



# Council Meeting Agenda

**Tuesday 5 April 2022 at 1:30 pm**  
Main Room (and by video conferencing)  
Buchan Mechanic's Hall  
45 Main Road, Buchan 3885





## 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](https://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.

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## Councillors

Cr Mark Reeves (Mayor)  
Cr Arthur Allen (Deputy Mayor)  
Cr Sonia Buckley  
Cr Tom Crook  
Cr Jane Greacen OAM  
Cr Trevor Stow  
Cr Mendy Urie  
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 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 15 March 2022 be confirmed.

## 1.5 Next meeting

The next Council Meeting of Tuesday 26 April 2022 to be held at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

## 1.6 Requests for leave of absence

## 1.7 Open Forum

### 1.7.1 *Petitions*

### 1.7.2 *Questions of Council*

### 1.7.3 *Public Submissions*

# 2 Notices of Motion

# 3 Deferred Business

# 4 Councillor and Delegate Reports



## 5 Officer Reports

### 5.1 Chief Executive Officer

#### 5.1.1 Murray Basin Rail Project

Authorised by Chief Executive Officer

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#### Conflict of Interest

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

#### Executive Summary

Council has received a request from the Rail Freight Alliance (RFA), of which Council is a member, in relation to a campaign to advocate for the completion of the Murray Basin Rail Project (MBRP) ahead of the Victoria State Election.

The RFA considers there are two clear objectives to ensure the success of the MBRP and future freight movements in Victoria:

1. Ensure the completion of the MBRP to the original scope; and
  2. Ensure the Victorian Rail Freight Network remains in State ownership and control.
- As members of the RFA it is important to support their activities and initiatives regardless of the location to raise the importance of rail freight movements in Victoria.

The following resolution is presented for Council's consideration.

#### Officer Recommendation

##### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. writes to the Premier of Victoria expressing concern over the Murray Basin Rail Project and request that the Premier honours the State Government's commitment to complete the Murray Basin Rail Project to its original scope; and***
- 3. releases a statement outlining Council's support for the completion of the Murray Basin Rail Project as originally scoped.***

## Background

The Victorian State Government announced a commitment to the MBRP and the development of a fully costed and scoped business case to achieve 80 km/h and 21 train axle loading (TAL) across the Network on 17 February 2015.

The Victorian Government submitted their project to the Commonwealth Government and were granted \$220 million to fund 50% of the project in April 2016. The \$440 million five-part project was scheduled to be completed by 2018.

The MBRP was to:

- standardise 1,130 kilometres of the Western Victorian Rail Network;
- increase speeds to 80 km/h;
- increase Train Axle Loading (TAL) to 21 tonne;
- increase efficiency by 15%; and
- increase the volume of grain transported by up to 500,000 tonnes per annum.

The MBRP was to drive economic growth, create jobs and provide a major boost to the transport industry, agricultural sector and regional communities.

The project was heralded as supporting a freight mode shift from road to rail, removing around 20,000 truck trips from our roads to the ports and improving safety for Victorian communities.

The project is vital for Victoria's economic future by delivering Victorian produce to and from global markets, utilising rail. The completion of the MBRP will reduce truck movements, strengthen access to global markets, improve road safety and longevity, reduce congestion, improve amenity and decrease emissions.

Why it is important for Rural Communities:

- Access to global markets;
- Reduced freight costs;
- Improved road safety and amenity; and
- Road longevity.

Why it is important for Regional Communities:

- Regional prosperity;
- Economic Development;
- Surety of investment and opportunities for private investment; and
- Road Longevity.

Currently an additional \$244 million of funding has been allocated, \$195.2 million of these funds are from the Federal Government. These funds are assigned to completing stage two and some maintenance works within the catchment.

In March 2020 the Victorian Auditor General tabled a report into the project. The report can be accessed at <https://www.audit.vic.gov.au/report/freight-outcomes-regional-rail-upgrades>.



The VAGO report found that:

- The regional rail upgrades we reviewed are not yet improving rural freight outcomes in a timely and cost-efficient way;
- Governance arrangements for the MBRP have been suboptimal;
- The MBRP has not met scope, time, cost or quality expectations;
- The project is late and will require a considerable injection of new funds if the intended outcomes are to be fully realised;
- Inadequate contract and project management has also contributed to project delays and cost overruns for the MBRP Stage two works; and
- As a result, the MBRP rail upgrade has not yet realised the expected freight-focused benefits.

Due to the status of the MBRP:

- The freight capacity has decreased from the region;
- The region is increasingly reliant on High Productivity Freight Vehicles;
- The region has a mix of board and stand rail guagess;
- Transit times by rail have increased;
- Rail freight has been lost to road; and
- The road network is degrading.

The RFA are seeking a commitment from the State Government and the opposition to complete the MBRP to the original standard, including fixing the work done to date.

## **Legislation**

As of 1 July 2021, all provisions from the *Local Government Act 2020* 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*.

In preparing this report the Victorian Gender Equality Act 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the Gender Equality Act. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the Gender Equality Act 2020.

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

## **Council Policy**

Council is a member of One Gippsland alliance and supports the direction of the Gippsland Regional Plan 2020-2025. The Plan seeks an integrated approach to regional and transport planning to ensure future readiness for opportunities. This campaign, albeit not in Gippsland, supports this outcome.

## **Options**

Council has the following options:

1. consider involvement and actioning of the campaign; or
2. do not participate in the campaign.

Officers are of the view that Council's involvement in the campaign would assist in advocating for economic growth in regional and rural communities.

## **Resourcing**

### *Financial*

Council is a financial member of the RFA. The annual membership was \$3,542 (Inc. GST) for the 2020/21 financial year.

### *Human Resources*

Not applicable.

### *Risk*

Not applicable.

## **Economic**

Not having the project completed would severely impact Victoria's economic future. The MBRP would drive economic growth, create jobs and provide a major boost to the transport industry, agricultural sector and regional communities.

## **Social**

Not applicable.

### *Gender Impact Statement*

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**

Councillors have been engaged in discussions regarding the proposed campaign.

## **Attachments**

1. Briefing Paper Murray Basin Project [**5.1.1.1** - 4 pages]
2. VAGO Report [**5.1.1.2** - 89 pages]
3. Murray Basin Project Position Paper 2021 [**5.1.1.3** - 12 pages]



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## **Murray Basin Rail Project (MBRP) Briefing Paper**

The Rail Freight Alliance (RFA) considers there are two clear objectives to ensure the success of the MBRP and future freight movements in Victoria.

1. Ensure the completion of the Murray Basin Rail Project to the Andrews Government's original scope
2. Ensure the Victoria Rail Freight Network remain in State ownership and control.

### **Background**

The Andrew's Government announced their commitment to the Murray Basin Rail Project and development of a fully costed and scoped business case to achieve 80kmph & 21 TAL across the Network on the 17<sup>th</sup> of February 2015.

- The Victorian Government submitted their project to the Commonwealth Government and were granted \$220 Million to fund 50% of the project in April 2016.
- The MBRP was to
  - ❖ standardise 1130 kilometres of the Western Victorian Rail Network;
  - ❖ increase speeds to 80 km/h;
  - ❖ increase Train Axle Loading (TAL) to 21 ton;
  - ❖ increase efficiency by 15%; and
  - ❖ increase the volume of grain transported by up to 500,000 tonnes per annum.
- The MBRP was to drive economic growth, create jobs and provide a major boost to the transport industry, agricultural sector and regional communities.
- The project was heralded as supporting freight mode shift from road to rail, removing around 20,000 truck trips from our roads to the ports and improving safety for Victorian communities.
- The MBRP was to be completed by the end of 2018.

### **Project**

#### **MBRP Stages**

- Stage 1** Sleeper replacement (complete).
- Stage 2** Convert to standard gauge and upgrade works; Mildura to Dunolly, Murrayville to Ouyen, Maryborough to Ararat (Incomplete)
- Stage 3** Maryborough Ballarat (Not commenced)
- Stage 4** Ballarat Geelong (Not Commenced)
- Stage 5** Convert to standard gauge; Sea Lake/Manangatang (Not Commenced)



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### Current Status

- Currently, stage 2 of the project is incomplete with automated signalling on the Ararat interchange yet to be commissioned.
- Freight Trains from Merbein are travelling an additional extra 130km via Ararat to get to Geelong/Melbourne.
- In June 2019, Minister Allan announced that the MBRP was out of funds and that she would negotiate further funding with the Federal Government.
- As part of these negotiations it is rumoured that the standard gauge freight network in Victoria could be leased to the Federal Government.
- Some sections of the completed works only allow trains to run at 25 km/h and 40km/h.
- Ararat to Maryborough had new ballast and concrete sleepers installed but re-railed with light-weight rail from the 1900's.
- In February 2020, the Victorian Auditor General has completed an investigation into the MBRP a copy of the report can be accessed here: -
- <https://www.audit.vic.gov.au/report/freight-outcomes-regional-rail-upgrades>
- In February 2021 the Federal Government committed a further \$195.2 Million and offered \$5 Million for planning for full standardisation (to be matched by Victoria). The Victorian contribution to the project is \$48.8 Million.
- Works Identified (**NB. These works will reduce transit times from Mildura to Melbourne by 30 minutes**)
  - Rerail Maryborough to Ararat
  - Reinstate sidings removed during Stage 2.
  - Sleeper maintenance within the MBRP catchment.
  - Replace some passing loops removed some years ago.
- In March 2020 Minister Allan stated that any further works on this project will be a matter for another government.

### Travel times

Location	Trucks	Pre MBRP-Trains	Current Trains
Manangatang to Geelong and on to Melbourne	4 Hours and 30 minutes	10 Hours	13 Hours 30 minutes
Sea Lake to Geelong and on to Melbourne	3 hours and 50 minutes	9 Hours and 30 minutes	12 Hours
Merbein (Near Mildura) to Geelong	6 Hours and 15 minutes	11 hours and 10 minutes	15 Hours
Merbein to Appleton Dock (Port of Melbourne)	6 Hours	12 Hours and 30 minutes	17 Hours and 25 minutes

Currently the MBRP project has decreased freight capacity from this region. RFA Industry forum informs us more of the freight task is being delivered by road and that freight costs from the region have increased as a consequence of the current state of the MBRP.





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### **Solution**

#### **What is needed to fix the MBRP**

- Complete the MBRP to the Andrews Government original scope. (This will include some remediation of completed works)
- Standardise the Maryborough to Ballarat Line (Stage 3) and run a dedicated standardised passenger service.
- Reinstate stabling areas
- Reinstate crossing loops.
- Upgrade the Maroona to Portland Line to 23 TAL.
- Install a 1300m crossing loop between Maryborough to Ararat to allow longer trains to use cross.

*To achieve the original scope, some parts of the completed works will need to be remedied.*

#### **What will not fix the MBRP**

##### **Stage 3 (proposed dual gauging)**

- If dual gauging is to occur, it will be a substandard result for both freight and passenger rail, as speeds will be reduced to no more than 80km/h.
- It is more expensive to build and maintain.

*Dual gauging creates an opportunity of stopping the project at this stage which could allow Government to walk away from the MBRP, resulting in a diminished and more expensive rail freight network, to operate, and doesn't achieve the original MBRP commitments.*

#### **Leaving some stages as broad gauge**

All stages of the project must be converted to standard gauge, if some sections are not standardised, this would create areas being isolated within the catchment. As the current broad-gauge rolling stock is aging and operators would be reluctant to upgrade in a smaller market, resulting in users of this system paying a premium for a lessor service or moving to road transport.

#### **ARTC leasing the MBRP Network**

The RFA believes that the Victorian Government must retain ownership and control of the State Rail Freight Network. State ownership will ensure the Victorian Government will be able to effectively, efficiently and responsively manage its freight task. History has shown when track is leased the question of who will pay for the upgrade and maintenance of the lines remains debated between both governments of the day. The Victorian example is:

##### **Maroona to Portland**

- The Maroona to Portland section of line is an important part of the Victorian Rail Freight Network as Portland is the best deep-sea Port in Victoria.
- The Port of Portland is now able to connect to part of the MBRP, however is not efficiently supported with a 19 TAL.
- In 1999 the Victorian Government leased the Maroona to Portland Line to the Australian Rail Track Corporation (ARTC).
- In 2009 the line was negotiated from a 15-year lease to a 60-year as part of the lease of the interstate network. ARTC has shown no interest in developing business on it.
- This section of line was not included in the original MBRP scope by GHD, due to it not being in the Victorian Government's control.
- RFA has continued to advocate for an increased TAL to both the Victorian and Federal Governments.



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- This section of line is the example of why the Victorian Government must own and control State Rail Freight Lines.
- The question of who will pay for the upgrade of this line remains debated between both governments to this day.

*The RFA believes that the ARTC play an important role on interstate lines, however rail lines within Victoria must remain in State ownership. Rail Freight will play a greater role as Victoria's freight task continues to grow and will be an important part of an integrated Victorian Freight Network.*





Victorian Auditor-General's Office

The background of the slide features a stylized, orange line-art illustration of classical architecture, including several tall columns and arched structures, creating a sense of depth and grandeur.

# Freight Outcomes from Regional Rail Upgrades

March 2020

Independent assurance report to Parliament  
2019–20: 12







# Freight Outcomes from Regional Rail Upgrades

**Independent assurance report to Parliament**

Ordered to be published

VICTORIAN GOVERNMENT PRINTER

March 2020

PP no 117, Session 2018–20

The Victorian Auditor-General's Office acknowledges Australian Aboriginal peoples as the traditional custodians of the land throughout Victoria. We pay our respect to all Aboriginal communities, their continuing culture and to Elders past, present and emerging.

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The Hon Shaun Leane MLC  
President  
Legislative Council  
Parliament House  
Melbourne

The Hon Colin Brooks MP  
Speaker  
Legislative Assembly  
Parliament House  
Melbourne

Dear Presiding Officers

Under the provisions of the *Audit Act 1994*, I transmit my report *Freight Outcomes from Regional Rail Upgrades*.

Yours faithfully

A handwritten signature in dark ink, appearing to read "Andrew Greaves", is written over a large, light blue, stylized graphic element that resembles a large, open 'A' or a stylized signature.

Andrew Greaves  
*Auditor-General*

18 March 2020





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### Acronyms

BCR	benefit-cost ratio
BLU	Ballarat Line Upgrade
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DoT	Department of Transport
DTF	Department of Treasury and Finance
FPRSP	Freight-Passenger Rail Separation Project
HVHR	High Value High Risk
KPI	key performance indicator
MBRP	Murray Basin Rail Project
MMJV	McConnell Dowell and Martinus Rail joint venture
MTIA	Major Transport Infrastructure Authority
ONRSR	Office of the National Rail Safety Regulator
OPV	Office of Projects Victoria
PAR	project assurance review
PSC	project steering committee
PTV	Public Transport Victoria
RPV	Rail Projects Victoria
RRR	Regional Rail Revival
SRO	senior responsible officer
TAL	tonne axle load
TSR	temporary speed restriction
VAGO	Victorian Auditor-General's Office
V/Line	V/Line Corporation

### Abbreviations

the business case	<i>Improving the competitiveness of the Murray Basin region</i>
the Freight Plan	<i>Victorian Freight Plan 2018–50</i>

## Audit overview

In regional Victoria, the rail freight network transports commodities to national and export markets. Expected growth in global demand for Victoria's agricultural produce, grains and mineral commodities will increase demand on this network.

This audit examines whether regional rail upgrades are improving rural freight outcomes in a timely and cost-efficient way. We reviewed two major regional rail upgrade programs:

- the \$440 million Murray Basin Rail Project (MBRP), and the complementary \$130 million Freight-Passenger Rail Separation Project (FPRSP)
- freight-related components of three upgrade projects within the \$1.75 billion Regional Rail Revival (RRR) program. These projects are along the Gippsland, Shepparton and Warrnambool rail corridors.

The Victorian Government announced the MBRP in 2014 as a once-in-a-generation upgrade for much of the state's regional rail freight network. It expected to complete the project by 2018.

The MBRP and the FPRSP have the potential to improve the competitiveness and reliability of rail freight for regional Victoria. Rail freight's contestability is key because the cost of road freight and its easily available infrastructure make it increasingly attractive for freight operators. Reliability is also key for transporting bulk commodities and containerised freight over longer distances—for example, to export ports—and aligns with the rail strategies and goals in the government's *Victorian Freight Plan 2018–50* (the Freight Plan).

The direct outcomes expected from the projects are improved freight efficiency in the Murray Basin region; rail standardisation; reduced costs; easier access to export ports; and improved logistical flexibility to support more freight on rail. There are also wider social and economic benefits expected.

For our audit, we examined whether:

- governance arrangements for the selected regional rail upgrades supported informed decision-making
- agencies delivered selected regional rail upgrades according to approved scope, time, cost, and quality expectations
- the selected regional rail upgrades have realised expected benefits for freight.

## Conclusion

The regional rail upgrades we reviewed are not yet improving rural freight outcomes in a timely and cost-efficient way.

Governance arrangements for the MBRP have been suboptimal, with different agencies responsible for different elements of the project over time. This has led to patchy corporate memory for the planning and delivery of the project. It has also diffused senior officer accountability for project outcomes due to the many changes of key personnel since the project started.

The MBRP and FPRSP have not met scope, time, cost or quality expectations. These projects are late and will require a considerable injection of new funds if their intended outcomes are to be fully realised.

From a project and program management perspective we identified deficient project planning, cost estimation and scoping by the Department of Transport's (DoT) predecessor agencies. V/Line Corporation's (V/Line) inadequate contract and project management has also contributed to project delays and cost overruns for the MBRP Stage 2 works.

As a result, the MBRP and FPRSP rail upgrades have not yet realised the expected freight-focused benefits.

## Findings Project planning and delivery to date

### Project status

At the time of this report, V/Line and DoT have delivered about half of the approved MBRP scope (Stages 1 to 4) using \$381.5 million (86.7 per cent) of the originally approved budget up to Stage 4.

V/Line is responsible for completing any unfinished Stage 2 works, while Rail Projects Victoria (RPV) is now responsible for delivering any remaining stages of the project, working closely with DoT.

The government is reassessing delivery of the remaining stages of the MBRP. According to the original business case timelines, completion of Stage 2 is now three years late. Works within undelivered stages include the standardisation of track from Dunolly to Manangatang and Sea Lake, and dual-gauge track conversion from Gheringhap to Maryborough via Ballarat.

Achievement of the expected benefits from the MBRP will not occur without more funding to complete the expected and approved project scope. As a result, the economic analysis for the project in the original 2014 business case is no longer accurate and requires revision.

The RRR projects we reviewed have recently begun their procurement phase, so it is too early to say whether they will achieve expected outcomes. Although these projects are primarily passenger-oriented, they include some planned outcomes related to freight.

Without a more explicit alignment to Victoria's wider rail freight policy goals, these RRR projects may not achieve wider freight outcomes.

### Business case

The approved business case for the MBRP—*Improving the competitiveness of the Murray Basin region* (the business case)—included over-optimistic expectations about the level of demand from rail freight users, and untested assumptions about the project's complexity and therefore the time required and likely cost.

The optimism bias in the expectations arose from:

- incomplete engagement with key stakeholders
- limited analysis of current and future rail freight stakeholder needs
- DoT and V/Line's limited understanding of the dilapidated nature of the network's assets.

These project planning expectations adversely affected project delivery.

DoT and V/Line's lack of detailed knowledge about the condition of the rail freight network that the MBRP would upgrade also led to engineering and construction difficulties during the renewal works.

### Procurement process for the MBRP

V/Line's early contractor procurement process demonstrated that the market could not deliver the desired project scope within the approved time and cost allocations.

As a result of the tender outcome, V/Line sought to reallocate more funding to the early MBRP stages. The government agreed to this in June 2017.

This market response should have prompted DoT, as sponsor agency, to undertake more due diligence on the MBRP's scope and query the assumptions and expectations in the business case.

However, this did not occur. Because of tight project time frames, reinforced by the government's public announcements on expected time and cost, V/Line selected a contractor—with approval from Public Transport Victoria (PTV) and DoT—and signed an agreement.

During the contract negotiation process, V/Line undertook a general assessment of risks but did not assess many specific project risks. In particular, it did not explicitly analyse the potential cost impact of significant risks that the contractor negotiated to transfer back to V/Line such as latent defects in the network and ground conditions. V/Line advised us that cost and risk allocation at this stage was difficult given V/Line's lack of information on ground conditions and the extent of latent defects.

DoT began operations on 1 January 2019 and absorbed most of PTV's functions on 1 July 2019. For this report, we refer to actions taken by the former Department of Economic Development, Jobs, Transport and Resources (DEDJTR), and Department of Transport, Planning and Local Infrastructure—in operation from 2015 to 2018—and PTV as taken by DoT.

A **latent defect** is a defect that could not have been identified through reasonable inspection.



### Variations, disputes and delay claims

Soon after the contractor began work on the MBRP, it lodged many variations, notices of delay, and extensions of time requests. During the MBRP delivery period, V/Line assessed 81 contractor claims and variations, and accepted 32 of them. The reasons for these claims and variations included project design changes, additional works required as a result of scope changes, and delayed delivery of materials supplied by V/Line. These claims heavily impacted V/Line's time, cost, and risk contingency baselines for the MBRP works.

V/Line did not update key project documents to reflect these contractor variations and changes to the project scope, time, and cost expectations. Further, V/Line used a single register to record both project changes and contract variations. This meant that V/Line did not have a distinct process to monitor, report, and address a project change, as opposed to a contract variation, and it could not appropriately address risks arising from these project changes.

Some of the disputes and delay claims were because V/Line did not deliver its obligations under the contract. For example, V/Line was late supplying rail and delivered track turnouts to the contractor without the information needed to assemble them.

V/Line rejected 11 of the contractor's claims. V/Line also commissioned specialist advice to help it consider the remaining contractor claims, and used an external expert to verify the actual works performed or materials used.

The contractor lodged variation claims amounting to 24 per cent above the originally agreed contract price. Following consideration of the claims, negotiation, and verification of the value of delivered works, V/Line settled the claims with the contractor for 11.6 per cent more than the original contract price. This indicates that the contract's original scope, cost and timing expectations were unrealistic.

### Delivery performance

V/Line underperformed during the delivery of MBRP Stage 2 works. V/Line did not adequately apply contract management processes and did not effectively mitigate manageable project delivery risks that it identified early in the delivery phase of MBRP Stage 2.

V/Line intervened in the project in March 2018 after the Office of the National Rail Safety Regulator (ONRSR) identified a safety breach at one work site. This breach resulted in V/Line immediately issuing a whole-of-project cease work order to the contractor, the McConnell Dowell and Martinus Rail joint venture (MMJV). Soon after, the contractor demobilised its project workforce, leaving elements of Stage 2 works incomplete.

V/Line and the MMJV negotiated a settlement to the various claims between the parties, signed in July 2018.

The settlement resolved most commercial risks for V/Line arising from the MBRP Stage 2 works. However, it did not resolve the risk that future stages of the MBRP would remain incomplete. Both DoT and V/Line undertook project reviews to consider the delivery of future stages of the MBRP and risk to delivery of those stages.

The government allocated responsibility for delivery of future stages of the project to RPV in June 2018. Under this arrangement, RPV has the option to use V/Line resources on a fee-for-service basis. Despite this reallocation of responsibility, the government has not yet specified a revised completion date for the MBRP as part of the review of the business case.

### Stakeholder engagement

Stakeholder engagement has been inconsistent throughout the life of the project. Many agencies have been involved in discussions with various parties with an interest in the success of the MBRP. Although DoT and V/Line sought stakeholder views on project-related matters, we did not see evidence of consistent analysis of stakeholders' perspectives in project status reports or briefings to senior decision-makers.

The Australian Government is a key stakeholder in the MBRP—they made a \$220 million co-contribution to the project.

During project delivery, the Australian Government made two requests for appraisal of the status of the project. However, the interactions and information flows on specific project issues from DoT to the Australian Government were not always forthright or timely.

### Project scrutiny and responses

The project failures that have occurred have happened despite review processes, reflecting lack of timely and effective action to address identified issues.

### HVHR and Gateway review process scrutiny

A **Gateway review process** is undertaken by an independent external reviewer team to examine projects and programs at six key decision points in their lifecycle:

1. Concept and feasibility
2. Business case
3. Readiness for market
4. Tender decision
5. Readiness for service
6. Benefits analysis.

The project has been subject to the Department of Treasury and Finance's (DTF) High Value High Risk (HVHR) review mechanism, which includes the Gateway review process.

The government designated the MBRP as a HVHR project, which requires intensive scrutiny by DTF and full application of the Gateway review process at each project stage.

Although DoT and V/Line followed these DTF processes, they did not effectively mitigate problems identified at key review points.

### Multiple senior responsible officers through project stages

Since inception, the project has had four senior responsible officers (SRO) in three different agencies.

According to DTF's guidance, a 'red' rating means the Gateway review team believe that the issues they have identified are critical and urgent, and to achieve success the project or program should take action immediately.

The SROs and their parent agencies' implementation of the recommendations arising from the Gateway reviews has been neither effective nor timely. New SROs joined the project, but their predecessors did not brief them on, or give them, Gateway review recommendations from previous reports.

#### Gateway review ratings

At each of the Gateway review points, the MBRP received an overall 'red' rating:

- Gate 1/2 (combined): Strategic assessment/Business case (August 2015)
- Gate 3: Readiness for market (October 2016)
- Gate 4: Tender decision (May 2017).

Each MBRP Gateway review also identified specific 'red' recommendations that required an action plan to be submitted to the Treasurer, via DTF.

#### Oversight by senior officers

DoT and V/Line intensified senior officer scrutiny of the MBRP after the MMJV ceased project works in March 2018. However, by this point options for completing the original scope within budget had become limited.

The extra scrutiny by DoT and V/Line included:

- engaging the Office of Projects Victoria (OPV) to carry out a comprehensive review of the project
- weekly reporting to the Minister for Public Transport's office on project status
- commissioning an independent review of the project management costs
- fortnightly meetings between RPV, V/Line and DoT to address project deficiencies in a coordinated manner
- capability support for V/Line to deliver unfinished components of Stage 2 of the project after the contractor had ceased work.

#### Lessons learnt review

In May 2018, V/Line engaged a consulting firm to review the project to establish what lessons it could learn. The review made 25 recommendations, including five priority recommendations focused on project risk management along with others on clarifying project roles, responsibilities and accountabilities, and reviewing and updating project documentation.

#### Project assurance review

In June 2018 at the request of DoT, OPV completed a project assurance review (PAR) and gave the project an 'amber' delivery confidence rating. This rating meant that while the project had significant issues, they should not impact on cost, time and quality if addressed promptly.

The review gave 12 recommendations, including three 'amber' and nine 'red' recommendations. A 'red' recommendation is categorised as critical.

A **PAR** is a review of a project or program's progress, objectives, governance and readiness. A team of public and private sector reviewers undertake it, usually before a key milestone or decision point. They then provide the outcome of the review to government. PARs are designed to improve delivery confidence, reduce 'scope creep' and allow for wider stakeholder engagement.

DoT has used the findings and observations from both reports to inform briefings to ministers as well as options to government on progressing future stages of the project.

### Achieving expected benefits

The need for a reliable and fit-for-purpose rail freight network, as identified in the MBRP business case, still exists. However, DoT, RPV and V/Line need to resolve many issues before they can achieve the expected benefits.

### Cost pressures

DoT has advised the government that the project's original scope cannot be fully delivered with the remaining funds.

DoT advised us that a MBRP business case review is underway and will provide scope and phasing options, as well as identify the cost to complete the project, based on whichever option the government chooses. DoT advised us that it was aiming to present this revised business case to government in early 2020, but it had not been completed when we published this report.

**TAL** refers to the tonne weight bearing on the rail track. The maximum TAL is determined by factors including weight of rails, train speeds, rolling stock configuration, and strength of earthworks. Exceeding the maximum allowable TAL could damage the track or cause a derailment.

All rail track in Victoria has a designated track class rating out of 5, with 1 being the highest quality. This rating determines the maximum possible speed, and the amount of maintenance and track infrastructure components required. Rail track with a 5 rating is used on short or infrequently used lines, which require less maintenance.

### Unresolved project challenges

DoT and V/Line need to address a range of technical challenges to achieve the original project's expected benefits and outcomes:

- Due to a pause in re-gauging the rail from Maryborough to Gheringhap (via Ballarat and the inland route to Geelong), rail freight users face a route from Mildura/Yelta to port that is now 128 kilometres longer than the original broad-gauge route.
- The route to key export ports has a 19-tonne axle loading (TAL) restriction for most standard gauge operators using the network, even though the MBRP project business promised to increase axle loads to 21 TAL. At present, 21 TAL is only achievable in specific technical wheel size and wagon configurations due to the limitations of the Ararat to Maryborough track section.
- The Ararat to Maryborough track section was substantially rebuilt during the MBRP Stage 2 works using mainly legacy rail. As a result, this track remains at the class 4 rating, the same as when the line last ran in the early 1990s. Under V/Line's standards, this old rail requires lower line speeds for the section from Avoca to Ararat and low axle loads (19 TAL) for the standard gauge rolling stock used by most rail freight operators. This represents a significant missed opportunity to have improved this section of the line by including fit-for-purpose rail in the original costings and scope.
- Remaining temporary speed restrictions (TSR), particularly on the Ararat to Maryborough section, are causing slow track speeds in some sections.

A **passing loop** is a section on a single-lane railway that enables trains travelling in opposite directions to pass each other. It also allows trains going in the same direction to overtake.

**Broad gauge** refers to railway with a track width of 1 600 millimetres. As of November 2018, Victoria has 2 309 kilometres of broad-gauge track. As most railways in Victoria are broad gauge, this causes difficulties transporting rail freight to other states that use standard gauge.

A **BCR** is used in cost-benefit analyses to indicate the overall value for money of a project. It is the ratio of the benefits of a project relative to its costs. Where a project has a BCR that is higher than 1.0 (a positive BCR) this means that the benefits outweigh the costs.

#### Reduced operational flexibility for freight operators

During this audit, a major rail freight operator asserted that the MBRP had reduced their operational flexibility. To support this, they provided examples of decommissioned wagon storage sidings and removal of a passing loop at Maryborough Yard which, in their view, had reduced the number of trains and wagons that can stage or pre-position through the network.

DoT advised us that the decommissioning of sidings had been consented to by key freight users and that the Maryborough passing loop was removed due to new rail engineering and safety standards.

#### Availability of suitable rolling stock

Through the MBRP, the government sought to standardise broad-gauge sections of Victoria's regional rail track. Although interstate connections were not specifically identified as a benefit in the business case, standardising this track would enable trains in Victoria to connect with standard-gauge interstate rail, which would increase the logistical flexibility of exporting commodities from regional Victoria. The business case did acknowledge that access to standard gauge rail in a predominantly broad-gauge state is fundamental to maintaining an efficient and cost-effective supply chain.

In anticipation of this outcome, some rail freight users divested their broad-gauge rolling stock. Broad-gauge rolling stock is in limited supply, and these users may now need to lease back broad-gauge wagons at a potentially higher cost.

This could increase rail haulage costs on the unfinished components of the MBRP, which is contrary to the project's aim to reduce rail freight costs.

#### Risks to achieving the original project benefit-cost ratio

Infrastructure Australia assessed the original MBRP business case as having a positive benefit-cost ratio (BCR) of 1.7.

After this assessment, the Australian Government co-funded the MBRP with an expectation that the Victorian Government would fully deliver the approved scope and proposed benefits.

At the time of this report, V/Line and DoT have delivered about half of the approved scope using 86.7 per cent of the originally approved budget up to Stage 4.

Given this, and with the MBRP main works currently paused, it is unlikely that the project will generate the economic and community benefits expected in DoT's business case.

#### Impact on freight policy goals

Due to the pause on funded MBRP works and uncertainty around future strategies to improve the rail freight network, rail freight might become less attractive or less economically competitive than road.



This would undermine the government's long-term policy goal of shifting freight from road to rail when it makes economic and environmental sense to do so.

A longer-term shift of regional freight to rail has economic benefits such as improved community amenity and road safety, as well as reduced road maintenance costs for local governments.

Rail freight also promotes integration and efficiency of national and international supply chains, particularly for bulk and containerised freight.

### Reviewing the original business case

The Victorian Government's recent desire to review the original business case and assess the state of the Murray Basin rail freight network is a pragmatic and useful way to re-baseline the time, cost and scope expectations in the MBRP approved business case.

This work should also allow V/Line and RPV to conduct appropriate due diligence on the rail freight network's asset condition and help DoT and V/Line better understand the needs of rail freight operators and users in regional Victoria.

To help the project move forward, DoT's Freight Victoria division, with V/Line's support, needs to engage with industry and project stakeholders such as rural industry, packers and exporters, rail freight operators, local communities, local governments, peak bodies and the Australian Government. This engagement could include sharing and understanding lessons learnt from the MBRP delivery to date, as well as options for next steps.

A more comprehensive understanding of regional freight user needs and the network condition will help DoT and V/Line give quality and credible advice to the Victorian and Australian governments on an amended strategy to deliver the outcomes and benefits that the business case envisioned.

## Recommendations

We recommend that V/Line Corporation:

1. expedites assessment of the cause of unresolved temporary speed restrictions on the re-opened standard-gauge line from Yelta to Ararat and advises the Department of Transport and relevant agencies on any required actions that are outside V/Line's internal ability to resolve
2. expedites finalisation of all unfinished works included in the Murray Basin Rail Project Stage 2 scope and advises relevant agencies on any required actions that are outside V/Line's internal ability to resolve
3. improves its contract management of all contracts related to major infrastructure projects by:
  - introducing measurable performance indicators to contracts and regular monitoring and reporting of contract performance to staff of sufficient seniority within V/Line's governance structure

- introducing processes for monitoring contractor compliance with contract obligations and identifying who is responsible for doing this
- aligning contract requirements with key project management processes.

We recommend that the Department of Transport:

4. completes its review and refresh of the original Murray Basin Rail Project business case
5. develops and advises government on scope and cost options to progress the delivery of the outcomes originally expected from the Murray Basin Rail Project that includes and considers:
  - modelling of forecast rail freight operating trends and demand in regional areas
  - the future-proofing of a freight corridor through the Ballarat station precinct, in line with the original goals of the Freight-Passenger Rail Separation Project
  - a new benefits management framework that reflects any proposed changes to the scope and timing of the Murray Basin Rail Project because of the revised business case.

We recommend that V/Line Corporation and the Department of Transport:

6. conduct a detailed condition survey of the rail freight network's lines and sidings subject to major upgrades to identify current asset condition versus the expected track class
7. provide joint advice to government on options to improve the track class of the rebuilt Ararat to Maryborough section of the Yelta line, with an aim to deliver higher line speeds and axle loads that better meet industry needs
8. work together, by jointly developing and co-sponsoring submissions to government, on a sustainable funding approach for regional rail freight lines that is linked to providing a fit-for-purpose track class, as well as improving broader network reliability and performance standards for rail freight operators and users
9. comprehensively re-engage with all key regional freight stakeholders, and the Australian Government where appropriate, on identifying regional rail freight needs as well as future options to progress the incomplete stages of the Murray Basin Rail Project
10. consult and coordinate with each other so that Regional Rail Revival upgrade projects respond to an integrated understanding of current and future rail freight needs, and explicitly align the freight components of Regional Rail Revival projects with broader strategic and policy goals to increase the use of rail freight in Victoria
11. ensure that, for any projects subject to Gateway review, nominated senior responsible officers are accountable for:

- providing timely internal advice on the implications of Gateway review process findings and any urgent or critical matters that have been identified
  - informing themselves of the content and ratings of previous Gateway review process reports, any recommendations requiring action, and the status of any activities designed to resolve previous recommendations.
12. introduce and ensure that, for all major capital projects, there is compliance with project risk management processes that include:
- regularly updating project risks, risk assessments, and risk mitigations to ensure that they remain relevant
  - a clear process to ensure project risks are escalated to appropriate levels/staff, including communication so that project staff are aware of this process
  - maintaining agency project risk registers alongside the contractor's project risk registers and, where there are variances in a register, assessing these and identifying actions to address the differences
  - regular monitoring and reporting of project risk, and cost, time and scope tolerances. If it is apparent that these tolerances will not be met, the Department of Transport and V/Line should have a process to rectify this in a timely manner.
13. introduce and ensure that, for all major capital projects, there is compliance with project change processes that cover:
- recording project changes and contract variations in fit-for-purpose registers to ensure any associated risk is addressed appropriately and that the impact on project scope, time, and cost is clearly identified and reported to governance committees
  - a process for updating key project documents after an agreed change to reflect any additional resourcing required and any impacts on the project's outcomes and benefits.

### Responses to recommendations

We have consulted with DoT and V/Line and we considered their views when reaching our audit conclusions. As required by the *Audit Act 1994*, we gave a draft copy of this report to these agencies and asked for their submissions or comments. We also provided a copy of the report to the Department of Premier and Cabinet.

The following is a summary of those responses. We include the full responses in Appendix A.

- V/Line accepted the recommendations directed to it and has produced an action plan detailing how it will address them.
- DoT accepted all but one recommendation, which it partially accepted. DoT has produced an action plan detailing how it will address the recommendations.



## 1

## Audit context

Regional Victoria is a significant contributor to Australia's national and export economy.

In 2017–18, Victoria's total food and fibre exports were worth \$14.1 billion, ranking the state as Australia's largest agriculture producer. During this period, Victorian grain exports were worth \$1.5 billion.

Victoria also has large deposits of rutile and zircon mineral sands. All major mining and mineral sands processing operations stopped for these minerals in 2017 but may resume if market conditions become favourable.

When ready for sale, commodities are transported by road or rail to national markets or Victoria's three main export ports at Geelong, Melbourne and Portland.

These commodities, their freight transport mode, and their role in Victoria's economy highlight the importance of the projects examined as part of this audit.

### 1.1 The important economic role of freight networks

For many primary industries, the cost of moving goods to market is a substantial part of overall production costs. Transporting freight over long distances to port is historically cheaper by rail than road, as rail can transport heavier and higher volumes over longer distances.

Investment by government in the road network, as well as the use of larger vehicles, has steadily improved road transport productivity. These trends, when combined with substandard rail network performance and a lack of investment in rolling stock and rail facilities at ports and terminals, have contributed to rail's decline as an economically advantageous freight mode.

This has led to increasing supply chain costs for regional exporters who now move freight by road, due to an unreliable and inefficient rail network.

Figure 1A shows the value and impact of freight and logistics to Victoria.

**Figure 1A**  
**Freight and logistics in Victoria**



Source: VAGO, based on *Delivering the goods: Creating Victorian Jobs*, *Victorian Freight Plan 2018–50*, Transport for Victoria, July 2018.

Recognising the importance of the freight sector to Victoria's economy, the government endorsed the Freight Plan in July 2018.

The Freight Plan identifies a suite of short, medium and long-term initiatives to prepare Victoria's freight and logistics sector for future growth, challenges and changes.

## 1.2 Focus of this audit

This audit examined two freight-related regional rail upgrade programs:

- the MBRP (funded for \$440 million), which includes the FPRSP (funded for \$130 million).
- the RRR project (funded for \$1.75 billion, which is primarily for non-freight components).

### Murray Basin Rail Project

The Murray Basin is a regional area in North West Victoria that produces and exports grains, mineral sands, fruit, vegetables and wine.

Although mineral sands are not currently transported by rail, agricultural produce is exported on the road and rail network to the ports of Melbourne and Geelong.

In 2014, the Victorian Government announced funding for the MBRP. According to a brochure released by PTV that year, the MBRP would 'better connect key freight centres in Victoria with our ports and encourage competition and private investment in our rail freight network'.

The government committed to invest up to \$220 million towards this project. In April 2016, the Australian Government matched this amount.

#### Freight-Passenger Rail Separation Project

In June 2018, the Victorian Government announced \$130 million in funding for the FPRSP. This amount comprised \$95 million from the state and a \$35 million contribution from the Australian Government, which the state government allocated to Stage 2 of the Ballarat Line Upgrade (BLU).

The project seeks to deliver rail track and signalling improvements in the Ballarat precinct to maximise benefits for both the MBRP and the BLU, alongside passenger rail. The government allocated the delivery of the project to RPV, with V/Line and DoT seeking freight industry feedback on the project.

Key expected outcomes from the project are to:

- separate broad-gauge passenger service rail pathways from standard-gauge freight services through the Ballarat station precinct
- enable 42 weekly return freight paths from the Murray Basin region through Ballarat, with the ability to increase this to 65 if required, via the Ararat to Maryborough line
- allow greater line speed for freight services within the Ballarat rail corridor by improving track geometry.

By separating freight and passenger rail paths and reducing interfaces with passenger trains and passenger platforms, the project aims to enable faster and more reliable paths through Ballarat for freight trains.

#### Regional Rail Revival

The RRR is a \$1.75 billion program to provide faster and more reliable services for every regional passenger train line in Victoria by 2022. Three freight-relevant upgrades within this program are on the Warrnambool, Gippsland and Shepparton lines.

Although these three projects do not focus on freight, they accommodate existing freight services and seek to preserve their future use. Figure 1B describes the scope of these three projects.



**Figure 1B**  
**Freight-relevant works in the RRR program**



**WARRNAMBOOL LINE**

**Upgrade freight scope/purpose**

- Support rail freight and allow export products such as meat and dairy to be moved more quickly and reliably to the Port of Melbourne.
- Works will include level crossing upgrades, a new train stabling facility, and the construction of a new train crossing loop between Terang and Camperdown.

**Status**

- Site investigations underway.
- Construction expected to begin by the end of 2019.

**SHEPPARTON LINE**

**Upgrade freight scope/purpose**

- Reconfigure train crossing loop at Murchison East so that passenger and freight trains can pass there.
- Enable the operation of 1 200m-long freight trains between Seymour and Shepparton.

**Status**

- Stage One works complete.
- Site investigations have begun for the next stage of this three-stage project.

**GIPPSLAND LINE**

**Upgrade freight scope/purpose**

- Preserve the existing freight train path.
- Ensure works do not preclude the opportunity of a future second path.
- Works will include additional platforms, a train crossing loop extension, track duplication and upgrades of train detections at level crossings along the line.

**Status**

- Planning and design work underway.
- Construction expected to begin in 2020.

**Note:** A train path refers to the infrastructure capacity (signalling, level crossings and rail) required to run a train on a given route over a specific time period. Because of logistical issues, such as limited train paths and resource requirements, train operators must pre-book a path for a set time.

**Source:** VAGO, based on RPV, Regional Rail Revival, 15 October 2019, <regionalrailrevival.vic.gov.au>.

### Shepparton line upgrade and freight study

RPV is delivering the Shepparton Corridor Upgrade (Stages 1 and 2) project as part of the RRR program. It is not included in the RRR funding agreement with the Australian Government and was fully funded by the Victorian Government (\$345.9 million) in the 2017–18 and 2018–19 budgets.

In October 2019, DoT began a study to identify infrastructure improvements to maintain and enhance freight capacity on the Shepparton Line. This study, known as the Shepparton Rail Freight Planning Study, is Stage 1 of a \$10 million two-stage project funded by the Victorian and Australian governments.

The objectives of the study are to:

- maintain and enhance freight capacity, efficiency and reliability
- mitigate the impact of increased passenger services on freight operations
- provide freight paths to meet demands over the next 20 years
- accommodate longer and heavier freight trains
- facilitate increased use of rail for freight purposes
- facilitate cheaper rail freight services.

The study is still in draft form so we did not assess it as part of this audit.

### Ballarat Line Upgrade

The RRR program scope also includes the \$557 million BLU.

The BLU project aims to deliver benefits for passengers, with works that enable extra services during peak and off-peak times and improvements to selected stations.

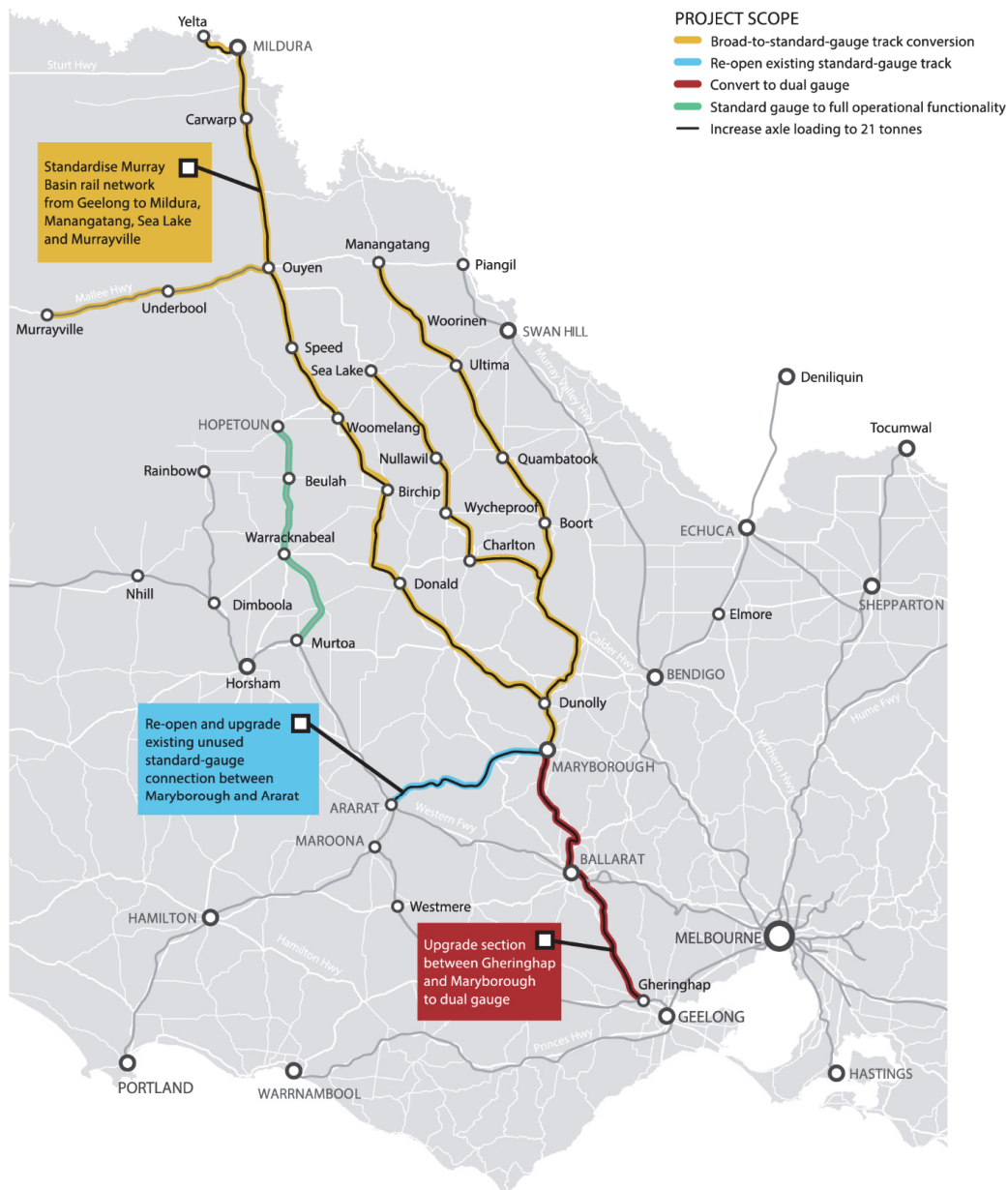
Although we have not examined this upgrade as part of our audit, the Victorian Government expanded the scope of BLU to include the FPRSP, prior to its pause in April 2019, pending the review of the MBRP business case.

## 1.3 The Murray Basin Rail Project

In 2014, the state government announced and funded the MBRP. This project intended to deliver freight rail line upgrades to rail infrastructure around the Murray Basin.

A key aim of the project was the standardisation of rail for the Yelta to Maryborough, Sea Lake to Maryborough, and Manangatang to Maryborough lines. That same year, PTV—the original client for the project—released a brochure containing the project scope map, shown in Figure 1C below.

Figure 1C  
MBRP project scope map



Source: VAGO, based on *Murray Basin Rail Project Summary Brochure*, PTV, 2014.

By identifying these corridors for upgrade, PTV reiterated three key issues that the MBRP aimed to address:

- **Lack of capacity** due to lines only having an allowable 19 TAL for most freight trains operating on the network.
- **Lack of competition between rail operators** due to lines in the Murray Basin only allowing access to broad-gauge trains, and no access to other competitors operating standard-gauge rolling stock.
- **Lack of competition between ports** due to the Port of Portland being solely serviced by standard gauge, while the Port of Geelong and Port of Melbourne are serviced by broad and standard gauges.

### Intended benefits and scope of the project

In 2014, PTV published the *Murray Basin Rail Project Summary Brochure*.

This brochure identified that the project was expected to lead to:

- up to an extra 500 000 tonnes of grain transported by rail per year
- 20 000 fewer truck trips annually to the ports of Geelong, Melbourne and Portland
- 276 construction jobs during the project's implementation
- 1 130 kilometres of standardised rail gauge (including the Murrayville line)
- direct investment by rail operators in new rolling stock and bulk handlers in new loading facilities
- flow-on investment at the ports of Geelong, Melbourne, and Portland due to increased competition and as a direct result of the need to handle higher tonnages per train
- improved safety and liveability for communities in the region and near the ports as a result of reduced truck numbers.

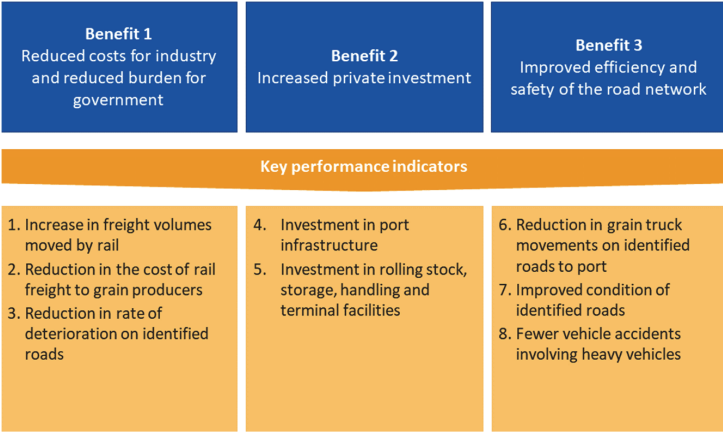
DoT formalised the scope of the MBRP in the business case in July 2015. The business case characterised the MBRP as a 'low complexity' project.

The high-level objectives of the MBRP, according to the business case, are to:

- improve transport efficiency in the Murray Basin region
- complete Mildura to Geelong rail standardisation and enhance access to the Geelong, Melbourne and Portland ports for Victorian exports
- enable further logistical flexibility and ease of use of the Victorian rail network to support a shift to rail, thereby improving road safety, reducing road congestion and lowering road maintenance costs
- maximise opportunities to leverage private sector investment in the network and complementary infrastructure to support a commitment by government.

The business case for the MBRP also set three high-level benefits that were expected to accrue from the project, with eight supporting key performance indicators (KPI), as shown in Figure 1D.

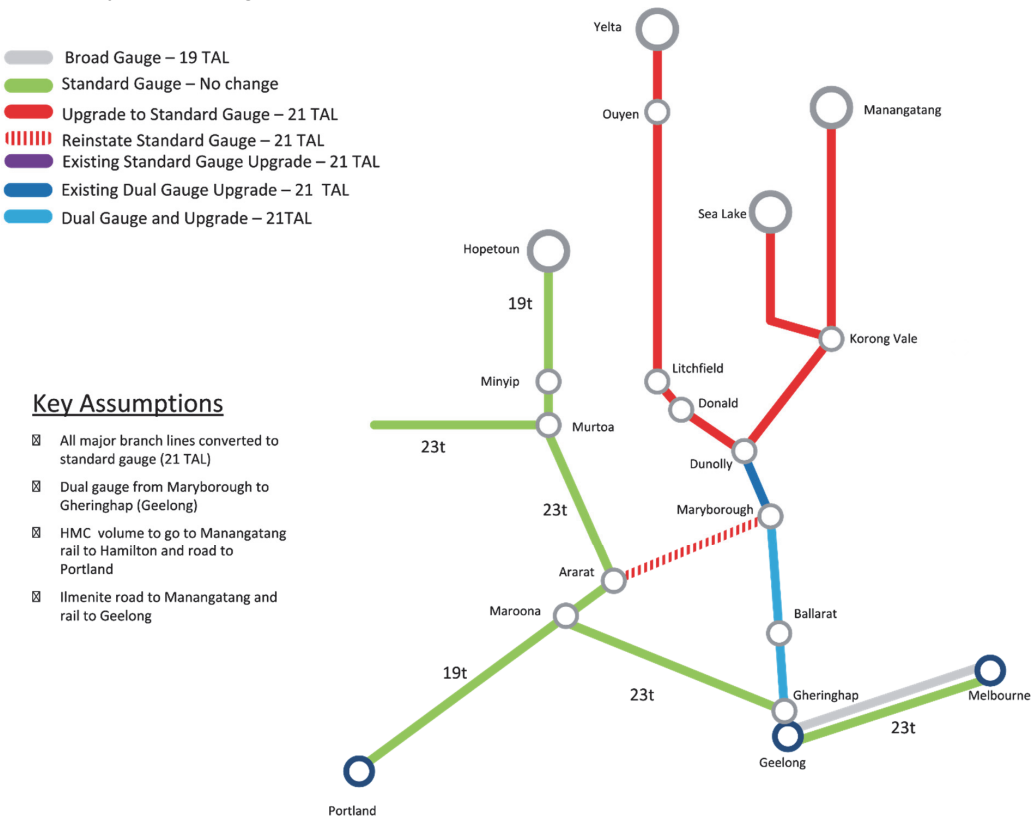
Figure 1D  
MBRP—benefits and KPIs



Source: *Improving the competitiveness of the Murray Basin region*, Transport Network Initiative—Final Business Case, DEDJTR, July 2015.

The business case identified four options to deliver these objectives and benefits. The preferred option is shown in Figure 1E.

Figure 1E  
Preferred option rail configuration



Note: The 't' used in the diagram (ie: 23t) refers to TAL.

Source: Improving the competitiveness of the Murray Basin region, Transport Network Initiative—Final Business Case, DEDJTR, July 2015, page 15.

Key elements of this preferred option include:

**Standard gauge** refers to railway with a track width of 1 435 millimetres. It is the most commonly used gauge in the world. As of November 2018, Victoria has 1 904 kilometres of standard gauge track.

- standardisation of the entire existing Murray Basin freight rail network
- reinstatement of the Maryborough to Ararat line, which the previous private sector lessee closed in January 2005
- improved connectivity to the national standard gauge network at both Geelong and Ararat
- conversion of all standard branch lines to 21 TAL standard gauge.

Figure 1F shows how the business case set out these works across four stages.

**Figure 1F**  
**Four stages of the MBRP as covered in the business case**



Source: VAGO, based on *Improving the competitiveness of the Murray Basin region*, Transport Network Initiative—Final Business Case, DEDJTR, July 2015, page 16.

A **railway sleeper** refers to a component of rail infrastructure that supports the metal rail of railroad tracks. Sleepers are laid perpendicular to the rails and support the load when trains pass. Sleepers are usually made of concrete or wood.

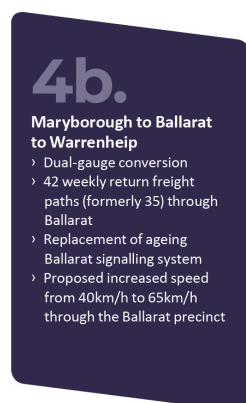
By April 2017, the government identified the need to undertake additional works through Ballarat. As a result of the MBRP and BLU, DoT advised the government that Ballarat would become a railway bottleneck due to ageing infrastructure, increasing transport demands and conflicting requirements between freight and passenger services.

Following the increased passenger services to be delivered as part of the BLU on the Ballarat Corridor, the government determined that the original MBRP scope was no longer a viable solution to address the increased demands on the Ballarat corridor.

The government subsequently identified works between Maryborough, Ballarat, and Warrenheip as the preferred option to address this issue. It named this option Stage 4b. The government recommended that Stages 2, 3 and 4 (seen in Figure 1F) of the project proceed for delivery while it would undertake a full review of scope and operations for Stage 4b to ensure that there was clear separation of freight from passenger operations. Figure 1G identifies the intended features of Stage 4b.



**Figure 1G**  
**MBRP 4b scope**



**Dual-gauge** refers to railway that allows the passage of broad and standard-gauge trains.

Source: VAGO, based on information from DoT.

In March 2018, the government renamed Stage 4b to Stage 5 of the MBRP. A key benefit expected from this stage was that it would enable standard-gauge freight trains to run from Melbourne or Geelong through Warrenheip to Maryborough. Passenger and freight trains could also run on the dual-gauge track from Ballarat to Maryborough. These works would also allow for the increase in weekly freight paths after the BLU.

In June 2018, the government incorporated Stage 5 into the scope of the BLU project (within the RRR program) and into what would become the FPRSP.

In April 2019, prior to the public announcement that the MBRP would not achieve timing expectations, the government deferred further work on the FPRSP, pending review of the MBRP business case.

### Budget for the project

In August 2014, the Victorian Government allocated \$220 million for the MBRP (based on a P50 estimate). The Australian Government matched this in April 2016, bringing the total to \$440 million.

An independent assessment included in the business case identified the cost of the preferred option as approximately \$454 million (real, using a P90 estimate). This assessment provided assurance to government that the cost of the project matched the allocated funding.

### Timeline for the project

The 2015 business case stated the project would be completed by December 2018.

A **P50 estimate** is a statistical methodology used to describe the outcome of a risk event. This particular estimate states that there is a 50 per cent likelihood that the final project cost will not exceed the funding provided.

A **P90 estimate** states that there is a 90 per cent likelihood that the final project cost will not exceed the funding provided.

## Contractor selection

In December 2016, V/Line ran a procurement process to select a design and construct contractor to deliver Stages 2 to 4 of the MBRP.

V/Line divided the scope of works into two work packages. Under the proposed contract agreement, the award and delivery of Work Package 2 (Stages 3 and 4) would depend on the contractor's delivery of Work Package 1 (Stage 2) within expected time frames. Figure 1H shows the scope of the two work packages.

**Figure 1H**  
**Scope of work packages**

Work Package 1	Work Package 2
<p><b>MBRP Stage 2</b> Contract value: \$175m</p> <p>Scope of works:</p> <ul style="list-style-type: none"> <li>› upgrading and converting the rail line between Dunolly and Yelta (Mildura) from broad gauge to standard gauge</li> <li>› re-establishing dual gauge running between Maryborough and Dunolly</li> <li>› upgrading and re-establishing the Maryborough to Ararat corridor and providing connection from this line into the Melbourne to Adelaide standard gauge corridor</li> <li>› converting the rail line between Ouyen and Murrayville from broad gauge to standard gauge.</li> </ul> <p>Expected date of completion: December 2017</p>	<p><b>MBRP Stage 3 and 4</b> Contract value: \$78m</p> <p>Scope of works:</p> <ul style="list-style-type: none"> <li>› upgrading and converting the rail line between Dunolly and Manangatang from broad gauge to standard gauge</li> <li>› converting the rail line between Korong Vale and Sea Lake from broad gauge to standard gauge</li> <li>› converting the rail line between Maryborough and Dunolly from dual gauge to standard gauge</li> <li>› converting the rail line between Gheringhap and Warrenheip from broad gauge to standard gauge.</li> </ul> <p>Expected date of completion: July 2018</p>

Source: VAGO, based on information from V/Line.

A **provisional sum** is an allowance that parties insert into the contract agreement for works that are not yet defined in enough detail to be accurately priced. In the V/Line and MMJV design and construct contract agreement, the provisional sum items were rail flaw remediation, track and civil remediation, and activation of additional level crossings and signalling activities.

In May 2017, V/Line selected the MMJV as the successful tenderer. The next month, both parties signed the contract agreement for \$275 million, which included \$22 million in provisional sums.

The MMJV began Work Package 1 in September 2017. One month later, it reported that it could not complete the expected works within the project schedule. To address this, the MMJV submitted a recovery proposal to V/Line, which V/Line agreed to.

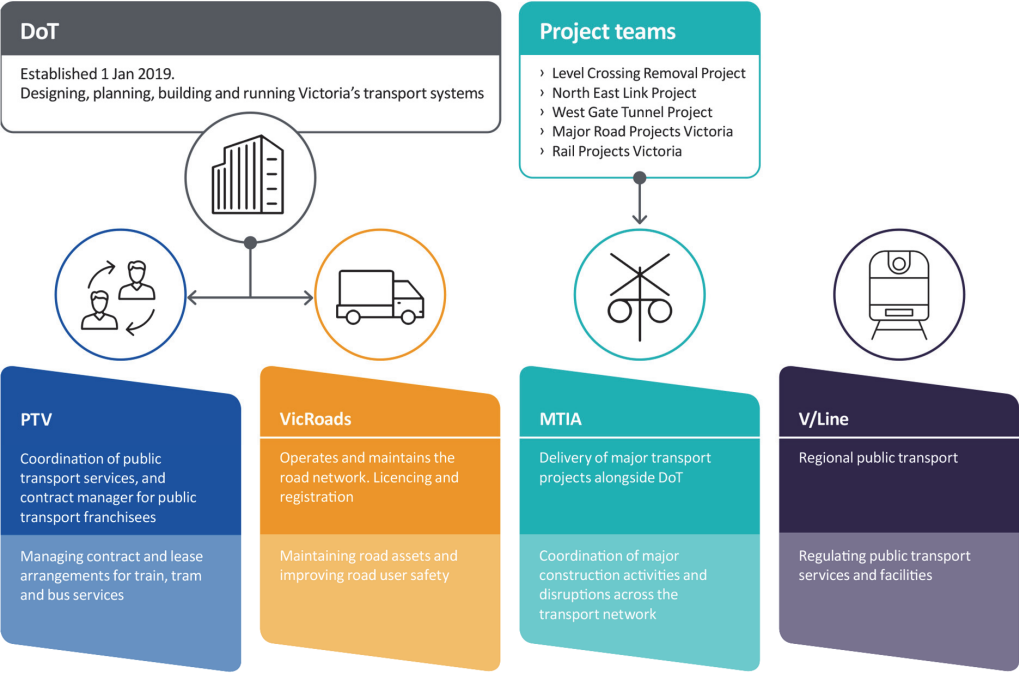
Work continued until 22 March 2018, when ONRSR identified a safety breach at one work site. While ONRSR ultimately did not attribute responsibility for the breach, V/Line immediately issued a stop work notice to the MMJV on all works being undertaken. Soon after, V/Line, in consultation with DoT, agreed that the delivery of Stages 3 and 4 would not proceed as originally procured. V/Line and DoT also assessed the option of V/Line directly delivering Stages 3 and 4 as the managing contractor.

In May 2018, the MMJV signed a settlement agreement with V/Line to formally resolve matters arising from the ceased contract works.

1.4 Agency roles and responsibilities

Figure 11 shows the agencies responsible for delivering the freight outcomes examined in this audit.

Figure 11  
Agencies examined as part of this audit



Source: VAGO, based on publicly available information.

Department of Transport

On 1 July 2019, DoT, PTV, and VicRoads merged. DoT is now responsible for planning and operating the transport system in Victoria.

DoT works closely with the Major Transport Infrastructure Authority (MTIA) in delivering major transport projects across Victoria. MTIA comprises five project teams, including RPV.

Freight Victoria also sits within DoT. The government established it to coordinate the development of an efficient freight and logistics system. This includes leading the delivery and reporting of the priorities and actions under the Freight Plan.

### RPV project team within MTIA

RPV is a project office within MTIA responsible for the delivery of key rail transport infrastructure projects in Victoria. This role includes planning and site investigations, stakeholder engagement, and construction delivery and project commissioning.

In June 2018, the Minister for Transport Infrastructure (formerly the Minister for Public Transport) appointed RPV as the delivery agency for future stages of the MBRP, replacing V/Line.

In April 2019, V/Line and RPV jointly developed a proposal for \$23 million in urgent maintenance works on the Manangatang line.

In August 2019, DoT confirmed RPV would develop and deliver the RRR.

### V/Line Corporation

V/Line is the accredited rail operator and network scheduler for regional rail and coach services and maintains 3 520 kilometres of railway track used by both passenger and rail freight operators in Victoria.

DoT directed V/Line to deliver the works required for Stage 1 of the MBRP. It completed these works in September 2016. V/Line procured a design and construct contractor to undertake Stages 2 to 4 of the project.

In June 2018, the transfer of project delivery roles to RPV limited V/Line's role to completion of Stage 2 and urgent maintenance on the Manangatang line, which the Minister for Transport Infrastructure approved in July 2019.

## 1.5 What this audit examined and how

This audit analysed whether regional rail upgrades are improving rural freight outcomes in a timely and cost-efficient way. Specifically, we examined whether:

- governance arrangements for the selected regional rail upgrades supported informed decision-making
- agencies delivered selected regional rail upgrades according to approved scope, time, cost, and quality expectations
- the selected regional rail upgrades have realised expected benefits for freight.

We conducted this audit in accordance with the *Audit Act 1994* and ASAE 3500 *Performance Engagements*. We complied with the independence and other relevant ethical requirements that relate to assurance engagements. This audit cost \$520 000.

## 1.6 Report structure

The remainder of this report is structured as follows:

- Part 2 provides a summary of the various freight-related rail upgrades.
- Part 3 examines issues and lessons from delivery of the upgrade projects.
- Part 4 examines the achievement of intended outcomes and benefits.

## 2

## Status of regional rail upgrade projects

This Part summarises the status of the audited programs compared to the original scope, time, cost and benefits parameters approved by government.

### 2.1 Conclusion

The rail upgrades we examined are not yet improving the efficiency, useability or cost-efficiency of the rural freight network to better support rural freight outcomes.

Completion of the MBRP is a year overdue, with over twice the original budget now estimated as necessary to complete the project to its original approved scope. This is due to:

- insufficient initial project scoping by DoT
- incomplete planning of the detail for required works across the freight rail network by DoT and V/Line
- ineffective contract management, project management and project execution by V/Line.

Due to the project difficulties and cost overruns arising during delivery of Stage 2, delivery of the later stages of the project is now on hold.

Benefits expected to accrue from later project stages, such as an increase in private investment in new loading facilities at port, are therefore also paused.

The freight-related RRR components we reviewed are still in the procurement stage, so it is too early to assess most aspects of their performance.

### 2.2 Murray Basin Rail Project

The Victorian and Australian governments funded the MBRP to improve rail freight movement. While portions of the project are complete, most rail freight operators have not yet seen desired improvements to line speeds and axle loads. Some operators have seen their freight costs rise because of the inefficiency of the network and the delays in the completion of the MBRP. Further, the project will not achieve these desired improvements without significantly more investment than the government originally approved.

Specifically, the unfinished status of the MBRP has made the situation worse for standard-gauge rail freight on the Yelta to Mildura line when compared to the previous broad-gauge track:

- the new standard gauge route from Maryborough to Ararat added 128 kilometres to and from the Port of Melbourne, and has caused longer train transit and cycle times
- improved track condition has increased average track speeds on the Yelta to Maryborough section, but the longer route means that transit times to port are up to five hours longer than the previous broad-gauge route.






### Current status

Stage 1 of the MBRP is complete and Stage 2 is substantially complete.

The \$440 million project budget is almost fully expended. V/Line recently completed urgent repairs on the Manangatang line costing \$23 million. In June 2019, the Minister for Transport Infrastructure put the remaining two stages of the MBRP on hold pending a review of the MBRP business case.

Figure 2A shows the present status of the MBRP.

**Figure 2A**  
**Current status of the regional rail upgrade**

STAGE	SCOPE*	INTENDED COMPLETION DATE	STATUS
1	<b>Maryborough to Yelta (406km)</b> <b>Murtoa to Hopetoun (112km)</b> <ul style="list-style-type: none"> <li>- Replace sleepers and perform regular maintenance over 518kms of track.</li> <li>- Inspect structures such as bridges and culverts.</li> <li>- Continuously weld line to increase speed limit on the track section to 80km/h.</li> </ul>	Apr/Jun 2016	 <b>Completed</b> September 2016.
2	<b>Maryborough to Ararat (87km)</b> <b>Maryborough to Yelta (406km)</b> <ul style="list-style-type: none"> <li>- Standardise track.</li> <li>- Reopen line.</li> </ul>	Oct/Dec 2016	 <b>Substantially completed</b> at July 2019. V/Line crews currently working to finalise and bed in the track.
3	<b>Dunolly to Manangatang</b> <b>Korong Vale to Sea Lake</b> <ul style="list-style-type: none"> <li>- Standardise and upgrade 387km of track.</li> </ul>	Apr/Jun 2018	 <b>On hold.</b> However, \$23 million for emergency track repairs on the Manangatang Line was spent to prepare the line for the 2019 grain harvest.
4	<b>Gheringhap to Maryborough (67km)</b> <ul style="list-style-type: none"> <li>- Convert entire line to dual gauge.</li> </ul>	Oct/Dec 2018	 <b>On hold.</b>
5 (now FPRSP)	<b>Maryborough to Ballarat to Warrenheip</b> <ul style="list-style-type: none"> <li>- Convert line to dual gauge.</li> </ul>	Not yet released	 <b>On hold.</b>

*Note:* \*Scope as identified in the MBRP Business Case (July 2015).  
*Source:* VAGO.

## Cost

As of 12 June 2019, when the government put the MBRP on hold, funds spent on the project totalled \$358.5 million. Figure 2B shows the budget status for the MBRP and FPRSP at December 2019 after V/Line's urgent maintenance works on the Manangatang line.

**Figure 2B**  
**Budget status for the MBRP and FPRSP**

Project	Original budget \$ million	Funds spent December 2019 \$ million	Balance of original budget \$million
MBRP	*\$440.0	**\$381.5	\$58.5
FPRSP (formerly Stage 5 MBRP)	\$130.0	\$9.7	\$120.3
<b>Total</b>	<b>\$570.0</b>	<b>\$391.2</b>	<b>\$178.8</b>

*Note:* \*State government and Commonwealth contribution.

*Note:* \*\*Stage 1–2 and urgent maintenance works on the Manangatang line only.

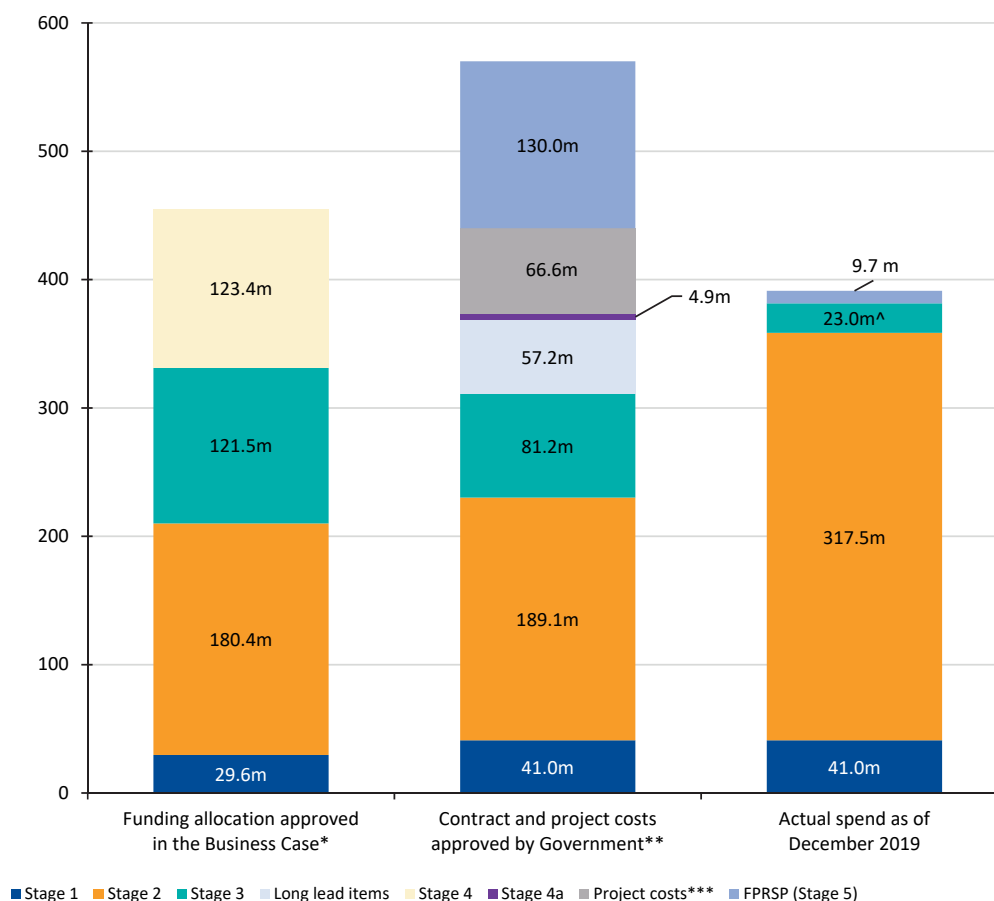
*Source:* VAGO, based on information from DoT, V/Line and PTV.

To date, the project has delivered about half of its approved scope but consumed 86.7 per cent of the total originally approved MBRP budget.

Figure 2C shows project costs at key lifecycle points.



**Figure 2C**  
**MBRP and FPRSP funding and spend to date**  
 (\$ million)



\* Total cost estimate based on a P90 estimate of real cost.

\*\* These figures show the actual costs approved by government in June 2017.

\*\*\* This covers signalling configuration, contingency, project management, and risk allowance costs.

^ Manangatang line repairs.

Source: VAGO, based on information from DoT, V/Line, and PTV.

### Timeliness

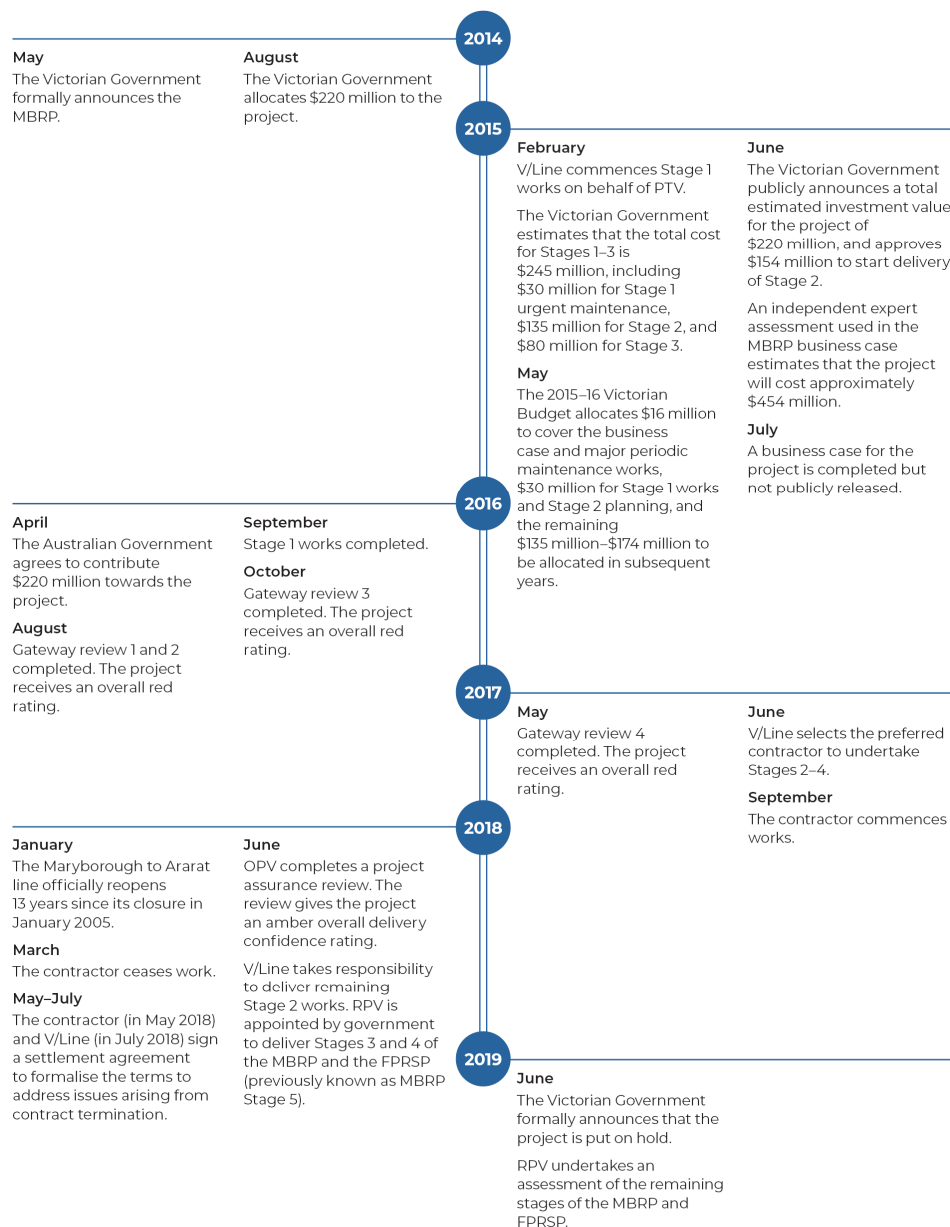
According to the timelines in the business case, completion of the full MBRP scope is now 15 months late. Due to the pause in the main works, the project is unlikely to be completed in two years' time, as originally intended in the business case without additional funding.

Recent work by DoT and its advisers to review the original MBRP business case was not finished at the time of this audit. The Australian Government may also require further assessments and consideration of a refreshed business case, such as a review by Infrastructure Australia, if it is to continue as a co-funder.

This could further delay project delivery and expected project benefits.

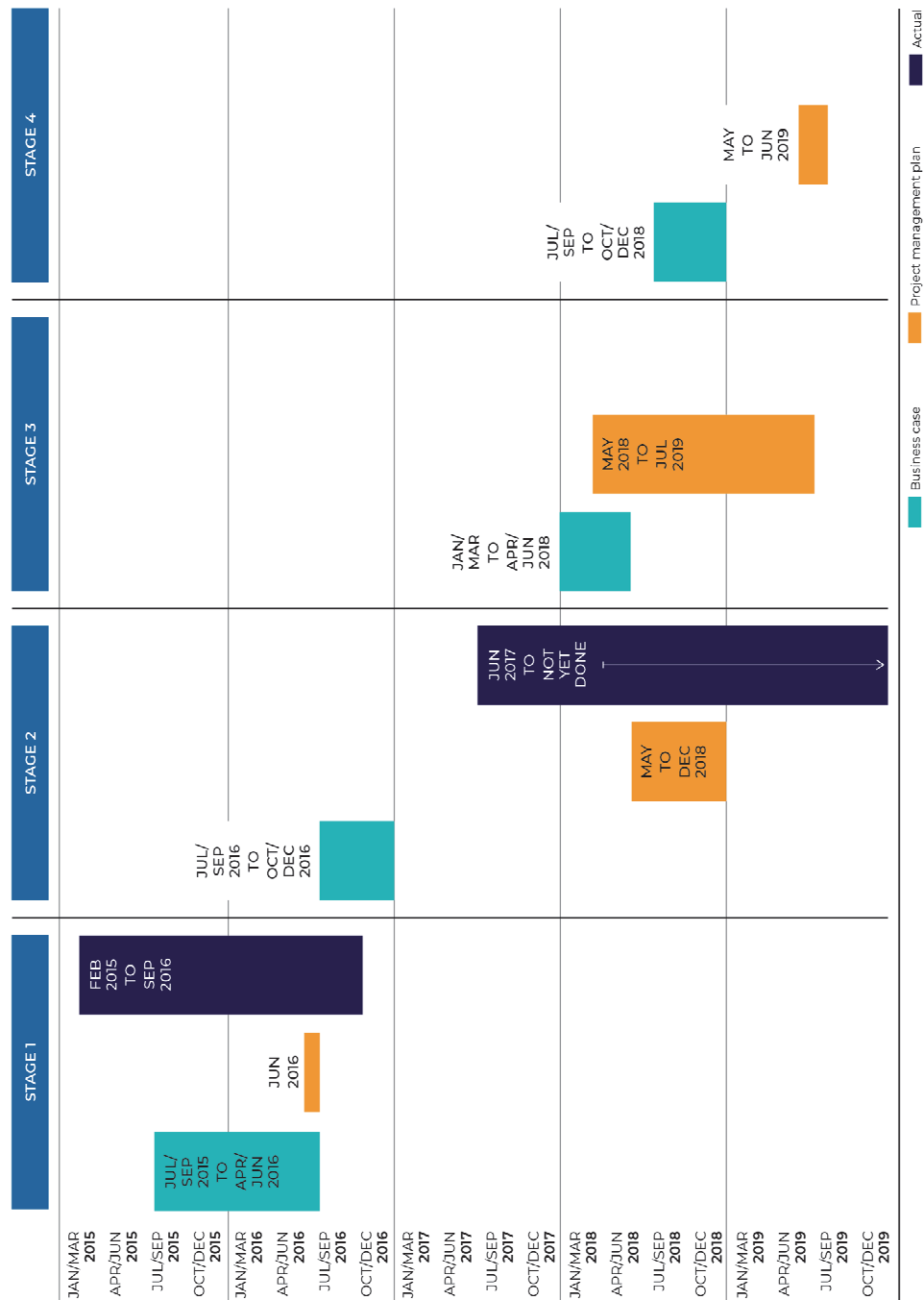
Figure 2D shows key MBRP events, while Figure 2E shows the variance of expected and achievement dates. Appendix B summarises our findings of the current status of the reviewed regional rail freight upgrades.

**Figure 2D**  
**Timeline of key MBRP events**



Source: VAGO, based on information from DoT, V/Line, PTV and publicly available information.

**Figure 2E**  
**Change in MBRP expected timelines**



Source: VAGO, based on information from DoT, V/Line and PTV.

## 2.3 Regional Rail Revival

Initial RRR scoping and planning documents show that DoT identified existing rail freight needs. However, these documents do not explicitly focus on improving future rural freight outcomes.

Future flexibility for rail freight infrastructure—such as longer passing loops and wagon sidings—was not explicitly considered beyond preserving the current small number of freight train paths on the Gippsland, Shepparton and Warrnambool corridors.

This means that a small increase in the length or number of freight trains will likely require further track adjustments at a later date. DoT advised us that, for the Warrnambool line, a new passing loop is being lengthened specifically for freight needs. However, the length of trains is currently limited by terminal capacity.

While the primary investment focus of the RRR program is on achieving passenger rail improvements, the RRR could also have a positive impact on freight trains as improved track should also allow higher speeds and axle loads.



## 3

## Project planning, issues and lessons from delivery

Before government approved the rail freight upgrades we examined in this audit, the rail freight network in Victoria had extensive maintenance backlogs. The projects were an opportunity to rectify existing maintenance issues while upgrading the system to operate in a sustainable and fit-for-purpose manner.

In this Part, we examine the planning and delivery of the upgrade projects, and any lessons learnt from works to date.

Our analysis primarily focused on the MBRP and examined:

- the adequacy of planning, including the assumptions and estimates that DoT and V/Line advised the government of
- whether project delivery achieved the expected time, cost and scope
- lessons learnt from delivery to date.

We did not examine the RRR components in scope for this audit, as these projects have not yet begun delivery.

### 3.1 Conclusion

During delivery of the MBRP, V/Line and DoT faced many project challenges that consumed most of the available budget for planned future stages.

Many of these challenges arose because DoT's predecessor agencies and V/Line did not fully understand the dilapidated state of the regional rail freight network before the MBRP began. This led to over-optimistic assumptions on project complexity as well as underestimation of time and cost requirements.

V/Line and its contractor (the MMJV) faced many difficulties when attempting to deliver the approved scope, while concurrently dealing with emerging project risks, scope changes and additions, and issues related to the condition of existing rail infrastructure.

The numerous claims and disputes arising from this stage of works contributed to V/Line and the MMJV suspending their contract early during Stage 2 of the five expected stages of the MBRP.

Transport agencies can learn many lessons from these delivery challenges, and V/Line and DoT have commissioned independent reviews to better understand how these problems occurred.

### Regional Rail Revival

For the RRR freight components we examined, we found there is no specific governance body with a focus on rail freight issues.

Freight Victoria was created in DoT in 2018 to consult with and adequately consider the freight sector during project scoping and development; however, its functions are mainly focused on policy advice and it has no governance authority.

The lack of a specific governance body risks a disconnection in planning and decisions made between V/Line, Freight Victoria and RPV in terms of broader strategic policy outcomes for rail freight and network engineering decisions.

## 3.2 Project planning

Advice from DoT and V/Line to government at the planning stages of the MBRP did not support informed decision-making. This was mainly due to:

- DoT and V/Line's limited understanding of the dilapidated nature of the network assets when developing the business case and project scope
- incomplete engagement by DoT and V/Line with key stakeholders and limited analysis of current and future rail freight needs
- DoT and V/Line's optimistic assumptions about the project's cost, time and complexity.

DoT and V/Line's insufficient planning impacted V/Line's ability to deliver the project within cost, time and scope expectations.

To compound this, DoT and V/Line's governance structures changed as the project evolved and moved between agencies, which diluted corporate knowledge and accountability for project outcomes.

Once DoT and V/Line became aware that the project was underperforming, senior officers intensified their attention, and the agencies focused efforts on recovering the project. Appropriate senior oversight is now in place.

### Understanding the network condition

Our 2009 audit *Buy-back of the Regional Intrastate Rail Network* confirmed the dilapidated state of the regional rail freight network. The report found that there was a known maintenance backlog on the network in 1999, when the state leased it to a private company.

Figure 3A describes the rail freight network's historical condition issues.



**Figure 3A**  
**Rail freight network historical condition issues**

During the period of private control of the regional rail network from 1999 to 2007, the private sector lessees took a contractually compliant 'minimum maintenance' approach to freight-only lines, and effectively allowed some lines to fall out of service. On some sections of track, the lessees restricted speeds to only 20 kilometres per hour.

Due to the ineffective maintenance obligations in the lease, the infrastructure deteriorated further, which compounded the previous maintenance backlog. These allowed parts of the rail freight network to deteriorate to a very poor condition.

This lack of investment in the freight-only network, and resulting poor operational performance, accelerated a shift by freight users from rail to road freight, increasing the potential for adverse environmental, social and economic consequences.

Our 2009 audit observed that closure of the freight-only network could result in at least 100 000 more truck trips on regional roads each year, which could have dramatic implications for road safety and the environment, as well as reduce economic and logistics supply chain efficiency.

The Victorian and Australian governments recognised these problems and jointly funded a Mildura line upgrade project in 2006, allocating \$53 million and \$20 million respectively.

At the time of funding, they expected the project to upgrade the 525-kilometre broad-gauge line between Mildura and Gheringhap (near Geelong) to allow freight trains to run at a line speed of 80 kilometres per hour.

Source: *Buy-back of the Regional Intrastate Rail Network*, VAGO, 24 June 2009.

A DoT predecessor agency requested a detailed line survey from V/Line in 2012 to help scope a potential re-opening of the Ararat to Maryborough line. This work highlighted serious corridor condition issues, but DoT did not use this document to inform the MBRP planning or procurement process. Figure 3B shows the pre-existing track issues on the Maryborough to Ararat line.

**Figure 3B**  
**Pre-existing track issues on the Maryborough to Ararat line**



Source: *Maryborough to Ararat: Proposal to Restore Freight Operations*, V/Line, December 2011, page 8, 'Medium size track washaway'.

DoT, V/Line, and rail operators expected the MBRP to rehabilitate track on sections of the network to restore sustainable operating speeds and improve axle loads. Apart from this 2012 report, we did not see evidence that DoT asked V/Line, as network manager, for formal advice on the condition of the network that the MBRP would upgrade.

Since the government paused the project during Stage 2, RPV has done some work on asset condition on the remaining sections of the Murray Basin freight track, which we assess as useful and high-quality.

This detailed review relied on physical inspection of current track conditions, supported by photographs and analysis of track condition using technical data from vehicle-based inspections. Based on these inspections, the review estimated the track components that would need to be replaced and likely costs, based on the estimated volume of sleepers, rail or ballast required for remediation. This work has helped inform RPV's cost estimate to complete the original project scope.

It is not clear why DoT and V/Line did not do this type of detailed work during the original project scoping and business case development.

### Considering stakeholder views

DoT's multiple reorganisations over the last five years has contributed to the inconsistent way it identified, engaged, analysed and managed stakeholders for the MBRP.

While DoT did seek stakeholder views at specific project planning points, it did not routinely analyse or seek to understand these views as the project moved from concept to delivery.

Further, DoT's early stakeholder consultation during the business case development phase is not well documented, partly because responsibility for stakeholder engagement moved between agencies.

The government established a ministerial advisory council during the early stages of the project, but it ceased meeting after DoT and V/Line focused their efforts on recovering the project.

Many stakeholders, including exporters, rail operators, and producers, became frustrated with the lack of responsiveness from official consultation channels and expressed their views on the project through the media and public statements.

Once the contractor ceased work in early 2018, DoT stopped providing direct updates on the project's activities to the Australian Government, a co-funder and key project stakeholder. In late 2019, DoT re-engaged with the Australian Government on the MBRP.

We consider that many concerns from stakeholders, such as TSRs in place for indefinite periods of time, are legitimate. Due to heavy public and media scrutiny of the project's challenges, as well as internal management pressures to resolve them, V/Line and DoT found it difficult, at times, to engage with relevant stakeholders in an authoritative or timely manner. V/Line advised us that this was limited to the period when V/Line and DoT were reassessing the project.

Some letters and specific requests from the Deputy Prime Minister to Victoria's Minister for Transport Infrastructure went unanswered, with DoT not preparing briefings on these letters for the Minister's office.

Freight Victoria has recently started re-engaging with key rail freight stakeholders. However, its authority and influence over the project is not clear. This lack of clarity is because the project's planning, decision-making and budget responsibilities operate in separate organisational structures. Within DoT, Freight Victoria is responsible for overall strategic planning and policy development for the sector in the Policy and Innovation area. Project decision-making occurs in the Network Integration part of DoT. RPV (part of MTIA) holds the remaining project budget and sits outside the main DoT structure.

V/Line, as the rail freight network maintainer and access provider, and Freight Victoria, the main policy body advising DoT on freight matters, need to coordinate and manage their interactions with industry counterparts to achieve the government's policy of increasing rail's share of freight transport.

### 3.3 Project delivery performance

#### Project delivery

V/Line's project management and the MMJV's delivery of Stage 2 works resulted in Stage 2 of the project not being delivered as expected. Disputes and claims between V/Line and the MMJV resulted in a variance between the scope, time and cost parameters and the achieved outcomes that the business case identified and government approved.

#### Procurement of design and construct contractor

V/Line received three tender responses in its procurement of a design and construct contractor for Stages 2 to 4 of the MBRP. V/Line prepared a tender evaluation report that identified a number of issues with the feasibility of project delivery:

- At the time that V/Line tendered for these works, there was uncertainty about the final scope. V/Line also believed that the \$240 million budget was insufficient for the expected scope. Despite this, V/Line still proceeded with the tender process.
- Each of the three tender responses V/Line received exceeded its nominated budget for Stages 2 to 4.
- Two of the three respondents could not commit to delivering the project scope within V/Line's timelines. The tender evaluation report attributed this to tight deadlines.

As described in Figure 3C, V/Line accepted risks in the contract it signed, without the capacity to understand their potential cost implications for the wider project. These risks eventuated for V/Line once the contractor exercised the legal rights the contract gave them.

**Figure 3C**

**Excluded risks negotiated by the contractor and V/Line**

Prior to signing the design and construct contract, V/Line and the MMJV negotiated the inclusion of certain items in the final agreement. One of these items was a new clause on excluded risks.

In this clause, V/Line agreed that the contractor's risk would not extend to items of work that could not be reasonably determined from:

- principal-supplied information provided to the contractor prior to the commencement date
- any site surveys available to the contractor prior to the commencement date
- any inspection results provided to the contractor prior to the commencement date.

The items of work included:

- geotechnical remediation of the existing track bed to meet the 21 TAL criteria
- existing rail flaw defects
- the extent of sleeper replacement.

V/Line agreed to insert excluded risks in the final contract agreement so that tenderers would not price unknown risks because the tenderers did not have enough time to undertake extensive site testing during the tender phase.

In internal briefing documents, V/Line justified these excluded risks by stating that although it would have to pay claims if the risks were to eventuate, it would not pay a risk premium for risks that may not occur.

By inserting excluded risks into the contract V/Line also gave itself the ability to direct the MMJV to perform part or all of any additional required work.

However, deficient project planning by DoT's predecessor agency and deficient asset condition information in the MBRP business case meant that V/Line did not anticipate the extent of the additional work, time and cost that would be needed.

As a result, V/Line bore the risk and cost of works that were not identified in the original scope. Because the MMJV did not bear this risk, it had no obligation to incorporate these works into its specification and program of works.

This also meant that V/Line and the MMJV could not appropriately forecast any cost and time contingency arising from these risks in their planning.

Source: VAGO, based on V/Line documents.

### Governance and decision-making arrangements

DoT and V/Line's governance processes for the MBRP were not always clear and were expressed inconsistently in key MBRP project planning documents in the lead up to project approval and delivery. In addition, V/Line, and DoT used various governance and decision-making approaches that they did not consistently apply and that did not operate in accordance with project plans. This made assessing compliance with processes difficult.

DoT and V/Line introduced their contract management arrangements in the design and construct contract, and further defined them in the contract management plan. As the project evolved and faced setbacks, V/Line did not formally update these contract management arrangements in a timely manner.

The contract management plan aimed to clarify V/Line's processes to manage the provision of the MMJV contract. Despite having this plan, V/Line did not follow it and their approach to project delays was reactive, dealing with setbacks as they arose.

We also noted unmanaged role conflicts in the governance arrangements. For example, the lessons learnt report states that the contract's terms assigned the role of Superintendent to the Project Director, despite there being conflicts between the two roles:

- As Project Director, they were V/Line's representative on the contract with responsibilities that included proactively responding to risk, reporting to the project steering committee (PSC), and delivering the project.
- As the Superintendent, they also acted in the role of certifier and valuer of work undertaken by the contractor, with a contractual obligation to act honestly and arrive at a reasonable measure or value of work.

The conflict between these two roles meant that the Project Director could not impartially deliver either set of responsibilities.

#### Monitoring and reporting

V/Line's design and construct contract clearly defined the frequency and content of reports required from the MMJV. However, these requirements were diluted in the contract management plan, which did not fully consolidate the contract agreement's clauses.

For example, the contract management plan only referred to KPI reporting, not wider project reporting and monitoring expectations. Although the contract agreement required the MMJV to submit monthly reports to V/Line, this was not specified in the contract management plan. V/Line also did not specify how contract reports fed into V/Line's internal project reporting.

#### Performance expectations

V/Line did not clearly document performance expectations and deliverables for the MMJV.

During our audit, V/Line could not locate a useable version of the contract management plan. Although V/Line noted that it is a live document, key sections of the version that we reviewed were incomplete.

KPIs, in particular, were not well described. In the contract management plan V/Line identified 20 KPIs, but did not describe them in detail, or how it would measure and monitor them. The contract management plan states that these details are specified in the design and construct contract, but the contract also did not cover these expectations in any useable detail. Further, V/Line did not cover them in any subsequent project document.

Although the contract management plan identified the expectations for the content of KPI reports, V/Line did not develop any further guidance on the frequency of this reporting or determine who would be responsible for this monitoring. As a result, there is no evidence that V/Line routinely monitored or tracked these expectations.

#### Managing contract variations and changes

Although V/Line had a suite of documents detailing change management processes, they did not revisit or update these processes as project expectations changed.

A **contract variation** refers to an increase or decrease or omission of any part of the contract works, any change in the character or quality of materials or equipment, or any change in the method, sequencing or timing of works.

A **project change** is anything that transforms or impacts the project, tasks, processes, or structures. This can include changes to project scope, funding, or milestone dates.

Project changes can be significant, which means they may require greater scrutiny by project owners.

During the period that it engaged the contractor, V/Line used a single variation register to capture both contract variations and project changes.

This process was flawed because it meant V/Line did not have a clear process for distinguishing a variation from a project change or detailing how a variation or a project change would be addressed, monitored and reported.

Further, there was no requirement in V/Line's change management documents to log changes in a register. This suggests a reactive approach to addressing issues arising from project changes. Because there was no set detail for what a change register should cover, V/Line also risked inconsistencies in how it recorded and monitored risk.

#### Scope, time, cost and quality expectations

Scope, time, cost and quality expectations for the whole MBRP were broad, constantly changing, and not well documented by V/Line. Many of these expectations were unreasonable at the time DoT and V/Line set them. For instance, DoT's advice to government in 2015 acknowledged that the options identified in the business case would cost more to deliver than the funding available in the budget forward estimates.

V/Line did not effectively mitigate or address these issues prior to project commencement. In our tracking of Stages 1 and 2 cost estimates from government approval through to project planning, it was difficult to see which budget DoT and V/Line were working towards.

#### MBRP Stage 1 works

DoT engaged V/Line to deliver Stage 1 works on the MBRP. This stage was completed five months after the completion date estimated in the business case. V/Line categorised this stage as a maintenance works project and achieved it within the allocated budget.

Although DoT and V/Line knew that the assets had not been maintained adequately before these works, they did not undertake a quality assurance review to check that completed Stage 1 works were fit for purpose.

#### MBRP Stage 2 works

In 2016, DoT handed the MBRP to V/Line. Cost expectations for Stage 2 were unclear, making it difficult to assess which figure DoT and V/Line were working towards. In some cases, these cost expectations also appeared to be unreasonable.

DoT and V/Line's expected cost for Stage 2 ranged from \$180 million (in the business case) to \$174.9 million (in the project management plan). However, independent advice commissioned by RPV after the MMJV works were suspended estimated the cost to complete Stage 2 works at \$335.8 million.

Throughout Stage 2, V/Line's monthly financial reports to the PSC showed that the project's forecast and actual spend were exceeding its budget. The PSC's meeting minutes also indicated that V/Line did not identify actions in a timely way to help the MMJV achieve project deliverables within the expected budget and time frame.

During this stage, V/Line did not respond to risks and issues in a timely manner. Despite receiving notices from the MMJV, V/Line failed to escalate risks to the PSC. DoT advised that the PSC did not receive any copies of the MMJV notices and updated financial statements despite DoT requesting these from V/Line.

V/Line did not address the delays that impacted the MMJV's ability to deliver the works within the expected time frames in a timely manner. Instead, risks rated 'red' stayed on the MMJV's risk register for the duration of their time on the project and were not addressed by V/Line. V/Line advised that these matters were being monitored and needed to stay 'red' as approvals were pending.

#### MBRP Stages 3 and 4

The MBRP Stages 3 and 4 works have not started, and the remaining budget is not sufficient to complete their original scope. As a result, the expected benefits from these works cannot be achieved in the expected time frames unless the Victorian or Australian governments provide additional funding.

The timing expectations for Stage 3 depend on the timely completion of Stage 2. Despite this, the design and construct contract agreement did not adequately account for the risk of a Stage 2 delay and its impact on subsequent stages.

In their monitoring reports and notices of delay, the MMJV made V/Line aware of this risk. However, V/Line did not address these warnings in a timely manner. For example, the MMJV issued numerous notices of delay about V/Line's late delivery of rail as required under the contract agreement and the impact of this on the construction program. The MMJV started issuing these notices of delay in July 2017 and continued to issue them through to December 2017. As a result of the delays, the MMJV were unable to meet the expected completion dates for Stage 2.

Once Stage 2 became officially delayed, it was already too late for V/Line to mitigate its impact on the delivery of Stages 3 and 4.

The basis for V/Line's Stage 3 and 4 cost expectations is not set out in the key project documents. The documented cost expectations for these combined stages vary significantly from \$78 million in the project management plan to \$244.9 million in the business case.

### Project inspection and monitoring arrangements

#### Quality assurance

The contract and project management plans contained some quality management provisions for V/Line and the MMJV. However, their effectiveness was undermined by the documents' lack of clarity around frequency of checking and inspections and quality reporting requirements. It was also unclear who these reports would go to.

As required by the contract, the MMJV did have a quality assurance system in place. However, V/Line did not document how it would incorporate this system into its processes to ensure that the MMJV was regularly monitoring and reporting on the quality of its work. V/Line also did not document how it would confirm that the standard of works was fit for purpose.

Rather than documenting the outcomes of project quality checks in formal and regular reports, V/Line sporadically reported on the quality of the MMJV's work in PSC meeting minutes. This meant that some project-specific quality issues were not addressed in a timely manner to reduce their impact on cost and time targets. Additionally, project and contract documents did not specify who V/Line must report the quality of the MMJV's works to.

#### Operational inspection regime

The MMJV inspected their work to certify its quality as the project proceeded. However, following the unplanned cessation of works, V/Line took over responsibility for the project's delivery. At this point, V/Line assessed the MMJV's works.

However, V/Line's assessment was limited because a comprehensive measure of the quality of all contract works was not possible due to time constraints. As a result, V/Line had to make further assurance inspections to enable the safe operation of trains.

After the MMJV's contract ended, RPV became the lead agency for delivering the future stages of the MBRP (excluding the uncompleted Stage 2 works). It was only after this occurred that RPV completed a detailed dilapidation survey for the unfinished components of the project.

Many components of the MBRP (up to Stage 2) are now operational, so V/Line has moved to a 'business as usual' risk-based inspection regime instead of project-specific inspections.

The case study in Figure 3D shows the dilapidated condition of the rail prior to the MBRP and outlines the impact of the lack of regular inspections.



**Figure 3D**  
**Maryborough to Ararat case study**

The Maryborough to Ararat line consists of 87 kilometres of standard-gauge track and linked freight trains from Dunolly to the Port of Portland. In 1995, the line was standardised from broad-gauge and an unknown number of sleepers were replaced. Since then, there were no major maintenance activities or structural changes on the line. This left many broad-gauge timber sleepers supporting a standard-gauge track. In 2004, Freight Australia closed the line because of unsafe track conditions due to limited maintenance and deterioration of the sleepers.

In 2011, DoT's predecessor agency requested V/Line to investigate the potential for re-opening the line. DoT sought to resume rail operations at 50 kilometres per hour at Class 4 status with a minimum operational period of six years.

In the 2015 MBRP business case, the scope of Stage 2 included reinstating the line to 21 TAL, upgrading 58 level crossings and the Maryborough junction, and creating a link to the Australian Rail Track Corporation's standard-gauge line at Ararat. At a P50 estimate, the total cost for this was \$64 million.

The line officially re-opened at Avoca in January 2018. The government later announced that the line was operating at 65 kilometres per hour and that the remaining TSRs would be progressively removed before the end of 2018.

**Before the MBRP:**



Source: Rail Revival Alliance, Maryborough, 2017.

**Figure 3D**  
**Maryborough to Ararat case study—continued**

**After the MBRP:**



Source: Pacific National, 2019.

Since its re-opening, rail operators have expressed concerns about the line. Although the nominal speed limit on the rail line is 65 kilometres per hour, operators note that this applies to only 22 of 87 kilometres of this section of track and only for trains that meet certain technical conditions.

For all operators, V/Line currently limits the rolling stock speed to 40 kilometres per hour. V/Line has placed additional speed restrictions on the line due to level crossing sighting issues, which further reduces the average speed along its entire length. The track loading is limited to 19 TAL for the majority of rail freight operators using the network.

For rail operators, these speed restrictions mean that it is now slower to move freight to port than before the line closed. Other than the line re-opening for scheduled freight trains, the MBRP works have made no overall performance improvements to the Ararat to Maryborough rail section.

Source: VAGO, based on publicly available information.

### 3.4 Project lessons learnt

#### Project scrutiny and intervention

DoT and V/Line can learn many lessons from how the MBRP has been delivered. DoT and V/Line have commissioned comprehensive reviews of the issues, processes and decisions that led to the current situation.

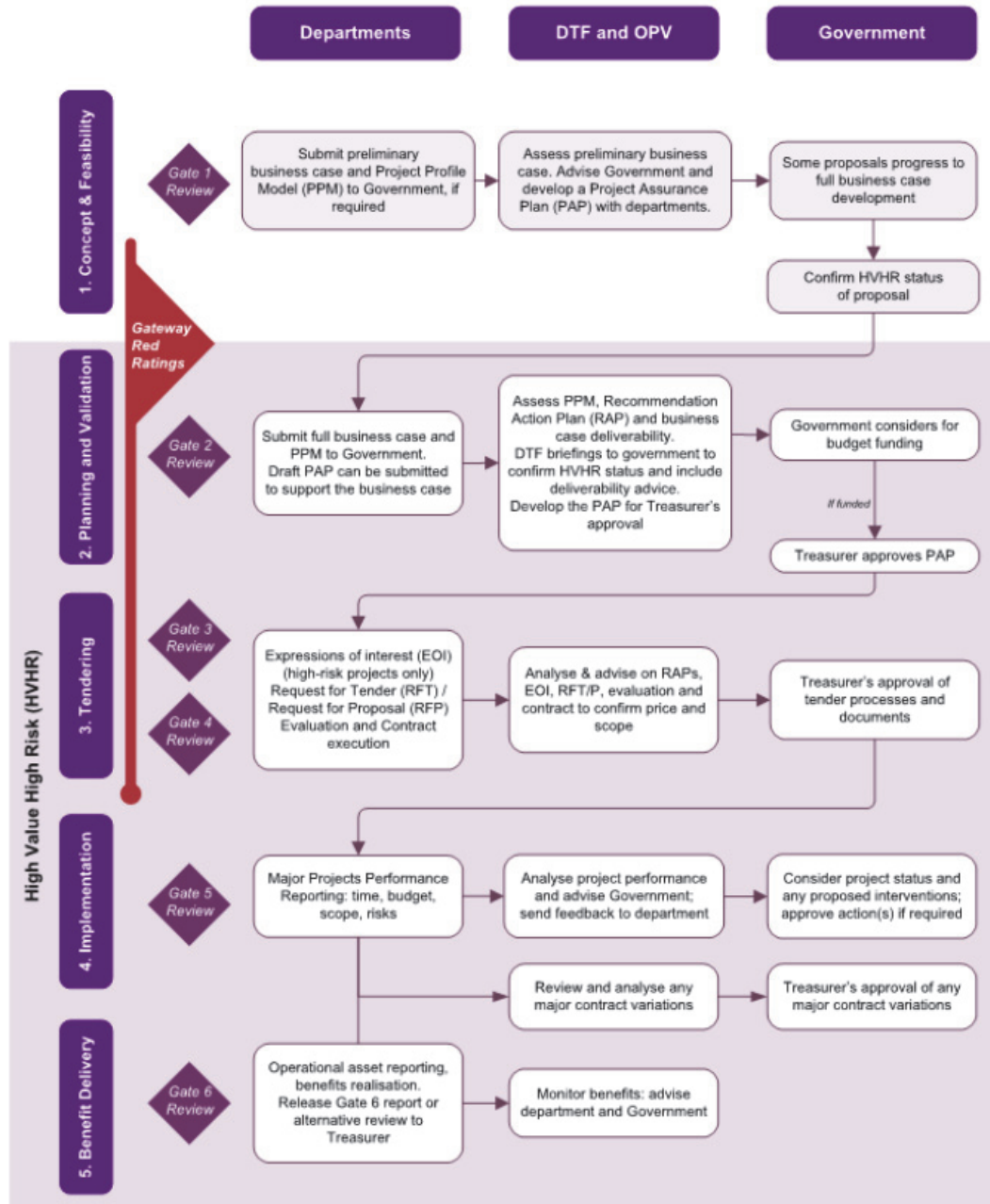
When the government paused the MBRP in June 2019, V/Line had not fully completed Stage 2 and a way forward for expected future stages was not clear.

DoT has advised us that it is developing options to recover the project. However, it had not finalised these at the time of this audit.

### The HVHR and Gateway scrutiny processes

The government classified the MBRP as a HVHR project. This meant that it required more intensive scrutiny by DTF and for the Gateway review process to be fully applied at each key project lifecycle stage, as shown in Figure 3E.

Figure 3E  
DTF's project lifecycle and HVHR project assurance framework



Source: HVHR Project Assurance Framework Fact Sheet, DTF, May 2018.

While V/Line and DoT followed the HVHR processes, they did not effectively detect issues and mitigate the problems that were identified at key review points. Remedial actions that DoT and V/Line took came too late to cause any substantive improvement. However, V/Line has asserted that if they did not intervene with the contractor, the overall position of the project would have been significantly worse.

The Gateway reviews that independent review teams conducted for the MBRP identified issues such as unclear governance arrangements early in the project's lifecycle. However, corrective actions were neither timely nor effective.

Since its inception, the project has had four SROs (in three agencies). This turnover led to gaps in accountability and patchy corporate knowledge.

The project received red ratings at each Gateway review point. These early warnings were scrutinised by senior officers in relevant agencies, DTF, and portfolio ministers. While these warnings were escalated from March 2018 onwards (once they recognised that the project was underperforming), by this point, the available options for recovery and completion had become limited.

A further complication for this and other HVHR projects is that Gateway review reports are provided solely to SROs, who have discretion about who they share the review findings with and what actions they take on any recommendations. This means that the parent agency of the SRO may not have full visibility of the extent of issues that have been identified for a specific project. The parent agency may therefore not be able to provide a frank and full appraisal of their progress to the relevant minister.

There is some evidence of senior officer scrutiny of the recommended action plans from the three Gateway red ratings. This extra scrutiny was mainly documented via briefings to the minister. However, SROs and their parent agencies did not develop detailed or timely responses to some of the risks and issues identified in the early Gateway reports that have now materialised.

### Effectiveness of project intervention

Stage 2 works faced many delivery issues and problems, which culminated in a stop work order before the contractor withdrew from the project work sites.

This prompted the government to intensify its attention on the project, with senior officers from V/Line and DoT closely scrutinising issues and developing responses and advice.

### Project stop work notices

On 22 March 2018, ONRSR identified a safety breach during a compliance inspection at an MBRP site. Although ONRSR ultimately did not attribute responsibility for the breach, V/Line immediately ordered the MMJV to cease all works on Work Package 1.

After works ceased, V/Line and the MMJV underwent discussions to recommence works and agree on the role of the MMJV going forward.

On 17 April 2018, V/Line advised the MMJV that it had lifted the cease work order so the MMJV could recommence works. The MMJV did not restart works, and instead agreed with V/Line to demobilise MMJV staff and equipment from various work sites.

The MMJV advised us that they were willing to agree to the demobilisation because they had already incurred significant costs from the numerous delays and changes to the project's scope.

An independent assessment undertaken in June 2018 noted that Work Package 1 was 93 per cent complete when the MMJV ceased work.

#### Contract cessation and settlement agreement

By the time the contract ended, the MMJV had made claims totalling \$90 million, including provisional sums, and \$32 million related to variations.

After third parties verified the works that the MMJV had completed, V/Line negotiated a settlement agreement. This was signed by the MMJV in May 2018 to formally resolve any matters from the ceased contract.

An independent assessment commissioned by V/Line as part of the settlement agreement quantified the sum of completed contract works by the MMJV at \$204 million.

Under the terms of the settlement agreement, V/Line released the MMJV from most of its defect rectification obligations and any exposure to liquidated damages for late completion of the project.

V/Line's final settlement sum for the MMJV was 10.5 per cent of the original contract price. V/Line countersigned the agreement in July 2018 following the receipt of required permissions within government.

#### Project assurance review by OPV

In April 2018, DoT asked OPV to undertake an independent review and assessment of the MBRP, known as a PAR.

The PAR report OPV delivered in June 2018 found that:

- All relevant project agencies had an inadequate understanding of the scope required to deliver the MBRP.
- DoT's predecessor agencies' investigation of the existing condition of the Maryborough to Ararat line was inadequate, and the number of welds needed on the re-laid rail track were significantly underestimated. Buried structures and culverts that were not known before construction commenced should have been identifiable from old asset records or site inspections.
- There was no evidence that V/Line's MBRP team undertook assessments to make sure the delivery schedule was achievable.

- Attracting and retaining supervisory and skilled labour at the levels required to meet the ambitious program was a challenge, partly due to the spread of capability across large geographic areas and resource competition with level crossing removal projects.
- There was a risk that, once complete, the MBRP would not meet stakeholders' expectations because a 'client requirements document' was not prepared and approved by key stakeholders, such as rail operators, freight transporters and DoT.

OPV advised DoT that while this PAR used DTF's guidance and an independent expert team sourced from the Gateway reviewers' roster, it was not an official review under the HVHR process. This means that any 'red' recommendations were informal and did not need to be followed up by SROs or reported to the Treasurer, which other Gateway reports require.

#### V/Line's lessons learnt report

In May 2018, V/Line engaged an external consultant to review what lessons it could learn from the MBRP. V/Line received 25 recommendations from the report.

The report noted that V/Line did not update key project documents after changes were made to the project. This reduced the effectiveness of V/Line's project management, its monitoring of the contractor's performance, and the deliverability of the project within the expected time frames.

The report identified that analysis in the business case had missed or underestimated the project's scope and budget features. While V/Line did not write the business case, DoT's underestimation impacted V/Line's ability to deliver the project within the expected parameters. DoT should have consulted extensively with V/Line (as the delivery agent of the project) during the development of the business case.

The report also identified issues with the project's governance, accountability, and project team management. For example, it highlighted the unusual situation where the project director was also a member of the PSC. The report noted that this was unusual because 'we would expect that as head of the delivery team, he would report to the PSC rather than be a member of it'.

The report found weaknesses in the project team, such as team members' lack of clarity about their roles, responsibilities, and accountabilities.

The MBRP deviated from standard project management methodologies to the extent that the report recommended that it 'take time to reset this project from first principles'. In particular, the report noted that as the key project documents were not sufficiently updated, there were no means to measure performance.

As a result, V/Line could not adequately track earned value or the changes' impacts on project time and cost.

The report also found that:

- As the contractor had no time provision in their tendered construction program, any deviation from this would make key deliverables unachievable within the expected timelines.
- V/Line's planning was inadequate from the outset of the MBRP because its project team's performance measurement baselines were based on incomplete assumptions. For example, the performance measurement baseline for Stages 3 and 4 did not include the cost or measurement of work completed to date.

Many of the issues identified in this report are consistent with our audit findings.



## 4

## Realising benefits from regional rail upgrades

When a government invests in a major infrastructure project, it expects benefits for the end user, as well as for the broader economy and society. Typically, a business case lists these expected benefits, and an economic analysis of the project then derives a BCR.

A hierarchy of relative beneficial effects helps governments decide which project will achieve the best outcome in a field of competing demands for capital investment.

In this Part, we examine:

- the construction and reasonableness of the MBRP benefits framework
- the project's progress in achieving the project's benefits
- the risks and challenges to the achievement of future benefits.

### 4.1 Conclusion

The regional rail upgrades we reviewed for this audit have not yet realised their expected freight-related benefits.

The MBRP has not yet delivered many of the freight-related benefits that the government expected when it funded the project, particularly for track gauge standardisation, line speeds, axle loads and cost savings for exporters.

The three RRR projects with freight-related components that we reviewed showed some consideration of freight outcomes in their planning documentation.

While two of these projects had described freight-specific benefits, none had explicitly linked them to broader policy goals for rail freight. The consequence of this is that the RRR works may not be scoped and designed with appropriate flexibility to facilitate the future expected growth of rail freight on these corridors.

## 4.2 The benefits framework

The projects that specified benefits—the MBRP, the Gippsland rail upgrade, and the Shepparton rail upgrade—constructed their benefits framework appropriately.

However, some of the measures defined in the MBRP business case to assess these expected benefits have not been quantified. This means that very small achievements against these measures could be claimed as a benefit.

We assessed the benefits frameworks by using an evaluation framework for project benefits, which is in Appendix C. This assessment model is based on DTF's requirements and international better practice and we have used it in recent performance audits.

### The MBRP's benefits

According to the business case, the high-level objectives of the MBRP were to:

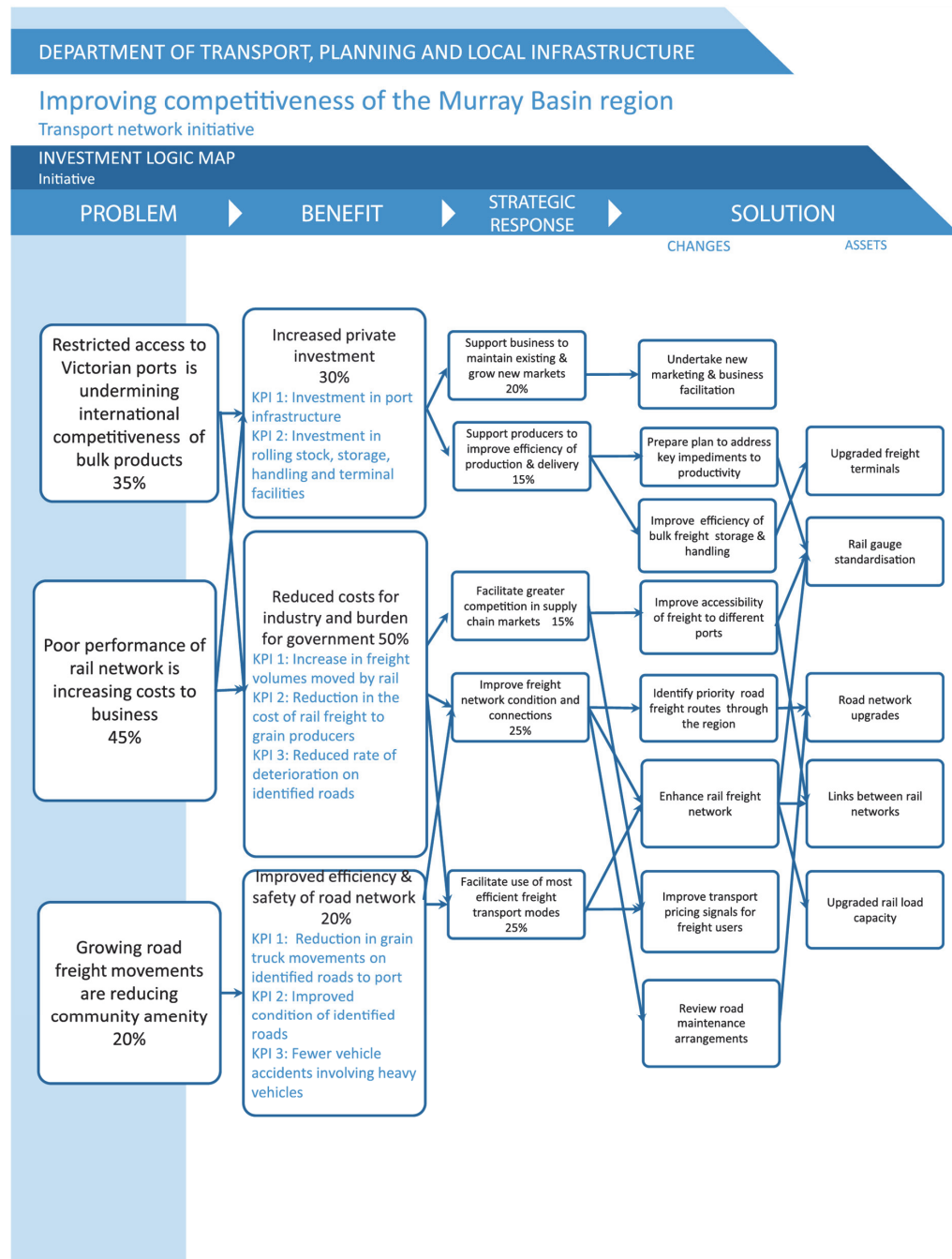
- improve transport efficiency in the Murray Basin region
- complete Mildura to Geelong rail standardisation and enhance access to the Geelong, Melbourne and Portland ports for Victorian exports
- enable further logistical flexibility and ease of use for the Victorian rail network to support a shift in freight transportation to rail, thereby improving the safety and congestion maintenance costs for roads
- maximise opportunities to leverage private sector investment in the network and complementary infrastructure to support a government commitment.

The approved MBRP business case stated that the project would deliver the following key intended benefits, supported by eight KPIs:

- **Reduced costs for industry and reduced burden for government:**
  - an increase in freight volumes moved by rail
  - reduced cost of rail freight to grain producers
  - reduced rate of deterioration on identified roads.
- **Increased private investment:**
  - investment in port infrastructure
  - investment in rolling stock, storage, handling and terminal facilities.
- **Improved efficiency and safety of the road network:**
  - reduction in grain truck movements on identified roads to port
  - improved condition of identified roads
  - fewer accidents involving heavy vehicles.

The interaction between the objectives, expected benefits and solutions is shown in the investment logic map in Figure 4A.

**Figure 4A**  
**Investment logic map**



Source: *Improving the competitiveness of the Murray Basin region*, Transport Network Initiative—Final Business Case, DEDJTR, July 2015, Appendix G.

### Assessment of the expected benefits

Based on our analysis using the project benefits assessment model, we found that the expected benefits from the MBRP:

- are well documented and align with DTF guidance
- are clearly specified and linked to a specific project outcome, which is the completion of the project
- are evidence-based, since they logically flow from the expected project outcomes
- show the beneficiary is the wider community, as well as the private sector in regional Victoria that makes use of the rail freight system.

In our review of the MBRP business case and benefits management plan, we found that four of the eight identified KPIs set quantitative targets. The remaining four showed targets that were not quantified.

This means that these four KPIs may not be measurable. They used descriptors like 'reduction', 'improved' or 'fewer' without specifying a quantitative target.

These KPIs used the following language:

- *reduced* rate of deterioration on identified roads
- *reduction* in grain truck movements on identified roads to port
- *improved* condition of identified roads
- *fewer* vehicle accidents involving heavy vehicles.

The use of imprecise descriptors in these KPIs means that any improvement could be recorded as a successful achievement of one or more of the MBRP's benefits.

DoT needs to rectify this deficiency in KPI measurement when the refreshed business case reconsiders the project benefits framework.

### 4.3 Benefits progress to date

The full expected benefits of the MBRP have not yet been achieved because the main works are paused. While the MBRP has not yet delivered its approved and expected scope, the network is currently available for users, and some other unplanned benefits may exist.

Because the freight-related components of the RRR projects we reviewed have not yet completed their delivery phase, it is too soon to assess if they can achieve the expected benefits.

### Achievement of the MBRP's benefits

The conversion of broad to standard gauge track on the Yelta/Mildura rail line is a direct outcome from the completed components of the project.

Other project benefits that have been delivered to date are:

- the return of freight trains to the Mildura and Murrayville lines with new access to the Australian Rail Track Corporation-run interstate network
- the re-opening of the previously closed Maryborough to Ararat rail line
- increased safety from the upgrade of 21 level crossings, which now feature boom gates, bells, and flashing lights.

However, DoT and V/Line cannot demonstrate that average train speed has increased compared to the design speed of the previous broad-gauge route. They also cannot demonstrate that there has been an increase from 19 TAL to 21 TAL along the full length of the upgraded rail lines for the majority of rail freight operators.

We saw evidence of increased competition for one freight operator due to the standardisation of the rail gauge. The business case identified this as an expected high-level outcome. However, we have not seen evidence that this benefit has been realised for other freight operators.

The recent urgent maintenance works on the Manangatang line may provide some unplanned benefits, as it is expected to improve the reliability of the freight line and remove restrictive speed limits.

The delay in implementing the approved re-gauging works from Maryborough to Geelong via Ballarat has allowed broad-gauge freight to keep using these corridors.

#### 4.4 Risks to future benefits realisation

While some benefits have been achieved to date, the full extent of the MBRP's future benefits will not be realised until the approved project is completed, or the original scope and benefits are formally redefined and approved by the government.

#### Unresolved project challenges

DoT will need to address a range of challenges so the project can achieve its expected benefits and outcomes:

- Until gauge conversion for the track section from Maryborough to Gheringhap (via Ballarat and the inland route to Geelong) is completed, the Yelta line will continue to have a longer route to port (an extra 128 kilometres each way). Most rail freight operators who use the network will also have a 19 TAL weight limit until the MBRP is fully delivered and axle loads are increased to 21 TAL. This 21 TAL outcome was promised in the business case and via government announcements.
- Remaining TSRs, particularly two on the Ararat to Maryborough section that affect 3.6 kilometres of the 88-kilometre line, are causing slow track speeds (25 kilometres per hour) in some localities. V/Line should assess these and prioritise to rectify them, particularly where they have been caused by the MBRP reactivating the previously closed line.

- The Ararat to Maryborough track section, which was substantially rebuilt during the MBRP Stage 2 works, is now at Track Class 4/5. This is the same class as when the line last ran trains in the early 1990s. The lack of track class improvement is mainly due to the re-use of old (legacy) 80 pound per yard rail. This results in lower line speeds (40 kilometres per hour for most locomotives) for the section from Avoca to Ararat, and low axle loads (19 TAL) for most of the standard-gauge rolling stock used by freight operators.

### Reduced operational flexibility for freight operators

The MBRP has reduced operational rail freight operators' flexibility by decommissioning wagon storage sidings and a passing loop.

In some locations, it has reduced rail freight operators' scheduling and loading windows compared to the previous configuration of the broad-gauge network and sidings.

The project scope decisions that were made during the MBRP's delivery have directly impacted rail sidings:

- A major rail freight operator estimates that works have removed or booked out 14 kilometres of previously available track and sidings along the Yelta line. V/Line advised us, however, that prior to the MBRP, 2.7 kilometres of these sidings had been booked out of service for over 10 years.
- Rail freight users have also claimed that the flexibility and size of sidings they used to load product has been reduced due to decisions made during the re-gauging works. This means that fewer wagons can be loaded in one session due to the reduced track space to shunt wagons.

### Availability of suitable rolling stock

Broad-gauge rolling stock is in limited supply, and two operators divested part of their grain wagon fleets based on government commitments to introduce standard-gauge.

If exporters need to lease back broad-gauge wagons at a potentially higher cost, it could increase rail haulage costs on the unfinished components of the MBRP. This contradicts the project's aim to reduce freight costs.

However, rail operators continue to provide freight services using broad-gauge locomotives and a variety of wagons, including for grain, to Piangil, Deniliquin, Tocumwal, Maryvale and Warrnambool.

Broad-gauge passenger services frequently use these corridors, which are expected to remain broad gauge. This illustrates the medium-term viability of broad-gauge rolling stock.

### Risks to achieving the original project BCR

Infrastructure Australia assessed the original MBRP business case as having a positive BCR of 1.7.

At the time of writing, V/Line and DoT have delivered about half of the project's approved scope. However, it has used 86.7 per cent of the originally approved budget up to Stage 4.

With the next stages of the MBRP main works paused, it will be difficult for the project to generate the expected level of economic and community benefit.

The Australian Government co-funded the MBRP with the expectation that the project would deliver the approved scope and proposed benefits assessed by Infrastructure Australia. DoT should intensify its consultation and coordination with the Australian Government as it progresses its options analysis and business case refresh for the incomplete MBRP stages.

## Impact of the MBRP delays on the Victorian Freight Plan

### Impact on freight policy goals

With the project currently paused and uncertainty existing around its future stages, rural freight rail might become less attractive or less economically competitive than road.

This would undermine the broader long-term policy goal of shifting freight from road to rail, where it makes economic sense.

A longer-term shift of regional freight to rail has wider economic benefits. These benefits include improved community amenity, road safety, and reduced road maintenance costs for local governments. Rail freight also promotes the integration and efficiency of national and international supply chains, particularly for containerised and bulk freight.

The future benefits from the MBRP were anticipated and incorporated into the Freight Plan's aims to improve Victoria's freight network between 2018 and 2050.

At a higher level, the Freight Plan sets out the desired future aims for the Victorian freight system, including road and rail freight.

The Freight Plan states that work completed by an external expert in 2015 found that investing in the regional rail network, such as upgrading axle loads, increasing speeds, modernising network operations, standardising key lines and maintaining the network at its rated standard, would lead to improved running times and productivity for regional rail freight.

According to the Freight Plan, a rail network maintained to enable 21 TAL and 115 kilometres per hour speeds would allow intermodal rail services to the Port of Melbourne to compete with road services. For bulk products, a higher axle load (23 TAL) at a lower speed (40 to 80 kilometres per hour) could also give rail an economic advantage over road.

The Freight Plan heavily focuses on road transport and freight in metropolitan areas. However, it implicitly relies on a functional regional rail freight network because most of the Victorian export freight that originates in regional areas is transported by rail.

As a result, the Freight Plan can only partly achieve its expected outcomes. This is because the MBRP is yet to fully achieve its objective to enable rail to better compete with road for regional freight.

If rail is less equipped to compete with road for regional freight, the consequences could include:

- reduced amenity to regional communities due to noise and dust from trucks
- greater road maintenance costs for local authorities with limited resources (heavy vehicle registration is paid to the Australian Government, which does not consistently fund local roads)
- potentially higher expenses for regional exporters (since rail is more cost-efficient for freight over longer distances)
- potentially more truck accidents due to busier roads.

These possible outcomes contradict the policy and strategy aims of the Freight Plan.



# Appendix A

## Submissions and comments

We have consulted with DoT and V/Line and we considered their views when reaching our audit conclusions. As required by the *Audit Act 1994*, we gave a draft copy of this report to those agencies and asked for their submissions and comments.

Responsibility for the accuracy, fairness and balance of those comments rests solely with the agency head.

Responses were received as follows:

DoT .....	70
V/Line.....	76

**RESPONSE provided by the Secretary, DoT**



Department of Transport

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DX 210074

Ref: BSEC-1-20-1846R

Mr Andrew Greaves  
Auditor-General of Victoria  
Victorian Auditor-General's Office  
Level 31, 35 Collins Street  
MELBOURNE VIC 3000

*Andrew*  
Dear Mr Greaves

**Proposed Report – Freight Outcomes from Regional Rail Upgrades performance audit**

Thank you for your letter of 25 February 2020 enclosing your proposed report relating to Freight Outcomes from Regional Rail Upgrades audit, and for the opportunity to provide comment on the proposed report.

The Department appreciates the opportunity to participate in this audit and acknowledges the 13 recommendations outlined in the report of which, two are directed at the Department only, three at V/Line and eight at both the Department and V/Line.

The Department accepts all relevant recommendations except for one (Recommendation 10), which it partially accepts. In relation to Recommendation 10, the Department is raising concerns with the need to 'explicitly align the freight components of Regional Rail Revival (RRR) projects with broader strategic and policy goals to increase the use of rail freight in Victoria.' The Department's view is that while consideration is given to not preclude current and future freight upgrades in the development and delivery of the RRR program, the primary focus of the RRR program should continue to be on passenger services.

The report raises concern that during project delivery, the interactions and information flows on specific project issues from the Department to the Commonwealth Government was not always forthright or timely. The Department is concerned that VAGO's comments are misleading to the reader and relay a negative portrayal of the relationship between the State and Commonwealth throughout the delivery of the Murray Basin Rail Project (MBRP). The Department would like to reaffirm there has been productive ongoing consultation with the Commonwealth on the MBRP.



*RESPONSE provided by the Secretary, DoT—continued*


The report makes recommendations regarding project risk management processes for all major capital projects. The Department is committed to ensuring compliance with project risk management processes for all major capital transport projects and will continue to review its processes for continuous improvement opportunities. This includes engaging the skills and expertise of Major Transport Infrastructure Authority (MTIA) for the delivery of major rail projects. MTIA has robust project risk management processes for delivering major transport infrastructure projects.

While the report states that the full benefits of the original business case and incomplete works of the MBRP has negatively impacted the rail freight network, the Department believes VAGO has not recognised the benefits that have been delivered to date, which were highlighted in the Department's response to the provisional draft report. These benefits include the Mildura line now being able to operate trains fitted with larger wheel diameters at 21 TAL as per the business case and there is evidence of more competitive tender processes allowing for more commercially favourable outcomes.

The Department recognises there is more work to be done and is working with the Commonwealth and key stakeholders to review the business case and assess options on the Murray Basin lines and other rail improvement works across Victoria's freight network. This includes consulting with the newly established Rail Freight Working Group chaired by respected regional industry representative Peter Tuohey, to give stakeholders a seat at the table for future decisions to progress key projects and deliver the best possible return on Victoria's infrastructure investments, including the MBRP.

The Department's feedback and action plan on the proposed report is attached for your consideration. If you require further information, the nominated contact for the audit is William Tieppo, Deputy Secretary – Network Integration on telephone (03) 8392 6110.

Yours sincerely

  
**Paul Younis**  
 Secretary

10 / 3 / 20

**RESPONSE provided by the Secretary, DoT—continued**

## Freight Outcomes from Regional Rail Upgrades

### Proposed Action Plan

**1. Recommendations for DoT**

No.	VAGO recommendations	Action	Completion date
4.	Completes its review and refresh of the original Murray Basin Rail Project business case.	The Department accepts this recommendation.  The Victorian Government know how vital this project is for our regional communities and the Victorian Government is working with the Federal Government to review the Murray Basin Rail Project business case, to jointly determine the best way forward.	Early - mid 2020
5.	Develops and advises government on scope and cost options to progress the delivery of the outcomes originally expected from the Murray Basin Rail Project that includes and considers: <ul style="list-style-type: none"> <li>• modelling of forecast rail freight operating trends and demand in regional areas</li> <li>• the future-proofing of a freight corridor through the Ballarat station precinct, in line with the original goals of the Freight-Passenger Rail Separation Project</li> <li>• a new benefits management framework that reflects any proposed changes to the scope and timing of the Murray Basin Rail Project because of the revised business case.</li> </ul>	The Department accepts the recommendation.  The review of the original MBRP business case will: <ul style="list-style-type: none"> <li>• revisit the drivers of the original business case undertaken in 2012 to ensure they are relevant to the needs of the industry in 2020 and beyond;</li> <li>• complete detailed modelling of the Murray Basin rail network;</li> <li>• engage with industry; and</li> <li>• review the benefits management framework.</li> </ul>	Early - mid 2020

VAGO Proposed Report - Freight Outcomes from Regional Rail Upgrades - Action Plan

**RESPONSE provided by the Secretary, DoT—continued****2. Recommendations for DoT and V/Line**

No.	VAGO recommendations	Action	Completion date
6.	Conduct a detailed condition survey of the rail freight network's lines and sidings subject to major upgrades to identify current asset condition versus the expected track class.	The Department accepts this recommendation. In developing major freight rail upgrades, the Department and the Major Transport Infrastructure Authority (MTIA) will collaborate with V/Line to understand the asset condition and expected track class. Where there is insufficient information, the Department and MTIA will undertake additional surveys to help inform a fit for purpose solution that complies with Accredited Rail Operator standards.	Ongoing - for projects in development/delivery
7.	Provide joint advice to government on options to improve the track class of the rebuilt Ararat to Maryborough section of the Yelta line, with an aim to deliver higher line speeds and axle loads that better meet industry needs.	The Department accepts this recommendation. The Department is collaborating with V/Line on the MBRP business case review, which will consider options to improve the track class on the Ararat to Maryborough section of the Yelta line.	Early - mid 2020
8.	Work together, by jointly developing and co-sponsoring submissions to government, on a sustainable funding approach for regional rail freight lines that is linked to providing a fit for purpose track class, as well as improving broader network reliability and performance standards for rail freight operators and users.	The Department accepts this recommendation. The Department is collaborating with V/Line to develop a sustainable funding approach.	Mid-2021
9.	Comprehensively re-engage with all key regional freight stakeholders, and the Australian Government where appropriate, on identifying regional rail freight needs as well as future options to progress the incomplete stages of the Murray Basin Rail Project.	The Department accepts this recommendation. The MBRP business case review has commenced and included comprehensive engagement with V/Line, the Australian Government and other key stakeholders. The Department and V/Line are part of the Rail Freight Working Group which aims to facilitate the communication between government and industry to progress key projects and deliver the best possible return on Victoria's infrastructure investments, including the MBRP.	Early- mid 2020

**RESPONSE provided by the Secretary, DoT—continued**

No.	VAGO recommendations	Action	Completion date
10.	Consult and coordinate with each other so that Regional Rail Revival upgrade projects respond to an integrated understanding of current and future rail freight needs, and explicitly align the freight components of Regional Rail Revival projects with broader strategic and policy goals to increase the use of rail freight in Victoria.	<p>The Department partially accepts this recommendation.</p> <p>The Regional Rail Revival (RRR) program was developed in pursuance of the passenger-oriented objectives outlined in the Government's Regional Network Development Plan (RNDP) released in May 2016. The RNDP sets out a plan to deliver modern commuter-style service for key centres and service improvements to outer regional areas, including:</p> <ul style="list-style-type: none"> <li>a minimum 20-minute train frequency in the peak and 40 minutes in the off-peak for services to Geelong, Bendigo, Ballarat, Seymour and Traralgon; and</li> <li>five services, every weekday to the outer regional train lines of Warrnambool, Bairnsdale, Albury-Wodonga, Echuca, Swan Hill and Shepparton.</li> </ul> <p>While consideration is given to not preclude current and future freight upgrades, the focus of the RRR should be on passenger services.</p> <p>The Department will continue to collaborate closely with V/Line and Rail Projects Victoria to ensure the RRR program is developed and delivered in an integrated manner with current and future rail freight needs.</p>	Ongoing
11.	<p>Ensure that, for any projects subject to Gateway review, nominated senior responsible officers are accountable for:</p> <ul style="list-style-type: none"> <li>providing timely internal advice on the implications of Gateway review process findings and any urgent or critical matters that have been identified</li> <li>informing themselves of the content and ratings of previous Gateway review process reports, any recommendations requiring action, and the status of any activities designed to resolve previous recommendations.</li> </ul>	<p>The Department accepts this recommendation.</p> <p>The Department will continue to engage proactively in Gateway reviews.</p> <p>In 2019, DoT introduced an internal process where external audits, such as VAGO and Gateway, are tracked via a central register within the Department, so urgent or critical matters can be actioned appropriately.</p> <p>The effectiveness of the process will be assessed by mid-2021.</p>	Mid-2021



**RESPONSE provided by the Secretary, DoT—continued**

No.	VAGO recommendations	Action	Completion date
12.	<p>Introduce and ensure that, for all major capital projects, there is compliance with project risk management processes that include:</p> <ul style="list-style-type: none"> <li>regularly updating project risks, risk assessments, and risk mitigations to ensure that they remain relevant</li> <li>a clear process to ensure project risks are escalated to appropriate levels/staff, including communication so that project staff are aware of this process</li> <li>maintaining agency project risk registers alongside the contractor's project risk registers and, where there are variances in a register, assessing these and identifying actions to address the differences</li> <li>regular monitoring and reporting project risk, and cost, time and scope tolerances. If it is apparent that these tolerances will not be met, the Department of Transport and V/Line should have a process to rectify this in a timely manner.</li> </ul>	<p>The Department accepts this recommendation.</p> <p>The Department is committed to ensuring compliance with project risk management processes for all major capital transport projects and will continue to review its processes for continuous improvement opportunities.</p> <p>The Department has an approved Risk Management Framework, whose principles are replicated through the delivery agencies. The Department engages the skills and expertise of Major Transport Infrastructure Authority (MTIA) for the delivery of major rail projects. MTIA has robust project risk management processes for delivering major transport infrastructure projects.</p> <p>The effectiveness of the process will be assessed by mid-2021.</p>	Mid-2021
13.	<p>Introduce and ensure that, for all major capital projects, there is compliance with project change processes that cover:</p> <ul style="list-style-type: none"> <li>recording project changes and contract variations in fit-for-purpose registers to ensure any associated risk is addressed appropriately and that the impact on project scope, time, and cost is clearly identified and reported to governance committees</li> <li>a process for updating key project documents after an agreed change to reflect any additional resourcing required and any impacts on the project's outcomes and benefits.</li> </ul>	<p>The Department accepts this recommendation.</p> <p>The Department is committed to ensuring project change processes are robust for delivery of major capital transport projects and will continue to review its processes for continuous improvement opportunities.</p> <p>The Department engages the skills and expertise of Major Transport Infrastructure Authority (MTIA) for the delivery of major rail projects.</p> <p>The Department is seeking to strengthen its Governance framework whereby risks are reported to governance committees.</p>	Mid-2021

**RESPONSE provided by the Chief Executive Officer, V/Line**

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10 March 2020

Mr Andrew Greaves  
 Auditor-General of Victoria  
 Victorian Auditor-General's Office  
 Level 31, 35 Collins Street  
 Melbourne VIC 3000

Dear Mr Greaves,

***Performance Audit Report Freight Outcomes from Regional Rail Upgrades***

Thank you for your letter on 25 February 2020 inviting V/Line to provide our response to the proposed performance audit report *Freight Outcomes from Regional Rail Upgrades*.

V/Line acknowledges and accepts the recommendations made and is continuing the work that has already commenced to improve contract and project management and asset condition monitoring.

Considerable growth and development has occurred across our organisation in response to the increased number of projects being delivered across Regional Victoria in recent years. By way of background some of the more important changes within V/Line have included:

- a Program & Delivery business unit which has grown to over 200 team members who are focused on the planning and delivery of the significant program of regional rail works
- organisational membership of the Australian Institute of Project Management which is supporting ongoing learning and development for V/Line's project management staff
- accreditation via the Australian Major Projects Leadership Academy for two of our most senior Project Management staff with another two currently undertaking the program for accreditation
- ongoing review of our project management framework and improvements in how we support our staff to manage key contracts
- an ongoing program of work that has targeted improving the detailed data that V/Line holds with respect to asset condition across the V/Line network
- appointment of additional staff who continue to support our relationships across the freight sector.

V/Line Pty Ltd ABN 29 087 425 269



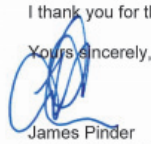
**RESPONSE provided by the Chief Executive Officer, V/Line—continued**

Please find attached our intended actions in response to those recommendations which have been made both to V/Line, and jointly to the Department of Transport.

V/Line will continue to work closely with the Department of Transport and industry to support the future of the regional freight network.

I thank you for the opportunity to comment on the Report.

Yours sincerely,



James Pinder  
Chief Executive Officer

Encl:

RESPONSE provided by the Chief Executive Officer, V/Line—continued



### Freight Outcomes from Regional Rail Upgrades – Action Plan

RECOMMENDATION	ACTION	DATE
V/Line		
1. That V/Line expedites assessment of the cause of unresolved temporary speed restrictions on the re-opened standard gauge line from Yelta to Ararat and advise the Department of Transport and relevant agencies on any required actions that are outside V/Line's internal ability to resolve	V/Line accepts this recommendation.  The assessment of the speed restrictions has been done with advice provided to the Department of Transport. The removal of the remaining restrictions is being considered in the MBRP business case review being undertaken by Department of Transport.	Completed
2. That V/Line expedites finalisation of all unfinished works included in the Murray Basin Rail Project Stage 2 scope and advises relevant agencies on any required actions that are outside V/Line's internal ability to resolve	V/Line accepts this recommendation.  V/Line is developing the schedule of works required to deliver the remainder of MBRP Stage 2 to complete signalling at Ararat. V/Line is working closely with Department of Transport on the plan to deliver these works.	The schedule for the final works, including dates, is currently being developed.
3. That V/Line improves its contract management of all contracts related to major infrastructure projects by: <ul style="list-style-type: none"> <li>introducing measurable performance indicators to contracts and regular monitoring and reporting contract performance to staff of sufficient seniority within V/Line's governance structure</li> <li>introducing processes for monitoring contractor compliance with contract</li> </ul>	V/Line accepts this recommendation.  V/Line has commenced implementation of the following improvements: <ul style="list-style-type: none"> <li>eLearning modules are currently in development. These modules will support Contract Managers via training including a focus on the responsibilities of Contract &amp; Project Managers</li> </ul>	October 2020

1

*RESPONSE provided by the Chief Executive Officer, V/Line—continued*

RECOMMENDATION	ACTION	DATE
obligations and identifying who is responsible for doing this <ul style="list-style-type: none"> <li>aligning contract requirements with key project management processes.</li> </ul>	<ul style="list-style-type: none"> <li>Strengthening of Contract Performance &amp; Relationship Management Plans including Management accountabilities to improve monitoring of deliverables for any relevant project or supplier engagement.</li> <li>key contract requirements and delivery of these milestones will be reflected in the Project Management Plans and any associated supplier engagement contracts.</li> </ul>	Ongoing monitoring of implementation will be undertaken over the coming 12 months.
<b>Department of Transport and V/Line</b>		
6. That V/Line and the Department of Transport conduct a detailed condition survey of the rail freight network's lines and sidings subject to major upgrades to identify current asset condition versus the expected track class	V/Line accepts this recommendation.  V/Line continues to deliver regular maintenance works on the freight corridors. In developing major freight rail upgrades, V/Line as the Accredited Rail Operator will continue to collaborate with Department of Transport and the Major Transport Infrastructure Authority (MTIA) to assist in identification of pre-existing asset condition versus expected track class required from upgrades delivered by future projects.	Ongoing – for projects in development/ delivery
7. That V/Line and the Department of Transport provide joint advice to government on options to improve the track class of the rebuilt Ararat to Maryborough section of the Yelta line, with an aim to deliver higher line speeds and axle loads that better meet industry needs	V/Line accepts this recommendation.  V/Line is collaborating with The Department of Transport on the MBRP business case review, which will consider options to improve the track class (including track class and line speeds) on the Ararat to Maryborough section of the Yelta line.	Early - mid 2020

2

**RESPONSE provided by the Chief Executive, V/Line—continued**

RECOMMENDATION	ACTION	DATE
8. That V/Line and the Department of Transport work together, by jointly developing and co-sponsoring submissions to government, on a sustainable funding approach for regional rail freight lines that is linked to providing a fit for purpose track class, as well as improving broader network reliability and performance standards for rail freight operators and users	V/Line accepts this recommendation.  V/Line is collaborating with the Department of Transport to develop options for a sustainable funding approach for regional freight lines.	Mid-2021
9. That V/Line and the Department of Transport comprehensively re-engage with all key regional freight stakeholders, and the Australian Government where appropriate, on identifying regional rail freight needs as well as future options to progress the incomplete stages of the Murray Basin Rail Project	V/Line accepts this recommendation.  V/Line is a member of the recently formed Rail Freight Working Group (RFGW) which will be a key forum for collaboration between government, rail bodies, transport operators, cargo owners, intermodal operators, industry and local government.  The RFGW will provide advice to the Victorian Government on network priorities and future delivery of the Murray Basin Rail Project.	Commences March 2020
10. That V/Line and the Department of Transport consult and coordinate with each other so that Regional Rail Revival upgrade projects respond to an integrated understanding of current and future rail freight needs, and explicitly align the freight components of Regional Rail Revival projects with broader strategic and policy goals to increase the use of rail freight in Victoria	V/Line accepts this recommendation.  V/Line will continue to work with Department of Transport and Rail Projects Victoria to ensure the RRR program is developed and delivered in an integrated manner with current and future rail freight needs.	Ongoing

**RESPONSE provided by the Chief Executive Officer, V/Line—continued**

RECOMMENDATION	ACTION	DATE
<p>11. That V/Line and the Department of Transport ensure that, for any projects subject to Gateway review, nominated senior responsible officers are accountable for:</p> <ul style="list-style-type: none"> <li>providing timely internal advice on the implications of Gateway review process findings and any urgent or critical matters that have been identified</li> <li>informing themselves of the content and ratings of previous Gateway review process reports, any recommendations requiring action, and the status of any activities designed to resolve previous recommendations</li> </ul>	<p>V/Line accepts this recommendation.</p> <p>V/Line has reviewed its project Management Framework to align with Gateway stages for relevant projects.</p> <ul style="list-style-type: none"> <li>Any future projects subject to Gateway review will be monitored via the relevant Project Steering Committee, with reporting also made to an Enterprise Project Management Office Forum (EPMO). Urgent or critical matters will be reported by the relevant Senior Responsible Officer (SRO) to that Forum.</li> <li>The Project Management Framework will be updated to include advice to an SRO that on project handover, a request should be made to any prior SRO to release previous Gateway review reports.</li> </ul>	<p>Ongoing</p> <p>30 April 2020</p>
<p>12. That V/Line and the Department of Transport introduce and ensure that, for all major capital projects, there is compliance with project risk management processes that include:</p> <ul style="list-style-type: none"> <li>regularly updating project risks, risk assessments, and risk mitigations to ensure that they remain relevant</li> <li>a clear process to ensure project risks are escalated to appropriate levels/staff, including communication so that project staff are aware of this process</li> <li>maintaining agency project risk registers alongside the contractor's project risk registers and, where there are variances in</li> </ul>	<p>V/Line accepts this recommendation.</p> <p>V/Line will ensure the recommended project risk management processes are embedded into the revised Enterprise Risk Management Framework for all major capital projects.</p> <ul style="list-style-type: none"> <li>reviews of project risk registers, risk assessments and mitigations are being reflected in project risk registers</li> <li>reporting of key risks will be undertaken into Project Steering Committees and the EPMO Forum</li> <li>project risk registers are being kept separate from contractor register</li> </ul>	<p>Framework changes April 2020</p> <p>Ongoing monitoring of implementation will be undertaken over the coming 12 months.</p>

4

*RESPONSE provided by the Chief Executive, V/Line—continued*

RECOMMENDATION	ACTION	DATE
<p>a register, assessing these and identifying actions to address the differences</p> <ul style="list-style-type: none"> <li>regular monitoring and reporting project risk, and cost, time and scope tolerances. If it is apparent that these tolerances will not be met, the Department of Transport and V/Line should have a process to rectify this in a timely manner.</li> </ul>	<ul style="list-style-type: none"> <li>monitoring and escalation of risk, time, costs and scope changes are included as requirements under the Risk Management Framework, including actions to address risk.</li> </ul>	
<p>13. That V/Line and the Department of Transport introduce and ensure that, for all major capital projects, there is compliance with project change processes that cover:</p> <ul style="list-style-type: none"> <li>recording project changes and contract variations in fit-for-purpose registers to ensure any associated risk is addressed appropriately and that the impact on project scope, time, and cost is clearly identified and reported to governance committees</li> <li>a process for updating key project documents after an agreed change to reflect any additional resourcing required and any impacts on the project's outcomes and benefits.</li> </ul>	<p>V/Line accepts this recommendation.</p> <p>V/Line's Project Management Framework has been updated to:</p> <ul style="list-style-type: none"> <li>provide advice and processes on how projects identify and seek approval for project changes. This is to be undertaken via a Project Exception Report and includes details of the impacts to a project's elements including scope, budget, time, quality and benefits.</li> <li>include prompts for revisiting and amending any control documents to ensure the most relevant, updated and approved information is available.</li> </ul> <p>Change requests are to be made to the relevant Steering Committee for endorsement and the outcomes reported also to the EPMO Forum.</p>	<p>Framework changes April 2020</p> <p>Ongoing monitoring of implementation will be undertaken over the coming 12 months.</p>

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## Appendix B

### Status of regional rail freight upgrades

**Figure B1**  
Summary findings for reviewed regional rail freight upgrades

Project and Stage	Scope		Time		Cost		Benefits	
	Achieved	Variance	Complete	Variance	Achieved	Variance	Achieved	
MIBRP	Stage 1*	Yes	Nil	Yes	5 months late	Yes	None	Yes, if lines utilised by freight trains
	Stage 2*	Majority complete	Unfinished works at Ararat triangle	No	Approx. 3 years late	No	\$61.6 million (this includes funds reallocated from Stage 3)	Not fully. Line speed not improved as expected for ~30 per cent of journey. TAL marginally improved but not for the whole journey for most rail freight operators
	Stage 3*	Not yet started	Not yet assessable	Planned January 2018 start and June 2018 finish	Approx. 2 years late in starting. Completion date is unknown	Emergency works on Manangatang line \$23m	Not yet assessable	Some broad-gauge freight improvements due to Manangatang line repairs
	Stage 4a*	Not yet started	Not yet assessable	Planned July 2018 start and October 2018 finish	16 months late	TBC	Not yet assessable	Not yet assessable

Figure B1

Summary findings for reviewed regional rail freight upgrades—*continued*

Project and Stage		Scope		Time		Cost		Benefits	
		Achieved	Variance	Complete	Variance	Achieved	Variance	Achieved	
FPRSP	MBRP—previous Stage 5	Not yet started	Not yet assessable	No timelines released	Not yet assessable	Planning funds expended \$9.7m	Not yet assessable	Not yet assessable	
RRR	Gippsland**	Not yet started (procurement only)	Not yet assessable	TBC	Not yet assessable	Freight components not isolated from total program costs	Not assessable	Not yet assessable	Freight components discuss preserving existing paths and one future path
	Shepparton**	Not yet started (planning only)	Not yet assessable	TBC	Not yet assessable	Shepparton Freight Study Stage 2 has \$9m budget available, but these funds not yet allocated to infrastructure	Not assessable	Not yet assessable	Passing loop at Murchison East to be reconfigured by RRR to allow for use by full length freight trains
Warrnambool**		Construction underway	Not yet assessable	TBC	Not yet assessable	Freight components not isolated from total program costs	Not assessable	Not yet assessable	Freight components discuss new passing loop and preserving existing freight paths and one future path

Note: \*Against original approved scope/schedule/budget in 2015 business case. \*\*Freight component.

Source: VAGO, based on DoT, V/Line, PTV documents and publicly available information.



## Appendix C

# Project benefits evaluation framework

This project benefits evaluation framework describes a typical better practice model for assessing benefits and the benefit management process. It is derived from local and international better practice.

To determine whether a project is realising its expected benefits, the framework examines:

- the project objectives, outcomes, benefits and measures that were identified and refined throughout the project
- the quality and consistency of the benefit management process undertaken, including whether there was an outcomes and benefits realisation focus throughout the life of the project.

### Objectives

Are project objectives clearly specified?

### Outcomes

What is an outcome?

- A project outcome is a specific capability created, change made or result sought from the investment.
- Project outcomes should be clearly specified and linked to the project objectives. If project outcomes are achieved, then project objectives have been met.
- Project outcomes should be measurable.

### Benefits

What is a benefit?

- A benefit is a measurable improvement resulting from one of the specified project outcomes.
- Expected benefits should be clearly specified and linked to specific project outcomes.

### Measuring the quality of benefits

Does each expected benefit display the following seven attributes?

- Is the benefit evidence-based?
- Is there a beneficiary (for example society, group or individual)?
- Is there a gain?
- Is the benefit attributable?

- Is the benefit discernible (i.e. noticeable)?
- Is the benefit measurable by KPIs?
- Is the benefit aligned to broader agency or government strategic objectives?

#### KPI measures

What is a KPI?

- A KPI is a measure which demonstrates that an expected benefit has been, or is likely to be, delivered.
- KPIs should measure benefits that are directly attributable to the project investment.

#### Measuring the quality of KPIs

Does each KPI display the following four attributes?

- Is the KPI evidence-based?
- Is the KPI relevant? Is there a logical, consistent and direct relationship between the achievement of the KPIs and the achievement of the benefits?
- Is the KPI appropriate and being used appropriately? Does the KPI give sufficient information to assess the extent to which the project has achieved a predetermined target, goal or outcome? Have KPI baselines and target measures been established? The indicator should reference:
  - the trend in performance over time
  - the performance relative to the performance of similar agencies
  - the performance relative to predetermined benchmarks.
- Is the KPI providing fair representation? The KPI must represent consistently and without bias what it purports to indicate (i.e. be reliable) and be auditable.

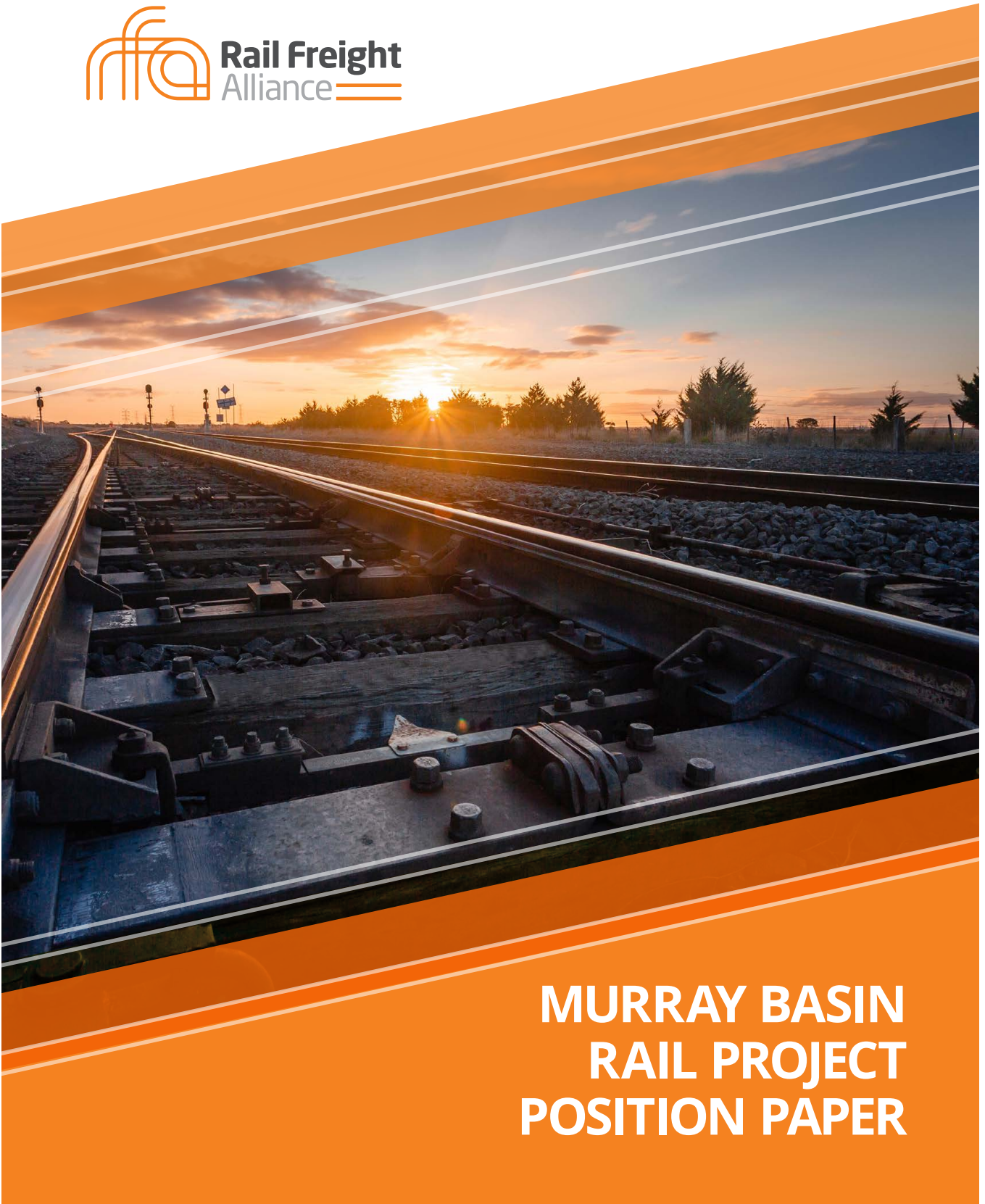
## Auditor-General's reports tabled during 2019–20

Report title	Date tabled
Managing Registered Sex Offenders (2019–20:1)	August 2019
Enrolment Processes at Technical and Further Education Institutes (2019–20:2)	September 2019
Cenitex: Meeting Customer Needs for ICT Shared Services (2019–20:3)	October 2019
Auditor-General's Report on the Annual Financial Report of the State of Victoria: 2018–19 (2019–20:4)	November 2019
Council Libraries (2019–20:5)	November 2019
Market-led Proposals (2019–20:6)	November 2019
Results of 2018–19 Audits: Local Government (2019–20:7)	November 2019
Sexual Harassment in the Victorian Public Service (2019–20:8)	November 2019
Follow up of Access to Public Dental Services in Victoria (2019–20:9)	November 2019
Follow up of Regulating Gambling and Liquor (2019–20:10)	November 2019
Managing Development Contributions (2019–20:11)	March 2020
Freight Outcomes from Regional Rail Upgrades (2019–20:12)	March 2020

All reports are available for download in PDF and HTML format on our website  
[www.audit.vic.gov.au](http://www.audit.vic.gov.au)

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# MURRAY BASIN RAIL PROJECT POSITION PAPER

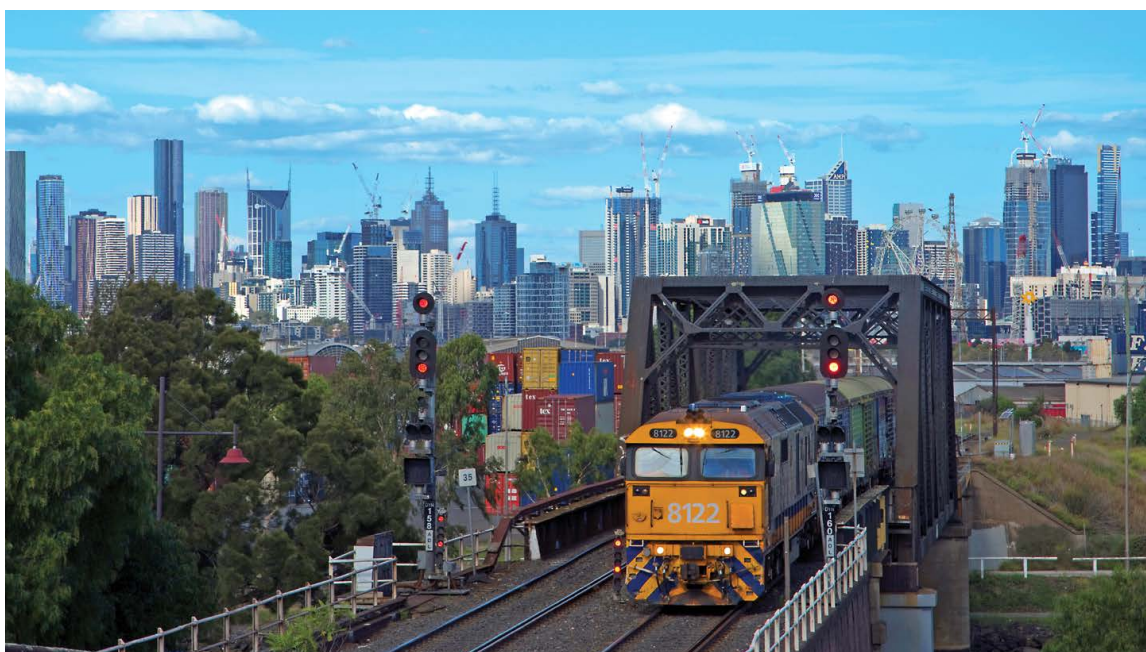


## MURRAY BASIN RAIL PROJECT

The Rail Freight Alliance (RFA) is focused on increased rail mode share, providing improved rail connectivity within Victoria (and into neighbouring states) and working to ensure increased investment in Victoria's rail freight system in the future to support the efficient movement of freight across Australia. The Rail Freight Alliance is made up of Victorian rural, and regional and metropolitan Local Government Councils. The Rail Freight Alliance represents the Local Government Sector in Victoria and adjoining States in freight logistics interests connecting Victoria nationally and internationally. The Alliance was first formed in 1997 due to growing frustration with the lack of rail connectivity both within Victoria and with the neighbouring States and the lack of investment in Victoria's antiquated 19th century rail freight system.

**The Alliance's mission is to advocate for:**

- Rail standardisation of all key rail lines in Victoria.
- Upgrading and connecting to a National Rail Freight Network.
- Competitive, Independent, and Open access rail freight system.
- Seamless freight logistics that will facilitate efficient rail freight movement.

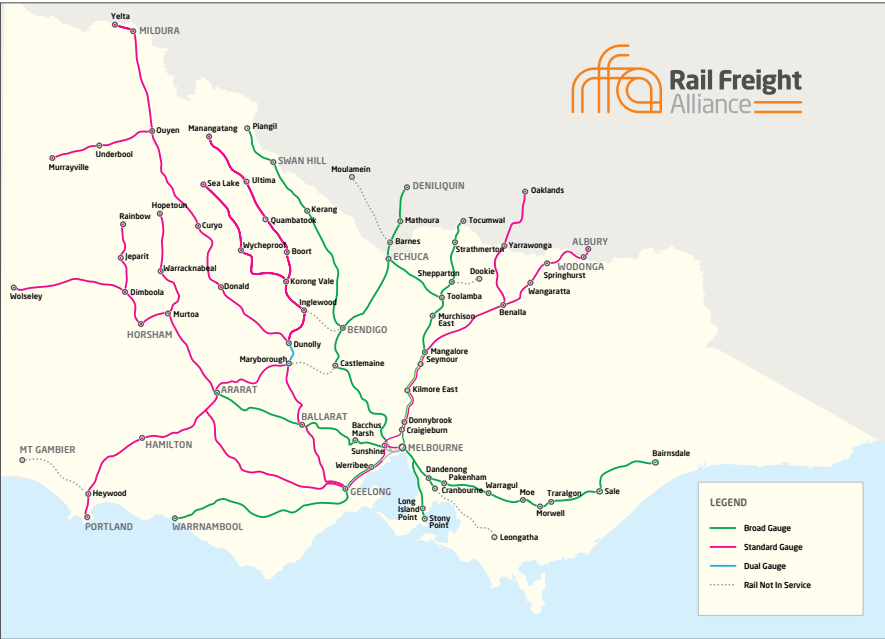




CURRENT VICTORIA RAIL NETWORK



RECOMMENDED COMPLETED MURRAY BASIN RAIL PROJECT



## MURRAY BASIN RAIL PROJECT

The Rail Freight Alliance (RFA) considers there are two clear objectives to ensure the success of the Murray Basin Rail Project (MBRP) and future freight movements in Victoria.

1. Ensure the completion of the Murray Basin Rail Project to deliver the Andrews Government's commitments.
2. Ensure the Victoria Rail Freight Network remain in State ownership and control.

### BACKGROUND

The Andrews' Government announced their commitment to the Murray Basin Rail Project and development of a fully costed and scoped business case to achieve 80 kph & 21 TAL across the Network on the 17th of February 2015.

#### The MBRP was to

- **standardise 1,130 kilometres of the Western Victorian Rail Network;**
- **increase speeds to 80 kph;**
- **increase Train Axle Loading (TAL) to 21 tonne;**
- **increase efficiency by 15%; and**
- **increase the volume of grain transported by up to 500,000 tonnes per annum.**

The initial key pillars of the MBRP were to drive economic growth, create jobs and provide a major boost to the transport industry, agricultural sector and regional communities.

The project was heralded as supporting freight mode shift from road to rail, removing around 20,000 truck trips from our roads to the ports annually and improving safety for Victorian communities.

The Victorian Government submitted their project to the Commonwealth Government in April 2016 and was granted \$220 million to fund 50% of the project.

The MBRP was to be completed by the end of 2018.

In February 2020, the Victorian Auditor General completed an investigation into the MBRP; a copy of the report can be accessed here:

[www.audit.vic.gov.au/report/freight-outcomes-regional-rail-upgrades](http://www.audit.vic.gov.au/report/freight-outcomes-regional-rail-upgrades)

**In February 2021 the Federal Government committed a further \$195.2 million and offered \$5 million for planning for full standardisation (to be matched by Victoria). The Victorian contribution to the project is \$48.8 million. Works Identified:**

- **Re-rail Maryborough to Ararat**
- **Reinstate sidings removed during Stage 2**
- **Sleeper maintenance within the MBRP catchment**
- **Replace select passing loops removed some years ago**

In March 2021 Minister Allan stated that any further works on this project will be a matter for another government.



## PROJECT

### MBRP STAGES

- Stage 1** Sleeper replacement on the Hopeton and Mildura Lines (Complete).
- Stage 2** Standardise the Mildura to Dunolly & Murrayville to Ouyen Lines, including upgrade works. Recommission the Maryborough to Ararat Line (Incomplete).
- Stage 3** Dual Gauge the Maryborough to Ballarat Line (Not commenced).
- Stage 4** Standardise the Ballarat to Geelong Line (Not commenced).
- Stage 5** Standardise the Sea Lake & Manangatang Lines (Not commenced).

### CURRENT STATUS

- Stage 2 of the project is incomplete with 21 TAL and 80 kph capability not achieved..
- Freight Trains from Merbein are travelling an additional 130 km via Ararat to get to Geelong/Melbourne.
- In June 2019, Minister Allan announced that the MBRP was out of funds and that she would negotiate further funding with the Federal Government.
- As part of these negotiations, it is rumoured that the standard gauge freight network in Victoria could be leased to the Federal Government.
- Some sections of Stage 2 line upgrade only allow trains to run at 25 kph and 40 kph.
- Ararat to Maryborough have been re-railled with substandard track from the 1900s, resulting in track speed and 21 TAL not able to be achieved.

### TRAVEL TIMES

Location	Trucks	Pre MBRP-Trains	Current Trains
<b>Manangatang to Geelong and on to Melbourne</b>	6 Hours and 30 minutes	10 Hours	15 Hours
<b>Sea Lake to Geelong and on to Melbourne</b>	5 hours and 50 minutes	9 Hours and 30 minutes	12 Hours and 30 minutes
<b>Merbein (near Mildura) to Geelong</b>	7 Hours and 30 minutes	11 hours and 10 minutes	15 Hours
<b>Merbein to Appleton Dock (Port of Melbourne)</b>	8 Hours and 30 minutes	12 Hours and 30 minutes	16 Hours and 30 minutes

### CONTRIBUTING FACTORS TO TRAIN TRAVEL TIMES

- Travel times on the Manangatang Line can vary greatly due to two freight operators and the lack of passing loops and staging areas.
- Many Temporary Speed Restrictions (TSR), some sections as slow as 10 kph, are in place on several lines, severely impacting on travel times.
- Crewing a freight train is now becoming increasingly difficult as a crew can “time out” due to line speed and lack of passing loops and staging.

## SOLUTION

### WHAT IS NEEDED TO FIX THE MBRP

- Complete the MBRP as per the Andrews' Government commitments (by necessity this will include some remediation of completed works).
- Standardise the Maryborough to Ballarat Line (Stage 3) and run a dedicated standardised passenger service.
- Reinstate stabling areas.
- Reinstate crossing loops.
- Upgrade the Maroona to Portland Line to 23 TAL.
- Install a 1,300m crossing loop between Maryborough to Ararat to allow longer trains to cross.
- Dual Gauge and standardise small sections of track near the Ballarat Station.

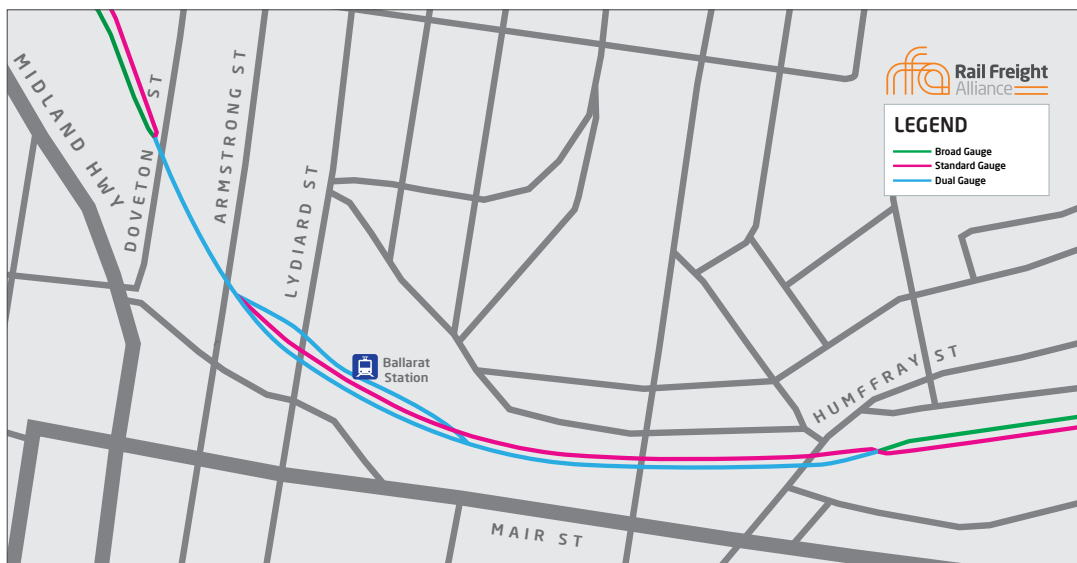
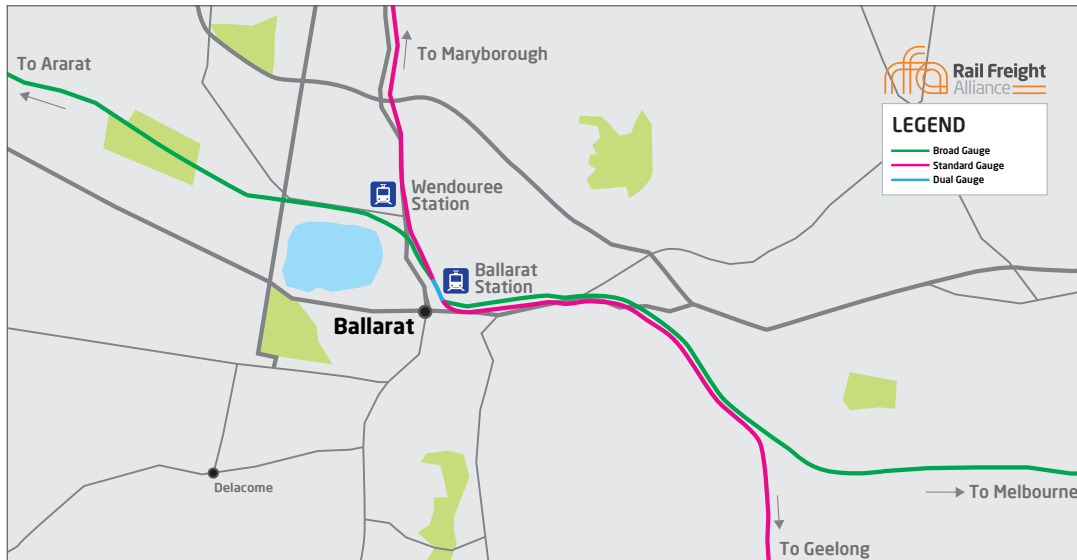
### MAROONA TO PORTLAND

The Maroona to Portland section of line, whilst not part of the MBRP, is a crucial component of the Victorian Rail Freight Network linking Portland as a critical deep-sea Port in Victoria.

The Port of Portland is now able to connect to part of the MBRP, however is not efficiently supported with its current 19 TAL.

*To achieve the original project outcomes, some parts of the completed works will need to be remedied.*

## ACCESS THROUGH BALLARAT



Convert the Broad-Gauge line to standard gauge from Armstrong Street through the centre of the Ballarat Station through to Gheringhap.

- Dual Gauge the sections of line, servicing the two platforms, from Doveton Street to Humphrey Street.
- Modify platforms at the Ballarat Station to service Standard and Broad-Gauge trains.

## WHAT WILL NOT FIX THE MBRP

### DUAL GAUGING STAGE 3 MARYBOROUGH TO BALLARAT

- Dual gauging is a substandard result for both freight and passenger rail, as speeds will be reduced to less than 80 kph.
- Dual gauging is more expensive to build and maintain.

### LEAVING SOME STAGES AS BROAD GAUGE

Sections not standardised will create locations isolated within the catchment.

The current broad-gauge rolling stock is aging, and operators are reluctant to upgrade in a smaller market. The result is freight moving from rail to road and users of this system paying a premium for a lessor service.

### AUSTRALIAN RAIL TRACK CORPORATION (ARTC) LEASING THE MBRP NETWORK

The RFA believes that the Victorian Government must retain ownership and control of the State Rail Freight Network. State ownership will ensure the Victorian Government will be able to effectively, efficiently and responsively manage its freight task.

*The RFA believes that the ARTC play an important role on interstate lines, however rail lines within Victoria must remain in State ownership. Rail Freight will play a greater role as Victoria's freight task continues to grow and will be a vital part of an integrated Victorian Freight Network.*

### ISSUES

Currently the MBRP project has decreased freight capacity from this region. Our RFA Industry forum continually informs us more of the freight task is being delivered by road and that freight costs from the region are increasing due to the current state of the MBRP.

The Federal Government commitment of a further \$195.2 million to undertake works requested by the Victorian Government (to remedy earlier works undertaken at the start of this project) will only improve transit times from Mildura to Melbourne by 30 minutes. The RFA is confident these funds would be better utilised completing the original objectives of the project.

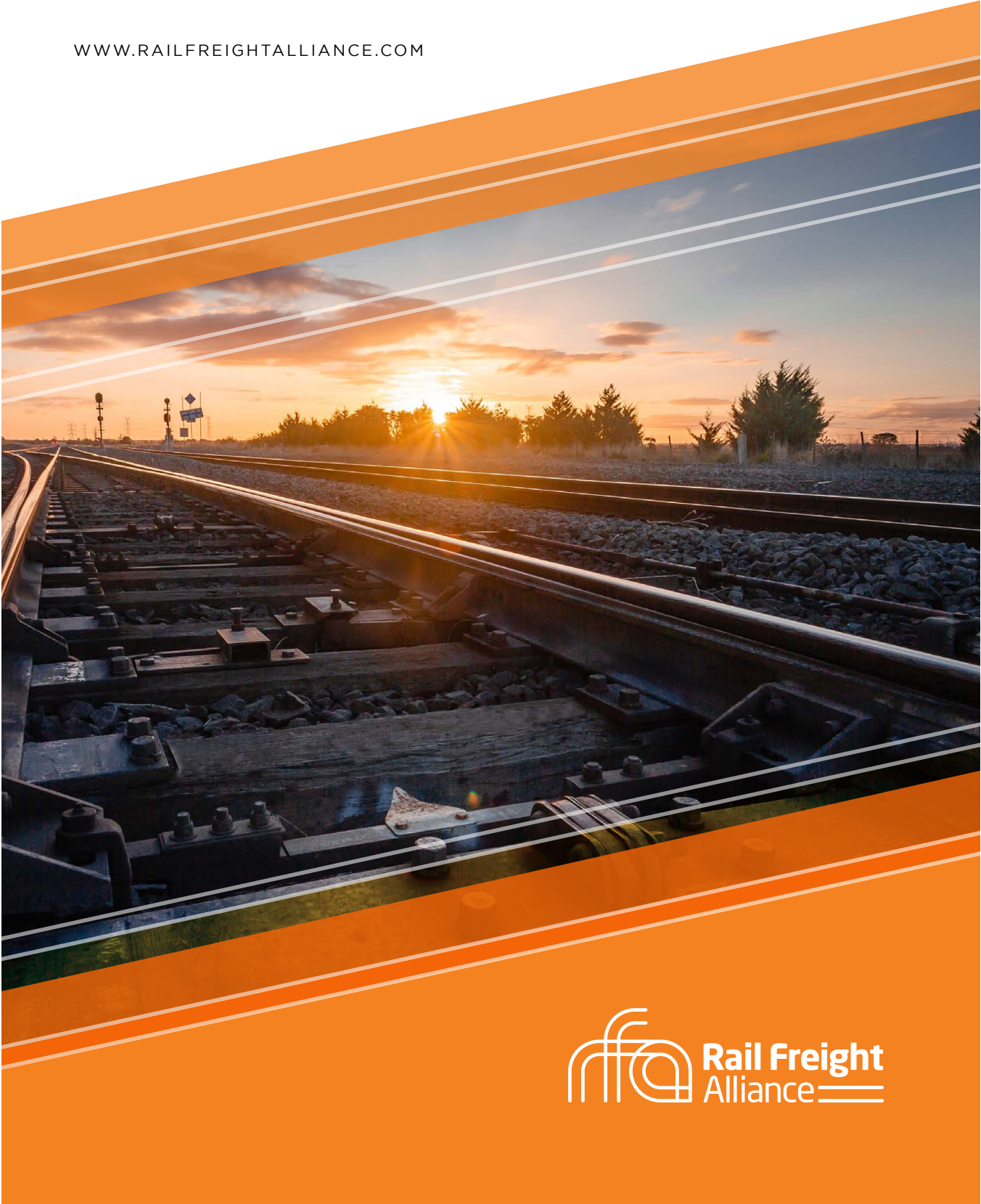
### RECOMMENDATIONS

- Upgrade all sections of line to achieve speeds of 80 kph and 21 TAL.
- Standardise the Maryborough to Ballarat Line.
- Convert sections of the line within the Ballarat Precinct to dual gauge.
- Standardise the Sea Lake & Manangatang lines.
- Standardise the Ballarat to Geelong line.
- Upgrade the Maroona to Portland line.





WWW.RAILFREIGHTALLIANCE.COM



## **5.2 Business Excellence**

### **5.2.1 Rate Waivers**

Authorised by      General Manager Business Excellence

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#### **Conflict of Interest**

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

#### **Executive Summary**

This report recognises the ongoing impact on property owners affected by the Black Summer 2019/20 bushfires that have yet to rebuild, and is proposing to extend the rate waivers to those eligible properties that have yet to be fully rebuilt for a further period of two financial years being FY2022/23 and FY 2023/2024.

It is estimated that the financial impact of an extended rate waiver will total approximately \$180,000, distributed as \$100,000 in FY2022/23 and \$80,000 in FY2023/24.

#### **Officer Recommendation**

##### ***That Council:***

- 1. receives and notes this report;***
- 2. resolves in accordance with Section 171 (1)(b) of the Local Government Act 1989 to waive total rates and charges levied for the 2022/2023 financial year for all properties where the main dwelling(s) has been destroyed or assessed as requiring demolition as a result of the Black Summer 2019/2020 bushfires and the property has not been sold since 1 January 2020 or the main dwelling has not been rebuilt on the property, until the date of a certificate of occupancy is issued for any rebuilt dwelling or the settlement date for any of these properties that are sold or transferred into new ownership;***
- 3. resolves in accordance with Section 171 (1)(b) of the Local Government Act 1989 to waive total rates and charges levied for the 2023/2024 financial year for all properties where the main dwelling(s) has been destroyed or assessed as requiring demolition as a result of the Black Summer 2019/2020 bushfires and the property has not been sold since 1 January 2020 or the main dwelling has not been rebuilt on the property, until the date of a certificate of occupancy is issued for any rebuilt dwelling or the settlement date for any of these properties that are sold or transferred into new ownership; and***
- 4. resolves in accordance with Section 171 (2) of the Local Government Act 1989 that the purpose of a rates and charges waiver under Section 171 (1) (b) as detailed in resolutions 2 and 3 is to provide direct financial assistance to ratepayers who have suffered loss of the main dwelling(s) as a result of the Black Summer 2019/2020 bushfires in East Gippsland.***



## Background

On 27 January 2020 the Premier of Victoria announced a Council Assistance Fund (the Fund) of \$10 million.

Victorian Councils that had been impacted by the Black Summer 2019/20 bushfires were required to submit an application for a share of the Fund.

The funding was to be applied to people who had damaged or destroyed property and businesses, and/or to assist tourism, economic development and property owners and businesses indirectly affected by the recent fires.

At a Council Meeting held on 17 March 2020, Council resolved to submit an application for funding from the Council Assistance Fund to the value of \$3,620,000 and further resolved on the manner in which the funding would be allocated.

The proposed allocation identified that \$1,082,000 be allocated over three years for rate waivers for fire-impacted properties where the main dwelling(s) has been destroyed or significantly damaged. A further amount of \$475,000 was identified as supporting the loss of Council's rate base for a three-year period. Services for bushfire fencing collection of \$63,000 to address illegal dumping of the material and a rate rebate proportionally allocated to commercial/industrial classed properties of \$1,000,000 for the 2019/20 rating period and a further \$1,000,000 for the 2020/21 rating period.

The minutes of the Council meeting of 17 March 2020, Item 5.2.2 Council Assistance Fund Allocation reflects the following Council resolution:

*That Council:*

1. *Approve the application of the Council Assistance Fund of \$3,620,000 in accordance with Appendix 1;*
2. *Resolves in accordance with Section 171 (1)(b) of the Local Government Act 1989 to waive rates and charges levied for the 2019/2020 financial year for all properties where the main dwelling(s) has been destroyed or assessed as requiring demolition as a result of the 2019/2020 bushfires;*
3. *Resolves in accordance with Section 171 (1)(b) of the Local Government Act 1989 to waive rates and charges levied for the 2020/2021 financial year for all properties where the main dwelling(s) has been destroyed or assessed as requiring demolition as a result of the 2019/2020 bushfires until the date of a certificate of occupancy is issued for any rebuilt dwelling or the settlement date for any of these properties that are sold or transferred into new ownership;*
4. *Resolves in accordance with Section 171 (1)(b) of the Local Government Act 1989 to waive rates and charges levied for the 2021/2022 financial year for all properties where the main dwelling(s) has been destroyed or assessed as requiring demolition as a result of the 2019/2020 bushfires until the date of a certificate of occupancy is issued for any rebuilt dwelling or the settlement date for any of these properties that are sold or transferred into new ownership;*

5. *Resolves in accordance with Section 171 (2) of the Local Government Act 1989 that the purpose of a rates and charges waiver under Section 171 (1) (b) as detailed in resolutions 2, 3 and 4 is to provide direct financial assistance to ratepayers who have suffered loss of the main dwelling(s) as a result of the 2019/2020 bushfires in East Gippsland;*
6. *Resolves to provide a rate rebate for the 2019/2020 financial year totalling \$1,000,000 to property assessments classified in Council's rating system as commercial/industrial at 31 March 2020, excluding any telecommunication, gas and electricity infrastructure and utilities and vacant land, on a proportional basis, based on the applicable 2019/2020 commercial/industrial general rates raised after the processing of supplementary valuation adjustments that resulted from the 2019/2020 bushfires, excluding any municipal or waste charge; and*
7. *Resolves to provide a rate rebate for the 2020/2021 financial year totalling \$1,000,000 to property assessments classified in Council's rating system as commercial/industrial at 1 July 2020, excluding any telecommunication, gas and electricity infrastructure and utilities and vacant land, on a proportional basis, based on the applicable 2020/2021 commercial/industrial general rates generated effective at 1 July 2020, excluding any municipal or waste charge.*

It is estimated that at the time of writing this report there are approximately 150 properties where the main dwelling(s) had been destroyed or assessed as requiring demolition as a result of the Black Summer 2019/2020 bushfires, that have yet to be fully rebuilt or have been sold. Officers will have a more accurate view of the number of properties once supplementary rates have been processed later this year.

Property owners in deciding to rebuild have also had to contend with (amongst other things), delays in obtaining a builder/s, issues in obtaining materials and supplies to build to a high safety standard and the added layer of complexity that the pandemic and lockdowns brought with it.

This report recognises the ongoing impact on these property owners and the report is proposing to extend the rate waivers to those eligible properties that have yet to be fully rebuilt for a further period of two financial years being FY2022/23 and FY 2023/2024.

It is estimated that the financial impact will total approximately \$180,000, distributed as \$100,000 in FY2022/23 and \$80,000 in FY2023/24.

## **Legislation**

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

Section 171 of the *Local Government Act 1989* prescribes the requirements for Council to provide a rate waiver.

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*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the Gender Equality Act. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

### **Collaborative procurement**

There are no aspects of this report that require entering into a procurement agreement and therefore external collaboration has not been required.

### **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.

### **Resourcing**

#### *Financial*

The total financial impact for rate waivers as described in this report is estimated at \$100,000 for Financial Year 2022/23 and \$80,000 for Financial Year 2023/24 with funding to be sourced from bushfire recovery.

#### *Plant and equipment*

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

#### *Human Resources*

There are no human resources requirements associated with this report.

#### *Risk*

The risks of this proposal have been considered and there is no risk.

### **Economic**

The economic benefits will be felt by those people who had property destroyed in the Black Summer bushfires but have been unable to rebuild to this point.

### **Social**

There are no social implications associated with this report.

#### *Gender Impact Statement*

This report has considered the *Gender Equality Act 2020* in its preparation but is not relevant to its content.

## **Environmental**

### *Climate change*

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

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

## **Attachments**

Nil

## 5.3 Place and Community

### 5.3.1 Youth Ambassador 2022-2023 Action Plan and Terms of Reference Review

Authorised by General Manager Place and Community

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#### Conflict of Interest

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

#### Executive Summary

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 **Attachment 3** to this report is confidential because it contains personal information that would if released result in the unreasonable disclosure of information about personal affairs.

The East Gippsland Youth Ambassadors are a group of young people aged between 12 – 25, living, working or studying in East Gippsland who are committed to creating positive change in their community. The program provides a platform for young people to discuss issues, create and lead projects for young people and assist the established Council through meaningful engagement to have input into development and review of community plans and strategies.

The Youth Ambassador Committee for 2022 have developed a Youth Ambassadors 2022-2023 Action Plan which includes priority areas of Mental Health, Connecting to Culture and Advocacy along with related actions that they have identified as beneficial to driving positive change.

The Youth Ambassador Committee has also reviewed and updated the Youth Ambassadors Terms of Reference (ToR) to align with the 2022-2023 Action Plan along with key updates to role descriptions and opportunities for councillor meeting engagement, including the opportunity for two Councillors to be appointed as representatives to liaise with the Youth Ambassadors. The Youth Ambassadors ToR has not been formally reviewed since 2018.

The updates to role descriptions include adjustments to media focused roles to align with Council Communications Guidelines and Policy, to reflect communication pathways as well as combining minor roles with minimum responsibilities to suitable existing roles.

The Youth Ambassadors and Council officers are seeking Council endorsement of the Youth Ambassadors 2022 – 2023 Action Plan and the revised Youth Ambassadors ToR.

## **Officer Recommendation**

### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. endorses Youth Ambassadors 2022 – 2023 Action Plan (Attachment 1);***
- 3. endorses Youth Ambassadors Terms of Reference (Attachment 2);***
- 4. appoints the Mayor as ex-officio and the following Councillor as Council's representative to the Youth Ambassadors:***
  - a. Mayor***
  - b. ....***
- 5. resolves that Attachment 3 remains confidential; and***
- 6. delegates authority to the Chief Executive Officer to release relevant, non-confidential information to the public.***

## **Background**

The East Gippsland Youth Ambassador Program was established by Council in 2014. The objectives of the program including generating a platform for young people to discuss issues, create and lead projects for young people, have meaningful engagement with the established Council and have input into the review and development of community plans and strategies that may impact the lives of young people.

The Youth Ambassadors are aged between 12 – 25 years living, studying or working across East Gippsland who are committed and passionate about creating positive change in the community. The Youth Ambassador program provides a unique opportunity for young people to influence, lead change and to assist Council in understanding the needs of young people.

An aspect of the mission of Youth Ambassadors is to ensure young people are engaged and feel valued as citizens in the community. Youth Ambassadors participate in free training and development opportunities, community consultations and events as well as develop and implement their own action plan with goals and ambitions they work towards achieving each year. The Youth Ambassador program is funded by Council and supported by the Youth Engagement Project Officer and Community Programs Team.

Youth Ambassador recruitment for 2022 commenced in October 2021 and concluded in November 2021. The Youth Ambassador Committee for 2022 is diverse and representative of young people living in East Gippsland. The committee includes young people living across the shire, with varied backgrounds, including LGBTQIA+, disability and culturally diverse young people.

Youth Ambassadors are appointed through an application and interview process that occurs annually, however, remains accessible throughout the year if the committee is not at the maximum capacity of 15.

In December 2021, the Youth Ambassadors joined Wellington Youth Council for a combined two-day Leadership Camp at Coonawarra. This camp facilitated team building between existing Youth Ambassadors that began their term in March 2021 and the new group of Youth Ambassadors. The camp also strengthened the connection between the Wellington Youth Council and East Gippsland Youth Ambassadors. The activities and workshops of the camp were structured around the development of the Youth Ambassadors 2022 – 2023 Action Plan.

The Youth Ambassadors 2022 – 2023 Action Plan includes objectives, values, priorities and proposed actions (**refer to Attachment 1**). The priority areas were chosen with the aim of being representative and relevant to young people across East Gippsland. The Youth Ambassadors are interested and passionate about working towards positive change in these domains.

The priority areas are:

- **Mental Health** of young people;
- Young people **Connecting to Culture**; and
- **Advocacy** for issues affecting young people.

Another key element of the leadership camp included reviewing and updating the Youth Ambassadors ToR (**refer to Attachment 2**), which was previously updated in 2018. Updates include the mission statement, role descriptions and values to reflect the Action Plan. Language has been revised to reflect less rigid approach while still maintaining a structural foundation for operational matters of the group.

Justification for the suggested changes of the role descriptions outlined in the ToR include, updating media focused roles to align with the Social Media and Media Relations Policy and to reflect communication channels. Additional justification included merging roles with minor responsibilities with similar substantial roles and the inclusion of an option for the Youth Ambassador Committee to decide on two Co-chairpersons, rather than a Chairperson and Deputy Chairperson.

The first Youth Ambassador meeting of 2022 was held in early February, where these changes were reviewed again, to allow for suggestions and feedback from those not in attendance at the camp.

The updates to the ToR in combination with the Youth Ambassadors 2022 – 2023 Action Plan were confirmed by the Youth Ambassadors at the following meeting on 02 March 2022. Names of Youth Ambassadors can be found in **Attachment 3 (confidential)**.

## Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* 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*.

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 **Attachment 3** to this report is confidential because it contains personal information that would if released result in the unreasonable disclosure of information about personal affairs.

Disclosure of identity in breach of *Child Safety Act*, Child Safe Standards and low numbers reduced anonymity in identifying demographics.

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*.

In preparing this report the *Victorian Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act*. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

## **Council Plan**

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

### Strategic Objective 1:

- 1.1 Council strives to provide equitable access to their services, support and facilities.
- 1.3 Community groups and volunteers are acknowledged, promoted and supported.
- 1.4 Through targeted services, partnerships and advocacy, communities enjoy strong mental and physical health, well-being and resilience.
- 1.5 Strong working relationships are further developed with Aboriginal people and organisations.

### Strategic Objective 5:

- 5.1 A better everyday customer experience is created for our residents and visitors.
- 5.2 Strong relationships with government, partners and stakeholders are maintained and strengthened to advocate for the community.
- 5.3 Communities are engaged in decision-making and support is provided to develop local solutions to local issues.

## **Council Policy**

Social Media and Media Relations Policy

Community Engagement Policy

Child Safe Standards

## **Options**

### **Option 1. (preferred)**

That Council:

Endorses Youth Ambassadors 2022 – 2023 Action Plan as presented.

Endorses Youth Ambassadors ToR as presented.

This is the preferred option as it aligns with objectives of Youth Ambassadors as prescribed by Council.

### **Option 2.**

**That Council:**

Endorses Youth Ambassadors 2022 – 2023 Action Plan with amendments.

Endorses Youth Ambassadors ToR with amendments.



### **Option 3.**

#### **That Council:**

Does not endorse Youth Ambassadors 2022 – 2023 Action Plan.

Does not endorse Youth Ambassadors ToR.

This option would create significant risk to the young people who have made commitment to the Youth Ambassador Program 2022 as volunteers, their confidence in the process in place to ensure they lead Youth Ambassador program action and development.

#### **Resourcing**

##### *Financial*

No additional impact. Program within current budget allocation.

##### *Plant and equipment*

None

##### *Human Resources*

No additional impact. Program within current budget allocation. Youth Engagement Project Officer facilitates program within current PD responsibilities. Support through Community Programs team as required.

##### *Risk*

The risks of this proposal have been considered and carry minimal risk if endorsed as presented.

#### **Economic**

No specific implications.

#### **Social**

The Youth Ambassador program provides a unique opportunity for young people to influence, lead change and to assist Council in understanding the needs of young people.

An aspect of the mission of Youth Ambassadors is to ensure young people are engaged and feel valued as citizens in the community. Youth Ambassadors participate in free training and development opportunities, community consultations and events as well as develop and implement their own action plan with goals and ambitions they work towards achieving each year.

This program supports Council to deliver on its commitment to resource and support youth engagement, capacity building and leadership that empowers young East Gippslanders to positively participate in community life.

Having a clear and defined Action Plan allows for collaborative planning, delivery and evaluation of Youth Ambassador Program.

## *Gender Impact Statement*

The Youth Ambassador Program has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian Gender Equality Act 2020.

### **Environmental**

No specific implications

#### *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**

Youth Ambassador recruitment undertaken in October 2021. Leadership camp undertaken in December 2021 with Wellington Youth Council representatives. Subsequent engagement through scheduled meetings, email, text, Youth Voice of East Gippsland social media and Youth Ambassadors MS Teams Channel.

### **Attachments**

1. Youth Ambassadors 2022 2023 Action Plan [**5.3.1.1** - 6 pages]
2. Youth Ambassador Terms of Reference 2022 [**5.3.1.2** - 14 pages]
3. CONFIDENTIAL - Names of Youth Ambassadors [**5.3.1.3** - 1 page]

# Youth Ambassadors 2022-2023 Action Plan

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## What we want to achieve as Youth Ambassadors 2022-2023

More recognition for youth, their achievements and contribution to community
Raise YA profile in community
Build YA representative opportunities
Deliver more consistent events /main event
Create youth friendly and welcoming communities
Take action against violence
Contribute to better youth mental health outcomes
Hear other young people's ideas across East Gippsland
Create positive change

## What are our values

Respect
Empowerment
Acceptance
Inclusion
Reliability
Meaningful Collaboration
Unity

East Gippsland Shire Council

## Youth Ambassadors

*Action Plan 2022-2023*



What are our priorities

Priority	<b>Mental Health</b> of young people	Young people <b>Connecting to Culture</b>	<b>Advocacy</b> for issues affecting young people
Guiding our action	People centered	Accessible and inclusive	Safe spaces and environments
	Relevant and local	Culturally appropriate	Community planning and benefit
	Support services pathways	LGBTIQ+ young people and allies	Improved Services
	Create understanding and awareness	First Nations and population minorities	Meaningful strategic planning engagement
	Existing resources	Respect and acknowledgement of existing practices	Privilege and equity
Desired Outcomes	Removing the stigma	Increased knowledge and connection	Increased awareness and connection to support service in place
	Build capacity to respond	Improved Inclusion practices	Increased advocacy skills and ability
	Increased awareness	Increased community participation	Increased equality
	Increase emotional resilience of young people	Increased acceptance	Influence positive change
			Young people's priorities to be included in strategic and community plans and strategies

East Gippsland Shire Council

## Youth Ambassadors

*Action Plan 2022-2023*

Actions/how/what	How are you really? campaign 1. R U OK social media YA campaign check in/mental health Monday – fun fact Friday Social Media	Ensuring events and activities are culturally appropriate, welcoming and inclusive 1. Design and include YA acknowledgement for all activities and meetings and Imbed into practice 2. Include First Nations welcome and ceremony at major events 3. Opportunities to engage in Awareness raising Days – NAIDOC week, closing the gap, social inclusion week, IDAHOBIT Day	Affordable and accessible services 1. Engage and participate in Council strategic planning opportunities /networks and forums ie MHWP, programs and Infrastructure projects 2. Promote relevant service information and pathway opportunities on social Media
	Skill building of young people to deal with struggles 1. Mental Health week – information and training	Making sure there is opportunity to acknowledge and include other cultures 1. Engage and participate in existing events and contribute to networks and activities	Contributing to community planning 1. Individual YA engage and participate in their community planning opportunities
	Education for parents and carers 1. create a video series to support understanding and different points of view around Issues affecting young people in East Gippsland (LGBTIQ, mental health, isolation, discrimination) 2. Information and services awareness	Building capacity through education and leadership 1. Undertake discrimination and inclusion training 2. Undertake How to be a good ally training 3. Undertake Cultural awareness training	Building capacity to be a good advocate - Positive advocacy 1. Undertake Advocacy training 2. Undertake advocacy Action training

East Gippsland Shire Council

## Youth Ambassadors

*Action Plan 2022-2023*

	Youth engagement forum 1. Sharing and collaboration – Key theme and develop collective understanding and action (online)	Normalizing use of pronouns 1. Always include Pronouns in introduction and presentations 2. Positive language 4. Community Activity with to HEY/ badge making for flag raising – IDAHOBIT Day	Increase Equality 1. Undertake PD Capacity building and confidence learning to call it out 2. Positive Role modelling, advertising and marketing 3. Celebrate and promote good practice 4. Engage and contribute to local campaigns -16 Days, IDPWD,
	Skill building for response 1. Localized bullying campaign story telling around lived experience, support pathways and navigating to success out of the bullying cycle 2. Consent, skill building	Develop strong positive Youth culture – 1. Create and promote social opportunities – FReeZA, All ages Tour, Colour Fest, Youth week 2. Maintain consistence positive Social media presence/ FB and Instagram 3. Cross promotion and collaboration of youth activities, programs and events	Create pathways to hear the voices of other young people 1. Stall at community markets 2. Online engagement /survey, google forum 3. Support systems thinking forums
	Social connection 1. Community events and activities building community participation	Working with other youth networks 1. Link with Koorie Youth Council /local YFN representative youth groups for understanding and build relationships 2. Link with other Youth advisory and support groups – ORH youth group, sanctuary, HEY, YAG	

East Gippsland Shire Council

## Youth Ambassadors

*Action Plan 2022-2023*


External partners	Headspace /relationship Australia Victoria	GLaWAC	YDAS
	Youth Advisory Group	GEGAC	YACVIC
	Schools	Moogji	
	Omeo District Health – Youth Hangout	Together East Gippsland	
	Mallacoota Youth Sanctuary	Multicultural Centre for youth	
		GippSport	
		Health Services	
		Minus 18	
		HEY – Gippsland Lakes Complete Health	
Internal partners	Communications		
	Social and Strategic planning teams		
	Community programs team		
	Health and wellbeing team		
	VicHealth Local Government partnership project		
	Disability Advisory Committee		
	Aged Ambassadors		

East Gippsland Shire Council

## Youth Ambassadors

*Action Plan 2022-2023*



## **Regional Strategic Alignment**

### **Victorian Youth Strategy**

The Victorian Government is in the process of finalizing the development of state-wide youth strategy to better meet the needs of young Victorians.

### **VicHealth Local Government Partnership Project**

East Gippsland Shire Council has partnered with VicHealth on a three-year project to strengthen the creation of a community where children and young people are able to grow up active, healthy and socially connected.

East Gippsland will use a place-based approach to build on the strengths and networks present in communities, with the aim of enabling children and young people to have a seat at the decision-making table to lead the planning and design of healthier communities.

The VicHealth partnership will build Council's capacity to work closely with local children and young people to understand, identify and prioritise actions that will drive change to generate improved system outcomes in areas they identify, as well as food systems, physical activity and social connection.

## **Local Strategic Alignment**

### **East Gippsland Shire Council Plan 2021 – 2025**

Strategy 1.3 – Community groups and volunteers are acknowledged, promoted and supported

Strategy 1.4 - Through targeted services, partnerships and advocacy, communities enjoy strong mental and physical health, well-being and resilience

Strategy 1.5 – Strong working relationships are further developed with Aboriginal people and organisations

Strategy 5.1 - A better everyday customer experience is created for our residents and visitors.

Strategy 5.2 - Strong relationships with government, partners and stakeholders are maintained and strengthened to advocate for the community.

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

### **Well Placed for Wellbeing 2021 – 2025**

Able to participate

Connected to culture and community

Safe and secure

East Gippsland Shire Council

## **Youth Ambassadors**

*Action Plan 2022-2023*





EAST GIPPSLAND SHIRE COUNCIL

# **YOUTH AMBASSADORS**

EAST GIPPSLAND SHIRE COUNCIL  
**YOUTH  
AMBASSADORS**

## **Terms of Reference**

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East Gippsland Shire Council

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## APPENDIX

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**Mission Statement**

***'The East Gippsland Youth Ambassadors are instigators driving positive change for young people in East Gippsland and will ensure that young people are engaged, feel empowered and valued citizens in our community'.***

**Values**

Honesty, Respect, Meaningful Collaboration, Inclusion, Acceptance, Unity & Reliability

**Role of Youth Ambassadors**

The East Gippsland Youth Ambassadors are a group of young people ranging in age from 12 to 25. As Youth Ambassadors, young people have the opportunity to build meaningful engagement between young people and the Council to ensure young people are consulted and have a say about the future of their community. This group is representative of the diversity of the region, including those from different geographical regions, cultural backgrounds and skills.

The East Gippsland Youth Ambassadors is an advisory committee whose role is to represent the voice of young people aged 12 to 25 who live, work, study or socialise in the East Gippsland Shire. East Gippsland Youth Ambassadors is also a Youth Engagement program under Council's Youth Plan. The aim of this program with regards to youth development is to increase the capacity of young people to be engaged in their community and participate in decision making.

**Objectives**

The Youth Ambassador Committee members will:

- Assist Council with identification of issues affecting young people and provide advice on possible solutions
- Develop their leadership potential and fulfil leadership positions in the community
- Identify topics that are important to young people, and deliver related projects
- Ensure that the views of young people are heard when decisions are made
- Establish networks with other youth groups in East Gippsland
- Encourage young people to take an active interest in local affairs and events
- Promote positive images of young people in the community and recognition of the contribution young people make to community life

**Responsibilities**

The Youth Ambassadors Committee is responsible for:

- Coordinating, planning and implementing community activities and events, including Victorian Youth Week
- Identifying and initiating opportunities for participation and involvement of young people in community activities
- Promoting positive images of young people and their achievements in the community

East Gippsland Shire Council

# Youth Ambassadors

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### **Membership**

The Youth Ambassadors will be open to young people aged between 12 and 25 years who live, work or study in the East Gippsland Shire.

Members of the Youth Ambassadors volunteer their services as a member. However, Youth Ambassadors may receive transport assistance to and from the meetings, or other assistance that supports them in completing their role as committee members.

### **Appointments to the Youth Ambassadors and Election of Governance Positions**

Interested young people between the ages of 12 and 25 years must complete an application form and sit an interview. Applicants are selected according to selection criteria.

The Youth Ambassadors elect a Chair and Deputy Chair, or Co-chairs using a silent ballot.

The Youth Ambassadors first seeks nominations for each position. Nominees for each position are asked to address the Youth Ambassadors explaining why he/she would be able to adequately perform this role. A silent ballot is then facilitated by East Gippsland Shire Council Youth Services staff should multiple members request the same position or a shared role for the elected period by consensus.

### **Term of Office**

Each Youth Ambassador term will be for a period of 1 year, unless decided otherwise in the evaluation of the program. Youth Ambassadors reserve the right to reconsider their role on Youth Ambassadors according to work, study or personal commitments. -Any Youth Ambassador is eligible for election or re-election to the position of Chair, Deputy Chair - Before a Chair is elected, the Youth Ambassadors may resolve to elect a Chair, Deputy Chair for a term of 1 year. Following a term of 1 year, a Youth Ambassador may reapply and undergo the selection process if they wish to continue as a Youth Ambassador.

### **Funds**

East Gippsland Shire Youth Ambassadors will receive financial support from the East Gippsland Shire Council. The Program's funding will be allocated under the Youth Services budget. The funds will be used to support facilitation of member attendance and engagement in the meeting, including agreed expenses provision of uniform, travel related, and training expenses Funds will also be allocated to youth focused initiatives and/or events identified in the East Gippsland Shire Council Youth Plan.

East Gippsland Shire Council

## **Youth Ambassadors**

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### **Resources Provided to Youth Ambassadors**

#### **Information**

Council will provide the following resources to Youth Ambassadors:

- 1) Access to proposed youth focused projects
- 2) Discussion and issue papers that directly deal with youth issues
- 3) Any other material requested by the Youth Ambassadors to the approval of the Youth Engagement Project Officer, Coordinator of Community Programs and the Manager of Community Engagement and Resilience.
- 4) Council to provide access to staff, enabling opportunities for Youth involvement in Council activities and events.

#### **Facilities and Service**

- 1) Meeting facilities
- 2) Secretarial support
- 3) Developmental opportunities

### **Sub Committees**

The Youth Ambassadors can allocate members to participate in specific sub committees. Youth Ambassadors can nominate which committee they would like to participate in. The objectives of each sub-committee are to be approved by the Youth Ambassadors and should be consistent with the East Gippsland Shire Council Youth Plan, Youth Ambassador Action Plan and related initiatives. Ambassadors will report back to the Youth Ambassadors on progress at each meeting.

### **Youth Engagement Officer's Role**

The Youth Ambassadors are facilitated by Council's Youth Engagement Officer and Volunteer Staff who will be responsible for:

- 1) Convening Youth Ambassador meetings, organising a meeting venue and providing refreshments
- 2) Attending meetings as a resource person
- 3) Prepare and distribute the agenda
- 4) Supporting the Youth Ambassadors minute taker to prepare and distribute the minutes
- 5) Support the Youth Ambassadors to complete their set tasks
- 6) Support the Chair and Deputy Chair to meet the requirements of their positions

### **Youth Ambassadors Uniform and public image**

#### **Public image**

The Youth Ambassadors will present their public image under the guidance and support of the Youth Engagement Project Officer, supporting staff and Community Programs Team. *Terms of Reference - Page 7*

### **Uniform and Name Badges**

Uniforms and name badges are given to Youth Ambassadors on commencement of their position. The Youth Ambassadors uniform and name badge are consistent with Council's uniform policy and style guide.

The Youth Ambassadors uniform may be worn to Youth Ambassadors meetings and functions. The Youth Ambassadors will dress in neat and tidy attire when they represent the Youth Ambassadors. School or work uniform is also considered appropriate dress when representing the Youth Ambassadors.

### **Dates and Times of Meetings**

Ordinary Youth Ambassadors meetings are to be held every 3 weeks on a Tuesday, however this is subject to Youth Ambassador availability and will be flexible to suit the committee.

Youth Ambassadors may alter Ordinary Meeting dates, time and place.

Meetings scheduled on school and public holidays will be held subject to availability of Youth Ambassadors.

### **Attendance by members of the public**

Members of the public can attend Youth Ambassadors meetings if they submit a request to attend to the Youth Engagement Project Officer at least 2 days prior to a Youth Ambassador meeting. This request must be reviewed and approved by the Youth Engagement Project Officer prior to attendance occurring.

### **Attendance by Councillors**

The Youth Ambassador committee may be supported by two Councillor representatives, to form an advisory function for Council relating to youth engagement and youth issues. Councillor representation would be the Mayor (or delegate) and a Councillor. Councillor representatives will typically be invited to bi-monthly meetings or can request attendance in advance to meetings and working group meetings in addition to bimonthly commitment.

Councillor representatives are not members of Youth Ambassadors and may not vote.

### **Special Meetings**

Youth Ambassadors or the Youth Engagement Project Officer may by a written notice, call a Special Meeting.

The notice must:

- 1) Specify the date and time of the Special Meeting and the business to be transacted
- 2) Be delivered or sent electronically to the Youth Engagement Officer in sufficient time to enable reasonable notice of the Special Meeting to be given to all Youth Ambassadors

Youth Service Staff must convene the Special Meeting as specified in the notice. Unless all Youth Ambassadors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.

### **Notice of Meeting and agendas**

A notice of meeting and an outline of the business to be dealt with are to be sent electronically to every Youth Ambassador for all ordinary meetings at least two business days before the meeting.

A notice of meeting and an outline of the business to be dealt with must be delivered or sent electronically to every Youth Ambassadors for any Special Meeting within a reasonable time of the Special meeting being called.

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Youth Ambassadors may include any matter on an agenda of a Youth Ambassadors meeting which he or she considers should be dealt with at that following Youth Ambassadors meeting. Items for the Agenda should be submitted to the Youth Engagement Project Officer within 5 working days of the next Youth Ambassador meeting.

The Youth Engagement Project Officer may include any matter on an agenda of a Youth Ambassadors meeting which he or she considers should be dealt with at that following Youth Ambassadors meeting.

### **Roles and Responsibilities**

#### ***All Youth Ambassadors***

The role of a Youth Ambassador will be to:

- Attend regular meetings
- Contribute items of interest to the meeting agendas
- Actively participate in discussions and decisions that take place at meetings
- Actively participate in sub-committee meetings and events
- Represent the views and act in the interest of all young people across East Gippsland
- Communicate any issues, including absences from meetings or activities with the Youth Engagement Project Officer

#### ***Committee Facilitator***

The Committee Facilitator shall be a staff member of Council. The role of Committee Facilitator will be to:

- Support with the preparation of the agenda, invitations, distribution of minutes to the Youth Ambassador Committee
- Coordinating presentations from guest speakers and request from public to address the Committee (20-30min / meeting)
- Monitor email & Facebook enquiries

#### ***Chairperson***

The role of the chairperson will be to:

- Generate agenda and seek support from committee facilitator
- Ensure that discussions remain on point and manages time effectively
- Encourages discussion and constructive input from all members
- Request agenda items for the next scheduled meeting
- Distributes important information to the Youth Ambassadors
- Regularly check the Youth Voice of East Gippsland Gmail address for upcoming relevant agenda items and respond to all email as well as Facebook inquiries & comments.
- If agreed upon by the Youth Ambassador Committee prior to delegating roles, *Chairperson and Deputy Chairperson roles and responsibilities can be merged and shared by two members as Co-chairpersons.*

#### ***Deputy Chairperson***

The role of the deputy chairperson will be to:

- Carry out the responsibilities of the Chairperson in their absence
- Co-chairs certain aspects of the meetings as discussed and agreed with the Chairperson

#### ***Minute Taker & Timekeeper***

The role of the Minute Taker will be to:

- Take notes that are an accurate record of decisions and discussions

- Writing up the notes in agreed format (hard copy or electronically) so that information can be easily discerned, and communications are clear
- Distributing the minutes to the Chairperson + Committee facilitator within 1 week of the meeting.
- File the minutes appropriately, keeping all minutes together for future reference.
- Assist the Chairperson to monitor meeting time frames by keeping an eye on the time allocated to agenda items
- Inform the Chairperson and members when there is only 5 minutes remains on each agenda item

### **Photographer**

The role of the Photographer will be to:

- Attend regular meetings, events, activities to capture photos to be distributed among the community to build meaningful connection with community members
- Share photos via the private Facebook page and with the committee facilitator
- This role can rotate between Youth Ambassadors, depending on event, activity or program to provide the opportunity for skill development. More than one Youth Ambassador may take on this role if appropriate.

### **Event Coordinator**

The role of the event coordinator will be to:

- Assist Youth Ambassadors with the planning and delivery of events
- Ensure Youth Ambassadors feel empowered to approach a task when it comes to the planning of an event

### **Network Liaison**

The role of the network liaison will be to:

- Make formal contact with youth agencies across East Gippsland to link into the Youth Ambassador committee
- Prepare a report and present at the Youth Focussed Network meetings
- Attend Council meetings and other relevant network meetings
- This role can rotate to share the workload and to ensure the Youth Ambassador acting as Network Liaison is most appropriately suited to the subject of meetings where attendance is requested or required.

### **Grant Writer**

The role of the grant writer will be to:

- Research different grants available that we can apply for
- Write applications for funding provided by institutions such as government departments, corporations, foundations or trusts.
- This role can rotate, with support provided from Youth Engagement Project Officer due to the process and authority needed to apply for a grant under East Gippsland Shire Council.
- Opportunity for any Youth Ambassador to write a grant application, with support, will be given as suitable grants become available.

### **Social Media Officer**

The role of the Social Media Officer will be to:

- Read and understand the Social media guidelines
- Generate, edit, publish and share content that builds meaningful connections and encourages community members to take action

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- Regularly check the Youth Voice of East Gippsland Gmail address for upcoming opportunities that may be sent from the general public and share via social media platforms.
- Ensure a diversity of posts relevant to all young people living in East Gippsland, from Bairnsdale to Mallacoota.
- Promote the Youth Ambassadors committee and encourage community engagement on various platforms including but not limited to 'your say', twitter, Facebook, Instagram.
- Research and analyse post 'insights', monitor what's working and what's not working on the Youth Voice of East Gippsland Facebook page
- Commits to make a minimum of 1 post of week and no more than 3 posts a day.

### **Graphic Designer**

The role of the graphic designer will be to:

- Create posters and promotional materials to advertise and promote the Youth Ambassador committee among the wider community
- Create ads and visuals for the Shire website and Youth Voice of East Gippsland Facebook page
- Liaise with the Media relation and Social Media Officer to coordinate content and share responsibilities if needed.

### **Media Release writer**

The role of the media release writer will be to:

- Write media releases regarding any work the Youth Ambassadors do during the year to keep the community up to date and promote upcoming opportunities
- Liaise with Media relation officer

### **Media Relation Officer**

The role of the media relation officer will be to:

- Liaise with photographer, media release writer, social media officer + Youth Engagement Officer to develop content
- Media Relation Officer will assist with development of Media Releases and will follow approval channels as follows; Media Relation Officer (YA) > Youth Engagement Project Officer > Community Programs Coordinator > Communications Team
- Proofread designs and releases before sending to Youth Engagement Project Officer.
- Youth Engagement Officer will proofread before sending content through Communication Channels and following internal approval processes.
- **\*\* Media releases cannot be released in the broader media network until approved by the Media team.**
- Once approved by EG Shire Media officer, distribute media releases to the media contact list.
- Coordinate interviews when appropriate with specific event coordinator.
- Media Relation Officer may give comment to media that is present at an event, program, activity when appropriate.

### **Promotion Officer**

The role of the promotion officer will be to:

- Distribute promotional poster in various locations, ensuring permission is sought prior to put any posters up (e.g. Shire advertising permit for banners, ask owners for posters up in windows, etc)
- Role will be a shared responsibility between Youth Ambassadors to ensure wide distribution and reach of promotional material.

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**Ice Breaker**

- This role will involve the preparation of a short team building activity to be facilitated at the beginning of each youth ambassador meeting.
- Rotational role.

**Meeting Protocol****Minutes**

At every Youth Ambassadors meeting the minutes of the preceding meeting(s) will be dealt with as follows:

- 1) A copy of the minutes must be delivered to each Youth Ambassador no later than two days before the next meeting
- 2) Minutes are not to be made public and must not be discussed with the public until they are adopted by the Youth Ambassadors, unless otherwise specified
- 3) If no Youth Ambassadors indicates opposition, the minutes must be declared to be confirmed

**Introducing a Motion or decision**

The procedure for moving any Motion is:

- 1) The mover must state the Motion without speaking to it
- 2) The Motion must be seconded. If a Motion is not seconded, the Motion lapses
- 3) The Chair asks if anyone opposes the Motion
- 4) If anyone opposes the Motion, then the Chair must call on the mover to speak FOR the motion. If no one opposes the motion, then it is put to vote
- 5) After the mover has addressed the meeting, the seconder can choose whether to speak FOR the Motion or 'reserve his or her right to address the meeting'
- 6) After the mover and seconder (if desired) has spoken the Chair must invite debate from anyone who wishes to speak to the Motion
- 7) Speakers must alternate between those wishing to speak FOR and AGAINST
- 8) If there is no one else to speak FOR a motion, then the mover must speak to close the debate
- 9) Then the Chair must put the Motion to the vote
- 10) The Motion is declared carried or lost

**Voting Rights and quorum**

- 1) All Youth Ambassadors will have equal voting rights
- 2) Voting must take place in silence
- 3) Voting on any matter is by show of hands
- 4) Councillors and Council staff can attend Youth Ambassador meetings as observers or can participate in meetings if they are invited to do so by the Youth Ambassadors
- 5) Councillors and Council staff will not have voting right
- 6) Youth Ambassadors will allow a proxy voting, that is, if a Youth Ambassador cannot attend the Youth Ambassadors meeting, they can send their vote via another Youth Ambassadors, Youth Ambassadors Trainee, or the Youth Engagement Project Officer
- 7) A quorum will be fifty percent of the membership plus one

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**In the event of a tied vote**

In the event of a tied vote:

- 1) The debate will be continued and a request for additional information can be made if needed
- 2) If there is still a tied vote the Chair will have an additional deciding vote

**Conflicts of Interest**

A Youth Ambassador must disclose any conflict of interest which that Youth Ambassadors has in an item of business before the item is address.

**Reporting Relationships**

The Youth Ambassadors primary relationship will be to Council's Youth Engagement Officer

**Matters put to Youth Ambassadors by the Community or Organisations**

Matters put to Youth Ambassadors by a community member/group or organisations should be submitted to the Youth Ambassadors via the Youth Engagement Officer. This can be in the form of a brief report which clearly outlines:

- 1) The name and contact details of the person/group/organisation seeking input from the Youth Ambassadors
- 2) The issue/project/event/service etc.
- 3) The information or actions that are being sort from Youth Ambassadors
- 4) The time frame for the request

The Youth Ambassadors will review the information at the next meeting and decide whether they require further information in the form of a presentation.

The Youth Ambassadors may request a presentation to be made at the next meeting. If this is the case:

- 1) Those seeking input will be contacted by the Youth Engagement Officer to arrange a time
- 2) Presentations should be no more than 20 minutes in length including question time
- 3) The presentation should be concise and clearly outline the level of involvement being sort from Youth Ambassadors
- 4) Youth Ambassadors will respond verbally to matters being presented
- 5) Feedback on the input given by Youth Ambassadors must be provided in a timely manner

**Expected Behaviour****Purpose**

The purpose of this clause is to outline the behaviours expected of Youth Ambassadors and the process by which the Youth Ambassadors will respond to poor behaviour or misconduct by a member.

**Expected Behaviour**

- 1) Be mindful of your actions within the community and uphold the positive image and reputation of the East Gippsland Shire Council Youth Ambassadors
- 2) Behave in a professional manner
- 3) Show respect to other Youth Ambassadors and Council members and their views
- 4) Refrain from making personal comments about other Youth Ambassadors, officers or other people
- 5) Actively listen to other's point of view
- 6) Youth Ambassadors will avoid speaking over one another

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- 7) Youth Ambassadors should indicate if they would like to speak
- 8) The Chair should monitor the flow of the conversation.
- 9) Youth Ambassadors comments are directed to the whole group and should be relevant to the agenda item being discussed.
- 10) All members of the Youth Ambassadors will endeavour to make the Youth Ambassadors meetings a comfortable and friendly environment.
- 11) *All Youth Ambassadors will be required to sign a behavioural contract, Ambassadors under the age of 18 will be required to have their parent/guardian also sign this behavioural contract.*

### **Youth Ambassadors Response to Poor Behaviour**

Behaviour is defined as poor when a member of the Youth Ambassadors does not comply with the expectations outlined above. If a Youth Ambassador is behaving poorly, they will be given a warning by either the Youth Engagement Officer or the Chair. The Youth Engagement Officer with the support of the majority of the Youth Ambassadors and the Community Programs Coordinator, reserve the right to ask participants to leave the program if they continue to behave poorly or if they do not meet the expectations of their role.

### **Problem Solving and Dispute Resolution**

In the first instance any complaint, unresolved problem or serious dispute is to be brought to The Youth Engagement Officer for resolution.

Any complaint, unresolved problem or serious dispute that involves Council's Youth Engagement Officer(s) is to be brought to Council's Manager of Community Engagement and Resilience or Community Programs Coordinator for resolution. If appropriate and with the agreement of all parties, the matter may involve a mediation process.

### **Smoking, Alcohol and other Drugs**

Youth Ambassadors will refrain from consuming alcohol or illegal drugs while they are fulfilling their role as Youth Ambassadors.

Smoking is not permitted in Council buildings or in Council vehicles or in close proximity to Council buildings.

Youth Ambassadors will ensure that they do not smoke while wearing the Youth Ambassadors uniform/ badge. They will also refrain from smoking in front of young people or children when they are fulfilling their role as Youth Ambassadors. Youth Ambassadors will abide by state government regulations around smoking in public places.

### **Gifts**

We will not accept gifts either in their role as Youth Ambassadors or where it could be perceived to influence them in their role as a Youth Ambassadors except:

Where the gift would generally be regarded as only having a token value and could not be perceived to influence our actions as an ambassador

Where refusal may cause offence or embarrassment, in which case we will accept the gift on behalf of the Youth Ambassadors and the gift becomes the property of the Youth Ambassadors

### **Youth Ambassadors Duties and Expectations**

As a Youth Ambassador you are expected to:

- 1) Attend the start up camp
- 2) Attend and participate in meetings

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- 3) Contribute your ideas and enthusiasm
- 4) Carry out any tasks that you volunteer for
- 5) Be willing to work as part of a team
- 6) Represent Youth Ambassadors by attending some official events

#### **Participant Level of Commitment**

Youth Ambassadors will:

- 1) Attend Youth Ambassadors meetings. 80% attendance is expected.
- 2) Attend extra meetings/events/functions (on occasion) including Council meetings when required
- 3) Attend the Councillor Dinner twice a year

#### **Communication with the Media**

Any content developed will be proofread by another Ambassador and all media content (media releases, posters & ads) need to be run by Youth Engagement Project Officer before being sent to EG Shire Media Team prior to be released to the broader media network. Youth Engagement Project Officer needs to be cc. in all communication to/from YA + EG Shire Media team.

All communication with the media will be done under the guidance and support of the Youth Engagement Officer and the Communications unit at the East Gippsland Shire.

Ambassadors are expected to direct all media coverage through the Chair and Youth Engagement Officer. If individual members are asked for an interview or media release concerning the activities of the Youth Ambassadors, permission must be sought from the Youth Engagement Officer.

All Youth Ambassadors media releases should utilise the News Release Request form and be passed by the Youth Engagement Officer and the East Gippsland Shire Communications Unit and will then follow Council procedures for preparing and distributing media releases.

All requests for interviews with Youth Ambassadors will be processed through the Youth Engagement Officer and Youth Ambassador Chair.

Youth Ambassadors are responsible for informing media representatives that Youth Ambassadors views and opinions are not necessarily those of Council.

#### **Referring enquiries to the Youth Ambassadors**

A Youth Ambassador shall refer an issue/enquiry to the Youth Engagement Officer when:

- 1) They are unsure of their individual point of view on the issue and/or uninformed about the issue
- 2) They do not feel comfortable commenting on an issue
- 3) They have been asked to provide a statement on Youth Ambassadors position on an issue

#### **Youth Ambassadors Tasks**

Youth Ambassadors tasks can include:

- 1) Consult with local young people and advocate for their needs
- 2) Assist in the delivery of the actions of the East Gippsland Shire Council Youth Plan
- 3) Implement actions determined the annual Youth Ambassador Action Plan
- 4) Assist in the evaluation of the East Gippsland Youth Ambassadors Program
- 5) Assist with the content management of the East Gippsland Shire Council Youth website

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**East Gippsland Shire Council Youth Plan**

*See attached East Gippsland Shire Council Youth Plan 2016 - 2017.*

**Amendments and Review of the Youth Ambassadors Terms of Reference**

Any amendments to the Youth Ambassador Terms of Reference must be approved by the Youth Ambassador's and endorsed by Council. Amendments can be made at any time; however, a Report must be submitted to Council outlining the amendment(s). The Terms of Reference will be formally reviewed where appropriate.

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## **Youth Ambassadors**

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### 5.3.2 Disability Advisory Committee Appointment 2022-2024

Authorised by General Manager Place and Community

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#### Conflict of Interest

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

#### Executive Summary

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 **Attachment 3** of this report is confidential because it contains personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.

This report seeks the appointment of community representatives to the Council Disability Advisory Committee (the Committee) as detailed in **Attachment 3**.

The Committee provides advice to Council on matters that are important to people with disability in East Gippsland. It seeks to maximise the contribution being made by Council and its partners by working with a common agenda to create a more inclusive and accessible East Gippsland.

The Committee provides a voice for people with disability and a framework for Council to consult and engage with the community on access and inclusion issues.

Community representatives are appointed to the Committee for two years.

#### Officer Recommendation

##### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. formally appoints community representatives as per the confidential Attachment 3 to the East Gippsland Shire Council Disability Advisory Committee from 5 April 2022 – 31 December 2023;***
- 3. resolves that Attachment 3 remains confidential; and***
- 4. delegates authority to the Chief Executive Officer to advise applicants of their appointment and release relevant, non-confidential information to the public.***

## Background

Council officers actioned recruitment of community representatives per the Council Disability Advisory Committee Terms of Reference (TOR) (**Attachment 1**) adopted by Council at the Ordinary Meeting held on 4 April 2017 (Refer to Item 5.1.1). Note that the ToR for the Committee is due for revision and will be reviewed with the Committee following its appointment.

Critical points for the appointment of community representatives under the TOR include:

- membership of the Committee will consist of no more than 14 people that live, work, study, or conduct a business in East Gippsland;
- the Committee shall comprise of people with disability, people who are family members or carers of a person with disability, and providers of services for people with disability
- a majority of members must be people with disability;
- Council appoints community representatives in their own right, and not as a representative of specific organisations;
- membership on the Committee is voluntary; and
- community representatives will be appointed for two years and may re-apply for an appointment at the end of the two-year term.

Community representatives recruited to the Committee in April 2021 to replace outgoing members were able to roll over their membership to the 2022 - 2024 term.

Twelve applications were received, including five applications from current community representatives and seven applications from community members. Each applicant provided evidence of their suitability and undertook an interview. The interview panel consisted of Council's Rural Access Project Officer and Acting Community Programs Coordinator. Structured interview questions and a scoring example are included for reference in **Attachment 2**. One applicant has since withdrawn due to significant change of circumstance.

Community representatives recommended for appointment to the Committee can be seen in **Attachment 3** (confidential) along with a brief biography of each of the new applicants.

Should Council appoint the recommended community representatives, then the appointment of Chair and Deputy Chair will be actioned according to the TOR and presented to Council within the next three months.

## Legislation

As of 1 July 2021, all provisions of the *Local Government Act 2020* 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 the *Local Government Act 2020*.

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 personal information that would, if released, result in the unreasonable disclosure of information about personal affairs.



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*.

In preparing this report the Victorian Gender Equality Act 2020 has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the Gender Equality Act. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the Gender Equality Act 2020.

### **Collaborative procurement**

Section 109(2) of the *Local Government Act 2020* is not relevant to this matter.

### **Council Plan**

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

Strategic Objective 1:

- 1.1 Council strives to provide equitable access to their services, support and facilities.
- 1.4 Through targeted services, partnerships and advocacy, communities enjoy strong mental and physical health, well-being and resilience.
- 1.6 Council is culturally and linguistically inclusive and celebrates diversity.

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**

#### *Disability Discrimination Act 1992 (DDA)*

Under the Commonwealth DDA, all organisations are responsible for providing equitable access to goods and services and premises.

The DDA provides uniform protection against unfair and unfavourable treatments for people with a disability in Australia.

#### *Disability Act 2006*

Under Section 38 of the *Victorian Disability Act 2006*, councils are required to prepare disability action plans to:

- reduce barriers to goods, services, and facilities for people with disability;
- reduce barriers for people with disability to employment;
- promote inclusion and participation of people with disability; and
- change attitudes and reduce discrimination against people with disability.

Council captures the above purposes in various forms in the Council Plan 2021 – 2025 and its Diversity Access and Social Inclusion Plan 2014 – 2017.

Council will work with Committee to develop and review disability action plans.

## **Options**

### ***Option 1 (preferred)***

That Council formally appoints (all) community representatives as recommended by Council officers in **Attachment 3** to the Council Disability Advisory Committee from 5 April 2022 – 31 December 2023.

### **Option 2**

That Council formally appoints a select group of community representatives recommended by Council officers from **Attachment 3** to the Council Disability Advisory Committee from 5 April 2022 – 31 December 2023.

### **Option 3**

That Council chooses not to appoint community representatives to the Council Disability Advisory Committee from 5 April 2022 – 31 December 2023.

## **Resourcing**

### *Financial*

The Community Programs budget for the Committee's operation encompasses human resources, catering, and training.

### *Plant and equipment*

Nil

### *Human Resources*

Council's Rural Access Project Officer and Community Programs Coordinator are responsible for facilitating the work of the Committee.

### *Risk*

The risks of this proposal have been considered and minimal impact if endorsed officer recommendation as presented in Option 1.

## **Economic**

Nil – no additional

## **Social**

The Committee will support Council to identify new opportunities and ways of working that maximise the access and inclusion benefits of Council's work. The Committee can positively impact local amenity and environment in the following areas:

### Design of the built environment

- Accessible buildings
- Local roads, shared pathways, and footpaths
- Parks and recreational facilities
- Public toilets
- Playgrounds
- Council services

### Libraries and Community Halls

Community representatives regularly consult with their networks and the broader community on access and inclusion issues and provide this feedback to Council, then back to the community. They support a circular communication between Council and the community.

### *Gender Impact Statement*

The Disability Advisory Committee has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian *Gender Equality Act* 2020.

## **Environmental**

Nil

### *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**

In accordance with the TOR, Council requested applications for the position of community representative to the Committee via the local newspaper, Council's website, social media, and email to local disability groups and agencies.

## **Attachments**

1. Disability Advisory Committee - Terms of Reference [**5.3.2.1** - 7 pages]
2. Disability Advisory Committee Interview 2022 Template [**5.3.2.2** - 2 pages]
3. CONFIDENTIAL - Names and New Applicants Biography [**5.3.2.3** - 2 pages]



## DISABILITY ADVISORY COMMITTEE (DAC) TERMS OF REFERENCE

### DOCUMENT CONTROL

<b>Managed by:</b>	Community and Strategic Development
<b>Status:</b>	Approved
<b>Responsible position:</b>	Manager Community Programs
<b>Contact number:</b>	03 5153 9500
<b>Date approved:</b>	4 April 2017
<b>Version:</b>	4
<b>File number:</b>	7140406
<b>Approved by:</b>	Council
<b>Next review date:</b>	March 2021
<b>Security classification:</b>	Public (available on website)

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### REVISION HISTORY *(Completed by Governance Officer)*

Revision Ref. No.	Approved/ Amended/ Rescinded	Date	Council / Management	ECM Document Reference
4	Amended	04/04/2017	Council	7140406

## 1. PURPOSE

The Disability Advisory Committee provides advice on things that matter to people with a disability in East Gippsland Shire. It seeks to maximise the contribution being made by East Gippsland Shire Council and its partners by working with a common agenda to create a more inclusive and accessible East Gippsland.

## 2. POLICY STATEMENT

### 2.1 The Role of the Disability Advisory Committee

The Disability Advisory Committee:

- Comprises people with a disability, people who are family members or carers of a person with a disability, and providers of services for people with a disability. It also includes Councillors and staff of the East Gippsland Shire Council
- Provides a voice for people with a disability on access and inclusion into the work of East Gippsland Shire Council, drawing on their knowledge and experience
- Helps East Gippsland Shire Council consult and engage with the community on its plans, strategies and investments relating to improving access and inclusion in the Shire

The Disability Advisory Committee works with East Gippsland Shire Council to:

- Identify new opportunities and ways of working that maximise the access and inclusion benefits of Councils' work
- Identify, acknowledge and celebrate the activities that improve the lives of people with a disability
- Develop and review Council's Diversity, Access and Social Inclusion Plan (DASIP)
- Integrate the needs of people with a disability by providing advice, expertise and knowledge on access and inclusion
- Provide a trusted and confidential source of authoritative advice into Council's work, particularly at the earliest stages

The Disability Advisory Committee provides advice that:

- Supports East Gippsland Shire Council to take a leadership role on issues that affect the lives of people with a disability
- Draws on experiences and expertise of people with a disability and employers, businesses and community groups with an interest in access and inclusion throughout the Shire
- Focuses on strategic issues and opportunities, looking at systems and activities as a whole to identify medium-term improvements and change
- Supports inclusion and accessibility being integrated into the strategies, plans and policies of East Gippsland Shire Council, including the Council Plan
- Enables East Gippsland Shire Council and other partners to progress deliverable change underpinned by a common agenda and purpose

## 2.2 How the Disability Advisory Committee will operate

### a) Conduct of Committee Members

Members of the Disability Advisory Committee will:

- Achieve considered and informed judgment by an open and respectful sharing of opinion.
- Ensure that matters are considered fairly and consistently.
- Make decisions based on the best available information.
- Keep confidential all matters and documents declared to be confidential.
- Respect each other and the right of others to be heard (whatever the views of that person).

### b) The role of the Chair

- The Chairperson is responsible for ensuring that the Disability Advisory Committee operates in an effective and efficient manner according to the Terms of Reference.
- The Chair will ensure that all members have a fair and reasonable opportunity to present their views.
- In the absence of the Chair, the Deputy Chair will fulfil these duties.

### c) Management of Meetings

- The Disability Advisory Committee will meet on a monthly basis where practicable. The date, time and location of meetings will be set by the Chair in consultation with the Disability Advisory Committee, and will be included in a forward plan of meeting times covering at least the next four meetings.
- Meetings will generally be structured as follows on a two-monthly cycle:
  - Month One – Formal meeting supported by a written agenda, focused on a matter(s) of strategic importance that allows for an in-depth discussion and for the Disability Advisory Committee to develop a strategic perspective on the matter. This may include considering a strategic plan or policy being developed or reviewed by East Gippsland Shire Council. Council officers and guests with expertise or views on the matters being discussed should be invited to enhance the discussion.
  - Month Two – Informal working group meetings
- Minutes shall be noted at all meetings and forwarded to the Disability Advisory Committee no later than 2 weeks after the meeting.
- A quorum shall consist of at least 1/2 of Disability Advisory Committee members.

### d) Managing the Relationship with Council

- The Chair will meet every year with the Chief Executive Officer (or delegate) to provide an update on the work of the Disability Advisory Committee.



- A progress report from the Disability Advisory Committee will be reported to a Council Meeting once a year setting out the work it has undertaken and providing an overview of strategic matters of significance to people with a disability at the time of the report.

## 2.3 Membership and Appointment

### a) Membership

- A majority of members must be people with a disability.
- Membership of the Disability Advisory Committee will, as far as possible, be balanced in regard to age, type of disability, location, gender and ethnicity.
- Membership of the Disability Advisory Committee will consist of no more than 14 people that live, work, study or conduct a business in the East Gippsland Shire municipality.
- The Disability Advisory Committee shall consist of:
  - Community members who are people with a disability.
  - At least one unpaid carer of a child with a disability or with recent experience of caring (up to two years).
  - At least one unpaid carer of an adult with a disability or with recent experience of caring (up to two years).
  - At least one person who provides services to people with a disability.
  - Nominated councillor(s).
- Any other person may be appointed who has experience, expertise or an interest in the issues affecting people with a disability.
- Shire Officers will attend Disability Advisory Committee Meetings in a supporting role and will not have voting rights.
- Members of the public may be invited to Disability Advisory Committee Meetings by the Chair to provide specialist advice or information. These invitees will not have voting rights.

### b) Appointment and Term of Membership

- Community representatives are appointed by the Council in their own right and not as representatives of specific organisations. Community representatives must have the authority to reach decisions and make recommendations without seeking direction from an external body.
- Membership on the Disability Advisory Committee is voluntary. No member of the Committee shall receive any payment for his or her services as a member. However, community representatives may be eligible for reimbursement for travel and other legitimate expenses incurred during the term of their membership. For example, attending other than ordinary meetings, conferences or training programs.

- Applications for appointment as members to the Disability Advisory Committee shall be called by public notice in local newspaper and by letter to local disability groups and agencies.
- Appointments will be made by Council in consultation with the Chair through an application and interview process.
- Community representatives will be appointed for two years. Community representatives may re-apply for appointment at the end of a two-year term.
- Resignations shall be submitted in writing to the Chair of the Disability Advisory Committee.
- A position will be deemed to be vacant if a member fails to attend three consecutive meetings without reasonable grounds or approved requests for a leave of absence.
- Vacancies created through resignation, or failure to meet attendance requirements may be filled through an appointment process conducted 12 months from the previous Council endorsement of the committee.
- The Chair and Deputy Chair of the Disability Advisory Committee will be appointed by Council and will serve a two-year term in the respective role. This term may be extended by Council.
- Should the Chair become vacant, a new chair will be appointed by Council at the earliest convenience.

### 3. RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE

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

Party / Parties:	Roles and responsibilities:
Manager Community Programs	Overall responsibility for policy implementation and compliance.
Rural Access Project Officer	Responsibility for review, updating and implementing policy. Ensure compliance with the policy by all committee members.

All staff have an obligation to report occurrences of non-compliance with Council policy. Incidents of non-compliance should be reported immediately to the Director responsible for this policy, the Policy Owner or the Administration Unit.

### 4. SCOPE OF POLICY

This policy applies to the East Gippsland Shire Council Disability Advisory Committee.

### 5. REFERENCES / ASSOCIATED DOCUMENTS

#### Council Plan 2013-2017

Key Strategic Activity 1.1.1: Social inclusion for all abilities and ages builds respect for diversity.

Key Strategic Activity 1.2.3: Communities have the knowledge and capacity to adapt to change.

Key Strategic Activity 2.3.1: Our built environment managed by Council is well designed and accessible.

Key Strategic Activity 4.2.2: The Community and Council have a strong mutual understanding and support.

#### **Diversity, Access and Social Inclusion Plan 2014-2017**

Key Theme: Collaboration and Partnership Development

Anticipated Outcome: Strong partnership approach and commitment to facilitate change.

Anticipated Outcome: Clear governance and decision making processes to focus on achieving outcomes.

## **6. PRIVACY AND HUMAN RIGHTS CONSIDERATION**

All personal information collected by East Gippsland Shire Council in connection with the Disability Advisory Committee will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of implementing Council's Council Plan and Diversity, Access and Social Inclusion Plan.

The Disability Advisory Committee Terms of Reference Policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

## **7. DEFINITIONS AND ABBREVIATIONS**

<b>Term:</b>	<b>Meaning:</b>
<b><i>Committee member</i></b>	A member of East Gippsland Shire Council Disability Advisory Committee
<b><i>Council</i></b>	Council of the East Gippsland Shire Council
<b><i>DAC</i></b>	Disability Advisory Committee
<b><i>DASIP</i></b>	Diversity, Access and Social Inclusion Plan
<b><i>EGSC</i></b>	East Gippsland Shire Council
<b><i>Lived experience and knowledge</i></b>	Personal knowledge about the world gained through direct, first-hand involvement in everyday events.
<b><i>Quorum</i></b>	The minimum number of members of an assembly that must be present at any of its meetings to make the proceedings of that meeting valid.
<b><i>Sustainable change</i></b>	Change that meets the needs of the present, without compromising the ability of future generations to meet their own needs
<b><i>Shire Officers</i></b>	Officers of the East Gippsland Shire Council

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# Interview

**Name:**

**Role:** Disability Advisory Committee Member

**Date:**

**Time:**

Questions	Notes
1. What's your understanding of the role and why are you interested?	
2. Can you provide us with an overview of your experience with disability?	
3. Tell us about a team you've worked in that enabled you to do your best work? What was it about the team that made you do your best work?	
4. What achievement are you most proud of?	
Do you have any questions?	

**Interview Scoring Grid**

<b>0</b>	No answer given or answer completely irrelevant. No examples given.	<b>2</b>	Some points covered, not all relevant. Some examples given.	<b>4</b>	Good answer. Relevant information. All or most points covered. Good examples.
<b>1</b>	A few good points but main issues missing. No examples/irrelevant examples given.	<b>3</b>	Some points covered. Relevant information given. Some examples given.	<b>5</b>	Perfect answer. All points addressed. All points relevant. Good examples.

**Interview – Scoring**

<b>Q</b>	<b>Comments</b>	<b>Score (0-5)</b>	<b>Total</b>
<b>1</b>			
<b>2</b>			
<b>3</b>			
<b>4</b>			

### 5.3.3 South Bairnsdale Industrial Estate Notice to Vary Special Charge Scheme

Authorised by General Manager Place and Community

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#### Conflict of Interest

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

#### Executive Summary

This report recommends that Council formally provide a notice of intent to commence the statutory process required under section 166 of the *Local Government Act 1989* to vary the South Bairnsdale Industrial Estate Special Charge Scheme. The Public Notice of Intent to Vary the Special Charge Scheme for the South Bairnsdale Industrial Estate is included as **Attachment 1 – Public Notice**.

The Special Charge Scheme already declared requires some landholders located in the South Bairnsdale Industrial Estate (the estate), to contribute a portion of the funding required to facilitate works to upgrade the water supply to the estate.

Works to upgrade the water supply will significantly reduce the costs to property owners located in the estate when installing private firefighting services for buildings with floor areas greater than 500 m<sup>2</sup>, thus removing what has been identified by landholders as a key barrier to developing effective use of the land.

The overall project cost to upgrade the water supply to the estate is \$2.4M. Of that, East Gippsland Water has already contributed \$1.1M in works and Regional Development Victoria has provided a grant of \$500,000. This Special Charge Scheme is intended to raise \$400,000 from benefiting landowners and the final \$400,000 contribution will be from Council.

Since the scheme was declared a number of issues have been identified:

- A 30 lot subdivision was created immediately prior to the declaration (meaning the parent title could not be charged and the daughter titles were not provided notification of the scheme);
- Three properties have been transferred to new owners;
- Some properties were incorrectly included in the scheme; and
- Some properties were not included in the scheme and should have been.

The *Local Government Act 1989* allows Council to vary the scheme. The variation of the scheme will:

- Ensure the basis of distribution of the special charge among those persons who are liable to pay it is fair, equitable and consistent with the original declaration; and
- Ensure the scheme is fully funded.

A summary of the number of properties impacted by changes proposed is outlined in **Attachment 2 – Special Charge Property Application Plan Variation**.

Those properties affected by the variation are shown in **Attachment 3 – Changes to Properties** and summarised in the table below:

<b>Reason for adjustment</b>	<b>No. of lots added to the scheme</b>	<b>No. of lots removed from the scheme</b>
Change to reflect a Subdivision	30	2
Correction to ensure property assessment reflects current rating arrangements		20
Correction to ensure consistent application of principles	1	3
Property previously omitted	13	

The average cost of each benefit unit in the scheme will decrease by 2% from the originally calculated \$1,139.60 to \$1,120.45.

### **Officer Recommendation**

#### ***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. gives notice of its intention to vary the South Bairnsdale Industrial Estate Special Charge (Special Charge) in accordance with section 166(1)(b) of the Local Government Act 1989 (Act) by varying the amount to be paid, the land to which it applies and the persons liable to pay it by substituting the Special Charge Property Application Plan which formed part of the declaration of the Special Charge on 16 December 2021 with the Special Charge Property Application Plan at Attachment 2;***
- 3. will give public notice in the Bairnsdale Advertiser of Council's intention to vary the Special Charge in the way described in this resolution at its Ordinary Council meeting to be held on 7 June 2022;***
- 4. authorises Council officers to send separate letters, enclosing an outline of the proposed variation to the Special Charge set out in this resolution and a copy of the public notice referred to in paragraph 3 of this resolution, to the persons who are not currently required to pay the Special Charge who will, if the Special Charge is varied, be required to pay it, advising of Council's intention to vary the Special Charge, the amount for which the property owner will be liable, the basis of calculation of the Special Charge, and notification that submissions in relation to the proposal will be considered by Council in accordance with sections 166(4) of the Act; and***
- 5. authorises the Chief Executive Officer, to carry out any and all administrative procedures necessary to enable Council to give effect to this resolution and to carry out its functions under section 166 of the Act.***

## Background

At its meeting on 16 December 2021 Council declared the South Bairnsdale Industrial Estate Special Charge Scheme.

The Special Charge Scheme was declared to fund water supply upgrades to the Estate that will reduce the need for installation of private firefighting schemes for buildings larger than 500m<sup>2</sup>. Since the declaration of the scheme, Council has become aware of two buildings currently under construction that will benefit from the scheme as a result of not needing to install a private firefighting service, saving up to \$200,000 per building thus demonstrating the value of the scheme.

Since the scheme was declared, a number of issues have arisen:

- A 30 lot subdivision was created immediately prior to the declaration (meaning the parent title could not be charged and the daughter titles were not provided notification of the scheme);
- Three properties have been transferred to new owners;
- Some properties were incorrectly included in the scheme; and
- Some properties were not included in the scheme and should have been.

Section 166 of the *Local Government Act 1989* allows Council to vary the scheme, subject to compliance with certain procedural requirements. The variation of the scheme will:

- ensure the basis of distribution of the special charge amongst those persons who are liable to pay it is fair, equitable and consistent with the original declaration; and
- ensure the scheme is fully funded.

Because the proposed variation will, if made, vary the total number of lots and Benefit Units (BU) included in the scheme, the value of a BU must be recalculated accordingly. The amount to be paid by each person who will be liable to pay the special charge will decrease by 2%, with the value of a BU reducing from the original \$1,139.60 to \$1,120.45 per BU.

A copy of the proposed public notice to be published in the Bairnsdale Advertiser is shown in **Attachment 1 – Public Notice**.

Outlined in **Attachment 2 – Special Charge Property Application Plan Variation** and **Attachment 4 – Scheme Plan of Area** is the area and individual lots to which the scheme variation will apply. **Attachment 4** shows the properties that have been added to the scheme and the reasons why. While the area to which the scheme applies is not proposed to be changed, the proposal varies the application of the scheme to individual properties within the area.

## Legislation

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

This report has been prepared in accordance with s 166 of the Act, which regulates the variation of special charges.

Before Council can vary the scheme, public notice of Council's intention to do so must be given in accordance with s 166(3) of the Act. This requires Council to:



- publish notice of its intention to vary the scheme in a newspaper, which must:
  - contain an outline of the proposed variation;
  - set out the date on which it is proposed to make the variation; and
  - advise that copies of the proposed variation are available for inspection at the Council office for at least 28 days after the publication of the notice.
- send a copy of the public notice to the persons affected by the variation identified in s166(3) of the Act within 3 working days of the day on which the public notice is published.

Once Council has given public notice of its intention to vary the special charge, Council must undertake formal consultation in accordance with section 223 of the Act. The formal consultation requires Council to invite submissions regarding the proposed variation and consider any submissions received before varying the scheme.

The Act makes specific provision for special charges to be challenged in the Victorian Civil and Administrative Tribunal (VCAT) on the grounds specified in sections 185 and 185AA of the Act.

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

In preparing this report the *Victorian Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*. The need for a Gender Impact Assessment has also been assessed. The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

### **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 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.

### **Council Policy**

This recommendation is in accordance with the Special Charge Scheme Policy 2021.

## **Options**

There are two options available to Council:

Option 1 is a variation of the Special Charge Scheme.

Option 2 is that the Special charge scheme is not varied and the shortfall of funds recovered under the scheme be funded through Council's general revenue or Economic Development Discretionary Fund.

Council officers are recommending option 1, on the basis that it is:

- more fair and equitable than option 2;
- will fully recover the costs of the Special Charge Scheme; and
- will not place the scheme that has already been declared at risk.

Seeking a variation to the scheme will not expose the scheme that has already been declared to any further risk of challenge at VCAT. The persons currently liable for the special charge, and persons affected by the variation, may challenge the special charge at VCAT and have the same opportunity to appeal the special charge in VCAT on the grounds set out in ss 185 and 185AA of the Act.

Council officers have obtained legal advice in respect of the options available and considered in this report.

## **Resourcing**

### *Financial*

The financial implication of declaring intent to vary the Special Charge Scheme is the ability to fully recover the landowner costs of scheme.

### *Plant and equipment*

There are no plant and equipment implications

### *Human Resources*

There are no human resource implications of the variation apart from the work required to manage the variation.

### *Risk*

The risks of this proposal have been considered and are considered low. There is no risk in declaring an intent to vary the Special Charge Scheme.

## **Economic**

This agreement will facilitate further development of the South Bairnsdale Industrial Estate with subsequent economic benefits.

## **Social**

There are no social implications of the project.

### *Gender Impact Statement*

The Special Charge Scheme Variation has considered the *Gender Equality Act 2020* in its preparation. The Special Charge Scheme Variation has been assessed as not requiring a Gender Impact Assessment (GIA).

## **Environmental**

There are no environmental implications of this report. Should the Special Charge Scheme go ahead then all works will be undertaken in accordance with East Gippsland Water's environmental policies and practices.

### *Climate change*

This report has been prepared and aligned with the following Climate Change function/category of building resilience through the increasing of fire-fighting capabilities given the expected (and recently experienced) increase in frequency and intensity of bushfire.

## **Engagement**

To date, formal community consultation regarding the scheme and the proposed upgrade works has been undertaken and both are broadly supported by the owners of land in the South Bairnsdale Industrial Estate.

A notification of intent to vary the scheme will trigger formal consultation with affected landowners and will be undertaken once Council has resolved in the terms of the recommendation outlined in this paper.

The Act requires Council to undertake formal consultation regarding the variation. Persons affected by the proposed variation will be given individual notices and the broader public will be notified of Council's intention to vary the scheme by publishing a notice in a newspaper generally circulating in the municipal district. See **Attachment 5 - Draft Letter to Ratepayers**.

## **Attachments**

1. Attachment 1 Public Notice (1) [5.3.3.1 - 2 pages]
2. attachment 2 - Special charge property application plan variation [5.3.3.2 - 8 pages]
3. Attachment 3 Changes to properties [5.3.3.3 - 3 pages]
4. Attachment 4 Scheme Plan of Area [5.3.3.4 - 1 page]
5. Attachment 5 Draft Letter to Landowners (1) [5.3.3.5 - 5 pages]

**PUBLIC NOTICE OF INTENT TO VARY THE SOUTH BAIRNSDALE  
INDUSTRIAL ESTATE SPECIAL CHARGE SCHEME**



Notice is hereby given of Council's intention to vary, at its Ordinary Council Meeting to be held on 7 June 2022, the Special Charge Scheme (**Scheme**) for the South Bairnsdale Industrial Estate (**Estate**) in accordance with section 166 of the *Local Government Act 1989* (**Act**).

**The Scheme**

The Scheme was declared on 16 December 2021 (**Declaration**). The purpose of the Scheme is to defray the expenses to be incurred by Council in making arrangements for the upgrade of the water supply systems at the Estate so that the volume, pressure and flow of water to the Estate is sufficient to satisfy firefighting standards for buildings with a floor area greater than 500 m<sup>2</sup>.

The Scheme will commence on the day on which Council issues a notice levying payment of the Special Charge and will conclude on 30 June 2026.

The amount to be levied under the Scheme is \$400,000, or such other amount as is lawfully levied as a consequence of the Declaration.

Copies of the proposed variation, and the Declaration being varied, are available for inspection on Council's website and at Council's offices at 273 Main St, Bairnsdale (COVID-19 restrictions permitting) for a period of at least 28 days after the publication of this notice.

The Scheme as originally declared applies to the properties specified in the 'Special Charge Property Application Plan', which formed part of the Declaration. Each of these properties was identified by Council as receiving a special benefit because, as a result of the Scheme, buildings with a gross floor area of 500 m<sup>2</sup> or more could be constructed and occupied on the land without incurring the costs associated with privately funding the works necessary to meet the firefighting standards.

The Special Charge is assessed and levied on the basis of Benefit Units, which have generally been assigned to each property on the basis of the land area of the property. At the time of declaration, the value of a Benefit Unit was \$1,139.60.

For further details regarding the Scheme, please refer to the Declaration.

**Proposed variation**

Council is proposing to vary the Scheme in accordance with s 166(1)(b) of the Act to update the properties in respect of which the Special Charge is payable.

Specifically, Council is proposing to vary the 'Special Charge Property Application Plan' included in the original Declaration to:

- incorporate 30 new lots created as a result of the subdivision of a large block in the Estate which occurred prior to the Declaration; and
- rectify administrative errors identified by Council, by:
  - including 13 properties which Council intended to be subject to the Special Charge, but which were not listed;

- removing certain properties which Council intended to exclude from the Special Charge, but which were listed; and
- updating the specified area of several parcels of rateable land.

If the Special Charge is varied in accordance with Council's proposal, the total number of properties and Benefit Units included in the Special Charge scheme will be increased and persons who are not currently required to pay the Special Charge will become liable for the Special Charge. The value of a Benefit Unit has been adjusted to reflect this and will be \$1,218.49.

The liability of persons required to pay the Special Charge will be adjusted accordingly. Council anticipates that the liability for most, if not all, persons currently required to pay the Special Charge will be reduced.

**Right to make a submission**

Any person may make a written submission regarding the proposed variation under sections 166(4) and 233 of the Act.

Submissions must be made before 5.00 PM on 10 May 2022.

Any person who makes a submission is entitled to request in their submission to appear personally, or to be represented by a person specified in the submission, to be heard in support of the submission. Any person who wishes to be heard in support of their written submission will be advised of the day, time and place on which they may attend to be heard.

Council will consider any written submissions received in accordance with sections 166(4) and 223 of the Act.

Any person requiring further information concerning the proposed declaration of Special Charge should in the first instance contact Jenny Bailey on 5153 9500 or email [economic.development@egipps.vic.gov.au](mailto:economic.development@egipps.vic.gov.au)

**ANTHONY BASFORD**  
**Chief Executive Officer**

Special Charge Property Application Plan Variation			
Lot Number	Property Address	Adjusted Number of Benefit Units	Adjusted Cost @ \$1,120.45
Lot 2 LP 120268, CA 32 Sec B	32 Bosworth Road BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 2 LP 120268, CA 32 Sec B	32 Bosworth Road BAIRNSDALE VIC 3875	0	\$ -
Lot 1 TP 567627	63 Bosworth Road BAIRNSDALE VIC 3875	3	\$ 3,361.35
PC 371491	83 Bosworth Road BAIRNSDALE VIC 3875	16	\$ 17,927.20
Lot 1 TP 134225	52 Forge Creek Road BAIRNSDALE VIC 3875		\$ -
CA 8 Sec B	108 Forge Creek Road BAIRNSDALE VIC 3875	14	\$ 15,686.30
CP 155570	2 Giles Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 6 LP 127423	4 Giles Street BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 7 LP 127423	8 Giles Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 18 LP 132371	12 Giles Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 19 LP 132371	14 Giles Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
CP 170548	1 Giles Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 349932	1/3 Giles Street BAIRNSDALE VIC 3875		\$ -
Lot 2 PS 349932	2/3 Giles Street BAIRNSDALE VIC 3875		\$ -
Lot 3 PS 349932	3/3 Giles Street BAIRNSDALE VIC 3875		\$ -
Lot 4 PS 349932	4/3 Giles Street BAIRNSDALE VIC 3875		\$ -
Lot 9 LP 132371	1 Hayward Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 10 LP 132371	2 Hayward Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 11 LP 132371	3 Hayward Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 2 PS 312015	4 Hayward Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 15 LP 132371	7 Hayward Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 16 LP 132371	8 Hayward Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 TP 207779	111 Holloway Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 TP 94328	99 Holloway Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 28 LP 10515	101 Holloway Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 TP 643363	103 Holloway Street BAIRNSDALE VIC 3875	4	\$ 4,481.80
Lot 16 LP 204553	46 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 TP 186008	113-117 Holloway Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 TP 88954	113-117 Holloway Street BAIRNSDALE VIC 3876	1	\$ 1,120.45

Special Charge Property Application Plan Variation			
Lot Number	Property Address	Adjusted Number of Benefit Units	Adjusted Cost @ \$1,120.45
Lot 1 TP 550629	113-117 Holloway Street BAIRNSDALE VIC 3877	1	\$ 1,120.45
Lot 1 LP 213976	67 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 7 LP 213976	55 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 6 LP 213976	57 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 5 LP 213976	59 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 4 LP 213976	61 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 3 LP 213976	63 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 2 LP 213976	65 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 5 PS 349932	5/3 Giles Street BAIRNSDALE VIC 3875		\$ -
Lot 24 PS 319773	20 Giles Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 25 PS 319773	22 Giles Street BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 26 PS 319773	26 Giles Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 2 PS 407978	30 Giles Street BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 3 PS 407978	34 Giles Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 2 PS 414829	71 Bosworth Road BAIRNSDALE VIC 3875	10	\$ 11,204.50
Lot 1 PS 414829	75 Bosworth Road BAIRNSDALE VIC 3875	5	\$ 5,602.25
Lot 1 TP 588484	40 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 TP 549492	46 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 52 LP 869	48 Forge Creek Road BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 1 TP 611259	50 Forge Creek Road BAIRNSDALE VIC 3875	2	\$ 2,240.90
CP 167938	16 Giles Street BAIRNSDALE VIC 3875	2	\$ 2,240.90
CP 167938	16A Giles Street BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 25 LP 10515	127 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 26 LP 10516	128 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 3 PS 422547	21 Giles Street BAIRNSDALE VIC 3875	2	\$ 2,240.90
PC 361698	1A Giles Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 5 PS 516532	104 Forge Creek Road BAIRNSDALE VIC 3875	2	\$ 2,240.90

Special Charge Property Application Plan Variation			
Lot Number	Property Address	Adjusted Number of Benefit Units	Adjusted Cost @ \$1,120.45
Lot 1 PS 323053, Lot 1 PS 442906	41 Bosworth Road BAIRNSDALE VIC 3875	13	\$ 14,565.85
Part Lot 5 PS 407978	41 Giles Street BAIRNSDALE VIC 3875	4	\$ 4,481.80
Part Lot 5 PS 407978	67 Giles Street BAIRNSDALE VIC 3875	0	\$ -
Lot 3 PS 442906	21 Bosworth Road BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 2 PS 442906	25 Bosworth Road BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 17 PS 517808	54 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 16 PS 517808	58 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 15 PS 517808	62 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 14 PS 517808	66 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 516532	82 Forge Creek Road BAIRNSDALE VIC 3875	7	\$ 7,843.15
Lot 1 PS 545169	70 Bosworth Road BAIRNSDALE VIC 3875	15	\$ 16,806.75
Lot 2 PS 521900	11 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 535109	13 Giles Street BAIRNSDALE VIC 3875	4	\$ 4,481.80
Lot 2 PS 535109	17 Giles Street BAIRNSDALE VIC 3875	6	\$ 6,722.70
Lot 13 PS 521900	12 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 8 PS 521900	23 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 4 PS 524605	133 Bosworth Road BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 5 PS 524606	133 Bosworth Road BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 3 PS 524605	141 Bosworth Road BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 4 PS 528615	19 Rovon Place BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 12 PS 528615	33 Rovon Place BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 8 PS 528615	34 Rovon Place BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 11 PS 528615	37 Rovon Place BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 9 PS 528615	38 Rovon Place BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 10 PS 528615	41 Rovon Place BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 11 PS 521900	16 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 10 PS 521900	18 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 3 PS 521900	13 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 4 PS 521900	15 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45



Special Charge Property Application Plan Variation			
Lot Number	Property Address	Adjusted Number of Benefit Units	Adjusted Cost @ \$1,120.45
Lot 12 PS 521900	14 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 9 PS 521900	20 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 527887	53 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 2 PS 527887	6 Campbells Drive BAIRNSDALE VIC 3875		\$ -
Lot 8 PS 609729	110 Bosworth Road BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 10 PS 609729	9 Railway Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 18 PS 609729	10 Railway Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 11 PS 609729	11 Railway Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 17 PS 609729	14 Railway Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 12 PS 609729	15 Railway Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 16 PS 609729	16 Railway Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 13 PS 609729	17 Railway Court BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 15 PS 609729	20 Railway Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 14 PS 609729	22 Railway Court BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 3 PS 618835	76 Forge Creek Road BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 1 PS 631898	9 Rovon Place BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 2 PS 631898	11 Rovon Place BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 3 PS 631898	13 Rovon Place BAIRNSDALE VIC 3875	1	\$ 1,120.45
Part Lot 7 PS 528615	1/30 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Part Lot 7 PS 528615	2/30 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Part Lot 7 PS 528615	3/30 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Part Lot 7 PS 528615	4/30 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Part Lot 6 PS 528615	1/26 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Part Lot 6 PS 528615	2/26 Rovon Place BAIRNSDALE VIC 3875		\$ -
Part Lot 7 PS 528615	5/30 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Part Lot 7 PS 528615	6/30 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Part Lot 7 PS 528615	7/30 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Part Lot 7 PS 528615	8/30 Rovon Place BAIRNSDALE VIC 3875	0	\$ -

Special Charge Property Application Plan Variation			
Lot Number	Property Address	Adjusted Number of Benefit Units	Adjusted Cost @ \$1,120.45
Lot 1 PS 644533	1/100 Forge Creek Road BAIRNSDALE VIC 3875		\$ -
Lot 2 PS 644533	2/100 Forge Creek Road BAIRNSDALE VIC 3875		\$ -
Lot 3 PS 644533	3/100 Forge Creek Road BAIRNSDALE VIC 3875		\$ -
Lot 1 PS 635568	20 Rovon Place BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 4 PS 634473	98 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 3 PS 634473	100 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 2 PS 634473	102 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 634473	104 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 701812,	25 Giles Street BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 3 PS 701813	26 Giles Street BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 2 PS 701812	29 Giles Street BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 1 PS 524605	145 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 524606	145 Bosworth Road BAIRNSDALE VIC 3875	0	\$ -
Lot 1 PS 524607	145 Bosworth Road BAIRNSDALE VIC 3875	0	\$ -
Lot 2 PS 524605	143 Bosworth Road BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 2 PS 707809	25 Rovon Place BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 1 PS 707809	27 Rovon Place BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 712494	1/96 Forge Creek Road BAIRNSDALE VIC 3875		\$ -
Lot 3 PS 712494	3/96 Forge Creek Road BAIRNSDALE VIC 3875		\$ -
Part Lot 13 PS 528615	1/29 Rovon Place BAIRNSDALE VIC 3875	1	\$ 1,120.45
Part Lot 13 PS 528615	2/29 Rovon Place BAIRNSDALE VIC 3875	1	\$ 1,120.45
Part Lot 13 PS 528615	3/29 Rovon Place BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 4 PS 442906	15 Bosworth Road BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 1 PS 738967	1/10 Rovon Place BAIRNSDALE VIC 3875		\$ -
Lot 2 PS 738967	2/10 Rovon Place BAIRNSDALE VIC 3875		\$ -
Lot 1 PS 702477	1/92 Forge Creek Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 2 PS 702477	2/92 Forge Creek Road BAIRNSDALE VIC 3875		\$ -
Lot 14 PS 521900	24 Campbells Drive BAIRNSDALE VIC 3875	16	\$ 17,927.20

Special Charge Property Application Plan Variation			
Lot Number	Property Address	Adjusted Number of Benefit Units	Adjusted Cost @ \$1,120.45
Lot 1 PS 715253	7 Bosworth Road BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 2 PS 715253	11 Bosworth Road BAIRNSDALE VIC 3875	4	\$ 4,481.80
Part Lot 2 PS 712494	2A/96 Forge Creek Road BAIRNSDALE VIC 3875		\$ -
Part Lot 2 PS 712494	2B/96 Forge Creek Road BAIRNSDALE VIC 3875		\$ -
Part Lot 3 PS 635568	1/14 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Part Lot 3 PS 635568	2/14 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Part Lot 2 PS 635568	1/16 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Part Lot 2 PS 635568	2/16 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Lot 2 PS 715871	1/44 Forge Creek Road BAIRNSDALE VIC 3875		\$ -
Lot 1 PS 715871	2/44 Forge Creek Road BAIRNSDALE VIC 3875		\$ -
Part Lot 6 PS 528615	3-8/26 Rovon Place BAIRNSDALE VIC 3875	0	\$ -
Lot 5 PS 521900	17 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 10 PS 613284	10 Sammon Place BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 1 PS 613284	13 Sammon Place BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 9 PS 613284	14 Sammon Place BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 1 PS 808317	6 Railway Court BAIRNSDALE VIC 3875		\$ -
Lot 2 PS 808317	72 Forge Creek Road BAIRNSDALE VIC 3875	3	\$ 3,361.35
PC 378227	1 Rovon Place BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 749439	106 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 2 PS 749439	108 Bosworth Road BAIRNSDALE VIC 3875		\$ -
Lot 19 PS 609729	118 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 5 PS 609729	124 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 2 PS 609729	130 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 609729	132 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 6 PS 521900	19 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 7 PS 521900	21 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 824725	107 Forge Creek Road BAIRNSDALE 3875	1	\$ 1,120.45
Lot 2 PS 824725	109 Forge Creek Road BAIRNSDALE 3875	1	\$ 1,120.45

Special Charge Property Application Plan Variation			
Lot Number	Property Address	Adjusted Number of Benefit Units	Adjusted Cost @ \$1,120.45
Lot 3 PS 824725	111 Forge Creek Road BAIRNSDALE 3875	1	\$ 1,120.45
Lot 4 PS 824725	96 Holloway Street BAIRNSDALE 3875	1	\$ 1,120.45
Lot 30 PS 824725	124 Holloway Street BAIRNSDALE 3875	1	\$ 1,120.45
Lot 5 PS 824725	98 Forge Creek Road BAIRNSDALE 3875	1	\$ 1,120.45
Lot 6 PS 824725	3 Jacksons Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 7 PS 824725	4 Jacksons Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 8 PS 824725	106 Holloway Street BAIRNSDALE 3875	1	\$ 1,120.45
Lot 9 PS 824725	108 Holloway Street BAIRNSDALE 3875	1	\$ 1,120.45
Lot 10 PS 824725	110 Holloway Street BAIRNSDALE 3875	1	\$ 1,120.45
Lot 11 PS 824725	112 Holloway Street BAIRNSDALE 3875	1	\$ 1,120.45
Lot 12 PS 824725	114 Holloway Street BAIRNSDALE 3875	1	\$ 1,120.45
Lot 13 PS 824725	116 Holloway Street BAIRNSDALE 3875	1	\$ 1,120.45
Lot 14 PS 824725	16 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 15 PS 824725	29 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 16 PS 824725	14 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 17 PS 824725	12 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 18 PS 824725	10 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 19 PS 824725	5 Jackson Crescent BAIRNSDALE 3875	2	\$ 2,240.90
Lot 20 PS 824725	9 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 21 PS 824725	11 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 22 PS 824725	13 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 23 PS 824725	15 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 24 PS 824725	17 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 25 PS 824725	19 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 26 PS 824725	21 Jackson Crescent BAIRNSDALE 3875	3	\$ 3,361.35
Lot 27 PS 824725	25 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 28 PS 824725	29 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 29 PS 824725	28 Jackson Crescent BAIRNSDALE 3875	1	\$ 1,120.45
Lot 4 PS 649982	7 Rovon Place BAIRNSDALE VIC 3875	1	\$ 1,120.45

<b>Special Charge Property Application Plan Variation</b>			
<b>Lot Number</b>	<b>Property Address</b>	<b>Adjusted Number of Benefit Units</b>	<b>Adjusted Cost @ \$1,120.45</b>
Lot 4 PS 609729	126 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 814876	8 Campbells Drive BAIRNSDALE VIC 3875	10	\$ 11,204.50
Lot 2 PS 814876	16 Sammon Place BAIRNSDALE VIC 3875	16	\$ 17,927.20
Lot 3 PS 609729	128 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 6 PS 609729	122 Bosworth Road BAIRNSDALE VIC 3875	3	\$ 3,361.35
Lot 1 PS 819905	15B Rovon Place BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 2 PS 819905	15A Rovon Place BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 1 PS 312015	5 Hayward Court BAIRNSDALE VIC 3875	2	\$ 2,240.90
Lot 14 LP 132371	6 Hayward Court BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 1 PS 831199	50 Bosworth Road BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 2 PS 831199	4 Sammon Place BAIRNSDALE VIC 3875	1	\$ 1,120.45
Lot 2 PS 819636	9 Campbells Drive BAIRNSDALE VIC 3875	1	\$ 1,120.45
<b>Total</b>		<b>357</b>	<b>\$ 400,000.65</b>

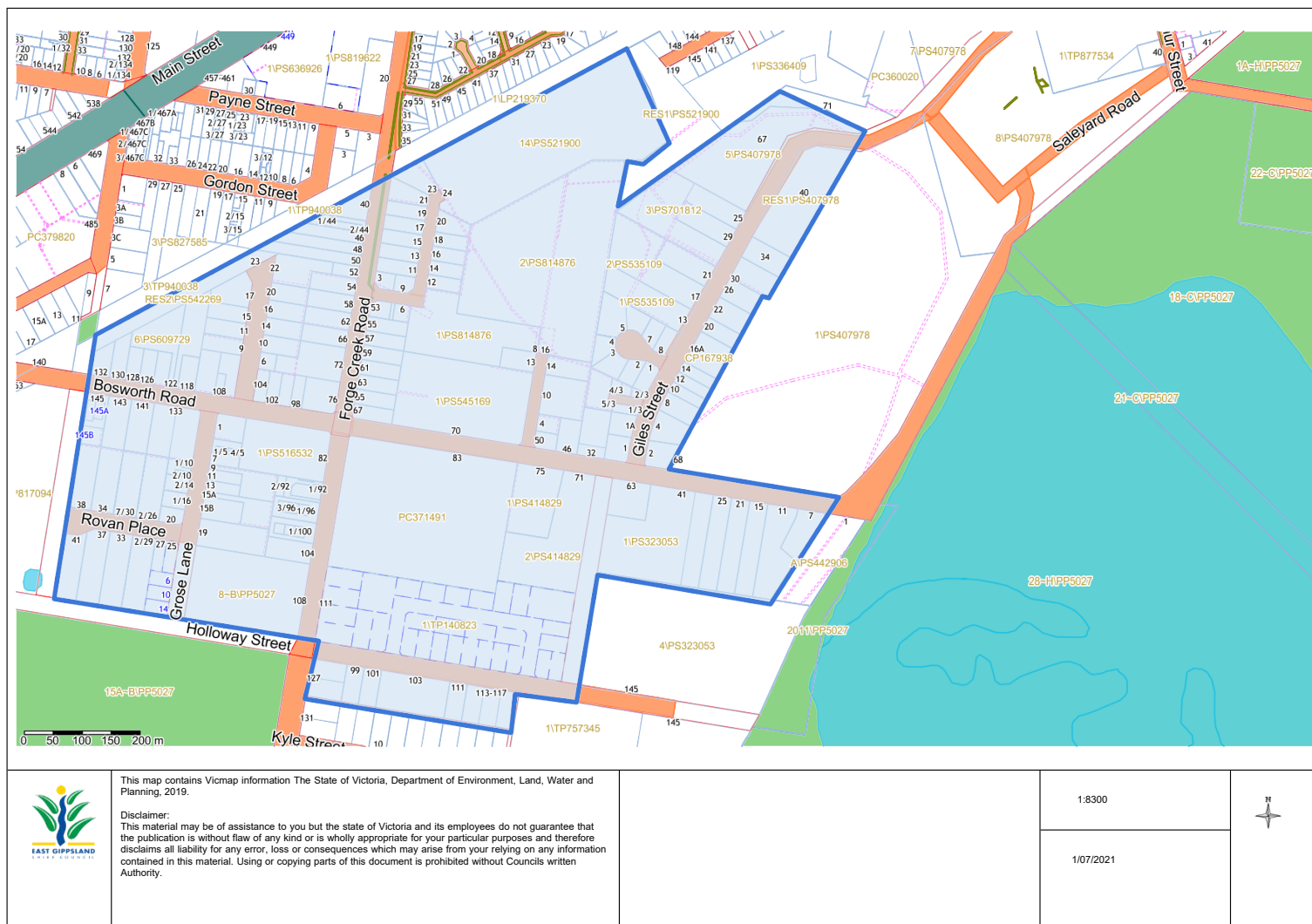
### Special Charge Scheme Changes to Properties

Property Address	Original Number of Benefit Units	Adjusted Number of Benefit Units	Reason	Increase/decrease
32 Bosworth Road BAIRNSDALE VIC 3875	3	2	Reflects current rating	decrease
8 Hayward Court BAIRNSDALE VIC 3875	1	1	Change of ownership	no change
50 Forge Creek Road BAIRNSDALE VIC 3875	2	2	Change of ownership	no change
127 Forge Creek Road BAIRNSDALE VIC 3875	3	1	Reflects current rating	decrease
41 Giles Street BAIRNSDALE VIC 3875	12	4	Consistent application of principles	decrease
67 Giles Street BAIRNSDALE VIC 3875	4	0	Reflects current rating	decrease
62 Forge Creek Road BAIRNSDALE VIC 3875	1	1	Consistent application of principles	decrease
19 Rovon Place BAIRNSDALE VIC 3875	3	3	Consistent application of principles	decrease
14 Railway Court BAIRNSDALE VIC 3875	1	1	Change of ownership	no change
1/30 Rovon Place BAIRNSDALE VIC 3875	3	0	Reflects current rating	decrease
2/30 Rovon Place BAIRNSDALE VIC 3875	3	0	Reflects current rating	decrease
3/30 Rovon Place BAIRNSDALE VIC 3875	3	0	Reflects current rating	decrease
4/30 Rovon Place BAIRNSDALE VIC 3875	3	0	Reflects current rating	decrease
1/26 Rovon Place BAIRNSDALE VIC 3875	3	0	Consistent application of principles	decrease
5/30 Rovon Place BAIRNSDALE VIC 3875	3	0	Reflects current rating	decrease
6/30 Rovon Place BAIRNSDALE VIC 3875	3	0	Reflects current rating	decrease
7/30 Rovon Place BAIRNSDALE VIC 3875	3	0	Reflects current rating	decrease
8/30 Rovon Place BAIRNSDALE VIC 3875	3	0	Reflects current rating	decrease
25 Giles Street BAIRNSDALE VIC 3875	2	1	Reflects current rating	increase
145 Bosworth Road BAIRNSDALE VIC 3875	2	1	Subdivision occurred	decrease
1/29 Rovon Place BAIRNSDALE VIC 3875	3	1	Reflects current rating	decrease
2/29 Rovon Place BAIRNSDALE VIC 3875	3	1	Reflects current rating	decrease
3/29 Rovon Place BAIRNSDALE VIC 3875	3	1	Reflects current rating	decrease
1/14 Rovon Place BAIRNSDALE VIC 3875	1	0	Reflects current rating	decrease
2/14 Rovon Place BAIRNSDALE VIC 3875	1	0	Reflects current rating	decrease
1/16 Rovon Place BAIRNSDALE VIC 3875	1	0	Reflects current rating	decrease
2/16 Rovon Place BAIRNSDALE VIC 3875	1	0	Reflects current rating	decrease
3-8/26 Rovon Place BAIRNSDALE VIC 3875	3	0	Reflects current rating	decrease
109 Forge Creek Road BAIRNSDALE 3875		1	Subdivision occurred	increase
111 Forge Creek Road BAIRNSDALE 3875		1	Subdivision occurred	increase

Property Address	Original Number of Benefit Units	Adjusted Number of Benefit Units	Reason	Increase/decrease
96 Holloway Street BAIRNSDALE 3875		1	Subdivision occurred	increase
124 Holloway Street BAIRNSDALE 3875		1	Subdivision occurred	increase
98 Forge Creek Road BAIRNSDALE 3875		1	Subdivision occurred	increase
3 Jacksons Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
4 Jacksons Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
106 Holloway Street BAIRNSDALE 3875		1	Subdivision occurred	increase
108 Holloway Street BAIRNSDALE 3875		1	Subdivision occurred	increase
110 Holloway Street BAIRNSDALE 3875		1	Subdivision occurred	increase
112 Holloway Street BAIRNSDALE 3875		1	Subdivision occurred	increase
114 Holloway Street BAIRNSDALE 3875		1	Subdivision occurred	increase
116 Holloway Street BAIRNSDALE 3875		1	Subdivision occurred	increase
16 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
29 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
14 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
12 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
10 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
5 Jackson Cresnet BAIRNSDALE 3875		2	Subdivision occurred	increase
9 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
11 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
13 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
15 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
17 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
19 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
21 Jackson Cresnet BAIRNSDALE 3875		3	Subdivision occurred	increase
25 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
29 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
28 Jackson Cresnet BAIRNSDALE 3875		1	Subdivision occurred	increase
7 Rovan Place BAIRNSDALE VIC 3875		1	Property previously obmitted	increase
126 Bosworth Road BAIRNSDALE VIC 3875		1	Property previously obmitted	increase
8 Campbells Drive BAIRNSDALE VIC 3875		10	Property previously obmitted	increase
16 Sammon Place BAIRNSDALE VIC 3875		16	Property previously obmitted	increase
128 Bosworth Road BAIRNSDALE VIC 3875		1	Property previously obmitted	increase

Property Address	Original Number of Benefit Units	Adjusted Number of Benefit Units	Reason	Increase/ decrease
122 Bosworth Road BAIRNSDALE VIC 3875		3	Property previously obmitted	increase
15B Rovon Place BAIRNSDALE VIC 3875		2	Property previously obmitted	increase
15A Rovon Place BAIRNSDALE VIC 3875		2	Property previously obmitted	increase
5 Hayward Court BAIRNSDALE VIC 3875		2	Property previously obmitted	increase
6 Hayward Court BAIRNSDALE VIC 3875		1	Property previously obmitted	increase
50 Bosworth Road BAIRNSDALE VIC 3875		1	Property previously obmitted	increase
4 Sammon Place BAIRNSDALE VIC 3875		1	Property previously obmitted	increase
9 Campbells Drive BAIRNSDALE VIC 3875		1	Property previously obmitted	increase
	<b>353</b>	<b>357</b>		





Contact: Jenny Bailey  
Telephone No: (03) 5153 9500  
Email: economicdevelopment@egipps.vic.gov.au

Insert Date

Insert Citizen's Name  
Organisation  
Address  
Suburb

Dear Insert Citizen's Name

### Notice of intention to vary the South Bairnsdale Industrial Estate Special Charge Scheme

In December 2021 Council declared the Special Charge Scheme for the South Bairnsdale Industrial Estate (**Estate**). The Purpose of the Special Charge is to raise a proportion of the funds required to fund Water Supply Upgrade works in the Estate.

Council now proposes to vary the Special Charge to update the properties in respect of which the Special Charge is payable, and the quantum of the Special Charge.

You are receiving this letter because you are the owner or occupier of a property that will be affected if the Special Charge is varied in accordance with Council's proposal. The purpose of this letter is to:

- provide you a copy of the notice published in the Bairnsdale Advertiser on 13 April 2022 outlining Council's intention to vary the Special Charge; and
- advise you of your right to have a say by making a submission in relation to the proposed variation, should you wish to.

### Outline of the Special Charge Scheme

On 16 December 2021, Council declared the Special Charge to defray the expenses to be incurred by Council in planning for water supply upgrade works to be carried out by East Gippsland Water (**Works**), working in conjunction with Council. The Works are required to overcome a shortcoming in the water infrastructure that has limited the development of the Estate.

The Works will upgrade the volume, pressure and flow of water to the Estate so that it is sufficient to satisfy firefighting standards for buildings with a floor area greater than 500 m<sup>2</sup>. This will significantly reduce the costs associated with ensuring such buildings are safe and fit for occupation. As a consequence, the Works will support the development of the Estate by removing what has been identified by landholders as a key barrier.

The total cost of the Works is \$2.4M: East Gippsland Water \$1.1M; Victorian Government \$500,000; Council \$400,000. Council declared the Special Charge to raise the final \$400,000 required for the upgrade works from lot owners in the Estate who stand to benefit from the Works.

As part of the declaration process, Council identified every property in the Estate which it considered would benefit from the Works, and the extent to which it would benefit, and excluded properties from, and apportioned liability for, the Special Charge accordingly.

Importantly, Council apportioned liability for the Special Charge based on 'Benefit Units', which accrued to a property based on its total land area. At the time of the original declaration, the value of a Benefit Unit was \$1,139.60.

The Special Charge will commence on the day that Council first levies the Special Charge and will conclude on 30 June 2026. Council has not yet begun levying the Special Charge on persons liable to pay it and proposes to do so only after completing the statutory processes for effecting the proposed variation.

For further information regarding the Special Charge, please refer to the Declaration.

### Outline of the proposed variation

Council is proposing to vary the Special Charge in accordance with s 166(1)(b) of the *Local Government Act 1989 (Act)* to update the properties in respect of which the Special Charge is payable. If the proposed variation is adopted by Council:

- more properties in the Estate will be liable for the Special Charge;
- persons who were not previously liable to pay the Special Charge will be required to pay the Special Charge and vice versa; and
- the value of a Benefit Unit will be adjusted accordingly and the liability of each person required to pay the Special Charge will be modified, likely resulting in a reduction for most persons required to pay the Special Charge.

Specifically, Council is proposing to vary the 'Special Charge Property Application Plan' included in the original Declaration to:

- incorporate 30 new lots created as a result of the subdivision of a large block in the Estate which occurred prior to the Declaration; and
- rectify administrative errors identified by Council, by:
  - including 13 properties which Council intended to be subject to the Special Charge, but which were not listed;
  - removing certain properties which Council intended to exclude from the Special Charge, but which were listed; and
  - updating the specified area of several parcels of rate-able land.

If the Special Charge is varied in accordance with Council's proposal, the total number of properties and Benefit Units included in the Special Charge scheme will be increased.

As a consequence, the new value of a Benefit Unit will be \$1,120.45. The liability of persons required to pay the Special Charge will be adjusted accordingly.

### Your liability under the Special Charge

If the proposed variation is adopted by Council, based on our assessment, the total liability under the scheme for [##PROPERTY ADDRESS] with the property size of [##XXXXXXXX] will be \$[##XXXXXX] which is [##XXXX] Benefit Units.

Assessment Number: [##Insert No] Lot Number: [##Insert No]

### Submissions

You have a right to make a written submission in relation to the proposed variation. All submissions must be lodged by email to [economic.development@egipps.vic.gov.au](mailto:economic.development@egipps.vic.gov.au). Submissions must be made before 5.00 PM on 10 May 2022.

All submissions will be considered by Council at the Council meeting to be held on 7 June and all submitters will be advised of Council's decision as to whether to proceed with the proposed variation.

If you make a submission, you are entitled to appear personally, or to be represented by a person, to be heard in support of your submission. If you wish to appear, or for a person to appear on your behalf, please indicate this in your submission.

**Contact**

For further detail in relation to the proposed variation, please see the enclosed Public Notice and visit the *Your Say* page on Council's website at <https://yoursay.eastgippsland.vic.gov.au/>

If you would like to discuss this project further with a Council Officer, please contact Jenny Bailey, Project Manager Economic Recovery, on 5153 9500.

Yours sincerely

***STUART MCCONELL***  
***General Manager Bushfire Recovery***

### Methodology for the Calculation of Payments

A benefit unit accrues to those property owners who can currently, or in the future reasonably expect to, benefit from the improvement of water supply to the Designated Zone which would significantly reduce the cost of meeting the requirements of the Building Code and the Australian fire-fighting standards for buildings of a floor area greater than 500 square meters.

The theoretical benefit unit has been calculated based on the size of block in accordance with the table below.

Theoretical Benefit Units Calculations	
Land area m2	Theoretical Benefit Units Applicable
0-999	0
1000-2500	1
2500-3999	2
4000-5999	3
6000-7999	4
8000-999	5
10,000-11,999	6
12,000-13,999	7
14,000-15,999	8
16,000-17,999	9
18,000-19,999	10
20,000-21,999	11
22,000-23,999	12
24,000-25,999	13
26,000-27,999	14
28,000-29,999	15
Above 30,000	16

The benefit unit table has been determined based on the following assumptions:

- It is practical to construct a building greater than 500 square meters floor area on block sizes greater than 999 square meters, taking into consideration the need for setbacks, internal roads and parking.
- There is likely demand for erecting buildings greater than 500 square meters in floor area and up to 2000 square meters in floor area. Likely average building size has been assumed at 1500 square meters in floor area, which would require on average 2000 square meters of land area taking into consideration the need for setbacks, internal roads and parking.
- For lots with a block size of 30,000 square meters or more, a subdivision will be required for buildings to be erected and meaningfully used, which will require some of the land area to be dedicated to internal roads which will be vested in council. Accordingly, Council has set a maximum number of benefit units for lots of this size.
- Council has identified that there are circumstances in which the size of block is not a good indicator of the potential to construct a building, or buildings, with a floor area greater than 500 square meters. In respect of these properties, Council has adjusted the number of theoretical benefit units to correspond with the reduced benefit conferred on the property. Such circumstances include where:

- The shape of the block is likely to limit the ability to construct building(s) of greater than 500 square meters;
- The location and nature of easements on the property are such that the construction of a building(s) with a floor area greater than 500 square meters is impractical or impermissible;
- The layout of existing buildings on the block would make it impractical and unfeasible to conveniently construct additional buildings of greater than 500 square meters floor area;
- The existing use of the land is such that the construction of additional buildings of greater than 500 square meters in floor area is likely to be of little benefit or utility to landowners. For example, there are several sites within the Estate whereby the land is primarily used as outdoor laydown or storage areas and for which there is consequently little demand for buildings larger than 500 square meters in floor area. In relation to these properties Council has assumed that current land use is a likely predictor of future land use.

Council has reviewed every property within the Designated Zone and determined the number of theoretical benefit units to be allocated to the property.

Council has adjusted the number of benefits units in relation to properties for which Council is reasonably satisfied, having regard to the above, adjustment is reasonable and appropriate.

Further, Council has determined that the following properties are exempt from the Special Charge Scheme:

- Land owned by East Gippsland Shire Council and East Gippsland Water on the basis that these are government owned enterprises and will not be building buildings greater than 500 square meters in floor area and hence will not receive a special benefit.
- Those properties where there is already a building greater than 500 square meters floor area and a fire system has been installed which is compliant with the building code and the Australian fire-fighting standards, then no benefit will be accrued by improving the water supply and hence no benefit unit allocated.

Based on the above assumptions there are (currently) 357 benefit units in the area under consideration. The scheme is designed to recover \$400,000. Hence the cost per benefit unit is (currently) \$1,120.45.

**5.3.4 Planning Permit Application 523/2021/P - Bancroft Bay (Opposite 185 Metung Road, Metung) Buildings and works to extend existing jetties**

Authorised by General Manager Place and Community

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**Conflict of Interest**

Officers that prepared this report have no conflict of interest to declare and no Officer who has provided advice in the preparation of this report has disclosed a conflict of interest.

Other officers who have declared a conflict of interest in the matter have excused themselves from any discussion regarding the matter.

**Executive Summary**

The planning permit application currently before Council seeks a permit for buildings and works to extend existing jetties at Bancroft Bay (Opposite 185 Metung Road, Metung). The subject land (water) is an existing area occupied by the business, and also extends over an area (berth lease area M27) currently managed by Council and is normally leased to a private berth holder.

A copy of the plans and supporting documents submitted with the application can be found via hyperlink at **Attachment 1**.

Public notice occurred and the responsible authority has received no objections.

Referral authority submissions are provided at **Attachment 2**, and in general there is conditional consent for the grant of the planning permit.

On balance, the application is considered to be consistent with the purpose and objectives of the various planning scheme controls which apply to the land (water). It is therefore recommended to grant a planning permit subject to the conditions outlined at **Attachment 3**.

**Officer Recommendation**

***That Council:***

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that planning application 523/2021/P is consistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to Grant a Planning Permit for the buildings and works to extend existing jetties, at Bancroft Bay (opposite 185 Metung Road), Metung, subject to the permit conditions at Attachment 3.***



## Background

### The land

The land subject to the proposal is part of Crown Allotment 2007 Parish of Boole Poole, being part of the Gippsland Lakes. It is located opposite 185 Metung Road, Metung, which is the on-land base of operations of Riviera Nautic, a charter yacht and cruiser company specialising in destination experiences on the Gippsland Lakes. The business has operated from the same location for many years.

The site is located (**Figure 1**) near the entry to Chinaman's Creek, which extends northward from Bancroft Bay into areas of Metung predominantly zoned Low Density Residential Zone, and generally having steep escarpments covered in vegetation. There is a foreshore reserve area on both sides of the waterway, interspersed with public and private jetties under various management structures.



Figure 1 – The site in locality context

There are two existing jetties (**Figure 2**) which extend from the Metung Road reserve generally northeast (perpendicular to the foreshore) and northwest (parallel to the foreshore). A T-head jetty features refuelling services for the fleet. There is roughly 125 linear metres of jetty existing between the two existing jetties. The jetties primarily provide access to mooring pens on the north-eastern side of the jetties.

A Council managed berth (M27) is located to the north of the existing jetty. The berth is subject to a lease, although through the assessment of the application, the existing leaseholder has been contacted, and the lease is no longer in place.

The core commercial area of Metung is located just over a kilometre from the site. The core commercial area is accessible via road or via the boardwalk over the foreshore. There are a range of commercial uses of land in close proximity to 185 Metung Road, primarily in the form of accommodation.





Figure 2 – Existing jetty configuration.

### The proposal

The proposal, as demonstrated in **Figure 3**, is for the removal of one 20 metre jetty which is perpendicular to the road and replace it with a 20 metre extension to the southeast, then a further 30 metre extension to the northeast. This will facilitate a total of six 12-metre-long pens and a reorganisation of the existing pens. To the northwest, no removal is required, but the jetty is proposed to be extended 27.5 metres, allowing for five 10 metre long pens.

In the applicant's words, the proposal could facilitate:

- Additional two FTE employed local staff at Riviera Nautic;
- Enables expansion of fleet by up to 25%, with vacant berths available for lease to the general public;
- Additional 400 charter days per annum;
- Additional 1600 visitor days per annum; and
- Secondary economic flow on to other businesses and the East Gippsland visitor economy
- Enhanced tourism business resilience for Riviera Nautic to face future obstacles.



**Figure 3 – Proposed buildings and works**

### Current status/issues

The proposal has been subject to public notice, following resolution of concerns raised in the assessment of the application by Council's Council Enterprises team. Of concern had been the issue of leasing land, and the loss of one available berth, where there is a significant waiting list for berths managed by Council. A waiting list is currently in place.

Council officers, the applicant, and DELWP, have agreed to negotiate a replacement berth position, to be implemented as soon as practical with the support of DELWP. This responds to potential concerns of those currently waiting for available berths.

## 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*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act*. The need for a Gender Impact Assessment has also been assessed and is not considered required as not required by the *Planning and Environment Act 1987*.

### Planning and Environment Act 1987 and the East Gippsland Planning Scheme

The application is made and assessed under the *Planning and Environment Act* and associated regulations. Policy and controls applicable are established under the East Gippsland Planning Scheme.

Planning policy relating to the proposal generally seeks to:

- Direct development to appropriately zoned and serviced land;
- Protect residential amenity;
- Respect neighbourhood character;
- Protect environmental features of significance; and
- Ensure that human life and property is not placed at an unacceptable level of risk.

The key aspect of decision making in relation to this matter will be to ensure that the application has appropriately addressed all the purposes and objectives of the Zone, Overlays and Particular Provisions relating to the subject site and immediate surrounds.

### Planning Scheme Controls and decision criteria

The following is a summary of the controls applicable to the assessment.

Scheme Part	Detail	Relevance
<b>Zones</b>	Public Park and Recreation Zone	A permit is required to carry out buildings and works where the application is made by an applicant other than a public land manager under various acts. The application is made by a leaseholder with the support of the public land manager (DELWP).
	Transport Zone 2	A permit is required for buildings and works. An application must be supported by the relevant transport manager. This is discussed further below.
<b>Overlays</b>	Land Subject to Inundation Overlay	A permit is not required, as there is an exemption in the schedule for: <i>buildings and works associated with jetties, boardwalks, landings, beach refurbishment, swing moorings, navigational aids, beacons and lights</i>

### Cultural sensitivity

Pursuant to the *Aboriginal Heritage Regulations 2018*, a Cultural Heritage Management Plan is deemed not to be required for the following reasons:

- The area is part of an area of cultural sensitivity;
- The use of the land is a 'recreational boating facility' which is a high impact activity; and
- The use of the land was established prior to the implementation of the Aboriginal Heritage Act and Regulations. An exemption to the requirement to prepare a cultural heritage management plan is provided where the use of the land is established prior to the commencement of the regulations.

### Notice of Proposal

Public notification was undertaken in the form of letters to adjoining landowners and occupiers and a sign on site was erected in accordance with Section 52 of the *Planning and Environment Act 1987* and the instructions issued by the responsible authority.

No objections have been made in relation to the proposal.

### Planning Scheme Assessment

The proposal is considered to be an appropriate extension to the existing use and development of the land. The proposal generally accords with the policy objectives of the Scheme, particularly in relation to promotion of economic diversity. The proposal does not represent a significant amenity concern to the general public. The activity conducted is no different in the locality than that of a private or public jetty, of which there are numerous in the immediate locality and across the Gippsland Lakes.

### *Public Park and Recreation Zone (PPRZ)*

The principal consideration for this matter is the provisions of the PPRZ. The PPRZ states:

#### *Purpose*

*To implement the Municipal Planning Strategy and the Planning Policy Framework.  
To recognise areas for public recreation and open space.  
To protect and conserve areas of significance where appropriate.  
To provide for commercial uses where appropriate.*

#### *Permit requirement*

*A permit is required to:*

*Construct a building or construct or carry out works. This does not apply to:*

*A building or works carried out by or on behalf of a public land manager, Parks Victoria or the Great Ocean Road Coast and Parks Authority, under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forest Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995 or the Crown Land (Reserves) Act 1978.*

The proposed works are to be undertaken by a commercial entity on publicly managed land. The tests for an exemption are not met, and as such a planning permit is required for the proposed buildings and works.

As noted above, the PPRZ allows for commercial uses of public land, where appropriate. The proposed buildings and works are extensions to a commercial activity which has been undertaken for multiple decades in this area. The proposal allows for improvements and enlargement of the fleet, which will provide choice and attraction in the local economy. With significant investment in the region from the likes of Metung Hot Springs, it is anticipated that there will be increased domestic and international appeal to Metung. This added offering will allow more individuals to experience the Gippsland Lakes from the water.

Consideration was given in the assessment of the proposal to the impact of Council surrendering the management of berth M27, at the north-western extent of the proposed extensions to the western jetty. Ultimately, DELWP can withdraw Council's management of the berth and re-allocate it as DELWP sees fit. Council officers considered the retention of the berth, but identified that there may be better alternatives, such as working with DELWP to secure a new berthing location in close proximity. This is currently being explored.

#### *Application requirements*

*An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:*

- *To the application for permit being made; and*
- *To the application for permit being made and to the proposed use or development.*

The application was supported by DELWP and conditional consent is recommended.

#### *Decision guidelines*

*Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

- *The Municipal Planning Strategy and the Planning Policy Framework;*
- *The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land; and*
- *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

As previously discussed, the proposal is considered generally consistent with the planning strategy and policy framework. The comments of DELWP have been considered and are very supportive of the proposed buildings and works, which constitutes an extension to the existing use. There are no relevant use, design or siting guidelines established, however it is noted that the proposal is designed to integrate with the existing surrounding jetties, and the recently extended boardwalk along Bancroft Bay.

#### *Transport Zone 2*

The Transport Zone 2 relates to the Principal Road Network for the State of Victoria. The Zone applies over the road reserve for Metung Road, which encroaches on the lake. The development area falls partially within this road segment and therefore within the Transport Zone 2. Buildings and works triggers a planning permit in the Zone unless otherwise exempt or carried out by the relevant transport manager.



It is considered not relevant to refer the application to the Head, Transport for Victoria, where the subject land is under management of the Department of Environment, Land, Water and Planning (DELWP), and the works are authorised by Marine and Coastal Act consent. It is noted that the proposal is also not considered to be alteration or intensification to the use, triggering a permit under Clause 52.29.

### **Collaborative procurement**

Not applicable.

### **Council Plan**

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

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

### **Council Policy**

In accordance with Council's Planning Permit Application Delegations Policy (April 2018), the application does not require consideration by Council, however due to potential perceived conflicts of interest, the Chief Executive Officer has requested consideration at a Council meeting.

### **Options**

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

### **Resourcing**

#### *Financial*

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

#### *Plant and equipment*

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

#### *Human Resources*

The application is assessed by existing funded officers.

#### *Risk*

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

### **Economic**

The proposal provides for expansion to a business in the tourism industry. Increasing the size of the business has the potential to increase capacity and demand, having a flow on effect for local businesses.

## Social

Pursuant to Clause 21.08 of the East Gippsland Planning Scheme, the proposal does not trigger an assessment under the Social Impact Assessment Guidelines for Development, as the proposed subdivision creates less than 60 lots.

There are no major social considerations resulting from the proposed subdivision, other than those addressed by responses to objections.

### *Gender Impact Statement*

Considerations of Gender Equality in Planning are made in relation to planning strategy, including planning scheme amendments and policy changes. Individual assessment of planning applications tends to be gender neutral. However, Council officers consider factors such as community safety, privacy, and accessibility in an integrated and multi-faceted decision making process.

## Environmental

The proposed recommendation takes into consideration the environmental factors required in the planning scheme. Key considerations are in respect of potential effluent and chemical leaks from the increased fleet size, and during construction, contamination from chemicals and disturbance of soils. These considerations are addressed through permit conditions (construction management plan) and through ongoing operational requirements of the lease to the land (DELWP managed).

Furthermore, the proposal was subject to *Marine and Coast Act (MACA) 2018* consent, which was provided prior to the lodgement of the planning permit application. The MACA consent ensures the proposed works are undertaken in a way that reduces and prevents damage to the lakes and coast environment.

### *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

Engagement activity is outlined in relevant sections of Legislation in accordance with Sections 52 and 55 of the *Planning and Environment Act 1987*.

## Attachments

1. Application Documents Link [5.3.4.1 - 1 page]
2. Referral responses [5.3.4.2 - 4 pages]
3. Proposed Permit Conditions [5.3.4.3 - 2 pages]

For application documentation, refer to the advertised copy of the application listed on Council's website:

[621590dee29b0076f365d5ba\\_5232021P\\_Bancroft\\_Bay.pdf \(website-files.com\)](https://assets-global.website-files.com/5f10ce18aa01d050c26b7c5e/621590dee29b0076f365d5ba_5232021P_Bancroft_Bay.pdf)

[https://assets-global.website-files.com/5f10ce18aa01d050c26b7c5e/621590dee29b0076f365d5ba\\_5232021P\\_Bancroft\\_Bay.pdf](https://assets-global.website-files.com/5f10ce18aa01d050c26b7c5e/621590dee29b0076f365d5ba_5232021P_Bancroft_Bay.pdf)





Department of Environment,  
Land, Water & Planning

71 Hotham Street  
Traralgon Victoria 3844  
Telephone: +61 3 5172 2111  
[www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)

26 November 2021

Robert Pringle  
Statutory Planning Coordinator  
East Gippsland Shire Council  
273 Main Street  
BAIRNSDALE VIC 3875

Our ref: SP478397  
Your ref: 523/2021/P

Dear Robert

**PROPOSAL:** EXTENSIONS TO JETTY  
**APPLICANT:** CAMERON JOHNS  
**ADDRESS:** BANCROFT BAY OPPOSITE 185 METUNG ROAD, METUNG

Thank you for your correspondence dated and received 23 November 2021 consistent with section 52 of the *Planning and Environment Act 1987* (the Act).

The application seeks to extend an existing jetty.

Under delegation from the Secretary, the Department of Environment, Land, Water and Planning (DELWP) is providing advice in response to notice of a planning permit application which may affect its responsibilities or assets.

DELWP **does not object** to the granting of a planning permit.

If you have any queries, or require clarification please contact [gippsland.planning@delwp.vic.gov.au](mailto:gippsland.planning@delwp.vic.gov.au).

Yours sincerely

**Elaine Wood**  
Program Manager Planning and Approvals  
Gippsland Region | Central East Hub

**Privacy Statement**

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to [foi.unit@delwp.vic.gov.au](mailto:foi.unit@delwp.vic.gov.au) or FOI Unit, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 8002.



OFFICIAL

Robert Pringle

---

**From:** Greg Hatt <gregh@gippslandports.vic.gov.au>  
**Sent:** Wednesday, 24 November 2021 8:08 AM  
**To:** Planning Unit Administration  
**Cc:** Steve Campisi  
**Subject:** (DWS Doc No 9295391) Re PP Application 523/2021/P  
**Attachments:** stc210910 Private jetty 102-140A & 129-140A Referral response.docx

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

Dear Loraine

Thank you for the referral of PP Application 523/2021/P to Gippsland Ports (GP), as the Port Manager for the Port of Gippsland Lakes.

GP has no objections to the proposal with conditions as outlined in its attached advice to DELWP

Regards

Greg

Ref: 1601765 & 1601792

September 10, 2021

Tracey West  
Program Officer – Land & Built Environment  
Department of Environment, Land, Water and Planning  
574 Main Street,  
Bairnsdale 3875

Dear Tracey

Re: Private Jetty Application Riviera Nautic  
Location: Port of Gippsland Lakes, Chinaman's Creek

Thank you for referring the amended private jetty proposal to Gippsland Ports (GP).

GP has considered this proposal and advises that with the resolution of the existing mooring piles there are no navigation/ Port management issues regarding this plan as submitted.

Amended plan would be also subject to the following conditions.

1. Application being made to GP and a permit pursuant to the Port Management Act 1995, for works within port waters, being issued prior to commencement of construction. *(note; licences/contractors are reminded that all vessels associated with the works must comply with the Marine Safety (Domestic Commercial Vessel) National Laws and the National Standards for Commercial Vessels.)*
2. Plans and specifications for the proposed jetty which do not comply with the GP minimum private jetty standards being submitted to GP and approved prior to commencement of construction.
3. Design and construction of the jetty to comply with relevant Australian Standards and Design Guidelines including Safety and Environmental legislation and associated Standards and Guidelines.
4. Utilities and/or other services provided on the jetty are to comply with the requirements of the respective responsible agencies.



ABN 98 943 634 870

[www.gippslandports.vic.gov.au](http://www.gippslandports.vic.gov.au)

**Port Managers**

Anderson Inlet  
Corner Inlet & Port Albert  
Gippsland Lakes  
Snowy River  
Mallacoota Inlet

**Waterway Manager**

Shallow Inlet  
Lake Tyers

**Head Office**

PO Box 388  
(97 Main Street)  
Bairnsdale Vic 3875  
Ph: 03 5150 0500  
Fax: 03 5150 0501  
Email:  
[ceo@gippslandports.vic.gov.au](mailto:ceo@gippslandports.vic.gov.au)

**Depots**

Bullock Island  
Lakes Entrance Vic 3909  
Ph: 03 5155 6900  
Fax: 03 5155 6931

Lewis Street  
Port Welshpool Vic 3965  
Ph: 03 5688 1303  
Fax: 03 5688 1658

**Boatyards**

Slip Road  
Paynesville Vic 3880  
Ph: 03 5156 6352  
Fax: 03 5156 6816

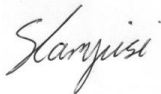
Bullock Island  
Lakes Entrance Vic 3909  
Ph: 03 5155 6950  
Fax: 03 5155 6951

5. The Licensee is responsible for ensuring that available water depths are satisfactory for proposed vessel operations from the jetty and will not be impacted by shoaling or scouring.
6. Construction, operation and maintaining the jetty and services, including the integrity of the associated waterway access to the jetty, will be to GP satisfaction, and will be the responsibility of the licensee. Any excavation or dredging required is subject to separate permit consideration.
7. The Licensee is responsible for ensuring that the jetty and its operations do not adversely impact on the environment and on the safe operation of vessels and waterways users.
8. The proposed "Construction Work Method Plan" or "Construction Safety and Environment Plan", including details of measures to mitigate waterway safety and environmental risks, and the jetty construction timeframes, are submitted to GP, prior to GP issuing a permit and any required notices.
9. A Notice to Mariners or Local Navigation Warning may be required to be issued at least 2 weeks prior to any construction works commencing, with any associated costs borne by the proponent.
10. A copy of the Coastal Management Act Consent and Planning Permit being provided to Gippsland Port.

GP understands that the proposed jetty and its occupation will be licensed by your department. Notification to GP when private jetty construction has been completed, compliance assessed, and licence has been issued would be appreciated.

Please contact Gippsland Ports works inspector should any further information relating to GP position is required.

Yours sincerely



**Stephen Campisi**  
**GIPPSLAND PORTS**  
**WORKS INSPECTOR**

Ph: (03) 51556914 Mobile: 0409423121 Fax: (03) 51556901

Email: [stevec@gippslandports.vic.gov.au](mailto:stevec@gippslandports.vic.gov.au)

523/2021/P - Bancroft Bay (Opposite 185 Metung Road  
METUNG) - Buildings and works to extend existing jetties

**Proposed Permit Conditions**

1. The buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. All proposed buildings, works, and structures must be designed by a suitably qualified professional to be safe and stable and be constructed and maintained in good condition at all times to the satisfaction of the responsible authority.
3. Before any works associated with the development start, a construction management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:
  - Location of any temporary construction works office and machinery storage area;
  - The construction works access way;
  - Details of construction days and hours;
  - Vehicle and machinery exclusion zones;
  - Location and management requirements of stockpiled soil;
  - Measures and techniques to protect watercourses from sedimentation from disturbed or under construction areas;
  - Measures and methods to be employed to protect sites of conservation importance, native vegetation and areas of archaeological significance;
  - Location and management of litter storage areas, construction waste areas and chemical storage areas; and
  - Methods of ensuring all contractors are informed of the requirements of the construction management plan and persons responsible for ensuring the construction management plan is adhered to.

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

**Time Limit condition**

4. This permit will expire if any of the following circumstances applies:
  - The development is not started within two years of the issue date of this permit.
  - The development is not completed within four years of the issue date of this permit.

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

## **Notes**

1. The buildings and works are to meet requirements of the Marine and Coastal Act 2018 Consent (DELWP reference 1601765 & 92/ SP476775 10 August 2021).
2. The buildings and works are to meet requirements of Gippsland Ports as specified in their response (Ref: 1601765 & 1601792) dated September 10, 2021.
3. Please be informed that you are required to check with a Private Building Surveyor if a Building Permit is required for the building works relating to this planning permit.

Building works on this site must comply with the requirements of the Victorian Building Act and Building Regulations, the National Construction Code (NCC) and relevant Council Local Laws.

### 5.3.5 Planning Permit Application 548/2021/P - Multi-lot subdivision - 55 Meridian Way, Newlands Arm

Authorised by General Manager Place and Community

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#### Conflict of Interest

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

#### Executive Summary

The planning permit application currently before Council seeks a permit for a Multi-Lot Subdivision (6 lots) located at 55 Meridian Way, Newlands Arm.

On the strength of the consistency demonstrated in the application with policy and planning scheme provisions, it is recommended that a Notice of Decision to grant a planning permit is issued, subject to the conditions outlined at **Attachment 1**. A copy of the plans and supporting documents submitted with the application can be found via hyperlink at **Attachment 2**.

Public notice occurred and 27 objections were received. The objections are provided at **Attachment 3**. A planning consultation meeting (PCM) was held on 7 March 2022 with multiple objectors presenting their concerns to Council. Minutes of that meeting are provided at **Attachment 4**. Referral authority submissions are provided at **Attachment 5**.

A detailed assessment of the proposal is provided at **Attachment 6**. On balance, the application is considered to be consistent with the purpose and objectives of the various planning scheme controls which apply to the site.

#### Officer Recommendation

##### *That Council:*

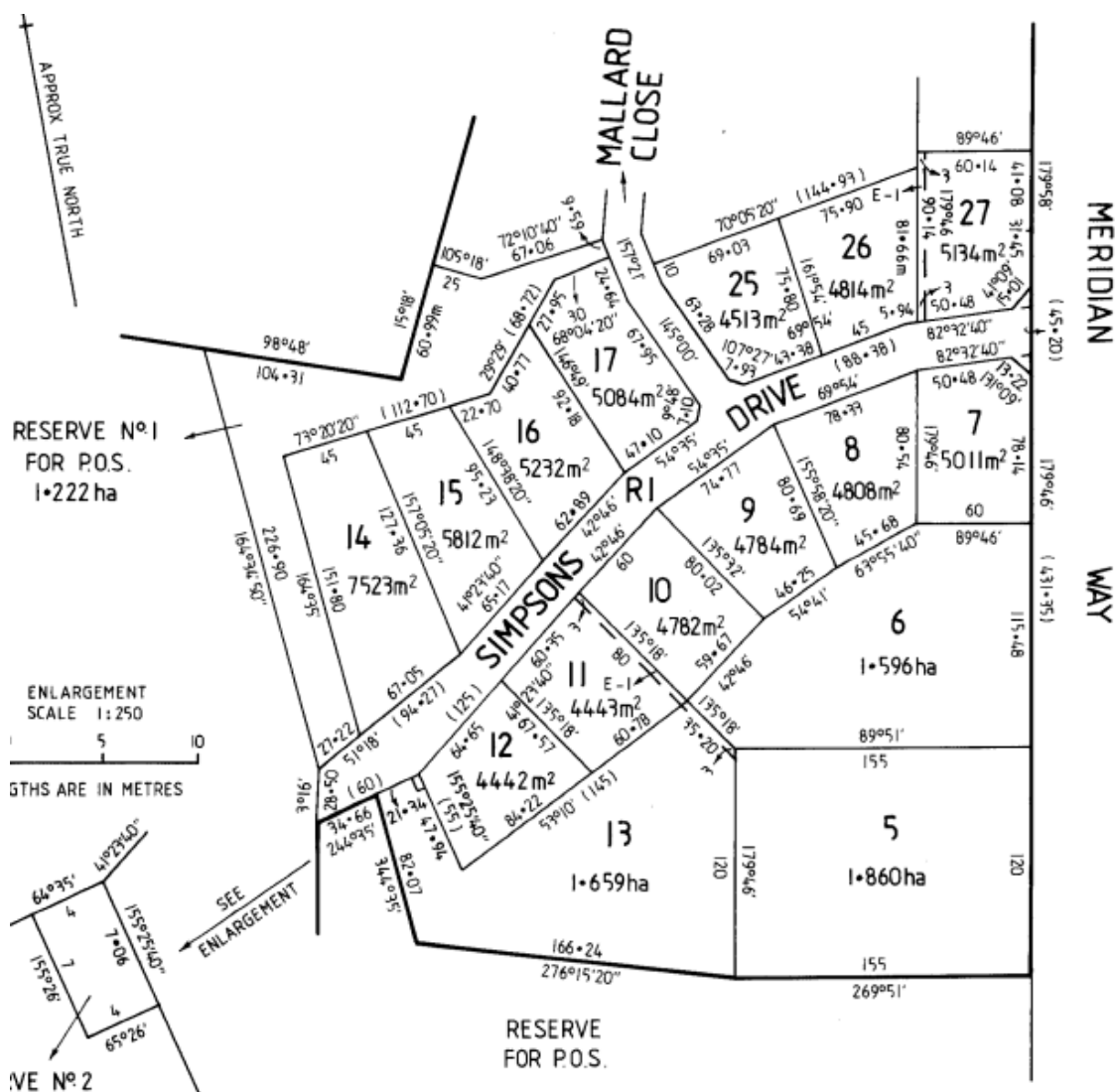
- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that planning application 548/2021/P is consistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves to issue a Notice of Decision to Grant a Planning Permit for the Multi-Lot Subdivision at 55 Meridian Way, Newlands Arm subject to the permit conditions at Attachment 1.***

#### Background

##### Site Analysis

Newlands Arm is a coastal residential village on the Gippsland Lakes. It has grown from a master-planned but paper-based subdivision with poorly constructed roadways and infrastructure to a restructured settlement with properly formed roads connections to reticulated services. The land to the immediate west of the urban settlement was subdivided in 1992, under the planning provisions of the day (Bairnsdale Shire Council Planning Scheme) that have since become the Low Density Residential Zone (LDRZ).

The Simpsons Drive locality includes lots of around 5,000 square metres, developed with a variety of dwellings and outbuildings in the Low Density Residential Zone. On the eastern side of Meridian Way are smaller allotments (around 1,200 square metres) in the General Residential Zone. One property opposite to the southeast is a Farming Zone allotment on the southern edge of the settlement boundary.



**Figure 1 – Lot 6 in context of the plan of subdivision – demonstrating lot size and character.**

Access to the subject land is gained from Meridian Way to the east. An existing driveway and rural crossover is established in the southeast corner of the site, where an existing outbuilding is located (Proposed Lot 1). This outbuilding is not in use and must not be used per the S173 legal agreement on title until such time as a dwelling is occupied on the land.

The land is 1.596 hectares in area. The applicant identifies that vegetation on the land has been planted and has provided aerial photography from 1978 depicting a cleared paddock (refer application documents, **Attachment 2**, Page 47 of 49).

The precinct has a full range of reticulated services inclusive of power, water, sewer and telecommunications. The property is not currently serviced by reticulated sewer. However, the connection is available and the land is also included in East Gippsland Water's Sewer District. The application is premised on being connected to sewer. Land in LDRZ to the north, along Simpsons Drive, Mallard Close and Redgum Court is not connected to sewer at this time.





**Figure 2 – The land in locality context.**

### The proposal

The application currently before Council seeks approval for Multi-Lot Subdivision (6 Lot Subdivision).

- Lot 1 (2000 square metres) includes an existing outbuilding and access.
- Lots 2 through 6 are 2000 square metres and greater, with maximum lot size 3568 square metres.
- Three additional access locations would be located at Meridian Way, two will be shared for two allotments each, as indicated in the proposed Plan of Subdivision (**Figure 3**).
- Vegetation removal in the road reserve is proposed but is not a planning permit requirement. Regardless, land manager consent (Works department) is required and has been granted to carry out works in the road reserve.

There are stands of native vegetation on the site, but all vegetation is adjacent to the proposed boundaries of Lot 1.

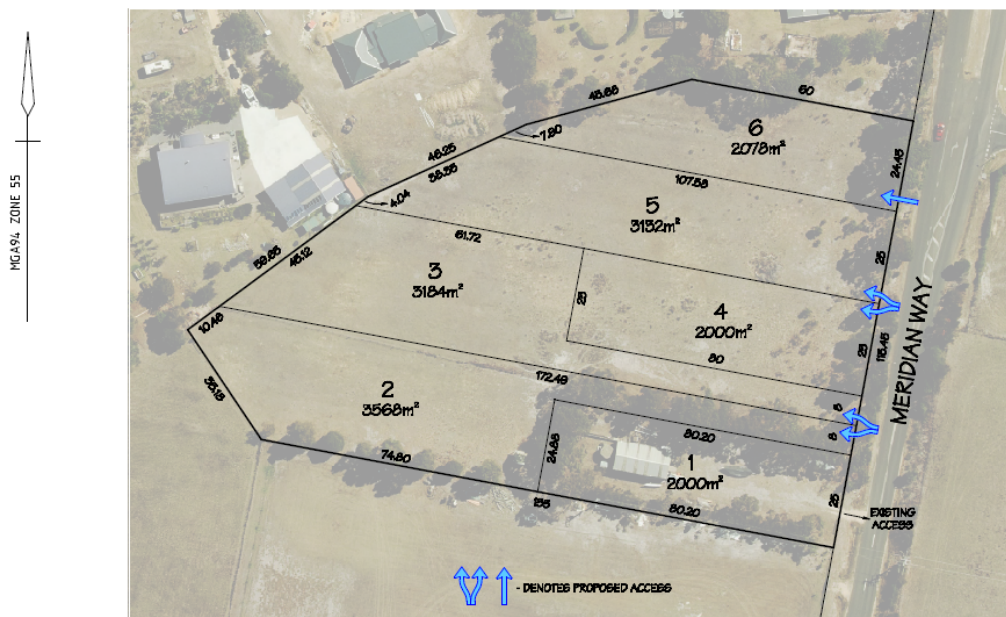
Other existing trees shown in the aerial imagery are outside of the site boundaries, either in the road reserve or on the neighbouring property at 1 Simpsons Drive.

The applicant has described the vegetation as planted vegetation, which is supported by a 1978 aerial image provided in the application showing the area of land as bare paddock. The only potential permit trigger for vegetation removal would have been Clause 52.17 Native Vegetation, but this provision provides an exemption if the vegetation to be removed was planted. There is no time limit condition on when the planting occurred, but there is a condition that the vegetation could not have been planted with public funds, which is not the case.

As such, there is no planning permit requirement for the vegetation to be removed.

The applicant advises that the internal driveway to Lot 2 can be constructed without the need to remove any existing trees. The frontage to Lot 2, at 8 metres wide, is sufficient to construct an internal driveway without removing any established trees. The front of the lot is wide enough to provide a 3 metre-wide driveway offset 1 metre from the common boundary between Lot 2 and Lot 3, leaving approximately 2 metres clearance from the trees and 4 metres from the southern boundary.

The extent of proposed vegetation removal will be limited to that required to enable access to the lots. A condition of approval to that effect is proposed to be included in the permit.



**Figure 3 - Proposed Plan of Subdivision**

### Current Status

The application has been subject to a planning consultation meeting (PCM). Issues arising from the objections and PCM are addressed further under *Legislation*.

There are no significant modifications to the proposal considered to be required, and the proposal is considered appropriate, as such it is recommended that a notice of decision to grant a planning permit is issued.

### **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*.

In preparing this report the Victorian *Gender Equality Act 2020* has been considered. The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act*. The need for a Gender Impact Assessment has also been assessed and is not considered required.

### Planning and Environment Act 1987 and the East Gippsland Planning Scheme

The application is made and assessed under the *Planning and Environment Act* and associated regulations. Policy and controls applicable are established under the East Gippsland Planning Scheme.

Planning policy relating to the proposal generally seeks to:

- Direct development to appropriately zoned and serviced land;
- Protect residential amenity;
- Respect neighbourhood character;
- Protect environmental features of significance; and
- Ensure that human life and property is not placed at an unacceptable level of risk.

The key aspect of decision making in relation to this matter will be to ensure that the application has appropriately addressed all the purposes and objectives of the Zone, Overlays and Particular Provisions relating to the subject site and immediate surrounds. A full assessment against the relevant purposes and objectives of the Scheme is made and provided at **Attachment 6**. The relevant policy, standards, and decision guidelines are summarised below.

#### Planning Scheme Controls and decision criteria

The following is a summary of the controls applicable to the assessment. Further detail of the considerations for each control is at **Attachment 6**.

Scheme Part	Detail	Relevance
<b>Zones</b>	Low Density Residential Zone	A permit is required to subdivide land.
<b>Overlays</b>	Design and Development Overlay Schedule 11	A permit is required to subdivide land.

#### Cultural sensitivity

Pursuant to the *Aboriginal Heritage Regulations 2018*, a Cultural Heritage Management Plan is required and has been prepared by Anita Barker, Anthony Gowans & Anna Kent 8 November 2021. Approval from Aboriginal Victoria has accompanied the CHMP and is dated 3 September 2022. The proposal is assessed as being consistent with the endorsed CHMP.

#### Notice of Proposal

Public notification was undertaken in the form of letters to adjoining landowners and occupiers and a sign on site was erected in accordance with Section 52 of the *Planning and Environment Act 1987* and the instructions issued by the responsible authority.

23 Objectors (from 20 objection forms) have registered concerns with the proposal.

The objections are at **Attachment 3**.

In summary the objections raised the following concerns/issues:

- Amenity and Neighbourhood Character;
- Increase in density in the area (too many lots);
- Land fragmentation;
- Lighting / Light pollution;
- Stormwater / run off / drainage (possible water tanks and rubble pits not being sufficient);
- Increase overall building footprints;
- Noise;
- Not respecting contours;
- Traffic and congestion;
- Increase of people;
- No building envelopes;
- Increase in number of driveways (road safety);
- Construction interruptions and noise;
- Penrose Place development;
- Simpsons Drive Character;
- Current fencing issues; and
- Devalue land.

### Response to Objections

#### *Amenity and Neighbourhood Character issues*

It is considered that the proposed increase in net 5 new lots (6 lots, 6 potential dwellings) will not significantly detract from the existing neighbourhood character. The property is situated between two different character areas and is at the entry to the settlement. The property is currently much larger than the other LDRZ properties on Simpson Drive. The smaller lot sizes proposed, consistent with the scheme provisions, is a change, but not a detrimental change.

Six lots, each developed with a single dwelling, will have a different amenity outcome than the existing conditions, a mostly vacant paddock. Changes would include short term construction activity (not unlike any other vacant allotment undergoing residential development) and more residential neighbours. Impacts perceived because of additional neighbours are no different to any developing residential neighbourhood.

Traffic generated from the proposed subdivision would not be unreasonable. Predicted traffic generation from a residential property is 8-10 vehicle movements per day on average. The street network is more than adequate to accommodate the extra movements, and the design to reduce the number of crossovers will minimise conflict points.

Issues regarding the intent of the original developer can be addressed in reference to the expiry of the Covenant. Had the intent been to prevent subdivision on an ongoing basis, the covenant would not have had an expiry date.

The provisions of the LDRZ have been amended since the original subdivision to remove a requirement for building envelopes to be endorsed, along with the amendments for minimum lot size, reducing it from 4,000 to 2,000 square metres where reticulated sewerage is provided. The LDRZ requires demonstration that a building envelope can be accommodated, this assists where there are site constraints and the need for provision of land area for on-site sewage treatment. There are no significant constraints in this case, and it is anticipated that buildings will be sited in a way that preserves amenity – with generous setbacks.

### *Increased Density – too many lots*

The density proposed is consistent with the planning scheme provisions. The proposal is still low density in comparison to general residential areas. There will be a slightly higher density for this property, compared to existing properties in Simpson Drive as the lots are able to connect to sewer and meet the 2,000 square metre minimum requirement. Neighbouring properties will share one or two boundaries rather than the one currently existing. This is not considered unreasonable. The proposal is not high density, just higher density than the neighbouring properties within the LDRZ, but also lower density than the adjacent general residential zone. The subdivision represents an appropriate transition from the Low Density Residential zone to the General Residential zone and is consistent with the density requirements for the zone.

### *Stormwater / runoff / increased building footprint*

There are no foreseen reasons why Council's standard stormwater conditions for Subdivision of this nature would not be able to achieve a suitable drainage solution. Subdivision and future development must ensure there is no net increase to stormwater runoff from pre-development conditions.

New dwellings will change current pervious areas, which allow for infiltration of rainwater, to hard surfaces. Council's stormwater management strategies call for quantity and quality of stormwater to be addressed, and this has been done in recent years by imposition of a Section 173 Agreement requiring rainwater tanks of minimum size, to be used to recycle stormwater for applications such as toilet flushing, laundry, gardening and other non-potable requirements. This reduces the rate of runoff from the development during a storm event. A similar condition is proposed for this development.

### *Construction Management*

Concerns are raised about the standard of construction management required if the subdivision is approved. It is noted that this site and proposal is significantly different to that of the Penrose Place subdivision on the eastern side of the settlement, in that:

- the number of lots is less;
- the land is not immediately adjacent to a large reserve and the foreshore of the lakes; and
- there are no roadworks required to facilitate the subdivision.

Council officers regularly monitor compliance with conditions and work with developers to engage in best practice environmental management of construction sites. There is minimal construction proposed for the subdivision, therefore there is low risk of issues arising. The risks are mitigated by the imposition of conditions of approval which can be enforced, such as prevention of contamination.

### **Collaborative procurement**

Not applicable.

## **Council Plan**

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

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

## **Council Policy**

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

## **Options**

As objections have been submitted and following the PCM, the matter must be determined by Council. It is recommended to Council to decide on a Notice of Decision to Grant a Planning Permit in matter 548/2021/P. This considers all the relevant planning merits of the proposal, and also includes analysis of the economic benefit of the proposal for the locality, municipality and region.

If the recommendation is not supported, grounds of refusal will need to be prepared and these must make reference to Planning Scheme provisions.

## **Resourcing**

### *Financial*

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

### *Plant and equipment*

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

### *Human Resources*

The application is assessed by existing funded officers.

### *Risk*

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

## **Economic**

The proposal will create a net increase of 5 lots within an existing residential area. The lots will be provided with services including water, electricity, and sewerage. Implementation of the subdivision will require contracted labour and property sales will contribute to the real estate and associated property industries.

Five new dwellings are a likely outcome, supporting jobs in the building industry.



## Social

Pursuant to Clause 21.08 of the East Gippsland Planning Scheme, the proposal does not trigger an assessment under the Social Impact Assessment Guidelines for Development, as the proposed subdivision creates less than 60 lots.

There are no major social considerations resulting from the proposed subdivision, other than those addressed by responses to objections.

### *Gender Impact Statement*

Considerations of Gender Equality in Planning are made in relation to planning strategy, including planning scheme amendments and policy changes. Individual assessment of planning applications tends to be gender neutral. However, Council officers consider factors such as community safety, privacy, and accessibility in an integrated and multi-faceted decision-making process.

## Environmental

The proposed recommendation takes into consideration the environmental factors required in the planning scheme.

### *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

Engagement activity is outlined in relevant sections of **Legislation** in accordance with Sections 52 and 55 of the *Planning and Environment Act 1987*.

## Attachments

1. Proposed Permit Conditions [5.3.5.1 - 4 pages]
2. Application Documents Link [5.3.5.2 - 1 page]
3. Readacted objections [5.3.5.3 - 32 pages]
4. Minutes of the PCM 7 March 2022 [5.3.5.4 - 4 pages]
5. Referral Authorities Submissions [5.3.5.5 - 5 pages]
6. Detailed Assessment [5.3.5.6 - 7 pages]

**Proposed Permit Conditions**

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended 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 dimensions. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:
  - a) Internal driveway/s for Lots 2 and 3
  - b) Tree removal for the creation of internal driveway/s for Lots 2 and 3 and additional access locations to the minimum extent necessary.
2. The subdivision as shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.
3. Before any works associated with the subdivision start, a detailed stormwater management plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will then form part of the permit. The design and documentation for the drainage works must be prepared in accordance with standard engineering practice to provide for the collection, control and disposal of all stormwater runoff, and show:
  - a) Drainage infrastructure where required and as appropriate to the site, including swale drains and culverts, piping/drains and pits.
  - b) Proposed on-site detention and or treatment systems for each lot, and any suggestions for reuse of stormwater on site.
  - c) Any modification to the terrain, such as filling and excavation.
  - d) Easements and legal points of discharge.

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

4. Before a statement of compliance is issued, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to provide for the following:
  - Before occupancy of any dwelling on each subdivided lot, the dwelling must include a stormwater detention and/or treatment system in accordance with the recommendations of the endorsed stormwater management plan. The responsibility of management of the system must be undertaken by the owner in accordance with the recommendations of the stormwater management plan to the satisfaction of the Responsible Authority.

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

5. No roadside vegetation is to be removed, lopped or cleared unless an approved works in road reserve permit has been issued to the satisfaction of the Responsible Authority.



6. Before the issue of Statement of Compliance, a sealed, 4.5 metre wide indented rural crossover must be constructed to Lot 6, at right angles to the road, to the satisfaction of the Responsible Authority.
7. Before the issue of Statement of Compliance shared, sealed, 7 metre wide indented rural crossovers must be constructed to Lots 2 & 3 and Lots 4 & 5, at right angles to the road, to the satisfaction of the Responsible Authority.
8. Before the issue of statement of compliance, the existing vehicular crossover to Lot 1 must be upgraded to an indented, sealed Rural Crossover of minimum width 4.5 metres to the satisfaction of the Responsible Authority.
9. Before the issue of statement of compliance, a standard rural fence must be erected along the new property boundaries to separate each allotment as appropriate at the cost of the owner to the satisfaction of the Responsible Authority.
10. During construction and maintenance activities, adequate steps must be taken to stop soil erosion and the movement of sediment off site and into drainage lines, watercourses and onto adjoining land to the satisfaction of the Responsible Authority. Methods include but are not limited to:
  - a) Control of on-site drainage by intercepting and redirecting run-off in a controlled manner to stabilised vegetated areas on site.
  - b) Installation of sediment control structures such as sediment basins, sediment fences and sediment traps when construction commences and maintaining them until the site is stabilised.
  - c) Re-vegetating all disturbed areas as quickly as possible or within 14 days after construction works are completed.
11. All new services to the subdivision must be placed underground in shared trenching. Design for the installation of services must meet the requirements of the relevant authorities and must be approved by those authorities to the satisfaction of the responsible authority.
12. The owner of the land must enter into an agreement with:
  - A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
13. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

- b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
14. Before the issue of a Statement of Compliance, any portion of Council's existing infrastructure damaged as a result of work undertaken on the site or associated with the development must be repaired/reinstated to the satisfaction of the responsible authority.

**Time Limit condition**

15. This permit will expire if any of the following circumstances applies:
- The plan of subdivision is not certified within two years.
  - A Statement of Compliance is not issued within five years of the date of the plan of subdivision being certified.

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

**AusNet Electricity Services Pty Ltd conditions**

16. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
17. The applicant must –
- Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
  - Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
  - Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
  - Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
  - Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
  - Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
  - Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

**East Gippsland Water conditions**

18. Extend sewerage infrastructure to the satisfaction of East Gippsland Water.

19. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
20. Pay applicable development planning charges.
21. Existing water meter (No. 06W937521), which serves the existing dwelling, is to remain within, or be relocated to, proposed Lot 1 and continue to serve the existing dwelling.

## Notes

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

### East Gippsland Water notes

2.
  - a) For any lot area that cannot be fully serviced by a gravity sewer connection, building envelopes or minimum floor levels are to be listed as restrictions on title, to the satisfaction of East Gippsland Water.
  - b) Each lot is to be separately serviced by the water and/or sewerage reticulation system. Subject to East Gippsland Water's requirements being met, relevant infrastructure will then become East Gippsland Water's to own, operate and maintain in perpetuity.
  - c) Should East Gippsland Water determine that a gravity sewerage system is not feasible, then a pressure sewer system may be approved by East Gippsland Water.
  - d) Design documentation to be submitted after certification application has been made.
  - e) Development planning charges apply where East Gippsland Water approve design, construction, commissioning and as constructed documentation (actual charge is based on the final cost of the works).
  - f) If water services are required, each lot must be separately connected to the water reticulation system and separately metered, to the satisfaction of East Gippsland Water.

For application documentation, refer to the advertised copy of the application listed on Council's website:

**55 Meridian Way NEWLANDS ARM**

[https://egswazstorage.blob.core.windows.net/pubwebcontent/advertised-planning-permit-applications/5482021P\\_55\\_Meridian\\_Way\\_Newlands\\_Arm.pdf](https://egswazstorage.blob.core.windows.net/pubwebcontent/advertised-planning-permit-applications/5482021P_55_Meridian_Way_Newlands_Arm.pdf)

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## East Gippsland Shire Council

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Residents' Information Line: 1300 555 886  
ABN: 61 957 967 765

EGSC

### Objection to Planning Permit Application Planning and Environment Act 1987

28 JAN 2022

INFORMATION  
MANAGEMENT

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

#### Your Details:

Name: ALEXANDER KENT			
Postal address:		NEWLANDS ARM	
		Postcode	3875
Phone number: Home:	Work:	Mobile:	
Email address:	Fax:		

#### Permit Details:

Planning permit number:	548/2021/P
What has been proposed?	31X LOT SUBDIVISION.
What is the address to be used or developed?	55 MERIDIAN WAY NEWLANDS ARM 3875.
Who has applied for the permit?	CROWTHER + SADLER PTY. LTD. ON BEHALF OF PAUL VERNON

#### Objection Details:

What are the reasons for your objection?	I HAVE THREE MAIN OBJECTIONS TO THE PROPOSED DEVELOPMENT PLAN.
①	TOO MANY ALLOTMENTS FOR THE LANDSIZE.
②	SHAPE + DIMENSIONS OF THE SMALLER ALLOTMENTS.
③	THE LIKELY DRAINAGE PROBLEMS CAUSED BY THE RUN OFF FROM THE NUMBER OF DWELLINGS TO BE CONSTRUCTED.

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# East Gippsland Shire Council

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Page 2 of 25

How would you be affected by the granting of this permit? THE PROPERTY IN QUESTION OVERLOOKS MY BACKYARD. DUE TO ITS ELEVATION THE NUMBER OF SUBDIVISIONS + THE LIKELY INCREASE IN THE CONSTRUCTION OF HARD SURFACES SUCH AS DWELLINGS, OUT BUILDINGS, PATHS + DRIVEWAYS ETC PARTICULARLY ON THE 3 SMALL NARROW ONES DIRECTLY ADJACENT TO MY PROPERTY WILL CAUSE A LARGE INCREASE IN CONCENTRATED RUN OFF ON TO MY PROPERTY. AFTER TAKING ADVICE I AM CONCERNED THAT THE PROPOSED ATTEMPTED MITIGATION OF THIS RUN OFF - SUCH AS POSSIBLE WATER TANKS + RUBBLE PITS WOULD HAVE LITTLE EFFECT. I ALSO NOTE THAT SUCH MITIGATION IS NOT COMPULSARY T.B.C.

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

Signature: \_\_\_\_\_  
Name: ALEXANDER KENT Date: 25/1/2022

Office Use Only:  
Objection Received by: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Planning officer responsible: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

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THE SIZE OF THE THREE CLOSEST  
PROPERTIES TO MY YARD AND THEIR  
LONG NARROW SHAPE WOULD IMPACT  
ON MY PRIVACY AND ARE NOT IN  
KEEPING WITH MINE AND OTHER  
ADJACENT PROPERTIES IN THE  
VICINITY. I ALSO BELIEVE THAT  
THESE ALLOTMENTS WOULD  
CAUSE UNNECESSARY NOISE  
AND CONGESTION.



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## East Gippsland Shire Council

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EGSC

### Objection to Planning Permit Application Planning and Environment Act 1987

28 JAN 2022

INFORMATION

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

#### Your Details:

Name: <u>MRS STELLA KENT</u>			
Postal address:			
<u>NEWLANDS ARM</u>			Postcode <u>3875</u>
Phone number: Home:	Work:	Mobile:	
Email address:	Fax:		

#### Permit Details:

Planning permit number:	<u>548/2021/P</u>
What has been proposed?	<u>SIX LOT SUBDIVISION</u>
What is the address to be used or developed?	<u>55 MERIDIAN WAY</u> <u>NEWLANDS ARM 3875</u>
Who has applied for the permit?	<u>CROWTHER AND SADLER PTY. LTD.</u> <u>ON BEHALF OF PAUL VERNON</u>

#### Objection Details:

What are the reasons for your objection?
<u>Too Many allotments.</u>
<u>The small size of 3 of the allotments,</u>
<u>close to my back boundary.</u>
<u>The number of people (possibly 20-30)</u>
<u>living in close proximity to us.</u>

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# East Gippsland Shire Council

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

This level of subdivision would create a large amount of noise and congestion, in an otherwise beautiful and peaceful location.

I also believe that this type of subdivision in the location runs contrary to the nature and lifestyle expectations of myself and the other land holders in this area.

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

Signature: \_\_\_\_\_

Name: Stella Kent

Date: 25/1/2022

## Office Use Only:

Objection Received by: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Planning officer responsible: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

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### Objection to Planning Permit Application

Planning and Environment Act 1987

28 JAN 2022

INFORMATION  
MANAGEMENT

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

Your Details:

Name: <b>VICTOR CASCAJO</b>			
Postal address:		<b>NEWLANDS ARM</b>	
		Postcode	<b>3875</b>
Phone number: Home: <input checked="" type="checkbox"/>	Work: <input checked="" type="checkbox"/>	Mobile <input type="checkbox"/>	
Email address:		Fax: <input checked="" type="checkbox"/>	

Permit Details:

Planning permit number:	<b>548/2021/P</b>
What has been proposed?	<b>A SIX LOT SUBDIVISION</b>
What is the address to be used or developed?	<b>55 MERIDIAN WAY, NEWLANDS ARM, 3875</b>
Who has applied for the permit?	<b>PAUL VERNON</b>

Objection Details:

What are the reasons for your objection?
<ul style="list-style-type: none"> <li>• THE SIZE OF THE BLOCKS</li> <li>• THE NUMBER OF BLOCKS</li> <li>• STORMWATER INFRASTRUCTURE NOT INDICATED</li> <li>• BUILDING ENVELOPS NOT INDICATED</li> <li>• THE BLOCKS ARE NOT OF SIMILAR SIZE TO THE NEIGHBORING BLOCKS ON MERIDIAN WAY &amp; SIMPSON'S DRIVE</li> </ul>

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## East Gippsland Shire Council

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ABN: 81 957 967 765

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

- THE AMOUNT OF RUN-OFF / STORMWATER THAT IS CURRENTLY AFFECTING THE BORDERING BLOCKS ON SIMPSON DRIVE IS CAUSING MAJOR DRAINAGE PROBLEMS.
- INCREASED SEALED SURFACES EG. ROAD/DRIVEWAYS WILL ONLY INCREASE THIS ISSUE.

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

Signature: \_\_\_\_\_

Name: VICTOR CASCARO

Date: 26 / 1 / 2022

### Office Use Only:

Objection Received by: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Planning officer responsible: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

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**EGSC**

## Objection to Planning Permit Application

Planning and Environment Act 1987

28 JAN 2022

INFORMATION  
MANAGEMENT

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

## Your Details:

Name: <b>LEONIE MURPHY - CASCAJO</b>			
Postal address:		<b>, NEWLANDS ARM</b>	
		Postcode	<b>3875</b>
Phone number: Home:	Work:	Mobile:	
Email address:			Fax:

## Permit Details:

Planning permit number:	<b>548/2021/P</b>
What has been proposed?	<b>A SIX LOT SUBDIVISION</b>
What is the address to be used or developed?	<b>55 MERIDIAN WAY, NEWLANDS ARM</b>
Who has applied for the permit?	<b>PAUL VERNON</b>

## Objection Details:

What are the reasons for your objection?
• <b>NUMBER AND SIZE OF THE BLOCKS</b>
• <b>ISSUES WITH WATER RUNOFF ONTO OUR BLOCK FROM SEALED SURFACES</b>
• <b>DRAINAGE FROM EACH LOT &amp; DIRECTION</b>

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## East Gippsland Shire Council

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

- ISSUED WITH THE WATER RUN OFF FROM THE LOTS
- ON OUR BLOCK WE INCUR A LARGE AMOUNT OF WATER RUN-OFF WHICH WILL BE ESCULATE BY THE SEALED SURFACE ON THE DEVELOPMENT

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

Signature: \_\_\_\_\_

Name: LEDNIE MURPHY-CASLADO

Date: 26 / 1 / 2022

### Office Use Only:

Objection Received by: \_\_\_\_\_ Date Received: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Planning officer responsible: \_\_\_\_\_ Date Received: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

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Noela Pennington

Newlands Arm Vic 3875

28 January 2022

The Planning Department  
East Gippsland Shire Council  
PO Box 1618  
Bairnsdale Vic 3875

EGSC

31 JAN 2022

INFORMATION  
MANAGEMENT

Dear Sir/Madam,

**Re: Planning Application - 55 Meridian Way Newlands Arm - Ref No: 548/2021**

I strongly object to this development as it:

1. Adds more houses to Newlands Arm. We already have enough people living in what was supposed to be a limited number of blocks in Newlands Arm.
2. I have never seen a more opportunistic attempt to cram as many blocks onto a small acreage. The shape of the blocks and the access is not designed around good living. They are too narrow for a start and the 'battle axe' design is only designed to maximise the number of blocks.
3. The road access from Meridian Way, five entrances in a short space, takes no account of road safety, which should be improved, not worsened. Turning lanes should be required by the developer. Vic Roads needs to be consulted about whether this hazard is acceptable. The developer needs to provide detail of his misconceived idea of access not leave the access to the future purchasers. Maybe they could be asked to redraw the whole thing with one properly constructed turning lane and a single road through the development to then branch off and service each block which could then be better shaped for future owners. The access crosses a significant drain which shouldn't be compromised by future owners putting in, for example, their own pipes and gravel roads. It shouldn't be a cost to EGSC or ultimately ratepayers to provide this.
4. EGSC objected to the Penrose Place development because it overtaxes existing council supplied infrastructure but the development was waved through by VCAT. This just adds more load to water supply and sewerage and will doubtless be used as a precedent for future applications to develop farmland around Newlands Arm into more poorly designed blocks.
5. The owner of the land presumably had no expectation of sub dividing what would have been an attractive block for one dwelling but has seen an opportunity to make a windfall profit based on what the developer of Penrose Place has been able to ram through.
6. Current residents of Newlands Arm generally have boats and caravans and no doubt future owners on these proposed blocks will do the same, which is a further argument for much better access than this cheapest of all forms of sub-division design provides.

Each of these reasons for opposing this degradation of Newlands Arm affects me as I drive past it daily, I live diagonally opposite and when we bought our house we were told there would be no further blocks in Newlands Arm, as far as council is concerned and now we find developers are going to sacrifice the general amenity of living here for a quick buck.

The trucks and heavy equipment for ground preparation, roadworks etc will be noisy and dusty and affect me

Noela Pennington - 1

as I live so close and will present more traffic hazard as every person in Newlands Arm uses that section of road.

The Penrose Place development had endless B Double gravel trucks messing up the the road and concrete trucks, looks like here we go again if this execrable development makes it through.

My family and I chose to live in Newlands Arm because of its unique, friendly, **quiet** lifestyle – with the impending Penrose Place development and **now** with this planning application for 55 Meridian Way, Newlands Arm will become nothing more than your typical noisy, overcrowded suburb, destroying the way of life so many long term residents have enjoyed.

Unfortunately it seems, thanks to VCAT, the Penrose Place development will eventuate, but I ask EGSC to dismiss this application at 55 Meridian Way in its entirety and stand strong to protect our Newlands Arm – for again, as the Council advised us “that’s it for Newlands Arm; there will be no further development” - let’s keep it that way.

Yours faithfully

  
**Noela Pennington**

Noela Pennington - 2

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Rod Pennington  
Newlands Arm Vic 3875

28 January 2022

The Planning Department  
East Gippsland Shire Council  
PO Box 1618  
Bairnsdale Vic 3875

EGSC  
31 JAN 2022  
INFORMATION  
MANAGEMENT

Dear Sir/Madam,

**Re: Planning Application - 55 Meridian Way Newlands Arm - Ref No: 548/2021**

I object to this development as it:

1. Adds more houses to Newlands Arm. We already have enough people living in what was supposed to be a limited number of blocks in Newlands Arm.
2. I have never seen a more opportunistic attempt to cram as many blocks onto a small acreage. The shape of the blocks and the access is not designed around good living. They are too narrow for a start and the 'battle axe' design is only designed to maximise the number of blocks.
3. The road access from Meridian Way, five entrances in a short space, takes no account of road safety, which should be improved, not worsened. Turning lanes should be required by the developer. Vic Roads needs to be consulted about whether this hazard is acceptable. The developer needs to provide detail of his misconceived idea of access not leave the access to the future purchasers. Maybe they could be asked to redraw the whole thing with one properly constructed turning lane and a single road through the development to then branch off and service each block which could then be better shaped for future owners. The access crosses a significant drain which shouldn't be compromised by future owners putting in, for example, their own pipes and gravel roads. It shouldn't be a cost to EGSC or ultimately ratepayers to provide this.
4. EGSC objected to the Penrose Place development because it overtaxes existing council supplied infrastructure but the development was waved through by VCAT. This just adds more load to water supply and sewerage and will doubtless be used as a precedent for future applications to develop farmland around Newlands Arm into more poorly designed blocks.
5. The owner of the land presumably had no expectation of sub dividing what would have been an attractive block for one dwelling but has seen an opportunity to make a windfall profit based on what the developer of Penrose Place has been able to ram through.
6. Current residents of Newlands Arm generally have boats and caravans and no doubt future owners on these proposed blocks will do the same, which is a further argument for much better access than this cheapest of all forms of sub-division design provides.

Each of these reasons for opposing this degradation of Newlands Arm affects me as I drive past it daily, I live diagonally opposite and when we bought our house we were told there would be no further blocks in Newlands Arm, as far as council is concerned and now we find developers are going to sacrifice the general amenity of living here for a quick buck.

The trucks and heavy equipment for ground preparation, roadworks etc will be noisy and dusty and affect me

Rod Pennington - 1



as I live so close and will present more traffic hazard as every person in Newlands Arm uses that section of road.

The Penrose Place development had endless B Double gravel trucks messing up the the road and concrete trucks, looks like here we go again if this execrable development makes it through.

Your faithfully

**Rod Pennington**

Rod Pennington - 2

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Page 16 of 25

## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
Bairnsdale Vic 3875  
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Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
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Received EGSC  
27 JAN 2022



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

EGSC

### Objection to Planning Permit Application

Planning and Environment Act 1987

28 JAN 2022

INFORMATION  
MANAGEMENT

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

Your Details:

Name: Kim Zervaas David Peters		
Postal address:		
Newlands Arm		Postcode 3875
Phone number: Home:	Work:	Mobile
Email address:		Fax:

Permit Details:

Planning permit number:	548/2021/P
What has been proposed?	6 lot subdivision
What is the address to be used or developed?	55 Meridian Way Newlands Arm
Who has applied for the permit?	Paul Vernon

Objection Details:

What are the reasons for your objection?
We brought our large block wanting a peaceful life with not too many neighbours after living in Narre Warren next to the Monash freeway.
When we brought our property it was not to be subdivided so we were very happy with that.

#### Privacy Statement

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

JUL15

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## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
Bairnsdale Vic 3875  
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Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
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Telephone: (03) 5153 9500  
Fax: (03) 5153 9576  
National Relay Service: 133 677  
Residents' Information Line: 1300 555 886  
ABN: 81 957 967 765

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

*We are Objectors.*

*We would constantly have very noisy machines and builders impacting our (building) life, there would also be large amounts of waste.*

*Once the homes are developed we would not have the privacy we have now and this would impact our peace of mind.*

*Other people would also have animals that could come on to our property as we have alpacas and the fences have never been replaced.*

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

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

*Kim Zervaas*

Date: *27/1/2022*

### Office Use Only:

Objection Received by: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Planning officer responsible: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

### Privacy Statement

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

JUL15

2/2/22, 2:33 PM

dwa10AA.htm

Printed 2/02/2022  
Page 18 of 25

**From:** Snapforms Notifications [no-reply@snapforms.com.au]  
**Sent:** Tuesday, 25 January 2022 8:02:21 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:** Roger Frair and Teresa Frair

**Email address:**

**Postal address :** , Newlands Arm 3875

**Mobile phone number:**

**Home phone number:**

**Planning permit number:** 548/2021/P

**What has been proposed?:** Multi-lot subdivision

**What is the address to be used or developed?:** 55 Meridian Way, Newlands Arm 3875

**Who has applied for the permit?:** PaulVernon

**What are the reasons for your objection?:** I moved to Simpsons Drive with the understanding that blocks would be of at least an acre of which they are. The East side of Newlands Arm are small residential blocks. The difference between the west side and the east side of Newlands Arm is very pronounced as when you drive down Simpsons Drive you had a feeling of large blocks and space. To introduce a sub-division of such small blocks on this side of Meridian Way is surely not in the spirit of the sub-division that Mr & Mrs Simpson intended.

**How would you be affected by the granting of this permit?:** Introducing high density living such as this would ruin the whole theory of rural residential living. Coming down the hill of Meridian Way we would be faced with six new driveways dropping down onto Meridian Way. These blocks would be half the size of any block on the Simpson Estate.

**Privacy Statement:** Yes

2/2/22, 2:33 PM

dwaA02D.htm

Printed 2/02/2022  
Page 19 of 25

**From:** Snapforms Notifications [no-reply@snapforms.com.au]  
**Sent:** Wednesday, 26 January 2022 9:34:36 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:** Marcel peter Fluitsma

**Email address:**

**Postal address :** Newlands Arm VIC 3875

**Mobile phone number:**

**Planning permit number:** 548/2021/P

**What has been proposed?:** Multi block sub division (6lotSubdivision)

**What is the address to be used or developed?:** 55 Meridian Way Newlands Arm

**Who has applied for the permit?:** Paul Vernon

**What are the reasons for your objection?:** Too many blocks(6) for the land size. Smaller 2000 sq meters is not consistent with the current estate. Higher density living estate which does not blend with the current ambiance of living . This proposal I believe could impact property values in the estate.

**How would you be affected by the granting of this permit?:** I am concerned with the storm water flowing from hard surfaces in concentrated form. I already have issues with the amount of storm water flowing into my property from this higher ground, which is normal rain fall flow spread out across the land. The proposed rubble pits for storm water I believe will overflow and in concentrated form will greatly impact my property and that this will only increase due to global warming. I am also concerned for my privacy as there is no mention of building envelopes which I believe should be implemented

**Privacy Statement:** Yes

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## East Gippsland Shire Council

273 Main Street (PO Box 1618)  
Bairnsdale Vic 3875  
Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
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Telephone: (03) 5153 9500  
Fax: (03) 5153 9576  
National Relay Service: 133 677  
Residents' Information Line: 1300 555 886  
ABN: 81 957 967 765

### Objection to Planning Permit Application Planning and Environment Act 1987

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

Your Details:

Name: <u>ERIC STEPHEN FORDES</u>			
Postal address:			
<u>NEWLANDS AVE</u>			Postcode <u>3875</u>
Phone number: Home:	Work:	Mobile:	
Email address:	Fax:		

Permit Details:

Planning permit number:	<u>548/2021/P</u>
What has been proposed?	<u>MULTI LOT SUBDIVISION</u>
What is the address to be used or developed?	<u>55 WILKINSON WAY</u> <u>NEWLANDS AVE</u>
	EGSC
Who has applied for the permit?	<u>PAUL VERNON</u>
	27 JAN 2022
	INFORMATION MANAGEMENT

Objection Details:

What are the reasons for your objection?	<u>THIS SUBDIVISION TOTALLY EXCEEDS THE LOW DENSITY REQUIREMENTS OF LAKE VIEW PAHA. THE ORIGINAL PLANS WERE FOR LIFE STYLE HOMES NOT SUBURBIA. THE BLOCK TO BE SUBDIVIDED WOULD HAVE HOUSED 1 FAMILY THATS WHY THEY PURCHASED IT NOT SIX FAMILIES AS THEY NOW PROPOSE, IF THEY WANT THAT THEY COULD MOVE TO MAIN STREET.</u>
--	--

#### Privacy Statement

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

JUL15



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Page 21 of 25

## East Gippsland Shire Council

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

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

EXTRA HOMES MEANS EXTRA NOISE!

WATER DRAINAGE? WHERE WILL IT GO, IT NOW  
RUNS THROUGH OUR PROPERTY AS IT'S OUR SLOPE  
WITH 6 HOUSES AND 6 SHEDS THE RUN OFF WILL  
BE ENORMOUS, THERE IS NO PROVISION FOR  
STORM WATER IN MERIDIAN WAY!

TOTALLY INAPPROPRIATE

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

Signature: \_\_\_\_\_

Name: ERIC KOLMES

Date: 25/1/2022

### Office Use Only:

Objection Received by: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

Planning officer responsible: \_\_\_\_\_ Date Received: \_\_\_\_/\_\_\_\_/\_\_\_\_

### Privacy Statement

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

JUL15

2/2/22, 2:35 PM

dwa672B.htm

Printed 2/02/2022  
Page 23 of 25

**From:** Snapforms Notifications [no-reply@snapforms.com.au]  
**Sent:** Monday, 24 January 2022 4:03:17 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:** Carolyn Forbes

**Email address:**

**Postal address :** Newlands Arm

**Mobile phone number:**

**Home phone number:**

**Work phone number:** N/A

**Planning permit number:** 548/2021/P

**What has been proposed?:** Multi Lot Subdivision ( 6 lot subdivision)

**What is the address to be used or developed?:** 55 Meridian Way Newlands Arm

**Who has applied for the permit?:** Paul Vernon

**What are the reasons for your objection?:** The proposal is completely inappropriate for the Lake View Park subdivision. All the properties in this estate are on multiple acreage which is in accordance with the original Simpsons Park subdivision and are therefore more than 4000 square metres in size. The blocks in the proposed subdivision are far too small and not in keeping with the area. Lake View Park is not the same as the rest of Newlands Arm. This proposed subdivision may set a precedent that directly effects the ethos of this subdivision.

**How would you be affected by the granting of this permit?:** As the proposed blocks are long and thin the position of any building on lot 6 will directly overlook our property and negatively effect the reason why we moved to Lake View Park in the first place. This is a low density estate and should remain so.

**Privacy Statement:** Yes



2/2/22, 2:35 PM

dwaB9A3.htm

Printed 2/02/2022  
Page 24 of 25

**From:** Snapforms Notifications [no-reply@snapforms.com.au]  
**Sent:** Monday, 24 January 2022 11:54:29 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:** Andrew Kleinert

**Email address:**

**Postal address :** Newlands Arm 3875

**Mobile phone number:**

**Planning permit number:** 548/2021/P

**What has been proposed?:** Multi Lot Subdivision (6 Lot Subdivision)

**What is the address to be used or developed?:** 55 Meridian Way Newlands Arm 3875

**Who has applied for the permit?:** Paul Vernon

**What are the reasons for your objection?:** As per letter attached.

**How would you be affected by the granting of this permit?:** As per letter attached.

**Attach any further information:** [East Gippsland Shire CouncilAndrew.docx](#)

**Privacy Statement:** Yes

Printed 2/02/2022  
Page 25 of 25

East Gippsland Shire Council  
Planning Applications Dept

Andrew & Deborah Kleinert

Newlands Arm, 3875

23 January 2022

Dear Sir/Madam.

**RE: Planning Application 548/2021/P  
Multi Lot Subdivision (6 Lot Subdivision)  
55 Meridian Way, Newlands Arm**

After reading the subdivision proposal in full, we feel that a four-lot subdivision of approximately 4000 square metre lots is more in keeping with properties located on the Western side of Meridian Way and also in keeping with Simpsons Drive lots.

We bought our home specifically because of the generous lot sizes which surround us, none being less than an acre, which meant we were not living in suburbia or an urban area like the 2000 square metre lots in the lower end of Newlands Arm.

What is proposed would significantly affect this way of life and our rural aspect.

We understand the financial benefit of a six-lot subdivision; however, we feel that this should not outweigh the existing residents' reasons for purchasing their homes in the first place nor should existing resident's properties be devalued, in order for this proposal to take place.

We respectfully request the six-lot subdivision become a four-lot subdivision and as such continue to enhance the way of life in this part of Newlands Arm.

Yours sincerely

Andrew & Deborah Kleinert

2/8/22, 1:53 PM

dwaB2F9.htm

**From:** Snapforms Notifications [no-reply@snapforms.com.au]  
**Sent:** Saturday, 5 February 2022 12:25:44 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:** Robert Docking

**Email address:**

**Postal address :** NEWLANDS ARM.3875

**Mobile phone number:**

**Home phone number:** (

**Planning permit number:** Planning Application 548/2021/P

**What has been proposed?:** 6 Lot Subdivision

**What is the address to be used or developed?:** 55 Meridian Way NEWLANDS ARM

**Who has applied for the permit?:** Crowther and Sadler P/L

**What are the reasons for your objection?:** I have been a resident of Lake View Park for the past 25 years. My wife and I became close friends of George and Phyllis Simpson during the early days of Simpsons Estate ( Lake View Park) and know that their vision was to establish a unique subdivision with a mix of carefully considered allotment sizes for future generations. Newlands Arm, like many other areas, has experienced exponential growth, with an associated significant increase in traffic volume. At the present time there are five access-ways off Meridian Way, including the access to the combined 'Community Hall, fire station, "mens shed" and the large recreation area', used mainly for exercising. Most residents, particularly the elderly, have already experienced difficulty turning into the Hall safely, having to deal with both oncoming traffic and traffic from behind, causing anxiety and concern. None of the existing access-ways are not provided with either 'deviation or turning' lanes, and create a constant traffic hazard, due to drivers either 'tailgating' or simply inattentiveness. (Signs located further along Birrells road indicating 'property access-ways' appear to have had no effect in changing driver's habits ) Some residents are fearful of using the Hall access and choose to either, not use the community facilities, or simply travel with someone else. This proposed subdivision would create another five access-ways in a distance of approx. 70 metres ( dependent on their precise locations ), near the confluence of the 'divided into single carriageway'. Vehicles leaving the proposed subdivision will have difficulty seeing traffic heading South up the hill , although the current road marking would appear to preclude any right hand turn from the Northern end of the proposed subdivision. I believe that this proposed subdivision is (a),out of character with the remainder of Lake View Park and the vision of George and Phyllis Simpson and (b),will significantly increase the likelihood of a serious accident, due to its totally inappropriate design and location.  
Robert Docking JP

**Privacy Statement:** Yes

file:///C:/DATAWRKS/TEMP/9363985/dwaB2F9.htm

1/2

2/8/22, 1:53 PM

dwaB2F9.htm

Planning Officer ,  
East Gippsland Shire Council,  
273 Main St  
Bairnsdale, 3875.

Robin Huygens,  
  
Newlands Arm 3875  
1 Feb 2022

Re 22/1386planning Matter- Proposed Subdivision. 55 Meridian Way Newlands Arm.

I object to the above Subdivision as it is incongruous to the original vision of the development generously provided by George and Phyllis Simpson. The current Low Density Residential state of 'Lake View Park' should be retained in perpetuity!

Newlands Arm has been designed to low density development and should not be turned into 'suburbia'

Yours sincerely,

Robin Huygens

EGSC

8 FEB 2022

INFORMATION  
MANAGEMENT

Planning Officer,  
East Gippsland Shire Council,  
273 Main St  
Bairnsdale 3875

Hugo Huygens.

Newlands Arm 3875

*8 Feb 2022*

RE 22/1386 Planning Matter-Proposed Subdivision, 55 Meridian Way Newlands Arm.

I object to the above Subdivision as it is incongruous to the original vision of the development generously provided by George and Phyllis Simpson. The current Low Density Residential state of "Lake View Park" should be retained in perpetuity!

Newlands Arm has been designed to a low density development and should not be turned into 'suburbia'.

Yours sincerely

Hugo Huygens

**EGSC**

8 FEB 2022

**INFORMATION  
MANAGEMENT**

Our Reference: 22/1386  
Your Reference: 548/2021/P

Paynesville Victoria 3880

21<sup>st</sup> February 2022

Planning Unit  
East Gippsland Shire Council  
PO Box 1618  
BAIRNSDALE VIC 3875

Email: [planning@egipps.vic.gov.au](mailto:planning@egipps.vic.gov.au)

Dear Sir or Madam

**55 MERIDIAN WAY, NEWLANDS ARM: MULTI LOT SUBDIVISION  
PLANNING APPLICATION NO: 548/2021/P**

The land under consideration forms part of "Lake View Park" a unique and spacious estate, and regarded to be the best location in East Gippsland for coastal rural low density living with the highest standard of amenity and spaciousness afforded to this community.

We hereby object to the subdivision on the following grounds:

1. The allotment layout design is unimaginative, unsympathetic and incongruous to the existing Low Density Residential layout of Lake View Park.
2. The proposal does not conform with the orderly planning of the area and is of high density in a Low Density Residential Zone.
3. The proposed six allotment site areas are sized at: two by 2000m<sup>2</sup>, 2078m<sup>2</sup>, 3132m<sup>2</sup>, 3184m<sup>2</sup> and 3568m<sup>2</sup> (in ascending order) which are critically smaller than the directly adjacent allotments (to the north of the proposal) on Simpsons Drive with allotment size areas of: 5011m<sup>2</sup>, 4808m<sup>2</sup>, 4785m<sup>2</sup>, 4784m<sup>2</sup>, 4782m<sup>2</sup>, 4443m<sup>2</sup>, 4442m<sup>2</sup>, that average 4,718m<sup>2</sup> each.
4. The entire 34 allotments forming Lake View Park that are under 10,000m<sup>2</sup> per site area average an area of 5,371m<sup>2</sup> each. Consequently, the average allotment size of this six-lot subdivision proposal is 2,660m<sup>2</sup> which renders the development significantly sub-standard in comparison.
5. The original developers of Lake View Park, George and Phyllis Simpson, had a grand plan for their subdivision, not only to provide a unique rural low density coastal living environment but to leave a legacy of an estate that has the highest rural amenity and spaciousness. While the grand sizableness of the two hectare size allotments within Lake View Park has enabled and allowed sympathetic subdivision of those allotments

to two or three lot subdivisions, the original concept has still been maintained and not interfered with.

This proposed six allotment insensitive over-development shows the lack of understanding and context of the vision and amenity for Lake View Park.

6. There are biodiversity implications triggered by this proposal. As highlighted above, the inept design layout only contributes to these negative implications.
7. This development is not consistent with the prevailing development and/or character of Lake View Park. The Applicant's overriding perception concept of the sub-division is purely based on the minimum lot sizing that could be suitable for sewer connection, however, this concept is significantly flawed, as it does not consider the impact variables, prevailing character, safety and amenity standards already in place.
8. The subdivision does not integrate with Lake View Park.
  - (a) The property owners with existing dwellings and buildings at Lots 7, 8, 9, 10, 11 and 12 will be impacted by the burden and closeness of numerous structures due to the narrow designed allotment layout/s. It is common for residents to build a dwelling and a separate garage/shed, or multiple garage/sheds, many of which of equal size or larger than the main dwelling. This is achievable in Lake View Park with the existing individual average site areas of 5,371m<sup>2</sup>.
  - (b) Any proposed garage/sheds in the proposed sub-division would be located close to the allotment perimeter boundaries exacerbating the "cramped" outcome of the subdivision due to the layout and sizes. The existing adjacent property owners to the proposed subdivision would end up with an overcrowded community and lifestyle, being the exact opposite to the reasons why they purchased in Lake View Park.
9. A Cultural Heritage Management Plan pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018* is triggered, it might not affect the proposal, however, no apparent assessment has been provided.
10. The proposal requires the removal of extensive vegetation.
11. This proposal exacerbates the lack of public transport, local infrastructure, commercial and social facilities available for the area.
12. Overall loss of amenity.
13. The residents of Lake View Park and Newlands Arm generally will suffer material detriment by this proposal.

Yours faithfully  
George Neophytou Law Pty Ltd

Per: (

cc feedback@egipps.vic.gov.au



2/16/22, 8:00 AM

dwaF6D5.htm

**From:** Snapforms Notifications [no-reply@snapforms.com.au]  
**Sent:** Saturday, 12 February 2022 11:34:13 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:** Richard Gill

**Email address:**

**Postal address :** Newlands Arm

**Mobile phone number:**

**Home phone number:** ----

**Work phone number:** ----

**Planning permit number:** 548/2021/P

**What has been proposed?:** 55 Meridian Way NEWLANDS ARM Multi Lot Subdivision (6 Lot Subdivision)

**What is the address to be used or developed?:** As above

**Who has applied for the permit?:** Crowther & Sadler Pty Ltd

**What are the reasons for your objection?:** I object to the development of 6 small blocks on the back of existing blocks, which are a suitable size and with appropriate living arrangements as per low density housing. The original development devised by George Simpson, when his land was sub-divided some approximately 25 years, set up the lifestyle for those who now own the properties and enjoy their lifestyle. All block are 1 acre or more and as such pay rates accordingly. 6 Blocks is too many, the council should reduce the number of blocks and increase the land size of each to about 4000sqm.

**How would you be affected by the granting of this permit?:** Disturbance to lifestyle, More road traffic, More people traffic. The lack of services in Newlands Arm, means more strain is placed on lifestyle services and facilities.

**Privacy Statement:** Yes

1<sup>st</sup> March 2022

Planning Unit  
East Gippsland Shire Council  
PO Box 1618  
BAIRNSDALE VIC 3875

Email: [planning@egipps.vic.gov.au](mailto:planning@egipps.vic.gov.au)

Dear Sir or Madam

**PLANNING APPLICATION 548/2021/P: 55 MERIDIAN WAY, NEWLANDS ARM  
MULTI LOT SUBDIVISION OF LAND**

Please accept this letter as formal objection to the above application on the following grounds:

1. The allotment sizes are well under Lake View Park estate allotment size standards and character.
2. There will be a significant impact and loss of privacy on the six adjacent landowners to the north of the proposed subdivision.
3. The allotments are not in keeping with the Low Density Residential Zone and will be a significant overdevelopment and the only high-density area in the estate.
4. The allotment configuration are unacceptable and poor.
5. Removal of extensive vegetation, including mature native trees.
6. The proposal does not meet the existing neighbourhood character.
7. Implications and load on the reticulated sewer system (if connection is possible) and storm water runoff.
8. Loss of amenity.
9. There will be material detriment to the residents of Lake View Park and Newlands Arm residents.

Yours faithfully

K D Neophytou

cc [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

---

**From:** Snapforms Notifications <no-reply@snapforms.com.au>  
**Sent:** Wednesday, 2 March 2022 8:11 PM  
**To:** Planning Unit Administration  
**Subject:** (DWS Doc No )bjection 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:** Iolanda Cruz

**Email address:**

**Postal address :** Newlands Arm, 3875, VIC

**Mobile phone number:**

**Planning permit number:** 548/2021/P

**What has been proposed?:** MULTI LOT SUBDIVISION OF LAND – SIX LOT SUBDIVISION

**What is the address to be used or developed?:** 55 MERIDIAN WAY, NEWLANDS ARM

**Who has applied for the permit?:** Crowther & Sadler Pty Ltd

**What are the reasons for your objection?:** Herewith is my formal objection to the above application on the grounds below: 1. The allotments are not in keeping with the Low-Density Residential Zones that are part of Newlands Arm, and will be a significant overdevelopment and the only very high-density outcome in the Lake View Park estate. 2. There will be a significant impact and loss of privacy on the adjacent residents to the north of the proposed subdivision. 3. The allotment configuration are unacceptable and poor. 4. Removal of extensive vegetation, including mature native trees. 5. The proposal does not meet the existing neighbourhood character. 6. There are implications and load on the reticulated sewer system (if connection is possible) and storm water runoff. 7. There will be material detriment to the residents of Lake View Park and Newlands Arm residents. 8. Loss of amenity.

**How would you be affected by the granting of this permit?:** The character of Newlands Arm will be detrimentally changed and the reasons for moving to this spacious quiet picturesque settlement is slowly being eroded.

**Privacy Statement:** Yes

**From:** Snapforms Notifications [no-reply@snapforms.com.au]  
**Sent:** Wednesday, 2 March 2022 8:16:04 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:** Philip Gooding

**Email address:**

**Postal address :** Newlands Arm 3880

**Mobile phone number:**

**Planning permit number:** 548/2021/P

**What has been proposed?:** MULTI LOT SUBDIVISION OF LAND – SIX LOT SUBDIVISION

**What is the address to be used or developed?:** 55 MERIDIAN WAY, NEWLANDS ARM

**Who has applied for the permit?:** Crowther & Sadler Pty Ltd

**What are the reasons for your objection?:** 1. The allotments are not in keeping with the Low-Density Residential Zones that are part of Newlands Arm, and will be a significant overdevelopment and the only very high-density outcome in the Lake View Park estate. 2. There will be a significant impact and loss of privacy on the adjacent residents to the north of the proposed subdivision. 3. The allotment configuration are unacceptable and poor. 4. Removal of extensive vegetation, including mature native trees. 5. The proposal does not meet the existing neighbourhood character. 6. There are implications and load on the reticulated sewer system (if connection is possible) and storm water runoff. 7. There will be material detriment to the residents of Lake View Park and Newlands Arm residents. 8. Loss of amenity.

**How would you be affected by the granting of this permit?:** Increased density is reducing the look and feel of this quiet, picturesque peaceful community. This increased density is not what we expected when buying property in Newlands Arm

**Privacy Statement:** Yes



**EAST GIPPSLAND SHIRE COUNCIL  
PLANNING CONSULTATION MEETING  
Planning Permit application 548/2021/P  
55 Meridian Way Newlands Arm  
Multi lot subdivision**

**Meeting Minutes  
Monday, 7 March 2022**

(VIA TEAMS)

COMMENCING AT 6:00 PM

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**1. Procedural**

**1.1 APOLOGIES**

**Councillors**

- Cr John White
- Cr Kristen Van Diggele
- Cr Tom Crook
- Cr Sonia Buckley

**1.2 IN ATTENDANCE**

**Councillors**

- Cr Mark Reeves, Mayor (Chair – via Teams)
- Cr Trevor Stow (via Teams)
- Cr Arthur Allen, Deputy Mayor (via Teams)
- Cr Mendy Urie (via Teams)
- Cr Jane Greacen (via Teams)

**Applicant**

Richard Hoxley and Aaron Hollow, Crowther & Sadler Pty Ltd

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*East Gippsland Shire Council Minutes Planning Consultation Meeting – 8 November 2021*

**Objectors**

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

- Rodney Pennington
- George Neophytou
- Marcel Fluitsma

**Officers**

- Anthony Basford, Chief Executive Officer
- Stuart McConnell, General Manager Place and Community
- Martin Richardson, Manager Planning
- Andrew Bates, Senior Land Use Planner
- Michelle Dixon, Statutory Planning Officer

**1.3 WELCOME AND INTRODUCTION BY MAYOR, CR MARK REEVES****1.4 DECLARATIONS OF CONFLICT OF INTERESTS**

Nil

**2. Reports/Presentations****2.1 PLANNER'S REPORT**

Michelle Dixon, Statutory Planning Officer presented the application overview.

**No Councillor Questions****2.2 APPLICANT PRESENTATION**

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

The applicant addressed zone controls and lot sizes. Reticulated sewage is accessible within this location and all lots will be connected to reticulated sewer. In the current climate it makes sense to optimize the development of the land of residential land or finite resources. Optimize the development of the land taking pressure off the need to increase urban sprawl. Satisfaction access to each of the lots and the development seeks to provide shared /double crossing to minimise interaction within Meridian Way. The current vegetation has been planted, and there is existing native species and the native vegetation removal do not apply. The vegetation forms part of the character for the entrance to Newlands Arm. The development sought to minimise the removal of vegetation.

The vehicle crossings would be constructed by the applicant and would not be funded by Council. The crossings have good sight distances and ingress and egress to the property can safely be achieved, given the 60 kilometre per hour fully constructed road.

The applicant believes, based on the zoning of the land and characteristics the interface between the General Residential Zone to the northeast (1,000 sqm) and the Design and Development Overlay the development is appropriate.

Simpsons Estate has .4 ha (4,000 sqm) due to the land not serviced by reticulated sewer, which has maintained the large lot sizes. The questions raised in relation to former Developer, Late George Simpson and his vision was addressed with regards to the potential of no further subdivision. The subdivision was designed to take into count

of the water views and largely based on the reticulated sewage and the zoning provisions.

Drainage – It is expected standard drainage conditions, requiring a drainage management plan, can be adapted to potentially include a swell drain across the rear boundary and directed to Council's legal point of discharge where there is a pit.

Visual amenity – this is not farmland; it is on the fringe of a town and is essentially a residential zone. Buildings can be expected in the landscape. Nearby land is in the General Residential Zone.

No expectation of excessive noise.

This is an appropriate proposal in the locality.

#### **No Councillor Questions**

### **2.3 OBJECTOR PRESENTATIONS**

#### **George Neophytou**

- 55 Meridian Way is opposite farm land,
- George and Phillis Simpson were interested in leaving a legacy and contributed to the Public Open Spaces (green wedges), including Simpsons Park. The sense of feel is a grand estate and the Simpson contributions to community services.
- Layout proposed is armature and the subdivision does not form to any of the other requirements within the Planning Scheme.
- The land should be developed to only 3 Lots as an acceptable outcome.
- There should be no development that is not connected to sewer.

#### **Rodney Pennington**

- George covered a lot of the issues and / some comments would be repeating.
- Concerns on narrow design, too many entrances and a single access be better designed suit the property and only get 3 to 4 blocks.
- No regard to the amenity of the land.
- Still traffic issues.
- The owner had no reasonable expectation to subdivide the land. Even where landowners have developed their property to one side of their property, to allow for the future subdivision.
- The cost of fencing.
- Penrose place, having the requirement to go through VCAT to ultimately being approved.

**Q:** Cr Mendy Urie: To Michelle Dixon – would the land be connected to sewer.

**A:** Michelle Dixon: Richard Hoxley has indicated that the connection would be made.

**A:** Martin Richardson: The applicant is required to connect to sewer due to the lot sizes.

**Q:** Cr Mendy Urie: To Michelle Dixon – The Neighbourhood Character and relation to no covenant to the land?

**A:** Martin Richardson: There is no covenants to the land.

**A:** George Neophytou: There is an expired covenant to the land.

**Q:** Cr Jane Greacen: To Michelle Dixon – what is the standard house size and would the land be sufficient with the 25 m size allotment.

**A:** Michelle Dixon and Martin Richardson: The average house would be from 10-14 m (20-30 ft) and the average houses sizes are increasing and 250- 300 sqm.

- Q:** Cr Mendy Urie: Comments: Neighbourhood Character, 25 m may be narrow to allow for this subdivision and concerns are raised from the community. Are there other areas with this proposed density?
- A:** Martin Richardson: Display of mapping. Local Character low density 4-5,000 sqm to the left and to the right standard residential character and both have different Character on each side of Meridian Way. The proposal is a transition from suburban to low density.
- Q:** Cr Mendy Urie: Clearly meets planning requirements.
- A:** Martin Richardson: Councillors will have to decide if this lot arrangement with the shared driveways and frontages represent a good planning outcome.

#### **Marcel Fluitsma**

- Wanted to ascertain if the subdivision would be connected to sewer. (Cr Mr Reeves: Sewer)
  - 6 lots is concerned overkill - would like to see lower density
  - His property is suffering stormwater issues.
  - The drainage would be connected to rubble pits and the stormwater issues.
  - If future residents would potentially have stormwater issues with pools.
  - Is there building envelopes proposed?
  - Increase traffic and noise concerns from mowers and boats being washed out.
- Q:** Cr Mr Reeves: Richard can you address stormwater issues and building envelopes:
- A:** Richard Hoxely: There are no proposed building envelopes and the Council has discretions to incorporate them into the proposal.

The stormwater would rely heavily on onsite wastewater absorption and there is no Council Drainage. Simpsons Drive estate is serviced by swell drains. The area is serviced by swell drains, there is the ability to ensure lots are drained to the legal point of discharge to the table drain in the road and will combine with Councils drains to the north. The drainage from new buildings can be piped to the legal point of discharge through piped infrastructure. The surface drainage will be the natural flow and fall of the land to the north westerly and northern direction, no changes to the natural surface runoff of the land is proposed.

## **2.4 FUTURE ACTIONS SUMMARY**

Martin Richardson outlined the next steps for the application, Council meeting consideration and notification to community members.

CEO answered Chair's question by stating that this application will be added onto Council meeting agenda as soon as possible, providing all reports are completed.

## **3. Meeting Closed**

The meeting closed at 6:56 PM





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

Our Ref: DOC/21/71683

22 December 2021

**Reference Number(s):** 548/2021/P  
**Referral Authority:** East Gippsland Shire Council  
**For:** 6 Lot Subdivision  
**Location:** 55 Meridian Way Newlands Arm  
**Applicant:** Crowther & Sadler Pty Ltd

In response to the above application, East Gippsland Water does not object to a permit being granted, provided it includes the following conditions and notes.

**Conditions:**

1. Extend sewerage infrastructure to the satisfaction of East Gippsland Water.
2. Submit design, construction, commissioning and as constructed documentation on all proposed infrastructure, or alterations to existing infrastructure, for written approval by East Gippsland Water.
3. Pay applicable development planning charges.
4. Existing water meter (No. 06W937521), which serves the existing dwelling, is to remain within, or be relocated to, proposed Lot 1 and continue to serve the existing dwelling.

**Notes:**

- (A) For any lot area that cannot be fully serviced by a gravity sewer connection, building envelopes or minimum floor levels are to be listed as restrictions on title, to the satisfaction of East Gippsland Water.
- (B) Each lot is to be separately serviced by the water and/or sewerage reticulation system. Subject to East Gippsland Water's requirements being met, relevant infrastructure will then become East Gippsland Water's to own, operate and maintain in perpetuity.
- (C) Should East Gippsland Water determine that a gravity sewerage system is not feasible, then a pressure sewer system may be approved by East Gippsland Water.
- (D) Design documentation to be submitted after certification application has been made.
- (E) Development planning charges apply where East Gippsland Water approve design, construction, commissioning and as constructed documentation (actual charge is based on the final cost of the works).



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

(F) If water services are required, each lot must be separately connected to the water reticulation system and separately metered, to the satisfaction of East Gippsland Water.

Further enquiries may be directed to Rod Poynton (5150 4476) at our Bairnsdale Office.

Yours faithfully,

A handwritten signature in black ink, appearing to read "L. Caplygin", with a large, sweeping flourish at the end.

**LARA CAPLYGIN**  
**EXECUTIVE MANAGER STRATEGY & ASSETS**  
**East Gippsland Water**

cc: Crowther & Sadler Pty Ltd

**From:** Subdivisions [Subdivisions@apa.com.au]  
**Sent:** Wednesday, 8 December 2021 7:35:29 AM  
**To:** Planning Unit Administration  
**CC:** Subdivisions  
**Subject:** RE: 548/2021/P - 55 Meridian Way NEWLANDS ARM - Multi Lot Subdivision (6 Lot Subdivision)

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**APA GROUP**

APT O&M Services Pty Ltd (APT) is a company under the APA Group.

Our Reference: ps 08122021 - 02

Enquires: Paula Soluncevski  
Telephone 9463 8323

Dear Sir/Madam,

Re:     **APPLICATION FOR PLANNING PERMIT**  
          55 Meridian Way NEWLANDS ARM  
          Plan No. :

Reference is made to the above correspondence dated 06.12.2021 and accompanying plan.

APT pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987 has no objection to the granting of a permit.

APT does not require the plan to be forwarded under Section 8 of the Subdivision Act 1988, and consents to the issue of a statement of compliance at the appropriate time.

Yours faithfully,

*Per*  
**Rebecca May**  
Planning Manager  
Planning & Engineering

**From:** Subdivisions [Subdivisions@ausnetservices.com.au]  
**Sent:** Wednesday, 8 December 2021 2:07:45 PM  
**To:** Planning Unit Administration  
**Subject:** RE: 548/2021/P - 55 Meridian Way NEWLANDS ARM - Multi Lot Subdivision (6 Lot Subdivision)

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**Our Ref 75079735**

Good afternoon

Please find below AusNet Services response to the planning referral.

**CONDITIONAL CONSENT TO ISSUE OF PERMIT**

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

**CONDITIONS REQUIRED BY AUSNET ELECTRICITY SERVICES PTY LTD**

The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.

The applicant must –

- Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
- Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
- Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
- Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

**END OF CONDITIONS**

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

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

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

For all enquiries email [subdivisions@ausnetservices.com.au](mailto:subdivisions@ausnetservices.com.au)

Yours sincerely,

Daryl Kelly  
Customer Connect  
AusNet Services

## **DETAILED PLANNING REPORT**

**548/2021/P**

**55 Meridian Way NEWLANDS ARM  
Lot 6 PS 309052**

**Multi Lot Subdivision (6 Lot Subdivision)**

### **KEY DETAILS**

<b>Subject address</b>	<b>55 Meridian Way NEWLANDS ARM Lot 6 PS 309052</b>
<b>Land owner</b>	<b>P J Vernon and L P Vernon</b>
<b>Applicant</b>	<b>Crowther &amp; Sadler Pty Ltd</b>
<b>Land area</b>	<b>1.5967 Hectares</b>
<b>Cultural sensitivity</b>	<b>The land is culturally sensitive</b>

### **PLANNING CONTROLS**

<b>Control</b>	<b>Clause(s)</b>	<b>Consideration</b>
Low Density Residential Zone (LDRZ)	32.03-3	A permit is required to subdivide land.
Design and Development Overlay Schedule 11 (DDO11)	43.02-3	A permit is required to subdivide land.

### **REFERRAL AUTHORITIES**

<b>AUTHORITY</b>	<b>DET or REC</b>	<b>REFERRAL CLAUSE</b>	<b>RESPONSE</b>
APA (GAS)	Determining (s55)	66.01	Consent
East Gippsland Water (Water & Sewer)	Determining (s55)	66.01	Conditional Consent
Ausnet Services (Electricity)	Determining (s55)	66.01	Conditional Consent

### **INTERNAL ADVICE**

<b>DEPARTMENT</b>	<b>SCOPE OF ADVICE</b>	<b>OUTCOME</b>
Technical Officer Development	Road, Access, and Drainage	Conditional Consent
Works	Public Land Manager (Roads) Consent –	Consent granted

	vegetation removal to facilitate crossovers	
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## REPORT – PLANNING CONSIDERATION

### Planning Policy Framework (PPF)

The assessment of the application before Council requires assessment against Planning Policy Framework.

The clauses that have an influence upon the assessment of this application include:

- 11 Settlement
- 13 Environmental Risks and Amenity
- 16 Housing
- 17 Economic Development
- 19 Infrastructure

### Assessment:

This six-lot subdivision in Newlands Arm anticipates the current needs within the community to provide additional housing stock and presents a diversity of choice to the Newlands Arm community. There are two informal neighbourhood characters within Newlands Arm, generally separated by the zones of General Residential Zone (GRZ1, with DDO11, minimum subdivision of 1,000 sqm) and the LDRZ. Properties in the LDRZ were originally developed with large lots (greater than 4,000 sqm). The planning scheme has been amended since the parent subdivision, and now provides for lot sizes to be less down to 2000 square metres per allotment where the land is connected to reticulated sewer.

The subject land is within the low density section of Newlands Arm and is immediately adjacent to the GRZ1. This subdivision is within the requirements of the LDRZ and meets the guidelines outlined in Clause 11.02-1S of the Planning Policy (PPF) encourages opportunities for the consolidation, redevelopment and intensification of existing urban areas. Approval of this subdivision will blend and provide a transition between the current neighbourhood character areas.

The proposal for the 6 lots would allow the ability to construct 6 additional dwellings within a serviced township of Newlands Arm and allow for a diverse coastal settlement, and this is considered entirely consistent with the PPF which seeks to make best use of existing infrastructure, provide housing options and increase density in appropriately serviced locations.

### Municipal Strategic Statement (MSS)

Council is required to consider Local Policy as a part of this assessment.

Local Policy clauses that are relevant include:

- 21.03 Settlement
- 21.05 Environmental Risk
- 21.08 Housing
- 21.09 Economic Development
- 21.11 Infrastructure
- 21.12 Strategies for Sub-Regions, Towns and Localities

*Newlands Arm is classed as a Village (200-500 Population) with very limited commercial and community services, community hall, reticulated water and electricity, but has reticulated sewer to the majority of the settlement. Newlands Arm is to provide for expansion within the existing settlement area.*

**Newlands Arm**

**Vision**

*Newlands Arm will develop as a small consolidated town distinct from, and dependant on Paynesville for most local services and, serving as both a permanent resident settlement and a holiday recreation destination.*

*The attractive foreshore will remain a community focal point that will provide high quality recreation opportunities with pathways connecting destination points in the town.*

*The well laid out streets will be well landscaped and signposted. Buildings will remain low in scale and will not be visually intrusive.*

**Objectives**

*To maintain the character and setting of Newlands Arm.*

*To ensure the built form is sympathetic to Newlands Arm's lakeshore location in terms of visibility to and from the water's edge.*

*To enhance the character of the town by landscaping the streets and reserves.*

*To continue developing the foreshore as a key recreation space.*

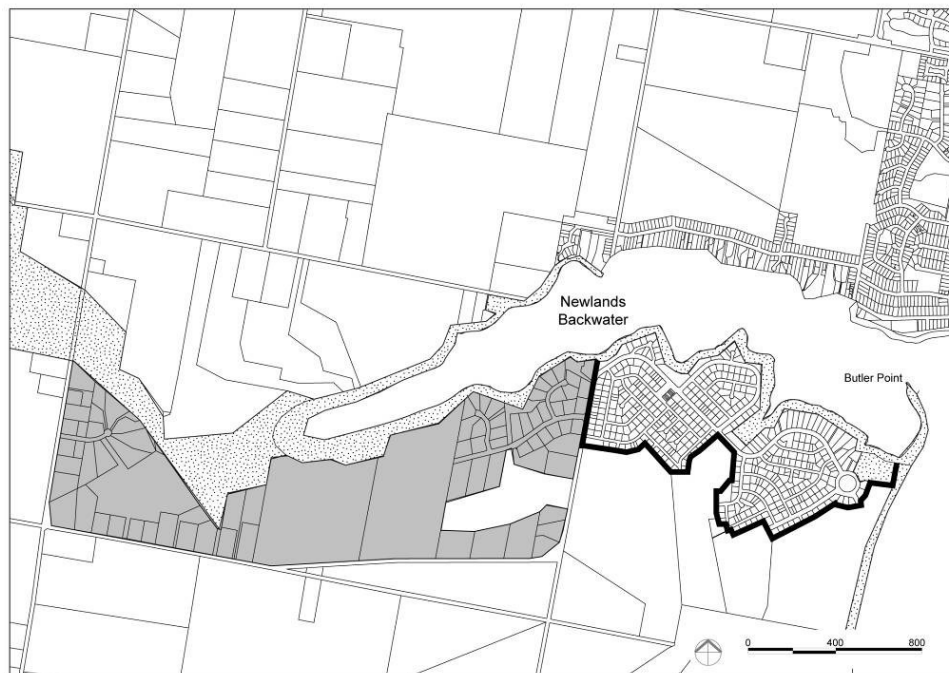
*To protect and enhance the natural environment of the area, including the Newlands backwater and Lake Victoria edge.*

**Strategies**

*Ensure that the development of Newlands Arm occurs generally in accordance with the Newlands Arm Strategy Plan.*

*Retain the low intensity character of development and contain building height.*





#### LEGEND

 Settlement Boundary

 Low density residential area

 Key areas of open space

#### Assessment:

This proposed subdivision, within Newlands Arm provides lots that are between 2,000 and 3,600 square metres in an area with low environmental risk, (i.e. from salinity, bushfire, erosion, flooding and coastal sea rise). There are no current draft strategic plans layers currently proposed on this land. The 6-lot subdivision would add to the diversity of housing to Newlands Arm. Whilst objectors have presented concern in relation to impact on neighbourhood character, the Municipal Strategic Statement and Local Policies support the development of serviced land in accordance with the zoning.

The proposal sits to the west of the “settlement boundary”, however the proposal responds appropriately to the Zone control, and meets other objectives for intensification of residential land.

#### ZONE

##### 32.03 LOW DENSITY RESIDENTIAL ZONE

##### **Purpose**

*To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

*Each lot must be at least the area specified for the land in a schedule to this zone. Any area specified must be at least:*

- *0.4 hectare for each lot where reticulated sewerage is not connected. If no area is specified each lot must be at least 0.4 hectare.*

- 0.2 hectare for each lot with connected reticulated sewerage. If no area is specified each lot must be at least 0.2 hectare.

*A permit may be granted to create lots smaller than 0.4 hectare if the subdivision:*

*Excises land which is required for a road or a utility installation.*

*Provides for the re-subdivision of existing lots and the number of lots is not increased.*

### **Decision guidelines**

#### **General**

*Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*

- *The Municipal Planning Strategy and the Planning Policy Framework.*

#### **Subdivision**

- *The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.*
- *The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.*
- *In the absence of reticulated sewerage:*
  - *The capability and suitability of the lot to treat and retain all wastewater as determined by a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed, or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017.*
  - *The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.*
- *The relevant standards of Clauses 56.07-1 to 56.07-4.*

### **Assessment**

The land will connect to reticulated services (provision of utility services, including sewerage, water, drainage, electricity, and telecommunications) and local community social infrastructure.

The subdivision is not fully maximising the area of the subject site, however with the layout and the size of each allotment, each parcel would not be allowed to be further subdivided within the zone. No restrictions on the title are proposed, as the zone will restrict further subdivision of each parcel of land.

The subdivision would allow for low scale development that will blend within the natural environment and character of the area.

## **OVERLAY**

### **43.02 DESIGN AND DEVELOPMENT OVERLAY**

#### **Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify areas which are affected by specific requirements relating to the design and built form of new development.

#### **43.02-3 Subdivision**

##### **Permit requirement**

A permit is required to subdivide land.

Subdivision must occur in accordance with any lot size or other requirement specified in a schedule to this overlay.

A permit may be granted to subdivide land which is not in accordance with any lot size or other requirement in a schedule to this overlay, unless the schedule specifies otherwise.

### **1.0 Design objectives**

To protect and manage the township character of coastal settlements.

To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.

To ensure that new development is designed to minimise visual impacts on the natural landscape.

To ensure that new development is visually and physically integrated with the site and surrounding landscape.

To ensure that new development is sited and designed to be visually unobtrusive through and above the surrounding tree canopy when viewed from nearby streets, lakes, coastal areas, or other distant viewpoints.

To protect the vegetated character of the landscape, particularly where it is a dominant visual and environmental feature.

To ensure that the scale and character of existing development in areas fronting Marine Parade in Marlo and on the lake frontage at Newlands Arm is preserved and that any new development should be consistent with the prevailing development form and height to retain the existing character and view corridors.

To ensure that the subdivision of land within the Newlands Arm Estate is consistent with the *Newlands Arm Estate Restructure Plan, Version 7*, (March 2017).

- *Note, the extent of the restructure plan does not apply to the land.*

### **Assessment**

The six allotments would allow for the existing character of Newlands Arm to be blended and balanced to accommodate future growth of the area. The Design and Development Overlay may require planning permits for dwelling and ancillary outbuildings, where there is a total building area on a parcel of land are greater than 300 sqm and greater than 7.5 metres high from natural ground level.

The siting of dwellings would be visually unobtrusive and could be setback from existing vegetation on the property, the properties will not be visible from coastal areas, however this property is currently considered a focal point and/or node to the entrance of Newlands Arm.

### **PARTICULAR PROVISIONS**

#### Public Open Space Contribution

Subdivision of land requires consideration under Section 18(5) of the Subdivision Act:

*A public open space requirement may be made only once in respect of any of the land to be subdivided whether the requirement was made before or after the commencement of this section...*

The public open space requirement was met with the original parent subdivision.

### **GENERAL PROVISIONS**

#### **65.02 APPROVAL OF AN APPLICATION TO SUBDIVIDE LAND**

The land for subdivision is suitable for subdivision as there are limited environmental constraints. The nearby land is large scale residential allotments and to the western

area is a larger section of undeveloped Low Density Residential land, this area will be further subdivided and developed.

The allotments would not be further subdivided under the current Low Density Residential Zone requirements, only boundary alignments would be allowed to occur.

The applicant has suggested a swale drain could be provided at the rear of the properties to increase the drainage capabilities of the land and this is above the requirements requested of referral authorities.

The existing vegetation is planted. This vegetation has no restrictions and could be removed today. Nevertheless, a condition is proposed requiring plans to show the minimum extent necessary of tree removal for the creation of the access and internal driveways.

Whilst the two battle-axe lots is not an ideal pattern of subdivision as it limits the ability for the residents to interact with the street, it allows for larger vegetation features to be located on the property that would not be sustainable on a smaller residential property. It also allows for less built form adjacent to the roadway and separation between dwellings.

The proposed density and dimension and layout of each lot is appropriate.

The access to the road, has been minimised, as a shared access point (crossovers) arrangement to the frontage for lots 2 and 3 and lots 4 and 5 are proposed. The function of the road will restrict right turning into Meridian Way as the current lane lines are double solid lines and there is a turning lane into Crown Ridge Avenue.

The land is not within a Bushfire Management Overlay, but the land is bushfire prone. Between the building regulations and likely siting of future dwellings, there are sufficient guidelines for development of dwellings to reduce the risk of any spread of fire.

There is no provision of off-street parking, the land parcels would be able to accommodate any private events or general visitors to the property driveways can be designed to allow vehicles to exit the site in a forward direction.

No common property or body corporates are proposed and are not required as all allotments would have private access and there is no shared land or carriageways.

These allotments are large and standard timber fencing should not be allowed; rural fencing should be required and established prior to the statement of compliance. Arrangement of fencing should not be restricted as there it would allow for the future owners to provide varied fencing arrangements for different uses for pets, swimming pools, etc.

#### **Title**

There is as Section 173 agreement on the land, AU647639R requires the Existing Building must not be used for a Store, until such time as a Dwelling is legally constructed and occupied on Lot 2 (new lot 1) registered 2/8/2021.

In addition, there is a covenant on the land through the transfer of land X609635R; this covenant expired on 31 December 2010. The covenant has been used as a reason not to support the proposed subdivision, however it is not entrenched in the planning controls nor does it need to be upheld as a result of the expiry provision.

## 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 item:

### 7.1                      **Contract Variation CON2022 1415 Omeo Mountain Bike Trail Construction**

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**