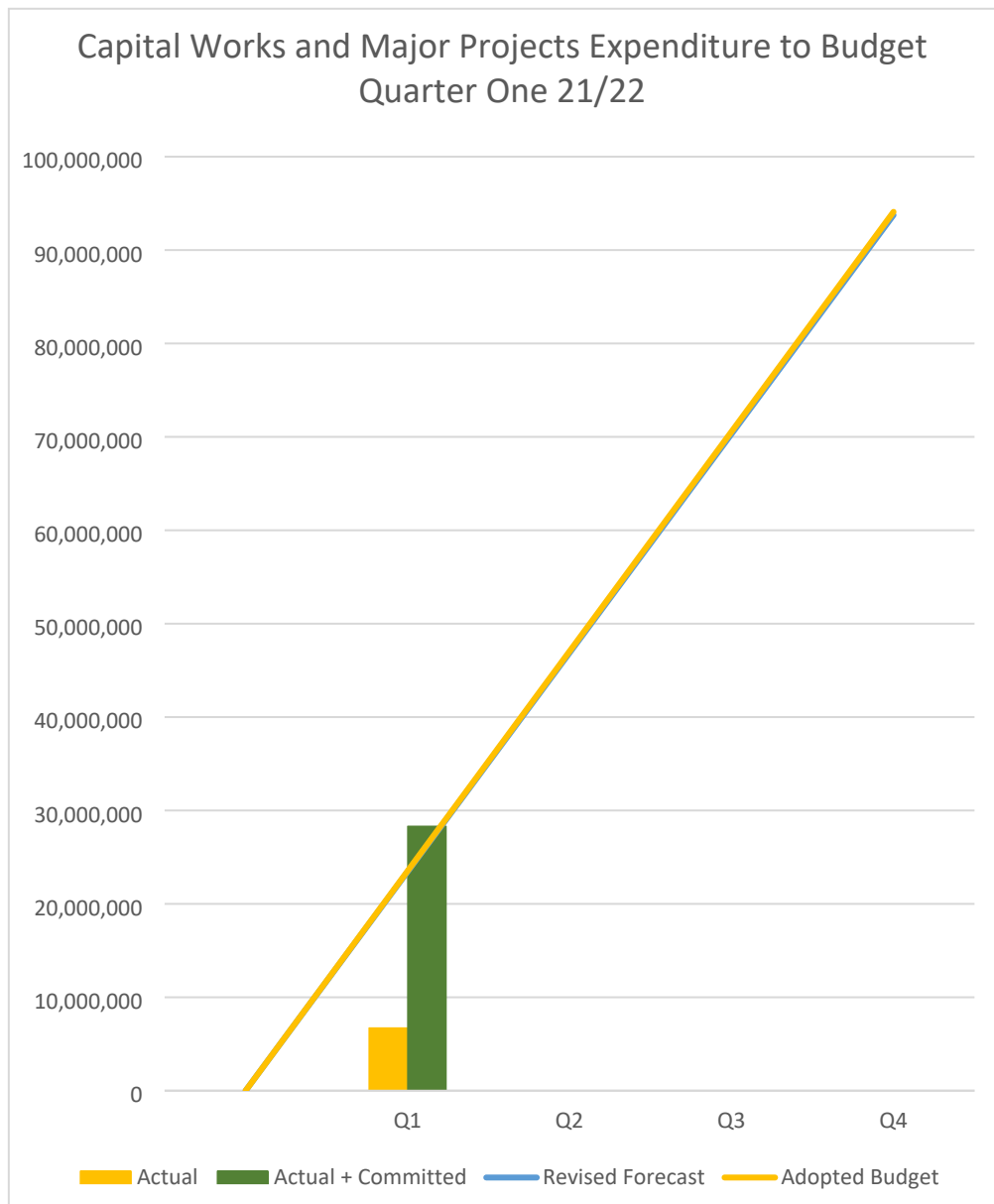
Changes to Funding	-\$257,224
Savings Identified and Transferred to Holding Account	-\$404,230
Additional funds from Operating Accounts	\$320,015
Overall decrease to Budget	-\$341,439

Holding Account Summary

The Holding Account commences the financial year with a zero balance. It is used to deposit savings from completed projects and redistribute to projects identified as requiring additional or new budget. During the first quarter savings from projects of \$600,000 were identified. Further to this, distribution to new projects or projects requiring additional funding totalled \$195,770. The balance of the Holding Account as at 30 September 2021 is \$404,230. A summary of Holding Account transactions is provided at **Attachment 1**.

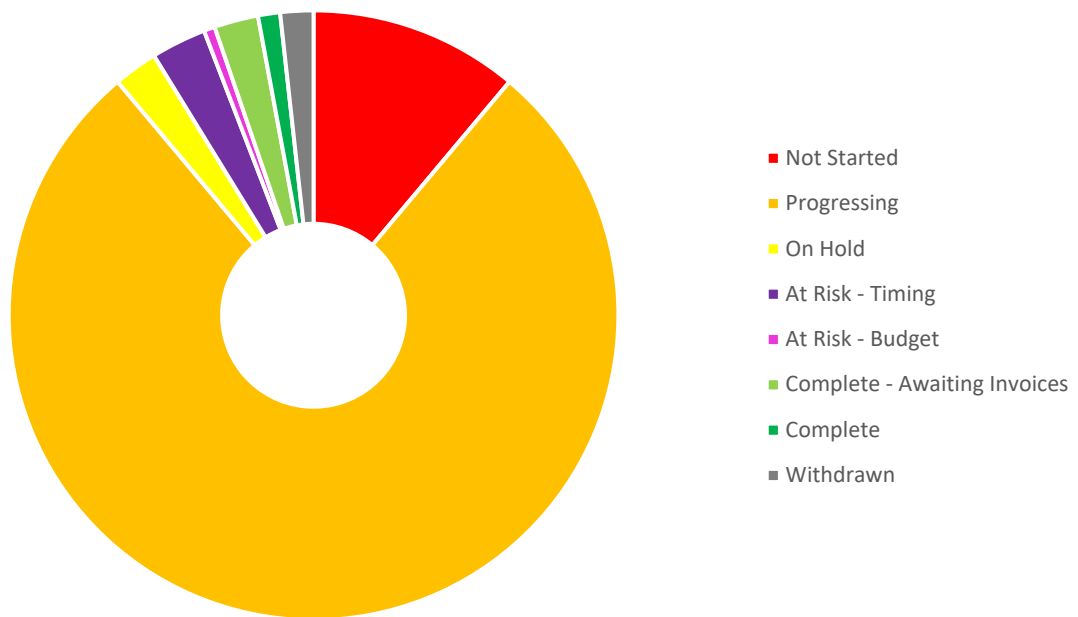
Project Status

As at 30 September 2021, \$28.32 million (30.21% of total revised budget) was expended or committed to works within the program.



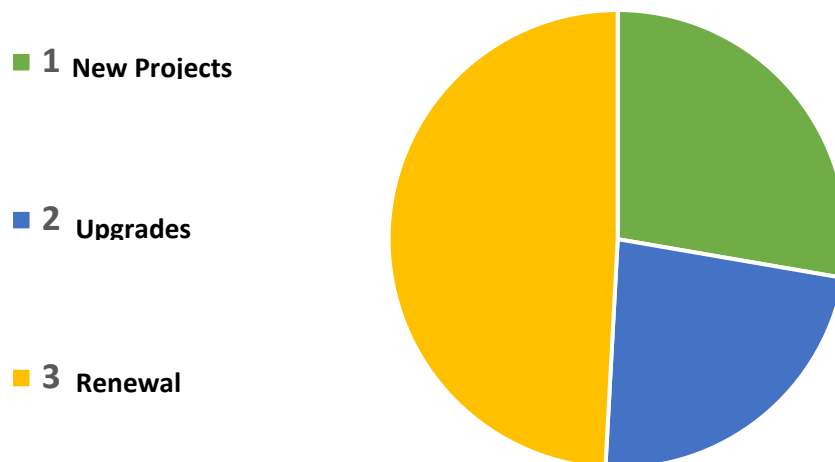
At the end of the first quarter, the program covered 171 separate projects of which 6 projects had been completed, 133 are on schedule for completion, 6 projects are listed as at risk due to either timing or budget or are multi-year projects, 19 projects have not yet commenced and are programmed in the second half of the year and the remaining projects are either on hold or have been withdrawn. A detailed list of all project status is provided at **Attachment 2**.

Status of Capital Works and Major Project Quarter One 21/22



Current year projects are identified by the following expenditure type, New, Renewal, Upgrade or Expansion. The following chart details the spread of current projects.

New/Upgrade/Renewal Revised Budget Quarter One 21/22 (Capital Works only)

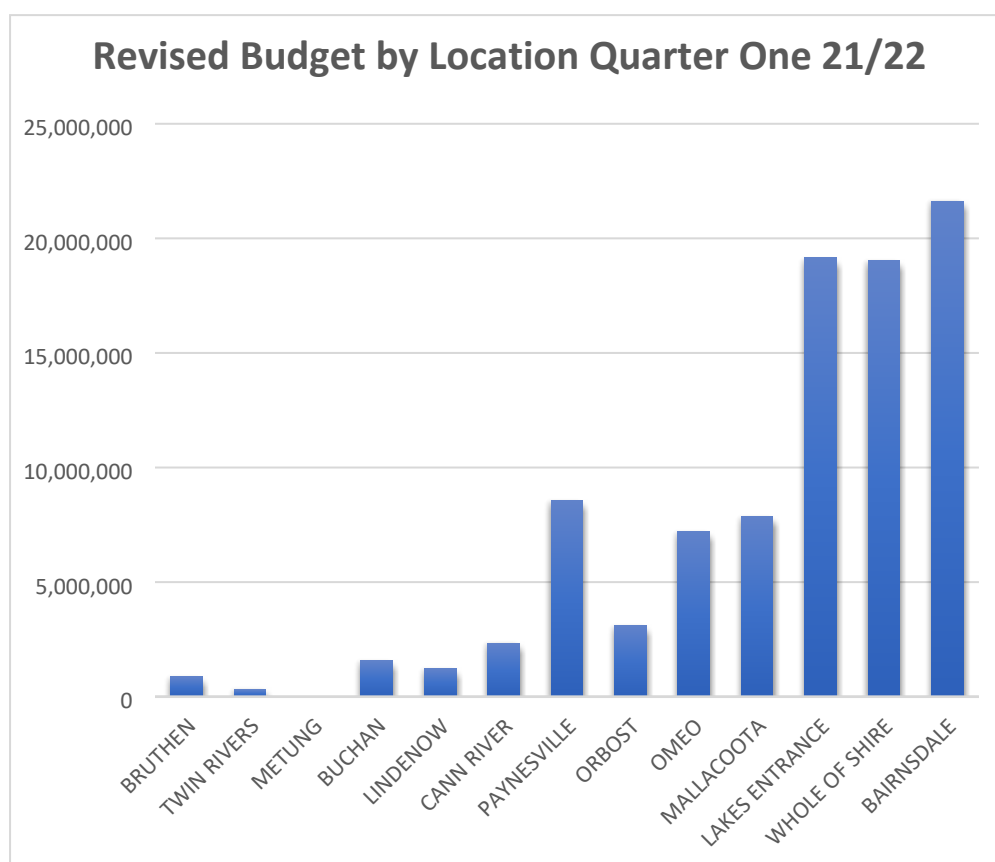


Additionally, the asset maintenance expenses year to date are calculated as follows:-

Asset Maintenance expenses for the period 1/7/2021 to 30/9/2021

	Materials and services	Employee	Total
Buildings	97,100	107,674	204,774
Plant and Equipment	139,450	22,216	161,666
Roads and Drainages	2,197,027	192,899	2,389,926
Car Parks and Footpaths	22,405	123,733	146,138
Bridges	-	36,852	36,852
Aerodromes	13,650	39,628	53,278
Ferry - inc operation	182,659	14,209	196,868
Recreation and Open Space	235,352	819,749	1,055,101
Waste	4,980	-	4,980
	2,892,623	1,356,960	4,249,583

The following chart details the spread of current revised budget projects across the shire in comparison to the adopted budget. It is important to note that 'Whole of Shire' includes the road reseal programs, all Information Technology projects, plant renewal and fleet renewal.



Significant Projects Completed by end of Quarter One 21/22.

Project Name	Final Project Cost
Lucknow Recreation Reserve Upgrade	\$2,554,132
Tarbucks Bridge Timber Renewal	\$455,152

Quick Response Fund

The Quick Response Fund provides a flexible and responsive, yet accountable and transparent process to support undertaking small scale capital works. The program allows the funding of works of high community value when opportunity arises and there is no other funding available, or time frames do not allow for sourcing of other external funding.

The program commenced the year with a budget of \$100,000. As at 30 September 2021 no projects had been identified from the fund.

Contracts Awarded Under Delegation:

The decision to award a contract can only be made by a delegate who has the authority (financial delegation) to commit the relevant sum of money. The decision is made after consideration of the tender evaluation panel report. The Chief Executive Officer has a financial delegation of \$500,000 including GST.

During the first quarter of 2021/22 a total of 5 contracts were awarded under CEO Delegation, these contracts are listed as below:

Project	Awarded to	Value (ex GST)
Bridge Replacement, Wentworth River Tabberabbera Road	Tambo Constructions Pty Ltd	\$314,500.00
Bridge Replacement Buchan River, Lousadas Road, Buchan	Tambo Constructions Pty Ltd	\$342,813.00
Bridge Replacement Garnetts Track Jarrahmond	Tambo Constructions Pty Ltd	\$310,475.00
Genoa Tennis Court Upgrade	The Richards family Trust t/as ET Richards and Sons	\$331,980.00
LER Community Resilience and Development Program IT - AV Hardware Supply & Install	DCAP Pty Ltd T/as DCAP Venue Systems	\$154,660.00* <i>* Split between Operating & Capital</i>

Legislation

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

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

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

Council Plan

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

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

Council Policy

Not applicable for this report.

Options

Not applicable for this report.

Resourcing

Financial

This report outlines the financial position of the 2021/22 Capital Works and Major Projects program as at the 30 September 2021.

Plant and equipment

The Capital program includes budget for the replacement of plant and equipment as per depreciation schedules.

Human Resources

The development of this report has no impact on human resource levels. The delivery of the Capital program relies on the engagement of a number of project supervisors, that are engaged under various terms by council.

Risk

Risk assessments are carried out on all projects within the Capital Program as part of the organisation's use of a Project Management Framework. As previously discussed with Council, the size of the 2021/22 program coupled with supply issues and escalation costs triggered by the global pandemic present risks to individual projects and the program overall.

Economic

Delivery of the Capital program includes the procurement of contractor services which stimulate the local economy and the betterment of areas of the Shire that support business and industry growth. Many of the projects further stimulate the economy and investment by supporting access and connectivity, improving amenity, and enhancing liveability.

Social

The delivery of a number of projects within the Capital program is seen to implement aspects of adopted strategies and plans and delivers positive social outcomes for our communities.

Environmental

The delivery of a number of the projects within the program have been designed to consider and / or provide environmental benefits. Additionally, all projects tendered use environmental sustainability as one of the tender assessment criteria, which allows the contractors response to environmental sustainability to be considered.

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

No engagement has been undertaken in the compilation of this report, however engagement with community members, agencies and stakeholders has been a critical element in the design and delivery of many of the projects in the 2021/22 Capital program. The Capital program was also part of deliberative engagement undertaken to develop the Council Plan and Budget.

Attachments

1. Holding Account Transactions as at 30 September 2021 [**5.1.2.1** - 1 page]
2. Capital Works Status Report as at 30 September 2021 [**5.1.2.2** - 5 pages]

Holding Account Transactions Q1 2021-22

Month	To/From Holding	Comments
Holding Account Balance - 1 July 2021		0
Aug	LRCI - Footpath Nicholson Sarsfield Road	-\$ 40,000 Additional budget required - allocated form Footpath renewal program
Aug	Footpath Renewal Program	\$ 40,000
Aug	King Street Shared Path and Laneway Upgrade, Paynesville	-\$ 40,000 Additional budget required - allocated form Slip Road Maritime Project
Aug	Slip Road Maritime Precinct -Paynesville	\$ 40,000
Aug	AJ Freeman Cricket Nets Upgrade	-\$ 5,000 Council Cash to cover overheads - funded project
Aug	Eagle Point Caravan Park Fire Safety works	\$ 100,000 Identified savings - project almost at completion
Aug	Eastern Beach Caravan Park toilet Block	-\$ 50,000
Aug	Building Renewal	\$ 50,000 New Project - funded in part from Building Renewal
Aug	LRCI - Tarbucks Road Bridge, Cabbage Tree Creek	-\$ 95 Council Cash to cover overheads - funded project
Aug	R2R B Road Jarrahmond Bridge Upgrade	-\$ 9,718 Council Cash to cover overheads - funded project
Aug	R2R Lousadas Rd - Timber Bridge Renewal	-\$ 10,593 Council Cash to cover overheads - funded project
Aug	R2R Tabberabbera Rd - Timber Bridge Renewal	-\$ 9,594 Council Cash to cover overheads - funded project
Sep	North Arm Boat Ramp, Lakes Entrance	-\$ 140,000 Additional budget required to complete project - allocated from Holding Account
Sep	12044 Lakes Entrance Aquadome redevelopment	\$ 54,000
Sep	11955 Lakes Entrance Aquadome redevelopment	-\$ 54,000 Duplication - Projects Merged
Sep	Tipsite handheld Trimble for 10 sites	\$ 25,000 Project withdrawn - funds transferred to Mobile devices for Outdoor Crews
Sep	Mobile Devices for Outdoor Crews	-\$ 25,000 (Trimble software to be installed on mobile devices)
Sep	LRCI Bridge Replacement - Tarbucks rd	-\$ 13,042 Council Cash to cover overheads - funded project
Sep	Bairnsdale Banners Project	-\$ 2,728 Project withdrawn due to installation problems - budget required for purchase of banners only.
Sep	Seawall Renewal Shirewide	\$ 500,000 Identified Savings - project identified as Ocean Rescue Seawall Lakes Entrance and part funded by DELWP
Sep	Nowa Nowa Streetscape	-\$ 5,000 New Project - planning work to commence
Holding Account Balance - 30 September 2021		404,230

Capital Works and Landfill Rehabilitation Projects - Finance Report - September 2021

Project	Status	ACTUALS	COMMITMENTS		ADOPTED BUDGET (with Actual carryovers)	REVISED BUDGET	CHANGE	REVISED FORECAST	CARRY FORWARDS TO 2022/23	BRING BACK
		YTD Actual Expenditure - 30 September, 2021	YTD Commitments - 30 September, 2021	YTD Actual Expenditure & Commitments - 30 September, 2021	Adopted Budget - Expenditure - 1 Jul, 2021	Expenditure 1 July, 2021	Expenditure - Change	Forecast Expenditure - 30 September, 2021	Expenditure Carry Forward	Funded from 2022/23 Budget
11956	Tip site handheld Trimble for 10 sites	Withdrawn	0	0	0	25,000	25,000	(25,000)	0	-
12020	Bastion Point Carparking	Withdrawn	0	0	0	4,176	4,176	(4,176)	0	-
12027	Bairnsdale Banners Project	Withdrawn	2,782	0	2,782	0	0	2,728	2,728	-
12044	Lakes Entrance Aquadome redevelopment - design	Withdrawn	0	0	0	54,000	54,000	(54,000)	0	-
11297	Open space Eagle Point	Progressing	0	0	0	66,000	66,000	0	66,000	-
11395	Lakes Entrance Transfer Station Upgrade	Progressing	233,784	729,361	963,145	1,204,277	1,204,277	0	1,204,277	-
11456	Premiers Reading Challenge	Progressing	0	0	0	9,208	9,208	0	9,208	-
11569	Building Renewal	Progressing	107,185	346,229	453,414	700,000	700,000	(50,000)	650,000	-
11577	Plant Renewal	Progressing	537,564	257,055	794,619	1,774,620	1,774,620	0	1,774,620	-
11578	Vehicles Renewal	Progressing	394,670	728,736	1,123,406	1,346,428	1,346,428	0	1,346,428	-
11581	Raymond Island Ferry Renewal	Progressing	0	167,786	167,786	377,000	377,000	0	377,000	-
11583	Office Furniture Non-Specified	Progressing	363	0	363	30,000	30,000	0	30,000	-
11584	Equipment Renewal BARC	Progressing	0	0	0	28,000	28,000	0	28,000	-
11585	Information Technology Infrastructure	Progressing	1,083	329,241	330,324	700,000	700,000	0	700,000	-
11586	Purchase Library Resources non-specified	Progressing	60,070	92,278	152,348	200,000	200,000	0	200,000	-
11587	Gravel Road Resheet Non-Specified	Progressing	300,533	184,189	484,722	1,200,000	1,200,000	0	1,200,000	-
11588	Roads Resealed Non-Specified	Progressing	36,279	122,460	158,739	2,590,000	2,590,000	0	2,590,000	-
11589	Renew Guard Rails Non-Specified	Progressing	0	0	0	100,000	100,000	0	100,000	-
11591	Dust Suppression Seal Non-Specified	Progressing	0	0	0	250,000	250,000	0	250,000	-
11592	Culvert Renewal Non-Specified	Progressing	4,614	502,625	507,239	600,000	600,000	0	600,000	-
11646	Soldiers Road Agri Links Improvement Project	Progressing	5,987	13,498	19,485	892,826	892,826	0	892,826	-
11671	Security and Duress Devices - Customer Service	Progressing	0	0	0	30,000	30,000	0	30,000	-
11672	Internal CCTV Renewal	Progressing	0	0	0	300,000	300,000	0	300,000	-
11675	Library Management System Renewal	Progressing	0	6,020	6,020	120,000	120,000	0	120,000	-
11679	Omeo Mountain Bike Trails - Stage 1	Progressing	52,508	82,582	135,090	2,936,941	2,936,941	0	2,936,941	-
11688	Bairnsdale Outdoor Pool Change rooms	Progressing	8,952	14,965	23,917	19,846	19,846	0	19,846	-
11698	Construction Cell 4 Bairnsdale Tip	Progressing	907,122	1,710,082	2,617,204	2,916,418	2,916,418	0	2,916,418	-
11709	Forward Design - Roads and Drainage	Progressing	51,817	185,644	237,461	528,000	528,000	0	528,000	-
11715	Progress Jetty Precinct Design	Progressing	11,536	0	11,536	370,000	370,000	0	370,000	-
11717	Strategic Property Acquisitions	Progressing	0	0	0	100,000	100,000	0	100,000	-
11718	Omeo Justice Precinct	Progressing	260	203,014	203,274	236,473	236,473	0	236,473	-
11738	Property Acquisitions (Admin Services)	Progressing	155,376	5,941	161,317	270,668	270,668	0	270,668	-
11767	Design for Gymnastics Facility at Lucknow	Progressing	25,591	23,400	48,991	1,222,000	1,222,000	0	1,222,000	-
11774	Jemmy Point lookout infrastructure renewal	Progressing	10,270	6,170	16,440	1,392,166	1,392,166	0	1,392,166	-
11800	EGSC Energy Efficiency 2019	Progressing	0	0	0	50,000	50,000	0	50,000	-
11805	Photocopiers / Printers Renewal	Progressing	0	0	0	208,593	208,593	0	208,593	-
11806	Project Management Office ICT Equipment and Softwa	Progressing	27,810	32,878	60,688	57,400	57,400	0	57,400	-
11807	Renewal and upgrade to corporate systems	Progressing	0	0	0	900,000	900,000	0	900,000	-
11808	Renewal of EDRMS	Progressing	0	0	0	760,000	760,000	0	760,000	-
11825	Kerb and Channel Replacement, Shire-wide	Progressing	443	51,866	52,309	400,000	400,000	0	400,000	-
11828	Lakes Entrance North Arm Bridge Boat ramp Upgrade	Progressing	12,246	771,190	783,436	677,000	677,000	140,000	817,000	-
11834	Eagle Point Foreshore Hub	Progressing	0	65,694	65,694	2,390,030	2,390,030	0	2,390,030	-

Capital Works and Landfill Rehabilitation Projects - Finance Report - September 2021

Project	Status	ACTUALS	COMMITMENTS		ADOPTED BUDGET (with Actual carryovers)	REVISED BUDGET	CHANGE	REVISED FORECAST	CARRY FORWARDS TO 2022/23	BRING BACK
		YTD Actual Expenditure - 30 September, 2021	YTD Commitments - 30 September, 2021	YTD Actual Expenditure & Commitments - 30 September, 2021	Adopted Budget - Expenditure - 1 Jul, 2021	Expenditure 1 July, 2021	Expenditure - Change	Forecast Expenditure - 30 September, 2021	Expenditure Carry Forward	Funded from 2022/23 Budget
11835	Lakes Entrance streetscape pavement improvements	31,946	145,000	176,946	662,850	662,850	0	662,850	0	-
11838	Parking Upgrade - Lakes Entrance	0	0	0	202,000	202,000	0	202,000	0	-
11839	Port of Bairnsdale Timber Jetty Renewal	0	2,968	2,968	3,644	3,644	0	3,644	0	-
11842	Storage Unit - Gile Street	0	2,100	2,100	475,000	475,000	0	475,000	0	-
11844	Mallacoota Seawall design	193,434	414,114	607,548	3,087,107	3,087,107	0	3,087,107	0	-
11854	Street Litter Bins	390,858	135,526	526,384	515,000	515,000	0	515,000	0	-
11879	Entrance Walk Boardwalk Replacement - Design	0	12,000	12,000	71,683	71,683	0	71,683		
11900	Bullock Island Bridge Replacement	106,458	1,843,997	1,950,455	2,115,757	2,115,757	1,000,000	3,115,757	0	-
11906	QRF Dinni Birrak Walk - Backwater Ct Paynesville	0	8,636	8,636	9,500	9,500	0	9,500	0	-
11908	QRF Mallacoota Cricket Nets	2,344	270	2,614	72,565	72,565	0	72,565	0	-
11916	DCE - Mallacoota Hall & Recreation Reserve Upgrade	1,271	47,415	48,686	42,259	42,259	0	42,259	0	-
11918	Cann River Roadside Rest Area	0	8,900	8,900	1,106,000	1,106,000	0	1,106,000	0	-
11919	Genoa Roadside Rest Area	206,238	538,786	745,024	817,000	817,000	0	817,000	0	-
11920	Newmerella Roadside Rest Area	0	11,172	11,172	490,228	490,228	0	490,228	0	-
11922	Orbost Forest Park Upgrade	0	0	0	1,206,000	1,206,000	0	1,206,000	0	-
11924	John Flynn Reserve - Buchan (RV Dump Point)	0	0	0	53,841	53,841	0	53,841	0	-
11926	Reinstatement of Mallacoota Coastal Infrastructure	64,585	19,187	83,772	75,037	75,037	0	75,037	0	-
11928	Mallacoota Foreshore Holiday Park Toilet Block 3 D	0	16,000	16,000	20,000	20,000	0	20,000	0	-
11929	Eagle Point Caravan Park Amenities Block Renewal D	0	17,550	17,550	20,000	20,000	0	20,000	0	-
11930	Mallacoota Foreshore Holiday Park Fire Safety work	0	0	0	434,154	434,154	0	434,154	0	-
11931	Eagle Point Caravan Park Fire Safety works	40,705	60,536	101,241	286,317	286,317	(100,000)	186,317	0	-
11932	Council Managed Caravan Park - Fire Safety Works	0	23,450	23,450	54,000	54,000	0	54,000	0	-
11937	Scanner Refresh, Shirewide	0	0	0	162,000	162,000	0	162,000	0	-
11938	CCTV Commerical Marinas	0	0	0	42,000	42,000	0	42,000	0	-
11939	CCTV Cameras at Waste Transfer Stations	0	0	0	69,000	69,000	0	69,000	0	-
11942	Eagle Point Foreshore Hub - road redevelopment	0	0	0	342,000	342,000	0	342,000	0	-
11943	R2R27 Moroney Street Bairnsdale Upgrade	420,969	1,123,820	1,544,789	1,592,289	1,592,289	0	1,592,289	0	-
11945	R2R29 Omeo Valley Road - Major Rehabilitation	296,640	641,663	938,303	983,000	983,000	0	983,000	0	-
11947	Eastwood Timbarra Footpath Connection	0	92,086	92,086	157,872	157,872	0	157,872	0	-
11948	Omeo Caravan Park to Livingston Park Footpath	0	0	0	250,000	250,000	0	250,000	0	-
11950	WORLD Sporting Precinct Stage 1	369,745	4,904,737	5,274,482	11,290,067	11,290,067	0	11,290,067	0	-
11953	BARC Solar Installation	45,170	54,916	100,086	101,703	101,703	0	101,703	0	-
11958	Cann River Waste Transfer Station	5,851	19,001	24,852	783,927	783,927	0	783,927	0	-

Capital Works and Landfill Rehabilitation Projects - Finance Report - September 2021

			ACTUALS	COMMITMENTS		ADOPTED BUDGET (with Actual carryovers)	REVISED BUDGET	CHANGE	REVISED FORECAST	CARRY FORWARDS TO 2022/23	BRING BACK
Project		Status	YTD Actual Expenditure - 30 September, 2021	YTD Commitments - 30 September, 2021	YTD Actual Expenditure & Commitments - 30 September, 2021	Adopted Budget - Expenditure - 1 Jul, 2021	Expenditure 1 July, 2021	Expenditure - Change	Forecast Expenditure - 30 September, 2021	Expenditure Carry Forward	Funded from 2022/23 Budget
11960	LER - Marlo Triangle Park Playground Renewal	Progressing	948	310,573	311,521	442,547	442,547	0	442,547	0	-
11961	Foreshore Management Plan Implementation - Marlo	Progressing	58	0	58	80,000	80,000	0	80,000	0	-
11962	Bruthen Streetscape	Progressing	5,897	3,000	8,897	873,735	873,735	0	873,735	0	-
11965	Bairnsdale Runway 04/22 Extension & Lighting Upgra	Progressing	69,987	48,758	118,745	114,761	114,761	0	114,761	0	-
11987	LRCI - Footpath Nicholason Sarsfield Road	Progressing	0	22,869	22,869	83,120	83,120	110,000	193,120	0	-
11988	LRCI - Footpath Paynesville Road	Progressing	0	0	0	85,491	85,491	70,000	155,491	0	-
12000	LRCI2 Davison Oval Skate Park Stage 2	Progressing	1,226	24,590	25,816	300,000	300,000	0	300,000	0	-
12001	LRCI2 Lakes Entrance Foreshore Park	Progressing	6,208	16,740	22,948	1,265,719	1,265,719	0	1,265,719	0	-
12011	Genoa Tennis Courts Upgrade	Progressing	2,492	332,558	335,050	195,000	195,000	160,000	355,000	0	-
12013	LER - Livingstone Park Community Facilities	Progressing	2,564	44,825	47,389	1,585,692	1,585,692	0	1,585,692	0	-
12014	LER - Nowa Nowa Boat Ramp Upgrade	Progressing	19,181	37,891	57,072	79,000	79,000	75,000	154,000		
12015	LER - Swan Reach Netball Courts Repair and Upgrade	Progressing	10,273	878	11,151	129,523	129,523	0	129,523	0	-
12016	LER - Tambo Crossing Community Facility	Progressing	11,946	22,094	34,040	441,000	441,000	0	441,000	0	-
12017	Lakes Entrance Club Spit Upgrade	Progressing	0	640,000	640,000	840,000	840,000	0	840,000	0	-
12018	Mallacoota Streetscape	Progressing	24,720	50,021	74,741	1,000,000	1,000,000	0	1,000,000	0	-
12021	Bruce Road Depot - Amenities Building	Progressing	58,595	15,669	74,264	135,238	135,238	0	135,238	0	-
12023	Lakes Entrance Slipway Upgrade	Progressing	9,456	72,983	82,439	590,000	590,000	400,000	990,000	0	-
12025	Bailey St Bairnsdale - Improvement Works	Progressing	273,057	480,511	753,568	960,000	960,000	0	960,000	0	-
12026	IT Equipment for Emergency Management	Progressing	1,809	0	1,809	0	0	0	0	0	-
12029	Community Resilience and Development Program	Progressing	0	123,577	123,577	338,664	338,664	0	338,664	0	-
12030	Replacement Bench seats at BARC	Progressing	15,815	0	15,815	16,500	16,500	0	16,500	0	-
12034	LRCI Un allocated - Round 3	Progressing	0	0	0	1,000,000	1,000,000	(635,000)	365,000	0	-
12035	LRCI2 EV Charge Points	Progressing	2,060	0	2,060	450,000	450,000	0	450,000	0	-
12039	LRCI2 - Raymond Island Toilet Block Upgrade	Progressing	7,260	14,060	21,320	315,000	315,000	0	315,000	0	-
12040	LRCI2 - Omeo Rec Reserve Carpark Upgrade	Progressing	655	0	655	107,000	107,000	0	107,000	0	-
12041	Council Owned Caravan Parks-Fire Safety Works	Progressing	0	0	0	300,000	300,000	0	300,000	0	-
12042	Chinamans Creek Open Space Toilet Upgrade	Progressing	1,545	9,660	11,205	20,000	20,000	0	20,000	0	-
12047	Network Equipment - Footprint Consolidation	Progressing	0	0	0	700,000	700,000	0	700,000	0	-
12048	Delegations Management Solution	Progressing	0	0	0	40,000	40,000	0	40,000	0	-
12049	Property Lease & Contract Management Solution	Progressing	0	0	0	80,000	80,000	0	80,000	0	-
12054	R2R B Road Jarrahmond Bridge Upgrade	Progressing	562	310,475	311,037	400,000	400,000	(70,282)	329,718	0	-
12055	R2R Lousadas Rd - Timber Bridge Renewal	Progressing	1,126	342,813	343,939	300,000	300,000	65,593	365,593	0	-
12056	R2R Tabberabbera Rd - Timber Bridge Renewal	Progressing	0	314,500	314,500	300,000	300,000	34,594	334,594	0	-
12057	Lakeside Drive, Mallacoota Culvert Replacements	Progressing	157,409	27,438	184,847	300,000	300,000	0	300,000	0	-
12058	East Gippsland Trail Network	Progressing	0	0	0	108,000	108,000	0	108,000	0	-
12059	Mirrabooka Drive - Mallacoota - New Footpath	Progressing	6,427	1,150	7,577	500,000	500,000	0	500,000	0	-
12060	Kruatunglung Walk	Progressing	0	0	0	2,280,000	2,280,000	0	2,280,000	0	-
12064	Mallacoota Skatepark	Progressing	5,817	7,853	13,670	0	0	19,765	19,765	0	-

Capital Works and Landfill Rehabilitation Projects - Finance Report - September 2021

			ACTUALS	COMMITMENTS		ADOPTED BUDGET (with Actual carryovers)	REVISED BUDGET	CHANGE	REVISED FORECAST	CARRY FORWARDS TO 2022/23	BRING BACK
Project		Status	YTD Actual Expenditure - 30 September, 2021	YTD Commitments - 30 September, 2021	YTD Actual Expenditure & Commitments - 30 September, 2021	Adopted Budget - Expenditure - 1 Jul, 2021	Expenditure 1 July, 2021	Expenditure - Change	Forecast Expenditure - 30 September, 2021	Expenditure Carry Forward	Funded from 2022/23 Budget
12065	Bairnsdale City Oval Changerooms Upgrade	Progressing	6,010	36,120	42,130	979,000	979,000	0	979,000	0	-
12068	Bairnsdale Landfill Security and Safety Upgrade	Progressing	0	0	0	81,000	81,000	0	81,000	0	-
12069	Upgrade for Glass Recycling	Progressing	2,456	132,627	135,083	445,000	445,000	(116,050)	328,950	0	-
12071	Raymond Island Koala Experience	Progressing	258	0	258	435,000	435,000	150,000	585,000	0	-
12072	Moroney St Bairnsdale Stage 2	Progressing	0	0	0	250,000	250,000	0	250,000	0	-
12074	Bairnsdale Airport Potable Water Project	Progressing	0	0	0	475,000	475,000	0	475,000	0	-
12075	IT Equipment - (Flexible Working)	Progressing	19,208	64,200	83,408	200,000	200,000	0	200,000	0	-
12076	Forward Design Seawalls Shirewide	Progressing	0	0	0	75,000	75,000	0	75,000	0	-
12080	Mallacoota Hall Upgrades	Progressing	8,425	0	8,425	863,000	863,000	0	863,000	0	-
12083	Howitt Park Boat Ramp Upgrade	Progressing	258	0	258	77,000	77,000	0	77,000	0	-
12086	Bruce Road Depot - Safety Upgrades	Progressing	0	0	0	250,000	250,000	0	250,000	0	-
12087	AJ Freeman Cricket Nets Upgrade	Progressing	649	0	649	0	0	75,000	75,000	0	-
12089	Mobile devices for Out door crew	Progressing	3,740	0	3,740	0	0	225,000	225,000	0	-
12090	Library Self Service Kiosk	Progressing	0	25,972	25,972	0	0	29,426	29,426	0	-
12091	Eastern Beach Caravan Park toilet Block	Progressing	0	0	0	0	0	300,000	300,000	0	-
12092	King Street Shared Path and Laneway Upgrade, Payne	Progressing	0	0	0	0	0	80,000	80,000	0	-
12093	Swiftcreek Rec Reserve Upgrade	Progressing	1,401	14,861	16,262	0	0	50,000	50,000	0	-
12094	Nowa Nowa Streetscape	Progressing	114	3,200	3,314	0	0	5,000	5,000	0	-
50008	Lakes Entrance Landfill Capping	Progressing	210,818	260,475	471,293	302,177	302,177	0	302,177	0	-
50009	Bosworth Road Aftercare	Progressing	21,900	9,209	31,109	21,000	21,000	0	21,000	0	-
50016	Bairnsdale Cell 3A Capping Design	Progressing	0	0	0	100,000	100,000	0	100,000	0	-
50019	Bairnsdale RRC - Cell 1 and 2 - EPA Compliance Fla	Progressing	2,337	38,585	40,922	239,398	239,398	0	239,398	0	-
50021	Lakes Entrance Landfill Gas Remediation	Progressing	64,570	25,439	90,009	61,082	61,082	0	61,082	0	-
12022	R2R28 Limestone Road -Rehabilitaion	Progressing	0	239,874	239,874	507,500	507,500	0	507,500	0	-
12043	Gilsenan Reserve Toilet Replacement	On Hold	58	0	58	20,000	20,000	0	20,000	0	-
12062	Integrated Water Management - Bairnsdale	On Hold	0	0	0	75,000	75,000	0	75,000	0	-
12066	Bairnsdale City Oval Lighting & Scoreboard Upgrade	On Hold	0	0	0	240,000	240,000	(154,000)	86,000	0	-
12081	Playground Renewal - Omeo Recreation Reserve	On Hold	618	59,610	60,228	64,294	64,294	0	64,294	0	-
11605	Quick Response Fund	Not Started	0	0	0	100,000	100,000	0	100,000	0	-
11712	Marlo Township Drainage Design	Not Started	0	0	0	110,000	110,000	0	110,000	0	-
11820	Footpath Renewal Program	Not Started	0	0	0	210,000	210,000	(40,000)	170,000	0	-
11940	Public Space CCTV Refresh	Not Started	0	0	0	265,000	265,000	0	265,000	0	-
11955	Lakes Entrance Aquadome redevelopment - design	Not Started	0	0	0	54,000	54,000	54,000	108,000	0	-
11963	East Bairnsdale Play Area Renewal	Not Started	0	0	0	20,000	20,000	0	20,000	0	-
12045	Omeo Council Precinct Redevelopment	Not Started	0	0	0	43,000	43,000	0	43,000	0	-
12046	Flagstaff Jetty Sewer Connection	Not Started	0	0	0	10,000	10,000	0	10,000	0	-
12050	McCulloch Sreet Safety Improvements	Not Started	0	0	0	179,000	179,000	0	179,000	0	-
12053	Spring Creek, Jarramond Bridge Upgrade(Agrilinks)	Not Started	0	0	0	400,000	400,000	0	400,000	0	-
12067	Bastion Point Geotactile Groin Wall	Not Started	0	0	0	54,000	54,000	0	54,000	0	-
12070	Upgrade Bairnsdale Landfill Compliance Works	Not Started	0	0	0	100,000	100,000	0	100,000	0	-

Capital Works and Landfill Rehabilitation Projects - Finance Report - September 2021

		ACTUALS	COMMITMENTS		ADOPTED BUDGET (with Actual carryovers)	REVISED BUDGET	CHANGE	REVISED FORECAST	CARRY FORWARDS TO 2022/23	BRING BACK
Project	Status	YTD Actual Expenditure - 30 September, 2021	YTD Commitments - 30 September, 2021	YTD Actual Expenditure & Commitments - 30 September, 2021	Adopted Budget - Expenditure - 1 Jul, 2021	Expenditure 1 July, 2021	Expenditure - Change	Forecast Expenditure - 30 September, 2021	Expenditure Carry Forward	Funded from 2022/23 Budget
12077 Lakes Entrance Ocean Rescue Seawall	Not Started	0	0	0	1,815,000	1,815,000	(1,100,000)	715,000	0	-
12078 Event Infrastructure to be Nominated	Not Started	0	0	0	150,000	150,000	0	150,000	0	-
50011 Orbost Landfill Aftercare	Not Started	0	0	0	7,000	7,000	0	7,000	0	-
50012 Mallacoota Landfill Aftercare	Not Started	0	0	0	7,000	7,000	0	7,000	0	-
50017 Bairnsdale Cell 1 Aftercare	Not Started	0	0	0	13,000	13,000	0	13,000	0	-
50018 Bairnsdale Cell 2 Aftercare	Not Started	0	0	0	11,000	11,000	0	11,000	0	-
50020 Lakes Entrance Landfill Aftercare	Not Started	0	0	0	32,000	32,000	0	32,000	0	-
11700 Upgrade Marlo Transfer Station	Complete - awaiting invoices	0	43,114	43,114	43,114	43,114	0	43,114	0	-
11822 Gully Road Drainage Works, Lake Tyers Beach	Complete - awaiting invoices	0	11,039	11,039	1,257	1,257	0	1,257	0	-
11909 QRF The Entrance walk - signage	Complete - awaiting invoices	3,190	2,535	5,725	13,680	13,680	0	13,680	0	-
50004 Orbost Landfill Capping	Complete - awaiting invoices	0	5,648	5,648	16,737	16,737	0	16,737	0	-
11748 Lucknow Recreation Reserve Upgrade Stage 1 Details	Complete	0	4,423	4,423	4,423	4,423	0	4,423	0	-
11985 LRCI - Tarbucks Road Bridge, Cabbage Tree Creek	Complete	455,188	0	455,188	449,909	449,909	963	450,872	0	-
11823 Parking Design - Marine Parade, Lakes Entrance	At Risk - Timing	0	13,828	13,828	14,069	14,069	0	14,069	0	-
11951 BARC Main Pool Tiling	At Risk - Timing	0	0	0	100,000	100,000	0	100,000	0	-
11990 Lakes Entrance Marine Parade Upgrade	At Risk - Timing	0	0	0	1,396,000	1,396,000	0	1,396,000	0	-
11991 Bullock Island Masterplan Implementation	At Risk - Timing	16,771	232,550	249,321	4,973,262	4,973,262	(1,000,000)	3,973,262	0	-
12024 Buchan Streetscape	At Risk - Timing	14,883	52,910	67,793	1,161,000	1,161,000	0	1,161,000	0	-
11969 Slip Road Maritime Precinct -Paynesville	At Risk - Budget	78,669	263,301	341,970	4,188,790	4,188,790	(40,000)	4,148,790	0	-
Grand Total		6,733,673	21,591,741	28,325,414	94,089,552	94,089,552	(341,439)	93,748,113	0	0

5.1.3 Response to Draft Victorian Boating Strategy

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 item is to seek Council endorsement of the submission to the Draft Victorian Recreational Boating Strategy (The Strategy).

In January 2021 BBV commenced the development of a Victorian Recreational Boating Strategy to support underpin prioritisation of boating infrastructure across Victoria. Officers have participated in online engagement sessions and provided feedback throughout the development of the Strategy.

Following the release of the Draft Strategy Officers have drafted a formal submission to address key points that are believed critical for East Gippsland, given the importance of recreational boating to many East Gippslanders through lifestyle, attraction of tourism, environmental implications and cultural significance.

Given the relatively short timeframe for responses, an officer level response was submitted. This response has since been augmented and is provided as **Attachment 1**. Should Council endorse this submission it will be submitted to Better Boating Victoria with an indication that it supersedes the existing submission.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. endorses the submission to the Draft Victorian Recreational Boating Strategy as provided at Attachment 1.***

Background

Better Boating Victoria (BBV) is a division within the Victorian Fisheries Authority, established to oversee Victorian Government investment in recreational boating facilities. In January 2021 BBV commenced the development of a Victorian Recreational Boating Strategy to support and underpin prioritisation of boating infrastructure.

Council Officers have actively provided input into the Draft Strategy including providing a list of East Gippsland's recreational boating priorities, it was understood that this feedback would be used to develop a Draft document, which was released for review on 20 August. The draft Strategy can be viewed at [Victorian Recreational Boating Strategy | Engage Victoria](#)

Council was also afforded the opportunity to respond to an online survey about the Draft Strategy, as well as participating in workshops to assist in informing a Municipal Association of Victoria response.

However, while the MAV submission raises some excellent points for consideration, Officers believe that a separate submission was warranted as East Gippsland has been significantly overlooked for funding and project prioritisation despite all evidence showing the significance of boating in the region. Due to timeframes, an Officer level initial submission was submitted to Better Boating Victoria for consideration.

Further engagement has taken place based on the Officer submission and edits made to the draft based on this feedback. Notably these include the importance of recognition of Aboriginal values when considering both land and water, as well as the importance of environmental implications including the protection of sea grass. The final proposed submission is provided as **Attachment 1**.

In Officers' view the needs of East Gippsland could have been better represented in the draft strategy and given the level of engagement with East Gippsland Shire Council representatives, the outcome is disappointing.

Legislation

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

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

Collaborative procurement

This is not relevant to this Council Report.

Council Plan

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

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

Council Policy

This item does not conflict with any existing Council Policy.

Options

This item recommends the endorsement, and submission of the attached response to the Draft Victorian Recreational Boating Strategy. Council may:

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

As noted in the submission, Officers believe there are a number of key points that have been omitted from the draft Strategy that must be included to recognise the importance of and impact of boating on the Gippsland Lakes.

Option 1 is recommended.

Resourcing

Financial

There are no financial implications to Council associated with making this submission.

The recommendations provided within the submission to Better Boating Victoria seek a greater emphasis on funding for infrastructure development, and maintenance of boating infrastructure in East Gippsland, and recognition of the challenges of providing and maintaining facilities across a broad area with a relatively low-rate base.

Plant and equipment

There are no implications on plant and equipment as a result of submission.

Human Resources

There are no human resource implications as a result of this submission.

Risk

The risks of this proposal have been considered and the proposed submission is believed to support improved management of risk through prioritising maintenance and development of boating infrastructure.

Economic

As outlined in the Submission, the draft Strategy makes a number of recommendations in relation to prioritisation of funding for East Gippsland boating facilities. Boating infrastructure is also considered of high importance to the attraction of tourists as a boating destination.

Social

Further investment in boating infrastructure will support positive outdoor activity and social interaction.

The submission includes support for the inclusion of recognition of Aboriginal values in relation to boating, and boating infrastructure.

Environmental

The submission includes reference to the importance of and need to protect sea grass when developing boating infrastructure provision, and other mechanisms such as education.

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

There was no external consultation undertaken with reference to the preparation of Council's written submission. Better Boating Victoria have conducted an open engagement process where community members have had the opportunity to provide independent feedback.

Attachments

1. East Gippsland Shire Council Submission to Victorian Recreation Boating Strategy
[5.1.3.1 - 7 pages]

East Gippsland Shire Council Submission to Draft Victorian Recreational Boating Strategy

5 October 2021

Background

East Gippsland Shire Council (EGSC), manages significant coastal infrastructure, including Jetties, Boat Ramps and Car Parks, public toilets, and Marinas. This infrastructure is important for both our residential communities that live by the coast, rivers and the Gippsland Lakes and the 1,000,000+ visitors attracted to East Gippsland each year, many of whom are from metropolitan Victoria.

The importance of East Gippsland to the Victorian boating community is well documented, highlighted by the Gippsland Lakes being ranked number two by popularity within the Draft Victorian Recreational Boating Strategy (The Strategy) (figure 4, page 11). Figure 2, page 13, identifies between 6000-8000 registered vessels within East Gippsland, as well as the fact that East Gippsland is a premier boating and fishing destination for tourists.

Recreational Boating is a key driver of tourism for the East Gippsland Region, as well as a valued way of life for residents. The importance of the Victorian Recreational Boating Strategy to East Gippsland is recognised and emphasised.

East Gippsland Shire Council has participated in the earlier consultation on the Victorian Recreational Boating Strategy but feels compelled to make this submission, as the significance of boating and boating infrastructure to East Gippsland does not appear well represented in the Draft Strategy and Draft Action Plan.

Whilst this submission raises several concerns, the comments are offered in the spirit of improvement and provided as genuine feedback. EGSC is committed to cooperating with Better Boating Victoria (BBV) to support the provision of infrastructure to make it safer and easier for Victorians to enjoy boating.

We believe there is opportunity to better recognise the contribution that East Gippsland and the Gippsland Lakes make to the recreational boating experience through more equitably in the recommendations and priorities of the Draft Strategy and Draft Action Plan.

Summary of Key issues

A summary of the key concerns that Officers wish to make about the Strategy is as follows:

1. The importance of East Gippsland as a Boating destination is not reflected adequately in either the Draft Strategy or the Draft Action Plan – despite the Gippsland Lakes being recognised as the most important recreational boating destination in regional Victoria and the second most popular boating area in the entire state.

2. Despite the acknowledgement in the Draft Strategy, the Draft Action Plan does not reflect that boating infrastructure and associated funding needs to extend beyond boat ramps to: Destination Jetties; support infrastructure such as carparking and public toilets; and moorings for non-trailable boats (whether marina's jetties or swing moorings).
3. East Gippsland, as an area that has previously managed and maintained its boating infrastructure without a reliance on paid parking is disadvantaged by the strategy's approach to reimbursing metropolitan Councils to enable them to offer free parking, noting that these fees were established by these Councils to subsidise maintenance activities. Therefore, effectively Better Boating Victoria is providing funding metropolitan based Councils for maintenance of their boating infrastructure, while other Councils must fund their own maintenance.
4. Further to the above point, EGSC (population 47,725) currently maintains 24 boat ramps and associated infrastructure across the Shire. This is in comparison to metropolitan based Councils such as Frankston City Council (population 143,338) and Hobsons Bay City Council (population 88,778) who manage two ramps each. Noting that EGSC boating facilities service a great number of visitors as well as the local population, the maintenance burden to the East Gippsland rate payer is far greater per capita, yet support for maintenance is not equitable.
5. East Gippsland seems to be further disadvantaged as it has previously invested in maintaining its boating infrastructure, meaning that poorly maintained infrastructure along regional rivers and inland waterways appears to be prioritised above East Gippsland's needs due to poor condition – despite the recognised popularity of the Gippsland Lakes with recreational boaters.
6. As a major manager of boating infrastructure, EGSC has not been consulted on the proposed management review until now. This model needs significantly more consultation before adoption.
7. Management of boating infrastructure needs to be more adequately resourced regardless of whether management is centralised or decentralised, with the centralised model currently used to manage DELWP and Parks Victoria infrastructure also demonstrating the inadequacy of funding of this infrastructure by the State.
8. The Draft Action Plan has some recommendations that EGSC agrees with and others that we do not support and seem at odds with the previous advice EGSC has provided during earlier consultation.
9. As identified within the Municipal Association of Victoria (MAV) submission, the Strategy does not adequately recognise Traditional Owner rights, aspirations and values. These must inform and be reflected throughout the final Strategy. In particular East Gippsland Shire seeks the recognition of the importance of Aboriginal values when considering action on both land and water.

Municipal Association of Victoria submission

East Gippsland Shire Council Officers participated in the Municipal Association of Victoria (MAV) workshop on the Draft Victorian Recreational Boating Strategy and are supportive of the points raised at this workshop, these being:

- A need for a hierarchy and network approach to facilities – similar to the previous Coastal Council approach.
- A need for greater emphasis on the consideration of environmental impacts. In particular East Gippsland Shire proposes reference to the protection of sea grass through both infrastructure development, and boating activities.
- A need for increased recognition of Traditional Owner perspectives given the content of the proposed Draft Coastal and Marine Strategy.
- Challenges and resource requirements for managing volunteer community committees of management of facilities.
- A need to consider the question of competing demand.
- The need to address ‘overflow’ car parking in peak seasons and allowing use of spaces for recreational purposes other than car parks.

Specific Feedback- Draft Strategy

EGSC Recognises that significant work has gone into the preparation of the strategy, which is well presented and easy to read and navigate.

Draft Vision – supported

Principles

Principles 1, and 2 - supported

Principle 3 - Not supported

Page 22 identifies that “The Port Phillip and Western Port catchment, where the largest concentration of boaters resides, should be given significant priority”. With the above environmental impact on metropolitan areas in mind, and East Gippsland identified as the second most popular boating destination after Port Phillip and Western Port, it is recommended that this funding prioritisation include reference to the next level of funding prioritisation, and that this include East Gippsland. Again this should consider the rate bases of Local Governments, and the number of ramps to be managed. As it stands the Gippsland Lakes has not been prioritised above other areas of far lesser use, with higher rate bases, which is unacceptable.

It is recommended that BBV uses a formula such as that used by the Australian Government’s Roads to Recovery program, to allocate funds on a non-competitive basis for areas based on the infrastructure they maintain and the popularity of the area with boaters.

Principle 4 – not supported

Whilst Boat Ramps are important so too is a range of other infrastructure including the car parks around the boat ramps, destination jetties and navigation aids are considered equally important. The inequitable focus on boat ramps therefore appears unwarranted.

Principle 5 - not supported

Given that local government is rate capped and that councils such as East Gippsland have not charged for parking it seems unreasonable to expect co-contributions towards infrastructure upgrades, as this may often be beyond the capabilities of Councils'. As identified above, EGSC has a far lower rate base from which to allocate co-contributions in comparison to Metropolitan based Councils, meaning EGSC is further disadvantaged with a reduced capacity to source funding for upgrades. Given that the strategy identifies that the state receives over \$33 million in boating fees annually, it is reasonable that this be invested back into non-competitive allocations based on the infrastructure volume (24 boat ramps vs 1 or 2 in some Metropolitan Council areas), and the popularity of the infrastructure (see recommendation above).

Principle 6 - Supported

Whilst supported, it is noted that concerns were raised from some regions about the environmental impact of increased boating, in particular in areas where there was a high level of boating activity concentrated in small areas. It is put forward that with the expanse of coastline and number of recreational boating locations across East Gippsland, the Strategy should support actions that encourage boating in areas where activity is less concentrated.

Objectives:

Objective 1: Improving maintenance

This objective is very focused on Melbourne based facilities and consideration needs to be placed also on East Gippsland and the Gippsland Lakes which are the most used facilities outside of metropolitan Melbourne.

There is very little detail in this Objective about how such improvements would be made or who would be responsible. Considerably more engagement on this matter is required.

EGSC Officers have reviewed the Draft Infrastructure Management Review and believe it to be lacking in detail or identifying where the additional resourcing would be allocated from.

Further and detailed consultation on these models are required as management of boating infrastructure needs to be more adequately resourced regardless of whether management is centralised or decentralised, with the centralised model currently used to manage DELWP and Parks Victoria infrastructure also demonstrating the inadequacy of funding of this infrastructure by the State

Furthermore, East Gippsland seems to be further disadvantaged as it has previously invested in maintaining its boating infrastructure, meaning that poorly maintained infrastructure along regional rivers and inland waterways appears to

be prioritised above East Gippsland's needs – despite the recognised popularity of the Gippsland Lakes with recreational boaters.

Objective 2: Renewing Existing Facilities

Whilst EGSC supports the renewal of existing facilities, the facilities identified in East Gippsland do not reflect the priority facilities previously submitted to BBV. Furthermore, given the popularity of the Gippsland Lakes, there is considerably **less** infrastructure identified for renewal than in other less popular regions of the State.

EGSC has sought and secured funding, as well as invested significant Council budget into the maintenance and upgrade of boating facilities. It is felt that this is now a potential disadvantage to obtaining future funding as the condition of East Gippsland facilities is relatively good through ongoing Council investment.

While East Gippsland is identified as a priority location, EGSC notes that there are nine (9) high priority boat ramp renewals identified for South and Central Gippsland, and only six (6) identified for East Gippsland. There is concern that this is potentially related to the point above.

This disadvantage also extends to new boating facilities and expanded facilities where East Gippsland has just 2 identified new facilities (one now funded via alternate funding sources) and 9 expanded facilities – far less than identified in other less popular boating regions.

The prioritisation of infrastructure for renewal needs to be better aligned to use rather than current condition, as this approach disadvantages areas that have previously prioritised the renewal of boating infrastructure.

Objective 3: Investing In destination Locations

Generally supported

Objective 4: Improving Access and Navigation:

Whilst supported in general, this section fails to acknowledge the expense to EGSC of maintaining and dredging the Bastion Point Open Water Access (\$140,000 - \$160,00pa). which unlike the Melbourne facilities has never been offset with carparking fees.

EGSC is supportive of recommendations for all access boating facilities. However, the strategy should address ancillary requirements for these facilities, including operational costs, and any training, staffing requirements.

Objective 5: Search and Rescue, safety and education

Supported in principle, but the actions fall short of expectation, focusing solely on camera installation. There is a need to recognise and support volunteer coast

guard organisations and ensure these are adequately funded and appropriately located.

Objective 6: Boating Promotion

Supported in-principle – but promotion and growth of recreational boating will only be successful if it is supported with necessary infrastructure.

Objective 7: Data Quality and Reforms

Supported – but it is noted that the 2021/22 Action Plan only minimally resources these actions

Strategy Omissions

The suite of draft documents begin by acknowledging and celebrating that one of the first actions of BBV was the removal of parking fees for trailable boating in the bayside suburbs of Melbourne. When these fees were removed these councils were reimbursed for the loss of income. At the time EGSC raised this with the then head of BBV and was assured that Councils such as East Gippsland who were maintaining significant boating infrastructure without the benefit of parking fees would be recognised and similarly funded.

The rate base of East Gippsland is significantly lower than metropolitan LGA's, meaning the proportion of Council's annual budget required to maintain boating facilities is far greater. Noting that East Gippsland is a boating destination for all Victorians, this burden to East Gippsland residents should be recognised and “**financial capacity to maintain**” should be included as a funding principle.

It is the view of EGSC Officers that East Gippsland has not been adequately identified as a priority for funding in the Draft Strategy and indeed the fact that Council has maintained its facilities at a reasonable standard whilst not raising parking revenue has disadvantaged us.

As the Council with perhaps the most boating facilities across any single Victoria Council and being the second most popular boating destination within Victoria, we do not believe that the Draft Strategy adequately identifies and prioritises the needs of East Gippsland Recreational Boating Infrastructure. This requires review

Draft Action Plan

Given that the Gippsland Lakes is identified as the second most popular boating destination in Victoria coupled with the significant boat ownership and licence and registration fees paid by residents from East Gippsland we are extremely disappointed to see only a small investment recommended for East Gippsland.

We object to the removal of fees for public boat ramps on the understanding that these councils will be compensated for this loss of income (action 1.4). As previously indicated, this further

disadvantages Councils such as ours that have never charged for parking or had this income stream to invest in public boating infrastructure. Perhaps to be more equitable those Councils that don't and have never charged for parking should be financially rewarded.

Given that Gippsland Lakes are so popular it is more than disappointing to note that of the actions to enhance the boating experience (Section 2) none of the 36 recommendations apply to the Gippsland Lakes and only one applies to East Gippsland. We question the equity and logic of these allocations.

We ask that the boating needs of East Gippsland are more equitably recognised in the 2021/22 Action Plan.

5.2 Bushfire Recovery

5.2.1 East Gippsland Event Growth Action Plan 2021-2026

Authorised by General Manager Bushfire Recovery

Conflict of Interest

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

Executive Summary

This report seeks Council endorsement of the East Gippsland Event Growth Action Plan 2021-2026.

For the past eleven years, Council has maintained support for the development of events which provide an economic boost to East Gippsland through the Regional and District Events Sponsorship program (RADES). In addition to supporting these 'homegrown' events, Council actively works with external partners to identify and acquire new events to supplement the local event calendar and support a smoothing of visitation across the year.

With an increasingly competitive environment for event procurement in general, and rising expectations regarding event delivery and the visitor experience, a review of Council's approach to growing East Gippsland's event portfolio was required. These same challenges were similarly considered by Destination Gippsland, the Regional Tourism Organisation and peak tourism body for Gippsland. As a result, the Gippsland Regional Events Strategy https://assets.visitgippsland.com.au/images/DestinationGippsland_Regional-Events-Strategy_2Page.pdf and the East Gippsland Event Growth Action Plan (**Attachment 1**) were developed concurrently to better leverage alignment of the two approaches.

The East Gippsland Event Growth Action Plan takes a fresh approach to growing and strengthening existing signature events and leveraging the existing event-procurement budget to ensure better value of Council's investment in this area.

Officer Recommendation

That Council:

- 1. receives and notes this report and attachments pertaining to this report;***
- 2. endorse the East Gippsland Event Growth Action Plan 2021 – 2026 (Attachment 1); and***
- 3. endorse Option 4 (transition out of RADES and phase implementation of the Plan within existing budget) for implementation from 2021-22.***

Background

Destination Gippsland developed the Gippsland Regional Events Strategy 2020-2025. The strategy was a joint project of Destination Gippsland and Gippsland's six Local Government Authorities and the Latrobe Valley Authority in collaboration with event stakeholders across the region and State. The Regional Event Strategy was endorsed earlier this year by the Destination Gippsland Regional Tourism Board and is now publicly available.

East Gippsland Shire Council plays a significant role in procuring events for East Gippsland along with building the capacity of our homegrown events through event sponsorship programs and development masterclasses. Examples of successfully procured events include Cycling Australia Masters - Road National Championship, The Great Victorian Bike Ride, Field and Game Association National Carnival, Tennis Victoria Junior Championship and Victorian Masters Open Squash Tournament. Examples of homegrown events include Paynesville Food Van Fiesta, Paynesville Classic Wooden Boat Rally, and the recent East Gippsland Winter Festival.

Council currently provides a significant level of support in shaping the events program for East Gippsland including:

1. Regional and District Events Sponsorship Program (RADES) - \$105,000

The RADES program aims to stimulate direct and indirect economic benefit to East Gippsland by attracting visitors from outside our region, that is; from around Victoria, interstate and internationally, and leveraging marketing opportunities to raise destination awareness. The RADES program was adopted by Council in 2010-2011 and offers two rounds a year in a competitive grants process that is publicly advertised.

The program attracts an average of 15-20 applications each round and typically provides funding of between \$1,000 (minimum) and \$10,000 (maximum) for any individual event for a period of one, two or up to three years. Applications are assessed by a panel including East Gippsland Marketing Inc (EGMI), Destination Gippsland and Council Officers. Council's 2020-21 budget for the RADES program is \$105,000 and is subject to Council's annual financial audit.

2. Event Attraction (Acquisition) - \$37,000

Acquired event applications are received throughout the year and assessed against a process which models return on investment (ROI). Most events secured through this initiative are facilitated by Sports Marketing Australia (SMA) - brokers for events with no distinct 'home' location and that can be attracted for staging in East Gippsland. More recently Council has been working with Latrobe Valley Authority as they pilot a Regional Event Acquisition approach. The Great Victorian Bike Ride event secured for East Gippsland in 2023 is a good example of this. The ability to acquire new events ongoing is entirely budget dependent.

3. Events Training and Development Program - \$7,000

In 2020, Council tailored and successfully delivered an event development program for existing and prospective event organisers. This series of free workshops covering core areas such as marketing, risk management and event finance and a full-day masterclass saw 83 separate event organisations enrolled in one or more of the workshops. The program was rated *excellent* by participants across content, usefulness, quality of facilitators, and communication and was delivered again in 2021, building on last year's themes.

4. Provision of Event Equipment - \$3,000

Council provides local event organisers access to basic event equipment such as road traffic signs, bollards, and marquees at no cost.

5. Commonwealth and State Government Grants

Where the opportunity presents, Council Officers actively applies for event funding to boost our ability to attract new events. The successful application to Austrade (Stream 1 & 2 Bushfire Tourism Recovery Program) in 2020 of \$190,000 is a good example. This additional funding unlocked the ability to secure a new Super-trail Running Event as part of a National series for Lakes Entrance and will seed-fund three new mountain bike events for Omeo along with a public arts trail event along the East Gippsland Rail Trail.

6. Event Permit Approvals

Council Event Officers coordinate the concierge services for all event approvals within Council (currently tourism and community focused events) and assist organisers in their preparation of comprehensive risk management and COVID-safe operating plans. Over 200 event permits are processed by the team each year. The team has streamlined this process over the past couple of years, enabling this service to be delivered more efficiently and vastly improving the customer experience. It should be noted that the frequently changing event guidelines due to COVID-19 have increased the work involved in this process, with most events having been postponed, rescheduled, or cancelled – and for many, this has occurred multiple times.

7. Event Planning Guide

A comprehensive A-Z guide to event planning in East Gippsland was developed and is maintained by the team as a valuable resource for existing and prospective event organisers. It is viewed as a leading example by other Gippsland Councils.

Council's ability to respond to the growing need for event facilitation in East Gippsland is limited. The proposed Event Growth Action Plan (the Plan) considers and responds to support economic and social recovery post COVID-19, bushfires, prolonged drought and takes a realistic approach to event procurement, growth, and regional capacity building over time. It recommends a sustainable approach that can continue to be managed within existing Council resources yet delivers improved economic outcomes.

The Plan:

- focuses on events that drive economic outcomes as distinct from community events.
- provides a transparent basis for decision making on event support; and
- is framed to deliver the best value for the event investment made by Council.

The changed approach outlined in the Plan may raise concerns for some stakeholders for instance, the proposed phasing out of Council's current RADES program. Consideration for maintaining some level of support for new events initiated within the community that may eventually deliver tourism outcomes is presented in the Options section of this report.

Legislation

On 24 March 2020, the Government passed the *Local Government Act 2020* (the new Act). As of 1 July 2021, all provisions from the new Act have commenced. Some provisions of the *Local Government Act 1989*, that have not been repealed, will remain applicable until such time as they are revoked. This report has considered the Financial Management Principals, Section 101 of the *Local Government Act 2020*.

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

Collaboration

Pursuant of section 109(2) of the *Local Government Act* 2020 this report is not applicable.

Council Plan

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

Strategic Objective 4: 4.1 Leadership enables economic prosperity, investment, recovery, resilience, and growth.

Strategic Objective 4: 4.3 Council's work with stakeholders fosters entrepreneurship and new business opportunities, particularly with communities facing change.

Strategic Objective 4: 4.5 Tourism sector investment is sought in business capability, product development and experience to meet the changing needs of domestic and international markets.

Strategic Objective 5: 5.2 Strong relationships with government, partners and stakeholders are maintained and strengthened to advocate for the community.

Council Policy

There is no impact on Council Policies as a result of this report.

Options

Endorsement of the East Gippsland Event Growth Action Plan should consider existing budget and resourcing impacts. In implementing the Plan, several options are available for Council's consideration and are summarised below.

OPTION 1: Retain existing RADES program and implement the Plan in full.
Requires additional budget of \$130,000.

Not recommended due to Council budget and additional resources required.

OPTION 2: Transition out of RADES and phase implementation of the Plan within existing budget. RADES would cease by 2023-24 as legacy funding commitments are expended.

Maintain a modest funding program to support tourism focused events newly initiated by the Community - A single round per year offering matched funds of up to \$5,000. A proposed additional budget of \$30,000 and delivered through the Community Grants stream in consultation with the Events team.

For consideration.

OPTION 3: Implement the Plan in full while transitioning out of RADES by 2023-24.

Requires an allocation of funding for the difference until 2023-24.
Total budget: \$236,000 in 2021-22, \$195,000 in 2022-23, and returning to base budget of \$152,000 by 2023-24.

Not recommended due to Council budget and resourcing implications.

OPTION 4: Transition out of RADES and phase implementation of the Plan within existing budget. RADES would cease by 30 June 2023 as legacy funding commitments are expended.

Note that community-initiated events that have a community benefit, as well as attracting visitors, can also be supported through the Community Grants stream. The adequacy of this program in supporting community events can be monitored and allocations considered as part of future budget processes. Note that at present there is additional sources of funding available for both community and visitor events in response to the Black Summer fires and COVID 19 recovery.

Recommended.

OPTION 5: Do not endorse the Plan
Continue with no changes to existing events funding and attraction program.

Not recommended as does not help to address existing challenges.

Resourcing

Financial

The East Gippsland Event Growth Action Plan proposes a redistribution of funds from the current Events Sponsorship Budget of \$152,000, across three core investment initiatives:

1. Pathway to Growth Program (Home – grown events development): \$80,000 (53% of the budget)

Supporting established, locally owned (home-grown) events identified as having potential for growth requires deliberate investment in tailored mentoring, guidance, and event development. The Pathway to Growth Program' is therefore proposed as an advanced mentoring program and would supplement existing workshops delivered by Council. An allocation of \$80,000 (4 x \$20,000) is recommended to provide accelerated development support for up to four different events per year as part of their multi-year funding agreement.

2. External Events: \$20,000 (13% of the budget)

An allocation of \$20,000 is recommended to go towards state and regional championship events, regional sport and participation events, arts/culture events and business events, working with external bodies and partners to strategically acquire the best fit events to smooth out the annual event calendar.

3. Regional Events Fund: \$50,000 (33% of the budget)

By contributing to a joint regional funding pool, as suggested in the Gippsland Regional Events Strategy, the potential to secure major regional events for East Gippsland is significantly improved. A \$50,000 allocation to be used strategically with the Regional Event Acquisition Fund will allow East Gippsland to be more competitively pitched and gain a return that may otherwise not be achieved independently. This is pending a formal request from Destination Gippsland and consideration by Council.

The funding allocations outlined above are scaleable in the event that Council makes a future decision to alter the budget allocated to support visitor events.

The balance of the budget \$2,000 (<2%) would be directed into event equipment and/or training programs. This amount can be supplemented by other operational budgets within the Economic Development unit if required.

Financial implications of the options for consideration and recommendation are outlined below:

OPTION 2: Transition out of RADES and phase implementation of the Plan within existing budget. RADES would cease by 2023-24 as legacy grant funding commitments are expended.

Maintain a modest funding program to support tourism focused events newly initiated by the Community. A single round per year offering matched funds of up to \$5,000. A proposed additional budget of \$30,000 and delivered through the Community Grants stream in consultation with the Events team. Potentially the Economic Development Discretionary Fund (EDDF) could sustain this subject to ongoing contribution to the fund.

Annual Budget \$152,000 + \$30,000 (EDDF) - Total \$182,000

Transition approach would result in:

- Reduced contribution to Regional Event Acquisition Fund for year one
- Reduced event participation in the Pathways to Growth Program until year three
- Provides scope to maintain up to six sponsored local events per year (at \$5,000 each)

Program	Budget Actual* plus Plan	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	5-year TOTAL
RADES (previously committed)	\$107,508	\$76,000^	\$35,000^	n/a	n/a	n/a	\$111,000
RADES (EDDF)		\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$150,000
Pathway to Growth Program	\$80,000	\$20,000 (1 event)	\$40,000 (2 events)	\$80,000 (4 events)	\$80,000 (4 events)	\$80,000 (4 events)	\$300,000
External Events	\$37,262*	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$100,000
Regional Events Fund	\$50,000	\$30,000	\$50,000	\$50,000	\$50,000	\$50,000	\$230,000
Event Training & Equipment	\$10,000*	\$6,000	\$7,000	\$2,000	\$2,000	\$2,000	\$19,000
Total	\$284,770	\$182,000	\$182,000	\$182,000	\$182,000	\$182,000	\$910,000

*existing Events budget

^includes existing forward commitments under RADES

OPTION 4: Transition out of RADES and phase implementation of the Plan within existing budget. RADES would cease by 2023-24 as legacy funding commitments are expended.

Annual Budget \$152,000

Existing budget and staffing resources are maintained, but results in:

- Slower implementation of the Pathways to Growth Program
- Variable external events acquisition fund
- Reduced contribution to Regional Event Acquisition Fund for years 1 and 2
- Reduces the number of sponsored local events beyond 2023-24

Program	Budget Actual* plus Plan	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	5-year TOTAL
RADES	\$107,508*	\$76,000^	\$35,000^				\$111,000
Pathway to Growth Program	\$80,000	\$20,000 (1 event)	\$40,000 (2 events)	\$60,000 (3 events)	\$80,000 (4 events)	\$80,000 (4 events)	\$280,000
External Events	\$37,262*	\$20,000	\$27,000	\$32,000	\$20,000	\$20,000	\$119,000
Regional Events Fund	\$50,000	\$30,000	\$40,000	\$50,000	\$50,000	\$50,000	\$220,000
Event Training & Equipment	\$10,000*	\$6,000	\$10,000	\$10,000	\$2,000	\$2,000	\$30,000
Total	\$284,770	\$152,000	\$152,000	\$152,000	\$152,000	\$152,000	\$760,000

*existing Events budget

^existing forward commitments RADES

Plant and equipment

There may be minor plant and equipment implications for Council as a result of the Event Growth Action Plan. A reduction in the equipment replacement budget is foreshadowed in implementing the Plan within the existing budget.

Human Resources

Human resources implications will be dependent on Council's preferred option:

OPTION 2: Transition out of RADES and phase implementation of the Plan within existing budget. RADES would cease by 2023-24 as legacy funding commitments are expended. Maintain a modest funding program to support tourism focused events newly initiated by the Community

This option may require an increase in human resources to assist delivery of services at peak times.

OPTION 4: Transition out of RADES and implement new Plan within existing budget.

This option has minimal impact on existing human resources.

Risk

The following risks have been identified and considered:

1. Phasing out the RADES program may impact some smaller tourism event delivery by local organisers. However, potential funding for these through other avenues, such as Council's community grants program, other business sponsorship or by addressing alternative event management solutions.
2. The Gippsland Regional Event Acquisition Fund may not be successful in delivering the returns to East Gippsland for Council's investment. This will require ongoing monitoring and evaluation.
3. The Pathway to Growth Program takes time for benefits to fully emerge and may not drive the desired result of event growth with increased visitation and destination awareness – particularly in a volatile COVID-19 environment. Ongoing monitoring and evaluation of the approach may be required to ensure benefits are realised.
4. The proposed changes may be negatively received by some event stakeholders. While increased support for new or growing events is proposed in the Plan, ongoing financial support for existing events at the same level may no longer be provided. There will be an expectation that supported events evolve after a maximum of three years to become self-sustaining.

Economic

Tourism events play a key role in driving increased visitation which supports local business and tourism operators through stimulating greater trade and flow-on expenditure across our communities. The inability to host events this past year due to COVID-19 restrictions on public gatherings has significantly impacted East Gippsland's visitor economy with results showing a 37.2% decline in visitors (Source: International Visitor Survey and National Visitor Survey, YE March 21, Tourism Research Australia) and loss of business trade due to the compounding impacts of bushfire and COVID-19 which continues to present challenges.

Over the past three years (2017 - 2020), Council has invested \$634,500 into event acquisition and sponsorship funding programs to support a total of 87 regional events. These events returned over \$10M of direct economic input into East Gippsland*.

In the same period, Council invested \$229,060 into the RADES funding program supporting a total of 56 events. These events have returned an estimated direct economic impact of over \$7.2M*. The estimated return on this investment (ROI) is calculated at 31:1. In other words, for every sponsorship dollar invested, the local benefits of RADES sponsored events are \$31.00. *Note: Industry standard for ROI on acquired events is 5:1.*

In 2017, Council approved the additional allocation of \$180,000 over three years (\$60,000 per year) from the Economic Development Discretionary Fund, to boost Council's event attraction strategy at that time. These additional funds unlocked a more proactive and flexible approach toward event procurement for East Gippsland which resulted in securing additional major events throughout the year and generating increased economic activity across the region.

Specifically, the extra investment (\$180,000) secured 31 new events to East Gippsland over the three-year period and contributed an estimated direct economic impact of \$2.8M* (ROI of 13:1)

The Event Growth Action Plan proposes a different way of supporting events in East Gippsland in future by providing increased levels of support to a smaller number of homegrown events to help them reach Signature Event status and shifting the coordination of larger event attraction and acquisition the regional level with input from Council.

Standard Definitions:

- Major Event - attracts over 5,000 people, from outside the region, interstate and international eg: Woodford Folk Festival, QLD (6 days 132 000 attendees) and Toowoomba Carnival of Flowers, QLD (11 days, 294 000 attendees)
- Signature Event - attracts over 5,000 people, from outside the region and interstate and usually runs under a sustainable business model eg: Denny Ute Muster and Port Ferry Folk Festival.
- Local Event – attracts under 5,000 people, mostly from within the region and are usually community led.

Taking a consolidated approach rather than spreading resources over many small local events is the key to unlocking sustained event growth within our communities with existing Council resources.

**As calculated by the REMPLAN Tourism Impact Scenario. REMPLAN is a widely used data analysis tool aggregating data directly from the Australian Bureau of Statistics.*

Social

Events support local business operators through driving increased visitation into the region, increased trade, and the flow-on expenditure across our communities. Events also help build confidence and grow capacity within our sporting clubs and community groups to continue to deliver local events.

Other benefits of a vibrant tourism events program include:

1. Greater awareness of Council support
2. Increased destination awareness through leveraged promotion of the region
3. Increased community pride, a sense of connectedness, good health, and wellbeing

Environmental

There are no specific environmental implications from 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

The following stakeholders were consulted by individual conversation or group consultation regarding the development of the East Gippsland Events Strategy.

Stakeholders Engaged	
East Gippsland Shire Council	
East Gippsland Marketing Inc	
Gippsland East LLEN	
C4 Impact	
Gippsland Land and Water Aboriginal Corporation (GLaWAC)	
East Gippsland Economic Development Advisory Committee	
Event organisers <ul style="list-style-type: none">Alpine RallyFar East Victoria Land CareSailors Grave Brewing	<ul style="list-style-type: none">Gippsland OperaWild Harvest Seafood FestivalSeventy EventsEast Gippsland Mountain Bike Club
Business & Tourism Associations <ul style="list-style-type: none">BairnsdalePaynesvilleLakes Entrance (LEBTA & LEADA)	<ul style="list-style-type: none">Orbost and DistrictOmeoCann River
Business Event organisers/venue operators <ul style="list-style-type: none">Lakes Entrance Golf ClubVenture OutRiversleigh HotelBairnsdale Race Club Committee	<ul style="list-style-type: none">Captains CoveAlbert and CoBellevue HotelBairnsdale Art Gallery
Destination Gippsland	
Visit Victoria	
Parks Victoria	
Sports Marketing Australia	

Attachments

1. East Gippsland Event Growth Action Plan 2021-26 [5.2.1.1 - 45 pages]



EAST GIPPSLAND EVENT GROWTH ACTION PLAN 2021–26





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ACRONYMS USED:

BEV	Business Events Victoria
DGL	Destination Gippsland Ltd
DELWP	Department of Environment, Land, Water and Planning
EGMi	East Gippsland Marketing Incorporated
EGSC	East Gippsland Shire Council
GLaWAC	Gunaikurnai Land and Waters Aboriginal Corporation
LGA	Local Government Authority
SMA	Sports Marketing Australia
VV	Visit Victoria

1. INTRODUCTION

The East Gippsland Event Growth Action Plan 2021–2026 (the Plan) outlines how East Gippsland can increase the economic, social and environmental benefits from events. An assessment framework and strategies will enable East Gippsland Shire Council (EGSC) to support and develop local home-grown events, and attract leisure, sports and business events that will encourage overnight stays in East Gippsland and growth in the local visitor economy¹.

The Plan is well-timed to assist EGSC in leveraging events to support the Shire's economic and social recovery post COVID-19, bushfires and prolonged drought. The focus will be on growing the value of events to the visitor economy through increasing yield and shifting current seasonal visitation patterns to more sustainable year-round visitation across the Shire. The Plan sets out a plan for identifying the best events to attract, develop and grow, and building a balanced and sustainable portfolio of events that contribute to the local economy, provide social outcomes for local communities, and deliver lasting legacies.

"Events are important in building the profile and reputation of East Gippsland as a vibrant events destination year-round. They create compelling reasons to visit and return, and provide a means to showcase East Gippsland's coastal wilderness, high country landscapes, lakes, rivers, coast, beaches, and diverse local produce from wine through to seafood."

Events outcomes will be maximised by EGSC collaborating with the new regional events entity under Destination Gippsland, and Gippsland's local government authorities (LGAs). The Plan incorporates actions to enable EGSC to increase efficiencies and outcomes by working as part of a regional collective while enhancing its competitive strengths and unique identity. Development of the Plan has occurred in tandem with the preparation of the Gippsland Regional Events Strategy 2020–2025 to ensure alignment.

The Plan has been prepared for EGSC by Tilma Group, with support from JJ Strategic Consulting. It reflects the culmination of desktop review, stakeholder engagement, and analysis of East Gippsland's strengths, challenges, opportunities, and current event portfolio.

¹ Local community events are excluded however the Plan recognises the potential for these events to grow to become important tourism or business events.

EVENT BENEFITS FOR EAST GIPPSLAND

- Support the recovery of local economies and communities in the short term through the attraction of visitors, visitor spend and increased vibrancy across the Shire, with the aim of establishing a sustainable events industry that generates long-term benefits
- Increase visitor length of stay and expenditure locally, and encourage off-peak visitation and dispersal across the Shire, delivering direct and indirect economic impacts to the community
- Raise the profile and reputation of East Gippsland and the experiences it offers
- Increase vibrancy and appeal for visitors and residents alike
- Foster community spirit, innovation and pride from vibrancy and entertainment
- Foster skill development through volunteer opportunities and engagement
- Lead to investment, business growth and development through promotion of East Gippsland region, and attracting new residents to live, work and play
- Activate sport, recreational, cultural and entertainment community assets, venues and public spaces.

Research indicates three-quarters of event attendees would not have gone to a destination if not for an event. An event is the main reason for 57% of first-time visitors and 69% of repeat visitors to visit a region².



² Gibson, C. & Stewart, A. (2009). *Reinventing rural places: The extent and impact of festivals in rural and regional Australia*.

2. INDUSTRY GUIDED PROCESS

To ensure the Plan is supported by the local events industry, engagement with stakeholders and the business community was a central element in its development. A Project Steering Group was created with members from across the events sector. See Attachment 1 for a list of stakeholders who participated in the consultation process.

Engagement included:

- A project initiation and information-gathering session with EGSC staff
- 15 one-to-one meetings with EGSC staff, event organisers and stakeholders
- Seven focus group meetings (EGSC Councillors, Economic Development Advisory Committee, internal staff and land managers, event advocates and experts, event owners, business events and business venues, business and tourism associations)
- A Discussion Paper outlining key findings and recommended strategic priorities which was shared with EGSC staff and EGSC councillors and the Project Steering Group
- A workshop with the Project Steering Group to test findings and recommendations in the Discussion Paper (conducted via teleconference due to COVID-19 travel restrictions)
- Draft Plan presented to the Project Steering Group, feedback gathered and draft updated
- Presentation of the Plan to EGSC.

"The Plan provides a framework for a collaborative approach between the local events sector, tourism operators and other businesses, the community, and EGSC in the development of East Gippsland as a competitive and sustainable event destination."

Development of the Plan has occurred intandem with the preparation of the Gippsland Regional Events Strategy 2020–2025 to ensure alignment. The main partners are illustrated in Figure 1.

Figure 1: Partners in events in East Gippsland



3. STRATEGIC ALIGNMENT

EGSC recognises the value of events in helping the local economy grow, and creating a thriving community. The revised East Gippsland Shire Council Plan 2017-2021 sets the goals for the Shire to become known as an adventure destination, and to host innovative local, national and international events that are attracted to the region's unique natural environment, and that in turn attract investment and stimulate the local economy.

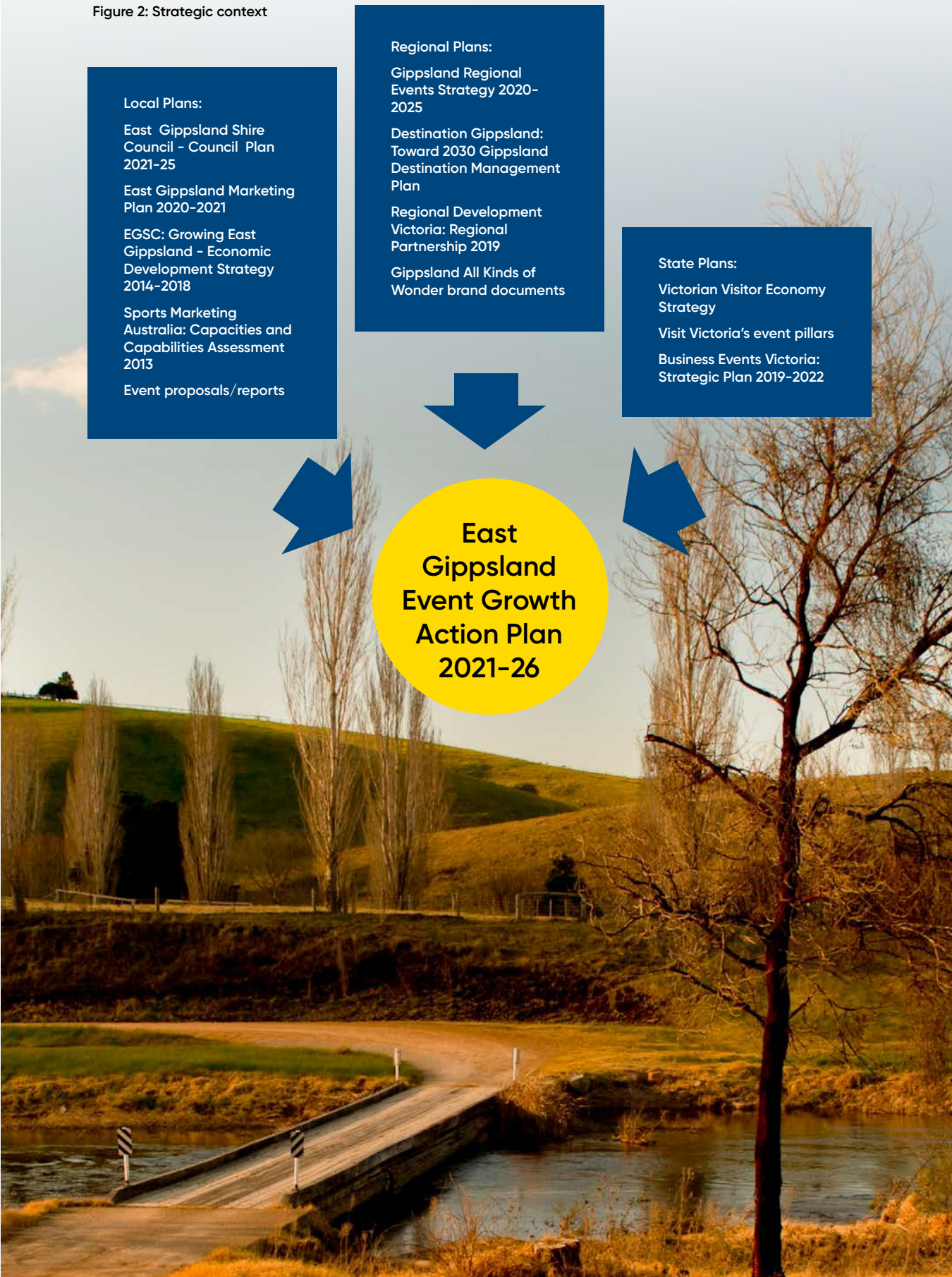
The Plan will support delivery of the EGSC's goals, and aligns with a priority of the 'Toward 2030 Gippsland Destination Management Plan' to invest in diverse and exciting regional events.

The Plan has been developed in tandem with the Gippsland Regional Events Strategy 2020-2025 to ensure East Gippsland fully leverages regional event development and acquisition opportunities, and the strategies complement each other.










The Plan will support delivery of activities and the objectives outlined in a number of other EGSC and regional and state plans, and will support the Victorian Government's efforts in rebuilding the visitor economy post COVID-19 (Figure 2):



Figure 2: Strategic context



4. INDUSTRY AND CONSUMER MACRO TRENDS

	TREND	IMPLICATIONS
	COVID-19, reinvigoration and reinvention	The COVID-19 shutdowns of public gatherings brought considerable disruption to events. At the same time, it has provided an opportunity for event organisers to take stock, review what was working and what wasn't, up-skill, improve their digital presence, and engage with consumers in new ways.
	Hybrid events	COVID-19 has seen the development of hybrid events in response to social distancing requirements. These events incorporate both in-person and virtual elements such as live-streaming. They have the potential to reduce demand for in-region business events as organisations grow comfortable with virtual meetings. However, according to research conducted by the Professional Convention Management Association, the Chinese are expecting a 'pent-up demand' for face-to-face events ³ . There is potential for other countries such as Australia to experience this same trend.
	Responsible events	Essential to the success of events are sustainable and inclusive practices, and respect for the environment. Attendees are demanding that events proactively preserve their social license. In early 2020, three quarters of Australian event managers stated that sustainable practices are now a priority, a huge increase from just 11% of event organisers in 2019 ⁴ . Hosting events that are inclusive is not a passing trend; nor is it optional: events are all about building community. Examples include diverse and gender-balanced entertainment line-ups, use of accessible venues, and family-friendly spaces such as a breastfeeding room and a children's play area.
	Authentically local	Event offerings across Australia are becoming formulaic in their programming resulting in an increased sameness. Travellers want to experience a connection to 'place': uniquely local culture, life as a local, and local produce.
	Immersive experiences	Some event attendees want interactive, immersive, personalised, local, compelling and extraordinary experiences.
	Participatory sports events	Participatory sports events have strong appeal to participants who are willing to travel to take part in their sport. Such events are often a key motivator for travel to regions participants may not otherwise visit. Participatory sports events present an opportunity to create awareness of what the destination offers and encourage return visits.
	Quality over quantity and yield over volume	Boutique events and micro festivals are small, niche and tailored, and focus on high quality and exclusivity over volume and mass numbers. Examples include the use of 'hidden' or otherwise inaccessible locations, VIP experiences, and 'live like a local' experiences.
	Arts tourism	Domestic arts tourists are high value travellers who travel further, stay longer and spend more than domestic travellers overall, especially in regional Australia, when on overnight trips and travelling interstate. Domestic tourists are more likely to attend the arts than visit wineries or attend sports events; arts activities attract double the number of day-trips compared to organised sport events, and are more popular than markets, heritage sites, wineries, wildlife parks, zoos, aquariums, amusement parks and casinos, as well as national and state park visits for overnight visitors ⁵ .
	Agritourism	Demand for agritourism experiences is increasing. Consumers' growing desire to know where their food, drink and fibre comes from, and to experience a genuine connection with producers and regional Australia with hands-on immersive experiences means produce is becoming the travel souvenir of choice ⁶ .

³ Hybrid events here for a long time, CIM Business Events

⁴ The 2020 Event Trends Report, Eventbrite

⁵ Domestic Arts Tourism, Australia Council

⁶ NSW Food and Wine Tourism Strategy 2018–2022, Destination NSW

5. EAST GIPPSLAND SNAPSHOT

The shire



- 47,316 residents⁷
- 83% of the land is in public ownership, mainly as state forests, national and coastal parks, marine national parks
- 3–6 hours to Melbourne (3 hours from Bairnsdale, 6 hours from Mallacoota); 4 hours from Mallacoota to Canberra or 7 hours to Batemans Bay, NSW



The brand

- A diverse region that welcomes you into a sanctuary ripe with natural abundance and adventurous possibility
- Nature is the anchor, unique proposition and backdrop for events
- Free spirited and adventurous



The visitors

- Attracts 1.6 million visitors⁸
- 97% of visitors are domestic
- 51% are domestic overnight visitors
- 46% are domestic day trippers
- 56% are visiting for a holiday
- 25% are visiting friends and relatives⁹
- \$335 is the average spend per trip by domestic overnight visitors (based on a three-night stay)
- \$93 is the average spend by day trippers¹⁰



Competitive strengths

- Nature-based and experiential tourism, outdoor adventure activities – mountain biking, hiking, cycling, trail running, white water rafting, 4WD, camping, fishing
- Gippsland Lakes, the largest inland lakes in Australia
- Water-based activity – lakes, coast, ocean, Snowy River, 90 Mile Beach
- Remoteness, sense of escape from the city
- Wine and food, produce and seafood (abalone and sea urchins are unique to area)
- Upcoming ecotourism destination status



⁷ Profile id, 30 June 2019

⁸ Year-end December 2019, Tourism Research Australia

⁹ Ibid

¹⁰ LG Profile, 2018

6. EVENTS PROFILE

Our events

East Gippsland Shire Council currently issues over 200 event permits annually and supports 43 tourism events¹¹ each year (excluding markets and smaller community and civic events).

43 tourism events

62.5% sports

35% food, arts/culture, agricultural

2.5% business

Eleven of these events are external events that are not guaranteed for future years. Home-grown events are organised largely by local community organisations and passionate individuals. Business events are a growing focus for East Gippsland.

A clear focus and direction on event sponsorship allocation is needed for East Gippsland to realise its full potential and ensure resource efficiencies. A contemporary, balanced events portfolio that leverages East Gippsland's local produce and natural and built assets will competitively present East Gippsland as an event destination in Victoria. Events need to align with and bring to life the regional brand to drive distinctiveness from other destinations.

A growing reputation for seafood, wine, fishing and adventure sports provide a basis for the development and growth of events unique to the destination. Shaping and growing these events with a focus on increasing their sustainability, building the East Gippsland brand, and maximising economic and social outcomes is vital to ensure they achieve their full potential and enhance the Shire's competitiveness.

Distinctly East Gippsland events	Regular events
<ul style="list-style-type: none"> Mallacoota Wild Harvest Seafood Festival Bruthen Blues and Arts Festival Buchan Rodeo Paynesville Classic Boat Rally Paynesville Music Festival Gippsland Lakes Paddle Challenge Lakes Entrance Beach Netball Feast on East @Metung East Gippsland Winter Festival Alpine Car Rally of East Gippsland Orbost Rodeo Omeo Rodeo Twin Rivers Bream Classic 	<ul style="list-style-type: none"> Fishing Adventure Rodeo Sport Car Rallies Business meetings¹²

¹¹ Number of events per audit content supplied by East Gippsland Shire Council staff

¹² A small but growing number of business meetings are being held in East Gippsland

Events and seasonality

East Gippsland has a solid mix of events in late summer and autumn. The existing calendar of events shows a gap in local home-grown events in winter and spring, and a reliance on securing external events.

Gaining a balanced and strategic calendar that drives regional dispersal and aligns with the

tourism seasons should always be the focus. It is important for events to be used to balance the peaks and troughs of visitation across the year to support the visitor economy, rather than work against it, such as not holding events at times when accommodation operators experience high occupancy.

January Alpine Classic PGA Bairnsdale Golf Club Pro-Am Hobie Kayak Bream Beach Netball Marlo Annual Woodchop Beach Netball	February Peaks Challenge Gippsland Bruthen Blues and Arts Festival Paynesville Music Festival Paynesville Classic Boat Rally Hobie Kayak Bream Vic Bream Classics	March Hinnomunjie Picnic Races Hooked on Lakes Marlay Point Overnight Yacht Race Opera by the Lakes Paynesville Gold Cup Hobie Kayak Bream Vic Bream Classics Super Flow MTB at Mt Taylor CLB 3x3 Basketball	April Wild Harvest Seafood Festival Festival of the Lakes Buchan Rodeo Omeo Rodeo East Gippsland Field Days Adventurethon
May Gippsland Lakes Paddle Challenge Victorian Broadbill Swordfish Competition	June Feast on East @ Metung East Gippsland Winter Festival	July East Gippsland Winter Festival Deep Winter Twin Rivers Bream Classic	August Vic Bream Classics
September Adventure Junkie X-marathon Australian Off-road Motorcycle Championships and Victorian Off-road Championships Snowy River Sprint Frostbite XL Gravel	October Great East Rail Trail Ride Golf Australia Women's Spring Tournament Tour of Gippsland	November Alpine Car Rally of East Gippsland Squash Vic Country Individual Championships Cattlemen 100 MTB Omeo	December Orbost Rodeo Lakes Entrance NYE Fireworks Vic Bream Classics



Off-peak visitation (May-August)



Potential external sport and business events that are not confirmed for the future calendar

Our event visitors

In the short term (the next one to two years), domestic visitors will be the region's primary focus, extending to international markets once international travel resumes post COVID-19. Domestic visitors are expected to remain the mainstay market for East Gippsland. The Shire's

location on the eastern edge of the state positions it to target southern NSW and the ACT as well as its traditional Melbourne and regional Victoria markets. The recommended target visitor markets for East Gippsland align with the Gippsland Destination Management Plan.



Sports participants and spectators

Those people fully committed to their competitive sport. They will travel from intrastate and interstate (and overseas) for an event or championship, across the year (based on sport code), during the week and on weekends.



Food and wine lovers

Domestic short break couples and singles with a real enthusiasm for food, wine and unique experiences. They tend to travel to the destination on weekends and will visit throughout the year.



Experience seekers

Short break couples and singles (intrastate, interstate and international), families (intraregional and intrastate) and local residents seeking a new and unique event experience either to participate in or watch. These are weekend visitors across the year and school holiday families.



Business event delegates

Primarily Victoria-based government departments and industry associations seeking to hold meetings, retreats and training in locations around the state to meet the needs of their stakeholders. May be day trips or overnight stays.



Visiting Friends and Relatives (VFR) and Older Tourers

These are visitors to East Gippsland that may not decide to visit because of an event, but may attend while they are here, extending expenditure in the community.

Event venues and accommodation

Business ¹³	Arts/culture	Sports ¹⁴	Accommodation ¹⁵
<ul style="list-style-type: none"> 15 small venues for small conferences and business even (<100 delegates) 10 venues for 100-200 delegates 5 venues for >200 delegates (limited onsite accommodation) 8 providers with accommodation 	<ul style="list-style-type: none"> Forge Creek Theatre (362 patrons) Nyerimilang Heritage Park (1,000 patrons) GLaWAC auditorium (80 patrons) Bairnsdale Art Gallery Orbost Exhibition Centre Outdoor/public sites and recreation reserves Public arts trail (under development) 	<ul style="list-style-type: none"> National level – lawn bowls State level – yachting, squash, tennis, AFL, cricket Planned WORLD Sport Facility – state level for netball, hockey and soccer MTB track parks: Mt Taylor, Colquhoun State Forest, Nowa Nowa and Omeo (under development) Ninety Mile Beach – beach games, surf lifesaving and surfing (Mallacoota and Lakes Tyers) Gippsland Lakes – kayaking, fishing, powerboats and yachting East Gippsland Rail Trail – Bairnsdale to Orbost with the Discovery Trail to Lakes Entrance Road cycling – previous Great Victorian Rail Trail, State and National events, Alpine Highway (High Country) Recreation reserves Motorsports Complex Bairnsdale Horse Racing Club 	<ul style="list-style-type: none"> 242 providers* 2,418+ beds 8+ resorts/hotels 20+ B&Bs 34 caravan/camping parks 45+ motels/cabins 65+ self-contained

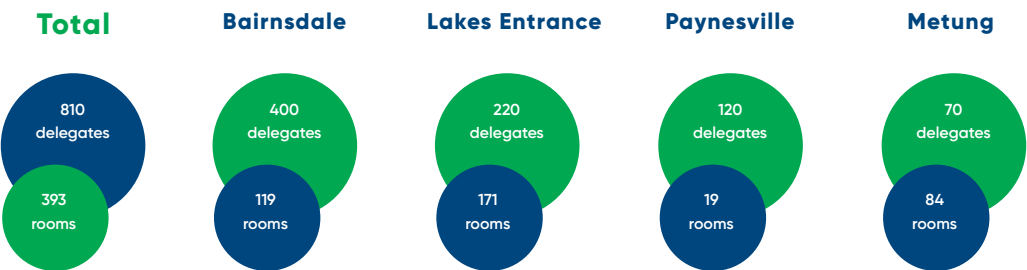
¹³ Indicative only as capacity is dependent on seating or function style set up and the total of combined breakout rooms

¹⁴ May not represent actual capability to host as based on analysis of venues and facilities by Sports Marketing Australia in 2013

¹⁵ This summary is indicative only. Not all accommodation properties provide information on their capacity and in some instances, only the number of rooms, under-representing the total number of beds. Airbnbs are not included separately due to time constraints in gathering this information.

Business events capacity

The eight venues across the Shire with onsite accommodation are clustered along the East Gippsland coast and their capacity ranges from 19 to just under 100 rooms. The following table illustrates the spread of these venues and their combined capacity in each location.



Based on venues with onsite accommodation capacity, East Gippsland is best positioned to host meetings of 50-70 delegates.

Of the largest venues with accommodation, Lakes Entrance has a venue with capacity for 200 delegates (75 rooms), and in Bairnsdale one venue

has capacity for 200 delegates (47 rooms), and a second has capacity for 120 delegates (50 rooms). Paynesville's largest venue has capacity for 90 delegates (19 rooms). Other venues have capacity for smaller groups.



7. GAPS ANALYSIS

Strengths	Gaps	Potential impacts
<ul style="list-style-type: none"> • Quirky food events based on region's strengths • Sporting events attract visitors to area who wouldn't necessarily come otherwise and encourage them to return for leisure • Wilderness areas, diverse scenery and terrain are attractive for road cycling, mountain biking (downhill, enduro and social rides), and trail running • Post-bushfire business pledges put the spotlight on East Gippsland for business events • Investment in sporting infrastructure • Council events team available to guide event organisers through regulatory requirements • Event grant program for regional and community events • Dedicated resources to promote region 	<ul style="list-style-type: none"> • Events attracting visitors from broader region, Melbourne and interstate • Indigenous cultural experiences as event experiences • Off-peak and shoulder season events (May-August) • Signature home-grown events to position region • Growing existing events and building capacity of local event organisers • Strategic planning for growth of existing signature events • Complicated event planning guide • Robust visitor data collection and Return on Investment (ROI) measurement • Community and businesses not aware of value of events, and therefore lack appreciation • Collaboration and collaborative marketing across small individual events • Coordination and packaging of events to encourage greater overnight stays and spend • Accommodation range, including eco and 5 star anchor hotel • Fit for purpose business event facilities • Service culture 	<ul style="list-style-type: none"> • Insufficient accommodation to attract multi-day events • Inconsistent service experience • High investment in events with limited return • Events not leveraged for maximum economic and social benefit • High turnover in event committees • Resource allocation decisions not focused on outcomes for region • Events fail to support the building of the East Gippsland brand and appeal • Venues and public spaces developed without consideration for events results in missed opportunities

8. LOOKING FORWARD

Our vision

East Gippsland events celebrate the destination and its location, and create compelling reasons to visit year round.

Our aspirations

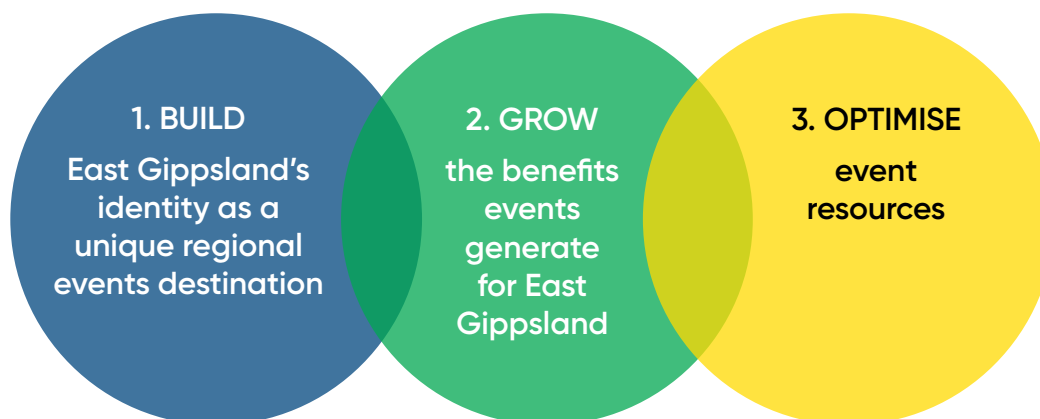
The aspirations of the Plan are to:

- Enhance the role events play in the economic and social wellbeing of communities across the Shire
- Increase awareness of the destination's brand and unique strengths
- Increase overnight visitation, dispersal and spend, particularly in the off-peak and shoulder periods
- Enhance the capability of local event organisers, committees and volunteers
- Ensure events support the stewardship of East Gippsland's natural environments
- Increase the sustainability of local events
- Ensure East Gippsland is a core component of the Gippsland Regional Events Strategy 2020-26



Our priorities

We will achieve the vision and aspirations through our focus on three priorities:



Strategies

A series of targeted strategies provide a robust framework for action, directing where attention and resources are required to deliver on the vision.

The Action Plan (see section 12 below) outlines how each of these strategies will be activated.

Priorities	1. Build East Gippsland's identity as a unique regional events destination	2. Grow the benefits events generate for East Gippsland	3. Optimise resources
Strategies	1.1 Support events that showcase East Gippsland's unique qualities, establish a clear point of difference, and resonate with target audiences	2.1 Increase the economic contribution to East Gippsland from events	3.1 Foster collaboration and coordinated effort in event planning, acquisition and marketing
	1.2 Develop a balanced and sustainable calendar of events	2.2 Maximise the impact of event marketing	3.2 Build local event capability
	1.3 Leverage attention gained from bushfire recovery activity to attract business events	2.3 Ensure EGSC's event sponsorship is achieving the maximum return on investment	3.3 Ensure infrastructure facilitates event growth and development
	1.4 Ensure East Gippsland is event-friendly	2.4 Foster responsible event management	3.4 Create the right internal environment

9. THE ROLE OF STAKEHOLDERS AND EGSC

This Plan reflects the thoughts and aspirations of key stakeholders in East Gippsland's events. Many of these will play a role in contributing expertise and resources towards delivery of the Plan's priorities.

These stakeholders include:

- EGSC staff and Councillors
- Local event organisations
- External event management companies
- East Gippsland Marketing Inc
- Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC)
- Chambers of Commerce and local business and tourism associations
- New regional events entity
- Destination Gippsland Ltd
- Tourism operators
- Sporting bodies and agents
- Visit Victoria
- Business Events Victoria
- Parks Victoria
- Gippsland Ports
- Department of Environment, Land, Water and Planning

In recent years, EGSC's events team has been extremely supportive of events in terms of both funding and operations. Looking ahead over the next five years, EGSC's role will become more strategic and targeted to grow the value of events to the Shire. This will require delineation of an events team focused solely on events which drive positive economic outcomes for the region, working closely with the new regional events entity and Destination Gippsland in developing and acquiring events.

Key roles of EGSC's tourism (economic development) events team

Leader – Provide leadership in event development, attraction and growth, ensuring that East Gippsland events have the capacity to grow and develop in a sustainable way.

Collaborator – Be the connector that brings together the towns and villages, event organisers, and tourism operators, and ensures collaboration, sharing of resources and joint contribution towards East Gippsland's vision and the broader regional vision for events in Gippsland.

Facilitator – Facilitate initiatives and activities that build the capacity of event organisers.

Coordinator – Encourage the coordination of event organisers, venues, and tourism operators to ensure East Gippsland is positioned to attract events, event timing minimises seasonality, and economic outcomes from event visitors are maximised.

"The success of any event is dependent on the collaboration and partnership of the many stakeholders involved."

10. THE RIGHT EVENTS FOR EAST GIPPSLAND

A balanced portfolio of events

A key area of focus of the Plan is to identify events that will deliver a maximum return on investment, and/or make a significant contribution to East Gippsland's brand and economy. The intention is to create a balanced portfolio of events across arts/culture/leisure, business and sport that will boost the visitor economy, and enhance the liveability of the Shire. By taking a portfolio approach, EGSC can readily understand the gaps in the events calendar, and opportunities for new event attraction and development.

The Plan is supported by a refreshed assessment framework to enable EGSC to proactively assess and determine the best-fit events for the region, how those events should be supported, and the outcomes desired from that assistance. Pragmatic and transparent, the framework includes recommended event categories for East Gippsland, and outlines the required resource allocation including funding for the acquisition and development of events.

The assessment framework will ensure that event resources are allocated adequately and strategically to attract, support and leverage events that deliver economic and social outcomes, and achieve the vision and objectives of the Plan.

The assessment framework aligns with the Gippsland Regional Events Strategy and the role of the new regional events entity in acquiring and developing regional and major events, and working with EGSC and the other Gippsland LGAs to maximise event outcomes. The framework identifies those events that should be handed to the regional events entity to acquire and develop, with EGSC collaborating to ensure direct value back to the Shire. These are the major and regional events that the collective strength of the regional events entity has the capacity to best leverage.



Event categories

The following event categories will form the balanced portfolio of events for East Gippsland, with the supporting assessment framework identifying how events are assessed and categorised.

Description	Attributes	Types of events*	Priority Sectors / Themes	Example Events
Major Events				
<p>Major events are part of the remit of the new regional events entity.</p> <p>These are events that help position the destination in the minds of travellers. They are typically external acquired events (but could be home-grown) that have a close connection to East Gippsland and showcase the strengths and USP of the Shire.</p> <p>These events should occur in shoulder and off-peak season and will often go over multiple LGA boundaries in the Gippsland region. They are events that East Gippsland alone would not have the resources or capacity to acquire or develop.</p>	<ul style="list-style-type: none"> Showcase and celebrate the USP and strengths of the Shire Support tourism targets by attracting intrastate and interstate overnight visitors Opportunity to attract international visitors Deliver measurable economic benefit across the region and state National and state media exposure Can be supported by state and federal funding Attract the attention of Visit Victoria, with inclusion in state event campaigns Managed by professional event organisers and a team of experts (local or external) Ability to facilitate community involvement in events/activities Add to the diversity of East Gippsland's event calendar Activate key infrastructure Involvement of and consultation with local businesses, artists and community groups Can be a one-off or recurring event Require a 1-2 year lead time for successful planning 	<p>Arts/Culture/Leisure events</p> <p>Sport and participation events</p>	<p>Themes aligned to brand pillars</p> <ul style="list-style-type: none"> Adventure Nature Waterways Food Provenance 	<ul style="list-style-type: none"> Gippsland Mountain Biking Festival Adventure Racing World Series or Championships State significant food event Indigenous Cultural Festival

Home-Grown Events				
<p>Home-grown events are within EGSC's remit.</p> <p>These are annual events of state or regional significance that provide variety and richness, and deliver value as destination marketing tools.</p> <p>These events add colour and vibrancy to the region, with a focus on shoulder and off-peak seasons.</p>	<ul style="list-style-type: none"> Showcase local cultural, community or lifestyle opportunities Attract intrastate and interstate visitors Deliver measurable economic benefit to the Shire State and regional media exposure Managed by a professional event organiser or volunteer committee Ability to facilitate community involvement in events/activities Adds to the diversity of the Shire's event calendar 	Arts/Culture/Leisure events	<p>Themes aligned to the local culture and lifestyle in the communities</p> <ul style="list-style-type: none"> Adventure Nature Waterways Food Provenance 	<ul style="list-style-type: none"> Wild Harvest Seafood Festival East Gippsland Winter Festival Paynesville Classic Boat Festival Paynesville Music Festival Bruthen Blues and Arts Festival Feast on East @ Metung Alpine Car Rally
External Events				
<p>These are events within EGSC's remit unless their size and impacts are equivalent to that of Major Events.</p> <p>These events fill the calendar year-round, with a focus on shoulder and off-peak seasons.</p>	<ul style="list-style-type: none"> Attract intrastate and interstate visitors Provide opportunity for mid-week visitation Deliver measurable economic benefit to the region State and regional media exposure Managed by a professional event organiser Ability to facilitate community involvement in events/activities Capacity to be an ongoing event Require 12 months' lead time for planning and acquisition 	Sporting events and participation events	<p>Aligned to sports facilities and sporting organisations and the local culture, producers and artisans in the communities</p> <ul style="list-style-type: none"> Sports championships (e.g. bowls, cricket, tennis, AFL, hockey, soccer, netball, squash) Participation sports (e.g. road cycling, trail running, mountain biking) On/in-water sports (e.g. fishing, yachting, super boats, surfing, surf lifesaving, kayaking, swimming) 	<ul style="list-style-type: none"> PGA Golf Pro Am Super Flow at Mt Taylor Squash Vic Country Individual Championships CLB3x3 Paynesville Basketball Tennis Victoria Junior Tour Event
		Arts/Culture/Leisure events	<ul style="list-style-type: none"> Touring art shows and theatre Literary and cultural festivals 	<ul style="list-style-type: none"> Australian Ballet Melbourne performance company shows
		Business Events	<p>Industry associations, government departments and corporate team building and incentives in the 50-70 delegate range</p> <p>In 3-5 years, there is potential to increase that to 200 if necessary accommodation is developed.</p>	<p>Agricultural sector team building</p> <p>Australian Forest Products Association seminar</p> <p>Australian Farmers Federation meetings</p> <p>Team building for corporates in Melbourne and Canberra</p>

*Types of events



Arts/Culture/Leisure Events

Arts, cultural and leisure events play an important role in forming and celebrating the identity of a destination and its community. Home-grown arts and cultural events in particular can establish or build a point of difference from other destinations compared with external events that are held in multiple locations.

Events such as Wild Harvest Seafood Festival are important in differentiating East Gippsland, increasing vibrancy and liveability, and strategically positioning East Gippsland in the minds of travellers similar to Port Fairy Folk Fest or Deni Ute Muster.

Cultural events give leisure visitors more reasons to travel to and stay in East Gippsland, and add value to business and sport event visitors either through additional activities or the energy they create in the region.

It is proposed that support is directed to home-grown arts/culture/leisure events to maximise the benefits the region can receive from them.

Sport and Participation Events

It is proposed that existing resources be tasked to focus on attracting sport and participation events to East Gippsland, and maximising benefits to the region from sports event attendees. This is due to the region's strength in sporting infrastructure and assets, including the waterways and Omeo mountain bike trails, sports events' ability to attract visitors year-round, and their potential for high yield.

Business Events

Business events can bring high-yield visitors year-round, and open up opportunities for return leisure visits. Although business event infrastructure and fit for purpose venues are currently limited in East Gippsland, the pledges made after the 2019/20 bushfires stimulated a keen interest amongst industry for this type of event. In consultation with Business Events Victoria, it was agreed that East Gippsland would target industry associations, government departments, and corporate team-building and incentives in the 50–70 delegate range. There will also be focus on building capability and skills amongst local operators interested in attracting the business event market. In 3–5 years, there is potential to increase delegate numbers to 200 if required accommodation is developed.



11. EVENT SPONSORSHIP PROGRAM

Fundamental to the Plan's activation is a refreshed event sponsorship program focused on targeted investment to achieve improved event outcomes for East Gippsland and a healthy ROI for EGSC. Event sponsorship will be aimed at the strategic acquisition of events, and nurturing those home-grown events with the potential to become significant destination events for East Gippsland. It will replace the existing Regional and District Event Sponsorship (RADES) program.

The event sponsorship program will comprise of three streams of event sponsorship to ensure a fair and transparent allocation of funds. The program's funds will include EGSC's investment into the new regional events entity's Regional and Major Events Fund. This investment will enable EGSC to leverage regional activity to significantly enhance event outcomes for East Gippsland.

Local events that deliver social outcomes for local communities will continue to be funded through Council's existing Community Grants Program.

1. Pathway to Growth Program (Home-grown events development)

The aim of this program is to support a small number of home-grown events over a three year period with cash and capacity building to help them to elevate their event and ensure long term sustainability and viability.

This program offers an additional capacity-building opportunity beyond the planned region-wide Event School initiative of the new regional events entity. Both programs are focused on building the sustainability and viability of home-grown events. They differ according to their inclusions, with the EGSC program providing a customised support package.

An allocation of \$80,000 or 50% of the budget is recommended, with a minimum of \$20,000 per event assigned to four different events per year as part of a multi-year agreement.

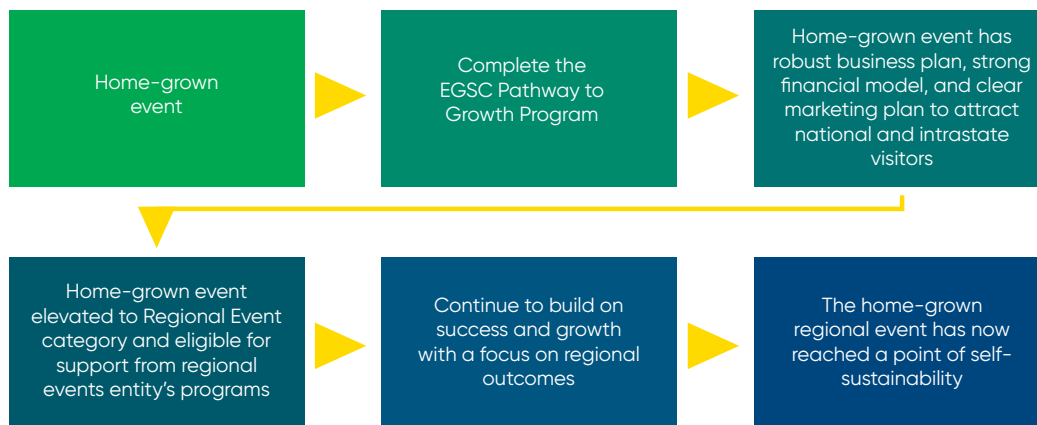
The goal will be to partner with the new regional events entity to lobby state government (Regional Arts Victoria, Regional Development Victoria, Visit Victoria, etc) to at

least double the \$20,000 to each of these home-grown events.

The support package can include a paid coordinator and/or paid professionals to assist with aspects of event delivery. For example, an event may want to use this funding to engage a marketing expert to manage marketing and sponsorship, or someone to manage risk/compliance and administration, or a creative director to help develop the event experience.

To be eligible for this support, events will need to have an existing business plan in place, and support will be linked to KPIs that will be reviewed annually and upon funding acquittal.

The following diagram illustrates the pathway for events undertaking this program to becoming regional events.



2. External Events Fund

An allocation of \$20,000 or 15% of the total budget is recommended to go towards state and regional championships, regional sport and participation events, and arts/culture/leisure and business events, working with external bodies and partners to acquire the best fit events to fill gaps in the calendar.

These funds will be matched with the new Events Gippsland Regional and Major Events Fund as appropriate.

3. Regional and Major Events Fund

By contributing to a regional funding pool under the new regional events entity model, EGSC has the potential to attract major and regional events to the Shire. A \$50,000 allocation (or 35% of Council's event sponsorship budget) to this regional events fund will allow East Gippsland to gain a return that they would not be able to achieve independently.

A service level agreement will be established with the regional entity, clearly outlining the expected return and value expectations from East Gippsland. For example, to acquire the Adventure Racing World Series with at least 50% of the event held in East Gippsland, and develop a mountain biking event series that connects East Gippsland trails with other Gippsland trails.

Measurement of return

Further to applying KPIs to support the assessment of events, it is important that all tourism events supported by EGSC undergo a consistent measurement of success using the following formulas. This will help EGSC determine the return on investment for their event support and help benchmark for future funding rounds.

Return on investment: $\text{Visitor nights} \times \text{average visitor spend (NVS}^{16}) / \text{Total grant value} = X:1$

Cost per visitor: $\text{Total annual grant value} / \text{Total annual event visitation} = \$X \text{ cost per event visitor}$

¹⁶ Using National Visitor Survey data

12. ACTION PLAN

This Action Plan outlines the strategies and associated actions to be realised over the next five years to set the foundations for achieving the vision and objectives for East Gippsland as a competitive events destination.

Actions will be implemented over the following time frames:

- **Short-term** – within one year (2021-2022)
- **Medium-term** – between two to four years (2022-2025)
- **Long-term** – in five years or more (2025 and beyond)
- **Ongoing actions** will be implemented between 2021 and 2026

1. BUILD East Gippsland's identity as a unique regional events destination

EGSC will encourage and support home-grown events that forge an identity based on the Shire's natural and built assets, and enhance its competitiveness as a tourism destination and as a vibrant, innovative and thriving community. These will include sports, business and arts/culture/leisure events that utilise and celebrate the natural wilderness, lakes, rivers and coastal areas, activate open and public spaces, and personify the destination brand for visitors and local communities.

Support for home-grown events can deliver multiple benefits, including building local skill levels, encouraging innovation and resilience in the community, increasing jobs in tourism and events, and growing East Gippsland's reputation for delivering high quality events. Strategic guidance of events that align with the brand and have potential to grow will enable East Gippsland to accelerate the development of home-grown events that provide a strong point of difference for the destination. Targeted support is proposed because home-grown events can take up to three years to build profile in their target markets and build visitor numbers.

Continual investment is occurring in sports and recreation infrastructure to improve facilities and

quality of experience. Sports events are important in drawing participants and spectators across the year and creating awareness of what the destination offers. A growing network of mountain bike trails supports East Gippsland's positioning as an adventure tourism destination, and will enable the Shire to attract state, national and international level mountain bike events, particularly when linked with trails across Gippsland.

Attracting and encouraging events over the winter and shoulder seasons and their dispersal continue to be important in supporting a thriving visitor economy. Business events provide an opportunity for the Shire across the year, leveraging the attention gained through the bushfires.

Ensuring the Shire is regarded as event-friendly is an important element in attracting external events. Organisers consider the support and facilitation local government offers when deciding where to host events. Streamlined processes for navigating event compliance across different EGSC departments and other regulatory agencies will also support local volunteer event committees. A 'one-stop-shop' online events portal and a clear point of contact for leisure, business and sporting events will assist event organisers and EGSC officers, and enhance resource efficiencies.



Potential Gippsland Mountain Bike Festival

Name: STOMP

Date: May

Duration: 3-4 days

Location: East Gippsland, Baw Baw and Wellington

Gippsland is a world-class natural sanctuary, providing opportunity for world class events around nature, outdoors and adventure.

Existing mountain bike trails in Baw Baw and Wellington along with the newly developed trails in East Gippsland present an exciting opportunity to develop a home-grown mountain bike festival that links these trails and appeals to all levels of expertise, especially families and non-competitive riders. Working with local mountain bike clubs and expert event producers, this festival will offer a competitive element along with supporting events and activities that appeal to the general public.

Key success factors:

- Liaise with local mountain bike clubs to establish their preferences for an event and to ensure they are engaged throughout the development and planning stages
- Work with each LGA to offer their own unique experience, i.e. competition, entertainment, food/beverage, and link it all together through a high quality curated program

- Work with a corporate partner for sponsorship of the event to establish a strong prize pool
- Investigate the viability of a mountain biking 'celebrity' as a face of the event to help with publicity
- Develop a robust business plan and financial model to ensure long term viability
- Secure strong state, regional, industry and community support
- Carefully consider the event timing to combine fine weather with filling a gap in the regional calendar of events
- Secure state government support to engage a professional event producer to execute event delivery
- Secure support from the three LGAs and landowners to assist with event operations and compliance matters

Forecasted visitor numbers: 500+ riders, support crew, spectators

Benchmark events:

[Cannonball MTB Festival](#), Thredbo

[Crankworx](#), Whistler

Estimated investment required: \$150,000 per annum

Actions		Time frame	Responsibility	Estimated investment
Strategy	1.1 Support events that showcase East Gippsland's unique qualities, establish a clear point of difference, and resonate with target audiences			
1.1.1	Home-grown event development Invest in four home-grown events, with professional expertise provided over three years to work with existing events with potential for growth, to curate unique events that build the East Gippsland brand and maximise economic and social outcomes. Events to consider (some could be combined): <ul style="list-style-type: none"> • Wild Harvest Seafood Festival • East Gippsland Winter Festival • Paynesville Classic Boat Festival • Paynesville Music Festival • Bruthen Blues and Arts Festival • Feast on East @ Metung • Buchan Rodeo • Gippsland Lakes Paddle Challenge 	2021 – 2024	Lead: EGSC Partners: DGL, VV	\$80,000/year
1.1.2	Major adventure events acquisition Work with the new regional events entity to attract the Adventure Racing World Series as an anchor event for the Shire.	Ongoing	Lead: EGSC Partners: DGL, SMA, VV	\$25,000/year over a multi-year agreement (part of the \$50,000 contribution to the Regional & Major Events Fund) (Total required of \$100,000 with \$25,000 contribution from EGSC, \$25,000 from DGL and \$50,000 from State Government)
1.1.3	Develop a Gippsland mountain bike event Work with neighbouring LGAs and the new regional events entity to develop a multi-destination mountain bike event that complements East Gippsland's own mountain bike event. (As per Potential Gippsland Mountain Bike Festival described earlier.)	2021-2022	Lead: EGSC Partners: LGAs, mountain bike clubs	\$25,000, with contributions from partner LGAs and state government (Estimated total investment of \$150,000)
1.1.4	Acquire external events Proactively acquire external events that will fill gaps across the calendar, as per the assessment framework. <ul style="list-style-type: none"> • Aim to secure multi-year agreements to maximise outcomes and ensure resource efficiencies. 	Ongoing	Lead: EGSC Partners: event organisers, sporting agents and clubs	\$20,000, with the opportunity to leverage the Regional & Major Events Fund to support acquisitions
1.1.5	Enhance cultural awareness and integration Work with GLaWAC to develop a guide for event organisers on how local Indigenous culture can be incorporated into events.	2021-2022	Lead: EGSC Partners: GLaWAC	Within existing resources

ACRONYMS USED:

BEV	Business Events Victoria	GLaWAC	Gunaikurnai Land and Waters Aboriginal Corporation
DGL	Destination Gippsland Ltd	LGA	Local Government Authority
DELWP	Department of Environment, Land, Water and Planning	SMA	Sports Marketing Australia
EGMi	East Gippsland Marketing Incorporated	VV	Visit Victoria
EGSC	East Gippsland Shire Council		

Strategy	1.2 Develop a balanced and sustainable calendar of events			
1.2.1	Balanced events portfolio Establish and maintain a balanced events portfolio encompassing arts/ culture, music, food/produce/wine, sports, recreation and business. <ul style="list-style-type: none"> Support events based on the assessment framework. 	Ongoing	Lead: EGSC	Within event funding program
1.2.2	Event bundling Bundle participatory events to extend reach and appeal such as combining relevant fishing events to create an East Gippsland fishing festival.	Ongoing	Lead: External marketing partner Partners: DGL, event organisers	Within operational budget
1.2.3	Off-peak events Actively encourage event organisers to host events out of peak season where appropriate. <ul style="list-style-type: none"> Preference given to off-peak events in event funding assessment. 	Ongoing	Lead: EGSC	Within event funding program
Strategy	1.3 Leverage attention gained from bushfire recovery activity to attract business events			
1.3.1	Strategic partnerships Establish strategic partnerships to proactively promote East Gippsland to the business events market, including: <ul style="list-style-type: none"> Work with Business Events Victoria and the new regional events entity in the development of business event bids. Work with TAFE Gippsland and local industry sectors to attract conferences and business meetings in their specific areas of expertise. 	Ongoing	Lead: EGSC Partners: New regional events entity, BEV, TAFE Gippsland, local industry sectors	Within existing resources
1.3.2	Single point of contact and coordination Establish a single contact to respond to business event enquiries, coordinate on-ground requirements, and work with Business Events Victoria in attracting events.	2021	Lead: EGSC Partners: BEV, local venues, external marketing partner	Human resource requirement/ Within existing resources
1.3.3	Capability building Work with Business Events Victoria to build local businesses knowledge of the business events sector and the capability to develop their businesses and experiences to meet needs. <ul style="list-style-type: none"> Explore mentoring arrangements to provide this support. 	Ongoing	Lead: EGSC Business events coordinator role Partners: BEV, regional events entity	Within existing resources
1.3.4	Trade marketing Develop collateral to enable East Gippsland to support regional participation at Asia Pacific Incentives and Meetings Event (AIME).	Ongoing	Lead: External marketing partner Partners: New regional events entity, BEV, VV	Within existing resources
1.3.5	Business events portal Maintain a business events portal within the Visit East Gippsland website that presents the destination as attractive for business events, and brings together the small venues and boutique offerings into a convenient one stop shop to support conference/meeting organisers in sourcing and booking facilities and activities.	2021/Ongoing	Lead: EGSC Partners: External marketing partner	Within existing resources

Strategy	1.4 Ensure East Gippsland is event-friendly			
1.4.1	Events Guide Review and update the existing events planning guide, rationalising content to provide a succinct, straightforward, step-by-step process for event organisers. The guide should include: <ul style="list-style-type: none"> • Flow chart and step-by-step application process, including key milestones and trigger points for specific requirements • Event application form • Roles and responsibilities of approval agencies. 	2021	Lead: EGSC	Within existing resources
1.4.2	Event liaison Continue to deliver a one-stop-shop, event liaison service, offering a single point of contact for event organisers. <ul style="list-style-type: none"> • Event liaison officer to direct community and tourism event enquiries to their respective teams. • Service to be focused on streamlining the regulatory process and access to funding and resources, and providing guidance on event timing and development. 	Ongoing	Lead: EGSC	Within existing resources
1.4.3	Pre-approved event sites Pre-approve the identified event precincts for specified 'fit for purpose' events to streamline the approvals process and give certainty to event organisers. (See Action 3.3.1 for potential sites) <ul style="list-style-type: none"> • Incorporate the pre-approved sites within the regional event infrastructure master plan activity (regional events entity). • Communicate pre-approved sites to event organisers and use this information to support event acquisition bids. 	2021/Ongoing	Lead: EGSC Partners: New regional events entity	Within existing resources
1.4.4	Interagency events committee Establish an interagency events committee that meets: <ul style="list-style-type: none"> • quarterly to proactively plan for events, identifying what is required to host and attract events and foster a culture of 'event-enabling' • at additional times as required to discuss and process event applications. The group is to have representation from decision-makers in all areas involved in holding events on public land and public roads, including planning, transport, parks and recreation, sustainability, and utilities. External regulatory bodies will also be involved to ensure there is complete awareness and transparency on events being processed and approved. (Ballina Shire Council's Regulatory Services Group provides a potential model that can be explored as a benchmark.)	2021/Ongoing	Lead: EGSC	Within event funding program

1.5.5	<p>Online resources</p> <p>Provide a dedicated resource centre for event organisers (on the EGSC website), linking with and leveraging content on the regional Event Resources Hub. Content to be provided includes:</p> <ul style="list-style-type: none"> • Events Policy • Templates for Traffic Management, Waste, Sustainability and Accessibility • List of fit for purpose sites, and the type of events that have pre-approval in those precincts • Database of events infrastructure/venues and their supporting services • Links to upcoming training opportunities • Shop Local database (See Action 2.3.4) • Checklist with supporting resources to assist event organisers in maximising event outcomes e.g. meet with the events officers and the external marketing partner to discuss how to market your event; post event review processes • State Government's Future Proofing Community Sport and Recreation Facilities online guide and toolkit • Equipment database (See Action 3.3.6) • Volunteering database (See Action 3.2.4) 	2021/Ongoing	Lead: EGSC Partners: New regional events entity	Within existing resources
1.5.6	<p>Assessment framework</p> <p>Implement the proposed assessment framework to simplify and support the approval process for tourism/economic events.</p> <p>Key elements include:</p> <ul style="list-style-type: none"> • Update application process and relevant documentation. • Communicate the new framework and processes to industry and the different pathways for tourism/economic and local community events. 	2021/Ongoing	Lead: EGSC	Within existing resources
1.5.7	<ul style="list-style-type: none"> • Actively change perceptions around permitting times • Promote and showcase the fact that EGSC have reduced the event permitting process timeframe from over 100 days down to less than 30. Add details to the website and notify event promoters and stakeholders like SMA and DGL of this major improvement. 	2021/Ongoing	Lead: EGSC	Within existing resources

2. GROW the benefits events generate for East Gippsland

Event visitor spend will be increased through promotional activity that creates awareness of what is on offer and inspires visitors to explore and spend beyond an event. Tourism has an important role in content generation for events to encourage visitors to stay longer. Shire-wide activation is key to leveraging events and enhancing the visitor experience. Engagement and involvement of the Shire's towns and villages and sectors such as hospitality, retail, accommodation and attractions through packaging and itinerary development will enable visitors to immerse themselves in what East Gippsland has to offer, and spread the benefits across the visitor economy.

A comprehensive events calendar will support event organisers and local businesses in their cross promotion, marketing and forward planning, and creates awareness amongst local residents who are important advocates for encouraging visits from family and friends (the VFR market).

With a focus on a targeted investment approach, EGSC will optimise the value of sponsored events in the region, and build East Gippsland's competitive strengths and reputation for quality events.

A diverse calendar of events giving consideration to timing, type of event and location will spread benefit as widely as possible across the Shire and the calendar year, and balance short-term economic return and longer-term destination benefits. Measurement mechanisms that allow transparency in understanding the results of events are needed to assist EGSC in monitoring and measuring event impacts. There is an opportunity to leverage the new regional events entity's development of a standardised data collection and measurement methodology for events. This will address the current lack of baseline data for measuring event outcomes.

Environmentally responsible, sustainable events are an important part of East Gippsland's values and aspirations. Building the Shire's reputation for responsible events will enhance EGSC's distinction as an Ecotourism Australia-certified ecotourism destination once achieved.

Actions		Time frame	Responsibility	Estimated Investment
Strategy	2.1. Increase the economic contribution to East Gippsland from events			
2.1.1	Package and bundle events Create multi-experience packaging of activities, itinerary ideas and special value deals around events to encourage overnight stays and dispersal across East Gippsland.	Ongoing	Lead: External marketing partner Partners: EGSC, tourism operators, local businesses	Within existing resources
2.1.2	Cross promote with other offerings Cross promote events with arts and cultural experiences and family-friendly activities to broaden appeal and awareness of destination offering, e.g. cycling/mountain biking or motorsport with food/wine and/or cultural activity.	Ongoing	Lead: External marketing partner Partners: EGSC, tourism operators	Within existing resources
2.1.3	Support businesses in cross promoting Provide event organisers and local businesses with information and tools to assist them in cross promoting and maximising the value from events.	2021/Ongoing	Lead: External marketing partner Partners: EGSC, event organisers, local businesses	Within existing resources

Strategy	2.2 Maximise the impact of event marketing			
2.2.1	Events calendar Create a comprehensive two-year (internal) events calendar for event organisers, local businesses and the community to support their marketing and forward planning.	2021/Ongoing	Lead: EGSC Partners: External marketing partner	Within existing resources
2.2.2	Leverage regional events calendar Link the forward planning calendar of events with the new regional events entity's regional calendar to leverage regional and state event activity.	Ongoing	Lead: External marketing partner Partners: New regional events entity	Within existing resources
2.2.3	Marketing campaigns Develop and implement seasonal event and annual event-specific marketing campaigns (including social media and media releases) in conjunction with relevant stakeholders to promote events to local residents and visitors, build local event advocates, and encourage positive word of mouth promotion to VFR.	Ongoing	Lead: External marketing partner Partners: Event organisers, local businesses, DGL, EGSC	As part of service agreement with external marketing partner, and business sponsorships
2.2.4	Align with the brand and natural assets Encourage new events and associated product and experience opportunities that are consistent with the brand pillars (e.g. mountain biking and Indigenous events and events which activate and showcase the Gippsland Lakes)	Ongoing	Lead: External marketing partner Partners: EGSC	Within existing resources
2.2.5	Joint marketing Work with Destination Gippsland Ltd in planning and executing marketing activity to build profile and awareness amongst target external event promoters.	Ongoing	Lead: External marketing partner Partners: DGL	Within existing resources
2.2.6	External marketing partner service agreement Include within the service agreement with the outsourced marketing provider: <ul style="list-style-type: none"> • Event marketing and leverage to showcase the destination and its experiences (including Action 2.2.3). • Providing guidance to event organisers in their development of event marketing plans and campaigns. 	2021	Lead: EGSC Partners: External marketing partner	Within existing resources
2.2.7	Cross promotion across boundaries Work with neighbouring destinations, including cross border, in cross promotion of events, and development of event packages to increase offering and length of stay, including complementary events such as the Apollo Bay Seafood Festival.	Ongoing	Lead: External marketing partner Partners: Other destination tourism organisations, event organisers, DGL	Within existing resources
2.2.8	Develop event-based destination campaigns Use events in destination marketing campaigns to give visitors, especially overnight visitors, a compelling reason to visit, with a focus on shoulder and off-peak season events.	Ongoing	Lead: External marketing partner Partners: EGSC	Within existing resources
2.2.9	Database reach Require event organisers to list their event on the Australian Tourism Data Warehouse as part of the assessment criteria for event support.	2021/Ongoing	Lead: EGSC	Within existing resources

Strategy	2.3 Ensure EGSC's event sponsorship is achieving the maximum return on investment			
2.3.1	Event development and acquisition funds Maintain a competitive budget for events development, acquisition and leveraging to support a balanced portfolio of events across the year.	2021/Ongoing	Lead: EGSC	\$150,000/annum will be required to deliver on this Strategy
2.3.2	Assessment tool Implement the proposed event funding assessment tool to focus EGSC funding on achieving desired outcomes, with a robust measurement framework for ROI. Collaborate with DG and neighbouring Councils to look at developing a region wide assessment tool software program that can be used by all Councils for regional and home grown events, and by DG for acquisition of regional and major events.	2021	Lead: EGSC	Within existing resources
2.3.3	Develop data collection systems and processes Work with the new regional events entity in creating a standard survey tool. <ul style="list-style-type: none"> Require all EGSC funded events to implement attendee surveys and provide EGSC with survey results to provide an understanding of ROI and other event impacts. 	2021-2022/Ongoing	Lead: EGSC Partners: New regional events entity	Within existing resources
2.3.4	Promote 'Shop Local' Develop a database of local suppliers for use by event organisers and the business community. <ul style="list-style-type: none"> Include the use of local suppliers, or a demonstrated effort to source local, as part of the competitive bid process in the event funding assessment criteria. Advocate to external event organisers the benefits of utilising local suppliers. 	2021/Ongoing	Lead: EGSC	Within existing resources
Strategy	2.4 Foster responsible event management			
2.4.1	Sustainable events Identify opportunities to integrate 'ISO 20121: Sustainable Events' into home-grown events and encourage the use of this standard by independent event organisers holding events in the region.	2021-2024 and Ongoing	Lead: EGSC	Within existing resources
2.4.2	Environmental management resources Develop and include in the online event resources: <ul style="list-style-type: none"> Checklist of things all events must do to be sustainable and responsible. Environmental policy template for event organisers to support their funding assessment application process. Guidelines to support and align with East Gippsland's eco-destination accreditation. Information on climate- and environmentally-friendly options for recyclables and disposable goods and promotional products. The State Government's Future Proofing Community Sport and Recreation Facilities online guide and toolkit. 	2021	Lead: EGSC	Within existing resources
2.4.3	Best practice Ensure EGSC-produced events demonstrate best practice in environmental management.	Ongoing	Lead: EGSC	Within existing resources
2.4.4	Accessible events and venues Encourage and educate event organisers and event venues on accessibility and the need to consider 'access for all' in planning events and designing/refurbishing venues.	2021/ongoing	Lead: EGSC	Within existing resources

3. OPTIMISE event resources

This priority is very much about ensuring the necessary elements are in place for the successful implementation of this Plan.

A collaborative approach by EGSC (and across EGSC's departments) and events, tourism, regional and state partners is a cornerstone of the Plan. A coordinated approach with the new regional events entity and the LGAs in the broader Gippsland region will encourage leveraging of event activities, cross promotion, and opportunities to pool resources such as volunteers, event equipment and training programs. A region-wide commitment to a quality service culture is also important for East Gippsland, particularly when visitors are travelling across other Gippsland shires to reach the destination.

The commitment and passion of event organisers and volunteers are drivers of event success. Developing skills and sustaining enthusiasm, particularly amongst volunteer-driven events, will ensure East Gippsland

delivers quality events all year round. The focus will be on developing and evolving events over time to keep the offer compelling for target markets and grow financially sustainable events.

To ensure event infrastructure is effectively used across the year requires understanding of the Shire's event precincts, their current infrastructure capacity, and any short falls to support event delivery, and then joint planning by EGSC and stakeholders. Attraction of investment in accommodation will be needed to support event development and growth. In the absence of purpose-built venues that combine accommodation and conference facilities, coordination is vital to bring together the different elements into a seamless and attractive proposition for event organisers.

To successfully develop and attract events, EGSC needs to adequately resource its role in events that drive tourism and economic outcomes, with a clear allocation of roles distinct from community and civic event activity.

Actions	Time frame	Responsibility	Estimated investment
Strategy	3.1. Foster collaboration and coordinated effort in event planning, acquisition and marketing		
3.1.1	Partnering with the new regional events entity Collaborate and partner with the new regional events entity in the delivery of the Regional Events Strategy, leveraging resources and skills to support the successful activation of East Gippsland Event Growth Action Plan.	Ongoing Lead: EGSC Partner: New regional events entity	Within existing resources
3.1.2	Coordinated regional funding for sports events Support a coordinated, regional funding arrangement with the regional events entity brokering the acquisition of events that will deliver regional benefits with sports event bodies/sports agents, with EGSC working directly with the sporting bodies/agents/clubs as relevant for events with only local impacts.	2021/Ongoing Lead: New regional events entity Partners: EGSC, sports event bodies/sports agents, event organisers	As per event funding program
3.1.3	Event Officers network Connect EGSC with other event officers across the Gippsland region into a formalised network to enhance collaboration and sharing of information and tools to improve efficiencies.	2021/Ongoing Lead: New regional events entity Partners: Gippsland LGAs	Within existing resources
3.1.4	Networking Encourage networking and coordination by event venues and organisers interested in and with capacity to grow business events to East Gippsland.	2021/Ongoing Lead: EGSC Partners: Event organisers, venues	Within existing resources

Strategy	3.2 Build local event capability			
3.2.1	Pathway to Growth Program Support the home-grown events as per Priority 1 with a Pathway to Growth Program incorporating access to a paid coordinator or professional event curation, and a marketing support package with an external marketing provider to help local event committees realise the full potential of their events. <ul style="list-style-type: none"> Eligibility requirements to include an existing business plan in place for each event. Support is to be linked to KPIs that are reviewed annually. 	2021-2024	Lead: EGSC Partners: Event organisers, external marketing provider	\$80,000 (\$20,000 to go to four different events (each) per year) Work with the new regional events entity to source funding to at least double the \$20,000 to each of the four destination events from Regional Arts Victoria, Regional Development Victoria and Visit Victoria
3.2.2	Information resources Create user-friendly templates and information to help event organisers/committees meet event planning requirements and build an operating blueprint that remains when volunteers change. Distribute these through the online events portal.	2021/Ongoing	Lead: EGSC	Within existing resources
3.2.3	Event School Facilitate one event per year to participate in a regional Event School program offered to home-grown events with the potential to become significant regional events.	2021	Lead: New regional events entity Partners: EGSC and other Gippsland LGAs	Within budget of new regional events entity
3.2.4	Volunteer pool Support the new regional event entity's plans to develop a shared volunteer pool and coordinate volunteer training.	2021/Ongoing	Lead: New regional events entity Partners: EGSC	Within existing resources
3.2.5	Training Leverage existing volunteer training providers to deliver training to build skills (e.g. the Neighbourhood House Network, TAFE). Continue to deliver an annual event organiser workshop and/or online on-demand training program to improve event management and marketing skills.	2021/Ongoing	Lead: EGSC Partners: DGL	Workshop delivery (online content as part of Action 3.2.6)
3.2.6	Ambassador program Work with DGL to roll out a My East Gippsland Ambassador program that provides online training modules in customer service and destination knowledge and specific modules for event volunteers. <ul style="list-style-type: none"> Make the program freely available to local businesses, event organisers, schools and local residents. Incentivise event operators with preferential consideration for grants. 	2021-2022/Ongoing	Lead: EGSC Tourism Team Partners: DGL	\$15,000 (\$5,000 to reskin existing program, \$5,000- \$10,000 for content creation)

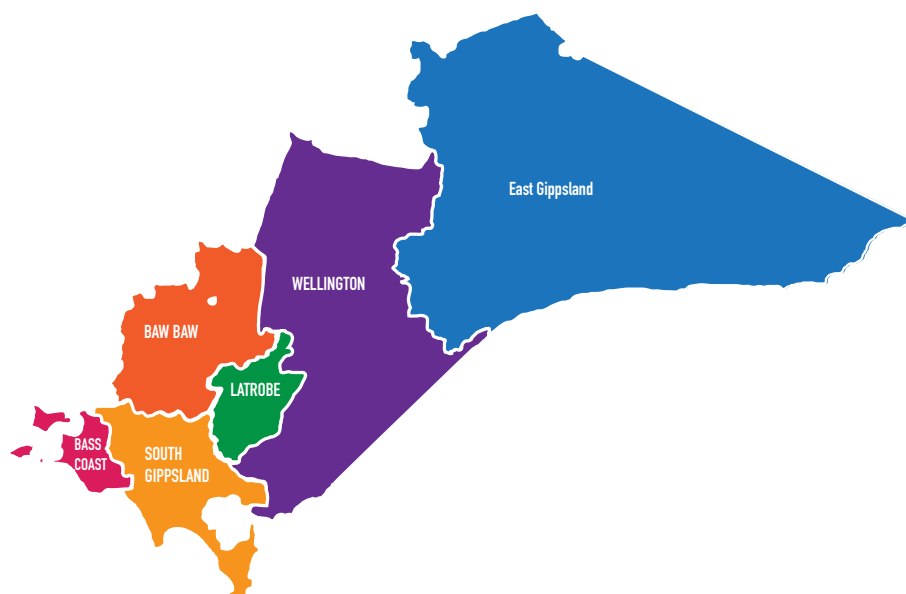
Strategy	3.3 Ensure infrastructure facilitates event growth and development			
3.3.1	<p>Identify and plan event-ready sites and facilities</p> <p>As part of the new regional events entity's events infrastructure master plan activity, audit event sites and infrastructure to identify sites to be developed into fit-for purpose event precincts, the target events for those sites, and those events' site requirements (access, power, lighting and water supply and space for temporary structures).</p> <ul style="list-style-type: none"> Work with local business and tourism associations and community groups in identifying the best fit sites and any required development to meet event needs. <p>Potential sites could include:</p> <ul style="list-style-type: none"> Lakes Entrance foreshore Nyerimilang Heritage Park Howitt Park Gilsenan Reserve Metung Village Green Orbost Forest Park Omeo Courthouse Garden Bruthen Main Street <p>(Target events on these sites will be given pre approval to streamline the application process.)</p>	2021	<p>Lead: EGSC</p> <p>Partners: New regional events entity, infrastructure owners, DELWP, business and tourism associations and community groups</p>	Within existing resources
3.3.2	<p>Infrastructure and asset readiness</p> <p>Complete an infrastructure and asset development plan for each EGSC-owned site and use to inform future infrastructure works.</p> <ul style="list-style-type: none"> Focus should start with the fit-for-purpose event precincts. In developing the plan, leverage the planned Regional Events Strategy infrastructure master plan to avoid duplication of effort and ensure consistency. 	2021-2022	Lead: EGSC	Within existing resources
3.3.3	<p>Joint planning</p> <p>Work with other land managers where potential sites are within their jurisdiction to plan event infrastructure and facility needs.</p>	Ongoing	<p>Lead: EGSC</p> <p>Partners: Land managers/owners</p>	Within existing resources
3.3.4	<p>Capacity and capability audit</p> <p>Review the findings of BEV's business event capacity and capability audit and expand on as needed to identify the current status and enhancements needed to meet business event host requirements such as technology, size and facilities.</p>	2021	<p>Lead: EGSC</p> <p>Partners: Event venues</p>	Within existing resources

3.3.5	Investment prospectus Create and pitch an investment prospectus, working with Destination Gippsland and Visit Victoria to attract eco-accommodation, wilderness lodge development, and temporary accommodation for events such as glamping and mobile tiny houses. <ul style="list-style-type: none"> Link with and draw on the findings of accommodation and supporting infrastructure master plan project of the new regional events entity in determining gaps and investment priorities. 	2022-2023	Lead: EGSC Partners: DGL, VV	\$20,000
3.3.6	Equipment booking Work with the regional events entity in establishing a regional online equipment booking system that incorporates loan equipment from all Gippsland LGAs. <ul style="list-style-type: none"> Develop a list of preferred local equipment hire suppliers across the region. 	2021/Ongoing	Lead: New regional events entity Partners: EGSC, other LGAs	Within existing resources
Strategy	3.4 Create the right internal environment			
3.4.1	Tourism events team Ensure the events team is adequately funded and resourced to deliver on the Events Plan. <ul style="list-style-type: none"> Introduce a clear delineation between community/civic event roles and those in tourism/economic events. 	Ongoing	Lead: EGSC	EGSC human resource budget allocation for tourism/economic events separate from community/civic events
3.4.2	Event partners Review the roles of the key partners for EGSC in promoting events to target markets and the local community (Visitor Information Centre, external event marketing partner/EGMi, Business & Tourism Associations), identifying where efficiencies can be achieved and coordination of activity.	2021/Ongoing	Lead: EGSC	Within existing resources

ATTACHMENT 1 – STAKEHOLDERS ENGAGED

STAKEHOLDERS	
EGSC	Cr John White (Mayor) Cr Dick Ellis Cr Joe Rettino Sharon Raguse Jeanette Seignior Toby Feldmann Wayne Richardson Kellie Lawler Marc Taylor Sascha Johnston Stuart McConnell Anne Kaiser
East Gippsland Marketing Inc	Hayley Hardy
Gippsland East LLEN	Jane Ponting
East Gippsland Mountain Bike Club and Kate Nelson Consulting	Kate Nelson
Seventy Events	Sue-Ellen Latham
C4 Impact	Nicola Watts
Bairnsdale Chamber of Commerce and Industry	Jamie Savory Megan Richards
Wild Harvest Seafood Festival	Jodie York
Albert & Co / Bellevue Hotel	Matt O'Donnell
Aboriginal Corporation (GLaWAC)	Alice Pepper
East Gippsland Economic Development Advisory Committee	Bob Carter Andrew Cruickshank
East Gippsland Art Gallery	Crystal Stubbs
Event organisers	Owen Polanski – East Gippsland Alpine Rally Emma Orgill – Far East Victoria Landcare Gabby Moore – Sailors Grave Brewing Andrea Ford – Gippsland Opera
Business & Tourism Associations	Martin Richardson & Angela Dunkley – Paynesville BTA Bruce Hurley – Lakes Entrance Action & Development Association Shane Kidd – Lakes Entrance Action & Development Association Garry Squires – Orbost Chamber of Commerce Maureen Webb – Omeo BTA Susie Bady – Cann River Community and VIC
Business event organisers/venues	Andrew Cardwell – Lakes Entrance Golf Club Sarah Carlisle – Venture Out Rachel Bromage – Riversleigh Hotel Gina – Bairnsdale Racing Club Committee Tamara Cook – Captains Cove
Visit Victoria	Monique George Chris White Paul Matthews Andrew Wilson
Parks Victoria	Will McCutcheon
Sports Marketing Australia	Jason Sleeman Amanda Millican

ATTACHMENT 2 – LGA PROFILE FOR EAST GIPPSLAND



Overview	<ul style="list-style-type: none"> Approximately 21,051 square kilometres and includes towns of Bairnsdale (the largest town and administrative centre), Paynesville, Lakes Entrance, Orbost and Mallacoota, Ensay, Swifts Creek, Omeo, and Buchan Bordered by New South Wales to the east and to the north, and bordered by Towong, Alpine and Wellington LGAs to the west Home to 47,316 residents¹⁷ Approximately 83% of the land is in public ownership, mainly as state forests, national and coastal parks, and marine national parks 4–6 hours to Melbourne (3 hours to Bairnsdale and 6 hours to Mallacoota); 4 hours from Mallacoota to Canberra, or 7 hours to Batemans Bay, NSW Gaining distinction as an Ecotourism Australia–certified Ecotourism Destination Major industries include agriculture, forestry, tourism and hospitality, fishing, timber, education, health care, food manufacturing and processing Above average older population The Shire's index of disadvantage (SEIFA) of 958 shows that the Shire is amongst the most disadvantaged in Victoria
Overview Council vision and aspirations	<p>Strategic Indicator 4.5. Tourism sector investment is sought in business capability, product development and experience to meet the changing needs of domestic and international markets</p> <p>Target: > 1.3 million total visitors per annum</p> <p>Target: > \$360 million tourism expenditure per annum</p> <p>Target: > 100 tourism events per annum¹⁸</p>
Current tourism events	<ul style="list-style-type: none"> Food: food and wine festivals and farmers markets Sports: cycling, motorsports, basketball, rodeo, golf, paddling Music/arts: music festivals and events (Bruthen Blues & Arts Festival, Paynesville Music Festival) Adventure: mountain biking, trail running, adventure sport, dirt bikes Boating/Fishing: classic boats, yachting and fishing Community with tourism appeal: markets, local festivals and agricultural show days

¹⁷ <https://profile.id.com.au/east-gippsland/population-estimate>

¹⁸ EGSC Council plan (revised version)

- Events venues and infrastructure
- Business events venues for up to 300 delegates (informal seating) and 100-200 (formal seating) but no onsite accommodation, through to smaller facilities with capacity for 100-200 delegates and up to 75 rooms (160 beds)
 - Sports facilities (national – bowls, state – yachting, squash, tennis, AFL, cricket)
 - Planned WORLD Sport Facility – state level for netball, hockey and soccer
 - Mountain bike track parks: Omeo (under development), Mt Taylor, Colquhoun State Forest and Nowa Nowa
 - Ninety Mile Beach – beach games, surf lifesaving and surfing
 - Gippsland Lakes – kayaking, fishing, powerboats and yachting
 - East Gippsland Rail Trail – Bairnsdale to Orbost with the Discovery Trail to Lakes Entrance
 - Road cycling – previous Great Victorian Rail Trail, State and National events, Alpine Highway (High Country)
 - Outdoor/public sites and recreation reserves provide good event spaces
 - Arts/culture – largest venues include Forge Creek Theatre (capacity 362 patrons), Nyerimilang Heritage Park (capacity 1,000 patrons)

Accommodation capacity	This summary is indicative only. Not all accommodation properties provided information on their capacity and in some instances, only the number of rooms, under-representing the total number of beds. Airbnbs are not included separately due to time constraints in gathering this information.	
	Accommodation type	Number of beds
	Resort	291 (+ 1 other resort without capacity noted)
	Motel/Hotel	1159 (+ 12 motels without capacity noted)
	B&B	89
	Caravan park/cabins	108 (total capacity across 33 caravan parks – sites plus cabins)
	Backpacker	5
	Glamping	Nil
	Self-contained	771 (+ 15 accommodation providers without capacity noted)
	School camp / campus / group accommodation	(not captured)
	TOTAL	2,418

Brand essence Positioning East Gippsland as “Free spirited and adventurous”
Wildness, remoteness and undeveloped nature of much of the Shire – unique areas to explore

Destination strengths and points of difference	<ul style="list-style-type: none"> • Inland lakes system and peaked coast – from mountain to coast • Gippsland Lakes – considered the largest navigable inland Lakes in Australia. Consist of three lakes – Wellington, Victoria and King • Nature-based and experiential tourism, outdoor adventure – mountain biking, hiking, cycling, trail running, white water rafting, 4WD, camping, fishing, kayaking, stand up paddle boarding • Remoteness, sense of escape from the city • Ecotourism destination status (in process of attaining) • Water-based activity – lakes, coast, ocean, Snowy River, Ninety Mile Beach • Wine, food, produce and seafood (abalone and sea urchins are unique to area) • Road touring • State/regional sports event infrastructure
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- Visitation
- 1,608,000 visitors¹⁹
 - Nearly all domestic travellers – 97.2%, with only 2.8% international overnight visitors even though region is on touring route from Melbourne to Sydney
 - Slightly more domestic overnight visitors – 51%, with 46% domestic day trips
 - 3 nights average length of stay for domestic overnight visitors
 - \$335 average spend per trip by domestic overnight visitors and \$93 by day trippers²⁰
 - Just over half (56%) visit for a ‘holiday’ and 25% are ‘visiting friends and relatives’²¹

Target visitor markets	<ul style="list-style-type: none"> • Short break couples and singles – intrastate and interstate • Families – within region and intrastate • Events – sports, arts/culture/music – intra-region, intrastate and interstate • Business – small to medium corporate groups – intra-region, intrastate and interstate (southern NSW and ACT) • Tourers/Grey Nomads (older couples) – intrastate and interstate
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19 Year-end December 2019, Tourism Research Australia
20 LG Profile, 2018
21 Ibid

Seasonality	<p>Visitation:</p> <p>Peak season: November–February.</p> <p>Off-peak season: May–August.</p> <p>Shoulder season: October, March, April.</p> <p>Event seasons: Events in calendar across the year except minimal activity in May and August</p>
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Recommended best fit events	<p>Based on destination strengths including natural assets, brand and infrastructure:</p> <ul style="list-style-type: none"> Multi-day seafood festival – scallops, sea urchin, fishing, etc (opportunity for this to be developed into Victoria's premier seafood festival) Link together similar events and package them as a series to create a coordinated calendar of activity e.g. fishing events Activation of the lakes through off-peak events that profile local assets such as an air show (linking with Wellington Shire Council and Latrobe City Council air shows), creative art/cultural event e.g. light festival over lakes (Lake of Lights) Winter night sky event based around winter solstice Surfing events at Ninety Mile Beach Water-based events e.g. boat show
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Event resourcing	<ul style="list-style-type: none"> 2 dedicated events team members working 1.7 FTE capacity with key responsibilities of event permitting, sponsorship program support and leveraging and event acquisition 1 business events resource (12-month recovery role) Event support supplies such as road traffic signs, marquees and safety equipment
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Event budget allocation	Item	2017/18	2018/19	2019/20	TOTAL FUNDING
	Economic Development Discretionary Fund commitment to regional events funding – Council approved	\$60,000	\$60,000	\$60,000	\$180,000
	Council Events Operational budget contribution	\$47,000	\$47,000	\$47,000	\$141,000
	Council contribution to Regional and District Events (RADES)	\$104,500	\$104,500	\$104,500	\$313,500
	TOTAL EVENTS FUNDING	\$211,500	\$211,500	\$211,500	\$634,500
	Anticipated 2020/21 event budget is \$154,500.				

Event funding program	<p>Event Attraction sponsorship has over the past three years been accessed from two programs – the Events Operational budget and Regional and District Events (RADES). The Events Operational budget also contributes to community Australia Day and Anzac Day events, resources such as Council-branded flags and marquees, and event industry training programs.</p> <p>Measure ROI: Total estimated expenditure by event / sponsorship amount to reveal "for every dollar invested, return of \$x"</p>
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Gaps and opportunity analysis	<ul style="list-style-type: none"> Off-peak events between May – August – ideal time to attract sport and business events On the ground coordination and proactive development of business events Capability-building program and dedicated support to help ensure longevity and sustainability of local event organisers and committees Professional event expertise to develop and deliver quality festivals and events Limited range of accommodation, with majority of beds in caravan parks Clear identity and brand appeal
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Authorised by General Manager Bushfire Recovery

Conflict of Interest

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

Executive Summary

The *Telecommunications Act* 1999 provides for an independent review of regional telecommunications every three years. The review committee has released an issues paper and invited submissions. Officers have prepared a submission that was provided to the Review Committee in line with the closing date of submissions of 30 September 2021. The submission builds on and incorporates a report recently commissioned by Council “Digital Connectivity-Gaps and Priorities” prepared by Polis Planning.

The submission is provided for Council endorsement.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. endorses the submission at attachment 1. provided by Officers to the 2021 Regional Telecommunications Review**

Background

Digital connectivity in East Gippsland is consistently raised as:

- a critical barrier (or enabler if addressed) for economic development, including increasing the attractiveness of regional living, enabling agriculture and supporting the visitor economy
- a barrier to effective access to health, education and other government services, particularly during the COVID-19 pandemic where many services have moved online
- a critical issue for public safety, especially in the context of the reliance of the emergency services on digital connectivity to communicate with the public and the failure of telecommunication systems during the 2019/20 fires.

The Telecommunications Act 1999 provides for an independent review of regional telecommunications every three years. The review committee has released an issues paper and invited submissions. Officers have prepared a submission that was provided to the Review Committee in line with the closing date of submissions of 30 September 2021. The submission builds on and incorporates a report recently commissioned by Council “Digital Connectivity-Gaps and Priorities” prepared by Polis Planning.

The report “Digital Connectivity-Gaps and Priorities” prepared by Polis Planning outlines a number of risks and opportunities for East Gippsland associated with digital connectivity and provides the basis for further planning, engagement and advocacy in relation to this issue.

The report includes attachments that set out verbatim comments from members of the East Gippsland community and a list of identified telecommunication gaps by locality. The report highlights the important issue of equity of access in East Gippsland.

Council and the communities of East Gippsland have been active in advocating for improved telecommunications infrastructure. While at the same time as continuing to advocate for further improvements it is important to recognise the improvements that have been committed or delivered, based on State and Commonwealth Government funding, including:

- A 42km fibreoptics link through the Tambo Valey between Tambo Crossing and Swifts Creek, and associated upgrades improving both the coverage and resilience of telecommunications across significant parts of the Omeo District.
- Completion of the NBN connection to Mallacoota
- \$2.2 million capacity upgrade for mobile telecommunications in Mallacoota to better respond to peak visitor period demand
- Thirteen new or upgraded mobile phone towers
- Installation of eight STAND satellite emergency backup telecommunication systems at community facilities.

Legislation

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

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

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

The Telecommunications Act 1997 (Commonwealth) provides for a review of regional telecommunications to be undertaken every three years by an independent review committee.

Collaborative Procurement

Not applicable.

Council Plan

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

Strategic Objective 2: 2.3 Planning with local communities for natural disasters and emergencies strengthens capacity, infrastructure, resilience, preparedness, and recovery.

Council Policy

Not applicable.

Options

Not applicable.

Resourcing

Financial

There are no financial implications for Council associated with this submission.

Plant and equipment

There are no plant and equipment considerations relevant to this submission.

Human Resources

There are no human resource implications associated with this submission.

Risk

The risks of this proposal have been considered and the risks associated with this submission are low. Note that there are significant risks to our East Gippsland community associate with inadequate telecommunications including emergency management and public safety, risk of loss of access to services (or less access to other communities in Victoria) and loss of economic opportunities.

Economic

The submission addresses the economic impacts of limitations in digital connectivity in East Gippsland. Addressing the limitations in digital connectivity is critical to the future economic development of East Gippsland including the opportunities associated with agriculture, the visitor economy, regional living and much more.

Social

The submission identifies the critical issues of equity of access to telecommunications and the associated access to services in supporting communities in East Gippsland. The submission notes the equity of access issues across infrastructure, access to devices and cost and digital literacy.

Environmental

There are no specific environmental implications associated with this submission.

Climate change

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

Emergency Management: Consideration is given to climate change in all elements of the Planning, Preparation, Response, Recovery (PPRR) process.

Engagement

The submission is based on a report commissioned by Council to identify digital gaps and priorities in East Gippsland. The report seeks to capture of the lived experience of East Gippsland residents and businesses. The report is based on significant community and business engagement as outlined in the report and further engagement is proposed.

Attachments

1. EGSC Telecommunications Submission [**5.2.2.1** - 6 pages]
2. EGSC Digital Connectivity Report and Assessment [**5.2.2.2** - 30 pages]

Contact: Stuart McConnell
Telephone No: (03) 5153 9500
Email: feedback@egipps.vic.gov.au

30 September 2021

The Hon. Luke Hartsuyker
Chair
Regional Telecommunications Independent Review Committee
Department of Infrastructure, Transport, Regional Development and Communication

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Dear Mr Hartsuyker

Regional Telecommunications Review 2021

Thank you for the opportunity to provide a submission to the Regional Telecommunications Review 2021.

While advances in telecommunications and how communities access and use telecommunications infrastructure continue apace, the last two years in East Gippsland have demonstrated the critical need for a step change in how we consider telecommunications infrastructure and access.

The 2019/20 Black Summer bushfires demonstrated the vulnerabilities of our telecommunications infrastructure and our critical reliance on that same infrastructure for emergency information.

These failures have been well documented in other inquiries and are typified by the need to air drop satellite phones into some East Gippsland communities to reestablish contact because mobile and landline telecommunication were lost and road access was cut (in some cases for weeks). In the case of Goongerah, power was lost on the 30 December 2019 and the battery backup for the telecommunications system was exhausted within 19 hours. Telecommunications systems were not restored until 22 January 2020 using generators and mains electricity was not restored until 24 February 2020.

"In 2003 the Gelantipy Bush Nurse Centre Committee wrote to local politicians to raise the issues of the lack of mobile reception available during the bushfires across East Gippsland, during which their communities were highly impacted. The same letter "could have been written again" for Gelantipy and its surrounding communities, 18 years later."

While there has been significant investment in telecommunications following the Black Summer fires, there continues to be an absence of commitment to providing a level of service for telecommunications during emergencies.

The COVID-19 pandemic has forced a fundamental change in the ways we access work, education, government services and much more. This is true in capital cities and also in remote communities. Where there is limited access to digital connectivity, COVID-19 has shifted the discussion. Requiring children to learn from home and practically requiring access to government services online means digital connectivity is also now an issue of equity.

Website: www.eastgippsland.vic.gov.au Twitter: @egsc Email: feedback@egipps.vic.gov.au



If you live in an area of patchy digital coverage or satellite-only coverage, then the chances are that:

- children will have more limited access to education
- you will not have access to effective telehealth services
- opportunities for remote work will be limited

This makes for a divide in services and opportunities between remote and regional Australia and cities.

East Gippsland Shire Council has commissioned a report outlining digital connectivity gaps and priorities in East Gippsland which is attached as part of this submission. The report is titled **Digital Connectivity – Gaps and Priorities by Polis Planning** and I draw your attention to **Appendix 1** which includes verbatim comments from community members and business operators and **Appendix 2** which summarises community and business feedback about gaps and opportunities by location. Key issues are highlighted below:

Equitable access to telecommunication infrastructure needs to support education, health services, access to government services and on-line work:

Equitable access to telecommunications infrastructure has been an issue in East Gippsland for many years. However, the continuing trend for government services to be delivered on-line and the reliance on online health and education services for remote and regional communities has highlighted the need for a fundamental shift in the provision of telecommunications infrastructure.

If governments and other essential service providers (e.g. banks) are going to rely on on-line service delivery, then there is a responsibility to ensure equitable access at a level where such services can effectively be used. The cost of accessing digital infrastructure can be significant for members of our community on lower incomes but this is no longer a luxury, it is a requirement to access standard essential services including online telehealth services, education, banking and more.

“I was told that they didn’t deliver my census form because they couldn’t use google maps to see that there were four houses along our road. How many more houses are missing out because they (ABS) are relying on technology that doesn’t work in our area? - Resident”

“As Bush Nurses we have specific medications that we can administer to people in an emergency situation, but we need to have approval from authorisers through a digital connection; without connectivity we can’t get that approval- Bush Nurse?”

Where mobile and wireless NBN options are available these can provide suitable coverage, but they are also susceptible to patchy coverage depending on the geography, meaning that while they can be suitable for email etc., they cannot effectively support video conferencing and services that rely on similar data capacity and speed. Current rules prevent such customers from accessing satellite services.

Satellite services are the fall-back option for remote and regional Australia and recent experience has shown that many users find these services limited in their capacity to support multiple users across video and other platforms required for remote work and education.

Recommendation:

1. Digital infrastructure needs to enable remote and regional communities to access reliable services that meet the speeds and data requirements of working from home, education from home and other government services – particularly in areas currently reliant on satellite, fixed wireless and mobile services.

2. Digital services should be available in remote areas at a cost that is comparable with metropolitan areas and that is not a barrier to use. This is particularly relevant with the data limits associated with plans for satellite connection.
3. Governments need to establish minimum coverage and speed requirements for telecommunications providers in remote and regional areas to support the services (government and non-government) now being delivered online with the expectation that communities access the services online.

(This section is relevant to Questions 2, 3, 6 and 15 of the Issues Paper).

Telecommunications must be recognised as an essential service and providers required to meet service continuity standards that prevent significant, prolonged and widespread outages during natural disasters:

Communities in East Gippsland have experienced telecommunications outages for many years, often associated with the failure of power supplies. The Black Summer Fires took this experience to a whole new level and this is well documented. Communities were isolated by road and lost telecommunications for extended periods of time. This placed public safety at risk. The vast majority of the outages were associated with loss of power and this is a problem which is eminently solvable, but it may not be commercial. During the Black Summer fires Council officers were reminded that telecommunication is a commercial service, not an essential service, and as a result the necessary preparatory measures such as prepositioning of generators was not undertaken. This issue needs to be considered in the context of the use of digital communication by emergency services as a primary means to get information to communities about the fires.

During a call by one resident to the local CFA captain asking for assistance, with her sheds on fire, the signal failed as the power went down at the telecommunications facility. "God knows how she survived", he said.

Telecommunications need to be regarded as an essential service and providers need to put in place arrangements to ensure resilience to certain standards. We understand there are provisions in the Telecommunications Act to enable this, but these are not widely used. Some communities in East Gippsland were isolated as a result of the fires for days (and in some cases weeks). While increasing battery back-up on mobile towers to 12 hours as part of recent initiatives is a step forward it is insufficient in the context of prolonged isolation that was experienced in the 2019/20 fires. The arrangements to strengthen infrastructure resilience need to respond to the specific context of the infrastructure e.g. the design life of battery backup needs to reflect the setting of the installation and the likelihood and duration of isolation.

The communities of East Gippsland have an interest in working with telecommunications providers to support basic maintenance or other action to support continued service, recognising that sometimes telecommunications providers will not be able to access their installation to, say, refuel generators.

Recommendation:

4. Telecommunications must be recognized as an essential service and performance and reliability standards must be set that appropriately reflect the circumstances of the infrastructure.
5. Telecommunications providers should work in partnership with remote communities to establish arrangements for the basic maintenance of infrastructure in the event that it is isolated in an emergency (e.g. refuelling of generators).

(This section is relevant to Questions 4 and 5 of the Issues Paper).

Supporting the next generation of digital connectivity in agriculture:

Farmers in East Gippsland are engaging in the use of digital connectivity to improve the productivity of their farms. The opportunities associated with the Internet of Things (IoT) in agriculture are being promoted by various government agencies, giving farmers the ability to track farm operations and performance, make better informed decisions to improve farm productivity in yield, and respond more quickly to conditions and saving time and money. This is going to be one of the most important changes in how farming is managed.

However, there is a need to highlight the digital reality in East Gippsland. Unreliable coverage and the cost involved is a barrier to this reaching its full potential. Examples are provided in the attached report.

Use of digital technologies of this kind in agriculture relies on coverage across areas that are typically less populated and therefore less likely to have reliable coverage. Consistency is key to these opportunities as loss of connection often means equipment resets and lost data or scheduling disruption. Such connection issues mean that East Gippsland farmers are less likely to take up new technology, disadvantaging them in the marketplace.

The feedback we have received is that current satellite technology is comparatively expensive at this stage and is not sufficiently reliable for the reasons set out above.

Recommendation:

6. That Governments and telecommunications providers take into account the demand and opportunities associated with the use of the IoT in agriculture in planning both infrastructure and service offerings.

(This section is relevant to Question 1 of the Issues Paper).

Helping community and businesses make the most of the digital infrastructure available:

While much of the work to date has importantly focused on improving infrastructure, our work has identified two additional gaps:

- Access to advice and support to most effectively access digital infrastructure e.g. advice about the options available to address patchy coverage using technology solutions at a reasonable price
- Support to individuals and businesses about how they can make best use of the digital infrastructure (e.g. digital literacy)

There is an opportunity for funding support to local programs that respond to these needs with knowledge of the local context and what works.

Recommendation

7. Funding programs specifically seek to support literacy and advisory services that help community make the most of the infrastructure available.

(This section is relevant to Questions 1 and 14 of the Issues Paper).

Supporting regional growth and economic development:

The renewed interest in regional living provides an extraordinary opportunity for regional economic development if the supporting services are available to enable people to work remotely. Currently the coverage and capacity of the systems limits this, as outlined above. Areas within 20 km of a major regional centres such as Bairnsdale are reliant on fixed wireless or satellite for coverage and in many cases the quality of service limits the capacity to effectively work from home. Current services are providing sufficient access for our communities to understand what is possible, while also falling short of expectations.

Our experiences working remotely during COVID 19 have both demonstrated what's possible and also where our telecommunications infrastructure needs to improve to make this a truly attractive option.

"I have just set up a business that develops software solutions for renewable energy based off-grid electrification in developing countries. These are the type of businesses that could attract talent and resources to East Gippsland. However, if the infrastructure does not improve, we may have no other option than to move elsewhere". - Resident

Further, regional businesses are increasingly required to interact with governments and financial institutions online. While this is mostly supported well, during peak visitor season the capacity of our telecommunications infrastructure in communities such as Lakes Entrance is stretched, making it difficult for businesses to undertake some of the basic transactions that they are required to undertake online. A recently announced upgrade in the capacity of infrastructure to support mobile telecommunications in Mallacoota is an important example of a response.

"When school finishes, I can't even use my EFTPOS because the network gets maxxed out" – Marlo Business Owner

Recommendations:

8. Providers need to design telecommunications infrastructure with peak season requirements in mind, particularly for holiday locations.
9. Telecommunications infrastructure for regional communities needs to be reviewed and upgraded to support the capacity and service expectations associated with new demand for regional living and working from home – this includes services in area reliant on satellite.

(This section is relevant to Questions 1 of the Issues Paper).

General comments:

Council would also like to recognize the very significant investment there has been in regional telecommunications. To date the investment programs have been relatively tightly defined which has made it difficult to address some of the issues outlined above. For example, while the Black Spot program is welcomed and has made a significant difference, it is unable to support action on 'grey spots' where there is patchy coverage that does not meet community needs. There is therefore need for more flexibility in the design of investment programs.

Further, in many cases the reliability of telecommunications infrastructure is intrinsically linked with the reliability of electricity supplies for telecommunications infrastructure both during regular operations and during natural disasters. The resilience of these systems needs to be planned together. Mallacoota is one example of a community where there has been significant investment in both improving telecommunications infrastructure and improving the resilience of power supplies to support this.

Satellite technology has the potential to unlock a range of economic and social benefits in remote areas of East Gippsland, however there are limitations in current offerings in terms of cost, data (including restrictions on service once metered data is expended) and latency in use. *Prime facie* low earth orbit satellite technology has the potential to address these limitations, and governments should give further consideration of its provision and uptake.

(This section is relevant to Questions 8, 10, 11 and 13 of the Issues Paper).

Council would welcome the opportunity to speak with the Committee further in relation to these issues or in relation to the attached report that forms part of this submission. If you have questions in relation to this submission, please contact Mr Stuart McConnell, General Manager Bushfire Recovery on 03 5153 9500 or stuartm@egipps.vic.gov.au

Council has no objection to this submission being made public.

Yours sincerely

ANTHONY BASFORD
Chief Executive Officer

Attachment 1 - Digital Connectivity – Gaps and Priorities by Polis Planning

Digital Connectivity - Gaps and Priorities

Report on the Lived Experiences
of Communities, Businesses and Agencies
across East Gippsland

Report provided for the East Gippsland Shire Council
September 2021

polis
planning

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Executive Summary

This Report was designed and commissioned by the East Gippsland Shire Council to investigate the digital connectivity gaps and priorities that existed across East Gippsland, within communities, within the emergency services and within the business and tourism sector.

The premise on which this Report was developed was that the provision of efficient and effective digital connectivity in East Gippsland is critical to its social, economic, environmental and cultural future.

The Report finds that the existing level of digital inclusivity, defined as accessibility, affordability and digital activity indicates that not all community members, institutions and businesses are equally included, with the potential for creating digital division across the municipality.

Not all sections of the East Gippsland community are able to be included in the transactional opportunities that a digital world offers and, at an accelerating pace, demands. This is creating a division in the community that will only increase, as the digitalisation of information increases. It is not an acceptable outcome for East Gippsland to be in a position in which it develops second class digital citizens.

It also became apparent in the consultations that the issues and priorities were parts of a complex system of government agencies, wholesale and retail service providers, health, education and emergency agencies, business interests and the whole of the East Gippsland community.

Complex and dynamic systems are the most difficult to map, given the multiplicity of interdependent, determinant factors. In such a dynamic system there are barriers and enablers that change and influence other parts of the system, causing actions and reactions at all levels, from the individual and their community to that of

government, service and emergency agencies and business.

In the following pages of this Report, **Polis Planning** has on behalf of the East Gippsland Shire Council, documented the many and varied experiences of a wide range of participants in this complex system of digital connectivity.

The speed by which digital communications is evolving will require both an agile and responsive strategy, to take full advantage of this dynamic environment and to have a suite of strategic directions that will ensure that the complexity of the technological changes and the service providers do not drive Council's responses and future work. The complex system that we have alluded to above is dominated by large public/private entities and federal and state-based funding. Local government has very little opportunity or mandate to engage in the funding of telecommunications infrastructure, at scale, and we would argue that the Telecommunications Act does not provide a role for local government in funding the national communications infrastructure system. This is supported by advice from the Department of Infrastructure, Transport, Regional Development and Communications in its recent reply to this Report's request to understand the role of local government in telecommunications infrastructure.

Ultimately it is a matter for local governments to decide how and whether they would like to support an RCP (Regional Connectivity Program) application. Such support could include financial or an in-kind co-contribution, as well as a letter of support for the RCP applicant. By far the most significant financial co-contributors to RCP projects are the Australian, state and territory governments and the telecommunications providers themselves.

Department of Infrastructure, Transport, Regional Development and Communications (2021)

The Report recommends, that Council focus on attracting external funding that provides low cost, local solutions that are designed specifically for individual communities across East Gippsland.

These solutions should be based on geographical location and service access, designed to enhance digital connectivity.

The processes for place-based improvements should occur incrementally and strategically.

This place-based strategy would complement any major infrastructure activities that are funded through State and Federal funding programs and those provided through NBN. It is our assessment that, given the cost benefit investment funding models that service providers currently use, they will not be able to provide universal, effective services across the municipality. The key word here is, effective. Although it is true that the majority of communities have access to some level of service, from satellite to fibre optics, 4G and 5G, our discussions with communities, businesses and agencies, highlighted the often ineffective and inconsistent reception of those services. As new service providers, with enhanced or new technology enter the market and provide competition to the existing

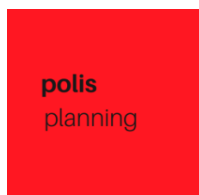
telecommunications sector, we expect that the community will be the beneficiaries in terms of accessibility, affordability and the scope for greater connectivity and digital capabilities.

There is still further work to be undertaken. Although the Report provides significant evidence and a set of prioritised actions, there still needs to be a greater understanding of the impact of being excluded or prejudiced in access to appropriate and effective technology and connectivity. This is especially true of people from Aboriginal and non-Aboriginal communities where some are affected by structural socio-economic disadvantage. The Report does, however, provide the fundamentals of a new **Digital Connectivity Strategy for the East Gippsland Shire Council**. It will clarify Council's role and build an understanding of the challenges and opportunities that lay ahead as we move further and further into an all embracing, digitally connected society.

There should be no 'winners and losers' as East Gippsland adapts to the new digital society.

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Summary of Key Issues

The following issues are further developed and identified within the body of the Report. However, it is useful to be able to see the scope of the issues at a glance.

A.	There needs to be increased connectivity access for rural and remote areas including more and better placed infrastructure;
B.	Telecommunications infrastructure needs to be better protected (hardened) against fire/storm damage;
C.	That in line with digital government communications practice it is critical for emergency services to have improved digital access to communities during emergency situations;
D.	That it is critical to public safety that communities have improved digital access to emergency information from emergency service agencies;
E.	There needs to be improved power supply and backup technology to maintain telecommunications infrastructure;
F.	There is an opportunity to develop community partnerships for emergency maintenance of telecommunications infrastructure;
G.	There is a need to provide greater digital capacity during peak periods that maintains an effective level of service to the community and enhances the East Gippsland visitor experience that builds the East Gippsland tourism economy;
H.	That there are major difficulties for businesses in accessing mobile networks and the internet due to geographic coverage issues such as blackspots, weak signal strength, and reliance on satellite internet in many areas. Constriction of services due to network capacity in peak periods. Inability to use required digital business reporting systems;
I.	That there are more opportunities within communities for digital business development and networking, regardless of location;
J.	That there are new opportunities to develop community digital hubs and co-working centres that support the turn towards more flexible working systems;
K.	That there are service business opportunities for small/social enterprises to support digital and connectivity optimisation for individuals, businesses and communities;
L.	That East Gippsland needs greater opportunities for agricultural/primary industry use of the Internet of Things (IoT) by improving the digital knowledge of those industries and by providing more reliable and cost-effective connectivity;
M.	That connectivity must be accessible to all communities to comply with the increased usage of digital platforms for information between communities and government, especially for business and Centrelink reporting.
N.	That to safeguard the wellbeing of communities and health professionals in rural and remote areas there is acknowledgement of the enhanced connectivity needed to support complex telehealth technology;
O.	That there are structurally disadvantaged groups within the East Gippsland community that require action to be taken to address their needs and their often-poor experiences with digital connectivity and its associated technologies.

Introduction

Polis Planning was given the opportunity to work with the East Gippsland Shire Council to consult widely across services and communities to determine their interaction with the telecommunications system, specifically around digital connectivity. The 'lived experience' of these individuals and organisations is reflected in this report and identifies common and specific themes that highlight the gaps and the priorities for improving connectivity outcomes across the municipality. The East Gippsland Shire Council requested that the report have three main focusses, described here as specific sectors.

- Geographic and Place Based
- Emergency Management Agencies
- Economic Development -Business, Tourism and Agriculture

After consultations the Report also included another sector for health, education and social service agencies. This was to include connectivity issues that affected the provision of Telehealth into rural and remote communities and the challenges to the delivery of education, especially on-line programs that are delivered by private training organisations located outside the region.

- Multi Sector Agencies

There are also subthemes to each of these communities that the Report examines. For example, the growing trend towards home based business and the Working from Home/Working from Anywhere that has developed since the Covid 19 pandemic, all require consistent and reliable access to online and mobile services.

Understanding the Context of the Consultation

It was appropriate for **Polis Planning**, during the consultation phase, to reflect on the

background to many of the discussions we have had with individuals, service agencies and businesses across the municipality.

Understanding the context of responses is key to our evaluation of those conversations and we became increasingly aware of the frustration of those we talked with, especially from those who suffered losses in the devastating disaster of the 2019/2020 fires. The frustration was also historic.

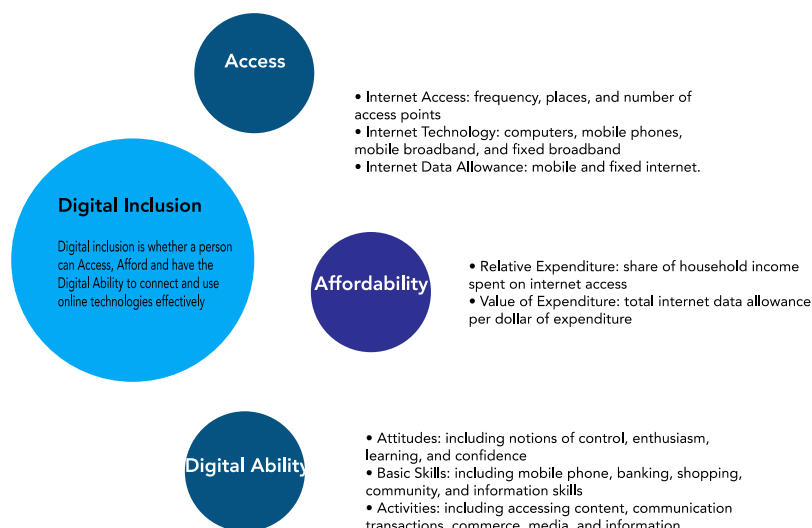
Many of our respondents were angry that the issues that arose from previous bushfires were not adequately resolved to their level of expectations. Institutional bodies had not listened to communities and remained disconnected from each other, seemingly unable to resolve cross sectoral issues. The example often discussed, and recorded in this Report, is the direct relationship between energy suppliers and telecommunications providers and the downstream effects of failures in any contingencies to manage the cumulative effects of power outages on telecommunications.

Many community members across the most affected areas of poor or unstable digital services, had written numerous letters and made representations to local, state, and federal politicians and government departments, over many years. The outcomes of these actions were invariably unhelpful, with blame shifting and the complexity of the digital communications system being common reasons for inaction. Removing the agency of communities who seek to improve their vital communications linkages has left many cynical of any further actions to provide meaningful changes to their situations.

The process which **Polis Planning** undertook was to provide everyone we consulted with a return of that agency and their right to be heard and to advocate vigorously for their communities.

Principles of Digital Inclusiveness

The principles of the assessment for this project were based around those developed for the Australian Digital Inclusion Index¹. We believe that the definitions of Digital Inclusion provided by the Index is especially relevant to our Report. It details the conditions under which communities can



identify their level of inclusivity in the digital environment, and something they can map over time. Changing any of these indicators will increase the capacity of communities to bridge any digital divide, especially that experienced by the rural, remote, and regional communities of East Gippsland.

Hierarchy of Digital Connectivity Providers

It is obvious that there is a hierarchy of providers in the digital connectivity system in Australia. We summarise them below in order to establish a method for undertaking collaborative planning across the three levels of government, the private telecommunications providers and the community.

Provider	Public/Private/Community	Infrastructure/Service Provision	Funding Programs
Department of Infrastructure, Transport, Regional Development and Communications	Public (Federal)	Funder Legislator Regulator	<ul style="list-style-type: none"> • Regional Connectivity Program • Black Spot Telecommunications Funding • Strengthening Telecommunications Against Natural Disasters (STAND)

¹ Thomas, J, Barraket, J, Wilson, CK, Holcombe-James, I, Kennedy, J, Rennie, E, Ewing, S, MacDonald, T, 2020, Measuring Australia's Digital Divide: The Australian Digital Inclusion Index 2020, RMIT and Swinburne University of Technology, Melbourne, for Telstra. DOI: <https://doi.org/10.25916/5f6eb9949c832>

			<ul style="list-style-type: none"> • Mobile Network Hardening Program • Rapid Response Telecommunications Units
National Broadband Network Company	Private Telco	Service Provider of the National Broadband Network	Regional Co-investment Fund
Telstra	Private Telco	Service Provider	
Optus	Private Telco	Service Provider	
Vodafone/TPG	Private Telco	Service Provider	
Field Solutions	Private Telco	Infrastructure Provider	
Department of Jobs, Precincts and Regions (DJPR)	Public (State)	Funder/Planner/Advocate	Connecting Victoria
Bushfire Recovery Victoria (BRV)	Public (State)	Funder/Planner/Advocate	Bushfire Recovery Grant
East Gippsland Shire Council	Public (Local Government)	Advocate/Strategist	
East Gippsland Communities	Community	Consumer/Innovator	

Key Priorities for the Improved Provision of Digital Connectivity across East Gippsland

I. Socially Responsible and Inclusive Approach to Digital Connectivity

The approach to planning by telecommunications providers is that, outside the major infrastructure of the national network, especially in rural Australia, each place has different geospatial constraints and advantages. Such a planning approach favours a multi modal solution that is tailored to each separate place, as and when funding and co-funding can be sourced. This process of 'patching' with the expectation that over time the solutions will cover all the constrained sites, which at face value appears to be a responsible action, continues to leave some communities unserved and disadvantaged as they await their time to receive the required access. The details of prioritisation processes and the determinants of the outcomes are rarely communicated with communities, adding to their confusion and frustration.

The supply side constraints on the provision of these patching solutions are determined by a business model that is informed primarily by a service provider's return-on-investment strategies and underpinning from substantial government co-investment. Such a strategy is at odds with the principles by which this Report determines the level of digital inclusivity within the communities of East Gippsland. **It is time to consider the development of licensing service standards that equally privilege the social and economic return on the telecommunication investment.** This is especially relevant to the current restrictions of COVID-19 and its reliance on online participation across the health, employment and education sectors.

One way of ensuring that communities can have collective input and the opportunity to review ongoing digital connectivity changes across East Gippsland, is for a new **East Gippsland Digital Connectivity Working Group**

to be formed that represents communities, service agencies and government. A single collaborative group could operate with a broad East Gippsland wide perspective that reports to agencies and communities on progress towards their expectations of high functioning digital connectivity. It would also advocate a systems approach to planning that ensured all future opportunities are evaluated for maximum benefit to the community.

Communities are tired of writing to politicians about internet and mobile services, receiving little in return-promises are made but not kept or forgotten- people just give up. Buchan Neighbourhood House

In 2003 the Gelantipy Bush Nurse Centre Committee wrote to local politicians to raise the issues of the lack of mobile reception available during the bushfires across East Gippsland, during which their communities were highly impacted. The same letter "could have been written again" for Gelantipy and its surrounding communities, 18 years later.

II. Responsive to Demographic Shift and the New Work Paradigm

It is also clear that since the Covid-19 pandemic there has been major shifts in how our society functions. One of these changes has seen population migration from large cities to rural and regional areas as a lifestyle choice, resultant from the experiences of urban and peri urban communities during the lockdown restrictions.

According to the expert opinion survey, the normalisation of working from home is expected to result in a slight increase in migration from metropolitan to regional areas, indicators of which should also be monitored. This trend is likely to be more pronounced in states like New South Wales and Victoria where regional areas were already recording net population gains before the COVID-19 pandemic.

Bernard, A et. al. 2020, 'Anticipating the impact of COVID-19 on internal migration', Centre for Population Research Paper, The Australian Government, Canberra)

(Many of the predictions were based on the end of lockdowns and restrictions by the start of 2021, so there has been an underestimation of the migration out of Melbourne.)

Where people move to will be determined by proximity to and access to services which metropolitan communities are now dependent on. This includes digital connectivity as both a social and economic enabler, a facilitator of a transactional society whose lives are built on a sustainable and efficient digital environment. For outer regional communities to benefit from this new migration phenomena, there must be a stronger push towards improving the digital experience that will encourage successful long-term migration into East Gippsland. Building a more decentralised population, no longer reliant on proximity to major city networks, and able to work and study more flexibly (work from home, work from anywhere) will build new, sustainable economic activity and social connections in regional and rural communities, not only for new settlers, but for existing communities, as critical mass builds and new opportunities become more achievable

III. Supporting the Transition to Online Services

Like the opportunities for growth from in-migration, local communities will be sustained and supported by improved digital connectivity. With the increasing use of online transactions, from government reporting for Centrelink to ordering from the global marketplace and for increasing exposure for East Gippsland products and services to that global marketplace, there is a significant demand for fully functional, connective services. With this available across East Gippsland, young people may be able to study and work without leaving their rural communities, businesses can thrive in the knowledge economy and develop new local, national, and global markets. Working from home or local digital hubs will become a more normal and active part of community life.

This form of regeneration of rural and remote communities will not only build social capital and community capacity but will contribute to local economic development which in turn can

build the Gross Regional Productivity of East Gippsland

I was told that they didn't deliver my census form because they couldn't use google maps to see that there were four houses along our road. How many more houses are missing out because they(ABS) are relying on technology that doesn't work in our area? - Resident

IV. Building Critical Emergency Connectivity in East Gippsland

There are significant impacts of the digital divide for regional, rural, and remote communities that relate to the increased occurrence and severity of natural disaster across East Gippsland. The uneven connectivity across the municipality which begins with issues of access to various degrees, unstable connections through to the recent 2019/2020 bushfire disaster. To quote the Royal Commission into National Natural Disaster Arrangement, in its evaluation of telecommunications during the 2019/2020 bushfires minimal or no service has been highlighted by emergency service members, especially during.

In understanding and undertaking risk assessments, telecommunications providers appear to focus on the impacts to overall volumes of customers (e.g., per cent of total traffic disrupted) and on core networks, rather than on the impacts or duration of outages to specific communities, individuals, or dependent services. Consumers, however, told us that they expect telecommunications providers to understand and mitigate the specific impacts of service outages, particularly extended outages, on those relying on their services. This indicates that telecommunications providers' assessment of risks may not be aligned with consumer expectations and that there is scope for telecommunications providers to review, amend and communicate their risk processes accordingly. (p.237)- Royal Commission into National Natural Disaster Arrangements

Although this work is being carried out at a national level it is highly pertinent to this discussion of the impact of poor digital connectivity before, during and after the East Gippsland bushfires; certainly, one of the most severely affected areas, nationally, of the Black Summer fires. During interviews conducted for this Report, both community and the emergency service members within East Gippsland identified their often-dangerous situations where connection to communications, a key element to disaster survival, are disrupted for hours, days and sometimes weeks. The Report recognises that the isolation of communities during disasters is a product of the specific emergency behaviour, but there appears little reason for national and state-based disaster management not to prioritise the maintenance of communications as a primary public safety measure. Although there are current efforts by the Federal government to develop a specific digital emergency service through a proof-of-concept trial with three private carriers, this still does not address the issues of connectivity for the community.



Image from W-Tree

Observations from community and agency discussions that supports improvements in digital communications during and after emergencies, are provided below. It does not identify interviewees but provides examples of their 'lived experiences'

Observations

- i. *During the 2019/2020 fires he was without any communications except UHF which was eventually stopped when CFA were active in the area, and he monitored helicopter movements until that was also stopped. From that point on he was completely isolated within the fire.*
- ii. *He lives remotely and relies on internet and mobile reception to conduct his business and for personal communications. Lost all communications during the fires as they formed a ring around Tambo Crossing. He had no communications for two weeks.*
- iii. *He was one of the few people in the recent fires that had a satellite phone and accompanied a number of EM services in the beginning of the fires, in November 2019. He was not confident of the truthfulness of service providers or their claims and believes that most agencies do not work together to help the community. Too many different communication systems owned by individual departments makes communications during emergencies very difficult.*
- iv. *During a call by one resident to the local CFA captain asking for assistance, with her sheds on fire, the signal failed as the power went down at the Telstra facility. "God knows how she survived", he said.*
- v. *Like other emergency agencies, departments are more and more moving towards digital information platforms, especially Facebook. When the telecommunications becomes disrupted by power failures the messaging and things like the EMV app. become redundant, the*

department relies on old school techniques-trying to contact people within particular communities to spread info/gain intelligence. "This has been an ongoing feature of the emergencies over a number of years."

- vi. *The resident and her family drove six kms. up a bush track in a very remote community to get high enough to get mobile reception. The message from the Emergency Victoria application meant they left immediately, driving 22 kilometres through an area that was soon burnt out as the fire raced through their town. Even now they still need to drive the six kms to get mobile reception.*

These experiences resonate with the following Victorian State government findings.

The emergency management sector's current approach for communicating with the public does not currently result in a consistent, accurate and reasonable understanding across the community of their responsibilities and the role of the sector before, during and after emergencies.

(Inspector General of Emergency Management, Stage 1 Report, 2020)

This was particularly evident during the 2019-20 bushfire season, which saw a number of communities faced without power, telecommunications or access for several days or even weeks. The emergency management sector must anticipate and prepare for these events and have the partnerships in place for rapid and coordinated response when needed. This includes provision of relief, reinstituting services (including reopening of roads) and repatriation of communities as quickly as possible.

(Victorian Government Response to the: Review of 10 Years of Reform in Victoria's Emergency Management Sector and Inquiry into the 2019-20 Victorian Fire Season: Phase 1 Report – September 2020. p.10)

V. Connectivity that Drives Economic and Social Development

Business and Tourism

The need for the Gross Regional Product to continue to grow and benefit the East Gippsland community is a contributing determinant towards their wellbeing and prosperity. It is undeniable that the digital economy and the services and goods that require digital connectivity are driving a major transactional change in society. There are significant benefits to be had for the economy of East Gippsland if the digital system functions at a high degree of efficiency, enabling e-commerce to happen at point of sale and through new digitally inspired and determined businesses. There are consistent issues in East Gippsland with insufficient services at times of peak activity such as summer holidays, major public, and school holidays. This is especially concerning to the accommodation and hospitality industry and to a range of tourism operators working in or proximate to the major tourism destinations. In smaller communities with developing projects in eco-tourism, cycling and hiking, these issues are compounded by the existing difficulties in digital connectivity. Business implications fall broadly into these categories:

Lack of Service / Coverage

Common issues raised during the consultation period relate to:

- Difficulty in accessing mobile networks and the internet due to geographic coverage issues such as blackspots, weak signal strength, and reliance on satellite internet in many areas.
- Constriction of services due to network capacity in peak periods.

These issues have become exacerbated during Covid 'work from home' protocols particularly where the requirement is to hold online meetings, or to transfer significant data loads. Furthermore it is anticipated that these changes are the 'new normal' with long term

impacts over digital access requirements in the regions.

I have just set up a business that develops software solutions for renewable energy based off-grid electrification in developing countries. These are the type of businesses that could attract talent and resources to East Gippsland. However, if the infrastructure does not improve, we may have no other option than to move elsewhere. - Resident

In the past five years there has been a trend for more and varied business activities to migrate solely into the online space. These include much of the statutory requirements such as Single Touch Payroll and Tax reporting, Staff Superannuation, QR code business check ins, as well as access to ongoing Federal and State government Covid and Bushfire relief payments. Businesses have found themselves in a situation where these required activities MUST be completed in the online space. Further complicating access is the trend toward 'multiple factor authentication' of passwords through secondary emails, app confirmations or text messages, as the lag in receiving those additional communications means expiry of the secondary login codes becomes a recurring issue, denying easy access.

Those issues have spilled over into 'commercial activities' such as banking and access to financial services and online payments through EFTPOS, or BPAY. Dwindling numbers of physical bank branches or agencies have migrated much of this activity online, where remote or poorly serviced locations now struggle to access commercial banking services in a fast and secure manner. Peak period network congestion has been raised in our discussions with business groups as one of the biggest frustrations for businesses in the resort towns across the shire. Welcome visitor influxes strain available network capacity, impacting upon functions such as EFTPOS payment systems and electronic point of sale systems that exist in the mobile network and online space.

Businesses report delays in EFTPOS processing that regularly slows or even interrupts customer transaction processing. This is reported as a particular problem in hospitality businesses where there is a constant requirement for rapid turnover of transactions.

Again this issue has become exacerbated in the Covid-19 trading environment where cashless transaction rates have soared. During our consultations many businesses have reported a threefold increase in electronic payments over cash.

“When school finishes, I can’t even use my EFTPOS because the network gets maxxed out” – Marlo Business Owner

Reliable, fast internet connections are increasingly seen as a basic requirement for accommodation houses, camping areas and resorts. However, in several of the identified locations in this report accommodation and hospitality businesses struggle to provide this service. Economic uplift post bushfires and Covid-19 is limited by lack of digital service provision to the very areas it is most needed. Additionally these are not locations typically thought of as ‘remote’.

“We had people checking in, who when they found out there was no internet just told us they were leaving to stay somewhere else” – Nicholson Accommodation Owner

Cost and Value for Money impacts

Business also reports that the cost of service is also higher in poor service areas. Increased hardware provision is typically required to receive mobile telephone and internet signals. This can be satellite installations, antennae and mobile signal booster systems typically costing between \$1500 and several thousand dollars to install.

“Cost per Gb” is also higher, especially for satellite users, with the added issue of extreme limitations on high speed content within available plans, further reducing functionality of the service and value for

money as opposed to that received in metro or larger centres.

Currently there is little or no support available for business in remote areas to install equipment and level up the playing field in terms of cost to use.

Agriculture

There are also substantial gains to be had in the agriculture sector. The Internet of Things (IoT) provides a range of technologies, and access to new software programs, that have far-reaching productivity and labour benefits to farmers and growers across East Gippsland. Where some producers are paying \$17,000 per annum for internet/mobile services there are still issues of consistency and reliability of those services. For these and other producers the economic benefits and development opportunities are decreased where digital services are unable to maintain reliability. That is, they are not fulfilling the Reports ‘inclusivity’ criteria of accessibility and affordability. All producers that replied to our requests to comment have agreed that technology is in their future. From tagging sheep to oversight of breeding programs, water tank monitoring, fertilisation, and irrigation, the IoT has substantial benefits to agricultural sustainability and profitability. The contribution to local and East Gippsland economic growth can be substantial and should not be impaired by insufficient and unaffordable, digital connectivity and services.

Recent studies by East Gippsland Shire’s Economic Development Team has shown that 70% of surveyed farmers considered communications connectivity important or very important to their business and 66% stated that they had sought training or advice on digital technology. There is a clear understanding from those surveyed of the power of digital connectivity to drive new and more labour-saving productivity gains, into the future.

Education and Vocational Education and Training (VET)

The integration of digital learning into mainstream education is well accepted and, in some sectors, provides much of the learning materials and interaction between teachers and students. This is true for all of the external registered training organisations (RTO) and during the COVID-19 pandemic when most students were tutored at home, with a variety of interactions with their subjects and teachers provided through online learning and the use of emails. Evidence gathered during this time showed a number of challenges faced by students and their families.

Teaching and learning challenges:

- The difficulty of teaching practical subjects in an online environment, given that VET is inherently designed for applied learning.
- Assessment of subjects that require observing practical skills.
- Some students found online learning overly challenging, and schools found it difficult to maintain these students' engagement.
- Parents struggled to support VET Delivered to Secondary Students (VETDSS) learning.

Technical challenges:

- Accessing RTO portals was an issue – with no technical support to assist students when problems arose. For example, some students did not have email set up on their laptops.
- Internet access unreliable for rural students who rely on satellite internet (and Dept. Education provided dongles do not work for satellite internet)
- Home internet data availability limited as a result of heavy usage creating funding difficulties for families prioritising household spending, especially where parents are unemployed.

Health and Support Services

There has been an increasing drive from state government for regional, rural and remote

health services to provide access to Telehealth for their clients. The demands of the program, its levels of security and the need for real time streaming require access to effective and efficient internet and mobile services. Remote Bush Nurse Centres in East Gippsland are currently trialling this technology but there is little hope of success due to the lack of appropriate or existing connectivity.

As Bush Nurses we have specific medications that we can administer to people in an emergency situation, but we need to have approval from authorisers through a digital connection; without connectivity we can't get that approval- Bush Nurse

VI. Improving Connectivity and Digital Literacy

During all consultations and with reference to much of the research available on digital connectivity there have been comment on the third of the digital inclusion priorities- **Digital Activity**. This is composed of three areas.

- **Attitudes:** including notions of control, enthusiasm, learning, and confidence
- **Basic Skills:** including mobile phone, banking, shopping, community, and information skills
- **Activities:** including accessing content, communication, transactions, commerce, media, and information.

There was strong evidence from digital service providers, communities, and advocates that they were equally interested in improving both connectivity literacy and digital literacy. By improving the ability of communities to understand the capacities and limitations of technology services and programs, the effective use of equipment and how to maximise and protect their digital presence, the improvements being requested in digital connectivity will have the maximum benefit to East Gippsland's economic and social capital. At its most basic scale, digital literacy is often linked to the functional literacy levels of community members, whilst at a more complex level, defines the ability of businesses and producers to articulate their technology needs and make informed decisions on

technology costs and benefits. Subscription services in agricultural programs are an example of the marketing of many of these technologies and need to be clearly understood and costed to be efficient for end users. The growing transition to digital platforms for government and business transactions with communities as discussed above will also require an improved level of digital literacy, that is, the improved understanding of individuals and businesses on how to access and successfully work with new applications. This need for improved learning is another imperative for the Report and will require a range of flexibly delivered, digital learning opportunities across East Gippsland, that purposely target a more effective and informed digital experience.

Learning online, paradoxically, cannot be achieved with insufficient digital connectivity; the efforts would be wasteful and would only increase community frustration.

The Report also sees new business opportunities that provide ongoing learning and technical support. We recommend that Council provide development opportunities for local contractors and small start-ups to provide advisory and connectivity services into the community. This would also provide a more targeted and place-based response to building connectivity literacy amongst communities and agencies.

Consultation Methodology/ Research

Because of the restrictions on community gatherings the Report is based on telephone and in person interviews carried out by Polis Planning.

- Community members (n=56).
- Emergency Service Agencies (n=8)
- Health and Community Services (n= 5)
- Business and Tourism Associations (n=8)
- Businesses (n=35)
- East Gippsland Shire Council
- Department of Jobs, Precincts and Regions
- Department of Infrastructure, Transport, Regional Development and Communications
- National Broadband Network Co.
- Telstra
- Field Solutions
- Optus
- Better Internet for Rural, Regional and Remote Australia

These were semi-structured interviews using a conversation style of questioning on the three digital inclusivity topics of the Report, namely, accessibility, affordability and digital and connectivity literacy.

Local surveys conducted by East Gippsland Shire Place Managers in the Buchan District

and the Goongerah Tubbut District provided further information that was placed into the database.

An informal 'listening post' was carried out through the 'Bloody Good Coffee' café over the consultation period that led to interesting insights and contacts (n=120)

All responses were added into a log that captured the information and were only identified by location. No personal data was used from the information gathered through the consultation process.

I. Analysing the Consultation Responses- developing an Evidence Base

The consultation has revealed many perspectives on the issues of Digital Connectivity. In providing a report on these perspectives we have constructed a table of responses (Appendix 1 p.27) that provides an evidence base, guided by the key elements of Digital Inclusion, and the sectors identified in the original brief from Council. The key issues are listed here again with the following table identifying the detail of those conversations. This not only records the consultation outcomes but provides communities and agencies with a sense of ownership over the issues that were uncovered.

II. Key Issues Identified

- A. There needs to be increased connectivity access for rural and remote areas including more and better placed infrastructure;
- B. Telecommunications infrastructure needs to be better protected (hardened) against fire/storm damage;
- C. That in line with digital government communications practice it is critical for emergency services to have improved digital access to communities during emergency situations;
- D. That it is critical to public safety that communities have improved digital access to emergency information from emergency service agencies;
- E. There needs to be improved power supply and backup technology to maintain telecommunications infrastructure;
- F. There is an opportunity to develop community partnerships for emergency maintenance of telecommunications infrastructure;
- G. There is a need to provide greater digital capacity during peak periods that maintains an effective level of service to the community and enhances the East Gippsland visitor experience that builds the East Gippsland tourism economy;



- H. That there are major difficulties for businesses in accessing mobile networks and the internet due to geographic coverage issues such as blackspots, weak signal strength, and reliance on satellite

internet in many areas. Constriction of services due to network capacity in peak periods. Inability to use required digital business reporting systems;

- I. That there are more opportunities within communities for digital business development and networking, regardless of location;
- J. That there are new opportunities to develop community digital hubs and co-working centres that support the turn towards more flexible working systems;
- K. That there are service business opportunities for small/social enterprises to support digital and connectivity optimisation for individuals, businesses and communities;
- L. That East Gippsland needs greater opportunities for agricultural/primary industry use of the Internet of Things (IoT) by improving the digital knowledge of those industries and by providing more reliable and cost-effective connectivity;
- M. That connectivity must be accessible to all communities to comply with the increased usage of digital platforms for information between communities and government, especially for business and Centrelink reporting.
- N. That to safeguard the wellbeing of communities and health professionals in rural and remote areas there is acknowledgement of the enhanced connectivity needed to support complex telehealth technology;
- O. That there are structurally disadvantaged groups within the East Gippsland community that require action to be taken to address their needs and their often-poor experiences with digital connectivity and its associated technologies.

Appendix 1 : Examples of Consultation Responses

Inclusivity Theme	Geographic Communities
Accessibility	I was informed by Telstra that I was not able to be supplied either ADSL or Broadband services. -Buchan
	They have a very patchy service and use domestic type repeaters to improve their signal. The services all went down during the fires when backup batteries failed.-Ensay
	The area was heavily impacted by the bushfires of 2019/20 and the small community was unable to receive mobile signal. Parts of the area have no coverage at all-W-Tree
	Resident gets a weak signal at his house nearby to the CFA and the community hall. It is not sufficient for EM apps. During the bushfire had to find signal where possible to contact family. The Community Hall is being renovated to ensure access to comms and safety for the community with batteries and AV equipment, but the issue is still how strong the signal is- Clifton Creek
	Lag with the NBN during peak times e.g., after school, weekends, holidays-Buchan
	The issues of more remote areas such as Anglers Rest, Goongerah etc was raised with discussion on the Telstra Go Repeater that boosts signal strength as a good option for homeowners. There is also the opportunity for people to use Wi-Fi calling on their mobile phones (something that not everybody knows about)- there are numerous website that explain how to do this as well as measuring your signal. Another issue is that reseller phones do not always provide the full service offered by Telstra- they can opt in/out to certain services. Consumers should be aware of these issues- Telstra
	Mobile reception very poor on the property-nil at the house- Delegate River Rd
	He believes that there are solutions that are available through carriers like Telstra that are only available during emergencies incl powering up and portable repeaters/towers. He has a landline which works most of the year, barring electrical storms. He is not computer savvy and has little opportunity to connect to information through mobile services. He was not confident of the truthfulness of service providers or their claims and believes that most agencies do not work together to help the community- Brookville
	Very patchy all over the property- Dellicknora
	We had to drive 5 km to a higher spot to get the Vic Emergency App. Left the area as soon as possible. Mobile service is very bad- only just getting satellite but expensive and data runs out quickly.- Combienbar
	We live in a small community which has no or very poor service. During the fires many people had to evacuate, and we lost homes and luckily no lives. Some had no information as to where the fire was or how serious it was. We had six weeks without power after the fires. – Club Terrace

We had satellite phones dropped into the community during the fires but somehow we managed to get some signal into the town. People, including campers were evacuated by boat as the road closed. Recent work on a nearby tower doesn't seem to have changed the reception here, still very weak and I have boosters to help get reception at home- Tamboon
No mobile phone coverage anywhere near here, and the satellite internet can be very sketchy at times -Goongerah
Very spasmodic -no mobile data at all. Mobile a waste of time. Dropping out/not connecting. No strength at all even with a blue tick phone-Bonang
Mobile tower not working due to power outages and poor battery backup servicing. Landline exchange has similar problems - unacceptable in an emergency. -Bonang
Lost all comms during the fires with a ring around Tambo Crossing. Had no communications for two weeks. Using 3G technology as it has the lowest latency of the Telstra systems (4G,5G) and Sky Muster although at times the latency figure runs to 600-800 m/s -Tambo Crossing
100 kms of road (Omeo Highway) is a long blackspot for mobile reception that the frequency of travellers, especially motorcyclists, along the road has increased significantly since the road to Mitta Mitta and Falls Creek were sealed. No communications during the bushfires and was completely isolated within the fire. The issues with mobile towers were typical to other areas where they became unusable once backup batteries were depleted.-Anglers Rest
During the fires there was no phone, no line, and no battery backup for Telstra infrastructure-no power. Uses off the shelf technology to provide repeaters to boost signal at home. Looking at being an early adopter to Elon Musk's sky train- Sarsfield
At 2.5K to have a repeater in the house there is no other way to receive internet or mobile services. The broken copper wire landline service to his property will not be replaced by Telstra.- Buchan
The local community has raised \$10,000 to install their own repeater which is licensed through Telstra, and they are awaiting permission from DELWP to place it on state government land. This is designed to provide better local services and mobile connection to the community.-Anglers Rest
The lack of mobile coverage can be seen as a minor irritation, but there is a more sinister implication. After the bushfire at the end of December in 2019, with mains power loss, and landline telephone lost, and finally power to mobile phone towers lost, with fallen trees blocking the road, my daughter in Bruthen did not know for 4 days whether I was alive or not. I finally established communications with 2 car batteries powering my satellite internet and used a USA based commercial social media company to contact her. Not good for a supposedly 1st world communications country.- Wulgulmerang
Some users in the lower areas in Nungurner or further away in Kalimna West or in gullies, have a patchy or no service and have to use satellite NBN with attendant issues of lower data limits, shaping, and increased 'cost per Gb'. – Nungurner

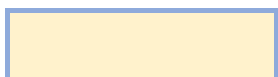
	<p>Service Agencies</p> <p>We have reception at the centre but are unable to get service when we are doing home visits. Emergencies where we can administer lifesaving drugs requires permission from a clinical source through a mobile connection that is often not available. Telehealth is an important new program but doesn't work without effective internet and mobile services. -Bush Nursing Centre Gelantipy</p> <p>We hope to establish a program for 'Connecting Well' that resolves the issue of no or poor access to our information website in difficult to reach areas. We are funding our own technology to improve this in 12 places across East Gippsland. We want people to be able to access the information within their communities- Gippsland Lakes Complete Health</p> <p>There has been a history of consultation that has failed to deliver and letters to politicians that have made no /little change- people are giving up. Community looking to have more control in emergencies (eg running their own relief centre), having a set of satellite phones for emergencies and having public phones free during emergencies. In recent bushfires the community was isolated because of the fires and closed roads and no telecommunications due to failed battery backup when mains power was cut- Buchan Neighbourhood House</p> <p>Trying to set up a Telehealth Centre in Tubbut and Goongerah but finding little success with funding to provide appropriate facilities and hoping to be able to use existing DoE service from schools that have been recently closed- Mental Health Nurse</p> <p>Emergency Services</p> <p>Concerned at the overall lack of connectivity for emergency services especially the planned closing of trunking radio for connection to other EM services such as VicPol. They still receive pager technology for information. Major tourist routes (GAR,Omeo Highway,Falls Creek) have little or no reception for mobile service. Landlines are protected by Telstra as an essential service, but this does not cover the mobile network. That there needed to greater system integration for communications including secondary and primary networks that operate in both emergency and non-emergency systems.- Omeo</p> <p>There is no reason why communities can't refill generators that support infrastructure when mains power is cut during emergencies and services can't reach their facilities. -Buchan</p> <p>We want to emphasise the issue of power resourcing during emergencies. Battery backup for telecom towers have power for approximately four hours. EGSC is working with funding provided by federal government to upgrade community halls in order to provide communities places that have basic telecommunications, power and water and places to congregate during emergencies. The STAND project will provide community halls with extra equipment, but they will still rely on satellite provision to run their AV links /Mobile WIFI etc. Where the satellite signal is weak this will impact the viability of the system. -East Gippsland Shire Council</p> <p>Lost mobile call to local CFA from woman trapped in a burning shed. -God knows how she survived! Lack of battery maintenance and planning at Telstra exchange. No service for days-Bruthen</p> <p>We rely on digital reception for our call-outs and although we have an improved Digital system it still operates on the existing infrastructure. If that is damaged, as it was in the 2019/2020 fires, we have limited contact with local brigades. -CFA</p>
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Several key issues raised; Firstly getting / maintaining power to existing telco infrastructure. This was considered an absolute priority. Idea was raised to have this responsibility sit under the existing CFA brigades, as they have all the required safety training, situational awareness, and sit under the emergency management process currently, so able to know when power generation needs refuelling and to communicate through to all stakeholders once done. Secondly speed up the process of eliminating phone and data blackspots. Many of the locals know where the blackspots are and can mitigate by going to locations, they know they can get reception (although this doesn't solve the issue of when they may need to travel between locations and for emergency services that need to be mobile). However, visitors during busy holiday periods do not know this and this creates major safety issues. Of particular concern for Marlo is the mobile gap between Marlo and Conran and that Marlo is the only port access between Lakes Entrance and Mallacoota, making it strategically important in an emergency. - Marlo
Setting up command centres to manage incidents in rural areas requires access to a digital services- we were lucky that we could get some mobile coverage at the local community centre. Victoria Police
Business and Tourism
Power stability issues, brown outs etc. reasonably common occurrence in Bairnsdale, Bruthen, Paynesville, Metung. Increased impact as more businesses have migrated to VOIP, cloud technologies, where loss of power means no phones as internet goes down.
Telstra network works well in Bairnsdale area, but other networks are poor, so a disconnect when visitors or business moving from the city and cannot get connectivity.
Power stability issues flagged in Bairnsdale and surrounding areas as problematic to business continuity when large files are being transferred and with transition to VOIP and Cloud based technologies. Lack of network service providers in EG noted as a barrier to entry, especially for visiting and relocating business users from metro regions into the shire. -EGMB
One major issue identified straight away is mobile phone and internet connection is extremely difficult in Nicholson, this leads to loss of business in local accommodation when customers discover cannot access internet -BTA
Many of the locals know where the blackspots are and can mitigate by going to locations they know they can get reception (although this doesn't solve the issue of when they may need to travel between locations and for emergency services that need to be mobile). However, visitors during busy holiday periods do not know this and this creates major safety issues. Of particular concern for Marlo is the mobile gap between Marlo and Conran and that Marlo is the only port access between Lakes Entrance and Mallacoota, making it strategically important in an emergency. Thirdly there is a frustration that bandwidth available is insufficient and the system not sufficiently stable to meet even current needs. -BTA
Concept for digital enterprise and innovation hub for Mallacoota. This proposal outlines the possibilities for a digital enterprise and innovation hub that provides a co-working space with appropriate infrastructure, a digital media training and creator space, and an incubator space for growing sustainable digital enterprises. - Mallacoota

	Initial feedback was that bandwidth congestion particularly over peak periods such as holidays, weekends, and summer season, leads to business disruption through slower internet, dropping out of services and failures in payment systems that run through the mobile network, such as eftpos machines. -Lakes Entrance BTA
	There is a frustration that bandwidth available is insufficient and the system not sufficiently stable to meet even current needs. Data speeds are noticeably slower during busy periods, although even fluctuate during other times for no apparent reason. This speed reduction effectively renders the network unusable for substantial periods. Business also struggles with eftpos connectivity which is exacerbated at busy times when it is most needed.-Marlo
	One major issue identified straight away is mobile phone and internet connection is extremely difficult in Nicholson, this leads to loss of business in local accommodation when customers discover cannot access internet,-Nicholson
	Agriculture
	There is a lot of technology trialling going on with different pilot programs being funded by the State government. Access is important as farmers are accessing the internet using satellite connections which are not always efficient. Software compatibility and robustness is also an issue-Farmer
	Farmers need to be sure of what they are subscribing to and what the benefits are to their business.- Producer
	Some farmers aren't convinced it's useful (IoT) because there signals and internet are poor and so cant test it out to see the potential of the savings and productivity benefits- Farmer
Affordability	Geographic Communities
	Very angered by the misleading information given to our local people that gets them signed up to unnecessary plans- Lakes Entrance
	Internet and mobile services are barely adequate and become overstretched during peaks in tourist season, considerably more expensive and much slower than the better service people have in the cities.- Goongerah
	Paying good money for nothing-Bonang
	Satellite is very expensive compared to non-satellite- Doesn't work in storms or snow- Bonang
	Internet rates disadvantage rural consumers using Sky Muster and are costly.-Buchan
	Some families struggled with the extra cost of having kids at home using the internet-Teacher
	Everyone is on satellite service for internet....states that this situation means most people have to have multiple accounts for phone, internet services which makes them more expensive. -W-Tree
	Some users in the lower areas in Nungurner or further away in Kalimna West or in gullies, have a patchy or no service and have to use satellite NBN with attendant issues of lower data limits, shaping, and increased 'cost per Gb'. - Nungurner

Digital Activity	Service Agencies
	We had to pay a lot of money to have NBN connected to our organisation because we couldn't rely on the service provided through the ISP to run the administrative needs of our agency and its onsite and offsite staff.- Lakes Entrance Agency
	Business and Tourism
	Other priorities noted include continued elimination of mobile blackspots, speed and connectivity issues around NBN between Bairnsdale and Lake Entrance, and 'cost per Gb' disparity for businesses unable to connect other than through satellite NBN. -EGMB
	The sentiment is one of paying over the odds for a service that then does not work to a sufficient standard. What is a comparison of \$ per Gig, city to country? There is genuine community anger apparent with regard to this. -M&CCBTA
	Agriculture
	Some farmers are paying up to \$17,000 per year to access and use the IoT
	Geographic Communities
	Education of users was also discussed with suggestion that there is a need for people to understand the limitations/options for their phones and carriers.
	Most people do not understand that NBN and Telstra are separate entities and Telstra purchases bandwidth from NBN as a reseller-Telstra
	Some students didn't know how to set up their email at home to contact schools-Teacher
	Agriculture
	It is important that farmers get the best understanding of how the IoT will improve their productivity by learning more about what will be the most productive for their operations -Farmer

Attachment 2 - Identified digital gaps and priority by location identified to date

 Denotes where there is an existing funding commitment or project

Location+A1:G62+A1:G38	Community Issues	Possible responses	Existing Service	Location
Mallacoota	Increase access to NBN for the development of Digital hub and Coworking space/ increase access to internet will reduce mobile hot spotting that slows mobile reception down. Issues with seasonal tourist demand. NBN provided to the node in January 2021 but community is still reporting poor service.	Upgrade the NBN service to improve the use of internet services. Tech lift from FTTN to FTTP. Work with community on providing the digital hub and community Wi-Fi	NBN FTTN in the town areas Telstra 4G	Mallacoota
Gypsy Point	Only has satellite service and mobile reception is poor inside homes. This is a small community with single road entry	The project will deploy a Telstra 4G base station at Gypsy Point, approximately 16km north west of Mallacoota in the East Gippsland Shire. The new base station will increase the resilience and reliability of emergency communications in a bushfire-prone region, as well as supporting local tourism businesses and the delivery of essential services	Satellite NBN Outdoor 4G Coverage	Gypsy Point
Cann River	Within the township Cann River has satellite NBN and access to 4G mobile both outdoors and indoors. Has its own Telstra exchange. The service reduces quickly as you move out of the township area	Need to provide technology upgrade to NBN Fixed wireless	Outdoor/Indoor 4G Satellite NBN	Cann River
Monaro Highway	There are several long blackspots on the highway which is a major connection for NSW and ACT visitors	New Macro Tower being provided to Monaro Highway at Chandlers Creek through Black Spot Funding 5a	Poor coverage of mobile services	Monaro Highway
Combienbar	Poor service with satellite, mobile coverage requires	Small Cell provision to meet local community needs	No Mobile coverage and	Combienbar

	community to drive to locations for reception		satellite NBN	
Club Terrace	Poor service with satellite, mobile coverage requires community to drive to locations for reception	Small Cell provision to meet local community needs	Satellite NBN/4G Mobile o	Club Terrace
Tamboon	Small, isolated community which has high tourist traffic. Community was evacuated by boat during the 2019/20 bushfires	Extend the service to provide a small cell specific to the community	Satellite NBN and Telstra 4G	Tamboon
Cabbage Tree Creek	Informed that CTC have had NBN pass through the area without connection, poor mobile reception and only satellite coverage	The project will deploy a Telstra 4G small cell base station at Cabbage Tree Creek, located near Bairnsdale in East Gippsland. The new base station will provide improved mobile connectivity to support economic diversification opportunities in tourism, agriculture and performing arts, as well as increased access to essential services including health, education and emergency communications.	Satellite NBN and Telstra 3G	Cabbage Tree Creek
Orbost	Central business District, Schools and Hospital are all FTTN with outer areas on Fixed Wireless Digital Connectivity has not been identified as an issue in their recent Regional Context Analysis, however the EGSC Place Manager identified issues of poor service between locations and the issues with increased tourists in the town during holiday seasons. Considered that the community was not particularly 'tech savvy'	Extend the FTTN areas of Orbost to the residential areas of town. Improve signal along Princes Highway between locations and the road to Marlo	FTTN in town areas, NBN Fixed Wireless elsewhere, Telstra 4G	Orbost
Marlo	Poor service and difficulties with seasonal demands. New residential development (100 lots) proposed so needs increased service	Upgrade Fixed Wireless to FTTN in the Marlo township and the new residential area	Fixed Wireless/4G Mobile	Marlo

Cape Conran	Marlo-Conran Road is a popular tourist area especially during bushfire season with limited service and high vulnerability. Includes a residential college and caravan parks	Provide Fixed Wireless to improve service, improve access to 4G network before closure of the 3G network in 2024	Satellite NBN, Telstra 3G	Cape Conran
Bonang Highway	Lack of any coverage on the Bonang Highway/ is a public safety issue - no access to emergency services where serious accidents can and have occurred	Needs a macro cell/ tower system to ensure basic coverage of the Highway	No coverage	Bonang Highway
Goongerah	Potential for access to local education department service (now passed on to the community) for both community and Telehealth needs.	Recent announcements of Blackspot funding will provide much needed boost to the area	Satellite NBN and no mobile service	Goongerah
Tubbut	Access to local education department service (now passed on to the community) for both community and Telehealth needs.	Invest in mobile infrastructure that will provide Telehealth connection	Satellite NBN, Telstra 4G	Tubbut
Buchan / South Buchan	The township has Fixed Wireless and 4G mobile that is not capable of managing extra loading in peak periods. South Buchan has fixed wireless that could be extended to provide safety to those along the Ensay- Buchan Road	Provide FTTN within Buchan to provide for increased tourism during peak periods. Provide extended mobile footprint from South Buchan	Fixed Wireless/4G Mobile	Buchan / South Buchan

Buchan and North along C608	Although Buchan and parts of Buchan South has access to NBN Fixed Wireless and Telstra 4G the signal is scattered due to the terrain. The town and the Buchan Caves have reception and access. The C608 road is poorly serviced along large sections of the road. The tower at Butchers Ridge is poorly sited (not where it was intended to be located) and provides minimal coverage	Improve connectivity along the C608 and provide more effective internet outside of the Buchan township	Buchan: Fixed Wireless, Telstra 4G C608 poor to no service	Buchan and North along C608
Gelantipy	Gelantipy: Although there is a Telstra exchange in Gelantipy the range of signal is very poor. Satellite services are also patchy and not fit for purpose if we are prioritising communities where Telehealth roll out is being trialled.	Improve NBN by moving to fixed wireless for Gelantipy with reasonable connectivity across their communities	NBN Satellite and 4G with patchy mobile services	Gelantipy
Wulgulmerang/Suggan Buggan	These two areas north of Gelantipy have no mobile service, with Telstra recommending satellite phones for residents and only satellite internet	Isolated communities need improvements to connectivity so improving satellite specs into remote areas will be necessary. Potential for existing towers in the area to be upgraded to provide improved services across this northern area	Satellite NBN and no mobile service	Wulgulmerang/Suggan Buggan
W-Tree	Small, isolated community with max of 50 homes- poor coverage- several small businesses and a retreat area need support of improved service. Poor siting of previous tower at Butchers Ridge meant to be the solution for W-Tree, failed.	Improved mobile reception to cover all the community	Satellite NBN with no Mobile service	W-Tree

Great Alpine Rd and North along the Omeo Highway	The GAR is a major tourist and transport route that needs to have coverage that ensures public safety, including access/egress during emergencies	New Macro Tower at Pheasants Hill will improve GAR reception along the Buchan to Tambo Crossing section. Completion of the optic fibre cable from Tambo Crossing to Swifts Creek will improve GAR services and upgrades to Ensay and Tambo Crossing communities	NBN Satellite and 4G with patchy mobile services	Great Alpine Rd and North along the Omeo Highway
Omeo	There are patches within the Main Street of town where there is no or poor service. In a growing tourist area, there is a greater demand for connectivity by local businesses and line of sight to towers eg Mt Sam does not guarantee service. Have heard that there is to be an upgrade in the town but think that may only be repeaters.	Upgrade to FTTN	Fixed Wireless/ 4G Mobile	Omeo
Tambo Crossing	The area of Tambo Crossing has signal within the main property area along the GAR. There still is no service outside this area and satellite is the only possible access for residents. High redundancy of signal is not suitable for resident expectations	Upgrade to FTTN	NBN Satellite /4G Mobile	Tambo Crossing
Anglers Rest	Minimal services provided to this small isolated community- highly vulnerable to Bushfires	Small Cell installation to reduce black spots in the community	Satellite NBN with no mobile reception	Anglers Rest
Benambra	The area has poor internet and mobile service due to topography and the spread of the population on farms. Currently has 4G and Fixed Wireless mainly within the town	Increase signal footprint to cover farming community and potential mining developments	Fixed Wireless in town- Satellite in outer areas/4G	Benambra
Omeo Highway	Omeo Highway through Blue Duck Anglers Rest/Glen Valley is a public safety issue - increased traffic since roads have been	Provide Macro Cell/ number of small base stations to cover the black spots along the Highway		Omeo Highway

	a public safety issue- increased traffic since roads have been sealed .	the black spots along the highway		
Waiwera	Waiwera- Implement improved service especially for local community hall as a meeting place. Currently has outdoor 4G mobile and satellite service	Small Cell provision to meet local community needs		Waiwera
Lake Tyers	Growing community and tourist area. Area is fixed wireless with a Telstra tower in the location, however there appears to be low service delivery, poor signal and internet across the community	Increase mobile signal footprint to cover greater area. Upgrade to FTTN	Fixed Wireless/4G	Lake Tyers
Bairnsdale	Community concern at the quality of the Bairnsdale town infrastructure The areas outside of Bairnsdale are of concern. The areas west of Bairnsdale and north are seemingly covered by fixed wireless but still there are areas where it is ineffective .	Complete FTTP coverage in Bairnsdale residential areas	NBN FTTP and 4G Mobile	Bairnsdale
Clifton Creek	Badly affected by 2019/20 bushfires with poor signal to a number of residents due to siting of current tower	Small Cell installation to reduce black spots in the community	Fixed Wireless /4G Mobile	Clifton Creek

Lindenow	Multiple projects that will benefit from upgrades. Lindenow Market Gardens is high cost/benefit ratio- few service points but high demand. Bairnsdale Airport part of key infrastructure- will also benefit as will Lindenow Lions Annual Agricultural Show. Residential areas west of the Shannon Waters Estate have poor coverage	Improve existing infrastructure to boost signal for Lindenow agricultural area and provide Fixed Wireless to the Airport	Fixed Wireless /4G Mobile	Lindenow
Sarsfield	Sarsfield- Needs service upgrade as Fixed wireless is patchy and often requires boosters, repeaters. Currently has 4G and Fixed Wireless	Increase mobile signal footprint to cover greater area. Upgrade to FTTN	Fixed Wireless /4G Mobile	Sarsfield
Lakes Entrance	Lakes Entrance/ Bairnsdale/ Metung- issues around the demand at peak seasons- what can NBN/Mobile Services do to provide ramped up services in periods of high tourist demand	Upgrade Mobile and Internet Signal into Lakes Entrance. Provide NBN FTTP upgrade and Mobile upgrades at existing Towers	FTTN NBN/4G	Lakes Entrance
Nungurner/ Metung /Kalimna West	Nungurner, Metung- areas east of Metung Road are marked as Fixed wireless but this is considered to be patchy at best. There is fixed line along some of the roads- (parts of Nungurner Rd and Kalimna West Road) but we are unsure what that provides. Metung village is serviced by FTTN/4G	Upgrade Mobile service from existing towers. Provide FTTN to outer areas of Metung and Nungurner. Move the Metung Village to FTTP	FTTN/Fixed Wireless/4G Mobile	Nungurner/ Metung

Nicholson	Nicholson has a developing community located close to Bairnsdale, tourist areas along the river with patchy mobile reception and internet	Move to FTTN and increase accessibility of Mobile services	Fixed Wireless/Outdoor 4G limited indoor	Nicholson
Swan Reach	Swan Reach has a developing community located along the Princes Highway, tourist areas along the Tambo river with patchy mobile reception and internet	Move to FTTN	Fixed Wireless/4G Mobile	Swan Reach
Johnsonville	Johnsonville sits between Nicholson and Swan Reach and is developed on both sides of the Princes Highway. Tourism based on fishing/camping	Move to FTTN	Fixed Wireless/4G Mobile	Johnsonville

5.3 Business Excellence

5.3.1 WorkCare member financial liability

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report is to inform Council of the financial impost by Work Safe Victoria, following its decision not to renew the licence of the Municipal Association of Victoria's (MAV) WorkCare Scheme.

The MAV WorkCare Scheme (the Scheme) was Victoria's only local government workers' compensation self-insurance scheme. Council was a member of the Scheme From 2017 until the Scheme ceased operations on 30 June 2021.

With the Scheme having now come to an end, its council members - the majority of whom are regional and rural councils - are required to absorb significant financial cost as required by WorkSafe. It is an ongoing financial burden that will be felt by members potentially until the latter half of 2027.

The financial impact on Council is \$1,125,000 of which \$1,013,800 is due and payable by 31 October 2021.

Officer Recommendation

That Council:

- 1. receives and notes this report;***
- 2. authorises the Chief Executive Officer to provide for the financial liability imposed by the cessation of MAV WorkCare Scheme, to the value of \$1,125,000 in the Council's operating budget for financial year 2021/2022; and***
- 3. authorises the Chief Executive Officer to pay MAV WorkCare the amount of \$1,013,800 by 31 October 2021 in accordance with the tax invoice.***

Background

The MAV WorkCare Scheme (the Scheme) was Victoria's only local government workers' compensation self-insurance scheme; at its peak, it had 31 members.

East Gippsland Shire Council was a member of the Scheme from 2017 until it ceased operations on 30 June 2021. The decision to cease the operation of MAV WorkCare followed WorkSafe Victoria's refusal of the MAV's application for renewal of approval as a self-insurer.

Council's Participation Agreement with MAV WorkCare which was executed with MAV on 27 May 2015 which indicated Council's interest in joining the Scheme. A report on the MAV WorkCare Scheme was presented to Council on 10 May 2016 which outlined that the MAV's actuary's projections, at that time, was that the Scheme would provide WorkCover premium cost savings to participants of at least 15% over the first self-insurance approval period of three years and that experience from other States indicates that savings of 30% are achievable in the short term.

With the Scheme having now come to an end, its council members and their communities - the majority of whom are regional and rural councils - will be required to absorb significant financial cost as required by WorkSafe. It is an ongoing financial burden that will be felt by members potentially until the latter half of 2027.

As of 30 June 2021, WorkSafe's valuation estimated the scheme members' unpaid claims was \$74 million, of which \$59 million is funded by existing assets held by MAV.

The outstanding claims liabilities has significantly increased as a consequence of the cessation of the Scheme and the related funding gap has escalated materially. Among the reasons for the higher claims' liabilities include:

- The impairment of the scheme's reinsurance assets due to WorkSafe not recognising these contracts despite purchasing this reinsurance being a condition of the self-insurance licence
- A higher cost of claims management within the WorkSafe Victoria system
- Significant costs associated with the closure and transition of the scheme to a ceased self-insurer

Obligations now exist for the MAV as a ceased self-insurer and the 31 members of the scheme until June 2027. These obligations are significant and will impose significant obligations and risks to the MAV and the Scheme's constituent members. These risks are particularly acute as WorkSafe has now assumed control of the outstanding claims.

The Scheme is constituted as a mutual which is formalised via a Participation Agreement between the MAV and each of its members. A mutual is a mechanism to operate collaboratively and share risk to reduce the overall harm to participants' workers and ultimately reduce costs.

As part of this structure, there exist a range of obligations on each participants, the most relevant of which is that any deficiency in funding is required to be paid by those members.

The WorkSafe Victoria obligations are set out in the Workplace Injury Rehabilitation and Compensation Act, which requires:

- Valuations of claims liabilities to occur annually by the WorkSafe appointed actuary.
- Any increase in the value of claims at the three and six-year period will be funded by the ceased self-insurer, which in this case is MAV
- Any reduction in the value of claims at the three and six-year period will be refunded to the ceased self-insurer by WorkSafe Victoria
- The ceased self-insurer is required to hold a bank guarantee of 50 per cent of the outstanding claims liabilities at all times until June 2027
- The ceased self-insurer is required to meet the cost of the actuarial review and audits for this six-year liability period.

The MAV has held briefing sessions for member councils since March 2021 to inform Council of the winddown of MAV WorkCare and forecast potential financial implications.

The MAV has advocated for a range of solutions to reduce the financial consequence on councils. Among genuine solutions it had pursued - through meetings and correspondence with Work Safe Victoria, the Victorian Government and the State Opposition - to mitigate the financial consequences for members are:

- Calling on WorkSafe agree to recognise the MAV's re-insurance in the transfer of scheme assets;
- Deferral or waiver of the bank guarantee
- Recognition of WorkSafe's underfunding of the Scheme at its commencement, and
- Recognition of WorkSafe's investment income that it will earn on the returned scheme assets.

The MAV has ceased its advocacy efforts and has requested more modest forms such as recognising the high credit rating of participating members by seeking a waiver of the bank guarantee requirement, or alternatively for the guarantee to be provided by the Treasury Corporation of Victoria and for an extension to the payment terms.

To date, there has been little acknowledgement of the significance of the cost to councils despite previous WorkSafe Victoria public concerns about the financial consequence to scheme members in its consideration of the licence.

WorkSafe has determined and is invoicing the liabilities to the MAV. Full payment is due to WorkSafe Victoria on 12 November 2021. The initial payment of \$59 million will be made by the MAV on 11 October 2021.

MAV invoiced all members with invoices required to be paid to the MAV by 31 October 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.

Options

Council's Participation Agreement with MAV WorkCare which was executed with MAV on 27 May 2015, provides for the conditions upon which the Scheme ends including the recovery of amounts from members in the event the Scheme ends.

Resourcing

Financial

The financial impact on Council has been assessed by MAV and the contribution on Council is \$1,125,000 of which \$1,013,800 is due by 31 October 2021.

Council has identified this matter as a contingent liability in its 30 June 2021 Financial Statements, which at that point time, the amount of the financial liability was not known.

Council will fund \$593,000 available from the existing WorkCover 2021/22 operating budget with the remaining \$532,000 being an unbudgeted additional expense which will be offset by additional unbudgeted income, therefore will not have a material impact on Council's operating surplus for financial year 2021/22.

Plant and equipment

Not applicable

Human Resources

Not applicable

Risk

The risks of this report have been considered

Economic

Not applicable

Social

Not applicable

Environmental

Not applicable

Climate change

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

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

Engagement

Not applicable

Attachments

Nil

5.3.2 Finance Report - period ending 30 September 2021

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The forecast operating result for the 2021/22 financial year is \$29.114 million compared to the adopted operating surplus of \$35.735 million. This is a forecast reduction in operating surplus of \$6.621 million.

The most significant forecast variances relate to operating and capital grant income increases of \$3.788 million as a result of new or increased grants. There is also an increase in the forecast reimbursement for the 2019/20 fire event of \$843,000 as a result of expenditure incurred in the 2020/21 year that is to be reimbursed in the current financial year. Offsetting the increase in income is an increase in expenditure as a result of new/amended grant funding of \$2.971 million and increased expenditure of \$8.2 million for projects and programs that were funded in the 2020/21 year but will not be completed until the current financial year. There has also been an increase in the Workcover cost as a result of the MAV Workcover scheme ceasing to operate from 30 June 2021. Council's liability as a result of the scheme ending has added \$532k to the forecast employee costs.

The expected end-of-year cash position of \$26.992 million (\$772,000 less than the adopted budget) is the result of the actual 2020/21 end of year end-of-year cash position, less the additional cash outflow as a result of projects that have been carried forward from 2020/21 for completion in 2021/22 year.

Details of the forecast variances and other financial information are included in **Attachments 1 to 7**.

Officer Recommendation

That Council:

- 1. receives and notes this report and its attachments; and***
- 2. adopts the Finance Report for the three-month period ended 30 September 2021, as outlined in Attachments 1 to 7.***

Background

Overview of Financial Performance

Provided in this report as at the end of September 2021 is an overview of the year-to-date (YTD) operating and capital expenditure compared to the forecast result, and adjustments to the adopted budget for the full year that have been incorporated into the full year forecast result.

Year-to-Date

Net Comprehensive Result

The YTD favourable variance of \$14.569 million is primarily the result of grant income being received earlier than expected offset by delays in the delivery of some works as a result of COVID-19 restrictions. There are also some capital reimbursements that were also received earlier than expected.

Refer to **Attachment 1** for a full explanation of all variances.

Full Year – Budget

Net Comprehensive Result

The expected operating surplus for the year is \$29.114 million which is \$6.621 million less than the adopted budget of \$35.735 million.

There is \$8.2 million of additional expenditure added to the 2021/22 year as a result of projects that were incomplete at the end of the 2020/21 year, that has reduced the operating surplus. This is offset by additional revenue for reimbursement of expenses incurred in the 2020/21 year for reinstatement works following the 2019/20 bushfire events as well as additional Victoria Grants Commission funding of \$533,000 greater than the adopted budget.

Additional operating grants of \$2.971 million is offset by matching additional expenditure for the year.

Adjusted Underlying result

The adjusted underlying deficit is the net surplus for the year adjusted for non-recurrent capital grants, non-monetary contributions and capital contributions from other sources. The unfavourable variance of \$6.894 million is primarily a result of the forecast reduction in operating surplus of \$6.621 million together with the increase in non-recurrent capital funding of \$284,000.

Attachment 1 provides further explanation of the variances discussed above.

Cash Position

Year-to-Date:

As at September 2021, Council held cash of \$95.896 million. This is greater than YTD expectations as a result of the timing of works and services and the delivery of the capital works and landfill rehabilitation program.

Full Year

The end-of-year forecast cash position of \$39.464 million is \$772,000 less than the adopted budget of \$40.237 million. This forecast cash position has been adjusted to account for the actual 2020/21 end-of-year result after taking into account advance revenue received in 2020/21 as well as the expenditure for projects that were incomplete at year end and carried forward for completing in the current financial year.

For further details, please refer to the Balance Sheet variance explanations in **Attachment 2** and Statement of Cash Flows at **Attachment 3**.

Capital Works and Landfill Rehabilitation Projects

Year-to-Date:

The adopted budget for the 2021/22 financial year was \$88.758 million in capital works and a further \$536,000 in landfill rehabilitation projects, giving a total of \$89.294 million.

Actual YTD capital and landfill rehabilitation projects expenditure at the end of September 2021 was \$6.734 million.

Full Year:

The forecast capital and landfill rehabilitation expenditure for the 2021/22 year is \$93.748 million. There has been a forecast increase in capital works and landfill rehabilitation expenditure of \$4.454 million mainly as a result of an increase in the carry forwards for incomplete projects at the end of the 2020/21 year.

Legislation

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

This report has been prepared in accordance with *Local Government Act 2020*. Section 97 of the *Local Government Act 2020* requires a quarterly budget report be presented to the Council at a Council meeting which is open to the public. The quarterly budget report must include a comparison of the actual and budgeted results to date and an explanation of material variances. The second quarterly report of a financial year must include a statement by the Chief Executive Officer as to whether a revised budget is, or may be, required.

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

Collaborative procurement

This is not applicable for this report.

Council Plan

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

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

Council Policy

Not applicable for this report.

Options

Not applicable for this report.

Resourcing

Financial

Refer to the following **attachments**:

1. Income and Expenditure Statement and Explanation of Variances
2. Balance Sheet and Explanation of Variances
3. Statement of Cash Flows and Explanation of Variances
4. Reconciliation of Adopted (Operating) budget to Forecast budget
5. Summary of Capital Works and Landfill Rehabilitation
6. Rates Performance
7. Financial Performance Indicators

Plant and equipment

Not Applicable

Human Resources

Not Applicable

Risk

The risks of this proposal have been considered and are not applicable to this report.

Economic

Not applicable for this report.

Social

Not applicable for this report.

Environmental

Not applicable for this report.

Climate change

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

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

Engagement

Not applicable for this report.

Attachments

1. Income and Expenditure Statement and Explanation of Variances [**5.3.2.1** - 6 pages]
2. Balance Sheet and Explanation of Variances [**5.3.2.2** - 3 pages]
3. Statement of Cash Flows and Explanation of Variances [**5.3.2.3** - 2 pages]
4. Reconciliation of Adopted (Operating) budget to Forecast budget [**5.3.2.4** - 1 page]
5. Summary of Capital Works and Landfill Rehabilitation [**5.3.2.5** - 2 pages]
6. Rates Performance [**5.3.2.6** - 1 page]
7. Financial Performance Indicators [**5.3.2.7** - 1 page]

Attachment 1

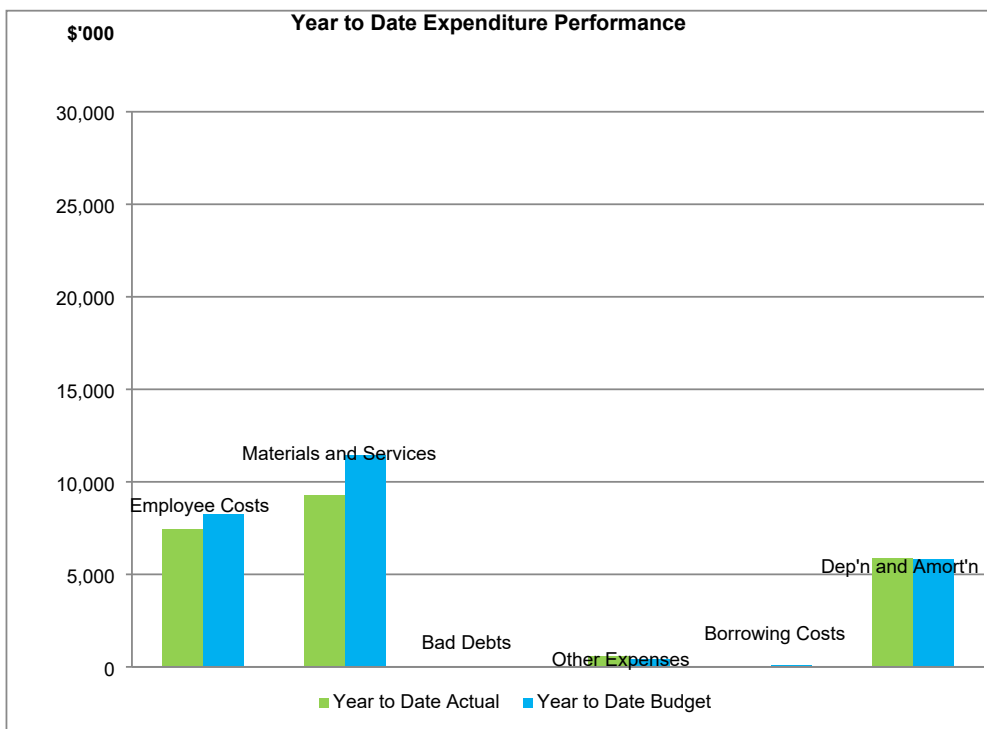
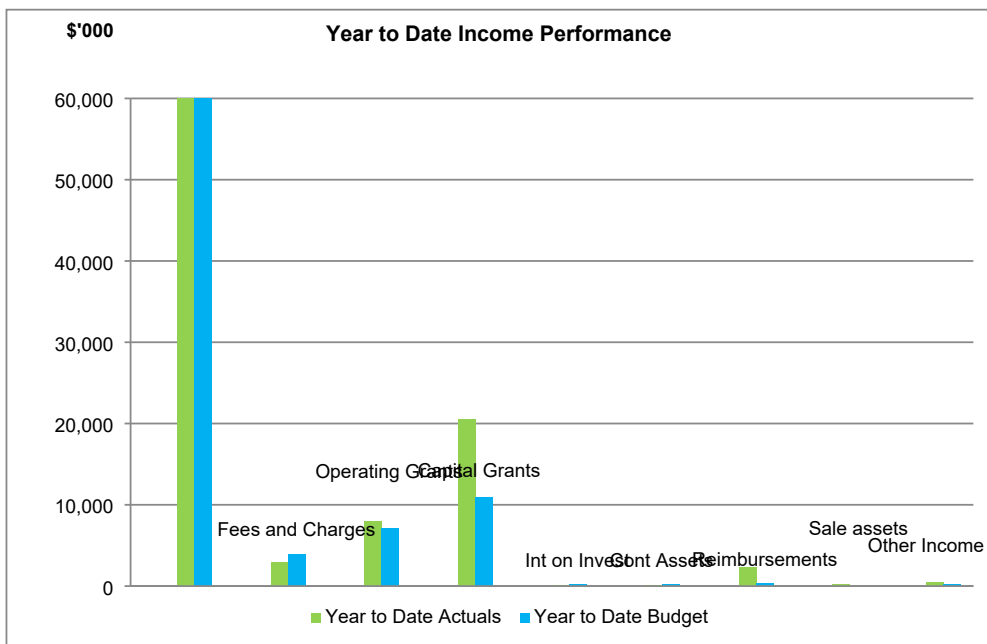
Income Statement for the period ended 30 September 2021

Item	Year-to-date			Note	Full Year		
	Actual (\$'000)	Forecast Budget (\$'000)	Variance (\$'000)		Adopted Budget (\$'000)	Forecast Budget (\$'000)	Variance (\$'000)
Revenues							
Rates	62,052	62,059	(7)		62,182	62,182	0
Statutory Charges	537	717	(180)	A1	2,101	2,101	0
User Charges	2,404	3,186	(782)	A2	11,746	11,786	40
Recurrent Operating Grants	2,470	2,752	(282)	A3	9,519	10,052	533
Non Recurrent Operating Grants	5,534	4,378	1,156	A4	3,083	6,054	2,971
Recurrent Capital Grants	930	895	35		3,591	3,591	0
Non Recurrent Capital Grants	19,594	9,993	9,601	A5	40,697	40,981	284
Interest on Investment	46	148	(102)	A6	590	590	0
Contributed Assets Non monetary	0	0	0		2,000	2,000	0
Contributions Monetary	78	152	(74)	A7	850	839	(11)
Reimbursements and other contributions	2,350	285	2,065	A8	648	1,491	843
Gain (Loss) on Sale of Assets	179	0	179	A9	0	0	0
Other Income	393	212	181	A10	1,014	1,014	0
Total operating revenues	96,567	84,777	11,790		138,021	142,681	4,660
Expenses							
Employee Benefits	7,405	8,223	(818)	A11	34,318	36,307	1,989
Materials and services	9,245	11,403	(2,158)	A12	42,723	51,953	9,230
Depreciation and Amortisation	5,851	5,788	63		23,163	23,163	0
Bad and doubtful debts	0	2	(2)		38	38	0
Borrowing costs	49	85	(36)		353	340	(13)
Finance cost - leases	0	0	0		1	1	0
Other expenses	564	392	172	A13	1,690	1,765	75
Total operating expenses	23,114	25,893	(2,779)		102,286	113,567	11,281
Operating Surplus/(Deficit)	73,453	58,884	14,569		35,735	29,114	(6,621)
Other Comprehensive Income							
Net Asset revaluation Increment/(Decrement)	0	0	0		106,842	0	(106,842)
Net Comprehensive surplus	73,453	58,884	14,569		142,577	29,114	(113,463)
Non Recurrent Capital Grants	(19,594)	(9,993)	(9,601)		(40,697)	(40,981)	(284)
Contributed Assets	0	0	0		(2,000)	(2,000)	0
Capital contributions - Monetary	(78)	(152)	74		(850)	(839)	11
Adjusted Underlying Surplus/ (Deficit) excluding Asset valuation	53,781	48,739	5,042		(7,812)	(14,706)	(6,894)

(Note: this report has not been audited)

Please see the next page for an explanation of variances

Positive Variance -
Greater income or less
expenditureNegative Variance - Less
income or greater
expenditure



EXPLANATION OF VARIANCES
INCOME AND EXPENDITURE STATEMENT
PERIOD ENDING – 30 SEPTEMBER 2021

Note: Reference to timing differences through these notes mean that the actual income or expenditure has or will be received or expended at a different time to when it had been budgeted for; but will have no impact on the expected end of year result.

Year-to-Date (YTD) Variances

Notes (for category variances greater than 10 per cent or \$50,000)

A1	<p>Unfavourable Variance \$180K</p> <p>Statutory Charges are \$180K less than YTD budget mainly as a result of less charges for animals. Building and planning fees though are slightly ahead of budget at the end of September.</p>
A2	<p>Unfavourable Variance \$782K</p> <p>User Charges are \$782K less than YTD budget. Mallacoota Foreshore Caravan Park is less than budget by \$16K and Eagle Point Caravan Park is less than budget by 105k as a result of COVID-19 restrictions. Forge Theatre is also less than budget by \$40K, Visitor Information Centre less than budget by \$26K and Bairnsdale Recreation and Aquatic Centre less than budget by \$236k and Lakes Aquatic and Recreation Centre less than budget by 30k. The services impacted by COVID-19 restrictions though have corresponding reductions in expenses offsetting the reductions in income for the year to date. Waste fees are less than budget by \$309k as a result of the September invoices yet to be raised.</p>
A3	<p>Unfavourable Variance \$282K</p> <p>Recurrent Operating Grants are \$282K less than YTD budget as a result of a number of grants yet to be received.</p>
A4	<p>Favourable Variance \$1.156M</p> <p>Non-Recurrent Operating Grants are \$1.156M greater than YTD budget as a result of a number of grants being received earlier than anticipated.</p>
A5	<p>Favourable Variance \$9.601M</p> <p>Non-Recurrent Capital Grants are \$9.601M greater than YTD budget mainly as a result of grants that had been received in the previous financial and accounted for as unearned income at year end, being brought to account in the current financial year.</p>
A6	<p>Unfavourable Variance \$102k</p> <p>Interest on Investments is \$102k less than YTD budget as a result of the low interest rates currently being received on the investment of surplus cash.</p>
A7	<p>Unfavourable Variance \$74k</p>

	Contributions Monetary are \$74k less than YTD budget as a result of the timing of works to which the monetary contributions relate.
A8	Favourable Variance \$2.065M Reimbursements income is \$2.065M greater than the YTD budget. This is due to reimbursements for bushfire natural disaster claim expenditure from the previous financial year being received in the current financial year.
A9	Favourable Variance \$179K Gain (Loss) on Sale of Assets The loss on sale of assets is \$179k greater than expected at the end of September as a result of the written down value of assets sold yet to be brought to account.
A10	Favourable Variance \$181K Other Income is \$181K greater than the YTD budget. This is mainly the result of some leases being raised earlier than expected
A11	Favourable Variance \$818k Employee Benefits expenditure is \$818k less than the YTD budget. This is partly a result of a number of vacant positions across the organisation. Parks and Gardens is \$333k less than budget, Planning is \$74k less than budget, Visitor Information Centres are less than budget by \$44k and Community Recovery less than budget by \$69k. Most of these relate to vacant positions with some though impacted from COVID-19 facility closures. The Bairnsdale Aquatic and Recreation Centre and Lakes Aquatic and Recreation Centre are underspent on employee costs by \$160K as a result of the facilities being closed during CIVID-19 restrictions. The cost reductions though are offset by a reduction in user fees during the same period.
A12	Favourable Variance \$2.158M Materials and Services expenditure is \$2.158M less than the YTD budget. There are many programs and projects that have been unable to be delivered in the first quarter as a result of COVID-19 restrictions. It is expected that those projects and programs though will be able to be delivered over the balance of the financial year.
A13	Unfavourable Variance \$172K Other expenses are \$172K less than the YTD budget mainly as a result of memberships and subscriptions that have been paid earlier than forecast.

Full Year Variances

Notes (for variances greater than 10 per cent or \$50,000)

B1	<p>Favourable Variance \$533K</p> <p>Recurrent Operating Grants: The full year forecast budget is estimated to be greater than the adopted budget by \$533K. This is a result of the final Victoria Grants Commission allocation for the 2021/22 year being greater than the amount included in the adopted budget.</p>
B2	<p>Favourable Variance \$2.971M</p> <p>Non-Recurrent Operating Grants: The full year forecast budget is estimated to be greater than the adopted budget by \$2.971M. The most significant variances are as follows:</p> <ul style="list-style-type: none"> - \$3.2M for Bushfire Recovery Resourcing grant from BVR. Additional funding has now been received that was not in the adopted budget. - (\$250k) – The final amount for the Working for Victoria program will be less than in the adopted budget.
B3	<p>Favourable Variance \$284k</p> <p>Non-Recurrent Capital Grants: The full year forecast budget is estimated to be greater than the adopted budget by \$284k as a result of some additional funding to be received in the 2021/22 financial year.</p>
B4	<p>Favourable Variance \$843K</p> <p>Reimbursements: The full year forecast budget is estimated to be greater than the adopted budget by \$843K. This is due to reimbursement for the 2019/20 fire natural disaster event being greater than the adopted budget as a result of the timing for reimbursements for some expenditure incurred in 2020/21 not being received until the current financial year.</p>
B5	<p>Unfavourable Variance \$1.989M</p> <p>Employee Benefits: The full year forecast budget is estimated to be greater than the adopted budget by \$1.989M. This is primarily the result of expenditure relating to grant funding that was unspent at the end of the 2020/21 year and will be expended during the 2021/22 year. There is also an additional cost for workcover as a result of the MAV Workcover scheme ceasing to operate from 30 June 2021. Council's liability as a result of the scheme ending has added \$532k to the forecast employee costs.</p>
B6	<p>Unfavourable Variance \$9.230M</p> <p>Materials and Services: The full year forecast budget is estimated to be greater than the adopted budget by \$9.230M. Additional expenditure will be incurred for the completion of grant funded projects from the previous financial year together with some operational expenditure for incomplete projects from the 2020/21 year. This has added \$7M to materials and expenditure. There will also be additional expenditure for new grant funded programs, the most significant being the Bushfire Recovery Resourcing Grant (\$3.2M). There is also an additional cost for workcover as a result of the MAV Workcover scheme ceasing to operate from 30 June 2021.</p>
B7	<p>Unfavourable Variance \$75k</p> <p>Other expenses: The full year forecast budget is expected to be greater than the adopted budget by \$74k mainly as a result of additional leasing costs for the Bushfire Administration Centre as well as additional membership costs.</p>

B8	<p>Unfavourable Variance \$6.621M</p> <p>Operating Surplus/(Deficit): The decrease in operating surplus is a net result of the variances explained above; but partly the result of projects and programs that have been carried over from the previous financial year for completion in the 2021/22 year of \$8.2M. The funding for these programs was included in the previous financial year and reflected in the end of year surplus. These additional expenses was offset by the additional Victoria Grants Commission funding of \$533k, additional capital grants of \$284k and additional reimbursements of \$843k.</p>
B9	<p>Unfavourable Variance \$6.894M</p> <p>Underlying Surplus: This is a result of the change in operating surplus, taking into account the change to non-recurrent capital grants and other capital contributions.</p>

Summary of amendments to operating grant income as at 30 September 2021			
Grant Name	<u>Adopted Budget</u>	<u>Revised Income Budget</u>	<u>New/Increase/ (Decrease)</u>
	\$	\$	\$
1106 - Senior Citizens Support	44,614	44,614	0
1113 - Immunisations	26,565	26,565	0
1116 - Library Program - Local Priorities	17,500	17,500	0
1120 - FreeZA	12,250	12,250	0
1133 - East Gippsland Sporting Facilities Plan	3,000	3,000	0
1136 - Tobacco Education	2,425	2,425	0
1140 - Municipal Emergency Resourcing	120,000	120,000	0
1165 - Best Start Program	119,663	119,663	0
1170 - Vulnerable Persons Project	91,082	91,082	0
1175 - Art Gallery - Creative Victoria MOU	40,000	40,000	0
1180 - Forge Theatre - Creative Victoria MOU	60,000	60,000	0
1185 - Victorian Seniors Festival	2,700	2,700	0
1220 - VGC - General Purpose Grant	5,948,283	6,462,402	514,119
1225 - VGC - Local Roads Grant	2,496,827	2,515,929	19,102
1235 - Children's Week Event	700	700	0
1305 - Libraries After Dark	6,000	6,000	0
1340 - South Bairnsdale Industrial Estate	380,000	380,000	0
1390 - Hearing our Voice	39,600	39,600	0
1405 - Buchan Streetscape - Footpath (Vic Roads Assets)	377,875	377,875	0
1415 - Street Lights LED Upgrade	1,400,000	1,400,000	0
1450 - RV Council Feasibility - Bairnsdale Landfill	0	20,000	
2029 - Fire - Relief December 2019	17,500	17,500	
2033 - Fire 2019 - Resourcing Grant - State Govt	0	3,200,000	
2210 - Working For Victoria	859,898	610,076	
8006 - Beach Cleaning	2,000	2,000	0
Library Operations	345,000	345,000	0
School Crossing Supervision	98,784	98,784	0
Lake Tyers Trust	90,000	90,000	0
Total	12,602,266	16,105,665	533,221

Attachment 2

East Gippsland Shire Council

Balance Sheet - Period ended 30 September 2021

Prior Year	Item	Year-to-date	Full Year			Note
Actual (\$'000)		Actual (\$'000)	Adopted Budget (\$'000)	Forecast Budget (\$'000)	Variance (\$'000)	
	Current assets					
92,198	Cash and investments	95,896	40,237	39,464	(773)	A1
10,993	Receivables	58,189	12,742	11,152	(1,590)	A2
7,726	Other Current Assets	1,593	4,307	4,307	0	
110,917	Total Current Assets	155,678	57,286	54,923	(2,363)	
	Non-current assets					
1,237,274	Property, Infrastructure & Equipment	1,248,622	1,305,519	1,321,845	16,326	A3
8,882	Investment Properties		8,704			
785	Right of Use Assets	784	869	869	0	
1,882	Intangible Assets		4,321			
241	Receivables	241	0	111	111	A4
1,249,064	Total Non- Current Assets	1,249,647	1,319,413	1,322,825	16,437	
1,359,981	Total assets	1,405,325	1,376,699	1,377,748	14,074	
	Current liabilities					
9,474	Payables	703	10,699	9,528	(1,171)	A5
2,835	Trust Funds and Other Deposits	3,609	2,799	2,835	36	
20,977	Unearned Income	1,215	2,452	2,452	0	
9,571	Current Provisions	9,201	10,684	13,070	2,386	A6
62	Lease Liabilities	62	72	62	(10)	
1,700	Interest Bearing Liabilities	1,700	0	0	0	
44,619	Total Current Liabilities	16,490	26,706	27,947	1,241	
	Non-current liabilities					
9,417	Non - Current Provisions	9,417	12,154	8,975	(3,179)	A7
383	Unearned Income	403	527	383	(144)	A8
759	Lease Liabilities	759	809	759	(50)	A9
1,650	Interest Bearing Liabilities	1,650	7,717	7,417	(300)	A10
12,209	Total Non - Current Liabilities	12,229	21,207	17,534	(3,673)	
56,828	Total liabilities	28,719	47,913	45,481	(2,432)	
1,303,153	Net assets	1,376,606	1,328,786	1,332,267	16,506	
	Equity					
884,867	Reserves	884,867	877,161	884,867	7,706	A11
418,286	Total Retained Earnings	491,739	451,625	447,400	(4,225)	A12
1,303,153	Total Equity	1,376,606	1,328,786	1,332,267	3,481	
	Net Surplus for year	73,453	35,735	29,114	(6,621)	

(Note: this report has not been audited)

Please see the next page for an explanation of variances

EXPLANATION OF VARIANCES

BALANCE SHEET – PERIOD ENDING 30 SEPTEMBER 2021

Full Year Variances

Notes (for variances greater than 10 per cent or \$50,000)

A1	<p>Unfavourable Variance \$773k</p> <p>Cash and Investments: The end-of-year forecast cash position of \$39.464M is \$773k less than the adopted budget of \$40.237M. The reduction in the forecast cash position is a result of adjustments from the 2020/21 year end actual result</p>
A2	<p>Unfavourable Variance \$1.590M</p> <p>Receivables: The year-end forecast is \$1.590M less than the adopted budget to reflect a reduction in general debtors at the end of the 2020/21 year that was less than the forecast in the adopted budget.</p>
A3	<p>Favourable Variance \$16.326M</p> <p>Property, Infrastructure and Equipment are forecast to be \$16.326M greater than the adopted budget primarily as a result of the actual capitalisation at the end of the 2020/21 year and the forecast increase in the 2020/21 capital expenditure of \$4.2M.</p>
A4	<p>Favourable Variance \$111K</p> <p>Non-current Receivables are expected to be \$111K greater than the adopted budget as a result of the end of 2020/21 year actual result.</p>
A5	<p>Favourable Variance \$1.171M</p> <p>Payables are expected to be \$1.171M less than the adopted budget as a result of a reduction in actual payables at the end of the 2020/21 financial year being less than the adopted budget.</p>
A6	<p>Unfavourable Variance \$2.386M</p> <p>Current Provisions are expected to be \$2.386M less than the adopted budget as a result of the timing of landfill rehabilitation projects.</p>
A7	<p>Favourable Variance \$3.179M</p> <p>Non-Current Provisions: The increase of \$3.179M is a result of the landfill rehabilitation provision timing for landfill rehabilitation works to be undertaken in future years.</p>
A8	<p>Favourable Variance \$144K</p> <p>Non-Current Unearned Income: The decrease of \$144K is a result of the end of 2020/21 year balance for prepaid multi year marina licence fees being less than the forecast result included in the adopted budget.</p>
A9	<p>Favourable Variance \$50K</p> <p>Non-Current Lease Liabilities: The year-end forecast is less than the adopted budget as a result of the actual year end result for 2020/21.</p>

A10	<p>Favourable Variance \$300K</p> <p>Non-current Interest Bearing Liabilities: The year-end forecast is less than the adopted budget as a result of the timing for the proceeds from new loans.</p>
A11	<p>Favourable Variance \$7.706M</p> <p>Reserves: The year-end forecast is greater than the adopted budget as a result of the actual result at the end of the previous financial year as a result of the indexation adjustment for infrastructure assets.</p>
A12	<p>Unfavourable Variance \$4.225M</p> <p>Retained Earnings: The year-end forecast is less than the adopted budget as a direct result of the actual result at the end of the 2020/21 year being greater than forecast at the time of adopting the 2020/21 budget by \$2.462M less the \$6.6215M operating surplus reduction forecast for the 2021/22 year and the movement in the other statutory reserve balances.</p>

Attachment 3 Statement of Cashflows period ended 30 September 2021

Item	Year-to-date	Full Year			Note
		Adopted Budget	Forecast Budget	Variance	
	Actual (\$'000)	(\$'000)	(\$'000)	(\$'000)	
Cashflows from Operating Activities					
Ratepayer receipts	16,026	62,059	62,387	328	
Statutory fees and fines	512	2,101	1,872	(229)	
User fees	6,709	11,731	15,911	4,180	
Operating Grants	8,279	12,602	16,852	4,250	
Capital Grants	762	44,288	25,662	(18,626)	
Contributions	78	850	839	(11)	
Interest Received	48	500	500	0	
Trust funds and deposits taken	774	6,650	8,500	1,850	
Other Receipts and reimbursements	2,782	1,752	2,362	610	
Net GST refund/payment	(875)	0	3,896	3,896	
Payments to Employees	(7,475)	(33,921)	(37,013)	(3,092)	
Payments to Suppliers	(16,998)	(40,795)	(54,228)	(13,433)	
Trust funds and deposits repaid	0	(6,650)	(8,500)	(1,850)	
Other Payments	(620)	(1,690)	(1,942)	(252)	
Net Cash Provided by Operating	10,002	59,477	37,098	(22,379)	A1
Cashflows from Investing Activities					
Payments for Property/ Plant	(6,434)	(88,759)	(94,069)	(5,310)	
Proceeds from Investments	0	0	0	0	
Proceeds from sale of assets	179	600	600	0	
Net Cash Used in Investing	(6,255)	(88,159)	(93,469)	(5,310)	A2
Cashflows from Financing Activities					
Finance costs	(49)	(354)	(344)	10	
Loan Principal Repayments	0	(1,700)	(1,700)	0	
New Loans	0	5,767	5,767	0	
Interest paid-lease liability	0	0	(1)		
Repayment of lease liabilities	0	0	(85)	(85)	
Net Cash Used in Financing	(49)	3,713	3,637	(75)	
Net Increase / (Decrease) in Cash	3,698	(24,969)	(52,734)	(27,764)	
Cash At Beginning of Period/Year	92,198	65,206	92,198	26,992	A3
Cash at End of Period/Year	95,896	40,237	39,464	(772)	A4

(Note: this report has not been audited)

Please see the next page for an explanation of variances

EXPLANATION OF VARIANCES

STATEMENT OF CASHFLOWS – PERIOD ENDING 30 SEPTEMBER 2021

Full Year Variances

A1	<p>Unfavourable Variance \$22.379M</p> <p>Net cash Operating: The change to the budget for cash inflows and outflows from operating activities is partly due to the revision to budgets for operating income and expenditures discussed in Attachment 1 above. There are also cash inflows and outflows, particularly for user fees and supplier payments that are a result of accruals at year end where the cash for the user fees will be received in 2021/22 and the payments made to suppliers were made in 2021/22. The most significant variance relates to income received in 2020/21 for capital projects in 2021/22 of \$20.977M.</p>
A2	<p>Unfavourable Variance \$5.310M</p> <p>Net cash investing: The change to the cash used in investing activities is due to the revised estimate of capital works expenditure to be completed and paid in the 2021/22 year.</p>
A3	<p>Favourable Variance \$26.992M</p> <p>Cash and Investments at the beginning of the year: Cash at the beginning of the year is greater than the adopted budget primarily as a result of projects that were not completed at year end and will now be completed in the 2021/22 year and the advance income received in 2020/21 for capital projects that will be undertaken in 2021/22.</p>
A4	<p>Unfavourable Variance \$772k</p> <p>Cash and Investments at the end of the year: Cash and investments at the end of the year are expected to be \$772k less than the adopted budget. This is the result of the end of year cash position from 30 June 2021 less the additional cash outflow as a result of projects that have been carried forward from 2020/21 for completion in the 2021/22 year.</p>

ATTACHMENT 4

**RECONCILIATION OF ADOPTED BUDGET TO FORECAST BUDGET
INCOME STATEMENT PERIOD ENDING 30 SEPTEMBER 2021**

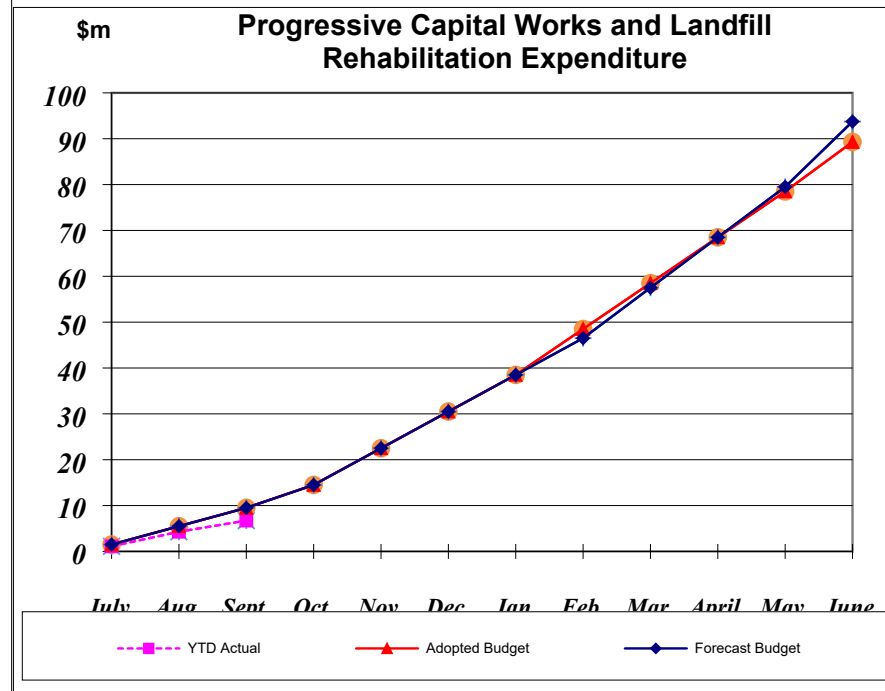
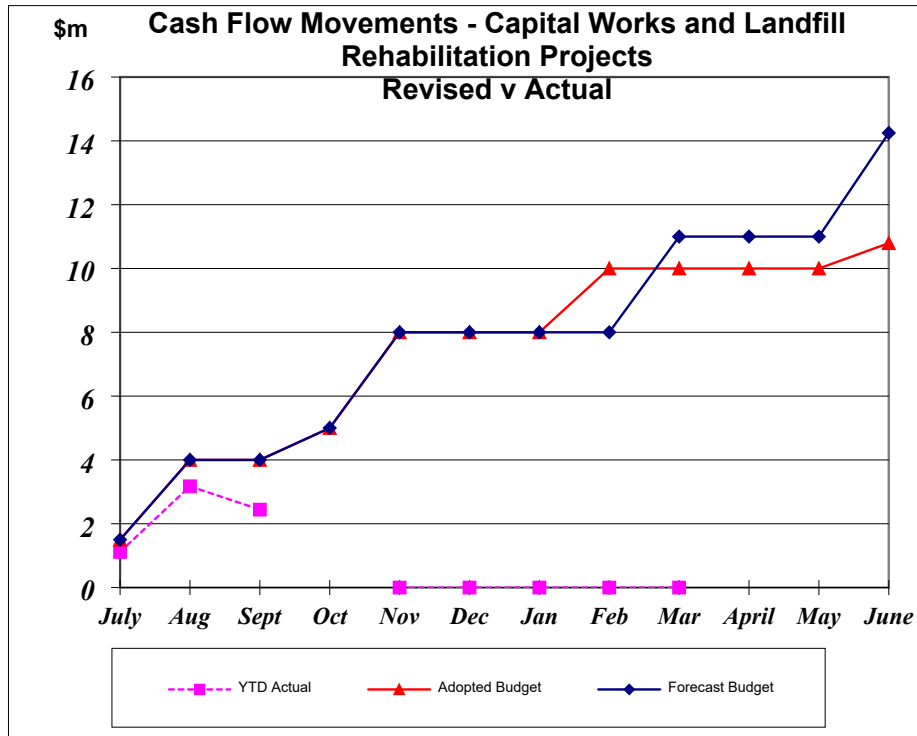
	(\$'000)
Net operating surplus per Adopted Budget	35,735
Budget Variations:	
Budget Revisions:	
Other Income Revision Increases	872
Expenditure Revision increases - other	(1,220)
Expenditure Revision increases for incomplete projects carried forward from previous year	(2,827)
Capital Works Program	
Increase in Capital and major projects Income per Capex review	284
New and adjusted Grants 21/22	
Victoria Grants Commission adjusted allocation decrease	0
Other Operating Grants Income	3,504
Expenditure relating to new/adjusted Grants (including carry forward unspent grants)	(7,234)
Net operating surplus per Forecast Budget	29,114

ATTACHMENT 5

Summary of Capital Works and Landfill Rehabilitation Projects as at 30 September 2021

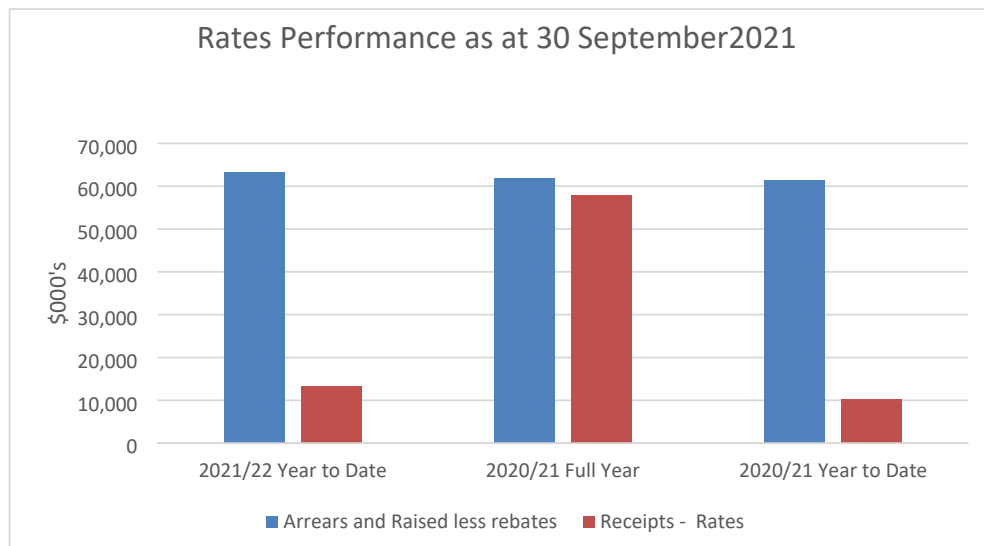
Description	Year-to-date		
	Actual (\$'000)	Forecast Budget (\$'000)	Variance (\$'000)
Capital Projects	6,434,048	9,300,000	(2,865,952)
Landfill Rehabilitation Projects	299,625	200,000	99,625
Total	6,733,673	9,500,000	(2,766,327)

Description	Full Year			
	Adopted Budget (\$'000)	Adopted Budget with actual c'fws from 2020/21 (\$'000)	Forecast Budget (\$'000)	Variance Forecast v adopted with C'fws (\$'000)
Capital Projects	88,758,160	93,225,158	92,937,719	(287,439)
Landfill Rehabilitation Projects	536,000	810,394	810,394	0
Total	89,294,160	94,035,552	93,748,113	(287,439)



ATTACHMENT 6
RATES PERFORMANCE
FOR THE PERIOD ENDING 30 SEPTEMBER 2021

	2021/22 year to date to 30/09/21 (\$'000)	2020/21 Full Year (\$'000)	2020/21 Year to date to 30/09/2020 (\$'000)
Arrears as at the start of the year	3,936	4,406	4,406
Rates raised 2021/22 including supplementary rates to 30/09/2021	62,014	60,215	59,922
Interest raised on arrears	38	320	0
Legal Fees added to rate arrears	5	18	2
Government Pension Rebates applied	(1,591)	(1,656)	(1,528)
Council Pension Rebate applied	(382)	(402)	(371)
Rebates and Waivers	(735)	(1,165)	(1,174)
Receipts - Rates	(13,323)	(57,800)	(10,332)
Balance outstanding	49,962	3,936	50,925
	2021/22 Year to Date	2020/21 Full Year	2020/21 Year to Date
Arrears and Raised less rebates	63,285	61,736	61,257
Receipts - Rates	13,323	57,800	10,332
	21%	94%	17%



ATTACHMENT 7

Financial performance indicators

The following table highlights Council's budgeted and forecast performance across a range of key financial performance indicators. These indicators provide a useful analysis of Council's financial position and performance based on the current years forecast results.

Indicator	Measure	Notes	Budget 2021/22	Forecast 2021/22	Trend +/-
Operating position					
Adjusted underlying result	Adjusted underlying surplus (deficit) / Adjusted underlying revenue	1	(7.76)%	(14.88)%	-
Liquidity					
Working Capital	Current assets / current liabilities	2	215%	196.53%	o
Unrestricted cash	Unrestricted cash / current liabilities	3	128.97%	127.06%	o
Obligations					
Loans and borrowings	Interest bearing loans and borrowings / rate revenue	4	12.41%	11.93%	o
Loans and borrowings	Interest and principal repayments on interest bearing loans and borrowings / rate revenue	4	3.3%	3.29%	o
Indebtedness	Non-current liabilities / own source revenue	5	27.09%	22.15%	+
Asset renewal	Asset renewal expenditure / depreciation	6	218.79%	291.10%	+
Stability					
Rates concentration	Rate revenue / adjusted underlying revenue	7	65.51%	62.90%	+
Rates effort	Rate revenue / CIV of rateable properties in the municipality	8	0.51%	0.51%	o
Efficiency					
Expenditure level	Total expenditure / no. of property assessments	9	\$3,159	\$3,507	-
Revenue level	Residential rate revenue / No. of residential property assessments	10	\$1,920	\$1,920	o

Key to Forecast Trend:

- + Forecasts improvement in Council's financial performance/financial position indicator
- o Forecasts that Council's financial performance/financial position indicator will be steady
- Forecasts deterioration in Council's financial performance/financial position indicator

Notes to indicators

1 Adjusted underlying result – An indicator of the sustainable operating result required to enable Council to continue to provide core services and meet its objectives. A result of more than 0% indicates surpluses are being generated consistently and represents a lower risk of Council not being able to fund works and services. The advance payment of \$8.2M of the 2021/22 Grants Commission allocation in the 2020/21 year together with other grants and incomplete projects of \$7.7M received or budgeted in 2020/21 that were unspent at year end and will be expended in the 2021/22 year has impacted on this indicator negatively as the indicator only measures an annual result and therefore does not show the the average underlying result over time which is a positive result for Council.

2 Working Capital - The proportion of current liabilities represented by current assets. Working capital is forecast to remain steady at an acceptable level. Council aims to have a working capital ratio on average of at least 150%.

3 Unrestricted cash - Cash and cash equivalents held by Council are restricted in part and are not fully available for Council's operations. This indicator measures Council's ability to fund current liabilities with unrestricted cash if they fell due at year end. Council would be targeting a result of 100% or greater for this indicator.

4 Debt compared to rates - The percentage for this indicator shows Council has a low reliance on borrowings at this point in time.

5 Indebtedness - This is a measure of Council's use of its own source revenue compared to longer term liabilities. This level of indebtedness is low even though there are new borrowings proposed in the 2021/22 year.

6 Asset renewal - This percentage indicates the extent of Council's renewals against its depreciation charge (an indication of the decline in value of its existing capital assets). A percentage greater than 100 indicates Council is maintaining its existing assets, while a percentage less than 100 means its assets are deteriorating faster than they are being renewed and future capital expenditure will be required to renew assets. The forecast results for this indicator are based on the current estimate of capital works to be completed in the 2021/22 financial year.

7 Rates concentration - Reflects the extent of reliance on rate revenues to fund all of Council's on-going services. The forecast result is indicating that Council's reliance of rate revenue is slightly less than the budget expectation.

8 Expenditure Level - Reflects the expenditure on average per ratepayer for the financial year. The forecast result is indicating that this will be slightly more than the budget expectation as a result of additional forecast expenditure for programs that were carried forward from the 2020/21 year for completion in the current financial year.

5.3.3 Draft Advocacy Policy

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Council acknowledges and accepts the critical role it plays in advocating for its communities on a broad range of issues. It is with this purpose in mind that Council is committed to a fluid framework that is responsive to support and guide our advocacy strategy. The first step in this process is to develop and adopt an Advocacy Policy, provided at **Attachment 1**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. adopts the draft Advocacy Policy, as provided at Attachment 1.***

Background

Following consultation with the Councillors Group, this draft Advocacy Policy has been prepared to outline the need for an advocacy policy to guide the approach to the development of the Advocacy Strategy which is still under development.

The Advocacy Strategy will undergo further consultation with the Councillors Group.

These key documents will provide a framework to assist Council in its advocacy to Federal, State and other bodies for the benefit to the community.

Legislation

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

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

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

Council Plan

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

Strategic Objective 5: 5.2 Strong relationships with government, partners and stakeholders are maintained and strengthened to advocate for the community.

Council Policy

This Policy does not change or replace an existing policy, it is a new policy document.

Resourcing

Financial

There are no financial implications as a result of implementing the recommendations of this report.

Plant and equipment

Not Applicable

Human Resources

Not Applicable

Risk

There are no risks to council as a result of implementing the recommendations of this report.

Economic

Working in partnership with their communities, councils develop priorities to attract government investment through Advocacy. The identified items link to the council plan objectives to seek economic support for range of capital expenditure projects and non-capital programs to support the community need.

Social

Councils provide a pathway to policy, advocating for resources and educating policy makers on issues relevant to our community.

Environmental

Through advocacy council seeks to influence policy makers on strategic positions that align with East Gippsland's values and principles.

Climate change

This report is assessed as having no direct impact on climate change. However, the Policy document guides the development of the advocacy strategy priorities which would include environmental sustainability and climate change as key priorities.

Attachments

1. Draft Advocacy Policy Council Briefing 19 October 2021 [**5.3.3.1** - 6 pages]



East Gippsland Shire Council Advocacy Policy

Acknowledgements

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 and their Elders past and present.

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1. Purpose

The purpose of the Advocacy Policy (**the policy**) is to support East Gippsland Shire Council's (**Council**) advocacy role, to identify key priorities, relevant communication opportunities and roles and responsibilities.

2. Scope

This policy applies to Councillors, the Chief Executive Officer (CEO) and senior management of Council.

3. Policy

The role of local government in advocating for its communities on a wide range of issues is critical in rural and regional Victoria.

Council is committed to a fluid framework that is responsive to evolving community needs and continually improves its policy, procedure and services in response to advocacy efforts.

Council directs its advocacy through an Advocacy Strategy. **The strategy** is structured to align with the objectives as established in the **Council Plan**.

It is acknowledged that advocacy is an essential component of the day-to-day planning, development and delivery of the many individual programs and services that Council provides.

3.1 Approach

Council acknowledges and accepts the critical role it plays in advocating for its communities on a broad range of issues.

Council will:

- identify issues of priority concern to residents and its various communities through consulting and communicating with those communities
- be proactive and reactive in developing a Council position in relation to issues and new opportunities as they arise
- be an active member of various organisations that provide a means by which Council can present its point of view and advocate on those issues
- support the Mayor and Councillors, who have been appointed to represent the Council, with resources to enable effective advocacy
- encourage and support the CEO and senior staff to be members of relevant organisations and groups where opportunities exist for advocacy on behalf of Council and the community
- support and work closely with other partners who have a common interest in issues and participate in joint actions, where appropriate
- regularly meet with organisations and individuals to foster cooperation and understanding of issues of importance to the Council and its community
- make representations at state and federal government level, where necessary
- develop and update relevant documents for advocacy purposes that address Council's

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priorities for East Gippsland Shire

3.2 Objectives

Objective	How we will achieve it
Set organisational advocacy agenda and priorities	<p>Advocacy priorities to be reviewed annually.</p> <p>The advocacy priority projects are to be sourced from:</p> <ul style="list-style-type: none"> • Council Plan and policies (planned and budgeted approach) • Council resolutions as they arise (require full scoping and costing) • Issues of the day as they arise (not planned and may require resourcing) • Government budget and policy cycles, policy announcements, election cycles. • Strategic Policy and Reform Platform
Influence decision and policy makers	Through carefully planned and resourced advocacy campaigns/actions which could include for example, correspondence, delegations, council resolutions, strategic partnerships, marketing and promotion, and sustainable relationship development.
Attract and secure funding and resources for major projects	<p>Through carefully planned and resourced advocacy involving identification of available funding sources, application and outcomes.</p> <p>Advocacy could take the form of grant submissions, correspondence, delegations, Council resolutions, strategic partnerships, marketing and promotion.</p>
Build upon our strategic partnerships	<p>Through shared understandings, connections, agreements and formal alliances with people, organisations, peak bodies, councils and government that have the willingness and capability to support Council's advocacy and influence policy and decision makers.</p> <p>For example, this could include One Gippsland, Rural Councils Victoria, Timber Towns Victoria etc.</p>
Regional work and connections	By telling the story to government and the community through consistent and compelling messaging on the values, priorities, leadership, actions and successes.
Build trust and confidence in Council	Through an advocacy agenda which reflects the leadership, ability, reliability, and consistency of Council to advocate on behalf of its community on issues of importance to them.
Build the advocacy capacity of Council and the community	By promoting a culture of advocacy, encouraging and enabling participation, building the community's ability to advocate on its own behalf, sharing skills, knowledge and expertise, mobilising of resources and reducing duplication of effort and information.
Strengthen our position as a leading local government and experts in our field	Through strategic partnerships , strong positions on policy that aligns with the East Gippsland's values and principles, innovation, marketing and communication, awards, etc.

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3.3 Relationship with other levels of government

Federal, state and local government have the common objective of enhancing the prosperity and wellbeing of communities. Given the country is governed by the state and federal governments, and Council is reliant on the policy and support funding from both levels of governments, managing relations between different levels of government is a fundamental requirement.

As such, Council will ensure that it develops and maintains regular engagement with other levels of government, including parliamentarians, local members, and government department officials, conducted in a spirit of mutual respect and cooperation, with recognition of each other's roles and responsibilities. This will enable Council to strengthen relationships, networks and facilitate the gathering of information that better position Council to influence on advocacy issues.

4. Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas:

Party / Parties	Roles and Responsibilities
Councillors	<p>Determine the priorities and most appropriate advocacy approach for each initiative.</p> <p>To develop & maintain relationships with key stakeholders & networks including political to influence, inform and direct Council's advocacy priorities</p>
Chief Executive	<p>Under the <i>Local Government Act 2020 (Vic)</i> the Chief Executive is responsible for administration of council operations.</p> <p>Ensure the Advocacy Strategy priorities as agreed by Council are implemented.</p>
General Managers & Managers	<p>Comply with this policy and ensure leadership teams comply</p> <p>Ensure resources are allocated to enable delivery of committed advocacy strategies and campaigns</p> <p>Ensure that they and service teams are informed and competent in skills required to implement advocacy activities</p>

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5. References and Supporting Documents

Applicable Legislation:

Victorian Local Government Act 2020

Supporting Documents:

East Gippsland Shire Council Council Plan 2021-25

6. Privacy and Human Rights Consideration

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

7. Definitions

Term	Meaning
The policy	Advocacy Policy
Council	East Gippsland Shire Council
Council Plan	Document that sets Council's priorities and direction over four years (2021-2025)
The strategy	Advocacy Strategy
Advocacy	Public support for an idea, plan or way of doing something
Strategic	How to achieve a plan and/or aim for a particular area of interest
Active member	A member of an agency who holds a valid license or appointment and is actively involved in the daily activities of an agency/organisation
Strategic partnership	A relationship between two enterprises, usually formalised by one or more business contacts

8. Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1.0					Document 1 st edition

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Date approved:

Document owner:

Version number:

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5.3.4 Lease - Operation, Management and Maintenance of the Marlo Ocean Views Caravan and Camping Park

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The lease agreement for the operation, management and maintenance of the Marlo Ocean Views Caravan and Camping Park (Marlo Caravan Park) was for a term of 21 years. The current lease arrangement enabling approved capital works program that were delayed due to the impacts of the 2019/20 bushfires and the COVID pandemic to be completed expires on 30 June 2022. It is proposed to establish a 21-year term lease arrangement consistent with previous lease agreements for the operation, management and maintenance of the Marlo Caravan Park as it provides a security of tenure for the lessee and incentive to invest in the development of the park.

Under section 115 of the *Local Government Act 2020* (the Act), Council has the power to lease land, however if the lease is to be for 10 years or more, Council must include any proposal to lease land in a financial year budget. If Council has not included a proposal to lease land in a financial year budget, Council must undertake a community engagement process in accordance with the Community Engagement Policy in respect of the proposal before entering into the lease.

The detailed proposal to lease the Marlo Caravan Park was not included in the 2021/2022 financial year budget as the provisions in the Act commenced on 1 July 2022 after the budget process was completed. As the current lease will expire prior to the completion of the 2022/2023 financial year budget process it is proposed that a community engagement process is undertaken in accordance with the Community Engagement Policy and provide the community with an opportunity to provide feedback on the proposed 21-year term for the lease.

Officer Recommendation

That Council:

- 1. receives and notes this report;***
- 2. endorses a 21-year term for the lease for the operation, management and maintenance of the Marlo Caravan Park;***
- 3. notes that a community engagement process will be undertaken in respect of the 21-year term of the lease; and***
- 4. notes an expression of interest process for the operation, management and maintenance of the Marlo Caravan Park will be conducted following the community engagement process provided no objections are received.***

Background

The Marlo Caravan Park is situated on Crown land for which Council is appointed the committee of management on behalf of the State Government. Under the *Crown Land (Reserves) Act 1978* section 17D Council may lease the land. However, section 115 of the *Local Government Act 2020* provides the power for entering into a lease arrangement. The current lease arrangement is due to expire and the lessee has been advised that Council will be undertaking an expression of interest for the ongoing operation, management and maintenance of the Marlo Caravan Park.

Consistent with the current lease term it is proposed that the new lease agreement for the Marlo Caravan Park is for a term of 21-years. Section 115(3) of the Act requires where the lease is to be for 10 years or more, Council must include any proposal to lease land in a financial year budget. Due to the timing of the commencement of the provisions in the Act this was not part of the 2021/22 budget process. If a lease arrangement is not included in the budget then Council must undertake a community engagement process in accordance with the Community Engagement Policy.

A community engagement process will be undertaken for a period of 21 days to allow for feedback on the proposed 21-year lease term for the Marlo Caravan Park. Any feedback received will be considered in determining the length of term for the lease agreement for the operation, management and maintenance of the Marlo Caravan Park.

If no feedback is received an expression of interest will be prepared and advertised for the operation, management and maintenance of the Marlo Caravan Park which will provide consistency and transparency in leasing processes and adhere to Councils Leasing and Licensing Policy for Council-owned Land and Council-managed Land. The combination lease terms i.e. the breakdown of years, will be outlined in the expression of interest documentation.

Council's endorsement is sought for a 21-year lease for the Marlo Caravan Park prior to undertaking the community engagement process. It is proposed to continue with the 21-year term lease arrangement for the operation, management and maintenance of the Marlo Caravan Park as it provides a security of tenure for the lessee and incentive to invest in the development of the park.

Legislation

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

This report has been prepared in accordance with section 115 of the *Local Government Act 2020*. Section 115(3) of the Act requires where the lease is to be for:

- a) one year or more and
 - (i) the rent for any period of the lease is \$100,000 or more a year; or
 - (ii) the current market rental value of the land is \$100,000 or more a year; or
- b) the lease is for 10 years or more,

Council must include any proposal to lease land in a financial year budget.

If Council proposes to lease land that was not included in the financial year budget, under section 115(4) of the Act Council must undertake a community engagement process in accordance with Council's Community Engagement Policy in respect of the proposal before entering into the lease.

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

Collaborative Procurement

Collaborative procurement is not applicable to this report.

Council Plan

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

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

Council Policy

The Community Engagement Policy ensures that members of the East Gippsland Shire community and stakeholders have genuine and transparent opportunities to participate in community engagement about matters that affect them.

The expression of interest process for a term of 21 years where the issue or renewal of a lease or licence that is wholly commercial or partly commercial, is consistent with clause 2 (Expression of Interest) in Council's Leasing and Licensing Policy for Council-owned Land and Council-managed Land.

Options

There are no other options available to Council as it is a requirement of section 115 of the Act that for any term greater than ten years, Council must include any proposal to lease in a financial year budget. If Council proposes to lease land that was not included in the financial year budget, Council must undertake a community engagement process in accordance with the Council's Community Engagement Policy in respect of the proposal before entering into the lease.

Resourcing

Financial

There are no identified financial implications with this report.

Plant and equipment

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

Human Resources

The community engagement process will be undertaken with existing resourcing.

Risk

Following the statutory requirement under section 115 of the Act and undertaking a community engagement process for a lease term of 21 years term for operation, management and maintenance of the Marlo Caravan Park, will eliminate the risk of Council being non-compliant with its legislative requirement of undertaking community engagement for a lease term of 21 years for the Marlo Caravan Park.

Economic

The process outlined in the report will provide the best economic, environmental and social outcome for the future management of the public land where the Marlo Caravan Park is located.

Social

The community engagement process will enable the community to be involved in the decision making regarding the future operation, management and maintenance of the Marlo Caravan Park.

Environmental

The expression of interest process to identify a future lessee of the Marlo Caravan Park will include environmental considerations as part of the criteria advertised to the public.

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

This report seeks Council endorsement for a lease term of 21-years for the operation, management and maintenance of the Marlo Caravan Park prior to undertaking a community engagement process as required under section 115 of the Act.

Attachments

Nil

5.3.5 Council meeting schedule 2022

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

This report seeks a Council resolution to set the dates, venue and times on which Council meetings will be held in 2022.

Governance Rule 3.1(1) states *At or before the last meeting each calendar year, Council must fix the date, time and place of all Council meetings and any delegated committee meeting for the following calendar year.* And 3.1(2) states *Council by resolution, or the CEO, may change the date, time and place of, or cancel, any meeting which has been fixed and must provide notice of the change to the public.*

The Council meeting times proposed will provide Council with a schedule that continues to facilitate timely decision-making.

The key points of the Council Meeting schedule are:

1. maximise best use of Councillor and staff time,
2. three 'Council in the Community' meetings proposed, outside of the Council Corporate Centre Chamber in 2022, with locations being Orbost region, Mallacoota region and Lindenow region,
3. localised community/Council activities to be clustered around 'Council in the Community' meetings to maximise community/Councillor participation, building on the success and positive community feedback; and
4. a winter recess in July.

Officer Recommendation

That Council:

1. adopts the following Council Meeting dates, times and locations for 2022:

Day	Date	Time	Location
Tuesday	1 February	6.00 pm	Corporate Centre
Tuesday	22 February	6.00 pm	Corporate Centre
Tuesday	15 March	6.00 pm	Corporate Centre
Tuesday	5 April	1.30 pm	Orbost region
Tuesday	26 April	6.00 pm	Corporate Centre
Tuesday	17 May	1.30 pm	Mallacoota region
Tuesday	7 June	6.00 pm	Corporate Centre
Tuesday	28 June	6.00 pm	Corporate Centre
Tuesday	26 July	6.00 pm	Corporate Centre
Tuesday	16 August	6.00 pm	Corporate Centre
Tuesday	6 September	1.30 pm	Lindenow region
Tuesday	20 September	6.00 pm	Corporate Centre
Tuesday	11 October	6.00 pm	Corporate Centre
Tuesday	25 October **	6.00 pm	Corporate Centre
Tuesday	8 November	6.00 pm	Corporate Centre
Tuesday	13 December	6.00 pm	Corporate Centre

**** Mayoral election meeting
and;**

2. resolves that unless determined otherwise and notified to community members through appropriate public notice, Council meetings will be held in accordance with the table above.

Background

The principle means by which Council provides good governance for the benefit and well-being of the municipal community is by meeting to decide, by voting, to do an act, matter or thing. In accordance with the *Local Government Act 2020* where the Council is empowered to do the act, matter or thing the decision is to be made by resolution at a Council meeting.

Since 2006 Council has met at 6.00pm on a Tuesday night from February to December at the Corporate Centre, Bairnsdale. In 2021, Council has continued to meet on a Tuesday night at 6.00pm except on those occasions where Council has held *Council in the Community Meetings* outside Bairnsdale; these meetings have commenced at 1.30pm.

Council meetings are open to the public and the community can attend. For those unable to attend the Corporate Centre Council meetings are livestreamed and recorded. Since the COVID-19 restrictions have been in place the community has been encouraged to participate in Council meetings through electronic means with attendance at the Corporate Centre restricted. The COVID-19 restrictions on public attendance at Council meetings are in place until at least 26 April 2022.

At the end of each year the Council considers and agrees the schedule of Council meetings for the next twelve months taking into consideration the timing for statutory requirements, such as budget processes and annual reporting and the annual election of the Mayor each October/November. The annual schedule for Council meetings is available on the Council website and is updated as required.

Legislation

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

This report is prepared in accordance with sections 60 and 61 of the *Local Government Act 2020*.

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

Collaborative procurement

There is no collaborative procurement involved with this report.

Council Plan

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

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

Council Policy

This report has been prepared under Governance Rule 3.1(1) - *at or before the last meeting each calendar year, Council must fix the date, time and place of all Council meetings and any delegated committee meeting for the following calendar year.* And 3.1(2) states *Council by resolution, or the CEO, may change the date, time and place of, or cancel, any meeting which has been fixed and must provide notice of the change to the public.*

Resourcing

Financial

The cost of Council meeting are covered in the current budget arrangements.

Plant and equipment

There are no plant and equipment implications arising from this report.

Human Resources

Preparation of Council Reports and agendas will be managed within existing resources.

Risk

Consideration of the options enabled Councillors to minimise the risk of not deciding the date, time and location of the 2022 Council meetings prior to the end of 2021, as required in the Governance Rules.

Economic

There are no economic implications with this report.

Social

There are no social implications with this report.

Environmental

There are no environmental 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

There are no engagement implications with this report.

Attachments

Nil

5.4 Place and Community

5.4.1 Planning Permit Application 171/2021/P 5317 Princes Highway Newmerella - Major Promotion Sign

Authorised by Acting General Manager Place and Community

Conflict of Interest

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

Executive Summary

The report seeks Council's resolution to refuse planning permit application 171/2021/P for development of a double-sided externally illuminated major promotion sign at 5317 Princes Highway, Newmerella (links to Application Documents at **Attachment 1**).

The application has been made subject to advertising in accordance with section 52 of the Planning and Environment Act 1987. Eight (8) objections (**Attachment 2**) have been received, identifying amenity impacts from the intrusion of the proposed signage and illumination. Internal and external (**Attachment 3**) referrals were also undertaken.

An assessment against the East Gippsland Planning Scheme has been undertaken, and the proposal is viewed as being inconsistent with relevant planning policies. Additionally, based on the content of the objections received as well as the concerns raised in relation to the proliferation of signage in a rural township, the recommendation is to refuse the proposal.

A previous application at 10 Prestons Road, Newmerella was refused by VCAT, which is also relevant to the officer recommendation to refuse the permit.

Pursuant to the instrument of delegation, a planning permit application may only be refused by decision of Council.

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 171/2021/P is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Refusal for development of a double-sided externally illuminated major promotion sign at 5317 Princes Highway, Newmerella on the following grounds:**
 - a. the proposal is inconsistent with the Planning Policy Framework; specifically, being inconsistent with the rural environment and representing an unacceptable detriment to the amenity of the locality through visual clutter;**
 - b. the proposal is inconsistent with the Municipal Strategic Statement, specifically, representing development that is in stark contrast to the established built form and rural character of the settlement, and further that it disrupts a Scenic Road, as identified in 21.04-2 and Map 3 – Scenic roads;**
 - c. the proposal is inconsistent with the purpose of the Commercial 2 Zone, being that the proposal will affect the amenity of sensitive uses on adjoining land;**
 - d. the proposal is inconsistent with the purpose of Clause 52.05 Signs, through creating visual clutter in an otherwise rural environment and impacting on the current and future character of the area; and**
 - e. the proposal represents visual clutter and proliferation of signage in a rural context which has a detrimental impact on the amenity of local residents and the highway environs.**

Background

Site and Locality

The site is a corner allotment, with Warrens Road to the east and Princes Highway to the south. Princes Highway is a declared a road, identified as Road Zone, Category 1. The site is currently vacant, located within the Newmerella Township. The land is relatively flat and cleared of vegetation, other than overgrown grass and weeds.

The subject site consists of three individual lots under one Title. The site is rectangular in shape with a length of 64 metres fronting Princes Highway, a length of 65 metres along the northern boundary and a width of 31 metres to the east and west boundaries.

The site is approximately 3.5 km south-west from the edge of the Orbost Township. There is no direct vehicular access to the site, although there is an existing gate along the southern boundary.



Figure 1. The site in locality context and location of Existing and previously considered major promotion signs

The immediate area surrounding the subject site is zoned and developed with industrial and commercial sites. To the north, residential dwellings are established within the Commercial 2 Zone. To the east over Warrens Road is the BP service station, also within the Commercial 2 Zone. To the south over the Princes Highway and Thomas Road the land includes several industrial properties within the Industrial 1 Zone. To the west is Mectec Sawmill within the Industrial 1 Zone.

A major promotion sign was permitted in 2017 at 5299 Princes Highway, which is also in the Commercial 2 Zone. The sign is located approximately 290 metres west of the proposal. The sign was approved to be illuminated, but the lighting has not been installed.

Another 200 metres west at 10 Prestons Road, an application made in 2018 for another major promotion sign was approved by Council, but was refused at VCAT ([Kempft v East Gippsland SC \[2019\] VCAT 786 \(30 May 2019\)](#) (austlii.edu.au)). This sign was initially proposed as externally illuminated, and the applicant offered to remove the illumination to potentially satisfy concerns of the objectors.

The Proposal

The application proposes the following, and the plans and supporting documents are available at **Attachment 2**:

- Major promotion signage is proposed 775mm along the southern boundary and setback 500mm from the eastern boundary;
- The proposed total height of the signage is 5.15 metres, with two posts at a height at 2 metres and 775 mm wide;
- The signage will consist of 2 displays (double sided sign face) fronting east and west, with billboard display face consisting of 18.26 sqm (8.3 metres long x 2.2 metres wide), a total area of 36.52 sqm of signage;
- A smaller corporate logo (measuring 1.3 metres long and 550 mm wide) is to be located below the main panels along the skirting board;
- The skirting board below each signage will be 850 mm wide, consisting of colorbond colour in black paint finish (Night Sky);
- External illumination is provided above the skirting board, two on each sign face, totalling four external lighting projectors, extending 100 mm, with the lights angled upwards towards each panel.

Current Status/Issues

The application has been subject to a mediation session where no resolution was achieved. Officers do not support the proposal, as such the application is presented before Council for determination, with the recommendation to Issue a Notice of Refusal to Grant the Planning Permit for various grounds which are supported by the East Gippsland Planning Scheme.

The recommendation considers the similarities between the proposal and the previous application at 10 Prestons Road which was refused at VCAT. Mitigating factors include the smaller scale and improved proximity to other commercial activities (such as the service station). However, these mitigating factors cannot resolve key policy considerations regarding amenity and scenic value of the township.

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

East Gippsland Planning Scheme

Policy

Direct consideration is given the following State policies, broadly:

- Clause 11 Settlement
- Clause 13.07 Amenity
- Clause 15 Built Environment and Heritage
- Clause 15.01-6S Design for rural areas
- Clause 18.01-2S Transport Systems

Some of the primary objectives of the policy provide that planning must anticipate and respond to the needs of existing and future communities. A high standard of urban design and amenity is expected. Planning is to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects. This may be achieved through ensuring the compatibility of a use or development as appropriate to the land use functions and character of the area by directing land uses to appropriate locations and using a range of building design, urban design, operational and land use separation measures.

Planning is to ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context. Urban design is to be considered and is to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Planning is to ensure development respects valued areas of rural character. This can be achieved through ensuring that the siting, scale and appearance of development protects and enhances rural character; by protecting the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located; and by siting and designing development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

Municipal Strategic Statement

21.04-2 Landscape

Large areas of East Gippsland, including Gippsland Lakes and surrounds, are classified by the National Trust as landscapes of special regional significance.

Objective 1

To enhance the aesthetic quality of the built environment and ensure that the integrity and character of localities and the quality of the natural environment are recognised and protected.

Strategy 1.1

Ensure that development in significant landscape areas is designed and implemented in a way that is sympathetic to the character of the area and preserves its aesthetic values.

Strategy 1.2

Protect:

- Areas of high landscape sensitivity, including visually prominent ridgelines, areas adjacent to the coastline or lake shorelines and remnant vegetation in generally cleared areas.*
- Landscapes with high aesthetic or cultural values as identified by the National Trust of Australia (Victoria) (Map 2).*
- Views from significant lookout points.*
- Scenic roads, including those referenced in the Forest Management Plan, East Gippsland Forest Management Area, the Forest Management Plan for Gippsland, the East Gippsland Forest Management Zoning and the Gippsland Lakes Strategy (Map 3).*
- Attractive landscapes and important vistas, through development and application of siting and design guidelines for coastal townships, recreation activity centres and other areas of high landscape quality.*

Assessment (Policy)

The policy provisions reviewed suggest that amenity conflicts need to be reduced. The neighbouring properties to the site have a range of amenity, some sensitive, some not. The nearest neighbouring property is used residentially despite the Commercial zoning, and this must be taken into account. The proposal is located within 40 metres of a neighbouring dwelling, and by appearances, habitable rooms would have direct or partially obstructed views of the sign. This is a potential severe detriment to the neighbours, especially if the sign is illuminated.

A review of the origins of the Scenic Roads (Map 3) has been undertaken, in order to confirm the appropriateness of the determination made in *Kempff v East Gippsland*. It is confirmed that Map 3 originally featured as Map 8 in the East Gippsland Planning Scheme when established in 1999. The Scenic Roads designation applies broadly to the Princes Highway, Great Alpine Road, Bonang Road, and other major highways. This designation has origins in the Gippsland Lakes Strategy.

Clause 52.05 Signs

This proposal relates to introducing a second major promotion sign in a rural township area. As such, Council is required by the Planning Scheme to ensure that the predominantly residential and minimal commercial amenity and character of the area is not adversely impacted. This is the most critical matter 'at contest'. Council conferred with VicRoads to ensure that the safe operation of the Princes Highway is not placed at risk by the development of the sign.

Decision Guidelines

The relevant decision guidelines indicate that inappropriate development which will have amenity impacts should be discouraged, especially adjacent to transport systems and in rural areas with distinct characteristics. The proposal takes advantage of zoning which has not been realised in the landscape through use and development of the land. The proposed development is not consistent with the prevailing pattern and form of development, represents a detriment to the amenity of surrounding landowners, and as such the proposal should not be supported.

Collaborative Procurement

Not applicable

Council Plan

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

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

Council Policy

The application was subject to a mediation session as there are between 5 and 9 objections, pursuant to the Planning Permit Applications Delegation Policy 2018. However, the officer recommendation is for refusal, so the matter must be reported to Council.

Options

1. Move the Officer Recommendation.
2. Move an alternate recommendation with Council's position to be recorded as supporting the outcome, but delegating the issue of a Notice of Decision to grant a planning permit, subject to conditions, to the General Manager Place and Community to resolve with officers. This is generally consistent with the Planning Permit Applications Delegation Policy, in that if there was officer support for the proposal, the matter could be determined under delegation.

Resourcing

Financial

Not applicable

Plant and equipment

Not applicable

Human Resources

Not applicable

Risk

The risks of this proposal have been considered and given the nature of the objections, it is likely that a decision to grant the permit will be challenged at VCAT, both by local residents and the sign company that had a permit refused previously. These are relatively minor risks to the organisation from a liability perspective; however they present additional resourcing issues.

Economic

The permit applicant argues that the proposal would contribute to the local economy by providing major promotion signage of a smaller size than the existing sign in Newmerella, which could be used by local businesses to promote local businesses from passing traffic. Officers question the economic value of the sign.

Social

Officers contend that the proposal would be visually intrusive and would damage the rural/small town character of the settlement. It would be expected that further applications would be made for major promotional signage along the north side of Princes Highway, Newmerella, where the Commercial Zoning is relatively permissive in relation to other rural settlements which have Township or Residential Zoning along the highway, and are more restrictive, as is the Farming Zone along the majority of the rural highway.

The settlement is small, and the number of local residents who have objected is not insignificant.

Environmental

There are no significant environmental impacts of the proposal.

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. There are no likely impacts of the proposal from or by climate change processes.

Engagement

The application was subject to one external referral and internal advice from the Senior Technical Officer – Development.

Department of Transport Response

The application was referred to the Department of Transport as a Section 55 determining authority under Clauses 52.05-3, 52.29-4 and 66.03. However, it is acknowledged that the application was incorrectly referred to VicRoads as a Section 55 determining authority under Clauses 52.05-3, 52.29-4 and 66.03, as the proposed signage is not animated or electronic (Clause 52.05-3) and is not a planning permit trigger under Clause 52.29-3, therefore referral under Clause 66.03 should not have occurred as a determining referral authority. Instead, should have been a Section 52 recommending for comments only due to the size and location of the sign as it could impact on road users.

Subsequently, the Department of Transport responded (attached) with no objections to the proposal subject to the following conditions:

1. *The sign must be located within the property boundary.*
2. *The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver of greater than 0.25 cd/ma, throughout the driver's approach to the advertising sign.*
3. *Access to the sign must be from Warrens Road.*

It is intended that the above conditions would be added onto a permit if issued, adopted as conditions of the responsible authority.

Council's Technical Officer Advice

Council's Technical Officer advised of no objections to the proposal subject to the following condition:

Before the development starts, detailed design plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale, with offsets and dimensions. The plans must generally be in accordance with the Layout Plans submitted with the application but modified to include:

- a) *Footing details;*
- b) *Construction notes*

It is intended that the above conditions would be included in a permit, if issued.

As noted previously, the application was made subject to notice via letters to adjacent landowners and occupiers and a notice was placed on the site. Following notice, eight objections were received. A planning mediation session was held on Monday 9 August 2021, with Cr White and Cr Greacen attending. The applicant and only one objector were present, and no resolution was reached.

The Grounds of Objection are summarised as:

Marni Joiner	<ul style="list-style-type: none"> • Impact on views/aesthetics. • Causing distraction to motorists. • Alter in character of the community/area.
Shadow Aldenhoven	<ul style="list-style-type: none"> • Change in streetscape. • Impact on views. • Extra lighting not necessary. • Alter in character of the community/area.
John Mekken	<ul style="list-style-type: none"> • Contrary statement in Appendix 6 of application report stating signage will not be illuminated. • Location of sign will be directly opposite a V/Line bus stop and intersection of school traffic. • Alter in character of the community/area. • Poor location as Princes Highway is identified as a "Scenic Route".
Larry Beswick	<ul style="list-style-type: none"> • Impact on views/aesthetics. • Causing distraction to motorists.
Stefan Kempff	<ul style="list-style-type: none"> • Poor location as Princes Highway is identified as a "Scenic Route". • Alter in character of the community/area. • Contrary statement in Appendix 6 of application report stating signage will not be illuminated. • Causing distraction to motorists. • Location of sign will be directly opposite a V-line bus stop and intersection of school traffic. • Causing distraction to motorists.
Peter Mekken	<ul style="list-style-type: none"> • Traffic congestion at the intersection would be increased • Proposed sign will be overly dominating (blocking view/sightlines) and out of character.
Total Outdoor Media	<ul style="list-style-type: none"> • Proposed sign is inappropriate to the site context. • Insufficient separation distance from other major promotion sign. • Proposal is inconsistent with Clause 21.04-2 and 21.12 of the East Gippsland Planning Scheme (Objectives and Policy). • Proposal is inconsistent with Clause 52.05 of the East Gippsland Planning Scheme. • Proposal is inconsistent with the findings of the Tribunal in <i>Kempft v East Gippsland SC [2019] VCAT 786</i> ('Kempft').
J O'Hehir	<ul style="list-style-type: none"> • Insufficient grounds against policy framework and Clause 52.05. • Clutter and adverse amenity impact.

Response to Objections

The grounds of objection are noted as generally sharing the concerns that have been raised by Officers. There are some statements of a technical nature which are not necessarily supported, such as the sign increasing traffic, as the sign itself is not a traffic generator.

Distraction and visual clutter are concerning, and these factors are potentially more detrimental in this proposal than in relation to the 10 Prestons Road sign. This is due to the proximity to the intersection, and nature of other services (such as a bus stop) in same intersection.

It is probable, if a permit were to be granted, that sign companies would make further applications for major promotional signs, and the justification to refuse would be eroded. The character of the area could be further degraded over time.

Attachments

1. Planning Application Documents [**5.4.1.1** - 1 page]
2. Objections [**5.4.1.2** - 11 pages]
3. Referral Responses [**5.4.1.3** - 2 pages]

Planning Application documents

If you wish to access the relevant documentation, please download from the following weblink:

https://egswazstorage.blob.core.windows.net/pubwebcontent/advertised-planning-permit-applications/1712021P_5317_Princes_Highway_Newmerella.pdf

These files will not be removed until the matter is resolved.

6/29/2021

dwaCF1C.htm

From: Snapforms Notifications [no-reply@snapforms.com.au]
Sent: Tuesday, 8 June 2021 4:45:11 PM
To: Planning Unit Administration
Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: Marni Joiner

Email address:

Postal address :

Mobile phone number:

Planning permit number: 171/2021/P

What has been proposed?: Development of a double sided, externally illuminated, major promotion sign

What is the address to be used or developed?: 5317 princes highway newmerella

Who has applied for the permit?: Regional billboard Co pty ltd

What are the reasons for your objection?: The proposed intersection can often become congested with cars, truck and buses wanting to enter and exit the highway, from the BP service station, bus stops, Thomas Rd and Warrens Rd. I feel the billboard would contribute further chaos of the intersection, in particular overshadowing vehicles using Warrens Rd. This intersection is already busy and at times having limited view, with holiday peak time with many traffic users using the service station, week days with school drop off/pick-up. While there is often trucks parked along the verge of highway. I feel an illuminated billboard will change the aesthetics of the community and would see it loose its character

How would you be affected by the granting of this permit?: 1. I have safety concerns causing distraction to drivers while using this intersection for my school aged child to attend school either by car, foot or bike. As well as general near daily use of the intersection. 2. As newmerella resident I fear it will change the character of the community

Privacy Statement: Yes

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6/29/2021

dwa3A0F.htm

From: Snapforms Notifications [no-reply@snapforms.com.au]
Sent: Monday, 7 June 2021 11:27:48 AM
To: Planning Unit Administration
Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: Shadow Aldenhoven

Email address:

Postal address : Newmerella Vic 3886

Mobile phone number:

Planning permit number: 171/2021/P

What has been proposed?: Devolpment of double sided, externally illuminated, major promotion sign

What is the address to be used or developed?: 5317 Princes Highway Newmerella Vic 3886

Who has applied for the permit?: Regional Billboard Co Pty Ltd

What are the reasons for your objection?: This would change the street scape, this side is of the street is not illuminated will increase the lighting of the overall street, already have BP across the road. which i took into consideration when purchasing my property. this will impact my view from my yard and house. i believe this will potentially decrease the value of my house.

How would you be affected by the granting of this permit?: Extra lighting of the street not needed, the overall curb appeal of my property and view. the overall character of the town would alter.

Privacy Statement: Yes

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6/29/2021

dwa4B9E.htm

From: Snapforms Notifications [no-reply@snapforms.com.au]
Sent: Monday, 7 June 2021 11:46:49 AM
To: Planning Unit Administration
Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: John Mekken

Email address:

Postal address : Newmerella Vic 3886

Mobile phone number:

Planning permit number: 171/2021/P

What has been proposed?: Development of double sided, Externally illuminated, major promotional sign

What is the address to be used or developed?: 5317 Princes Highway Newmerella Vic 3886

Who has applied for the permit?: Regional Billboard Co Pty Ltd

What are the reasons for your objection?: Appendix 6 - Vicroads ten point checklist 03 - applicant states that "the sign will not be illuminated" this contradicts application title referencing "Externally illuminated" 04 - location where particular consideration is required - YES directly opposite V-line bus stop and intersection with added school pick up and drop off traffic applicant deemed for location to have "no special consideration" Based on VCAT case; a) another promotional sign would significantly alter the character of the area b) significant impact on the princes highway as an identified "Scenic Route" note: threat from applicant to erect 3x8m2 signs if their application is rejected - poor form?

How would you be affected by the granting of this permit?: -another promotional sign would significantly alter the character of the area -applicant states that "the sign will not be illuminated" this contradicts application title referencing "Externally illuminated"

Privacy Statement: Yes

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dwaBD8.htm

From: Snapforms Notifications [no-reply@snapforms.com.au]
Sent: Monday, 7 June 2021 1:56:31 PM
To: Planning Unit Administration
Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: Larny Beswick

Email address:

Postal address : Newmerella Vic 3886

Mobile phone number:

Planning permit number: 171/2021/P

What has been proposed?: Development of Double Sided, externally illuminated, major promotion sign

What is the address to be used or developed?: 5317 Princes Highway Newmerella Vic 3886

Who has applied for the permit?: Regional Billboard Co Pty Ltd

What are the reasons for your objection?: This is at times a busy intersection, with a bus stop, local traffic with school drop off and pick ups, local trucks parking on the verge of the princes highway approaching the service station already affecting views at intersection at times i believe this sign will create a larger issue at the intersection. I am very concerned with another promotional sign that is illuminated will change the aesthetic of our local community and will lose its appeal.

How would you be affected by the granting of this permit?: I believe this will cause a distraction at intersection, concerned about aesthetic of our local community. Believe this sign will create a distraction at a bust intersection.

Privacy Statement: Yes

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6/29/2021

dwa34C8.htm

From: Snapforms Notifications [no-reply@snapforms.com.au]
Sent: Monday, 7 June 2021 9:24:52 PM
To: Planning Unit Administration
Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: Stefan Kempff

Email address:

Postal address: Orbest VIC 3888

Mobile phone number:

Planning permit number: 171/2021/P

What has been proposed?: Development of a double sided, externally illuminated, major promotion sign

What is the address to be used or developed?: 5317 Princes Highway Newmerella Lot 1 TP 7241

Who has applied for the permit?: Regional Billboard Co Pty Ltd

What are the reasons for your objection?: 1. Based on a past VCAT case for a sign in the same vicinity: A. Significant impact by sign on Princes HWY, a designated scenic route B. Another major promotion sign would significantly alter the character of the area 2. Appendix 6 of application - VicRoads ten point Checklist: A. Section 03 - applicant states sign will not be illuminated, in contradiction to application title and supplied detail of lights to be used for illumination B. Section 04 - applicant dismisses the location requires particular concentration. I disagree, it is near intersections, entries and exits to a service station and sawmill, and most importantly opposite one and just ahead of another Vline bus stop. The location of the sign is in an area where drivers indeed are required to concentrate

How would you be affected by the granting of this permit?: 1. The safety of my school aged children using the Vline bus stops in the vicinity of the sign every school day for the Nagle College bus may be compromised by drivers distracted by the sign. 2. As a resident of Newmerella I am interested in maintaining the existing character of my neighbourhood which I fear will be significantly altered by the construction of another major promotional sign, situated on a designated scenic route.

Privacy Statement: Yes

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6/29/2021

dwa4322.htm

From: Snapforms Notifications [no-reply@snapforms.com.au]
Sent: Tuesday, 8 June 2021 1:49:56 PM
To: Planning Unit Administration
Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: Peter Mekken

Email address: t

Postal address : Newmerella Vic 3886

Mobile phone number:

Planning permit number: 171/2021/P

What has been proposed?: Development of double sided, eternally illuminated, major promotion sign

What is the address to be used or developed?: 5317 Princes Highway Newmerella Vic 3886

Who has applied for the permit?: Regional Billboard Co Pty Ltd

What are the reasons for your objection?: The intersection has recently been changed significantly, the traffic congestion at times is very hectic. I believe another distraction on this intersection could very well cause more confusion at this intersection. As a truck driver since the bus stop has been relocated to the front of the BP shop, highway congestion in front of this proposed sign spot prohibits clear view of the highway to the west when entering the highway, the sign would be another obstacle blocking clear view.

How would you be affected by the granting of this permit?: I believe this could contribute to potential accidents at this intersection.

Privacy Statement: Yes

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26 May 2021

Town Planning
East Gippsland Shire Council

PO Box 1618
Bairnsdale Vic. 3875

EGSC

- 2 JUN 2021

**INFORMATION
MANAGEMENT**

Dear Sir/Madam

Planning Application 171/2021/P 5317 Princes Highway, Newmerella

Please consider the following comments as an objection to the above application. The grounds of objection are as follows:

1. The proposed sign will be overly dominating and out of character.
2. The proposed sign is inappropriate to the site context.
3. There is insufficient separation distance from other major promotion signs such that there will be a repetitive effect with adverse outcomes.
4. The proposal is inconsistent with Clause 21.04-2 and 21.12 of the East Gippsland Planning Scheme (Objectives and Policy).
5. The proposal is inconsistent with Clause 52.05 of the East Gippsland Planning Scheme.
6. The proposal is inconsistent with the findings of the Tribunal in *Kempft v East Gippsland SC* [2019] VCAT 786 ('Kempft').

Before turning to the basis for objection we believe it is necessary to comment on an assertion made in the applicant's covering submission. At 4. *Background* the following comment is made:

It is worth noting that due to the zoning (34.02-8 - Category 1 for signage) we would be permitted to put up an 8m2 sign on each title without a permit. This is made clear in (52.05 - 11) - which notes that each premises may have a promotion sign up to 8m2 without a permit.

As the Subject Site is made up of three individual titles (each with Princes Hwy frontage) - we would be entitled to erect a promotion sign up to 8m2 on each title (3 in total).

If we are unsuccessful in this application our intention is to put up three (3) 4m x 2m advertising signs on the property - one on each of the three titles.

We believe the proposed Major Promotion Sign is a better planning outcome than three smaller signs. The advertising area on the proposed sign (18m2) is less than the total advertising area would be across the three signs (24m2).

The provisions of Clause 52.05-11 relating to Category 1 reference a Section 1 allowance of 8m2 per premises. The 'premises' in this instance is the property that being 5317 Princes Highway, Newmerella. This 'premises' is made up of three separate titles, that is, the titles do not constitute three separate 'premises'.

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TOM
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Therefore it does not follow that three separate signs each of 8m2 can occur without planning approval. The inference expressed by the applicant, that the proposal is better than three separate signs that could occur, is misconstrued. The site is identified and rated as one entity not as three separate land entities.

The proposed sign is considered to have no relationship with its immediate site context. It is poorly located on the site and will be a dominating element within the 'hamlet' setting described by the Tribunal in '*Kempft*'.

The sign exhibits no innovative features, it will detract from the amenity of the locality and is not incorporated into the surrounding build form. The sign is not compatible with the character of the area as it will be an isolated element and of a size and placement which is disruptive.

The sign will be set well forward on the property adjacent the frontage. This type of structure placement is not typically a feature of the local character. We note there will be some overlap with the 'BP' signage therefore causing visual clutter. This extent of signage intensity proposed is not a feature of the local hamlet.

The sign will not enhance the attractiveness of this major scenic route through the shire. The sign will diminish the amenity and character of the surrounding area with a distinct lack of integration. The scale of the sign is not related to the surrounding building form.

We note the comments of the Tribunal in '*Kempft*':

19. The proposed sign clearly meets locational policies seeking to direct such signs to commercially zoned land. However, it does not meet the locational policy discouraging major promotion signs on scenic routes with the Princes Highway identified in the scheme as a 'scenic road'.

20. In addition, as is clear from the purpose of clause 52.05, as well as the general and major promotion sign specific decision guidelines, the impact of the sign on the character of an area is an important consideration in assessing whether a permit should be granted.

21. In this case, the existing character of the area is of a small rural hamlet, characterised by some single storey dwellings and other buildings of a similar scale, amid grassed paddocks. Development to the south of the highway is set back from it and screened by substantial roadside vegetation. While there is a storage facility on the site adjoining the proposed sign, it is also of a low scale.

The subject site can also be considered to be in a low scale environment, the sign will be a disruptive element in its setting.

The Tribunal in '*Kempft*' also raised the issue of signage density. Expressed another way, there will be undesirable consequences caused by a concentration of signs in a small hamlet with the features of Newmerella:

23. In my view, another large major promotion sign in such close proximity to the existing sign would significantly alter the character of the area. Rather than a single interruption to

the rural hamlet, there would be two large signs which together would be an imposing and dominating presence.

This concern need not manifest itself in relation to immediate proximity between signs. Given the modest length of the hamlet the impact of signage repetition would be apparent.

Clause 21.04-2 of the planning scheme includes:

Objective 1

To enhance the aesthetic quality of the built environment and ensure that the integrity and character of localities and the quality of the natural environment are recognised and protected.

Strategy 1.1

Ensure that development in significant landscape areas is designed and implemented in a way that is sympathetic to character of the area and preserves its aesthetic values.

The Tribunal in '*Kempft*' notes the relevance of these provisions in relation to signage:

18. Clause 21.04-2 of the scheme sets out local landscape policies. These include policies seeking to protect identified 'scenic roads'. Map 2 and 3 of clause 21.04-2 identify the Princes Highway through Newmerella as one of these 'scenic roads'.

19. The proposed sign clearly meets locational policies seeking to direct such signs to commercially zoned land. However, it does not meet the locational policy discouraging major promotion signs on scenic routes with the Princes Highway identified in the scheme as a 'scenic road'.

.....

24. For similar reasons, I consider the proposed sign will also have a significant impact on the Princes Highway as an identified 'scenic route'.

.....

26. For these reasons, I conclude that the proposal will have a significant adverse impact on the character of the area. In my view, the permit application should be refused for this reason alone. However, in addition, the proposed sign will also have a significant impact on the Princes Highway as a 'scenic route'. This is an additional reason why I consider the permit application should be refused.

It is clear the Tribunal placed greater weight on the landscape outcomes sought by Clause 21.04-2 in relation to land adjacent a designated 'Scenic Route'. The decision provides a highly relevant precedent upon which to assess this current application.

The provisions of Clause 52.05 are read in conjunction with the State Planning policies contained within the Planning Scheme. Clause 15 (Built Environment and Heritage) seeks to ensure that '*all new land use and development appropriately responds to its landscape and character, valued built form and cultural context*'. In addition, it recognises '*planning should promote excellence in the built environment and create spaces that*':

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- *Are enjoyable, engaging and comfortable to be in.*
- *Contribute positively to local character and sense of place.*
- *Reflect the particular characteristics and cultural identity of the community.*
- *Enhance the function, amenity and safety of the public realm'.*

Clause 15.01-1S (*Urban design*) states as its objective '*to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity*'. Specifically, one of the strategies seeks, amongst other things, to '*ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads*' and to '*promote good urban design along and abutting transport corridors*'.

The proposal is inconsistent with these policies as the proposed signage will be visually dominant and will have a negative impact on the character of the surrounding area. It will also contribute to a concentration of signage which will be adverse in this small hamlet.

In relation to Clause 52.05-8 we note the application proposal conflicts with the following criteria:

- *The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.*
- *The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.*
- *The potential to dominate the skyline.*
- *The relationship to the streetscape, setting or landscape*
- *The extent to which the sign displays innovation relative to the host site and host building.*
- *Major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.*

In summary, the proposed sign will stand as a dominant element that will be visually imposing in its context. This context has been described in detail by the Tribunal in '*Kempff*'. The sign will not complement or enhance the character of the area. The sign is inconsistent with State and Local policy outcomes sought for Newmerella.

We therefore respectfully request that Council refuse the application.

Thank you for considering this submission.

Yours sincerely

Ged Hart

Managing Director

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dwa13CB.htm

From: Snapforms Notifications [no-reply@snapforms.com.au]
Sent: Monday, 24 May 2021 1:35:33 PM
To: Planning Unit Administration
Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: J O'Hehir

Email address:

Postal address : Newmerella VIC

Planning permit number: 171/2021/P

What has been proposed?: Yet another development of a double sided, externally illuminated, major promotion sign.

What is the address to be used or developed?: 5317 Princes Highway NEWMERELLA

Who has applied for the permit?: Regional Billboard Company

What are the reasons for your objection?: The proposal should not be supported. There is sufficient grounds in the planning policy framework, local planning policy framework, and Clause 52.05 to consider the potential clutter and amenity impact that is presented through an increasing number of major promotion signs. Newmerella is not a robust business/industrial area, there are a few industries and the land is predominantly rural residential use, including grazing land.

How would you be affected by the granting of this permit?: A significant adverse impact on the character of the area.

Privacy Statement: Yes



Department of Transport

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Telephone: +61 3 9651 9999
www.transport.vic.gov.au
DX 201292

Kerry Stow
East Gippsland Shire Council
273 Main Street
Bairnsdale VIC 3875

Dear Kerry

PLANNING APPLICATION NO.: 171/2021/P
DEPARTMENT REFERENCE NO: PPR 36213/21
PROPERTY ADDRESS: 5317 PRINCES HIGHWAY, NEWMERELLA VIC 3886

Section 55 – No objection subject to conditions

Thank you for your referral dated 10 May 2021 of the above application to the Head, Transport for Victoria under Section 55 of the *Planning and Environment Act 1987*.

The Head, Transport for Victoria has considered this application and does not object if the permit is subject to the following conditions:

1. **The sign must be located within the property boundary.**
2. **The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.**
3. **Access to the sign must be from Warrens Road.**

Please forward a copy of any decision to this office as required under the *Planning and Environment Act 1987*.

Should you have any enquiries regarding this matter, please contact Stuart Fenech on 5172-2693 or Stuart.Fenech@roads.vic.gov.au.

Yours sincerely

Stuart Fenech
Senior Statutory Planning Officer
Under delegation from the Head, Transport for Victoria
01/07/2021

Cc: Permit applicant



ENGINEERING REFERRAL COMMENTS

Application No. 171/2021/P
Applicant: Regional Billboard Co Pty Ltd
Development: Development of a double sided, externally illuminated, major promotion sign
Location: 5317 Princes Highway NEWMERELLA
Lot 1 TP 7241
Planning Officer: Emine Mestan

INSPECTION COMMENTS

LMcArthur
10/06/2021

RECOMMENDED CONDITIONS

1. Before the development starts, detailed design plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale, with offsets and dimensions. The plans must generally be in accordance with the Layout Plans submitted with the application but modified to include:
 - a) Footing details;
 - b) Construction notes

10-Jun-2021

5.4.2 Request to End S173 Agreement 91 Coast Ave Paynesville

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 decision to end Section 173 Agreement AQ868619Y ('the Agreement') in relation to 91 Coast Avenue, Paynesville. Council provided in-principal support to end the agreement at the 13 April 2021 Ordinary Meeting (Item 5.1.5). Community consultation has now been carried out whereby notices were sent directly to the affected landowners on 16 June 2021, with responses due 30 June 2021. One objection was received.

The catalyst to end the Agreement as it relates to 91 Coast Avenue is the approval of planning permit 349/2020/P for use and development of a retirement village, business identification signage and subdivision (creation of road and reserve). Ending the Agreement was contemplated during the planning permit application assessment and as such permit condition 9 requires the Agreement to be ended wholly as it relates to 91 Coast Avenue before the permit is implemented.

Ending the agreement as it relates to 91 Coast Avenue is a reasonable request and will enable the land to be developed in accordance the applicable zone and overlays contained in the East Gippsland Planning Scheme. The Agreement will remain on the broader residential estate being developed in accordance with the most recent endorsed plans under 583/2004/P/D. The concerns of the objector have been addressed in consultation with the proponent, however the objector wishes to retain their rights to challenge the determination.

A copy of the request to end the Agreement, copy of title for 91 Coast Avenue, and Section 173 Agreement AQ868619Y can be viewed at **Attachment 1**. A copy of the objection is provided at **Attachment 2**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report,***
- 2. agrees to the ending of Section 173 Agreement AQ868619Y wholly as it relates to Lot A on PS802718E Volume 11985 Folio 122, being 91 Coast Road Paynesville, 3880 in accordance with Section 178A of the Planning and Environment Act 1987 resolves to issue a Notice of Decision to End an Agreement in accordance with S178E(3) of the Planning and Environment Act 1987; and***
- 3. resolves that all costs of ending the legal agreement are to be borne by the landowner.***

Background

Council has received a request to end the Agreement wholly as it relates to 91 Coast Avenue Paynesville. Planning permit 349/2020/P for a two-lot subdivision and development of two single storey dwellings was granted 13 November 2019. The subdivision layout differs from the Agreement, hence the request to end the agreement has been lodged.

The Agreement was entered into in accordance with Condition 2 of Planning Permit 94/2007/P (2 lot subdivision) to establish a connection to the detailed multi lot subdivision approved under Planning Permit 583/2004/P.

The Agreement seeks to ensure development is consistent with the configuration, layout and staging reflected in the plans endorsed under Planning Permit 583/2004/P as amended from time to time. Plans endorsed under the latest amendment to 583/2004/P can be seen at Figure 1 below.

The intention of the Agreement was not to limit the development and subdivision potential of the land, but rather to ensure good connectivity and to preserve the broader structure of the residential estate. It is noted that the planning scheme seeks to facilitate the development of a variety of lot sizes and housing options particularly close to social infrastructure such as childcare centres, schools and recreational facilities.

The owner obligations of Section 173 agreement AQ868619Y are:

4.1 Compliance with other permits

- (a) The Owner agrees that regardless of any rights conferred by the Planning Scheme, except with the prior written consent of Council, the Subject Land, or any part of it, must only be subdivided in a manner which depicts a lot layout and title boundaries which are:*
 - (i) generally in accordance with the configuration and layout of the subdivision authorised by the Planning Permit and the various conditions included in that permit; and*
 - (ii) wholly in accordance with the plans from time to time endorsed pursuant to condition 3 of the Planning Permit, which shows the required staging of the subdivision authorised by that permit.*

4.2 Development must be to approval of Council

The Owner agrees that if the Planning Permit expires after this Agreement commences, the subdivision of the Subject Land must be to the satisfaction of Council.

Strategic plans

Paynesville Growth Area Structure Plan, June 2016.

The Paynesville Growth Area Structure Plan was adopted by Council in August 2016.

The subject land is located in the structure plan area.

The purpose of the Paynesville Growth Area Structure Plan (PGASP) is to provide a set of desired outcomes, objectives, guidelines and requirements for future development of the growth area, based on principles of good urban design and sustainability.

The proposal is consistent with the strategic direction of the structure plan.

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 *Planning & Environment Act* 1987 pursuant to section 178A provides the opportunity for Council to consider ending an agreement, either wholly or in part, without the consent of all persons who are bound by the agreement.

The applicant is seeking to end section 173 Agreement AQ868619Y wholly as it applies to 91 Coast Avenue, Paynesville; however, the consent of all parties bound by the agreement has not been obtained.

In some instances, such as the case at hand, it is not always reasonable nor practical to obtain the consent of all parties to an agreement, particularly where there are a significant number of parties.

Where the consent of all parties has not been obtained, section 178B (2) of the *Planning & Environment Act* 1987 provides the framework for the proposal to be assessed and considered by Council.

The proposal to end the Section 173 Agreement has been submitted pursuant to section 178A of the Act. A proposal submitted under this section of the Act, pursuant to section 178 B must be considered against set requirements. An assessment against these requirements is as follows:

The purpose of the Agreement

The purpose of the agreement is to implement permits 583/2004/P and 94/2007/P as amended from time to time resulting from the subsequent subdivision and sale of land to a separate developer. The Agreement provides for the subdivision of the land to proceed generally in accordance with the endorsed plans, which consider road hierarchy, reserve networks and linkages, and vegetation removal.

Whether and why the Agreement is no longer required

The Agreement will largely be implemented through the proposed development at 91 Coast Avenue under permit 349/2020/P, and the ongoing subdivision activity for residential development will continue under the same agreement. Permit 349/2020/P anticipated ongoing obligations to continue, and as such, a draft agreement has been prepared in readiness to lodge on title to uphold relevant aspects of this Agreement. Key to the implementation is the continuation of Coast Avenue in a North-South alignment, reserves and Ashley Street continuation in an East-West alignment. The proposal preserves these key infrastructure provisions.

Whether the ending of the Agreement would disadvantage any person, whether or not a party to the Agreement

It is considered that the ending of the Agreement itself would not disadvantage any person whether party to the Agreement or not. Notification of the proposal to end the Agreement as it relates 91 Coast Avenue, Paynesville was given to all parties to the Agreement and one objection was received. The objector raises valid considerations, which can be considered as follows:

1. The controls (Agreements) which have been implemented from time to time on the land anticipate the development of the estate for lots which could accommodate single dwellings. However, the responsible authority has already considered past subdivision of the land, and also development of a childcare centre within the estate. The zone and locality is suitable for the retirement village, and the permit has been issued.
2. The proposed use of a portion of Ashley Street (northside) for caravan and boat storage can be considered a temporary use, subject to the release of land to the west in the Paynesville Growth Area Structure Plan area. Once further land is available to the west, the caravan and boat storage area could be re-subdivided and the road, through the replacement Agreement, would continue. The applicant made clear their intentions to eventually construct Ashley Street at a later date through the planning permit application submission. This future stage would permit passive street surveillance.

Caravan and boat storage is an activity commonly associated with retirement villages. Ultimately, this activity could be achieved in the service industrial precinct proposed to the West of Grandview Road, or contained in a more controlled/internalised way in an expanded retirement village precinct in land further west, once rezoned.

3. Clause 55.02-5, integration with the street objective, does not apply to a proposal for a retirement village as a distinct land use/classification from multiple dwellings on a lot. Notwithstanding the lack of application, the use lends to active surveillance of public open space, generally by nature of increased availability of time for recreational activity, including walking in the surrounds. Security features for the retirement village, such as CCTV, can also contribute to enforcement and active surveillance.

The reasons why the responsible authority entered into the Agreement

The responsible authority entered into the Agreement to ensure the orderly development of the land and infrastructure. The intention of the Agreement was not to prevent further subdivision of the lots approved under permit 583/2004/P, nor to restrict what type of development could occur subject to the General Residential Zone.

The objector makes certain statements regarding “intent” at the time of subdivision, which have not necessarily been translated into strict restrictions on title. In the absence of such restrictions, the reasonableness of development should be assessed against the planning scheme provisions.

Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988.

Permit 349/2020/P provided for the land to be used and developed for a retirement village, and for provision of business identification signage and also for subdivision (creation of road and reserve). The permit was granted with condition that this Agreement is ended wholly in relation to the land, with further expectation that relevant aspects of the Agreement are carried forward in a new Agreement. The ending of this Agreement is a logical next step in the progression of that permit being implemented. It is considered that no additional matters under the Subdivisions Act 1988 will be impacted upon by this proposal.

Any other prescribed matter

The Act is prescriptive as to the processing and consideration of proposals to end section 173 Agreements. In accordance with section 178E (3) where objections are made under section 178D, the responsible authority may, after considering the matters in section 178B – resolve to issue a Notice of Decision to End the Agreement in accordance with the proposal.

Collaboration

Nil

Council Plan

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

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

Council Policy

Past determinations of a similar nature include:

- 75 Paynesville Road, Paynesville 3880 – Section 173 Agreement AF202923J – Council resolved to end the Agreement in 2018
- 72 Ashley Street Paynesville, 3880 – Section 173 Agreement AF2020923J – Council resolved to end the Agreement in 2019
- 78 Ashley Street Paynesville, 3880 – Section 173 Agreement AF2020923J – Council resolved to end the Agreement in 2021

Options

Not applicable

Resourcing

Financial

The assessment has been undertaken utilising existing operational budget and is supported by statutory application fees for consideration. Future actions will require applicants to bear the cost of removing the Agreement from the title.

Plant and equipment

Nil

Human Resources

No additional human resources are required.

Risk

The risks of this proposal have been considered and it is concluded there is minimal risk. It is considered that the proposed development, already approved, is a reasonable and expected outcome, and that due process was followed in relation to the grant of the permit. With respect to the objection, there is little risk associated with a review of the officer recommendation.

Economic

The proposal will facilitate additional development as previously approved. The development relates to a retirement village.

Social

Ending the Agreement will not have a negative impact on the community. It is noted that consultation during the approval process for Planning Permit for the retirement village and subdivision did not attract any objections.

Environmental

The proposal will not have any significant environmental impacts.

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

The procedure to assess proposals to end section 173 agreements under section 178A of the Planning and Environment Act 1987 directs that notice of the proposal to all parties bound by the agreement is undertaken after obtaining 'in principle' support.

Notice took place in the form of direct mail to all persons who own land that has the same agreement included on their title. The notices were sent on 16 June 2021, with responses due on 30 June 2021.

One objection has been received by Council objecting to the request to end the agreement, which is provided at **Attachment 2**. The objection was lodged by agents for the landowners of land to the immediate west (Ah Yee family), who were previously owners of the land subject of the development.

The objection details objections to the planning permit application 349/2020/P and makes claims that notice of that proposal was not given appropriately. Officers and the Applicant have confirmed that instructions were carried out appropriately and the notice was sent to the nominated address for service of Council documents (same as rates). Through consultation, the Ah Yee family and their advocate acknowledge that they missed their opportunity to object to the permit but wish their objections to stand in relation to the ending of the agreement. This position was confirmed by the applicant on 9 September 2021.

The grounds of objection in relation to the proposed development and by association the ending of the agreement include:

1. *The original application to subdivide, lodged by my clients, sought to create a high quality residential estate, that reflected contemporary standards, would provide high standards of living for local residents and would also be a tribute to the more than 100 years occupation of the land by our client's family.*
2. *The intention was also that the development should integrate seamlessly into the future development of their landholding to the west, when that land became available for development. Recognition of the development potential of that land occurred with council's approval of the Paynesville Growth Area Structure Plan on 2 August 2016.*
3. *A key element in what became known as the Master Plan was that each lot would contain a house which would face the street.*
4. *It was never intended that forms of group housing or multi-unit-development would be prevented, however it was acknowledged that there were urban design attractions and public safety benefits as a result of individual dwellings facing onto local streets, where the comings and goings of those in the street can be passively observed by residents and anti-social behaviour reported to the Police by residents.*
5. *The retirement village has been designed so that the rear of dwellings face towards the adjoining streets and the adjoining public open space and high fences are located along those boundaries.*
6. *This aspect of design does not meet the requirements of Clause 55.02-5 of the planning scheme, Integration with the Street Objective, which requires the integration of a multi-unit development with the adjoining street and open space. In particular the clause requires that:*
 - *Development should be oriented to front existing and proposed streets.*
 - *High fencing in front of dwellings should be avoided if practicable.*
 - *Development next to existing public open space should be laid out to complement the open space.*
7. *In regard to the extension of Ashley Street, there is an expectation that Ashley Street will be constructed to the western boundary of the site when the adjoining land is being developed.*

This will enable the land to the west to be developed as soon as planning approval has been granted and for Ashley Street to provide the necessary access to it. The decision in this proposal to not extend Ashley Street to the boundary appears to be a deliberate ploy to ensure that it is not constructed, and therefore not able to be used for access to land to the west.
8. *The design of the retirement village does not allow for the construction of residential lots facing the south side of Ashley Street, and therefore the normal cost equation for the funding of road and infrastructure in a subdivision is not available to enable the future construction of Ashley Street.*
9. *The establishment of a low quality industrial style facility, the boat and the caravan storage and workshop area, on the north side of Ashley Street and separate from the main area of retirement village, is considered to be undesirable and inappropriate and totally unsuitable in what is a high quality residential neighbourhood.*

10. *Firstly, it is considered that these areas are best located within the main body of land occupied by the retirement village, and not separated from it.*
11. *Secondly, the use of this land in this manner, will prejudice the use of adjoining and nearby land in Ashley Street, for residential purposes. In this location, Ashley Street will be the gateway to the residential land to the west, when it is developed, and the form of development which is constructed between Coast Avenue and the boundary should be of a high quality and establish the high standard of development required to be undertaken in that land.*
12. *It is considered that the development in its current form will be extremely prejudicial to the orderly and proper planning of the area.*
13. *In regard to the amendment of the agreement, our clients are opposed to this unless the agreement provides for:*
 - *The deletion of the proposed boat and caravan storage and workshop area on the north side of Ashley Street.*
 - *The creation of residential lots on both sides of Ashley Street extension and the provision of dwellings to face onto Ashley Street.*
 - *The construction of Ashley Street to the western boundary, as part of this development.*

The specific considerations given to the grounds, where relevant to the ending of the Agreement, are contained within this report at **Legislation**.

Although within their rights to object, the substance of the objection does not warrant a deviation from previous approval to alter the proposed development pattern for the land, and on the basis that the proposal is considered consistent with the objectives of planning for Victoria, the ending of the agreement is recommended to be supported.

In accordance with the conditions of the parent permit, a new S173 agreement has been drafted, and officers have reviewed and approved the draft agreement.

Attachments

1. Ending Agreement Request [5.4.2.1 - 22 pages]
2. Objection - Redacted [5.4.2.2 - 5 pages]

Our ref: 18741

14 December 2020

Acting Senior Land Use Planner
East Gippsland Shire Council
Via email: planning@egipps.vic.gov.au

Attention: Mr. Robert Pringle

Dear Robert,

Re: Request to end Legal Agreement AQ868619Y
91 Coast Avenue, Paynesville
Lot A on PS802718E
Our Client: Paynesville Park Pty. Ltd.

Council is currently considering Planning Application 349/2020/P which was lodged on 8 September 2020, seeking approval for the use and development of a retirement village, together with subdivision to create reserves for road and public open space.

We understand the project has not received any objections as a result of public notification, and that the Application will now be determined in the Council Chamber in the New Year, given the estimated cost of development exceeds that able to be determined by Council Officers under delegation.

Should Council determine the Application favourably, it is our expectation that a Condition of Planning Permit will require the ending of the Section 173 Legal Agreement as applying to the subject land prior to the Planning Permit having any force or effect. In anticipation of a favourable determination, and having regard for Council's reporting timeframes, we respectfully request Council's consent to the ending of Agreement AQ868619Y ('the current Agreement') pursuant to Section 178A(1)(b) of the *Planning and Environment Act 1987* as applying to the subject land.

Agreement AF202923J ('the previous Agreement') had previously applied to the subject land and all adjoining lots within the Paynesville Park estate and the former Coast subdivision. This included the 90 existing residential lots to the north of the subject land, the nine vacant lots (including the subject land) with frontage to Ashley Street created upon the registration of PS 742846B, the larger balance lot to the north-east which has previously been approved for the use and development of a Residential Village, Lots 1-32 (inclusive) on PS 802718E created within Stage 2 of the Paynesville Park estate, and all of the previously undeveloped balance land to the south of Ashley Street formally described as Lot A on PS 802718E and Lot 2 on PS 802715L.

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FS 520900



We understand the purpose of the previous Agreement was to ensure consistency between two separate Planning Permits issued for the subject land; Planning Permit 583/2004/P/A which approved the subdivision of the Coast estate, and Planning Permit 94/2007/P which approved a two lot subdivision to facilitate the staged purchase of the entire property as part of a terms contract between the Vendors, the Ah Yee family, and the former Developer of the Estate.

The previous Agreement was executed in accordance with Condition 2 on Planning Permit 94/2007/P which sought to establish a connection to the broader approval granted by Planning Permit 583/2004/P/A. The previous Agreement sought to ensure future development would be consistent with the configuration, layout and staging reflected in the plans endorsed under Planning Permit 583/2004/P/A as amended from time to time, except with the prior written consent of Council.

We are advised an option with the former Developer was not pursued, with the Vendors subsequently entering a Contract of Sale with Paynesville Park Pty. Ltd, who took ownership of Lot 1 on PS 729135M on 15 April 2016. Paynesville Park Pty. Ltd. have proceeded with the subdivision of the property, with titles issued for Stages 2 and 3A, and Stage 3B expected to be completed early in 2021.

We understand that the intent of the previous Agreement was that upon the completion of a stage of subdivision, that the obligations of the previous Agreement were intended to be deemed to have been satisfied.

In practice, this is not what occurred, and Paynesville Park Pty. Ltd. has successfully negotiated with Council to execute the current Agreement for the balance of the Paynesville Park estate. This means that any vacant residential lots lawfully created in Stages 2-8 (inclusive) would be absolved from any ongoing obligations.

With Council's consent, Paynesville Park Pty. Ltd. executed an updated Agreement to provide greater flexibility for all parties moving forward, and to reflect the amendments to Planning Permit 583/2004/P/D. The previous Agreement was ended in accordance with Section 177(2)(b) of the *Planning & Environment Act 1987*.

The use and development proposed by Planning Application 349/2020/P represents a change in direction away from that anticipated by the Agreement, which will not be considered as an amendment to Planning Permit 583/2004/P/D as amended by Council. On that basis, the subject Application represents a new direction that requires the ending of the Agreement as it applies to the subject land.

Whilst the proposed development represents an outcome not anticipated by the Agreement, the primary intent of the Agreement is maintained by the modified proposal, namely those critical elements of the development that have an impact on the orderly development of the precinct.

This includes the extension of Ashley Street and King Street, the latter being unrelated to the subject application), the delivery of drainage infrastructure with the reserve to the east of the subject land (also unrelated), and the proposed Reserve that is partly included within the southern portion of the subject land, that provides drainage and pedestrian connectivity to the adjacent greenfield site.

It is our expectation that should Council determine the subject Application favourably, that a new Agreement would be required as a Condition of Permit to ensure the requirement for these elements remain a clear expectation in perpetuity.

Section 178A(2)(b) requires the application to be *“accompanied by the information required by the regulations”*. In accordance with the requirements of Regulation 55 of the *Planning & Environment Regulations 2015* we provide the following requisite information:

Regulation 55(a) - we confirm the Applicant for the request to end the Agreement is Paynesville Park Pty. Ltd., C/- Crowther & Sadler Pty. Ltd of 152 Macleod Street, Bairnsdale, Victoria, 3875. Phone number for the Applicant is 5152 5011.

Regulation 55(b) – the Agreement is to be ended as it applies to 91 Coast Avenue, Paynesville, formally described as Lot A on PS 802718E.

Regulation 55(c) - not applicable to the subject Application as the proposal does not seek to amend the Agreement.

Regulation 55(d)(i) – not applicable to the subject Application as the proposal does not seek to end the Agreement in part.

Regulation 55(d)(ii) – the proposal seeks to end the Agreement as it applies to 91 Coast Avenue, Paynesville, formally described as Lot A on PS 802718E.

Regulation 55(d)(iii) – the use and development proposed by Planning Application 349/2020/P will achieve a Planning outcome that differs from that anticipated by the Agreement. This request enables the ending of the Agreement to be considered in parallel with the Planning Application process, which included a process of public notification from which there were no objections received. We believe this demonstrates the process has been robust and transparent.

To assist with Council’s consideration of our request in accordance with Section 178(B)(2) of the Act, we are pleased to provide the following information.

Purpose of the Agreement

The purpose of Agreement AQ868619Y was to establish a connection in perpetuity between the two Permits issued by Council for the former Coast development, ensuring that the approval of the two lot subdivision (Planning Permit 94/2007/P) did not preclude the subdivision of the subject land in accordance with the broader vision for the Coast estate as approved by Planning Permit 583/2004/P/A.

Why the Agreement is no longer required

The proposed development seeks to achieve an outcome that varies from that depicted on endorsed plans under Planning Permit 583/2004/P/D upon which the Agreement relies, therefore should Council determine the subject Application favourably then the Agreement must be ended.

The obligations of the Agreement with relevance to the subject land can continue to be preserved through a new Legal Agreement, including those elements of interest to Council including the centralised drainage/open space network, or the extension Ashley Street to the west. The ending of the Agreement as it applies to the subject land will not prevent the further development of the balance of the residential estate.

Whether the ending of the agreement would disadvantage any person, whether or not a party to the agreement

The ending of the Agreement will not give rise to any form of disadvantage to any other person. The removal of the Agreement does not provide any change in the activities that may occur on the site today 'as of right', without the need for further Planning approval.

The Planning Application for the subject land that sought to alter the existing conditions included a process of public notification to provide other parties with the opportunity to raise their concerns with respect to disadvantage, with any such concerns able to be considered by Council as part of their assessment of any Planning Application. No such concerns were raised. On that basis we confidently state that the ending of the Agreement in itself will not disadvantage any person.

The reasons why the responsible authority entered into the agreement

The previous Agreement was appropriately entered into by Council at the time in accordance with Condition 2 on Planning Permit 94/2007/P. The current Agreement was entered into by Council to provide greater flexibility in accordance with Planning Permit 583/2004/P/D.

Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988

None applicable.

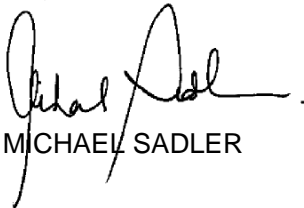
Any other prescribed matter

We are not aware of any other prescribed matter which is relevant to the request to end the Agreement as it applies to the subject land.

Section 178A(2)(c) of the Act requires an application of this type to be accompanied by the requisite fee as prescribed by the *Planning & Environment (Fees) Regulations 2016*. This request is accompanied by the requisite fee prescribed by Regulation 16.

We trust this information provides sufficient detail to facilitate Council's commencement of the process associated with the ending of the Agreement as it applies to the subject land. We respectfully await Council's timely advice regarding the scheduling of this matter on the next available Ordinary Council Meeting agenda.

Regards,



MICHAEL SADLER

Encl. Fees (\$643.00)
Copy of Title

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 11985 FOLIO 148

Security no : 124087128661M

Produced 14/12/2020 03:00 PM

LAND DESCRIPTION

Lot A on Plan of Subdivision 802718E.
PARENT TITLE Volume 11974 Folio 122
Created by instrument PS802718E 31/05/2018

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

PAYNESVILLE PARK PTY LTD of 152 MACLEOD STREET BAIRNSDALE VIC 3875
PS802718E 31/05/2018

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AS665402Q 30/10/2019
CURRY SECURITIES PTY 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.

AGREEMENT Section 173 Planning and Environment Act 1987
AQ868619Y 28/03/2018

DIAGRAM LOCATION

SEE PS802718E 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: 91 COAST AVENUE PAYNESVILLE VIC 3880

ADMINISTRATIVE NOTICES

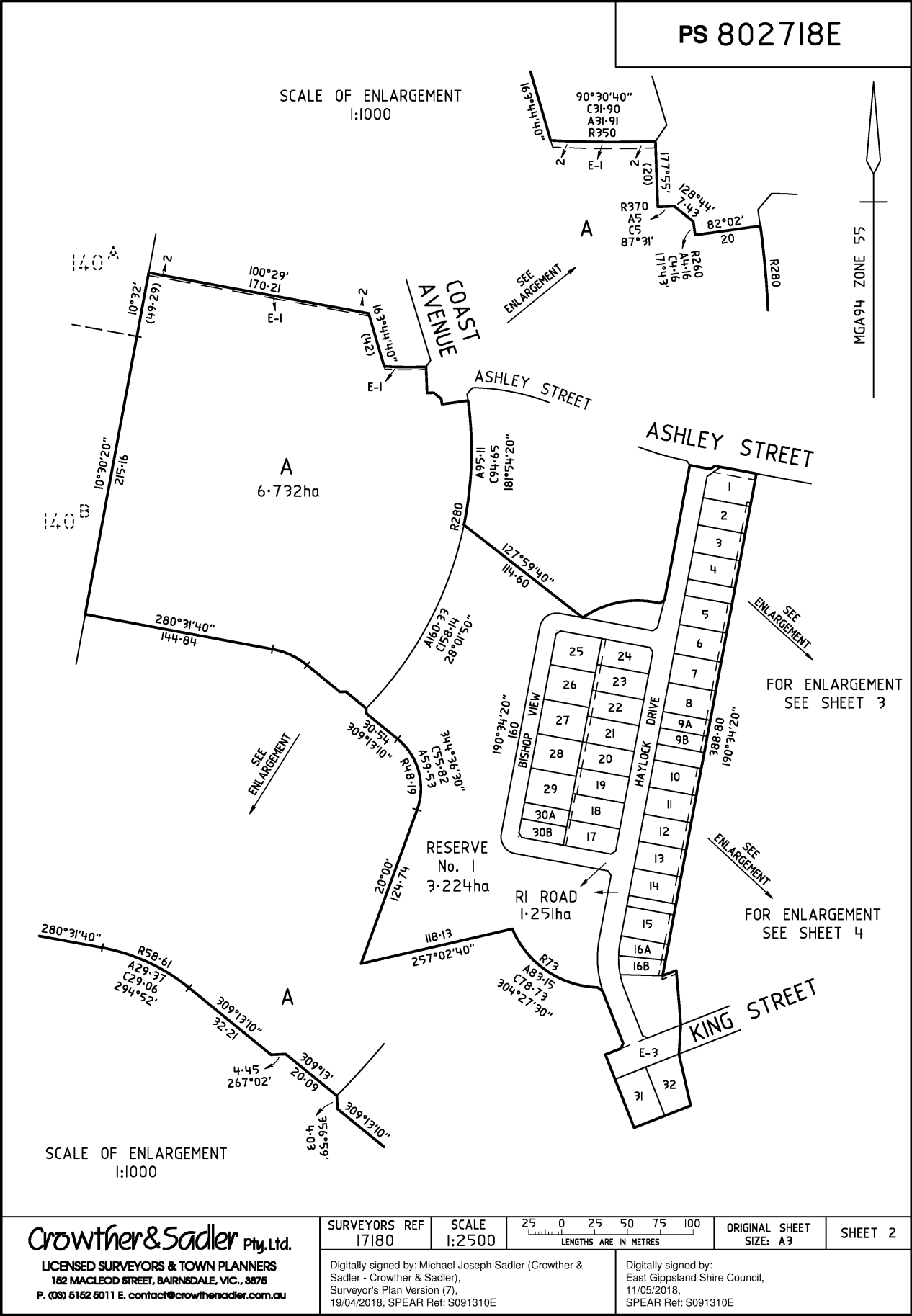
NIL

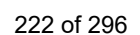
eCT Control 20396F MICHAEL BENJAMIN & ASSOCIATES
Effective from 30/10/2019

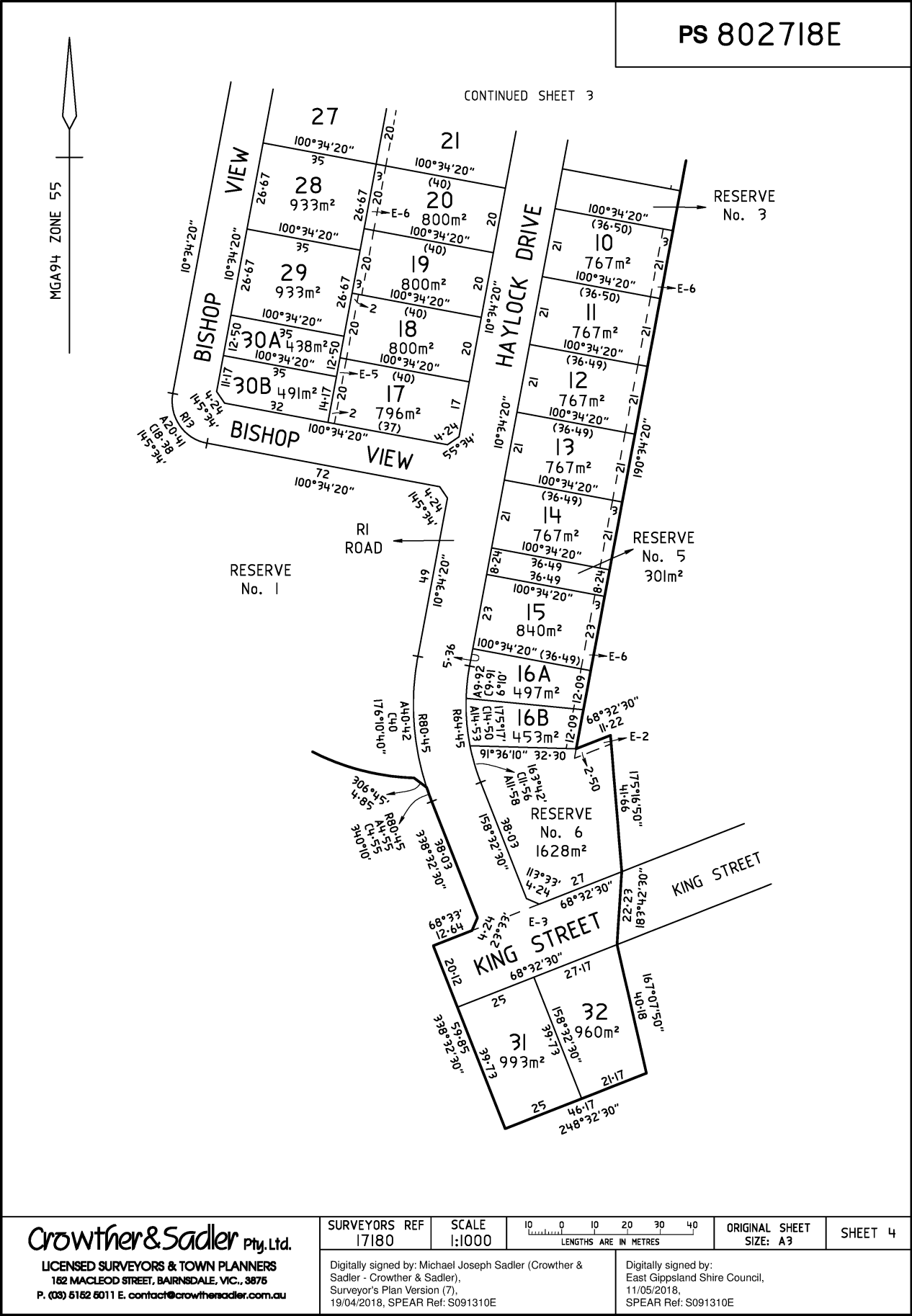
DOCUMENT END

Delivered from the LANDATA System by GlobalX Terrain Pty Ltd

PLAN OF SUBDIVISION		EDITION 1	PS 802718E	
LOCATION OF LAND PARISH: BAIRNSDALE TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: 141, 141 A & 141 B (PART) CROWN PORTION: _____ TITLE REFERENCE: VOL 11974 FOL 122 LAST PLAN REFERENCE: LOT 1 - PS802715L POSTAL ADDRESS: COAST AVENUE, (at time of subdivision) PAYNESVILLE 3880 MGA CO-ORDINATES: E: 562 290 ZONE: 55 (of approx centre of land N: 5803 750 GDA 94 in plan)		Council Name: East Gippsland Shire Council Council Reference Number: PS802718E Planning Permit Reference: 583/2004/P/C SPEAR Reference Number: S091310E Certification This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6: 04/07/2017 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Martin T Ireland for East Gippsland Shire Council on 11/05/2018 Statement Of Compliance issued: 11/05/2018		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
RI ROAD	EAST GIPPSLAND SHIRE COUNCIL			
RESERVE No. 1	EAST GIPPSLAND SHIRE COUNCIL			
RESERVE No. 2	EAST GIPPSLAND SHIRE COUNCIL			
RESERVE No. 3	EAST GIPPSLAND SHIRE COUNCIL			
RESERVE No. 4	EAST GIPPSLAND SHIRE COUNCIL			
RESERVE No. 5	EAST GIPPSLAND SHIRE COUNCIL			
RESERVE No. 6	EAST GIPPSLAND SHIRE COUNCIL			
NOTATIONS				
DEPTH LIMITATION DOES NOT APPLY				
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. 583/2004/P/C This survey has been connected to permanent marks No(s). 444 In Proclaimed Survey Area No.				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	SEWERAGE	2	PS802715L	EAST GIPPSLAND REGION WATER CORPORATION
E-2	SEWERAGE	2.50	PS313606S	LAND IN PS313606S
E-3	WAY	20.12	PS802715L	LOT 2 ON PS802715L
E-4	DRAINAGE	5	THIS PLAN	EAST GIPPSLAND SHIRE COUNCIL
E-5	SEWERAGE	SEE DIAG.	THIS PLAN	EAST GIPPSLAND REGION WATER CORPORATION
E-6	DRAINAGE & SEWERAGE	3	THIS PLAN	EAST GIPPSLAND REGION WATER CORPORATION & EAST GIPPSLAND SHIRE COUNCIL
Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 5152 5011 E. contact@crowthersadler.com.au		SURVEYORS FILE REF: 17180 Digitally signed by: Michael Joseph Sadler (Crowther & Sadler - Crowther & Sadler), Surveyor's Plan Version (7), 19/04/2018, SPEAR Ref: S091310E		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 4 SHEETS PLAN REGISTERED TIME: 9:03 AM DATE: 31/05/2018 C. GROSSO Assistant Registrar of Titles







Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5152 5011 E. contact@crowthersadler.com.au

SURVEYORS REF
17180

SCALE
1:1000

10 0 10 20 30 40
LENGTHS ARE IN METRES

ORIGINAL SHEET
SIZE: A3

SHEET 4

Digitally signed by: Michael Joseph Sadler (Crowther & Sadler - Crowther & Sadler),
Surveyor's Plan Version (7),
19/04/2018, SPEAR Ref: S091310E

Digitally signed by:
East Gippsland Shire Council,
11/05/2018,
SPEAR Ref: S091310E

AQ868619Y

Application by a responsible authority for the making of a recording of an agreement

Section 181 Planning and Environment Act 1987

Privacy Collection Statement

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Lodged by

Name: PLANOLOGY

Phone: 0430453372

Address: PO BOX 394, IVANHOE VIC 3079

Reference: MN3242

Customer code: 21179J

The responsible authority having made an agreement referred to in section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register.

Land:(volume and folio)

VOLUME 11867 FOLIO 224

Responsible authority:(full name and address, including postcode)

EAST GIPPSLAND SHIRE COUNCIL, 273 MAIN STREET, BAIRNSDALE VIC 3875

Section and act under which agreement is made:

SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987

A copy of the agreement is attached to this application:

YES

Signing:

35271702A

181PEA

Page 1 of 2

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AQ868619Y

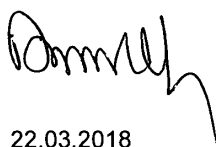
**Application by a responsible authority for the
making of a recording of an agreement
Section 181 Planning and Environment Act 1987**

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Certifications

1. The Certifier has taken reasonable steps to verify the identity of the applicant.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of EAST GIPPSLAND SHIRE COUNCIL
Signer Name DARREN WONG
Signer Organisation PLANOLOGY PTY LTD
Signer Role AUSTRALIAN LEGAL PRACTITIONER
Signature 
Execution Date 22.03.2018

35271702A

181PEA

Page 2 of 2

THE BACK OF THIS FORM MUST NOT BE USEDLand Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AQ868619Y



Agreement under section 173 of the Planning and Environment Act 1987

69 Ashley Street, Paynesville

AQ868619Y

Information table

Date of Agreement: 23/2/2018

Parties:

Name	East Gippsland Shire Council
Short form name	Council
Notice details	273 Main Street, Bairnsdale, Vic, 3875

Name	Paynesville Park Pty Ltd
Short form name	Owner
Notice details	Suite 1, 29 Access Way, Carrum Downs 3201

Background:

- A Council is the responsible authority for the administration and enforcement of the Planning Scheme under the Act.
- B The Subject Land is subject to the Planning Scheme.
- C The Owner is the registered proprietor of the Subject Land.
- D On 6 July 2007, Council and the previous owners of the Subject Land entered into an agreement under section 173 of the Act requiring compliance with Planning Permit (**First Agreement**).
- E Council and the Owner now agree that greater flexibility is required regarding the ending of the First Agreement. In order to achieve that outcome, the parties have agreed to enter into this Agreement.
- F The Owner intends to ask Council to end the First Agreement, with respect to the Subject Land, under section 178A of the Act.
- G The Parties enter into this Agreement to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

AQ868619Y

Agreed terms

1. Defined terms and interpretation

1.1 Defined terms

In this Agreement:

Act means the *Planning and Environment Act 1987*.

Agreement means this agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.

Current Address for Service

for Council means the address shown on page 1 of this Agreement, or any other address listed on Council's website; and

for the Owner means the address shown on page 1 of this Agreement or any other address provided by the Owner to Council for any purpose or purposes relating to the Subject Land.

Current Email Address for Service

for Council means feedback@egipps.vic.gov.au, or any other principal office email address listed on Council's website; and

for the Owner means any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement or any other email address provided by the Owner to Council for any purpose or purposes relating to the Subject Land.

Current Number for Service

for Council means 03 5153 9576, or any other facsimile number listed on Council's website; and

for the Owner means any facsimile number provided by the Owner to Council for the express purpose of facsimile communication regarding this Agreement.

Endorsed Plan means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit. A copy of the Endorsed Plan is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

Lot means a lot on the Endorsed Plan.

Mortgagee means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

Notice means any notice, demand, consent, approval or communication under this agreement

AQ868619Y

Owner means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes a Mortgagee-in-possession.

Party or Parties means the Owner and the Council.

Planning Permit means planning permit no. 583/2004/P/D granted by Council. A copy of the Planning Permit is available for inspection at Council offices during normal business hours upon giving Council reasonable notice.

Planning Scheme means the East Gippsland Planning Scheme.

Statement of Compliance means statement of compliance issued under section 21 of the *Subdivision Act 1988*.

Subject Land means the land situated at 69 Ashley Street, Paynesville being the land described as Lot 1 on PS802715L and contained in certificate of title volume 11867 folio 224 any reference to the Subject Land in this Agreement includes a reference to any lot created by the subdivision of the Subject Land or any part of it.

Tribunal means the Victorian Civil and Administrative Tribunal, and any tribunal or other person or body which supersedes it.

1.2 Interpretation

In this Agreement unless the context admits otherwise:

- (a) The singular includes the plural and vice versa.
- (b) A reference to a gender includes a reference to each other gender.
- (c) A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- (d) If a Party consists of more than one person this Agreement binds them jointly and each of them severally.
- (e) A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the same meaning as defined in the Act.
- (f) A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- (g) The introductory clauses to this Agreement form part of this Agreement.
- (h) The Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land.
- (i) Any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

AQ868619Y

2. Section 173 Agreement

2.1 Purpose

The Parties acknowledge and agree that the purposes of this Agreement are to:

- (a) give effect to the terms of the Planning Permit; and
- (b) achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

2.3 Reasons for agreement

The Parties acknowledge and agree that this Agreement has been entered into for the following reasons:

- (a) Council would not have approved the Planning Permit to facilitate a residential subdivision of the Subject Land without the Owner entering into this Agreement; and
- (b) the Owner has elected to enter into this Agreement in order to take the benefit of the Planning Permit.

3. Commencement

This Agreement comes into force on the date of this Agreement.

4. Owner's Specific Obligations

4.1 Compliance with other permits

- (a) The Owner agrees that regardless of any rights conferred by the Planning Scheme, except with the prior written consent of Council, the Subject Land, or any part of it, must only be subdivided in a manner which depicts a lot layout and title boundaries which are:
 - (i) generally in accordance with the configuration and layout of the subdivision authorised by the Planning Permit and the various conditions included in that permit; and
 - (ii) wholly in accordance with the plans from time to time endorsed pursuant to condition 3 of the Planning Permit, which shows the required staging of the subdivision authorised by that permit.

4.2 Development must be to approval of Council

The Owner agrees that if the Planning Permit expires after this Agreement commences, the subdivision of the Subject Land must be to the satisfaction of Council.

5. Further Obligations of the Owner

5.1 Notice and Registration

The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, charges, transferees and assigns.

AQ868619Y

- (a) if delivered, on the next following business day;
- (b) if posted, on the expiration of 7 business days after the date of posting;
- (c) if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day; or
- (d) if sent by email, the day on which it is sent.

8.3 No Waiver

Any time or other indulgence granted by Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

8.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

8.5 No fettering of Responsible Authority's powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

8.6 Governing law

This Agreement is governed by and will be construed in accordance with the laws of the State of Victoria.

8.7 Ending

This Agreement ends:

- (a) if the Parties agree in writing to end the Agreement; or
- (b) if the subdivision of the Subject Land occurs in stages, upon the issue of the Statement of Compliance for that stage.

AQ868619Y

5.2 Further actions

The Owner further covenants and agrees that:

- (a) the Owner will do all things necessary to give effect to this Agreement;
- (b) the Owner will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgement or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

5.3 Council's Costs to be Paid

The Owner further covenants and agrees that the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of an incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement which are and until paid will remain a debt due to Council by the Owner.

6. Owner's Warranties

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

7. Successors in Title

Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

- (a) give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- (b) execute a deed agreeing to be bound by the terms of this Agreement.

8. General**8.1 Notices**

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- (a) personally on the other Party;
- (b) by leaving it at the Party's Current Address for Service;
- (c) by posting it by prepaid post addressed to that Party at the Party's Current Address for Service;
- (d) by facsimile to the Party's Current Number for Service; or
- (e) by email to the Party's Current Email Address for Service.

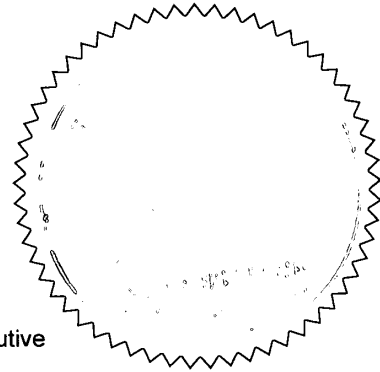
8.2 Service of Notice

A notice or other communication is deemed served:

AQ868619Y

SIGNED, SEALED AND DELIVERED as an agreement under Division 2 of Part 9 of the Act and as a Deed between the Parties.

The Common Seal of the East Gippsland Shire Council was hereunto affixed on the 23rd day of February, in the presence of: 2018



.....

Chief Executive

Witness

Executed by Paynesville Park Pty Ltd
 ACN 608 385146 in accordance with
 s127(1) of the Corporations Act 2001:

.....

Director

Print Name: MICHAEL SADLER.

.....

Secretary

Print Name: THOMAS L. CAMP.



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Mortgage Form version 1.5

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Produced 26/08/2020 02:07:49 PM

Status	Registered	Dealing Number	AS665402Q
Date and Time Lodged	30/10/2019 04:09:25 PM		

Lodger Details

Lodger Code	20396F
Name	MICHAEL BENJAMIN & ASSOCIATES
Address	
Lodger Box	
Phone	
Email	
Reference	190383:Curry - Payne

MORTGAGE

Jurisdiction	VICTORIA
--------------	----------

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Estate and/or Interest being mortgaged

FEE SIMPLE

Land Title Reference

11867/225
11985/148

Mortgagor

Name	PAYNESVILLE PARK PTY LTD
ACN	608385146

Mortgagee

Name	CURRY SECURITIES PTY LTD
ACN	122368610
Address	
Street Number	117
Street Name	CENTRE DANDENONG
Street Type	ROAD
Locality	DINGLEY VILLAGE
State	VIC
Postcode	3172



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Mortgage Form version 1.5

The mortgagor mortgages the estate and/or interest in land specified in this mortgage to the mortgagee as security for the debt or liability described in the terms and conditions set out or referred to in this mortgage, and covenants with the mortgagee to comply with those terms and conditions.

Terms and Conditions of this Mortgage

(a) Document Reference	AA1334
(b) Additional terms and conditions	NIL

Mortgagee Execution

1. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
2. The Certifier has taken reasonable steps to verify the identity of the mortgagee or his, her or its administrator or attorney.
3. The Certifier, or the Certifier is reasonably satisfied that the mortgagee it represents,
 - (a) has taken reasonable steps to verify the identity of the mortgagor or his, her or its administrator or attorney; and
 - (b) holds a mortgage granted by the mortgagor on the same terms as this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
5. The Certifier has retained the evidence supporting this Registry Instrument or Document.

Executed on behalf of	CURRY SECURITIES PTY LTD
Signer Name	MARTA KAROLINA KOWALCZYK
Signer Organisation	MICHAEL BENJAMIN & ASSOCIATES
Signer Role	LAW PRACTICE
Execution Date	30 OCTOBER 2019

File Notes:

NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.



5 July 2021

Our Ref 04/1684

Mr R. Pringle
Acting Senior Land Use Planning
East Gippsland Shire Council

By E-mail planning@egipps.vic.gov.au

Dear Mr Pringle,

APPLICATION FOR RETIREMENT VILLAGE, BUSINESS IDENTIFICATION SIGNAGE AND
SUBDIVISION (CREATION OF ROAD AND RESERVE) AND ENDING IN PRINCIPLE THE LEGAL
AGREEMENT ON THE LAND
91 COAST AVENUE, PAYNESVILLE
APPLICATION No 15/2020/AGR

We act for Albert, George and Christopher Ah Yee who are the owners of the land at 5 Grandview Road Paynesville, which adjoins to the west of the subject land; along with other land at Paynesville and Eagle Point.

On behalf of our clients we object to this application.

We note in the minutes of the meeting of council dated 13 April 2021 that notice of the application to use and develop this land as proposed in this application was sent to the relevant parties. No such notification was received by our clients and consequently, no objection was lodged with council at that time.

BACKGROUND

1. The land which now forms the Paynesville Park Estate was originally owned by our clients.
2. On 5 September 2006 the East Gippsland Shire Council issued permit 583/2004/P for the subdivision of the land at 1300 Paynesville Road into approximately 362 residential lots and associated wetlands and areas of public open space; in response to a permit application lodged on behalf of our client.
3. On 7 January 2011, in response to an application lodged by our clients, council issued an amended permit 583/2004/P/B. This permit related to Lots A and B on Plan of Subdivision 609841H. Lot A was land which had been developed as Stage 1 of the subdivision and had been purchased by the Grange Development Group, following the original purchaser, Dominion Properties, being placed in receivership. Lot B was owned by our clients. The permit was to ensure a consistency of planning control over both parcels of land, having regard to the two owners.
4. Condition 2 of this amended permit required the owners of both lots to enter into a Section 173 Agreement to:
 - Retain identified trees on the land.
 - Provide offset planting.
 - Construct and maintain the wetland.

- Carry out landscaping.
 - Construct any fencing abutting public open space areas to allow 50% transparency.
 - The lots shown as being restricted by a single dwelling covenant in the legend in the Watsons Plan No 3553/CP-E dated 29 September 2009 shall be burdened by a single dwelling covenant.
5. In particular the condition provided:
- This agreement shall lapse, in whole or in part in regard to any part of the subdivision for which a Statement of Compliance is issued and in the discharge by the permit holder of all its responsibilities under the agreement, to the satisfaction of the responsible authority.
- This provision was contained in Clause 10 of the agreement.
6. The Master Plan for the development of what is now known as the Paynesville Park Estate is Plan of Subdivision 33531 CP Revision E, dated 29 September 2009 prepared by Watsons.
7. The current owners of the land progressively purchased the land from our clients and have developed the land, in stages, generally in accordance with the Master Plan.
8. The Master Plan provided for the extension of both Ashley Street and King Street through to the western boundary of the estate and for the construction of a major north-south road connecting Paynesville Road and Newlands Drive.
9. The Master Plan was designed in the knowledge that the land adjoining to the west, which is owned by our clients, would, in time, be developed for the expansion of Paynesville. The Master Plan was designed to enable the integration of that development into the Paynesville Park Estate and the established area of Paynesville.
10. On 2 August 2016 Council approved the Paynesville Growth Area Structure Plan. This provided for the extension of the urban area of Paynesville, west across our clients land to Grandview Road, and the extension of King Street and Ashley Street to Grandview Road.
11. The agreement proposed that a substantial number of lots would be subject to a restrictive covenant preventing further subdivision and the erection of a second dwelling on a lot. As a consequence the Master Plan anticipated that each dwelling would face the adjoining street.
12. The agreement was subsequently amended in 2018 (Instrument AQ 8686 19Y). The purpose of the new agreement was to give effect to the terms of planning permit 583/2004/P/D which related to Lot 1 PS 80271515L.
13. Pursuant to Paragraph 8.7:
- This agreement ends:
- (a) if the Parties agree in writing to end the agreement; or
 - (b) if the subdivision of the Subject Land occurs in stages, upon the issue of the Statement of Compliance for that stage.

CURRENT APPLICATION

- A. In 2020, Crowther and Saddler on behalf of the owner of the land, Paynesville Park Pty. Ltd., lodged an application with Council to:

- Subdivide the land including the creation of a road and road reserve (Ashley Street extension).
 - Use and develop the land as a retirement village.
 - Display advertising signage.
 - Terminate the Section 173 Agreement AQ 868619Y which relates to Stage 2 of the Paynesville Park Estate.
- B. The proposed retirement village is to include:
- 93 self-contained villa units with associated resident and visitor car parking to be located on the south side of Ashley Street.
 - An area of land on the north side of Ashley Street to be used for caravan and boat storage containing 15 spaces, and a workshop area.
- C. The proposed agreement will refer to the development of Lot A for a retirement village and associated activities in accordance with a permit to be issued by the Council and a plan to be endorsed by Council and will require the landowner to carry out the development in accordance with that permit and endorsed plans. The termination provisions would be similar to those in the previous agreements.

GROUND OFS OF OBJECTION

1. The original application to subdivide, lodged by my clients, sought to create a high quality residential estate, that reflected contemporary standards, would provide high standards of living for local residents and would also be a tribute to the more than 100 years occupation of the land by our client's family.
2. The intention was also that the development should integrate seamlessly into the future development of their landholding to the west, when that land became available for development. Recognition of the development potential of that land occurred with Council's approval of the Paynesville Growth Area Structure Plan on 2 August 2016.
3. A key element in what became known as the Master Plan was that each lot would contain a house which would face the street.
4. It was never intended that forms of group housing or multi-unit-development would be prevented, however it was acknowledged that there were urban design attractions and public safety benefits as a result of individual dwellings facing onto local streets, where the comings and goings of those in the street can be passively observed by residents and anti-social behaviour reported to the Police by residents.
5. The retirement village has been designed so that the rear of dwellings face towards the adjoining streets and the adjoining public open space and high fences are located along those boundaries.
6. This aspect of design does not meet the requirements of Clause 55.02-5 of the planning scheme, Integration with the Street Objective, which requires the integration of a multi-unit development with the adjoining street and open space. In particular the clause requires that:
 - Development should be oriented to front existing and proposed streets.
 - High fencing in front of dwellings should be avoided if practicable.

- Development next to existing public open space should be laid out to complement the open space.
7. In regard to the extension of Ashley Street, there is an expectation that Ashley Street will be constructed to the western boundary of the site when the adjoining land is being developed. This will enable the land to the west to be developed as soon as planning approval has been granted and for Ashley Street to provide the necessary access to it. The decision in this proposal to not extend Ashley Street to the boundary appears to be a deliberate ploy to ensure that it is not constructed, and therefore not able to be used for access to land to the west.
 8. The design of the retirement village does not allow for the construction of residential lots facing the south side of Ashley Street, and therefore the normal cost equation for the funding of road and infrastructure in a subdivision is not available to enable the future construction of Ashley Street.
 9. The establishment of a low quality industrial style facility, the boat and the caravan storage and workshop area, on the north side of Ashley Street and separate from the main area of retirement village, is considered to be undesirable and inappropriate and totally unsuitable in what is a high quality residential neighbourhood.
 10. Firstly, it is considered that these areas are best located within the main body of land occupied by the retirement village, and not separated from it.
 11. Secondly, the use of this land in this manner, will prejudice the use of adjoining and nearby land in Ashley Street, for residential purposes. In this location, Ashley Street will be the gateway to the residential land to the west, when it is developed, and the form of development which is constructed between Coast Avenue and the boundary should be of a high quality and establish the high standard of development required to be undertaken in that land.
 12. It is considered that the development in its current form will be extremely prejudicial to the orderly and proper planning of the area.
 13. In regard to the amendment of the agreement, our clients are opposed to this unless the agreement provides for:
 - The deletion of the proposed boat and caravan storage and workshop area on the north side of Ashley Street.
 - The creation of residential lots on both sides of Ashley Street extension and the provision of dwellings to face onto Ashley Street.
 - The construction of Ashley Street to the western boundary, as part of this development.

We request that we be given the opportunity to address the council and express the views of our clients on this application, when this matter is considered by council. In the interim we would be willing to meet with you and the applicant to discuss these concerns.

Yours faithfully,
COOMES PLANNING

J. L. Coomes
Director

5.4.3 Ending Agreements in Principle Support - 236 Clifton West Road Wy Yung and 79 Angophora Drive Mallacoota

Authorised by Acting General Manager Place and Community

Conflict of Interest

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

Executive Summary

The purpose of this report is to seek Council's in-principle support for landowners' requests to end two Section 173 Agreements for properties in Wy Yung and Mallacoota. This will allow for the implementation of stage two of the process to end the Agreements which will involve community consultation and further reports to Council in order to determine the proposals.

The catalyst to end the Agreement AG108268G as it relates to 236 Clifton West Road is the application for planning permit for a two-lot subdivision. Ending the Agreement has previously been contemplated for another affected lot but was not completed. As a result, Lot A is burdened, and the burden cannot be met. A request to end the Agreement and the relevant title documents, including the Agreement, can be found at **Attachment 1**.

The catalyst to end the Agreement AG845895P as it relates to 79 Angophora Drive, Mallacoota is the potential for future subdivision of the land. The Agreement was entered into in relation to the previous subdivision, which has since lapsed, having only been partially implemented. It is unlikely that the subdivision could be approved in the same format today, given the extension of the Bushfire Management Overlay to the whole of the land and other environmental constraints. The obligations of the Agreement are now inconsistent with the Planning Scheme. The request to end the Agreement and the relevant title documents, including the Agreement, can be found at **Attachment 2**.

Both requests are suitable to be progressed to notification, which allows for stakeholder submissions. As such, it is recommended that both requests are supported in-principle, and thereafter are subject to notification and final consideration by Council.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;*
- 2. agrees in principle to the ending of Section 173 Agreement AG108268G wholly as it relates to lot A on plan of subdivision 748423B at 236 Clifton West Road, Wy Yung in accordance with Section 178A of the Planning and Environment Act 1987; and*
- 3. agrees in principle to the ending of Section 173 Agreement AG845895P wholly as it relates to lot 3 on plan of subdivision 616253 at 79 Angophora Drive, Mallacoota in accordance with Section 178A of the Planning and Environment Act 1987; and*
- 4. determines to undertake the necessary public notice of the proposals in accordance with Section 178C of the Planning and Environment Act 1987.*
- 5. notes that the matters will be reported to a future Council meeting for decision following the completion of the public notice processes.*

Background

AG108268G – 236 Clifton West Road, Wy Yung

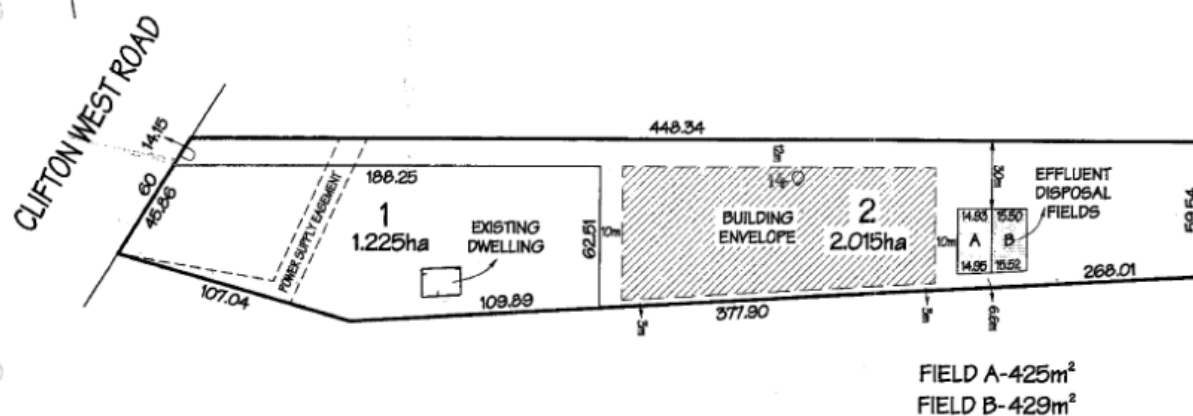
Council has received a request to end Agreement AG108268G (**Attachment 1**) wholly as it relates to lot A on plan of subdivision 748423B at 236 Clifton West Road, Wy Yung. Planning permit application 323/2021/P for a two Lot subdivision and creation of a carriageway easement is currently under consideration. Two objections have been received, which raise concerns about the proposed ending of the Agreement, alongside concerns related to the intensification of the development, such as management of the carriageway, dust, and general amenity.

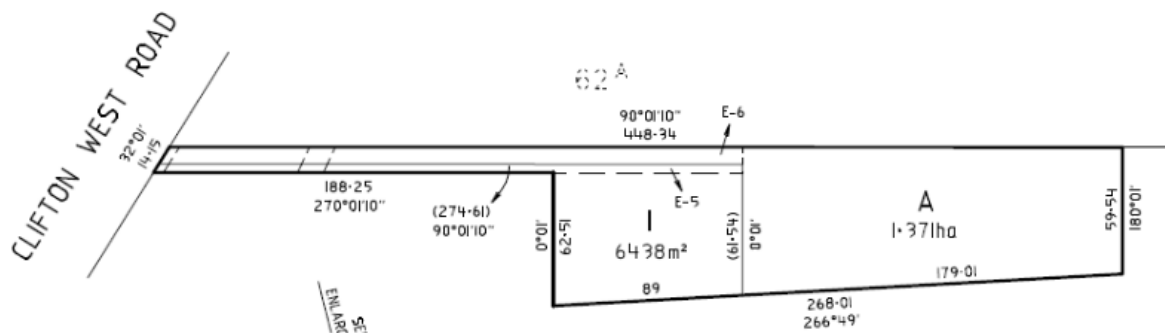
The Agreement was entered into in accordance with conditions of Planning Permit 150/2008/P, for a two lot subdivision. The purpose of the Agreement was to ensure any buildings erected on the subject land were constructed within the Building Envelope as shown on the Plan endorsed as part of Permit.

Section 173 agreement AG108268G states:

SPECIFIC OBLIGATIONS OF THE OWNER

The Owner covenants and agrees that the Owner will not build, construct or erect or cause or permit to be built, constructed or erected any Building on the Subject Land or any part of the Subject Land outside a Building Envelope without the prior written consent of Council.





The Building Envelope was nominated on the Proposed Subdivision Plan in response to the provisions of the Low Density Residential Zone of the East Gippsland Planning Scheme. The provisions of the Low Density Residential Zone do not require the Building Envelope to be registered on title under an Agreement, although this was the common practice of Council at the time Planning Permit 150/2008/P was issued.

A review of the planning file indicates that the subject land does not contain any significant site constraints or characteristics that necessitated the registration of the Agreement on title to the land. Under current practices Council receives the Building Envelope Plan for demonstrative purposes only, to ensure the requirements of the Zone provisions can be satisfied.

On this basis, officers consider that the request to end the agreement is reasonable, however, given the objections received to date, would not make a determination for permit 323/2021/P until the matter is resolved.

AG845895P - 79 Angophora Drive, Mallacoota

Council has received a request to end Agreement AG845895P (**Attachment 2**) wholly as it relates to lot 3 on plan of subdivision 616253, as was registered on the subject land in accordance with Condition 3 of Planning Permit 11/2006/P. The land affected by the Agreement includes Lots 9-27, Lots 44-47, Lot 60 and Lot S3 (for Stage 3) on Plan of Subdivision 616253L.

Condition 3 was included within Planning Permit 11/2006/P to satisfy the requirements imposed by DELWP and the CFA as referral authorities in accordance with Clause 66 of the East Gippsland Planning Scheme.

In summary the purpose of the Agreement was to ensure:

- Dwellings constructed within Building Envelopes where specified.
- Retention and protection of significant trees.
- Construction and maintenance of fences on the boundaries around specified lots.
- The removal of vegetation as required and maintenance of cleared areas thereafter, in accordance with CFA referral response.
- Prevention of environmental weeds and exclusion of domestic stock.

The Agreement was executed on 3 September 2009. The Agreement remains relevant to stages 1 and 2 of the subdivision.

The owner of the subject land proposes to undertake a Two Lot Subdivision of the land which requires a Planning Permit under the provisions of the General Residential Zone 1, Bushfire Management Overlay, Erosion Management Overlay, and Design and Development Overlay Schedule 12.

In preparing the Planning Permit application the applicants determined that the specific obligations of the owner under part 3 of Agreement AG845895P were found to be inconsistent with the current requirements of Clause 53.02: Bushfire Planning. Any future subdivision must consider the relevant planning controls which apply when the application is made. There has already been significant change in planning controls which makes the Agreement difficult to fulfill.

The application is being made subject to public notification. It is unlikely, however possible, that the application will receive objections.

Officers consider that the request to end the agreement is reasonable, and therefore recommends that Council provides in-principle support to end the agreement, with a subsequent requirement for notice of the proposal to end the agreement for Lot S3 before making a final determination at a future Council meeting.

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 *Planning & Environment Act 1987* pursuant to section 178A provides the opportunity for Council to consider ending an agreement, either wholly or in part, without the consent of all persons who are bound by the agreement.

The applicants are seeking to end agreements, however, the consent of all parties bound by each of the agreements has not been obtained.

In some instances, such as the case at hand, it is not always reasonable nor practical to obtain the consent of all parties to an agreement, particularly where there are a significant number of parties.

Where the consent of all parties has not been obtained, section 178B (2) of the *Planning & Environment Act 1987* provides the framework for the proposal to be assessed and considered by Council.

Collaborative Procurement

Not Applicable

Council Plan

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

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

Council Policy

There is no specific Council policy established for consideration of these matters.

Options

For 236 Clifton West Road, there are alternative options, including considering whether it is appropriate to give in-principle support based on objections which have been received to the proposed subdivision. In considering the options, giving in-principle support to the proposal does not give finality to the responsible authority's decision, it merely facilitates the engagement process.

It is expected that objections will be made, and that the applicant will seek to respond to those objections and make a case to Council in the final determination. If in-principle support is not granted, then only the requestor can request a review of the determination in the early stage of the process. If notice is given and a determination is made, then neighbours can also respond to or appeal the determination.

For 79 Angophora Drive, the options are limited as:

- there is not an ongoing obligation as the subdivision which required the execution of the Agreement cannot proceed; and
- the removal of the Agreement will allow for alternative applications to be made, which must now consider bushfire risk and will significantly alter the subdivision potential of the land.

As such, the officer recommendation is to process the request and give notice of the proposal, before further reporting.

Resourcing

Financial

Notification of the proposal is required, which is included in the application fees.

Plant and equipment

Nil

Human Resources

Assessment is by planning department officers.

Risk

The risks of this proposal have been considered and there is relatively low risk in the determinations as recommended, as there are further determinations required after notification is given.

Economic

The proposals may facilitate additional or alternative development/subdivision.

Social

Ending the Agreements will not likely have a negative impact on the community.

Consultation during the approval process for any Planning Permits will assess future amenity impact.

Environmental

The proposal will not have any significant environmental impacts.

Climate change

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

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

Engagement

The procedure to assess proposals to end section 173 agreements under section 178A of the Planning and Environment Act 1987 directs that notice of the proposal to all parties bound by the agreement is undertaken after obtaining 'in principle' support.

Notice for each proposal will take place in the form of direct mail to all persons who own land that has the same agreement included on their title.

Attachments

1. Request end S 173 A G 108268 G 236 Clifton West [**5.4.3.1** - 17 pages]
2. Request end S 173 A G 845895 P 79 Angophora [**5.4.3.2** - 32 pages]

Our ref: 18493AMP

152 Macleod St.
PO Box 722,
Bairnsdale, VIC 3875P: 5152 5011
F: 5152 5705

E: contact@crowthersadler.com.au

30 June 2021

The Planning Coordinator
East Gippsland Shire Council
Via Email: planning@egipps.vic.gov.au

Attention: Mr. Robert Pringle

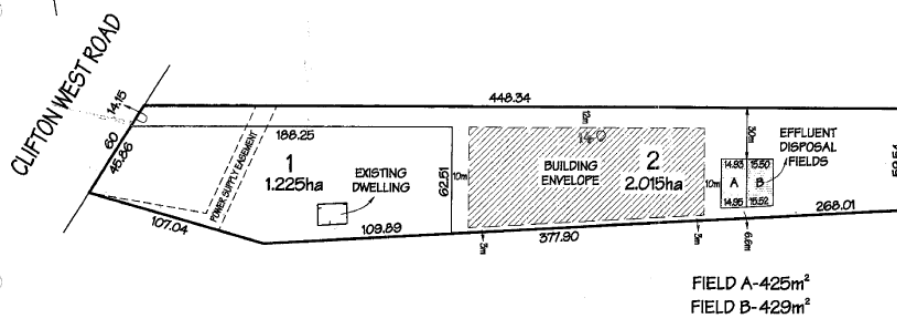
Dear Robert,

**Re: Request to end Legal Agreement AG108268G
Lot A on PS748243B
236 Clifton West Road, Wy Yung**

We refer to Planning Application for Two Lot Subdivision of the abovementioned land which was lodged with Council earlier today and respectfully request Council's consent to the ending of Legal Agreement AG108268G as currently registered on title.

Purpose for Removal

The purpose of the Agreement was to ensure any buildings erected on the subject land were constructed within the Building Envelope as shown on the Plan endorsed as part of Planning Permit 150/2008/P.

*Extract of Plan referenced within the Agreement*

The Building Envelope was nominated on the Proposed Subdivision Plan in response to the provisions of the Low Density Residential Zone of the *East Gippsland Planning Scheme*.



18493 EGSC end S173LA.doc

Principal: Michael J. Sadler, L.S., Dip Surv, M.I.S., MAICD

The provisions of the Low Density Residential Zone do not require the Building Envelope to be registered on title under an Agreement, although this was the common practice by Council at the time Planning Permit 150/2008/P was issued.

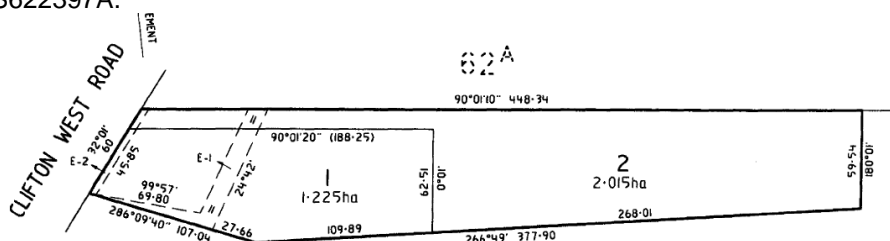
In addition, the subject land does not contain any significant site constraints or characteristics that necessitated the registration of the Agreement on title to the land.

We note that under current practices Council would most likely receive the Building Envelope Plan for demonstrative purposes, to ensure the requirements of the Zone provisions could be satisfied.

We believe the Agreement is an unnecessary restriction on the land that is inconsistent with current Planning practice and will be at conflict with our client's desire to undertake further subdivision in accordance with relevant Planning Scheme provisions. We therefore believe it is appropriate to end the Agreement.

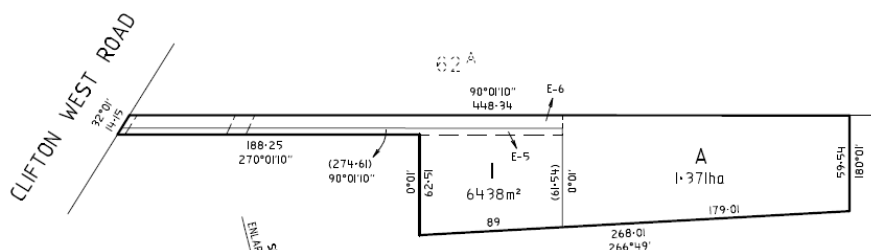
Background

Agreement AG108268G was first registered on the parent title (Lot 1 on PS306491X) as required by Condition 3 of Planning Permit 150/2008/P. This earlier Permit relates to a two lot subdivision which created Lots 1 & 2 on PS622397A.



Lots 1 & 2 on PS622397A

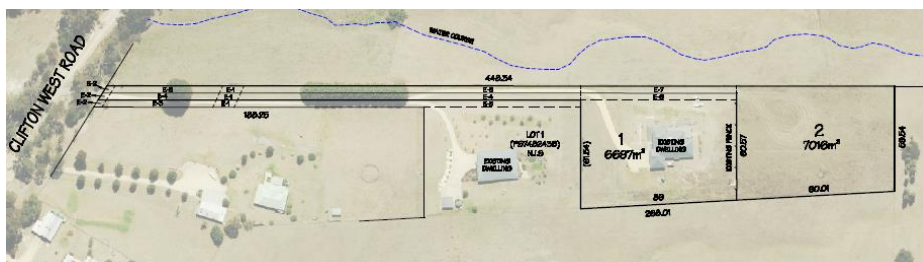
Our client subsequently subdivided Lot 2 on PS622397A to create Lots 1 & A on PS748243B under Planning Permit 354/2015/P. During this earlier subdivision Council provided consent to end the Agreement from Lot 2 on PS622397 however the formal removal of the record never actually occurred.



Lots 1 & A on PS622397

18493 EGSC end S173LA.doc

Now that the Application has been lodged for the subsequent Two Lot Subdivision it is therefore necessary to remove the Agreement to ensure that there is ample opportunity for future development to occur on the land consistent with the provisions of the *East Gippsland Planning Scheme*.



Proposed Subdivision Layout

The Request

Our request to end the Agreement as it applies to the subject land has been made pursuant to Section 178A(1)(b) of the *Planning & Environment Act 1987*.

Section 178A(2)(b) requires the application to be “*accompanied by the information required by the regulations*”. In accordance with the requirements of Regulation 55 of the *Planning & Environment Regulations 2015* we provide the following requisite information:

Regulation 55(a) - we confirm the Applicant for the request to end the Agreement is Mr. Brendan and Mrs Madelaine Schumann, C/- Crowther & Sadler Pty. Ltd of 152 Macleod Street, Bairnsdale, Victoria, 3875. Phone number for the Applicant is 5152 5011.

Regulation 55(b) – the Agreement is to be ended as it applies to 236 Clifton West Road, Wy Yung, formally described as Lot A on PS748243B.

Regulation 55(c) - not applicable to the subject Application as the proposal does not seek to amend the Agreement.

Regulation 55(d)(i) – not applicable to the subject Application as the proposal does not seek to end the Agreement in part.

Regulation 55(d)(ii) – the proposal seeks to end the Agreement as applying to part of the land. The Agreement is to be ended as it applies to 236 Clifton West Road, Wy Yung, formally described as Lot A on PS748243B.

Regulation 55(d)(iii) – the Agreement is an unnecessary restriction on the land that is inconsistent with current practice and will be at conflict with our Client’s desire to undertake further subdivision in accordance with the provisions of the *East Gippsland Planning Scheme*.

To assist with Council's consideration of our request in accordance with Section 178(B)(2) of the Act, we are pleased to provide the following information.

Purpose of the Agreement

The purpose of the Agreement was to ensure any buildings erected on the subject land were constructed within the Building Envelope as shown on the plan endorsed as part of Planning Permit 150/2008/P.

Why the Agreement is no longer required

The nominated Building Envelope was shown on the Plan as required by the provisions of the Low Density Residential Zone under the *East Gippsland Planning Scheme*.

The subject land does not contain any constraints that necessitate limiting the construction of buildings. The provisions of the Low Density Residential Zone do not require the Building Envelope to be registered on title under an Agreement although this was common practice by Council at the time Planning Permit 150/2008/P was issued.

Under current practices Council would most likely receive the Building Envelope Plan for demonstrative purposes, to ensure the requirements of the Zone provisions could be satisfied.

The Agreement is considered to be an unnecessary restriction on the land that is inconsistent with current Planning practice and will be at conflict with our Planning Scheme provisions. It is therefore appropriate that it be ended.

Whether the ending of the agreement would disadvantage any person, whether or not a party to the agreement

The ending of the Agreement will not give rise to any form of disadvantage to any other person.

The ending of the Agreement will simply enable future development to occur on the land consistent with the provisions of the Low Density Residential Zone as currently applying.

Existing development contained on adjoining properties is situated within close proximity to Clifton West Road. Future residential development on the subject land within proposed Lot 2 will therefore be offset generously from neighbouring dwellings.

The reasons why the responsible authority entered into the agreement

The Agreement was appropriately entered into by Council at the time in accordance with Condition 3 on Planning Permit 150/2008/P.

Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988

None applicable.

Any other prescribed matter

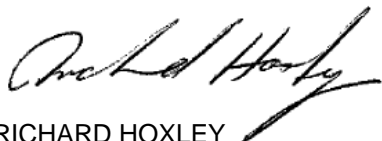
We are not aware of any other prescribed matter which is relevant to the request to end the Agreement as it applies to the subject land.

Section 178A(2)(c) of the Act requires an application of this type to be accompanied by the requisite fee as prescribed by the *Planning & Environment (Fees) Regulations 2016*.

A cheque made payable to the *East Gippsland Shire Council* in the amount of \$659.00 (Regulation 16) will be made delivered to Council later today to facilitate the processing of the matter at hand.

We trust this information provides sufficient detail to facilitate Council's commencement of the process associated with the ending of the Agreement as it applies to the subject land. We respectfully await Council's timely advice regarding the scheduling of this matter on the next available Ordinary Council Meeting agenda.

Regards,



RICHARD HOXLEY
Senior Planner

Encl. Copy of Endorsed Proposed Subdivision Plan V1 (12928)
Copy of Title (Lot A on PS748243B)
S173LA AG108268G



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 11817 FOLIO 583

Security no : 124090874127D
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LAND DESCRIPTION

Lot A on Plan of Subdivision 748243B.
PARENT TITLE Volume 11118 Folio 272
Created by instrument PS748243B 07/09/2016

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
MADELAINE IRENE SCHUMANN
BRENDAN ROBERT SCHUMANN both of 234 CLIFTON WEST ROAD WY YUNG VIC 3875
PS748243B 07/09/2016

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AR830246S 11/01/2019
AFSH NOMINEES PTY 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.

AGREEMENT Section 173 Planning and Environment Act 1987
AG108268G 29/09/2008

DIAGRAM LOCATION

SEE PS748243B 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)

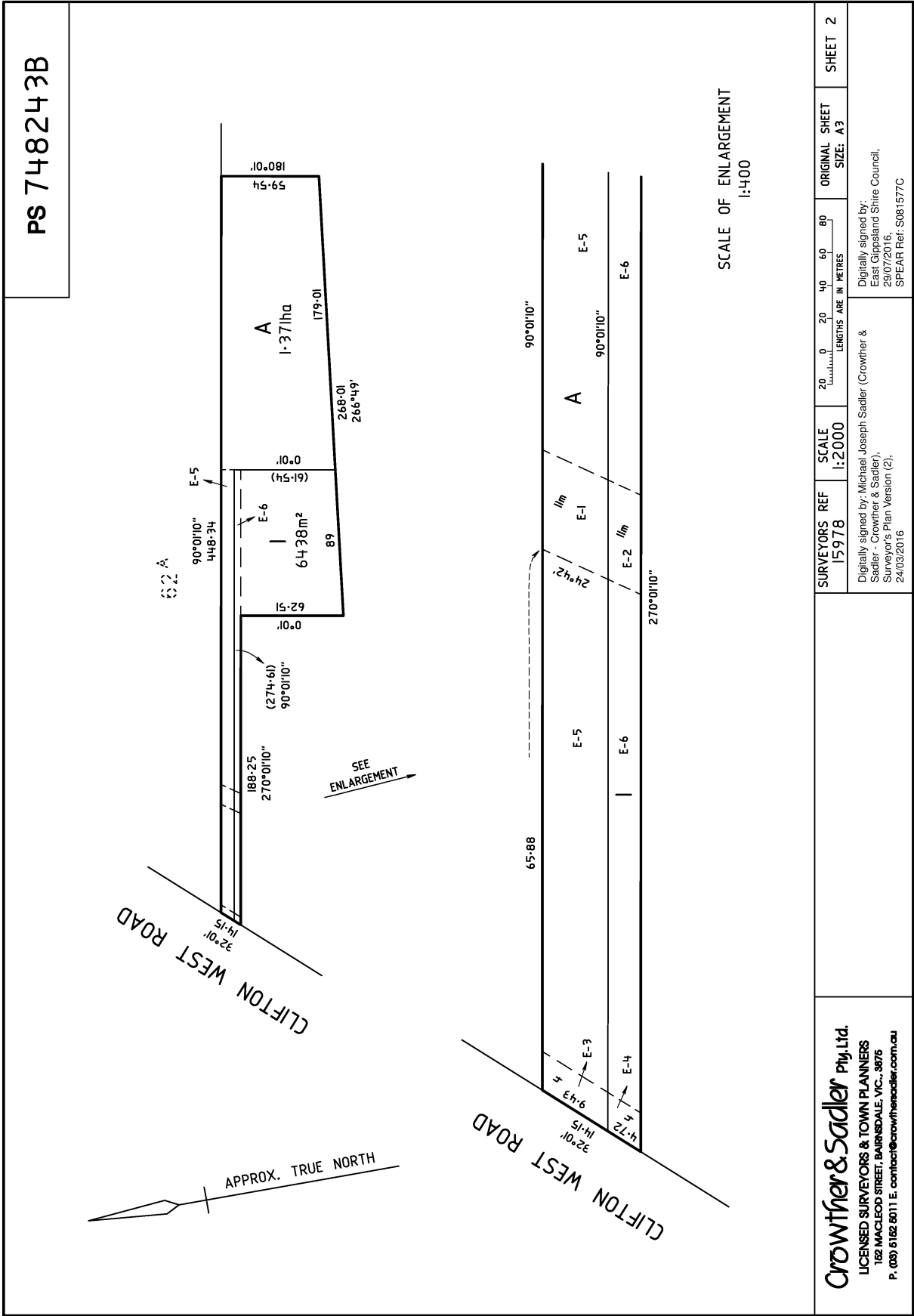
ADMINISTRATIVE NOTICES

NIL

eCT Control 18440T MSA NATIONAL
Effective from 11/01/2019

DOCUMENT END

PLAN OF SUBDIVISION		EDITION 1	PS 748243B	
LOCATION OF LAND PARISH: WY YUNG TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: 61A (PART) CROWN PORTION: _____ TITLE REFERENCE: VOL IIII8 FOL 272 LAST PLAN REFERENCE: LOT 2 - PS622397A POSTAL ADDRESS: 234 CLIFTON WEST ROAD, (at time of subdivision) WY YUNG 3875 MGA CO-ORDINATES: E: 553 700 ZONE: 55 (of approx centre of land N: 5819 550 GDA 94 in plan)		Council Name: East Gippsland Shire Council Council Reference Number: PS748243B Planning Permit Reference: 354/2015/P SPEAR Reference Number: S081577C Certification This plan is certified under section 6 of the Subdivision Act 1988 Statement of Compliance This is a statement of compliance issued under section 21 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 Has been made and the requirement has been satisfied at Certification Digitally signed by: Aaron David Hollow for East Gippsland Shire Council on 29/07/2016		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS				
DEPTH LIMITATION	15.24 METRES BELOW THE SURFACE			
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. 354/2015/P This survey has been connected to permanent marks No(s). In Proclaimed Survey Area No.				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1, E-2 E-3, E-4 E-1, E-3, E-5 E-2, E-4, E-6	ELECTRICITY SUPPLY WATER SUPPLY CARRIAGEWAY CARRIAGEWAY	11 4 SEE DIAG SEE DIAG	PS306491X PS622397A THIS PLAN THIS PLAN	S.E.C.V. EAST GIPPSLAND REGION WATER AUTHORITY LOT 1 ON THIS PLAN LOT A ON THIS PLAN
Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 182 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 5182 5011 E. contact@crowthersadler.com.au		SURVEYORS FILE REF: 15978 Digitally signed by: Michael Joseph Sadler (Crowther & Sadler - Crowther & Sadler), Surveyor's Plan Version (2), 24/03/2016		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 2 SHEETS PLAN REGISTERED TIME: 12:48 DATE: 07/09/16 B.J.S. Assistant Registrar of Titles



Delivered by LANDATA®, timestamp 30/06/2021 14:54 Page 1 of 9

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AG108268G



Titles Office Use Only

Lodged by: Wards Barristers & Solicitors Pty Ltd
DX 82203 Bairnsdale
Code: 3556G



**VICTORIA APPLICATION BY A RESPONSIBLE AUTHORITY under Section 181
Planning and Environment Act 1987 for ENTRY OF A MEMORANDUM
OF AGREEMENT under Section 173 of the Act.**

The Responsible Authority under the Planning Scheme having entered into an Agreement with the parties named for the land described requires that a memorandum of the Agreement be entered on the Certificate(s) of Title to the land referred to.

LAND

Certificate of Title Volume 9995 Folio 071

ADDRESS OF THE LAND

230 Clifton West Road, Clifton Creek 3875

RESPONSIBLE AUTHORITY

East Gippsland Shire Council, 273 Main Street, Bairnsdale 3875

PLANNING SCHEME

East Gippsland Shire Council Planning Scheme

AGREEMENT DATE

22/9/2008

AGREEMENT WITH

William Michael Flanagan &
Deborah Rae Flanagan

A copy of the Agreement is attached to this Application.

Signature for the Responsible Authority

Name of Officer

Date

[Signature]
AARON HOLLOW - MANAGER DEVELOPMENT
23/09/2008

Date 22/09/2008

AG108268G

29/09/2008 \$99.90 173



**Agreement under Section 173
of the Planning and Environment Act 1987**

Subject Land:

230 Clifton West Road, Clifton Creek

**East Gippsland Shire Council
and**

**William Michael Flanagan &
Deborah Rae Flanagan**

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[12347: 4914988v1]

Agreement under Section 173 of the Planning and Environment Act 1987

DATE / /2008

AG108268G



BETWEEN

EAST GIPPSLAND SHIRE COUNCIL
of Corporate Centre, 273 Main Street, Bairnsdale

(Council)

AND

**WILLIAM MICHAEL FLANAGAN &
DEBORAH RAE FLANAGAN**
of 230 Clifton West Road, Clifton Creek

(Owner)

RECITALS

- A. Council is the Responsible Authority pursuant to the Act for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. On 18th July 2008 Council issued Planning Permit No. 150/2008/P allowing the Subject Land to be subdivided into two Lots in accordance with a plan to be endorsed under condition 3 of the Planning Permit (the Endorsed Plan). Condition 3 of the Planning Permit requires the Owner to enter into this Agreement to provide for the matters set out in that condition. A copy of the Planning Permit is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.
- D. Condition 3 of the Planning Permit provides that:

“Before the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the responsible authority in accordance with Section 173 of the Planning & Environment Act 1987, which will covenant that:

 - a) All future development on Lot 2 on the Plan of subdivision approved by planning permit 150/2008/P must be within the nominated building envelope as attached.

The agreement will bind the applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared by the applicant, at the applicants cost and to the satisfaction of the responsible authority, and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act 1987.”
- E. As at the date of this Agreement, the subject land is not encumbered by a Mortgage.
- F. The parties enter into this Agreement:
 - F.1 to give effect to the requirements of the Planning Permit; and

[12347: 4914988v1]

F.2 to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

THE PARTIES AGREE

DEFINITIONS



In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement.

Building has the same meaning as in the Act and includes dwellings, swimming pools, carports and tennis courts.

Building Envelope means any area delineated and identified on the Endorsed Plan as a 'building envelope' or the like.

Endorsed Plan means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit. A copy of the Endorsed Plan is attached to this Agreement and marked 'A'.

lot means a lot on the Endorsed Plan.

Mortgagee means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

Owner means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes a Mortgagee-in-possession.

party or parties means the Owner and Council under this Agreement as appropriate.

Planning Scheme means the East Gippsland Planning Scheme and any other planning scheme that applies to the Subject Land.

Subject Land means the land situated at 230 Clifton West Road, Clifton Creek being the land referred to in Certificate of Title Volume 9995 Folio 071 and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.

INTERPRETATION

In this Agreement unless the context admits otherwise:

The singular includes the plural and vice versa.

A reference to a gender includes a reference to each other gender.

A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.

[12347: 4914988v1]

If a party consists of more than one person this Agreement binds them jointly and each of them severally.

A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.

A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.

The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.

The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

SPECIFIC OBLIGATIONS OF THE OWNER

The Owner covenants and agrees that the Owner will not build, construct or erect or cause or permit to be built, constructed or erected any Building on the Subject Land or any part of the Subject Land outside a Building Envelope without the prior written consent of Council.

FURTHER OBLIGATIONS OF THE OWNER

Notice and Registration

The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

Further actions

The Owner further covenants and agrees that:

the Owner will do all things necessary to give effect to this Agreement;

the Owner will make application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act and do all things necessary to this to be done including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

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Council's Costs to be Paid

The Owner further covenants and agrees that the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and

[12347: 4914988v1]

incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement which are and until paid will remain a debt due to Council by the Owner.

AGREEMENT UNDER SECTION 173 OF THE ACT

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a Deed pursuant to Section 173 of the Act, and the obligations of the Owner under this Agreement are obligations to be performed by the Owner as conditions subject to which the Subject Land may be used and developed pursuant to the Planning Permit.

OWNER'S WARRANTIES

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

SUCCESSORS IN TITLE

Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and

execute a deed agreeing to be bound by the terms of this Agreement.

GENERAL MATTERS

Notices

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

by delivering it personally to that party;

by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or

by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

Service of Notice

A notice or other communication is deemed served:

if delivered, on the next following business day;

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if posted, on the expiration of 7 business days after the date of posting; or

if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

No Waiver

Any time or other indulgence granted by Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

No Fettering of Council's Powers

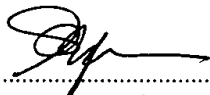
It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

COMMENCEMENT OF AGREEMENT

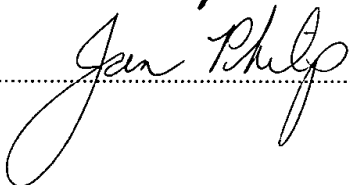
Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

SIGNED, SEALED AND DELIVERED as a Deed by the parties on the date set out at the commencement of this Agreement.

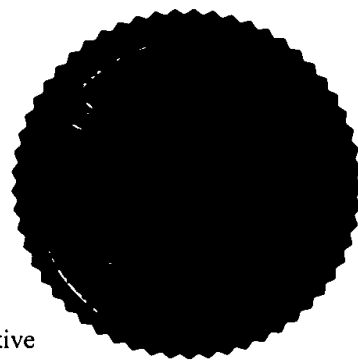
The Common Seal of the East Gippsland Shire Council was hereunto affixed on the 22nd day of September, in the presence of: 2008

.....


Chief Executive

.....


Witness



AG108268G



[12347: 4914988v1]

SIGNED, SEALED AND DELIVERED)
by the said WILLIAM MICHAEL FLANAGAN)
in the presence of:)

W.F.
x *William Michael Flanagan*

Witness: *Jamie M. Burrell*

SIGNED, SEALED AND DELIVERED)
by the said DEBORAH RAE FLANAGAN)
in the presence of:)

DR
x *D.R. Flanagan*

Witness: *Jamie M. Burrell*



Our ref: 18569AMP

17 August 2021

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

Attention: Mr. Robert Pringle

Dear Robert,

**Re: Request to amend Agreement AG845895P
Lot S3 on Plan of Subdivision PS616253L
79 Angophora Drive, Mallacoota**

We respectfully seek Council's consent to the ending of Section 173 Legal Agreement AG845895P as applying to our client's land at 79 Angophora Drive, Mallacoota.

The request to end Agreement AG845895P is made pursuant to Section 178(B) of the *Planning and Environment Act 1987* and on behalf of *Mr. Noel & Mrs. Catherine Bruce*, the registered owners of the property.

Request to end Agreement AG845895P

Agreement AG845895P ('the Agreement') was registered on the subject land in accordance with Condition 3 of Planning Permit 11/2006/P. The land affected by the Agreement includes Lots 9-27, Lots 44-47, Lot 60 and Lot S3 on Plan of Subdivision 616253L.

Condition 3 was included within Planning Permit 11/2006/P to satisfy the requirements imposed by DELWP (formally NRE) and the CFA in their capacity as referral authorities in accordance with Clause 66 of the *East Gippsland Planning Scheme*.

In summary the purpose of the Agreement was to ensure:

- Dwellings constructed within Building Envelopes where specified.
- Retention and protection of significant trees.
- Construction and maintenance of fences on the boundaries around specified lots.
- The removal of vegetation as required and maintenance of cleared areas thereafter, in accordance with CFA referral response.
- Prevention of environmental weeds and exclusion of domestic stock.

The Agreement was executed on 3 September 2009.

18569 request to end S173.doc

Principal: Michael J. Sadler, L.S., Dip Surv, M.I.S., MAICD

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

P: 5152 5011
F: 5152 5705

E: contact@crowthersadler.com.au



Application requirements

Section 178A(2)(b) requires the application to be “*accompanied by the information required by the regulations*”. In accordance with the requirements of Regulation 55 of the *Planning & Environment Regulations 2015* we provide the following requisite information.

Regulation 55(a)

The Applicant for the request to end the Agreement is *Mr. Noel Bruce and Mrs. Catherine Bruce* of 1472 Genoa Road, Mallacoota VIC 3892.

Regulation 55(b)

The Agreement is to be ended as it applies to the subject land is AG845895P.

Regulation 55(c)

The requirements of this Regulation are not applicable to the request at hand as the proposal does not seek to amend the Agreement.

Regulation 55(d)(i)

The requirement of this Regulation is not applicable to the request at hand as the proposal does not seek to end the Agreement in part.

Regulation 55(d)(ii)

The request seeks agreement with the Responsible Authority to end the Agreement in full as it applies to 79 Angophora Drive, Mallacoota, formally described as Lot S3 on Plan of Subdivision 616253L.

Regulation 55(d)(iii)

The owner of the subject land proposes to undertake a Two Lot Subdivision of the land which requires a Planning Permit under the provisions of the Bushfire Management Overlay. An application of this nature must also comply with Clause 53.02: *Bushfire Planning*.

A Planning Permit Application has recently been submitted to Council for the proposed Two Lot Subdivision which has been prepared in accordance with the *Approved measures* of Clause 53.02.

In preparing the Planning Permit application it was determined the *specific obligations of the owner* under part 3 of the Agreement were found to be inconsistent with the current requirements of Clause 53.02: *Bushfire Planning*.

The purpose of the Bushfire Management Overlay includes a requirement to “prioritise the protection of human life and strengthens community resilience to bushfire”. The provisions of the Bushfire Management Overlay are considered therefore to take priority over the requirements of the Agreement with respect to bushfire protection and maintenance and management of vegetation.

It is also relevant to highlight that only two stages of the subdivision anticipated by the Agreement were completed, and Planning Permit 11/2006/P/A has now expired. Any further subdivision of the remaining land therefore triggers further planning approval and the nominated Building Envelopes do not respond to the current scheme of subdivision or reflect the current Planning Scheme controls.

The current application for subdivision is subject to current planning scheme controls including provisions relating to bushfire protection and native vegetation, irrespective of what was previously approved under the previous permit (now expired).

A Bushfire Hazard Site Assessment and Bushfire Management Plan have been submitted with the Planning Permit application for the proposed Two Lot Subdivision. The Bushfire Hazard Site Assessment determines the extent of defensible space required and therefore the appropriate location for a future dwelling (Lot 1).

The extent of defensible space required to comply with *Approved Measures* under Clause 53.02 is substantially greater than that stipulated within the specific obligations of the owner within Clause 3.3.3.

It is proposed the Agreement be ended in order to avoid any discrepancy or confusion between the requirements of the Bushfire Management Plan and the Agreement.

It is however expected that the current Planning Application for Two Lot Subdivision will result in a Condition on Permit which triggers the need for a new Section 173 Legal Agreement to be entered into, consistent with the mandatory Conditions prescribed at Clause 44.06-5.

We are not aware of any other prescribed matter which is relevant to the request to end the Agreement as it applies to the subject land.

Conclusion

The Agreement stipulates bushfire mitigation measures that are inconsistent with current requirement of the *East Gippsland Planning Scheme*. Ending the Agreement as requested will enable the proposed subdivision to be provided with an appropriate level of protection from the risk of bushfire that is not otherwise possible under the Agreement.

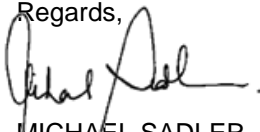
East Gippsland Shire Council

Page 4

We trust this information provides sufficient detail to facilitate Council's commencement of the process associated with ending the Agreement as it applies to the subject land. We respectfully await Council's timely advice regarding the scheduling of this matter on the next available Ordinary Council Meeting agenda.

As always, please do not hesitate to contact our office should any further information be required to assist with the reporting of this matter to Council.

Regards,



MICHAEL SADLER
Managing Director

*Encl: Application fee \$643.00 (to be paid by cheque)
Copy of Title (Lot S3 on PS616253L)
S173LA AG845895P*

18569 request to end S173.doc

Crowther & Sadler Pty Ltd



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 11849 FOLIO 791

Security no : 124091645049U
Produced 05/08/2021 11:14 AM

LAND DESCRIPTION

Lot S3 on Plan of Subdivision 616253L.
PARENT TITLE Volume 11194 Folio 697
Created by instrument PS616253L Stage 2 24/01/2017

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
CATHERINE MARGARET BRUCE
NOEL ALLAN BRUCE both of 1472 GENOA ROAD MALLACOOTA VIC 3892
AS313099E 01/07/2019

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AS313100Y 01/07/2019
BENDIGO AND ADELAIDE 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.

AGREEMENT as to part Section 173 Planning and Environment Act 1987
AG845895P 30/10/2009

DIAGRAM LOCATION

SEE PS616253L 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)



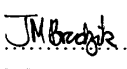
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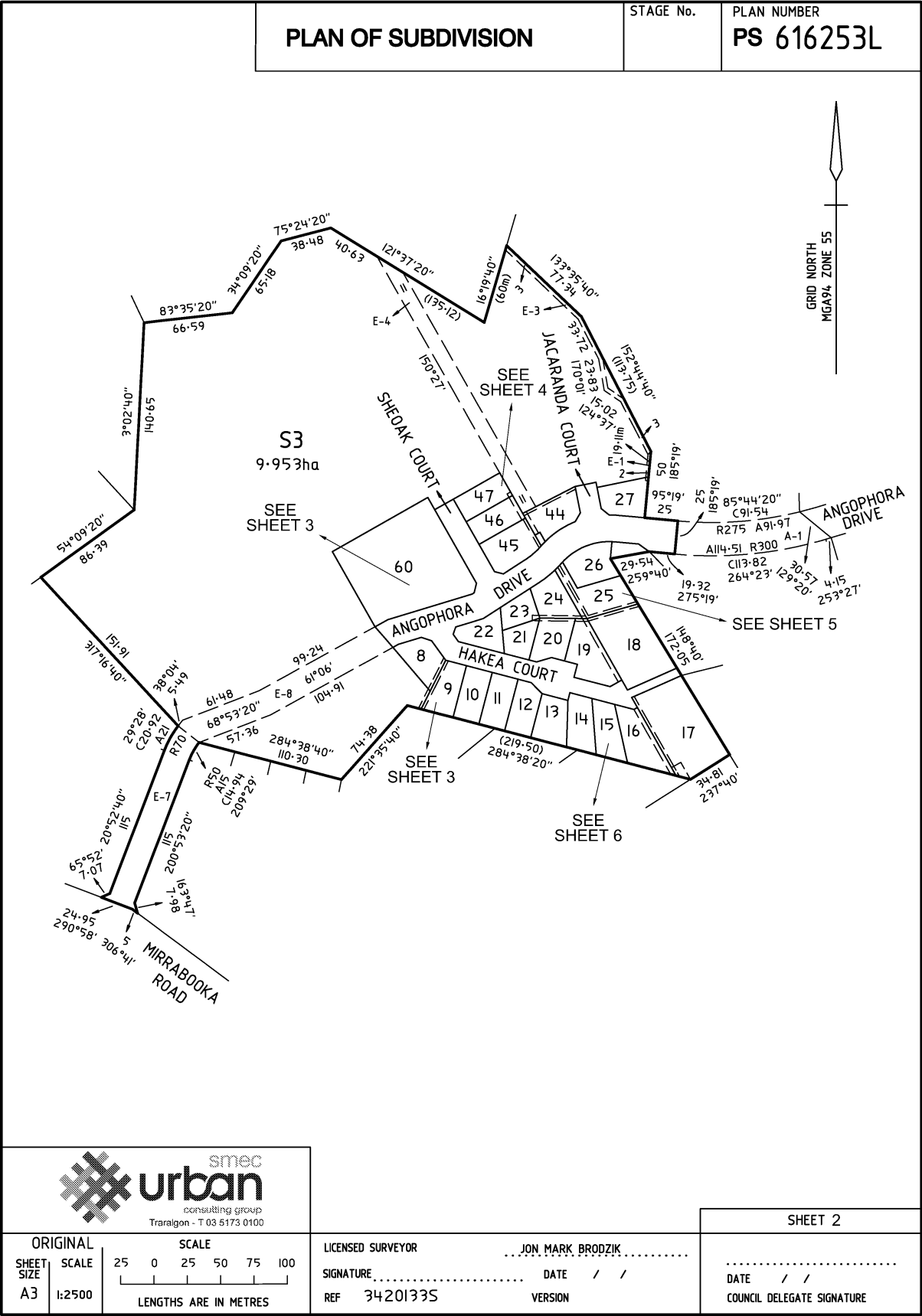
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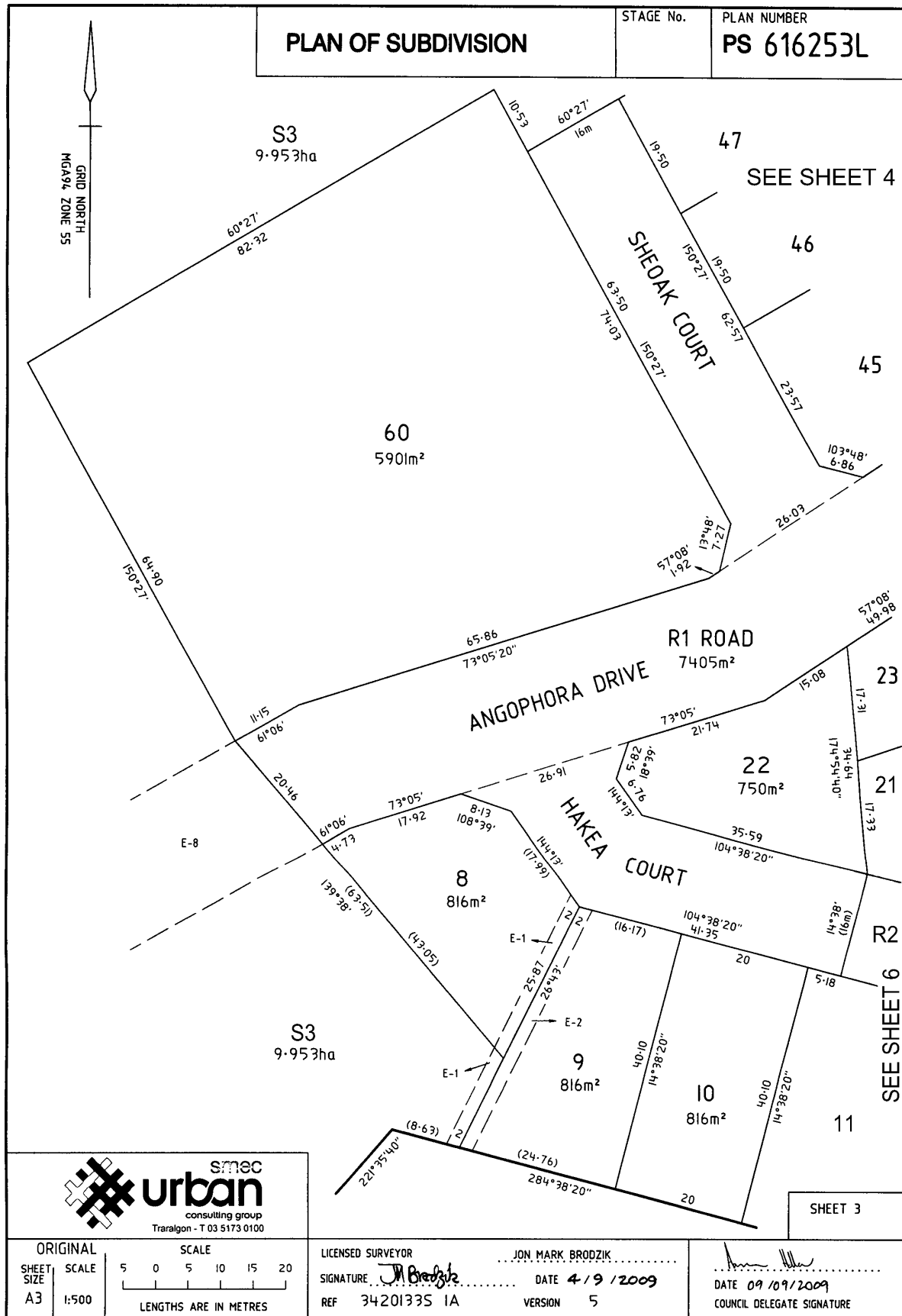
NIL

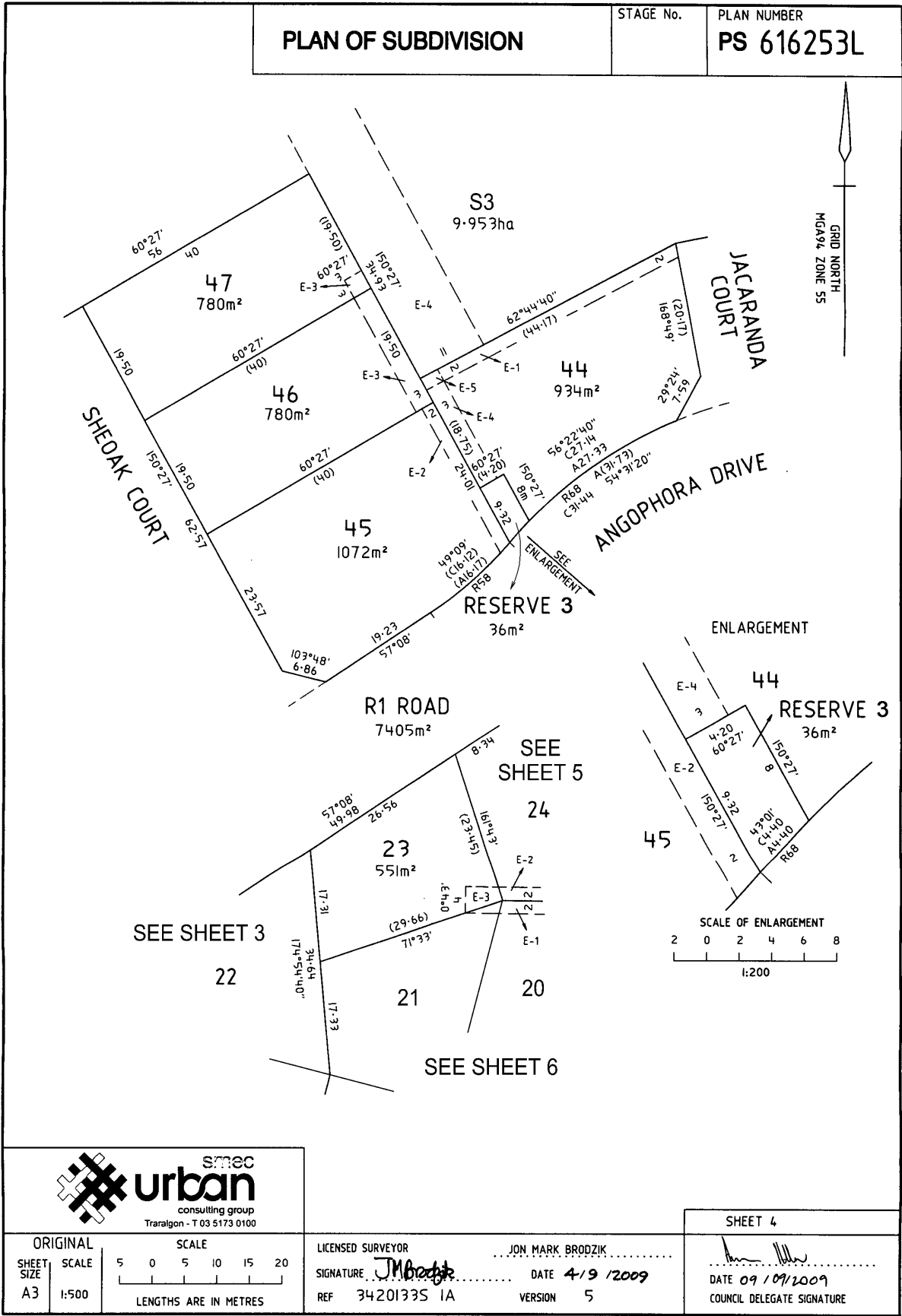
eCT Control 18057S BENDIGO BANK
Effective from 01/07/2019

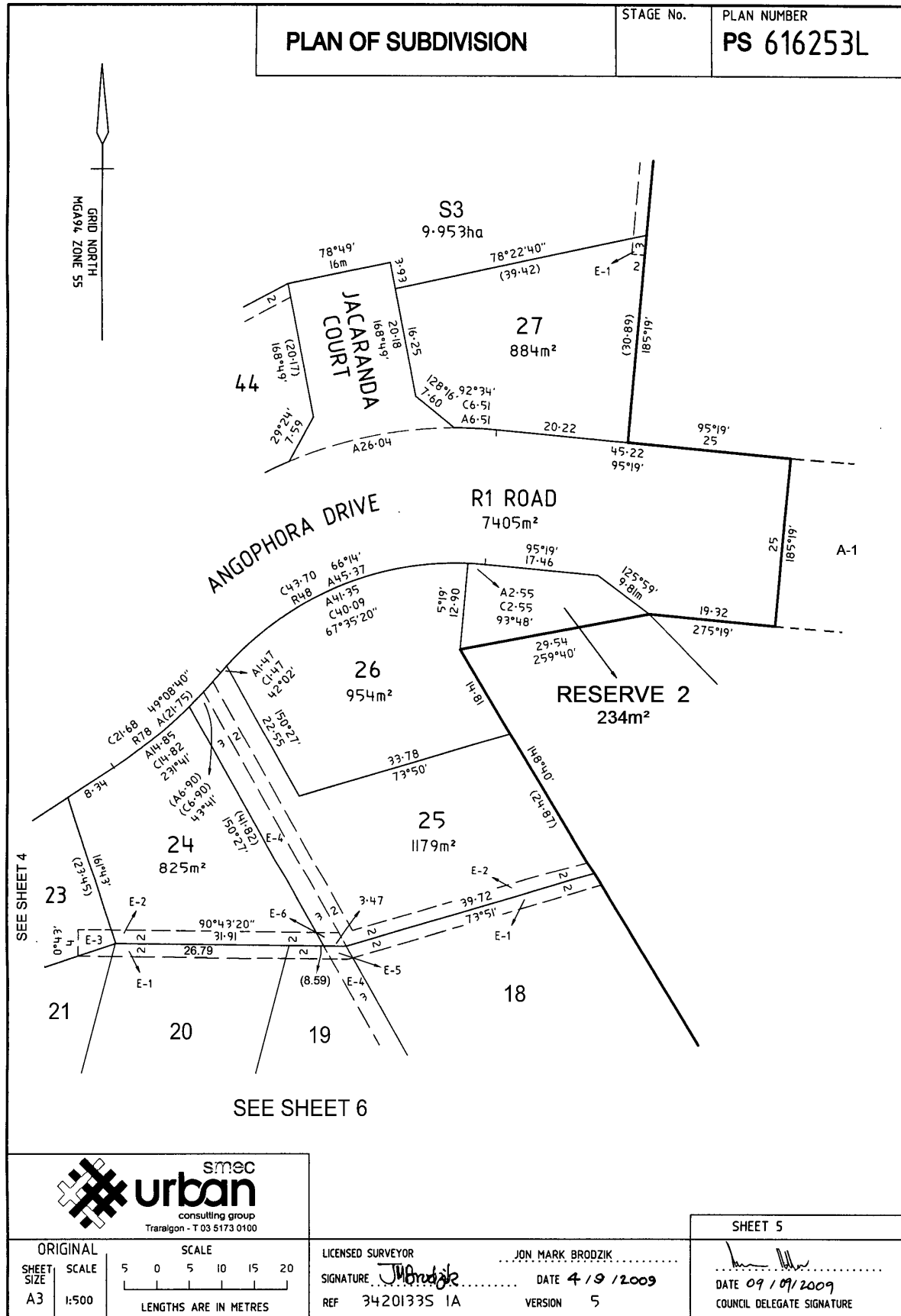
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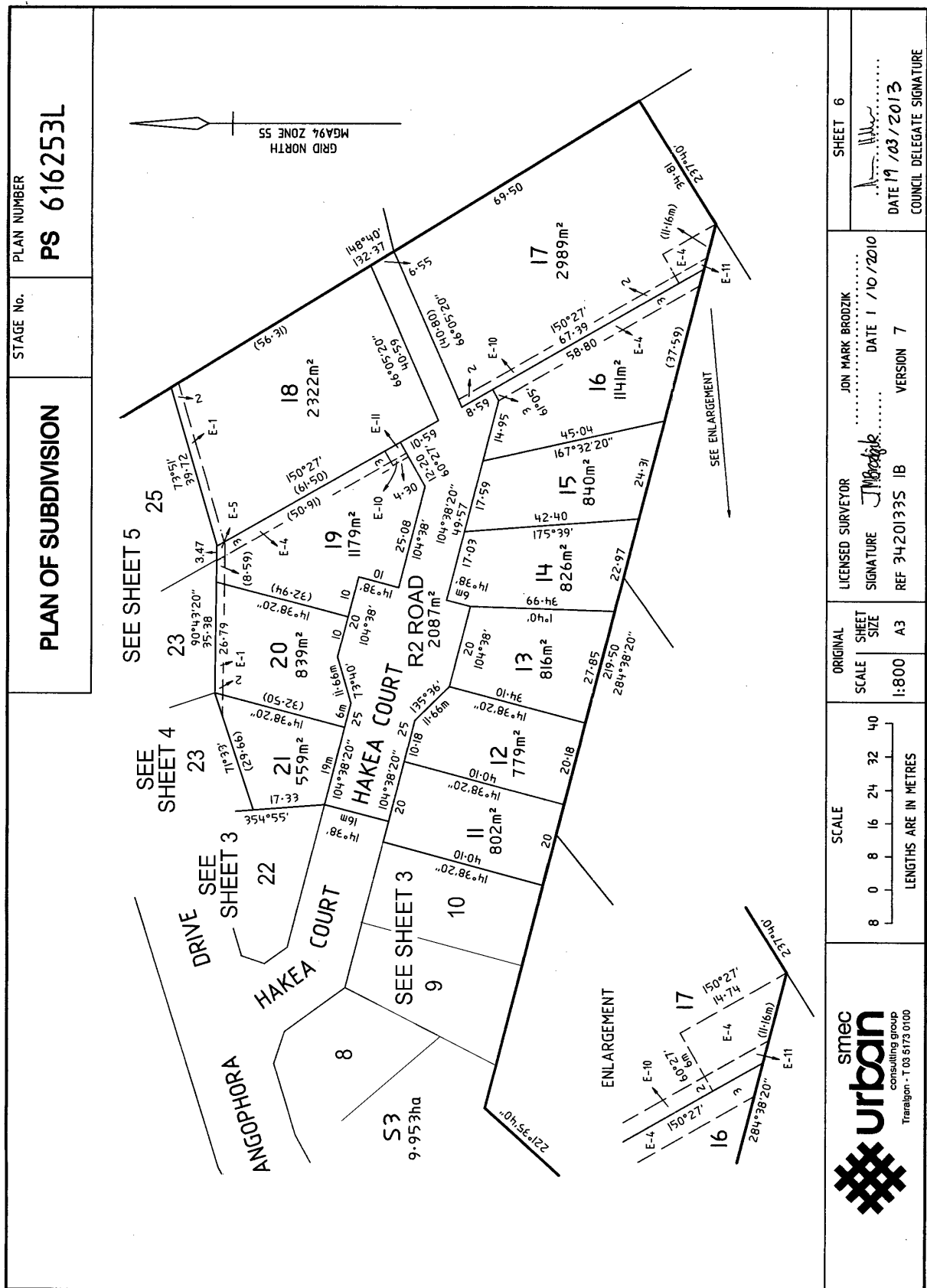
PLAN OF SUBDIVISION		STAGE No.	LRS USE ONLY EDITION 2	PS616253L 23/03/2010 \$2539.70 PS 
LOCATION OF LAND PARISH: MALLACOOTA TOWNSHIP: — SECTION: — CROWN ALLOTMENT: 4 (PART) CROWN PORTION: — TITLE REFERENCES: VOL 10600 FOL 829 LAST PLAN REFERENCE: LOT 4 PS420978E POSTAL ADDRESS: (At time of subdivision) MIRRABOOKA ROAD MALLACOOTA, 3892 MGA84CO-ORDINATES: E 742 700 (Of approx. centre of land in plan) N 5841 300 ZONE: 55		COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL REF: 43/2008/CRT 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6 / / 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 Subdivision Act 1988 has / has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in stage Council Delegate Council seat Date 09/09/2009 Re-certified under Section 11(7) of the Subdivision Act 1988 Council Delegate Council seat Date / /		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON	STAGING This is / is not a staged subdivision Planning Permit No 11/2006/P DEPTH LIMITATION 15.24m BELOW THE SURFACE LOTS NUMBERS 1 TO 7, 28 TO 43 AND 48 TO 59 HAVE BEEN OMITTED FROM THIS PLAN UPON REGISTRATION OF THIS PLAN THE EASEMENTS E-2, E-3, E-4 AND E-5 AS SHOWN ON C/T VOL 10600 FOL 829 WILL BE VARIED OR REMOVED BY DIRECTION IN PLANNING PERMIT 11/2006/P. SURVEY: THIS PLAN IS / IS NOT BASED ON SURVEY THIS SURVEY IS CONNECTED TO PERMANENT MARK No(s)		
R1 ROAD EAST GIPPSLAND SHIRE COUNCIL R2 ROAD EAST GIPPSLAND SHIRE COUNCIL RESERVE 2 EAST GIPPSLAND SHIRE COUNCIL RESERVE 3 SPI ELECTRICITY PTY LTD		MIRRABOOKA ESTATE STAGE 1A		
EASEMENT INFORMATION				LRS USE ONLY
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
A-1	CARRIAGEWAY, SEWERAGE WATER & ELECTRICITY	SEE DIAG.	PS322377E	LAND IN THIS PLAN
E-1, E-3, E-5,	DRAINAGE	SEE DIAG.	THIS PLAN	LAND IN THIS PLAN
E-2, E-3, E-6,	SEWERAGE	SEE DIAG.	THIS PLAN	EAST GIPPSLAND REGION WATER AUTHORITY
E-4, E-5, E-6, E-11	POWERLINE	SEE DIAG.	PS 322377E - STAGE 2 SECTION 44 OF THE ELECTRICITY INDUSTRY ACT 1993	EASTERN ENERGY LTD.
E-7	WAY, DRAINAGE, GAS TELEPHONE, SEWERAGE, ELECTRICITY & WATER	SEE DIAG.	LP 209167P	LAND IN LP 209167P
E-8	CARRIAGEWAY	SEE DIAG.	THIS PLAN	LAND IN THIS PLAN
E-11, E-10	DRAINAGE	SEE DIAG.	THIS PLAN	LAND IN THIS PLAN
				RECEIVED <input checked="" type="checkbox"/> DATE 23/3/2010 THIS IS A LAND VICTORIA COMPILED PLAN FOR DETAILS SEE MODIFICATION TABLE HEREIN SHEET 1 OF 6 SHEETS
LICENSED SURVEYOR JON MARK BRODZIK SIGNATURE  DATE 4/9/2009 REF 34201335 1A VERSION 5				DATE 09/09/2009 COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3











MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER

PS616253L

MASTER PLAN (STAGE 1) REGISTERED DATE 01/04/2010 TIME 3:17 pm

WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.

[illegible]

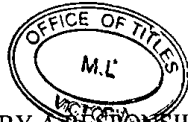
Delivered by LANDATA®, timestamp 05/08/2021 11:18 Page 1 of 20

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Planning and Environment Regulations 2005

AG845895P



Form 18

Section 181

**APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A
RECORDING OF AN AGREEMENT**

Planning and Environment Act 1987

**APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A
RECORDING OF AN AGREEMENT**

Planning and Environment Act 1987

Lodged by:

Name: NPR Legal

Phone: (02) 49102500

Address: 103 Beaumont St Hamilton NSW 2303

Ref: 08/24 Customer Code:

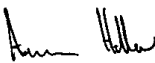
The Authority having made an agreement referred to in section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register for the Land.

Land: Part of the land situated at 124 Mirrabooka Rd, Mallacoota, being part of the land referred to in Certificate of Title Volume 10600 Folio 829, and more particularly being the land described as proposed lots 26, 31, 45, 58, 59, 60 and 61 on the attached plan

Authority: East Gippsland Shire Council of Corporate Centre, 273 Main St Baringsdale

Section and Act under which agreement made: **Section 173 Planning and Environment Act 1987**

A copy of the Agreement is attached to this Application.

Signature for the Authority: 

Name of Officer: **AARON HOLLOW - MANAGER DEVELOPMENT**

Date: **02/09/2009**



Date 03 / 09 / 2009

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30/10/2009 \$107.90 173



**Agreement under Section 173
of the Planning and Environment Act 1987**
Subject Land: 124 Mirrabooka Rd Mallacoota, Lot 4 LP 420978

**East Gippsland Shire Council
and**

Rasputen Pty Ltd ACN 116 092 329

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Agreement under Section 173 of the Planning and Environment Act 1987

DATE 03 / 09 / 2009

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BETWEEN

EAST GIPPSLAND SHIRE COUNCIL
of Corporate Centre, 273 Main Street, Bairnsdale

(Council)

AND

Rasputen Pty Ltd ACN 116 092 329
of 101 – 103 Beaumont St Hamilton NSW 2303

(Owner)

RECITALS

- A. Council is the Responsible Authority pursuant to the Act for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. On 14 March 2007 Council issued Planning Permit No. 11/2006/P (**Planning Permit**) allowing the Subject Land to be subdivided into 61 lots, the variation of a carriageway easement and the removal of select vegetation in accordance with the Endorsed Plan. Condition 3 of the Planning Permit requires the Owner to enter into this Agreement to provide for the matters set out in that condition. A copy of the Planning Permit is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.
- D. Condition 3 of the Planning Permit provides that:

Prior to a Statement of Compliance being granted for each stage the applicant/landowner must:

.....

Enter into an agreement with the responsible authority in accordance with Section 173 of the Planning & Environment Act 1987, which will covenant Lots 58, 59, 60 and 61 that:

- All buildings must be located within the approved building envelopes endorsed as part planning permit 11/2006/P/A.

Enter into an agreement with the responsible authority in accordance with Section 173 of the Planning & Environment Act 1987, which will covenant Lots 26, 31, 45, and 60 that:

- Dwellings and associated outbuilding(s) must be constructed within the approved building envelopes. The existing trees as identified on the endorsed plan(s) of Planning Permit 11/2006/P/A must not be removed unless deemed by a qualified Arborist) to present a risk to person or property.

Enter into an agreement with the responsible authority in accordance with Section 173 of the Planning & Environment Act 1987, which will covenant Lots 58 - 61 that:

- The land, excluding the building envelopes, is to form the area to which the covenants are to apply
- Building envelopes on Lots 58 to 61 are to be excluded from the covenanted area by fencing to the satisfaction of the responsible authority.
- Owners will not keep domestic stock or allow domestic stock to remain on the covenanted land
- Owners will prevent the growth and survival of noxious and environmental weeds within the covenanted areas
- Owners will not remove or destroy native vegetation or allow the removal or destruction of native vegetation from the covenanted areas except where this is necessary to maintain protective fencing of those areas.

Enter into an agreement with the responsible authority in accordance with Section 173 of the Planning & Environment Act 1987, which will covenant Lots 58 - 61 that:

- That vegetation management is to occur prior to the occupation of any new dwelling on the Lot and maintained at all times during the occupation of any dwelling on the Lot.
- Vegetation management for a distance of 30 metres around the dwelling or to the property boundary, whichever is less to comply with the following:
 - grass must be no more than 100 millimetres in height.
 - leaf litter must be less than 10 millimetres deep.
 - There be no elevated fuel on at least 50% of the inner zone. On the remaining 50% of the inner zone, the elevated fuel must be at most sparse with very little dead material.
 - Dry shrubs must be isolated in small clumps more than 10 metres away from any dwelling.
 - Trees must not overhang the roofline of the dwelling.

The Section 173 Agreement are to be finalised and a copy provided to the CFA prior to issuing of the statement of compliance of Stage 1 of the development.

The agreement will bind the applicant as the owner and shall run with the land so that all successors in title are bound by the agreement. This agreement will be prepared by the applicant, at the applicant's cost and to the satisfaction of the responsible authority, and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act 1987.

E. The parties enter into this Agreement:

- E.1 to give effect to the requirements of the Planning Permit; and
- E.2 to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

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30/10/2009 \$107.90 173



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**THE PARTIES AGREE****1. DEFINITIONS**

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement.

Building has the same meaning as in the Act

Building Envelope means any area delineated and identified on the Endorsed Plan as a 'building envelope' or the like.

Endorsed Plan means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit. A copy of the Endorsed Plan is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

Environmental Weed means a weed declared noxious under the *Catchment and Land Protection Act 1994* or any other plant that is causing damage to the environment on the Subject Land.

Existing Tree means any tree which is identified on the Endorsed Plan as an 'existing tree'.

Inner Zone means the area within 10 metres of the dwelling

lot means a lot on the Endorsed Plan.

Mortgagee means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

Native Vegetation has the same meaning as in the Planning Scheme

Owner means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes a Mortgagee-in-possession.

party or parties means the Owner and Council under this Agreement as appropriate.

Planning Scheme means the East Gippsland Planning Scheme and any other planning scheme that applies to the Subject Land.

Subject Land means part of the land situated at 124 Mirrabooka Rd Mallacoota being part of the land referred to in Certificate of Title Volume 10600 Folio 829 and more particularly being the land described as proposed lots 26, 31, 45, 58, 59, 60 and 61 on the Endorsed Plan. Any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.



2. INTERPRETATION

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and vice versa.
- 2.2 A reference to a gender includes a reference to each other gender.
- 2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 2.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.8 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

3. SPECIFIC OBLIGATIONS OF THE OWNER

3.1 Specific obligations of the owner of lots 26, 31, 45, 58, 59, 60 & 61: Building Envelopes

The Owner covenants and agrees that the Owner must not build, construct or erect or cause or permit to be built, constructed or erected a Building on lots 26, 31, 45, 58, 59, 60 and 61 outside the Building Envelope for the relevant lot.

3.2 Specific obligations of the owner of lots 26, 31, 45 & 60: Tree retention

The Owner covenants and agrees that no Existing Tree may be destroyed, felled, lopped, ringbarked, uprooted, or otherwise removed on lots 26, 31, 45 and 60 unless with the prior written consent of Council. That approval will not be given unless the removal of that Existing Tree is deemed necessary by a qualified arborist due to the Existing Tree presenting an unreasonable risk to person or property.

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**3.3 Specific obligations of the owner of lots 58, 59, 60 & 61****3.3.1 Fencing**

The Owner covenants and agrees that the Owner must construct and maintain a fence to the satisfaction Council around each Building Envelope on Lots 58, 59, 60 and 61.

3.3.2 Keeping of Animals & Vegetation Protection

In relation to any land outside a Building Envelope on Lots 58, 59, 60 and 61, the Owner covenants and agrees that:

- a) the Owner must not keep domestic stock or allow domestic stock to remain on a lot;
- b) the Owner must prevent the establishment and presence of any Environmental Weed on a lot; and
- c) Native Vegetation must not be removed, destroyed, felled, lopped, ringbarked or uprooted without the prior written consent of Council unless the removal of the native vegetation is required to maintain protective fencing of the areas or to comply with clauses 3.3.3 or 3.3.4;

3.3.3 Vegetation Management

Prior to the occupation of any dwelling on any of lots 58, 59, 60 or 61, the Owner must ensure that within 30 metres of the dwelling or to the respective lot boundary (whichever is the closer):

- a) grass is no more than 100 millimetres in height;
- b) leaf litter is less than 10 millimetres deep;
- c) there is no elevated fuel on at least 50 per cent of the Inner Zone and the other 50 per cent of the Inner Zone, elevated fuel must be sparse, with very little dead vegetation;
- d) dry shrubs are more than 10 metres away from any dwelling and are isolated in small clumps; and
- e) a tree does not overhang the roofline of a dwelling

3.3.4 Ongoing Vegetation Management

The Owner must comply with Clause 3.3.3 at all times after commencing occupation of a dwelling to the satisfaction of Council.

4. FURTHER OBLIGATIONS OF THE OWNER**4.1 Notice and Registration**

The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

4.2 Further actions

The Owner further covenants and agrees that:

- 4.2.1 the Owner will do all things necessary to give effect to this Agreement;
- 4.2.2 the Owner will make application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act and do all things necessary for this to be done including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

4.3 Council's Costs to be Paid

The Owner further covenants and agrees that the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, review, finalisation, engrossment, execution, registration and enforcement of this Agreement which are and until paid will remain a debt due to Council by the Owner.

5. AGREEMENT UNDER SECTION 173 OF THE ACT

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a Deed pursuant to Section 173 of the Act, and the obligations of the Owner under this Agreement are obligations to be performed by the Owner as conditions subject to which the Subject Land may be used and developed pursuant to the Planning Permit.

6. OWNER'S WARRANTIES

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

7. SUCCESSORS IN TITLE

Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

- 7.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- 7.2 execute a deed agreeing to be bound by the terms of this Agreement.

8. GENERAL MATTERS

8.1 Notices

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

- 8.1.1 by delivering it personally to that party;

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8.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or

8.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

8.2 Service of Notice

A notice or other communication is deemed served:

8.2.1 if delivered, on the next following business day;

8.2.2 if posted, on the expiration of 7 business days after the date of posting; or

8.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

8.3 No Waiver

Any time or other indulgence granted by Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

8.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

8.5 No Fettering of Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

9. COMMENCEMENT OF AGREEMENT

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

AG845895P

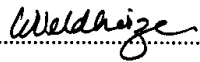
30/10/2009 \$107.90 173


SIGNED, SEALED AND DELIVERED as a Deed by the parties on the date set out at the commencement of this Agreement.

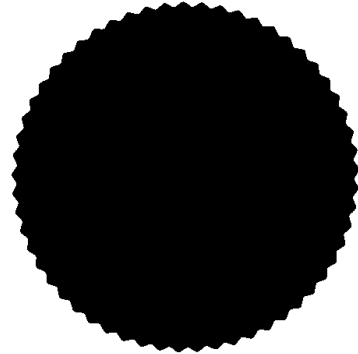
The Common Seal of the East Gippsland Shire Council was hereunto affixed on the 3rd day of September 2009 in the presence of:

..... 


Chief Executive

..... 

Witness



Executed by Rasputen Pty Ltd
ACN 116 092 329 Pursuant to
s 127(1) of the Corporations
Act 2001 in the presence of:

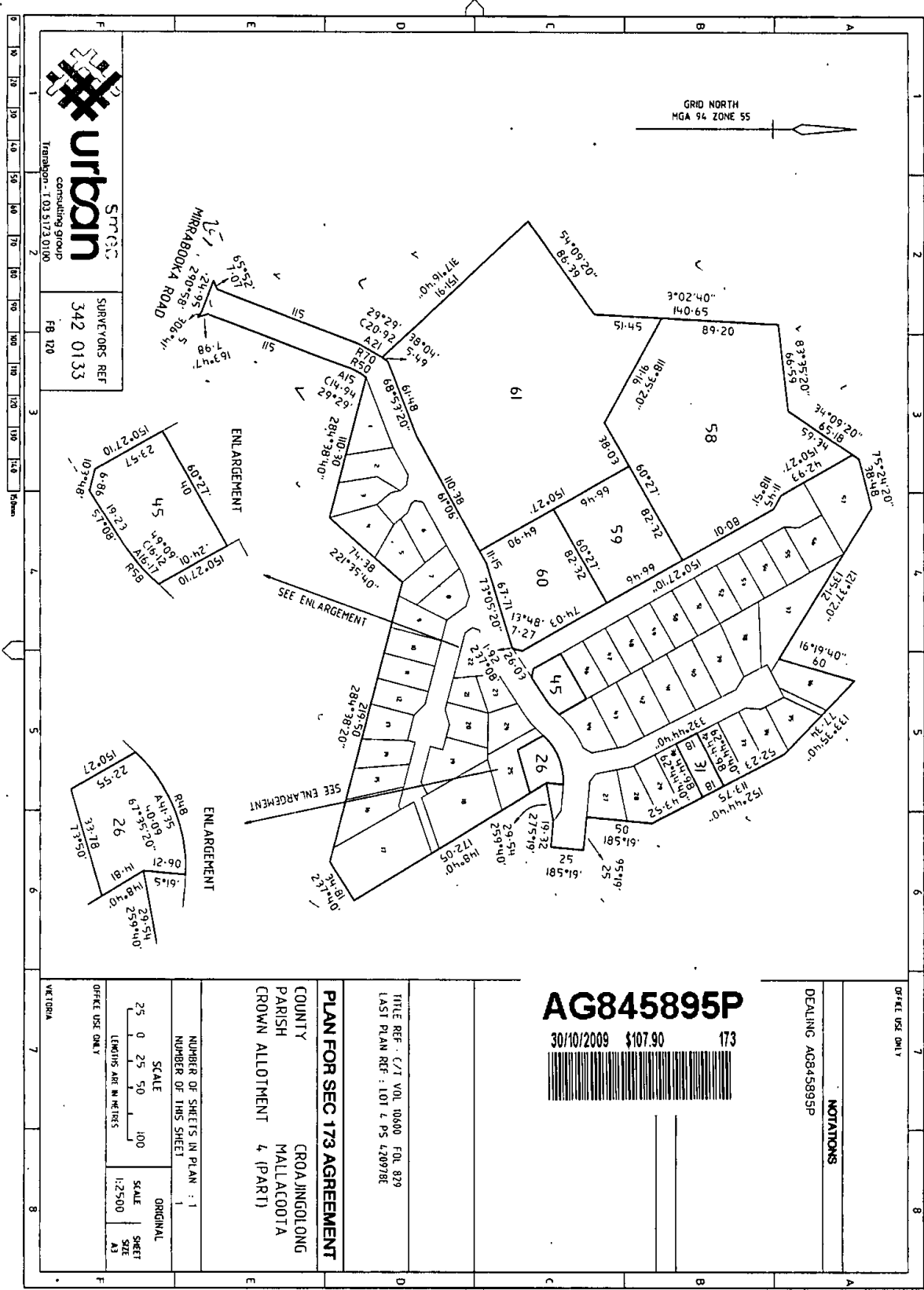


William Hugh Ellis
Sole Director/Secretary

AG845895P

30/10/2009 \$107.90 173





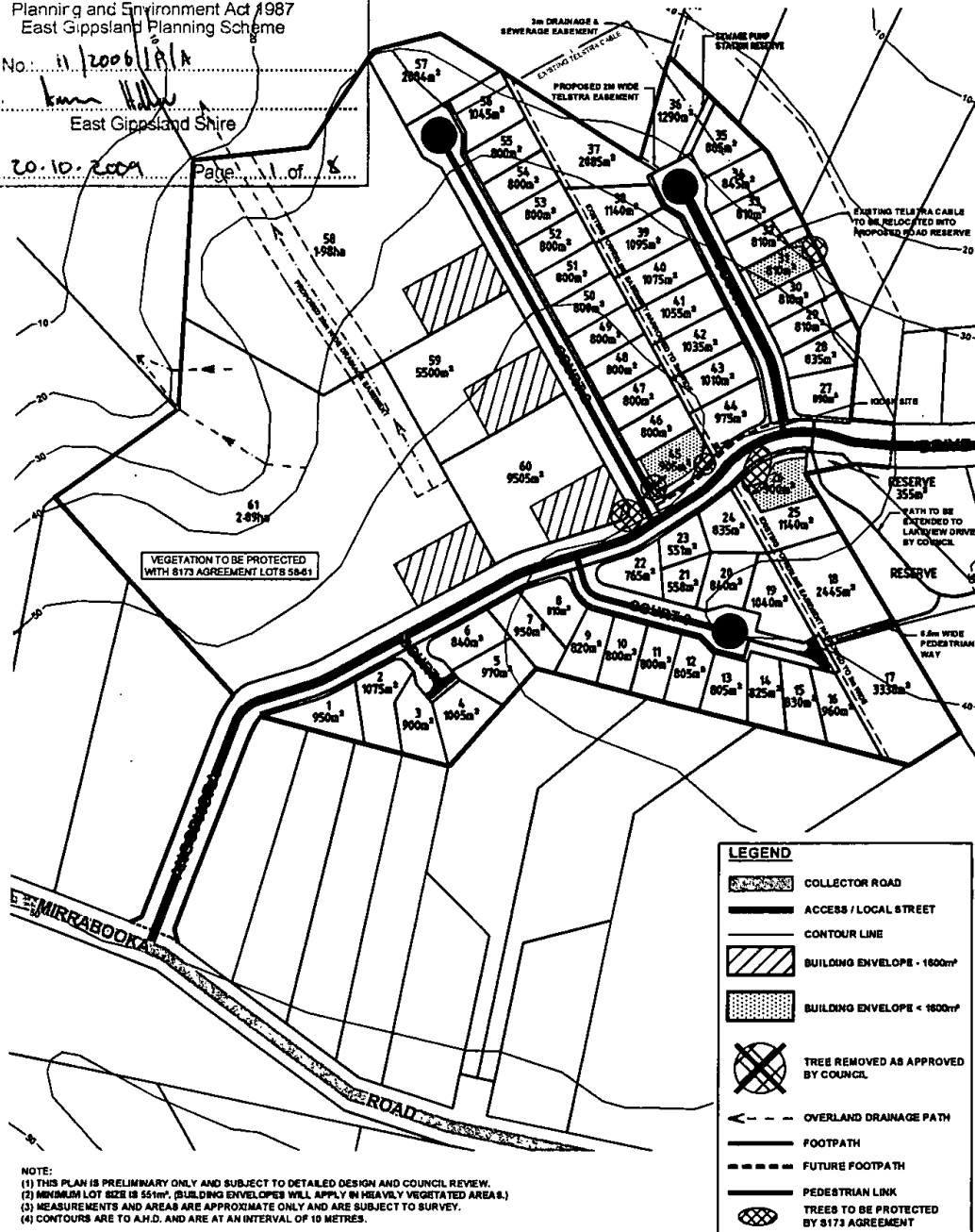
PURPOSES OF SECTION 173 AGREEMENT

Endorsed Plan
Planning and Environment Act 1987
East Gippsland Planning Scheme

Permit No.: 11/2006/PA/A

Signed: [Signature]
East Gippsland Shire

Date: 20.10.2009 Page: 1 of 8



Amended 6/10/2009



Concept Development Plan of "Mirrabooka Estate"
Infrastructure Solutions P/L.

Designed: Trevor Woodcock May 2005
Drawn: GMR May 2005

Mirrabooka Road, Mallacoota

Dwg No. IS05102/01

Issue Date: 26/03/2009

Sheet 1 of 8

AG845895P



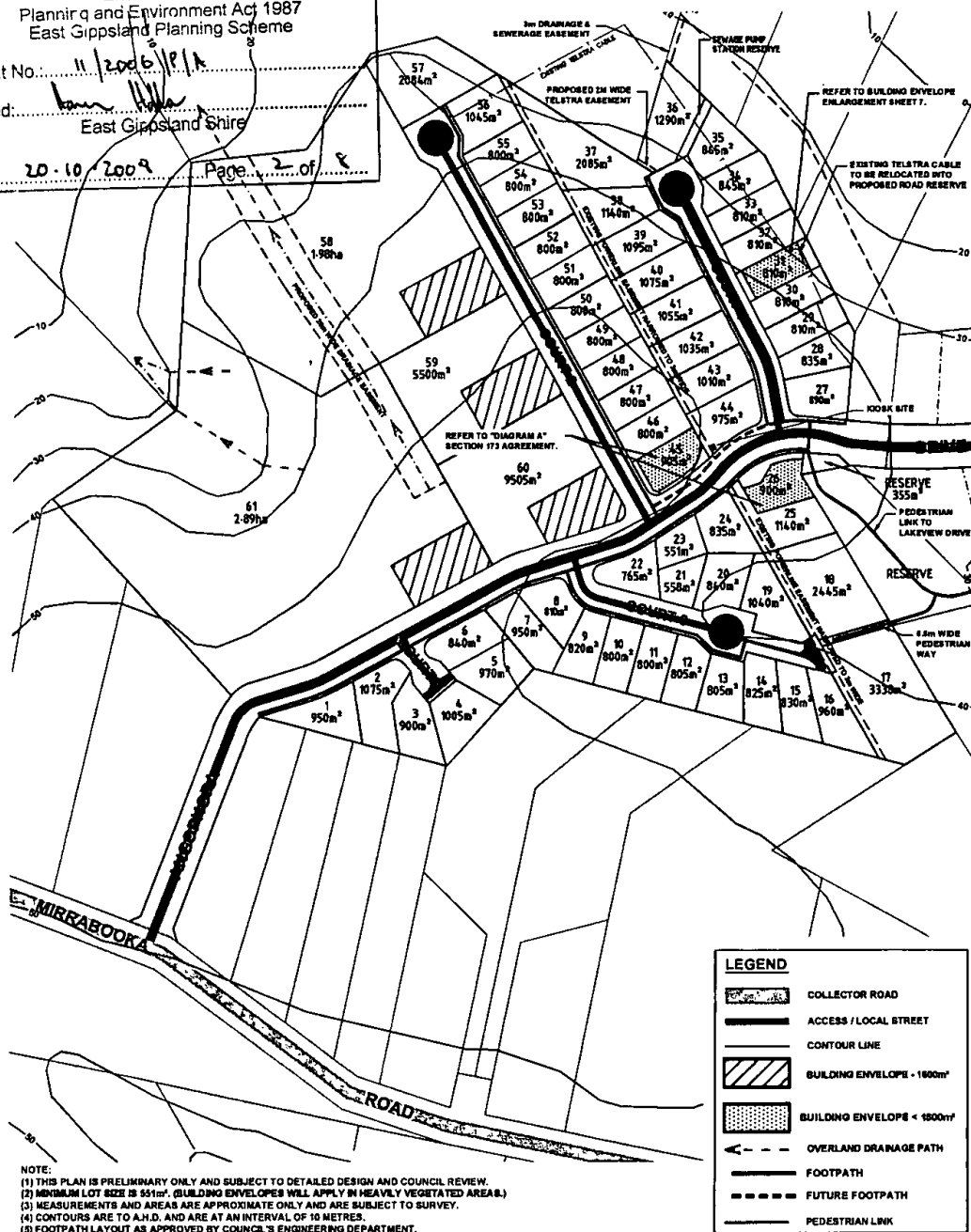
PURPOSE OF SECTION 173 AGREEMENT

Endorsed Plan
Planning and Environment Act 1987
East Gippsland Planning Scheme

Permit No.: 11/2006/P/A

Signed: *[Signature]*
East Gippsland Shire

Date: 20-10-2009 Page: 2 of 8



Amended 6/10/2009

Layout Plan of "Mirrabooka Estate"

Infrastructure Solutions P/L.

Mirrabooka Road, Mallacoota

Designed: Traver Woodcock May 2005
Drawn: GHR Nov 2005

Dwg No. IS05102/02

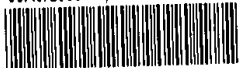
Issue Date: 26/03/2009

Sheet 2 of 8



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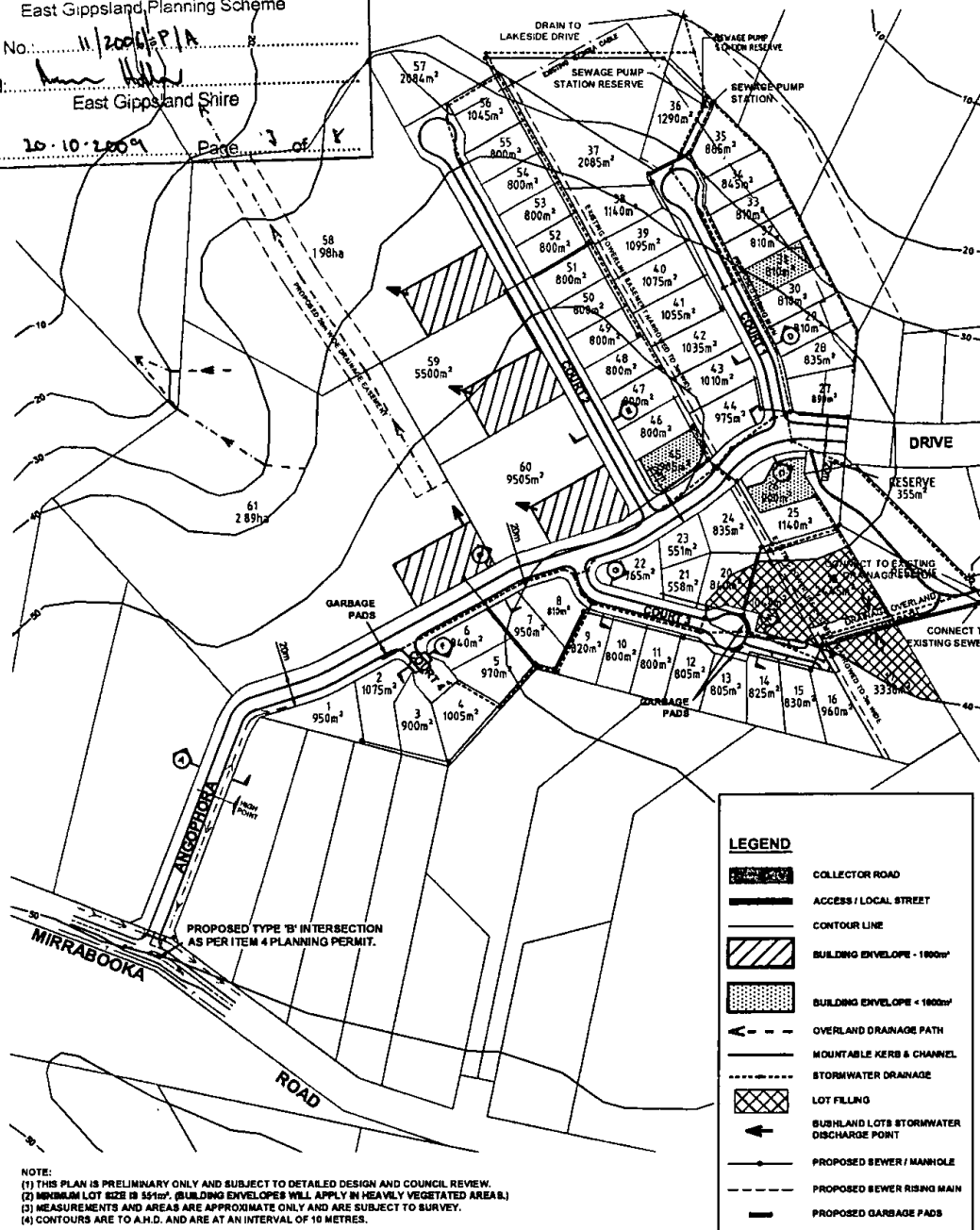
PURPOSES OF SECTION 173 AGREEMENT

Endorsed Plan
Planning and Environment Act 1987
East Gippsland Planning Scheme

Permit No.: 11/2006/P/A

Signed: *[Signature]*
East Gippsland Shire

Date: 16.10.2009 Page 3 of 4



Amended 6/10/2009

Infrastructure Plan of "Mirrabooka Estate"**Infrastructure Solutions P/L.****Mirrabooka Road, Mallacoota**Designed: Traver Woodcock May 2005
Drawn: GPR Nov 2005

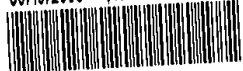
Dwg No. IS05102/03

Issue Date: 26/03/2009

Sheet 3 of 8

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30/10/2009 \$107.90 173



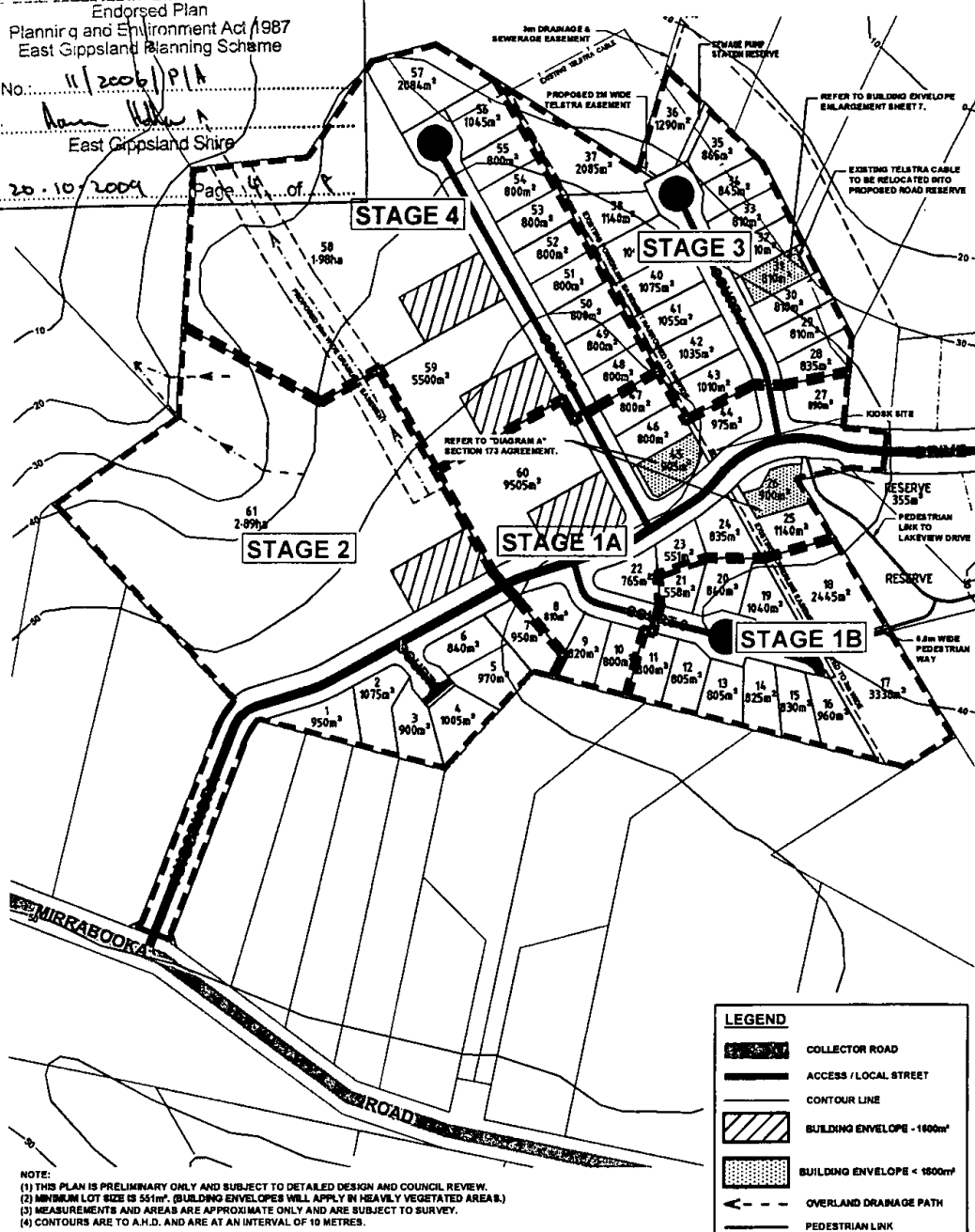
PURPOSE OF SECTION 173 AGREEMENT

Endorsed Plan
Planning and Environment Act 1987
East Gippsland Planning Scheme

Permit No.: 11/2006/PLA

Signed: *Don Walker*
East Gippsland Shire

Date: 20.10.2009 Page 14 of 19



Amended 6/10/2009

Staging Plan of "Mirrabooka Estate"
Infrastructure Solutions P/L.

Mirrabooka Road, Mallacoota

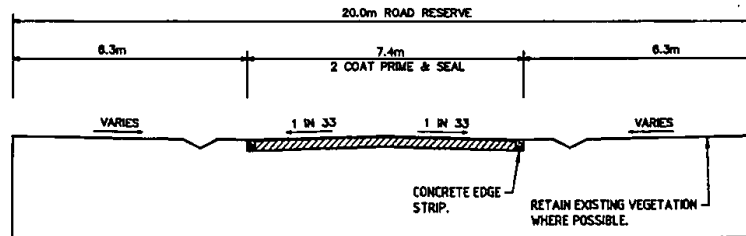
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Dwg No. IS05102/04

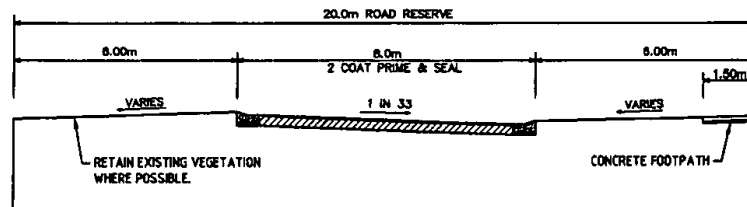
Issue Date: 26/03/2009

Sheet 4 of 8

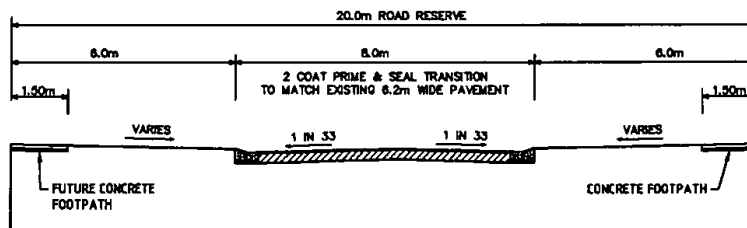




SECTION A
COLLECTOR STREET – ANGOPHORA DRIVE



SECTION B
COLLECTOR STREET – ANGOPHORA DRIVE



SECTION C
COLLECTOR STREET – ANGOPHORA DRIVE

NOTES

1. FOR SECTION LOCATION REFER TO SHEET 3.

PURPOSE OF SECTION 173 AGREEMENT

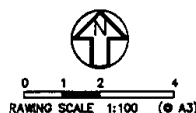
Endorsed Plan
Planning and Environment Act 1987
East Gippsland Planning Scheme

Permit No.: 11/2006/P/A

Signed: *[Signature]*
East Gippsland Shire

Date: 20-10-2009 Page 5 of 8

Amended 1/06/2009



Typical Road Cross Sections "Mirrabooka Estate"

Infrastructure Solutions P/L.

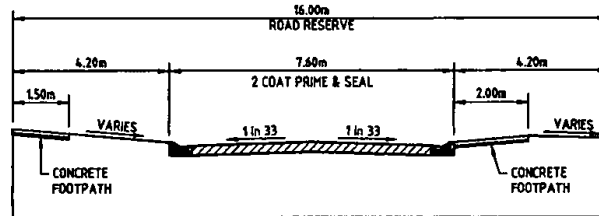
Designed: Trevor Woodcock May 2005
Drawn: GMR Nov 2005

Mirrabooka Road, Mallacoota

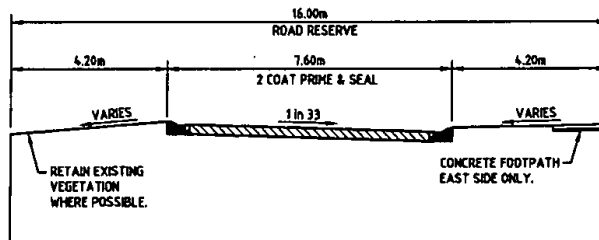
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Issue Date: 16/01/2007

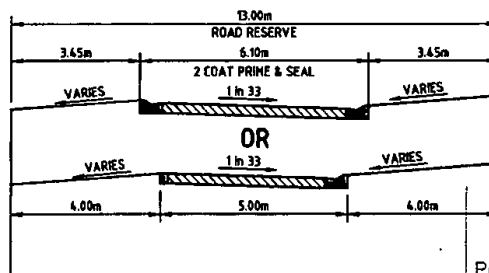
Sheet 5 of 8



SECTION D
ACCESS STREET - COURT 1 - JACARANDA COURT



SECTION E
ACCESS STREET - COURT 2 - SHEOAK COURT



SECTION F
ACCESS PLACE - COURT 4

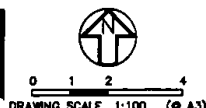
NOTES

1. FOR SECTION LOCATION REFER TO SHEET 3.

PURPOSES OF SECTION 173 AGREEMENT
Endorsed Plan
Planning and Environment Act 1987
East Gippsland Planning Scheme

Permit No.: 11/2006/P/A
Signed: *[Signature]*
East Gippsland Shire
Date: 20-10-2009 Page 6 of 8
Amended 1/06/2009

AG845895P
30/10/2009 \$107.90 173

**Typical Road Cross Sections "Mirrabooka Estate"****Infrastructure Solutions P/L.**

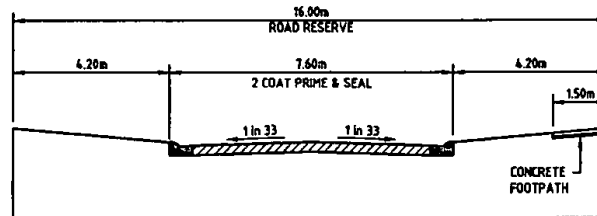
Designed: Trevor Woodcock May 2005
Drawn: GMR Nov 2005

Mirrabooka Road, Mallacoota

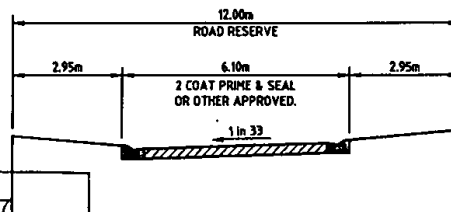
Dwg No. IS05102/06

Issue Date: 16/01/2007

Sheet 6 of 8



SECTION G
ACCESS STREET- COURT 3 - HAKEA COURT



SECTION H
ACCESS STREET- COURT 3 - HAKEA COURT

PURPOSES OF SECTION 173 AGREEMENT

Endorsed Plan
Planning and Environment Act 1987
East Gippsland Planning Scheme

Permit No: 11/2006/P/A

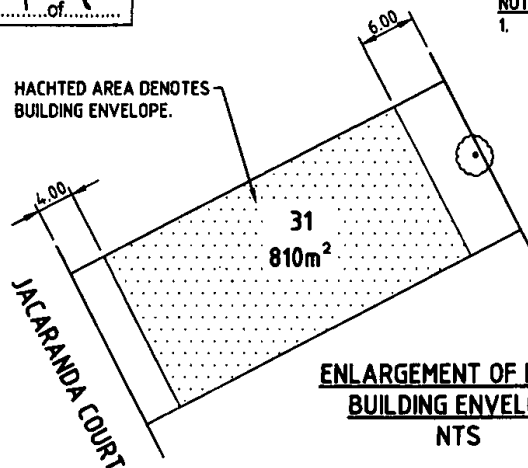
Signed: *[Signature]*
East Gippsland Shire

Date: 20-10-2009 Page 7 of 8

NOTES

1. FOR SECTION LOCATION REFER TO SHEET 3.

HATCHED AREA DENOTES
BUILDING ENVELOPE.



Amended 6/10/2009

AG845895P

30/10/2009 \$107.90 173



Typical Road Cross Sections "Mirrabooka Estate"
Infrastructure Solutions P/L.

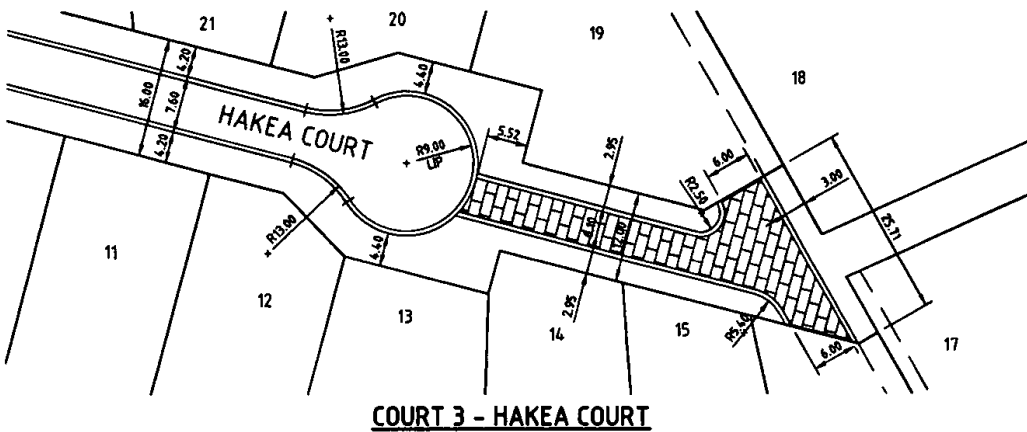
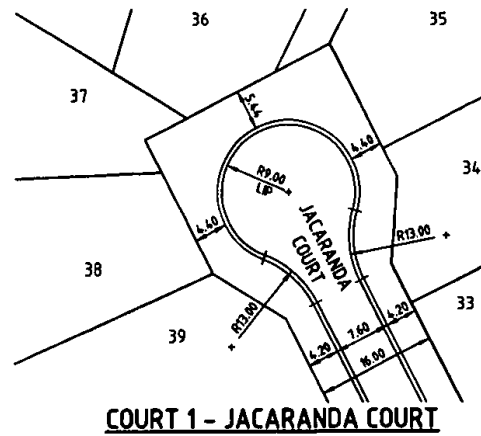
Designed: Trevor Woodcock May 2005
Drawn: GMR Nov 2005


Mirrabooka Road, Mallacoota

Dwg No. IS05102/06

Issue Date: 16/01/2007

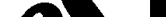
Sheet 7 of 8






AG845895P

30/10/2009 \$107.90 173





DRAWING SCALE 1:500 (9 A3)

Court Head Arrangements "Mirrabooka Estate"

Infrastructure Solutions P/L

Mirrabooka Road, Mallacoota

Designed: Trevor Woodcock May 2005
 Drawn: GMR Nov 2005

Dwg No. IS05102/06

Issue Date: 16/01/2007

Sheet 8 of 8

6 Urgent and Other Business

7 Confidential Business

Council will close the meeting to the public in accordance with the provision of section 66(2) of the *Local Government Act 2020* to consider the following list of items:

7.1 **Contract Variation - CON2020 1932 Lakes Entrance Transfer Station**

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. 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.

8 Close of Meeting