



Council Meeting Agenda



Tuesday 6 August 2024 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

Fiona Weigall Chief Executive Officer
Paul Rooney Acting General Manager Assets and Environment
Sarah Johnston General Manager Business Excellence
Alba Elling Acting General Manager Place and Community

Purpose of Council meetings

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

Governance Rules

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

Councillors pledge

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

Vision

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

Our Strategic Objectives

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

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1 Procedural

1.1 Recognition of Traditional Custodians

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

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

1.2 Apologies

1.3 Declaration of Conflict of Interest

1.4 Confirmation of Minutes

That the minutes of the Council Meeting held Tuesday 16 July 2024 be confirmed.

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Tuesday 27 August 2024 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 Wild Dogs

Take notice that it is my intention to move at the Ordinary Meeting of Council to be held on Tuesday 6 August 2024 at 6.00 pm or at any adjournment of that meeting:

That Council seeks a report about writing to the Victorian Environment Minister, The Hon. Steve Dimopoulos, regarding the removal of the unprotection order for wild dogs, requesting that the Victorian Government:

- 1. conducts appropriate consultation and community engagement;***
- 2. provides up-to-date, relevant data to inform engagement and decision-making; and***
- 3. develops and implements a balanced, conservation-based approach to the long-term management of this issue that provides the necessary funding to implement protection and support for the agricultural sector, and protection of the pure-breed Alpine Dingo.***

Signed: Cr Sonia Buckley

Date: 30 July 2024

Rationale

Council is aware that the Department of Environment, Energy and Climate Action (DEECA) is proposing to undertake stakeholder engagement around the unprotection order and wild dog management practices to inform the Victorian Government's position, and a decision around the continuation of wild dog control programs in East Gippsland.

At the May Agriculture Sector Advisory Committee (ASAC) meeting, concerns about the change in policy position relating to wild dog management were raised, which reflects a broader unease within our community regarding the continuation of contracts for wild dog controllers. ASAC members indicated that the current arrangements in place throughout the shire are working well and farmers place a high value of the program, with few wild dogs sighted on or near properties. There is confidence in the wild dog controllers and their effective management of the pest, which is heartening and empowering for farmers to maintain stock numbers and increase productivity on their land. ASAC recommended that:

'Council writes to the Victorian Government seeking clarification of wild dog management'.

Further to this recommendation, I propose Council includes in the letter requests that the Victorian Government:

- conducts appropriate consultation and community engagement;
 - provides up-to-date, relevant data to inform engagement and decision-making. This should include evidence of any adverse side effects of current Victorian Government policy around culling such as (but not limited to) the proliferation of wasps, wild dog numbers and the volume of deer and horse carcasses; and
-

- develops and implements a balanced approach to the long-term management of this issue. Matters to consider with this approach are:
 - Adopting best practice of identification prior to elimination. Developing a stronger conservation principle around the management process is important to ensure that the extinction of the pure-breed Alpine Dingo is averted. Baiting is unacceptable in the high peaks of the mountains where the Alpine Dingos reside. So, a conservation approach can be achieved by undertaking a proper process for identifying wild dogs, using data to inform decision making and education around alternative, targeted or new management practices, such as live trapping, gun control and enforcement principles so if a pure-breed Alpine Dingo is eliminated there are ramifications.
 - The protection of agricultural livestock is very important, so too, is ensuring our native species are protected. Therefore, making provisions for the agricultural sector such as exclusionary fencing is critical.

3 Deferred Business

4 Councillor and Delegate Reports

5 Officer Reports

5.1 Place and Community

5.1.1 Planning Permit Application 5.2023.454.1 - Two-lot subdivision and buildings and works for a second dwelling - 34-36 Eighth Ave Raymond Island

Authorised by Acting General Manager Place and Community

Conflict of Interest

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

Executive Summary

Council is assessing a planning permit application for a two-lot subdivision and buildings and works for a second dwelling at 34-36 Eighth Avenue, Raymond Island which has received objections from East Gippsland Catchment Management Authority (EGCMA).

The EGCMA objection is consistent with past referral authority responses for Raymond Island and highlight that egress routes are inundated above recommended levels in 1 in 100-year flood events. The competing concern is that refusal of the application restricts development on Raymond Island, where the future development itself may not be subject to inundation in modelled flood events but egress from the property is restricted due to inundation.

Having considered all of the relevant planning considerations, including competing policy objectives, the recommendation made to Council is that the application be refused. The recommendation is subject to grounds of refusal which relate to inundation risk over egress from the site and general inconsistency with aspects of the planning policy framework (PPF).

Context and background to the planning permit application includes: application documents (**Attachment 1**), referral responses (**Attachment 2**), and a detailed assessment by officers of the application (**Attachment 3**).

This matter was considered by Council on 16 July 2024, Item 5.1.1. The motion was lost, meaning that no determination of the application was made. The report is therefore re-presented, and the Officer recommendation is remade (unchanged) to provide Council with the opportunity to make a determination.

Council should consider the matter afresh, including the balancing of competing policy considerations, the referral advice and the options outlined in the report.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2023.454.1 is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves issue a notice of decision to refuse to grant a planning permit for a Two lot subdivision and development of a second dwelling at 34-36 Eighth Avenue, Raymond Island for the following reasons:**
 - a. the proposal is generally inconsistent with the Planning Policy Framework (PPF) with respect to planning for places and environmental risks and amenity;**
 - b. the proposal is generally inconsistent with the objectives of Clause 44.04 Land Subject to inundation overlay; and**
 - c. the proposal is inconsistent with the decision guidelines in the Victorian Planning Provision (VPP) Planning Practice Note PPN11: Applying for a Planning Permit Under the Flood Provisions, in that:**
 - i. it is not consistent with the Planning Policy Framework (PPF).**
 - ii. it relies on low-level access to and from the site.**
 - iii. it is likely to increase the burden on emergency services and the risk to emergency personnel.**
 - iv. it is likely to increase the amount of flood damage to public or private assets.**

Background

Context

Environmental values and risks affecting Raymond Island present a complex range of planning policy considerations relating to the assessment of the planning permit applications.

These policy circumstances are underpinned by Council's responsibilities under the *Planning and Environment Act 1987* (the Act); *Local Government Act 2020*; and *Climate Change Act 2017*.

Importantly, as the responsible authority for assessing the planning applications, Council must:

- ensure that its decision making is consistent with the risks involved to life and property; and
- be prepared to say no to planning applications that may place people and property at unreasonable risk.

Council's legislative responsibilities derive from planning policy direction in the East Gippsland Planning Scheme. In conjunction with State and Local policies in the PPF, the entire island is affected by the Bushfire Management Overlay (BMO); and significant areas also affected by a Vegetation Protection Overlay (VPO); Environmental Significance Overlay Schedule 1-41 – Sites of Biological Significance (ESO1-41); Significant Landscape Overlay (SLO); Design and Development Overlay Schedule 11 – Coastal Settlements (DDO11) and Land Subject to Inundation (LSIO).

Between 2013 and 2023, Council assessed approximately 130 planning permit applications for various forms of land use, subdivision, development, and vegetation removal on Raymond Island. The majority of these applications have been approved, subject to planning permit conditions to protect environmental values and manage environmental risks (amongst other things). Several planning permit applications have been withdrawn by applicants; however, no planning applications have been refused during this period.

It is considered that the current suite of Planning Scheme controls provide an adequate policy response to protect and enhance environmental values and manage environmental risks. This has been reflected in Council's historic decision-making processes.

However, planning policy considerations are constantly evolving, particularly in relation to Council's responsibilities to protect human life from natural hazards and climate change including coastal inundation.

The proposal

Figure 1, below, demonstrates the context of the subject site, the established lot layout, and the current extent of the LSIO. The LSIO, for context, has not been altered since it was reviewed and applied in the New Format Planning Scheme adopted in May 1999.

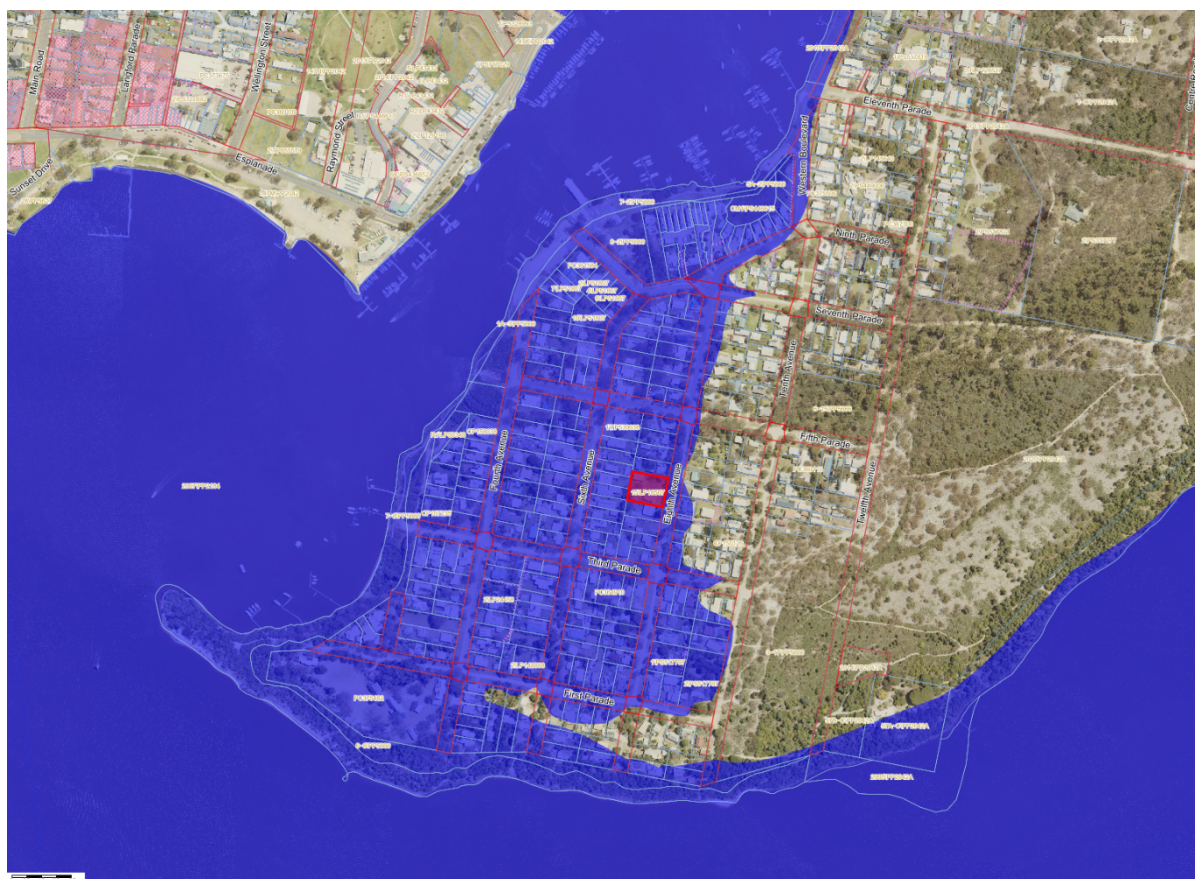


Figure 1 – Key Map of subject land including current land subject to inundation overlay map

The relevant applications and associated attachments to this report are summarised in Table 1. Most importantly, a copy of relevant referral responses and a detailed assessment of each application is made separate to this main report. A summary of the application is provided below:

Application Summary	Relevant Attachments
5.2023.454.1 – 34-36 Eighth Ave - Two lot subdivision and development of a second dwelling	Application Documents – Attachment 1 Referral Responses – Attachment 2 Detailed Assessment – Attachment 3

Table 1 – Summary of application details and attachments to this report.

34-36 Eighth Avenue

- Existing Conditions:

2024 sqm lot, containing a single dwelling and associated outbuilding. The majority of the land in the immediate vicinity are of similar size to the proposed lots, noting that based on the plan of subdivision, at the time the land was created, the surrounding land would have been of similar size to this existing lot.
- Site History:

Established in 1970 on a Lodged Plan. A planning permit was issued in 2015 for a two-lot subdivision, and was certified but not completed, and the permission lapsed.
- Proposal:

A two-lot subdivision is proposed (**Figure 2**). Lot 1 will be 1012 sqm and contain the existing dwelling. Lot 2 will be 1012 sqm and contains an existing shed in the northwest corner.

A second dwelling is also proposed for Lot 2 – a modest one-bedroom modular construction with decking (**Figure 3**).

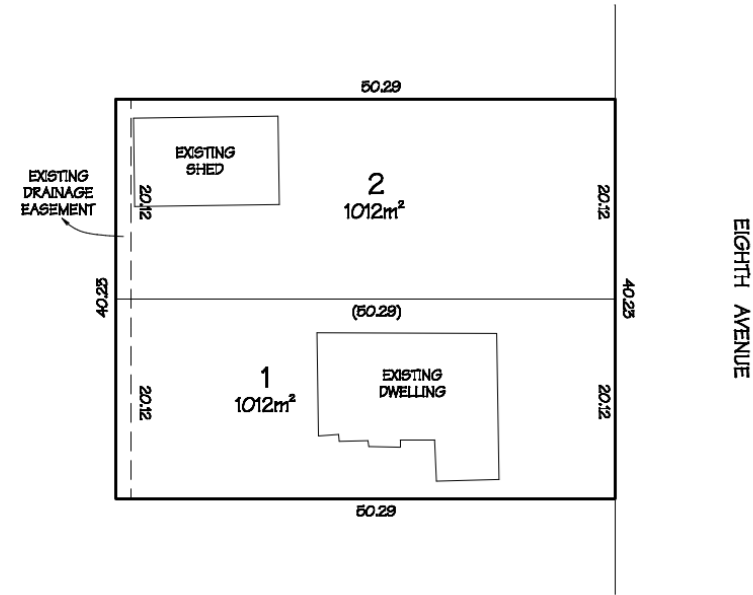


Figure 2 – 34-36 Eighth Ave Proposed Subdivision

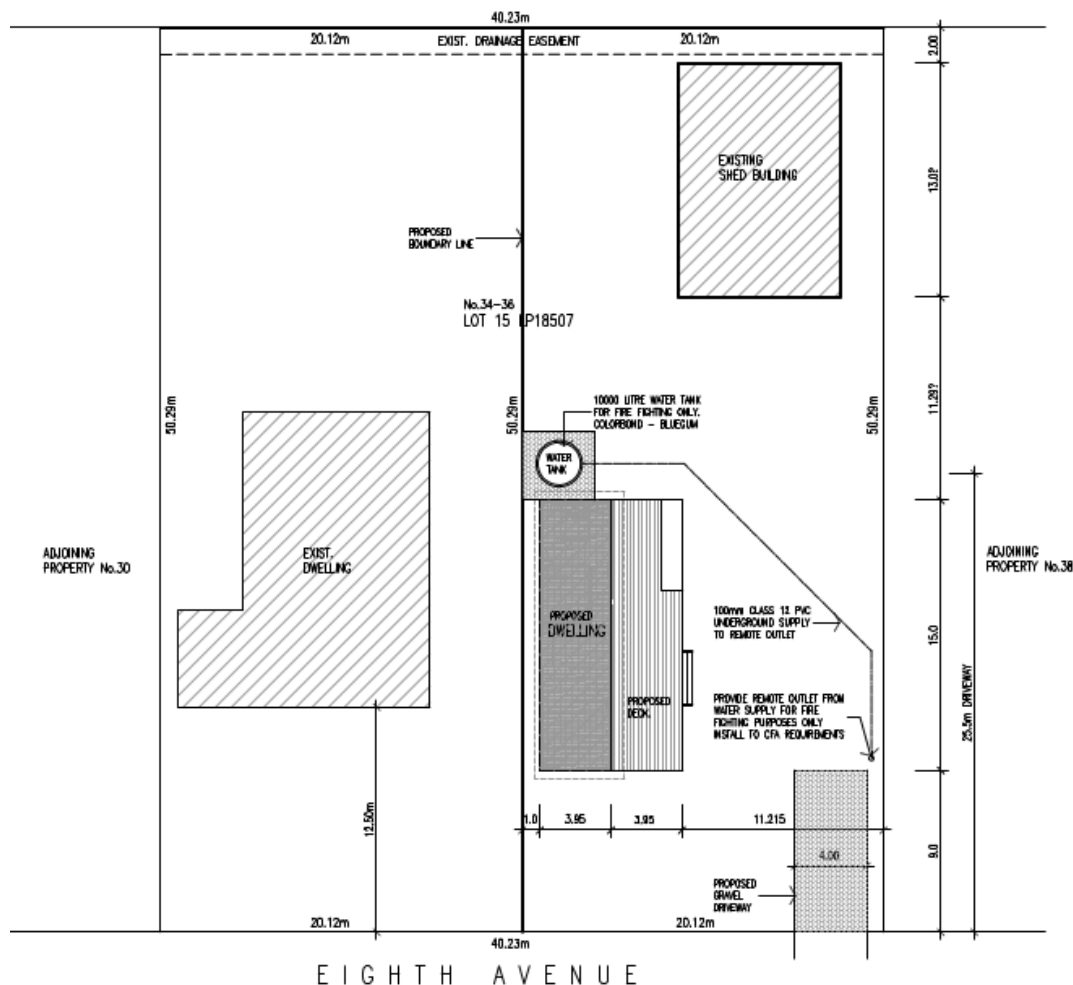


Figure 3 – site plan for proposed second dwelling at 34-36 Eighth Ave

EGCMA objection

The provisions of the Planning Scheme require the planning applications to be referred to relevant authorities (refer to **Engagement** section). Where the LSIO applies, EGCMA is the 'Floodplain Manager' and in relation to these planning applications they are a 'Recommending Authority' (as opposed to a 'Determining Authority'). This means that whilst their objection must be considered, Council has the authority to make a decision contrary the EGCMA advice.

The following excerpt summarises the basis for objection from EGCMA:

"In accordance with East Gippsland Catchment Management Authority policy, where flood depth during a 1% AEP flood event is likely to exceed 0.5 metres over a property or 0.8 metres over the vehicle egress route from the property, a proposal that seeks to intensify development through the creation of additional lots or dwellings at a property is not supported as it would expose additional people and property to the flood hazard."

In summary, it is apparent that EGCMA have taken a position that further subdivision of land on Raymond Island is not supported due to the cumulative impact of each subdivision on the provision of emergency services and emergency egress in a flood event. In addition, the EGMCA response relies on an assessment of the egress (road access) to the subject properties.

The key consideration relates to the need for evacuation and whether the unique circumstances of Raymond Island warrant emergency evacuation in the event of a flood event. During such an event, houses are not usually inundated to the extent that evacuation is necessary, but ferry access is not available. Transport arrangements are put in place (barge for emergency services and water taxi for movement of people). It is noted that key shoreline infrastructure including jetties are difficult to access (informal arrangements are made such as temporary boardwalks).

Additional consideration must be given to the nature of a flood event at Raymond Island. The flooding at Raymond Island is characterised by:

1. Cumulative impact – a combination of factors is required to achieve a significant flood event. This includes tides, flooding in the catchments, and other weather conditions. These factors make flood events predictable, with appropriate response time available.
2. Gradual rise and fall of water level – the impact at Raymond Island is not a rapid increase in water level, and flow velocity is not high risk.
3. Pooling – often the duration of inundation will be prolonged due to topography and drainage. Pools of inundation will persist long after the peak flood event, as the water is stuck behind mostly natural barriers.

Implications

The objection lodged by EGCMA indicates that any future planning permit applications to subdivide land are likely to be subject to an objection due to risk to life and property in a flood event, regardless of whether the property itself is subject to inundation. There are numerous examples of applications for dwellings on single lots which have not resulted in an objection from EGCMA to the proposed development, subject to inclusion of planning permit conditions to mitigate direct inundation risk.

Over the last 10 years, EGCMA has consistently objected to planning applications that result in an intensification of development on Raymond Island, other than single dwellings on vacant lots. This includes proposals for the subdivision of land and use and development for tourist accommodation. Whilst the basis for EGCMA objections has remained consistent, the wording of objections has strengthened to reflect emerging legislative and planning policy direction.

Previous infill subdivision applications have been supported on the basis that there was a balance to be found between flood risk and reasonable expectations of infill development. However, in recent times there has been a greater emphasis placed on the avoidance of risk of flooding (including through the recently adopted Housing and Settlement Strategy (HSS)).

Council is not bound by trends of historic planning permit application decision making. It must consider each planning application on its merits and in accordance with the policy requirements of the Planning Scheme and any adopted policy position of Council at the time of a decision. In this context, a key matter for consideration is how planning policy has changed over time.

New and updated legislation set out above (*Context*) has emerged to recognise and respond to the challenges of climate change. This has been reflected in various updates to State policy requirements in the PPF section of Planning Scheme. As a priority, Council must protect life, property and community infrastructure from flood hazard, including coastal inundation. This policy direction must be taken into account as part of Council's decision-making responsibilities. Other policy directions must also be taken into account, including the need to facilitate infill development and support the availability of housing.

At a local level, Council adopted the HSS in December 2023, which has direct relevance to these planning applications. The HSS settlement roles and futures identifies Raymond Island as a 'Rural Town' where:

"Small scale population growth and housing development is supported in Rural Towns within existing residentially zoned areas. Minimal change via infill development in established areas will be preferred, subject to environmental values and environmental risk constraints."

At section 8.7 of the draft Strategy, there is greater detail regarding 'Minimal Change' areas, as follows:

"Minimal Change Areas: Not all towns and settlements in East Gippsland are appropriate to accommodate an increased density of residential development. This includes locations that:

- Are affected by existing environmental risks such as bushfire, flood or landslip or future risks associated with the changing climate.*
- Have established environmental or landscape values.*
- Have established heritage values.*
- Do not have access to appropriate infrastructure such as road access or reticulated services.*

Established residential locations that have attributes that are not compatible with an increased density of residential development will therefore be considered as minimal change areas. In general, the construction of single dwellings in accordance with the provisions of planning scheme zone and overlay controls will be supported in minimal change areas."

It is also noted that the current planning policy for Raymond Island (at Clause 11.03 of the Planning Scheme) contains the following strategies:

- Protect and maintain the well vegetated coastal settlement and low intensity character of Raymond Island.*
- Limit new low intensity development on Raymond Island as an attractive visitor destination for nature-based tourism experiences.*
- Contain residential and low-density residential development to currently zoned areas.*
- Encourage the use of indigenous planting on private land.*
- Facilitate low impact, small scale and environmentally friendly tourist accommodation.*

Progressing within the Council Agenda for 16 July 2024 are four Planning Scheme Amendments, seeking authorisation from Council to initiate notice of the Amendments and adopt revised and new local planning policies in line with State and Regional PPF policy, alongside adoption of the HSS. That those documents are being considered concurrently with this report gives greater context, but those documents cannot yet be fully relied upon in individual planning applications.

The EGCMA objection to proposed subdivision of land and an increased density of development is based on the risk to life and property. The policy approach set out in the HSS indicates that in these circumstances, and where the risk can be suitably managed, the construction of a single dwelling on a lot in accordance with the provisions of the Planning Scheme will generally be supported. The policy positions of the HSS and EGCMA objections are therefore consistent in that respect.

Raymond Island has not traditionally been considered in the same category as other areas of the shire where access is only available by boat for the following reasons:

- Raymond Island is serviced by public transport operated (Raymond Island Ferry) that offers an alternate transport service including an outage service (water taxi and barge) that operate at times when the Ferry may be out of service.
- Access to emergency services does not differ from mainland services that are sometimes remote from emergency facilities and / or can become isolated by damage or blockage of the road network.
- Raymond Island has an internal access and egress system of roads that allows residents to relocate from effected areas during times of flooding.

Current Status

The application was presented at the 16 July 2024 Council meeting. The outcome of that meeting was that the motion was lost, and no determination was made in relation to the application.

The minutes of the 16 July 2024 Council meeting reflect:

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;*
- 2. being the Responsible Authority and having considered all the relevant planning matters, determines that Planning Permit Application 5.2023.454.1 is inconsistent with the requirements and objectives of the East Gippsland Planning Scheme and therefore resolves issue a notice of decision to refuse to grant a planning permit for a Two lot subdivision and development of a second dwelling at 34-36 Eighth Avenue, Raymond Island for the following reasons:*
 - a. the proposal is generally inconsistent with the Planning Policy Framework (PPF) with respect to planning for places and environmental risks and amenity;*
 - b. the proposal is generally inconsistent with the objectives of Clause 44.04 Land Subject to inundation overlay; and*
 - c. the proposal is inconsistent with the decision guidelines in the Victorian Planning Provision (VPP) Planning Practice Note PPN11: Applying for a Planning Permit Under the Flood Provisions, in that:*
 - i. it is not consistent with the Planning Policy Framework (PPF).*
 - ii. it relies on low-level access to and from the site.*
 - iii. it is likely to increase the burden on emergency services and the risk to emergency personnel.*
 - iv. it is likely to increase the amount of flood damage to public or private assets.*

Moved: Cr Mark Reeves

Seconded: Cr Mendy Urie

LOST

For: Cr Tom Crook, Cr Mark Reeves and Cr Mendy Urie

Against: Cr Arthur Allen, Cr Sonia Buckley, Cr Trevor Stow and Cr John White

Abstained: Cr Kirsten Van Diggele

The application is presented again for Council consideration. Council should consider the matter afresh, including the balancing of competing policy considerations, the referral advice and the options outlined in the report.

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*.

The application is assessed in accordance with the requirements of the *Planning and Environment Act 1987*.

Application	Zone and Overlay Controls, Particular Provisions
5.2023.454.1 – 34-36 Eighth Ave - Two lot subdivision and development of a second dwelling	<ul style="list-style-type: none"> • General Residential Zone (GRZ) • Vegetation Protection Overlay Schedule 2 (VPO2) • Design and Development Overlay Schedule 11 (DDO11) • Land Subject to Inundation (LSIO) • Bushfire Management Overlay Schedule 1 (BMO1) • Clause 55 Two or more dwellings on a lot • Clause 56 Residential Subdivision

Table 2 – Application detail and relevant planning controls

An assessment of the application in relation to the controls applicable under the Planning Scheme is made in the detailed assessment attachment (**Attachment 3**).

In summary:

- In consideration of the PPF, the proposed subdivisions and development are consistent with the objective to provide for infill housing within established settlements.
- The application is appropriate in the GRZ context – meeting the relevant provisions of Clauses 55 (two or more dwellings on a lot) and 56 (residential subdivision).
- For subdivision in the DDO, the proposed subdivision is consistent with the prevailing neighbourhood character and does not conflict with the objectives of the overlay.
- For subdivision within the BMO, the application provides an appropriate bushfire response, nominating a suitable bushfire management plan including creation of defensible space and meeting the bushfire attack level construction, access, and water supply objectives.
- For the buildings and works in DDO11 and BMO, the scale of the development is consistent with the objectives and design guidelines for the coastal settlement, and an appropriate bushfire response is provided. The proposed development of a second dwelling is considered appropriate given the controls which apply to the land.

However,

- In relation to the LSIO affecting the land or the egress route to the mainland (Paynesville), there is a significant risk, and the proposed subdivision is considered to contribute to increased demand for emergency response in flood events and should not be supported.
- In consideration of the PPF and general decision guidelines of the planning scheme, the proposed subdivision and development of a second dwelling is inconsistent with environmental risks and amenity policies.

On balance of the competing objectives of the planning scheme, the application is recommended to be refused, subject to the specific grounds listed.

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.

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

Council Policy

In accordance with Council's Planning Delegations Policy 2023, the matter is reported to Council because the matter raises an issue of policy or process not covered by existing policy.

Consideration has been given to Council's *Coastal Inundation and Erosion Planning Policy* 2017. It is suggested that the Policy is partially in conflict with the Victorian State Government *Marine and Coastal Policy* March 2020. The recommendations made are in accordance with the State Government Policy.

Options

1. Accept and adopt the officer recommendation, which will effectively adopt a position without altering current policy and may result in a challenge of the decision at VCAT. Officers are confident in being able to defend this position.
2. Deferral of the matter, for any number of reasons considered appropriate by Councillors. The reasons and duration for deferral would need to be clearly communicated to officers and applicant, i.e., for the purpose of obtaining peer review of the recommendation, deferral for two months.

Deferring consideration of the application may result in the applicant seeking a failure to determine appeal at VCAT, and officers would then need to seek a position from Council on the application.

3. Move an alternate motion in relation to the application based on consideration of the policy matters outlined in the report and the referral advice from the East Gippsland Catchment Management Authority. An alternate motion requires setting appropriate conditions of approval and may benefit from documentation of the reasons for not adopting the Officer's recommendation. The referral authority may consider appealing a notice of decision to grant a permit.

Resourcing

Financial

There are no direct financial impacts arise from the recommendation.

Plant and equipment

There are no plant and equipment required in relation to the recommendation.

Human Resources

There are no human resources impacts in relation to the recommendation.

Risk

The risks of this proposal have been considered. There are a range of risks assessed:

- Reputation risk – medium – the recommendation has an impact on the future planning for Raymond Island, and the community will be concerned about the consequences.
- Financial risk – low – the recommendation may result in an application for review at VCAT and aside from the existing resources, may require engagement of representation to defend a position taken in relation to the recommendation.
- Financial risk – low – the recommendation aligns with State and Regional Policy and the advice of the technical experts relating to flood risk. Adopting the recommendation will avoid liability claim over the approval the application. Arriving at a different outcome than recommended, future flood events may give rise to litigation.

Economic

There is not a significant economic impact contributing to or resulting from the recommendation. As outlined in the *Implications* section of this report, each planning permit application received will continue to be considered on its merits. The implications will primarily be felt at a personal, rather than community, scale.

Social

The proposal involves a two-lot subdivision and development of a second dwelling. Under the *Guidelines for Social Impact Assessment* (EGSC 2015), no assessment would be required for the application. It is considered that there is no net social impact resulting from the proposal nor the recommendation.

Gender Impact Statement

Considerations of Gender Equality in Planning are made in relation to planning strategy, including planning scheme amendments and policy changes. Individual assessment of planning applications tend to be gender neutral, however Council officers consider factors such as community safety, privacy, and accessibility in an integrated and multi-faceted decision-making process.

Environmental

Significant consideration is given to environmental impacts resulting from the proposal, the general environmental risk from inundation, and the content of the objection from EGCMA. As outlined elsewhere in this report, planning for sea level rise is a key policy direction, objective and decision guideline of the Planning Scheme. The recommendation is made with respect to environmental consideration.

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.

Community Risk: Climate change is considered as a community risk and includes responses to direct and indirect impacts.

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

Engagement

The application has been subject to notice of the application to adjacent owners and occupiers by direct mail from the applicants under instruction by the responsible authority. No objections were lodged by the general public.

The application has had the following response from referral authorities:

Application	Referral response
5.2023.454.1 – 34-36 Eighth Ave - Two lot subdivision and development of a second dwelling	Objection by EGCMA Consent from CFA (See Attachment 2)

Table 3 – Application and engagement outcomes

Referral authority response

As previously discussed, EGCMA has objected to the application. The primary consideration is in relation to egress from the sites in an inundation event, and the additional burden that infill subdivision (and resulting development) can have on emergency response actions.

In relation to bushfire issues, the application has appropriately responded to bushfire management requirements and has the support of the Country Fire Authority as referral authority. As outlined in the **Legislation** section, bushfire considerations are appropriately met and the applications are supportable from this perspective, with no increased risk as a result of the proposal being within the established settlement area.

Attachments

1. 2023 454 Application Documents 34-36 Eighth Ave [**5.1.1.1** - 40 pages]
2. 2023 454 Referral Responses 34-36 Eighth Ave [**5.1.1.2** - 8 pages]
3. 2023 454 Detailed Assessment 34-36 Eighth Ave [**5.1.1.3** - 73 pages]

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Form 2**NOTICE OF AN APPLICATION FOR PLANNING PERMIT**

The land affected by the application is located at:	34-36 Eighth Avenue RAYMOND ISLAND 3880 Lot: 15 LP: 18507
The application is for a permit to:	Two lot subdivision and development of a second dwelling
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2023.454.1

You may look at the application and any documents that support the application free of charge at: <https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

You may also call 5153 9500 to arrange a time to look at the application and any documents that support the application at the office of the responsible authority, East Gippsland Shire. This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must

- ♦ **be made to the Responsible Authority in writing,**
- ♦ **include the reasons for the objection, and**
- ♦ **state how the objector would be affected.**

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The Responsible Authority will not decide on the application before:	Subject to applicant giving notice
---	---

If you object, the Responsible Authority will tell you its decision.

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

VOLUME 08827 FOLIO 063

Security no : 124110350643B

Produced 08/11/2023 02:12 PM

LAND DESCRIPTION

Lot 15 on Plan of Subdivision 018507.
PARENT TITLE Volume 07202 Folio 391
Created by instrument D693816 21/04/1970

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

ENCUMBRANCES, CAVEATS AND NOTICES

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP018507 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: 34-36 EIGHTH AVENUE RAYMOND ISLAND VIC 3880

DOCUMENT END

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Printed 6/12/2023
Page 2 of 40



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

Page 1 of 1

VOLUME 08827 FOLIO 063

Security no : 124106875461Y

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LAND DESCRIPTION

Lot 15 on Plan of Subdivision 018507.
PARENT TITLE Volume 07202 Folio 391
Created by instrument D693816 21/04/1970

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
MASJEFF PTY LTD of 44 MARTIN STREET BRIGHTON VIC 3186
AE708918P 04/11/2006

ENCUMBRANCES, CAVEATS AND NOTICES

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP018507 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: 34-36 EIGHTH AVENUE RAYMOND ISLAND VIC 3880

DOCUMENT END

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IP 18507
EDITION 1

PLAN OF SUBDIVISION OF

CROWN ALLOTMENTS 1 TO 10 SECTION 4 AND CROWN ALLOTMENTS 1 TO 5 SECTION 13

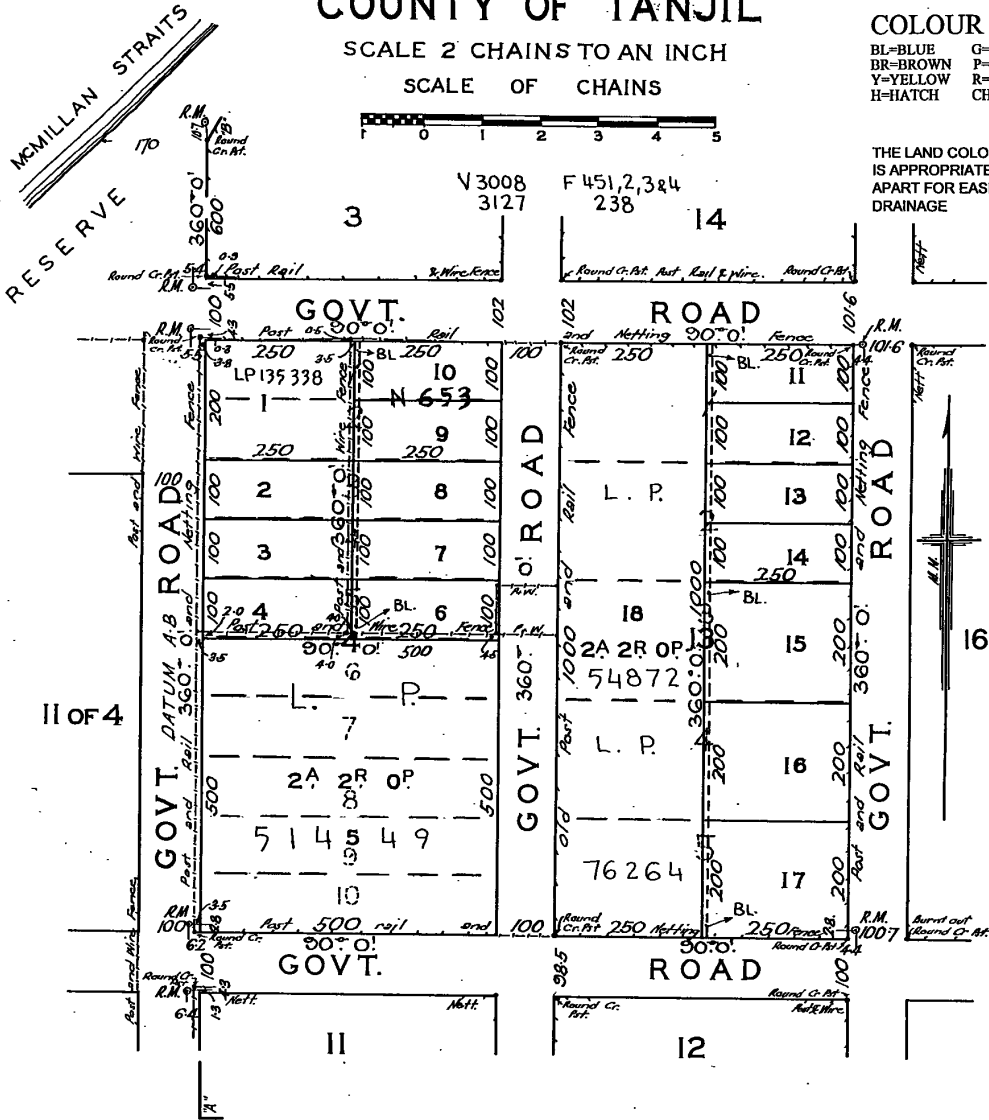
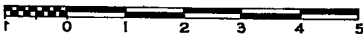
TOWNSHIP OF RAYMOND ISLAND
PARISH OF BAIRNSDALE
COUNTY OF TANJIL

DEPTH LIMITATION: 50 FEET

COLOUR CODE

BL=BLUE G=GREEN
BR=BROWN P=PURPLE
Y=YELLOW R=RED
H=HATCH CH=CROSS HATCH

SCALE 2" CHAINS TO AN INCH
SCALE OF CHAINS



RM's ARE $\frac{3}{4}$ " DIA. 12' LONG G.I. PIPES.
LAND COLORED BLUE IS RESERVED
FOR DRAINAGE PURPOSES
AND IS 7-6 LINKS WIDE

Delivered by LANDATA®, timestamp 15/06/2023 11:50 Page 1 of 2

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Transfer of Land

Section 45 Transfer of Land Act 1958

Lodged by:

Name:

Phone:

Address:

Ref:

Customer Code:

Westpac

23L

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04/11/2006 \$956 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 and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Land: (volume and folio reference)

Certificate of Title Volume 8827 Folio 063

Estate and Interest: (e.g. "all my estate in fee simple")

all our estate and interest in fee simple

Consideration:

\$350,000.00

Transferor: (full name)

Brett Anthony PLEYDELL & Terine Anna KELAART

Transferee: (full name and address including postcode)

MASJEFF PTY LTD A.C.N. 120 908 910 of 3 Nassim Road, #04 - 09 Nassim Jade, Singapore 258371

Directing party: (full name)

Dated:

20/9/06

SEE ANNEXURE PAGE 2

Approval No 980066A

ORDER TO REGISTER
Please register and issue title to

T1



Signed

Cust. Code

4/11/06

THE BACK OF THIS FORM MUST NOT BE USED

Land Registry, 570 Bourke Street, Melbourne 3000 Phone 03 8636 2040

STAMP DUTY USE ONLY

Westpac Banking Corporation	
This stamp is	ABN 33 007 457 141
SRO	Victorian Duty \$...16,660- AP 163
Property	Consideration / Advance \$...350,000
NOT TO BE	Victorian Assets %..... Section.....
Endorsement Date	Original / Counterpart / Collateral / Upstamp
	Transaction No...2001014384
	Endorsement Date 20/11/06

Printed 6/12/2023
Page 5 of 40

ANNEXURE PAGE

Transfer of Land Act 1958

This is page 2 of *Approved Form T1* dated *20/9/06* between **Brett Anthony PLEYDELL & Terine Anna KELAART & MASJEFF PTY LTD** as trustee for **Mason-Jefferies Family Trust**

Signatures of the parties

Signed by Brett Anthony PLEYDELL
& Terine Anna KELAART
in the presence of:

Witness *AK*
Witness to sign here.

BP x *Brett Pleydell*
TK x *Terine Anna Kelaart*

Executed by MASJEFF PTY LTD by being signed
by those persons authorised to sign for the

Director *A Mason-Jeff*

Name: Andrew Norton Mason-Jefferies

Usual Address: 3 Nassim Road, #04-09 Nassim Jade, Singapore 258371

Director *JDMason-Jefferies*

Name: Jennifer Dawn Mason-Jefferies

Usual Address: 3 Nassim Road, #04-09 Nassim Jade, Singapore 258371

Approval No. 1187053A

A1



1. If there is insufficient space to accommodate the required in' Form insert the words "See Annexure Page 2" (or as the case may vary) on the Annexure Page under the appropriate panel heading. **THE BACK OF THE ANNEXURE PAGE IS NOT TO BE USED.**
2. If multiple copies of a mortgage are lodged, original Annexure Pages must be attached to each.
3. The Annexure Pages must be properly identified and signed by the parties to the *Approved Form* to which it is annexed.
4. All pages must be attached together by being stapled in the top left corner.

Land Registry, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010



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Page 6 of 40

Planning Report

Two Lot Subdivision & Development of a Second Dwelling
34-36 Eighth Avenue, Raymond Island

Our reference – 20529

8 November 2023



FS 520900



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8.	Attachments	
	Application Form	
	Proposed Subdivision Plan (Version 2)	
	Site, Floor and Elevation Plans prepared by <i>Ian Neville Drafting Pty Ltd</i>	
	Bushfire Hazard Site Assessment (Version 1)	
	Bushfire Management Plan (Version 1)	
	Copy of Title (Lot 15 on PS 018507)	

Note: Applicable Planning Application fee is \$2,369.10, calculated as follows

Class 11: \$1,661.55

Class 17: \$1,415.10 (50% of lesser fee)

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Page 3

1. Introduction

This Planning Report is prepared in support of a proposed two lot subdivision & development of a second dwelling at 34-36 Eighth Avenue, Raymond Island. The Report addresses the provisions of the General Residential Zone, Design and Development Overlay 11, Bushfire Management Overlay 1 and Land Subject to Inundation Overlay as contained within the East Gippsland Planning Scheme.



Aerial image of the subject land and immediate surrounds (Source: IntraMaps)

20529 Report

Crowther & Sadler Pty Ltd

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2. Subject Land & Surrounding Context

Formally known as Lot 15 on Lodged Plan 018507 or more commonly 34-36 Eighth Avenue, Raymond Island, the subject land is regular in shape, 2024 square metres and is developed with a single storey dwelling and two outbuildings.

The land enjoys vehicular access to the property from Eighth Avenue which is a formed rural standard road.

The subject land is surrounded by detached dwellings and associated outbuildings on lots of approximately half the size of the subject land, with the exception being to the east across Eighth Avenue which is developed by two dwellings.

Although the built form in the wider precinct is relatively uniform in terms of detached dwellings with associated outbuildings, the allotment shapes and sizes vary considerably.

Located within the central area of the southern urban precinct of Raymond Island, the land is close to the Raymond Island Community Hall and close to the Raymond Island Ferry arrival/departure area.



Locational plan showing land parcel configurations, blue star represents Raymond Island Community Hall and red star represents Raymond Island Ferry Terminal (Source: VicPlan)

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Due to the relatively large size of the subject land, Planning approval has previously been granted to subdivide the land. Planning Permit 52/2015/P was granted by East Gippsland Shire Council on 22 July 2015, and a Plan of Subdivision certified on 28 July 2015. The Certified Plan expired prior to the issue of Statement of Compliance, resulting in the lapsing of the Planning Permit.

3. The Application & Proposal

It is proposed to subdivide the subject land into two lots and develop a dwelling.

The proposed subdivision will create two lots of 1012 square metres that have an east-west axis. Proposed lot 1 will contain the existing dwelling and one of the existing outbuildings, while lot 2 is proposed to contain the new dwelling and the larger of the existing outbuildings.



Extract from Proposed Subdivision Plan (Version 2)

Plans prepared by Ian Neville Building Design depict the proposed dwelling, which has been orientated to face north, providing an energy efficient dwelling.

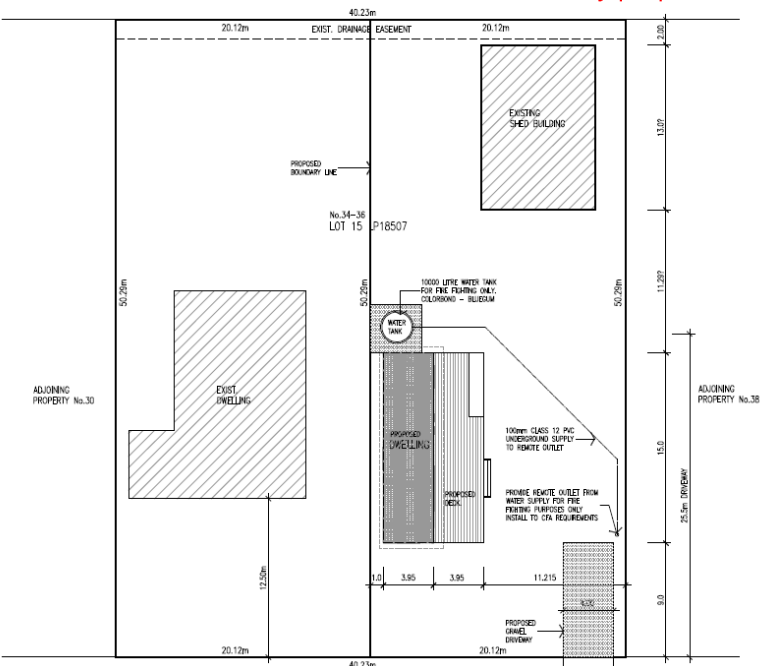
The proposed dwelling is to be setback 9.0 metres from the front boundary to Eighth Avenue. The proposed dwelling is to be setback 1.0 metre from the proposed subdivision boundary.

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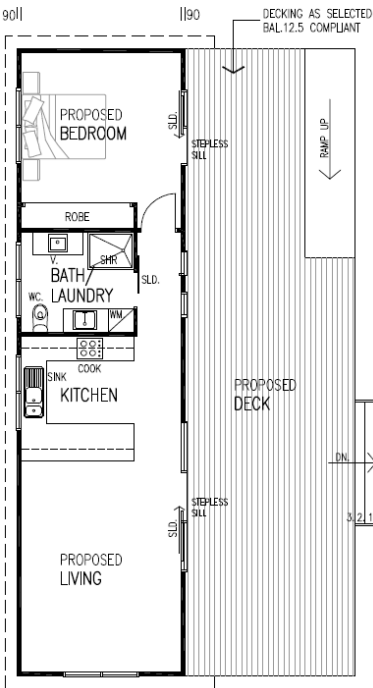
Proposed site plan (Source: Ian Neville Building Design)

The proposed dwelling will incorporate a proposed living room, kitchen, bathroom/laundry and bedroom. A large northern facing deck of 60 square metres will provide for external living opportunities and can be accessed via a ramp of stairs.

The dwelling has been designed to maintain the character of the area being a detached single storey dwelling, skillion roof and incorporating tones reflective of the area and surrounding landscape.

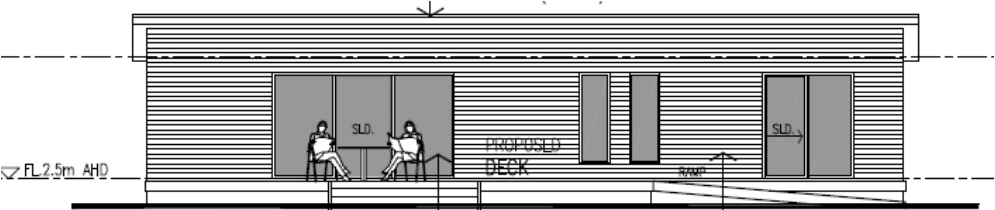
The proposed dwelling will be constructed from Scyon Axon Cladding, painted Bluegum and Colorbond coloured Southerly.

The dwelling will be elevated to minimise coastal climate change impacts, with a finished floor level of 2.5m AHD.

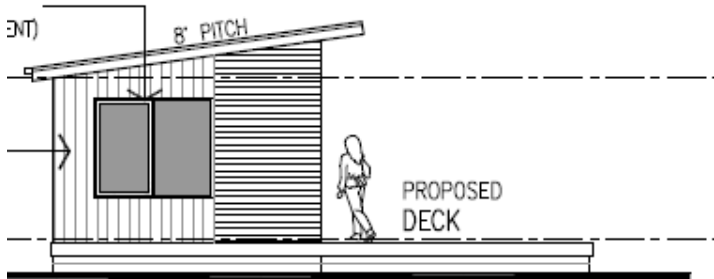


Extract from Proposed floor plan (Source: Ian Neville Building Design)

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Proposed northern elevation (Source: Ian Neville Building Design)



Proposed eastern elevation (Source: Ian Neville Building Design)

A proposed gravel driveway is to be constructed within the eastern part of proposed lot 2 to provide access to from Eighth Avenue. A 10,000 litre water tank for fire fighting purposes is to be sited behind the proposed dwelling and connected to a remote outlet next to the driveway.

Planning approval is required pursuant to the following Clauses of the East Gippsland Planning Scheme:

Planning Scheme Clause No.	Description of what is proposed
32.08-3 General Residential Zone	Subdivision
32.08-6 General Residential Zone	Construction of two dwellings on a lot
43.02-2 Design and Development Overlay (Schedule 11)	Buildings and Works with a total building footprint exceeding 300m ²
43.02-3 Design and Development Overlay (Schedule 11)	Subdivision
44.06-2 Bushfire Management Overlay (Schedule 1)	Subdivision
44.06-2 Bushfire Management Overlay (Schedule 1)	Construct a Building associated with Accommodation
44.04-2 Land Subject to Inundation Overlay	Buildings and Works
44.04-3 Land Subject to Inundation Overlay	Subdivision

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Referrals Required

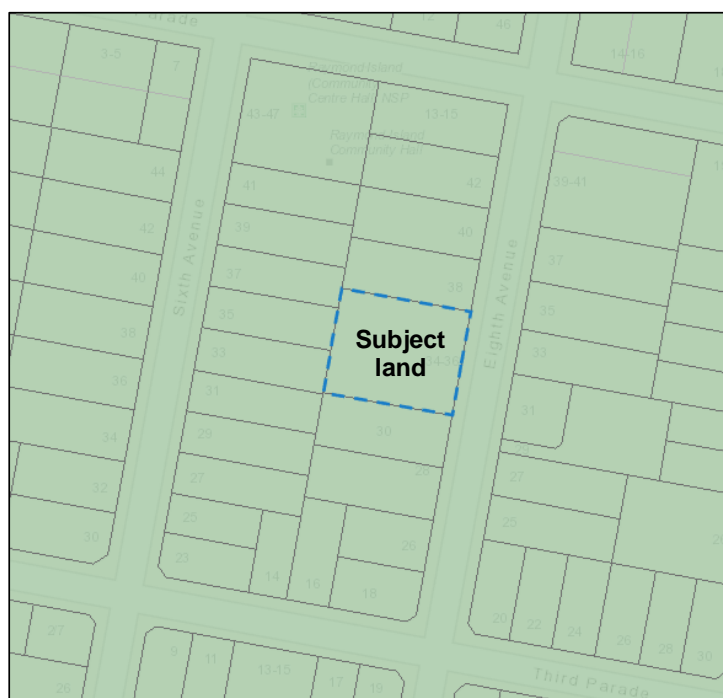
Clause	Kind of application	Referral authority	Type of authority
44.04-7	s55 - LSIO	East Gippsland CMA	Recommending
44.06-6	s55 - BMO	Country Fire Authority	Recommending

4. Cultural Heritage

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

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a 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 shown green (Source: VicPlan)

The subject land is within an area of cultural heritage sensitivity. The construction of two dwellings on a lot is an exempt activity and a two lot subdivision is not considered a high impact activity. Therefore, there is no mandatory requirement to provide a CHMP in support of the application.

20529 Report

Crowther & Sadler Pty Ltd

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5. Planning Policy

5.1 Planning Policy Framework

To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements is the objective of Clause 11.01-1S Settlement.

The proposed development supports this objective and is consistent with relevant strategies that sit under the objective, as it will provide for population growth, assists to limit urban sprawl and provides for infill development.

Clause 11.01-1L-01 East Gippsland Settlements encourages infill development of existing towns; consolidation of existing townships and residential infill is supported within existing residential zones.

The proposed development will make the best use of this serviced, underutilised, residentially zoned land parcel and assists to reduce pressure for further residential rezoning.

The subject land is setback from the Lake frontage and although being low lying, it is unlikely that the land will be impacted from coastal erosion as sought by Clause 11.03-4S Coastal Settlement.

Clause 11.03-4L-03 Raymond Island applies to all land in the Raymond Island Framework Plan. The proposal will provide for a low impact development within an existing residential zoned area consistent with the strategies that underpin the plan.

Levels across the subject land are two metres or greater, resulting in the land avoiding permanent inundation by the year 2100 as sought within Clause 13.01-2S Coastal inundation and erosion.

Being located with a Bushfire Management Overlay, Clause 13.02-1S Bushfire planning is relevant to the application. The land is located with Schedule 1 of the Overlay and as such, Council and the CFA recognise that the property is at reduced risk from a bushfire event. Nevertheless, the proposed lots will be provided with defensible space that will need to be appropriately maintained, water tanks will be installed and set aside for fire fighting purposes and the new dwelling will be constructed to a minimum BAL of 12.5.

As the land is located within the Land Subject to Inundation Overlay, Clause 13.03-1S Floodplain management is also relevant. The proposed dwelling has the ability to mitigate the effects of periodic floodwaters through raised floor heights and more robust building materials below the nominated flood level. The subdivision will lead to a minor intensification within the area, however it is considered that this minor subdivision is not unreasonable within a well established urban area that is zoned for residential purposes.

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Development of a dwelling on the vacant lot to be created by the subdivision will be in accordance with Clause 15.01-2S Building design. The dwelling complements the built form character of the area utilising a skillion roof, materials and colours that are commonplace within the area.

The proposed subdivision will provide a generous lot for the existing dwelling and provides sufficient cleared area for the new dwelling. Both lots enjoy direct street frontage and are consistent with the prevailing lot pattern as sought by Clause 15.01-3S Subdivision design.

Creating two lots from this large, underutilised land parcel will assist to increase the portion of housing in an established urban area reducing the share of housing in greenfield areas consistent with Clause 16.01-1S Housing supply.

Clause 18.02-4L-01 Road seeks to minimise the impact of development on the efficiency and safety of the road system while maintaining roadside vegetation. The vacant lot to be created has the ability to be serviced by a new vehicle crossover without impacting roadside vegetation. A second lot will generate an additional 10 vehicle movements within the local road network which can be easily absorbed.

5.2 Municipal Planning Strategy

Clause 02.03-1 of the Municipal Planning Strategy identifies Raymond Island as a unique village and rural residential locality set within the heart of the Gippsland Lakes. The relevant strategic direction for Raymond Island is to provide for expanding settlement within the existing residential areas. The subdivision of the land and development of a new dwelling on a serviced and residentially zoned property is consistent with this strategic direction.

The proposed development is relatively modest and will maintain the landscape character of this lakeside area by avoiding vegetation removal within the road reserve, complementing the relevant strategic direction within Clause 02.03-2 Environmental and landscape values.

Levels on the subject land are at 2m AHD and above, and the land is well setback from the Lake frontage. This combination results in the property being unlikely to be impacted by climate-induced sea level rise consistent with Clause 02.03-3 Environmental risks and amenity.

Clause 02.03-7 Transport and infrastructure supports the provision of reticulated sewerage in unserviced towns. The residentially zoned area of Raymond Island is connected to sewer to which the new dwelling will be connected.

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Crowther & Sadler Pty Ltd

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6. Planning Elements

6.1 General Residential Zone

The subject land is zoned General Residential Zone in accordance with the East Gippsland Planning Scheme.



Planning scheme zone mapping (Source: VicPlan)

The proposed development meets the purposes of the zone providing two allotments of similar size and shape as the surrounding land parcels. Developing a detached single storey dwelling on the proposed vacant lot respects the neighbourhood character of the area.

The provisions of the Zone have not changed significantly since the previous Planning Permit (now expired) was granted, with the only change to the proposal being a minor modification to the subdivision boundary to create two identically sized allotments. In that context the subdivision appears to be a logical and orderly outcome under the General Residential Zone.

The proposal is consistent with the requirements of Clauses 55 and 56 as demonstrated by the following tables providing commentary regarding the objectives and standards.

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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. Properties within the surrounding precinct are generally single storey detached dwellings on larger land parcels. Passive recreation facilities are located to the west of the land and the property is within walking distance (including a ferry trip) of the Paynesville Activity Centre. The precinct comprises a mix of housing styles spanning several decades; evident is a variety of materials and colours throughout the existing housing stock.
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 utilises the site dimensions and area by responding with a new proposed detached dwelling. The proposed dwelling is single storey with a skillion roof. Materials proposed are reflective of the lighter weight materials utilised by existing built form of the area. Each dwelling is provided with secluded private open space, and orientated to the street providing a sense of address. Private open space optimises the northern solar aspect afforded to each allotment. The accompanying plans include detail of the proposed development.
55.02-1 Neighbourhood character	Complies The design of the proposed development respects the existing neighbourhood character. The proposed dwelling is well located, provide appropriate openings, incorporates a sloped roof and uses materials common throughout the surrounding neighbourhood. The front setback is respectful of the streetscape providing a transition of building form. Provision of significant permeable areas provides the opportunity for meaningful landscaping opportunities. There is no Neighbourhood Character Overlay, however local policy acknowledges the existing urban area of Raymond Island will see modest infill development.
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.

20529 Report

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Objective	Comment
55.02-4 Infrastructure	Complies All necessary infrastructure is available to the land and has the capacity to accommodate the proposed development.
55.02-5 Integration with the street	Complies The proposed development has been designed and sited to ensure integration with the street: <ul style="list-style-type: none"> One new vehicle crossover is proposed in Eighth Avenue and will be appropriately spaced from other crossovers. Both the proposed and existing dwelling is single storey (not uncommon within the area), with the dwellings remaining in keeping with the built form aligning the street. Dwelling entries are visible and identified from Eighth Avenue and offer a strong and separate sense of address. There is no front fencing proposed, which is considered acceptable in context of the nearby property street frontages.
55.03-1 Street setback	Complies The neighbourhood character of the area provides for a range of front setbacks. The proposed development will establish the new dwelling with a street setback of 9m, which is considered to respect the existing neighbourhood character.
55.03-2 Building heights	Complies The height of the proposed development respects the existing neighbourhood character as it is consistent with the prevailing height of existing single storey dwellings in the neighbourhood. The proposed dwelling will be well below the maximum allowable height of 13.5m AHD, given the land is contained within the LSIO.
55.03-3 Site coverage	Complies Standard B8 requires site area covered by buildings not to exceed 60% where there is no site coverage specified in a schedule to the zone. The site coverage of the proposed development is well below the maximum site coverage of 60% otherwise allowed under Standard B8.
55.03-4 Permeability and Stormwater Management	Complies Standard B9 stipulates that the site area covered by the 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 well exceeds 20% of the site area, ensuring the development complies with Standard B9.
55.03-5 Energy efficiency	Complies The proposed development has been oriented to make appropriate use of solar energy by providing large doors and good sized windows on the northern aspect of the proposed dwelling to allow maximum light and solar penetration into the living areas.

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Objective	Comment
55.03-6 Open space	Complies Whilst there is no communal open space as part of this proposal, Section 2 of this Report highlights the abundance of passive recreational opportunities and open space available within close proximity to the subject land. The proposed dwellings achieve the required secluded private open space requirements.
55.03-7 Safety	Complies The layout of the proposed development provides for the safety and security of residents consistent with Standard B12. Both dwellings will present directly to Eighth Avenue. Entrances to each dwelling will be easily identifiable from Eighth Avenue. There are no front fences proposed that may otherwise obstruct the visibility of entrances from the street.
55.03-8 Landscaping	Complies Development within the precinct is generally complimented by unstructured ornamental gardens with some native vegetation. The generous land parcel sizes allow for similar landscaping opportunities as those within the area.
55.03-9 Access	Complies The number and design of vehicle crossovers is considered to respect the neighbourhood character whilst maximising the efficiency of the development. Standard B14 stipulates that the width of accessways should not exceed 33% having regard for the width of the street frontage which is 40.24 metres. The proposed crossovers will comprise a total width of 6.4 metres, being less than 33% of the site frontage (15.9%).
55.03-10 Parking location	Complies Vehicle parking for residents will be practical and convenient with the existing dwelling being serviced by one car space within a carport and the proposed dwelling being provided with a secure shed for one vehicle. With a total of 2 dwellings on the land there is no requirement to provide visitor car parking on site. Adequate on-site and on-street car parking is available to cater for visitors.
55.04-1 Side and rear setbacks	Complies The height and setback of each of the dwellings from boundaries is considered to respect the neighbourhood character and preserve the amenity of existing adjoining dwellings. The existing dwellings on adjoining properties present walls setback from boundaries. As there is no distance specified in Schedule 1 of the GRZ 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. The minimum setback to the south for the new dwelling is 1m, easily meeting the Standard, given the wall height to the south is a maximum of 2.9m.

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Objective	Comment
55.04-2 Walls on boundaries	Complies No walls are proposed along the boundaries to ensure the character of the area is maintained, complying with Standard B18.
55.04-3 Daylight to existing windows	Complies The proposed development will allow adequate daylight into existing habitable room windows of adjoining dwellings. Standard B19 requires habitable room windows should be provided with a light court which has a minimum area of 3m ² and minimum dimension of 1.0 metre clear to the sky. The Standard is achieved as the proposed dwelling is appropriately setback from the existing development on the adjoining allotments.
55.04-4 North facing windows	Complies There are no north-facing habitable room windows of the existing southern dwelling on the abutting lot 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 has been limited in height and is offset from the southern boundary.
55.04-6 Overlooking	Complies Given the single storey scale of the development and the siting of the proposed dwelling, no unreasonable overlooking will occur. The northern setback of the proposed dwelling exceeds 9m and the siting of the new dwelling avoids views of the southern dwelling's secluded private open space. The proposal is therefore considered to satisfy the requirements of Standard B22.
55.04-7 Internal views	Complies The character of the area is unique with limited common fencing (particularly solid fencing). The new dwelling by virtue of its siting, the retention of the existing dwelling and shedding prevents internal overlooking.
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 new dwelling has considered the needs of people with limited mobility, with the living areas able to be accessed from the deck which is provided with a ramp.

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Objective	Comment
55.05-2 Dwelling entry	Complies The front entrance to the new dwelling will be immediately visible from Eighth Avenue, given the width of the allotment providing views to the entrance in accordance with Standard B26.
55.05-3 Daylight to new windows	Complies All habitable room windows have an outlook to a minimum area of 3 sqm and minimum dimension of 1m clear to the sky.
55.05-4 Private open space	Complies Standard B28 prescribes private open space of 40m ² in area per dwelling, including secluded private open space at the side or rear of the dwelling with a minimum area of 25m ² , a minimum dimension of more than 3.0m and convenient access from a living room. The secluded private open space provision meets the Standard. All dwellings have an area exceeding 25m ² with a minimum dimension of 3.0m and convenient access from a living room.
55.05-5 Solar access to open space	Complies The proposed development has been designed to facilitate solar access into the secluded private open space areas of each dwelling. Each of the dwellings have been provided with private open space with northern solar exposure.
55.05-6 Storage	Complies Through the retention of existing outbuildings, each dwelling will be provided with 6 cubic metres of external lockable storage meeting the objective and standards.
55.06-1 Design detail	Complies The proposed development is respectful of neighbourhood character, consistent with Standard B31. Whilst there is no defined neighbourhood character for the precinct, there is a consistency of single storey dwellings with angled roofs in the area. Use of lighter weight materials and colours seen commonly within the area for the new dwelling compliments existing development observed throughout the neighbourhood.
55.06-2 Front fences	Complies Front fencing is not a feature within the precinct. Standard B32 is achieved, as there is no front fencing proposed to Eighth Avenue.
55.06-3 Common property	N/A No Common Property is proposed.
55.06-4 Site services	Complies Each dwelling has adequate provision for storage of rubbish bins within the confines of each lot. Reticulated services including electricity, water, sewerage and telecommunications are all available to the site. There is adequate provision for mailboxes for the proposed dwelling at the front of the site.

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Clause 56 – Residential Subdivision

Objective	Comment
56.03-5 Neighbourhood Character	Complies The subdivision layout is consistent with the character of the immediate area in terms of the size and shape of allotments. as the two allotments proposed. It is noted that in the wider area, allotment areas, dimensions and shapes vary. The subject land is well located within walking distance of passive recreational areas, the Raymond Island Community Hall and Paynesville Activity Centre.
56.04-2 Lot area and building envelopes	Complies Both lots can easily accommodate a 10x15 metre rectangle. The subdivision layout provides opportunity for the new dwelling to enjoy solar access, provision of private open space and safe vehicle movements within allotment boundaries. Although not proposed, the lot containing the existing dwelling is generous and could accommodate a replacement dwelling.
56.04-3 Solar orientation of lots	Complies Solar orientation to the private open space of each lot will be achieved by the lot design.
56.04-5 Common Areas	N/A There are no areas of Common Property proposed.
56.06-8 Lot access	Complies Access to Lot 1 is existing and access to Lot 2 can be accommodated from Eighth Avenue. The use of individual points of access will be safe, convenient and practical.
56.07-1 Drinking water supply	Complies Reticulated water is provided to the subject land and will be connected to both allotments as part of the subdivision.
56.07-2 Reused and recycled water	Complies East Gippsland Water does not currently provide for the use of and connection to recycled water.
56.07-3 Wastewater management	Complies Reticulated sewer is established within the precinct. The lots will be connected to sewer as part of the subdivision consistent with Standard C24.
56.07-4 Urban run-off management	Complies Drainage will be provided to the satisfaction of the Responsible Authority.
56.08-1 Site management	Complies The site will be managed to the satisfaction of the Responsible Authority.
56.09-1 Shared trenching	Complies All utility service connections will utilise shared trenching if appropriate.

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Objective	Comment
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. The lots proposed will be connected to reticulated power, water, sewer and telecommunications.

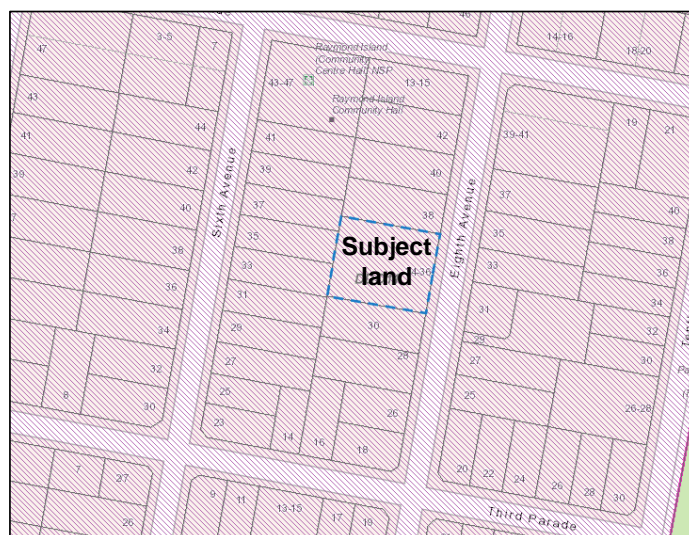
Decision Guidelines

The proposed development meets the relevant decision guidelines:

- Strong policy support is found within the Municipal Planning Strategy and Planning Policy Framework.
- The relevant purposes of the zone are achieved.
- No overshadowing of existing rooftop energy systems on adjoining dwellings will occur.
- The proposed subdivision areas and lot dimensions will allow for appropriate spacing of buildings.
- The lots exceed 400 square metres and the combined dwelling footprint allows for the required garden area to be achieved.
- The proposed development responds well to the objectives and standards of Clause 55 and 56.

6.2 Design and Development Overlay 11

The whole of the subject land is contained within the Design and Development Overlay. Schedule 11 of the Overlay relates to *Residential Development in Coastal Settlements*.



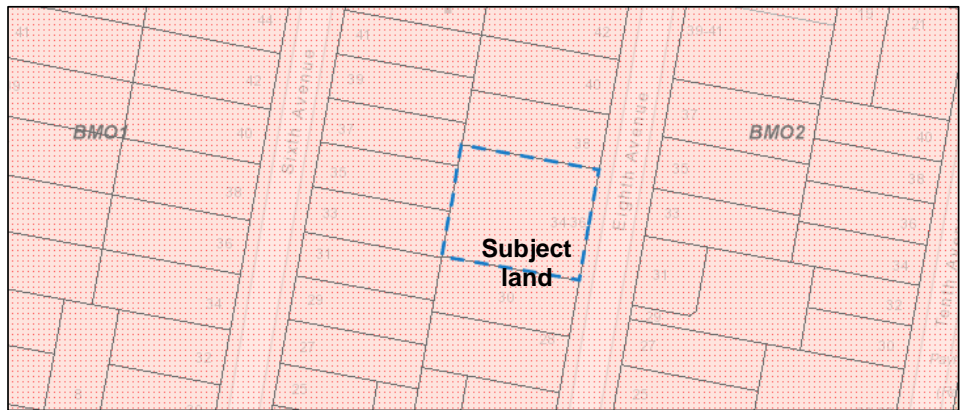
Planning scheme overlay mapping (Source: VicPlan)

The proposal responds well to the objectives and decision guidelines of the Schedule:

- The single storey height of the new dwelling and the detached form will not represent unusual or unacceptable visual bulk within the coastal neighbourhood setting of Raymond Island.
- Visual impacts on the natural landscape are minimised with the single storey scale of the dwelling and the building sitting below the prevailing tree canopy.
- Consistent with the surrounding built form, the new dwelling will be visually unobtrusive.
- The vegetated character of the area will be maintained as the new vehicle crossover can be sited to avoid roadside native vegetation.
- Given the land is contained within a Bushfire Management Overlay there will be the need to manage some vegetation for the purposes of establishing defensible space within property boundaries.
- Lightweight building materials and a colour palate similar to other dwellings within the area will be utilised.
- Fencing is not a feature of the area and none is proposed as part of the development, allowing for easy movement and passage of wildlife.
- The subdivision will provide for frontage widths to be maintained that are consistent with the widths of properties in the area.

6.3 Bushfire Management Overlay 1

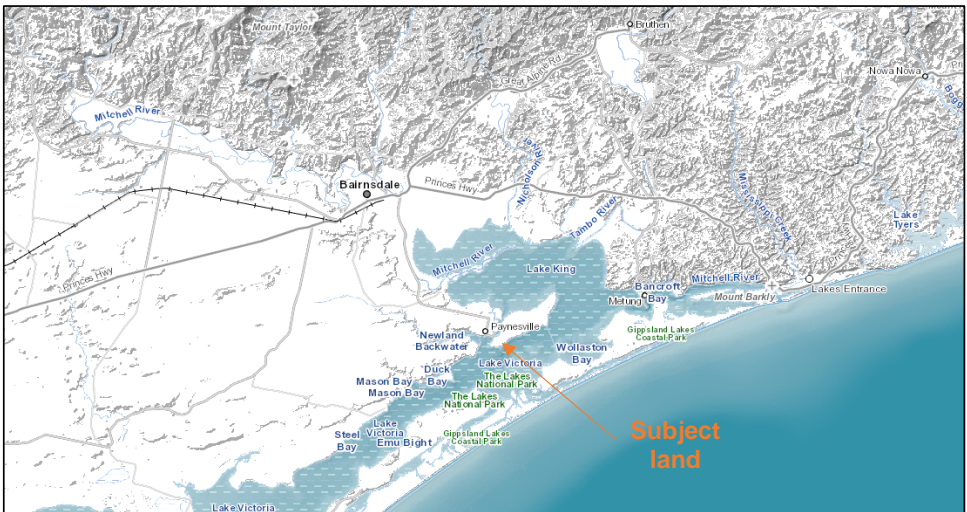
Eighth Avenue represents the boundary between Schedules 1 and 2 to the Bushfire Management Overlay, with land to the west included within Schedule 1 relating to *Eagle Point, Kalimna, Lakes Entrance, Lake Tyres Beach, Marlo, Raymond Island BAL – 12.5 Areas*.



Extract from BMO mapping (Source: VicPlan)

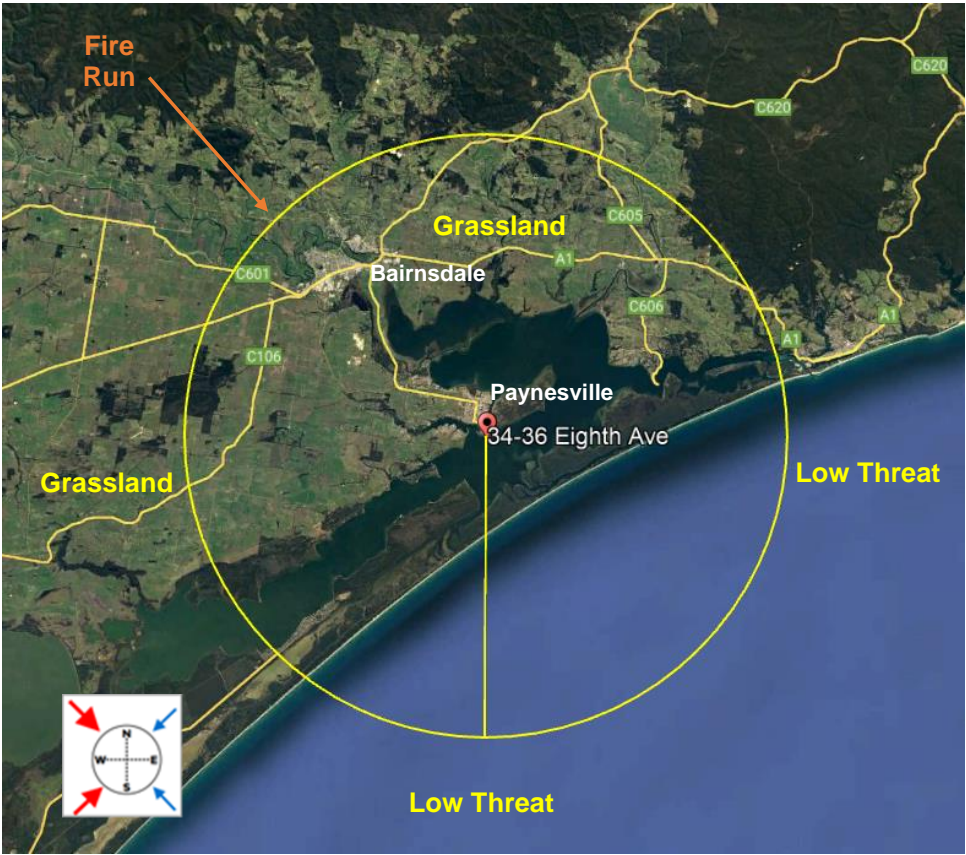
The Schedule has limited relevance to the subject Application, given the Schedule seeks to streamline the construction or extension of one dwelling on a lot. Nonetheless, it does provide an indication that the risk associated with bushfire can be appropriately managed.

In accordance with Clause 44.06-3 the application is supported with a Bushfire Hazard Site Assessment, Bushfire Management Plan and Bushfire Management Statement.

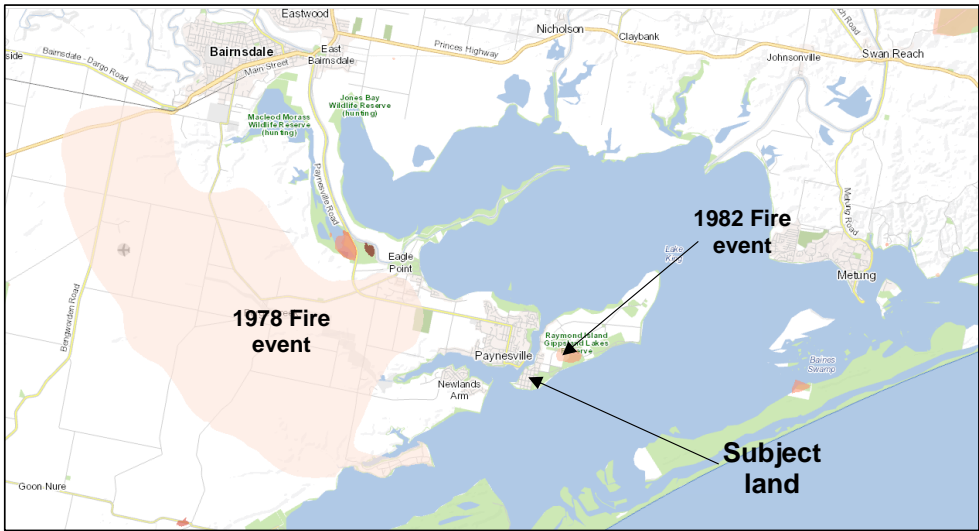


Landform and terrain of the surrounding area (Source: NatureKit)

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Bushfire Hazard Landscape Assessment at 20 kilometres
(Source: Google Earth)



Bushfire history of the subject land (Source: Mapshare)

The Bushfire Hazard Landscape Assessment reveals that the subject land is located within gentle terrain, has no recent fire history, is well located to allow residents to leave early during high fire danger days to places of less risk, being Paynesville and Bairnsdale.

The potential fire impacts would be from a more localised fire on the island as opposed to other areas within the Shire that may be threatened by large uninterrupted forest fires.

CLAUSE 53.02-3 DWELLINGS IN EXISTING SETTLEMENTS – BUSHFIRE PROTECTION OBJECTIVE

Objective

To specify bushfire design and construction measures for a single dwelling or alteration and extension to an existing dwelling that reduces the risk to life and property to an acceptable level.

Approved Measures

AM 1.1

A building is sited to ensure the site best achieves the following:

- The maximum separation distance between the building and the bushfire hazard.
- The building is in close proximity to a public road.
- Access can be provided to the building for emergency service vehicles.

Response:

The proposed dwelling has been centrally positioned on the site, and a new vehicle crossover and driveway to be developed to the east of the property.

The dwelling will be located on relatively flat land and can be easily accessed from the public road network which assists emergency personal to provide active protection.

The proposed vehicle crossing and driveway provides occupants and emergency services vehicles easy and convenient access.

It is noted that the subject land is located within close proximity of the Raymond Island Fire Station/ Hall.

Locational plan (Source: VicPlan)

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AM 1.2

A building provides the defensible space in accordance with Table 1 Columns A, B, C, D or E and Table 6 to Clause 53.02-5. Adjoining land may be included as defensible space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defensible space.

A building is constructed to the bushfire attack level:

- That corresponds to the defensible space provided in accordance with Table 1 to Clause 53.02-5, or
- The next lower bushfire attack level that corresponds to the defensible space provided in accordance with Table 1 to Clause 53.02-5 where all the following apply.
 - A private bushfire shelter (a Clause 10c building within the meaning of the Building Regulations 2006) is constructed on the same land as the dwelling.
 - A minimum bushfire attack level of BAL 12.5 is provided in all circumstances.

Response:

Within the surrounding 150 metre assessment area all of the land is considered to be low-threat having regard for the residential context.

Table 1 to Clause 53.02-5 prescribes that defensible space be provided for 50 metres or to the property boundaries, whichever is the lesser for low-threat vegetation with minimum construction standard of BAL-12.5.

The defensible space is prescribed within the Bushfire Management Plan to the property boundaries having regard for the presence of the surrounding low threat vegetation and to maximise protection to the building. Providing defensible space to the property boundaries also ensures that the owners of the land have the ability to manage and maintain the area on an ongoing basis. Vegetation on site will be managed in accordance with requirements of Table 6 to Clause 53.02-5 as prescribed on the Bushfire Management Plan.

AM 1.3

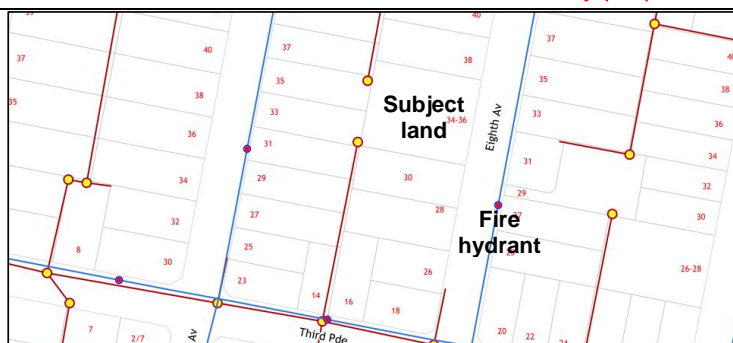
A building is provided with:

- A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.
- Vehicle access that is designed and constructed as specified in Table 5 to Cl. 53.02-5.

Response:

Given the site is above 1,000m² in area the accompanying Bushfire Management Plan prescribes the need for a static water supply of 10,000 litres.

However, we note a fire hydrant is located at the south-eastern area of Eighth Avenue close to the property. The placement of the dwelling centrally on the site ensures that the hydrant is within 120 metres of the western side (rear) of the building.



A remote water supply outlet is provided within 4m of the driveway to enable access to the static water supply for dedicated firefighting purposes. The length of access is less than 30m in length, but given the allotment exceeds 1,000m² appropriate access for fire fighting vehicles is required in accordance with Table 5 to Clause 53.02-5.

CLAUSE 53.02-4.4 SUBDIVISION OBJECTIVES

Clause 53.02-4.4 Objective

To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.

Approved Measures

AM 5.1

An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting:

- The defendable space in accordance with Column A, B or C of Table 2 to Clause 53.02-5.
- The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3

Response:

N/A - The subject land is zoned General Residential Zone and AM 5.2 applies.

AM 5.2

An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:

- Each lot satisfies the approved measure in **AM2.1**
- A building envelope for a single dwelling on each lot that complies with **AM 2.2** and provides defendable space in accordance with:
 - Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or
 - Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.

The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.

- Defendable space wholly contained within the boundaries of the proposed subdivision.
- Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space.

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- Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.
- Water supply and vehicle access that complies with **AM 4.1**.

Response:

The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.

To the north, south and west of the subject land the fire threat is minimal given the modified surrounds of the urban area and the Lake surrounds. The predominant bushfire risk is from the east, however limited given the inability for long fire runs. The classifiable vegetation outside the 150m assessment area to the east is classified as scrub given the presence of large areas of wetland heath. The subject land could be impacted by ember attack from a localised fire.

Within the subject land, proposed lots 1 and 2 are well separated from the classified vegetation to the east by low threat vegetation ranging from 140m to the east and 170m to the north-east.

Given the low threat vegetation surrounding the subject land in all directions defendable space to each lot will be to the property boundaries of each allotment.

Vegetation management requirements in Table 6 would need to be implemented to maintain the defendable space.

Should a replacement dwelling on lot 1 in the future be considered it is expected that the new dwelling be constructed to a BAL-12.5 consistent with Schedule 1 to the Overlay.

The new dwelling to be developed on lot 2 is to be constructed to a BAL-12.5 standard given possible ember attack.

A static water supply of 10,000 litres on both lots will need to be provided. The length of access is less than 30m, but due to each proposed allotment exceeding 1001m², fire authority vehicles must be able to get within 4m of the water supply outlet. The proposed design incorporates appropriate access.

AM 5.3

An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.

Response:

N/A – Only two lots proposed.

AM 5.4

A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

Response:

No public open space or communal areas will be developed.

The assessment against the requirements of Clause 53.02 Bushfire planning identifies that the risk to life and property can be mitigated, should a replacement dwelling on lot 1 be developed and for the new dwelling on lot 2.

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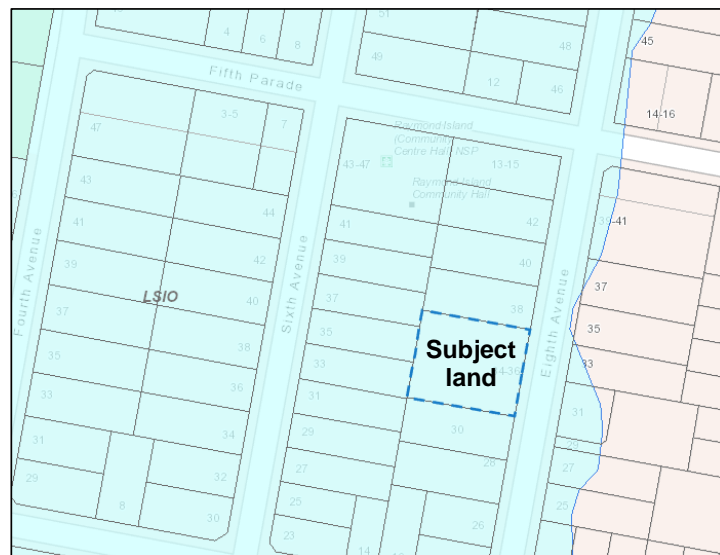
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6.4 Land Subject to Inundation Overlay

The subject land is included within the Land Subject to Inundation Overlay.



Planning scheme overlay mapping (Source: VicPlan)

The proposed dwelling responds well to the decision guidelines contained in the Overlay. Previous advice from the EGCMA indicates levels on the site range from 1.9m AHD to 2.2m AHD, meaning the maximum depth of flooding in a 1% ARI event is 0.1m (10 centimetres). The proposed dwelling has been designed to avoid the risk from flooding with raised finished floor levels to a minimum of 2.5 metres AHD, which exceeds that of many existing dwellings on the Island.

Flood risk to life, health and safety is appropriately mitigated for Raymond Island. Reliance on the Raymond Island Ferry Service ensures the residents of Raymond Island must make the decision to leave early as the ferry ceases operation when Lake levels rise by 0.70 metres.

The type of flooding experienced by Raymond Island is inundation rather than fast flowing riverine flooding. Advanced warning for Lakeside communities occurs in advance of an event given communities such as Sale, Stratford and Bairnsdale are subject to flooding prior to Lakeside communities. Furthermore, flood gauges within the major river systems provide prior notice of an event and the BOM provides alerts using the emergency alert telephone warning system.

The subdivision of the land will lead to minor intensification within an area identified as land subject to inundation. The subdivision is reflective of existing lots in the area and achieves Council's planning policy of providing for expansion within the urban area rather than further urban sprawl.

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7. Conclusion

The proposed two lot subdivision & development of a second dwelling at 34-36 Eighth Avenue, Raymond Island is considered to accord with all relevant provisions of the General Residential Zone, Design and Development Overlay 11, Bushfire Management Overlay 1 and Land Subject to Inundation Overlay of the East Gippsland Planning Scheme. The proposal is consistent with Planning Policy Framework and Municipal Planning Strategy and has been designed to complement the adjoining properties.

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

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**BUSHFIRE HAZARD
SITE ASSESSMENT**

PARISH OF BAIRNSDALE
TOWNSHIP OF RAYMOND ISLAND
SECTION 13
CROWN ALLOTMENT 3 (PART)

LOT 15 ON LPI8507

BAL 12.5	NORTH	EAST	SOUTH	WEST
SLOPE	FLAT	FLAT	FLAT	FLAT
VEG TYPE	LOW THREAT	LOW THREAT	LOW THREAT	LOW THREAT
SEPARATION DISTANCES*	50m/PB	50m/PB	50m/PB	50m/PB

*SEPARATION DISTANCES DERIVED FROM
TABLE 2 COLUMN A CLAUSE 55.02-5

MGA2020 ZONE 55



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FILENAME: Y:\20000-20999\20600-20699\20629 Mason-Jefferies\20629 BHSA V1.pro

A. & J. MASON-JEFFERIES
34-36 EIGHTH AVENUE, RAYMOND ISLAND

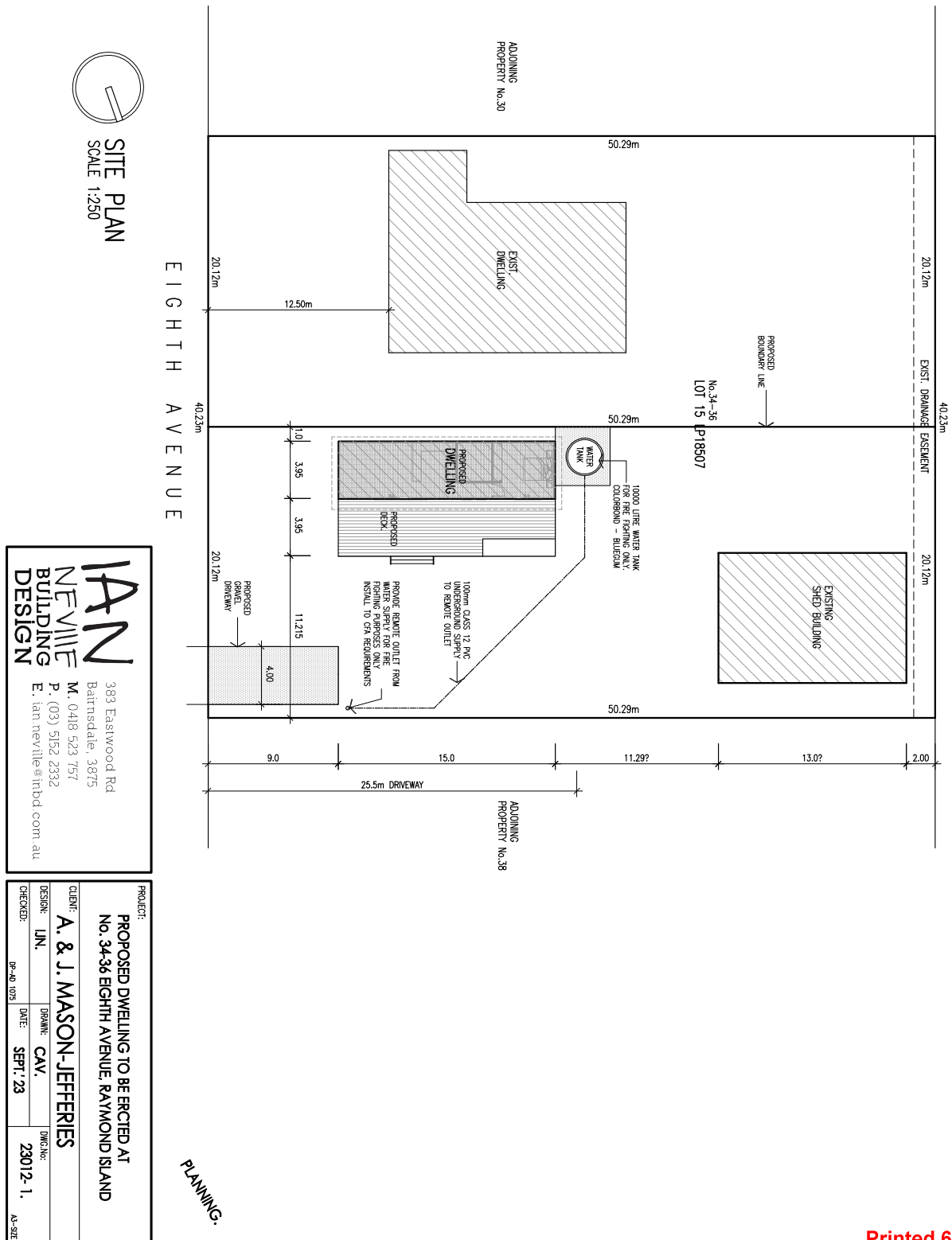
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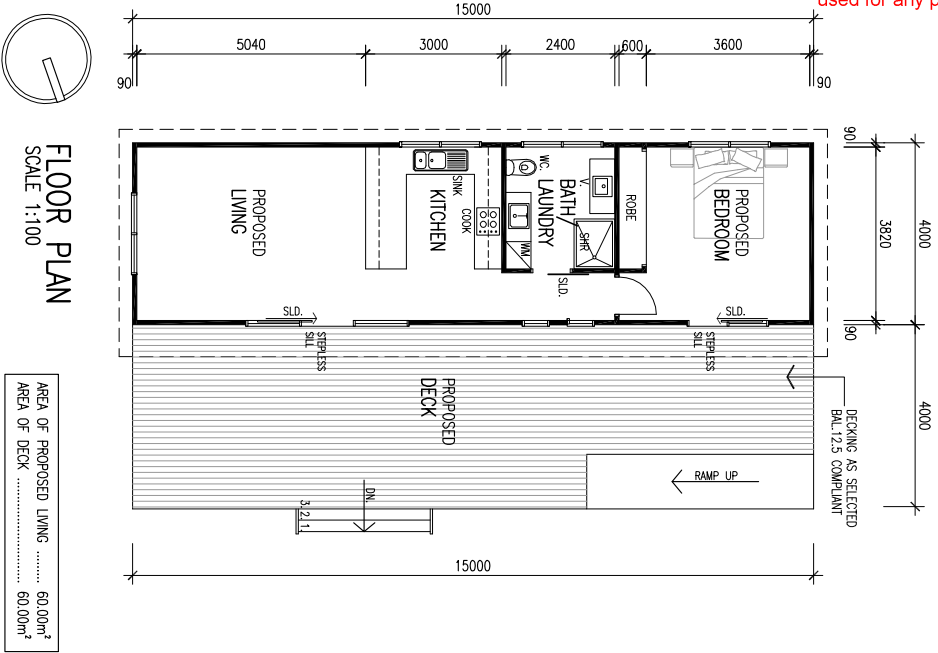
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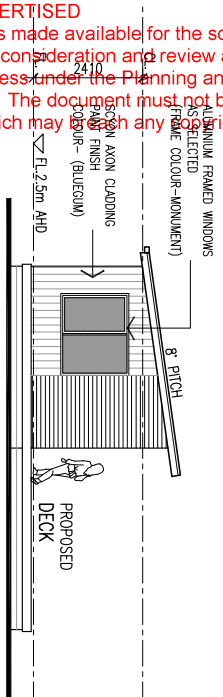
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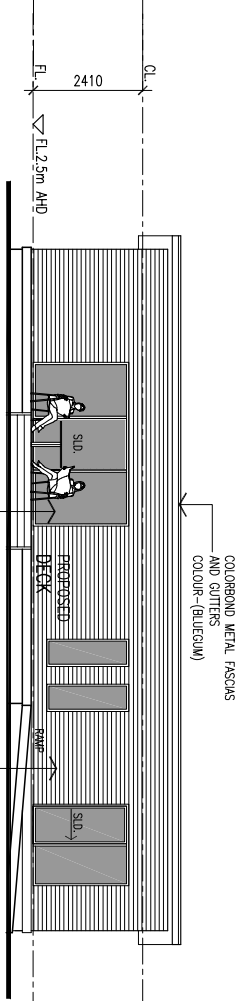
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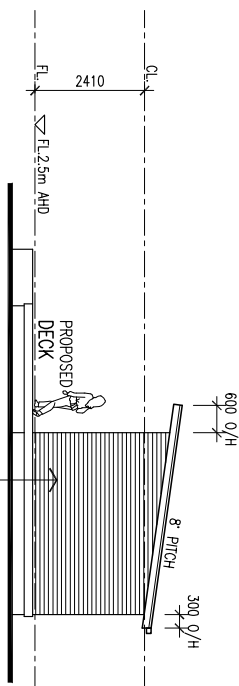
EAST ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100

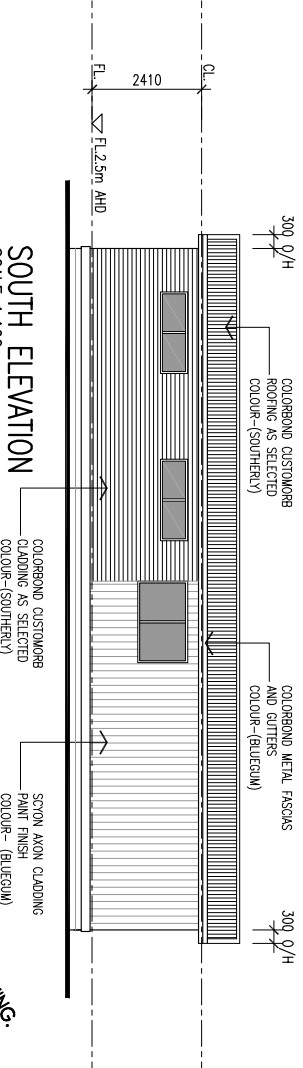


WEST ELEVATION
SCALE 1:100



NOTE -
ALL SELECTED EXTERNAL MATERIALS AND CONSTRUCTION IS TO PROVIDE MINIMUM CONSTRUCTION LEVEL TO COMPLY WITH AS 3959-2018 (BAL 125)

SOUTH ELEVATION
SCALE 1:100



IAN NEVILLE BUILDING DESIGN

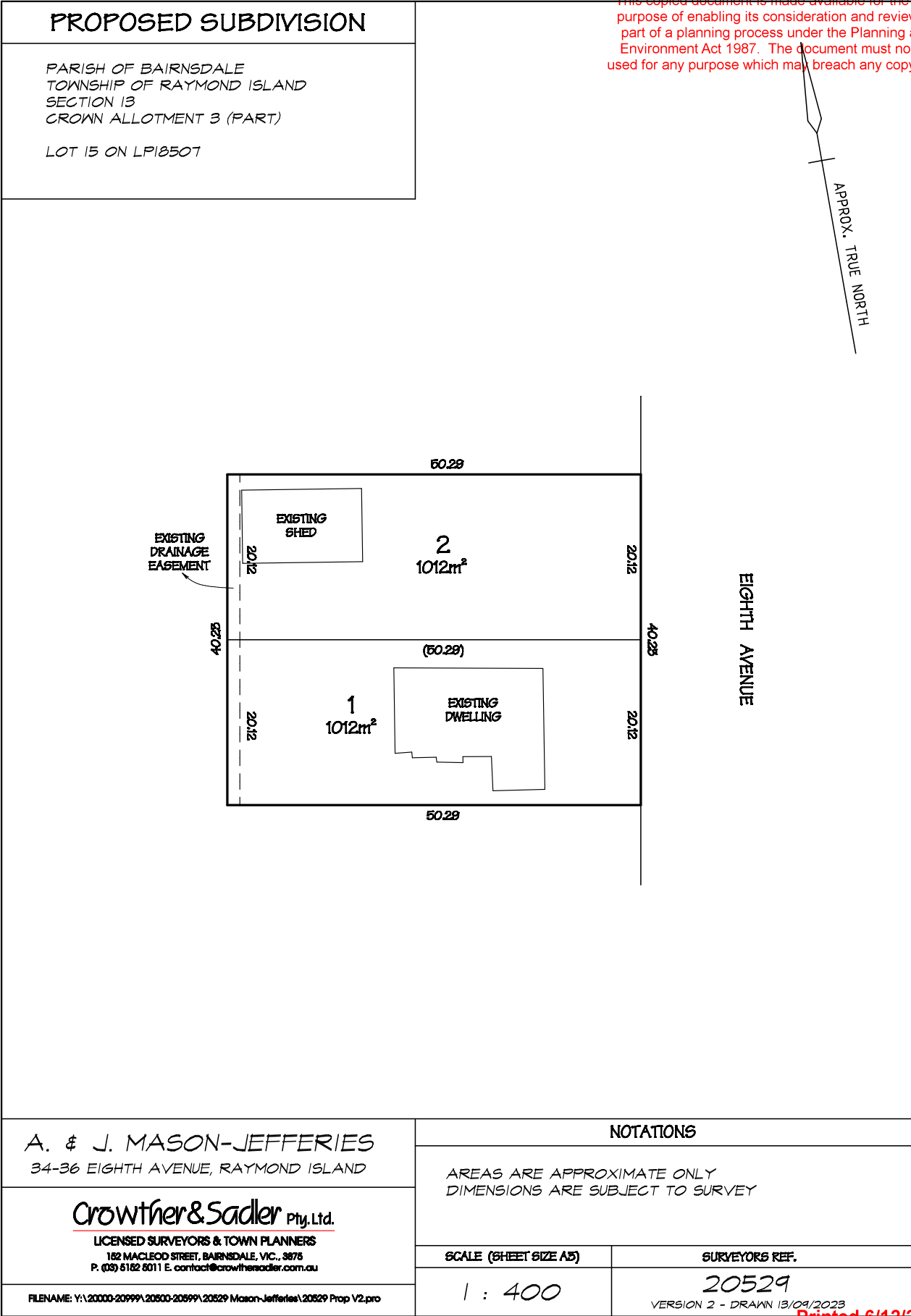
383 Eastwood Rd
Bairnsdale, 3875
M. 0418 523 757
P. (03) 5152 2332
E. ian.neville@nbd.com.au

PROJECT:
PROPOSED DWELLING TO BE ERCTED AT
NO. 34-36 EIGHTH AVENUE, RAYMOND ISLAND

CLIENT:
A. & J. MASON-JEFFERIES

DESIGN: I.N.	DRAWN: C.A.V.	DWG NO: 23012-2.
CHECKED: B.-M. 105	DATE: SEPT. 23	AS-SITE

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MANAGEMENT OF VEGETATION WITHIN THE AREA OF DEFENDABLE SPACE SHOWN

VEGETATION (AND OTHER FLAMMABLE MATERIALS) WILL BE MODIFIED AND MANAGED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS;

- GRASS MUST BE SHORT CROPPED AND MAINTAINED DURING THE DECLARED FIRE DANGER PERIOD.
- ALL LEAVES AND VEGETATION DEBRIS MUST BE REMOVED AT REGULAR INTERVALS DURING THE DECLARED FIRE DANGER PERIOD.
- WITHIN 10m OF A BUILDING, FLAMMABLE OBJECTS MUST NOT BE LOCATED CLOSE TO THE VULNERABLE PARTS OF THE BUILDING.
- PLANTS GREATER THAN 10 CENTIMETRES IN HEIGHT MUST NOT BE PLACED WITHIN 3m OF A WINDOW OR GLASS FEATURE OF THE BUILDING.
- SHRUBS MUST NOT BE LOCATED UNDER THE CANOPY OF TREES.
- INDIVIDUAL AND CLUMPS OF SHRUBS MUST NOT EXCEED 5m² IN AREA AND MUST BE SEPARATED BY AT LEAST 5m.
- TREES MUST NOT OVERHANG OR TOUCH ANY ELEMENTS OF THE BUILDING.
- THE CANOPY OF TREES MUST BE SEPARATED BY AT LEAST 5m.
- THERE MUST BE A CLEARANCE OF AT LEAST 2m BETWEEN THE LOWEST TREE BRANCHES AND GROUND LEVEL.

VEHICLE ACCESS

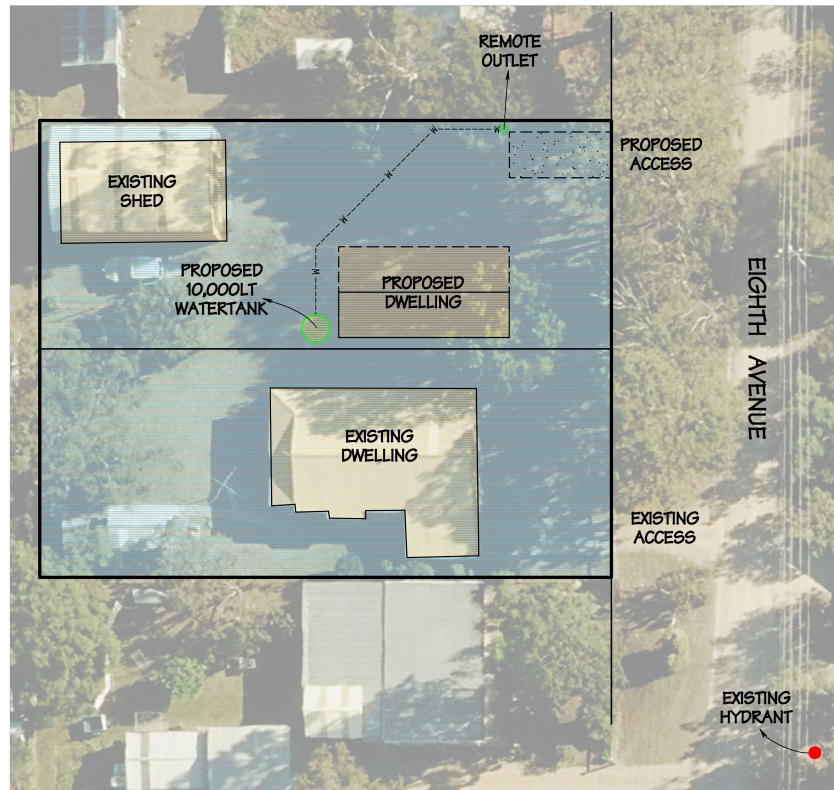
VEHICLE ACCESS TO THE DWELLING MUST BE PROVIDED FOR FIRE FIGHTING PURPOSES WHICH MEETS THE FOLLOWING REQUIREMENTS;

- MUST BE CONSTRUCTED SO THAT THEY ARE ACCESSIBLE IN ALL WEATHER CONDITIONS AND CAPABLE OF ACCOMMODATING A VEHICLE OF 15 TONNES FOR THE TRAFFICABLE WIDTH.
- HAVE A MINIMUM TRAFFICABLE WIDTH OF 3.5 METRES OF ALL-WEATHER CONSTRUCTION.
- CURVES MUST HAVE A MINIMUM INNER RADIUS OF 10m.
- THE AVERAGE GRADE MUST BE NO MORE THAN 1 IN 7 (14.4%) (8.1%) WITH A MAXIMUM OF NO MORE THAN 1 IN 5 (20%) (11.3%) FOR NO MORE THAN 50m.
- BE CLEAR OF ENCROACHMENTS FOR AT LEAST 0.5m ON EACH SIDE AND 4m ABOVE THE ACCESSWAY.
- DIPS MUST HAVE NO MORE THAN A 1 IN 8 (12.5%) (7.1%) ENTRY AND EXIT ANGLE.

CONSTRUCTION

THE CONSTRUCTION OF A DWELLING MUST BE DESIGNED & CONSTRUCTED TO A MINIMUM BUSHFIRE ATTACK LEVEL BAL-12.5 IN ACCORDANCE WITH AS 3959-2018

MGA94, ZONE 55



A. & J. MASON-JEFFERIES
34-36 EIGHTH AVENUE, RAYMOND ISLAND

Crowther & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
182 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5182 5011 E. contact@crowthersadler.com.au

FILENAME: Y:\20000-20999\20500-20599\20529 Mason-Jefferies\20529 BMP V1.pro

BUSHFIRE MANAGEMENT PLAN

PARISH OF BAIRNSDALE
TOWNSHIP OF RAYMOND ISLAND
SECTION 13
CROWN ALLOTMENT 3 (PART)

LOT 15 ON LP18507

SHEET 1 OF 2

PLAN REF.

20529-BMP
VERSION 1 - DRAWN 08/11/2023

SCALE (SHEET SIZE A3)

1 : 400

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WATER SUPPLY (WITH REMOTE OUTLET)

10,000 LITRES OF EFFECTIVE WATER SUPPLY FOR FIRE FIGHTING PURPOSES MUST BE PROVIDED WHICH MEETS THE FOLLOWING REQUIREMENTS:

- THE LOCATION OF THE REMOTE OUTLET MUST BE WITHIN 4m OF THE DRIVEWAY (OR OTHER SUITABLE "HARDSTAND").
- THE STATIC WATER SUPPLY MUST BE STORED IN AN ABOVE GROUND TANK CONSTRUCTED OF CONCRETE OR METAL.
- THE STATIC WATER SUPPLY MUST INCLUDE A SEPARATE OUTLET FOR THE PRIVATE USE OF THE OWNER/OCCUPIER OF THE LAND THAT INCORPORATES A BALL OR GATE VALVE.
- THE TANK MUST BE LOCATED TO ACHIEVE GRAVITY FEED FROM THE WATER TANK SUPPLY TO THE REMOTE OUTLET.
- ALL WATER PIPES AND FITTINGS INCLUDING THE TANK OUTLET TO THE REMOTE OUTLET STAND PIPE MUST BE A MINIMUM PIPE SIZE OF 100mm (CLASS A COPPER OR CLASS 12 PVC) OR 125mm PN 12.5 HDPE.
- THE STATIC WATER SUPPLY MUST BE PROVIDED WITH A SEPARATE OUTLET FOR THE CFA (CFA OUTLET) THAT INCLUDES A 64mm CFA 3 THREAD PER INCH MALE COUPLING.
- A 65mm BRITISH STANDARD PIPE (BSP) BALL OR GATE VALVE MUST BE PROVIDED AT THE CFA OUTLET TO CONTROL THE FLOW OF WATER TO THE CFA COUPLING. ANY OTHER VALVES BETWEEN THE CFA OUTLET AND THE TANK MUST BE LOCKED IN THE OPEN POSITION.

THE CFA OUTLET MUST BE:

- EASILY ACCESSIBLE BY A FIRE-FIGHTER IN THE EVENT OF A BUSHFIRE.
- CLEAR OF ALL VEGETATION FOR A DISTANCE OF 1.5 METRES.
- SETBACK FROM FLAMMABLE OBJECTS (INCLUDING TIMBER FENCES AND TIMBER RETAINING WALLS) FOR A MINIMUM DISTANCE OF 1.5 METRES.
- ORIENTED HORIZONTALLY.

THE CENTRELINE OF THE CFA OUTLET MUST BE:

- A MINIMUM OF 300mm AND MAXIMUM 600mm IN HEIGHT ABOVE THE FINISHED GROUND LEVEL.
- LOCATED BELOW THE LEVEL OF THE OUTLET ON THE TANK.
- THE RISER FOR THE CFA OUTLET MUST BE SUPPORTED BY A GALVANISED STEEL POST AT LEAST 50mm X 50mm OR EQUIVALENT WHICH IS CONCRETED IN THE GROUND TO A DEPTH OF AT LEAST 450mm.

THE CFA OUTLET MUST BE EASILY IDENTIFIABLE FROM DWELLING OR SIGNAGE MUST BE PROVIDED THAT MEETS THE FOLLOWING REQUIREMENTS:

- HAS AN ARROW POINTING TO THE LOCATION OF THE FIRE AUTHORITY OUTLET.

- HAS DIMENSIONS OF NOT LESS THAN 310mm HIGH AND 400mm LONG.

- IS RED IN COLOUR, WITH A BLUE REFLECTIVE MARKER ATTACHED.

- IS LABELLED WITH A "W" THAT IS NOT LESS THAN 15cm HIGH AND 3cm THICK.

THE CFA OUTLET MUST INCLUDE A FADE-RESISTANT OR ENGRAVED SIGN THAT:

- IS TO BE FIXED TO THE POST SUPPORTING THE FIRE AUTHORITY OUTLET RISER.

- HAS A MINIMUM HEIGHT OF AT LEAST 1m FROM THE GROUND SURFACE LEVEL.

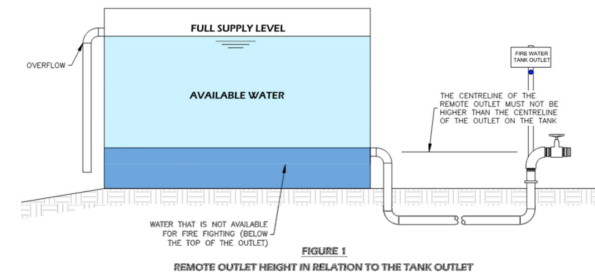
- INCLUDES THE WORDS "FIRE WATER TANK OUTLET" IN LETTERING THAT IS A MINIMUM OF 50mm IN HEIGHT AND WRITTEN IN A COLOUR CONTRASTING WITH THAT OF THE BACKGROUND.

- A BLUE REFLECTIVE DISC AT LEAST 50mm IN DIAMETER MUST BE ATTACHED TO THE POST HOLDING THE SIGN. THE BLUE REFLECTIVE DISK MUST BE LOCATED IMMEDIATELY BELOW THE SIGN.

- ALL BELOW-GROUND WATER PIPES MUST BE INSTALLED TO PROVIDE AT LEAST THE FOLLOWING COVER BELOW THE FINISHED SURFACE: 300mm FOR PIPES SUBJECT TO VEHICLE TRAFFIC; 75mm FOR PIPES UNDER DWELLINGS OR CONCRETE SLABS; AND 225mm FOR ALL OTHER LOCATIONS.



EXAMPLE OF CFA ONLY REMOTE OUTLET



A. & J. MASON-JEFFERIES
34-36 EIGHTH AVENUE, RAYMOND ISLAND

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FILENAME: Y:\20000-20999\20500-20599\20529 Mason-Jefferies\20529 BMP V1.pro

BUSHFIRE MANAGEMENT PLAN

PARISH OF BAIRNSDALE
TOWNSHIP OF RAYMOND ISLAND
SECTION 13
CROWN ALLOTMENT 3 (PART)

LOT 15 ON LP18507

PLAN REF.

20529-BMP
VERSION 1 - DRAWN 08/11/2023

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SHEET 2 OF 2

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**BUSHFIRE HAZARD
SITE ASSESSMENT**

PARISH OF BAIRNSDALE
TOWNSHIP OF RAYMOND ISLAND
SECTION 13
CROWN ALLOTMENT 3 (PART)

LOT 15 ON LPI8507

BAL 12.5	NORTH	EAST	SOUTH	WEST
SLOPE	FLAT	FLAT	FLAT	FLAT
VEG TYPE	LOW THREAT	LOW THREAT	LOW THREAT	LOW THREAT
SEPARATION DISTANCES*	50m/PB	50m/PB	50m/PB	50m/PB

*SEPARATION DISTANCES DERIVED FROM
TABLE 2 COLUMN A CLAUSE 55.02-5

MGA2020 ZONE 55

Crowther & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3075
P. (03) 6182 8011 E. contact@crowthersadler.com.au

FILENAME: Y:\20000-20999\20600-20699\20629 Mason-Jefferies\20629 BHSA V1.pro

A. & J. MASON-JEFFERIES
34-36 EIGHTH AVENUE, RAYMOND ISLAND

SCALE (SHEET SIZE A3)	SURVEYORS REF.
1 : 2000	20529 VERSION 1 - REVISED 2023

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East Gippsland Shire Council - Agenda
Council Meeting - Tuesday 6 August 2024

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574 Main Street
(PO Box 1012)
Bairnsdale Vic 3875

EGCMA Ref: EGCMA-F-2023-00295
Document No: 1
Date: 21 December 2023

Kyra Collins
Planning Officer
East Gippsland

Dear Kyra,

Planning Permit Application No.: 5.2023.454.1

Property **Street:** 34-36 Eighth Avenue Raymond Island Vic 3880
 Cadastral: Lot 15 LP18507, Parish of Bairnsdale

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

I refer to your correspondence received at the East Gippsland Catchment Management Authority ('the Authority') on 6 December 2023 in accordance with the provisions of section 55 of the *Planning and Environment Act 1987*. The Authority notes that the application is for a two-lot subdivision and building and works for the construction of a second dwelling.

The 1% Annual Exceedance Probability (AEP) flood level (commonly known as the 1 in 100 year flood) under current climatic conditions is 2.0 metres Australian Height Datum (AHD.) Under future climatic conditions this level increases to 2.8 metres AHD.

The applicable 1% AEP flood level for this property is 2.0 metres AHD.

Figure 1 in the attached explanatory report indicates that the property will largely remain flood free under current climatic conditions, however planning policy also requires an assessment of the vehicle egress route from the property to a location where emergency relief services can be accessed. For Raymond Island residents, this means evacuation from the island to Paynesville. The cumulative impact of each additional subdivision on Raymond Island adds a significant burden to emergency service agencies during a flood event.

The Authority is recommending referral authority for this application pursuant to section 56(1) of the *Planning and Environment Act 1987*. The Authority **objects** to the issue of a planning permit based on the following grounds:

1. The proposal is not consistent with the objective of clause 13.01-1S "Natural hazards and climate change" of the Planning Policy Framework (PPF) which seeks to "minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning" through strategies including:
 - Respond to the risks associated with climate change in planning and management decision making processes.
 - Direct population growth and development to low-risk locations.

East Gippsland statutory function matters are managed in partnership with West Gippsland CMA.
Call 1300 094 262 | Email planning@wgcma.vic.gov.au | Website www.egcma.com.au

We acknowledge the Traditional Owners of Country throughout East Gippsland and pay our respects to them, their Culture and their Elders past, present and future.

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2. The proposal is not consistent with the objective of clause 13.01-2S "Coastal inundation and erosion" of the Planning Policy Framework (PPF) which seeks to "plan for and manage coastal hazard risk and climate change impacts" through strategies including:
 - Plan for sea level rise of not less than 0.8 metres by 2100 and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.
 - Avoid use and development in areas vulnerable to coastal inundation and erosion.
3. The proposal is not consistent with the objective of clause 13.03-1S "Floodplain management" of the Planning Policy Framework (PPF) which seeks to "assist the protection of: life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows; the natural flood carrying capacity of rivers, streams and floodways; the flood storage function of floodplains and waterways; floodplain areas of environmental significance or of importance to river, wetland or coastal health" through strategies such as:
 - Avoid intensifying the impact of flooding through inappropriately located use and development.
 - Plan for the cumulative impacts of use and development on flood behaviour.
4. The proposal is not consistent with the East Gippsland Catchment Management Authority policy for development viability in coastal areas in accordance with the *Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise* (DSE, 2012).
5. The proposal is not consistent with the purpose of clause 44.04 "Land subject to inundation overlay" of the Planning Policy Framework (PPF) which seeks to "ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity."
6. The proposal is not consistent with the decision guidelines in the Victorian Planning Provision (VPP) Planning Practice Note *PPN11: Applying for a Planning Permit Under the Flood Provisions*, in that:
 - a. It is not consistent with the Planning Policy Framework (PPF).
 - b. It relies on low-level access to and from the site.
 - c. It is likely to increase the burden on emergency services and the risk to emergency personnel.
 - d. It is likely to increase the amount of flood damage to public or private assets.

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

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

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Should you have any queries, please do not hesitate to contact Penny Phillipson on 1300 094 262 or email planning@wgcma.vic.gov.au. To assist the Authority in handling any enquiries please quote **EGCMA-F-2023-00295** in your correspondence with us.

Yours sincerely,



Bec Hemming
Chief Executive Officer

Cc: MASJEFF Pty Ltd C/- Crowther & Sadler Pty Ltd (contact@crowthersadler.com.au)

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

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EXPLANATORY REPORT

Figure 1 – Designated waterways and 1% AEP flood extent**Decision Guidelines**

The East Gippsland Catchment Management Authority assesses all applications against the following national, state, and local policies, guidelines, and practice notes:

1. [Australian Disaster Resilience Guideline 7-3 Flood Hazard](#) (AIDR, 2017)
2. [Victorian Floodplain Management Strategy](#) (Victoria State Government, 2016)
3. [Council Planning Schemes](#) including the:
 - i. Planning Policy Framework
 - ii. Local Planning Policy Framework
 - iii. Relevant Zones and Overlays
4. [Guidelines for Coastal Catchment Management Authorities: Assessing development in relation to sea level rise](#) (DSE, 2012)
5. [PPN11: Applying for a Planning Permit under the Flood Provisions](#) (DELWP, 2015)
6. [East Gippsland Waterway Strategy](#) (EGCMA, 2014-2022)
7. [East Gippsland Regional Catchment Strategy](#) (EGCMA, 2022)
8. [East Gippsland Floodplain Management Strategy](#) (EGCMA, 2017)

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Table 1 – Flood Data

	Current conditions
1% AEP flood level – property	2.0 m AHD
Lowest land elevation – property	1.9 m AHD
Highest land elevation – property	2.2 m AHD
Lowest land elevation – road (evacuation route)	1.0 m AHD
FLOOD DEPTH	
Minimum depth of flooding on property	0.0 m
Maximum depth of flooding on property	0.1 m
Percentage of property flooded	5%
Maximum flood depth on road (evacuation route)	1.0 m
FLOOD VELOCITY	
Maximum flow velocity for the purposes of the Building Code of Australia (Construction of Buildings in Flood Hazard Areas)	Unknown
HAZARD ASSESSMENT	
Hazard category – property	Low
Hazard category – road	High

1% AEP Flood Level Determination

Floods are classified by the frequency at which they are likely to occur. In Victoria, all proposals for development on floodplains are assessed against a flood that, on average, will occur once every 100 years. A flood of this size has a 1% chance of occurring in any given year and is known as either the 100 year Average Recurrence Interval (ARI) flood or the 1% Annual Exceedance Probability (AEP) flood.

Please note that the 1% AEP flood is the minimum standard for planning in Victoria and is not the largest flood that could occur. There is always a possibility that a flood larger in height and extent than the 1% AEP flood may occur in the future.

Flood levels for the 1% AEP flood event have been declared for this area under the *Water Act 1989*. The declared 1% AEP flood level for this location is 2.0 metres AHD which was obtained from the *Gippsland Lakes Flood Level Modelling Project* (2004).

The Authority holds no information in relation to the arrangement and capacity of stormwater drainage infrastructure in the area and recommends that you contact Council for more information.

Flood Hazard Assessment

In accordance with East Gippsland Catchment Management Authority policy, where flood depth during a 1% AEP flood event is likely to exceed 0.5 metres over a property **or** 0.8 metres over the vehicle egress route from the property, a proposal that seeks to intensify development through the creation of additional lots or dwellings at a property is not supported as it would expose additional people and property to the flood hazard.

Table 1 demonstrates that the above criteria are **not met**.

The Authority is unable to support the development.

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Definitions and Disclaimers

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

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

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



cfa.vic.gov.au

Patron: Her Excellency Professor the Honourable Margaret Gardner AC, Governor of Victoria

CFA Community Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: 11000-486861-133310
Council Ref: 5.2023.454.1

22 December 2023

Kyra Collins
East Gippsland Shire Council
PO BOX 1618
BAIRNSDALE VIC 3875

Dear Kyra,

CONDITIONAL CONSENT TO THE GRANT OF A PERMIT

Application No: 5.2023.454.1
Site Address: 34-36 Eighth Avenue Raymond Island
Proposal: TWO LOT SUBDIVISION & 2ND DWELLING IN BMO

I refer to correspondence received on 6 December 2023 seeking comments on the above application.

CFA acting as a Referral Authority pursuant to section 55 of the *Planning and Environment Act, 1987 (Act)* has considered and does not object to the grant of a permit for the above proposal subject to –

- Any mandatory conditions specified within the planning scheme; and
- The following conditions being included on any planning permit that may be issued.

– Start of Conditions –

1. Endorsement of Bushfire Management Plan

Before the development starts, the Bushfire Management Plan 20529-BMP Version 1 – Drawn 08/11/2023 and prepared by Crowther & Sadler Pty Ltd, must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

– End of Conditions –

Further comments

CFA does not require the preparation of an agreement under Section 173 of the Act for the subdivision as specified within Clause 44.06-5.

OUR COMMUNITY • OUR CFA

Certification and Statement of Compliance

CFA consents under Section 9 of the *Subdivision Act 1988* to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the *Subdivision Act 1988*.

CFA also consents to the Statement of Compliance for Subdivision under the *Subdivision Act 1988*.

If you wish to discuss this matter in more detail, please do not hesitate to contact Mark Sacco on 0438 743 126.

Yours sincerely



Justin Meli
Bushfire Planning Coordinator
Fire Risk, Research & Community Preparedness

cc: Crowther & Sadler Pty Ltd

Relevant planning scheme considerations 34-36 Eighth Avenue, Raymond Island

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Permissions Sought

The application seeks approval for the following at 34-36 Eighth Avenue, Raymond Island, in accordance with the submitted plans:

Planning Scheme Clause No.	Description of what is allowed, in accordance with the endorsed plans
32.08-3 (GRZ1)	Subdivide land
32.08-6 (GRZ1)	Construct a second dwelling on a lot
43.02-2 (DDO)	Construct a building or construct or carry out works
43.02-3 (DDO)	Subdivide land
44.04-2 (LSIO)	Construct a building or construct or carry out works
44.04-3 (LSIO)	Subdivide land
44.06-2 (BMO)	Construct a building or construct or carry out works
44.06-2 (BMO)	Subdivide land

The Planning Policy Framework

11 SETTLEMENT

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *A high standard of environmental sustainability, urban design and amenity.*
- *Climate change adaptation and mitigation.*
- *Protecting, conserving and improving biodiversity, waterways and other natural resources.*

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

11.02-1S Supply of urban land

Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Strategies

Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.

Ensure that sufficient land is available to meet forecast demand.

Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.

Planning for urban growth should consider:

- *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
- *Neighbourhood character and landscape considerations.*
- *The limits of land capability and natural hazards and environmental quality.*
- *Service limitations and the costs of providing infrastructure.*
- *Monitor development trends and land supply and demand for housing and industry.*

11.03-4S Coastal settlement

Objective

To plan for sustainable coastal development.

Strategies

Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.

Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Minimise linear urban sprawl along the coastal edge and ribbon development in rural landscapes.

Protect areas between settlements for non-urban use.

Limit development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.

Encourage the restructure of old and inappropriate subdivisions to reduce development impacts on the environment.

Ensure a sustainable water supply, stormwater management and sewerage treatment for all development.

Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

Prevent the development of new residential canal estates.

Policy documents

Consider as relevant:

- *Gippsland Regional Growth Plan (Victorian Government, 2014)*
- *Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)*
- *Marine and Coastal Strategy (Department of Environment, Land, Water and Planning, 2022)*
- *Siting and Design Guidelines for Structures on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020)*

11.03-4L-03 Raymond Island

Policy application

This policy applies to all land in the Raymond Island Framework Plan to this clause.

Strategies

Protect and maintain the well vegetated coastal settlement and low intensity character of Raymond Island.

Limit new low intensity development on Raymond Island as an attractive visitor destination for nature based tourism experiences.

Contain residential and low density residential development to currently zoned areas.

Encourage the use of indigenous planting on private land.

Facilitate low impact, small scale and environmentally friendly tourist accommodation.



Raymond Island Framework Plan

12 ENVIRONMENTAL AND LANDSCAPE VALUES

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, Australia's Strategy for Nature 2019-2030, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.

12.01 BIODIVERSITY

12.01-1S Protection of biodiversity

Objective

To protect and enhance Victoria's biodiversity.

Strategies

Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.

Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.

Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:

- *Cumulative impacts.*
- *Fragmentation of habitat.*
- *The spread of pest plants, animals and pathogens into natural ecosystems.*

Avoid impacts of land use and development on important areas of biodiversity.

Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).

Assist in the identification, protection and management of important areas of biodiversity.

Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.

Support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.

Policy guidelines

Consider as relevant:

- *State biodiversity information maintained by the Department of Energy, Environment and Climate Action.*

Policy documents

Consider as relevant:

- Any applicable biodiversity strategies, including the relevant Regional Catchment Strategy (prepared under Part 4 of the Catchment and Land Protection Act 1994)
- Biodiversity Conservation Strategy for Melbourne's Growth Corridors (Department of Environment and Primary Industries, 2013)
- Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)
- Protecting Victoria's Environment – Biodiversity 2037 (Department of Environment, Land, Water and Planning, 2017)
- Victorian Waterway Management Strategy (Department of Environment and Primary Industries, 2013)

12.01-2S Native vegetation management

Objective

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Strategies

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):

Avoid the removal, destruction or lopping of native vegetation.

Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.

Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

Policy guidelines

Consider as relevant:

- State biodiversity information maintained by the Department of Energy, Environment and Climate Action.

Policy documents

Consider as relevant:

- Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)
- Assessor's handbook – applications to remove, destroy or lop native vegetation (Department of Environment, Land, Water and Planning, 2017)

12.02-1L Protection of coastal areas

Strategies

Minimise the environmental impacts of use or development on coastal land.

Manage the coastal foreshore for environmental protection, preservation of landscape quality.

Manage public and private land on and adjacent to the coast for a range of activities and for public access to foreshore, lake and estuary recreation areas.

Develop privately owned coastal areas in sympathy with the values of adjoining or nearby Crown land.

Encourage developers to restore foreshore values on Crown land.
Protect foreshore and lakeshore reserves and river frontages to retain public access for recreation purposes.
Direct major developments in coastal areas to the 'activity nodes' defined in the Victorian Coastal Strategy (Victorian Coastal Council, 2014).
Provide public access to foreshore Crown land at designated locations through access roads, tracks, boardwalks and paths.
Encourage shared or multiple use of sites and facilities on public coastal land.
Protect and enhance coastal wetlands identified under the Ramsar Convention.

12.05 SIGNIFICANT ENVIRONMENTS AND LANDSCAPES

12.05-1S Environmentally sensitive areas

Objective

To protect and conserve environmentally sensitive areas.

Strategies

Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values. These areas include ..., the Gippsland Lakes and its foreshore, the coastal areas and their foreshores.....

12.05-1L Environmentally sensitive areas

Objective

To protect and enhance environmental, cultural and aesthetic values within East Gippsland.

Strategies

Protect and enhance sites of significance including those referenced on the map to this clause for their ecological, biophysical, geomorphological/geological, cultural, Aboriginal, aesthetic and archaeological values.

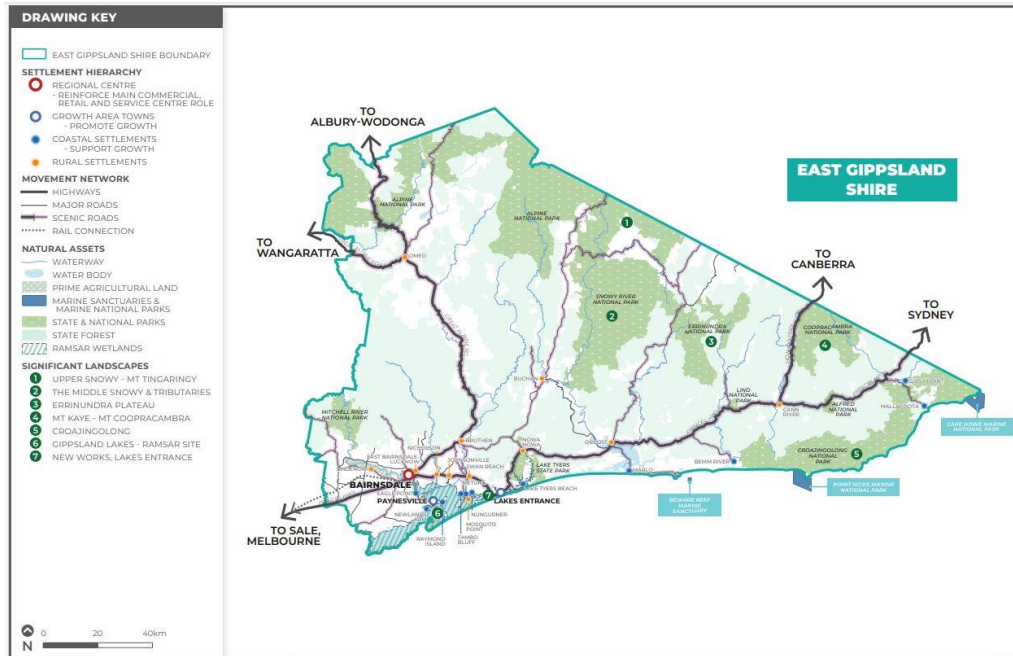
Design development in significant landscape areas including those referenced on the map to this clause that is sympathetic to the character of the area and preserves its aesthetic values.

Protect and enhance landscapes, important vistas and visual and environmental qualities of coastal, lakeshore and river-frontage areas, townships, recreation activity centres through responsive siting and design.

Protect areas of high landscape sensitivity including visually prominent ridgelines, areas adjacent to the coastline, lakes or rivers and remnant vegetation in cleared areas, views from significant lookout points and scenic roads including those referenced on the map to this clause.

Protect landscapes with high aesthetic or cultural values as identified by the National Trust of Australia on the map to this clause.

Minimise the impacts of use or development on land adjacent to National Parks, State Forests, Coastal Parks or other Crown Land.



Strategic Framework Plan Map

12.05-2S Landscapes

Objective

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Strategies

Ensure significant landscape areas such as forests, the bays and coastlines are protected.
 Ensure development does not detract from the natural qualities of significant landscape areas.
 Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.
 Recognise the natural landscape for its aesthetic value and as a fully functioning system.
 Ensure important natural features are protected and enhanced.

13 ENVIRONMENTAL RISKS AND AMENITY

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

Land use and development compatibility.

Effective controls to prevent or mitigate significant impacts.

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change.

13.01 CLIMATE CHANGE IMPACTS

13.01-1S Natural hazards and climate change

Objective

To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

Strategies

Respond to the risks associated with climate change in planning and management decision making processes.

Identify at risk areas using the best available data and climate change science.

Integrate strategic land use planning with emergency management decision making.

Direct population growth and development to low risk locations.

Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.

Ensure planning controls allow for risk mitigation and climate change adaptation strategies to be implemented.

Site and design development to minimise risk to life, health, property, the natural environment and community infrastructure from natural hazards.

Policy guidelines

Consider as relevant:

- *Climate change data and information maintained by the Department of Energy, Environment and Climate Action.*
- *Adaptation action plans prepared under Division 2 of Part 5 of the Climate Change Act 2017.*

Policy documents

Consider as relevant:

- *Climate science report prepared under Part 6 of the Climate Change Act 2017*

13.01-2S Coastal inundation and erosion

Objective

To plan for and manage coastal hazard risk and climate change impacts.

Strategies

Plan for sea level rise of not less than 0.8 metres by 2100 and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.

Ensure that land subject to hazards is identified and appropriately managed to ensure that future use and development is not at risk.

Avoid use and development in areas vulnerable to coastal inundation and erosion.

Respond to marine and coastal processes in the context of the coastal compartment type.

Assess the effectiveness, costs, benefits, impacts (direct, cumulative and synergistic) and path dependency of available adaptation options in the following order:

1. *non-intervention*

2. avoid
3. nature-based methods
4. accommodate
5. retreat
6. protect

Ensure that development or protective works that seek to respond to coastal hazard risks avoid detrimental impacts on coastal processes.

Policy guidelines

Consider as relevant:

- *Any applicable Victorian Environmental Assessment Council recommendations.*
- *Any applicable Regional and Strategic Partnership Product, environmental management plan or coastal and marine management plan approved under the Marine and Coastal Act 2018 or National Parks Act 1975.*
- *Any coastal erosion advice required under section 75 of the Marine and Coastal Act 2018.*
- *Local coastal hazard assessments and localised projections.*

Policy documents

Consider as relevant:

- *Any applicable adaptation action plan prepared under the Climate Change Act 2017*
- *Guidelines for Coastal Catchment Management Authorities: Assessing Development in relation to Sea Level Rise (June, 2012)*
- *Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)*
- *Marine and Coastal Strategy (Department of Environment, Land, Water and Planning, 2022)*
- *Planning for Sea Level Rise Guidelines, Port Phillip and Westernport Region (Melbourne Water, 2017)*
- *Siting and Design Guidelines for Structures on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020)*
- *The Victorian Coastal Hazard Guide (Department of Sustainability and Environment, 2012)*

13.02 BUSHFIRE

13.02-1S Bushfire planning

Policy application

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- *Within a designated bushfire prone area;*
- *Subject to a Bushfire Management Overlay; or*
- *Proposed to be used or developed in a way that may create a bushfire hazard.*

Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies

Protection of human life

Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

Bushfire hazard identification and assessment

Identify bushfire hazard and undertake appropriate risk assessment by:

- *Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.*
- *Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.*
- *Applying the Bushfire Management Overlay to areas where the extent of vegetation can create an extreme bushfire hazard.*
- *Considering and assessing the bushfire hazard on the basis of:*
 - *Landscape conditions - meaning conditions in the landscape within 20 kilometres (and potentially up to 75 kilometres) of a site;*
 - *Local conditions - meaning conditions in the area within approximately 1 kilometre of a site;*
 - *Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and*
 - *The site for the development.*
- *Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.*
- *Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.*
- *Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.*

Settlement planning

Plan to strengthen the resilience of settlements and communities and prioritise protection of human life by:

- *Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).*
- *Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018) where human life can be better protected from the effects of bushfire.*
- *Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.*
- *Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reducing bushfire risk overall.*

- Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale destruction.
- Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.
- Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018).

Areas of biodiversity conservation value

Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:

- Subdivisions of more than 10 lots.
- Accommodation.

When assessing a planning permit application for the above uses and development:

- Consider the risk of bushfire to people, property and community infrastructure.
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

Policy guidelines

Consider as relevant:

- Any applicable approved state, regional and municipal fire prevention plan.

Policy documents

Consider as relevant:

- AS 3959-2018 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2018)
- Building in bushfire-prone areas - CSIRO & Standards Australia (SAA HB36-1993, 1993)
- Any bushfire prone area map prepared under the Building Act 1993 or regulations made under that Act

13.03 FLOODPLAINS

13.03-1S Floodplain management

Objective

To assist the protection of:

- Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.

- *Floodplain areas of environmental significance or of importance to river, wetland or coastal health.*

Strategies

Identify land affected by flooding, including land inundated by the 1 in 100 year flood event (1 per cent Annual Exceedance Probability) or as determined by the floodplain management authority in planning schemes.

Avoid intensifying the impact of flooding through inappropriately located use and development.

Plan for the cumulative impacts of use and development on flood behaviour.

Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters, child care centres and schools) outside the 1 in 100 year (1 per cent Annual Exceedance Probability) floodplain and, where possible, at levels above the height of the probable maximum flood.

Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

Ensure land use on floodplains minimises 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.

Policy guidelines

Consider as relevant:

- *Regional catchment strategies and special area plans approved by the Minister for Environment or Minister for Water.*
- *Any floodplain management manual or guideline of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority.*
- *Any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority.*

Policy documents

Consider as relevant:

- *Victorian Floodplain Management Strategy (Department of Environment, Land, Water and Planning, 2016)*

13.03-1L Floodplain management

Policy application

This policy applies to all land within the Land Subject to Inundation Overlay (LSIO).

Strategies

- *Direct use and development to locations that minimise its vulnerability to the threat of flood.*
- *Minimise development on flood prone land to reduce the likelihood of impeding or redirecting floodwaters.*

16 HOUSING

Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include the provision of land for affordable housing.

16.01 RESIDENTIAL DEVELOPMENT

16.01-1S Housing supply

Objective

To facilitate well-located, integrated and diverse housing that meets community needs.

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.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Identify opportunities for increased residential densities to help consolidate urban areas.

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-served locations.*

16.01-2L Location of residential development

Strategies

Encourage residential development in locations that minimises negative impacts on the Shire's urban waterways.

Zone Controls

General Residential Zone

Permit requirement

Under this zone a permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- *Must meet all of the objectives included in the clauses specified in the following table.*
- *Should meet all of the standards included in the clauses specified in the following table.*

Class of subdivision	Objectives and standards to be met
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

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

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.*

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*

GRZ 1 Assessment

The application requires a permit under the zone for subdivision and development of a second dwelling. Both considerations have particular provisions which are assessed in further detail in this report.

Other than those provisions, there is a requirement to assess garden area, which is suitably met.

The proposal is appropriate to be approved in the general residential zone.

Overlay Controls

Design and Development Overlay – Schedule 11

Permit requirement

Under this Overlay a permit is required to subdivide land.

A future dwelling on lot 1 will be subject to a permit for buildings and works where the proposed building -

- *footprint is greater than 300 square metres; and/or*
- *height is greater than 7.5 metres above natural ground level measured within the building footprint.*

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

SCHEDULE 11 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY RESIDENTIAL DEVELOPMENT IN COASTAL SETTLEMENTS

1.0 Design objectives

To protect and manage the township character of coastal settlements.

To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.

To ensure that new development is designed to minimise visual impacts on the natural landscape.

To ensure that new development is visually and physically integrated with the site and surrounding landscape.

To ensure that new development is sited and designed to be visually unobtrusive through and above the surrounding tree canopy when viewed from nearby streets, lakes, coastal areas, or other distant viewpoints.

To protect the vegetated character of the landscape, particularly where it is a dominant visual and environmental feature.

2.0 Buildings and works

A permit is not required to construct a building or carry out works other than in the circumstances specified in the following table.

Settlement	Building height above natural ground level measured within the building footprint	Total area of proposed works on a site (exclusive of building footprint) except within an approved building envelope	Total building footprint proposed on a site except within an approved building envelope	Slope of land where works are to be carried out
Raymond Island	Greater than 7.5 metres	Greater than 150 square metres	Greater than 300 square metres	

For the purpose of this provision, 'total building area' or 'total area of proposed works on a site' is inclusive of existing buildings or works to be retained.

5.0 Application requirements

An application for buildings and works must include the following information:

- The location of any proposed buildings clearly dimensioned on its allotment.*
- Information that describes how the proposal achieves the design outcomes for the settlement as outlined in the decision guidelines of this schedule, in the form of a neighbourhood and site description, and design response.*
- The location, type and size of any vegetation to be removed.*
- Sufficient spot heights to enable the slope of the site and the slope of the works area(s) to be determined.*
- The location, dimensions and depth of any proposed excavations or fill.*
- The colour, finishes and materials to be used on all external surfaces, including the roof.*
- Proposed new planting or site landscaping works.*

6.0 Decision guidelines

Before deciding on an application, the responsible authority must consider, where appropriate:

- The design objectives of this schedule.*
- The vision statements, objectives and strategies at Clause 21.06-2, Strategies for Sub-regions, Towns and Localities (Lakes & Coastal).*

- Any relevant siting and design guidelines prepared by the Victorian Coastal Council or the Gippsland Coastal Board.
- Any design guidelines established for the site through covenants, Section 173 Agreements or similar statutory mechanisms.
- The extent of any vegetation to be cleared and the impact of that clearance on the landscape setting of the locality.
- The need for and purpose of proposed vegetation removal.
- Whether the buildings and works are sited and designed to avoid impacts from retained vegetation.
- Whether the proposal is well integrated with the landscape through the planting of new and replacement indigenous or native trees and understorey.
- Whether the form, design and details of the building are compatible with the landscape setting and the character of nearby or adjacent buildings.
- Whether the building materials and colours are low-reflective and reduce contrast with the landscape and distant visibility.
- The effect of the bulk, siting and design of any proposed building on the general appearance of the area, particularly when viewed from adjacent waterways, beaches, tourist routes or viewpoints.
- Whether the roof form of the building sits generally below the prevailing tree canopy.
- Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.
- Whether, in locations adjacent to the coast or the coastal reserve, the building demonstrates a high standard of 'light weight' contemporary design (i.e. avoiding predominantly heavy masonry construction, utilising a mix of visually lighter building materials, and using elements such as timber decks and balconies etc.), and is well screened from the water and beach areas.
- The impact of any new development on adjoining public land.

In relation to a proposed subdivision:

- The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area, including the effect on streamlines, foreshores, wetlands, areas of remnant vegetation or areas prone to erosion.
- The need to contribute, where practicable, to the development of pedestrian walkways, to link residential areas and to provide access to community focal points, public land and activity areas such as commercial or community precincts, recreation areas or foreshore areas.
- Whether the proposed subdivision layout provides for the protection of existing natural vegetation, drainage lines, wetland areas and sites of cultural or heritage significance.
- Whether the potential for wildlife corridors through the area has been retained or created by limiting fencing and maintaining indigenous and native vegetation.
- The provision for water sensitive urban design.
- Provision in the design for the impact of coastal processes (the impacts from wind, waves, floods, storms, tides, erosion) on foreshore areas.
- Whether the allotment frontage width is consistent with the typical width of existing allotments in the locality.
- Whether the proposed subdivision layout relates sympathetically to the topography of the site and the surrounding land uses.

Background documents

Urban Design Frameworks for ... Raymond Island ..., (Meinhardt Infrastructure and Environment, March 2007).

DDO11 Assessment

The proposed subdivision and development is of a suitable scale, density, and design to be considered suitable in the coastal landscape and neighbourhood context. A single store second dwelling is proposed on a newly created lot with a consistent street frontage and lot depth to other land within the western side of Eighth Avenue. The proposed building is of small scale and if developed on its own lot separate from the subdivision would not trigger a planning permit.

It is considered that the proposal is an appropriate response and can be supported in consideration of the DDO11.

Land Subject to Inundation Overlay

Permit requirement

A permit is required for subdivision of land.

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To minimise the potential flood risk to life, health and safety associated with development.

To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.

To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

Decision Guidelines:

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any local floodplain development plan.*
- *Any comments from the relevant floodplain management authority.*
- *The existing use and development of the land.*
- *Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.*
- *Alternative design or flood proofing responses.*
- *The susceptibility of the development to flooding and flood damage.*
- *The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:*
 - *The frequency, duration, extent, depth and velocity of flooding of the site and accessway.*

- *The flood warning time available.*
 - *Tidal patterns.*
 - *Coastal inundation and erosion.*
 - *The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.*
- *The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.*
- *The effect of the development on river, marine and coastal health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality, estuaries and sites of scientific significance.*
- *Any other matters specified in a schedule to this overlay.*

LSIO Assessment

As demonstrated in the referral response from the EGCMA, and in consideration of the inundation risks, the subdivision and development of the land has minimal inundation risk. The proposed development responds appropriately to the on-site risks, and will not significantly impact on neighbouring dwellings by diverting floodwater to other sites, based on a minimal footprint and design to allow passage of floodwater at the subfloor level.

Under current and projected future inundation scenarios, the flood behavior in the Raymond Island area is predictable and allows for significant warnings to be given. Access to Raymond Island is limited in flood events due to the operating limitations of the ferry, but the lead time for a flooding event is normally measured in days based on the cumulative factors required to produce significant flooding events. There needs to be a combination of precipitation in key catchments, tidal activity, and soil absorption rates in the catchment that combine to increase lake levels.

This slow process allows for preparation and evacuation before egress routes are cut off. Strategies that are employed when floods are predicted include relocation of vehicles to the mainland, erection of temporary gangways, and sandbagging properties. These actions reduce impacts to human life and to an extent the property also.

The critical concern in relation to this application is the site egress, which is the primary basis for the objection from EGCMA. With a 1 in 100 year ARI flood event, the intersections of Eighth Avenue at Third and Fifth Parades will be affected by floodwaters, and the routes to the ferry environs are inundated early. Retreat to 'dry' areas of the island is possible, but there may be impacts to services such as sewer and power which would limit amenity of staying in place, and may result in requests for assistance that would require barge services.

EGCMA objection suggests that these likely outcomes represent an undue burden on emergency services, and that by supporting development intensification, the effectiveness of responses will be diminished and the costs to service provision will increase.

Having considered the relevant policy matters and the provisions of the LSIO, the proposal is considered inconsistent and should not therefore be supported.

44.06 BUSHFIRE MANAGEMENT OVERLAY

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

44.06-1 Bushfire management objectives and application of schedules

A schedule to this overlay must contain a statement of the bushfire management objectives to be achieved for the area affected by the schedule and when the requirements within it apply.

44.06-2 Permit requirement

Subdivision

A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

44.06-3 Application requirements

Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:

- *A **bushfire hazard site assessment** including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.*
- *A **bushfire hazard landscape assessment** including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.*
- *A **bushfire management statement** describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.*

If in the opinion of the responsible authority any part of these requirements is not relevant to the assessment of an application, the responsible authority may waive, vary or reduce the requirement.

44.06-4 Requirements of Clause 53.02

An application must meet the requirements of Clause 53.02 unless the application meets all of the requirements specified in a schedule to this overlay.

A schedule to this overlay may specify substitute approved measures, additional alternative measures and additional or substitute decision guidelines for the purposes of Clause 53.02.

44.06-5 Mandatory condition

Subdivision

A permit which creates a lot for a single dwelling on land zoned for residential or rural residential purposes must include the following condition:

“Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the [*insert name of applicable planning scheme] Planning Scheme.*
- Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
- State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.”

This does not apply:

- If a schedule to this overlay specifies that a Section 173 Agreement is not required.*
- Where the relevant fire authority states in writing the preparation of an agreement under Section 173 of the Act is not required for the subdivision.*
- For the subdivision of the land into lots each containing an existing dwelling or car parking space.*

A permit to subdivide land must include any condition specified in a schedule to this overlay.

44.06-6 Referral of applications

An application must be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03, unless a schedule to this overlay specifies otherwise.

44.06-7 Notice and review

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, unless a schedule to this overlay specifies otherwise.

A schedule to this overlay may specify that notice be given to any person or body in accordance with section 52(1)(c) of the Act.

44.06-8 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.*
- Any other matters specified in a schedule to this overlay.*

SCHEDULE 1 TO CLAUSE 44.06 BUSHFIRE MANAGEMENT OVERLAY EAGLE POINT, KALIMNA, LAKES ENTRANCE, LAKE TYERS BEACH, MARLO, RAYMOND ISLAND BAL-12.5 AREAS

1.0 Statement of the bushfire management objectives to be achieved

To specify bushfire protection measures to construct or extend one dwelling on a lot.

To specify referral requirements for applications to construct or extend one dwelling on a lot.

2.0 Application

An application to construct or extend one dwelling on a lot must include all the requirements set out in this schedule.

Clause 53.02 applies in all other circumstances.

3.0 Permit requirement

None specified.

4.0 Application requirements

An application must be accompanied by a bushfire management plan that:

Shows all of the required bushfire protection measures specified in this schedule,

Includes written conditions that implement the required bushfire protection measures,

Identifies water supply including the location of any fire hydrant within 120 metres of the rear of the building, and

Details vehicle access.

5.0 Requirements to be met

The following requirements apply to an application to construct a single dwelling on a lot:

The dwelling must be constructed to BAL -12.5

Defendable space is to be provided for a distance of 30 metres around the dwelling or to the property boundary, whichever is the lesser and maintained in accordance with the vegetation management requirements of Clause 53.02 with the following variation:

The canopy of trees must be separated by at least 2 metres.

A static water supply must be provided in accordance with Clause 53.02, and

Vehicle access must be provided in accordance with Clause 53.02.

If these requirements are not met, the requirements of Clause 53.02 apply.

6.0 Substitute approved measures for Clause 53.02

None specified.

7.0 Additional alternative measures for Clause 53.02

None specified.

8.0 Mandatory Condition

An application must include the mandatory conditions as specified in Clause 44.06-5.

9.0 Referral of application not required

An application for a single dwelling on a lot meeting all of the required bushfire protection measures is not required to be referred under Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03.

10.0 Notice and review

None specified.

11.0 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider whether all of the bushfire protection measures in this schedule have been met.

Bushfire Management Overlay Assessment

The proposed development is located within a scheduled area to the bushfire management overlay, with BAL12.5 construction requirement. Subdivision of land is not subject to the schedule, however the scheduled nature of the area indicates that there is a lower bushfire risk – for the developed residential area of Raymond Island, this relates to the interface of existing development and the surrounding protection afforded by the lakes.

There is no vegetation on the land that must be removed to create the appropriate defensible space for a building envelope (subdivision) and dwelling (second dwelling on a lot).

From a bushfire perspective, the subdivision and development proposed meets all the required objectives and is suitable for endorsement.

Particular Provisions

55 TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

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.

Application

Provisions in this clause apply to an application to:
Construct a dwelling if there is at least one dwelling existing on the lot,
in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone or Township Zone.

The provisions of this clause apply to an application specified above, in the manner set out in the following table.

Application type	Applicable clauses
To construct or extend a dwelling (other than a dwelling in or forming part of an apartment development), or To construct or extend a residential building.	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.

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 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.

The following is an assessment against the Clause 55 objectives and standards:

CLAUSE 55 ASSESSMENT TABLE

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
55.01 NEIGHBOURHOOD AND SITE DESCRIPTION AND DESIGN RESPONSE An application must be accompanied by: <ul style="list-style-type: none"> • A neighbourhood and site description. • A design response. 				
55.01-1 Neighbourhood and site description		The neighbourhood and site description may use a site plan, photographs or other techniques and must accurately describe: <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 the location and height of walls built to the boundary of the site. - The use of surrounding buildings. 	Complies A description of the site and surrounding neighbourhood is included at Section 2 of (the applicant's) Report. Properties within the surrounding precinct are generally single storey detached dwellings on larger land parcels. Passive recreation facilities are located to the west of the land and the property is within walking distance (including a ferry trip) of the Paynesville Activity Centre. The precinct comprises a mix of housing styles spanning several decades; evident is a variety of materials and colours throughout the existing housing stock.	Complies The information provided by the applicant is sufficient to make a well considered determination of the application.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> - 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 surroundings 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 crossover. - The location of local shops, public transport services and public open spaces within walking distance. - Any other notable features or characteristics of the site. <p>If in the opinion of the responsible authority a requirement of the neighbourhood and site description is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.</p> <p>Satisfactory neighbourhood and site description If the responsible authority decides that the neighbourhood and site</p>		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>description is not satisfactory, it may require more information from the applicant under Section 54 of the Act.</p> <p>The responsible authority must not require notice of an application to be given or decide an application until it is satisfied that the neighbourhood and site description meets the requirements of Clause 55.01-1 and is satisfactory.</p> <p>This does not apply if the responsible authority refuses an application under Section 52(1A) of the Act.</p>		
55.01-2 Design Response		<p>Design response 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>The design response must include correctly proportioned street elevations or photographs showing the development in the context of adjacent buildings. If in the opinion of the responsible authority this requirement is not relevant to the</p>	<p>Complies</p> <p>The proposed development has been designed and sited having regard for the existing site features and adjoining development. The design utilises the site dimensions and area by responding with a new proposed detached dwelling.</p> <p>The proposed dwelling is single storey with a skillion roof. Materials proposed are reflective of the lighter weight materials utilised by existing built form of the area. Each dwelling is provided with secluded private open space, and orientated to the street providing a sense of address.</p>	<p>Complies</p> <p>The information provided by the applicant sufficiently justifies the design response, which is considered appropriate for the site and locality.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		evaluation of an application, it may waive or reduce the requirement.	Private open space optimises the northern solar aspect afforded to each allotment. The accompanying plans include detail of the proposed development.	
CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE				
55.02-1 Neighbourhood character objective	<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 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>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> Any relevant neighbourhood character objective, policy or statement set out in this scheme. The neighbourhood and site description. <p>The design response.</p>	<p>Complies</p> <p>The design of the proposed development respects the existing neighbourhood character.</p> <p>The proposed dwelling is well located, provide appropriate openings, incorporates a sloped roof and uses materials common throughout the surrounding neighbourhood. The front setback is respectful of the streetscape providing a transition of building form. Provision of significant permeable areas provides the opportunity for meaningful landscaping opportunities.</p> <p>There is no Neighbourhood Character Overlay, however local policy acknowledges the existing urban area of Raymond Island will see modest infill development.</p>	<p>Complies</p> <p>The proposed dwelling is smaller than most existing developments, but the form respects the prevailing neighbourhood character and is suitable development in context of the controls which apply to the land.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
55.02-2 Residential policy objective	<p>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</p>	<p>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. of the impact on services or infrastructure.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The Municipal Planning Strategy and the Planning Policy Framework. • The design response. 	<p>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.</p>	<p>Complies</p> <p>The proposal represents infill residential development in an established coastal settlement.</p> <p>The design response is appropriate in context of the existing neighbourhood.</p>
55.02-3 Dwelling diversity objective	To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	<p>Standard B3 Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <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. 	Not applicable – less than 10 dwellings proposed	<p>Not applicable</p> <p>Despite not applying, the proposed second dwelling is a single bedroom – a housing type that is significantly lacking in East Gippsland.</p>
55.02-4 Infrastructure objectives	To ensure development is provided with appropriate utility services and infrastructure.	<p>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.</p>	<p>Complies</p> <p>All necessary infrastructure is available to the land and has the capacity to accommodate the proposed development.</p>	<p>Complies</p> <p>Reticulated power, water and sewer are available. Gas is not connected on Raymond Island.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	<p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The capacity of the existing infrastructure. • In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the <i>Environment Protection Act 2017</i>. <p>If the drainage system has little or no spare capacity, the capacity of the development to provide for stormwater drainage mitigation or</p>		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		upgrading of the local drainage system.		
55.02-5 Integratio n with the street objective	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. Development should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. 	<p>Complies</p> <p>The proposed development has been designed and sited to ensure integration with the street:</p> <ul style="list-style-type: none"> One new vehicle crossover is proposed in Eighth Avenue and will be appropriately spaced from other crossovers. Both the proposed and existing dwelling is single storey (not uncommon within the area), with the dwellings remaining in keeping with the built form aligning the street. Dwelling entries are visible and identified from Eighth Avenue and offer a strong and separate sense of address. There is no front fencing proposed, which is considered acceptable in context of the nearby property street frontages. 	Complies
55.03 SITE LAYOUT AND BUILDING MASSING				
55.03-1 Street	To ensure that the setbacks of buildings from a street respect	Standard B6 Walls of buildings should be set back from streets:	Complies	Complies

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
setback objective	the existing or preferred neighbourhood character and make efficient use of the site.	<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 schedule to the zone, the distance specified in Table B1. <p>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.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. Whether a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings on nearby lots. The visual impact of the building when viewed from the street and from adjoining properties. <p>The value of retaining vegetation within the front setback.</p>	The neighbourhood character of the area provides for a range of front setbacks. The proposed development will establish the new dwelling with a street setback of 9m, which is considered to respect the existing neighbourhood character.	The proposed street setback is compliant, consistent with Table B1.
Table B1 Street setback				
Development Context		Minimum setback from front street (metres)	Minimum setback from a side street (metres)	

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	There is an existing building on both the abutting allotments facing the same street, and the site is not on a corner.	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.	Not applicable	
55.03-2 Building height objective	To ensure that the height of buildings respects the existing or preferred neighbourhood character.	<p>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 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. Changes of building height between existing buildings and new buildings should be graduated.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> Any relevant neighbourhood character objective, policy or statement set out in this scheme. Any maximum building height specified in the zone, a schedule to the zone or an overlay applying to the land. The design response. 	<p>Complies</p> <p>The height of the proposed development respects the existing neighbourhood character as it is consistent with the prevailing height of existing single storey dwellings in the neighbourhood.</p> <p>The proposed dwelling will be well below the maximum allowable height of 13.5m AHD, given the land is contained within the LSIO.</p>	<p>Complies</p> <p>The proposal is a respectable height and scale.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> The effect of the slope of the site on the height of the building. The relationship between the proposed building height and the height of existing adjacent buildings. The visual impact of the building when viewed from the street and from adjoining properties. 		
55.03-3 Site coverage objective	To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	<p>Standard B8 The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> 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 percent. <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. The existing site coverage and any constraints imposed by existing development or the features of the site. The site coverage of adjacent properties. 	<p>Complies</p> <p>Standard B8 requires site area covered by buildings not to exceed 60% where there is no site coverage specified in a schedule to the zone. The site coverage of the proposed development is well below the maximum site coverage of 60% otherwise allowed under Standard B8.</p>	<p>Complies</p> <p>As stated, the proposed site coverage (with and without subdivision of the land) is more than adequate.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> The effect of the visual bulk of the building and whether this is acceptable in the neighbourhood. 		
55.03-4 Permeability and stormwater management objectives	<p>To reduce the impact of increased stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p>	<p>Standard B9</p> <p>The site area covered by the pervious surfaces should be at least:</p> <ul style="list-style-type: none"> 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. <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> Meet the current best practice performance objectives for stormwater quality as contained in the <i>Urban Stormwater - Best Practice Environmental Management Guidelines</i> (Victorian Stormwater Committee, 1999). Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. <p>Decision guidelines</p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> The design response. The capacity of the site to incorporate stormwater retention and reuse. 	<p>Complies</p> <p>Standard B9 stipulates that the site area covered by the 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 well exceeds 20% of the site area, ensuring the development complies with Standard B9.</p>	<p>Complies</p> <p>There is ample area not to be developed on the vacant lot. Permeability standard is met.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> The existing site coverage and any constraints imposed by existing development. The capacity of the drainage network to accommodate additional stormwater. The capacity of the site to absorb run-off. The practicality of achieving the minimum site coverage of pervious surfaces, particularly on lots of less than 300 square metres. Whether the owner has entered into an agreement to contribute to off-site stormwater management in lieu of providing an on-site stormwater management system. 		
55.03-5 Energy efficiency objectives	To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.	Standard B10 Buildings should be: <ul style="list-style-type: none"> Oriented to make appropriate use of solar energy. Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. 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. 	Complies The proposed development has been oriented to make appropriate use of solar energy by providing large doors and good sized windows on the northern aspect of the proposed dwelling to allow maximum light and solar penetration into the living areas.	Complies The proposal is a suitable response to cater towards passive solar energy.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>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> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The design response. • The size, orientation and slope of the lot. • The existing amount of solar access to abutting properties. • The availability of solar access to north-facing windows on the site. • The extent to which an existing rooftop solar energy system on an adjoining lot is overshadowed by existing buildings or other permanent structures. • Whether the existing rooftop solar energy system on an adjoining lot is appropriately located. • The effect of overshadowing on an existing rooftop solar energy system on an adjoining lot. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
55.03-6 Open space objective	To integrate the layout of development with any public and communal open space provided in or adjacent to the development.	<p>Standard B11 If any public or communal open space is provided on site, it should:</p> <ul style="list-style-type: none"> • Be substantially fronted by dwellings, where appropriate. • Provide outlook for as many dwellings as practicable. • Be designed to protect any natural features on the site. • Be accessible and useable. <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • Any relevant plan or policy for open space in the Municipal Planning Strategy and the Planning Policy Framework. • The design response. 	<p>Complies</p> <p>Whilst there is no communal open space as part of this proposal, Section 2 of (the applicant's) Report highlights the abundance of passive recreational opportunities and open space available within close proximity to the subject land. The proposed dwellings achieve the required secluded private open space requirements.</p>	<p>Complies</p> <p>No open space is provided, but access is readily available to areas of public open space.</p>
55.03-7 Safety objective	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. Planting which creates unsafe spaces along streets and accessways should be avoided. Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways. Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p> <p>Decision guideline</p>	<p>Complies</p> <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 Eighth Avenue. Entrances to each dwelling will be easily identifiable from Eighth Avenue. There are no front fences proposed that may otherwise obstruct the visibility of entrances from the street.</p>	<p>Complies</p> <p>Street orientation is suitable for passive surveillance of the street and on-site.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		Before deciding on an application, the responsible authority must consider the design response.		
55.03-8 Landscaping objectives	<p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>Standard B13</p> <p>The landscape layout and design should:</p> <ul style="list-style-type: none"> • Protect any predominant landscape features of the neighbourhood. • 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>The landscape design should specify landscape themes, vegetation</p>	<p>Complies</p> <p>Development within the precinct is generally complimented by unstructured ornamental gardens with some native vegetation. The generous land parcel sizes allow for similar landscaping opportunities as those within the area.</p>	<p>Complies</p> <p>It is considered that landscaping would occur naturally on site, taking into consideration bushfire risk. Were a permit to be granted, no condition would be applied.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>(location and species), paving and lighting.</p> <p>Development should meet any additional landscape requirements specified in a schedule to the zone.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> Any relevant neighbourhood character objective, policy or statement set out in this scheme. Any relevant plan or policy for landscape design in the Municipal Planning Strategy and the Planning Policy Framework. The design response. The location and size of gardens and the predominant plant types in the neighbourhood. The health of any trees to be removed. Whether a tree was removed to gain a development advantage. 		
55.03-9 Access objective	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 	<p>Complies</p> <p>The number and design of vehicle crossovers is considered to respect the neighbourhood character whilst maximising the</p>	<p>Complies</p> <p>The proposal will result in a second crossover which will meet the standard.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>metres, 40 per cent of the street frontage.</p> <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.</p> <p>The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The design response. • The impact on the neighbourhood character. • The reduction of on-street car parking spaces. <p>The effect on any significant vegetation on the site and footpath.</p>	<p>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 40.24 metres. The proposed crossovers will comprise a total width of 6.4 metres, being less than 33% of the site frontage (15.9%).</p>	
55.03-10 Parking location objective	To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.	<p>Standard B15 Car parking facilities should:</p> <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be well ventilated if enclosed. 	<p>Complies</p> <p>Vehicle parking for residents will be practical and convenient with the existing dwelling being serviced by one car space within a carport and the proposed</p>	<p>Complies</p> <p>No constructed car parks are required.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>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.</p> <p>Decision guideline Before deciding on an application, the responsible authority must consider the design response.</p>	<p>dwelling being provided with a secure shed for one vehicle.</p> <p>With a total of 2 dwellings on the land there is no requirement to provide visitor car parking on site. Adequate on-site and on-street car parking is available to cater for visitors.</p>	
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 on the amenity of existing dwellings.	<p>Standard B17 A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <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 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>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</p>	<p>Complies</p> <p>The height and setback of each of the dwellings from boundaries is considered to respect the neighbourhood character and preserve the amenity of existing adjoining dwellings. The existing dwellings on adjoining properties present walls setback from boundaries. As there is no distance specified in Schedule 1 of the GRZ 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. The minimum setback to the south for the new dwelling is 1 m, easily</p>	<p>Complies</p> <p>The standard setback is met for the proposal.</p>

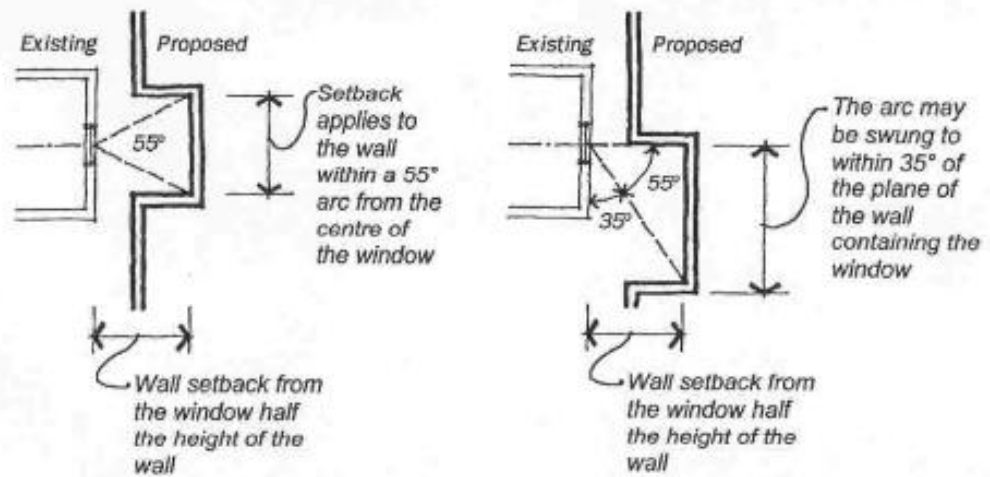
Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. The impact on the amenity of the habitable room windows and secluded private open space of existing dwellings. Whether the wall is opposite an existing or simultaneously constructed wall built to the boundary. Whether the wall abuts a side or rear lane. 	meeting the Standard, given the wall height to the south is a maximum of 2.9m.	
Diagram B1 Side and rear setbacks				

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
<p>Diagram illustrating a lot boundary with dimensions. The lot is 8.6m wide and 13.5m high. A dashed line represents the proposed wall. The wall starts at the bottom left corner, goes up 1m, then diagonally to the right, then horizontally to the right, then diagonally up to the top right corner. The horizontal segments are 1m, 2m, 3.1m, and 4.1m. The vertical segments are 1m, 6.9m, 8m, and 9m. The total height is 13.5m. The wall is 3.6m (max.) and 3.2m (av.) from the boundary.</p>				
55.04-2 Walls on boundaries objective	To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.	Standard B18 A new wall constructed on or within 200mm of a side or 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: - For a length of more than the distance specified in a schedule to the zone; or	Complies No walls are proposed along the boundaries to ensure the character of the area is maintained, complying with Standard B18.	Complies No walls on boundaries.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<ul style="list-style-type: none"> - If no distance is specified in a schedule to the zone, for a length of more than: - 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 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>		

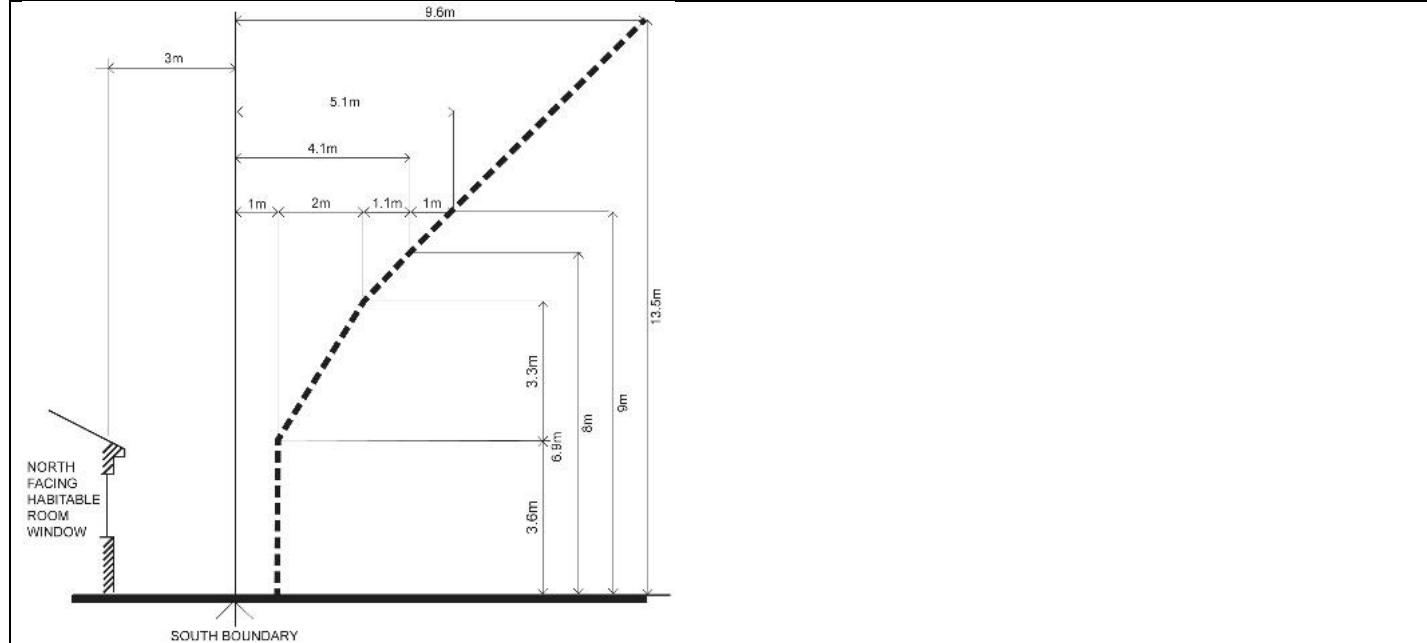
Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>Decision guidelines</p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> Any relevant neighbourhood character objective, policy or statement set out in this scheme. The design response. The extent to which walls on boundaries are part of the neighbourhood character. The impact on the amenity of existing dwellings. The opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property. The orientation of the boundary that the wall is being built on. The width of the lot. The extent to which the slope and retaining walls or fences reduce the effective height of the wall. Whether the wall abuts a side or rear lane. The need to increase the wall height to screen a box gutter. 		
55.04-3 Daylight to existing	To allow adequate daylight into existing habitable room windows.	Standard B19 Buildings opposite an existing habitable room window should provide for a light court to the existing	Complies The proposed development will allow adequate daylight	Complies There are no constraints to existing habitable room windows

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
windows objective		<p>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. Walls or carports more than 3 metres in height opposite an 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.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The design response. • The extent to which the existing dwelling has provided for reasonable daylight access to its habitable rooms through the siting and orientation of its habitable room windows. • The impact on the amenity of existing dwellings. 	<p>into existing habitable room windows of adjoining dwellings.</p> <p>Standard B19 requires 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>The Standard is achieved as the proposed dwelling is appropriately setback from the existing development on the adjoining allotments.</p>	<p>from the proposed second dwelling.</p>
Diagram B2 Daylight to existing windows				

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
				
55.04-4 North-facing windows objective	To allow adequate solar access to existing north-facing habitable room windows.	<p>Standard B20</p> <p>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 surface oriented north 20 degrees west to north 30 degrees east.</p> <p>Decision guidelines</p>	<p>Complies</p> <p>There are no north-facing habitable room windows of the existing southern dwelling on the abutting lot within 3 metres of a boundary adjoining the subject land.</p>	<p>Complies</p> <p>The standards are met.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The design response. • Existing sunlight to the north-facing habitable room window of the existing dwelling. • The impact on the amenity of existing dwellings. 		

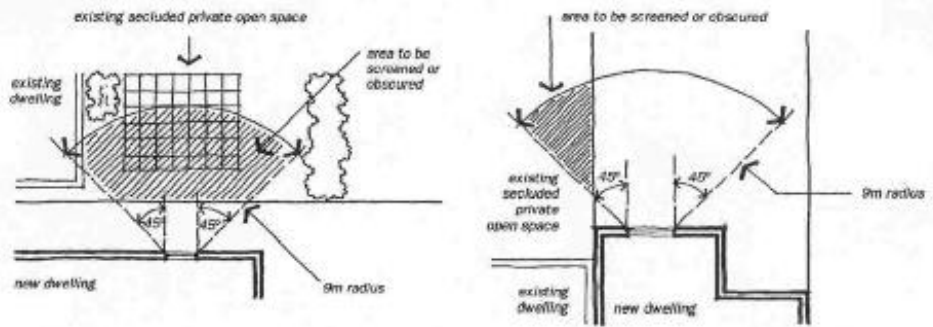
Diagram B3 North-facing windows



Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
55.04-5 Overshadowing open space objective	To ensure buildings do not significantly overshadow existing secluded private open space.	<p>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.</p> <p>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.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The design response. • The impact on the amenity of existing dwellings. • Existing sunlight penetration to the secluded private open space of the existing dwelling. • The time of day that sunlight will be available to the secluded private open space of the existing dwelling. • The effect of a reduction in sunlight on the existing use of the existing secluded private open space. 	<p>Complies</p> <p>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 has been limited in height and is offset from the southern boundary.</p>	<p>Complies</p> <p>The standard is met.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
55.04-6 Overlooking objective	To limit views into existing secluded private open space and habitable room windows.	<p>Standard B22</p> <p>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 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 than 25 per cent transparent. 	<p>Complies</p> <p>Given the single storey scale of the development and the siting of the proposed dwelling, no unreasonable overlooking will occur. The northern setback of the proposed dwelling exceeds 9m and the siting of the new dwelling avoids views of the southern dwelling's secluded private open space. The proposal is therefore considered to satisfy the requirements of Standard B22.</p>	<p>Complies</p> <p>The neighbourhood does not have established secluded private open space. The proposal does not unreasonably impact on neighbouring dwellings.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<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.</p> <p>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> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The design response. • The impact on the amenity of the secluded private open space or habitable room window. • The existing extent of overlooking into the secluded private open space and 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		habitable room windows of existing dwellings. <ul style="list-style-type: none"> The internal daylight to and amenity of the proposed dwelling or residential building. 		
Diagram B4 Overlooking open space				
				
55.04-7 Internal views objective	To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.	Standard B23 Windows and balconies should be designed to 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. Decision guideline Before deciding on an application, the responsible authority must consider the design response.	Complies The character of the area is unique with limited common fencing (particularly solid fencing). The new dwelling by virtue of its siting, the retention of the existing dwelling and shedding prevents internal overlooking.	Deemed-to-Comply No fencing is provided which would create secluded private open space. This is consistent with the established neighbourhood character.
55.04-8 Noise impacts objectives	To contain noise sources in developments that	Standard B24 Noise sources, such as mechanical plant, should not be located near	Complies The subject land is not located adjacent to any noise	Complies

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	may affect existing dwellings. To protect residents from external noise.	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. Decision guideline Before deciding on an application, the responsible authority must consider the design response.	sources that would affect the amenity of future residents. The subject land does not abut an arterial road, railway line or industrial land.	No significant noise sources are located nearby to Raymond Island generally.
55.05 ON-SITE AMENITY AND FACILITIES				
55.05-1 Accessibil ity objective	To encourage the consideration of the needs of people with limited mobility in the design of developments.	Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	Complies The proposed new dwelling has considered the needs of people with limited mobility, with the living areas able to be accessed from the deck which is provided with a ramp.	Complies. Accessibility is achieved.
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: <ul style="list-style-type: none"> • 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 the new dwelling will be immediately visible from Eighth Avenue, given the width of the allotment providing views to the entrance in accordance with Standard B26.	Complies The proposed second dwelling will have its own sense of identity, with street frontage.
55.05-3 Daylight	To allow adequate daylight into new	Standard B27	Complies	Complies

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
to new windows objective	habitable room windows.	<p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah provided it is open for at least one third of its perimeter, or A carport provided it has two or more open sides and is open for at least one third of its perimeter. <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> The design response. Whether there are other windows in the habitable room which have access to daylight. 	All habitable room windows have an outlook to a minimum area of 3 sqm and minimum dimension of 1 m clear to the sky.	The standard is met.
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 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> <ul style="list-style-type: none"> An area of 40 square metres, with one part of the private 	<p>Complies</p> <p>Standard B28 prescribes private open space of 40m² in area per dwelling, including secluded private open space at the side or rear of the dwelling with a minimum area of 25m², a minimum dimension of more than 3.0m and convenient access from a living room.</p>	<p>Complies</p> <p>Although not secluded, the private open space area is met.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>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 metres and convenient access from a living room, or</p> <ul style="list-style-type: none"> • 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. <p>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • The design response. • The useability of the private open space, including its size and accessibility. • The availability of and access to public or communal open space. • The orientation of the lot to the street and the sun. 	The secluded private open space provision meets the Standard. All dwellings have an area exceeding 25m2 with a minimum dimension of 3.0m and convenient access from a living room.	
55.05-5 Solar access to open	To allow solar access into the secluded private open space of	<p>Standard B29 The private open space should be located on the north side of the</p>	<p>Complies</p> <p>The proposed development has been designed to</p>	<p>Complies</p> <p>The standard is met.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
space objective	new dwellings and residential buildings.	<p>dwelling or residential building, if appropriate.</p> <p>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.</p> <p>Decision guidelines</p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> The design response. The useability and amenity of the secluded private open space based on the sunlight it will receive. 	facilitate solar access into the secluded private open space areas of each dwelling. Each of the dwellings have been provided with private open space with northern solar exposure.	
Diagram B5 Solar access to open space				
55.05-6 Storage objective	To provide adequate storage facilities for each dwelling.	<p>Standard B30</p> <p>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</p>	<p>Complies</p> <p>Through the retention of existing outbuildings, each dwelling will be provided with 6 cubic metres of external</p>	<p>Complies</p> <p>The storage is sufficient and appropriate for a single dwelling on each lot.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
			lockable storage meeting the objective and standards.	
55.06 DETAILED DESIGN				
55.06-1 Design detail objective	To encourage design detail that respects the existing or preferred neighbourhood character.	<p>Standard B31 The design of buildings, including:</p> <ul style="list-style-type: none"> • Facade articulation and detailing, • Window and door proportions, • Roof form, and • Verandahs, eaves and parapets, <p>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.</p> <p>Decision guidelines Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The effect on the visual bulk of the building and whether this is acceptable in the neighbourhood setting. • Whether the design is innovative and of a high architectural standard. 	Complies The proposed development is respectful of neighbourhood character, consistent with Standard B31. Whilst there is no defined neighbourhood character for the precinct, there is a consistency of single storey dwellings with angled roofs in the area. Use of lighter weight materials and colours seen commonly within the area for the new dwelling compliments existing development observed throughout the neighbourhood.	Complies The proposal will fit suitably within the neighbourhood context and is a respectful design.
55.06-2 Front	To encourage front fence design that	Standard B32	Complies	Complies

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
fences objective	respects the existing or preferred neighbourhood character.	<p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed:</p> <ul style="list-style-type: none"> • The maximum height specified in a schedule to the zone, or • If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. <p>Decision guidelines</p> <p>Before deciding on an application, the responsible authority must consider:</p> <ul style="list-style-type: none"> • Any relevant neighbourhood character objective, policy or statement set out in this scheme. • The design response. • The setback, height and appearance of front fences on adjacent properties. • The extent to which slope and retaining walls reduce the effective height of the front fence. • Whether the fence is needed to minimise noise intrusion. 	Front fencing is not a feature within the precinct. Standard B32 is achieved, as there is no front fencing proposed to Eighth Avenue.	No fencing proposed.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment								
		<table><tr><td colspan="2">Table B3 Maximum front fence height</td></tr><tr><th>Street Context</th><th>Maximum front fence height</th></tr><tr><td>Streets in a Transport Zone 2</td><td>2 metres</td></tr><tr><td>Other streets</td><td>1.5 metres</td></tr></table>	Table B3 Maximum front fence height		Street Context	Maximum front fence height	Streets in a Transport Zone 2	2 metres	Other streets	1.5 metres		
Table B3 Maximum front fence height												
Street Context	Maximum front fence height											
Streets in a Transport Zone 2	2 metres											
Other streets	1.5 metres											
55.06-3 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								
55.06-4 Site services objective	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 convenient access by residents.	Complies Each dwelling has adequate provision for storage of rubbish bins within the confines of each lot. Reticulated services including electricity, water, sewerage and telecommunications are all available to the site. There is adequate provision for mailboxes for the proposed dwelling at the front of the site.	Complies There is suitable connection and spaces for services.								

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p> <p>Decision guideline Before deciding on an application, the responsible authority must consider the design response.</p>		

Clause 56 – Residential Subdivision

The following table summarises the Provisions, Applicant response, and responsible authority assessment of the Clause 56 objectives and standards.

Class of subdivision	Objectives and standards to be met
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.03-5 Neighbourhood character	To design subdivisions that respond to neighbourhood character	<p>Subdivision should:</p> <ul style="list-style-type: none"> Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out. Respond to and integrate with the surrounding urban environment. Protect significant vegetation and site features. 	<p>Complies</p> <p>The subdivision layout is consistent with the character of the immediate area in terms of the size and shape of allotments, as the two allotments proposed. It is noted that in the wider area, allotment areas, dimensions and shapes vary.</p> <p>The subject land is well located within walking distance of passive recreational areas, the Raymond Island Community Hall and Paynesville Activity Centre.</p>	<p>Complies</p> <p>The proposed subdivision is consistent with the established neighbourhood and lot layout.</p>
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 parking, water management, easements and the retention of significant vegetation and site features.	<p>To subdivide land that creates lots less than 300sqm should be accompanied by information that shows:</p> <ul style="list-style-type: none"> That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme That a dwelling may be constructed on each lot in accordance with the requirements of this scheme <p>Lots greater than 500sqm should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope</p> <p>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p>	<p>Complies</p> <p>Both lots can easily accommodate a 10x15 metre rectangle.</p> <p>The subdivision layout provides opportunity for the new dwelling to enjoy solar access, provision of private open space and safe vehicle movements within allotment boundaries. Although not proposed, the lot containing the existing dwelling is generous and could accommodate a replacement dwelling.</p>	<p>Complies</p> <p>A suitable building envelope is available on both lots. One dwelling is to be retained and one new dwelling is proposed with the application. The objectives of Clause 55 are met.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<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 adjoining lot. This should be specified in the relevant plan of subdivision or agreement. <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	Unless the site is constrained by topography or other site conditions,	Complies	Complies Solar orientation is achieved suitably.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	solar access for future dwellings	<p>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. Lots between 300sqm and 500sqm are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	Solar orientation to the private open space of each lot will be achieved by the lot design.	
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>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</p> <p>There are no areas of Common Property proposed.</p>	Not applicable.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
56.06-8 Lot Access	To provide for safe vehicle access between roads and lots.	<p>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p> <p>Vehicle access to lots of 300sqm or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p> <p>Refer to tables of this clause – Table C1.</p>	<p>Complies</p> <p>Access to Lot 1 is existing and access to Lot 2 can be accommodated from Eighth Avenue. The use of individual points of access will be safe, convenient and practical.</p>	
56.07 Integrated Water Management 56.07-1 Drinking Water Supply	<p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost effective supply of drinking water.</p>	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	<p>Complies</p> <p>Reticulated water is provided to the subject land and will be connected to both allotments as part of the subdivision.</p>	<p>Complies</p> <p>Water supply is available.</p>
Clause 56.07-2 Reused and Recycled Water	To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment 	<p>Complies</p> <p>East Gippsland Water does not currently provide for the use of and connection to recycled water.</p>	<p>Complies</p> <p>No system is available.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		Protection Authority and Department of Human Services <ul style="list-style-type: none"> • Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 		
56.07-3 Waste Water Management	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.	Waste water systems must be: <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. Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.	Complies Reticulated sewer is established within the precinct. The lots will be connected to sewer as part of the subdivision consistent with Standard C24.	Complies Reticulated sewer is available for connection
56.07-4 Stormwater Management Objectives	To minimise damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of	The stormwater management system must be: <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 	Complies Drainage will be provided to the satisfaction of the Responsible Authority.	Complies With development proposed, standard development conditions can resolve drainage consideration for subdivision purposes. The site is relatively flat with no significant drainage challenges.

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	<p>receiving waters from degradation by urban run-off.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</p>	<p>(Victorian Stormwater Committee 1999).</p> <ul style="list-style-type: none"> Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> Provision must be made for the safe and effective passage of stormwater flows. All new lots should be free from inundation or to a lesser 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		<p>standard of flood protection where agreed by the relevant floodplain management authority.</p> <ul style="list-style-type: none"> Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria (average depth in metres and average velocity in metres per second $<0.35\text{m}^2/\text{s}$). <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> Ensure stormwater is retarded to a standard required by the responsible drainage authority. Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. 		

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
		Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.		
56.08 Site Management 56.08-1 Site Management Objectives	<p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<p>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:</p> <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. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>Complies</p> <p>The site will be managed to the satisfaction of the Responsible Authority.</p>	<p>Complies</p> <p>A two lot subdivision rarely involves significant site management concerns or considerations, including not applying a construction management plan condition.</p>
56.09 Utilities 56.09-1 Shared trenching	<p>To maximize the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<p>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p>Complies</p> <p>All utility service connections will utilise shared trenching if appropriate.</p>	<p>Complies</p>
56.09-2 Electricity, telecommunications and gas	<p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation</p>	<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.</p>	<p>Complies</p> <p>The proposal will make good use of a full range of existing services as available within the precinct. The lots proposed will be connected to reticulated power, water, sewer and telecommunications.</p>	<p>Complies</p> <p>No gas is available.</p> <p>All other services provided as required.</p>

Clause	Objective	Standard	Applicant Declaration	Responsible Authority Assessment
	and use of electricity from renewable sources.	<p>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p> <p>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <p>Where proposed to be connected, a reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency.</p>		

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 sewerred and no provision has been made for the land to be sewerred, 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.*

Assessment – Decision Guidelines

Consideration of the application as made to the responsible authority is weighted on the balance of the decision guidelines, including the PPF. The application is technically supportable, providing adequate response to the design considerations of the DDO, the technical requirements of the bushfire management overlay (in relation to both subdivision and development), is not considered an over-development of the land, responds appropriately to the prevailing neighbourhood character, and does not represent a detriment to natural environment values.

The competing factors are the suitability of the land for subdivision in context of the environmental risks posed through sea level rise and frequency and intensity of inundation events. Although the intensity of flood events on the subject land is not predicted to be significant, the impact of events on the whole of Raymond Island, and the additional burden that any intensification of development places on emergency response is cumulative. Each new development potentially places additional life and property in danger, and increases overall community and environmental risk.

Having considered all factors, it is the officer recommendation that the application in its current form should be refused.

5.1.2 Fair Access Policy

Authorised by Acting General Manager Place and Community

Conflict of Interest

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

Executive Summary

All Victorian Councils are required to have a Fair Access Policy in place to comply with the fair access obligations set out by the Victorian Government, led by the Officer of Women in Sport and Recreation.

A draft Fair Access Policy (draft Policy) at **Attachment 1** has been developed for Council that aligns with the *Gender Equality Act 2020*, and the wider Victorian Government gender equality strategy.

As outlined in the draft Policy, Council acknowledges:

1. The disadvantaged position that some individuals have had in the sport and active recreation sector because of their gender; and
2. That achieving equality will require diverse approaches to achieve the similar outcomes for people of all genders in the community.

The Policy also commits that Council will:

1. Engage fairly and equitably with all staff, governance working groups, registered sporting organisations and members of our sport and recreation community, regardless of their gender, in a positive, respectful, and constructive manner.

This report seeks adoption of this draft Policy.

Officer Recommendation

That Council:

- 1. adopts the draft Fair Access Policy as provided at Attachment 1; and***
- 2. authorises the Chief Executive Officer or delegate to amend the adopted Fair Access Policy without formal Council consideration if the amendments required are of a minor administrative nature.***

Background

The draft Policy supports Council to take positive action towards achieving gender equality in the access and usage of community sports infrastructure where Council is the landowner and facility manager. The draft Policy complies with the *Gender Equality Act 2020*, aligns with the objectives of the East Gippsland Municipal Public Health and Wellbeing Plan, and supports the principles of inclusivity, full participation, equal representation, encouraging and supporting, and prioritising user groups that are committed to gender equity.

The draft Policy seeks to:

- address known barriers experienced by women and girls in accessing and using community sports infrastructure;
- progressively build capacity and capabilities of Council in the identification, and elimination of systemic causes of gender inequality in community sports and active recreation;
- be a key driver for practical and cultural change to ensure everyone can access the full health and wellbeing benefits that sport and active recreation can provide; and
- support Council's commitment to think critically about how our future policies, strategies, plans, infrastructure, and services meet the diverse needs of women and girls in sport and active recreation.

Legislation

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

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

Collaborative procurement

Pursuant to section 109(2) of the *Local Government Act* 2020, this Policy does not relate to procurement.

Council Plan

The draft Policy has been prepared and aligned with the following strategic objectives set out in the Council Plan 2021-2025:

Strategic Objective 1: 1.1 Council strives to provide equitable access to their services, support and facilities.

Strategic Objective 1: 1.4 Through targeted services, partnerships and advocacy, communities enjoy strong mental and physical health, well-being and resilience.

Council Policy

This draft Policy has been prepared in accordance with Council's Community Engagement Policy.

Resourcing

Financial

Financial allocation is not applicable to this report.

Plant and equipment

Plant and equipment resourcing is not applicable to this report.

Human Resources

There are no human resourcing implications associated with this report.

Risk

There are no risk implications associated with this report.

Economic

There are no economic implications associated with this report.

Social

Gender Impact Statement

A Gender Impact Assessment (GIA) has been completed, and the draft Policy is compliant with the obligations and objectives of the Victorian *Gender Equality Act 2020*.

Environmental

There are no environmental implications associated with this report.

Climate change

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

Engagement

Engagement with Council Officers to inform the development of the draft Policy has been:

- February 2023 – Council Officers attended a ‘Change our Game’ event in Bairnsdale so they could better understand Fair Access expectations.
- March 2023 to May 2024 – Council Officers attended regular ‘Community of Practice’ meetings involving all Gippsland Councils. This group's purpose was to ensure a better understanding of elements to incorporate into a Fair Access Policy.
- May 2024 to July 2024 – Council internal consultation via an internal working group.

In accordance with Council's Community Engagement Policy, a process of community consultation was undertaken to develop the draft Policy. Community engagement included:

- December 2023 – A VicHealth Local Government Partnership (VLGP) funded Community Survey conducted by GippsSport. 46 survey responses were received. The survey contained fair access policy questions which informed the development of the Policy.
- June 2024 – Two rounds of stakeholder engagement with 11 Committees of Management (CoMs).

In July 2024, Officers met with a representative from the Office for Women in Sport and Recreation, who has reviewed the draft Policy.

Attachments

1. Draft Fair Access Policy [**5.1.2.1** - 8 pages]

Version number:
Authorised by: General Manager, Place and Community



Fair Access Policy

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1. Purpose

The Fair Access Policy (the Policy) seeks to address known barriers experienced by women and girls in accessing and using community sports infrastructure. The Policy aims to progressively build capacity and capabilities of East Gippsland Shire Council (Council) in the identification, and elimination of systemic causes of gender inequality in community sports and active recreation.

The Policy is a key driver for practical and cultural change to ensure everyone can access the full health and wellbeing benefits that sport and active recreation can provide. The Policy supports Council's commitment to think critically about how our future policies, strategies, plans, infrastructure and services meet the diverse needs of women and girls in sport and active recreation.

2. Scope

The scope of the Policy is to support Council to take positive action towards achieving gender equality in the access and usage of community sports infrastructure where Council is the landowner and facility manager. This complies with the *Gender Equality Act 2020* and aligns with the objectives of the East Gippsland Municipal Public Health and Wellbeing Plan.

Where Council does not manage the infrastructure, Council will ensure an effective place-based response for the gender equitable use and access of community sports infrastructure is encouraged and will promote gender equality in policies, programs, communications, and services as they relate to community sports infrastructure.

3. Context

The Victorian Government, led by the Office for Women in Sport and Recreation, requires all Victorian Councils to have a Fair Access Policy in place by 1 July 2024. The Policy is designed to align with the *Gender Equality Act 2020*, and the wider Victorian Government gender equality strategy.

The sport and active recreation sector provide opportunities for enriching our communities through the promotion of respect and fair mindedness for all people, while also supporting their physical and mental wellbeing.

This Policy supports the principles of inclusivity, full participation, equal representation, encouraging and supporting, and prioritising user groups that are committed to gender equity. The six (6) principles are:

1. Community sports infrastructure and environments are genuinely welcome, safe, and inclusive.
2. Women and girls can fully participate in all aspects of community sport and active recreation, including as a player, coach, administrator, official, volunteer and spectator.
3. Women and girls will have equitable access to and use of community sport infrastructure:
 - a. Of the highest quality available and most convenient.
 - b. At the best and most popular competition and training times and locations
 - c. To support existing and new participation opportunities, at a variety of sports
4. Women and girls should be equitably represented in leadership and governance roles.

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5. Encourage and support all user groups who access and use community sport infrastructure to understand, adopt and implement gender equitable access and use policies.
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.

4. Statement

The Policy complies with the requirements set by the Office for Women in Sport and Recreation and adheres to the *Gender Equality Act 2020*.

Council acknowledges:

1. The disadvantaged position that some individuals have had in the sport and active recreation sector because of their gender; and
2. That achieving equality will require diverse approaches to achieve the similar outcomes for people of all genders in the community.

Council will:

1. Engage fairly and equitably with all staff, governance working groups, registered sporting organisations and members of our sport and recreation community, regardless of their gender, in a positive, respectful, and constructive manner.

This is Council's commitment to making all voices, concerns and experiences an integral dimension of the design, implementation and monitoring of community policies and programs.

5. Roles and Responsibilities

The following teams or positions have direct and/or supporting responsibilities associated with this Policy:

Party / Parties	Roles and Responsibilities
CEO and Executive Leadership Team	<p>Promote and advocate the awareness of gender equity in the community and champion equitable opportunities for women and girls.</p> <p>Promote, encourage, and facilitate the achievement of gender equality and growth of women and girls in leadership, participation, coaching and volunteering in sport and active recreation.</p>
Manager Community Programs and Engagement	<p>Oversee the Fair Access Policy.</p> <p>Develop and implement equitable processes to facility allocations, grants, fees & charges.</p> <p>Communicate the Policy updates and updated internal processes to all staff and relevant stakeholders.</p> <p>Promote, encourage and support the successes of equity.</p> <p>Support the undertaking of Equity Impact Assessments regarding sport and active recreation facilities.</p>

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Community Facilities and Recreation Centre Teams	<p>Provide clear communication and education opportunities to sport and active recreation facility user groups/clubs with regard to the objectives of the Policy.</p> <p>Support sport and active recreation user groups/clubs to increase their capabilities to create welcoming and inclusive environments for women and girls.</p> <p>Encourage Committees of Management to consider this Policy when using facilities, providing access to facilities and maintaining and planning upgrades to infrastructure.</p> <p>Ensure all communication and community engagement is fair, equitable and of high quality when engaging with all user groups and clubs focused on women and girls.</p>
All Staff	<p>Promote, encourage and support the successes of equity.</p> <p>Adhere to and communicate the Policy when required.</p> <p>When provided, attend staff training and awareness programs to ensure the Policy and its objectives are understood and adhered to.</p> <p>Include all relevant staff, user groups and clubs on programs and services for inclusive engagement.</p>
Facility Users and Committees of Management	<p>Promote and advocate the awareness of gender equity in the sport and active recreation community, championing equitable opportunities for women and girls.</p> <p>Develop and implement equitable processes to allocations, training schedules, events, communications, and social media.</p> <p>Consider this Policy when using facilities, providing access to facilities and maintaining and planning upgrades to infrastructure.</p> <p>Communicate Policy updates to users and update internal processes to ensure gender equity.</p> <p>Provide clear communication for committee members or participants around the objectives of the Policy.</p> <p>Support the capabilities to create a fair, welcoming, inclusive and safe environment for women and girls.</p> <p>Advocate for minor works upgrades and maintenance that support fair access and use of facilities.</p>

6. References and Supporting Documents

Applicable Legislation:

Gender Equality Act 2020
Charter of Human Rights and Responsibilities Act 2006
Freedom of Information Act 1982
Local Government Act 2020
Equal Opportunity Act 2010
Child and Wellbeing Safety Act 2005
Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015

Applicable Policy and Procedure:

Council Gender Equality Action Plan 2021-2025
Fair Access Policy Road Map - Victorian Government

Supporting Documents:

This policy will be supported by the East Gippsland Fair Access Policy Action Plan.

7. Human Rights

Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006* (the Charter). This Policy has been assessed as compliant with the obligations and objectives of the Charter.

8. Gender Impact Statement

The Fair Access Policy has had a Gender Impact Assessment (GIA) completed and is compliant with the obligations and objectives of the Victorian *Gender Equality Act 2020*.

9. Risk Reference

This Policy is implemented as a control to mitigate risks in the following categories:

Risk Category	✓	Risk Category	✓
Environmental		Technology and Information Management	
Health and Safety	✓	Assets, Facilities and Security	✓
Project, Product and Service Delivery	✓	Human Resources	
Financial and Economic		Procurement	
Leadership and Political Awareness		Corporate Governance and Compliance	✓
Reputation and Corporate Image	✓	Legal	

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10. Definitions

Term	Meaning
Community	People who live in East Gippsland. People and organisations who are ratepayers in East Gippsland; and People and organisations who conduct activities in East Gippsland.
Community Sport Infrastructure	Publicly owned local, rural, regional, or state level sport and recreation infrastructure operated and maintained primarily for the purpose of facilitating community sport activities, including sporting grounds, surfaces, facilities, and pavilions.
Committee of Management	Refers to committees appointed by the Department of Energy, Environment and Climate Action under the Crown Land (Reserves) Act 1978 and Committees of Management established through East Gippsland Shire to manage recreation facilities where community sport training and games are held.
Council	East Gippsland Shire Council.
Councillor	Person who has been elected to the office of “Councillor” of East Gippsland Shire Council.
Council Officer	A current member of East Gippsland Shire Council staff with the authority to engage in activities on behalf of Council.
Gender Equality	The equal rights, responsibilities and opportunities of women, men and trans and gender-diverse people. Equality does not mean that women, men and trans and gender diverse people will become the same but that their rights, responsibilities, and opportunities will not depend on their gender.
Gender Equity	The provision of fairness and justice in the distribution of benefits and responsibilities based on gender. The concept recognises that people may have different needs and power related to their gender and these differences should be identified and addressed in a manner that rectifies gender related imbalances
Office for Women in Sport and Recreation	Governing body providing policy, strategy and industry support to increase the number of women and girls participating in sport and active recreation, from grassroots through to senior leadership roles.
Shire	The geographic area of East Gippsland Shire Council.
Staff	All staff engaged by East Gippsland Shire Council, including all full-time, part-time, and casual employees, labour hire agency staff, contractors, and volunteers.
Volunteer	Formally recognised, unpaid member of the public who assists with the provision of Council services e.g. Visitor Information Centre, Library.

11. Revision History and Review

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1.0					Policy creation

5.1.3 **Agricultural Sector Advisory Committee Council briefing for unconfirmed minutes of meeting held at 9 May 2024**

Authorised by Acting General Manager Place and Community

Conflict of Interest

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

Executive Summary

This report provides Council the minutes for the Agricultural Sector Advisory Committee (ASAC) meeting held Thursday 9 May 2024 at the Council Chambers 273 Main Street Bairnsdale, for noting, and consideration of the recommendations from that meeting.

A copy of the minutes is presented at **Attachment 1**.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report; and***
- 2. considers the recommendations in the Minutes of the Agricultural Sector Advisory Committee meeting held on 9 May 2024, at Attachment 1.***

Background

The ASAC provides advice, guidance, and recommendations to Council on matters that affect the agriculture sector in East Gippsland and its communities.

The roles and responsibilities of the ASAC are set out in its Charter Version 2 (2021).

At the 9 May 2024 meeting, the following recommendations to Council were minuted:

- That ASAC form a Sub-Committee to provide advice to Council on the development of a problem/opportunity stated to support the Mitchell River Water Management Arrangements Review.
- That Council writes to the State Government seeking clarification of wild dog management.
- That Council close the loop in providing feedback to ASAC on the Annual Budget considerations tabled by ASAC for Councillors last financial year.

Council Officers are progressing these recommendations.

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*.

Council Plan

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

Strategic Objective 4: 4.6 East Gippsland's natural strengths in agriculture and natural resource-based industries are enhanced to increase value, employment, sustainability, and resilience.

Council Policy

This report is consistent with Council's Advocacy Policy, Community Engagement Policy, and Representation Policy.

Options

There are no alternate approaches for Council on this reporting requirement.

Resourcing

Financial

There are no financial implications associated with this report.

Plant and equipment

There are no plant and equipment requirements with this report.

Human Resources

There are no resource issues with this report.

Risk

The risks of minutes have been considered and have been assessed as low.

Economic

There are no economic implications stemming from this report. However, the agricultural sector is noted as a significant contributor to the East Gippsland economy.

Social

This report is assessed as having no direct social impact.

Gender Impact Statement

This report is compliant with the obligations and objectives of the Victorian *Gender Equality Act 2020* and has been assessed as not requiring a Gender Impact Assessment (GIA).

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

Not applicable

Attachments

1. Unconfirmed Minutes ASAC 9 May 2024 [5.1.3.1 - 6 pages]

**East Gippsland Shire Council
Agriculture Sector Advisory Committee**

Unconfirmed Minutes

For meeting held on
Thursday 9 May 2024

7.30am to 9.30am Council Chambers 273 Main Street Bairnsdale



1. Procedural

Attendees: Alison Gunn, Cr John White, Mayor Cr Tom Crook, Edward Mauger, Jen Smith, Kaylene Wickham, Ian Cane, Nicholas Blandford, Prue McTaggart, Stuart McConnell, Trevor Caithness, Wayne Dredge

Online: Cr Jane Greacen, David Caldwell, Emily Richardson

Chair: Mayor, Cr Tom Crook

Minute taker: Andie McCullagh (Council)

Item 1.1 Acknowledgement of Country

Item 2.2 Welcome: Mayor, Cr Tom Crook welcomed all to the meeting.

Apologies: Bec Hemming, Ben Gebert, Bruce Weston, Ken Eckersley, Matthew Zagami

Item 1.3 Confirmation of previous minutes

Moved: Ian Cane

Seconded: Trevor Caithness

Item 1.4 Declaration of conflict of interest

Lara Caplygin stated a conflict of interest

2. Discussion

Item 2.1 Mitchell River Water Management Arrangements Review

Lara Caplygin; Crossco, Terry Flynn and Chris Pleydell; Southern Rural Water

One of the recommendations of the Central and Gippsland Sustainable Water Strategy was to undertake a review on the current management arrangements for the Mitchell River system. Southern Rural Water have appointed Crossco Consulting to conduct this review.

This review presents an opportunity to make sure the current arrangements are fit for purpose going forward.

Stage 1 of this review is underway to:

- Develop individual stakeholder problem/opportunity statements
- Identify gaps in knowledge
- Commence key studies/investigations

Council has been asked to nominate a representative to work with Crossco Consulting.

Questions were asked around the scope of the work, the stakeholders and consultation with irrigators.

Recommendation: That ASAC form a Sub-Committee to provide advice to Council on the development of a problem/opportunity statement to support the Mitchell River Water Management Arrangements Review.

- Reinforce the importance of a business case to outline the economic benefit from the infrastructure investment for the Mitchell River.
- How this investment has harnessed the economic value that can come from better utilisation of water.
- Reinforce the case about flexibility in the extraction arrangements to maximise the opportunity around that the economic value into the region.

Moved: Alison Gunn

A member suggested the group do a larger engagement piece around water that Gippsland Agriculture Group could facilitate on behalf of Council, which was not actioned at this time.

Action: Council, as a key economic development stakeholder, have been asked to nominate a representative to work with Crossco and Southern Rural Water for this project

Action: Committee proposed to form a working group to provide advice to Council on the development of a problem/opportunities statement. Working group members: Alison Gunn, Emily Richardson, Matthew Zagami, Trevor Caithness, Wayne Dredge. Subcommittee to be invited to a workshop with Crossco and Council.

Lara Caplygin, Chris Playdell and Terry Flynn left the meeting at 8.06am.

David Caldwell left the online meeting at 8.30am

Item 2.2 **Wild Dog Management** Edward Mauger

Concerns raised over potential changes in wild dog control measures, the classifications of dingos and wild dog and wild dog policy and budgetary decisions made by State Government. Significant concerns were raised around the flow-on impacts to small rural communities, agricultural businesses and protection of flocks, particularly in East Gippsland.

Question: *Are wild dog contractors and the current approach to wild dog management ending in October 2024?*

Recommendation: Council write to the State Government seeking clarification of wild dog management.

Moved Edward Mauger

Action: Request members to send through reports, facts and data on economic impacts of wild dogs to inform advocacy

Action: Council to write to State Government to seek clarification around their intention for the current wild dog controller program

Action: To gain further data on wild dog impacts, Council to contact Wellington Shire Council and Snowy Monaro Regional Council to ask about NSW regulations for wild dogs

3. Reports

Item 3.1

Council Updates

Stuart McConnell, General Manager Assets and Environment

Committee membership extension

Eight committee membership terms are scheduled to conclude in December this year. Given that the Council election is occurring in late October and the new Council taking office in late November, it was proposed to extend the committee's term into June 2025 until the new Council is in place. The Committee agreed to this.

Action: Kaylene to prepare Council Report seeking approval to extend term of membership.

Liz Collins, Manager Finance, entered the meeting at 8.30am.

Draft budget 2024-25

Liz Collins, Manager Finance

Draft budget is now out for consultation. The rate cap set by the state government is 2.75%.

Valuations have come through showing a slight decrease for residential properties on average, with average increase for commercial just under 2.5% and an average increase for farm properties at 6.73%. The farm class of property had the greatest average valuation change.

Council have put the draft budget out with an increase in the discount to the farm properties moving from 80% of the general rate to 75%. The commercial industrials were moved from 140% to 135%.

In relation to the total rates and municipal charge, the average increase for residential properties would be 2.75%, commercial industrial 2.16%, and farms 3.37% based on the proposed differential rates.

Question: One of the recommendations of this committee last year was that Council consider raising the Municipal charge to the full 100% applicable. Is there a reason why that has not been considered?

Council considers the total rates and Municipal charge change from one year to the next that each class contributes to the operations of Council.

Recommendation: That Council close the loop in providing feedback to ASAC on the Annual Budget considerations tabled by ASAC for Councillors last financial year.

[Draft Budget 2024/25 - community feedback invited | Your Say East Gippsland](#)

Action: Council to close the loop with communications received from ASAC Rates Sub Committee last year.

Liz Collins left the meeting at 8.52am

Fiona Weigall entered the meeting at 8.52am

Bairnsdale 2050 update

The first phase of consultation period has been completed with a co-design workshop. The project is recognising Bairnsdale as a key service centre and making sure it has got industrial land to support this. The strategy is being drafted, once completed, there will be an opportunity for further feedback.

Council staff movements

Fiona Weigall appointed Chief Executive Officer (CEO).

The members of the Committee congratulated Fiona on her appointment as CEO and noted the importance of the knowledge and context that Fiona will bring.

Fiona spoke to the engagement work that Council has done recently including a review of our engagement processes where it was found that there are inconsistencies. It came up quite strongly in the review that Council needs to close the loop if Council is going to ask people for their opinion and consider it.

Stuart McConnell has moved to the role of General Manager Assets and Environment.

Economic Development and Tourism Update

Prue McTaggart, Manager Economic Development and Tourism

Hooked on Lakes

Council has commenced working with the Victorian Fisheries Authority around the Hooked on Lakes event for next year and how Council can support to grow the event into the future. The event is around celebrating recreational fishing and the role that commercial fishing plays in Lakes Entrance.

New Energy Opportunities Study

Council has engaged SGS Economics and Planning to undertake a new energy opportunities study. The shire is not getting specific investment into offshore wind or new energy happening here but recognise there are opportunities to leverage the transition into a new energy economy.

The study is considering implications of new energy investment for local businesses and labour demands, identifying synergies and gaps between investment and our current economic attributes with recommendations on assistance that can be provided to local businesses, workers and communities to maximise benefits out of the new energy investments. A final report is due to be handed down in July.

Question: Around applications for solar panel developments and transmission infrastructure.

A Solar Panel development on the outskirts of Bairnsdale has been approved by the Minister and has a permit. Council is currently working on the Bairnsdale 2050 project, which looks at the industrial land supply into the future. Transmission infrastructure is being driven by Vic Grid.

Forestry Transition Ag Innovation working group update

Orbost, Swifts Creek and Nowa Nowa have been funded through DEECA to support communities navigate their way through the native timber transition. Each community have an agricultural related innovation working group. They are considering: seeds, water resources, biochar, hemp, circular economic, agricultural innovation hubs, processing, value-adding and agritourism.

Council is reviewing any common themes that have a broader impact across the Shire to consider regional level innovation opportunities. Noting the changing urgency and some projects finishing in Gippsland more broadly.

A member who is on the Community Reference Group for Swifts Creek highlighted the importance of the Local Development Workers. Prue McTaggart mention Council are about to submit a grant application to get additional funding to extend roles to ensure seamless continuation of the program's initiatives.

It was also raised to consider businesses that provide economic stability to the community and strengthen their position, consider how to value add services to increase employment as well as look for innovative ideas.

Item 3.2 Circulated Reports for noting by exception.

3.2.1 Agriculture Victoria

Renewing the Australian Animal Welfare Strategy open for submission
Community of Practice – On-farm emissions open for involvement

3.2.2 East Gippsland Catchment Management Authority

3.2.3 Agribusiness Development Officer

Noting congratulations to Trevor Caithness, Alison Gunn and Gippsland Agriculture Group on their recent achievements

4. General Business

Item 4.1 Opportunity for members to raise other matters

Chair, Mayor Cr. Tom Crook

A member raised that HVP has commissioned Federation Uni to do a social study into plantation forestry. It was suggested that Council request clarity on the six areas that have been identified where they are going to purchase for plantations.

A member raised that we cannot allow the timber plantations to have an overall effect on our rating capacity as a Shire. There is a concern that if State and Federal Government purchase these properties and that they are held by Government that they will not be rated.

A member suggested adding an item to the agenda for the next meeting around a whole of public land strategy that includes wild dog, water, etc. How can Council influence management given the disconnect with State and Federal Government?

Action: *Include public land strategy on the meeting agenda for ASAC 8 August 2024*

Action: *Contact HVP/Federation University to seek clarification on the six areas that have been identified for plantations*

Question: *A member asked if it's possible to get a master plan and vision for the agricultural precinct at the Bairnsdale Aerodrome?*

This was taken on notice.

An African Lovegrass forum was promoted with members being invited to attend.

Action: *Invitation to the African Lovegrass forum be extended to committee and Council staff to attend*

Item 4.2 Actions from previous meeting

As per table provided which included advice from the Planning Department about plantations and from the Environment Projects team on weed management.

5. Presentations

Item 5.1 Farming on the brink

Jen Smith, Farmer

Jen Smith shared a presentation of her family's agricultural journey. Jen, her husband Brad, and their two kids run a farm. The key message from the presentation was that achieving carbon neutrality is possible but requires a highly efficient production system. Jen also discussed the business challenges of farming, including family succession, bushfires, and the financial strain of growing the business and acquiring land. Last year, we faced a major challenge with a correction in livestock prices. Despite improving efficiencies and skills over the past decade, our costs have increased by 61%, while income from selling feeder steers has only increased by 2%. This disparity makes it difficult to justify continuing their business in this region. Jen encouraged participation in upcoming "Business of Farming" events to understand these challenges better.

6. Meeting Close

Item 5.1 Meeting closed at 9.51am

Next meeting: 8 August 2024

5.2 Assets and Environment

5.2.1 CON2024 1611 Bastion Point Groyne Wall Remediation Works - Construction

Authorised by Acting 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 Attachments 1 and 2** to this report are confidential because they contain private commercial information, which if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage by disclosing financial information to competitors and may unduly affect East Gippsland Shire Council's reputation and therefore should remain confidential.

Conflict of Interest

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

Executive Summary

The breakwater at the Bastion Point Boat Ramp was constructed in 2014-2015. The rock wall is approximately 138 metres long and approximately 15 metres wide.

Since its construction, the boat ramp has been vital for the local community, visitors, and the abalone industry. It serves as a crucial emergency evacuation point, as evidenced during the 2019/20 fires. The boat ramp and rock wall are essential for providing open ocean access for Mallacoota, supporting local recreational, commercial users, and emergency services.

Since construction, the boat ramp and associated infrastructure has presented periodic, ongoing maintenance challenges due to the high energy coastline it abuts. These challenges include:

- Periodic dredging near the boat ramps is required to maintain boat access, involving the operation of a dredging machine and frequent depth checks.
- Boulders from the end of the rock revetment were dislodged in several different storms and have created navigation hazards.

Work is required to protect the integrity of the rock wall. To address these issues, funding has been sourced from Better Boating Victoria (BBV) to undertake repairs to the rock wall. This involves adding additional rock armour (each rock weight ranges from 1.8 to 14.5 tonne) along the seaward side and around the head of the rock berm. Civil works will also include removing any rocks obstructing the boating channel during mobilisation at Bastion Point.

The purpose of this procurement is to secure the services of an experienced contractor to carry out these repairs, based on recent investigations conducted by marine engineering consultants. As a result of the invitation to tender and the subsequent tender evaluation provided as **Confidential Attachment 1**; and a further assessment of project risks provided as **Confidential Attachment 2**, Council is now able to consider the recommendation to award contract CON2024 1611 Bastion Point Groyne Wall Remediation Works – Construction.

The Bastion Point Proposed Berm Plan is also provided as **Attachment 3**.

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 1611, Bastion Point Groyne Wall Remediation Works – Construction, for the contract amount of \$ _____ 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 Confidential Attachment 1 and 2 to this report and all discussions relating to these attachments remain confidential.***

Background

The infrastructure at the Bastion Point Boat Ramp was constructed in 2014-2015 and comprised of:

- the breakwater;
- a natural rock reef forms the northern (trailing) wall;
- the southern (leading) wall is a rock revetment, supported on a sandbag footing (filled in-situ with beach sand);
- the breakwater contains a double boat ramp providing boat access to the ocean; and
- carpark and viewing areas.

Following completion of the boat ramp facility there have been several significant weather events generating large waves, many of which have been witnessed breaching the outer breakwater wall. Council engaged a Coastal Marine Consulting Engineering Firm (Magryn & Associates Pty Ltd) to undertake a site inspection, hydrographic and land survey in February 2023 and provide reports and recommendations.

This report concluded that improvements could be made to the breakwater.

Council used this report to inform the design of the repairs that are the subject of CON2024 1611.

Legislation

As of 1 July 2023, 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 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. A further assessment of risks and options is provided as **Confidential Attachment 2**.

Council has the option to award a contract in accordance with the Officer recommendations, or to not proceed with the procurement.

Resourcing

Financial

Better Boating Victoria's 2022-23 Recreational Boating Structural Maintenance Program has supported this project with a grant of \$167,000.

Council has contributed \$143,292 cash in 23/24 and a further \$1.5 million was allocated in the 24/25 budget which was adopted by Council on 25 June 2024.

Total budget available after current expenditure and commitments is \$1,672,531.

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

As per the Procurement Policy, 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.

The risks of various construction and contractor options have also been considered and presented to Council in the confidential attachments.

Economic

The maintenance of the boat ramp will ensure that the ramp continues to be available for use by the commercial abalone industry which is one of the major employers in Mallacoota.

The ramp is also well-used by recreational fishing and boaters which in turn will continue to value add to the local tourism industry encouraging boaters to holiday in Mallacoota.

As per the Procurement Policy, the tender evaluation process used for this tender included a 5% weighting for local content, with preference given to contractors who can demonstrate local economic benefits from the project.

Social

During the bushfires, the Bastion Point boat ramp was used by naval and other vessels to evacuate locals and visitors. With the only sealed road into Mallacoota closed and air evacuations subject to smoke conditions, evacuation by sea was sometimes the only available option.

The boat ramp availability will enable greater fishing activities, rescue and relief capacity which will save lives during future emergencies.

Gender Impact Statement

The *Gender Equality Act 2020* was considered in the preparation of contract CON2024 1611 Bastion Point Groyne Wall Remediation Works – Construction which has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

The establishment of the Bastion Point boat ramp was subject to Environmental Assessment Statement (EES) to reduce negative impacts. This project (tendered works) is not expected to change the environmental effects.

As per the Procurement Policy, 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

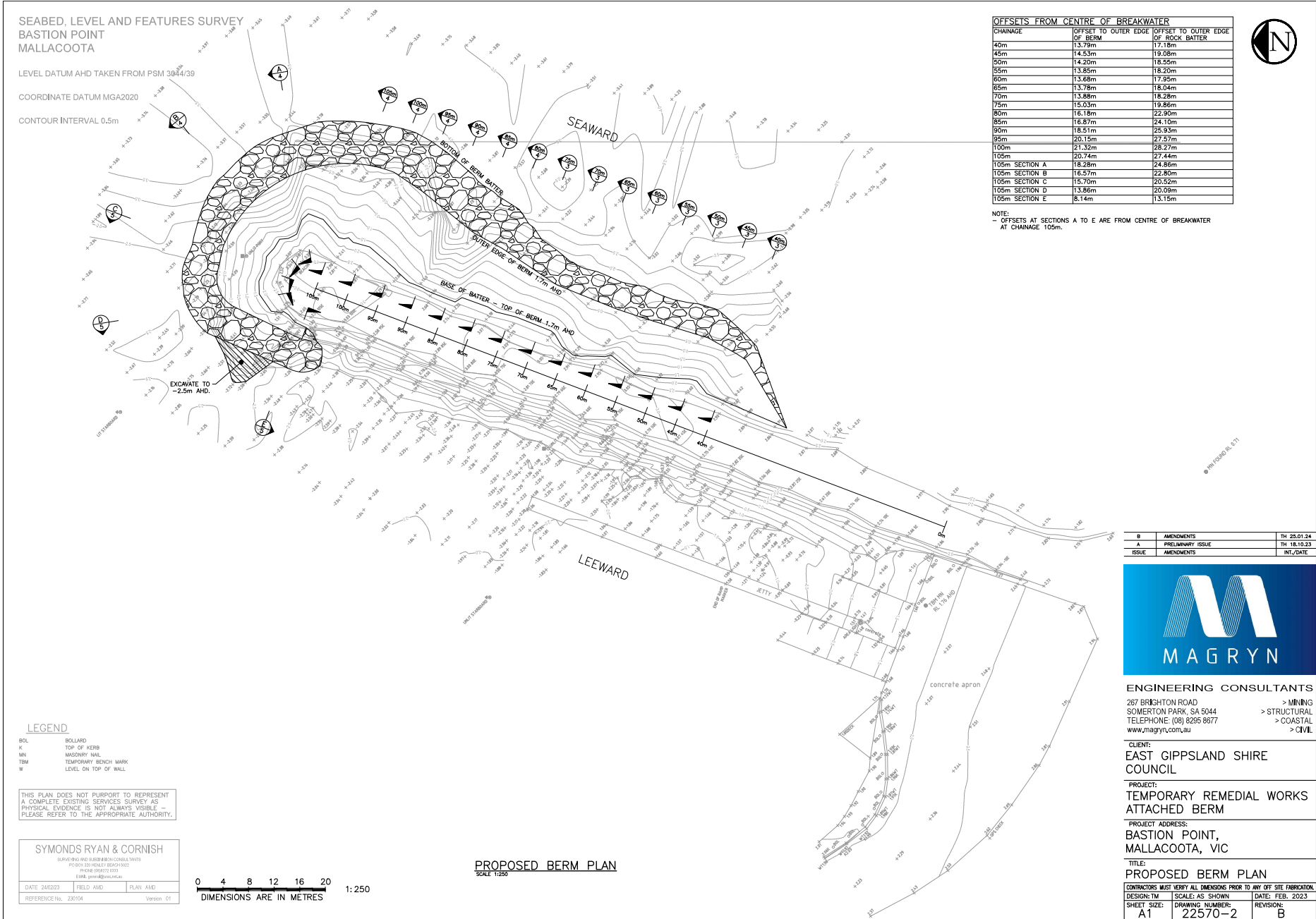
Community engagement has been undertaken in accordance with the principles of Council's Engagement Policy, with various methods employed to inform the community of the progress of this project.

A community engagement plan has been implemented, identifying key stakeholders, and initiating discussions with community leaders to determine the best approach for informing the community. Various communication tools, such as a YourSay page, mailouts, Council newsletters, and on-site information sessions, are being utilised for engagement.

The YourSay page was launched on 27 June 2023, with regular project updates to keep the community informed and provide avenues for feedback. Additionally, the YourSay page is supported by Council's existing communication channels, including social media posts and Shire Noticeboard advertisements.

Attachments

1. CONFIDENTIAL - CON2024 1611 Tender Evaluation Report [5.2.1.1 - 13 pages]
2. CONFIDENTIAL - Chief Executive Officer Assessment [5.2.1.2 - 3 pages]
3. Bastion Point Proposed Berm Plan - Magryn Engineering Consultants [5.2.1.3 - 1 page]



5.2.2 CON2024 1652 Provision of Waste and Recycling Trailer Services

Authorised by Acting 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 contract is for hauling, monitoring, and providing emptying services for waste and recycling trailer(s) provided for remote communities.

A Request for Tender (RFT) was advertised seeking responses from suitable vendors to undertake this contract. Six conforming tender submissions were received by the closing date of Wednesday 8 May 2024. The Tender Evaluation Panel report (TEP) is provided at **Confidential Attachment 1**.

This initial term of the contract is for two years at a fixed lump sum price and schedule of rates with the anticipated commencement being July/August 2024. There is one further extension option of two years inclusive of CPI adjustment, at Council's sole discretion.

Due to the current contract expiry, the current suppliers have agreed to continue with the services until contract award.

The recommended contractor has provided competitive pricing, has significant demonstrated experience in delivering waste disposal and recycling services and are therefore well placed to deliver the requested services.

,

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 1652
Provision of Waste and Recycling Trailer Services for a period of two (2) years
with one extension option of up to Two (2) years for:**

Area 1 – lump sum price of \$_____ (ex GST) and schedule of rates (ex GST);
Area 2 – lump sum price of \$_____ (ex GST) and schedule of rates (ex GST);
Area 3 – lump sum price of \$_____ and schedule of rates for Area 3 (ex GST);
**Area 4 – schedule of rates prices submitted for Monday-Friday per collection/
disposal (ex GST)**

as provided at Confidential Attachment 1, be accepted.
- 3. authorises the Chief Executive Officer or delegate to exercise the one two year
extension option on the basis that contractual terms have been met;**
- 4. authorises the Chief Executive Officer or delegate to finalise the terms and to sign
and seal the contract in the form proposed; and**
- 5. resolves that Confidential Attachment 1 to this report and all discussions remain
confidential.**

Background

This contract replaces the existing contract CON2019 1370 - Provision of Waste and Recycling Trailer Services, which expired 30 June 2024.

The contract is for hauling, monitoring, and providing emptying services for the 8m³ split waste and recycling trailer(s) located at rural and remote communities. The contract is for a period of two years with a two-year extension option, which may be made available solely at the discretion of Council.

East Gippsland Shire Council provides access to 13 waste trailers positioned in remote communities at the following locations:

- **Area 1** – Club Terrace, Combienbar, Furnell and Chandlers Creek (Lump Sum fee and Schedule of Rates);
- **Area 2** – Goongerah, Tubbut, Deddick and Dellicknora (Lump Sum fee and Schedule of Rates);
- **Area 3** – Gelantipy, Wulgulmerang (Lump Sum fee and Schedule of Rates); and
- **Area 4** – Genoa (Schedule of Rates only).

This initial term of the contract is for two years at a fixed lump sum price and fixed schedule of rates with the anticipated commencement being August 2024. There is one extension option of two years inclusive of CPI adjustment, at Council's sole discretion.

A Request for Tender (RFT) was advertised seeking responses from suitable vendors to undertake this contract. Six conforming tender submissions were received by the closing date of Wednesday 8 May 2024. The final TEP meeting was held on 14 June 2024.

The submissions were evaluated by the Tender Evaluation Panel using a set list of weighted criteria that considered financial value (35%), capacity (25%), capability (20%), local contribution (5%) and environmental and sustainability (5%).

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.

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

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

The implications of the report have been assessed and are compliant with the obligations and principles of the *Gender Equality Act 2020*.

Collaborative procurement

Options for collaborative procurement have not been considered in this instance, given the request for services being unique to East Gippsland Shire in terms of location and timeframe in which the services are required.

Council Plan

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

Strategic Objective 1: 1.1 Council strives to provide equitable access to their services, support and facilities.

Strategic Objective 3: 3.4 Environmentally and financially sustainable practices reduce waste going to landfill.

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

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

Council Policy

The tender process has been completed in accordance with Council's Procurement Policy.

Options

There are two options available to Council with respect to this report.

1. Award the Contract (**preferred option**); or
2. Re-tender for the services provided by CON2024 1652.

Option one (1) is recommended for the reasons outlined earlier in this report.

Resourcing

Financial

The procurement of the waste trailer services will be funded by the operational budget.

Council's budgets are set through the annual budget process. The budget for waste trailer services comes from Council's Operating Budget. The 2024/25 adopted budget for the provision of rural waste trailer services and associated maintenance is \$172,265.

Human Resources

Existing staff internally manage this contract.

Risk

The risks of this proposal have been considered and the contractor is required to carry out all activities as specified in the specification to a satisfactory standard throughout the term of the contract.

Economic

As per the Procurement Policy, the tender evaluation process used for this tender included a 5% weighting for economic impact, with preference given to contractors who can demonstrate local content and local economy benefits.

Social

Waste services are an essential service for our community, with the safe and efficient removal of waste being a contribution to community and individual health and wellbeing.

Gender Impact Statement

The *Gender Equality Act* 2020 was considered in the preparation of contract CON2024 1652 Provision of Waste and Recycling Trailer Services. Contract CON2024 1652 Provision of Waste and Recycling Trailer Services has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

Climate change

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

Greenhouse Gas Emissions: Consideration has been given to reduce GHG emissions. Through appropriate disposal of community waste and landfill gas emissions management.

As per the Procurement Policy, 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.

Engagement

Community engagement is not normally undertaken for waste trailer services. In situations where engagement is required with affected residents or the general travelling public, this will be undertaken on a case-by-case basis.

Attachments

1. CONFIDENTIAL - CON2024 1652 Tender Evaluation Report [**5.2.2.1** - 17 pages]

5.3 Business Excellence

5.3.1 Information Communications Technology Equipment Tender Panel of Suppliers - Joint tender with Shire of Wellington

Authorised by General Manager Business Excellence

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*, **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 report is to seek approval for the issuing of contracts to the preferred tenderers, of a collaborative tender between East Gippsland Shire Council and Wellington Shire Council for the Information Communications Technology (ICT) Equipment Panel of Suppliers Contract 2024-000077.

The lead procurement Council for this collaborative tender has been Wellington Shire Council. The confidential Tender Evaluation Report, provided at **Confidential Attachment 1**, is in Wellington Shire Council's format and the tender was assessed by staff members, who work in a shared capacity for both East Gippsland Shire Council and Wellington Shire Council.

The ICT Equipment Panel of Suppliers is a non-mandatory panel arrangement being established for the supply of suitably qualified vendors to support and assist East Gippsland Shire Council and Wellington Shire Council in their delivery of ICT enabled services and specialist projects.

The collaborative procurement will ensure that both East Gippsland Shire Council and Wellington Shire Council can secure the appropriate skill and expertise, in the most cost-effective manner, to support ICT project and service delivery requirements for the next three-year period.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;***
- 2. approves Wellington Shire Council to award Contract No 2024-000077 for the Information Communications Technology Equipment Panel of Suppliers on behalf of East Gippsland Shire Council for a three-year period to the following:***
 - a)*** _____
 - b)*** _____
 - c)*** _____
 - d)*** _____
 - e)*** _____
 - f)*** _____
 - g)*** _____
 - h)*** _____
- 3. approves and authorises the Chief Executive Officer or delegate to execute such documents as are necessary to give effect to the arrangements of the Information Communications Technology Equipment Panel of Suppliers Contract 2024-000077; and***
- 4. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.***

Background

East Gippsland Shire Council and Wellington Shire Council (Lead procurement Council) have completed an evaluation of the ICT Equipment Panel of Suppliers Contract 2024-000077.

The objective of the joint tender with Wellington Shire Council is to achieve procurement and service delivery efficiencies across both Councils.

The ICT Equipment Panel of Suppliers is a non-mandatory panel arrangement being established for the supply of suitably qualified vendors to support and assist East Gippsland and Wellington Shire Councils in the supply and provision of ICT Equipment to meet the Council's ICT equipment requirements.

The ICT Equipment Panel of Suppliers contract includes the following ICT equipment categories:

- laptops and tablet devices;
- desktop monitors;
- ICT infrastructure and network equipment (Incl. Wi-Fi equipment); and
- peripheral devices.

Legislation

This report has been prepared in accordance with *Local Government Act 2020*, sections 108 and 109.

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*.

Collaborative procurement

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has been prepared in collaboration with Wellington Shire Council.

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

Collaborating with Wellington Shire Council for a joint tender complies with Council's Procurement Policy.

Options

Council has the following options available:

1. Approve the Awarding of Contract No 2024-000077 for the ICT Equipment Panel of Suppliers for a three-year period as recommended by the Tender Evaluation Panel (**Recommended**).
 - This arrangement will ensure ongoing procurement and service delivery efficiencies across both Councils for the next three-year period; or
2. Do Nothing (Not recommended)
 - This is not a feasible option given both Councils' significant ICT equipment requirements to facilitate new projects and substantial technology refresh program over the next three-year period to ensure Cyber compliance.

Resourcing

Financial

The impact of adopting the ICT Equipment Panel of Suppliers is estimated to save approximately \$80,000 over a three-year period.

Plant and equipment

This report is assessed as having no impact to plant and equipment.

Human Resources

There are no implications for human resources.

Risk

This proposal manages risk to provide the right equipment for people to do their jobs.

Economic

The joint tender procurement with Wellington Shire Council has provided the opportunity to establish a procurement panel of local ICT equipment supply, supporting the local economy and ICT industry.

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.

Environmental

The following considerations will be undertaken when equipment is sought from the panel of providers:

- Hardware must be energy efficient; preference is given to devices with low power consumption.
- Equipment is designed for a longer lifespan, is durable thus minimising e-waste.
- Materials and manufacturing – preference to recyclable materials that are non-hazardous.
- Vendor sustainability practices – View of vendor manufacturing process and assessment of Corporate Social Responsibility.
- End of life management – Are refurbishment options or take-back-programs offered by the manufacturer.
- Packaging and e-waste management.
- Life cycle assessment – Assessment of the production through to disposal process.

Engagement

A public tender process has been completed.

Attachments

1. CONFIDENTIAL - IT Equipment Panel of Suppliers Evaluation Report [5.3.1.1 - 5 pages]

Authorised by General Manager Business Excellence

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 Attachments 1 and 2** are confidential because they contain 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 report is to seek approval for the issuing of contracts to the preferred tenderers, provided at **Confidential Attachment 1**, of a collaborative tender between East Gippsland Shire Council and Wellington Shire Council for the Print and Copier Services Panel of Providers Contract 2024-000023. A summary evaluation of preferred tenderers is provided at **Confidential Attachment 2**.

The lead Council for this collaborative tender has been Wellington Shire Council. The confidential Tender Evaluation Report, provided at **Confidential Attachment 1**, is in Wellington Shire Council's format and the tender was assessed by staff members, who worked together to assess.

The Print and Copier Services Panel is being established for the supply of suitably qualified vendors to support and assist East Gippsland and Wellington Shire Councils in the provision of Print and Copier services.

The objective of the joint tender with Wellington Shire Council is to achieve procurement and service delivery efficiencies across both Councils by securing the appropriate skill and expertise, in the most cost-effective manner, to support print and copier services for the next three-year period.

Officer Recommendation

That Council:

1. ***approves Wellington Shire Council to award Contract No 2024-000023 for the Print and Copier Services Panel of Providers on behalf of East Gippsland Shire Council for a three-year period to the following:***
 - _____
 - _____
 - _____
 - _____
2. ***approves and authorises the Chief Executive Officer or delegate to execute such documents as are necessary to give effect to the arrangements of the Print and Copier Services Panel of Providers Contract 2024-000023;***
3. ***delegates the power to the Chief Executive Officer to exercise the one extension option of two years on the basis that all contractual requirements have been met by the suppliers; and***
4. ***resolves that Confidential Attachment 1 and 2 to this report and all discussions relating to these attachments remain confidential.***

Background

East Gippsland and Wellington Shire Councils have completed the evaluation of the Print and Copier Services Panel of Providers Contract 2024-000023.

The Print and Copier Services Panel of Providers is a panel arrangement being established to support and assist the supply and provision of Print and Copier services and represents the best value for money, the most benefit to the community and the greatest advantage to council.

Legislation

This report has been prepared in accordance with *Local Government Act 2020*, sections 108 and 109.

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*.

Collaborative procurement

Pursuant of section 109(2) of the *Local Government Act 2020*, this report has been prepared in collaboration with Wellington Shire Council.

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

Collaborating with Wellington Shire Council for a joint tender complies with Council's Procurement Policy.

Options

Council has the following options available:

1. Award Contract No 2024-000023 for the Print and Copier Services Panel of Providers for a three-year period with one extension option of two years as recommended by the Tender Evaluation Panel (Recommended); or
2. Do Nothing (Not recommended)
This is not a feasible option given both Councils' photocopier and print fleet is aging and will be high cost to replace and repair outside of a managed services contract.

Resourcing

Financial

This impact of adopting the Print and Copier Services Panel of Providers is estimated to have approximately \$60,000 in cost benefit over a three-year period.

Plant and equipment

This report is assessed as having no impact to plant and equipment.

Human Resources

There are no implications for human resources.

Risk

This proposal manages risk to provide the right equipment for people to do their jobs.

Economic

The joint tender procurement with Wellington Shire Council has provided the opportunity to establish a procurement panel of local ICT equipment supply, supporting the local economy and ICT industry.

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.

Environmental

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

Engagement

A public tender process has been completed.

Attachments

1. CONFIDENTIAL - Confidential 2024-000023 Tender Evaluation Report Final [**5.3.2.1** - 4 pages]
2. CONFIDENTIAL - Confidential 2024-000023 Tender Evaluation Matrix [**5.3.2.2** - 7 pages]

5.3.3 Council Meeting Resolution Register

Authorised by General Manager Business Excellence

Conflict of Interest

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

Confidential 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 3** to this report are confidential because it contains confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

Executive Summary

Council's Chief Executive Officer is responsible for ensuring that the decisions of the Council are implemented without undue delay.

This report provides the status for outstanding Council resolutions up to 31 March 2024, from the previous report tabled on 30 April 2024 refer **Attachment 1** and resolutions from 1 April 2024 – 30 June 2024 (not including resolutions that are for noting only) refer **Attachment 2** and **Confidential Attachment 3**.

Officer Recommendation

That Council receives and notes this report and all attachments pertaining to this report.

Background

The primary role of the Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community. Council must perform its role in accordance with the Overarching Governance Principles as set out in section 9 of the *Local Government Act 2020*, in which one of the principles states:

'...the transparency of Council decisions, actions and information is to be ensured'.

The reporting of Council resolutions is a vital measure of Council's performance and provides the information it needs to demonstrate transparency and Council's accountability to the community.

For the period of 1 April 2024 – 30 June 2024, there were 21 open Council resolutions (not including resolutions for noting only) in the reporting period, of which all have been completed. There were three closed Council resolutions (not including resolutions for noting only), of which two are completed and one is in progress.

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 9(i) and section 58.

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

Council Policy

This report is consistent with the Governance Rules and the Community Engagement Policy.

Options

There are no alternate approaches for Council on this reporting requirement.

Resourcing

Financial

There are no financial implications associated with this Report.

Plant and equipment

There are no plant and equipment requirements with this Report.

Human Resources

There are no resource issues with this Report.

Risk

The risks of this proposal have been considered and once the Resolution Register is published, there may be questions or negative responses from the community. This will be managed in accordance with Council's Complaints Management Policy.

Economic

There are no economic implications stemming from this Report.

Social

This Report is assessed as having no direct social impact.

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 garner the updates on the progress of resolutions. The register will be made available on Council's website, consistent with the Community Engagement Policy.

Attachments

1. Open Council Resolutions up to 31 March 2024 [**5.3.3.1** - 1 page]
2. Open Council Resolutions from 1 April 30 June 2024 [**5.3.3.2** - 10 pages]
3. CONFIDENTIAL - Closed Council Resolutions from 1 April 30 June 2024 [**5.3.3.3** - 3 pages]

Update on Open Council Meeting Resolutions up to 31 March 2024

Meeting Date	Item No.	Item	Directorate	Status
19 March 2024	5 2.5	CON2024 1535 Sealed Roads - Major Rehabilitation Capital Works	Assets and Environment	In progress
28 February 2023	5.1.2	CON2023 1478 Heritage Listed Hinnomunjie Timber Truss Bridge - Structural Stabilisation	Assets and Environment	In progress
14 November 2023	2.1	Climate Change Initiatives	Assets and Environment	Completed

Open Council Resolutions from 1 April – 30 June 2024

Meeting Date	Item No.	Item	Motion	Directorate	Status
09/04/2024	5 1.1	Service Centres and Library 12-month Trial	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and all attachments pertaining to this report;</i> <i>2. approves the continuation of opening hours for the Service Centres and Libraries based on the trial hours;</i> <i>3. approves making the two-vehicle mobile library service an ongoing service; and</i> <i>4. notes that data will continue to be collected on library and service centre use to inform future service delivery improvements and efficiencies and will be tabled with Council as required.</i> 	Business Excellence	Completed
09/04/2024	5 1.2	Advocacy Strategy 2024	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and all attachments pertaining to this report; and</i> <i>2. endorses the updated Advocacy Strategy 2024, provided at Attachment 1.</i> 	Business Excellence	Completed
30/04/2024	5 1.1	Advertise Draft Budget 2024/25	Per Council Resolution	Business Excellence	Completed

Meeting Date	Item No.	Item	Motion	Directorate	Status
30/04/2024	5 1.2	Advertise 10 Year Financial Plan and Four Year Revenue and Rating Plan	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and the attachment pertaining to this report;</i> <i>2. advertises its draft 10 Year Financial Plan 2024/25 to 2033/34 provided at Attachment 1;</i> <i>3. advertises its draft Four Year Revenue and Rating Plan 2024/25 to 2027/28 provided at Attachment 2; and</i> <i>4. seeks community feedback on the draft 10 Year Financial Plan 2024/25 to 2033/34 and the draft Four Year Revenue and Rating Plan 2024/25 to 2027/28 until 12 noon on Wednesday 29 May 2024.</i> 	Business Excellence	Completed
30/04/2024	5 1.4	Council Policies	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and the attachment pertaining to this report;</i> <i>2. adopts the Privacy Policy, as provided at Attachment 1; and</i> <i>3. rescinds the:</i> <ol style="list-style-type: none"> <i>a. Information Privacy Policy;</i> <i>b. Information Privacy Guidelines;</i> <i>c. Service Provision and Fire Danger Rating Policy;</i> <i>d. Access to Information (Record) Policy;</i> <i>e. After Hours On-Call / Callout Policy;</i> <i>f. Timber Encouragement Policy; and</i> <i>g. Drone (Remote Piloted Aircraft) Policy.</i> 	Business Excellence	Completed

Meeting Date	Item No.	Item	Motion	Directorate	Status
30/04/2024	5 1.5	Election Period Policy	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and all attachments pertaining to this report;</i> <i>2. adopts the updated Election Period Policy as presented at Attachment 1;</i> <i>3. notes that the Election Period Policy forms part of the Governance Rules as required under section 69 of the Local Government Act 2020; and</i> <i>4. notes that the amount referred to in section 4.2.1 of the Election Period Policy as being one per cent of Council's income from general rates, municipal charges, and service rates and charges for the 2023/24 financial year (being \$688,000) is a forecast amount only and if required, will be updated administratively following the end of financial year processes.</i> 	Business Excellence	Completed

Meeting Date	Item No.	Item	Motion	Directorate	Status
30/04/2024	5 2.2	CON2024 1627 Provision of Arboriculture - General Tree Services - Panel of Suppliers	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>receives and notes this report and all attachments pertaining to this report;</i> <i>accepts the tendered Schedule of Rates for CON2024 1627 – Provision of Arboriculture – General Tree Services:</i> <ul style="list-style-type: none"> <i>Batt Brothers Pty. Ltd. ATF Batt Family Trust trading as Batt Brothers Vegetation;</i> <i>Management for categories A, B, C, D and E;</i> <i>Drouin Tree Services Pty Ltd for categories A, B, C, D and F;</i> <i>ENSPEC Pty. Ltd for category F;</i> <i>Roots 2 Leaves Tree Services Pty Ltd for categories A, C, D, E and F;</i> <i>TD Tree Services Pty Ltd for categories A, B, C and D;</i> <i>Tonkin, Rachael Trading as Uber Abor Girl for category F;</i> <i>Tree Limits Pty Ltd for categories A, B, C, D, E and F;</i> <p><i>for CON2024 1627 – Provision of Arboriculture – General Tree Services – Panel of Suppliers for a three-year term, as provided in Appendix 1 of Confidential Attachment 1;</i></p> <ol style="list-style-type: none"> <i>authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed;</i> <i>delegates the power to the Chief Executive Officer to exercise the one extension option of twelve months, inclusive of annual CPI adjustment if the contractor has met all contractual requirements; and</i> <i>resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.</i> 	Assets and Environment	Completed

Meeting Date	Item No.	Item	Motion	Directorate	Status
30/04/2024	5 2.3	CON2024 1609 Road Safety Upgrades - Marine Parade, Lakes Entrance	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and all attachments pertaining to this report;</i> <i>2. accepts the tender submitted by Cranes Asphaltting & Bitumen Sealing Pty Ltd for CON2024 1609 Road Safety Upgrades – Marine Parade, Lakes Entrance, for the contract amount of \$1,664,679.25 exclusive of GST;</i> <i>3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract in the form proposed; and</i> <i>4. resolves that Confidential Attachment 1 and all discussions regarding this attachment remain confidential.</i> 	Assets and Environment	Completed
21/05/2024	5 1.1	CON2024 1610 Myer Street Lakes Entrance	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and all attachments pertaining to this report;</i> <i>2. accepts the tender submitted by Whelans Group Investments Pty Ltd CON2024 1610 Road Safety Upgrades Myer Street, Lakes Entrance for the contract amount of \$1,458,474.34 exclusive of GST;</i> <i>3. subject to securing and confirming the external funding sought and budgeted for by Council for the Road Safety Upgrades Myer Street, Lakes Entrance, authorises the awarding of the contract;</i> <i>4. authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and</i> <i>5. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.</i> 	Assets and Environment	Completed

Meeting Date	Item No.	Item	Motion	Directorate	Status
21/05/2024	5 1.2	CON2024 1636 Mallacoota Streetscape	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>receives and notes this report and all attachments pertaining to this report;</i> <i>accepts the tender submitted by Whelans Group Investments Pty Ltd for CON2024 1636 Mallacoota Streetscape for the contract amount of \$2,871,408.57 exclusive of GST;</i> <i>notes the receipt of the Probity Report, with no adverse findings, and approves the awarding of this contract; and</i> <i>authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and</i> <i>resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.</i> 	Assets and Environment	Completed
21/05/2024	5 2.1	Submission - Inquiry into Local Government Sustainability	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>receives and notes this report and all attachments pertaining to this report;</i> <i>endorses the submission provided at Attachment 2, with removal of reference to recommendations suggesting alternate approaches to rate capping, which is a State issue;</i> <i>authorises the Chief Executive Officer to augment the draft submission with relevant data or information coming from the local government peak bodies; and</i> <p><i>notes that Officers will submit, by 31 May 2024, the endorsed submission to the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport for consideration.</i></p>	Business Excellence	Completed

Meeting Date	Item No.	Item	Motion	Directorate	Status
21/05/2024	5 2.2	Locality Boundary Realignment – Eagle Point, Paynesville, Newlands Arm, Raymond Island, Boole Poole and Metung	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and all attachments pertaining to this report;</i> <i>2. endorses the proposal to amend the locality boundary between Eagle Point, Paynesville, Newlands Arm, Raymond Island, Boole Poole and Metung, as provided at Attachment 1; and</i> <i>3. notes that Officers will submit the endorsed application to the Registrar of Geographic Names Victoria for registration.</i> 	Business Excellence	Completed
21/05/2024	5 2.3	Locality Boundary Realignment – Lakes Entrance and Kalimna	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and all attachments pertaining to this report.</i> <i>2. endorses the proposal to amend the locality boundary between Lakes Entrance and Kalimna as per Attachment 1; and</i> <i>3. notes that Officers will submit the endorsed application to the Registrar of Geographic Names Victoria for registration.</i> 	Business Excellence	Completed
25/06/2024	1 7 1.1	Reduce Speed Limit at Birrells Road, Newlands Arm	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report;</i> <i>2. receives the petition lodged by Mr Ian Neale requesting “this petition of local residents is requesting the responsible authority to reduce the speed limit of Birrells Road, Newlands Arm from 100kph to 80kph.”;</i> <i>3. that the petition be referred to the General Manager Assets and Environment for consideration and response; and</i> <i>4. notes that the Chief Executive Officer will arrange for Council Officers to write to the head petitioner advising them of these actions.</i> 	Assets and Environment	Completed

Meeting Date	Item No.	Item	Motion	Directorate	Status
25/06/2024	5 1.1	Adoption of Council Budget 2024/25	Please action as per Council resolution.	Business Excellence	Completed
25/06/2024	5 1.2	Adoption 10-Year Financial Plan 2024/25 to 2033/34 and Four-Year Revenue and Rating Plan 2024/25 to 2027/28	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and all attachments pertaining to this report;</i> <i>2. adopts the 10-Year Financial Plan 2024/25 to 2033/34 as provided at Attachment 1, in accordance with section 91 of the Local Government Act 2020; and</i> <i>3. adopts the Four-Year Revenue and Rating Plan 2024/25 to 2027/28 provided at Attachment 2.</i> 	Business Excellence	Completed
25/06/2024	5 1.3	Draft Annual Action Plan 2024-25	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and all attachments pertaining to this report; and</i> <i>2. endorses the Draft Annual Action Plan 2024-25, at Attachment 1.</i> 	Business Excellence	Completed
25/06/2024	5 1.4	Inquiry into Local Government Funding and Service Delivery	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and all attachments pertaining to this report;</i> <i>2. endorses the submission, provided at Attachment 2;</i> <i>3. authorises the Chief Executive Officer to augment the draft submission with relevant data or information coming from the local government peak bodies; and</i> <i>4. notes that Officers will submit, by 28 June 2024, the endorsed submission to the Economy and Infrastructure Committee for consideration.</i> 	Business Excellence	Completed

Meeting Date	Item No.	Item	Motion	Directorate	Status
25/06/2024	5 2.1	CON2022 1432 - Contract Extension - Schedule of Rates Contract for Bituminous Sealing in East Gippsland	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>receives and notes this report;</i> <i>approves the contract extension to CON2022 1432 Schedule of Rates Contract for Bituminous Sealing in East Gippsland for a period of 12 months to 30 June 2025, for the tendered schedule of rates to Cranes Asphaltting & Bitumen Sealing Pty Ltd;</i> <i>authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract extension in the form proposed; and</i> <i>delegates the power to the Chief Executive Officer to exercise the final extension option of up to 12-months, subject to the contractor continuing to demonstrate satisfactory performance.</i> 	Assets and Environment	Completed
25/06/2024	5 2.2	CON2024 1651 Moroney Street Bairnsdale Upgrade Stage 3B	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>receives and notes this report and all attachments pertaining to this report.</i> <i>accepts the tender submitted by Whelans Group Investments Pty Ltd for CON2024 1651, Moroney Street Bairnsdale Upgrade Stage 3B for the contract amount of \$1,071,307.09 exclusive of GST;</i> <i>authorises the Chief Executive Officer or delegate to finalise the terms and to sign the contract in the form proposed; and</i> <i>resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.</i> 	Assets and Environment	Completed

Meeting Date	Item No.	Item	Motion	Directorate	Status
25/06/2024	5 2.3	CON2024 1649R Buchan Recreation Reserve Netball/Tennis Court Construction	<p><i>That Council:</i></p> <ol style="list-style-type: none"> <i>1. receives and notes this report and all attachments pertaining to this report;</i> <i>2. accepts the tender submitted by Clint Kelly Excavations Pty Ltd for CON2024 1649R, Buchan Recreation Reserve Netball / Tennis Court Construction for the contract amount of \$870,224.59 exclusive of GST;</i> <i>3. authorises the Chief Executive Officer or delegate to finalise the terms and to sign and seal the contract in the form proposed; and</i> <i>4. resolves that Confidential Attachment 1 to this report and all discussions relating to that attachment remain confidential.</i> 	Assets and Environment	Completed

5.3.4 S11A Instrument of Appointment and Authorisation - Planning and Environment Act 1987

Authorised by General Manager Business Excellence

Conflict of Interest

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

Executive Summary

Council Officers are appointed as Authorised Officers to exercise statutory powers under various Acts, regulations, and local laws in accordance with the provisions granted to them.

The *Planning and Environment Act 1987* (the Act) regulates enforcement and is reliant on Authorised Officers acting on behalf of the responsible authority (Council).

As a result of the appointment of Petra Wood as a Statutory Planning Officer, it is recommended that the new authorisation pursuant to the Act be approved.

In most cases, Authorised Officers are appointed by the Chief Executive Officer (CEO) through the power of delegation conferred through the S5 Instrument of Delegation (Council to CEO). However, the Act specifically requires that Authorised Officers under that Act be appointed by resolution of Council.

This report recommends a new appointment pursuant to the Act be approved. The proposed S11A Instrument of Appointment and Authorisation is provided at **Attachment 1** to this report. The current process allows for Council to authorise the CEO to execute the Instrument of Appointment and Authorisation on Council's behalf, following Council approval of the Instrument of Appointment.

Officer Recommendation

That Council:

- 1. receives and notes this report and all attachments pertaining to this report;**
- 2. in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987*, resolves that Petra Wood be appointed as an Authorised Officer, as set out in the Instrument of Appointment and Authorisation provided at Attachment 1, for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act;**
- 3. authorises the Chief Executive Officer to execute the Instrument provided at Attachment 1; and**
- 4. notes that the Instrument will come into force immediately following resolution of Council and will remain in force until Council determines to vary or revoke it, or until the Officer ceases to be employed by East Gippsland Shire Council.**

Legislation

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

This report was prepared according to the requirements of section 147(4) of the Act.

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

The implications of this report have been assessed and align with the principles and objects of the *Gender Equality Act 2020*.

Council Plan

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

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

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

Strategic Objective 5: 5.6 Council attracts, develops, and retains an inclusive workforce to deliver services and priorities.

Council Policy

There is no applicable Council Policy for this report.

Resourcing

Financial

There are no financial implications associated with this report.

Plant and equipment

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

Human Resources

There are no implications for human resources. Existing resources will enforce the provisions of the Act.

Risk

The risks of this proposal have been considered and by appointing Authorised Officers, minimises the risks of failing to comply with the Act, when Officers are acting on behalf of Council under this Act.

Economic

The application of the powers, functions and duties under the Act will ensure businesses are operating within the legislative requirements and can effectively contribute to the Shire's economy.

Social

The East Gippsland Shire will have confidence that Council is applying the powers, duties and functions of the Act for the well-being and benefit of the municipal community.

Gender Impact Statement

This report and its attachments have considered the *Gender Equality Act 2020* in its preparation and has been assessed as not requiring a Gender Impact Assessment (GIA).

Environmental

The East Gippsland Shire will have confidence that Council is applying the powers, duties, and functions of the Act for the environmental sustainability of the Shire.

Climate change

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

Engagement

The Instrument of Appointment and Authorisation has been prepared in consultation with appropriate personnel in the Planning and Development Business Unit.

Attachments

1. S 11 A Instrument of Appointment - Petra Wood [5.3.4.1 - 2 pages]



Instrument of Appointment and Authorisation

S11A Instrument of Appointment and Authorisation

**Instrument of Appointment and Authorisation
(*Planning and Environment Act 1987*)**

In this instrument "**officer**" means -

Petra Wood

By this instrument of appointment and authorisation East Gippsland Shire Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this Instrument comes into force immediately upon its execution; and

- (a) remains in force until varied or revoked; or
- (b) until the officer ceases to be employed by Council.

This Instrument is made by the Chief Executive Officer of East Gippsland Shire Council in the exercise of their authority to act on Council's behalf, which includes the authority conferred by resolution of Council made on {Date of resolution to be inserted}.

Fiona Weigall
Chief Executive Officer
East Gippsland Shire Council

Date

6 Urgent Business

7 Confidential Business

7.1 Contractual Matter

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*, the information contained in this report is confidential because it contains Council business information being information that would, if released, prejudice the Council's position in commercial negotiations.

8 Close of Meeting