



Council Meeting Agenda

Tuesday 28 November 2023 at 6:00 pm
Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875



Acknowledgement of Country

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

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

Council information

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

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

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

In line with the *Local Government Act 2020*, Councillors are able to attend Council meetings electronically or in person and the meetings will be open to the public via livestreaming.

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

Councillors

Cr Tom Crook (Mayor)
Cr Jane Greacen OAM (Deputy Mayor)
Cr Arthur Allen
Cr Sonia Buckley
Cr Mark Reeves
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
Sarah Johnston 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.

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1.2 Apologies

1.3 Declaration of Conflict of Interest

1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Tuesday 14 November 2023 be confirmed.

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 12 December 2023 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00pm.

1.6 Requests for Leave of Absence

1.7 Open Forum

1.7.1 *Petitions*

1.7.2 *Questions of Council*

1.7.3 *Public Submissions*

1.8 Items for Noting

2 Notices of Motion

2.1 Review of Feral Animal Control Approach

Take notice that it is my intention to move at the Ordinary Meeting of Council to be held Tuesday on 28 November 2023 at 6.00 pm or at any adjournment of that meeting:

That Council writes to the Hon. Steve Dimopoulos Minister for Environment to:

- 1. seek an urgent review of the Parks Victoria approach to feral animal control in state and national parks, specifically for feral horses and deer. This review should consider:***
 - a. the adequacy of current provisions to ensure the physical and psychological safety of the community, including:***
 - i. if the current minimum of 300 metre exclusion zone for ariel shooting is sufficient; and***
 - ii. if inspection of areas subject to ariel or ground shooting should be inspected to ensure the affected animals are removed or buried on site.***
 - b. how Parks Victoria can partner more with local communities to implement feral animal control, through mechanisms like:***
 - i. employing local, experienced community members; and***
 - ii. establishing agreements for other humane methods of feral horse control such as relocation, rehoming and or fertility management.***

Signed: Cr Sonia Buckley

Date: 20 November 2023

Rationale

It is recognised that Parks Victoria holds the responsibility for feral animal control in Victoria's parks and reserves, to meet Victoria's obligations under the *National Parks Act 1975* (Vic.), *Flora and Fauna Guarantee Act 1988* (Vic.), *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) and the international Ramsar Wetlands Convention. The magnitude of this task is not underestimated. There are 45 national parks and 26 state parks in Victoria. Some of these are in the [East Gippsland Shire](#) and are adjacent to farmland and are visited by park and reserve users.

Parks Victoria advises that it has a mechanism in place for [rehoming feral horses](#), and works with professional shooters and accredited volunteers through the through the Sporting Shooters Association Australia (SSAA) and the Australian Deer Association (ADA) to control [deer](#) in Victoria's parks and reserves.

However, it is timely to examine if the Parks Victoria approach to the provision of feral animal control:

- avoids any potential inhumane practices; and
- manages the risks of physical and psychological harm to communities, specifically with respect to Section 2(1)(c) of the Victorian [Occupation Health and Safety Act 2004](#) which is:

‘To ensure that the health and safety of members of the public is not placed at risk by the conduct of undertakings by employers and self-employed persons’.

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Place and Community

5.1.1 Planning Permit Application 12 The Backwater Eastwood Two Lot Subdivision and Buildings and Works for Two Dwellings

Authorised by General Manager Place and Community

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 the Development of Two Dwellings and a Two Lot Subdivision at 12 The Backwater, Eastwood. The subject land is a vacant lot with an area of 2,056 square metres. The land is located on the southern side of The Backwater, with the rear of the lot adjoining the Mitchell River Backwater Reserve.

Officers have reviewed all of the relevant information, taking into consideration the concerns of objectors, and recommend issuing a Notice of Decision to Grant a Planning Permit, subject to the conditions set out in **Attachment 1**.

A copy of the plans and supporting documents submitted with the application can be found in **Attachments 2 and 3**.

Public notice occurred and there have been 38 written objections submitted. The objections are provided at **Attachment 4**. Minutes of the Planning Consultation Meeting (PCM) are provided at **Attachment 5**. Post PCM submissions are provided at **Attachment 6**.

A detailed assessment of the proposal is provided at **Attachment 7**, which sets out the reasons for the officer recommendation.

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 Permit Application 5.2023.100.1 (formerly referred to as 100/2023/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 Permit for the Development of Two Dwellings and Two Lot Subdivision, at 12 The Backwater Eastwood, subject to permit conditions in Attachment 1.*

Background

Permit History

The subject land has not been subject to any previous planning permit applications. There have been three (3) similar planning permit applications along The Backwater that were refused by Council. All three applications were appealed to the Victorian Civil and Administrative Tribunal (VCAT). VCAT affirmed the decision of Council in all three matters, with no planning permits issued. The relevant determinations may be viewed at:

[Elliot v East Gippsland SC & Ors \[2013\] VCAT 942 \(12 June 2013\)](#)

[Elliott v East Gippsland SC \[2015\] VCAT 64 \(23 January 2015\) \(austlii.edu.au\)](#)

[Rykers v East Gippsland SC \[2016\] VCAT 828 \(24 May 2016\)](#)

The previous determinations have been carefully considered in the assessment of the current planning permit application. It is noted that multiple objectors to one or more of the previous determinations were involved in the VCAT deliberations and offer similar concerns to the current application, as expressed in their written submissions.

Critical to the assessment of this application in relation to previous VCAT determinations is:

- An application for two dwellings has been made in conjunction with the subdivision. This is distinct from previous applications which applied for subdivision only.
- Rykers v East Gippsland SC [2016] and Elliot v East Gippsland SC [2013] were both proposals for two-lot subdivisions with a 'battle-axe' formation. Elliot v East Gippsland SC [2015] offered a side by side two-lot subdivision with a design response plan showing possible building envelopes. These building envelopes were not submitted as part of the proposed plan of subdivision and did not guarantee final built form.
- The proposed dwellings provide certainty of the built form outcome that is able to be assessed by planning officers against the requirements of Clause 55 of the Planning Scheme. This includes assessment of neighbourhood character, building height, scale, setbacks, overlooking, overshadowing and offers generally higher amenity consideration than what would be required solely under a building permit.
- The proposed dwellings are proposed to be developed in tandem, offering a cohesive built form response and certainty that was lacking in previous applications.
- Following discussions with officers, the applicant has advised that a permit condition restricting the built form via a Section 173 Agreement if the subdivision occurs first would be accepted.
- The proposal must be considered on its individual merits against the East Gippsland Planning Scheme (Scheme) as it currently applies. Changes to Scheme requirements since 2016, including amendment VC243, may affect the proposal and outcomes.

Site Analysis

The subject land is formally described as Lot 93 on Plan of Subdivision 521909M, and is 2,056 square metres in area, and almost rectangular in shape. The site is in the southern section of the Eastwood Estate, immediately adjacent to the Mitchell River Backwater Reserve (refer **Figure 1**).

The site has 24.02 metre frontage/access to The Backwater to the north, with a depth along the western boundary of 82.1 metres, and 79.99 metres along the eastern boundary. The rear (southern) 26.79 metres boundary abuts the Mitchell River Backwater Reserve. At the northern boundary the elevation is approximately 16.6 metres AHD, at the southern boundary the elevation is approximately 1.4 metres AHD.

Lots on the southern side of The Backwater are subject to varying slope levels. The northern section of the site has a moderate slope of approximately 12.5% for approximately 53 metres, that drops sharply to a slope of approximately 40% for approximately seven metres before tapering off at the rear of the lot.

The site contains a three-metre-wide drainage and sewerage easement in the southern section of the site, that extends from the eastern to western boundary. The site is currently vacant and clear of vegetation except for grass coverage.

A restrictive covenant and Section 173 agreement are registered on title to the subject land. Restrictive Covenant **AD669436F** places restrictions on the construction of dwellings, including a minimum building footprint, external materials and finishes, outbuilding materials and finishes, removal of soil from the land, prohibition on use of the land for offensive or noxious purposes. This covenant has no expiry and continues to run with the land.

Section 173 Agreement **P750361X** was registered on the title to the land and was to ensure the Eastwood Residential Estate was developed as a serviced residential estate in accordance with the development plan contained in Schedule 2 of the agreement. The agreement contains a “sunset clause” that states:

“Subject to the Company having carried out and completed all its covenants and agreements hereunder to the reasonable satisfaction of the Responsible Authority the Agreement shall lapse upon the completion of the development specified in schedule 2 hereto”

Correspondence dated 26 September 2012 from East Gippsland Shire Council confirms that the development of Eastwood Residential Estate is considered to be complete, and the Agreement is deemed to have lapsed, with no further effect on land within the Eastwood Residential Estate.

The land is located within the General Residential Zone and is subject to the Erosion Management Overlay (EMO). Although the site is not covered by the Land Subject to Inundation Overlay, it is noted that flooding advice from the East Gippsland Catchment Management Authority dated 12 May 2022, advises that the applicable 1% Annual Exceedance Probability (AEP) flood level is 6.1 metres AHD, affecting the southernmost section of the site, approx. 12 metres deep from the southern boundary. The land is affected by an area of Aboriginal Cultural Sensitivity. The site is not within a declared bushfire prone area.



Figure 1: Aerial View of Site and Surrounds (site in red)

Proposal Details/ Discussion

The application currently before Council seeks approval for:

- Subdivision of land into two lots: (refer **Figure 2**)
 - Proposed Lot 1: 1,069 square metres
 - Proposed Lot 2: 988 square metres
- Development of Two Dwellings, one on each of the proposed lots.
- Earthworks exceeding one metre (height or depth).

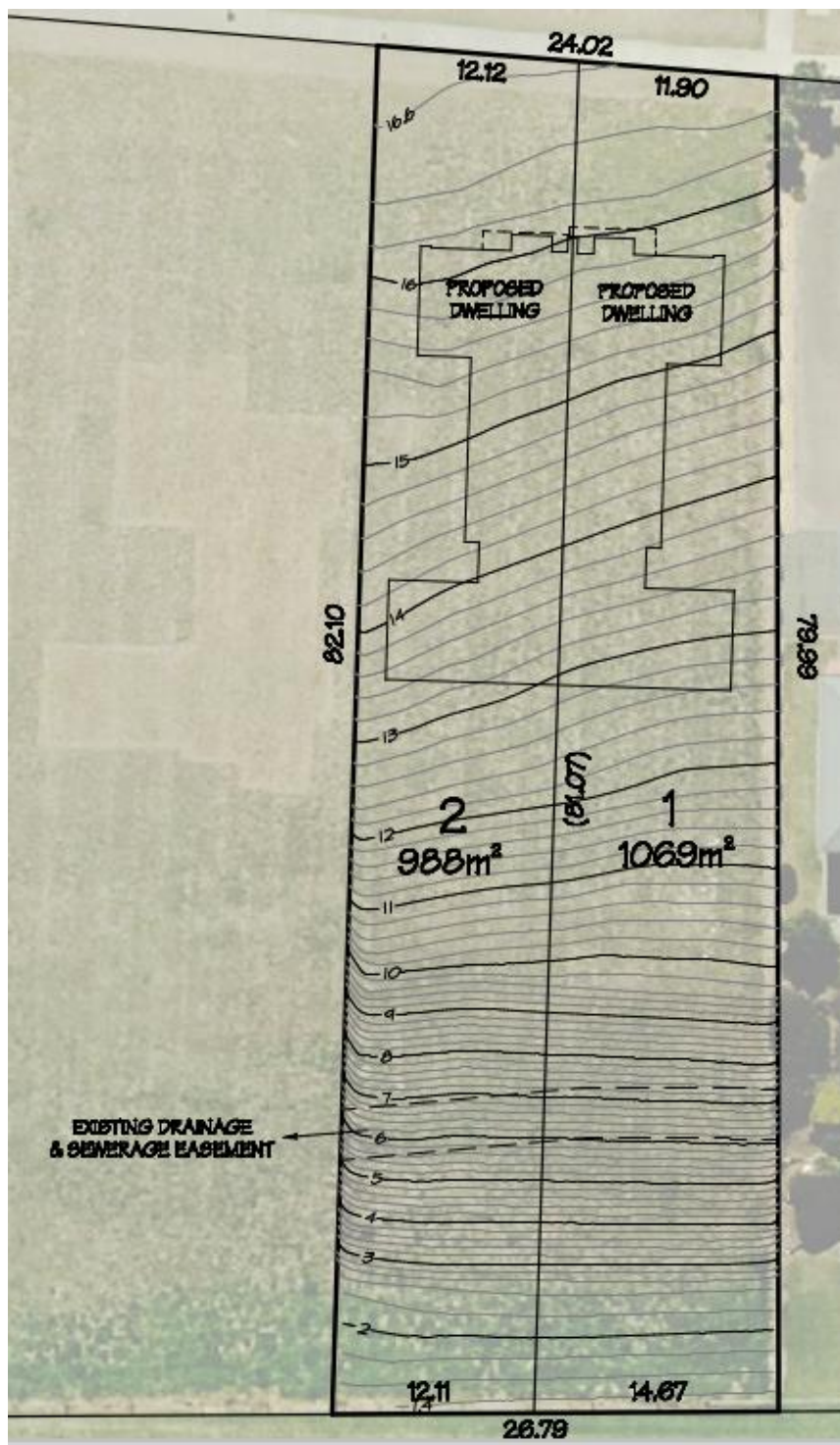


Figure 2 – Proposed subdivision

Following a request for additional information, a revised plan set showing the details of the proposed earthworks was formally submitted to Council on 2 June 2023.

The proposed subdivision will divide the land into two parallel lots, each containing a dwelling. The proposed dwellings are a double-storey duplex design sharing a party wall and featuring mirrored floor plans (refer **Figure 3a & b**), except for the upper floor balcony on Dwelling 1. Both Dwellings will feature an attached double garage as well as a driveway with space for an additional uncovered car space. The proposed dwellings will feature a variety of external materials and finishes, consistent with the requirements of Covenant **AD669436F**, including brick face walls, rendered walls, a small section of “timber like cladding” and a varied roof form featuring hip ends finished with cement tiles.

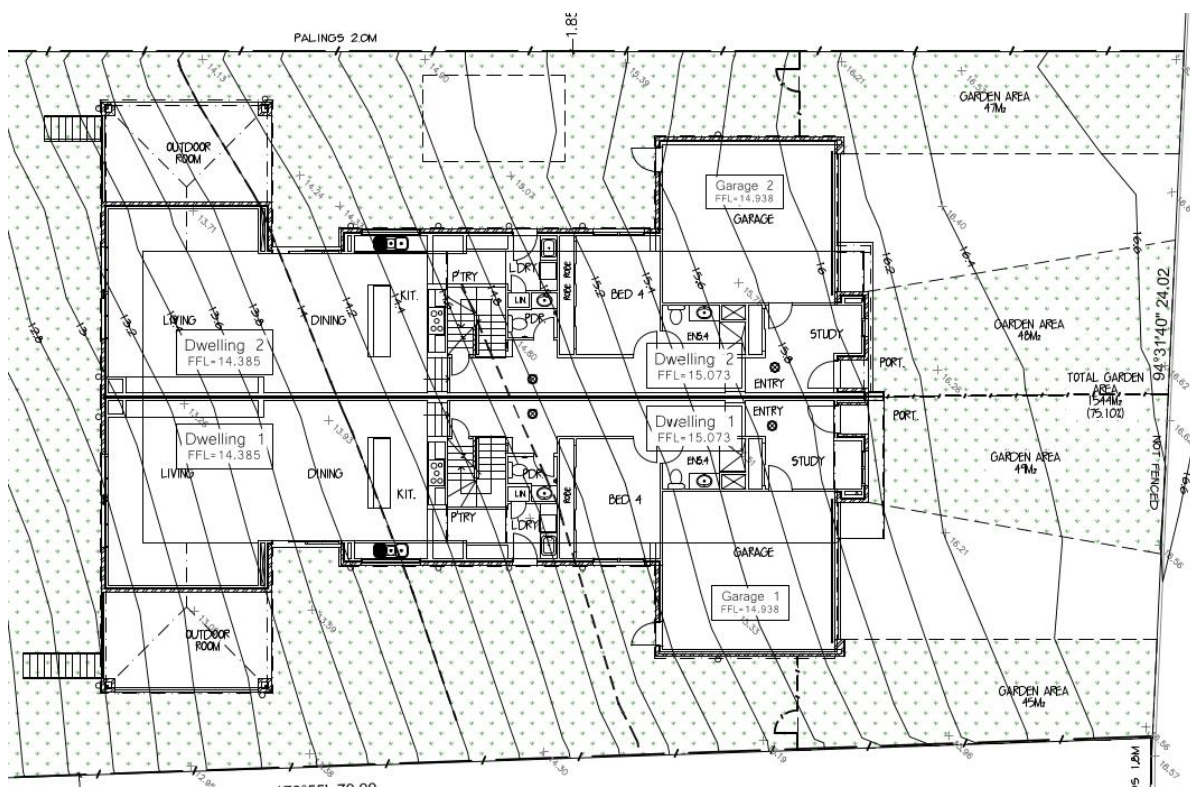


Figure 3a: Proposed Ground Floor Plans

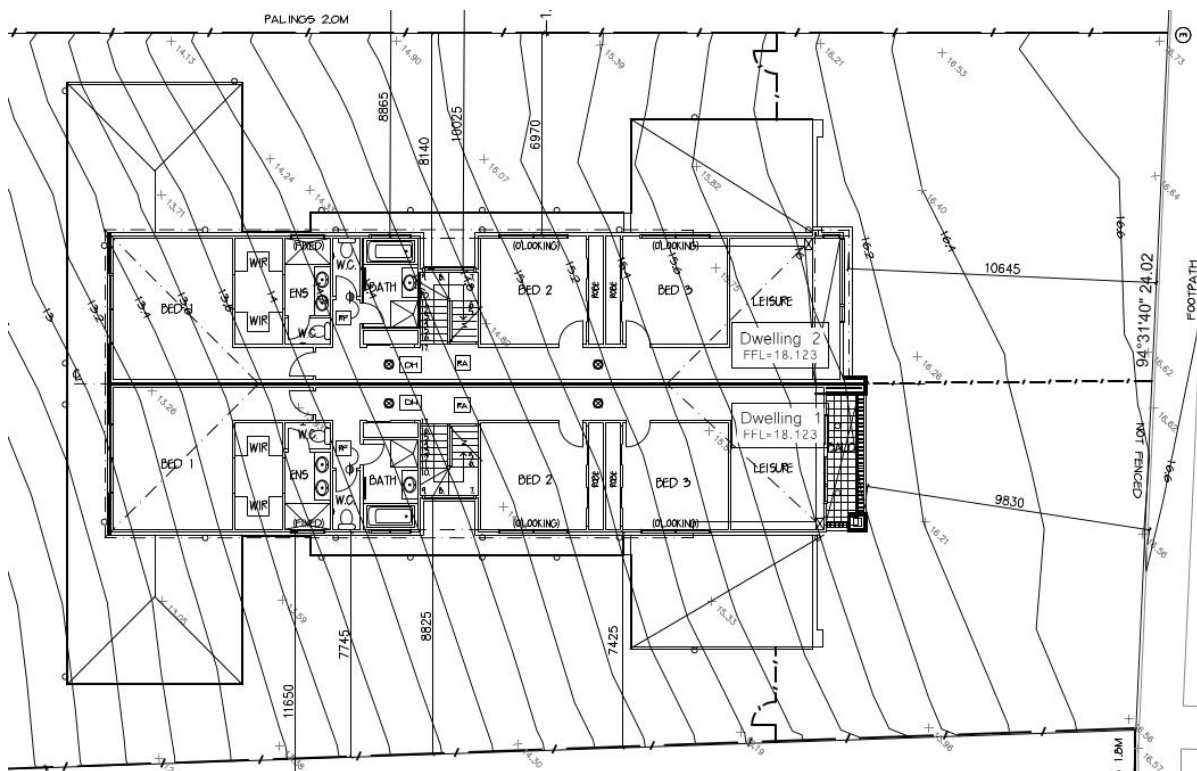


Figure 3b: Proposed First Floor Plans

When viewed from the street, the proposed development will have an apex (maximum) height of 8.205 metres (refer **Figure 4a**). Due to the slope of the land, when viewed from the rear, the building will have an apex height of 9.825 metres (refer **Figure 4b**). The shape of the proposed dwellings, including a staggered upper storey, will result in varying setbacks from the side boundaries. Proposed Dwelling 1 will have setbacks ranging between 2.670 metres to 8.825 metres from the eastern boundary and proposed Dwelling 2 will have setbacks ranging between 1.75 metres to 8.140 metres from the western boundary. Proposed Dwelling 1 will have a street setback of 9.83 metres and Dwelling 2 will have a street setback of 10.745 metres.

Earthworks up to 1.7 metres in depth will be required to level the site for the proposed development.

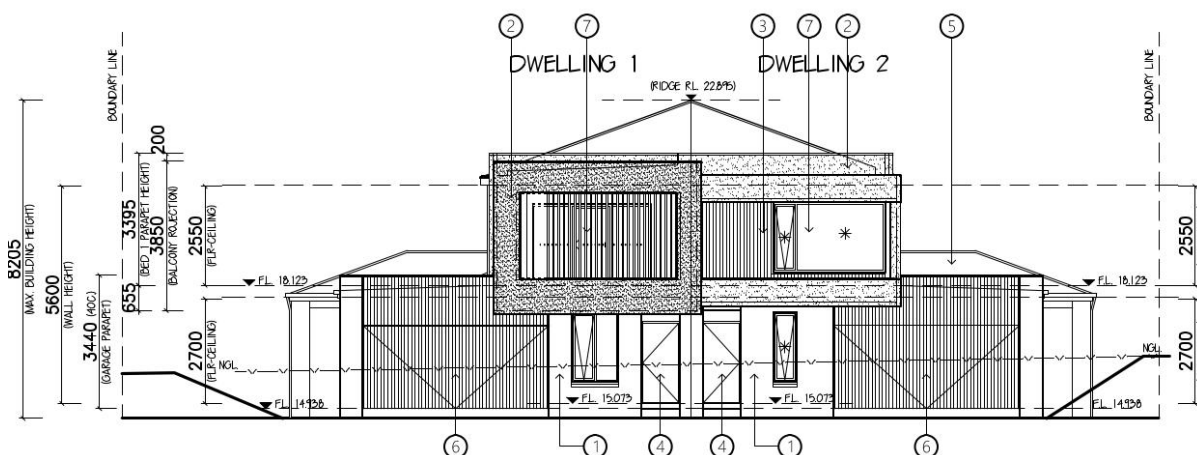


Figure 4a: Proposed Northern Elevation

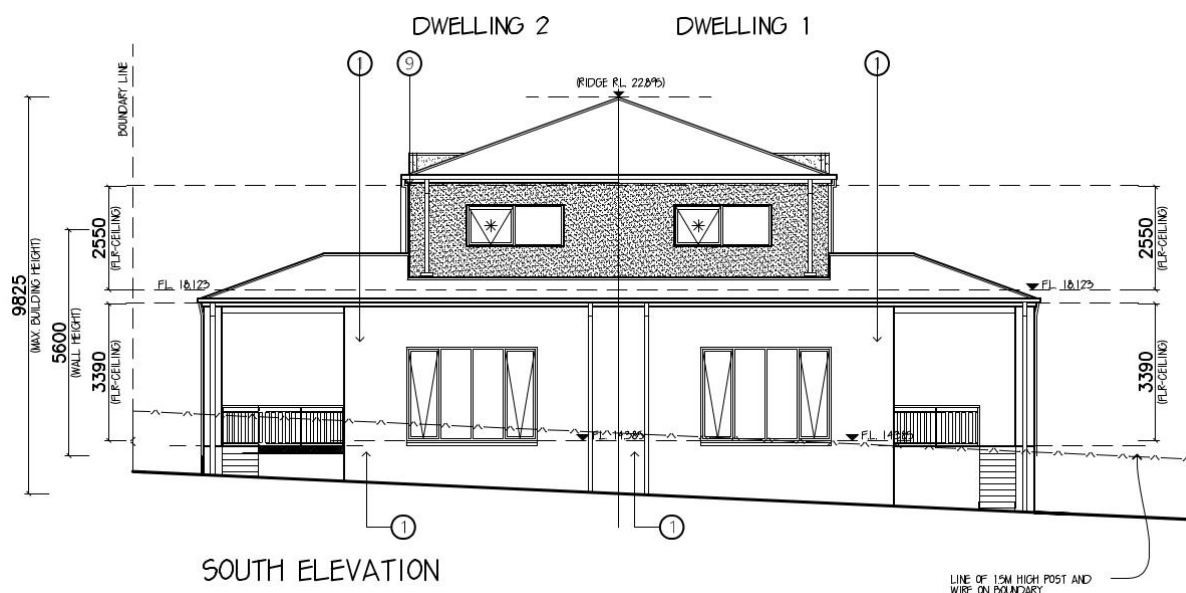


Figure 4b: Proposed Southern Elevation

Current Status

The application has been made subject to notification pursuant to the *Act*. Thirty-eight (38) written objections have been received (as of 6 November 2023). This application did not require external referral under Clause 66.01 of the Scheme.

A Planning Consultation Meeting (PCM) was held on 18 September 2023. Following the PCM, several the speakers submitted a copy of their verbal submission to Council as provided in **Attachment 6**. Three (3) additional submissions made directly to Councillors are also provided in **Attachment 6**.

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 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*.

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; 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 has been made and provided at **Attachment 7**.

The policy, standards, and decision guidelines are summarised below to inform Council of the scope of considerations which are made in the detailed Planning Scheme assessment.

Planning Scheme Controls and decision criteria

The following is a summary of the controls applicable to the assessment.

Scheme Part	Detail	Relevance
Zones	General Residential Zone (Schedule 1)	<ul style="list-style-type: none">• A permit is required to subdivide land.• A permit is required to construct two or more dwellings on a lot.
Overlays	Erosion Management Overlay (EMO)	<ul style="list-style-type: none">• A permit is required to subdivide land.• A permit is required to construct a building or construct or carry out works-second dwelling, earthworks exceeding 1m in height or depth.
Particular Provisions	Two or More Dwellings on a Lot and Residential Dwellings (Clause 55)	Applies to applications to construct two or more dwellings on a lot
	Residential Subdivision (Clause 56)	Applies to an application to subdivide land in a General Residential Zone. Assessment criteria (objectives and standards) relating to proposals for 2 lots.

Council officers, having considered the proposal in accordance with the relevant zones, overlays, and policies, and with special consideration given to relevant VCAT decisions, find that the proposal satisfies the relevant planning requirements and can be implemented and permitted, subject to predominantly standard conditions. It is considered that a Section 173 Agreement restricting the built form, should the subdivision occur prior to a certificate of occupancy being issued, be made a permit condition.

Collaborative procurement

Not applicable

Council Plan

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

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

Council Policy

The Planning Delegations Policy has been considered and due to the proposal having received substantial public objection, and subsequently being subject to a planning consultation meeting, the matter is recommended for determination by Council.

Options

Council has three options:

1. Adopt the Officer's recommendation to approve the development subject to conditions. This is the preferred option as the proposal is considered to meet the relevant planning requirements; or
2. Set aside the Officer's recommendation and resolve to refuse the application. Council would need to specify the reasons for refusal, relevant to the provisions of the Planning Scheme; or
3. Modify the recommendation to include additional or amended conditions, if considered necessary to address any outstanding concerns.

Resourcing

Financial

Not applicable

Plant and equipment

Not applicable

Human Resources

Assessment of the application undertaken by planning officers of Council.

Risk

The risks of this proposal have been considered and the recommendation is low risk.

Economic

The proposed development and subdivision will allow for infill development within an existing residential area.

Social

A Social Impact Assessment or Comment is not considered to be required. The Officer concludes that the development would have a negligible social impact and no further assessment is warranted.

Gender Impact Statement

The assessment has considered the Gender Equality Act 2020 in its preparation and has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

The proposal is not considered to have an adverse environmental impact as no vegetation removal is required. The site is currently clear of vegetation and there is opportunity for future landscaping once the dwellings are developed. Best practice construction practices will be used and applied as conditions to prevent any erosion and sedimentation from site works.

Climate change

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

Land Use Planning: Consideration is given to climate change in the local land use planning and includes responses to direct and indirect impacts. There is no significant impact to climate as a result of the proposal.

Engagement

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 Act and the instructions issued by the responsible authority.

38 objections have been received. Some objections are lodged from joint objectors, and some objectors have made multiple submissions.

The objections are provided at **Attachment 4** with sensitive information removed. Submissions made to Council following the PCM are presented at **Attachment 6**.

In summary the objections raised the following concerns/issues:

- Inconsistent with existing neighbourhood character.
 - No similar frontages or lot sizes.
 - No similar developments on either side of The Backwater.
- Detrimental effect on the amenity of the area.
 - Increased traffic and cars being parked on the street.
 - Increased noise.
 - Duplexes look “cheap” and are inconsistent with the “exclusive” nature of The Backwater.
- Inconsistent with state and local planning policy.
- Inconsistent with the purposes of the General Residential Zone.
- Does not respect intentions of the original subdivision.
 - Original intention was for large homes on large blocks.
- Previous rejections at VCAT creates precedence to reject again.
- Creates precedence for future subdivision along the Backwater.

It is noted that a number of the objections (12) make mention that the application is inconsistent with Clause 58 of the East Gippsland Planning Scheme. Clause 58 applies to the development of an apartment of 5 or more storeys and so is not relevant to this application.

Response to Objections

Council Officers have carefully considered the objections that have been lodged and the presentations which were made in the PCM (Minutes of which are provided at **Attachment 5**).

Inconsistency with Neighbourhood Character

The Backwater has developed a distinct character with the southern side of the street developing different built form outcomes to the northern side of the street. Lots on the northern side of The Backwater are smaller than those found on the southern side and are typically developed with single storey dwellings with street setbacks of approximately six metres. The northern side also features a number of previous two-lot subdivisions – 5 The Backwater, 13 The Backwater (now 6 & 8 Gree Kuluk Place), 33 The Backwater, and 37 The Backwater.

The lots on the southern side of The Backwater are larger than the northern side lots, and all slope down significantly at the rear of the block, enjoying views over the Mitchell River Backwater. Dwellings on the southern side are typically larger than those on the northern side, with a range of double and single storey dwellings, in varying architectural styles. The street setback on the southern side is also typically deeper than on the northern side, ranging from nine metres (8 The Backwater), to over 25 metres.

Most dwellings on the southern side of The Backwater have a consistent setback from their southern boundary, influenced heavily by the escarpment. Side boundary setbacks vary along the southern side of The Backwater, with several lots having constructed garages or outbuildings to the side boundary. A number of lots on the southern side have constructed tall front fences that obscure views of the lot from the street.

The proposed development, being two dwellings constructed as a duplex style development with a centre party wall, will result in a building bulk visually comparable to a number of the larger dwellings along the southern side of The Backwater. The development will incorporate a variety of external materials and design elements, including exposed brick, render and timber style cladding to give each dwelling an individual façade whilst still respecting surrounding built form and character. A squared off façade with a recessed hip roof will present to the streetscape, whilst the rear of the development presents a more simplified elevation to the Mitchell River Backwater Reserve, in keeping with surrounding development.

Although the proposed subdivision represents a change to the current lot layout, it is considered that the proposed development offers a built-form response that is in keeping with, and respectful of, the surrounding neighbourhood character.

Detrimental Effect on the Amenity of the Area.

A number of objections raise concerns regarding increased traffic and noise. As was raised in previous VCAT hearings, it is considered that the proposed development will not result in an unreasonable or unprecedented increase in traffic volume. The proposed development has provided the required number of off-street parking spaces for residents. It is anticipated that from time to time visitors to these dwellings may park on the street, as is legally allowed in this area. It is not anticipated that two dwellings in a residential area will result in noise disturbances that are incompatible with the residential use of the area. There is also objection to the 'duplex' nature of the development as it is felt that duplexes are not in keeping with the "exclusive" nature of the area. The proposed development is consistent with the built-form requirements of Covenant **AD669436F**. There is no Design and Development Overlay covering the property that dictates preferred building design, and therefore no planning grounds to reject the application simply based on the duplex form of the development.

Inconsistent with State and Local Planning Policy, the General Residential Zone.

As outlined in **Attachment 7**, the proposed development meets the objectives of State and Local Planning Policy regarding infill development, as well as the purpose of the General Residential Zone.

Does Not Respect Original Subdivision

It is considered that Section 173 Agreement **P750361X** has now lapsed and did not establish an ongoing intent. Consequently, there is nothing that prevents further subdivision in the Eastwood Estate, so long as it is consistent with the requirements of the East Gippsland Planning Scheme. There have been several two-lot subdivisions approved along The Backwater, as well as a number on the southern side of Morton Drive, to the east.

Previous VCAT Cases

As outlined under Permit History, there have been a number of previous VCAT cases where subdivision on the southern side of The Backwater has not been granted. It is pertinent that none of the previous applications also applied for a concurrent dwelling development for any subdivision along The Backwater; this proposal provides a more considered and site responsive application that meet the requirements of the Scheme.

Precedence for Future Subdivision

Any planning application must be assessed on its own merits. The approval of subdivision creates no more precedence than previous refusals.

Attachments

1. Proposed Permit Conditions [**5.1.1.1** - 3 pages]
2. Application Plans [**5.1.1.2** - 10 pages]
3. Supporting documentation [**5.1.1.3** - 90 pages]
4. Objections [**5.1.1.4** - 60 pages]
5. Minutes Planning Consultation Meeting [**5.1.1.5** - 18 pages]
6. Post PCM Submissions [**5.1.1.6** - 20 pages]
7. Detailed Assessment [**5.1.1.7** - 57 pages]

PROPOSED CONDITIONS DOCUMENT

Application: 5.2023.100.1
Proposal: Development of Two Dwellings and Two Lot Subdivision
Property Address: 12 The Backwater EASTWOOD 3875
Property Title Lot: 93 PS: 521909

THE PERMIT WILL ALLOW:

Planning Scheme Clause no.	Description of what the permit will allow, in accordance with the endorsed plans
32.08-3	Subdivide the land.
32.08-6	Construct two or more dwellings on a lot.
44.01-2	Construct a building or construct or carry out works for more than one dwelling on a lot, earthworks where excavations exceed one metre (height or depth)
44.01-5	Subdivide the land.

THE FOLLOWING CONDITIONS ARE PROPOSED TO APPLY TO THIS PERMIT:**Amended plans**

1. Before the development starts, plans must be approved and endorsed by the responsible authority. The plans must:
 - a. be prepared to the satisfaction of the responsible authority
 - b. be drawn to scale with dimensions
 - c. submitted in electronic form
 - d. be generally in accordance with the plans forming part of the application, however the plan identified as *Elevations, Project No: 739268/739269, 25/11/2022, Sheet no. 5 of 6*, must be amended to show the following details:
 - i. Materials Schedule amended to label and provide material details of the screening on the east elevation of the "Outdoor Room" of proposed dwelling 1.

Layout not altered

2. The layout of the development and subdivision must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

Agreements under section 173 of the Act

3. Before the issue of a Statement of Compliance, the development approved under this permit must be constructed to lock up stage or the owner of the land must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987. The agreement must provide the following:
 - a. Land be developed in accordance with the development approved under planning permit 5.2023.100.1 to the satisfaction of the responsible authority, except with the written consent of the responsible authority.
 - b. Drainage infrastructure must be provided to each lot consistent with the minimum requirements established in the endorsed detailed drainage plan to the satisfaction of the responsible authority.

The owner of the land must pay all of the responsible authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Drainage Discharge Plan

4. Before any works commence, a drainage discharge plan must be submitted to and approved by the Responsible Authority. The plan is to include on site detention structures to ensure that the post development discharge rate from the site does not exceed the predevelopment discharge rate. The approved design must meet the water quality standards required by the "Best Practice Environmental Management Guidelines" and Council's Infrastructure Design Manual. When approved, this plan will form part of the permit.

Each Lot to be drained

5. Prior to the issue of a Statement of Compliance, reticulated storm water drainage to drain all lots and buildings contained within this development must be provided.

All stormwater from the development must be conveyed to satisfactory points or areas of discharge approved by the Responsible Authority so that it will have no detrimental effect on the environment adjoining properties.

Reticulated stormwater drainage to drain the development must be in accordance with Councils Infrastructure Design Manual.

The approved discharge point for this application is the existing stormwater system located within the drainage and sewerage easement situated in the southern section of the property.

GRA recommendations to be observed

6. The recommendations of the Geotechnical Risk Assessment Waiver Report provided by Chris O'Brien and Company Pty Ltd, Reference No. B23123, Project number 240323, dated 21/03/2023 are to be followed during the site preparation works, the construction of the dwellings and after completion, as specified.

New Residential Vehicular Concrete Crossings

7. Prior to the issue of a Statement of Compliance, concrete crossovers must be constructed at right angles to The Backwater to suit the proposed driveway for each dwelling, in accordance with the approved design to the satisfaction of the responsible authority.
Refer to the Infrastructure Design Manual (IDM) for crossover designs.

Protection of Council Infrastructure

8. Before the issue of a Statement of Compliance any portion of the Council's existing infrastructure damaged because of work undertaken on the site or associated with the development must be repaired/reinstated to the satisfaction of the responsible authority.

Subdivisions that do not require referral

9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Telecommunications

10. The owner of the land must enter into an agreement with:
 - a. 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
 - b. 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.
11. Before issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a. 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.

Shared trenching

12. All new services to the subdivision must be placed underground in shared trenching where possible. 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.

Clean up after build

13. Upon completion of the development, the land must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority

Expiry – Development and Subdivision

12. This permit as it relates to development (buildings and works) and subdivision will expire if any of the following circumstances applies:
 - a. The development is not started within two years of the issued date of this permit.
 - b. The development is not completed within four years of the issued date of this permit.
 - c. The plan of subdivision is not certified within two years of the issued date of this permit.
 - d. A statement of compliance is not issued within 5 years of the date of certification.

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

Work Within Road Reserves

1. Before undertaking works within a Council Road reserve, a non-utility – minor works consent of works within road reserve application must be lodged with the *Roads and Traffic* unit of Council and approved.

Building Act

2. 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.

PROPOSED SUBDIVISION

PARISH OF WY YUNG
TOWNSHIP OF LUCKNOW
CROWN ALLOTMENT 37B (PART)

C/T VOL 10802 FOL 274
LOT 93 ON PS52/909M

MGA94 ZONE 55



MELINDA ALOISIO
12 THE BACKWATER, EASTWOOD

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
152 MACLEOD STREET, BAINSDALE, VIC., 3875
P. (03) 5152 8011 E. contact@crowthersadler.com.au

FILENAME: Y:\18000-18999\18100-18199\18132 Aloisio\18132 Prop V1.pro

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

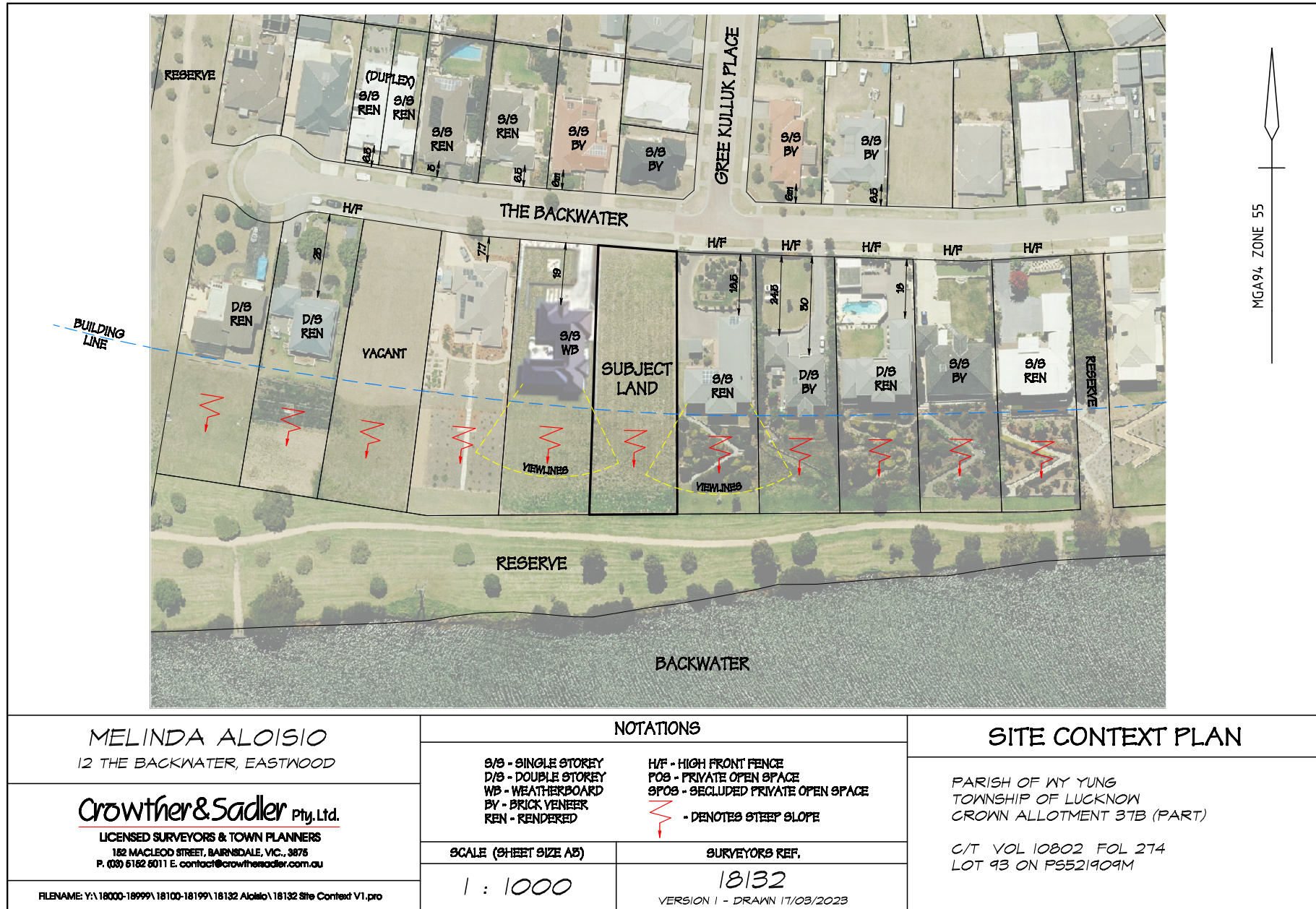
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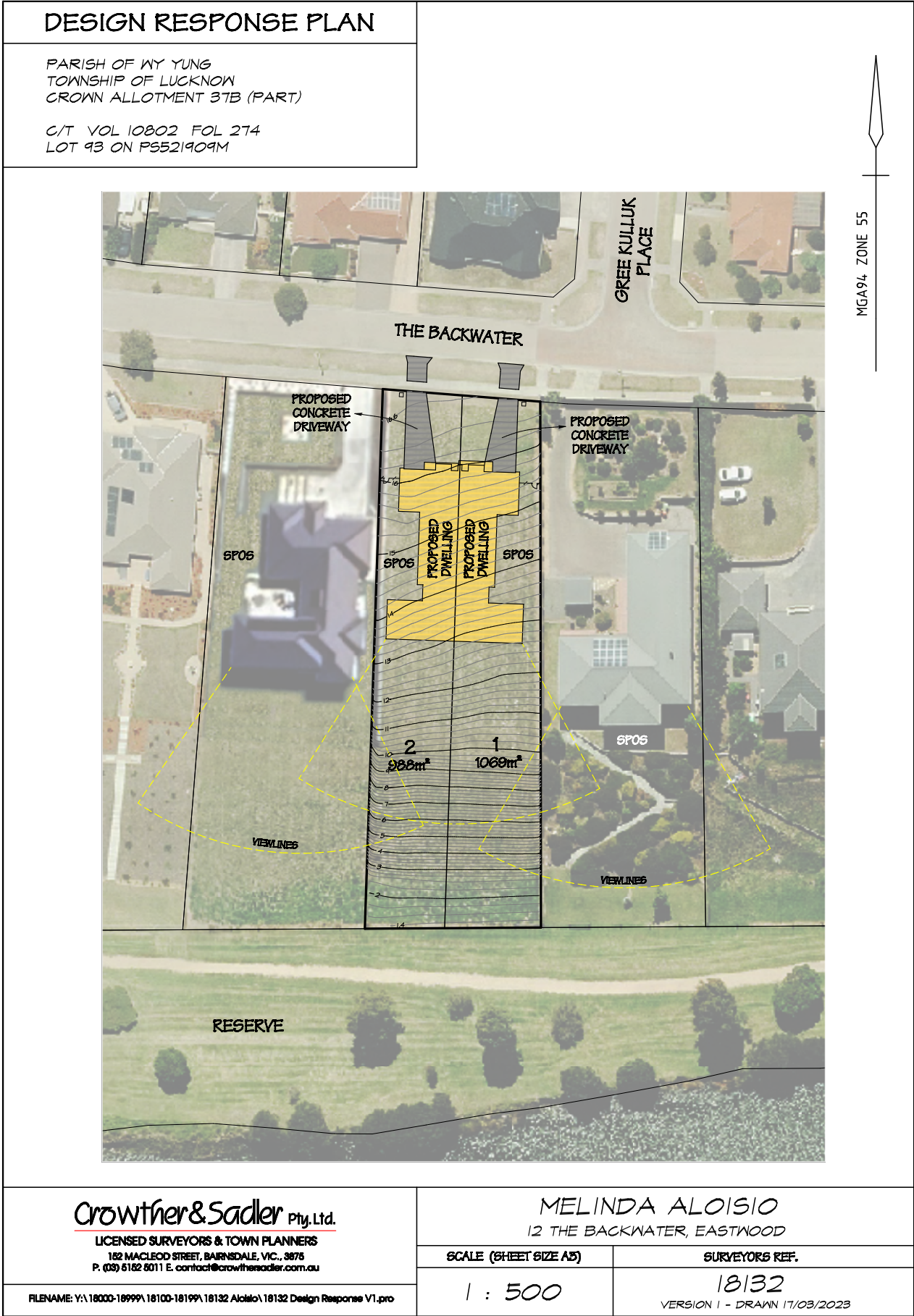
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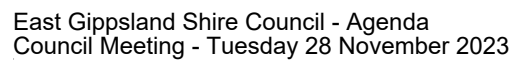
SURVEYORS REF.

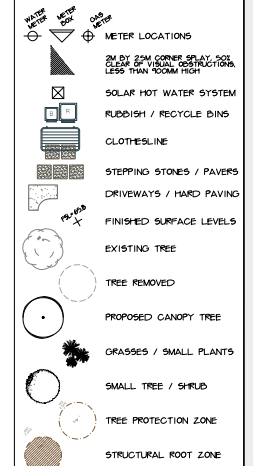
18132

VERSION 1 - DRAWN 17/3/2023









- ALL NOMINATED OVERLOOKING WINDOWS WILL HAVE FIXED AND MANUFACTURED OBSCURE GLASS UP TO 1.7M ABOVE FFL IN ACCORDANCE WITH CLAUSE 55.04-6.
- ALL LEVELS ARE TO AHD.
- PROPOSED INTERNAL FENCING TO BE 1.8M HIGH TIMBER PALINGS UNLESS OTHERWISE NOTED.
- ALL BOUNDARY FENCES ARE EXISTING AND ARE TO REMAIN (EXCEPT WHERE WALL PROPOSED ON BOUNDARY).
- ALL LANDSCAPING SHOWN IS CONCEPTUAL AND INDICATIVE ONLY.
- 6 CUBIC METERS OF STORAGE IS PROVIDED WITHIN GARDEN SPED UNLESS OTHERWISE NOTED.

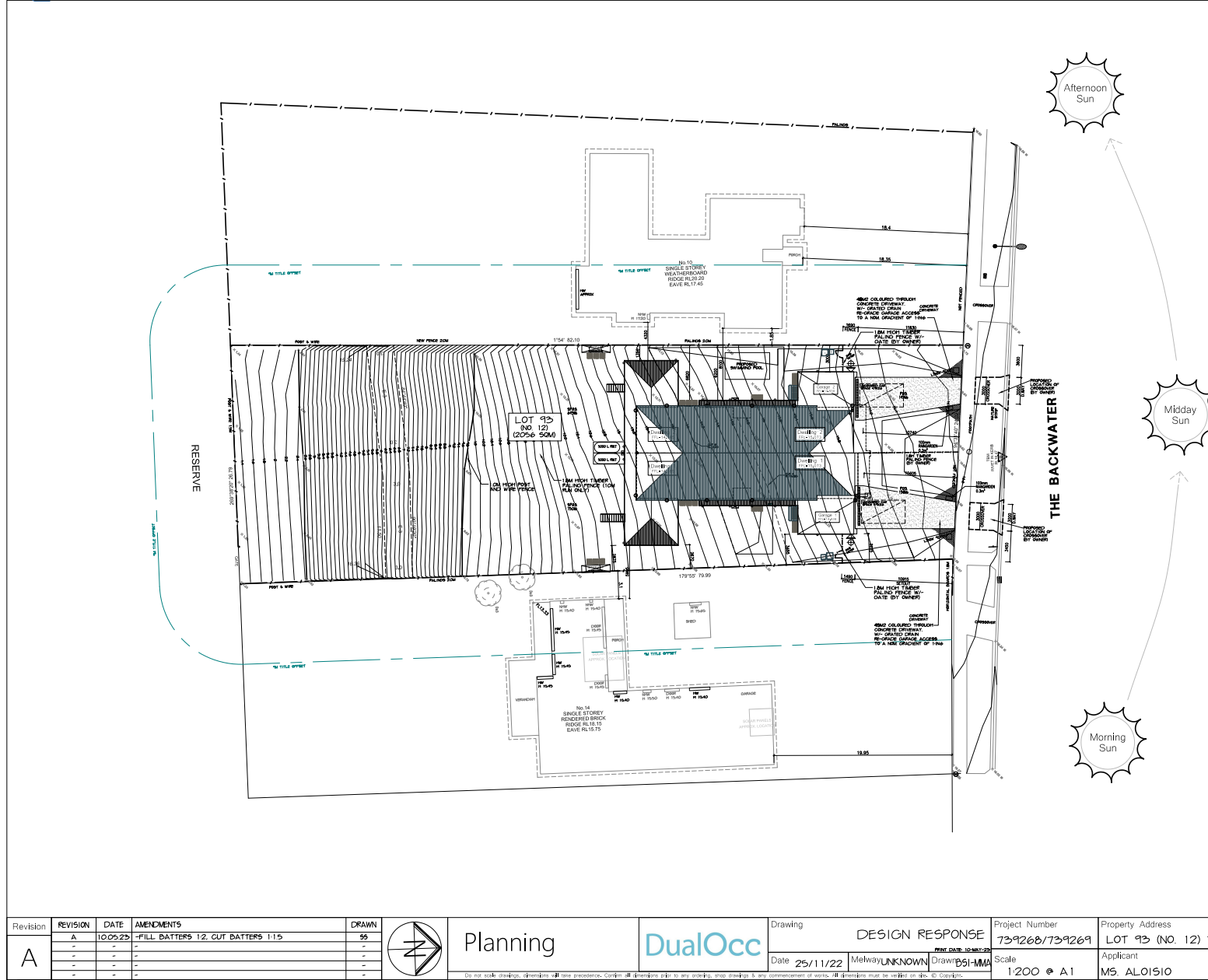
NEIGHBOURHOOD:
THE PROPOSED DEVELOPMENT IS
CONSIDERED APPROPRIATE AND SUITABLE
FOR THE SUBJECT SITE DUE TO THE
AREA HAVING SIGNIFICANT SOCIAL,
COMMERCIAL INFRASTRUCTURE LOCATED
WITHIN CLOSE PROXIMITY WITH EVIDENCE
OF SIMILAR DEVELOPMENTS IN THE
SUBJECT, ADJOINING AND NEARBY
STREETS.

PROPOSAL
THE PROPOSAL IS CONSISTENT WITH THE
PRECEDENCE SET BY RECENT
DEVELOPMENTS, THE BUILDING
MATERIALS, FACADE, SCALE &
AESTHETICS PROVIDE A CONTEMPORARY
FEEL THAT COMPLIMENTS THE
NEIGHBOURHOOD CHARACTER

FORM
BUILDING HEIGHTS AND SETBACKS ARE
SENSITIVE TO THE EMERGING
NEIGHBOURHOOD CHARACTER. RECESSIVE
FIRST FLOOR & GARAGES CONTRIBUTE TO
A WELL ARTICULATED FACADE &
VISUALLY AESTHETIC STREET PRESENCE.

AMENITY:
 GENEROUS PRIVATE OPEN SPACE & WELL
 DEFINED S.P.O.S. PROVIDE ABUNDANT
 LANDSCAPING OPPORTUNITY, INCLUDING
 SPACE TO YEILD MATURING CANOPY
 TREES.

PRIVACY:
PRIVACY IS GAINED BY THE UTILIZATION
OF OBSCURE GLAZING & SCREENING
(WHERE APPLICABLE) AND APPROPRIATELY
SITUATED AND SIZED WINDOWS.



Douglas Environments 05 95011818-8774-4793-6247-688017A3B5B4
11-05-2023 | 9:23 AM AEST

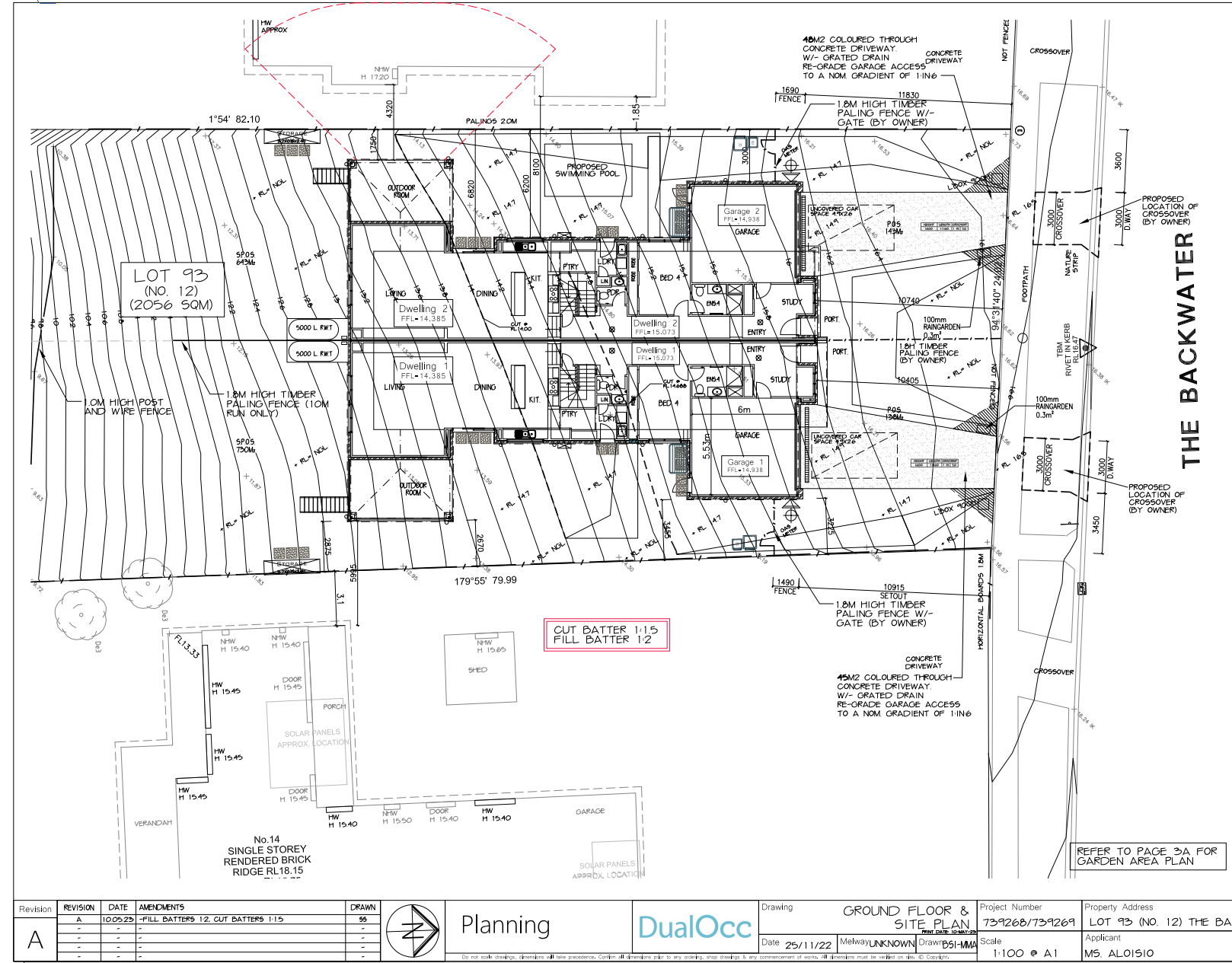
Legend:

- METER LOCATIONS
- METER BOX
- METER LOCATIONS
- 200 BY 200mm CORNER PLATE, 50% OF 200 BY 200mm DIMENSIONS, LESS THAN 100mm FROM
- SOLAR HOT WATER SYSTEM
- RUBBISH / RECYCLE BINS
- CLOTHESLINE
- STEPPING STONES / PAVERS
- DRIVEWAYS / HARD PAVING
- FINISHED SURFACE LEVELS
- EXISTING TREE
- TREE REMOVED
- PROPOSED CANOPY TREE
- GRASSES / SMALL PLANTS
- SMALL TREE / SHRUB
- TREE PROTECTION ZONE
- STRUCTURAL ROOT ZONE

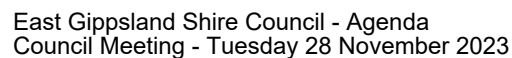
Important Notes

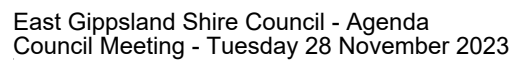
- ALL NAMED OVERLOOKING WINDOWS WILL HAVE FIXED AND MANUFACTURED SECURE GLASS UP TO 1.1M ABOVE FFL IN ACCORDANCE WITH CLAUSE 50-0-4
- ALL LEVELS ARE TO AHD
- PROPOSED INTERNAL FENCING TO BE 1.8M HIGH TIMBER PALINGS UNLESS OTHERWISE NOTED
- ALL BOUNDARY FENCES ARE EXISTING AND ARE TO REMAIN EXCEPT WHERE WALL PROPOSED ON BOUNDARY
- ALL LANDSCAPING SHOWN IS CONCEPTUAL AND INDICATIVE ONLY
- 6 CUBIC METERS OF STORAGE IS PROVIDED WITHIN GARDEN SHED UNLESS OTHERWISE NOTED

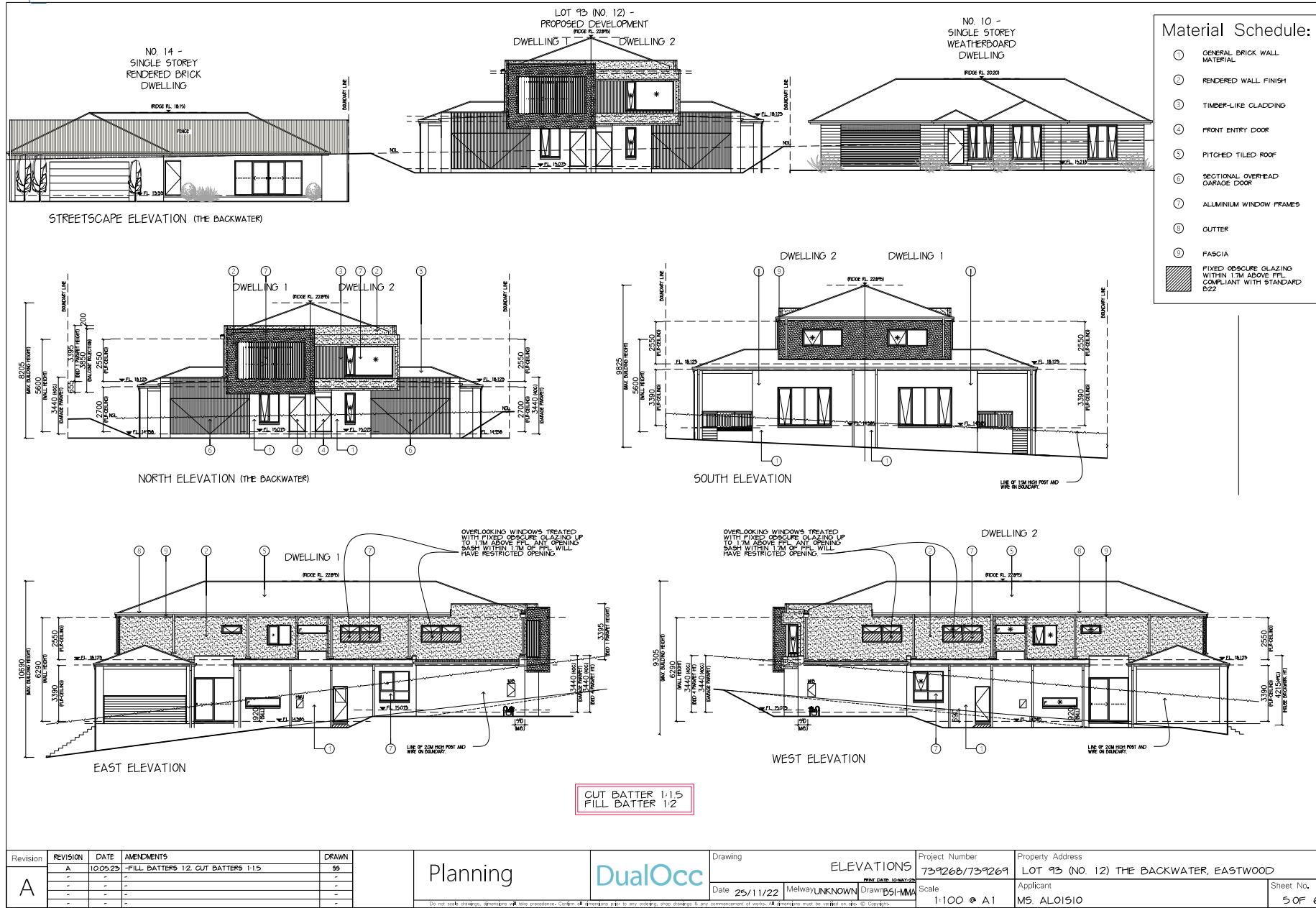
Schedule of Areas		
No. of Proposed Dwellings 2		
Area Analysis		
Site Area	2096 m ²	
Site Coverage	358.8 m ²	17.1%
Driveway	919 m ²	43.8%
Permeability Analysis		
Permeable Area	1025.3 m ²	48.9%
Garden Area	1544.0 m ²	73.1%
Dwelling 1		
Ground Floor (including roof)	754 m ²	8.7%
First Floor	1312 m ²	
Bedrooms	4	
Allocated Car Parking	2	
S.P.O.S. & P.O.S.	888 m ²	
Dwelling 2		
Ground Floor (including roof)	754 m ²	8.7%
First Floor	1257 m ²	
Bedrooms	4	
Allocated Car Parking	2	
S.P.O.S. & P.O.S.	786 m ²	

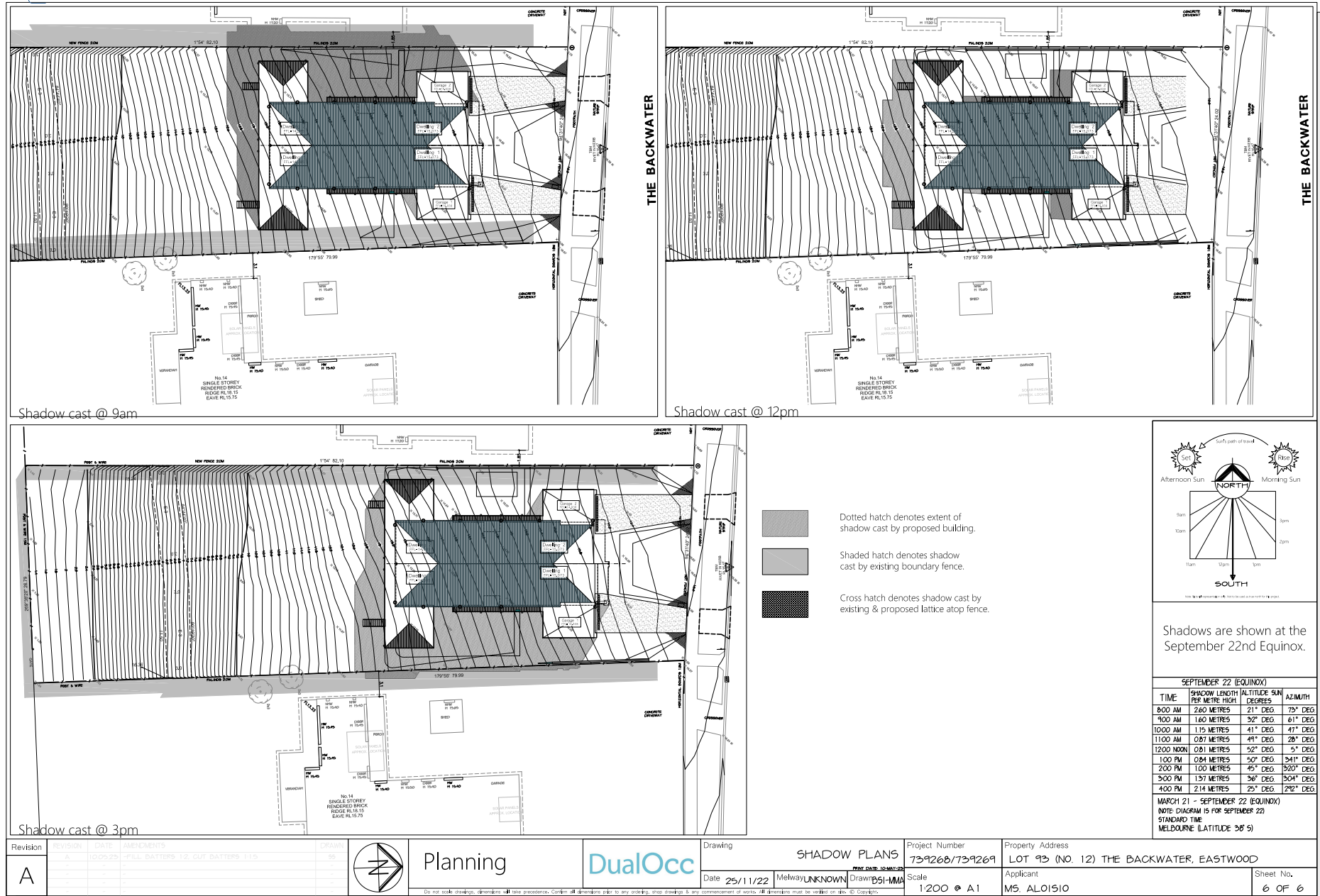


Revision	REVISION	DATE	AMENDMENTS	DRAWN	DATE	DRAWING	PROJECT NUMBER	PROPERTY ADDRESS
A	A	10/05/23	FILL BATTERS 1:2, CUT BATTERS 1:1.5	SS	25/11/22	GROUND FLOOR & SITE PLAN	739268/739269	LOT 93 (NO. 12) THE BACKWATER, EASTWOOD
							Scale	Applicant
							1:100 @ A1	MS, AL01510
								Sheet No.
								3 OF 6











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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 10802 FOLIO 274

Security no : 124104621409F
Produced 14/03/2023 10:59 AM

LAND DESCRIPTION

Lot 93 on Plan of Subdivision 521909M.
PARENT TITLE Volume 10802 Folio 149
Created by instrument PS521909M 19/05/2004

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
IOANNA SOPHIA IRENE SAKELLAROPOULOS
MELINDA FORTUNATA ALOISIO both of UNIT 1 61 CARMICHAEL ROAD OAKLEIGH EAST
VIC 3166
AR135459A 15/06/2018

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AR135460R 15/06/2018
NATIONAL AUSTRALIA BANK LTD

COVENANT AD669436F 08/06/2005

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

AGREEMENT Section 173 Planning and Environment Act 1987
P750361X 11/04/1990

DIAGRAM LOCATION

SEE PS521909M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 12 THE BACKWATER EASTWOOD VIC 3875

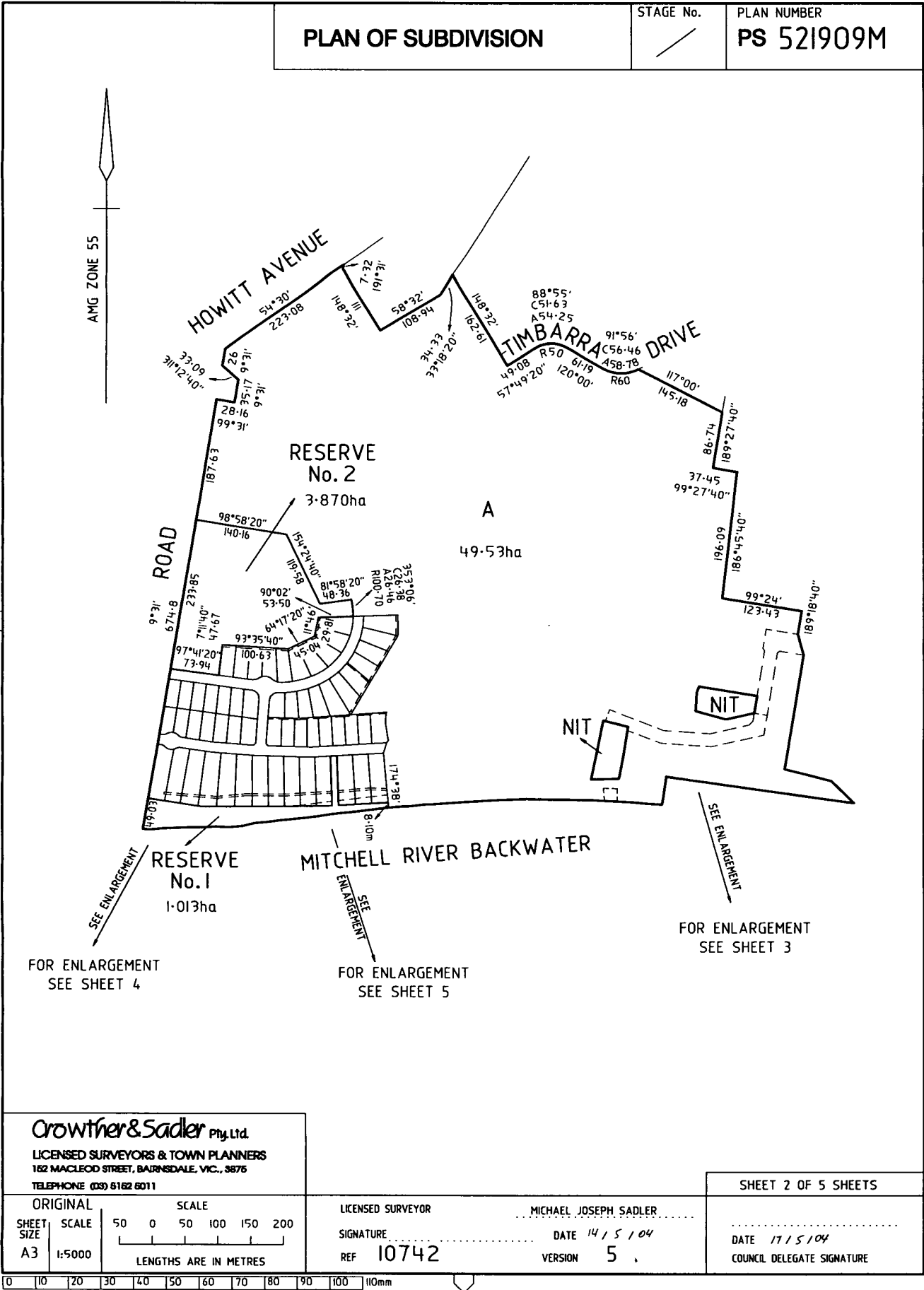
ADMINISTRATIVE NOTICES

NIL

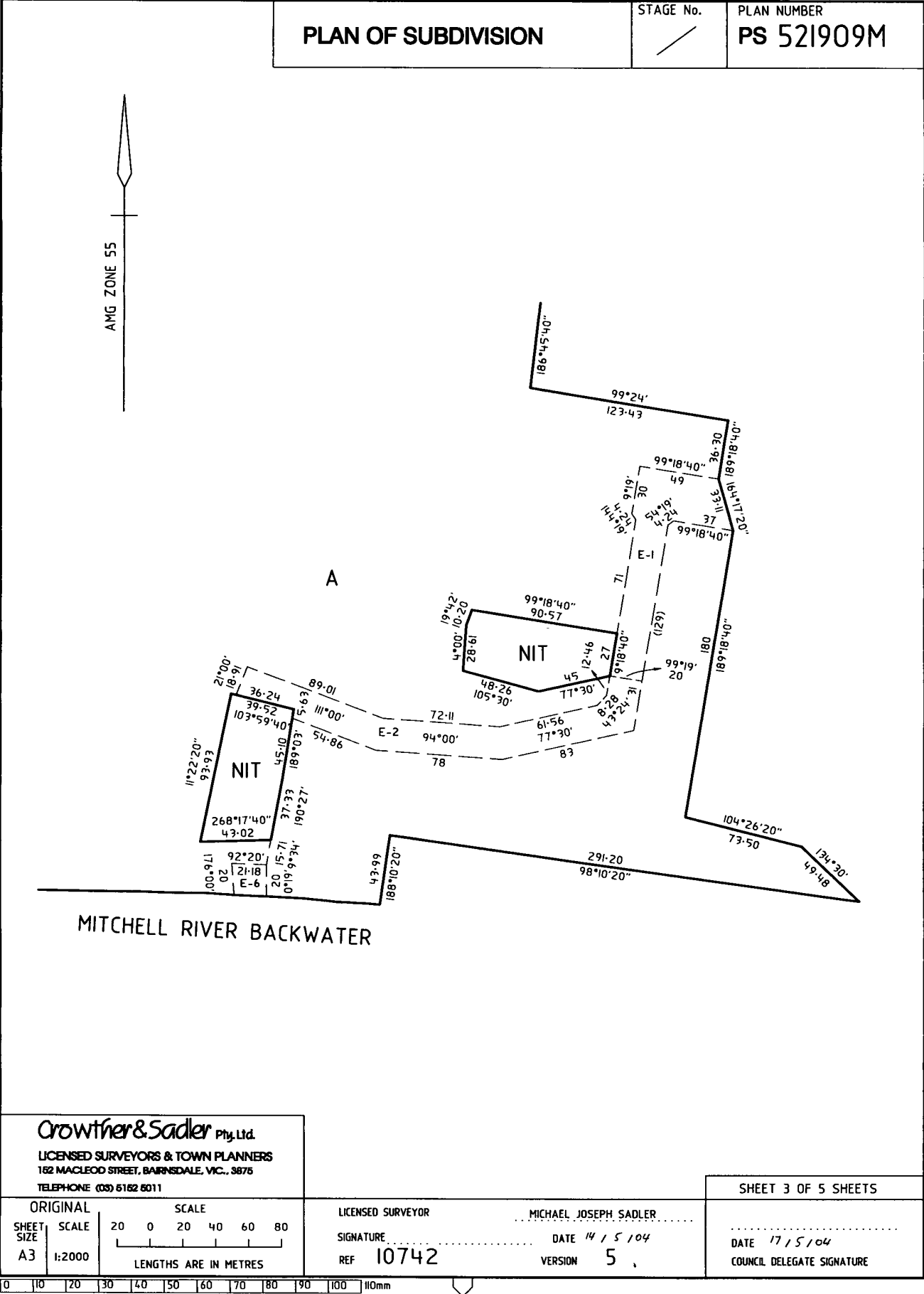
eCT Control 16089P NATIONAL AUSTRALIA BANK LTD
Effective from 15/06/2018

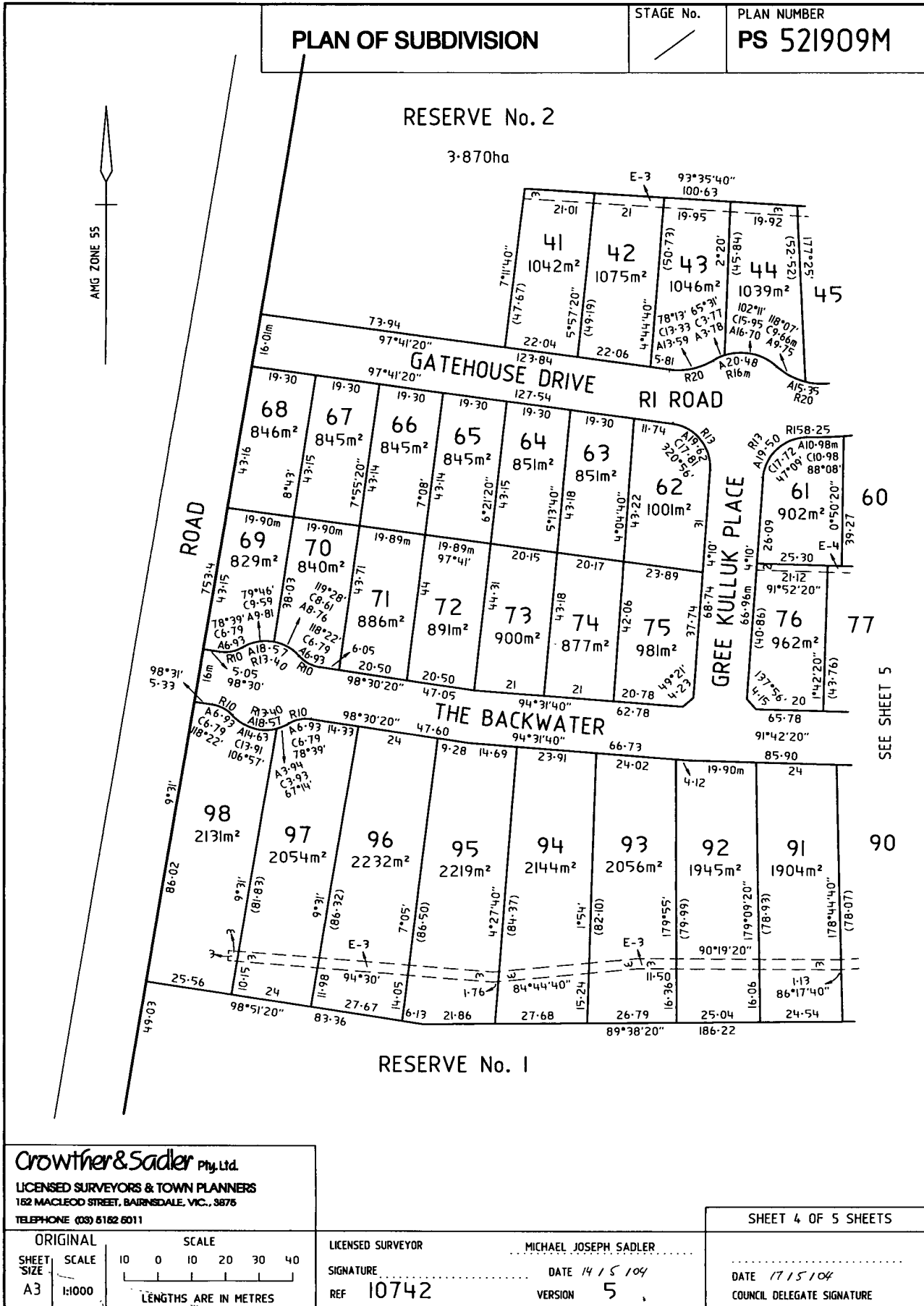
DOCUMENT END

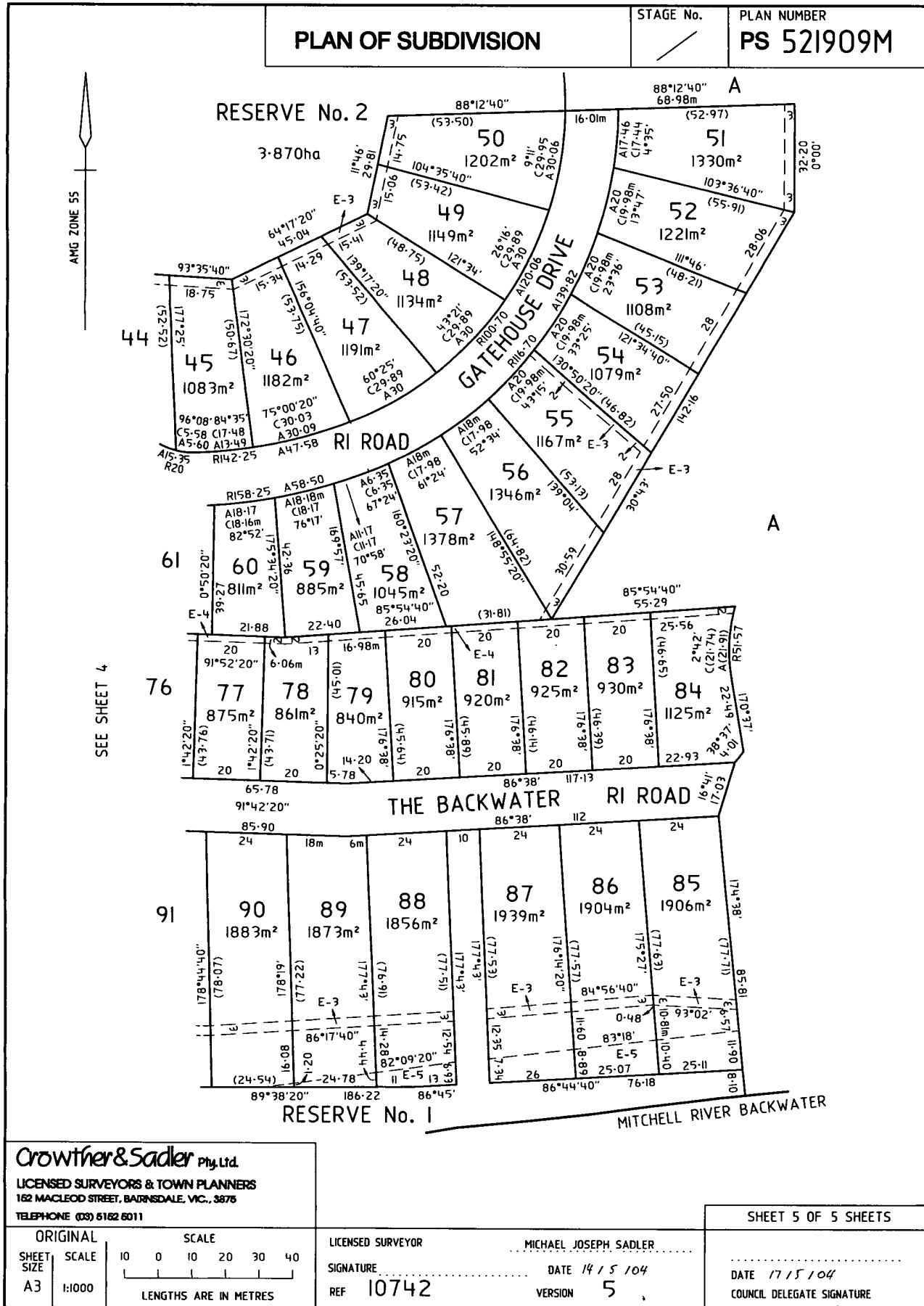
PLAN OF SUBDIVISION			STAGE No. <div style="text-align: center;">/</div>	LTO USE ONLY EDITION 1	PLAN NUMBER PS 521909M
LOCATION OF LAND PARISH: WY YUNG TOWNSHIP: LUCKNOW SECTION: CROWN ALLOTMENT: (PARTS) 37 ^A , 37 ^B , 38 ^A , 38 ^B & PART OF SUBDIVISIONS A & B OF 42 CROWN PORTION: TITLE REFERENCES: VOL 10802 FOL 149 LAST PLAN REFERENCE: LOT A PS516527G POSTAL ADDRESS: FLINNS ROAD, BAIRNSDALE, 3875 <small>(At time of subdivision)</small> AMG CO-ORDINATES: E 555 930 <small>(Of approx. centre of land in plan)</small> N 5814 410 ZONE: 55			COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL REF: 189/2003/CRT 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6 28 / 04 / 2004 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 Subdivision Act 1988 has / has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied at stage Council Delegate Council seal Date / / Re-certified under Section 11(7) of the Subdivision Act 1988 Council Delegate Council seal Date 17 / 5 / 2004		
VESTING OF ROADS AND/OR RESERVES			NOTATIONS STAGING This is / is not a staged subdivision Planning Permit No DEPTH LIMITATION DOES NOT APPLY		
IDENTIFIER	COUNCIL/BODY/PERSON				
RI ROAD RESERVE No.1 RESERVE No.2	EAST GIPPSLAND SHIRE COUNCIL EAST GIPPSLAND SHIRE COUNCIL EAST GIPPSLAND SHIRE COUNCIL				
LOT A IS BY DEDUCTION FROM TITLE NIT DENOTES NOT IN TITLE SURVEY: THIS PLAN IS / IS NOT BASED ON SURVEY THIS SURVEY IS CONNECTED TO PERMANENT MARK No(s) 132					
EASEMENT INFORMATION					LTO USE ONLY
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	RECEIVED <input checked="" type="checkbox"/> DATE 19 / 5 / 2004
E-1	WAY, DRAINAGE, SEWERAGE, WATER, ELECTRICITY, GAS & TELEPHONE	SEE DIAG.	LP221060P	LAND IN LP221060P	LTO USE ONLY PLAN REGISTERED TIME 3:33pm DATE 19 / 5 / 04 <i>A. R. Sadler</i> Assistant Registrar of Titles SHEET 1 OF 5 SHEETS
E-2	WAY, DRAINAGE, SEWERAGE, WATER, ELECTRICITY, GAS & TELEPHONE	SEE DIAG.	LP221061M	LAND IN LP221061M	
E-3, E-4	SEWERAGE	SEE DIAG.	THIS PLAN	EAST GIPPSLAND REGION WATER AUTHORITY	
E-3	DRAINAGE	SEE DIAG.	THIS PLAN	LAND IN THIS PLAN	
E-5	CARRIAGEWAY	SEE DIAG.	THIS PLAN	DEPARTMENT OF SUSTAINABILITY & ENVIRONMENT, EAST GIPPSLAND SHIRE COUNCIL & EAST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY	
E-6	CARRIAGEWAY	SEE DIAG.	INST No. U479786E	LOT 11 PS333646R	
Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875 TELEPHONE (03) 5162 5011			LICENSED SURVEYOR MICHAEL JOSEPH SADLER SIGNATURE DATE 14 / 5 / 04 REF 10742 VERSION 5		DATE 17 / 5 / 04 COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3



0 10 20 30 40 50 60 70 80 90 100 110mm







Delivered by LANDATA®, timestamp 14/03/2023 11:02 Page 1 of 39

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REGD

P750361X

Lodged By MADDOCK LONIE & CHISHOLM
(Ref: YP:JEP 295/20931)
Code 1167E

7

110490 1249 MISC 147 P750361X

VICTORIA

APPLICATION BY A RESPONSIBLE AUTHORITY
under Section 181 Planning and
Environment Act 1987 for ENTRY OF A
MEMORANDUM OF AGREEMENT under Section
173 of the Planning and Environment Act
1987.

The Responsible Authority under the Planning Scheme having entered into an Agreement with the parties named for the land described requires that a memorandum of the Agreement be entered on the Certificate(s) of Title to the land referred to.

LAND (insert Certificate of Title Volume and Folio)

Volume 3299 Folio 782, Volume 9791 Folio 339,
Volume 9809 Folio 357 and Volume 9740 Folio 041.

ADDRESS OF THE LAND

Flinn Estate, Bairnsdale

RESPONSIBLE AUTHORITY (name and address)

The Town of Bairnsdale of Town Offices, 8 Pearson Street, Bairnsdale

PLANNING SCHEME

Town of Bairnsdale Planning Scheme

AGREEMENT DATE The *FIFTH* day of *MARCH* 1990.

AGREEMENT WITH (name and address)

Tairua No. 10 Pty. Ltd., Tairua No. 13 Pty. Ltd. and Tairua No. 14 Pty. Ltd.
all care of Armitage Fawcett & Co., Chartered Accountants, 10-12 Grey Street
Traralgon.

A copy of the Agreement is attached to this Application.

TOWN OF BAIRNSDALE

Signature of Responsible Authority

Name of Officer

TOWN CLERK

Date

8.8.90

A memorandum of the within instrument
has been entered in the Register BOOK



4/1 10019-379 cancelled whole
Transferred to new C/T

Vol. 10032 Fol. 694
Vol. 10032 Fol. 695
10019-379

THIS AGREEMENT made the *FIFTH* day of *MARCH* 19 *90*.

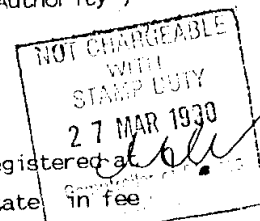
BETWEEN: TAIRUA NO. 10 PTY. LTD., TAIRUA NO. 13 PTY. LTD.
and TAIRUA NO. 14 PTY. LTD. all of C/- Armitage
Fawcett & Co., Chartered Accountants, 10-12 Grey
Street, Traralgon (hereinafter jointly and
severally called "the Company") of the first part.

and

THE TOWN OF BAIRNSDALE of Town Office Bairnsdale
(hereinafter called "the Responsible Authority")
of the other part.

WHEREAS:

- A. The Company is registered on or is entitled to be registered at the Office of Titles as the proprietor of an estate simple in the land described in Schedule 1 to this Agreement (hereinafter called "the subject land").
- B. The Responsible Authority is the responsible authority for the ~~Town of~~ Bairnsdale Planning Scheme (hereinafter called "the planning scheme").
- C. The Company desires to develop the subject land as a serviced residential estate with provision for appropriate ancillary facilities in stages generally in accordance with Schedule 2 hereto.
- D. The proposed development of the subject land will necessitate amendment of the Planning Scheme generally in accordance with the amending planning schemes copies of which are attached hereto and marked with the letters "A" and "B" respectively being hereinafter referred to as Proposed Amendment No. 1 and Proposed Amendment No. 2 in respect of the lands depicted in Schedule 4 hereto.
- E. The Responsible Authority will, subject to the observance by the Company of the terms and conditions of this Agreement and insofar as it is lawfully able so to do, use its best endeavors



- 2 -

to amend the Planning Scheme in the manner proposed under Proposed Amendment No. 1 and Proposed Amendment No. 2 and after such amendment exercise its powers, duties and functions insofar as it is able so to do as Responsible Authority under the Planning and Environment Act 1987 to grant permits to allow the staged development of the subject land as a serviced residential estate in accordance with Schedule 2 hereto.

- F. The Company has agreed with the Responsible Authority to enter into this Agreement with respect to, inter alia, the construction of roads, footways, the provision of open space and the making of land available for ancillary facilities in accordance with this Agreement.
- G. The Responsible Authority and the Company have agreed that without restricting or limiting their respective powers to enter into this Agreement and in so far as it can be so treated this Agreement shall be treated as being an Agreement entered into pursuant to Section 173 of the Planning and Environment Act 1987.

NOW THIS DEED WITNESSETH as follows:-

1. In this Agreement, unless inconsistent with the context or subject matter:-
 - (a) The Company makes each of the covenants to be performed by it (save and except for its covenants contained in Clause 7.6 hereof) on its own behalf and on behalf of the Owner from time to time hereafter of the subject land and each part thereof as has not then been subdivided into residential allotments in accordance with this Agreement.
 - (b) The Company makes each of the covenants contained in Clause 7.6 (a) and (b) hereof to be performed by it on its behalf and on behalf of the Owner for the time being hereafter of the subject land and each part thereof including the owners from time to time of the residential allotments which may be subject to the provisions of sub-paragraphs (a) and (b) thereof.

- 3 -

- (c) "Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor of an estate in fee simple of the subject land or any part thereof and for the time being includes the Company.
 - (d) "Engineer" shall mean the Municipal Engineer or person acting in that capacity of the Responsible Authority from time to time.
2. This Agreement shall come into operation:-
- (a) in so far as it relates to the land depicted in Schedule 3 hereto (being the land currently within a Residential Development zone under the provisions of the Planning Scheme) including specifically the provisions of Clause 4.2 hereof at the date of execution of this Agreement;
 - (b) in respect of the land contained within Proposed Amendment No. 1 the obligations of the Owner specified in Clauses 3.1, 4.1, 4.2 and 7.3 shall not come into force and effect unless and until Amendment No. 1 or an amendment to substantially like effect comes into force and effect;
 - (c) in respect of the land contained within Proposed Amendment No. 2 to the Planning Scheme the obligations of the Owner specified in Clauses 3.1, 4.1, 4.2 and 7.3 shall not come into force and effect unless and until Amendment No. 2 or an amendment to like effect comes into operation.
- 3.1 The Company shall proceed to develop the subject land in that order indicated on the staging plan in Schedule 5 hereto unless an alternative order is agreed to by the Responsible Authority from time to time.
- 3.2 Where stages on that plan have the same number it is intended that those stages shall proceed concurrently.

- 4 -

3.3 Upon lodging with the Responsible Authority of any application for a permit under the Planning Scheme or for approval of a plan of subdivision pursuant to the provisions of the Subdivisions Act 1988 the Responsible Authority will take all reasonable steps to expedite the determination of such application.

3.4 It is mutually agreed between the parties hereto that no allotment intended to be used for the purpose of a detached house shall have an area of less than 650 square metres and that it is intended that the allotments intended for residential purposes shall generally range in area between 700 and 1000 m².

3.5 Without limiting the generality of Clause 3.1 of this Agreement, the Company covenants that it will seek to ensure that a cohesive pattern of development is maintained within the subject land at all times, and it will ensure that individual stages of development will be released for sale only where ^{there} ~~this~~ is realistic user demand for additional residential allotments. *BT*

3.6 It is acknowledged by the Company that the reserves specified on the plan in Schedule 2 hereto are deficient in area desirably required for active recreation for the community to reside upon the subject land when fully developed by 3.9 hectares and that the Responsible Authority may, from time to time, require payment pursuant to the Subdivisions Act 1988 not exceeding in total a sum calculated in the following manner:

Site value of;

$$\frac{\text{subject land}}{1} \times \frac{3.9}{\text{Area of the subject Land in hectares.}}$$

3.7 The Council agrees that the moneys paid to it in accordance with Clause 3.6 shall be expended for the purpose of places of resort and recreation or improvement of places of public resort and recreation which are sufficiently proximate to the subject land to be used for the enjoyment of the community to reside on the subject land.

- 5 -

- 4.1 The Company hereby covenants that concurrently with the development of the subdivision of the stages specified in Schedule 5 hereto the Owner will carry out and construct the roadworks including footways specified in Schedule 5(ii) (unless alternative road works are agreed to by the Responsible Authority from time to time) in accordance with plans and specifications satisfactory to the Responsible Authority and such works to be completed to the satisfaction of the Responsible Authority upon the advice of its Engineer.
- 4.2 The Company undertakes and agrees that it will within twelve months from:
- (a) the date upon which the Responsible Authority seals a Plan of Subdivision for a stage of subdivision in the western section depicted in Schedule 5 other than stages 1 and 2;
 - (b) the date upon which the Responsible Authority advises that the site for the road depicted in Schedule 5 (ii) hereto between Bullumwall Road and the Mitchell River Backwater (hereinafter called "the western access road") and the bridge depicted in Schedule 5 (ii) are both lawfully available for the construction thereon of a road and bridge respectively; or
 - (c) the date upon which the last of all necessary permits and approvals for the construction and use of such road and bridge is received;
- (whichever be the last) (hereinafter called "the operative date") commence to construct -
- (a) the western access road generally in accordance with and to the standard specified in Schedule 5 (i) hereto; and
 - (b) a bridge over the Mitchell River Backwater generally in accordance with the type and section specified in Schedule 5 (i) hereto and in accordance with structural standards satisfactory to the Responsible Authority;

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and to complete such construction within 24 months from the operative date and to maintain, repair and make good to the satisfaction of the Responsible Authority on the advice of the Engineer all faults or failures which shall develop, appear or occur in such works within 12 months after the completion thereof.

- 4.3 The obligations of the Owner with regard to the construction of the western access road and bridge are subject to the Responsible Authority making the site of the western access road and bridge lawfully available for such purpose and the Company and the Responsible Authority mutually agree that the Company shall pay to the Responsible Authority the sum of \$1,600.00 in consideration for the grant to the Company of easement rights of way (which term shall include the creation of the same as a public highway), to the grant of all necessary permits, approvals and consents whatsoever for the construction and use of such road and bridge and to the grant of easement rights for the construction and maintenance of services of sewerage, water supply and electricity on, under and through such site if required for the subdivision of the subject land.
- 4.4 In the event that an amendment to the Planning Scheme is required for the purpose of such bridge and the western access road or either the Responsible Authority shall use its best endeavors to effect such an amendment.
- 4.5 Not later than the date upon which the Minister submits Proposed Amendment No. 1 to the Governor-in-Council for approval and prior to the commencement of construction of the said bridge and the western access road the Company shall at ^{its} expense lodge with the Responsible Authority a guarantee by a bank or other financial institution acceptable to the Responsible Authority and in a form satisfactory to the Responsible Authority in an amount equal to the estimated cost of construction of the said bridge and road guaranteeing the due and proper completion of those works. In the event that the construction of the bridge

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and the western access road cannot be lawfully commenced within three years after the date the Proposed Amendment No. 1 is submitted for approval or upon such earlier date as the Responsible Authority resolves that it is satisfied that the site for the bridge or the western access road cannot be made lawfully available for such purposes or that all necessary permits, approvals and consents therefore cannot be obtained the said guarantee will lapse.

4.6 The construction of the -

- (a) western access road; and
- (b) the said bridge

shall be in accordance with plans and specifications satisfactory to the Responsible Authority which shall have regard to the views and requirements of -

- (i) in the case of the said bridge the Division of Land of the Department of Conservation Forests and Land; and
- (ii) where applicable the ^{Roads Corporation}~~Road Construction Authority~~, ~~Road Traffic Authority~~ and Rural Water Commission or any other statutory authority or government department.

4.7 Should the Owner fail or neglect to carry out and complete the construction of the -

- (a) western access road; and
- (b) the said bridge

or to maintain or appear or make good the same as hereinbefore provided the Engineer may cause to be served on the Owner a notice in writing specifying the works matters or things in respect whereof the Owner is in default and should such default continue for the space of 28 days after the service of such notice or such longer period as shall be specified in the said notice the Responsible Authority may by its officers servants agents workmen or contractors enter upon the said land (or any other land of the Owner) and cause the said works to be constructed or completed and made good or any defaults, defects or failures in the said works which shall have developed appeared or occurred within the said period specified in Clause 4.2 hereof to be maintained, repaired or made good and for such

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purpose the Responsible Authority may employ a contractor or contractors and professional advisers.

4.8 Any notice served on the owner pursuant to Clause 4.7 hereof may set out the cost as estimated by the Engineer and stated in such notice of constructing or completing the construction of the said works or maintaining repairing or making good any such faults, defects or failures aforesaid and in the event of the Owner not complying with such notice within such period of 28 days or such longer period as may be specified in the said notice the Engineer may cause to be served on the owner a demand in writing for the amount of the cost as estimated as aforesaid and the amount thereof shall forthwith be paid by the Owner to the Responsible Authority. As soon as may be after the completion of such work the Engineer shall certify the actual cost thereof to the Responsible Authority and the difference between such actual cost and the estimated cost paid by the Owner to the Responsible Authority or by the Responsible Authority to the Owner as the case may require.

4.9 If any such notice served on the Owner pursuant to Clause 4.7 hereof shall not require the Owner to pay such cost as aforesaid then and in such case the actual cost of any works carried out by or on behalf of the Responsible Authority pursuant to Clause 4.7 hereof shall on demand ~~be~~ be paid by the Owner to the Council.

4.10 For the purpose of 4.8 the Certificate of the Engineer as to the amount of the actual cost incurred by the Responsible Authority under that clause shall be final binding and conclusive as between the parties hereto.

4.11 After the construction of the western access road and of the said bridge to the satisfaction of the Responsible Authority in accordance with the advice of the Engineer the same shall vest in the Responsible Authority subject to the rights (if any) that the Crown may have in the said bridge.

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4.12 Any notice hereunder which the Responsible Authority may give to the Company may be served by delivering the same to the Company at its registered office or by putting the same into the post in a prepaid envelope addressed to the Company and its registered office and any notice so posted shall be conclusively deemed to have been served at the expiration of 48 hours from the time of posting.

4.13 The Owner will after the commencement ^{of} ~~for~~ the construction of the works pay to the Council upon demand an amount not exceeding two and a half per cent of the estimated cost of construction of the roads referred to in Clause 4.1 hereof, the western access road and the said bridge, for the supervision of the works by an officer or officers of the Responsible Authority.

4.14 The Company agrees that in the event of the Major Collector A road depicted in Schedule 5 (ii) being constructed to provide a means of access to early stages of subdivision in the west section to a standard less than the ultimate standard that would be required pursuant to Clause 4.1 it will reconstruct such road to the standard required by or under Clause 4.1 and:

- (a) such reconstruction shall be undertaken in stages;
- (b) each stage of reconstruction shall be to the extent that such road lies within or abuts a stage of subdivision;
- (c) the reconstruction of each stage of the roadworks shall be undertaken concurrently with the development of the adjacent or abutting stage of subdivision; and
- (d) for the purposes of this Agreement such stages of reconstruction shall be deemed to be works required pursuant to clause 4.1.

5.1 It is agreed by the Responsible Authority and the Owner that the west section and the east section of the Through Road depicted in Schedule 5 (ii) need only be constructed to single carriageway width until -

- (a) (i) the Responsible Authority as the Council under the Subdivisions Act 1988 ^{certifies} ~~seals~~ any plan of subdivision

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- creating 300 or more residential allotments in the western section as depicted in Schedule 5; or
- (ii) 3000 vehicles movement per day are generated at the intersection of the western access road and Bullunwall Road

(whichever be the sooner) whereupon the Company will forthwith commence the construction of the western section of the Through Road to its full design width in accordance with Schedule 5 (i) and complete those works to the satisfaction of the Responsible Authority within 12 months from the date of the commencement.

- (b) (i) the Responsible Authority as the Council under the Subdivisions Act 1988 ^{certifies} seals any plan of subdivision creating 300 or more residential allotments in the eastern and central sections as depicted in Schedule 5; or
- (ii) 3000 vehicle movements per day, are generated at the intersection of the said Through Road and Oneco Highway

(whichever be the sooner) whereupon the Company will forthwith commence the construction of the eastern section of the Through Road to its full design width in accordance with Schedule 5 (i) and complete those works within 12 months from the date of commencement.

- 5.2 On or before the date that the Company is required to commence works pursuant to Clause 5.1 the Company shall at its expense lodge with the Responsible Authority a guarantee by a bank or other financial institution acceptable to the Responsible Authority and in a form satisfactory to the Responsible Authority in an amount equal to the estimated cost of construction of those works guaranteeing the due and proper completion of those works provided that it is expressly acknowledged by the Company that the Responsible Authority will not be obliged to ^{certify} seal any Plan of Subdivision in either the west section or the east and central section creating 300 or

- 11 -

more residential allotments in either such section until the guarantee in respect of the works required to be commenced as a consequence of that sealing, has been lodged with the Responsible Authority.

5.3 Clauses 4.7 to 4.13 shall apply mutatis mutandis to the construction of the works required by this clause.

6.1 The Company will give to the Responsible Authority a guarantee by a bank or other acceptable financial institution in a form satisfactory to the Responsible Authority for an amount not exceeding the estimated cost of the works to be carried out by the Company under any and each requirement imposed by the Responsible Authority on any stage or stages of the development before commencing work on the stage to which such requirement relates unless there already exists a satisfactory guarantee in respect of those works under which the bank or other institution guarantees to the Responsible Authority payment by the Company of all or any moneys which may become payable by the Company to the Responsible Authority under this Agreement in respect of the works the subject of the requirement.

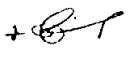
6.2 (a) The guarantees to be given under Clauses 4.5, 5.2 and 6.1 shall be partially discharged from time to time upon the Engineer delivering to the Guarantor a certificate in writing certifying that such part or parts of the works done have been constructed or executed to the satisfaction of the Responsible Authority and that payment therefor, if the case requires, has been made by the Company provided that the guarantee is not reduced below the estimated cost of the works remaining to be completed.

(b) The guarantee shall be finally discharged upon the Engineer delivering to the Guarantor a certificate in writing that all the works to be constructed by the Company have been constructed executed and maintained to the satisfaction of the Responsible Authority.

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- 6.3 It is agreed that during the maintenance period of the works referred to Clauses 4 and 5 hereof the Responsible Authority shall be entitled to require the Company to pay to it or lodge a bank guarantee (or guarantees) for an amount equal to five per cent of the actual cost of construction of the western access road, the said bridge and the works required pursuant to Clause 5.
- 7.1 The roads within the subject land specified in Schedule 5 (ii) hereof shall be constructed to the satisfaction of the Responsible Authority to a like standard to that usually required by the Responsible Authority for comparable roads constructed pursuant to the Local Government Act 1989.
- 7.2 The Company shall provide reticulated underground electricity, reticulated water supply and reticulated sewerage services to each allotment created on the subject land to the satisfaction of the Responsible Authority prior to the commencement of the use of such allotment for residential purposes provided that underground electricity need not be provided to the allotments in Stage 1A in the eastern sector.
- 7.3 The Company undertakes:-
- (a) to undertake the basic grading and surface drainage of all reserves;
 - (b) to develop on such reserves as may be reasonably required by the Responsible Authority, car parking areas to the satisfaction of the Responsible Authority;
 - (c) to undertake the planting of all reserves for public resort and recreation which are generally located above the designated flood prone area depicted in Schedule 6 hereto with grass or pasture (as appropriate) and to plant such trees or shrubs as are consistent to the satisfaction of the Responsible Authority.
 - (d) to provide a reticulated water supply throughout each reserve generally located above the designated flood prone area depicted in Schedule 6 hereto sufficient to enable spray irrigation facilities to be operated therefrom.

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- (e) to fully develop all link paths (as designated in Schedule 5 (iii)) with footpaths (including bicycle paths where shown in Schedule 5 (iii)) and appropriate landscaping in accordance with plans and specifications to be approved by the Responsible Authority.
- (f) to submit with every application for a planning permit to subdivide land which includes therein any land generally located above the designated flood prone area depicted in Schedule 6 hereto to be set aside as a public resort and recreation reserve, a landscape development plan and program of works which are to be undertaken by the Company (at its cost) on all land to be set aside; + 
- (g) to erect such fencing around the area shown in Schedule 2 as a "Reserve for Conservation Purposes" as is considered necessary by the Responsible Authority to prevent unauthorized public access thereto, and upon the completion of such fencing surrender ownership of the said land to the Crown.

7.4 The Company hereby covenants that concurrently with the development of the stages of the subdivision it will develop the pedestrian/bicycle network depicted in Schedule 5 (iii) to the satisfaction of the Responsible Authority.

7.5 The owner of any allotment having an abuttal to a road which is delineated as a Through Road or a Major Collector "A" or "B" Road on the Road Hierarchy Plan and upon which is located or proposed to be constructed a shared footway or bike path shall not construct, maintain or allow to grow any fence, hedge or any other vegetation screen having a height in excess of 1 metres within 3 metres of such abuttal.

7.6 (a) The Company agrees that the owner of each allotment on the subject land which abuts a reserve depicted on any plan of subdivision of the subject land or any part thereof shall be solely responsible for the cost of fencing the boundary between such allotment and such reserve to the intent that the person or body in which such reserve is vested or which

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owns such reserve shall not be liable for any costs of fencing such boundary:

- (b) It is agreed between the Responsible Authority and the Company that any allotment which is, as to part, within an area the designated flood prone area depicted in Schedule 6 hereto shall not have erected upon that part of such allotment as lies/such ^{be located} line any substantial improvements other than fencing of a post and wire construction and landscaping to an extent satisfactory to the Responsible Authority. → BT

- 7.7 (a) This clause will not limit or restrict the powers of the Council under the Subdivisions Act 1988 or the Local Government Act 1989 to require the owner of any part of the subject land in respect of which an Application is made to the Council for Subdivision to undertake -

- (i) to cause to be provided the works of drainage specified by the Council;
 - (ii) to contribute towards the cost of existing or future works for the acceptance of surface and stormwater from the land whether or not such works have been or will be situated within the boundaries of the land; and
 - (iii) where the requirement is made pursuant to a condition of a planning permit by a referral authority to give or cause to be given to the Council a written statement from the appropriate statutory authority that an agreement has been entered into with that authority in relation to such drainage.
- (b) The Company undertakes and agrees that it will construct outfall drainage for the acceptance of surface and stormwater from each stage being developed in accordance with plans and specifications approved of by the Council and secure or carry out and complete such construction to the satisfaction of the Engineer prior to the completion of

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sale, transfer, assignment or otherwise disposal of any of the allotments on that stage.

- (c) Such outfall drainage shall be designed and constructed with sufficient capacity to cater for drainage from all stages on the subject land developed or to be developed which will flow through the drainage system on the stage being developed.
- (d) The Company will obtain any necessary easements of drainage over the land lying between the stage being developed and the Mitchell River Backwater or other lawful point of discharge approved of by the Responsible Authority to enable the land in the stage being developed to lawfully drain to the Mitchell River Backwater or such other lawful point of discharge.
- (e) In respect of that land in the west section shown in Schedule 5 which drains towards the Mitchell River Backwater, provided that the land is being developed in stages in the order indicated on the staging plan in Schedule 5 hereto or as otherwise agreed by the Responsible Authority under Clause 3.1 hereof and is subject as is hereinafter provided were the stage being developed^{and} is separated from the Mitchell River Backwater or other lawful point of discharge by the land which -
 - (i) comprises one or more stages of development depicted in Schedule 5 or the land depicted as currently withheld from development in Schedule 2;
 - (ii) includes the route for the outfall drainage from the stage being developed to the Mitchell River Backwater; and
 - (iii) is then undeveloped and not under construction -

(in this clause hereafter called "the intermediate land") the outfall drain beyond the boundary of the stage being developed need not be constructed otherwise than at the time and as part of the development of the stages in the

- 16 -

intermediate land and the owner for the time being of the intermediate land shall unconditionally accept the discharge onto and across the intermediate land to the Mitchell River Backwater or other lawful point of discharge of drainage from such outfall drain.

- (f) If any stage of the intermediate land is sold by the Company prior to the construction thereon of the outfall drain in the manner provided for in sub-paragraphs (b) and (c) hereof, then and in that case the Company will lodge with the Council a guarantee by a bank or other financial institution acceptable to the Responsible Authority in a form satisfactory to the Responsible Authority in an amount equal to the estimated cost of construction of the outfall drain in that stage guaranteeing the due and proper completion of those works in accordance with the provisions of sub-paragraphs (b) and (c) hereof.

- (g) Before the development of:-

- (i) Any stage depicted in Schedule 5 which will drain across the land depicted in Schedule 2 as currently withheld from development (in this sub-clause called "the withheld land") the Company will construct outfall drainage in accordance with sub-clause (b) of this clause across the withheld land; and
- (ii) any stage of the development in the central section depicted in Schedule 5 the Company will construct outfall drainage in accordance with sub-clause (b) of this clause connecting the said central section with Goose Fully to the satisfaction of the Responsible Authority and shall obtain any easements of drainage for the purpose of such outfall drain or drains (which the municipal council certifies is or are necessary for the economical and efficient subdivision of the Company's land) in accordance with sub-clause (d) of this clause.

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7.8 (a) Where any allotment is created on the subject land which has an abuttal to the bank (as defined in the Water Act 1958) of the Mitchell River Backwater (hereinafter called "the Backwater") the Company shall as and when thereafter requested by the Department of Conservation Forests and Land grant easement rights over that part of each such allotment as lies within 20 metres of such bank to Her Majesty Queen Elizabeth the Second in the right of the State of Victoria (hereinafter called "the Crown") as the person in whom the bed and banks of the Backwater are vested pursuant to the provisions of the Water Act 1958 to permit officers, servants and agents of the Crown with such vehicles and equipment as are reasonably necessary entering upon that land from time to time and carrying out works for the purpose of maintaining the bed and banks of the Backwater.

(b) No fence shall be constructed on any such allotment within 20 metres of such bank other than along the common boundary between such an allotment and a District Park and any fence along such common boundary shall include gates appropriate for the exercise of easement rights granted or liable to be granted under sub-section (a) of this clause.

8.1 Where in this Agreement it is provided that any matter or thing shall be done to the satisfaction of the Responsible Authority the Responsible Authority ^(Town) shall include in each permit under the ~~Town of~~ Bairnsdale Planning Scheme for the use or development comprising, including or to which such matter or thing relates, a condition that such matter or thing shall be done to the satisfaction of the Responsible Authority.

8.2 In the event of a dispute arising as to whether any such matter or thing has been done to the satisfaction of the Responsible Authority within the terms of a condition ⁱⁿ such a permit and either party refers the matters in dispute to the Administrative Appeals Tribunal for the decision pursuant to Section 80 of the

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Planning and Environment Act 1987, the decision of the Administrative Appeals Tribunal shall be final for the purposes of this Agreement and given effect to by the Responsible Authority and the Company.

9.1 It is agreed that the site for ancillary facilities depicted on the plan in Schedule 2 hereto shall be set aside for those purposes unless the Responsible Authority and the Company agree to an alternative site for such facilities and that if needs be, the Council with the terms and conditions of this Agreement and insofar as it is lawfully able to do so initiate and take all steps necessary to expedite such amendments of the Planning Scheme as required to permit such of those sites to be used for the purpose designated.

9.2 Save for the sites designated in Schedule 2 hereto or any alternative sites agreed between the Responsible Authority and the Company no part of the subject land shall be developed or used for the purpose of a shop.

9.3 It is the intention of the Company that the land will be subdivided, developed and used generally, for residential purposes in the manner shown in Schedule 2 but this Agreement will not prevent any owner for the time being of any allotment making application for the use or development of any part of that land for a purpose permissible under the Planning Scheme but not otherwise inconsistent with the aforesaid intent.

10. The Company agrees that in the event of the Responsible Authority advising it that it desires to purchase any part of the subject land for community facilities which would complement the use and development of the subject land as a residential estate it will sell each such site as ^{is} designated by the written notice given to it by the Responsible Authority to the Responsible Authority.

(a) in respect of the site or sites in total not exceeding 4800 square metres in area for an amount equivalent to the same

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proportion of the actual cost of developing the subject land and including the stage of development creating each such site as the area of such site bears to the total area of the allotments created on the subject land up to and including the said stage; and

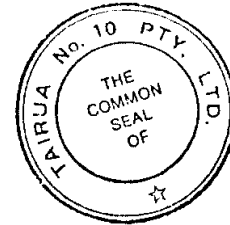
(b) in respect of any site or sites or part of a site whereby the total area sold pursuant to this clause exceeds 4,800 square metres for an amount equivalent to the then market value of the land sold as agreed or in default agreement as valued by a valuer nominated by the President for the time being of the Victorian Division of the Australian Institute of Valuers the fee of such valuer to be borne equally by the Company and the Responsible Authority.

11. Nothing in this Agreement shall fetter the Company's right of appeal in relation to any condition imposed in any permit or against any determination refusing to grant a permit or a determination of the Responsible Authority that it is not satisfied in respect of any matter which is satisfaction save for any such matter which is specifically provided for herein.
12. Subject to the Company having carried out and completed all its covenants and agreements hereunder to the reasonable satisfaction of the Responsible Authority this Agreement shall lapse upon the completion of the development specified in schedule 2 hereto.
13. The Company agrees to all things necessary to enable the Responsible Authority to enter a memorandum of this Agreement on the Certificate of Title to the subject land in accordance with Section 181 of the Planning and Environment Act 1987 including signing any further Agreement, acknowledgement or document to enable the said memorandum to be entered as aforesaid.

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IN WITNESS WHEREOF the parties hereto have executed this Agreement
the day and year first hereinbefore mentioned.

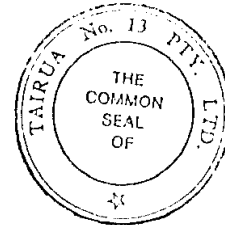
THE COMMON SEAL of TAIRUA NO. 10)
PTY. LTD. was hereunto affixed in)
accordance with its Articles of)
Association in the presence of:)



..... Director

..... Secretary

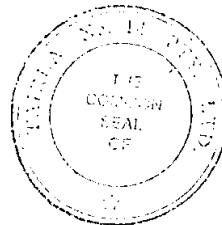
THE COMMON SEAL of TAIRUA NO. 13)
PTY. LTD. was hereunto affixed in)
accordance with its Articles of)
Association in the presence of:)



..... Director

..... Secretary

THE COMMON SEAL of TAIRUA NO. 14)
PTY. LTD. was hereunto affixed in)
accordance with its Articles of)
Association in the presence of:)



..... Director

..... Secretary

THE COMMON SEAL of the MAYOR)
COUNCILLORS AND RATEPAYERS OF THE)
TOWN OF BAIRNSDALE was hereunto)
affixed in the presence of:)

..... Councillor

..... Town Clerk

..... Mayor

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SCHEDULE 1

SUBJECT LAND

TAIRUA NO. 10 PTY. LTD.

- (i) Lot 24 on Plan of Subdivision No. 2677 Parish of Wy Yung and being the whole of the land described in Certificate of Title Volume 3299 Folio 782.
- (ii) Certificate of Title Volume 9791 Folio 339.

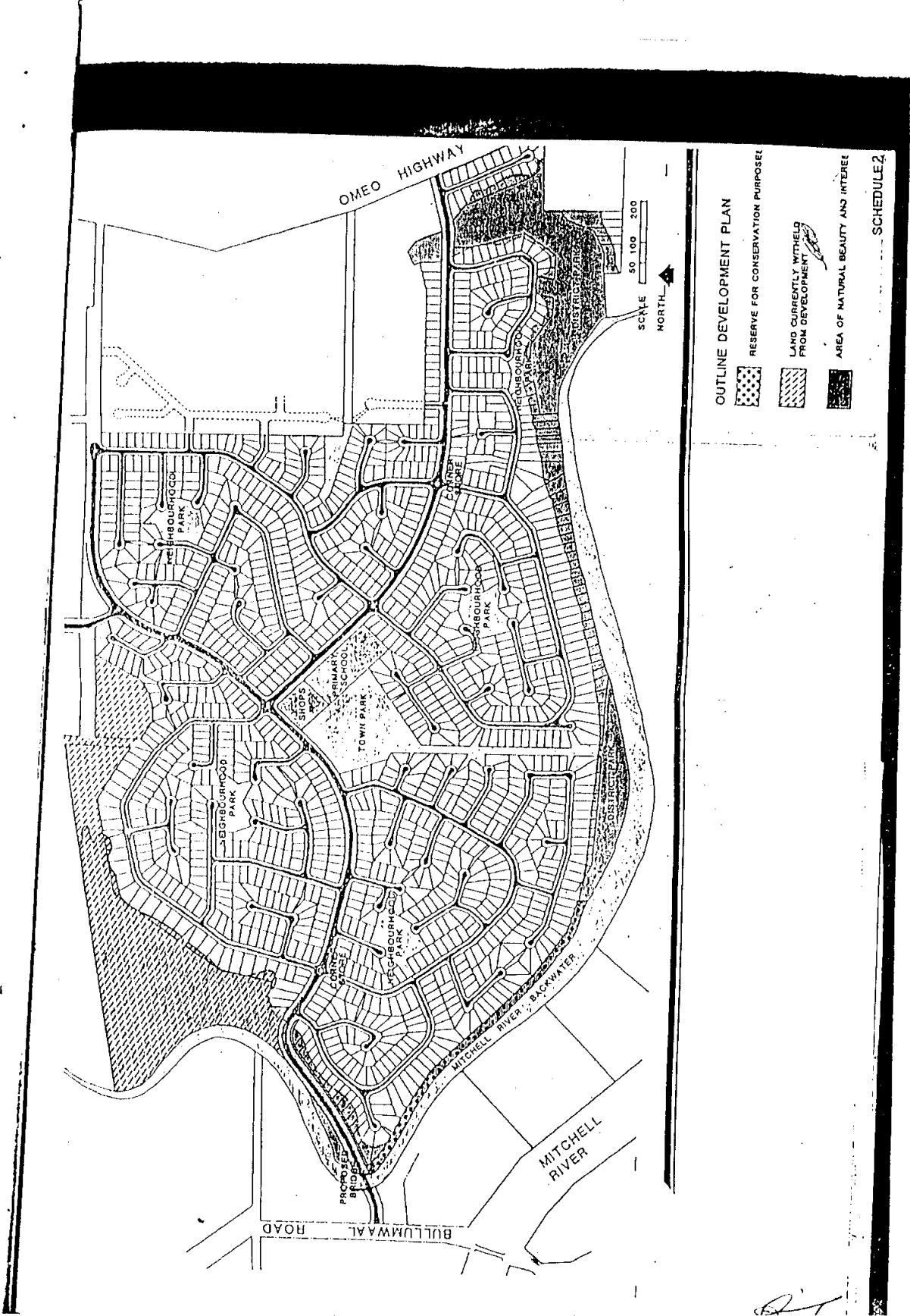
TAIRUA NO. 13 PTY. LTD.

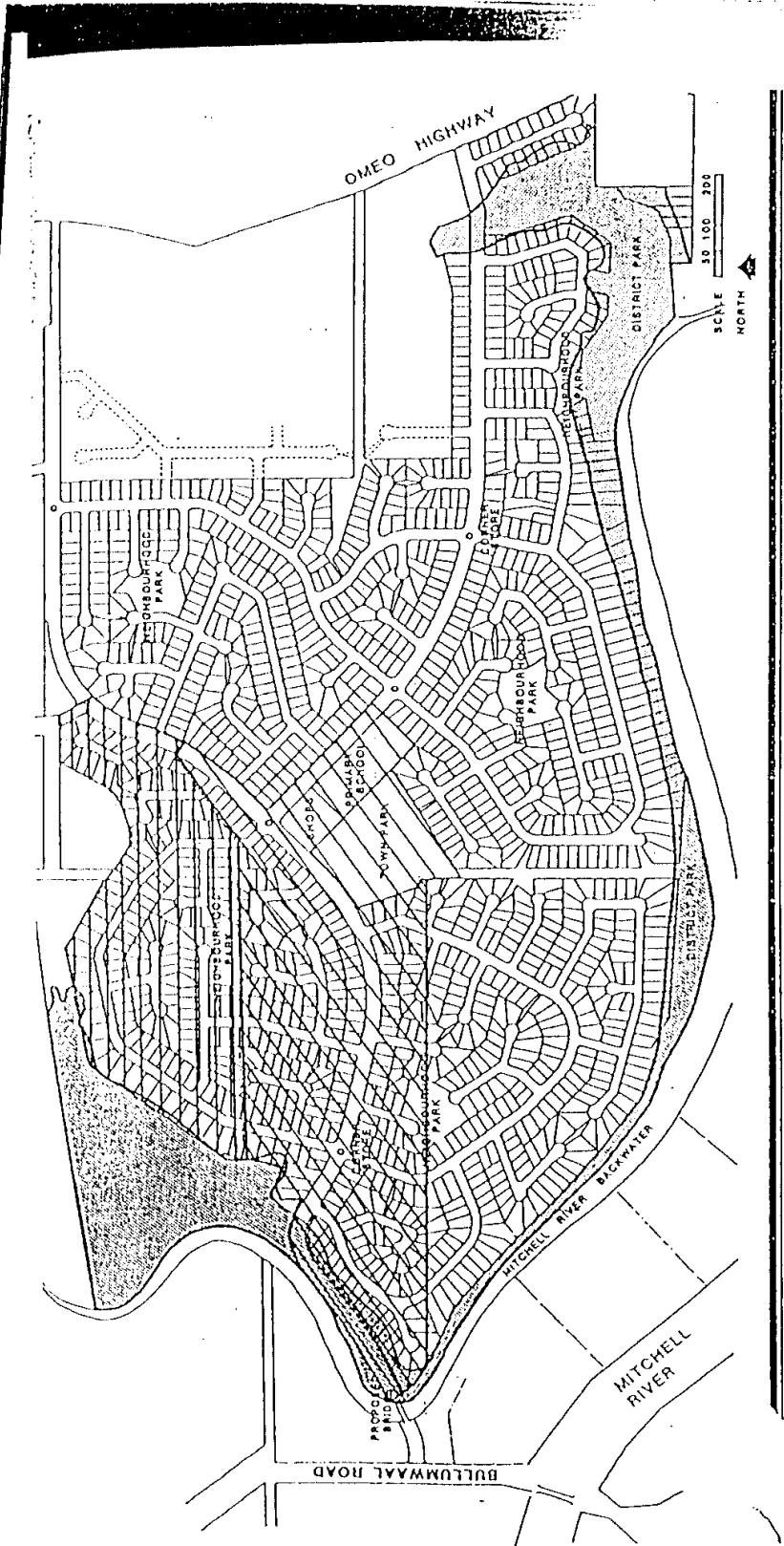
Certificate of Title Volume 9809 Folio 357.

TAIRUA NO. 14 PTY. LTD.

Certificate of Title Volume 9740 Folio 041.




BT





SCHEDULE 4

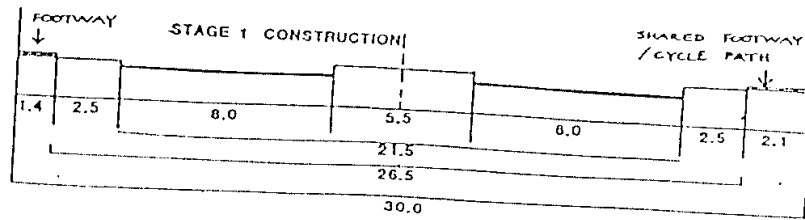
PROPOSED AMENDMENT NO. 1. PROPOSED AMENDMENT NO. 2

-  RESIDENTIAL DEVELOPMENT ZONE
-  AREA OF NATURAL BEAUTY AND INTEREST
-  RESIDENTIAL DEVELOPMENT ZONE

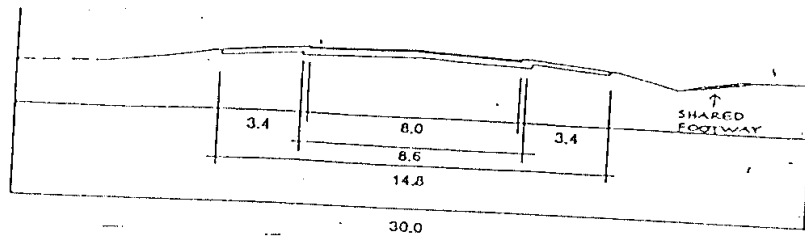


SCHEDULE 5
STAGED DEVELOPMENT PLAN

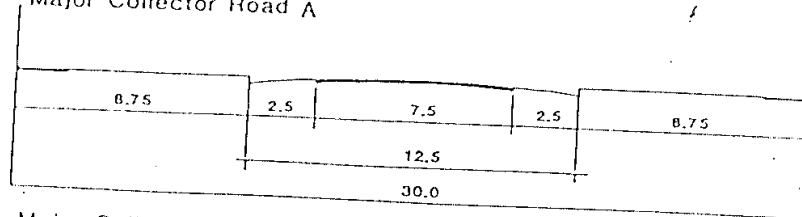
1 Through Road dual carriageway



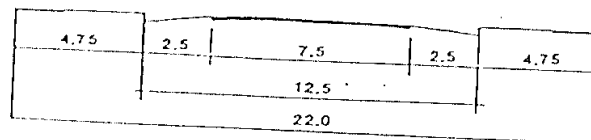
2 Western Access Road undivided carriageway



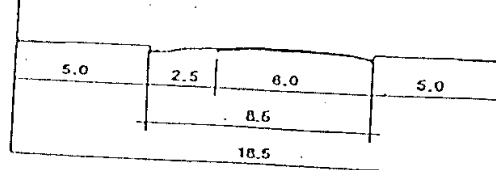
3 Major Collector Road A



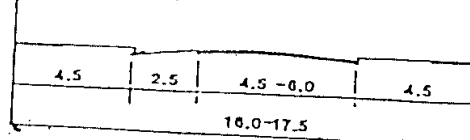
Major Collector Road B



4 Minor Collector Road



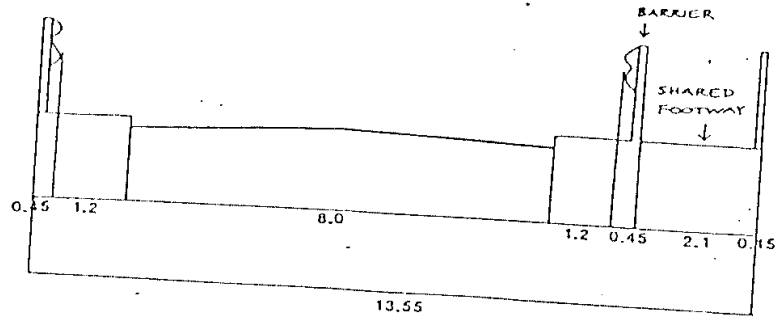
5 Local Street



Schedule 5(i)

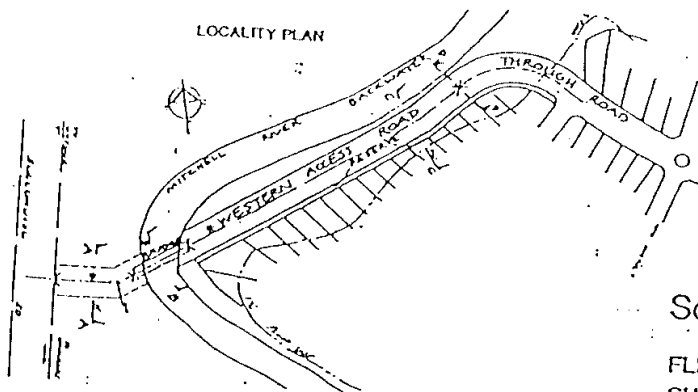
FLINN ESTATE
SUGGESTED
CROSS SECTIONS

6 Backwater Bridge Cross-Section



LOCALITY PLAN

- * CROSS-SECTION A-A AND C-C : WESTERN ACCESS ROAD UNDIVIDED CARRIAGEWAY
- CROSS-SECTION B-B : BACKWATER BRIDGE
- CROSS-SECTION D-D : THROUGH ROAD DUAL CARRIAGEWAY



Schedule 5(i)
continued

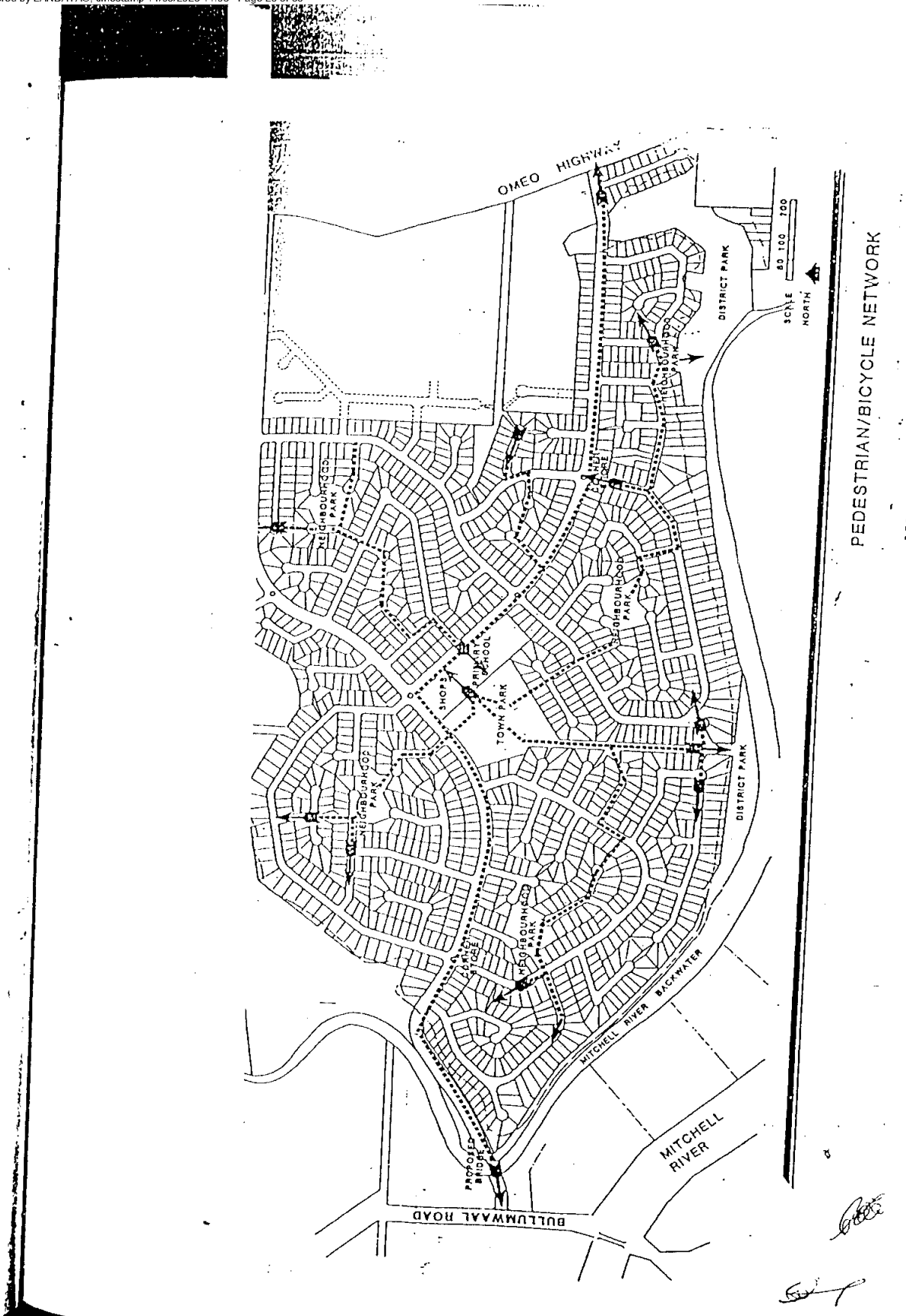
FLINN ESTATE
SUGGESTED CROSS-SECTIONS

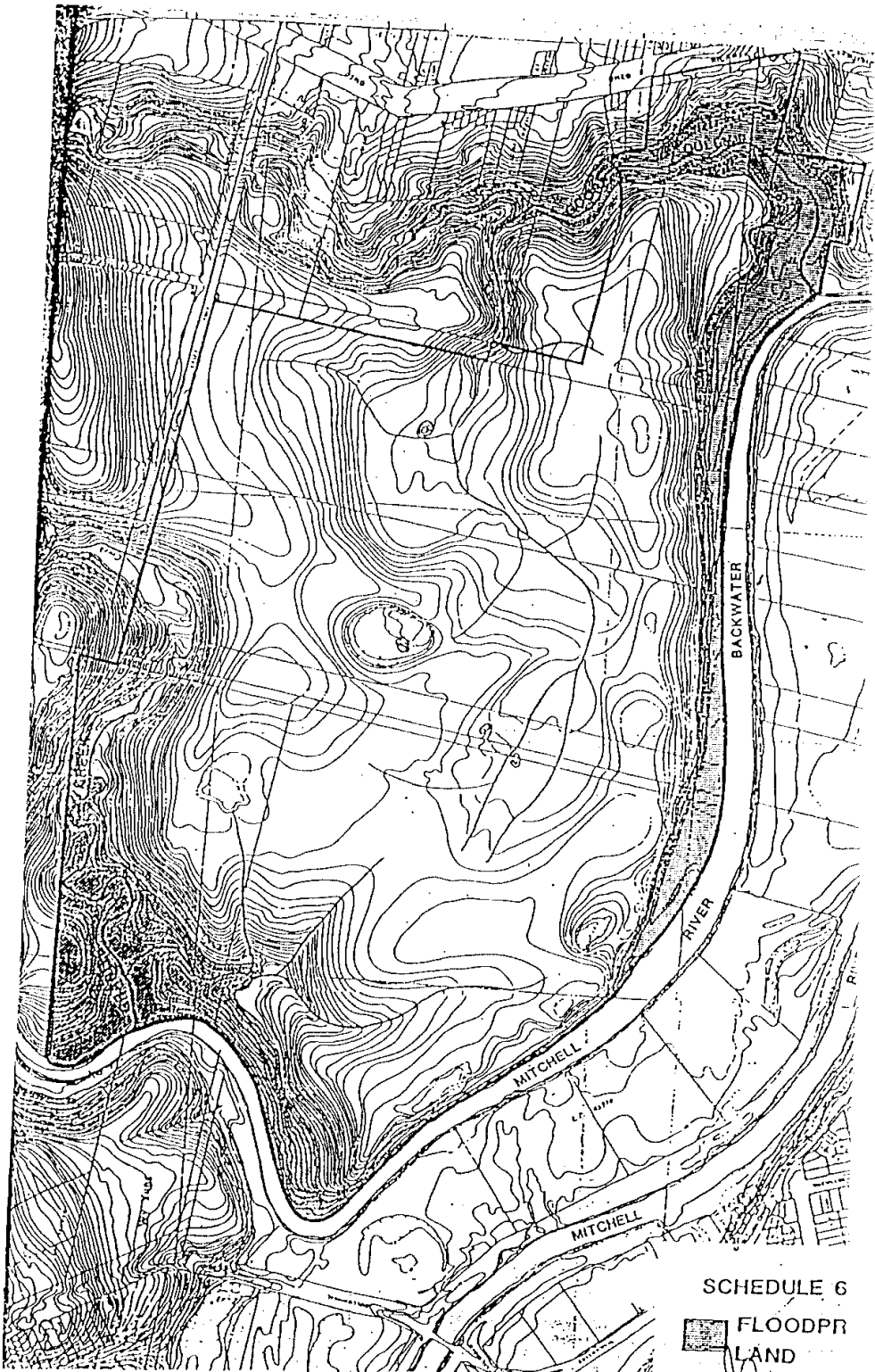
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SCHEDULE 5(ii) ROAD HIERARCHY

- 1 THROUGH ROAD DIVIDED CARRIAGEWAY (30 METRE RESERVE)
- 2 WESTERN ACCESS ROAD UNDIVIDED CARRIAGEWAY (30 METRE RESERVE)
- 3 MAJOR COLLECTOR A (30 METRE RESERVE)
- MAJOR COLLECTOR B (22 METRE RESERVE)
- MINOR COLLECTOR (18.5 METRE RESERVE)



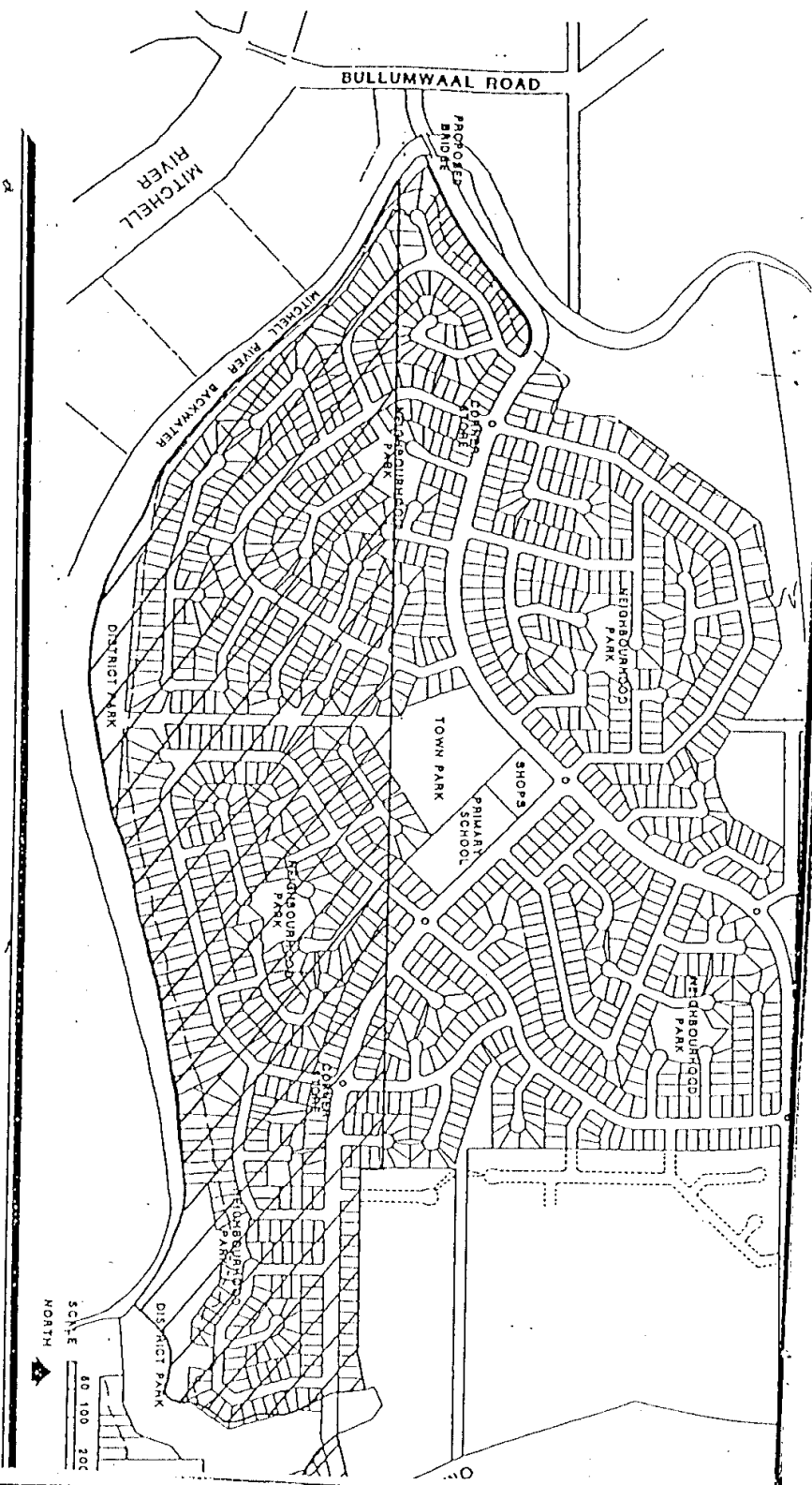


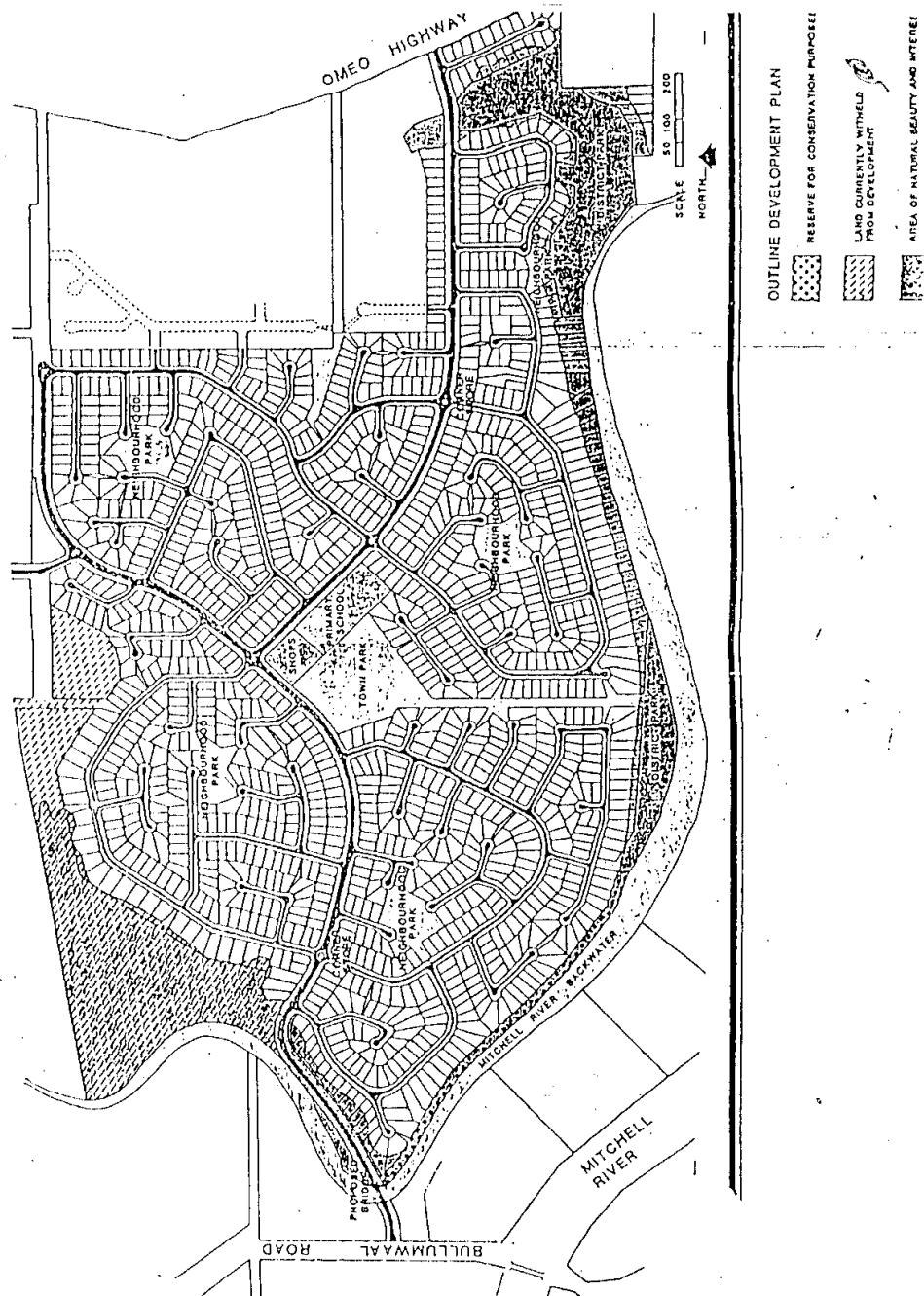


Titles Office

PHOTO COPY SUPPLIED:
16 JAN 1989

SCHEDULE 3
LAND CURRENTLY WITHIN
RESIDENTIAL DEVELOPMENT ZC





"A"

61

TOWN OF BAIRNSDALE PLANNING SCHEMEAMENDMENT NO. 60PART A - GENERAL1. Title

This Planning Scheme may be cited as the Town of Bairnsdale Planning Scheme, Amendment No. 60.

2. Arrangement of Scheme

This Planning Scheme is comprised of the following parts:

Part I - General

Part II - Variation of the Principal Scheme

3. Interpretations

"Approval Date" means the date on which notice of approval of the Planning Scheme by the Governor-in-Council was published in the Government Gazette.

"Principal Scheme" means the Town of Bairnsdale Planning Scheme approved by the Governor-in-Council on the 23rd day of November, 1976, as amended.

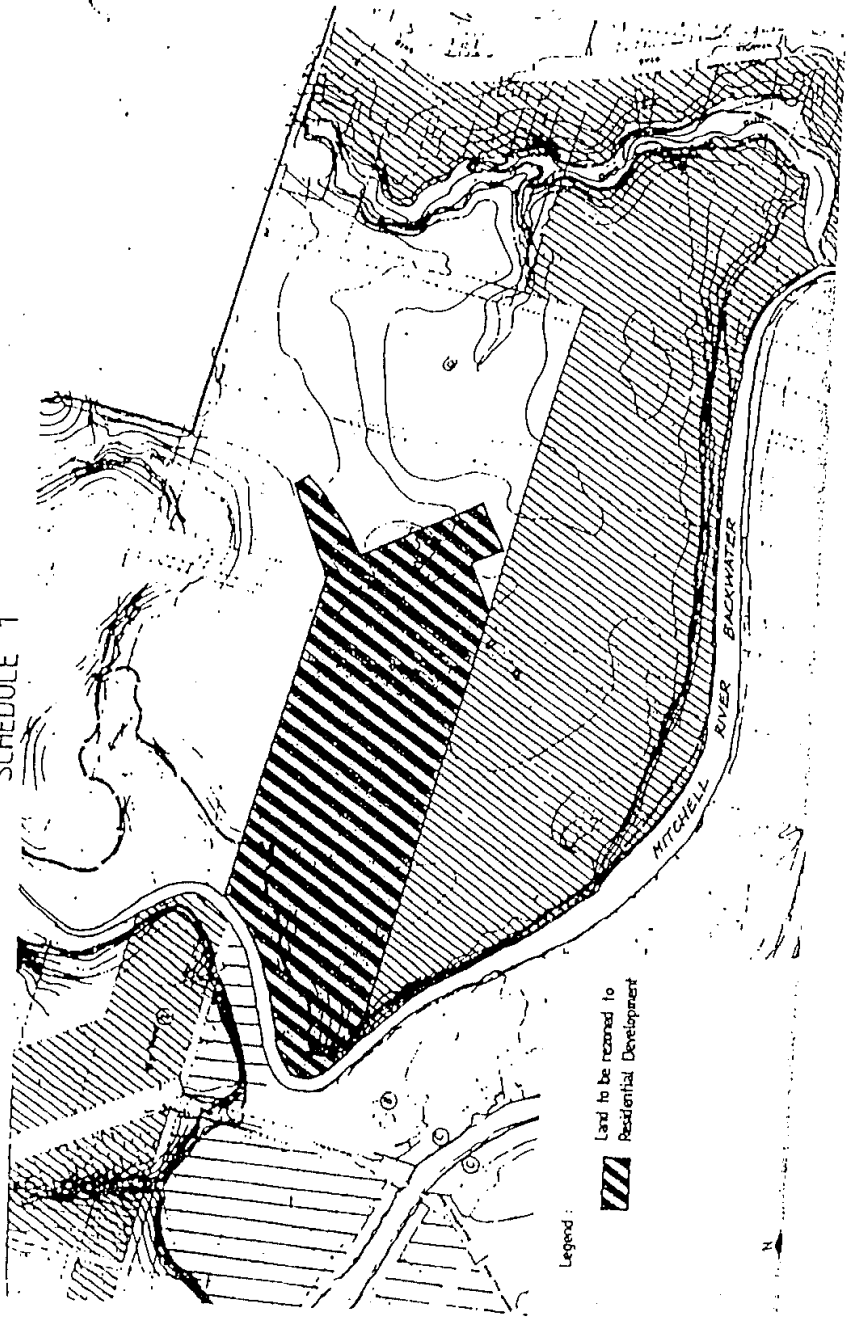
4. Application of Scheme

After the approval date the Principal Scheme shall be amended and varied in the manner and to the extent shown in Part II hereof, and such Principal Scheme and the variation herein shall be read and construed as one.

PART B - VARIATION OF THE PRINCIPAL SCHEME5. Planning Scheme Map

The Planning Scheme Map of the Principal Scheme shall be varied in the manner and to the extent shown on the map attached as Schedule 1 hereto.

TOWN OF DRAKINSHALE PLANNING SCHEME
AMENDMENT N° 60
SCHEDULE 1



8

TOWN OF BAIRNSDALE PLANNING SCHEME
AMENDMENT NO. 62

PART A - GENERAL

1. Title

This Planning Scheme may be cited as the Town of Bairnsdale Planning Scheme, Amendment No. 62.

2. Arrangement of Scheme

This Planning Scheme is comprised of the following parts:

Part I. - General

Part II - Variation of the Principal Scheme

3. Interpretations

"Approval Date" means the date on which notice of approval of the Planning Scheme by the Governor-in-Council was published in the Government Gazette.

"Principal Scheme" means the Town of Bairnsdale Planning Scheme approved by the Governor-in-Council on the 23rd day of November, 1976, as amended.

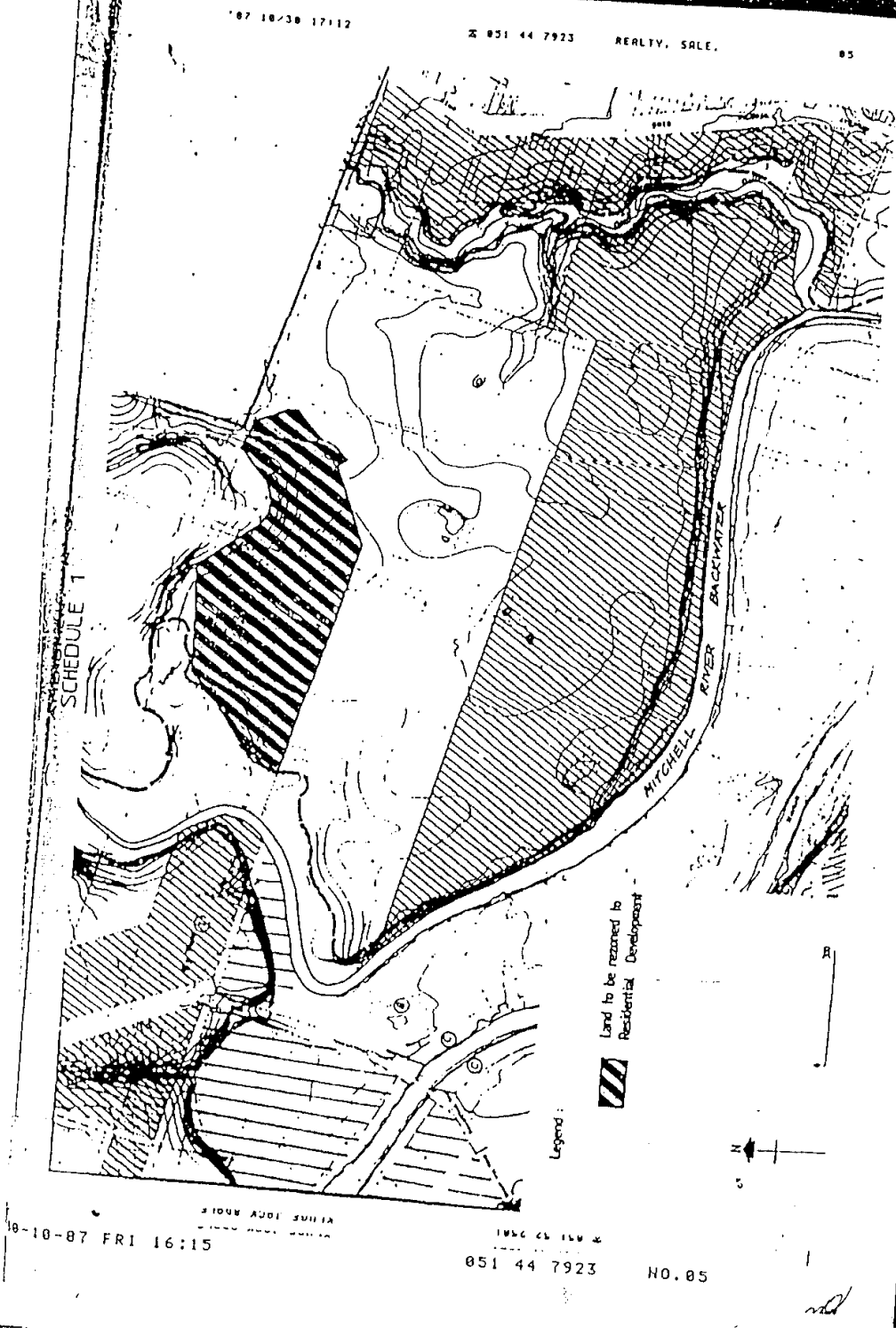
4. Application of Scheme

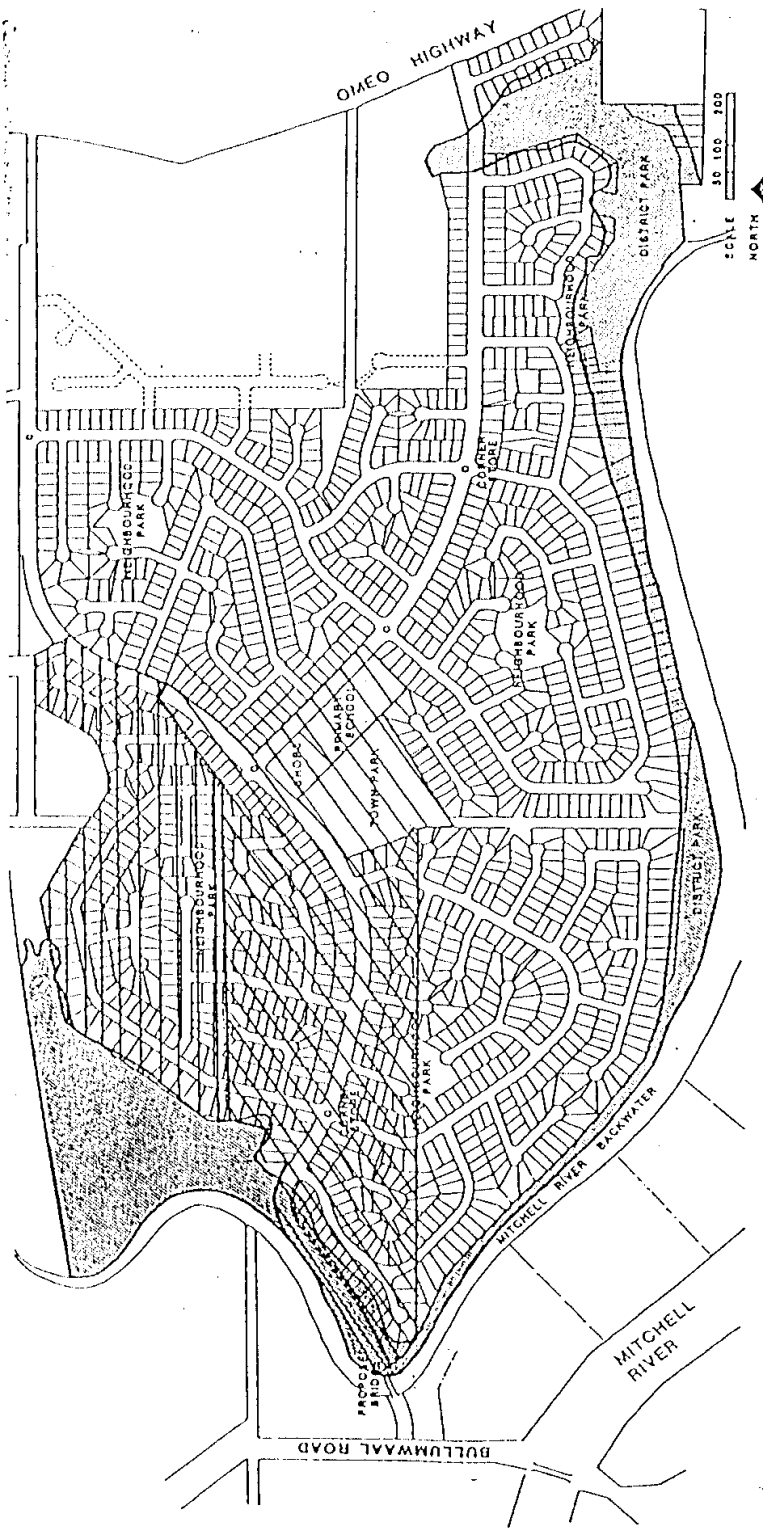
After the approval date the Principal Scheme shall be amended and varied in the manner and to the extent shown in Part II hereof, and such Principal Scheme and the variation herein shall be read and construed as one.

PART B - VARIATION OF THE PRINCIPAL SCHEME

5. Planning Scheme Map

The Planning Scheme Map of the Principal Scheme shall be varied in the manner and to the extent shown on the map attached as Schedule 1 hereto.





SCHEDULE 4

PROPOSED AMENDMENT NO. 1:

- RESIDENTIAL DEVELOPMENT ZONE
- AREA OF NATURAL BEAUTY AND INTEREST

PROPOSED AMENDMENT NO. 2

- RESIDENTIAL DEVELOPMENT ZONE

DATED 19 .

TAIRUA NO. 10 PTY. LTD.
TAIRUA NO. 13 PTY. LTD. and
TAIRUA NO. 14 PTY. LTD.

-and-

THE TOWN OF BAIRNSDALE

AGREEMENT MADE PURSUANT TO
SECTION 173 OF THE TOWN AND
COUNTRY PLANNING ACT 1987.

CARROLL & DILLON
Solicitors
2nd Floor
84 William Street
MELBOURNE 3000

Tel: (03) 670 5407
Ref: JEM 88/800070

DATED 31st MARCH 1990

THE TOWN OF BAIRNSDALE

APPLICATION BY A RESPONSIBLE
AUTHORITY UNDER SECTION 181
PLANNING AND ENVIRONMENT ACT 1987
FOR ENTRY OF A MEMORANDUM OF
AGREEMENT UNDER SECTION 173
OF THE PLANNING AND ENVIRONMENT
ACT 1987

MADDOCK LONIE & CHISHOLM
Solicitors,
440 Collins Street,
Melbourne.

602 5677 YP:JEP 295/20931

Delivered by LANDATA®, timestamp 15/03/2023 08:40 Page 1 of 2

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TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

Lodged by:

Name:

Phone:

Address:

RIGBY COOKE

Ref:

674R

Customer Code:



MADE AVAIL

Land Titles Office Use Only

Approved Form T2

AD669436F

08/06/2005 \$425 45



The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-

- together with any easements created by this transfer;
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land:

Certificate of Title Volume 10802 Folio 274

Estate and Interest:

all its estate and interest in fee simple



AD669436F-1-7

Consideration:

~~\$136,500.00~~ / \$136,500.00

Transferor:

TAIRUA NO. 14 PTY. LTD. (ACN 006 436 924)

Transferee:

JOHN PHILIP HARMAN and CHERYL ANN HARMAN both of 140 Wheelers Road, Tynong North, 3813 as joint proprietors.

Directing Party:

Creation and/or Reservation of Easement and/or Covenant

"The Transferee with the intent that the benefit of the covenant shall be attached to and run at law and in equity with the whole of the land comprised in Plan of Subdivision No. 521909M (other than the land hereby transferred) and each and every part thereof and that the burden of the covenant shall be annexed to and run at law and in equity with the land hereby transferred and each and every part thereof and that the same shall be noted and appear on every Certificate of Title for the said lot and every part thereof as an encumbrance affecting the same DOTH HEREBY COVENANT with the Transferor and other registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision (other than the land hereby transferred) that the Transferee will not:

Approval No. 786035D

ORDER TO REGISTER

STAMP DUTY USE ONLY

T2

Please register and issue title to

Page 1 of 2

Signed

Cust. Code



Lawdocs

Original Land Transfer
Stamped with \$3,850.00
Doc ID 1973794, 08 Jun 2005
SRO Victoria Duty, CTNO

- (a) Erect, place, permit, licence or authorise on the said land any building other than a dwelling house or duplex containing an area of not less than one hundred and ten square metres within the outer walls thereof calculated by excluding the area of any carport, garage, terrace, pergola or verandah; is built only of new materials save for second-hand bricks; has an external wall area of at least 60 per cent brick, brick veneer, masonry, stone, glass or fibrocement material (blue board) suitably rendered; has no hardiplank, cement sheet or like materials on any external wall or roof (being materials acceptable only for eave lining, gable ends and infills); and has a roof of slate, clay tile, cement tile or colour bond material.
- (b) Erect, place, permit, licence or authorise on the said land any outbuilding constructed other than of new materials of the same type and colours as described above unless such materials are painted with at least two coats of first quality paint in natural tonings.
- (c) Extract or remove or permit the extraction or removal of any soil, gravel or earth or other materials from the said land except for the purpose of excavating for the foundations of a building or of a swimming pool or for gardening landscaping or for construction of a tennis court or driveway within the said land.
- (d) Use or permit the use of the said land for any offensive or noxious purpose.
- (e) Permit the land hereby transferred or any part thereof to be used for the purpose of commercial breeding, or boarding of or training kennels for cats or dogs or for the purpose of keeping poultry or pigeons thereon or for the parking, garaging or servicing of any motor vehicle in excess of 5 tonnes gross vehicle mass (GVM) except for the purpose of loading or unloading of goods unless the vehicle is a construction vehicle engaged in construction works thereon or unless the vehicle is a caravan or similar vehicle and does not exceed 2.5 metres in height and is screened from view from the adjoining roadways."

Dated: 25/5/2005

Execution and attestation:

THE COMMON SEAL of TAIRUA PTY. LTD. NO. 14)
 PTY. LTD. ACN 006 436 924 was affixed in the presence of)
 the authorised persons:

Director

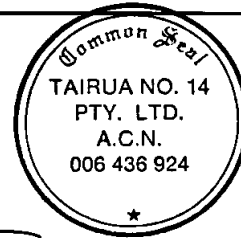
Secretary

Full name *Thomas Eager*Full name *Robert Joseph Eager*Usual address *74 Main St, Rainville 3875*Usual address *8 Riverview Close, Wy Yung 3875*

SIGNED by the said JOHN PHILIP HARMAN in the)
 presence of:-)

Witness: X *[Signature]*

SIGNED by the said CHERYL ANN HARMAN in the)
 presence of:-)

Witness: X *[Signature]*

Approval No.786035D

ORDER TO REGISTER

STAMP DUTY USE ONLY

T2

Please register and issue title to

Page 2 of 2

Signed

Cust. Code



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AD669436F

08/06/2005 \$425 45



Planning Report

Development of Two Dwellings & Two Lot Subdivision
12 The Backwater, Eastwood

Our Reference – 18132

5 April 2023



FS 520900



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	Proposed Subdivision Plan (Version 1)	
	Development Plan Set - <i>Metricon</i>	
	East Gippsland Shire Council letter (26 September 2012).	
	Geotechnical Risk Assessment - <i>Chris O'Brien & Company Pty Ltd</i>	
	Storm Rating Report	
	Copy of Title (Lot 93 on PS 521909M)	

Note: Applicable Planning Application fee is \$2,117.70

1. Introduction

This planning report is prepared in support of the proposed development of two dwellings and two lot subdivision at 12 The Backwater, Eastwood. The report addresses the provisions of the General Residential Zone and Erosion Management Overlay as contained within the East Gippsland Planning Scheme.



*Aerial image of subject land and surrounding area
(Source: Google Earth 12/08/2022)*

2. Subject Land & Surrounding Context

Formally known as Lot 93 on Plan of Subdivision 521909M, the subject land is more commonly known as 12 The Backwater, Eastwood. The property is located on the south side of The Backwater diagonally opposite the intersection of Gree Kulluk Place.



Subject land and immediate surrounds (Source: Google Earth)

The subject land is a vacant lot with an area of 2,056m². The land is a slightly irregular shape with a frontage of 24.02m to The Backwater, a depth of 82.1m along the western boundary, a depth of 79.99m along the eastern boundary, and a rear width of 26.79. The rear boundary adjoins the Mitchell River Backwater Reserve, that incorporates passive recreation and walking trails.



View of subject land from the street

Timber paling fences to a height of 1.8m are established on the east and west side boundaries. The paling fences vary in length with the east side boundary being approximately 65m from the front boundary, then changing to a post and wire fence to a height of 1.5m.



Eastern boundary fence

The west side timber paling fence extends approximately 53m from the front boundary, where it terminates. A post and wire fence extends from the south-west corner, up the slope for a length of 16m terminating at the 6.5m AHD, leaving a portion of the western boundary unfenced. The southern boundary also contains a post and wire fence.



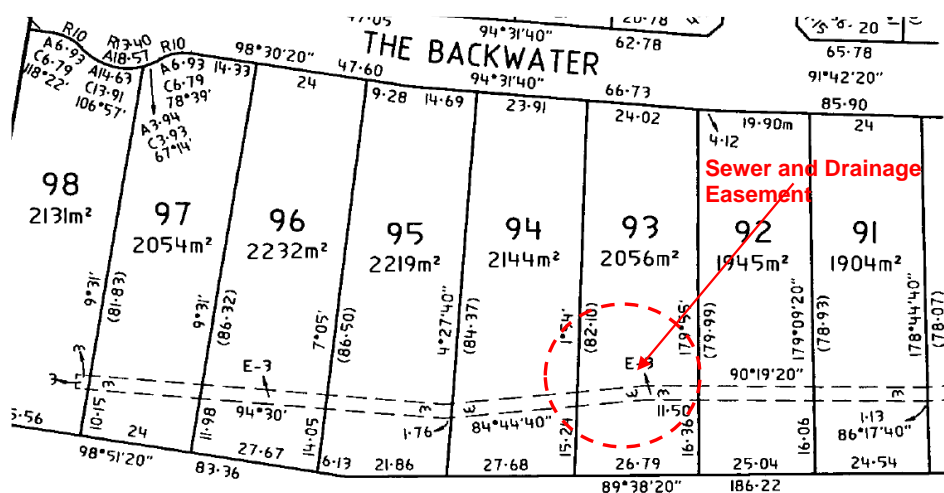
Western boundary fence

Properties on the south side of The Backwater benefit from an elevated location above the Mitchell River backwater benefitting from unobstructed views across the floodplain. The most notable feature of the subject land, as is common to properties along the southern escarpment is the varying slopes. The northern portion of the subject land consists of a moderate slope at approximately 7° for a distance of approximately 50m. The slope increases dramatically in the southern portion of the property to approximately 21° before tapering off at the base of the escarpment.



View south from subject land

The subject land is encumbered by a drainage and sewerage easement, E-3 on PS521909M. The easement is 3m wide and extends across the lower end of the property between the east and west side boundaries.



Extract from Plan of Subdivision PS 521909M

A restrictive covenant and an agreement under Section 173 of the *Planning and Environment Act 1987* are also registered on title to the subject land.

The restrictive covenant [AD669436F](#) imposes requirements on the construction of dwellings including materials and finishes, outbuilding finishes, removal of soil, use of land for noxious and offensive purposes. There is no expiry date included in the instrument.

Agreement [P750361X](#) pursuant to Section 173 of the *Planning and Environment Act 1987* is registered on title to the land. The purpose of the Agreement was to ensure the Eastwood Residential Estate developed in a manner that was generally consistent with the Outline Development Plan contained in Schedule 2 of the Agreement.

Clause 12 of the Agreement contains a “sunset” clause that prescribes the circumstances in which the Agreement will end. Clause 12 states:

Subject to the Company having carried out and completed all its covenants and agreements hereunder to the reasonable satisfaction of the Responsible Authority the Agreement shall lapse upon the completion of the development specified in schedule 2 hereto. Whilst Section 173 Legal Agreement P750361X is registered on title, confirmation has been provided by the East Gippsland Shire Council that it has ended and therefore has no force or effect.

Correspondence from East Gippsland Shire Council dated 26 September 2012 confirms development of the Eastwood Residential Estate was considered to have been satisfactorily completed, and the Agreement was deemed to have lapsed in accordance with Clause 12. The Agreement therefore has no further effect on the land that comprises the Eastwood Residential Estate, including the subject land.

A copy of correspondence prepared by East Gippsland Shire Council (dated 26 September 2012) is provided for your information.

Adjoining Properties

Residential properties adjoin the eastern and western side boundaries of the subject land.

The neighbouring property on the west side of the subject land (10 The Backwater) and contains a detached single storey dwelling. The dwelling has a generous street setback of approximately 18.4m with an open front yard and minimal landscaping. The vehicle crossing is located at the north-east corner of the property. The front boundary is not fenced.

The building is of a modern style with a combination of weatherboard cladding and rendered finishes on the façade. Side and rear walls are finished in painted weatherboards. The pitched roof includes hip ends and is finished in black coloured corrugated steel.



10 The Backwater viewed from the street



10 The Backwater viewed from subject land

The east side of the dwelling is setback between 1.85m from the common boundary with the subject land. The east side of the dwelling does not contain any secluded private open space or habitable room windows with a direct outlook to the subject land.

The rear of the property is open and has not been landscaped.



Rear of 10 The Backwater

The neighbouring property on the east side of the subject land (at 14 The Backwater) contains a detached single storey dwelling. The dwelling has a generous street setback of approximately 19.9m. The vehicle crossing is located at the north-west corner of the property. The front of the property is enclosed by a high horizontal timber fence with a height of 1.8.

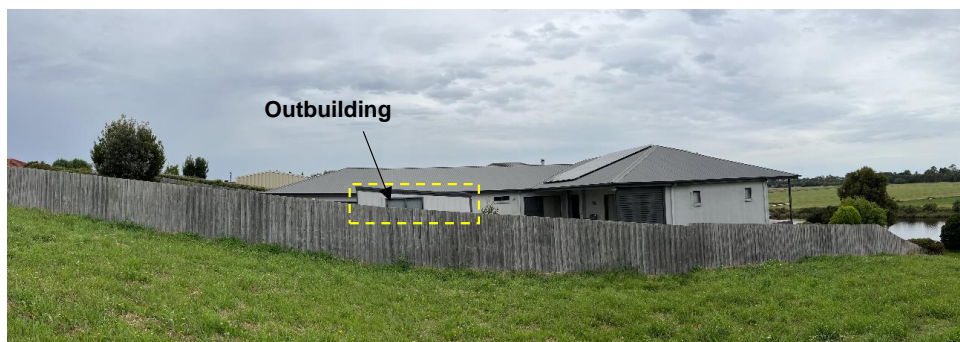


14 The Backwater viewed from the street

The building is of a modern style with coloured rendered walls. The pitched roof includes hip ends and is finished in black coloured corrugated steel. The rear of the dwelling has been constructed above the natural slope resulting in an elevated floor level.

The dwelling is an 'L' shape constructed adjacent to the eastern boundary of the property. The west wall adjacent to the common boundary with the subject land is approximately 10m long and setback 3.1m. Two small square windows are located on the west wall with sill heights raised above floor level. A small outbuilding is located in the front yard adjacent to the common boundary.

Secluded private open space is located on the south side of the dwelling.



14 The Backwater viewed from the subject land

The property has been extensively landscaped in the front and rear. The front yard contains some ornamental trees and the rear yard contains numerous established shrubs. Landscape planting is not immediately visible from the subject land. The low scale planting in the rear of the property maintains southerly views from the dwelling.



Rear of 14 The Backwater

Neighbourhood Character

The Backwater was developed in 2004 and is considered a premier location within the Eastwood Estate. The street has developed a unique character with quite different built form outcomes on the south side of the street, compared with the north side of the street.

Lots on the north side of the street are a consistent size and shape with street frontages typically 20-21m wide and the depth of lots are between 40-43m.

At the western end of The Backwater (west of Gree Kulluk Place), houses on the northern side are all single storey detached homes. Dwellings are slightly elevated above street level and setback from the street between 5m-6.5m. Exterior finishes to houses vary with face brickwork and rendered finishes present. Roofs are pitched with a mix of hip ends and gable ends incorporated. Roof cladding is mixed with varying colours and both cement tiled roofs and coloured corrugated steel cladding present.

Front yards to properties on the north side of the street are open and not fenced. Landscaping within front yards is unstructured and also varied.



View north side of The Backwater from subject land

The pattern of development on the north side of The Backwater displays some generally consistency in size, height, scale, materials and boundary setbacks. Properties on the south side of the Backwater offer a significant contrast to properties on the north side of the street.

Allotments on the south side of The Backwater are larger, ranging in size between 1900m² and 2200m². Lots on this side of the street have wider frontages and are much deeper, although the southern portion of the lots is constrained due to the steeper slopes and lower portion impacted by flooding to 6.5m AHD in a 1%AEP flood event.

The southern lots on The Backwater enjoy views of the Mitchell River Backwater Reserve, the floodplain and across the Mitchell River Reserve, with filtered views of the Bairnsdale Activity Centre through the river corridor.

The design and style of dwellings on the south side of The Backwater vary considerably with a mix of single storey and double storey dwellings. Dwellings have been positioned to maximise the southerly views which has resulted in more generous street setbacks. Street setbacks vary between 18–25m. The gradual slope from the street also means dwellings have been constructed below street level.



Existing dwellings at 2 and 4 The Backwater, both double storey dwellings



Double storey dwelling at 4 The Backwater

Dwellings on the south side of The Backwater are relatively wide which would appear to maximise views and to minimise earthworks by siting dwellings on the elevated terrace. Dwellings display a pattern of a narrow side setback on at least one side boundary. Setbacks from side boundaries vary from 1m to 3m although in some garages have been constructed to the side boundary.

There is also general consistency with the setback of dwellings from rear boundaries. This is likely again to be due to the desire to maximise views and minimise earthworks. Dwellings are generally setback 35m from the southern (rear) boundary.



Consistent building line for dwellings on south side of The Backwater



View rear of properties west of subject land



View rear of properties east of subject land

A number of properties on the south side of the street also contain high front fences which obscure views of front yards from the street. Some of these properties have established areas of secluded private open space within the front of the properties.



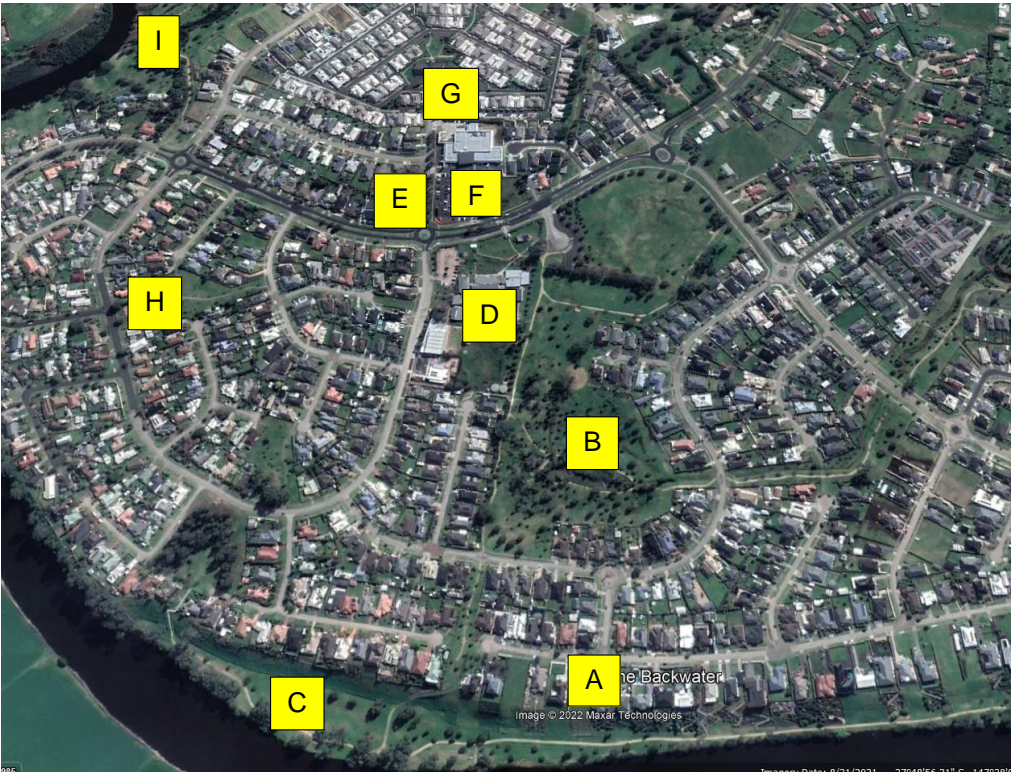
Double storey dwelling and high front fence at 18 The Backwater



Front fence at 22 The Backwater

Site Context Plan

Eastwood is a northern suburb of Bairnsdale, and the location is serviced by a local activity centre, education facilities and passive recreation areas.



- A – Subject Land
- B – Local Open Space
- C – Mitchell River Backwater Reserve
- D – Lucknow Primary School & Kindergarten
- E – Childcare Centre
- F – Eastwood Shopping Centre
- G – Eastwood Retirement Village
- H – Playground
- I – Tulaba’s Track Reserve

3. The Application & Proposal

The application seeks approval for the development of two dwellings and subdivision of the land into two lots.

The application triggers approval at the following Clauses of the East Gippsland Planning Scheme:

- **Clause 32.08-3 General Residential Zone – a planning permit is required to subdivide land.**
- **Clause 32.08-6 General Residential Zone – a planning permit is required to construct two or more dwellings on a lot.**
- **Clause 44.01-2 Erosion Management Overlay – a planning permit is required to construct buildings and carry out works.**
- **Clause 44.01-5 Erosion Management Overlay – a planning permit is required to subdivide land.**

Plans prepared by Metricon accompany the Application depicting two attached four-bedroom dwellings. The proposed dwellings are double storey with the ground floor containing a study, bedroom with ensuite, powder room, laundry and open plan kitchen, dining and living room. The first floor level includes a master bedroom with ensuite, two additional bedrooms, bathroom and a leisure room. Each dwelling also includes an integrated double garage.

The dwellings are a duplex design sharing a party wall and a common floor plan. The only variation between the dwelling is a first floor balcony on the northern façade of Dwelling 1.

Dwelling 1, being the easternmost dwelling, has a ground floor footprint of 179.4m² and a first floor area of 131.2m². Dwelling 2, to the west of the site, also has a ground floor footprint of 179.4m², with a slightly smaller first floor area of 129.7m².

The design of the dwellings incorporates external materials and finishes that are common in the precinct. The dwellings will be constructed with face brick walls on the ground level, with rendered walls on the first floor level. The pitched roof includes hip ends and will be finished in cement tiles.

Secluded private open space is provided on the east side of Dwelling 1 and west side of Dwelling 2. The provision of secluded private open space includes an outdoor room (verandah) at the south-east and south-west of each dwelling, accessed from the Dining room. Each dwelling will also benefit from larger areas of secluded private open space on the south side of each dwelling. A 1.8m high timber paling fence along the proposed common boundary, and the side of each garage will enclose areas of secluded private open space.

The design of the development relies on some earthworks given the natural slope of the land. Earthworks to a depth of 1.7m are proposed. The proposed earthworks will reduce the height of the building when viewed from the street.

While the southern end of the building will be elevated above natural ground level, this is considered consistent with other established dwellings on the south side of The Backwater.

The finished building heights vary on different aspects of the building due to the natural slope of the land. The maximum height of the building above natural ground level is 9.095m (by deduction), measured from the ridgeline at the southern end of the building to natural ground level immediately below.

The development provides setbacks from all existing boundaries consistent with the pattern of development in the neighbourhood. The street setback of 9.83m (to Dwelling 1) and 10.745m (to Dwelling 2) ensures the building is not too close to the street but offers a setback greater than dwellings on the north side of The Backwater.

The design of the dwellings offers setbacks from side boundaries that is also representative of established dwellings with side setbacks. The garages are setback 3m from side boundaries. The proposed verandahs at the south-east and south-west corners of the dwelling are also setback from side boundaries. The verandahs are open at either end offering transparency when viewed from the south and avoiding the sense of boundary-to-boundary construction.

The building does not extend as far south as other dwellings. This is considered an appropriate response to the adjoining dwellings. The proposed siting of the building ensures any overlooking from proposed habitable room windows will not overlook areas of secluded private open space or habitable room windows within neighbouring properties.

The proposed development is considered to consistent with the requirements of the restrictive covenant AD669436F:

- The application proposes a duplex development containing an area greater than 110m². The building will be constructed of new materials with external wall area being brick and rendered of at least 60 per cent and will have a cement tile roof.
- The proposed storage outbuildings will be developed in new Colorbond or coloured material.
- Any soil removed from the land is for the purpose of excavating for foundations of the building, swimming pool and driveways.
- The development is for a residential use and not for an offensive or noxious purpose or any of the uses prohibited by clause (e).

Comparison between previous VCAT matter and the Current Proposal

A previous planning application (370/2013/P) sought approval for a two lot subdivision at 26 The Backwater, with a similar subdivision layout to the current proposal. Unlike the subject Application, Planning Application 370/2013/P did not propose a built form outcome, and instead proposed a three dimensional building envelope within a Design Response Plan to illustrate the maximum available building area.



*Extract from Design Response Plan for Planning Application 370/2013/P.
Land subject to this application is shown to the left of the image.*

Planning Application 370/2013/P received objections from a number of residents within The Backwater, primarily on grounds the subdivision would result in a style of development which would not be consistent with the emerging character of the neighbourhood, particularly on the south side of The Backwater. Council refused the application and the decision was upheld following an appeal to VCAT¹.

The Tribunal Member had concerns that the building envelopes shown on the Design Response did not provide sufficient certainty that the resultant built form outcome would be acceptable, with the principal issues listed as follows:

- *The extent of potential boundary development along the western site boundary and the eastern site boundary. Although the building envelopes may not be fully developed, the outcome may be an abrupt interface to the lot to the east and along the public reserve to the west.*
- *With boundary development along the eastern side boundary, the continuation of boundary development on the adjacent vacant lot sharing the eastern boundary with the subject land would potentially add to a wall to wall presentation to the street or to the River setting.*

¹ Elliott v East Gippsland SC [2015] VCAT 64 at http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/vic/VCAT/2015/64.html?context=1;query=Elliott%20v%20East%20Gippsland%20SC;mask_path=au/cases/vic/VCAT

- *The extent of attached building form along the proposed lots. Even if upper levels are required to be setback from the central boundary, the two lots would probably be developed separately. There is no ability by which the two dwellings could be directed to respond to one another in a way that guides a respectful character outcome.*
- *The inclusion of two crossovers, per se, is not considered to be unacceptable given the overall lot width and the presence of wide driveways in the area however the potential for two double garages is not desirable even though there is visible garaging in this area.²*

The Tribunal Member noted that concerns raised by objectors relating to increased traffic, access for emergency services, pedestrian safety and on-street parking were not sufficient to warrant the refusal of the proposed subdivision. The decision turned on the uncertainty of the future built form outcome.

In direct response to these findings, the current proposal seeks approval for buildings and works to provide absolute certainty about the proposed built form outcome.

The proposed development is considered to offer an appropriate response to the character of the neighbourhood and to the adjoining properties. Importantly, the proposed development provides certainty of a built outcome that can be assessed against neighbourhood character elements such as height, scale, setbacks from boundaries (particularly side boundaries), as well as the internal amenity for future occupants.

The plan set includes detail on the relationship between the proposed development and the existing siting of neighbouring properties to the east and the west, eliminating any concerns about potential "wall to wall" presentation to either the street or River environs.

The proposed dwellings have been designed to respond to each other, ensuring the dwellings maintain a high level of internal amenity whilst remaining respectful of the neighbourhood character.

Although, double garages will present to the street, the impact of the garages' interface with the street has been minimised. It is noted that garaging within the street is evident and a prominent built form feature. The wider frontage of the subject land reduces the prominence of the proposed garages. Garages do not protrude beyond the dwelling entries and are setback more than 10m from the street. The finished level of the ground floor also reduces the extent of garaging visible from the street.

The subject Application is considered to achieve a sound Planning outcome, providing the certainty that was found lacking by previous unsuccessful proposals within the precinct.

² Ibid., at 27

4. Cultural Heritage

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a Cultural Heritage Management Plan (CHMP) is required for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity*



Cultural Heritage Sensitivity Mapping (Source: VicPlan)

The subject land is contained within an area of cultural heritage sensitivity given the site is within 200m of a named waterway. However, the construction of one or two dwellings on a lot is an exempt activity and a two lot subdivision is not classified as a high impact activity (Regulation 49).

A CHMP is therefore not required for the proposed development.

5. Planning Policy

5.1 Planning Policy Framework

The proposal is well supported by strategies contained in Clause 11.01-1S Settlement that seek to support the sustainable development of regional centres including Bairnsdale through the following:

- Consistency with the regional growth plan that seeks to support and facilitate growth of regional centres.
- Will assist to provide for the growth of population.
- Encourages a form and density of settlement that supports sustainable transport to reduce greenhouse gas emissions.
- Assists to reduce urban sprawl by proposing a development within an existing settlement.
- Contributes to the development of a compact urban area around an existing activity centre.

Support for the proposal is found within Clause 11.01-1L-02 Growth Area Towns – Bairnsdale which encourages urban development within the existing settlement boundary. The development of a dual occupancy development on a large, appropriately zoned and serviced allotment within the Eastwood Estate provides consistency with Council planning policy.

Clause 12.03-1S River Corridors, Waterways, Lakes and Wetlands is addressed positively by the proposed development:

- The proposal will respect the environmental qualities of the Mitchell River Backwater with rainwater harvesting to be undertaken on the land to reduce runoff. Both dwellings will be fitted with 5,000 litre rainwater tanks providing for detention and treatment of stormwater.
- Aesthetic, open space and recreational values of the Mitchell River Backwater are respected, with the proposal having consistent setbacks with neighbouring properties from the river corridor.
- The natural capacity of the Mitchell River Backwater corridor to manage flood conveyance has been maintained by the built form being well setback from the rear, lower lying portion of the land.
- An erosion hazard will not be created by the development, with the sediment transport risk to the river during construction able to be appropriately managed with standard sediment control methods.
- Wastewater will be managed with connections to the sewer.

The Mitchell River Backwater and its landscape qualities are of local significance. The proposed development introduces built form on this vacant lot within an extensively modified environment and as such reduces the visual impact of the proposed built form.

Furthermore, the positioning of the two dwellings on the elevated portion of the site towards the street frontage maintains the pattern of setback to the Mitchell River Backwater Reserve, respects the river corridor and provides for meaningful landscape opportunities consistent with Clause 12.05-2S Landscapes.

Floodplain Management at Clause 13.03-1S has been accommodated by the proposal ensuring the proposed development has been positioned entirely above the 6.5 metre AHD contour.

As the land is located within the Erosion Management Overlay, careful consideration was paid to ensure proposed works on the land would not lead to an erosion hazard. It is anticipated that Council will require sediment runoff protection measures during construction of the buildings consistent with Clause 13.04-2L Erosion.

Clause 14.02-1S Catchment Planning and Management has been previously addressed by the subdivision that created the subject land. A significant buffer was provided to the Mitchell River Backwater Reserve and rainwater will be harvested on site with each dwelling being connected to a 5,000 litre rainwater tank.

The proposal seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm, consistent with the objective of Clause 15.01-2S Building Design. Strategies that underpin the objective are addressed by the proposal through the following:

- Careful consideration of neighbouring properties and the public realm has resulted in significant setbacks from all boundaries and the placement of the buildings centrally on the land.
- Height of the buildings will be reduced through the use of excavation. Scale and massing has been minimised through the use of setbacks and a variety of materials and colours.
- Buildings on the southern side of The Backwater are orientated towards the expansive southerly view and vista of the Mitchell River Backwater Corridor, as are the proposed dwellings. This provides for good casual surveillance of the riverside walking tracks, supporting perceptions of safety.
- Access and egress from the property to The Backwater is able to be achieved in a safe manner.
- Significant areas of the proposed lots are available for landscaping which will be consistent with the character of the area and will assist to soften the built form.

Similarly for the reasons stated above, the proposal is considered to achieve the relevant strategies within Clause 15.01-1L-01 Urban Design – General.

The proposed subdivision is practical and sensible meeting the relevant strategies of Clause 15.01-3S Subdivision Design:

- It will contribute to the establishment of a compact neighbourhood with walkable distances between activities.
- Future residents will benefit from proximity to the neighbourhood centre and other local facilities in Eastwood, assisting to create a strong sense of place that is functional, safe and attractive.
- Native habitat values of the river corridor will not be detrimentally impacted.

It is considered that the proposed development respects the neighbourhood character of the area. The proposed building footprint is comparable to established dwellings on the south side of the street. Proposed setbacks from the front, rear and sides of the allotment are consistent with setbacks in the area, and the pitched roof form, material and colours proposed are reflective of the existing character of the area as sought by Clause 15.01 Built Environment.

Housing Supply at Clause 16.01-1S is assisted by the proposed development, increasing the proportion of housing in an established urban area, reducing the share of new dwellings in greenfield and fringe areas.

Clause 16.01-2 Housing Affordability seeks to deliver more affordable housing closer to jobs, transport and services. The proposed development will contribute to market choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.

The proposed development will see the introduction of two vehicle crossings onto The Backwater, which is an urban sealed road. The proposed crossovers will not conflict with any infrastructure within the road reserve and will add minimal traffic volumes. On-street parking is not in high demand in this location.

5.2 Municipal Planning Strategy

Clause 02.01 Context advises that Bairnsdale is a growth area town with the largest population in the municipality, being the regional retail and service centre for the Shire.

Council has developed strategic directions to facilitate and guide land use planning outcomes.

Support for the proposed development is found within Clause 02.03-1 Settlement and Housing – Growth area towns. The proposal facilitates population growth and development on fully serviced residential land within a growth area towns contributing to a range of housing types and styles.

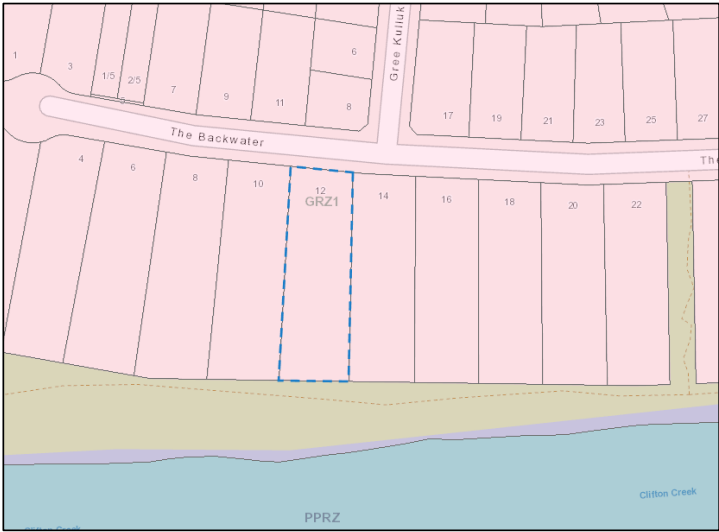
Consistent with Clause 02.03-2 Environment and Landscape Values, the proposed development will not detract from the biodiversity of the Mitchell River Backwater with the development is well setback from the river corridor. The proposed dwellings will be connected to reticulated sewerage and rainwater tanks which provides for detention and reuse.

As the land is located within an Erosion Management Overlay, the application is supported with a geotechnical risk assessment, which advises that the proposed building construction and subdivision will not result in an erosion hazard, however sediment movement during construction works will need to be managed, consistent with Clause 02.03-3 Environmental Risks and Amenity.

6. Planning Elements

6.1 General Residential Zone

The subject site is located within the General Residential Zone in accordance with the East Gippsland Planning Scheme.



Planning scheme zone mapping (Source: VicPlan)

It is considered that the proposed development meets the purposes of the zone. Strong policy support is offered in the State Planning Policy Framework and Municipal Planning Strategy, with regard to and respect for the neighbourhood character and provision for housing growth in a well serviced location.

Clause 32.08-3 Subdivision advises that proposed two lot subdivisions must appropriately address the objectives and standards of Clauses 56.03-5, 56.04-2, 56.04-3, and 56.06-8 to 56.09-2 (inclusive).

The minimum garden area requirement for lots above 650 square metres is 35%. The proposed development exceeds this requirement as prescribed by Clause 32.08-4, and will achieve garden area of 1,544 sqm or 75.1 % of the lot.

Clause 32.08-6 Construction of Two or More Dwellings on a Lot identifies that a development must meet the requirements of Clause 55.

The proposed development does not exceed the maximum building height of 11 metres as nominated at Clause 32.08-10.

The following table provides comment against the relevant standards and objectives of Clause 55 as applying to the proposal.

Clause 55 – Two or more dwellings on a lot

Objective	Comment
55.01-1 Neighbourhood and site description	Complies A description of the site and surrounding neighbourhood is included at Section 2 of this Report. A Site Context Plan accompanies the Application.
55.01-2 Design Response	Complies The proposed development has been designed and sited having regard for the existing site features and adjoining development. The design appropriately utilises the site dimensions and area. The generous land area allows the proposed dwellings to be centrally located on the land, incorporating appropriate setbacks to all boundaries. The design proposes that the duplex will appropriately present to the Mitchell River Backwater consistent with built form south of The Backwater, and provides for secondary living areas at first floor to achieve solar access. The proposed built form will allow for north facing private open space located to the rear of each garage and to the side of each dwelling, accessible from the dining room. The accompanying plans include detail of the proposed development in relation to the existing development contained on the adjoining land.
55.02-1 Neighbourhood character	Complies The design of the proposed development respects the existing neighbourhood character by responding to the features of the site and surrounding area. The proposed dwellings are well spaced with appropriate setbacks from side boundaries, incorporate pitched roofs and use materials common to the area. Setbacks from the street frontage are respectful of the streetscape, generous permeable areas provide for meaningful landscaping opportunities and no front fencing is proposed. There is no Neighbourhood Character Overlay applicable, however local policy identifies the existing urban area of Bairnsdale should provide for incremental infill.
55.02-2 Residential policy	Complies The proposed development is consistent with relevant sections of the Municipal Planning Strategy and State Planning Policy Framework as outlined in Section 5 of this Report.
55.02-3 Dwelling diversity	N/A Less than 10 dwellings are proposed.
55.02-4 Infrastructure	Complies All necessary infrastructure is available to the land and has capacity to accommodate the proposed development.

Objective	Comment
55.02-5 Integration with the street	Complies <p>The proposed development has been designed and sited to ensure integration with existing development within the street.</p> <ul style="list-style-type: none"> Two new vehicle crossovers are proposed to The Backwater. Each of the dwellings will be double storey, with the dwellings remaining in keeping with the built form aligning the street. Articulated facades with central spine built form provides for integration and casual surveillance of the street. There is no front fencing proposed, which is considered acceptable in context of the nearby property street frontages.
55.03-1 Street setback	Complies <p>The neighbourhood character of the area features limited front setbacks north of The Backwater, with larger setbacks to the south of The Backwater.</p> <p>The proposed development will establish dwellings with a street setback of ranging between 10.74m and 10.4m to the dwelling façade, and 11.83m to 10.915m to the garages which is considered to respect the existing neighbourhood character.</p> <p>Front setbacks exceed 9m, meeting the standard and allows the built form to respect the adjoining neighbours southern building line.</p>
55.03-2 Building heights	Complies <p>The overall height of the buildings is less than 11 metres as specified within the GRZ.</p> <p>Given the topography of the subject land, the maximum height will range from 9.825m to 10.69m to the south of the proposed dwelling.</p> <p>However, with the use of a site cut will have the building read from the street at 8.205 metres which respects the existing character of the area.</p> <p>Furthermore, the first floor has a centralised built form which assists with transitioning the height from the adjoining dwellings to the east and west.</p>
55.03-3 Site coverage	Complies <p>Standard B8 stipulates that the site area covered by buildings should not exceed 60% where there is no site coverage specified in a schedule to the zone.</p> <p>The site coverage of the proposed development is 17.5% which is substantially less than the maximum site coverage of 60% otherwise allowed under Standard B8.</p>

Objective	Comment
55.03-4 Permeability and Stormwater Management	Complies <p>Standard B9 stipulates that the site area covered by pervious surfaces should be at least 20% of the site, where there is no minimum area specified in a schedule to the zone.</p> <p>The site permeability for the proposed development is approximately 78% of the site area, ensuring the development easily complies with Standard B9.</p>
55.03-5 Energy efficiency	Complies <p>The land parcel has a north-south orientation. Development along the southern part of The Backwater faces south towards the Mitchell River to take advantage of the views offered.</p> <p>The design seeks a compromise to achieve solar access to the buildings by providing a secondary living space on the first floor with a northern orientation.</p> <p>Shadow diagrams reveal that neighbouring properties will not be subject to unreasonable overshadowing, and rooftop solar systems will not be impacted.</p>
55.03-6 Open space	Complies <p>Whilst there is no communal open space as part of this proposal, Section 2 of this Report highlights the abundance of recreational opportunities and open space available within close proximity to the subject land.</p> <p>The proposed dwellings achieve the required secluded private open space requirements.</p>
55.03-7 Safety	Complies <p>The layout of the proposed development provides for the safety and security of residents consistent with Standard B12.</p> <p>Both dwellings will present directly to The Backwater. Entrances to each dwelling will be easily identifiable from street. There are no front fences proposed that may otherwise obscure the visibility of entrances from the street.</p> <p>The entries are pronounced by a porch in front of the entry door, and access from garages is provided directly to the dwellings.</p>
55.03-8 Landscaping	Complies <p>Development within the precinct is generally complimented by lower scale ornamental style gardens with typically grassed front yards.</p> <p>Low scale landscaping will be incorporated to the front of dwellings and within the secondary areas of private open space.</p> <p>A detailed landscape plan is able to be provided as a condition of permit.</p>

Objective	Comment
55.03-9 Access	<p>Complies</p> <p>The number and design of vehicle crossovers is considered to respect the neighbourhood character whilst maximising the efficiency of the development.</p> <p>Standard B14 stipulates that the width of accessways should not exceed 33% having regard for the width of the street frontage which is 24 metres. The proposed crossovers will comprise a total width of 6 metres, representing 25% of the total site frontage (25%).</p>
55.03-10 Parking location	<p>Complies</p> <p>Vehicle parking for residents will be practical and convenient with the proposed dwellings provided with secure double garages with internal access to the respective dwellings.</p> <p>With a total of 2 dwellings on the land there is no requirement to provide on-site visitor car parking. Adequate parking in front of the garages is available to cater for visitors.</p>
55.04-1 Side and rear setbacks	<p>Complies</p> <p>The height and setback of each of the proposed dwellings from boundaries is considered to respect the neighbourhood character and limit impacts on the amenity of existing adjoining dwellings. The existing dwellings on adjoining properties present walls setback from boundaries.</p> <p>As there is no distance specified in Schedule 1 to the General Residential Zone in the East Gippsland Planning Scheme, a new building not on a boundary should be setback at least 1.0 metre plus 0.3 metres for every metre of height over 3.6 metres.</p> <p>Wall heights of the eastern and western walls are generally proposed at 6.290m except for a small length to the north of the building at 6.835m. The garage height is 3.44m.</p> <p>The setbacks of the garage to the east is 3.225m and west 3.009m. The first floor setback to the east is 7.425m and west is 6.97m.</p> <p>Side setbacks are well achieved by the proposal.</p>
55.04-2 Walls on boundaries	<p>Complies</p> <p>No walls are proposed on boundaries, ensuring the character of the area is maintained complying with Standard B18.</p>
55.04-3 Daylight to existing windows	<p>Complies</p> <p>The proposed development will allow adequate daylight into existing habitable room windows of adjoining dwellings.</p> <p>Standard B19 outlines that habitable room windows should be provided with a light court which has a minimum area of 3m² and minimum dimension of 1.0 metre clear to the sky.</p> <p>This objective and standard is achieved as the proposed development is appropriately setback from the existing development on the adjoining allotments. The position of the proposed development avoids a reduction of daylight to habitable room windows of existing dwellings on adjoining properties.</p>

Objective	Comment
55.04-4 North facing windows	Complies There are no north-facing habitable room windows of existing dwellings on abutting lots within 3 metres of a boundary adjoining the subject land.
55.04-5 Overshadowing open space	Complies The proposed development will have no unreasonable impacts on overshadowing of secluded private open space and habitable room windows of existing development on the adjoining allotments. The proposal is offset from the eastern and western boundaries.
55.04-6 Overlooking	Complies Overlooking from habitable rooms has been treated with raised sill heights and with fixed obscure glazing to 1.7m above finished floor level. The proposal is therefore considered to satisfy the requirements of Standard B22.
55.04-7 Internal views	Complies Secluded private open space will be provided to the east and west of the proposed dwellings. The open space to the south of the dwellings is not secluded private open space.
55.04-8 Noise Impacts	Complies The subject land is not located adjacent to any noise sources that would affect the amenity of future residents. The subject land does not abut an arterial road, railway line or industrial land.
55.05-1 Accessibility	Complies The proposed development has considered the needs of people with limited mobility with the living areas able to be accessed. Each of the proposed dwellings have entertainment areas which comprise an open plan kitchen/dining/living area and a bedroom with ensuite on the ground floor.
55.05-2 Dwelling entry	Complies The front entrance to each dwelling will be immediately visible from the street. The entry point to each of the proposed dwellings will be easily identified as they will present under a covered porch. Porches also provide a transitional space at the entrance to each dwelling in accordance with Standard B26.
55.05-3 Daylight to new windows	Complies All habitable room windows have an outlook to an outdoor space clear to the sky.

Objective	Comment
55.05-4 Private open space	Complies <p>Standard B28 outlines that a dwelling should have private open space of 40m² in area, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m², a minimum dimension of more than 3.0 metres and convenient access from a living room.</p> <p>The secluded private open space requirements are met. All dwellings have an area exceeding 25m² with a minimum dimension of 3.0 metres and convenient access from a living room. Secondary open space is provided to the south of the dwellings.</p>
55.05-5 Solar access to open space	Complies <p>The proposed development has been designed to facilitate solar access into the secluded private open space areas of each dwelling.</p> <p>Each of the proposed dwellings have been provided with private open space with a northern solar exposure.</p>
55.05-6 Storage	Complies <p>Each dwelling will be provided with external storage of 6 cubic metres.</p>
55.06-1 Design detail	Complies <p>The proposed development is considered to respect the neighbourhood character, consistent with Standard B31.</p> <p>Whilst there is no defined neighbourhood character of the precinct, there is a clear trend towards contemporary dwellings with pitched roofs in the area.</p> <p>Use of rendered brickwork with pitched roofs is also complimentary to existing development observed throughout the neighbourhood, which includes a variety of building materials including masonry products and some lighter weight cladding.</p>
55.06-2 Front fences	Complies <p>Front fencing styles vary in the street. Some properties within the neighbourhood do not comprise front fencing.</p> <p>The requirements of Standard B32 are achieved, as there is no front fencing proposed.</p>
55.06-3 Common property	N/A <p>No Common Property is proposed.</p>
55.06-4 Site services	Complies <p>Each dwelling has adequate provision for storage of rubbish bins within the confines of each lot.</p> <p>Reticulated services including electricity, water, sewerage, telecommunications and gas are all available to the site. Mail boxes for the proposed dwellings at the front of the site will be provided.</p>

The following table provides comment against the relevant standards and objectives of Clause 56 relevant to a two lot subdivision.

Clause 56 – Residential Subdivision

Objective	Comment
56.03-5 Neighbourhood Character	Complies The character of the area consists of residential allotments of various sizes, shapes and area. It is acknowledged that lot sizes and shapes are relatively consistent to the south of The Backwater. The proposed subdivision will maintain the north-south lot orientation, will still provide for generous lot areas particularly given the residential context of the land and the design will complement the proposed dwellings.
56.04-2 Lot area and building envelopes	Complies The lots are practical responding to the proposed development and allowing for efficient servicing. It is anticipated that Council may determine a legal agreement is necessary to ensure the proposed lots may only be developed in accordance with the development plans.
56.04-3 Solar orientation of lots	Complies Both lots contain sufficient area to provide for appropriate solar orientation for the establishment of the dwellings and private open space as proposed.
56.04-5 Common Areas	N/A There are no areas of Common Property proposed.
56.06-8 Lot access	Complies Access to the subject land for both lots can be easily achieved from The Backwater. No street infrastructure will be detrimentally impacted by the proposed vehicle crossings. It is conservatively estimated that vehicle volumes within The Backwater will be increased by 10 vehicle movements per day through the inclusion of one additional dwelling. The Backwater, being an urban road, has sufficient capacity to absorb the minor increase in additional vehicle movements.
56.07-1 Drinking water supply	Complies Reticulated water will be required to be connected to both proposed lots.
56.07-2 Reused and recycled water	Complies The proposed dwelling development will incorporate 5000 litre rainwater tanks per dwelling, reducing the reliance on potable water and assisting to detain stormwater.

Objective	Comment
56.07-3 Wastewater management	Complies Reticulated sewer is established within the precinct. Both proposed allotments will require connection to sewer consistent with Standard C24.
56.07-4 Urban run-off management	Complies Stormwater detention will be provided by 5,000 litre rainwater tanks per dwelling. Drainage can be connected to the existing municipal drainage system.
56.08-1 Site management	Complies Both the development and subdivision can be appropriately managed in accordance with Council's requirements.
56.09-1 Shared trenching	Complies Services will be provided in shared trenching and in accordance with service authority requirements.
56.09-2 Electricity, telecommunications and gas	Complies The proposal will make good use of a full range of existing services as available within the precinct. Both proposed allotments can be connected to reticulated power and telecommunications. Gas is available within the locality, should connection be desired.

It is considered that the decision guidelines at Clause 32.08-13 are achieved by the proposal:

- Planning policy and the purposes of the zone provide strong support.
- No objectives or decision guidelines are contained in the Schedule to the Zone.
- No overshadowing of existing rooftop solar energy systems on dwellings on adjoining lots will take place.
- Building separation is respected through the central development of the dwellings on the lot affording good setbacks from neighbouring dwellings.
- Objectives and standards contained in Clauses 55 and 56 are met.

6.2 Erosion Management Overlay

The land is partly contained within the Erosion Management Overlay.



Extract from Erosion Management Overlay mapping (Source: VicPlan)

The Schedule of the Overlay informs that a Geotechnical Risk Assessment must accompany an application.

In circumstances where a suitably qualified and experienced geotechnical practitioner determines that a geotechnical risk assessment is not relevant to the assessment of an application, the responsible authority may reduce or waive the requirement for a geotechnical risk assessment.

The site has been inspected by *Chris O'Brien and Company* who advise that the erosion risk on the land and associated with the proposed subdivision and development is low. Correspondence supporting the Application suggests the need for a full Geotechnical Risk Assessment for the proposed development is unwarranted, and that the requirement should be waived.

The correspondence includes recommendation for techniques to be adopted during construction to minimise risk of erosion. There are considered to be no issues arising.

7. Conclusion

The proposed development of two dwellings and two lot subdivision at 12 The Backwater, Eastwood is considered to accord with all relevant provisions of the General Residential 1 Zone and Erosion Management Overlay of the East Gippsland Planning Scheme. The proposal is consistent with the Planning Policy Framework and Municipal Planning Strategy and has been designed to complement the neighbourhood character and adjoining properties.

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

Crowther & Sadler
5 April 2023

→ 15283

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

24/7/12

20 July 2012

Corporate Centre
273 Main Street (PO Box 1618)
Bairnsdale Victoria 3875
Telephone: (03) 5153 9500
National Relay Service: 133 677
Residents' Information Line: 1300 555 886
Facsimile: (03) 5153 9576
Email: feedback@egipps.vic.gov.au
ABN: 81 957 967 765

Mr Michael Sadler
Crowther and Sadler Pty Ltd
Licensed Surveyors and Town Planners
PO Box 722
BAIRNSDALE VIC 3875

Dear Mr Sadler *Michael*

Expiration of Section 173 Agreement – Eastwood Estate, Eastwood

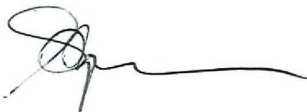
Thank you for your letter dated 13 June 2012 regarding the Eastwood Estate's Section 173 Agreement. I apologise for the delay in responding.

I have been informed that Mr Aaron Hollow, Manager Development is in the final stages of reviewing the Agreement and is working with Council's engineering team to ensure that as you suggest, all covenants and agreements have been satisfactorily completed.

I understand that the recent VCAT decision in relation to ending 173 Agreements makes it almost impossible to develop the Eastwood Estate in the manner that is supported by current planning policy and I am therefore encouraged to hear that based on a preliminary review, Mr Hollow acknowledged that the development is effectively completed. I also understand that Council's Planning Unit has some applications that are waiting on the completion of this review, so every effort will be made to finalise our position as soon as possible.

I look forward to hearing the final outcome of the review and if you require any additional information, please contact Mr John Websdale, Director Development on 5153 9500.

Yours sincerely



STEVE KOZLOWSKI
Chief Executive Officer



STORM Rating Report

TransactionID: 1545618
Municipality: EAST GIPPSLAND
Rainfall Station: BAIRNSDALE
Address: 12 The Backwater

Eastwood
VIC
Assessor: Aaron Hollow
Development Type: Residential - Multiunit
Allotment Site (m2): 2,056.00
STORM Rating %: 113

Description	Impervious Area (m2)	Treatment Type	Treatment Area/Volume (m2 or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Dwelling 1	179.40	Rainwater Tank	5,000.00	4	112.90	97.30
Dwelling 2	179.40	Rainwater Tank	5,000.00	4	112.90	97.30

Date Generated: 15-Mar-2023

Program Version: 1.0.0

CHRIS O'BRIEN & COMPANY PTY LTD
CONSULTING CIVIL & STRUCTURAL ENGINEERS
ABN: 69 006 752 656

Reference No: B23123

Project No: 240323

21/03/2023

Crowther & Sadler Pty Ltd
P.O. Box 722
BAIRNSDALE Vic 3875

Attn: Aaron Hollow

Email: aaron@crowthersadler.com.au

Dear Aaron,

**RE: Proposed Dual Occupancy & 2 Lot Subdivision (Earthworks Greater 1m)
12 The Backwater, Eastwood.**

Chris O'Brien & Company Pty Ltd have been engaged by Richard Hoxley of Crowther & Sadler Pty Ltd to determine whether or not a full Geotechnical risk assessment report is required for a proposed dual occupancy & 2 lot subdivision (Earthworks Greater 1m) at 12 The Backwater, Eastwood Vic 3875. An erosion management overlay exists over the property.

The purpose of this letter is to determine if the works to be carried out on this site will be a risk to the surrounding environment and is to be used in the planning application process only. This letter is not a soil classification report and shall not be used for this purpose.

Information contained in this letter is from a visual inspection of the site and based on information supplied to Chris O'Brien & Company Pty Ltd on the work to be completed on the site.

The site was inspected by Andrew Powell on the 20th March 2023.

Inspection of the allotment confirmed no erosion problems currently exist on the site. The allotment had a good grass cover and had falls generally from north to south. The displayed consistent falls except for the southern end which falls steeper to the reserve with maximum falls of about 1 in 5 where the dwellings are to be constructed. The site was clear of any significant vegetation. Access to the allotment is from The Backwater with crossovers to be completed when the dwellings are constructed.

For the dual occupancy dwellings to be constructed a building platform will need to be excavated on the site with cut and fill batters to be formed, with all construction works limited to the north end of the allotment to minimise cut and fill depths. These cut and fill batters will then be either stabilised by topsoil and grassing or supported by retaining structures. It is recommended that these batters are limited to the following slopes with cut batters not to exceed 1 in 1.5 and fill batters not to exceed 1 in 2. During all excavation

All correspondence to:
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Traralgon Vic. 3844

13^A Church Street
Traralgon Vic. 3844

Telephone (03) 5174 9911
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Crowther & Sadler Pty Ltd

Dual Occupancy & 2 Lot Subdivision at 12 The Backwater, Eastwood

Project No. 240323

Page 2 of 7

works we recommend silt fencing be placed to the south of the proposed works to protect assets such as the Mitchell River backwater with these silt fences to remain in place until all batters have been retained or stabilised. Should this be completed then we expect no environmental risks from the work to be undertaken. Footings for the proposed dwelling will only require minor excavation works.

For the creation of the 2 lot subdivision additional service connections will need to be provided. With all services available only shallow trenching and excavation works are expected and provided silt fencing is provided as noted above then no environmental risks are expected from this work.

Storm water created from the proposed dwellings and subdivision will be directed to the legal point of discharge via water tank and underground pipe drainage system. Should this be done we expect no environmental risks from this source.

We therefore suggest that a full geotechnical risk assessment report is not required for this development. As long as normal precautions are taken, such as provision of silt fences during any excavation and trenching works and ensuring these stay in place until all batters are retained or stabilised and all storm water is directed to water tank and underground pipes, we anticipate no environmental risks with the work to be undertaken.

Should you need to clarify anything, please contact the Andrew Powell on 0402384596

Yours faithfully,



Andrew Powell Assoc.Dip (Civil)
for CHRIS O'BRIEN & COMPANY PTY LTD

Crowther & Sadler Pty Ltd
Dual Occupancy & 2 Lot Subdivision at 12 The Backwater, Eastwood

Project No. 240323
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Photos Below Show the Street Views.



Crowther & Sadler Pty Ltd
Dual Occupancy & 2 Lot Subdivision at 12 The Backwater, Eastwood

Project No. 240323
Page 4 of 7

Photos Below Show General Site Layout.



Crowther & Sadler Pty Ltd
Dual Occupancy & 2 Lot Subdivision at 12 The Backwater, Eastwood

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Crowther & Sadler Pty Ltd
Dual Occupancy & 2 Lot Subdivision at 12 The Backwater, Eastwood

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Crowther & Sadler Pty Ltd
Dual Occupancy & 2 Lot Subdivision at 12 The Backwater, Eastwood

Project No. 240323
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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Wednesday, 5 July 2023 1:59:53 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: Colin A Garth

Email address:

Postal address

Mobile phone number

Planning permit number: 100/2023/P

What has been proposed?: Development of Two Dwellings and Two lot subdivision

What is the address to be used or developed?: 12 The Backwater Eastwood

Who has applied for the permit?: Crowther and Sadler

What are the reasons for your objection?: The Outdoor area of Dwelling No1 overlooks my main outdoor private living area. It also gives direct line of sight into my master bedroom and possibly into my second bedroom. I use this outdoor area because it is safe for visiting children to play and a sheltered environment for relaxing and entertaining. My southern deck is shaded and cold in the winter and subject to strong Easterly and Westerly winds throughout the summer.

How would you be affected by the granting of this permit?: Granting of this permit in its current form will adversely effect the way I live in this home which I have enjoyed the last six years and bought with the expectation that one day a single dwelling would be built on No12. To resolve this problem I believe the East Wall of the proposed outdoor living space should be treated the same way as the East Facing overlooking windows, that is, a fixed screen or glazing to at least 1.7m high. The view to the North and South is not effected

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Friday, 7 July 2023 2:39:45 PM

To: Planning Unit Administration

Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: Peter Trewin

Email address

Postal address : Eastwood 3875

Mobile phone number

Home phone number:

Planning permit number: 100/2023/P

What has been proposed?: Dual subdivision

What is the address to be used or developed?: 12 The Backwater Eastwood

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: The Backwater Eastwood was developed with large 1/2 acre blocks along the south side to create a distinct character and lifestyle. Should the granting of dual subdivision be granted for this block it will create a precedent that would see many of the south side blocks enabled to be subdivided. I object to this subdivision as it would affect the original intent of the development. The proposed subdivision is inconsistent with the state and local planning frameworks, the General Residential Zone provisions and clause 58 of the East Gippsland Planning Scheme,

How would you be affected by the granting of this permit?: The value of my house could be affected as the street would no longer offer the country feel and openness that attracted me to buy here. With the precedent broken for further subdivisions the street would have heavier traffic flows and perhaps car parking.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Friday, 7 July 2023 2:57:45 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: Julie Trewin

Email address:

Postal address : Eastwood 3875

Mobile phone number:

Home phone number

Planning permit number: 100/2023/P

What has been proposed?: Dual subdivision

What is the address to be used or developed?: 12 The Backwater Eastwood Lot 93 PS 521909

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: The Backwater Eastwood is a unique residential area with large 1/2 blocks on the south side providing residents space and amenity. The sub division is inconsistent with the state and local planning policy frameworks, the General Residential Zone provisions and clause 58 of the East Gippsland Planning Scheme. Should permission be given to this subdivision a precedent would be set enabling all the blocks on the south side of The Backwater to be subdivided severely changing the area.

How would you be affected by the granting of this permit?: My real estate value could be affected as the area would not have the current 1/2 acre block nature and feel. With additional density in housing more traffic would be encountered along with cars parked along the street.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Sunday, 9 July 2023 8:15:28 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: Poh Ng

Email address:

Postal address:

Mobile phone number

Planning permit number: 100/2023/P

What has been proposed?: Development of Two Dwellings and Two Lot Subdivision

What is the address to be used or developed?: 12 The Backwater Eastwood Lot 93 PS 521909

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: The proposed subdivision is against existing neighbourhood character. The southern (river) side is on a steep slope overlooking flood plains with limited land to build on. There have been precedents by VCAT of rejecting applications for subdivisions due to the proposals being against the planning policy of our council.

How would you be affected by the granting of this permit?: The proposed subdivision would have a detrimental effect on the amenity of the area. Our neighbourhood character would change and affect our lifestyle with increased traffic, noise etc.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Sunday, 9 July 2023 8:19:51 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: Jessie Ng

Email address:

Postal address

Mobile phone number

Planning permit number: 100/2023/P

What has been proposed?: Development of Two Dwellings and Two Lot Subdivision

What is the address to be used or developed?: 12 The Backwater Eastwood Lot 93 PS521909

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: The proposed subdivision is against existing neighbourhood character. The southern (river) side is on a steep slope overlooking flood plains with limited land to build on. There have been precedents by VCAT of rejecting applications for subdivisions due to the proposals being against the planning policy of our council.

How would you be affected by the granting of this permit?: The proposed subdivision would have a detrimental effect on the amenity of the area. Our neighbourhood character would change and affect our lifestyle with increased traffic, noise etc.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Sunday, 9 July 2023 8:22:00 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: Hannah Ng

Email address:

Postal address

Mobile phone number:

Planning permit number: 100/2023/P

What has been proposed?: Development of Two Dwellings and Two Lot Subdivision

What is the address to be used or developed?: 12 The Backwater Eastwood Lot 93 PS521909

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: The proposed subdivision is against existing neighbourhood character. The southern (river) side is on a steep slope overlooking flood plains with limited land to build on. There have been precedents by VCAT of rejecting applications for subdivisions due to the proposals being against the planning policy of our council.

How would you be affected by the granting of this permit?: The proposed subdivision would have a detrimental effect on the amenity of the area. Our neighbourhood character would change and affect our lifestyle with increased traffic, noise etc.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Sunday, 9 July 2023 8:22:25 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: David Ng

Email address

Postal address :

Mobile phone number:

Planning permit number: 100/2023/P

What has been proposed?: Development of Two Dwellings and Two Lot Subdivision

What is the address to be used or developed?: 12 The Backwater Eastwood Lot 93 PS521909

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: The proposed subdivision is against existing neighbourhood character. The southern (river) side is on a steep slope overlooking flood plains with limited land to build on. There have been precedents by VCAT of rejecting applications for subdivisions due to the proposals being against the planning policy of our council.

How would you be affected by the granting of this permit?: The proposed subdivision would have a detrimental effect on the amenity of the area. Our neighbourhood character would change and affect our lifestyle with increased traffic, noise etc.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Sunday, 9 July 2023 6:59:23 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: Domenico M Galati

Email address:

Postal address Eastwood 3875

Mobile phone number

Planning permit number: 100/2023/P

What has been proposed?: Development of Two Dwellings and Two Lot Subdivision

What is the address to be used or developed?: 12 The Backwater Eastwood Lot 93 PS 521909

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: 1. The proposed subdivision is not respectful of the existing neighbourhood character. 2. The proposed subdivision will have a detrimental effect on the amenity of the area. 3. The proposed subdivision is inconsistent with the state and local planning policy frameworks, the General Residential Zone provisions and Clause 58 of the East Gippsland Planning Scheme. 4. Increased traffic flow. 5. We do not want subdivisions. Granting the permit will most certainly lead to further applications.

How would you be affected by the granting of this permit?: We love where we live and we are tired of developers trying to change our neighbourhood and the way it looks. We have chosen to invest our lives living on The Backwater, while the developers don't live here, so it will not effect them, but it will most certainly affect us, the residents of the backwater.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Sunday, 9 July 2023 7:07:40 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: Amber E Galati

Email address

Postal address

Mobile phone number

Planning permit number: 100/2023/P

What has been proposed?: Development of Two Dwellings and Two Lot Subdivision

What is the address to be used or developed?: 12 The Backwater Eastwood Lot 93 PS 521909

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: 1. The proposed subdivision is not respectful of the existing neighbourhood character. 2. The proposed subdivision will have a detrimental effect on the amenity of the area. 3. The proposed subdivision is inconsistent with the state and local planning policy frameworks, the General Residential Zone provisions, and Clause 58 of the East Gippsland Planning Scheme. 4. Increased traffic flow. 5. We do not want subdivisions. Granting the permit will most certainly lead to further applications.

How would you be affected by the granting of this permit?: We love where we live and we are tired of developers trying to change our neighbourhood and the way it looks. We have chosen to invest our lives living on The Backwater, while the developers don't live here, so it will not effect them, but it will most certainly affect us, the residents of the backwater.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]**Sent:** Monday, 10 July 2023 11:31:41 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: Veronica Davies**Email address:****Postal address** Eastwood**Mobile phone number:****Work phone number:****Planning permit number:** 100/2023/P**What has been proposed?:** 2 block subdivision**What is the address to be used or developed?:** 12 The Backwater Eastwood**Who has applied for the permit?:** Crowther & Sadler Pty Ltd on behalf of Aloisio & SAKELLAROPOULOS

What are the reasons for your objection?: The proposed subdividing is not respectful of the existing neighbourhood character and amenity. It is inconsistent with the state and local planning policy frameworks, the General Residential Zone provisions and Clause 58 of the East Gippsland Planning Scheme. Increased traffic flow which will adversely affect our lifestyle, traffic generated from Glendon Drive not just Gree Kulluk plc. The original subdivision was designed for larger homes and landscapes along the embankment of the area of the backwater. Similar subdivisions in Morton drive have resulted in non-existent landscaping that is prone to erosion. The original caveats placed upon these blocks was an attempt, by the council, to keep the areas unique charm and character. This proposed sub-division goes against this. The permits of colorbond sheds on the river side has already changed the look of the street to its detriment. Granting the permit in this instance almost certainly lead to further applications for subdivision of even developed blocks.

How would you be affected by the granting of this permit?: As stated above. 2 houses of 4 bedrooms could potentially be 8 cars on the one block that would not be set back and so there would be parking in the street and on the nature strip. We purposely invested in a long driveway to avoid this as required by the original covenant. My other concern is the inability to access the backwater track from those yards as the landscaping would be extremely steep. The subdivided properties on Morton drive are less steep and they aren't accessed or maintained. I believe the same problem would happen with a subdivision in the Backwater. Personally we have spent a lot of money defending the last permit application to protect the amenity of the street. It is constantly used by locals as a place to walk with great footpaths that you don't need to dodge cars left in driveways because there is no space allowed for parking in the house plan as is often observed on Gatehouse Drive. Units 1/2 of 5 The Backwater are already duplexes and as such built forward with minimal planning for car parking. The occupants of both those properties regularly park on the nature strip or in their driveways incurring onto the footpath. When council changed the lighting to LED it has reduced visibility for pedestrians around the suburb so having to negotiate vehicles around the houses at night is an issue.

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Monday, 10 July 2023 10:51:58 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: Glenn Calvert

Email address:

Postal address Eastwood Vic 3875

Mobile phone number:

Planning permit number: 100/2023/P

What has been proposed?: Development of two dwellings and two lot sub division

What is the address to be used or developed?: 12 The Backwater Eastwood 3875

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: My reasons for the objection to the above permit application is the same reasons that 3 times the EG Shire has rejected same/similar applications and 3 times it has been to VCAT, and 3 times the permit has been refused. To list all those reasons would take many pages. I'm sure you can refer to them as you are no doubt aware of previous applications. The main reason is, because the Backwater is arguably one of the best streets in Bairnsdale and was designed to have larger properties built on them. Not subdivided, so cheap properties can be put on to give maximum financial reward to the developer and owner. We all know that the plans that have been submitted can be changed, and something completely different can be built there once the subdivision permit has gone through, as was the case in previous underhanded applications. The old theory that if you start off with a row of elephants, and one by one, you change them to a pig, you will end up with a row of pigs, which is entirely different to the streetscape at the present moment. The precedence has been set for no subdivisions along the south side of the Backwater. Can't get any simpler than that!

How would you be affected by the granting of this permit?: Once again, for the same reasons that the permit was refused (3) times by the EG Shire and VCAT, including precedence, streetscape, neighbourhood character, and inconsistent with State and Local planning policy.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Monday, 10 July 2023 11:05:44 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: Laurel Calvert

Email address

Postal address Eastwood 3875

Mobile phone number

Planning permit number: 100/2023/P

What has been proposed?: Development of Two Dwellings and Two Lot Subdivision

What is the address to be used or developed?: 12 The Backwater Eastwood

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: My reasons for the objection to the above permit application is the same reasons that 3 times the EG Shire has rejected same/similar applications and 3 times it has been to VCAT, and 3 times the permit has been refused. To list all those reasons would take many pages. I'm sure you can refer to them as you are no doubt aware of previous applications. The main reason is, because the Backwater is arguably one of the best streets in Bairnsdale and was designed to have larger properties built on them. Not subdivided, so cheap properties can be put on to give maximum financial reward to the developer and owner. We all know that the plans that have been submitted can be changed, and something completely different can be built there once the subdivision permit has gone through, as was the case in previous underhanded applications. The old theory that if you start off with a row of elephants, and one by one, you change them to a pig, you will end up with a row of pigs, which is entirely different to the streetscape at the present moment. The precedence has been set for no subdivisions along the south side of the Backwater. Can't get any simpler than that!

How would you be affected by the granting of this permit?: Once again, for the same reasons that the permit was refused (3) times by the EG Shire and VCAT, including precedence, streetscape, neighbourhood character, and inconsistent with State and Local planning policy.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Tuesday, 11 July 2023 1:51:05 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: Edward Campbell

Email address:

Postal address Eastwood Vic. 3875

Mobile phone number

Planning permit number: 100/2023/P

What has been proposed?: SUB-DIVISION & CONSTRUCTION OF DUPLEX

What is the address to be used or developed?: LOT93 / 12 THE BACKWATER EASTWOOD

Who has applied for the permit?: CROWTHER & SADLER PTY LTD (ACTUAL OWNERS NAMES HAS BEEN OBSCURED)

What are the reasons for your objection?: The proposed sub division is not respectful of the existing neighbourhood character. The proposed subdivision will have a detrimental effect on the amenity of the area. The proposed sub division is inconsistent with the state and local planning policy frameworks, the General Residential Zone provisions and Clause 58 of the East Gippsland Planning Scheme.

How would you be affected by the granting of this permit?: Increased traffic flow which will adversely affect our lifestyle. The original subdivision was designed for larger homes and landscapes along the embankment of the area of the backwater. Granting the permit in this instance almost certainly lead to further applications for subdivision of even developed blocks.

Attach any further information: [Further information.pdf](#)

Privacy Statement: Yes

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The south side of The Backwater has been the subject of similar applications for subdivision on a number of occasions over the past ten years. The Council has on each occasion, not granted a permit and has defended the decision when the relevant developers have applied for review by Victorian Civil and Administrative Tribunal. The Tribunals have affirmed the decision made by the Council and directed that no permit be issued.

It has often been documented that the south side of The Backwater is significantly different to the north side. The majority of blocks, including the block in question consist of a steep slope onto flood plains. As a consequence the remaining land area able to be built upon is considerably less than the stated land area.

On very much a personal note, we have become tired of developers who wish to change the face an area in which we, the residents, have chosen to invest our lives, while the developers then go back to their own homes unaffected by the changes their developments have brought about. It often appears that while some people see beauty and serenity, others see only a financial opportunity!

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Tuesday, 11 July 2023 1:58:10 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: Rosemary Campbell

Email address:

Postal address: Bairnsdale Vic 3875

Mobile phone number:

Planning permit number: 100/2023/P

What has been proposed?: SUB-DIVISION & CONSTRUCTION OF DUPLEX

What is the address to be used or developed?: LOT93 / 12 THE BACKWATER EASTWOOD

Who has applied for the permit?: CROWTHER & SADLER PTY LTD (ACTUAL OWNERS NAMES HAS BEEN OBSCURED)

What are the reasons for your objection?: The proposed sub division is not respectful of the existing neighbourhood character. The proposed subdivision will have a detrimental effect on the amenity of the area. The proposed sub division is inconsistent with the state and local planning policy frameworks, the General Residential Zone provisions and Clause 58 of the East Gippsland Planning Scheme.

How would you be affected by the granting of this permit?: Increased traffic flow which will adversely affect our lifestyle. The original subdivision was designed for larger homes and landscapes along the embankment of the area of the backwater. Granting the permit in this instance almost certainly lead to further applications for subdivision of even developed blocks

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Wednesday, 12 July 2023 9:04:15 PM

To: Planning Unit Administration

Subject: Objection to a Planning Permit Application

Objection to a Planning Permit Application

An 'Objection to a Planning Permit Application' has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Name: Peter Ridley

Email address:

Postal address

Mobile phone number

Home phone number:

Work phone number:

Planning permit number: 100/2023/P

What has been proposed?: Development of a Two Lot Subdivision with Two Dwellings

What is the address to be used or developed?: 12 The Backwater Eastwood 3875

Who has applied for the permit?: Crowther and Sadler Pty Ltd

What are the reasons for your objection?: My objection to the subdivision is that the street was originally designed to have larger blocks with larger properties built on them. The Backwater has a pleasing streetscape and is admired by many for the properties that are there. By allowing smaller blocks and a cheaper style of housing the street scape which is one of the most sought after in Bairnsdale will be denigrated. Another reason for objecting to the subdivision is that three other similar proposals for subdivision along this street have been rejected by the East Gippsland Shire and backed by VCAT to also refuse the subdivisions. The precedent has been set and there is no grounds for any change drawn from previously presented arguments. Any change would be inconsistent with the neighbourhood character and adjoining properties, the streetscape and previous local planning policy. I feel that one developer's grab for a quick cash return with little regard for the other residents in the street who have bought and built in an area that they expect to be consistent and have placed faith in the planning that was already in place should not be granted at the expense of others.

How would you be affected by the granting of this permit?: As stated the streetscape and nature of the area that was originally intended would be marred and irreversibly changed to benefit a few individuals that have little interest in the interests of the community. This type of subdivision permit on this street has been denied 3 times by the East Gippsland Council and VCAT and should not be allowed to go ahead.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Wednesday, 12 July 2023 6:23:24 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: Nicole Backman

Email address:

Postal address Kyneton

Planning permit number: 100/2023/P

What has been proposed?: Development of two dwellings and two lot sub division

What is the address to be used or developed?: 12 The Backwater Eastwood 3875

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: The Backwater is a beautiful street with some lovely homes and allowing a subdivision changes the whole area and starts an unwelcome precedence for others to follow. If developers do wish to subdivide, there are plenty of other opportunities available around the area for them to purchase and build as they wish.

How would you be affected by the granting of this permit?: I was a longtime resident of The Backwater and grew up living on that street for many years. My parents built one of the original homes and still live there, and it would be such a shame to have such a prestigious streetscape affected by not just one but potentially many subdivisions.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]

Sent: Thursday, 13 July 2023 5:11:48 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: Tom Calvert

Email address

Postal address

Mobile phone number

Planning permit number: 100/2023/P

What has been proposed?: Development of Two Dwellings and Two Lot Subdivision

What is the address to be used or developed?: 12 The Backwater EASTWOOD

Who has applied for the permit?: Crowther & Sadler Pty Ltd

What are the reasons for your objection?: The Backwater is arguably one of the nicest streets in Bairnsdale, with wide blocks that are both visibly pleasing from the street and also many of the well landscaped blocks add to the ambience of the riverside walk. Approving this subdivision would of course be setting a precedent for any subdivision to be approved down the track. I believe that by allowing a subdivision it waters down the high standard of housing along that street and sets an irreversible precedent for it to be watered down further.

How would you be affected by the granting of this permit?: I moved to the backwater with my family in 2006. Although I live out of town now, I intend on returning to Bairnsdale to live, potentially at the Backwater, and would be disappointed to see the integrity of the street compromised.

Privacy Statement: Yes

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From: Snapforms Notifications [no-reply@snapforms.com.au]**Sent:** Thursday, 13 July 2023 8:45:00 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: Paul Davies**Email address****Postal address** Eastwood**Mobile phone numbe****Planning permit number:** 1002023ip**What has been proposed?:** subdivision and dual occupancy house for 4 bedrooms per house**What is the address to be used or developed?:** 12 the backwater eastwood**Who has applied for the permit?:** crowther and sadler

What are the reasons for your objection?: The proposed subdivision is not respectful of the existing neighbourhood character and amenity. It is inconsistent the the state and local planning policy frameworks, the General Residential Zone provisions and Clause 58 of the East Gippsland Planning Scheme. Increased traffic flow which will adversely affect our lifestyle, traffic generates from Glendon Drive not just Gree Kulluk plc. The original subdivision was designed for larger homes and landscapes along the embankment of the area of the backwater. Similar subdivisions in Morton drive have resulted in non existant landscaping that is prone to erosion. The original caveats placed upon these blocks was an attempt, by the council, to keep the areas unique charm and character. This proposed sub-division goes against this. The permits of colorbond sheds on the river side has already changed the look of the street to it's detriment. Granting the permit in this instance almost certainly lead to further applications for subdivision of even developed blocks.

How would you be affected by the granting of this permit?: As stated above. 2 houses of 4 bedrooms could potentially be 8 cars on the one block that would not be set back and so there would be parking in the street and on the nature strip. We purposely invested in a long driveway to avoid this as required by the original covenant. My other concern is the inability to access the backwater track from those yards as the landscaping would be extremely steep. The subdivided properties on Morton drive are less steep and they aren't accessed or maintained. I believe the same problem would happen with a subdivision in the Backwater. Personally we have spent a lot of money defending the last permit application to protect the amenity of the street. It is constantly used by locals as a place to walk with great footpaths that you don't need to dodge cars left in driveways because there is no space allowed for parking in the house plan as is often observed on Gatehouse Drive. Units 1/2 of 5 The Backwater are already duplexes and as such built forward with minimal planning for car parking. The occupants of both those properties regularly park on the nature strip or in their driveways incurring onto the footpath. When council changed the lighting to LED it has reduced visibility for pedestrians around the suburb so having to negotiate vehicles around the houses at night is an issue.

Privacy Statement: Yes

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Mail - Michelle Wood - Outlook

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ABN: 81 957 967 765

Objection to Planning Permit Application

Planning and Environment Act 1987

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

Your Details:

Name: JEFF LINDSAY			
Postal address		BATER VIC EASTWOOD	
		Postcode	3871
Phone number: Home:	Work:	Mobil	
Email address:			Fax:

Permit Details:

Planning permit number: 100/2023/P
What has been proposed? SUB-DIVISION & CONSTRUCTION OF DUPLEX
What is the address to be used or developed? LOT93 / 12 THE BACKWATER EASTWOOD
Who has applied for the permit? CROWTHER & SADLER PTY LTD (ACTUAL OWNERS NAMES HAS BEEN OBSCURED)

Objection Details:

What are the reasons for your objection? IT WILL BE TOTALLY OUT OF CHARACTER WITH THE REST OF THE SOUTHSIDE OF THE STREET WHICH IS LARGE FRONTAGE, SINGLE DWELLING, WELL MAINTAINED, PRESTIGIOUS PROPERTIES. IT WILL DEVALUE THE SURROUNDING PROPERTIES AND THE VISUAL IMPACT OF THE STREET. DUPLEXES ARE NOT SUITED TO A STREET THAT IS CONSIDERED AN EXCLUSIVE STREET OF EASTWOOD AND THE BACKWATER ITSELF.

Privacy Statement

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<https://outlook.live.com/mail/0/sentitems/d/AQMkADAwATY0MDABLWNmNTUALTY5OQEIMDACLTAwCgBGAAAD1S8ZB35yq0m3bgX98U0tSg...> 1/2

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Mail - Michelle Wood - Outlook

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How would you be affected by the granting of this permit? I FEEL THE PROPERTY VALUES IN THIS STREET WOULD BE SIGNIFICANTLY DEVALUED & I WOULD BE CONCERNED THAT THIS MAY PROMPT OTHER PROPERTIES TO CONSIDER PUTTING ANOTHER DWELLING IN THEIR FRONT OR BACK YARD. I'M CONCERNED WE WOULD RESEMBLE MORTON DRIVE AND THE HIGH DENSITY THERE DUE TO SUB-DIVIDED PROPERTIES. WE BELIEVED WE WERE PROTECTED BY COUNCIL REGULATIONS IN REGARDS TO THE BACKWATER & THAT IS WHY WE BOUGHT LAND & ARE BUILDING ON THIS STREET. IF THIS HAD HAPPENED PRIOR TO OUR LAND PURCHASE WE WOULD NOT HAVE BOUGHT IN THE BACKWATER & WOULD HAVE BOUGHT ON ACREAGE FURTHER OUT. THERE CANNOT BE A PRECEDENCE SET THAT PERMITS THE DEVALUATION OF THIS EXCLUSIVE STREET. THIS IS STRICTLY TO ENABLE THE OWNERS TO BE GREEDY AND INCONSIDERATE AS THEY HAVE NO INTENTION OF RESIDING THERE

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

Signature	
Name: JEFF LINDSAY	Date: 08 / 07 / 2023

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

Important Notes about Objections to Permit Applications

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<https://outlook.live.com/mail/0/sentitems/id/AQMkADAwATY0MDABLWNmNTUALTY5OQEIMDACTAwCgBGAAAD1S8ZB35yq0m3bgX98U0tSg...> 2/2

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Mail - Michelle Wood - Outlook

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Objection to Planning Permit Application

Planning and Environment Act 1987

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

Your Details:

Name: MICHELLE WOOD			
Postal address		BAXTER VIC EASTWOOD)	
		Postcode	3 9 1 1
Phone number: Home:	Work:	Mobi:	
Email address			Fax:

Permit Details:

Planning permit number: 100/2023/P
What has been proposed? SUB-DIVISION AND CONSTRUCTION OF DUPLEX
What is the address to be used or developed? LOT 93/12 THE BACKWATER EASTWOOD
Who has applied for the permit? CROWTHER & SADLER PTY LTD (ACTUAL OWNERS NAMES HAS BEEN OBSCURED)

Objection Details:

<p>What are the reasons for your objection? ON RECENTLY PURCHASING 48 THE BACKWATER EASTWOOD & COMMENCING BUILDING, THE ATTRACTION TO PURCHASE ON THE SOUTH SIDE OF THE STREET WAS THE QUALITY OF THE HOMES & THE PROPERTIES THEMSELVES, WIDE FRONTAGES, ELITE HOMES, ATTRACTIVE & CONSISTENT QUALITY OF EACH PROPERTY - TO PERMIT A SUBDIVISION WHERE FRONTAGE PER PROPERTY WOULD BE 12M & TO PERMIT A DUPLEX DEVELOPMENT WOULD SEVERELY DIMINISH THE QUALITY & OUTLOOK OF THE SOUTH SIDE OF THE STREET & ENCOURAGE PROPERTIES WHO HAVE A LARGE SETBACK TO POTENTIALLY ATTEMPT TO SUBDIVIDE THEIR OWN PROPERTIES FURTHER DIMINISHING THE QUALITY OF THE PROPERTIES WITHIN THE STREET. A DUPLEX IS UNFORTUNATELY INDICATIVE OF DENSITY LIVING & HOUSING COMMISSION</p>
--

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<https://outlook.live.com/mail/0/id/AQMkADAwATY0MDABLWNmNTUALTY5OQEIMDACTAwCgBGAAAD1S8ZB35yq0m3bgX98U0tSgcA8gJlprs...> 1/2

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Mail - Michelle Wood - Outlook

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How would you be affected by the granting of this permit? I WOULD FEEL THE STREET WOULD BE
DEGRADED & WOULD DIMINISH THE QUALITY OF THE STREET WHICH WE CONSIDER TO BE ELITE
FOR THE AREA - SURROUNDING STREETS WHERE SUB-DIVISION, DENSE LIVING &
DUPLEXES HAVE BEEN PERMITTED VISUALLY REMIND ME OF HOUSING COMMISSIONS &
THE SOUTH SIDE OF THE BACKWATER NEEDS TO HAVE IT'S UNIQUENESS PROTECTED. IF WE
KNEW THAT OTHER OWNERS WOULD SEEK TO DEVALUE THE STREET FOR THEIR OWN
FINANCIAL GAIN WE WOULD NEVER HAVE BOUGHT IN THE STREET. I HAVE A FEAR OF
DEVALUATION OF OURS & OTHER PROPERTIES AS A DIRECT RESULT OF PERMITTING THIS
APPLICATION TO PROCEED

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

Signature: _____

Name: MICHELLE WOOD

Date: 01 / 07 / 2023

Office Use Only:

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

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

Important Notes about Objections to Permit Applications

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Objection to Planning Permit Application

Planning and Environment Act 1987

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>ALAN R BAIRD</u>	
Postal address: <u>EASTWOOD</u>	
Postcode <u>3113</u>	
Phone number: Home:	Work:
Email address:	Fax:

Permit Details:

Planning permit number: <u>100/2023/P</u>
What has been proposed? <u>DEVELOPMENT OF TWO DWELLINGS AND TWO LOT SUBDIVISIONS</u>
What is the address to be used or developed? <u>12 THE BACKWATER EASTWOOD</u>
Who has applied for the permit? <u>CROWTHER & SADLER PTY LTD</u>
<u>EGSC</u>
<u>10 JUL 2023</u>

Objection Details:

INFORMATION
MANAGEMENT

<p>What are the reasons for your objection?</p> <p>I wish to advise of my objection to, and provide comment on, the Planning Application for the development of the two, two story duplex style dwellings, and two lot subdivision of 12 The Backwater, Eastwood.</p> <p>The applicant's application must be considered in the light of planning guidelines related to the proposed development and the subdivision of the land into two lots with the ability to comply with the existing neighbourhood features and neighbourhood character. The application must consider the impact this would have on the characteristics and features of the existing neighbourhood.</p> <p>A small number of sites down either side of The Backwater would be sufficient to identify features of the neighbourhood that should influence the design of future developments in residential areas. Such features and characteristics to be considered would include the pattern and character of surrounding development on the south side of The Backwater; architectural and roof styles.</p> <p>For continuation please refer to the Attachment</p>

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

PLEASE SEE ATTACHMENT

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

Signature: _____

Name: ALAN R BAIRD

Date: 8 / 7 / 23

Office Use Only:

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

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

Important Notes about Objections to Permit Applications

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There are no lots on the south side of The Backwater with frontages such as those shown in the Concept Subdivision Plan, and , therefore the proposal is at complete variance of the streetscape in which it should comply.

The proposed subdivision is inconsistent with the State and Local Planning Policy frameworks , the General Residential Zone Provisions and Clause 58 of the East Gippsland Planning Scheme.

The key factor of this objection is the applicant's failure to demonstrate compliance with and understanding of the existing neighbourhood character. In many ways the proposed subdivision and development is disrespectful to the existing neighbourhood character.

The Eastwood Estate has been developed in a number of stages, is well planned and has provided for parcels of land of varying size. Different areas of the estate have been treated differently from other areas, none more so than The Backwater, which was envisaged as the prime location for development due to its views of the Backwater and the river flats of the Mitchell River.

"The Backwater" is very different to other areas of the Eastwood Estate and its housing development on the southern side as originally planned make it so, and any changes to downgrading of lot sizes would be detrimental to the already established developments and neighbourhood character.

Two previous Lot Owners in The Backwater sought division of their lots a battle axe division and lateral division.....similar to what the current applicant has sought. Neither was successful as the Council at that time refused to grant a permit for the respective applications and when the applicants took their refusals for VCAT consideration, the VCAT report endorsed Council's decision not to grant a permit.

From a personal point of view I believe the proposed development of two dwellings and two lot subdivision of 12 The Backwater will have a detrimental impact on the amenity of the area and contribute to increased traffic flow which can and will affect all current residents lifestyle.

Conclusion:

There is no lot on the south side of The Backwater which has been subdivided in the manner outlined in the applicants proposal and many of the lots on the south side have areas over 2,000 square metres. The proposed lot sizes of area 1069 and 988 square metres respectively, with a maximum width of 12 metres, in no way complements existing lots on the south side of The Backwater and could not be considered to be in accord with all relevant provisions of the East Gippsland Planning Scheme.

The proposal does not comply with the neighbourhood character and general amenity of the area.

As previously noted, developments must respect and satisfy all the neighbourhood characteristics of the residential development provisions in the relevant planning schemes. Approval of the subdivision and development of the Lot as outlined in the applicant's proposal would destroy the existing neighbourhood character and should be denied.

Signed: Alan R Baird

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Objection to Planning Permit Application

Planning and Environment Act 1987

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

Your Details:

Name: SYLVIA NIXON			
Postal address:		EASTWOOD	
		Postcode	3875
Phone number: Home:	Work:	Mob	
Email address:			Fax:

Permit Details:

Planning permit number:	100/2023/P
What has been proposed?	DEVELOPMENT OF TWO DWELLINGS AND TWO LOT SUBDIVISION
What is the address to be used or developed?	12 THE BACKWATER EASTWOOD
Who has applied for the permit?	CROWTHER & SADLER PTY LTD

Objection Details:

What are the reasons for your objection?
• THE PROPOSED SUBDIVISION DOES NOT REFLECT THE NEIGHBOURHOOD CHARACTER
• THERE ARE NO LOTS ON THE SOUTH SIDE OF THE BACKWATER WITH FRONTAGES AS PROPOSED IN THE SUBDIVISION.
EGSC
10 JUL 2023
INFORMATION MANAGEMENT

Privacy Statement

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

" THE PROPOSED ^{PO} SUBDIVISION WOULD HAVE A DETRIMENTAL EFFECT ON THE
AMENITY WHERE I LIVE

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

Signature	_____
Name: SYLVIA NIXON	Date: 8/1/23

Office Use Only:

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

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

Important Notes about Objections to Permit Applications

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Objection to Planning Permit Application Planning and Environment Act 1987

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

EGSC

Your Details:

10 JUL 2023

Name: CAROLE BAIRD		INFORMATION	
Postal address:		MANAGEMENT	
EASTWOOD		Postcode	3875
Phone number: Home:	Work:	M:	
Email address:		Fax:	

Permit Details:

Planning permit number:	100/2023/P
What has been proposed?	DEVELOPMENT OF TWO DWELLINGS AND TWO LOT SUBDIVISION
What is the address to be used or developed?	12 THE BACKWATER, EASTWOOD
Who has applied for the permit?	CROWTHER & SADLER PTY LTD.

Objection Details:

What are the reasons for your objection?	
<p>The reasons for my objection are</p> <ul style="list-style-type: none"> (i) The proposed subdivision does not reflect the neighbourhood character. (ii) There are no similar developments on either side of "The Backwater". (iii) There are no lots in The Backwater with frontages as proposed in the two story duplex style development. (iv) The proposed subdivision is inconsistent with local planning policy frameworks. (v) The proposed subdivision does not comply with Clause 58 of the East Gippsland Planning Scheme. 	

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

- (i) The proposed subdivision would have a detrimental effect on the area where I live.
- (ii) Two story duplexes with such small frontages would be an eyesore whenever I returned to my home via Gree Kulluk Place.
- (iii) Increased traffic flow may have an undesirable impact on all vehicle owners in the vicinity of 12 The Backwater.

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

Signature: _____

Name: CAROLE BAIRD

Date: 7 / 7 / 23

Office Use Only:

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

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

Important Notes about Objections to Permit Applications

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Objection to Planning Permit Application

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EGSC

Your Details:

9 1 JUL 2023

Name: DOUG SHEPHERD.	INFORMATION	
Postal address:	MANAGEMENT	
	EASTWOOD	Postcode 3875
Phone number: Home:	Work:	Mobile:
Email address:	Fax:	

Permit Details:

Planning permit number:	100/2023/P
What has been proposed?	SUBDIVISION OF LOT 12 FOR 2 HOUSES.
What is the address to be used or developed?	LOT 12 THE BARKWATER EASTWOOD
Who has applied for the permit?	CROWTHER J SADLER PTY LTD

Objection Details:

What are the reasons for your objection?
THESE BLOCKS ARE TOTALLY UNSUITABLE FOR 2 HOUSES.
THESE SUBDIVISION HAVE BEEN REJECTED BEFORE
THESE BLOCKS WOULD BE VERY NARROW NOT THE SAME AS THE REST OF THE STREET.

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Telephone: (03) 5153 9500
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ABN: 81 957 967 765

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

WOULD LOOK OUT OF PLACE TO THE REST OF
THE STREET.

INCREASE TRAFFIC IN THE STREET.

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

Signature	
Name: DOUG SHEPHERD	Date: 8/7/23

Office Use Only:

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

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

Important Notes about Objections to Permit Applications

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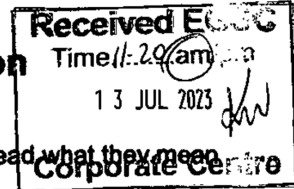
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Objection to Planning Permit Application Planning and Environment Act 1987



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

Your Details:

Name: <u>RICHARD YOUNG</u>		
Postal address		<u>BAIRNSDALE (EASTWOOD)</u>
		Postcode <u>3875</u>
Phone number: Home:	Work:	Mobil:
Email address:	Fax:	

Permit Details:

Planning permit number:	<u>100/2023/P</u>
What has been proposed?	<u>Development of Two Dwellings and 2 Lot Subdivisions.</u>
What is the address to be used or developed?	<u>12 THE BACK WATER EASTWOOD</u>
Who has applied for the permit?	<u>CROWTHER + SADDLER PTY LTD</u>

Objection Details:

What are the reasons for your objection?	<u>Same reasons that 3 times the EG Shire has rejected the application and 3 times it has been to VCAT and 3 times the permit has been rejected, youse have all the reasons as they are the same as last time.</u> <u>The blocks are not to be subdivided on the south side of the Backwater.</u>
--	--

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How would you be affected by the granting of this permit? Same reasons that the permit was refused 3 times by the E's Shire and VCAT including precedence, streetscape neighbourhood character, and inconsistent with state and local planning policy

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

Signature: _____

Name: RICHARD YOUNG

Date: 11/1/23

Office Use Only:

Objection Received by: Kathy Wright

Date Received: 13/1/2023

Planning officer responsible: _____

Date Received: 1/1/

Important Notes about Objections to Permit Applications

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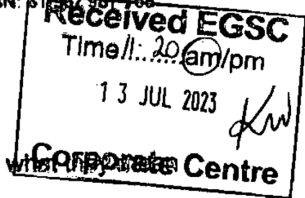
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Objection to Planning Permit Application Planning and Environment Act 1987



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

Your Details:

Name: <u>LORNA JENSEN.</u>			
Postal address:		<u>200 EASTWOOD</u>	
		Postcode	<u>3875</u>
Phone number: Home:	Work:	Mobile:	
Email address:	Fax:		

Permit Details:

Planning permit number:	<u>100/2023/P</u>
What has been proposed?	<u>subdivision of two dwellings</u>
What is the address to be used or developed?	<u>12 The Backwater Eastwood</u>
Who has applied for the permit?	<u>Crowther + Soder P. Ty. LTD</u>

Objection Details:

What are the reasons for your objection?
<u>Same reasons that I turned</u>
<u>the EG Shire and VCAT have rejected the</u>
<u>application. you've have all the reasons</u>
<u>as they are the same as last time.</u>

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ABN: 81 957 967 765

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

Same reasons that the permit was
refused 3 times by the EG Shire and
Vcat including precedence, street scape,
neighbourhood character, and inconsistent
with state and local planning Policy.

If you need mo

m please attach another sheet.

Signature:

Name: LORNA JENSEN

Date: 11/7/23

Office Use Only:

Objection Received by: Lorry Wright.

Date Received: 13/7/2023

Planning officer responsible:

Date Received: / /

Important Notes about Objections to Permit Applications

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ECSC

Objection to Planning Permit Application

Planning and Environment Act 1987

7 3 JUL 2023

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: <u>MARKER. G. STAGG</u>	
Postal address	<u>EASTWOOD</u>
	Postcode <u>31875</u>
Phone number: Home	Work: Mobile:
Email address: —	Fax:

Permit Details:

Planning permit number:	<u>100/2023/P</u>
What has been proposed?	<u>DEVELOPMENT OF TWO DWELLINGS AND TWO LOT SUBDIVISION.</u>
What is the address to be used or developed?	<u>12 THE BACKWATER EASTWOOD.</u>
Who has applied for the permit?	<u>CROWTHER AND SADLER</u>

Objection Details:

What are the reasons for your objection?
<u>The blocks of land on the south side of THE BACKWATER were originally designed as larger blocks for single house dwellings which is why we purchased here, an open spacious nature of streetscape.</u>
<u>This could be lost if the blocks start being cut up into smaller blocks.</u>

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How would you be affected by the granting of this permit? If a permit is granted to
subdivide an existing block a "Duplex" the precedence
could result in further attempts along the backwater
and the open nature of the streetscape could
be altered to become congested like sections of Morletten
Drive Eastwood

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

Signature _____
Name: MAREE STAGG Date: 10/17/23

Office Use Only:

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

Important Notes about Objections to Permit Applications

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Objection to Planning Permit Application

Planning and Environment Act 1987

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

EGSC

Your Details:

7 3 JUL 2023

Name: <u>MR. WAYNE R STAGG</u>	INFORMATION
Postal address: <u>EASTWOOD</u>	MANAGEMENT
	Postcode <u>31875</u>
Phone number	Mobil
Email address:	Fax:

Permit Details:

Planning permit number: <u>100/2023/P</u>
What has been proposed? <u>DEVELOPMENT OF TWO DOUBLE STOREY DWELLING DUPLEXES AND TWO LOT SUBDIVISION</u>
What is the address to be used or developed? <u>12 THE BACKWATER, EASTWOOD</u>
Who has applied for the permit? <u>CROWTHER & JADLER PTY. LTD.</u>

Objection Details:

What are the reasons for your objection? <u>SUBDIVIDING ANY OF THE SOUTH BLOCKS AGAINST THE ORIGINAL PLANNING OF THE STREET SCAPE, WHERE THE UNIQUE ESCAPEMENT WAS DESIGNED FOR LARGER BLOCKS (1/2 ACRE) TO ACCOMMODATE LARGER HOUSES AND CREATE A SPECIAL LIFESTYLE FOR RESIDENTS WILLING TO PAY A PREMIUM PRICE FOR SUCH A LOCATION. FOR THE SAME REASON RESIDENTS OF THE CANALS OF PALNEVILLE WERE CREATED AND ATTRACTED PURCHASERS WHO WERE WILLING TO PAY FOR THE UNUSUAL THERE.</u>

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How would you be affected by the granting of this permit? IF A SUBDIVISION WAS GRANTED
ON THE SOUTH SIDE BLOCKS ALONG "THE BACKWATER" STREET, THE
PRECEDENCE WOULD ATTRACT INVESTORS WHO MAY NOT RESIDE IN THE
STREET TO DO SIMILAR SUBDIVISIONS eg. BATTLEAXE SUBDIVISIONS WHICH
WOULD CHANGE THE ATTRACTIVE STREET SCENE TO BECOME SIMILAR TO THE
SOUTH SIDE BLOCKS IN MERETON DRIVE WHERE TWO DWELLINGS ON
ORIGINAL (1/3 ACRE) BLOCKS NOW HAVE MORE TRAFFIC, STEEP SHORT
DRIVEWAYS (DANGEROUS-BLIND VISION) AND DECREASED HOUSE PRICES.

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

Signature: _____	_____
Name: <u>WAYNE STAGG</u>	Date: <u>10/07/2023</u>

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

Important Notes about Objections to Permit Applications

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EGSC

Objection to Planning Permit Application

Planning and Environment Act 1987

13 JUL 2023

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

INFORMATION
MANAGEMENT

Your Details:

Name: ALAN & FAYE M'CORMACK			
Postal address			
			Postcode 3875
Phone number: Home: —	Work: —	Mobile: —	
Email address	Fax: —		

Permit Details:

Planning permit number:	100/2023/P.
What has been proposed?	DEVELOPMENT OF TWO DWELLINGS AND A LOT SUBDIVISION
What is the address to be used or developed?	12 THE BACKWATER EASTWOOD LOT 93 Ps 521909
Who has applied for the permit?	CROWTHER & SADLER P/LTD

Objection Details:

What are the reasons for your objection?
THE PROPOSED SUB. DIVISION IS NOT RESPECTFUL OF THE EXISTING NEIGHBOURHOOD.
INCREASE OF FURTHER TRAFFIC FLOW

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ABN: 61 957 967 765

How would you be affected by the granting of this permit? COULD AFFECT OUR LIFESTYLE
AND OUR PROPERTY VALUES.

If you need

part of this form please attach another sheet.

Signature:

Name:

ALAN M. CORMACK

Date: 5 / 7 / 2023

Office Use Only:

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

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

Important Notes about Objections to Permit Applications

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Objection to Planning Permit Application

Planning and Environment Act 1987

3 JUL 2023

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: <u>GORDON PAINTER</u>			
Postal address:		<u>EASTWOOD BAIRNSDALE</u>	
		Postcode	<u>3875</u>
Phone number: Home:	Work:	Mobile:	
Email address:	Fax:		

Permit Details:

Planning permit number:	<u>100/2023/P</u>
What has been proposed?	<u>Development of Two Dwellings and Two Lot Subdivision</u>
What is the address to be used or developed?	<u>12 The Backwater Eastwood.</u> <u>LOT 93 PS 521909.</u>
Who has applied for the permit?	<u>Crowther & Sadler Pty Ltd.</u>

Objection Details:

What are the reasons for your objection?
<ul style="list-style-type: none"> - Original subdivision was designed for larger homes and landscapes along the embankment of the area of the backwater - The proposed subdivision is <u>not</u> respectful of the existing neighbourhood character. - Granting the permit in this instance almost certainly leads to further applications which is inconsistent with state and local planning policy frameworks, the General Residential Zone provisions and Clause 58 of the East Gippsland Planning Scheme.

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

- It will most certainly lead to further applications.
- We have chosen to invest in an area which suits our life and lifestyle which doesn't need to be effected by a developers short term benefit with no intention of a life long investment
- The embarkment side of The Backwater needs to be left as larger blocks, family style housing as those that have invested is this ^{area} have done so, for this benefit.

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

Signature: _____

Name: GORDON PAINTER.

Date: 10 / 7 / 2023

Office Use Only:

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

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

Important Notes about Objections to Permit Applications

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Objection to Planning Permit Application Planning and Environment Act 1967

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

EGSC

Your Details:

13 JUL 2023

Name: Carol HEWSON		INFORMATION MANAGEMENT	
Postal address: EASTWOOD		Postcode: 31875	
Phone number: Home:	Work:	Mobile:	Fax:
Email address:			

Permit Details:

Planning permit number:	100/2023/P
What has been proposed?	2 dwellings and 2 lot subdivision
What is the address to be used or developed?	12 The Backwater EASTWOOD Lot 93 P.S. 521909
Who has applied for the permit?	Crowther and Sadler

Objection Details:

What are the reasons for your objection?
(i) I didn't think that subdivision was allowed in The Backwater.
(ii) It could detract from the ambience and pleasant streetscape of the area.

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 ABN: 81 957 967 765

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

Traffic congestion. Close to
 intersection with Greekulluk Place

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

Signature: _____

Name: Carol Hewson

Date: 7/12/2023

Office Use Only:

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

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

Important Notes about Objections to Permit Applications

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East Gippsland Shire Council

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ABN: 61 957 967 765

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.

EGSC

Your Details:

Name:	MICHAEL HEWSON		
Postal address:	Eastwood.		
Phone number: Home:	Work:	Mobile:	
Email address:	Fax:		
	Postcode	3	875

Permit Details:

Planning permit number:	100/2023/P
What has been proposed?	2 Dwellings & 2 lot subdivision
What is the address to be used or developed?	12 The Backwater Eastwood. Lot 93 P.S. 521909
Who has applied for the permit?	Crowther & Sadler

Objection Details:

What are the reasons for your objection?
in it appears to be inconsistent with local planning policy
and it adds with the current design & landscapes of the south side of The Backwater.

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ABN: 61 637 807 765

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

Increased traffic flow

If you ne

rt of this form please attach another sheet.

Signature

Name:

CHAEH HEWSON

Date: 7/7/2023

Office Use Only:

Objection Received by:

Date Received: / /

Planning officer responsible:

Date Received: / /

Important Notes about Objections to Permit Applications

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ABN: 81 957 967 765

Objection to Planning Permit Application Planning and Environment Act 1987

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

Your Details:

EGSC

Name: <u>MRS MARIELE FORWARD</u>		13 JUL 2023	
Postal address: <u>EASTWOOD</u>		INFORMATION MANAGEMENT	
		Postcode <u>3875</u>	
Phone number: Home: <u>N/A</u>	Work: <u>N/A</u>	Mo	
Email address: <u>N/A</u>		Fax	

Permit Details:

Planning permit number: <u>100/2023/P</u>
What has been proposed? <u>DEVELOPMENT OF TWO DWELLINGS AND TWO LOT SUBDIVISION.</u>
What is the address to be used or developed? <u>12 The Backwater (Lot 93 P5521909) EASTWOOD. 3875</u>
Who has applied for the permit? <u>CREWSTER & SADLER PTY. LTD.</u>

Objection Details:

What are the reasons for your objection? <u>SUBDIVIDING A BLOCK ALONG THE SOUTH SIDE OF THE BACKWATER GOES AGAINST THE ORIGINAL PLANNING OF THE STREET PLANNING WHEN THE EASTWOOD ESTATE WAS BEING DEVELOPED. IF A PERMIT TO SUBDIVIDE THE BLOCK AT 12 THE BACKWATER IS GRANTED IT WOULD SET A PRECEDENCE FOR OTHERS TO FOLLOW, EVENTUALLY CHANGING THE STREETSCAPE AND POSSIBLY AFFECTING THE PROPERTY VALUES DETRIMENTALLY AS HAS HAPPENED IN MORETON DRIVE EASTWOOD NEARBY. THREE PRIOR PROPOSALS TO SUBDIVIDE ALONG THE SOUTH</u>

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ABN: 81 957 967 765

How would you be affected by the granting of this permit? SIDE OF THE BACKWATER
HAVE BEEN DENIED OVER THE LAST 10 YEARS BOTH BY
THE EAST GIPPSLAND SHIRE COUNCIL AND ALSO BY VCAT. AND
IF THIS PROPOSAL IS ALLOWED WILL START TO CHANGE THE STREET'S
LOOK LIKE MORE TOY PLACE NEARBY.

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

Signature: _____

Name: _____

MARLENE FLORENCE FORWARD Date: 6/12/2023

Office Use Only:

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

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

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Objection to Planning Permit Application Planning and Environment Act 1987

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

Your Details:

Name: John and Helen Burns	
Postal address	
	Postcode 387
Phone number: 1	Mobile:
Email address:	Fax:

Permit Details:

Planning permit number:	EGSC
What has been proposed?	7-3 JUL 2023
	INFORMATION MANAGEMENT
What is the address to be used or developed?	
Who has applied for the permit?	

Objection Details:

What are the reasons for your objection?	The Backwater road way is unique to Bairnsdale overlooking the twin Rivers/Bairnsdale N th across the "Police Paddock" and bounded by 400yr old Forest Re-growth. Subdividing allotments here will impair and degrade this unique, East Gippsland character. If accepted, further subdivision will be targeted by speculators continuing degradation of a unique environ

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How would you be affected by the granting of this permit? If permitted/subdivision
the increased living density will increase foot and
road traffic in our very quiet neighbourhood.

On street parking beside the subdivision may decrease
street car flow.

Since there has been no sub-division (and fought
against by many locals) this type of building change
will be seen as an eyesore in a road we
traverse daily

If you need more

attach another sheet.

Signature: _____

Name: John Burns

HELEN BURNS Date: 9th July 2023

Office Use Only:

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

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

Important Notes about Objections to Permit Applications

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Objection to Planning Permit Application

Planning and Environment Act 1987

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

EGSC

Your Details:

Name: <u>RONALD WAYNE CARLSON</u>		43/11/2023	
Postal address:		INFORMATION MANAGEMENT	
		Postcode	3875
Phone number: Hk	Mobile:		
Email address:	Fax:		

Permit Details:

Planning permit number:	<u>100 2023 P</u>
What has been proposed?	<u>DEVELOPMENT OF TWO DWELLINGS AND TWO LOT SUBDIVISION</u>
What is the address to be used or developed?	<u>12 THE BACKWATER EASTWOOD</u>
Who has applied for the permit?	<u>CROWTHER AND SADLER.</u>

Objection Details:

What are the reasons for your objection?	<u>I BUILT IN THE BACKWATER BECAUSE OF THE LARGE OPEN SPACE NATURE OF THE STREET.</u>
	<u>SUBDIVIDING THESE BLOCKS WOULD RUIN THE APPEAL OF THE STREET.</u>

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ABN: 81 957 967 765

How would you be affected by the granting of this permit? MY CONCERN IS THE
CHANGE OF NATURE OF THE STREET IF SUBDIVISION
WERE ALLOWED WOULD BE DETRIMENTAL TO THE
PEACEFUL OPENNESS OF THE EXISTING APPEAL OF
OF THE BACKWATER.

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

Signature: _____		
Name: <u>RONALD</u>	<u>CARRISAI</u>	Date: <u>10/7/2023</u>

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

Important Notes about Objections to Permit Applications

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Objection to Planning Permit Application

Planning and Environment Act 1987

13 JUL 2023

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

Your Details:

Name: Ian & Keryn McCuskey			
Postal address:			
Eastwood			Postcode 3875
Phone number: Home:	Work:	Mobile:	
Email address:			Fax:

Permit Details:

Planning permit number:	100/2023/P
What has been proposed?	Development of Two Dwellings and Two Lot Subdivision
What is the address to be used or developed?	12 The Backwater Eastwood 3875
Who has applied for the permit?	Crowther & Sadler Pty Ltd.

Objection Details:

What are the reasons for your objection?	<p>1/ Proposed subdivision is not respectful of existing neighbourhood character.</p> <p>2/ Increase traffic in our street.</p> <p>3/ If permit granted gives way to others to apply for permit.</p> <p>4/ The proposed subdivision is inconsistent with the local planning clause 58 of the East Gippsland Planning Scheme</p> <p>5/ This side of the Backwater was designed with larger blocks for larger homes and landscaping.</p> <p>6/ The bottom of these blocks are prone for flooding which means there will be smaller subdivisions.</p>
--	--

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

There will be more traffic - no through Rd and we have more than enough traffic now.

Will change to the detriment of our neighbourhood & lower our values.

Will change our unique character and charm of the street.

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

Signature: _____

Name: Keryn McCuskey

Date: 30/06/2023

Office Use Only:

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

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

Important Notes about Objections to Permit Applications

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Objection to Planning Permit Application

Planning and Environment Act 1987

43 JUL 2023

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: <u>William HODGE</u>		
Postal address		
<u>EASTWOOD</u>		Postcode <u>3875</u>
Phone number: Home	Work: <u>—</u>	Mobile: <u>—</u>
Email address	Fax: <u>—</u>	

Permit Details:

Planning permit number: <u>100/2023/P</u>
What has been proposed? <u>Development of Two Dwellings and Two Lot Subdivisions</u>
What is the address to be used or developed? <u>12 The Backwater Eastwood</u> <u>LOT 93 PS 521909.</u>
Who has applied for the permit? <u>Crowther and Sadler P/L.</u>

Objection Details:

What are the reasons for your objection?
<u>The proposed sub division is not in keeping with the</u> <u>existing residential lots of this area. It would create a</u> <u>feeling of restriction rather than the well laid out and open</u> <u>appeal of the existing homes on that South side of the</u> <u>Backwater, an example of which Morton drive is.</u> <u>Also original planning of Eastwood was well thought out and</u> <u>should not be subject to small sub divisions!</u>

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

This could be a foot in the door for other subdivisions along the Backwaters and encourage other greedy developers who don't necessarily consider the best outcomes of the existing residents of an area. Results are more traffic, devaluation of existing homes, more noise at night.

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

Signature: _____	
Name: <i>William Hopcraft</i>	Date: <i>08 / 07 / 2023</i>

Office Use Only:

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

Important Notes about Objections to Permit Applications

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Objection to Planning Permit Application

Planning and Environment Act 1987

13 JUL 2023

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: <u>ELSA HODGE</u>	
Postal address:	<u>EASTWOOD VICTORIA</u>
	Postcode <u>3875</u>
Phone number: Home:	Work: Mobile:
Email address:	Fax:

Permit Details:

Planning permit number:	<u>100/2023/P</u>
What has been proposed?	<u>To subdivide the currently vacant block, 12 THE BACKWATER, into two lot subdivisions.</u>
What is the address to be used or developed?	<u>12 THE BACKWATER EASTWOOD</u> <u>LOT 93 PS521909</u>
Who has applied for the permit?	<u>CROWTHER AND SADLER P/L</u>

Objection Details:

What are the reasons for your objection?	<p>* The proposed subdivision will be very out of character to the existing neighbourhood of this street. * It will also bring more traffic into this street and which we would want to avoid as it would change the pleasantness of the area.</p> <p>* The original designers of the Eastwood had the recipe right, so changing it to a crowded city model would destroy an attractive gem we have already have. The original subdivision was designed for larger homes and landscaped along the embankment of the area of the Backwater. This would change with this crowded subdivision.</p>
--	---

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How would you be affected by the granting of this permit? As I have already mentioned
it would increase road traffic and therefore decrease the
pleasant ambience we have in the street at present. One
of the reasons I have for living in this street is the ready
access to the walking track along the waterway of the Backwater.
The scenery is pleasant and calming and refreshing at present
but cramming houses together along this walking ^{path} would take away
that ~~same~~ pleasantness and calmness and leave a sense of
agitation which I am sure would be shared with the
many other residents of this area who presently enjoy it.

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

Signature: _____

Name: ELSA HODGE

Date: 10 / 7 / 2023.

I support fully, all that is written on this sheet I have ~~also~~ attached

The answer is that one lone block may make little difference but what it could do is lead to further, more intrusive developments.

The south side of The Backwater has been the subject of similar applications for subdivision on a number of occasions over the past ten years. However as has often been documented, the south side of The Backwater is significantly different to the north side. The majority of blocks, including the block in question consist of a steep slope onto flood plains. As a consequence the remaining land area able to be built upon is considerably less than the stated land area.

The Council has on each occasion, not granted a permit and has defended the decision when the relevant developers have applied for review by Victorian Civil and Administrative Tribunal. The Tribunals have affirmed the decision made by the Council and directed that no permit be issued.

In summary our objections to this development are:

1. The proposed sub division is not respectful of the existing neighbourhood character.
2. The proposed subdivision will have a detrimental effect on the amenity of the area.
3. The proposed sub division is inconsistent with the state and local planning policy frameworks, the General Residential Zone provisions and Clause 58 of the East Gippsland Planning Scheme.
4. Increased traffic flow which will adversely affect our lifestyle.
5. The original subdivision was designed for larger homes and landscapes along the embankment of the area of the backwater.
6. Granting the permit in this instance almost certainly lead to further applications for subdivision of even developed blocks.

On very much a personal note, we have become tired of developers who wish to change the face an area in which we, the residents, have chosen to invest our lives, while the developers then go back to their own homes unaffected by the changes their developments have brought about.

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Planning Consultation Meeting - 12 The Backwater, Eastwood - Summarised transcript

September 18, 2023

Mayor, Cr Mark Reeves:

On behalf of Council, I'd like to acknowledge the traditional custodians of the land on which we're meeting, and I pay my respects to elders, past, present and emerging.

An elders from other communities who may be here today.

Thank you everyone for being here tonight.

I'd just like to acknowledge that in the Chamber we have Deputy Mayor, Cr Allen Cr Greacen, and online Councillor Urie.

[Crs Crook and White joined the meeting soon after].

Also present:

- CEO, Anthony Basford
General Manager, Place and Community, Stuart McConnell
Planning Officer, Kyra Collins
- Manager Planning, Martin Richardson

For those of you unaware of the purpose and process of these meetings, it's for Councillors to obtain an understanding of the planning permit application, to hear from officers, to hear from the planning permit applicant and to hear from community members who may have expressed concerns.

We're not going to be deciding the application tonight.

That will be decided later at a Council meeting so Councillors and officers can I request if there are any declarations of conflict of interest in relation to the matter, can you advise me of those conflicts and whether they're general or specific in nature?

None are noted for the record.

Order of proceedings:

- Councillors will be provided an overview of the planning permit application by Council's Planning Officer.
- Councillors will be informed of concerns that community members who have objected have with respect to the planning permit application.
- Councillors will be informed of the planning permit application by the permit applicant.

So those people who would like to speak tonight, you'll have 5 minutes to advise of any concerns associated with the application.

And just a reminder to those of you who are here and have taken the effort, thank you for writing your submissions. Councillors have those and have read them.

They have quite a detailed report, so we have a lot of background information, so that 5 minutes is a real opportunity for you to add any further information to your concerns for the benefit of Councillors.

So just a reminder that we have all that information that's in front of us and we've had a chance to read it and consider it the applicant will also be provided 10 minutes speaking time to respond to those concerns and to support the application.

Councillors may ask questions of clarification around the planning application, so just be aware of that and Councillors who are online, we know how to raise our hands and to seek that attention.

The meeting tonight is going to be recorded for planning for information purposes and of course it's being live streamed.

People attending this meeting will inevitably have a range of views about the proposal and in line with the Mutual Respect Charter.

I ask that all parties approach the discussion with a respectful manner, confining our comments to the planning matters at hand.

And we're not going to be dealing with any personal views or other topics.

And as chair, I'll be absolutely ensuring that that's the case.

So we can be clear and detailed on the issues and respectful to each other.

I'll reserve the right to stop any presentations that I consider don't align themselves with the Mutual respect Charter.

We have Council Officer Kyra Collins here.

And we'll ask Kyra if you can provide an overview of the application.

Kyra Collins:

We are here this evening to discuss the application for the development of two dwellings and a 2 lot subdivision at 12 The Backwater in Eastwood.

If the application is approved, it will result in the development of two dwellings being a duplex style development and an associated subdivision that will result in a single dwelling on each newly created lot.

The subject land is approximately 2035 square metres in area and is located in the General Residential zone, Schedule 1 and is covered by the Erosion Management Overlay.

The application is being assessed under clause 32.08 General Residential zone and Clause 4401 being the Erosion Management overlay.

The General Residential zone requires that the proposed dwelling development meet the requirements of clause 55 and the subdivision meets the requirements of clause 56.

The purpose of clause 55 is to ensure that residential development respects existing neighbourhood character or contributes to desired neighbourhood character.

It aims to encourage residential development that provides reasonable standards of amenity for existing and new residents, as well as development that is responsive to the site and the neighbourhood.

Clause 55 assesses objectives such as street and side boundary setbacks, building height, site coverage, overlooking, overshadowing, permeability, access, car parking amongst other objectives.

The purpose of clause 56 relating to subdivision is to achieve residential subdivision outcomes that appropriately respond to the site and its context.

Clause 56 assesses objectives such as the ability for the proposed lots to achieve appropriate siting and construction for a dwelling with solar access, private open space,

vehicle access and parking, stormwater management and connection to services. It also assesses how the proposed subdivision responds to the features of the site and the surrounding context. The application is also being assessed under the Erosion Management Overlay, which seeks to protect areas prone to erosion and landscape by minimizing land disturbance and inappropriate development.

It is noted that there have been three previous subdivision applications on the southern side of The Backwater that were refused by Council, with the refusal affirmed at VCAT. There is 95/2012./P at 26 The Backwater, which sought a battle axe subdivision that was deemed inconsistent with surrounding development. No building envelopes were proposed as part of this application. There's 370/2013/P also at 26 The Backwater - this was a 2 lot subdivision for side-by-side lots and an indicative design response was submitted, but no building envelopes were supplied by the application. However, the applicant was willing to have building envelopes imposed through legal agreement. Finally, there was 245/2014/P at 50 The Backwater, which was also a 2 lot battle axe subdivision with the front lot incorporating the existing dwelling. No building envelope was supplied with the application and it was considered that the proposed layout was not in keeping with the neighbourhood character. It is noted that none of the previously refused subdivisions included a built form proposal as a component of the application. The assessment of the application will continue after the PCM, so there are recommendations to be prepared for Council.

Cr Reeves:

Thanks for that clarification, Kyra, and thanks in particular for dwelling on those previous applications and the difference with this application, I think that's important to note.

Cr Greacen:

Kyra, the second VCAT hearing, can you remind me, that that proposal was a duplex?

Kyra Collins:

So they changed from the battle axe to a side by side, and there was discussions at the VCAT hearing about providing building envelopes, but ultimately they weren't provided as part of the application, so there it wasn't supplied as part of the original application, but it was discussed at the VCAT hearing.

Cr Greacen:

And can you explain why Council officers rejected that application?

Kyra Collins:

It was rejected by Council and that was to do with uncertainty regarding the built form outcome, as in the building envelopes had not been supplied.

There were concerns that any kind of consequential built form that would come after the subdivision would be inconsistent with neighbourhood character.

Cr White:

It's a fairly large allotment of over 2000 square metres, but does that include the steep embankment down to the river flat to make it so large - is that part of the actual block?

Kyra Collins:

Yes, it is, the 2035 square metres is the entire lot, including the steep embankment to the rear.

Cr White:

So that that part of the property really is not able to be built on anyway?

Kyra Collins:

It's not in this application - they haven't proposed to build on that area, so obviously there is quite significant constraints to build in the rear section of the block.

There's also I believe a drainage easement that runs through the rear so effectively that part of the land is not really being able to be built and nor is it proposed to be built on as part of this application.

[The Mayor invited the objectors, in turn to present their submissions]

Peter Trewin:

I purchased my property about 5½ years ago and I've been living there for about five years.

During this time, I've begun to understand the significance of The Backwater.

When the planning was conducted in the establishment of Eastwood, the estate developers for Eastwood included a dress circle for Bairnsdale with half acre blocks that have spectacular views of the Mitchell River floodplain that cannot be built out.

The street was given different light poles and bricked paved intersections to declare its unique significance.

So it's a bit of a special place in Bairnsdale.

Many of the people living along The Backwater have built their homes to enjoy the views and spaciousness of the larger blocks, with usually one residence is what I would think would be allowed.

My experience is interesting as I live in a house that was built with the hope that he could subdivide the block after completing the 1st house.

The application for subdivision was unsuccessful and the builder sold it to me after three years on the market, possibly as it was not designed as a typical Backwater home and is only of three bedrooms.

The builder had another two blocks at 38 and 40 The Backwater that I believe he would have continued on to subdivide them as well, so there would have been instead of three houses, it would have been six.

These blocks have had a house built on each of them, with the builder no longer living in the

area.

Developers say there are opportunities in The Backwater for big blocks to could be easily subdivided. These developers will live in the home for 12 months and then sell the house capital gains tax free.

The residents, to me, appear very protective of this original planning scheme and have been against possible subdivisions, as have occurred along Morton Drive eastward, changing the feel and amenity of the area. In Morton Drive, there's been a lot of battle axes and the dual subdivision skinny blocks. It's quite a different look.

I enjoy living at The Backwater as it's got the generous half acre blocks, larger homes, spectacular views and access to the walking track along Clifton Creek.

I purchased the property because it was a large block.

There would be about 10 blocks, I believe, along The Backwater that could subdivide introducing houses without rear access to the Clifton Creek, increase the parking of cars along the backwater and increase traffic congestion at the two access roads and change the look of the original planning scheme.

Wayne Stagg:

[Also speaking on behalf of Ted Campbell and Dom Galati]

Yes, I want clarification from an email that I received from Robert Pringle, where I asked could the objectives to this proposal have clarification on why the particular application has two actions in the one permit and a request for two dwellings and the second part is the two lot subdivision.

[Extracts from the e-mail were read out].

The proposal coming with the built form outcome and this is a direct response to the past VCAT cases. I don't quite understand direct response to the VCAT.

Martin Richardson:

What Robert is referring to there is ordinarily when there are a number of VCAT matters that are determined that are related to similar areas or similar applications, the ways that the notion of precedent works is that we would expect that any future VCAT consideration would refer back to those applications as a form of reference to previous applications and previous decisions of VCAT.

The point Robert is making is that the applicant has presumably looked at those VCAT cases and said, well, what was the problem here?

The problem clearly was there was no indication of what would be built on the land.

So when Robert says a direct response, what he's saying is that it's our understanding that that the applicant has provided the two part application - subdivision and permit for the two dwellings because they are aware that in previous VCAT decisions the lack of the other part, that is the dwelling application, was fatal in the decision.

So that's quite common practice for an applicant to look back at previous decisions and say what do I need to do to try and address the issues that led to that refusal by VCAT?

Wayne Stagg:

So has there been any single block applications worded the same way here in East Gippsland up to date?

Martin Richardson:

We have had many combined planning applications for dwellings and subdivision applications lodged concurrently, many for dual occupancy.

Wayne Stagg:

My wife Marie and I purchased 46 The Backwater as our forever home one of the original home first home builders in The Backwater. They lived there for approximately 12 years and then they moved into the retirement village and Eastwood when we purchased our home. There was a vacant block next door at 48 The Backwater and when I inquired [of the owners] about this block being possibly subdivided, I was advised that there had been three prior attempts to subdivide on the south side and they've been denied.

So when 48 The Backwater did come up for sale, and the purchaser indicated to my neighbours at 50 he had an interest in subdividing the block longitudinally in a split he received some disapproval from the local neighbours, who advised him of the recent unsuccessful attempts, and he decided not to proceed with the proposal and after one year sold the block to the present owners, who have almost completed an expansive new build for their retirement, an \$800,000 build on a \$300,000 block.

So following this, I wrote to the Council on the 29th of May in 2019.

I have the letter attached which I'm now going to read, so that's OK, yes?

Martin Richardson:

That letter, being a Council letter, is on our files and we will make sure that that letter can be provided to Councillors. I understand the gist of the letter, and as you've shown it to me, Aaron says that he believes that officers would not support a similar subdivision in the future. Although will clarify that that was advice provided by officers as to a view as to what may or may not be supported. That does not constitute a formal Council decision.

Wayne Stagg:

We had pre-purchased 29 Morton Drive with the intention there of building our forever home overlooking the beautiful Billabong Lake.

However, we chose the simpler alternative of buying 46 The Backwater as an existing home. We then sold 29 Morton Drive to the owners, who then immediately applied for and received permission to subdivide into a battle axe form and cut down a 300 year old gum tree.

I have a photo of that attached to my submission.

The tree being chopped down was to accommodate the battle axe, which that was where they constructed their dream home. And since then, further battle axe properties along Morton Drive have been developed. So there, have they been the three previous attempts to subdivide the allotments.

[Mr Stagg then provided an outline of the history of previous subdivision applications]

So, we mention this instance as an earlier application to subdivide by someone who apparently had no intention of living long term in The Backwater neighbourhood.

Clause 56 of the residential 1 zone planning requirements specifically emphasizes respect for and integration with neighbourhood, character and land development must reflect existing patterns of development.

In terms of the present planning permit proposal, which curiously is different from the others because of the two actions on the same subdivision, we contend that as there is no duplex configuration dwellings on the south side of The Backwater that this application should be denied for the same reasons as stated before.

In conclusion, the objectors who are predominantly senior aged retirees and who have chosen to live long term in this rather unique street and neighbourhood, which has established even more neighbourhood character and community charm since the earlier applications to subdivide allotments within it, the subject allotment, #12 and #6 are the only two empty blocks in the street.

Many residents enjoy the openness of the street.

No through traffic courts at both ends for riding and walking, with three easy walking paths to get down to the river walking track at the backwater without exception, we are all appreciative of how fortunate and privileged we are to live here.

So for the same reasons that both the East Gippsland Shire councillors in 2013, 2015 and 2016 and VCAT cited the reasons to deny granting of a permit to subdivide an allotment in the south side of the backwater, that is, the proposed subdivision is not respectful of the existing neighbourhood character.

The proposed subdivision will have a detrimental effect on the amenity of the area the proposed subdivision is inconsistent with the state and local planning policy frameworks, the General Residential zone provisions and Clause 56 of the East Gippsland planning scheme, so we urge the Councillors to deny this application.

I have [a submission] here from my next-door neighbours the Campbells, who live at 44 The Backwater. The south side of The Backwater has been the subject of similar applications for subdivision on a number of occasions over the past 10 years.

However, as has often been documented, the south side of the backwater is significantly different to the north side. The majority of blocks, including the block in question, consists of a steep slope on the front. As a consequence, the remaining land able to be built on is considerably less than the stated land area.

The Council has on each application not granted the permit and has defended the decision when the relevant developers have applied for review by VCAT. The Tribunals have affirmed the decision made by Council and directed that no permit is issued.

They were not persuaded that the proposals were an acceptable response to the existing and emerging character of The Backwater's street and river settings.

This being a large part of the reason why the appeals were not granted.

In summary, objections for the development are:

- the proposed subdivision is not respectful of the existing neighbourhood character
- the proposed subdivision is detrimental to the amenity area
- the proposed subdivision is inconsistent with clause 58

- the increased traffic flow will adversely affect the lifestyle.
- the original subdivision for the larger blocks was part of the original development.
- the original caveats placed on these blocks was an attempt by Council to keep the area's unique charm and character
- the granting of the permit in this instance would almost certainly lead to further applications for subdivision.

Jessie Ng:

I live at #4, The Backwater and have done for about 17 years and the planning application for a subdivision on #12 The Backwater should not be approved as it is on the south side of Tha Backwater.

It is important to differentiate the south side of the backwater from the north side and the rest of Eastwood. The reason it is distinct is that each block on the south side has a large steep slope onto flood plains, so the building envelope is actually much smaller than it appears on paper.

The planning application for a subdivision on #12 should not be approved as it is not consistent with the existing neighbourhood character.

An essential consideration for planning, the south side of the backwater has a well-established neighbourhood character with single dwelling homes situated along the sloping blocks as they were originally planned to be and the area was developed.

The planning application for a subdivision on #12 should not be approved as it is not in line with the streetscape of the south side.

Subdividing a block on the south side of the backwater from the front of the block all the way down the steep slope would go against the existing streetscape, which is visible not only from the front of the property along the road, but also from the base, where a well-used public walking track adjoins properties on the south side of the backwater from the walking track.

All the mostly well maintained sloping blocks are evenly spaced around 20 metres apart, a subdivision down the middle of the steep slope, creating 2 narrow blocks of 10 metre width would be incongruous, unsightly and potentially unsafe.

There are subdivisions closer to the Eastwood Billabong on Morton Drive, but they aren't quite as unsightly or unsafe because the blocks there are far less steep.

This proposed subdivision is significantly more complex and problematic than it appears to be on paper.

I would therefore encourage Councillors, before making a decision to visit The Backwater, consider the existing streetscape and neighbourhood character and view the site of the proposed subdivision from both the road and the walking track down at the bottom of the steep sloping block.

Thank you.

Cr Urie:

Please, if you would elaborate a little bit, you mentioned that you thought the divided block would be unsafe.

Could you just expand a little bit on that please and explain to us why you think it would be unsafe?

Jessie Ng:

As many of the blocks use the 20 metre width for there to be a walking path that isn't too steep and so having a very narrow block as well as looking quite unsightly when they're all evenly spaced 20 metres. Having that narrow stretch for access and is potentially unsafe because they don't have the option of having a gradient that is safe.

Cr Urie:

I'm not familiar with these blocks, so the current blocks that are there the full size blocks, do the paths zig zag down to the lower to join the lower path. Do they or they just go on a not very steep gradient? What's the general pattern?

Jessie Ng:

Most do, not all, but most do make the most of a zigzag option so that it's not too steep. But my concern would be the visual incongruency perhaps more than the safety because I suppose they owners don't need to be walking up and down it regularly, but it's unsightly as well as potentially unsafe.

Cr Crook:

The two proposed lots, one is 1069 square metres, one is 988. I'm just trying to understand how much of those proposed lots actually can't be built on because of the steepness of the slope.

What would be an approximate area available for building? Or are we in fact proposing a building envelope of sorts?

If the subdivision was to go through with an understanding that the blocks do get very steep towards the river, how big the area available to actually construct a dwelling would be, because I'm presuming that it's not the entirety of the lots that are proposed.

Martin Richardson:

Technically you can build on any land.

You have to make it structurally sound, but the difference here is that we actually have an application with this subdivision application that describes specifically the area to be built on and the dwellings to be built.

So the subdivision, unlike perhaps the previous ones that have been referred to, doesn't leave open the question of which part of the land will be built on. The concurrent application for the duplex dwellings provides the quite precise building envelope and area for those dwellings.

So again, it's not open within this application that variance of a building envelope or site coverage could be explored.

What we have is an application for a subdivision and an application for two dwellings which specify the footprint size and site coverage, and the proposed dwellings are actually on the flatter part of the block.

Cr Crook:

I can see that the proposed dwelling layout on the documentation I'm looking at goes down to about the 13 metre contour. Is that correct?

Martin Richardson:

That sounds correct.

Cr Greacen:

I didn't quite understand the 13 metre contour question.

So can I just ask, does the proposed building come down a lot further down that slope than the other than the majority of the other buildings, the other homes there?

Kyra Collins:

No, it doesn't. You can see the elevation levels and the rear of the building finishes just past the 13 metre contour, at about 12.9 metres, where the rear of the building finishes on the land, which is similar to many of the other homes.

For instance, the dwelling to the west actually sits back further on the block, so there's varied setbacks. Buildings either side both finish further back on the block.

Cr White:

The proposed home, have we got pictures of where it would sit in this block.

Martin Richardson:

The subdivision application is one part of the application, the other part of the application is for the two dwellings and the detail in that application would be the same as any application we received for dwellings, site plan, setbacks, elevations.

Cr Greacen:

And could I ask what area within number 12 the building would take up and is it equivalent to the other homes that are along there because most of them look as though they're very close to each other. There's not a lot of space between them, is that correct?

Kyra Collins:

I'll have to take that on notice and do some measuring because I have it for individual lots. It's possible that Richard [Hoxley] may also be able to answer that later on, but it's a fairly similar footprint from just a visual inspection.

Glenn Calvert:

In a nutshell, while this may seem OK on paper, it's the same scenario with a different twist that's already been refused three times by the East Gippsland Council almost unanimously and three times by VCAT.

The three refusal reasons are all the same and nothing has changed.

I'm sure you are aware of these and I don't have to read them out again.

The Backwater is arguably the best street in Bairnsdale and unashamedly was designed and sold to have larger houses built on the southern side, enjoying the views of the river and Bairnsdale.

And they were not to be subdivided into smaller blocks. So why are we going through all this again?

With this, the facts are the facts and nothing's changed.

If a subdivision goes ahead, it will open the floodgates for a lot more applications that we know of in the street.

So, if you have a row of elephants and you change one to a pig and then you change another one to a pig and then another, eventually you have a row of pigs and...

Word has it the applicants for this subdivision aren't even going to live there.

It's just a property development for pure financial gain through volume builder Metricon.

If it is indeed actually built, because once this is passed and then you have the opportunity to change the whole design without it even being made public or going to Council...

Cr Reeves:

It's probably not a planning consideration.

All of us who own our properties, we seek to benefit from their capital gain at some point and if they're our principal residence, they're tax free.

So any other particular points around the planning application?

Glenn Calvert:

And the precedent has been tried and tested three times for three refusals.

So I asked our learned Councillors to do the same with this application as with the previous three and refuse it.

Cr Crook:

The row of pigs.

The analogy is an interesting one we've heard tonight from various residents that this is a highly sought after section of Bairnsdale with a high level of amenity.

I'm just wondering, can anybody tell me how other how many more blocks are there on The Backwater that would in fact be available for further subdivision?

The assertion seems to be that this will be the thin end of the wedge and it will see multiple more applications for more subdivisions.

Just wondering if we can confirm how many more blocks are currently not developed?

Glenn Calvert:

There's two.

So this particular thing could happen to two, but I know of certain people in the street that if it's subdivided, they would go for battle axe blocks again.

And because a lot of the houses are set back to take advantage of the big blocks that were fortunate enough to live on, people have said, well, we can put a flat.

We can put a granny flat on the front yard.

We can subdivide, and I know there are certain people in the street that have actually said that they would consider doing that.

Martin Richardson:

I think the question related to how many particular, firstly, how many vacant lots and we think there's two - the reality is that any property in any residential zone in any Shire in Victoria can have an application for subdivision.

The question is whether it will be approved or not.

We are dealing with the application before us and the Council can't possibly be expected to anticipate what might happen with a future subdivision of another lot in the future.

So it's just important to recognise that we're dealing with an application here which is before the Council and for us to start trying to predict what someone else might do at some stage in the future would not be a relevant consideration here.

We need to consider whether or not this subdivision is consistent with the planning scheme, not whether some future hypothetical subdivision somewhere else is or isn't consistent.

Cr Crook:

In that case, we're only actually looking at two blocks, but just so I'm clear, there's nothing actually preventing people in this street who currently own a block from submitting an application to subdivide.

Martin Richardson:

Nothing at all.

Cr Greacen:

Following on from what you've just said, Martin, the VCAT hearings rejected were proposed as battle axe. Were they rejected because the battle axe subdivision style was inconsistent out of character? They've been rejected because there was no building envelope provided?

Kyra Collins:

It was a combination of the two, so they were found to be inconsistent, but also there was uncertainty in regards to the outcome of the built form, as has been mentioned previously. Obviously, there's quite a steep slope on the rear end of the block.

One of them was concerned about the ability for that area to be built up and what the built form outcome would be as a result of that battle axe subdivision.

So it's certainly a combination of the two and following on from your earlier question about what site area would be covered by built form, it's 358.8 square metres and that is both dwellings. For dwelling 1 the ground floor coverage will be 179.4 metres and dwelling 2 will be the same. They're mirror images.

Laurel Calvert:

[On behalf of Alan Baird]

Thank you for the opportunity to put before you the reasons why I am one of the many objectors against the development of two dwellings and two lot subdivision at 12 The Backwater. The applicant for the permit, Crowther & Sadler have on several past occasions acted for other lot owners in The Backwater seeking to subdivide their lot in order for a development to occur on each new lot.

These previous applications sought to divide their lot longitudinally or by way of a battle axe formation.

It is to be noted that these past attempts by Crowther & Sadler have failed at Council level and at VCAT level, where an overturning on the Council decision was sought.

It is thus surprising that Crowther & Sadler would put before Council an application to subdivide the lot at 12 The Backwater, in a manner previously rejected by the authorities since the previous failed attempts by Crowther & Sadler.

There has been further development of lots along the south side of the backwater, consistent with and in harmony with the well-developed neighbourhood character.

In their application, Crowther & Sadler are seeking a 2 lot subdivision.

The proposal indicates each new lot would have a street frontage of 12 metres.

This would constitute a gigantic shift in street frontages on the south side of the backwater.

Where all other lots have street frontages of 20 metres or more, a lot with 12 metre frontage to the street is in direct conflict with all other developments on the south side of The Backwater. Such a proposal is deeply disrespectful of all lot owners of The Backwater.

Crowther & Sadler's request for a permit for a development of two dwellings and two lot subdivision comes with the following flaws and deficiencies.

1. There has been no attempt to integrate the proposal with the existing neighbourhood character.
2. There has been no consideration given to streetscape integration.
3. There has been no consideration given to the social impact on the surrounding community.
4. Subdivisions of land along the south side of The Backwater do not comply with the planning requirements for residential zone 1 and Clause 56, whilst the permit application will be considered by a different Council than the one which previously rejected similar subdivisions, the objections listed above were those endorsed by the previous Council as highly relevant to those applications.

Cr Reeves:

My interest is in terms of neighbourhood character. I note there's quite a few houses which have quite large and obscuring fences, and behind those fences we wouldn't know if there were single dwellings, two dwellings.

Now how does neighbourhood character and fences and that and what's hidden behind the fences come into play here?

Maybe I'm just thinking out loud.

Laurel, you know, it's just because it's one of those difficult things, isn't it?

Streetscape and character.

Laurel Calvert:

They're just beautiful 20 metre wide blocks or whatever with lovely landscaping, so certainly those ones.

And you can see the backs of the house which a lot of people would call the front of the houses facing the river.

But there's actually probably not that many big fences you see.

Cr Reeves:

There's probably five or six in a row.

Laurel Calvert:

Some probably aren't that high.

If one walks down Morton Drive, which 15 years ago was a similar in streetscape to The Backwater of 15 years ago and look at Morton Drive today, you definitely notice two different styles of character.

Richard Hoxley (Crowther & Sadler):

Thank you, Mayor, and Councillors.

One thing I want to jump on pretty quickly in respect to some of the comments made about our firm at the end of the day, we're acting on behalf of a client who was seeking our professional assistance.

Part of that assistance, we certainly provide them with information concerning previous decisions or VCAT decisions and or permits granted within a street or locality, and I can assure you that we were absolutely upfront with our client on this occasion as to perhaps some of the difficulties or challenges that their proposal would come up against both in opposition from residents, but also having regard to VCAT decisions.

So we've been very thorough and given them in no uncertain terms an outline of how difficult potentially this proposal is.

We are not spruiking to people, in attempt to divide and conquer every lot in The Backwater, far from it, in actual fact, we heed VCAT decisions very seriously as professionals.

On that note the conjecture that allowing a proposal or allowing something different on the south side of the backwater in the way of a duplex development and two lot subdivision will suddenly open the floodgates or create a domino effect.

This is an urban myth that's been preached in neighbourhoods in metropolitan areas and other urban areas for probably the last two decades, and I can tell you as a professional planner, I've seen nothing occur like that at all in the majority of instances, demand for housing will create the demand for alternative housing styles and housing stock and infill development is one of those.

And as I'm sure this Council is challenged with the supply of housing at this point in time, as is the rest of the country, it would seem there is a reliance on infill development to provide housing stock, housing affordability and housing diversity now in The Backwater.

The tribunals made it quite clear that battle axe subdivisions are not part of , or consistent or considered to be appropriate given the nature of development, particularly on the south side of the backwater, but also having regard to both sides of the street, it's not just one side of

the street versus the other.

I wish to highlight the fact that the covenant registered on these property arguably anticipates duplex development as acceptable.

So if we want to talk about what's reasonable, what's expected in the planning of this estate and in particular The Backwater, the original developer anticipated duplex development as acceptable, everyone should otherwise be aware of that and informed of that upon purchasing their property, it's set out in the covenant which doesn't prevent further subdivision.

Interestingly, the east and end of the backwater is affected by another restriction under a Section 173 agreement, and there's a line in that agreement, and this was the subject of the Rikers application and consideration by VCAT, and it's an important distinction that at that end of the street, which was developed in the separate stage to this subject site, there is a line that says the land must only be developed in accordance with the planning permit, that being the original permit granted for that subdivision will stage of subdivision.

The tribunal picked up that to grant the permit would also require a variation to that Section 173 agreement.

And I know Councillors dealt with those on numerous occasions and how difficult sometimes it can be to consider that.

Now I'll get into neighbourhood character and other areas. We've heard a lot of statements that this proposal would be inconsistent with the neighbourhood character and most of those statements seem to rely on or hinge on the subdivision pattern.

Well, if we're going to maintain the same subdivision pattern, we would never get infill development.

The controls did not expect and the neighbourhood character does not anticipate an absolute duplication of the same lot sizes or frontages and characteristics.

The whole point is change can occur. But it must be done in a thoughtful way that addresses the various criteria under the planning scheme.

One of the relevant clauses referred to in some of the objections is clause 58.

So maybe it's a misunderstanding by the people that have made those submissions, as they may not be planners. Clause 58 of the planning scheme refers to apartment developments of more than four stories, not a relevant clause for this proposal.

The application also refers to and relies upon clause the compliance with clause 55 and clause 56, clause 55 being the development of two or more dwellings on a lot and clause 56 being subdivision.

In none of the objections that I've reviewed has anyone been able to identify any element of this design that fails to meet a standard of clause 55 for multi dwelling design.

Not on building height, not on setbacks, street setbacks, site coverage, open space or even overlooking and overshadowing.

Now we have one objector on a neighbouring property. He is at #14. He contacted our office with concerns of overlooking and he explicitly mentions in his objection that to provide an additional privacy screen to an area, an alfresco dining area on the east side would allay his concerns. We're more than happy to provide that, and it's not unusual for relatively minor changes such as that to be adopted through an amended plans condition should a permit issue, but no one else in their submissions have been able to raise any deficiency in the

design based on the merit of that design against the provisions of clause 55.

And there was, I think, 32 standards and objectives that must be met.

It is a high level of rigour, unlike single dwellings, and we've got a multitude of different designs in this street on the south side of the street, you'd argue no two houses are the same.

So it's very difficult to define neighbourhood character based on architectural style, so everyone's entitled to a different design and in fact have undertaken that. This is no different. It will add to the diversity of architectural style and design, and not one that's otherwise not in keeping. The fact that it's a Metricon design, they spend and invest a huge amount of money on architectural design, both to appeal to a market but also to respect building controls. Neighbourhood character is one of them.

There's nothing that prevents double storey development in this street.

There are some large double storey houses in the street, so from that perspective it's in keeping with what exists. It's consistent with the character in terms of the width of the development across the block. It's no different to other houses in this in the street where are we varying from? The expanse of the width of development and site coverage or building footprint I'll put to you, there are several houses and dwellings that it would be in excess of 300 square metres in footprint.

This is no different at 353 square metres, we're probably on the higher end of most, but it's not an unreasonable building size based on the available building area.

Forget the size of the total lot.

It's not a McMansion or a mega development that's out of keeping or out of step with other development in the street.

Other concerns that have been raised within the objections are car parking and traffic generation.

Well, if we want to raise the considerations of previous VCAT decisions, those decisions, and particularly the second one for 24 The Backwater made it quite clear that in that that Member's opinion, the concerns related to on-street car parking and traffic generation, were effectively dismissed - there was not sufficient evidence or information presented to the Tribunal to substantiate those claims.

And so with two vacant lots, from what I understand, I think it's this lot and one other at this end of the street, there is very limited opportunity for development.

There's no domino effect and therefore very little change to the generation of traffic and therefore traffic safety.

In terms of safety, that was raised earlier this evening. whilst some properties do have a zigzagging style path down the back to the to the southern boundary or southern end of the property, certainly I can see it #8, they've got an alternative that goes does a straight line and set of steps.

In the landscaping to the back of the property as to how an owner might gain access is their choice.

We are still in a country that allows choice within limited degrees, albeit some development can occur as of right, where people don't get to have their dream home judged on architectural merit. And that leads to diversity.

In summing up, I just wish to emphasise that this proposal has been given a high degree of

scrutiny in its preparation to ensure compliance with planning provisions within the planning scheme.

We've not had any concerns or elements raised by planning officers of non-compliance with the standards and we put it to you that it's a very reasonable, thoughtful and acceptable form of development proposed within the street and one that cannot change on a whim, as has been suggested, or one that looks like a pig for that matter.

This is a development that's going to be someone prepared to invest a significant amount of money and to do so they want to make sure they've got a product that, yes, initially they would like to live in one unit but irrespective of that that can be bought and sold at any time once it's subdivided - that's their right as with any of us that own a property.

But this is not a pig when you consider the design of other dwellings and what else otherwise appears in the street. It's of equal quality in some respects even higher.

It will be an asset to the street and provide diversity as is required, as well as contributing to supply with infill development and our request is that Council consider this application on merit. And certainly if any deficiencies are identified, we would appreciate the discussion and certainly work with Council to address any concerns that they may have.

Cr White:

Is it locked in that they must build the duplex on the two new lots if it's approved?

Richard Hoxley:

It's fairly standard practice whereby with a combined application, a condition of the permit would require the owner to enter into a section 173 agreement that effectively locks in the design of the development and the built form outcome.

As proposed, any variation from that would be would require further council approval.

It does enable the subdivision to be completed first, but as I say we'll provide certainty as to a built form outcome and that's anticipated and Council officers have sought clarification of our expectations of such a condition and we have said that we have always anticipated that condition would be included presuming the application is supported.

Cr Urie:

I think my question is the same.

It was around the certainty that the community members could have that the buildings that are set out in the application are the ones that would be built.

I think you've covered it, Richard.

Martin Richardson:

In these applications, as Richard said, it's typical for us to ensure that the development that's proposed in terms of the dwellings is consistent with what's in front of us, that we in fact apply a condition requiring a Section 173 agreement and therefore the owner of that lot must comply with that legal agreement and must build the product that is shown in the approval for the drawings.

Cr Reeves asked the officers to outline the next steps.

Martin Richardson:

The assessment of the application hasn't been completed.

Kyra has outlined the provisions of the planning scheme that need to be considered.

Tonight's opportunity for the objectors to expand on their concerns is a good one for all parties to listen to.

We will continue with the assessment of the application and prepare a report.

Now I will advise the Councillors and the people present that in many circumstances applications are dealt with by delegation of Council, by officers and signed off by senior officers.

But the Council's delegation policy does provide a set of guidelines for officers as to when we should exercise that delegation or when we should refer an application to Council.

There are a couple of provisions within that policy that apply, and the particular one is that where an application attracts a significant amount of public interest or attracts a significant number of public objections, then the officers can choose to refer that application to Council. In this case, we have made that decision to do that and we believe it's appropriate for the application to be referred to Council so that those people who have lodged submissions can see a transparent decision making process at a future Council meeting.

So Kyra will complete the assessment of the application, prepare a report and that will appear on a future Council meeting agenda.

When it does, those people who made objections will be notified, and I'm sorry, it's only on the Friday before the Tuesday meeting because even we don't know if it's on the agenda until that Friday afternoon.

But you'll all receive email confirmation of the item being on a Council meeting agenda

And I'll also just point out that under the delegations policy, people having had the opportunity to make their detailed submissions in this forum tonight are not able to make a presentation to the Council as they might normally would.

But questions of the Council may be lodged and when we provide the notification of the meeting to people, we will outline the process and the link to the site where they can seek to ask a question at the Council meeting, if they wish.

Cr Reeves:

That's reassuring for the community members who are here tonight and any others who are listening or watching and who have an interest in this application that Councillors will give it their due consideration.

And it's important to hear your concerns here tonight.

Thank you very much for attending.

I will declare the meeting closed and wish everybody a good evening and please travel home safely.

Meeting closed at 7.15pm.

Hi

My name is Peter Trewin and I live at Eastwood. I purchased the property about 5.5 years ago and have been living there for 5 years. During this time I have begun to understand the significance of The Backwater when the planning was conducted in the establishment of Eastwood. The estate developers for Eastwood included a "dress circle" for Bairnsdale with half acre blocks that have spectacular ^{Views} aspects of the Mitchell River floodplain (that cannot be built out). The street was given different light poles and brick paved intersections to declare its unique significance.

Many of the people living along The Backwater have built their homes to enjoy the views and the spaciousness of the larger blocks (with one residence allowed). My experience is interesting as I live in a house that a builder built with his hope that he could subdivide the block after completing the first house. The application for subdivision was unsuccessful and the builder sold it to me after 3 years on the market (possibly as it was not designed as a typical Backwater home and is only 3 bedrooms). This builder had another 2 blocks at 38 and 40 The Backwater that would have been subjected to similar subdivision applications. These blocks have had a house built on each of them with the builder no longer living in the area. Developers see opportunities and The Backwater has big blocks that could be easily subdivided. These developers will live in the home for 12 months and then sell the house income/capital gains tax free.

The residents are protective of the original planning scheme and have been against possible subdivisions as have occurred along Morton Drive Eastwood changing the feel and amenity of the area.

I enjoy The Backwater as it is with the generous half acre blocks, larger homes, spectacular views and access to the walking track along Clifton Creek. I purchased the property because of the larger block, the views, the no-through road, lower traffic flows. There would be about 10 blocks along The Backwater that could subdivide introducing houses without rear access to the Clifton Creek, increase the parking of cars along The Backwater, increased traffic congestion at the 2 access roads, and change the look of the original planning scheme.

Thankyou for the opportunity of presenting my point of view

Letter to Shire Councilors re Objection to subdivision of 12 The Backwater, Eastwood

My name is Wayne Stagg, my wife Maree and I purchased _____ as our forever home from Helen and the late Jim Duggan who were one of the original first home builders in The Backwater. They lived here for approximately 12 years, they then moved into the retirement village in Eastwood. When we purchased our home there was a vacant block next door _____ and when I enquired of the Duggan's about this block being subdivided, Jim advised me that there had been 3 prior attempts to sub-divide on the south side of The Backwater and they were denied approval.

When 48 The Backwater block came up for sale and the purchaser indicated to the owners of no. 50 The Backwater, his interest in sub-dividing the block longitudinally (split). He received disapproval from the local neighbors who advised him on the recent unsuccessful attempts and, so he decided not to proceed with that proposal but one year later sold the block to the present owners who have almost completed an expansive new build for their retirement. Following this I wrote to council on the 29th May 2019 (Letter attached) and received a reply from acting director of development (Aaron Hollow) advising me that the Council does not have any planning applications for subdivision and that given the current planning policy has not changed, the Shire is unlikely to grant a permit for subdivision in the future.

Prior to purchasing 46 The Backwater we had purchased _____, with the intention of building our forever home, overlooking the beautiful billabong, Lake. However, we chose the simpler alternative of buying _____ from the Duggan's as an existing home. We then sold _____ to the owners who then immediately applied for and received permission to subdivide in battleaxe form and cut down a 300 year old gum tree to accommodate their dream home. Since then, further battleaxe properties on Moreton Drive have been developed.

There have been three previous attempts to subdivide allotments of the south side of our street in the past.

- * (2013). Elliotts, 26 The Backwater. (Battle Axe). Refused by council and also by VCAT.
- * (2015). Elliotts, 26 The Backwater. (Centre split). Refused by council and also by VCAT.
- * (2016) Rykers, 50 The Backwater. (Battle axe) Refused by council and also by VCAT.

Interestingly Mr. W Rykers, who is a local house builder, purchased three vacant blocks, 38, 40 and 50 The Backwater. His first build

at 50 The Backwater, was set forward to the street the closest distance allowable, which set a new precedence. The dubious neighbours were assured by the Rykers that they had no intention of subdividing, but within six months while living in their new home, the Rykers applied for a Battle Axe subdivision to build his "forever" home on the "river view" end of the block overlooking the Backwater.

When their application was denied by both council and VCAT, they sold their home at 50 The Backwater, then built substantial single dwellings on each of the remaining two blocks (38 & 40). These attractive well built houses, sitting well back on the block in vogue with the rest of the street (one with an inground pool) sold quite quickly and the Rykers moved on to their next build project elsewhere.

All of the new owners _____ have objected to the current proposal.

We mention this instance of an earlier application to subdivide, by someone who apparently had no intention of living long term in The Backwater neighbourhood, as Clause 56 of the Residential 1 Zone planning requirements specifically emphasises RESPECT FOR, AND INTEGRATION WITH NEIGHBOURHOOD CHARACTER and LAND DEVELOPMENT MUST REFLECT "EXISTING" PATTERNS OF DEVELOPMENT.

Had Mr. Rykers been successful in being granted a permit on his first application and having purchased two other vacant blocks the precedence WOULD have allowed him to do the same with his other two blocks.

So, in terms of the present planning permit proposal, which curiously, is different from the earlier denied proposals in as much as it has TWO components to its application ie. a permit for a two story duplex AND CONCURRENTLY a "split subdivision" configuration, we contend that as there are no duplex configuration dwellings on the south side of the Backwater, this application should be denied for the same reasons as previously stated.

In conclusion, the objectors, who are predominantly senior aged retirees, and who have chosen to live "long term" in this rather unique street and neighbourhood, which has established even more "neighbourhood Character and community charm" since the earlier attempts to subdivide allotments within it. The subject allotment (12) and (6) are the only two vacant blocks in the street.

Many residents enjoy the openness of the street (No through traffic and Courts at both ends) for riding or walking with three easy access paths to the backwater river and walking track.

Without exception we all appreciate how fortunate and privileged we are to reside here.

So, for the same reasons that both the East Gippsland shire councillors in 2013, 2015 and 2016 and VCAT, cited the reasons to deny granting a permit to subdivide an allotment in south side of The Backwater ie,

* The proposed subdivision is NOT respectful of the existing neighbourhood character.

* The proposed subdivision will have a detrimental effect on the amenity of the area.

* The proposed subdivision is inconsistent with the state and local planning policy frameworks, the general residential Zone provisions and clause 56 of the East Gippsland Planning Scheme.

We urge you to do likewise **with** this application.

End of draft...comments please.

Wayne Stagg

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

28 May 2019

Mr Wayne Stagg
Emailed to:

Corporate Centre
273 Main Street (PO Box 1618)
Bairnsdale Victoria 3875
Telephone: (03) 5153 9500
National Relay Service: 133 677
Residents' Info Line: 1300 555 886
Facsimile: (03) 5153 9576
Email: feedback@egipps.vic.gov.au
ABN 81 957 967 765

Dear Mr Stagg,

The Backwater Eastwood - Subdivision

Thank you for your email dated 13 May 2019 to Councillors regarding subdivision along the Backwater in Eastwood. I have been asked to respond to you on their behalf.

At present, Council does not have any planning applications for subdivision at any of the properties along The Backwater. It is my understanding that my colleague Martin Ireland, Senior Land Use Planner has forwarded to you some previous VCAT decisions that resulted in subdivision proposals being refused. If you would like to obtain a copy of these decisions, we can make them available for you to collect from any of the customer service centres.

Given that planning policy has not changed significantly (for this part of the Shire) it is unlikely that a planning permit application for subdivision on The Backwater would be supported by Planning Officers.

Yours sincerely

02/08/2023, 20:31

29 Morton Drive, Eastwood, Vic 3875 - Property Details



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29 Morton Drive, Eastwood, Vic 3875



1,318m² Residential Land

\$181,000

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From:
Sent: Monday, 18 September 2023 8:59:13 PM
To: Cr Mark Reeves
CC: Councillor Admin Use Only
Subject: PCM meeting Monday 18th Sept copy of speech

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Hi Mark
Thank you for leading tonight's PCM regarding 12 The Backwater.
I've attached a copy of my speech from tonight.
Please don't hesitate to contact me on _____ if you have any questions regarding my reasons for objecting.
Regards
Glenn (and Laurel) Calvert

From:

Sent: Tuesday, 19 September 2023 9:55:38 PM

To: Cr Mark Reeves; Cr Arthur Allen; Cr Jane Greacen OAM; Cr John White; Cr Kirsten Van Diggele; Cr Mendy Urie; Cr Sonia Buckley; Cr Tom Crook; Cr Trevor Stow

CC: Councillor Admin Use Only

Subject: Considerations Re Planning Application: 5.2023.100.1

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Dear Councillors,

Regarding the planning application: 5.2023.100.1 for subdivision of 12 The Backwater Eastwood 3875:

The Planning Application for a subdivision on 12 The Backwater in Eastwood should not be approved as it is on the south side of The Backwater. It is important to differentiate the south side of The Backwater from the north side and the rest of Eastwood. The reason it is distinct is that each block on the south side has a large, steep slope onto flood plains so the building envelope is actually much smaller than it appears on paper.

The Planning Application for a subdivision on 12 The Backwater in Eastwood should not be approved as it is not consistent with the existing neighborhood character, an essential consideration for planning. The south side of The Backwater has a well established neighborhood character with single dwelling homes situated along the sloping blocks, as they were originally planned to be when the area was developed.

The Planning Application for a subdivision on 12 The Backwater in Eastwood should not be approved as it is not in line with the streetscape of the south side of The Backwater. Sub dividing a block on the south side of The Backwater, from the front of the block all the way down the steep slope, would go against the existing streetscape which is visible not only from the front of the property but also from the base where a well used public walking track adjoins properties on the south side of The Backwater.

From the walking track, all the mostly well maintained sloping blocks are evenly spaced, around 20 metres apart. A subdivision down the middle of the steep slope, creating two narrow blocks of 10 metre width, would be incongruous, choppy, unsightly and potentially unsafe. There are subdivisions closer to the Eastwood Billabong on Morton Drive but they aren't quite as unsightly or unsafe because the blocks there are far less steep.

This proposed subdivision is significantly more complex and problematic than it appears to be on paper. I would therefore encourage councillors, if at all possible before making a decision, to visit The Backwater, consider the existing streetscape and neighborhood character and view the site of the proposed subdivision, from both the road and the walking track below at the bottom of the steep, sloping block.

Thank you for taking the time to consider concerns raised by residents of The Backwater.

Yours sincerely,

Jessie Ng

Eastwood

Sent from Yahoo Mail on Android

Y3

Dear Councillor Reeves

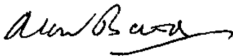
Re : Objections to "Development of Two Dwellings and Two Lot Subdivision" at 12 The Backwater, Eastwood.

Please find Attachment 1 the speech I had written, and presented by Laurel Calvert, on my behalf, at the Planning Consultation Meeting held on Monday, 18 September. Unfortunately I was unable to attend the meeting in person.

Attachment 2 was an attachment to a letter sent by Crowther and Sadler Pty Ltd to residents in the immediate vicinity of 12 The Backwater. The letter and attachment was obviously sent to advise residents that Crowther and Sadler intended to seek Council Approval to subdivide the current Lot at 12 The Backwater into two separate lots with frontages of 12.12m and 11.90 m respectively. Outlines of proposed dwellings on each new Lot was also shown.

Attachment 2 shows clearly the intention to have two Lots of land with areas of 998sqm and 1069sqm respectively endorsed by Council. The proposed building outlines give no indication of the size of the dwellings. I believe any building development on Lot 1 or Lot 2 would need additional Council approval.

Yours sincerely,



Alan Baird

Eastwood.

EGSC

21 SEP 2023

INFORMATION
MANAGEMENT

Mr Mayor and Councillors,

ATTACHMENT 1

Thank you for the opportunity to put before you the reasons why I am one of the many objectors against the Development of two dwellings and two lot subdivision at 12 The Backwater Eastwood.

The Applicant for the permit, Crowther and Sadler, have on several past occasions, acted for other lot owners in The Backwater, seeking to sub divide their lot in order for a development to occur on each new lot. These previous applications sought to divide their lot longitudinally or by way of a battle axe formation. It is to be noted that these past attempts by Crowther and Sadler have failed at Council Level and at VCAT where an overturning on the Council decision was sought.

It is thus surprising that Crowther and Sadler would put before Council an application to sub divide the lot at 12 The Backwater in a manner previously rejected by the Authorities. Since the previous failed attempts by Crowther and Sadler, there has been further development of lots along the south side of The Backwater consistent with, and in harmony with, the well developed neighbourhood character.

In their application, Crowther and Sadler are seeking a "..... a two lot subdivision of 12 The Backwater". The proposal indicates each new lot would have a street frontage of 12 meters. This would constitute a gigantic shift in street frontages on the south side of The Backwater where all other lots have street frontages of 20 meters or more. A lot with 12 meter frontage to the street is in direct conflict with all other developments of lot owners on the south side of The Backwater. **Such a proposal is deeply disrespectful of all lot owners of The Backwater.**

Crowther and Sadler's request for a permit for a " Development of two dwellings and two lot subdivision at 12 The Backwater Eastwood" comes with the following flaws and deficiencies:

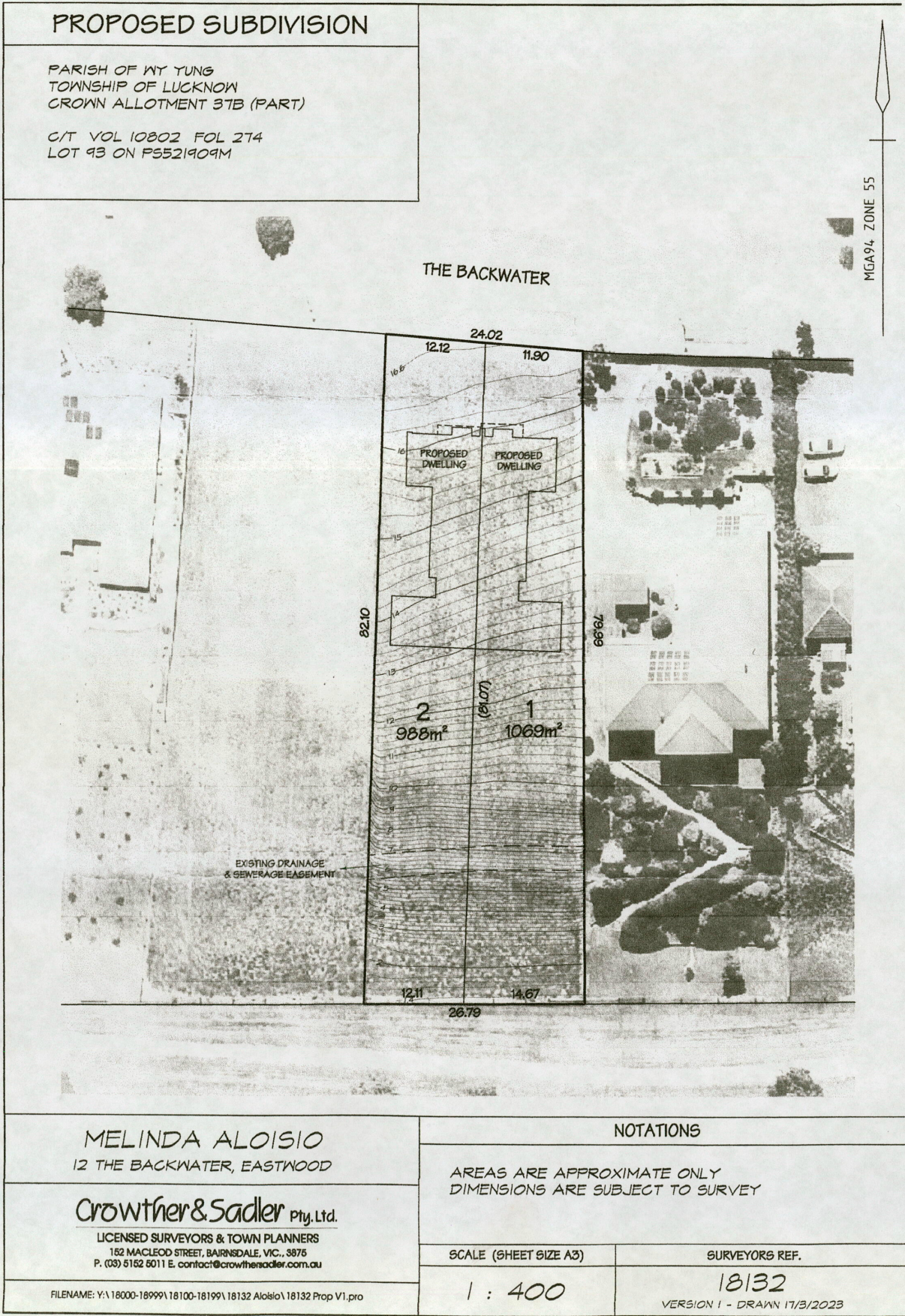
1. There has been no attempt to integrate the proposal with the existing neighbourhood character.
2. There has been no consideration given to "streetscape" integration
3. There has been no consideration given to the social impact on the surrounding community
4. Subdivisions of land along the south side of The Backwater do not comply with the planning requirements for Residential Zone 1.

Whilst the Crowther and Sadler Permit Application will be considered by a different Council than the one which previously rejected similar subdivisions, the objections listed above were those endorsed by the previous Council as highly relevant to the those applications.

Thank you for listening to my objections.

Alan Baird

ATTACHMENT 2



1/3

Dear Councillor Crook

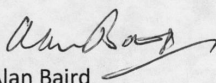
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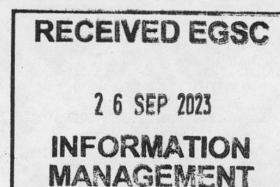
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Yours sincerely,


Alan Baird

Eastwood.



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It is thus surprising that Crowther and Sadler would put before Council an application to sub divide the lot at 12 The Backwater in a manner previously rejected by the Authorities. Since the previous failed attempts by Crowther and Sadler, there has been further development of lots along the south side of The Backwater consistent with, and in harmony with, the well developed neighbourhood character.

In their application, Crowther and Sadler are seeking a “ a two lot subdivision of 12 The Backwater”. The proposal indicates each new lot would have a street frontage of 12 meters. This would constitute a gigantic shift in street frontages on the south side of The Backwater where all other lots have street frontages of 20 meters or more. A lot with 12 meter frontage to the street is in direct conflict with all other developments of lot owners on the south side of The Backwater. **Such a proposal is deeply disrespectful of all lot owners of The Backwater.**

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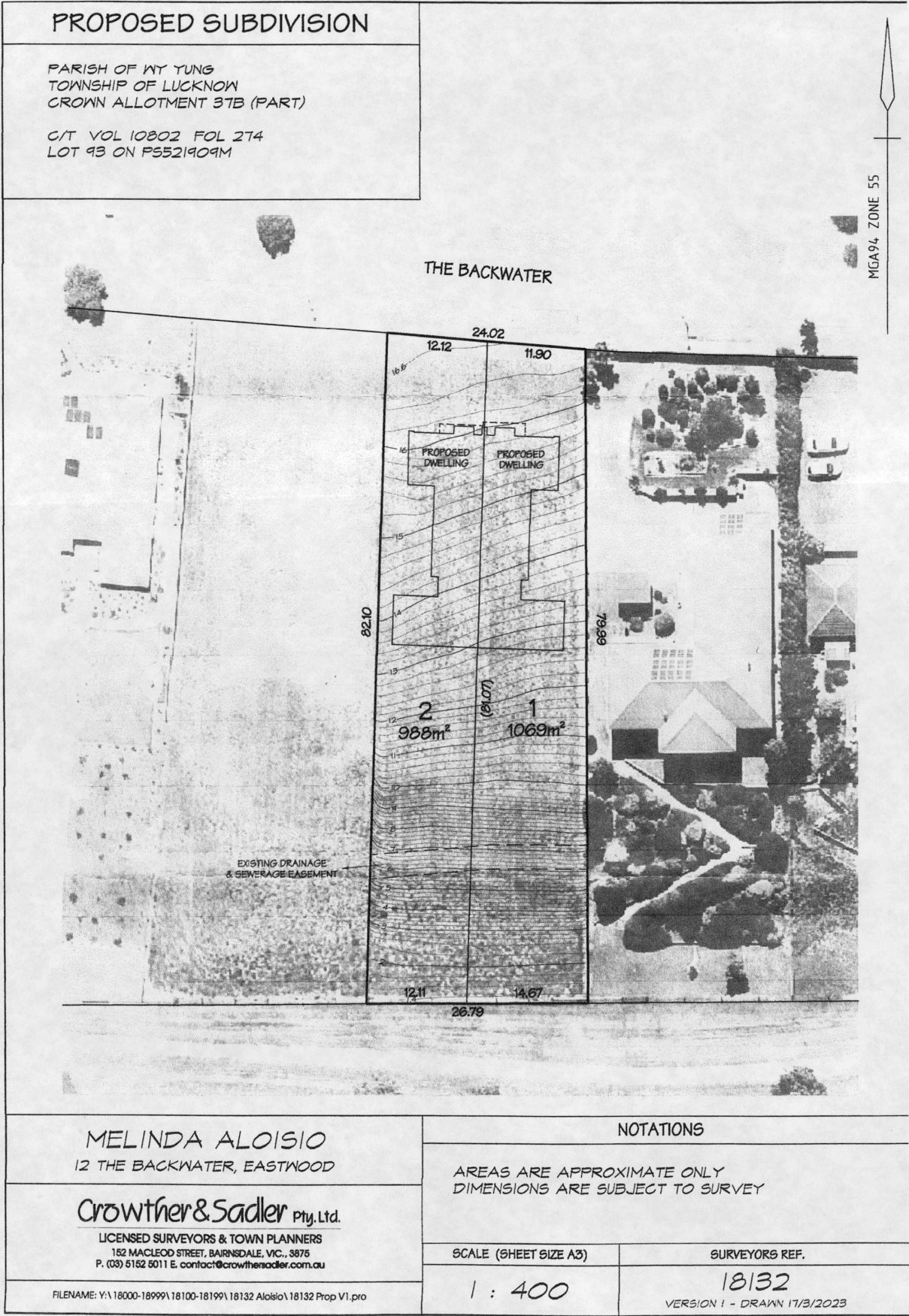
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2. There has been no consideration given to “streetscape” integration
3. There has been no consideration given to the social impact on the surrounding community
4. Subdivisions of land along the south side of The Backwater do not comply with the planning requirements for Residential Zone 1.

Whilst the Crowther and Sadler Permit Application will be considered by a different Council than the one which previously rejected similar subdivisions, the objections listed above were those endorsed by the previous Council as highly relevant to the those applications.

Thank you for listening to my objections.

Alan Baird

ATTACHMENT 2



From:

Sent: Thursday, 28 September 2023 2:36:02 PM

To: Cr Mark Reeves; Cr Arthur Allen; Cr Jane Greacen OAM; Cr John White; Cr Kirsten Van Diggele; Cr Mendy Urie; Cr Sonia Buckley; Cr Tom Crook; Cr Trevor Stow

CC: Michelle Wood; Councillor Admin Use Only

Subject: PROPOSED SUB-DIVISION / DU-PLEX CONSTRUCTION - 12 THE BACKWATER EASTWOOD

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Hi Councillors

Following the meeting on Monday the 18th September in regards to the above proposal, we hoped you would have the time to read our personal objections to the application as mentioned above

From discussions with our fellow objectors, we are all on the same page but the granting of the above may affect us all just a little bit differently and we hope that personalising our concerns may aid a decision that we will find favourable

Thank you for your time

Yours Sincerely

Michelle Wood & Jeff Lindsay

Eastwood

Dear Councillors

In reference to the proposed sub-division / duplex construction at number 12 The Backwater Eastwood :

My partner, Jeff, and I purchased what was a vacant block at _____ and commenced building our retirement home earlier this year

We currently live on 3.2 acres in Langwarrin South, the start of the Peninsula, under the Frankston City council. Our street boasts being the Toorak of Langwarrin South, the properties are highly sought after by families in particular and the properties and dwellings are of large, neat proportions. The attraction to the Eastwood area for us is the lakes system and boating, Jeff has a yacht at Tambo Marine. The Backwater was of massive interest to us with its location, outlook across the waterway and the flood plains but also the street scape – largish blocks, neat & expansive dwellings, the feeling of space and not being wall to wall with your neighbours. We have been told this street is the Toorak of the area and we agree. In our home location, Frankston council have clear stipulations for our particular area : minimum block size of 2.5 acres, absolutely NO subdividing, dwellings have to be over a certain size, no 2 storeys, no 2nd dwellings, muted colour, exact building envelopes and no industry to be conducted from the premises. We totally agree with the rulings and the street is uniform in compliance but unique from property to property. It breeds confidence when buying in an area with strict rules that your neighbour CANNOT do something that will impact your own property and your style of living or devalue the area in any way and impact your right to peaceful living and we feel suitably protected.

In regards to The Backwater, we believed a similar stance would be in place – we had been advised by our draftsman that there were rulings in place for how far back we could build (as you can see from overheads if you Google earth the street, there is a distinct line where the houses build back to, so no one blocks anyone else's views) and the minimum size of the houses to ensure no one builds a tiny house as such. Fairly basic rules but we felt comfortable when we purchased number 48 that we were going to be protected from sub-standard dwellings being built on the remaining vacant blocks or in front gardens where the houses are set well back. We paid \$300,000 for our block and our build, without landscaping, pool, retaining walls and fencing is currently just under \$800,000 – we are investing a considerable amount of money into our build and hope our neighbours are happy with our attempts to not visually impact or devalue their properties in any way at all but hopefully to enhance the area, even just a little bit.

Being born and raised in my earlier years in England, duplexes as they are called here are referred to as semi-detached in the UK. They immediately indicate the wealth / status of the occupants, which is lower middle class. In areas where we currently live under Frankston council, duplexes / semi-detached are, in particular, almost segregated areas including commission areas where properties have the constructions on them to accommodate as many persons as possible on the smallest chunk of land. In the street leading into The Backwater, Glendon Drive, there are a couple of duplexes / semi-detached dwellings constructed that are quite clearly and purposefully built as social housing and prior to us buying number _____, caused quite a lot of issues for people living in the immediate area including The Backwater. They stand out, they indicate a social status and they are undesirable in an area where they are conspicuous, when the other properties are large single dwellings with massively wide frontages in comparison.

A couple of years ago, my daughter convinced me to build a house & land package in Clyde North – I consider Clyde North as high density living but we proceeded. Our block was 12.5m wide – our little house was completely built up to the fence line on the left-hand side, with our garage wall basically touching the garage wall of the house next door, and to the right-hand side we had a 1.5m wide walkway to enable access to the backyard. We were basically fence-line to fence-line except for the walkway. The proposal at number 12 is for 2 x 12m wide properties which is smaller in width than Clyde North and is visually a high-density sub-division. The constructions will look like tall, skinny dwellings and not sprawling housing as per the other properties (a pig amongst the elephants).

Jeff and I did NOT buy in this street to replicate living in a high density, commission style environment. We appreciate the space around us and are paying good money to fit in, and hopefully improve the street in our own way. Bragging about the Metricon proposed builds doesn't sit well with me personally after years of issues with builders and the VBA and defective builds – in noting the Porter Davis collapse and the Metricon debacle from 12 months ago, the Metricon build all by itself is a concern. Unfortunately the

– in the current climate this may be a temporary fix – the volume builders are struggling and the proposed build at number 12 by Metricon should raise some serious red flags in relation to completion of build, building warranties etc rather than have been used as an enticer to persuade council to approve the proposal “because it's being built by Metricon”. I would hope the Metricon enticer is seen for what it really is, and potentially not a positive to entice the councillors to approve the proposal but rather a negative in the scheme of things in a very nervous building market

We hope you give an enormous amount of consideration to NOT approving the proposal in respect of those who live in and are building in the street and are trying to maintain an up-market, desirable location to live our lives comfortably in. If our stance sounds in any way “entitled” then that's exactly what we were aiming for – this is our retirement and we have worked very hard our entire lives towards this and we intend to reside in The Backwater for a very long time, not to be disappointed by the activity of others who have no intention of living in the street but intend to “dump & run” making as much money as they can with no thought to the neighbours or neighbourhood and ruin the character of the street we fell in love with

Regards

Michelle Wood

Eastwood

From: Ted Campbell
Sent: Sunday, 1 October 2023 11:13:47 AM
To: Cr Mark Reeves; Cr Arthur Allen; Cr Jane Greacen OAM; Cr Kirsten Van Diggele; Cr Sonia Buckley; Cr Trevor Stow; Cr John White; Cr Mendy Urie; Cr Tom Crook
CC: Councillor Admin Use Only
Subject: Sub Division of 12 The Backwater

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Dear Councillors

In reference to the proposed sub-division / duplex construction on at number 12 The Backwater Eastwood :

As you would be aware this application is currently before Council.

You may ask how does this concern us?

The answer is that one lone block may make little difference but what it will do is lead to further, more intrusive developments. At a recent meeting the developers representative was somewhat dismissive of this but one only has to look at adjacent streets here in Eastwood to see that it happens and to see its effect.

The south side of The Backwater has been the subject of similar applications for subdivision on a number of occasions over the past ten years. However as has often been documented, the south side of The Backwater is significantly different to the north side. The majority of blocks, including the one in question consist of a steep slope onto flood plains. As a consequence the remaining land area able to be built upon is considerably less than the stated land area.

The Council has on each occasion, not granted a permit and has defended the decision when the relevant developers have applied for review by Victorian Civil and Administrative Tribunal. On each occasion the Tribunals have affirmed the decision made by the Council and directed that no permit be issued.

When Eastwood was approved, the council at that time had in mind that The Backwater would be an area visually attractive to encourage people from nearby to use the amenities adjacent to Clifton Creek for leisure pursuits.

To this end land owners were restricted in their ability to park caravans where they were visible from the street, they were unable to have other structures that did not conform to the general look of the existing building and subdivision was restricted.

These restrictions supported the original wish of the council to make the Backwater an attractive area not just for residents.

On very much a personal note, we have become tired of developers who wish to change the face of an area in which we, the residents, have chosen to invest our lives, while the developers, who have no intention to live in the area, go back to their own homes unaffected by the changes their developments bring about. Where we see serenity and beauty, it would appear that others only see profit!

In summary

1. The proposed sub division is not respectful of the existing neighbourhood character.
2. The proposed subdivision will have a detrimental effect on the amenity of the area.
3. The proposed sub division is inconsistent with the state and local planning policy frameworks, the General Residential Zone provisions and Clause 58 of the East Gippsland Planning Scheme.
4. Increased traffic flow will adversely affect our lifestyle.
5. The original subdivision was designed for larger homes and landscapes along the embankment of the area of the backwater.
6. Granting the permit in this instance almost certainly lead to further applications for subdivision of even developed blocks.

Ted and Rosemary Campbell

1 October 2023

From: Glenn Calvert [
Sent: Friday, 3 November 2023 5:23:54 PM
To: Cr Tom Crook; Cr Jane Greacen OAM
CC: Councillor Admin Use Only
Subject: Subdivision 12 The Backwater Eastwood

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Congratulations Tom and Jane on your recent appointments as Mayor and Deputy Mayor.

As you are aware there is an upcoming vote on the subdivision of number 12 The Backwater Eastwood. Hopefully you are well versed with this as a lot of the objectors would have sent you an email of our concerns.

We have met with Trevor Stow and Arthur Allen on site with an informal meeting at our place some time ago. We have also had a PCM meeting.

If you need to reach out for any further information, please don't hesitate to contact us as we don't want to be seen as bombarding you with information.

But we all feel strongly about this, as it has already been rejected three times by East Gippsland Shire Council and an appeal rejected three times by VCAT .

The Applicants through Crowther and Sadler can twist it around as much as they like but the facts still remain the same.

Hoping you will support the previous three almost unanimous decisions to refuse the permit.

Thank you.

Glenn and Laurel Calvert
Eastwood

Sent from my iPhone

From: Jessie Egan
Sent: Saturday, 4 November 2023 4:11:55 PM
To: Cr Tom Crook; Cr Jane Greacen OAM
CC: Councillor Admin Use Only
Subject: Congrats and concerns re proposed Backwater subdivision

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Dear Tom and Jane,

Congratulations Tom on being appointed Mayor and Jane on being appointed Deputy Mayor.

Regarding the upcoming vote on the proposed subdivision of 12 The Backwater Eastwood:

We hope you have been able to find time to visit this steep, sloping block that backs onto flood plains. We trust you can see why we are concerned and why subdivision is inappropriate in this particular part of Eastwood.

The building envelope is much smaller than it appears on paper and the proposed subdivision is not in keeping with the established neighbourhood character of the south side of The Backwater which has its unique features and challenges.

We would appreciate your support of residents of The Backwater in this matter.

Yours sincerely,

Poh and Jessie Ng
Eastwood

Sent from Yahoo Mail on Android

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Planning Policy Framework

The assessment of the application before Council requires assessment against Planning Policy Framework (PPF).

The clauses that have an influence upon the assessment of this application include:

Clause 11 Settlement

- *11.01-1L-02 Growth area towns*

Relevant Strategies: Bairnsdale

- Facilitate urban development for Bairnsdale within the existing town boundary.

Clause 12 Environmental and Landscape Values

- *12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs*

Relevant Strategies:

- Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.
- Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.
- Design and site development to maintain and enhance the natural environment of waterway systems by:
 - Ensuring development adjacent to waterways adopts high quality materials and respectful design and siting.
 - Avoiding impeding the natural flow of waterways and future flood events.
 - Directing growth to established settlements where water and wastewater can be managed.

Clause 13 Environmental Risks and Amenity

- *13.03-1S Floodplain management*

Relevant Strategies:

- Avoid intensifying the impact of flooding through inappropriately located use and development.
- Ensure land use on floodplains minimizes the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.

- *13.04-2S Erosion and Landslip*

Relevant Strategies:

- Prevent inappropriate development in unstable areas or areas prone to erosion.

- *13.04-2L Erosion*

Relevant Strategies:

- Direct use and development to locations that minimise its vulnerability to the threat of erosion.
- Minimise the impact of development in areas subject to high erosion hazard.

Clause 14 Natural Resource Management

- *14.02-1S Catchment planning and management*

Relevant Strategies:

- Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.

- Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.
- Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.
- Require appropriate measures to restrict sediment discharges from construction sites.

Clause 15 Built Environment and Heritage

- **15.01-2S Building Design**

Relevant Strategies:

- Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.
- Ensure development responds and contributes to the strategic and cultural context of its location.
- Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.
- Improve the energy performance of buildings through siting and design measures that encourage:
 - passive design responses that minimise the need for heating, cooling and lighting.
 - on-site renewable energy generation and storage technology.
 - use of low embodied energy materials.
- Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.
- Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.
- Encourage water efficiency and the use of rainwater, stormwater and recycled water.
- Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.
- Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.
- Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.
- Ensure development is designed to protect and enhance valued landmarks, views and vistas.
- Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.
- Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.

- **15.01-3S Subdivision Design**

Relevant Strategies:

- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

- **15.01-5S Neighbourhood Character**

Relevant Strategies:

- Support development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by respecting the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.
 - Neighbourhood character values and built form that reflect community identity.

Clause 16 Housing

- *16.01-1S Housing supply*

Relevant Strategies:

- Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
- Encourage the development of well-designed housing that:
 - Provides a high level of internal and external amenity.
 - Incorporates universal design and adaptable internal dwelling design.
- Support opportunities for a range of income groups to choose housing in well-serviced locations.

- *16.01-2L Location of residential development*

Relevant Strategies:

- Facilitate development in residential areas near the Mitchell River and the Mitchell River Backwater that complement the environmental and landscape characteristics of the active floodplain.
- Encourage residential development in locations that minimises negative impacts on the Shire's urban waterways.

Assessment of Planning Policy Framework

Clause 11

The application responds well to the relevant strategies of Clause 11.01-1L-02. The proposal will provide infill development in the established residential area of Eastwood Estate, within the existing settlement boundary of Bairnsdale. The development is an example of efficient use of urban land and will enable residential development with easy access to services, community infrastructure, and employment opportunities.

Clause 12

The application meets the objective and relevant strategies of Clause 12.03-1S. The proposed dwellings will be sited in a location that is consistent with surrounding development in consideration of the Mitchell River Backwater, with the development pattern being one where dwellings typically end at the edge of the escarpment, with the escarpment itself landscaped, usually with a private access path down to the Mitchell River Backwater Reserve. The proposed development will be constructed with materials common in the surrounding area, with a design and siting that is respectful to the surrounding built and natural area. Wastewater will be

managed by connection to mains sewer and a 5000L water tank is proposed for each dwelling for rainwater harvesting, helping to reduce runoff from the development.

Clause 13

The application appropriately responds to the objectives and strategies of Clause 13.03-1S. The proposed dwellings will be sited above the current 1% AEP Flood Level of 6.1m AHD, allowing the rear of the lots to continue to function as part of the floodplain. Wastewater will be appropriately managed to ensure potential contamination of the waterway during flood events is minimised.

The objectives and relevant strategies of Clauses 13.04-2S & 13.04-4L have been met by the application. Supplied with the application was a Geotechnical Risk Assessment Waiver from a suitably qualified civil engineer who concluded that the site is currently free of erosion problems. Standard engineering conditions, including those recommended in the GRA waiver will be applied to the permit to ensure that the proposed development does not result in an erosion hazard.

Clause 14

The application responds well to the strategies of Clause 14.02-1S. As mentioned above, stormwater will be retained in water tanks, with the overflow discharged to the Legal Point of Discharge. The clause was also addressed by the parent subdivision that created the subject land, with consideration given to the distance between the rear of the lot and the Mitchell River Backwater.

Clause 15

The application meets the objective and relevant strategies of Clause 15.01-2S. The proposal will result in the development of two dwellings that have been designed as a duplex style development, with consideration given to neighbouring properties and the constraints presented by the land.

The duplex design will result in a built form mass similar to many of the double storey detached dwellings along the southern side of the Backwater, with the form also allowing for generous side boundary setbacks, despite the proposed subdivision. The excavation required to level the block will also help to reduce the height and scale of the development when perceived from the street, as will the variation in external materials, colours and design utilised for the building façade.

As with other dwellings on the southern side of The Backwater, the development has been designed to take advantage of southern views across the Mitchell River Backwater from living areas, providing an element of passive surveillance and supporting perceptions of safety of the Mitchell River Backwater Reserve and walking track.

The rear of the proposed lots offer significant areas available for landscaping. Landscaping the rear of the proposed lots will help to shore up the slope from any potential erosion risk after development, as well as serving to soften the built form and create a rear elevation that is more consistent with the surrounding character.

The proposed development also meets the objective and relevant strategies of Clause 15.01-3S. The proposed subdivision will contribute to a compact neighbourhood with walkable distances to activities. It will also provide a variation to the lot sizes currently available on the southern side of The Backwater, whilst still being respectful of the existing character.

The proposal meets the objective and strategies of Clause 15.01-5S. The proposed development will supply infill development that is respectful of the existing neighbourhood character. The proposed dwellings are of a design that has accounted for the slope of the land and respects the existing siting pattern of dwellings along the escarpment, with design elements that reflect what is already found in dwellings along The Backwater and the wider Eastwood Estate.

Clause 16

The proposed development will result in the creation of two dwellings in an established residential area with full connection to services, satisfying the objective and strategies of Clause 16.01-1S. The proposed development will also contribute to housing diversity in the area. The application meets the objective and strategies of Clause 16.01-2L. The proposed development has been designed to ensure that it does not encroach on, or inhibit the floodplain.

Municipal Planning Strategy

It is considered that the proposal is in line with the strategic directions of the East Gippsland MPS. As identified at Clause 02.03-1, Bairnsdale is a growth area town where the development of a range of housing types and styles on fully serviced residential land is encouraged.

Zone Controls

Clause 32.08 General Residential Zone- Schedule 1 (GRZ1)

Permit requirement

Under this Zone a permit is required to subdivide land.

Under this Zone a permit is required to construct two or more dwellings on a lot.

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

Minimum garden area requirement

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

Lot Size	Minimum percentage of a lot set aside as garden area
----------	--

400-500sqm	25%
Above 500 – 650 sqm	30%
Above 650 sqm	35%

Decision Guidelines:General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Dwellings and residential buildings

- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56

GRZ1 Assessment:

The proposed development and subdivision are considered to be consistent with the purposes of the zone, providing housing growth in an area with good access to services.

Schedule 1 does not contain any specific neighbourhood character objectives and it is considered that the proposed development is in keeping with the general character of the area.

The minimum garden area requirement for lots above 650sqm is 35%. The proposal achieves a garden area of 75.1%, exceeding the minimum requirement.

The proposed development has an apex height of 9.305 metres and contains two storeys, ensuring it does not exceed the maximum building height requirement for a dwelling in the GRZ1.

The proposed layout is in keeping with neighbouring development and will result in the creation of two dwellings as infill development.

A condition of the permit will require a Drainage Management Plan to be submitted to and approved by the Responsible Authority.

It is considered that the proposed development and subdivision is in keeping with the purposes of the zone.

An assessment is made against Clause 55 and Clause 56 in the relevant particular provisions.

Overlay Controls

Clause 44.01 Erosion Management Overlay (EMO)

Permit requirement

Under this Zone a permit is required to subdivide land.

Under this Zone a permit is required to construct two or more dwellings on a lot.

Under this Zone a permit is required for excavations exceeding 1m.

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.*

Decision Guidelines:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Regional Catchment Strategy (Catchment and Land Protection Act 1994).
- Civil construction, building and demolition guide (Publication 1834, Environment Protection Authority, November 2020).
- Control of Erosion on Construction Sites, Soil Conservation Authority.
- Your Dam, an Asset or a Liability, Department of Conservation and Natural Resources.
- Any proposed measures to manage concentrated runoff and site drainage.
- Any proposed measures to minimise the extent of soil disturbance.
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.
- The need to stabilise disturbed areas by engineering works or revegetation.
- Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.
- Whether buildings or works are likely to cause erosion or landslip.
- Whether access and servicing of the site or building envelope is likely to result in erosion or landslip.
- Land Capability Report (if prepared) as developed by the Department of Energy, Environment and Climate Action.
- The need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property.
- Any technical information or reports required to be provided by a schedule to this overlay.
- Any other matters specified in a schedule to this overlay.

EMO Assessment:

The application involves both subdivision in the overlay and earthworks (cut or fill) greater than one metre from natural ground level. As part of the application documents, a Geotechnical Risk Assessment Waiver from *Chris O'Brien & Company Pty Ltd*, Reference No: B23123, Project No: 240323, dated 21/03/2023, was submitted with the application.

The waiver stated that following an inspection of the land, no erosion risk currently exists on the land and that as long as standard precautions are taken during construction, the proposed development does not present an erosion risk. Council's Senior Technical Officer reviewed the

waiver request and consented to it. Standard engineering conditions will be applied to the permit.

It is considered that the proposal meets the purpose of the overlay.

Particular Provisions

Clause 55 - Two or more dwellings on a lot

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

Provisions in this clause apply to an application to:

- Construct two or more dwellings on a lot.

Applicable clauses:

- All of Clause 55 except Clause 55.07-1 to 55.07-19 (inclusive).

Operation

The provisions of this clause contain:

- **Objectives.** An objective describes the desired outcome to be achieved in the completed development.
- **Standards.** A standard contains the requirements to meet the objective.
A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.
- **Decision guidelines.** The decision guidelines set out the matters that the responsible authority must consider before deciding if an application meets the objectives.

Requirements

A development:

- Must meet all of the objectives of this clause that apply to the application.
- Should meet all of the standards of this clause that apply to the application.

If a development meets standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32, it is deemed to meet the objective for that standard.

Where standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32 is met the decision guidelines for that standard do not apply to the application.

For all of the provisions of Clause 55 other than Clause 55.07 (Apartment developments):

- If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.
- If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.

- If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
55.01 Neighbourhood and Site Description and Design Response 55.01-1 Neighbourhood and Site Description	An application must be accompanied by a neighbourhood and site description and a design response	<p>The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe:</p> <ul style="list-style-type: none"> • In relation to the neighbourhood: <ul style="list-style-type: none"> ○ The pattern of development of the neighbourhood. ○ The built form, scale and character of surrounding development including front fencing. ○ Architectural and roof styles. ○ Any other notable features or characteristics of the neighbourhood. • In relation to the site: <ul style="list-style-type: none"> ○ Site shape, size, orientation and easements. ○ Levels of the site and the difference in levels between the site and surrounding properties. ○ The location of existing buildings on the site and on surrounding properties, including 	<p>Complies</p> <p>Earlier sections of [the consultant's] Report provide a detailed description of the neighbourhood and surrounds, supported by a Site Context Plan that forms part of this submission.</p>	<p>Complies</p> <p>The information provided in written, graphic, and plan form complies with the requirements for a neighbourhood and site description.</p> <p>Careful assessment has been made regarding the existing built form on neighbouring properties as a result of prior VCAT determinations along the south of The Backwater.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>the location and height of walls built to the boundary of the site.</p> <ul style="list-style-type: none"> ○ The use of surrounding buildings. ○ The location of secluded private open space and habitable room windows of surrounding properties which have an outlook to the site within 9 metres. ○ Solar access to the site and to surrounding properties. ○ Location of significant trees existing on the site and any significant trees removed from the site 12 months prior to the application being made, where known. ○ Any contaminated soils and filled areas, where known. ○ Views to and from the site. ○ Street frontage features such as poles, street trees and kerb crossovers. ○ The location of local shops, public transport 		

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		<p>services and public open spaces within walking distance.</p> <ul style="list-style-type: none"> Any other notable features or characteristics of the site. 		
55.01-2 Design Response		<p>The design response must explain how the proposed design:</p> <ul style="list-style-type: none"> Derives from and responds to the neighbourhood and site description. Meets the objectives of Clause 55. Responds to any neighbourhood character features for the area identified in a local planning policy or a Neighbourhood Character Overlay. <p>If the application is for an apartment development, the design response must explain how the proposed design selects materials and finishes for the external walls.</p> <p>The design response must include correctly proportioned street elevations or photographs showing the</p>	<p>Complies</p> <p>The proposed development has been designed and sited having regard for the existing site features and adjoining development.</p> <p>The design appropriately utilises the site dimensions and area. The generous land area allows the proposed dwellings to be centrally located on the land, incorporating appropriate setbacks to all boundaries.</p> <p>The design proposes that the duplex will appropriately present to the Mitchell River Backwater consistent with built form south of The Backwater, and provides for secondary living areas</p>	<p>Complies</p> <p>The proposal is assessed as fully integrating within the existing pattern of development around The Backwater.</p> <p>The proposed duplex form will result in a built form mass that is consistent with the two-storey dwellings found on the southern side of The Backwater.</p> <p>The proposed siting of the dwellings provides acceptable side setbacks and compliant front setback, without compromising on private open space or solar access.</p>

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		development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the evaluation of an application, it may waive or reduce the requirement.	<p>at first floor to achieve solar access.</p> <p>The proposed built form will allow for north facing private open space located to the rear of each garage and to the side of each dwelling, accessible from the dining room.</p> <p>The accompanying plans include detail of the proposed development in relation to the existing development contained on the adjoining land.</p>	
<p>Clause 55.02 Neighbourhood Character and Infrastructure</p> <p>55.02-1 Neighbourhood character objective</p>	<p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>Standard B1</p> <p>The design response must be appropriate to the neighbourhood and the site. The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>Complies</p> <p>The design of the proposed development respects the existing neighbourhood character by responding to the features of the site and surrounding area. The proposed dwellings are well spaced with appropriate setbacks from side boundaries, incorporate pitched roofs and use materials common to the area. Setbacks from the street frontage are respectful of</p>	<p>Complies</p> <p>The proposal has taken into consideration the findings of previous VCAT hearings and as a result the proposed development is one that is site responsive and respectful of the existing neighbourhood character whilst still introducing the incremental change of the duplex style development to the south side of The Backwater.</p> <p>The proposed building form is a modern design, with design elements and materials that are common in the surrounding area</p>

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			the streetscape, generous permeable areas provide for meaningful landscaping opportunities and no front fencing is proposed. There is no Neighbourhood Character Overlay applicable, however local policy identifies the existing urban area of Bairnsdale should provide for incremental infill.	and streetscape, particularly of the other volume-built dwellings. No landscaping is proposed as part of the application but the proposal allows for generous landscaping opportunities once the dwellings are developed, which will help to soften the built form and better incorporate the development with the surrounding neighbourhood.
55.02-2 Residential Policy objectives	To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.	Standard B2 An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.	Complies The proposed development is consistent with relevant sections of the Municipal Planning Strategy and State Planning Policy Framework as outlined in Section 5 of this Report. (Council report Attachment 2)	Complies A more detailed response to the policy framework is outlined in the first section of this attachment.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
55.02-3 Dwelling Diversity objective	To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	Standard B3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including: <ul style="list-style-type: none"> Dwellings with a different number of bedrooms. At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	N/A Less than 10 dwellings are proposed	N/A Less than 10 dwellings are proposed.
55.02-4 Infrastructure objectives	To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	Standard B4 Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Connection to a reticulated gas service is optional. Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads. In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or	Complies All necessary infrastructure is available to the land and has capacity to accommodate the proposed development.	Complies The proposed development is located within an area that has access to reticulated water, sewerage, drainage, and electricity. The surrounding road network is capable of accommodating the additional traffic generated by 2 dwellings. There are no known deficiencies in the existing services that would require this development to upgrade existing infrastructure. Gas service connection for new lots created after 1 January 2024 is no longer permitted. The gas network is available to the lot at

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		mitigation of the impact on services or infrastructure.		present, but will not be connected to the dwellings.
55.02-5 Integration with the street	To integrate the layout of development with the street.	<p>Standard B5 Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>	<p>Complies The proposed development has been designed and sited to ensure integration with existing development within the street.</p> <ul style="list-style-type: none"> Two new vehicle crossovers are proposed to The Backwater. Each of the dwellings will be double storey, with the dwellings remaining in keeping with the built form aligning the street. Articulated facades with central spine built form provides for integration and casual surveillance of the street. There is no front fencing proposed, which is considered acceptable in context of the nearby property street frontages. 	<p>Complies Both dwellings will provide safe and efficient entries to the site for vehicles and pedestrians. Each dwelling will have its own driveway and a distinct and obvious entrance.</p> <p>Both dwellings will be oriented with their entries facing The Backwater, with Dwelling 1 also having a balcony on the upper storey facing the street.</p> <p>No front fencing is currently proposed.</p>
55.03 Site Massing and	To ensure that the setbacks of buildings from a	Standard B6 Walls of buildings should be set back from streets:	Complies The neighbourhood character of the area	Complies There is an existing building on both the abutting allotments

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Building Layout 55.03-1 Street Setback objective	street respect the existing or preferred neighbourhood character and make efficient use of the site.	At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, the distance specified in Table B1. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.	features limited front setbacks north of The Backwater, with larger setbacks to the south of The Backwater. The proposed development will establish dwellings with a street setback of ranging between 10.74m and 10.4m to the dwelling façade, and 11.83m to 10.915m to the garages which is considered to respect the existing neighbourhood character. Front setbacks exceed 9m, meeting the standard and allows the built form to respect the adjoining neighbours southern building line.	facing the same street, and the site is not on a corner, so the minimum setback is the average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser. Both proposed dwellings exceed a 9m setback, the standard is met and therefore the objective is met. No decision guidelines apply.
55.03-2 Building heights	To ensure that the height of buildings respects the existing or preferred neighbourhood character	Standard B7 The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land. If no maximum height is specified in the zone, schedule to the zone or an	Complies The overall height of the buildings is less than 11 metres as specified within the GRZ. Given the topography of the subject land, the maximum height will range from 9.825m to 10.69m to	Complies The overall height of the buildings is less than 11 metres or 3 storeys as specified within the GRZ1. Neither dwelling exceeds 11m, the standard is met and therefore the objective is met. No decision guidelines apply

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		overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.	<p>the south of the proposed dwelling.</p> <p>However, with the use of a site cut will have the building read from the street at 8.205 metres which respects the existing character of the area.</p> <p>Furthermore, the first floor has a centralised built form which assists with transitioning the height from the adjoining dwellings to the east and west.</p>	
55.03-3 Site coverage	To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	Standard B8 The site area covered by buildings should not exceed: The maximum site coverage specified in a schedule to the zone, or If no maximum site coverage is specified in a schedule to the zone, 60 per cent.	Complies Standard B8 stipulates that the site area covered by buildings should not exceed 60% where there is no site coverage specified in a schedule to the zone. The site coverage of the proposed development is 17.5% which is substantially less than the maximum site coverage of 60% otherwise allowed under Standard B8.	Complies Site coverage does not exceed 60%, the standard is met and therefore the objective is met. No decision guidelines apply.
55.03-4 Permeability	To reduce the impact of	Standard B9	Complies	Complies

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
and stormwater management	increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration. To encourage stormwater management that maximises the retention and reuse of stormwater.	The site area covered by the pervious surfaces should be at least: - The minimum area specified in a schedule to the zone, or - If no minimum is specified in a schedule to the zone, 20 percent of the site. The stormwater management system should be designed to: -Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999). - Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.	Standard B9 stipulates that the site area covered by pervious surfaces should be at least 20% of the site, where there is no minimum area specified in a schedule to the zone. The site permeability for the proposed development is approximately 78% of the site area, ensuring the development easily complies with Standard B9.	The site permeability is 78%, meeting the standard. The development proposes 5000L rainwater tanks for each dwelling to manage stormwater/rate of runoff, with the overflow connecting to the Legal Point of Discharge. A drainage management plan will be required as a permit condition.
55.03-5 Energy efficiency	To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development	Standard B10 Buildings should be: -Oriented to make appropriate use of solar energy. -Sited and designed to ensure that the energy efficiency of existing	Complies The land parcel has a north-south orientation. Development along the southern part of The Backwater faces south towards the Mitchell River to take advantage of the views offered.	Complies The proposed dwellings have been oriented to take advantage of southern views, with the main living areas at the rear. Each dwelling will have a covered outdoor area that receives northern solar access and both dwellings have a living space on

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	reduce fossil fuel energy use and make appropriate use of daylight and solar energy.	<p>dwellings on adjoining lots is not unreasonably reduced.</p> <p>-Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</p> <p>Living areas and private open space should be located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is maximised.</p>	The design seeks a compromise to achieve solar access to the buildings by providing a secondary living space on the first floor with a northern orientation. Shadow diagrams reveal that neighbouring properties will not be subject to unreasonable overshadowing, and rooftop solar systems will not be impacted.	<p>the upper floor that also has a northern orientation. It is considered that this compromise is appropriate given the views available at the rear of the lot.</p> <p>The proposed development will not overshadow any existing solar energy panels on adjoining lots.</p>
55.03-6 Open space	To integrate the layout of development with any public and communal open space provided in or adjacent to the development.	<p>Standard B11</p> <p>If any public or communal open space is provided on site, it should:</p> <p>Be substantially fronted by dwellings, where appropriate. Provide outlook for as many dwellings as practicable.</p> <p>Be designed to protect any natural features on the site.</p> <p>Be accessible and useable.</p>	<p>Complies</p> <p>Whilst there is no communal open space as part of this proposal, Section 2 of this Report highlights the abundance of recreational opportunities and open space available within</p>	<p>N/A</p> <p>No communal or public open space is provided as part of the development</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
			close proximity to the subject land. The proposed dwellings achieve the required secluded private open space requirements.	
55.03-7 Safety	To ensure the layout of development provides for the safety and security of residents and property.	<p>Standard B12 Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>Complies The layout of the proposed development provides for the safety and security of residents consistent with Standard B12.</p> <p>Both dwellings will present directly to The Backwater. Entrances to each dwelling will be easily identifiable from street. There are no front fences proposed that may otherwise obscure the visibility of entrances from the street.</p> <p>The entries are pronounced by a porch in front of the entry door, and access from garages is provided directly to the dwellings.</p>	<p>Complies Both dwellings will have a clear and distinct entrance and visible access from The Backwater.</p> <p>Both dwellings will enjoy internal access from the dwelling to the garage.</p>
55.03-8 Landscaping	To encourage development that respects the landscape	<p>Standard B13 The landscape layout and design should:</p> <ul style="list-style-type: none"> Protect any predominant 	<p>Complies Development within the precinct is generally complimented by lower scale ornamental style</p>	<p>Complies The site contains minimal vegetation and is lawn across the site, with no trees or other vegetation.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	<p>character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site.</p>	<p>landscape features of the neighbourhood.</p> <ul style="list-style-type: none"> • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</p>	<p>gardens with typically grassed front yards. Low scale landscaping will be incorporated to the front of dwellings and within the secondary areas of private open space. A detailed landscape plan is able to be provided as a condition of permit.</p>	<p>There is no additional landscaping proposed for the development, however there is the opportunity for future planting to occur in association with both dwellings.</p> <p>It is considered that a landscaping plan is not required as part of this application as both dwellings have ample space for planting within their garden areas, particularly to the rear of the lots.</p> <p>It is noted that this is different to the Glendon Drive approvals from 2020, but consistent with private development. In Glendon Drive, there was less available area and also the properties were developed for social housing, where amenity of the land can be improved by the establishment of landscaping up-front.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		The landscape design should specify landscape themes, vegetation (location and species), paving and lighting. Development should meet any additional landscape requirements specified in a schedule to the zone.		
55.03-9 Access	To ensure the number and design of vehicle crossovers respects the neighbourhood character.	<p>Standard B14 The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street. The location of crossovers should maximise the retention of on-street car parking spaces. The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised. Developments must provide for access for service,</p>	<p>Complies The number and design of vehicle crossovers is considered to respect the neighbourhood character whilst maximising the efficiency of the development.</p> <p>Standard B14 stipulates that the width of accessways should not exceed 33% having regard for the width of the street frontage which is 24 metres. The proposed crossovers will comprise a total width of 6 metres, representing 25% of the total site frontage (25%).</p>	<p>Complies Each dwelling will have a single crossover of 3m, totaling 6m, representing 25% of the total site frontage.</p> <p>It is considered that the proposed location of crossovers are appropriate and will allow for access for service, emergency and delivery vehicles.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		emergency and delivery vehicles.		
55.03-10 Parking location	To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.	Standard B15 Car parking facilities should: <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be well ventilated if enclosed. Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	Complies Vehicle parking for residents will be practical and convenient with the proposed dwellings provided with secure double garages with internal access to the respective dwellings. With a total of 2 dwellings on the land there is no requirement to provide on-site visitor car parking. Adequate parking in front of the garages is available to cater for visitors.	Complies Both dwellings will enjoy an attached double garage that is able to be accessed from inside the dwelling and from the rear garden area. There is space in the driveway area to allow for an additional vehicle to be parked off the street. There is no requirement to provide visitor parking onsite for two dwellings.
55.04 Amenity Impacts 55.04-1 Side and rear setbacks objective	To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact	Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries: <ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a 	Complies The height and setback of each of the proposed dwellings from boundaries is considered to respect the neighbourhood character and limit impacts on the amenity of existing adjoining dwellings. The existing dwellings on adjoining properties	Complies The proposed dwellings meet the minimum requirements for side setback of at least 1.0 metre plus 0.3 metres for every metre of height over 3.6 metres. The standard is met and therefore the objective is met. No decision guidelines apply.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	on the amenity of existing dwellings.	<p>schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard. Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<p>present walls setback from boundaries.</p> <p>As there is no distance specified in Schedule 1 to the General Residential Zone in the East Gippsland Planning Scheme, a new building not on a boundary should be setback at least 1.0 metre plus 0.3 metres for every metre of height over 3.6 metres.</p> <p>Wall heights of the eastern and western walls are generally proposed at 6.290m except for a small length to the north of the building at 6.835m. The garage height is 3.44m.</p> <p>The setbacks of the garage to the east is 3.225m and west 3.009m. The first floor setback to the east is 7.425m and west is 6.97m. Side setbacks are well achieved by the proposal.</p>	
55.04-2 Walls on	To ensure that the location, length and height	<p>Standard B18</p> <p>A new wall constructed on or within 200mm of a side or</p>	<p>Complies</p> <p>No walls are proposed on boundaries, ensuring the</p>	<p>N/A</p> <p>No walls on boundaries proposed.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
boundaries objective	of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.	<p>rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary:</p> <ul style="list-style-type: none"> • For a length of more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> ○ 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or ○ Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports whichever is the greater. <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on</p>	character of the area is maintained complying with Standard B18.	

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>		
55.04-3 Daylight to existing windows objective	To allow adequate daylight into existing habitable room windows.	<p>Standard B19</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an</p>	<p>Complies</p> <p>The proposed development will allow adequate daylight into existing habitable room windows of adjoining dwellings.</p> <p>Standard B19 outlines that habitable room windows should be provided with a light court which has a minimum area of 3m2 and minimum dimension of 1.0 metre clear to the sky.</p>	<p>Complies</p> <p>The proposed development is setback sufficiently from neighbouring properties to ensure that daylight to existing habitable room windows is not reduced.</p> <p>The standard is met and therefore the objective is met. No decision guidelines apply.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.	This objective and standard is achieved as the proposed development is appropriately setback from the existing development on the adjoining allotments. The position of the proposed development avoids a reduction of daylight to habitable room windows of existing dwellings on adjoining properties.	
55.04-4 North facing windows objective	To allow adequate solar access to existing north-facing habitable room windows.	Standard B20 If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its	Complies There are no north-facing habitable room windows of existing dwellings on abutting lots within 3 metres of a boundary adjoining the subject land.	N/A There is no lot to the rear, and no north facing habitable room windows within 3m of the boundary on either block to the east or west.

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		surface oriented north 20 degrees west to north 30 degrees east.		
55.04-5 Overshadowing open space	To ensure buildings do not significantly overshadow existing secluded private open space.	Standard B21 Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	Complies The proposed development will have no unreasonable impacts on overshadowing of secluded private open space and habitable room windows of existing development on the adjoining allotments. The proposal is offset from the eastern and western boundaries.	Complies Given the large sizes of the blocks in the area as well as the side boundary setbacks of the proposed dwellings, there is no unreasonable overshadowing of private open space of the neighbouring properties. The standard is met and therefore the objective is met. No decision guidelines apply.
55.04-6 Overlooking objective	To limit views into existing secluded private open space and habitable room windows.	Standard B22 A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground	Complies Overlooking from habitable rooms has been treated with raised sill heights and with fixed obscure glazing to 1.7m above finished floor level. The proposal is therefore considered to satisfy the requirements of Standard B22.	Complies All overlooking has been identified and treated with raised sill heights and fixed obscure glazing to 1.7m above finished floor level. One objector cited concerns that due to the slope of the land the "Outdoor Room" of dwelling 1

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> • Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. • Have sill heights of at least 1.7 metres above floor level. • Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. • Have permanently fixed external screens to at least 1.7 metres above floor level and be no more 		<p>overlooks some of the private open space of their dwelling at #14, as well as having a direct line of site into a habitable room (over 9m away). To satisfy the objector's concerns, the applicant has volunteered the inclusion of screening on the eastern elevation of the "Outdoor Room" of proposed dwelling 1, which was also shown in the plans but was not labelled.</p> <p>This screening requirement will be included as an amended plans condition to clarify its inclusion and materials.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>than 25 per cent transparent.</p> <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard. Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> • Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. • Permanent, fixed and durable. • Designed and coloured to blend in with the development. <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>		
55.04-7 Internal	To limit views into the secluded private open	<p>Standard B23</p> <p>Windows and balconies should be designed to</p>	<p>Complies</p> <p>Secluded private open space will be provided to</p>	<p>Complies</p> <p>The secluded private open space of each dwelling has been</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
views objective	space and habitable room windows of dwellings and residential buildings within a development.	prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.	the east and west of the proposed dwellings. The open space to the south of the dwellings is not secluded private open space.	identified to the east and west (respective) of the dwellings. The space to the south of the dwellings is not identified as secluded private open space which is considered reasonable due to the Mitchell River Backwater Reserve and the existing character for dwellings that back onto the reserve to have open sightlines onto it.
55.04-8 Noise impacts objective	To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.	Standard B24 Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings. Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties. Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	Complies The subject land is not located adjacent to any noise sources that would affect the amenity of future residents. The subject land does not abut an arterial road, railway line or industrial land.	Complies The dwellings are not in proximity to any busy roads, railway lines or industry. There are no obvious noise sources that are likely to detrimentally affect the proposed dwellings. Any plant (ie air conditioning units) are likely to be constructed at ground level where proposed fencing will limit transmission of noise to adjacent property.
55.05 On-site Amenity and Facilities	To encourage the consideration of the needs of people with	Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should	Complies The proposed development has considered the needs of	Complies It is considered that the objective is met as each dwelling has the kitchen/dining/living area and a

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
55.05-1 Accessibility objective	limited mobility in the design of developments.	be accessible or able to be easily made accessible to people with limited mobility.	people with limited mobility with the living areas able to be accessed. Each of the proposed dwellings have entertainment areas which comprise an open plan kitchen/dining/living area and a bedroom with ensuite on the ground floor.	bedroom with an ensuite located on the ground floor. However, the small section of internal stairs that connect the bedroom and hallway to the kitchen/dining/ living area presents a significant challenge to wheelchair users as well as individuals heavily reliant on gait-aids. It is considered that although not ideal, with impact to the flow of the kitchen area, a ramp or sloped section of flooring could be installed in place of the stairs.
55.05-2 Dwelling entry objective	To provide each dwelling or residential building with its own sense of identity.	Standard B26 Entries to dwellings and residential buildings should: Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry.	Complies The front entrance to each dwelling will be immediately visible from the street. The entry point to each of the proposed dwellings will be easily identified as they will present under a covered porch. Porches also provide a transitional space at the entrance to each dwelling in accordance with Standard 826.	Complies Each dwelling will have a distinct and clearly identifiable front entrance from the street, located under a porch.
55.05-3 Daylight to new windows objective	To allow adequate daylight into new habitable room windows.	Standard B27 A window in a habitable room should be located to face: An outdoor space clear to the sky or a light court with a	Complies All habitable room windows have an outlook to an outdoor space clear to the sky.	Complies All habitable room windows comply with the standard.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</p> <p>A verandah provided it is open for at least one third of its perimeter, or</p> <p>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</p>		The standard is met and therefore the objective is met. No decision guidelines apply.
55.05-4 Private open space objective	To provide adequate private open space for the reasonable recreation and service needs of residents.	<p>Standard B28</p> <p>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone. If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</p> <p>An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3</p>	<p>Complies</p> <p>Standard B28 outlines that a dwelling should have private open space of 40m2 in area, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25m2, a minimum dimension of more than 3.0 metres and convenient access from a living room.</p> <p>The secluded private open space requirements are met. All dwellings have an area exceeding 25m2 with a minimum dimension of 3.0 metres and convenient access from a living room.</p>	<p>Complies</p> <p>Both dwellings have provided secluded private open space to the side of the dwelling, accessed from the kitchen/dining/living area on the ground floor, that is in excess of 25m2. Additional private open space is provided at the rear of each dwelling.</p> <p>The standard is met and therefore the objective is met. No decision guidelines apply.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		metres and convenient access from a living room, or A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. The balcony requirements in Clause 55.05-4 do not apply to an apartment development.	Secondary open space is provided to the south of the dwellings.	
55.05-5 Solar access to open space objective	To allow solar access into the secluded private open space of new dwellings and residential buildings.	Standard B29 The private open space should be located on the north side of the dwelling or residential building, if appropriate. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.	Complies The proposed development has been designed to facilitate solar access into the secluded private open space areas of each dwelling. Each of the proposed dwellings have been provided with private open space with a northern solar exposure.	Complies Both dwellings have secluded private open space with good northern solar access.
55.05-6 Storage objective	To provide adequate storage facilities for each dwelling.	Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	Complies Each dwelling will be provided with external storage of 6 cubic metres.	Complies 6m3 of externally accessible storage space has been provided. The standard is met and therefore the objective is met. No decision guidelines apply.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
55.06 Detailed Design 55.06-1 Design detail objective	To encourage design detail that respects the existing or preferred neighbourhood character.	Standard B31 The design of buildings, including: <ul style="list-style-type: none"> • Facade articulation and detailing, • Window and door proportions, • Roof form, and • Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	Complies The proposed development is considered to respect the neighbourhood character, consistent with Standard 831. Whilst there is no defined neighbourhood character of the precinct, there is a clear trend towards contemporary dwellings with pitched roofs in the area. Use of rendered brickwork with pitched roofs is also complimentary to existing development observed throughout the neighbourhood, which includes a variety of building materials including masonry products and some lighter weight cladding.	Complies The proposed dwellings are of a modern design with features that are common throughout the neighbourhood. The street facing elevation has utilised multiple design elements such as a variation in external materials and colours, a squared off façade and a recessed hip roof to bring form to the dwellings. It is considered that the proposed design is compatible with the surrounding neighbourhood character.
55.06-2 Front fences objective	To encourage front fence design that respects the existing or preferred neighbourhood character.	Standard B32 A front fence within 3 metres of a street should not exceed: The maximum height specified in a schedule to the zone, or If no maximum height is specified in a schedule to the	Complies Front fencing styles vary in the street. Some properties within the neighbourhood do not comprise front fencing. The requirements of Standard B32 are	N/A No front fence is proposed, consistent with a number of properties along The Backwater, particularly dwellings on the northern side of The Backwater.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		zone, the maximum height specified in Table B3.	achieved, as there is no front fencing proposed.	
55.05-3 Common property objectives	To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.	Standard B33 Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.	N/A No Common Property is proposed.	N/A No Common Property is proposed.
55.06-4 Site services objectives	To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.	Standard B34 The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development. Bin and recycling enclosures should be located for	Complies Each dwelling has adequate provision for storage of rubbish bins within the confines of each lot. Reticulated services including electricity, water, sewerage, telecommunications and gas are all available to the site. Mail boxes for the proposed dwellings at the front of the site will be provided.	Complies Each dwelling has provided space for the storage of bins within the confines of the lot. Mailboxes to be provided at the front of the site to suit Australia Post requirements. Reticulated services are fully available to the site and shared trenching where possible will be made a condition of the permit.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		convenient access by residents. Mailboxes should be provided and located for convenient access as required by Australia Post.		

Clause 56 – Residential Subdivision

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create liveable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
 - *Metropolitan Melbourne growth areas.*
 - *Infill sites within established residential areas.*
 - *Regional cities and towns.*
- *To ensure residential subdivision design appropriately provides for:*
 - *Policy implementation.*
 - *Liveable and sustainable communities.*
 - *Residential lot design.*
 - *Urban landscape.*
 - *Access and mobility management.*
 - *Integrated water management.*
 - *Site management.*
 - *Utilities.*

Operation

The provisions of this clause contain:

- **Objectives.** An objective describes the desired outcome to be achieved in the completed subdivision.
- **Standards.** A standard contains the requirements to meet the objective.

A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

As per Clause 32.08-3, a 2 lot subdivision in a GRZ1 is required to meet the following objectives and standards:

- CI 56.03-5 (C6)
- CI 56.04-2 (C8)
- CI 56.04-3 (C9)
- CI 56.04-5 (C11)
- Clauses 56.06-8 to 56.09-2 inclusive (C21 to C28)

Requirement

An application to subdivide land:

- Must be accompanied by a site and context description and a design response.
- Must meet all of the objectives included in the clauses specified in the zone.
- Should meet all of the standards included in the clauses specified in the zone.

Certification of standards

A subdivision may be certified by a person authorised by the Minister for Planning as meeting the requirements of a standard in this clause.

A standard that is certified as met is deemed to have met the objective of that standard.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.01 Site Context Description and Design Response 56.01-1 Site and Context Description	An application must be accompanied by a site and context description. This requirement must be provided unless the responsible authority is of the opinion that this requirement is not relevant.	In relation to the site the plan, photographs or other techniques must accurately describe: site shape, dimensions, size, orientation, levels and contours, trees, other significant vegetation, drainage lines, water courses, ridgelines, hill tops, siting and use of existing buildings and structures, street frontage features such as poles, street trees and kerb crossovers, access points, drainage and infrastructure connections, easements, identified natural or cultural features, significant views, noise and odour sources or other external influences, soil conditions and notable features, adjacent uses and inundation.	Complies Earlier sections of [the consultant's] Report provide a detailed description of the subject land and surrounds, supported by an Existing Conditions Plan that forms part of this submission.	Complies The information provided in written, graphic, and plan form complies with the requirements for a site and context assessment. Careful assessment has been made regarding the existing built form on neighbouring property as a result of prior VCAT determinations.
56.01-2 Design Response	The design response must explain how the proposed design: <ul style="list-style-type: none"> Derives from and responds to the site and context description. 	The plan and other techniques should show and explain: <ul style="list-style-type: none"> Proposed uses of each part of the site. Natural features of the site and identify any features proposed to be altered. 	Earlier sections of [the consultant's] Report provide a detailed description of the design response supported by a subdivision Design Response Plan that forms part of this submission	Complies The provided design response plan clearly demonstrates the proposed uses of each part of the site as well as identifying the slope of the site and how the development responds to it. Although there are no other examples of subdivision on the

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	<ul style="list-style-type: none"> Meets the objectives of Clause 56. Responds to any site and context features for the area identified in the local planning policy or Neighbourhood Character Overlay. Responds to any relevant objective, policy, strategy or plan set out for the area. 	<ul style="list-style-type: none"> Proposed integrated water management system. Proposed staging of the subdivision. 		<p>southern side of The Backwater, it is considered that the side-by-side subdivision layout, balanced division of the land and proposed duplex development (also subject to assessment) will result in lots that are still in keeping with the general character of the area, despite being narrower than neighbouring lots.</p> <p>The proposal is assessed as fully integrating within the existing pattern of development around The Backwater.</p>
56.03-5 Neighbourhood character objective	To design subdivisions that respond to neighbourhood character.	Standard C6 Subdivision should: Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.	Complies The character of the area consists of residential allotments of various sizes, shapes and area. It is acknowledged that lot sizes and shapes are relatively consistent to the south of The Backwater. The proposed subdivision will maintain the north-south lot orientation, will	Complies The surrounding area has a variety of lot sizes although the southern side of The Backwater has consistent lot size and shape, being rectangular in shape, with a north-south orientation and a size of around 2000sqm. The proposed subdivision would result in lots that are narrower than those surrounding it,

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		Respond to and integrate with the surrounding urban environment. Protect significant vegetation and site features.	still provide for generous lot areas particularly given the residential context of the land and the design will complement the proposed dwellings.	however with lot areas that are still large by GRZ1 standards (at 988m2 and 1069m2 respectively) and still with the north-south orientation as is common in the area. The application has also provided a built form response (also subject to assessment) that will result in a built form outcome that is in keeping with the surrounding neighbourhood character. It is therefore considered that although the proposed subdivision is a slight deviation from what is currently found on the southern side of The Backwater, it is one that is acceptable and generally in keeping with the neighbourhood character and residential context of the area.
56.04-2 Lot area and building envelopes	To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and	Standard C8 Lots greater than 500sqm should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope. A building envelope may specify or incorporate any relevant siting and design requirement. Any	Complies The lots are practical responding to the proposed development and allowing for efficient servicing. It is anticipated that Council may determine a legal agreement is necessary to ensure the proposed lots may only be	Complies The application for subdivision has been applied for in conjunction with an application for two dwellings. A condition for a section 173 agreement to be entered into in the event the dwellings are not completed prior to statement of compliance will be applied to the

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	parking, water management, easements and the retention of significant vegetation and site features.	<p>requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> The objectives of the relevant standards are met; and The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. <p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</p> <ul style="list-style-type: none"> The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the 	developed in accordance with the development plans.	permit, to ensure the proposed lots may only be developed in accordance with the development plans.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</p> <p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. Existing or proposed easements on lots. Significant vegetation and site features. 		
56.04-3 Solar Orientation of lots	To provide good solar orientation of lots and solar access for future dwellings	<p>Standard C9</p> <p>Unless the site is constrained by topography or other site conditions, at least 70% of lots should have appropriate solar orientation.</p> <p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. 	<p>Complies</p> <p>Both lots contain sufficient area to provide for appropriate solar orientation for the establishment of the dwellings and private open space as proposed.</p>	<p>Complies</p> <p>Both lots are sufficiently oriented to provide appropriate solar access and orientation.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 		
56.04-5 Common Area	<p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<p>Standard C11 To subdivide land that creates common land must be accompanied by a plan and report identifying:</p> <ul style="list-style-type: none"> The common area to be owned by the body corporate, including any streets and open space. The reasons why the area should be commonly held. Lots participating in the body corporate. The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. 	<p>N/A No common property is proposed</p>	<p>N/A No common property is proposed</p>
56.06-8 Lot Access	To provide for safe vehicle access between roads and lots.	<p>Standard C21 Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or</p>	<p>Complies Access to the subject land for both lots can be easily achieved from The Backwater.</p>	<p>Complies Alignment of lots will suit right angle crossovers to access The Backwater for each proposed dwelling.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. Vehicle access to lots of 300sqm or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. The design and construction of a crossover should meet the requirements of the relevant road authority. Refer to tables of this clause – Table C1.	No street infrastructure will be detrimentally impacted by the proposed vehicle crossings. It is conservatively estimated that vehicle volumes within The Backwater will be increased by 10 vehicle movements per day through the inclusion of one additional dwelling. The Backwater, being an urban road, has sufficient capacity to absorb the minor increase in additional vehicle movements.	
56.07 Integrated Water Management 56.07-1 Drinking Water Supply	To reduce the use of drinking water. To provide an adequate, cost effective supply of drinking water.	Standard C22 The supply of drinking water must be: <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	Complies Reticulated water will be required to be connected to both proposed lots.	Complies Reticulated water is available in the area. A condition of the permit will require the owner of the land to enter into an agreement with East Gippsland Water for the supply of reticulated water to each lot.
Clause 56.07-2	To provide for the substitution of	Reused and recycled water supply systems must be:	Complies	Not applicable

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
Reused and Recycled Water	drinking water for non-drinking purposes with reused and recycled water.	<ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	The proposed dwelling development will incorporate 5000 litre rainwater tanks per dwelling, reducing the reliance on potable water and assisting to detain stormwater.	East Gippsland Water, the relevant local authority does not have any requirements for the installation of reused and recycled water supply in this precinct at this time.
56.07-3 Waste Water Management	To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.	<p>Standard C24 Waste water systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction go the relevant water authority and the Environment Protection Authority. Consistent with any relevant approved domestic waste water management plan. <p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required</p>	<p>Complies Reticulated sewer is established within the precinct. Both proposed allotments will require connection to sewer consistent with Standard C24.</p>	<p>Complies Reticulated sewer will be required. A condition of permit will require the owner of the land to enter into an agreement with East Gippsland Water for the connection of each lot to the reticulated sewer network.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		by the relevant water authority.		
56.07-4 Stormwater Management Objectives	<p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p> <p>To encourage stormwater management that maximises the</p>	<p>Standard C25 The stormwater management system must be:</p> <ul style="list-style-type: none"> Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed. Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999). Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the 	<p>Complies Stormwater detention will be provided by 5,000 litre rainwater tanks per dwelling. Drainage can be connected to the existing municipal drainage system. It is proposed to utilise rainwater tanks with a minimum retention & reuse of 2000 litres, overflow for tanks will be drained via pipes to sediment basins (where in times of peak flows stormwater overflow will be diverted to drying areas and allowed to evaporate), then transferred to the wetland and/or bio-retention basin for release into a contour swale. It is expected that a condition of permit will require the preparation of a Detailed Drainage Design to the satisfaction of Council.</p>	<p>Complies Subject to Condition Each dwelling will have a 5000L rainwater tank for stormwater retention. A Detailed Drainage Management Plan will be required as a condition of the permit.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	<p>retention and reuse of stormwater.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</p>	<p>relevant drainage authority and there are no detrimental downstream impacts.</p> <ul style="list-style-type: none"> Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. <p>For storm events greater than 20% AEP and up to</p>		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>and including 1% AEP standard:</p> <ul style="list-style-type: none"> • Provision must be made for the safe and effective passage of stormwater flows. • All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority. • Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria (average depth in metres and average velocity in metres per second $<0.35\text{m}^2/\text{s}$). <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> • Ensure stormwater is retarded to a standard required by the responsible drainage authority. • Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</p> <ul style="list-style-type: none"> • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. • Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. <p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</p>		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.08 Site Management 56.08-1 Site Management Objectives	To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.	Standard C26 A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing: <ul style="list-style-type: none"> • Erosion and sediment. • Dust • Run-off • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.	Complies Both the development and subdivision can be appropriately managed in accordance with Council's requirements.	Complies The site will be managed to the satisfaction of the Responsible Authority.
56.09 Utilities 56.09-1 Shared trenching	To maximize the opportunities for shared trenching. To minimise constraints on landscaping	Standard C27 Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land	Complies Services will be provided in shared trenching and in accordance with service authority requirements.	Complies Shared trenching for reticulated services will be undertaken where possible in accordance with the standards of the relevant supply agency.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	within street reserves.	allocation for underground services.		
56.09-2 Electricity, telecommunications and gas	To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.	<p>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority. Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p> <p>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant</p>	<p>Complies</p> <p>The proposal will make good use of a full range of existing services as available within the precinct. Both proposed allotments can be connected to reticulated power and telecommunications. Gas is available within the locality, should connection be desired.</p>	<p>Complies</p> <p>Electricity and telecommunications are available to the site. The installation of services must be provided in accordance with the standards set out by AusNet Services and telecommunications service provider. If it is decided to supply the lots with gas, the supply system must be to the satisfaction of the gas supply agency.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		telecommunications servicing authority. Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.		

General Decision Guidelines

Approval of an Application or Plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Approval of an Application to Subdivide Land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.
- The provision and location of common property.
- The functions of any body corporate.
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

General Decision Guidelines Assessment

Having considered the general decision guidelines, including Section 60 of the Act, the officer recommendation is that the proposal is supported, subject to permit conditions. The responses to other aspects of objection are considered within the body of the main report.

The proposal has demonstrated a high degree of compliance with policy, ordinance, and structure planning for the precinct. It is strongly recommended that a notice of decision to grant a planning permit be made.

5.2 Assets and Environment

5.2.1 Endorsement of the Paynesville Progress Jetty Revised Masterplan

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

The purpose of this report is to present a recommendation to Council for the endorsement of the revised Paynesville Progress Jetty Masterplan provided as **Attachment 1**. The plan presented in this report is version June 2023.

The project has been identified in a range of endorsed strategies for Paynesville including the Paynesville Town Centre Structure Plan and the Paynesville Foreshore Management Plan, both of which included extensive community and stakeholder engagement during their preparation.

The translation of these strategy recommendations into a design for the precinct has also been developed with extensive community input including use of a community project reference group, community drop-in sessions, one on one meetings, and on-line consultation.

At its meeting on 16 November 2021 (item 5.1.3) Council received a petition on the Progress Jetty Masterplan and resolved:

- 1. that Officers will write to the head petitioner, notifying them that Council will include in the concept plans additional convenient parking on the southern side of the Esplanade and further consider the development of additional off-street car parking into the project; and*
- 2. that the concept plan for the upgrade of the Progress Jetty Precinct will be modified to include additional parking as detailed in this report and released for further community consideration.*

Since this Council resolution, the project has proceeded to detailed design, which identified some traffic safety challenges with elements of the design presented to Council. There have been several iterations of the design developed and tested with the Project Reference Group to meet both the objectives of retaining parking in the precinct, whilst creating more green space and meeting traffic safety requirements.

The final amended proposal provided as **Attachment 1** is the result of extensive community consultation undertaken between 2020 and 2023 and has received the broad support for the design including support from Paynesville and District Business and Traders Association (BTA) and most traders within the precinct. This plan has also been more widely released via Council's YourSay platform.

It should be noted that there is a range of significant maintenance required within the precinct to address emerging hazards. It is therefore desirable that the precinct is upgraded rather than just refreshed.

Given that there have been additional changes to the Masterplan to accommodate detailed design, the finalised plan is therefore being brought back to Council, so that the changes can be formally considered.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. endorses the revised Paynesville Progress Jetty Masterplan version June 2023, as provided at Attachment 1.***

Background

Paynesville is at 'The heart of the Gippsland Lakes'. The Council, as the Committee of Management for this urban foreshore, prepared the Paynesville Foreshore Management Plan (FMP) for the section of foreshore which adjoins the existing and emerging township and settlement area of Paynesville.

There has been substantial planning activity for the foreshore of Paynesville over the years and the FMP was developed to reaffirm the community's aspirations for the foreshore and encapsulate a vision of the foreshore in one document. The Progress Jetty precinct in Paynesville has been identified in a range of reports including the Paynesville Town Centre Structure Plan as a precinct requiring upgrade and further beautification. This led to a project to design an upgrade that met the recommendations of past reports and included community and stakeholder input into the design.

The *Coastal Management Act* 1995 (Act) is the key piece of coastal legislation for Victoria. While it has many purposes, the relevant purpose is to provide a framework for the preparation of management plans and to support the implementation of future development and works on coastal Crown Land reserves. The Act also provides the triggers for obtaining approvals and consent for such development and works such as the FMP. The Paynesville Foreshore Management Plan was endorsed by both Council and the then Department of Environment, Land, Water and Planning (DELWP) as the responsible authority for Coastal Crown land.

The Gippsland Regional Coastal Plan 2015-2020 identifies the need to work collaboratively with coastal land managers and other stakeholders to transition into the development and implementation of Coastal Management Plans.

As part of the implementation of the endorsed Paynesville FMP and at the encouragement of groups such as the Paynesville Business and Tourism Association, officers commenced a design project for the Progress Jetty Precinct in late 2019. This included extensive consultation with community and stakeholder groups and the development of concept plan designs.

A concept plan was presented and formally endorsed by Council as part of a response to a petition on this matter in 2021.

Since this endorsement, the design has been through several iterations based initially on community and stakeholder feedback and more recently the assessment of road safety audits and civil engineer designs.

An overview of the changes is provided in this report, and provides;

1. Detailed information on the reasons why the previously proposed angle parking was changed to parallel parking along the Esplanade, and
2. Summarises the outcomes of additional community consultation completed with the Paynesville community in September of this year.

Car parking Summary

Car parking has been the most contentious element of the plan, with a range of views expressed on the quantum and placement of parking throughout the project design phase. The table below summarises the parking provision within the current amended Progress Jetty Precinct landscape masterplan compared to previous design options.

LOCATION	Existing	Pre-Petition Plan	Post Petition Plan	Current Plan
Esplanade	30	32	42	29
Foreshore	66	55	55	83
Sunset Drive (Long Vehicle)	0	14	14	3
Sunset Drive (Overflow Area)	0	36	36	30
10 Wellington Street	0	0	34	30
IGA	84	84	84	84
Totals	180	221	265	259

In July 2022, engineering consultants were engaged to review the project concept plan that had previously been presented to Council and commence detailed design. The review identified significant safety risks to road users and pedestrians. The concept masterplan reviewed by the consultants included a layout showing angled parking. The angled parking design was intended to maximise the number of on-street carparks near existing retail businesses along the Esplanade. The review identified that the proposed layout significantly compromised traffic design safety standards with the main limiting factor being the Esplanade Road width from kerb to kerb.

Design analysis clearly showed road safety was significantly compromised as reversing cars would need to encroach across the Esplanade's carriageway centreline and across pedestrian crossings creating a considerable risk of collision with passing traffic and pedestrians using the crossings. It is noted that Nicholson Street in Bairnsdale and the Esplanade in Lakes Entrance both have angled parking, however both locations have more width between kerbs than the Esplanade at Paynesville to safely accommodate angled parking.

Angled parking could only be provided by widening the Esplanade carriageway, removing existing mature streetscape trees, and undertaking additional services relocation.

The revised masterplan (**Attachment 1**) removed the angled parking on both sides of the Esplanade and replaced it with parallel parking. Road Safety Auditing confirmed that the removal of 7 existing parallel parking spaces on the Southern side of the Esplanade was justified to improve the line of sight for pedestrians using the main crossing area and road users on the westbound approach. The removed parking spaces were compensated for by providing 22 new car spaces within the foreshore carpark and 7 new parallel car spaces on the southern side of the Esplanade, between Langford Parade and Sunset Drive.

Initiatives in the revised masterplan endeavour to put in place a plan for future car parking needs that once implemented will result in improved safer pedestrian links, promote pedestrian movement and flow throughout the Progress Jetty Precinct, ensuring walking is a pleasant and safe experience thereby reducing the desire by motorists to obtain parking directly outside their destination.

Times short-stay parking provisions will also be introduced outside high turnover businesses such as the Newsagents.

Timeline of Project Development:

The project has progressed through several iterations and has been informed by a variety of engagement and planning processes, these are briefly summarised as:

2017

In 2017 following extensive community and stakeholder engagement, the Council adopted the Paynesville Foreshore Management Plan. The redevelopment project for the Progress Jetty Precinct in Paynesville was identified in this plan and has been underway since 2019/2020 and the FMP provided the Progress Jetty redevelopment project with strategic direction.

2020/21

In July 2021, the concept design plan for the redevelopment of the Progress Jetty Precinct was released for community feedback and resulted in a petition to Council on 4 October 2021. The petition raised concerns regarding parking provisions within the concept plan.

At the Council meeting held on 16 November 2021 it was resolved to review and amend the plan to increase parking provision, including the addition of angled parking on the southern side of the Esplanade and development of a new off-street parking area at Wellington Street. This amended concept plan was released on 3 December 2021.

2022

In February 2022 minor amendments were made to the plan to improve traffic flow within the foreshore car park. These amendments lengthened car parking bays and increased the width of the internal passing lane.

In April 2022, minor amendments were made to the concept plans graphics to remove the highlighted white car motifs from it. Feedback from the community indicated that the motifs created confusion regarding the number of car parking spaces provided.

In July 2022 consultants were engaged to review the project concept plan and commence detailed design. The review identified both safety risks to road users and pedestrians and budget risks to the project funding. The consultants recommended further amendments be made to the concept plan to resolve these identified safety and budget issues.

These amendments included removing the angled parking along the Esplanade and a reduction in the number of carparking spaces within the Wellington Street carpark. The review also identified an opportunity for additional parking spaces within the foreshore car park. The plan was amended to include these additional 28 car parking spaces. This plan was released 22 October 2022 on Council's YourSay web site.

2023

Councillors were briefed on a revised masterplan in June 2023. The plan was then released via drop-in sessions and one on one trader discussions. The Progress Jetty Precinct Landscape Master Plan, (**Attachment 1**) has also been made publicly available to the community via the YourSay page dedicated to this project.

Next Steps:

Should Council endorse finalised masterplan as presented at **Attachment 1**, this project would then move through the next steps;

1. Release of the final Progress Jetty Precinct Landscape Master Plan, (**Attachment 1**) more broadly to the community for information.
2. Submission of a funding application to the Commonwealth Growing Regions fund for both the foreshore and yacht club redevelopment (also currently in design) - noting that this is a lengthy submission process and outcomes will not be known until early 2024.
3. Detailed design of civil and landscaping works and the development of construction documentation so that the project is ready for tendering and construction as future funding becomes available.
4. Delivery of Stage One works in 2023/24. This includes tree planting along the Esplanade and the connecting footpath between the Yacht Club and the Progress Jetty Precinct. Stage One works can be fully funded by Council cash available in the 23/24 budget if the current funding bids are not successful.
5. Investigate timed parking restrictions to encourage short term parking turnover in the precinct, and improvement of directional signage to alternate car parks in Paynesville.

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*.

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

Given the bespoke nature of this project, this tender has not been prepared in collaboration with another local government or agency.

Council Plan

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

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

Council Policy

Procurement has been undertaken in accordance with Council's Procurement Policy.

Community engagement has been undertaken in accordance with Council's Community Engagement Policy.

This project aligns to strategic documents adopted by council including the Paynesville Foreshore Management Plan and the Paynesville Town Centre Structure Plan.

Options

Council has a range of options available to it including:

- endorsing the revised masterplan provided as Attachment 1; or
- requesting further amendments to the plan; or
- Abandoning the project.

Resourcing

Financial

External consultants were engaged to design the revised masterplan as provided at **Attachment 1**. Funds are provisionally available in the four-year Capital Works Program to contribute towards the upgrade of the Progress Jetty Precinct. Additional external funding will be required to deliver the project in its entirety. Funding sources are therefore being identified that could supplement Council's own funding for this project.

Plant and equipment

Not applicable

Human Resources

The detailed design of this project is being managed by Council staff with the technical work undertaken by suitably qualified consultants.

Risk

The risks of this proposal have been considered and the design has been modified to address identified traffic and pedestrian risks that were present in earlier versions of the plan.

Economic

The economic benefit of the project includes the economic activity associated with the construction and maintenance of the Progress Jetty area.

Improved local infrastructure will also support attracting and extending visitors length of stay in Paynesville with positive local economy outcomes.

There is some trader concern that any modification to parking will reduce the competitiveness of the precinct for traders. However, this is counterbalanced by other trader views that see the changes as a positive for trade, bringing additional people into the precinct.

An economic impact assessment has been undertaken on this project by external consultants that found that the project would deliver a Net Present Value of \$7.8 million with a benefit to cost ratio of 2:1.

Social

The users of the upgraded Paynesville Progress Jetty area will directly benefit from this project with new pedestrian crossings, playground, picnic areas, craft centre upgrade, and improved parking and landscaping.

The upgrade of infrastructure outlined in this project is driven by objectives of:

- enhancing the visitor experience;
- maximising visitation; and
- contributing to the visitor economy of Paynesville and the broader region.

These improvements will provide passive recreation improvements to the town that will enhance its enjoyment by the local community and visitors.

Environmental

The design of the Progress Jetty Area will have a positive environmental impact on flora and fauna along the foreshore area by containing pedestrians to specified areas.

Climate change

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

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

Engagement

As detailed earlier in this report, the project had its gestation in the Paynesville Foreshore Management Plan, which itself went through a detailed engagement process with the final plan endorsed by both Council and DELWP. This process included:

- Preparation of an Issues and Opportunities Paper.
- Detailed community consultation.
- Preparation, release, and integration of public comment on a draft
- Final endorsement of the Plan by the Project Control Reference Group.
- Final endorsement of the Plan by the key government stakeholder agencies and the East Gippsland Shire Council.

The 2023 Progress Jetty Precinct Masterplan design was developed with extensive community and stakeholder consultation and the use of a Community Reference Group. Two well attended drop-in sessions were held early in this process.

Based on trader feedback and the receipt of a petition, the Community Reference Group was further augmented with two more traders from within the precinct and additional community members able to represent young families. This group has been involved in the review and development of the revised designs described in this report.

Additional community consultation was completed in September 2023. Two drop-in sessions were undertaken at the Paynesville library meeting rooms providing the local traders with a further opportunity to review the final masterplan and provide comments, prior to bringing the designs back to Councillors for review. All local traders in the Progress Jetty Precinct were invited to attend the sessions.

Both the Wednesday evening and Saturday sessions were attended by a mix of local traders and community members. Overall, the feedback on the masterplan was positive especially the support from Paynesville and District BTA. The following key feedback themes emerged:

Parking

The replacement of carparking for green space was appreciated and supported. One hospitality trader representative would like to see the parallel parking reviewed to allow for an additional parking space outside their venue. There is also a desire for some short-term parking spaces to encourage parking turnover, which will be built into the final detailed design.

War Memorials

Community representatives were genuinely concerned about how the war memorials were being relocated and held an expectation that the Council will engage in further community consultation regarding any re-positioning of war memorials. Consultation with the RSL was undertaken early in the project but will require further follow-up.

Water Play

Traders were clear that this element of the plan should be implemented as it was seen as a major focal point for activating the precinct and was part of the compromise on changed parking arrangements.

The final Progress Jetty Precinct Landscape Master Plan and artists impressions, (**Attachment 1**) was released to the community via the YourSay website on 14 November 2023.

Attachments

1. June 2023 - Progress Jetty Precinct Landscape Master Plan [**5.2.1.1** - 1 page]



Progress Jetty Precinct,
Paynesville Foreshore

Overall Landscape Plan

June 2023

1:750 @ A1
1:1500 @ A3

0 5 10 20 50m

ratio:

ratio:consultants
ratio.com.au
5 Geymore Street
Cremorne VIC 3121
ABN 93 983 380 225
T +61 3 9429 3111

5.2.2 Marina Consultative Committee Meeting Minutes for 15 June 2023 and 21 September 2023

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

Council is Committee of Management of the crown land, infrastructure and operations associated with the Metung, Chinaman's Creek and Slip Bight Marinas.

The facilities combined have 435 berths of which berth holders pay licence/permit and operations and maintenance (O&M) fees to Council to berth their vessel at these sites.

In 2007, the Council's Marina Consultative Committee (MCC) was formed as a result of berth holders requesting a forum to address their service needs direct to Council.

This report presents to Council the minutes from the last two Marina Consultative Committee meetings held on the 15 June 2023 and the 21 September 2023.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. notes Officers' intent to bring back separate reports to Council on both a revised Terms of Reference for the Marina Consultative Committee, and the establishment of a Marina Financial Reserve proposed by the Marina Consultative Committee.***

Background

Council is Committee of Management of the crown land, infrastructure and operations associated with the Metung, Chinaman's Creek and Slip Bight Marinas.

The facilities combined have 435 berths of which berth holders pay licence/permit and operations and maintenance (O&M) fees to Council to berth their vessel at these sites.

In 2007, the Council's Marina Consultative Committee (MCC) was formed as a result of berth holders requesting a forum to address their service needs direct to Council.

Since its adoption, the MCC meets quarterly and acts as a consultative mechanism for Council and the berth holders in relation to operational matters of the marina services and its assets. The MCC membership consists of two Councillors and six berth holder representatives. Council officers are in attendance to provide reports and commentary to the committee however in the MCC Terms of Reference (TOR), officers do not make up the MCC membership.

Council reviews the MCC terms of reference on a 4-year schedule. A new term of reference will be presented to Council for adoption early in 2024.

Key issues raised at the last two MCC meetings include:

1. Establishment of a specific Marina Financial Reserve

The MCC was keen for Council to consider establishing a financial reserve for unplanned and major Marina projects. This is being investigated by Officers and a separate report on this matter will be brought to Council.

2. Future of the Committee

The MCC has considered the future of the MCC and were of the unanimous view that the MCC should continue in its current format with improved TOR. These TOR are currently being revised and will be brought to a future Council meeting for consideration.

3. Public Liability Insurance

The increase to public liability insurance was raised as a concern for both the way it had been implemented and the difficulty some berth holders were having meeting the \$20million Public Liability Insurance requirement. Based on this advice, Officers have reviewed the requirement and advised all berth holders that:

- (a) Where berth holders have a current insurance policy and can demonstrate with evidence that they will not be able to meet the timeframe to increase their coverage, their current arrangement can be extended until the end of 2024 to allow owners time to have their vessel slipped and inspected.
- (b) Where berth holders' vessels are of a type or age that makes the \$20million PLI difficult to source, the current arrangement can be extended upon confirmation of a current insurance policy and evidence that an increase in PLI has been sought but rejected.

These changes were also clarified with berth holders at the recent Annual Berth Holder meetings held on 21 October 2023.

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* 1989.

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

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.

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

Council Policy

Council Representation Policy

Options

Council notes the minutes from the Marina Consultative Committee meetings held on the 15 June 2023 and the 21 September 2023.

Resourcing

Financial

The Marina Consultative Committee are presented quarterly financial reports which detail the income and expenditure of all three Council managed marinas.

The Slip Bight Marina financial statements are independently audited at the end of the financial year due to the requirements outlined in the Slip Bight Marina Heads of Agreement.

Human Resources

Servicing the Marina Consultative Committee is resourced by Council Officers, with four Officers attending the quarterly MCC meetings.

Gender Impact Statement

Marina Consultative Committee has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian *Gender Equality Act 2020*.

Engagement

Since its adoption, the MCC meets quarterly and acts as a consultative mechanism for Council and the berth holders in relation to operational matters of the marina services and its assets.

The MCC membership consists of two Councillors and six berth holder representatives. Council officers are in attendance to provide reports and commentary to the Committee however in the MCC Terms of Reference (TOR), officers do not make up the MCC membership.

In addition to the MCC Council officers engage with berth holders via email newsletters; annual berth holder meetings and one on one consultation.

Attachments

1. Confirmed Minutes - Marina Consultative Committee meeting 15 June 2023 [5.2.2.1 - 4 pages]
2. Unconfirmed Minutes - Marina Consultative Committee meeting 21 September 2023 [5.2.2.2 - 5 pages]



Confirmed Minutes

East Gippsland Shire Council Marina Consultative Committee Meeting

Date: Thursday 15 June 2023

Time: 10am to 11.34am

Venue: EGSC Council Chambers, 273 Main Street, Bairnsdale or via Microsoft Teams

PROCEDURAL

1.1 IN ATTENDANCE

Committee Members

Cr Arthur Allen, East Gippsland Shire Council

Bill Newcomen, Metung Marina and Chinamans Creek Marina

Neil Hopkins, Metung Marina and Chinamans Creek Marina

John Underwood, Slip Bight Marina

Alan Jackson, Slip Bight Marina - via Microsoft Teams

Edward Fregon, Slip Bight Marina - via Microsoft Teams

Officers / Visitors (who are not Committee Members)

Fiona Weigall, General Manager, Assets and Environment, East Gippsland Shire Council

Kris Wain, Manager Council Enterprises, East Gippsland Shire Council

Tegan Venderslik, Acting Commercial Business Coordinator, East Gippsland Shire Council

Belinda Kramme, Commercial Business Operations Officer, East Gippsland Shire Council

Observer

Cr Sonia Buckley, East Gippsland Shire Council

Minute taker: Belinda Kramme

1.2 APOLOGIES

Angela Printz, Commercial Business Coordinator

Kellinde Chester, Department of Energy, Environment and Climate Action

Sarn Eckhardt, Metung Marina and Chinamans Creek Marina

1.3 DECLARATIONS OF CONFLICT OF INTEREST

Nil

1.4 CONFIRMATION OF MINUTES – 17 NOVEMBER 2022

Moved by Ted Fregon / Second by Alan Jackson

1.5 FUTURE MEETING

24 August 2023 and 23 November 2023

1.6 ACTION ITEMS REGISTER

Report presented by Commercial Business Operations Officer. Items discussed.

REPORTS

2.1 STATEMENT OF FINANCIAL PERFORMANCE

Report presented by Commercial Operations Officer

It was asked if the financial figures will be audited. GM Assets and Environment (GMA&E) advised figures are audited by an independent auditor after the conclusion of the financial year. Audited figures are included in the end of financial year I report, usually completed around September / October each year.

It was asked why Council Rates are down from previous years. Manager Council Enterprises (MCE) advised he would take this question on notice and follow up with the finance team.

Cr Allen highlighted previous discussion on establishing a reserve fund for future projects and asked for feedback from the Marina Consultative Committee. Looking to understand if the committee would be interested in establishing a reserve fund similar to Raymond Island ferry and the Waste Reserve. MCC Member asked if it will be a book entry or a sinking fund account. GMA&E confirmed it would be a book entry and when there is a requirement to undertake a project it would give an opportunity to move forward.

Motion moved by Neil Hopkins and second by John Underwood to recommend to Council that consider establishing a reserve for unplanned and major Marina projects

Officers were also asked to clarify why an administration fee of 15% on top of the depreciation was added to capital projects and it was explained that the 15% added represented the corporate overheads.

Action: End of financial year report to be provided after independent audit is completed later this year.

Action: Manager Council Enterprises to speak with the finance team regarding Council rates and administration fee on top of depreciation.

Action: Officers to draft a recommendation report for Council to consider establishing a Marina Reserve – possibly 10% of annual surplus.

2.2 PROJECT REPORT

Report presented by Commercial Operations Officer

IT team provided an update on the CCTV upgrades, reporting that they are actively working on this project and obtaining new quotes as previous quotes have expired. Additionally, the technology has improved, and they may be able to reduce the number of cameras. The IT team are undertaking more site inspections this week.

The use and availability of footage was also discussed with officers explaining that this was managed in accordance with Council's CCTV Policy ([5fcee0fc513aa5834e2d772_Public Space Closed Circuit Television Surveillance Policy.pdf \(webflow.com\)](#)). Manager Council

Enterprises advised should footage be requested by VICPOL it can usually be supplied within 1 day– urgency is placed on the request. Footage is held for 30 days.

2.3 MAINTENANCE REPORT

Report presented by Commercial Operations Officer

Occupancy report noted that Metung marina is at 96%, Slip Bight and Chinamans Creek both at 93%.

Officers were asked who is responsible for the fire hydrant structures. It was clarified that anything below the ground is the responsibility of East Gippsland Water. Anything above the ground was installed by Council as per the planning permit.

2.4 MARINA CONSULTATIVE COMMITTEE – MEETING STRUCTURE

General Manager – Assets and Environment

Cr Allen asked for each member to provide their recommendation on the MCC meeting structure. Unanimous response with each committee member nominating Options 2 – *Marina Consultative Committee continues in current format with improved Terms of Reference*. Manager Council Enterprises advised this will be presented to Council together with the draft TOR at a future 2023 Council Meeting.

VERBAL

3.1 LIVING ONBOARD VESSELS

Officers were asked if the marinas might support people living onboard vessels within marina. Requested investigation.

Action: Manager Council Enterprises will raise this question DEECA as it is expected that any onboard living is dictated by the Crown Land (Reserves) Act.

3.2 HEADS OF AGREEMENT

Manager Council Enterprises advised that Council had not yet received and updated Heads of Agreement from DEECA.

3.3 REPORT OF VESSEL ON FIRE – SLIP BIGHT MARINA

MCC members asked about the recent incident where a vessel had smoke billowing out of the cabin while moored at the public jetty at Slip Bight Marina. Advised that this was leaky heater and thankfully no fire or damage was reported to vessel or structure.

3.4 VESSEL REPORTED USING JETTY 5 TO UNLOAD PASSENGERS

Officers were asked if the incident of a commercial vessel unloading on Jetty 5 had been delt with and were able to advise that the public jetty at Slip Bight Marina has had loading zone installed to help assist local tour operators to drop-off and pick-up guests.

3.5 CRUISER CLUB BUILDING REPAIRS

MCC Member raised outstanding painting and gutter repairs to the Cruiser Club building

Action: GMA&E would take it on notice and advise the Cruiser Club.

3.6 VESSELS OVERSTAYING AT PUBLIC JETTY – SLIP BIGHT MARINA

MCC Member asked what can be done regarding vessels overstaying on the public jetty. Suggested that if anyone notices this to report it to Council's Community Laws team.

3.7 JETTY 4 SLIP BIGHT MARINA – LADDERS AND JETTY GATE

It was asked if there was a requirement for ladders on the jetties and if the entrance gate can be adjusted to ensure it is fully closed as it often remains open during strong wind. Officers were able to advise that there are four ladders on jetty 4.

Action: CBOO will investigate gate - to be serviced/repaired.

OTHER BUSINESS

Nil

MEETING CLOSED

Meeting closed 11.34am



Unconfirmed Minutes

East Gippsland Shire Council Marina Consultative Committee Meeting

Date: Thursday 21 September 2023

Time: 10.06am to 11.35am

Venue: EGSC Council Chambers, 273 Main Street, Bairnsdale or via Microsoft Teams

PROCEDURAL

1.1 IN ATTENDANCE

Committee Members

Cr Arthur Allen, East Gippsland Shire Council

Bill Newcomen, Metung Marina and Chinaman's Creek Marina

Neil Hopkins, Metung Marina and Chinaman's Creek Marina

John Underwood, Slip Bight Marina

Alan Jackson, Slip Bight Marina - via Microsoft Teams (intermission 11.03am to 11.12am)

Edward Fregon, Slip Bight Marina - via Microsoft Teams

Officers / Visitors (who are not Committee Members)

Fiona Weigall, General Manager, Assets and Environment, East Gippsland Shire Council

Kris Wain, Manager Council Enterprises, East Gippsland Shire Council

Angela Printz, Commercial Business Coordinator, East Gippsland Shire Council

Belinda Kramme, Commercial Business Operations Officer, East Gippsland Shire Council

Tracey West, Department of Energy, Environment and Climate Action – via Microsoft Teams

Observer

Cr Sonia Buckley, East Gippsland Shire Council – via Microsoft Teams (from 10.20am)

Minute taker: Belinda Kramme

1.2 APOLOGIES

Sarn Eckhardt, Metung Marina and Chinaman's Creek Marina

1.3 DECLARATIONS OF CONFLICT OF INTEREST

John Underwood – Yamaha Service Centre - Verbal item 3.2

1.4 CONFIRMATION OF MINUTES – 17 NOVEMBER 2022

Moved by Neil Hopkins / Second by Alan Jackson

1.5 FUTURE MEETING

23 November 2023

1.6 ACTION ITEMS REGISTER

Report presented by Commercial Business Coordinator.

It was asked if item 2.1 Financial figures will be independently audited at the end of the financial year as required by the Heads of Agreement that Council has with the State for the operating of Slip Bight Marina. GM Assets and Environment (GMA&E) advised Council's statutorily required audit will be completed in October 2023, following the overarching audit, Officers arrange for independent audit to be completed.

An identified discrepancy of 15% on depreciation will be taken on notice and a response provided to the MMC via Council's finance unit.

The MCC's desire to establish a reserve fund is scheduled to be presented at Council meeting to be held in November 2023. GMA&E will circulate the draft Council report out of session.

Action:

Manager Council Enterprises will arrange for Slip Bight Marina end of year finance report to be independently audited and shared with MCC once complete.

GMA&E will arrange to share draft Council report prior to listing.

Action pending from 15 June 2023 meeting:

Manager Council Enterprises will arrange for finance department to examine depreciation discrepancy of 15%.

REPORTS**2.1 STATEMENT OF FINANCIAL PERFORMANCE**

Report presented by Commercial Business Coordinator.

It was asked if Council could explain the difference between forecast and adopted financial figures. Manager Council Enterprises advised adopted budget is endorsed in June and forecast budget is reviewed by Council Enterprises and Council Finance team on a monthly basis to review and adjust the budget to reflect any changing expectations of the business.

It was asked if the reserve fund could be the value of depreciation. GMA&E advised that as depreciation drives the overall capital budget this would not be possible.

2.2 PROJECT REPORT

Report presented by Commercial Business Coordinator.

It was raised that the number of security camera's proposed has reduced. Manager Council Enterprises advised that the cameras have improved, and this has changed the requirement as new cameras have more capacity, therefore less are required.

It was asked if a webcam can be installed at each marina so berth holders can see the conditions at each marina. Understanding privacy issues have been overcome by Gippsland Ports. Manager Council Enterprises confirmed this has been investigated thoroughly and explored all options with cameras within Council assets. GMA&E advised the webcams through Gippsland Ports are funded by Better Boating Victoria (BBV) to check on boating and launching conditions. Checking on security of vessel is not what these webcams are designed for. If absentee boat owners are wishing to put security cameras on their own boats, they are

welcome to do that. It was asked if a webcam can be positioned between jetty 4 & 5 at Slip Bight Marina which has a large area to show conditions towards open waters.

It was asked if there are any cameras planned for the hardstand. Commercial Business Coordinator advised plan included camera positioned at "G" berths which will capture towards hardstand.

It was asked if Slip Bight is considered as stakeholders to the Slip Road Precinct as there was around \$50k contributed to design phase. GMA&E will take on notice.

It was asked if there was further update on the wave attenuation wall concept design. Commercial Business Coordinator has added the design of such a facility into the capital pre-project process which guides future design. Manager Commercial Enterprises said the existing concept design gives opportunity to establish ballpark figure and then more detail will follow as the concept moves into detailed design, including consultation with user group.

It was asked if schematic for the Chinaman's Creek Marina's proposed pole re-alignment can be shared.

Action:

Commercial Business Coordinator to liaise with IT for commentary on the CCTV project including placement of cameras at Metung Marina Hardstand.

Commercial Business Coordinator to investigate proposed webcam placements with BBV and internal officers.

GMA&E will investigate the claimed contribution towards Slip Road Precinct.

Commercial Business Coordinator to share drawing of proposed pole placement Chinaman's Creek Marina.

2.3 MAINTENANCE REPORT

Report presented by Commercial Operations Officer.

It was noted that the occupancy rates are consistently high and asked if there is any consideration on commencing planning for more berths. Booking wait lists demonstrate an estimate need for 30 to 50 berths over the next 10 years with demand for larger berths (12 to 14 metres). GMA&E advised Council is work with Gippsland Ports and Better Boating Victoria evaluating berthing options on the Gippsland Lakes. There will also be additional berths in Paynesville once the Slip Road Marine Precinct project is complete.

Action:

GMA&E to liaise berth planning with Better Boating Victoria.

VERBAL

3.1 INCREASE TO PUBLIC LIABILITY INSURANCE

Bill Newcomen, Metung Marina and Chinaman's Creek Marina

Bill spoke to the increase to public liability insurance and raised the concern and angst he has heard from some berth holders both over the increase and the way in which it was communicated to Berth Holders.

The MCC berth holder representatives unanimously all requested that:

1. The increase to \$20mil PLI be reconsidered by Council with a staged increase for the next two (2) years recommended.

2. Communication with Berth holders may wish to explain the difference between public liability insurance and legal public liability, public liability is personal liability only and legal public liability covers broader liability; and
3. That council officers address this matter at the forthcoming Annual Berth Holders meeting.

Manager Council Enterprises responded to Bill Newcomen; the committee can make recommendation to Executive Leadership Team (ELT) for this to be reviewed as it was an operational decision rather than a Council decision.

Action:

GMA&E will table discussion of PLI at the next executive meeting.

Commercial Business Coordinator will investigate difference between legal liability and public liability.

3.2 EAST GIPPSLAND SHIRE – YAMAHA SERVICE CENTRE

John Underwood, Slip Bight Marina

John advised he has a conflict of interest with Yamaha with proceedings underway with VCAT.

John spoke to the issue that Yamaha has no facilities in the whole district. Current repair facility is located at Inverloch which is 240 kilometres away. There is a lot of berth holders who will have to travel and transporting a 200-horsepower motor which is not ideal. John asked Council to consider recommending and encouraging Yamaha to open again in the Shire to service its existing customers. Cr Allen acknowledged his own past experiences dealing with Yamaha following purchase of motors and challenged in getting them serviced between Bairnsdale, Lakes Entrance and Orbost. Cr Allen asked if there is any facility for Council to assist.

Action:

Manager Council Enterprises responded to John advising enquiry will be passed on to Business Concierge officer.

3.3 PROJECT REPORT

Neil Hopkins, Metung Marina and Chinaman's Creek Marina.

It was asked what the end users of the projects such as Shaving Point boat ramp renovation contribute to the upgrade of the boat ramps. GMA&E advised about four (4) years ago the State Government made the decision Councils could no longer charge for use of boat ramps or carparking – something our council had never charged for.

Contribution to boating facilities now come from a mixture of funding sources including Better Boating Victoria which redistributes recreational boat licencing fees. Council also contributes to these upgrades, recognising the importance of such facilities to lifestyle and visitation to the region.

3.4 PROGRESS JETTY – DUMP POINT

Ted Fregon, Slip Bight Marina

It was reported that the dump point at Progress Jetty is not working.

Action:

Commercial Business Operations Officer to advise relevant maintenance team.

3.5 SLIP BIGHT MARINA – RUBBISH BINS

Ted Fregon, Slip Bight Marina

It was reported that the rubbish bin lids within the marina need to be updated and rubbish stand at Cruiser Club currently has two (2) green bins, suggestion for one of the bins to be replaced with a recycle bin.

Action:

Commercial Business Operations Officer to review with Council's Waste Department.

OTHER BUSINESS

Nil.

MEETING CLOSED

Meeting closed 11.35am.

5.2.3

Mitchell River Revegetation Program

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

The Grey Headed Flying Fox (GHFF) roosting site adjacent to the Mitchell River Bairnsdale has been an ongoing matter for Council. The site is Crown land, for which Council is Committee of Management. This is the arrangement for the majority of public open space in East Gippsland as it allows Council to manage land in a manner that supports public benefit through installation of assets or through management practices such as mowing.

While this Committee of Management arrangement places responsibility for land management on Council, the presence of a Grey Headed Flying Fox roosting site at this location creates a complexity in that DEECA are the responsible authority for wildlife.

This is further complicated by the fact that GHFFs are listed within the *Environment Protection and Biodiversity Conservation Act (cth)* 1999 (EPBC Act) administered by the national Department of Climate Change, Energy, the Environment and Water (DCCEEW). The national listing GHFF means that under the EPBC Act, any works that potentially impact on known GHFF sites requires referral to DCCEEW to determine if the activity is a controlled action, and where further assessment and documentation is required to guide those works appropriately.

Based on the above, effectively Council is responsible for managing a parcel of land where any management actions that may impact on the GHFF colony is restricted and require a permit, and where any actions undertaken that do negatively impact on the GHFF colony, are subject to the EPBC Act which may result in penalties to Council and individual Officers.

To address this, the approach taken has been that no actions that impact on GHFF are undertaken unless absolutely necessary, and if they are absolutely necessary, a permit must be obtained to provide clear terms of the scope of the actions, and the manner in which the works can take place.

Further, the EPBC Act places a high level of responsibility on both an Organisation (in this case, Council), and individual Officers with hefty penalties for breaches. Clarity has been sought on the scope of this responsibility, in particular in relation to the installation of a sprinkler system. While it is acknowledged that other LGAs have been “trialing” cooling mechanisms for GHFF colonies, Officers still hold concerns about liability if there were negative impacts to the colony created from this infrastructure. These negative impacts may be resultant from the construction, operation, or if the system was to malfunction.

Past Actions:

In 2014 and 2015, Council finalised a Strategic Management and Action Plan (SMAP) provided as **Attachment 1** and obtained an EPBC permit to undertake staged revegetation works. Three stages of works were identified including vegetation management, and the diversion of the walking path away from the roost site. Council was able to complete the stage 1 tree removals in 2016 however the completion of the alternate path was not completed until 2019.

Following the completion of Stage 1, the area was monitored and confirmed that the risk to the public has effectively been mitigated as pedestrians have been excluded from the area where hazardous trees are located. As such, the need to complete Stages 2 and 3 of the Plan were reduced and it is believed that these further stages are no longer required.

Importantly, the EPBC permit has now expired as of 1 July 2022, meaning Council does not have permission to undertake works that may impact the GHFF roosting site, even though they were included in the SMAP.

Since Stages 2 and 3 of the SMAP are no longer required, this report is provided to close out the issue and the resolutions of Council from 2018. Further, as the site is no longer managed for public benefit, the report proposes transfer of land management responsibility to DEECA, the authority responsible for wildlife management, given the site is a roosting site for this nationally significant colony. This transfer of responsibilities is currently in discussion with DEECA with acknowledgement that it is not possible to currently implement the future stages of the SMAP.

The proposed transfer of the site back to direct management of the Crown does not imply that Council is abrogating its environmental management responsibilities. Council manages a range of environmental reserves for a range of reasons such as drainage or public access. In these instances, Council accepts there is also a responsibility to manage the site's environmental features. In this particular instance, however, the threatened nature of the GHFF and the fact that the area no longer serves other functions for Council, means that transfer back to DEECA presents the best option for the site.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. notes the Environmental Protection and Biodiversity and Conservation Act 1999 permit has expired, and no further works identified within the 2015 Mitchell River Revegetation Program Strategic Management and Action Plan will be actioned;
and***
- 3. requests that the Chief Executive Officer or delegated Officer write to the Department of Energy, Environment and Climate Action seeking transfer of Committee of Management responsibilities to the Department on the basis that the site is no longer managed for public use.***

Background

Land Management:

Prior to the completion of stage 1 of the SMAP, Council managed the Mitchell River GHFF roost site as part of the Mitchell River walking trail with a range of actions to maintain the trail and vegetation to promote public benefit. Since this site has been closed to the public however, minimal management practices have been undertaken, noting the site is also considered a risk to Council staff as vegetation and identified hazardous trees have not been maintained.

The only actions requested to be undertaken at the site since closure have been related to the management of the Grey Headed Flying Fox colony, these actions being to provide Land Manager Consent for works to support a temporary sprinkler system that has been installed, and the installation of a permanent sprinkler system. Both actions are to support the GHFF colony in the instance of a heat stress event, noting that during a heat stress event DEECA becomes the responsible authority for the site.

On the basis that site management actions are now primarily for the management of the GHFF colony and not public benefit, in particular to manage heat stress events when DEECA become the lead designated agency under the *Emergency Management Act 2013* (EM Act), it is believed that transferring land management responsibilities to DEECA will help streamline any required actions.

This action would also remove the risk to Council and Officers associated with conducting, or approving actions that negatively impact (whether intentionally or otherwise) on the GHFF colony and therefore breach the EPBC Act.

Strategic Management Action Plan (SMAP):

As part of the extended Mitchell River Revegetation program in the 2000's, sections of exotic species within the urban riparian zone were gradually replaced by native revegetation, with the aim to include the current GHFF site over time. In recognition that this was a GHFF roost site, along with trees likely becoming hazardous with time.

As mentioned, the national listing GHFF means that under the EPBC Act, any works that potentially impact on known GHFF sites requires referral to DCCEEW to determine if the activity is a controlled action, and where further assessment and documentation is required to guide those works appropriately. As such, an EPBC referral was submitted in 2009 to revegetate the area to complete this program.

In the mid-2010s, the exotic species of trees including poplar trees were declining in health and considered a hazard to pedestrians using the Mitchell River Walking track that extended through the GHFF roosting site. Effectively, works were required to address the danger to the public from hazardous trees in the area, but these works were prohibited under the EPBC Act as they could potentially negatively impact the GHFF colony. To address this, Council required an EPBC permit.

To support the submission for an EPBC permit, Council developed a SMAP (**Attachment 1**) to identify the works required to address the issue above. The objectives of this Plan are listed as:

- Continue, maintain, and enhance the revegetation efforts within the Mitchell River corridor to facilitate safe recreational use and also to enhance the ecological character of the area;
- Secure a longer-term site for the requirements of the GHFF that is accepted by the wider community;
- Balance the concerns of local residents and the wider community with the requirements placed upon EGSC by the relevant legislation.

Based on this submission and SMAP, a permit was issued to Council on 11 April 2014 under the Environmental Protection and Biodiversity Act 1999 for the proposed action:

*To remove 0.5 hectares of poplar trees as part of the East Gippsland Shire Council poplar removal program which provides a 'summer camp' roost site for Grey-headed Flying-foxes (*Pteropus poliocephalus*) in Bairnsdale, Victoria.*

The site management actions are identified on page 43 of the SMAP. These are broken down into 3 stages. Council was able to complete the stage 1 tree removals in 2016. However, action 3 of stage 1, the creation of a footpath to divert pedestrians away from revegetation areas, was not completed until 2019. Stages 2 and 3 were not actioned and it is believed that these further stages are no longer required.

Future Works:

The EPBC permit expired 1 July 2022 meaning Council does not currently have permission to undertake works that may have an impact on the GHFF roosting site and surrounds, even though they are included in the SMAP.

It is important to note the distinction between the EPBC permit and the SMAP. The SMAP outlines the actions required to mitigate the risk due to the vegetation, as well as manage the site into the future; the EPBC permit provides approval to carry out specific actions within the SMAP. The EPBC permit does not however, place an obligation on Council to complete any, or all the works. It is noted though that the endorsement of the SMAP provided the community with expectations of works that were to be completed.

To complete further works, Council could seek a new permit, however the primary driver of this SMAP and EPBC permit was the need to address safety concerns for pedestrians walking through the roost site (essential works to mitigate safety). The safety concerns have now been eliminated through the provision of the alternate walking path and closure of the roost site.

It must be noted that whilst the EPBC permit has expired, and specific works are no longer permitted, the expiry does not clear Council from other obligations committed to within the Plan. These include ongoing vegetation management actions (as delivered in its current state), adherence to schedules of work within the seasonal timeframes to mitigate impacts to GHFF in sensitive pregnancy and caring for young stages and monitoring and reporting as required.

Effectively, at this time, Council is obliged to continue to manage the site including the current vegetation, however as the permit has expired Council is not permitted to undertake any works that are controlled actions.

Such works would require submission of a new referral, noting that the success of the diversion of the path eliminating the risk to the public from the exotic vegetation means that the removal of exotic species may no longer be considered “essential works”. In addition, over this period changing attitudes and varied agency involvement has resulted in a more conservative approach to any activity onsite.

Installation of a sprinkler system to provide cooling during heat stress events

While Council has obligations to continue to manage the site as identified within the SMAP, there have been requests for Council to install a sprinkler system to provide cooling for GHFF’s at the site during heat stress events.

This was discussed at the November 2022 Councilor Briefing. The resultant action was to further collaborate on development of a management strategy and plan for GHFF management at the Mitchell River site.

Council Officers have continued to work with DELWP, now DEECA regarding the management of the GHFF colony site and the development of a specific Management Plan for the colony and site, however this plan has not yet been developed. A meeting is scheduled for 17 November to progress this Management Plan, noting the expectation that DEECA will lead this process as the lead agency for wildlife management. It is also anticipated that this Management plan will address the installation of a sprinkler system.

This approach aligned with a Council meeting held on Tuesday 11 December 2018 which contained Item 5.2.1 in relation to reviewing the vegetation management options onsite. The Recommended Approach was adopted, as per below:

“Recommended Approach:

The option to hold further discussions with the Victorian Government through DELWP and Parks Victoria to explore the development of an interagency and strategically focused approach to the future management of this area is the recommended approach by officers. It is considered that pursuing this approach has the potential to enable:

- 1. The development of a more strategic approach to what is a complex matter for Council and the community;*
- 2. The ability to examine all the potential management options (including those listed above) accessing a wider range of expertise; and*
- 3. The development of an interagency led management plan would enable Council and other agencies to determine the best future land management arrangement.”*

Delays in progression of Resolution 3 relate to a number of factors including responses to bushfire and COVID-19, as well as departures of personnel in both Council’s and DELWP management structure, and changes to the management structures themselves.

These discussions have recently been re-established with the express purpose of progressing an Interagency Management Plan.

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*, Section 116 section from the Act Transfer, exchange, or lease of land without consideration.

(1) A Council's powers to transfer, exchange or lease any land include the power to do so with or without consideration to—

- (a) the Crown; or*
- (b) a Minister; or*
- (c) any public body; or*
- (d) the trustees appointed under any Act to be held on trust for public or municipal purposes; or*
- (e) a public hospital within the meaning of the Health Services Act 1988 or other hospital carried on by an association or society otherwise than for profit or gain to the members of the association or society.*

(2) Any transfer, exchange or lease under this section is valid in law and equity.

GHFFs are listed within EPBC Act, administered by DCCEEW. The national listing GHFF means that under the EPBC Act, any works that potentially impact on known GHFF sites requires referral to DCCEEW to determine if the activity is a controlled action, and where further assessment and documentation is required to guide those works appropriately.

The GHFF are also protected under the Flora and Fauna Guarantee (1988) which is the key piece of Victorian legislation for the conservation of threatened species and communities and for the management of potentially threatening processes.

Under State legislation DEECA holds the key responsibility to ensure the welfare of wildlife both in the wild and where the wildlife is held in captivity or subject to human interference under the *Wildlife Act 1975*.

Furthermore, DEECA becomes the lead designated agency under the *Emergency Management Act 2013*.

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

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has not been prepared in collaboration with any other Local Government Authority.

Council Plan

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

Strategic Objective 3: 3.2 Sustainable land use practices are used to manage Council land to protect biodiversity and to provide education and incentives to support the management of private land.

Strategic Objective 3: 3.3 Natural values on key Council managed land are managed and enhanced.

Council Policy

This item does not contravene, nor result in a change to any Council Policy.

Options

Noting that as the EPBC permit has expired, any future works that may impact on the GHFF colony would require obtaining a new permit.

Options include:

Actions

Land Management:

- Seek the transfer of the GHFF colony roosting site to DEECA, removing Council's Committee of Management responsibilities (preferred).
- Continue with Council as Committee of Management.

Should Council continue to manage the site, options include:

- Undertaking actions to progress the installation of a sprinkler system at the request of Friends of the Bats and Habitat Gippsland. These may include obtaining a new EPBC permit and obtaining the required resources.
- Continue to manage the site as per current practice, with the site closed to the public.

Resourcing

Financial

Should Council continue as Committee of Management for this area with the current approach of minimising works to essential works only, some associated minor operational costs will continue.

Should Council progress toward installing and maintaining infrastructure to mitigate against heat stress events or other works specifically relating to the bat colony, these costs could increase significantly depending on the scale of the infrastructure. It is more appropriate that these costs sit with DEECA as the State agency with responsibility for Native Fauna.

Further, with the potential for other GHFF colonies to establish on Council managed land, there is potential for the financial burden to multiply if a precedent is established.

The costs of any future works relating to this site have not been fully costed and have not been budgeted for by Council.

Plant and equipment

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

Human Resources

Any works and processes associated with Council's role as Committee of Management for this site are managed within Council's existing work practices.

Risk

The risks of this proposal have been considered and there are significant risks associated with direct intervention on the site for both Council and individual officers, with any breach of the EPBC Act having significant penalties and potential incarceration of individual officers.

These risks also apply to volunteer groups who may enter the site and be perceived to interfere with wildlife or breach the EPBC Act. Similarly, if Council allows volunteers or others onto the site without appropriately approved EPBC Act and FFG controls in place, this risk could extend to Council.

The recommendations within this report are therefore drafted to reduce the risk to Council associated with:

- Legal implications of carrying out works that may impact on EPBC and FFG listed wildlife.
- Community members entering a closed area.
- Ongoing responsibility for the protection of wildlife.

Economic

The actions associated with this report are seen as having limited economic impact.

Social

The management of the GHFF colony roost site has been a topic of community interest with very strong views from community members. This item, however, does not propose any works or actions that are expected to generate strong views within the community.

Gender Impact Statement

The management of the Mitchell River GHFF roost site has considered the *Gender Equality Act 2020* in its preparation. The management of the site has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

The environmental implications are identified within the body of this report.

Climate change

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

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

Engagement

While broadly there has been extensive engagement regarding management of the Mitchell River site, communication regarding the installation of a sprinkler system and future management of the site has largely been confined to discussions with DEECA.

Attachments

1. Grey-Headed Flying Fox (GHFF) Strategic Management and Action Plan (2) [**5.2.3.1** - 127 pages]

Mitchell River Revegetation Program

Bairnsdale Grey-headed Flying Fox Roost Site



Strategic Management and Action Plan

East Gippsland Shire Council
Updated 2015

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LIST OF ACRONYMS

DE	Department of Environment (Commonwealth Government)
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Bairnsdale Grey-headed Flying Fox Roost Site Strategic Management Action Plan

Updated 2015

DELWP	Department of Land, Water and Planning (State Government)
EGCMA	East Gippsland Catchment Management Authority
EGSC	East Gippsland Shire Council
<i>EPBC Act 1999</i>	Environment Protection and Biodiversity Conservation Act 1999
<i>FFG Act 1988</i>	Flora and Fauna Guarantee Act 1988
GHFF	Grey-Headed Flying Fox
IUCN	International Union for Conservation of Nature
The Plan	Grey Headed Flying Fox Strategic Management and Action Plan

1 SUMMARY

Grey-headed Flying-fox (*Pteropus poliocephalus*) (GHFF) is nationally listed as a vulnerable species and is a regular seasonal visitor to Bairnsdale inhabiting a campsite on the Mitchell River. Numbers have varied from a few hundred to records of 60,000 individuals in 2014. The roost site is situated within a large stand of White Poplar, *Populus alba*. This vegetation is in a very poor and senescent condition and has a limited lifespan. The poplars are also an undesirable invasive pest plant species. Due to the high public usage of the walking path and the condition of the trees they are now a public safety issue.

The Mitchell River roost site is adjacent to a residential area. Residents have expressed concerns over the impacts from the colony including disease, noise, smell, and the potential for the devaluation of their homes. The roost site is also adjacent to the Mitchell River Walking Track which is a highly used piece of recreational infrastructure. The local Landcare group, with funding from the East Gippsland Catchment Management Authority (EGCMA), has worked with EGSC to remove poplars and other invasive plants and revegetate with native species around the river walk. The roost site poplars form part of this program. The national listing of the GHFF means that the proposal to remove the existing roost trees is a controlled action under the *EPBC Act 1994* and requires the development of a management plan that will ensure no or minimal impact to the conservation of this species.

Three options for the management of the roost site were identified as:

- Do nothing
- One off replacement of vegetation from non-native to native species (i.e. complete clear felling of site with corresponding site revegetation).
- Staged replacement of non-native vegetation (i.e. partial site clearing with corresponding site revegetation).

Staged replacement of non-native vegetation is EGSC's preferred option. This allows development of a buffer between adjacent houses and the site whilst giving time to observe the GHFF response to a reduction in the poplar roosting trees. One-off removal of the poplars runs the risk of shifting the colony into a more inappropriate site and no opportunity to assess its impact on the GHFF population.

Schedules have been developed for each stage to ensure programmed works occur when GHFF are absent from the roost site or in smaller population levels to mitigate impacts from the actions on GHFF. Increased community involvement and education regarding GHFF will be ongoing for the duration of works and beyond.

Assessment of the impacts to the GHFF by undertaking works has been undertaken to mitigate impacts and allow adaptive management of the site should significant stress be observed on GHFF after undertaking each staged approach. If the GHFF relocate to other areas, dispersals may be required dependant upon the location. Each of these sites will be assessed as to the appropriateness in reference to longer term ecological requirements of GHFF and reaction in creation of conflict with the community.

2 INTRODUCTION

2.1 Purpose of this Plan

This plan has been prepared by East Gippsland Shire Council (EGSC) and in consultation with Department of Land, Water and Planning (DELWP, formerly Department of Environment and Primary Industries), Gippsland. This partnership in preparing the plan reflects the responsibilities relating to GHFF and the roost site with EGSC being the land manager and DELWP having responsibilities for fauna protection under the Victorian *Wildlife Act 1975*.

This Strategic Management and Action Plan (The Plan) provides for an opportunity to manage the GHFF colony and the Bairnsdale roost site in a sensitive manner and in accordance with both Federal and State obligations. The Plan also allows for the rehabilitation of the site in accordance with sections of the EGSC *Mitchell River Environs Local Structure and Development Plan 1998*.

2.2 Objectives of the Plan

The objective of this plan is to implement proposed revegetation actions and provide contingencies for possible impacts on GHFF and their subsequent management.

This plan aims to achieve the following:

- Continue, maintain and enhance the revegetation efforts within the Mitchell River corridor to facilitate safe recreational use and also to enhance the ecological character of the area;
- Secure a longer term site for the requirements of the GHFF that is accepted by the wider community;
- Balance the concerns of local residents and the wider community with the requirements placed upon EGSC by the relevant legislation.

2.3 Planning Process

The Plan is based on extensive research, investigation, monitoring and consultation undertaken by both DELWP and EGSC into GHFF ecology and appropriate site management. The Yarra Bend Park Flying Fox Campsite Management Plan (DSE 2005) was a reference during the preparation of the Plan.

The Plan has been prepared by EGSC with the cooperation of DELWP and relevant community stakeholders. Expert advice in relation to GHFF ecology was provided by Tony Mitchell, Wildlife Management Officer, DELWP.

3 BACKGROUND

3.1 Regional Information

East Gippsland Shire is located in the far eastern corner of Victoria, approximately 280 kilometres from Melbourne and extends to the NSW border. The shire covers 21,051 square kilometres and is the second largest municipality in Victoria.

The main urban centres of the East Gippsland Shire are Bairnsdale, Lakes Entrance, Orbost, Paynesville, Omeo and Mallacoota. Bairnsdale has the largest population and is also the principal regional retail and service centre. There are approximately 10 smaller towns and a large number of rural settlements within the boundaries of the East Gippsland Shire. .

GHFF have been recorded in Victoria at Geelong and Melbourne intermittently in the 1880's (DECCW 2009). A campsite exists along the Mitchell River in urban Bairnsdale, Victoria, and is used regularly. GHFF are known at other sites within East Gippsland and have also been recorded in nearby West Gippsland (see **Appendix 3**). A report by Nelson (1965) recording the movement of GHFF refers to a site at Dowell's Creek in Mallacoota as being a seasonal GHFF camp, with intermittent sightings at Orbost and at Bairnsdale.

3.2 Bairnsdale Township

Bairnsdale is the principal commercial and retail centre in East Gippsland. The town has a population of approximately 13,000 residents (ABS 2011) and is situated adjacent to the Mitchell River on the edge of an extensive plains area.

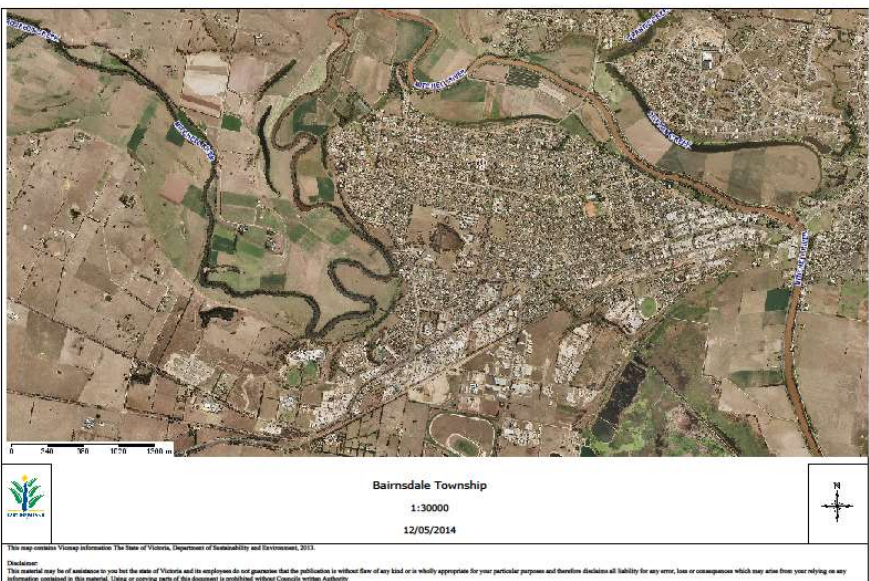


Figure 1 - Aerial Image of Bairnsdale

3.3 History of GHFF in Gippsland

GHFF have been recorded using the Mitchell River roost site since 1995, with occupation recorded since 2002 (no GHFF recorded 2005). The number of GHFF

using the site has varied between seasons, with numbers recorded from a few hundred to thousands. The largest numbers recorded onsite were 34,000 and 18,000 in May of 2006 and 2010 respectively (See **Appendix 1**).

In 2003, the colony remained on site through the year with pups being born on site. The exact reason for the extended period of occupancy cannot be determined, but could be attributed to extended periods of available feeding resources.

3.4 Stakeholders

Current and potential stakeholders now, and longer term, include;

- East Gippsland Shire Council (EGSC);
- Department of Land, Water and Planning (DELWP); (Formerly Department of Environment and Primary Industries)
- East Gippsland Catchment Management Authority (EGCMA);
- Bairnsdale Urban Landcare Group (BULG);
- Department of Environment (DE) (Formerly Department of Sustainability, Environment, Water, Population and Communities)
- Riverine Bat Cluster;
- Federal Member for Gippsland;
- Member for Gippsland East;
- Adjacent landholders;
- Wildlife Shelters and Foster Carers;
- Local residents and the wider community;
- Tourists and visitors to the area;
- East Gippsland Tourism;
- Local orchards; and
- Animal Welfare/Activist Groups (e.g. Bat Advocacy NSW, Victorian Advocates for Animals).

4 SPECIES INFORMATION

4.1 Grey-headed Flying Fox (*Pteropus poliocephalus*)

4.1.1 Distribution

GHFF is a native fauna species that can be found along the eastern coast of Australia from Queensland to South Australia. Due to declining numbers, GHFF was nationally listed as Vulnerable under the Commonwealth *EPBC Act 1999*.

Habitat loss is considered to be the main reason for the population decline.

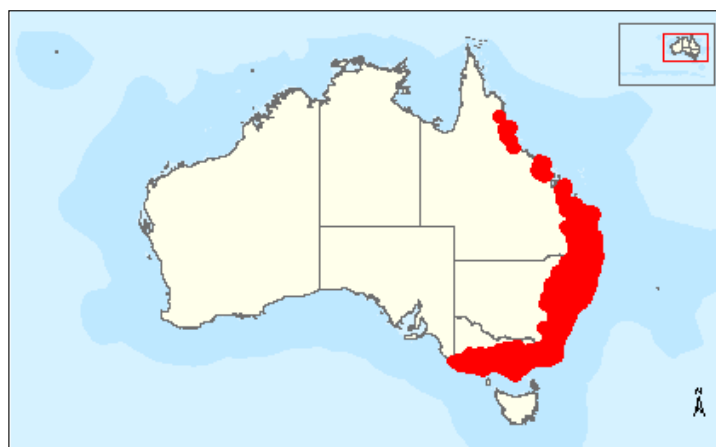


Figure 2 - Range of GHFF in Australia (DE 2013)

4.1.2 Ecological Role

GHFF play an important role in pollination and seed dispersal, which is essential for maintaining biodiversity. Although other species also fill this role, GHFF are very important because of the large distances they travel and they traverse highly disturbed areas (Roberts 2006). As native vegetation continues to become fragmented the movements of many pollinators and seed dispersers becomes restricted, GHFF will have an important role in linking genetically isolated and remnant patches of forest (Shilton *et al* 1999 in Roberts 2006).

4.1.3 Legislation and Conservation Status

Due to the national vulnerable status of the GHFF, works that may potentially have significant impact on this species require approval under the *EPBC Act 1999*.

- National: Listed as Vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999*;
- New South Wales: Listed as Vulnerable under the *Threatened Species Conservation Act 1995*;
- Queensland: Listed as Least Concern under the *Nature Conservation Act 1992*;
- Victoria: Listed as Vulnerable under the *Flora and Fauna Guarantee Act 1988*;

4.1.4 Breeding Cycle

This species has a low fecundity with only one young born per season (Martin and McIlwee 2002 in DECCW 2009). Peak births occur between October and November (Tidemann and Nelson 2004). The lactation period after birth for GHFF is for 3 or 4 months, with the young dependant upon the mother (Nelson 1965). Hall and Richards (2000) report that young travel with their mother to feeding sites for a period of 5-6 weeks post birth and once furred are left in maternal camps until they become independent at around 12 weeks of age.

Mating behaviour commences in January where the male establishes a defendable territory and co-exists within this space with usually one female as a bonded pair, and some exhibit polygamous tendencies (DECCW 2009). Conception is generally considered to occur in March and April, but mating behaviour can extend beyond this period (Tidemann and Nelson 2004).

4.1.5 Habitat Requirements

This species utilises camps during the day and leave the camps to feed in surrounding vegetation from dusk to dawn. Selection of camp sites across their distribution typically include some of the following attributes (Eby 2002, Eby and Lunney 2002, Hall and Richards 2000, Roberts 2005 in DECCW 2009);

- Closed canopy;
- Continuous canopy area > 1 ha;
- Within 50km of the coast and at less than 65 msl;
- Close proximity to waterways (<500m);
- Level topography;
- Canopy height 8m and above; and
- Positioned with a nightly commuting distance of generally less than 20km of sufficient food resources.

Campsites are thought to be selected by the availability of surrounding food resources and the exact attributes that attract GHFF to a particular area is under researched and is difficult to define (DECCW 2009). This species typically forage in native vegetation that is dominated by Eucalypts and feed mostly on nectar and pollen bearing species. The number of GHFF in a camp is generally thought to relate to the availability of food resources in the local area. Plant species within the Myrtaceae family which are preferentially sought by GHFF exhibit differing flowering periods across a spatial and temporal scale.

Populations of GHFF at roost or camp sites fluctuate with individuals remaining for extended periods of several months whilst others stay for much shorter periods. There is evidence that the majority of individuals are nomadic either continuously or during certain seasons (Ratcliffe 1931; Eby 1991; Spencer *et al.* 1991). GHFF have no adaptations for withstanding food shortages and migrate in response to changes in the amount and location of flowering plants (Eby 1991; Spencer *et al.* 1991).

5 MITCHELL RIVER ROOST SITE

The Mitchell River roost site has been a known site for a number of years with the first recorded population count in 1995 and recorded annual seasonal occupation since 2002. The current roost site is considered to be an inappropriate location to support a GHFF colony of the population size seen in recent years (see **Appendix 1**). Key reasons include disturbance of the colony from recreational walking path

users, creation of conflict with local residents, proximity to high traffic areas and limited longevity of the current roost trees.

5.1 GHFF Roost Site

The GHFF roost site primarily comprises of Crown Land reserve which EGSC is the appointed Committee of Management with the remainder of the site being an EGSC managed road reserve.

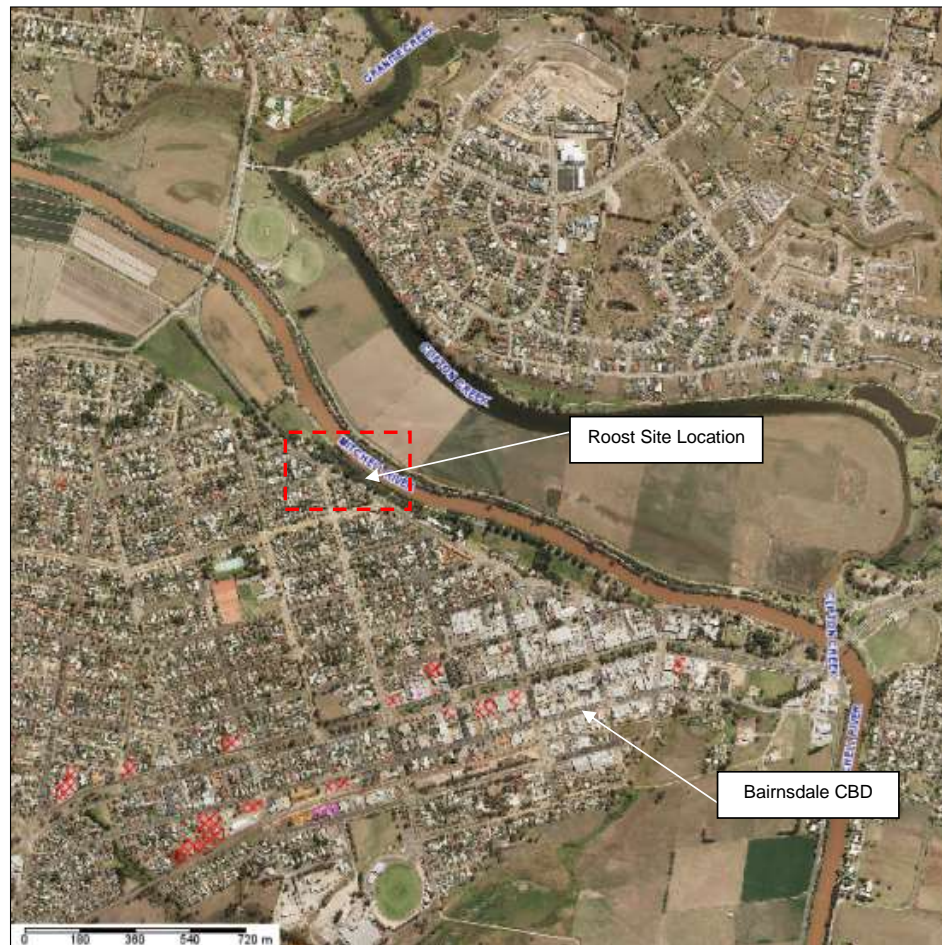


Figure 3 - Bairnsdale Roost Site Location (inset see Figure 6)

This reserve forms a steep narrow embankment between the Mitchell River and Riverine Street. The Mitchell River Walking Track runs along the river bank immediately at the bottom of the embankment. There is a pedestrian footpath between the road reserve and Riverine Street and there was a linking footpath down the embankment between the river walk and Riverine Street which is now closed given the close proximity of the path through unsafe trees occupied by GHFF. The Mitchell River Walking Track is a 5.4km loop and runs along both sides of the river between the Lind and Mitchell River Bridges. The track incorporates the Port of Bairnsdale and Howitt Park and has very high usage all year round.

5.2 Roost Site Vegetation Condition

The roost site is a mature stand of predominantly White Poplar, *Populus alba*, along the Mitchell River within the township of Bairnsdale, as shown in **Figure 3**.

An arboricultural report was conducted in June 2010 and reviewed in June 2011. The report highlighted that the useful life expectancy of *P.alba* at this site ranges between 5-15 years under normal conditions. *P.alba* is a short lived tree species with non durable heartwood. It is estimated that the crown ratio of the trees inspected during the report (being representative of the whole stand) was around 60-70%.

The majority of *P.alba* on site have a multi stemmed habit and exhibit a growth habit towards light/away from competition resulting in trees being swept at the base with precipitous angles of lean. A high proportion of the trees are suffering from degrees of die-back, which could be attributed to a combination of senescence of trees and also seasonal presence of GHFF. There are a number of trees that have already fallen within the stand as demonstrated in **Figure 4**.

The poplars, as a stand of trees and as a roost site, have a very limited lifespan regardless of any intervention by EGSC. Vegetation condition will decrease over a short period of time. It is reasonable to expect the crown die back will increase and live crown ratio will fall. An increasing number of stems will fall down. There is little suitable recruitment of native species or poplar that will provide for roost habitat into the future within the poplar stand.



Figure 4 - Current Condition of Poplar Stand

Annual occupation of the poplar stand by GHFF results in defoliation of the canopy across the site. Lack of a canopy encourages germination and spread of weed species, with faecal drop further enriching the soil. Repeated defoliation can

accelerate the decline of the stand as this decreases the health of the tree. Where camps are located in small vegetation remnants, the pressure is concentrated as there are limitations on the amount of available roosting space (Richards 2000). Presence of fruit bearing weed species like Wild Tobacco (*Solanum mauritianum*) and Broad Leaved Privet (*Ligustrum lucidum*) at the roost site which could be consumed by GHFF is another vector of spread.

The conservation value of the reserve is very low as a result of weed coverage. This site currently has more than 50% coverage of invasive species with the dominant canopy species being *P.alba*. English Ivy (*Hedera helix*) is covering a significant amount of the site and regeneration of any native species is restricted by invasive plant diversity and abundance. **Appendix 5** shows the invasive species recorded onsite and their density.

5.3 Surrounding Revegetation

There has been significant investment in the Mitchell River urban corridor by EGSC in accordance with the *Mitchell River Environs Local Structure and Development Plan 1998*. The local urban Landcare Group has worked with EGSC to improve the walking track and remove the poplars and other invasive plants and revegetate with native species. The East Gippsland Catchment Management Authority (EGCMA) has been a significant contributor to these works. Refer to recent revegetation works in **Figure 5**, which reflect the principles of the East Gippsland Regional River Health Strategy.



Figure 5 - Revegetation works on the northern side of the Mitchell River

6 GREY-HEADED FLYING FOX ASSOCIATION WITH THE MITCHELL RIVER SITE

GHFF have been recorded occupying the Bairnsdale site annually since 2002, concentrated in the stand of *P.alba*. **Figure 6** demonstrates the approximate minimum occupation area in yellow, and the approximate maximum occupation area in purple. The red outline is the proposed boundary of non-native vegetation removal.



Figure 6 - Grey Headed Flying Fox Roost Site

6.1 Role of roost site in lifecycle of Grey-headed Flying-fox

6.1.1 Breeding Cycle

After reaching sexual maturity within 2 years (DECCW 2009), GHFF give birth to usually only one young in October or November (Martin and McIlwee 2002 in DECCW 2009). Records on the first arrival of GHFF to the Mitchell River roost site has predominately been in December with initially low numbers. Some young have been observed being carried by females which is common for several weeks after birth for GHFF during the lactation period. Nursing continues until the young can be left alone in camp. The coupling and mating period occurs between January and May (DECCW 2009). GHFF have been observed at the site with seasonal variability during this period (See **Appendix 1**).

Based on occupation counts carried out by DELWP, the species is most likely to be present at the Bairnsdale site between December and May. GHFF have been absent from the sites in most years between July and November (see **Appendix 1**). In 2003 the colony were in residence for an entire year, whilst in 2005 GHFF were not recorded in any month. Counts suggest that the number of GHFF fluctuates between months and is highly variable, which is suggestive of a transient population.

6.1.2 Habitat Attributes

The location and attributes of the Mitchell River roost site provides a home base or central point as a southern migration stopover for GHFF. It is used as a day camp during this period and facilitates movement of GHFF into nearby areas where flowering resources are available within their foraging range (Tidemann and Nelson 2004). The erratic count numbers and variation in occupation times suggest that their arrival and departure is resource driven as opposed to functioning as a key maternity roost site.

With the numbers of GHFF recorded and annual occupation since late 2002 (with the exception of 2005), this particular roost site is now considered to be ecologically important, in accordance with the definition of 'critical roosting habitat' as outlined in the Draft National Recovery Plan for the Grey Headed Flying Fox (DECCW 2009) and also defined as a Significant Impact Criteria affecting Vulnerable species under EPBC Policy Statement 1.1

The Draft Recovery Plan (DECCW 2009) documents critical roosting habitat as having the following attributes;

- Is used as a camp either continuously or seasonally in greater than 50% of years;
- Has been used as a camp at least once in 10 years (beginning in 1995) and is known to have contained greater than 10,000 individuals, unless such habitat has been used only as a temporary refuge, and the use has been of limited duration (i.e. in the order of days, rather than weeks or months);
- Has been used as a camp at least once in 10 years (beginning in 1995) and is known to have contained greater than 2,500 individuals, including reproductive females during the final stages of pregnancy, during lactation or during the period of conception.

6.2 Nearby Feeding Locations

6.2.1 Native Vegetation

GHFF are capable of travelling long distances (up to 100 km in a single night) in search of food resources (Eby 1996; Parry-Jones and Augee 2001). Observations during 'fly out' monitoring counts of GHFF in Bairnsdale have seen them heading from the roost site to likely feed on local flowering Eucalypts including Red Ironbark (*Eucalyptus tricarpa*), Yellow Box (*E.melliodora*) and Coastal Grey Box (*E. bosistoana*) and also heading towards the coast to feed on Coastal Banksia (*Banksia integrifolia*). These species can occur within 20 – 40 Kilometres of the Bairnsdale camp (refer to **Appendix 3**). Small numbers of GHFF from the Bairnsdale camp have been observed to be regular visitors to a stand of non-indigenous Bushy Yates (*E.lehmannii*) on private property. The availability (volume, species, location) of natural food near Bairnsdale and the situation with food supplies further east towards NSW appears to be the limiting factor on GHFF population numbers arriving to the site and when they depart. Exact feeding areas have not been recorded, but rather the observations of direction of flight made during monthly fly out counts of the population gives an indication of where they may feed.

6.2.2 Residential Areas

Residential areas with no sources of food are unlikely to attract GHFF, however, those properties that provide a food source (eg. flowering eucalypts, coconuts palm leaves) may attract GHFF from time to time and their presence may only become

noticeable when competing animals squabble over food, leave droppings or take fruit. Feeding on residential fruit trees is typically a secondary food source, and occurs when natural food sources are low (Hall and Richards 2000). Unexpected rain events may also force GHFF into residential areas due to removal of nectar and pollen from native trees.

6.2.3 Commercial Areas

GHFF can cause damage in commercial orchards which can lead to conflict with producers. However, in the Bairnsdale area they usually only target fruit crops during periods when natural sources of food are scarce (Hall and Richards 2000) or reduced through adverse weather events such as heavy rains.

Damage has been recorded at orchards near Bairnsdale and also at Johnsonville (17kms east of Bairnsdale) to apples and stone fruits. In 2010 an apple orchardist was heavily impacted when thousands of GHFF descended on the property following heavy and prolonged rains which washed nectar from flowering Eucalypts. Damage is therefore sporadic and generally only as an alternative or targeted by individual GHFF. The level of damage is influenced by food availability and not the location of the campsite within urban Bairnsdale.

7 CURRENT SITUATION

Many concerns have been raised about the continued occupation of GHFF in the Mitchell River corridor. These include public safety risk, associated health impacts and environmental issues.

7.1 Concerns of Public Safety

The current condition of the trees on site has been considered to be a safety risk to residents and recreational users on the Mitchell River walking path. Unsafe trees and branches were identified in an independent Arborist report undertaken in 2010, and reviewed in 2011 to inspect and highlight trees of safety concern. The condition of the poplars are an ongoing concern and will require subsequent management to provide a safe environment for the community. Subsequent inspections by EGSC Arborist have continued to monitor the condition and health of these trees.

7.2 Health Risks and Concerns

A common concern regarding the presence of GHFF is the risk of disease such as Australian Bat Lyssavirus, Hendra virus and Nipah virus. Whilst these diseases can be fatal in humans, the risk of exposure is very limited. Pets and other animals (such as horses) may be at risk of becoming infected with these diseases and potentially acting as a vector to humans, however the risk is still considered to be very low.

Australian Bat Lyssavirus is a rabies-like virus that has been identified in five species of bats (QLD Health 2013). Infection of humans is extremely rare (only three fatal cases documented in Australia to date). Research so far indicates that less than 1% of wild healthy GHFF carry the virus (DAFF n.d). This virus is transmitted by a bite or scratch from an infected bat. People living near GHFF or interacting with GHFF are not at risk of infection, provided they do not handle GHFF.

Hendra virus is naturally found in some species of GHFF, and can infect horses. This may be transmitted to humans who have contact with infected horses. There is no evidence that it can be transmitted directly from GHFF to humans. Hendra virus has

become more prominent in the national press in recent months resulting in stronger community concerns. Nipah virus is closely related to Hendra virus and also occurs naturally in some species of flying fox. Nipah virus was first identified in 1999 in Asia and has caused disease in animals (mostly pigs) and in humans, through contact with infectious animals. Nipah has not occurred in Australia to date.

7.3 Social Impacts

The Bairnsdale campsite currently impacts on nearby residents along Riverine Street due to odour, noise levels and general amenity. Depending on the time of year and population size of the colony, GHFF usually roost close to or on the boundary of the nearest property to the northwest of the roost site. Many local residents find the campsite very difficult to tolerate close to their properties and have cited health problems associated with the presence of the camp.

7.3.1 Noise

GHFF effectively communicate with each other through vocalisation. This allows individual animals to defend their selected territories, and is also used by mothers to locate their young in the camp. Increased noise activity occurs during dusk and dawn when they exit the camp to feed locally at dusk and in the morning when they return to roost. Their nocturnal habit can clash with the rest patterns of local residents, with noise levels increasing in the early dawn hours.

7.3.2 Odour

The odour of a GHFF roost site is not largely caused by faeces or urine, but rather the scent secreted by the animals. The odour is most noticeable during the breeding season, as males mark their territories, and to a lesser extent, while young are being raised from October through to March (Martin and McIlwee 2002 in DECCW 2009). Mothers use this scent to locate young in the camp.

Many people find the noise and odour of the GHFF offensive; homes in close proximity of the GHFF roost often feel that the smell is so overwhelming that their ability to use outside areas is restricted and impacts on their personal lives. There is also concern that the close proximity of the GHFF roost may have reduced the value of these properties.

7.3.3 Damage

There is also a visual impact resulting from the partial defoliation of trees used for roosting, particularly in the core area of the colony where the bulk of the animals occur. Wherever GHFF roost, they have an impact on the vegetation at the campsite (Tidemann 1999), even more so at permanent camps, where animals roost year-round. This is a natural phenomenon and part of a natural process. Degradation of small remnant patches of vegetation reduces the longevity and suitability of sites as camps (Pallin 2000).

It is important also to recognise that GHFF can have a positive impact on vegetation wherever they choose to roost. This impact is key to the role that GHFF play as an important pollinator and seed-disperser of native flora (DECCW 2009). This assists with the evolution and regeneration of forests which provide for many life forms and natural processes (DECCW 2009).

7.4 Economic Impacts

The economic impact of the GHFF on fruit growers in other areas of Australia varies between seasons from minimal or no impact in some areas to significant losses. In

the Bairnsdale region, impacts on local orchards have varied between seasons. The impact on the equine industry has been an issue in other States.

GHFF roost sites and dusk exit flights are increasingly being recognised as attractions for eco-tourism, as is apparent at camps in Port Macquarie, Brisbane and Yarra Bend in Melbourne. With careful management the Bairnsdale GHFF colony in the right location provides an opportunity to develop into an eco-attraction that would benefit the relationships between humans, GHFF and local tourism. The broader theme of 'Living with Wildlife' will be reiterated during the implementation of the Plan in line with EGSC Community Engagement Policy (**Appendix 8**).

7.5 Environmental Issues

Revegetation of the Mitchell River corridor has been an ongoing project through collaborative efforts with EGCMA, Bairnsdale Urban Landcare Group, Advance TAFE and other educational institutions. Revegetation of the remaining entire corridor has resulted in the Mitchell River roost site being one of the last sites to be revegetated as part of this ongoing project.

Continuation of the revegetation program protects investment of funding and significant volunteer inputs into provision of biodiversity values along the Mitchell River corridor. The roost site vegetation is almost completely populated with invasive species which can cause reinfestation of revegetated areas through both seed and vegetative spread.

7.6 Current Management

The Bairnsdale GHFF colony is monitored by DELWP Wildlife Officers and volunteers through static and fly out counts during the time GHFF are present. This is an ongoing DELWP management action. Monthly counts are done in co-ordination with other areas across the state and additional regular visits are made to the site to determine when the GHFF arrive, and how the colony is developing in size. DEPI staff also monitor the colony in the event of extreme heat events and respond to issues of illegal action or unauthorised actions concerning GHFF. DELWP have developed a Grey-headed Flying-fox heat stress response plan for the colony at Yarra Bend Park (DSE 2011). This plan is available to DELWP Gippsland for use but due to resourcing, local DELWP Officers use a minimal disturbance response which is based around observation on the colony during this period, ensuring limited disturbance to GHFF and monitoring post heat events.

Infrastructure maintenance is minimal due to the necessity of timing works around the arrival and departure of GHFF. Maintenance of the vegetation has not occurred in recent years except for treatment of dangerous trees in 2011 and the commencement of the referral process with DoE under the *EPBC Act 1999*. Revegetation efforts have continued along the Mitchell River riparian corridor in line with the *Mitchell River Environs Local Structure and Development Plan 1998*.

8 CONSULTATION

8.1 Initial Consultation

Consultation has been undertaken by DEPI and EGSC to engage local residents and stakeholders regarding the issues of managing a GHFF campsite and the necessity to provide a carefully planned approach to continue the poplar removal program and revegetation efforts.

Consultation has included to date:

- Media (radio and newspaper) statements and interviews with DEPI;
- Key stakeholder meetings to present possible management options and associated issues;
- Establishment of a working group of regulatory authority officers;
- Meetings with technical experts including biologists and ecologists (Tony Mitchell, Lindy Lumsden, William Peel) on site to discuss habitat requirements and site issues;
- Regular briefing and update of process and progress of the management of the site to residents significantly impacted on by the site;
- Ongoing consultation with DoE to develop the management plan;
- On site signage providing information regarding interaction with GHFF;
- Ongoing involvement (4 years) with the Bairnsdale Urban Landcare Group in relation to GHFF site management;
- DEPI website FAQ's used as a reference for resident requests of information; and
- Evaluation of other GHFF management sites and plans in other states to ensure up to date information in management trends;
- Site visit by Department of Environment project officers;
- Draft preliminary documentation (i.e. The Plan) was published for public comment and display in February 2013 and February 2014 by EGSC.

Initial involvement has been limited and undertaken separately by both EGSC and DELWP up to this stage. Exact dates of occurrences of each process is difficult to obtain, but has been ongoing since 2007.

Community consultation is an ongoing process and will continue and increase as management options are implemented to ensure that available information is current, and shared to inform appropriate management of the Mitchell River roost site into the future.

A previous version of the Plan was exhibited in February 2013 and open for public comment. A total of 12 responses were received on the document, and issues raised were addressed as part of the referral process. The responses to Public Comments are attached to the Plan as **Appendix 9**.

8.2 Ongoing Community Engagement

EGSC will develop an engagement plan for the implementation of the GHFF Management Plan with reference to EGSC Community Engagement Policy (**Appendix 8**). The level of engagement required with this situation involves provision of information and consultation. Involvement at this level can include provision of fact sheets, addition to EGSC website and displays.

Our community engagement will be part of a co-operative approach with DEPI in order to ensure provision of current and important information, and towards education regarding coexistence with GHFF.

8.3 Education

DEPI have an established theme of 'Living with Wildlife'. Promotion of a positive image for GHFF within the local region is of high importance when managing the GHFF colony longer term. Within our community engagement process, EGSC will

actively promote this theme for enquiries and management of GHFF within the East Gippsland Shire.

This process will include on site signage should the GHFF permanently relocate to an acceptable area under EGSC management which will promote GHFF conservation.

9 MANAGEMENT OPTIONS AND IMPLICATIONS

9.1 Discussion

Key issues with the existing GHFF roost site include:

- Council's revegetation proposal to replace the existing non-native roost trees with native vegetation;
- Poor overall condition and useful life expectancy of the poplar trees that constitute the roost site;
- Risk that the GHFF colony will move to a more inappropriate location through inaction or inappropriate action;
- Close proximity of the current roost site to adjacent landholders creating a risk of disease, noise, odour and property value concerns;
- Potential risk of personal injury to neighbours and walking track users and damage to neighbouring properties from falling limbs;
- Wider community concern about the impacts of the GHFF population on health (human and equine) and primary production (e.g. commercial orchards); and
- Relevant legislation, particularly the *EPBC Act 1999*, which places specific requirements and responsibilities upon EGSC as land manager.

Given the risks associated with the continuance of the site in its current condition, EGSC has considered a 'do nothing' approach, a complete vegetation removal approach and a staged vegetation removal approach. These options have been outlined below.

9.1.1 Do Nothing Approach

East Gippsland Shire has considered the approach of doing nothing to the site. This approach is considered inappropriate due to the following points;

Positives

- Very low cost option; and
- Low management inputs.

Negatives

- Continued risk of public safety from dangerous trees within the site and along the Mitchell River walking path;
- Continued impact on the Mitchell River environment and the lack of a continuous native riparian corridor to restore the appropriate function of ecological systems;
- Repeated invasion of invasive species into revegetation sites, private tenure and into remnant native vegetation;
- Recognition of continued concern expressed by nearby residents as the presence of GHFF and their impacts on residents social wellbeing;
- Recognition of continued concern from the community over the health risks associated with the presence of the GHFF colony;

- Longevity of the roost site and the replacement provision of habitat for fauna longer term, given the senescing state of current roost site; and
- General amenity of the area.

9.1.2 One-off Replacement of Existing Vegetation

Complete removal of existing vegetation on site has been considered and is not appropriate due to the unknown risks relating to Grey-headed Flying-fox welfare.

Positives

- Alleviate residents concern over the presence of GHFF at the current roost site;
- Quick management response to immediately alleviate associated issues of safety and risk to the public.

Negatives

- This action will prompt immediate and complete dispersal of GHFF population with no prior indications of alternative appropriate roosting locations;
- Costs associated with complete removal and revegetation efforts over one year;
- Does not allow for adaptive management;
- Creation of stress on the GHFF population;
- Potential unexpected response from the GHFF population.

9.1.3 Staged Replacement of Existing Vegetation

Proposal of a staged approach is the EGSC preferred option to revegetate the area currently occupied by the invasive *P.alba*.

Positives

- Allows an adaptive management response with monitoring of the response of GHFF after Stage 1 and Stage 2 removals;
- Cost is spread across each stage;
- Allows a staged revegetation effort that will provide varying ages of habitat structure for all faunal species;
- Allows development of key working relationships for management of GHFF longer term within the region.

Negatives

- Continued angst for local residents affected by presence of GHFF;
- Potential unexpected response from the GHFF population.

By conducting the revegetation works over a three year period, works can be implemented to begin appropriate replacement of invasive plant populations with native vegetation. The staged approach is proposed to limit stress levels on GHFF and allow suitable placement of the colony in surrounding vegetation. The three year period will allow GHFF time to select an appropriate new roost site. Stage One will prompt a response from the colony and will give an indication as to the reaction of GHFF to the works.

Through close consultation between EGSC and DEPI the feasibility of the staged approach is considered to be appropriate for implementation of revegetation actions.

10 PREFERRED MANAGEMENT ACTION AND IMPLICATIONS

EGSC has considered the options as highlighted in Section 9 and consider that staged removal and revegetation of the area is the preferable option for the long term management of the site and also of the GHFF colony.

10.1 Staged Replacement of Non-Native Vegetation

This proposal will involve the replacement of the existing non-native vegetation with native vegetation over a number of years. EGSC has developed a Revegetation Plan to rehabilitate the Mitchell River roost site incorporating the staged revegetation approach (**Appendix 8**).

Local residents and a section of the wider community feel strongly that the poplars should be removed in one operation and that the GHFF population will simply find an alternative roost site. This one off approach does not take into account the fidelity of the GHFF population to a particular site and the likelihood that GHFF population will, upon their return, move to the nearest roost trees. A one off approach gives no opportunity to gauge the reaction of the GHFF population which would be essential to any adaptive management strategy.

The staged approach also incorporates measures to limit the impacts on the short and long term wellbeing of GHFF on site. Impacts to the population could potentially include:

- Fragmentation of the existing population into two or more populations;
- Disruption to breeding cycle with lactating females and 'crèche' for young;
- Increase distance of new roost site to feeding areas;
- Loss of roosting habitat; and
- Overcrowding.

These possible impacts and their mitigation are discussed in **Section 10.2**.

To minimise risks to GHFF, works can only commence after confirmation from DEPI that GHFF are absent from the area, or in a limited number below 5,000 individuals and the colony is not exhibiting indicators of stress. Provided GHFF are absent, works can be undertaken at any time of the year except between the period from 1 August to 30 September, as this corresponds with a particularly vulnerable part of the GHFF breeding cycle, when pregnant females in the third trimester can spontaneously abort their pregnancy under relatively low stress conditions. While records show that GHFF are not normally present at the site during this time, the possibility that they could remain or return during this period cannot be discounted (**Appendix 1**).

Wherever possible, works will be timed as a priority to occur between 1 April and 31 July to avoid the time of vulnerability as described above by pregnant GHFF. This flexibility takes advantage of the variable nature of GHFF occupancy at the site (**Appendix 1**).

If GHFF remain on site beyond the 1st of April, monitoring of the site and population levels will continue to record if population levels are increasing or decreasing over time. Once numbers reach a lower level, consultation will occur between DoE, DELWP and EGSC to determine if population levels are low enough to allow EGSC

to perform a dispersal of the population into remaining vegetation to enable commencement of actions within each stage.

Machinery works will be completed within 15 working days and timing of revegetation activities will be varied given tubestock availability and other resource constraints.. If at any stage during the works GHFF return to trees earmarked for removal, all works must cease and cannot recommence until all GHFF are dispersed further along into established vegetation. An Exclusion Zone will apply, surrounding all vegetation to be removed if GHFF are still in the area whilst works are being undertaken.



Figure 7 – Proposed Removal and Revegetation Stages

The number of trees removed at each stage is different, however the percentage of habitat removed at each stage is approximately equal based upon the observed usage/distribution of the GHFF at the site in previous years. Each stage of removal represents a similar area of coverage being removed. Stage 2 removal is dominated by large trees, hence the removal of fewer trees for the same habitat value. Stage 3 comprises of smaller less significant habitat trees determining the removal of more trees to achieve approximately the same amount of potential habitat removal. **Figure 7** shows the removal areas of Stage 1-3 on the site. **Figure 8** provides an example of numbered trees in Stages 1 and 2.



Figure 8 - Numbered trees adjacent Mitchell River Walking Track part of Stage 1 and 2 Removal and Revegetation Areas

10.2 Dangerous Trees

Given the nature of the staged approach of revegetation, dangerous trees will need to be treated within all stages over the period of the Plan implementation. The area will be assessed by Shire's Arborist as to the presence of dangerous trees as part of routine inspections, after a severe weather event and/or suspected failure.

Works will consider at all times presence of GHFF and implement works only once an exclusion zone has been established and methods to disperse GHFF out of the area requiring treatment. The exclusion zone and methodology for dispersal will be consulted with DELWP. Works will be notified to both DE and DELWP prior to commencement.

10.3 Potential Impacts to Grey-headed Flying Fox Colony

One of the aims of the proposed revegetation action is to minimise risks, threats and impacts to the community, environment and GHFF. It is recognised there are potential impacts on GHFF which need to be understood and mitigated.

10.3.1 Fragmentation of Colony

Risk

Case studies of documented dispersal techniques detail the effects of the dispersal action towards fragmentation of the existing colony into 2 or more sub populations. Undertaking the proposed vegetation removal may result in the colony splitting into 2 or more sub populations.

Mitigation

The staged approach allows monitoring of the colony and prompts a response from the GHFF population. Having an indication of where GHFF may potentially relocate may allow a better assessment as to the suitability of new sites.

Stages One and Two allow the GHFF colony to be accommodated at the Mitchell River roost site within the remaining trees, with established revegetation areas surrounding providing some microclimatic requirements. The remaining area and surrounding vegetation will support the population short term until a suitable site is selected. Stage Three removes the remaining invasive vegetation and GHFF can move into surrounding established vegetation along the riverbank or populate a more suitable area.

10.3.2 Overcrowding**Risk**

Removal of a proportion of *P.alba* at the site could increase the dependency on remaining poplar and other species within the immediate site, if population numbers are at the highest levels. Given the territorial nature of this species, overcrowding could occur when the number of selected defensible sites is reduced through tree removal. Overcrowding could also result in a fragmentation of the colony.

Mitigation

Surrounding vegetation has been utilised by GHFF historically, and observed in March 2014. It is expected that GHFF population will utilise the remaining poplar short term and extend into native vegetation until a suitable site is selected. This area will be sufficient to accommodate the population at high levels.

10.3.3 Disruption to the Breeding Cycle**Risk**

Removal of roosting habitat is recognised as potentially having associated impacts through interruption to the breeding cycle of GHFF. This could result in a) limited breeding or b) no breeding. In times of stress, it has been reported that female GHFF can abort or abandon pups. It is expected that such reactions will cause impacts on population levels in future years.

Mitigation

EGSC proposes that the staged approach of vegetation removal is considered to be appropriate to manage this risk. With the assistance of the DELWP, any indicators of stress or restlessness will be reported and adaptive management measures developed by EGSC. Stages One, Two and Three will all have this monitoring process in place to determine appropriate actions in light of reactions from the GHFF colony.

No works will be undertaken to avoid added disturbance from noise and increased human interactions during 1st August to 30 November, unless GHFF are absent and permission sought from DE to undertake supplementary works. This is required to prevent stress on pregnant and lactating females within the colony and timing of management actions will incorporate the expected occupancy periods of between November to April.

10.3.4 Loss of Roosting Habitat**Risk**

Loss of available roosting habitat available for GHFF.

Mitigation

Past revegetation over the last decade has rejuvenated the Mitchell River riverbank to be a highly diverse riparian corridor which is preferred habitat of GHFF. Existing mature trees of Gippsland Red Gum (*E. tereticornus* subsp. *mediana*) along the riverbank have supported GHFF in previous years, and the shrubby surrounding vegetation would provide the microclimate required in times of higher temperatures in the short term. Other areas of intact vegetation could be potentially selected by GHFF and these sites will be assessed as to their suitability longer-term.

EGSC proposes that the staged approach of vegetation removal is considered to be appropriate to manage this risk. With the assistance of the DELWP, any indicators of stress or restlessness will be reported and adaptive management measures developed. Stages One, Two and Three will all have this monitoring process in place to determine appropriate actions in light of reactions from the GHFF colony.

10.3.5 Distance from Foraging Resources**Risk**

GHFF could move into areas that will increase the distance from utilised foraging resources.

Mitigation

The areas selected by GHFF should the colony disperse, will be assessed on a site by site basis as to how the site will be accepted longer term by GHFF. The site will be assessed with regards to longer term provision of ecological requirements, including distance from foraging resources. As East Gippsland is highly vegetated, and the exact preferred feeding locations of the GHFF colony are not currently determined, there are numerous resources available within the wider rural area for foraging opportunities.

10.3.6 Behavioural Changes**Risk**

Stress levels of GHFF colony increase in response to management actions undertaken by EGSC resulting in distinct changes to expected behaviour.

Mitigation

EGSC will not be felling trees where GHFF are present within the canopy, and should GHFF be in the surrounding area whilst works are being undertaken, a suitable buffer will be in place to limit impacts to GHFF.

Irrespective of the proposed revegetation action, DELWP will respond to heat events when the GHFF are present at the roost site and if a sick or injured specimen is found. This response will continue during the period of the proposed works.

Potential options for reducing stress on the colony includes installation of signage asking people to not interact with GHFF, to reduce noise levels, ensure pets are on leash and as an extreme measure, temporary closure of the path under the colony.

10.3.7 Unexpected Responses from GHFF**Risk**

Potential for an unexpected response from GHFF which is unknown, unanticipated or irreversible.

Mitigation

The reaction of the GHFF population post vegetation removal on site is unknown. The staged approach allows and prompts a reaction from the GHFF colony, which will assist in determining a new suitable location. Entire desertion of the camp is not expected after Stage One removal, but given the unpredictable nature of this species, cannot be unanticipated.

10.3.8 Increased Community Intolerance

Risk

There is a possibility of unauthorised action and associated welfare issues against GHFF to displace them from the Mitchell River roosting site. There may be continued debate over management of site and colony longer term.

Mitigation

The methodology employed to manage the poplar site is anticipated to provide some immediate relief to adjacent property owners. Following Stage One removal, local residents will be consulted as to whether GHFF continue to affect their wellbeing. This will enable EGSC and DELWP to monitor attitudes towards the GHFF colony prior to undertaking Stages 2 and 3.

10.2.9 Inappropriate Site Occupation

Risk

Movement of GHFF into areas that are considered inappropriate for longer term residency.

Mitigation

Each new site that GHFF occupy will be assessed as to whether the presence of GHFF at this site will be suitable for their longer term ecological requirements and their risk to the community on a site by site basis (See **Section 10.4**). If a dispersal is required, this will be undertaken following consultation with DE and DELWP, on a site by site basis.

10.4 Alternative Roost Sites and Dispersal of Flying Foxes

It is accepted by EGSC that undertaking these actions could promote dispersal of GHFF from the current roost site into alternative area(s). Undertaking the staged approach of site revegetation and rehabilitation will allow alternative selection of appropriate roost sites by GHFF whilst maintaining a proportion of their original roost site. This allows for an indication of where the colony could potentially shift after roost tree removal, whilst still allowing occupation on site in remaining habitat (denoted as Stages Two and Three).

Prediction of where GHFF could potentially relocate is unachievable due to the unknown response from the GHFF population and a lack of information concerning their site selection. It is not fully understood what specifically attracts GHFF to a particular roost site so this Plan cannot list all alternative roost sites. Assessment of each new site will be undertaken in determining if new sites meet their ecological requirements and limits conflict for their long term occupation (see **Section 10.4**).

EGSC has evaluated relocation case studies including the Victorian Royal Botanical Gardens to Yarra Bend Park based around providing alternative roost sites. The

associated difficulties and level of success with relocation of GHFF is recognised by EGSC.

10.4.1 Emergency Dispersals

An emergency dispersal may be required if GHFF relocate to an area that poses an immediate risk to public safety. These areas are set out in the Permit as below (see **Appendix 10** for full document).

“Emergency dispersal means a dispersal response to be undertaken if Grey-headed Flying-fox relocate to an area where:

- a) Public health is at immediate risk (this includes but is not limited to, within 100 metres of a hospital or educational institution);
- b) There is potential for the spread of disease through vectors (this includes, but is not limited to, within 100 metres of a racecourse or horse stud property);
and
- c) Anything else, as agreed with the Department.”

An emergency dispersal must be undertaken with reference to the following conditions of an emergency dispersal:

- A suitably qualified ecologist must be engaged to advise of the best practice dispersal methodology;
- During emergency dispersal a suitably qualified ecologist must be present to oversee best practice dispersal methodology, undertake behavioural monitoring and document the outcomes of the process;
- During emergency dispersal the person taking the action must comply with all recommendations and guidance from a suitably qualified ecologist;
- Emergency dispersal must not be undertaken between 1 August and 30 September;
- For the period of 1 October to 31 March in any given year, emergency dispersal must not be undertaken if flightless dependant young are present (as determined by a suitably qualified ecologist);
- Emergency dispersal must be undertaken 1.5 hours per-dawn and finishing one hour post-dawn to ensure Grey-headed Flying-fox have time to settle elsewhere before the heat of the day;
- Emergency dispersal must not be undertaken during a Hot Day or on or within two days of a Heat Stress Event;
- Once Grey-headed Flying-fox have not returned to the site of emergency dispersal for more than five consecutive days and while absent from the site of emergency dispersal, the person undertaking the action must implement passive measures; and

- Within five days of the completion of emergency dispersal, the person taking the action must submit a report to the Minister detailing the dispersal methodology implemented and the outcome achieved.

10.4.2 Non-emergency Dispersals

Should GHFF relocate to a site that is considered unacceptable, after a site assessment (see **Section 10.4**), a dispersal may be considered. The conditions for undertaking a dispersal are set out in the permit issued under the *EPBC Act 1999*. The condition pertaining to a non-emergency dispersal is as follows (see **Appendix 10** for full document).

"If the person taking the action proposes to undertake a dispersal then a management plan must be submitted for the Minister's approval. The management plan must be approved by the Minister prior to the commencement of dispersal activities. At a minimum, the plan must address:

- Proposed methodology for dispersal;
- Potential direct, indirect, cumulative and facilitative impacts to Grey-headed Flying-fox from the proposed dispersal activity;
- The presence of pregnant Grey-headed Flying-fox;
- The presence of dependant young;
- A commitment that the dispersal will not be undertaken on a Hot Day or on or within two days of a Heat Stress Event;
- Proposed avoidance and mitigation measures addressing potential impacts to Grey-headed Flying-fox, which must at a minimum include, stop work triggers; and
- Monitoring and reporting protocols."

Dispersal methodology is based on increasing levels of intensity to create disturbance. Changes to these methods below are subject to approval of DE and DELWP.

Level 1 disturbance is aimed at creating the minimal amount of disturbance to create discomfort on the immediate return of GHFF to the selected roosting site. This can be created through use of spotlights and noise generated by swishing branches underneath and around the roosting trees to discourage settling in the trees. If light levels are sufficient, visual actions will include personnel waving arms.

Level 2 disturbance is aimed in creating increased noise levels in the event GHFF are not influenced by Level 1 intensity. This will be achieved by banging together metal objects to increase noise levels and discouraging GHFF to move away from the noise. Level 2 disturbance will also involve using whipper snippers, chainsaws and lawn mowers to create noise, and increasing levels as movement to continue to move GHFF out of the proposed work site and buffer.

Level 3 disturbance is aimed at creating further increased noise levels and potentially emitting louder and higher frequency noise through the use of amplifiers to play sounds that can be directed at GHFF.

Levels of intensity will be escalated as per the table below:

<i>Intensity Level</i>	<i>Escalation Trigger</i>	<i>Actions Undertaken</i>
Level 1	Undertaken for 45 minutes. No effect on GHFF, remain undisturbed.	Proceed to Level 2 intensity.
Level 2	Undertaken for 45 minutes. Limited effect on GHFF, remain undisturbed	Proceed to Level 3 intensity.
Level 3	Undertaken for 45 minutes. Limited effect on GHFF, remain undisturbed	The activity will cease and further efforts will need to be made on subsequent days as required. Modifications to methodology discussed with DELWP and DE.

10.5 Alternative Site Assessment

If possible it would be preferred to concentrate roosting of the GHFF either further along in established native vegetation or potentially across the river in emerging revegetation. However this cannot be anticipated as indicated by the poor level of success of projects specifically aimed at relocation have shown.

If upon arrival during the normal spring period after Stage One removal is completed and GHFF population relocate to another site, EGSC and DELWP will evaluate the conflict based on the following criteria:

- Land use (primary production, recreation area, school or hospital);
- Size of the site in hectares;
- History/records of GHFF at the site;
- Foraging radius around site;
- Adjacent land use;
- Proximity to a Waterway;
- Proximity to Established Sites;
- Land tenure; and
- Longer term provision of vegetation requirements required for GHFF.

Should there be risk of conflict with the community at the new site, this will be evaluated as part of the consideration of the site's longer term suitability for GHFF. If dispersal of the GHFF is required from a potential conflict site this will be undertaken in consultation with DoE, on a site by site basis.

10.6 Monitoring of GHFF Colony at the Mitchell River Camp Site

Monitoring of the colony is currently occurring every month by DELWP during the period of residency by GHFF. This is done by fly in/fly out counts and undertaken by experienced DELWP and volunteers. Local DELWP staff are considered to have extensive local knowledge of the colony and can readily identify behavioural changes

in relation to disturbance. If required, GHFF experts can be called upon to make additional judgement. Reports will also be provided to DE as required.

Monitoring will include the following;

- Any dispersal actions and associated risks;
- Assessment of the welfare of GHFF in the region to determine a significant impact (i.e. increased reports of injury or death);
- Collation of information as to newly located and reported locations of GHFF occurrences and follow up consultation with land managers of these sites (reporting of impact and effects);
- Levels of conflict with humans arising from new site selection through number of contacts received;
- Any recorded reporting or monitoring undertaken to measure Key Performance Indicators.

10.6.1 Method

Commencement of staged vegetation removal will instigate changes in the current routine of observations. As removal will be undertaken whilst there are no GHFF on site, it can be expected that any changes observed in behaviour upon their arrival back to the Mitchell River will be related to locating alternative territorial sites within the remaining poplars and surrounding vegetation after removal.

When GHFF are confirmed to be back on site after each stage of vegetation removal, DELWP and/or EGSC will be on site each day for 1 week after the bats return and then two times per week for 4 weeks to observe the reactions of GHFF in relation to the removed *P.alba* and will maintain records from each visit pertaining observations of the colony and reactions to the modified site. This will not include population counts. This frequency of monitoring is considered sufficient to document the behavioural response of the population to the removal of the poplars.

After the Stage 1 removal, if GHFF are believed to be showing distress, as determined by a qualified DELWP Officer, an immediate response will be initiated by DELWP to reduce stress levels which will include installation of temporary signage to encourage reduced noise levels and disturbance, possible temporary closure of the walking path under the colony to limit levels of human disturbance as an extreme and continued monitoring of the colony. DELWP Officers will then review the continuation of Stage 2 in light of the response of the bats to removal of Stage 1 vegetation. Should Stage 2 removal continue as proposed, the method of monitoring will continue to determine the GHFF response to Stage 2 and Stage 3 will be reviewed in light of the results from monitoring.

During the period of works, a designated observer will monitor presence or absence of GHFF onsite. If GHFF are in surrounding vegetation whilst actions are occurring, the designated monitor will determine if a breach of the buffer has occurred which calls a stop to all works.

Should GHFF be confirmed to be absent from the area, DELWP will inform EGSC should their arrival back at site be expected in the very near future.

10.6.2 Evaluation

Using the information gathered from the assessment of the response of GHFF to Stage 1 removal an assessment will be made on the continuation of the project to

Stage 2. If DELWP consider that the response of GHFF to Stage 1 is negligible to the long term wellbeing of GHFF then Stage 2 will proceed. If DELWP considers that the effect of Stage 2 on GHFF will impact on their long term wellbeing, they can decide that Stage 2 cannot proceed as proposed. Monitoring of GHFF after Stage 2 removal will inform decisions relating to the commencement of Stage 3 removal. DEPI may also require additional time to assess the reaction of GHFF which may delay the progression of Stages 2 and 3.

This method of monitoring will allow DELWP to make an informed judgement as to the longer term wellbeing of GHFF in relation to the proposed vegetation removal and revegetation on site. Increased observations by both EGSC and DELWP to observe any movement further afield from the immediate site will occur and will include reports from the local community as to existence of new locations.

Newly reported locations will be assessed as to the suitability of longer term roosting and the wellbeing of GHFF longer term in the provision of appropriate resources. If DELWP identify an isolated negative effect (i.e. increased death and injury, abandoned pups) of initial vegetation removal, mitigation and adoption of an alternative strategy will be undertaken in consultation with DELWP and DE.

10.6.3 Reporting

Reporting will be undertaken by both DELWP and EGSC. Regular counts will be recorded on a two week basis during normal occupation and behavioural changes will be recorded at each alternative visit immediately after each stage of vegetation removal. The regular population counts will be recorded by the DELWP and maintained by DELWP, and available to EGSC.

Reports of any dispersal activities will be submitted to DE at the end of each month where activities occur, until advised otherwise. The Project Manager will be required to collate information pertaining to dispersal and submit this report to DE.

An Annual Report will be submitted to DE by EGSC until DELWP decide that the colony has settled and established fidelity to the new site. As such reporting requirements as a condition of the Plan from EGSC will cease from this point.

10.6.4 Improvement

Indications of behavioural, physiological or reproductive cycle changes will prompt an adaptive management approach to the staged vegetation removal process and revegetation actions. Adaptive management strategies will need to be developed in accordance with risk that results from the action and interpreted from monitoring (See **Section 10.7**). This plan will need to be developed in consultation with DELWP, DoE and the local community.

10.7 Key Performance Indicators

Key performance indicators (KPIs) allow evaluation of success in mitigating any negative impacts of the revegetation action on GHFF at the Mitchell River roost site. Measurement of the success will be through establishing a difference between expected behaviour and changes to expected behaviour at the Mitchell River site. Key performance indicators are listed below.

10.7.1 GHFF Continue Reproductive Cycle

There is potential for GHFF to abort foetuses in times of stress (see **Section x.x**). Given that the birthing period occurs before the expected arrival of GHFF at the Mitchell River revegetation site, abortions would not be expected on site.

Increased stress levels may cause interruptions to lactating females. This may influence abandonment of pups attached to the mothers. Monitoring of the colony will include assessment of presence of pups attached to their mothers and rate of abandonment by assessment through ground level searches using binoculars and around the perimeter of the colony. Assessment within the vegetation of the core camp area where the colony is situated would cause additional stress to the colony and may cause additional stress to lactating mothers. Advice will be sought from DELWP prior to any intensive searches being undertaken.

Monitoring of the colony across their period of occupation will include assessment of the key mating period between March and April. Increased stress levels could cease or limit breeding. Monitoring will allow observation whether mating continues throughout the key breeding period, which will indicate if the colony is stressed during this time.

10.7.2 GHFF Maintained as One Population

Isolated populations of GHFF would be occurring across the East Gippsland region during the period of occupation by GHFF at the Mitchell River roost site regardless of any actions undertaken by EGSC.

Collation of data will be influenced by the encouragement of the community to report information pertaining to the GHFF regarding feeding and roosting sites. Additional reports of populations will affect the validity of the data regarding measurements of the maintenance of GHFF as one population. Extraordinary spikes in reports could potentially be attributed to revegetation actions undertaken by EGSC. This will be assessed as part of the Annual Report.

10.7.3 Foraging Distance Maintained or Reduced

Given that there is only a general indication of where GHFF feed in the local area, current measurements of distance of feeding resources are not confirmed. Assessment of any new sites will incorporate assessment regarding foraging distance from newly occupied areas.

With increased community response regarding GHFF within the East Gippsland region there will be collation of information pertaining to the location of foraging resources utilised by GHFF in the area. The urban area would potentially be providing some foraging opportunities but detailed knowledge of such is unavailable at present.

10.7.4 Limited Behavioural Changes

Monitoring of the colony by EGSC and DEPI upon their arrival back on site will give some indication of the levels of stress that GHFF are experiencing as a direct result of any action taken on the Mitchell River site. As such adaptive management of the site will need to be undertaken. Such measures cannot be identified presently due to the unexpected response from GHFF in relation to any action on the Mitchell River site.

10.8 Induction

At least 1 week prior to the commencement of any works on the site, all EGSC and contract staff involved in the vegetation removal program will be inducted at a toolbox talk to ensure they are familiar with the project and its implications to the GHFF colony. Items addressed in the induction will include:

- A background to the project;
- The staged approach to the removal of the vegetation;
- The significance of the Mitchell River camp site to GHFF;
- The identification of GHFF ;
- The listing status of the species under the *EPBC Act* and measures that must be implemented to protect it;
- Stop work procedures in the event that GHFF are observed on the site during the works.

All staff will be made familiar with the Plan prior to the commencement of works. Copies of both the Stop Work Trigger and the GHFF identification sheet will be displayed in a prominent location in the EGSC works depot and on site.

Ensuring that staff and contracted personnel are aware of the project, its impacts and conditions will assist in limiting further impacts on GHFF through an understanding of the project and ecology of GHFF.

10.9 Adaptive Management

The potential risks to the GHFF colony and the mitigation measures for ameliorating these risks are outlined in **Section 10.2**. An adaptive management response will be developed to deal with the different sites that the species could establish a colony at following the removal of the vegetation at the Mitchell River camp. This will be undertaken on a site by site basis.

Should DELWP determine that GHFF are being negatively impacted on by the direct actions of EGSC as outlined within The Plan, an adaptive strategy will need to be developed to manage GHFF at the original Mitchell River site. This will delay the continuation of the project. This adaptive management strategy will need to be informed by the monitoring of the GHFF colony after Stage 1 and developed by EGSC, DELWP, DE and the local community. If the negative GHFF reaction occurs after Stage 1 removal, Stage 2 will need to be delayed and modified to consider the welfare of GHFF. If the negative GHFF reaction occurs after Stage 2 removal, Stage 3 will need to be delayed and modified to consider the welfare of GHFF.

11 POTENTIAL IMPACT AND THREAT MANAGEMENT

The following table highlights potential scenarios that could result from EGSC undertaking invasive plant management and revegetation works in the proposed area. The potential scenarios that could result from the staged removal process are documented below.

11.1 Potential Scenarios prior to commencement of Stages 1, 2 and 3

SCENARIO PRIOR TO COMMENCEMENT OF STAGES 1, 2 AND 3	RISK	RESPONSE TO RISK AND MITIGATION MEASURES TO BE ADOPTED	STAKEHOLDER RESPONSIBLE	KEY PERFORMANCE INDICATORS
1. GHFF inhabit site continuous (i.e. No migration)	<ul style="list-style-type: none"> Increased Community Intolerance Dangerous Trees presence 	<ul style="list-style-type: none"> Communication with community as to planned actions and delays Continued assessment of tree health and implementation of action when required. Should GHFF be present when action required, consultation with <u>DELWP and DE as to appropriate action.</u> 	EGSC	<ul style="list-style-type: none"> Limited negative reports relating to GHFF Community informed Dangerous trees presence mitigated and public safety risk reduced

11.2 Potential Scenarios after Stage One Removal

SCENARIOS after STAGE ONE	RISK	RESPONSE TO RISK AND MITIGATION MEASURES TO BE ADOPTED	STAKEHOLDER RESPONSIBLE	KEY PERFORMANCE INDICATORS

1. GHFF Return and Reoccupy Roost Site at Low Population Levels	<ul style="list-style-type: none"> • Behavioural Changes 	<ul style="list-style-type: none"> • Monitoring from DEPI and EGSC to determine stress levels of GHFF and implementing methods to limit additional disturbance i.e. install signage asking people to keep distance from the colony, keep quiet and possible temporary closure of paths nearby; 	DEPI and EGSC	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes
2. GHFF Return and Reoccupy Site at High Population Levels	<ul style="list-style-type: none"> • Overcrowding; • Fragmentation of Colony; • Behavioural Changes. • Increased Community Intolerance • Behavioural Changes 	<ul style="list-style-type: none"> • Monitoring from DEPI and EGSC to determine stress levels of GHFF and implementing methods to limit additional disturbance i.e. install signage asking people to keep distance from the colony, keep quiet and possible temporary closure of paths nearby; 	DEPI and EGSC	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes
3. GHFF Return and Occupy Adjacent Vegetation in the Mitchell River Corridor	<ul style="list-style-type: none"> • Overcrowding; • Fragmentation of Colony • Behavioural Changes 	<ul style="list-style-type: none"> • Monitoring from DEPI and EGSC to determine stress levels of GHFF and implementing methods to limit additional disturbance i.e. install signage asking people to keep distance from the colony, keep quiet and possible temporary closure of paths nearby; • 	DEPI and EGSC	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes

4. GHFF Return and Abandon Modified Mitchell River Roost Site and Occupy Appropriate Site	<ul style="list-style-type: none"> • Unexpected Response from GHFF; • Increased Distance from Foraging Resources 	<ul style="list-style-type: none"> • Develop appropriate site management in consultation with DEPI and DE 	EGSC and DEPI	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes •
5. GHFF Return and Abandon Modified Mitchell River Roost Site and Occupy Inappropriate Site	<ul style="list-style-type: none"> • Unexpected Response from GHFF; • Increased Distance from Foraging Resources; • Fragmentation of Colony. • Inappropriate Site Occupation 	<ul style="list-style-type: none"> • Develop appropriate site management in consultation with DEPI and DE 	EGSC and DEPI	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes

11.3 Potential Scenarios after Stage Two Removal

SCENARIOS after STAGE TWO	RISK	RESPONSE TO RISK AND MITIGATION MEASURES TO BE ADOPTED	STAKEHOLDER RESPONSIBLE	KEY PERFORMANCE INDICATORS
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1. GHFF Return and Reoccupy Roost Site at Low Population Levels	<ul style="list-style-type: none"> • Behavioural Changes 	<ul style="list-style-type: none"> • Monitoring from DEPI and EGSC to determine stress levels of GHFF and implementing methods to limit additional disturbance i.e. install signage asking people to keep distance from the colony, keep quiet and possible temporary closure of paths nearby; 	DEPI and EGSC	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes •
2. GHFF Return and Reoccupy Site at High Population Levels	<ul style="list-style-type: none"> • Overcrowding; • Fragmentation of Colony; • Behavioural Changes; • Increased Community Intolerance 	<ul style="list-style-type: none"> • Monitoring from DEPI and EGSC to determine stress levels of GHFF and implementing methods to limit additional disturbance i.e. install signage asking people to keep distance from the colony, keep quiet and possible temporary closure of paths nearby; 	DEPI and EGSC	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes
3. GHFF Return and Occupy Adjacent Vegetation in the Mitchell River Corridor	<ul style="list-style-type: none"> • Overcrowding; • Fragmentation of Colony 	<ul style="list-style-type: none"> • Monitoring from DEPI and EGSC to determine stress levels of GHFF and implementing methods to limit additional disturbance i.e. install signage asking people to keep distance from the colony, keep quiet and possible temporary closure of paths nearby; • Develop appropriate site management in consultation with DEPI and DoE 	DEPI and EGSC	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes •

4. GHFF Return and Abandon Modified Mitchell River Roost Site and Occupy Appropriate Site	<ul style="list-style-type: none"> • Unexpected Response from GHFF; • Increased Distance from Foraging Resources 	<ul style="list-style-type: none"> • Develop appropriate site management in consultation with DEPI and DE 	EGSC and DEPI	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes •
5. GHFF Return and Abandon Modified Mitchell River Roost Site and Occupy Inappropriate Site	<ul style="list-style-type: none"> • Unexpected Response from GHFF; • Increased Distance from Foraging Resources; • Fragmentation of Colony. • Inappropriate Site Occupation • Increased Community Intolerance 	<ul style="list-style-type: none"> • Develop appropriate site management in consultation with DEPI and DE 	EGSC and DEPI	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes

11.3 Potential Scenarios after Stage Three Removal

SCENARIOS after STAGE THREE	RISK	RESPONSE TO RISK AND MITIGATION MEASURES TO BE ADOPTED	STAKEHOLDER RESPONSIBLE	KEY PERFORMANCE INDICATORS
1. GHFF Return and Occupy Adjacent Vegetation in the Mitchell River Corridor	<ul style="list-style-type: none"> • Overcrowding; • Fragmentation of Colony 	<ul style="list-style-type: none"> • Monitoring from DEPI and EGSC to determine stress levels of GHFF and implementing methods to limit additional disturbance i.e. install signage asking people to keep distance from the colony, keep quiet and possible temporary closure of paths nearby; • Develop appropriate site management in consultation with DEPI and DoE 	DEPI and EGSC	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes
2. GHFF Return and Abandon Modified Mitchell River Roost Site and Occupy Appropriate Site	<ul style="list-style-type: none"> • Unexpected Response from GHFF; • Increased Distance from Foraging Resources • Overcrowding 	<ul style="list-style-type: none"> • Develop appropriate site management in consultation with DEPI and DE 	EGSC and DEPI	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes

3. GHFF Return and Abandon Modified Mitchell River Roost Site and Occupy Inappropriate Site	<ul style="list-style-type: none"> • Unexpected Response from GHFF; • Increased Distance from Foraging Resources; • Fragmentation of Colony • Overcrowding • Inappropriate Site Occupation • Increased Community Intolerance 	<ul style="list-style-type: none"> • Develop appropriate site management in consultation with DEPI and DE 	EGSC and DEPI	<ul style="list-style-type: none"> • GHFF continue reproductive cycle • GHFF maintained as one population • Foraging distance maintained or reduced • Limited behavioural changes
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12 SITE MANAGEMENT ACTIONS

Timing of any management action needs to be developed around the presence or absence from GHFF on the Mitchell River. Works will only be undertaken between October to July the following year, with the optimal timing being from the 1st of April until 31st of July to account for the reproductive cycle of GHFF.. No works will be undertaken between 1st of August until the 30th of September unless permission sought and received from DE to avoid key reproductive times in the biology of GHFF.

12.1 Management Actions Stage One, Year One

Action No	Proposed timing	Goal	Objective	Actions	Responsible
1	October–July (No works will be undertaken from 1 August – 30 September unless permission granted from DE)	To continue revegetation actions along the Mitchell River riparian corridor.	Implement Stage One revegetation actions in line with Revegetation Plan	<ul style="list-style-type: none"> The first stage of tree removal to create approximately 50m buffer (no roost opportunity) SSE of residential properties on Riverine Street. Stage One will be clear felled by EGSC Tree Crew or qualified contractors under supervision of Project Manager and Arborist. All trees in the designated Stage One area will be removed and taken off site. . 	EGSC EGSC EGSC
2	November - June	Determine response of GHFF colony to the first stage of tree removal.	Determine any behavioural, social and reproductive impacts on the GHFF colony.	<ul style="list-style-type: none"> Confirm presence/absence of GHFF on site Assessment of colony response through site visit 2 times a week and document response; Population counts to be recorded every month whilst site is occupied. 	DELWP DELWP and EGSC DELWP EGSC

				<ul style="list-style-type: none"> Provide measures to limit further disturbance on site if negative response from GHFF is observed (ie.signage, temp closure of path etc) 	EGSC
3	October – July	Improve site amenity and access.	Reduction in human interaction through reducing opportunities for conflict	<ul style="list-style-type: none"> Channel all recreational users to northern or southern walks. Creation of footpath in cleared area to divert human traffic away from revegetation areas if possible. 	EGSC EGSC
4	September – June	Increase community knowledge of GHFF.	Increase knowledge within community about GHFF biology, ecology and promote 'Living with Wildlife' theme.	<ul style="list-style-type: none"> Commence implementation of EGSC Community Engagement Plan; Provision of cohesive information from all departments. 	EGSC and DELWP EGSC and DELWP.

12.2 Management Actions Stage Two, Year Two

Action No	Proposed timing	Goal	Objective	Actions	Responsible
1	July – June	To determine any negative impacts on GHFF and develop alternative actions as required	To ensure that no negative impacts on GHFF on site as a result of Stage One actions	<ul style="list-style-type: none"> Utilise results from monitoring to interpret if negative effects have been observed on GHFF. Develop an alternative management strategy to limit exposure of GHFF to negative impacts associated with revegetation works. 	EGSC and DELWP EGSC
2	October – July (no works will be undertaken from 1 August – 30 September unless permission sought from DE)	To continue revegetation actions along the Mitchell River riparian corridor.	Implement Stage Two revegetation actions in line with Revegetation Plan.	<ul style="list-style-type: none"> Stage Two will be clear felled by EGSC Tree Crew or qualified contractors under supervision of Project Manager and Arborist All trees in the designated Stage Two area will be removed and taken off site. Undertake invasive plant control in Stage One revegetation area. 	EGSC EGSC EGSC
3	November - June	Determine response of GHFF colony to the second stage of tree removal.	Determine any behavioural, social and reproductive impacts on the GHFF colony.	<ul style="list-style-type: none"> Confirm presence of GHFF on site Assessment of colony response through site visit 2 times a week and document response Population counts to be recorded every month whilst site is occupied. 	DELWP DELWP and EGSC DELWP

4	July – June	Increase community knowledge of GHFF.	Increase knowledge within community about GHFF biology, ecology and promote 'Living with Wildlife' theme.	<ul style="list-style-type: none"> Continue implementation of EGSC Community Engagement Plan; Provision of cohesive information from all departments. 	EGSC and DELWP EGSC and DELWP.
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12.3 Management Actions Stage Three, Year Three

STAGE THREE REMOVAL OF POPLARS -					
Action No	Proposed timing	Goal	Objective	Actions	Responsible
1	October – July (no works will be undertaken from 1 August – 30 September unless permission sought from DE)	To continue revegetation actions along the Mitchell River riparian corridor.	Implement Stage Three revegetation actions in line with Revegetation Plan.	<ul style="list-style-type: none"> The site will be clear felled by EGSC Tree Crew under supervision of Project Manager and Arborist. All trees in the designated Stage Three area will be removed and taken off site. Undertake invasive plant control in Stage One and Two revegetation areas. 	EGSC EGSC EGSC
2	July - June	Determine response of GHFF colony to the third stage of tree removal.	Determine any behavioural, social and reproductive impacts on the GHFF colony.	<ul style="list-style-type: none"> Determine presence of GHFF in region and site that they occupy (ie. adjacent vegetation, historical sites, new sites) Assessment of colony response through site visit 2 times a week and document response; 	DELWP DELWP and EGSC

					EGSC and DELWP
3	July – June	Increase community knowledge of GHFF.	Increase knowledge within community about GHFF biology, ecology and promote 'Living with Wildlife' theme.	<ul style="list-style-type: none"> • Continue implementation of EGSC Community Engagement Plan; • Provision of cohesive information from all departments. 	EGSC and DELWP EGSC and DELWP.

13 ACKNOWLEDGEMENTS

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15 APPENDICES

Appendix 1 - Grey-headed Flying Fox Occupation Counts at Bairnsdale Camp

Grey-headed Flying-fox Occupation and Counts at Bairnsdale Camp 1995-2015															
	1995	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
January			3,500	>1,000			(v**)	2,800	4,510	14,700	6,500	10,000	>8,000	8,100	20,310
February			(nc*)	1,600		(v**)	200	3,340	3,730	20,000	9,000	5,200	9,000	7,200	8,880
March			(nc*)	>2,000		1,250	>500	2,070	280	5,500	6,500	4,500	5,500	12,600	6,680
April	1,870		738	(nc*)		11,330	(v**)	3,270	(v**)	3,200	20,000	7,000	163	39,800	5,650
May			>3,000	>1,000		34,110		120		1,000	26,000	(v**)	48	60,000	6,200
June			670	110		950		(v**)		560	525		(v**)	35,000	3,400
July			570	(v**)		(v**)				130	(v**)			12,000	
August			510							30				17,000	
September			420							(v**)			(v**)	13,500	
October		(v**)	350										400	12,000	
November		<200	830					(v**)	(v**)	(v**)	(v**)		526	17,000	
December		(nc*)	750				(v**)	1,250	17,000	400	3,000		1,450	(nc*)	

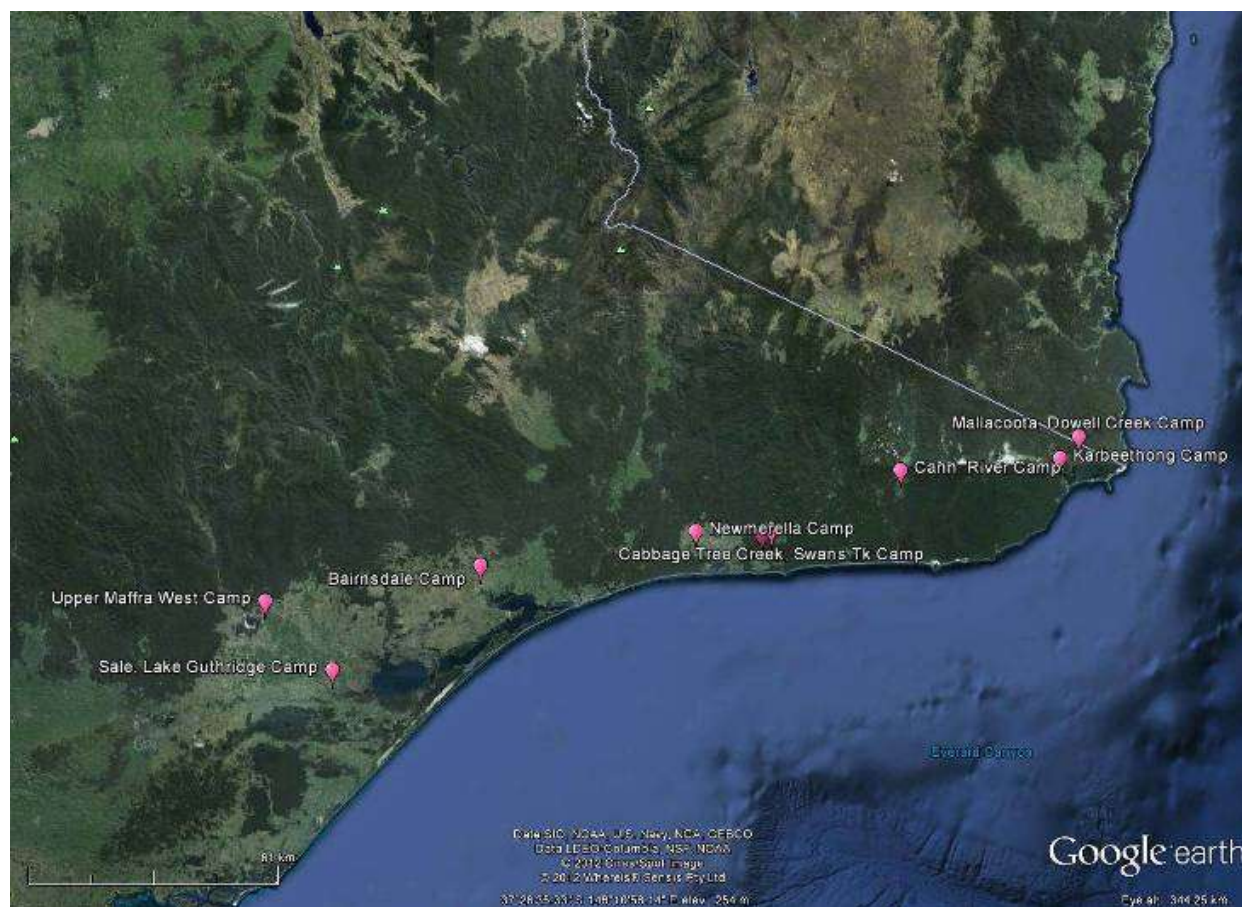
Source: DEPI, Gippsland

(nc*) No Count

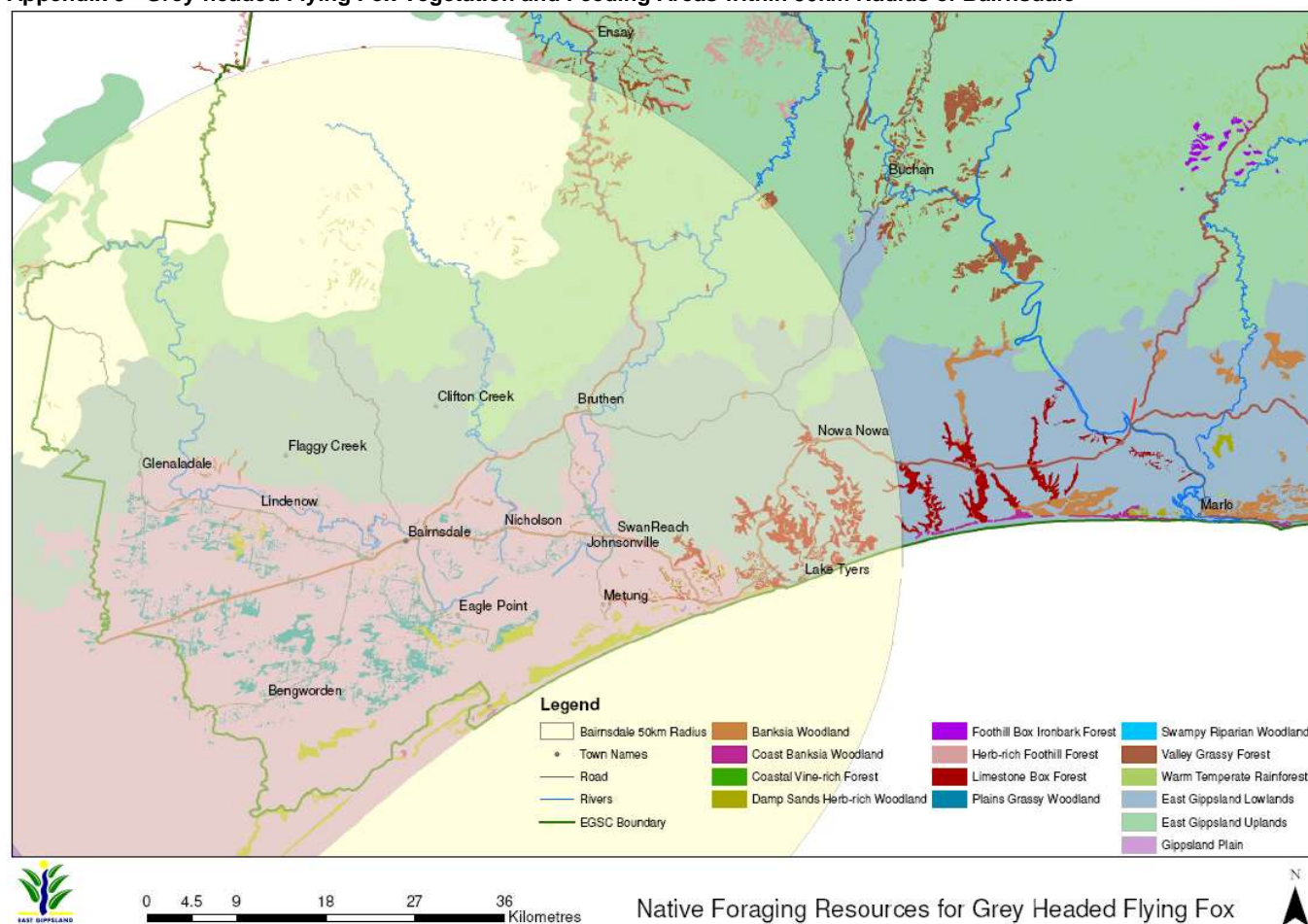
(v**) Vacant

Appendix 2 - Grey Headed Flying-Fox Camps Recorded in Gippsland (map included)

Grey-headed Flying-fox camps recorded in Gippsland 1998 - 2011				
Camp name	Location	Latitude (S)	Longitude (E)	Altitude (m)
Dowell Creek	South of David Creek Track, Croajingolong NP.	37.4693333	149.8003889	10
Karbeethong	Mullet Creek, upstream of Foreshore Rd Karbeethong.	37.5408611	149.8870833	5
Cann River	On north-west side of Cann River township.	37.5648611	149.1496111	80
Cabbage Tree Ck - Swans Tk	End of Swans Tk, Cabbage Tree Palms Reserve.	37.7336389	148.6795833	15
Cabbage Tree Ck - Palms Tk	Downstream of Palms Tk bridge, Cabbage Tree Palms Reserve.	37.7481944	148.6445278	15
Newmerella	Off Collis Rd, Newmerella.	37.7345278	148.4048889	30
Bairnsdale	Mitchell River, Bairnsdale city.	37.8217222	147.6212778	10
Sale	Island in Lake Guthridge, Sale city.	38.1137222	147.0695833	10
Upper Maffra West	Macalister River, east of Lake Glenmaggie	37.9085833	146.8327778	50



Appendix 3 - Grey-headed Flying Fox Vegetation and Feeding Areas within 50km Radius of Bairnsdale



Appendix 4 - Arboricultural Report, Identification of Poplar Trees that require Remedial Works along Mitchell River Walking Track

ARBORICULTURAL REPORT

**East Gippsland Shire
Bairnsdale VIC 3875**



**Re: Identification of Poplar trees that require
remedial works along Mitchell River
Walking Track**

1

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1.0 Terms of Reference:

- 1.1 To provide a detailed report on Poplar trees located along the Mitchell River walking track.
- 1.2 To identify trees to be removed for Buffer Zone along western boundary.
- 1.3 To advise on the recommended works.

2.0 Procedure:

- 2.1 On June 23rd, 2010 East Gippsland Tree services' Arborist, Mr. David Tarling carried out a ground inspection of poplars located along the southern side of the Mitchell River Walking Track.

3.0 Findings:

- 3.1 The following mature trees were found and have a direct impact on the safety of the site:

Populus alba (White Poplar)

- 3.2 All trees have been introduced to the area.
- 3.3 All trees are showing signs of stress, most likely caused by the impact of the Flying Foxes.
- 3.4 For the purpose of this report thirty two (32) trees have been assessed with the majority of them being grouped together .
- 3.5 Ivy was noted covering the ground and most Poplar tree trunks.
- 3.6 Tree #'s 1-3 details are as follows; (Fig. 1)

Botanical Name: ***Populus alba***

Common Name: White Poplar

3

Age:	Mature
Height:	Approx. 25m
DBH:	500mm to 650mm
LCR:	70% to 75%
Crown Diameter:	10m
Structure:	Poor
Overall Health:	Fair to Poor
ULE:	5 to 10 years
Tree Status:	Exotic

3.6.1 All trees are carrying a high amount of deadwood.

3.6.2 Tree #'s 1-3 are located along the western boundary and will impact on private property if failure occurs.

3.7 Tree #'s 4-29 details are as follows; (Fig. 3)

Botanical Name:	<i>Populus alba</i>
Common Name:	White Poplar
Age:	Semi Mature to Mature
Height:	Approx. 25m
DBH:	300mm to 650mm
LCR:	70% to 75%
Crown Diameter:	Up to 10m
Structure:	Poor

4

Overall Health: Fair to Poor
ULE: 5 to 15 years

Tree Status: Exotic

3.7.1 All trees are carrying a high amount of deadwood.

3.7.2 As well as deadwood, tree #'s 10,16,19,20,23,26-28 have heavily weighted branches extending over the walking track.

3.8 Tree #'s 30-31 details are as follows: (Fig. 3 & 4)

Botanical Name: ***Populus alba***
Common Name: White Poplar
Age: Semi Mature to Mature
Height: Approx. 15m to 25m
DBH: 300mm to 400mm
LCR: 70% to 75%
Crown Diameter: Upto 8m
Structure: Poor
Overall Health: Fair to Poor
ULE: 5 to 15 years
Tree Status: Exotic

3.8.1 Both trees are located along the McCulloch Street Access track.

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- 3.8.2 Both trees are carrying a high amount of deadwood.
- 3.8.3 Both trees have heavy leans over the McCulloch St access track with tree #31 on an extreme angle.
- 3.8.4 Only trees directly impacting on the western boundary, the Mitchell River Walking Track and the McCulloch St Access Track have been included in the report.

3.9 Tree #32's details are as follows: (Fig. 5)

Botanical Name:	?
Common Name:	?
Age:	Dead
Height:	Approx. 20m
DBH:	400mm
LCR:	0%
Crown Diameter:	
Structure:	Very poor
Overall Health:	Dead
ULE:	Unsafe
Tree Status:	?

4.0 Comments:

- 4.1 *Populus alba* is an introduced species originating in Spain and Morocco through central Europe to Central Asia.

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- 4.2 Over the years the extensive removal of Poplars around the Mitchell River walking Track has been carried out.
- 4.3 The small area of Poplars included in the report has been protected due to the annual pilgrimage of the *Pteropus poliocephalus* (Grey Headed Flying Fox) in which they use these trees to roost in. (Fig. 5)
- 4.4 The Mitchell River Walking Track is a highly used.
- 4.5 All trees included in the report have been marked with a number.
- 4.6 Photos are limited due to the close proximity of trees and the location in which pictures could be taken from, deeming most photos unusable.
- 4.7 It's hard to determine the useful life expectancy for the majority of trees as the health of these trees will most likely be determined by the number of Flying Foxes that frequent the area.

5.0 Conclusion:

- 5.1 Thirty two (32) trees have been assessed.
- 5.2 Tree #'s 1-3 are located and impact on the western boundary.
- 5.3 Tree #'s 4-29 are located and impact on the Mitchell River Walking Track.
- 5.4 Tree #'s 30-32 are located and impact on the McCulloch St Access Track.
- 5.5 All trees are carrying high amounts of deadwood.
- 5.6 Along with deadwood, tree #'s 10,16,19,20,23,26-28 have heavily weighted branches extending over the Mitchell River Walking track.
- 5.7 Tree #'s 30 and 31 have heavy leans over the McCulloch St access track with tree #31 on an extreme angle.

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5.8 Tree #32 is dead.

6.0 Recommendation:

- 6.1 Removal of Tree #'s 1-3 to allow a Buffer Zone between Crown and Private land.
- 6.2 Tree #'s 4-9, 11-15, 17-18, 21-22, 24-25 and 29 require the removal of deadwood.
- 6.3 Tree #'s 10,16,19,20,23,26-28 require deadwooding and weight reduction.
- 6.4 Tree #'s 30-32 require removal.
- 6.5 Deadwooding could be carried out in other trees located along the McCulloch St Access Track.
- 6.6 Removal of ivy.

7.0 References:

Harris, R.W., Clark, J.R. and Matheny, N.P. (1999)
Arboriculture- Integrated Management of Landscape Trees,
Shrubs, And Vines, Prentice Hall, Inc

8.0 Appendices:

Appendix 1: Data collection Definitions

The information collected on each specimen was based on the assessors experience and opinion of each of the trees. Included are the descriptions for each of the listed categories. The following information was collected on each tree.

1.1 Botanical name:

The genus, species and common name.

1.2 Canopy dimensions

Height (approximate) and width (measured) of the canopy in metres.

1.3 DBH

Diameter at breast height (measured at 1.3m above ground level).

1.4 Health

- Excellent
- Good
- Fair
- Poor
- Very Poor
- Dead

1.4.1 Excellent

The tree is demonstrating excellent or exceptional growth. The tree should exhibit a full canopy of foliage and be free of pest and disease problems.

1.4.2 Good

The tree is demonstrating good or exceptional growth. The tree should exhibit a full canopy of foliage, and have only minor pest or diseases problems.

1.4.3 Fair

The tree is in reasonable condition and growing well. The tree should exhibit an adequate canopy of foliage. There may be some deadwood present in the crown. Some grazing by insects or possums may be evident.

1.4.4 Poor

The tree is not growing to its full capacity; extension growth of the laterals is minimal. The canopy may be thinning or sparse. Large amounts of deadwood present in the crown. Significant pest and disease problems may be evident or symptoms of stress indicating tree decline.

1.4.5 Very Poor

The tree appears to be in a state of decline. The tree is not growing to its full capacity. The canopy may be very thin and sparse. A significant volume of deadwood may be

present in the canopy or pest and disease problems may be causing a severe decline in tree health.

1.4.6 Dead

The tree is dead.

1.5 **Structure**

- Good
- Fair
- Poor
- Very Poor
- Failed

1.5.1 Good

The tree has a well defined and balanced crown. Branch unions appear to be strong, with no defects evident in the trunk or the branches. Major limbs are well defined. The tree is considered a good example of the species.

1.5.2 Fair

The tree has some minor problems in the structure of the crown. The crown may be slightly out of balance, and some branch unions may be exhibiting minor structural faults. If the tree has a single trunk, it may be on a slight lean or exhibiting minor defects.

1.5.3 Poor

The tree may have a poorly structured crown. The crown may be unbalanced or exhibit large gaps. Major limbs may not be well defined. Branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. The tree may have suffered root damage.

1.5.4 Very Poor

The tree has a poorly structured crown. The crown is unbalanced or exhibit large gaps with possibly large sections of deadwood. Major limbs may not be well defined. Branches may be rubbing or crossing over. Branch unions may be poor or faulty at the point of attachment. Branches may exhibit large cracks that are likely to fail in the future. The tree may have suffered major root damage.

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1.5.5 Failed

The tree has a very poorly structured crown. A section of the tree has failed or is in imminent danger of failure.

1.6 Useful Life Expectancy (ULE) Rating

- Unsafe
- Less than 5 years
- 5-10 yrs
- 11-20 yrs
- 20-40 yrs
- Greater than 40 years

Useful Life Expectancy is approximately how long a tree can be retained safely and usefully in the landscape.

1.6.1 Unsafe

The tree is considered dangerous in the location and has no significant amenity value.

1.6.2 Less than 5 years

The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and have value for up to five years, but will need to be replaced. During this period, normal inspections and maintenance will be required. If possible, replacement trees should be planted.

1.6.3 5-10 years

The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to ten years. During this period, normal inspections and maintenance will be required.

1.6.4 10-20 years

The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to twenty years. During this period, normal inspections and maintenance will be required.

1.6.5 20-40 years

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The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for up to forty years. During this period, normal inspections and maintenance will be required.

1.6.6 Greater than 40 years

The tree, under normal circumstances and without extra stresses being imposed on it, should be safe and of value for greater than forty years. During this period, normal inspections and maintenance will be required.

1.7 Tree Status

- Exotic
- Native
- Indigenous

1.7.1 Exotic

The species originates in a country other than Australia

1.7.2 Native

The species originates within Australia

1.7.3 Indigenous

The species originates within the local environs.

1.8 Contribution to the Landscape Rating

- High
- Medium
- Low

1.8.1 High

The tree may be significant in the landscape, offer shade and other amenities such as screening. The tree may assist with erosion control, offer a windbreak or perform a vital function in the location (Eg. Habitat, shade, flowers or fruit)

1.8.2 Medium

The tree may offer some screening in the landscape or serve a particular function in the location.

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1.8.3 Low

The tree offers very little in the way of screening or amenity.

This report is for use by the client, and no responsibility will be taken for use by any other parties. All recommendations are based on visual ground observations at the time of inspection. The influence that environmental and physical conditions may have on trees may change from day to day, for any given site.

David Tarling
Hort IV, Arb (Melb Uni)

Appendix 5 - List of Weed Species and Coverage at Roost Site

COMMON NAME	SCIENTIFIC NAME	PERCENT COVER*
English Ivy	<i>Hedera helix</i>	51-100%
White Poplar	<i>Populus alba</i>	51-100%
Kikuyu	<i>Pennisetum clandestinum</i>	11-50%
Broad Leaf Privet	<i>Ligustrum lucidum</i>	11-50%
Blackberry	<i>Rubus fruticosus spp agg</i>	1-10%
English Oak	<i>Quercus roba</i>	1-10%
Peppercorn	<i>Schinus molle</i>	1-10%
Panic Veldt Grass	<i>Erharta erecta</i>	1-10%
Wild Tobacco Tree	<i>Solanum mauritianum</i>	1-10%
Cotoneaster	<i>Cotoneaster glaucophyllus</i>	1-10%
Purple Top Verbena	<i>Verbena bonariensis</i>	1-10%
Cocksfoot	<i>Dactylis glomerata</i>	1-10%
Mirror Bush	<i>Coprosma repens</i>	1-10%
Bridal Creeper	<i>Asparagus asparagoides</i>	1-10%
Blue Periwinkle	<i>Vinca major</i>	1-10%
Dock	<i>Rumex spp</i>	1-10%
Japanese Honeysuckle	<i>Lonicera japonica</i>	1-10%
Silky Oak	<i>Grevillea robusta</i>	0-1%
Banana Passionfruit	<i>Passiflora mollissima</i>	0-1%
Cleavers	<i>Galium aparine</i>	0-1%
Canary Island Palm	<i>Phoenix canariensis</i>	0-1%
Sow Thistle	<i>Sonchus oleraceus</i>	0-1%
Agapanthus	<i>Agapanthus praecox</i>	0-1%
Dutch Elm	<i>Ulmus procera</i>	0-1%

*National Core Attributes for Weed Mapping, Australian Weeds Committee

Appendix 6 - List of Native Species in Adjacent Vegetation

COMMON NAME	SCIENTIFIC NAME
Drooping She Oak	<i>Allocasuarina verticillata</i>
Black She Oak	<i>Allocasuarina littoralis</i>
Black Wattle	<i>Acacia mearnsii</i>
Silver Wattle	<i>Acacia dealbata</i>
Boobialla	<i>Myoporum insulare</i>
Austral Bracken	<i>Pteridium esculentum</i>
Gippsland Red Gum	<i>Eucalyptus tereticornus</i> subsp <i>mediana</i>
Tree Violet	<i>Hymenanthera dentata</i>
Seaberry Salt Bush	<i>Rhagodia candolleana</i>
Sweet Pittosporum	<i>Pittosporum undulatum</i>
Mat-Rush	<i>Lomandra longifolia</i>
Common Tussock	<i>Poa labillardieri</i>
River Bottlebrush	<i>Callistemon sieberi</i>
Swamp Paperbark	<i>Melaleuca ericifolia</i>
River She-Oak	<i>Casuarina cunninghamiana</i>
Yellow Box	<i>Eucalyptus melliodora</i>
Coast Grey Box	<i>Eucalyptus bosistoana</i>
Hazel Pomaderris	<i>Pomaderris aspera</i>
Rough Barked Manna Gum	<i>Eucalyptus viminalis</i>
Golden -Tip	<i>Goodia lotifolia</i>
Common Reed	<i>Phragmites australis</i>
Kangaroo Apple	<i>Solanum aviculare</i>

Appendix 7 - Revegetation Plan Mitchell River Roost Site



REVEGETATION PLAN

MITCHELL RIVER ROOST SITE

EAST GIPPSLAND SHIRE COUNCIL

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ACRONYMS

The Plan - The Grey Headed Flying Fox Strategic Management and Action Plan
EPBC Act 1999 – *Environment Protection and Biodiversity Conservation Act 1999*
DEPI – Department of Environment and Primary Industries
DE – Department of Environment
EGSC – East Gippsland Shire Council
GHFF – Grey Headed Flying Fox

1. Purpose

The Revegetation Plan for the Mitchell River Roost Site has been developed as part of the Grey-Headed Flying Fox Strategic Direction and Action Plan. This plan sets out the design and implementation of revegetation actions on this site and provides methodology for the process.

A wider scale revegetation program is in place to rehabilitate the Mitchell River corridor to enhance the conservation value of this area and provide a safe environment for increasing recreational activities. This project is in addition to other revegetation sites within this corridor.

2. Aims of Revegetation

Revegetation at this site aims to incorporate the following objectives;

2.1 *Minimisation of future management issues*

By carefully selecting canopy and mid strata species within revegetation works, the balance between creating future management issues such as tree health and dropping limbs, footpath maintenance and creation of a dense vegetation structure is carefully considered.

2.2 *Provision of ecosystem services within the riparian corridor*

Riparian corridors are known to provide significant environmental benefits through filtering of rainwater, acting as a wildlife corridor and nutrient retention.

2.3 *Provision of longer term habitat resources for native fauna through structure and diversity*

The species selection listed considers the habitat and feeding requirements for all species that currently use the Mitchell River corridor.

2.4 *Incorporation of aesthetic values*

Continuation of the native vegetation corridor along the Mitchell River corridor will provide aesthetic value and benefit to the local community and residents.

2.5 *Replacement of invasive floral species with native floral species*

Invasive species continue to have an impact on environmental, agricultural and social values within the local environment. Native species will enhance the existing values of the area and provide valuable ecological characteristics for all faunal species.

2.6 *Restoration of the area to be representative of pre-European condition with consideration of current utilisation of the area*

Restoration of the area with consideration of the pre-European condition of the site and how it is currently used for recreation and aesthetic amenity.

3. Current Site Condition

This revegetation site is currently populated by a high diversity of invasive species which are impacting on native regeneration, and a source of weed spread within the local area. This isolated stand of White Poplar (*Populus alba*) is surrounded by revegetation works with a view to returning the Mitchell River corridor to native vegetation.

The canopy trees currently on site are utilised as a temporary roost site for GHFF over the Summer and Spring periods. These roosting trees are in varying stages of senescence and were determined to have a useful life expectancy of between 5 and 15 years in 2010 (see **Appendix 4** in The Plan).

The vegetation consists of a canopy of White Poplar (*P.alba*) with an understorey dominated by Privet (*Ligustrum lucidum*) and English Ivy (*Hedera helix*) (See **Figure 1**). A species list of invasive plants is included in **Section 7.1**. The high coverage of invasive species on site is limiting the regeneration and establishment of native species through competition.

Analysis of the vegetation with Habitat Hectare scoring through Victoria's *Native Vegetation Framework 2002* cannot be undertaken due to lack of native vegetation cover across the entire site.



Figure 1 - Current vegetation on the Mitchell River Roost Site



Figure 2 - Invasive understorey along the Mitchell River Walking Path

4. Proposed Site Design

The proposed revegetation site is dissected by a walking path which can potentially relocate to the western edge of the site. This relocation will allow safe access from Riverine Street to the Mitchell River Walking path. Creation of this path and buffer will assist in relieving adjacent residents concerns of health issues associated with presence of *Pteropus poliocephalis*, create an aesthetically pleasing outlook onto the Mitchell River, and limit public access to the centre of the revegetation area.



Figure 3 - Areas proposed for Staged Revegetation of the Mitchell River Roost Site

This selected area highlighted complements the existing revegetation area that surrounds the current site and also extends across the Mitchell River, where revegetation efforts have almost entirely been completed.

Retention of some large established deciduous trees will be essential on site. The proposal includes retention of a very large English Oak (*Quercus robur*) as this tree is held in high regard to the local community despite the non indigenous characteristics and appropriateness to the site.

4.1 Revegetation Species Selection

Floral species that could form part of the revegetation could include the following species;

Canopy

- Gippsland Red Gum (*Eucalyptus tereticornus* subsp. *mediana*);
- Coastal Grey Box (*E.bosistoana*)
- Blue Box (*E.baueriana*);
- Yellow Box (*E.melliodora*);

Sub-canopy

- Lilly Pilly (*Syzygium smithii*)
- Silver Wattle (*Acacia dealbata*)
- Blackwood (*A.melanoxylon*)
- Coastal Banksia (*Banksia integrifolia*)
- Kangaroo Apple (*Solanum aviculare*)
- Limestone Blue Wattle (*A.caerulescens*)
- River Bottlebrush (*Callistemon sieberi*)
- Sweet Pittosporum (*Pittosporum undulatum*)
- Swamp Paperbark (*Melaleuca ericifolia*)
- Sweet Bursaria (*Bursaria spinosa*)
- Woolly tea-tree (*Leptospermum laevigatum*)
- Tree Violet (*Hymenanthera dentata*)
- Common Boobialla (*Myoporum insulare*)
- White Elderberry (*Sambucus gaudichaudiana*)
- Mat Rush (*Lomandra longifolia*)
- Tall Sedge (*Carex appressa*)
- Tussock Grass (*Poa labillardieri*)
- Flax Lily (*Dianella spp*)
- Tussock Grass (*Poa labillardieri*)
- White Milk Vine (*Marsdenia rostrata*)
- Old Man's Beard (*Clematis aristata*)
- Wonga Vine (*Pandorea pandorana*)
- Purple Coral-pea (*Hardenbergia violacea*)

These species are suited for the riparian corridor and adjoining slope and have formed part of previous revegetation efforts along the Mitchell River corridor. The canopy species will provide structure for many species that could currently and potentially utilise the corridor into the future. The variety of species will provide extensive foraging resources for many urban species including GHFF, microbats, aboreal mammals and avifauna.

5. Summary of Staged Approach

A staged approach as highlighted in **Figure 3** separates the proposed area into three sections allowing removal of invasive species and complementary revegetation actions to be expanded over three years. The benefits of this approach allow;

- Differing age classes of developing vegetation;
- Allows observation of a response from faunal species utilising the site;
- Decreases sedimentation into the Mitchell River in an unexpected rain event;
- Spreads funding requirements over a three year period.

Stage 1 is designed around creation of lower vegetation to provide some microclimatic conditions and marry ecological benefit with personal safety concerns. Planting of lower species next to the proposed pathway will allow management of paths without impacting on surrounding revegetation. This design will also discourage entry into revegetation area through dense swards of grass and sedges.

Stage 2 will consist of a variety of species, with any canopy species planted closer to the centre of the site to mitigate safety concerns such as dropping limbs and to provide a core canopy area. Areas closest to paths will be densely planted with Silver Wattle, Swamp Paperbark, Boobialla, and Mat Rush where possible. This arrangement will deter public access and protect the centre plantings and also provide some ecological requirements for different faunal species on site.

Stage 3 will replicate the principles applied in Stage 2 to ensure continuation of revegetation works that are species rich and structurally diverse.

6. Expansion of Revegetation Area

Previous revegetation works will be supplemented with additional structure and diversity to enhance their ecological attributes through nutrient cycling, soil stabilisation and habitat provision.

The extended revegetation area will incorporate adjacent vegetation to the site and also across the Mitchell River where previous revegetation efforts have taken place. The Mitchell River restoration project will continue in additional areas up and downstream of the current roost site.

7. Weed Control

Initial weed control over each revegetation stage will be required after tree removal and prior to planting. Treatment will occur across the area to manage existing weeds, and secondary treatment will be applied to treat regenerating weeds. Installation of geotextile fabric will limit the capacity of invasive species to recolonise the area and promote the success of planted seedlings.

Application of site-appropriate herbicides across the site will manage invasive plants for a limited time and will be used to ensure minimal impact on the surrounding riparian environment. Utilisation of this herbicide will require many subsequent applications to be effective at controlling the understorey weeds. Secondary weed control will be required once plantings are installed to ensure their survival and to limit competition between weeds and planted vegetation.

7.1 Invasive Species

An assessment of invasive species on site and their abundance was undertaken in 2011 and are listed in **Table 1** below.

Table 1 - Invasive species located within the proposed revegetation areas

COMMON NAME	SCIENTIFIC NAME	PERCENT COVER*
English Ivy	<i>Hedera helix</i>	51-100%
White Poplar	<i>Populus alba</i>	51-100%
Kikuyu	<i>Pennisetum clandestinum</i>	11-50%
Broad Leaf Privet	<i>Ligustrum lucidum</i>	11-50%
Blackberry	<i>Rubus fruticosus spp agg</i>	1-10%
English Oak	<i>Quercus roba</i>	1-10%
Peppercorn	<i>Schinus molle</i>	1-10%
Panic Veldt Grass	<i>Erharta erecta</i>	1-10%
Wild Tobacco Tree	<i>Solanum mauritianum</i>	1-10%
Cotoneaster	<i>Cotoneaster glaucophyllus</i>	1-10%
Purple Top Verbena	<i>Verbena bonariensis</i>	1-10%
Cocksfoot	<i>Dactylis glomerata</i>	1-10%
Mirror Bush	<i>Coprosma repens</i>	1-10%
Bridal Creeper	<i>Asparagus asparagoides</i>	1-10%
Blue Periwinkle	<i>Vinca major</i>	1-10%
Broad-leaf Dock	<i>Rumex obtusifolius</i>	1-10%
Japanese Honeysuckle	<i>Lonicera japonica</i>	1-10%
Silky Oak	<i>Grevillea robusta</i>	0-1%
Banana Passionfruit	<i>Passiflora mollissima</i>	0-1%
Cleavers	<i>Galium aparine</i>	0-1%
Canary Island Palm	<i>Phoenix canariensis</i>	0-1%
Sow Thistle	<i>Sonchus oleraceus</i>	0-1%
Agapanthus	<i>Agapanthus praecox</i>	0-1%
Dutch Elm	<i>Ulmus procera</i>	0-1%

*National Core Attributes for Weed Mapping, Australian Weeds Committee

7.2 Invasive Plant Management Methods

The current limitations on chemical application include the site being located in an Agricultural Chemical Control Area (ACCA) which has been designated by *Agricultural and Veterinary Chemicals (Control of Use) Act 1992* and also in close proximity to waterway.

Any chemical selected will have the following considerations;

- Registered for use in Australia;
- Registered for use on target species as written on chemical label;
- Allowed for use in an ACCA;
- Desired Mode of Action (MOA);
- Risks of off-target damage and toxicity to the environment.

Species will be treated in a method that is suitable for each species, as directed in **Table 2**.

Table 2 - Invasive species treatment methods

English Ivy (<i>Hedera helix</i>)	
This species is highly prevalent across the site	Control will be required through severing tap root and application of herbicide. Ground level biomass can be sprayed on the ground.
White Poplar (<i>Populus alba</i>)	
This species is highly prevalent across the site.	Removal of standing timber and poisoning and treatment of root suckers will be required annually.
Kikuyu (<i>Pennisetum clandestinum</i>)	
This species has a high distribution across the site	Spraying this species will require additional management due to a creeping underground rhizome.
Broad Leaf Privet (<i>Ligustrum lucidum</i>)	
High distribution across site and excellent coloniser with high seed numbers.	Removal of standing timber and application to herbicide to the stem of taller individuals. Spraying of smaller level plants on the lower level.
Blackberry (<i>Rubus fruticosus</i> spp agg)	
Low distribution across site.	Herbicide application and follow up. Removal of dead canes from site will be required and herbicide application on regrowth.
English Oak (<i>Quercus roba</i>)	
Low distribution across the site.	Removal of seedlings and application to herbicide to the stem of taller individuals. Spraying of smaller level plants on the lower level. Ensure protection of mature established English Oak.
Peppercorn (<i>Schinus molle</i>)	
Low distribution across site. Some larger mature trees.	Removal of seedlings and application to herbicide to the stem of taller individuals. Spraying of smaller level plants on the lower level. Ensure retainment of 2 mature trees along the western boundary at the private public land interface.

Panic Veldt Grass (<i>Erharta erecta</i>)	
Low distribution across site.	Application of herbicide to patches. Retreatment prior to laying weed matting.
Wild Tobacco Tree (<i>Solanum mauritianum</i>)	
Low distribution across site.	Cut and paste of mature individuals and application of herbicide to smaller plants.
Cotoneaster (<i>Cotoneaster glaucophyllus</i>)	
Low distribution across site.	Cut and paste of mature individuals and application of herbicide to smaller plants.
Purple Top Verbena (<i>Verbena bonariensis</i>)	
Low distribution across site.	Cut and paste of mature individuals and application of herbicide to smaller plants.
Cocksfoot (<i>Dactylis glomerata</i>)	
Low distribution across site.	Application of herbicide to patches. Retreatment prior to laying weed matting.
Mirror Bush (<i>Coprosma repens</i>)	
Low distribution across site.	Cut and paste of mature individuals and application of herbicide to smaller plants.
Bridal Creeper (<i>Asparagus asparagoides</i>)	
Low distribution across site.	Application of herbicide to patches. Retreatment prior to laying weed matting.
Blue Periwinkle (<i>Vinca major</i>)	
Low distribution across site.	Application of herbicide to patches. Retreatment prior to laying weed matting.
Dock (<i>Rumex spp</i>)	
Low distribution across site.	Spray mature individuals, retreat if needed.
Japanese Honeysuckle (<i>Lonicera japonica</i>)	
Low distribution across site.	Sever taproot and apply herbicide. Remove biomass from structure.
Silky Oak (<i>Grevillea robusta</i>)	
Very low distribution across site.	Cut and paste of mature individuals and application of herbicide to smaller plants.
Banana Passionfruit (<i>Passiflora mollissima</i>)	
Very low distribution across site.	Sever taproot and apply herbicide. Remove biomass from structure.
Cleavers (<i>Galium aparine</i>)	
Very low distribution across site.	Application of herbicide to patches. Retreatment prior to laying weed matting.
Canary Island Palm (<i>Phoenix canariensis</i>)	
Very low distribution across site.	Cut and paste of mature individuals and application of herbicide to smaller plants.
Sow Thistle (<i>Sonchus oleraceus</i>)	

Very low distribution across site.	Application of herbicide to patches. Retreatment prior to laying weed matting.
Agapanthus (<i>Agapanthus praecox</i>)	
Very low distribution across the site.	Remove from ground and destroy. Ensure all tubers have been located and removed.
Dutch Elm (<i>Ulmus procera</i>)	
Low distribution across the site	Cut and paste of mature individuals and application of herbicide to smaller plants.

8. Process

8.1 Stage One

Stage One is proposed to remove approximately 40 mature *P.alba* from site and remove the understorey invasive biomass. All native vegetation on site will remain. The process of works is highlighted below;

1. Identify and tag established native canopy species on site to remain.
2. Removal of numbered invasive trees from Stage One area. Poison stumps. Stockpile removed from site.
3. Treat understorey weeds through removal of larger woody weeds and herbicide application to the ground level biomass.
4. Install paths and structure required for new linking footpath from Riverine Street to Mitchell River Walking Path if required.
5. Closure of current footpath further down through the site. Removal of infrastructure relating to this footpath.
6. Apply herbicide to areas requiring installation of geotextile matting.
7. Install geotextile matting and commence revegetation surrounding footpath.
8. Continue revegetation efforts to include entire area.
9. Enhance surrounding vegetation by supplementing previous revegetation areas to increase the diversity and structure of the vegetation.

8.2 Stage Two

Stage Two entails removal of approximately 28 mature *P.alba* trees from site and also removal of the understorey invasive biomass. All native vegetation on site will remain.

1. Identify and tag established native canopy species on site to remain.
2. Removal of numbered invasive trees from Stage Two area. Poison stumps. Stockpile removed from site.

3. Treat understorey weeds through removal of larger woody weeds and herbicide application to the ground level biomass.
4. Apply herbicide to areas requiring installation of geotextile matting.
5. Install geotextile matting and commence revegetation surrounding footpath.
6. Continue revegetation efforts to include entire area.

8.3 Stage Three

Stage Three entails removal of approximately 77 mature *P.alba* trees from site and also removal of the understorey invasive biomass. All native vegetation on site will remain.

1. Identify and tag established native canopy species on site to remain.
2. Removal of numbered invasive trees from Stage Three area. Poison stumps. Stockpile removed from site.
3. Treat understorey weeds through removal of larger woody weeds and herbicide application to the ground level biomass.
4. Apply herbicide to areas requiring installation of geotextile matting.
5. Install geotextile matting and commence revegetation surrounding footpath.
6. Continue revegetation efforts to include entire area.

9. Inspection and Maintenance Schedule

Each area rehabilitated will require ongoing maintenance. This revegetation project incorporates a 4 year maintenance program to ensure on-going management of the site.

Table 3 - Maintenance schedule after revegetation activities commence

	TIMING	ACTION
Surrounding Path Network	Every 3 months	<ul style="list-style-type: none"> Inspect for integrity of network and repair as necessary.
Revegetation	Every 6 months	<ul style="list-style-type: none"> Assess survival rate of seedlings and replant if necessary.
Weed Control	Every 6 months	<ul style="list-style-type: none"> Treat emerging weeds within revegetation area.

10. Standard Operating Procedures (SOP)

10.1 Purpose

This document outlines the process and procedure for implementation of the Revegetation Project within the Grey-headed Flying-fox Strategic Action and Management Plan 2014. This document has been developed to contribute to the long term implementation of the Plan.

Background

East Gippsland Shire Council submitted a referral under the *EPBC Act 1999* to remove a number of invasive White Poplars (*Populus alba*) from the Mitchell River riparian corridor. The application was on the basis that the stand of *P.alba* is habitat for Grey-headed Flying-fox (*Pteropus poliocephalus*) which is classified as Vulnerable under Commonwealth legislation. Part of the approval process was compilation of a Management Plan that details the proposed actions and mitigation strategies that EGSC need in place prior to approval of the action. This document will be utilised as part of the broader Management Plan.

10.2 Scope

SOP for the Mitchell River Revegetation Program must be utilised at any time during revegetation actions along the Mitchell River corridor. This is to ensure safety of public and also incorporate the requirements for the wellbeing of the GHFF.

10.3 Planning Process

10.3.1 Location

All works that these SOP apply to are within the Mitchell River corridor and only applicable to areas under East Gippsland Shire Council management.

10.3.2 Timing of Works

Works can only commence after confirmation from DEPI that GHFF are in low numbers or absent from the area. If GHFF are absent works can be undertaken at any time of the year with consideration for the period from 1 August to 30 September. Works during this time will require permission to be granted by DE as this corresponds with a particularly vulnerable part of the GHFF breeding cycle, when pregnant females in the third trimester can spontaneously abort their pregnancy under relatively low stress conditions. While records show that GHFF are not normally present at the site during this time, the possibility that they could return during this period cannot be discounted (See **Appendix 1** of The Plan).

Wherever possible, works will be timed to occur between 1 April and 31 July to avoid the breeding season. This flexibility takes advantage of the variable nature of GHFF occupancy at the site (See **Appendix 1** of the The Plan).

All staged works requiring machinery will be completed within 15 working days.

Vegetation management works will only be undertaken on weekdays and between the hours of 7am and 4pm. Volunteer activities may be scheduled on weekends to assist with revegetation and other management activities.

10.3.3 Risk Assessment

Risk assessment must be undertaken in accordance with EGSC Occupational Health and Safety Policy. Compilation of Job Safety Analysis (JSA) worksheets is mandatory prior to commencement of any activities on site. The Project Manager is responsible for ensuring that these are compiled and updated daily.

10.3.4 Daily Monitoring

Assessment of the location regarding public and staff safety is continuous throughout the period of works. Assessment of the presence of GHFF will be undertaken at least 2 times per day. Once on arrival at site and also at different periods during the day. Refer to Daily Checklist for Commencement of Works in **Appendix 1**. This must be completed by the Project Manager.

10.3.5 Signage

The local footpath and walking track network must be temporarily closed to facilitate safety of the public and all staff on site during the following actions;

- Felling of any trees;
- Transporting felled trees off site through access points along this network;
- Application of herbicide to treat existing and emerging weeds.

10.4 Additional Activities

See **Section 8** for detailed process for implementing revegetation actions.

10.4.1 Tree Removal

Trees to be removed as part of the *EPBC Act 1999* have been allocated into Stages in line with the staged revegetation program. Trees to remain on site (native species) will be flagged as trees to keep and avoid damage to where possible.

Each stage will be marked out and trees assessed as to the safest method of removal from the area. These trees have been assessed by an independent arborist. EGSC Arborist will also be available at any point for additional assessments. All staff must be appropriately qualified for their allocated tasks.

10.4.2 Herbicide Application

All personnel and contractors undertaking herbicide application must have passed Chemical Users training and possess or be supervised by a person holding a current Agricultural Chemical Users Permit (ACUP). Appropriate OH&S requirements must be in place and risk assessments undertaken prior to commencement of activities.

Any herbicide application must be in line with applicable legislation, best practice principles and in accordance with on label chemical requirements.

10.5 Reporting

This document, as part of the Strategic Management Plan, is subject to approval by the Department of Environment (DE). Any changes to the procedure must be approved by DE.

The Daily Checklist (**Appendix 1**) assessment prior to commencement of any activity must be retained and submitted as part of an annual report to DE (**Appendix 2**).

Appendix 1

DAILY CHECKLIST FOR WORKS

DATE:..... TIME:.....

NAME:.....

POSITION:.....

WORKS REQUIRED:

ASSESSMENT STEPS:

- 1) Has DELWP confirmed arrival/departure of GHFF?
.....
- 2) Has DEWLP confirmed works can go ahead prior to commencement of the project?
.....
- 3) Are any Grey-headed Flying Foxes present in the canopy within or around the worksite? **STOP WORK TRIGGER**
.....
- 4) Are there any Grey-headed Flying-foxes present within the Exclusion Zone? **STOP WORK TRIGGER**
.....
- 5) Is there any evidence of Grey-headed Flying-fox recent occupation? ie scats or scent?
.....

Grey-headed Flying-fox Identification

Species Information

Grey-headed Flying-foxes are a native faunal species that occur along the eastern coast of Australia. They are usually seen at dusk exiting the camp to gather nectar and fruit nearby, and return before dawn to settle into the larger trees for the day.

Key identification characteristics that assist in identifying GHFF are;

- Animal is larger than average bats, up to 1kg in weight and a wingspan of 50cm;
- Has an orange and brown circle of fur around the neck;
- A grey head with greyish fur along the belly ;
- Fur continues along legs to the toes.



*Grey-headed flying fox Photo: L Lumsden
(Source:DEPI Website)*

Identifying presence of GHFF on the Worksite

These key questions will assist in determining if GHFF are present in your work area.

1. NOISE

Is there any noise overhead or around the perimeter from where you are standing?

Can you hear shrieking or unfamiliar noise surrounding you?

2. SIGHT

Are there any black moving shapes in the canopy above you?

3. SMELL

Can you smell unfamiliar odour or 'musk'?

If you have answered yes to any of the above questions, please refer to your Supervisor immediately.

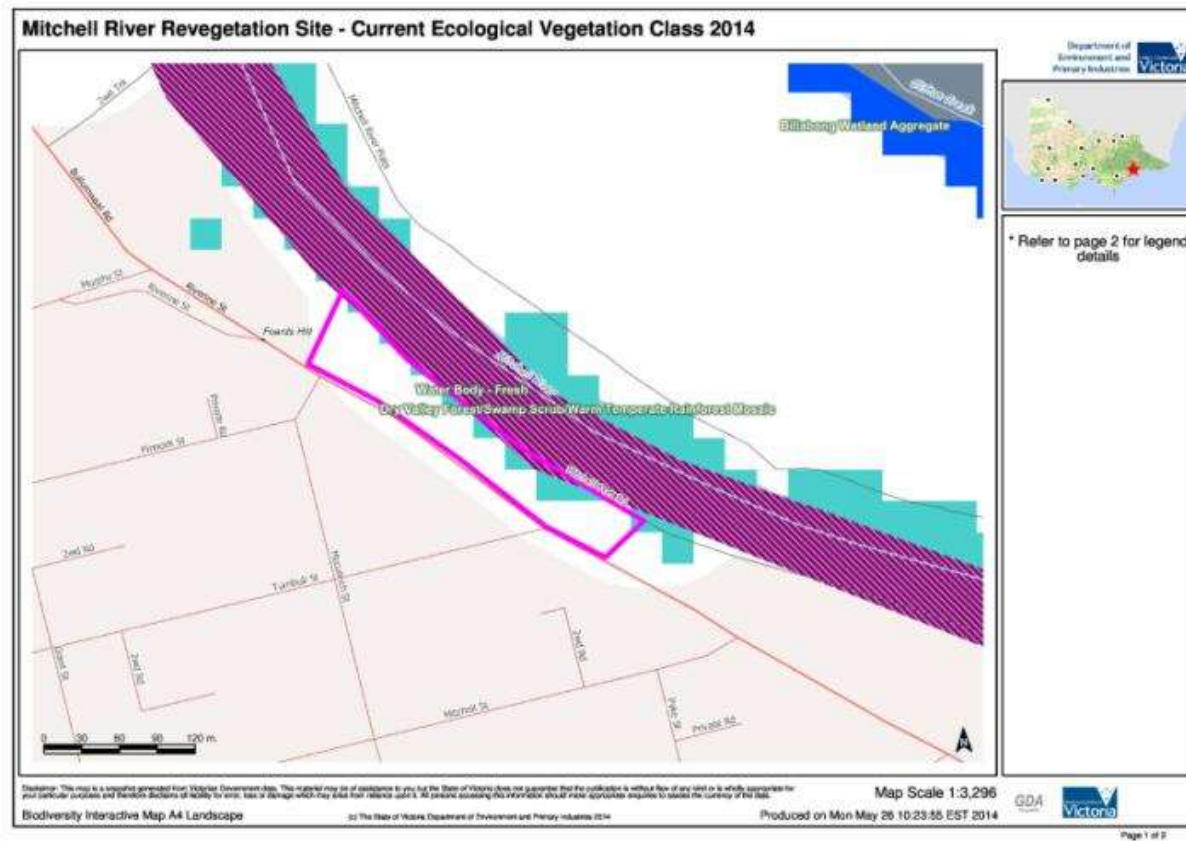
Appendix 2

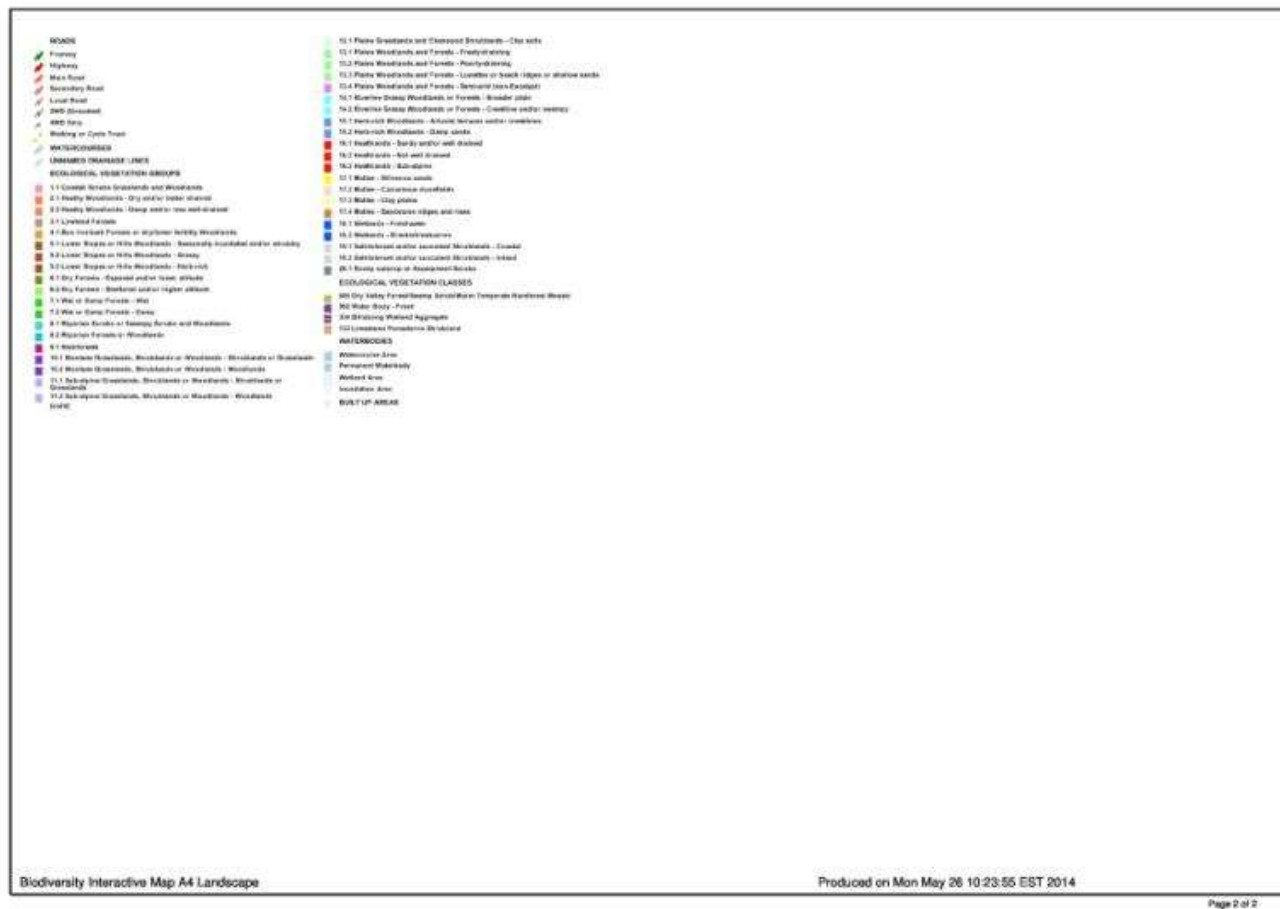
OPERATING PROCEDURES - MITCHELL RIVER REVEGETATION PROGRAM

REPORT – IMPLEMENTATION OF DAILY CHECKLIST on Mitchell River Roost Site

[illegible]

Appendix 3





Appendix 8 - EGSC Community Engagement Guidelines

Community Engagement Guidelines



Community Engagement Guidelines

Introduction

These Community Engagement Guidelines have been developed to ensure a consistent and effective approach to community engagement within Council. They provide the steps and processes to achieve good community engagement outcomes.

The Guidelines are part of a Toolkit for community engagement. The other parts of the Toolkit are:

- Community Engagement Policy. Articulates the strategic direction and Council's public commitment to community engagement.
- "Undertaking a Project – Process Flowchart". This flowchart aligns engagement with the Initiation Approval Form process and ensures that good internal engagement is undertaken. Internal engagement is essential to ensure that all projects meet the Strategic Fit of Council. Thorough and consistent internal engagement will help to build a culture of engagement.

Purpose

The purpose of these Community Engagement Guidelines is to:

- Implement the strategic direction detailed in the Community Engagement Policy;
- ensure a consistent approach to community engagement throughout the organisation;
- ensure community engagement activities are consistent with relevant Objectives in the Integrated Communications Strategy, Council's Strategic approach to community planning through *OurPlace, OurPlan, OurFuture* and the Council Plan; and
- provide a framework around which targeted training can be delivered to Council Officers.

Legislative Basis

Council's commitment and approach to community engagement is guided by the *Local Government Act 1989* and the *Local Government (Best Value Principles) Act 1999*.

Local Government Act 1989 – the role of a Council includes taking into account the diverse needs of the local community in decision making and fostering community cohesion and encouraging active participation in civic life.

Local Government Act (Best Value Principles) Act 1999 – It is a requirement of Local Government to be responsive to the needs of its community, develop a program of regular consultation with its community in relation to the services it provides and report regularly to its community.

Definitions

Consultation and engagement are often used interchangeably. They are different but connected:

Engagement: We can consult by simply putting an ad in the paper and asking for feedback, but when we engage we invite a deeper contribution and strengthen our relationship with others.

Consultation: A two-way flow of information. It allows Council to be informed of community attitudes and opinions and communities to be informed of Council directions, services and activities. It is a way of giving information and a way of obtaining feedback. Consultation is what you do. Engagement is how you do it.

Community: Communities include people who live and/or work in the area (for example residents, business people and volunteers) and people who share the values, interests and concerns of people living and working in the area (for example non-resident rate-payers, community groups and organisational representatives). These two groups are not mutually exclusive.

Community Engagement

Successful community engagement relies on good facilitation and governance skills, self awareness, and a willingness to support, challenge and inspire people and communities to be the best they can be, reaching for common understanding and common good. Authentic, not tokenistic, engagement of communities is central to creating meaningful, sustainable and shared outcomes.

A sound engagement process is¹:

Respectful: Each community is unique. Each person is unique. Everyone has skills, talents, qualities and wisdom to contribute. Respectful behaviour includes listening and acknowledging differing points of view and contributions.

Inclusive: An inclusive process provides opportunities to participate while respecting an individual's choice to participate or not. An inclusive process takes into account that communities are diverse and that diversity is an asset.

Appreciative: Great things have already been achieved, some things are working really well and there is plenty to build on.

Collaborative: A collaborative process acknowledges that working together strengthens relationships, organisations, communities and places and achieves better outcomes.

Empowering: Processes encourage leadership, promote knowledge and skill development and provide opportunities for participation in decision making.

Realistic: Change takes time and that can be challenging. Processes that are inclusive can be slow moving and often resources are limited. Action and adequate discussion/debate need to be thoughtfully balanced. Stage the implementation of plans with short term wins and long term projects.

Flexible: Have plans and be open to opportunities.

Transparent and communicative: Telling the ongoing story, letting people know where the process is at and being honest about achievements and challenges.

Celebratory: Celebrate the journey, contributions and achievements.

¹ Village Well, *Place Making & the Art of Authentic Engagement*, pg 4.

Community Engagement Steps

How do you know when you need to engage the community?

- When there is a legal reason for doing so (for example: planning applications).
- When you want to hear a range of views before you make a decision.
- When you want the community to understand your rationale for change.
- When you want input to help make a decision.

1. Determine Outcome, Benefit and Strategic Fit

An outcome is an actual impact, benefit or change for the stakeholders. Be clear about what you are trying to achieve. For example, you may need to explain a new local law, obtain park user input to upgrade a local park or find out what people think of a current service.

Refer to the Council Plan, Community plans, strategies or Policies that might impact on your project. Are there any relationships to other Council projects?

There might be an opportunity to link your community engagement activities so that communities do not suffer from "consultation fatigue". It is highly likely that a combined project or engagement activity would result in a more comprehensive and strategic outcome.

2. Determine The Scope And Proposal Of Your Engagement Activity

Scoping a project means identifying what is included in your project and what is not included in your project.

Important factors to be identified during the scoping stage include:

- what is your budget for community engagement for example, for advertising, hall hire?
- what is your timeframe for completing the project?
- what is the level of risk around this project? For example, are people supportive, is the community divided on the matter, is it high profile, is it politically sensitive?
- are there other issues, not related to this project that the community is focussed on?
- is there a legislative requirement to engage with people on the matter? For example, some planning applications have legislative requirements to place notices on site or for information to be mailed to landowners who may be affected;
- will your project outcome be inclusive and accessible (refer to "Participation and Partnership Guide" on the Hive)?

3. Who Will Your Engagement Activity Impact On (Internal And External Stakeholders)?

- who will the project affect, for example will it only affect one or two people, people in the immediate township area or the whole Shire?
- who are the stakeholders? For example, residents, other agencies, absent ratepayers, businesses?
- who are the internal stakeholders, for example other Business Units or Council Officers?
- are there any special interest groups that need to be engaged eg disabled, businesses, youth, etc?

4. Determine Level Of Engagement And Methods

You are now ready to identify the level of engagement most suited to your project. The International Association of Public Participation (IAP2) Spectrum will assist you in determining this.

The Spectrum depicts five levels of engagement. The levels of engagement, ranging from Inform to Empower, allow for varying ranges of community input. Each level has a promise to public relevant to the level and type of engagement you are undertaking. Refer to Appendix 1.

Some examples specific to East Gippsland Shire Council have been included at the bottom of the table. For further information on IAP2, please refer to the website: <http://www.iap2.org.au/>

5. Facilitation

Most community engagement activities that are at a level beyond Inform require some form of facilitation. Appropriate facilitation can make or break the community engagement process. You need to think about:

- whether you have the skills and confidence to be the facilitator yourself;
- whether you ask someone else in the organisation to help you; or
- whether you appoint an external facilitator

You may choose to appoint an external facilitator if you need a 'neutral' person to front an event.

When appointing an external facilitator, the following will need to be undertaken:

- preparation of a project brief;
- project management – supervision of facilitator; and
- contracts (in some cases) – refer to Council's Contracts Co-ordinator for advice.

6. Resources

You will need to consider the resources you need to support your community engagement activity. This could include:

- the number of staff required to be involved;
- any special equipment needed eg microphone, data projector, whiteboard, pens;
- facilities such as a meeting room (please ensure it is accessible for people with disabilities) and catering (consider any dietary requirements);
- background information/supporting documentation to be provided in advance or at the time; and
- any specific funding needed to facilitate engagement.

7. Communication

This is when you will let people know about your engagement activity.

At the start of any engagement activity it is important for all stakeholders to have an understanding of their role in the decision making process and also an understanding of the project and its background and constraints.

Some engagement activities will be undertaken purely to advise of a decision that has already been made and some will allow for stakeholders to directly influence the decision.

Use the beginning of the process to inform stakeholders of:

- the nature of the project, including background, constraints and relevant strategies and/or legislation;
- the level of participation intended;
- the engagement activities that will be undertaken (public meeting, workshops);
- who will be involved – Council Officers, agencies, community groups;
- how decisions will be made and who will make them;
- what is and what is not negotiable; and
- when and how feedback will be given.

Many engagement activities will require you to maintain an information flow throughout the process. Identify ways to develop and maintain an information flow with your stakeholders throughout your engagement activity.

Ways to present information include:

- as a project brief for consultants or stakeholders
- Discussion Paper
- Fact Sheet
- FAQ's about....

Refer to the Integrated Communications Strategy and the Corporate Communications and Strategy Team to assist you with Communication methods. Appendix 2 also provides some examples of how communication tools link with, and support, an engagement activity.

8. Action

To keep you on track you will need to develop a plan to implement your engagement activity. Create a list and identify each task that needs to be done, who is responsible and when it has to be finalised by.

9. Monitoring

Ongoing monitoring of the process will be required to ensure that your expected outcome is being achieved.

Closely monitoring the process will allow for continuous improvement and help you to identify and address issues that may arise, such as:

- low levels of participation and actions in response to this;
- identify further opportunities that may exist within the scope of the activity;
- additional stakeholders who can be engaged; and
- whether any additional activities are required.

10. The End Result and Feedback

Once your engagement activity is complete you will need to take steps to inform stakeholders of the outcome.

Ask yourself:

- has the outcome been conveyed to stakeholders?
- do you need to maintain an information flow and how will this be done?
- does a report need to be prepared for a Council meeting? If so, consider the relevant approval steps prior to the report being considered at the Council meeting.
- do actions to achieve the outcome need to be incorporated into Council's processes?

11. Evaluation

The evaluation process provides an opportunity to reflect on the success of your engagement activity and to determine some important factors surrounding it:

- did the engagement activity successfully achieve your desired outcome?
- what can you learn from the process and what can be improved, or would you do differently, next time?
- is there an opportunity for you to share your experience with your colleagues?

An Evaluation Checklist is provided for completion at the end of the project. Completing this form will allow the organisation to monitor its success with engagement activities. The Checklist is available at Appendix 3 and also electronically on the Hive Community Engagement page.

APPENDIX 1

IAP2 Public Participation Spectrum

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:
We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decision to the maximum extent possible.	We will implement what you decide.
Example techniques to consider:**	Example techniques to consider:	Example techniques to consider:	Example techniques to consider:	Example techniques to consider:
<ul style="list-style-type: none"> • Fact Sheets • Web Sites • Displays 	<ul style="list-style-type: none"> • Focus groups • Surveys* • Public meetings • Community Events 	<ul style="list-style-type: none"> • Forums or Workshops • Advisory Group 	<ul style="list-style-type: none"> • Local Community Planning Group • Expert Committees 	<ul style="list-style-type: none"> • Citizen juries • Council elections • Delegated decisions
East Gippsland Shire Council example:	East Gippsland Shire Council example:	East Gippsland Shire Council example:	East Gippsland Shire Council example:	East Gippsland Shire Council example:
<ul style="list-style-type: none"> • Road Closure • Rubbish collection dates • Display of waterwise garden techniques 	<ul style="list-style-type: none"> • Council Plan • Budget • Planning Permit Applications 	<ul style="list-style-type: none"> • Health and Wellbeing Strategy • Designing the Paynesville Community Centre • Raymond Island Access • A new Waste Management Strategy for the Shire 	<ul style="list-style-type: none"> • Community Plans • New or upgraded Recreation Facilities 	<ul style="list-style-type: none"> • Raymond Island Blitz • Opening of a new community garden

**Conducting Citizen Surveys:*

Please refer to dataworks document 4004580 – “Conducting Citizen Surveys” for more detailed information on Council requirements when conducting certain types of surveys.

***Additional engagement techniques:*

There are numerous engagement techniques available for use, in addition to the ones listed in this table. For information on additional techniques talk to staff in the Strategic Planning Business Unit or refer to:

Department of Sustainability and Environment “Effective Engagement Toolkit”

<http://www.dse.vic.gov.au/effective-engagement/toolkit>

APPENDIX 2

Communication Tools

Good Communication supports an engagement activity. Council's Integrated Communications Strategy lists a number of communications methods that can be utilised when engaging with stakeholders. These methods will assist you to communicate with stakeholders and maintain an information flow throughout and after your engagement activity. This matrix provides some examples of how activities link with communication tools.

Legend:

- 1 Always
- 2 Sometimes
- 3 Not appropriate

Engagement Activity	Advise of a new or amended service (Inform)	Advise of activity that will impact on certain groups (Inform)	Provide opportunity to comment on strategic project (Consult)	Provide opportunity to comment on a proposed change that may impact a community (Consult)	Work with stakeholders to include their ideas in a project outcome (Involve)	Partner ideas on how to manage a program (Involve)	Create a partnership and share resources to develop and identify solutions (Collaborate)	Develop an ongoing dialogue to receive input, advice and determine solutions (Collaborate)	Allow stakeholders to implement their decisions (Empower)
(example)	Rubbish collection dates	Road Closure for Event	Local Streetscape Project	New footpath location	Raymond Island Access	New Waste Management Strategy	Upgrading a Recreation Facility	Community Plans	Paynesville Ferry Shelter
Communication Tool									
Direct Mail	2	1	2	2	2	2	2	2	2
Email (if addresses available)	2	2	2	2	2	2	2	2	2
Local Newspaper/ Shire Weekly Advertisement	1	1	1	1	1	1	1	1	2

Local Newspaper/ Quarterly Community Connect	2	3	2	2	2	2	2	1	2
Shire website	1	1	1	1	1	1	1	1	2
Online engagement portal	3	3	2	2	2	2	2	2	2
Social Media e.g. Twitter/ Facebook/ Blog	2	2	2	2	2	2	2	2	2
Media Release	2	2	1	2	1	1	1	1	2
Factsheet/ Brochure	2	2	1	1	1	1	2	1	3
On-hold message	3	3	3	3	3	2	3	3	2
Public Display/ Meeting	2	3	1	2	1	2	2	2	2
Local community newsletter	2	2	1	1	1	2	2	2	2
Targeted Stakeholder Meeting	3	2	1	2	1	2	1	1	1

APPENDIX 3

Internal Evaluation Checklist

Project Title:	
Business Unit:	
Project Manager:	
Date:	

✓ (copy and paste this tick into the appropriate boxes)

1. Did your engagement activity help to successfully complete the project?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No (please identify the reasons...)

2. What level of engagement did you use?

<input type="checkbox"/>	Inform	<input type="checkbox"/>	Collaborate
<input type="checkbox"/>	Consult	<input type="checkbox"/>	Empower
<input type="checkbox"/>	Involve		

3. What method/s of engagement did you use e.g. workshop, survey, community event, formed a Reference Group?

4. What communication method/s did you use e.g. direct mail, Shire website, local newspaper, community newsletters?

5. How did you provide feedback on the completion of the project?

6. Do you need to provide further or on-going feedback? How will this be done?

<input type="checkbox"/>	Yes – how will this be done?
<input type="checkbox"/>	No

7. Was your project Shire wide or place based?

<input type="checkbox"/>	Shire wide
<input type="checkbox"/>	Place Based (please name place/s):

8. What other Business Units did you work with on this project?

9. What were the benefits of working with the other Business Units?

	Able to utilise additional resources and knowledge
	Improved outcome e.g. additional elements were able to be included in project outcome due to combined funding/resources
	Avoided over-consultation of community
	Other:

10. How did your engagement activity improve the outcome of your project?

	Created community discussion
	Discovered information didn't previously know
	Was able to utilise community expertise
	Resolved conflict
	Other:

11. Would you do anything differently to improve the process next time?

12. Has your project increased the capacity of the community eg to sustain an activity/event, utilise resources, build and retain knowledge?

Note: Once completed please submit this page to the "Tell us How your Engagement Activity went" section on the Hive Community Engagement page. This information will only be used to help monitor the organisations engagement activities.

APPENDIX 4

Case Study

This case study illustrates each of the steps provided in the guidelines.

1. Determine the Outcome, Benefit and Strategic Fit

Council has known for some time that the people in Swan Reach would like to have their park upgraded. There is evidence that there are a lot of families moving to the area and providing play equipment for children is important. The current playground equipment is old and no longer meets safety standards. Money has been allocated in the current financial year budget to upgrade the equipment and improve the facilities in the park.

Council would like the input of the local community in upgrading the park to ensure it meets their needs.

There is no current community plan for the area but Council is currently working on an Urban Design Framework for Swan Reach. This will provide an opportunity to combine community engagement activities.

2. Scope and Proposal of your Community Engagement

A portion of the funding that has been allocated to upgrade the park can be used to support community engagement.

This project is looking at upgrading the local park and construction of a new toilet block, not the access roads into the park or the health of the river next to the park.

You have four months to complete the project so you will need to structure your engagement activities within this timeframe.

Swan Reach residents have begun writing to Council over a few months asking for the park to be upgraded so you think most are supportive of the upgrade.

The park upgrade will include the construction of a new toilet block. Legislation requires this to be advertised to allow for objections.

Cultural heritage issues will need to be considered as the proposed works are within 200m of a waterway. Waterways and the 200m buffer on either side are automatically classed as sensitive cultural heritage areas and therefore require consultation with the appropriate organisations. The relevant Registered Aboriginal Party (RAP) will be contacted.

You might also consult with Gippsland Ports as the park is located next to the river where this is a Gippsland Ports jetty and with Council's Rural Access Project Officer in regard to accessibility of the park for people with disabilities.

3. Who will your engagement activity impact on (Internal and External Stakeholders)?

The following stakeholders will need to be involved in the project as it directly affects them: Swan Reach residents, Lower Tambo Landcare Group, Business and Tourism Association, Registered Aboriginal Party (RAP), Gippsland Ports and Council Officers who are responsible for playgrounds and maintenance of Council infrastructure.

4. Determine level of engagement and methods

The upgrade of the Swan Reach Park fits into the Collaborate column of the Spectrum. You have decided to have some conversations with some of the identified stakeholder groups to suggest the formation of a local group (Park Upgrade Group) to provide advice and help formulate ideas for the upgrade with Council. You expect that the Park Upgrade Group will help confirm the style and positions of the playground equipment within the budget restrictions you have. The Park Upgrade Group may also advise on the location of the toilet block in relation to the playground, plus seats and tables for parents and carers of children using the playground.

A number of the stakeholders identify people who should be on the Park Upgrade Group.

5. Facilitation

Officers in the Asset Maintenance area have a good technical understanding of how to upgrade a park and they have identified a Council Officer from their area who will meet regularly with the Park Upgrade Group to provide advice and discuss options.

6. Resources

The following resources are required:

- Asset Maintenance Council Officer time;
- other Council Officers time as required (for example Strategic Projects Planner, Rural Access Project Officer);
- Park Upgrade Group;
- venue to meet that is central and comfortable; and
- background paper so that Park Upgrade Group have a clear understanding of their role and the scope of the upgrade.

7. Communication

You have contacted the people who were suggested to be on the Park Upgrade Group to invite them to an initial meeting to discuss the intent and scope of the park upgrade. Use this meeting to clearly advise the Group of their role and what level of input they will have in the decision making process.

The Asset Maintenance Council Officer will prepare a background paper on the park upgrade, land use constraints, relevant sections of the Urban Design Framework and what budget Council has available for this project to provide in advance of the first meeting of the Park Upgrade Group.

8. Action

You have prepared a checklist for the Park Upgrade Group meetings including the meeting dates, room bookings, agenda items, responsible Council Officers and tasks. Timelines for the implementation of subsequent actions (steps 9, 10 and 11) are identified.

9. Monitoring

Two issues have been identified during the Park Upgrade Group Meetings:

- Park Upgrade Group members have suggested that as a lot of teenagers use the park as a meeting place and for sport, they should be asked for their ideas. Local sporting groups were targeted and as a result young people joined the Park Upgrade Group.
- After realising there are some very diverse views about how the available funds should be spent on the upgrade, the Park Upgrade Group suggested a workshop to help prioritise ideas.

Steps 5, 6, 7 and 8 will now need to be re-visited to organise the workshop:

5: The Assets Maintenance Area has decided to engage an external facilitator to run a two hour workshop to help prioritise ideas.

6: The local primary school hall has been booked to hold the workshop. This venue is suitable in size and has good heating, lighting and acoustics. A whiteboard, markers and a microphone will need to be booked for the meeting.

7: The workshop will be promoted via Community Connect, an article in the local newsletter, posters being placed in local shops, schools, kindergartens and businesses. Attendees will be provided with the background briefing paper prior to the meeting (via email or hardcopy once they have RSVPed).

8: Checklist for planning workshop prepared and timelines for implementation of subsequent actions identified (steps 9, 10 and 11) prepared. Allocates tasks to relevant Council Officers and when the tasks need to be completed.

10. The end result and Feedback

A report detailing the upgrade plan was presented to Council and adopted with some minor amendments. These and the reasons behind the changes were communicated to the Park Upgrade Group and the outcome communicated to the broader community and workshop attendees via articles in the local newspaper and local newsletter and plans being placed in local shop windows.

Implementation of the plans and budget allocation has been allocated to the relevant Business Unit of Council.

11. Evaluation

The engagement activity achieved the desired outcome – plans for the upgrade of the park have been developed with the input of the local community.

The Park Upgrade Group and workshop were successful ways of obtaining input, although next time seeking nominations for the Park Upgrade Group would be considered more carefully to ensure a wider representation from the outset.

You will complete the Internal Evaluation Checklist and recommend the process you used to upgrade the park as a useful one to colleagues who are working on similar sized projects that are not highly controversial.

Appendix 9 - Addressed Public Comments

Addressing Public Comments – Referral 2009/5017, East Gippsland Shire Council

Addressing Public Comment on Preliminary Documentation on Referral 2009/5017

East Gippsland Shire Council

Acronyms

DEPI – Department of Environment and Primary Industries (State)

EGSC – East Gippsland Shire Council

EPBC Act 1999 – Environmental Protection and Biodiversity Conservation Act 1999

FFG Act 1988 – Flora and Fauna Guarantee Act 1988

GHFF – Grey-headed Flying-fox

DE – Department of Environment (Commonwealth)

The Plan – Draft Grey-headed Flying-fox Strategic Action and Management Plan

Submission	Key Points	EGSC Response to Submission
1	1.1 It is my preference that GHFF and its habitat is not removed.	1.1 This comment is regarding the action, as opposed to commenting on The Plan. Thankyou for your comment.
2	2.1 Please do not relocate them and destroy their habitat.	2.1 This comment is regarding the action, as opposed to commenting on The Plan. Thankyou for your comment.
3	3.1 Recreation of rainforest to suit the species.	3.1 There is an extensive program proposed to reinstate vegetation along the Mitchell River which will include some rainforest species as stated in the Revegetation Plan and this list has been expanded to include additional species. EGSC is aware of other revegetation programs historically to enhance rainforest gullies, and it is hoped that these programs have been successful.
	3.2 Community groups in revegetation activities of different land tenures to enhance habitat.	3.2 The Mitchell River revegetation program has been driven by community groups and government agencies throughout its lifespan and this is anticipated to continue. EGSC do not have funding to extend to revegetation activities on land other than what they are the responsible land manager but will support programs that aim to revegetate GHFF habitat in appropriate locations.
4	4.1 'I must strong oppose this illegal action' and 'the action	4.1 East Gippsland Shire Council submitted a referral under the <i>EPBC Act 1999</i> to remove the stand of White Poplar and revegetate the proposed site with the knowledge that this was a summer

Submission	Key Points	EGSC Response to Submission
	you are proposing is liable to fines and jail.	campsite of GHFF. As such EGSC are aware any management works or action needed to be referred under the Act for approval by the Commonwealth. EGSC has not undertaken any illegal activity regarding the roost site. EGSC has sought permission through the <i>EPBC Act 1999</i> to undertake revegetation of the area. EGSC understands that if works commenced without permission under the <i>EPBC Act 1999</i> the action is illegal and liable to fines.
	4.2 This is a breeding colony of endangered mammals.	4.2 The roost site can be considered as a breeding site for GHFF given the period of occupation on site as stated in Section 6.1.1 of The Plan. GHFF are not currently listed as Endangered under any legislation, they are listed as Vulnerable under the <i>EPBC Act 1999</i> and Threatened under Victoria's <i>Flora and Fauna Guarantee Act 1988</i> .
	4.3 People who want all wildlife eradicated from urban areas.	4.3 EGSC has been methodically revegetating the Mitchell River corridor over an extended period of time with assistance from community groups and government agencies. As such the vegetation is in different aged stands and is currently able to provide habitat requirements to a range of species that choose to utilise the area. GHFF have been observed using the resources in these revegetated areas.
5	5.1 EGSC has a moral and statutory responsibility to respect threatened species.	5.1 EGSC is not responsible for enforcing environmental legislation pertaining to listed threatened species (such as the <i>EPBC Act 1999</i> or <i>FFG Act 1988</i>). As a land manager, EGSC refers to legislation to undertake land management works. EGSC referred the proposed action to the Federal Government to ensure that all legislation applicable to this project has been considered and the process followed accordingly.
	5.2 The Poplars provide the habitat that GHFF requires that would have been part of their original habitat prior to destruction for human settlement.	5.2 EGSC recognises that the current roost site provides requirements that are preferred by GHFF. The condition of the vegetation on the proposed site is considered to be unsafe and in varying stages of senescence. If no action is to occur, the roost site will continue to 'fall over' thus creating a public safety risk and also further restrict the roosting opportunities for GHFF on site. Revegetation of the area is considered as the best option to reduce risk and also to replace vegetation on site that all faunal species can utilise. Existing revegetation stands close by will be able to provide some of the resources that are preferred by GHFF. It cannot be predicted where GHFF will occupy if they abandon the Mitchell River camp site. EGSC are aware of the possibility that the dispersed GHFF will reside in an inappropriate site following the removal of the poplars. Three scenarios are possible: (1) the colony establishes at a site that is acceptable in the longer term, in which case EGSC will provide stewardship for the welfare of the local GHFF population and camp site vegetation including the permanent

Submission	Key Points	EGSC Response to Submission
		<p>protection of the site; (2) the colony establishes at sites that are acceptable in the short term, but are unlikely to be suitable in the longer term and (3) the colony relocates to a site that is considered inappropriate (a risk to the welfare of bats and people).</p> <p>The appropriateness of each site will be assessed a Site Assessment and documented on a site by site basis. This assessment includes a determination on whether dispersal is appropriate for the site where the bats ultimately reside. If after this assessment the GHFF are deemed to have moved to an inappropriate site, an emergency response will be implemented. The emergency response will involve dispersing the colony from the site. EGSC have developed dispersal protocols that take into account the welfare of GHFF.</p>
	<p>5.3 In some other places, flying foxes and bats provide a feature of tourism to their areas with guided educational observation of GHFF</p>	<p>5.3 EGSC are not aware of any business conducting tours that incorporate the Mitchell River camp site specifically as part of a guided educational observation, however acknowledge that informal tours may occur without our knowledge. Should GHFF move to an area that is suitable where tourism opportunities present, we will investigate such opportunities. As established GHFF educational opportunities exist in existing colonies elsewhere in Victoria, persons wishing to learn more about the species can visit these areas to see GHFF in their native habitat.</p> <p>The Naturally Magic campaign promotes the entirety of East Gippsland and specifically its natural outlooks and beauty. The GHFF will still be present in the region, and we would consider that the presence of Poplars along the riverbank is not in keeping with the Naturally Magic tourism campaign.</p>
	<p>5.4 The private residence that is closest to the colony should be purchased and used for scientific purposes or tourism.</p>	<p>5.4 The purchase of the private residence adjacent to the site has not been considered. Given the cost of purchasing said property and renovating to meet standards for the tourist public or scientific groups would be expected to be more expensive than revegetating the area proposed. EGSC is not aware of any scientific programs specifically interested in researching the Bairnsdale summer colony of GHFF and as such purchase for this reason is unfounded.</p>
	<p>5.5 The current proposal does not meet the requirement of no or minimal impact.</p>	<p>5.5 EGSC is aware that this action does not meet the requirement of 'no or minimal impact'. As such the action has been referred through the <i>EPBC Act 1999</i> with reference to Matters of National Environmental Significance : Significant Impact Guidelines 1.1</p>
	<p>5.6 In no circumstances should the poplars be removed until</p>	<p>5.6 Existing revegetation within the Mitchell River corridor has the capacity to provide resources to the GHFF. Given the unpredictability of the GHFF population regarding movement and habitat</p>

Submission	Key Points	EGSC Response to Submission
	alternative habitat of suitable height is grown.	selection, EGSC cannot anticipate that GHFF will choose to utilise other revegetated areas nearby. EGSC commits through The Plan to assist GHFF locate a suitable area should they decide to depart the area completely.
6	6.1 EGSC has a moral and statutory responsibility to respect threatened species.	6.1 See 5.1
	6.2 The Poplars provide the habitat that GHFF requires that would have been part of their original habitat prior to destruction for human settlement.	6.2 See 5.2
	6.3 In some other places, flying foxes and bats provide a feature of tourism to their areas with guided educational observation of GHFF.	6.3 See 5.3
	6.4 The private residence that is closest to the colony should be purchased and used for scientific purposes or tourism.	6.4 See 5.4
	6.5 The current proposal does not meet the requirement of no or minimal impact.	6.5 See 5.5
	6.6 In no circumstances should the poplars be removed until alternative habitat of suitable height is grown.	6.6 See 5.6
7	7.1 EGSC use your power to	7.1 This comment is regarding the action, as opposed to commenting on The Plan. However, EGSC

Submission	Key Points	EGSC Response to Submission
	change attitudes and encourage awareness of GHFF.	has committed to assist in the education about 'Living with Wildlife' for a number of species that utilise urban areas.
B	8.1 No work has been done to ensure that these rare wildlife are properly managed at this site.	8.1 EGSC acknowledges that little work has been done to date to manage the GHFF habitat on the Mitchell River. Given that once the referral has been submitted (in 2009), any works on site need approval from DoE. Works have not been undertaken for this reason. See 4.1
	8.2 The action will likely cause stress to the colony and they may not be able to find an alternative site with the right shade and temperature.	8.2 EGSC's proposed staged action is expected to prompt a response from the GHFF colony. Possible actions that the GHFF may undertake is movement into surrounding vegetation, fragmentation across a wider area or abandonment of the camp. EGSC will receive assistance from DEPI in gauging the reaction of the GHFF colony to determine increased stress levels that can be attributed to the action. EGSC will also assess each new site of GHFF if they relocate to be able to respond to the movement of GHFF into other areas and facilitate their occupation at a suitable site. EGSC acknowledges that the roost site on the Mitchell River provides the correct conditions for the species in regards to location, roost tree species and microclimate. However, given the senescing state of the poplar trees, revegetation is the only long term strategy for the camp site. EGSC has therefore opted for a staged replacement of the non-native vegetation at the camp site with native species. A Revegetation Plan has been developed to guide this process. This plan sets out the design and implementation of proposed revegetation actions on this site and provides methodology for the process. EGSC acknowledges that it will be some time before the revegetated overstorey species will reach the size of the poplars currently on the site and therefore suitable for occupation by GHFF. However, the life expectancy of these poplar trees is thought to be 5-15 years so the habitat is expected to decline, even in the absence of intervention. A staged habitat removal and revegetation program is the best hope for the long viability of the Mitchell River camp site.
	8.3 If there was a more suitable summer camp for them, they'd have moved to it.	8.3 GHFF develop a familiarity with roosting sites as part of their annual migration and are able to return to these stopover sites as it suits. As such, GHFF would not be looking for new sites to occupy if their existing roost and its location stored in their memory. Undertaking a third of the removal is anticipated to prompt a response from GHFF to locate another site which will provide their habitat requirements, whether the alternative site is immediately adjacent or a small distance away.

Submission	Key Points	EGSC Response to Submission
		EGSC acknowledges that it is impossible to predict with certainty the response of the colony to the proposed habitat removal program. EGSC has evaluated relocation case studies involving the Royal Botanic Gardens, Melbourne. The difficulties and risks associated with the relocation of GHFF colonies is acknowledged by EGSC. Should GHFF relocate to an inappropriate site, such a site will be assessed as to its longer term suitability for GHFF occupation.
	8.4 We hope the biological and ecological details of these animals are well known to Council staff who make decisions on their future management.	8.4 EGSC is aware of the ecology and habitat requirements of GHFF and has developed the Strategic Management and Action Plan to guide the management of the colony into the future. This document has been developed in consultation with DEPI experts and has drawn upon knowledge gained from the management of colonies in Melbourne and elsewhere in Australia.
	8.5 The Shire could, for less cost, provide noise abatement measures for the few houses that are affected.	8.5 Noise is not the only consideration for management of the GHFF colony. The Plan documents a number of issues that have been raised regarding presence of GHFF camps and amelioration of all these issues would cost excessively. It is important to recognise that a number of issues exist on site, and not all specifically relating to residents concerns. Key issues include risk to public safety through unsafe falling limbs, completion of the revegetation of the Mitchell River corridor and providing a safe environment for the community.
	8.6 Signs to prevent people from deliberately disturbing the Flying-foxes would also help to reduce daytime noise (they are out feeding at night).	8.6 There have been observations of people deliberately disturbing GHFF at the Bairnsdale site, which are handled by the DEPI. EGSC do not support disturbance of GHFF at any time and incidences of wildlife disturbance are reported to DEPI as the responsible wildlife manager. EGSC has previously installed temporary signage relating to health concerns after detection of disease in a deceased GHFF collected from the Bairnsdale site. Altering individuals to the presence of GHFF is considered to heighten fears regarding disease (which is well publicised) and attract more negative connotations to the GHFF colony. The risk of disease transmission is very low and is only present when GHFF are handled or the disease transmitted through another vector (see Section 7.2 of The Plan).
	8.7 The public walkway could be detoured around the colony to avoid complaints about the droppings.	8.7 The Mitchell River Walking path is a highly important recreational asset and is utilised by many members of the community for its physical attributes, and absence of vehicular traffic. Realignment of this path would incur high costs given development of a new path network and discourage local community members from using the path given the increased incline, distance and exposure to high traffic volumes.

Submission	Key Points	EGSC Response to Submission
	<p>8.8 Plans by the Shire to remove roosting cover is contrary to objectives of the Action Plan for Australian Bats, including population stabilisation, and development of non-destructive methods for camp management.</p>	<p>8.8 EGSC is aware of the Action Plan for Australian Bats and the objectives. Regarding stabilisation of the population, there is no published information regarding the current population level of GHFF within Australia and EGSC does not anticipate the action influencing population levels but measurement of such broad information is impossible to obtain given this. The action proposed in Referral 2009/5017 outlines a staged removal and revegetation for the area to minimise risk and stress to the colony. If no action were to take place on site, the roost site will continue to senesce and degrade highly restricting available roosting space in a short period of time, forcing GHFF to relocate. Camp management at the Bairnsdale site needs to consider public safety risks along with providing alternative habitat through revegetation of the Mitchell River corridor for all species.</p>
9	<p>9.1 A further management option exists, involving progressive restoration of the whole site.</p> <p>9.2 An alternative roost site could be established away from residential areas upstream along the Mitchell and quickly revegetated.</p>	<p>9.1 The current proposal of the three year staged removal was developed to provide a balanced approach to management of the site given the interests of involved departments and individuals. This option is considered to incorporate concerns over public safety, GHFF conservation and management and also logistics of operations regarding revegetating the site and the methodology proposed to be used.</p> <p>9.2 Given the unpredictable nature of GHFF, investment in establishing a roost site without knowing if GHFF will relocate is a risky expense. Relocation attempts undertaken from the Royal Botanic Gardens in Melbourne shows the unpredictability and expenses incurred from the presumption that GHFF would relocate to the preferred Ivanhoe site, when the GHFF selected Yarra Bend as their new campsite. The staged approach proposed by EGSC will prompt a response from GHFF which may include the population seeking a new campsite which can then be enhanced to provide additional resources that the GHFF may require at the new site and encourage annual occupation.</p>
10	<p>10.1 Removing species of trees to plant others. Invasive species still provide habitat.</p> <p>10.2 Removing an animal habitat.</p> <p>10.3 Why is EGSC establishing new habitats?</p> <p>10.4 The disease issue.</p>	<p>10.1 EGSC acknowledge that invasive species do provide habitat for native and introduced wildlife. Replacing the Poplar with a wider suite of species is anticipated to provide more ecological niches for all fauna.</p> <p>10.2 See 5.2</p> <p>10.3 The Mitchell River revegetation program has created a significant corridor of native flora of different stages that provides some habitat characteristics for native fauna and will develop further.</p> <p>10.4 The Plan specifically states at Section 7.2 the low risk of transmission to human population of all</p>

Submission	Key Points	EGSC Response to Submission
	<p>10.5 Have all residents of Bairnsdale been canvassed to discover if they find the colony disturbing?</p>	<p>three diseases listed for GHFF to be vectors of.</p> <p>10.5 EGSC has not canvassed local residents to determine if they find the GHFF colony 'disturbing'. Community consultation is outlined in Section 8 of the draft Strategic Management and Action Plan.</p> <p>Consultation has been undertaken by DEPI and EGSC to engage local residents regarding the issues of managing a GHFF campsite and the necessity to provide a carefully planned approach to continue the poplar removal program and revegetation efforts.</p> <ul style="list-style-type: none"> • Media (radio and newspaper) statements and interviews with DEPI; • Key stakeholder meetings to present possible management options and associated issues; • Establishment of a working group of regulatory authority officers; • Meetings with technical experts including biologists and ecologists (Tony Mitchell, Lindy Lumsden, William Peel) on site to discuss habitat requirements and site issues; • Regular briefing and update of process and progress of the management of the site to residents significantly impacted on by the site; • Ongoing consultation with the Department of Environment, Water, Population and Communities to develop the management plan; • On site signage providing information regarding interaction with GHFF; • Ongoing involvement (4 years) with the Bairnsdale Urban Landcare Group in relation to GHFF site management; • DEPI website FAQ's used as a reference for resident requests of information; and • Evaluation of other GHFF management sites in other states to ensure up to date information in management trends. <p>Initial involvement has been limited and undertaken separately by both EGSC and DEPI up to this stage. Exact dates of occurrences of each process is difficult to obtain, but has been ongoing since 2007.</p> <p>Community consultation is an ongoing process and will continue and increase as management options are implemented to ensure that available information is current and collation of shared information to manage the roost site into the future.</p> <p>Given that the revegetation program is the focus of the application, community consultation on GHFF has not been undertaken to a large extent. The referral process is the opportunity for comment on the action and The Plan. It is anticipated that the majority of residents would not find the colony disturbing but do not live in the immediate vicinity of the camp and as such only local</p>

Submission	Key Points	EGSC Response to Submission
		residents are affected.
	10.6 Are the residents of Bairnsdale informed about all things pertaining to GHFF?	10.6 EGSC are not wildlife managers and provision of information pertaining to GHFF are handled by the DEPI or enquirers are directed to the website of the DEPI. See Section 8.1 of The Plan. EGSC has committed to provide information on GHFF as part of The Plan.
	10.7 Has anyone researched how many people actually go to see GHFF at the site?	10.7 EGSC has not undertaken any visitor number research pertaining to the GHFF colony and its visitation rate.
11	11.1 There will be impact on the GHFF population as death will occur with no roosting area. This is not 'no or minimal impact' as stated in The Plan.	11.1 The staged approach has been developed to allow GHFF time to adjust and/or find another roost site that can support the summer population. The surrounding revegetation will be able to provide some temporary roost while GHFF adjust. EGSC agrees that, due to familiarity, the bats will return to the Mitchell River site for as long as roosting suitable habitat remains. EGSC also agrees that removing the poplar trees will progressively reduce the area and therefore the carrying capacity of the habitat. EGSC's proposed staged action is expected to prompt a response from the GHFF colony. Possible scenarios are that the GHFF colony may undertake is movement into surrounding vegetation, fragmentation across a wider area or abandonment of the camp. Protocols have been established to ensure that the action presents an acceptable risk to the species by timing actions to avoid sensitive periods in the species reproductive cycle. There is no evidence to suggest that 'thousands of these animals will fly around until they are totally exhausted and will die'. The species is highly mobile and is able to move vast distances to find suitable camp sites throughout the year in response to food availability, climate and stages of the reproductive cycle. Therefore, it is likely that most GHFF have roosted in multiple camps and know of their locations and will reside in these camps or settle at a new camp site (Tidemann and Nelson 2004).
	11.2 Why wasn't the problem with the Poplars acknowledged in the early stages of the revegetation work?	11.2 It has been acknowledged in <i>Mitchell River Environs Local Structure and Development Plan 1998</i> and also in <i>Riparian Management Guidelines: Lower Mitchell and Lower Tambo Rivers 2004</i> that the Poplars needed to be removed as part of revegetation effort along the corridor.
	11.3	11.3

Submission	Key Points	EGSC Response to Submission
	Why wasn't planting native trees amongst the Poplar instigated in 2003 allowing growth prior to the proposed action?	Revegetation within the stand of Poplar would have been ruined when works commenced to fell mature Poplars. The vegetative characteristics of White Poplar and other invasive species would outcompete any native species that could be utilised.
	11.4 Research into the Mitchell River roost site.	11.4 Given the senescing nature of the vegetation at the camp site, it is not likely to be a suitable roost site for GHFF in the longer term. EGSC has assessed management options for the colony at the site. While detailed research into noise levels and the option for buffers between residents and the colony has not been undertaken, these studies are not deemed to be of high value due to the limited lifespan of the roost site and the incompatibility of the camp's predominant vegetation with Council's strategy for revegetating the Mitchell River riparian zone. It is not the concern of residents in relation to disease, noise and smell that is the main driver for the proposal to relocate the camp. The main concern of EGSC is the condition of the existing roost trees which are deemed a public safety risk and the inappropriate nature of the vegetation from the perspective of revegetation of the Mitchell River with indigenous plant species.
	11.5 Arborist report advice is not heeded given a ULE of 5-10 years	11.5 Vegetation is declining in health on site. EGSC agrees that the Arborist report undertaken in 2010 highlights a minimum of 5 ULE for all trees assessed. The report also highlights at the time of the report all trees were stressed, most likely due to presence of GHFF. The report also states "It's hard to determine the useful life expectancy for the majority of trees as the health of these trees will most likely be determined by the number of Flying Foxes that frequent the area". Given that the ULE is still very low at 5 years in 2010, EGSC expects that the decline of the site will be ongoing and require management before 2015.
	11.6 Was any consideration given to or research carried out with regard to the GHFF campsite and how it could be replaced with minimal disturbance?	11.6 It is considered that the staged approach takes into account consideration of all factors relating to the campsite. See Sections 5.6, 9.1 and 11.3
12	12.1 An assessment of how the Bairnsdale colony fits in with the social order of GHFF	12.1 EGSC are land managers and rely on other organisations to research and monitor native wildlife. EGSC consider that assessment of the ecological characteristics of the GHFF population should be undertaken by persons qualified to undertake scientific research. EGSC are happy to work in

Submission	Key Points	EGSC Response to Submission
	<p>across their range should have been undertaken.</p> <p>With consideration to</p> <p>a) reduction in size of GHFF at Mitchell River affect viability of other GHFF colonies</p> <p>b) forced cohabitation with Black Flying-fox</p> <p>c) competition with other GHFF within the range cause decline of other species</p> <p>d) increased incidence of mortality from disease with constriction of sites amongst GHFF</p> <p>e) importance of large colonies for the survival of the species?</p> <p>f) total numbers needed for survival of the species</p>	<p>with any research by qualified scientific professionals.</p> <p>a) GHFF camps are comprised of many individual bats which regularly move between camps throughout their national distribution. Broad-scale movement of individuals between camps is a feature of the species' spatial ecology. The count data collected for the Mitchell River camp demonstrates the highly variable nature of the numbers within the camp over time. For this reason, the permanent loss of or reduction in the size of the Mitchell River GHFF camp is unlikely to threaten the species at a national level or even at a state level. Similarly, the habitat removal program is not likely to affect the viability of GHFF camps elsewhere in the species' range. The fluid nature of the composition of colonies and the highly mobile nature of the species suggests that the bats will either find an alternative existing camp and reside there or establish a camp at a new location.</p> <p>b&c) Grey-headed Flying-foxes frequently occur in mixed-species camps with Black Flying-foxes. The two species have probably coexisted in this way for millennia where their ranges overlapped in central Queensland. However, Black Flying-foxes are increasing their distribution through a southward range extension and there is evidence that they may now be competing and displacing GHFF. The dispersal of GHFF from the Mitchell River site is not likely to lead to a marked increase in competition with Black Flying-foxes over what is already occurring due to processes such as climate change that is facilitating the southward migration of Black Flying-foxes (DECC 2009).</p> <p>d) There is no evidence to suggest that the loss or diminishment of the Mitchell River camp will result in increased disease prevalence in the GHFF population. It is important to note that within their distribution, GHFF occur as one large, highly mobile population with a high degree of exchange of individuals between camp sites. Dispersal of animals from the Mitchell River camp to these new locations is therefore not likely to lead to increase in disease prevalence or mortality over and above what is already occurring.</p> <p>e&f) Large colonies (camps) are clearly important to the survival of GHFF. Camps are used as daytime refugia for the bats, for socialisation, conception, birth and rearing young. The EGSC acknowledges that the camp site on the Mitchell River is important habitat for GHFF, although identification of critical habitat for this species has not been defined under the EPBC Act or in any approved or finalised National Recovery Plan for the species. The effect that fragmentation of this colony such that it splits up and establishes several new, smaller colonies or joins other existing</p>

Submission	Key Points	EGSC Response to Submission
	<p>g) the trend towards increasing urbanisation threaten the species or the associated dependant flora</p> <p>h) chemical pollution in urban areas where GHFF locate affect their mortality, vulnerability to disease or reduce breeding success</p>	<p>colonies is unknown but it is important to bear in mind that the latter already occurs as (i) GHFF are not always present at the Mitchell River camp (therefore the individuals must be at another colony or colonies in their range) and (ii) the number of bats at the Mitchell River camp varies significantly both monthly and annually suggesting that the bats are adapted to having variable numbers within the camp site and hence this is not considered likely to affect the survival of the species. An assessment of the importance of the Mitchell River camp relative to other camps within the species' range has not been undertaken but it is unlikely that its removal is likely to result in a decline of the species at a national scale.</p> <p>g) EGSC are not sure of the context of this question and its relevance to the proposal. This is philosophical question relating to the species changing ecology and it is not appropriate to address it here.</p> <p>h) EGSC are not sure of the context of this question and its relevance to the proposal. This is philosophical question relating to the species changing ecology and it is not appropriate to address it here.</p>
	12.2 None of the options have been costed.	12.2 All options have been preliminarily costed for a comparison of each option against one another. The staged replacement option is preferred with consideration to cost and GHFF welfare.
	12.3 The effects of the staged removal may be more detrimental than a one-off replacement.	<p>12.3 The staged removal was developed in response to concern about the effects of one-off revegetation to GHFF upon their return to the Bairnsdale site regarding their welfare. This option does consider the possible effects of the proposed action on GHFF.</p> <p>EGSC acknowledges that GHFF may settle at a new site that is inappropriate from the perspective of the welfare of the bats and local residents. An assessment will be made as the appropriateness of the site or sites in which the colony establishes. A site analysis will be undertaken to see if the site meets the ecological requirements for GHFF longer term. If a site is deemed to be inappropriate, the bats will be dispersed until they settle at a site that is deemed to be appropriate. All activities have been developed with the welfare of the bats in mind and include stop work triggers and protocols to ensure the health and wellbeing of the bats is</p>

Appendix 10 - Permit issued under *Environmental Protection and Biodiversity Conservation Act 1999*



Australian Government
Department of the Environment

Approval

East Gippsland Shire Council Poplar Removal Program – Grey-headed Flying-fox (*Pteropus poliocephalus*) Summer Camp, Bairnsdale, Victoria (EPBC 2009/5017).

This decision is made under sections 130(1) and 133 of the *Environmental Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted East Gippsland Shire Council

proponent's ABN 81 957 967 765

proposed action To remove 0.5 hectares of poplar trees as part of the East Gippsland Shire Council poplar removal program which provide a 'summer camp' roost site for Grey-headed Flying-foxes (*Pteropus poliocephalus*) in Bairnsdale, Victoria [see EPBC Act referral 2009/5017].

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved.

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 1 July 2022.

Decision-maker

name and position James Tregurtha
Assistant Secretary
South-Eastern Australia Environment Assessments Branch

signature

date of decision 11 APRIL 2014

Conditions attached to the approval

The following measures must be taken to ensure the protection of **listed threatened species and communities** (sections 18 & 18A), specifically the **Grey-headed Flying-fox (Grey-headed Flying-fox)**:

1. The person taking the action must not remove or adversely impact more than 0.5 hectares of **Grey-headed Flying-fox habitat** at the **Mitchell River Roost Site**.
2. Prior to the **removal of habitat** the person taking the action must submit the **Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan** to the **Department** for approval. The person taking the action must implement and comply with the approved **Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan**.
3. The person taking the action must ensure that:
 - a) Prior to the **removal of habitat** at the **Mitchell River Roost Site** a **Hotline** with a dedicated contact phone number and email address is set up to respond to public enquiries;
 - b) Prior to the **removal of habitat** at the **Mitchell River Roost Site** the Wellington Shire Council is notified of the proposal and provided with contact details to respond to enquiries;
 - c) Undertake revegetation of long-term **Grey-headed Flying-fox habitat** within the **Bairnsdale region**, in accordance with expert advice on **Grey-headed Flying-fox** ecology, subject to negotiation with and approval by, the **Department**. If a long-term **Grey-headed Flying-fox** camp is not established within the **Bairnsdale region** then revegetation or improvement of **Grey-headed Flying-fox habitat** within the **Bairnsdale region** must be undertaken; and
 - d) At least \$5,000 is spent on community education resources relating to **Grey-headed Flying-fox**, including, but not limited to, educational signage at a site of **Grey-headed Flying-fox habitat** within twelve months of the completion of Stage Three (as detailed in the **Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan**).
4. If, following the **removal of habitat** at the **Mitchell River Roost Site**, the person taking the action proposes to undertake a separate **dispersal** then a management plan must be submitted for the **Minister's** approval. The management plan must be approved by the **Minister** prior to the commencement of **dispersal** activities. At a minimum, the plan must address:
 - a) Proposed methodology for **dispersal**;
 - b) Potential direct, indirect, cumulative and facilitative impacts to **Grey-headed Flying-fox** from the proposed **dispersal** activity;
 - c) The presence of pregnant **Grey-headed Flying-fox**;
 - d) The presence of **dependant young**;
 - e) A commitment that the **dispersal** will not be undertaken on a **Hot Day** or on or within two days of a **Heat Stress Event**;
 - f) Proposed avoidance and mitigation measures addressing potential impacts to **Grey-headed Flying-fox**, which must at a minimum include, **stop work triggers**; and
 - g) Monitoring and reporting protocols.

Condition 4 does not apply to an **emergency dispersal**.

5. The person taking the action may undertake an **emergency dispersal**. Unless otherwise negotiated with the **Minister** and approved, an **emergency dispersal** must be undertaken in accordance with the following requirements:
 - A **suitably qualified ecologist** must be engaged to advise of best practice **dispersal** methodology;
 - During **emergency dispersal** a **suitably qualified ecologist** must be present to oversee best practice **dispersal** methodology, undertake **behavioural monitoring** and document the outcomes of the process;
 - During **emergency dispersal** the person taking the action must comply with all recommendations and guidance from a **suitably qualified ecologist**;
 - **Emergency dispersal** must not be undertaken between 1 August and 30 September;
 - For the period 1 October to 31 March in any given year, **emergency dispersal** activities must not be undertaken if **flightless dependant young** are present (as determined by a **suitably qualified ecologist**);
 - **Emergency dispersal** must be undertaken 1.5 hours pre-dawn and finish one hour post-dawn to ensure **Grey-headed Flying-fox** have time to settle elsewhere before the heat of the day;
 - **Emergency dispersal** must not be undertaken during a **Hot Day** or on or within two days of a **Heat Stress Event**;
 - Once **Grey-headed Flying-fox** have not returned to the site of **emergency dispersal** for more than five consecutive days and while absent from the site of **emergency dispersal**, the person taking the action must implement **passive measures**; and
 - Within five days of the completion of **emergency dispersal**, the person taking the action must submit a report to the **Minister** detailing the **dispersal** methodology implemented and the outcome achieved.
6. One month prior to the commencement of Stage Two (as detailed in the **Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan**) and on the same date every subsequent year in which **removal of habitat** or **emergency dispersal** occurs, the person taking the action must submit a report to the **Minister** that addresses the following:
 - a) Details of the activities undertaken that year relating to **removal of habitat** or **emergency dispersal**;
 - b) Details of the associated outcomes of these activities;
 - c) The data collected (in accordance with these conditions of approval and the **Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan**);
 - d) Information about the health, condition and location of **Grey-headed Flying-fox** colonies in the **Bairnsdale** region;
 - e) Details of how information gained has been incorporated into the future management of **Grey-headed Flying-fox** (adaptive management), including, but not limited to, the future **removal of habitat** or **dispersal** activities associated with the action;
 - f) Details of any activities planned to occur in the following year;
 - g) Written and signed confirmation by a **suitably qualified ecologist** verifying the accuracy of the data, information, analysis and conclusions contained within the report; and
 - h) Raw data must be made available to the **Department** upon request.
7. Five days prior to the commencement of the action, the person taking the action must advise the **Department** verbally and in writing of the actual date of **commencement**.

8. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department's** website. The results of audits may also be publicised through the general media.
9. Within three months of every 12 month anniversary of the **commencement** of the action, the person taking the action must publish a report on their website addressing compliance with each of the conditions of this approval, including implementation of any management plans as specified in the conditions. Documentary evidence providing proof of the date of publication and non-compliance with any of the conditions of this approval must be provided to the **Department** at the same time as the compliance report is published. Non-compliance with any of the conditions of this approval must be reported to the **Department** within 48 hours of the non-compliance occurring.
10. Upon the direction of the **Minister**, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the **Minister**. The independent auditor must be approved by the **Minister** prior to the commencement of the audit. Audit criteria must be agreed to by the **Minister** and the audit report must address the criteria to the satisfaction of the **Minister**.
11. If the person taking the action wishes to carry out any activity otherwise than in accordance with the management plans as specified in the conditions, the person taking the action must submit to the **Department** for the **Minister's** written approval a revised version of that management plan. The varied activity shall not commence until the **Minister** has approved the varied management plan in writing. The **Minister** will not approve a varied management plan unless the revised management plan would result in an equivalent or improved environmental outcome over time. If the **Minister** approves the revised management plan, that management plan must be implemented in place of the management plan originally approved.
12. If the **Minister** believes that it is necessary or convenient for the better protection of **listed threatened species and communities** to do so, the **Minister** may request that the person taking the action make specified revisions to the management plans specified in the conditions and submit the revised management plans for the **Minister's** written approval. The person taking the action must comply with any such request. The revised approved management plan must be implemented. Unless the **Minister** has approved the revised management plan, then the person taking the action must continue to implement the management plan originally approved, as specified in the conditions.
13. If, at any time after five years from the date of this approval, the person taking the action has not **substantially commenced** the action, then the person taking the action must not **substantially commence** the action without the written agreement of the **Minister**.
14. Unless otherwise agreed to in writing by the **Minister**, the person taking the action must publish all management plans referred to in these conditions of approval on their website. Each management plan must be published on the website within one month of being approved.

Definitions

Bairnsdale Grey-headed Flying-fox Roost Site Strategic Management Action Plan means the document titled *Mitchell River Revegetation Program, Bairnsdale Grey-headed Flying Fox Roost Site, Strategic Management and Action Plan, East Gippsland Shire Council, 2014*.

Bairnsdale Region means the administrative district of the city of Bairnsdale.

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Behavioural monitoring means the monitoring by a suitably qualified ecologist of Grey-headed Flying-fox behaviour to identify behaviour outside of normal patterns of behaviour and changes in those patterns. As a guide, behaviour outside of normal patterns may include Grey-headed Flying-fox exhibiting sickness, malnutrition, abnormal flight, disorientation, injury, aggression towards a person undertaking an activity evidence of abandoned young, evidence of aborted young or, at worst case, death.

Commencement means any preparatory works associated with the removal of habitat from the Mitchell River Roost Site, such as the tagging of trees, introduction of machinery or clearing of vegetation, excluding fences and signage.

Department means the Australian Government Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Dependant young means:

- Newborn – totally dependent and carried by mother;
- Flightless dependant young – dependent on mother, but no longer carried large distances, unable to move easily around the camp; and
- Flying dependant young – dependent on mother, but able to move around the camp, can fly short distances.

Dispersal means any action, including, but not limited to, active physical harassment, taken to remove Grey-headed Flying-fox from a site of habitation.

Emergency dispersal means a dispersal response to be undertaken if Grey-headed Flying-fox relocate to an area where:

- a) Public health is at immediate risk (this includes, but is not limited to, within 100 metres of a hospital or educational institution);
- b) There is potential for the spread of disease through vectors (this includes, but is not be limited to, within 100 metres of a racecourse or horse stud property); and
- c) Anything else, as agreed with the Department.

Grey-headed Flying-fox means the native flying-fox species *Pteropus poliocephalus* listed as vulnerable under the *Environmental Protection and Biodiversity Conservation Act 1999*.

Grey-headed Flying-fox habitat means any patch of land, including non-native vegetation, which may be used by the native flying-fox species *Pteropus poliocephalus* listed as vulnerable under the *Environmental Protection and Biodiversity Conservation Act 1999*, to forage, breed, shelter or disperse, as determined by a suitably qualified ecologist.

Flightless dependant young means Grey-headed Flying-fox that are dependent on their mother, but no longer carried large distances and that are unable to move easily around the camp.

Heat Stress Event means a hot weather event lasting one day or more that is extremely stressful and harmful to animals, defined as when temperatures exceed 35°C before 31 December or 38°C over consecutive days from 1 January.

Hot Day means a day when the ambient temperature is predicted to reach 30°C before 10am AEST, or reach greater than 35°C over the day.

Hotline means a point of contact, where members of the public can contact the person taking the action to report any injured Grey-headed Flying-fox, the establishment of a new camp of Grey-headed Flying-fox and to discuss general concerns regarding Grey-headed Flying-fox.

Listed threatened species and communities means a matter listed under sections 18 and 18A of the *Environment Protection and Biodiversity Conservation Act 1999*, specifically the **Grey-headed Flying-fox**.

Mitchell River Roost Site means the 0.5 hectare area defined at [Appendix A](#) as **Grey-headed Flying-fox habitat** along the Mitchell River, Bairnsdale, within which **removal of habitat** is to occur.

Minister means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999* and includes a delegate of the Minister.

Passive measure means actions that do not involve active physical harassment of **Grey-headed Flying-fox**, which allow for ongoing maintenance of a successful dispersal area and that act as a deterrent against the animals re-establishing at the site, including, but not limited to, the trimming of branches and removal of limbs. It does not include the permanent **removal of habitat** critical to the survival of **Grey-headed Flying-fox**.

Removal of habitat means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ring-barking, uprooting or burning of **Grey-headed Flying-fox habitat**.

Stop work triggers means site or animal conditions that indicate that the activity should cease.

Substantially commence means the **removal of habitat** at the **Mitchell River Roost Site**.

Suitably qualified ecologist means a practising ecologist with tertiary qualifications from a recognised institute and demonstrated expertise in scientific methodology, animal or conservation biology in relation to the **Grey-headed Flying-fox**.

Appendix A





Australian Government
Department of the Environment

VARIATION TO CONDITIONS ATTACHED TO APPROVAL

East Gippsland Shire Council Poplar Removal Program – Grey-headed Flying-fox (*Pteropus poliocephalus*) Summer Camp, Bairnsdale, Victoria (EPBC 2009/5017).

This decision to vary conditions of approval is made under section 143 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Approved action

Person to whom the approval is granted	East Gippsland Shire Council ABN: 81 957 967 765
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Approved action	To remove 0.5 hectares of poplar trees as part of the East Gippsland Shire Council poplar removal program which provide a 'summer camp' roost site for Grey-headed Flying-foxes (<i>Pteropus poliocephalus</i>) in Bairnsdale, Victoria [see EPBC Act referral 2009/5017].
------------------------	--

Variation

Variation of conditions of approval	The variation is: Delete condition 4 attached to the approval dated 11 April 2014 and substitute the condition specified below.
--	--

Date of effect	This variation has effect on the date the instrument is signed
-----------------------	--

Person authorised to make decision

Name and position	Shane Gaddes Assistant Secretary Compliance and Enforcement Branch
--------------------------	--

Signature	
------------------	--

Date of decision	10 April 2015
-------------------------	---------------

Condition attached to the approval

see over.

Condition attached to the approval

4. If the person taking the action proposes to undertake a **dispersal** then a management plan must be submitted for the **Minister's** approval. The management plan must be approved by the **Minister** prior to the commencement of **dispersal** activities. At a minimum, the plan must address:
 - a) Proposed methodology for **dispersal**;
 - b) Potential direct, indirect, cumulative and facilitative impacts to **Grey-headed Flying-fox** from the proposed **dispersal** activity;
 - c) The presence of pregnant **Grey-headed Flying-fox**;
 - d) The presence of **dependant young**;
 - e) A commitment that the **dispersal** will not be undertaken on a **Hot Day** or on or within two days of a **Heat Stress Event**;
 - f) Proposed avoidance and mitigation measures addressing potential impacts to **Grey-headed Flying-fox**, which must at a minimum include, **stop work triggers**; and
 - g) Monitoring and reporting protocols.

Condition 4 does not apply to an **emergency dispersal**.

5.2.4

Draft East Gippsland Sporting Facilities Plan

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

The draft East Gippsland Sporting Facilities Plan (EGSFP) provides a strategic, evidence-based approach to the development and management of sporting infrastructure across East Gippsland. The Plan complements similar planning undertaken for Bairnsdale that has driven sporting facility improvements over the past five (5) years.

The Plan focuses on sports and facilities that are typically played at locations where multiple organised sports take place. Activities such as motor sports, equestrian and golf are not analysed within this report as they are typically conducted at stand-alone facilities with minimal interaction with other sports. As such, stand-alone master plans and specialist sports plans are more appropriate for these activities. This said, the planning principles within this Plan provide a strong framework for all sporting facility planning.

The Plan consists of several components. The *context and background*, and *policy framework* provide an overarching, evidence-based strategy to be applied to the planning, design, and development of all sporting facilities across East Gippsland. In particular, the *sports facility planning principles* provide strong guidance and key considerations for planning and managing these facilities.

The EGSFP provides a place-based analysis of sporting facilities and analysis of needs in the districts of:

- Lakes Entrance
- Paynesville
- Omeo
- Orbost
- Lindenow

Based on this analysis, seven Masterplans for reserves and facilities within these districts were developed. It is acknowledged that there are many more sporting facilities sites across the Shire, however the masterplan sites were selected based on the complexity of sites. For all other sites, the framework is designed to provide clear guidelines for future masterplan development, noting that several other facilities already have a masterplan in place.

The draft EGSFP also includes a detailed community engagement report (see pages 19-25 of **Attachment 1**). Engagement included multiple meetings with community sporting clubs and groups, as well as State sporting associations. The first draft plan was presented to user groups and a number of changes were made based on feedback from these groups.

The updated draft EGSFP has been provided to sporting groups and other key stakeholders for final review. The draft Plan is now presented to Council for formal consideration.

Once adopted the Plan will be used in a number of ways including:

- Informing future capital works programs;
- Prioritising external funding submissions;
- Informing Asset Management Plans and maintenance regimes;
- Informing future revisions of the Annual Allocations Policy (contributions made by Council to Committees of Management); and
- Drafting additional policies to support Council's position on support for non-council facilities.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. adopts the draft East Gippsland Sporting Facilities Plan, provided as Attachment 1.***

Background

The prioritisation of the development and management of community infrastructure provision, across a range of sports and recreation facilities, is always complex. Competing priorities across sports and individual clubs means there are regular requests for major upgrades and new facilities.

East Gippsland has the additional challenge of a large number of localities spread across a vast area, meaning Council must balance the needs, equitable access, variety, quality, with the ongoing costs and resources required to develop, manage, and replace.

The EGSFP seeks to provide an evidence-based approach to this prioritisation and management. The Plan reviews existing facilities, participation rates, and management, examines trends and needs, looks at best practice, and provides recommendations for future actions.

This approach mirrors the Bairnsdale Sporting Facilities Plan developed in 2018 and is seen as Stage 2 of this work. Already it is evident that the Bairnsdale Plan strategy has been instrumental in guiding the prioritisation of upgrades and obtaining external funding for a number of infrastructure projects including the WORLD development, Lucknow Recreation Reserve pavilion and courts, East Gippsland Gymnastics Centre, Bairnsdale City Oval Peppercorn Park expansion and female friendly changeroom upgrade.

Looking forward, the Plan does not lock Council into a timeline for development, it is a long-term 15+ strategic approach to development (noting there are over \$30 million of projects identified). The value of the plan is that it provides clear prioritisation and scoping of projects to inform the development of future budget and funding bids.

Officers will also work with sporting facilities where a masterplan was not developed as part of this project to either progress or review their existing Plan.

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*, part 3, Council decision making;

56. *The community engagement principles*

The following are the community engagement principles

- (a) a community engagement process must have a clearly defined objective and scope;*
- (b) participants in community engagement must have access to objective, relevant and timely information to inform their participation;*
- (c) participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;*
- (d) participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;*
- (e) participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.*

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

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has not been prepared in collaboration with other Councils or Stage Government.

Council Plan

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

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

Council Policy

The development, and implementation of the EGSFP is closely linked with the following Policies and Strategies:

- Advocacy Policy
- Community Engagement Policy
- Annual Allocations Policy
- Asset Management Policy and Strategy

The Plan once formalised would also be used to inform future reviews of some of these policies and creation of additional policies where gaps are identified.

Options

Council has a range of options available to it including:

- Option 1: Council adopts the draft EGSFP (preferred).
- Option 2: Council seeks further amendments to the draft EGSFP to be presented at a future Council meeting for reconsideration.
- Option 3: Does not adopt the draft EGSFP.

Resourcing

Financial

There are no direct financial implications associated with adopting this EGSFP.

The projects recommended within the Plan will be subject to further budget consideration by Council during the preparation of the Annual Budget and Capital Works program.

In addition, as evidenced by the Bairnsdale Sporting Facilities Plan, it is anticipated that the Plan will strengthen external funding applications and guide Council's own investment in facilities.

Plant and equipment

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

Human Resources

This plan provides clear direction and prioritisation for future sporting facility development supporting efficient program development and community engagement, in particular in response to requests for new projects.

Risk

The risks of this proposal have been considered and have been addressed through a comprehensive community engagement process.

Economic

The development and effective management of sport and recreation facilities has several broad economic impacts. With sport being an important factor in many people's lives, suitable facilities within a township or district can be a factor in attracting individuals and families to the region. This is particularly pertinent in smaller more remote communities.

The provision of good quality and functional facilities provides the capacity for events and tournaments within the region. The hosting of an event can see hundreds or more visitors to a community over a weekend extended period bringing an economic boost. To attract these events, it is becoming more and more important to ensure reasonable quality change facilities and social space, as well as functional and safe sporting infrastructure.

Social

The social impact and benefits of sport and recreation are well documented. The social interaction created through participation in both sporting activities, as well as club atmospheres fosters relationships, community cohesiveness, and a sense of pride and belonging.

Social benefit is a key driver of EGSFP. The principle of participation and diversity guides the prioritisation of access for all, and for a variety of activities. The focus on multi-use facilities, aside from the financial benefits, promotes interaction between clubs and sports rather than just within their own groups.

Gender Impact Statement

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

Environmental

The EGSFP has considered the impact of sporting facilities on the environment as well as the impact of climate change on location and design of facilities.

Climate change

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

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

Engagement

Extensive community engagement was conducted in the development of this EGSFP. Section 4 of the draft EGSFP describes this engagement process and Appendix 3 to the Plan provides an overview of the views of the various sporting groups engaged with (see pages 19-25) (**Attachment 1**).

The engagement process included multiple meetings with community sporting clubs and groups, as well as State sporting associations. The first draft EGSFP was presented to user groups and a number of changes were made based on feedback from these groups.

Broader consultation was then undertaken at a whole community level, with a YourSay page established for feedback, and a survey established to capture feedback. There were 110 submissions received through this whole community engagement process.

The information collected during the first and second phases of consultation helped inform the development of the draft EGSFP and associated draft recreation reserve master plans. A further round of consultation was then held with the committees of management and participating sport representatives to further revise the draft master plans.

The updated draft EGSFP provided as **Attachment 1** has been provided to sporting groups and other key stakeholders for final review.

Attachments

1. East Gippsland Sporting Facilities Draft Plan Final Report (November 2023) [**5.2.4.1** - 92 pages]

East Gippsland Sporting Facilities Plan

October 2023



The preparation of the East Gippsland Sporting Facilities Plan was made possible with funding from the Victorian Government

Acknowledgement of Country

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and 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 values 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.

Acknowledgements

The involvement and assistance provided by reserve committees, user groups and other stakeholders is appreciated.

The project was managed by East Gippsland Shire Council through a Project Reference Group comprising the following members:

- Wayne Richards – EGSC (Manager Community Facilities and Open Space)
- Sophie Beasley – EGSC (Community Infrastructure Projects Planner)
- Mick Myer – Sport and Recreation Victoria
- Clinton Kennon – Cricket Victoria
- Judi Buhagiar – Netball Victoria
- Jade Ellams – Tennis Victoria
- Alice Pepper – Bairnsdale Regional Unlimited Sports
- Rod Twinning – East Gippsland Football Netball League & Omeo District Football Netball League

Special mention to Wayne Richards and Sophie Beasley (Project Manager) from Council for their input and guidance to develop the plan.

East Gippsland Sporting Facilities Plan

About this document

In 2016, the East Gippsland Shire Council commenced a comprehensive planning process to understand the current and future sporting needs of Shire residents, and to assess whether the current provision of facilities and their distribution had the capacity to absorb the projected population growth of the Shire to 2036.

In 2018, the Bairnsdale Sporting Facilities Plan was adopted by Council and was the first stage of a two-stage process to complete the Shire-wide sporting facilities plan. The Bairnsdale plan has subsequently assisted Council to procure significant grant funding to renew ageing and non-compliant facilities in Bairnsdale, and to develop new facilities as a result of the evidenced-based research and study findings.

The onset and impact of the 2019 and 2020 bushfires that swept through East Gippsland Shire stalled the commencement of the second stage of sports facility planning, with other priorities associated with bushfire recovery taking precedence. This East Gippsland Sporting Facilities Plan is the culmination of the second stage of sports facility planning that commenced in 2021. It becomes a guiding framework for Council and other stakeholders for the delivery of an appropriate provision of facilities to meet the future sporting needs of Shire communities through to 2036 and beyond.

The plan recognises a relatively unique aspect of East Gippsland Shire, being that a large number of communities are distributed across a large area (10% of Victoria), with vast distances between many. In addition, the most populated communities within the Shire are located in the west of the Shire, which presents a significant challenge for Council and other stakeholders to provide equitable access to sporting facilities in a financially responsible manner.

The focus for this plan (stage two) was to respond to the sporting and active recreation needs of the communities of Lakes Entrance, Paynesville, Orbost, Lindenow/ Lindenow South and Omeo, as incorporating all sporting facilities within all East Gippsland Shire towns was not feasible. That said, all communities were considered throughout the study process, with sports facility improvement projects endorsed by Council in other communities incorporated into this report. In addition, this plan provides strong guidance for the planning for the future needs of communities in other towns and villages throughout the Shire currently without an existing plan. These will be considered on a case by case basis in the future using a similar methodology and sports planning principles adopted for the East Gippsland Sporting Facilities Plan.

It is important to note that projects proposed in the plan do not directly commit the East Gippsland Shire Council, reserve committees, sports groups, or any other organisations to a responsibility for their funding and implementation. Projects identified in the plan will need to be considered against other capital priorities.

Consultant Team



Richard Simon
Director, Simon Leisure Consulting (sports planning consultant)
Project Leader



Dion Gosling
Director, 106 Architects

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APPENDICES

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Appendix 3 – Sports Club Meeting Write-Ups
Appendix 4 – Lochiel Park Netball Court Development Plan (2021)

1. INTRODUCTION

East Gippsland Shire is currently experiencing an expansion and upgrade of many community sporting and active recreation facilities. This has been triggered, firstly, by the completion of the Bairnsdale Sporting Facilities Plan in 2018, and secondly, by significant external capital funding procured by Council and community sporting and recreation groups from Black Summer Bushfire grant programs and COVID pandemic stimulus grant programs.

Council initially started on the path of formulating a long-term and Shire-wide strategic sporting facilities plan in 2016 after receiving a Sport and Recreation Victoria grant to help fund the plan. The first stage of the plan was the completion of the Bairnsdale Sporting Facilities Plan in 2018. The grant funding received by Council and other groups in the past 2 – 3 years has brought forward the opportunity for new/ upgraded sports facility development, so it is now timely that Council undertake the second stage of its Shire-wide sporting facilities plan.

The focus of the East Gippsland Sporting Facilities Plan (stage two) is understanding and quantifying the sporting and active recreation needs of the balance of the Shire, particularly the needs of the communities in Lakes Entrance, Paynesville, Orbost, Lindenow/ Lindenow South and Omeo. The completion of stage two of the study now enables Council to consolidate the recommendations from both plans and to also incorporate facility improvement projects approved in other towns and districts throughout the Shire, and develop a single sporting facilities improvement plan for the whole Shire. It is important to note that many of the recommended projects may not be required or prioritised for 10 - 15+ years depending on need, condition of existing facilities and/or funding availability.

The Plan and Policy Framework are to be applied to the planning, design and development of all sporting facilities across East Gippsland. In particular the sports facility planning principles provide strong guidance for important considerations when planning these facilities.

This framework has been used to develop a number of master plans (seven) for key sport and recreation reserves considered more complex. This complexity is due to a range of factors, such as the population of the town and surrounding areas, changing community and population, constraints of the reserve, or changing uses of the reserve which mean that a strategic and holistic review of the reserve is essential. It is intended that the Plan and Policy Framework will be used to either develop individual

master plans, review existing master plans, or shape decision making about major works for many other sporting facilities across East Gippsland. These locations include reserves at Swan Reach, Mallacoota (existing master plan), Swifts Creek (existing master plan), Benambra, and others.

1.1. Planning Considerations

Factors considered during this planning project included, but were not limited to:

1. The overall regional role and importance of some sporting facilities to meet local and broader Shire sporting needs.
2. The general adequacy of existing sporting facilities to meet (or not meet) the current and future needs of communities, and conversely, where a lack of available facilities is constraining the growth in participation in some sports.
3. The broader trends in sports participation throughout Victoria pre and post the COVID pandemic, and the changing patterns of participation at a local level.
4. The broader strategic directions for sport currently being considered by State and Regional Sporting Associations/ Leagues.
5. The need for compliant sporting facilities to meet competition uses.
6. Investigate opportunities to maximise sporting facilities to be multi-functional by accommodating more than one sport or active recreation need, and minimise instances of exclusive use facilities or spaces.
7. Provide genuine opportunities for project stakeholders to inform the sporting facilities plan, including reserve committees, sport and recreation clubs, local residents of the seven townships, and other interested stakeholders.
8. For all improvement projects, embrace all-abilities access, active ageing, and gender equity principles, and Universal Design principles, CPTED principles, and ESD principles.
9. Sustainable facility development from the perspectives of both capital cost and ongoing management, ie. the capability of reserve committees to manage and maintain current and new/ upgraded facilities.

10. The outcomes of the Lakes Entrance Indoor Sporting Facilities – Feasibility and Options study (2021), and of other recent sports facility planning studies.
11. The capacity of sporting reserves to accommodate increased social recreation needs and uses to facilitate increased use by non-sporting users, including Emergency Management - whilst not designed specifically into the purpose and function of reserves historically, that reserves have the capacity to be areas of relief in the future.

The following sports were included in the project scope.

Athletics	Australian Football	Cricket
Croquet	Gymnastics	Hockey
Indoor Sports	Lawn Bowls	Soccer
Softball	Tennis	

These sports were included as they are typically held at locations that are conducive to share facilities, they are collectively the most popular community sporting activities undertaken by Shire residents, and are largely conducted on land owned and/or managed by Council. Other lower participation sports conducted on land owned and/or managed by Council will be subject to future planning based on the Policy Framework outlined in Section 2. For sports such as golf, equestrian, shooting sports, motor sports, and fishing, many are offered on private land or land owned and managed by others, and so Council has little influence over facility development.

The project required the preparation of master plans for seven reserves located within the seven townships in scope, and the identification of future directions for sports/ clubs not located at the master planned reserves. The project report also includes a list of other sporting facility improvement projects that are planned or are occurring in Shire townships and districts other than Bairnsdale, Lakes Entrance, Paynesville, Orbost, Lindenow, Lindenow South and Omeo, to ensure that the final plan consolidates all sports facility planning projects throughout the Shire.

1.2. Project Approach

A Project Reference Group was formed to oversee the management and direction of the project, and comprised of Council staff and representatives from sports peak bodies and other allied sport and recreation groups.

The project included the following nine phases during a project period that commenced in November 2021.

1. Site review and assessment of all current sporting facilities located in Lakes Entrance, Paynesville, Orbost, Lindenow/ Lindenow South and Omeo.
2. Review of relevant background reports and sports participation trends and research.
3. Engagement with reserve committees, sporting and recreation clubs, relevant Council staff, and other stakeholders (December 2021 to March 2022).
4. Sports facility needs analysis for each township.
5. Development of draft directions for sports facility provision in each township, including the preparation of seven reserve master plans, and the presentation of this information back to reserve committees, sporting and recreation clubs, Council staff and the Project Reference Group for feedback (October 2022).
6. Refinement of the sporting facilities plan directions, and their presentation to East Gippsland Shire Councillors for endorsement to place the draft study report and master plans on public exhibition.
7. Public exhibition of the draft study report and draft master plans for broader community review and feedback (April 2023 to May 2023).
8. Collation and review of feedback received.
9. Preparation of the final East Gippsland Sporting Facilities Plan.

1.3. Report Composition and Flow

This report has clustered all project background, general research and data, and an overview of the consultation completed to date into the first four sections of the report.

Sections 5 – 10 then drill-down to each township and include a town-specific sports facility needs analysis and description of the subsequent proposed directions and recommendations for sports facility provision in the town.

Section 11 lists other sports facility development projects occurring in or planned for other towns or villages throughout East Gippsland Shire.

2. EAST GIPPSLAND SPORTING FACILITIES PLAN – POLICY FRAMEWORK

This section outlines the policy for the framework for sports facility planning and provision in East Gippsland Shire, and incorporates:

1. Council's Role
2. Sports Facility Planning Principles
3. Sports Facility Provision Ratios

It was adopted by Council in 2018 with the Bairnsdale Sporting Facilities Plan. The policy components have been used to inform sports facility development directions for this study.

2.1. Council's Role

East Gippsland Shire Council's role in the provision of sporting facilities and services can be one or more of five key components listed in Table 1.

As was raised in the Bairnsdale Sporting Facilities Plan, Council has historically allocated only low amounts of capital improvement funds to projects located on land that is not Council-owned/ managed, including Crown land. Notwithstanding this, in recent years Council has strongly supported clubs and groups on Crown land reserves through project planning assistance, support to prepare grant applications, and have provided project management services for major capital projects, including at Swifts Creek Recreation Reserve and Buchan Recreation Reserve.

All sporting clubs in the East Gippsland Shire have little or no restrictions on membership and participation irrespective of whether the club is based at a Council-owned/ managed reserve or a Crown land reserve, that is, all Shire residents can join them. Importantly, a significant majority of clubs are operated and managed as not-for-profit entities by volunteers with only limited opportunities to raise revenue for capital improvements. These characteristics are symptomatic of clubs located on Council owned/ managed land, as well as clubs on Crown land and managed by local committees.

A key criteria to funding projects, or to endorse applications to external funding bodies, should be the impact that the funds will have on strengthening the sustainability of a sporting group, including maintaining or increasing current levels of participation in the sport, such as female participation

Table 1 - Role of Council in the Provision of Sporting Facilities

Planner	<i>Facilitate the planning, development and management of sport and recreation facilities and services to cater for identified community needs</i>
Provider	<i>Provide sport and recreation facilities and services through direct funding, shared funding, and facilitated funding and/or access arrangements</i>
Supporter	<i>Support reserve committees, clubs, other community groups, and management entities with the development, management and maintenance of sport and recreation facilities</i>
Partner	<i>Work with the community, education, private and government sectors to ensure that sport and recreation facilities meet community needs and optimise investment opportunities</i>
Advocator	<i>Advocate on behalf of reserve committees, clubs, other community groups, and management entities to decision-makers and funding organisations for the development of sport and recreation facilities that are supported by Council's strategic planning</i>

2.2. Sports Facility Planning Principles

Table 2 lists the principles that will underpin Council's support for the planning, design and management of sporting facilities throughout the Shire.

Table 2 – Principles for the Planning, Design and Management of Sporting Facilities

Increased Participation	<i>Council will support the development of facilities that will facilitate increased participation by Shire residents in sport and recreation activities</i>
Diversity	<i>Council will facilitate the provision of a range of sporting and recreation facilities across the Shire to firstly, ensure that the community has access to a variety of different sporting and recreation opportunities, and secondly, to cater for different levels of ability and need</i>
Multi-use and Shared Use	<i>Council will advocate strongly for and optimise the provision of sport and recreation facilities that are multi-use and can support shared use, where appropriate and practical. The development of single-use facilities will generally not be supported</i>
Accessible and Inclusive	<i>Sport and recreation facilities will be accessible to and encourage people of all ages, genders, ability and cultural backgrounds</i>
Environmentally Sensitive and Sustainable	<i>Sport and recreation facilities will be sited, designed and managed to enhance ecological values and sustainability outcomes, and embrace Ecologically Sustainable Development (ESD) Principles, where appropriate and practical</i>
Adaptable	<i>Sport and recreation facilities will be designed and managed to meet specific user requirements whilst also being flexible to meet changing community needs and aspirations</i>
Partnerships	<i>Council will adopt a collaborative and partnership approach with the community, schools, government agencies, peak sporting organisations and the private sector for the planning, provision and management of sport and recreation facilities</i>
Financially Responsible	<i>Financial viability and cost effectiveness of sport and recreation facilities will be considered in all aspects of their planning, development and management</i>
Strategic Justification	<i>Strategically supported by local or regional sporting plans and/or state sporting association facility plans to meet identified community needs and gaps. Where practical, develop and upgrade sporting facilities in accordance with peak bodies' preferred standards and guidelines</i>

2.3. Sports Facility Provision Ratios

Applying industry-accepted sports facility provision ratios is one method to assess the adequacy of the provision of sporting facilities in a defined area, such as a municipality, region or town, or to predict sports facility provision requirements for new and emerging communities. Whilst the primary purpose and application of provision ratios is to assist with the planning of infrastructure in the growth areas of the Melbourne Metropolitan Area, provision ratio benchmarking can still be a helpful high-level guide to assess the adequacy of the number of facilities available in a town or region, or to determine future needs.

The application of sports facility provision ratios was utilised during the preparation of the *Bairnsdale Sporting Facilities Plan*. They work on the basis of the estimated number of people required for one sports facility, for example, the provision ratio for football ovals is 1 oval for every 4,500 people. Benchmarks do not exist for all sports, and should not be used as the only criteria for assessing demand. Other important drivers of demand include the local rate of participation in the sport and the Statewide trend of participation, the demographic profile of a community ('old' vs 'young') and its projected population, and the quality, condition and distribution of existing facilities.

The sports provision ratios used for the *Bairnsdale Sporting Facilities Plan* and utilised for this study are listed in Table 3 (blue shaded sports have been added to the list for this study).

Table 3 – Sport Provision Ratios (East Gippsland Shire)

Sport	Provision Ratio
Bowling Green	1: 10,000
Cricket Oval	1: 3,500
Croquet Court	1: 16,500
Football Oval	1: 4,500
Hockey Pitch	1: 90,000
Indoor Court (basketball)	1: 6,500
Netball Court (outdoor)	1: 3,000
Soccer Pitch	1: 5,000
Tennis Court	1: 2,000

3. CONTEXT AND BACKGROUND

The East Gippsland Sporting Facilities Plan was informed by a number of planning considerations. This section provides an overview of the key planning factors and project context that have been considered and assessed during the project.

3.1. Background Reports and Plans

The following planning reports and strategies are important references to inform the future planning of sporting facilities in the East Gippsland Shire.

National & State Plans

- Sport 2030 – National Sport Plan, Australian Government (2018).
- Active Victoria 2022-2026, Sport and Recreation Victoria.
- The Value of Community Sport & Active Recreation Infrastructure, Sport and Recreation Victoria (2020).
- Fair Access Policy Roadmap, Victoria Government (2022).
- State Sporting Association facility standards/ guidelines.

Council Reports and Strategies

- Shaping the Future – Our Community Vision 2040.
- Council Plan 2021-2025.
- Ageing Well in East Gippsland 2017-2030.
- Well Placed for Wellbeing 2017-2021.
- Bairnsdale Sporting Facilities Plan (2018).
- Lakes Entrance Indoor Sports Facilities Feasibility and Options (2021, revised 2022).
- East Gippsland Emergency Relief Facilities Condition Report (2022).

Other Reports

- Gippsland Sport Census Report 2022, Gippsport.

A full review of each planning report is available in Appendix 1, whilst the key directions from two reports that directly inform the future planning for sporting facilities in East Gippsland are summarised below.

Bairnsdale Sporting Facilities Plan

The plan outlines a new vision for the future provision of sport and active recreation in Bairnsdale, with some recommendations having a Shire-wide relevance.

The plan notes Council's role in the future provision of sporting facilities and services as Planner; Provider; Supporter; Partner; and Advocate. It also supports the following principles for the planning and provision of sporting facilities, which has informed the planning for facilities in other townships throughout the Shire:

- Increased participation
- Diversity
- Multi-use and shared use
- Accessible and inclusive
- Environmentally sensitive and sustainable
- Adaptable
- Partnerships
- Financially responsible
- Strategic justification.

The plan supports the following key directions for sport in Bairnsdale:

1. Relocate Wy Yung sports clubs from the Wy Yung Recreation Reserve to West Bairnsdale Oval.
2. Redevelop West Bairnsdale Oval to provide a sports oval, two netball courts, a new pavilion and car parking.
3. Council to secure tenure of an expanded WORLD sporting precinct (*completed*), and redevelop the precinct to accommodate a new netball complex; (*completed*); upgraded hockey pitches, including a synthetic pitch and floodlights (*completed*); new/ upgraded netball-hockey pavilion (*construction commenced 2023*); and new soccer complex to become the new 'home' for the East Gippsland United Football Club.

4. Expand the number of courts at the Bairnsdale Aquatic and Recreation Centre from three courts to five compliant multipurpose courts, plus a show court.
5. Expand Lucknow Recreation Reserve to include a new passive open space area; two compliant netball courts (*completed*); new/ upgraded pavilion (*completed*); new gymnastics centre (*completed*); and upgrade the Bairnsdale Squash & Table Tennis Centre (*completed*).
6. Resurface the tennis courts at the Bairnsdale Tennis Centre, and upgrade the floodlighting (*partially completed*).
7. Investigate future uses for the western sports ground at Howitt Park following the relocation of the East Gippsland United Football Club.
8. Bairnsdale City Oval confirmed as the Shire's premier sporting venue, and upgrade the player change rooms (*completed*), upgrade Peppercorn Park oval surface and remove the perimeter fence (*under tender*) and install new LED floodlights (*under tender*); and improve accessibility around the entire reserve and to the Boolarumah Centre.

The report also recommends that Council vary its current practice of generally only funding facility improvement projects located on Council-owned/ managed land, and to broaden its support for all facility improvement projects that meet its funding criteria, irrespective of the status of the land ownership, ie. facilities located on Crown land reserves. The report suggests that a key criteria to funding projects, or to supporting funding applications from clubs/ groups located on non-council owned land, should be the level of impact that the funds will have on strengthening the sustainability of a sporting club/ group and/or to maintain or increase current levels of participation in the sport.

Much of the methodology and approach used to develop the Bairnsdale Sporting Facilities Plan has been adopted for this project.

Lakes Entrance Indoor Sports Facilities Feasibility and Options

The plan was completed in 2021 and provides directions and recommendations for new and upgraded indoor sports courts in Lakes Entrance to facilitate increased participation in indoor sport and recreation activities.

Research undertaken during the study showed that there is a shortage of indoor sports courts in Lakes Entrance, and that the following sports are unable to access courts in Lakes Entrance at suitable times for training or competitions: Badminton, Futsal, Indoor Netball and Volleyball. In addition, the Lakes Entrance Amateur Basketball Association currently turns away potential players and is unable to grow its junior and senior domestic competitions, its representative program, and introduce new programs targeting people not currently participating in Basketball, due to a lack of courts.

Of the three indoor sports courts available in Lakes Entrance:

- Two are at school sites with restricted access and one is council owned at the Lakes Entrance Youth & Recreation Centre.
- None are fully compliant for Basketball and Netball competition, with the key issues being:
 - Courts are undersized.
 - Court run-offs are too short.
 - Change rooms are either not available, and where they are available they are not adequate.

The study confirmed that there is a need for an additional 2 – 3 indoor sports courts in Lakes Entrance to meet the competition needs for Basketball and Futsal, and the training/ competition needs for Badminton, Indoor Netball and Volleyball. The study recommends:

1. That up to three new competition standard indoor multipurpose courts be constructed within the Lakes Entrance Aquadome precinct.
2. That the new stadium be used primarily for the competition requirements for Basketball, Netball and Futsal.
3. That the Lakes Entrance Youth and Recreation Centre be retained as the primary venue for Table Tennis, Volleyball, Badminton and other indoor sports, and be used as a training venue for Basketball, where capacity allows.
4. That courts located at school sites continue to be used as required by sporting clubs and community groups, under the management and conditions of each respective school.

3.2. Demographic Characteristics of East Gippsland Shire

A review was carried out of the population characteristics of East Gippsland Shire with the demographic profile for individual townships included in later sections of the report that deal with each respective towns sports facility needs analysis and recommendations.

- The estimated population of East Gippsland Shire in 2021 was 48,716 people¹, which is an increase of an estimated 3,679 people since 2016 (or 8.2%). All of Regional Victoria had an increase 7.7% for the same period.
- East Gippsland Shire has a lower proportion (15.1%) of young people (0–14 years) compared to all of Regional Victoria (17.6%), but a higher proportion of residents aged over 65 years (30.9%) compared to all of Regional Victoria (22.4%).

A key cohort for assessing the demand for sporting facilities is the 5–39 year age group, as research shows that most active sports participants who are club members fall within this age group². In 2021, East Gippsland Shire had a significantly lower proportion of 5–39 year olds when compared to all of Regional Victoria (32.6% to 40.5%).

Projected Population

Table 4 shows that East Gippsland Shire's population is projected to grow by an estimated 9,686 people to 2041, or an increase of 19.9%.

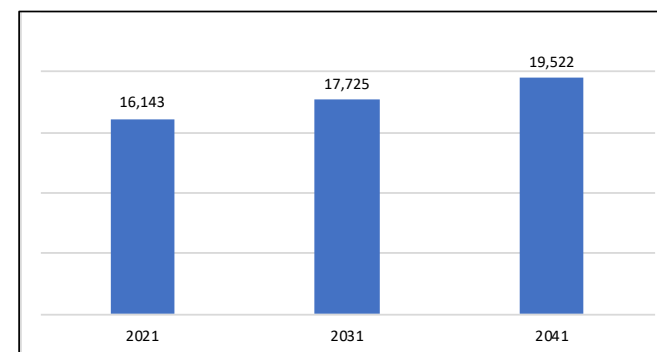
Table 4 – Population Forecasts (2021 to 2041)

Area	Population 2021	Population 2031	Population 2041	Change 2021-2041
East Gippsland Shire Council	48,716	52,692	58,402	9,686 (19.9%)

¹ Source: Community Profile and Population Forecast, id consulting, 2022.

Figure 1 shows the population projections for the active age cohort of 5–39 years to 2041, and indicates that an estimated additional 3,379 people will enter the active age cohort.

Figure 1 – Population Growth of Active Cohort to 2041 in East Gippsland Shire



3.2.1. Implications for Sports Facility Planning

East Gippsland Shire has a comparatively older age profile and a smaller proportion of its population in the active age cohort, so the overall demand for sporting facilities will be softer when compared to all of Regional Victoria.

Notwithstanding the older age profile and lower proportion of the population in the active age cohort, the population is projected to continue to grow to 2041, which will trigger a corresponding increase in the demand for sporting facilities throughout the Shire.

In the context of planning for future sporting facilities for the townships of Lakes Entrance, Paynesville, Orbost, Lindenow/ Lindenow South and Omeo, it will be important to identify where younger age profiles exist or are emerging, and to what level each town's population is projected to change to 2041.

² Source: AusPlay data, April 2019.

3.3. Sports Participation Trends

The following general trends of participation in sport and physical activity, and participation trends specific for the East Gippsland Shire, provide important context for the future demand for sporting facilities.

With the study commencing in 2021, it was agreed that participation data and trends to 2019 would be utilised due to the significant impact that the COVID pandemic had on participation rates in organised (club) sport in the three years of 2020 to 2022; to report downward trends in sports participation during this period would have misrepresented the likely actual rates of participation post-pandemic.

3.3.1. General Sports Participation Trends - Victoria

The *AusPlay* survey results for the period July 2018 to June 2019 highlighted the following relevant data for Victoria:

- Three of every four adults (15+ years) (75.5%) participate in sport and physical activity 2+ times per week, whilst nearly two thirds (64.6%) participate 3+ times per week.
- For adults, 18.7% participated in sport-related activities only³, 32.2% in non-sport related activities only⁴, while 40.2% participated in both sport and non-sport related activities.
- There was a significant difference between the participation of adult males and females with sporting clubs/ associations (see data below), and highlights the current preference that females have for non-sport activities.

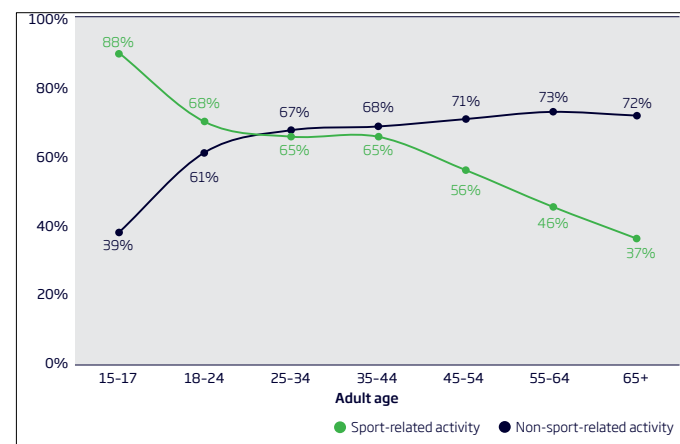
Gender	Sport	Fitness Club/ Gym
Male	31.0%	33.2%
Female	16.7%	38.5%

- Adults tend to play sports for longer durations than non-sport related physical activities, however, they participate in non-sport related physical activities more often than sport.

³ These are typically activities related to National Sporting Organisations, although the participant may or may not play the activity through an affiliation with a National or State Sporting Association

- Figure 2 shows that whilst sport remains an important form of activity throughout life, non-sport related physical activity becomes more important as we age.

Figure 2 - Adult Participation in Sport and Non-Sport Related Activity



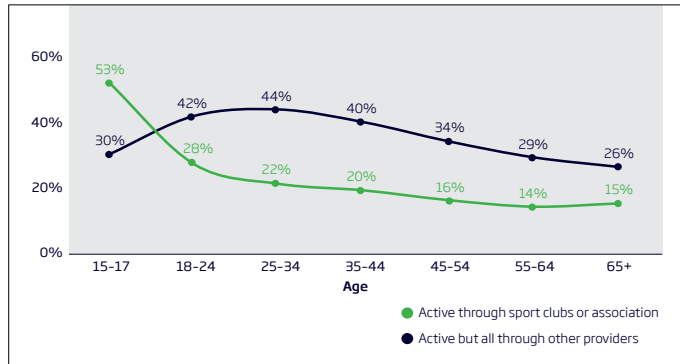
- For adults, Walking is the highest participated activity (see table).

Males		Female	
Activity	Participation Rate	Activity	Participation Rate
Walking	33.7%	Walking	55.9%
Fitness/ Gym	32.8%	Fitness/ Gym	42.0%
Athletics/ Jogging	18.7%	Swimming	15.9%
Cycling	16.6%	Athletics/ Jogging	14.1%
Swimming	13.0%	Cycling	10.0%

⁴ These are typically activities such as walking, gym/ fitness activities, bushwalking, etc.

- Figure 3 shows that sports clubs are not the main choice for participation in sport or physical activity in Australia for adults aged 18 years and over.

Figure 3 - Adult Participation Through Sport Clubs and Other Providers



- 62.7% of children (0-14 years) participate in sport and recreation at least once per week, 37.2% 2+ times per week, and less than a quarter (22.8%) 3+ times per week.
- For children, Swimming is the highest participated activity (see table).

Boys		Girls	
Activity	Participation Rate	Activity	Participation Rate
Swimming	38.9%	Swimming	45.4%
Football	26.3%	Dancing	21.1%
Basketball	14.5%	Gymnastics	16.1%
Soccer	14.5%	Netball	12.1%
Cricket	11.2%	Basketball	8.8%
Tennis	9.6%	Soccer	7.4%

⁵ VicHealth Indicators Survey is a Victorian community wellbeing survey conducted by VicHealth, which focuses on the social determinants of health. The survey includes a snapshot of wellbeing indicators for each local government area in Victoria.

- Sports clubs are the primary avenue for children to be active, however, boys (50%) are more likely to be active through a club than girls (33%).

There are many factors that influence sports participation or non-participation, and the strength of each factor can vary from one individual to another and across each person's life-span. Factors supportive of sports participation include:

- Parental and family support (children of active parents are more likely to be active).
- Peer interaction.
- Positive environment.
- Venue accessibility.

Factors that consistently appear as negative or contributing to non-participation or dropout include:

- Excessive travel.
- Expense of training and competition.
- Inconvenient training times.
- Environment that is 'too competitive'.

3.3.2. Sports Participation Trends (East Gippsland Shire)

There are only a couple of sports participation research projects conducted in recent years that are LGA-specific, and both are getting quite old. However, with 2019 sports participation data still considered the most accurate snap-shot of an LGA's sports participation profile (ie. pre the COVID pandemic), then both research outcomes still have merit.

The *VicHealth Indicators Survey (2015)*⁵ shows East Gippsland Shire residents participate in sport organised by a club or association at a higher rate compared to the average for all Victorian LGAs (11.8% to 9.8%).

However, for any organised physical activity, Shire residents have a participation rate that is significantly lower than the Victorian average (21.8% to 28.7%).

The following table shows the trend of participation by Shire residents in the 11 most popular Victorian sports between 2015 and 2020 as reported by the *VicHealth Sport Participation Research Project*⁶. The ranking only includes the 47 regional LGAs, as participation rates are generally higher in regional areas than metropolitan areas.

Year	EGS Participation Rate	Ranking
2015	16.5%	42 nd
2019	14.6%	43 rd
2020 (COVID-impacted)	7.5%	44 th

The table shows the impact of the COVID pandemic on participation rates in sport in 2020. Overall, the above study found that from 2015 to 2019 there was a substantial increase in sports participation, however, between 2019 and 2020 there was a 27% decrease in the number of sport participants, which represented a decline of more than 231,000 participants.

3.3.3. Impact of COVID Pandemic on Sports Participation

The COVID pandemic has impacted the rates of participation in all sports since the onset of sports participation restrictions from March 2020.

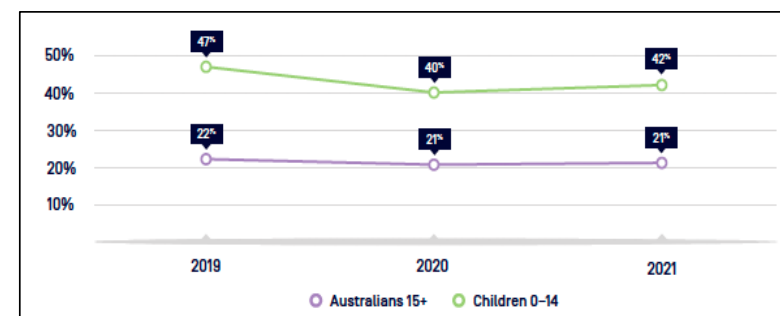
Whilst the pandemic resulted in a dip in participation for some sports, there was a rise in others, particularly sports that can be carried out in a physically-distanced way. Males drove increases in golf, tennis, and mountain biking, whilst females contributed more than men to increases in walking, running, bush walking, swimming and yoga. An estimated 208,000 more Australian adults participated in tennis in 2021 compared with 2019.

⁶ VicHealth Sport Participation Research Project conducted by VicHealth analysed sports participation trends using membership and participation data from the Victorian state sporting associations of the following sports: Australian football, basketball, bowls, cricket, soccer, golf, gymnastics, hockey, netball, sailing and tennis.

Current trends and data⁷ suggest that there may be fewer children returning/ participating in organised sport compared to pre-pandemic levels for a few years; in 2019, 22% of Australian children were participating in sport-related activities 3+times per week; in 2020 this dropped to 14%, and in 2021 to 12%. However, adult and older adult levels are expected to return to pre-pandemic levels in the next couple of years, assuming the return to normality continues.

Figure 4 shows that adult participation in Australia via sporting clubs/ associations began to increase in 2021 whilst for children participation levels had remained static.

Figure 4 – Participation Through Sports Clubs/ Associations (2019-2021)



Males have traditionally been more likely to participate in physical activity via sports clubs than females, and research is showing that both the decline in 2020 and the beginnings of a rebound in 2021 have been driven by men and boys. However, the return to sport by women is starting to accelerate; at the end of 2021, women were less likely to say they have returned to sport than men (60% compared to 70%) but in the first three months of 2022 the return rate was equal (68% for women and 69% for men).

As the lifting of restrictions allows sport to operate without interruption, children should return to participating more regularly.

⁷ How Australians' Participation in Sport and Physical Activity is Adapting to COVID-Normal, AusPlay, July 2022.

For the purpose of sports facility planning for East Gippsland Shire, it has been assumed that the overall demand for sporting facilities won't be impacted in the long-term by the COVID pandemic, rather, it is likely that the way sports clubs and other stakeholders engage with participants/ members and deliver their activities might be what will mostly be impacted.

3.3.4. Victorian Participation Trends for Selected Sports

The following is a snap-shot of Victorian participation trends for the most popular sports.

Athletics

- Between 2014/15 and 2019/20, the number of club-based senior athletes in Victoria decreased by 511 from 4,530 athletes to 4,019 (↓11.3%).
- In 2019/20, the ratio of senior female athletes to male athletes was 40: 60.
- For Little Athletics in Victoria, there was also a decline in membership from 18,700 participants in 2015/16 to 15,896 in 2019/20, for a decrease of 2,804 (↓17.6%).
- Average Victorian participation rate in 'club' athletics in 2019/20 was 0.31%.

Bowls

- Throughout Victoria, participation in traditional club bowls (pennant/ other competitions) continues to decline: ↓35% between 2010 (83,660 players) and 2019 (54,351 players).
- However, when all forms of bowling are considered (pennant, social bowling and schools), there was an overall increase during the period 2010 – 2019 from 126,829 participants to 198,152 (↑56.2%).
- In 2019, the ratio of female competition bowlers to male competition bowlers was 28: 72.
- Of all participants in 2019, 27% (or 54,351) were playing members, whilst 73% were people who participated in other bowling activities offered by clubs (social, schools).
- The growth of social bowls in Victoria for the four years to 2019 increased ↑14.0%, from 126,073 in 2015 to 143,802 in 2019.

- Average Victorian participation rate for 'club' bowls in 2019 was 0.8%.

Cricket

- Between 2010 and 2013, the total number of club cricketers in Victoria decreased from 112,000 players to just less than 100,000. There was a decrease of 709 club teams in the corresponding period (536 junior teams and 173 senior teams).
- However, between 2015 and 2019 there was a ↑17.5% increase in club cricketers in Victoria, from 124,000 in 2015 to 145,692 in 2019, including an increase of 414 senior & junior teams between 2018/19 and 2019/20 seasons.
- In 2019/20, the ratio of female cricketers to male cricketers was 9: 91, an increase of 1% share from 2018/19. Between 2017 (9,433) and 2019 (13,193) there were an additional 3,760 female club cricketers, a 40% increase.
- Average Victorian participation rate for 'club' cricket was 2.30% (includes entry level programs).

Football

- Between 2014 and 2018, the number of club footballers in Victoria increased from 145,000 players to in excess of 172,000, for a total increase of 27,000 players (↑18.6%).
- Much of this increase in participation is attributable to female football: between 2016 and 2018, the number of female teams increased from 355 teams to 997 teams (↑180%).
- Auskick participation plateaued in the three years to 2018. In 2018, there were 42,366 participants, including 7.0% girls, whilst in 2016, there were 42,782 participants, with 10.8% being girls.
- Average Victorian participation rate for 'club' football in 2018 was 3.32% (includes Auskick).

Gymnastics

- Gymnastics is one of the fastest growing sports in Victoria, particularly for girls. The sport is provided for by a combination of not-for-profit community clubs and commercial clubs/ groups.
- Between 2015 and 2019, the number of gymnasts registered with Gymnastics Victoria increased by 21,512, from 40,789 gymnasts to 62,301 (↑52.7%).

- In 2019, there were 127 gymnastics clubs operating out of 162 venues, with the average size of a club being 490 members. Just on 65% of all clubs have waiting lists (90% in Metropolitan Melbourne).
- In 2019, the ratio of female gymnasts to male gymnasts was 80: 20, and 95% of all gymnasts were aged under 12 years.
- Average Victorian participation rate in gymnastics in 2019 was 0.98%.

Hockey

- Participation in hockey in Victoria increased for the five year period 2015 – 2019. In 2015, there were 18,252 registered players, which increased to 20,252 in 2019 for an additional 2,000 players (▲10.9%). Hockey Victoria had a membership high of 22,467 in 2018.
- In 2019, the ratio of juniors to seniors was 48: 52, the same for 2015.
- Average Victorian participation rate for 'club' hockey in 2019 was 0.32% (includes entry level programs).

Indoor Courts (Basketball)

Basketball has the highest use of stadiums, so trends for it have been reported

- Between 2015 and 2019, the total number of basketballers registered with Basketball Victoria increased by 87,987 players, from 159,364 players to 247,351 (▲55.2%).
- In 2019, there were 12,194 Aussie Hoops participants (basketball's introductory program), which was a 25% increase from 2018. The ratio of female basketball participants to males was 32: 68.
- Victoria has approximately 50% of the National basketball player base. Of the 247,000 registered basketballers in Victoria in 2019, 79% were affiliated with associations in Metropolitan Melbourne, whilst 21% were based in Regional Victoria.
- Average Victorian participation rate in 'club' basketball in 2019 was 3.89%.

Netball

- Since 2016 when the number of registered netballers peaked at 114,681, there has been a net decline of 2,859 players to 111,822 in 2019 (▼2.5%).
- There had been eight consecutive years of netball growth from 2009 to 2016 - it is not clear whether the increase in participation in football (triggered by the AFLW commencing in 2017) has contributed to the decline in overall participation since 2016.
- The introductory program of NetSetGo! also peaked at 15,346 participants in 2016, and has also experienced decline to 12,305 participants in 2019 (3,041 or ▼19.8%).
- Average Victorian participation rate in 'club' netball in 2019 was 1.76%.

Soccer

- Between 2015 and 2019, the number of club-based soccer players in Victoria increased by 14,000 from 62,000 players to 76,000 (▲22.6%).
- In 2019, the ratio of female players to male players was 21: 79 (an increase of 1% share from 2018), and the ratio of juniors to seniors was 78: 22 (also an increase of 1% share).
- Just on 12,100 females played soccer in 2016, increasing to 15,691 by 2019 (▲29.7%), being a higher rate of growth as the overall growth in participation for the same period.
- Average Victorian participation rate for 'club' soccer in 2019 was 1.20% (includes mini roos).

Softball

- Australia-wide, membership declined by 5,206 players between 2010 (30,683 players) and 2019 (25,477 players), or a decline of ▼17.0%. Overall, softball has experienced membership decline since a reported peak of approximately 62,000 members Australia-wide in 1996.
- In Victoria, softball membership has fluctuated in the past 10 years but overall remained relatively stable: 2,834 players in 2010 compared to 2,819 players in 2019 for a marginal overall decrease (▼0.5%).
- There are 12 softball associations throughout Victoria, 10 in Metropolitan Melbourne and 2 in regional cities. The closest association to East Gippsland is the Casey Softball Association, which has 6 clubs in the outer southeast of Melbourne.

- Average National participation rate in 'organised' softball in 2019 was 0.04%.

Tennis

- Between 2015 and 2019, the number of registered tennis players in Victoria increased from 108,331 players to 147,680 (↑36.3%).
- The number of 'book-a-court' participants in 2019 was 9,004 people (recorded casual hire).
- In 2019, there were 808 clubs throughout Victoria (a decrease of 3 clubs since 2015).
- Participation in the Hot Shots introductory program has increased significantly since 2016 when 87,200 children registered, to 286,476 participants in 2019 (↑230%).
- Average Victorian participation rate in 'organised' tennis in 2019 was 2.33% (excludes tennis coaching).

3.3.5. Emerging Sports

Since this study commenced, Pickleball has swept across Victoria as one of the fastest growing sports coming out of the COVID pandemic, and the East Gippsland Shire is one of the areas that has seen the sport grow at a rapid rate, ie. the Lakes Entrance Tennis Club has applied Pickleball line marking to its asphalt courts.



Pickleball is a paddleball sport that combines elements of badminton, table tennis and tennis, and can be played indoors and outdoors. A pickleball court has the dimensions and layout of a badminton court, and these dimensions enable four pickleball courts to fit onto the footprint of a regular size tennis court.

The sport was created in the USA in 1965 and has grown to more than 3 million participants worldwide. It was introduced to Australia in 2015 and has gained popularity as a low-impact sport that is easy to learn and play at

almost any age. It is now officially recognised with Pickleball Victoria established in 2020.

Underutilised tennis courts throughout the Shire presents an ideal opportunity for tennis clubs to embrace the sport, as a strategy to increase club membership and usage of their courts (particularly courts surplus to needs). Being an emerging sport, it is recommended that in the short to term medium the direction for pickleball's growth and development in the Shire is to partner with tennis clubs to resource share, both from a governance/ club perspective and from a facilities utilisation perspective.

3.3.6. Sports Participation in the Selected Towns

Appendix 2 shows the number of teams and members in club sport in Lakes Entrance, Paynesville, Orbost, Lindenow/ Lindenow South and Omeo in 2019, the year prior to the impact on sports participation with community clubs due to the COVID pandemic.

The participation data shows that:

- Sporting clubs based in the townships have approximately 2,897 members/ participants across 11 different sports.
- The combined 2021 population for the six towns was 22,484, so this represents a participation rate in sport of approximately 12.9%, which compares favourably with the Shire's 2015 participation rate in physical activity organised by a club or association of 11.8%⁸.
- The proportion of junior (52%) to senior participants (48%) is similar, which is not consistent with State-wide participation averages that show a higher rate of participation by people aged under 18 years in organised sport compared to adults.
- The proportion of males (60%) to female participants (40%) is similar to State-wide participation averages.

⁸ Source: VicHealth Indicators Survey (2015).

Table 5 shows the combined club memberships for 11 sports available in the six towns as at 2019, and compares the combined town participation rate for each sport with the average participation rate by all Victorians for that sport. (The green shading denotes where local participation exceeds the State averages).

The data shows that:

- Of the 11 sports, only Basketball, Cricket, Soccer and Tennis have lower rates of participation compared to State averages.
- The lower rate for Basketball can be partly explained by the lack of indoor courts available in Lakes Entrance and the other towns.
- The lower rate for Soccer can be partly explained by the lack of a domestic soccer competition throughout East Gippsland Shire, and the current centralisation of the sport in Bairnsdale.
- The high participation rates for Bowls and Croquet (more than 3 times the State averages) will be partly explained by the older age profile generally of the Shire.
- The prevailing high participation rates are consistent with regional Victoria having higher rates of participation in club-based sport than Metropolitan Melbourne.

It is acknowledged that the participation rate in some sports in some towns has bounced back since the COVID pandemic, or are exceeding 2019 levels, such as the membership of the Lakes Entrance Tennis Club.

Table 5 – Comparative Assessment of Sports Participation Rates in the Six Towns

Sports Club/ Association	Sports Club Membership		Participation Rate	
	Club Total	Towns' Total	Towns Combined	Victorian Average
Athletics				
Orbost Little Athletics Centre	38	38	0.95	0.31
Basketball				
Orbost Basketball Association	150	476	3.75	3.89
Lakes Entrance Amateur Basketball Association	326			
Bowls				
Orbost Bowls Club	35	318	2.40	0.80
Paynesville Bowling Club	217			
Lindenow Recreation and Bowling Club	66			
Cricket				
Orbost Cricket Club	82	289	1.90	2.30
Lakes Entrance Cricket Club	55			
Paynesville Cricket Club	60			
Lindenow Cricket Club	47			
Lindenow South Cricket Club	45			
Croquet				
Orbost Croquet Club	24	60	0.51	0.05
Lakes Entrance Croquet Club	36			
Football				
Orbost Snowy Rovers Football Netball Club	170	863	5.99	3.32
Lakes Entrance Football Netball Club	160			
Paynesville Football Netball Club	138			
Lindenow Football Netball Club	80			
Lindenow Junior Football Club	130			
Lindenow South Football Netball Club	135			
Omeo Benambra Football Netball Club	50			
Hockey				
Orbost Hockey Club	75	75	1.87	0.32
Indoor Sports				
Lakes Entrance Keenagers	57	57	0.66	0.07
Lakes Entrance Volleyball	20	20	0.23	0.09
East Gippsland Badminton Association (est. Lakes Entrance based members)	6	6	0.07	0.10
Bairnsdale Soccer (Futsal) Club (est. Lakes Entrance based members)	90	90	1.04	0.72
Netball				
Orbost Snowy Rovers Football Netball Club	65	453	2.35	1.76
Lakes Entrance Football Netball Club	110			
Lakes Entrance Netball Association	35			
Paynesville Football Netball Club	68			
East Coast Netball	30			
Walking Netball	20			
Lindenow Football Netball Club	50			
Lindenow South Football Netball Club	40			
Omeo Benambra Football Netball Club	35			
Soccer				
East Gippsland United Football Club (est. Orbost based members)	1	47	0.23	1.20
East Gippsland United Football Club (est. Lakes Entrance based members)	17			
East Gippsland United Football Club (est. Paynesville based members)	29			
Tennis				
Lakes Entrance Tennis Club	45	105	0.61	2.33
Orbost Tennis Club	40			
Paynesville Tennis Club	20			
TOTAL	2897	2897		

4. STAKEHOLDER ENGAGEMENT

The stakeholder engagement was carried in two stages:

- | | |
|---------|--|
| Stage 1 | Input and feedback from reserve committees, sports clubs, relevant local leagues and associations, Council staff, and from other relevant stakeholders. |
| Stage 2 | Public exhibition of the draft East Gippsland Sporting Facilities Plan to seek feedback on the plan from all stakeholders consulted during stage 1 and the broader East Gippsland Shire community. |

4.1. Overview of Stage 1 Engagement

The engagement with reserve committees, sports clubs, relevant local leagues and associations, Council staff, and other relevant stakeholders involved a combination of surveys, meetings, workshops, and email exchanges.

The Stage 1 stakeholder engagement can be grouped into two phases:

1. **December 2021-January 2022**
Information gathering:
 - sports facilities site reviews with reserve committee reps
 - reserve committee and sports club surveys
2. **February-March 2022**
Round 1 meetings with sports clubs

The table to the right is a chronological summary of the consultation undertaken during Stage 1.

Date	Consultation Method	Target Group
7 Dec 2021– 21 Jan 2022	Reserve Committee & Club Survey	All Reserve Committee All sporting clubs/ associations
9 Dec 2022	Zoom meeting	Justin Raiti & Jade Ellams, Tennis Victoria
14, 15 & 16 December 2022	Sports facilities and reserve site reviews	With a Reserve Committee rep
15 Dec 2022	Meeting	Omeo Benambra FNC
28 February 2022	Separate meetings	Orbost sports clubs Orbost Secondary College
1 March 2022	Separate meetings	Orbost Hockey Club Orbost Little Athletics Lakes Entrance sports clubs
2 March 2022	Separate meetings	Football Netball East Gippsland Omeo District Football League Tim Bull MP Gippsland Bowls Region Paynesville sports clubs
3 March 2022	Separate meetings	Council staff Lindenow sports clubs Lindenow South sports clubs
16 March 2022	Telephone meeting	Tony Francis, Football Victoria

The following reports on general information and input received from reserve committees, sports clubs/ associations, and other stakeholders during the stage 1 engagement in late 2021 and early 2022.

Detailed feedback on the adequacy of existing facilities and other site-specific issues and opportunities are included in later sections of the report that discuss each towns' sports facility needs analysis and recommendations.

The information collected during the first and second phases of consultation helped inform the development of the draft sports facility plan and associated draft recreation reserve master plans.

Most of the consultation with stakeholders from October 2022 was to receive feedback on proposed sports facility improvements and the draft master plans, and helped refine their development prior to them being presented to Councillors and placed on public exhibition for broad community feedback during stage 2.

4.1.1. Engagement with Reserve Committees

Table 6 confirms the ownership and management of all reserves and community managed sport & recreation centres considered during the study, irrespective of whether a committee of management is in place, or not.

Table 6 – Reserve/ Asset Ownership and Management

Reserve	Ownership		Management		
	Council	Crown Land	Council	Community Asset Committee	Local Committee
Orbost Recreation Reserve*	✓		✓		
Lochiel Park (Orbost)	✓		✓		
Bower Street Reserve (Orbost)	✓		✓		
Orbost Community Sports Centre	✓			✓	
Lakes Entrance Recreation & Camping Reserve		✓			✓
Lakes Entrance Aquadome Precinct	✓		✓		
Lakes Entrance Youth & Recreation Centre	✓			✓	
AJ Freeman Reserve	✓			✓	
Lindenow Sports Ground	✓			✓	
Lindenow South Recreation Reserve		✓			✓
Omeo Recreation Reserve	✓			✓	

* Orbost Cricket Club maintains the oval and the turf centre wicket table

An online survey was distributed to the following reserve committees of management:

- Lochiel Park Committee of Management.
- Lakes Entrance Recreation & Camping Reserve Committee of Management.
- A.J. Freeman Reserve Committee of Management.
- Lindenow Sports Ground Committee of Management.
- Lindenow South Recreation Reserve Committee of Management.
- Omeo Recreation Reserve Committee of Management.

The survey was administered during the period December 2021 to January 2022, and collected information about ownership, committee size and key tasks, and whether the committee is experiencing any hardships in relation to the recruitment of members, or with their capability to perform their duties and responsibilities.

Four of the six committees returned completed surveys (83%), with the key findings reported below.

- Two of the committees have 8 members, and two have 10 members.
- One committee responded that it had become more difficult to recruit members in the past 10 years, two committees responded that their membership comprises largely long standing committee members, whilst the fourth committee responded that it had been in recess for five of the past 10 years.
- Three committees responded that they are able to fulfil their roles and responsibilities satisfactorily, whilst the fourth responded that it finds it difficult, mainly due to losing two reserve user groups recently which in turn has reduced annual revenue and the availability of volunteers to undertake management and maintenance tasks.
- When asked “Is it time to re-assess the management and maintenance arrangement for the reserve?”, one committee responded “Yes”, while the other three indicated that they were coping, however, annual maintenance grants could be increased to better reflect actual costs, and that it would be good to have one dedicated Council contact for all communications and liaisons.

4.1.2. Engagement with Sporting Groups

An important first step in these types of planning studies is confirming which clubs/ associations are using what sporting facilities, how sporting facilities are being used, and whether the facilities are adequately meeting the needs of groups. This was particularly important as Council did not have a complete record of sporting clubs and facilities being used at the commencement of the study.

The online survey was circulated to all known sporting clubs/ associations based in the six towns and for the sports included in the scope of this study. The survey was administered during the period December 2021 to January 2022. (Please note that the Lakes Entrance indoor sporting clubs were not surveyed, as their membership numbers and facility assessment input was received during the 2021 Lakes Entrance Indoor Sports Facilities Feasibility and Options study).

The survey collected information about current membership, membership trends over the past 5 years, confirmation of facility usage, and feedback on the adequacy of facilities to meet current and future needs. There were 26 club/ association questionnaires distributed with 11 completed surveys returned (42%). However, this increased to a 96% completion rate when all necessary data and input was collected during follow-up meetings from those clubs that had not returned a completed survey.

See Section 3.3.6 for all club membership data. Table 7 shows the trend of club membership for the five years prior to 2019 (the period of 'normal' prior to the coronavirus pandemic), with points of note being:

- Eight clubs/ associations were experiencing membership decline during the five years to 2019, with three being Orbost clubs.
- All three tennis clubs within the study had experienced membership decline to 2019.
- Eight clubs/ associations experienced increases in membership.
- The three cricket clubs in Orbost, Lakes Entrance and Paynesville all experienced increases in membership during the five years to 2019, whereas the Lindenow and Lindenow South Cricket Clubs experienced membership decline.

Table 7 – Trend of Club Membership for the 5 Years to 2019

Club Membership Trend			
Sports Club/ Community Group	Stable	Increased	Declined
Orbost Basketball Association			◆
Orbost Croquet Club		◆	
Orbost Bowls Club	◆		
Orbost Tennis Club			◆
Orbost Cricket Club		◆	
Orbost Snowy Rovers Football Netball Club	◆		
Orbost Little Athletics Centre			◆
Orbost Hockey Club		◆	
Lakes Entrance Croquet Club		◆	
Lakes Entrance Tennis Club			◆
Lakes Entrance Football Netball Club	◆		
Lakes Entrance Netball Association		◆	
Lakes Entrance Cricket Club		◆	
Paynesville Bowls Club	◆		
Paynesville Cricket Club		◆	
Paynesville Football Netball Club			◆
Paynesville Tennis Club			◆
Lindenow Recreation and Bowling Club		◆	
Lindenow Football Netball Club	◆		
Lindenow Junior Football Club	◆		
Lindenow Cricket Club			◆
Lindenow South Football Netball Club	◆		
Lindenow South Cricket Club			◆
Omeo Benambra Football Netball Club	◆		

A snap-shot of other findings from the survey and the follow-up meetings is reported below. (See Appendix 3 for the full write-up of club meetings).

- Most clubs have issues with the adequacy or non-compliance of their facilities, the main concerns are with the support facilities rather than the fields of play.
- Clubs that are generally satisfied with their facilities, include the Lakes Entrance Croquet Club, the Paynesville Bowls Club, the Orbost Basketball Association, and the Omeo-Benambra Football Netball Club (now that the tennis-netball courts and the reserve access road and main car park have been reconstructed).

- The key issues with support facilities are mainly:
 - poor quality/ non-compliant amenities in change rooms
 - lack of netball change rooms and amenities
 - inadequate social rooms (too small, supporting amenities)
 - lack of onsite storage
 - non-compliant floodlighting, ie. lux level below approved training standard.
- Key issues raised during stakeholder consultation regarding fields of play were:
 - Lack of indoor courts in Lakes Entrance (confirmed in the Lakes Entrance Indoor Sports Facilities Feasibility and Options study)
 - Orbost Hockey Club does not have access to a synthetic surface for local training and matches
 - Orbost Croquet Club does not have access to a minimum of two compliant croquet courts
 - Lindenow South Cricket Club cricket practice nets are poor quality/ dangerous
 - Orbost Snowy Rovers Football Netball Club reported the Lochiel Park oval is poor quality (drainage and uneven)
 - Paynesville Tennis Club courts are poor quality (upgrade and maintenance of the courts is now occurring).
- Nearly half of all sports clubs/ associations (42%) are having difficulty attracting and retaining committee members and/or reported that their long term sustainability may be an issue.

4.1.3. Engagement with Other Stakeholders

Meetings and interviews were also conducted with the following other stakeholders to inform the sports facility plan.

- Tennis Victoria
- Football Victoria (soccer)
- East Gippsland United Football Club
- Gippsland Bowls Region
- Football Netball East Gippsland/ Omeo Districts Football Netball League
- Council staff
- Tim Bull MP, Member for Gippsland East

A summary of each meeting follows.

Tennis Victoria

Tennis transitioned to a centralised model in the Shire over 10 years ago, with the Bairnsdale Tennis Club becoming the primary tennis pathway and competition facility. Other tennis facilities generally offer only social play between members, and some offer restricted coaching – the exception is Clifton Creek Tennis Club with over 300 members.

There are presently only two coaches servicing the East Gippsland Shire, with one based in Bairnsdale and the other based in Lakes Entrance.

Generally the condition of tennis courts is average to poor throughout the Shire, which can be a disincentive for general community participation. The preferred court surface in the Shire appears to be sand filled synthetic grass. The key issue for most clubs is having a sustainable court maintenance and replacement program.

Football Victoria

In 2021, there were 223 Shire residents registered with Football Victoria (FV), and another 8 residents were members of clubs in neighbouring shires:

- Bairnsdale and suburbs had the highest number of players – 128 (57%).
- Paynesville/ Eagle Point/ Newlands Arm/ Forge Creek – 29 (13%).
- Lakes Entrance/ Kalimna/ Kalimna West/ Metung – 17 (8%).

In Lakes Entrance and Orbost, FV has received support from local schools to conduct try-outs.

FV is planning to introduce a new East Gippsland soccer league comprising teams from Sale, Maffra, Bairnsdale, Paynesville, Lakes Entrance and Orbost, with Howitt Park to be a potential training venue in the short term for the Paynesville, Lakes Entrance and Orbost teams.

FV believes the WORLD facility may ultimately be too small to accommodate all soccer needs of the Shire, so supports new teams/ clubs in Paynesville, Lakes Entrance and Orbost.

East Gippsland United Football Club

The club introduced the East Gippsland Soccer League (EGSL) concept (pilot) in early 2022, and started with 53 players by the end of the season the league had 120 players aged 6 & 7 years. The club will still continue to enter junior teams (one per age group/ gender) and senior teams in the Latrobe Valley Soccer League.

As indicated above, it is hoped that teams in the EGSL will represent the towns of Sale, Maffra, Bairnsdale (x 3 teams), Paynesville, Lakes Entrance and Orbost, although there is strong interest in Swan Reach also.

In its formative years, the club will allocate club members to teams bearing the names of the towns from which they reside. The strategy in the next couple of years is to establish sustainable training bases in Paynesville, Lakes Entrance and Orbost (and possibly Swan Reach), with all games to be played in Bairnsdale in the short-term. The key inclusion is to have floodlights available at potential training venues as soon as possible.

The club already has 'champions' in each town to take on the responsibility of player recruitment and conduct training. In Lakes Entrance, the St Brendans Catholic PS oval is being used as the soccer base, whilst in Orbost and Paynesville sites are yet to be established. The club has identified underutilised floodlit tennis courts as potential training venues, as they have lighting and their size is adequate for skills development training/ drills for young children.

The club explained that it is frustrated with the progress and development of the soccer component within the WORLD sporting precinct, with the key issues being:

- Likely now to be only 2 soccer pitches with little or no prospect for the future pitches master planned to the south due to a native grass in that area.
- Two pitches will be inadequate for club needs, so would be hoping for increased and regular use of the natural grass hockey pitch (Council is now investigating this with the club).
- Howitt Park has constraints as an overflow site, ie. uneven ground, no secure storage of goals, inadequate pavilion.

Softball Victoria

Softball was previously a high participation sport in East Gippsland, and was one of the initial female sport offerings at Bairnsdale's WORLD sporting precinct. In the past 12 months, Softball has experienced a resurgence in interest.

East Gippsland Softball is the first success story of Softball Victoria's partnership with VicHealth and the Future Healthy initiative. In August 2022, Softball Victoria's Regional Softball Roadshow was welcomed by four local schools (Bruthen, Nicholson, Metung and Paynesville), which generated enough interest for a 'Homerun Heroes' program to kick off in November. Homerun Heroes is an introductory Softball program for children aged 4 to 10, but East Gippsland had interest from older children and many parents got on board too.

From late 2022, the team of volunteers had started to grow, and East Gippsland Softball peaked at 66 active softballers by the end of the year comprising 4 year olds all the way up to adults. It had four teams competing on Saturday mornings at West Bairnsdale Oval in a youth/adult league played a casual round-robin competition format. Of note is the 66 players represent a softball participation rate in Bairnsdale of 0.39%, compared to the Statewide average of 0.044%.

East Gippsland Softball is scheduled to kickstart again in February 2023, and will be an important period to test the ongoing sustainability of the sport. The facilities at West Bairnsdale Oval are all temporary, and if the sport finds a foothold more permanent and fit for purpose facilities will be required. These would include one softball diamond with permanent back net and cut-out bases (but ideally two fields), and onsite access to appropriate change rooms and amenities, and a secure equipment store.

Football Netball East Gippsland/ Omeo Districts Football Netball League

In relation to the general health of football and netball in East Gippsland, some clubs are struggling, ie. in 2021 the Paynesville FNC forfeited the last round of the seniors, forfeited several reserves matches, and also could not field an U17 team for the whole season. There were also a lot of netball forfeits. However, it was noted that the fortunes of a club can turnaround very quickly with a change in committee, coach and/or player recruits.

Female footballers can play in mixed teams until the year they turn 14 years, and require an exemption to play in the U16s. There is a pathway for females via the Youth Girls team and the Women's Regional team. The AFL Gippsland Youth Girls are based at Bairnsdale's City Oval and the Women's Team is based at Lindenow South Recreation Reserve. Girls can also trial for the Gippsland Power U16 girls team, based in Morwell.

Facilities

- Lakes Entrance FNC – social room and change rooms and amenities are in good condition, and generally comply (however, there are no netball change rooms).
- Orbost Snowy Rovers FNC – social room and change rooms and amenities are in good condition, and generally comply.
- Paynesville FNC – change room amenities are poor and not compliant, umpires change room is not compliant.
- Lindenow FNC – change rooms and amenities are not compliant.
- Lindenow South FNC – poor social room and change rooms, and amenities not compliant.

Council Staff

In relation to sports ovals, Council's vision is to have all main grounds in good condition with drainage, irrigation, even surfaces, and a sustainable water source. Council also generally supports:

- Sealed roads within reserves, including traffic calming where necessary.
- At main reserves, the replacement of halogen globes in floodlights with LED globes.
- Installation of electronic scoreboards at main reserves.
- Replacement of concrete centre pitches that do not comply with Cricket Australia standard (pitches are typically too narrow).

Council receives many requests from community groups in need of storage space, especially in Paynesville.

The following other site-specific observations were made by staff:

- The main pavilion at the Orbost Recreation Reserve is close to the end of its functional life.
- Hockey could potentially relocate to the Orbost Recreation Reserve.
- The Lakes Entrance Pony Club site is a Crown land reserve and managed and maintained by Council. It could be considered for a future alternate use.
- AJ Freeman Reserve attracts significant casual recreation use by the community.
- The change rooms in the main pavilion at Lindenow Sports Ground need upgrading, and the netball courts are cracking and need to be rebuilt. The power supply to the reserve is currently at capacity.
- The change rooms at Lindenow South Recreation Reserve need to be replaced, or significantly upgraded.

Current improvement projects funded are:

- AJ Freeman Reserve: new female friendly netball-tennis pavilion.
- Lochiel Park: new LED sports field lighting.
- Lindenow South Recreation Reserve: sports field lighting upgrade.
- Buchan Recreation Reserve: new tennis-netball courts and lighting, and new reserve pavilion.
- Swifts Creek Recreation Reserve: new reserve pavilion.
- Sarsfield Recreation Reserve: new reserve pavilion
- Clifton Creek Recreation Reserve: hall upgrade.
- Proposed Lakes Entrance Indoor Stadium: design development.

Tim Bull MP, Member for Gippsland East

Tim's current sports facility priorities are:

- A new indoor sports centre in Lakes Entrance.
- Consolidation of sporting facilities in Orbost.
- Amalgamation of the Metung Tennis Club and Metung Bowling Club.

4.2. Overview of Stage 2 Engagement

The Stage 2 stakeholder engagement can be grouped into two phases:

1. **October 2022**
Round 2 meetings with reserve committees and sports clubs to review the first draft reserve master plans and general directions and recommendations for sporting facilities, and other interviews, online meetings, and telephone calls with other stakeholders. See
2. **April-May 2023**
All stakeholders, including the broad community, had an opportunity to review the draft East Gippsland Sporting Facilities Plan and draft reserve master plans and provide feedback during the period 18 April to 17 May 2023.

The table to the right is a chronological summary of the consultation undertaken during Stage 2.

Council set up a project page on its 'Your Say' website, which included:

- FAQs about the study.
- Draft East Gippsland Sporting Facilities Plan report (able to be downloaded).
- Draft master plans for the 7 reserves in scope (AJ Freeman Reserve, Lakes Entrance Aquadome Precinct, Lindenow South Recreation Reserve, Lindenow Sports Ground, Lochiel Park, Omeo Recreation Reserve, and Orbost Recreation Reserve).
- An online survey questionnaire.

Date	Consultation Method	Target Group
20 October 2022	Zoom meeting (present draft plans)	Omeo Benambra FNC
24 October 2022	Workshop (present draft plans)	Orbost sports clubs
25 October 2022	Workshop (present draft plans)	Paynesville sports clubs
26 October 2022	Workshops (present draft plans)	Lindenow sports clubs Lindenow South sports clubs
27 October 2022	Workshop (present draft plans)	Council staff Lakes Entrance sports clubs
31 October 2022	Zoom meeting	Football Victoria (Region Manager)
21 November 2022	Telephone	Softball Victoria
28 November 2022	Zoom meeting	Tim Shelton, East Gipps United FC
April-May 2023	Online survey	Broad community

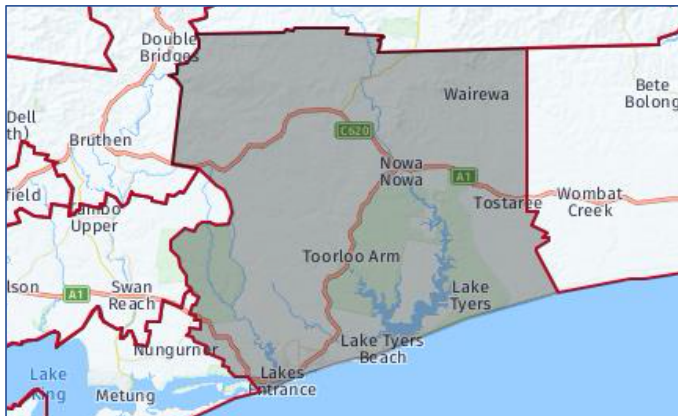
The Stage 2 online engagement received the following feedback:

- 110 completed surveys.
- 5 submissions from clubs, state sporting organisations and other peak bodies.

The feedback received helped finalise the study report and reserve master plans.

5. LAKES ENTRANCE

See the map below showing the Lakes Entrance planning area.

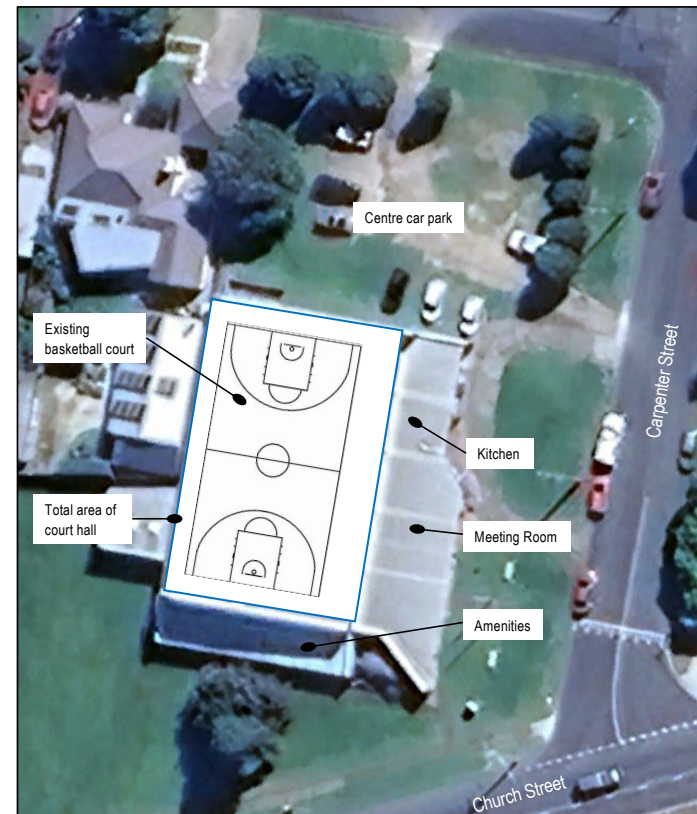


5.1. Summary of Sports Facility Directions

Indoor Sports

1. That a new 3 court stadium be constructed within the Lakes Entrance Aquadome Precinct to primarily cater for the competition needs for Basketball, Netball and Futsal but be available for use by other indoor sports and for other recreational uses, where capacity allows. The 3 courts to be multi-lined to achieve competition standard for Basketball, Netball, Volleyball, Badminton and Futsal.
2. That the Lakes Entrance Youth and Recreation Centre be retained as the primary venue for Table Tennis, Volleyball, Badminton and other indoor sports, and be used as a training venue for Basketball, where capacity allows (see Figure 5).
3. That courts located at Lakes Entrance schools continue to be used by sporting clubs and community groups, as required.

Figure 5 – Lakes Entrance Youth and Recreation Centre



Lakes Entrance Recreation & Camping Reserve (see Figure 6)

4. Review the current reserve master plan to prepare a new master plan.
5. Construct a new netball pavilion at the northern end of the main netball court, with its design to be flexible to enable it to also be used as an amenities block for campers when not being used for organised netball use.
6. Install new LED sports field lighting to match standard (refer AFL Guidelines).
7. Upgrade the social room to achieve compliance for the provision of internal toilets and disabled access, and increase storage.

Figure 6 – Lakes Entrance Recreation & Camping Reserve



Lakes Entrance Aquadome Precinct (see master plan in Figure 7)

8. Construct a new 3 court stadium.
9. Rationalise the number of tennis courts from 10 courts to 6 courts based on site constraints and current tennis demand, with potential to increase to 8 courts subject to demand and availability of space.
10. Improve stormwater management at the base of the hill to the north of the precinct to prevent flooding of the tennis court precinct.
11. Realign the internal road, and reconfigure and increase the car parking to an estimated 258 car spaces (122 existing).
12. Relocate the existing fenced dog park to another site in town to allow construction of a potential new stormwater outfall basin, which could incorporate boardwalks and other landscape features.

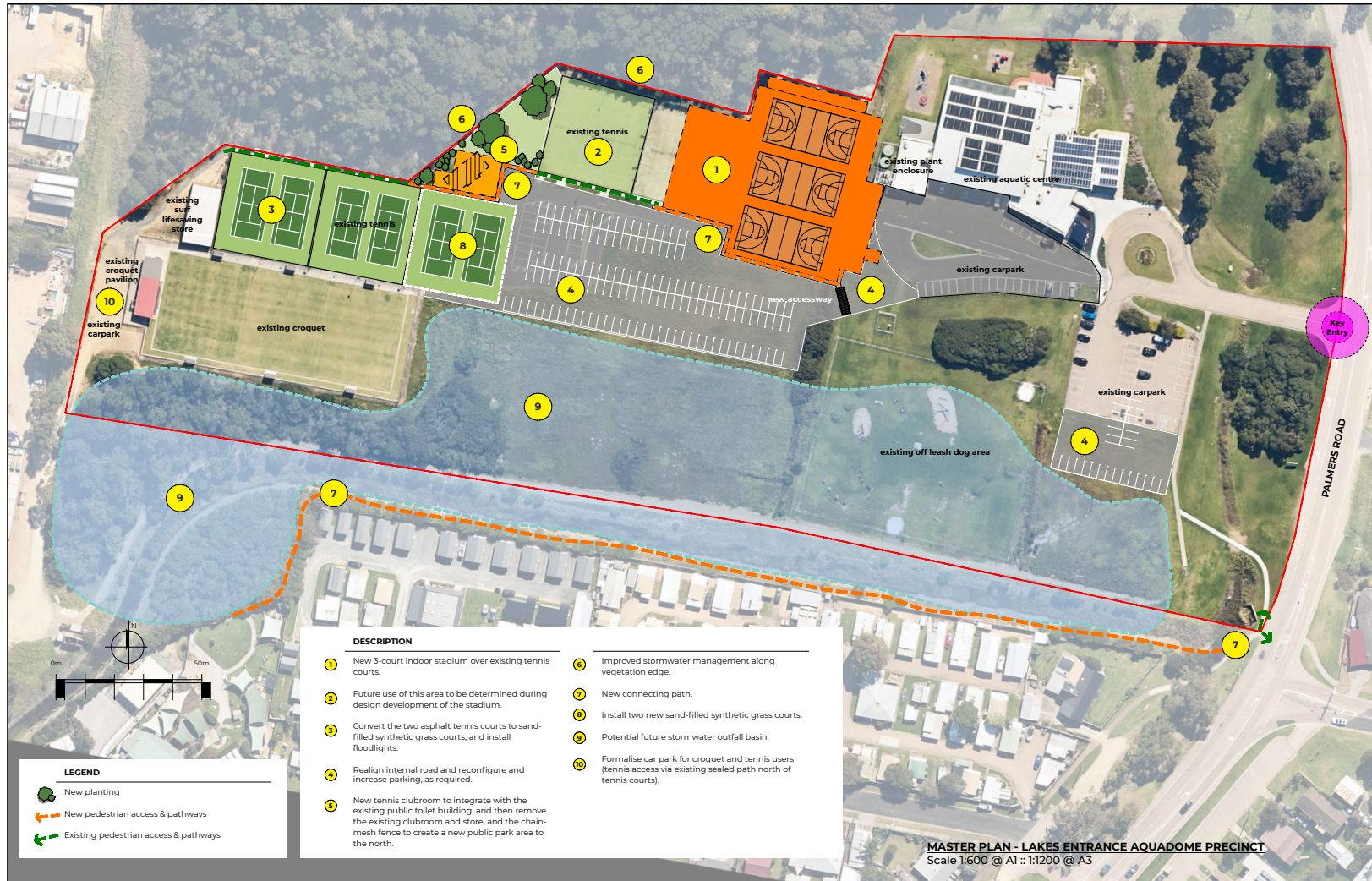
Other Projects

13. Support the East Gippsland United Football Club to develop soccer participation opportunities in Lakes Entrance.
14. Investigate future sporting and recreation uses for the former Lakes Entrance Pony Club land, including new sports fields for football, cricket and/or soccer.
15. Clear identification signage is required at all reserve entrances for emergency vehicles.

Other Towns and Villages within the Lakes Entrance Catchment

- Metung Bowling Club: replacement of the synthetic green (*project completed 2023*).
- Metung Tennis Courts: surface upgrade (*project completed 2022*).
- Swan Reach Recreation Reserve: upgrade of netball court surface (*completed 2022*).
- Swan Reach Recreation Reserve: commencement of a reserve master plan.

Figure 7 – Lakes Entrance Aquadome Precinct Master Plan



5.2. Sports Facility Needs Analysis

This section includes research and data supporting the proposed new and upgraded sporting facilities for Lakes Entrance as described in Section 5.1.

Demographic Characteristics

The population of Lakes Entrance increased by 713 people from 7,907 people in 2016 to 8,620 in 2021⁹. This is a 9.0% increase, which compares to 8.2% growth for all of East Gippsland Shire for the same period.

The demographic characteristics of Lakes Entrance relevant to sports facility planning are:

- Lakes Entrance has an 'older' demographic profile compared to all of East Gippsland Shire, evidenced by:
 - Lower proportion of 0–14 (14.2%) compared to the Shire (15.1%)
 - Lower proportion of 5–39 (30.7%) compared to the Shire (32.6%)
 - Higher proportion of people aged over 65 (33.7%) compared to the Shire (30.9%).
- Lakes Entrance has a smaller proportion of 'households with children' (25.6%) compared to all of East Gippsland Shire (27.9%).
- Lakes Entrance has a similar level of cultural diversity to all of Regional Victoria: 12.5% of residents were born overseas, which is similar to all of Regional Victoria (12.4%) and all of East Gippsland Shire (11.9%).

The population of Lakes Entrance is projected to grow by an estimated 778 people to 9,398 by 2041, an increase of 9.0%, compared to projected growth of 19.9% for all of East Gippsland Shire.

The number of people aged 5–39 years (the active age cohort) is projected to increase by 82 people between 2021 (2,690) to 2041 (2,772).

Sports Participation

Table 8 provides a breakdown of the club membership (to gender and age) for Lakes Entrance sports clubs included within the scope of the study, and also compares the town participation rates with the corresponding sport State participation rates.

Table 8 – Club Membership and Participation Rates 2019 (Lakes Entrance)

Club/ Association	Number of Participants					Participation Rate	
	Male	Female	Senior	Junior	Total	Club	Victorian Average
Lakes Entrance Croquet Club	7	29	36	0	36	0.42	0.05
Lakes Entrance Tennis Club	25	20	10	35	45	0.52	2.33
Lakes Entrance Football Netball Club (football)	150	120	133	137	270	1.85	3.32
Lakes Entrance Football Netball Club (netball)						1.68	1.76
Lakes Entrance Netball Association	0	35	0	35	35		
Lakes Entrance Cricket Club	50	5	35	20	55	0.63	2.30
Lakes Entrance Amateur Basketball Association*	210	116	70	256	326	3.78	3.89
Lakes Entrance Keenagers	29	28	57	0	57	0.66	0.07
Lakes Entrance Volleyball*	5	15	0	20	20	0.23	0.09
East Gipps Badminton Assoc (LE members)*	3	3	6	0	6	0.07	0.10
Bairnsdale Soccer (Futsal) Club (est. LE members)*	30	60	10	80	90	1.04	0.96
East Gipps UFC (soccer) (est. LE members)*	10	7	5	12	17	0.20	1.20
TOTAL					957	Town rate	11.1%

* Estimated breakdown of gender and age

The data shows that the participation rate by Lakes Entrance residents in the mainstream sports of Basketball, Cricket, Football, Netball, Soccer and Tennis, is generally below State averages, with Tennis and Cricket participation currently less than 30% of State averages, and Football at just over 50%.

Despite this comparative low participation in club-based sport, the town's overall sport participation rate of 11.1% is similar to the average participation by all Shire residents in organised sport at 11.8%, as reported in the 2015 *VicHealth Indicators Survey* (refer section 3.3.2).

Existing Sports Facility Provision

Table 9 identifies and describes the sporting facilities available in Lake Entrance, including their condition and the adequacy of the supply to meet current and future needs. The condition of facilities was assessed by the consultant team during site visits undertaken during the study, and also from feedback provided by Council staff, the Lakes Entrance Recreation & Camping Reserve Committee of Management and sporting clubs.

⁹ Source: Community Profile and Population Forecast, id consulting 2022.

Table 9 – Condition and Supply Assessment of Lakes Entrance Sporting Facilities

Sports Facilities/ Venues	Field of Play			Facility Condition			Comments
	Existing Provision	Required 2041	Shortfall/ Oversupply	Field/s of Play	Social Room	Change/ Amenities	
Croquet Courts	3	2	1				
-Lakes Entrance Croquet Club	3			Excellent	Excellent	Excellent	
Cricket Ovals	1	2	1				
-Lakes Entrance Rec & Camping Reserve	1			Good	Fair	Excellent	-Centre wicket & practice pitches all in good condition -Social Room DDA non-compliant, inadequate toilets and storage -Single school ovals at Lakes Entrance SC and St Brendans Catholic PS currently provide overflow venues but rely on the goodwill of the schools for community access
Football Ovals	1	2	1				
-Lakes Entrance Rec & Camping Reserve	1			Good	Fair	Excellent	-Oval sports lighting requires upgrade to meet AFL standards -Social Room DDA non-compliant, inadequate toilets and storage -School ovals at Lakes Entrance SC and St Brendans Catholic PS not suitable for club football use
Indoor Courts	1	3	2				
-Lakes Entrance Youth & Rec Centre	1			Good	Good	Good	-Court non-compliant for all indoor sports, lack of referee/umpire change rooms, and insufficient storage capacity, but Centre is generally in good condition and well maintained -Single courts at Lakes Entrance SC and St Brendans Catholic PS currently provide overflow venues suitable for training only, but rely on the goodwill of the schools for community access
Netball Courts (outdoors)	2.5	3	0				
-Lakes Entrance Rec & Camping Reserve	2.5			Good	Fair	Poor	-2 southern non-compliant netball courts were converted to 1.5 compliant courts in 2022 -Social Room DDA non-compliant, inadequate toilets and storage -No netball change rooms are available
Soccer Pitches	0	2	2				
							-Size of town triggers need for soccer pitches -St Brendans Catholic PS oval is currently being utilised as a soccer training base but a long-term solution is required (potentially the re-purposing of the former Lakes Entrance Pony Club site)
Tennis Courts	10	6	4				
-Lakes Entrance Tennis Centre	10			Fair	Poor	Good	-8 synthetic sand-filled grass courts are in fair condition, with floodlights, and 2 asphalt courts in fair condition, no floodlights -Clubroom is inadequate, in poor condition and is non-compliant, and storage is inadequate -Adjacent Council public toilet/ change rooms are adequate

Stakeholder Consultation

As reported in Section 4.0, several consultation processes with stakeholders has informed the development of the sports facility plan. The following key input was received from Lakes Entrance sports clubs, committees and other groups, and helped to formulate the facility planning directions outlined in Section 5.1.

Indoor Sports Groups

The following input was received from indoor sports clubs/ groups during the 2021 *Lakes Entrance Indoor Sports Facilities Feasibility and Options* study:

- There is a shortage of indoor sports courts in Lakes Entrance.
- Sports currently unable to access courts locally include Futsal, Netball and Volleyball.
- Of the indoor sports courts available, none are fully compliant for competition, with the key issues being courts are undersized and run-offs are too short.
- There are Lakes Entrance residents travelling into Bairnsdale on a weekly basis to participate in indoor sporting activities that are not available locally due to a shortage of indoor sports courts.
- The Lakes Entrance Amateur Basketball Association has a monopoly on the midweek evening and Saturday usage of the Youth and Recreation Centre indoor court.

Lakes Entrance Football Netball Club

- New floodlighting is required for the oval.
- Social room requires upgrading, mainly to increase the number of toilets and storage capacity, and meet disability access compliance.
- Netball change rooms are required.

Lakes Entrance Netball

- Netball change rooms are required.
- Struggle to attract committee members and volunteers.

Lakes Entrance Cricket Club

- Facilities are adequate for the club.
- Struggle to attract committee members and volunteers.

Lakes Entrance Tennis Club

- Stormwater run-off from the hill causes ponding on the courts and the grass area surrounding the club facilities.
- Improved clubroom and change room facilities are required.
- Club advocates for the retention of a minimum 8 courts.
- Struggle to attract committee members and volunteers.

Lakes Entrance Croquet Club

- Facilities are adequate for the club.
- Rear access (unsealed) road and car park surface requires ongoing maintenance.

Discussion

The future provision of additional indoor courts to service a variety of present and future indoor sporting needs is the priority sports facility project for Lakes Entrance. A site adjacent to the Lakes Entrance Aquadome is the optimal location for a new stadium, which will enable the on-site management of the stadium to be consolidated with the management of the Aquadome. Tennis participation levels have fluctuated during the past 10 years, and the current provision of 10 courts exceeds current needs, which creates an opportunity to utilise some of the existing tennis courts for the new stadium. The site master plan supports a reduction in the number of tennis courts to six and the provision of new clubhouse.

An investigation into options to mitigate the impacts of stormwater run-off and inundation of large sections of the Lakes Entrance central activities district, has identified the potential use of the Lakes Entrance Aquadome precinct as a stormwater detention site. Whilst this may impact the fenced dog park, it creates opportunities for new walking trails (boardwalks) and other landscape embellishments to complement the current sporting and recreation values of the precinct.

The Lakes Entrance Recreation & Camping Reserve is a well-managed and maintained community asset by a DEECA Local Committee. Developing a new master plan for the reserve would be the ideal means to further investigate the directions proposed for the reserve: new joint-use netball change room building (netballers and campers to utilise it); upgrade of the oval floodlights to match standard; and upgrade of the social room building to achieve building code compliance, a more functional kitchen/ canteen space, and increased storage capacity.

There is presently little capacity within the township to accommodate the emerging and longer-term needs for Soccer participation. Being the 2nd largest town in the Shire behind Bairnsdale, and given the trend of increased participation in soccer across the State and also in the Shire, it can be confidently predicted that a new soccer club will form in Lakes Entrance in the short to medium term if appropriate support is provided.

Under the guidance of the East Gippsland United Football Club (EGUFC), and with support from Football Victoria, a soccer training group has been formed that is affiliated with the EGUFC, and which utilises the oval at St Brendan's Catholic PS. An offer from the Lakes Entrance Secondary College to utilise its oval has also been made. Whilst school grounds will suffice in the short-term when the players are young and the group is small, a more permanent and dedicated facility will likely be required in the future. Such a facility would allow increased usage, and should comprise of soccer pitch/es with floodlights and a pavilion – the former Lakes Entrance Pony Club site might be a possibility for redevelopment into a soccer facility, and also have potential to be used as an overflow cricket oval in the event that the two school ovals become unavailable for community sporting use.

Master Plan Costings and Prioritisation

The practicality and order of implementation of projects will be subject to a number of factors and criteria before proceeding, including:

- Availability of funding.
- Current and future priorities of Council, the reserve committee and user groups, and the broader needs of the town community.
- Further investigation, feasibility, research and consultation.

The numbers assigned to each project in the cost and prioritisation table are the same as the numbered symbols on the master plan.

The project prioritisation of **S** (Short), **M** (Medium) and **L** (Long) is an indication of the relative importance of a project compared to the other projects contained in the master plan, and should not be interpreted or aligned to any specific timeframe or years to be implemented.

The directions contained in the master plan do not commit Council or other organisations to a responsibility for funding.

- All capital cost estimates shown in the tables are based on works being undertaken by professional contractors.
- The cost estimates have been provided as indicative costs, based on similar projects undertaken in the past 18 months. No detailed plans have been prepared for any of the proposed upgrades, which are typically required to calculate more accurate cost estimates.
- Cost exclusions include:
 - Construction contingencies.
 - Any costs/ loss of income, which may be incurred by user groups or Council during construction of projects.
 - Goods and Services Tax (GST).
- It should be noted that some capacity might exist for cost savings during the implementation of the capital improvement program by packaging multiple projects into one larger contract.

Item No.	Improvement Project	Priority	Estimated Costs
Lakes Entrance Aquadome Precinct			
1	Construct a 3-court indoor stadium over existing tennis courts <i>[not costed, subject to detailed planning]</i>	M	-
2	Future use of this area to be determined during design development of the stadium	M	\$0
3	Convert two asphalt tennis courts to sand-filled synthetic grass courts, and install floodlights	S	\$450,000
4	Realign internal road and reconfigure and increase parking	M	\$450,000
5	Construct a new tennis clubroom to integrate with the existing public toilet building, and then remove the existing clubroom and store, and the chain mesh fence to create a new public park area to the north	M	\$900,000
6	Improve stormwater management along vegetation edge	S	\$250,000
7	Construct a connecting path	L	\$110,000
8	Install two new sand-filled synthetic grass courts	S	\$450,000
9	Potential future stormwater outfall basin (not costed)	L	\$0
10	Formalise car park (seal)	L	\$175,000
Lakes Entrance Recreation & Camping Reserve			
11	Review the current reserve master plan to prepare a new master plan	S	\$30,000
12	Construct a new netball pavilion	M	\$1,000,000
13	New floodlighting on oval	S	\$375,000
14	Upgrade the social room to achieve compliance for internal toilets and disabled access, and increase storage	M	\$450,000

Item No.	Improvement Project	Priority	Estimated Costs
Other Township Sports Facility Projects			
15	Support the East Gippsland United Football Club to develop soccer participation opportunities (non-capital)	S	\$0
16	Undertake a feasibility study to assess future uses for the Lakes Entrance Pony Club land	S	\$30,000
Consultant Fees (design, documentation, admin) @ 10% of project cost			\$467,000
TOTAL MASTER PLAN COSTS (ex GST)			\$ 5,137,000

6. PAYNESVILLE

See the map below showing the Paynesville planning area.



6.1. Summary of Sports Facility Directions

AJ Freeman Reserve

(see master plan in Figure 8)

1. Rebuild the existing bank of three tennis courts as acrylic (hard) courts, and install the book-a-court system and floodlights pending demand.
2. Construct a new netball-tennis pavilion on the site of the existing single tennis court (*pavilion construction to commence 2023*).
3. Reconstruct the Main Oval, including new irrigation and drainage systems and a new surface, and relocate the coaches' boxes.
4. Install new LED sports field lighting around the Main Oval to match standard (refer AFL Guidelines).
5. Install an electronic scoreboard for the Main Oval, and remove the existing scoreboard.
6. Renovate the main pavilion to include new compliant change rooms and amenities, public toilets, and storage for the tenant groups, including turf wicket maintenance shed, and construct new roof over the main pavilion entry and new verandah to the oval side.

7. Install new steps and an accessible ramp from the pedestrian path on the east side of the oval.
8. Install an irrigation system into Oval 2 and explore its potential use as a training base for soccer to develop locally.
9. Erect a new storage shed along the Ashley Street boundary with multiple bays for use by Paynesville community groups.
10. Improve the traffic management within the reserve, including the sealing of the perimeter road around the Main Oval, installing speed bumps, and line marking the car parking bays between the netball courts and the Main Oval.
11. Undertake the following projects to enhance the recreational values of the reserve:
 - Resurface the central pedestrian path between Ashley Street and King Street
 - Construct a new 1.5m path around the southern sections of the Main Oval and Oval 2
 - Establish a new picnic area in the bushland area adjacent to King Street
 - Construct a recreational BMX track in the bushland area
 - Undertake tree planting throughout the reserve and return the northwest corner to passive open space (currently utilised for tennis car parking).
12. Clear identification signage is required at all reserve entrances for emergency vehicles.

Paynesville Bowling Club

13. Convert the bowling green in the southwest corner to a synthetic surface, cover the green and install new floodlighting.

Figure 8 – AJ Freeman Reserve Master Plan



6.2. Sports Facility Needs Analysis

This section includes research and data supporting the proposed new and upgraded sporting facilities for Paynesville as described in Section 6.1.

Demographic Characteristics

The population of Paynesville increased by 587 people from 5,805 people in 2016 to 6,392 in 2021¹⁰. This is a 9.9% increase, which compares to 8.2% growth for all of East Gippsland Shire for the same period.

The demographic characteristics of Paynesville relevant to sports facility planning are:

- Paynesville has a significantly 'older' demographic profile compared to all of East Gippsland Shire, evidenced by:
 - Lower proportion of 0–14 (9.6%) compared to the Shire (15.1%)
 - Lower proportion of 5–39 (21.4%) compared to the Shire (32.6%)
 - Higher proportion of people aged over 65 (44.6%) compared to the Shire (30.9%).
- Paynesville has a smaller proportion of 'households with children' (20.2%) compared to all of East Gippsland Shire (27.9%).
- Paynesville has a higher level of cultural diversity compared to all of Regional Victoria: 16.4% of residents were born overseas, which is higher than all of Regional Victoria (12.4%) and all of East Gippsland Shire (11.9%).

The population of Paynesville is projected to grow by an estimated 3,437 people to 9,829 by 2041, an increase of 53.8%, compared to projected growth of 19.9% for all of East Gippsland Shire. Of note is that the profile of the town will become 'younger', with the 0-14 cohort increasing to 11.8% of the population by 2041, and the 5-39 cohort increasing to 23.9%.

The number of people aged 5–39 years (the active age cohort) is projected to increase by 849 people between 2021 (1,501) to 2041 (2,350).

¹⁰ Source: Community Profile and Population Forecast, id consulting 2022.

Sports Participation

Table 10 provides a breakdown of the club membership (to gender and age) for Paynesville sports clubs included within the scope of the study, and also compares the town participation rates with the corresponding sport State participation rates.

Table 10 – Club Membership and Participation Rates 2019 (Paynesville)

Club/ Association	Number of Participants					Participation Rate	
	Male	Female	Senior	Junior	Total	Club	Victorian Average
Paynesville Bowling Club	131	86	211	6	217	3.50	0.80
Paynesville Cricket Club	51	9	38	22	60	0.97	2.30
Paynesville Football Netball Club (football)	138	68	86	120	206	2.23	3.32
Paynesville Football Netball Club (netball)							
East Coast Netball	0	30	0	30	30	1.91	1.76
Walking Netball	0	20	20	0	20		
Paynesville Tennis Club	2	18	20	0	20	0.32	2.33
East Gipps UFC (soccer) (est. Paynesville members)*	20	9	5	24	29	0.47	1.20
TOTAL					582	Town rate	9.1%

* Estimated breakdown of gender and age

The data shows that the participation rate by Paynesville residents in Cricket, Football, and Tennis is below State averages. This would be expected given the historic older age profile of the town, and is further reinforced by the Bowling participation rate in Paynesville being more than four times the State average, but the town's overall sport participation rate of 9.1% being below the average participation by all Shire residents in organised sport at 11.8%, as reported in the 2015 *VicHealth Indicators Survey* (refer section 3.3.2).

The higher participation rate in Netball in Paynesville compared to the Statewide average netball participation rate is most likely an early sign of the future implications for sport from the changing demographic profile of the town, ie. getting younger.

Existing Sports Facility Provision

Table 11 identifies and describes the sporting facilities available in Paynesville, including their condition and the adequacy of the supply to meet current and future needs. The condition of facilities was assessed by

the consultant team during site visits undertaken during the study, and also from feedback provided by Council staff, the AJ Freeman Reserve Committee of Management and sporting clubs.

Table 11 – Condition and Supply Assessment of Paynesville Sporting Facilities

Sports Facilities/ Venues	Field of Play			Facility Condition			Comments
	Existing Provision	Required 2041	Shortfall/ Oversupply	Field/s of Play	Social Room	Change/ Amenities	
Bowling Greens	3	1	2				
-Paynesville Bowling Club	3			Good	Good	Good	-The Club owns the land and is wholly responsible for the facilities
Cricket Ovals	2	3	1				
-AJ Freeman Reserve	2			Fair	Good	Poor	-The condition of the Main Oval is fair, and it has a turf centre wicket in good condition. The condition of Oval 2 is fair (has no sub-surface irrigation or drainage) and it has a function as a town stormwater detention basin. -Main Pavilion is shared by football, netball and cricket and has non-compliant change room toilets and showers, inadequate umpires rooms, is DDA non-compliant, and lacks adequate storage
Football Ovals	2	2	0				
-AJ Freeman Reserve	2			Fair	Good	Poor	-See above -Oval sports lighting requires upgrade to meet AFL standards -Oval 2 is not currently required for football, but could be utilised for junior football training and matches, if demand arises
Indoor Courts	0	2	2				
							-According to benchmarks, a town the size of Paynesville could require up to 2 indoor courts to meet the needs of its projected future population of 9,829 -However, given the significant capital cost of indoor stadiums and the close location of Paynesville to Baimsdale Aquatic and Recreation Centre with its proposed expansion and upgrade to include 5 multipurpose courts, it is not considered a priority for Paynesville to develop indoor sports courts
Netball Courts (outdoors)	2	3	1				
-AJ Freeman Reserve	2			Excellent	Good	NA	-2 existing courts are fully compliant and in excellent condition -According to benchmarks, a town the size of Paynesville could require up to 3 netball courts in the future, however, 2 courts will meet the needs of the football netball club, and should be adequate for the training needs of East Coast Netball, with their competition needs accommodated at the redeveloped Baimsdale Netball Association facility -New netball-tennis pavilion funded for construction in 2024.

Sports Facilities/ Venues	Field of Play			Facility Condition			Comments
	Existing Provision	Required 2041	Shortfall/ Oversupply	Field/s of Play	Social Room	Change/ Amenities	
Soccer Pitches	0	2	2				
							-Size of town triggers need for soccer pitches
Tennis Courts	4	5	1				
-AJ Freeman Reserve	10			Poor	Fair	Poor	-4 hard courts are in poor condition from the impact of a fungal issue, and no courts are floodlit -According to benchmarks, a town the size of Paynesville could require up to 5 tennis courts in the future, however, given the low participation rate and the short distance to the Shire's regional tennis centre at Bairnsdale, 3 local courts are considered adequate, with the potential to add an additional court in the future, if demand arises -Current tennis clubroom is in fair condition and is non-compliant - new netball-tennis pavilion funded for construction in 2024

Stakeholder Consultation

As reported in Section 4.0, several consultation processes with stakeholders has informed the development of the sports facility plan. The following key input was received from Paynesville sports clubs, committees and other groups, and helped to formulate the facility planning directions outlined in Section 6.1.

Paynesville Football Netball Club

- New floodlighting is required for the oval.
- Netball change rooms are required (*pavilion construction in 2023*).
- Main pavilion change rooms and amenities require upgrading.
- Potential new social room as second storey to the pavilion, and re-purpose the existing social rooms to provide compliant change rooms and a gymnasium.

Paynesville Cricket Club

- Need to consider the whole precinct as one, in relation to the pavilion, ie. consider including views to Oval 2.
- Cars currently drive down to Oval 2, which is a safety risk.

- The ovals are generally in good condition, however:
 - main oval needs to be re-surfaced, as it contains too many types of grasses
 - Oval 2 requires irrigation.

Paynesville Tennis Club

- Courts need to be reconstructed.
- Clubroom is spartan, no hot water, lack of storage, small in size.
- Car parking is not defined, and is impacted by existing gum trees.

Paynesville Bowls Club

- Priority project is to convert a green to a synthetic green, and then in the future to cover it.

Council Input

- Consider upgrades and improvements to the 'walkability' of the reserve, and connections to adjoining neighbourhoods.
- Investigate options at the reserve for a new community groups' storage shed to enable the shed at Gilsenan Reserve to be removed.

Discussion

The need for netball change rooms and amenities is a priority for the reserve, and it creates an opportunity for a new shared-use pavilion to also accommodate the future needs of the tennis club. The ideal location for a new pavilion is on the site of the single tennis court (*new netball-tennis pavilion has progressed to construction in 2024*).

Whilst the new pavilion will result in the loss of one tennis court, the close location of the Bairnsdale Tennis Centre makes it the destination for keen tennis participants who reside in Paynesville, with the tennis courts at the reserve having the primary function to accommodate local tennis coaching, social play and casual use – all which can be facilitated through Tennis Victoria's Igloo smart lock system.

The football and cricket player change room amenities are inadequate in several ways: insufficient number of pans and showers; both teams share the same showers; the showers are open and not cubicled; and the change rooms and amenities are not 'female friendly'. It is important that the southern half of the main pavilion be redeveloped in the short to medium term. The same project creates the opportunity to incorporate additional equipment storage for the cricket and football clubs, and incorporate a new turf wicket maintenance shed, which will enable the two existing cricket out-buildings to be removed.

AJ Freeman Reserve is an important open space for residents and a high-use 'short-cut' for residents in the north western area of town to access the shops and foreshore precinct, or conversely, for residents in the south to access the Paynesville Primary School. The master plan supports the upgrade of the asphalt path that runs north-south between the ovals, and also proposes a new pedestrian path around the south of Oval 2 to link the central path with the western most reserve pedestrian access on King Street. A new path is also supported around the reserve perimeter fence south of the main oval to link the central path to a proposed new recreational BMX circuit and a new picnic area in the southeast corner of the reserve in a bushland setting adjacent to the corner of Main Road and King Street. Both recreational facilities will help activate this area of the broader AJ Freeman Reserve environs.

Like Lakes Entrance, there is an emerging and longer-term need to accommodate Soccer participation in Paynesville. Paynesville district already has the highest number of registered soccer players with the East Gippsland United Football Club (EGUFC) outside of Bairnsdale (29 players,

or 13% of all club members), and the town is projected to become the 2nd largest town in the Shire behind Bairnsdale, and is projected to become 'younger' with the influx of young families. It can be predicted with some confidence that a new soccer club will form in Paynesville in the short to medium term if appropriate support is provided.

A soccer training group affiliated with the EGUFC is in the early stages of forming. Oval 2 does not currently have a winter tenant and could become the base for Soccer to develop locally, with night training being accommodated on the Main Oval around football needs, as floodlights will be required for training. Any future redevelopment of the main pavilion could include an additional set of soccer change rooms.

Master Plan Costings and Prioritisation

The practicality and order of implementation of projects will be subject to a number of factors and criteria before proceeding, including:

- Availability of funding.
- Current and future priorities of Council, the reserve committee and user groups, and the broader needs of the town community.
- Further investigation, feasibility, research and consultation.

The numbers assigned to each project in the cost and prioritisation table are the same as the numbered symbols on the master plan.

The project prioritisation of **S** (Short), **M** (Medium) and **L** (Long) is an indication of the relative importance of a project compared to the other projects contained in the master plan, and should not be interpreted or aligned to any specific timeframe or years to be implemented.

The directions contained in the master plan do not commit Council or other organisations to a responsibility for funding.

- All capital cost estimates shown in the tables are based on works being undertaken by professional contractors.
- The cost estimates have been provided as indicative costs, based on similar projects undertaken in the past 18 months. No detailed plans have been prepared for any of the proposed upgrades, which are typically required to calculate more accurate cost estimates.

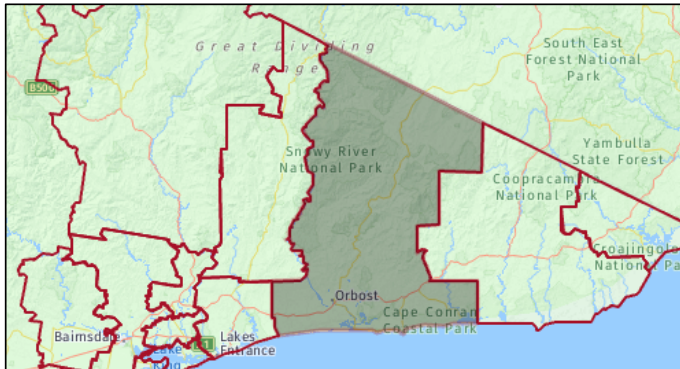
- Cost exclusions include:
 - Construction contingencies.
 - Any costs/ loss of income, which may be incurred by user groups or Council during construction of projects.
 - Goods and Services Tax (GST).
- It should be noted that some capacity might exist for cost savings during the implementation of the capital improvement program by packaging multiple projects into one larger contract.

Item No.	Improvement Project	Priority	Estimated Costs
1	Three new acrylic tennis courts with floodlights and lgloo lock system (courts re-surfaced in the short-term)	M	\$600,000
2	New netball-tennis pavilion	S	\$1,070,000
3	Reconstruct main oval (irrigation, drainage, turf) (\$450,000) and relocate the coaches' boxes (\$35,000)	S	\$485,000
4	Upgrade the main pavilion social room. Upgrade and extend the southern section for compliant changerooms and amenities, public toilets, storage and maintenance shed	M	\$550,000
5	Remove the old cricket rooms and store	M	\$15,000
6	Install sub-surface irrigation (\$150,000) and soccer overlay in winter (\$0)	M	\$150,000
7	Install synthetic surface to bowling green with a new cover and floodlights	L	\$2,500,000
8	Install new steps and an accessible ramp from the pedestrian path to the second oval	M	\$75,000
9	Install new spectator shelter	L	\$75,000
10	Upgrade pedestrian path	M	\$50,000
11	New floodlighting on main oval	S	\$375,000
12	New electronic scoreboard	M	\$75,000
13	Demolish existing scoreboard and toilet block	S	\$20,000
14	Relocate the playground	M	\$50,000
15	Seal the reserve road and install traffic calming	L	\$285,000

Item No.	Improvement Project	Priority	Estimated Costs
16	Consider options for the re-use of the former tennis clubroom building	S	\$0
17	Construct a roof over the existing pavilion entry and verandah to oval side (\$125,000) and install a drain to control stormwater flowing from the front of the pavilion onto the oval (\$35,000)	S	\$160,000
18	New picnic area	M	\$50,000
19	Reconstruct BMX track	M	\$75,000
20	Construct a ramp to connect to existing path	L	\$10,000
21	Construct a gate with steps	L	\$7,500
22	Tree planting (20 No.)	S	\$5,000
23	Retain as multi-purpose area and overflow carparking	-	\$0
24	Vehicle access to storage shed and opportunity for carparking adjacent tennis and netball courts	S	\$25,000
25	Construct a 1.5m wide sealed walking path	S	\$45,000
26	Thin out vegetation and/or remove Tea-Tree and replace with Eucalypts	S	\$25,000
27	Site for storage sheds as required for Paynesville community groups	S	\$100,000
28	Formalise carparking area with line marking. Install zebra crossing from the front door of main pavilion north to the playground.	S	\$20,000
Consultant Fees (design, documentation, admin)			\$689,750
TOTAL MASTER PLAN COSTS (ex GST)			\$ 7,587,250

7. ORBOST

See the map below showing the Orbost planning area.



7.1. Summary of Sports Facility Directions

Orbost Recreation Reserve

(see master plan in Figure 9)

1. Continue to support the tenancy of all existing clubs based at the Orbost Recreation Reserve.
2. Relocate the Orbost Hockey Club to the reserve after extending the northern end of the oval surface and installing floodlights to accommodate a grass hockey pitch.
3. Retain the Senior Citizens section of the reserve pavilion and demolish the central section.
4. Upgrade the existing change rooms and amenities of the reserve pavilion and install a canteen within the existing social space, with all pavilion facilities to be shared on a seasonal basis between the Orbost Cricket Club and Orbost Hockey Club.
5. Reconfigure the 2 bowling greens to enable 2 compliant croquet courts to be established at the northern end and the southern bowling green to be rebuilt closer to the clubroom.

6. The Orbost Bowls and Croquet Clubs to share the bowls clubroom, and to potentially amalgamate to benefit from operational efficiencies.
7. Enhance the recreational values of the reserve by:
 - Constructing a path through the reserve between Gladstone Street and Salisbury Street
 - Closing the northeastern vehicle access into the reserve off Gladstone Street
 - Removing the old scoreboard building
 - Undertaking tree planting throughout the reserve.
8. Clear identification signage is required at all reserve entrances for emergency vehicles.

Lochiel Park

(see master plan in Figure 10)

9. Reconstruct the oval, including new irrigation and drainage systems, and a new even surface.
10. Install new LED sports field lighting to match standard (*project funded*).
11. Install an electronic scoreboard onto the front of the existing scoreboard.
12. Rebuild the northern netball court to achieve a compliant netball court, and install floodlights to training standard (refer Netball Victoria Guidelines). Refer Appendix 4 for netball court development plan.
13. Relocate the Orbost Little Athletics to the reserve and construct the necessary field event facilities (long/ triple jumps, throwing cage and shot put circle), with high jump to utilise one of the netball courts.
14. Extend the change room building to include an away netball change room, a gymnasium, public toilets, and an athletics equipment store, and remove the old pavilion.
15. Control stormwater flow onto the oval by re-sealing the former fire training track and incorporating kerb and channel on the south side, and by sealing the reserve road, which will mitigate stormwater run-off onto the main netball court.

16. Undertake the following projects to enhance the recreational values of the reserve:
 - Continue to maintain the existing BMX track
 - Line-mark the northern netball court for Basketball as well, and install the necessary infrastructure to support netball and basketball goals
 - Improve the connectivity between the reserve and caravan park
 - Remove the old toilet block after the change room extension incorporating new public toilets
 - Undertake tree planting throughout the reserve.
17. Clear identification signage is required at all reserve entrances for emergency vehicles.

Bower Street Reserve

18. Continue to use the reserve as the base for the Orbost Hockey Club until it relocates to the Orbost Recreation Reserve.

Orbost Community Sports Centre

19. Repair/ replace stadium roof spouting.

Orbost Secondary College Oval

20. Continue to use the oval for overflow cricket matches.
21. Explore the potential use of the oval as a training base for Soccer to develop locally.

7.2. Sports Facility Needs Analysis

This section includes research and data supporting the proposed new and upgraded sporting facilities for Orbost as described in Section 7.1.

Demographic Characteristics

The population of Orbost increased by 143 people from 3,889 people in 2016 to 4,032 in 2021¹¹. This is a 3.7% increase, which compares to 8.2% growth for all of East Gippsland Shire for the same period. Demographic characteristics of Orbost relevant to sports facility planning are as follows.

- Orbost has a 'slightly older' demographic profile compared to all of East Gippsland Shire, evidenced by:
 - Lower proportion of 0–14 (14.3%) compared to the Shire (15.1%)
 - Lower proportion of 5–39 (30.7%) compared to the Shire (32.6%)
 - Similar proportion of people aged over 65 (30.7%) compared to the Shire (30.9%).
- Orbost has a smaller proportion of 'households with children' (23.9%) compared to all of East Gippsland Shire (27.9%).
- Orbost has a lower level of cultural diversity to all of Regional Victoria: 9.1% of residents were born overseas, which is lower than all of Regional Victoria (12.4%) and all of East Gippsland Shire (11.9%).

The population of Orbost is projected to remain relatively stable to 2041, with a projected increase of 43 people to a total of 4,075, an increase of 1.1%, compared to projected growth of 19.9% for all of East Gippsland Shire.

The number of people aged 5–39 years (the active age cohort) is projected to decrease by 1 person between 2021 (1,219) to 2041 (1,218).

Sports Participation

Table 12 provides a breakdown of the club membership (to gender and age) for Orbost sports clubs included within the scope of the study, and also compares the town participation rates with the corresponding sport State participation rates.

The data shows that the participation rate by Orbost residents in all sports (other than Tennis) is close to or exceeds the State averages. Tennis participation is currently less than half the State average, whilst conversely, Croquet, Hockey and Little Athletics participation exceed their respective State averages by significant margins.

The town's overall participation rate in sport of 16.9% is above the average participation by all Shire residents in organised sport at 11.8%, as reported in the 2015 *VicHealth Indicators Survey* (refer section 3.3.2), which is significant as the town has an 'older' demographic profile compared to all of East Gippsland Shire.

¹¹ Source: Community Profile and Population Forecast, id consulting 2022.

Figure 9 – Orbost Recreation Reserve Master Plan

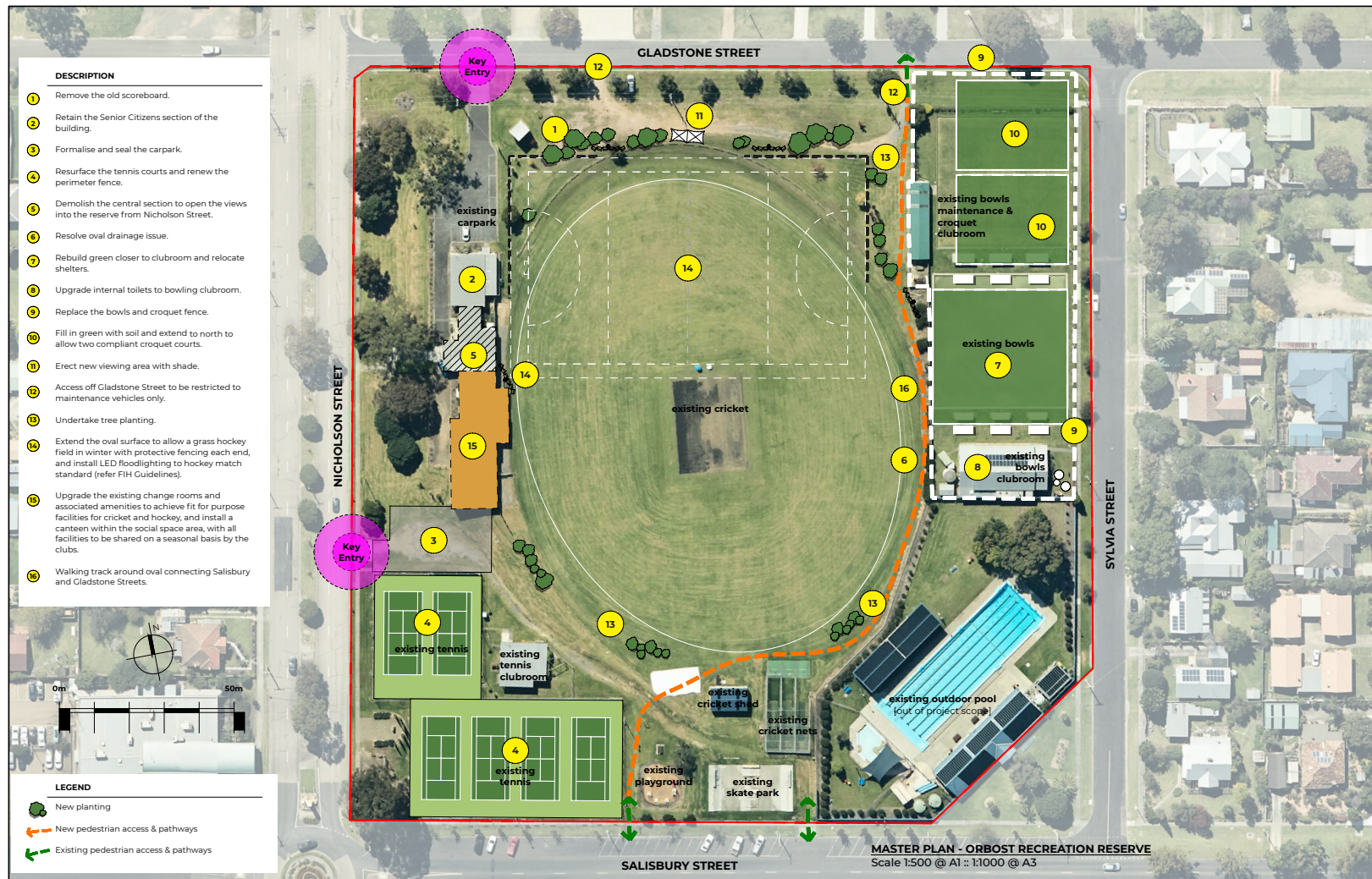


Figure 10 – Lochiel Park Master Plan

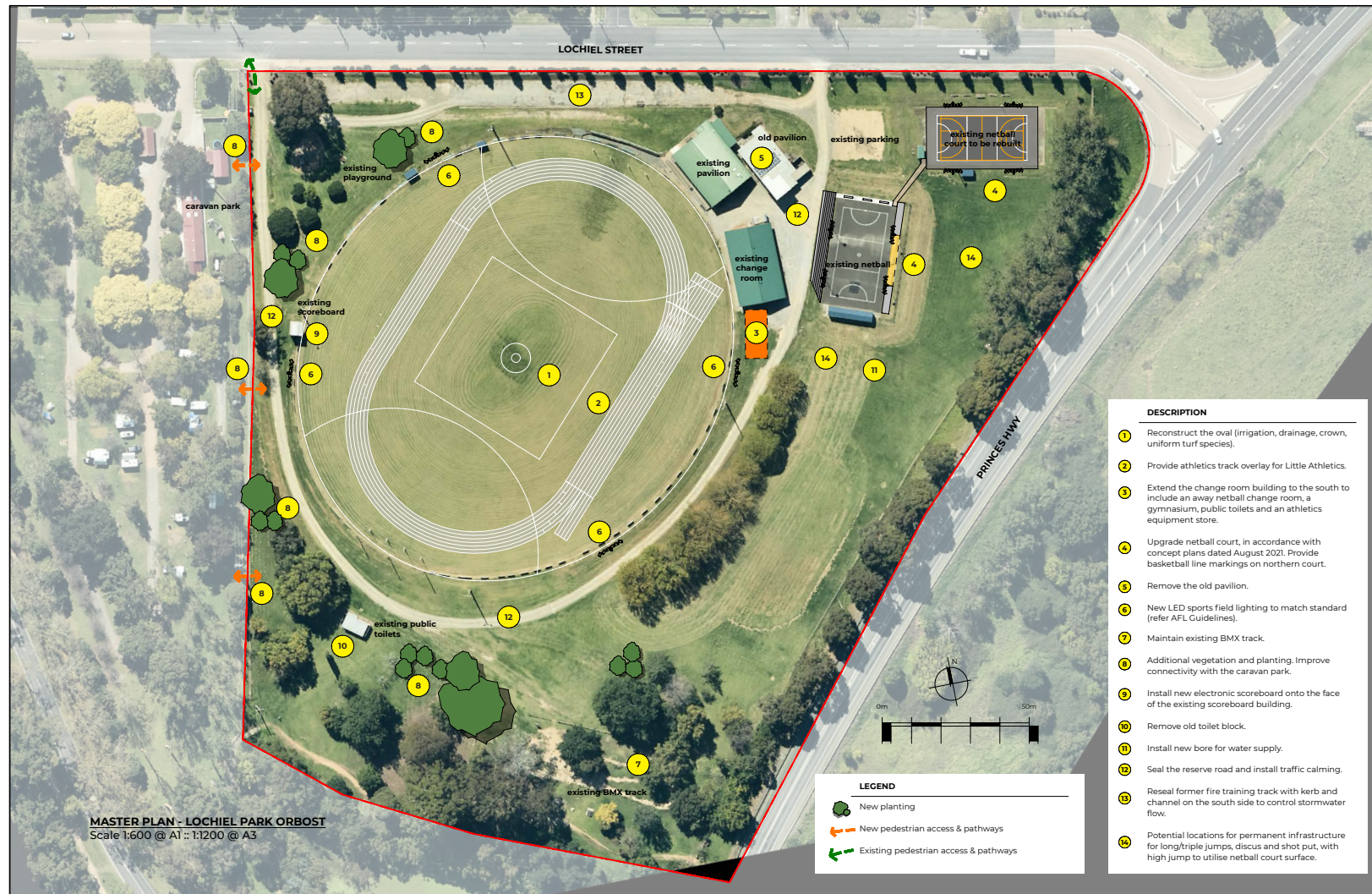


Table 12 – Club Membership and Participation Rates 2019 (Orbost)

Club/ Association	Number of Participants					Participation Rate	
	Male	Female	Senior	Junior	Total	Club	Victorian Average
Orbost Basketball Association	110	40	60	90	150	3.73	3.89
Orbost Croquet Club	6	18	24	0	24	0.60	0.05
Orbost Bowls Club	17	18	35	0	35	0.87	0.80
Orbost Tennis Club	5	35	30	10	40	1.00	2.33
Orbost Cricket Club	75	7	25	57	82	2.04	2.30
Orbost Snowy Rovers Football Netball Club (football)	170	65	115	120	235	4.23	3.32
Orbost Snowy Rovers Football Netball Club (netball)						1.62	1.76
Orbost Little Athletics Centre	15	23	0	38	38	0.95	0.31
Orbost Hockey Club	35	40	30	45	75	1.87	0.32
East Gipps UFC (soccer) (est. Orbost members)*	0	1	0	1	1	0.02	1.20
TOTAL					680	Town rate	16.9%

* Estimated breakdown of gender and age

Existing Sports Facility Provision

Of the six towns included in this study, Orbost has the most diverse sport offerings (9), and the most sporting facilities (9). Not counting Football and Netball which co-locate as a rule due to aligned competitions, all sports are currently offered from single-use venues and dedicated facilities, except Little Athletics which shares the Orbost Secondary College Oval with occasional cricket use. The sports facilities and venues are listed below.

- Orbost Recreation Reserve
 - Cricket oval
 - Tennis courts
 - Bowling green
 - Croquet courts
- Lochiel Park
 - Football oval
 - Netball courts
- Bower Street Reserve
 - Hockey pitches (natural turf)
- Orbost Community Sports Centre
 - Basketball
- Orbost Secondary College
 - Cricket oval (use for Little Athletics also)

Table 13 describes all sporting facilities, including their condition and the adequacy of the supply to meet current and future needs. The condition of facilities was assessed by the consultant team during site visits undertaken during the study, and also from feedback provided by Council staff, committees of management, and sporting clubs.

Stakeholder Consultation

As reported in Section 4.0, several consultation processes with stakeholders has informed the development of the sports facility plan. The following key input was received from Orbost sports clubs, committees and other groups, and helped to formulate the facility planning directions outlined in Section 7.1.

Orbost Snowy Rovers Football Netball Club

- Require the northern netball court to be made compliant.
- Oval playing surface needs to be upgraded, ie. irrigation, drainage, levelling.
- Sealing the access road around the oval will help resolve the stormwater issues.
- Netball change rooms need expanding to accommodate 2 teams.
- Replace/ upgrade the public toilet block.

Orbost Cricket Club

- Club requires updated amenities and improved facilities for women.
- Upgrade of the change rooms.

Orbost Bowls Club

- Synthetic green surface needs replacing, and has drainage issues.
- Clubroom toilets and external shelters need renewing.
- Bowls facility perimeter fence needs replacing.

Table 13 – Condition and Supply Assessment of Orbost Sporting Facilities

Sports Facilities/ Venues	Field of Play			Facility Condition			Comments
	Existing Provision	Required 2041	Shortfall/ Oversupply	Field/s of Play	Social Room	Change/ Amenities	
Athletics	1	1	0				
-Orbost Secondary College Oval	1			Good	NA	NA	-The College Oval is in good condition but can only accommodate a track of 300m circumference, not the ideal length of 400m -The long/ triple jump run-ups and pit are the only permanent field event infrastructure -There is no clubroom and access to toilets is within the school grounds out of sight of the oval
Bowling Greens	1	1	0				
-Orbost Bowling Club	1			Fair	Good	Fair	-The Club previously used two greens but the northern green is no longer required and is leased to the Orbost Croquet Club -The southern green has a synthetic surface, which needs replacing (is worn, has compacted, and holds water)
Cricket Ovals	2	2	0				
-Orbost Recreation Reserve	1			Excellent	Good	Poor	-The Orbost Recreation Reserve oval is in excellent condition, however, there is a drainage issue around the eastern boundary -The turf centre wicket is in good condition, however, when the western turf pitch is used the distance to the western boundary is short (clearance of approx. 48m, should be minimum 50m) -The pavilion has non-compliant change room toilets and showers, inadequate umpires rooms, and is DDA non-compliant - the social space is large and in good condition -The College Oval is used occasionally for cricket, it is in good condition but the centre pitch is too narrow and needs replacing; the club has erected a small clubroom that has no amenities
-Orbost Secondary College Oval	1			Good	Poor	NA	
Croquet Courts	1.5	1	0				
-Orbost Croquet Club	1.5			Good	Poor	NA	-The northern green is large enough to only accommodate 2 small-size croquet courts, and its surface is still recessed whilst croquet courts should be at grade with the surrounds -The Club does not have access to the Bowls clubroom, and utilises the southern half of the equipment maintenance shed as a clubroom and toilet (there are no change rooms) - this arrangement is not sustainable
Football Ovals	1	1	0				
-Lochiel Park	1			Fair	Excellent	Good	-The condition of the oval is fair (requires new sub-surface irrigation and drainage, and levelling) -Oval sports lighting requires upgrade to meet AFL standards -Pavilion is excellent in size and condition, and the change rooms are good, with the only issues being the open showers and there is no away netball change room

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Sports Facilities/ Venues	Field of Play			Facility Condition			Comments
	Existing Provision	Required 2041	Shortfall/ Oversupply	Field/s of Play	Social Room	Change/ Amenities	
Hockey Pitches	2	1	1				
-Bower Street Reserve	2			Fair	NA	Poor	-The condition of the pitches is fair (uneven, no sub-surface drainage), and combined with poor maintenance makes them unsatisfactory for competition hockey, and the floodlights are non-compliant for training -Off-pitch facilities include a toilet/ change building that does not meet standards, and a storage shed that doubles as a canteen. -Overall, the facilities are not conducive for a sustainable hockey club environment
Indoor Courts	1	1	0				
-Orbost Community Sports Centre	1			Good	Good	Good	-Centre was opened in 1994 and is in good condition and well maintained by the committee of management -The single court is line marked for basketball, netball (1 court), badminton (4) and volleyball (2) -The player change rooms and amenities, kitchen, and other spaces are all in good condition -A key issue is the roof spouting has failed and needs replacing
Netball Courts (outdoors)	2	2	0				
-Lochiel Park	1 (main) 1 (northern)			Excellent Poor	Excellent	Good	-The main netball court is fully compliant and in excellent condition, including floodlights. A key issue is stormwater flowing onto the court from the adjacent gravel road during wet weather. This can only be resolved by installing a kerb and channel gutter along the length of the road from the reserve entrance to just past the netball court -The northern netball court has failed and needs replacing, including new floodlights to training standard -A netball court development plan was prepared in a separate study in 2021, and is attached in Appendix 3 -The change room building has only one netball change room
Soccer Pitches	0	1	1				
							-Size of town triggers need for a soccer pitch
Tennis Courts	6	4	2				
-Orbost Recreation Reserve	6			Fair	Good	NA	-6 sand-filled synthetic grass courts are in average condition (moss, surface condition), and all courts are floodlit -According to benchmarks, 4 courts would be adequate for a town the size of Orbost -Clubroom is adequate, however, there are no change rooms and access to the single toilet is from outside the clubroom at the rear of the building

Orbost Tennis Club

- Poor condition of the court surfaces, and the fencing is beginning to fail.

Orbost Croquet Club

- Need 2 compliant courts in the short-term, but longer term 3 courts.
- Need a larger and more functional clubroom, and an awning over the front.

Orbost Hockey Club

- Condition of off-pitch facilities are poor (toilet/ change and store/ canteen).
- Lack of floodlighting at Bower Street Reserve constrains training opportunities.
- Club requires a sustainable solution for access to a local synthetic pitch.

Orbost Basketball Association/ Centre CoM

- Stadium gutters need cleaning/ replacing.

Orbost Little Athletics Centre

- Access to toilets closer to the track.
- Concrete throwing circles and hardstand area for high jump.

Discussion

A key issue for the ongoing sustainability and condition of facilities in Orbost is that all facilities are being used by a single club, with the exception of the Orbost Secondary College Oval which is shared by Orbost Little Athletics and the Orbost Cricket Club (as its overflow oval), and to a lesser extent Lochiel Park, which is shared by the Orbost Snowy Rovers Football Netball Club and the Orbost Snowy Rovers Junior Football Club, but which effectively operate as a unified club.

The impact of single-use facilities is the cost-burden on clubs, Council and other funding bodies to continually have to maintain existing facilities and fund new ones, and in many instances duplicating the same facilities only a short distance away, eg. the Orbost Recreation Reserve has four clubroom facilities for cricket, tennis, bowls and croquet, and Orbost is currently

maintaining two ovals to high standard whereby all other towns outside Bairnsdale have the football and cricket clubs co-locating and sharing the same oval(s) on a seasonal basis. Compounding the situation in Orbost is the projected small population growth to 2041 and the ongoing ageing of the community, ie. the 'playing' pool of sports people is only likely to reduce, or stabilise at best.

As a result, the East Gippsland Sporting Facilities Plan had an objective to investigate opportunities to increase the number of facilities with shared tenancies and in doing so ultimately rationalise the number of facilities that had to be upgraded to meet compliance and/or expected increased use. Some of the opportunities explored included:

1. Relocating the Orbost Cricket Club to Lochiel Park and installing a new cricket pitch and practice nets at Lochiel Park but still retaining the Orbost Recreation Reserve as the club's main match day ground. This would require a new set of a change rooms only to be provided at the Orbost Recreation Reserve and not a major pavilion redevelopment or replacement. This proposal was ultimately not pursued as the cricket club argued strongly that with the retention of the use of the turf pitch at Orbost Recreation Reserve, and in the short to medium term the retention of training at the reserve as well, that the club's social activities and income would not be sustainable if the club's social activities were based at Lochiel Park, as players would be unlikely to travel to Lochiel Park after matches or training sessions conducted at the Orbost Recreation Reserve.
2. Relocating the Orbost Little Athletics to Lochiel Park where the oval can be marked with a 400m track in summer, which is a distance not possible to be provided at the current Orbost Secondary College oval. There is sufficient space for the construction of permanent field event infrastructure at Lochiel Park, and the athletics group would have convenient access to change rooms and amenities, and the use of the social room for meetings and social functions – facilities all not currently available at the Orbost Secondary College.
3. Relocating the Orbost Hockey Club to Orbost Recreation Reserve, including the provision of a seasonal full-size hockey pitch across the northern half of the oval (will require some excavation works to extend the oval surface to the north), and floodlights. An alternate option assessed early in the study was to construct a synthetic hockey pitch on rectangular field located at the southern end of the the Orbost Secondary College. However, agreement on a sustainable funding model for the facility could not be reached, particularly with the State

Government unlikely to support it due to its recent commitment for the synthetic hockey pitch at the WORLD sporting precinct in Bairnsdale. Plans for the new Orbost P-12 College that is to be developed on the site of the current college show some sections of the rectangular field being used to locate new facilities for the new school, so its availability to be converted into a hockey pitch would likely not have been able to proceed anyway.

Hockey has a long and proud history in Orbost, and the Orbost Hockey Club is the largest Shire-based club in the East Gippsland Hockey Association. Therefore, it is important that a sustainable option for the future of the club is identified, particularly for the club to have local access to a better quality pitch for training and to host matches, and to conduct hockey activation programs throughout its regional catchment.

4. Early in the study, clubs based at the Orbost Recreation Reserve embraced a direction to consolidate social room and change room provision at the reserve as a strategy to support the future off-field needs of the Orbost Cricket Club and the Orbost Hockey Club in shared-use pavilions, and thereby avoid unnecessary duplication of similar facilities across the reserve. Two options were considered:
 - Expand and redevelop the tennis clubroom to provide change rooms, a multipurpose room with kitchen/ canteen facilities, equipment storage and public toilets to service the Orbost Tennis Club and one or both of the Orbost Cricket Club and Orbost Hockey Club.
 - Expand and redevelop the bowls clubroom to provide change rooms, a multipurpose room with kitchen/ canteen facilities, equipment storage and public toilets to service the Orbost Bowls Club, the Orbost Croquet Club, and one or both of the Orbost Cricket Club and Orbost Hockey Club.

In either scenario, the Orbost Croquet Club should be utilising the bowls clubroom in the future as a co-tenant, or in an arrangement whereby the two clubs amalgamate to become one club, eg. the Orbost Bowls & Croquet Club (there are several bowls & croquet clubs operating successfully throughout Victoria). This will save a new clubroom having to be constructed for the croquet club within the same fenced venue 50m-60m away from the bowls clubroom.

After ongoing discussions between the Orbost Cricket Club and Orbost Hockey Club, it was ultimately agreed that the most practical and functional option for shared pavilion facilities was to upgrade the existing pavilion and allocate it seasonally to both clubs.

According to benchmarks, four tennis courts would be adequate for a town the size of Orbost. However, given the distance to the Shire's regional tennis centre in Bairnsdale, and the regional role Orbost plays for other townships, villages and districts throughout the eastern section of the Shire, there is justification to retain the six courts despite the reduction in the club's membership in recent years and an overall decline in tennis participation throughout the Shire. It helps also that the club was successful in obtaining a government grant in 2021 to upgrade its courts and clubroom. The club has recently installed Tennis Victoria's Igloo smart lock system to enable the courts to be more accessible to the public for casual use.

Croquet has a strong following within East Gippsland Shire, including Orbost. It is important therefore that a sustainable solution for the on-court and off-court needs for the Orbost Croquet Club be found. The club's preference is to remain within the centrally located Orbost Recreation Reserve precinct, however, only two compliant croquet courts are possible, and only if the southern bowling green is relocated a few metres to the south. As noted above, clubroom and amenity needs can be easily resolved if both clubs agree to share the existing clubroom.

Similar to Lakes Entrance and Paynesville, there is an emerging and longer-term need to accommodate Soccer participation in Orbost. Currently, there is only 1 soccer player from the Orbost district registered with the East Gippsland United Football Club (EGUFC). This will largely be explained by the historic popularity of football and hockey as the preferred winter sports in Orbost, and a lack of local soccer offerings and facilities.

When the average State participation rate for Soccer (1.20%) is applied to the Orbost population, it suggests there might be a latent demand for an estimated 50 players. Orbost has been identified by the EGUFC and Football Victoria as one of the towns to eventually be represented in the East Gippsland Soccer League – currently, a soccer training group is yet to be established in Orbost. If appropriate facilities become available it is possible that a new soccer club might form in Orbost, and given the Orbost Secondary College Oval does not currently have a winter tenant, it could become the base for Soccer to develop locally. The creation of the new Orbost P-12 College (the Orbost Community College) will mean a significant number of children will have close and convenient access to any new Soccer training base on the oval. Floodlights would be required in the future and could be a joint venture project of stakeholders, whilst off-pitch facilities (change rooms, amenities and meeting/ social spaces) could be provided in the adjacent Orbost Community Sports Centre if similar facilities are not available within the College grounds.

Master Plan Costings and Prioritisation

The practicality and order of implementation of projects will be subject to a number of factors and criteria before proceeding, including:

- Availability of funding.
- Current and future priorities of Council, the reserve committee and user groups, and the broader needs of the town community.
- Further investigation, feasibility, research and consultation.

The numbers assigned to each project in the cost and prioritisation table are the same as the numbered symbols on the master plan.

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Orbost Recreation Reserve

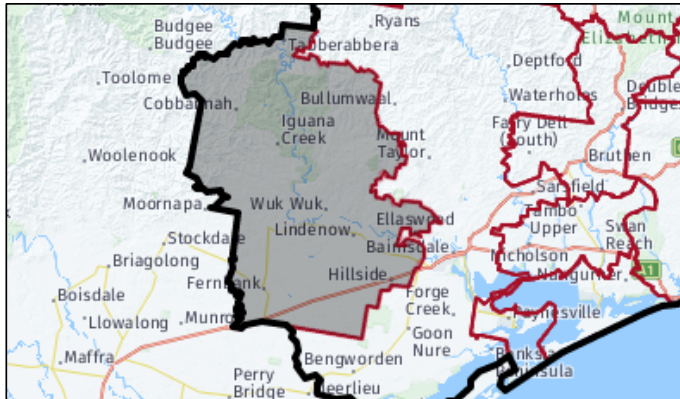
Item No.	Improvement Project	Priority	Estimated Costs
1	Remove the old scoreboard	S	\$7,500
2	Retain the Senior Citizens section of the building	S	\$25,000
3	Formalise and seal the carpark	M	\$250,000
4	Resurface the tennis courts and renew the perimeter fence	M	\$350,000
5	Demolish the central section of the building	M	\$50,000
6	Resolve oval drainage issue	S	\$125,000
7	Rebuild bowling green closer to clubroom and relocate shelters	S	\$250,000
8	Upgrade internal toilets to bowling clubroom	M	\$200,000
9	Replace the bowls and croquet fence	M	\$20,000
10	Fill in bowling green with soil and extend to north to allow two compliant croquet courts	S	\$350,000
11	Erect new viewing area with shade	L	\$55,000
12	Access off Gladstone Street to be restricted to maintenance vehicles only (install boom gate)	S	\$15,000
13	Undertake tree planting (20 No.)	S	\$5,000
14	Extend the oval surface to allow a grass hockey field in winter with protective fencing each end and install floodlighting	S	\$600,000
15	Upgrade the existing change rooms and amenities, and install a canteen within the social space area	S	\$450,000
16	Construct a walking track around oval connecting Salisbury and Gladstone Streets	L	\$20,000
Consultant Fees (design, documentation, admin) @ 10% of project cost			\$277,250
TOTAL MASTER PLAN COSTS (ex GST)			\$ 3,049,750

Lochiel Park

Item No.	Improvement Project	Priority	Estimated Costs
1	Reconstruct the oval (irrigation, drainage, crown, uniform turf species)	S	\$450,000
2	Provide athletics track overlay for Little Athletics	S	\$0
3	Extend the change room building to the south to include an away netball change room, a gymnasium, public toilets and an athletics equipment store	M	\$350,000
4	Upgrade netball court, in accordance with concept plans dated August 2021. Provide basketball line markings on northern court	M	\$350,000
5	Remove the old pavilion	M	\$15,000
6	New sports field lighting (funded)	S	\$350,000
7	Maintain existing BMX track	-	\$0
8	Additional vegetation and planting (20). Improve connectivity with the caravan park	S	\$10,000
9	Install new electronic scoreboard onto the face of the existing scoreboard building	M	\$50,000
10	Remove old toilet block	M	\$7,500
11	Install new bore for water supply	M	\$35,000
12	Seal the reserve road and install traffic calming	L	\$540,000
13	Reseal former fire training track with kerb and channel on the south side	S	\$150,000
14	Potential locations for permanent infrastructure for long/triple jumps, discus and shot put, with high jump to utilise netball court surface	S	\$100,000
Consultant Fees (design, documentation, admin)			\$240,750
TOTAL MASTER PLAN COSTS (ex GST)			\$ 2,648,250

8. LINDENOW

See the map below showing the Lindenow district planning area.



8.1. Summary of Sports Facility Directions

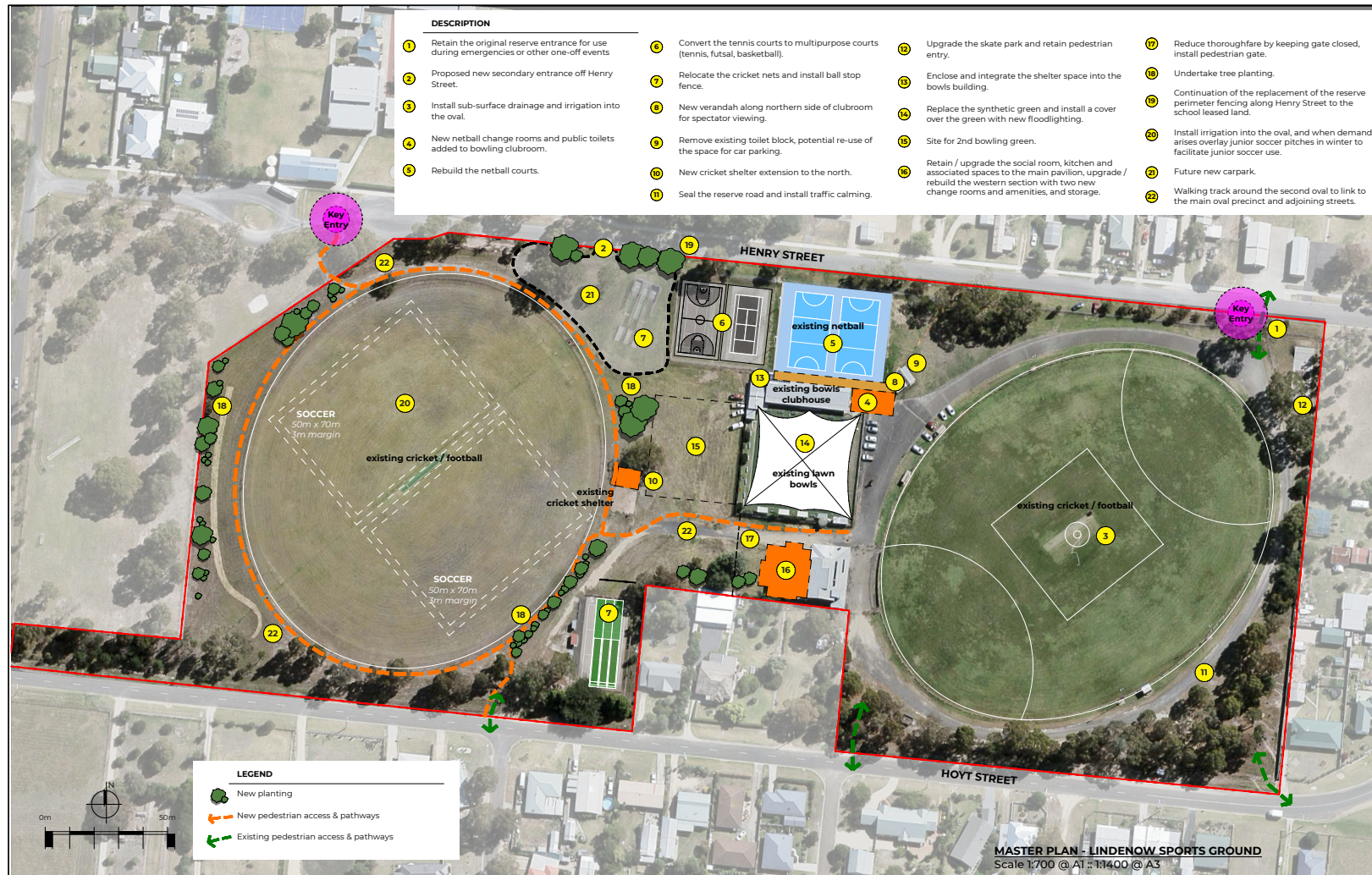
Lindenow Sports Ground

(see master plan in Figure 11)

1. Install a sub-surface drainage and irrigation systems into the Main Oval.
2. Upgrade the main pavilion social room, kitchen and associated spaces, and upgrade/ rebuild the player and umpire change rooms and amenities, and storage capabilities.
3. Relocate the cricket practice nets.
4. Install irrigation into Oval 2.
5. Rebuild the netball courts.
6. Extend the bowling clubrooms to provide new netball change rooms and public toilets, and remove the existing public toilet block.
7. Replace the synthetic bowling green surface and install a cover over the green with new floodlighting.

8. Construct a second bowling green, if the demand arises.
9. Improve the traffic management within the reserve by:
 - Sealing the perimeter road around the Main Oval and installing speed bumps
 - Reducing the thoroughfare between the Main Oval and Oval
 - Constructing a new secondary reserve entrance off Henry Street
 - Re-using the space on which the cricket practice nets are located as a future new car park to predominantly service the bowls club.
10. Undertake the following projects to enhance the recreational values of the reserve:
 - Upgrade the skate park
 - Convert the tennis courts to multipurpose courts (tennis, futsal, basketball)
 - Construct a new path around the Oval 2 to link to the Main Oval precinct and adjoining streets
 - Undertake tree planting throughout the reserve.
11. Clear identification signage is required at all reserve entrances for emergency vehicles.

Figure 11 – Lindenow Sports Ground Master Plan



8.2. Sports Facility Needs Analysis

This section includes research and data supporting the proposed new and upgraded sporting facilities for Lindenow as described in Section 8.1.

Demographic Characteristics

The population of Lindenow district¹² increased by 271 people from 2,108 people in 2016 to 2,379 in 2021¹³. This is a 12.9% increase, which compares to 8.2% growth for all of East Gippsland Shire for the same period.

The demographic characteristics of Lindenow district relevant to sports facility planning are:

- Lindenow district has a 'significantly younger' demographic profile compared to all of East Gippsland Shire, evidenced by:
 - Higher proportion of 0–14 (19.2%) compared to the Shire (15.1%)
 - Higher proportion of 5–39 (40.0%) compared to the Shire (32.6%)
 - Lower proportion of people aged over 65 (19.7%) compared to the Shire (30.9%)
- Lindenow district has a higher proportion of 'households with children' (37.8%) compared to all of East Gippsland Shire (27.9%).
- Lindenow district has a lower level of cultural diversity to all of Regional Victoria: 9.7% of residents were born overseas, which is lower than all of Regional Victoria (12.4%) and all of East Gippsland Shire (11.9%).

The population of Lindenow district is projected to grow by an estimated 121 people to 2,500 by 2041, an increase of 5.1%, compared to projected growth of 19.9% for all of East Gippsland Shire.

The number of people aged 5–39 years (the active age cohort) is projected to increase by 69 people between 2021 (1,014) to 2041 (1,083).

¹² Includes Lindenow and Lindenow South, and other smaller towns and villages.

Sports Participation

Table 14 provides a breakdown of the club membership (to gender and age) for Lindenow and Lindenow South sports clubs included within the scope of the study, and also compares the two towns' participation rates with the corresponding sport State participation rates.

Table 14 – Club Membership and Participation Rates 2019 (Lindenow/ Lindenow South)

Club/ Association	Number of Participants					Participation Rate	
	Male	Female	Senior	Junior	Total	Club	Victorian Average
Lindenow Recreation and Bowling Club	49	17	64	2	66	2.84	0.80
Lindenow Football Netball Club (football)	80	0	60	20	80	14.87	3.32
Lindenow Junior Football Club	125	5	0	130	130		
Lindenow South Football Netball Club (football)	70	65	65	70	135	3.88	1.76
Lindenow Football Netball Club (netball)	0	50	32	18	50		
Lindenow South Football Netball Club (netball)	0	40	18	22	40	3.97	2.30
Lindenow Cricket Club	40	7	26	21	47		
Lindenow South Cricket Club	40	5	25	20	45	593	24.9%
TOTAL					593	Town rate	

The data shows that the participation rate by Lindenow district residents in all sports exceeds the corresponding sport State averages. Bowling and Football participation exceed their respective State averages by significant margins, whilst Netball and Cricket participation is almost double the State averages. Conversely, the Lindenow Tennis Club folded a few years ago.

The Lindenow district's overall participation rate in sport of 24.9% is significantly higher than the average participation by all Shire residents in organised sport at 11.8%, as reported in the 2015 *VicHealth Indicators Survey* (refer section 3.3.2), and is the highest rate of all towns included in the scope of this study.

Existing Sports Facility Provision

Table 15 identifies and describes the sporting facilities available at the Lindenow Sports Ground, including their condition and the adequacy of the supply to meet current and future needs. The condition of facilities was assessed by the consultant team during site visits undertaken during the study, and also from feedback provided by Council staff, the Lindenow Sports Ground Committee of Management and sporting clubs.

¹³ Source: Community Profile and Population Forecast, id consulting 2022.

Table 15 – Condition and Supply Assessment of Lindenow Sporting Facilities

Sports Facilities/ Venues	Field of Play			Facility Condition			Comments
	Existing Provision	Required 2041	Shortfall/ Oversupply	Field/s of Play	Social Room	Change/ Amenities	
Bowling Greens	1	1	0				
-Lindenow Recreation and Bowling Club	1			Good	Good	Good	-Bowling green, clubhouse and a section of land west of the green are owned freehold by the bowling club -The green is synthetic and in good condition, and is floodlit -The clubroom is spacious and in good condition
Cricket Ovals	2	1	1				
-Lindenow Sports Ground Main Oval -Lindenow Sports Ground Oval 2	1 1			Good Good	Good	Poor	-The condition of the Main Oval is good, although its northeast-southwest orientation is not ideal, particularly for cricket -It has a turf centre wicket in good condition, which is not currently used by the cricket club -The condition of Oval 2 is good and it also has a northeast-southwest orientation. The centre pitch was replaced in 2023. -Main Pavilion is shared by football, netball and cricket - the social room and kitchen are in good condition, however, it has non-compliant change rooms and amenities (male toilets are shared between the home change room and social room), inadequate umpires rooms, is DDA non-compliant, and access to the timekeepers room is non-compliant
Football Ovals	2	1	1				
-Main Oval -Oval 2	1 1			Good Good	Good	Poor	-See above -LED lights installed 2023 -Oval 2 is not currently required for football, but could be utilised for junior football training and matches, or other winter sport, if demand arises
Netball Courts (outdoors)	2	1	1				
-Lindenow Sports Ground	2			Fair	Good	Fair	-The 2 courts and floodlights are fully compliant but the court surfaces are failing and will need rebuilding -One netball change room is available in the Main pavilion; guidelines require a second change room and the distance to the amenities from the court is 70m (standard is not exceeding 50m)

Sports Facilities/ Venues	Field of Play			Facility Condition			Comments
	Existing Provision	Required 2041	Shortfall/ Oversupply	Field/s of Play	Social Room	Change/ Amenities	
Tennis Courts	2	2	0				
-Lindenow Sports Ground	2			Poor	Poor	NA	-The 2 courts are in poor condition, have non-compliant run-offs, and neither court is floodlit -According to benchmarks, Lindenow district could require up to 2 tennis courts in the future, however, the former tennis club disbanded so the courts could be retained as recreational courts -Former tennis clubroom has been incorporated into the bowls clubroom

Stakeholder Consultation

Lindenow Football Netball Club & Junior Football Club

- Main Oval requires drainage.
- Main pavilion change rooms and amenities need upgrading.
- Netball change rooms and amenities are not compliant, and are not court-side.

Lindenow Cricket Club

- Pavilion change rooms and amenities need upgrading, including installing cubicle showers.
- Oval 2 cricket shelter needs extending to provide an away team space.

Lindenow Recreation & Bowling Club

- Synthetic green requires replacement in the next 2-3 years.
- The green floodlighting system requires replacement/ upgrade.
- Club has an aspiration to install a roof over the green.
- An alternate reserve entry is required for bowlers on the Saturdays when football is played.
- Club has a long-term aspiration to construct a second green.

Discussion

Overall, the Lindenow Sports Ground presents very well, and is well maintained by the Committee of Management and the user groups.

A key issue is the non-compliance of the football, cricket and netball change rooms and amenities in the main pavilion. New netball change rooms can be developed on the eastern end of the bowls clubroom to prevent the need for an additional building at the reserve. This project could also include new public toilets, which would enable the existing old toilet block to be removed.

A building code compliant and safe solution for the provision of a timekeepers box is a high priority project to replace the current step ladder access to the existing timekeepers box.

The cricket practice nets are currently in good condition but when they require upgrading it will provide an opportunity to relocate them to create a new car parking area to service the bowling club and the cricket club on match days and training nights. The car park will work with the proposed new entrance off Henry Street at the primary school end, and will be required when the second bowling green is constructed, as this site is currently used by bowling club members and visitors for parking, and also by cricketers on match days. The cricket practice nets can be reconstructed on the site of the basketball court.

A replacement basketball court can be incorporated as a possible future use for one of the two former tennis courts. The other court should be upgraded to support recreational/ casual tennis, and be multipurpose to support other recreational uses, such as futsal (small-sided soccer). It will be important

that the broader Lindenow community, especially young people, are consulted to determine the best future uses of the two former tennis courts. Similarly, any future upgrade of the existing skate park should include consultation with and input from local skaters and other young people.

The Lindenow Recreation and Bowling Club is a well-managed and successful club, evidenced by its team and individual competition successes, its growing membership, and its diverse use of available facilities. The club has a wide catchment of membership, including Bairnsdale residents, and it should continue to be supported with facility development as it provides an important recreational and social outlet to many people of different ages, abilities and social backgrounds.

Master Plan Costings and Prioritisation

The practicality and order of implementation of projects will be subject to a number of factors and criteria before proceeding, including:

- Availability of funding.
- Current and future priorities of Council, the reserve committee and user groups, and the broader needs of the town community.
- Further investigation, feasibility, research and consultation.

The numbers assigned to each project in the cost and prioritisation table are the same as the numbered symbols on the master plan.

The project prioritisation of **S** (Short), **M** (Medium) and **L** (Long) is an indication of the relative importance of a project compared to the other projects contained in the master plan, and should not be interpreted or aligned to any specific timeframe or years to be implemented.

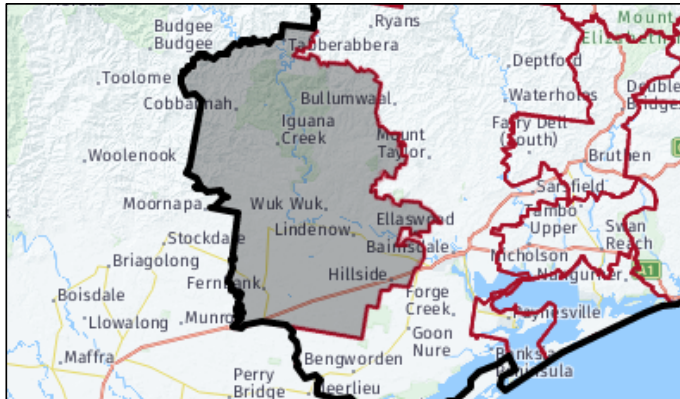
The directions contained in the master plan do not commit Council or other organisations to a responsibility for funding.

- The cost estimates have been provided as indicative costs, based on similar projects undertaken in the past 18 months. No detailed plans have been prepared for any of the proposed upgrades, which are typically required to calculate more accurate cost estimates.
- It should be noted that some capacity might exist for cost savings during the implementation of the capital improvement program by packaging multiple projects into one larger contract.

Item No.	Improvement Project	Priority	Estimated Costs
1	Retain the original reserve entrance	-	-
2	Proposed new secondary entrance off Henry Street	M	\$35,000
3	Install sub-surface drainage and irrigation into the oval	S	\$275,000
4	New netball change rooms and public toilets added to the bowling clubroom	S	\$375,000
5	Rebuild the netball courts	M	\$250,000
6	Convert the tennis courts to multipurpose courts	L	\$175,000
7	Relocate the cricket nets and install ball stop fence	L	\$175,000
8	New verandah on clubroom	S	\$75,000
9	Remove existing toilet block	S	\$7,500
10	New cricket shelter extension to the north	M	\$17,500
11	Seal the reserve road and install traffic calming	L	\$290,000
12	Upgrade the skate park	M	\$125,000
13	Enclose and integrate the shelter space into the bowls building	S	\$75,000
14	Replace the synthetic green and install a cover over the green with new floodlighting	M	\$2,500,000
15	Site for 2nd bowling green (not costed)	-	-
16	Retain / upgrade the social room, kitchen and associated spaces to the main pavilion, upgrade / rebuild the western section including change rooms and amenities, and storage	S	\$1,000,000
17	Reduce thoroughfare by keeping gate closed, install pedestrian gate	S	\$0
18	Undertake tree planting (30 No.)	S	\$7,500
19	Continuation of the replacement of the reserve perimeter fencing along Henry Street to the school leased land	S	\$30,000
20	Install sub-surface irrigation (\$150,000), and soccer overlay in winter if demand arises (\$0)	M	\$150,000
21	Future new unsealed carpark	L	\$50,000
22	Walking track (unsealed) around the second oval to link to the main oval precinct and adjoining streets	L	\$47,250
Consultant Fees (design, documentation, admin) @ 10% of project cost			\$565,975
TOTAL MASTER PLAN COSTS (ex GST)			\$ 6,225,725

9. LINDENOW SOUTH

See the map below showing the Lindenow district planning area.



9.1. Summary of Sports Facility Directions

Lindenow South Recreation Reserve

(see master plan in Figure 12)

1. Install a new drainage system in the oval, and new electronic scoreboard.
2. Install new LED sports field lighting to match standard (*funded – works to be completed 2024*).
3. Relocate the cricket practice nets.
4. Replace and relocate the netball court with floodlighting and shelters.
5. Remove the existing social room building and construct a new multipurpose community facility with canteen/ kitchen for sporting and community uses.
6. Upgrade existing change room building to be female friendly, provide new netball change rooms and amenities, and increase the storage capabilities.

7. Improve the traffic management within the reserve by:
 - Sealing the perimeter road around the oval
 - Discontinuing the through-road behind the change room building and community pavilion
 - Establishing a new car park between the reserve entry and the public toilet building.
8. Undertake the following projects to enhance the recreational values of the reserve:
 - Relocate the playground to the front of the reserve, and include new picnic seating and BBQ facilities
 - Convert the eastern tennis court and the netball court to multipurpose courts (basketball, tennis, futsal)
 - Construct a path to connect the hardcourt area with the pavilions
 - Undertake tree planting throughout the reserve.
9. Clear identification signage is required at all reserve entrances for emergency vehicles.

Figure 12 – Lindenow South Recreation Reserve Master Plan



9.2. Sports Facility Needs Analysis

This section includes research and data supporting the proposed new and upgraded sporting facilities for Lindenow South as described in Section 9.1.

Demographic Characteristics

The population of Lindenow district¹⁴ increased by 271 people from 2,108 people in 2016 to 2,379 in 2021¹⁵. This is a 12.9% increase, which compares to 8.2% growth for all of East Gippsland Shire for the same period.

The demographic characteristics of Lindenow district relevant to sports facility planning are:

- Lindenow district has a 'significantly younger' demographic profile compared to all of East Gippsland Shire, evidenced by:
 - Higher proportion of 0–14 (19.2%) compared to the Shire (15.1%)
 - Higher proportion of 5–39 (40.0%) compared to the Shire (32.6%)
 - Lower proportion of people aged over 65 (19.7%) compared to the Shire (30.9%)
- Lindenow district has a higher proportion of 'households with children' (37.8%) compared to all of East Gippsland Shire (27.9%).
- Lindenow district has a lower level of cultural diversity to all of Regional Victoria: 9.7% of residents were born overseas, which is lower than all of Regional Victoria (12.4%) and all of East Gippsland Shire (11.9%).

The population of Lindenow district is projected to grow by an estimated 121 people to 2,500 by 2041, an increase of 5.1%, compared to projected growth of 19.9% for all of East Gippsland Shire.

The number of people aged 5–39 years (the active age cohort) is projected to increase by 69 people between 2021 (1,014) to 2041 (1,083).

¹⁴ Includes Lindenow and Lindenow South, and other smaller towns and villages.

Sports Participation

Table 16 provides a breakdown of the club membership (to gender and age) for Lindenow and Lindenow South sports clubs included within the scope of the study, and also compares the two towns' participation rates with the corresponding sport State participation rates.

Table 16 – Club Membership and Participation Rates 2019 (Lindenow/ Lindenow South)

Club/ Association	Number of Participants					Participation Rate	
	Male	Female	Senior	Junior	Total	Club	Victorian Average
Lindenow Recreation and Bowling Club	49	17	64	2	66	2.84	0.80
Lindenow Football Netball Club (football)	80	0	60	20	80		
Lindenow Junior Football Club	125	5	0	130	130	14.87	3.32
Lindenow South Football Netball Club (football)	70	65	65	70	135		
Lindenow Football Netball Club (netball)	0	50	32	18	50	3.88	1.76
Lindenow South Football Netball Club (netball)	0	40	18	22	40		
Lindenow Cricket Club	40	7	26	21	47	3.97	2.30
Lindenow South Cricket Club	40	5	25	20	45		
TOTAL					593	Town rate	24.9%

The data shows that the participation rate by Lindenow district residents in all sports exceeds the corresponding sport State averages. Bowling and Football participation exceed their respective State averages by significant margins, whilst Netball and Cricket participation is almost double the State averages.

The Lindenow district's overall participation rate in sport of 24.9% is significantly higher than the average participation by all Shire residents in organised sport at 11.8%, as reported in the 2015 *VicHealth Indicators Survey* (refer section 3.3.2), and is the highest rate of all towns included in the scope of this study.

Existing Sports Facility Provision

Table 17 identifies and describes the sporting facilities available at the Lindenow South Recreation Reserve, including their condition and the adequacy of the supply to meet current and future needs. The condition of facilities was assessed by the consultant team during site visits undertaken during the study, and also from feedback provided by Council staff, the Lindenow South Recreation Reserve Committee of Management and sporting clubs.

¹⁵ Source: Community Profile Population Forecast, id consulting 2022.

Table 17 – Condition and Supply Assessment of Lindenow South Sporting Facilities

Sports Facilities/ Venues	Field of Play			Facility Condition			Comments
	Existing Provision	Required 2041	Shortfall/ Oversupply	Field/s of Play	Social Room	Change/ Amenities	
Cricket Ovals	1	1	0				
-Lindenow South Recreation Reserve	1			Good	Fair	Poor	<ul style="list-style-type: none"> -The condition of the oval is good -It has a turf centre wicket in good condition -The 2 lane cricket practice nets are in fair condition, however, the surfaces need replacing, they are poorly located amongst trees (shadowing), and require bowlers to run across the gravel reserve road -The social room and change room buildings are shared by football, netball and cricket -Social room has various non-compliances (DDA, single internal toilets, storage, bar) -Change room building has non-compliant amenities (not female friendly), inadequate umpires rooms, is DDA non-compliant, and access to the scoreboard is non-compliant
Football Ovals	1	1	0				
-Lindenow South Recreation Reserve	1			Good	Fair	Poor	<ul style="list-style-type: none"> -See above -Oval sports lighting requires upgrade to meet AFL standards (funded - works to be completed 2024) -Requires a back net behind the southern goal to prevent balls being kicked into the bushland
Netball Courts (outdoors)	1	1	0				
-Lindenow South Recreation Reserve	1			Good	Fair	Poor	<ul style="list-style-type: none"> -The existing court is compliant and in good condition, but the floodlights are not to training standard (100 lux) -Only one netball change room is available in the change room building, and the female amenities double as female public toilets -The distance between the netball court and the amenities is 70m (standard is not exceeding 50m)
Tennis Courts	2	2	0				
-Lindenow South Recreation Reserve	2			Poor	Poor	NA	<ul style="list-style-type: none"> -The 2 hard courts are in poor condition, have non-compliant run-offs, no perimeter fence, and neither court is floodlit -According to benchmarks, Lindenow district could require up to 2 tennis courts in the future, however, the tennis club disbanded so the courts could be retained as recreational courts -Former tennis clubroom has been re-purposed as a netball store

Stakeholder Consultation

Lindenow South Sporting Groups

- Oval needs sub-surface drainage, the floodlights require upgrade to a minimum 50 lux and LED globes (upgrade is funded for 2024 completion), and an electronic scoreboard is required.
- A bore would be helpful to source water for irrigation rather than using potable water (high annual charges).
- Football and Cricket player change rooms and amenities are in very poor condition, and not female friendly.
- Netball change rooms and amenities are inadequate and do not comply with standards – both teams use the same facilities, which are also used as female public toilets.
- Netball court requires spectator seating, and a sealed path connection to the change room and social room buildings.
- Social Room – size is adequate but has inadequate toilets – it is the only public indoor space in Lindenow South and is used extensively.
- Cricket nets – 2 nets are adequate but they are poorly located amongst trees (shadowing occurs during training) and run-ups are on the road.
- Playground requires shade.
- Clubs would like to see other active recreation opportunities at the reserve, eg. ½ court basketball space, and the old tennis court area could be the ideal site.

Discussion

The Lindenow South Recreation Reserve is a Crown land reserve managed by a DEECA Local Committee. As a result, the Reserve Committee has not been able to access Council capital works funding or have capital improvement projects gain support from Council for the purpose of applying for grant applications to Government funding programs. As a result, much of the sporting infrastructure is ageing, not compliant with sport-accepted standards and guidelines, or is not fit for purpose.

A key issue is the non-compliance of the football, cricket and netball change rooms and amenities, particularly that the football amenities are not female friendly despite the reserve being the home venue for the Bairnsdale region women's football program.

The social room is a good size, but has inadequate internal toilet facilities for both genders, the kitchen is located in the adjoining change room building, it has DDA access constraints, and the bar/ office area is inadequate. The facility has an important role to play as it is the only public meeting and function space in Lindenow South. The opportunity with any replacement project is to ensure that the new facility is designed and development as a new multipurpose community facility with an internal canteen/ kitchen for sporting and community uses.

The cricket practice nets are unsafe (shadowing from trees), function poorly (bowlers run-ups across the reserve road), and are in need of an upgrade. It is now timely to consider a new location for the 2-lane nets, and the master plan supports centralising them with the other community sporting facilities, and closer to the change rooms and amenities.

The master plan also recommends closing the internal road behind the change room building and community pavilion to improve safety by creating a pedestrian-free connection between those buildings and the sporting and recreation facilities that include the cricket nets, the netball court, the playground, and the active recreation hardcourts. To offset the impact of this, a new car park is proposed just inside the reserve entrance, adjacent to the public toilet block.

The former tennis courts area creates an opportunity to relocate and construct a new netball court with compliant floodlighting closer to the change room building and community pavilion, and next to the reserve playground with the recommendation to relocate the playground to the front of the reserve. The optimum location for a relocated netball court is on the site of the current playground which would enable spectators to simultaneously view netball and football. However, this site cannot be used, as it is the site of the septic tank drain field.

The remaining tennis court and netball court can be re-purposed into new multipurpose recreational courts to support casual tennis, basketball, and futsal (small-sided soccer). It will be important that the broader Lindenow South community, especially young people, are consulted to determine the best future uses of the hard courts.

All of the land south of the hard courts has poor drainage and is not suitable for other uses, such as car parking, sporting facilities or buildings.

Master Plan Costings and Prioritisation

The practicality and order of implementation of projects will be subject to a number of factors and criteria before proceeding, including:

- Availability of funding.
- Current and future priorities of Council, the reserve committee and user groups, and the broader needs of the town community.
- Further investigation, feasibility, research and consultation.

The numbers assigned to each project in the cost and prioritisation table are the same as the numbered symbols on the master plan.

The project prioritisation of **S** (Short), **M** (Medium) and **L** (Long) is an indication of the relative importance of a project compared to the other projects contained in the master plan, and should not be interpreted or aligned to any specific timeframe or years to be implemented.

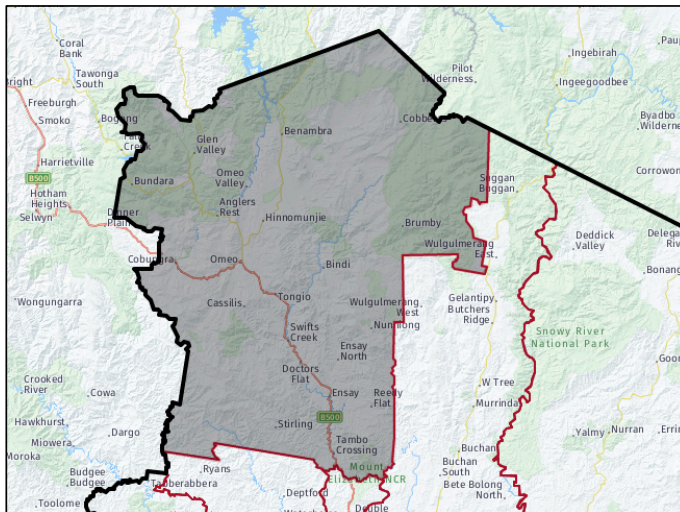
The directions contained in the master plan do not commit Council or other organisations to a responsibility for funding.

- All capital cost estimates shown in the tables are based on works being undertaken by professional contractors.
- The cost estimates have been provided as indicative costs, based on similar projects undertaken in the past 18 months. No detailed plans have been prepared for any of the proposed upgrades, which are typically required to calculate more accurate cost estimates.
- Cost exclusions include:
 - Construction contingencies.
 - Any costs/ loss of income, which may be incurred by user groups or Council during construction of projects.
 - Goods and Services Tax (GST).
- It should be noted that some capacity might exist for cost savings during the implementation of the capital improvement program by packaging multiple projects into one larger contract.

Item No.	Improvement Project	Priority	Estimated Costs
1	Install subsurface drainage and investigate the feasibility of locating a bore on site	S	\$125,000
2	Relocate the cricket practice nets	S	\$150,000
3	Construct a multipurpose facility for sporting and community uses (basketball, tennis)	L	\$175,000
4	Relocate the playground	S	\$200,000
5	New sports field floodlighting	S	funded
6	Construct a connecting sealed path	L	\$10,000
7	Upgrade existing change room to be female friendly and provide new netball change rooms and storage	S	\$500,000
8	Construct a netball court with floodlighting and shelters	M	\$300,000
9	Install a goal back net behind the southern goals	M	\$35,000
10	Install an electronic scoreboard	M	\$75,000
11	New community social room building with extended undercover spectator viewing (235m ²)	S	\$1,175,000
12	Seal the reserve road and install traffic calming	L	\$300,000
13	Bay 13 upgraded at community cost	L	\$20,000
14	New (unsealed) carpark to be formed	M	\$35,000
15	Bollard off the road behind the change room and social room	S	\$15,000
16	Replace farm-style fencing along Fernbank- Lindenow South Road with a 1.5m high secure fence (150m)	L	\$17,500
Consultant Fees (design, documentation, admin) @ 10% of project cost			\$313,250
TOTAL MASTER PLAN COSTS (ex GST)			\$ 3,445,750

10. OMEO

See map below showing the Omeo-Benambra-Swifts Creek planning area.



10.1. Summary of Sports Facility Directions

Omeo Recreation Reserve (see master plan in Figure 13)

1. Install new LED sports field lighting to match standard (refer AFL Guidelines).
2. Upgrade the pavilion to achieve compliance (change rooms, kitchen, second storey gymnasium/store, DDA compliant access), and in the same project consider the need/ feasibility to establish a new change room building south of the pavilion.

¹⁶ Source: Community Profile and Population Forecast, id consulting 2022.

3. Construct a new deck in front of the pavilion and proposed new player change room building to better utilise the area with a steep grade change between the oval and the buildings.
4. Ready the town to activate cricket by:
 - Constructing a new 2-lane cricket practice facility
 - Installing a synthetic cricket pitch into the oval.
5. Improve the traffic management within the reserve by:
 - Sealing the perimeter road around the oval
 - Resolve the drainage for the new sealed road and car park
 - Widen the reserve entry off Park Street into a two-way entrance.
6. Clear identification signage is required at all reserve entrances for emergency vehicles.

Other Towns and Villages within the Omeo Catchment

- Swifts Creek Recreation Reserve: upgrade of the reserve pavilion (*construction commenced 2023*) and the replacement of the netball-tennis court (*completed 2023*).
- Benambra Recreation Reserve: preliminary consideration of reserve improvement options.

10.2. Sports Facility Needs Analysis

This section includes research and data supporting the proposed new and upgraded sporting facilities for Omeo as described in Section 10.1.

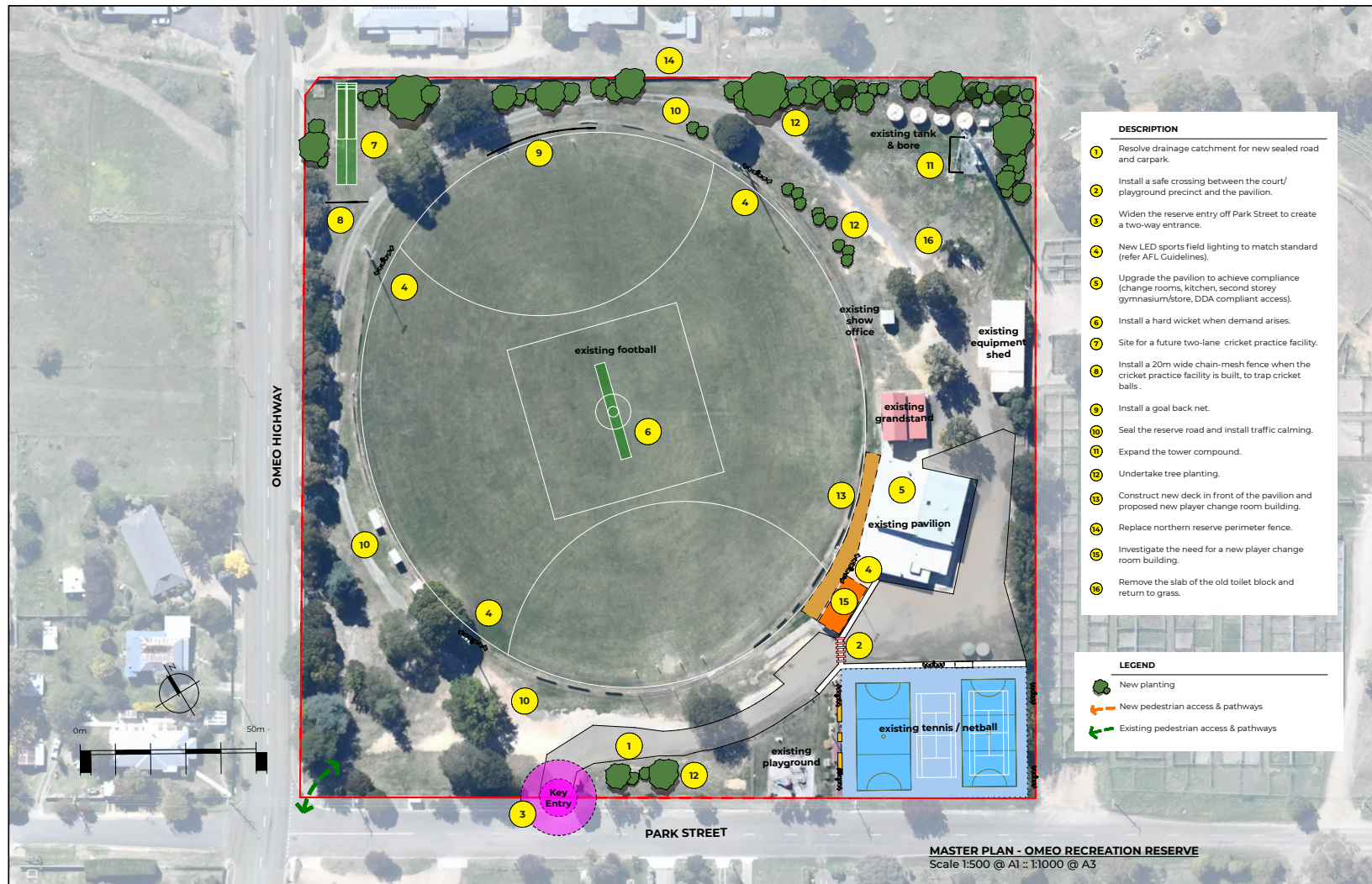
Demographic Characteristics

The population of Omeo-Swifts Creek decreased by 15 people from 1,346 people in 2016 to 1,331 in 2021¹⁶, or a 1.1% decrease, which compares to 8.2% growth for all of East Gippsland Shire for the same period.

The demographic characteristics of Omeo-Swifts Creek relevant to sports facility planning are:

- Omeo-Swifts Creek has an 'older' demographic profile compared to all of East Gippsland Shire, evidenced by:
 - Lower proportion of 0–14 (12.2%) compared to the Shire (15.1%)

Figure 13 – Omeo Recreation Reserve Master Plan



- Lower proportion of 5–39 (28.6%) compared to the Shire (32.6%)
- Slightly lower proportion of people aged over 65 (30.1%) compared to the Shire (30.9%)
- Omeo-Swifts Creek has a lower proportion of ‘households with children’ (20.7%) compared to all of East Gippsland Shire (27.9%).
- Omeo-Swifts Creek has a lower level of cultural diversity to all of Regional Victoria: 7.9% of residents were born overseas, which is lower than all of Regional Victoria (12.4%) and all of East Gippsland Shire (11.9%).

The population of Omeo-Swifts Creek is projected to continue to decline to 2041 with an estimated reduction by 5 people to 1,326 in 2041, compared to projected growth of 19.9% for all of East Gippsland Shire. The number of people aged 5–39 years (the active age cohort) is projected to decrease by 40 people between 2021 (406) to 2041 (366).

Sports Participation

Table 18 provides a breakdown of the club membership (to gender and age) for the Omeo Benambra Football Netball Club, and also compares the Omeo-Swifts Creek participation rates with the corresponding sport State participation rates.

Table 18 – Club Membership and Participation Rates 2019 (Omeo)

Sports Club/ Association	Number of Participants					Participation Rate	
	Male	Female	Senior	Junior	Total	Club	Victorian Average
Omeo Benambra Football Netball Club (football)	50	35	47	38	85	3.77	3.32
Omeo Benambra Football Netball Club (netball)						2.64	1.76
TOTAL	50	35	47	38	85	Town rate	6.4%

The data shows that the participation rate of Omeo-Swifts Creek residents in Football and Netball is higher than the corresponding State averages for both sports. Not unexpectedly due to the isolation and restricted sports offerings throughout the Omeo-Swifts Creek area, the district's overall participation rate in sport of 6.4% is significantly lower than the average participation by all Shire residents in organised sport at 11.8%, as reported in the 2015 *VicHealth Indicators Survey* (refer section 3.3.2).

Existing Sports Facility Provision

The primary sports facilities in Omeo are located at the recreation reserve (football, netball, cricket and tennis) and in the adjacent property accommodating the Omeo Rodeo grounds.

Table 19 identifies and describes the sporting facilities available at the Omeo Recreation Reserve, including their condition and the adequacy of the supply to meet current and future needs. The condition of facilities was assessed by the consultant team during site visits undertaken during the study, and also from feedback provided by Council staff, the Omeo Recreation Reserve Committee of Management and the Omeo Benambra Football Netball Club.

The Benambra Recreation Reserve currently hosts one round of football and netball each season since the merger of Omeo and Benambra football netball clubs in 2007.

The Swifts Creek Recreation Reserve comprises an oval with a turf centre wicket, netball-tennis courts that were reconstructed in 2023, and a single bowling green. The reserve pavilion and clubroom buildings are being consolidated into a new integrated pavilion in 2023. The Swifts Creek Football Netball Club is active, however the Omeo District Cricket Club has been in recess since the 2019/20 season.

Stakeholder Consultation

Omeo Benambra Football Netball Club

- Oval floodlighting requires upgrading to LED globes.
- Goal back nets are required at the northern end of the oval.
- Pavilion generally meets the needs of reserve user groups and the broader community – the football netball club is wanting to set-up a gymnasium on the first floor, and install cupboards and shelving to expand the storage capabilities.
- Single lane entry into the reserve needs to be widened to 2 lanes.

Discussion

Overall, the Omeo Recreation Reserve presents very well, and is well maintained by the Committee of Management and the user groups. Whilst football and netball are the only two competitive sports available in Omeo, plus recreational/ social tennis, the facilities are good. The most recent key sports facility issue – non-compliant netball and tennis courts – has now been resolved with the recent reconstruction of the courts.

Another issue is the non-compliance and functional constraints of the football change rooms and amenities, and to a lesser extent the netball change rooms. Whilst the club is currently getting by, in the longer term these issues need to be rectified in order to meet industry standards; the Committee of Management and club support a new change room building south of the pavilion, but will require a more detailed feasibility assessment.

There is currently no organised cricket available in Omeo or Swifts Creek, despite a previous understanding that the Omeo District Cricket Club would service cricket needs from both towns. The last competitive season of cricket was in 2019/20 when there was 1 senior team competing in the Bairnsdale Cricket Association. The master plan is supporting the construction of a cricket pitch at the Omeo Recreation Reserve, as a strategy to activate cricket locally, and when required, the installation of cricket practice nets in the northwest corner of the reserve.

Table 19 – Condition and Supply Assessment of Omeo & District Sporting Facilities

Sports Facilities/ Venues	Field of Play			Facility Condition			Comments
	Existing Provision	Required 2041	Shortfall/ Oversupply	Field/s of Play	Social Room	Change/ Amenities	
Football Ovals	1	1	0				
-Omeo Recreation Reserve	1			Good	Good	Fair	-The condition of the oval is good, it has no centre cricket pitch -Oval sports lighting meets training standards -The pavilion has various non-compliances and functional constraints, including DDA, the football home and away change rooms are divided by a curtain, the amenities don't comply, inadequate umpires rooms, and the kitchen has functional constraints
Netball Courts (outdoors)	2	1	1				
-Omeo Recreation Reserve	2			Excellent	Good	Good	-The courts were rebuilt in 2023 -Only one netball change room is available in the pavilion
Tennis Courts	3	2	1				
-Omeo Recreation Reserve	3			Excellent	NA	NA	-See above

Master Plan Costings and Prioritisation

The practicality and order of implementation of projects will be subject to a number of factors and criteria before proceeding, including:

- Availability of funding.
- Current and future priorities of Council, the reserve committee and user groups, and the broader needs of the town community.
- Further investigation, feasibility, research and consultation.

The numbers assigned to each project in the cost and prioritisation table are the same as the numbered symbols on the master plan.

The project prioritisation of **S** (Short), **M** (Medium) and **L** (Long) is an indication of the relative importance of a project compared to the other projects contained in the master plan, and should not be interpreted or aligned to any specific timeframe or years to be implemented.

The directions contained in the master plan do not commit Council or other organisations to a responsibility for funding.

- All capital cost estimates shown in the tables are based on works being undertaken by professional contractors.
- The cost estimates have been provided as indicative costs, based on similar projects undertaken in the past 18 months. No detailed plans have been prepared for any of the proposed upgrades, which are typically required to calculate more accurate cost estimates.
- Cost exclusions include:
 - Construction contingencies.
 - Any costs/ loss of income, which may be incurred by user groups or Council during construction of projects.
 - Goods and Services Tax (GST).
- It should be noted that some capacity might exist for cost savings during the implementation of the capital improvement program by packaging multiple projects into one larger contract.

Item No.	Improvement Project	Priority	Estimated Costs
1	Resolve drainage catchment for new sealed road and carpark	S	\$25,000
2	Install a safe crossing between the court/ playground precinct and the pavilion	S	\$10,000
3	Widen the reserve entry off Park Street to create a two-way entrance	S	\$35,000
4	New sports field lighting	M	\$375,000
5	Upgrade the pavilion to achieve compliance (change rooms, kitchen, second storey gymnasium/store, DDA compliant access) - consider No. 15 first	M	\$400,000
6	Install a hard wicket	L	\$20,000
7	Site for a future two-lane cricket practice facility	L	\$150,000
8	Install a 20m wide chain-mesh fence where the cricket practice facility is built	L	\$7,500
9	Install a goal back net	M	\$35,000
10	Seal the reserve road and install traffic calming	L	\$360,000
11	Expand the tower compound (not costed, scope unknown)	M	\$0
12	Undertake tree planting (40 No.)	S	\$10,000
13	Construct new deck in front of the pavilion and proposed new player change room building	M	\$125,000
14	Replace northern reserve perimeter fence	L	\$35,000
15	Investigate the need for a new player change room building (feasibility only)	S	\$25,000
16	Remove the slab of the old toilet block and return to grass	S	\$5,500
Consultant Fees (design, documentation, admin) @ 10% of project cost			\$161,800
TOTAL MASTER PLAN COSTS (ex GST)			\$ 1,779,800

11. OTHER SHIRE-WIDE SPORTS FACILITY RECOMMENDATIONS

Whilst the primary focus of the East Gippsland Sporting Facilities Plan has been an assessment of the sporting and active recreation needs of the communities of Lakes Entrance, Paynesville, Orbost, Lindenow/ Lindenow South and Omeo, the following facility development projects in other Shire towns, villages and districts are supported by Council.

1. Buchan Recreation Reserve master plan has been completed (see Figure 14). Implementation of the master plan has progressed to design development of the new tennis-netball facilities and the new community pavilion in 2023.
2. Swifts Creek Recreation Reserve master plan has been completed (see Figure 15). Implementation of the master plan has progressed to the reconstruction of the netball-tennis courts in 2023, and the construction of a new reserve pavilion commenced in 2023.
3. Sarsfield Recreation Reserve master plan has been completed (see Figure 16). The cricket wicket has been replaced, and a concept design for the pavilion was prepared in 2023 and funding for its construction was also announced in 2023.
4. Bruthen Recreation Reserve master plan has been completed.
5. Clifton Creek Recreation Reserve tennis courts were resurfaced in 2020.
6. Metung Bowling Club synthetic green was replaced in 2023.
7. Metung Tennis Courts were resurfaced in 2022.
8. Swan Reach Recreation Reserve netball courts were resurfaced in 2022.

Facility planning has commenced at the following sites:

9. Swan Reach Recreation Reserve master plan.
10. Mallacoota Recreation Reserve master plan.

Figure 14 – Buchan Recreation Reserve MP and Pavilion Plan

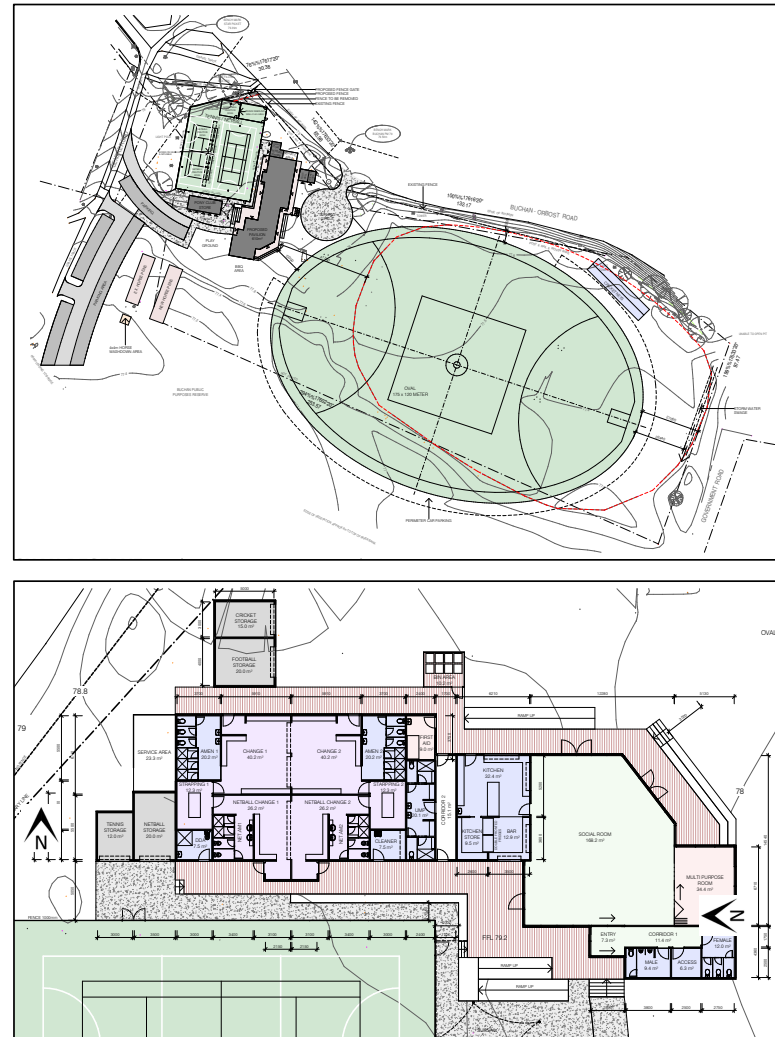


Figure 15 – Swifts Creek Recreation Reserve Master Plan

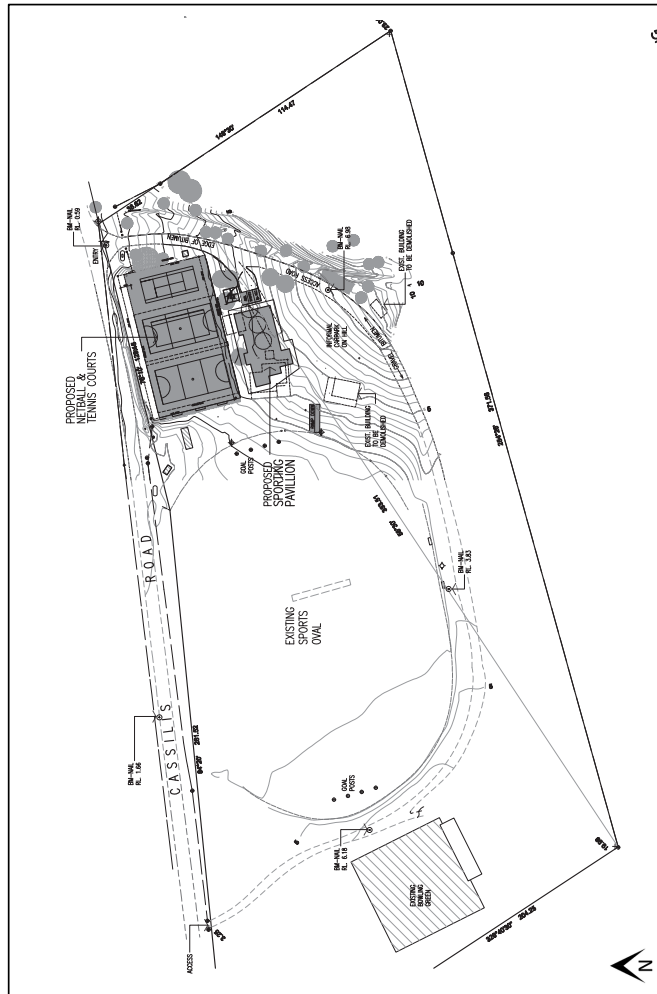
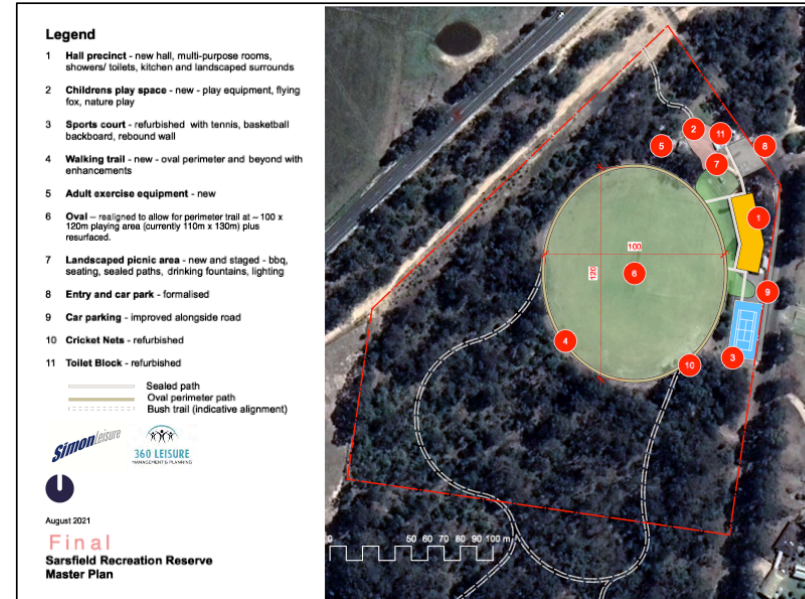


Figure 16 – Sarsfield Recreation Reserve Master Plan



Coaches Boxes

The current practice of many football clubs is to replace their 'home' coaches box with a two storey facility that allows coaches to view matches from an elevated position over the interchange players and other football staff seated at ground level, whilst the opposition coaches box remains integrated with the interchange player bench as a single storey shelter.

The AFL Preferred Facility Guidelines (2019) does not include a standard for two storey coaches boxes, other than references stating that *"two interchange / coaches benches (home and away teams) are to be provided on the western side of the ground"*.

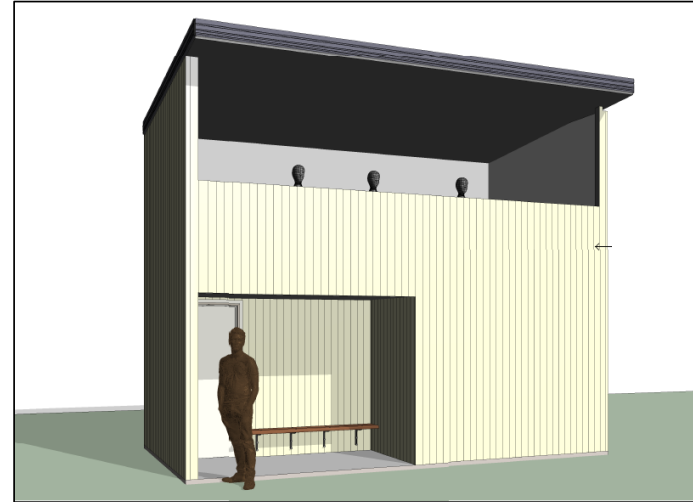
The guidelines describe the boxes further ...

"... permanent structures that have three fixed sides to provide shelter, form part of the boundary fence and seat club officials and interchange players Depending on the design and impact on spectator viewing of the playing field, two tiered (elevated) structures may also be appropriate."

The standard for interchange / coaches benches for community football is a shelter of dimensions 4.8m x 1.2m, with a bench seat capable of seating 8 people.

Whilst Council does not support two storey coaches boxes as a core facility inclusion for community football (especially provision of only one for the home club), it accepts that clubs through self-help projects will likely continue to install two storey coaches / interchange player shelters. The diagram in Figure 17 of a two storey coaches box is endorsed by Council as a standard for Shire football clubs, in the interests of consistency across reserves accommodating football clubs.

Figure 17 – Accepted Council Standard for Two Storey Coaches/ Interchange Player Boxes



Appendix 1

Review of Study Background Reports and Strategies

The following reports and strategies provided important context and background for the project.

National & State Plans

- Sport 2030 – National Sport Plan, Australian Government (2018).
- Active Victoria 2022-2026, Sport and Recreation Victoria.
- The Value of Community Sport & Active Recreation Infrastructure, Sport and Recreation Victoria (2020).
- Fair Access Policy Roadmap, Victoria Government (2022).
- State Sporting Association facility standards/ guidelines.

Council Reports and Strategies

- Shaping the Future – Our Community Vision 2040.
- Council Plan 2021-2025.
- Ageing Well in East Gippsland 2017-2030.
- Well Placed for Wellbeing 2017-2021.
- Bairnsdale Sporting Facilities Plan (2018).
- Lakes Entrance Indoor Sports Facilities Feasibility and Options (2021, revised 2022).

Other Reports

- Gippsland Sport Census Report 2022, Gippsport.

The following is a summary of the key implications for the future planning for sporting facilities in East Gippsland from the above reports.

A. National & State Planning Reports

Sport 2030 – National Sport Plan

The Australian Government has a clear vision for sport in Australia

To ensure we are the world's most active and healthy nation, known for our integrity and sporting success.

Sport 2030 is Australia's first national sports plan and has four key priority areas which will, when fully implemented, create a platform for sporting success through to 2030 and beyond.

1. Build a more active Australia
More Australians, more active, more often and reducing inactivity amongst Australians by 15% by 2030
2. Achieving sporting excellence
National pride, inspiration and motivation through international sporting success
3. Safeguarding the integrity of sport
A fair, safe and strong sport sector free from corruption
4. Strengthening Australia's sport industry
A thriving Australian sport and recreation industry

The first priority area is underpinned by the target that people of all ages should have the opportunity to be engaged in sport and physical activity throughout every stage of their life. Further, that all children and adults, and their communities, should be able to reap the benefits of an active lifestyle: to stay mentally and physically healthy, reach their personal goals and build social cohesion.

This will be achieved by driving sustained participation growth and improving access to community sports facilities, which confirms the need for Council to strategically plan for the adequate provision of sporting facilities for its current and future residents.

Active Victoria, Sport and Recreation Victoria 2022-2026

Active Victoria, is the State Government's strategic framework for sport and recreation in Victoria. Its vision is -

To build a thriving, inclusive and connected sport and active recreation sector that benefits all Victorians

Active Victoria is underpinned by three objectives and six outcomes to guide activities and investment in sport and active recreation. The first two objectives and their outcomes are relevant to this project.

Objective 1: Connecting Communities

All Victorians have access to high-quality environments and appropriate participation opportunities.

Outcomes

1. More Victorians Participate equitably in sport and active recreation.
2. Victoria has inclusive, accessible, and respectful places and spaces for sport and active recreation.

Objective 2: Building Value

The sport and active recreation workforce create positive experiences for people.

Outcomes

3. The sport and active recreation workforce is highly skilled and leads a strong, sustainable workforce.
4. Sport and active recreation is a safe, inclusive, and resilient sector.

The Value of Community Sport & Active Recreation Infrastructure (2020)

This report considers the economic, health and social benefits that community sport and active recreation infrastructure can add to individuals, communities and society. These benefits are generated from the construction and operation of these facilities and spaces, and the activities that take place within them.

The annual value supported by community sport and active recreation infrastructure in Victoria is at least \$7.04 billion.

Economic Benefits

The construction and operation of community sport and active recreation infrastructure makes a direct impact on Victoria's economy through a number of different channels. These facilities create employment and generate economic activity both through spend on the facilities and at the facilities. The economic benefits supported by community sport and active recreation infrastructure in Victoria have been estimated at \$2.1 billion on an average annual basis.

Health Benefits

The health benefits of community sport and active recreation infrastructure are driven by the physical activity this infrastructure supports. The many health benefits of being physically active are well documented, and include reduced risk of chronic

disease, improved mental health and wellbeing, increased productivity, reduced risk of falls, and reduced risk of drowning. The health benefits supported by community sport and active recreation infrastructure has been estimated at \$2.3 billion annually.

Social Benefits

The social benefits of community sport and active recreation infrastructure can be driven by two factors: firstly, the social connections that this infrastructure creates through events, programs and activities; secondly, the role that infrastructure plays in communities in which it is located. The social benefits supported by community sport and active recreation infrastructure have been estimated at \$2.6 billion on an average annual basis.

These findings make the case at a micro-level for the East Gippsland Shire that community sport and active recreation infrastructure deliver outcomes that make people happier, healthier and more productive to improve social cohesion, and contribute directly and indirectly to a stronger local economy.

Fair Access Policy Roadmap, Victoria Government (2022)

The Fair Access Policy Roadmap addresses Recommendation 6 from the Victorian Government's *Inquiry into Women and Girls in Sport and Active Recreation*.

Recommendation 6: Deliver female friendly built environments and equitable facility usage policies.

The Fair Access Policy Roadmap has been developed in partnership with local governments, the state sport and active recreation sector and other key stakeholders to improve gender equitable access and use of publicly owned community sports infrastructure across Victoria. The policy will advance gender equitable access and use of community sports infrastructure stretching to every corner of Victoria.

Six Fair Access Principles have been developed to provide clear and defined lanes for any organisation to build a gender equitable access and use policy. The relevant principles to this project are:

1. Community sports infrastructure and environments are genuinely welcoming, safe, and inclusive.
2. Women and girls can fully participate in all aspects of community sport and active recreation.
3. Women and girls will have equitable access to and use of community sport infrastructure.

6. Prioritise access, use and support to all user groups who demonstrate an ongoing commitment to gender equitable access and use of allocated community sport infrastructure.

B. Council Planning Reports

Shaping the Future – Our Community Vision 2040

This report outlines the aspirations, values, and priorities of the East Gippsland community, and will help shape what they want achieved by 2040.

The vision for the Shire is –

- In 2040 our people, place, environment, and economy will be connected, in balance and resilient.
- Our unique and diverse communities will be accessible, inclusive, well connected and safe.
- We will value and care for each other and our natural environment.
- Our economy will support existing and emerging industries by being agile, innovative, and sustainable.

The report outlines the community's values and priorities for the future, with the following supported by this sports facility planning project.

- Our local identity and connection to the places where we live. Their distinctive history, landscape, economic strengths, and connections through sporting competitions, creativity, the arts, cultural events, and other recreational activities.
- The contribution of our passionate and hardworking volunteers across the region.
- The community is supported to come together to create local solutions to local problems.
- Community infrastructure and facilities are designed and maintained to meet the changing needs of the community.
- Improved networks of paths and trails to encourage cycling and walking for pleasure and for day-to-day activities.
- Community infrastructure and facilities are designed and maintained in line with the principles of Universal Design.
- Our small towns are increasingly viable because of innovative approaches to the provision of services and goods at a community level.

Council Plan 2021-2025

The Council Plan outlines the strategic objectives for Council for the five year period 2021 to 2025, including the following 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

The Plan sets out five Strategic Objectives to achieve the vision, with the following Strategic Objectives and associated strategies informing the planning of sports facilities.

Strategic Objective 1

An inclusive and caring community that respects and celebrates diversity.

Strategies

- 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.

Strategic Objective 2

Planning and infrastructure that enriches the environment, lifestyle, and character of our communities.

Strategies

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

Strategic Objective 5

A transparent organisation that listens and delivers effective, engaging, and responsive services.

Strategies

- 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.

Ageing Well in East Gippsland 2017-2030

The strategy addresses the World Health Organization's (WHO) eight identified domains within a local context by proposing a wide ranging and diverse set of directions for the Shire that need to be addressed to make the region an age-friendly community.

The strategy is underpinned by nine Strategic Directions and Action Statements with the following supporting the development of infrastructure that encourages older adults to be active.

Strategic Direction 3 – Social Participation

Increased opportunities to attend affordable, inclusive and accessible social activities.

What we want to achieve

- Increased participation of older members of culturally diverse communities in public activities.
- More affordable local events increase participation by older people in their local communities.

Strategic Direction 7 – Community Support and Health Services

Informed, healthier and independent aged communities.

What we want to achieve

- All communities have age appropriate options that improve physical activity participation levels.

Strategic Direction 8 - Outdoor Spaces and Buildings

Public spaces and buildings are designed and maintained to promote safe, engaged and connected communities.

What we want to achieve

- The design, construction and maintenance of footpaths, shared pathways and outdoor exercise equipment increases accessibility for and usage by older community members.
- The design of public space, facilities and furniture ensures accessibility for older people and encourages effective interaction and inclusion for all age and cultural groups.

Well Placed for Wellbeing 2017-2021

This strategy document is designed to guide the actions, focus and endeavours of organisations with an interest in health and wellbeing. The report is intended to be used by multiple agencies, groups and individuals across East Gippsland.

The strategy identifies four Priority Areas of Focus for East Gippsland over the next four years:

1. Safe families and communities.
2. Being active and eating well.
3. Protecting our health (reducing harmful alcohol and drug use).
4. Resilient and connected communities.

The ongoing implementation of the East Gippsland Sporting Facilities Plan will help facilitate the following local changes in the community that are listed in the report as desired outcomes from the wellbeing strategy.

- It is easier for the community to be physically active in public spaces.
- Community has access to a greater range of options for organised physical activity.
- Community members are better informed about the range of physical activity options available.
- Communities have increased opportunities to create connections.

Bairnsdale Sporting Facilities Plan

The plan outlines a new vision for the future provision of sport and active recreation in Bairnsdale, with some recommendations having a Shire-wide relevance.

The plan notes Council's role in the future provision of sporting facilities and services: Planner; Provider; Supporter; Partner; and Advocate. It also supports the following principles for the planning and provision of sporting facilities, which has informed the planning for facilities in other townships throughout the Shire:

- Increased participation
- Diversity
- Multi-use and shared use
- Accessible and inclusive
- Environmentally sensitive and sustainable

- Adaptable
- Partnerships
- Financially responsible
- Strategic justification.

The plan supports the following key directions for sport in Bairnsdale:

1. Relocate Wy Yung sports clubs from the Wy Yung Recreation Reserve to West Bairnsdale Oval.
2. Redevelop West Bairnsdale Oval to provide a sports oval, two netball courts, a new pavilion and car parking.
3. Council to secure tenure of an expanded WORLD sporting precinct (completed), and redevelop the WORLD to accommodate a new netball complex; upgraded hockey pitches, including a synthetic pitch and floodlights; new/ upgraded the netball-hockey pavilion; and new soccer complex to become the new 'home' for the East Gippsland United Football Club.
4. Expand the number of courts at the Bairnsdale Aquatic and Recreation Centre from three courts to five compliant multipurpose courts, plus a show court.
5. Expand Lucknow Recreation Reserve to include a new passive open space area; two compliant netball courts (completed); new/ upgraded pavilion (completed); new gymnastics centre; and upgrade the Bairnsdale Squash & Table Tennis Centre.
6. Resurface the tennis courts the Bairnsdale Tennis Club, and upgrade the floodlighting (partially completed).
7. Investigate future uses for the western sports ground at Howitt Park following the relocation of the East Gippsland United Football Club.
8. Bairnsdale City Oval confirmed as the Shire's premier sporting venue, and upgrade the player change rooms (completed); upgrade Peppercorn Park surface and remove the perimeter fence; and improve accessibility around the reserve and to the Boolarumah Centre.

The report also recommends that Council vary its current practice of generally only funding facility improvement projects located on Council-owned/ managed land, and to broaden its support for facility improvement projects that meet its funding criteria, irrespective of the status of the land ownership.

Much of the methodology and approach used to develop the Bairnsdale Sporting Facilities Plan has been adopted for this project.

Lakes Entrance Indoor Sports Facilities Feasibility and Options

The plan provides directions and recommendations for new and upgraded indoor sports courts in Lakes Entrance to facilitate increased participation in indoor sport and recreation activities.

Research undertaken during the study showed that there is a shortage of indoor sports courts in Lakes Entrance, and that the following sports are unable to access courts in Lakes Entrance at suitable times for training or competitions: badminton, futsal, indoor netball and volleyball. In addition, the Lakes Entrance Amateur Basketball Association currently turns away some potential players and is unable to grow its junior and senior domestic competitions, its representative program, and introduce new programs targeting people not currently participating in basketball, due to a lack of courts. Of the three indoor sports courts available in Lakes Entrance:

- two are at school sites with restricted access and one is council owned at the Lakes Entrance Youth & Recreation Centre.
- none are fully compliant for basketball and netball competition, with the key issues being:
 - Courts are undersized.
 - Court run-offs are too short.
 - Change rooms are either not available, and where they are available they are not adequate.

The study confirmed that there is a need for an additional 2 – 3 indoor sports courts in Lakes Entrance to meet the competition needs for basketball and futsal, and the training/ competition needs for badminton, indoor netball and volleyball. The study recommends:

1. That up to three new competition standard indoor multipurpose courts be constructed within the Lakes Entrance Aquadome precinct.
2. That the new stadium be used primarily for the competition requirements for basketball, netball and futsal.
3. That the Lakes Entrance Youth and Recreation Centre be retained as the primary venue for table tennis, volleyball, badminton and other indoor sports, and be used as a training venue for basketball, where capacity allows.
4. That courts located at school sites continue to be used as required by sporting clubs and community groups, under the management and conditions of each respective school.

C. Other Reports

Gippsland Sport Census Report 2022 (Gippsport)

This report investigates the impact of the COVID pandemic on participation in sport in Gippsland. A summary of the findings are:

Participation

Overall participation rates have declined after two years of impacted community sport as a result of the pandemic, and club memberships reduced by 24% (East Gippsland Shire club membership reduced by 17%). Team sports were more impacted by membership decline than individual sports.

Generally, sports with a paid workforce (swimming, gymnastics, tennis, golf) have fared well and are experiencing strong participation numbers.

Volunteers and Workforce

The pandemic has severely disrupted the community sport volunteer workforce. Specifically, the overall number of volunteers is significantly down whilst the volume of work, the extra compliance and demands are up, so fewer people are trying and expected to do more.

There are also significant gaps with officials and umpire numbers, and compounding this is that the professional workforce is smaller.

Demand is Up

Demand for support and services by clubs, leagues and associations is up. Assistance with strategies to find people for committee, coaches and team manager roles, governance support and club operations is above pre-pandemic levels. Balancing this, demand for support to diversify club activities is down; clubs are focusing on their core business of traditional competition community sport.

Appendix 2

Sports Team and Member Numbers in the Selected Towns (2019)

Sports Club/ Association	Number of Teams							Number of Participants				
	Senior Men	Senior Women	Senior Mixed	Junior Boys	Junior Girls	Junior Mixed	Total	Male	Female	Senior	Junior	Total
Orbost Basketball Association	4	4	0	0	0	8	16	110	40	60	90	150
Orbost Croquet Club								6	18	24	0	24
Orbost Bowls Club	0	0	3	0	0	0	3	17	18	35	0	35
Orbost Tennis Club	0	2	0	0	0	0	2	5	35	30	10	40
Orbost Cricket Club	2	0	0	0	0	2	4	75	7	25	57	82
Orbost Snowy Rovers Football Netball Club (football)	2	0	0	4	0	0	6	170	65	115	120	235
Orbost Snowy Rovers Football Netball Club (netball)	0	4	0	0	2	0	6					
Orbost Little Athletics Centre								15	23	0	38	38
Orbost Hockey Club	0	1	1	0	0	4	6	35	40	30	45	75
East Gipps UFC (soccer) (est. Orbost members)*								0	1	0	1	1
Lakes Entrance Croquet Club								7	29	36	0	36
Lakes Entrance Tennis Club	0	0	0	0	0	0	0	25	20	10	35	45
Lakes Entrance Football Netball Club (football)	2	0	0	3	0	1	6	150	120	133	137	270
Lakes Entrance Football Netball Club (netball)	0	4	0	0	2	0	6					
Lakes Entrance Netball Association	0	0	0	0	2	0	2	0	35	0	35	35
Lakes Entrance Cricket Club	2	0	0	0	0	2	4	50	5	35	20	55
Lakes Entrance Amateur Basketball Association*								210	116	70	256	326
Lakes Entrance Keenagers								29	28	57	0	57
Lakes Entrance Volleyball*								5	15	0	20	20
East Gipps Badminton Assoc (Lakes Entrance members)*								3	3	6	0	6
Bairnsdale Soccer (Futsal) Club (est. LE members)*								30	60	10	80	90
East Gipps UFC (soccer) (est. Lakes Entrance members)*								10	7	5	12	17
Paynesville Bowling Club	0	0	9	0	0	0	0	131	86	211	6	217
Paynesville Cricket Club	3	0	0	0	0	2	5	51	9	38	22	60
Paynesville Football Netball Club (football)	2	0	0	4	0	0	6	138	68	86	120	206
Paynesville Football Netball Club (netball)	0	4	0	0	2	0	6					
East Coast Netball	0	0	0	0	4	0	4	0	30	0	30	30
Walking Netball								0	20	20	0	20
Paynesville Tennis Club	0	0	0	0	0	0	0	2	18	20	0	20
East Gipps UFC (soccer) (est. Paynesville members)*								20	9	5	24	29
Lindenow Recreation and Bowling Club	0	0	5	0	0	0	0	49	17	64	2	66
Lindenow Football Netball Club (football)	3	0	0	1	0	0	4	80	0	60	20	80
Lindenow Junior Football Club	0	0	0	3	0	0	3	125	5	0	130	130
Lindenow South Football Netball Club (football)	1	2	0	1	1	1	6	70	65	65	70	135
Lindenow Football Netball Club (netball)	0	4	0	0	2	0	6	0	50	32	18	50
Lindenow South Football Netball Club (netball)	0	2	0	0	2	0	4	0	40	18	22	40
Lindenow Cricket Club	2	0	0	1	0	1	4	40	7	26	21	47
Lindenow South Cricket Club	2	0	0	2	0	0	4	40	5	25	20	45
Omoo Benambra Football Netball Club (football)	1	0	0	1	0	0	2	50	35	47	38	85
Omoo Benambra Football Netball Club (netball)	0	2	0	0	2	0	4					
TOTAL	26	29	18	20	19	21	119	1748	1149	1398	1499	2897

* Estimated breakdown of gender and age

EAST GIPPSLAND SPORTING FACILITIES PLAN East Gippsland Shire

Appendices

Appendix 3

Sports Club Meeting Write-Ups



East Gippsland Sporting Facilities Plan Stakeholder Consultation Constraints and Opportunities Meetings (February-March 2022)

Summary of Findings

Chronology of Consultation

November-December 2021	Reserve Committee of Management questionnaire administered (2 returns [28%], but 100% completed during interviews) Sports Club/ Association questionnaire administered (11 returns [42%], but 96% completed during interviews)
December 2021	All reserve/ facility committees of management were consulted during site visits completed by the project team
February-March 2022	26 clubs, 5 State/ Regional sporting organisations, 1 Member of Parliament (Tim Bull), and 1 school (Orbost Secondary College) were consulted

Key Findings

Please note that this report documents input and feedback from reserve committees, sports clubs, and other stakeholders collected during the period November 2021 to March 2022. It is acknowledged that some of the club membership data may have changed since then, and some issues raised may now be resolved by recent infrastructure projects, or projects suggested may be completed or in progress.

- Most clubs have issues with the adequacy or non-compliance of their facilities, the main concerns are with the support facilities not the fields of play
- Clubs that are generally satisfied with their facilities, include the Lakes Entrance Croquet Club, the Paynesville Bowls Club, the Orbost Basketball Association, and the Omeo-Benambra Football Netball Club (now that the tennis-netball courts and the reserve access road and main car park are to be reconstructed).
- The key issues with support facilities are mainly:
 - poor quality/ non-compliant amenities in change rooms
 - lack of netball change rooms and amenities
 - inadequate social rooms (too small, amenities)
 - lack of onsite storage
 - non-compliant floodlighting, ie. lux level below approved training standard
- The key issues identified for fields of play are:
 - Lack of indoor courts in Lakes Entrance (confirmed during the Lakes Entrance Indoor Sports Facilities Feasibility Study 2021)
 - Orbost Hockey Club does not have local access to a synthetic surface for training and for matches fixtured locally
 - Lack of compliant croquet courts for the Orbost Croquet Club
 - Poor quality/ dangerous cricket practice nets for the Lindenow South Cricket Club
 - Poor quality oval for the Orbost Snowy Rovers Football Netball Club
 - Poor quality/ dangerous tennis courts for the Paynesville Tennis Club
- Nearly half of all sports clubs/ associations (42%) are having difficulty attracting and retaining committee members and/or reported that long term sustainability may be an issue



Meeting Notes

Sporting Clubs/ Associations

Group	Findings
Orbost Basketball Association (Meeting date: 28 February 2022) <u>Meeting Attendee</u> Andy Murray, President	<u>Membership</u> 150 members: 110 males; 40 females; 60 adults; 90 juniors 16 teams: 4 men; 4 women; 8 mixed gender junior Majority of players come from Orbost, Marlo and Lindenow Membership is declining <u>Facility</u> Orbost Community Sports Centre comprises 1 wooden court, a couple of meeting rooms, amenities and a kitchen – all are in good condition One court meets the needs of the OBA There is a Committee of Management which receives an annual grant from Council and is responsible for maintenance The stadium is currently used for basketball and table tennis, but in the past also accommodated volleyball, badminton and netball. <u>Facility Use</u> Monday – Mens basketball Tuesday – Table Tennis Wednesday – Womens basketball Thursday – Junior basketball Friday – Aussie Hoops <u>Issues/ Opportunities from Association</u> <ul style="list-style-type: none"> • Committee is finding it difficult to attract new members, sustainability constraints • Stadium gutters need cleaning/ replacing as there is a build-up of leaves, etc., and the gutters and beams are now rusting
Orbost Croquet Club (Meeting date: 28 February 2022) <u>Meeting Attendees</u> Jan Lynn, President Lorraine Joiner, Vice-President Theresa Armstrong, Secretary Joy Henderson, Treasurer Greg Eaton, Committee	<u>History</u> The Club re-formed in 2008 and used the northern green when it wasn't being used by the Orbost Bowls Club. The Bowling Club now lease the green to the Croquet Club for \$1,500 per year. <u>Membership</u> 24 members: 6 males; 18 females; 24 adults; 0 juniors Membership is increasing, however, the facilities available are constraining growth <u>Facility</u> Croquet Club uses the second Bowling Club green, however, it can only accommodate 2 undersized, non-compliant croquet courts Clubroom is a converted portion of the Bowling Club maintenance shed and is small Croquet Club maintains the courts and uses the Bowling Club maintenance equipment <u>Facility Use</u> The members play all year <u>Issues/ Opportunities from Club</u> <ul style="list-style-type: none"> • Committee is strong, and club has good (sustainable) prospects • Need a larger clubroom, and an awning over the front • Need 2 compliant courts in the short-term, but longer term 3 courts
Orbost Bowls Club (Meeting date: 28 February 2022) <u>Meeting Attendees</u> Sue Robinson, President Karen Chenney, Secretary	<u>History</u> The club was formed in 1929, with the clubrooms built in 1984 <u>Membership</u> 35 members: 17 males; 18 females; 35 adults; 0 juniors



Group	Findings
<p>James Clay, Committee Colleen Parker, Committee Vanessa Frank, Committee Gay Clements, Committee</p>	<p>3 mixed teams</p> <p><u>Facility</u></p> <p>1 synthetic surface green (not floodlit), and a clubroom (Croquet Club uses the second green)</p> <p>The surface of the green requires replacement</p> <p><u>Facility Use</u></p> <p>Disabled group use indoors each Wednesday</p> <p>Social break-ups/ Red Cross/ wakes, etc.</p> <p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> • Committee is strong, and club has good (sustainable) prospects • Key issue is the synthetic green which needs replacing (12 years old), and has drainage issues • Toilets/ shelters need renewing • Chain mesh external fencing needs replacing
<p>Orbost Tennis Club (Meeting date: 28 February 2022)</p> <p><u>Meeting Attendees</u> Barry Phillips, President Kaye Savory, Secretary Narelle Macalister, Committee</p>	<p><u>Membership</u></p> <p>40 members: 5 males; 35 females; 30 adults; 10 juniors</p> <p>Membership has been decreasing, used to be as high as 150s</p> <p><u>Facility</u></p> <p>6 sand filled grass courts (all floodlit), and a clubroom</p> <p>The facilities are in average condition, however the Club has a \$300,000+ grant to renew the court surfaces, update the pavilion, and replace the perimeter fencing</p> <p>Club indicated it requires the 6 courts, but mainly uses the 4 front courts</p> <p><u>Facility Use</u></p> <p>Monday evening 7pm – 9pm – Social tennis – use up to 4 courts</p> <p>Wednesday 9am - 2pm – Ladies Competition (2 teams) – use 3 courts</p> <p>Casual users:</p> <ul style="list-style-type: none"> • Orbost Secondary College • Orbost Hockey Club use the bank of 2 courts for training and for 'Hook into Hockey' program – February to April • Orbost Youth Group – first Sunday of each month • Singing Group – Thursdays use the clubroom • Art Group – Wednesdays use the clubroom • Mothers Group – Mondays use the clubroom <p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> • Committee is stable but struggles to attract new members, sustainability constraints • Committee is trying to secure a coach
<p>Orbost Cricket Club (Meeting date: 28 February 2022)</p> <p><u>Meeting Attendees</u> Scott Mundy, President Luke Endley, Secretary</p>	<p><u>Membership</u></p> <p>82 members: 75 males; 7 females</p> <p>38 Blasters</p> <p>4 teams: 2 men; 2 junior (U/16 & U/13)</p> <p><u>Facility</u></p> <p>The old scoreboard can be removed</p> <p>The Club has tenancy for 12 months of the year, there is no winter tenant</p> <p>During the bushfires the community came to the ground for refuge</p> <p><u>Facility Use</u></p> <p>Seniors – train Tuesday & Thursday; matches Saturday afternoon</p> <p>U/13 matches Friday evening</p> <p>U/16 matches Saturday morning</p>



Group	Findings
	<p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> • Committee is strong, and club has good (sustainable) prospects • Club would like updated amenities and improved facilities for women • Upgrade of the change rooms
<p>Orbost Snowy Rovers Football Netball Club Orbost Snowy Rovers Junior Football Club</p> <p>(Meeting date: 28 February 2022)</p> <p><u>Meeting Attendees</u> OSRFNC Royston Nettleton, President Zoe Quinsey-Munro, Netball</p> <p>OSRJFC Dave Macalister, President Paul Herbert, Committee</p>	<p><u>History</u> The Orbost Football Club and Snowy Rovers Football Club merged in 2003 to form the Orbost Snowy Rovers Football Netball Club (Orbost was at Lochiel Park, and Snowy Rovers were at Orbost Recreation Reserve)</p> <p>The new clubroom was built in 1994, and the change room building in 2008</p> <p><u>Membership</u> 235 members: 170 males; 65 females; 115 adults; 120 juniors 15 Auskick participants Membership is stable</p> <p><u>Teams</u> 2 x senior (mens) football teams 4 x junior football teams (U/11, U/13, U/15, U/17) 4 x senior netball teams 2 x junior netball teams (U/15, U/17)</p> <p><u>Facility Use</u> Saturday – U/17s & Senior football and all netball matches Sunday – Junior football, Auskick & NetSetGo (run by the netball association)</p> <p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> • Committee is strong, and club has good (sustainable) prospects • Require the 2nd netball court to be made compliant • Oval playing surface needs to be upgraded, ie. irrigation and drainage systems, and levelling • Sealing the access road around the oval, including roll-over kerb and channel that will help to resolve the stormwater issues throughout the reserve • Seal pedestrian paths and the gravel area around the social room and change room • Netball change rooms need expanding to accommodate 2 teams • Male showers are open, not cubicled • Old clubroom is reaching end of life, gym needs to be relocated and building demolished • Replace/ upgrade the public toilet block
<p>Orbost Little Athletics Centre (Meeting date: 28 February 2022)</p> <p><u>Meeting Attendee</u> Sarah Joiner, Secretary</p>	<p><u>Membership</u> 38 members: 15 males; 23 females; 0 adults; 38 juniors Membership has declined over the past 5 years</p> <p><u>Facility</u> 300 metre grass track on the top oval at the Orbost Secondary College Portable Discus Cage Storage shed (2012) Use toilets at the school</p> <p><u>Facility Use</u> Tuesday evening starting at 4.30pm</p> <p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> • Committee is struggling to attract new members, sustainability constraints • Toilets closer to the track • Concrete throwing circles



Group	Findings
Orbost Hockey Club (Meeting date: 1 March 2022) <u>Meeting Attendees</u> Shelley Millward, President Bree Kenny, Secretary	<u>Membership</u> 75 members: 35 males; 40 females; 30 adults; 45 juniors 6 teams: 1 womens; 1 senior mixed; 4 junior mixed Membership has increased over the past 5 years <u>Facility</u> Bower Street Reserve: 2 grass pitches, toilet/ change room, canteen/ store Pitches are grass and not fenced, and no floodlights Toilets and change rooms do not comply Utilise the Orbost Tennis Club courts for training <u>Facility Use</u> Mid-week evening training Saturday competition all ages, sometimes seniors play Friday evenings when away <u>Issues/ Opportunities from Club</u> <ul style="list-style-type: none"> • Committee stable but struggles to attract new members, sustainability constraints • Condition of off-pitch facilities are poor • Lack of floodlighting at Bower Street Reserve constrains training opportunities • Club requires a sustainable solution for access to a local synthetic pitch, or will be at a distinct disadvantage against the other 6 association clubs which will have access to synthetic pitches from 2023 • Has identified the lower sports field at the Orbost Secondary College as an opportunity for a synthetic pitch
Lakes Entrance Croquet Club (Meeting date: 1 March 2022) <u>Meeting Attendee</u> Geoff Webb, President	<u>Membership</u> 36 members: 7 males; 29 females Membership numbers are increasing <u>Facility</u> The new facility was completed in 2014 and comprises 3 compliant courts and a clubroom/ store – all facilities in very good condition The Club members maintain the courts <u>Facility Use</u> Pennant is played on Tuesdays <u>Issues/ Opportunities from Club</u> <ul style="list-style-type: none"> • Committee is strong, and club has good (sustainable) prospects • Directional signage to the club facility is required • Rear access (unsealed) road surface requires ongoing maintenance
Lakes Entrance Tennis Club (Meeting date: 1 March 2022) <u>Meeting Attendees</u> Katherine Sharpley, President Nigel Carr, Coach	<u>History</u> Courts were initially at Lakes Entrance Recreation and Camping Reserve, but relocated to the current site approx. 2007 Junior numbers are stable and adult numbers are declining <u>Membership</u> 30 members registered with Tennis Victoria plus 20 corporate members <u>Facility</u> 8 sand filled grass courts (floodlit) and 2 asphalt courts (not floodlit) – all in good condition Off-court facilities comprise a clubroom and a store, which are in poor condition, and the club has access to the Council public toilet/ change room building <u>Facility Use</u> Tuesday evening – corporate competition Friday – 20-25 members social play



Group	Findings
	<p>Saturday morning - junior competition (30-40 players)</p> <p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> Committee is struggling to attract new members, sustainability constraints Stormwater runs off the hill and ponds on the courts/ surrounding grass area – requires a permanent drainage solution 8 courts are sufficient for the club's future needs Improved clubroom and change room facilities are required
<p>Lakes Entrance Indoor Sports Facility Groups (Meeting date: 1 March 2022)</p> <p><u>Meeting Attendees</u> Jackie Brooks, Secretary Youth & Rec Centre CoM Val Alsop, Committee Secretary Youth & Rec Centre CoM Jamie O'Donnell, Vice President LEABA Tracey, Committee LEABA</p>	<p><i>Groups involved in the Lakes Entrance Indoor Sports Facilities Study (2021) were invited to provide feedback on the study directions and/or update any data</i></p> <p><u>Basketball</u></p> <ul style="list-style-type: none"> Basketball - demand is still the same as 2019, or slight increase Rep teams and domestic training sessions have increased High demand for additional courts still exists <p><u>Youth & Rec Centre Committee of Management</u></p> <ul style="list-style-type: none"> The high windows still need sealing The change rooms still need to be completed – shower partitions to be installed, and internal painting
<p>Lakes Entrance Football Netball Club (Meeting date: 1 March 2022)</p> <p><u>Meeting Attendees</u> Kevin Giblin, President Michelle Baade, Secretary Yvonne Porter, Netball Coach</p>	<p><u>Membership</u> 270 members: 150 males; 120 females; 133 adults; 137 juniors</p> <p><u>Teams</u> 2 x senior (mens) football teams 3 x junior boys teams (U/13, U/15, U/17), 1 x junior mixed team (U/11) 4 x senior netball teams 2 x junior netball teams (U/15, U/17)</p> <p><u>Facility</u> Reserve comprises 1 oval (football/ cricket), 3 netball courts (being converted to 2.5 compliant courts with floodlights), a new change room (2019) and a separate social room Only some facilities are adequate to meet needs</p> <p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> Committee struggles at times, sustainability constraints New floodlighting required for the oval Upgrade to social room Netball change rooms are required The adjacent Bowls Club has encroached into the netball area, and will soon be a building a second storey to the building located beside the netball courts Committee indicated it sometimes does not receive grant support from council as it a Crown land reserve managed by a Local Committee of Management
<p>Lakes Entrance Netball Association (Meeting date: 1 March 2022)</p> <p><u>Meeting Attendee</u> Kylie Curnow, Co-President</p>	<p><u>Membership</u> 35 members: all junior girls Membership is increasing 2 teams: U/11 and U/13</p> <p><u>Facility</u> Utilise the 3 netball courts at the Lakes Entrance Recreation and Camping Reserve</p> <p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> Committee finds it difficult to attract people with long term commitment, sustainability constraints Difficult to find someone to coordinate the NetSetGo program Court floodlighting is inadequate, however, courts are being upgraded with floodlights



Group	Findings
Lakes Entrance Cricket Club (Meeting date: 1 March 2022) <u>Meeting Attendee</u> Ryan Hooper, President (<i>was unable to make the meeting, but the club completed a survey questionnaire</i>)	<u>Membership</u> 55 members: 50 males; 5 females; 35 adults; 20 juniors <u>Teams</u> 2 x senior (mens) teams 2 x junior mixed teams (U/14, U/16) <u>Facility</u> Reserve comprises 1 oval (football/ cricket) with a turf centre wicket, and cricket practice nets (2 lanes), a new change room (2019) and a separate social room Also use the St Brendan's Primary School oval for junior teams and C grade <u>Issues/ Opportunities from Club</u> <ul style="list-style-type: none"> Committee struggles as mainly comprises of current players, sustainability constraints
Paynesville Bowling Club (Meeting date: 2 March 2022) <u>Meeting Attendee</u> Bronwyn Thwaites, Secretary	<u>History</u> Club was established in 1968, and it owns its facilities <u>Club Membership</u> 217 members: 131 males; 86 females; 211 adults; 6 children Membership is stable <u>Facility</u> Facility comprises 3 natural turf greens (none floodlit), clubhouse and a covered BBQ area – all facilities in good condition <u>Issues/ Opportunities from Club</u> <ul style="list-style-type: none"> Committee is strong, and club has good (sustainable) prospects Priority project is to convert its front green to synthetic green, and then in the future to cover it
Paynesville Cricket Club (Meeting date: 2 March 2022) <u>Meeting Attendee</u> Kody McCormick (via phone)	<u>Membership</u> 60 members: 51 males; 9 females; 38 adults; 22 juniors (no Blasters program) Membership is increasing <u>Teams</u> 3 x senior (mens) teams 2 x junior teams (U/13 & U/16) <u>Facility</u> Reserve comprises 2 ovals (turf centre wicket on the main oval and a hard wicket on the second oval), cricket practice nets (2 lanes), a pavilion and a cricket room/ store <u>Issues/ Opportunities from Club</u> <ul style="list-style-type: none"> Committee is strong, and club has good (sustainable) prospects Need to consider the whole precinct as one and orientate a new pavilion to view both ovals Club has the funding to extend the training nets from 2 lanes to 3 lanes (works commence in April 2022) Cars currently drive down to the 2nd oval to be near the nets for training, which is a safety risk The grounds are generally in good condition, however: <ul style="list-style-type: none"> - main oval needs to be re-surfaced, as too many types of grasses - the 2nd oval requires irrigation - it is difficult to access the toilets and bar from the 2nd oval - floodlighting is required at the cricket practice nets for pre-season training, and a power bollard
Paynesville Football Netball Club (Meeting date: 2 March 2022)	<u>Membership</u> 206 members: 138 males; 68 females; 86 adults; 120 juniors Membership is declining



Group	Findings
<p><u>Meeting Attendee</u> Daniel Whittingham, President</p>	<p><u>Teams</u> 2 x senior (mens) football teams 4 x junior football teams (U/11, U/13, U/15, U/17) Auskick 4 x senior netball teams 2 x junior netball teams (U/15, U/17)</p> <p><u>Facility</u> Reserve comprises 2 ovals, 2 netball courts (floodlit), a pavilion The facilities do not wholly meet the club's needs</p> <p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> • Committee is struggling to attract new members, sustainability constraints • Upgrade of main oval floodlights • Installation of an electronic scoreboard • Provision of compliant netball change rooms and amenities • Upgrade of existing pavilion change rooms, including open showers • New social room as second storey to the pavilion, and re-purpose the existing social rooms to provide compliant change rooms and a gymnasium
<p>Paynesville Tennis Club</p> <p>(Meeting date: 14 December 2021)</p> <p><u>Meeting Attendees</u> Ernie Z, President Marg McNamara, Secretary</p>	<p><u>Membership</u> 20 members: 2 males; 18 females; 20 adults; 0 children Membership is declining</p> <p><u>Teams</u> 0 teams, social tennis only</p> <p><u>Facility</u> Tennis facility comprises 4 hardcourts (not floodlit), and a small clubroom All courts impacted by an invasive fungus which has rendered 2 – 3 courts unusable</p> <p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> • Committee is struggling to attract new members, sustainability constraints • Courts need to be reconstructed • There is no hot water in the clubrooms • Car parking is not defined, and is impacted by existing gum trees
<p>Lindenow Recreation and Bowling Club</p> <p>(Meeting date: 3 March 2022)</p> <p><u>Meeting Attendee</u> Simon Alleaume, Vice President</p>	<p><u>History</u> The Club was established in 1951</p> <p><u>Membership</u> 66 members: 49 males; 17 females; 64 adults; 2 juniors Membership is increasing About 30% of members are from Bairnsdale</p> <p><u>Facility</u> Bowls facility comprises 1 synthetic green (floodlit), a clubhouse, and a land to the west of the green for a future second green Club hosts Bowls Premier League competitions for East Gippsland clubs</p> <p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> • Committee is strong, and club has good (sustainable) prospects • Roof over the green • Replacement/ upgrade of the floodlighting system • Green was laid in 2008, so will require replacement in the next 2-3 years • Construct second green • Separate entry for bowls on Saturdays when football is played • Other improvements – security protection and surveillance, new storage shed, tiered seating with sun protection, extension of machinery shed at rear



Group	Findings
Lindenow Football Netball Club Lindenow Junior Football Club (Meeting date: 3 March 2022) <u>Meeting Attendee</u> Charles Stansfield, President JFC	<u>Membership</u> Senior club - 185 members: Junior club - 110 members: 110 males; 110 juniors 20 Auskick participants Membership has been stable <u>Teams</u> 3 x senior (mens) football teams and U/17 team 3 x junior football teams (U/11, U/13, U/15) 4 x senior netball teams 2 x junior netball teams (U/15, U/17) Juniors play Sundays <u>Facility</u> Reserve comprises 2 ovals, 2 netball courts (floodlit), and a pavilion (also includes 2 tennis courts but competition tennis ceased in 2013) The netball courts have had to be repaired since being constructed The facilities do not wholly meet the clubs' needs <u>Issues/ Opportunities from Club</u> <ul style="list-style-type: none"> • Committee stable but struggles to attract new members, sustainability constraints • Oval needs drainage • Floodlighting needs upgrading • Changerooms and amenities need upgrading, including open showers • Netball change and amenities not compliant, and not courtside • Installation of goal back nets (have funding for this project) • Single lane entry into the reserve – funding received to relocate the entry and make it 2 lanes wide
Lindenow Cricket Club (Meeting date: 3 March 2022) <u>Meeting Attendee</u> Darren Bastian, Committee	<u>Membership</u> 47 members: 40 males; 7 females; 26 adults; 21 juniors Membership has been stable <u>Teams</u> 2 x senior (mens) teams 2 x junior boys teams (U/13 & U/16) <u>Facility</u> Reserve comprises 2 ovals (turf centre wicket on the main oval and a hard wicket on the second oval), cricket practice nets (3 lanes), a main pavilion and a small pavilion/store on the second oval All teams play on the second oval (synthetic pitch) <u>Issues/ Opportunities from Club</u> <ul style="list-style-type: none"> • Committee is struggling, sustainability constraints • Narrow synthetic wicket on Oval 2 needs replacing • Change rooms and amenities need upgrading, including open showers
Lindenow South Recreation Reserve Users (Meeting date: 3 March 2022) <u>Meeting Attendees</u> Dick Bakos, Vice President LSFNC, President LSCC Noel Jans, President LSFNC Kathleen Whittingham, Secretary LSFNC Steve Dunning, President Glenaladale CC Tracey, LSFNC	Cricket <u>Membership</u> 45 members: 40 males; 5 females; 25 adults; 20 juniors Membership has been declining Lindenow South CC and Glenaladale CC have amalgamated teams although the Clubs have not merged <u>Teams/ Reserve Usage</u> Teams – 2 x senior, 2 x junior (U/13 & U/16)



Group	Findings
<p>Heidi, LSFNC Vicki, LSFNC Paul, LSCC Mick, LSFNC Troy, LSCC</p>	<p>Senior teams use both Lindenow South Rec Reserve and Glenaladale Rec Reserve U/13 play Friday night at Glenaladale Rec Reserve U/16 play Saturday at Lindenow South Rec Reserve</p> <p>Football-Netball</p> <p><u>Membership</u> 150 members: 100 males; 50 females; 70 adults; 80 juniors Membership has been stable</p> <p><u>Teams/ Reserve Usage</u> Football Teams – 1 x senior men, 2 x women, 3 x junior (1 girls, 1 boys U/16, 1 mixed gender) Women play on Sundays Netball Teams – 2 x senior, 2 x junior (U/17, U12)</p> <p><u>Facility</u> Reserve comprises 1 oval (football/ cricket) with a turf centre wicket, and cricket practice nets (2 lanes), 1 netball court, a stadium/ change room building, and a separate social room Only some facilities are adequate to meet needs</p> <p><u>Issues/ Opportunities from Club</u></p> <ul style="list-style-type: none"> • Cricket Club committee is getting by, and club has good (sustainable) prospects with juniors coming through • Football Club committee is strong, and club has good (sustainable) prospects with juniors and women coming through • Oval needs sub-surface drainage as water ponds, upgraded floodlights to 50 lux and LED globes, and an electronic scoreboard • A bore would be good for irrigation rather than using potable water • Player change and amenities are in very poor condition, including open showers • Netball change is inadequate – both teams use the same facilities, which is also used as public toilets • Netball court requires spectator seating, and a sealed path connection to the change room and social room buildings • Social Room – size is adequate, but inadequate toilets • Social Room is the only public indoor space in Lindenow South therefore it is booked a lot for events • Sinkhole has emerged in the old tennis courts • Cricket nets – 2 nets are adequate but they require upgrading. Opportunity to build new nets on the old tennis courts • Playground – needs shade • Introduce active recreation opportunities at the reserve, eg. ½ court basketball space, and the old tennis court area could be the ideal site
<p>Omeo Benambra Football Netball Club</p> <p>(Meeting date: 15 December 2021)</p> <p><u>Meeting Attendees</u> Sonya Lawlor, Secretary Aaron Mitchell, Treasurer Dave Dooley, Committee Susie Grinter, Committee</p>	<p><u>Membership</u> Membership is stable Omeo & Benambra Football Netball Clubs merged in 2007</p> <p><u>Teams</u> Football Teams – 1 x senior (mens) football team, 1 x junior (U/16) Netball Teams – 2 x senior, 2 x junior (U/17, U12)</p> <p><u>Facility</u> Reserve comprises 1 oval (football only), 2 netball courts overlaid onto 3 tennis courts (floodlit), a pavilion, and a grandstand The tennis-netball courts and floodlighting are not compliant and have received funding to be reconstructed There is no tennis club, the courts are used for social play The facilities generally meet the club's needs</p>

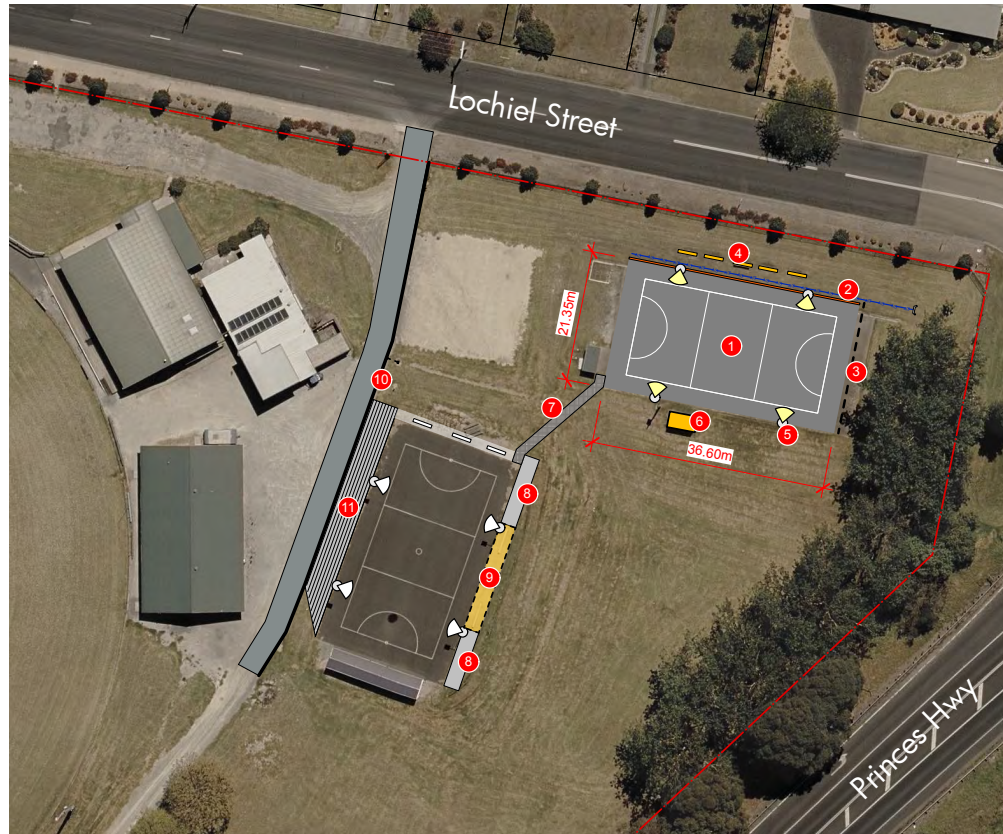


Group	Findings
	<p data-bbox="612 371 874 394"><u>Issues/ Opportunities from Club</u></p> <ul data-bbox="612 405 1225 562" style="list-style-type: none"> <li data-bbox="612 405 1225 427">• Committee is getting by, and club has good (sustainable) prospects <li data-bbox="612 427 1225 450">• Oval floodlighting to be upgraded to LED globes <li data-bbox="612 450 1225 506">• Tennis-Netball courts are failing and not compliant (have funding for reconstruction) <li data-bbox="612 506 1225 528">• Installation of goal back nets <li data-bbox="612 528 1225 562">• Single lane entry into the reserve needs to be widened to 2 lanes

Appendix 4

Lochiel Park Netball Court Development Plan (completed as a separate project in 2021)

- 1 Remove the existing northern netball court and construct a new asphalt court
- 2 A small retaining wall is required with new agricultural drain to its north
- 3 Install a root barrier
- 4 Replace the existing benches with new aluminium bench seats
- 5 New floodlights to netball training standard (100lux)
- 6 Convert the existing shelter to a secure store, or install a new secure store
- 7 Install a raised 1.5m wide connecting path over the swale (using fibreglass grating)
- 8 Continue the concrete seal along the court edge
- 9 Install a shelter over the existing player bench area
- 10 Seal reserve access road with a kerb and channel to prevent stormwater flowing across the netball court
- 11 Install a concrete terraced spectator viewing area



**Netball Court Development Plan Option 2
Lochiel Park, Orbost**

August 2021
Not to Scale



EAST GIPPSLAND SPORTING FACILITIES PLAN East Gippsland Shire

Appendices

5.2.5

CON2024 1624 Bemm River Footpath Development

Authorised by General Manager Assets and Environment

Confidentiality Notice

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 **Confidential Attachment 1** to this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors.

Conflict of Interest

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

Executive Summary

The purpose of this procurement is to secure an experienced contractor for the construction of concrete footpaths and elevated boardwalks for various road reserves within the township of Bemm River.

This project will implement Bemm River's priority for bushfire recovery by building formal footpaths in this remote community. Bemm River, a small community heavily reliant on tourism was severely impacted by the Black Summer bushfires. To assist with both social and economic recovery this project will create an all-weather, safe, and accessible active transport (walking and cycling) route for residents and visitors alike, providing a better visitor experience for holiday makers and the potential to attract more tourists over the longer term. The footpaths will be in and around the main tourism centre and include pedestrian and cycle access to the boat ramp and jetty facilities.

The footpath has been designed to minimise the impact on native vegetation and uses a range of materials and alignments to ensure no mature trees will be removed.

As a result of the invitation to tender and the subsequent tender evaluation provided as **Confidential Attachment 1**, Council is now able to consider the recommendation to award contract CON2024 1624 Bemm River Footpath Development – Construction Works.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;*
 - 2. accepts the tender submitted by _____ for CON2024 1624, Bemm River Footpath Development – Construction Works for the contract amount \$ _____ exclusive of GST;*
 - 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and*
 - 4. resolves that Attachment 1 to this report and all discussions relating to that attachment remain confidential.*
-

Background

Bemm River is a small community with an aging population. The 2016 census identified 70% of the population was over 60 years of age. The village is nestled between the Bemm River, its inlet, and the ocean and, unsurprisingly, the community is dominated by recreational fishing and associated tourism along with other nature-based activities. All of which rely on active transport and good walking infrastructure to facilitate access.

Bemm River was severely impacted by the Black Summer bushfires, at times surrounded by the fire front, and isolated for weeks while the Princes Highway was cut. The community also had to endure power outages and issues with food, water, and fuel supplies.

In July 2022, Council successfully secured \$1,027,253 from the Commonwealth under the Black Summer Bushfire Recovery Grants Program for a Footpath upgrade program.

The need for footpaths had previously been identified as the second highest priority in the Bemm River Community Plan (2015 – 2020) and the Bemm River Foreshore Management Plan (2014).

Scope for this project meets the objectives of these plans and includes:

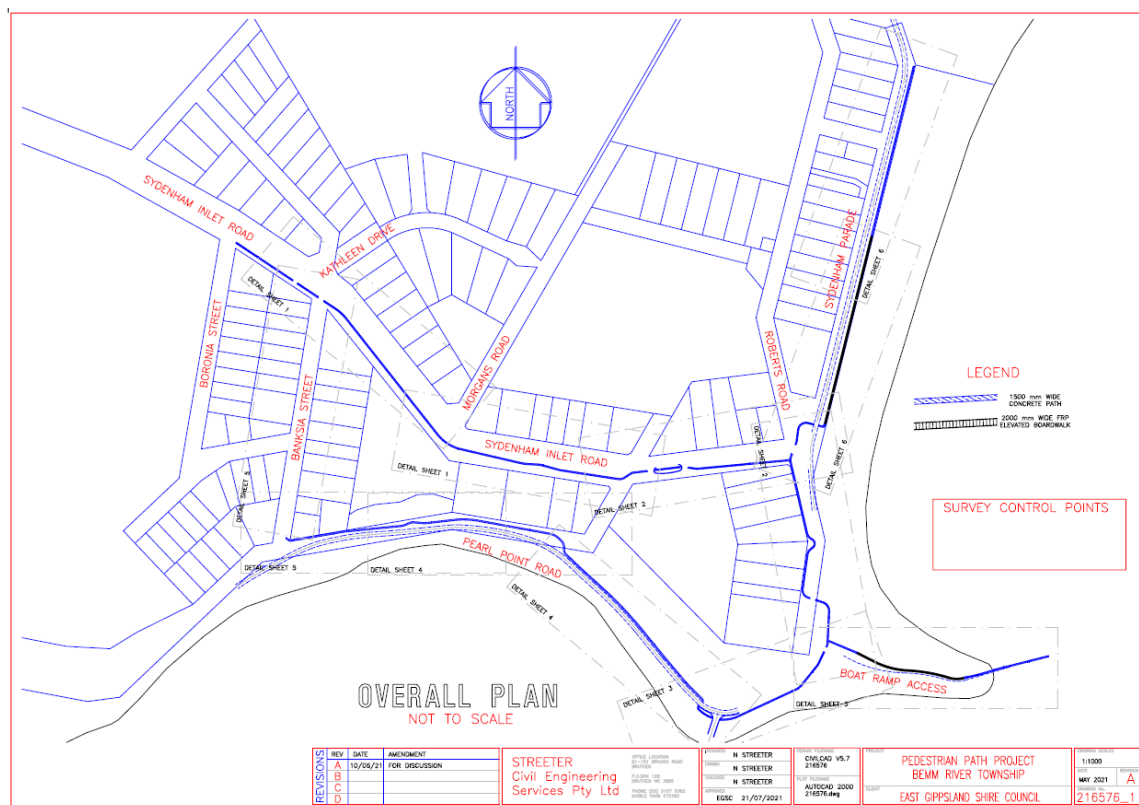
- New 1,800 mm wide concrete footpath;
- New 2,000 mm wide boardwalk; and
- Existing concrete driveways intersecting the footpath will be reinstated and other driveways trimmed to match footpath levels.

Project grant activities consist of the following:

1. Planning including detailed designs and approvals;
2. Delivery including tendering and procurement;
3. Awarding contract;
4. Site establishment;
5. Construction works;
6. Final inspections; and
7. Project closure including project handover and project opening.

This project will need to commence shortly after the award of the contract to meet the funding completion deadline of 31 March 2024.

A plan of the proposed footpaths is provided below.



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.

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

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has not been prepared in collaboration with other agencies given the bespoke nature of the contract.

Council Plan

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

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

Council Policy

Procurement has been undertaken in accordance with Council's Procurement Policy.

Community engagement has been undertaken in accordance with Council's Community Engagement Policy.

Options

Tenders received have been assessed by a Tender Evaluation Panel (TEP). The TEP Report, provided at **Confidential Attachment 1**, details the assessment of options for the selection of a contractor for the project.

Council has the option to award a contract in accordance with the TEP's recommendation, or to not proceed with the procurement.

Resourcing

Financial

The project is primarily funded from the Commonwealth of Australia Department of Industry, Science, Energy and Resources Black Summer Bushfire Recovery Grants Program.

Plant and equipment

All plant and equipment requirements will be provided in accordance with the proposed contract.

Human Resources

This project will be supervised by a project supervisor from the Council's Infrastructure Projects Unit. No additional Council human resources are required to manage this project.

Risk

The risks of this proposal have been considered and as part of the contract requirements, the contractor will develop and implement a site-specific Project and Environmental Management Plan to mitigate identified risks such as traffic management and pollution to nearby waterways. Other factors considered are construction methods that minimises risks identified in relation to protection of existing services, traffic management, property access, vibration and other key issues associated with the works.

Economic

This project will support safer access to a range of local attractions for a community and local economy heavily reliant on tourism. This will provide a better visitor experience to the town and encourage greater visitation.

Social

This project will deliver a significant improvement to the safety, accessibility, and inclusivity of the Bemm River community by building a series of linked all weather footpaths connecting the main commercial areas of the village through to the boat ramp area.

The outcomes include improved physical and mental health for the community through the provision of safer and more accessible walking and cycling paths, and increased opportunity for informal gatherings and conversations. The footpaths will support older people, and people with disability to actively move around town in a safe and comfortable manner.

Gender Impact Statement

The *Gender Equality Act 2020* was considered in the preparation of contract CON2024 1624, Bemm River Footpath Development – Construction Works. The CON2024 1624, Bemm River Footpath Development – Construction Works has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

From all the possible priorities to work toward, the Bemm River community strongly supported the development of the footpaths identified in the 2014 Urban Design framework. This is a significant construction project, not just the length of footpaths being constructed but the level of planning and environmental consideration. Therefore, a key outcome achieved by this project will be building trust with the community and ensuring that they have been listened to and respected.

The project undertook several material changes to ensure all trees were retained and the natural environment was not unduly compromised. This project has received permissions from DEECA (Department of Energy, Environment and Climate Action) with vegetation offsets applied.

Climate change

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

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

Engagement

Significant community engagement was undertaken with the Bemm River Community including several community meetings. As part of the recovery process, Council Place Managers worked with the community to understand the community needs and priorities.

Attachments

1. CONFIDENTIAL - CON2024 1624 Bemm River Footpath Development - TEP report final [5.2.5.1 - 10 pages]

5.2.6

CON2024 1615 Moroney Street Stage 3A - Construction Works

Authorised by General Manager Assets and Environment

Confidentiality Notice

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 **Confidential Attachment 1** to this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors.

Conflict of Interest

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

Executive Summary

This project is a component for the overall upgrade works on Moroney Street in Bairnsdale. Stage 1 has been completed with Stage 2 Construction due for completion shortly.

This contract represents Stage 3A, which continues the upgrade of Moroney Street and commences from Birchwood Court and runs to Bredt Street. The final section of the upgrade works has been divided into Stages 3A and 3B to meet funding phasing from the Federal government's roads to Recovery program. With this report and contract relating to Stage 3A only.

The components of this important project include:

- upgrading underground drainage;
- Introducing kerb and channel;
- Provision of footpaths;
- Introduction of parking lanes;
- a consistent seal width;
- Street tree planting; and
- Upgrading intersections along the street.

As a result of the invitation to tender and the subsequent tender evaluation provided as **Confidential Attachment 1**, Council is now able to consider the recommendation to award contract CON2024 1615 Moroney Street Stage 3A Construction Works.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. accepts the tender submitted by _____ for CON2024 1615, Moroney Street Stage 3A - Construction Works for the contract amount \$ _____ exclusive of GST;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and***
- 4. resolves that Attachment 1 to this report and all discussions relating to that attachment remain confidential.***

Background

In 2019, Moroney Street was audited, and the results showed that it failed to meet current urban infrastructure standards. Conditions are limited kerb and limited underground drainage, wide gravel shoulders, intersections open to high speed, no defined parking. The gravel road suffered wearing due to increase of traffic and heavy vehicles. This in turn caused dust problems in the dry, and slippery when wet. Moroney Street is too narrow to cater for heavy vehicles resulting in vehicular conflicts.

The unsealed street condition generated dust problems for residents, road corrugates, and stormwater runoff entered adjacent properties.

Consultants were engaged by Council to design Moroney Street and to undertake and manage the process of delivering appropriate documentation to support complete reconstruction of road pavements, kerb and channel, concrete paving, associated drainage works, line marking and permanent signage.

Contractors were then engaged to implement construction for Stage 1 from the intersection of Gould Street to the intersection of McKean Street and Stage 2 from the intersection of McKean Street to the intersection of Birchwood Court.

To address deficiencies with the current conditions, the street was redesigned for a complete upgrade. Early consideration was given to constructing Moroney Street as a dual carriageway with a centre median in the same way as many of the Bairnsdale CBD streets. However, this would result in extensive and expensive relocation of services including gas and underground watermain. This idea was therefore not pursued, and the street was designed as a two-way carriageway with a general curvilinear alignment for traffic calming purposes.

Stage 3 has been divided into two sub phases to meet grant funding phasing. Stage 3A commences from the Birchwood Court intersection to the Bredt Street intersection and Stage 3B scope is from Bredt Street intersection to Riley Street.

In addition to the funding phasing, Stage 3 was divided into two, due to the Road Safety Audit identifying that a Roundabout was recommended at the Bredt Street intersection to mitigate road incidents and Stage 3A construction is programmed to start whilst Stage 2 is finishing to provide seamless transition due to exposed services.

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.

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

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

Council Plan

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

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

Council Policy

Procurement has been undertaken in accordance with Council's Procurement Policy.

Options

Tenders received have been assessed by a Tender Evaluation Panel (TEP). The TEP Report, provided at **Confidential Attachment 1**, details the assessment of options for the selection of a contractor for the project.

Council has the option to award a contract in accordance with the Tender Evaluation Panel's recommendation, or to not proceed with the procurement.

Resourcing

Financial

The project is funded from the Commonwealth of Australia Roads to Recovery (R2R) program. The funding is phased over the 2023/24 fiscal year. Council cash has been budgeted to cover all costs not able to be claimed through the R2R program.

Plant and equipment

All plant and equipment requirements will be provided in accordance with the proposed contract.

Human Resources

This project will be supervised by a Project Supervisor from Council's Infrastructure Projects unit. No additional human resources are required to manage this project.

Risk

The risks of this proposal have been considered and tenderers were requested to develop a construction method that minimises risks identified in relation to property access, traffic management, vibration, dust, and other key issues associated with the works.

Economic

In accordance with Council's Procurement Policy, the tender evaluation process used for this tender included a 5% weighting for local content, with preference given to contractors who employ locally and purchase goods and any subcontracted services locally.

The economic benefit of the project includes the economic activity associated with the construction and maintenance of the road.

Social

The users of Moroney Street will directly benefit from this project with new reconstruction of road pavements, new kerb and channel, new concrete paving, associated drainage works, line marking and permanent signage.

The project will also have a positive impact on the overall Bairnsdale community who use Moroney Street to access school and day-care facilities.

Gender Impact Statement

The *Gender Equality Act* 2020 was considered in the preparation of contract CON2024 1615. Contract CON2024 1615 has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

Sealing the existing wide gravel shoulders will decrease sediment going into the drainage system and have a positive environmental impact.

Tree planting, whilst not part of this contract, is part of the overall project and will be completed by Council's Parks and Gardens Unit. This will increase the amenity of this area.

The tender evaluation process used for this tender included a 5% weighting for environmental sustainability, with preference given to contractors who can demonstrate environmentally sustainable and environmentally sensitive practices.

Climate change

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

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

Engagement

Community engagement has been undertaken in accordance with the principles of Council's Engagement Policy.

A Your Say page is live with monthly updates informing the community on the progress of the design and procurement process. This page has been live since October 2022 and is supported by notifications through Council's existing communications channels, including social media posts and Shire Noticeboard advertisements. This page has also informed community on the stage 2 progress which is nearing completion.

The Project Supervisor for the works will be responsible for providing initial advice to the Bairnsdale community regarding the construction works, location and expected date. As part of the construction methodology, the contractor will be responsible for ongoing communication with affected residents in terms of property access during the works.

Attachments

1. CONFIDENTIAL - CON2024 1615 Moroney Street Bairnsdale Upgrade Stage 3A TEP Report Final [**5.2.6.1** - 10 pages]

5.2.7 CON2020 1406 Provision of Electrical Services - Contract Extension

Authorised by General Manager Assets and Environment

Conflict of Interest

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

Executive Summary

On 15 December 2020 contract 'CON2020 1406 Provision of Electrical Services' was awarded by Council for an initial three (3) year term commencing 8 February 2021 with this term expiring on 7 February 2024.

Within the contract there was provision for a further two (2) extension options inclusive of CPI increase each of one (1) year at Council's sole discretion.

This report is seeking Council's approval to extend CON2020 1406 for a further one year in accordance with the contract provisions.

The original contract was in the format of a panel of providers and included the provision of electrical services inclusive of all staff, labour, materials, and plant for both Emergency Response Services, and General Scheduled Services.

The tender process provided options for pricing services in 8 geographic locations throughout East Gippsland Shire, promoting the utilisation of local contractors to each area. The format provides certainty and efficiency for service providers and will enable Council to be responsive while having price certainty for specific tasks in various geographic locations. The initial term of the contract was three years at a fixed rate effective 8 February 2021 to 7 February 2024.

The contractors have indicated a willingness to enter into a one-year contract extension as provided for by the contract.

Officer Recommendation

That Council:

- 1. receives and notes this report;***
- 2. approves the contract extension to CON2020 1406 Provision of Electrical Services for a period of twelve (12) months to 7 February 2025 for all contractors previously awarded CON2020 1406, inclusive of annual consumer price index adjustments;***
- 3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract extension in the form proposed; and***
- 4. delegates the power to the Chief Executive Officer to exercise the final one (1) year extension options of twelve months inclusive of annual consumer price index adjustment on the basis that all contractual requirements have been met by the contractors.***

Background

Council's expenditure for electrical services throughout the Shire is between \$150,000 - \$400,000 per annum. These works include proactive and reactive maintenance of Council assets, in addition to activities associated with capital works projects.

The panel of providers procurement format provides certainty and efficiency for service providers, as it removes the need for pricing of individual small jobs. The structure also enables Council to be responsive while having price certainty for specific tasks in various geographic locations.

The panel of providers is for the provision of electrical services inclusive of all staff, labour, materials, and plant. Services and associated rates under the contract are in two parts.

Firstly, Part A – Emergency Response Services, and secondly, Part B – General Scheduled Services.

The tender allows for suitable contractors to tender pricing for services within any or all of the following geographic localities across East Gippsland Shire:

Area A – Bairnsdale and District
Area B – Lakes Entrance and District
Area C – Paynesville / Eagle Point
Area D – Orbost and District
Area E – Cann River / Bemm River
Area F – Mallacoota
Area G – Metung and District
Area H – Omeo and District

The initial term of the contract was three years at a fixed rate effective 8 February 2021 to 7 February 2024. There are a further two (2) extension options inclusive of CPI increase each of one (1) year at Council's sole discretion.

The following businesses were awarded contracts at this time:

Area A – Bairnsdale and District

- B & L Electrical Communications Pty Ltd.
- Eastcoast Electrical Service Pty Ltd.
- Smith and Freshwater Electrical Pty Ltd.
- Yeates Electrical Pty Ltd.

Area B – Lakes Entrance and District

- B & L Electrical Communications Pty Ltd.
- Eastcoast Electrical Service Pty Ltd.
- Smith and Freshwater Electrical Pty Ltd.
- Yeates Electrical Pty Ltd.

Area C – Paynesville / Eagle Point

- B & L Electrical Communications Pty Ltd.
- Eastcoast Electrical Service Pty Ltd.
- Smith and Freshwater Electrical Pty Ltd.
- Yeates Electrical Pty Ltd.

Area D – Orbost and District

- B & L Electrical Communications Pty Ltd.
- D.J Fitzgerald & L.D Fitzgerald t/as Bemm River Electrical.
- Eastcoast Electrical Service Pty Ltd.
- Yeates Electrical Pty Ltd.

Area E – Cann River / Bemm River

- B & L Electrical Communications Pty Ltd.
- D.J Fitzgerald & L.D Fitzgerald t/as Bemm River Electrical.
- Yeates Electrical Pty Ltd.

Area F – Mallacoota

- B & L Electrical Communications Pty Ltd.
- D & S Shaw t/as Mallacoota Electrical Services.

Area G – Metung and District

- B & L Electrical Communications Pty Ltd.
- Eastcoast Electrical Service Pty Ltd.
- Smith and Freshwater Electrical Pty Ltd.
- Yeates Electrical Pty Ltd.

Area H – Omeo and District

- B & L Electrical Communications Pty Ltd.
- Eastcoast Electrical Service Pty Ltd.
- MBK Electrical Pty Ltd.
- Smith and Freshwater Electrical Pty Ltd.
- Yeates Electrical Pty Ltd.

It is recommended that the contract extension available be applied to all these contractors.

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.

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

Given the nature of the works and locations within the Shire, it has not been possible to pursue collaboration on this matter.

Council Plan

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

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

Council Policy

This report and its recommendations are in accordance with Council's Procurement Policy.

Options

When considering the best means for procuring electrical repair services a range of options were considered including, sole supplier contract; panel contract or no contract and continue to procure the service on a job-by-job basis. It was determined that a panel contract was the preferred procurement option as:

1. It only requires contractors to quote once and then be eligible to work on multiple jobs;
2. It determines the price for each service which allows for accurate budgeting by officers; and
3. It allows for a spread of contractors across the shire that can be called on based on availability and location of the work.

The option is available to Council to pursue alternative procurement methods for the supply of electrical services.

Option 1

Exercise the initial twelve (12) month extension option to the existing contract 'CON2020 1406 Provision of Electrical Services', with the contract completion date being 7 February 2025.

Option 2

Re-tender for the services provided by Contract CON2020 1406.

Option 1 is recommended for the reasons outlined earlier in this report, as it provides Council with the soundest contractor reliability choice.

Resourcing

Financial

The spend to date on the services delivered under this contract (GST exclusive) are as follows:

Year 1 – 08/02/2021 to 07/02/2022	\$160,926.99
Year 2 – 08/02/2022 to 07/02/2023	\$351,575.49
Year 3 – 08/02/2023 to 30/10/2023	\$366,139.25
TOTAL	\$878,641.73

The expenditure for the extension term is allocated in Council's 2023/24 budget and draft 2023/24 budget for major plant.

These funds are sourced from Council's annual adopted budget, including both operating budgets and Capital Works projects.

Plant and equipment

Not applicable

Human Resources

This contract is managed internally by existing staff within the Assets and Engineering Unit. Exercising the contract extension has no impact on existing staff capacity.

Risk

The risks of this proposal have been considered and the contractor is required to carry out all activities as specified in the specifications and following the Occupational Health and Safety Regulations.

Economic

Offering the contract extension to the novated contractor ensures ongoing services are undertaken by qualified electricians which in return assists in providing continual operation of Council's public assets and facilities.

Social

Ongoing repair services are required to be undertaken by qualified electricians to avoid disruption both to public needs and to ensure efficient operation of public facilities.

Environmental

There are no identified environmental impacts in relation to this report.

Climate change

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

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

Engagement

Community engagement is not required for this contract.

Attachments

Nil

5.2.8

CON2024 1625 Provision of Plumbing Services

Authorised by General Manager Assets and Environment

Confidentiality Notice

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 **Confidential Attachment 1** to this report is confidential because it contains private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors.

Conflict of Interest

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

Executive Summary

The purpose of this procurement is to create a new panel of providers contract to replace the existing CON2020 1407 Provision of Plumbing Services which expires 7 February 2024. The current provision of plumbing services contract is now of insufficient numbers to support or meet Council's requirements due to some of the current panel providers no longer being operational, resulting in a shortfall of contractors.

The purpose of this report is to provide the background on a tender for a Panel Contract for the provision of plumbing services (CON2024 1625) and seek approval by Council to accept the recommendations made by the Tender Evaluation Panel. The Tender Evaluation Panel Report is provided as **Confidential Attachment 1**.

The proposed contract is in the format of a panel of providers and includes the provision of plumbing services inclusive of all staff, labour, materials, and plant for both Emergency Response Services, and General Scheduled Services.

The tender process provides options for pricing services in eight (8) geographic locations throughout East Gippsland Shire, promoting the utilisation of local contractors to each area. The format provides certainty and efficiency for service providers and will enable Council to be responsive while having price certainty for specific tasks in various geographic locations. The initial term of the contract is three years at a fixed rate effective 8 February 2024 to 7 February 2027. There is a further two (2) extension options inclusive of CPI increase each of one (1) year at Council's sole discretion.

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

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. that the tenders submitted by _____ for the Schedule of Rates for as provided at Appendix 1 for Area A – Bairnsdale and District Services for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;***
- 3. that the tenders submitted by _____ for the Schedule of Rates as provided at Appendix 1 for Area B – Lakes Entrance and District for a three year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;***
- 4. that the tenders submitted by _____ for the Schedule of Rates as provided at Appendix 1 for Area C – Paynesville / Eagle Point for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;***
- 5. that the tenders submitted by _____ for the Schedule of Rates as provided at Appendix 1 for Area D – Orbost and District for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;***
- 6. that the tenders submitted by _____ for Area E – Cann River / Bemm River for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;***
- 7. that the tenders submitted by _____ for the Schedule of Rates as provided at Appendix 1 for Area F – Mallacoota for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;***
- 8. that the tenders submitted by _____ for the Schedule of Rates as provided at Appendix 1 for Area G – Metung and District for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;***
- 9. that the tenders submitted by _____ for the Schedule of Rates as provided at Appendix 1 for Area H – Omeo and District for a three-year term with two extension options of twelve months to be made available solely at Council's or Council's delegates' discretion, be accepted;***
- 10. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed;***
- 11. delegates the power to the Chief Executive Officer to exercise the two extension options of twelve months inclusive of annual CPI adjustment on the basis that all contractual requirements have been met by the contractor; and***
- 12. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.***

Background

Council's expenditure for plumbing services throughout the Shire is between \$250,000 - \$300,000 per annum. These works include proactive and reactive maintenance of Council assets, in addition to activities associated with capital works projects.

The panel of providers procurement format provides certainty and efficiency for service providers, as it removes the need for pricing of individual small jobs. The structure also enables Council to be responsive while having price certainty for specific tasks in various geographic locations.

The panel of providers is for the provision of plumbing services inclusive of all staff, labour, materials, and plant. Services and associated rates under the contract are in two parts. Firstly, Part A – Emergency Response Services, and secondly, Part B – General Scheduled Services.

The tender allows for suitable contractors to tender pricing for services within any or all of the following geographic localities across East Gippsland Shire:

Area A – Bairnsdale and District
Area B – Lakes Entrance and District
Area C – Paynesville / Eagle Point
Area D – Orbost and District
Area E – Cann River / Bemm River
Area F – Mallacoota
Area G – Metung and District
Area H – Omeo and District

The initial term of the contract is three years at a fixed rate effective 8 February 2024 to 7 February 2027. There is a further two (2) extension options inclusive of CPI increase each of one (1) year at Council's sole discretion.

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.

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

Pursuant of section 109(2) of the *Local Government Act* 2020, contract 'CON2024 1625 Provision of Plumbing Services' has not been prepared in collaboration with other agencies.

Council Plan

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

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

Council Policy

This report has been prepared in accordance with Council's Procurement Policy.

Options

The tender process used for this project has seen multiple contractors bid for the works. The Tender Evaluation Panel evaluated these options to arrive at a preferred tenderer recommendation as outlined in **Confidential Attachment 1**.

Council has the option to award a contract in accordance with the Tender Evaluation Panel's recommendation, or to not proceed with the procurement.

Resourcing

Financial

Council has allocated funding for this contract as part of its operational budget including consumer price index increases and minor contract variations.

Plant and equipment

All plant and equipment requirements will be provided in accordance with the proposed contract.

Human Resources

The contract is managed by officers in Council's Assets and Engineering Unit.

Risk

The contractor is required to carry out all activities as detailed in the specification to a satisfactory standard throughout the term of the contract.

Economic

In accordance with Council's Procurement Policy, the tender evaluation process used for this tender included a 5% weighting for local content, with preference given to contractors who employ locally and purchase goods and any subcontracted services locally.

The contract engages local employees to undertake the work, providing economic benefits to many local communities across East Gippsland.

Social

The contract has health implications for users of Council's public facilities and spaces and is therefore an important service provided for our community and visitors.

Gender Impact Statement

The *Gender Equality Act 2020* was considered in the preparation of contract 'CON2024 1625 Provision of Plumbing Services'. The contract has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

In accordance with Council's Procurement Policy, a 5% weighting has been used in the evaluation of the tenders regarding environmental sustainability, with preference given to contractors who can demonstrate environmentally sustainable and environmentally sensitive practices.

Climate change

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

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

Engagement

Community engagement was not required for this contract.

Attachments

1. CONFIDENTIAL - CON2024 1625 Provision of Plumbing Services - TEP [5.2.8.1 - 23 pages]

5.3 Business Excellence

5.3.1 Council Plan Progress Report 2023-24 - Quarter One

Authorised by Acting General Manager Business Excellence

Conflict of Interest

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

Executive Summary

The draft Council Plan Progress Report 2023-24 Quarter One, period ending 30 September 2023 (draft report) is presented at **Attachment 1**, and provides a summary of major initiatives, actions and strategic indicators listed in the Annual Action Plan 2023-24.

The Annual Action Plan identifies 67 actions, of which eight have been identified as major initiatives that represent significant, high priority activities that will require substantial time and resources to deliver. They are important to enable Council to achieve the strategic objectives in the Council Plan.

For Quarter One, seven major initiatives are on schedule, with one behind schedule, which relates to grant funding.

Of the remaining 59 actions, 46 are on schedule, six are not commenced and seven are behind schedule. Further details on the status of actions can be found in attached report.

A status update of each major initiative is set out in the table below.

Major initiative	Status	Comment
Develop and commence implementation of organisation-wide strategies that embed Aboriginal engagement in the organisation through increased mutual understanding and effective partnerships	On Schedule	A report has been received from an Aboriginal Engagement Consultant providing the outcomes of review of Council policies and other documents, interviews with Aboriginal representatives and interviews with Council staff. This has identified a range of opportunities to strengthen cultural understanding within Council. The consultant's advice has reinforced the need to meet with local Aboriginal groups before any action is taken.
Present the Housing and Settlement Strategy to Council and if adopted commence implementation of recommendations	On Schedule	Councillors were briefed in August 2023 in relation to proposed changes to draft Strategy following community engagement. There has been some delay in revisions due to further work on housing supply/demand and responding to community comments. Final draft to be presented to Council for further direction.

Major initiative	Status	Comment
Prepare the 'Bairnsdale 2050' Project	On Schedule	<p>Project team has been established and project initiation meeting held.</p> <p>Communications and Engagement Plan prepared. The Web page has been established.</p> <p>Background analysis is underway including CBD structure, industrial land and community facilities review.</p> <p>Key stakeholder interviews are underway.</p> <p>There has been a delay in establishing the Community Panel due to the lack of expressions of interest. Alternative engagement processes to be defined.</p> <p>The Co-design paper is prepared. Co-design workshop is likely to be held in early 2024.</p>
Prepare a climate risk assessment to identify and respond to the likely impact of extreme weather and climate events on Shire infrastructure and services	Behind Schedule	<p>Council was successful in a grant application to the Disaster Ready Fund (DRF), which is a new Australian Government disaster risk reduction initiative which will fund a diverse set of large scale and long-term resilience projects.</p> <p>As part of this funding a localised climate risk model will be prepared, allowing the identification of climate hazards, when and where they will disrupt Council service delivery and asset integrity. This will provide a basis for Council and other key asset managers to plan costs and consequences. Council is currently awaiting the formalisation of funding agreements prior to progressing the project.</p> <p>Emergency Management Victoria confirmed that DRF agreement would not be ready until October 2023. Works are not able to commence until such time as the grant agreement is fully executed.</p>
Deliver actions to reduce Council's greenhouse gas emissions from energy use as identified in the Environmental Sustainability Action Plan including: development of a net zero emissions plan; explore the feasibility of using geothermal energy at key sites; and work with Councils' contractors to reduce their emissions	On Schedule	<p>A partnership with Melbourne University and a range of key facility managers in West Bairnsdale to investigate geothermal energy options for the precinct has commenced.</p> <p>The development of a net zero emissions plan has also been commenced with emission profiling underway.</p> <p>A range of electric plant equipment is also being trialled in the parks and gardens teams, to reduce reliance on fossil fuels and additional electric and hybrid vehicles have been ordered for Council's passenger vehicle fleet.</p>
Complete design and progress development of organic waste processing facility at Bairnsdale Landfill	On Schedule	<p>Key actions include the preparation of preliminary designs and an Environmental Management Plan (EMP). This information will allow the submission to the Environment Protection Authority (EPA) as part of a Development License application. The completion of detailed studies including noise and odour modelling will be completed, prior to progressing a planning permit application.</p>

Major initiative	Status	Comment
Develop a new Information Communication and Technology strategy.	On Schedule	Key achievements for this period include completion of detailed Information Communication Technology (ICT) Strategy Development Roadmap outlining specific initiatives to achieve strategic objectives and commencement of stakeholder engagement, risk assessment and technology landscape analysis which will inform development of the new ICT Strategy.
Adopt and implement the organisation's Occupational Health and Safety Management System.	On Schedule	The Safety Management System in its entirety is comprised of 41 Framework and Operational Procedures. Extensive consultation has been undertaken across the organisation resulting in 22 Procedures being finalised for presentation and approval early in Quarter Two.

Officer Recommendation

That Council receives and notes this report and the Council Plan Progress Report 2023-24 Quarter one at Attachment 1.

Background

The draft report, provided at **Attachment 1**, covers the reporting period 1 July to 30 September (Quarter One) and provides a high-level summary of major initiatives and actions listed in the Annual Action Plan 2023-24. The actions and strategic indicators are listed under the Council Plan Strategies to which they contribute.

This draft report has been created directly from General Managers, Managers and Officers, who provide quarterly updates on their actions that contribute to achieving the strategies of the Council Plan. Councillors are presented with these reports following the end of each quarter at a Council Meeting.

Legislation

This report has been prepared in accordance with section 18(1)(d) of the *Local Government Act 2020*. The role of the mayor is to report to the municipality community, at least once each year, on the implementation of the Council Plan.

By developing quarterly reporting, Council is undertaking best practice in reporting to the community on the progress of implementing the Council Plan.

The information provided in this report is not considered confidential within the grounds of section 3(1) of the *Local Government Act 2020*.

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

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

Pursuant of section 109(2) of the *Local Government Act* 2020, this report has not been prepared in collaboration with an external party.

Council Plan

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

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

Council Policy

Not applicable for this report.

Options

No options available.

Resourcing

Financial

There are no financial resourcing impacts relating to this report, however the delivery of the Council Plan as stated in this report is directly linked to the Annual Budget and 10-year Financial Plan.

Plant and equipment

Not applicable for this report.

Human Resources

There are no human resources impacts relating to this report, however the delivery of the Council Plan as stated in this report requires human resources to action the listed initiatives.

Risk

The risks of this proposal have been considered and managed accordingly.

Economic

This report itself has no direct economic impacts. However, through the Council Plan, this report identifies the delivery of key economic actions and projects that have a positive influence on the local economy.

Social

This report itself has no direct social impacts. However, through the Council Plan, this report identifies the delivery of key social actions and projects that have a positive influence on the community.

Gender Impact Statement

The Council Plan Progress Report has considered the *Gender Equality Act 2020* in its preparation. The Council Plan Progress Report has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

This report itself has no direct environmental impacts. However, through the Council Plan, this report identifies the delivery of key actions and projects that have a positive influence on the natural environment.

Climate change

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

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

Engagement

This report will be provided to the community following Council review. It will be made available on Council's website and promoted through social media channels.

Attachments

1. Council Plan Progress Report Q1 2023-24 [5.3.1.1 - 64 pages]



Council Plan Progress Report – Quarter One 2023-24

Period ending 30 September 2023

Contents

Major Initiatives	4
1. An inclusive and caring community that respects and celebrates diversity	5
2. Planning and infrastructure that enriches the environment, lifestyle, and character of our communities	18
3. A natural environment that is managed and enhanced	35
4. A thriving and diverse economy that attracts investment and generates inclusive local employment	44
5. A transparent organisation that listens and delivers effective, engaging, and responsive services	54

Front cover image

The Mallacoota Skate Park Opening held in September 2023, launched with a Comp and Skate Sessions for the community.

Acknowledgement of Country

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and the Bidawel 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.

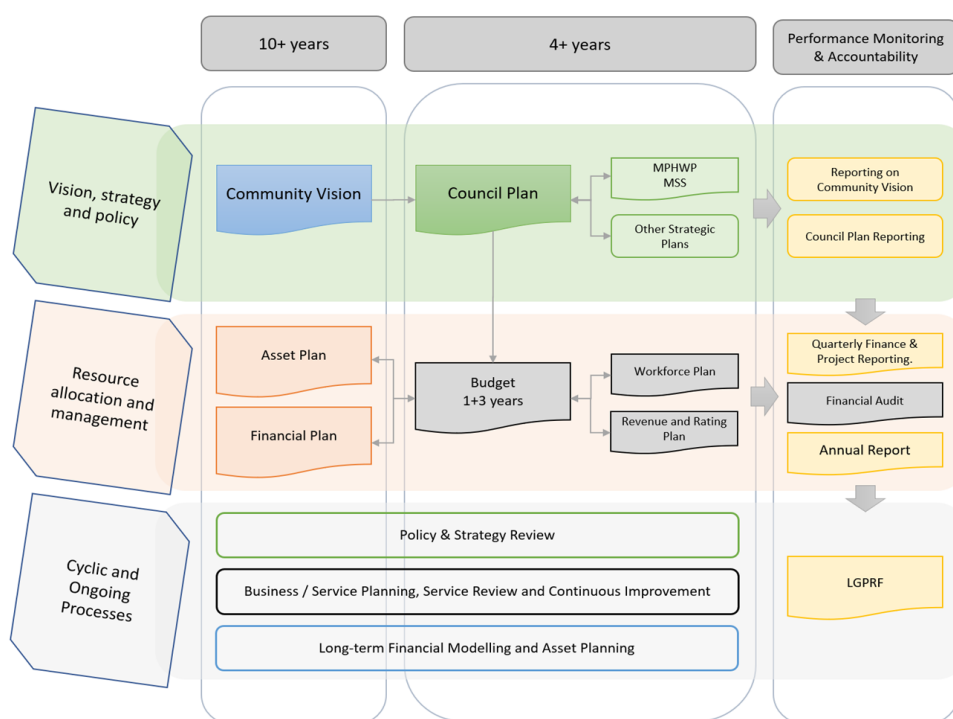
Our Community Vision

In 2040 our people, place, environment, and economy will be connected, in balance and resilient. Our unique and diverse communities will be accessible, inclusive, well connected and safe. We will value and care for each other and our natural environment. Our economy will support existing and emerging industries by being agile, innovative, and sustainable.

Our Strategic Planning Framework

Our Strategic planning framework shows how Our Community Vision 2040 will be delivered through the Council Plan, the Budget and other Council Plans and Strategies.

The Quarterly Council Plan Progress Report is a critical element of the framework below, as it provides a transparent account of how we are performing to the community on a regular basis.



Terminology:

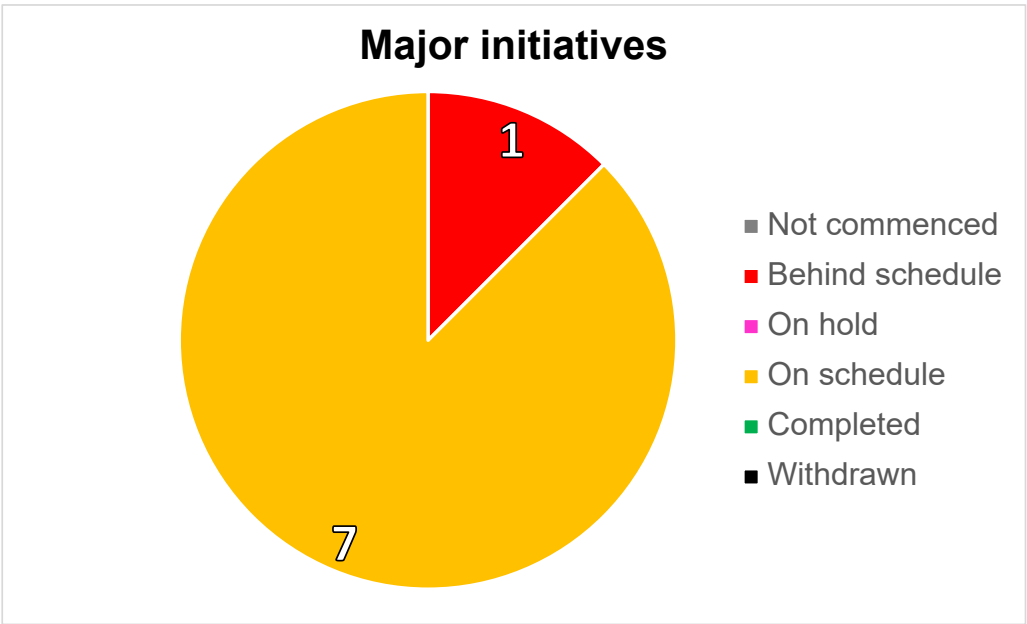
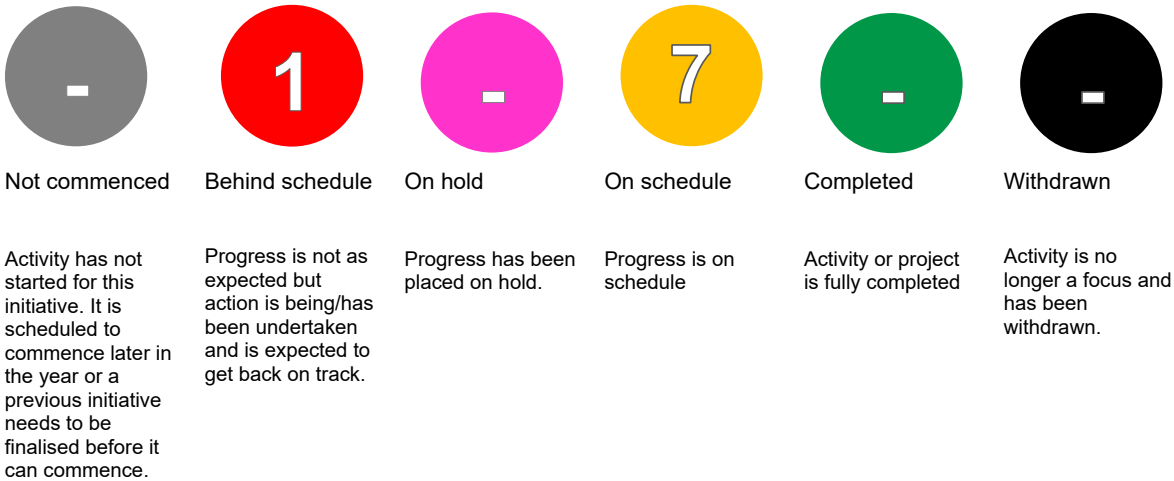
- MPHWP = Municipal Public Health and Wellbeing Plan
- MSS = Municipal Strategic Statement
- LGPRF = Local Government Performance Reporting Framework

Major Initiatives

Status of major initiatives

Council identified eight major initiatives for 2023-24. Major initiatives are high priority activities from the Council Plan that will require substantial time and resources to deliver.

Overall progress against these initiatives is summarised below.





Council Officers involved in the Krauatungalung Walk project, visited the newly installed seat featuring Borun and Tuk.

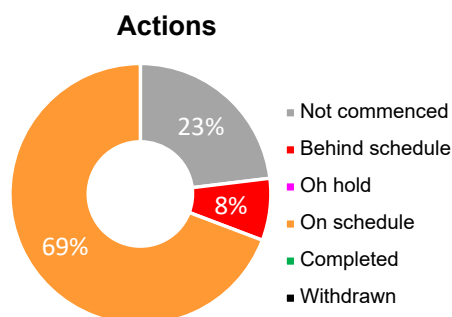
1

An inclusive and caring community that respects and celebrates diversity

1: An inclusive and caring community that respects and celebrates diversity

Strategies	Council's role
1.1 Council strives to provide equitable access to their services, support and facilities, and celebrates diversity	Provider
1.2 Collaboration with key stakeholders fosters the cultural, arts and creative communities for all activities Council has facilitated or financially contributed to	Facilitator
1.3 Community groups and volunteers are acknowledged, promoted, and supported	Provider / Facilitator
1.4 Through targeted services, partnerships and advocacy, communities enjoy strong mental and physical health, wellbeing, and resilience	Provider / Facilitator / Advocate
1.5 Strong working relationships are further developed with Aboriginal people and organisations	Facilitator
1.6 Council is culturally and linguistically inclusive and celebrates diversity	Facilitator

Summary of performance



Strategic Indicator performance



Progress against the strategic indicators at the beginning of the year can be misleading as actions have only just commenced and cannot be appropriately measured. An update of progress will be provided in the Quarter 2 report following six months activity.

Council services provided


Arts and Culture	Community Support and Development
Community and Place- based Planning	Environmental Health
Community Engagement	Library
Community Laws	Performing Arts
Community Programs	Recreation Centres


1: An inclusive and caring community that respects and celebrates diversity

1.1: Council strives to provide equitable access to their services, support and facilities

Action Code	Action Name	Comments	Progress	Traffic Lights
1.1.1	Deliver and maintain Council's roads and other infrastructure to provide safe and suitable physical connectivity for remote and other communities	Council's contractors have continued to maintain Council's 3000km of local roads during the quarter. A range of roads were also added to the Register of Public Roads during the quarter which sets their maintenance requirements. Council's annual program of road renewal works has also been set and contractors will commence work on this program in the next quarter.	25%	
1.1.2	Strengthen engagement processes with communities and stakeholders to ensure their views are heard when planning services, facilities, and infrastructure	<p>In order to strengthen engagement processes with communities and stakeholders to ensure their views are heard when planning infrastructure the following tasks have been identified:</p> <ol style="list-style-type: none"> 1. Establish a Project Reference Group for capital works projects - During the period 38 projects have had an active Project Reference Group with an average of 7 members. Several of these groups have representatives from our Indigenous partners. 2. Develop physical displays of projects that are currently under engagement - Physical displays have been created at Council's Customer Service Centres to ensure information is easily accessible to a wide range of community members, including those who may not have access to the internet or digital platforms. 3. Develop YourSay pages for all capital works projects - During the quarter, 74 live projects had YourSay pages, with an additional 20 completed projects also still receiving visits from interested community members. Overall YourSay attracted 6,100 visits to the project pages with 105 people actively engaging in a project by providing comments or completing a survey. The Krauatungalung Walk was the most popular with 406 visitors now aware of this project. 4. Develop Terms of Reference for Project Reference Group (PRG) Members - this document template has been created and approved by Governance during the quarter. The template is now in use on a project-by-project basis and presented to PRG members to sign once the PRG is formed. 	25%	

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Action Code	Action Name	Comments	Progress	Traffic Lights
1.1.3	Implement policy and practices that improve equitable access to facilities and services including consideration of gender equity; access and inclusion; socio-economic, age friendly and implementation of audits to support these outcomes	<p>All projects are required to meet the updated Australian Standards. Australian standards set out specifications and design procedures. These ensure products and services perform safely, reliably, and the way they're intended to. Structural Projects need to meet the deemed to satisfy provisions of the national Construction Codes, Civil works are required to meet all required Australian Standards and Infrastructure Design Manual 5.4. These standards also meet the Disability Discrimination Act. All Capital Project team members adopt all required standards as required for each individual project.</p> <p>Other tasks within this action are:-</p> <ul style="list-style-type: none"> - Coordinate accessibility audits of community buildings including Halls and Rec Reserves - this is behind schedule, but some audits have been completed. - Undertake audits and upgrades of community facilities to improve all abilities access - behind schedule, currently working with Bairnsdale City Oval to increase pedestrian access. - Undertake upgrades of Recreation change facilities to female friendly standards - on schedule with works underway at Wy Yung Recreational Reserve. 	25%	

Strategic Indicators







Name	Comments	Actual	Target
Number of council facilities for which an accessibility audit has been completed	<p>Access audits have been undertaken on Council owned and community spaces, which will increase access and safety of the built environment for all users, facilitate more community confidence and greater use of local services and facilities.</p> <p>The following the following access audits, advice and design work has been undertaken during the period:</p> <ul style="list-style-type: none"> - Access and Egress Advice - Evacuation Diagram recommendations for community facilities - Clifton Creek Community Hall - Ramp Design Options Report (stage 2) 	2	= 5
Number of inclusion programs offered in Council's recreation centres and pools	<p>While all Council programs are designed to align with all abilities and be inclusive, the following programs have been put in place.</p> <p>Bairnsdale Aquatic and Recreation Centre - a Quiet time program has been implemented</p>	2 Programs	≥ 5 Programs

Progress Indicator Legend



 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Name	Comments	Actual	Target
	for people with sensory issues to be able to access the facility in a more comfortable environment. Aquadome - Virtual group fitness has enabled a more diverse program offering with the environment of the sessions able to be adjusted for individual needs.		
Number of community facilities upgraded to improve accessibility	The new marshall's box at the WORLD netball courts was completed and compliant with the requirements of the Victorian Building Authority Accessibility Standards. There are 3 other upgrades underway that are scheduled to be completed in the next quarter. Redevelopment of Eastern Beach Toilet Block, Mallacoota Toilet Block 3, and Lakes Entrance Slipway. These upgrades will comply with the Victorian Building Authority Accessibility Standards.	1	≥ 10 upgrades
Percentage of Roads and Footpaths that remain above intervention level	Asset inspections up to date for the first quarter	No Data	Road Management Plan Levels

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

1.2: Collaboration with key stakeholders fosters the cultural, arts and creative communities for all activities Council has facilitated or financially contributed to

Action Code	Action Name	Comments	Progress	Traffic Lights
1.2.1	Facilitate professional development opportunities to foster growth within the cultural and creative activity across the Shire	<p>Council has received State Government Grant funding through the FReeZA 2022-2024 program, to support young people to lead the planning and delivery of a diverse range of music, cultural and recreational events in their local community, including live music events and festivals, skate and BMX competitions, art and cultural events, hip hop showcases and community festivals.</p> <p>These opportunities showcase young people's skills and talents and provide opportunities for them to be recognised within their local communities.</p> <p>Activities facilitated during the quarter were:</p> <ol style="list-style-type: none"> 1. Mallacoota Skate Park competition. 2. AusKick activities 3. RUOK Day 4. NAIDOC Week activities 5. Orbost Disco 6. Rainbow Ball 	10%	
1.2.2	Include cultural and creative elements into facility designs and service delivery planning	<p>Recent collaboration with Moogi has enhanced Council's service delivery planning for Aboriginal and Torres Strait Islander young people. This was achieved through a greater understanding of the social determinants and cultural considerations.</p> <p>Council continues to engage in meaningful consultation with Indigenous partners to effectively co-communicate and celebrate joint delivery. Acknowledging and respecting the specific cultural protocols and practices of our Indigenous partners, Council officers continue to seek guidance on how communication should take place and request input on messaging, mediums, and timing to ensure it aligns with their values and priorities. This was vital to the culturally sensitive delivery of information regarding the Indigenous art installations for Krauatungalung Walk.</p> <p>Collaboration with GLaWAC was essential in delivering social media and celebrating the art installations for Krauatungalung Walk; the seat featuring Borun and Tuk, and the 5 Shields of the Gunaikurnai clans at the Northern end of the Lakes Entrance Footbridge.</p>	10%	







Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn



Strategic Indicators

Name	Comments	Actual	Target
Number of cultural and creativity focused organisations / individuals funded through Council's grants programs	A review of Council's Grants program is underway, as such no grants were issued this quarter.	-	≥ 9 Arts and Heritage
Number of professional development opportunities extended to the Cultural and Creativity sector	The current Culture and Creativity Strategy Action plan is still in draft. The plan addresses then actions required by officers to develop community and extended our offering of opportunities in development to the Cultural and Creativity sector.	-	≥ 5

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

1.3: Community groups and volunteers are acknowledged, promoted and supported

Action Code	Action Name	Comments	Progress	Traffic Lights
1.3.1	Promote volunteer events and opportunities across the Shire, including targeted opportunities to increase youth engagement with volunteering	Australia Day Awards and Volunteer Recognition Events planned to be held in quarter three and quarter four, promotion of which will commence in quarter two.	0%	
1.3.2	Build the capacity of volunteer groups and provide support for volunteer managed community facilities	<p>Future Proof project is to assist local young people to become involved with the Country Fire Authority.</p> <p>Council's Recovery team has confirmed a detailed action plan to ensure the ongoing sustainability of the Groups and committees, including Community Recovery Committees (CRC) that were established as part of our coordinated recovery efforts since the 2019-20 Bush Fires.</p> <p>Recovery Place Managers continue to build social capital in communities by supporting the delivery of community led priorities with volunteer Community Recovery Committees and other groups across fire impacted districts. Training opportunities and volunteer opportunities are regularly shared with the wider community via social media and print media.</p> <p>Distribution of annual allocations to committees of management is 75% complete.</p>	25%	



Strategic Indicators

Name	Comments	Actual	Target
Number of events held that recognise and support volunteers	Collaboration with Lakes Entrance Secondary College and Lakes Entrance CFA to foster understanding of volunteer opportunities and encourage involvement.	1	≥ 4
Number of Council projects / services that include volunteer workers	<p>Activities conducted by Council's youth team, utilising funding through the FReeZA program, include the active involvement of volunteers.</p> <p>Council's Youth Ambassador program enjoys the active participation of young volunteers.</p>	4	Baseline to be set in 2023-23







Progress Indicator Legend


 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

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

Action Code	Action Name	Comments	Progress	Traffic Lights
1.4.1	Implement key actions from the Well Placed for Wellbeing 2021-25 Plan	<p>Coordination of implementation of the Well Placed for Wellbeing Plan with the appointment of a 'Partnership Facilitator' whose role will focus on:</p> <p>1. Liaison across council to ensure relevant work teams understand the requirements and have included Well Placed for Wellbeing actions within their workplans.</p> <p>2. Partnership with local health, community, family, and government organisations to support the implementation of the plan. A collaborative approach to implementation is necessary to deliver the actions and achieve the outcomes of this plan.</p> <p>Work across Council contributes to the delivery of specific actions in the Well Placed for Wellbeing Plan including community facilities and support for sports and informal recreation, emergency management, response to climate change, economic participation and much more.</p>	20%	
1.4.2	Refresh and implement the Ageing Well in East Gippsland - Age Friendly Communities Strategy 2017-2030	Scheduled to commence quarter two.	0%	

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Action Code	Action Name	Comments	Progress	Traffic Lights
1.4.3	Plan and strengthen our services and infrastructure for sport and recreation.	<p>The Bairnsdale Aquatic Recreation Centre (BARC) are working through an improved facility hire agreement with the Bairnsdale Basketball association.</p> <p>BARC staff have also allocated \$30k in operating budget to stadium maintenance for the financial year following community feedback on the presentation and maintenance of the asset.</p> <p>During the quarter work commenced with the Bairnsdale Tennis Club to access funding for lighting upgrades.</p> <p>Funding applications have also been made during the quarter for lighting upgrades for the Wy Yung Oval to support night time use of both facilities.</p> <p>Plans are in place or commenced for a range of specific facility upgrades including: Benambra Neighborhood House playground; improving public area CCTV; relocating the Eagle Point Scouting facility; designing skating facilities for remote communities, improving accessibility via footpath upgrades and revising the concept plan for the West Bairnsdale Oval layout.</p> <p>At a strategic level the East Gippsland Sporting Facilities Plan was also completed to final draft stage, with this plan guiding future sport and recreation infrastructure and services.</p>	10%	



Strategic Indicators

Name	Comments	Actual	Target
People referred to Council's recreation centres through an allied health service	<p>The Aquadome have had 5 new community members transition to facility members following the first Gippsland Lakes Community Health / Aquadome transition gym program.</p> <p>They attended 14 transition gym sessions in total for the quarter.</p> <p>The BARC is working with Bairnsdale Regional Health Service on data collection and are in the process to increase the agreement offering.</p>	14	≥ 800

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

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

Action Code	Action Name	Comments	Progress	Traffic Lights
1.5.1 - Major initiative 1	Develop and commence implementation of organisation-wide strategies that embed Aboriginal engagement in the organisation through increased mutual understanding and effective partnerships	<p>A report has been received from an Aboriginal Engagement Consultant providing the outcomes of review of Council policies and other documents, interviews with Aboriginal representatives and interviews with Council staff. This has identified a range of opportunities to strengthen cultural understanding within Council. The consultant's advice has reinforced the need to meet with local Aboriginal groups before any action is taken.</p> <p>Further, the recent Federal Government Referendum (Voice to Parliament) has focused the attention of all Australians upon the need to include Aboriginal peoples with decision making processes for matters that affect them. The defeat of the referendum may see the focus shift to state-based voice and treaty arrangements rather than a national process. There is a need to provide an opportunity to better understand the wishes of local Aboriginal groups in relation any work by Council, in light of the Voice referendum outcomes.</p> <p>Council continues to engage with and build relationships with Aboriginal groups through Council's Aboriginal engagement officer and through the work of the Infrastructure Projects team engaging with Aboriginal groups about specific projects and the opportunity for Aboriginal Groups to contribute to projects.</p>	10%	
1.5.2	Provide opportunities for Traditional Owners to participate and partner in the planning and delivery of services and the planning and development of Council infrastructure and projects	<p>The development of a Memorandum of Understanding with GLaWAC to embed a project supervisor to assist with the development and delivery of partnered projects is behind schedule. An initial meeting was held with GLaWAC this quarter, with further work scheduled for Q2.</p> <p>We continue to engage GLAWAC in elements of capital works projects and in strategic plans including the Coastal and Marine Management Plan. Of significance in the quarter GLaWAC designed, supplied and installed the sculptures at the beginning of the high profile Krauatungalung Walk.</p>	5%	







Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn


Strategic Indicators

Name	Comments	Actual	Target
Number of projects and service reviews that have included formal engagement with traditional owners	<p>Undertaking a Cultural Heritage assessment is required for each project. Outcome of this assessment contributes to the level of Council's engagement with Traditional Owners. Additional six distinct projects have undertaken direct engagement with our Indigenous partners:-</p> <ul style="list-style-type: none"> - Raymond Island Koala Experience - Project Reference Group representative from GLaWAC - Krauatunglung Work - GLaWAC responsible for cultural elements; design and installation of sculptures and landscaping - Eagle Point Foreshore Hub - discussion regarding contributing artwork to entranceway - Crook Street Wetlands - tender conditions included a requirement to engage Indigenous employment as part of the contract. - Buchan Streetscape and Linkages Project - Cultural Heritage Management Plans with direct engagement through the Reconciliation Action Plan representative - Lindenow South Footpath Connections - Cultural Heritage Management Plans with direct engagement through the Reconciliation Action Plan representative. 	6	≥ 10
Percentage of Council directorates representation on Reconciliation Action Plan working group	Planning is underway to create the Reconciliation Action Plan Working Group	0%	100%

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn







1.6: Council is culturally and linguistically inclusive and celebrates diversity

Action Code	Action Name	Comments	Progress	Traffic Lights
1.6.1	Promote council services that support cultural and linguistic diversity and continue to embed diversity and inclusion in Council events and programs	No action was planned for this quarter. Commencing quarter two, a coordinated approach across Council work teams will be taken to achieve this strategy. Representation from Customer Service, Library, Community Programs and Economic Development to consider and develop an action plan.	0%	

Strategic Indicators

Name	Comments	Actual	Target
The number of initiatives that celebrate diversity and inclusion supported by Council	Planning and implementation of the 'Rainbow Ball' for LGBTQI+ young people.	1	≥ 10 events per annum

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn



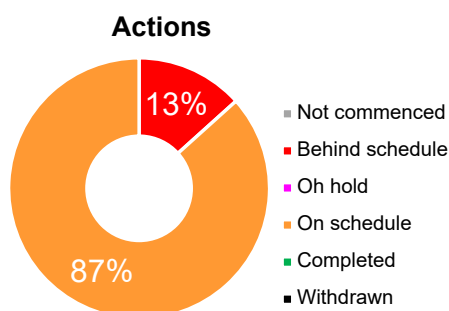
WORLD sporting precinct Netball courts are now complete, with the lights being energized.

2 Planning and infrastructure that enriches the environment, lifestyle, and character of our communities

2: Planning and infrastructure that enriches the environment, lifestyle, and character of our communities

Strategies	Council's role
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	Facilitator / Provider
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	Advocate / Provider / Facilitator
2.3 Planning with local communities for natural disasters and emergencies strengthens capacity, infrastructure, resilience, preparedness, and recovery	Facilitator / Provider

Summary of performance







Strategic Indicators

Progress against the strategic indicators at the beginning of the year can be misleading as actions have only just commenced and cannot be appropriately measured. An update of progress will be provided in the Quarter 2 report following six months activity

Council services provided

Asset Maintenance	Land use Planning
Asset Management	Open Space Management
Building Controls	Recreation and Sporting Reserve Management
Capital Works	Statutory Planning and Development Services
Emergency Management	Strategic Planning
Emergency Response	

Capital Works and Major Projects update

<p>WORLD Sporting Precinct</p>  <p>The netball and hockey pavilion has progressed with the doors and windows now installed, brickwork completed, and mechanical services being roughed in.</p> <p>The netball courts and hockey fields are also complete and the sporting precinct lights have been energised.</p> <p>The overall project is considered 60% complete.</p>	<p>Lakes Entrance Foreshore Park</p>  <p>Council has purchased play equipment for the development of the Lakes Entrance Foreshore Park. On-site works are anticipated to commence in May 2024.</p>
<p>Omeo Mountain Bike Trail and Stage 2</p>  <p>Works on the Omeo MTB trails have continued despite our contractors facing unfavorable weather conditions and staff shortages. Despite this, the project remains on track to open the next tranche of trails by December.</p>	<p>Eagle Point Foreshore Hub</p>  <p>The Eagle Point Foreshore Hub is 75% complete. The roof is on, windows and doors are installed, external works are nearing completion and internal works have commenced. Concrete pathways and stairs have been laid, and the installation of the playground has commenced. Line marking and signage in School Road are also complete.</p>

Krauatungalung Walk



The contract for construction of Krauatungalung Walk Stage 1 - Foreshore Park to the Surf Club Precinct was awarded at the 15 August Council. We look forward to the commencement of construction scheduled for May 2024, allowing time for the purchase of materials and also avoiding interruptions to busy tourist season.

The first Indigenous art pieces for Krauatungalung Walk Stage 1 were installed. Shields representing the five Gunaikurnai clans were installed at the northern end of the Lakes Entrance footbridge, and a seat featuring Gunaikurnai creators Borun, the pelican, and Tuk, the Musk duck, were installed at the southern end of footbridge.

Mallacoota Streetscape



The detailed design is in the final stages. The next stage of this project is to advertise the tender for the construction works and this is scheduled prior to Christmas 2023. Construction works will commence after Easter 2024, to avoid the busy tourist season

Slip Road Maritime Precinct



Following a comprehensive review stemming from unforeseen lakebed conditions, Council made necessary design updates to the project. The updated design will ensure the water-based infrastructure is stable and durable.

Our construction partner, Carter Marine, has received the new designs and is reviewing them. We appreciate Carter Marine’s cooperation throughout this process.

The project encompasses the construction of new seawalls, a boardwalk, a boat ramp, jetties, parking facilities, pathways, and utility upgrades on the five-hectare site along McMillan Strait. These improvements are designed to have a lifespan of approximately 50 years.

Jemmy’s Point - Stage 2



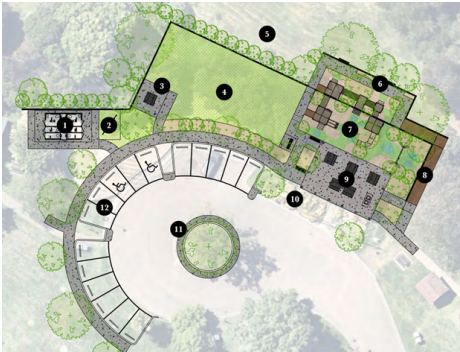
Construction works at Jemmys Point are nearing completion, with the toilet block, BBQ facilities, and footpath connections all progressing well. Council’s contractors have commenced construction of the new viewing platform which will provide spectacular panoramic views of the Gippsland Lakes, the Entrance, Bass Strait and 90 Mile Beach.

The existing Gippsland Ports tower will remain in place.

Part of the works involve the creation of a loop walking trail linking key attractions in Kalimna - the lookout on Hotel Road, Kalimna Jetty, Jemmy’s Point and Jemmy’s Point Reserve.

The proposed works will improve accessibility and safety for walkers, as well as offer great views over the Lakes, the Entrance and the ocean beyond. New signage and interpretive facilities will provide a more comprehensive and informative experience for visitors.

Orbost Forest Park Upgrade



The tender for construction of the Orbost Forest Park civil works was awarded at the 26 September Council meeting to local East Gippsland business Whelans Group Investments.

The revised scope for the upgrade of the park was required to meet the available budget and was approved by the project reference group.

The contractor is hoping to mobilise to site to conduct some of the initial works prior to Christmas 2023 and then commence further works in the New Year.

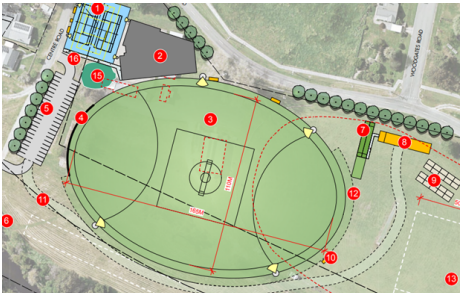
Sarsfield Recreation Reserve



A Project Reference Group (PRG) was established to help guide this project moving forward. The group was selected with the intention of forming a representative section of the most significant interests that will use or appreciate the facilities, and to facilitate community involvement.





Representatives of the Sarsfield Community Association have been instrumental in the project development and will continue to be actively involved as the project progresses. Tender for Architectural Design Services closed on 11 October 2023.

Buchan Recreation Reserve




The Project Reference Group and Council officers have been meeting with the architect to finalise detailed plans. The tender for construction will soon be advertised.

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

Action Code	Action Name	Comments	Progress	Traffic Lights
2.1.1 Major initiative 2	Present the Housing and Settlement Strategy to Council and if adopted commence implementation of recommendations	Councillors were briefed in August 2023 in relation to proposed changes to draft Strategy following community engagement. There has been some delay in revisions due to further work on housing supply/demand and responding to community comments. Final draft to be presented to Council for further direction.	20%	
2.1.2	Undertake key public open space planning initiatives, including the first stage of the Marine and Coastal Management Plan and finalisation of the East Gippsland Sporting Facilities Plan	Significant work has been achieved on the Marine and Coastal Management Plan with high level community engagement and Councillors briefed. The final draft of the East Gippsland Sporting Facilities Plan has been completed and is currently being reviewed by stakeholders prior to being presented to Council for adoption.	40%	
2.1.3	Implement the Rural Land Use Strategy and prepare a Planning Scheme Amendment for consideration	Rural Land Use Strategy adopted by Council in July 2023. Planning Scheme Amendment documentation to be prepared.	25%	
2.1.4	Deliver actions from key growth area plans including Lakes Entrance Northern Growth Area and Paynesville Growth Area Strategy	The Lakes Entrance Northern Growth Area project plan prepared. Scoping and procurement of drainage infrastructure design commenced. Procurement commenced for revised Development Contribution Plan preparation and strategic review of road layout. Planning Scheme amendment documentation prepared for Native Vegetation Protection Plan update. Paynesville Growth Area Planning Scheme Amendment under preparation (by landowners' consultant).	25%	

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Action Code	Action Name	Comments	Progress	Traffic Lights
2.1.5 Major initiative 3	Prepare the 'Bairnsdale 2050' Project	<p>The project team has been established and project initiation meeting held.</p> <p>The following actions have been completed during the period:</p> <ul style="list-style-type: none"> Communications and Engagement Plan prepared. Web page established. Background analysis underway including CBD structure, industrial land and community facilities review. Key stakeholder interviews underway. Delay in establishing Community Panel due to lack of expressions of interest. Alternative engagement processes to be defined. Co-design paper prepared. Co-design workshop likely to be held in early 2024. 	15%	



Strategic Indicators

Name	Comments	Actual	Target
Completion of milestones of key strategic plans	<p>For the listed strategic plans, all milestones for quarter one have been achieved.</p> <p>Housing and Settlement Strategy - final draft prepared for Councillor Briefing.</p> <p>Marine and Coastal Plan - drafting on track and Councillor Briefing conducted.</p> <p>East Gippsland Sporting Facilities Plan - final draft prepared for Council consideration next quarter.</p> <p>Rural Land Use Strategy - adopted by Council in July 2023 and Planning Scheme Amendment under preparation.</p> <p>Lakes Entrance Northern Growth Area - project procurement underway for drainage design and Development Contributions Plan preparation.</p> <p>Paynesville Growth Area - Planning Scheme Amendment documentation under preparation (by others).</p>	100%	≥ 80%







Progress Indicator Legend


 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

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

Action Code	Action Name	Comments	Progress	Traffic Lights
2.2.1	Implement the asset management framework with a focus on data improvement	Work this quarter focused on determining the Open Space and Building asset attributes needed to ensure effective management of these asset classes. New inspection schedules and data capture templates have also been developed for foreshore assets. Development of the plant & fleet asset management plan has commenced. With a full team now in place, it is expected that the work will be back on schedule next quarter.	20%	
2.2.2	Develop and implement service standards for the maintenance of key asset classes.	Annual inspections of facilities managed by Council Committees of Management are 90% complete. Development of foreshore inspections and building inspections are on schedule. Work has also commenced to develop an approach for accurate capture of building asset attributes and inspection regimes.	25%	



Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Action Code	Action Name	Comments	Progress	Traffic Lights
2.2.3	Deliver the capital works program and asset management program, including WORLD sporting precinct, Omeo MTB trails, Eagle Point Hub, Bullock Island works	<p>The capital works program commenced the year with \$126million budget at 230 individual projects. By the end of quarter one 35% of the adopted budget was either spent or committed. Updates on major projects within the program this year are as follows:-</p> <p>WORLD sporting precinct - the Netball & Hockey pavilion has progressed, with the roof now in place and is ready for external cladding. The Netball & Hockey courts are also complete, and the lights have been energized. The overall project is considered 60% complete.</p> <p>Omeo MTB trails - The trails project has continued, with contractors facing unfavorable weather conditions and staff shortages. This has resulted in a slight delay to the project. Despite this, the project remains on track to open the next tranche of trails by December.</p> <p>Eagle Point Hub - The Eagle Point Foreshore Hub is 75% complete. The roof is complete on the building, the playground equipment has been installed and carpark has been line marked.</p> <p>Bullock Island Upgrade - The Bullock Island upgrade works have progressed almost to completion. The site has seen the installation of the concrete walking paths, formed carparking and the colorful artwork 'buoys' that have received great feedback from the community. The project is considered 85% complete.</p> <p>Asset Management plans continue to be developed to align with the capital works program. A condition assessment of the sealed roads, footpaths and kerb & channel is 50% complete and the condition assessment of unsealed roads is also at 50% completion.</p>	25%	

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Action Code	Action Name	Comments	Progress	Traffic Lights
2.2.4	Implement year two actions on the Environmental Sustainability 4 Year Action Plan including completion of the Bairnsdale Alternate Water project; and incorporation of environmental sustainability design principles into new and renewed asset	<p>A broad range of activities are being progressed or commenced to deliver upon the Environmental Sustainability Action Plan. Key highlights include:</p> <ul style="list-style-type: none"> - Planning and community consultation for EV chargers to be installed in Lakes Entrance, Buchan and Mallacoota as part of the EV charger streetscapes program. - Review and adjustment of footpath design standards to increase the width and support safe alternative and active transport options across communities. - Working with the Gippsland Alliance for Climate Action (GACA) to establish Environmentally Sensitive Design (ESD) into the renewal and new asset developments. - Participation in the Bairnsdale Water Recycling Plant project with East Gippsland Water. - Further highlights of current projects are to be included within two promotional videos published and promoted on Council's website and social media platforms. - include recycled materials in road upgrades and road maintenance projects. 	25%	
2.2.5	Deliver improvements to Council's Road network including: upgrading Moroney Street, Marine Parade and Myer Street and reseal high priority roads	<p>Council's road improvement program is on schedule. In the quarter works on the following projects have progressed:</p> <ul style="list-style-type: none"> - Moroney Street Stage 2 - this is now 90% complete. - The programming of the reseal works is 100% complete with physical works to commence in November. - Myer Street is 25% complete. Design is complete and tender documents are ready for release. - Moroney Street Stage 3A is 25% complete. Design is complete and tender documents are ready for release. - Marine Parade Lakes Entrance is 25% complete. Design is complete and tender documents are being prepared. Tender cannot be released until outcome of Federal Infrastructure Investment Program review is known. 	25%	







Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn



Strategic Indicators

Name	Comments	Actual	Target
Asset renewal and upgrade expenses as a percentage of depreciation	Update will be made at the end of the financial year	-	> 100%
Percentage of adopted capital projects completed at the conclusion of the financial year (based on the most recent amended budget)	Update will be made at the end of the financial year	-	> 80%
Percentage of sealed roads that meet Council's target condition rating	Update will be made available in quarter two	-	≥ 97%
Percentage of Capital Road renewal program undertaken	40% committed in first quarter of annual target to be 100%	25.00%	≥ 80%

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

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







Action Code	Action Name	Comments	Progress	Traffic Lights
2.3.1 Major initiative 4	Prepare a climate risk assessment to identify and respond to the likely impact of extreme weather and climate events on Shire infrastructure and services	Council was successful in a grant application to the Disaster Ready Fund (DRF), which is a new Australian Government disaster risk reduction initiative which will fund a diverse set of large scale and long-term resilience projects. As part of this funding - a localised climate risk model will be prepared, allowing the identification of climate hazards, when and where they will disrupt Council service delivery and asset integrity. This will provide a basis for Council and other key asset managers to plan costs and consequences. Council is currently awaiting the formalisation of funding agreements prior to progressing the project. Emergency Management Victoria confirmed that DRF agreement would not be ready until October 2023. Works are not able to commence until such time as the grant agreement is fully executed.	15%	
2.3.2	Develop and trial new approaches to road renewal and maintenance that improves resilience to changing climatic conditions and utilises recycled materials	Quotations for asphalt repairs have been awarded that include innovative asphalt mixes such as recycled asphalt and soft plastics. Specifications have been prepared for the pavement rehabilitation that includes innovative treatments including recycled glass, brick and foam bitumen. Currently reviewing potential locations and funding for trials.	25%	



Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn







Action Code	Action Name	Comments	Progress	Traffic Lights
2.3.3	Strengthen community emergency planning arrangements to improve resilience and preparedness	<p>An Emergency Dashboard is currently under development. This will be funded by Disaster Ready Fund, pending the funding agreement from Emergency Management Victoria.</p> <p>ResilientCo was appointed to run training for community-led relief centres.</p> <p>The Municipal Emergency Management Planning Committee hosted the first community conversation (Benambra) between agencies and community based on the Omeo Region Community Recovery Association Resilience Plan.</p> <p>Strengthening Telecommunication Against Natural Disasters Audio Visual (STAND/AV) systems provided information to communities on use and the project initiated to streamline operation.</p> <p>Local Incident Management Plans for Nicholson, Tambo Upper, Buchan and Nowa Nowa, have been created or reviewed as required.</p> <p>A project focusing on emergency preparedness with Aboriginal organisations has been delayed due to difficulty securing a consultant to undertake the work.</p> <p>The Community Development and Resilience Program has a contract in place to install generators at a number of Assembly areas with installation due in quarter two.</p>	25%	

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Action Code	Action Name	Comments	Progress	Traffic Lights
2.3.4	Support communities to transition from recovery to longer term community resilience, where appropriate	<p>Nearing the four-year anniversary of the 2019-20 Bushfires, funding streams for recovery are winding down, with the funding for the Place Based recovery work nearing completion later in the financial year. It is timely for Council to commence the transition of its recovery model to supporting communities in their longer-term developmental goals. During this transition phase Council is continuing to work in close partnership with communities.</p> <p>Council Place Managers are meeting regularly with community recovery representative groups, as each district identifies, and reviews remaining key recovery priorities and considers the future for each recovery committee or group and the support required to deliver on recovery priorities.</p> <p>As the work with Community Recovery Committees and representative groups transitions there is a particular focus on resilience and strengthening the preparedness of communities for future events.</p>	25%	
2.3.5	Finalise and commence implementation of the East Gippsland Road Safety Strategy	The Draft Road Safety Strategy has been finalized and is in the process presenting the strategy to Council for adoption. This document is intended to bring Council's strategy into line with the latest best practice approach to road safety within the shire across all facets of the business. The next steps will be the commencement of its role out.	70%	







Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Strategic Indicators

Name	Comments	Actual	Target
Community satisfaction with emergency and disaster management	The Community Satisfaction Survey is currently underway, results will be available in quarter four.	-	≥ Large Rural Council average
Percentage of communities that need a Local Incident Management Plan have one in place	There are currently 44 Local Incident Management Plans (LIMPs) in place. During the quarter nine LIMPs were updated, and additional 14 are currently in draft. Council continues work with communities to ensure they are aware of their LIMPs and what it means for them in fitting in with their personal plans.	100%	100%
Climate risk assessment completed	Project has not yet commenced. Awaiting grant funding contractual documents.	-	100%

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn



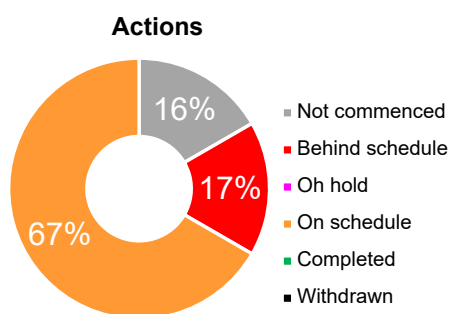
Council continues its Fire Slashing program in preparedness for fire season. Which includes extending Fire Slashing and Pest Weed Management for the 2023-24 season.

3 A natural environment that is managed and enhanced

3: A natural environment that is managed and enhanced

Strategies	Council's role
3.1 Council works to reduce its own and the communities carbon emissions while supporting the community to mitigate the impact of a changing climate on the environment, safety, health and lifestyles	Facilitator / Provider
3.2 Sustainable land use practices are used to manage council land to protect biodiversity and to provide education and incentives to support the management of private land	Facilitator / Provider / Advocate
3.3 Natural values on key Council managed land are managed and enhanced	Advocate / Provider / Facilitator
3.4 Environmentally and financially sustainable practices reduce waste going to landfill	Facilitator / Provider

Summary of performance



Strategic Indicators

Progress against the strategic indicators at the beginning of the year can be misleading as actions have only just commenced and cannot be appropriately measured. An update of progress will be provided in the Quarter 2 report following six months activity

Council services provided

Building Maintenance



Delivery of new assets

Environment Projects Management

Environmental Sustainability

Waste Services

3.1: Council works to reduce its own and the communities carbon emissions while supporting the community to mitigate the impact of a changing climate on the environment, safety, health and lifestyles

Action Code	Action Name	Comments	Progress	Traffic Lights
3.1.1 - Major initiative 5	Deliver actions to reduce Council's greenhouse gas emissions from energy use as identified in the Environmental Sustainability Action Plan including: development of a net zero emissions plan; explore the feasibility of using geothermal energy at key sites; and work with Councils' contractors to reduce their emissions	<p>A partnership with Melbourne University and a range of key facility managers in West Bairnsdale to investigate geothermal energy options for the precinct has commenced.</p> <p>The development of a net zero emissions plan has also been commenced with emission profiling underway.</p> <p>A range of electric plant equipment is also being trialed in the parks and gardens teams, to reduce reliance on fossil fuels and additional electric and hybrid vehicles have been ordered for Council's passenger vehicle fleet.</p>	20%	
3.1.2	Develop processes and tools that support whole of community to take action to reduce carbon emissions	This is a multi-year project and is forecast to commence with the engagement of a consultancy to determine community baseline carbon emissions using targets (multi-year project). Ongoing education and promotion of community opportunities to reduce their emissions continue to be delivered.	25%	



Strategic Indicators

Name	Comments	Actual	Target
New public electric vehicle charging stations operational	One new EV charger has been installed in Paynesville by Evie Networks. No new Council owned EV charging stations have become operational in this quarter. Three are planned for this year, one in Mallacoota, Buchan and Lakes Entrance.	1	≥ 5
Proportion of Council passenger vehicle fleet is electric, hybrid or uses alternate fuel sources	There is no viable option for Tools of Trade/works vehicles which make up a large portion of our fleet (87 vehicles). For the vehicles where there is a viable option (private usage vehicles), of the 43 vehicles, 18 are alternate fuel: 17 Hybrids & 1 Electric. This makes 41.8% of private usage vehicles alternate fuel.	14.62%	> 20%
Percentage of Council's electricity use from renewable sources	Renewable energy usage is reported annually.	-	> 95%
Reduce Carbon emissions from Council's operations	Emissions are reported annually.	-	≥10% decrease from previous year

Progress Indicator Legend




 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

3.2: Sustainable land use practices are used to manage council land to protect biodiversity and to provide education and incentives to support the management of private land

Action Code	Action Name	Comments	Progress	Traffic Lights
3.2.1	Improve the health of local waterways and wetlands through the use of water sensitive urban design to treat urban stormwater	<p>The appointment of a new Drainage Engineer has enabled a stronger focus on achieving best practice urban stormwater management.</p> <p>A range of actions have commenced or are progressing including:</p> <ul style="list-style-type: none"> - Progression of detailed designing of stormwater wetland as part of the Lake Entrance Northern Growth Area. - Mapping and planning for future maintenance requirement across constructed and natural wetlands, and Water Sensitive Urban Design (WSUD) assets. - Commencement of construction works for the Crooke Street Wetland. - Participating in the McLeod Morass Working Group with other local agencies. - Completion of revegetation plans for the Toonalook Waters Wetland have commenced. <p>Inspections on existing wetlands are scheduled and used to also inform future work and maintenance of wetlands to ensure their effectiveness in trapping nutrients and the ongoing management of these assets.</p>	20%	
3.2.2	Develop and implement suitable plans and practices for managing storm water in priority areas including new urban development	<p>Development of a new shire-wide Stormwater Management Plan has commenced, including the review of existing stormwater management plans and drafting of a consultancy brief.</p> <p>The Preparation of Functional Design for Public Drainage Assets - Lakes Entrance Northern Growth Area (LENGA) tender was released to find a suitable consultant to deliver functional (preliminary) and detailed design of assets as shown on the Stormy Water Solutions' LENGA Revised Drainage Strategy.</p> <p>The design for Marlo Town Drainage upgrades is on schedule.</p> <p>Proposals have been received for the design of drainage projects on Raymond Island. The construction of the Crooke Street Wetlands project has commenced but is behind schedule due to weather.</p>	15%	

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Action Code	Action Name	Comments	Progress	Traffic Lights
3.2.3	Preserve and restore local biodiversity values and seek partner and stakeholder input	<p>A range of actions have either progressed or commenced including:</p> <ul style="list-style-type: none"> - The Environment team continue to highlight the importance of the natural environment when communicating with the community. - Ongoing works delivered on Council owned and managed land for listed species in weed control. - Grant opportunities are investigated as they become available for natural environment projects. - Crooke Street wetlands project has commenced to improve water quality entering the Gippsland Lakes. - The draft Encroachment Policy to protect natural and open space environments has been completed. - Work is currently underway to provide community education and promotion of the natural environment and its preservation. - Continued networking with local stakeholders and agencies. 	25%	
3.2.4	Manage roadside weeds and vegetation	<p>Council has extended Fire Slashing and Pest Weed Management for the 2023-24 season.</p> <p>Works have undertaken a detailed review of last season's work that was undertaken under the contract and have refined it to meet the 23-24 requirements. The slashing program has commenced on an as-needs basis in the interim.</p> <p>A range of environmental management practices are used with contractors including identification and avoidance of noxious weeds during general slashing, scheduling slashing to avoid the spread of seeds and the regular wash down of machinery to manage contamination spread.</p>	20%	
3.2.5	Develop an Encroachment Policy and supporting processes to protect and preserve the open space values of Council land	A draft Policy has been developed and will be advanced in quarter two.	50%	







Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn


Strategic Indicators

Name	Comments	Actual	Target
Community satisfaction with slashing and weed control	The Community Satisfaction Survey is currently underway, results will be available in quarter four.	-	≥ Large Rural Council Average
Kilometres of regionally controlled and prohibited weeds treated	<p>Council was able to complete treatment of Regionally Prohibited Weeds on Council roadsides (66km) utilising existing staff and some contractor work. This allows regular monitoring of site-specific species over time. There was a high presence of some species which can be attributed to beneficial seasonal conditions, and when treated will assist in depletion of soil borne seedbank for future years. The species with the most sites is Flax Leaf Broom, and staff can see a reduction in populations over time of treatment within the last decade.</p> <p>Regionally Controlled Weeds have also been targeted with 303km of roads treated within the area. This was targeted at the most commonly reported species being Blackberry and African Love Grass. Several roadsides were burnt in the Black Summer fire period, and the regrowth for a large proportion of these is highly dense. Working in these areas requires extensive observation to identify emerging weeds through the regrowth and careful herbicide application.</p>	303km	≥ 200km per annum
A baseline for the quality and quantity of land being managed for 'at risk' habitat, biodiversity purposes, and community safety on Council and private land	This quarter the focus has been on specific issues related to erosion management in a number of council managed drainage reserves and the Grey Headed Flying Fox colony. Further scoping of this action is required to ensure effort is focused on the high priority needs across the many reserves managed by Council.	-	Baseline to be developed Year 3

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

3.3: Natural values on key Council managed land are managed and enhanced

Action Code	Action Name	Comments	Progress	Traffic Lights
3.3.1	Identify key Council land and develop management plans for these sites	<p>The environmental study is near completion for Fourth Ave Raymond Island which will inform the development of the area plan.</p> <p>Council position for the revegetation of Toonalook Waters has been endorsed and planning is underway to obtain resources to plan and commence.</p> <p>The development of a policy position on coastal erosion is behind schedule.</p>	15%	
3.3.2	Review the Infrastructure Design Manual with the view for Council to adopt and apply the Environmentally Sustainable Design principles to new development	<p>This project has yet to commence. It will focus on a review of the environmental sustainability components of the Infrastructure Design Manual (IDM), and the opportunity and possible need for specific references to East Gippsland Shire. Should such changes be considered necessary, engagement with land use planning and urban development industry specialists and local representatives will be undertaken.</p>	0%	


Strategic Indicators

Name	Comments	Actual	Target
Total investment in Council managed land to support natural areas	Total investment in Council managed land will be provided in quarter four	-	≥ \$1,710,000
Number of management plans developed	A revegetation plan for Toonalook Waters wetland in Paynesville has been agreed to however is awaiting resourcing to commence. An environmental study is underway at Fourth Avenue Raymond Island to inform the masterplan for this site.	1	≥ 5

Progress Indicator Legend



 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

3.4: Environmentally and financially sustainable practices reduce waste going to landfill







Action Code	Action Name	Comments	Progress	Traffic Lights
3.4.1	Reduce waste going to landfill through the implementation of actions identified in the Waste Minimisation Action Plan - year 2 actions, including developing and implementing waste education programs for key areas of waste reduction	<p>The Waste Minimisation Team continues to deliver services and programs to reduce waste to landfill. Key waste diversion initiatives include:</p> <ul style="list-style-type: none"> - Textile Recycling pilot project commenced, with an estimated 26m3 of material being diverted from landfill since the commencement of the trial in July. - The review and promotion of school-based programs including 'Get Grubby' and Sustainability Victoria's (SV) 'Resource Smart Schools.' - Council was notified it was successful in an SV grant application to deliver a Household Recycling Education program delivered over 2 years. - Provision of funding towards the delivery of 'Repair Cafe' workshops. - Continued support and planning for the expansion of range of recycling and resource recovery services delivered by the Bairnsdale Recycling Enterprise 'Tip Shop.' - The renewal of a partnership with Omeo, Benambra and Swift Creek Landcare Group to deliver silage wrap recycling. The commencement of a business case to expand this model has commenced. - Preparation of business case and options for Solar Panel recycling services. 	25%	

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Action Code	Action Name	Comments	Progress	Traffic Lights
3.4.2	Review waste and recycling services to respond to changing regulations and needs of our community	<p>In response to emergent regulatory and policy changes, it has been identified that a review of waste services and the completion of a transition plan is required to achieve Best Value for the community, whilst mitigating legislative, environmental, and financial risks.</p> <p>A comprehensive review will be delivered with the assistance of external consultants and funding provided via Sustainability Victoria for the completion of a Transition Plan.</p> <p>Due to vacancies within the Waste Minimisation Team - commencement of the services review has been delayed however is to commence late 2023.</p> <p>The review of a range of waste services have been either commenced or completed, including Mallacoota Kitchen to Compost services, green waste processing, waste transfer station site operations to improve customer safety and planning for the review of fire management preparedness across priority sites.</p>	10%	
3.4.3 - Major initiative 6	Complete design and progress development of organic waste processing facility at Bairnsdale Landfill	Key actions include the preparation of preliminary designs and an Environmental Management Plan (EMP). This information will allow the submission to the Environment Protection Authority (EPA) as part of a Development License application. The completion of detailed studies including noise and odour modelling will be completed, prior to progressing a planning permit application.	25%	







Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Strategic Indicators

Name	Comments	Actual	Target
Number of community waste education programs delivered	Delivered educational material on green waste charges and accompanied composting/mulching at home material. Preparation is underway for an extensive waste education campaign spanning 24 months focusing on improving recycling habits for both permanent residents and transient residents of East Gippsland.	1	≥ 5
Number of new waste types collected as recycling	One new service introduced being the textile recycling pilot program.	1	≥ 2
Proportion of recycled content in construction projects on Council assets	During the quarter there were 44 projects under construction. Of these 26 are incorporating recycled materials, for example the picnic benches installed at Bullock Island are made of recycled plastic	59.10%	≥10% of recycled content in all construction projects
Community satisfaction with waste management	The Community Satisfaction Survey is currently underway, results will be available in quarter four.	-	≥ Large Rural Council average
Kerbside collection waste diverted from landfill	Waste diverted from landfill has remained steady during the quarter. Indicating that there has been no significant increase in waste streams.	47.34%	≥ 52%

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn



Deputy Mayor Cr Arthur Allen along with Council Officers attended the Jobs Expo in August, which multiple employment agencies attended and was highly successful.

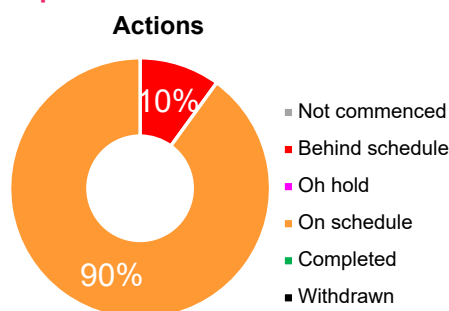
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A thriving and diverse economy that attracts investment and generates inclusive local employment

4: A thriving and diverse economy that attracts investment and generates inclusive local employment

Strategies	Council's role
4.1 Leadership enables economic prosperity, investment, recovery, resilience and growth	Facilitator / Advocate
4.2 Collaboration amongst key partners is facilitated to improve pathways for education and skills training	Facilitator / Advocate
4.3 Council's work with stakeholders fosters entrepreneurship and new business opportunities, particularly with communities facing change	Facilitator / Advocate
4.4 Targeted information and streamlined approvals and processes make it easier for business to invest	Facilitator / Advocate
4.5 Tourism sector investment is sought in business capability, product development and experience to meet the changing needs of domestic and international markets	Facilitator / Advocate
4.6 East Gippsland's natural strengths in agriculture and natural resource-based industries are enhanced to increase value, employment, sustainability and resilience	Facilitator / Provider

Summary of performance



Strategic Indicators

Progress against the strategic indicators at the beginning of the year can be misleading as actions have only just commenced and cannot be appropriately measured. An update of progress will be provided in the Quarter 2 report following six months activity

Council services provided

Business Support

Economic Development

Events

Tourism and Visitor Information







4.1: Leadership enables economic prosperity, investment, recovery, resilience and growth

Action Code	Action Name	Comments	Progress	Traffic Lights
4.1.1	Support businesses to be emerging leaders in climate change adaption and assist businesses to transition toward greater resilience	<p>Council participated in the Gippsland Supply Chain Working group monthly to further understand emerging impacts and opportunities for our businesses.</p> <p>The Environmental Upgrade Agreement pilot program is looking to expand to other businesses to offer sustainable energy options to offer greater resilience.</p> <p>Project Delivery for Digital resilience for Businesses program a Council brief has been prepared.</p>	35%	


Strategic Indicators

Name	Comments	Actual	Target
Percentage of actions implemented from the Economic Development Strategy Action Plan 2022-26	Each of the actions are either in progress, on hold but scheduled to begin or are completed. A figure of 30% represents the rate of progress across all of the actions.	30%	≥ 80%

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn







4.2: Collaboration amongst key partners is facilitated to improve pathways for education and skills training

Action Code	Action Name	Comments	Progress	Traffic Lights
4.2.1	Engage young people, youth organisations, training organisations and social enterprises to understand and address barriers to training and employment	Council has received grant funding through the Future Proof program to increase qualifications and skills of local young people for future disaster preparedness and response. An arrangement with Gippsland East Local Learning Employment Network has been finalised to allow for a simplified enrolment and payment process to join this program.	20%	



Strategic Indicators

Name	Comments	Actual	Target
Report prepared on barriers to training and employment.	<p>Initial works to understand barriers to employment were identified through the Jobs Expo.</p> <p>Engagement with external employment institutions and training organizations has commenced: Gippsland East Local Learning Employment Network, TAFE Gippsland, and Apprentice Groups Australia.</p> <p>Multiple employment agencies attended the Jobs Expo. Inclusion of employment pathways and barriers in the New Energy sector to be included in Request for Quotation scope of works in final draft.</p>	30%	Report prepared

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

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

Action Code	Action Name	Comments	Progress	Traffic Lights
4.3.1	Evaluate and expand Council's entrepreneurship programs to identify, foster and promote emerging business opportunities and new investors	<p>The Business Boost Program continued to focus on new business opportunities and development in Bruthen and Buchan. The Australian Centre Rural Enterprise program for community owned assets and social enterprise commenced.</p> <p>A procurement and tendering workshop was held, as well as a Jobs Expo and networking event.</p> <p>The Tourism 101 program was continued with rural Business and Tourism Associations.</p>	25%	
4.3.2	Support the development and implementation of Local Development Strategies for communities impacted by changes in the native timber industry	<p>The Swifts Creek context analysis is on scheduled for completion in November 2020. As part of the development of the Context Analysis 56 interviews have been conducted and themes have been analyzed and demographic data separated for towns, age and sector with the aim of identifying key opportunities for Swifts Creek and surrounds.</p> <p>Officers continued to support the development of Local Development Strategies in Orbost and Nowa Nowa. Progress in Orbost slowed, however activity is likely to increase with the appointment of a new project manager.</p> <p>Alongside the development of the Local Development Strategy officers have participated in a range of forums and advocated for the needs of impacts communities - particularly in relation to communication, and the completion of existing committed projects, such as the redevelopment of Cape Conran campgrounds.</p>	30%	


Strategic Indicators

Name	Comments	Actual	Target
Participation in Council run programs delivered to support business growth	During the quarter there were a number of programs delivered to support business growth in the region, with over 300 businesses actively engaged.	303	≥ 300

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn







4.4: Targeted information and streamlined approvals and processes make it easier for business to invest

Action Code	Action Name	Comments	Progress	Traffic Lights
4.4.1	Streamline development and business approval processes and strengthen customer information and services for investors.	<p>New investment attraction has continued through promotion of case studies and businesses leaders with INVEST website.</p> <p>The Business Concierge officer continues to connect with businesses needing to interact with Council to assist with navigation of Council processes. Key investment opportunities are being identified by Planning and Economic Development units for monitoring and proactive follow-up.</p> <p>Working with the Planning unit on an investment tracking document to streamline and removed barrier to potential investment opportunities.</p> <p>The Customer Experience team worked closely across business units to increase the knowledge bank of information to assist customer service officers provide first-point resolution for enquiries, or triage accurately.</p> <p>Improved information for planning applicants is in progress although delayed in part due to the implementation of the CIVICA operating system.</p>	30%	

Strategic Indicators







Name	Comments	Actual	Target
Council processing time for events and business permits and registrations	<p>A total number of 7 Goods on Footpath permits were issued for the period with an average of 12.85 days</p> <p>There was 1 Trading permit issued for the period with an average of 4 days.</p> <p>No Domestic Animal Businesses were issued in the period.</p>	<p>12.85 days</p> <p>4 days</p> <p>-</p>	<p>Goods on footpath < 8 days</p> <p>Trading Permits < 6 Days</p> <p>Domestic animal business registration: < 6 days</p>
Community satisfaction with planning and building permits	The Community Satisfaction Survey is currently underway, results will be available in quarter four.	-	≥ Large Rural Council average
Statutory Planning applications decided with the required timeframes	61 of 162 determined within required timeframe, combined VicSmart and Standard. This result is a decrease when compared to last quarters result. This could	37.65%	≥ 60%

Progress Indicator Legend




 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Name	Comments	Actual	Target
	be attributed to lower staffing levels during the period with staff on leave and still working through the backlog of applications		
Average time taken to decide Statutory Planning applications	Median number of days has increased slightly from the previous quarter. This could be attributed to lower staffing levels during the period with staff on leave and still working through the backlog of applications.	92 days	< 61 days

Progress Indicator Legend


 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

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

Action Code	Action Name	Comments	Progress	Traffic Lights
4.5.1	Implement the Pathways to Growth program from the Tourism Events Action Plan 2022-26	Pathways to Growth Event Mentoring Program currently working with the event organisers in relation to the Year 2 Key Performance Indicators for Wild Harvest Seafood Festival and Twin Rivers Bream Classic Events. Seeking Expression of Interest for two new events to add to the Program.	50%	
4.5.2	Plan, deliver and support major project development that enhance the amenity of our towns, improve the visitor experience and facilitate new business investment	<p>A range of streetscape improvements are in development with the Bruthen Streetscape almost complete, the Buchan Streetscape works contracted and the Mallacoota Streetscape works ready to tender in quarter two. Work on streetscape improvements to support cycling are also in the planning phase.</p> <p>To complement physical works, a range of activation projects are underway including Omeo Futures workshops facilitated by the Australian Centre Rural Enterprise. Expressions of Interest were also called for the operation of the new Cafe in the Eagle Point Hub, and the Old Slipway redevelopment will be ready for activation in quarter two with all physical works almost complete. Design feasibility work is also underway for the replacement of the Gippsland Lakes Yacht Club facility, which has reached end of life.</p>	25%	
4.5.3	Complete construction of Omeo MTB trail, deliver operational model and support Omeo region to realise the benefits of the new infrastructure.	<p>Construction of the Omeo Mountain Bike Trails is slightly behind schedule due to weather delays and contractor staff shortage. Additional resources have arrived onsite during September and expect to be back on track by the next reporting period. The next set of trails are due to open in December.</p> <p>An operational management plan has been drafted and endorsed the project control group. The carpark at the Mount Sam trailhead is in design. The placement of emergency markers is under development in consultation with Ambulance Victoria. Design of the toilet block and showers is complete and the bike wash is in design.</p>	30%	

Progress Indicator Legend







 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Action Code	Action Name	Comments	Progress	Traffic Lights
4.5.4	Complete feasibility study into the establishment of an Arts Precinct in Bairnsdale	The Bairnsdale CBD Arts Precinct Feasibility Report final draft has been completed and all associated grant reports and acquittals completed.	90%	

Strategic Indicators

Name	Comments	Actual	Target
Number of signature events participating in Pathways to Growth	Wild Harvest Seafood Festival and Twin Rivers Bream Classic Events. Currently, a total of two participating events in the program.	2	≥ 4
Number of tourism events held during the low and shoulder season periods	Update to be provided in quarter two.	-	> 30

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn







4.6: East Gippsland's natural strengths in agriculture and natural resource-based industries are enhanced to increase value, employment, sustainability and resilience

Action Code	Action Name	Comments	Progress	Traffic Lights
4.6.1	Support enhanced agribusiness, productivity and resilience through a range of programs	Commenced the Agribusiness Leadership program with ten leading agriculture businesses and agencies represented with participants from throughout the shire reflecting interests in beef, sheep, silage, horticulture and agronomy. Partnered with East Gippsland Community Foundation to strengthen delivery of capacity building and resilience programs as requested by farmers for 2024. Council appointed three new members to the Agriculture Sector Advisory Committee, they will bring to the Committee knowledge of fisheries, agronomy, finance and crops.	25%	

Strategic Indicators

Name	Comments	Actual	Target
Number of members of the farming community engaged in Council supported programs	Agribusiness mentoring program finishes on the 30 October with 19 businesses mentored to implement their strategy plans. Ten agribusiness have commenced in the agriculture leadership program to strengthen decision.	28	100 farm businesses engaged in programs

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn



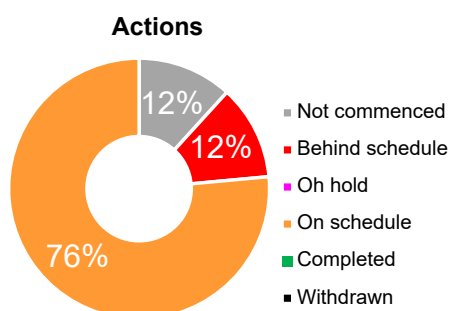
Sustainability Officer presenting at the Gippsland New Energy Conference as part of the Combined Gippsland Alliance for Climate action in August.

5 A transparent organisation that listens and delivers effective, engaging, and responsive services

5: A transparent organisation that listens and delivers effective, engaging, and responsive services

Strategy	Council's role
5.1 A better everyday customer experience is created for our residents and visitors	Provider
5.2 Strong relationships with government, partners and stakeholders are maintained and strengthened to advocate for the community	Facilitator
5.3 Communities are engaged in decision-making and support is provided to develop local solutions to local issues	Provider / Facilitator
5.4 Continuous improvement systems are strengthened, and organisational efficiency enhanced	Provider
5.5 Resources are managed to meet current and future needs and priorities	Provider / Advocate
5.6 Council attracts, develops, and retains an inclusive workforce to deliver services and priorities	Provider

Summary of performance





Strategic Indicators

Progress against the strategic indicators at the beginning of the year can be misleading as actions have only just commenced and cannot be appropriately measured. An update of progress will be provided in the Quarter 2 report following six months activity

Council services provided

Commercial Business	Information Services
Communications, Media and Civic Events	Occupational Health and Safety
Corporate Planning	Organisation Development
Council Enterprises	Procurement
Customer Experience	Property Administration
Finance	Rates and Valuations
Governance	Risk Management
Human Resources	

5.1: A better everyday customer experience is created for our residents and visitors

Action Code	Action Name	Comments	Progress	Traffic Lights
5.1.1	Undertake customer interaction surveys to inform the development of service improvement plans	Customer interaction surveys have not commenced, however feasibility for how customer interactions and sentiment is captured has been undertaken and an approach with a service provider examined, with the view of reporting to Executive Leadership Team in quarter two.	0%	
5.1.2	Utilise a range of online tools to engage electronically including websites, Your Say, and social media	<p>Multiple projects have been listed on Your Say during the quarter, including the Marine Coastal Management Plan, Gippsland Lakes Yacht Club redevelopment and Eagle Point foreshore trail. The site received 6.1k visitors during the quarter, with 105 visitors engaged with a project, 1,500 were informed and 4,400 visitors aware of the projects. There are currently 74 live projects pages listed. 65 survey contributions were received during the period.</p> <p>The Spring edition of Environment Connect was released to 426 recipients on 1 September 2023. The newsletter was opened by 181 users, with 418 total opens and 168 links clicked.</p> <p>Two short videos promoting the Environmental Sustainability Strategy and recent achievements were posted on YouTube and made available on Council's website.</p> <p>Social media sites were utilised to update the community on the status of the Raymond Island Ferry services and to promote and advertise the Community Led Emergency Relief Centre training across East Gippsland, along with community meetings and workshops for the Municipal Relief and Recovery Committee.</p> <p>Monthly community newsletters, weekly newspaper advertising, media releases and social media form part of communications to highlight engagement opportunities and to cross-promote websites and the engagement portal, driving visitation, awareness, education and engagement.</p>	25%	







Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn



Strategic Indicators

Name	Comments	Actual	Target
Community Satisfaction with Customer Service	The Community Satisfaction Survey is currently underway, results will be available in quarter four.	-	≥ Large Rural Council average
Number of visitors to key websites, social media and Your Say pages	Council's website had 64,115 visitors over the reporting period. YourSay had 10,332 visitors, while the Bairnsdale Aquatic and Recreation Centre and Lakes Entrance Aquadome had 3,800 and 3,000 visitors respectively. Engagement on Council's main social media platform, Facebook, was 61,734.	142,981	Measurable growth in interaction in all mediums

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

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

Action Code	Action Name	Comments	Progress	Traffic Lights
5.2.1	Actively participate in networks, forums and alliances to advocate for the Shire and regional community issues and priorities	<p>Officers have participated in several network forums to advocate for regional issues. These include South East Australia Transport Strategy (SEATS) to push for better funding opportunities in rural areas. Officers provided evidence to the Legislative Assembly Economy and Infrastructure Committee for the Inquiry into the impact of road safety behaviours on vulnerable road users on Thursday 24 August as part of the Regional Councils' roundtable.</p> <p>Members of the Sustainability team presented at the Gippsland New Energy Conference as part of a combined Gippsland Alliance for Climate Action (GACA) in late August, as well as to the Department of Energy, Environment and Climate Action Climate change policy and program delivery teams, where they highlighted the many challenges facing communities and local governments. Officers continue to participate in the Gippsland Circular Economy and Waste Education and Engagement Networks.</p> <p>Emergency Management Team continues to actively participate in numerous networks and forums, including the East Gippsland Municipal Emergency Management Planning Committee.</p> <p>Communications team actively leads and supports business units prepare advocacy information, and the promotion of advocacy efforts through all media channels.</p>	25%	
5.2.2	Actively undertake and promote the advocacy work of the Council	Promoted advocacy work of Council with supporting media and information for Ministerial meetings and visits, including extractive industries position paper design and promotion. Revision of Council's advocacy priorities for final year of Council term scheduled for quarter two.	20%	



Strategic Indicators

Name	Comments	Actual	Target
Community satisfaction with advocacy (lobbying on behalf of the community)	The Community Satisfaction Survey is currently underway, results will be available in quarter four.	-	≥ Large Rural Council average







Progress Indicator Legend


 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

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

Action Code	Action Name	Comments	Progress	Traffic Lights
5.3.1	Review and strengthen Council's community engagement approach and capacity	A review of Council's community engagement activities has progressed through engagement of a consultant. The aim of this review is to evaluate Council's policy, practice and capability in relation to community engagement. The review employed a methodology using a blend of data and literature analysis, and a series of semi-structured interviews with targeted stakeholders including Councillors and council officers, representatives of community organisations, and officers at comparable councils.	20%	
5.3.2	Refresh Council's place-based approach to planning and engagement to ensure it is fit for purpose	Recruitment of ongoing Place Facilitators to support Council's place-based approach in Omeo District, Mallacoota/Cann Valley and Orbost is in progress.	20%	

Progress Indicator Legend







 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Action Code	Action Name	Comments	Progress	Traffic Lights
5.3.3	Incorporate community engagement into the development and delivery of all major strategies and projects	<p>In order to strengthen the engagement process with communities when planning services, facilities and infrastructure Council has established Project Reference Groups for capital works projects. During the quarter the Groups were consulted on 38 projects, with an average of seven members consulting. Physical displays of projects that are currently under engagement were created at Customer Service Centres to ensure that information is accessible to a wide range of community members. Additional materials were made available at Customer Service Centres and libraries, in conjunction with communication across a range of channels to assist in reaching many and varied audiences.</p> <p>Emergency Management continued community engagement in the planning and development of Local Incident Management Plans.</p> <p>The Local Community Road Safety Group meets quarterly, which is facilitated by the Works team, has achieved greater government-community collaboration and will be focusing on key road safety initiatives, road improvements and safety projects.</p> <p>The Community Programs team are currently engaging with local young people on the development of the 'Active Women and Girls' strategy and 'Smoke and Vape Free' policy.</p> <p>Council continues to ensure statutory consultation processes are met for statutory planning applications, and in key examples, requiring consultation even where not required by legislation. Community engagement is a key feature of significant strategic planning projects and engagement planning was undertaken for the Bairnsdale 2050 project, and an Expression of Interest was released for the Community Panel and community forum for this project.</p>	25%	

Strategic Indicators







Name	Comments	Actual	Target
Community satisfaction with informing the community	The Community Satisfaction Survey is currently underway, results will be available in quarter four.	-	≥ Large Rural Council average

Progress Indicator Legend






 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

Name	Comments	Actual	Target
Community satisfaction with community consultation and engagement	The Community Satisfaction Survey is currently underway, results will be available in quarter four.	-	≥ Large Rural Council average
Community satisfaction with making community decisions	The Community Satisfaction Survey is currently underway, results will be available in quarter four.	-	≥ Large Rural Council average

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn







5.4: Continuous improvement systems are strengthened, and organisational efficiency enhanced

Action Code	Action Name	Comments	Progress	Traffic Lights
5.4.1	Undertake an organisational capability review	During the quarter Council commenced a review on information resources gathered from other councils to develop a Capability Framework.	5%	
5.4.2	Manage the business requirements to implement new technology to generate productivity and efficiency gains across the organisation.	Council has commenced the planning and implementation of its new Electronic Document and Records Management Solution which ensure improved efficiencies for records compliance, document management, reporting capabilities and information management processes.	25%	
5.4.3 - Major Initiative 7	Develop a new Information Communication and Technology strategy.	Key achievements for this period include completion of detailed Information Communication Technology (ICT) Strategy Development Roadmap outlining specific initiatives to achieve strategic objectives and commencement of stakeholder engagement, risk assessment and technology landscape analysis which will inform development of the new ICT Strategy.	25%	
5.4.4	Finalise road safety strategy and implement	The Road Safety Strategy has now been finalised and is in the process for presenting for adoption. Once it has been adopted commencement of its rollout will continue.	80%	
5.4.5	Rollout the Asset Management System to priority business units.	The draft Information Communication Technology Asset Management Plan has been developed and is being reviewed. The current Plant and Fleet systems are being reviewed. The development of the foreshore structures inspection template and schedule is nearing completion.	25%	



Strategic Indicators

Name	Comments	Actual	Target
Permanent workforce has access to mobile technology	Deployment of shared devices across remote sites has improved access to mobile technology.	91.76%	≥ 70%
Number of service reviews and continuous improvement initiatives undertaken	Update will be provided in quarter four	-	≥ Two reviews per annum
Information Communication and Technology Strategy adopted by Council.	Development, assessment and engagement has commenced with key stakeholders.	25%	30 June 2024

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn







5.5: Resources are managed to meet current and future needs and priorities

Action Code	Action Name	Comments	Progress	Traffic Lights
5.5.1	Review the 10 Year Financial Plan annually	The 2024/25 budget process, including 10-year financial data review will commence in the second quarter of the financial year.	0%	
5.5.2	Review the Capital Program and provide quarterly reports to Council	Review of the capital program was undertaken in August and September. The quarter one capital works status report is complete and will be presented to Councilors and Audit & Risk during quarter two. The capital works program commenced the year with a budget of \$126million and 230 projects. At the end of quarter one 35% was spent or committed, 237 projects were under management and 15 of these are marked as complete.	25%	




Strategic Indicators

Name	Comments	Actual	Target
Victorian Auditor-General's Office assessment of Council's overall Financial Sustainability is low risk	This is an annual assessment and no data is currently available.	-	Achieved

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

5.6: Council attracts, develops, and retains an inclusive workforce to deliver services and priorities

Action Code	Action Name	Comments	Progress	Traffic Lights
5.6.1 - Major initiative 8	Adopt and implement the organisation's Occupational Health and Safety Management System.	The Safety Management System in its entirety is comprised of 41 Framework and Operational Procedures. Extensive consultation has been undertaken across the organisation resulting in 22 Procedures being finalised for presentation and approval by the ELT which is expected to occur on 2 October 2023.	50%	
5.6.2	Implement actions from the Workforce Plan 2021-25	<p>Workforce Plan action 4 - Following onboarding of the new recruitment officer during quarter one, a review has commenced on Councils attraction strategies and the development of the Employee value proposition to improve talent pools.</p> <p>Workforce Plan action 7.1 - Leaders who ask training commenced with a full day for coordinators in July 2023, and positive feedback was received from attendees.</p> <p>Workforce Plan action 8.1 - Reviews have commenced across three business units within Council Enterprise and People and Capability to look at resourcing required for the provision of services and the processes to support delivery.</p>	20%	
5.6.3	Deliver actions from the Gender Equality Action Plan	During quarter one progress has been made to update ANZSCO codes for Position Descriptions (GEAP 7.3.1) A survey has been developed for senior leaders regarding realistic flexible work options that will be deployed next quarter (GEAP 6.2.1). Planning has been undertaken for the Commissioner progress report due in February 2024. Recruitment commenced for the Manager Strategy and Organisation Development, Organisation Development Coordinator and Project Officer to further progress the GEAP.	15%	

Strategic Indicators

Name	Comments	Actual	Target
The percentage of actions implemented from the Workforce Plan 2021-25	Progress of the Workforce Plan 2021-25 is calculated annually and will be available in quarter four.	-	≥ 80.00%
Unplanned annual staff turnover rate	The annual unplanned staff turnover rate will be calculated in quarter four.	-	≤ 12.00%

Progress Indicator Legend

 - Not commenced
  - Behind schedule
  - On hold
  - On schedule
  - Completed
  - Withdrawn

5.3.2 Council Meeting Schedule 2024

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

In line with Governance Rule 4.1(1), *'at or before the last meeting each calendar year, Council must fix the date, time and place of all Council meetings and any delegated committee meetings for the following calendar year'*. Therefore, Council is required to decide the meeting dates for 2024 prior to the end of 2023.

The Council meeting schedule proposed for the 2024 calendar year has been prepared to enable Council to effectively carry out its decision-making functions for the year.

Officer Recommendation

That Council:

- 1. receives and notes this report;***
- 2. adopts the following Council Meeting dates for the 2024 Calendar year, to be held at the Corporate Centre, 273 Main Street Bairnsdale, commencing at 6.00 pm;***

<i>Tuesday, 6 February</i>	<i>Tuesday, 16 July</i>
<i>Tuesday, 27 February</i>	<i>Tuesday, 6 August</i>
<i>Tuesday, 19 March</i>	<i>Tuesday, 27 August</i>
<i>Tuesday, 9 April</i>	<i>Tuesday, 17 September</i>
<i>Tuesday, 30 April</i>	<i>Tuesday, 15 October</i>
<i>Tuesday, 21 May</i>	<i>Tuesday, 19 November (Statutory Meeting)</i>
<i>Tuesday, 4 June</i>	<i>Tuesday, 3 December</i>
<i>Tuesday, 25 June</i>	<i>Tuesday, 17 December</i>
- 3. notes that the Statutory meeting date is subject to the Councillors for the 2024 Council term being declared; and***
- 4. resolves that Council Meeting agenda item 4 'Councillor and Delegate Reports' will be a written report submitted into the Council meetings minutes and not verbally presented at a Council meeting.***

Background

The conduct of Council meetings is at the discretion of Council except as described in the *Local Government Act 2020* (the Act) and Council's Governance Rules. Council Meetings are held regularly to conduct the ongoing business of the Council. Section 28(1)(a) of the Act outlines the role of a Councillor is 'to participate in the decision making of the Council.' The decision-making process is supported by formal Council meetings.

In 2024, a general election will occur with the election date being 26 October 2024. The Municipal Election Period (Election Period) commences at 12.00 pm Tuesday 24 September 2024 (Nomination Day) and ends at 6.00 pm Saturday 26 October 2024 (Election Day). Section 69(2) of the Act prohibits Council from making decisions on the matters that:

- relate to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- the Council considers could be reasonably deferred until the next Council is in place; or
- the Council considers should not be made during an Election Period.

Examples of other decisions that should be avoided during the Election Period include, but are not limited to:

- allocation of community grants or other direct funding to community organisations;
- allocation of funds from the Capital Quick Response Fund;
- major planning scheme amendments; and
- changes to strategic objectives and strategies in the Council Plan.

The schedule proposed for the 2024 calendar year has been prepared to enable Council to effectively carry out its decision-making functions for the year, acknowledging that during the Election Period Council is restricted on the decisions made during this time.

Council meetings will continue to be conducted in person, online and will be live-streamed, recorded and published via webcasting (EastGippyTV) to enhance the accessibility to the broader East Gippsland community.

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 was prepared in accordance with sections 60 and 61 of the *Local Government Act 2020*.

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

Council Plan

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

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

Council Policy

This report is consistent with the Governance Rules.

Options

There are no alternate approaches for Council on this reporting requirement.

Resourcing

Financial

There are no financial requirements with this Report.

Plant and equipment

There are no plant and equipment requirements with this Report.

Human Resources

The plan works to ensure resources are available to support the Council effectively carrying out its decision-making functions for the year.

Risk

The implications of this report have been assessed against the following risk category:

Corporate Governance, Compliance and Legal - Legal, liability, legislative requirements, fraud and corruption, code of conduct, conflicts of interest, protected disclosures, the Act, policy, process, and insurance.

This report has taken into consideration and aligns with the following Risk Appetite Category as set out in Council's Risk Management Framework:

Corporate Governance - Council operates within a strong regulatory environment. Within this context, Council will make and implement decisions in the best interests of the community.

The proposal actively manages the risks to Council in an election year.

Economic

There are no economic implications associated with this Report.

Social

This Report is assessed as having no direct social impact.

Gender Impact Statement

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*.

Environmental

There are no environmental implications stemming from this Report.

Climate change

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

Engagement

Internal engagement has been undertaken to establish the suitable sequence of dates for the community and Council. The 2024 Council Meeting schedule will be made available on Council's website, consistent with Council's Community Engagement Policy.

Attachments

Nil

6 Urgent Business

7 Confidential Business

8 Close of Meeting